Submission BO001 (Craig Hartman, 4Creeks, October 18, 2012)

RECEIVED
10/19/2012

4CREEKS
CIVIL ENGINEERING AND LAND SURVEYING

July 27, 2011

Initial Comments identifying the Potential Impacts of the High Speed Rail Project to Wreden Ranch

4Creeks, Inc. has reviewed the potential impacts of the proposed High Speed Rail (HSR) to Wreden Ranch (Wreden) based on the draft alignment of the new rail. Additional information concerning the design and specifications of the rail, including the proposed cross section at the location of Wreden are requested to provide more specific comments. However, the overall potential impacts to Wreden by constructing the HSR are summarized into the three (3) following categories:

1. Potential Impacts to the Facility Permit(s)
2. Potential Devaluation of Property
3. Potential Physical Impacts and constraints to the existing operations

BO001-1

1. Potential Impacts to the Facility Permit(s)

For Wreden to operate, three (3) permits are required. A conditional use permit is required by Kings County (County Permit), a Permit to Operate is required by the San Joaquin Valley Air Pollution Control District (Air Permit), and Waste Discharge Requirements are provided by the Regional Water Quality Control Board (Water Permit). Each of these permits has different conditions of approval and the potential impacts of the HSR to these permits are summarized as follows:

- The County Permit and Water Permit identify the allowable number of animals at the facility based upon the amount of cropland associated with the dairy and the waste produced. Each acre of farmable land allows a certain number of animals to be housed at the facility. Reducing the number of acres of farmable land decreases the number of animals allowed, thus decreasing the overall revenue and efficiencies of the facility. The prime farm ground loss in just the one hundred (100) foot take for the HSR equates to approximately 12 acres.
- In addition to the 12 acres for the HSR, additional setbacks to the prime farm ground are required to manage and operate the farming effectively. For instance, pest and weed applicators, specifically aerial applicators will stay a minimum of 100 feet to potentially 500 feet away from the HSR to avoid drifting from both the applicator and the HSR. Crop Applicators are not interested in spraying close to the HSR. This will be an additional loss in farm ground area, if pests and weeds cannot be controlled in a portion of the field, it is not feasible to farm the area as it will spread into the rest of the field.
- Any land that is no longer being farmed, will need to be maintained to prevent weed growth and dust control per the Air Permit.

At a minimum, there will be a loss of approximately 36 acres. Each farmable acre allows the farmer to have roughly an additional 5 milking cows. This equates to a minimum loss of 180 milk cows from the permits. The farming

Page 1 of 3

BO001-1

operation has a significant loss from losing 36 acres of prime farm ground as well as the dairy operation. A rough estimate on the loss of gross revenue from the dairy facility alone is approximately $4,500 per cow annually, or $810,000 annually for the minimum 300 ft. cross section.

BO001-2

2. Potential Devaluation of the Property

The owner/operator purchased the facility for several different reasons. One of the key reasons is that this facility was contiguous and operates very efficiently from the Farming Operations to the Dairy Operations. By splitting the property in half, the value of the overall facility is greatly reduced.

In addition, the existing residence within 100 feet of the HSR will be impacted by noise and potentially vibrations from the HSR. This will devalue the house.

By having the HSR so close the freestall barns will create noises and vibrations in the freestall barns as well as the milk barn. This will have a direct effect on the amount of milk a cow produces, thus reducing the value of the dairy.

Finally, the HSR will bring suburbia to proximity of the facility for possible added scrutiny on the facility and political headaches.

Overall, it is estimated that the value of the facility will have a minimum 20% decrease in value.

3. Potential Physical Impacts and constraints to the existing operation

BO001-3

3.1. Rail Crossings
This impact is dependent on the final design of the HSR and any potential easements/crossings it might allow. Currently the operator has no restricted access between the fields or on the public maintained road, Lansing Avenue. The proposed HSR at ground level will separate the fields and shut down the Lansing Avenue to the West of the facility, cutting off any access to the remaining Wreden Farm area. To access the western edge of the farmland, an additional 3 miles of travel will be required each time access is required to the western farm area. This will impact man hours, equipment hours, and fuel cost. Because the crops grown are double cropped each year, hundreds of trips may be required each year. The cost and impact of this will be significant.

BO001-4

3.2. Aerial Spray Application
The operator will have a difficult time finding an applicator willing to crop dust fields within the potential of a vortex created from a high-speed train in the proximity. Aerial applicators are sensitive from wind changes from 8 mph to 10 mph and will need to address the increased liability from the proposed rail. If the owner is unable to control pest and weeds, it will affect its adjacent crops and thus would be better off disking property and not farming. If farming continues, most likely the crop will have a loss of yields, thus reducing the revenue and creating issues with the Water Permit.

BO001-5

3.3 Irrigation System
The supply water for the irrigation system is located in the lagoon next to the dairy. Fresh water and manure water are mixed and then sent throughout the farm. The HSR will cross the irrigation system in several locations and Wreden will need a minimum of a 36" steel casing at each crossing for each pipeline. A culvert system will need to be designed for the open canal system as well. The easements for these pipelines should not restrict Wreden from operating or maintaining the pipelines.

Page 2 of 3

Submission BO001 (Craig Hartman, 4Creeks, October 18, 2012) - Continued

BO001-6

3.4 Stray Voltage Concerns

Based upon the power source of the HSR, Wreden has a potential impact from stray voltage that connects to the freestall barns or milk barns which are steel building and excellent conduits for electricity. If stray voltage contacts the feeding areas, it can create slight shock in the cows and cause issues when they are feeding. If stray voltage contacts the milk barn, it could cause the pulsators to prematurely release from the cow, resulting in a loss of milk production.

BO001-7

3.5 Noise and Vibration Impacts

Noise impacts to the facility have a potential to affect cow health and milk production. The constant noise of a passing by train echoing in the freestall barns may generate a 10% decrease in milk production. In addition, the nearby residence will have significant noise and vibration impacts from the train and may require the house be relocated. Lastly, there are several existing wells adjacent to and nearby the HSR. The wells are tapped into a sand stratum deep in the soil for the water, but with the vibrations of the HSR, the stratums may collapse and cause the wells to fail. It would be a minimum of $500,000 to replace each well, as the water table for potable water is below 1,200 feet.

BO001-8

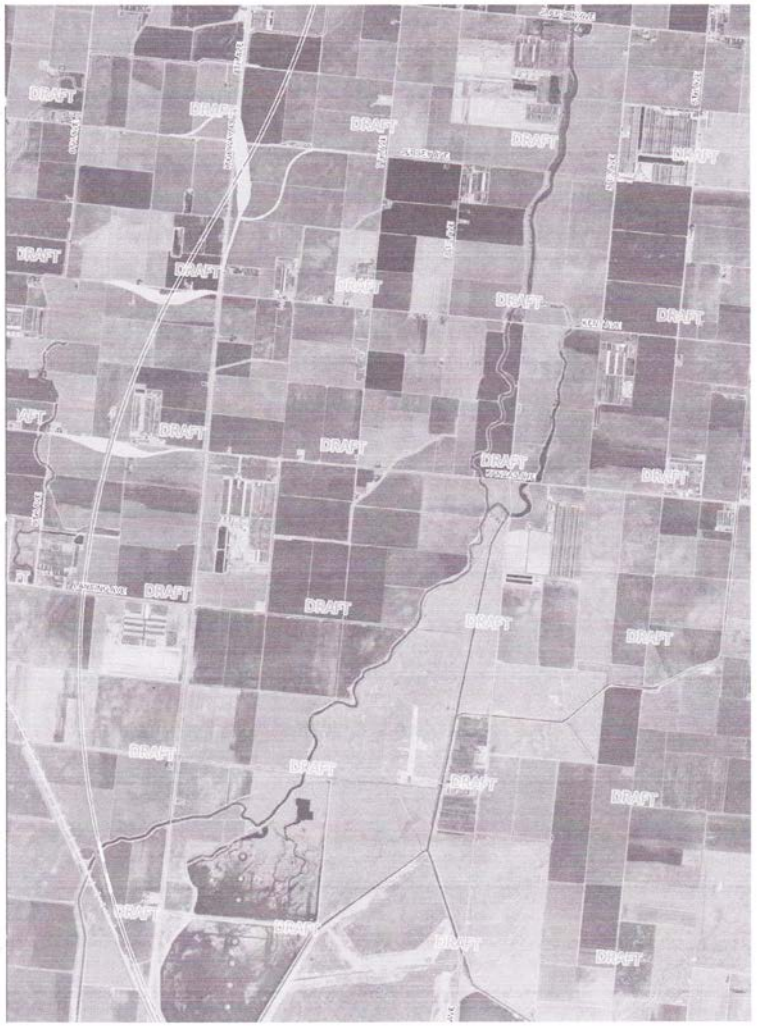
3.6 Cattle Crossing

Wreden has the ability to use a portion of the farmland for pasture land and grazing land for the dry cows and heifers at the facility. The HSR will cut the pasture land areas off and away from the dairy facility, taking away any access from the pasture areas. This will impact the cost of feed and animal health.

Respectfully,

Craig Hartman, PE
Civil Engineer

Page 3 of 3



Submission BO001 (Craig Hartman, 4Creeks, October 18, 2012) - Continued

Response to Submission BO001 (Craig Hartman, 4Creeks, October 18, 2012)

BO001-1

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-06, FB-Response-SO-01, FB-Response-AG-05.

See Volume I, Section 3.12, Impact SO#15 and Volume II, Technical Appendix 3.14-B, for impacts on confined animal agriculture. The Authority has committed to maintain a "permit bureau" to help businesses (including confined animal operations) overcome the regulatory disruptions caused by the project.

The Authority has committed to compensating landowners at a fair market value for any permanent takings of their land as well as for any temporary or permanent losses of income they may experience.

BO001-2

Refer to Standard Response FB-Response-AG-02, FB-Response-AG-06, FB-Response-GENERAL-03, FB-Response-N&V-01, FB-Response-SO-01, FB-Response-SO-02.

BO001-3

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

While the project will result in increased travel time for Wreden Farm, access will remain. During the right-of-way process a private overcrossing or undercrossing may be provided, as described in FB-Response-AG-02. Please see Section 3.12.11, Mitigation Measures, Mitigation Measure SO-4 (Provide access modifications to affected farmlands) for more information on possible overcrossings or undercrossings.

BO001-4

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

BO001-5

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-04.

BO001-6

Refer to Standard Response FB-Response-AG-06.

People and businesses in California use electric power and radio frequency (RF) communications for many purposes and services, in homes and businesses, farms and factories. The intensive use of electric power and RF communications in California and all developed countries has ensured that the potential health effects of electromagnetic fields and 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 health or behavior 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 injure people or animals.

In regard to dairy production, McGill University conducted a study with cows in pens exposed to controlled EMF levels of 330 mG and 10 kV/m, the projected magnetic and electric fields that occur at ground level under a 735-kV line at full load.The researchers measured the following: melatonin levels, prolactin levels, milk production, milk fat content, dry-matter intake by cows, and reproductive outcomes. While a few statistically significant changes in these factors were found, none of the changes was outside the normal range for cows (McGill University 2008). The study concluded that the EMF exposure did not harm the cows or reduce milk productivity. Various studies cited by other researchers regarding EMF and wildlife suggest a range of effects similar for livestock, from non-existent to relatively small to positive. One study suggests a beneficial application for ELF-EMF in broiler chickens to fight a common parasitic infection called Coccidiosis (Golder Associates 2009).

Since 735-kV utility power transmission lines run up and down the state, cattle and people near those lines are exposed to these levels on a continuing basis. Consistent with the McGill study, epidemiological evidence does not indicate that cattle or people near existing 735-kV utility power transmission lines are generally or broadly affected by the fields.

Response to Submission BO001 (Craig Hartman, 4Creeks, October 18, 2012) - Continued

BO001-6

HST traction power 60 Hz current will flow in the overhead contact system (OCS) and 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 of the 25 kV to distribute the power down the tracks. Currents in this HST 2x25 kV system create EMFs and static electric fields near the 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 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 so that they are closer to the reducing effect of the fields in the ground, all compared to the 735-kV utility power cables.

California HST TM 300.07, EIR/EIS Assessment of CHST Alignment EMF Footprint, 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. Since cattle cannot be inside the fence line and people can only be inside the fence line at passenger stations, the possible HST EMF exposure is:

* Low compared to the 735 kV utility power transmission line.
* Therefore, below the level at which the McGill study showed no effect on cows and milk production.

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 livestock and poultry are expected to have negligible intensity under NEPA, and the impact would be less than significant under CEQA. See Standard Response FB-Response-AG-06: Confined Animal Facilities regarding the impact of EMF emissions on dairies.

BO001-7

Refer to Standard Response FB-Response-N&V-01, FB-Response-AG-06, FB-Response-AG-04, FB-Response-SO-01.

The commenter provides no basis for their assertion that train noise would result in a

BO001-7

10% decrease in milk production.

Wells currently located adjacent to the existing BNSF Railway tracks are subject to vibration levels substantially higher than the vibration levels that would be generated by HST operations. Wells are not currently experiencing any of these problems under existing conditions. Therefore, they would not be expected to experience these problems with the addition of HST operations.

BO001-8

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

See Mitigation Measure SO-4 in the EIR/EIS: Provide access modification to affected farmlands. In cases where partial-property acquisitions result in division of agricultural parcels, the Authority will evaluate with property owner input the effectiveness of providing overcrossings or undercrossings of the HST track to allow continued use of agricultural lands and facilities. Farm owners would be compensated consistent with the Uniform Act and CRAA to provide full functionality for the remaining agricultural operation. Specific opportunities to restore functionality during and after construction will be analyzed on a case-by-case bases in the valuation process. The appraisal will include temporary and permanent losses of property value.

Submission BO002 (Crespin Abila, Abila's Auto Sales, October 18, 2012)

CALIFORNIA High-Speed Rail Authority

Comment Card
Tarjeta de Commentarios

Fresno to Bakersfield High-Speed Train Section
Revised Draft Environmental Impact Report/ Supplemental Draft Environmental Impact Statement (Revised Draft EIR/Supplemental Draft EIS)

La Sección de Fresno a Bakersfield del Tren de Alta Velocidad
Proyecto Revisado de Informe de Impacto Ambiental/ Declaración de Impacto Ambiental Proyecto Suplementario (Proyecto Revisado EIR/Proyecto Suplementario EIS)

Please submit your completed comment card at the end of the meeting, or mail to:
Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

Por favor entregue su tarjeta completada al final de la reunión, o enviela por correo a la siguiente dirección:

Extended comment period for Fresno to Bakersfield High Speed Train Revised Draft EIR/Supplemental Draft EIS:
July 20 – October 19

Extendido el periodo de comentario público del Proyecto Revisado EIR/Proyecto Suplementario EIS
Julio 20 – Octubre 19

Name/Nombre: CRESPIN ABILA
Organization/Organización: ABILA'S AUTO SALES
Address/Domicilio: 1003 PATTERSON, CORCORAN, CA. 93212
Phone Number/Número de Teléfono: (559) 992-2501
City, State, Zip Code/Ciudad, Estado, Código Postal: CORCORAN, CA. 93212
E-mail Address/Correo Electrónico:
(Use additional pages if needed/Usar paginas adicionales si es necesario) OBJECTION:

BO002-1 OUR BUSINESS LOCATION IS 720 Otis CORCORAN CA. 93212, WE HAVE SOLD CARS TO MANY FIRST TIME BUYERS, WHO MAY OTHERWISE BEEN UNABLE TO DO SO. THESE WOULD INCLUDE STUDENTS WHO BUY THEIR FIRST CAR TO GO TO COLLEGE, NOW WE ARE RENTING HOMES WHICH WE HAVE INVESTED IN, BECAUSE NOW CORCORAN HAS BEEN BEAUTIFIED. IT IS AN EXEMPLORY, BEAUTIFUL SMALL COUNTRY TOWN. ALL THAT WILL CHANGE IF THE SPEED TRAIN UPROOTS THE AREA WE WORK AND LIVE IN, FOR OURSELVES, AND OUR NEIGBORING BUSINESSES, THESE ARE PLACES WE HAVE ALL BUILT WITH OUR OWN HANDS, MANY MAY NOT REBUILD, SOME MOVE TO ANOTHER CITY, WE CAN ONLY SEE DESTRUCTION COMING OF A SYSTEM THAT COMPLEMENTS OUR CITY ON THIS ROUTE. WE OBJECT TO THE SPEED RAIL.

Response to Submission BO002 (Crespin Abila, Abila's Auto Sales, October 18, 2012)

BO002-1

Refer to Standard Response FB-Response-GENERAL-10, FB-Response-GENERAL-14.

Your opposition to the project is noted.

There are three proposed alternative alignments in the vicinity of Corcoran: the BNSF Alternative (west side of BNSF tracks), the Corcoran Bypass Alternative, and the Corcoran Elevated Alternative (east side of BNSF tracks). Each alternative would have its own set of different effects.

The Authority used the information in the Revised DEIR/Supplemental DEIS and input from agencies and the public to identify the Preferred Alternative. The decision included consideration of the project purpose and need and the project objectives presented in Chapter 1, Project Purpose, Need, and Objectives, as well as the objectives and criteria in the alternatives analysis and the comparative potential for environmental impacts.

Submission BO003 (John Maartin, American Refuse Inc., October 17, 2012)

Fresno - Bakersfield (July 2012+) - RECORD #308 DETAIL

Status :	Action Pending
Record Date :	10/17/2012
Response Requested :	No
Affiliation Type :	Businesses and Organizations
Interest As :	Businesses And Organizations
Submission Date :	10/17/2012
Submission Method :	Website
First Name :	John
Last Name :	Maartin
Professional Title :	CEO
Business/Organization :	American Refuse Inc.
Address :	
Apt./Suite No. :	
City :	Wasco
State :	CA
Zip Code :	93280
Telephone :	661-331-7916
Email :	madog979@aol.com
Email Subscription :	
Cell Phone :	
Add to Mailing List :	
Stakeholder Comments/Issues :	What, Are you guys crazy or just plain stupid?? We spend billions of dollars to take transportation around cities and you are going rite through the middle of Wasco & Shafter. That is not only foolish, but the best word is Stupid. It is in the best interest of the people of our state of California to forget this whole project before it breaks us all! Wake up----------NOW
EIR/EIS Comment :	Yes
Official Comment Period :	Yes

BO003-1

Response to Submission BO003 (John Maartin, American Refuse Inc., October 17, 2012)

BO003-1

Refer to Standard Response FB-Response-GENERAL-14, FB-Response-GENERAL-11.

As clearly illustrated on Figure 2-21 in Chapter 2, Alternatives, of the Final EIR/EIS, a "Wasco-Shafter Bypass" is being considered as one of the alignment alternatives. This alternative would avoid impacts in both Shafter and Wasco.

Submission BO004 (Shelli Andranigian, Andranigian Farming, October 18, 2012)

October 12, 2011

Thomas J. Umberg, Chairman
California High Speed Rail Authority
P.O. Box 41218
Sacramento, CA 95841

Dear Chairman Umberg,

First of all, thank you very much for the press release issued on October 5, 2011. We truly appreciate the additional time given to review the massive DEIR/DEIS document since we are still in the midst of reviewing it in its entirety.

However, I am still contacting you today re: two (2) parcels of land owned by the Andranigian Family which are currently in the proposed California high–speed rail route and will be adversely impacted via air, land and water. The HSR route is a triple-threat to both our property and our health.

Our properties are along the scenic and majestic Cole Slough of the Kings River. Lush oak trees and foliage dot the area which is inhabited by various forms of wildlife.

BO004-1

Parcels impacted by project footprint appear on Sheet 37 Appendix 3.1-A and Sheet 38 Appendix 3.1-A. Our concerns are about both the temporary and permanent impacts to these parcels.

The permanent impacts were first discovered in May, while the temporary impacts were just discovered last month while reviewing the DEIR/DEIS. Both of these impacts create a myriad of more questions; notwithstanding, why we were never told about the latter (temporary impacts), since they are just as detrimental if not more so than the permanent ones.

BO004-1

The temporary construction sites proposed will disrupt the entire farming operation on both parcels impacted by the project footprint. They will also serve to destroy prime farmland due to hazardous waste issues which will also adversely impact the land and the water on the property.

BO004-2

Air quality will also be eroded and thus harm three generations in our family who have sinus and allergy issues. We also have family members who are ultra sensitive to sound. These are extremely serious environmental issues and major health issues. How are you able to bypass such concerns and what are you doing to make sure this doesn't happen? **I await your response to this critical question.**

BO004-3

The impacted parcel which is the "Home Place" is only ¼ mile from the "temporary construction site." How long is "temporary?" Is "temporary" 5 (five) years or is "temporary" forever if the federal funds run out? **I await your response to this critical question.**

BO004-4

The "permanent" section on the "Home Place" will be about a ½ mile from the family home. What happens if there is a derailment at the projected "high-speed" of these trains? How will you account for any potential harming of and/or loss of life? **I await your response to this critical question.**

This completes my comments for the draft document concerning the Fresno to Bakersfield route that was removed on October 5, 2011 for some unknown reason.

Sincerely,

Shelli Andranigian
on behalf of the Andranigian Family and Andranigian Farming
19500 S. Highland
Laton, CA 93242

Submission BO004 (Shelli Andranigian, Andranigian Farming, October 18, 2012) - Continued

Mailing address:

Shelli Andranigian
Andranigian Family / Andranigian Farming
P.O. Box 752
Laton, CA 93242

Enclosure
cc: Michael L. Farley, Esq.

Response to Submission BO004 (Shelli Andranigian, Andranigian Farming, October 18, 2012)

BO004-1

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

See Volume I Chapter 3.14 section 5.3 for information on the construction period impacts to agricultural lands. For information on the property acquisition and compensation process see Volume II Technical Appendix 3.12-A.

BO004-2

Qualitative and quantitative discussions of health impacts during project alignment construction were provided in Section 3.3.6.3 of the RDEIR/SDEIS.
HST would be electrical powered. Therefore, there will not be any direct combustion emissions from HST to cause health concerns such as asthma or other respiratory diseases during operation. Fugitive dust emissions due to HST travel are not expected to be a significant source of pollutants either (See Appendix 3.3-A of the Final EIR/EIS for details). For localized health impacts of the Heavy Maintenance Facility (HMF), the cancer and non-cancer chronic and acute hazard risk analyses conducted for the RDEIR/SDEIS was for a prototypical facility with conservative estimates of equipment operations and locations, and the locations of nearby sensitive land uses. A decision on the HMF location will be made following certification of the San Jose to Merced Final EIR/EIS. A site specific Health Risk Assessment (HRA) for the HMF operation will be conducted once a final HMF site is selected and detailed design information becomes available. Quantitative cancer risks and non-cancer hazard indexes due to HMF operation will be evaluated in the final HRA. Mitigation measures, if necessary, would be included to ensure that the health risk significance thresholds are not exceeded at the sensitive land uses.

BO004-3

Temporary would be up to five years. The temporary construction sites were identified as possible locations for project construction laydown and staging areas. The Authority cannot require the landowner to lease these areas to the state for the project; therefore, construction activities may not take place at this location without the agreement of the property owner.

BO004-4

As discussed in Section 3.11, because the HST would carry passengers and be elctric-powered, there would be no safety hazard associated with HST cargo or fule. The hazard associated with the derailment of an HST is the physical mass and speed of the train colliding with a structure or people, which could only occur adjacent to the right-of-way.

Since HSTs began operating in 1964, there has only been one case where a train within a dedicated HST right-of-way has left the operational corridor. That was an accident in China in 2011 described in Section 3.11.1 of the EIR/EIS. A formal government investigation identified the cause of the accident as a system-wide lack of emphasis on safety, both in terms of equipment development and operating personnel training, by the management of China's HST system. Where industry standards for design, maintenance, and operation have been employed, this type of accident has not occurred over the four decases of HST operation. Therefore, if an HST derailment were to occur in the vicinity of the family home, there is a very high probability that the train would remain within the HST right-of-way. Because the train would be contained in the HST right-of-way and would not contain cargo or fuel that would result in a fire, explosion, or the release of toxic substances, the project would not substantially increase hazards to this property.

Submission BO005 (Shelli Andranigian, Andranigian Farming, October 18, 2012)

October 18, 2012

Dan Richard, Chairman
California High-Rail Authority
P.O. Box 41218
Sacramento, CA 95841

Dear Chairman Richard,

My father Ashoun Andranigian purchased land in 1945 that was alkali ground. He worked the long hard hours that farmers work to create the fertile and profitable land that currently exists today in 2012 at 19500 S. Highland in Laton, California. This property, which is located in the southern end of Fresno County and near the Kings County line, is also known as "The Home Place."

Our family farm has fed and clothed those in our county and neighboring ones along with California, the nation and the world over.

Over the decades, the land my dad worked has grown cotton to clothe, wheat to make bread, pinto beans to eat, corn to feed, watermelons to accompany a meal, pumpkins to carve for Halloween or to make a Thanksgiving pie and alfalfa to make hay. Today the land is in stone fruit to eat with harvest time stretching from late April through late October. This year's harvest looks to go through early November.

A farmer's work is never done and the family is part of the fabric of the farm. Mom also grew up on a farm and partnered with dad in the family business after their marriage in 1961.

In 1987, they decided to purchase a property across the street from "The Home Place," which we had always wanted because of it's proximity and were finally able to do so at that time.

Dad, mom and our family worked tirelessly over the years on this property as well. The land has been home to alfalfa, corn and cotton crops. Today it is in stone fruit.

BO005-1

On May 25, 2011; I decided on a whim to go to a meeting about the proposed high-speed rail in Kings County because I wanted to support others in the path of the high-speed train. While doing so, I found out the lands the Andranigian Family had worked adjacent to both sides of Highway 43 were also in the proposed path of the California High-Speed Train. It's a good thing I went, since no one had tried to contact us to let us know of this plan even though millions of $$ plus had already been spent on communicating the message.

The roller coaster ride this has put our family and farm on continues to twist and turn since that fateful day in May, forever changing the lives of everyone in its path along with those in its proximity, all over California and the nation.

BO005-2

The proposed route will virtually render "The Home Place" from a profitable, fertile land to one that will be destroyed if the high-speed rail tracks are laid. There will be negative impacts to our adjacent property across Highway 43 even though it does not criss-cross through the property, as it will do to our "Home Place."

BO005-3

I have many questions for you, however these are questions based on less than 15 percent of what an actual DEIR/DEIS needs to be and not what was actually given to us to make our comments. We need to properly view and understand the numerous impacts to our farm and family. The DEIR/DEIS document is not easily navigated or accessible to those in rural America aka Laton, California, which was why I made the trip to Sacramento on October 4 to ask for more time to properly comment. While I appreciate your taking the time at that meeting to make sure the Andranigian Family name was pronounced correctly, it is even more imperative that the California High-Speed Rail and Train gets back on the right track…and give those in its direct path ample time and easily accessible materials to navigate the harmful impacts to their lives and property. The proposed route is not Prop 1A. Instead it criss-crosses through prime and fertile land that feeds and clothes the world. The adverse number of negative impacts to family farms, businesses and lives in California is heart-wrenching. And it's a major shame you are asking those who farm and feed the world to meet a deadline in the midst of harvest season!

BO005-4

Submission BO005 (Shelli Andranigian, Andranigian Farming, October 18, 2012) - Continued

Page 3

BO005-5

The Andranigian Family "Home Place" has multiple adverse impacts including a "temporary" construction site around a 1/8 mile or less distance from the family home. The high-speed train track is shown to run about a ¼ to ½ plus mile from our home as it cuts diagonally across our fertile land which is now in trees, cutting the farm in half and separating it from the well in the back of the field which waters the entire orchard. Trees need water. They cannot be without water. A permanent access road adjacent to the Cole Slough of the river is also planned and within a half mile of our home.

BO005-6

A permanent underpass would impact our fertile land across Highway 43. The area impacted is also in close proximity to "The Home Place." It's also along the extremely busy Highway 43 which was supposed to have been widened to four (4) lanes a number of years ago, but wasn't due to money issues. My folks were in favor of widening the road since it would make the highway safer for all to travel. The work you will be doing along Highway 43 will render it even more unsafe, not to mention what could happen when the area floods.

BO005-7

Our family and farm will be adversely impacted via air, land and water. The HSR route is a triple-threat to both our property and our health. Farmers are the true environmentalists and what is being done is a travesty to human life, wildlife and the environment.

My questions for you on behalf of the Andranigian Family which I would appreciate being answered and noted in the public record (which was not done the last time) are listed below. I do realize my Fresno to Bakersfield DEIR/DEIS impact questions and comments last year were made before you were appointed to the board, Mr. Richard. This time, I expect a man of your communication skills to want to get things out in the open and corrected. I'm holding you to a higher standard.

Page 4

Questions that need answers…

BO005-8

•How will you distinguish from "temporary" vs. "permanent" impacts when both are equally detrimental to one's health and property? **I await your response to this critical question.**

BO005-9

•How will the tainted "temporary" construction site land or permanently-placed empty tracks produce crops that clothe and feed the world when the money runs out before anything is finished? Are we royally screwed? **I await your response to this critical question.**

BO005-10

•What happens in case there is a train derailment? Is there a high-speed train superhero that will prevent it from harming those on the train and those working the land and those of us in the family home? **I await your response to this critical question.**

BO005-11

•How will you prevent our family home and farm from flooding in a heavy snow melt/rain year since the "temporary" and permanent impacts to our property will also result in an increased flood risk. We are located between two bodies of water that will be impacted. **I await your response to this critical question.**

BO005-12

•How will you keep the excellent water quality we have now from eroding? The water is also used to irrigate the crops that feed and clothe the world. **I await your response to this critical question.**

BO005-13

•We have three generations of family members who are allergy-prone. How will you make sure they don't suffer and also how will you prevent others from developing allergy issues? **I await your response to this critical question.**

BO005-14

•How will you prevent the vibration from the work being done in the "temporary" and permanent construction zones along with the permanent high-speed train tracks from adversely affecting humans, protected and non-protected wildlife, protected and producing plants and trees, irrigation lines, wells, building structures, etc…? **I await your response to this critical question.**

Submission BO005 (Shelli Andranigian, Andranigian Farming, October 18, 2012) - Continued

Page 5

BO005-15 •How will you mitigate the protected foliage, trees and species along the scenic and majestic Cole Slough of the Kings River where our impacted properties are located and along the high-speed train track? **I await your response to this critical question.**

BO005-16 •How can you justify this being a "green" project by making our family farm anything but green while building something we don't have the money to properly construct or to finish? **I await your response to this critical question.**

BO005-17 •How will the permanent access road be able to allow proper access to those who need to access both sides of the levy which would include the Kings River Conservation District (KRCD) along with the Army Corp of Engineers…yet wouldn't be able to with the proposed plan since they can't with no clearance to drive a vehicle across? **I await your response to this critical question.**

BO005-18 •Even organic farmers use spray on their crops. How will we protect our crops from current pests along with the new ones brought in by the high-speed train when we won't be allowed to spray? **I await your response to this critical question.**

BO005-19 •Who is liable if someone complains about not feeling well because of drift from spraying crops? If the landowner, why? **I await your response to this critical question.**

BO005-20 •There are always more transient areas and types along railroad tracks and this would mean high-speed ones, too. As someone who has been involved with local law enforcement for close to 20 years, how are you going to mitigate the increase in potential criminal acts and activity with proposed high-speed tracks near where we live and where we farm? **I await your response to this critical question.**

Page 6

BO005-21 •Residing and farming next to the Cole Slough of the Kings River has also meant living in a fog zone where there are days and weeks as there is little or no partial clearing. This is necessary for trees and vines to go dormant and sleep for the winter, but it is hazardous for those who travel. The road closures and diversions caused by the proposed rail would create even more hazardous conditions. Usually after the first autumn rain, the fog season begins…. and life in the Central Valley remains unpredictable from October through March. What do you plan to do to make the roads safer for travel while you are working on high-speed rail preparations and when it is finished? How will riding a high-speed train in tule fog at 200 plus mph be safer than riding along in your car with the windows down to hear what is actually coming your way? **I await your response to this critical question?**

BO005-22 •How will emergency vehicles be able to safely arrive in a timely manner? Heaven forbid there is loss of life due to construction as it will be blood on the hands of the Authority. **I await your response to this critical question.**

BO005-23 •There are school buses that run in the morning and afternoon. How will you alleviate the impact to our future generations while traveling to get an education? High-speed trains will not replace travel to kindergarten. **I await your response to this critical question.**

And…

BO005-24 •How do I explain to my five-year old nephew that the farm his grandpa and pop farmed will no longer be available for him to do the same someday? He has already told me this is what he wants to do when he grows up. I don't have the heart to tell him that adults want a high-speed train they can't afford to toy around with people's lives and wreck grandpa and pop's "Home Place" aka the family farm! **I await your response to this critical question.**

Submission BO005 (Shelli Andranigian, Andranigian Farming, October 18, 2012) - Continued

Page 7

BO005-25

Thank you in advance for your attention and response to these critical questions, Mr. Richard. For the record, I am still awaiting answers to the few questions I posed over a year ago to then Chairman Umberg. This letter is included as an enclosure.

Please note these are only 15 percent of my questions and comments based on the 15 percent of the plan completed and issued as the Fresno to Bakersfield DEIR/DEIS by the California High-Speed Rail Authority.

The Authority and Governor Brown are welcome to join me the next time I take my nephews to Travel Town.

Please also note my paternal grandmother who single-handedly raised four boys including my dad during the Depression (she was widowed in 1928) was born on this day, October 18.

Sincerely,

Shelli Andranigian

Shelli Andranigian
On behalf of the Andranigian Family and Andranigian Farming
19500 S. Highland
Laton, CA 93242

Mailing address:

Shelli Andranigian
Andranigian Family/Andranigian Farming
P.O. Box 752
Laton, CA 93242

Enclosure
cc: Citizens for California High Speed Rail Accountability, Kings County Board of Supervisors, Fresno County Board of Supervisors, Erickson & Associates, Michael L. Farley, Esq.

Response to Submission BO005 (Shelli Andranigian, Andranigian Farming, October 18, 2012)

BO005-1

Refer to Standard Response FB-Response-GENERAL-16, FB-Response-GENERAL-07.

BO005-2

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-02.

BO005-3

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-16.

Environmental documents are written to a specific and legally required standard. Fact sheets, brochures and summaries were provided to ensure widespread understanding of the environmental documents and ease in finding pertinent information. Additionally, public workshops were designed to answer and solicit feedback on the documents and to assist the public with finding pertinent information. The documents were provided to 47 community centers, public agencies, and libraries, which were chosen with a diverse range of hours to solicit public comment. The hours of the repositories were considered upon selection of the locations, thus the diversity in the types of repositories that had evening or weekend hours.

BO005-4

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-AG-01.

BO005-5

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-04.

The Authority has committed to compensating land owners at a fair market value for any permanent takings of their land, as well as any temporary or permanent losses of income they may experience.

BO005-6

Refer to Standard Response FB-Response-AG-02, FB-Response-AG-03.

BO005-6

Prior to construction being completed to widen the existing roadway, SR 198 was modeled conservatively as one lane in each direction as existing, and widened to two lanes in each direction. Construction to widen to two lanes has been completed, and the evaluation of two lanes in each direction is now consistent with existing conditions. The Authority is committed to working with agricultural property owners to resolve or mitigate partial acquisitions that result in the division of farmlands with large, farmable lots on either side of the HST alignment. See Exhibit Ag 269.1 for examples of how severance could affect farm operations. Efforts to minimize these impacts include frequent public road crossings in the project design. For example, most of the new public road overcrossings would be located on intervals of 2 miles or less, with many crossings located on intervals of 1 mile or less. Areas with longer intervals between road crossings would generally occur in areas with no current crossings (i.e., no change from existing conditions). Additional access across the HST right-of-way may be preserved by creation of private overcrossings or undercrossing at reasonable intervals (see mitigation measure SO-MM#4). This may include the construction of grade-separated equipment crossings to allow farm equipment continued access to bisected land holdings. However, if the cost of such a crossing would exceed the value of the affected remainder lands, the Authority would offer to acquire the affected lands or otherwise compensate the farm owner for the loss in value rather than provide a crossing. 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.

BO005-7

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. 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

Response to Submission BO005 (Shelli Andranigian, Andranigian Farming, October 18, 2012) - Continued

BO005-7

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.

BO005-8

The manner in which the project distinguished between temporary (construction) and permanent (project) impacts is discussed in the Revised DEIR/Supplemental DEIS, Section 3.1.3, Approach to the Analysis. Construction period impacts are described as "[t]emporary (short-term and long-term) impacts associated with the construction of the HST alternative. The construction period includes testing of the HST system prior to passenger service." Project period impacts are described as "[p]ermanent impacts related to the project operation and maintenance of the HST alternative. Project operations include HST system operations and related project improvements, such as roadway modifications, maintenance of power supply components, and maintenance of the HST and HMF site operations. Some permanent impacts initially occur during construction but because they are permanent, they are associated with the project impacts (for example, conversion of agricultural lands to transportation uses)."

To be conservative in this analysis and avoid underestimating displacements, it was assumed that residences and businesses located on acquired parcels, including those only temporarily impacted, were counted as permanent displacements. The analysis on health effects considered both construction and operation-related impacts.

BO005-9

Refer to Standard Response FB-Response-GENERAL-17.

Construction impacts of the project are described in Chapter 3.0 of the EIR/EIS.

BO005-10

A discussion of impacts from an HST derailment is provided in Section 3.11 of the EIR/EIS.

BO005-11

Refer to Standard Response FB-Response-HWR-02, FB-Response-HWR-03.

In areas with concentrated flow, such as rivers and streams, openings in the embankment (e.g., bridges and culverts) would allow the same volume of water to pass along the same flow path. In overland areas subject to shallow flooding during the 100-year event, flood water is ponded and drains slowly with minimal energy due to the flat topography and shallow land gradient. Openings in the embankment (e.g., culverts) would continue to allow drainage to pass in the down-gradient direction. Water would continue to pond on both sides of the embankment with adequate culvert capacity. These conditions are similar to existing conditions, and new impacts to upstream or downstream landowners would not occur due solely to a change in flow path. The HST crossing of Cole Slough, Dutch Johns Cut, and the Kings River would be sized to allow conveyance without increasing the water surface elevation in the 100-year floodplain by more than 1 foot, or as required by state or local agencies. The Authority is working with the U.S. Army Corps of Engineers and the Central Valley Flood Protection Board to develop a crossing design that meets the goals of these agencies.

BO005-12

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

Potential water quality effects are discussed under Impact HWQ#2, Impact HWQ#6, and Impact HWQ#7 in Section 3.8, Hydrology and Water Resources, of the Revised DEIR/Supplemental DEIS. To reduce project-related impacts, the Authority will be implementing best management practices (BMPs) at construction sites to minimize any contaminated runoff from leaving the site and reaching local streams and waterways. Section 3.8.6 describes project design features for stormwater management and treatment. Swales, infiltration/detention basins, and other control features for containing runoff are included in the project design.

BO005-13

Refer to Standard Response FB-Response-AQ-04, FB-Response-AG-05, FB-Response-AQ-01.

Response to Submission BO005 (Shelli Andranigian, Andranigian Farming, October 18, 2012) - Continued

BO005-14

Mitigation Measures for vibration due to construction can be found in Section 3.4.7.1 of the EIR/EIS and Section 8.5.2 of the *Fresno to Bakersfield Section: Noise and Vibration Technical Report* (Authority and FRA 2012j).

BO005-15

Section 3.7.7 of the Revised DEIR/Supplemental DEIS describes mitigation measures that would minimize, avoid, or compensate for impacts on riparian areas and protected trees, including Mitigation Measure Bio-47: Restore Temporary Riparian Impacts; Mitigation Measure Bio-50: Mitigation and Monitoring of Protected Trees; Mitigation Measure Bio-61: Compensate for Permanent Riparian Impacts; and Mitigation Measure Bio-64: Compensate for Impacts to Protected Trees.

BO005-16

Refer to Standard Response FB-Response-GENERAL-17.

As discussed in Section 3.3 of the EIR/EIS, the project will result in a long-term reduction in greenhouse gas emissions and emissions of ozone precursors. The project will result in significant impacts on farmland. Impacts on farmland are presented in Section 3.14 of the EIR/EIS. Impacts on agricultural operations are presented in Section 3.12 of the EIR/EIS.

BO005-17

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

Refer to TR MM#1: Access Maintenance for Property Owners. Maintain access for owners to property within the construction area to a level that maintains pre-project viability of the property for its pre-project use. If a proposed road closure restricts current access to a property, provide alternative access via connections to existing roadways. If adjacent road access is not available, prepare new road connections, if feasible. If alternative road access is not feasible, the property will be considered for acquisition.

BO005-18

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

BO005-18

The Authority formed an agricultural working group to assist the Authority on agricultural issues. The working group is composed of representatives of universities, government agencies, and agri-business. The group completed a white paper on pesticide use impacts in 2012 (this paper is on the Authority's website). That white paper reports there would be no need for new spraying regulations around the HST, as it would be treated like any other transportation corridor.

The commenter offers no supporting evidence for their claim that the HST would bring in new pests.

Statements regarding the termination of aerial application of pesticides within 0.25 mile of the HST alignment are an oversimplification of the aerial application process. To conduct aerial applications of pesticides, each farm must submit an application to its respective County Agricultural Commissioner, detailing what types of pesticide they are proposing to spray. It is after receiving this information that the Agricultural Commissioner places restrictions on the farm's application of pesticides. These restrictions include, but are not limited to: buffer zones, aerial spraying height restrictions, mesh size limits, and wind speed restrictions. When creating these restrictions, the Agricultural Commissioner is looking at nearby sensitive receptors (transportation corridors, houses, business, etc.), the proposed pesticides to be sprayed (different pesticides have different spraying restrictions based off the manufacturer's approved application rates), and several other factors that may influence environmental effects of pesticide application. As there are a large number of factors that influence the possible restrictions placed on aerial application of pesticides, an absolute statement of no spraying within 0.25 mile is not reasonable. There are several options available to farmers so they may not have new spraying restrictions placed on them by their Agricultural Commissioner. For example, the farmer could change the pesticides they are proposing to use that have fewer restrictions; they could also plant a different variety of crops adjacent to the HST that does not require the application of pesticides with spraying restrictions.

The Authority recognizes that possible changes to current spraying practice from the HST may reduce the productivity of a farmer's remaining property. Those possible

Response to Submission BO005 (Shelli Andranigian, Andranigian Farming, October 18, 2012) - Continued

BO005-18

impacts would be taken into account by the appraiser at the time of right-of-way acquisition, and any diminution in value to a property owner's remaining parcel(s) will be estimated by the appraiser through the appraisal process. This involves appraising the remainder as it contributes to the whole property value before acquisition, then appraising the remainder in the after condition as a separate parcel as though the project was constructed, and including any estimated damages to the remainder parcels, such as, cost of re-establishing irrigation systems, replacing wells, providing buffers for aerial spraying, etc. The difference between these "before" and "after" values is called severance damages and will reflect any loss in value to the remainder parcels due to the construction in the manner proposed.

Land that may be affected by new aerial application restrictions would still be used by the farmer for agricultural purposes, as would new turning areas at the end of crop rows. Therefore, there is no conversion of agricultural land from project impacts to current aerial spraying practices; however, it is an economic hardship in terms of reduced production for the remaining parcels of a farm. As is the case with removing land planted in crops for use as equipment turning lanes, the need to provide a buffer for crop spraying will be analyzed and addressed at the appraisal stage with input from the property owners and managers, and experts in the field.

In April 2013, the Authority reached an agreement with agricultural interests on mitigation of agricultural land impacts for the Merced to Fresno Section of the HST System (Authority 2013). Under that agreement, the Authority will acquire agricultural conservation easements for its impact on Important Farmland (i.e., land classified as prime farmland, farmland of statewide importance, farmland of local importance, and unique farmland) at the following ratios:

- Important Farmland converted to nonagricultural uses either by direct commitment of the land to project facilities or by the creation of remnant parcels that cannot be economically farmed will be mitigated at a ratio of 1:1.
- Where HST project facilities would create a remnant parcel of 20 acres or less in size, the acreage of that remnant parcel will be mitigated at a ratio of 1:1.
- An area 25 feet wide bordering Important Farmland converted to nonagricultural uses by project facilities (not counting remnant parcels) will be mitigated at a ratio of 0.5:1.

BO005-18

BO005-19

The Authority established an Agricultural Working Group to assist the Authority on issues related to the agricultural industry and the High-Speed Train. University, government agencies, and agri-business representatives belong to this group. The Agricultural Working Group prepared a white paper entitled "Pesticide Use Impacts" in 2012. That paper is available on the Authority's website.

The Agricultural Working Group concluded that the existence of the HST and its right-of-way will not in-and-of itself cause promulgation of new regulations to restrict the use of pesticides in close proximity (adjacent) to a new railway. The only impact will be consequent to the railway footprint causing a "set-back" from its right-of-way due to the need for farm equipment turn-around space.

The White Paper "Induced Wind Impacts" examined the potential for airflow from the train to create wind. It found that the induced wind speed would be 2.4 miles per hour at 10 feet from the train. This distance is well within the right-of-way of the system, so induced wind at the edge of the right of way would be very small. Note that HST trainsets are very streamlined and their characteristics are not directly comparable to the wind effects of a typical freight train, even at higher speed. "Induced Wind Impacts" concluded regarding the potential for pesticide drift:

"There is the general practice that the application of pesticides is not performed in winds that exceed 5-10mph. The actual limiting of application is determined by factors such as pesticide label instructions, the experience of the applicator, the perceived risk of drift involved and specific application conditions and regulations.

"The situation of the HST moving pesticides from an adjacent field into the HST Right of Way or into an adjoining field is not reasonably foreseeable as a result of the wind speeds noted above."

If pesticide applicators apply pesticides near the HST in accordance with the existing regulations there should be no liability. If they fail to meet those regulations, the

Response to Submission BO005 (Shelli Andranigian, Andranigian Farming, October 18, 2012) - Continued

BO005-19

applicator would be liable for damages.

In April 2013, the Authority reached an agreement with agricultural interests on mitigation of agricultural land impacts for the Merced to Fresno Section of the HST System (Authority 2013). Under that agreement, the Authority will acquire agricultural conservation easements for its impact on Important Farmland (i.e., land classified as prime farmland, farmland of statewide importance, farmland of local importance, and unique farmland) at the following ratios:

- Important Farmland converted to nonagricultural uses either by direct commitment of the land to project facilities or by the creation of remnant parcels that cannot be economically farmed will be mitigated at a ratio of 1:1.
- Where HST project facilities would create a remnant parcel of 20 acres or less in size, the acreage of that remnant parcel will be mitigated at a ratio of 1:1.
- An area 25 feet wide bordering Important Farmland converted to nonagricultural uses by project facilities (not counting remnant parcels) will be mitigated at a ratio of 0.5:1.

BO005-20

No evidence has been provided in this submission to indicate that the HST tracks will attract transients. Unlike freight rail tracks, the HST alignment would be fenced with a 7-foot galvanized steel mesh or chain-link fence with 1 foot of barbed wire on top. The fence would be electronically monitored and monitored regularly by maintenance personnel. This would prevent transients from using the HST right-of-way. Transients could not illegally board an HST and would be excluded from the right-of-way; therefore, the HST would provide nothing to attract them.

BO005-21

As described in Section 3.2.6 of the EIR/EIS, 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 and traffic.

The HST will operate in a fully grade-separated, fenced right-of-way that prevents contact with freight trains, trucks, or automobiles. Because the right-of-way is fully dedicated to high-speed trains and the trains would operate using a computer-based automatic train control (ATC) system, the potential for accidents in tule fog conditions is

BO005-21

substantially less than for a driver on the roads in the San Joaquin Valley, who must contend with at-grade intersections with other motor vehicles and freight trains, and with other motorists with impaired visibility.

BO005-22

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

The Construction Transportation Plan, which the design-build contractor will develop, will include provisions for emergency access during construction. These provisions will be developed in consultation with local emergency providers.

BO005-23

Refer to Standard Response FB-Response-TR-02, FB-Response-SO-05.

For information on impacts on schools and bus transportation, see Volume II, Technical Appendix 3.12-B.

BO005-24

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

This is a rhetorical question and does not state a comment relating to an environmental issue. No further response is required.

BO005-25

Responses to all comments from all drafts of the EIR/EIS will be published in the Final EIR/EIS.

Submission BO006 (David J. Avila, Avila and Sons, October 18, 2012)

CALIFORNIA High-Speed Rail Authority

RECEIVED 10/18/2012

Comment Card
Tarjeta de Commentarios

Fresno to Bakersfield High-Speed Train Section
Revised Draft Environmental Impact Report/ Supplemental Draft Environmental Impact Statement (Revised Draft EIR/Supplemental Draft EIS)

La Sección de Fresno a Bakersfield del Tren de Alta Velocidad
Proyecto Revisado de Informe de Impacto Ambiental/ Declaración de Impacto Ambiental Proyecto Suplementario (Proyecto Revisado EIR/Proyecto Suplementario EIS)

Please submit your completed comment card at the end of the meeting, or mail to:
Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

Por favor entregue su tarjeta completada al final de la reunión, o enviela por correo a la siguiente dirección:
Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period is from July 20 to September 20, 2012. Comments must be received electronically, or postmarked, on or before September 20, 2012.

El periodo de comentario es del 20 de Julio al 20 de Septiembre del 2012. Los comentarios tienen que ser recibidos electrónicamente, o matasellados, el o antes del 20 de Septiembre del 2012.

Name/Nombre: David J Avila
Organization/Organización: Avila and Sons
Address/Domicilio: 13391 Fargo Ave
Phone Number/Número de Teléfono: 559 816 2425
City, State, Zip Code/Ciudad, Estado, Código Postal: Hanford Ca 93230
E-mail Address/Correo Electrónico:
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO006-1

The DEIR/S fails to describe the projects impacts on land use. I have a 6.5 acre parcel. I am in the process of getting my organic status. ~~The~~ will need 30' turn-around on each side of the track. OF my 6 acre parcel I will only have one to grow my crops. I have a cold storage building that will be taken too. Ten people will be out of a job. My Fruit stand will No longer stand either. My home will be taken too. Your footprint has taken my whole business. For these reasons the DEIR/S do not accurately represent my impacts. A revised DEIR/S must be prepared to address these omissions and recirculate it for a 180-day comment period.

I work with 5 fruits a day program in the L.A. area. It is called farmer in the classroom program. This 6.5 acre parcel will not produce any more. ~~My house~~

CALIFORNIA High-Speed Rail Authority

RECEIVED 10/18/2012

Comment Card
Tarjeta de Commentarios

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Name/Nombre: David J. Avila
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(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO006-2

The DEIR/S fails to describe the project's impacts on land use. 30 acres are going to be split 10 acres and 15 acres. 5 acres to you.
On my 30 acre parcel my irrigation well and pipes will not serive the majority (@ 15A) of this 30 acres. I will need more pipeline to irrigate the 20 acres. The track footprint is larger than 100'-140' wide track. I will loose 60' turnarounds (30' on each side). I'll loose 5 acres of production. This is all natural, Farmers markets Fruits. Loss of my income.
You are taking my livelihood. Land use is not the same. You did not accurately describe the projects impacts of my land. A revised DEIR/S must be prepared to address these omissions and recirculate it for 180-day comment period.

Response to Submission BO006 (David J. Avila, Avila and Sons, October 18, 2012)

BO006-1

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-04, FB-Response-GENERAL-14.

For information on new job creation and the resulting impacts on the regional economy, see Volume I, Section 3.12, Impact SO #13. Also see Section 5.1.2 of the *Fresno to Bakersfield Section: Community Impact Assessment Technical Report* (Authority and FRA 2012a) for more detailed information on short-term and long-term job creation.

BO006-2

Refer to Standard Response FB-Response-AG-02, FB-Response-AG-04, FB-Response-SO-01.

Turnaround areas for crops have not been included in the permanent agricultural land impacts as the land would not be removed from agricultural production (note that the Farmland Mapping and Monitoring Program includes turnaround areas in areas classified as agricultural); however, it recognized that productivity will be lost as a result of the additional turnaround areas required. During the property acquisition process, losses in the value of the remaining property will be taken into account, and compensation will be provided for the loss in productivity.

In April 2013, the Authority reached an agreement with agricultural interests on mitigation of agricultural land impacts for the Merced to Fresno Section of the HST System (Authority 2013). Under that agreement, the Authority will acquire agricultural conservation easements for its impact on Important Farmland (i.e., land classified as prime farmland, farmland of statewide importance, farmland of local importance, and unique farmland) at the following ratios:

- Important Farmland converted to nonagricultural uses either by direct commitment of the land to project facilities or by the creation of remnant parcels that cannot be economically farmed will be mitigated at a ratio of 1:1.
- Where HST project facilities would create a remnant parcel of 20 acres or less in size, the acreage of that remnant parcel will be mitigated at a ratio of 1:1.
- An area 25 feet wide bordering Important Farmland converted to nonagricultural uses by project facilities (not counting remnant parcels) will be mitigated at a ratio of 0.5:1.

Submission BO007 (Dennis Luckey, Baker Commodities, Inc., October 16, 2012)

Baker Commodities, Inc.

Comments on the California High-Speed Train Project Revised Draft Environmental Impact Report Supplemental Draft Environmental Impact Statement and Draft Section 4(f) Statement Fresno to Bakersfield Section

Baker Commodities, Inc. ("Baker") is an independent rendering company headquartered in Vernon, California, which operates numerous facilities in the western and eastern United States. Rendering is a process by which animal by-products (raw material) are recycled into liquid animal fat (tallow) and dry proteinaceous material (meat and bone meal). Baker also recycles used cooking oils into animal feeds and feed stocks utilized in the production of biofuels.

Baker serves the meat locker, restaurant, grocery store and food processing industries that operate in the Fresno, Kings, Tulare and Kern County areas by providing collection services for used cooking oil, meat and fat scraps and the pumping of grease interceptors. Perhaps most important, is the service Baker performs for one of the largest and most important industries in the area: "Dairy". Baker provides dead stock removal services over an 8 county region in the Central Valley. The area is home to approximately 3 million dairy animals all of which eventually die and have to be disposed of in an environmentally safe manner. The animals are collected and brought to Baker's facility in Hanford, California, to be skinned and prepared for processing at Baker's rendering plant located in Kerman, California.

Rendering provides the most convenient, economically and environmentally appropriate method of disposal of these animals. Rendering of this material by Baker inactivates most pathogens, keeps them from entering landfills and eventually leaching in to the water tables or being disposed of by burial, burning or being dropped off on the side of a county road.

Any interruption of our dead stock removal services would likely contribute to these waste materials being disposed of in a manner inconsistent with environmental regulations and thereby threatening environmental safety or, it could result in an increase in the volume of material disposed of in landfills.

Baker's Hanford operation is absolutely critical to the safe and efficient disposal of these animals. Even a single day of interruption puts the dairy industry in a situation where they have few if any appropriate alternative methods of disposal. During an extraordinary heat wave that occurred in 2006, an estimated additional 25,000 dairy animals died suddenly. The resulting additional number of dead animals greatly taxed the ability of Baker, and other renderers that operate in the Central Valley, to collect and process all of the mortalities. The situation rose to devastating proportions and ultimately resulted in the Governor of California having to declare an emergency situation which allowed for the temporary disposal of many of the animals in local landfills, an unwanted alternative to the environmentally safe method of rendering.

Baker provides an invaluable service to the dairy industry and has been recognized by the California High Speed Train Project (HST) and Kings County as being essential to the agricultural and dairy industries in the Central Valley.

The Hanford area "BNSF Alignment Alternative and Kings/Tulare Regional Station East Alternative" requires that the bulk of Baker's processing facility be relocated. The "BNSF Alignment Alternative" creates a multitude of challenges for Baker's Hanford facility located at 7480 Hanford-Armona Rd. Our comments herein include both procedural and physical hurdles that need to be addressed and overcome should the "BNSF Alignment Alternative" become the chosen route. Because of the many challenges that a relocation of our facility would entail, Baker strongly supports the "Hanford West Bypass 1 & 2 Alignment Alternatives and the Kings/Tulare Regional Station West Alternative".

1. Baker operates under a Conditional Use Permit (CUP) that would require modification due to the relocation of our processing facilities. The CUP is granted by Kings County through a permitting process that, during normal County operating conditions, would take 3 to 4 months to obtain after Baker has provided all the necessary information. Given that the County would be heavily burdened by the numerous CUP revision requests from similarly effected entities impacted by the HST, Baker requests that local and regional Permitting Authorities be allocated the necessary funds from the HST to timely and efficiently expedite all permitting requests.

An alternative to the timely and costly processing of individual EIR and CUP requests would be for the HST's EIR to be modified and submitted as a Program EIR that includes all public and private entities and enterprises that are impacted by the Project.

Further, the HST, as the lead state environmental agency, could declare all entities and enterprises impacted by the Project as qualifying for either Negative Declaration or Mitigated Negative Declaration status. This option could be considered part of the "fair value" provided to the entities and enterprises impacted by the HST.

2. Hanford-Armona road is currently slated for an overpass that has the possibility of severely limiting Baker's access to its property. In fact, the HST divides the property in such a way that limits access. Currently Hanford Armona Road provides access at the most westerly portion of Baker's property for agricultural purposes. Baker believes that an overpass would severely restrict or deny its ability to access the western portion of its property which would be separated from the rest of its property by the proposed HST, the overpass approach and the neighboring property boundaries. The property would effectively become land locked.

BO007-1

Baker hereby requests that an alternate design for the Hanford-Armona Road overpass be considered. The alternate would be an underpass of sufficient width and grade to accommodate the current traffic patterns that include both agricultural equipment and auto traffic that regularly uses the road. Due to safety considerations, Baker also requests that proper signaling in the form of caution lights be installed at the underpass to mitigate potentially dangerous traffic situations. In addition, Baker will require on-site access beneath the elevated segment of the HST that bisects its property. This access should take

Submission BO007 (Dennis Luckey, Baker Commodities, Inc., October 16, 2012) - Continued

BO007-1 the form of a tunnel that allows for utility access for irrigation and power lines, as well as for agricultural equipment.

3. Baker's operational requirements dictate that it's treated wastewater be used as part of the farming operations irrigation system. Baker recently constructed a multimillion dollar waste water lagoon system that treats process wastewater at the Hanford facility. The Lagoons provide the dual purpose of supplying needed irrigation water as well as acting as a filtering system for the dead stock plant's process water.

BO007-2 The Regional Water Board dictates wastewater/land application ratios at Baker's facility. Any land that is removed from Baker's agricultural base impacts not only revenues generated through farming, but also limits the amount of wastewater that can be generated by the facility. As such, Baker will be requesting land replacement or funding for treatment of wastewater due to the loss of land to the HST.

BO007-3 Due to the nature of Baker's business, any relocation, even if it's limited to a few hundred yards on its own property, could lead to opposition and complaints from its neighbors. Efforts to mitigate the opposition and complaints may require the purchase of adjacent properties. There is obviously a link between the land requirements for Baker's operation and the potential to purchase adjacent properties to mitigate opposition and complaints to the facilities relocation. Baker requests that the HST authority look at the mitigation alternatives of purchasing adjacent properties.

BO007-4 4. As an agricultural entity dealing with animal mortalities, Baker is concerned with the visual impact its operations may have on passengers and employees of the HST project. Baker believes that the impact may be exacerbated if the Kings/Tulare Regional Station East is constructed at the current proposed location, due to the fact that the trains could possibly be moving at a much lower rate of speed as they enter / exit the station. Baker requests that the HST Authority provide mitigation scenarios that will reduce or eliminate the visual impact on the passengers and employees utilizing the trains.

Summary:

BO007-5 Baker Commodities has been determined to be a vital component of the agricultural/dairy community in the Central Valley. As such, there can be no interruption of service during any relocation or reconfiguring of our dead stock facility in Hanford. Baker requires a minimum of two years of planning and construction time before the existing facility can be replaced with new process buildings and infrastructure. This timeline could be extended based on the length of time required for the processing of permits by Kings County, The Central Valley Regional Water Quality Control Board, and the San Joaquin Valley Unified Air Pollution Control District.

In closing, Baker strongly supports the “Hanford West Bypass 1 & 2 Alignment Alternatives and the Kings/Tulare Regional Station West Alternative” over the more intrusive and problematic "BNSF Alignment Alternative and Kings/Tulare Regional Station East Alternative”.

Baker Commodities, Inc.

Comments on the California High-Speed Train Project Revised Draft Environmental Impact Report Supplemental Draft Environmental Impact Statement and Draft Section 4(f) Statement Fresno to Bakersfield Section

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Submission BO007 (Dennis Luckey, Baker Commodities, Inc., October 16, 2012) - Continued

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Summary:

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In closing, Baker strongly supports the "Hanford West Bypass 1 & 2 Alignment Alternatives and the

Submission BO007 (Dennis Luckey, Baker Commodities, Inc., October 16, 2012) - Continued

Kings/Tulare Regional Station West Alternative" over the more intrusive and problematic "BNSF Alignment Alternative and Kings/Tulare Regional Station East Alternative".

Response to Submission BO007 (Dennis Luckey, Baker Commodities, Inc., October 16, 2012)

BO007-1

Since circulation of the Revised Draft EIR/Supplemental Draft EIS, the Authority has met with Baker Commodities to discuss its concerns related to avoiding any interruption for its dead stock removal services. The discussions have explored different approaches to avoiding disruption to Baker Commodities, including relocating their access point to Hanford Armona Road, reconstructing the processing plant in a different location on the site prior to impacts on the existing facility, and other reconfigurations to retain the maximum amount of effluent disposal. The Authority will work with Baker Commodities during the right of way acquisiton process to finalize the approach that maintains property access and avoid disruption.

The overpass for Hanford Armona road will be designed to current standards that provide appropriate width and sight distance for use by all types of vehicles.

The specific approach for access under the elevated section of HST will be discussed with impacted property owners during the right of way acquisition phase.

Access to abutting properties will be re-provided as part of the overpass construction.

BO007-2

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

The Authority recognizes that affected businesses would require new permits from state (i.e., Regional Water Quality Control Board water quality permit) and local (i.e., conditional use permit) agencies before a new site could be approved. Some relocated agricultural production would take time to re-establish full production levels. In addition, any reduced agricultural production would have an additional multiplier effect on the region's economy and could affect businesses involved in agricultural services, food processing, and the transportation of goods (see Appendix C of the Community Impact Assessment Technical Report). In order to address this concern, the EIR/EIS includes a commitment (see Section 3.14.6, Project Design Features) to assist agricultural facility owners in obtaining new or amended permits for the continued operation or relocation of the facility. Landowners will be fairly compensated for loss or disruptions to their operations, including the costs associated with the loss of wastewater lands and the costs of permitting new lands. For information on relocation assistance, see Volume II,

BO007-2

Appendix 3.12-A, which has detailed information on the property acquisition and compensation process.

BO007-3

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

For information on the property acquisition and compensation process, see Volume II, Appendix 3.12-A, of the Revised DEIR/Supplemental DEIS. Individual acquisition or disruption issues will be determined during the property acquisition and compensation process. During this process, a determination will be made about whether it is necessary to purchase adjacent properties at this location to address opposition and complaints.

BO007-4

If the BNSF Alternative is the selection for the Hanford area, the property where the Baker Commodities facility is located would be acquired. After the facility is relocated, the concern about the visual impacts on HST passengers would no longer be valid because the facility would no longer be immediately adjacent to the proposed site of the Kings/Tulare Regional Station-East. If one of the Hanford West Bypass alternatives is selected, the facility would be over 5 miles away from the HST, and no visual impacts on passengers and employees would occur.

BO007-5

The Authority recognizes that affected businesses would require new permits from state (i.e., Regional Water Quality Control Board [RWQCB] water quality permit) and local (i.e., conditional use permit [CUP]) agencies before a new site could be approved. Some relocated agricultural production would take time to re-establish full production levels. In addition, any reduced agricultural production would have an additional multiplier effect on the region's economy and could affect businesses involved in agricultural services, food processing, and the transportation of goods (see Appendix C of the Community Impact Assessment Technical Report [Authority and FRA 2012h]). In order to address this concern, the EIR/EIS includes a commitment (see Section 3.14.6, Project Design Features) to assist agricultural facility owners in obtaining new or amended permits for the continued operation or relocation of the facility. Landowners will be fairly

Response to Submission BO007 (Dennis Luckey, Baker Commodities, Inc., October 16, 2012) - Continued

BO007-5

compensated for loss or disruptions to their operations, including the costs associated with relocating facilities, loss of wastewater lands, and regulatory costs. For information on relocation assistance, see Volume II, Technical Appendix 3.12-A, which has detailed information on the property acquisition and compensation process.

Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012)

Fresno - Bakersfield (July 2012+) - RECORD #415 DETAIL

Status :	Action Pending
Record Date :	10/20/2012
Response Requested :	No
Affiliation Type :	Businesses and Organizations
Interest As :	Businesses And Organizations
Submission Date :	10/19/2012
Submission Method :	Project Email
First Name :	Dave
Last Name :	Cross
Professional Title :	
Business/Organization :	Bakersfield Downtown Business Association, American Institute of Architects, et al
Address :	2118 F Street
Apt./Suite No. :	
City :	Bakersfield
State :	CA
Zip Code :	93301
Telephone :	661-323-3181
Email :	davecrossaia@aol.com
Email Subscription :	
Cell Phone :	661-333-9843
Add to Mailing List :	

Dave Cross AIA Architect
2118 F Street, Bakersfield, CA 93301
Phone: (661)323-3181, Fax: (661)323-3184, Cell: (661)333-9843
E-Mail: davecrossaia@aol.com Website: www.davecrossarchitect.com

October 19, 2012

California High Speed Rail Authority
Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814
Fresno_Bakersfield@hsr.ca.gov

Attention: Lisa Marie Burcar and Lisa Lanterman

Dear Lisa Burcar,

Subject: Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comments

Bakersfield Downtown Business Association (DBA), American Institute of Architects (AIA), Kern County Black Chamber of Commerce (KCBCC) and Kern Minority Contractors Association (KMCA) are submitting this attached document as our public comment on the Revised Draft EIR/Supplemental Draft EIS Statement for the Fresno to Bakersfield Section of the High-Speed Train Project.

DBA, A.I.A, KCBCC and KMCA have been working together through a Workshop/Charrette to develop some recommendations to some of the "negative impacts that the metro Bakersfield area would experience as a result of the project", as stated by Alan Tandy in the Bakersfield City Council staff report of December 14, 2011; Public Hearing to consider Resolution in Opposition to the entire High Speed Rail Project, as currently proposed. (see accompanying documents)

BO008-1

DBA, A.I.A, KCBCC and KMCA are proposing a B4 Alignment Route, which combines the best of each Route; North, South and Hybrid Routes, plus adjustments as shown on accompanying overlay drawings, sheets 1-4, by Dave Cross AIA Architect. The Station site layout we are suggesting is a pattern that also brings together the North, South, and Hybrid Station sites, but gives access and egress to Truxtun Avenue, California Avenue, Union Avenue, and additionally, "P/Q" Street at Intersection of 14th Street.

BO008-2

The attached B4 Alignment and Station overlay sheets clearly shows how this proposed B4 Alignment Route will miss the Bakersfield High School, Mercy Hospital Doctors Plaza, The Bakersfield City

Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

Corporation Yard, Mill Creek Projects, Robobank Arena, Theater and Convention Center. Also, the latest HSR maps show accommodations for the "TRIP" West Side Parkway and the three Centennial Corridor Routes.

BO008-3

Additionally, the Workshop/Charrette explored in depth the possible workings of a "Project Labor Agreement", between the High Speed Rail Authority and a Union/Non Union Work Force.
In our in-depth exploration of Project Labor Agreements (PLA), of an open character where there is a combination of union and non-union agreements, we have found National studies that show this form of PLA leads to, for the most part, a much greater productivity output for the same amount of cost. In other words, applied to the Fresno to Bakersfield Section of the HSR under the right circumstances of a Design Build agreement this could mean that the HSR line could reach Bakersfield within the existing available funds. I was involved in very large US Military Design/ Build bids with Morrison Knudsen, then the largest US Military Contractor in the 1970's and early 1980's. I encourage the CHSRA and its Board to further study these PLA findings for combining union/non-union agreements.

This is not Blue Sky or Pie in the Sky analysis. These are well founded, well established studies of real substantial multi-billion dollar projects. If there was ever a project that would lend itself to such an open all inclusive PLA it is the CHSR Project. But, it will require that the HSR Authority and its Board provide for such agreement in the Design/Build Bidding documents and the SFTPA-PLA is only one example of such an agreement and this agreement is not fully open to the non-union side as some others are in the Los Angeles, California Region.

BO008-4

Further, there were discussions with the High Speed Rail Authority about providing funding for impact studies around the HSR Station site by a design firm such as EE&K Architects that designed the Los Angeles Gateway Center (see accompanying information).

BO008-5

Also, we are encouraging you to select the thru Shafter Rail Route with the Heavy Maintenance Station located West of Santa Fe Way near 7th Standard Road. Believe it or not we have a Chinese/Japanese group interested in locating a Rail Coach Manufacturing Plant adjacent to such a HSR Heavy Maintenance Station Facility I believe such a situation will allow the City of Bakersfield to reconsider their position concerning the HSR.

The DBA, A.I.A, KCBCC and KMCA understand the positive impact this infrastructure would bring to our City and County and that is why we have proposed this B4 Alignment Route. We feel that this could be the solution to all of Alan Tandy's "Sacred Cow Icons", as we reported to the Bakersfield City Council on Wednesday, October 17, 2012 by distributing packets to all council members and staff along with a verbal deliberation by Dave Cross. This packet of information was also given to the KernCog Board on October 18, 2012, with verbal deliberation by Dave Cross.

Please call with any questions.

Attachments will come under seperate cover.

Sincerely,

Dave Cross, AIA

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Bakersfield, CA 93301
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Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

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E-Mail: davecrossaia@aol.com Website: www.davecrossarchitect.com

Date: October 16, 2012

TO: Mayor Harvey L. Hall, City Council, Alan Tandy and Staff
FROM: Dave Cross, AIA
SUBJECT: High Speed Rail Station Location

Bakersfield Downtown Business Association, American Institute of Architects and the Kern County Black Chamber of Commerce have been working together through a workshop/charrette to develop some recommendations to some of the "negative impacts that the metro Bakersfield area would experience as a result of the project", as stated in the staff report of December 14, 2011; Public Hearing to consider Resolution in Opposition to the entire High Speed Rail Project, as currently proposed.

Bakersfield Downtown Business Association, American Institute of Architects and the Kern County Black Chamber of Commerce are proposing a B4 Alignment alternative Route B4, which combines the best of each Route; North, South and Hybrid Routes. The Station site layout we are suggesting is a pattern that also brings together the North, South, and Hybrid Station sites, but gives access and egress to Truxtun Avenue, California Avenue, Union Avenue, and additionally, "P/Q" Street at Intersection of 14th Street.

B4 Alignment and Station overlay sheets clearly shows how this proposed route will miss the Bakersfield High School, Mercy Hospital Doctors Plaza, The Bakersfield City Corporation Yard, Mill Creek Projects, the Robobank Arena Theater and Convention Center. Also, the latest HSR maps show accommodations for the "TRIP" West Side Parkway and the three Centennial Corridor Routes.

Additionally the Workshop/Charrette explored in depth the possible workings of a "Project Labor Agreement," between the High Speed Rail Authority and a Union/Non Union Work Forces.

Further, there were discussions with the High Speed Rail Authority about providing funding for impact studies around the HSR Station site by a design firm such as EE&K Architects that designed the Los Angeles Gateway Center (see accompanying information).

These recommendations and comments will be submitted as comments and drawings to the High Speed Rail Authority EIR/EIS.

Sincerely,

Dave Cross, AIA Architect

Report for EIR/EIS

The Bakersfield Downtown Business Association, The American Institute of Architects and the Kern County Black Chamber of Commerce
CALIFORNIA HIGH SPEED RAIL WORKSHOP/CHARRETTE AGENDA
I STUDY-THE 3 PROPOSED HIGH SPEED RAIL BAKERSFIELD SITES AND STATION ROUTES
II STUDY-"PROJECT LABOR AGREEMENT" (PLA) AND NO PLA
Saturday, October 13, 2012 - 9 Am To Noon
Larry E. Reider Education Center, 2000 "K" Street

STUDY I

A. **Northern Alternative Alignment B1** –Located at the corner of Truxtun and Union Avenue/SR 204 on the BNSF Alternative. Access to the site would be from Truxtun Avenue, Union Avenue, and S Street. Two new boulevards would be built from Union Avenue and S Street to access the station and the supporting facilities. The main entrance would be located on the northern end of the site.
   Proposed Review:
   1. **Study access from Q Street**
   2. **Study Route at Bakersfield High School**
   3. **Study Route at Corporation yard**

B. **Southern Alternative Alignment B2** – Located in the same area as the North Station Alternative, but would be situated along Union and California Avenues on the Bakersfield South Alternative, just south of the BNSF Railway right-of-way. Access to the station site would be from two new boulevards: one branching off from California Avenue and the other from Union Avenue
   Proposed Review:
   1. **Study access from Truxtun Avenue and/or Q Street**
   2. **Study Route at Mercy Hospital and City Corporation yard**
   3. **Study Route going east**

C. **Hybrid Alternative Alignment B3 –** Located in the same area as the North and South Station alternatives, and would be located at the corner of Truxtun and Union Avenue/SR 204 on the Bakersfield Hybrid Alternative. Access to the station site would be from Truxtun Avenue and Union Avenue as well as Hayden Court.
   Proposed Review:
   1. **Study Access and site location at Union Avenue**
   2. **Study HSR Express Slow Downtime**
   3. **Study Route going east**

STUDY II

A. **Economic and Environmental Justice (Local Jobs)**
   1. **Project Labor Agreement between HSRA and Labor Board to include minimum 30% of total contracts.**
   2. **Inclusiveness of economically disadvantaged groups**
      a. **Outreach: Education and Training of Community Workforce**

Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

Bakersfield Downtown Business Association
1330 Truxtun Avenue, Suite A
Bakersfield, CA 93301
ph: (661) 325-5892
fax: (661) 325-7319

DATE: October 15, 2012

TO: Mayor Harvey L. Hall, City Council, Alan Tandy and Staff
FROM: Downtown Business Association
SUBJECT: High Speed Rail Station Location

The Downtown Business Association along with the American Institute of Architects and Kern County Black Chamber of Commerce held two workshops to review the potential 3 station sites in the downtown area. In addition we studied all three routes both West and East of downtown.

After the Charrette review our recommendations includes a proposed new B4 route that would miss the City Corporation Yard, Mercy Hospital, Bakersfield High School, South Mill Creek Projects and all properties along California Avenue. Also the latest High Speed Rail Maps show a complete accommodation for the TRIP West Side Parkway and the 3 Centennial Corridor Routes.

In addition the new station location provides access from the proposed High Speed Rail Station to Truxtun Avenue, Union Avenue, California Avenue and Q Street.

These recommendations will be submitted as comments and drawings to the High Speed Rail Authority EIR prior to October 19, 2012.

Questions please contact the DBA at 325-5892.

Sincerely,

Cathy A. Butler
President

Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

ADMINISTRATIVE REPORT

MEETING DATE: December 14, 2011	**AGENDA SECTION:** Hearings **ITEM:** 7.a.

TO: Honorable Mayor and City Council — **APPROVED**

FROM: Alan Tandy, City Manager — **DEPARTMENT HEAD**_____

DATE: November 21, 2011 — **CITY ATTORNEY** VO

CITY MANAGER

SUBJECT: Public Hearing to consider Resolution in Opposition to the entire High Speed Rail Project, as currently proposed

RECOMMENDATION: Staff recommends adoption of the resolution, which states the City of Bakersfield is opposed to the entire High Speed Rail project as it is currently proposed.

BACKGROUND: In recent months, increasingly more citizens and groups from Bakersfield have asked the City Council to formally oppose the High Speed Rail Project as it is currently proposed by the California High Speed Rail Authority (Authority). At the regular Council meeting of November 16, 2011, the Council directed that a hearing take place at the next City Council meeting and for staff to place the issue on the agenda.

For clarification purposes, while the City Council may adopt a resolution objecting to parts or all of the High Speed Rail Project, the Authority is not obligated to follow it. It will be, therefore, an advisory statement only.

REPORT: As the project currently exists, the following significant facts, flaws and observations cannot, in good conscience, be overlooked:

- **THERE IS NO TRAIN.**
- **THERE IS NO ELECTRIFICATION TO THE TRACK** to make the high speed rail work, even if there were a train.
- The funding which currently exists, and can be reasonably forecast, is supposed to build the first section of track from the area of Borden to

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Page 1
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ADMINISTRATIVE REPORT

Corcoran, and possibly, to an area north of Bakersfield. The Authority will not clarify how far south they can build. A route map is attached.

- The Authority has chosen a first segment which has no independent utility, either, as defined in Federal law or for practical purposes. **IT WILL BE A TRACK THAT WILL BE UNUSABLE** for any high speed rail purpose, even if there were a train and electrification to the track. This is being interpreted as being in direct violation of Proposition 1A.
- Spending $6.5 billion for an unusable track is a waste of taxpayer dollars, during a difficult economic time for both taxpoyers and government.

- After approximately 18 months of meetings with Authority officials, and after giving them advice that was based on local knowledge of sensitive areas and places to avoid, they seemingly ignored virtually all suggestions made by City staff. Their proposal would cause many millions of dollars in damage to City assets, with no significant mitigation being offered.
- The draft EIR, which, due to significant deficiencies, is being revised in an effort to "try again," was very hard to read and understand for the average citizen. Its maps appeared to be purposefully unclear, and it did not contain a reasonable range of alternates, among other shortcomings. The Authority provided only one complete draft EIR document for public review in the entire 8,100 square mile County of Kern.
- The draft EIR clearly did not address the requirements of State law under CEQA. To name a few examples, it damages Bakersfield High School, Mercy Hospital, churches and schools, and takes a swath through east Bakersfield. The potential damage to east Bakersfield, east of Baker Street, was particularly egregious, in that it was not properly noticed, clarified or studied. It is deficient on dealing with noise and air quality, is difficult for the average citizen to understand, and ignores the significant impacts created by the project. Faced with massive opposition from citizens, the legal community, farmers, churches and other groups, the Authority is attempting to make revisions. The City of Bakersfield sent in over 100 pages of comments related to the deficiencies discussed above. To date, the Authority has not responded.

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Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

ADMINISTRATIVE REPORT

- Residences, businesses, schools, churches, medical care facilities, Bakersfield High School, Rabobank Arena, new City redevelopment projects and the City Corporation Yard are threatened. The Authority's plans also conflict with the TRIP projects, both under construction and planned for the future.
- Opposition groups in Bakersfield and throughout California are growing and uniting with their protests of the project. Lawsuits are being filed on multiple fronts. This is true in Kings County, and, depending on the route selected, Palmdale or Tejon Ranch, as well.
- The actions of the Authority are to blame for many of the problems that have been created. They are moving too fast and responding to public input too slowly.
- It is unlikely that there will be any future funding to extend the track to usable termination points, as Congress has cut off future funding, and is facing their own record deficit issues.
    - The State government, as is their normal modus operandi, overestimated their revenues and once again has a multi-billion dollar deficit.
    - If the State issues High Speed Rail bonds authorized by the voters many years ago, its deficit will grow.
    - Every year, the State is in this situation, and they prey upon the treasuries of cities and counties. **THUS, IT IS FAIR TO PREDICT THAT IF THEY BUILD AN UNUSABLE TRACK, RAIDS ON LOCAL SERVICES WILL CONTINUE.**
- The cost estimate for the project has grown 2½ times the amount given to the voters when they authorized the issuance of bonds. It is likely to increase if the project moves forward.
- Both the original and revised business plans for High Speed Rail appear to be as inadequately prepared as their draft EIR. The updated business plan predicts the Merced station would have more passengers than Penn Station in New York City. Future revenues are based on such flawed projections. Recent voter polls show statewide opposition is in the majority and rising.

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Page 3
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AGENDA HIGHLIGHTS
October 17, 2012 COUNCIL MEETING

REGULAR MEETING – 5:15 p.m.

CONSENT CALENDAR

Resolutions

Item 8f. 2013 Health Care Contracts. The City's health care package is up for renewal for the 2013 plan year. The overall rate renewal package continues to support the goal to maintain or reduce premium costs and to continue to reduce the City's unfunded retiree health care liability. A significantly positive note related to the later is that a favorable active employee claim experience from the past year has resulted in $1.6 million balance over the required reserves in the Anthem Blue Cross Rate Stabilization Fund. Depositing those funds into the Retiree Medical Irrevocable Trust Fund will not only completely address the remaining balance in outstanding contributions, but will result in a fund balance of approximately $1 million above and beyond the required contribution amount. The Insurance Committee and Personnel Committee have approved the proposals and staff is recommending approval of a resolution which identifies the vendors, plans, and rates for the City's health care benefit package for the 2013 plan year.

DEFERRED BUSINESS

Item 12a. Revised Draft Environmental Impact Report/Statement for the California High Speed Rail Project. The HSR Authority released their revised Draft EIR for the proposed Fresno-Bakersfield project segment in July. The 60-day public comment period (extended for 30 days) will end on October 19, 2012. As stated in the staff report, the revised Draft EIR includes no attempt, whatsoever, to address the long list of negative impacts that the metro Bakersfield area would experience as a result of the project. The effects are far too lengthy to list in detail here, but, in summary, include: damage to critical City facilities and assets with the very real potential for major financial and operational impacts; route conflicts that would cause irreparable harm to the TRIP program, particularly the Centennial Corridor, which is the "centerpiece" for all of the projects, and the Westside Parkway, which is in the later stages of construction; complete removal of at least one of the South Mill Creek projects and negative impacts to the entire project area; major disruption and in some cases, destruction, of numerous private businesses and entities, including major impacts to Bakersfield High School and Mercy Hospital, among many more significant effects that can not be understated, but continue to be ignored by the Authority. Given their utter lack of respansiveness in addressing the countless issues that would result from their proposed project route, there is no choice, but to recommend legal action against the Authority. It should also be noted that while the Authority has an agreement with the City of Fresno to provide $4.6 million to help them with the complex issues that will affect area businesses there, they have not extended such an offer of assistance to Bakersfield. However, upon learning of the Fresno agreement, staff submitted a request for similar assistance from the Authority. At the time of this writing, they have yet to respond.

Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

STATION LOCATION ALTERNATIVES

A. Bakersfield Station–North Alternative
The Bakersfield Station–North Alternative would be located at the corner of Truxtun and Union Avenue/SR 204 on the BNSF Alternative. Surrounding land uses in the area consist of offices, commercial, retail, industrial, and government offices. The Amtrak station is west of the proposed station site. A conceptual site plan for this station alternative is provided in Figure 2-42. Access to the site would be from Truxtun Avenue, Union Avenue, and S Street. Two new boulevards would be built from Union Avenue and S Street to access the station and the supporting facilities. The main entrance would be located on the northern end of the site. The three-level station building would be 52,000 square feet, with a maximum height of approximately 95 feet. The first level would house station operation offices and would also accommodate other trains running along the BNSF Railway line. The second level would include the mezzanine; the platforms and guide way would pass through the third level. The entire site would consist of 19 acres, with 11.5 acres designated for the station, bus transit center, short-term parking, and kiss-and-ride areas. An additional 7.5 acres would house two parking structures, one with a planned capacity of approximately 1,500 cars, and the other with a capacity of approximately 3,000 cars. In addition, another 175 spaces would be provided in surface lots. The balance of the supply necessary to accommodate the full 2035 parking demand (8,100 total spaces) would be provided through use of underutilized facilities around the station and in Downtown Bakersfield. Identification of these additional spaces would be coordinated with the City of Bakersfield as a part of a comprehensive parking strategy. Additional environmental review may be necessary as parking needs are identified for full system operations. Under this alternative, the station building would be located at the western end of the parcel footprint. The bus transit center and the smaller of the two parking structures (2.5 acres) would be north of the HST tracks. The BNSF Railway track runs through the station site. The HST tracks would be above the BNSF Railway tracks.

B. Bakersfield Station–South Alternative
The Bakersfield Station–South Alternative would be in the same area as the North Station Alternative, but would be situated along Union and California avenues on the Bakersfield South Alternative, just south of the BNSF Railway right-of-way (Figure 2-43). The two-level station building would be approximately 51,000 square feet, with a maximum height of approximately 95 feet. The first floor would house the concourse, and the platforms and guide way would be on the second floor. The entire site would be 20 acres, with 15 acres designated for the station, bus transit center, short-term parking, and kiss-and-ride areas. Five of the 20 acres would support one six-level parking structure with a capacity of approximately 4,500 cars. In addition, another 500 spaces would be provided in surface lots. As with the Bakersfield Station–North Alternative, the balance of the supply necessary to accommodate the full 2035 parking demand (8,100 total spaces) would be identified as a part of a comprehensive parking strategy in coordination with the City of Bakersfield, and may require additional environmental review. Access to the station site would be from two new boulevards: one branching off from California Avenue, and the other from Union Avenue.

C. Bakersfield Station–Hybrid Alternative
The Bakersfield Station–Hybrid Alternative would be in the same area as the North and South Station alternatives, and would be located at the corner of Truxtun and Union Avenue/SR 204 on the Bakersfield Hybrid Alternative (Figure 2-44). The station design includes an approximately 57,000-square-foot main station building and an approximately 5,500-square-foot entry concourse located north of the BNSF Railway right-of-way. The station building would have two levels with a maximum height of approximately 95 feet. The first floor would house the concourse, and the platforms and guide way would be on the second floor. Additionally, a pedestrian over crossing would connect the main station building to the north entry concourse across the BNSF right-of-way. The entire site would be approximately 24 acres, with 15 acres designated for the station, bus transit center, short-term parking, and kiss-and-ride areas. Approximately 4.5 of the 24 acres would support 3 parking structures with a total capacity of approximately 4,500 cars. Each parking structure would be 7 levels; one with a planned capacity of 1,750 cars, another with a capacity of 1,315 cars, and the third with a planned capacity of 1,435 cars. An additional 460 parking spaces would be provided in surface lots covering a total of approximately 4.5 acres of the station site. As with the Bakersfield Station–North and Bakersfield Station–South alternatives, the balance of the supply needed to accommodate the full 2035 parking demand (8,100 total spaces) would be identified as a part of a comprehensive parking strategy developed in coordination with the City of Bakersfield. Access to the station site would be from Truxtun Avenue and Union Avenue as well as Hayden Court. Under this alternative, the BNSF Railway track would run through the station site, and the main station building and majority of the station facilities would be sited south of the BNSF Railway right-of-way.

A. Project Labor Agreement (PLA) Transbay Joint Powers Authority (TJPA)

Press Release of November 10, 2011

TJPA BOARD APPROVES HISTORIC PROJECT LABOR AGREEMENT
Construction of Transbay Transit Center Will Emphasize
Labor Peace, Opportunities for Small and Disadvantaged Businesses
SAN FRANCISCO — Earlier today, the Board of Directors of the Transbay Joint Powers Authority (TJPA) approved an historic agreement with organized labor (*see list of signatory unions below) designed to ensure labor peace and equal opportunity for small, local, disadvantaged, union, and non-union businesses throughout the construction of the $4 billion Transbay Transit Center Project.

Construction of the Project will create more than 125,000 jobs. The Project Labor Agreement (PLA) is a pact that all construction and trade workers, both union and non-union, must abide by while working on the Transbay site. Under the pact, all workers agree to work by the same rules, on an equal playing field. In return, workers are provided uniform benefits and protections.

The Transbay Transit Center Project will require workers from diverse crafts, including plumbers, carpenters, operating engineers, ironworkers, sheet metal workers, electricians, and laborers. These workers are represented by 28 separate unions, each with its own separate contract. Because of the Project Labor Agreement, all unions are now bound to a single labor agreement, maximizing the economy of operations.

The nature of this construction project will require that multiple contractors and multiple crafts work on the job site at the same time, over an extended period of time, creating a substantial potential for work disruption. The PLA ensures that construction of the Transbay Transit Center will not be delayed due to strikes or other labor-related issues.

"This is a critical tool for us," said Maria Ayerdi-Kaplan, TJPA Executive Director. "Project Labor Agreements have been used successfully since the New Deal to complete major public works projects. A PLA was critical to the construction of BART, and more recently played an important role in the renovations at the San Francisco International Airport and in the seismic upgrades to the Hetch Hetchy water system."

"The Project Labor Agreement is a testament to the commitment and hard work of both the Transbay team and organized labor," said Supervisor and TJPA Board Chairperson Jane Kim. "Fostering harmonious labor relations on the job site is critical to the success of this transformative project. I'm particularly happy to see the PLA promotes job opportunities for young people and workers from disadvantaged communities."

The PLA provides a range of benefits to the Project: standardizing working conditions and wages; minimizing uncertainty about the supply and cost of labor during the project; preventing work stoppages; fostering productive labor relations; reducing the likelihood of cost over-runs; increasing the likelihood of on-time performance; increasing productivity and job site safety; and many others.

The agreement is especially notable for its commitment to small and disadvantaged business enterprises. It ensures these businesses can compete effectively with large-scale, national construction companies by creating equal opportunity.

Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

The PLA also contains strong, enforceable protections against discrimination, a top priority for the TJPA. In addition to these benefits, the TJPA is proud to announce a series of provisions that seek to assist veterans and disabled veterans through the "Helmets to Hardhats" non-profit organization and the "Wounded Warrior" program, which connect National Guard, Reserve and transitioning active-duty military members with career training and employment opportunities in the construction industry (for more information, visit http://www.helmetstohardhats.org).

"The Veterans Affairs Commission of the City and County of San Francisco extends its hearty congratulations to all parties to the Project Labor Agreement for the massive construction project which will, under the Transbay Joint Powers Authority bring a modern Transit Hub to reality," said Raymond Wong, President of the Veterans Affairs Commission of San Francisco. "We are particularly gratified that all parties to the agreement have seen fit to insure that under the Community Outreach terms of the agreement, concrete efforts are made to insure that area veterans are afforded specially identified employment opportunities under the Helmets to Hardhats program..." said Wong.

Additional unique and innovative aspects of the agreement include sections that will:
• assist local youth to pursue careers in the trades, by a commitment to engage in outreach efforts with high school students to promote involvement in pre-apprenticeship and apprenticeship programs; and

• assist women and economically disadvantaged individuals to pursue careers in the trades, with a commitment to recruit applicants for apprenticeship programs from appropriate community-based programs.

The Transbay Transit Center is a visionary, $4 billion transportation and housing project that will transform downtown San Francisco and the Bay Area's regional transportation system by creating a "Grand Central Station of the West" in the heart of a new, transit-friendly neighborhood surrounding the Transit Center. Phase 1 of the project (the Transit Center) is set to be completed by 2017 and will serve up to 45 million people annually.

The Transbay Transit Center project is managed by TJPA staff and is overseen by its six-member Board of Directors.

For more information about the project, visit www.transbaycenter.org.
*** Signatory Unions to Agreement with TJPA**
San Francisco Building and Construction Trades Council, AFL-CIO
Northern California District Council of Laborers
Northern California Carpenters Regional Council
International Union of Operating Engineers, Local 3
International Union of Bricklayers and Allied Craftsworkers, Local 3
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers,
Local 549
United Brotherhood of Carpenters, Local 22
United Brotherhood of Carpenters, Local 2236
Operative Plasterers' and Cement Masons' International Association, Local 300
International Brotherhood of Electrical Workers, Local 6
International Union of Elevator Constructors, Local 8
United Brotherhood of Carpenters Hardwood Floor Layers, Local 1861
Laborers' International Union of North America, Hod Carriers, Local 166

International Association of Heat and Frost Insulators and Allied Workers, Local 16
International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 377
Laborers International Union of North America, Local 67
Laborers International Union of North America, Local 261
United Brotherhood of Carpenters, Lathers, Local 68L
United Brotherhood of Carpenters, Millwrights, Local 102
International Union of Painters and Allied Trades, District Council 16
United Brotherhood of Carpenters, Pile Drivers, Local 34
Operative Plasterers' and Cement Masons' International Association, Local 66
United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry, Local 38
United Union of Roofers, Waterproofers and Allied Workers, Local 40
Sheet Metal Workers' International Association, Local 104
International Union of Painters and Allied Trades, Sign and Display, Local 510
United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry,
Sprinkler Fitters, Local 483
International Brotherhood of Teamsters, Local 853

Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

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CALIFORNIA HIGH SPEED RAIL WORKSHOP/CHARRETTE
10/06/2012

Report From: Dave Cross, AIA
Moderator of AIA HSR Charrette

GENERAL ISSUES: Report Concerning North B1 High Speed Rail Route

In the Saturday October 6, 2012 Charette, it was observed that the Northern B1 Route goes through and is located within a major portion of Bakersfield High School, which creates a substantial problem for the Kern County High School District and also The State of California Department of Education. Bill Melby, AIA Architect, President of the Local Golden Empire Chapter of the American Institute of Architects, facilitator on the Northern B1 Route and Station location had previously met with the State and the Board and discussed the ground rules the State has over potential dangers created by trains in a High School Campus area. There were also rules that no new facilities could be added at this existing High School site if the HSR passes as shown in the B1 Route. A blending of the B1 and B2 Route was discussed missing BHS, Mercy Hospital and The City Corporation Yard.

Charrette report

milazzo associates
architecture interiors planning

HIGH SPEED RAIL / SCHEME B-2 / SOUTH STATION / REVIEW COMMENTS

1. **FRIEGHT ISSUES**
We discussed the apparent absence of facilities that would support the staging and pickup of freight deliveries that might be seasonably viable and profitable for the HSR Trains to transport. Was this considered and evaluated for the system at large?

2. **GET BUS FACILITY**
The Golden Empire Transit system operates a comprehensive network of links that is able to move local passengers to and from the HSR Station and thereby reducing the personal vehicle parking demand. A Sheltered Stop for the GET Buses should be programmed into the HSR Station in addition to other Bus and Shuttle Stations to accommodate other local and regional carriers.

3. **FUTURE LIGHT RAIL DEDICATED R.O.W.**
With California Avenue already designated as a Light Rail route we discussed the of possibly striping the Light Rail portion of the roadway and designating it for interim use by rubber tired Bus & Shuttle carriers until a possible transition to a Light Rail system could be implemented.

4. **INCLUSION OF "BIKE SHARE"**
An evaluation of including a Bike Share program was discussed to include both private and Bike Share storage lockers, showers and general lockers to encourage HSR users to bike to and from the Station rather than using other means of personal or public transportation.

5. **IDENTIFY ADJACENT LAND USES**
Consideration should be given to setting aside property adjacent to the HSR Station for Multi-Story Office buildings and possible Meeting rooms with Property Management and rental and/or lease opportunities encouraging travelers to meet coming from both north and south for brief for day-long meetings.

6. **LINKAGE BETWEEN THE HSR STATION & RIVER CREEK CORRIDOR**
A critical element needing allocated space is a that of a pedestrian corridor that establishes a "City-Streetscape" style link between the HSR Station and the Mill Creek corridor for visitors to dine, shop, browse, explore and be entertained during delays between various modes of transportation and/or HSR trains arriving and departing. This corridor would establish a first impression setting for the City of Bakersfield for visitors and traveler's arrival and it will translate into additional revenues to the community.

David Y. Milazzo, AIA, Charrette Facilitator 10/11/12

1330 22nd Street Suite B Bakersfield California 93301-2330 661 323 3800

Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

HIGH SPEED RAIL-CHARRETTE **10/06/2012**

HYBRID ALTERNATIVE ALIGNMENT – B-3:
GROUP REVIEW AND RESPONSE,

REVIEW CHAIRMAN:

Bob Varner, Architect, OMA bvarner@ordizmelby.com
Ordiz Melby Architects

GENERAL ISSUES:

1. The Hybrid Alternative, B-3, Locates the High Speed Rail Station at Union Avenue between Truxtun and California, just south of the existing BNSF rail lines and the existing Amtrak station.
2. The Hybrid Alignment B-3 splits the proposed station with a portion of the station on the East side of Union Ave. with a pedestrian bridge as a link between the two halves.
3. Primary access to the station is off of Truxtun with secondary access from Union Ave, California Avenue via S street and Hayden court.
4. The B2 and B3 Alignments of the HSR tracks pass adjacent to Mercy Hospital and B1 passes through the Industrial Arts building of Bakersfield High School

GROUP EVALUATION:

1. The general consensus is that splitting the station across Union Ave is not a good idea. Keep the station consolidated in the area south of the Amtrak station. The group favored the station layout of the North Alignment B-1 with modifications.
2. The group is apposed to the Alignment's that pass through BHS and adjacent to Mercy Hospital.

DESGIN CONSIDERATIONS:

1. Develop the station layout for alignment B-1 the North alignment. With station access from Truxtun, Union Ave. California and Q street.
2. Study and plan for transfer links for other modes of transportation to destination points in and around Bakersfield and outlaying communities and facilities, such as Cal State. (buses, taxies, connecting trains, bikes, shuttles, etc.).
3. Suggest entering the Bakersfield area via the North Alignment, B-1, that comes into the South side of the existing BNSF train yards just past Oak St. along the north side of California Ave. Just past the South side of Mercy Hospital provide an S curve to intersect with the South Alignment B-2 to miss the BHS Industrial Arts building then curve back to come into the North Alignment Station plan.
4. As the HSR tracks are elevated at approximately 45 ft above the ground, can they go above the existing BNSF line?

ALTERNATE CONSIDERATION:

1 Consider bringing the HSR down Central Valley along the I-5 corridor and create a transition station at a point somewhere between Buttonwillow and the Grape Vine. Keep the line outside the City of Bakersfield and provide transportation links into town. The state already has an established transportation route along I-5 and there would be minimal EIR impact. There would be no conflicts with vital and historical facilities in Bakersfield such as; Mercy Hospital and BHS. Plus, the rights and property of land owners affected by the proposed alignments can be protected and preserved.

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Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

FAULKNER
LAW OFFICES

October 16, 2012

Marvin Dean, President
Kern Minority Contractors Association
1330 E. Truxtun Ave.
Bakersfield, CA 93305

RE: California High-Speed Rail Authority Business Advisory Council Meeting
Date: October 18, 2012
Place: 1415 L Street, Suite 300, Sacramento, CA

Dear Mr. Dean:

The purpose of this letter to the Business Advisory Council is to request your assistance in facilitating an all inclusive Project Management Agreement and to initiate negotiations through the High Speed Rail Authority and its Board regarding labor unions, non-union merit shops and unaffiliated labor groups. The Board publically announced a policy that 30% of all work on the high speed rail project will be performed by small, minority and disadvantaged business enterprises.

As you know from the various Bakersfield meetings in the past month, including meetings with the CHSR Authority members, City of Bakersfield officials and community workshop groups under the auspices of the Downtown Business Association and the American Institute of Architects, we are seeking a Project Labor Agreement that would be acceptable to the union and non-union organizations. In light of the issues, both union and non-union organizations, we find that it is most likely we can attain consensus of some former items of concern by adopting a new form of PLA to achieve labor peace.

There are recent project labor agreements that can be used as a model to achieve this, such as the San Francisco Transit Project Authority Project Labor Agreement. The SFTPA-PLA was executed for the construction of their $4 billion Multi Model Transport Center. This PLA was agreed to by all involved labor force and this project is under construction. The SFTPA-PLA unified the various environmental justice labor elements as well as the organized labor interests. Such a PLA has been shown by national studies to result in lowering project costs by fostering greater competition because it utilizes the 85% of the non-union labor force as well as the 15% union labor force.

Marvin, thank you and the High Speed Rail Authority Business Advisory Council in your assistance in bringing this issue to the attention of CHSRA and its Board and also for your continued efforts to bring environmental justice to this historic High Speed Rail Project to the Golden State and its future success.

Very truly yours,

Kathleen Ellis Faulkner, Esq.
Professional Committee Advisor

Cc: Dave G. Cross, Chairperson of Professional Committee

Attachments:TJPA News Release Nov. 10, 2011 and Agenda Bakersfield DBA/The AIA Golden State Chapter/Black Chamber Charrette Otober 13, 2012

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For Immediate Release
November 10, 2011
Contact: Adam Alberti
(415) 227-9700
Adam@SingerSF.com

TJPA BOARD APPROVES HISTORIC PROJECT LABOR AGREEMENT

Construction of Transbay Transit Center Will Emphasize
Labor Peace, Opportunities for Small and Disadvantaged Businesses

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Construction of the Project will create more than 125,000 jobs. The Project Labor Agreement (PLA) is a pact that all construction and trade workers, both union and non-union, must abide by while working on the Transbay site. Under the pact, all workers agree to work by the same rules, on an equal playing field. In return, workers are provided uniform benefits and protections.

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"The Project Labor Agreement is a testament to the commitment and hard work of both the Transbay team and organized labor," said Supervisor and TJPA Board Chairperson Jane Kim.

Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

"Fostering harmonious labor relations on the job site is critical to the success of this transformative project. I'm particularly happy to see the PLA promotes job opportunities for young people and workers from disadvantaged communities."

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Additional unique and innovative aspects of the agreement include sections that will:

- assist local youth to pursue careers in the trades, by a commitment to engage in outreach efforts with high school students to promote involvement in pre-apprenticeship and apprenticeship programs; and
- assist women and economically disadvantaged individuals to pursue careers in the trades, with a commitment to recruit applicants for apprenticeship programs from appropriate community-based programs.

The Transbay Transit Center is a visionary, $4 billion transportation and housing project that will transform downtown San Francisco and the Bay Area's regional transportation system by creating a "Grand Central Station of the West" in the heart of a new, transit-friendly neighborhood surrounding the Transit Center. Phase 1 of the project (the Transit Center) is set to be completed by 2017 and will serve up to 45 million people annually.

The Transbay Transit Center project is managed by TJPA staff and is overseen by its six-member Board of Directors.

For more information about the project, visit www.transbaycenter.org.

*** Signatory Unions to Agreement with TJPA**

San Francisco Building and Construction Trades Council, AFL-CIO

Northern California District Council of Laborers

Northern California Carpenters Regional Council

International Union of Operating Engineers, Local 3

International Union of Bricklayers and Allied Craftsworkers, Local 3

International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers, Local 549

United Brotherhood of Carpenters, Local 22

United Brotherhood of Carpenters, Local 2236

Operative Plasterers' and Cement Masons' International Association, Local 300

International Brotherhood of Electrical Workers, Local 6

International Union of Elevator Constructors, Local 8

United Brotherhood of Carpenters Hardwood Floor Layers, Local 1861

Laborers' International Union of North America, Hod Carriers, Local 166

International Association of Heat and Frost Insulators and Allied Workers, Local 16

International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 377

Laborers International Union of North America, Local 67

Laborers International Union of North America, Local 261

United Brotherhood of Carpenters, Lathers, Local 68L

United Brotherhood of Carpenters, Millwrights, Local 102

International Union of Painters and Allied Trades, District Council 16

United Brotherhood of Carpenters, Pile Drivers, Local 34

Operative Plasterers' and Cement Masons' International Association, Local 66

United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry, Local 38

United Union of Roofers, Waterproofers and Allied Workers, Local 40

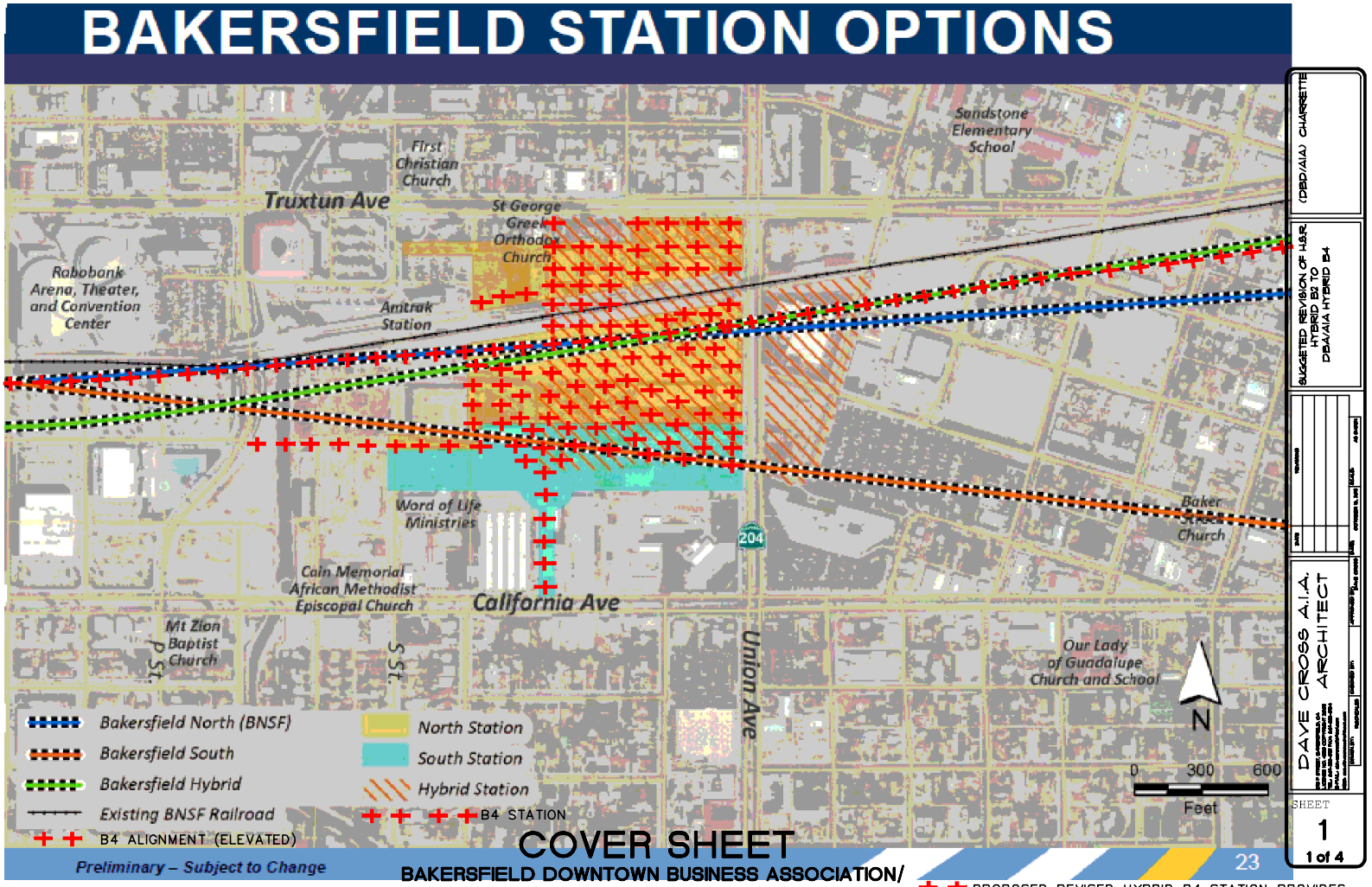
Sheet Metal Workers' International Association, Local 104

International Union of Painters and Allied Trades, Sign and Display, Local 510

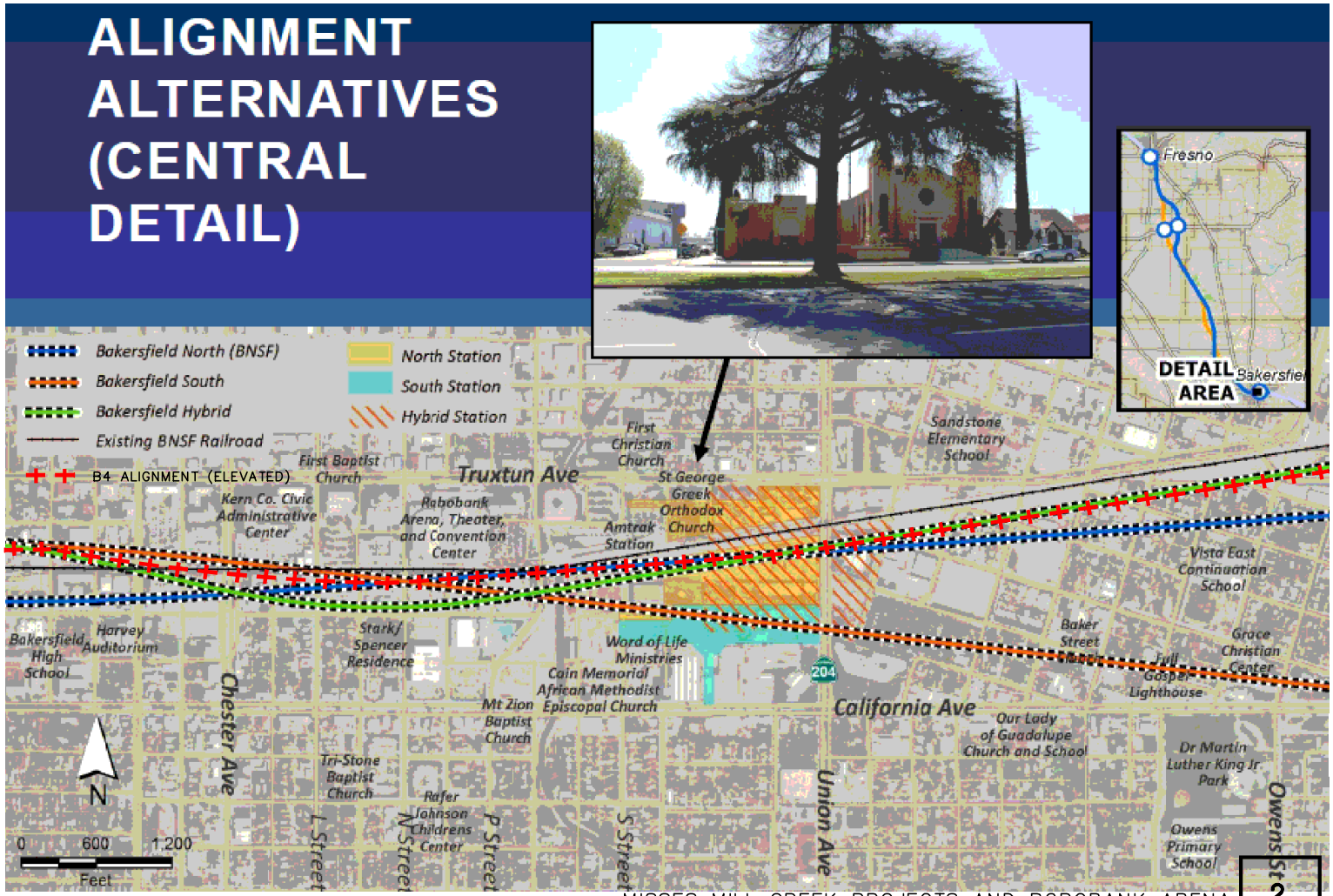
United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry, Sprinkler Fitters, Local 483

International Brotherhood of Teamsters, Local 853

Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

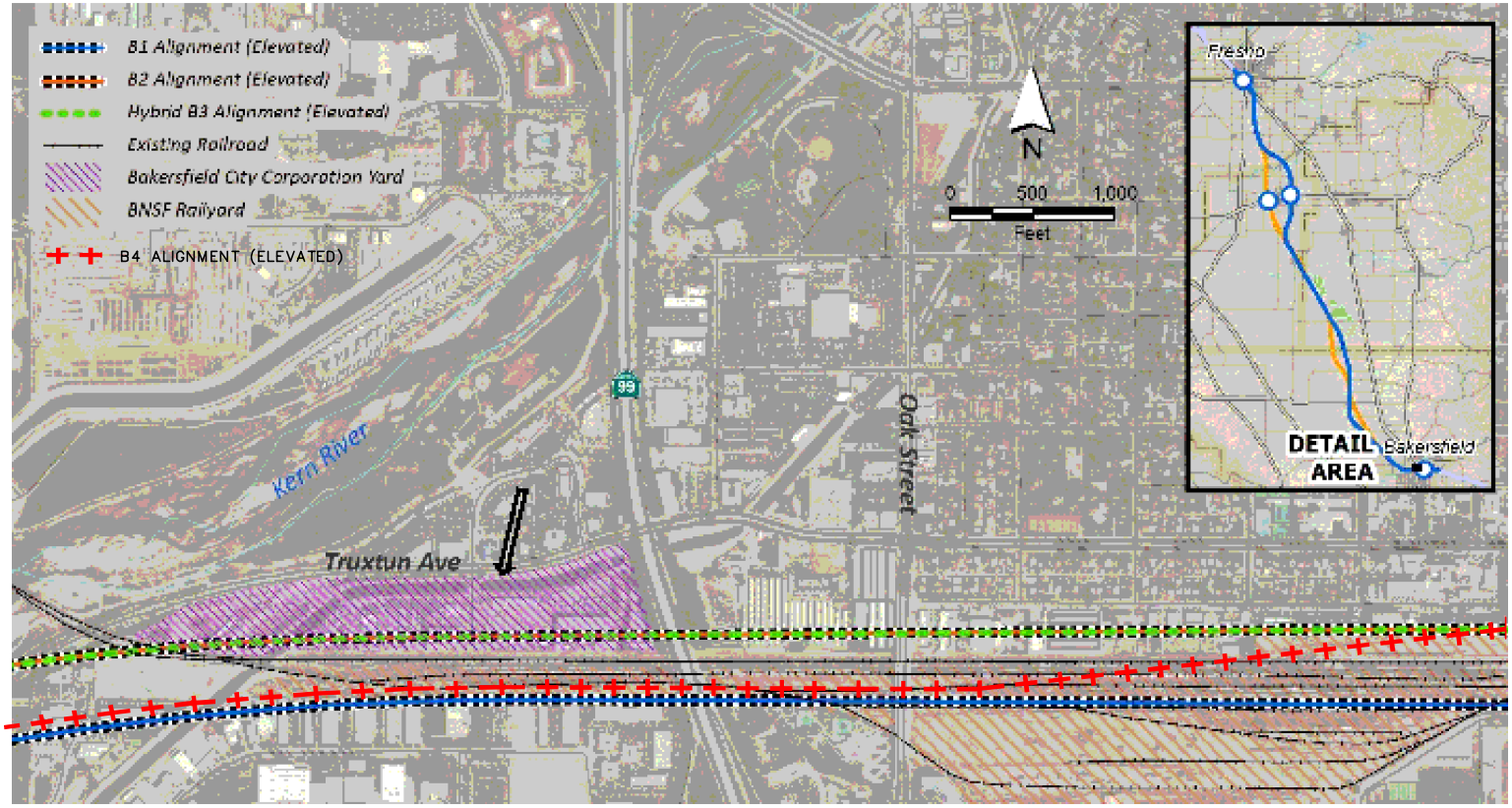


Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued



Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

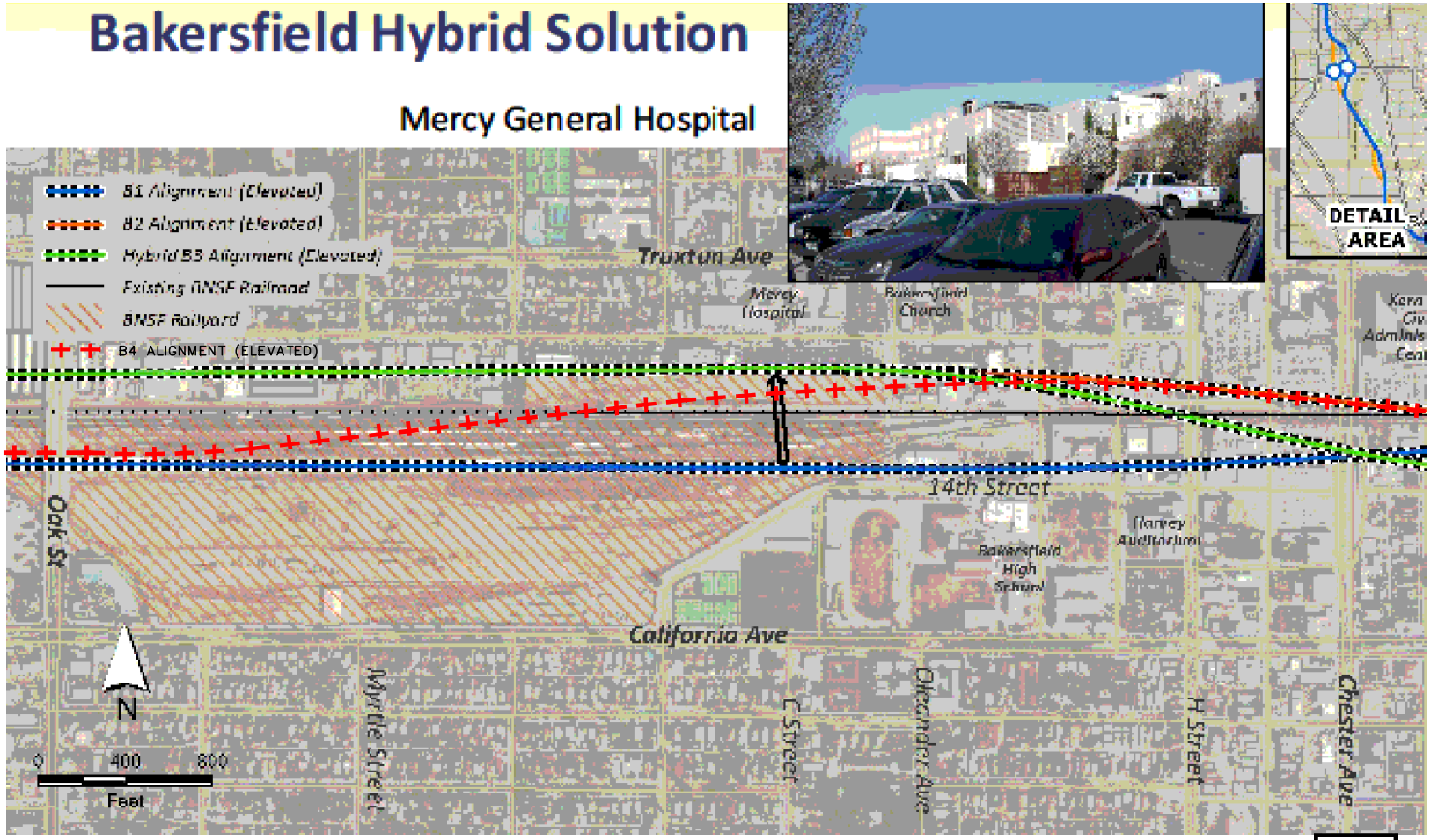
Bakersfield Hybrid Solution



B4 ALIGNMENT & STATION OVERLAY BY DBA/AIA CHARRETTE
MISSES BAKERSFIELD CITY CORPORATION YARD

3
3 of 4

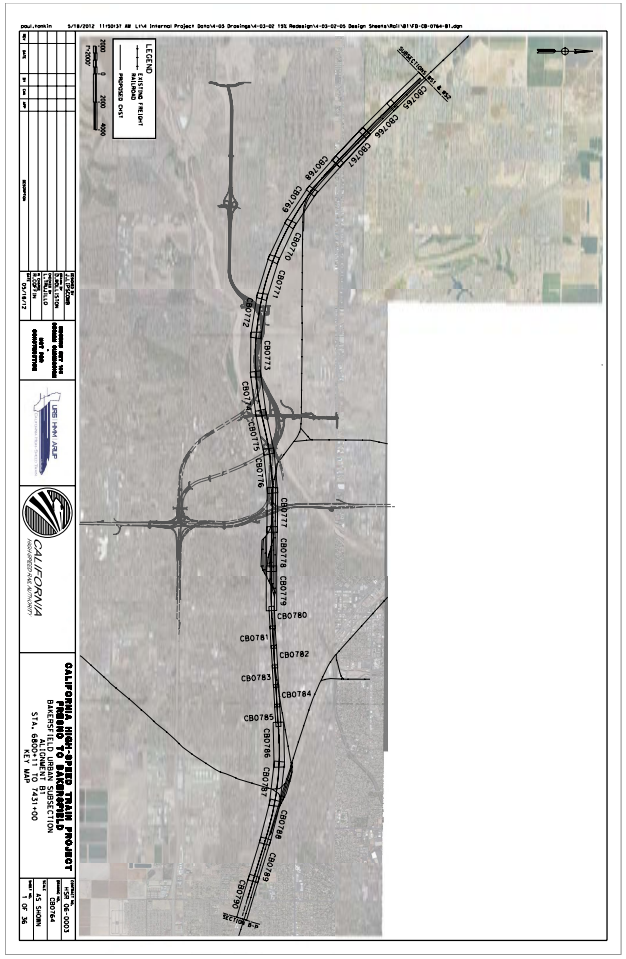
Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

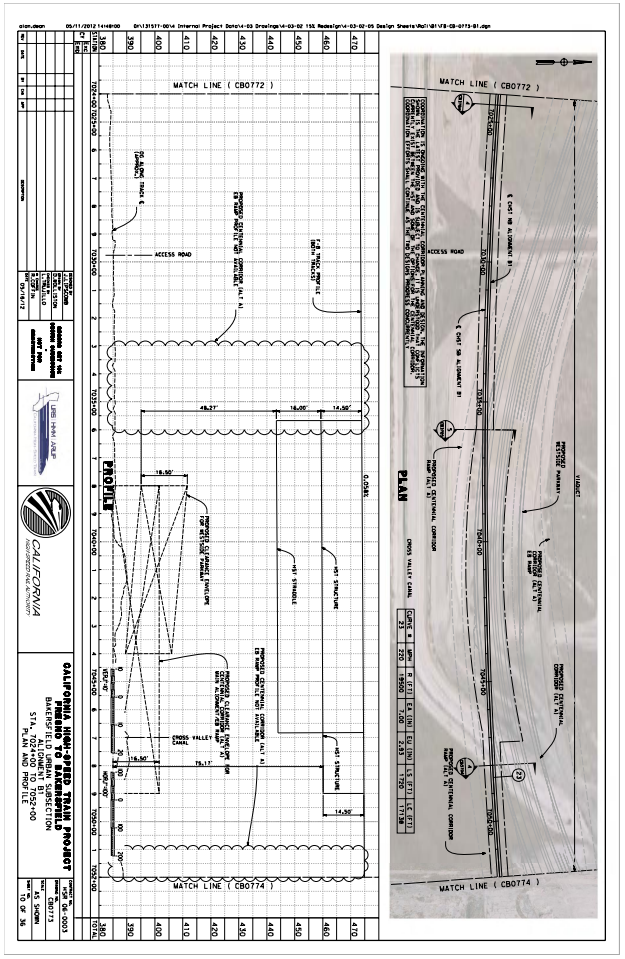


B4 ALIGNMENT & STATION OVERLAY BY DBA/AIA CHARRETTE
MISSES BAKERFIELD HIGH SCHOOL
MISSES MERCY HOSPITAL DOCTOR'S PLAZA

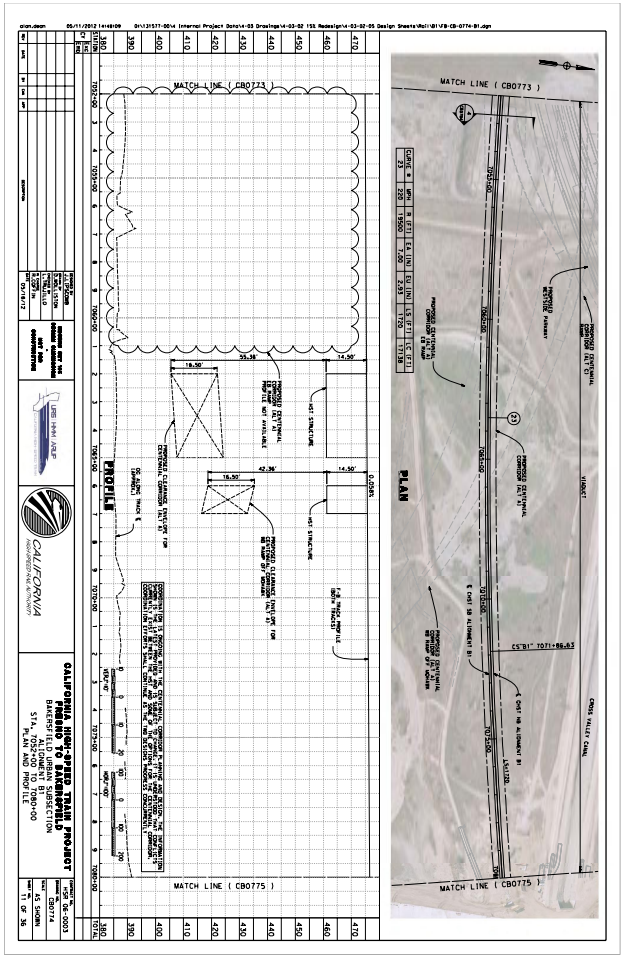
4
4 of 4

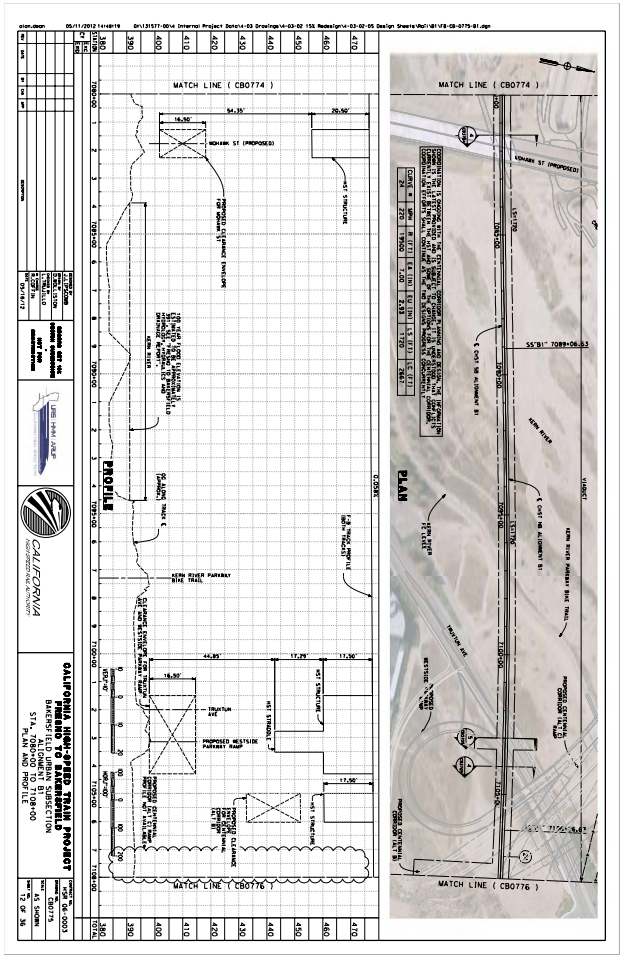
Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued



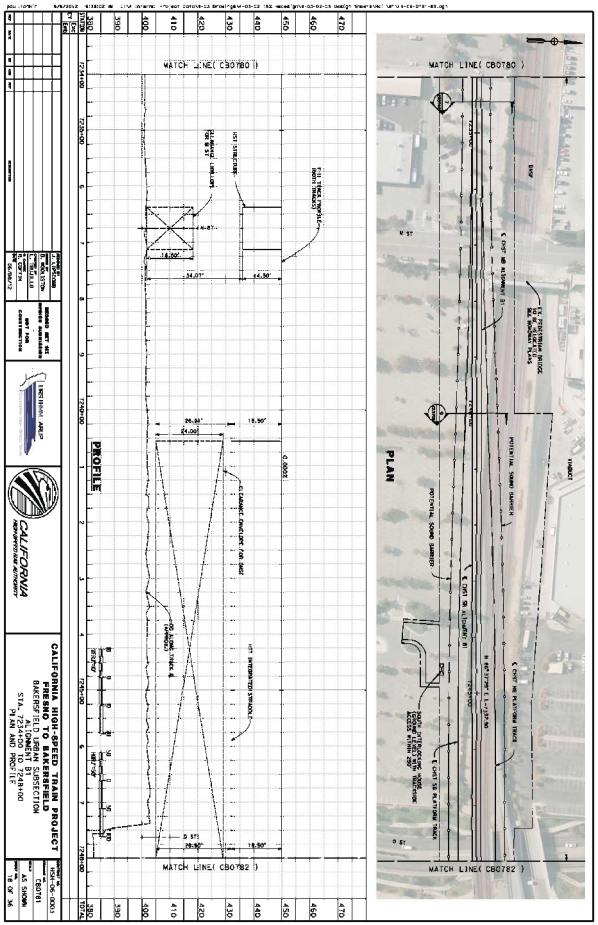


Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued





Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued



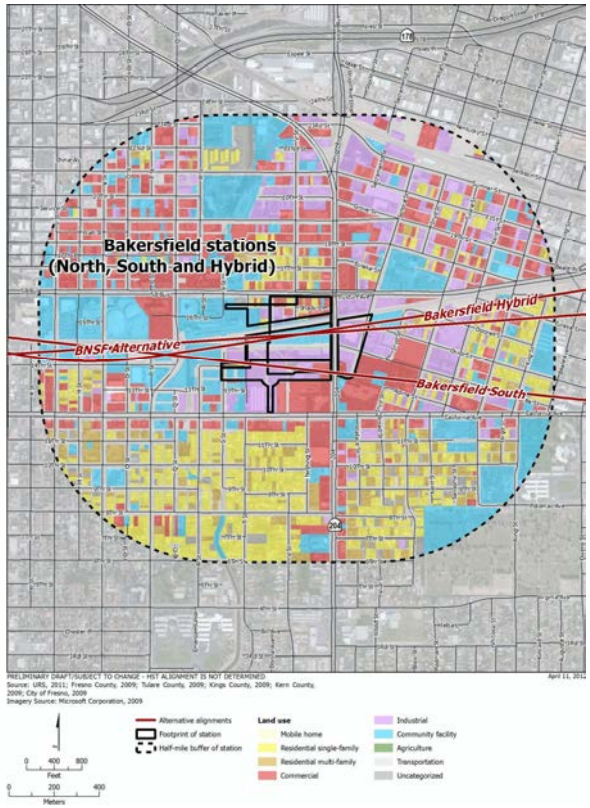


Figure 3.13-7
Existing land use—Bakersfield stations

Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

EE&K a Perkins Eastman Company

FYI

- 中文
- English

- Home
- About Us
- Portfolio
- News / Views
- Contact Us

EE&K a Perkins Eastman Company > Portfolio > Transportation & Infrastructure > Gateway Center

Gateway Center

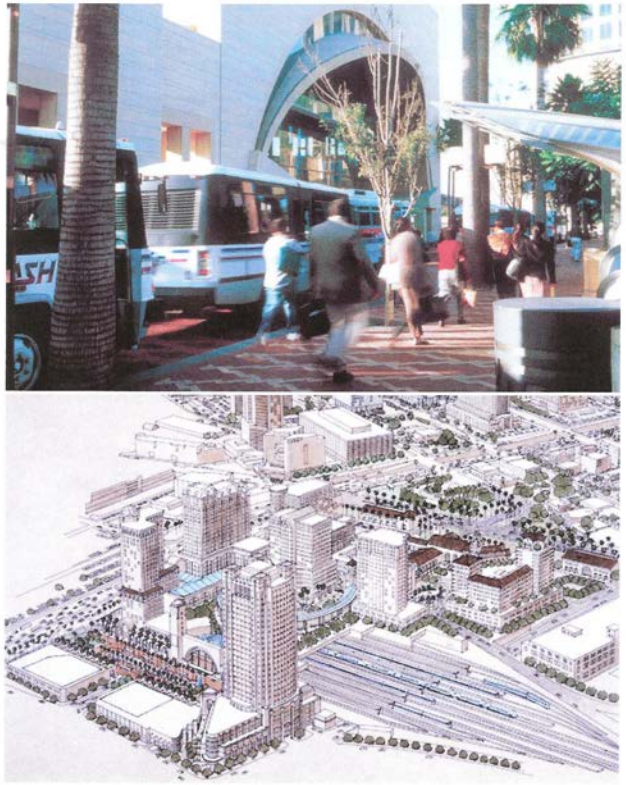
Los Angeles, CA

Gateway Center, the country's largest intermodal transportation facility, is the centerpiece of a pedestrian-focused downtown revitalization plan. EE&K's master plan for the 75-acre Alameda District centers on a site adjacent to Los Angeles' landmarked Spanish-style 1930s Union Station. The Gateway Intermodal Transit Center links nearly every means of ground transportation including buses, subways, Amtrak, light rail, and the Metrolink commuter line, together with a 3,000-car park-and-ride facility—returning this neglected location to its origins as the grand portal to Los Angeles.

Convenience and access were paramount, but was the desire to create a first-class environment and a compelling hub for the district. The plan responded with a design that recalls the civic architecture of the world's great railway stations. The East Portal—the physical gateway—features a monumental stone archway through which travelers enter the main terminal, whose dome of etched glass and steel soars to a height of 90 feet. The interior is enlivened with brightly-patterned stone paving, murals, and a 7,000-gallon tropical aquarium. More than a terminal, this is a space for art, live music performance, and refreshment.

For more on Gateway Center, click here.

http://www.eekarchitects.com/portfolio/9-transportation-infrastructure/53-gateway-center 10/12/2012

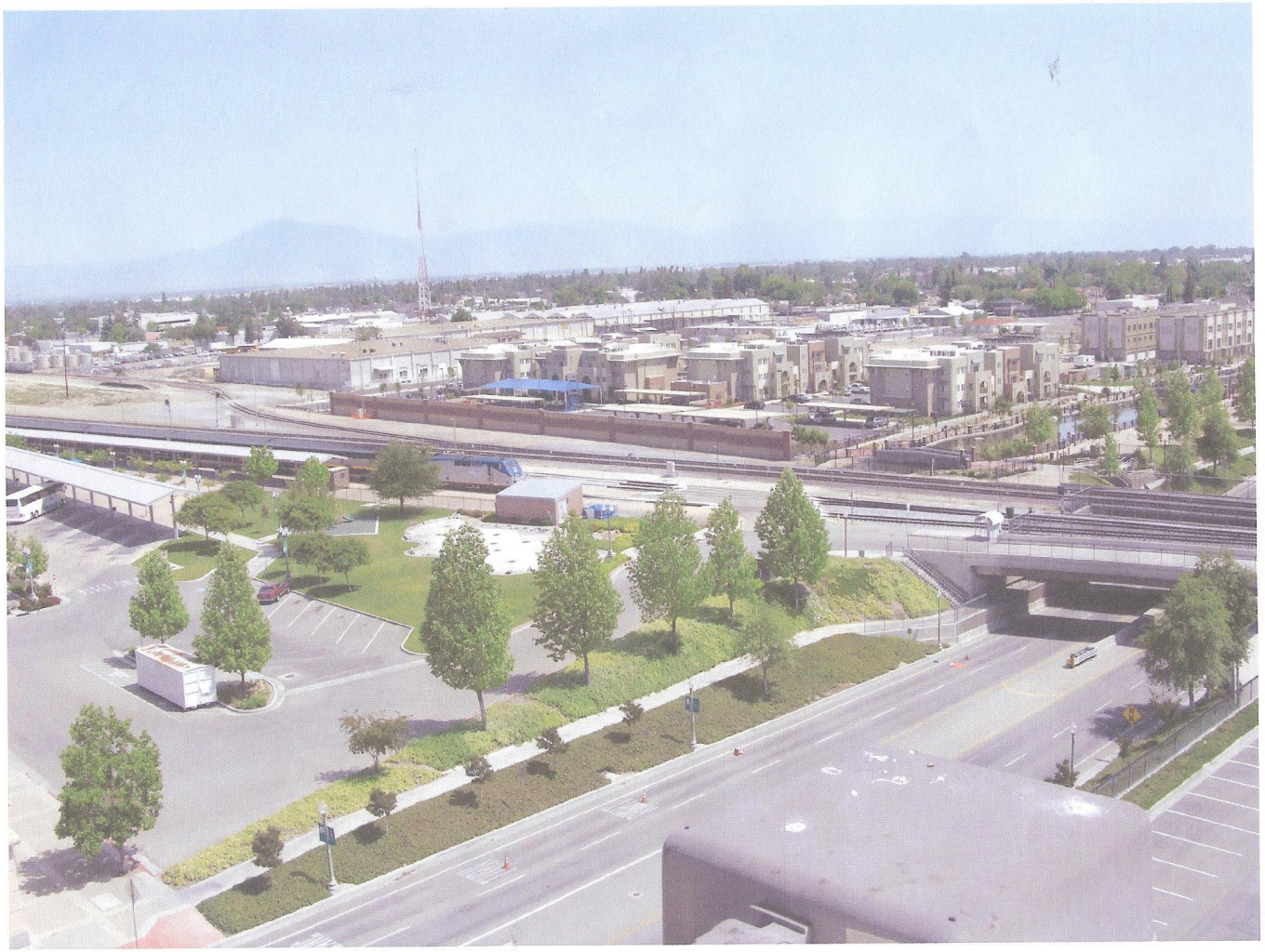


FYI

http://www.eekarchitects.com/portfolio/9-transportation-infrastructure/53-gateway-center 10/12/2012

Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued



Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

Response to Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012)

BO008-1

The "B4" alignment suggested in this comment has been assessed against the Authority's criteria for alignment design as specified in Technical Memorandum (TM) 0.1 and TM 2.1.2. It appears possible for high-speed trains to negotiate the proposed alignment at 150 miles per hour. The alignment potentially could avoid the City Corporation Yard, Mercy Hospital, Bakersfield High School, and the properties along California Avenue. However, it likely would not be possible to avoid the newly built South Mill Creek Project. Although it might be feasible to avoid demolition of the residential blocks, the alignment will pass through the parking lot on the northern side of the development.

Unfortunately, the proposed B4 alignment is not practicable from a logistics and constructability standpoint. It crosses multiple tracks of the BNSF rail yard at a very shallow skew angle. The skew would require a wide and elongated footprint for the HST structure, which in turn would determine the size of framing supports. Typically, the HST elevated structure would be supported on columns directly under the center of the HST tracks; the column foundations would be larger than those for comparable highway structures due to deflection considerations. It would not be possible to place columns between tracks in the BNSF yard or between the main line tracks that currently are used by both BNSF and Amtrak. In these situations, typically either long longitudinal spans would support the HSR tracks above the BNSF tracks, or frames with columns either side of the BNSF tracks, spanning laterally, would be used. The total length of the elevated structure spanning the BNSF yard longitudinally would be on the order of 0.5 mile. Spanning laterally with a series of frames to support the HSR tracks would require multiple transverse spans on the order of 300 feet long at intervals of 120 feet, and each would be on the order of 30 feet deep. The foundations would be immense, and would extend outside the limits of the above-ground structure. Given the size of the proposed structural members, it would not be possible to cast these at a remote location and then transport them to the site. Therefore, these structural components would have to be cast in place, which would require substantial temporary works and the closure of a number of the BNSF yard tracks and the main line tracks from construction mobilization until the structures are completed. It is unlikely that BNSF and Amtrak would be prepared to tolerate the inevitable disruption to their normal services.

The proposed B4 station is located on a curve and therefore would not meet the HST

BO008-1

design criteria. B4 enters the station from the west following the Bakersfield North Alternative and exits following the Bakersfield South Alternative. This curve would preclude siting the station at the location shown. The station would have to be relocated to the east approximately 0.5 mile to allow the platforms and turnouts to be located on tangent track. Such a station location would have a significant separation from the existing Amtrak station, which would not meet the requirements of the station location.

Therefore, although the proposed alignment avoids many of the sensitive sites identified by the Bakersfield Downtown Business Association, the infrastructure required for that alignment would be extremely difficult to construct, more costly than the alternatives proposed in the EIR/EIS, and would likely not be acceptable to BNSF and Amtrak. With the feasibility issues and constraints identified, the proposed alignment would not be considered a viable alternative.

BO008-2

The "B4" alignment suggested in this comment has been assessed against the Authority's criteria for alignment design as specified in Technical Memorandum (TM) 0.1 and TM 2.1.2. It appears possible for high-speed trains to negotiate the proposed alignment at 150 mph. The alignment potentially could avoid the City Corporation Yard, Mercy Hospital, Bakersfield High School, and the properties along California Avenue. However, it likely would not be possible to avoid the newly built South Mill Creek Project. Although it might be feasible to avoid demolition of the residential blocks, the alignment will pass through the parking lot on the northern side of the development.

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Response to Submission BO008 (Dave Cross, Bakersfield Downtown Business Association, American Institute of Architects, et al, October 19, 2012) - Continued

BO008-2

side of the BNSF tracks, spanning laterally, would be used. The total length of the elevated structure spanning the BNSF yard longitudinally would be on the order of 0.5 mile. Spanning laterally with a series of frames to support the HSR tracks would require multiple transverse spans on the order of 300 feet long at intervals of 120 feet, and each would be on the order of 30 feet deep. The foundations would be immense, and would extend outside the limits of the above-ground structure. Given the size of the proposed structural members, it would not be possible to cast these at a remote location and then transport them to site. Therefore, these structural components would have to be cast in place, which would require substantial temporary works and the closure of a number of the BNSF yard tracks and the main line tracks from construction mobilization until the structures are completed. It is unlikely that BNSF and Amtrak would be prepared to tolerate the inevitable disruption to their normal services.

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BO008-3

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

BO008-4

The Authority has an established grant program for station area planning. The application package for station area planning funds was released in the summer of 2011

BO008-4

and is available as Application Package for Station Area Planning Funds (Authority 2011j; available at the Authority's website). This document was created to assist local agencies with submitting an application for funding a station area planning effort; such areas focus on the areas around the anticipated high-speed rail station within selected jurisdictions. Funding is available from the American Recovery and Reinvestment Act of 2009 (ARRA) and from the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (Prop. 1A). The Authority is responsible for the ARRA funding as well as the Prop. 1A funding.

The Authority's Urban Design Guidelines (Authority 2011i; available on the Authority's website) provide a comprehensive basis for station area planning that takes into account context-sensitive solutions, connections between stations and their surroundings, pedestrian and bicycle access, aesthetics, infill development, outdoor spaces and entries, and parking area design. These guidelines are required to be used as part of the station area planning grants.

BO008-5

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

The Authority used the information in the Revised DEIR/Supplemental DEIS and input from agencies and the public to identify the Preferred Alternative. The decision included consideration of the project purpose and need and the project objectives presented in Chapter 1, Project Purpose and Need, as well as the objectives and criteria in the alternatives analysis and the comparative potential for environmental impacts. The Preferred Alternative balances overall impact on the environment and local communities, cost, and constructability constraints. For more detail please refer to Chapter 7, Preferred Alternative, in this Final EIR/EIS.

Submission BO009 (Louis Gill, Bakersfield Homeless Center and Alliance Against Family Violence and Sexual Assault, October 19, 2012)

BAKERSFIELD HOMELESS CENTER
A WAY UP

BAKERSFIELD HOMELESS CENTER

1600 East Truxtun Avenue
Bakersfield, CA 93305
Admin. (661) 322-9199
Fax: (661) 322-9203
E-mail: cwooton@bakhc.com
www.bakhc.com

October 12, 2012

Mr. Mark McLoughlin
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Dear Sir:

This comment focuses specifically on the B3 Alignment proposal for the California High Speed Rail through Bakersfield, California, that proposes an elevated train platform that travels directly over the center of the Bakersfield Homeless Center campus.

The Bakersfield Homeless Center is stationed on a 86,683.78 sf adjoining lots on the eastern part of the City of Bakersfield and features 9 buildings totaling approximately 30,098 sf of improved buildings. The facility operates year round 24/7 providing crisis and stabilization for women and children who are experiencing homelessness. The services provided by the Bakersfield Homeless Center include emergency shelter for homeless women and children are extensive and range from immediate stabilization for individuals in crisis, to job development, housing, and aftercare services to assist families as they transition back into stable housing.

While services are mainly provided for residents of the Bakersfield Homeless Center, many services are also provided for the homeless community at large. In the past year, the Bakersfield Homeless Center provided emergency, crisis and prevention services to more than 4,200 homeless individuals. Due to changes in the economy, the Bakersfield Homeless Center has experienced significant increases in demand for services. In the past year services were provided to 18% more adults, 34% more families, and 28% more children. In 2011 Bakersfield Homeless Center provided shelter to over 1,000 individuals; half were children.

BO009-1 The Bakersfield Homeless is a key component to the effectiveness of the Safety Net in Kern County. If the services at the Bakersfield Homeless Center were no longer available, there would be a tremendous increase in the stress placed upon a safety net that is already experiencing challenges in meeting the demands of the homeless population in the community. The Bakersfield Homeless Center is the only homeless shelter in Kern County that provides homeless services to families with small children, and single fathers. The closest facilities that provide comparable services to this population are in Lancaster and Fresno; both facilities continually operate at or near capacity and often refer their own population to the Bakersfield Homeless Center. It is also important to note that at this time there is no shelter who can offer services to single fathers in the entire San Joaquin Valley except the Bakersfield Homeless Shelter, thus there exists no other plausible alternative for a growing segment of the homeless population.

BO009-1 Homeless children are also at greater risk for entering the Child Protection Services system when parents are unable to have a safe place to house their children; currently the shelter services at Bakersfield Homeless Center are a key component of preventing this from happening. Bakersfield Homeless Center also offers one of the two licensed childcare centers in the entire state of California, removing this valuable resource may prevent homeless mothers and fathers from having a safe, nurturing place for their children to learn while they work or attend school.

BO009-2 Alignment B3 travels through the center of the Bakersfield Homeless Center campus, destroying almost every building. If this alignment is chosen it will be necessary for the High Speed Rail Authority to provide the Bakersfield Homeless Center with an entirely new site in an acceptable location. The alignment shows the train traveling through the facility on a raised platform which will make the facility uninhabitable as a homeless center both during construction and post-construction. It would not be a feasible option to construct new or replacement buildings since the Bakersfield Homeless Center has already utilized all of its existing space. The construction of the B3 Alignment would also create major safety issues and concerns during the construction of the platform (and afterwards as well) since the site would encompass many of the walkways utilized by families and staff as they move from building to building. In short, there would be no possible way for the Bakersfield Homeless Center to conduct business and provide these critical services in the manner it currently does.

BO009-3 The Bakersfield Homeless Center would also like to stress to the Authority the importance of providing an alternative location the Bakersfield Homeless Center upon adoption of the B3 alignment. The Bakersfield Homeless Center was originally constructed in over 35 years ago. Since the original construction date, the facility has been repeatedly expanded to the point where, today, the facility must be expanded once again to meet increased service needs. Also, as a result of increased service needs, the existing facility is in immediate need of repair and maintenance. It will not be possible to acquire the funds from donors and grants necessary to expand the facility or to make the necessary repairs if the B3 alignment is adopted. Further, since the construction on the platform would necessitate closure of the Center, the Bakersfield Homeless Center requires the transition to the new site be seamless with zero interruption in services to our population, any kind of disruption would create stress on families already in crisis, but also increased pressure for an already stressed safety net. It would not be acceptable for our facility to be closed for a single day; children should not be made to sleep outside or in vehicles.

For any questions regarding this comment, please contact me at 661-322-9199. Thank you for your consideration in this matter.

Sincerely,

Louis Gill
Chief Executive Officer
Bakersfield Homeless Center

Response to Submission BO009 (Louis Gill, Bakersfield Homeless Center and Alliance Against Family Violence and Sexual Assault, October 19, 2012)

BO009-1

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

The Authority understands the concern and importance of the services provided by the Bakersfield Homeless Shelter and has evaluated impacts and developed mitigation for this site. EIR/EIS Volume 1 Section 3.12, SO #6 documents the impact/potential displacement of the Bakersfield Homeless Shelter and SO-MM#3 describes measures planned to reduce the impacts.

BO009-2

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

The Authority understands the concern and importance of the services provided by the Bakersfield Homeless Shelter and has evaluated impacts and developed mitigation for this site. EIR/EIS Volume I Section 3.12, SO #6 documents the impact/potential displacement of the Bakersfield Homeless Shelter and SO-MM#3 describes measures planned to reduce the impacts.

BO009-3

The Authority understands the concern and importance of the services provided by the Bakersfield Homeless Shelter and has evaluated impacts and developed mitigation for this site. EIR/EIS Volume 1 Section 3.12, SO #6 documents the impact/potential displacement of the Bakersfield Homeless Shelter, and SO-MM#3 describes measures planned to reduce the impacts.

Submission BO010 (Roger Hewett, Blair Air Services, Inc., October 18, 2012)

BLAIR AIR SERVICE, INC.
19101 KENT AVE.
LEMOORE, CA 93245
(559) 924-1276
(559) 924-7139 FAX

October 15, 2012

California High Speed Rail (HSR) Authority
Fresno to Bakersfield EIR/EIS
770 L Street, Suite 800
Sacramento, CA 95318

Subject: HSR Impacts to Aerial Applicators and Agriculture

To Whom It May Concern:

Blair Air, Ground and Helicopter Services is writing to comment on the California High Speed Rail Project Draft Environmental Impact Report / Environment Impact Statement (Draft EIR/EIS) for the Fresno to Bakersfield section. Blair Air, Ground and Helicopter has been providing aerial application services agricultural community in the Central Valley for over sixty years. Our long history here gives us an intimate knowledge of the crops, cropping patterns and cultural practices unique to the Valley. Reviewing the Draft EIR/EIS, we find significant misrepresentations of fact and the lack of identification of potential environmental and economic impacts to the agricultural community and ultimately the Central Valley economy.

BO010-1

The Draft EIR/EIS discusses aerial application of pesticides on page 3.14-56 under Impact AG #11 – Effects on Aerial Spraying. The entire discussion focuses on the potential aviation restrictions for flying in or around structures that would be erected by the project. While the Federal Aviation Administration regulates aerial maneuvering that is required to make safe and effective aerial applications, the Draft EIR/EIS fails to address how this project would restrict the aerial application of seed, fertilizers and other crop inputs during construction and once the rail becomes operational.

Aerial application uses highly skilled professionals and specialized technology to safely and efficiently assist California's agricultural community increase crop yields and minimize disease or pest pressure. Growers use aerial application to quickly make seed and fertilizer applications prior to rain events and to knock down pest populations with precision timing. Given the growing concern to dangers associated with the use of agricultural chemicals, we have adopted strict policies for application of materials where no human activity takes place. With the introduction of human activity and potential migration of materials, our company will be forced to restrict the use aerial application near the high-speed rail alignment. Ultimately, this will restrict the grower's ability to maximize yields and will likely lead to changes in cropping patterns and/or elimination of marginal crops as growers will not risk the capital investment, if they can protect this from pest infestation.

BO010-1

BO010-2

During construction, the Draft EIR/EIS indicates that groups of workers will be working on the alignment, which stretches several hundred miles through Fresno, Kings, Tulare and Kern County. California Code of Regulations restricts applications when "there is the reasonable possibility of contamination to clothing of individuals not involved in the application process." Considering this, construction of the High Speed Rail will restrict pesticide applications near the construction process. Meteorological conditions will determine the proximity of the restrictions and it is important to note that this is not just a restriction specific to aerial application, but to all application methods. The inability to apply agricultural chemicals will cause significant economic and social constraints to growers and the associated communities located along the high-speed rail alignment.

During the operation of the high-speed rail service, it is projected that a train will be as frequent as every 6 minutes in either direction. Our current operation policy near the BNSF freight trains is to fly in a holding pattern until the freight train has passed and then to resume aerial applications. With the operation of a high-speed train traversing the alignment every 6 minutes, our planes cannot and will not be able to fly holding patterns due to the frequency and human activity. Again, the application of pesticides near human activity is restricted by regulation. Additionally, as we travel at speeds around 150 mph and the train travels at 220 mph it is extremely likely that the train could overcome an ag plane during a nearby pass, creating an additional hazard for our pilots making aerial applications nearby. The other issue associated with the train is the potential for winds created by the high-speed rail system. Currently, along roads and the BNSF tracks the carrying winds may be fairly weak as these train travel at 45-65 mph versus the projected 220 mph for the HSR. We note that the HSR Authority has drafted a white paper "Induced Wind Impacts" but we do not believe that the analysis is comparable as it relies on British studies on human impacts not spray droplet movement. The construction and operation of HSR will have a significant impact on agricultural practices and thereby the agricultural economy due to the restrictions it will place on cultural practices and likely removal of agricultural production from lands along the route.

The Draft EIR/EIS makes a feeble attempt to address the impacts associated with Part 137 flight patterns/restrictions and fails to fully identify and address restrictions it will place on the production of agricultural products, ultimately the economy of the Central Valley. We call for the Draft EIR/EIS to completely and accurately evaluate the true restrictions and implications that the construction and operation of HSR will have on agricultural production in the Central Valley. This is vital not only for the health of the local economy that leans heavily on Agriculture but for the entire California economy which is supported by California Agriculture.

Sincerely,

Roger Hewett
President
Blair Air, Ground and Helicopter Services

Response to Submission BO010 (Roger Hewett, Blair Air Services, Inc., October 18, 2012)

BO010-1

The Authority formed an agricultural working group to assist the Authority on agricultural issues. The working group is composed of university, government agencies, and agribusiness representatives. The group completed a white paper on pesticide use impacts in 2012 (this paper is on the Authority's website). That white paper reports the following:

At the present time there are numerous railways that traverse the San Joaquin Valley. Additionally, the Valley has established interstate and state freeways, highways, and local roadways, which include their respective rights-of-way, and all are considered "transportation corridors." Transportation corridors are recognized as part of the overall environment of the Valley. Regulations already exist relating to pesticide use in or near transportation corridors.

A new railway represents either a new impediment (where none previously existed) to customary agricultural practices or is an augmentation to an already existing transportation corridor footprint. Parcels where the new railway is proposed to be constructed, adjacent and parallel to an established transportation corridor, create a wider footprint to an existing corridor that is already subject to the protections prescribed in current pesticide use regulations. Growers adjacent to a widened transportation corridor will be managing their pesticide applications with the same use restrictions that were previously implemented due to their proximity to an existing corridor.

Growers in the path of the railway where the route leaves an established transportation corridor and creates a new corridor across their farmland will be subject to the implementation of existing regulatory restrictions, depending on the conditions and circumstances of the type of pesticide being used. All that would be new to the grower would be the enforcement of existing regulations for conditions that did not exist prior to the construction of the route through their property.

Choices of crops or livestock to produce would be influenced more by forces outside of a high-speed train than the train itself. Similarly, the choice of what pesticide to use for any particular need should not be influenced by a high-speed train any more than already exists for any other transportation corridor in the locality. The expectation of pesticide regulators would be that any pesticide application would be made in

BO010-1

compliance with all applicable laws, regulations, and conditions.

As to the issue of buffers adjacent to the HST alignment, their utilization will only be required where such a safety protocol is called for when making an application adjacent to a transportation corridor. There are no buffer zones specifically addressing passenger trains; therefore, a passenger train traveling at a high rate of speed does not create a need for a buffer zone different from those already established.

There are several options available to farmers, so they may not have new spraying restrictions placed on them by their Agricultural Commissioner. For example, the farmer could change the pesticides they are proposing to use to ones that have fewer restrictions; they could also plant a different variety of crops adjacent to the HST, ones that do not require the application of pesticides with spraying restrictions.

The Authority recognizes that possible changes to current spraying practice from the HST may reduce the productivity of a farmer’s remaining property. Those possible impacts would be taken into account by the
appraiser at the time of right-of-way acquisition, and any diminution in value to a property owner’s remaining parcel(s) will be estimated by the appraiser through the appraisal process. This involves appraising the remainder as it contributes to the whole property value before acquisition, then appraising the remainder in the after condition as a separate parcel as though the project was constructed, and including any estimated damages to remainder, such as the cost of re-establishing irrigation systems, replacing wells, providing setbacks for aerial spraying, etc. The difference between these “before” and “after” values is termed as severance damages and will reflect any loss in value of the remainder. However, this will not cause a loss of agricultural land due to the construction in the manner proposed.

BO010-2

The Fresno to Bakersfield Section is 114 miles long, and construction would not occur along its entire length at the same time. Construction would occur throughout the year while aerial spraying is typically concentrated during the growing season. Therefore, there will be many locations where spraying will take place where there are no project construction crews on the ground. Where construction and an adjacent landowner's

Response to Submission BO010 (Roger Hewett, Blair Air Services, Inc., October 18, 2012) - Continued

BO010-2

plans for aerial spraying overlap, it is expected that the landowner and construction contractor can typically coordinate their schedules so both activities can be accommodated.

As indicated in the response to FB2-668-1661, the HST would be treated as a transportation corridor for purposes of pesticide application. Such corridors are common throughout the Valley, and aerial spraying takes place adjacent to those corridors on a regular basis.

There is a graph of induced airflow as a function of distance from the train in the referenced white paper (i.e., "Induced Wind Impacts"), which is available on the Authority's website. As noted on that graph, at 10 feet from the site of the train, wind speed is estimated to be 11.2 miles per hour, which is within 5 to 10% of the predicted wind speed in the British study referenced in this comment. These speeds are comparable to daily average wind speeds from both the Merced to Fresno airport reporting stations. In other words, the wind speed generated by passage of a HST train is not greater than existing average wind speeds. The HST right-of-way when at-grade is nominally 100 to 120 feet wide, with the two tracks centered and 16.5 feet apart. The distance of 10 feet falls well within the HST right-of-way. Therefore, the HST should not significantly influence spray droplet dispersion.

Submission BO011 (RJ Cervantes, California Trucking Association, October 17, 2012)

October 17, 2012

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

To Whom It May Concern:

On behalf of the members of the California Trucking Association (CTA) thank you for allowing us to submit formal comments in response to the Revised Draft EIR/EIS for the Fresno to Bakersfield segment of the California High Speed Rail Project. CTA is a non-profit trade organization representing over 2,500 individual trucking companies and suppliers. Members of our association range from single truck owner-operators to large Fortune 500 companies, and we are the largest state trucking organization in the country.

BO011-1 Within the boundaries of the Fresno to Bakersfield segment, a substantial amount of our membership is either headquarted in the local area or has terminal operations for regional freight activity. Our Valley based members will stand to benefit from a number of the roadway improvements that are included in the alternatives outlined in the draft EIR/EIS. Of particular note are the crossings that will be developed in the rural sections of the segment where trucks are used to access agricultural activities.

BO011-2 However, as we note in our formal comments, our membership has concerns regarding the construction schedule that will be needed to complete the roadways crossings in these respective areas. Nevertheless, if the High Speed Rail Authority actively works with their agency partners to communicate with private industry about mitigating the impacts of the needed construction, CTA is confident that this endeavor could be successful.

On a statewide basis, our members haul close to 85 percent of all freight tonnage traveling in California. In order to move this freight tonnage, our members depend on a safe, reliable, and efficient roadway system. Clearly, our membership has a substantial interest in projects that reduce roadway congestion from single passenger vehicles. Looking ahead toward the 2035 planning timeframe, the need for increased goods movement efficiency on our roadways is magnified even more when considering the growth projected in overall traffic levels.

BO011-3 Although the Fresno to Bakersfield segment has much to be commended on, CTA still has significant concerns on the funding plans outlined to date by the California High Speed Rail Authority. In particular, we are concerned about the use of revenues generated by weight fees collected from commercial motor vehicles to pay for the debt servicing of Proposition 1A bonds. As such, CTA looks forward to working with other transportation stakeholders to find ways to sustainably fund our existing roadway system.

However, for the purposes of the Draft EIR/EIS in question, it is our hope that you find the following comments helpful in your planning efforts. Please do not hesitate to contact us with any questions regarding the commercial trucking industry's input on this project.

Sincerely,

RJ Cervantes
Highway Policy Manager
California Trucking Association

California Trucking Association (CTA)
California High Speed Rail Authority (Authority)
Fresno to Bakersfield Revised Draft EIR/EIS Comments

Roadway Crossings

BO011-4
- The California Trucking Association (CTA) is supportive of the proposed rural roadway crossing construction outlined for all of the alternatives under consideration in Fresno, Kings, Tulare, and Kern Counties (Appendix 2-A). These enhanced over/under crossings will enhance goods movement particularly in the agricultural sector which depends heavily on rural roads in order to access points of harvesting.

BO011-5
- The crossings will also be an upgrade from a safety standpoint when one considers the fact that most existing rail crossings in the valley are "at-grade". CTA encourages that these crossings be made consistent with Caltrans' construction standards that are capable of accommodating typical truck size and weight dimensions as well as permitted extra legal loads.

Roadway Crossing Construction Schedule

BO011-6
- Although CTA is supportive of the construction of upgraded roadway crossings, we urge the Authority to develop a comprehensive plan to phase-in their construction as to not impede goods movement. If the Authority and its planners were to construct the large overcrossings outlined in the Draft EIR/EIS all at the same time motor carriers, their customers, and California consumers will suffer. This is a vital need that cannot be overemphasized, particularly for motor carriers that haul agricultural products.

BO011-7
- CTA urges the Authority to work with both private and public sector partners to develop a responsible mitigation plan. In advance of any construction, a comprehensive communication and outreach strategy would be needed to communicate temporary closure plans to motor carriers.

BO011-8
- The Authority should build off of Caltrans' construction notification template by notifying motor carriers in advance of any construction utilizing all mediums of communication including email, social media, and media advisories.

BO011-9
- In addition, the Authority working with both public and private sector partners, should consider future outreach meetings and town halls in order to notify the motor carrier industry of its plans. CTA stands ready to assist the authority in these outreach strategies.

Impact TR #7 Severely Flawed

BO011-10
- In the Draft EIR/EIS' review of construction period impacts the Authority cites a statistic that "Traffic volumes on local roads are generally less than 500 vehicles per day" (Transportation 3.2-69). This statistic is greatly flawed when one considers that rural road use can vary greatly depending on the agricultural schedule of the various crops grown in the Valley.

Submission BO011 (RJ Cervantes, California Trucking Association, October 17, 2012) - Continued

BO011-11
- On some rural roads during peak harvesting season, trucks alone can make thousands of trips to reach points close to production.

BO011-12
- The Authority should consider alternative means to study and review rural road usage to come up with a more comprehensive figure that takes into consideration these agriculturally based realities. At a minimum, the Final EIR should acknowledge that not all rural roads are consistent with the 500 vehicle per day statistic.

Impact TR #10 Requires Trucking Perspective

BO011-13
- In its review of "Impacts on Regional Transportation System" (Transportation 3.2-70 to 3.2-72), the Authority has failed to study or mention the impacts of this High Speed Rail segment on the freight transportation activity conducted by commercial trucking industry. Other modes of freight transportation have been reviewed and studied for the purposes of this exercise.

BO011-14
- CTA recommends that the Authority study the impacts of the Fresno to Bakersfield segment of the High Speed Rail Project on the commercial trucking industry and add a summary of the identified impacts in the Final EIR/EIS.

BO011-15
- CTA highly recommends that in advance of the Final EIR/EIS, the Authority further study the impacts on truck access in the area bounded on the west by State Rotes 99 and 41, to the north by E. Ventura Avenue, to the east by S. Cedar Avenue, and to the south by E. Central Avenue. This quadrant represents one of Fresno's main areas for trucking, warehousing, and distribution activity. Specifically, the Authority should identify alternatives for access into this quadrant for trucks traveling north and south on Highway 99.

Truck Routes

BO011-16
- CTA recommends that the Authority also identify impacts of the project on existing STAA Truck Routes that cross the rail lines in all of the alternatives. These truck toutes are essential to the Valley economy, serving as established routes for interstate trucks that are moving goods in and out of the area.

BO011-17
- Any impacts on these specific routes should be identified as soon as possible and highlighted in future outreach programs (CTA recommendation listed above) that the Authority conducts with the commercial trucking industry.

BO011-18
- CTA recommends that the Authority, in collaboration with local transportation departments, should also identify existing local Truck Access Agreements that are in effect between cities and counties with businesses in the local community. If identified Truck Access Agreements are found to be disrupted due to the construction of the segment, the Authority should work with local transportation departments and law enforcement entities to indentify alternatives for these businesses to receive their deliveries so that commerce can continue to move.

Property Acquisition

BO011-19
- CTA member companies in the Fresno area are amongst the businesses whose properties will need to be acquired for right of way purposes for this segment of the project. CTA strongly urges the Authority to continue outreach programs for these businesses, particularly for businesses located on or near S. Railroad Avenue in Fresno.

Response to Submission BO011 (RJ Cervantes, California Trucking Association, October 17, 2012)

BO011-1

The proposed project would construct numerous road improvements, including grade separations with the existing BNSF Railroad tracks, that would improve traffic circulation.

BO011-2

The Authority will work with the other appropriate agencies to effectively communicate with affected parties to ensure that access to their premises is maintained throughout the construction period.

BO011-3

Legislation enacted in 2011 (AB 105 or Fuel Tax Swap Fix) redirects the Truck Weight Fee revenue from the State Highway Account to the General Fund for payment on current general obligation bond debt service for specified voter-approved transportation bonds (Transportation Funding in California Report, Caltrans: Economic Analysis Branch, 2011). While, the high-speed rail project is not directly funded by the state's general fund (i.e., it is not a line item in the budget), the State's general fund will be tapped to pay back the bonded indebtedness incurred.

In 2008, the California Legislative Analyst's Office estimated the cost of Proposition 1A to be approximately $19.4 billion. This assumed that the bonds would be sold at an average interest rate of 5 percent, and assuming a repayment period of 30 years. This would include the cost of both principal ($9.95 billion) and interest ($9.5 billion). The actual cost of repaying these bonds depends upon the interest rate offered at the time of sale and on the bond's length of maturity.

Legislation enacted in 2011 (Assembly Bill [AB] 105 or Fuel Tax Swap Fix) redirects the Truck Weight Fee revenue from the State Highway Account to the General Fund for payment on current general obligation bond debt service for specified voter-approved transportation bonds (Caltrans 2011). Although the high-speed rail project is not directly funded by the state's General Fund (i.e., it is not a line item in the budget), the State's General Fund will be tapped to pay back the bonded indebtedness incurred.

In 2008, the California Legislative Analyst's Office estimated the cost of Proposition 1A to be approximately $19.4 billion. This cost assumed that the bonds would be sold at an average interest rate of 5% and assumed a repayment period of 30 years. This cost would include the cost of both principal ($9.95 billion) and interest ($9.5 billion). The

BO011-3

actual cost of repaying these bonds depends on the interest rate offered at the time of sale and on the bond's length of maturity.

BO011-4

Your support for the proposed overcrossings and undercrossings is noted.

BO011-5

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

Roadways are designed to standards outlined by the 2012 Caltrans Highway Design Manual (Caltrans 2012a) or the local design standard, whichever is more stringent, including those designated Extralegal Load; ongoing coordination with local agencies will continue through the design and procurement process, as necessary, to address these concerns.

BO011-6

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

A construction management plan would be prepared during final design that outlines transportation detours, plans to accommodate emergency service routes, and outreach activities to manage expectations and traffic constraints, among other items. This type of plan is a standard practice that would incorporate review and comments by affected local agencies.

BO011-7

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

The Authority appreciates the comment and plans a comprehensive public outreach program for informing affected communities, residences, and businesses about construction activities and mitigation as the project progresses.

BO011-8

The Authority appreciates the suggestion and will consider it as the project progresses.

Response to Submission BO011 (RJ Cervantes, California Trucking Association, October 17, 2012) - Continued

BO011-9

The Authority recognizes this additional public outreach opportunity and will consider it for future public engagement.

BO011-10

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

The reference to "local roads" refers to roads that serve generally rural areas that are not heavily traveled on a regular basis. All roads that cross the alignment were evaluated for average daily traffic, and roads that serve high volumes of traffic or are otherwise important routes were considered for overcrossings, whether they were in a "rural" area or not. Roads with volumes under 500 vehicles per day were considered for closure because the vehicles could use other crossings on alternative detour routes that would add 1 mile or less in out-of-direction travel or less to a trip. This change would be an inconvenience but would not restrict continued access.

BO011-11

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

The reference to "local roads" refers to roads that serve generally rural areas that are not heavily traveled on a regular basis. All roads that cross the alignment were evaluated for average daily traffic, and roads that serve high volumes of traffic or are otherwise important routes were considered for overcrossings, whether they were in a "rural" area or not. Roads with volumes under 500 vehicles per day were considered for closure because the vehicles could use other crossings on alternative detour routes that would add 1 mile or less in out-of-direction travel or less to a trip. This change would be an inconvenience but would not restrict continued access.

BO011-12

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

The Final EIR/EIS discusses applicable impacts on Surface Transportation Assistance Act
(STAA) truck routes in the analysis described for Impact TR #8 - Regional

BO011-12

Transportation Impacts from Construction Material Hauling, Impact TR #10 – Impacts on Regional Transportation System, and Impact TR #11 - Changes in Vehicle Movements and Flow on Highways and Roadways.

The reference to "local roads" refers to roads that serve generally rural areas that are not heavily traveled on a regular basis. All roads that cross the alignment were evaluated for average daily traffic, and roads that serve high volumes of traffic or are otherwise important routes were considered for overcrossings whether they were in a "rural" area or not. Roads with volumes under 500 vehicles per day were considered for closure because the vehicles could use other crossings on alternative detour routes that would add 1 mile or less in out-of-direction travel or less to a trip. This change would be an inconvenience but would not restrict continued access.

BO011-13

The Revised DEIR/Supplemental DEIS discusses applicable impacts on truck traffic through the analysis found in Impact TR #8 – Regional Transportation Impacts from Construction Material Hauling, Impact TR #10 – Impacts on Regional Transportation System, and Impact TR #11 – Changes in Vehicle Movements and Flow on Highways and Roadways.

BO011-14

The Revised DEIR/Supplemental DEIS discusses applicable impacts on truck traffic through the analysis found in Impact TR #8 – Regional Transportation Impacts from Construction Material Hauling, Impact TR #10 – Impacts on Regional Transportation System, and Impact TR #11– Changes in Vehicle Movements and Flow on Highways and Roadways.

The Final EIR/EIS discusses applicable impacts on truck traffic through the analysis found in Impact TR #8 – Regional Transportation Impacts from Construction Material Hauling, Impact TR #10 – Impacts on Regional Transportation System, and Impact TR #11 – Changes in Vehicle Movements and Flow on Highways and Roadways.

Response to Submission BO011 (RJ Cervantes, California Trucking Association, October 17, 2012) - Continued

BO011-15

The following roads are proposed to be closed within the area described in the comment, between Ventura Avenue and E. Central Avenue: The Golden Gate Boulevard off-ramps and a portion of E. Central Avenue, which currently does not provide access across the BNSF right-of-way. Access to this area described in the comment will be maintained for vehicles and trucks. Based on existing field traffic counts of similar roadways and information from local agencies, the traffic volumes on these local roads are less than 500 vehicles per day. Therefore, limited traffic level of service impacts are expected as a result of the closures and diversion of traffic.

BO011-16

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

The Final EIR/EIS discusses applicable impacts to Surface Transportation Assistance Act
(STAA) truck routes in the analysis described for Impact TR #8 – Regional Transportation Impacts from Construction Material Hauling, Impact TR #10 – Impacts on Regional Transportation System, and Impact TR #11 – Changes in Vehicle Movements and Flow on Highways and Roadways.

Vehicles that use other crossings on alternative detour routes would add 1 mile or less in out-of-direction travel or less to a trip. This change would be an inconvenience but would not restrict continued access. The Final EIR/EIS discusses applicable impacts on STAA truck routes through the analysis found in Impact TR #8 – Regional Transportation Impacts from Construction Material Hauling, Impact TR #10 – Impacts on Regional Transportation System, and Impact TR #11– Changes in Vehicle Movements and Flow on Highways and Roadways.

BO011-17

The Authority recognizes this additional public outreach opportunity and will consider it for future public engagement.

The Final EIR/EIS discusses applicable impacts on Surface Transportation Assistance Act (STAA) truck routes through the analysis found in Impact TR #8 - Regional Transportation Impacts from Construction Material Hauling, Impact TR #10 – Impacts on Regional Transportation System, and Impact TR #11 - Changes in Vehicle Movements and Flow on Highways and Roadways.

BO011-18

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

The HST project will not preclude or restrict any Truck Access Agreements between cities and counties with local businesses. Vehicle access across the route will remain available on other crossings.

BO011-19

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

The Authority recognizes this additional public outreach opportunity and will consider it for future public engagement.

Outreach activities will continue throughout the property acquisition and relocation phase.

Submission BO012 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design, October 19, 2012)

Thank you for the opportunity to comment on the Revised Draft EIR/ Supplemental EIS for the Fresno to Bakersfield High Speed Rail project.

BO012-1

Bakersfield subsidence issues not properly mitigated or acknowledged

The foundation of design for the high speed rail project is a series of Technical Memos written by the Authority's Program Manager. TM 2.9.10 Geotechnical Analysis and Design Guidelines, relevant pages attached and entire document incorporatedby reference as it available on the Authority's own website, makes certain statements about engineering requirements given certain geotechnical conditions. In one case, it states:

"For track segments located in relatively large-scale geographic areas where deep-seated regional subsidence is an ongoing problem with expected duration to continue over some or all of the
design life, typical ground improvement measures may not be economically feasible."

The EIR states that Bakersfield has experienced just such subsidence recently. It then states that* “conventional engineering design; for example, periodic reballasting of the tracks, will be implemented to mitigate for areas susceptible to or experiencing ground subsidence.”* Reballasting of the tracks is only available where tracks are ballasted. The entire Bakersfield alignment is a long aerial. The Authority has stated repeatedly that ballasted tracks will not be used on such structures. Given the challenges mentioned in the technical memo and recent serious issues in Taiwan related to subsidence, the EIR should discuss in more detail mitigation strategies or consequences of subsidence on rail infrastructure. In Taiwan, extensive limits on groundwater extraction and other measures have been required. In Bakersfield, water extraction has caused subsidence, along with oil and gas extraction. Any potential limits on these activities should be discussed.

BO012-2

Populations of concern not adequately addressed

This project disproportionately affects populations of concern. We would highlight the population along the project in east Bakersfield.

The EIR states:

"District boundaries were determined based on current definitions used by city staff (Fresno) ,interviews with local planners (Bakersfield), and

BO012-2

examination of census boundaries (tract, block
group, and block) to approximate the identified district boundaries as closely as possible. The district boundaries are not drawn exactly to meet the 0.5-mile study area radius, but rather to
identify the relevant area based on demographics and cohesion that needs to be examined in the context of a community.

The Northeast Bakersfield District is not completely contained within the project study area. This neighborhood, which lies south of East Truxtun Avenue between Union Avenue and Oswell
Street, is only partially within the defined project study area for the Fresno to Bakersfield Section, but is examined as a whole community in this document. This is done because the Bakersfield to
Palmdale Section of the HST project would continue from the Bakersfield station and bisect this neighborhood. Therefore, it is important to examine potential impacts on this community as a
cohesive whole rather than have the analysis split the neighborhood between the two environmental documents."

What this section fails to mention, but is captured by a map from the EIR that we have included, is that the district that was chosen to represent the affected parties in a 1/2 mile radius is literally 20 miles long and perhaps 10 miles wide. This ends up dramatically understating the high levels of poverty and other socio-economic indicators of those that will be in the path of the train. The EIR should look at the socio-economic status of those in the 1/2 mile project radius discussed, or as close as practicable.

BO012-3

Amtrak
The document states "it is likely that Amtrak San Joaquin rail service would improve as the San Joaquin line would connect and/or provide direct service to existing markets between HST
stations and/or markets not served by HST. "

This is in complete contradiction to statements made publicly by California High Speed Rail Authority that San Joaquin service will no longer operate between Merced and Bakersfield. Attached is a memo from the Authority's contractor in February 2012 explaining that, "Increasing collaboration with Amtrak has subsequently led to the assumption that their service would terminate at Merced, with easy transfers to HSR."

Submission BO012 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design, October 19, 2012) - Continued

BO012-3

Even the possibility of elimination of Amtrak service should be discussed and mitigations offered as stations such as Corcoran and Wasco would be left without any interregional transportation options. Greyhound does not serve these markets as they are not on a major highway.

In addition, station locations would be moved in Fresno and Hanford. In Fresno, the current Amtrak station is located next to the County Medical Center. The Hanford station is currently located in the downtown, offering easy access to homes and busineses. Neither of the proposed sites for a Hanford high speed rail station would do so.

Regards,
Elizabeth

--
Elizabeth Goldstein Alexis
Co-founder Californians Advocating Responsible Rail Design (CARRD)
cell (650) 996-8018
www.calhsr.com

Response to Submission BO012 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design, October 19, 2012)

BO012-1

Subsidence from groundwater or petroleum withdrawal is addressed in the Final EIR/EIS (see Section 3.9.4.4, Geologic Hazards). Substantial subsidence has occurred in the San Joaquin Valley, primarily due to groundwater extraction; however, the areas with greatest land subsidence (over 20 feet was recorded between 1926 and 1970) are in the western portion of the San Joaquin Valley (primarily western Fresno County) (Sneed 2013). In the area of the HST alignment, subsidence has been far less, with subsidence measured at between 1 and 4 feet between 1926 and 1970 (less than 1 inch per year) (Faunt 2009; Galloway and Riley 1999; USBR 2011), with the major area of subsidence north of Wasco outside the project alignment. Over the last several decades, the use of pipelines and aqueducts for surface water deliveries has reduced dependence on groundwater for agricultural use, and land subsidence has slowed or reversed in some areas of the San Joaquin Valley, though there was some additional localized subsidence during the droughts of 1976/1977 and 1987 to 1991 due to temporary increases in groundwater pumping (Galloway and Riley 1999).

The project does not include features such as major new sources of groundwater extraction that would contribute to the existing subsidence problem. Design standards take into account the expected rate of subsidence. The Technical Memorandum titled Geotechnical Analysis and Design Guidelines (Authority 2011g) limits differential settlement to less than 3/8 inch in over 62 feet (1:2000) for non-ballasted track and to less than ¾ inch over 62 feet (1:1000) for ballasted track. For aerial tracks, the maximum displacement is L/1500 (L= smallest span). This displacement is similar to allowable values in other countries (for example, in Taiwan). To ensure that trains can run at their maximum speed of 220 miles per hour (mph) (350 kilometers per hour [km/hour]), differential settlement between neighboring piers should not exceed 1:1000 for simply supported spans and 1:1500 for continuous spans (Moh 2004). The above standards are much less restrictive than the 5 millimeters (mm) in 100 years subsidence suggested by the commenter. (Note: absolute settlement is not as important as differential settlement because if the entire alignment settles the same amount, the track would still be level.) Also, an effect known as “negative skin friction” can occur in areas subject to subsidence. This effect is in essence an additional downward force on a pier in addition to the weight of the tracks and trains. Design criteria have been developed to account for this effect; these criteria require the use of improved pier design.

BO012-1

For this reason, the project will be designed so that geotechnical constraints (e.g., subsidence from groundwater withdrawal, soil settlement from new earth load) do not result in premature degradation of the alignment so that speeds are reduced or operation and maintenance costs are unacceptably high. Also, new techniques are being developed (see Gi et al. 2009; Kim et al. 2010) that use satellite data to monitor ground deformation around long linear infrastructure (e.g., high-speed rail) to identify potential problems of subsidence before they become a safety issue. Prerequisite geotechnical and geologic evaluations, design features, and management measures to reduce or eliminate risk from poor or unexpected geologic conditions or from long-term effects of the project on geology are described in the EIR/EIS.

BO012-2

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

East Bakersfield is identified as an EJ community in Table 3.12-6. As described in Section 3.12.5.1, an extensive EJ public and agency outreach program was conducted throughout the EIR/EIS process in accordance with Executive Order 12898 that encouraged participation from EJ communities of concern affected by the Project.

BO012-3

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

Attachment to Submission BO012 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design, October 19, 2012) - Socioeconomics Report Map and TM 2.9.10 Geotech Analysis and Design R1 110522 Extract.pdf

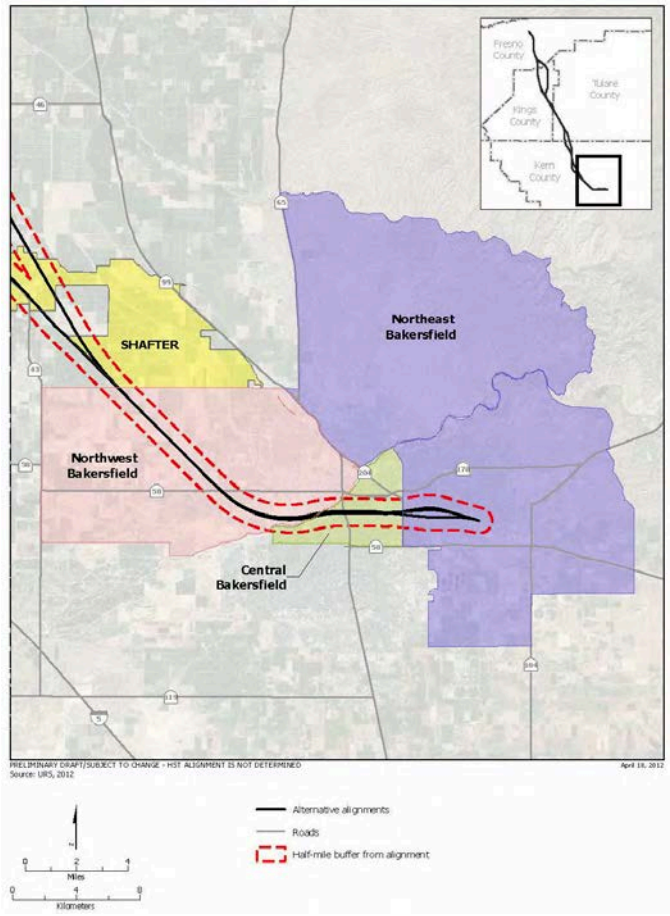


Figure 3.12-3
Districts within the city of Bakersfield

California High-Speed Train Project

TECHNICAL MEMORANDUM

Geotechnical Analysis and Design Guidelines
TM 2.9.10

Prepared by:	*Signed document on file* James Gingery, PE, GE Geotechnical Engineer	22 May 11 Date
Prepared by:	*Signed document on file* Brian O'Neill, PE, GE Program Geotechnical Engineer	22 May 11 Date
Checked by:	*Signed document on file* Bruce Hilton, PG, CEG Program Engineering Geologist	02 Jun 11 Date
Approved by:	*Signed document on file* Ken Jong, PE Engineering Manager	28 Jun 11 Date
Released by:	*Signed document on file* Hans Van Winkle Program Director	18 Jul 11 Date

Revision	Date	Description
0	30 Jun 10	Initial Release
1	22 May 11	Addresses TAP Comments

Note: Signatures apply for the latest technical memorandum revision as noted above.

Prepared by PB
for the California High-Speed Rail Authority

Attachment to Submission BO012 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design, October 19, 2012) - Socioeconomics Report Map and TM 2.9.10 Geotech Analysis and Design R1 110522 Extract.pdf - Continued

program shall be developed by the geotechnical engineer and then implemented during and after the construction phase to monitor settlement at the acceptance check timeframe after laying track, and then long term residual settlement as part of the track maintenance program.

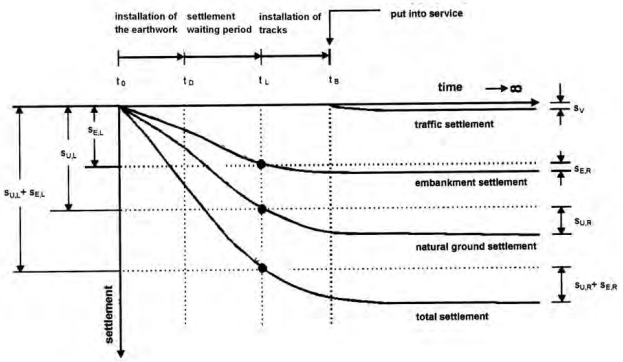


Figure 3-7: Different Settlement Parts by Time
Reference: Figure no. 22 of UIC-719R (2008)

Per UIC 719R Section 2.10.2.2, elastic vertical displacement of earthworks under load is usually not a design criterion, as resistance of continuous supporting structure generally implies very low vertical displacement (typically 0.1 to 0.2 mm on top of supporting structure). However design criteria may exist to limit elastic deformation to a percentage of deformation of track components to manage the global track stiffness.

3.6.8 Embankment Foundation Settlement Mitigation and Foundation Modification Using Ground Improvement Methods

For track embankment segments or at-grade trackway features that do not meet settlement criteria or indicate stability problems, advanced mitigation measures such as pre-loading, over-excavation and replacement, or other ground improvement methods shall be considered for geotechnical design.

Ground improvement measures may also be necessary for advance mitigation of potential seismic hazards (such as liquefaction or seismic stability) or other geologic hazards such as collapsible soils, potential hydro-consolidation, regional subsidence, etc. The selection of mitigation methods or candidate ground improvement options for preliminary design shall follow the process described in detail in the FHWA Ground Improvement Reference Manuals, Volumes I and, FHWA-NHI-06-019/020 dated 2006.

A settlement monitoring program shall be developed and implemented by the geotechnical engineer during the construction phase for any mitigation method selected. Interferometric Synthetic Aperture Radar (InSAR) techniques shall be considered as possible methods for large scale regional monitoring in addition to traditional surveying and the use of geotechnical instrumentation during and after construction.

For track segments located in relatively large-scale geographic areas where deep-seated regional subsidence is an ongoing problem with expected duration to continue over some or all of the design life, typical ground improvement measures may not be economically feasible. The

geotechnical engineer shall identify the approximate regional boundary limits for these segments and shall provide information to the track and civil designers regarding expected range in total magnitude and estimated rate (inches per year) of future regional subsidence movements. .

3.6.9 Evaluation of Earthwork-Related Factors for Shrink/Swell (Shrinkage and Bulking) Estimation

The geotechnical engineers shall provide shrinkage/swell factors for the anticipated cut and embankment fill soils for purposes of earthwork quantity computations. Available reference sources in common use for approximate factors (earthwork shrink/swell) are listed as follows:

- Shrink/Swell Factors for Common Materials - Exhibit 4.6-F, FHWA Geotechnical Technical Guidance Manual (draft) 2007
- Geotechnical Design Manual M46-03 - State of Washington Department of Transportation, Chapter 10 Soil Cut Design, Table 10-1 Approximate Shrink/Swell Factors, WADOT Manual dated September 2005

Earthwork quantity estimation shall also consider embankment overbuild (higher elevation than design profile) that may be necessary on a segment-by-segment basis to allow for short-term and long-term settlement movement of the embankment and/or underlying foundation soils supporting trackway embankments.

3.6.10 Erosion Control for Embankment Features

Geotechnical studies for design shall provide recommendations to the engineering designers for erosion control needs. Evaluations shall be based on characterization of embankment materials, potential water sources, railway geometrics and slope design. Design recommendations shall be provided to control surface drainage when integral to the design or performance of the earth structures, such as surface drainage ditches on slopes, interceptor ditches, and drainage channels. Geotechnical evaluation to support selection and preliminary design for erosion control shall follow the processes described in the reference document titled Design and Implementation of Erosion and Sediment Control – Reference Manual, FHWA NHI-05-013, 2006.

The design details or requirements shall be incorporated in the geotechnical report and construction plans. Geotechnical discipline shall coordinate with the hydrology and hydraulics and civil design disciplines for erosion control since they provide project-wide drainage design for the control of surface drainage. If long-term erosion control measures will include establishing vegetation on slopes, then consideration shall be given to the use of erosion mats or other stabilization methods for slope inclinations steeper than 3H:1V.

Geotechnical design recommendations shall also include evaluation of temporary construction erosion control requirements on cut-and-fill slopes when integral to geotechnical design or performance. For example, the requirement to provide bench drainage during construction of slopes may be required to ensure construction-phase stability.

3.7 Retaining Walls, Fill Walls, and Reinforced Soil Systems

3.7.1 Definitions and Wall Types Including Acceptable and Unacceptable Walls

Engineered earth retention systems may retain soil permanently or (in the case of construction) temporarily. Similar to the function of retaining walls, the function of reinforced soil slopes (RSS) is to strengthen the mass of earth material such that a steep (generally up to about 1H:2V) slope can be formed. Steep RSSs generally do not require a structural facing, whereas retaining walls typically use structural facing. RSSs often use a permanent erosion control matting with low vegetation as a slope cover to prevent erosion.

Walls shall be classified as either a “fill wall” or a “cut wall.” Examples of fill walls include standard cantilever walls, mechanically stabilized earth (MSE) walls, and modular gravity walls (gabions, bin walls, and crib walls). Cut walls include U-walls, soil nail walls, cantilever soldier-pile walls, and ground-anchored walls (other than nail walls).

Walls shall be further classified as gravity, semi-gravity, non-gravity cantilever, anchored, or in-situ reinforced. For geotechnical design, the various wall classifications, definitions, and

Attachment to Submission BO012 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design, October 19, 2012) - IOS S service frequency explanation memo_02.06.2012.pdf

PARSONS BRINCKERHOFF — *California High-Speed Rail Program Management Tea*

Memorandum

2/06/2012

To: Ridership Peer Review Panel

From: Thierry Prate, Parsons Brinckerhoff

Re: **IOS South frequency to Merced and impacts on San Joaquin Valley traffic**

This memorandum provides a clarification of the service frequency to Merced used in the IOS South scenario and its impact on the San Joaquin Valley traffic. The Peer Review Panel (PRP) has noted counter-intuitive results when comparing the IOS-South runs with Bay to Basin or Phase 1, as a greater volume of riders was observed in the San Joaquin Valley with the IOS South segment than with Bay to Basin or Phase 1.

Two main factors contribute to these seemingly contradictory results:

- Evolving hypotheses regarding Amtrak's San Joaquin service, and
- The routing of Bay Area passengers through Merced in the IOS South scenario

In the earliest runs used for the Business Plan (Phase 1 high and low), Amtrak was assumed to continue south of Merced to Bakersfield. Increasing collaboration with Amtrak has subsequently led to the assumption that their service would terminate at Merced, with easy transfers to HSR. This assumption was used in more recent scenarios, including IOS South. We are currently working on the revision of the Phase 1 scenario specification, and will rerun Phase 1 (Runs 36 and 39) with the revised hypothesis.

The second element is related to the level of service from Merced in the IOS South runs compared with the later stages of Bay to Basin and Phase 1.

The current IOS South proposed scenario has more frequent trains between Merced and Fresno compared to the Phase 1 or Bay to Basin scenarios, resulting in slightly more local service within San Joaquin Valley for IOS South than for the later segments. This is due to Merced's position as the sole northern terminal in the IOS configuration, which requires that all traffic to and from the Bay Area travel through Merced, rather than just the traffic to Sacramento and the north San Joaquin Valley, as in the case of the Bay to Basin and Phase 1. More explicitly, in the IOS South scenario, HST passengers from the Bay Area would either drive to/from the Merced station or take one of the dedicated feeder services routed through Merced; in the Phase 1 or Bay to Basin scenarios, these same passengers would be routed directly to Fresno, bypassing Merced.

The graphic on the left side of the next page shows the proposed service in one direction in one peak hour for the IOS South configuration, consisting of four trains to Merced and a variety of feeder services. After the opening of the Bay to Basin segment to San Jose, ridership forecast results indicate that there will only be enough riders to fill two trains per hour at the peak in Merced. The graphic on the right side of the next page shows this situation for the Bay to Basin configuration, in which four trains per hour operate to San Jose, and two per hour to Merced, with reduced feeder service.

This phasing sequence is better than the alternatives, which would either :

PARSONS BRINCKERHOFF — *California High-Speed Rail Program Management Tea*

Memorandum

- continue to operate four trains per hour to Merced in the later stages, with load factors at half the normal level; or
- operate only two trains per hour in the IOS South configuration, which would result in insufficient capacity.

The table below presents the load factors derived for the IOS South and the Bay to Basin scenarios for a 2030 Base Year (i.e. each scenario was operating in 2030 after full ramp up). For the IOS South, the peak traffic is between Kings/Tulare and Fresno. The peak traffic for Bay to Basin is between Fresno and the Wye where the trains to San Jose and Merced part ways. The 4 trains per hour assumption is met by using a combination of single and double trainsets. While it is theoretically possible to consider 3 trains per hour using double trainsets in the IOS South scenario, an analysis of the cash flow has indicated that such a scenario would lower the revenue with very little savings in operating cost. The approach retained was to maximize the bottom line as a private operator would do in such circumstances.

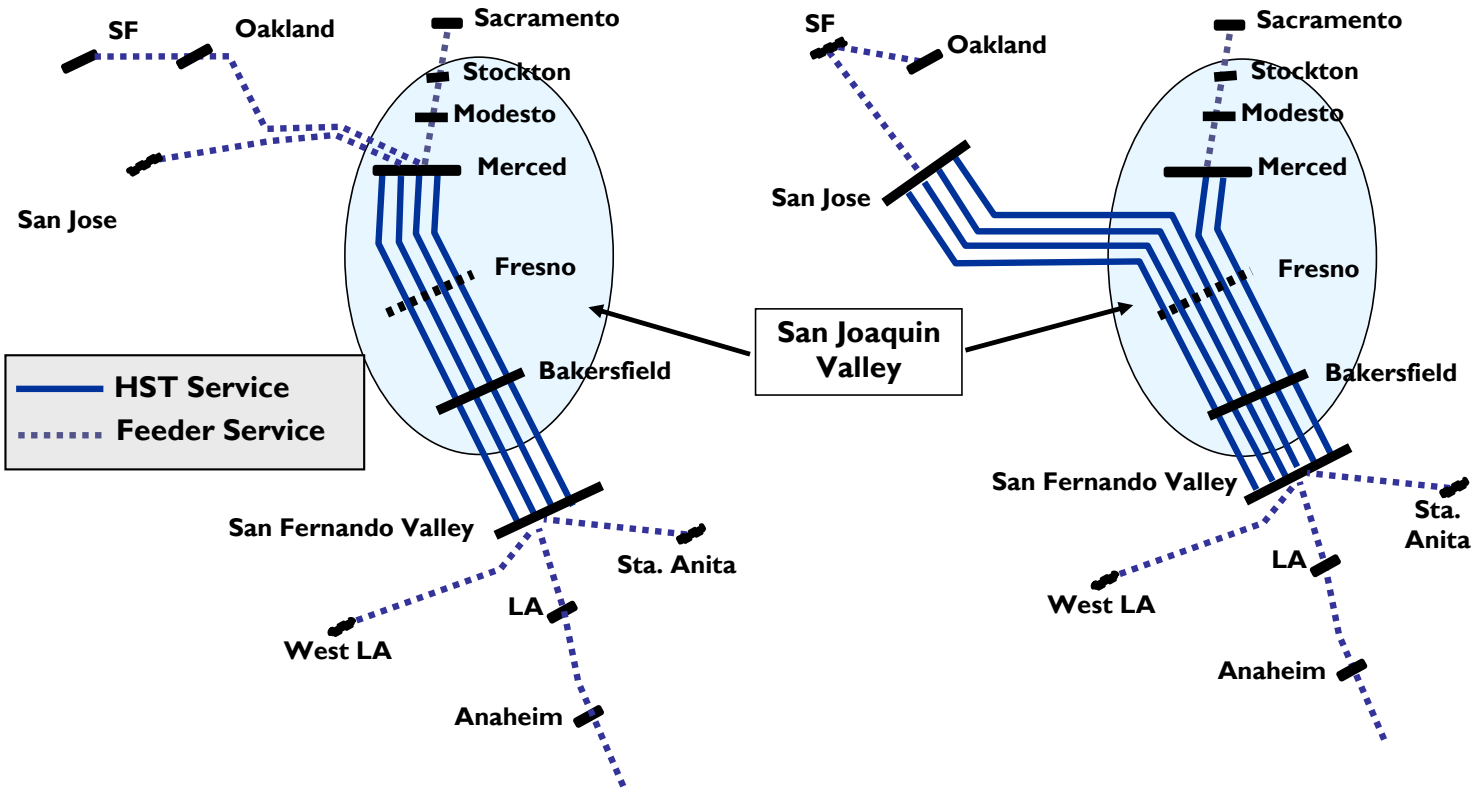
Base Year (2030)						Remarks
	IOS South Peak Hour, One Way					
	Riders	Trains	Trainsets	Seats	**Load Factor**	
Merced - Fresno	1900	4	5	2250	**84%**	
San Jose - Fresno	n.a.	n.a.	n.a.	n.a.	n.a.	
	Bay to Basin Peak Hour, One Way					
	Riders	Trains	Trainsets	Seats	**Load Factor**	
Merced - Fresno	900	2	3	1350	**67%**	with 2 sets load factor = 100%
San Jose - Fresno	2500	4	7	3150	**79%**	with 6 sets load factor = 93%

Note: 450 seats per trainset was assumed for this analysis

Attachment to Submission BO012 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design, October 19, 2012) - IOS S service frequency explanation memo 02.06.2012.pdf - Continued

HSR Operating Patterns – Draft Business Plan & Current Run Specifications

Trains in peak hour, one direction



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Attachment to Submission BO012 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design, October 19, 2012) - Taiwan subsidence continuing 2012.pdf

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Construction of new high speed rail stations to begin

2012/07/25 19:58:44

Taipei, July 25 (CNA) Construction of new high speed rail stationsin Miaoli, Changhua and Yunlin counties will start by the end of July, as all three projects have passed environmental impact assessments, transport officials said Wednesday.

According to the officials, the approval by the Environmental ProtectionAdministration (EPA) means that previous concerns over whether constructionwork will worsen the railway's subsidence problems in central Taiwan havebeen brought under control.

"The main construction is likely to start by the end of this year as soon as building permits are issued," said Wang Shi-dian, a deputy section chief of the Bureau of High Speed Rail.

Wang said the three stations, to be built at a cost of NT$7.5 billion (US$249 million), are expected to start operating in mid 2015, making the service available to residents in 12 urban areas on Taiwan's western corridor.

The construction was given a green light after a six-month evaluation processshowed that the Taiwan High Speed Rail Co. had managed to fix problems of waterand soil conservation, according to the EPA.

For instance, it has built rainwater catchment pools near where the Changhuastation will be located, as well as facilities to help monitor the ecology near the Miaoli station.

Bureau data also shows that subsidence in three out of the four major sites along the planned high speed rail route has been eased.

However, the data also shows that the site that has suffered theworst subsidence, where the elevated railway crosses ProvincialExpressway No. 78, remains in worrisome condition after sinking 55 cmover the past seven years.

Opposition voices have expressed doubt as to whether the problemcan ever be fixed and have expressed concern that the structural integrity of the railway remains under threat.

Interior Minister Lee Hong-yuan warned the public last year that the high speed rail might not last more than a decade because overuse of groundwater has caused the land on which the railway is built to sink.

However, Yeh Chun-hung, who oversaw the environmental impact assessment, admitted that subsidence continues, but said experts have agreed that building new stations is not likely to worsen the situation.

Others

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International Communities

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Istanbul, Sept. 21 (CNA) Rescue teams from over 20 countries came to the aid of Taiwan 13 years ago when a deadly earthquake struck the island. Among them was a team from Turkey.

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"We okayed the projects as there is no evidence to show that the highspeed rail itself is a problem for the environment," he said.

(By Lee Hsin-Yin)
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Submission BO013 (Justin E. Fredrickson, California Farm Bureau Federation, (Atty. For), Nancy N. McDonough, General Counsel, October 19, 2012)

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Sent via E-Mail
Fresno_Bakersfield@hsr.ca.gov

October 19, 2012

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

Re: Revised Draft EIR/Supplemental Draft EIS Comment

TO WHOM IT MAY CONCERN:

The California Farm Bureau Federation is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing more than 74,000 agricultural, associate and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

Farm Bureau thanks the California High-Speed Rail Authority for the opportunity to comment on the Revised EIR/EIS for the proposed Fresno-Bakersfield segment of the California High-Speed Rail Project. Farm Bureau's prior October 13, 2011 comments on the original Draft EIR/EIS for this segment are incorporated herein in their entirety.

Adequacy of the Revised EIR/EIS's Alternatives Analyses

Major shortcomings relating to the range of alternatives considered in the Revised Bakersfield-Fresno EIR/EIS are essentially threefold:

BO013-1

First, the Revised EIR/EIS does not consider a reasonable range of alternatives. Significantly differing, yet feasible alternatives to a mid-Valley BNSF alignment were cursorily considered in a series of informal preliminary alternatives reports, but then dropped from further consideration prior to the original and revised Draft EIR/EISs, without proper analysis, public review, or comment. Major differences among these three possible routes—in terms of impacts to agricultural resources, biological resources,

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BO013-1

BO013-2

BO013-3

BO013-4

BO013-5

potential growth inducing impacts, feasible alignment options (including alignments located entirely along existing rights of way), possible cost savings, among other differences—could have afforded both project proponents and policy makers a broader range of choices, and would have provided the public with a much greater understanding of trade-offs among these differing alternatives. Instead, by failing to fully consider potential I-5, BNSF, and I-99 alternatives in the Draft EIR/EISs, project proponents failed to meet CEQA's mandate to consider a reasonable range of alternatives.

Second, the Revised EIR/EIS's alternatives analysis is flawed to the extent that it attempts to substitute consideration of a number of variations on a *single* alternative for proper consideration of an actual *range* of alternatives. Instead of winnowing potential variations on a BNSF alignment in the alternatives screening process and then selecting a single BNSF alternative for detailed analysis in the Draft EIR/EISs alongside a single alternative for the I-5 and I-99 alignments, project proponents opted to ignore the other, non-BNSF alternatives for I-5 and I-99 alignments, and to instead make the EIR/EISs an extended study of what is not really a *range* of alternatives, but rather only a series of slight variations on a *single* alternative.

Thirdly and lastly, beyond the EIR/EIS's major failure to consider distinct I-5 and I-99 and BSNF alternatives, project proponents failed to identify and carry into the EIR/EIS a range of alternatives that could more effectively meet one of the most basic of the project's core objectives. Specifically, the EIR/EIS fails to consider a range of alternatives that could meet Proposition 1A's mandate that the project follow existing transportation corridors and rights of way and that it avoid impacts to important farmland and sensitive habitats to the greatest extent possible. Thus, other than the core BSNF alternative, none of the various bypass variations on the single BSNF alternative considered in the EIR/EIS in fact meet this very basic project objective. Furthermore—and quite importantly—by failing to consider distinct I-5, BNSF, and I-99 alternatives in the EIR/EIS, proponents circumvent an obvious means to better satisfy Proposition 1A's separate direction on project cost, *without* creating an inherent conflict with the competing mandate on existing rights of way and maximum avoidance of impacts to important farmland and sensitive habitats.

By creating a false choice between BSNF alignments that bypass existing communities on one hand (generally less costly, but having more impacts on farmland and sensitive habitats), and a single BSNF alignment that transverses these communities along the existing right of way on the other (generally more costly, but with fewer impacts on farmland), the EIR/EIS contrives a situation wherein cost becomes the dominant driver over impacts to farmland and sensitive habitats, and wherein an alternative including multiple bypasses thus becomes a near foregone conclusion. Similarly, by failing to fully analyze and compare distinct I-5, BNSF, and I-99 alternatives, the EIR/EIS prevents any true differentiation of alternatives that could more effectively address the conflicting directives on avoided costs on one hand, and important farmland and habitat on the other.

Submission BO013 (Justin E. Fredrickson, California Farm Bureau Federation, (Atty. For), Nancy N. McDonough, General Counsel, October 19, 2012) - Continued

BO013-6 Taken together these flaws in the EIR/EIS's alternatives analyses constitute major defects going to the "heart" of the document.

BO013-7 A Project In Constant Flux

Over these last many years, the picture of the California High Speed Rail project is that of a project in a state of constant flux. Alternatives and analyses that began as the foundation of the project have since dropped out, even as a rapid succession of updates, revisions, supplements, and related reports have produced a series of major overhauls in project vision, alternatives, objectives, and assumptions. As part of this history, the West-of-Hanford alignment and the other significant changes in the Revised EIR/EIS are only the latest example. Other examples on a statewide or programmatic scale have included major, late-breaking changes in the Merced-Fresno segment, major uncertainties in deferred features of a westward connection from the Central Valley to the Bay Area, major changes in the Bay-Area segment of the project, major changes in the project's assumptions on "independent utility," financing, phasing, and regional blending with conventional transportation at the north and south urban extremes, among other changes.

The result is an unstable project description, a series of piecemealed analyses, a blatant lack of any overarching analysis of environmental impacts, and in the end a complete frustration of CEQA's paramount functions in the area of public information, impact disclosure, avoidance and minimization.

BO013-8 Impacts

Unfortunately, the Revised EIR/EIS does not remedy numerous deficiencies in the earlier Draft EIR/EIS's analysis of potential direct, indirect, and cumulative impacts to agricultural lands and resources, including indirect and cumulative impacts of the project as consequence of potential, long-term growth inducement.

BO013-9

BO013-10 Mitigation

Beyond the EIR/EIS's failure to adequately assess and analyze the full extent of the project's potential agricultural and growth inducing impacts, the document likewise omits a variety of feasible mitigation measures to avoid and minimize potential direct, indirect, and potential cumulative impacts of the project. Moreover, the EIR/EIS fails to demonstrate the efficacy of many proposed measures (assuming that the document acknowledges those impacts at all), and omits proper performance measures to gauge the future success of mitigation measures as they are implemented.

BO013-11 Significant and Unavoidable Impacts

The Revised EIR/EIS concludes that the project's conversion of agricultural lands is "significant" both before and after mitigation. The EIR/EIS reaches this conclusion even where the document omits or underestimates numerous likely direct, indirect, and

BO013-11 cumulative impacts on the agricultural resources, including direct and indirect impacts on existing agricultural operations and potential additional, indirect and cumulative farmland impacts from long-term growth inducement without proper mitigation.

BO013-12 Conclusion

Farm Bureau thanks the Authority for the opportunity to comment on the Revised Draft EIR/EIS for the Fresno-Bakersfield segment of the proposed California High Speed Rail. As the Authority finalizes its EIR/EIS for the Fresno-Bakersfield segment, Farm Bureau urges the Authority to heed the voters' intent with the passage of Proposition 1A that, in working to construct a high-speed rail project and achieve the other objectives of the project, the State of California employ any and all feasible means to avoid and minimize the project's potential adverse impacts on California's irreplaceable agricultural resources.

Very truly yours,

Justin E. Fredrickson
Environmental Policy Analyst

JEF/pkh

Response to Submission BO013 (Justin E. Fredrickson, California Farm Bureau Federation, (Atty. For), Nancy N. McDonough, General Counsel, October 19, 2012)

BO013-1

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

The Authority prepared a series of Alternatives Analysis reports to help refine the alternative alignments for the HST System. These were not "informal" reports; they were carefully researched and publicly available and were presented directly to the Authority Board for information and direction (Authority and FRA 2010a, 2010b, 2011d, 2011e, 2011g).

The mid-Valley BNSF Railway (BNSF) alignment results from prior actions of the Authority and FRA to review and reject a broad range of preliminary alternative routes. This process is described in Section 2.3.2, Range of Potential Alternatives Considered and Findings, of the Final EIR/EIS.

The project EIR/EIS for the Fresno to Bakersfield Section relies on information from the 2005 Statewide Program EIR/EIS for the California HST System (Authority and FRA 2005). The Statewide Program EIR/EIS considered alternatives on Interstate 5 (I-5), State Route (SR) 99, and the BNSF corridor. The Record of Decision for the Statewide Program EIR/EIS rejected those routes and selected the BNSF corridor as the Preferred Alternative for the Fresno to Bakersfield Section (FRA 2005b). Further engineering and environmental studies within the broad BNSF corridor have resulted in practicable alternatives that meet most or all project objectives, are potentially feasible, and would result in certain environmental impact reductions relative to each other. Accordingly, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor. The I-5 corridor was again considered during the environmental review of the Fresno to Bakersfield Section (see Section 2.3.2, Range of Potential Alternatives Considered and Findings), but was eliminated from further consideration, as described in Standard Response FB-Response-GENERAL-02.

BO013-2

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

The project EIR/EIS for the Fresno to Bakersfield Section relies on information from the 2005 Statewide Program EIR/EIS for the California HST System. The Statewide Program EIR/EIS considered alternatives on I-5 and SR 99 as well as on the BNSF corridor. The Record of Decision for the Statewide Program EIR/EIS rejected those routes and selected the BNSF corridor as the preferred alignment for the Fresno to Bakersfield Section. Further engineering and environmental studies within the broad BNSF corridor have resulted in feasible alternatives that meet most or all project objectives, are potentially feasible, and would result in certain environmental impact reductions in comparison to one another. Accordingly, the Project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF Railway corridor. The I-5 corridor was again considered during the environmental review of the Fresno to Bakersfield Section (see Section 2.3.2) and was eliminated from further consideration, as described in FB-Response-GENERAL-02.

Because the Authority conducted analysis of alternative alignments that follow SR 99/UPRR and the I-5 corridor and determined that these alternatives were not practicable, they were not carried forward in the EIR/EIS. Neither CEQA nor NEPA require the environmental document to analyze alternatives that are not feasible to implement.

BO013-3

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

The project EIR/EIS for the Fresno to Bakersfield Section is tiered from the Statewide Program EIR/EIS for the California HST System. The Statewide Program EIR/EIS considered alternatives on I-5 and SR 99 as well as on the BNSF corridor. The Record of Decision for the Statewide Program EIR/EIS selected the BNSF corridor as the preferred alignment for the Fresno to Bakersfield Section. The I-5 and SR 99 corridors were again considered during the environmental review of the Fresno to Bakersfield Section and were eliminated for further consideration, as described in FB-Response-GENERAL-02.

The project EIR/EIS for the Fresno to Bakersfield Section appropriately evaluates alternative alignments within the BNSF corridor.

Response to Submission BO013 (Justin E. Fredrickson, California Farm Bureau Federation, (Atty. For), Nancy N. McDonough, General Counsel, October 19, 2012) - Continued

BO013-4

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

The project EIR/EIS for the Fresno to Bakersfield Section is tiered from the Statewide Program EIR/EIS for the California HST System. The Statewide Program EIR/EIS considered alternatives on I-5 and SR 99 as well as on the BNSF corridor. The Record of Decision for the Statewide Program EIR/EIS selected the BNSF corridor as the preferred alignment for the Fresno to Bakersfield Section. The I-5 and SR 99 corridors were again reviewed in the EIR/EIS for the Fresno to Bakersfield Section and were eliminated for further consideration, as described in FB-Response-GENERAL-02.

Proposition 1A was passed in 2008 with the tacit understanding from the 2005 Program EIR/EIS that the I-5 alternative need not be analyzed further. Streets and Highways Code Section 2704.04(a), enacted by Proposition
1A, provides that:

"(a) It is the intent of the Legislature by enacting this chapter and of the people of California by approving the bond measure pursuant to this chapter to initiate the construction of a high-speed train system that connects the San Francisco Transbay Terminal to Los Angeles Union Station and Anaheim, and links the state's major population centers, including Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego *consistent with the Authority's certified environmental impact reports* of November 2005 and July 9, 2008." (emphasis added)

The project EIR/EIS for the Fresno to Bakersfield Section appropriately evaluates alternative alignments within the BNSF corridor.

Proposition 1A mandates that the project follow existing transportation corridors to the extent possible. That does not mandate reconsideration of I-5 and SR 99. All alternatives through the San Joaquin Valley would impact agricultural land and sensitive habitats, even alternative alignments along I-5 and SR 99. For example, in the screening analysis conducted for the Fresno to Bakersfield Section, alternatives along SR 99 had comparable impacts to Important Farmland as alternatives along the BNSF corridor (see Table 3-1, pages 3-4 and 3-5, Checkpoint B Summary Report on the Authority's

BO013-4

website). Alternative alignments within the BNSF corridor were selected to minimize farmland and sensitive habitat impacts and to take into account all other environmental impacts of the alternatives.

BO013-5

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

BO013-6

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

The procedural requirements for the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) were followed during the environmental review of the Fresno to Bakersfield Section of the HST System. As discussed in Section 2.3.1, HST Project-Level Alternatives Development Process, of the Final EIR/EIS, the Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project, as required under Title 14 California Code of Regulations (CCR) Section 15126.6 and Title 40 Code of Federal Regulations (CFR) Section 1502.15(a). The range of alternatives selected for review is identified in Section 2.4, Alignment, Station, and Heavy Maintenance Facility Alternatives Evaluated in this Project EIR/EIS, of the Final EIR/EIS. These alternatives are analyzed at an equal level of detail in the impact sections in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, and Chapter 4, Section 4(f)/6(f) Evaluation.

BO013-7

Refer to Standard Response FB-Response-GENERAL-20.

The Authority has properly tiered, not piecemealed, its environmental review. Based on two first-tier program EIR/EISs, the Authority selected track technology, general track alignments, and preferred station locations. Subsequently, the Authority divided the HST System into geographically smaller pieces, called HST sections, for second-tier E!R/EISs. Moving from a first-tier project to a more limited geographic scope second-tier project is precisely what tiering is for (Pub. Res. Code §21093; Guidelines §15152.) At a practical level, the HST System is simply too big to be addressed in a single second-tier

Response to Submission BO013 (Justin E. Fredrickson, California Farm Bureau Federation, (Atty. For), Nancy N. McDonough, General Counsel, October 19, 2012) - Continued

BO013-7

EIR/EIS, or even just two or three. It was within the Authority's discretion to define the second-tier projects, and the only question is whether the Authority's division of the second-tier projects is supported by substantial evidence. The record shows it is. The Authority originally defined a single project and EIR/EIS for Merced to Bakersfield, but later revised it into two second-tier projects—the Merced to Fresno (65 miles) and Fresno to Bakersfield 114 miles) sections. Each project has logical termini at cities elected to have HST stations at the first tier, has sufficient length to allow for an analysis of environmental impacts on a broad scope, and has independent utility separate and apart from any other section (see *Del Mar Terrace Conservancy, Inc. v. City Council of the City of San Diego* (1992) 10 Cal.App.4th 712, 733 [upholding EIR that treated as the "project" at issue one freeway segment within a long-term, multi-segment regional plan]).

The only change in alternatives considered for the Fresno to Bakersfield Section EIR/EIS was the addition of the Hanford West Bypass 1 and Bypass 2 Alternatives and the Bakersfield Hybrid Alternative. Alternatives were not removed from analysis, instead new alternatives were added to the analysis. As explained in the Revised DEIR/Supplemental DEIS, these alternatives were included in the environmental analysis because of substantive comments from the public and government agencies.

BO013-8

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

The Authority does not agree that the Revised DEIR/Supplemental DEIS is deficient in any way.

BO013-9

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-04, FB-Response-AG-01, FB-Response-AG-07.

The Revised DEIR/Supplemental DEIS includes an extensive analysis of potential impacts on agricultural lands and resources. It concludes that the project will have a significant impact relative to the conversion of agricultural land to non-agricultural uses. See Section 3.19.4.2, High-Speed Train Alternatives Contributions, of the Revised DEIR/Supplemental DEIS for a discussion of cumulative impacts, including those to agricultural lands.

BO013-9

The analysis undertaken by the Authority and FRA show that the HST System has the potential to induce some growth and intensify growth near stations. Both population and employment in Fresno, Kings, Tulare, and Kern counties are projected to grow at a higher average annual rate than California as a whole, as described in detail in Section 3.18, Regional Growth, of the EIR/EIS. The growth inducement analysis in Section 3.18 shows that in counties analyzed in the study area (Fresno, Kings, Tulare, and Kern), the HST alternatives are projected to induce somewhat more population growth (about 3% more total population) and create additional future employment opportunities (about 4% more total jobs) than would occur under the No Project Alternative (refer to Table 3.18-18 in the EIR/EIS). The HST project would help provide employment opportunities in the San Joaquin Valley counties, which traditionally have higher rates of unemployment than the statewide average, and would encourage more compact growth around the proposed stations at greater intensities than currently exist. The project would also redirect development growth to central cities, in conjunction with the Senate Bill (SB) 375 (state legislation requiring regional targets for reduction of greenhouse gas [GHG] emissions) regional efforts, and future plans of the cities of Fresno and Bakersfield, and would reduce the pressure for the future conversion of farmlands by encouraging new investments around the stations in Fresno and Bakersfield, rather than in peripheral areas.

BO013-10

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

None of the comments provided in this letter puts forth mitigation measures that are not provided in the EIR/EIS.

BO013-11

Refer to Standard Response FB-Response-AG-01, FB-Response-GENERAL-01, FB-Response-GENERAL-03.

The Authority disagrees with the commenter's claim that the EIR/EIS omits or

Response to Submission BO013 (Justin E. Fredrickson, California Farm Bureau Federation, (Atty. For), Nancy N. McDonough, General Counsel, October 19, 2012) - Continued

BO013-11

underestimates impacts on agricultural resources. The EIR/EIS represents a good faith effort at disclosure and conforms to the requirements of both CEQA and NEPA. It provides sufficient information to allow decision makers to make a reasoned and informed decision on the project.

BO013-12

The Authority appreciates the comments provided by the California Farm Bureau Federation. The Authority has attempted to identity practicable alternatives to minimize impacts on agricultural resources and will continue this effort with other sections of the California HST System.

Submission BO014 (Daniel Krause, Californians For High Speed Rail, October 19, 2012)

October 19, 2012

Jeff Morales, CEO
California High-Speed Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Fresno-Bakersfield Revised DEIR/Supplemental DEIS Comments

Dear Mr. Morales:

Californians For High Speed Rail (CA4HSR) is a grassroots, statewide coalition of high-speed rail (HSR) supporters advocating for the HSR project approved by California voters in November 2008. Founded in 2005, we educate and organize Californians about ways they can help make HSR a reality in this state.

We are pleased to provide our comments below for the Fresno-Bakersfield Revised DEIR/Supplemental DEIS.

CA4HSR Preferred Alignments

BO014-1 *Hanford West Bypass Alternative (no preference whether 1 or 2) – Support*
The Hanford West Bypass is a shorter alignment that consumes less acres of agriculture. We are taking no position on variations 1 and 2 to the alternative.

BO014-2 *Corcoran Bypass – Support*
The Corcoran Bypass avoids long elevated structures through town, reducing impacts to the residents of Corcoran. The cost is also significantly lower.

BO014-3 *Allensworth Bypass – Support*
The Allensworth Bypass consumes less agricultural land and the cost is lower. It also avoids impacts to the Colonel Allensworth Station Historic Park.

BO014-4 *BNSF Alternative through Wasco-Shafter v. Wasco/Shafter Bypass – No Position*
There are many benefits and impacts to both, so we are currently not taking a position at this time. While the cost is significantly higher for the BNSF alignment, it does address many agriculture concerns in the area.

BO014-5 *Alternatives through Bakersfield*
Due to the ongoing planning in this complex context, we are not supporting or objecting to any of the alternatives at this time.

BO014-6 **Station Alternatives**

Fresno Station-Mariposa Alternative – Support
This station location provides the most efficient access to various downtown destinations (including Fulton Mall).

182 Howard Street, #322, San Francisco, CA 94105
415.658.5322 · www.ca4hsr.org

BO014-7 *Kings/Tulare Regional Station-West Alternative – Support*
While we actually think the east alternative would provide better access to Tulare County and Visalia, we are supporting the west alternative due to our support of the Hanford West Bypass Alternative. We are taking no position on the variations to the station design (at-grade or trenched station).

BO014-8 *Bakersfield Station (all three alternatives) – Keep station location Centrally Located (Near Amtrak Station)*
While CA4HSR is not currently taking a position on the alignments through Bakersfield, we are strongly encouraging the Authority to locate station platforms and other station facilities as close as possible to the existing Amtrak station.

BO014-9 **In regards to the Bakersfield Hybrid Alternative, we feel the station location is located too far east to accomplish an integrated transit-oriented development that ties with the existing Amtrak, Mill Creek and associated developments, and center of downtown.** We recommend that the Authority make design adjustments to this alternative to ensure all station facilities are located farther west.

Thank you for your consideration.

Daniel Krause, President & Executive Director
Californians For High Speed Rail

Cc:
Joseph C. Szabo, Administrator, Federal Railroad Administration
Karen Hedlund, Deputy Administrator, Federal Railroad Administration
California High Speed Rail Authority Board

182 Howard Street, #322, San Francisco, CA 94105
415.658.5322 · www.ca4hsr.org

Response to Submission BO014 (Daniel Krause, Californians For High Speed Rail, October 19, 2012)

BO014-1

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

Your support for the Hanford West Bypass Alternative is noted.

BO014-2

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

Your support for the Corcoran Bypass Alternative is noted.

BO014-3

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

Your support for the Allensworth Bypass Alternative is noted.

BO014-4

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

Your "no position" on the BNSF Alternative through Wasco-Shafter versus Wasco/Shafter Bypass is noted.

BO014-5

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

Your "no position" on the alternatives through Bakersfield is noted.

BO014-6

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

Your support for the Fresno Station–Mariposa Alternative is noted.

BO014-7

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

Your support for the Kings/Tulare Regional Station–West Alternative is noted.

BO014-8

All three Bakersfield station design options maintain the station within reasonable walking distance to the existing Amtrak station. Each station option has a pedestrian overcrossing to provide access from the station building to a walkway connecting to the Amtrak station.

BO014-9

The station has been located as far west as practicable within high-speed train alignment geometrical constraints. The station 4-track section needs to be located on tangent track to accommodate the turnouts from 2-tracks to 4-tracks, and to provide ADA-compliant stepping distances between the train and the platform.
The Bakersfield Hybrid Alternative utilizes the minimum radius necessary to achieve 115-mile-per-hour operation within the design criteria. Shifting the station further west would push the station tangent further west, increasing the impact on the residencies at M Street and 14th Street, and Bakersfield High School. Avoiding these impacts was a key criterion of the concept of the Bakersfield Hybrid Alternative.

Submission BO015 (Laura Baker, Center for Race, Poverty & The Enviroment on behalf of CBS, APA, ROSAS, October 18, 2012)

CENTER ON RACE, POVERTY & THE ENVIRONMENT
1012 JEFFERSON STREET, DELANO, CA 93215 TEL 661-720-9140 FAX 661-720-9483 WWW.CRPE-EJ.ORG

October 18, 2011

Chairperson and Members
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814-3359
Fresno_Bakersfield@hsr.ca.gov

RE: Revised Draft EIR/Supplemental Draft EIS Fresno to Bakersfield Comments

Dear Chairperson Umberg and Board Members:

The Center on Race, Poverty & the Environment (CRPE) submits these comments on behalf of the Committee for a Better Shafter (CBS) of Shafter, the Allensworth Progressive Association (APA) of Allensworth, and the Comité Residentes Organizados al Servicio del Ambiente Sano (ROSAS) of Wasco, California. Each of these resident-comprised organizations is located in low income communities of color which will be fundamentally impacted by the High Speed Rail (HSR). The following comments address alternative route and heavy maintenance facility location preferences for these environmental justice communities.

Introduction

The geography of race and poverty in California's Central Valley has been fundamentally informed by over a century of inequitable transportation and land use development. For much of this time, racial and income discrimination was an undeniable aspect of planning and development. At the same time that resources were directed toward cities, poor people and minorities were excluded from those cities. As a result, a geography of unincorporated poverty developed. Today, equitable and efficient planning and development require consideration of this geography and its historical roots.

High Speed Rail Alternative Routes

BO015-1

Wasco and Shafter:

Both ROSAS and CBS are supportive of the Wasco-Shafter Bypass Alternative as described in section 2.4.3.6 of the Revised Draft EIR/Supplemental Draft EIS. The Wasco-Shafter Bypass Alternative would diverge from the BNSF Alternative between Taussig Avenue and Zachary Avenue, crossing over to the eastern side of the BNSF Railway tracks and bypassing Wasco and

PROVIDING LEGAL & TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE
RALPH SANTIAGO ABASCAL (1934-1997) DIRECTOR 1990-1997 LUKE W. COLE (1962-2009) EXECUTIVE DIRECTOR 1997-2009

BO015-1

Shafter to the east. This alternative is preferable over the BNSF route for several reasons.

BO015-2

First, the Wasco-Shafter Bypass would allow both the communities of Wasco and Shafter to maintain community continuity, as opposed to the BNSF line which would effectively bisect these already rural and dispersed locales. While train tracks currently run through both cities, adding the burden of HSR trains passing through 20 times per hour at full build-out (four in each direction with stops, six in each direction run-through) would completely desecrate the communities' ability to function cohesively, even with limited road overcrossings and realignments. *See* Section 8.

BO015-3

Additionally, the increased noise and vibration produced by the HSR, even when mitigated, will be an added burden on the respective communities, which each host many noise- and vibration-sensitive receivers; including residential dwellings, schools, churches, hospitals, parks, and historic properties. *See* Section 3.4.4.3.

BO015-4

Because residents of the San Joaquin Air Basin already suffer from the Nation's dirtiest air, the localized and regional air pollution impacts of the construction and operational stages are a significant concern. The EIR/EIS suggests that with standard design practices and mitigation measures for air quality the HSR will not "impede the region's ability to attain air quality standards," with purchased offsets. Section 3.19.4.2. The purchase of offsets however does not actually reduce the emissions produced onsite, near these specific communities. Because fewer people live, work and breathe near the Wasco-Shafter Bypass, as opposed to the BNSF line, the Wasco-Shafter Bypass a far superior alternative to minimize air pollution impacts.

BO015-5

BO015-6

Lastly, neither of these communities will host a HSR station and so neither will see any economic benefit resulting from the HSR line. Yet both will bear the burden of the HSR line and suffer community disruption, displacement, increased air, noise, and vibration pollution. It is inequitable to force this significant burden on Wasco and Shafter when there is a viable alternative available; the Wasco-Shafter Bypass.

Allensworth:

BO015-7

The Allensworth Progressive Association strongly supports the Allensworth Bypass Alternative. The Bypass would preserve the community's access to necessary resources acquired in the nearest cities of Delano and Earlimart; whereas the BNSF line would make traveling to these eastern cities for emergency and other basic needs even less possible.

BO015-8

Additionally, selecting the Allensworth Bypass Alternative successfully avoids disruption of the Allensworth Ecological Reserve, Pixley National Wildlife Refuge, and the Allensworth State Historic Park, all valued resources in the area.

BO015-9

Agricultural workers residing in Allensworth are concerned that traveling to the west of Allensworth for work will become a challenge with the Allensworth Bypass Alternative, however if Avenue 24 were to become an overpass/underpass this concern could easily be alleviated.

BO015-10

Alternatively, should the BNSF line be selected, Palmer Avenue should have an underpass to maintain public access to the Allensworth State Historic Park from the Allensworth Amtrak

Submission BO015 (Laura Baker, Center for Race, Poverty & The Enviroment on behalf of CBS, APA, ROSAS, October 18, 2012) - Continued

BO015-10

station, as is currently the case.

BO015-11

Heavy Maintenance Facility Alternatives

CBS, APA and ROSAS oppose the Heavy Maintenance Facility (HMF) proposed locations of Wasco, Shafter-East and Shafter-West. While some local jobs may be created, the increased noise, vibration, traffic, and pollution burdens generated by an HMF are undesirable. Given the socioeconomics and environmental justice status of each of these locations, siting yet another burden here is unjust and in this case unnecessary.

Conclusion

BO015-12

In conclusion, Valley residents in Shafter, Allensworth and Wasco strongly oppose the BNSF route, the Wasco HMF, and the Shafter-East and Shafter-West HMFs. The Allensworth Bypass Alternative and the Wasco-Shafter Bypass are supported.

Sincerely,

/s/
Laura Baker
Staff Attorney
Center on Race, Poverty & the Environment

Response to Submission BO015 (Laura Baker, Center for Race, Poverty & The Enviroment on behalf of CBS, APA, ROSAS, October 18, 2012)

BO015-1

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

The Authority used the information in the Revised DEIR/Supplemental DEIS and input from agencies and the public to identify the Preferred Alternative. The decision included consideration of the project purpose and need and the project objectives presented in Chapter 1, Project Purpose, Need, and Objectives, as well as the objectives and criteria in the alternatives analysis and the comparative potential for environmental impacts.

BO015-2

Refer to Standard Response FB-Response-GENERAL-05, FB-Response-SO-04, FB-Response-GENERAL-10.

EIR/EIS Volume I Section 3.12 Impact SO #6 describes the disruption to communities by alternative. Mitigation Measure SO-1 has been developed to reduce impacts associated with the division of existing rural residential communities.

BO015-3

Refer to Standard Response FB-Response-N&V-04, FB-Response-N&V-05.

Noise and vibration from construction activities would temporarily exceed noise and vibration standards and would affect sensitive receptors. These effects would be substantial and significant, but would be decreased to a less-than-significant level by implementation of the proposed mitigation measures (N&V-MM#1-Construction Noise Mitigation Measures and N&V-MM#2-Construction Vibration Mitigation Measures).

Noise and vibration from the operation of the HST would increase ambient noise levels above noise standards and have vibration effects that would affect sensitive receivers. These effects would be substantial and significant, but the implementation of several mitigation measures, including Mitigation Measures N&V-MM#3- Implement California High-Speed Train Project Noise Mitigation Guidelines, N&V-MM#4-Vehicle Noise Specification, N&V-MM#5-Special Trackwork at Crossovers and Turnouts, and N&V-MM#6-Additional Noise Analysis Following Final Design, would reduce many of the impacts to a less-than-significant level. Some areas would still experience operational noise impacts even with the proposed mitigation.

BO015-3

In the EIR/EIS, Figures 3.4-15 through 3.4-19 show where the criteria were met for the construction of sound barriers for all HST alternatives. The sound barriers along the BNSF Alternative would mitigate 55% of the severe noise impacts in the Wasco-Shafter area. The noise receivers severely affected in Wasco and Shafter that would not be mitigated by a sound barrier would receive other forms of mitigation, such as building insulation or payment of property noise easements. The Wasco-Shafter Bypass Alternative would use mitigation in the form of building insulation or payment of property noise easements to reduce severe impacts along this alternative. The Wasco-Shafter Bypass would have substantially fewer severe noise impacts than the BNSF Alternative because it avoids urban areas.

BO015-4

Air quality impacts do not differentiate alternative alignments in the Wasco-Shafter area. Project construction emissions would not result in ground-level concentrations of criteria pollutants that would cause an exceedence of ambient air quality standards adjacent to the construction site. Therefore, the short-term emissions from construction through Wasco and Shafter would not result in a significant impact to local residents nor would it impact residents living near the Wasco-Shafter Bypass. Construction-related emissions would make a significant contribution to the precursors of regional photochemical oxidants (commonly called smog). This impact would be essentially the same whether the project was constructed on the BNSF Alternative or the Wasco-Shafter Bypass Alternative. Because there would be no HST station in Wasco or Shafter, the project would not alter vehicle traffic in the area relative to the No Project Alternative. Therefore, HST operations would have no impact on air quality along the BNSF Alternative or the Wasco-Shafter Bypass Alternative.

BO015-5

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

BO015-6

Refer to Standard Response FB-Response-GENERAL-05, FB-Response-GENERAL-10.

Response to Submission BO015 (Laura Baker, Center for Race, Poverty & The Enviroment on behalf of CBS, APA, ROSAS, October 18, 2012) - Continued

BO015-7

Refer to Standard Response FB-Response-GENERAL-10, FB-Response-TR-02, FB-Response-S&S-01.

Regional transportation between Allensworth and Delano and Earlimart would be maintained as road overpasses and/or modifications will be made to accommodate the HST project, while maintaining access to roads and highways for residents.

BO015-8

Comment noted. The analysis Chapter 4 of the Revised DEIR/Supplemental DEIS is consistent with this comment.

BO015-9

Avenue 24 is proposed to be closed by the Allensworth Bypass Alternative, and east-west connections would be available on County Road J22 and Garces Highway.

BO015-10

Palmer Avenue is proposed to be closed by the BNSF Alternative near Allensworth. East-west connections would be available on County Road J22 and Avenue 24.

BO015-11

Refer to Standard Response FB-Response-GENERAL-10, FB-Response-GENERAL-15.

BO015-12

Refer to Standard Response FB-Response-GENERAL-10, FB-Response-GENERAL-15.

The Authority used the information in the Revised DEIR/Supplemental DEIS and input from agencies and the public to identify the Preferred Alternative in this Final EIR/EIS. The decision included consideration of the project purpose and need and the project objectives presented in Chapter 1, Project Purpose, Need, and Objectives, as well as the objectives and criteria in the alternatives analysis and the comparative potential for environmental impacts.

Submission BO016 (Jow-Lih Su, Certis USA, September 14, 2012)

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September 13, 2012

Dan Richard, Chairperson
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Jeff Morales, CEO
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Fresno - Bakersfield Route Options

Dear Mr. Richard and Mr. Morales:

BO016-1

On August 14, 2012 representatives of our company attended the HSR sponsored workshop held in Wasco, California. At the suggestion of HSR staff participating in that workshop, we wish to formally comment upon the draft Environmental Impact Report issued by the HSR Authority and applicable to the Fresno to Bakersfield phase of the proposed project, and specifically the alternative route proposed through Wasco. Please cause this correspondence to become part of the formal record in connection with this matter. For the reasons set forth herein, we object to the proposed route through Wasco and believe that the Authority's decision adopting that route will result in irremediable harm to our company, its many local employees, and the Wasco community in general.

BO016-2

Certis USA owns and operates a manufacturing facility located adjacent to the existing tracks in Wasco, which would be directly and negatively impacted by the proposed High Speed Rail route option going through Wasco. We would like to make you aware of the potential impacts and difficulties this route will cause to our business operations, and notify you that choosing the proposed route through Wasco may result in closure and relocation of our facilities.

Our Wasco facility is a high tech fermentation production facility consisting of expensive and sophisticated equipment and instrumentation. We have been in operation at this site for more than 50 years. The facility currently employs 50 professional employees and engages 20 local contract service companies to support the operation. Our environmentally friendly biological pesticide products have been used by many Central Valley farmers for decades as those farmers strive to protect high value specialty fruit, nut and grape crops. The location of

BO016-2

our Wasco facility allows us to conveniently service Central Valley's farmers in a way that an alternative site likely will not.

Under the Wasco route option, the railroad and right-of-way is proposed to run directly through our storage, staging and warehousing facilities. These facilities are critical to the support of our main manufacturing operations. The loss of this infrastructure that would necessarily follow were the Wasco route adopted would endanger the future of our entire Wasco Plant.

More specifically, Certis stands to lose approximately 2 acres in two parcels located on the east side of G Street, between 4th Street and 6th Street ("North and South Parcels"). These parcels contain approximately 20,000 square feet of warehouse space that is used for storage of raw material, partially processed product, packaging and other materials, as well as open areas in which we store drums, pallets and totes for our finished goods, commercial trash bins, compactors and other items used in our operations across G Street to the west. These functions are critical to support fermentation operations as well as formulation and packaging operations. If, as a result of the High Speed Rail project, this infrastructure cannot be relocated onsite or to closely adjacent property (both of which are highly unlikely in the current environment absent intervention as is discussed below), the Plant risks becoming inoperable.

BO016-3

There are potential adjacent properties that present options for relocating these functions if the Wasco route is in fact adopted. These properties are owned by third parties and if acquisition would be suitable for our needs, Certis would expect financial compensation and permitting assistance from HSR and/or other authorities in order to acquire and prepare the properties for seamless plant operations. Use of any of the adjacent properties would involve considerable expenses and lead time preparation for acquisition, demolition and building of suitable replacement storage or warehouse facilities. However, these options are far from ideal, since inefficiencies and other negative impacts on our operations are inevitable.

In addition to current operations and functions, the North and South Parcels provide us with current and future income and growth opportunities, all of which would be lost were the Wasco route implemented. Certis would require and expect compensation for those losses. For example, we had been in negotiations for lease of a portion of the property for a communications tower, and have plans to add a fuel cell and potentially an effluent treatment facility on the property for our future needs. The Wasco route would terminate those opportunities and deprive Certis of the associated profits.

If suitable replacement properties to accommodate all of these functions cannot be found, we will look to be compensated for loss of the contiguous Plant facility, the costs of relocating the entire facility and losses sustained in the course of associated disruption of commercial production. In short, we need you to understand that implementation of the Wasco route as currently proposed will have wide-spread negative impact on our commercial operations, the nature of which cannot be remedied by simply compensating Certis for just the parcels directly impacted by the HSR.

Submission BO016 (Jow-Lih Su, Certis USA, September 14, 2012) - Continued

BO016-4

The potential impacts to our Plant if the HSR runs through the City of Wasco are significant and complex. We appreciate this opportunity to communicate our concerns with respect to the impact of HSR to our operations, and the impact and potential losses we would suffer if the Wasco route option is adopted. Clearly, however, adopting a different route so as to avoid Wasco will benefit not only Certis but also each of our 50 employees, their families, and the community at large.

Very truly yours,

Jow-Lih Su, President & CEO
Certis U.S.A. L.L.C.

cc: Dan Allen, City Manager, City of Wasco

Response to Submission BO016 (Jow-Lih Su, Certis USA, September 14, 2012)

BO016-1

Refer to Standard Response FB-Response-GENERAL-14.

BO016-2

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

BO016-3

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

BO016-4

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

The Wasco-Shafter Bypass Alternative would avoid running the project through Shafter. The Authority used the information in the Final EIR/EIS and input from the commenting agencies and public to identify the Preferred Alternative. The decision included consideration of the project purpose, need, and objectives, as presented in Chapter 1, Project Purpose, Need, and Objectives, of the Final EIR/EIS; the objectives and criteria in the alternatives analysis; and the comparative potential for environmental impacts. The Preferred Alternative balances the least overall impact on the environment and local communities with the cost and constructability constraints of the project alternatives that have been evaluated. The Preferred Alternative is reflected in the Final EIR/EIS.

Submission BO017 (Alan Scott, Citizens for California High Speed Rail Accountability, August 2, 2012)

Submission for August 2, 2012 CAHSRB Meeting, Sacramento

From: Alan Scott, Founding Member, Citizens for California High Speed Rail Accountability

To: Dan Richard, Chair, California High Speed Rail Board

Date: August 2, 2012

Re: Extension of Fresno to Bakersfield Draft EIR/Draft EIS

BO017-1

Background: The authority & the board have continued to exercise poor judgment especially with respect to the Business Plan and EIR's/EIS's regardless of the format issued. You continuously provide massive error ridden documents making it extremely difficult for the average California citizen to provide a proper and a comprehensive review within a restrictive sixty-day period. You further exacerbated the process by issuing corrections; however, making no adjustments to the review period & again this is totally unacceptable.

Once again, CAHSRA & B have created another screwed up flawed document that being the Fresno to Bakersfield Draft EIR/EIS dated July 2012. And with a week of issuance you have already issued a corrective action document without any adjustment to the restrictive review period. Once again, showing total disregard to the California citizen.

Therefore, this letter is submitted requesting immediate action as follows: adjustment of the review period beginning July 26, 2012 through November 26, 2012 with allowances for the Thanksgiving Holiday period, thus the November 26th date. Failure to provide this reasonable and justifiable accommodation will only result in appropriate groups taking legal action, which we believe will prevail due to the volumes and volume of documents including all the technical documents, not yet provided. I am sure the courts would look favorability on this reasonable and simple request. If any corrective action items are submitted during this period, then the review period must be extended accordingly.

As further justification for this request, I once again highlight the abject failures of the authority & the board's in these areas: transparency (a total lack of), inadequate & with no timely responses to any and all questions by citizens, by governmental agencies & California legislators over a period of many years. Your outrageous disregard for all of these entities totally unacceptable and unprofessional. Your attitude has fostered a major disrespect form these groups and more importantly the authority staff & the directors as well. Further, Mr. Richard upon your appointment you stated, words to the effect, "I am the new guy on the block and we will right the ship". Well, you did not and during your June meeting in Hanford that became very apparent and clearly demonstrated between you and Mr. Abercrombie where we witnessed a complete total lack of control between the board and the authority.

BO017-1

However, with respect to my (our) request for an extension of the review time, I refer back the September 2011 at Hanford, CA Civil Authorium CAHSRA comment session. This is the session is where the authorities newest PR Director fell asleep during the live comment period, but I digress.

BO017-2

Mrs. Heather Oliveira provided a detailed and factual presentation on one's ability to read a product with over 30,000 pages. Her comprehensive report clearly demonstrated that it could not be done and I believe one person reading the initial document would have taken well over 120-days. That with that in mind and the fact there maybe potential litigation, this information will be submitted for the court to review.

But even more important, as happens in many cases where poor judgment on the part of the elected officials, who are charged with the development of these processes and in this case the CEQA 30-60 day review period they (I am sure) did not envision HSR or similar type massive projects. If one goes back to the time of this enactment one would find that most projects did not have the complexities or volumes of documents, thus this was an acceptable review period. Now fast forward and the courts are always adjusting selected unintentional oversights and this is exactly one of those oversights that I am quite sure the courts will enjoin the state to make the appropriate adjustment(s).

I further challenge you with this, you have 100's of over paid consultants who are known to produce error ridden products and you factor in the massive man hours they expended, I am sure even they could not perform this task individually in the currently allotted time frame? So this proves my case even more.

Mr. Richard, it is extremely clear your group is not happy with the Kings County citizens and you and your predecessor's along with authority staff and contracted consultants fully own this issue because you all created it. The pathetic treatment given to us and so many others in other counties, cities and individuals is disgraceful to say the least. I know this does not bother you but I am making it part of the record, just in case because the numbers we can gather against you far out weight the number on your side, Mr. Richard. I am anticipating a favorable response within 7-business days.

Sincerely,

Alan Scott
1318 Whitmore Street
Hanford, CA 93230-2848

Response to Submission BO017 (Alan Scott, Citizens for California High Speed Rail Accountability, August 2, 2012)

BO017-1

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-08, FB-Response-GENERAL-16, FB-Response-GENERAL-11.

Technical Reports were made available on the Authority's website.

BO017-2

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-08, FB-Response-GENERAL-26.

The length of the EIR, including appendices and technical reports, is approximately 4,800 pages. The Fresno to Bakersfield Section is over 100 miles long, includes a range of alternatives, and has a full spectrum of environmental impacts. It is neither realistic nor reasonable that it can both comply with the disclosure and mitigation requirements of CEQA and NEPA and be a short document.

All public comments received on the Draft EIR/EIS are responded to in Volume IV of this Final EIR/EIS, and all comments received on the Revised DEIR/Supplemental DEIS are responded to in Volume V of this Final EIR/EIS.

Submission BO018 (Michael Lamb, Citizens for California High Speed Rail Accountabillity, August 14, 2012)

August 11, 2012

Michael Lamb
Member of Citizens for California High Speed Rail Accountability
1104 Freddie Circle
Hanford, CA. 93230

Mr. Dan Richard
High Speed Rail Authority
770 L. Street, Suite 800
Sacramento, CA. 95814

BO018-1

Chairman Richard:
I submit this correspondence to express my opposition to the High Speed Rail Project. This venture is wrought with engineering and fiscal flaws. An article in the Los Angeles Times dated June 11, 2012 stated "The San Joaquin kit fox is among the (11) endangered or threatened species that the U.S. Fish and Wildlife Service says would be affected…" This same article goes on to say "Massive emissions from diesel-powered heavy equipment could foul the already filthy air. Dozens of rivers, canals and wetland fed from the rugged peaks of the Sierra Nevada would be crossed, creating other knotty issues." These statements aren't made by purveyors of fancy, but those in the scientific community. In the words of Governor Brown, "Scoffers stand aside". I submit that these quotes are not made by scoffers, but people of science.

BO018-2

As a History teacher, I have many opportunities to enlighten students. Where you in my class, I would say that Throughout History there are many examples that confirm that governments are terrible investors. The recent example of Solyndra Corporation is a fine example. This government guaranteed loan left the tax payer on the hook for $535 million dollars! In 1971 the Clinch River Breeder Reactor was authorized for an estimated $400 million dollars. In 1983 and $8Billion Dollars later it was abandoned! Fifty years earlier the Wilson administration thought it could build armored plated battle ships cheaper than the steel companies. The government plant spent millions, ran over budget, charged the government twice what private enterprise cost and was sold its one and only product for scrap!

BO018-3

Politicians (Jerry Brown) are consumed by self interest. One can only wonder what our Governors' interest in this project is. The Environmental Impact Study and the Environmental Impact Report consume 30,000 plus pages. Has any one read it? Is this another case of "You must pass it to read it? We all remember how popular that administrative mess was. I contend that a 60-day review period is inadequate. I request that the comment period be extended to October 20, 2012.

Thank you for your consideration in this matter,

Michael Lamb

Response to Submission BO018 (Michael Lamb, Citizens for California High Speed Rail Accountabillity, August 14, 2012)

BO018-1

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

The potential effects of the proposed project on special-status wildlife species and jurisdictional waters are presented in Section 3.7, Biological Resources and Wetlands, of the Revised DEIR/Supplemental DEIS. Section 3.7.7 presents the mitigation measures that would be implemented to avoid and minimize impacts on these resources. The Authority has been working with regulatory agencies, including the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, to develop mitigation measures and ensure that they sufficiently address potential impacts. Additionally, the Authority will work with these agencies to obtain the necessary permits for the project.

BO018-2

Refer to Standard Response FB-Response-GENERAL-17.

BO018-3

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

The EIR/EIS is not 30,000 pages long. The EIR/EIS and its appendices are less than 5,000 pages long. The Fresno to Bakersfield Section is over 100 miles long, includes a range of alternatives, and has a full spectrum of environmental impacts. It is neither realistic nor reasonable that it can both comply with the disclosure and mitigation requirements of CEQA and NEPA and be a short document.

Submission BO019 (Frank Oliveira, Citizens for California High Speed Rail Accountability, September 11, 2012)

CITIZENS FOR CALIFORNIA HIGH-SPEED RAIL ACCOUNTABILITY
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Hanford, California 93232
559-469-6685 (Cell/Text)
frank.oliveira.gm@gmail.com (Most Direct)
cchsraorg@gmail.com (General Group Contact)
http://www.cchsra.org/ (Website)
https://www.facebook.com/#!/groups/CAAHSR/ (Face Book)
www.twitter.com/CCHSRA (Twitter)

Date: September 11, 2012

To: **California High-Speed Rail Authority Board**
770 L Street, Suite 800
Sacramento, California 95814
916-324-1541 boardmembers@hsr.ca.gov

Dan Richard, Chair **Lynn Schenk, Vice-Chair** **Thomas Richards, Vice-Chair**
Thomas Umberg **Robert Balgenorth** **Jim Hartnett**
Michael Rossi

Subject: **CRITICAL ENVIRONMENTAL IMPACT REPORTS THAT ARE NOT AVAILABLE FOR PUBLIC REVIEW**

BO019-1

We respectfully demand that the California High-Speed Rail Authority (Authority) rescind its Revised Draft Environmental Impact Report/Statement (RDEIR/S) Comment Period for the Fresno to Bakersfield Section of the High-Speed Train (HST) project.

The Authority has not performed its required due diligence in the matter when it decided to not release more than 14,000-pages of Technical Reports that are part of the RDEIR/S and supposedly justify the report's many assumptions. Withholding this information from public display prevents the common person in the community without a high-speed internet service from meaningfully participating in the EIR/S process as required by state and federal law.

Meaningful public participation in the process is clearly noted as a compliance requirement of the Authority's recently adopted NEPA/Environmental Justice policy. The Authority claims it has been complying in spirit with its new policy all along despite not having a policy in place for more than the 16-years of its existence. Over the last two years, it appears that the Authority has not complied with the spirit of its policy on numerous already discussed occasions before this Board.

The Authority prepared to involve the public to participate in this current process by releasing approximately 4,800-pages of the RDEIR/S to the public for the public's review. The released documents are identified as Volumes-I, II & III. The Authority released the documents via the Authority's website, via CD-Rom's provided by the Authority and by positioning Volumes-I, II & III, in public locations, such as libraries and community centers, for those members of the public wishing to review hard copies of the report.

1 of 2

BO019-1

The problem with all of this is quite simple. If the Authority is required to have the public involved in this process and if the Authority knowingly is withholding 14,000-pages from the public of what the Authority refers to as important attachments to their report and if the public wants to review those documents within this process, the Authority needs to make those supporting documents readily available to the public, unless the Authority really does not want the public to be meaningfully involved. The public should have a full 90-days to review the RDEIR/S with all relevant documents available to cross-reference critical data contained in all relevant documents that explain why the report says what it says.

Recall the RDEIR/S.

Ensure that you have done things right.

Re-roll out the Comment Period with at least a 90-day review period.

BO019-2

Ensure that the hard copies of the RDEIR/S are complete and available in public locations during hours when the working public can access the documents in commonly spoken languages.

BO019-3

We understand that our request will complicate the Authority's project timetable a little bit but our request is reasonable and appears to be supported by the Authority's own NEPA Environmental Justice policy. The public wants to be involved.

If you have any questions of us, I can be reached at the contact points noted on the cover page.

Respectfully Submitted,

Frank Oliveira
Co-Chair

Attachments: None

Ec: File

Response to Submission BO019 (Frank Oliveira, Citizens for California High Speed Rail Accountability, September 11, 2012)

BO019-1

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

BO019-2

The locations of the public repositories were selected to maximize stakeholder and community involvement. The documents were provided to 47 community centers, public agencies, and libraries, which were chosen with a diverse range of hours to solicit public participation. The hours of the repositories were considered on selection of the locations; thus, the diversity in the types of repositories that had evening or weekend hours.

BO019-3

The locations of the public repositories were selected to maximize stakeholder and community involvement. The documents were provided to 47 community centers, public agencies, and libraries, which were chosen with a diverse range of hours to solicit public review. The hours of the repositories were considered on selection of the locations; thus, the diversity in the types of repositories that had evening or weekend hours.

Submission BO020 (Frank Oliveira, Citizens for California High Speed Rail Accountability, October 9, 2012)

CCHSRA
CITIZENS FOR CALIFORNIA HIGH SPEED RAIL ACCOUNTABILITY

October 3, 2012 [Sent by Email: Fresno_Bakersfield@hsr.ca.gov / boardmembers@hsr.ca.gov]

Dan Richard, Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Request That The Authority Provide Missing Information And An Extension of The Comment Period on Revised Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) For The Fresno To Bakersfield Section of Proposed High-Speed Rail (HSR) Project, Beyond Current October 19, 2012 Comment Deadline Date

Dear California High-Speed Rail Authority:

BO020-1 Citizens For California High Speed Rail Accountability (CCHSRA) is a group of residents, farmers, business people, and landowners who are concerned that the proposed high-speed train project will have significant negative impacts throughout the state, and particularly on natural resources and agricultural operations in the proposed Fresno to Bakersfield section of the project, and on local communities located within that area. CCHSRA wishes to play a constructive and positive role as the Authority reviews the possible environmental impacts of this proposed project, and has asked a number of experts to review the currently circulating Draft on its behalf, to make sure that all impacts are properly disclosed and analyzed. CCHSRA has also been working with other groups and individuals who are trying to play a positive and constructive role in the environmental impact review process. Many of these persons are not sophisticated, and are low-income and/or persons from economically disadvantaged communities. They do not have access to high-speed internet connections.

BO020-2 Unfortunately, we have found that we (and others) cannot fully and properly participate in the current process, as both CEQA and NEPA envision, because the Authority has not made the required documents effectively available for public review and comment. Specifically, we have found that various technical reports referenced in the Draft EIR/EIS document are not effectively available to members of the public, since they were not furnished when CD or DVD disks were provided to those who requested them, and were not made available in a paper format at libraries and other places where documents are supposed to be accessible. It is impossible to understand the Draft document (and then to make appropriate comments and responses) unless the referenced reports can be consulted.

Citizens For California High Speed Rail Accountability (CCHSRA) is a grassroots, non-profit corporation based in Kings County, California. CCHSRA was formed to ensure that the proposed California High Speed Rail Project does not adversely affect the economy, environment, or the quality of life of California's existing communities, with a focus on Kings County. For more information, please visit: http://www.cchsra.org/. You may contact CC-HSR by mail at 7450 Mountain View Street, Hanford, California 93230.

1 of 2

BO020-3 Attached are copies of communications indicating some of the individual efforts that have been made, to date, to have the Authority provide the missing technical reports. To date, these missing technical reports have not been made available as requested, and as both CEQA and NEPA require. Time has essentially run out for us (and others). Because we do not have access to the referenced technical reports we cannot now comment fully and properly within the current comment deadline.

BO020-4 We hereby request that the Authority take the following actions, so that we (and others) can properly participate in the environmental review process, as both CEQA and NEPA contemplate:

1. Send a CD or DVD disk with the missing technical reports to all those persons who have requested and received the Draft EIR/EIS on CD or DVD, but who were not properly provided with the technical reports referenced in the materials contained on the CD or DVD sent to them. That includes the CCHSRA and many of our members.
2. Provide hard copies of all of the missing technical reports to the libraries or other public places where the public has been told they may inspect the Draft EIR/EIS. This includes many locations that CCHSRA members have visited, to view the (incomplete) documents.
3. Extend the comment period of the current Draft EIR/EIS for at least ninety (90) days beyond the date that you make the missing technical reports available, as indicated above.

As CEQA provides, at Public Resources Code Section 21005 (a):

> The Legislature finds and declares that it is the policy of the state that noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of this division, may constitute a prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.

Access to the information contained in the technical reports (referenced in the Draft EIR/EIS but not made available to the public) is absolutely essential for CCHSRA to be able to make appropriate comments, and such comments are absolutely the kind of "relevant information" that CEQA demands not be precluded by agency actions. We do not believe that we can fully and properly participate in the CEQA/NEPA review process without having access to these technical reports, and we urge the Authority to take seriously its responsibility to make sure that such relevant information about the impacts of the proposed project is made available to the public, by taking the actions we outline above.

Thank you for your attention to our request, and for your positive action in response.

Very truly yours,

Aaron Fukuda, Co-Chair CCHSRA

Frank Oliveira, Co-Chair CCHSRA

2 of 2

Submission BO020 (Frank Oliveira, Citizens for California High Speed Rail Accountability, October 9, 2012) - Continued

Aaron Fukuda
7450 Mountain View Street, Hanford, CA 93230

August 12, 2012

Chairman Dan Richard
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

Subject: Revised Draft EIR/EIS: Fresno to Bakersfield - Public Review Extension

Dear Chairman Richard and Authority Board Members,

As a resident in California and a landowner who will be impacted by the High-Speed Alignment through Kings County I am requesting your agency allow the public an additional 90-days of review, which would make the total review time of 180-days. In my review process I am currently finding that I am only approximately 1/3 of the way through the document. The current task faced by myself and many others in the public is the ability to manage 15,000 pages of technical documentation, including reading, fact checking and note taking. Under the current time restraints a person would be required to read approximately 170 pages per day. The average person can read approximately 200 words per minute and the average number of words per page in the DEIR/EIS is approximately 600 words (sample pages were sampled and word counts done on each page). This means that it takes 3 minutes to read each page and having to read 170 pages per day would mean a person would need 510 minutes (8.5 hours) per day to review the DEIR/EIS. This only accounts for reading, the ability to take notes and comment increases the time requirements significantly.

The reasons for allowing a 180-day review period are as listed:

- Ability to read, comprehend and comment on 15,000+ pages of documents in 90-days is unrealistic and limits the transparent process the "New" Authority has committed to achieving.
- The timing of the review is problematic given its release during the late summer and conflicts with family summer vacations and the beginning of school. The review period for this document also coincides with the main harvest and peak farming activities in the Central Valley. Many farmers who have shown initiative to review this document have not been allowed the appropriate time to coordinate the DEIR/EIS review with their daily work schedules.
- Limited access of documents makes access for many difficult. Many of the people I have been talking to have attempted to access the document at public locations, however given limited hours of the locations, access is limited to the daytime. As many people work during the daytime it is difficult to read the document at public locations.
- The public generally works between 8:00 AM and 5:00 PM. In my instance my workday begins at 7:00 AM and I am able to get home around 6:30 PM. My only availability to direct my review is from approximately 7:00 PM and into the late evening. As the analysis provided earlier I would need 8.5 hours each day to accomplish a full reading, minus any meaningful review.
- It should be noted that review of the DEIR/EIS is not the only review required. As information is provided, I have found that given the lack of details and information provided one must search other sources, mainly the internet to verify the information and findings provided in the DEIR/EIS.
- The Authority has previously granted the public a 180-day review period for the Programmatic EIR, which was produced in 2005. The level of detail and analysis provided in the Programmatic EIR is significantly smaller, yet the public was allowed three-times the review period. The Authority has precedence to provide the public with an adequate review period.

1 of 2

- The time period between the first release of the Draft EIR/EIS and the Revised EIR/EIS was never advertized nor described by the Authority as a review period. The public generally had no idea of why a Revised Draft EIR/EIS was being prepared nor when it was going to be released. Given my review of the previous document and the Revised Draft EIR/EIS, it is not realistic to believe that just reading the highlighted areas yields a full understanding of the impacts.
- The Authority has provided significant changes in the Draft EIR/EIS. Although changes are highlighted in the main document, changes made to Technical Documents and Appendices have not been highlighted. Therefore, I along with the public are having to review all of these documents again to determine if conflicts have been addressed and where changes have been made.

Under California law (the California Environmental Quality Act), public participation is an essential part of the review process to ensure that there is a meaningful and effective comment and review period. Information gathered through this process will guide lead agency identification of impacts and development of mitigation measures. By limiting the effective review period of the DEIR/EIS, the Authority will ensure the public review process will be limited and ineffective. The high-speed rail project is a multi-decade project. The extension of 90 days for review will not significantly impact the overall schedule. Also the greater amount of public participation and comments provided by the people who know the impacts the greatest will provide cost savings by knowing impacts ahead of the construction phase.

For the reasons above, I request that the Authority grant myself and the public a 180-day Revised Draft EIR/EIS review period. This extension alleviates many of the issues listed above and accommodates a reasonable review time for the public. As the Authority moves forward with this project it is incumbent upon you to act responsibly and in protection of the public interest, this includes and should emphasize those who will be asked to sacrifice the most for this project. A failure to acknowledge this request will only signify that the old regime of the Authority is simply too entrenched to be replaced by a "New" Authority paradigm as has been touted by the Authority in recent months.

Sincerely,

Aaron Fukuda

cc:
Kings County Board of Supervisors
Governor Jerry Brown

2 of 2

Submission BO020 (Frank Oliveira, Citizens for California High Speed Rail Accountability, October 9, 2012) - Continued

CITIZENS FOR CALIFORNIA HIGH-SPEED RAIL ACCOUNTABILITY
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https://www.facebook.com/#!/groups/CAAHSR/ (Face Book)
www.twitter.com/CCHSRA (Twitter)

CCHSRA
CITIZENS FOR CALIFORNIA HIGH SPEED RAIL ACCOUNTABILITY

Date: September 11, 2012

To: **California High-Speed Rail Authority Board**
770 L Street, Suite 800
Sacramento, California 95814
916-324-1541 boardmembers@hsr.ca.gov

Dan Richard, Chair **Lynn Schenk, Vice-Chair** **Thomas Richards, Vice-Chair**
Thomas Umberg **Robert Balgenorth** **Jim Hartnett**
Michael Rossi

Subject: **CRITICAL ENVIRONMENTAL IMPACT REPORTS THAT ARE NOT AVAILABLE FOR PUBLIC REVIEW**

We respectfully demand that the California High-Speed Rail Authority (Authority) rescind its Revised Draft Environmental Impact Report/Statement (RDEIR/S) Comment Period for the Fresno to Bakersfield Section of the High-Speed Train (HST) project.

The Authority has not performed its required due diligence in the matter when it decided to not release more than 14,000-pages of Technical Reports that are part of the RDEIR/S and supposedly justify the report's many assumptions. Withholding this information from public display prevents the common person in the community without a high-speed internet service from meaningfully participating in the EIR/S process as required by state and federal law.

Meaningful public participation in the process is clearly noted as a compliance requirement of the Authority's recently adopted NEPA/Environmental Justice policy. The Authority claims it has been complying in spirit with its new policy all along despite not having a policy in place for more than the 16-years of its existence. Over the last two years, it appears that the Authority has not complied with the spirit of its policy on numerous already discussed occasions before this Board.

The Authority prepared to involve the public to participate in this current process by releasing approximately 4,800-pages of the RDEIR/S to the public for the public's review. The released documents are identified as Volumes-I, II & III. The Authority released the documents via the Authority's website, via CD-Rom's provided by the Authority and by positioning Volumes-I, II & III, in public locations, such as libraries and community centers, for those members of the public wishing to review hard copies of the report.

1 of 2

The problem with all of this is quite simple. If the Authority is required to have the public involved in this process and if the Authority knowingly is withholding 14,000-pages from the public of what the Authority refers to as important attachments to their report and if the public wants to review those documents within this process, the Authority needs to make those supporting documents readily available to the public, unless the Authority really does not want the public to be meaningfully involved. The public should have a full 90-days to review the RDEIR/S with all relevant documents available to cross-reference critical data contained in all relevant documents that explain why the report says what it says.

Recall the RDEIR/S.

Ensure that you have done things right.

Re-roll out the Comment Period with at least a 90-day review period.

Ensure that the hard copies of the RDEIR/S are complete and available in public locations during hours when the working public can access the documents in commonly spoken languages.

We understand that our request will complicate the Authority's project timetable a little bit but our request is reasonable and appears to be supported by the Authority's own NEPA Environmental Justice policy. The public wants to be involved.

If you have any questions of us, I can be reached at the contact points noted on the cover page.

Respectfully Submitted,

Frank Oliveira
Co-Chair

Attachments: None

Ec: File

Response to Submission BO020 (Frank Oliveira, Citizens for California High Speed Rail Accountability, October 9, 2012)

BO020-1

As described in Section 3.7, Biological Resources and Wetlands, of the Revised DEIR/Supplemental DEIS, the proposed project would impact biological resources. However, these impacts will be mitigated, minimized, and/or avoided through the implementation of mitigation measures, as described in Section 3.7.7

Impacts on agricultural lands and operations are analyzed in Section 3.14, Agricultural Lands, and impacts on communities and economic effects of the project, including those effects on agriculture, are analyzed in Section 3.12, Socioeconomics, Communities, and Environmental Justice.

BO020-2

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-16, FB-Response-SO-07.

BO020-3

Refer to Master Response FB-Response-07

BO020-4

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

Submission BO021 (Alan Scott, Citizens for California High Speed Rail Accountability, October 18, 2012)

Alan Scott
1318 Whitmore Street
Hanford, California 93230-2848

October 15, 2012

Mr. Dan Richard
Chairman
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

Subject: Revised Draft EIR/EIS: Fresno to Bakersfield - Public Review Extension request

Dear Chairman Richard:

As a resident of Kings County since 1974 and a resident of Hanford since 1978, I strongly object the authority & board attempts to rush a project where there are numerous known deficiencies identified through recent & past comment letters, a number of existing legal actions and the many more legal actions that will surely be forth coming because of the lack of professional due diligence.

As a Founding Member of Citizens for California High Speed Rail Accountability, our primary goal from the onset was only one issue, the assurance that this project would be achieved with total compliance to Proposition 1A passed by the voters November 2008, not the one that has been created by the authority & board today.

BO021-1 To that end, the authority and board have failed in their responsibility by limiting the review time for approximately 30,000 pages of extremely technical documents. The average California Citizen(s) the majority who work whether full or part time employment, some with access to electronic access, many without access, a significant number operate generational businesses that this review process seriously limits their ability to be successful especially when attempting to

BO021-2 understand this massive wordy extremely technical documentation, further the limited access through public locations due their hours of operation, limited access to electronic tools or hard copy publications, limited or non-existence documents in Spanish, Hmong, Southeast Asia languages to name just a few.

Even with the extension, it does not, still, allow for a reasonable proper review. The authority has 100's of individuals on the payroll or contracted to produce these volumes of extremely technical EIR's & EIS's, while the public with zero experience is subject to a ridiculous limited review process. I believe the courts would call this an "unreasonable expectation" and would favorable look to increasing the review period. Furthermore, there is precedence for longer

review periods established by the authority where you allowed 1-year for a much shorter EIR/EIS review in the bay area in late 2009 for this project.

BO021-3 Therefore, I am asking you provide no less than a 1-year review period for the reasons stated in my letter but for all the reasons stated in all the other submission requesting an extension even if they did not request a 1-year period for review. Again, it would be interesting how the courts would react with the limited amount of access and time we, the citizen, had to review such detailed technical documents.

I also believe it is very important to restate what Mrs. Heather Oliveira stated at the Hanford Public Comment session September 2011, that it was physically impossible for anyone to read the massive Draft EIR / Draft EIS issued in 2011 for Fresno to Bakersfield alignment in the time frame allowed even with the extension. I believe, she stated, it would take about 104 days of continuous uninterrupted reading just to get through all 30,000 plus pages in less time, amazing.

Your current comment period does not even allow for any of the items I have addressed. In addition, this Revised and the previously released and then pulled draft EIR/EIS were riddled with massive errors & omissions produced by your highly over compensated CAHSRA contractors (this issue must be addressed in another forum because the checks and balances are sorely lacking).

I also remind you that at least 14,000 pages are missing making proper response impossible by all citizens of California.

BO021-4 But the real issue is the absolute disenfranchisement and failure to even address a number of ethnic groups – Spanish, Hmong, & Southeast Asia populations.

BO021-5 Merced to Bakersfield Counties the actual numbers of disenfranchised citizens is unknown to us and to you as well and this is a major violation of NEPA (you know the specific section). None of communities were provided with a 100% EIR / EIS's printed in their language(s). Well you are aware that there are numerous California departments or agencies who publish multiple language documents and once again, I am sure the courts would not look favorably on this massive Environmental Justice oversight.

Therefore, to that end and to ensure the authority and board are eliminated from any potential litigation, I am now adamantly requesting a review period of one (1)-year from the time all properly annotated documents have been redistributed where public access is not limited but aggressively allowing for proper citizen review. You are aware that this request is not just pulled out of the sky, it is based on a previous review period of this time frame for documents not even as extensive as these last two for Fresno to Bakersfield; therefore, precedence's has been

Submission BO021 (Alan Scott, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

established by the authority & board. Again, when presented to the courts this could become a litigation issue for the authority & board.

Tim Sheehan's article in the Sunday Fresno Bee of October 7, 2012 edition re 'Delays could compromise rail funding', your CEO Jeff Morales noted that he moved from accepting bids from contracting teams on the request of the bidders for more time request. So the previous "hurry up policy" to get the project going is bogus and if a bidder needs more time, they get it? However, if a taxpayer(s) wants more time, they get shut down and I base this of Mr. Morales' statement back in (I believe the August 2012 board mtg) stating we already have had almost a year, or words to that affect. That is nuts, why would we continue to review a pulled document? His comment generated rebuttal from at least two directors and this changed the tone for a moment. Check the tape. Further, the pulled EIR/EIS document in October 2011, if the truth be known, flawed work product & serious failures on non-compliance with CEQA & NEPA. And nothing changes as the Revised draft EIR/EIS also is riddled with the similar or same omissions and the revised would be released in the spring of 2012 but in fact it was released in July 2012? Why?

BO021-6

Could it be you needed more time to prepare your publication? But you have 100's of individuals whether staff or contractors to accomplish this task and they still did not get it right.

In closing, Mr. Richard, it is clear that there are serious behind the scenes political issues are at play but your only responsibility is to the citizens of California who charge you with making the most difficult decisions once you realize the project is a failure based on empirical evidence and it must be made prior to the first shovel hitting the ground. Failure to be fiscally responsible with taxpayer monies, this becomes a major issue especially when known evidence demonstrates clearly the path you are on is going to end up wasting billions of dollars. Therefore, if you will not give the 1-year extension, then your only requirement is to now disband the existing authority, the board and end all vendors & contractors contracts immediately ensuring all due monies are disbursed in accordance with existing laws and regulations.

Sincerely,

Alan Scott
1318 Whitmore Street
Hanford, CA 93230-2848

cc:
CCHSRA Archives Files

Response to Submission BO021 (Alan Scott, Citizens for California High Speed Rail Accountability, October 18, 2012)

BO021-1

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

BO021-2

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

The Authority website has provided translated materials, and the Authority has offered translation services at all public meetings. The Executive Summary and several public educational materials regarding the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS are available in Spanish. Also, notification letters for the Draft EIR/EIS were sent in English and Spanish to residents, property owners, meeting attendees, businesses, organizations, elected officials, cities, counties, and agencies.

BO021-3

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

BO021-4

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

The Authority website has provided translated materials, and the Authority has offered translation services at all public meetings. The Executive Summary and several public educational materials regarding the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS are available in Spanish. Also, notification letters for the Draft EIR/EIS were sent in English and Spanish to residents, property owners, meeting attendees, businesses, organizations, elected officials, cities, counties, and agencies.

BO021-5

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

Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/Draft EIS, a Draft EIR/Draft EIS overview brochure, and comment cards at the public workshops and hearings. In addition, a multilingual, toll-free hotline was made available for public comments and requests.

BO021-6

The Revised DEIR/Supplemental DEIS provides a complete analysis of the environmental impacts associated with all phases of the project alternatives. Preparation of the Revised DEIR/Supplemental DEIS took longer than originally forecast. Therefore, it was released in July 2012 instead of spring 2012.

Submission BO022 (Maureen Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012)

CALIFORNIA High-Speed Rail Authority

Comment Card
Tarjeta de Commentarios

Fresno to Bakersfield High-Speed Train Section
Revised Draft Environmental Impact Report/ Supplemental Draft Environmental Impact Statement (Revised Draft EIR/Supplemental Draft EIS)

La Sección de Fresno a Bakersfield del Tren de Alta Velocidad
Proyecto Revisado de Informe de Impacto Ambiental/ Declaración de Impacto Ambiental Proyecto Suplementario (Proyecto Revisado EIR/Proyecto Suplementario EIS)

Please submit your completed comment card at the end of the meeting, or mail to:
Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

Extended comment period for Fresno to Bakersfield High Speed Train Revised Draft EIR/Supplemental Draft EIS: **July 20 – October 19**

Extendido el periodo de comentario público del Proyecto Revisado EIR/Proyecto Suplementario EIS **Julio 20 – Octubre 19**

Name/Nombre: Maureen Fukuda
Organization/Organización: CCHSRA
Address/Domicilio: 895 Laura Lane
Phone Number/Número de Teléfono: 559-240-8931
City, State, Zip Code/Ciudad, Estado, Código Postal: Hanford, CA 93230
E-mail Address/Correo Electrónico: maureenfukuda@hotmail.com
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO022-1 1. Will there be an overpass for all major E→W. roads? If not, what determines which road will?

2. How wide will the on & off "ramps" be? Will they be wide enough to accomodate the width of the equipment?

3. Will all overpasses have N+S. access?

BO022-2 4. Does the estimate of land needed to be acquired include the land needed to construct overpasses?

Response to Submission BO022 (Maureen Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012)

BO022-1

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

Grade-separation locations are determined through coordination with the local roadway agency. Typically, roadways having average daily travel (ADT) greater than 2,000 are provided 8-foot shoulders, consistent with the existing roadway condition. Overcrossings will be sized to accommodate expected traffic, including farm machinery. Grade separations will comply with the California Department of Transportation (Caltrans) stopping sight distance standards. Access to the overcrossings will vary depending on the specific orientation of the HST alignment, the road being crossed, and the road standards; not all overcrossings will have north and south access.

BO022-2

Alignment plans and maps of parcels directly affected by the project (including tracks, stations, and overpasses) where the whole parcel or a portion thereof would be acquired by the project have been analyzed together to assess the total impact and are provided in Volume III of the EIR/EIS.

Submission BO023 (Charlene Hook, Citizens for California High Speed Rail Accountability, October 18, 2012)

October 10, 2012

RECEIVED 10/18/2012

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

Dan Richard, Chair
Board of Directors
California High-Speed Rail Authority

RE: Revised Draft EIR/Supplemental Draft EIS Comment – Fresno to Bakersfield Section

Dear California High-Speed Rail Authority:

BO023-1

This letter submits my comments on the Revised Draft EIR/Supplemental Draft EIS for the Fresno to Bakersfield Section of the proposed California high-speed train system (Draft EIR/EIS). This Draft EIR/EIS first became available for public review and comment on July 20, 2012. The comment period closes on October 19, 2012. Unfortunately, the Draft EIR/EIS is fundamentally inadequate, and fails to comply with the mandatory requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) and Prop 1A. Major changes must be made. After those changes are made, the Draft EIR/EIS must then be recirculated for further review and comment. We urge the Authority to make the changes necessary to comply with the law. We will elaborate on those legal requirements, and point out why they are so important, as a kind of "introduction" to our specific comments on the document.

If the EIR/EIS for this project truly presented the actual impacts, and truly explored and analyzed alternatives and mitigation measures that could eliminate or reduce them, the Authority might make a different decision than a decision simply to proceed with the project as currently proposed.

Please don't shortchange the law – or us. Our environment, our local community, our local economy, and our personal livelihoods depend on your positive response to these comments, and to your compliance with CEQA and NEPA. We urge you to make the changes in the Draft EIR/EIS that are required by law, and then to recirculate that document for additional public review and comment.

Thank you for taking our concerns seriously.

Very truly yours,

CHARLENE HOOK

CHARLENE HOOK

Fresno_Bakersfield@hsr.ca.gov
boardmembers@hsr.ca.gov.

Sent by E-mail 10-10-12 @ 7:40AM

October 10, 2012

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

Dan Richard, Chair
Board of Directors
California High-Speed Rail Authority

RE: Revised Draft EIR/Supplemental Draft EIS Comment – Fresno to Bakersfield Section

Dear California High-Speed Rail Authority:

BO023-2

This letter submits my comments on the Revised Draft EIR/Supplemental Draft EIS for the Fresno to Bakersfield Section of the proposed California high-speed train system (Draft EIR/EIS). This Draft EIR/EIS first became available for public review and comment on July 20, 2012. The comment period closes on October 19, 2012. Unfortunately, the Draft EIR/EIS is fundamentally inadequate, and fails to comply with the mandatory requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) and Prop 1A. Major changes must be made. After those changes are made, the Draft EIR/EIS must then be recirculated for further review and comment. We urge the Authority to make the changes necessary to comply with the law. We will elaborate on those legal requirements, and point out why they are so important, as a kind of "introduction" to our specific comments on the document.

If the EIR/EIS for this project truly presented the actual impacts, and truly explored and analyzed alternatives and mitigation measures that could eliminate or reduce them, the Authority might make a different decision than a decision simply to proceed with the project as currently proposed.

Please don't shortchange the law – or us. Our environment, our local community, our local economy, and our personal livelihoods depend on your positive response to these comments, and to your compliance with CEQA and NEPA. We urge you to make the changes in the Draft EIR/EIS that are required by law, and then to recirculate that document for additional public review and comment.

This project has been run inappropriately from the beginning" or "our environment does not take a back seat to HSR"

Thank you for taking our concerns seriously.

Very truly yours,

RICHARD HOOK

RICHARD HOOK

Emailed 10-10-12 @ 8:55 am

Submission BO023 (Charlene Hook, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

CALIFORNIA High-Speed Rail Authority

Comment Card
Tarjeta de Commentarios

Fresno to Bakersfield High-Speed Train Section
Revised Draft Environmental Impact Report/ Supplemental Draft Environmental Impact Statement (Revised Draft EIR/Supplemental Draft EIS)

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

Por favor entregue su tarjeta completada al final de la reunión, o envíela por correo a la siguiente dirección:

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El periodo de comentario es del 20 de Julio al 20 de Septiembre del 2012. Los comentarios tienen que ser recibidos electrónicamente, o matasellados, el o antes del 20 de Septiembre del 2012.

Name/Nombre: Charlene Hook
Organization/Organización: Self | CCHSRA | Citizens of Calif + Kings County
Address/Domicilio: 316 5th Ave
Phone Number/Número de Teléfono: 559-992-5486
City, State, Zip Code/Ciudad, Estado, Código Postal: Corcoran, CA 93212
E-mail Address/Correo Electrónico: Char61353@netscape.net
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO023-3 In Taiwan, promoters have lost 2/3 of their capital because ridership has been nowhere near projections. The UK has had to bail out of its Eurostar HSR because ridership between London + Paris is 60% below the levels projected 5 years ago. HSR lines have a notorious record of overly optimistic ridership + revenue projections. Research shows that ridership predictions overestimate actual ridership by 65% on average. Our national debt on 8-31-12 was 16.39 Trillion. What makes you think Calif can achieve any better than mentioned above?

CALIFORNIA High-Speed Rail Authority

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BO023-4 The Authority talks about how many jobs the HSR project will create, but for how long? Once this HSR is complete Amtrak is gone. Did you ever consider how many jobs will be gone then? Not to mention the citizens of tax payers will loose. How can the Authority do something like this to the low income people who can't afford an automobile + depend on the Amtrak to go to doctor appointments, shopping, see relatives etc? The Authority appears to be very cold hearted. Put yourselves in these peoples place + see how you would feel. Do you really have an answer?

Submission BO023 (Charlene Hook, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

CALIFORNIA High-Speed Rail Authority

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E-mail Address/Correo Electrónico: Charlj353 @ netscape.net
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO023-5 Has anyone in the Authority Considered the Fog From Fresno to Bakersfield in the Winter? The fog here in the Valley especially Kings County is terrible, we have what you would call "Tule" fog. This perhaps is something you have not checked out in the last Reviewers of Considering the high speed rail. Your train will not be able to meet your desired speeds during this time... Now what? Is anyone in the Authority even familiar with fog? I'm not talking the fog in San Francisco, I'm talking the Valley. You wouldn't have to worry much about the fog on I-5, what would be in the way there? As far as water on I-5, A no brainer, dried a well. The I-5 area would be a lot less expensive + save our farmland, dairies + homes. I wonder how any of the Authority would feel if the HSR was directly affecting them... Well how would you feel? America the free my foot + Calif is in deep financial trouble now. Look at all the Cities already filing bankruptcy. Corcoran would be next after your train destroys everything.

BO023-6

BO023-7

CALIFORNIA High-Speed Rail Authority

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Address/Domicilio: 316 5th Ave
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E-mail Address/Correo Electrónico: Charlj353 @ netscape.net
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO023-8 I have heard alot of talk that the HSR Authority hired a Consultant Company out of France to determine the best place to put the high speed rail. When France came back with the decision that I-5 would be the best place for HSR the Authority fired them. Is there any truth to this or if so why?

Submission BO023 (Charlene Hook, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

CALIFORNIA High-Speed Rail Authority

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City, State, Zip Code/Ciudad, Estado, Código Postal: Corcoran, CA 93212
E-mail Address/Correo Electrónico: Charl1353@netscape.net
(Use additional pages if needed/Usar paginas adicionales si es necesario)

Calif HSR Authority now admits that it must comply with the Environmental Justice components of NEPA + that is to ensure the full + fair participation by all affected communities in the transportation decision making. The Kings Co. Board of Supervisors, numerous Citizen groups + individuals have asked + demanded for years the CHSRA reveal the impacts to a route along Interstate 5 versus the route through Kings Co reflected in the EIS + to Consider the I-5 if the real impacts are less. CHSRA position on this matter clearly appears to have total disregard for the communities or population of this county. CHSRA appears to have ignored any Compliance with the Environmental Justices Components of NEPA + have said they are building this route no matter what. When CHSRA was called out last year on predetermining the route through Kings Co, CHSRA added the Hanford West route which does similar damage to the Community as the East route. CHSRA could have studied a less damaging route like I-5 but have chosen not to even compare the impacts. On 8-6-12, CHSRA Reg Manager Abercrombie reported to CHSRA Board that Hanford routes were no more damaging than following I-5 route CHSRA has never qualified that analysis. There are fewer affected people, less expensive land to buy + less land to purchase along I-5 than going through Prime Ag land area + dairy district of Kings Co while destroying the City of Corcoran. Was this considered in the Merced to Fresno EIS? Withdraw the EIS until CHSRA actually demonstrates that it is complying with NEPA, also you can get workers to I-5, Drill a well

BO023-9

CALIFORNIA High-Speed Rail Authority

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E-mail Address/Correo Electrónico: Charl1353@netscape.net
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In the Fresno Bee + Hanford Sentinel dated 8-10-12, the Cal ISO was issuing immediate electrical Conservation throughout Calif, A "Flex Alert". This is the summer's first real test of electrical supplies without the help of the San Onofre nuclear plant which has been off line all year. Should the situation worsen for any reason + power reserves drop to dangerous levels the independent system operator could direct utilities to conduct involuntary outages. Electrical from so many Air conditioners in operation at the same time also pose a strain for components of distribution systems such as power lines + transformers. Of Course this is due to the extreme heat wave Calif was experiencing + Calif cannot keep up the demand now, what will the HSR train Create being electric? Calif will have many more summers like this years + if nothing has been done now, how will it be done in the future?

BO023-10

I do know in the meantime the HSR train; if ever purchased, will run on diesel polluting Calif even more what the construction of the train will create prior. How do you plan to deal with all the pollution you will be creating?

How About a power outage + the HSR Train cannot run, what then? Pollute more for Calif with diesel?

BO023-11

Submission BO023 (Charlene Hook, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO023-12

USA.gov: The U.S. Government's Official Web Portal

<!--StartFragment-->I am making you aware of all the violations of the high speed rail (HSR) authority. This is a complaint and should be investigated thoroughly. The HSR is not in compliance with Title VI of the civil rights act of 1964, presidential executive order 12898 and Calif state law gov code 654040.12, also the NEPA AND CEQA or the environmental justice law. The central valley cities are among the poorest in the US. Census figures show big class and race divides. The central valley has the highest farm revenues in the country but rank the poorest in the state and nation, the valley's poverty rate is high with one in four people living under the poverty line. I will be sending this response to HSR also, please help save our homes, Farmland, business + Life - Thank You Charlene Hook

Are you willing to investigate this?

Sent 10-9-12 @ 8:15 Am via E-mail

http://answers.usa.gov/system/selfservice.controller?CONFIGURATION=1000&PARTITION_ID=1&C... 10/9/20

October 9, 2012

California High Speed Rail Authority

Charlene Hook
316 5th Avenue
Corcoran, CA 93212
559/992-5486
Self/CCHSRA, Citizens of California & Kings County
Char61353@netscape.net

BO023-13

I am making you aware of all the violations regarding you HSR project. You are violating the NEPA, CEQA, Prop 1A, Environmental Justice Law, Title VI of the Civil Rights Act of 1964; Presidential Executive Order 12897, and the California State Law Government Code 654040.12 also the National Environmental Policy Act. There is probably many more that I am not aware of at this time.

Attached is a newspaper article from the Hanford Sentinel on 9-21-12 stating the Central Valley cities are among the poorest in the United States and the census figures show a big class and race divide. The Central Valley has the highest farm revenues in the country but rank the poorest in the state and nation. The valley's poverty rate is high with 1 of 4 people living under the poverty line. Supposedly your goal is to provide the greatest public good and the least private injury or inconvenience, do you really believe this considering what you are trying to do? How can you justify this by displacing many low income families? You need to read the article I have attached to get the full impact.

BO023-14

You will not be creating long lasting jobs, but will be causing citizens to loose their livelihood who cannot afford to go anywhere else. Do you have an answer for this? Put yourselves in these peoples place loosing everything you have worked for, how would you feel?

I have contacted the Federal Government with a complaint to investigate what you are doing and they will also get a copy of this comment.

Charlene Hook

CC: USA, GOV US GENERAL SERVICES
OFFICE OF CITIZEN SERVICES
WASHINGTON, DC, USA

Submission BO023 (Charlene Hook, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

Hanford Sentinel 9-21-12

plenty

Central Valley cities among poorest in US

Census figures show big class, race divide

By Gosia Wozniacka
Associated Press

FRESNO — Three metropolitan areas in the Central Valley, the region with the highest farm revenues in the country, rank among the poorest in the state and nation, Census figures released Thursday show.

Fresno, Modesto and Bakersfield-Delano areas are among the top five U.S. regions with the highest percentage of residents living below the poverty line.

The Fresno area, ranked as the second most impoverished in the nation, trailed only the U.S.-Mexico border area of McAllen-Edinburg-Mission, Texas, the American Community Survey figures show.

Bakersfield-Delano and Modesto ranked fourth and fifth. The data compared large metro areas in 2011 of half million people or more.

The Valley's poverty rate is high even though its agricultural productivity is soaring. California is home to a $35 billion agricultural industry and Fresno County produces more than $5.6 billion in agricultural products. One in four people in the county lived under the poverty line in 2011.

See Poorest: Back Page

nalist for national ag award

"I've always loved agriculture. I think living out in the country had something to do with that. You always get to learn something new and there's a wide spectrum of things you can learn."
– Hanford Future Farmers of America member Sheibi Enos

Hanford Sentinel 9-21-12

Poorest

Continued from page A1

In California, one in six residents lived in poverty. The state's poverty rate went up slightly, from 15.8 to 16.6 percent. Median income fell from $60,540 in 2010 to $57,287 in 2011.

In Fresno County, median income fell from $46,479 to $42,807. Unemployment in the county rose to 16 percent and food stamp use increased to nearly 18 percent.

By comparison, the statewide unemployment rate is 12 percent, and California's food stamp use is placed at 8 percent.

While Fresno's poverty rate declined by a percentage point in 2011 to 25.8 percent – a statistically insignificant decrease – it ranked as the poorest metro area in the state for the second year in a row.

Experts say the poverty problem in the nation's agricultural powerhouse is deeply ingrained. The most important barrier is the valley's lack of economic diversity. There are simply too few good non-agricultural jobs around and jobs in agriculture tend to be low-wage ones – except for those who run agribusinesses.

"It's a pretty ag-heavy region, so the inequality of wages and the opportunity to earn better wages is really skewed," said Caroline Farrell, executive director of the Delano-based Center on Race, Poverty & the Environment.

"If you own a farm, you're apt to earn more wealth, while if you're a farmworker, you don't earn very much."

The Valley has not been able to bring or retain many new companies partly because it lacks a qualified workforce, said Atonio Avalos, associate professor of economics at Fresno State University.

"We have an issue of skills mismatch," Avalos said. "Companies may be offering jobs, but the skills of people in the valley are not ones they are looking for."

Students who want to get a college degree face many barriers, he said, and public funding for education is being slashed. Those who do graduate leave to find jobs elsewhere.

"If you're a doctor or engineer, there are other places where you can make good money and live in better conditions," Avalos said. "Many people don't come here or leave because of the high incidence of asthma and other respiratory problems."

Valley leaders, said Farrell of the Center on Race, Poverty & the Environment, need to decide whether to break the poverty cycle by investing more in schools, educating children of color and encouraging them to go to college.

"There's a class and racial divide here," she said, "and we need to decide how we are going to change that."

Water

Continued from page A1

The same kind of bills drove dozens of other irate residents to the Sept. 11 meeting, which at one point degenerated into shouting as some angry ratepayers demanded to know why the water is so expensive.

Water district board member Jim Maciel acknowledged in an interview that Armona water rates are in the top 5 percent in the Central Valley. But Maciel said a number of factors have left the district with no choice.

For years, the district has been trying to clean up the expensive problem of arsenic in the water that has bedeviled attempts to solve it. Armona's water has been over the limit of federal arsenic standards of 10 parts per billion maximum in the water for several years.

In an effort to address the problem, Armona has drilled wells and built a treatment plant. The district still owes $1.4 million on the two wells it has, Maciel said. A third well in the planning stages will cost even more. If the arsenic problem isn't cleaned up by 2014, Armona could face huge federal fines.

Armona has applied for grants, but been turned down because the median income is considered too high, Maciel said. That means the district has taken out loans and incorporated the financing costs into water rates, Maciel said. Those costs have been steadily climbing for the last few years.

With only 1,100 households to

Submission BO023 (Charlene Hook, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

CALIFORNIA High-Speed Rail Authority

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Proyecto Revisado de Informe de Impacto Ambiental/ Declaración de Impacto Ambiental Proyecto Suplementario (Proyecto Revisado EIR/Proyecto Suplementario EIS)

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

Por favor entregue su tarjeta completada al final de la reunión, o envíela por correo a la siguiente dirección:

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El periodo de comentario es del 20 de Julio al 20 de Septiembre del 2012. Los comentarios tienen que ser recibidos electrónicamente, o matasellados, el o antes del 20 de Septiembre del 2012.

Name/Nombre: Charlene Hook
Organization/Organización: Self, CCHSRA, Citizens of Calif + Kings County
Address/Domicilio: 316 5th Ave
Phone Number/Número de Teléfono: 559-992-5486
City, State, Zip Code/Ciudad, Estado, Código Postal: Corcoran, CA 93212
E-mail Address/Correo Electrónico: Char61353@netscape.net
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO023-15 If you come knocking on my door to make an offer on my property I can tell you I am not going to settle for money. The Authority will find at least 2.5 acres, which I have now, and to our satisfaction of location + put on that property what we have now. It is not right we have worked hard all our lives to have what we have now, then have it taken away. Also my husband is medically retired + not able to work, he is also a disabled veteran + myself. I'm not in good health so the Authority will move everything we have at the Authority expense. We know our rights + intend to use them. How would you feel if you were us? ... not very good I'm sure. So you have an answer for this or do you even care? Your goal is to provide the greatest public good + the least private injury + inconvenience while rendering the best possible service. How does this fit into Corcoran by displacing many low income families?

CALIFORNIA High-Speed Rail Authority

Comment Card
Tarjeta de Commentarios

Fresno to Bakersfield High-Speed Train Section
Revised Draft Environmental Impact Report/ Supplemental Draft Environmental Impact Statement (Revised Draft EIR/Supplemental Draft EIS)

La Sección de Fresno a Bakersfield del Tren de Alta Velocidad
Proyecto Revisado de Informe de Impacto Ambiental/ Declaración de Impacto Ambiental Proyecto Suplementario (Proyecto Revisado EIR/Proyecto Suplementario EIS)

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BO023-16 I am writing in regards to the widespread + severe violations of the NEPA Environmental Justice Laws. The Fresno to Bakersfield EIS reflects that the City of Corcoran will be dissected like an experimental frog by the 3 potential alignments. All 3 will impede movement through the City, physically destroy many of the few businesses in the City + seperate the City visually from one side to the other. Corcoran is rural, lower income + primarily hispanic + should clearly be a protected location to the spirit of the Environmental Justice requirements of NEPA. Why is the HSR project anywhere near Corcoran? All 3 HSR alignments are next to each other + one will cause the same or similar damages.

BO023-17 There are no true rail alternative alignment studies for the City of Corcoran included in the current EIS documents meaning that the Authority has predetermined the route + is not truly studying alternatives. NEPA requires the Authority demonstrate a need for the proposed project compared with a no build option, the need threshold has not been met. NEPA also mandates the Authority provide reasonable alternative routes for the project proposed action. The EIS only examined minor variations of alignments in Corcoran. An EIS of less destructive + impactful alternative alignment such as along Interstate 5 has not been properly studied + would cost millions, perhaps billions of dollars less + effect far fewer people. Water is not a problem, ever heard of drilling wells? How does the FRA reconcile this lack of compliance with NEPA?

Submission BO023 (Charlene Hook, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

CALIFORNIA High-Speed Rail Authority

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In Taiwan, promoters have lost 2/3 of their capital because ridership has been nowhere near projections. The UK has had to bail out of its Eurostar HSR because ridership between London + Paris is 60% below the levels projected 5 years ago. HSR lines have a notorious record of overly optimistic ridership + revenue projections. Research shows that ridership predictions overestimate actual ridership by 65% on average. Our national debt on 8-31-12 was 16.39 Trillion. What makes you think Calif can achieve any better than mentioned above?

BO023-18

CALIFORNIA High-Speed Rail Authority

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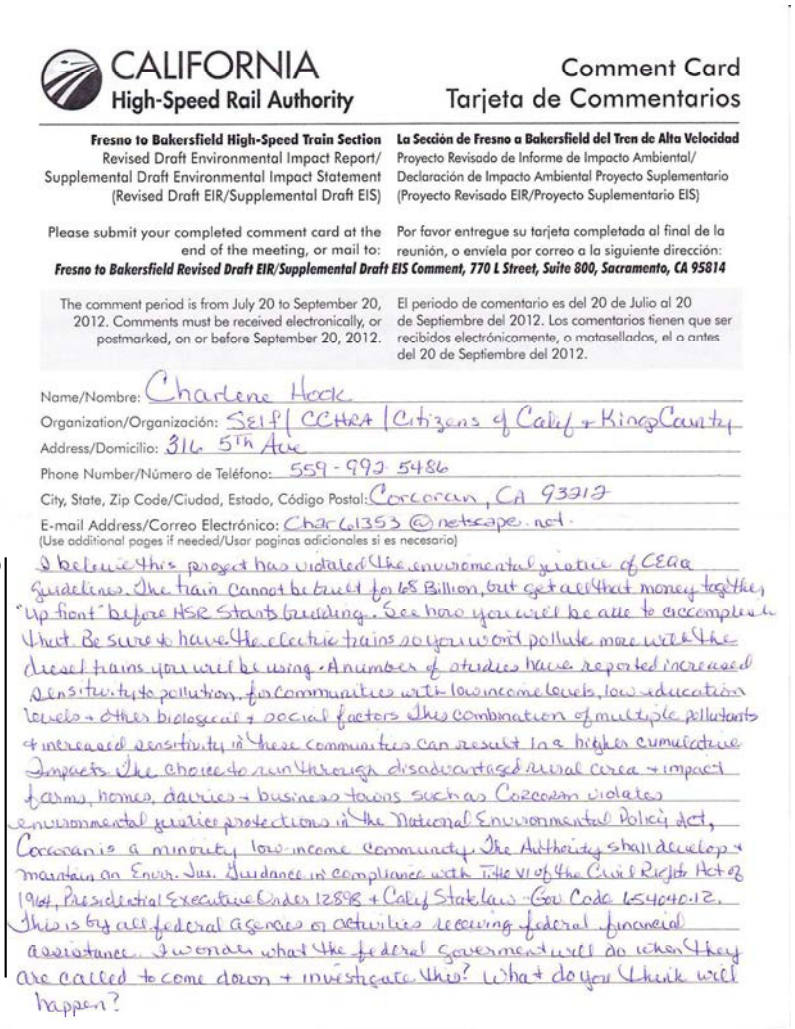
As voted on Prop 1A, voters were led to believe the HSR project would follow the 99 in the valley. Why did you not do your homework thoroughly before leading the voters on about a project? Visalia, CA is waiting with open arms + will build a train depot for you to stop there. You might have more passengers riding if this was done. More people might drive from Hanford, Corcoran, Tulare, Wasco, etc. to a closer area to ride the train. I have been told by your group that there would be straight through trains + trains that makes regular stops. Why would you not be willing to stop in Visalia, CA? Personally I would probably not have the desire to go to San Francisco or Los Angeles but I'm sure some people would if a train depot + stop were located in Visalia, CA.

The Governors continued support of the HSR project + the public perception that he + the Authority will ram this project through without respect for voters has led to a general distrust of government.

Submission BO023 (Charlene Hook, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued



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BO023-19 I believe this project has violated the environmental justice of CEQA guidelines. The train cannot be built for 68 Billion, but get all that money together "up front" before HSR starts building. See how you will be able to accomplish that. Be sure to have the electric trains so you won't pollute more with the diesel trains you will be using. A number of studies have reported increased sensitivity to pollution, for communities with low income levels, low education levels + other biological + social factors. The combination of multiple pollutants + increased sensitivity in these communities can result in a higher cumulative impacts. The choice to run through disadvantaged rural area + impact farms, homes, dairies + business towns such as Corcoran violates environmental justice protections in the National Environmental Policy Act, Corcoran is a minority low-income community. The Authority shall develop + maintain an Envir. Jus. Guidance in compliance with Title VI of the Civil Right Act of 1964, Presidential Executive Order 12898 + Calif State laws - Gov Code 65040.12. This is by all federal agencies or activities receiving federal financial assistance. I wonder what the federal goverment will do when they are called to come down + investigate this? What do you think will happen?

Response to Submission BO023 (Charlene Hook, Citizens for California High Speed Rail Accountability, October 18, 2012)

BO023-1

The Revised DEIR/Supplemental DEIS complies with NEPA and CEQA requirements. None of the comments provided in this submittal warrant recirculation of the document.

BO023-2

The Revised DEIR/Supplemental DEIS complies with NEPA and CEQA requirements. None of the comments provided in this submittal warrant recirculation of the document.

BO023-3

Refer to Standard Response FB-Response-GENERAL-24.

BO023-4

Refer to Standard Response FB-Response-GENERAL-14, FB-Response-GENERAL-12, FB-Response-SO-05, FB-Response-SO-07.

For information on new job creation and the resulting impacts to the regional economy see EIR/EIS Volume I Section 3.12 Impact SO #13. Also see Section 5.1.2 of the Community Impact Assessment Technical Report (Authority and FRA 2012h) for more detailed information on short-term and long-term job creation. For information on the HST operation-related property and sales tax revenue effects see Volume I Section 3.12 Impact SO#3, Impact SO#4, and Impact SO #12.

BO023-5

Valley fog would have no impact on HST operations. As described in Chapter 2 of the EIR/EIS, the HST would operate on a fully grade-separated, fenced right-of-way.

BO023-6

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-17, FB-Response-GENERAL-04, FB-Response-AG-01.

Water availability was not a determining factor in rejecting the I-5 alternative.

BO023-7

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

BO023-8

This is not true. In 2006, Parsons Brinckerhoff (PB) was retained by the Authority to serve as its Program Manager for the high-speed rail program. As part of its consulting team, PB had included SYSTRA for operations planning. SNCF is a significant shareholder in SYSTRA and is a French, state-owned rail company.

In June 2009, SYSTRA notified PB that SNCF wanted to have the flexibility to lead a design/build team to bid on building one or more of the high-speed train sections. To continue the existing contractual relationship with PB would have potentially served as a conflict of interest for SNCF. As a result, PB agreed to end its agreement with SNCF and terminate its relationship with SYSTRA.

With regard to the evaluation of Interstate 5 (I-5), a potential I-5 alignment was considered and eliminated from further study in the 2005 Statewide Program EIR/EIS. The Authority and FRA determined that the Highway I-5 is not a reasonable alternative for detailed consideration in the Fresno to Bakersfield Section of the HST system. This was reflected in the 2005 Record of Decision.

While the I-5 corridor could possibly provide better end-to-end travel times compared to alignment alternatives that follow the SR 99 corridor, it would not meet project objectives and would not satisfy the project's purpose and need. First, because it is not where the bulk of the Central Valley population resides, the I-5 corridor would result in lower ridership and would not meet the current and future intercity travel demand generated by the Central Valley communities as well as the SR 99 corridor. Second, the I-5 corridor would not provide transit and airport connections in this area, and thus would not meet the purpose and need and basic objectives of maximizing intermodal transportation opportunities and improving the intercity travel experience in the Central Valley area as well as the SR 99 corridor. Also, use of the I-5 corridor would encourage sprawl development - the opposite of what the HST System is intended to achieve, and was opposed by numerous agencies, including the U.S. Environmental Protection Agency (EPA).

With respect to the first issue, the I-5 corridor has very little existing or projected population between the San Francisco Bay Area and Los Angeles. In contrast, well over

Response to Submission BO023 (Charlene Hook, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO023-8

3 million residents are projected to live between Fresno and Bakersfield along the SR 99 corridor by 2015, which directly serves all the major Central Valley cities. Residents along the SR 99 corridor lack a competitive transportation alternative to the automobile, and the detailed ridership analysis showed that they would be ideal candidates to use an HST system. In addition, the I-5 corridor would not be compatible with current land use planning in the Central Valley, which focuses and accommodates growth in the communities along the SR 99 corridor. The concept of linking the I-5 corridor to Fresno and Bakersfield with spur lines was considered at the program level, but dismissed because it would add considerably to the I-5 corridor capital costs, and still have the same lower ridership figures compared to the SR-99 corridor.

For these reasons, the I-5 corridor was dismissed from further consideration in the Statewide Program EIR/EIS. There is no new information to indicate that this analysis should be revisited, nor that a different conclusion would be reached. The I-5 corridor does not meet many of the objectives described in the RDEIR/SEIS (refer to Section 1.2.3). Because it is isolated from existing cities and population centers, as well as airports, it does not meet the purpose and need of the project of using high-speed intercity travel capacity to supplement critically over-used interstate highways and commercial airports.

The source of this story may be an article in the Los Angeles Times of July 9, 2012 describing SCNF's unsolicited, informal proposal to the Authority that SCNF be hired to plan, design, build, and operate the HST system. According to the story, SCNF recommended an I-5 route that would serve San Francisco and Los Angeles with no direct connections in the Central Valley. Stations along the I-5 corridor would be linked to Fresno, Bakersfield and Palmdale by branch lines. The proposal was rejected by Authority staff. SCNF was at no time under contract to make any such recommendations and was not fired by the Authority

There were a number of problems with the SCNF concept. It did not recognize the 2005 Record of Decision which rejected an I-5 alignment and selected the BNSF as the preferred corridor. It ignored the purpose and need statements adopted by the Authority that have consistently supported service to the Central Valley's urban centers at intermodal facilities with good connections to local transit. It may conflict with Proposition

BO023-8

1A (see Public Resources Code Section 2704.04(a)), which requires that the HST system serve the Central Valley, as well as the Bay Area and Los Angeles Basin. It apparently did not include consideration of where branch lines would be located, their environmental consequences, and method of financing. Further, SCNF has no familiarity or experience with the complex state and federal environmental review and permitting laws and regulations that apply to approving a new HST line in California. These include NEPA, CEQA, the federal Clean Water Act, and state and federal Endangered Species Acts, among others. Given these shortcomings, SNCF was not in a position to offer an informed opinion regarding a practicable I-5 alternative.

BO023-9

Refer to Standard Response FB-Response-AG-06, FB-Response-GENERAL-01, FB-Response-GENERAL-04, FB-Response-GENERAL-05, FB-Response-GENERAL-10, FB-Response-SO-04, FB-Response-SO-07.

The Authority and FRA recognize the concerns of Kings County representatives and community members, and want to maintain an open dialogue about the project. The Authority welcomes the opportunity to meet with landowners and stakeholders. In addition, project-level information has been shared at public meetings, made available at the Kings County project office, and provided through mailings, e-mail communication, outreach materials, and on the internet.

For information on the impacts on the community of Corcoran see EIR/EIS Volume 1 Chapter 3.12 Impact SO#6, Impact SO#9, and Impact SO#18; and Mitigation Measure SO-1. For information on the impacts on communities where no station will exist, and for specific information on the potential for physical deterioration, see Volume 1 Chapter 3.12 Impact SO #16. Also see Volume 1 Chapter 3.12 Mitigation Measure SO-5. See Volume 1 Chapter 3.12 Impact SO#15, and Volume 2 Technical Appendix 3.14-B for impacts on confined animal agriculture. Please consult the Merced to Fresno Final EIR/EIS for more information on effects in that study area.

Neither the Authority nor FRA had selected a "proposed project" under CEQA or a "preferred alternative" under NEPA at the time the Draft EIR/EIS or the Revised DEIR/Supplemental DEIS was circulated. As required by NEPA, all alternatives carried

Response to Submission BO023 (Charlene Hook, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO023-9

through the DEIR/DEIS and Revised DEIR/Supplemental DEIS were described in sufficient detail to evaluate the potential impacts of each alternative.

The I-5 alternative was not carried forward into the Merced to Fresno Final EIR/EIS. The Merced to Fresno Final EIR/EIS can be found on the Authority's website.

BO023-10

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

California's electricity grid would power the proposed HST System. The HST System is expected to require less than 1% of the state's future electricity consumption. Please refer to Chapter 2, Alternatives, page 2-12 (subsection 2.2.6) for further details.

BO023-11

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

The HST would be electrically powered, so there will be no diesel operational emissions from the train. The air quality analysis in Section 3.3.6.3 of the Final EIR/EIS has identified emissions impacts from the project during the construction phase. The regional significant construction emissions impacts will be completely offset to below a level of significance through the Voluntary Emissions Reduction Agreement between the Authority and the San Joaquin Valley Air Pollution Control District.

BO023-12

Refer to Standard Response FB-Response-SO-07, FB-Response-GENERAL-04.

For information on the economic effects on agriculture see EIR/EIS Volume I Section 3.12 Impact SO #15. The environmental justice analysis adheres to the definition given by Executive Order 12898 and U.S. Department of Transportation Order 5610.2, which defines an environmental justice effect as a "disproportionately high and adverse effect on minority and low-income populations." This is an adverse effect that is predominately borne by a minority population and/or a low-income population, or that would be appreciably more severe or greater in magnitude for the minority and/or low-income

BO023-12

population than the adverse effect that would be suffered by the nonminority and/or non-low-income population in some areas along the project.

Section 4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) identifies the environmental justice populations that lie along the project area. The methodologies for identifying these populations are detailed in Appendix A of the Community Impact Assessment Technical Report. Section 5.3 in the Community Impact Assessment Technical Report provides detailed information on the potential for substantial environmental justice effects across resources along the project. Volume 1 Section 3.12 Impacts SO#17 and SO#18 summarize these findings.

BO023-13

Refer to Standard Response FB-Response-SO-07, FB-Response-SO-01.

See EIR/EIS Volume I Section 3.12 Impact SO #9 for residential displacements.

BO023-14

Refer to Standard Response FB-Response-GENERAL-14, FB-Response-SO-03.

For information on new job creation and the resulting impacts to the regional economy see Volume I Section 3.12 Impact SO #13. Also see Section 5.1.2 of the Community Impact Assessment Technical Report (Authority and FRA 2012h) for more detailed information on short-term and long-term job creation.

BO023-15

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

The Authority will negotiate with property owners whose land would be affected by the HST System. The Authority has the power of eminent domain, allowing it to condemn the property of unwilling sellers, with payment of just compensation (i.e., fair market value) to the property owner. Eminent domain is viewed as a last resort in developing a statewide HST system. Information on the eminent domain process is available on the Authority's website.

Response to Submission BO023 (Charlene Hook, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO023-16

Refer to Standard Response FB-Response-GENERAL-05, FB-Response-GENERAL-10, FB-Response-SO-04, FB-Response-SO-03, FB-Response-SO-07.

For information on the impact on the community of Corcoran see EIR/EIS Volume I Section 3.12 Impact SO#6 and Impact SO#9 and Mitigation Measure SO-1. For information on the impacts to communities where no station will exist, and for specific information on the potential for physical deterioration see Volume I Section 3.12 Impact SO #16. Also see Volume I Section 3.12 Mitigation Measure SO-5.

BO023-17

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10, FB-Response-GENERAL-14.

The Interstate 5 (I-5) alternative was analyzed and rejected in 2005 with adoption of the Record of Decision, which was based on the Statewide Program EIR/EIS (Authority and FRA 2005). The Record of Decision selected the BNSF Railway (BNSF) corridor as the preferred route between Fresno and Bakersfield, anticipating that additional analysis would be conducted before selecting a specific alignment within that corridor. Neither the National Environmental Policy Act (NEPA) nor the California Environmental Quality Act (CEQA) requires that an EIR/EIS contain a detailed analysis of or comparison with alternatives that have been dismissed.

The Final EIR/EIS for the Fresno to Bakersfield Section meets all requirements of CEQA and NEPA. The purpose and need for the HST project are described in Chapter 1, Project Purpose, Need, and Objectives, of the Final EIR/EIS. The alternatives are examined at an equal level of detail in the impact sections. Project alternatives in the vicinity of Corcoran are described and depicted in Section 2.4, Alignment, Station, and Heavy Maintenance Facility Alternatives Evaluated in this Project EIR/EIS.

BO023-18

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

The Authority conducted an analysis of an alternative alignment that follows State Route

BO023-18

(SR) 99/the Union Pacific Railroad (UPRR) that could accommodate a station closer to Visalia and determined that this alternative was not practicable. The Record of Decision for the Statewide Program EIR/EIS (Authority and FRA 2005) selected the BNSF Railway (BNSF) corridor as the preferred alignment for the Fresno to Bakersfield Section. The project EIR/EIS for the Fresno to Bakersfield Section relies on information from the Statewide Program EIR/EIS for the California HST System. Further engineering and environmental studies within the broad BNSF corridor proceeded on the basis of that decision. This additional analysis has resulted in practicable alternatives that meet most or all project objectives, are potentially feasible, and would result in certain environmental impact reductions in comparison with one another. Accordingly, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

Because the Authority conducted analysis of alternative alignments that follow SR 99/UPRR and the I-5 corridor and determined that these alternatives were not practicable, they were not carried forward in the EIR/EIS. Neither the California Environmental Quality Act (CEQA) nor the National Environmental Policy Act (NEPA) requires an environmental document to analyze alternatives that are not practicable to implement.

As discussed in Section 2.6, Operations and Service Plan, of the Final EIR/EIS, three basic service types are envisioned: express trains, limited-stop trains, and all-stop trains. Please refer to this section for more detail.

BO023-19

Refer to Standard Response FB-Response-SO-01, FB-Response-GENERAL-04, FB-Response-SO-07, FB-Response-SO-03, FB-Response-AG-06.

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012)

CCHSRA
CITIZENS FOR CALIFORNIA HIGH SPEED RAIL ACCOUNTABILITY

October 17, 2012 [Sent by Email: Fresno_Bakersfield@hsr.ca.gov / boardmembers@hsr.ca.gov]

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

Dan Richard, Chair
Board of Directors
California High-Speed Rail Authority

RE: Revised Draft EIR/Supplemental Draft EIS Comment – Fresno to Bakersfield Section

Dear California High-Speed Rail Authority:

BO024-1

This letter submits comments on the Revised Draft EIR/Supplemental Draft EIS for the Fresno to Bakersfield Section of the proposed California high-speed train project (Draft EIR/EIS). This Draft EIR/EIS first became available for public review and comment on July 20, 2012. The comment period closes on October 19, 2012. Unfortunately, the Draft EIR/EIS is fundamentally inadequate, and fails to comply with the mandatory requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Major changes must be made. After those changes are made, the Draft EIR/EIS must then be recirculated for further review and comment. We urge the Authority to make the changes necessary to comply with the law. We will elaborate on those legal requirements, and point out why they are so important, as a kind of "background statement" for the specific comments on the document that CCHSRA, its members, and others have submitted or will submit.

CCHSRA is a "grassroots" group. As you will note, this letter has been signed not only by the CCHSRA Co-Chairs, but by hundreds of our members. These individual members have been personally involved in the process, and they want to dramatize how serious this matter is to them by letting the Authority see how many local families and businesses will be profoundly and adversely affected by the proposed project, if the project goes forward as currently planned.

CCHSRA is based in Kings County, California. Many members of the CCHSRA are working farmers. CCHSRA and its members been motivated to participate actively in the process because the high-speed train project, as currently proposed, is a direct threat to the continuation of commercially successful agriculture in Kings County. The impacts would not be minor, or merely inconvenient. The project, as currently proposed, would have a devastating impact on our natural environment, on hundreds of working farms, and on the local economy.

Citizens For California High Speed Rail Accountability (CCHSRA) is a grassroots, non-profit corporation based in Kings County, California. CCHSRA was formed to ensure that the proposed California High Speed Rail Project does not adversely affect the economy, environment, or the quality of life of California's existing communities, with a focus on Kings County. For more information, please visit: http://www.cchsra.org/. You may contact CC-HSR by mail at 7450 Mountain View Street, Hanford, California 93230.

BO024-1

In seeking to respond to the proposed project, CCHSRA has worked closely with the Kings County Board of Supervisors and with the county's legal, planning, and other staff. We fully participated in the County's efforts to coordinate county planning and policies with the planning undertaken by the Authority and its consultants. It would be hard to overstate the number of Authority meetings and workshops that CCHSRA members have attended. We have not only "attended" these meetings and workshops, we have *participated*. We have attempted, in good faith, to have the Authority respond to our legitimate questions and concerns, but so far, the Authority has been almost totally unresponsive to the concerns raised by Kings County, CCHSRA, and the CCHSRA membership.

Naturally, we are distressed at what has been the consistent unwillingness of the Authority and its consultants to respond to our legitimate questions and concerns; however, we understand at least one reason that this has been true. Early in the process, the Authority decided to tie the fate of the proposed high-speed train project to federal "stimulus" funding. That funding was designed to assist projects that can be accomplished quickly, and that will result in an almost "immediate" economic stimulus. That kind of "stimulus" effort is worthy. However, attempting to meet the deadlines associated with the federal stimulus funding has led the Authority to shortchange the kind of thorough and detailed planning that this project needs. The proposed high-speed train project is the largest infrastructure project in the state's history. Rushing to meet the short "stimulus" funding deadlines is leading to a high-speed train project that will actually not produce the positive outcomes that are hoped for, and that will produce massively negative impacts on the environment and our local economy.

We believe that the comments you have received from CCHSRA, and others, clearly demonstrate that the high-speed train project, as currently proposed, will have many more "negative" than "positive" impacts, and will end up being "bad," and not "good," for the natural environment, for local communities, and for the local economy. Additionally, and critically important when assessing whether or not the Draft EIR/EIS meets the standards set out in CEQA and NEPA, the comments you have received demonstrate that the Draft EIR/EIS fails adequately to identify the actual impacts of the project as proposed, and that it identifies many impacts that cannot be properly mitigated or eliminated without further study and analysis.

In short, the Draft EIR/EIS fails to comply with the law. CEQA and NEPA are intended to guarantee that before governmental agencies take action, they fully understand what the impacts of their actions will be, so they can eliminate or mitigate adverse impacts to the greatest degree feasible. This "informational" role of CEQA and NEPA is fundamental, and in this case, it is clear that the Draft EIR/EIS fails to provide the required information and analysis. That is a major reason why the Authority must make significant changes to the EIR/EIS and then recirculate it for public comment.

Doing what CEQA and NEPA require may delay the proposed high-speed train project beyond the current federal deadlines for "stimulus" funding. If so, that is truly unfortunate. The fault, however, comes from the initial decision to treat this project as a "stimulus" project, which it is not, rather than as the kind of long-term infrastructure project it actually is. CEQA and NEPA do not permit governmental agencies to disregard the requirements of the law just because

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO024-1

disregarding the law might help them to meet grant funding deadlines, and the fact that there are short federal deadlines for federal stimulus funding does not excuse the Authority from properly following CEQA and NEPA.

In this letter, CCHSRA is providing a brief outline of the legal requirements established by both CEQA and NEPA, to help make clear that the process that the Authority has been following fails to comply with these laws. Because the Authority and its consultants have not been following the law, the Draft EIR/EIS is fundamentally inadequate, and you must correct the errors, and then recirculate the document for further public review and comment.

What CEQA And NEPA Require

The requirements of CEQA and NEPA are quite similar. We generally cite CEQA below, but both of these important environmental laws establish the same basic principles, which include but are not limited to the following:

1. CEQA is clear that an EIR is an "informational document," and that the EIR must provide adequate information about a proposed project to both the public and decision makers. If an EIR does not adequately describe the proposed project, and if it fails to describe and analyze all the impacts of the proposed project, then that EIR is inadequate as a matter of law.

2. As noted above, CEQA requires that an EIR must adequately describe and analyze the project being proposed – and the impacts of that proposed project. That means that when there will be specific impacts associated with a project, the EIR for that project must analyze the specific impacts of the project at the level of detail at which those impacts will be experienced. If an EIR fails adequately to describe and analyze the project being proposed at a level of detail that allows the actual impacts of the project to be understood, then that EIR is inadequate as a matter of law.

3. CEQA is also clear that an EIR must describe and analyze the "whole" project being proposed. If an EIR attempts to "piecemeal" a project, dividing up a larger project into smaller parts, and then analyzes only a "part," not the "whole," of a proposed project, then that EIR is inadequate as a matter of law.

4. While CEQA allows an EIR at a "project level" to "tier" from an earlier "program level" EIR, the fact that a "program level" EIR exists does not change the basic rules about the analysis of project alternatives and impacts. If, when the "program level" EIR is taken into account, a "project level" EIR does not adequately analyze alternatives to and the impacts of the project proposed, then that "project level" EIR is inadequate as a matter of law.

5. In addition, an EIR that "tiers" from earlier "program level" EIRs must provide an adequate "roadmap" to these first-tier documents, including to any technical appendices upon which they rely. If an EIR fails adequately to provide such a "roadmap," then it violates CEQA's informational requirements, and that EIR is inadequate as a matter of law.

BO024-1

6. CEQA requires an EIR fully to disclose the impacts of a proposed project. That means that the EIR must survey existing conditions adequately, to establish the "baseline" from which project impacts will be measured. If an EIR that fails adequately to establish the existing "baseline" conditions which will be affected by the proposed project, then that EIR is inadequate as a matter of law.

7. CEQA requires an EIR to describe and analyze the "cumulative" impacts associated with a proposed project, as well as the direct impacts of the project. If an EIR fails adequately to describe and analyze the "cumulative" impacts associated with a proposed project, then that EIR is inadequate as a matter of law.

8. CEQA requires public agencies to avoid or mitigate the significant environmental impacts of the projects that it approves or carries out, whenever it is feasible for the agency to do that. The EIR for a project must adequately describe and analyze the mitigation measures that will be utilized to comply with this "substantive mandate" of CEQA. If an EIR fails to establish performance standards for proposed mitigation measures, or fails adequately to describe and analyze all the likely impacts of proposed mitigation measures, including secondary impacts, then that EIR is inadequate as a matter of law.

9. CEQA does not allow public agencies to "defer" its development of proposed mitigation measures. Again, if an EIR seeks to defer the description and analysis of required mitigation measures, then that EIR is inadequate as a matter of law.

10. CEQA requires an agency proposing a project to discuss and analyze a reasonable range of alternatives. If an EIR fails to describe and analyze truly different alternatives, or fails to make an adequate comparison between different alternatives, so that the agency can comply with CEQA's "substantive mandate" to eliminate or mitigate environmental impacts to the greatest degree feasible, then that EIR is inadequate as a matter of law.

The Draft EIR/EIS does not meet any of the legal standards just listed. As indicated earlier in this letter, the Authority is legally required to revise the currently inadequate Draft EIR/EIS, and then must recirculate the document for further public review and comment.

Conclusion

We know that the Authority is committed to the proposed California high-speed train project. We also know that the project has been tied to federal stimulus funding that has upcoming deadlines, and that redoing the EIR/EIS might put that federal stimulus funding in jeopardy. We understand and appreciate that President Obama and his administration are committed to high-speed rail in general, and to this project in particular. We know that Governor Brown is similarly committed to this project, and that funding for this project has been approved by both houses of the California State Legislature.

None of this support for the project eliminates the Authority's legal obligation to comply with both CEQA and NEPA. The whole purpose of these laws is to make sure that governmental

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO024-1

agencies "stop-and-think" before proceeding with projects like this one, so that the agencies proposing such projects will truly understand what sort of adverse impacts they will actually have, and so that these governmental agencies will truly investigate what sort of alternatives and mitigation measures might eliminate or reduce those adverse impacts.[1]

We hope the Authority will understand, after reading this letter, that the high-speed train project, as currently planned, will have devastating impacts on the natural environment, and on the ability of many CCHSRA members to continue to be successful farmers in Kings County. So far, the environmental review undertaken by the Authority has glossed over and failed adequately to describe or analyze these adverse impacts. So far, feasible alternatives that could reduce or eliminate these impacts to the environment, and to our local communities, have not been adequately explored and outlined.

If the EIR/EIS for this project truly presented the actual impacts, and truly explored and analyzed alternatives and mitigation measures that could eliminate or reduce them, the Authority might make a different decision than a decision simply to proceed with the project as currently proposed.

Please don't shortchange the law – or us. Our environment, our local community, our local economy, and our personal livelihoods depend on your positive response to these comments, and to your compliance with CEQA and NEPA. We urge you to make the changes in the Draft EIR/EIS that are required by law, and then to recirculate that document for additional public review and comment.

Thank you for taking our concerns seriously.

Very truly yours,

Aaron Fukuda, Co-Chair CCHSRA

Frank Oliveria, Co-Chair CCHSRA

1. See Zygmunt J.B. Plater, Boston College Law School, et al., *Environmental Law and Policy: Nature, Law and Society, Fourth Edition*, Wolters Kluwer Publishers, 2010, Chapter 8: "The Power of Required Disclosure and the Stop-and-Think Logic of the National Environmental Policy Act.

BO024-2

Name	Note
1. Dina Fukuda	As an educator working with high school students who apply to college, I believe the funding for the HSR project is a slap in the face to ~~the~~ students who need ~~to~~ money for college.
2. Todd Fukuda	This project is not a necessity to improve Californians quality of life... education IS. I do not support High Speed Rail.
3. ~~Darlene~~ Rodriguez Marlene Rodr	Kill this HSR. Project
4. Karen Allen Karen Allen	Kill this HSR. Project
5. Charlene Hook Charlene Hook	So many violations. Our County will be destroyed no matter what route. Project needs to stop now.
6. Richard Hook Richard Hook	go to Hwy 99
7. [illegible] WARREN F HELMAN	NO HSR

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO024-2

7

Name	Note
8.	
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14. Donna Marshall	
15. Cadren Marshall	
16. Kevin Marshall	
17. Curtis Marshall	

BO024-2

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Name	Note
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Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO024-2

Name	Note
38. BRENT L. GRAHAM	Totally unaffordable by the State and citizens of California. Too great a financial burden
39. Mrs. Leslie Doan	I commute + need our train station - we use the Alintree station + the train often
40. Edward Fernandes	We don't want speed train cause jobs lost, Lots of residents affected. We don want it.
41. Beatriz K. Fernandes	NO to the speed train
42. Tom A Ayers	NO TO HSR
43. Barrie Boyett	NO
44. STEPHEN PAYNE	NO
45. LAURA PAYNE	Takes too much away from Corcoran Residents NO
46.	High speed train project does not make sense at present time
47. Maureen Fukuda	Will all overpasses have NOS access and will it facilitate (weight & (grain) farm equipment. What determines which E→W roads get overpasses?
Raymond Rubalcaba Jr	I am against this project.
Lily Orosco	

BO024-2

Name	Note
48. Dale Kuntz Manager Peoples Ditch Co.	THE LONG TERM EXPENSE TO THE DITCH COMPANIES HAS NOT BEEN SATISFACTORILY DEALT WITH
49. STEVE BANISTER Property owner 9860 13th Ave	HAS THE HISTORIC VALUES OF PROPERTIES BEEN CONSIDERED
50. Justin Mendes Taxpayer	Project does not follow Prop 1A
51. [redacted] Wiley Jones Our home are destroy	
52. Allen Young, Comstocks Magazine	
53. JOHN RICHARD RETIRED	
54. Charles Van Jant Retired	
55. Emilia Ornelas	
56.	
57. Angel Quintero KEMPLE HYDROTECH	Hopefully it works!

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO024-2

Name	Note
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BO024-2

Name	Note
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Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO024-2

Name	Note
78. Joe Hernandez	I'm affected by people losing their homes. My business is surrounding lawns do too?
79. PJ Stuber	Train will cut my field in half causing a 14 mile round trip to the back half.
80. Donald Thomas	Clients will be lost + 1500 Ac from Fresno through Kings Co.
81. Dean E. Grabow	I farm between the 2 possible rights of way. It's going to be complicated going E or W. with so many road closures. We need more bridges etc.
82. Kurt E. Shaw	Where a broke State and country. This is only going to add to our deficit.
83. Roger Walker	IT will cost to much to build and we will lose alot of land + subs
84. Robert Orr	LOSE A WELL ONE ONE RANCH + MORE DRIVING CROSSING TRUCKS
85. [illegible]	SEE FARM BUREAU COMMENTS
86. [illegible]	Not necessary to Expensive!
87. Jerry Fagundes	Listen to LAO and others that studied this project!

BO024-2

Name	Note
88. Louie A Camara	
89. Kevin Mercer	
90. Stan Felipe	
91. [illegible]	
92. Patrick Hose	
93. [illegible]	
94. Randy Shelton	
95. [illegible]	
96. [illegible]	
97.	

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO024-2

Name	Note
98.	CA too BROKE. PLEASE FIX AMTRAK - OVER GRAPEVINE
99.	STATE IS NEGATIVE
100.	State is in ~~debt~~ debt No more taxes
101. Sheila Parker	we don't want or need it
102. Richard Thayer	Don't want to pay more taxes
103. Dwayne Huston	Don't need it or want it
104. Millard Downing	Lack of proper Environmental Impact Report, this is not acceptable. Do Legal property.
105. Kathy E. Garcia	No benefit for valley
106.	
107. Joanne Kurtz	Can't afford, State is broke Wasting money!

BO024-2

Name	Note
118. Gwen Libby	How is it legal for the state government to ignore laws the people are required to keep?
119. R Daryl Lofty	It is not fair for them to avoid the laws we must keep
120. Vernon Russell Waymire VERNON RUSSELL WAYMIRE	POLITICIANS & GOVERNMENT SPONSORED PROJECT ARE REQUIRED TO COMPLY WITH CEQA & NEPA - COMPLY WITH THE LAWS!
121. Justin Bond	
122. Dale Selby	
123. Laurel Bond	
124. Anthony & Elaine Sanza	
125.	
126. Mary Ann Barnedo	
127. JUDY BEELER Judy Beeler	please realize that laws are in place for good reason & need all to abide by them

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO024-2

Name	Note
128. Michael Sant	This project is unfair to the city of Hanford
129. ROB NICKLES	This is not fair to the people of Hanford.
130. HAROLD W. BEELER JR.	
131. Elizabeth L Buchanan Elizabeth L Buchanan	Please consider following the guidelines meant to protect everyone.
132. Dallas Gebhman	What are the Pollution Rules
133. Wesley Hansen	
134. Janice Hansen	This is the craziest thing I have ever heard. that we funded.
135.	
136. R.C. Walters	FOLLOW THE RULES LIKE WE ALL HAVE TO.
137.	No integrity by CHSRA Flawed process Needs honesty!

BO024-2

Name	Note
138.	It would take my home
139.	We can't afford it, and it will block our church
140. C.E. Cook	It's a HIGH SPEED JOKE. RIDE IN BUS? IS PATRAIL FULL? Is it worth the money? NO!
141. BRIAN PELTON	TOO MUCH MONEY! IMPACT ON PROPERTY IS TOO HIGH. NOT GOOD!
142. Lucelle A. Watkins	Can't afford it! Impacts 2 educational facilities just built
143.	Too many reasons to list, but the State does not have the money to afford it
144.	Too expensive. Impact on our home. State going broke!
145.	State is broke. We dont need high speed in our valley.
146. John & Fowler	Not what was voted for. We don't have the funds Impact our home
147. Ray Muella	cannot afford this boondoggle.

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO024-2

Name	Note
148. Arlene Hiemich	We can not afford it! I will be a deterant to our church and county
149.	can not afford it
150. Janis Rogers	It will divide/split our community.
151. Gary f Rash	DUMB!
152.	This is not a good idea on so many levels Will not help Valley people.
153. Debra Reeves	Can't afford it. Will not benefit the people of the Valley
154. Sandy Virden	We can't afford it - noone wants it -
155. Eric Virden	Cannot afford - Don't need high speed rail
156. Cathy Duncil	not practicle - too expensive doesn't help those who live in the Valley.
157. Kevin D. Meeks	To Close to my Home !!! my house will not be liveable do to Noise. unsellable

BO024-2

Name	Note
158. William H Rash Jr.	THIS IS A TYPICAL PROJECT SUPPORTED BY OUR WELL MEANING'S THAT WE DON'T NEED IT IS A WASTE OF MONEY A VALUABLE AGRICULTURAL [illegible]
159. Richard Lucy M.D	Simple - A want Not A Need We have No money
160. Glenda Allen	No Need For this! No money For this! We need to reduce the debt not make more!
161. Judy Hawkins	put it near I 5
162. Christina Askins	No $!! Don't spend what you don't have!
163. Dale Sutphin	COST PROHIBITED Don't HAVE THE FUNDS STATE IS BROKE &
164. Wanda Nichols	It's stupid. Not going to Work. Cost too much!
165. Sylvia D. Roberts	Cannot afford it. It will never pay its own way.
166. Pauline Tidwell	We do not need this.
167. Tim	No Money to Spend Don't Need it.

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO024-2

Name	Note
168. Glen A. Parsons, Ed.D.	
169. Sandy Parsons	
170. Lorraine Parsons	
171. Robert Parsons	
172. Kyra Hoehn	
173. Eric Parsons	
174. Terry Rigler	
175. Brent Parsons	
176. Janine Parsons	
177.	

BO024-2

Name	Note
178. Karen J. Hunt	Will destroy my farm. It will cut my acreage in half diagnally + take 2 houses.
179. Georgette O. Rogers	I will lose the house I live in
180.	STATE TO BROKE.
181. Casey Hunt	It goes through my family farm.
182. Betty Muradian	Train to no where!!
183. Bev Warren	Not worth the cost doesn't go anywhere.
184.	Economically not feasible
185. William Creighton	NO MONEY
186. Paul Pellow	NO $
187. Carolyn Jobe	Work on the current train system, not a new one!

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

25

BO024-2

Name	Note
188. Michael Lee	The High Speed rail project is ruining the environment & the Population
189. Agnes Morrison	we dont need a high speed train—mainly no money!
190. DAVE W ZAMOT	RUIN FARMLAND
191. Art Carson	
192. Kathryn Stigall	No High Speed Rail !!
193. Faith Avila	SAVE THE LAND!
194. Veronica Morales.	
195. John Dowdy	TO CLOSE TO MY HOUSE CANT AFFORD IT
196. Bill Hofmann	We do not want it! or need it! & can not afford it!
197. Greg Benke	Wasted funds & destruction of farmland in my opinion!

26

BO024-2

Name	Note
198. ALFRED T MORRISON Alfred T Morrison	
199. Joan C Browning Ross C BROWNING	NOT ENOUGH MONEY TO FINISH, TOO MANY FARMS DESTROYED.
200. JAMES E DEAN M.D.	EXPENSIVE
201. Paul Hall PAULA Qualls	EXPENSIVE
202. Phyllis Lynne Wilkerson Phyllis Lynne Wilkinson	NOT NECESSARY
203. Lillie Delgado	
204. Richard Harrold	SPEND THE MONEY ON WATER FOR FARMS VERSES TAKING FARMS
205. Emelina Paz	Not Necessary
206. Aracelis Mendez	Alot more traffic Jam!
207. LORETTO DAMIANI	Dangerous

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

27

BO024-2

Name	Note
208.	
209.	Price - noise - disposal of farm ground
210.	
211.	Taking out farmland State does not need cost.
212.	
213.	
214.	
215.	we can't afford it!!!
216.	
217.	

28

BO024-2

Name	Note
218.	NO
219.	
220.	no money
221.	
222.	
223.	NO
224.	
225.	No!
226.	STATE BROKE NO!!!
227.	

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

29

BO024-2

Name	Note
228. Harold Rice	Sharon Verdegaal
229. Madelin Jeep	Nancy Silva
230. Melissa Facciato	Rochelle Rojas
231. Janet Jamieel	
232. Jesus Simon Ross	
233. Lindsay Brasil	
234. Shannon Yoeum	
235. Nancy Pereira	
236.	
237. Lisa Mar	

30

BO024-2

Name	Note
238. Richard Bettencourt	
239. Kelly Deftereos	
240. Shonda Mello	
241. Abigail Sisal	
242. Dorothea Jagendorf	
243. Sloan Cook	
244. James M. Jagendorf Jr	
245. John E Mello	
246. Michael E	
247. Bert T. Bell	

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO024-2

Name	Note
248. Alan Scott	No money, no plan, no leadership, no private investment, absolutely nothing - stop now.
249. Janet Rooney	This state is broke, stop spending money you don't have, a mere 100 HSR will not create enough jobs to do anything
250. Angela Scott	It's outrageous to try to do this when the State has no money & we would be taxed even more to pay for empty trains. Unbelievable!!
251. Kelley Heidelhard	
252. Cheryl Ryman	
253.	
254. Leonard Diaz	They have treated us like we're not important. Our school got no response.
255. Stephen Stout	Bad for business.
256. Karen Stout	
257. Todd Bonlarron	There has been no coordination between HSRA and our school. The project will negatively affect our budget and our ability to transport our students along existing routes.

BO024-2

Name	Note
258.	
259.	
260. Marvin Bennett	
261.	
262. Joseph Coakley	HSR will break the State's bank.
263. Yuliana G. Ayala	
264.	
265.	
266.	
267.	

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO024-2

Name	Note
268. Rochelle Andranigian	I'm against the H.S.R because they are not doing it correctly to keep it. Thank you!
269. MARSO KOROYAN.	
270. PAULA MORAN	How dare we put this burden on our children and grand children!!?
271. GENIE CARTER	Spend California's money on something worthwhile. This is a total waste of funds!
272. Magdalena Young	HSR IS NOT a necessity IN OUR community.
273. KEVIN LEE	Going to do more harm than good.
274. Lori Bettencourt	
275. ROGER YAMINE	Don't do it!!
276. Kayla Dever	Don't need it!!
277. Brittnee Bettencourt	NOT Necessary! Don't need it!!

BO024-2

Name	Note
278. JOHN H. WASSINK	DON'T NEED HIGH SPEED RAIL TO LITTLE TO LATE
279. Carmen Atilano	NO High speed Rail!!!
280. Mike Atilano	I don't want fields for a high speed rail. Need more crops.
281. Aden Jolorio	Bad Idea!
282. Patricia Zeatla	Not necessary
283. M. Martinez	
284. Mary Lou Davis	
285. ~~Aden~~ Earl Davis	
286. SUSAN LEONA WASTE OF FUNDS!	WASTE OF FUNDS
287. Floyd Ernest Lunn Wasteful Spending	Wasteful spending!

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

35

BO024-2

Name	Note
288. Brenda Rivera / Brenda Rivera	Is not necessary
289. Marisol Solorio / [signature]	
290. ERIKA SOLORIO / [signature]	
291. Monica Desoto / Monica Desoto	
292. Ema Solorio / Ema Solorio	
293. Rachelle Ramos / Rachelle Ramos	
294. Jennifer Lam / Jennifer Lam	
295. Jen Volpsing / [signature]	
296. MELANIE CORDOVA / Melanie Cordova	
297. Hank Dever / Hank Dever	

36

BO024-2

Name	Note
298. Gary Bend	We can't afford this project
299. Janette Dwyer	We don't have the money, can't afford it!
300. Linda Sybloma	We can't afford it and we don't want it on our lands.
301. Victoria L. Zea	don't want it.
302. Diego Rande	
303. Shirley Mitchell	We are a state in financial trouble! And, you want to add more High Speed Rail built [illegible]
304. Lucy Williams	
305. Gloria Duran	Don't want it!
306. Robin Fukano	CA can't afford the train!
307. Candice Koelewyn	Wrong Route + There is No Money!

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

37

BO024-2

Name	Note
308. Daryl Korf	No Money
309. Helen Noland	Don't need another train!
310. Helen O'Daniel	Use money for other Project(s)
311. Jona Zonneveld	STOP THE INSANITY!
312. Maureen Van Horkum	NO High Speed Rail!
313. [illegible]	
314. Sheila Olson	stop the Insanity
315. Pamela Olson	we don't need NO SPEED TRAIN!!
316. [illegible]	CA. CAN'T AFFORd ANOTHER SCAM, IF YOU DON'T HAVE THE MONEY DON'T SPEND
317. Andrea [illegible]	NO TRAIN!!!

38

BO024-2

Name	Note
318. [illegible]	
319. Tammy Johnson	I'm still waiting for a response from my letter
320. Mark Johnson	
321. Sam John	
322. John Jenkins	
323. [illegible]	Act responsibly! Do the Right Thing!!! [illegible] in BAKING A CAKE!
324. [illegible]	
325. Chris Wickert	
326. [illegible] Walker	
327. Cody Hallert	

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

39

BO024-2

	Name	Note
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40

BO024-2

	Name	Note
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Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

42

BO024-2

Name	Note
358. Lucie Rietta	NO we dont need it & we need to keep Amtrak
359. Ann Kramon	NO We need to have rail transportation
360. Tammy Eckstein	NO We need to keep Amtrack and lose of homes jobs is NO
361. Raymond Rubalcaba	This could be the end of our business and we employ 12 people
362. Gloria Perez	I live very close to tracks also I take the amtrack to work daily.
363. Mary Elizabeth Barcellos	Another Political Joke !
364. TANYA JACKSON	I will lose where I live And The High Speed Rail will Kill the way of life in CORCORAN.
365. Robert JACKSON	On the two of the routes I will lose my job. We don't need it HERE.
366. Kelly Moore	
367. LLOYD F BLEDSOE	No
	I'm against fast rail
Jo Guzman	No Way !!!

49

BO024-2

Name	Note
428. DAVE PEARCE	NOT ENOUGH MONEY IN OUR BUDGET
429.	NEVER WORK
430.	Hazard
431.	CAN't afford
432.	
433. Cindy Baker	DUH!!! STUPID!!!
434. BILL SITES	No MONEY!!!
435. Jon Carlson	"Boondoggle!"
436. GARY STAR	
437. Claudette Reuer	Too Costly - Most will Not use -

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

50

BO024-2

Name	Note
438. Peggy Montgomery	Not necessary - too costly
439. Coleman Montgomery	Use existing corridor - to expensive
440. Jody McClure	Not necessary - too costly live in proposed area
441. Donna Lucha	Total waste of tax payers money. Disruptive to the environment.
442. PHIL IVANS	WASTE OF MONEY, NEGATIVE IMPACT ON BUSINESS,
443. MELANIE BAKER	SOUND TOO CLOSE TO CHURCH - AFFECTS CRITICAL STREETS
444. ROBERT TURNER	Load of Money!
445. Donna Cox	Financially wrong Damage to agriculture We sit on earth quake fault
446. Rick Cody	STATE IS BANKRUPT - WHAT MORE REASON do you Need. STATE Needs DAMS for WATER STORAGE, NOT High Speed rail.
447.	

51

BO024-2

Name	Note
448. Donna Elias	Taking my parents home.
449. Don Elias	Taking my in-laws home.
450. Danny Sheldon	Taking up Farm land
451. Sandra Porter	State do not have money! Taking my home
452. FRANK GAVINI	Too costly near our Church.
453. Tom Rosa	Won't Pay for itself Too much money
454. Joe Buchner	Too much money
455. Ronald J Rhodes	POURING BILLIONS INTO SYSTEM THAT IS LOSING MONEY MAKES NO SENSE.
456. Anita C. Rhodes	This is wrong at every level!
457. Vera L. Cody	Too much money & for what

Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO024-2

Name	Note
458. Carlee Elda Barros	DO NOT WANT IT To Go Through Kings Co.
459. Janis Rogers	STATE IS BROKE!! Cannot afford it.
460. Edyth Borden	Forget it — we citizens don't have money to pay for it. It will have [illegible] property [illegible]
461. Jennifer Koelewyn	It makes no sense to do this when our state is broke, as well as the damage that will occur if it goes through our county, [illegible]
462. Robert Kohler	State Cannot Afford this Don't Need it
463. Steven Koelewyn	Stupid Waste of money
464.	
465.	
466.	
467.	

Response to Submission BO024 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012)

BO024-1

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-08, FB-Response-GENERAL-16, FB-Response-GENERAL-20.

BO024-2

Refer to Standard Response FB-Response-GENERAL-14.

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012)

CCHSRA
CITIZENS FOR CALIFORNIA HIGH SPEED RAIL ACCOUNTABILITY

October 18, 2012

Fresno to Bakersfield Draft EIR/EIS Comments
Attention: California High Speed Rail Authority Board Members
770 L Street, Suite 800
Sacramento, California 95814

Subject: CEQA/NEPA Comments Concerning the DEIR/EIS for the Proposed Fresno to Bakersfield Section of the California High Speed Rail Project

Dear Chairman Richard and Authority Board Members:

BO025-1 The Citizens for California High Speed Rail Accountability (CCHSRA) have long told both the California High Speed Rail Authority (Authority) and the public that the most important component of this project is not the high-speed train, or the unsubstantiated benefits or the inflated job creation figures that go along with it. The most important component is the impacts that the proposed project will have on affected landowners, and on the agricultural businesses that are directly dependent on the land. The Authority, its staff and the cadre of consultants involved in the environmental review process have yet to contact landowners within the alignment from Fresno to Bakersfield (or any other segment) to discuss impacts and the magnitude of this project. That means that they have failed to identify the real impacts that this proposed project would have. In this singular glaring error the Authority has failed to establish the key element that would establish a legitimate and well rounded Environmental Impact Report (EIR) or Environmental Impact Statement (EIS) per the California Environmental Quality Act (CEQA) or the National Environmental Protection Act (NEPA) respectively.

BO025-2 In our review of the Draft EIR/EIS for the Fresno to Bakersfield section of the California High Speed Rail Project (HSR Project) we have discovered that the lack of outreach provided to landowners highlights the deficient nature of the Draft EIR/EIS. Provided in this letter is a summary of key analysis that were conducted by CCHSRA members and are being provided as examples of impacts in the Fresno to Bakersfield section of the HSR Project. The DEIR/EIS should take note that these case examples are only representative and that much more complex situations exists up and down the alignment. The lack of outreach, combined with producing the Draft EIR/EIS at only a 15% design level causes CCHSRA to request that the Draft EIR/EIS to note the included cases, ensure that other impacts are addressed and re-released for a legal and time appropriate public review.

BO025-3

Mel's Farm

Mel's Farms is a 3rd generation farm owned by the Oliveira Family. The property that is impacted by the HSR Project is located approximately ½ mile north of Dover Avenue and to the west of 8th avenue. Please see the attached map entitled Mel's Farm Impacts for a location map and a description of the impacts. The property consists of organically grown cherries and a block of traditionally grown walnuts. The organic cherries are leased to a third-party grower that is also a long-time Kings County grower.

Organic Concerns

The property that is being grown in organic cherries has been a long-term investment with a significant amount of capital and work required to establish the cherries as a certified organic operation. The certification of these cherries as organic took approximately 3 years and is currently producing organically certified cherries to the fresh fruit market. The value of this crop could yield upwards of $15,000 per acre (depending on market conditions). The Draft EIR/EIS fails to address in any section of the document the interaction of the HSR Project or the construction of the HSR Project on organically operated farms.

BO025-4 The California Department of Food and Agriculture Organic Program is responsible for enforcement of the federal Organic Foods Production Act of 1990, and the California Organic Products Act of 2003. These statutes protect consumers, producers, handlers, processors and retailers by establishment of standards under which fresh agricultural products/foods may be labeled and/or sold as "organic". The California Department of Public Health enforces laws pertaining to processed products marketed as "organic". As the HSR Project alignment passes through the heart of this operation the Draft EIR/EIS should provide an analysis of any impact to the organic nature of the field with an assurance that the regulations set forth by the California Department of Feed and Agriculture and the California Department of Public Health are observed.

BO025-5 The Draft EIR/EIS fails to provide an analysis of the potential impacts to organic farming operations both during construction and the long-term operation of the HSR Project. With the introduction of heavy equipment, mass earthmoving operations and potential chemical applications to control weeds and pests within the construction zone, the potential exists for impacts to adjacent organic operations. As construction operations take place, the introduction of foreign chemicals and dust can significantly impact the organic operations. The potential exists that chemicals utilized in the area may not be listed as safe for organic operations. Also the increased dust from construction can introduce pests and cause leaf damage to trees. In an organically grown orchard the landowner may not have the readily available and certified means to address these concerns.

BO025-6 The long term operations of the HSR Project were also not factored into an analysis when looking at agricultural impacts on organic operations. The Draft EIR/EIS includes recognition that operations and maintenance practices will include the application of herbicides and pesticides within the HSR Project right-of-way. The Draft EIR/EIS however does not include a recognition, nor analysis of the potential impact of these operations adjacent to an organically operated farming operations. Also not addressed are the impacts from the air turbulence and

BO025-7

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-7

wind created from the high-speed train traveling at 220 mph. Winds traveling at this speed will have a tendency to 1) agitate dust within the corridor and 2) carry particles and debris from parcels adjacent to the property. As dust is placed within a farming operation it can have significant impacts to farming along the source. Insects and leaf damage can occur due to an increase in dust. As the high-speed train passes adjacent property it has the potential to capture chemical applications on adjacent field and deposit it on other areas, a phenomenon called "drift" and well litigated in court cases. Often trains passing a field that is being sprayed for pesticides carry that chemical to another adjacent field where the chemical can cause damage.

BO025-8

Lease Arrangements
The third-party operation (Leasee) that is currently farming the organic cherries has entered into a long-term lease agreement with the owners of Mel's Farms (Owner). This lease agreement will be first impacted by the removal of several acres of land necessary to accommodate the passage of the HSR Project through the property. This impact will reduce the leased acreage, however it will also reduce the profitability of the operation. During the right-of-way acquisition, the Owner will receive a payment for the land, however it is not clear if the owner will receive payment for the loss of the long-term lease payments. Given the introduction of the HSR Project the Leasee and the Owner cannot guarantee they are able to maintain the organic nature of the operation, therefore the lease agreement becomes subject to a significant breach if the Leasee cannot maintain his organic operation. The Leasee will also have significant increases in farming costs required to navigate around the HSR Project, which will also cause the lease agreement between the Leasee and the Owner to be in jeopardy.

BO025-9

The DEIR/EIS fails to address the fragile relationships between owners and tenants that rely upon a lease agreement to farm. This arrangement is no different than those used for business relationships.

BO025-10

Farming Operation Impacts
The HSR Alignment that passes through the operation travels along the eastern 1/3 of the ranch in a southwest direction (please see the attached Mel's Farm Impact map). Farming operations on the east side of the alignment will no longer be connected to the farming located on the west side of the alignment. Given that the alignment will be at-grade and passage will only be allowed at overpasses and underpasses, the alignment essentially isolates Mel's Farms into two isolated operations.

The current farming practices locate the wells, equipment storage and cherry processing on the west side of the alignment at the center of the farm. It is anticipated that farming practices will be increased by approximately 3 miles per farming trip to access ground on either side of the alignment. From the included map, one can see that farming equipment must travel to the nearest overpass structure located on Dover to navigate around the alignment. Of more significance is the fact that although Dover Avenue is a public access road, the roads located to the west of the farm are private dirt roads which will require an easement and right-of-way acquisitions to access Mel's Farm. These agreements must be in perpetuity and ensure that future access covers the requiring operations necessary to operate Mel's farms.

BO025-11

The increase vehicle miles traveled (VMT) created by the HSR Project is not factored into any of the analysis provided in the Draft EIR/EIS. The Draft EIR/EIS analysis of VMT is biased towards counting any reduction in VMT, however fails to factor in the increased mileage created by the project. For Mel's operation the increase is approximately 3 miles per trip, however a full analysis of increase in VMT for Mel's farm was not conducted.

BO025-12

Mel's Farms Conclusion
Mel's Farms represents only one operation impacted along the alignment of the HSR Project. The Draft EIR/EIS is mandated to look at the individual impacts to ensure that the environmental and social impacts of the project have been addressed. Unfortunately, this Draft EIR/EIS looks more attune to a Programmatic EIR/EIS given the vague attempt to fully identify and address impacts to farming operations. The Draft EIR/EIS should take into account the impacts associated with Mel's Farms and ensure that a full analysis of other farming operations is conducted to guarantee that all impacts surrounding farming, the environment and the economic viability is addressed.

BO025-13

Gaspar Dairy

Gaspar Dairy is a small family owned dairy operation located on 7 ½ Avenue approximately ½ mile north of Fargo Avenue. The Gaspar Diary is operated by Steve Gaspar and his father, and employs several employees to operate the dairy. The family enjoys the luxury of living on the ranch including three generations of the family. The ability to live and work together on the family ranch is important and unique to the Gaspar Family. The HSR Alignment travels along 7 ½ Avenue through the dairy eliminating the dairy drainage pits, dairy corrals, the home of the grandparents, approximately 7 acres of ground, and removes access to the dairy. This analysis is provided to the Authority for an example of impacts associated with dairy operations, and should be further analyzed by the Draft EIR/EIS given there are dozens of dairies impacted within the alignment from Fresno to Bakersfield. Once the Draft EIR/EIS has analyzed the impacts to this facility it is critical that those impacts be investigated on other operations to ensure that all potential impacts have been identified and addressed.

BO025-14

Removal of Dairy Pits
California is the nation's number one dairy state. The state produces approximately 3.2 billion gallons of milk per year which is approximately 18% of the national supply. This production equates to approximately $3.6 billion dollars in sales. However, the cows that generate milk also generate approximately 30 million tons of manure each year, therefore proper management of dairy waste is one of California's most pressing environmental issues[1]. Concerns over the potential pollution to groundwater and surface water supplies have involved the Clean Water Act and the Safe Drinking Water Act when concerning dairy wastewater pits. Observance and permitting through these laws is often tedious and can be very costly.

Dairy wastewater pits are an integral component of the dairy operation. The pits receive wastewater from the dairy that is used to wash corrals and cows during the milking process. The

[1] California Animal Waste Management. http://www.epa.gov/region9/animalwaste/california.html

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-14

wastewater carries with it fecal matter and other debris from the diary and milking operation. Under great scrutiny these facilities often require a full environmental review during construction and significant amounts of time and money to construct, including the movement of wastewater pits. The Draft EIR/EIS makes no mention or analysis of the impacts associated with eliminating and/or replacing dairy wastewater pits. Without addressing the issue of dairy pits in the DEIR/EIS the public and the landowner are unclear as to the short-term and long-term impacts to dairies such as the Gaspar Dairy. The DEIR/EIS should provide a discussion of the process that diaries must follow to remove and construct new diary pits that are impacted. Included in this discussion should be a details description of the expected timelines for replacement.

BO025-15

Loss of Land is a Loss of Cows

Through the California Diary permitting process the Gaspar Dairy is allowed to have a predetermined number of cows for each acre of ground available to spread dairy manure waste. For the Gaspar Dairy the loss of approximately 7 acres of farm ground will mean the reduction in milking cows of approximately 105 cows (21 cows per acre). From the analysis provided in the attached Gaspar Family Dairy and Farm Ground Map, it was determined that 105 cows have an average milk production per year of 21,000 pounds of milk. At the average milk price of $15/100 pounds, this equates to $3,150.00 of lost revenue per cow per year. For the Gaspar Dairy this is a loss of approximately $330,750.00 per year in milk revenue. The economic multiplier used for agricultural income to the surrounding communities is 3.5, therefore the economic impact to the surrounding agricultural community is estimated to be $1,157,625.00.

BO025-16

The Draft EIR/EIS fails to recognize the loss of income to individual dairy operations due to the loss of land and loss of cows. What the Draft EIR/EIS fails to do on a larger scale is to recognize each farming operation as a business venture. As each farm is a business venture the loss of productive farm ground equates to the permanent loss of income, which in turn is a multi faceted impact to the social and economic fabric of a community. As losses are experienced on a farm, there will be less revenue to industries that rely upon farming such as equipment suppliers, mechanics and event the restaurant businesses surround farming communities. In the Draft EIR/EIS the document fails to address the net loss of economic vitality to the area. The Gaspar Dairy alone removes approximately $1,150,000.00 from the local community. The Draft EIR/EIS should provide an analysis that takes a closer look at the true economic loss to the local economies.

BO025-17

Through the analysis that CCHSRA has done, it has also been discovered that the alignments chosen for the HSR Project target two general classifications of ground 1) low income blighted areas and 2) agricultural/rural territories. The Draft EIR/EIS has provided statements that acknowledge this phenomenon and the greater impact to economically depressed areas, however the Draft EIR/EIS fails to provide any legitimate justification or mitigation for these prejudiced decisions.

BO025-18

Dairy Permitting Issues

The Draft EIR/EIS acknowledges the impacts to dairies and the ensuing permitting and regulation process that will be required of farmers when the HSR Project enters their property. Although the HSR Project is a statewide project the agencies and regulations governing the environmental and construction concerns of dairies are administered by agencies outside of the

BO025-18

Authority and will simply see the modifications due to adjustments required by the HSR Project as typical diary improvements or modifications. Therefore, the tedious and expensive process of permitting and constructing diary modification will be encountered. In the case of the Gaspar Dairy, they expect that the permitting process along will take approximately 18-24 months and cost approximately $115,000. The Draft EIR/EIS does not contemplate the timing required to adjust dairy operations within the construction timeline for the HSR Project. Even if the Gaspar Dairy began working on their permits today, they could expect approval for modifications around October 2014 with construction to last upwards of 12 months beyond that. Therefore the Gaspar Dairy would be ready for the Authority to begin construction through their property around October 2015.

BO025-19

Another concepts overlooked by the Draft EIR/EIS is the changes in regulations due to adjustment in permits. The Gaspar Dairy has been operating under a permit issued several decades ago when regulations required much less oversight. If the Gaspar Dairy were to improve or repermit the facility, they would be exposed to bringing their dairy up to current laws and regulations. This represents a significant increase in cost both in capital improvements and long-term operations of the Dairy.

BO025-20

Miscellaneous Farming Impacts

The Gaspar Dairy also will incur various farming impacts that will greatly depreciate the value of the farming operation and potentially cause significant environmental concerns. As the alignment travel southward through the farm, the land located to the west of the alignment is owned by the Gaspar Family. This land supplies feed to the dairy and also provides dairy wastewater discharge. When feed is harvested from the ground on the west side of 7 ½ Avenue it is traditionally hauled across the road to the Dairy. This is a very short and efficient process. With the introduction of the HSR Project the Gaspar family will be required to travel south to the overpass structure programmed at Fargo Avenue and to navigate around the structure and back to the north. This will increase the travel distance for each truck upwards of 2 miles to get feed to the dairy operation via the New Access road shown on the attached map. Increased VMT will add costs to the Gaspar Dairy and also add the already diminished air quality in the Central Valley.

BO025-21

The alignment that passes through the Gaspar Dairy also eliminates the current access point for the truck that comes daily to transfer milk to the processing plant. In order to reconfigure the dairy operation and allow access for milk transfer the Gaspar Dairy will be required to relocate their milking barn. The Gaspar dairy estimates that the economic cost for reconfiguring the diary would be $7,300,000.00. The reconfiguration of the facility will also necessitate another individual environmental and permitting review, which could include significant costs and several years to accomplish. The Gaspar Dairy estimates their permitting process to take upwards of 24 months and cost approximately $115,000. The newest dairy in Kings County, Lakeside Dairy took 2 1/2 years to permit and upwards of $175,000.00 in permitting costs[2], which supports the estimates for the Gaspar Dairy impacts.

[2] Personal conversation with Mike Monteiro owner of Lakeside Dairy on October 14, 2012.

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-22

Circle T Ranches

Circle T Ranches is a family owned and operating farming operation located along Highway 43 approximately 1 mile north of Nevada Avenue. Circle T Ranches operates its farming operation from an equipment and farming office located on the attached Circle T Ranches Site Plan and Travel Path Map. The family owns and operates the land located in the green outlined area near the equipment storage area, however also farms ground located on Lansing Avenue west of Highway 43 (red outlined ground on the map). CCHSRA met this the owners of Circle T Ranch to discuss the impacts to their operation. The owners of the ranch indicated that one of the largest impacts to their operation was the increased distance they would be traveling to conduct their farming operations. Attached is an analysis of the increased VMT created by the HSR project due to the need to travel around the alignment.

By conducting a detailed analysis of the increased VMT, it was determined that the due to the HSR Project alignment, Circle T Ranches will increase its VMT by 10,734 miles per year to farm the Double L Ranch. The analysis was done by investigating the farming operations that take place in one calendar year. Each farming practice was analyzed for the type of vehicle utilized, including the need to use transport equipment to move farming equipment to the field and the number of trips required to be made to that field. The increased length of travel was determined and a calculation was made to determine the difference between current practices and the increased VMT required to navigate around the HSR Project. The Draft EIR/EIS does not reflect an analysis such as this, which indicates that there is a concrete evidence that the HSR Project will increase VMT on an annual basis, which could be counterproductive the ability to meet current air quality standards.

BO025-23

The analysis of Circle T Ranches also highlighted a secondary impact that was not addressed in the Draft EIR/EIS. By placing the HSR Project alignment in areas not adjacent to a transportation corridor, traffic is now forced to used roads and highways more frequently. Also, the farming industry will not be forced to utilized roads more often than previously done, therefore increase the wear and tear on roadways. Equipment will also be forced to utilized road not currently required to be utilized, and in the case of Circle T Ranches they will be forced to use Highway 43 to move equipment and other farming commodities. Of concern to Circle T Ranches is the movement of manure to fields. Currently trucks are able to use rural roads to move manure for farming operations, however his trucks will now have to utilize a highway and fall under new guidelines which is trucks may not comply with.

BO025-24

Forcing farming equipment on to more roadways, including highways also raises a safety concern that the Draft EIR/EIS did not contemplate. Farm equipment often travels at much slower speeds that normal traffic and tends to be oversized. Cars traveling at 55 miles per hour must now navigate large equipment traveling at 25 miles per hour. The Draft EIR/EIS should analyze the potential for farm equipment/traveling public safety to determine the nature if the impact and provide mitigation measure as required.

BO025-25

The Draft EIR/EIS discusses VMT, however only in the context of VMT reductions associated with ridership on the HSR Project. What the Draft EIR/EIS fails to do is analyze the increased

BO025-25

VMT caused by the requirement to navigate around the HSR Project alignment given it is a fully grade separated transportation corridor.

BO025-26

Lakeside Cemetery and Dairy Impacts

The analysis conducted by CCHSRA on the Lakeside Dairy and Cemetery are provided in the attached Lakeside Dairy and Cemetery Impacts. The analysis provided at this site is an example of what the lack of direct contact with landowners has yielded. Upon our early investigates we discovered that the aerial photography being utilized in the Draft EIR/EIS was outdated and did not include structures and farming facilities after approximately 2003. Upon notifying the Authority of the issue it took approximately 12 months for the Authority to upgrade the aerial photography to include the Lakeside Dairy.

BO025-27

The Lakeside Cemetery is another example of the lack of detail the Draft EIR/EIS had without landowner participation. The Authority had sent out U.S. Army Corp of Engineer (USACE) reviewers to visually scope the alignment for conflicts. While they were driving along the road the owner of Lakeside Dairy stopped them to ask them what they were doing. The USACE representatives indicated what they were doing and the owner told them that they just passed a cemetery. The representatives had no idea there was a cemetery and they would make sure they addressed it in the upcoming Draft EIR/EIS. When the Draft EIR/EIS was released there was a "blockout" which saved the Lakeside Cemetery from being buried under an overpass. However what is not addressed in the Draft EIR/EIS is how the families of those who are buried in the cemetery access the cemetery. Given it is behind an overpass the Draft EIR/EIS makes no provision for access to the cemetery.

BO025-28

As with the other impacts associated with farming operations the Lakeside Dairy will increase the VMT to take farming equipment from the Lakeside Dairy Operation Facility to the Lakeside Dairy. The owners utilize the Operation Facility to store equipment and do repairs. When equipment is needed on the dairy it travels down Kent Avenue approximately 1/8 mile down the road. With the introduction of the HSR Project equipment will have to travel east toward Highway 43 and them back to the west via the overpass structure. This essentially doubles the travel distance required.

BO025-29

Landowner Impact Forms

CCHSRA and its members have recognized the shortcomings of the Authority in its path to processing the HSR Project. Without talking with landowners the ability to acknowledge impacts and concerns is a missing component of the CEQA and NEPA process. Attached with this letter are Landowner Impact forms that are representative of the impacts associated with land

BO025-30

that is located within the HSR alignment. The Draft EIR/EIS is an incomplete document that cannot establish the baseline condition given that the individual properties and land impacted has not been properly assessed. Without this information environmental concerns have been ignored, impacts lie dormant and the budget identified in the Draft EIR/EIS is significantly suspect and potentially deficient. Without having the funding to complete the necessary project

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-30

and now knowing that the Draft EIR/EIS is unable to identify the entire realm of impacts, the Authority under its Lead Agency status is required to take into account the information included, revise the document including the budget and re-release the Draft EIR/EIs for another public review.

BO025-31

Conclusion

CCHSRA has spent the last several months understanding the HSR Project and the alignments that impact the residents of Kings County. Part of the process has been to meet with individual landowners to understand the impacts that will be incurred due to the HSR Project. What has been presented in this letter and the attached analysis is information that has not been addressed in the Draft EIR/EIS. Because this information is missing, CCHSRA believes that the Draft EIR/EIS is significantly deficient and does not meet the standards of CEQA and NEPA. We request that the information provided be utilized as an example of the impacts associated with the HSR Project, and that the Authority, its staff and cadre of consultants ensure that each individual impact is property applied to each parcel impacted. The Authority has promoted and described the Draft EIR/EIS has a project level EIR/EIS, however given the lack of detail provided this current Draft EIR/EIS falls significantly short of meeting the standard threshold of a project-level EIR/EIS.

CCHSRA and its membership urges the Authority to address each of the issues presented and adjust the Draft EIR/EIS accordingly. In answering these comments above, the Authority should ensure that the magnitude and applicability of each impact to each landowner is assessed to properly address the significance of each impact. Failure to conduct a full analysis would render any determination of significance by the public or decision maker unlawful under CEQA and NEPA.

Sincerely,

Aaron Fukuda, Co-Chair CCHSRA

Frank Oliveira, Co-Chair CCHSRA

DEIR/EIS Fresno-Bakersfield
CCHSRA Landowner Analysis

Page **9** of **9**

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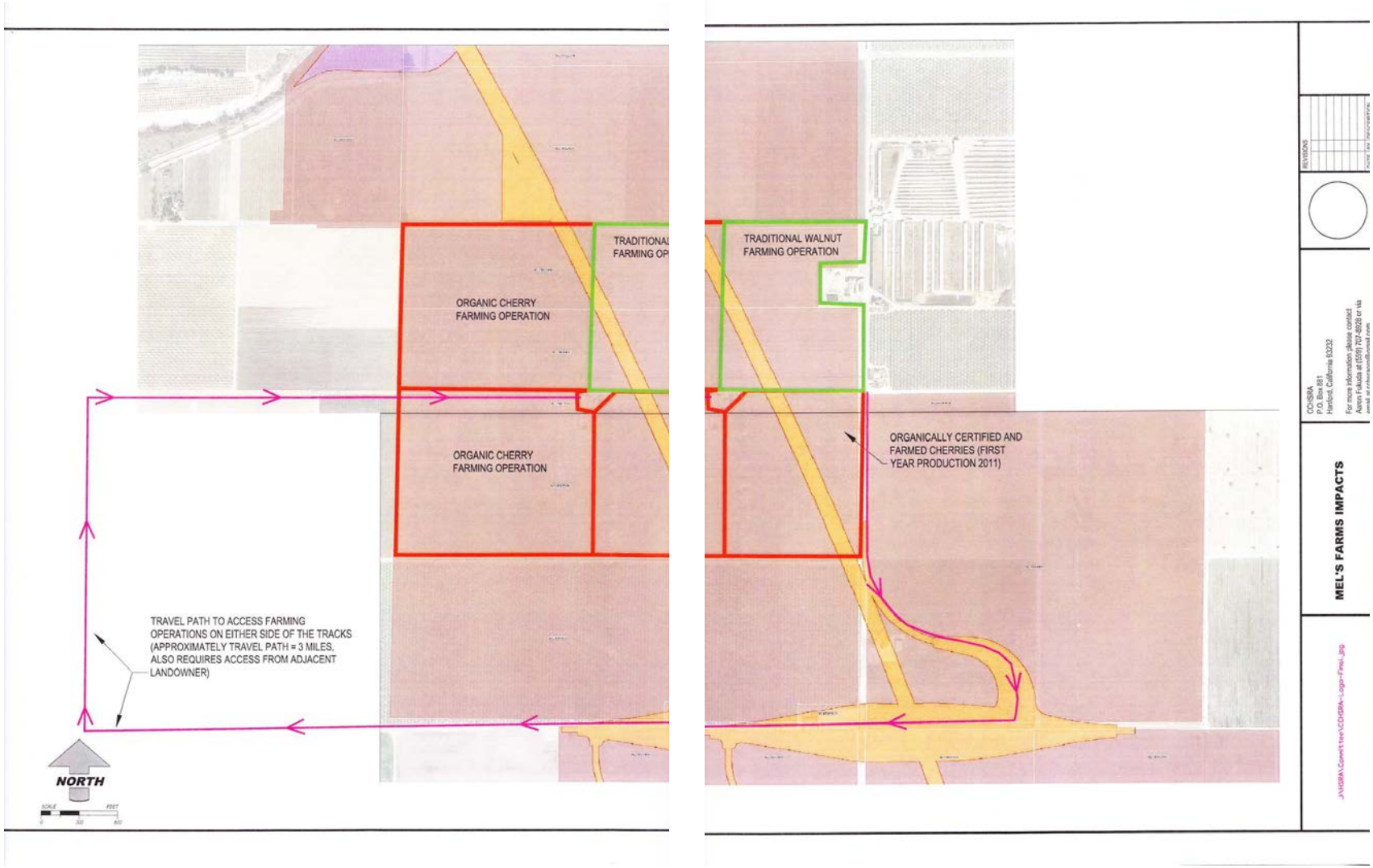
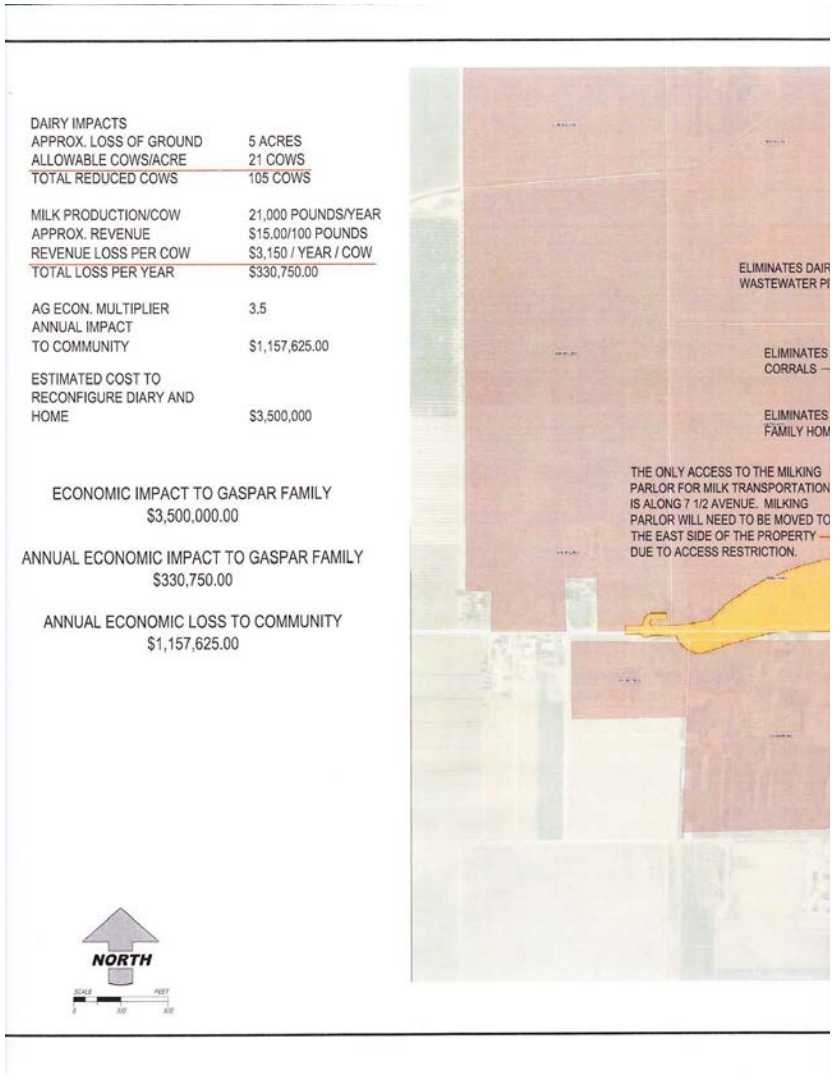
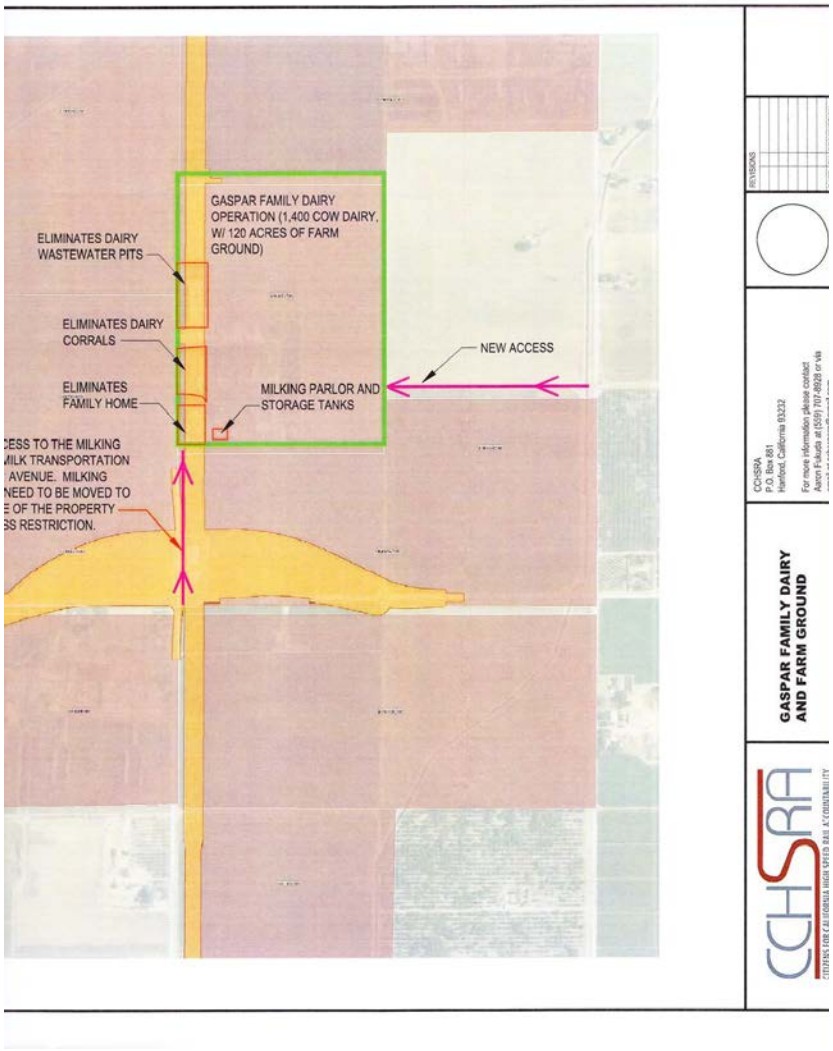
Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

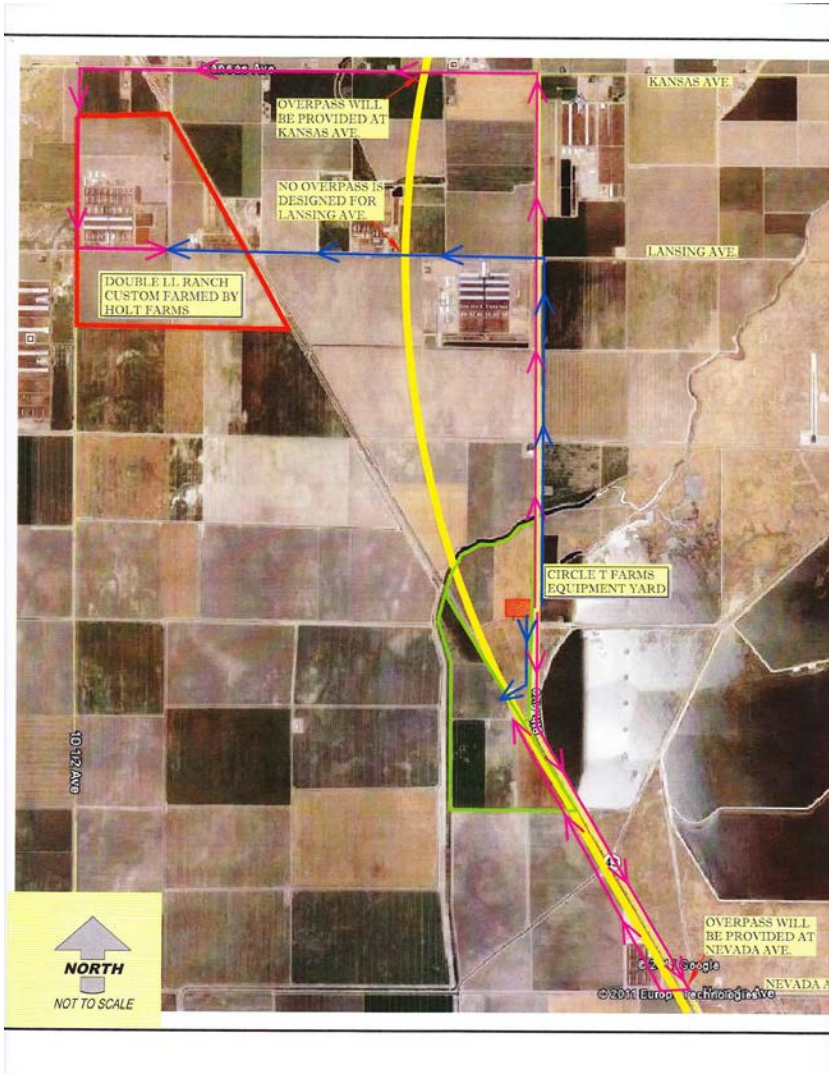


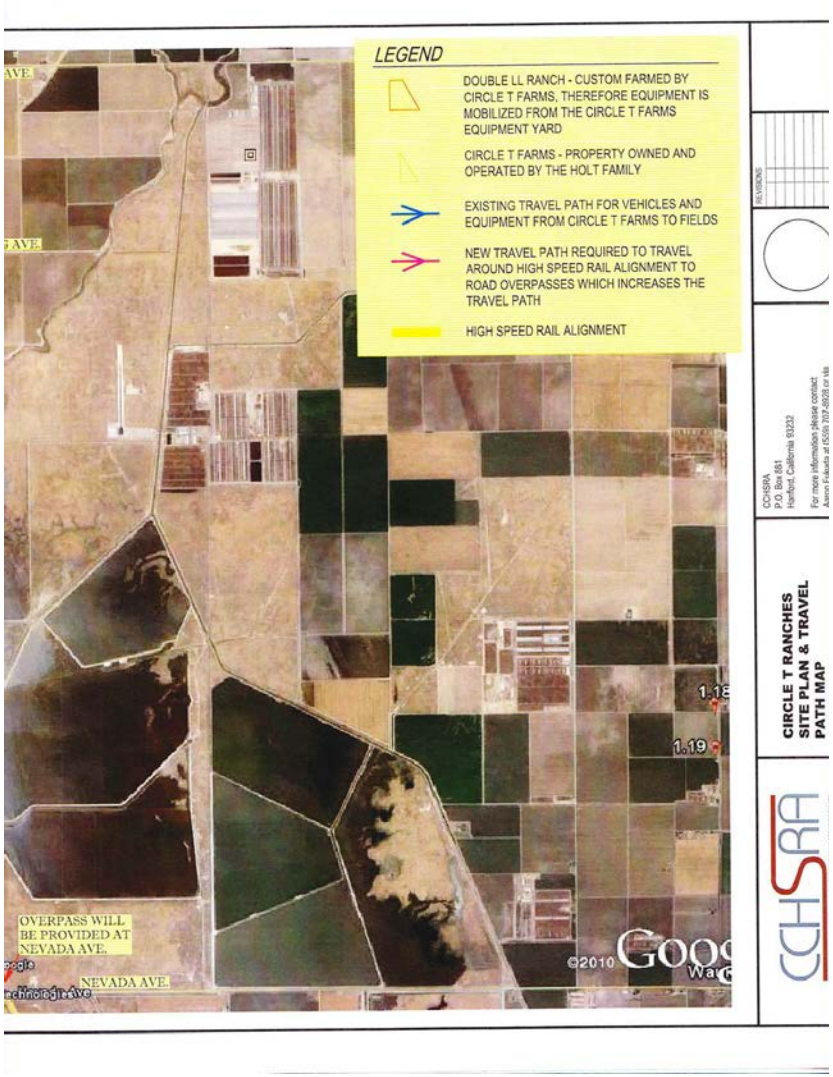
Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued





Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued





Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

Table 1. Holt Farms - L & L Ranch Trip Generation Analysis

Equip. No.	Purpose	Trip Generation Count[1] Januray	February	March	April	May	June	July	August
6	Day Irrigation[2]	120	120	120	120	120	120	240	240
6	Night Irrigation[3]	120	120	120	120	120	120	240	240
11	Maure Application					180			
3	Border Knock Down					2			
6	Mobilization					28	36		
8	Service Equipment					28	36		
2	Discing Ground					2			
1	Border Field					2			
2	Spring Tooth and Chisel					2			
4	Furrow Field						2		
3	Border Field						2		
1	Plant Field						2		
4	Fertilizer						2		
5	Pesticide/Fungicide Spray						2		
9	Field Inspection	4	4	4	4	6	6	6	6

Trip Generation Count[1] March	April	May	June	July	August	September	October	November	December	Total Trip Generation
120	120	120	120	240	240	120	120			1,440
120	120	120	120	240	240	120	120			1,440
		180					180			360
		2				2				4
		28	36			28	36			128
		28	36			28	36			128
		2				2				4
		2				2				4
		2				2				4
			2							2
			2				2			4
			2				2			4
			2				2			4
			2				2			4
4	4	6	6	6	6	8				48
										3,578

4 Miles - Existing trip mileage to center of ranch
7 Miles - New trip distance to access center of ranch with HSR project in place
3 Miles - Extra distance required

10,734 Miles - Total Annual Extra Mileage Traveled

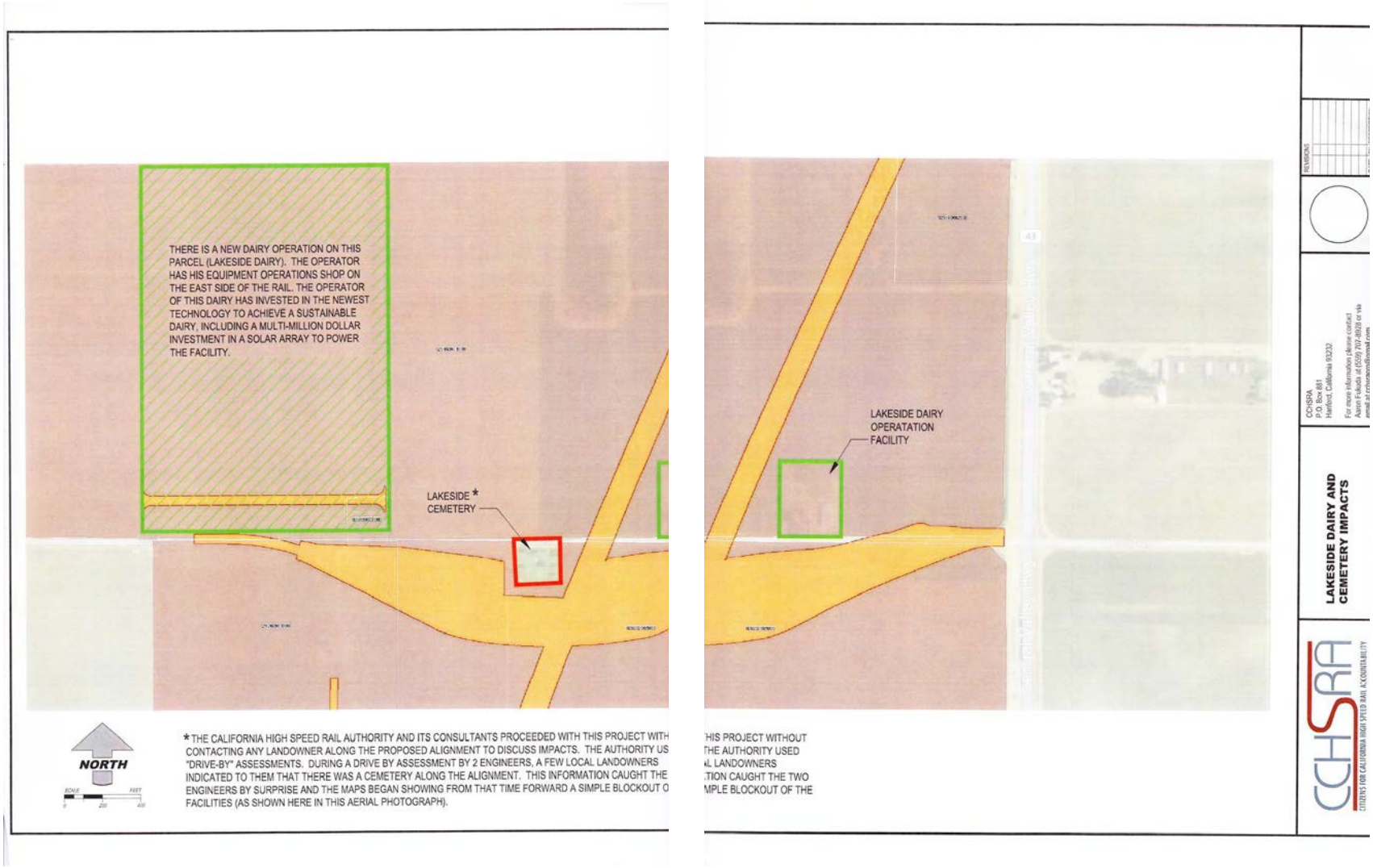
[1] Numbers indicate singular trip. Ex. 2 is a movement to the ranch and a return trip to the equipment yard.
[2] Trip Count is based on 4 trips per day and a 15 day irrigation cycle
[3] Trip Count is based on 4 trips per day and a 15 day irrigation cycle

g trip mileage to center of ranch
ip distance to access center of ranch with HSR project in place
istance required

al Annual Extra Mileage Traveled

ranch and a return trip to the equipment yard.
n cycle
n cycle

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued



Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-32

CCHSRA
CITIZENS FOR CALIFORNIA HIGH SPEED RAIL ACCOUNTABILITY

Landowner Impact Form

Landowner Information			
Landowner Name:	**William &Patricia Negrete Trust 50%**	Email Address:	**pnegreteshs@hotmail.com**
Landowner Address:	**& William Turini & Thomas Turini 50%**	Phone Number:	**805-474-5810**
	8th Ave. Hanford, California	Cell Number:	**559-269-9344**

Property Description

Please list any of the APN's you may have, however this is not required.

Property APN's:	002-190-016		

Question 1: Property Description (Please explain where property is located and sizes):

This property is composed of two undivided 40 acre parcels with a well and pump in the middle and pipeline irrigation. It is located on the east side of 8th avenue just south of Dover avenue in Hanford, California. It is prime agricultural farm land protected by the Williamson Act.

Question 2: Description of farming operation (acreage, type of crops, etc.):

The entire 80 acres are planted in Almond trees. The trees were planted 6 years ago and are currently in full production (lifetime potential production of 25+ years).

Question 3: Describe the general impacts of the high speed rail project on your property/operation/life (Attach more sheets if necessary):

The proposed East Hanford Route cuts diagonally through the middle of the 80 acres destroying the well, irrigation system and cuts out a wide swath of almond trees. Because the EIR/EIS is so vague, it is difficult to know just how much of the property would be taken for the HSR—it is possible that none of the remaining property would be farmable.

Upon claiming the property for the HSR, with the destruction of the irrigation system, there would be a total loss of the Almond orchard, including the loss of potential income in the remaining 14+ years in the lease ($550000.00).

If there would be acreage left for farming, it would be divided by the HSR into 2 small parcels—one accessed by 8th avenue and the other inaccessible because it would be land-locked between other adjacent farms on 3 sides and the HSR on the 4th side. Two new wells, pumps, and irrigation systems would need to be installed which could cost in the millions of dollars. The value of the two small parcels would be greatly reduced in comparison to the value of one 80 acre parcel.

It is impossible know what the environmental impacts will be and what restrictions to the farming operation there will be as a result of 6 high speed trains/hour passing by (air quality, noise pollution, effect on pollination, restrictions on chemicals being sprayed, etc.)

This property was purchased by Patricia's grandfather and William's and Thomas' greatgrandfather in the early 1900's. Our family has been good stewards of the land, farming, and making improvements over the years until it's current pristine condition. This is considered prime agricultural land because of the sandy loam soil and availability of water for irrigation, and it is protected under the Williamson Act.

BO025-32

Question 8: Will the high speed rail impact your ability to move equipment and/or vehicles: YES NO

If you answered YES, Please explain the impact to the movement of equipment (List how many extra miles it will add to your daily movement of equipment and/or vehicles):

Because of the vagueness of the EIR/EIS it is difficult to know, but it might be necessary to drive 4 miles in order to access the property in the back, if given the right-of-way by a neighboring farmer.

Question 9: If you have any practices that might be restricted around the high speed rail alignment (ex. herbicide and pesticide spraying) please list those activities along with the chemical and/or practice that is used:

Herbicides and Pesticides are often used—there is no direct information regarding what the restrictions will be.

Question 10: If you are a DAIRY OPERATION please list the number of cows you milk, the amount of ground needed to support your dairy and any other significant impact to your operation the high speed rail alignment may have:

Please list any other impact that the high speed rail alignment may have on your business/home that has not been listed above:

*Please fill out the above form and return it to **cchsraorg@gmail.com** or mail the form to P.O. Box 881, Hanford, California 93232*

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-32

Question 4: Will the high speed rail alignment cause any access problems: **YES**

If you answered YES, Please explain the access problem:

.The back parcel would be locked in by 3 adjacent farms and the HSR without any street access.

Question 5: Will the high speed rail alignment eliminate a residence on the property: NO

If you answered YES, Please explain the age, cost and utilities impacted (please include costs of the home):

Question 6: Will the high speed rail alignment eliminate any domestic or irrigation wells: **YES**

If you answered YES, Please explain the well characteristics (depth, horsepower, casing size and costs):

Replacement of 2 wells pumps and pipeline irrigation could cost up to $500000.00

Question 7: Will the high speed rail alignment impact any of your irrigation system: YES NO

If you answered YES, Please explain the irrigation sytem characteristics (style, pipe sizes, special equip. and cost):

See #6

BO025-32

CCHSRA

Landowner Impact Form

Landowner Information			
Landowner Name:		Email Address:	
Landowner Address:		Phone Number:	
		Cell Number:	

Property Description			
Please list any of the APN's you may have, however this is not required.			
Property APN's:			

Question 1: Property Description (Please explain where property is located and sizes):

on Cedar ave between Clayton and Lincoln avenues in Fresno County

Question 2: Description of farming operation (acreage, type of crops, etc.):

70 acres of grapes and Walnuts

Question 3: Describe the general impacts of the high speed rail project on your property/operation/life (Attach more sheets if necessary):

I live on the ranch, Train will impact my house especially during construction. Train and overpass will cut through my ranch Have lived on property since 1948.

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-32

Question 4: Will the high speed rail alignment cause any access problems: YES (NO)

If you answered YES, Please explain the access problem:

Question 5: Will the high speed rail alignment eliminate a residence on the property: (YES) NO

If you answered YES, Please explain the age, cost and utilities impacted (please include costs of the home):

one residence on Lincoln ave will be displaced for overpass. If maintenance yard grain will destroy my house. Land value - 300,000 my house - 650,000

Question 6: Will the high speed rail alignment eliminate any domestic or irrigation wells: (YES) NO

If you answered YES, Please explain the well characteristics (depth, horsepower, casing size and costs):

1 domestic - 200 ft 8" Casing. $20,000 ea 1 hp
Ranch - 320 ft 16" Casing, 40 hp 50,000 ea

Question 7: Will the high speed rail alignment impact any of your irrigation system: (YES) NO

If you answered YES, Please explain the irrigation sytem characteristics (style, pipe sizes, special equip. and cost):

Drip + flood valves.

BO025-32

Question 8: Will the high speed rail impact your ability to move equipment and/or vehicles: YES (NO)

If you answered YES, Please explain the impact to the movement of equipment (List how many extra miles it will add to your daily movement of equipment and/or vehicles):

Question 9: If you have any practices that might be restricted around the high speed rail alignment (ex. herbicide and pesticide spraying) please list those activities along with the chemical and/or practice that is used:

have to spray walnut Trees + Vines

Question 10: If you are a DAIRY OPERATION please list the number of cows you milk, the amount of ground needed to support your dairy and any other significant impact to your operation the high speed rail alignment may have:

Please list any other impact that the high speed rail alignment may have on your business/home that has not been listed above:

*Please fill out the above form and return it to **cchsraorg@gmail.com** or mail the form to P.O. Box 881, Hanford, California 93232*

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-32

CCHSRA

Landowner Impact Form

Landowner Information

Landowner Name:	Bryan + Denise Hanse	Email Address:	denisechilya hou.com
Landowner Address:	3562 13th Ave. Hanford CA 93230	Phone Number:	559-582-5862
		Cell Number:	

Property Description

Please list any of the APN's you may have, however this is not required.

Property APN's:			

Question 1: Property Description (Please explain where property is located and sizes):

1.4 Acre parcel with newly constructed home. We are in the middle of another large parcel that has almond + walnut trees, belonging to our family.

Question 2: Description of farming operation (acreage, type of crops, etc.):

Our 1 acre holds our home only + is parking for our equipment. Surrounded by walnut + almond crops.

Question 3: Describe the general impacts of the high speed rail project on your property/operation/life (Attach more sheets if necessary):

You will take our home. It was just completed 3 weeks ago. It has taken us over 2 yrs to build! You will take a large amount of the surrounding property which is my husbands livelihood! His grandfather started this farm years ago for his family + now will be jeopardized for something unnecessary! You are taking my son's future from him!!

BO025-32

Question 4: Will the high speed rail alignment cause any access problems: (YES) NO

If you answered YES, Please explain the access problem:

Will go right thru the middle of our property + my husband's parents. We will lose access to several parcels. Tractors will have to be driven long distances just to get around the track to the field across from the track.

Question 5: Will the high speed rail alignment eliminate a residence on the property: (YES) NO

If you answered YES, Please explain the age, cost and utilities impacted (please include costs of the home):

Brand new home built Sept 2012.
County fees were well over $15,000.
School tax $9500
Home Construction - $208,000
We will not be able to build another house on the property

Question 6: Will the high speed rail alignment eliminate any domestic or irrigation wells: (YES) NO

If you answered YES, Please explain the well characteristics (depth, horsepower, casing size and costs):

Well at our home will be eliminated. Also used for equipment (sprayings etc)

Question 7: Will the high speed rail alignment impact any of your irrigation system: YES NO

If you answered YES, Please explain the irrigation sytem characteristics (style, pipe sizes, special equip. and cost):

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-32

Question 8: Will the high speed rail impact your ability to move equipment and/or vehicles? (YES) NO

If you answered YES, Please explain the impact to the movement of equipment (List how many extra miles it will add to your daily movement of equipment and/or vehicles):

Goes right thru middle of prop. Everything will have to move around the Closed tracks!

Question 9: If you have any practices that might be restricted around the high speed rail alignment (ex. herbicide and pesticide spraying) please list those activities along with the chemical and/or practice that is used:

Spraying of almond & walnut crops

Question 10: If you are a DAIRY OPERATION please list the number of cows you milk, the amount of ground needed to support your dairy and any other significant impact to your operation the high speed rail alignment may have:

Please list any other impact that the high speed rail alignment may have on your business/home that has not been listed above:

Track will also go right at back of My Child's school! The decibel levels will be damaging to all Children in the School. Poses risk of Children climbing fences & being hurt or killed!

Please fill out the above form and return it to cchsraorg@gmail.com or mail the form to P.O. Box 881, Hanford, California 93232

You forget that the Central valley feeds Millions!

BO025-32

CCHSRA
CITIZENS FOR CALIFORNIA HIGH SPEED RAIL ACCOUNTABILITY

Landowner Impact Form

Landowner Information

Landowner Name:	STANLEY AND NORMAN CRAWSHAW	Email Address:	NORMCALLER@YAHOO.COM
Landowner Address:	8709 CAIRO AVE. LATON, CA. 93242	Phone Number:	559-584-3717
		Cell Number:	

Property Description

Please list any of the APN's you may have, however this is not required.

Property APN's:	APN# 002-120-031-000 LAND APN # 910-006-139-000 HOME

Question 1: Property Description (Please explain where property is located and sizes):

30 ACRES

THIS PROPERTY IS LOCATED ON CAIRO AVE. BETWEEN 8½ AND 9 AVE. ON THE NORTH SIDE OF ROAD. THIS PROPERTY IS IN THE WILLIAMSON ACT CONTRACT.

Question 2: Description of farming operation (acreage, type of crops, etc.):

1. 30 ACRES
2. 29 ACRES - ALL PLANTED TO ROW CROPS OF CORN FOR SILAGE OR DRY CORN.
3. 30 HORSE AGRICULTURE PUMP
4. AGRICULTURE WELL IS 360 FT. DEEP (2 NO. SHEET)

Question 3: Describe the general impacts of the high speed rail project on your property/operation/life (Attach more sheets if necessary):

1. THE OVERPASS AND HSR TRACKS WILL TAKE OUT:
   a. PIPLINE
   b. AGRICULTURE PUMP AND WELL
   c. HOUSE
   d. DOMESTIC WELL AND PUMP
   e. SHOP AND THREE STORAGE BUILDINGS
2. FIELD MIGHT NEED TO BE REGRADED
3. SINCE HRS TRACKS GO THROUGH ON AN ANGLE IT WILL LEAVE A SMALL PARCEL.

(2 NO. SHEET)

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-32

Question 8: Will the high speed rail impact your ability to move equipment and/or vehicles: (YES) NO

If you answered YES, Please explain the impact to the movement of equipment (List how many extra miles it will add to your daily movement of equipment and/or vehicles):

1. IF THEY MAKE AN ACCESS ROAD IT WILL ADD ONE MILE.
2. IF NO ACCESS ROAD, I WILL NOT BE ABLE TO ACCESS PROPERTY.

Question 9: If you have any practices that might be restricted around the high speed rail alignment (ex. herbicide and pesticide spraying) please list those activities along with the chemical and/or practice that is used:

1. I HAVE BEEN TOULD THAT COMMERICAL SPRAYERS WILL NOT COME WITH IN 1/4 MILE OF THE TRACKS, SO THIS MEANS THE CROP CAN NOT BE SPRAYED. YOU CAN CALL THE LEASEE LEONARD SOUZA (559/924-1225 TO FIND OUT WHAT 10849 DOVER AVE. HE SPAYS HANFORD, CA. 93230

Question 10: If you are a DAIRY OPERATION please list the number of cows you milk, the amount of ground needed to support your dairy and any other significant impact to your operation the high speed rail alignment may have:

Please list any other impact that the high speed rail alignment may have on your business/home that has not been listed above:

Please fill out the above form and return it to cchsraorg@gmail.com or mail the form to P.O. Box 881, Hanford, California 93232

BO025-32

QUESTION #2

5. PUMP PUMPS 4000 to 4500 GALLONS PER MIN.
6. PIPE LINE IS ON SOUTH EDGE OF PROPERTY
7. ONE ACRE FOR THE HOUSE
8. DOMESTIC WELL IS 180 FT. DEEP
9. 12 FT X 12 FT SHOP
10. THREE STORAGE BUILDINGS 2 ea 12ft x 12ft AND ONE 6 FT + 12 FT.

QUESTION #3

4. WILL HAVE NO ACCESS TO LAND BECAUSE OF THE OVERPASS
5. RESTRICTIONS OF SPRAY PATTERNS
6. COMMERICAL SPRAYERS WILL NOT COME WITHIN 1/4 MILE OF TRACKS
7. AGRICULTURE WELL AND PIPELINE WILL HAVE TO BE MOVED.

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-32

CCHSRA
CITIZENS FOR CALIFORNIA HIGH SPEED RAIL ACCOUNTABILITY

Landowner Impact Form

Landowner Information

Landowner Name:	Myron + Helena Leal	Email Address:	
Landowner Address:	12614 7th Ave.	Phone Number:	(559) 582-1438
	Hanford, CA 93230	Cell Number:	

Property Description

Please list any of the APN's you may have, however this is not required.

Property APN's:	016-200-030-000	
	016-200-031-000	

Question 1: Property Description (Please explain where property is located and sizes):

Property location – 12566 7th Ave. – 37 1/2 acres
" 12614 7th Ave. – 2 1/2 acres
Farm land with 2 houses plus, shop, shed, and garage. (Between Houston Ave. & Iona Ave.

Question 2: Description of farming operation (acreage, type of crops, etc.):

37 1/2 acres exclusive of the yard and houses.
Crops grown – alphalfa, corn, wheat, winter forage.

Question 3: Describe the general impacts of the high speed rail project on your property/operation/life (Attach more sheets if necessary):

Because we have not been given an honest and definite plan of alignment (it keeps changing) the impact can be approximately half of our land being taken which would include a lift pump or all of our land which would include our houses too. In any case, it leaves us with small unfarmable parcels.

BO025-32

Question 4: Will the high speed rail alignment cause any access problems: YES ☐ NO ☐

If you answered YES, Please explain the access problem:

Not Sure, yet.

Question 5: Will the high speed rail alignment eliminate a residence on the property: YES ☐ NO ☒

If you answered YES, Please explain the age, cost and utilities impacted (please include costs of the home):

At present, with our latest information, no.

Question 6: Will the high speed rail alignment eliminate any domestic or irrigation wells: YES ☒ NO ☐

If you answered YES, Please explain the well characteristics (depth, horsepower, casing size and costs):

A 10 HP Lift Pump. – $1,000

Question 7: Will the high speed rail alignment impact any of your irrigation system: YES ☒ NO ☐

If you answered YES, Please explain the irrigation sytem characteristics (style, pipe sizes, special equip. and cost):

The lift pump at the back of the property pumps water from the canal, we would no longer be able to access this water. In addition the pipeline that runs from the electric pump would be destroyed at a loss of $5,000. (approx.) (Includes valves)

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-32

Question 8: Will the high speed rail impact your ability to move equipment and/or vehicles: YES ☐ NO ☐

If you answered YES, Please explain the impact to the movement of equipment (List how many extra miles it will add to your daily movement of equipment and/or vehicles):

Not Sure.

Question 9: If you have any practices that might be restricted around the high speed rail alignment (ex. herbicide and pesticide spraying) please list those activities along with the chemical and/or practice that is used:

Possibly spraying of herbicides + pesticides.

Question 10: If you are a DAIRY OPERATION please list the number of cows you milk, the amount of ground needed to support your dairy and any other significant impact to your operation the high speed rail alignment may have:

N A

Please list any other impact that the high speed rail alignment may have on your business/home that has not been listed above:

Most important of all is the loss of our ability to farm this land. when it's gone you can't replace it. Also, the rail would cut off many avennes running East and West, Not mentioning the noise. How about the habitate?

*Please fill out the above form and return it to **afukuda77@gmail.com** or mail the form to 7450 Mountain View Street, Hanford, California 93230.*

BO025-32

CCHSRA

Landowner Impact Form

Landowner Information			
Landowner Name:	RSA INVESTMENTS, LLC	Email Address:	prostho2th@yahoo.com
Landowner Address:	3515 W. DAKOTA AVE.	Phone Number:	(559) 435-4006
	FRESNO, CA 93722	Cell Number:	(559) 287-5345

Property Description			
Please list any of the APN's you may have, however this is not required.			
Property APN's:	N/A		

Question 1: Property Description (Please explain where property is located and sizes):

PROPERTY IS LOCATED AT 3515 W. DAKOTA AVE. FRESNO, CA. APPX. 9.6 ACRES OF C-6 COMMERCIAL PROPERTY IMPROVED WITH METAL BUILDINGS, OFFICE AND RESIDENCE FOR THE PURPOSE OF CONDUCTING DAKOTA PARK BOAT AND RV / MEGA STORAGE. PROPERTY IS LOCATED ADJACENT TO THE S/B HWY. 99 AND DAKOTA AVE. EXIT ON THE SOUTHWEST CORNER OF DAKOTA AND PARKWAY AVE..

Question 2: Description of farming operation (acreage, type of crops, etc.):

APPX. 9.6 ACRES OF BOAT/RV AND MEGA STORAGE WITH CARETAKER RESIDENCE AND OFFICE.

Question 3: Describe the general impacts of the high speed rail project on your property/operation/life (Attach more sheets if necessary):

THE FRONT 3/4 OF MY PROPERTY WILL BE TAKEN FOR THE DAKOTA AVE. REALIGNMENT. AN ENTIRE STORAGE BUILDING, AND OFFICE AND RESIDENCE WILL BE DESTROYED, CONTROL, GATES, AND SIGNIFICANT PORTIONS OF 6 OTHER BUILDINGS WILL BE ELIMINATED. THE CLOSURE OF HWY 99 EXIT AT DAKOTA AVE. AND PARKWAY AVENUES WILL EFFECTIVELY ELIMINATE 95% OF MY CUSTOMER ACCESS.

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-32

Question 4: Will the high speed rail alignment cause any access problems: X (YES) NO

If you answered YES, Please explain the access problem:

HWY 99 AT THE DAKOTA AVE. EXIT WILL BE ELIMINATED AS WELL AS PARKWAY AVE. WHICH THE ACCESS ROUTE FOR 95% OF MY CUSTOMER BASE.

Question 5: Will the high speed rail alignment eliminate a residence on the property: (X YES) NO

If you answered YES, Please explain the age, cost and utilities impacted (please include costs of the home):

CUSTOM RESIDENCE / OFFICE ARE 5 YEARS OLD WITH AN ORIGINAL COST OF $ 350,000 EXCLUSIVE OF LAND AND LANDSCAPE IMPROVEMENTS. UTILITY COSTS ARE UNKNOW AT THIS TIME BUT ORIGINAL COSTS WERE $ 85,000 FROM P,G &E.

Question 6: Will the high speed rail alignment eliminate any domestic or irrigation wells: YES (X NO)

If you answered YES, Please explain the well characteristics (depth, horsepower, casing size and costs):

Question 7: Will the high speed rail alignment impact any of your irrigation system: (YES) NO

If you answered YES, Please explain the irrigation sytem characteristics (style, pipe sizes, special equip. and cost):

YES; LANDSCAPE IRRIGATION AND LOCAL IRRIGATION SYSTEMS AND VEHICLE "CAR WASH" AREA. FIRE HYDRANTS WILL BE DESTROYED WITHA 10" MAIN AND 8" ACCESSORY HYDRANT.

BO025-32

Question 8: Will the high speed rail impact your ability to move equipment and/or vehicles: (YES) NO

If you answered YES, Please explain the impact to the movement of equipment (List how many extra miles it will add to your daily movement of equipment and/or vehicles):

YES; CUSTOMER VEHICLES WILL NEED TO TRAVEL APPX. 1.5 MILES FURTHER EACH DIRECTION FOR ACCESS. APPX. 110 TRIPS / DAY.

Question 9: If you have any practices that might be restricted around the high speed rail alignment (ex. herbicide and pesticide spraying) please list those activities along with the chemical and/or practice that is used:

N/A

Question 10: If you are a DAIRY OPERATION please list the number of cows you milk, the amount of ground needed to support your dairy and any other significant impact to your operation the high speed rail alignment may have:

N/A

Please list any other impact that the high speed rail alignment may have on your business/home that has not been listed above:

I AM TRYING TO PREPARE FOR THE EVENTUAL LOSS OF 95% OF MY BUSINESS / INCOME.

RICK S. AARONIAN

*Please fill out the above form and return it to **cchsraorg@gmail.com** or mail the form to P.O. Box 881, Hanford, California 93232*

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-32

CCHSRA
CITIZENS FOR CALIFORNIA HIGH SPEED RAIL ACCOUNTABILITY

written by: Karen Stout

Landowner Impact Form

Landowner Information

Landowner Name:	Ronald D. Stout + John L. Stout	Email Address:	KarensKings@yahoo.com
Landowner Address:	2250 9th Ave LATONCA 93242	Phone Number:	(559) 381-6351 Casey (Son)
		Cell Number:	(559) 381-6352 Karen

Property Description

Please list any of the APN's you may have, however this is not required.

Property APN's:	002-120-056	002-120-066	002-120-067
002-120-068	002-120-069		

Question 1: Property Description (Please explain where property is located and sizes):

East of Hwy 43 between Denver + Corona Aves. Caire Ave + overpass effects my south 20, north 20 accross 9th Ave from my 40 Acres. My 40A has been split to, two 2.5A parcels + 2-17.5A parcels. Five of my 6 parcels are traversed diagonally almost 50/50 by Eastern Hanford alignment. Two of 4 houses taken by alignment.

Question 2: Description of farming operation (acreage, type of crops, etc.):

Basically Two 20A, + one 40A all under walnut (Chandler) production. The 20A parcels have 16 yr old trees, with life expectance of 30 yrs. 40A just planted this year with saplings. Expect production in 5 yrs. No crop grown btw trees.

Question 3: Describe the general impacts of the high speed rail project on your property/operation/life (Attach more sheets if necessary):

The two houses taken by alignment are two 80+ yr old mothers of John and Karen Stout. My house on the one 2½ A parcel not hit by alignment will only be 125' or so from alignment of a dirt bank 10' high. No safety zones for houses has been set yet by HSR. The only horizontally distance set so far is 102' (north) ground level if a conventional train + a HSR with no barrier between them (see pg. 29 section 3.11 Safety + Security). With the HSR tracks at different heights, safety zones should be set for houses from equipment buildings, + animal barns, etc.) Don't know that house 125' away 2 track 10' will be safe to live in, in case of derailment. Then all 4 houses on land will disappear. At 140'w + 10' high this barrier will make me burn fossil fuel a minimum of 4 miles one way to get to the other side of my property, if the Cairo Ave Overpass is put in. This will need to be done 2 times

continued 1-4

BO025-32

Question 4: Will the high speed rail alignment cause any access problems: (YES) NO

If you answered YES, Please explain the access problem:

If the Cairo Overpass in put in, we will need to go around 4 miles to get to the other side of our 40A parcel and the majority of the north 20A parcel. Which means also that the two brother partners that farm and live on the same 40A will need to go 4 miles around to each others house. Access problem mainly is the amount of trees I'll loose on the south 20A for the neighbor

Question 5: Will the high speed rail alignment eliminate a residence on the property: YES NO (on next page)

If you answered YES, Please explain the age, cost and utilities impacted (please include costs of the home):

Ages answers in Question # 3. Water also in Question # 3. Electricity as well done for 2 houses in alignment. Cost of homes best found at assessors office.

most expensive – 2004 9th Ave Laton 93242 Ronald + Pam Stout
2nd – 2250 9th Ave " " John + Karen Stout
3 – 2179 9th Ave " " Jon + Ron Stout
4 – 2174 9th Ave " " "

Question 6: Will the high speed rail alignment eliminate any domestic or irrigation wells: (YES) NO

If you answered YES, Please explain the well characteristics (depth, horsepower, casing size and costs):

One domestic for sure 2179 9th Ave. Laton
One irrigation well on 40A parcels Probably taken because of construction. Close to alignment line. I do not know for sure This is our newest one, I believe bowls are at about 200', but well is dug to next water strata around 400'.

Question 7: Will the high speed rail alignment impact any of your irrigation system: (YES) NO

If you answered YES, Please explain the irrigation sytem characteristics (style, pipe sizes, special equip. and cost):

We have concrete pipe along 9th Ave for the 40A parcel. Added new plastic pipe behind my house and equipment shop this year and additional valves. Explain what needed to make irrigation work in Question 3 Irrigation.

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-32

Question 8: Will the high speed rail impact your ability to move equipment and/or vehicles: YES NO

If you answered YES, Please explain the impact to the movement of equipment (List how many extra miles it will add to your daily movement of equipment and/or vehicles):

In the summer months our pick-up truck will need to make a minimum of 2 trips each day to change + check water. 16 miles/day · 4 miles one way
Our tractor + disc, diesel, minimum 4 miles around [4 months] 10 days · 8x8 = 64 miles
256 miles + 64 prep in September = 320 miles maybe a year
x 4 = 1,280
Daily N/A

Question 9: If you have any practices that might be restricted around the high speed rail alignment (ex. herbicide and pesticide spraying) please list those activities along with the chemical and/or practice that is used:

aerial spray pesticide 2x year.
Ground spray pesticide 2-4 x per year
Ground spray herbicide 4-6 x per year
Brother-in-law in charge of this. We hire a chemical company.

Question 10: If you are a DAIRY OPERATION please list the number of cows you milk, the amount of ground needed to support your dairy and any other significant impact to your operation the high speed rail alignment may have:

N/A

Please list any other impact that the high speed rail alignment may have on your business/home that has not been listed above:

Irrigation wells that are impacted or taken by HSR is not the irrigation story. The acreage cut off from existing wells and lack of pipeline along the new track alignment through our parcels is the irrigation nightmare and expense to the HSR, which they have no concept of. Their culverts and maintenance agreements can go where the sun doesn't shine if they are just words.

Please fill out the above form and return it to **cchsraorg@gmail.com** *or mail the form to P.O. Box 881, Hanford, California 93232*

We need additional wells + pumps to be independent of the HSR. These irrigation wells are a minimum of $35,000 each. These costs have not been forseen by them.

BO025-32

Question 3 cont.

a day for irrigation. Tractors + disc will need to travel this distance as well.
I will need 30' turnarounds before the HSR fence to turn my equipment and my harvestors equipment. This will mean 2 or 3 more walnut trees taken out for this footprint. My mature trees are 20' apart. The diagonal alignment is a killer. One of our local aerial commercial sprayers, Blair Air Service, said they will not spray within ¼ mile of tracks. That leaves any farmer who has been divided by alignment a ½ mile band that will not be sprayed for pests, or defoliation, or anything. That impact on our crops or manure ponds has not been studied to my knowledge. How close will our ground sprayers spray is another question. They will not want the liability of spraying too close either. What will happen to my trees that are closest to the alignment? Will they die in a year or two because I cannot get rid of their pests? Will HSR pay me for them?

The HSR alignment diagonal cut through my property makes an illigation nightmare. The pipeline for my 2-20's is on the east side of them. First we were told no water could go under their HSR bed. Now, this year we are told we will get a concrete culvert and they will pay to have our

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-32

Question 3 cont 2

pipeline reattached through the in advert and we will have to be party to a maintenance agreement with HSR. I told them the maintenance agreement must be very good for me because with a permanent crop like trees (ei - vines, artichokes, etc.) I can not afford to be without water until HSR gets around to fixing it in their own sweet time. If my trees go without water for a month in the summer, my production will be effected and later the life of my trees!

The alternative is digging me a new well to service the majority of my south 20.

The Northern part of my 40 will also be without water.

First I thought I'd be able to keep my irrigation well on the 40 A because they said the width of the alignment would be 100'-120' feet. Now that it's 140' wide, I don't believe it will be outside of this width, or construction will run it over unless they can cap it, and I might be able to use it after construction. But never the less, I will need a well right away to irrigate the majority of the 40 A. I'll need new pipeline along the alignment because the alignment cuts my rows off from my pipeline. About a 1/4 mile of pipeline along alignment on 40 A + about same another 1/4 mile for 2-20s. - I'm not sure what well happen to neighbor across the street with his 21/2 A other than his house will be taken. We've worked his land with ours in the past.

BO025-32

Question 3 cont, 3

As to life, no one will live on property anymore. Eighty year olds might go in rest home. Older son will probably live in Hanford. My husband and I may move to Washington State. My brother-in-law and sister-in-law in other house will move to Pismo Beach area, my son, now in Hanford will need to burn more fossil fuels to get, 12-15 miles, one way, to property to work it.

The specifics on the houses are as follows: The alignment will take a 10 year old 1650 sq ft. basic, nice house and the domestic well (2129 9th Ave.). My mother-in-law is 85 years old and not in the best of health. We watch her. My mother lives in the double wide 24'x60' mobile home with a 30'x10' addition in front of it. This property has two concrete driveways and large patios on both front and back. I believe the 140' footprint will miss the detached garage and domestic well. Mother-in-law's also has a 10'x45' front concrete patio and awning in front and a 10'x30' concrete patio and longer awning in back in addition to a concrete long driveway + 2 car parking area.

I believe my house will be 100'-125' approximately from the 10' high, 140' w alignment. I have a 2250 sq ft home 20 years old. Basic home with a large concrete patio 10'x100' covered in back and approximately a 14'x22' patio + awning in front. I have a 3 car wide driveway in front and 8' wide concrete on north side

Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-32

Question 3 cont. 4

of home. And concrete patio behind family room (app. 17' x 10') with no patio cover.
The 4th house on property is my brother-in-law and sister-in-law's. It is only 5 years old and 2900 sq. ft. very nice house with lots of gingerbread. Two driveways that connect in front of a large garage that could hold 2 large RV's - metal building. They have built in sprinkler systems everywhere and a large concrete parking area in front of metal garage. They have a number of fruit trees and beautifully landscaped.

My house has a drip system just in the front.

Mother-in-law has sprinkler systems on 3 sides of her house.

Mother's place just sprinkler system in front.

Having my mother close, she does not have a driver's licence anymore, is valuable to me. She is 88 yrs old.

Having my mother-in-law close allows her to stay out of a rest home. This is a way of life that is being taken away from us!

BO025-32

Question 4 cont. 1

to the east with a 30 A parcel so he can get to a 4 A right triangle he will have on the west side of the alignment now. I will already lose a minimum of 105 16 year old walnut trees for the west side of the Cairo Ave overpass. The access road in not on the map yet. So, I'll lose more trees for this access road.

Response to Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012)

BO025-1

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-01.

Neither CEQA nor NEPA mandates the disclosure of impacts on individual properties, as long as sufficient information is provided to adequately characterize the overall environmental impact. This requirement for sufficient information applies to any EIR/EIS, whether characterized as a "program" document, or a "project" document. For example, CEQA Guidelines Section 15151 states:

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Impacts to agricultural land are described in Section 3.14, Agricultural Lands, of the EIR/EIS and impacts to agricultural operations are described in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the EIR/EIS. The analysis in the EIR/EIS provides decision-makers and the public with an understanding of the nature and magnitude of the impacts of the project to agriculture. The EIR/EIS analyzes all phases of the project as required by Section 15126 of the CEQA Guidelines and provides the analysis of significant impacts required by Section 15126.2 of the CEQA Guidelines. Enumerating each specific impact to every farm crossed by project alternatives is not reasonable because it would make the environmental document longer, more complex, and less readable without adding information necessary to characterize the extent and severity of the impact.

BO025-2

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

BO025-3

The Authority has not identified an impact on organic farm operations adjacent to the HST. During construction, land would be cleared mechanically using all available dust control measures recommended by the San Joaquin Valley Air Pollution Control District, as described in Section 3.3.8 of the EIR/EIS. The technology proposed for the HST System does not require large amounts of lubricants or hazardous materials for operation. The electric trains would use a regenerative braking technology, resulting in reduced physical braking and the associated wear. For these reasons, runoff from the tracks would have minimal pollutants. Stormwater runoff would be collected at the toe of embankments and directed to detention basins or existing drainage systems. No runoff would be directed to private property, as described in Section 3.8.5.3 of the EIR/EIS.

Weed and pest control would be required within the HST right-of-way. That can be accomplished mechanically adjacent to organic farms to prevent the possibility of contamination of organically grown crops. This restriction on the use of pesticides and herbicides can be addressed with the Authority's right-of-way staff during the acquisition process.

BO025-4

The Authority has not identified an impact on organic farm operations adjacent to the HST. During construction, land would be cleared mechanically using all available dust control measures recommended by the San Joaquin Valley Air Pollution Control District, as described in Section 3.3.8 of the EIR/EIS. The technology proposed for the HST System does not require large amounts of lubricants or hazardous materials for operation. The electric trains would use a regenerative braking technology, resulting in reduced physical braking and associated wear. For these reasons, runoff from the tracks would have minimal pollutants. Stormwater runoff would be collected at the toe of embankments and directed to detention basins or existing drainage systems. No runoff would be directed to private property, as described in Section 3.8.5.3 of the EIR/EIS.

Weed and pest control would be required within the HST right-of-way. That can be accomplished mechanically adjacent to organic farms to prevent the possibility of contamination of organically grown crops. Restrictions on the use of herbicides and pesticides can be addressed by the Authority's right-of-way agent during the property acquisition process.

Response to Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-5

Project construction is not expected to impact organic farming operations. Construction will not involve the use of foreign chemicals. Typical chemicals involved in construction would consist of lubricants, fuel, and water used to control dust. None of these chemicals would be different from those found in many types of farm equipment used for organic farming.

As discussed in Section 3.3.8 of the EIR/EIS, all of the fugitive dust control measures recommended by the San Joaquin Valley Air Pollution Control District would be used during project construction. Therefore, dust emissions would be far below those experienced on properties adjacent to agricultural operations using normal cultivation practices since typical cultivation uses no dust control measures.

In the event that herbicides are required during construction to control weeds, they would be applied in accordance with label instructions under the supervision of a certified pesticide applicator. Only pesticides contained on the Caltrans Approved Chemical List in Chapter C2-A of the Caltrans Maintenance Manual (http://www.dot.ca.gov/hq/maint/manual/maintman.htm [Caltrans 2010a]) would be used. Use of these chemicals in accordance with the manufacturers instructions and applied under the supervision of a certified pesticide applicator would prevent contamination of adjacent properties.

BO025-6

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

Herbicides applied within the right-of-way for weed control would be applied by maintenance crews using hand spraying methods. Herbicides would be applied according to manufacturer's instructions and according to all applicable regulations for handling and use of these chemicals. Impacts outside the right-of-way are not expected.

BO025-7

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

BO025-8

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-SO-01, FB-Response-AG-02.

BO025-9

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

BO025-10

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

BO025-11

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

BO025-12

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-01.

Neither CEQA nor NEPA mandates the disclosure of impacts on individual properties, as long as sufficient information is provided to adequately characterize the overall environmental impact. This applies to any EIR/EIS, whether characterized as a "program" document, or a "project" document. For example, CEQA Guidelines Section 15151 states:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision that intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good-faith effort at full disclosure.

Impacts to agricultural land are described in Section 3.14, Agricultural Lands, of the EIR/EIS and impacts to agricultural operations are described in Section

Response to Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-12

3.12, Socioeconomics, Communities, and Environmental Justice, of the EIR/EIS. The analysis in the EIR/EIS provides decision-makers and the public with an understanding of the nature and magnitude of the impacts of the project to agriculture. The EIR/EIS analyzes all phases of the project, as required by Section 15126 of the CEQA Guidelines and provides the analysis of significant impacts required by Section 15126.2 of the CEQA Guidelines. Enumerating each specific impact to every farm crossed by project alternatives is not reasonable because it would make the environmental document longer, more complex, and less readable without adding information necessary to characterize the extent and severity of the impact.

BO025-13

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-01.

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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. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Impacts to agricultural land are described in Section 3.14, Agricultural Lands, of the EIR/EIS and impacts to agricultural operations are described in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the EIR/EIS. Further information on impacts to confined-animal facilities is provided in Appendix 3.14-B. The analysis in the EIR/EIS provides decision-makers and the public with an understanding of the nature and magnitude of the impacts of the project on agriculture. The EIR/EIS

BO025-13

analyzes all phases of the project as required by Section 15126 of the CEQA Guidelines and provides the analysis of significant impacts required by Section 15126.2 of the CEQA Guidelines. Enumerating each specific impact to every farm crossed by project alternatives is not reasonable because it would make the environmental document longer, more complex, and less readable without adding information necessary to characterize the extent and severity of the impact.

BO025-14

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

The Authority will fairly compensate landowners for loss or disruptions to their operations during the right-of-way acquisition process, including the relocation of existing dairy wastewater ponds and the regulatory costs of permitting relocated wastewater storage ponds. Specific details regarding the regulatory requirements and the timeline associated with the relocation of dairy wastewater ponds are not addressed in the Revised DEIR/Supplemental DEIS because this level of detail is not required to identify potential environmental impacts of the HST and mitigation measures.

BO025-15

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-06, FB-Response-SO-01.

A detailed analysis of the economic impacts to croplands and animal operations is presented in Appendix C of the Community Impact Assessment Technical Report (Authority and FRA 2012h). The analysis is conducted by examining the impacts by alternative and by county, and does not perform individual analyses for each affected farm.

Section C.1.1.1 describes the methodology for determining the value for dairy production per acre of land. Section C.1.2 estimates the value of dairy and livestock operations, and Section C.1.3 analyzes the crop and livestock production acreage displaced by the project. See Appendix 3.14-B for a listing of all affected animal operations. The project would affect facilities on some animal operations and reduce the productive area of the affected farms and surrounding croplands specifically required for

Response to Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-15

nutrient distribution. To be conservative and not underestimate any potential effect resulting from this loss of land, it was assumed that animal operations would need to reduce their production in the short term until they found replacement lands for all acres acquired by the project. As a result, this short-term effect on the Kings County dairy sector is estimated at $7.2 million, which represents approximately 1.5% of the total county revenue generated annually in the dairy sector. The Bureau of Economic Analysis estimates that the additional multiplier indirect and induced effect to related sectors would be about equal to the direct loss in revenue in agriculture, thus resulting in a total direct plus indirect and induced multiplier effect of approximately $55 million annually across the four-county region (Bureau of Economic Analysis 2010). Overall, the intensity of the effect of the BNSF Alternative on agricultural business operations would be moderate in the short term during the initial period when operations and manure management lands are adjusting, and would be negligible in intensity over the long term under NEPA.

The intention of the Authority is to relocate displaced facilities (e.g., animal housing, wastewater treatment lagoons) on animal operations before removing existing facilities. The Authority has committed to maintain a “permit bureau” to help animal operations overcome the regulatory disruptions caused by the project. Due to difficulties in relocating displaced production for livestock, the analysis conservatively assumed 100% of these displaced acres would not be relocated immediately. In these cases, the Authority’s right-of-way agents will work with each affected operation to address issues of concern. Agents will attempt to resolve conflicts, for example, by reconfiguring facilities so that there is no net loss of operational capacity. The agents may not be able to resolve all issues, and will offer compensation to landowners who demonstrate a hardship from loss of facilities.

BO025-16

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-SO-01.

The analysis performed in Appendix C of the Community Impact Assessment Technical Report (Authority and FRA 2012h) is conservative and does not underestimate any potential effect resulting from loss of land on animal operations. It was assumed that animal operations would need to reduce their production in the short term until they

BO025-16

found replacement lands for all acres acquired by the project. As a result, this short-term effect on the Kings County dairy sector is estimated at $7.2 million, which represents approximately 1.5% of the total county revenue generated annually in the dairy sector. The Bureau of Economic Analysis estimates that the additional multiplier indirect and induced effect to related sectors would be about equal to the direct loss in revenue in agriculture, thus resulting in a total direct plus indirect and induced multiplier effect of approximately $55 million annually across the four-county region (Bureau of Economic Analysis 2010). Overall, the intensity of the effect of the BNSF Alternative on agricultural business operations would be moderate in the short term during the initial period when operations and manure management lands are adjusting, and would be negligible in intensity over the long term under NEPA.

The short term effect will be mitigated because the Authority will relocate displaced facilities (e.g., animal housing, wastewater treatment lagoons) on animal operations before removing existing facilities. The Authority has committed to maintain a “permit bureau” to help animal operations overcome the regulatory disruptions caused by the project. Due to difficulties in relocating displaced production for livestock, the analysis conservatively assumed 100% of these displaced acres would not be relocated immediately. In these cases, the Authority’s right-of-way agents will work with each affected operation to address issues of concern. Agents will attempt to resolve conflicts, for example, by reconfiguring facilities so that there is not net loss of operational capacity. The agents may not be able to resolve all issues, and will offer compensation to landowners who demonstrate a hardship from loss of facilities.

BO025-17

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-02, FB-Response-SO-07.

BO025-18

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-06.

The Authority has committed to compensating landowners at a fair market value for any permanent takings of their land as well as any temporary or permanent losses of income they may experience. During the land acquisition phase, each landowner will have the

Response to Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-18

ability to discuss the impacts from the HST with the Authority's right-of-way agent so that fair compensation for impacts to their property can be made. The Authority is proposing to work with businesses that are losing their wastewater land to help them get new land permitted to account for the land that they lost from the HST alignment.

BO025-19

Refer to Master Response #73.

As stated in Section 3.14.6 of the EIR/EIS, the Authority will assign a representative to act as a single point of contact to assist each confined animal facility owner during the process of obtaining new or amended permits or other regulatory compliance necessary to the continued operation or relocation of the facility. The Authority will consider and may provide compensation when acquisition of a confined animal site would either require relocation of the facility or amendment of its existing regulatory permits.

BO025-20

Refer to Standard Response FB-Response-AQ-03, FB-Response-TR-02, FB-Response-AG-02.

The project will result in increased travel time for the Gaspar Dairy, but access will be maintained. During the right-of-way process, a private overcrossing or undercrossing will be provided, as described in the Revised DEIR/Supplemental DEIS, Section 3.12.11, Mitigation Measure SO-4: Provide access modifications to affected farmlands.

For the economic impacts on the dairy, please see Section 3.12.8, Impact SO #15 – Economic Effect on Agriculture. This section discusses the impacts that road closures may have on agricultural operations, the increased costs to operations, and increased difficulties in moving workers and equipment to the fields.

BO025-21

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

Throughout the establishment and offer of just compensation for affected properties, the

BO025-21

Authority is required to consider all the relevant valuation information and suggested modifications provided by property owners. This is stated in the Uniform Act §24.102(f): During the negotiation to establish the offer of just compensation, including the payment of incidental expenses, the owner shall be given reasonable opportunity to consider the offer and present material which the owner believes is relevant to determining the value of the property and to suggest modification in the proposed term and conditions of the purchase.

BO025-22

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

BO025-23

Refer to Standard Response FB-Response-TR-02, FB-Response-S&S-01, FB-Response-AG-02.

As the comment states, Circle T Ranch vehicles may have to use SR-43 to move farming implements. During the growing and harvesting seasons, the movement of large agricultural implements (i.e. tractors, combines, mechanical picking equipment etc.) is already occurring on SR-43 and the facility has been designed to accommodate such equipment. This would add new periodic trips involving slow moving vehicles, but the farm vehicle trips would be occasional as well as seasonal, and is not considered a substantial change in traffic from existing conditions. Per California Vehicle Code (CVC) Sections 36000 - 36800, farm equipment (or "implements of husbandry") have certain exemptions that would allow use on state facilities. Depending on the vehicle and trip, a permit may be required.

BO025-24

All roadways will be constructed in accordance with the appropriate jurisdiction (City, County, Caltrans, etc.) design and safety requirements.

As indicated in Chapter 2 (Alternatives), road overcrossings in rural portions of the Fresno to Bakersfield Section would be designed in accordance with county standards that take into account the movement of large farm equipment. Overcrossings would

Response to Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-24

have two 12-foot wide lanes. Depending on average daily traffic (ADT) volumes, the shoulders would be 4 to 8 feet wide. Therefore, the paved surface for vehicles would be 32 to 40 feet wide. Most farm equipment would be able to travel within one lane, possibly overlapping onto the adjacent shoulder. Particularly large equipment may be so wide that it would cross over the centerline even when using the shoulder of the roadway. Oversized loads require Caltrans permits, and are subject to operating restrictions and lighting/signage requirements. Because of the width of the overcrossings and motor vehicle requirements for oversized loads, the effects on motor vehicle safety from the movement of farm equipment on overcrossings would have negligible intensity under NEPA and impacts would be less than significant under CEQA.

BO025-25

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

BO025-26

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-01.

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Impacts to agricultural land are described in Section 3.14, Agricultural Lands, of the

BO025-26

EIR/EIS, and impacts to agricultural operations are described in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the EIR/EIS. Additional information on impacts to confined animal operations are provided in Appendix 3.14-B. The analysis in the EIR/EIS provides decision-makers and the public with an understanding of the nature and magnitude of the impacts of the project to agriculture. The EIR/EIS analyzes all phases of the project, as required by Section 15126 of the CEQA Guidelines, and provides the analysis of significant impacts required by Section 15126.2 of the CEQA Guidelines. Enumerating each specific impact on every farm crossed by project alternatives is not reasonable because it would make the environmental document longer, more complex, and less readable without adding information necessary to characterize the extent and severity of the impact.

BO025-27

Kent Avenue is proposed to cross under the HST alignment, but access to Lakeside Cemetery would remain along the existing Kent Avenue right-of-way spur, ending at the cemetery.

BO025-28

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

BO025-29

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-01.

The Authority appreciates the information provided by CCHSRA, and it has been included in the administrative record of the EIR/EIS for decision-makers and the public to review.

Neither CEQA nor NEPA mandates the disclosure of impacts on individual properties, as long as sufficient information is provided to adequately characterize the overall environmental impact. This requirement to provide sufficient information applies to any EIR/EIS, whether characterized as a “program” document or a “project” document. For example, CEQA Guidelines Section 15151 states:

Response to Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-29

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BO025-30

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-01.

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BO025-30

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BO025-31

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-01.

The Authority appreciates the information provided by CCHSRA and it has been included in the administrative record of the EIR/EIS for decision-makers and the public to review.

Neither CEQA nor NEPA mandates the disclosure of impacts on individual properties, as long as sufficient information is provided to adequately characterize the overall environmental impact. This requirement to provide sufficient information applies to any EIR/EIS, whether characterized as a “program” document or a “project” document. For example, CEQA Guidelines Section 15151 states:

Response to Submission BO025 (Aaron Fukuda, Citizens for California High Speed Rail Accountability, October 18, 2012) - Continued

BO025-31

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. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Impacts on agricultural land are described in Section 3.14, Agricultural Lands, of the EIR/EIS, and impacts to agricultural operations are described in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the EIR/EIS. The analysis in the EIR/EIS provides decision-makers and the public with an understanding of the nature and magnitude of the impacts of the project on agriculture. The EIR/EIS analyzes all phases of the project as required by Section 15126 of the CEQA Guidelines and provides the analysis of significant impacts required by Section 15126.2 of the CEQA Guidelines. Enumerating each specific impact on every farm crossed by project alternatives is not reasonable because it would make the environmental document longer, more complex, and less readable without adding information necessary to characterize the extent and severity of the impact.

BO025-32

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-01.

The Authority appreciates the information provided by CCHSRA and it has been included in the administrative record of the EIR/EIS for decision-makers and the public to review.

Neither CEQA nor NEPA mandates the disclosure of impacts on individual properties, as long as sufficient information is provided to adequately characterize the overall environmental impact. This requirement to provide sufficient information applies to any EIR/EIS, whether characterized as a “program” document or a “project” document. For example, CEQA Guidelines Section 15151 states:

BO025-32

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. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Impacts on agricultural land are described in Section 3.14, Agricultural Lands, of the EIR/EIS, and impacts to agricultural operations are described in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the EIR/EIS. Additional information on project impacts on confined-animal facilities is provided in Appendix 3.14-B. The analysis in the EIR/EIS provides decision-makers and the public with an understanding of the nature and magnitude of the impacts of the project on agriculture. The EIR/EIS analyzes all phases of the project as required by Section 15126 of the CEQA Guidelines and provides the analysis of significant impacts required by Section 15126.2 of the CEQA Guidelines. Enumerating each specific impact on every farm crossed by project alternatives is not reasonable because it would make the environmental document longer, more complex, and less readable without adding information necessary to characterize the extent and severity of the impact.

Submission BO026 (Frank Oliveira, Citizens for California High-Speed Rail Acccountability, October 10, 2013)

Fresno - Bakersfield (July 2012+) - RECORD #1003 DETAIL

Status :	No Action Required
Record Date :	10/31/2013
Response Requested :	No
Affiliation Type :	Businesses and Organizations
Interest As :	Businesses And Organizations
Submission Date :	10/10/2013
Submission Method :	Letter
First Name :	Frank
Last Name :	Oliveira
Professional Title :	Co-Chair
Business/Organization :	Citizens for California High-Speed Rail Acccountability
Address :	
Apt./Suite No. :	
City :	
State :	CA
Zip Code :	00000
Telephone :	
Email :	frank.oliveira@me.com
Email Subscription :	
Cell Phone :	559-469-6685
Add to Mailing List :	Yes
Stakeholder Comments/Issues :	
EIR/EIS Comment :	
Official Comment Period :	No
Attachments :	Oliveira_101012.pdf (72 kb)

BO026-1

From: Frank Oliveira
To: Frank Oliveira
Cc: Valenstein, David (FRA); Hurd, Kathryn (FRA); Perez-Arrieta, Stephanie (FRA); Aaron Fukuda CCHSRA
Subject: Re: REQUEST TO MEET
Date: Wednesday, October 10, 2012 3:52:31 PM

Dear Mr. Valenstein,

We have not heard back from you about our demand to meet with you and your staff about our various National Environmental Policy Act (NEPA) complaints pertaining to the California High-Speed Train (HST) Project.

This letter is not about our concerns regarding the project design; those will be taken up in the comments we will be submitting in the course of the public comment period. Rather, the purpose of this letter is to express our objection to a situation that is preventing us and other members of the public from adequately reviewing those design issues and participating in the Environmental Impact Statement (EIS) review process.

We have also notified your agent, the California High-Speed Rail Authority (Authority), about the same issues. The Authority has also not satisfied our NEPA complaints or adequately explained them away. The Authority has actually made the decision to not allow the public to fully participate in the EIS review process.

The "Technical Reports" are clearly incorporated into the Fresno to Bakersfield HST EIS. As you know, the Technical Reports explain how the EIS assumptions were developed. This is key to understanding the EIS.

The Authority has not released the Technical Reports to the public for review in public places or in the languages spoken in this region. The Technical Reports are and have been available on the Authority's web site; however, access to the Authority's web site requires access to a computer, reliable high-speed internet and the skill to use both. Members of the public are not mandated by NEPA to possess these resources or skills to participate in the EIS process.

We base our Technical Report access complaint on the following provision of US Code.

Title 40: Protection of Environment

CHAPTER V: COUNCIL ON ENVIRONMENTAL QUALITY

PART 1502: ENVIRONMENTAL IMPACT STATEMENT

1502.21 - Incorporation by reference. Agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference.

1502.21 appears to be clear. Make the Technical Reports reasonably available for inspection by potentially interested persons within the time allowed for comment.

The Technical Reports are incorporated into the EIS and we (the public) have advised you and the Authority that we want to review them so that we can make meaningful comments about the EIS during this review period. We are demanding that the Technical Reports be released for public review, in public places, during reasonable hours, in the languages spoken in this EIS section. We also demand adequate time to review all of the documents and to make appropriate comments.

Our position is consistent with the public participation component of the Authority's recently adopted NEPA Environmental Justice (EJ) policy. We assume that the Authority's policy was a by-product of a requirement by the FRA, that the Authority adopt such a policy in order to comply with US Code. Before the Authority's adoption of their new NEPA EJ policy, the

Submission BO026 (Frank Oliveira, Citizens for California High-Speed Rail Acccountability, October 10, 2013) - Continued

BO026-2

Authority was notorious for advising local governments and the public that they were not required to comply with NEPA. Both you and I know that they were wrong and the Authority is here doing it again.

BO026-3

Unfortunately, the Authority has corresponded back to us reflecting that they are not going to release to the public the Technical Reports. Their explanation for not releasing the documents for public review, in public places, is based on the documents being available on their website. They cite the following US Code which does not waive their responsibilities to comply with 40 CFR 1502.21, in this circumstance.

Title 40: Protection of Environment

CHAPTER V: COUNCIL ON ENVIRONMENTAL QUALITY

PART 1502: ENVIRONMENTAL IMPACT STATEMENT

1502.24 - Methodology and scientific accuracy.

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.

BO026-4

We are not going to turn loose of this matter because we are going to receive our federal due process. If your agent will not comply with US Code, we expect that you will intervene as the designated Lead NEPA Official in this project.

We have being trying to address this matter with you and your agent for almost two months. We have advised you and your agent about this matter verbally and in writing. We believe that no one is going to believe that you or your agent was not aware of this problem.

If you will not comply with US Code, we suspect that you, Ms. Hurd and Ms. Perez will be explaining your failure to protect our federal due process in a formal court setting in the future. This matter may be inconvenient but it is non-complex and is easily correctable, now.

1- Release the Technical Reports to the public as described and extend the EIS review period to allow an adequate review and comment of the documents used to formulate the EIS. This is a reasonable demand. This project will have huge impacts to our community and to our private property. We are still US Citizens and we are still protected by US law.

2- Re-release the EIS for public review, in public places, that are actually open to the public and in the languages spoken in this area. Again, this is a reasonable demand because this project will have huge impacts to our community and to our private property. Again, we are still US Citizens and we are still protected by US law.

3- Schedule a face to face meeting with us now because your agent is continuing to violate our federal due process rights on your behalf. That directs us to address this matter with you or your superiors. This is also a reasonable demand. Once again, this project will have huge impacts to our community and to our private property. Once again, we are still US Citizens and we are still protected by US law.

Who is your supervisor? We have already asked you to elevate this matter above your level if this is beyond your level of authority. We have not heard back from you, make decision, take action.

Sincerely,

Frank Oliveira, Co-Chair

Citizens for California High-Speed Rail Accountability

559-469-6685

On Sep 23, 2012, at 06:07 PM, "Frank Oliveira" <frank.oliveira@me.com> wrote:

Dear Mr. Valenstein,

Your email response is inadequate.

BO026-5

We reported to Ms. Hurd, Ms. Perez and you, very specific National Environmental Policy Act (NEPA) Environmental Justice (EJ) due process complaints and your email response does not even acknowledged our complaints are being evaluated or moves us closer to meeting face to face to discuss the matter.

In keeping with professional niceties, thank you for replying to our last communication. We are relieved you have reported to us the Federal Rail Administration (FRA) has "confirmed" the Technical Reports that we inquired about have been available on the California High-Speed Rail Authority's (Authority's) website since July 16, 2012, at http://www.cahighspeedrail.ca.gov/revised-draft-eir-f-b-.aspx .

We do not understand what relevance the FRA's confirmation brings to the resolution of our complaint. If you remember, we already publicly and personally noticed you that the Environmental Impact Statement (EIS) Technical Reports were on the Authority's website. We did that on August 29, 2012, when we all were together in Fresno, CA, almost a month ago. This video Link may help refresh your memory http://www.youtube.com/watch?v=OVUxdz0HCCQ&feature=youtube_gdata_player (skip to the 8-minute mark on the video).

Thank you for letting us know we were not confused or wrong when we told Ms. Hurd, Ms. Perez and you, that the Technical Reports are posted on the Authority's website. The problem is that, that was not our complaint and we still do not know what you and the FRA is doing about our reported complaints.

We thank you for remaining willing to speak with us about your responsibilities within the EIS process as the Lead NEPA Official for the FRA in the California High-Speed Train (HST) project. Your email response does not reflect or address anything about the following very important NEPA Environmental Justice (EJ) complaints we also reported to Ms. Hurd, Ms. Perez and you, on August 29, 2012 (please refer to the same video link to refresh your memory).

Our reported NEPA-EJ Complaints:

1- **1-** 14,000-pages of the EIS Technical Reports still have not been released by the FRA, for the public to review on CD-ROMs or at public review sites in the communities. The Technical Reports are not with the public review site and CD-ROM copies of the 4,800-page EIS but the Technical Reports are clearly a part of the EIS because the EIS repeatedly references to the Technical Reports throughout the EIS document that was released to the public. It has almost been a month since we advised Ms. Hurd, Ms. Perez and you about the problem and nothing has changed, the Technical Reports are still missing from public review sites and CD-ROM's.

We are sure that Ms. Hurd, Ms. Perez and you, know that reviewing the Technical Reports that are identified by the EIS explain how the 4,800-page EIS assumptions were developed and is the only way that a common person in the public can really understand the EIS. This is especially true when the EIS assumptions differ from the public's perception of the real world situation on the ground.

Assuming the failure to release Technical Reports on the CD-ROMs and to the public review sites was an honest oversight on the part of the FRA, the documents should have been released to the public once the problem was discovered. The public should be given adequate time to review and evaluate the Technical Report data in relation to what was already released in the EIS to formulate relevant EIS comments

Submission BO026 (Frank Oliveira, Citizens for California High-Speed Rail Acccountability, October 10, 2013) - Continued

BO026-6

during this review period. This appears to be a simple matter of due process.

By failing to take action and ignoring this good faith complaint to allow the FRA an opportunity to fix the problem, it seems to appear that you-Mr. Valenstein, your associates and the FRA are intentionally trying to prevent the public from participating meaningfully in the EIS process and you and the FRA are knowingly denying us our due process. You can fix this.

As things stand today, the FRA has left the public to investigate the EIS in cyber-space on their own accord without direction to do so or any accommodations. The FRA appears to be requiring the public at large to have ready access to computers with high-speed internet connections and an investigative where with all, to actually participate in the EIS process. The fact is that we all do not own computers with high-speed internet because as you know, we live in a very rural location and when did being a member of the public require computer access.

This situation is starting to appear to not be an accidental oversight and it actually is your intent Mr. Valenstein and the intent of the FRA to prevent US Citizens in the Central Valley from receiving our due process to participate meaningfully in this process. This process will shortly force more than a thousand US Citizens to surrender their personal private property to you under the color of the authority of the US Government. That is a very serious matter, you should do it correctly.

If our assessment is wrong, please clarify things for us. We have been trying to clarify things for you. Let's meet.

2- **2-** The EIS released on-line, on CD-ROM and the documents released to the public review sites, along with the on-line Technical Reports are available only in the English language. We notified you also in good faith about that problem on August 28, 2012, in Hanford, CA, and on the following day in Fresno (please refer to the same video link to refresh your memory).

By releasing the EIS review documents only in the English language, you are clearly disenfranchising the people in our local community that speak primarily Spanish, Portuguese, Hmong and Dutch, from participating in the EIS process. We have good size populations in our area that speak those languages.

Your failure to not release EIS documentation in the predominate languages spoken in our region after being noticed about the problem also smacks of your knowingly planning to deny US Citizens in our region their due process. We believe the FRA has access to 2010 US Census data.

--

Mr. Valenstein, Ms. Hurd and Ms. Perez, comply with the Environmental Justice requirements of the National Environmental Policy Act or just tell us that the public safeguards reflected in NEPA do not apply to US Citizens living between Fresno and Bakersfield, in California. If you cannot do one or the other, it is time for all of you to resign.

Withdraw the EIS immediately; re-release it with all of the documents in formats that can be easily used by the public at large and give the public an adequate amount of time to review and comment on the matter. I think that, that would be the common person's solution to the problem and would reflect due diligence on your part and on the part of the FRA.

We did not create this problem, the FRA created the problem by not providing enough supervision of your agent, the Authority. The Authority has not protected the FRA's or the local public's interest. Fix the problem, they have not.

BO026-7

When are we going to meet? It will take us four to six hours to drive to Sacramento; we figure it would take you about the same amount of time to get there. Please stop the EIS review period immediately until this is resolved.

If you are no longer the responsible Lead NEPA Official for the HST project and are still employed by the FRA, please immediately direct us to the correct person within the FRA and elevate the matter.

Sincerely,

Frank Oliveira, Co-Chair

Citizens for California High-Speed Rail Accountability

559-469-6685 Cell/Text

frank.oliveira@me.com

On Sep 21, 2012, at 06:58 AM, david.valenstein@dot.gov wrote:

> Dear Mr. Oliveira:
>
> Thank you for your email. FRA has confirmed that the Technical Reports you inquired about have been available on the California High Speed Rail Authority's website since July 16, 2012. They can be found under the heading "Technical Reports" at the following location: http://www.cahighspeedrail.ca.gov/revised-draft-eir-f-b.aspx.
>
> We remain willing to speak with you should you wish to arrange a time for a conversation.
>
> Sincerely,
>
> David Valenstein

From: Frank Oliveira [mailto:frank.oliveira@me.com]
Sent: Monday, September 17, 2012 5:23 PM
To: Valenstein, David (FRA)
Cc: Hurd, Kathryn (FRA); Perez-Arrieta, Stephanie (FRA); afukuda77@gmail.com; dgomez@hsr.ca.gov
Subject: Re: REQUEST TO MEET

Dear Mr. Valenstein,

Thank you for your response and invitation to communicate by telephone.

Submission BO026 (Frank Oliveira, Citizens for California High-Speed Rail Acccountability, October 10, 2013) - Continued

We understand what you are communicating to us about the EIS process being designed to receive written and verbal comments from the public. Thank you for your encouragement to us to continue in that process.

Unfortunately, that process is not what we are actually discussing here and perhaps I must have been unclear in my previous communications to you. I must apologize.

What we have advised you is that the CHSRA has withheld 14,000-pages of Technical Reports (support documents) that should have been released with the EIS. We more or less personally provided you with an inventory of those reports on August 29, 2012, in Fresno, California.

Those documents are referred to as the supporting information to refer too inside the EIS documents that the CHSRA did release to the public for review and comment during this EIS comment period. Please visualize giving the public two pieces of bread without anything between the slices but a store coupon for a mystery store determined filler product and calling it a sandwich.

Those documents explain how and why the CHSRA developed the EIS assumptions that we are commenting about and are critical for people to read to understand the EIS.

Since the CHSRA has withheld those documents, it is impossible to expect a common person to actually understand and comment meaningfully about any content in those documents during the EIS process. People cannot comment on something that they are being prevented from understanding.

What we have also advised you that withholding data from the public appears to be counter to the elements of early meaningful public participation guaranteed by NEPA and by CHSRA's own NEPA Environmental Justice compliance policy.

We are not speaking about impacts reflected in the EIS caused by something denoted in CHSRA's high-speed train program design plan.

We are speaking about a violation of our due process to participate meaningfully in the process pursuant to NEPA. CHSRA has failed to do their due diligence either intentionally or unintentional. Either way, the problem exists and needs to be corrected.

CHSRA is aware of the problem and has done nothing to correct the problem of withholding the documents from public review. They have not released the documents in a format for public consumption. They have wasted two months of public review time.

We are not talking about a specific project impact which would be addressed through the avenue that you suggested we use to address this matter.

We are discussing the due process violation of thousands upon thousands of real breathing US citizens at the hands of your state agent on behalf of the Federal Rail Authority (FRA).

NEPA is a federal matter and the FRA is the lead federal agency involved and you clearly are the Responsible NEPA Official according to the EIS documents. We need you and the FRA to step up and fulfill your oversight responsibilities.

The state as your agent has failed the FRA and the public on this matter.

In the past, the CHSRA has advised us that the local government and the public involvementvsafeguards reflected in NEPA did not apply to them. Well, as you know, they do. We may be annoying but we have tried to clean these loose ends up with the CHSRA as things have progressed and they in the end still put out a poor quality product, not us. The local governments and public input in this project has for the most part been ignored by the CHSRA and our due process is being violated.

We did not create this process or problem, CHSRA did. Remember that in our dealings. We have no control over the project work product decisions and timetable decisions.

We have operated in good faith on this matter with all parties and identified the problem, advised the FRA, advised the CHSRA and you personally about the problem. Mr. Jeff Morales/CEO, at the CHSRA, is also aware about the problem.

The problem is easily resolved and within the power of CHSRA and/or the FRA to resolve. We understand that it will be inconvienant to correct this problem but it is the right thing to do.

Knowing what you know now, are you and your agency going to do your due diligence or are you also going to take the position that NEPA compliance and reasonable business practice is not required in this federally funded and federally overseen project.

Submission BO026 (Frank Oliveira, Citizens for California High-Speed Rail Acccountability, October 10, 2013) - Continued

When can we meet to discuss how the FRA is going to release the missing 14,000-pages of information for public review with an adequate/reasonable amount of extended review time for the public to participate? Another option would be to just rescind the EIS completely until your state agent gets it right.

We should meet in person to discuss these things. It is important and reasonable given the circumstances.

We are okay with the CHSRA and anyone else you wish to be at the meeting being involved in the meeting. We will have several of our people also at the meeting.

We are pretty sure that the CHSRA also failed to do their same due diligence in the EIS section north of us.

We are looking forward to hearing back from you and working with you and your staff.

Sincerely,

Frank Oliveira, Co-Chair

Citizens for California High-Speed Rail Accountability

559-469-6685 Cell/Text

frank.oliveira@me.com

On Sep 17, 2012, at 11:36, david.valenstein@dot.gov wrote:

> Dear Mr. Oliveira:
>
> Thank you for your message. As you may be aware, the public comment period for the Revised Environmental Impact Report/Supplemental Environmental Impact Statement (EIR/EIS) for the Fresno to Bakersfield Section of the California High Speed Train (HST) Project is ongoing through October 19, 2012. Your comment will be included as part of the record for the EIR/EIS. A response to your comment will be forthcoming with the Final EIR/EIS for the Fresno to Bakersfield Section.
>
> The public participation process under the National Environmental Policy Act is based on formal written submissions and oral testimony at public hearings. As such, we encourage you to continue to submit comments for the record on the EIR/EIS for the Fresno to Bakersfield Section in writing, via e-email or letter, through the close of the comment period on October 19, 2012. If you would like to elaborate on your comments in a conversation, I would be happy to speak with you in a telephone conference along with the California High Speed Rail Authority, the joint-lead agency for the HST Project.
>
> Sincerely,
>
> David Valenstein

From: Frank Oliveira [mailto:frank.oliveira@me.com]
Sent: Friday, September 14, 2012 10:54 PM
To: Valenstein, David (FRA)
Cc: Hurd, Kathryn (FRA); Perez-Arrieta, Stephanie (FRA); Aaron Fukuda CCHSRA
Subject: Fwd: REQUEST TO MEET

Dear Mr. Valenstein,

Attached is our request to simply participate in the planning and design of the California High-Speed Train project as guaranteed by NEPA. Please read the attachments.

We are eager to hear back from you and to start working with you and your staff.

Thank you for your consideration.

Frank Oliveira, Co-Chair

Citizens for California High-Speed Rail Accountability

Begin forwarded message:

> **From:** "Frank Oliveira" <frank.oliveira@me.com>
> **Date:** September 05, 2012 12:22:01 PM
> **To:** david.valenstein@dot.gov,kathryn.hurd@dot.gov,stephanie.perez@dot.com,Aaron Fukuda CCHSRA <afukuda77@gmail.com>
> **Subject: REQUEST TO MEET**
>
> **Dear Mr. Valenstein,**
>
> We sort of met last week during the California High-Speed Rail Authority's (CHSRA) Fresno to Bakersfield Revised Draft Environmental Impact Statement (RDEIS)

Submission BO026 (Frank Oliveira, Citizens for California High-Speed Rail Acccountability, October 10, 2013) - Continued

hearings in Bakersfield, Hanford and Fresno, California, last week.

I was the fellow in Fresno, at the end of the evening, that advised you that the CHSRA has not released more than 14,000-pages of Technical Reports to the public for review during the Fresno to Bakersfield RDEIS comment period. The RDEIS refers to the missing reports throughout its more than 4,800-pages and the reports explain how or why the CHSRA derived their RDEIS assumptions. Reviewing these reports is necessary for a person to meaningfully participate in the Fresno to Bakersfield RDEIS comment period.

I believe that we should meet outside a hearing format to discuss the CHSRA's Merced to Fresno Final Environmental Impact Statement (FEIS) and the Fresno to Bakersfield RDEIS.

While reviewing the Fresno to Bakersfield RDEIS, we are easily finding issues that are in conflict with the National Environmental Policy Act (NEPA) Environmental Justice (EJ) policy that the CHSRA just adopted but should have had in place all along to have been in compliance with Federal law. Since adopting their NEPA EJ policy, CHSRA has publicly stated that they have been complying with their NEPA EJ responsibilities/obligations in their past practices but I believe you know that, that is not the case.

Since the RDEIS that we are reviewing is a Tiered type report, we looked into the Merced to Fresno FEIS and the 2005 California Statewide Programmatic FEIS and discovered similiar NEPA EJ conflicts that the whole project is now being built upon. We believe that the fact that these known problems exist and are not being dealt with in compliance with the spirit of the law, the whole project will fall apart down the road if these things continue to be ignored.

It is no accident that we are contacting you about this matter. The CHSRA RDEIS records you as the "Responsible NEPA Official" for the CHSRA's High-Speed Train project. We are also aware that you were involved in the 2005 California Statewide Programmatic FEIS and the withdrawn 2011 Draft EIS for the Fresno to Bakersfield section of the project.

Last week, we, in good faith, noticed you and your Federal Rail Administration associates about some of the NEPA conflicts within the project. The NEPA conflicts are easy to discover. The problems that have already happened in the project will not go away on their own by CHSRA pretending they did not happen and on-going problems will not go away unless you take action before more official determinations are made. Due diligence is needed. If the project is to survive, it must comply with existing law.

How do we go about meeting?

Respectfully,

Frank Oliveira, Co-Chair

Citizens for California High-Speed Rail Accountability

559-469-6685 Cell/Text

frank.oliveira@me.com

Response to Submission BO026 (Frank Oliveira, Citizens for California High-Speed Rail Acccountability, October 10, 2013)

BO026-1

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-27.

BO026-2

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-27, FB-Response-SO-07.

The Authority and FRA have undertaken substantial outreach to Environmental Justice communities. The Authority website has provided translated materials, and the Authority has offered translation services at all public meetings. The Executive Summary and several public educational materials regarding the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS are available in Spanish. Also, notification letters for the Draft EIR/EIS were sent in English and Spanish to residents, property owners, meeting attendees, businesses, organizations, elected officials, cities, counties, and agencies. Materials were not translated into Hmong, but the opportunity to provide translation services was made available and noticed on all public outreach/notification materials, and a multilingual, toll-free hotline is available for community members to obtain information and submit requests/comments.

BO026-3

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-27.

BO026-4

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-27, FB-Response-SO-07.

The Authority and FRA remain willing to speak with the commenter should the commenter wish to arrange a time for a conversation.

BO026-5

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-27, FB-Response-SO-07.

BO026-6

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-27.

BO026-7

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-27, FB-Response-SO-07.

The Authority and FRA have undertaken substantial outreach to Environmental Justice communities. The Authority website has provided translated materials, and the Authority has offered translation services at all public meetings. The Executive Summary and several public educational materials regarding the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS are available in Spanish. Also, notification letters for the Draft EIR/EIS were sent in English and Spanish to residents, property owners, meeting attendees, businesses, organizations, elected officials, cities, counties, and agencies. Materials were not translated into Hmong, but the opportunity to provide translation services was made available and noticed on all public outreach/notification materials, and a multilingual, toll-free hotline is available for community members to obtain information and submit requests/comments.

The Authority and FRA remain willing to speak with the commenter should the commenter wish to arrange a time for a conversation.

Attachment to Submission BO026 (Frank Oliveira, Citizens for California High-Speed Rail Acccountability, October 10, 2013) - Oliveira_101012.pdf

From: Frank Oliveira
To: Frank Oliveira
Cc: Valenstein, David (FRA); Hurd, Kathryn (FRA); Perez-Arrieta, Stephanie (FRA); Aaron Fukuda_CCHSRA
Subject: Re: REQUEST TO MEET
Date: Wednesday, October 10, 2012 3:52:31 PM

Dear Mr. Valenstein,

We have not heard back from you about our demand to meet with you and your staff about our various National Environmental Policy Act (NEPA) complaints pertaining to the California High-Speed Train (HST) Project.

This letter is not about our concerns regarding the project design; those will be taken up in the comments we will be submitting in the course of the public comment period. Rather, the purpose of this letter is to express our objection to a situation that is preventing us and other members of the public from adequately reviewing those design issues and participating in the Environmental Impact Statement (EIS) review process.

We have also notified your agent, the California High-Speed Rail Authority (Authority), about the same issues. The Authority has also not satisfied our NEPA complaints or adequately explained them away. The Authority has actually made the decision to not allow the public to fully participate in the EIS review process.

The "Technical Reports" are clearly incorporated into the Fresno to Bakersfield HST EIS. As you know, the Technical Reports explain how the EIS assumptions were developed. This is key to understanding the EIS.

The Authority has not released the Technical Reports to the public for review in public places or in the languages spoken in this region. The Technical Reports are and have been available on the Authority's web site; however, access to the Authority's web site requires access to a computer, reliable high-speed internet and the skill to use both. Members of the public are not mandated by NEPA to possess these resources or skills to participate in the EIS process.

We base our Technical Report access complaint on the following provision of US Code.

Title 40: Protection of Environment

CHAPTER V: COUNCIL ON ENVIRONMENTAL QUALITY

PART 1502: ENVIRONMENTAL IMPACT STATEMENT

1502.21 - Incorporation by reference. Agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference.

1502.21 appears to be clear. Make the Technical Reports reasonably available for inspection by potentially interested persons within the time allowed for comment.

The Technical Reports are incorporated into the EIS and we (the public) have advised you and the Authority that we want to review them so that we can make meaningful comments about the EIS during this review period. We are demanding that the Technical Reports be released for public review, in public places, during reasonable hours, in the languages spoken in this EIS section. We also demand adequate time to review all of the documents and to make appropriate comments.

Our position is consistent with the public participation component of the Authority's recently adopted NEPA Environmental Justice (EJ) policy. We assume that the Authority's policy was a by-product of a requirement by the FRA, that the Authority adopt such a policy in order to comply with US Code. Before the Authority's adoption of their new NEPA EJ policy, the Authority was notorious for advising local governments and the public that they were not required to comply with NEPA. Both you and I know that they were wrong and the Authority is here doing it again.

Unfortunately, the Authority has corresponded back to us reflecting that they are not going to release to the public the Technical Reports. Their explanation for not releasing the documents for public review, in public places, is based on the documents being available on their website. They cite the following US Code which does not waive their responsibilities to comply with 40 CFR 1502.21, in this circumstance.

Title 40: Protection of Environment

CHAPTER V: COUNCIL ON ENVIRONMENTAL QUALITY

PART 1502: ENVIRONMENTAL IMPACT STATEMENT

1502.24 - Methodology and scientific accuracy.

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.

We are not going to turn loose of this matter because we are going to receive our federal due process. If your agent will not comply with US Code, we expect that you will intervene as the designated Lead NEPA Official in this project.

We have being trying to address this matter with you and your agent for almost two months. We have advised you and your agent about this matter verbally and in writing. We believe that no one is going to believe that you or your agent was not aware of this problem.

If you will not comply with US Code, we suspect that you, Ms. Hurd and Ms. Perez will be explaining your failure to protect our federal due process in a formal court setting in the future. This matter may be inconvenient but it is non-complex and is easily correctable, now.

1- Release the Technical Reports to the public as described and extend the EIS review period to allow an adequate review and comment of the documents used to formulate the EIS. This is a reasonable demand. This project will have huge impacts to our community and to our private property. We are still US Citizens and we are still protected by US law.

2- Re-release the EIS for public review, in public places, that are actually open to the public and in the languages spoken in this area. Again, this is a reasonable demand because this project will have huge impacts to our community and to our private property. Again, we are still US Citizens and we are still protected by US law.

3- Schedule a face to face meeting with us now because your agent is continuing to violate our federal due process rights on your behalf. That directs us to address this matter with you or your superiors. This is also a reasonable demand. Once again, this project will have huge impacts to our community and to our private property. Once again, we are still US Citizens and we are still protected by US law.

Who is your supervisor? We have already asked you to elevate this matter above your level if this is beyond your level of authority. We have not heard back from you, make decision, take action.

Sincerely,

Attachment to Submission BO026 (Frank Oliveira, Citizens for California High-Speed Rail Acccountability, October 10, 2013) - Oliveira_101012.pdf - Continued

Frank Oliveira, Co-Chair

Citizens for California High-Speed Rail Accountability

559-469-6685

On Sep 23, 2012, at 06:07 PM, "Frank Oliveira" <frank.oliveira@me.com> wrote:

Dear Mr. Valenstein,

Your email response is inadequate.

We reported to Ms. Hurd, Ms. Perez and you, very specific National Environmental Policy Act (NEPA) Environmental Justice (EJ) due process complaints and your email response does not even acknowledged our complaints are being evaluated or moves us closer to meeting face to face to discuss the matter.

In keeping with professional niceties, thank you for replying to our last communication. We are relieved you have reported to us the Federal Rail Administration (FRA) has "confirmed" the Technical Reports that we inquired about have been available on the California High-Speed Rail Authority's (Authority's) website since July 16, 2012, at http://www.cahighspeedrail.ca.gov/revised-draft-eir-f-b-.aspx .

We do not understand what relevance the FRA's confirmation brings to the resolution of our complaint. If you remember, we already publicly and personally noticed you that the Environmental Impact Statement (EIS) Technical Reports were on the Authority's website. We did that on August 29, 2012, when we all were together in Fresno, CA, almost a month ago. This video Link may help refresh your memory http://www.youtube.com/watch?v=OVUxdz0HCCQ&feature=youtube_gdata_player (skip to the 8-minute mark on the video).

Thank you for letting us know we were not confused or wrong when we told Ms. Hurd, Ms. Perez and you, that the Technical Reports are posted on the Authority's website. The problem is that, that was not our complaint and we still do not know what you and the FRA is doing about our reported complaints.

We thank you for remaining willing to speak with us about your responsibilities within the EIS process as the Lead NEPA Official for the FRA in the California High-Speed Train (HST) project. Your email response does not reflect or address anything about the following very important NEPA Environmental Justice (EJ) complaints we also reported to Ms. Hurd, Ms. Perez and you, on August 29, 2012 (please refer to the same video link to refresh your memory).

Our reported NEPA-EJ Complaints:

1- **1-** 14,000-pages of the EIS Technical Reports still have not been released by the FRA, for the public to review on CD-ROMs or at public review sites in the communities. The Technical Reports are not with the public review site and CD-ROM copies of the 4,800-page EIS but the Technical Reports are clearly a part of the EIS because the EIS repeatedly references to the Technical Reports throughout the EIS document that was released to the public. It has almost been a month since we advised Ms. Hurd, Ms. Perez and you about the problem and nothing has changed, the Technical Reports are still missing from public review sites and CD-ROM's.

We are sure that Ms. Hurd, Ms. Perez and you, know that reviewing the Technical Reports that are identified by the EIS explain how the 4,800-page EIS assumptions were developed and is the only way that a common person in the public can really understand the EIS. This is especially true when the EIS assumptions differ from the public's perception of the real world situation on the ground.

Assuming the failure to release Technical Reports on the CD-ROMs and to the public review sites was an honest oversight on the part of the FRA, the documents should have been released to the public once the problem was discovered. The public should be given adequate time to review and evaluate the Technical Report data in relation to what was already released in the EIS to formulate relevant EIS comments during this review period. This appears to be a simple matter of due process.

By failing to take action and ignoring this good faith complaint to allow the FRA an opportunity to fix the problem, it seems to appear that you-Mr. Valenstein, your associates and the FRA are intentionally trying to prevent the public from participating meaningfully in the EIS process and you and the FRA are knowingly denying us our due process. You can fix this.

As things stand today, the FRA has left the public to investigate the EIS in cyber-space on their own accord without direction to do so or any accommodations. The FRA appears to be requiring the public at large to have ready access to computers with high-speed internet connections and an investigative where with all, to actually participate in the EIS process. The fact is that we all do not own computers with high-speed internet because as you know, we live in a very rural location and when did being a member of the public require computer access.

This situation is starting to appear to not be an accidental oversight and it actually is your intent Mr. Valenstein and the intent of the FRA to prevent US Citizens in the Central Valley from receiving our due process to participate meaningfully in this process. This process will shortly force more than a thousand US Citizens to surrender their personal private property to you under the color of the authority of the US Government. That is a very serious matter, you should do it correctly.

If our assessment is wrong, please clarify things for us. We have been trying to clarify things for you. Let's meet.

2- **2-** The EIS released on-line, on CD-ROM and the documents released to the public review sites, along with the on-line Technical Reports are available only in the English language. We notified you also in good faith about that problem on August 28, 2012, in Hanford, CA, and on the following day in Fresno (please refer to the same video link to refresh your memory).

By releasing the EIS review documents only in the English language, you are clearly disenfranchising the people in our local community that speak primarily Spanish, Portuguese, Hmong and Dutch, from participating in the EIS process. We have good size populations in our area that speak those languages.

Your failure to not release EIS documentation in the predominate languages spoken in our region after being noticed about the problem also smacks of your knowingly planning to deny US Citizens in our region their due process. We believe the FRA has access to 2010 US Census data.

--

Mr. Valenstein, Ms. Hurd and Ms. Perez, comply with the Environmental Justice requirements of the National Environmental Policy Act or just tell us that the public safeguards reflected in NEPA do not apply to US Citizens living between Fresno and Bakersfield, in California. If you cannot do one or the other, it is time for all of you to resign.

Withdraw the EIS immediately; re-release it with all of the documents in formats that can be easily used by the public at large and give the public an adequate amount of time to review and comment on the matter. I think that, that would be the common person's solution to the problem and would reflect due diligence on your part and on the part of the FRA.

We did not create this problem, the FRA created the problem by not providing enough supervision of your agent, the Authority. The Authority has not protected the FRA's or the local public's interest. Fix the problem, they have not.

Attachment to Submission BO026 (Frank Oliveira, Citizens for California High-Speed Rail Acccountability, October 10, 2013) - Oliveira_101012.pdf - Continued

When are we going to meet? It will take us four to six hours to drive to Sacramento; we figure it would take you about the same amount of time to get there. Please stop the EIS review period immediately until this is resolved.

If you are no longer the responsible Lead NEPA Official for the HST project and are still employed by the FRA, please immediately direct us to the correct person within the FRA and elevate the matter.

Sincerely,

Frank Oliveira, Co-Chair

Citizens for California High-Speed Rail Accountability

559-469-6685 Cell/Text

frank.oliveira@me.com

On Sep 21, 2012, at 06:58 AM, david.valenstein@dot.gov wrote:

> Dear Mr. Oliveira:
>
> Thank you for your email. FRA has confirmed that the Technical Reports you inquired about have been available on the California High Speed Rail Authority's website since July 16, 2012. They can be found under the heading "Technical Reports" at the following location: http://www.cahighspeedrail.ca.gov/revised-draft-eir-f-b.aspx.
>
> We remain willing to speak with you should you wish to arrange a time for a conversation.
>
> Sincerely,
>
> David Valenstein

From: Frank Oliveira [mailto:frank.oliveira@me.com]
Sent: Monday, September 17, 2012 5:23 PM
To: Valenstein, David (FRA)
Cc: Hurd, Kathryn (FRA); Perez-Arrieta, Stephanie (FRA); afukuda77@gmail.com; dgomez@hsr.ca.gov
Subject: Re: REQUEST TO MEET

Dear Mr. Valenstein,

Thank you for your response and invitation to communicate by telephone.

We understand what you are communicating to us about the EIS process being designed to receive written and verbal comments from the public. Thank you for your encouragement to us to continue in that process.

Unfortunately, that process is not what we are actually discussing here and perhaps I must have been unclear in my previous communications to you. I must apologize.

What we have advised you is that the CHSRA has withheld 14,000-pages of Technical Reports (support documents) that should have been released with the EIS. We more or less personally provided you with an inventory of those reports on August 29, 2012, in Fresno, California.

Those documents are referred to as the supporting information to refer too inside the EIS documents that the CHSRA did release to the public for review and comment during this EIS comment period. Please visualize giving the public two pieces of bread without anything between the slices but a store coupon for a mystery store determined filler product and calling it a sandwich.

Those documents explain how and why the CHSRA developed the EIS assumptions that we are commenting about and are critical for people to read to understand the EIS.

Since the CHSRA has withheld those documents, it is impossible to expect a common person to actually understand and comment meaningfully about any content in those documents during the EIS process. People cannot comment on something that they are being prevented from understanding.

What we have also advised you that withholding data from the public appears to be counter to the elements of early meaningful public participation guaranteed by NEPA and by CHSRA's own NEPA Environmental Justice compliance policy.

We are not speaking about impacts reflected in the EIS caused by something denoted in CHSRA's high-speed train program design plan.

We are speaking about a violation of our due process to participate meaningfully in the process pursuant to NEPA. CHSRA has failed to do their due diligence either intentionally or unintentional. Either way, the problem exists and needs to be corrected.

CHSRA is aware of the problem and has done nothing to correct the problem of withholding the documents from public review. They have not released the documents in a format for public consumption. They have wasted two months of public review time.

Attachment to Submission BO026 (Frank Oliveira, Citizens for California High-Speed Rail Acccountability, October 10, 2013) - Oliveira_101012.pdf - Continued

We are not talking about a specific project impact which would be addressed through the avenue that you suggested we use to address this matter.

We are discussing the due process violation of thousands upon thousands of real breathing US citizens at the hands of your state agent on behalf of the Federal Rail Authority (FRA).

NEPA is a federal matter and the FRA is the lead federal agency involved and you clearly are the Responsible NEPA Official according to the EIS documents. We need you and the FRA to step up and fulfill your oversight responsibilities.

The state as your agent has failed the FRA and the public on this matter.

In the past, the CHSRA has advised us that the local government and the public involvementvsafeguards reflected in NEPA did not apply to them. Well, as you know, they do. We may be annoying but we have tried to clean these loose ends up with the CHSRA as things have progressed and they in the end still put out a poor quality product, not us. The local governments and public input in this project has for the most part been ignored by the CHSRA and our due process is being violated.

We did not create this process or problem, CHSRA did. Remember that in our dealings. We have no control over the project work product decisions and timetable decisions.

We have operated in good faith on this matter with all parties and identified the problem, advised the FRA, advised the CHSRA and you personally about the problem. Mr. Jeff Morales/CEO, at the CHSRA, is also aware about the problem.

The problem is easily resolved and within the power of CHSRA and/or the FRA to resolve. We understand that it will be inconvienant to correct this problem but it is the right thing to do.

Knowing what you know now, are you and your agency going to do your due diligence or are you also going to take the position that NEPA compliance and reasonable business practice is not required in this federally funded and federally overseen project.

When can we meet to discuss how the FRA is going to release the missing 14,000-pages of information for public review with an adequate/reasonable amount of extended review time for the public to participate? Another option would be to just rescind the EIS completely until your state agent gets it right.

We should meet in person to discuss these things. It is important and reasonable given the circumstances.

We are okay with the CHSRA and anyone else you wish to be at the meeting being involved in the meeting. We will have several of our people also at the meeting.

We are pretty sure that the CHSRA also failed to do their same due diligence in the EIS section north of us.

We are looking forward to hearing back from you and working with you and your staff.

Sincerely,

Frank Oliveira, Co-Chair

Citizens for California High-Speed Rail Accountability

559-469-6685 Cell/Text

frank.oliveira@me.com

On Sep 17, 2012, at 11:36, david.valenstein@dot.gov wrote:

> Dear Mr. Oliveira:
>
> Thank you for your message. As you may be aware, the public comment period for the Revised Environmental Impact Report/Supplemental Environmental Impact Statement (EIR/EIS) for the Fresno to Bakersfield Section of the California High Speed Train (HST) Project is ongoing through October 19, 2012. Your comment will be included as part of the record for the EIR/EIS. A response to your comment will be forthcoming with the Final EIR/EIS for the Fresno to Bakersfield Section.

Attachment to Submission BO026 (Frank Oliveira, Citizens for California High-Speed Rail Acccountability, October 10, 2013) - Oliveira_101012.pdf - Continued

The public participation process under the National Environmental Policy Act is based on formal written submissions and oral testimony at public hearings. As such, we encourage you to continue to submit comments for the record on the EIR/EIS for the Fresno to Bakersfield Section in writing, via e-mail or letter, through the close of the comment period on October 19, 2012. If you would like to elaborate on your comments in a conversation, I would be happy to speak with you in a telephone conference along with the California High Speed Rail Authority, the joint-lead agency for the HST Project.

Sincerely,

David Valenstein

From: Frank Oliveira [mailto:frank.oliveira@me.com]
Sent: Friday, September 14, 2012 10:54 PM
To: Valenstein, David (FRA)
Cc: Hurd, Kathryn (FRA); Perez-Arrieta, Stephanie (FRA); Aaron Fukuda CCHSRA
Subject: Fwd: REQUEST TO MEET

Dear Mr. Valenstein,

Attached is our request to simply participate in the planning and design of the California High-Speed Train project as guaranteed by NEPA. Please read the attachments.

We are eager to hear back from you and to start working with you and your staff.

Thank you for your consideration.

Frank Oliveira, Co-Chair

Citizens for California High-Speed Rail Accountability

Begin forwarded message:

> **From:** "Frank Oliveira" <frank.oliveira@me.com>
> **Date:** September 05, 2012 12:22:01 PM
> **To:**
> david.valenstein@dot.gov,kathryn.hurd@dot.gov,stephanie.perez@dot.com,Aaron Fukuda CCHSRA <afukuda77@gmail.com>
> **Subject: REQUEST TO MEET**
>
> **Dear Mr. Valenstein,**
>
> We sort of met last week during the California High-Speed Rail Authority's (CHSRA) Fresno to Bakersfield Revised Draft Environmental Impact Statement (RDEIS) hearings in Bakersfield, Hanford and Fresno, California, last week.
>
> I was the fellow in Fresno, at the end of the evening, that advised you that the CHSRA has not released more than 14,000-pages of Technical Reports to the public for review during the Fresno to Bakersfield RDEIS comment period. The RDEIS refers to the missing reports throughout its more than 4,800-pages and the reports explain how or why the CHSRA derived their RDEIS assumptions. Reviewing these reports is necessary for a person to meaningfully participate in the Fresno to Bakersfield RDEIS comment period.
>
> I believe that we should meet outside a hearing format to discuss the CHSRA's Merced to Fresno Final Environmental Impact Statement (FEIS) and the Fresno to Bakersfield RDEIS.
>
> While reviewing the Fresno to Bakersfield RDEIS, we are easily finding issues that are in conflict with the National Environmental Policy Act (NEPA) Environmental Justice (EJ) policy that the CHSRA just adopted but should have had in place all along to have been in compliance with Federal law. Since adopting their NEPA EJ policy, CHSRA has publicly stated that they have been complying with their NEPA EJ responsibilities/obiligations in their past practices but I believe you know that, that is not the case.
>
> Since the RDEIS that we are reviewing is a Tiered type report, we looked into the Merced to Fresno FEIS and the 2005 California Statewide Programmatic FEIS and discovered similiar NEPA EJ conflicts that the whole project is now being built upon. We believe that the fact that these known problems exist and are not being dealt with in compliance with the spirit of the law, the whole project will fall apart down the road if these things continue to be ignored.
>
> It is no accident that we are contacting you about this matter. The CHSRA RDEIS records you as the "Responsible NEPA Official" for the CHSRA's High-Speed Train project. We are also aware that you were involved in the 2005 California Statewide Programmatic FEIS and the withdrawn 2011 Draft EIS for the Fresno to Bakersfield section of the project.
>
> Last week, we, in good faith, noticed you and your Federal Rail Administration associates about some of the NEPA conflicts within the project. The NEPA conflicts are easy to discover. The problems that have already

Attachment to Submission BO026 (Frank Oliveira, Citizens for California High-Speed Rail Acccountability, October 10, 2013) - Oliveira_101012.pdf - Continued

happened in the project will not go away on their own by CHSRA pretending they did not happen and on-going problems will not go away unless you take action before more official determinations are made. Due diligence is needed. If the project is to survive, it must comply with existing law.

How do we go about meeting?

Respectfully,

Frank Oliveira, Co-Chair

Citizens for California High-Speed Rail Accountability

559-469-6685 Cell/Text

frank.oliveira@me.com

Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012)

Blue Sky CONSULTING GROUP

October 16, 2012

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

Dan Richard, Chair
Board of Directors
California High-Speed Rail Authority

RE: Comment on Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS

Dear California High-Speed Rail Authority:

This letter submits our comments on the Revised Draft EIR/Supplemental Draft EIS for the Fresno to Bakersfield Section of the proposed California High-Speed Train system (DEIR/DEIS). We prepared these comments under contract to Wittwer & Parkin, LLP, which represents Citizens for California for High Speed Rail Accountability.

Our contract with Wittwer & Parkin specifies that BSCG will provide an impartial and unbiased analysis of the DEIR/DEIS's greenhouse gas and air quality benefit projections. We conclude that the DEIR/DEIS should be revised and recirculated, for the reasons outlined in the attached comments.

Thank you for taking our comments into account, and for complying with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) before proceeding with the proposed high-speed train project.

Yours truly,

Joel Schwartz
Senior Consultant
Blue Sky Consulting Group
jschwartz@emailbluesky.com

Enclosure

Blue Sky CONSULTING GROUP

Comments submitted to the
California High Speed Rail Authority
on the Revised Draft Environmental Impact
Report/Supplemental Draft Environmental Impact
Statement for the Fresno-Bakersfield Segment of the
California High Speed Train project

prepared for
Wittwer & Parkin, LLP

prepared by
Joel Schwartz
Blue Sky Consulting Group

October 16, 2012

Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012) - Continued

INTRODUCTION

This document presents Blue Sky Consulting Group's comments on the California High Speed Rail Authority's Revised Draft EIR/Supplemental Draft EIS (DEIR/DEIS) for the Fresno-Bakersfield segment of the proposed California High Speed Train system. We prepared these comments under contract to Wittwer & Parkin, LLP, which represents Citizens for California for High Speed Rail Accountability. Our comments are focused mainly on the global climate change and air quality benefit projections in the DEIR/DEIS, the 2012 Business Plan, and their associated technical reports and documentation.

For the sake of brevity and clarity, we use the following abbreviations in our comments:

- We abbreviate the Revised Draft EIR/Supplemental Draft EIS for the Fresno-Bakersfield segment as "DEIR/DEIS".
- We refer to the California High Speed Rail Authority as "CAHSRA."
- The technical documents that support CAHSRA's environmental documents and Business Plans were produced by the consulting firms Parsons Brinkerhoff and Cambridge Systematics. When we use phrases such as "CAHSRA's analysis of…" it should be understood to mean analysis performed by CAHSRA and/or its consultants. Citations clarify the specific document(s) to which we refer.

THE DEIR/DEIS AND 2012 BUSINESS PLAN OVERSTATE CO_2 REDUCTION BENEFITS OF HSR DUE TO AN UNREALISTICALLY LOW AUTOMOBILE FUEL ECONOMY ASSUMPTION FOR 2035

BO027-1

The DEIR/DEIS includes projections of vehicle miles traveled (VMT) and CO_2 reductions due to drivers switching to HSR. Below we demonstrate that, by assuming little or no improvement in fuel economy of the automobile fleet between now and 2035, the DEIR/DEIS overstates the CO_2 reduction of HSR by a large margin. The 2012 Business Plan also overstates the CO_2 reduction benefits of HSR, but not to the same extent as the DEIR/DEIS. We evaluate both estimates below.

The analysis in this section takes CAHSRA's HSR ridership estimates as given and focuses only on the fuel economy of the automobile travel displaced by HSR. In a later section we also present evidence that CAHSRA overstates likely HSR ridership, which results in an additional overestimate of CO_2 reduction benefits from HSR.

2012 Business Plan automobile fuel economy assumptions. To project the per-mile fuel cost for driving in 2035, the 2012 Business Plan assumes the fuel economy of the vehicle fleet will be somewhere between 27.9 mpg and 36.7 mpg.[1] The lower number is the U.S. Energy Information Administration's "Reference" projection, while the higher number is an average of the assumption of 3% and 6% annual growth in the fuel economy of new automobiles. CAHSRA's "Medium" forecast is the average of these two values, or 32.3 mpg.

DEIR/DEIS automobile fuel economy assumptions. The DEIR/DEIS uses EMFAC 2007, the California Air Resources Board's vehicle emissions model, for its projections of future fuel economy of the vehicle fleet.[2] However, as the DEIR/DEIS itself acknowledges, "According to the current version of EMFAC2007, future fuel economy factors are forecast to improve only slightly between the years 2008 and 2035. However, this

[1] Cambridge Systematics, *California High-Speed Rail 2012 Business Plan, Ridership and Revenue Forecasting*, p. 2-8.
[2] DEIR/DEIS, p. 3.3-14, 3.3-15.

forecast reflects the current version of EMFAC2007, which does not consider recent regulatory actions for improvements in vehicle fuel economy."[3]

The DEIR/DEIS does not appear to state explicitly what it assumed for fuel economy of the vehicle fleet in 2035. However, this can be inferred from other information in the document. Table 3.3-15 on page 3.3-60 of the DEIR/DEIS provides projections of Project vs. No Project changes in total on-road vehicle miles traveled (VMT) and CO_2 emissions in 2035 with and without the HSR system. Table 1 shows the statewide changes in VMT and CO_2 emissions from Table 3.3-15. The table shows the DEIR/DEIS's projection of statewide daily VMT in 2035 without the HSR system and with the HSR system, along with the reduction in CO_2 emissions due to the HSR system. In summarizing the CO_2 emissions reduction, the DEIR/DEIS averages the high and low values and converts to a daily CO_2 reduction to conclude "The HST [High Speed Train] alternatives would reduce statewide daily roadway VMT by more than 30 million miles because of travelers using the HST rather than driving. This equates to approximately 15,800 tons of CO_2 per day…"[4]

Table 1. CAHSRA's Projection of VMT in 2035 with and without the HSR System and CO_2 Reductions Due to HSR

No Project Total Daily VMT	Project Total Daily VMT	Change in CO_2 Emissions (MMT/Year)
1,254,608,000	1,223,333,000 to 1,233,758,000	-6.3 to -5.3

Source: Table 3.3-15, p. 3.3-60 of the DEIR/DEIS
VMT = Vehicle Miles Traveled
MMT = Million Metric Tons

Table 2 provides the reduction in VMT and the reduction in CO_2 emissions resulting from the reduction in VMT. We can use these numbers to determine what CAHSRA assumed about the average fuel economy of the cars taken off the road by HSR. The left-hand column of Table 2 converts the change in daily VMT to a change in annual VMT. The next column repeats the annual change in CO_2 from Table 1. The third column, CO_2 emissions per vehicle mile, is the ratio of Column 2 over Column 1 along with a conversion factor of 2,205 lbs./metric ton. We can convert lbs. of CO_2 per mile to miles per gallon (mpg), knowing that burning gasoline emits 19.7 lbs. of CO_2 per gallon.[5] This conversion is performed in the right-hand column of Table 2, which shows that the DEIR/DEIS's estimates of VMT and CO_2 reductions imply a fleet-average fuel economy ranging from 12.8 mpg to 16.2 mpg.

In other words, given CAHSRA's DEIR/DEIS projections for VMT reductions and CO_2 reductions due to HSR, the right-hand column of Table 2 shows what CAHSRA implicitly assumed for the average fuel economy of the cars of taken off the road due to people switching to HSR. These mpg values are well below the fuel economy of even the current automobile fleet, which has an average on-road fuel economy of about 21.5 mpg,[6] much less that of the 2035 automobile fleet, which will be far more fuel efficient.

[3] DEIR/DEIS, p. 3.3-15.
[4] DEIR/DEIS, p. 3.3-60.
[5] U.S. Environmental Protection Agency, "Calculations and References," http://www.epa.gov/cleanenergy/energy-resources/refs.html, accessed on September 18, 2012. Calculated by converting 8.92×10^{-3} metric tons of CO_2 per gallon of gasoline to lbs. of CO_2 per gallon.
[6] Caltrans, *California Motor Vehicle Stock, Travel, and Fuel Forecast (MVSTAFF)*, December 2011.

Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012) - Continued

Table 2. Inferred Fleet-Average Automobile Fuel Economy Assumed in the DEIR/DEIS

Change in Annual VMT (millions of miles)	Change in Annual CO_2 emissions (MMT)	CO_2 Emissions per Vehicle Mile (lbs.)	Fleet-average fuel economy
-7,610 to -11,415	-5.3 to -6.3	1.54 to 1.22	12.8 to 16.2

Realistic estimate of automobile fuel economy in 2035. The amount of CO_2 reductions due to HSR displacing automobile travel in 2035 depends on the average fuel economy of the VMT displaced by HSR in 2035. There are three reasons why actual fuel economy will be significantly higher than assumed in CASHRA's 2012 Business Plan and far higher than assumed in the DEIR/DEIS.

(1) Until recently, federal and California law required that the fuel economy of new light-duty vehicles (cars, SUVs, pickup trucks, and minivans) average at least 35 mpg from the 2016 model year onward.[7] In November 2011, the federal government proposed additional Corporate Average Fuel Economy (CAFE) standards that would increase the fleet-average mpg of new automobiles to 54.5 mpg by 2025.[8] These regulations were finalized on August 28, 2012.[9]

Based on the CAFE standards and the predicted mix of vehicles actually purchased, the U.S. Energy Information Administration (EIA) predicts that the CAFE fleet-average fuel economy will be 34.1 mpg for the 2016 model year, rising to 49.6 mpg for the 2025 model year.[10] These mpg standards represent the "laboratory" CAFE requirements. Fuel economy in actual use will be lower, because the CAFE laboratory test does not necessarily represent the way most motorists actually drive their cars.

To derive a valid prediction of fleet-average fuel economy in the year 2035, we use an estimate of real-world fuel economy for a given CAFE standard.[11] We combined this with an estimate of the "travel fraction" of the vehicle fleet by model year. The travel fraction represents the fraction of total VMT accounted for by each model year. We use counts of how many vehicles from each model year were driving in Los Angeles in 2010 as the predicted travel fraction for 2035. The on-road vehicle fleet was relatively old in 2010—nearly 2 years older, on average, than the fleet on the road in 2008—presumably due to substantial reductions in new-car purchases and delays in scrapping older cars during the recent recession.[12] Using this travel fraction to predict fleet-average fuel economy in 2035 therefore results in a relatively conservative prediction, since it includes fewer new, higher-mpg cars and more older, lower-mpg than might actually be the case in the future. Combining the fuel economy and travel fraction values gives a fleet-average fuel economy of 38 mpg in 2035. Details of this calculation are provided in Appendix A.

[7] DEIR/DEIS, p. 3.3-6.
[8] Environmental Protection Agency and National Highway Traffic Safety Administration, "2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards," Notice of Proposed Rulemaking, *Federal Register*, December 1, 2011.
[9] National Highway Traffic Safety Administration, "Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards," August 28, 2012.
[10] U.S. Energy Information Administration, *Annual Energy Outlook 2012*.
[11] An estimate of in-use fuel economy of future automobiles is provided in J. Miller, "Can the New CAFE Standards Deliver (Promised Benefits)?" The Energy Collective, August 20, 2012, [illegible], accessed on September 25, 2012.
[12] Gary A. Bishop, Brent Schuchmann, and Don Stedman, *Multi-species On-Road Remote Sensing of Vehicle Emissions in Van Nuys, California–August 2010*, prepared for the National Renewable Energy Laboratory, University of Denver, August 2010.

(2) The fleet-average fuel economy values represent a weighted average that assumes 55% of total VMT is urban driving and 45% is highway driving.[13] However, the VMT that HSR displaces will be nearly all highway driving, which is more fuel-efficient than urban driving. Thus, the VMT displaced by HSR will have a fuel economy greater than the38 mpg estimated above.

(3) In 2035, 11 model years (2025 through 2035) will have been built to the most stringent CAFE standard. Based on the travel fraction observed in Los Angeles in 2010, 69% of VMT is driven by the newest 11 model years. The next nine model years(model years 2016-2024 in 2035) account for another 27% of total VMT. These model years represent the ramp-up from the 34 mpg CAFE average of 2016 to the 50 mpg average of 2025. This means that in 2035 relatively high-mpg automobiles will account for the vast majority of total VMT.

But this VMT distribution by vehicle age describes the *overall* on-road vehicle fleet. The VMT displaced by HSR is more likely to be driven in newer-than-average automobiles—that is, automobiles built from 2025 onward and meeting the most stringent CAFE requirements. This is because people who can afford to take business or pleasure trips tend to have higher incomes and wealth than the average person and to own and drive newer automobiles.

Long-distance travel increases with income. For example, households with incomes between $50,000 and $100,000 take about twice as many long-distance trips as households with incomes below $25,000, while households with incomes above $100,000 per year take 2.2 times as many long-distance trips.[14]

In addition, business travelers have higher average incomes than the general population. Households with incomes under $25,000 per year account for 21% of households, but only 6% of business trips. In contrast, households with incomes above $100,000 per year account for only 12% of households, but for 27% of all business trips.[15]

Likewise, wealthier households own newer automobiles. In 2001, households with incomes greater than $100,000 owned cars with an average age of about 5 years, while households with incomes below $25,000 owned cars with an average age of about 10 years. The average automobile age for all households was 7.6 years.[16]

Even for the automobile fleet as a whole, we have seen that most VMT is driven by newer vehicles. However, the VMT displaced by HSR will be even more heavily skewed toward the newest, most fuel-efficient automobiles.

Using realistic automobile fuel economy in 2035 dramatically reduces HSR's projected CO_2 reduction benefits. We showed above that using a relatively conservative prediction of future fuel economy and a relatively conservative travel fraction weighted toward older cars, the average fuel economy of the on-road vehicle fleet in 2035 is likely to be at least 38 mpg. However, the fuel economy of the VMT displaced by HSR will be even higher than this, because HSR will displace (1) mainly highway driving, which is more fuel efficient than urban driving, and (2) mainly driving of newer cars meeting the most stringent CAFE standards.

[13] U.S. Environmental Protection Agency, Gasoline Vehicles, Learn More About the New Label, [illegible], accessed September 22, 2012.
[14] U.S. Bureau of Transportation Statistics, *Long-Distance Travel by Income, Gender, and Age*, Transportation Statistics Annual Report, 2004.
[15] U.S. Bureau of Transportation Statistics, *U.S. Business Travel*, October 2003.
[16] U.S. Bureau of Transportation Statistics, *Highlights of the 2001 National Household Travel Survey*, 2003.

Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012) - Continued

Nevertheless, to be conservative, we assume 38 mpg for the fuel economy of the VMT displaced by HSR in 2035.

Now that we have a more realistic value for the fuel economy of the vehicle fleet in 2035, we can re-estimate CO_2 reductions due to HSR in 2035 by taking the DEIR/DEIS's VMT reduction in 2035 as given and applying it to the more realistic 2035 fuel economy we calculated above. Rather than 5.3 million to 6.3 million metric tons, a more realistic range for the reduction in CO_2 in 2035 due to drivers switching to HSR is 1.8 million to 2.7 million metric tons, or 57% to 66% less than the DEIR/DEIS claims.[17] In other words, CAHSRA's CO_2 benefit estimate is too high by a factor of somewhere between 2.3 and 2.9.

We note also that using the 2035 fleet fuel economy projection presented in CAHSRA's own 2012 Business Plan would also diminish the CO_2 reduction benefits claimed in the DEIR/DEIS. Using the Business Plan's "Medium" assumption of 32.3 mpg fleet-average fuel economy in 2035, the CO_2 benefit from HSR displacing automobile travel declines to 2.1 million to 3.2 million metric tons per year, or 50% to 60% less than the DEIR/DEIS claims. We showed above that fleet-average fuel economy in 2035 will likely be at least 38 mpg. Furthermore, the 2012 Business Plan's fuel economy assumption fails to take into account the fact that most VMT displaced by HSR will be highway VMT driven in relatively new cars. Still, it shows that even with CAHSRA's own projection of future fuel economy, the CO_2 reduction benefits of HSR are no more than half the amount claimed in the DEIR/DEIS.

For completeness, we should also point out that CAHSRA's HSR benefit-cost analysis assumes little change in fleet-average fuel economy between now and 2035. The benefit-cost analysis assumes fleet-average CO_2 emissions of 379.1 grams/mile in 2035 (this is an average of values given for 2030 and 2040).[18] Using conversion factors of 448 grams/lb. and 19.7 lbs. CO_2/gallon, this can be converted to a fuel economy of 23.2 mpg for the vehicle fleet in 2035—or not much higher than the current fleet. This means that in the benefit-cost analysis, even if the ridership assumptions are correct (that is, even if HSR displaces as much automobile VMT as CAHSRA projects), the CO_2 reductions from HSR displacing automobile travel are too high by a factor of 1.6.[19]

BO027-2

In summary, using a realistic fleet average fuel economy for the VMT displaced by HSR in 2035, the CO_2 reduction due to HSR displacing automobile travel is somewhere between 1.8 million to 2.7 million metric tons per year, rather than the 5.3 million to 6.3 million claimed in the DEIR/DEIS. Note that this analysis is based only on using a more realistic value for the fuel economy of the VMT displaced by HSR in 2035. In addition, this analysis is conservative, because we used a travel fraction that is relatively skewed toward older

[17] This was calculated by multiplying the DEIR/DEIS's projected CO_2 reduction by the ratio of its fuel economy assumption to our more realistic fuel economy assumption. For example, 5.3*(12.8/38)=1.8.
[18] Parsons Brinckerhoff, *California High-Speed Rail Benefit-Cost Analysis* (BCA), prepared for the California High Speed Rail Authority, April 2012, Table 13, p. 19. We used the CO_2 emission values in this table, because that is what CAHSRA used to estimate the CO_2 emission reductions due to HSR. However, we note that the CO_2 emission values in Table 13 are inconsistent with the fuel economy values in Table 9, p. 13 of the same report (the fuel economy values were used to estimate expenditures for gasoline with and without HSR). The CO_2 emission rates in Table 13 translate into fleet-average fuel economies of 23.1 mpg and 23.3 mpg in 2030 and 2040, respectively. However, Table 9 assumes fleet-average fuel economies of 26.8 mpg and 29.5 mpg in 2030 and 2040, respectively. This means that the report's CO_2 reductions and gasoline costs are not self-consistent. Furthermore, because the fuel economy in Table 9 is unrealistically low, it means that the report overstates savings on gasoline costs due to HSR. Thus, even if the HSR ridership estimates are correct, the benefit-cost analysis dramatically overstates the benefits of HSR (both in terms of CO_2 reductions and savings on gasoline costs) by using an unrealistically low fleet-average fuel economy for future years.
[19] 38 mpg/23.2 mpg = 1.6. In other words, using a more realistic fleet-average fuel economy for 2035 would eliminate about 38% of the CO_2 reduction benefits claimed due to HSR displacing automobile travel.

BO027-2

automobiles and we have not even accounted for the fact that the VMT displaced by HSR would be mainly freeway driving in newer-than-average automobiles, both of which would increase fuel economy above the 38 mpg fleet average that we used for our calculations. Furthermore, we have taken CAHSRA's projections of HSR ridership as given. Below we will present data and analysis that suggest the ridership projections are also inflated, which will diminish the projected CO_2 reduction benefits of HSR even further.

The greenhouse gas reduction benefits in the DEIR/DEIS, 2012 Business Plan, the *California High-Speed Rail Benefit-Cost Analysis*, and other CAHSRA documents should be revised using a more realistic projection of future fleet fuel economy.

THE DEIR/DEIS AND 2012 BUSINESS PLAN LIKELY OVERSTATES HSR RIDERSHIP

CAHSRA assumes too high a marginal cost of driving an automobile, which gives HSR an unwarranted cost advantage relative to driving

Achieving the ridership levels assumed in the DEIR/DEIS and 2012 Business Plan depends on attracting large numbers of automobile travelers to HSR. According to CAHSRA's ridership modeling, 74% of HSR riders will be former automobile travelers and 26% will be former airplane travelers: "For the 2012 Business Plan, the 2030 TDM [Transportation Demand Model] output shows that 7 million riders will be diverted from air to HSR and 20 million from highways to HSR. That is equivalent to 26% and 74% for air and highways, respectively…Although rail, inter-city bus, and other modes also contribute passengers to the HSR system, they are not included in this analysis because their relative share is very small."[20] In other words, almost three-fourths of HSR ridership depends on attracting riders who would have traveled by car in the absence of HSR, while about one-fourth depends on attracting riders who would have traveled by airplane.

The likelihood of switching from automobile to HSR depends in part on the relative costs of automobile and HSR travel. Here we present evidence that CAHSRA and its consultants overstate the likely cost of driving in 2035. As a result, driving appears less attractive, relative to HSR, than it actually will be, resulting in an overestimate of the number of drivers switching to HSR.

The marginal cost of driving is lower than CAHSRA assumes. The 2012 Business Plan assumes that the marginal cost of driving in 2030 will range from 20¢/mile to 28¢/mile (in 2011 dollars) in the "low range" and "high range" scenarios, respectively.[21] This includes 10.3¢/mile for maintenance and tire wear and the remainder for gasoline. The per-mile cost of gasoline results from a combination of assumptions regarding the cost of gasoline and the average fuel economy of the vehicle fleet in 2030. CAHSRA assumed fleet-average fuel economy in 2030 would be 27 mpg and 33.6 mpg in the "low range" and "high range" scenarios, respectively, while the cost of gasoline was assumed to be $2.60 and $6.11, respectively.[22] The 2012

[20] CAHSRA, Comparison of Providing the Equivalent Capacity to High-Speed Rail through Other Modes, prepared by Parsons-Brinkerhoff, April 2012, p. 7. We note that the benefit-cost analysis appears to assume an even greater automobile share of HSR riders, relative to air (see tables 4 and 5 in Parsons Brinkerhoff, *California High-Speed Rail Benefit-Cost Analysis* (BCA), April 2012).
[21] Cambridge Systematics, California High-Speed Rail 2012 Business Plan *Ridership and Revenue Forecasting*, prepared for Parsons Brinkerhoff for the California High-Speed Rail Authority, April 12, 2012, p. 2-9.
[22] Ibid., p. 2-8 and 2-6. The 2012 Business Plan cost-of-driving forecast is for 2030, while the DEIR/DEIS forecasts are for 2035. However, the 2012 Business Plan includes a forecast of fleet-average fuel economy for 2035 in addition to 2030. Using this fuel economy forecast, the cost of driving in 2035 would be 19.6¢/mile and 26.7¢/mile in the "low" and "high"

Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012) - Continued

Business Plan includes a "medium" forecast of 24¢/mile, using mid-range assumptions for the cost of gasoline ($4.23/gallon) and fleet-average fuel economy (30.3 mpg), and the same constant value of 10.3¢/mile for non-gasoline operating costs.

The DEIR/DEIS appears to assume that the marginal cost of driving is 22¢/mile, based on the Ridership and Revenue Modeling technical support document.[23] However, this value is in 2005 dollars, and would be roughly 24¢/mile when inflated to 2011 dollars.

A marginal cost of 24¢/mile is substantially more than the actual perceived marginal cost of driving is likely to be in 2035. We detail each of the reasons for this in turn:

First, 10.3¢/mile for maintenance and tire wear costs appears to be too high. In discussing vehicle maintenance and tire wear costs, CAHSRA's own consultant cites a study by researchers at the University of Minnesota that found these costs to be about 5¢/mile in 2011 dollars, or about half CAHSRA's assumption.[24]

Second, regardless of the actual per-mile marginal cost of wear and tear, Cambridge Systematics, the consulting firm that performed the California HSR ridership and revenue modeling as a contractor to Parsons Brinkerhoff and CAHSRA, has concluded that motorists tend not to account for maintenance and tire wear costs when deciding whether to drive or travel by another mode:

> "Usually, auto travelers will consider their cost of travel to be only their out-of-pocket gas costs. Thus, in most intercity travel models, auto costs are generally in the range of $0.10 to $0.15 per mile. While higher per mile costs are more consistent with the true costs of driving (including operating, maintenance, and ownership costs), they are generally not considered by travelers for specific travel decisions."[25]

Thus, CAHSRA's own ridership modeling contractor has concluded that motorists generally only consider the cost of gasoline when deciding whether to drive or to use another mode of travel. If so, then for the purposes of ridership modeling, the marginal cost of maintenance and tire wear would be zero, rather than the 10.3¢/mile that Cambridge Systematics used in its California HSR ridership and revenue modeling.

Third, for the purposes of ridership modeling, what matters is the fuel economy of the future automobile fleet. As demonstrated in detail in the previous section, the VMT displaced by HSR will have a fuel economy on the order of at least 38 mpg and probably higher in 2035. Assuming $4.23/gallon of gasoline (the "Medium" forecast in the 2012 Business Plan) and 38 mpg for the average fuel economy of the VMT replaced by HSR, the marginal cost of gasoline in 2035 will be on the order of 11.1¢/mile. This is the total perceived marginal cost of driving if Cambridge Systematics is correct. This figure is 21% less than the 14¢/mile mid-range cost of gasoline and 54% less than 24¢/mile mid-range total cost of driving used in CAHSRA's ridership and revenue modeling.

scenarios, respectively. The costs are slightly lower because fleet-average fuel-economy is predicted to continue to improve between 2030 and 2035.

[23] Parsons Brinckerhoff, Ridership and Revenue Model: Development, Application, and Project-level EIR/EIS Forecasts, prepared for CAHSRA, June 2011, p. 90.

[24] Gary Barnes and Peter Langworthy, *The Per-mile Costs of Operating Automobiles and Trucks*, prepared for the Minnesota Department of Transportation (University of Minnesota, Humphrey Institute for Public Affairs, 2003), cited by Parsons Brinkerhoff, *California High-Speed Rail Benefit-Cost Analysis (BCA)*, prepared for the California High Speed Rail Authority, April 2012.

[25] Cambridge Systematics, *Desert Xpress Ridership Forecast Review*, prepared for Circle Point, February 29, 2008, p. 17.

BO027-3

In summary, CAHSRA's own consultant cites a marginal cost for automobile maintenance and tire wear that is half the value CAHSRA actually uses for its ridership modeling. In addition, CAHSRA's own consultant further notes that motorists generally consider only gasoline costs and not maintenance or tire wear costs when deciding whether to travel by car. Finally, CASHRA bases the marginal cost of gasoline on current fleet fuel economy and not on fleet fuel economy in 2035. The latter is the relevant value for estimating the cost of driving and HSR ridership in 2035.

Taking account of these facts, the perceived marginal cost of driving in 2035 will be about 11¢/mile or 16¢/mile if motorists take account of maintenance and tire wear costs. Both of these values are much lower than the 24¢/mile mid-range value CAHSRA uses for its ridership and revenue modeling. Using this lower, but more realistic projections for the perceived marginal cost of driving would reduce the attractiveness of HSR to motorists, thereby reducing predicted HSR ridership and attendant CO_2 and air pollutant emission reduction benefits.

The projected greenhouse gas and air pollutant benefits and HSR revenue estimates in the DEIR/DEIS, 2012 Business Plan, the *California High-Speed Rail Benefit-Cost Analysis* and, other CAHSRA documents should be revised to take account of the effect of using a more realistic, lower marginal cost of driving on projected HSR ridership.

French Data Suggest CAHSRA May Have Difficulty Attracting Large Numbers of Drivers to HSR

CAHSRA assumes that most HSR riders will be attracted away from automobile travel. As noted above, according to CAHSRA's ridership modeling, 74% of HSR riders will be former automobile travelers and 26% will be former airplane travelers. HSR thus depends for its success mainly on attracting drivers to HSR. As we show below, experience suggests that HSR mainly substitutes for air travel rather than automobile travel. The DEIR/DEIS and 2012 Business Plan therefore may be overstating likely HSR ridership and revenue and attendant CO_2 and air pollution reduction benefits due to displacement of automobile travel.

Few French HSR riders are former drivers. Data from the French TGV HSR system suggests that it competes mainly with air travel, rather than with car travel. Chapulut and Taroux (2010) studied the experience when new lines were opened on the French TGV high-speed rail system.[26] For these lines, 78% of TGV riders came from the existing conventional rail system. The remaining 22% of TGV riders came from cars, air, or were totally new "induced" trips that weren't taken at all before the new TGV lines opened. This means first of all that more than three-fourths of TGV riders switched from conventional rail to TGV. California HSR will not have this source of existing rail ridership and will have to rely on attracting drivers and flyers for nearly all of its riders.

For the 22% of TGV riders who were not already traveling by rail, Table 3 summarizes the percentage of travelers switching from air or automobile plus new trips induced by the new TGV lines. Note that only about one-fourth of new rail riders came from automobiles. Even if we focus only on the automobile and air portion of TGV ridership, only 40% to 45% were attracted to HSR from automobiles, while the remaining 55% to 60% were attracted from airplanes.

[26] Jean-Noel Chapulut and Jean-Pierre Taroux, "Trent Ans de LGV, Comparaison des Prevision et des Realisations," ("Twenty Years of High-Speed Rail Lines, Comparison of Predictions and Achievements"), *Transports*, no. 462 (Juillet-Aout (July-August) 2010): 229-239.

Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012) - Continued

Thus, for the French TGV, when a new TGV line became available, only 6% of total TGV riders came from automobiles.[27] Of new rail riders, only 26% came from automobiles. And of the portion of TGV riders who came from just automobiles and airplanes, only 40% to 45% came from automobiles and 55% to 60% came from airplanes. Each of these represents a much smaller automobile share than the 75% share that CAHSRA predicts for HSR ridership in California.

Table 3. Share of New Rail Riders Attracted to TGV from Other Modes

Route	Previous Mode of Travel	Share
Atlantique (Paris-Le Mans and Paris-Tours/Bordeaux)	Air	30%
	Automobile	25%
	New "induced" travel	45%
Mediteranee (Paris-Marseille)	Air	40%
	Automobile	27%
	New "induced" travel	35%

Note: 78% of TGV riders on these lines were attracted from conventional rail systems. This table focuses on the previous mode of travel only for the remaining 22% of riders who were traveling these routes by other modes (air or auto) or not traveling these routes at all before the TGV line became available.

French TGV data suggest HSR competes poorly with driving on cost. Air and HSR can provide similar door-to-door travel times and travel costs over distances of about 500 miles or less. In addition, after arriving at one's destination, the decision over whether to rent a car imposes the same additional cost whether you arrived by rail or by air.

In contrast, people who currently travel by car already have air travel as a faster option, yet choose not to take advantage of it. California HSR would face the same hurdles as air travel when trying to attract people out of their cars. A likely reason for this is cost. The perceived cost of driving—mainly the cost of gasoline—is much lower than the cost of air travel. Even at $4/gallon and a car that averages 25 mpg highway, driving costs about 16¢/mile, or $61 for a 380-mile trip. This is lower than CAHSRA's projected average cost of $81 for a single San Francisco-to-Los Angeles HSR fare and only a fraction of the cost of two, three, or four HSR fares that would have to be paid in cases where two or more people would have traveled in a single car had they not traveled by HSR.[28]

Adding to the relative cost of HSR is the need to rent a car upon arrival at one's destination, since auto-to-HSR switchers would otherwise have to give up the convenience of the car they would have had upon arriving at their destination, had they not switched to HSR.[29]

[27] Recall that former drivers represent about 26% of the 22% TGV riders who were not already riding conventional rail before the new TGV lines opened. 0.26 * 0.22 = 0.057, or about 6%.
[28] Projected HSR fares are listed in Table 5-7, p. 5-12 of CAHSRA's 2012 Business Plan.
[29] We were not able to determine what CAHSRA assumed regarding car rental for HSR riders attracted away from automobiles. It would be helpful if CAHSRA clarified various assumptions about former drivers attracted to HSR, including: what fraction of former drivers are business vs. pleasure travelers, average vehicle occupancy for former business and pleasure travelers, fraction of former business and pleasure travelers assumed to arrive at their departure station by taxi (and the cost of the taxi) or by personal vehicle vs. by public transportation, and the fraction of former business and pleasure travelers assumed to rent a car upon arriving at their destination and the cost of these car rentals.

In addition, many auto-to-HSR switchers will travel to their local HSR station by car and have to pay the additional cost of station parking for the duration of their trip, or will incur the additional cost of traveling to and from their departure station by taxi.

Taken together, these substantial additional costs of HSR, relative to personal automobile travel, suggest a key reason for the observation that more HSR riders are likely to be former air travelers than former auto travelers.

The lower cost of driving in the U.S. suggests HSR will be less cost competitive with the automobile in the U.S., when compared with France. California HSR travel will likely be less cost competitive with car travel when compared with France, because the marginal cost of automobile travel in France is much higher than in the U.S. There are at least two reasons for this: French drivers pay substantial road tolls, while California drivers do not, and gasoline costs much more in France than in the U.S.

For example, according to Michelin, the cost of automobile travel from Paris to Marseilles (482 miles) is €141 ($182), of which $72 is tolls and $110 is gasoline.[30] (For reference, a trip of the same distance in the U.S. in an average U.S. automobile (assuming 25 mpg highway and $4/gallon gasoline) would cost about $77, or 58% less than the cost in France.)

Comparing this to the cost of the TGV, the least expensive Paris-Marseille TGV ticket (buy-ahead, 2nd class, restricted) costs €25 ($32) for an adult and half-price for children up to age 11.[31] Tickets purchased near to or on the day of travel are more expensive, ranging from about €70 to €108 ($90-$139) for adult weekday travel.

Thus, in France, the least-cost HSR trip costs 82% less than the cost of driving for a single driver, and 47% less than the cost of driving for a family of four. Tickets bought near the day of travel cost 24% to 51% less than the cost of driving for a single driver, and 48% to 128% more than the cost of driving for a family of four.

For comparison with the U.S. we use the 380-mile trip from San Francisco to Los Angeles. The cost to travel this route in an average U.S. automobile would be $61 for gasoline (assuming 25 mpg highway and $4/gallon gasoline), compared with a planned HSR fare of $52 to $123 (depending on factors such as peak/off-peak, express or multi-stop train, and advance or last-minute purchase), with an average fare of $81.[32] Assuming the lowest fare of $52, the cost of HSR would be 15% less than the cost of driving for a single driver and 155% more than the cost of driving for a family of four.[33] Using the average fare of $81, HSR would cost 30% more than driving for a single driver and 298% more than driving for a family of four.

These results indicate that relative to driving, California's HSR system will cost far more than the French TGV system. Table 4 summarizes the comparison. The right-most column shows the ratio of HSR cost to driving cost. Lower values are more favorable to HSR. Note how much lower this ratio is for the French TGV when compared with projections for California HSR.

[30] Automobile cost is from Michelin, "Getting from Paris to Marseille," [illegible], accessed on September 18, 2012. The fuel cost is assumed to be €1.60/liter ($7.84/gallon). Given a travel distance of 482 miles, this fuel cost works out to an assumed vehicle fuel economy of 35 mpg. This is higher than the current average U.S. automobile, but typical for Europe, where the cars are smaller and more likely to be diesel-fueled.
[31] TGV train ticket cost is from SNCF, [illegible], accessed on September 24, 2012.
[32] Automobile costs assume $4/gallon gasoline and an average highway fuel economy of 25 mpg for the current California fleet. CA-HSR ticket cost is from Table 5-7, p. 5-12 of the CAHSRA 2012 Business Plan.
[33] We have assumed here that a child's ticket would cost half that of an adult's ticket.

Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012) - Continued

These results are based on *current* automobiles. However, as shown above, driving in the U.S. will be even less expensive in the future, due to more stringent CAFE standards. As a result, California HSR is likely to be even less cost competitive with the automobile than the analysis in this section suggests.

To summarize, CAHSRA predicts that 74% of California HSR riders will come from automobiles and 26% from airplanes. In contrast, real-world data from France indicate that only about 6% of TGV riders were former drivers, while the vast majority of TGV riders were former conventional rail riders, a source of riders that does not exist in California. Even when comparing only automobiles and airplanes, only 40% to 45% of TGV riders were former drivers and the rest were former air travelers. This suggests that CAHSRA may be overstating the number of drivers who will switch to HSR. When considering the fact that California HSR will be more expensive relative to auto travel than is the case in France, CAHSRA's assumption of 74% of HSR ridership coming from former drivers seems even less plausible.

BO027-4

CAHSRA should re-evaluate HSR's ability to attract drivers to HSR in California in light of the French TGV data, along with the fact that HSR in California will be more expensive relative to driving when compared with the TGV in France. In performing this re-evaluation, CAHSRA should use a realistic value for likely fleet-average fuel economy in the 2030s, rather than the current fleet-average fuel economy. The projected greenhouse gas and air pollutant reduction benefits and HSR revenue estimates in the DEIR/DEIS, 2012 Business Plan, the *California High-Speed Rail Benefit-Cost Analysis*, and other CAHSRA documents should be revised to take account of the results of this re-evaluation.

Table 4. Cost of HSR Relative to Cost of Driving: French TGV vs. California HSR

Type of Fare	Trip	Fare	Cost of Driving	Cost of HSR/ Cost of Driving
Lowest	TGV Paris-Marseille Lowest advance purchase 2nd class fare	$32 adult $16 child	$182	0.2 (1 adult) 0.5 (Family of 4)
	California HSR San Francisco-Los Angeles Lowest projected fare	$52 adult $26 child	$61	0.8 (1 adult) 2.6 (Family of 4)
Mid-Range	TGV Paris-Marseille Purchase within a few days of travel 2nd class fare	$90-$139 adult $45-$69 child	$182	0.5-0.8 (1 adult) 1.5-2.3 (Family of 4)
	California HSR San Francisco-Los Angeles Average projected fare	$81 adult $40 child	$61	1.3 (1 adult) 4.0 (Family of 4)

Note: In the right-most column, lower values are more favorable to HSR.

THE DEIR/DEIS AND 2012 BUSINESS PLAN OVERSTATE CO_2 REDUCTION BENEFITS FROM AIR TRAVELERS SWITCHING TO HSR

The DEIR/DEIS and 2012 Business Plan overstate HSR CO_2 reduction benefits from air travelers switching to HSR in two ways. First, they overstate the CO_2 benefit per passenger-mile of air travel displaced by HSR. Second, they likely overstate the number of air travelers who will switch to HSR. We discuss each issue in turn below.

The DEIR/DEIS and 2012 Business Plan Overstate the CO_2 Benefit per Passenger-Mile of Air Travel Displaced by HSR

CAHSRA assumes that aircraft fuel economy will improve from 62.3 seat-miles per gallon in 2011 to 68.9 seat-miles/gallon in 2035, which translates to a 9.5% reduction in fuel burned, and concomitant CO_2 emissions, per seat-mile.[34] However, Southwest, one of the major airlines providing flights within California, had already achieved 68.6 seat-miles per gallon by 2010.[35] United was only at 62.8 seat-miles/gallon in 2010, but improved to about 66 seat-miles/gallon in 2011.[36] In other words, some of the major airlines that fly in California are already approaching the fuel efficiency CAHSRA assumed for 2035, even though they are flying a mixture of recent and older technology planes.

New jet models available now or soon to come on line will be even more fuel-efficient. According to Airbus, its A320neo (for "new engine option"), launched in 2010, is 15% more fuel-efficient than its predecessors.[37] According to Boeing, its 737MAX, expected to be available in 2017, will be 4% more fuel efficient than the A320neo.[38] Southwest has already ordered 150 737MAX aircraft. At least one more generation of new jet engines will likely come on line well before the HSR system is completed. Thus, we can expect continued incremental improvements in airplanes' fuel economy.

Another way to improve airplanes' fuel economy is to reduce the amount of time jet engines are running while on the ground. Especially for short-haul trips, such as San Francisco-Los Angeles, taxiing on the ground accounts for a significant portion—as much as 20%—of total fuel usage.[39] Some airlines are currently testing electric power systems that would allow aircraft engines to be shut down while taxiing, saving fuel and reducing costs and greenhouse gas emissions. EasyJet is about to begin testing one such system that is expected to reduce total fuel consumption per aircraft by 4%.[40]

In summary, current airline fuel-economy already appears to be near the level CASHRA assumed for 2035. The current generation of new jets is at least 15% more fuel-efficient than its immediate predecessors and

[34] Parson Brinckerhoff, *California High-Speed Rail Benefit-Cost Analysis (BCA)*, prepared for the California High Speed Rail Authority, April 2012, p. 13.
[35] Bureau of Transportation Statistics, *A Decade of Change in Fuel Prices and U.S. Domestic Passenger Aviation Operations*, March 2012
[36] Ibid. and Loiseau, "Why Gas-Guzzling Airlines will Crash and Burn, *The Motley Fool*," July 12, 2012.
[37] Airbus, A320neo, [illegible], accessed on September 26, 2012.
[38] Boeing, "Boeing Launches 737 New Engine Family with Commitments for 496 Airplanes from Five Airlines," August 30, 2011, [illegible], accessed on September 26, 2012.
[39] Jimmy Yeh, "Electric aircraft taxiing: great fuel savings opportunity or unnecessary complexity?" GE Aviation Blog, February 8, 2012, [illegible], accessed on September 23, 2012.
[40] AERO-Network, "Electric Green Taxiing System Set For Trials," February 10, 2012, [illegible], accessed on September 23, 2012.

Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012) - Continued

even more efficient relative to airlines' average fleets. A least one more generation of jet engines will come online well before 2035, improving fuel efficiency still further. Some airlines are now experimenting with electric power systems that reduce fuel usage during taxiing. Taken together, these observations suggest that airline fuel efficiency, and hence CO_2 emissions per seat-mile, in 2035 could easily be 20% or more below CAHSRA's assumption.

BO027-5

The projected greenhouse gas reduction benefits in the DEIR/DEIS, 2012 Business Plan, the *California High-Speed Rail Benefit-Cost Analysis*, and other CAHSRA documents should be revised to take account of the fact that the California jet fleet in 2035 will be more fuel efficient than CAHSRA assumed.

The DEIR/DEIS and 2012 Business Plan Assume Airlines Will Not Respond Competitively to HSR

The DEIR/DEIS and 2012 Business Plan assume future airfares will be the same as current airfares.[41] However, it seems unlikely that airlines will stop seeking ways to cut costs and improve service, especially if HSR becomes a genuine threat to their market share.

We showed in the previous section that airlines have been reducing and will continue to reduce fuel usage per passenger-mile in an effort to reduce fuel costs. Airlines competing against each other for market share have an incentive to pass these savings on to customers in the form of lower fares in order to attract business.

Comparing European and U.S. airlines, Milke (2010) showed that per-mile European airfares in mid-2010 were less than one-half of U.S. per-mile fares. Comparing the Los Angeles-to-San Francisco market in particular, per-mile fares between European cities were, on average, 35% lower, even though the trip distances were similar.[42] A key difference is that the U.S. generally does not allow foreign airlines to compete for business in domestic air travel markets, while Europe has an "open skies" policy, which fosters more vigorous competition. This suggests there might be significant room for airlines to reduce fares if they have an incentive—such as competition from HSR—to do so.

BO027-6

Overall, it seems reasonable to conclude that CAHSRA overstates HSR ridership, and therefore $CO_2$and air pollutant reductions, by assuming that airlines will not respond to competition from HSR by cutting fares and taking other steps to protect their market share against competition from HSR.

The projected greenhouse gas and air pollutant reduction benefits and HSR revenue estimates in the DEIR/DEIS, 2012 Business Plan, the *California High-Speed Rail Benefit-Cost Analysis*, and other CAHSRA documents should be revised to take account of the fact that airlines will take steps to protect their market share when faced with competition from HSR.

[41] "...all the Business Plan scenarios assume that airfares stay constant at 2009 levels (but are adjusted for inflation.)," Cambridge Systematics, *California High-Speed Rail 2012 Business Plan, Ridership and Revenue Forecasting*, Final Technical Memorandum, prepared for Parsons Brinkerhoff, April 12, 2012, p. 2-3.
[42] Mark Milke, "Open Skies: What North America Can Learn from Europe," *Regulation Outlook*, No. 3, May 2010. Also see Mark Milke, "Why Europe Has Cheap Airfares," Canada.com, July 11, 2012, http://www.canada.com/life/Main-central/Europe+cheap+airfares/6913629/story.html.

ASSUMPTIONS REGARDING AIR POLLUTANT EMISSIONS DURING HSR CONSTRUCTION

BO027-7

The DEIR/DEIS notes that CARB's OFFROAD model was used to estimate air pollutant emissions during construction of the Fresno-Bakersfield segment. However, the DEIR/DEIS does not explicitly state what CAHSRA assumed regarding the age and emission-control technology classes of the construction vehicles. It would be helpful if CAHSRA provided more detailed information on what inputs were used for the OFFROAD model when estimating construction emissions for all HSR-related construction activities. For example, did CASHRA use the model default assumptions for the age and technology classes (e.g., Tier 4, Tier 3, etc.) of the construction equipment, or did CAHSRA use different assumptions? If the latter, what assumptions were used?

GREENHOUSE GAS AND AIR POLLUTANT REDUCTION BENEFITS DEPEND ON COMPLETION OF THE FULL HSR SYSTEM BEFORE THE 2030s

BO027-8

Our analysis suggests that the greenhouse gas and air pollutant reduction benefits of HSR are likely to be lower than the DEIR/DEIS predicts. However, both our analysis and the DEIR/DEIS implicitly assume the existence of a statewide HSR system that connects the San Francisco Bay Area, Sacramento, Los Angeles, and San Diego. To the extent the actual HSR system is less extensive or is not completed on schedule, the greenhouse gas and air pollutant reduction benefits discussed above will not be achieved in the timeframe assumed in the DEIR/DEIS. Thus, it makes sense for CAHSRA to include in the DEIR/DEIS a discussion of the extent to which the assumptions used to generate the numbers in the DEIR/DEIS are consistent with the

BO027-9

construction schedule and financing plan in the 2012 Business Plan. To the extent necessary, the DEIR/DEIS should be revised to reflect the most up-to-date Business Plan construction schedule and financing parameters.

Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012) - Continued

APPENDIX A

ESTIMATION METHOD FOR FLEET-AVERAGE FUEL ECONOMY IN 2035

Fleet-average fuel economy is an average of the fuel economy of each model year, weighted by the percentage of total vehicle miles traveled (VMT) accounted for by each model year, also known as the travel fraction. To predict fleet-average fuel economy for 2035, we used the federal CAFE standards as the basis for predicting the fuel economy of past and future model years. However, because on-road fuel economy in practice tends to be lower than the nominal CAFE standard, we adjusted the CAFE values downward to reflect this.[43]

A realistic travel fraction can be derived from counts of actual vehicles from each model year seen driving in a given area, because vehicles of a given model year are more likely to drive by a given location if there are more vehicles from that model year on the road and if they are driven more than vehicles from other model years. For counts of on-road vehicles, we downloaded remote sensing data collected in Los Angeles in 2010 (the most recent year of data available).[44] The remote sensor measures tailpipe emissions of passing cars and also photographs the license plate number for each car. This information is matched with registration data for each vehicle in order to gather make and model year information.

Remote sensing data inherently measure the travel fraction for each model year, because cars from a given model year are more likely to drive by the sensor to the extent that there are more cars from that model year and they are driven more frequently. Because these data were collected in 2010, they represent a fleet with a relatively low fraction of one- to three-year-old automobiles, due to reduced new-car purchases during the recession. In other words, these data represent a relatively old fleet. Using this travel fraction is therefore relatively conservative, in the sense that it is unlikely to overestimate the fraction of newer, high-mpg automobiles that will be on the road in 2035.

Table A-1 displays the travel fraction and fuel economy data. The left-most column is the actual model year. The next column is the number of vehicles in each model year that drove by the remote sensor. The third column is the travel fraction. It is calculated by converting the model year counts in column 2 to percentages. The sum of all the values in the Travel Fraction column is 100%. The fourth column is the "Shifted Model Year." For the purposes of predicting fleet-average on-road fuel economy in 2035, we essentially assume the travel fraction in 2035 is the same the travel fraction measured in 2010. The second-to last column is the nominal CAFE standard for each Shifted Model Year. The values in this column are based on actual and predicted sales fractions of larger and smaller vehicles in each model year. Finally, the right-most column is the estimated average on-road fuel economy of each vehicle model year.

To calculate fleet-average fuel economy, multiply the values in the Travel Fraction column by the values in the Predicted On-Road Fuel Economy column and add up all of the resulting values. This gives 38 mpg as the predicted fleet-average fuel economy in 2035.

[43] An estimate of in-use fuel economy of future automobiles is provided in J. Miller, "Can the New CAFE Standards Deliver (Promised Benefits)?" The Energy Collective, August 20, 2012, http://theenergycollective.com/node/102863 , accessed on September 25, 2012.
[44] Gary Bishop and Don Stedman, "Fuel Efficiency Automobile Test," http://www.feat.biochem.du.edu/light_duty_vehicles.html. The data set is located at http://www.feat.biochem.du.edu/assets/databases/Cal/emvn710.zip. Accessed on September 20, 2012.

Table A-1. Data used to predict fleet-average fuel economy in 2035

Actual Model Year	Number of Vehicles	Travel Fraction	Shifted Model Year	CAFE Standard (mpg)	Predicted On-Road Fuel Economy (mpg)
1956	2	0.02%	1987	26.2	18.6
1963	2	0.02%	1988	26.0	19.5
1964	1	0.01%	1989	25.6	20.4
1965	3	0.02%	1990	25.4	21.3
1966	1	0.01%	1991	25.6	21.5
1967	1	0.01%	1992	25.1	21.7
1968	2	0.02%	1993	25.2	21.9
1969	1	0.01%	1994	24.7	22.1
1970	2	0.02%	1995	24.9	22.3
1971	2	0.02%	1996	24.9	22.2
1972	4	0.03%	1997	24.6	22.1
1973	6	0.05%	1998	24.7	22.0
1974	2	0.02%	1999	24.5	22.0
1975	5	0.04%	2000	24.8	21.9
1976	1	0.01%	2001	24.6	21.6
1977	4	0.03%	2002	24.6	21.3
1978	6	0.05%	2003	25.0	29.9
1979	6	0.05%	2004	25.0	20.5
1980	5	0.04%	2005	25.4	20.2
1981	10	0.08%	2006	25.4	20.4
1982	11	0.08%	2007	26.4	20.4
1983	14	0.11%	2008	26.7	20.8
1984	26	0.20%	2009	27.0	20.8
1985	34	0.26%	2010	27.2	21.0
1986	54	0.42%	2011	28.5	22.5
1987	51	0.39%	2012	29.8	24.0
1988	73	0.56%	2013	30.3	24.9
1989	120	0.93%	2014	31.3	26.5
1990	133	1.03%	2015	32.7	26.5
1991	207	1.60%	2016	34.1	27.7
1992	185	1.43%	2017	35.3	28.8
1993	228	1.76%	2018	36.4	29.5
1994	295	2.28%	2019	37.5	30.5
1995	413	3.19%	2020	38.8	31.5
1996	395	3.05%	2021	40.9	33.5
1997	498	3.85%	2022	42.9	35.0
1998	596	4.60%	2023	45.0	36.8
1999	622	4.80%	2024	47.3	38.5
2000	823	6.36%	2025	49.6	40.5
2001	877	6.77%	2026	49.6	40.5
2002	870	6.72%	2027	49.6	40.5
2003	896	6.92%	2028	49.6	40.5
2004	891	6.88%	2029	49.6	40.5
2005	930	7.18%	2030	49.6	40.5
2006	910	7.03%	2031	49.6	40.5
2007	914	7.06%	2032	49.6	40.5
2008	812	6.27%	2033	49.6	40.5
2009	560	4.32%	2034	49.6	40.5
2010	444	3.43%	2035	49.6	40.5

Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012) - Continued

STATEMENT OF QUALIFICATIONS

Joel Schwartz is a Senior Consultant with Blue Sky Consulting Group and has more than 20 years of experience in public policy analysis and environmental science.

Prior to joining BSCG, Mr. Schwartz was a visiting scholar at the American Enterprise Institute, where he focused on air quality, transportation, risk assessment, and climate policy. He also previously served as the executive officer for the State of California's Inspection and Maintenance Review Committee, a government agency charged with evaluating California's vehicle emissions inspection program and making recommendations to the Legislature and Governor on program improvements. His other experience includes director of the Air Quality Project at the Reason Foundation, as a consultant for the RAND Corporation and the South Coast Air Quality Management District, and as staff scientist for the Coalition for Clean Air. Mr. Schwartz also served as a Senior Policy Analyst at the Legislative Analyst's Office.

Mr. Schwartz has authored dozens of studies on a wide range environmental policy issues and has coauthored articles published in a number of prestigious peer-reviewed journals, including *Science*, *Journal of Geophysical Research*, *Journal of Urban Economics*, *NYU Environmental Law Journal*, *Regulation*, *Icarus*, and *Environmental Progress*. He has also taught environmental science as an adjunct professor at California State University Sacramento.

Mr. Schwartz holds a bachelor's degree in chemistry from Cornell University and a master's degree in planetary science from the California Institute of Technology.

Response to Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012)

BO027-1

The Revised DEIR/Supplemental DEIS was revised to include information about the future CAFÉ (corporate average fuel economy) standards, adopted on May 7, 2010, which would require substantial improvements in fuel economy for all vehicles. Information about the updated federal fuel economy standards can be found in Section 3.3.4.2 of the Revised DEIR/Supplemental DEIS.

In January 2012, the California Air Resources Board (CARB) approved a vehicle emissions control program for model years 2017 through 2025. This is called the Advanced Clean Cars Program. On August 28, 2012, EPA and the National Highway Traffic Safety Administration issued a joint final rule to establish 2017 through 2025 GHG emissions and CAFÉ standards. To further California's support of the national program to regulate emissions, CARB submitted a proposal that would allow automobile manufacturer compliance with EPA's requirements to demonstrate compliance with California's requirements for the same model years. The final regulation became effective on December 31, 2012.

The California Air Resources Board (CARB) produces vehicle emission estimates which incorporates California and Federal Regulations applicable to motor vehicles as well as the typical types of vehicles (e.g cars, trucks, buses), the age (or model year) of the motor vehicles and several other factors that impact vehicle emissions. EMFAC is the model used by CARB to provide emission estimates for vehicles in California. The most recent version of EMFAC from CARB is EMFAC2011 which incorporates some of the updates to fuel economy standards. However, CARB has not currently released a revised EMFAC that incorporates vehicle regulations that occurred in 2012. Thus, there is no appropriate CARB approved emission factors that fully incorporate the most recent emission standards. The Revised DEIR/Supplemental DEIS used the EMFAC2007 version of CARB's model since the US EPA had not fully approved the use of EMFAC2011 version of CARB's model at the time of publication. The Final EIR/EIS revised the analysis to incorporate EMFAC2011 as it has now been approved by the US EPA and reflects the most current regulatory agency approved emission factors for vehicle emission estimates in California.

BO027-1

Regardless of the emission factors used in the analysis, the Project will still result in a net benefit when compared to the No Project Alternative. The Project results in a decrease in vehicle miles traveled compared to the No Project Alternative. Change in air emissions are determined by multiplying change in vehicle miles traveled by the vehicle emission factor. The vehicle emission factor used is the same for a given analysis year. For instance, vehicle emission factors are obtained from EMFAC for calendar year 2035. This same calendar year 2035 emission factor is applicable for both the Project and No Project Alternative. Thus the change (reduction) in emissions is a result of the change (reduction) in vehicle miles traveled. If revised emission factors that fully incorporate recent regulations was available, the air analysis would still calculate a reduction, but the total quantity of the reduction would be slightly lower than reported before.

The comment also suggests that the EIR/EIS discussion of air quality benefits from the project conflicts with the discussion of air quality benefits in the Authority's Business Plan. Although the discussions in the two documents refer to different levels of benefit, they are not in conflict because the Business Plan (both the 2012 and 2014) are based on different assumptions about the project phasing strategy over time and also different quantifications of systemwide ridership. This is the case because the Business Plan is based on a more conservative set of assumptions to make a business investment evaluation, whereas the EIR/EIS is focused on disclosing adverse environmental impacts as well as benefits. The 2012 Business Plan, chapter 5, describes this difference. The Draft 2014 explaisn the same point in section 4 of that document.

BO027-2

The California Air Resources Board (CARB) produces vehicle emission estimates which incorporates California and Federal Regulations applicable to motor vehicles as well as the typical types of vehicles (e.g cars, trucks, buses), the age (or model year) of the motor vehicles and several other factors that impact vehicle emissions. EMFAC is the model used by CARB to provide emission estimates for vehicles in California. The most recent version of EMFAC from CARB is EMFAC2011 which incorporates some of the updates to fuel economy standards. However, CARB has not currently released a revised EMFAC that incorporates vehicle regulations that occurred in 2012. Thus, there is no appropriate CARB approved emission factors that fully incorporate the most recent

Response to Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012) - Continued

BO027-2

emission standards. The Revised DEIR/Supplemental DEIS used the EMFAC2007 version of CARB's model since the US EPA had not fully approved the use of EMFAC2011 version of CARB's model at the time of publication. The Final EIR/EIS revised the analysis to incorporate EMFAC2011 as it has now been approved by the US EPA and reflects the most current regulatory agency approved emission factors for vehicle emission estimates in California.

Regardless of the emission factors used in the analysis, the Project will still result in a net benefit when compared to the No Project Alternative. The Project results in a decrease in vehicle miles traveled compared to the No Project Alternative. Change in air emissions are determined by multiplying change in vehicle miles traveled by the vehicle emission factor. The vehicle emission factor used is the same for a given analysis year. For instance, vehicle emission factors are obtained from EMFAC for calendar year 2035. This same calendar year 2035 emission factor is applicable for both the Project and No Project Alternative. Thus the change (reduction) in emissions is a result of the change (reduction) in vehicle miles traveled. If revised emission factors that fully incorporate recent regulations were available, the air analysis would still calculate a reduction, but the total quantity of the reduction would be slightly lower than reported before.

BO027-3

The California Air Resources Board (CARB) produces vehicle emission estimates which incorporates California and Federal Regulations applicable to motor vehicles as well as the typical types of vehicles (e.g cars, trucks, buses), the age (or model year) of the motor vehicles and several other factors that impact vehicle emissions. EMFAC is the model used by CARB to provide emission estimates for vehicles in California. The most recent version of EMFAC from CARB is EMFAC2011 which incorporates some of the updates to fuel economy standards. However, CARB has not currently released a revised EMFAC that incorporates vehicle regulations that occurred in 2012. Thus, there is no appropriate CARB approved emission factors that fully incorporate the most recent emission standards. The Revised DEIR/Supplemental DEIS used the EMFAC2007 version of CARB's model since the US EPA had not fully approved the use of

BO027-3

EMFAC2011 version of CARB's model at the time of publication. The Final EIR/EIS revised the analysis to incorporate EMFAC2011 as it has now been approved by the US EPA and reflects the most current regulatory agency approved emission factors for vehicle emission estimates in California.

Regardless of the emission factors used in the analysis, the Project will still result in a net benefit when compared to the No Project Alternative. The Project results in a decrease in vehicle miles traveled compared to the No Project Alternative. Change in air emissions are determined by multiplying change in vehicle miles traveled by the vehicle emission factor. The vehicle emission factor used is the same for a given analysis year. For instance, vehicle emission factors are obtained from EMFAC for calendar year 2035. This same calendar year 2035 emission factor is applicable for both the Project and No Project Alternative. Thus the change (reduction) in emissions is a result of the change (reduction) in vehicle miles traveled. If revised emission factors that fully incorporate recent regulations were available, the air analysis would still calculate a reduction, but the total quantity of the reduction would be slightly lower than reported before.

BO027-4

Refer to Standard Response FB-Response-GENERAL-24.

The ridership model accounts for the cost of auto travel in California and does not use costs of auto travel in France as the basis for its projections. Similarly, it does not integrate the French TGV into its assumptions. The differences cited by the commenter between the source of HST riders reflect the model's reliance on U.S. data in its projections. Because most long-distance travel in California is by automobile, it is logical that the majority of HST riders will be attracted from the driving public. The commenter's reference to French auto travel and TGV data are not relevant to the HST project's ridership projections.

Response to Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012) - Continued

BO027-5

The analysis has been updated to reflect aircraft emission rates as estimated in FAA's Emission and Dispersion Modeling System (EDMS).

BO027-6

The ridership and revenue model was developed by a nationally recognized leader in forecasting, Cambridge Systematics (2007). The ridership model is not deficient, but "produces results that are reasonable and within expected ranges for the current environmental planning and Business Plan applications," according to a ridership and revenue peer review panel of leading U.S. and international experts in travel forecasting [Independent Peer Review Panel 2011]. In addition, the air quality and greenhouse gas analyses in the Revised DEIR/Supplemental DEIS that are related to ridership have been updated to reflect two ridership scenarios—one with fares at 50% of airfare prices and one at 83% of airfare prices—to provide a range of potential impacts.

The purpose of the Fresno to Bakersfield HST includes providing travel between major urban centers and connectivity to airports, mass transit systems, and the highway network in the south San Joaquin Valley. As discussed in Section 1 of the Revised DEIR/Supplemental DEIS, California's population is growing rapidly and, unless new transportation solutions are identified, traffic will only become more congested and airport delays will continue to increase.

HST would provide congestion relief at airports by freeing up short-haul airline gates to allow for more lucrative, long-distance flights. There is no evidence that airlines will see a significant decline in the short-distance air travel demand with the introduction of HST because of persistent and growth travel demands in California and because there are enough long-distance service routes in which air transport is irreplaceable.

BO027-7

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

The construction analysis assumed the default age and technology classes as defined in CARB's Offroad model. Detailed equipment and usage information can be found in the Air Quality Technical Report, located on the Authority's website.

BO027-8

Refer to Standard Response FB-Response-GENERAL-06.

This comment assumes a rule that a lead agency must define its project based on available funding. CEQA includes no such rule, and courts cannot impose procedural or substantive requirements beyond those explicitly stated in the statute or guidelines (Pub. Res. Code §21083.1). Such a rule would force lead agencies to re-define their projects every time funding changes, a result in direct conflict with the "rule of reason" that governs EIRs (Laurel Heights Improvement Assn. v. UC Regents (1988) 47 Ca1.3d 376, 406-407).

Under various ridership scenarios, the HST will result in a net decrease in both criteria and greenhouse gas emissions during operation. As discussed in Standard Response FB-Response-GENERAL-06, this Final EIR/EIS does not evaluate any scenarios in which the HST is not completed on schedule.

Please see the Revised DEIR/Supplemental DEIS, Volume 1, Section 3.3, Air Quality and Global Climate Change, for a discussion of air quality impacts versus the no-build impacts. If the Authority only completes the Initial Construction Segment, there will be no operational air impacts associated with the track unless alternative uses of the track occurs such as the use of Amtrak trains. The air quality impacts associated with the use of Amtrak trains on the Initial Construction Segment is discussed in FB Master Response 13.

The construction emissions associated with the Initial Construction Segment are handled by AQ-MM#4 and will offset the criteria pollutants in the year that emissions occur. The mitigation measure AQ-MM#4: Offset Project Construction Emissions through an SJVAPCD VERA provides that the Authority and SJVAPCD will enter into a contractual agreement to mitigate by offsetting to net zero the project's actual emissions by providing funds for the district's Emission Reduction Incentive Program. These funds

Response to Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012) - Continued

BO027-8

will be provided at the beginning of the construction phase. Therefore, mitigation/offsets shall occur in the year of impact or as otherwise permitted by 40 CFR Part 93 Section 93.163. There will be no long-term delay in achieving the net zero emission reductions through the construction offset agreement.

The greenhouse gas (GHG) emissions associated with the Initial Construction Segment construction will not be offset by the reduction in operation if the project does not become fully operational. However, the mitigation measure AQ-MM#4, will partially reduce GHG emissions along with some of the criteria emissions. Therefore, some of the GHG emissions will be offset even if the full project does not become fully operational.

BO027-9

Refer to Standard Response FB-Response-GENERAL-06, FB-Response-GENERAL-10.

The California High-Speed Rail (HSR) Program will depend on a mix of public and private investment, the latter becoming available after the fundamental economics of the program are demonstrated. Refer to the Revised 2012 Business Plan.

A phased approach to system development is the prudent course to build a foundation that allows for greater efficiency in the use of private investment once the initial segments of the system are in place.

This approach also recognizes current budgetary and funding realities. Among other things, the phased approach will help ensure the system's success by introducing Californians to HSR service and building ridership over time. At the same time, improvements can be made to regional systems that connect with HSR, resulting in the conventional and high-speed systems complementing each other.

The goals of Proposition 1A were used to develop the phasing strategy for the statewide HSR system and were guided by the following key principles:

BO027-9

- Divide the statewide high-speed rail program into a series of smaller, discrete projects that can stand alone, will provide viable revenue service, can be matched to available funding, and can be delivered through appropriate business models.
- Advance sections as soon as feasible to realize early benefits, especially employment, and to minimize inflation impact.
- Leverage existing rail systems and infrastructure, including connecting rail and bus services.
- Forge a long-term partnership with the federal government for program delivery.
- Develop partnerships with other transportation operators to identify efficiencies through leveraging state, regional, local, and capital program investments and maximizing connectivity between systems.
- Seek earliest feasible and best value private-sector participation and financing with appropriate risk transfer and cost containment.
- Mitigate against the risk of funding delays by providing decision points for state policy makers to determine how and when the next steps should proceed while leaving a fully operational system and generating economic benefits at each step.

The Authority applied these principles, taking into account key factors such as cost, funding scenarios, and ridership and revenue projections, to develop an implementation strategy with the following key steps:

Step 1—Early Investments, Statewide Benefits. The first construction of dedicated high-speed infrastructure for the initial operating section (IOS) begins in the Central Valley. As with all of the steps, this initial section is being developed to deliver early benefits by leveraging other systems—enabling them to operate on the new high-speed tracks, which can be done without impacts on design or the integrity of the new infrastructure. Improved passenger rail service would begin upon completion of the first IOS segment by connecting the San Joaquins, ACE, Sacramento Regional Transit, and the Capitol Corridor (and potentially Caltrain). Through a new, strategic approach, there is also the opportunity for new or improved travel between Bakersfield and Sacramento,

Response to Submission BO027 (Joel Schwartz, Citizens for California High Speed Rail Accountability (Atty. For) Blue Sky Consulting Group, October 18, 2012) - Continued

BO027-9

Oakland, San Jose, and San Francisco. This expanded Northern California Unified Service could begin operation as early as 2018, with the potential to provide transportation and economic benefits well before fully operational high-speed rail service is initiated.

As part of this first step, complementary investments and improvements will be made to both accelerate benefits and distribute them more widely across the state. These investments will be made using the $950 million in Proposition 1A connectivity funding, available Proposition 1A high-speed rail funds, future federal funds, and other sources, and will include the following:

- Investment in the bookends: In Northern California, the long-awaited electrification of the Caltrain corridor will begin under a collaborative program between Bay Area agencies and the Authority. In addition, consistent with the Southern California Memorandum of Understanding (MOU), investments will be made in key rail corridors in the southern part of the state, such as upgrading the Metrolink corridor from Los Angeles to Palmdale.

- The Northern California Unified Service described above will be initiated.

- As the next step in the IOS, work to close the rail gap between Bakersfield and Palmdale through the Tehachapi Mountains will begin. Environmental clearance is possible in early 2014, and plans are being developed to move quickly to implement the improvements to close this critical gap and create the first statewide rail link between the Bay Area and the Los Angeles Basin.

Step 2—Initial High-Speed Rail Operations. Introduction of the state's (and the nation's) first fully operational high-speed rail service will begin. This service can be operated by a private entity without subsidy, will have the potential to attract private investment to expand the system from Bay to Basin, and can be completed within a decade. The service will be blended with regional/local systems. The IOS is achieved through expansion of the first construction segment into an electrified operating high-speed rail line from Merced to Palmdale and the San Fernando Valley, accessing the populous Los Angeles Basin. Following on the work discussed above, the next priority in implementing the IOS will be closing the rail gap between Northern and Southern California by crossing the Tehachapi Mountains with new, dedicated high-speed rail infrastructure. Prior to completion of the IOS to the San Fernando Valley, this link will tie

BO027-9

the north to the south at Palmdale, where Metrolink commuter rail service can then provide service and connections throughout Southern California.

Currently, the IOS is defined as extending from Merced to the San Fernando Valley, and high-speed revenue service would only start once the full IOS is built and operable. Should ridership and revenue forecasts and financial projections demonstrate that revenue service compliant with Proposition 1A could begin earlier, with a shorter IOS, appropriate reviews would occur to consider and implement earlier service, if appropriate.

Step 3—The Bay to Basin System. The dedicated high-speed rail infrastructure of the IOS will be expanded north and west to San Jose, providing HSR service between the state's major population centers in the north and south and providing the platform for the transition to statewide blended operations. At this stage, passengers will be able to take a one-seat ride between greater Los Angeles (San Fernando Station) and the San Francisco Transbay Transit Center, using blended infrastructure in the north between San Francisco and San Jose (assuming electrification of the Caltrain corridor by 2020 as proposed by Caltrain), using dedicated high-speed rail infrastructure between San Jose and the San Fernando Station, and, in the south, connecting via Metrolink between the San Fernando Valley Station and Los Angeles Union Station and on to other points throughout Southern California.

Step 4—The Phase 1 System. For the blended approach, the dedicated high-speed rail infrastructure of the Bay-to-Basin system will be extended from the San Fernando Valley to Los Angeles Union Station, linking to a significantly upgraded passenger rail corridor developed to maximize service between Los Angeles and Anaheim while also addressing community concerns about new infrastructure impacts in a congested urban corridor that includes a number of established communities that abut the existing right-of-way. Under a Full Build scenario, dedicated high-speed rail infrastructure would be extended from San Jose to San Francisco's Transbay Transit Center and from Los Angeles to Anaheim.

Step 5—The Phase 2 System. Phase 2 will extend the high-speed rail system to Sacramento and San Diego, representing completion of the 800-mile statewide system. Travelers will be able to travel among all of the state's major population centers on high-speed rail. Phase 2 areas will see improvements in rail service well in advance of the expansion of the high-speed rail system through the combination of early investments and blended operations, as described in the Revised 2012 Business Plan.

Submission BO028 (Gary Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, August 13, 2012)

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August 13, 2012

Chairperson and Members
California High-Speed Rail Authority
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RE: Request For Extension of Comment Period on Revised Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) For The Fresno To Bakersfield Section of Proposed High-Speed Rail (HSR) Project

Dear Chairperson Richard and Board Members:

BO028-1

This letter is submitted on behalf of Citizens For California High Speed Rail Accountability (CCHSRA). CCHSRA is a group of residents, farmers, business people, and landowners who are concerned that the currently proposed high-speed train project will have significant negative impacts throughout the state, and particularly on both natural resources and agricultural operations in the proposed Fresno to Bakersfield section of the project. CCHSRA wishes to play a constructive and positive role as the Authority reviews the possible environmental impacts of its proposed construction of high-speed rail facilities in the Fresno to Bakersfield section. CCHSRA has obtained legal counsel, to assist the group in making its comments pertinent, and to ensure that comments are properly focused on the issues that the Authority must study in connection with review of the proposed project under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). In addition, CCHSRA has asked a number of experts to review the currently circulating Draft on its behalf, to make sure that all impacts are properly disclosed and analyzed.

CCHSRA has found that the 60-day review period currently set by the Authority (beginning on July 20, 2012 and ending on September 20, 2012), will not allow an adequate time for CCHSRA and other members of the public properly to analyze and comment on the Draft environmental documents. In order to participate effectively, CCHSRA members (and other members of the public) must review the current Revised Draft/Supplemental Draft EIS, plus the earlier Draft document, plus comments submitted on the earlier Draft, plus the Program Level EIR/EIS prepared in 2005. Sixty days is not enough time to permit the kind of public review and participation that the law demands.

The California Environmental Quality Act does require that the Authority provide "adequate" time for members of the public to review and comment on the draft EIR it has prepared (CEQA Guidelines §15203). In addition, fundamental considerations of due process apply, under both the State and Federal Constitutions. The current 60-day comment period does not provide the public with an adequate time to comment, and the failure of the Authority to provide an adequate time to comment undermines the integrity of the current environmental

BO028-1

review procedure. This means that the residents, business persons, and landowners most directly affected by the proposed project are being denied an elemental due process opportunity to "be heard" before the government takes actions that could, in many cases, put working farms and dairies out of business along the proposed Fresno to Bakersfield segment.

In view of the inadequacy of the review period currently provided, I am requesting, on behalf of CCHSRA, that your Board take action at your next meeting to provide for an extended and adequate comment period for the above-noted environmental review documents. Specifically, I am requesting that the Board extend the current comment deadline from September 20, 2012 to October 20, 2012. This time extension would provide an overall 90-day comment period, which is the minimum review and comment period that would be adequate. The CCHSRA would certainly welcome a longer time extension, but we seriously urge the Board to provide the additional thirty days I am requesting in this letter, to permit CCHSRA and other interested persons an adequate time to review and comment.

As CEQA provides, at Public Resources Code Section 21005 (a):

> The Legislature finds and declares that it is the policy of the state that noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of this division, may constitute a prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.

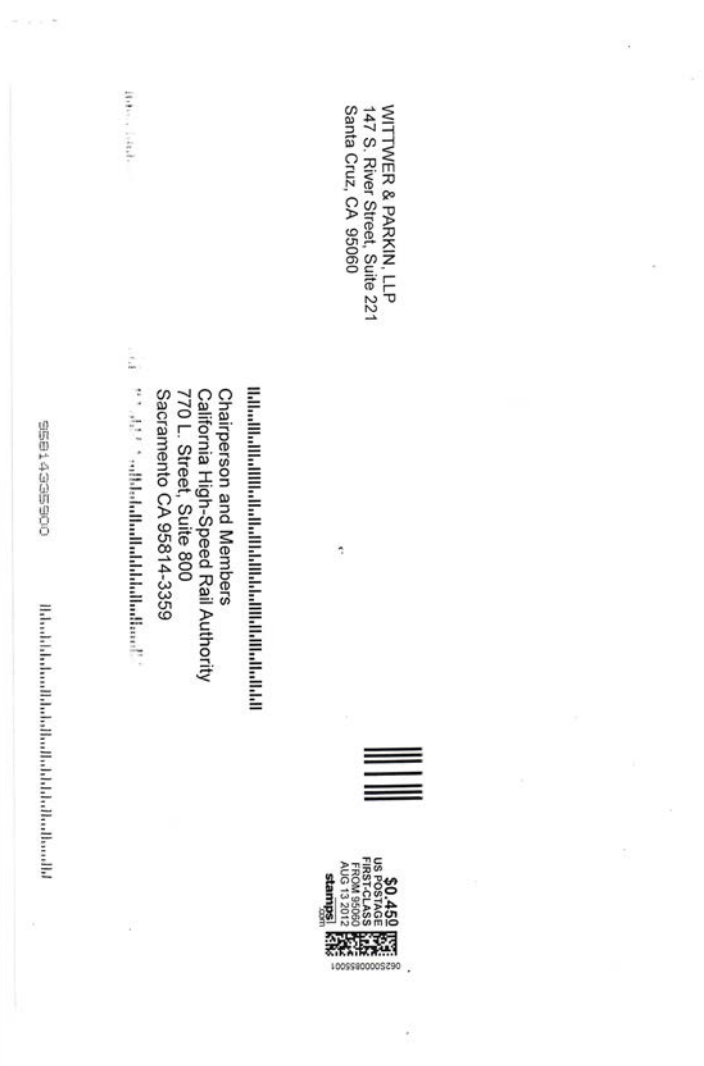
The information in the comments that CCHSRA and its members want to supply through their comments is absolutely "relevant information." We urge the Authority to take seriously its responsibility to make sure that such relevant information about the impacts of the proposed project is presented to the Authority, as the public agency responsible for making routing and related decisions on the proposed high-speed train project in the Central Valley, prior to the Board's decision. The current 60-day review period is not fair, and is inconsistent with both CEQA and the due process requirements of both the Federal and California Constitutions. Unless the review period is extended, as we request, the Authority will not receive all the relevant information it needs, before making a decision on the largest public works project ever proposed in the State of California.

Thank you for your attention to our request, and for your positive action in response.

Very truly yours,

Gary A. Patton, Of Counsel
WITTWER & PARKIN, LLP
Attorneys for CCHSRA

Submission BO028 (Gary Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, August 13, 2012) - Continued



Response to Submission BO028 (Gary Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, August 13, 2012)

BO028-1

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

Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012)

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October 17, 2012

Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment
770 L Street, Suite 800
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Dan Richard, Chair
Board of Directors
California High-Speed Rail Authority

RE: Revised Draft EIR/Supplemental Draft EIS Comment – Fresno to Bakersfield Section

Dear California High-Speed Rail Authority:

Introduction

This firm represents Citizens for California High Speed Rail Accountability (CCHSRA). CCHSRA is a grassroots, non-profit corporation based in Kings County, California, working to ensure that the proposed California high-speed train project does not adversely affect the economy, environment, or the quality of life of California's existing communities. The group and its members have extensively participated, at all levels, in the administrative process leading up to the preparation and circulation for comment of the Revised Draft EIR/Supplemental Draft EIS on the Fresno to Bakersfield Section of the proposed high-speed train project (RDEIR/SDEIS).

We are submitting the comments contained in this letter on behalf of CCHSRA. CCHSRA and its members will also be submitting other comments on the RDEIR/SDEIS. In addition, the following consultants or consulting groups have prepared comments on behalf of CCHSRA, and these comments will be submitted individually: Land Protection Partners; Blue Sky Consulting Group; Provost & Pritchard Consulting Group, and Solutions Strategies, International, in cooperation with Ybarra Company Public Affairs. Both CCHSRA and this law firm submitted comments on an earlier Draft EIR/EIS, in connection with an earlier comment period (for reference, the earlier comment letter from this firm was dated October 12, 2011). We expect the Authority to provide substantive and specific responses to *all* of our comments (to those comments made currently, and to those made earlier, and to those submitted by the consultants working with CCHSRA), as both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) require.

The purpose of an EIR, or EIS, is to provide accurate information about potential impacts, so that the governmental agencies proposing a project, and the public, can fully understand what impacts a proposed project would have, and so the agency can have this information in mind as the agency takes action on proposed projects. In addition to this general purpose, CEQA specifically requires that a governmental agency proposing a project take action to eliminate, or to mitigate to the greatest

BO029-1

degree feasible, any identified negative impacts. Unfortunately, as outlined in our comments, and in the consultants' comments, and in the other comments submitted by CCHSRA and its members, the RDEIR/SDEIS fails to provide the full information and disclosure that CEQA and NEPA demand. The RDEIR/SDEIS also fails to identify and recommend measures that would eliminate or mitigate, to the greatest degree feasible, the various impacts that the proposed project would have. Because of these deficiencies, the RDEIR/SDEIS fails to comply with CEQA and NEPA, and the Authority must substantially revise the current RDEIR/SDEIS, and recirculate a revised document for additional public review and comment.

Comments

We have the following comments, questions, and observations on the RDEIR/SDEIS:

1. CCHSRA and a number of its members, as well as other individuals, governmental agencies, and groups, have specifically requested that the Authority extend the current October 19, 2012 comment deadline. The Authority should do so, for the following reasons:

   A. The RDEIR/SDEIS is massive, and the time the Authority provided for public review and comment is clearly inadequate to allow the public meaningfully to participate in the review process, given the size and complexity of the RDEIR/SDEIS.

   B. The RDEIR/SDEIS can only be properly understood when considered in connection with a "program level" EIR/EIS, which is itself massive. This reinforces the need for a longer comment period.

   C. A full understanding and evaluation of the RDEIR/SDEIS also requires that the document be reviewed in connection with the "project" level EIR/EIS prepared and certified for the Merced to Fresno segment of the proposed high-speed train project, since that segment, and the Fresno to Bakersfield segment, are actually connected, and represent a single project segment, identified as the "Initial Operating Segment" (IOS) of the proposed statewide project. Again, the EIR/EIS for the Merced to Fresno segment is itself a massive document, and this fact reinforces the need for a longer comment period.

   D. The proposed high-speed train project is the largest public works project ever proposed in the State of California, with the potential to have very significant negative impacts throughout the state, and certainly within the Fresno to Bakersfield segment. The comment period established by the Authority is simply not adequate, in terms of providing a reasonable opportunity for members of the public to participate and comment on the RDEIR/SDEIS (particularly considering the necessarily related documents). Thus, the Authority's failure to provide an extended comment period, upon request from responsible individuals, groups, and public agencies, represents a fundamental abuse of discretion, and constitutes a basic failure to comply with the public policy requirements established by CEQA and NEPA.

Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - Continued

E. Besides what might be called the "general" objections to the lack of an adequate comment period listed above, there is a more "specific" reason that the Authority should extend the comment period. The Authority has failed properly to make available the various Technical Reports and studies that are necessary to understand the main RDEIR/SDEIS, and that are referred to in the RDEIR/SDEIS, but that have not been made available to members of the public. Public concerns about this basic procedural failure to comply with CEQA and NEPA have been drawn to the Authority's attention by CCHSRA members and others, but the Authority has ignored this procedural failure.

Because of federal funding deadlines, which are demanding that this project be treated as a short-term "job stimulus" project, instead of the 100-year plus public infrastructure project that it actually is, the Authority is being pushed to make far-reaching decisions without adequate information and analysis. The current RDEIR/SDEIS clearly reveals that this is so, and this is the opposite of what CEQA and NEPA require. The time demands generated by the proposed use of federal stimulus funding do not trump the legal requirements of CEQA and NEPA. To comply with the law, an additional time for comment must be provided, if the Authority wishes to prepare a legally adequate Final EIR/EIS based on the current RDEIR/SDEIS, and thereafter to base a project decision on such a Final EIR/EIS.

2. Both CEQA and NEPA require an EIR to begin by identifying the specific "project" that the EIR or EIS will describe and analyze. If an EIR or EIS does not adequately identify the proposed "project," then that EIR or EIS is inadequate as a matter of law. In this case, despite all the paper, the RDEIR/SDEIS fails properly to identify the "project" for which the environmental review is being carried out.

BO029-2

3. The project definition issue is raised in the "Preface" to the RDEIR/SDEIS (Page xxxiii), but that section actually poses a question (What Is This Document?) rather than providing a clear project description. Mentioned in the Preface is the Authority's proposal to "construct, operate, and maintain an electric-powered high-speed train (HST) system in California." The Preface also mentions earlier "program level" environmental review documents, and references a "Fresno to Bakersfield HST Section" of the overall HST system. However, the RDEIR/SDEIS never actually provides a specific project description, in either the Preface or anywhere else, that clearly identifies exactly what "project" the RDEIR/SDEIS is analyzing. The RDEIR/SDEIS does have a brief section at Page xxxvii called "Project Description," but the statement contained there is about what the California High-Speed Train Project proposes to "*do*" ("to build and operate an approximately 114-mile portion of a larger high-speed train (HST) system…"). This is *not* an adequate project description, for the purposes of CEQA or NEPA, because a project description must clearly say what the specific physical project will be. The RDEIR/SDEIS fails to do this, anywhere, and this is a fundamental flaw under CEQA and NEPA. To respond to this comment, the Authority should answer this question: what is the specific "project" that is being proposed, and that the RDEIR/SDEIS is seeking to analyze?

BO029-3

4. The failure of the RDEIR/SDEIS clearly to describe, in specific terms, what physical construction is being proposed leads to a failure of the RDEIR/SDEIS properly to analyze the possible environmental impacts of proposed activities in the Fresno to Bakersfield segment of the statewide HST system. The following questions, all specifically related to project definition, must be clearly addressed in a revised EIR/EIS:

BO029-4

A. At what level of engineering and design completion is the project being analyzed in the RDEIR/SDEIS?

B. If the project is being analyzed only at the 15% level of design, as appears to be the case, then what will the project be like when 100% designed?

C. If the Authority is not yet ready to determine basic alignments and the other design parameters of the 100% project (the project actually to be constructed) then how can the Authority properly analyze the potential environmental impacts of a project that is at such an early stage of design?

D. If the Authority is proposing to construct a project based on "design/build" principles, as appears to be the case, how can the Authority claim to have provided proper environmental analysis under CEQA and NEPA for a project that is, admittedly, not yet "designed?"

E. If the project is to provide high-speed train service, doesn't that require electrification?

F. If the project is to provide high-speed train service, and electrification is required, then where is the specific description of the proposed electrification system, and where is the specific analysis related to the proposed electrification system? Sections 2.2.6.1 and 2.2.6.3 are "conceptual," and do not describe the elements of the required electrification infrastructure at the level of detail needed for a "project level" review under CEQA and NEPA.

BO029-5

G. Is the project analyzed in the RDEIR/SDEIS supposed to be the same as the "project" described in the latest edition of the Authority's "Business Plan?" If so, doesn't that latest edition of the "Business Plan" indicate that the Fresno to Bakersfield portion of the statewide HST would not be electrified, as initially constructed?

BO029-6

H. How is the project analyzed in the RDEIR/SDEIS related to the project requirements spelled out in Proposition 1A, which will provide significant funding for the construction of the IOS, including that portion of the IOS located between Fresno and Bakersfield? Doesn't Proposition 1A say that any segment using Proposition 1A funding must be "suitable and ready" for high-speed train operation? Doesn't that mean that the Fresno to Bakersfield segment, as part of the Initial Operating Segment (IOS), must be electrified?

Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - Continued

BO029-7

I. In view of the fact that there may not be funding for the electrification piece of the proposed project in the Merced to Bakersfield Initial Operating Segment, or in the Fresno to Bakersfield segment of the proposed statewide system, is it possible that the physical project actually constructed will end up being a non-electrified set of train tracks? Even if funding for the electrification piece is ultimately found, isn't it true that the Fresno to Bakersfield portion of the statewide HST will initially be non-electrified?

BO029-8

J. If the answer to the Questions in "I" is "yes," then what will be the impacts of the project after its construction as a non-electrified set of train tracks? Despite all the paper, the RDEIR/SDEIS does not describe or analyze the impacts of a non-electrified set of train tracks between Fresno and Bakersfield, which is apparently what is going to be most immediately constructed. What will those impacts be? What will be the benefits?

BO029-9

K. If the project most immediately proposed for construction does not include electrification, and thus will actually be a set of non-electrified train tracks, is the Authority planning to do subsequent environmental review, under CEQA and NEPA, prior to implementing the eventual electrification of the tracks, so as to evaluate the potential impacts of the electrification elements of the ultimate project?

L. If the answer to Question "K" is "no," then how can the current RDEIR/SDEIS be considered adequate, since the electrification parts of the project have not been fully described or analyzed?

M. If the answer to Question "K" is "yes," then how can the current RDEIR/SDEIS avoid the concern that it is "piecemealing" the project, which is not allowed under either CEQA or NEPA?

BO029-10

N. In the discussion found in Section 1.6 (Page 1-30), the RDEIR/SDEIS states that the latest edition of the Authority's "Business Plan" "outlines the type of high-speed rail service the Authority [now] plans to develop," calling it a "blended approach." One major difference between the "blended approach" and the plan analyzed in the "program level" EIR/EIS completed in 2005 is that the tracks to be used by high-speed trains are now not going to be dedicated solely to HST use. In view of this change in the "Business Plan," is the project now fundamentally different from the project analyzed in the 2005 "program level" EIR/EIS? If not, why not?

As this comment (and the questions above) make clear, the Authority has not yet determined, and specifically defined, the actual, physical "project" it intends to construct in the area between Fresno and Bakersfield. Thus (despite all the paper), it is impossible for the Authority to carry out its legal obligations under CEQA and NEPA. Because there is no adequate project definition, which is the starting place for the EIR/EIS process under both CEQA and NEPA, the RDEIR/SDEIS is legally deficient.

BO029-11

5. An EIR or EIS that "tiers" from earlier "program level" EIR or EIS must provide an adequate "roadmap" to these first-tier documents, including to any technical appendices upon which they rely. If an EIR or EIS fails adequately to provide such a "roadmap," then that EIR or EIS violates the informational requirements of both CEQA and NEPA, and such EIR or EIS is inadequate as a matter of law. In this case, the RDEIR/SDEIS does not provide the required "roadmap." In fact, it appears (see Question N, above) that the project now proposed is fundamentally different from the project proposed and analyzed at the "program level" in 2005. Because of this failure properly to "tier" from the "program level to the "project level," the RDEIR/SDEIS is inadequate as a matter of law. The RDEIR/SDEIS cannot rely on decisions supposedly made at the "program level" to avoid adequate environmental analysis now.

6. An examination of the "program level" EIR/EIS makes clear that the "tiering" process has broken down, and that the RDEIR/SDEIS does not actually build from a foundation at the "program" level. For instance, the Final Program Level EIR/EIS says this (in Volume 1: Chapter 3 Part 1):

> The Authority has focused on avoiding and minimizing potential impacts through rigorous planning and thoughtful design. The Authority has minimized overall impact potential by defining alignments to stay within existing public and railroad rights-of-way to the extent feasible while still accommodating the appropriate features and design standards for the alternatives (emphasis added).

The alignments specified in the RDEIR/SDEIS are not, in large part, "within existing public and railroad rights-of-way," and the RDEIR/SDEIS does not, therefore, property "tier" off the program level EIR/EIS. The RDEIR/SDEIS does not indicate how the route(s) now presented were chosen, nor does the RDEIR/SDEIS demonstrate how the routes presented in the RDEIR/SDEIS would comply with and carry out the commitment made in the program level EIR/EIS that the actual routes ultimately used would "stay within existing public and railroad rights-of-way to the extent feasible." This failure of proper tiering, and the failure of the RDEIR/SDEIS to provide an analytic "roadmap" that makes it clear how the "program level" EIR/EIS is connected to the analysis presented in the "project level" RDEIR/SDEIS, makes the RDEIR/SDEIS inadequate, as a matter of law.

7. As another example of the same phenomenon, the "program level" EIR/EIS states the following (Volume 1: Chapter 3 Part 1):

> While the Program level of environmental analysis has provided a means to avoid and minimize impacts in the selection of corridor options for further consideration, it does not identify specific impacts or mitigation. Most of the potential impacts associated with the implementation of the proposed HST system are highly site-specific in nature. These site-specific issues would be addressed during subsequent project level environmental review, based on more precise information regarding location and design of the facilities proposed (e.g., physical configuration (elevated, at-grade), specific location, right of way footprint, catenary design features, fencing type and station access configuration, etc.). The level of engineering detail associated with the project

Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - Continued

BO029-11

level environmental analysis would enable the Authority to further investigate ways to avoid, minimize and mitigate potential impacts. Only after the alignment is refined and the facilities are fully defined through project level analysis, and site-specific avoidance and minimization efforts have been exhausted, would specific impacts and mitigation measures be addressed.

Because the "project level" RDEIR/SDEIS is apparently only based on a 15% level of engineering design, and the "project" is not well defined, as earlier noted, and because the whole concept of the HST system has changed, and because the basic alignment which the Authority is proposing to choose as "the project" is still not certain, those impacts that are "highly site-specific in nature" have not been given a genuine "project level" review in the RDEIR/SDEIS, and that means that the RDEIR/SDEIS is legally inadequate.

8. Effectively, the RDEIR/SDEIS is nothing more than a supplement to the earlier "program level" EIR/EIS, revealing a set of significant "program level" changes. The environmental analysis contained in the RDEIR/SDEIS is actually at a "program level," not a "project level." The RDEIR/SDEIS does not conform to the promises made in the "program level" EIR/EIS that the expected "project level" environmental document would provide an analysis that is "highly site-specific in nature." In short, the RDEIR/SDEIS is legally inadequate as a "project level" document.

9. The failure of the "project level" RDEIR/SDEIS to tier properly from the "program level" EIR/EIS, completed in 2005, is found throughout the RDEIR/SDEIS. Again, the failure properly to "tier" from the "program level" EIR/EIS to the RDEIR/SDEIS means that the RDEIR/SDEIS is legally deficient, and this deficiency in the RDEIR/SDEIS can be seen in most of the key areas of CEQA and NEPA analysis.

10. CEQA and NEPA are clear that an EIR must describe and analyze the "whole" project being proposed. If an EIR or EIS attempts to "piecemeal" a project, dividing up a larger project into smaller parts, and then analyzes only a "part," rather than the "whole" of the proposed project, then that EIR or EIS is inadequate as a matter of law. Our comments have already noted the lack of specificity and clarity about the "project description" in the current RDEIR/SDEIS. This failure correctly to define the "project" is tied to the Authority's failure to study the "whole" of the proposed project in an adequate and legally sufficient way.

In one sense, of course, the entire high-speed train system outlined in the two "program level" EIR/EIS documents, with Phase I of this system running from Los Angeles/Anaheim to San Francisco, is the "whole" project. We do not here contend that the Authority is legally obligated to do a project level environmental review of that entire project, all at one time. Instead, we believe that CEQA and NEPA would permit the Authority to divide up the statewide project into appropriate "segments," and to treat the construction proposed for each "segment" as an independent "project" to be analyzed in an EIR/EIS. While this approach is reasonable in general, the law does not permit the Authority to focus its CEQA and NEPA review on only a *part* of what the Authority has

BO029-11

determined is an appropriate project segment. To do that is to "piecemeal" the "whole" of the proposed construction project, and that is what CEQA and NEPA do not allow.

The Authority has indicated in its Business Plan that the Initial Operating Segment (IOS) for the statewide system will be built from Merced to Bakersfield. This decision is a decision by the Authority on what constitutes an appropriate segment of the statewide system to treat as an individual construction "project." That decision having been made, it is not consistent with either CEQA or NEPA for the Authority artificially to divide that project (the IOS) into two different segments, and to analyze them separately. Yet, that is exactly what the Authority is seeking to do.

The Authority has previously certified a stand-alone EIR/EIS for the portion of the system running from Merced to Fresno, and now seeks to do another stand-alone analysis for the portion of the system running from Fresno to Bakersfield. This is an attempt to "piecemeal" the "whole" project, since the proposed construction "project," in this case, is the IOS, as established by the Authority itself, and that IOS runs from Merced to Bakersfield.

Here are just two reasons why this concern about "piecemealing" the environmental analysis of the IOS makes a real difference in the real world:

A. A major environmental impact of the proposed construction (in both the Merced to Fresno and the Fresno to Bakersfield "segments" of the IOS is the impact of the proposed construction on farms and farmland. By separating this unified segment (the IOS) into two independent segments, the Authority greatly diminishes its ability to seek the route between Merced and Bakersfield that can best eliminate or minimize the project's impact on farms and farmlands.

B. Since the entire IOS, running from Merced to Bakersfield, is the initial segment that the Authority plans to construct, the funding available for both construction and necessary mitigation measures must be applied over both the Merced to Fresno portion of the route, and the Fresno to Bakersfield portion of the route. However, if the mitigations and the construction details for one portion of the unified IOS has been determined before any attention is given to the second portion, the second portion (in this case the Fresno to Bakersfield portion) is shortchanged.

CCHSRA has been consistent in this matter. In our October 12, 2011 letter on behalf of CCHSRA, commenting on the DEIR/DEIS for the Merced to Fresno portion of the IOS, we protested the "piecemealing" process:

The Draft EIR/EIS Improperly Piecemeals Consideration of Project Impacts. CEQA forbids public agencies from "piecemealing" or segmenting a project by splitting it into two or more parts, and then analyzing the parts independently. It is clear that neither the statute nor the courts will permit "environmental considerations … [to]… become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous

Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - Continued

BO029-11

consequences" (*Burbank Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592).

Our protests were not heeded then. We hope this time they will be. It continues to be true that the Authority is attempting to divide a single project (the proposed construction in the IOS) into two different parts, and then to analyze each part independently. This is not permitted by CEQA or NEPA, and to the extent that the Authority does not correct this error, and consider the proposed construction of the IOS from Merced to Bakersfield as a single "project," the RDEIR/SDEIS is legally inadequate.

11. CEQA and NEPA require an EIR or EIS fully to disclose the impacts of a proposed project. That means that the EIR or EIS must survey existing conditions adequately, to establish the "baseline" from which project impacts will be measured. If an EIR or EIS fails adequately to establish the existing "baseline" conditions that will be affected by a proposed project, then that EIR or EIS is inadequate as a matter of law. As the individually submitted comments prepared by Land Protection Partners, Provost & Pritchard, and Blue Sky Consulting Group make clear, the RDEIR/SDEIS has failed to establish an appropriate "baseline" from which to measure various kinds of environmental impacts. The problem is general throughout the RDEIR/SDEIS. Once the document has been revised to incorporate appropriate baseline information, the identified impacts of the proposed project must then be specifically and properly related to the baseline conditions. After that is done, the corrected document must then be recirculated for additional public review and comment.

BO029-12

12. Attached to this letter [Attachment A] is a letter to the Authority dated October 13, 2011, from the American Farmland Trust (AFT). Its remarks are incorporated here by reference. The AFT points out that the Draft EIR/EIS for the Merced to Fresno portion of the proposed IOS makes a completely unsubstantiated claim that the high-speed train system would "concentrate growth," while all reliable information indicates just the opposite. Essentially, the same claim is made in the RDEIR/SDEIS, on Page 3.18-36 ("the HST alternative would encourage more compact, efficient land use in the region…"). What factual information, if any, justifies that claim?

13. We note that the RDEIR/SDEIS does admit that the proposed Kings/Tulare Regional Stations would have a significant growth-inducing impact (Page 3.18-35). The suggestion in the RDEIR/SDEIS is that the Authority "would support local government regulations to continue to discourage growth in the agricultural area around the Kings/Tulare Regional Station alternatives" (Page 3.18-37). This is obviously not an adequate or effective mitigation measure for what is clearly a significant impact, since the Authority's "support" for good land use planning would have no legal impact, and the statement that the Authority would provide such "support" is simply a pious statement that would have no effect whatsoever on the real impact of the construction it is proposing to carry out. Since the RDEIR/SDEIS properly finds a real impact on key agricultural resources, the Authority should do more than make pious statements. The RDEIR/SDEIS must be revised to include an analysis of how the proposed project could be redesigned to eliminate the placement of these two proposed stations, and to evaluate the impact that this would have on the ability of the project to achieve its overall objectives. Without adding this kind of analysis,

BO029-12

followed by an opportunity for further public review and comment, the RDEIR/SDEIS is legally deficient.

14. As indicated in the AFT letter, the likely impact of the proposed project would be significant new growth inducement and sprawl, with attendant impacts on water supply and water quality, air quality, and loss of productive farmlands (beyond those more directly impacted by the construction of the project). The RDEIR/SDEIS admits that the proposed project would increase population by approximately 2% to 3% over the 2035 population forecasted for the four-county region and would also increase employment by about 3% over the otherwise expected growth (Pages 3.18-30 and 3.18-32). The RDEIR/SDEIS then illogically concludes that this new economic and population growth would lead to "reduced automobile travel on major freeways" (Page 3.18-30). How can the Authority claim that there will be significant new population growth and economic growth, but that local use of freeways will go down? What facts substantiate this claim?

BO029-13

15. CEQA requires public agencies to avoid or mitigate the significant environmental impacts of the projects that it approves or carries out, whenever it is feasible for the agency to do that. The EIR for a project must adequately describe and analyze the mitigation measures that will be utilized to comply with this "substantive mandate" of CEQA. If an EIR fails to establish performance standards for proposed mitigation measures, or fails adequately to describe and analyze all the likely impacts of proposed mitigation measures, including secondary impacts, then that EIR is inadequate as a matter of law. In addition, CEQA also does not allow public agencies to "defer" the development of proposed mitigation measures. As illustrated in the comments of the consultants who reviewed the RDEIR/SDEIS on behalf of CCHSRA, the RDEIR/SDEIS systematically defers or fails adequately to propose the kind of detailed mitigation measures that CEQA requires be developed, and then adopted as conditions in connection with any project approval. Appropriate mitigation measures for identified impacts must be proposed in a revised EIR/EIS, and that revised document must then be recirculated for further public comment.

16. CEQA and NEPA require an agency proposing a project to discuss and analyze a reasonable range of alternatives. If an EIR or EIS fails to describe and analyze truly different alternatives, or fails to make an adequate comparison between different alternatives, then that EIR or EIS is inadequate as a matter of law. The RDEIR/SDEIS fails to propose and analyze a reasonable range of alternatives, as both CEQA and NEPA absolutely require. This is particularly important in the context of CEQA, because it is only through an adequate alternatives analysis that the agency can find ways to comply with CEQA's "substantive mandate" to eliminate or mitigate environmental impacts to the greatest degree feasible. The current RDEIR/SDEIS fails the test, at least partly because it erroneously relies on earlier, so-called Tier 1 documents that the Authority considers to have "settled" various questions. As noted earlier, the current Draft EIR/EIS is not properly tiered on earlier documents, and that means that the RDEIR/SDEIS must truly consider potential alternatives that could avoid routing the proposed HST through the middle of hundreds of productive farms. The routing(s) proposed in the RDEIR/SDEIS all place the future of the agricultural economy of the Central Valley at significant risk. CCHSRA asks, specifically: why not really examine and analyze an alternative generally following the

Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - Continued

BO029-13

route of I-5? We ask the Authority to analyze this I-5 alternative, and other reasonable alternatives that actually follow existing transportation corridors, in a redrafted and recirculated EIR/EIS.

17. An examination of the I-5 alternative is particularly justified because the I-5 corridor was never actually given any extensive analysis. A "Timeline" that demonstrates this fact is attached to this letter [Attachment B]. In addition, as indicated in the quotation below, the main reason given in the Final "Program Level" EIR/EIS for eliminating the I-5 alignment was that an alignment along Highway 99 was held to have more benefits than an I-5 alignment, specifically because more riders would be attracted (Final Program Level EIR/EIS, Page 2-34):

> **C. INTERSTATE 5 CORRIDOR (SACRAMENTO TO BAKERSFIELD)**
> Review of the I-5 and SR-99 corridors showed that, although the SR-99 corridor options would be about 6% more costly than the I-5 corridor options, the SR-99 corridor would provide far better service to the growing Central Valley population, while offering fast, competitive service between the San Francisco Bay Area and Los Angeles metropolitan regions. The SR-99 corridor was found to have the highest overall ridership potential, with ridership projections estimated at 1.2 million more annual passengers than the highest I-5 corridor projections (Charles River Associates 1996). The I-5 corridor has very little existing or projected population between the San Francisco Bay Area and Los Angeles. In contrast, according to the California Department of Finance, well over 3 million residents are projected to live between Fresno and Bakersfield along the SR-99 corridor by 2015, which directly serves all the major Central Valley cities (Charles River Associates 1996). Residents along the SR-99 corridor lack a competitive transportation alternative to the automobile, and the Commission's detailed ridership analysis showed that they would be ideal candidates to use an HST system. The I-5 corridor would not be compatible with current land use planning in the Central Valley that accommodates growth in the communities along the SR-99 corridor. Express trains in the SR-99 corridor would connect San Francisco to Fresno in just 1 hr and 15 min, and Fresno to Los Angeles in 1 hr and 20 min. This corridor would link San Francisco to Bakersfield in about 1 hr and 50 min, and Bakersfield to Los Angeles in less than 50 min. The SR-99 corridor was estimated to have 3.3 million more intermediate-market ridership (passengers to or from the Central Valley) per year than the highest I-5 corridor projections. Therefore, while SR-99 corridor travel times would be 11 to 16 min longer than the I-5 alternatives between Los Angeles and San Francisco, overall ridership and revenue for the SR-99 corridor would be higher. The Commission considered linking the I-5 corridor to Fresno and Bakersfield with spur lines but rejected this concept since it would add approximately $2 billion to the I-5 corridor capital costs, provide less ridership than the SR-99 corridor, and create severe operational constraints (California Intercity High Speed Rail Commission 1996).

Even if the ridership analysis used by the Authority were reliable, which it is not, the current project proposal no longer follows an alignment along Highway 99 between Fresno and Bakersfield, nor is such an alignment adequately analyzed in the RDEIR/SDEIS. The decision to exclude an analysis of the I-5 alternative cannot, therefore, be justified by a

BO029-13

claim that the Highway 99 alignment was analyzed instead as a preferable example of an alignment following a major transportation corridor.

The I-5 alignment must be studied to provide the required "reasonable range of alternatives." That means "real" alternatives, proposing different approaches to achieving project objectives The so-called "alternatives" actually presented in the RDEIR/SDEIS are not "real" alternatives, but are merely variations of a single alignment option, an alignment that goes through productive farm areas, instead of along existing transportation corridors, which is what the "program level" EIR/EIS promised in 2005. This is indisputably a situation in which an alternative (the I-5 alternative) has been refined out of the project level environmental document without an adequate explanation why it is not the least environmentally harmful alternative, and in that sort of situation, both CEQA and NEPA demand that an adequate and responsible review of this alternative be provided in the EIR or EIS.

It is telling that in a November 2002 MOU between the Authority and United States Department of Transportation, the Federal Railroad Administration, the United States Environmental Protection Agency, and the United States Army Corps of Engineers, a copy of which is attached to this letter [Attachment C], and which governs the joint environmental review of the HST project by the signatory agencies, there is a specific promise that Tier 2 project level reviews will not necessarily be limited to Tier 1 program level alternatives:

> As sections of the proposed HST system are advanced, these Tier 2 reviews will examine a range of HST project alternatives within corridors and at station locations selected in the Tier 1 EIR/EIS in addition to other corridors or alternatives that may be identified through public scoping, or through the availability of new information or analysis not considered during the Tier 1 phase, as well as a no action alternative. [MOU, Page 3]

Both CEQA and NEPA require that the RDEIR/SDEIS review a reasonable range of alternatives. That means, without doubt, that the RDEIR/SDEIS must analyze an I-5 alternative, with the revised document then recirculated for additional public comment.

18. The MOU just referenced in Comment #17 [Attachment C] reinforces a point made earlier in this comment letter. The MOU indicates that the Army Corps of Engineers requires a "60 percent or greater engineering design…." before it will be able to made a preliminary recommendation on the proposed project [MOU, Page B-5]. As indicated earlier, the "project" for which the RDEIR/SDEIS has been prepared is not yet a clear, certain, and well-defined "project," and thus the RDEIR/SDEIS is legally inadequate.

BO029-14

19. Attached to this letter is a map showing the location of an oil field, and nearby water wells [Attachment D], which would be directly impacted by the proposed Wasco-Shafter Bypass Alternative. The possible groundwater and safety impacts of this alignment have not been adequately studied in the RDEIR/SDEIS. It is also worth noting that the

Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - Continued

BO029-14

Wasco-Shafter Bypass Alternative would conflict with four more petroleum and fuel pipelines than would the corresponding section of the BNSF Alternative.

20. Attached is a Table [Attachment E] summarizing information from revised Task Orders from several Master Agreements between the Authority and local agencies and utilities, all relating to the construction proposed in the Merced to Fresno segment. The Task Orders themselves are not attached here, but are, of course, in the possession of the Authority. The Task Orders show that the costs of utility and roadway relocation and new construction activities will exceed $1.5 Billion for the 29-mile "Construction Package 1" (CP1) area. When that cost is extrapolated to the entire 130-mile "Initial Operating Segment" (IOS) these costs would exceed $6.9 Billion. Notably, these costs do not include right of way acquisition, track construction, station construction, the construction of a Heavy Maintenance Facility, or any mitigation costs. In view of these demonstrated costs, which provide a realistic look at the magnitude of the costs associated with the HST, the point earlier made about the need to consider the entire IOS as an integrated "whole" is dramatized. These costs also raise a question whether any mitigation whatsoever will ever be implemented, and make it particularly suspect that any "deferred" mitigation or analysis will ever be done. How can the Authority actually guarantee that identified environmental impacts will be mitigated, in view of the limited funds currently available for the project, and the demonstrable truth that the costs of the project, within the Merced to Bakersfield segment of the system, exceed currently available funds?

BO029-15

BO029-16

21. The Authority's Technical Memo TM-2.1.2, approved in March, 2009, indicates that the Federal Railroad Administration (FRA) does not have current track safety standards that would permit the operation of trains at speeds over 200 miles per hour. This Technical Memo can be found at - http://cahighspeedrail.ca.gov/assets/0/152/301/e5d9faf3-d8b1-487d-8900-aa2a0f3754cd.pdf.

We believe that the RDEIR/SDEIS is deficient in not providing an adequate analysis of various safety-related issues, specifically issues involving the following factors:

A. The high speeds proposed for trains.

B. The need for constant inspection and repair of the high-speed train track. (A disadvantage of traditional track, as proposed by the Authority, is the heavy demand for maintenance of surfacing and lining).

C. The collective combination of high capacity, low minimum headway, certain types of soil profiles, heavy rolling stock, and high speeds which can trigger internal pressure shock and significant amplification of track vibratory and ground motions leading to rapid deterioration of the sub-rail components and the track itself (damage and/or displacement) which leads to catastrophic failure (derailment) and possible ground failure.

BO029-17

D. The impact of ground vibration on the soft soils characteristic of much of the land between Fresno and Bakersfield, including soil types along each of the various alignments identified in the RDEIR/SDEIS.

We believe that the Final RDEIR/SDEIS must do additional analysis of these issues, with a specific focus on the intersection between speed, vibration, and soil type. The analysis provided in the current RDEIR/SDEIS is inadequate. Attached is the Table of Contents of a book titled, *Noise and vibration from high-speed trains* [Attachment F]. We believe that this book, and other technical references, should be utilized by the Authority to develop an adequate analysis of these potentially serious safety issues. If rail defects were to occur because of the combination of train speed, vibration, and soil type, the consequences in a "best case" scenario would be a substantial addition to maintenance costs, coupled with associated disruptions to service (which obviously would have revenue impacts). In the worse case, both loss of life and significant property damage might result. Additional analysis is needed as a Final EIR/EIS is developed.

BO029-18

22. It is impossible properly to evaluate the proposed high-speed train system, or to carry out an adequate environmental review and analysis of the proposed project, without making certain that the "ridership" assumptions used in designing the system (and in evaluating its impacts) are well founded and accurate. In effect, the ridership modeling utilized by the Authority was an essential part of the project description. In this case, the Authority has based its system design on a ridership model and analysis provided by Cambridge Systematics. The model Cambridge Systematics model has been properly criticized by experts in transportation modeling, and its flaws have been demonstrated. These critical reviews, which have found the Cambridge Systematics model to be inadequate, include an analysis by the prestigious Institute of Transportation Studies at UC Berkeley. In short, the ridership model is so deficient that it cannot be relied upon to give accurate information that will provide a good basis for system design. A community group called Californians Advocating Responsible Rail Design (CARRD), and one of the group's founding members, Elizabeth Alexis, have provided an accurate and principled critique of the Cambridge Systematics model. Materials commenting on ridership, demonstrating the inadequacy of the model used, are located at - http://www.calhsr.com/resources/ridership-forecast/

BO029-19

The CARRD website, referenced, contains a specific analysis and critique of the segment of the ridership modeling used by the Authority for the IOS, including for the part of the system between Fresno and Bakersfield. One major flaw in the Cambridge Systematics model is an erroneous frequency of service coefficient.

It is imperative that the Authority correct its ridership model and reanalyze the proposed project using a model that will accurately predict ridership, coupling that analysis with corrections to other assumptions that are key to developing an accurate prediction of ridership and patronage. We specifically refer the Authority to the analysis submitted by Blue Sky Consulting Group, pointing out other specific problems with the way the Authority has proceeded with respect to analyzing possible impacts the RDEIR/SDEIS. Once a revised EIR/EIS has been prepared, utilizing an accurate ridership model, and

Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - Continued

accurate transportation demand assumptions, that revised document must be recirculated for further public comment.

BO029-20

23. As briefly noted earlier, the RDEIR/SDEIS does not properly analyze what the impacts of the proposed project will be if the entire statewide system is not completed. In fact, there is very little funding currently available to build the entire high-speed train project. It "might be," thus, that the complete project will never be completed in the form envisioned in the 2005 "program level" EIR/EIS. Even if the entire system is completed "sometime," it is likely that the project will not be completed "soon." Because this is true, the RDEIR/SDEIS must analyze the "possible" impacts that are associated with partial completion, delayed completion, or non-completion of the overall, statewide project. This kind of analysis has not been done, and until it is done, the RDEIR/SDEIS is deficient under CEQA and NEPA.

Virtually all of the possible "benefits" of the project, potentially including air quality improvements, the diversion of automobile and airplane trips to rail, the elimination of greenhouse gas emissions, and the reduction of the need to build more highways and airports, depend on the project being finished. Since that is not certain, the RDEIR/SDEIS must be augmented by an accurate analysis of what the impacts will be if the project is not completed, or if it is completed on a much later schedule than currently anticipated:

A. What will the net air quality impacts be if the project is not completed?

B. What will be the impact on the state's highway system if the project is not completed?

C. What will be the impacts on transportation in the Central Valley if the project is not completed?

Unless the RDEIR/SDEIS answers these (and similar) questions, it is legally deficient.

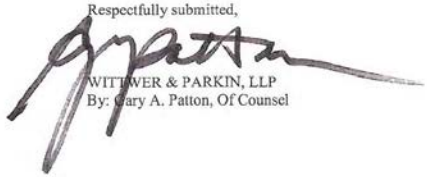
BO029-21

24. We believe that the RDEIR/SDEIS does not adequately analyze the possible impacts of one of the proposed alignments on the Allensworth State Historic Park. The Park is mentioned, mostly in passing, in several places in the RDEIR/SDEIS, but the potential impacts of a high-speed train system on the Park are not actually outlined or analyzed. We have attached various materials relating to this issue [Attachment G]. While these materials attached related to a different potential impact (a proposed dairy operation), it is clear from a review of these materials that the Park has a great historical significance, and that its recreational, historic, and cultural values could be very significantly impaired by one of the proposed alignments. The Final EIR/EIS for the proposed project needs to carry out a comprehensive environmental review of this potential impact.

Conclusion

Thank you for taking our comments seriously. We hope that after reviewing and responding to our comments, and to the comments of other interested individuals, groups, and governmental agencies, that the Authority will issue a revised EIR/EIS that conforms to the requirements of CEQA and NEPA, and that the Authority will then circulate this redrafted document for further public review and comment. We strongly believe that this is what the law requires.

Respectfully submitted,



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Response to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012)

BO029-1

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

The Authority and FRA believe the public and agency review and public comment period provided on the Draft EIR/EIS and Revised DEIR/Supplemental DEIS was adequate; none of the concerns raised by the commenter warrant extending the review period beyond that which has already been provided.

BO029-2

Chapter 2, Altenatives, of the EIR/EIS provides a description of the proposed project and the alternatives carried forward in the environmental document. This description includes the type of train to be used, the traction power system, the horizontal and vertical location of track alternatives, cross sections of the infrastructure with measurements, precise station footprints with site configuration for station alternatives, and temporary construction staging sites and facilities. The EIR/EIS provides a "project footprint" overlaid on parcel maps, which shows the outside envelope of all disturbance, including both permanent infrastructure and temporary construction activity. The EIR/EIS also includes the amount of land to be acquired/disturbed, heavy maintenance facility alternatives, transmission lines and substations with access roads and spur roads, types and locations of water crossings, extent of ballast and tie versus concrete slab track, wildlife crossing structures, modified highway intersections and frontage roads, new and modified roadway overpasses, and construction staging areas and concrete batch plants. This information is adequate to conduct an environmental analysis of project alternatives.

BO029-3

Chapter 2.0 of the EIR/EIS provides a description of the proposed project and the alternatives carried forward in the environmental document. This description includes the type of train to be used, the traction power system, the horizontal and vertical location of track alternatives, cross sections of the infrastructure with measurements, precise station footprints with site configuration for station alternatives, and temporary construction staging sites and facilities. The EIR/EIS provides a a "project footprint" overlaid on parcel maps, which shows the outside envelope of all disturbance, including both permanent infrastructure and temporary construction activity. The EIR/EIS also includes the amount of land to be acquired/disturbed, heavy maintenance facility alternatives, transmission lines and substations with access roads and spur roads, types and locations of water crossings, extent of ballast and tie versus concrete slab track, wildlife crossing structures, modified highway intersections and frontage roads, new and modified roadway overpasses, and construction staging areas and concrete batch plants. This information is more than adequate to conduct an environmental analysis of project alternatives.

BO029-4

Refer to Standard Response FB-Response-PU&E-01, FB-Response-PU&E-02.

An EIR project description is intended to be general, not detailed (California Environmental Quality Act [CEQA] Guidelines Section 15124[c]). Final design—or even advanced design—of infrastructure is not required in the project description (*Dry Creek Citizens Coalition v. County of Tulare* [1999] 70 Cal.App.4th 20, 36). The project description in the EIR/EIS is adequate to conduct an environmental analysis of project alternatives. The term "15% design" is an engineering term of art that refers to the level of engineering prepared on HST project elements for the EIR/EIS. The 15% design generates detailed information, like the horizontal and vertical location of track, cross sections of the infrastructure with measurements, precise station footprints with site configuration, and temporary construction staging sites and facilities. The 15% design also yields a "project footprint" overlaid on parcel maps, which shows the outside envelope of all disturbance, including both permanent infrastructure and temporary construction activity. This 15% design translates into a project description in the EIR/EIS with 100% of the information that is required under CEQA Guidelines Section 15124 (see *Dry Creek*, above, 70 Cal.App.4th at pp. 27-36 [upholding EIR conceptual project description as adequate when based on preliminary design]).

Section 2.2.6, Traction Power Distribution, of the Final EIR/EIS describes the electrification of the HST System.

BO029-5

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

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Response to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - Continued

BO029-6

Like many large infrastructure projects, the HST System would be built in phases. The initial construction section is the first phase in construction of the system. It is not the final project. The final project is the project defined in Proposition 1A. Please see the Revised 2012 Business Plan (Authority 2012a) on the Authority's website for a description of project phasing.

BO029-7

Refer to Standard Response FB-Response-GENERAL-13, FB-Response-GENERAL-17.

It is not true that the Initial Operating Section (IOS) will not be electrified. After the foundations, embankments, and structures are built, the rails will be installed. After the rails are installed, the traction power equipment will be installed. Amtrak can use the IOS before, during, and after installation of the traction power equipment. This comment implies that phased construction means only one phase will be built. However, one phase is not what is planned or presented in the EIR/EIS or the Revised 2012 Business Plan (Authority 2012a).

This comment also assumes that a lead agency must define its project based on available funding. However, the California Environmental Quality Act (CEQA) includes no such rule, and courts cannot impose procedural or substantive requirements beyond those explicitly stated in the statute or Guidelines (Pub. Res. Code § 21083.1). Such a rule would force lead agencies to re-define their projects every time funding changes, a result that would be in direct conflict with the "rule of reason" that governs EIRs (*Laurel Heights Improvement Assn. v. UC Regents* [1988] 47 Ca1.3d 376, 406-407).

BO029-8

The Authority has prioritized a portion of the Merced to Fresno Section and the Fresno to Bakersfield Section as the first section of the California HST System to be built to meet the funding requirements of the American Recovery and Reinvestment Act of 2009 (ARRA). This Initial Construction Section (ICS) will be available for immediate use for improved and faster service on the San Joaquin intercity line before the initiation of HST service on the Initial Operating Section (IOS) in 2022. Interim use of the ICS would occur on the same tracks analyzed in this EIR/EIS, and therefore the footprint for the

BO029-8

HST project and the analysis of footprint effects is the same for the HST or for interim Amtrak use. The Final EIR/EIS adds additional information about possible operational impacts from a portion of current Amtrak San Joaquin service occurring on the ICS and this analysis indicates no additional impacts beyond those disclosed already in this document for the whole HST. Initiation of Amtrak service on the ICS would be at the discretion of Amtrak.

BO029-9

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

These comments confuse the phasing of construction with the ultimate project, which is addressed in the EIR/EIS. That project is an HST alignment from Fresno to Bakersfield with stations in Fresno, Bakersfield, and the Hanford area.

The Authority has prioritized a portion of the Merced to Fresno Section and the Fresno to Bakersfield Section as the first section of the California HST System to be built to meet the funding requirements of the American Recovery and Reinvestment Act of 2009 (ARRA). This Initial Construction Section (ICS) will be available for immediate use for improved and faster service on the San Joaquin intercity line before the initiation of HST service on the Initial Operating Section (IOS) in 2022. Interim use of the ICS by Amtrak would involve the same tracks within the same project footprint as the HST project, and therefore the impacts of the track footprint are the same as disclosed in Chapter 3. Additional information included in the Final EIR/EIS indicates that operations of a portion of the Amtrak San Joaquin service on the ICS would not result in additional operational effects than as disclosed for the whole HST project. Whether this service is initiated is at the discretion of Amtrak. If service is undertaken, Amtrak would be responsible for the subsequent environmental analysis of whatever operational scenario it would propose on an interim basis.

BO029-10

Refer to Standard Response FB-Response-GENERAL-06.

The EIR/EIS is tiering by considering the broad policy decisions previously reached about the system that are based on the program EIRs as the starting point for a more

Response to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - Continued

BO029-10

detailed analysis of the impacts of implementing the HST System from Fresno to Bakersfield. Section 1.6 describes the changes to the Revised 2012 Business Plan, including how the Phase 1 blended system includes making improvements to existing rail systems in the San Francisco Bay Area and the Los Angeles Basin regions. The environmental impact analysis conducted in the Fresno to Bakersfield EIR/EIS remains accurate because this segment analyzes the impacts of constructing new high-speed infrastructure in the Central Valley. The environmental impacts of the improvements to existing rail systems in the San Francisco Bay Area and the Los Angeles Basin regions will be analyzed in separate environmental documents.

The EIR/EIS is not legally deficient; it provides a clear project description in Chapter 2 for the HST segment between Fresno and Bakersfield and analyzes the environmental impacts consistent with the requirements of CEQA and NEPA.

BO029-11

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-02, FB-Response-GENERAL-17, FB-Response-GENERAL-22.

The Fresno to Bakersfield EIR/EIS provides an adequate tiering roadmap by explaining the first-tier EIR/EIS processes undertaken by the Authority and FRA, the decisions made at the first tier, and how the first-tier decisions have carried forward for further analysis at the second tier. The project proposed by the Authority is the same HST project identified in the first-tier environmental documents prepared for the Statewide HST System. However, this comment postulates that the project consists of the first construction phase of the project only, based on the unsubstantiated claim that there would be no additional funding for the project after the initial construction phase.

As discussed in Chapter 2, Alternatives, of the Final EIR/EIS and Standard Response FB-Response-GENERAL-02, the Authority has evaluated alternatives in the BNSF Railway (BNSF) corridor from Fresno to Bakersfield that stay within existing public and railroad rights-of-way to the extent feasible. Approximately 31 miles of the 114-mile-long Fresno to Bakersfield Section in Fresno and Kings counties does not include alternative alignments that following the BNSF corridor. As described in the Statewide Program EIR/EIS for the California HST System (Authority and FRA 2005), the Preferred

BO029-11

Alternative following the BNSF corridor bypasses the city of Hanford to the east. This alternative was carried forward in the project EIR/EIS on the Fresno to Bakersfield Section, as were other alternatives that bypass the city to the west. Also, the Authority reconsidered an alignment that more closely follows the existing BNSF corridor through Hanford and an alternative that follows the Union Pacific Railroad (UPRR) and State Route (SR) 99 corridors farther to the east. Neither of these alternatives was carried forward in the project EIR/EIS for the Fresno to Bakersfield Section because of environmental impacts and/or practicability issues, as described in Chapter 2, Alternatives, of the Final EIR/EIS, Standard Response FB-Response-GENERAL-02, and the Checkpoint B Summary Report (Authority and FRA 2011g).

The project EIR/EIS for the Fresno to Bakersfield Section also carried forward alternatives that deviated from the BNSF corridor in the Corcoran, Allensworth, and Wasco-Shafter areas. These alternatives were considered for a variety of environmental reasons, including impacts on local communities, the Colonel Allensworth State Historic Park, the Allensworth Ecological Reserve, and waters of the U.S. These alternatives were evaluated, along with alternatives that follow the BNSF corridor. The Preferred Alternative for the project is based on the environmental effects of each alternative considered for the project, as described in the Final EIR/EIS.

An EIR project description is intended to be general, not detailed (California Environmental Quality Act [CEQA] Guidelines § 15124[c]). Final design or even advanced design of infrastructure is not required in the project description (*Dry Creek Citizens Coalition v. County of Tulare* [1999] 70 Cal.App.4th 20, 36). The question is whether the project description narrowed the scope of environmental review or prevented a full understanding of the project and its consequences (ibid.).

Abundant substantial evidence in the record demonstrates that the project description was more than adequate for the environmental analysis of the project. The term "15% design" is an engineering term of art that refers to the level of engineering prepared on HST project elements for the EIR. The 15% design generates detailed information, like the horizontal and vertical location of track, cross sections of the infrastructure with measurements, precise station footprints with site configuration, and temporary construction staging sites and facilities. The 15% design also yields a "project footprint"

Response to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - Continued

BO029-11

overlaid on parcel maps, which shows the outside envelope of all disturbance, including both permanent infrastructure and temporary construction activity. This 15% design translated into a project description in the EIR with 100% of the information that is required under CEQA Guidelines Section 15124 (see *Dry Creek*, above, 70 Cal.App.4th at pp. 27-36 [upholding EIR conceptual project description as adequate when based on preliminary design]).

A higher level of design is not necessary because a 15% design provides enough information for a conservative environmental analysis. A higher level of design provides refinement, but does not yield more information needed for adequate CEQA review. For example, if a lead agency knows the location, size, and basic design of a building, it has enough information for environmental review. The details about whether the water system will use polyvinyl chloride (PVC) or copper pipe or whether windows will be vinyl or wood are not necessary for assessing the impacts of building construction. Further, it is common practice with larger transportation infrastructure projects to prepare the environmental analysis before completion of the final design.

Substantial evidence shows that the Authority has properly tiered, not "piece-mealed," its environmental review. From the two first-tier program EIRs (Authority and FRA 2005, 2008; Authority 2010a, 2012d), the Authority selected track technology, general track alignments, and preferred station locations. Subsequently, the Authority divided the HST System into geographically smaller pieces, called HST sections, for second-tier EIRs. Moving from a first-tier project to a more second-tier projects of limited geographic scope is precisely what tiering is for (Pub. Res. Code § 21093; CEQA Guidelines § 15152). At a practical level, the HST System is simply too big to be addressed in a single second-tier EIR or even just two or three. It was within the Authority's discretion to define the second-tier projects, and the only question is whether the Authority's division of the second-tier projects is supported by substantial evidence. The record shows it is.

The Authority originally defined a single project and EIR for Merced to Bakersfield, but later revised it into two second-tier projects: the Merced to Fresno Section (65 miles long) and the Fresno to Bakersfield Section (114 miles long), both of which include portions of the proposed Initial Construction Section (ICS). This comment indicates that the project should have stayed as Merced to Bakersfield, but the smaller project

BO029-11

definition was reasonable. Each project has logical termini at cities selected to have HST stations at the first tier, has sufficient length to allow for an analysis of environmental impacts on a broad scope, and has independent utility separate and apart from any other section (see *Del Mar Terrace Conservancy, Inc. v. City Council of the City of San Diego* [1992] 10 Cal.App.4th 712, 733 [upholding EIR that treated as the "project" at issue one freeway segment within a long-term, multi-segment regional plan]). Furthermore, as a practical matter, analyzing the Merced to Fresno section and the Fresno to Bakersfield section in a single EIR/EIS would not provide additional information value beyond what has been provided in the two separate EIR/EISs for each section. A single EIR/EIS for all of Merced to Bakersfield would have been not just voluminous, but unwieldy and so complex that its size would defeat its information value. (Stand Tall on Principles v. Shasta Union High School Dist. (1991) 235 Cal.App.3d 772, 782.) The Fresno to Bakersfield EIR/EIS considers the adjacent Merced to Fresno section in the cumulative impacts discussion in those resource areas appropriate for such a cumulative discussion. In this way, the effects of the adjacent sections are considered at the project level in an effective and manageable way.

Please refer to the responses to comments from Land Protection Partners, Provost & Pritchard, and Blue Sky Consulting Group as well as Standard Response FB-Response-GENERAL-22 regarding the adequacy of the baseline description in the EIR/EIS.

BO029-12

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

Item 12. The concerns raised in the letter from the American Farmland Trust were addressed and responded to in Volume IV: Response to Comments pg. 20-13 to 20-15 of the Final Merced-Fresno EIR/EIS, which is incorporated here by reference. Table 5.7 from the Economic Growth Report of Cambridge Systematics, Inc. (July 2003) shows information illustrating the differences between two scenarios (Market Trends and Land Use Densification). The Land Use Densification Scenario is what would occur if strategies were implemented to increase densities around the HST stations. The bracketed numbers represent the additional area in acres that is saved compared to the Market Trends and the not the amount lost. The Market Trends Scenario is considered the baseline and as described in the report about 10,000 fewer

Response to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - Continued

BO029-12

acres of urbanized land would be required under the Market Trends Scenario compared to the No Project in 2020 and about 2,600 acres in 2035.

The Authority has taken significant steps to work with local agencies and promote densification around station areas that would lead to compact and efficient growth. Examples of these are the Urban Design Guidelines (Authority 2011i) and the HST Station Area Development: General Principles and Guidelines developed by the Authority, and the station area planning funds the Authority has offered to the cities of Fresno and Bakersfield, and the Kings County Association of Governments, see FB-Response-GENERAL-03. Of these three agencies the City of Fresno has signed a funding agreement with the Authority as of January 2012. This pattern of growth is also encouraged by the San Joaquin Valley Blueprint and anticipated in the City of Fresno and City of Bakersfield General Plans, reducing the demand for new development areas to the extent that some of the region's anticipated future growth would be captured by the mixed-use TOD envisioned for the areas around stations. Without the added incentive of a high speed train station, these downtowns may not experience the same amount of dense, compact development, as growth could be easily steered towards easy-to-develop greenfield locations. Volume I Chapter 3.13 Station Planning, Land Use, and Development, provides further information on transit-oriented development as well as highlights the policies and local regulations that are currently in place to encourage concentrated growth around the HST stations. The Kings/Tulare Regional Station (either West or East alternatives) is unique in that planning funds were made available to the Kings County Association of Governments to plan cooperatively with the cities of Hanford and Visalia for improved transit connections to their historic downtowns, in order to encourage growth to locate in those downtowns.

Item 13. To minimize growth-inducing impacts around the Kings/Tulare Regional Station alternatives, the Authority will provide funding for the California Department of Conservation (through the California Farmland Conservancy Program) to identify and acquire agricultural conservation easements, as described in the agricultural mitigation measures (see Section 3.14.7). The Authority lacks both the jurisdiction and the land use power to restrict development outside of the project footprint. Kings County has expressed a strong interest in the Authority's comments to preserve agricultural lands adjoining the prospective station sites. The county has the authority to do so by

BO029-12

retaining its current general plan and zoning designations on those lands and will exert that authority, assuming its interest is genuine.

The project includes these proposed stations, and no consideration will be given to their complete elimination because a Kings/Tulare Regional Station would provide a valuable service to the area. An alternative without a Kings/Tulare Regional Station would not meet most project objectives, specifically, the following:

- *Provide intercity travel capacity to supplement critically over-used interstate highways and commercial airports.* The Kings/Tulare Regional Station would relieve congestion on Highway 99 by providing an alternative mode for long-range travel to and from Kings and Tulare counties. An alternative without such a station would not do so.
- *Meet future intercity travel demand that will be unmet by current transportation systems and increase capacity for intercity mobility.* Absent a Kings/Tulare Regional Station and the availability of a high-speed travel mode, there would be no increased capacity for mobility.
- *Maximize intermodal transportation opportunities by locating stations to connect with local transit, airports, and highways.* Without a Kings/Tulare Regional Station, an intermodal transportation opportunity would be lost.
- *Improve the intercity travel experience for Californians by providing comfortable, safe, frequent, and reliable high-speed travel.* Without a Kings/Tulare Regional Station, most inter-regional travel would continue to be by automobile. As discussed elsewhere in the responses to comments, existing HST systems in service in Europe and Asia that are comparable to the system being proposed here have proven to be extremely safe and reliable. Automobile travel, by contrast, is a leading cause of accidental deaths statewide and is subject to delay due to weather and road congestion.
- *Provide a sustainable reduction in travel time between major urban centers.* Travel between the Hanford/Tulare/Visalia area and other portions of the state would not be reduced absent the HST project.
- *Increase the efficiency of the intercity transportation system.* As discussed in Chapter 1, Purpose and Need, of the EIR/EIS, the feasibility of expanding many major highways and key airports is uncertain; some needed expansions may be impractical or may be constrained by physical, political, and other factors. The efficiency of the system is dependent on providing access to the HST System.
- *Develop a practical and economically viable transportation system that can be*

Response to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - Continued

BO029-12

implemented in phases by 2020 and generate revenues in excess of operations and maintenance costs. This objective is reliant to some extent on maximizing ridership through making the HST System available to potential users. Eliminating a Kings/Tulare Regional Station would reduce potential ridership and thereby reduce the profit of the system.

Item 14. The HST project would reduce automobile travel on major freeways as it would absorb some of the traffic generated from growth under the no-project-alternative; see the ridership and revenue forecasts that were developed by the Authority in partnership with the Metropolitan Transportation Commission on the Authority's website: http://www.hsr.ca.gov/About/ridership_and_revenue.html. California's population is growing rapidly and, unless new transportation solutions are identified, traffic and congestion will only worsen and airport delays will continue to increase. The proposed 220-mph HST System would provide lower passenger costs than travel by air for the same city-to-city markets. It would also increase mobility, while reducing air pollution, decreasing dependence on fossil fuels, and protecting the environment by reducing GHG emissions, and would promote sustainable development. By moving people more quickly and at lower cost than today, the HST System would boost California's productivity and enhance the economy. The growth inducing impacts of the HST project would be countered by the long-term benefits. The growth and development regional modeling in Section 3.18 are based on the highest HST ridership assumptions, which can be interpreted as a 'worst-case scenario', in that it represents the highest potential growth-related impacts. Even using the highest ridership assumptions, the analysis shows that the HST alternatives would result in population and employment growth by about 3% beyond the growth anticipated under the No Project Alternative. Therefore, the HST-induced growth would require minimal farmland conversion and extension of public infrastructure beyond the projections anticipated in current city and county planning documents. The EIR/EIS concludes that the results of this 'worst-case' growth impact analysis are less than significant, and due to the absence of substantial evidence to the contrary, no mitigation is required.

Section 3.2 Transportation covers the impacts of the HSR system to regional transportation system compared to the No Project Alternative.

BO029-13

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-02.

BO029-13

Please refer to FB-Response-GENERAL-02 regarding the elimination of an I-5 alignment from further study in the 2005 Statewide Program EIR/EIS.

The commenter suggests the reasons the I-5 alignment was eliminated from further consideration no longer apply. The commenter is incorrect. An I-5 alignment continues to be infeasible in that it would not meet project objectives and would not satisfy the project's purpose and need. While the I-5 corridor could possibly provide better end-to-end travel times compared to alignment alternatives that follow the SR 99 corridor, it would not meet project objectives and would not satisfy the project's purpose and need. First, because it is not where the bulk of the Central Valley population resides, the I-5 corridor would result in lower ridership and would not meet the current and future intercity travel demand generated by the Central Valley communities as well as the SR 99 corridor.[1] Second, the I-5 corridor would not provide transit and airport connections in this area, and thus would not meet the purpose and need and basic objectives of maximizing intermodal transportation opportunities and improving the intercity travel experience in the Central Valley area as well as the SR 99 corridor. Also, use of the I-5 corridor would encourage sprawl development – the opposite of what the HST System is intended to achieve, and was opposed by numerous agencies, including the U.S. Environmental Protection Agency (EPA).

Regarding the commenter's suggestion that the EIS/EIR does not analyze an adequate range of alternatives, please refer to FB-Response-GENERAL-02. The alternatives analyzed in the Revised DEIR/Supplemental DEIS provide sufficient variation to allow for informed decision-making while avoiding or substantially reducing the Project's significant environmental effects.

The commenter states that the 2002 MOU between the Authority and federal agencies states that:

As sections of the proposed HST system are advanced, these Tier 2 reviews will examine a range of HST project alternatives within corridors and at station locations selected in the Tier 1 EIS/EIR in addition to other corridors or alternatives that may be identified through public scoping, or through the availability of new information or

Response to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - Continued

BO029-13

analysis not considered during the Tier 1 phase, as well as a no action alternative.

The Revised DEIR/Supplemental DEIS is consistent with the approach stated in the MOU quoted by the commenter. Please refer to FB-Response-GENERAL-02 for a description of the alternative selection process. To the degree the commenter is suggesting that the Revised DEIR/Supplemental DEIS is inconsistent with the MOU in excluding an I-5 alignment alternative, the Authority and FRA disagree. An I-5 corridor would not meet project objectives and would not satisfy the project's purpose and need.

The commenter states that "MOU referenced earlier indicates that the Army Corps of Engineers requires a '60 percent or greater engineering design ….' Before it will be able to make a preliminary recommendation on the proposed project." The commenter takes this to mean that the project description for the Fresno to Bakersfield Section of the HST System is inadequate. Further, the Army Corps of Engineers requires a greater level of design than is required for preparation of an EIR/EIS because the EIR/EIS is a planning level document and not a permit document. The U.S. Army Corps of Engineers bases it's permit on the precise amount of fill the project would would be discharged into Waters of the U.S.

[1] Kantor, Shawn. The Economic Impact of the California High-Speed Rail in the Sacramento/Central Valley Area. University of California, Merced. September 2008.

BO029-14

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

The Authority appreciates the map provided in this submission. Since this submission, additional oil wells have been drilled along the Wasco-Shafter Bypass Alternative. The addition of the new oil wells does not alter the conclusions set forth in the Revised DEIR/Supplemental DEIS. As discussed in Sections 3.9 and 3.11 of the EIR/EIS, it would be necessary for the Authority to move existing active oil wells and replug and cap abandoned oil wells within the HST right-of-way.

Project impacts to irrigation systems including water wells, resulting curative work, and/or potential ramifications will be addressed during the appraisal process with

BO029-14

consultation from experts in the hydraulic engineering and agriculture management fields. The timing of any restorative work or reconfigurations will be addressed at the property acquisition stage and documented in the right-of-way contract. As explained in Section 3.8 of the EIR/EIS, because the project will be constructed and operated in compliance with applicable design standards, the project will not result in any significant impacts related to hydrology or water quality.

The Authority will fairly compensate landowners for loss or disruptions to their operations during the right-of-way acquisition process, including water wells. As discussed in Section 3.10, Hazardous Material and Wastes, under Impact MHW #3, construction on or in proximity to sites of potential environmental concern (PEC sites) could encounter contaminants or interfere with ongoing remediation efforts. The section goes on to discuss that construction at known PEC sites would require careful coordination with regulatory agencies and current landowners before advancing, so as to not impede ongoing remediation efforts at these locations. Where effects on PEC sites cannot be avoided, preconstruction activities would address the requirements for construction at PEC sites in coordination with regulatory agencies and landowners.

BO029-15

Mitigation is identified for all significant impacts analyzed in the Revised DEIR/Supplemental DEIS. The Authority has the full responsibility for implementation of the mitigation measures. The HST project financing includes funding for the cost of property acquisition and relocation of all displaced residents as well as all other costs associated with fulfilling the mitigation measures.

BO029-16

The risk-based system safety program applied to the development of the HST system includes consideration of operational procedures, rolling stock, track and roadbed infrastructure, geotechnical conditions, and all other ancillary systems, in whole and in relation to each other, as opposed to separately. These issues will be considered for their effects in operating at speeds up to 220 mph, and will be in conformance with international standards for high-speed operation, as well as with FRA regulations (under development) for higher-speed operation.

Response to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - Continued

BO029-17

The Noise group worked with the geologists to come up with the 18 transfer mobility testing sites that were representative of the types of soils in each area of the alignment. These transfer mobility test were used to verify how each soil type affects the propagation of the vibration energy from the tracks to the senstive receivers.
The vibration impact assessment is primarily designed to identify the potential human annoyance from vibration from HST operations for buildings with vibration-sensitive use as described by the FRA and FTA land use categories. However, all buildings in close proximity to the proposed alignments assessed for potential structural damage from HST operations and/or construction. The potential for damage from vibration from HST operations is limited to extremely fragile buildings located within 30 feet of the tracks. The HST right-of-way width varies from 120 feet for at-grade tracks, to approximately 60 feet for elevated fill, to approximately 45 feet for elevated structures. In general, the area of impact is therefore within or close to the project right-of-way. Typical buildings, such as residences, located outside this distance would not have the potential for damage from vibration.

Agricultural resources, such as crops, would not be affected by noise and vibration from HSTs.
As described in EIR/EIS Section 3.4.3, locations with potential vibration impacts in the project corridor are because of the potential for annoyance effects from HST operations. While the vibration at these locations might be felt by receivers, it would be well below the thresholds for damage to structures. It is helpful to note that the vibration levels generated by passing HSTs would generally be less than the levels generated by freight trains in the study area.

BO029-18

Refer to Standard Response FB-Response-N&V-03.

The FRA and FTA manuals were utilized in order to determine potential noise impacts at nearby noise-sensitive receivers.

BO029-19

Refer to Standard Response FB-Response-GENERAL-24.

BO029-20

Refer to Standard Response FB-Response-GENERAL-17.

The purpose of a CEQA and NEPA document is to inform the public and decision makers of the environmental implications of implementing the project. The EIR/EIS for the Fresno to Bakersfield Section describes the impacts associated with project construction. Speculation on whether the project is completed is not a legal requirement of CEQA and NEPA.

BO029-21

The impact analysis for Colonel Allensworth State Historic Park is discussed in Sections 3.7, 3.12, 3.13, 3.15, 3.16, and 3.17 of the Final EIR/EIS. The analyses in these sections address the impacts of not only the Parks historical significance and its recreational, historic, and cultural, values but also its relation to important biological habitats. Refer to Chapter 12, Index, for specific page locations. The materials regarding the mega-dairy projects near Allensworth State Park provided in Attachment G to the comment letter do not alter the analysis or conclusions presented in the EIR/EIS.

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf

Box 73856
Davis, CA 95617
October 13, 2011

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

Ladies and Gentlemen:

American Farmland Trust (AFT) respectfully submits these, its comments on the Draft Environmental Impact Report for the Merced-to-Fresno segment of the California High Speed Rail System.

AFT's interest in high-speed rail is primarily in minimizing the negative impact it will have on farmland and agriculture in the San Joaquin Valley. We fully support the idea of robust economic growth in the Valley, But we note that the economic engine of the region is, and is likely to remain, agriculture and believe that it is in the interest of everyone to assure that the industry remains healthy and that the resources on which it depends are not squandered. Our comments on the DEIR are offered in a spirit of cooperation with the intent of assuring that both the Authority and local governments in the Valley take full advantage of the potential of the high speed rail system to encourage compact, city-centered growth that conserves the region's irreplaceable farmland.

The basic premise of the DEIR as it addresses future growth is that high-speed rail will serve as a magnet for development, enabling local communities to revitalize their downtowns and to reduce the loss of farmland to suburban development. The document notes that local general plans call for city-centered, compact growth that avoids farmland, some of them specifically relying on high-speed rail to promote this goal. (DEIR Summary, S-11; DEIR 3.18-4, et seq.) It notes that research done for the Bay Area to Central Valley Program EIR shows that high-speed rail has helped concentrate growth around stations. (DEIR, 3.18-21) And it says that development associated with high-speed rail would result in less farmland conversion than the no-build alternative. (EIR, 3.18-23) Each of these statements is problematic.

Though the general plans of local governments in the Valley are well intentioned with respect to compact growth and avoidance of farmland, it is questionable whether they are succeeding in fulfilling those intentions. AFT's 2007 report, *The Future Is Now: Central Valley Farmland at the Tipping Point*, compared the language of city and county general plans with empirical measures of success in meeting their stated objectives. What it found was that, with respect to increasing densities and avoiding development of prime farmland, the performance of local governments fell short of the expectations embodied

ATTACHMENT A

in their plans. Thus, the confidence that the DEIR places in local plans and policies as a means of preventing sprawl may be misplaced.

One searches in vain through the DEIR for a reference to the research that supports the statement that high-speed rail has helped concentrate growth.[1] The one study AFT has been able to uncover – no doubt there are others -- is at best inconclusive on this subject.[2] It found that the dispersal of growth away from central cities slowed during the period that the TGV was inaugurated in France, but stopped short of concluding that high-speed rail was responsible for the shift. The data on which it relied show that, although city centers served by the TGV grew, the outlying area also grew, the latter absorbing 40 to 50 percent of the total population growth. Again, the confidence that the DEIR expresses that high-speed rail will result in compact, city-centered development, rather than more urban sprawl, is open to question.

The Cambridge Systematics study referred to in the footnote is also apparently the source of the statement that high-speed rail will save about 30,000 acres of farmland statewide compared with the no-build alternative. (DEIR 3.18-22) A closer inspection of the Cambridge study, however, reveals that in the San Joaquin Valley, the development associated with high-speed rail would actually increase farmland conversion by about 2,100 acres.[3] (CS, Table 5.7) How this conclusion was reached isn't exactly clear. But the discrepancy cast further doubt on the conclusion that high-speed rail will be a boon to San Joaquin Valley farmland.

The DEIR also suggests that local governments in the region could adopt "more aggressive strategies" than those in their current plans to further improve the prospects that high speed rail will, indeed, promote high-density downtown development and, thus, take pressure off prime farmland around the cities. (DEIR 3.18-22) AFT wholehearted agrees and suggests that, in mitigation of the potential impact of high-speed rail on San Joaquin Valley farmland, the Authority should seek to enter into agreements with cities and counties where stations are to be located for the purpose of promoting such strategies.[4] We also suggest that the Authority should set aside $10 million to finance the development and implementation of those strategies by the cities and counties, over and above the mitigation of the direct impact of the right-of-way in converting farmland. The direct impact, we suggest, should be mitigated by creating a mitigation bank that would enable advance mitigation for farmland losses due to the right-of-way acquisition, and serve as a revolving fund in conjunction with local government farmland mitigation programs.

[1] It could be the Economic Growth Report of Cambridge Systematics, Inc. (July 2003), which concluded, based on an examination of high-speed rail in France and elsewhere, that "even with HST service, the majority of people living, shopping or working in the station area will likely come from the surrounding community."
[2] Stanke, B., High Speed Rail's Effect on Population Distribution in Secondary Urban Areas An Analysis of the French Urban Areas and Implications for the California Central Valley, San Jose State University, June 2009
[3] Tulare and Kern together would lose an additional 3,257 acres while the remaining counties would lose 1,090 fewer acres of farmland.
[4] See strategies in the addendum to this comment letter.

2

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

In conclusion, AFT would like to reiterate that it supports high-speed rail – if and only if it will, indeed, contribute to a robust economy in the San Joaquin Valley without unduly harming agriculture or the resource base on which it depends. We would look forward to discussions with the Authority of the ideas and strategies suggested in this comment letter.

Respectfully,

Edward Thompson, Jr.
California Director

3

Addendum

AFT suggests that these are among the growth management strategies that could enable local communities to take advantage of high-speed rail to concentrate development in downtowns and save farmland:

- Urban growth boundaries for cities
- Monitoring of urban development density (proposed and actual) against benchmarks
- Ag mitigation programs in all jurisdictions based on density of development
- Prohibition or significant limitation of rural residential development and new towns
- Reduction in spheres of influence that are unreasonably large (would accommodate anticipated population at higher densities for more than 20 years or general plan lifespan)
- City-county agreements under which development in unincorporated areas is limited in exchange for revenue sharing to fund county services
- Form-based codes and fast track approval to encourage mixed-use downtown development
- Agreements with developers share cost of market failure of higher density projects

4

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

Central Valley Timeline
of High-Speed Rail Alternatives

This is a timeline of the analyses and reports which led to the 2005 Statewide Program Level EIR, focusing on the Sacramento-Bakersfield corridor. The bottom line is that the I-5 corridor was eliminated from consideration in 1995. It has not been studied for 17 years and has not undergone any formal study through the CEQA or NEPA process, which started in April of 2001.

Links to available supporting documents are below, along with the relevant text.

1993
The Intercity High-Speed Rail Commission was created. Source: SB 1420 (1996)

1994

1995
May 1995: "These findings [that among the three general corridors studied – Coastal Corridor, Interstate 5 (I-5) Corridor, and Central Valley (SR-99) Corridor – the Coastal Corridor had the least potential] were presented to the Commission in May 1995. Based on these findings and the preliminary ridership forecasts, the commission moved to redirect the focus of study to the I-5 and SR-99 corridors." - October 2001 Statewide Confirmation of Previous Decisions

"Subsequently, a more comprehensive evaluation of the I-5 and SR-99 corridors concluded that although the SR-99 Corridor options are somewhat more costly than the I-5 Corridor options, the SR-99 Corridor offers far better service to the growing Central Valley population, while still offering fast, competitive service between the Los Angeles and San Francisco Bay Area metropolitan regions. The SR-99 Corridor was also found to have the highest overall ridership potential. Additionally, testimony at Commission meetings and at public workshops indicated overwhelming public support for the SR-99 Corridor."
- October 2001 Statewide Confirmation of Previous Decisions

"In December 1995, environmental evaluation findings on the two corridors [I-5 and SR-99] were presented to the Commission." - October 2001 Statewide Confirmation of Previous Decisions

1996
February 1996: "Engineering evaluation findings followed in February 1996. Following the February presentation, the Commission moved to focus further study on the SR-99 Corridor. This continues to be the focus for the current phase of project development by the Authority." - October 2001 Statewide Confirmation of Previous Decisions

SB 1420 (1996 – Q. Kopp), known as the High Speed Rail Act, created the High Speed Rail Authority.

1997
January 1, 1997: The Intercity High-Speed Rail Commission is terminated and replaced by the High Speed Rail Authority.

ATTACHMENT B

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

1998

1999

The Final Corridor Evaluation Report did not consider or mention I-5 through the Central Valley. The I-5 corridor was eliminated in prior screenings; now they are focusing on "alternatives" within the 99 "corridor". See the map below for the 4 alternatives which were evaluated in this report. Text colors indicate the corresponding alternative on the map.

December 1999, Corridor Evaluation Final Report.

Four alternatives were studied through the Central Valley, each starting in the vicinity of Bakersfield and ending in the vicinity of suburban Stockton. Three of the corridors were studied previously. A new corridor was considered to the east of SR-99. The alternatives are described below and illustrated in *Exhibit 3-6*.

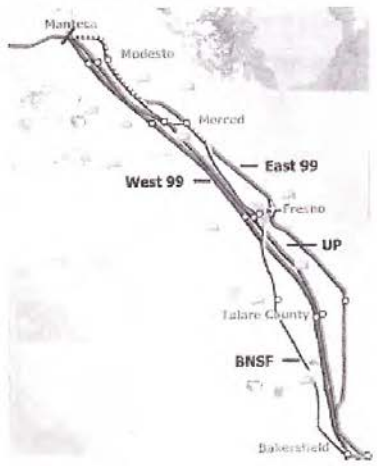
East of SR-99. This alignment lies east of and generally parallels the SR-99 from Bakersfield until north of Modesto.

West of SR-99 (Baseline Corridor). From Bakersfield to the Fresno/Tulare County line, this corridor follows a new alignment parallel to the SR-99 and at a distance of approximately 1.5 miles to the west.

BNSF Rail Corridor - This alignment follows the existing Burlington Northern Santa Fe (BNSF) rail corridor through the Central Valley from Bakersfield to suburban Stockton. This corridor lies to the west of SR-99 until reaching Fresno. The corridor passes through Fresno and then remains to the east of SR-99 for the remainder of the valley.

UP Rail Corridor - This alignment follows the existing Union Pacific (UP) rail corridor through the Central Valley from Bakersfield to suburban Stockton. This corridor parallels the SR-99, which passes directly through each of the major cities in the valley. Unlike the BNSF corridor, the UP corridor has fewer speed constraining curves.

EXHIBIT 3-28
CENTRAL VALLEY ALTERNATIVES



2000

The 2000 Business Plan is released.

2001

April 2001 board meeting minutes:

An MOU with the FRA was presented and approved by the board. It is not posted on the website under Board Materials, a violation of Bagley-Keene. We should request a copy. The CEQA process officially began in April 2001.

"Executive Director Morshed stated scoping process is the period in which public agencies and the public are notified about the project. The primary objective of the scoping process is to listen to people's comments relative to their interest in the project. The release of the Notice Of Preparation (NOP), on April 6, 2001, started the state version of the environmental process. The FRA is distributing the Notice of Intent (NOI). Approximately ten scoping meetings are scheduled statewide. Executive Director Morshed stated the next board meeting would be June 20, 2001 (location to be determined). Executive Director Mehdi Morshed then drew attention to the July Board meeting*, stating this meeting is going to be an important meeting because initial recommendations in terms of the screening process will be brought to the Board at that time."

*The July board meeting agenda and minutes are not posted. The screening process was presented to the board. Final drafts and executive summaries of the screening reports were distributed to the board for 3 regions; the final 2 were to be sent shortly after the July meeting. These are not posted on the website.

June 2001 Board Meeting:

The EIR process was to begin and funding was tight; Exec. Director Mehdi Morshed advised that the Authority should be focused on three corridors: LOSSAN, LA-Bakersfield and San Francisco-Merced. *[It's interesting to note that the first section to be built is not on that early priority list.]*

September 2001 Board Meeting:

Scoping Reports, Screening Reports, and an Alignments and Stations Evaluation Report were presented and delivered to the Board. Neither the staff presentations nor the documents are posted with the Board Materials, as required by the Bagley-Keene Open Meeting Act. From the meeting minutes:

Sacramento-Bakersfield Alignments & Stations Evaluation Report (Draft)

Executive Director Morshed gave an overview of this item and reported staff recommendations will be presented to the Board in November, 2001 and voted on in January, 2002. Executive Director Morshed reported this corridor is unique in that it's up to 275 miles long, and it is also important to note, the route and station locations of this corridor will have a significantly larger impact on the rural and urban communities in and around the corridor. Executive Director Morshed introduced Al Witzig, Project Manager, DMJM/Harris. Mr. Witzig presented high-speed rail alignment and station options evaluated and a preliminary environmental assessment of those options for the Sacramento-Bakersfield corridor. A copy of Mr. Witzig's presentation is available upon request.

First Screening Report (Draft)

Executive Director Morshed presented background information on this item, stating the Authority started with the Scoping process and is currently at the first level of analysis and screening. Executive Director Morshed stated that today, staff will present some recommendations upon which alternatives should be screened out. The decision that the Board makes should be based on the following criteria:

1. Supported by data and fact
2. Obvious weakness or flaws which make an alternative infeasible or unreasonable
3. Minimize the legal challenges

Executive Director Morshed stated the staff recommendations are an information item. Therefore, the

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

Board and the public will have two months to provide staff with their comments on the recommendations. Upon receipt of comments staff can modify the recommendations and present revised staff recommendations at the November Board meeting.
A discussion took place between the Authority Board members and staff about voting on Sac-Bakersfield corridor in November. The common objective is to allow time to receive and consider public comment without delaying the project. It was determined the Authority will move ahead to vote on all corridors in November and schedule an Authority meeting in October with the objective of receiving additional public comment.

Scoping Report (Draft)
Director Dan Leavitt stated the Board has previously received reports regarding the scoping period, which is now completed. However, one of the requirements of the environmental process is to create a Scoping Report and make it available to the public. Deputy Director Dan Leavitt announced this report is available on the Authority's website. Deputy Director Dan Leavitt introduced Kip Field, Parsons Brinckerhoff. Mr. Field presented a summary of the scoping meetings held statewide and the comments received during the formal scoping period. A copy of this report is available upon request.

October 2001 Statewide Confirmation of Previous Decisions, part of the Program EIR/EIS.
"Alignments previously studied and withdrawn from consideration are described and reasons for withdrawal are provided."

"The Sacramento to Bakersfield region, the Central Valley, will provide the connection between Northern and Southern California for the California High-Speed Train system by an alignment that follows the general route of State Highway 99. The system will serve the region via the station cities of Sacramento, Stockton, Modesto, Merced, Fresno, the Tulare area and Bakersfield."

This statewide report is simply a compilation of the information provided in the regional screening reports listed below.

- DMJM Harris. Draft Screening Evaluation Report, Sacramento to Bakersfield. August 2001.
- HNTB, CH2MHILL. Draft Screening Evaluation Report, Los Angeles to San Diego via Inland Empire Corridor. August 2001.
- IBI Group. Draft Screening Evaluation Report, Los Angeles-Orange County-San Diego. August 2001.
- Parsons Transportation Group. Draft Screening Evaluation Report, Bay Area-to-Merced. August 2001.
- P & D Consultants. Draft Screening Evaluation Report, Bakersfield-to-Los Angeles. August 2001

October 2001: Statewide: Appendix A Confirmation of Previous Decisions and
October 2001: Task 2.3.1 Statewide Confirmation of Previous Decisions (Compilation of Regional Report Excerpts)

3.1 Alignment and Station Definition
The Sacramento to Bakersfield region, the Central Valley, will provide the connection between Northern and Southern California for the California High-Speed Train system by an alignment that follows the general route of State Highway 99. The system will serve the region via the station cities of Sacramento, Stockton, Modesto, Merced, Fresno, the Tulare area and Bakersfield.

3.2 Previous Alignment and Station Options Studied
Several planning and engineering studies have been completed under the direction of the California Intercity High Speed Rail Commission (Commission) and the current California High Speed Rail Authority

(Authority). These studies focused on identifying potential corridors for the implementation of highspeed rail service between northern and southern California and evaluating the feasibility and viability of those corridors. The potential routes were grouped into the three general corridors: Coastal Corridor, Interstate 5 (I-5) Corridor, and Central Valley (SR-99) Corridor.

3.3 Confirmation of Reasons Options Screened from Further Analysis
<snip>
These findings were presented to the Commission in May 1995. Based on these findings and the preliminary ridership forecasts, the Commission moved to redirect the focus of study to the I-5 and SR-99 corridors.
Subsequently, a more comprehensive evaluation of the I-5 and SR-99 corridors concluded that although the SR-99 Corridor options are somewhat more costly than the I-5 Corridor options, the SR-99 Corridor offers far better service to the growing Central Valley population, while still offering fast, competitive service between the Los Angeles and San Francisco Bay Area metropolitan regions. The SR-99 Corridor was also found to have the highest overall ridership potential. Additionally, testimony at Commission meetings and at public workshops indicated overwhelming public support for the SR-99 Corridor.

In December 1995, environmental evaluation findings on the two corridors were presented to the Commission. Engineering evaluation findings followed in February 1996. Following the February presentation, the Commission moved to focus further study on the SR-99 Corridor. This continues to be the focus for the current phase of project development by the Authority.

5.0 REFERENCES
This statewide report is simply a compilation of the information provided in the regional screening reports listed below.

- DMJM Harris. Draft Screening Evaluation Report, Sacramento to Bakersfield. August 2001.
- HNTB, CH2MHILL. Draft Screening Evaluation Report, Los Angeles to San Diego via Inland Empire
- Corridor. August 2001.
- IBI Group. Draft Screening Evaluation Report, Los Angeles-Orange County-San Diego. August 2001.
- Parsons Transportation Group. Draft Screening Evaluation Report, Bay Area-to-Merced. August 2001.
- P & D Consultants. Draft Screening Evaluation Report, Bakersfield-to-Los Angeles. August 2001

November 2001 HSRA Board Meeting Minutes: Board voted to approve general corridors and station locations to be studied in the Program EIR for the First Screening Report, Part 1. In response to Kern Co Supervisor requesting specific station locations to be considered:

First Screening Report – Part 1 (Draft)
Executive Director Morshed reported this is the first screening report. Voting on the report is an important decision, because the remaining work will focus on what is recommended for further evaluation. The first screening report has been broken down into two pieces. First Screening Report – Part 1 is a broader report that covers four of the major segments of the alignment. First Screening Report – Part 2 covers the Sacramento – Bakersfield segment and will be discussed during Agenda Item 8. The Authority has been working in partnership with the FRA on this document.

Deputy Director Carrie Pourvahidi presented the staff recommendations for alignments, station locations and high-speed train systems for Bakersfield–Los Angeles corridor, with the exception of the Bakersfield-Sylmar segment, to the Board for approval. Due to tunneling issues, the Bakersfield-Sylmar segment will be discussed at the January meeting.

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

2002

January 2002 HSRA Board meeting minutes:

Revisions to Mountain Crossing Recommendations (San Jose-to-Merced and Bakersfield-to-Sylmar segments)

Chairperson Diridon directed attention to Executive Director Morshed. Executive Director Morshed presented background information. Executive Director directed attention to Deputy Director Dan Leavitt. Deputy Director Leavitt presented a revised screening report for the San Jose-Merced segment of the Bay Area-to-Merced corridor. Deputy Director Pourvahidi presented a revised screening report for the Bakersfield-Sylmar segment of the Bakersfield-Los Angeles corridor. The Revisions to Mountain Crossing Recommendations (San Jose-to-Merced and Bakersfield-to-Sylmar segments) may be found on the Authority's website, www.cahighspeedrail.ca.gov.

Chairperson invited Deputy Attorney General Sproul and David Valenstein, FRA to comment on the staff recommendations. Mr. Valenstein offered a word of caution to stick to the principles of feasibility and not be swayed politically in order to accomplish an adequate draft EIR/EIS document. He stated using the Quantm technology has helped to further define alternatives and to provide further basis for screening decisions but he noted the FRA would not be comfortable with eliminating additional alternatives at this time. Deputy Attorney General Sproul concurred with Mr. Valenstein's comments, including the comment concerning further elimination of alternatives at this time. **Chairperson Diridon inquired about the Authority's legal ability to eliminate either the Antelope Valley corridor or the I-5 corridor [over the Grapevine].** Deputy Attorney General Sproul stated she does not see an appropriate basis for elimination. Mr. Valenstein stated it is not appropriate at this time to eliminate either of the two corridors.

January 2002 Board Meeting Minutes (again): [Request the First Screening Report Part 2 and the staff presentation. It would be item 8 from the agenda.]

Quantm Alignment Optimization Report

Kip Field, Parsons Brinckerhoff, and Dave Haycock, Quantm, presented a report summarizing the methodology used and results of the optimization task. The Quantm Alignment Optimization Report may be found on the Authority's website, www.cahighspeedrail.ca.gov.

First Screening Report – Part 2 (Draft)

Executive Director Morshed directed attention to Deputy Director Carrie Pourvahidi. Deputy Director Pourvahidi presented staff recommendations for alignments and station locations for the Sacramento-Bakersfield corridor to the Board for approval. A conditional revision is the elimination of the Camanche Point connector. This revision is conditional on the passing of agenda item #10. The First Screening Report – Part 2 (Draft) may be found on the Authority's website, www.cahighspeedrail.ca.gov.

April 2002: Statewide: Alignment Refinement/Optimization and Evaluation of the Quantm System
April2002: EIR/EIS Screening Report W99 and E99 alignments were eliminated. (Section 2.6.2 on page 2-22 through 24). BNSF & UPRR alignments are to be evaluated.

2003

2004

Final Program EIR/EIS Report: Volume 1: Chapter 2

The rejection of Interstate I-5 Corridor is described on page 2.34. The explanation is odd, considering that I-5 did not appear to undergo any formal study within this Program EIR. The explanation refers to meetings and workshops held *prior* to the Program EIR; in many cases these were 8 years prior, and are now 16 years ago. In view of the number of government resolutions expressing "opposition" to the project, this could be considered "new information".

At Commission meetings and through public workshops and other public involvement activities, the Commission found that the majority of public comments indicated a preference for the SR-99 corridor over the I-5 corridor. In particular, there was overwhelming support for the SR-99 corridor in the Central Valley. The Commission received resolutions of support for the SR-99 corridor from nearly every Central Valley city, county, and regional government (California Intercity High Speed Rail Commission 1996a and 1996b). At its February 1996 meeting, the Commission directed staff to focus further technical investigations on SR-99 corridor alternatives.

In summary, while the I-5 corridor could provide better end-to-end travel times compared to the SR-99 corridor, the I-5 corridor would result in lower ridership and would not meet the current and future intercity travel demand of Central Valley communities as well as the SR-99 corridor. The I-5 corridor would not provide transit and airport connections in this area, and thus failed to meet the purpose and need and basic objectives of maximizing intermodal transportation opportunities and improving the intercity travel experience in the Central Valley area of California as well as the SR-99 corridor. For these reasons the I-5 corridor was dismissed from further consideration in this Program EIR/EIS.

Final Program EIR/EIS Report: Appendix 2-H, Screening Evaluation Summary Tables

"This appendix contains the tables summarizing the comparison of alignment and station options prepared during the screening evaluation of the High-Speed Train (HST) Alternative. These screening tables present all options considered, distinguishing among the options carried forward and those eliminated from further consideration. The primary considerations for elimination are highlighted."

Refer to Table 2-H-2 for specific reasons for alignment selection/elimination. From the table:

- SR-99 would add 11-16 minutes travel time over I-5.
- SR-99 marginally longer than I-5
- SR-99 had higher capital cost due to increased length and significantly more urban areas traversed (6% higher than I-5 Corridor)
- I-5 between Sacramento and Bakersfield received low scores for the following:
  - traverses primarily undeveloped land.
  - highest potential impacts on threatened and endangered species
  - moderate amount of steep slopes
- I-5 was eliminated for 3 reasons:
  1. Ridership/revenue potential: although it had the fastest travel times (11-16 minutes faster than SR-99), and although it is the most direct SF/Sac to LA route, it wouldn't serve CV cities (e.g. 20 miles from Bakersfield and 46 miles from Fresno); very little projected growth in catchment areas.
  2. Connectivity and Accessibility: does not serve intermediate intercity travel markets.
  3. Compatibility with Existing and Planned Development: traverses primarily undeveloped land.

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

Feb 2004: http://www.cahighspeedrail.ca.gov/assets/0/152/198/f4219167-70d5-469f-ba5b-6ea1788265d5.pdf
3 maps from Fresno to Bakersfield – presumably what was studied at the program level EIR.

http://www.cahighspeedrail.ca.gov/assets/0/152/198/45e118cf-dd70-44ef-809e-2b83afd1f8cc.pdf
A series of 5 maps showing the impacts to farmland. On slide 1, note the red and blue routes – most and least impactful – between Fresno and Bakersfield; only the most impactful is being studied today. Slide 4 compares impacts to farmland for I-5 and SR-99. Note that there is very little designated farmland for long stretches of I-5, while SR-99 is almost entirely prime farmland.

http://www.conservation.ca.gov/dlrp/fmmp/Documents/soil_criteria.pdf
An explanation of prime, local, unique, and statewide farmland categories.

2005
The Statewide Program EIR was approved.

2010
MOU between the HSRA, FRA, EPA and USACE
An MOU was signed between the HSRA, FRA, US Army Corps of Engineers and the EPA to jointly move the high-speed rail project through the federal and state environmental reviews. According to the MOU, Tier 2 project level reviews are not limited to Tier 1 program level alternatives. This could imply that I-5 is not necessarily eliminated from consideration.

> "As sections of the proposed HST system are advanced, these Tier 2 reviews will examine a range of HST project alternatives within corridors and at station locations selected in the Tier 1 EIR/EIS in addition to other corridors or alternatives that **may be identified through public scoping**, or through the **availability of new information or analysis** not considered during the Tier 1 phase, as well as a no action alternative."

Extras:

Board Meeting Presentations: HSRA staff presented their findings to the board at various meetings, prior to the board taking a vote on staff recommendations for alternatives to keep or drop. Most (if not all) of these presentations are not posted as part of the "Board Materials" on the HSRA's website. The more significant presentations should be requested both as part of a Public Records Request and as a reminder that to not post them on their website is a violation of the Bagley-Keene Open Meeting Act.

Board meeting agendas and minutes are not available before January 1998. Again, this is in violation of Bagley-Keene.

Quantm System: A route selection and optimization tool that carries out automated three dimensional alignment searches and corridor screening based on client- or user-specified geometry, constraints, and cost parameters.

Maps and screening reports are posted on the HSRA's website (many are missing):
http://www.cahighspeedrail.ca.gov/statewide_techreports.aspx

Screening Report – this is part of the Program EIR.
Introduction only - http://cahighspeedrail.ca.gov/WorkArea/DownloadAsset.aspx?id=1876

Screening Results summarized in Program EIR:
Final Program EIR/EIS Report: Volume 3: Appendix 2-H-I.
http://cahighspeedrail.ca.gov/WorkArea/DownloadAsset.aspx?id=2574
See page 8 for table comparing Coastal, I-5, SR-99.

The report started with an assumption that I-5 was ruled out. It compared various alignments to the north and entering the Bay Area, and to the south connecting Bakersfield with LA. Any mention of I-5 was in the context of the Grapevine.

History of the early years as summarized in the 2008 Atherton vs. HSRA lawsuit by Stuart Flashman, page 8.
http://www.transdef.org/HSR/HSR_Lawsuit_assets/Atherton%20et%20al%20-%20Opening%20brief%20-%20final.pdf

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

MEMORANDUM OF UNDERSTANDING

Among:
United States Department of Transportation, Federal Railroad Administration
California High-Speed Rail Authority
United States Environmental Protection Agency
United States Army Corps of Engineers

National Environmental Policy Act (42 U.S.C. 4321 et seq)

and

Clean Water Act Section 404 (33 U.S.C. 1344)

and

Rivers and Harbors Act Section 14 (33 U.S.C. 408)

Integration Process

for the

California High-Speed Train Program

November 2010

ATTACHMENT C

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

Table of Contents

Acronyms and Definitions

Authority:	California High-Speed Rail Authority
CWA:	Clean Water Act
EIS:	Environmental Impact Statement
EPA:	U.S. Environmental Protection Agency
FRA:	Federal Railroad Administration
DMP:	Draft Mitigation Plan
HST:	California High-Speed Train
LEDPA:	Least Environmentally Damaging Practicable Alternative
MOU:	Memorandum of Understanding
NEPA:	National Environmental Policy Act
RHA:	Rivers and Harbors Act
USACE:	U.S. Army Corps of Engineers
HQUSACE:	U.S. Army Corps of Engineers Headquarters

"Integration Project" – a project to which this MOU applies.

"Responding Agencies" – the Signatory Agencies with resource or regulatory responsibilities: EPA and USACE.

"Signatory Agencies" – FRA, EPA, USACE, and the Authority.

"Tiering" – Tiering of an EIS refers to the process of addressing a broad, general program, policy or proposal in a programmatic EIS (Tier 1 EIS), and analyzing a narrower site-specific proposal, related to the initial program, plan or policy in a project-level Environmental Impact Statement (Tier 2 EIS).

Section I. Introduction

The parties to this Memorandum of Understanding (MOU) are the Federal Railroad Administration (FRA), the California High-Speed Rail Authority (Authority), the U.S. Army Corps of Engineers (USACE), and the U.S. Environmental Protection Agency (EPA). The goal of this MOU is to facilitate compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. section 4321 *et seq*), Clean Water Act (CWA) section 404 (33 U.S.C. section 1344) (hereinafter "Section 404"), and Rivers and Harbors Act section 14 (33 U.S.C. section 408) (hereinafter referred to as "Section 408") processes for the project-level (Tier 2) Environmental Impact Statements (EISs) for the nine sections of the California High-Speed Train (HST) system. The integration of these processes is intended to expedite decision-making while improving the overall quality of those decisions. The purpose of this MOU is to foster agreement among the Signatory Agencies and to make it possible for the USACE to more efficiently adopt the Tier 2 EISs for which the FRA is the Federal lead agency.

Two California High Speed Train Program Environmental Impact Reports/Environmental Impact Statements (EIR/EISs) were prepared by the Authority and FRA as the first programmatic phase (Tier 1) of a tiered environmental review process. The Authority is the state lead agency under California law (California Public Utilities Code § 185000 *et seq.*) with responsibility for planning, construction, and operation of a high-speed passenger train service. As Federal lead agency for Tier 1 environmental review under NEPA, FRA worked jointly with the Authority to carry out the analyses and evaluations included in the Tier 1 EIR/EISs. The Tier 1 EIR/EISs considered the comprehensive nature and scope of the proposed HST system at the conceptual stage of planning and decision-making, including alternative transportation improvements, and potential route and station locations. FRA and the Authority's decisions on the Tier 1 EIR/EISs were to approve the HST system and select general corridors and station locations. These decisions were made in November 2005 and December 2008.

The EPA and USACE participated as cooperating agencies under NEPA in the Tier 1 environmental processes, including the development of both the Draft and Final Program EIR/EISs. As part of the process to integrate Section 404 considerations into the early NEPA planning, EPA and USACE concurred on the project purpose for the HST system, the range of alternatives considered, and the selection of the preferred corridors, routes and stations most likely to yield or contain the least environmentally damaging practicable alternative (LEDPA). These concurrence letters are incorporated in this MOU as Appendix C.

Tier 2 environmental reviews covered by this MOU will advance and expand upon the Tier 1 decisions of the Authority and FRA. The USACE has agreed to participate as a cooperating agency under NEPA in the Tier 2 environmental processes, including the development of both the Draft and Final EIR/EISs. The Tier 2 EIS/EIRs will evaluate the selected corridors and stations

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

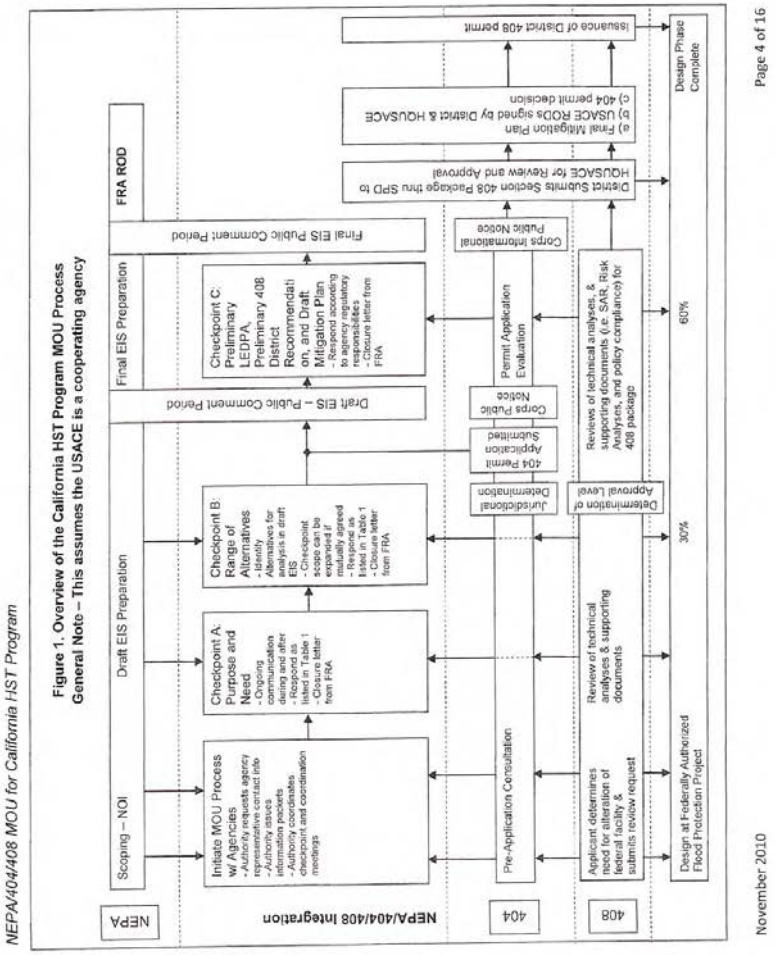
in site-specific detail through further consultation with EPA and USACE regarding the Section 404 and Section 408 permitting processes, to support decision-making for any necessary USACE (1) Section 404 permit decisions to discharge dredged or fill material into waters of the U.S. and (2) Section 408 permit decisions for alterations/modifications to existing USACE projects[1]. As sections of the proposed HST system are advanced, these Tier 2 reviews will examine a range of HST project alternatives within corridors and at station locations selected in the Tier 1 EIR/EIS in addition to other corridors or alternatives that may be identified through public scoping, or through the availability of new information or analysis not considered during the Tier 1 phase, as well as a no action alternative. The goal of this MOU is for each Tier 2 EIR/EIS to support timely and informed agency decision-making, including but not limited to: issuance of necessary Records of Decision (RODs), Section 404 permit decisions, real estate permissions or instruments (as applicable), and Section 408 permit decisions (as applicable) for project construction, operation, and maintenance.

Section II. Overview

This MOU has the following components:

1. **Procedures (Section III).** This section outlines: a) the procedures the Authority and FRA will follow in presenting information to Responding Agencies, b) procedures the Responding Agencies will follow in replying to the information, and c) the Authority's and FRA's options once a response is received. This section equates to the "who, what, when, and how" of the MOU. For a conceptual overview of this section, see Figure 1, *Overview of the California HST Program MOU Process* and Figure 2, *Coordination and Checkpoint Process*. Under appropriate circumstances, a Signatory Agency may withdraw from the integration process for a specific section of the HST system.

[1] Section 408 authorizes the Secretary of the Army to approve modifications to existing USACE projects. The Assistant Secretary of the Army (Civil Works) issued a Memorandum for the Chief of Engineers, dated 16 April 2004, delegating to the Chief of Engineers the approval authority given to the Secretary of the Army in Section 408. The Chief of Engineers, in a Memorandum for the Director of Civil Works, dated 2 April 2009, delegated the approval authority to the Director of Civil Works. In addition, approval of relatively minor, low impact modifications has been further delegated to the District Engineer, by the Director of Civil Works in a memorandum dated 18 June 2010 ("HQUSACE approval"). Section 408 is the authority for all such approvals, and this MOU applies to modifications of USACE projects under the authority of Section 408 regardless of approval level.



Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

2. **Dispute Resolution (Section IV).** This section describes the dispute resolution tools that may be used when the Authority and FRA receive disagreement, non-concurrence, or not recommend (defined below). The primary resolution tool in this agreement is the "mid-level elevation." The mid-level elevation is a management meeting that relies on a cooperatively developed staff document, called the briefing paper, to frame the issues for resolution. Procedures for the mid-level elevation and other dispute resolution tools are also presented.
3. **Modification and Termination (Section V).** This section provides details on modification and termination of the MOU. This MOU may be modified and superseded by written agreement of all the Signatory Agencies through the execution of an amendment of the MOU.
4. **General Provisions (Section VI).** This section provides details on the legal import of this document. The MOU provides a framework for cooperation. The signatories to this MOU encourage ongoing formal and informal cooperation not specifically described in this MOU.
5. **Effective Date and Duration (Section VII).** This final section provides details on when the MOU becomes effective and the duration of the legal force and effect of the MOU.

Section III. The NEPA/404/408 Integration Process

This section lays out the Signatory Agencies' roles at each checkpoint, outlines the Authority's and FRA's options for resolving disagreement, non-concurrence, or not recommend, and describes each of the three checkpoints.

1. **Project Inclusion.** This NEPA/404/408 integration process applies to all of the HST Tier 2 EISs in which the USACE has made a project-specific decision based on the best available information confirming USACE jurisdiction pursuant to Sections 404 and/or 408 for each HST section Tier 2 EIS/EIR.
2. **Withdrawal.**

   (a) By FRA and the Authority. For an individual HST project section, the FRA and Authority may jointly withdraw from applying this agreement upon written notice to EPA and USACE.

   (b) By the USACE.

   (1) If at any time after the initiation of a particular Tier 2 EIS, USACE concludes that the proposed action in that particular project section does not appear to raise significant Section 404 and/or Section 408 issues warranting

further USACE Section 404 and/or Section 408 integration, USACE will communicate that conclusion to the other Signatory Agencies in writing. Thereafter, the applicable USACE District will no longer integrate the Section 404 and/or Section 408 permitting processes and the MOU process as to that particular project section. If, subsequent to USACE's withdrawal, new information arises or the proposed project is changed in some material way that alters USACE's previous conclusion, USACE will acknowledge the new information and/or project changes in writing to the other Signatory Agencies. USACE will then once again participate in this MOU process as to the subject project section. However, USACE agrees not to revisit previous Checkpoint decisions made during the time of USACE withdrawal unless it is necessary to meet USACE's legal obligations.

(2) If at any time after the initiation of a particular Tier 2 EIS, USACE concludes that its comments/substantive requirements are not being satisfactorily addressed in the EIS, USACE will communicate that conclusion to the other Signatory Agencies in writing. Thereafter, the USACE will initiate the mid-level elevation, and may continue elevation as needed, as provided in Section IV. Completion of the elevation process should be within 60 calendar days of receipt of written notification to initiate elevation. Following completion of elevation without resolution, the applicable USACE District will no longer integrate the Section 404 and/or Section 408 permitting processes and the MOU process as to that particular project section.

(c) By the EPA. If at any time after the initiation of a particular Tier 2 EIS, EPA concludes that the proposed action in that particular project section does not appear to raise significant NEPA or Section 404 issues warranting further EPA involvement, or that its comments/substantive requirements are not being satisfactorily addressed in the EIS, EPA will communicate that conclusion to the other Signatory Agencies in writing and will initiate mid-level elevation and may continue elevation as needed, as provided in Section IV. Completion of the elevation process should be within 60 calendar days of receipt of written notification to initiate elevation. Following completion of elevation without resolution, EPA will not participate in this MOU process as to that particular project section. If, subsequent to EPA's withdrawal, new information arises or the proposed project is changed in some material way, EPA will note the new information or project changes in writing to the other Signatory Agencies, and will once again participate in this MOU process as to the subject project section.

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

However, the EPA agrees to not revisit previous Checkpoint decisions, unless it is necessary due to availability of substantive new information.

3. **Appointment of Elevation Representatives**. Each Signatory Agency will identify the appropriate representatives for elevation. This process is described in more detail in Section IV of the MOU.
4. **Focus of the MOU**. The focus of the MOU is the formal commitment of Signatory Agencies for early and continuous involvement in HST project development. The required steps are shown in Figure 1, *Overview of the California HST Program MOU Process*.
5. **FRA and Authority Responsibilities**. FRA is the Federal lead agency and is ultimately responsible for implementation of this MOU. Generally, the specific activities outlined in this section are performed by the Authority in consultation with FRA; including preparing information packets, convening meetings, addressing agency responses, and initiating the mid-level elevation briefing paper. FRA is responsible for issuing closure letters for the checkpoints.
6. **Checkpoints**. The integration process comprises three checkpoints, which punctuate ongoing coordination efforts. These checkpoints are:

   (a) Definition of Purpose and Need for the Tier 2 HST project;

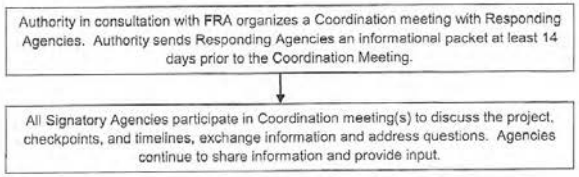
   (b) Identification of the Range of Alternatives to be Studied in the Project (Tier 2) EIR/EIS; and

   (c) Preliminary LEDPA Determination; USACE Section 408 Draft Response ; and Draft Mitigation Plan (DMP) consistent with 33 C.F.R. Part 332 and 40 C.F.R. Part 230 (73 FR 19,593 dated April 10, 2008).

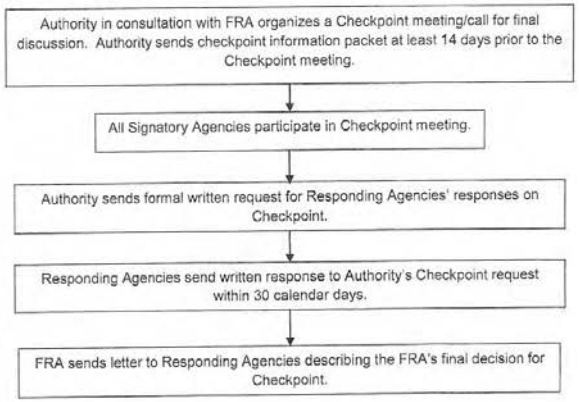
   A diagram outlining the coordination and checkpoints process is below as Figure 2. Appendix B outlines the data or analysis that should be included in the checkpoint information packets.
7. **Participants**. All Signatory Agencies may participate in the checkpoints. The level of participation by the agencies differs by agency and by checkpoint as described in Table 1, *Types of Response by Agency and Checkpoint*. The flow of information and decision points within each checkpoint is described in Figure 2, *Coordination and Checkpoint Process*.

Figure 2. Coordination and Checkpoint Process[2,3]

1. Start with informal coordination process for information exchange and agency input.



2. When ready for formal Checkpoint process, proceed as follows:



[1] If the response is Concurrence, Recommendation, or Agreement – Authority and FRA proceed to next Checkpoint.

[3] If response is Non-Concurrence, Not Recommend, or Disagreement with request to elevate – FRA initiates mid-level elevation.

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

8. **Coordination Meetings.** The integration process may involve a series of coordination meetings to exchange information about the HST project section and potential impacts. While in-person meetings are preferred, the meetings may occur by conference call or web meeting. Among other objectives, coordination meetings provide an opportunity for the Responding Agencies to identify what additional information will be necessary to make a decision about an upcoming checkpoint. Care should be taken in scheduling meetings, such that they are well-organized, are not in conflict with meetings scheduled for other HST sections, and focused on making progress towards a specific project issue or issues. Timeframes for information exchange and response will be mutually determined by the Signatory Agencies on a HST project section or alignment location.
9. **Checkpoint Meetings.** A Checkpoint is initiated when the Authority sends a checkpoint informational packet to the Signatory Agencies. The Authority will convene a "checkpoint meeting" when they determine it is appropriate and necessary to make a checkpoint decision. If a disagreement or non-concurrence is pending, this should be identified by the Signatory Agency raising the disagreement or non-concurrence at or preferably before the checkpoint meeting. Throughout this MOU process, all Signatory Agencies share responsibility for providing informal "heads up" of pending problems/potential issues as early as possible so that the other agencies can begin to prepare for a mid-level elevation or other intervention before the formal responses are made. If a mid-level elevation appears likely, the Authority should begin framing the elevation briefing paper, coordinating the development of the briefing paper with the Signatory Agencies, and scheduling the mid-level elevation during or immediately after the checkpoint meeting.
10. **Information Packet.** The Authority is responsible for sending information packets to the Signatory Agencies at least 14 calendar days or as otherwise agreed upon timeframe in advance of each checkpoint meeting. Information packets should identify critical issues of concern to the other Signatory Agencies. As the Authority is preparing the information packet, issues should be identified and communicated informally to the Signatory Agencies.
11. **Authority Request for Response and Responding Agency Responses.** Following a checkpoint meeting, the Authority will send the Responding Agencies a request for response. Upon receipt of a request for response, each agency that chooses to respond will send the response in writing or by e-mail to the Authority and FRA within 30 calendar days. The response will be an agreement or disagreement. Additionally, the USACE may submit a concurrence or non-concurrence concerning

the Preliminary LEDPA/ Draft Mitigation Plan (DMP). Also, the USACE District-level, would either preliminarily recommend or not recommend Section 408 approval at checkpoint C as specified in Table 1, Types of Response by Agency. The response terms (agree/disagree and for the USACE, concur/non-concur and/or recommend/not recommend) will reflect the regulatory responsibilities of the Responding Agencies at different points in the NEPA, Section 404, and Section 408 processes. Table 1 summarizes the only types of response an agency may give at a checkpoint.

Table 1. Types of Response by Agency.

Agency	Purpose & Need	Alternatives	Preliminary LEDPA/DMP	USACE Section 408 Draft Response
USACE	Agree/Disagree	Agree/Disagree	Concur/Non-concur	Recommend/Not Recommend
EPA	Agree/Disagree	Agree/Disagree	Agree/Disagree	N/A

12. **Types of Response.** As summarized in Figure 2, *Coordination and Checkpoint Process*, the Responding Agency sends a formal agreement or disagreement, (and the USACE may also send a concurrence or non-concurrence at the Preliminary LEDPA/DMP and recommend/not recommend at the USACE Section 408 Draft Response checkpoint) to the Authority, as follows:

    (a) **Agreement/Disagreement.** The Responding Agency provides a written response agreeing or disagreeing with the Authority's checkpoint proposal. If there is a disagreement, then the Responding Agency's letter must identify the basis for the disagreement. If the Responding Agency does not respond within 30 calendar days, the Authority and FRA may not assume the Responding Agency agrees but may proceed with the environmental review process and EIS preparation and the Authority and FRA may initiate the mid-level elevation, and may continue elevation as needed. In the case of a disagreement, the Authority and FRA must convene a mid-level elevation.

    If the mid-level elevation does not resolve the issues, the Authority and FRA at their discretion may: (i) continue to attempt to resolve the problem through

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

other forms of dispute resolution (such as continued elevation or use of a facilitator), (ii) may proceed without resolution, or (iii) may proceed while concurrently attempting to resolve the problem. If the Authority and FRA choose to move on, any Responding Agency may concurrently request a senior-level elevation within seven calendar days of notification by the Authority of the decision to proceed. The senior-elevation group will decide whether or not they wish to review the issue.

(b) **Concurrence/Non-concurrence by the USACE**. The USACE provides a written response concurring or non-concurring with the Preliminary LEDPA and DMP at checkpoint C. If the USACE issues a non-concurrence letter, then it must identify the basis for non-concurrence. If the USACE does not respond within 30 calendar days, the Authority and FRA may initiate the mid-level elevation, and may continue elevation as needed. If the Authority and FRA receive a non-concurrence from the USACE, the Authority and FRA may not proceed until the USACE concurs with the Preliminary LEDPA and DMP.

(c) **Recommend/Not recommend by a USACE District Office**. Checkpoint C also requires a written response from USACE District Office(s) preliminarily recommending or not recommending Section 408 approval. If the USACE District Office's response letter does not preliminarily recommend Section 408 approval, then it must identify the basis for the decision. If the USACE District Office does not respond within 30 calendar days, the Authority and FRA may initiate the mid-level elevation, and may continue elevation as needed. If the Authority and FRA receive a "not recommending" letter from the USACE District Office(s), the Authority and FRA may not proceed until the USACE District Office(s) preliminarily recommends Section 408 approval.

13. **Closure at Each Checkpoint.** At each checkpoint, the FRA, in consultation with the Authority, will send the Signatory Agencies a letter identifying the status of each issue that received a disagreement or non-concurrence. This letter will be sent before the next checkpoint, before the draft EIS is issued, before the final EIS is issued, or within 90 days after the checkpoint, whichever is sooner. If a mid-level elevation has been triggered, and resolution is reached prior to the mid-level elevation, the Authority will send notification to the Signatory Agencies.

14. **Mid-level elevation.** The procedure for the mid-level elevation is described in Section IV.

Section IV. Elevation Procedures and Other Region-Specific Dispute Resolution Tools

Elevation, as necessary, is encouraged. The elevation process is intended to resolve issues quickly, and to maintain constructive working relationships. This section provides an overview of the HST project section or alignment location specific dispute resolution tools available under this MOU. Detailed guidance and recommendations are available in Appendix A. In keeping with the spirit of the integration process, nothing in this section precludes any other traditional or nontraditional approaches to dispute resolution.

1. **Flexibility**. The specific dispute resolution tools are intended to be expeditious, practical, respectful, and accessible. All the tools are available at any point on a voluntary basis. However, the mid-level elevation is required for disagreements or non-concurrences. For these, the briefing paper should be used as described in Appendix A. The mid-level elevation may be used any time (including outside the checkpoints) all the Signatory Agencies agree it would be effective.

2. **Representatives for Elevation**. When the FRA initiates the NEPA/404/408 integration process, it will request that each Responding Agency initiate its internal actions for preparing to engage in the elevation process, including the review of the briefing paper and confirmation of the appropriate mid-level and senior-level representatives who have been identified to speak for their agency (Appendix A). The senior-level representative should include the top regional/state decision-maker for each agency, or his/her designee.

3. **The Mid-level Elevation**. The mid-level elevation is a tool to resolve disagreement or non-concurrence at a checkpoint. Though the Responding Agencies should have given the Authority and FRA informal notice prior to and at the checkpoint meeting, the formal trigger for a mid-level elevation is the receipt by the Authority and FRA of a letter of disagreement or non-concurrence or non-recommendation as described in Section III.12(b),12(c), and 12(d) above or a letter requesting formal elevation to resolve an issue(s). Upon receiving the letter, the Authority has 30 calendar days to convene a mid-level elevation. Convening a mid-level elevation requires the Authority to:

   (a) Notify and schedule the managers who will resolve the dispute and the staff who will brief them;

   (b) Coordinate, develop, and distribute an elevation briefing paper; and

   (c) Arrange for and fund a neutral facilitator, as necessary.

4. **Briefing Paper**. A cooperatively prepared briefing paper is a key component of the mid-level elevation and is recommended for subsequent elevation to senior

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

managers if the latter elevation is determined to be necessary. The briefing paper should be sent by the Authority to the mid-level managers along with a draft agenda at least 10 calendar days prior to the mid-level elevation. The briefing paper should follow the format as discussed in Appendix A.

5. **Senior-level elevation.** If the mid-level elevation does not result in resolution, the involved Signatory Agencies may raise the issue to the senior management. Eventually, an issue may need to enter a more formal dispute resolution process organized by the FRA.

Section V. Modification and Termination

1. **Modification.**

   (a) Any Signatory Agency may propose modifications to this MOU.

   (b) Proposals for modification of timelines or methods for a specific HST project section or to the MOU will be circulated to all Signatory Agencies for review and comment. The agencies will have 30 calendar days from receipt of the proposed modification(s) to submit comments. Upon written acceptance of a proposal by all Signatory Agencies, the Authority will circulate an MOU amendment for execution.

   (c) The amended MOU will become effective 15 calendar days after execution by the last Signatory Agency and will supersede any previous version of the MOU.

2. **Termination.** Any Signatory Agency may terminate participation in this MOU upon 30 days written notice to all other Signatory Agencies.

Section VI. General Provisions

1. The NEPA/404/408 integration process does not include all environmental review and permitting requirements. FRA as the Federal lead agency, in conjunction with the Authority as the state sponsoring agency, is responsible to determine purpose and need and the range of alternatives for analysis in NEPA documents, and is responsible for issuing the draft and final EIS and supporting documents in compliance with NEPA. The EPA has authority under the Clean Air Act section 309 to review and comment on the NEPA documents of other Federal agencies. This is independent of EPA's role in the NEPA/404/408 integration process. Specific approvals not addressed by this MOU include, but are not limited to, the following: any real estate permissions, Endangered Species Act Section 7 compliance, CWA

Section 401 water quality certification, Coastal Zone Management Act consistency determination, National Historic Preservation Act Section 106 compliance, and Department of Transportation Act Section 4(f) compliance.

2. Regulatory and resource agency participation in this process does not imply endorsement of all aspects of a specific HST project section. Nothing in this MOU is intended to diminish, modify, or otherwise affect the statutory or regulatory authorities of the Signatory Agencies.

3. Documents, data, maps, and other information provided pursuant to this MOU may be pre-decisional (intra-agency or inter-agency memoranda or letters) or privileged FRA, Authority, EPA, or USACE information, or information that is prohibited from disclosure pursuant to applicable law. For public requests of such information, under the Freedom of Information Act or otherwise, the releasing party will notify the other Signatory Agencies and provide an opportunity to comment on whether the information is pre-decisional, privileged, or prohibited from disclosure by applicable law. To the extent permissible by law, any recipient of this information agrees not to transmit or otherwise divulge this information without prior approval from FRA, Authority, EPA, or USACE as appropriate.

4. A Signatory Agency's participation in the integration process is not equivalent to serving as a cooperating agency as defined by regulations promulgated by the Council on Environmental Quality, 40 C.F.R. Part 1500, which is a separate process established through a formal written agreement from a Signatory Agency to the Federal lead agency.

5. As required by the Anti-deficiency Act, 31 U.S.C. Sections 1341 and 1342, all commitments made by Federal agencies in this MOU are subject to the availability of appropriated funds. Nothing in this MOU, in and of itself, obligates Federal agencies to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or incur other financial obligations that would be inconsistent with agency budget priorities. The non-Federal signatory to this MOU agree not to submit a claim for compensation for services rendered to any Federal agency in connection with any activities it carries out in furtherance of this MOU. This MOU does not exempt the non-Federal parties from Federal policies governing competition for assistance agreements. Any transaction involving reimbursement or contribution of funds between the parties to this MOU will be handled in accordance with applicable laws, regulations, and procedures under separate written agreements.

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

The obligations under this MOU of the State of California or its political subdivision are subject to the availability of appropriated funds. No liability shall accrue to the State of California or its political subdivision for failure to perform any obligation under this MOU in the event that funds are not appropriated.

6. This MOU does not confer any right or benefit, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.
7. If all Signatory Agencies decide not to participate in this agreement any further, the FRA will provide written documentation to all Signatory Agencies that the MOU is terminated.
8. The parties recognize that EPA and the USACE have existing agreements on the processes that those agencies will use to collaboratively and expeditiously resolve specific issues in Section 404 permit program implementation. Nothing in this MOU is intended to supersede, expand, or void any part of those existing agreements. If either the EPA or the USACE initiates any dispute resolution mechanism under these existing agreements as to an issue arising in the context of the HST system, the initiating agency will communicate that fact to the other parties of this agreement in writing. EPA and the USACE will keep the other Signatory Agencies of this MOU apprised of any developments in the dispute resolution process.

Section VII. Effective Date and Duration

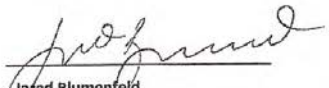
This MOU will become effective on the date of signature by the last party. This MOU shall remain in force, subject to Section II.2, until whichever of these events occurs first: a) the USACE issues the last of the RODs, Section 404 permit decisions, and 408 permit decisions, required for the last Tier 2 EIS necessary to complete the HST System; or b) the MOU is terminated pursuant to Section V.2.

IN WITNESS WHEREOF, this MOU is executed by the Federal Railroad Administration, California High-Speed Rail Authority, U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency, acting by and through their respective authorized officers.

29 Nov 2010

Scott F. "Rock" Donahue, P.E
Brigadier General, U.S. Army
Commanding

Date



12/10/10

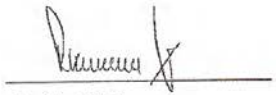
Jared Blumenfeld
Regional Administrator
U.S. Environmental Protection Agency, Region IX

Date

12/21/10

Mark E. Yachmetz
Associate Administrator
Office of Railroad Policy and Development
Federal Railroad Administration

Date



12/17/2010

Roelof van Ark
Executive Director
California High-Speed Rail Authority

Date

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

Appendix A. Dispute Resolution System

The Briefing Paper

At every mid-level elevation, staff of each of the Signatory Agencies involved in the dispute will prepare a cooperative briefing paper. This paper may also be used for senior-level elevations. The briefing paper should offer salient information precisely framing the issues requiring resolution. The briefing paper:

- Encourages neutral presentation of issues, rather than polarizing;
- Maximizes the likelihood of resolution of at least some of the issues as staff prepare for the elevation;
- Ensures that the problem statement is robust, clear, and focused; and
- Fosters improved communication.

The briefing paper should be short and will need to be developed quickly – in 21 calendar days in most cases. A format for the briefing paper is presented below.

The issues to be addressed in the briefing paper should be framed at the checkpoint meeting. The Authority should begin the first draft shortly after the checkpoint meeting. Once the Responding Agencies reply formally to the Authority's request for responses, the Authority will complete the first draft of the briefing paper and send it to all the Signatory Agencies. A person from each agency responsible for the development of the briefing paper (a point of contact) should be identified informally at the checkpoint meeting, if possible, and formally in the response letter.

Upon receipt of the first draft, any of the Signatory Agencies may contribute to the briefing paper; use of the "Track Changes" tool in Word is preferred. A single set of changes will be sent by each agency's point of contact. The Authority may either accept the changes or move them to one of the "alternate" columns, and this document becomes the second draft. The Authority then distributes the second draft to the contributors and makes requested changes prior to sending a final document to the elevation decision-makers. There may be other iterations as needed and as the schedule allows.

Informal telephone conversations and e-mails should occur in support of all stages of the development of the briefing paper.

The specific timing for reviews, changes, and incorporation of changes may be modified by mutual agreement at or shortly after the checkpoint meeting, or whenever a mid-level elevation is first anticipated.

When the FRA initiates the NEPA/404/408 integration process, it will request that each Responding Agency initiate its internal actions for preparing to engage in the elevation process, including the review of the briefing paper and confirmation of the appropriate mid-level and senior-level representatives who have been identified to speak for their agency. The following are the identified mid-level and senior level representatives for each agency.

Signatory Agency	Mid-level Elevation	Senior-level Elevation
EPA	Division Director, Communities & Ecosystems Division	Regional Administrator of Region IX
USACE	District Commander	South Pacific Division Commander
FRA	Chief, Environment and Systems Planning Division	Associate Administrator, Railroad Policy and Development
Authority	Deputy Director	Executive Director

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

Figure A-1. Sample Briefing Paper

Project Name: Checkpoint:		
As the briefing paper is developed, alternate views that are not easily incorporated into the main body of the document can be dropped into columns on the right, and sized to fit in whatever way makes graphic sense. If the alternate view columns prove to be unnecessary, they can be taken out.	Alternate comments	Alternate comments
Background:		
Issue 1: A Word or Phrase Naming the Issue. A succinct summary. Ideally, the list of issues will have been sketched out at the checkpoint meeting. QA: At the end of the summary of the issue, end with a question. This helps keep the decision-makers in the elevation focused. QB: Sometimes within an issue there is more than one question. For instance, there might be a question about whether an alternative is practicable or not, and there might be a separate question about which agency ought to make the determination on a specific technical issue.		
Issue 2: A Word or Phrase Naming the Second Issue. A succinct summary. Q:		
Resolution:		
Issues Still Requiring Resolution:		
Dates: Checkpoint meeting __/__/__; Request for Response __/__/__; Negative assessment or non-concurrence __/__/__; Mid-level elevation; __/__/__; Resolution __/__/__.		

Use of Facilitators

The use of a facilitator may be an effective way to conduct a coordination meeting, checkpoint meeting, or elevation. Here are some approaches to involving facilitators that have been useful in the past:

The process for hiring the facilitator should be as collaborative as practicable. Involving agencies in the selection of a facilitator sets a neutral tone from the outset.

Involve the facilitator in the development of the agenda.

Strike the right balance in terms of substantive knowledge. A facilitator who has to stop and ask 'What is section 404 of the CWA?' is likely to delay resolution. Yet it is not necessary to find someone who knows the details of the HST process and each of the statutes and all of the regulations. It is probably more important that the facilitator be truly skilled at facilitation and have a general natural resources background.

Timely retention of a facilitator. Identifying and hiring a facilitator on short notice can be a challenge, but not an insurmountable one. Many of the agencies participating in this MOU have trained facilitators who could assist with the meeting or elevation. The U.S. Institute for Environmental Conflict Resolution maintains a roster of qualified facilitators who can be easily accessed by many federal agencies.

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

Appendix B. Data or Analysis for NEPA/404/408 Integration Checkpoints

The following sets forth the data or analysis that should be provided at each checkpoint.

Checkpoint A: Purpose and Need

The purpose and need statement should be broad enough to allow for consideration of a range of reasonable and practicable alternatives that are commensurate with the level of environmental impacts, but specific enough that the range of alternatives may be appropriately focused in light of the Tier 1 EIS/EIR programmatic decisions. The needs of the project should take scoping comments into account and be presented in terms of quantified deficiencies (i.e., existing deficiencies, future without-project deficiencies, or both) as compared to some relevant local, regional, state, or national standard or goal. FRA as the NEPA lead Federal agency is given substantial deference in determining its NEPA purpose and need statement. The purpose and need statement should be coordinated with appropriate agencies. The EPA and USACE agreement on the purpose and need statement will indicate that the information is sufficiently clear and detailed for the USACE to formulate the basic and overall project purpose pursuant to the CWA section 404(b)(1) Guidelines and Section 408, and can be used with confidence in the next stage.

Checkpoint B: Identification of Project Alternatives for Analysis in the DEIS

In letters dated July 22, 2005, the EPA and the USACE concurred with the alternative most likely to contain the LEDPA for the statewide California HST Project. In addition, the USACE concurred in a letter dated May 8, 2008 and EPA concurred in a letter dated April 30, 2008 that the Pacheco Pass, San Francisco, and San Jose Termini is the program alternative likely to contain the LEDPA for the HST system from the Bay Area to the Central Valley. Copies of these letters are incorporated in the MOU as Appendix C. The decisions were commensurate with the level and breadth of the environmental data made available to the USACE and EPA at that time and were focused on those Section 404 and NEPA issues that were ripe for consideration. However, the prior Tier 1 concurrences do not obviate the need for FRA and the Authority to fully comply with all requirements of the CWA section 404(b)(1) Guidelines (40 C.F.R. Part 230) during the preparation of subsequent Tier 2 (project-level) EISs nor do they fulfill the USACE's public interest review process and determination pursuant to 33 C.F.R. Part 320.4(a). New information or changes in project decisions should be carefully considered when developing alternatives and may require Tier 1 alternatives to be revisited, if necessary.

Standardized alternatives evaluation criteria will be used for each HST project EIR/EIS process in order to consider a reasonable range of alternatives and to identify those alternatives that satisfy the project purpose and need, and overall project purpose that are feasible and practicable, and avoid or minimize environmental impacts. HST Project alternatives will be appropriately analyzed and documented in accordance with the following:

1) A detailed project description of the alternatives with engineering layouts on aerials and cross sections.

2) A brief discussion of the reasons for considering but eliminating project-level alternatives from further detailed study should be provided. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose(s).
3) Summary presentation of environmental resources and constraints using data gathered and evaluated that should include:
   a. A delineation of potential special aquatic sites and waters of the U.S. should be provided through the use of remote sensing imagery (color infrared aerials and digital raster graphics or digital elevation models) overlaid with existing data; with photographs or video of each feature, maps showing the location of each feature, and a preliminary assessment of functions and services by indicating whether the feature exhibits medium to high hydrologic, water quality, and habitat integrity; whether the feature is important to associated or adjacent critical habitat, protected species, or public or protected open spaces.
   b. Maps that show the occurrences of all associated sensitive species that have been identified within the survey area in relation to project features, including federally listed endangered and threatened species and designated critical habitat including the size of the populations in terms of numbers of individuals and habitat occupied. The maps should also include other relevant data such the 100-year floodplain, biological reserves or preserves, wildlife crossings, and habitat conservation planning core and linkage areas.
   c. Maps clearly depicting lands, easements and rights-of-way necessary for a proposed alteration or modification to a Federally authorized Project.

Checkpoint C: Preliminary LEDPA Determination

1) The project activities should be clearly depicted by providing:
   a. Description and plans detailing temporary impacts including: grading, clearing and grubbing, and water diversion activities; location of construction staging areas, access areas, and borrow and storage sites; and the duration of these activities;
   b. Descriptions and plans detailing permanent impacts including: location, size, and depth of structures or fill material; quantity and composition of fill material; changes in topography and vegetation; and
   c. Description and/or plans of operational or long-term activities.
2) The impacts must be clearly depicted and accurately characterized by providing a detailed description and quantification (in estimated acres of impacts) of the project temporary, permanent, and indirect and cumulative impacts on special aquatic sites and other waters of the U.S., including the type of impact (e.g., habitat removal, fragmentation, introduction of exotic species) and its magnitude. These effects must be evaluated at the appropriate local

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

or regional context. Any avoidance and minimization measures in design should be well-documented and quantified in terms of acres of impacts avoided associated with each avoidance or minimization measure.

3) A detailed (rapid assessment or better) assessment of the functions and services of special aquatic sites and other waters of the U.S. is necessary to provide adequate analysis of impacts. The assessment should determine which functions are performed by the wetland/waters, the services of those functions, and how the project will affect the continued performance of the identified functions. The precise assessment methodology for characterizing the functions and services of aquatic resources should be determined in close consultation with the USACE.
4) Consideration of temporary, permanent, and indirect and cumulative impacts on biological resources, including sensitive species including federally listed endangered and threatened species and designated critical habitat.
5) Consideration of temporary, permanent, and cumulative impacts on cultural resources, including sites listed on the National Register of Historic Places or National Historic Landmarks.

Checkpoint C: Draft Mitigation Plan

1) Compensatory mitigation plan to offset permanent losses of waters of the U.S., including a statement describing how temporary losses of waters of the U.S. will be minimized to the maximum extent practicable; or, justification explaining why compensatory mitigation should not be required.
   a. Any compensatory mitigation proposed should be based on the watershed approach and should comply with the final mitigation rule issued by the EPA and the USACE on April 10, 2008, and USACE-issued Habitat Mitigation and Monitoring Guidelines.
   b. A description of any compensatory mitigation proposed should specify the amount, type, and location of compensatory mitigation, including any out-of-kind compensation, or indicate the intention to use an approved mitigation bank or in-lieu fee program.
   c. If the mitigation proposal includes project activities to create, restore, and/or enhance waters of the U.S. and aquatic ecosystems, a prospectus of candidate mitigation sites should be provided that includes:
      i. A detailed description of proposed activities to create, restore, and/or enhance waters of the U.S. and aquatic ecosystems including the amount, type, and location;
      ii. A jurisdictional delineation of existing features and a detailed assessment of the existing functions and services of special aquatic sites and other waters of the U.S;

   iii. A detailed assessment of the proposed functions and services of special aquatic sites and other waters of the U.S.;
   iv. Discussion of buffer areas and habitat linkages;
   v. Discussion of hydrology and hydraulic design considerations;
   vi. Listing of species to be used in carrying out mitigation;
   vii. Cost estimate and feasibility analysis;
   viii. Mitigation success criteria and monitoring methods;
   ix. Adaptive management plans;
   x. Long term maintenance and management plans;
   xi. Financial assurances; and
   xii. Long-term site protection instruments.

Checkpoint C: USACE Section 408 Draft Response

When the Authority has provided sufficient engineering and hydraulic analysis, the USACE District shall determine if the types of alterations/modifications to a Federal flood control facility would require approval by the District Engineer or by U.S. Army Corps of Engineers Headquarters (HQUSACE) under 33 U.S.C 408 (see "Determination of Approval Level" on Figure 1: Overview of the California HST Program MOU Process). If proposed alterations/modifications are minor, low impact modifications, the Authority shall coordinate with the local sponsor of the flood control facility and/or the USACE District, as appropriate. NEPA compliance is still required for minor modifications; therefore, the level of documentation should be coordinated with the USACE District or local sponsor. The District Engineer approval process under 33 U.S.C. Section 408 is not depicted in Figure 1.

If HQUSACE approval is required, the applicable USACE District shall provide review and information of the required risk analysis, safety assurance review, and policy compliance necessary to make a preliminary recommendation for each alteration or modification requiring HQUSACE approval. The Authority shall provide the safety assurance review plan and all the necessary technical analysis and supporting documentation for the following:

1) Risk Analysis: The Authority shall provide an analysis of the risk and uncertainty through evaluation of potential system impacts limited to the hydrologic and hydraulic parameters. Impacts will be determined by comparing performance parameters as presented in ER 1110-2-101 for the existing or base condition to the condition resulting from the project alteration/modification. The base performance conditions are defined by authorized project features. The USACE has provided technical guidance in EM 1110-2- 1619, but has yet to fully develop the guidance needed to analyze risk and uncertainty for the geotechnical and structural performance of a system. Until such guidance is developed, deterministic procedures are appropriate for demonstrating geotechnical and structural integrity under the full range of loading conditions.

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

2)Safety Assurance Review (SAR): Approval of the Safety Assurance Review (SAR) Plan is required by the USACE Division. When the USACE District is concurrently performing investigations that will entail a safety assurance review at the project location, the SAR for the overarching study will suffice but must be completed prior to initiation of construction. In cases where no USACE investigations are ongoing, an SAR on the proposed alteration/modification must be performed by the Authority in advance of Checkpoint C in accordance with EC 1165-2-209. The USACE District will utilize the SAR results when making a preliminary 408 District recommendation.

3)Policy Compliance: The applicable USACE District shall review and certify the legal/policy/technical and quality management of the decision document for each alteration or modification requiring HQUSACE approval.

A 60 percent or greater engineering design as well as any additional information specified in the (a) October 23, 2006, CECW-PB Memorandum for Major Subordinate Commands, SUBJECT: Policy and Procedural Guidance for the Approval of Modification and Alteration of Corps of Engineer Projects and (b) November 17, 2008, CECW-PB Memorandum from the Director of Civil Works titled "Clarification Guidance on the Policy and Procedural Guidance for the Approval of Modifications and Alteration of Corps of Engineers Projects" is required for a USACE District to provide a preliminary recommendation.

Appendix C. Program-Level/Tier 1 NEPA/404 Integration Letters

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

July 22, 2005

Mark Yachnetz
Environmental Program Manager
Federal Railroad Administration
1120 Vermont Avenue, NW, MS 20
Washington, D.C. 20590

Subject: California High Speed Train System Programmatic Environmental Impact Statement Request for Concurrence

Dear Mr. Yachnetz:

The U.S. Environmental Protection Agency (EPA) is writing in response to your request of July 1st, 2005, for concurrence on the range of alternatives that are "most likely to contain" the least environmentally damaging practicable alternative (LEDPA) for the proposed **California High Speed Train System**. Following our review of the Administrative Draft of the Final Programmatic Environmental Impact Statement (PEIS) submitted to EPA on July 11, 2005, we concur that the preferred alignments and station options, as listed in the attachment, are most likely to contain the LEDPA, a requirement of Section 404 of the Clean Water Act. EPA's concurrence encompasses the preferred High Speed Train alignment and station alternatives in each of the five geographic areas of the project: Bay Area to Merced, Sacramento to Bakersfield, Bakersfield to Los Angeles, Los Angeles to San Diego via Inland Empire, and Los Angeles to San Diego via Orange County.

Through a Cooperating Agency Memorandum of Understanding (MOU) signed in July 2003, EPA has coordinated with the Federal Railroad Administration (FRA) and the California High Speed Rail Authority (CHSRA) to establish agreement on decisions made in the environmental review process and to avoid revisiting those decisions at a later date. This coordination is accomplished through the early integration of the requirements of the National Environmental Policy Act (NEPA) and Section 404 of the Clean Water Act (CWA) and EPA concurrence with decisions made at significant points in the project development.

The PEIS, or "Tier 1" evaluation, provides landscape-level analysis of potential environmental impacts. The Tier 1 process is expected to identify those alternatives that will be analyzed in detail at the "Tier 2" project-level evaluation. As outlined in the MOU, EPA's concurrence establishes agreement on those alternatives that are most likely to contain the LEDPA at this Tier 1 programmatic level and should, therefore, be advanced for further study at Tier 2. During the Tier 2 project-level environmental review, EPA will continue to coordinate with FRA and CHSRA to determine which routes are the LEDPA.

Only alternatives that are the least damaging to aquatic resources and are practicable (feasible and in light of cost, logistics, and technology) can be permitted. Through this early integration and concurrence process, EPA has provided feedback that will aide the Tier 2 project-level analyses. We provide the following comments associated with the determination of the routes most likely to contain the LEDPA. These comments should be incorporated in the Final PEIS.

Bay Area to the Central Valley

Following EPA's review of the Draft PEIS in August 2004, EPA identified potential impacts to aquatic resources of national importance (CWA Section 404(q), 33 U.S.C. 1344(q)), wetlands, water quality, wildlife habitat, and endangered species that would result from the alternative alignments presented for the Diablo Direct and Pacheco alignments within the Bay Area to Merced region. The proposals described in the Draft PEIS for a high speed train route following the Diablo Direct alignments present federal permitting challenges because they would fragment the Diablo Range, bisect aquatic resources of national importance (including Orestimba Creek), and impact State parks, wilderness, and private, state, and federal conservation and mitigation lands. The Draft PEIS identified that a proposed route through the Pacheco Pass may result in significant impacts to waters of the United States, resulting in similar permitting difficulties.

Because of the potentially adverse impacts from the Diablo Direct and Pacheco alignments, we commend FRA and CHSRA for deferring a decision on an alignment connecting the Bay Area to Merced until a supplemental analysis can be completed to demonstrate to the public and the decision-makers that all variations of alternatives connecting the Bay Area to the Central Valley have been fully evaluated consistent with the CWA Section 404(b)(1) Guidelines.

Sacramento to Stockton

FRA and CHSRA have recommended that both the Union Pacific Railroad (UPRR) and Central California Traction (CCT) alignments be carried forward in the Tier 2 project-level NEPA documents. We understand that the UPRR alignment is preferred by FRA and CHSRA because it is an active freight corridor, is slightly shorter with shorter travel times (1 minute), and has lower construction costs (estimated $150 million) and that the CCT alignment is an abandoned freight corridor that is identified for a community-supported rails-to-trails project. However, the UPRR alignment would have potentially greater impacts to federally regulated waters than the CCT alignment, and the UPRR alignment is not clearly the alternative most likely to contain the LEDPA. In addition, the UPRR alignment crosses important aquatic conservation lands including Valensin Ranch and Snake Marsh. We agree with the decision to carry both alignments forward for study at the project-level to ensure compliance with the CWA and successful identification of the LEDPA.

Fresno to Bakersfield

EPA supports the decision by CHSRA and FRA to both (1) identify the Burlington Northern Santa Fe (BNSF) alignment as the preferred option for high speed train service connecting Fresno to Bakersfield, and (2) fully evaluate an additional alignment, such as the UPRR alignment, in project-level environmental review should the proposed additional planning study identify a feasible and practicable alignment that is likely to be less damaging to water and biological resources.

The BNSF and UPRR alignment have similar potential impacts to aquatic resources such as wetlands and streams, while the BNSF alignment has greater impacts to wildlife habitat. We are aware that local biologists are concerned about the potential impact that the BNSF alignment may have on movement corridors for threatened and endangered species and the extent of conservation lands linking the last remaining stands of native habitat, including alkali grasslands and alkali sink scrub. We are confident that the decision to analyze the BNSF alignment, as well

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2

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

as any alternative that is demonstrated to be less damaging to biological and water resources through the additional proposed study, will result in a high speed train alignment most likely to contain the LEDPA.

Carroll Canyon an. Miramar Road

As noted following in our comment letter on the Programmatic DEIS, both the Carroll Canyon and Miramar Road alignments for connecting Mira Mesa to San Diego may affect downstream lagoons. The Carroll Canyon alignment will also affect the ability of this region to absorb seasonal and annual flood waters, will increase erosion and sedimentation, and may negatively impact the water quality of the downstream Los Penasquitos Lagoon. Because the Carroll Canyon alignment would affect more vernal pools and more non-wetlands waters than the Miramar Road route, and because this area has been designated as a multiple habitat planning area (MHPA) through the San Diego Multiple Species Conservation Plan, EPA supports FRA and CHSRA's decision to analyze both the Miramar Road and the Carroll Canyon alignments at the project-level.

Thank you for this opportunity to comment on the high speed train alternatives most likely to contain the LEDPA. We have provided the above comments, along with continuous interagency communication and coordination, to aide in the development of future project-level analyses for a high speed train system for California. We look forward to reviewing and commenting on future Tier 2, project-level analyses for this important State-wide project. In addition, we are available to provide guidance and input related to establishing a framework for mitigation and future studies regarding the Bay Area to Central Valley and Fresno to Bakersfield alignments.

EPA will provide comments on the Final PEIS, pursuant to our NEPA/Clean Air Act Section 309 authority, once it is available for public review. This concludes the interagency concurrence process for the Tier I programmatic environmental review process, as established by the MOU. If you have any questions, please feel free to contact me at 415-972-3843, or Nova Blazej, Transportation Team Leader. Nova can be reached at 415-972-3846 or blazej.nova@epa.gov.

Sincerely,

Enrique Manzanilla, Director
Communities and Ecosystems Division

cc: Mehdi Morshed, California High Speed Rail Authority
David Castanon, Los Angeles Army Corps of Engineers
Wayne White, U.S. Fish and Wildlife Service
Crawford Tuttle, California Resources Agency
James Branham, California Environmental Protection Agency

Enclosure: EPA Concurrence on High Speed Train Alignment and Station Alternatives Most Likely to Contain the LEDPA

3

EPA Concurrence on High Speed Train Alignment and Station Alternatives that are Most Likely to Contain the Least Environmentally Damaging Practicable Alternative

EPA concurs with the following High Speed Train alignment and station alternatives as "most likely to contain the least environmentally damaging practicable alternative " to be carried forward for analysis in future Tier 2 project level analyses:

Bay Area to Merced:

- **Bay Area to Central Valley:**

Corridor bounded by, an including, the Pacheco Pass (SR-152) to the south, the Altamont Pass (I-580) to the north, the BNSF Corridor to the east, and the Caltrain Corridor to the west, excluding Henry Coe State Park and station options at Los Banos.

- **San Francisco Peninsula:**

Caltrain Corridor (Shared Use Four-Track)
Potential Station Locations: downtown San Francisco (Transbay Terminal), San Francisco Airport (Millbrae), and Redwood City or Palo Alto

- **East Bay Alignment:**

Hayward Line to I-880 (Hayward Alignment/I-880)
Potential Station Locations: West Oakland or 12th Street/City Center, Union City, and San Jose

Sacramento to Bakersfield:

- **Sacramento to Stockton:**

Union Pacific Railroad (UPRR) and Central California Traction (CCT)
Potential Station Locations: downtown Sacramento, downtown Stockton

- **Stockton to Merced:**

Burlington Northern Santa Fe (BNSF) analyzed with and without an Express Loop
Potential Station Locations: Modesto (Amtrak – Briggsmore) and Merced (downtown or Castle Air Force Base).

- **Merced to Fresno:**

BNSF
Potential Station Locations: Fresno Downtown

- **Fresno to Bakersfield:**

BNSF *(and any other practicable alternatives identified as being less damaging to water and/or biological resources following additional study to serve a potential Visalia Station)*
Potential Station Locations: downtown Bakersfield (Truxton)

Bakersfield to Los Angeles:

- Bakersfield to Sylmar:

SR-58/Soledad Canyon Corridor (Antelope Valley)
Potential Station Locations: Palmdale Airport Transportation Center

- **Sylmar to Los Angeles:**

Metrolink/UPRR

4

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

Potential Station Locations: downtown Burbank (Burbank Metrolink Media Station) and Los Angeles Union Station

Los Angeles to San Diego via Inland Empire:

- Los Angeles of March Air Reserve Base:

UPRR Riverside/UPRR Colton Line
Potential Station Options: East San Gabriel Valley (City of Industry), Ontario Airport, and Riverside (UC Riverside)

- March Air Reserve Base to Mira Mesa:

I-215/I-15
Potential Station Locations: Temcula Valley (Murrieta) and Escondido

- Mira Mesa to San Diego:

Carroll Canyon or Miramar Road
Potential Station Locations: University City and Downtown San Diego (Santa Fe Depot)

Los Angeles to Orange County:

- Los Angeles to Irvine:

LOSSAN Corridor
Potential Station Locations: Norwalk, Anaheim Transportation Center, and Irvine Transportation Center.

5

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

July 22, 2005

REPLY TO
ATTENTION OF:
Office of the Chief
Regulatory Branch

Mr. Mark E. Yachmetz
Associate Administrator for Railroad Development
U.S. Department of Transportation
Federal Railroad Administration
1120 Vermont Avenue, N.W.
Washington, D.C. 20590

Dear Mr. Yachmetz:

I am responding to your request (dated July 11, 2005 and addressed to Mr. David J. Castanon) for concurrence on the alternative 'most likely to yield' the least environmentally damaging practicable alternative ("LEDPA") for the statewide **California High Speed Train Project** ("Project"). If approved and implemented, the Project would entail an approximate 700-mile-long high-speed train connecting San Diego, Los Angeles, the Central Valley, Sacramento and the Bay Area regions. The system would be grade-separated and capable of reaching speeds in excess of 200 miles per hour.

The Project's Draft Program Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") analyzes two primary 'system' alternatives, which include a proposed high-speed train alternative and a modal alternative, plus the required No Project/No Action alternative. In addition to the system alternatives, the Federal Railroad Administration ("FRA") and the project proponent, the California High Speed Rail Authority ("CHSRA"), evaluated a range of potential high-speed train corridors, alignments and associated station locations within the five regional areas. Under our Section 404 of the Clean Water Act purview, the Corps provided feedback on the evaluation of these alternatives and offered technical input pertaining to aquatic resources for the development of the Program EIR/EIS.

In accordance with the Project's 2003 Cooperating Agencies Memorandum of Understanding ("MOU") between the FRA, the U.S. Army Corps of Engineers ("Corps"), Federal Highway Administration, Federal Transit Administration, and U.S. Environmental Protection Agency, we offer our concurrence on the preferred high-speed train corridors/general alignments and general station locations identified in the attachments to your April 26, 2005 and July 11, 2005 correspondences. We have based our concurrence on the information and analyses provided in the *Staff Recommendations on Identifying Preferred Alignment and Station*

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

Locations report (dated January, 2005), the screen check Draft Final Program EIR/EIS (dated June 24, 2005; and as amended July 19, 2005), and the supplemental information transmitted to our office July 11, 2005.

At this programmatic transportation planning stage, our concurrence on the alternative 'most likely to yield' the LEDPA represents a decision commensurate with the level and breadth of existing environmental data made available to the Corps. Moreover, such concurrence does not obviate the need for the FRA to fully comply with all requirements of the 404(b)(1) Guidelines during the preparation of any subsequent project-level EIS, at which time it is expected the CHSRA and/or FRA would seek Section 404 of the CWA and Section 10 of the Rivers and Harbors Act permits, as appropriate.

I am forwarding copies of this letter to Mr. Mehdi Morshed and Mr. Dan Leavitt, California High Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, California 95814; Mr. Enrique Manzanilla and Mr. Tim Vendlinski, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105-3901; and Mr. Mark Littlefield, U.S. Fish and Wildlife Service, Ecological Services, 2800 Cottage Way, Room W-2605, Sacramento, California 95825.

The Corps recognizes the importance of this statewide project and in working collaboratively with the FRA on the Final Program EIR/EIS. If you have any questions relating to Section 404 of the Clean Water Act or our regulatory program in general, please feel free to contact Ms. Susan A. Meyer at (213) 452-3412 of my staff. Please refer to this letter and 200100857-SAM in your reply.

Sincerely,

Alex C. Dornstauder
Colonel, US Army
District Engineer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

April 30, 2008

David Valenstein, Environmental Program Manager
Federal Railroad Administration
1120 Vermont Avenue, NW, MS 20
Washington, D.C. 20590

Subject: EPA Concurrence on the Corridor Most Likely to Contain the Least Environmentally Damaging Practicable Alternative for the Bay Area to Central Valley Draft Programmatic Environmental Impact Statement

Dear Mr. Valenstein:

The U.S. Environmental Protection Agency (EPA) is writing in response to your request of March 6, 2008 for concurrence on the corridor most likely to contain the least environmentally damaging preferred alternative (LEDPA) for the proposed **Bay Area to Central Valley California High Speed Train System**. We appreciate receiving follow-up materials provided to us via meeting on March 18, 2008. As outlined in the Cooperating Agency Memorandum of Understanding (MOU), EPA's concurrence on the corridor most likely to contain the LEDPA is intended to integrate the requirements of the National Environmental Policy Act (NEPA) and Section 404 of the Clean Water Act early in the environmental review process. EPA appreciates the coordination with your agency on this project and looks forward to continued participation in this, and future project-level, environmental reviews.

PURPOSE AND NEED

On January 27, 2007, EPA concurred with the following purpose and need statement for the Bay Area to Central Valley High Speed Train project:

> *"The purpose of the Bay Area High Speed Train is to provide a reliable high-speed electrified train system that links the major Bay Area cities to the Central Valley, Sacramento, and Southern California, and that delivers predictable and consistent travel times. Further objectives are to provide interfaces between the HST system and major commercial airports, mass transit and the highway network, and to relieve capacity constraints of the existing transportation system in a manner sensitive to and protective of the Bay Area to Central Valley region's and California's unique natural resources".*

RANGE OF ALTERNATIVES

Through the January 27, 2007 letter, EPA also concurred with the range of System Alternatives to be advanced to the Tier 1 Draft EIS. These alternatives include No Build/No

1

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Action, Modal, and High Speed Train. EPA also concurred with all of the High Speed Train alignment and station alternatives to be advanced to the Tier 1 Draft EIS at that time.

MOST LIKELY CORRIDOR TO YEILD THE LEDPA

Through this letter, and based on our review of the information provide to EPA as of this date, EPA concurs that the corridor most likely to yield the LEDPA is the "Pacheco Pass, San Francisco and San Jose Termini".

Thank you for this opportunity to participate in the Bay Area to Central Valley High Speed Train planning process. As a cooperating agency, we continue to be available to review administrative drafts and technical reports related to air quality, aquatic resources, and cumulative impacts analysis.

We look forward to reviewing and commenting on the proposed conceptual mitigation plan and completed Tier 1 Final EIS, pursuant to our NEPA/Clean Air Act Section 309 authority. If you have any questions, please feel free to contact me at 415-972-3846, or Connell Dunning, the lead reviewer for this project. Connell can be reached at 415-947-4161 or dunning.connell@epa.gov.

Sincerely,

Connell Dunning

Nova Blazej, Manager
Environmental Review Office

cc: Dan Leavitt, California High Speed Rail Authority
Bob Smith, Army Corps of Engineers

2

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

Regulatory Division

MAY 08 2008

Mr. David Valenstein
Federal Railroad Administration
Mail Stop 20
1120 Vermont Avenue, N.W.
Washington, DC 20590

Dear Mr. Valenstein:

This letter is written in response to request for concurrence on the Bay Area to Central Valley High Speed Train (HST) Section 404 (b)(1) Alternatives Analysis for the HST route selection. Based on our review of the information in the documents you provided we believe you have reasonably demonstrated that there are no other routes to accommodate the Bay Area to Central Valley High Speed Train. Based on this evaluation, the Corps concludes there are no other practicable alternatives to the Pacheco Pass, San Francisco and San Jose Termini with less adverse impact on the aquatic ecosystem or without other significant adverse environmental consequences.

Should you have any questions regarding this matter, please call Bob Smith of our Regulatory Branch at 415-503-6792. Please address all correspondence to the Regulatory Branch and refer to the File Number at the head of this letter.

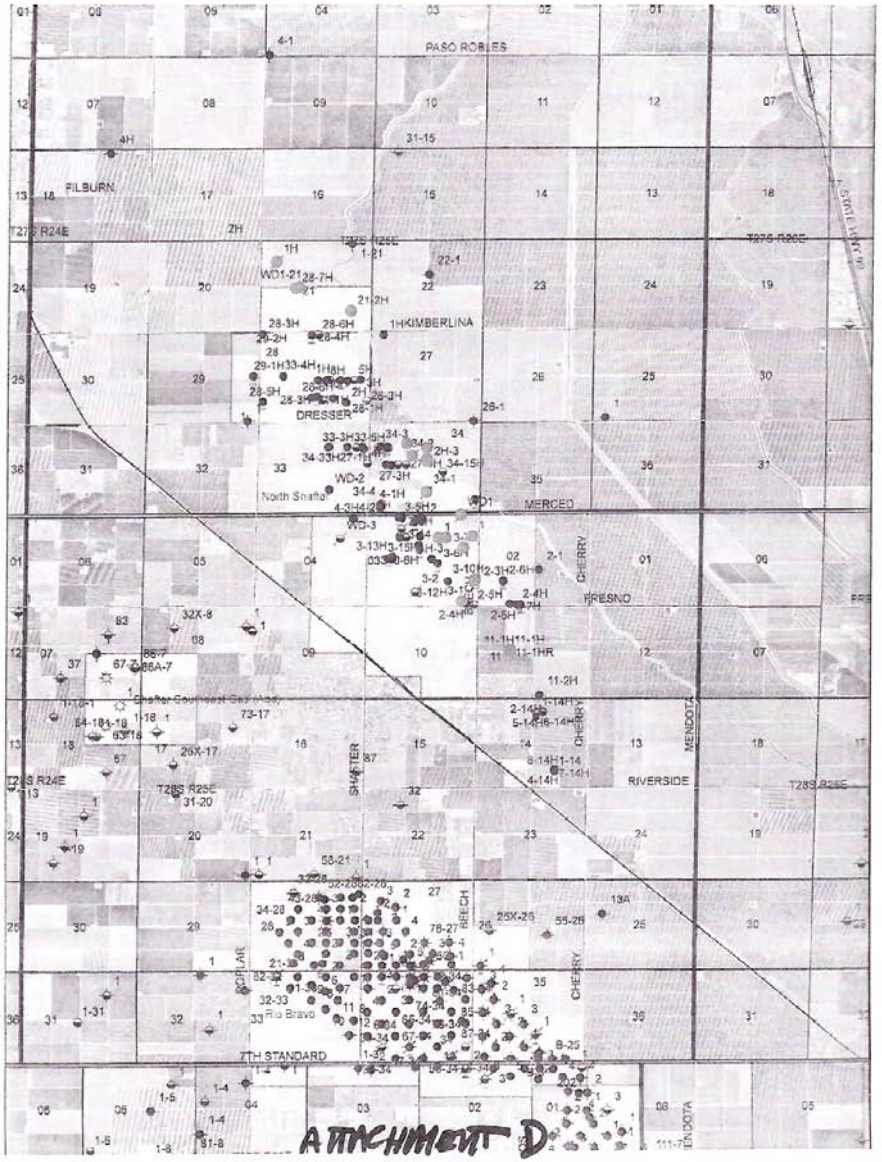
Sincerely,

Jane M. Hicks
Chief, Regulatory Division

Copy Furnished:

US EPA, San Francisco, CA

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued



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CHSRA TASK ORDERS

Summary of Estimated Costs for Identified Subtasks Within the 29-Mile "Construction Package 1" Area

Entity	Task Order No.	Estimated Cost
City of Fresno	COF00001	$14,600,824.00
	COF00002	$16,227,866.00
	COF00003	$1,224,400.00
	COF00004	$1,323,471,007.00
County of Fresno	FC00001	$6,982,966.00
Fresno Irrigation District	FID00001	$7,973,567.00
	FID00002	$3,066,863.00
County of Madera	MC00001	$99,133,788.00
Madera Irrigation District	MID00001	$4,342,500.00
Fresno Metropolitan Flood Control District	SD00001	$22,881,087.00
AT&T	AT&T 001	$11,236,000.00
	AT&T 002	$1,261,000.00
Pacific Gas & Electric Co.	PG&E 001	$17,200,000.00
	PG&E 002	$7,478,996.00
	PG&E 003	$8,823,744.00
TOTAL:		$1,545,904,608.00

ATTACHMENT E

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

Noise and vibration from high-speed trains

Edited by

V. V. Krylov

Department of Civil and Structural Engineering
Nottingham Trent University

Thomas Telford

ATTACHMENT F

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

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Contents

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

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Attachment to Submission BO029 (Gary A. Patton, Citizens for California High Speed Rail Accountability (Atty. For) Wittwer & Parkin, LLP, October 18, 2012) - 554 Wittwer-Parkin Letter 10182012_Attachments.pdf - Continued

Preface

During the last decade, high-speed railways have become one of the most advanced and fast-developing branches of transportation. The reasons for this are the relatively low air pollution per passenger, compared with road vehicles, and the very high speeds achievable by the most advanced modern trains – French TGV, Eurostar, Thalys, the German ICE, British high-speed trains, the Italian Pendolino, the Swedish X2000, the Japanese Shinkansen, etc. For example, for French TGV trains a maximum speed of more than 515 km/h was achieved in May 1990, and speeds close to 300 km/h are now typical for commercially used TGV and Eurostar trains. Prospective plans for the year 2010 assume that the New European Trunk Line will have connected Paris, London, Brussels, Amsterdam, Cologne and Frankfurt by a high-speed railway service that will provide fast and more convenient passenger communications within Europe. Similar plans are being developed in the USA and Japan. All these make high-speed railways increasingly competitive with air and road transport at short and medium distances.

Unfortunately, when train speeds increase, the intensity of railway-generated noise and vibration generally becomes higher. And this represents a major environmental problem for nearby residents, schools and hospitals. Railway operators and local authorities need to be familiar with those new aspects of railway noise and vibration which are associated with high-speed trains. Almost all known mechanisms of generation of railway noise and vibration are speed dependent. These include both wheel/rail rolling noise and aerodynamic noise, the latter being important for train speeds higher than 300 km/h. This applies even more so for generated ground vibrations. For example, when train speeds exceed certain critical velocities of elastic waves propagating in the ground or in the track/ground system, new mechanisms of generation of ground vibrations may appear, in addition to those already known for conventional trains. In particular, a very large increase in generated ground vibrations may occur if train speeds exceed the velocity of Rayleigh surface waves in the ground. If this happens, a *ground vibration boom* takes place, similar to the sonic boom normally associated with supersonic aircraft. The first observation of a ground vibration boom took place on the recently opened high-speed railway line in Sweden. This line was built on very soft soil, with Rayleigh wave velocities as low as 45 m/s. This is why an increase in train speed from 140 to

180 km/h was sufficient for the phenomenon to be observed, thus indicating that 'supersonic' or (more precisely) 'trans-Rayleigh' trains have become today's reality.

There are many other new physical effects and mechanisms of generation of noise and vibration which are specific to high-speed trains, for example the effects of train-induced non-linear pressure wave propagation in long tunnels, resulting in bursting noise radiated from the exit tunnel portals. In addition to these new effects, the 'traditional' mechanisms of generation of railway noise and vibration and their propagation from the source to a receiver demonstrate interesting new features and sometimes behave in a different way as train speeds increase. An example of this may be seen in the design of noise barriers for high-speed railway lines. Such barriers should take into account the spatial redistribution of noise generation mechanisms as train speeds increase.

Although some of the problems of noise and vibration from high-speed trains are being addressed in an increasing number of journal papers and conference proceedings, there is still no general reference book which could help a reader starting to study this problem to find answers to numerous theoretical and practical questions. The existing reviews concerning railway-generated noise and vibration deal largely with conventional trains and do not reflect specific high-speed problems. The present book, which consists of 14 chapters grouped into five parts, aims to fill this gap. It represents the views of leading international experts on the current status of the problems of generation and propagation of noise and vibration from high-speed trains and suggests possible ways of reducing their environmental impact. The book describes mainly the results of recent academic research and is pitched largely at an advanced level. In the light of this, it is assumed that the ideal reader will have a university background in engineering, physics or applied mathematics. At the same time, several chapters of the book have been written by railway noise and vibration practitioners. These chapters contain a lot of experimental data with interesting illustrations and can be understood by a less well-prepared audience.

The intended readership of the book is rather wide. It includes scientists and engineers working on the prediction and remediation of railway noise and vibration, environmental consultants investigating particular situations associated with the environmental impact of railways, local authorities, designers of new railway lines, etc. The book will also be useful to university students, railway enthusiasts and for members of the general public concerned with topical environmental issues.

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