Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

and Golden State Blvd. Facility Work is shown on Drawing UT-C4000
Period of Performance: 6 Months
The estimated value for this FACILITY WORK is $118,368

- **Subtask E3.17**
  Scope: Design and relocate approximately 760LF of overhead power facilities near Herndon Ave and Golden State Blvd. Facility Work is shown on Drawing UT-C4001.
  Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $109,440
- **Subtask E3.18**
  Scope: Design and relocate approximately 350LF of overhead power facilities near Veterans Blvd and Golden State Blvd. Facility Work is shown on Drawing UT-C4004.
  Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $50,400
- **Subtask E3.19**
  Scope: Design and relocate approximately 553LF of overhead power facilities near Veterans Blvd and Golden State Blvd. Facility Work is shown on Drawing UT-C4004.
  Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $79,632
- **Subtask E3.20**
  Scope: Design and relocate approximately 400LF of underground power facilities near Veterans Blvd and Golden State Blvd. Facility Work is shown on Drawing UT-C4007.
  Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $57,600
- **Subtask E3.21**
  Scope: Design and relocate approximately 23,900 LF of overhead power facilities along Golden State Blvd between Veterans Blvd and Richert Ave. Facility Work is shown on Drawing UT-C4007, UT-C4008, UT-C4009, UT-C4010, UT-C4011, UT-C4011, UT-C4012, UT-C4013, UT-C4014, UT-C4015, UT-C4016, UT-C4030 and UT-C4031.
  Period of Performance: 18 Months
  The estimated value for this FACILITY WORK is $3,441,600
- **Subtask E3.22**
  Scope: Design and relocate approximately 1,700 LF of overhead power facilities along Golden State Blvd between Richert Ave and Ashlan Ave. Facility Work is shown on Drawing UT-C4016 and UT-C4017.
  Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $244,800
- **Subtask E3.23**
  Scope: Design and relocate approximately 650LF of overhead power facilities near Ashlan Ave and Golden State Blvd. Facility Work is shown on Drawing UT-C4017.
  Period of Performance: 4 Months

The estimated value for this FACILITY WORK is $93,600

- **Subtask E3.24**
  Scope: Design and relocate approximately 1,000 LF of overhead power facilities near Ashlan Ave and Golden State Blvd. Facility Work is shown on Drawing UT-C4018.
  Period of Performance: 4 Months
  The estimated value for this FACILITY WORK is $144,000
- **Subtask E3.25**
  Scope: Design and relocate approximately 2,800 LF of overhead power facilities along Golden State Blvd between Dakota Ave and Valentine Ave. Facility Work is shown on Drawing UT-C4019 and UT-C4020.
  Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $403,200
- **Subtask E3.26**
  Scope: Design and relocate approximately 1,600 LF of overhead power facilities at Clinton Ave and SR99. Facility Work is shown on Drawing UT-C4024.
  Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $230,400
- **Subtask E3.27**
  Scope: Design and relocate approximately 1,200 LF of overhead power facilities at Clinton Ave and Golden State Blvd. Facility Work is shown on Drawing UT-C4035.
  Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $172,800
- **Subtask E3.28**
  Scope: Design and relocate approximately 6,435 LF of overhead power facilities near McKinley Ave and Golden State Blvd. Facility Work is shown on Drawing UT-C4037, UT-C4038, UT-C4039, UT-C4046 and UT-C4047.
  Period of Performance: 12 Months
  The estimated value for this FACILITY WORK is $926,640
- **Subtask E3.29**
  Scope: Design and relocate approximately 1,900 LF of overhead power facilities near Olive Ave and Golden State Blvd. Facility Work is shown on Drawing UT-C4039.
  Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $273,600
- **Subtask E3.30**
  Scope: Design and relocate approximately 510 LF of overhead power facilities near Olive Ave and Golden State Blvd. Facility Work is shown on Drawing UT-C4040 and UT-C4049.
  Period of Performance: 3 Months
  The estimated value for this FACILITY WORK is $73,440
- **Subtask E3.31**
  Scope: Design and relocate approximately 150 LF of overhead power facilities near Belmont Ave

08/22/2012 ADDENDUM 4 - RFP HSR 11-16

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

and Weber Ave. Facility Work is shown on Drawing UT-C4041.
Period of Performance: 3 Months
The estimated value for this FACILITY WORK is $21,600

- **Subtask E3.32**
  Scope: Design and relocate approximately 450 LF of overhead power facilities near Belmont Ave and Weber Ave. Facility Work is shown on Drawing UT-C4042.
  Period of Performance: 3 Months
  The estimated value for this FACILITY WORK is $64,800
- **Subtask E3.33**
  Scope: Design and relocate approximately 580 LF of overhead power facilities near G St and Divisadero St. Facility Work is shown on Drawing UT-C4044.
  Period of Performance: 3 Months
  The estimated value for this FACILITY WORK is $83,520
- **Subtask E3.34**
  Scope: Design and relocate approximately 270 LF of overhead power facilities near G St and Divisadero St. Facility Work is shown on Drawing UT-C4045.
  Period of Performance: 3 Months
  The estimated value for this FACILITY WORK is $38,880
- **Subtask E3.35**
  Scope: Design and relocate approximately 400 LF of overhead power facilities near Belmont Ave and Weber Ave. Facility Work is shown on Drawing UT-C4051.
  Period of Performance: 3 Months
  The estimated value for this FACILITY WORK is $57,600
- **Subtask E3.36**
  Scope: Design and relocate approximately 400 LF of overhead power facilities near Belmont Ave and Weber Ave. Facility Work is shown on Drawing UT-C4052.
  Period of Performance: 3 Months
  The estimated value for this FACILITY WORK is $28,800
- **Subtask E3.37**
  Scope: Design and relocate approximately 500 LF of overhead power facilities near G St and Stanislaus St. Facility Work is shown on Drawing UT-C4054.
  Period of Performance: 3 Months
  The estimated value for this FACILITY WORK is $72,000
- **Subtask E3.38**
  Scope: Design and relocate approximately 500 LF of overhead power facilities near G St and Stanislaus St. Facility Work is shown on Drawing UT-C4054.
  Period of Performance: 3 Months
  The estimated value for this FACILITY WORK is $122,544
- **Subtask E3.39**
  Scope: Design and relocate approximately 1,000 LF of overhead power facilities near G St and

Fresno St. Facility Work is shown on Drawing UT-C4055.
Period of Performance: 4Months
The estimated value for this FACILITY WORK is $144,000

- **Subtask E3.40**
  Scope: Design and relocate approximately 700 LF of overhead power facilities near G St and Fresno St. Facility Work is shown on Drawing UT-C4055.
  Period of Performance: 4Months
  The estimated value for this FACILITY WORK is $100,800
- **Subtask E3.41**
  Scope: Design and relocate approximately 1,370 LF of overhead power facilities near G St and Tulare St. Facility Work is shown on Drawing UT-C4056.
  Period of Performance: 4Months
  The estimated value for this FACILITY WORK is $197,280
- **Subtask E3.42**
  Scope: Design and relocate approximately 2,200 LF of overhead power facilities near G St and Ventura St. Facility Work is shown on Drawing UT-C4057.
  Period of Performance: 4Months
  The estimated value for this FACILITY WORK is $316,800
- **Subtask E3.43**
  Scope: Design and relocate approximately 1,200 LF of overhead power facilities near H St and Ventura St. Facility Work is shown on Drawing UT-C4059.
  Period of Performance: 4Months
  The estimated value for this FACILITY WORK is $172,800
- **Subtask E3.44**
  Scope: Design and relocate approximately 200 LF of overhead power facilities near California Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 4Months
  The estimated value for this FACILITY WORK is $28,800.
- **Subtask E3.45**
  Scope: Design and relocate approximately 200 LF of overhead power facilities near Cherry Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 4Months
  The estimated value for this FACILITY WORK is $28,800.
- **Subtask E3.46**
  Scope: Design and relocate approximately 200 LF of overhead power facilities near Florence Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 4Months
  The estimated value for this FACILITY WORK is $28,800.
- **Subtask E3.47**
  Scope: Design and relocate approximately 200 LF of overhead power facilities near Belgravia

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

Ave. Facility Work is shown on Drawing xxxxx.
Period of Performance: 4 Months
The estimated value for this FACILITY WORK is $28,800.

- **Subtask E3.48**
  Scope: Design and relocate approximately 200 LF of overhead power facilities near East Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 4 Months
  The estimated value for this FACILITY WORK is $28,800.
- **Subtask E3.49**
  Scope: Design and relocate approximately 400 LF of overhead power facilities near Jensen Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 4 Months
  The estimated value for this FACILITY WORK is $57,600.
- **Subtask E3.50**
  Scope: Design and relocate approximately 600 LF of overhead power facilities near Orange Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 4 Months
  The estimated value for this FACILITY WORK is $86,400.
- **Subtask E3.51**
  Scope: Authority's Contractor is to protect in place approximately 200 LF of overhead power facilities near Golden State Blvd. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 36 Months
  The estimated value for this FACILITY WORK is $16,400.
- **Subtask E3.52**
  Scope: Authority's Contractor is to protect in place approximately 200 LF of overhead power facilities near Hardy Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 36 Months
  The estimated value for this FACILITY WORK is $16,400.
- **Subtask E3.53**
  Scope: Authority's Contractor is to protect in place approximately 200 LF of overhead power facilities near Hardy Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 36 Months
  The estimated value for this FACILITY WORK is $16,400.
- **Subtask E3.54**
  Scope: Authority's Contractor is to protect in place approximately 200 LF of overhead power facilities near North Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 36 Months
  The estimated value for this FACILITY WORK is $16,400.
- **Subtask E3.55**
  Scope: Authority's Contractor is to protect in place approximately 200 LF of overhead power

facilities near Cedar Ave. Facility Work is shown on Drawing xxxxx.
Period of Performance: 36 Months
The estimated value for this FACILITY WORK is $16,400.

- **Subtask E3.56**
  Scope: Authority's Contractor is to protect in place approximately 200 LF of overhead power facilities near Muscat Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 36 Months
  The estimated value for this FACILITY WORK is $16,400.
- **Subtask E3.57**
  Scope: Authority's Contractor is to protect in place approximately 200 LF of overhead power facilities near Muscat Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 36 Months
  The estimated value for this FACILITY WORK is $16,400.
- **Subtask E3.58**
  Scope: Authority's Contractor is to protect in place approximately 200 LF of overhead power facilities near Muscat Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 36 Months
  The estimated value for this FACILITY WORK is $16,400.
- **Subtask E3.59**
  Scope: Authority's Contractor is to protect in place approximately 200 LF of overhead power facilities near Muscat Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 36 Months
  The estimated value for this FACILITY WORK is $16,400.
- **Subtask E3.60**
  Scope: Design and relocate approximately 200 LF of overhead power facilities near Central Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 4 Months
  The estimated value for this FACILITY WORK is $28,800.
- **Subtask E3.61**
  Scope: Design and relocate approximately 200 LF of overhead power facilities near Central Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 4 Months
  The estimated value for this FACILITY WORK is $28,800.
- **Subtask E3.62**
  Scope: Design and relocate approximately 200 LF of overhead power facilities near Malaga Ave. Facility Work is shown on Drawing xxxxx.
  Period of Performance: 4 Months
  The estimated value for this FACILITY WORK is $28,800.
- **Subtask E3.63**
  Scope: Design and relocate approximately 200 LF of overhead power facilities near American

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

Ave. Facility Work is shown on Drawing xxxxx.
Period of Performance: 4 Months
The estimated value for this FACILITY WORK is $28,800.

Comment [v2]: Sub Tasks E3.44 to E3.63 are assumptions based on limited information shown within the CP1 drawings.

Project Schedule

Deadlines for the completion of FACILITY WORK are provided for in the contract between AUTHORITY and AUTHORITY'S CONTRACTOR.

Schedule for FACILITY WORK (This TASK ORDER Only)

UTILITY OWNER shall complete the design and construction work in accordance with the schedule specified in this TASK ORDER. UTILITY OWNER shall commence construction work only after acceptance of the final design for such work in accordance with Appendix B – Design Build Procedures of the Master Agreement.

Design:
Start Date: June 2012
Completion Date: January 2013

Construction:
Start Date: January 2013
Completion Date: June 2015

PERFORMANCE OF THE FACILITY WORK

Design

The design furnished by UTILITY OWNER pursuant to this TASK ORDER shall be substantially in accordance with the Proposed Preliminary Design (see Appendix B – Design Build Procedures of the Master Agreement) attached to this TASK ORDER, and shall be consistent with 30% design submittal of the PROJECT plans. All plans for FACILITY WORK are subject to review by AUTHORITY, UTILITY OWNER, and AUTHORITY'S CONTRACTOR, in accordance with the time frames and procedures set forth in Appendix B – Design Build Procedures of the Master Agreement.

BY UTILITY OWNER: UTILITY OWNER performs all design and construction services for FACILITY WORK.

BY AUTHORITY'S CONTRACTOR: AUTHORITY'S CONTRACTOR will review FACILITY PLANS and be entitled to have a reasonable number of representatives on site of PROJECT to verify the FACILITY WORK is being performed on schedule and coordinated by UTILITY OWNER

Construction

UTILITY OWNER will perform all the construction services for the FACILITY WORK. The construction of FACILITY WORK shall be performed substantially in accordance with the final FACILITY PLANS. Deviations from the final FACILITY PLANS may occur only in conformity with the Master Agreement.

LIABILITY FOR WORK

In accordance with Section 3 of the Master Agreement, UTILITY OWNER and AUTHORITY shall each be responsible for the cost of the FACILITY WORK as specified herein. The total estimated cost for the FACILITY WORK is $8,823,744.

Cost Allocation

AUTHORITY pays 100% and UTILITY OWNER pays 0% of cost of FACILITY WORK

COST ESTIMATE

The amounts stated herein are estimates of the costs associated with the FACILITY WORK. Authorized expenditures and reimbursements will be based on the terms of the Master Agreement.

For Work by UTILITY OWNER

AUTHORITY has prepared an initial cost estimate in the amount of $8,823,744 for the FACILITY WORK included in this TASK ORDER.

UTILITY OWNER's costs for FACILITY WORK shall be developed pursuant to Section 5, "Payment of Work," of the Master Agreement, and shall be performed in accordance with the procedures set forth in Section 4, "Performance of Work" and Appendix B – Design Build Procedures of this Master Agreement.

[Select (and complete, if necessary) the one appropriate provision, and delete the inapplicable provisions]

UTILITY OWNER estimates that its total actual cost for the FACILITY WORK (net of any applicable credits for accrued depreciation, salvage and BETTERMENT), referred to herein as the "ACTUAL COST," will be approximately $8,823,744. UTILITY OWNER's ACTUAL COST for the FACILITY WORK shall be developed in accordance with 23 C.F.R. 645.117, pursuant to either *[check one]*

☐ A work order accounting procedure prescribed by the applicable Federal or State regulatory body; or

☐ An established accounting procedure developed by UTILITY OWNER and which UTILITY OWNER uses in its regular operations. Any costs included in the Actual Cost shall be reasonable, and shall be computed using rates and schedules not exceeding those applicable to similar work performed by or for UTILITY OWNER at UTILITY OWNER's full expense. The parties agree that 0% of UTILITY OWNER's Actual Cost will be attributed to BETTERMENT.

For Work by Authority's Contractor

AUTHORITY'S CONTRACTOR shall prepare a cost estimate for the FACILITY WORK which shall be submitted for AUTHORITY's approval. Such estimate will reflect appropriate estimated charges for BETTERMENT and salvage value, if any. Upon approval, the parties shall revise this TASK ORDER to incorporate the approved estimate.

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

BETTERMENT, ACCRUED DEPRECIATION, SALVAGE

The FACILITY WORK in this TASK ORDER does not include any BETTERMENT

– OR –

The parties have not yet determined if the FACILITY WORK includes any BETTERMENT, or have not yet determined the amount attributable to BETTERMENT. Upon such determination, the parties shall revise this TASK ORDER as appropriate.

BILLING AND PAYMENT

Billing and payment shall be in accordance with Section 5, "Payment for Work," of the Master Agreement.

SIGNATURES

This TASK ORDER shall become effective upon the later of:

The date of signing by the last party signing this TASK ORDER, or

The completion AUTHORITY's review as indicated by the signature of AUTHORITY's representative, below.

IN WITNESS WHEREOF, this TASK ORDER has been executed under the provisions of Agreement No. _____ between the AUTHORITY, UTILITY OWNER, and AUTHORITY'S CONTRACTOR. By signature below, the parties hereto agree that all terms and conditions of this TASK ORDER No. ____ and Agreement No. _____ shall be in full force and effect.

UTILITY OWNER:

BY: _____ **DATE:** _____
Signature

Typed Name: _____

Typed Title:

UTILITY OWNER'S Legal Review

BY: _____ **DATE:** _____
Signature – UTILITY OWNER'S Legal Counsel

California High Speed Rail Authority (AUTHORITY)

BY: _____ **DATE:** _____

California High-Speed Rail

Agreement Status

RFP No. HSR 11-16
Addendum No. 4
July 31, 2012

Entity: AT&T

Entity Role: AT&T will perform all design and construction services for Facility Work.

Master Agreement: Draft Master Agreement has been sent to AT&T for review and comment. AT&T has not provided comments

Task Orders: Draft Task Order is being prepared.

DISCLAIMER: **Because the Master Agreement has not yet been approved by the AT&T Board of Directors, the Authority cannot represent that there will be no substantive changes to the draft Master Agreement as provided. The Master Agreement and draft Task Orders are being provided for informational purposes only, and the draft Task Orders are subject to the express limitations set forth in the General Provisions.**

08/22/2012 ADDENDUM 4 - RFP HSR 11-16

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

Date: June 19, 2012
UTILITY OWNER: AT&T
Agreement No: 0000000
Task Order No: AT&T 001
Project Title: California High-Speed Rail Project

GENERAL

This TASK ORDER supplements and amends the Construction Contract and Master Agreement. The purpose of this TASK ORDER is to authorize the FACILITY WORK for UTILITY OWNER. Each FACILITY that requires RELOCATION will be handled under a separate subtask of this TASK ORDER.

WORK TO BE COMPLETED

Master Agreement

This TASK ORDER is issued in order to authorize the work described herein (FACILITY WORK). This TASK ORDER does not express all of the terms and conditions relevant to the FACILITY WORK; accordingly, the Master Agreement and all of the provisions thereof are incorporated into this TASK ORDER by this reference. Capitalized terms used but not identified in this TASK ORDER shall have the definitions set forth in the Master Agreement. All attachments referenced in this TASK ORDER are incorporated herein by such reference. All FACILITY WORK shall be performed in accordance with the requirements of the Master Agreement and, in the event of any inconsistency between the provisions of this TASK ORDER and the Master Agreement, the provisions of the Master Agreement shall prevail.

Scope of Work

FACILITY WORK as defined in Section 2.1 of the Master Agreement is incorporated by reference. Each separate FACILITY that requires RELOCATION will be treated as a subtask to this TASK ORDER.

- **Location and General Description of the Work Covered by this TASK ORDER (Including Disposition of Existing Facilities):**
  UTILITY OWNER will furnish all labor, material, equipment and supervision required to complete the relocation of FACILITIES and appurtenances. All work shall be performed substantially in accordance with "Request for Proposal for Design Build Services-RFP No. 11-16 consisting of Hybrid Alternative, Contract Package 1A, Contract Package 1B and Contract Package 1C, a copy of which is on file in the AUTHORITY'S office at 770 L St, Suite 800, Sacramento, CA 95814.

- **Subject Work to be Performed by Parties Pursuant to this TASK ORDER:**
  UTILITY OWNER performs all design and construction services for FACILITY WORK. AUTHORITY and AUTHORITY'S CONTRACTOR will review and provide comments FACILITY PLANS and AUTHORITY's CONTRACTOR shall be entitled to have representatives on the site of

California High Speed Rail Authority

TASK ORDER NO. AT&T 001
CHSRP Interaction Removal or Relocation Plan

PROJECT to verify that the FACILITY WORK is being performed on schedule and coordinated by UTILITY OWNER.

- **Subtask 1.01**
  Scope: Design, secure permits, traffic control and relocate fiber optic facilities along Golden State Blvd between Shaw Ave and Clinton Ave and provide casing(s) to accommodate fiber optic facilities crossing HSR alignment. Facility Work is shown on Drawing UT-C4013, UT-C4014, UT-C4015, UT-C4016, UT-C4017, UT-C4018, UT-C4019, UT-C4020, UT-C4021, UT-C4022, UT-C4023 and UT-C4024.
  Estimated Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $10,810,000.
- **Subtask 1.02**
  Scope: Design, secure permits, traffic control and relocate fiber optic facilities near G St and Fresno St. Facility Work is shown on Drawing UT-C4055.
  Estimated Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $106,500.
- **Subtask 1.03**
  Scope: Design, secure permits, traffic control and relocate fiber optic facilities near G St and Tulare St. Facility Work is shown on Drawing UT-C4056.
  Estimated Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $106,500.
- **Subtask 1.04**
  Scope: Design, secure permits, traffic control and relocate fiber optic facilities along G St near Tulare St and Ventura St. Facility Work is shown on Drawing UT-C4056 and UT-C4057.
  Estimated Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $213,000.

Project Schedule

Deadlines for the completion of FACILITY WORK are provided for in the contract between AUTHORITY and AUTHORITY'S CONTRACTOR.

Schedule for FACILITY WORK (This TASK ORDER Only)

UTILITY OWNER shall complete the design and construction work in accordance with the schedule specified in this TASK ORDER. UTILITY OWNER shall commence construction work only after acceptance of the final design for such work in accordance with Appendix B – Design Build Procedures of the Master Agreement.

Design:	**Construction:**
Start Date: January 2013	**Start Date: April 2013**
Completion Date: April 2013	**Completion Date: June 2015**

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

PERFORMANCE OF THE FACILITY WORK

Design

The design furnished by UTILITY OWNER pursuant to this TASK ORDER shall be substantially in accordance with the Proposed Preliminary Design (see Appendix B – Design Build Procedures of the Master Agreement) attached to this TASK ORDER, and shall be consistent with 30% design submittal of the PROJECT plans. All plans for FACILITY WORK are subject to review by AUTHORITY, UTILITY OWNER, and AUTHORITY'S CONTRACTOR, in accordance with the time frames and procedures set forth in Appendix B – Design Build Procedures of the Master Agreement.

BY UTILITY OWNER: UTILITY OWNER performs all design and construction services for FACILITY WORK.

BY AUTHORITY'S CONTRACTOR: AUTHORITY'S CONTRACTOR will review FACILITY PLANS and be entitled to have a reasonable number of representatives on site of PROJECT to verify the FACILITY WORK is being performed on schedule and coordinated by UTILITY OWNER

Construction

UTILITY OWNER will perform all the construction services for the FACILITY WORK. The construction of FACILITY WORK shall be performed substantially in accordance with the final FACILITY PLANS. Deviations from the final FACILITY PLANS may occur only in conformity with the Master Agreement.

LIABILITY FOR WORK

In accordance with Section 3 of the Master Agreement, UTILITY OWNER and AUTHORITY shall each be responsible for the cost of the FACILITY WORK as specified herein. The total estimated cost for the FACILITY WORK is $11,236,000.

Cost Allocation

AUTHORITY pays 100% and UTILITY OWNER pays 0% of cost of FACILITY WORK

COST ESTIMATE

The amounts stated herein are estimates of the costs associated with the FACILITY WORK. Authorized expenditures and reimbursements will be based on the terms of the Master Agreement.

For Work by UTILITY OWNER

AUTHORITY has prepared an initial cost estimate in the amount of $11,236,000 for the FACILITY WORK included in this TASK ORDER.

UTILITY OWNER's costs for FACILITY WORK shall be developed pursuant to Section 5, "Payment of Work," of the Master Agreement, and shall be performed in accordance with the procedures set forth in Section 4, "Performance of Work" and Appendix B – Design Build Procedures of this Master Agreement.

[Select (and complete, if necessary) the one appropriate provision, and delete the inapplicable provisions]

UTILITY OWNER estimates that its total actual cost for the FACILITY WORK (net of any applicable credits for accrued depreciation, salvage and BETTERMENT), referred to herein as the "ACTUAL COST," will be approximately $11,236,000. UTILITY OWNER's ACTUAL COST for the FACILITY WORK shall be developed in accordance with 23 C.F.R. 645.117, pursuant to either *[check one]*

☐ A work order accounting procedure prescribed by the applicable Federal or State regulatory body; or

☐ An established accounting procedure developed by UTILITY OWNER and which UTILITY OWNER uses in its regular operations. Any costs included in the Actual Cost shall be reasonable, and shall be computed using rates and schedules not exceeding those applicable to similar work performed by or for UTILITY OWNER at UTILITY OWNER's full expense. The parties agree that 0% of UTILITY OWNER's Actual Cost will be attributed to BETTERMENT.

For Work by Authority's Contractor

AUTHORITY'S CONTRACTOR shall prepare a cost estimate for the FACILITY WORK which shall be submitted for AUTHORITY's approval. Such estimate will reflect appropriate estimated charges for BETTERMENT and salvage value, if any. Upon approval, the parties shall revise this TASK ORDER to incorporate the approved estimate.

BETTERMENT, ACCRUED DEPRECIATION, SALVAGE

The FACILITY WORK in this TASK ORDER does not include any BETTERMENT

– OR –

The parties have not yet determined if the FACILITY WORK includes any BETTERMENT, or have not yet determined the amount attributable to BETTERMENT. Upon such determination, the parties shall revise this TASK ORDER as appropriate.

BILLING AND PAYMENT

Billing and payment shall be in accordance with Section 5, "Payment for Work," of the Master Agreement.

SIGNATURES

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

Date: June 19, 2012
UTILITY OWNER: AT&T
Agreement No: 0000000
Task Order No: AT&T 002
Project Title: California High-Speed Rail Project

GENERAL

This TASK ORDER supplements and amends the Construction Contract and Master Agreement. The purpose of this TASK ORDER is to authorize the FACILITY WORK for UTILITY OWNER. Each FACILITY that requires RELOCATION will be handled under a separate subtask of this TASK ORDER.

WORK TO BE COMPLETED

Master Agreement

This TASK ORDER is issued in order to authorize the work described herein (FACILITY WORK). This TASK ORDER does not express all of the terms and conditions relevant to the FACILITY WORK; accordingly, the Master Agreement and all of the provisions thereof are incorporated into this TASK ORDER by this reference. Capitalized terms used but not identified in this TASK ORDER shall have the definitions set forth in the Master Agreement. All attachments referenced in this TASK ORDER are incorporated herein by such reference. All FACILITY WORK shall be performed in accordance with the requirements of the Master Agreement and, in the event of any inconsistency between the provisions of this TASK ORDER and the Master Agreement, the provisions of the Master Agreement shall prevail.

Scope of Work

FACILITY WORK as defined in Section 2.1 of the Master Agreement is incorporated by reference. Each separate FACILITY that requires RELOCATION will be treated as a subtask to this TASK ORDER.

- **Location and General Description of the Work Covered by this TASK ORDER (Including Disposition of Existing Facilities):**
  UTILITY OWNER will furnish all labor, material, equipment and supervision required to complete the relocation of FACILITIES and appurtenances. All work shall be performed substantially in accordance with "Request for Proposal for Design Build Services-RFP No. 11-16 consisting of Hybrid Alternative, Contract Package 1A, Contract Package 1B and Contract Package 1C, a copy of which is on file in the AUTHORITY'S office at 770 L St, Suite 800, Sacramento, CA 95814.

- **Subject Work to be Performed by Parties Pursuant to this TASK ORDER:**
  UTILITY OWNER performs all design and construction services for FACILITY WORK. AUTHORITY and AUTHORITY'S CONTRACTOR will review and provide comments FACILITY PLANS and AUTHORITY's CONTRACTOR shall be entitled to have representatives on the site of

California High Speed Rail Authority

TASK ORDER NO. AT&T 002
CHSRP Interaction Removal or Relocation Plan

PROJECT to verify that the FACILITY WORK is being performed on schedule and coordinated by UTILITY OWNER.

- **Subtask 2.01**
  Scope: Design, secure permits, traffic control and relocate telephone facilities along Golden State Blvd near Herndon Ave and Veterans Blvd. Facility Work is shown on Drawing UT-C4000, UT-C4001 and UT-C4006.
  Estimated Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $159,600.
- **Subtask 2.02**
  Scope: Design, secure permits, traffic control and relocate telephone facilities along Golden State Blvd near Clinton Ave and Belmont Ave. Facility Work is shown on Drawing UT-C4024, UT-C4035, UT-C4036, UT-C4037, UT-C4038, UT-C4039, UT-C4040, UT-C4041 and UT-C4042.
  Estimated Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $437,000.
- **Subtask 2.03**
  Scope: Design, secure permits, traffic control and relocate telephone facilities along Golden State Blvd near McKinley Ave and Olive Ave. Facility Work is shown on Drawing UT-C4037, UT-C4038, UT-C4039, UT-C4046 and UT-C4047.
  Estimated Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $114,000.
- **Subtask 2.04**
  Scope: Design, secure permits, traffic control and relocate telephone facilities at Golden State Blvd and Belmont Ave. Facility Work is shown on Drawing UT-C4052.
  Estimated Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $95,000.
- **Subtask 2.05**
  Scope: Design, secure permits, traffic control and relocate telephone facilities along G St. near Fresno St and Tulare St. Facility Work is shown on Drawing UT-C4055 and UT-C4061.
  Estimated Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $114,000.
- **Subtask 2.06**
  Scope: Design, secure permits, traffic control and relocate telephone facilities along G St. near Fresno St and Tulare St. Facility Work is shown on Drawing UT-C4055, UT-C4056 and UT-C4061
  Estimated Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $171,000.
- **Subtask 2.07**
  Scope: Design, secure permits, traffic control and relocate telephone facilities near G St and Ventura St. Facility Work is shown on Drawing UT-C4057.
  Estimated Period of Performance: 6 Months

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

The estimated value for this FACILITY WORK is $57,000.

- **Subtask 2.08**
  Scope: Design, secure permits, traffic control and relocate telephone facilities near G St and Ventura St. Facility Work is shown on Drawing UT-C4057.
  Estimated Period of Performance: 6 Months
  The estimated value for this FACILITY WORK is $114,000.

Project Schedule

Deadlines for the completion of FACILITY WORK are provided for in the contract between AUTHORITY and AUTHORITY'S CONTRACTOR.

Schedule for FACILITY WORK (This TASK ORDER Only)

UTILITY OWNER shall complete the design and construction work in accordance with the schedule specified in this TASK ORDER. UTILITY OWNER shall commence construction work only after acceptance of the final design for such work in accordance with Appendix B – Design Build Procedures of the Master Agreement.

Design:
Start Date: January 2013
Completion Date: April 2013

Construction:
Start Date: April 2013
Completion Date: June 2015

PERFORMANCE OF THE FACILITY WORK

Design

The design furnished by UTILITY OWNER pursuant to this TASK ORDER shall be substantially in accordance with the Proposed Preliminary Design (see Appendix B – Design Build Procedures of the Master Agreement) attached to this TASK ORDER, and shall be consistent with 30% design submittal of the PROJECT plans. All plans for FACILITY WORK are subject to review by AUTHORITY, UTILITY OWNER, and AUTHORITY'S CONTRACTOR, in accordance with the time frames and procedures set forth in Appendix B – Design Build Procedures of the Master Agreement.

BY UTILITY OWNER: UTILITY OWNER performs all design and construction services for FACILITY WORK.

BY AUTHORITY'S CONTRACTOR: AUTHORITY'S CONTRACTOR will review FACILITY PLANS and be entitled to have a reasonable number of representatives on site of PROJECT to verify the FACILITY WORK is being performed on schedule and coordinated by UTILITY OWNER

Construction

UTILITY OWNER will perform all the construction services for the FACILITY WORK. The

California High Speed Rail Authority
TASK ORDER NO. AT&T 002
CHSRP Interaction Removal or Relocation Plan

construction of FACILITY WORK shall be performed substantially in accordance with the final FACILITY PLANS. Deviations from the final FACILITY PLANS may occur only in conformity with the Master Agreement.

LIABILITY FOR WORK

In accordance with Section 3 of the Master Agreement, UTILITY OWNER and AUTHORITY shall each be responsible for the cost of the FACILITY WORK as specified herein. The total estimated cost for the FACILITY WORK is $1,261,000.

Cost Allocation

AUTHORITY pays 100% and UTILITY OWNER pays 0% of cost of FACILITY WORK

COST ESTIMATE

The amounts stated herein are estimates of the costs associated with the FACILITY WORK. Authorized expenditures and reimbursements will be based on the terms of the Master Agreement.

For Work by UTILITY OWNER

AUTHORITY has prepared an initial cost estimate in the amount of $1,261,000 for the FACILITY WORK included in this TASK ORDER.

UTILITY OWNER's costs for FACILITY WORK shall be developed pursuant to Section 5, "Payment of Work," of the Master Agreement, and shall be performed in accordance with the procedures set forth in Section 4, "Performance of Work" and Appendix B – Design Build Procedures of this Master Agreement.

[Select (and complete, if necessary) the one appropriate provision, and delete the inapplicable provisions]

UTILITY OWNER estimates that its total actual cost for the FACILITY WORK (net of any applicable credits for accrued depreciation, salvage and BETTERMENT), referred to herein as the "ACTUAL COST," will be approximately $1,261,000. UTILITY OWNER's ACTUAL COST for the FACILITY WORK shall be developed in accordance with 23 C.F.R. 645.117, pursuant to either *[check one]*

☐ A work order accounting procedure prescribed by the applicable Federal or State regulatory body; or

☐ An established accounting procedure developed by UTILITY OWNER and which UTILITY OWNER uses in its regular operations. Any costs included in the Actual Cost shall be reasonable, and shall be computed using rates and schedules not exceeding those applicable to similar work performed by or for UTILITY OWNER at UTILITY OWNER's full expense. The parties agree that 0% of UTILITY OWNER's Actual Cost will be attributed to BETTERMENT.

For Work by Authority's Contractor

08/22/2012 ADDENDUM 4 - RFP HSR 11-16

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

TASK ORDER NO. AT&T 002

CHSRP Interaction Removal or Relocation Plan

AUTHORITY'S CONTRACTOR shall prepare a cost estimate for the FACILITY WORK which shall be submitted for AUTHORITY's approval. Such estimate will reflect appropriate estimated charges for BETTERMENT and salvage value, if any. Upon approval, the parties shall revise this TASK ORDER to incorporate the approved estimate.

BETTERMENT, ACCRUED DEPRECIATION, SALVAGE

The FACILITY WORK in this TASK ORDER does not include any BETTERMENT

– OR –

The parties have not yet determined if the FACILITY WORK includes any BETTERMENT, or have not yet determined the amount attributable to BETTERMENT. Upon such determination, the parties shall revise this TASK ORDER as appropriate.

BILLING AND PAYMENT

Billing and payment shall be in accordance with Section 5, "Payment for Work," of the Master Agreement.

SIGNATURES

This TASK ORDER shall become effective upon the later of:

The date of signing by the last party signing this TASK ORDER, or

The completion AUTHORITY's review as indicated by the signature of AUTHORITY's representative, below.

IN WITNESS WHEREOF, this TASK ORDER has been executed under the provisions of Agreement No. _____ between the AUTHORITY, UTILITY OWNER, and AUTHORITY'S CONTRACTOR. By signature below, the parties hereto agree that all terms and conditions of this TASK ORDER No. ____ and Agreement No. _____ shall be in full force and effect.

UTILITY OWNER:

BY: _____ **DATE:** _____
Signature

Typed Name: _____

Typed Title:

UTILITY OWNER'S Legal Review

BY: _____ **DATE:** _____

CALIFORNIA High-Speed Rail Authority

Resolution #HSRA 12-23

Approval to Enter Into An Interagency Agreement with Caltrans for Relocation of State Route 99 and Construction of High Speed Rail Facilities within Existing State Route 99 Rights of Way

Whereas the High Speed Rail Authority will be required to realign State Highway Route 99 (SR 99) in the City of Fresno from Ashlan Avenue to Clinton Avenue and use this portion of the existing state highway right of way (approximately 2.5 miles in length) to construct a portion of the high speed train system.

Whereas the State Department of Transportation (Caltrans) owns and operates this section of the State Highway and can perform the work for the plans, specifications and estimate, right of way services (acquisition of approximately 50 parcels), and construction activities for the roadway improvements for the SR 99 realignment, as well removal of the existing SR 99 infrastructure and preparation of sub-ballast for the High Speed Rail project within the 2.5 miles section, currently part of the State rights of way.

Whereas Caltrans can perform this work using a design bid build project delivery method.

Whereas Caltrans can advertise and award the construction project for this work to a private construction contractor and provide construction inspection services.

Whereas Public Utilities Code section 185036 allows the Authority to enter into contracts with private or public entities for the design and construction of high speed train facilities and allows these contracts to be separated into individual tasks or segments or to include all tasks or segments.

Whereas the total estimate costs for the above referenced Caltrans services, property acquisition and construction contract over a three year period is estimated by Caltrans to be $225,900,000.

Therefore it is resolved,

The Executive Director/Chief Executive Officer or a designee of the Executive Director/Chief Executive Officer is hereby authorized and directed to proceed to enter into an interagency agreement with Caltrans for performance of the plans, specifications and estimate, right of way services, and construction activities for the roadway improvements for the SR 99 realignment, as well removal of the existing SR 99 infrastructure and preparation of sub-ballast for the high speed Rail project within the 2.5 miles section currently part of the State rights of way,

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

including the advertising and awarding of the construction project for this work to a private construction contractor and the performance of construction inspection services for a five year period not to exceed $225,900,000.

Vote:
Date:

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9.0 Action Plan

9.1 Introduction

Over the past two years, the Commission has carefully studied high-speed rail from a number of perspectives. Now, the Commission has found that high-speed rail can be technically and environmentally feasible, and that it will generate positive economic benefits for the State. The proposed system will earn a profit on operations, but will require public funds to help finance design and construction. The Commission supports implementation of the proposed system in California, and has set forth recommendations for the technology, corridor-level alignment, financing, and operating of the system.

A number of high-speed rail projects in other states have reached this point and gone no further. High-speed rail would be a major infrastructure project that would be implemented over a 10 to 15 year period, on par with building California's freeway system or water projects. This Action Plan sets forth the tasks and steps that are necessary for implementation of high-speed rail in California.

The section below describes a newly created High Speed Rail Authority that has been given the powers to implement a high-speed rail system. The subsequent sections detail the major project phases and implementation issues that remain outstanding.

9.2 Institutional Authority – Senate Bill 1420

As concluded by the Institutional Analysis and Financing Options Evaluation (see Chapter 6.0), a high-speed rail system is best implemented by a special-purpose public agency or authority, given the complexity, size, and risk of the project. The Institutional Analysis also found that a special authority would be the type of entity best equipped to establish a relationship with a private partner who would design, build, and/or operate the system.

The recently enacted Senate Bill 1420 (SB 1420) created such an authority with the mandate to direct the development and implementation of intercity high-speed rail service in California. Broadly stated, the Authority's role is to protect the public's interest in bringing together the necessary elements for a successful high-speed rail project, implementing the project, and ensuring that partnership contract provisions are adhered to and the agreed upon levels of service to the public are maintained.

The new High Speed Rail Authority is to prepare a plan that would lead to construction and operation of a high-speed rail train network for the State, consistent with and continuing the work of the present Commission. Upon completion, the plan shall be

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

submitted to the Legislature and the Governor for approval by the enactment of a statute or to the voters of the State for approval.

The Authority is to consist of nine members: five appointed by the Governor, two appointed by the Senate Committee on Rules, and two appointed by the Speaker of the Assembly. Members of the Authority will hold office for four years. The Authority will be able to hire an Executive Director and staff.

Consistent with the findings of the Commission, the Authority is to plan for a system capable of achieving speeds of at least 200 mph. SB 1420 also emphasizes coordination and connectivity stating, "The [high-speed] intercity network...shall be fully coordinated and connected with commuter rail lines and urban rail transit lines...as well as other transit services through the use of common station facilities whenever possible."

Initially, the Authority will have the following powers to:

- Conduct engineering, environmental impact, and other studies;
- Evaluate alternatives and select a high-speed rail technology and operator;
- Establish criteria for the award of a franchise to design, build and/or operate parts or all of the system;
- Accept grants, fees, or allocations from the State, Federal government, local authorities, or private sources;
- Select a proposed franchisee, a proposed route, and proposed terminal sites;
- Enter into contracts with public and private entities for the preparation of the plan;
- Prepare a detailed financing plan, including any necessary taxes, fees, or bonds to pay for the construction of the high-speed rail network; and
- Submit the detailed financial plan to the Secretary of State for placement on the ballot at the November general election in 1998 or 2000.

Once funding for the high-speed rail network is secured, either by enactment of a statute by the Legislature and/or approval by the voters, the Authority would gain the following powers to:

- Enter into contracts with private or public entities for the design, construction and operation of high-speed trains (the contracts may be separated into individual tasks or segments or may include all tasks and segments, including a design-build or design-build-operate structure);
- Acquire rights-of-way through purchase or eminent domain;
- Issue debt, secured by pledges of State funds, federal grants, or project revenues (the pledge of State funds would be limited to those funds expressly authorized by statute or voter-approved initiatives);

- Enter into cooperative or joint development agreements with local governments or private entities;
- Set the fares and schedules for the system; and
- Relocate highways and utilities.

A key provision of SB 1420 concerns the funding of the High Speed Rail Authority. Through SB 1420, the Legislature will authorize a modest appropriation to sustain the Authority and its staff through preparation of the high-speed rail plan and financing scheme. Should the proposed system and financing scheme fail to gain approval either through the Legislature or by the voters, however, funding for the Authority will not continue. Furthermore, the Authority would sunset should it fail to gain approval of a high-speed rail funding measure by November 2000.

9.3 Project Phases

There are five major phases of the high-speed rail implementation process that will occur before the start of revenue operations. These include conceptual planning, preliminary engineering and environmental clearance, final design, construction, and startup testing. The phases are described below in roughly sequential order, although in actuality most phases will overlap to varying degrees. Also provided below are order of magnitude estimates of the resources required for each phase.

9.3.1 Conceptual Planning

This first phase of high-speed rail implementation is mostly complete, comprised by the work of the Intercity High Speed Rail Commission. The purpose of conceptual planning was to investigate high-speed rail alternatives throughout the State to identify the most promising alternatives to carry forward to the preliminary engineering phase.

Over the past two years, the Commission has overseen four technical studies, undertaken a public participation program, and developed a conceptual high-speed rail system. This Summary Report and Action Plan presents their findings and recommendations to the public, the Governor, and Legislature. The technical work encompassed an investment grade ridership and passenger revenue forecast, an evaluation of potential high-speed rail corridors and environmental constraints, an economic impacts study and mode cost comparison, and an evaluation of financing and institutional options. Outputs of the studies included route options, ridership and revenue forecasts, capital costs, operational and maintenance costs, travel times, environmental impacts, a cost/benefit analysis, and a

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

financing plan for various configurations of a high-speed rail system. Resources required for this phase have totaled approximately $5 million.[1]

9.3.2 Preliminary Engineering and Environmental Clearance

In civil engineering parlance, the preliminary engineering phase typically consists of design to the "35 percent level". This means analyses detailed enough to allow evaluation of environmental impacts and satisfy requirements of the environmental clearance process. While corridor level route alignments will be fixed at this stage, different sub-alignments will be analyzed in many areas to determine a preferred alternative. In many cases, preliminary engineering could yield new information that would influence or dictate the selection of an alternative for final design. Thus, there is a need to retain a degree of flexibility throughout the preliminary engineering process.

Preliminary engineering work will include geotechnical investigations, land surveying and mapping, engineering, architecture, landscape architecture, traffic engineering, preliminary operations and maintenance plans, and preparation of preliminary plans and analyses in all necessary technical disciplines to support the draft environmental document. The environmental review will complete the studies and analyses necessary for federal and state-required environmental documents, resulting in an environmentally-cleared project. This phase will last from two to three years and require about 3 percent of the final construction cost to complete, or several hundred million dollars. Order-of-magnitude estimates for these costs total about $210 million for the Los Angeles-San Francisco segment or $330 million for the entire recommended system.

9.3.3 Final Design

Final design involves preparation of construction and procurement documents for all facilities and systems. By the beginning of this stage, a single route alignment and system configuration will have been selected for construction, and will have been environmentally cleared.

This phase will include geotechnical investigations, land surveying and mapping, engineering, architecture, landscape architecture, traffic engineering, right-of-way engineering, and preparation of plans and specifications in all necessary technical disciplines. The final design phase also includes design support during construction and shop drawing review. While final design will require about two years to complete, there would be substantial overlap with the preliminary engineering and construction phases. Final design costs will total about 6 percent of the total construction cost, on the order of $410 million for the Los Angeles-San Francisco segment or $650 million for the entire recommended system (again, these are order-of-magnitude estimates).

[1]This figure includes approximately $1 million for the Commission's expenses and staff and $4 million in consultant contracts.

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CALIFORNIA HIGH-SPEED RAIL AUTHORITY

SCH _____

NOTICE OF PREPARATION

FROM: Mehdi Morshed
Executive Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

SUBJECT: Notice of Preparation of a Project Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the California High-Speed Train Project from Merced to Sacramento, CA (Note: Review period ends Friday, February 26, 2010)

The California High-Speed Rail Authority (Authority), as the Lead Agency for the California Environmental Quality Act (CEQA) process for a proposed California High-Speed Train (HST) System, is issuing this Notice of Preparation (NOP) of a Project Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Merced to Sacramento Section of the Authority's proposed HST System.

This NOP initiates the State CEQA process and the preparation of an EIR/EIS for the Merced to Sacramento Section of the proposed California HST System in compliance with relevant state and federal laws, in particular the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The San Joaquin Regional Rail Commission (SJRRC) is interested in providing intercity and commuter regional rail passenger services within this section of the HST System, connecting to the Altamont Corridor Rail Project, and will be a local partner supporting the project development process. The Authority is issuing this NOP to solicit public and agency input into the development of the scope of the EIR and to advise the public that outreach activities will be conducted by the Authority and its representatives in the preparation of the combined EIR/EIS. The Federal Railroad Administration (FRA), an operating administration with the United States Department of Transportation, will serve as federal lead agency for the federal environmental review process complying with NEPA. The FRA has responsibility for oversight of the safety of railroad operations, including the safety of any proposed high-speed ground transportation system. The U.S. Army Corps of Engineers may serve as a cooperating agency for the preparation of the EIR/EIS. The FRA will publish a Notice of Intent (NOI) in the *Federal Register*, announcing the agency's intention to initiate the federal environmental review process for this section of the HST System.

In 2001, the Authority and the FRA started a tiered environmental review process for the HST System and in 2005, completed the first tier California HST Program EIR/EIS (Statewide Program EIR/EIS) and approved the statewide HST System for intercity travel in California between the major metropolitan centers of Sacramento and the San Francisco Bay Area in the north, through the Central Valley, to Los Angeles and San Diego in the south. The approved HST System would be about 800 miles long, with electric propulsion and steel-wheel-on-steel-rail trains capable of operating speeds of 220 miles per hour (mph) on a mostly dedicated system of fully grade-separated, access-controlled steel track with state-of-the-art safety, signaling, communication, and automated train control systems. In approving the HST System, the Authority and FRA also selected corridors/general alignments and station location options throughout most of the system. The Statewide Program EIR/EIS selected the Union Pacific Railroad Company (UPRR) corridor for the high-speed train route from Sacramento south to Stockton and the

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Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

BNSF railroad corridor from Stockton south to Merced. Consistent with the Clean Water Act implementing regulations and because the UPRR alignment option may have more potential impacts to waters and biological resources, the Central California Traction (CCT) alignment between Sacramento and Stockton will also be evaluated as part of the Project EIR/EIS.

In 2008, the Authority and FRA completed a second program EIR/EIS to evaluate and select general alignments and station locations within the broad corridor between and including the Altamont Pass and the Pacheco Pass to connect the Bay Area and Central Valley portions of the HST System. The Authority and FRA selected the Pacheco Pass with the San Francisco and San Jose termini network alternative, as well as preferred corridor alignments and station location options. The UPRR corridor was selected as the preferred alignment through the portion of the Central Valley from south of Stockton to Merced and the BNSF was recommended for further study in this area for the Project EIR/EIS. The Authority is currently undertaking additional work on the Program EIR for the Bay Area to Central Valley portions of the HST system to comply with a final court ruling in the Town of Atherton litigation. The court ruling allowed the Authority to continue its project-level EIR work while making the necessary programmatic EIR corrections. The Authority expects to circulate the revisions to the Program EIR in early 2010 and will then make a new programmatic decision to select a network alternative, alignments, and station locations to be studied further at the project level.

The preparation of the Merced to Sacramento HST Project EIR/EIS will involve the development of preliminary engineering designs and the assessment of potential environmental effects associated with the construction, operation, and maintenance of the HST System, including track, ancillary facilities, and stations along the preferred alternative corridors from Merced to Sacramento.

DATES: Written comments on the scope of the Merced to Sacramento HST Project EIR/EIS should be provided to the Authority by 5:00 PM, Friday February 26, 2010. Public scoping meetings are scheduled from January 20, 2010 through January 28, 2010 as noted below in the cities of Stockton, Merced, Sacramento, and Modesto, California.

ADDRESSES: Written comments on the scope of this EIR/EIS should be sent to Mr. Dan Leavitt, Deputy Director, ATTN: Merced to Sacramento HST Project EIR/EIS, California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814, or via email with subject line "Merced to Sacramento Section" to: comments@hsr.ca.gov. Comments may also be provided orally or in writing at the scoping meetings.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Leavitt at (916) 324-1541 or at the above noted address.

SUPPLEMENTARY INFORMATION:

Scoping: The Authority, FRA, and SJRRC invite all interested individuals, organizations, public agencies, and Native American tribes to comment on the scope of the EIR/EIS, including the project objectives, the alternatives to be studied, the impacts to be evaluated, and the evaluation methods to be used. Comments should focus on: alternatives that may be less costly or have fewer environmental or community impacts while achieving similar transportation objectives, and the identification of any significant social, economic, or environmental issues related to potential alternatives.

Agency Responsibilities: The Authority was established in 1996 and is authorized and directed by statute to undertake the planning and development of a proposed statewide HST network that is fully coordinated with other public transportation services. The Authority adopted a Final Business Plan in June 2000, which reviewed the economic feasibility of an 800-mile-long HST System capable of speeds in excess of 200 miles per hour on a mostly dedicated, fully grade-separated state-of-the-art track. The Authority released updated business plans in November 2008 and December 2009.

The FRA has responsibility for overseeing the safety of railroad operations, including the safety of any proposed high-speed ground transportation system. For the proposed project, FRA may need to take certain regulatory actions prior to operation. The FRA is also authorized to provide federal funding for intercity passenger rail capital investments through high-speed and intercity passenger rail grant programs created in the Passenger Rail Investment and Improvement Act of 2008.

The SJRRC manages and operates the current Altamont Commuter Express (ACE) service between Stockton and San Jose. The SJRRC and the Authority have signed a Memorandum of Understanding, which recognizes their mutual interest in the development of this section of the HST System and that establishes SJRRC as a local partner for the development of the Merced to Sacramento HST Project.

Background: In 2005, the Authority and FRA completed the Statewide Program EIR/EIS for the Proposed California High-Speed Train System, as the first phase of a tiered environmental review process. The Authority certified the Statewide Program EIR under CEQA and approved the proposed HST System. FRA issued a Record of Decision on the Statewide Program EIR/EIS required under NEPA. The Statewide Program EIR/EIS established the purpose and need for the HST System and compared the proposed HST System with a No Project/No Action Alternative and a Modal Alternative. In approving the Statewide Program EIR/EIS, the Authority and the FRA selected the HST Alternative, selected certain corridors/general alignments and general station locations for further study, incorporated mitigation strategies and design practices, and specified further measures to guide the development of the HST System during the site-specific project environmental review to avoid and minimize potential adverse environmental impacts. Additional consideration will be given to potential operation of a regional passenger rail service in this section of the Authority's HST System infrastructure by SJRRC, who may potentially develop additional regional stations for such a service. SJRRC and the Authority have signed a Memorandum of Understanding (MOU) which recognizes their mutual interest in development of this section of the HST System and SJRRC will serve as a local partner for the Merced to Sacramento HST Project.

The Merced to Sacramento HST Project EIR/EIS will tier from the Statewide Program EIR/EIS and the Bay Area to Central Valley HST Program EIR/EIS and its related 2010 revisions in accordance with Council on Environmental Quality (CEQ) regulations, (40 CFR §1508.28) and State CEQA Guidelines (14 California Code of Regulations §15168(b)). Tiering ensures that the Merced to Sacramento HST Project EIR/EIS builds upon program analysis and decisions made with the Statewide Program EIR/EIS and the Bay Area to Central Valley HST Program EIR/EIS.

The Merced to Sacramento HST Project EIR/EIS: The Project EIR/EIS will describe site-specific environmental impacts, identify specific mitigation measures to address those impacts, and incorporate design features to avoid and minimize potential adverse environmental impacts. The FRA and the Authority will assess the site characteristics, size, nature, and timing of the proposed project to determine whether the impacts are potentially significant and whether impacts can be avoided or mitigated. This project EIR/EIS will identify and evaluate reasonable and feasible site-specific alignment alternatives, and evaluate the impacts of construction, operation, and maintenance of the HST System. Information and documents regarding this HST environmental review process will be made available through the Authority's Internet site: http://www.cahighspeedrail.ca.gov/.

Project Objectives/Purpose and Need: The purpose of the Merced to Sacramento HST Project is to implement the statewide HST System along the corridors selected in program-level documents that will: (1) link Southern California cities, the Central Valley, Sacramento, and the Bay Area; (2) provide a new transportation option that increases mobility throughout California; (3) provide reliable HST service that delivers predictable and consistent travel times using electric powered steel-wheel trains; and (4) provide a transportation system that is commercially viable. The need for an HST System is directly related to the expected growth in population, and increases in intercity travel demand in California over the next twenty years and beyond. With the growth in travel demand, there will be an increase in travel delays arising

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

from the growing congestion on California's highways and at its airports. In addition, there will be negative effects on the economy, quality of life, and air quality in and around California's metropolitan areas from an increasingly congested transportation system that will become less reliable as travel demand increases. The intercity highway system, commercial airports, and conventional passenger rail serving the intercity travel market are currently operating at or near capacity, and will require large public investments for maintenance and expansion to meet existing demand and future growth. The proposed HST system is designed to address some of the social, economic, and environmental problems associated with transportation congestion in California. In addition to serving a statewide need, the project will consider the viability of sharing track with regionally operated services which may serve additional regional stations (that would not be used by HST services) located between stops identified on the statewide HST System.

Alternatives: The Merced to Sacramento HST Project EIR/EIS will consider a No Action or No Project Alternative and an HST Alternative for the Merced to Sacramento Section.

No Action Alternative: The No Action Alternative (No Project or No Build) represents the conditions in the corridor as it existed in 2009, and as it would exist based on programmed and funded improvements to the intercity transportation system and other reasonably foreseeable projects through 2035, taking into account the following sources of information: State Transportation Improvement Program (STIP) and Regional Transportation Plans (RTPs) for all modes of travel, airport plans, intercity passenger rail plans, and city and county plans.

HST Alternative: The Authority proposes to construct, operate, and maintain an electric-powered steel-wheel-on-steel-rail HST System, about 800 miles long, capable of operating speeds of 220 mph on mostly dedicated, fully graded-separated, access controlled track with state-of-the-art safety, signaling, and automated train control systems. As part of the Bay Area to Central Valley HST Program EIR/EIS, the Authority and FRA selected the UPRR alignment through the portion of the Central Valley from Merced to south of Stockton as the preferred alternative. This Project EIR/EIS will also evaluate the BNSF railroad alignment in this part of the Central Valley because of the uncertainty of negotiating with UPRR for some of their right-of-way. In the Statewide Program EIR/EIS, the Authority and FRA selected the UPRR alignment as the preferred alternative from Stockton to Sacramento. However, because the Statewide Program EIR/EIS concluded that the UPRR alignment option may have more potential impacts to waters and biological resources than the CCT alignment option, the CCT alignment option will also be evaluated in this Project EIR/EIS between Stockton and Sacramento. In the Central Valley, the HST would operate at speeds up to 220 mph on tracks separate from the existing BNSF and UPRR. Further engineering studies to be undertaken as part of this EIR/EIS process will examine and refine alignments in the BNSF, CCT, and UPRR corridors. The entire alignment would be grade separated. In addition, alternative sites for right-of-way maintenance, train storage facilities, and a fleet storage/service and inspection/light maintenance facility in Sacramento will be evaluated. Finally, features necessary to accommodate connections to the Altamont Corridor Rail Project between Stockton and Modesto will be identified and evaluated. See Figure A for a map of the Merced to Sacramento Section of the HST System.

Preferred station locations selected by the Authority and FRA through the Statewide Program EIR/EIS will be evaluated for Sacramento and Stockton. These stations are downtown Sacramento and downtown Stockton. In addition, the preferred downtown Modesto station location selected by the Authority and FRA through the Bay Area to Central Valley HST Final Program EIR/EIS on the UPRR alignment and the "Amtrak Briggsmore" site on the BNSF alignment will also be evaluated in the Merced to Sacramento HST Project EIR/EIS to serve the Modesto area. The station in Merced will be analyzed in the separate EIR/EIS for the Merced to Fresno HST Project. Alternative station sites at or near the selected station locations may be identified and evaluated. Additional regional stations which potentially could be served by regional trains (but not HST services) may also be identified and evaluated.

Probable Effects: The purpose of the EIR/EIS process is to evaluate in a public setting the potential effects of the proposed project on the physical, human, and natural environment. The FRA and the Authority will continue the tiered evaluation of all significant environmental, social, and economic impacts of the construction and operation of the Merced to Sacramento Section of the HST System. Impact areas to be addressed include transportation impacts; safety and security; land use and zoning; land acquisition, displacements, and relocations; cumulative and secondary impacts; agricultural land impacts; cultural resource impacts, including impacts on historical and archaeological resources and parklands/recreation areas; neighborhood compatibility and environmental justice; natural resource impacts including air quality, wetlands, water resources, noise, vibration, energy, and wildlife and ecosystems, including endangered species. Measures to avoid, minimize, and mitigate all adverse impacts will be identified and evaluated.

Scoping and Comments: The Authority encourages broad participation in the EIR/EIS process during scoping and review of the resulting environmental documents. Comments are invited from all interested agencies and the public to ensure the full range of issues related to the proposed action and reasonable alternatives are addressed and all significant issues are identified. In particular, the Authority is interested in learning whether there are areas of environmental concern where there might be a potential for significant site-specific impacts from the Merced to Sacramento Section of the HST System. Public agencies with jurisdiction are requested to advise FRA and the Authority of the applicable permit and environmental review requirements of each agency, and the scope and content of the environmental information that is germane to the agency's statutory responsibilities relevant to the proposed project. Public scoping meetings have been scheduled as an important component of the scoping process for both the State and Federal environmental review. The scoping meetings described in this Notice will also be the subject of additional public notification. Scoping meetings are scheduled from 3:00 p.m. to 7:00 p.m. at the following locations:

- **Stockton, CA,** January 20, 2010 -- San Joaquin Council of Governments, 555 East Weber Avenue, Stockton, California.
- **Merced, CA,** January 21, 2010 -- Merced Senior Center, 755 West 15th Street, Merced, California.
- **Sacramento, CA,** January 27, 2010 -- Amtrak Depot, Model Room, 301 I Street, Sacramento, California.
- **Modesto, CA,** January 28, 2010 -- Modesto Center Plaza, 1000 L Street, Modesto, California.

Public agencies are requested to send their responses to this Notice of Preparation to the Authority by 5:00 PM, Friday, February 26, 2010.

Please send your response and direct any comments or questions regarding this Project to Mr. Dan Leavitt, Deputy Director of the California High-Speed Rail Authority at the address shown above.

Date: 12/23/09

Signature: for
Mehdi Morshed, Executive Director

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

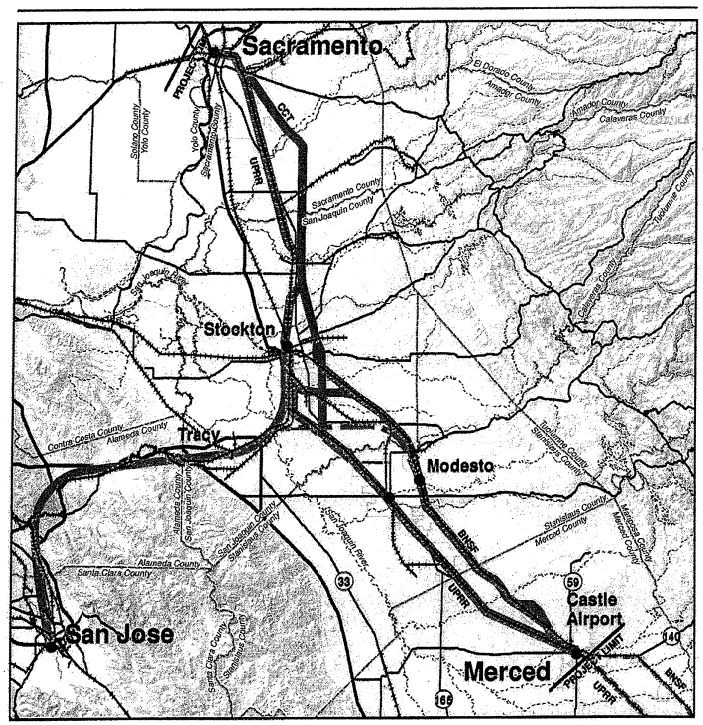

FIGURE A
Merced to Sacramento HST Project Section

CALIFORNIA HIGH-SPEED RAIL AUTHORITY

Judge Quentin L. Kopp, Chairman
Fran Florez*, Vice-Chair
David Crane
Rod Diridon, Sr.*
R. Kirk Lindsey
Curt Pringle
Lynn Schenk
T.J. (Tom) Stapleton
Tom Umberg
*past chair

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CALIFORNIA HIGH-SPEED RAIL AUTHORITY

NOTICE OF PREPARATION

FROM: Mehdi Morshed
Executive Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

SUBJECT: Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for a San Jose to Merced High-Speed Train system through Pacheco Pass (Note: Review period ends April 10, 2009).

The California High-Speed Rail Authority (Authority), as the Lead Agency for the California Environmental Quality Act (CEQA) process for a proposed California High-Speed Train (HST) system, is issuing this Notice of Preparation of a Project EIR/EIS for the San Jose to Merced section of the proposed HST system.

This NOP initiates the State CEQA process and the preparation of an Environmental Impact Report/ Environmental Impact Statement for the San Jose to Merced section of the proposed California High Speed Train System. The Authority is issuing the NOP to solicit public and agency input into the development of the scope of the EIR and to advise the public that outreach activities will be conducted by the Authority and its representatives in the preparation of the combined EIR/EIS. The Federal Railroad Administration (FRA), an operating administration with the United States Department of Transportation, will serve as federal lead agency for the federal environmental review process complying with the National Environmental Policy Act (NEPA). The FRA has responsibility for oversight of the safety of railroad operations, including the safety of any proposed high-speed train system. The FRA will publish a Notice of Intent (NOI) in the *Federal Register,* announcing the agency's intention to initiate the federal environmental review process for the EIR/EIS for this section of the HST project.

The Authority and the FRA completed a Final Statewide Program EIR/EIS in August 2005 as the first phase of a tiered environmental review process for the proposed California HST system. The Authority and the FRA completed a second program EIR/EIS in July 2008 to identify a preferred alignment for the Bay Area to Central Valley section of the HST system. The Bay Area to Central Valley HST Program EIR/EIS identified a preferred alignment following the Caltrain rail right-of-way, between San Francisco and San Jose along the San Francisco Peninsula, through the Pacheco Pass and via Henry Miller Road, between San Jose and the Central Valley. Tiering from the two program EIR/EISs, the Authority and the FRA will prepare a project EIR/EIS for the San Jose to Merced section of the HST along the Caltrain/UPRR corridor, through the Pacheco Pass and via Henry Miller Road.

DATES: Written comments on the scope of the San Jose to Merced HST project EIR/EIS should be provided to the Authority at the earliest possible date but no later than April 10, 2009. Public scoping meetings are scheduled from March 18, 2009 through March 26, 2009 as noted below.

ADDRESSES: Written comments on the scope of this EIR/EIS should be sent to Mr. Dan Leavitt, Deputy Director, ATTN: San Jose to Merced HST Project EIR/EIS, California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814, or via email with subject line "San Jose to Merced HST" to: comments@hsr.ca.gov. Comments may also be provided orally or in writing at the scoping meetings.

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FOR FURTHER INFORMATION CONTACT: Mr. Dan Leavitt at (916) 322-1397 or at the above noted address.

SUPPLEMENTARY INFORMATION: The California High-Speed Rail Authority (Authority) was established in 1996 and is authorized and directed by statute to undertake the planning and development of a proposed statewide HST network that is fully coordinated with other public transportation services. The Authority adopted a Business Plan in June 2000, which reviewed the economic feasibility of an 800-mile-long HST system capable of speeds in excess of 200 miles per hour on a dedicated, fully grade separated state-of-the-art track. The Authority released an updated Business Plan in November 2008.

In 2005, the Authority and FRA completed a Final Program EIR/EIS for the Proposed California High Speed Train System (Statewide Program EIR/EIS), as the first phase of a tiered environmental review process. The Authority certified the Final Program EIR under CEQA and approved the proposed HST System, and FRA issued a Record of Decision under NEPA on the Federal Program EIS. This statewide program EIR/EIS established the purpose and need for the HST system, analyzed an HST system, and compared it with a No Project/No Action Alternative and a Modal Alternative. In approving the statewide program EIR/EIS, the Authority and the FRA selected the HST Alternative, selected certain corridors/general alignments and general station locations for further study, incorporated mitigation strategies and design practices, and specified further measures to guide the development of the HST system in site-specific project environmental review to avoid and minimize potential adverse environmental impacts. In the subsequent Bay Area to Central Valley HST Final Program EIR/EIS, the Authority and FRA selected as the preferred alternative the Caltrain/UPRR corridor between San Jose and Gilroy to connect with the San Francisco to San Jose section, and from Gilroy to Merced they selected Pacheco Pass and Henry Miller Road corridor to connect with the Central Valley section of the HST system.

The San Jose to Merced HST Project EIR/EIS will tier from the Final Statewide Program EIR/EIS and the Final Bay Area to Central Valley HST Program EIR/EIS in accordance with Council on Environmental Quality (CEQ) regulations, (40 CFR § 1508.28) and State CEQA Guidelines (14 C.C.A. §15168[b]). Tiering will ensure that the San Jose to Merced HST Project EIR/EIS builds upon all previous work prepared for and incorporated in the Statewide Program EIR/EIS and the Bay Area to Central Valley HST Program EIR/EIS.

The Project EIR/EIS will describe site specific environmental impacts, will identify specific mitigation measures to address those impacts and will incorporate design practices to avoid and minimize potential adverse environmental impacts. The FRA and the Authority will assess the site characteristics, size, nature, and timing of proposed site-specific HST project sections to determine whether the adverse impacts are potentially significant and whether adverse impacts can be avoided or mitigated. This and other project EIR/EISs will identify and evaluate reasonable and feasible site-specific alignment alternatives, and evaluate the impacts from construction, operation, and maintenance of the HST system. Information and documents regarding this HST environmental review process will be made available through the Authority's Internet site: http://www.cahighspeedrail.gov/.

Project Objectives/Purpose and Need: The purpose of the proposed HST system is to provide a new mode of high-speed intercity travel that would link major metropolitan areas of the state; interface with international airports, mass transit, and highways; and provide added capacity to meet increases in intercity travel demand in California in a manner sensitive to and protective of California's unique natural resources. The need for a high-speed train (HST) system is directly related to the expected growth in population, and increases in intercity travel demand in California over the next twenty years and beyond. With the growth in travel demand, there will be an increase in travel delays arising from the growing congestion on California's highways and at airports. In addition, there will be negative effects on the economy, quality of life, and air quality in and around California's metropolitan areas from transportation system that will become less reliable as travel demand increases. The intercity highway system,

commercial airports, and conventional passenger rail serving the intercity travel market are currently operating at or near capacity, and will require large public investments for maintenance and expansion to meet existing demand and future growth.

Alternatives: San Jose to Merced HST Project EIR/EIS will consider a No Action or No Project Alternative and an HST Alternative for the San Jose to Merced corridor.

No Action Alternative: The No Action Alternative (No Project or No Build) represents the conditions in the corridor as it existed in 2007, and as it would exist based on programmed and funded improvements to the intercity transportation system and other reasonably foreseeable projects through 2035, taking into account the following sources of information: State Transportation Improvement Program (STIP), Regional Transportation Plans (RTPs) for all modes of travel, airport plans, intercity passenger rail plans, and city and county plans.

HST Alternative: The Authority proposes to construct, operate and maintain an electric-powered steel-wheel-on-steel-rail HST system, about 800 miles long, capable of operating speeds of 220 mph on mostly dedicated, fully grade-separated tracks, with state-of-the-art safety, signaling, and automated train control systems. The San Jose to Merced HST corridor selected by the Authority and FRA generally follows the Caltrain/UPRR corridor from San Jose to Gilroy. From Gilroy, the corridor extends east through the Pacheco Pass generally following State Route 152 and then along Henry Miller Road across the valley floor to connect with the Central Valley section of the HST system.

Further engineering studies will be undertaken as part of this EIR/EIS process that will examine design options along the Caltrain/UPRR corridor and possible use of portions of parallel transportation corridors. Alignment refinements in the Pacheco Pass area by potentially locating the HST line and tunnels closer to State Route 152 will be reviewed to determine their practicality and their ability to reduce environmental impacts. Alignment variations along Henry Miller Road (both to the north and the south) will be identified and evaluated for the purpose of reducing or avoiding impacts to natural resources in the Grasslands Ecological Area (GEA). Please see Figure 1 for a map of the San Jose to Merced section of the HST system, as described in the Bay Area to Central Valley Program EIR/EIS.

The entire alignment would be grade separated. The options to be considered for the design of grade-separated roadway crossings would include (1) Depressing the street to pass under the rail line; (2) elevating the street to pass over the rail line; (3) leaving the street as-is and constructing rail line improvements to pass over or under the local street, and (4) street closure, if appropriate. In addition, alternative sites for right-of-way maintenance, train storage facilities and a train service and inspection facility will be evaluated in the San Jose to Merced HST project area.

The preferred station in the City of Gilroy is the current Caltrain Station. This location was selected by the Authority and FRA through the Bay Area to Central Valley HST Final Program EIR/EIS considering the project purpose and need, and the program objectives. Alternative station sites at or near the preferred location may be identified and evaluated in this Project EIR/EIS. There will be no station between Gilroy and Merced. In addition, there will be no maintenance and storage facilities considered in the Los Banos area (or in the vicinity of the GEA).

Probable Effects: The purpose of the EIR/EIS process is to explore in a public selling the effects of the proposed project on the physical, human, and natural environment. The FRA and the Authority will continue the tiered evaluation of all significant environmental, social, and economic impacts of the construction and operation of the HST system. Impact areas to be addressed include transportation impacts; safety and security; land use and zoning; agricultural land impacts, land acquisition, displacements, and relocations and cumulative and secondary; cultural resource impacts, including impacts on historical and archaeological resources and parklands/recreation areas; neighborhood compatibility and environmental justice; natural resource impacts including air quality, wetlands, water

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resources, noise, vibration, energy, and wildlife and ecosystems, including endangered species. Measures to avoid, minimize, and mitigate all adverse impacts will be identified and evaluated.

Scoping and Comments: The Authority encourages broad participation in the EIR/EIS process during scoping and review of the resulting environmental documents. Comments and suggestions are invited from all interested agencies and the public to insure the full range of issues related to the proposed action and all reasonable alternatives are addressed and all significant issues are identified. In particular, the Authority is interested in determining whether there are areas of environmental concern where there might be a potential for significant site-specific impacts. In response to this NOP, public agencies with jurisdiction are requested to advise FRA and the Authority of the applicable permit and environmental review requirements of each agency, and the scope and content of the environmental information that is germane to the agency's statutory responsibilities in connection with the proposed project. Public scoping meetings have been scheduled as an important component of the scoping process for both the State and Federal environmental review. The scoping meetings described in this Notice will be advertised locally and included in additional public notification. Scoping meetings are scheduled for the following cities:

- Merced Community Senior Center, 755 W. 15th Street, Merced, California, March 18 from 3:00 p.m. to 7:00 p.m. (joint meeting with the Bakersfield to Merced Section)
- Roosevelt Community Center, Community Room B, 901 E Santa Clara Street, San Jose, California, March 25, 2009 from 3:00 p.m. to 7:00 p.m.
- Gilroy Hilton Garden Inn Harvest Room, 6070 Monterey Road, Gilroy, California, March 26, 2009 from 3:00 p.m. to 7:00 p.m.

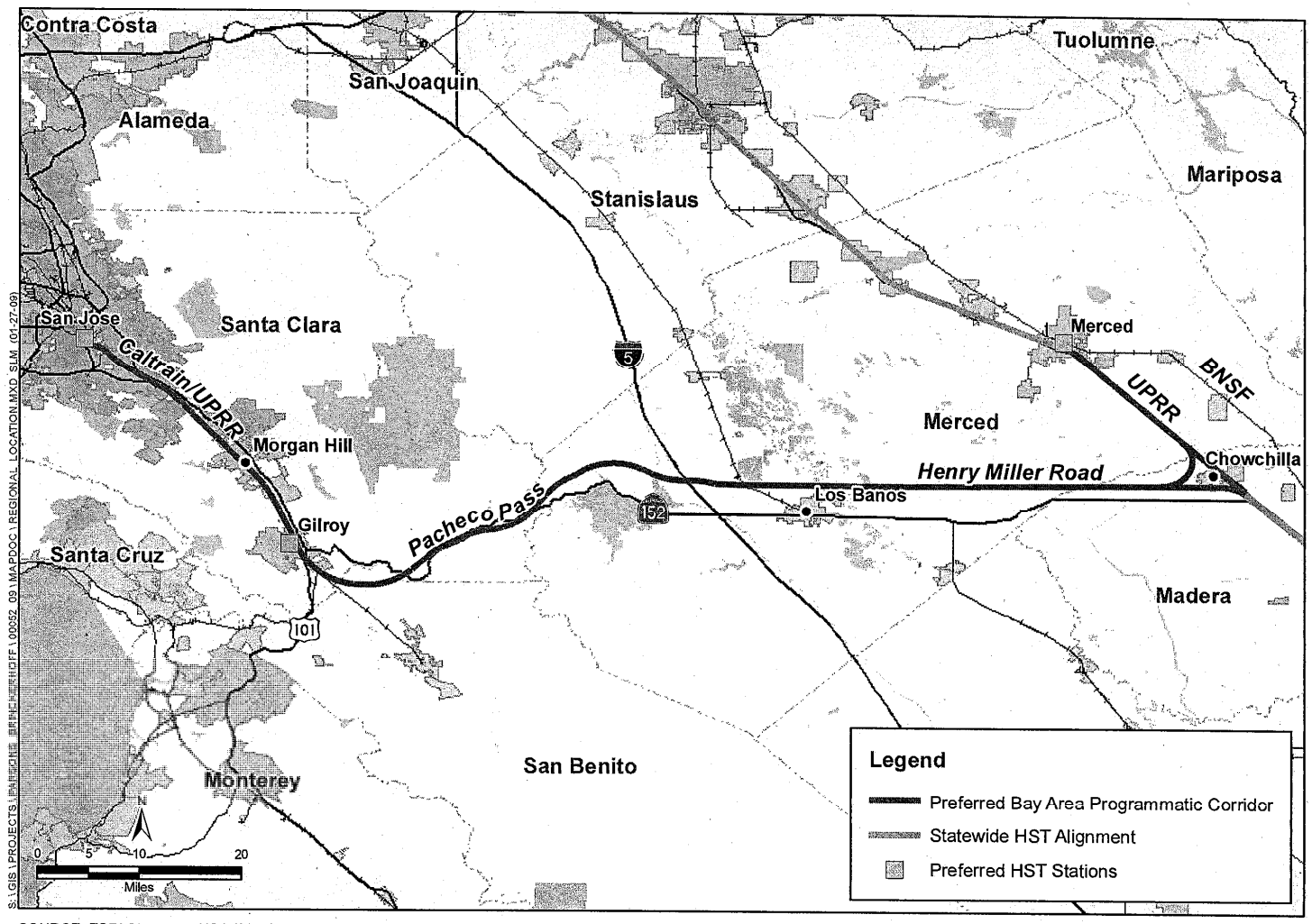
Public agencies are requested to send their responses to this Notice of Preparation to the Authority at the earliest possible date but no later than April 10, 2009.

Please send your response and direct any comments or questions regarding this Project to Mr. Dan Leavitt, Deputy Director of the California High Speed Rail Authority at the address shown above.

Date: 02/23/09 Signature:

Page 4 of 4

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued



SOURCE: ESRI Streetmap USA (2008)

Figure 1
California High Speed Train
San Jose to Central Valley HST Project

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NOTICE OF PREPARATION

FROM: Mehdi Morshed
Executive Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

SUBJECT: Notice of Preparation of a Project Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for a Fresno to Bakersfield High-Speed Train System

The California High-Speed Rail Authority (Authority), as the Lead Agency for the California Environmental Quality Act (CEQA) process for a proposed California High-Speed Train (HST) system, issued a Notice of Preparation on February 24, 2009 for the preparation of an Environmental Impact Report (EIR) for the Merced to Bakersfield section of the Authority's proposed HST system in compliance with CEQA. The Federal Railroad Administration (FRA), as the federal lead agency for the National Environmental Policy Act (NEPA) process, issued a Notice of Intent to prepare an environmental impact statement (EIS) for this project. Those notices identified alternatives involving the HST System alignments and station locations between Merced and Bakersfield.

The Authority and FRA have determined that the environmental effects of the HST System from Merced to Bakersfield are more appropriately assessed in two separate EIR/EIS documents, one from Merced to Fresno and another for Fresno to Bakersfield. This Notice amends the environmental process started on February 24, 2009 to instead prepare a Project EIR/EIS for the Fresno to Bakersfield section of the HST System. The decision to complete two separate EIR/EISs was made because the project sections are of sufficient length, with logical termini, allowing for an analysis of environmental matters on a broad scope to ensure that the project will function properly without requiring additional improvements elsewhere, and the assessment of HST alternatives in the Fresno to Bakersfield section will not restrict consideration of alternatives for other transportation improvements.

This NOP initiates the State CEQA process and the preparation of an EIR/EIS for the Fresno to Bakersfield section of the proposed California High-Speed Train System. The Authority is issuing this NOP to solicit public and agency input into the scope of the EIR and to advise the public that outreach activities will be conducted by the Authority and its representatives in the preparation of the combined EIR/EIS. The FRA has responsibility for overseeing the safety of railroad operations, including the safety of any proposed high-speed ground transportation system. The FRA also has responsibility for providing Federal funding for intercity passenger rail capital investments, including high-speed rail, and may provide financial assistance for the project. The FRA will publish a Notice of Intent (NOI) in the *Federal Register*, announcing the agency's intention to initiate the federal environmental review process for this section of the HST project.

The Authority and the FRA completed a California High-Speed Train Program EIR/EIS (Statewide Program EIR/EIS) in August 2005 as the first-phase of a tiered environmental review process for the proposed California HST System. The Statewide Program EIR/EIS generally selected the Burlington Northern Santa Fe Railroad (BNSF) corridor for the high-speed train route from Fresno to Bakersfield and the Union Pacific Railroad Company (UPRR) corridor was selected through the urban area of Fresno, with stations in downtown Fresno and Bakersfield. The Statewide Program EIR/EIS also stated that the project EIR/EIS for the HST in this portion of the Central Valley would evaluate an alignment around Hanford and a potential station location in the Visalia/Hanford/Tulare area.

The preparation of the Fresno to Bakersfield HST Project EIR/EIS will involve the development of preliminary engineering designs and the assessment of potential environmental effects associated with the construction, operation, and maintenance of the HST System, including track, ancillary facilities and stations, along the preferred alternative corridor from Fresno to Bakersfield with alternative alignments to the east of Hanford.

DATES: Written comments on the scope of the Fresno to Bakersfield HST Project EIR/EIS should be provided to the Authority at the earliest possible date but not later than October 30, 2009. These comments will receive equal consideration to comments presented during the March 2009 scoping period for the Merced to Bakersfield HST Project EIR/EIS.

ADDRESSES: Written comments on the scope should be sent to Ms. Carrie Bowen, Regional Director, ATTN: Fresno to Bakersfield HST Project EIR/EIS, California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814, or via email with subject line "Fresno to Bakersfield HST" to: comments@hsr.ca.gov. Comments may also be provided orally at the same address.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Bowen at (559) 221-2636 or at the above noted address.

SUPPLEMENTARY INFORMATION: The Authority was established in 1996 and is authorized and directed by statute to undertake the planning and development of a proposed statewide HST network that is fully coordinated with other public transportation services. The Authority adopted a Business Plan in June 2000, which reviewed the economic feasibility of an 800-mile-long HST system capable of speeds in excess of 200 miles per hour on a dedicated, fully grade-separated state-of-the-art track. The Authority released an updated Business Plan in November 2008.

In 2005, the Authority and FRA completed a Statewide Program EIR/EIS for the Proposed California High-Speed Train System (Statewide Program EIR/EIS), as the first phase of a tiered environmental review process. The Authority certified the Statewide Program EIR under CEQA and approved the proposed HST System, and FRA issued a Record of Decision under NEPA for the Program EIS. This Statewide Program EIR/EIS established the purpose and need for the HST System, analyzed an HST System, and compared it with a No Project/No Action Alternative and a Modal Alternative. In approving the Statewide Program EIR/EIS, the Authority and the FRA selected the HST Alternative, selected certain corridors/general alignments and general station locations for further study, incorporated mitigation strategies and design practices, and specified further measures to guide the development of the HST System during the site-specific project environmental review to avoid and minimize potential adverse environmental impacts.

The Fresno to Bakersfield HST Project EIR/EIS will tier from the Statewide Program EIR/EIS in accordance with Council on Environmental Quality (CEQ) regulations, (40 CFR § 1508.28) and State CEQA Guidelines (14 C.C.R. §15168[b]). Tiering will ensure that the Fresno to Bakersfield HST Project EIR/EIS builds upon all previous work prepared for and incorporated in the Statewide Program EIR/EIS.

The Fresno to Bakersfield HST Project EIR/EIS will describe site-specific environmental impacts, will identify specific mitigation measures to address those impacts, and will incorporate design features to avoid and minimize potential adverse environmental impacts. The FRA and the Authority will assess the site characteristics, size, nature, and timing of the proposed project elements to determine whether the impacts are potentially significant and whether impacts can be avoided or mitigated. This Project EIR/EIS

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will identify and evaluate reasonable and feasible site-specific alternatives, and evaluate the impacts from construction, operation, and maintenance of the HST System. Information and documents regarding this HST environmental review process will be made available through the Authority's Internet site: http://www.cahighspeedrail.gov/.

Project Objectives/Purpose and Need: The purpose of the proposed HST System is to provide a new mode of high-speed intercity travel that would link major metropolitan areas of the state; interface with international airports, mass transit, and highways; and provide added capacity to meet increases in intercity travel demand in California in a manner sensitive to and protective of California's unique natural resources. The need for a HST System is directly related to the expected growth in population, and increases in intercity travel demand in California over the next twenty years and beyond. With the growth in travel demand, there will be an increase in travel delays arising from the growing congestion on California's highways and at airports. In addition, there will be negative effects on the economy, quality of life, and air quality in and around California's metropolitan areas from an increasingly congested transportation system that will become less reliable as travel demand increases. The intercity highway system, commercial airports, and conventional passenger rail serving the intercity travel market are currently operating at or near capacity, and will require large public investments for maintenance and expansion to meet existing demand and future growth. The proposed HST System is designed to address some of the social, economic, and environmental problems associated with transportation congestion in California.

Alternatives: The Fresno to Bakersfield HST Project EIR/EIS will consider a No Project or No Action Alternative and a HST Alternative for the Fresno to Bakersfield section.

No Project Alternative: The No Project Alternative (No Action or No Build) represents the conditions in the corridor as it existed in 2009, and as it would exist based on programmed and funded improvements to the intercity transportation system and other reasonably foreseeable projects through 2035, taking into account the following sources of information: State Transportation Improvement Program (STIP), Regional Transportation Plans (RTPs) for all modes of travel, airport plans, intercity passenger rail plans, and city and county plans.

HST Alternative: The Authority proposes to construct, operate and maintain an electric-powered steel-wheel-on-steel-rail HST System, about 800 miles long, capable of operating speeds of 220 mph on dedicated, fully grade-separated tracks, with state-of-the-art safety, signaling, and automated train control systems. The BNSF alignment from Fresno to Bakersfield was selected as the preferred alignment with the Statewide Program EIR/EIS. As defined in the Statewide Program EIR/EIS, this would utilize the UPRR corridor through the urban area of Fresno, and would require a new high-speed alignment around the city of Hanford. Alignment alternatives will also be evaluated to serve a potential station in the Visalia/Hanford/Tulare area. The HST would operate in this area at speeds up to 220 mph on tracks separate from the existing BNSF tracks. Engineering studies to be undertaken as part of this EIR/EIS process will examine and refine alignments in the BNSF corridor. The entire alignment would be grade separated from existing roadways. In addition, alternative sites for right-of-way maintenance, train storage facilities, and a light or heavy maintenance and repair facility will be evaluated in the Fresno to Bakersfield HST project area. See Figure A for a map of the Fresno to Bakersfield section of the HST system.

The two preferred station locations selected by the Authority and FRA through the Statewide Program EIR/EIS will be evaluated in the Fresno to Bakersfield HST Project EIR/EIS. These stations are downtown Fresno and downtown Bakersfield. Alternative station sites at or near the selected station locations may be identified and evaluated. A potential station in the Visalia/Hanford/Tulare area will also be evaluated in this Project EIR/EIS.

Probable Effects: The purpose of the EIR/EIS process is to explore in a public setting the effects of the proposed project on the physical, human, and natural environment. The FRA and the Authority will continue the tiered evaluation of all significant environmental, social, and economic impacts of the construction and operation of the HST System. Impact areas to be addressed include transportation impacts; safety and security; land use and zoning; land acquisition, displacements, and relocations; agricultural land impacts; cultural resource impacts, including impacts on historical and archaeological resources and parklands/recreation areas; neighborhood compatibility and environmental justice; natural resource impacts including air quality, wetlands, water resources, noise, vibration, energy, and wildlife and ecosystems, including endangered species; and cumulative and secondary impacts. Measures to avoid, minimize, and mitigate all adverse impacts will be identified and evaluated.

Comments: Public scoping meetings were held in March 2009 for the Merced to Bakersfield HST Project EIR/EIS and are an important component of the scoping process for the Fresno to Bakersfielc HST Project EIR/EIS for both the State and Federal environmental review. The Authority encourages broad participation in the EIR/EIS process and review of the resulting environmental documents. Comments are invited from all interested agencies and the public to insure the full range of issues related to the proposed project and all reasonable alternatives are addressed and all significant issues are identified. In particular, the Authority is interested in learning whether there are areas of environmental concern where there might be a potential for significant site-specific impacts from the Fresno to Bakersfield section of the HST System. Public agencies with jurisdiction are requested to advise the Authority and FRA of the applicable permit and environmental review requirements of each agency, and the scope and content of the environmental information that is germane to the agency's statutory responsibilities in connection with the proposed project. Public agencies are requested to send their responses to this Notice of Preparation to the Authority at the earliest possible date but not later than October 30, 2009.

The Authority also invites the general public and all other interested parties to comment on the scope and content of the EIR/EIS. The Authority is soliciting additional oral and written comments, suggestions, requests for information, and requests for public meetings no later than October 30, 2009.

These comments will receive equal consideration as comments presented during the March 2009 scoping period for the former Merced to Bakersfield HST Project EIR/EIS.

Please send your response and direct any comments or questions regarding this Project to Ms. Carrie Bowen, Regional Director of the California High-Speed Rail Authority at the address shown above.

Date: 9/29/09

Signature: for
Carrie Bowen, Regional Director

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

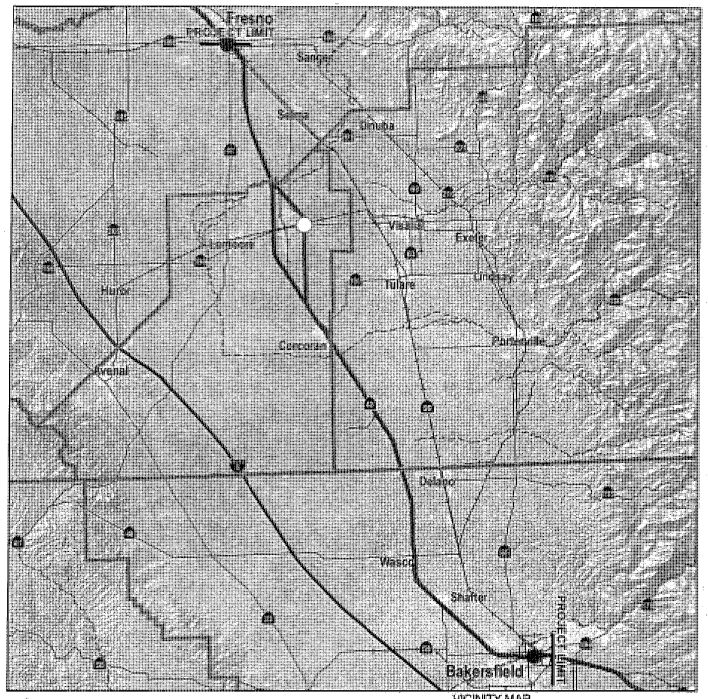


FIGURE 1-2
Fresno to Bakersfield HST Project Section

Merced - Fresno Section
AECOM Transportation ♦ CH2M HILL **Progress Report 61.2 –May 2012**

Progress Report for May 2012

MERCED - FRESNO SUBSECTION

AECOM Transportation ♦ CH2M HILL

Environmental Milestone Schedule

Section/Activity	Plan Actual/Forecast % complete	Scoping Report	Board Briefing to Approve Release of the AA Report	Release Preliminary AA Report	Board Briefing to Approve Supplemental AA Report	Release Supplemental AA Report	Technical Reports	Admin Draft EIR/EIS	15% Design	Draft EIR/EIS	Final EIR/EIS	NOD/ROD	Percent Complete Toward NOD/ROD
Merced - Fresno	Plan	Mar. '10	Apr. 8, 2010	Apr. '10	Jun. 3, 2010	June '10	Aug. '10	Aug. '10	Sept. '10	Mar. '11	Feb. '11	April'12	
65 miles	Actual/Forecast	Mar. 10 A	Apr. 8, 2010	Apr. '10 A	Aug. 5, 2010	Aug. '10	Dec '10	Sept. '10	Aug '11	Aug '11	May '12	July '12	
	% Complete	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	75%	100%

A = Actual Dates Changed from April Report shown in red.

Major / Key Issues and Areas of Concern

SCOPE:

Environmental: The team presented the Final EIR/EIS to the Authority Board during the meetings for certification on May 2 &3and addressed comments received on the Final EIR/EIS. The Authority Board then certified the Final EIR on May 3. During May, development of the permit applications (e.g., 2081 meetings, annotated outlines, Swainson's Hawk surveys) and draft reports for the mitigation sites and related mitigation plans, along with environmental support of geotechnical drilling, encompassed additional, required work efforts unanticipated by the Authority, PMT and RC. The resulting rigorous schedule has been maintained, but at the cost of un-projected budget consumption. All information requested from the US Fish and Wildlife Service (USFWS) in support of the Biological Opinion (BO) was also provided in May.

15% Engineering: This work was completed by April 9, 2012, with the inclusion of the revisions to the Merced Station 15% Design.

30% Engineering: Provided support for finalization of the EIR/EIS documentation, Outreach support, Environmental Permitting, Procurement Package preparation, and Right-of-Way (ROW) Acquisition Program.

Procurement Package Design: Issued the Draft Addendum for FRA review.

Engineering Support for Environmental Permitting: The AECOM Engineering Team continued providing engineering support as required for the preparation of numerous Environmental Permits for construction of both CP 1 and Option 1, during May.

1

Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

SCHEDULE:

Environmental: The challenging schedule for the environmental process continues to be maintained as we responded to comments from the AG/FRA/Authority and the PMT by working through an "issues list." Meanwhile, AECOM responded to COE, BOR, and EPA comments on the administrative draft Final EIR/EIS. Production progressed satisfactorily towards the achievement of the Final EIR/EIS in April for certification by the HSRA Board in May. The Record of Decision (ROD) continues to be scheduled for July.

Engineering: Concluded geotechnical sampling, testing and reporting for Design-Build (DB) contractors' use.

BUDGET

Budget: The following out-of-scope/unbudgeted tasks have been submitted in Change Request # 122: 1) Added environmental scope requirements to monitor the geotechnical drilling, 2) Development, printing and distribution of the ERRATA document, 3) Required, additional printing and distribution of the Final EIR/EIS, 4) Additional public meeting in Fresno prior to the CHSRA Board certification meeting, 5) FRA Final EIR/EIS workshop, 6) Surveys at mitigation sites for development of 2081 Permitting, 7) Swainson's Hawk Nesting Survey, 8) Additional Channel Survey needed to support Hydraulic Modeling required for permits, 9) Additional Engineering support for meetings with COE/CVQCB, and 10) Additional Engineering Support for the Forestiere property. The AECOM Team is awaiting the respective NTP.

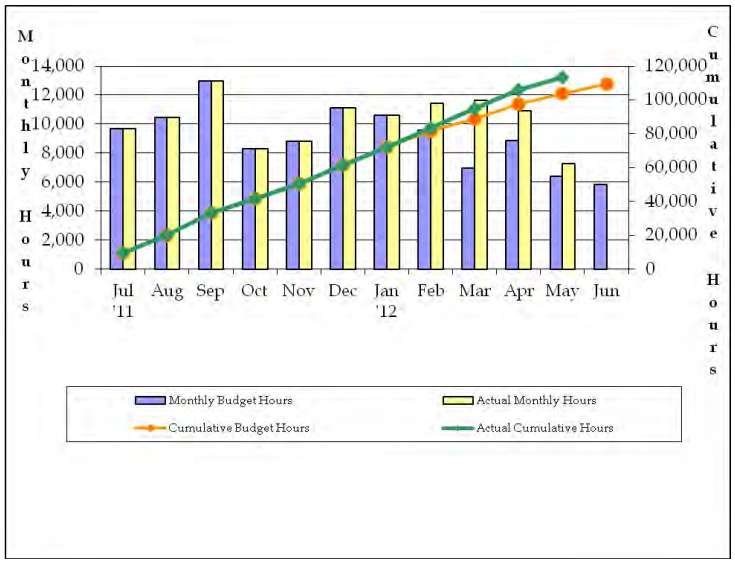
Merced - Fresno Section
AECOM Transportation ♦ CH2M HILL Progress Report 61.2 –May 2012

Financial Reporting

Fiscal Year Hours

The staff hours worked for Task 1 thru Task 8 total to 7,397 labor hours for the month of May, which was 16% above the monthly budgeted hours of 6,383 for May. Cumulative labor hours (113,239) from July 1st to date are 9% above the budgeted labor hours (103,810) for the fiscal year to date.

Hours Summary FY 2011 - 2012

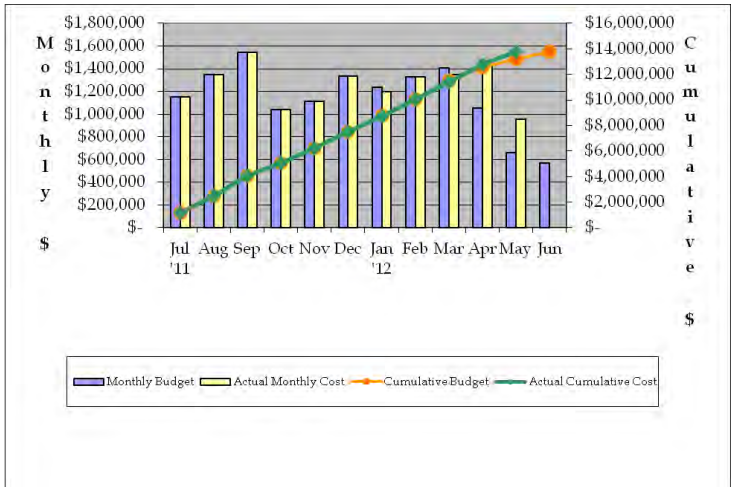


Attachment to Submission BO060 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 18, 2012) - 770_Holder_CD_10182012_Attachments.pdf - Continued

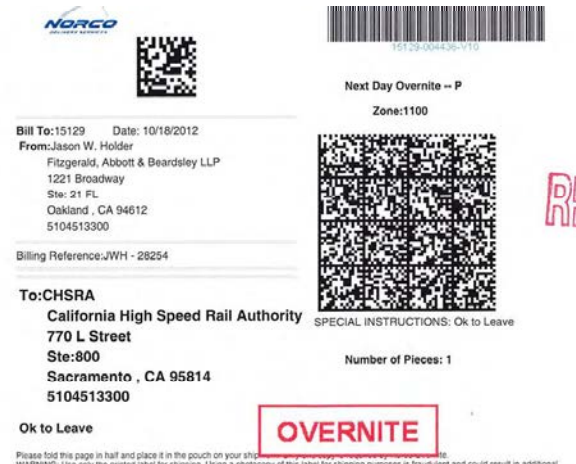
Fiscal Year Dollars

As of January 17, 2012 the currently approved AWP Rev 5 budget for FY11/12 for Merced – Fresno Task 1-8 is $9,982,163. The additional CR0069 + CR 0090 budget represents a total of $3,795,185, resulting in a FY11/12 revised total budget of $13,777,348. Task 1-8 expenditures for the month of May were $956,902, which was 46% above the budget of $657,527. Task 1-8 cumulative dollars ($13,778,829) from July 1 to date were approximately 4% above the cumulative budget ($13,205,156) to date.

Cost Summary FY 2011 – 2012



May's work load continued to be significantly heavier than was initially planned, which accounts for the increase in labor hours of +16% over budget and the associated dollar expenditures of +46% over budget. A large part of this extra work load resulted from the inclusion of unanticipated geotechnical borings with required monitoring, the Swainson's Hawk Nesting Surveying and the additional surveys at mitigation sites for 2081 Permitting. Administratively, additional, unanticipated efforts were required for printing and distribution of the environmental documents. All of these extra requirements were in addition to the heavy load of preparing the responses to comments in preparation of the Final EIR/EIS and continuing, planned engineering support for the mitigation-development efforts and the preparation of the final environmental document.


NORCO

Next Day Overnite -- P

Zone:1100

Bill To:15129 Date: 10/18/2012
From:Jason W. Holder
Fitzgerald, Abbott & Beardsley LLP
1221 Broadway
Ste: 21 FL
Oakland , CA 94612
5104513300

Billing Reference:JWH - 28254

To:CHSRA
California High Speed Rail Authority
770 L Street
Ste:800
Sacramento , CA 95814
5104513300

SPECIAL INSTRUCTIONS: Ok to Leave

Number of Pieces: 1

Ok to Leave

OVERNITE

RECEIVED 10/19/2012

http://www.overniteexpress.com/overniteshiponline/direction/shipmentform.aspx 10/18/2012

Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012)

October 19, 2012

VIA EMAIL AND MAIL

Fresno_Bakersfield@hsr.ca.gov

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

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

Dear CHSRA Staff:

The Madera County Farm Bureau and the Merced County Farm Bureau are writing to offer comments concerning the environmental impact analysis contained in the Revised Draft Environmental Impact Report/Draft Supplemental Environmental Impact Statement (RDEIR). As explained more fully below, the RDEIR prepared for the Fresno to Bakersfield Section (Section) does not comply with the requirements of CEQA. Therefore, the California High-Speed Rail Authority (Authority) may not approve a preferred alternative for the Section until an adequate RDEIR is prepared and circulated for public review and comment.

The 800±mile HST project is comprised of nine sections, each evaluated separately at the project-level. While each of these sections, considered in isolation from the rest, might result in some impacts that can be reduced to less-than-significant levels after considerable avoidance and mitigation efforts, the HST sections will each unavoidably tax the state's limited air, water, agricultural land, and biological resources to a potentially significant cumulative extent. The final toll taken by this ambitious and immense Project on California's environment, public health, natural resources, and economic base may not be known for several years or longer, but currently available and substantial evidence shows that the effects will be severe.

Under these unprecedented circumstances, it is even more imperative that this environmental document identify and analyze all of the Section's impacts with the utmost degree of accuracy, care and detail. It is equally, if not more, imperative that any and all reasonable alternatives that are less environmentally damaging be presented and discussed as thoroughly as possible, together with any and all feasible mitigation measures. **In addition, given the rapidly escalating costs for the Initial Construction Segment (ICS), of which this Section is but a part, the Authority must provide evidence that it has the financial resources to relocate and modify existing infrastructure, purchase right-of-way (ROW) properties, construct the track and stations, and pay for agricultural, biological resource and air quality mitigation (among others).** The strictures of CEQA and the maxims of sound public policy and informed environmental planning require nothing less. Based on these concerns, the Madera and

BO061-1

Merced County Farm Bureaus have a strong interest in ensuring that this Section of the Project complies with all applicable federal, state and local laws and regulations.

With that said, we must conclude with disappointment that this RDEIR, like the EIR prepared for the Merced to Fresno section of the HST project, despite its voluminous length and complexity and attempt at recirculation, is so rife with omissions, incomplete analyses, and obsolete information that it simply does not even come close to complying with CEQA's rigorous environmental review and mitigation standards.[1] As these comments will demonstrate, the RDEIR is fatally deficient and must be substantially revised and recirculated for further public review and comment before it may be finalized.[2]

The RDEIR does not describe all of the characteristics of the alternatives for the Section. Moreover, as explained at length below, the Section will generate a multitude of impacts in a number of impact areas, including: agriculture, air quality, public health, socioeconomics and community facilities, water supply, water quality, biological resources, and cultural resources – yet the RDEIR does not fully disclose these significant impacts. The Section will also cause cumulatively considerable impacts in each of these resource areas – but these cumulative impacts have also not been acknowledged. In short, the RDEIR mischaracterizes, underestimates, or otherwise fails to identify many of thethe Section's direct, indirect and cumulative impacts. At the same time, many of the mitigation measures described in the RDEIR will not, in fact, mitigate impacts to the extent claimed and in some instances will generate additional impacts that are not evaluated. Finally, the RDEIR impermissibly truncates the scope of alternatives discussed, and consequently fails to consider reasonable feasible alternative approaches to the Section's footprint that would altogether avoid several of the Section's most serious impacts.

The Authority seems to have taken a cursory approach to impact analysis and mitigation formulation because the scope and size of the Section's footprint and effects are so large. But this is precisely when a detailed and painstaking analysis is most necessary.

Below, after a brief summary of applicable legal requirements governing EIR preparation, we present our general comments that address analytical flaws that pervade the RDEIR.

I. THE RDEIR FAILS TO SATISFY CEQA'S PURPOSE AND GOALS

CEQA has two basic purposes, neither of which the RDEIR satisfies. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.[3] The EIR is the "heart" of this requirement.[4] The EIR has been described as "an environmental 'alarm bell'

[1] The Madera and Merced County Farm Bureaus, along with several other petitioners, have filed a lawsuit challenging the EIR prepared for the Merced to Fresno section of the Project. The DEIR for this section suffers from many of the same flaws identified in a brief recently filed in that lawsuit. *See* Attachment 1, Memorandum of Points and Authorities In Support of Petitioners' Motion for Preliminary Injunction/Alternative Application for Administrative Stay (PI Motion Opening Brief), pp. 8-25 [arguments concerning CEQA violations with respect to Merced to Fresno DEIR]; *see also* CD containing exhibits referenced in PI Motion Opening Brief, submitted separately by our counsel via overnight mail on October 18, 2012.

[3] CEQA Guidelines § 15002(a)(I)
[4] No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 84

Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued

whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[5] The courts have repeatedly emphasized the importance of the public's role in the CEQA process –such participation supplies both vitality and legitimacy to the environmental review process. [6] An EIR must "include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project."

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring feasible alternatives or mitigation measures. [7] "The EIR must set forth mitigation measures that the decision makers can adopt at the findings stage of the planning process."[8] The mitigation requirement in CEQA has teeth, unlike the more "considerational" mitigation provisions of NEPA. [9] Under CEQA, a lead agency must mitigate a project's significant impacts to the maximum extent feasible. The requirement to consider a reasonable range of alternatives to the Project is similar under both CEQA and NEPA. [10]

The RDEIR for the proposed Project fails to comply with these basic requirements. First, the lack of complete, concise, clear, accurate and consistent information in the RDEIR precludes an informed comparison of the alternatives for this Section and an analysis of the Proposed Action. The 1,600+page RDEIR is supported by thousands of pages of technical appendices and supposedly relies on or at least tiers off of thousands of pages of first-tier environmental review in two programmatic review documents. But the document does not reference these materials with enough precision to enable the reader to find the information and analysis that is relied upon or that provides context for this analysis. Instead, the reader must attempt to ferret out this information. The lengthy analysis is far from concise or clear. Second, the Authority failed to take a hard look at all of the Section's impacts. The RDEIR does not even describe all of the Section's features, and it presents a generalized analysis of many potentially significant impacts and conclusory statements concerning the effectiveness of vague mitigation measures. Third, **the Authority impermissibly limited its alternatives analysis** by **failing to consider design modifications to each alternative alignment and other alignment options that could substantially reduce impacts**.

For these reasons, and as further explained below, the RDEIR precludes a meaningful analysis of the Section's impacts and the means devised to avoid or reduce them. The Authority must therefore revise the RDEIR and recirculate the revised RDEIR for public review and comment before making a decision concerning the Section or the HST project as a whole.

[5] County of Inyo v. Yorty (1973) 32 Cal.App.3d 795
[6] See, e.g., Laurel Heights Improvement Assn. v. Regents of the Univ. ofCal. (1988) 47 Cal.3d 376, 392 (Laurel Heights I).
[7] Pub. Resources Code, § 21002; see also CEQA Guidelines § 15002(a)(2)-(3); see also Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564; see also Laurel Heights I, supra, 47 Cal.3d at p. 400.)
[8] Remy, et al., Remy, et al., Guide to the California Environmental Quality Act (Solano Press, Il th ed., 2006) (Guide to CEQA), p. 503.
[9] See id. at p. 38
[10] See id. at p. 39

BO061-2

II. GENERAL COMMENTS

A. The RDEIR Does Not Adequately Tier Off of or Incorporate by Reference the Analysis of Two First-Tier Environmental Review Documents.

The RDEIR supposedly relies upon or at least tiers off of the analyses of two first-tier environmental review documents.[11] The RDEIR does not clearly explain, however, how the PEIR/S for the Bay Area sections of the HST updated the analysis from the 2005 Programmatic EIR/S for the entire HST system, nor does the RDEIR consistently or clearly explain how its analysis relies upon or derives context from either of these two previously prepared documents. With thousands of pages of background analysis to sift through, and thousands of pages of project-level analysis and technical reports to review, the public is left to wonder how this document fits into the overall analytical structure of this complicated and muddled tiering scheme.[12]

This attempt at tiering and incorporation by reference fails to satisfy CEQA's requirements. "When an EIR uses tiering or incorporation, it must give the reader a better road map to the information it intends to convey."[13] The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. "Information 'scattered here and there in EIR appendices,' or a report 'buried in an appendix, 'is not a substitute for 'a good faith reasoned analysis.[14]

BO061-3

The RDEIR does not provide the required summary of issues discussed in the two broader first-tier EIRs, nor does it adequately incorporate by reference the discussions from these EIRs. The RDEIR does not explain the limited level of analysis conducted at the programmatic level, nor does it describe the assumptions that the preparers of the PEIRs relied upon, that have turned out not to be accurate (such as the assumption that the Project right-of-way (ROW) could potentially share freight railroad ROW and that it could potentially be reduced to a 50-foot-wide ROW). The RDEIR also does not acknowledge that the PEIRs did not analyze and instead deferred detailed environmental review for many impacts, including severance impacts to agriculture, to the project level.

[11] *See* DEIR, pp. 1-1, 1-3, 1-28, 1-30; *see also* Endangered Habitats League, Inc. v. State Water Resources Control Bd. (l997) 63 Cal.App.4th 227, 236; see also In re Bay-Delta Etc., 43 Cal.4th at p. 1173 ["Future environmental documents may incorporate by reference general discussions from the broader EIR, but a separate EIR is required for later projects that may cause significant environmental effects inadequately addressed in the earlier [EIR]"], citing Guidelines, § 15152(a) & (f).
[12] The reviewer's task is made much more difficult because the links to the Statewide Program EIRJS are not named with an informative description of the document. See, e.g., websites for Volumes 1-3 ofthe Statewide Program EIRJS, available at: http://www.cahighspeedrail.ca.gov/final_pgrm_eireisrep01i_voll.aspx, http://www.cahighspeedrail.ca.gov/finalprgm_eireisreport_vol2.aspx,and http://www.cahighspeedrail.ca.gov/finalprgm_eireisreport_vol3.aspx, respectively. The reader must open each link in order to determine what portion of the analysis the link contains
[13] Vineyard Area Citizens, supra, 40 Cal.4th at p. 443, citing CEQA Guidelines, § 15150, 15153.
[14] *Ibid*.

Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued

BO061-4

The RDEIR also fails to acknowledge that the Authority previously found the HST system as a whole would have significant and unavoidable impacts, requiring a Statement of Overriding Considerations[15] CEQA requires the Authority to squarely address the Project's contribution to these significant and unavoidable impacts.[16] By concluding that many construction-related impacts will be mitigated to less-than-significant levels and that impacts to biological resources would also be less than significant, without acknowledging and addressing the significant and unavoidable impacts associated with the HST system, the RDEIR obscures impacts rather than reveals them.

BO061-5

B. Piecemealed Environmental Review

The Section is part of the larger "Initial Construction Segment" (ICS) that will first be constructed using ARRA funds and Proposition 1A bond funds. The Authority should have prepared a single DEIR for the ICS, rather than splitting the analysis of ICS impacts into two EIRs. In splitting the analysis, the Authority failed to disclose the true scope and severity of the impacts to the entire central and lower San Joaquin Valley region, in violation of CEQA.

The RDEIR also failed to analyze the use of the ICS for testing high-speed trains, and the possible interim use of the ICS for Amtrak service. These are also forms of piecemealed environmental review.

BO061-6

C. Information in the RDEIR Concerning the Characteristics of the Proposed Action is Incomplete and Inaccurate.

"An accurate, stable and finite project description is the *sine qua non* of an informative and legally adequate EIR."[17] Without it, CEQA's objective of fostering public disclosure and informed environmental decision-making is stymied. One leading CEQA treatise succinctly describes the problems created by an inadequate project description:

> The adequacy of an EIR's project description is closely linked to the adequacy of the EIR's analysis of the project's environmental effects. If the description is inadequate because it fails to discuss the complete project, the environmental analysis will probably reflect the same mistake. [18]

The project description must be accurate and consistent throughout an EIR.[19] It is impossible for the public to make informed comments on a project of unknown or ever-changing proportions. "A curtailed

[15] Compare DEIR, p. 6-3 with Statewide Program EIRJEIS, pp. 7-1 - 7-2.
[16] Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 124-125 (CBE) ["Even though a prior EIR's analysis of environmental effects may be subject to being incorporated in a later EIR for a later, more specific project, the responsible public officials must still go on the record and explain specifically why they are approving the later project despite its significant unavoidable impacts"]; see also People v. County of Kern (1974) 39 Cal.App.3d 830, 842 [CEQA serves important function of ensuring that "the environmental and economic values of [the agency's] elected and appointed officials" are fully disclosed to the public].
[17] County of Inyo v. City of Los Angeles (1977)71 Cal.App.3d 185,193.
[18] Kostka and Zischke, Practice Under the California Environmental Quality Act, § 12.7, pp. 580-581 (Jan. 2011 update) (Practice Under CEQA).
[19] County of Inyo, 71 Cal.App.3d at 192

BO061-6

or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental costs ...."[20]

A project is "the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately" ...including, 'the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies.,'. [21]

The importance of an accurate and complete description of the Project and its environmental impacts is especially critical here, given the immense scale of the Project. Construction of the 800±mile HST line and operation of HSTs along the line will dramatically impact every aspect of the ecosystem and human environments along the entire route and the areas surrounding the ROW.

The RDEIR also failed to accurately identify all Project characteristics, as required.[22] Project characteristics not sufficiently described and considered in the RDEIR include, but are not limited to:

- New or modified transmission lines and substations that will be necessary, in some areas that lack existing or sufficient electric infrastructure, to provide power to this Section of the HST system and associated new or modified access roads and spur roads;
- New or modified irrigation and drainage facilities along this Section of the HST system that would be necessary to accommodate the Project;
- New or modified bridges over streams and rivers necessary for HST line crossings;
- Modified freeway interchanges, ramps and approaches and modified frontage roads for the BNSF Alternative (and the other alternatives to the extent these modifications are required);
- Road closures that would be required for each alternative, and any modifications to existing roadways that would be required as a consequence of road closures;
- New or modified roadway overpasses along this Section of the HST system that would be necessary to accommodate the Project.

The RDEIR does not describe these major Section characteristics and many more minor characteristics in sufficient detail to enable an accurate project-level review of environmental impacts. The 15% level of design used as the basis for the RDEIR's impact analysis is insufficient for a project-level review.[23] The lack of detail also denies meaningful public participation and compromises responsible decision-making by public agencies. The Authority must revise the RDEIR to provide a reasonable, thorough, good faith

[20] id. at pp. 192-193.
[21] CEQA Guidelines § 15378(a), (c); see McQueen v. Board of Directors (1988) 202 Cal.App.3d 1136, l 143.
[22] See Practice Under CEQA, § 12.8, pp. 581-582.
[23] As stated in the PI Motion Opening Brief, the Authority's predecessor agency, the Intercity High Speed Rail Commission, stated that at least a 35% level of design would be necessary to complete environmental review.

Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued

BO061-6

and objective presentation of the Section's characteristics, the qualities of the affected environment, and the respective environmental consequences of each alternative.

The discussion concerning the construction plan for the Section is also inadequate. For example, the RDEIR does not disclose the locations of construction staging areas and concrete and asphalt batch plants. In addition, discussions concerning preconstruction activities fail to mention the preconstruction surveys for sensitive species that will be required pursuant to mitigation measures. As we've learned from the Merced to Fresno Section, a larger amount of preconstruction staging area acreage is also required; a fact that is entirely omitted from the Summary Report or in the Summary Analysis of total acres impacted.

Without an adequate and thorough project description that includes all components and characteristics of a proposed project, the lead agency cannot conduct an adequate analysis of project impacts, propose adequate mitigation measures or meaningfully evaluate project alternatives. For example, the Authority has not analyzed the impacts associated with additional components of the Section discussed above. Potentially significant impacts not identified or evaluated in the RDEIR include, but are not limited to, the following:

• Widespread Severance of Agricultural Parcels: The RDEIR includes a footnote regarding the method used for determining the project's total effect on agricultural land lost for production.[24] This method includes a broad assumption that neighboring land owners will purchase some (or most, the explanation is unclear) remnant agricultural parcels and that remnant land is therefore not subject to inclusion in the project's total agricultural footprint. Due to an inadequate project description, it is impossible to confirm this assumption or even for the reader to see which parcels weren't included in the project's overall footprint and why.

•Water Quality: Access roads and spur roads will likely be built along the transmission line routes and may be required along the portions of the Section that lie outside existing transportation corridors. These roads will impact natural drainage patterns. All HST alternatives will also impact natural drainage patterns, and while the RDEIR acknowledges this, it fails to specifically describe the "in-stream" and upland work required at and near water crossings and does not address other more minor modifications to existing drainage systems. The transmission line roads and HST alternative rights-of-way will cause unaddressed impacts to water quality.

The RDEIR must identify, evaluate and mitigate, where feasible, all of the potentially significant impacts associated with all Project features, including those identified above.

[24] *See* DEIR, p. 3.14-8.

BO061-7

C. The RDEIR Underestimates the Section's Direct and Indirect Impacts to Agricultural Lands.

1. The RDEIR Fails to Clearly Explain and Define Methodology for Evaluating the Project's Impacts to Agricultural Lands.

The RDEIR describes the methods used for evaluating the Project's impacts to agricultural lands. With respect to the calculation of permanent conversion of Important Farmlands to nonagricultural use, the RDEIR states:

> [T]he acreage for the project footprint for each alternative was quantified and identified as being permanently converted to HST use. In addition, analysts examined farmland severance on a parcel-by-parcel basis for each alternative to identify where severance would create two parcels, and result in remainder parcel(s) that would be too small or too physically constrained to be farmed economically. The quantity of the non-economic remainder parcels was then added to the footprint quantity to identify total Important Farmland converted to nonagricultural use for each alternative.[25]

This explanation and the accompanying footnote do not provide any information concerning the analysts' methods for determining which "remainder parcel(s) were too small to be farmed economically." Instead of clarifying this issue, a subsequent section that analyzes the Project's impacts resulting from permanent conversion and parcel severance further confounds it by using undefined and variable terms such as "large agricultural properties," "small remainder parcels," "usable and unusable remainders," "smallest property remainders," and "non-economic remnants." This section also fails to explain the criteria employed to determine whether a small remainder parcel would be "farmable" or be "too small to maintain economic activity." In fact, nowhere in Chapter 3.14 does the RDEIR explain how analysts arrived at which remainder parcels were "small remainder parcels," "too small to be farmed economically," or "unusable" and which remainder parcels were "large agricultural properties," "of sufficient size to maintain economic activity," "farmable" or "usable." The RDEIR must explain how the analysts approached this critical component of the evaluation of the Section's impacts to agricultural land. Specifically, the RDEIR must reveal the methods employed by analysts when determining which remainder parcels were noneconomic/unusable versus economic/usable. This explanation must describe all factors that played into the analysts' determination of usability versus un-usability. We recommend that the revised RDEIR identify the number of severed parcel remainders that are less than 40 acres in size and quantify the number of these parcels that could be farmed economically and those that could not. This explanation should also specifically describe the reasons for why a parcel remainder was determined to be farmable.

The failure to fully explain and define key facets of the methodology used by analysts to evaluate the Project's impacts on agricultural lands makes it is impossible for the public to evaluate whether conclusions in the RDEIR are supported by carefully reasoned analysis as required by CEQA. This is particularly important since the RDEIR concludes that each of the HST Alternatives "would have

[25] DEIR, p. 3.14-8.

Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued

BO061-7

negligible effects from severing large farm parcels because severance of these parcels would not result in permanent conversion of farmland to a nonagricultural use."[26] Without a clear definition of what constitutes a "large farm parcel," it is impossible to verify the evidentiary support for this conclusion. The RDEIR must therefore be revised to clearly explain the analysts' approach for determining the Segment's impacts to agricultural lands –least dire legal ramifications ensue should this impact go unanalyzed.

BO061-8

Finally, the analysis identifies a technical working group that is studying specific issues related to agriculture -- specifically, the Project's impacts to "confined animal facilities, agricultural equipment, induced wind, agricultural infrastructure, and irrigation systems."[27] **These impacts must be analyzed now, in the RDEIR**. By relying on some unidentified working group's analysis of these impacts, the Authority is impermissibly **deferring the impact analysis that it is required to conduct in this RDEIR**. In addition, by relying on a future study, the RDEIR is attempting to tier off of a future study, a procedure specifically rejected by the California Supreme Court in the *Vineyard* decision.

BO061-9

2. The Analysis Makes False, or at Least Unsupported Assumptions Regarding the Section's and Project's Affects on Agricultural Land Conversion

Unfortunately, as the RDEIR points out, there has been a long trend in the San Joaquin Valley of agricultural land conversion.[28] The Madera and Merced Farm Bureaus, as well as other farm bureaus and organizations, have worked tirelessly for years to prevent this phenomenon. In recent years, in part due to our efforts and also due to the severe recession and housing market bust, the trend has slowed and in many areas of the valley has completely stopped (see Attachment A, *Central Valley Farmland Trust Presentation*). There is mounting evidence that the Section and the Project as a whole could exacerbate the problem of farmland conversion. In addition, as we've learned from the Merced to Fresno Section, the DEIR for that Section specifically eliminated an alignment alternative, A-3, from consideration because the alignment was growth inducing. [29]

BO061-10

The RDEIR asserts, without any evidentiary support, that the Section would slow farmland conversion that would otherwise occur to accommodate future population growth. This unsupported statement relies on false or at least questionable assumptions. First, SB 375 and other laws recently enacted may already lead to reduced land conversion. Second, the RDEIR does not provide any

[26] We note that the DEIR does not identify the division between large and small farm parcels and that this conclusion is conspicuously silent with respect to the effects from severing small farm parcels.
[27] DEIR, p. 3.14-9.
[28] See Attachment A, American Farmland Trust, Presentation to California Department of Food and Agriculture 2012
[29] Merced to Fresno DEIR, August 2011, p.2-20 ["...Those alternatives that were not carried forward had greater direct and indirect environmental impacts and potential to cause undesirable growth patterns over those alternatives that closely follow existing transportation corridors. In the preliminary Alternatives Analysis, Western Madera (A3) and UPRR/BNSF Hybrid (A4) alternatives were removed from further consideration because they departed from existing transportation corridors, thereby causing new transportation corridors among highly productive agricultural lands. Doing so would have the potential to reduce the viability of surrounding farmlands, giving way to other uses such as other transportation and utility infrastructure that could result in unwanted and unplanned growth patterns."].

9

BO061-10

assurances that the Section or the Project would limit future growth to areas around planned stations. It is quite conceivable, and even likely, that the Project and Section could encourage growth around stations **and** in rural areas surrounding cities. In fact, due to the Section's noise, aesthetic and other impacts, the Section may actually prompt accelerated growth in areas distant from any approved alignment.

BO061-11

3. The Analysis Underestimates the Section's Impacts from So-Called Temporary Use of Agricultural Land and Temporary Utility and Infrastructure Interruption.

The RDEIR concludes, without evidentiary support, that temporary use of agricultural lands during the prolonged construction period would not result in any significant impacts to these lands. The conclusion relies on the assumption that these lands would be "restored to as close to its pre-construction condition as possible."[30] This assumption is problematic for a few reasons. First, restoration 'as close as possible' is not the same as full restoration - in fact, it's a meaningless standard. What if restoration is not possible at all, is the Authority off the hook? Second, this is an unsupported assumption, it's not a requirement. To have teeth, this assumption should be turned into a mitigation requirement that includes performance standards.

The perfunctory analysis regarding the impacts to utility and infrastructure interruption during construction is completely inadequate. The RDEIR assumes away the potential widespread impacts by stating they will be resolved during the appraisal process.[31] These disruptions may result in the long-term reductions in the productivity of agricultural lands. As such, they must be analyzed in the RDEIR and the significant impacts must be mitigated.

BO061-12

4. Inadequate and Incomplete Discussion of Feasible Mitigation Measures

As previously discussed with respect to the inadequate measures proposed to mitigate the impacts to traffic, air quality and biological resources, CEQA mandates that an EIR contain feasible mitigation measures that are capable of reducing the identified significant impacts to levels that are less-than-significant. Only under limited circumstances may an agency defer the formulation of mitigation measures, and even then, the agency must commit to mitigating the impacts using specific performance standards. In this case, the RDEIR' discussion of mitigation measures to minimize impacts to agricultural lands is inadequate.

(a) Measure Requiring Preservation of Agricultural Land is Inadequate

Ag-MM#1 requires that agricultural conservation easements be established in the "same agricultural regions as the impacts occur." The phrase "agricultural regions," however, is not defined. "Agricultural regions" could refer to agricultural lands in the immediate vicinity of the agricultural land impacted, or it could refer to agricultural lands within the counties of Merced, Madera, and Fresno, or it even could pertain to the entire Central Valley.

[30] DEIR, p. 3.14-41.
[31] DEIR, p. 3.14-43.

10

Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued

BO061-12

Clarification of the phrase "agricultural regions" is particularly important given the essential roles agriculture serves in the region that will be impacted by the Segment. The RDEIR acknowledges that the Central Valley is the state's largest agricultural area and that Merced, Madera, and Fresno counties are some of the most agriculturally productive counties. The RDEIR further acknowledges that conversions of Important Farmland in each of these counties is occurring despite policies to protect such lands. As it presently reads, it is impossible to determine whether Ag-MM#1 will sufficiently preserve local agricultural lands of similar quality and quantity of agricultural lands that would be converted by the Segment. Accordingly, this mitigation measure must be revised to define "agricultural regions" as areas near the selected alternative route with productive agricultural lands of similar quality to the lands impacted by the Segment.

(b) Program to Consolidate Non-Economic Remnants is Inadequate and Unenforceable.

The Authority has changed what was Ag-MM#2 into a so-called project design feature.[32] Please explain why this measure was changed in this way. We urge the Authority to restore this measure -- it must be an enforceable mitigation measure with performance standards and accountability.

This design feature, which is now unenforceable but is still supposedly required, calls for creation of a farmland consolidation program to sell non-economic remnant parcels to neighboring landowners for consolidation with adjacent property to foster continued agricultural use on remnant parcels. First, as discussed above with respect to the methodology for evaluating the Project's impacts on agricultural resources, the term "non-economic remnant parcels," among other terms used in the analysis, needs to be defined and described. Without such definition, the proposed reach, scope, and potential effectiveness of this consolidation program is ambiguous.

Furthermore, as previously noted with respect to many of the proposed biological resource mitigation measures, the program lacks performance standards. Implementing this measure could easily be determined to be infeasible with respect to many of the "non-economic remnant parcels." The RDEIR must include performance standards to ensure the consolidation program sufficiently promotes continued agricultural uses. In addition, the program should operate for more than just a mere 5 years after construction. Rather, it should operate until all remnant parcels currently in agricultural production are transferred to adjacent landowners or are otherwise confirmed to be productive agricultural lands.

BO061-13

D. The RDEIR Fails to Consider the Section's Cumulative Impacts to Agricultural Lands.

The chapter concerning the Section's cumulative impacts is silent with respect to the destruction of agricultural lands that will be caused by neighboring sections of the Project, including the Merced to Fresno section, the San Jose to Merced Section, and the Bakersfield to Palmdale Section. Cumulatively, the Project will result in widespread destruction of farmland, and will cause indirect impacts to parcels located even miles away from the Project's ultimate alignment. The Statewide PEIR

[32] *See* Resolution 12-20, May 3, 2012.

BO061-13

did not consider severance impacts to agriculture, and did not consider the impacts of widespread road closures. Because the analysis for this Section considers impacts to agricultural lands in isolation, it violates CEQA's requirement to analyze and mitigate a project's contribution to significant cumulative impacts.

BO061-14

E. Mitigation Described in the RDEIR Concerning the Characteristics of the Proposed Action is Incomplete, Inaccurate, and are Not Enforceable.

The RDEIR states in *Section 3.1.4 Legal Authority to Implement Offsite Mitigation* that "offsite" mitigation would occur on, "... property not owned by the Authority," and "would require working with the property owners involved." The Section goes on to say that this type of mitigation is outside the Authority's control and is not guaranteed to come to fruition.

A public agency may not rely on mitigation measures of uncertain efficacy or feasibility.[33] To the extent that the Section results in significant impacts, the Authority must ensure that feasible measures are defined and enforceable.[34] By the Authority's own admission, this mitigation strategy –which is the primary method the Authority will rely upon to reduce the significant impacts to agriculture – is dependent on variables outside the Authority's ability to control. The practice of securing offsite mitigation is an incredibly long and arduous one where multiple permitting agencies must signal their approval of lands to be purchased. The practical application of using theoretical mitigation is not accurate or legal.

In addition, mitigation measures proposed in the RDEIR are inadequate. For example:

> Mitigation Measure SO-5: Provide access modifications 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. This would include the design of overcrossings or undercrossings to allow farm equipment passage. (Refer to Section 3.14, Agricultural Lands, for additional information.) This mitigation measure will be effective because it will maintain access to farmlands for farmers whose property is bisected.

This mitigation measure is inadequate because evaluating the effectiveness of overcrossings or undercrossings would not ensure that access to bisected farmlands is maintained. (I.e., the measure

[33] See, e.g., Kings County Farm Bureau, 22 I Cai.App.3d at p. 727 [finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available]; see also Gray v. County of Madera (2008) 167 Cai.App.4th 1099, 1116 ["no substantial evidence [in EIR] that the mitigation measures are feasible or effective in remedying the potentially significant problem of decline in water levels of neighboring wells"].)

[34] See CEQA Guidelines, § 15126.4(a)(I)-(2); see also Endangered Habitats League v. County of Orange (2005) 131 Cai.App.4th 777, 793-794; see also Sacramento Old City Assn. v. City Council ofSacramento (1991) 229 Cal.App.3d I 011, I 028-1029 (SOCA); see also Federation of Hillside & Canyon Associations v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1262.

Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued

BO061-14

does not guarantee access would be maintained – after evaluating crossings, the Authority could determine that they would not be effective, or are otherwise not feasible, etc.)

Furthermore, **the rapidly escalating costs of building the ICS calls into question the financial feasibility of mitigation measures,** including the expensive measures required for agricultural, biological resources and air quality impacts. According to information located on the California High Speed Rail Authority's website, task orders associated with construction costs for relocating and modifying existing infrastructure within the 29-mile stretch covered under Construction Package 1 (CP1) is more than $1.5 Billion. This estimated cost; extrapolated to the entire 130-mile ICS is almost **$7 Billion. This amount already exceeds the $6 Billion the Authority has estimated for constructing the entire ICS, and it does not even include the costs associated with purchasing ROW properties, the costs of building the tracks and stations, and the costs of mitigation.**

Please provide evidence that the entire ICS can be built at the cost advertised in the Revised 2012 Business Plan and that all mitigation measures listed in the RDEIR can be accomplished within this budget. If the mitigation measures are not feasible, the Authority will need to go on the record that it is approving a Section that will have significant and unavoidable impacts to important resources. The Authority must be held accountable for any and all unmitigated destruction that may result from its decisions.

Finally, the RDEIR fails to require mitigation measures to address identified impacts. The RDEIR vaguely identifies mitigation measures that "may be applied to the project." The description of these measures does not provide enough detail to determine their requirements of efficacy. As discussed above, CEQA requires that the RDEIR include clearly defined and enforceable mitigation measures.[35] Vaguely identifying measures that may or may not be applied to the Section does not suffice.

III. THE ANALYSIS OF ALTERNATIVES IS INDADEQUA TE.

"[A]n EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project."[36] Among other requirements, CEQA requires an EIR to evaluate "alternatives that might eliminate or reduce the Project's adverse environmental effects."[37] Under some circumstances, a lead agency must evaluate alternative sites to the proposed project location. As a leading CEQA treatise explains:

> Where significant effects can be lessened or avoided by choosing another site, discussing such an option within an EIR provides information by which the approving agency can effectuate CEQA's substantive mandate to lessen or avoid significant impacts where feasible.[38]

[35] See CEQA Guidelines, § 15126.4(a)(J)-(2).
[36] Citizens of Goleta Valley v. Bd. of Supervisors (1990) 52 Cal.3d 553, 566; see also CEQA Guidelines § 15126.6(a), (f).
[37] See Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 873.
[38] Remy, et al., Guide to CEQA, pp. 581-582.

13

The RDEIR fails to satisfy these fundamental CEQA requirements because it fails to consider alternative designs for each alternative that would reduce or avoid identified impacts and it fails to consider an alternative alignment on the western side of the San Joaquin Valley (along the I-5 corridor). The RDEIR must be revised to include (1) alternative designs for the 6 HST alternatives already evaluated and (2) a west valley alternative.

BO061-15

A. The Authority Must Consider an Alternative Design that Reduces Impacts to Agriculture.

The Authority must consider alternative designs that reduce impacts to agricultural activities. As discussed above, the Project will impact this area in a number of ways.

The Authority should consider an alternative design that avoids, or significantly minimizes, these impacts.

For example, the Authority should consider an elevated track for alignments that cross productive farmlands. Such a design would reduce the impacts caused by parcel severance and road closures.

BO061-16

B. The Authority Has Failed to Consider a Reasonable Western Valley Alternative to the Six HST Alignments.

The RDEIR must also be revised to more carefully consider an alternative alignment along the western side of the San Joaquin Valley, in the vicinity of Interstate 5 and the California Aqueduct.

An 1-5 Alternative alignment would be superior to the proposed HST alignments for a number of reasons, for example:

- the western side of the valley receives substantially less rainfall than the eastern side and also has less agriculturally productive soils, fewer wetlands and waterways and may have less abundant wildlife;
- the 1-5 corridor through the valley is removed from population centers and there is therefore much less existing infrastructure, community facilities and roadways that would be disturbed by the HST system;
- a western alignment would require less engineered grade separations, elevated track and other elaborate and expensive infrastructure;
- stations could be situated in areas near but not within population centers and could incorporate connections with efficient local shuttle and/or transit systems, thereby attracting significant ridership while avoiding impacts to the built environment and to people already living and working in urban areas;
- routing the HST alignment within or adjacent to the 1-5 corridor and including fewer strategically located stations would reduce the travel time between the major metropolitan areas, thereby improving the HST system's performance.

14

Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued

BO061-16

The brief explanation in the Alternatives chapter concerning the Authority's rejection of an I-5 Alternative is conclusory and lacks supporting evidence.

The Statewide EIR/S considered a west of SR 99 ("W99") alternative, but eliminated this alternative from further consideration for a number of reasons, including its distance from urban centers and its perceived increased environmental impacts.

There is little to no evidence in the record to support these conclusions, however. If properly designed and strategically located, and if linked to existing and/or improved transit service, HST stations located outside of downtown areas and population centers could still serve populations located throughout the San Joaquin Valley. Such an alternative would also provide similar reductions to vehicle miles traveled and associated reduced traffic and air emissions as the proposed HST alternatives. In addition, because the I-5 Alternative would be further west than the W99 alternative, and would follow an existing freeway right-of-way, its impacts to agriculture and natural resources would likely be less than the W99 alternative. Finally, an I-5 alignment that does not travel through population centers and across agriculturally productive rural areas would reduce many Section impacts, as compared to the HST alternatives analyzed in the RDEIR.

Under CEQA, the Authority has the burden of demonstrating that an I-5 Alternative is not feasible.[39] Because an I-5 Alternative appears to be feasible, would satisfy many of the project objectives and would likely result in fewer environmental impacts, the Authority must evaluate this alternative in a revised RDEIR.

[39] See Preservation Action Council v. City of San Jose (2006) 141 Cal.App.4th 1336, 1351-52 ["Since CEQA charges the agency, not the applicant, with the task of determining whether alternatives are feasible, the circumstances that led the applicant in the planning stage to select the project for which approval is sought and to reject alternatives cannot be determinative of their feasibility. The lead agency must independently participate, review, analyze and discuss the alternatives in good faith"], citing Kings County Farm Bureau, 221 Cal.App.3d 692, 736; see also Center for Biological Diversity v. County ofSan Bernardino (20 I 0) 185 Cal.App.4th 866, 883 ["Even as to alternatives that are rejected, however, the 'EIR must explain why each suggested alternative either does not satisfy the goals of the proposed project, does not offer substantial environmental advantages[,] or cannot be accomplished.'"], quoting Save Round Valley Alliance v. County of Inyo (2007) 157 Cal.App.4th 1437, 1457.

15

BO061-17

IV: CONCLUSION

The RDEIR must be revised to fully describe the project setting, the project alternatives, the impacts from the project, mitigation and a broader range of alternatives; and the revised RDEIR must be recirculated for public review and comment, as required by CEQA. We respectfully urge the Authority to do so prior to taking any action of any kind on this Section of the HST Project.

Please do not hesitate to call if you have any questions or require any further information in support of these comments.

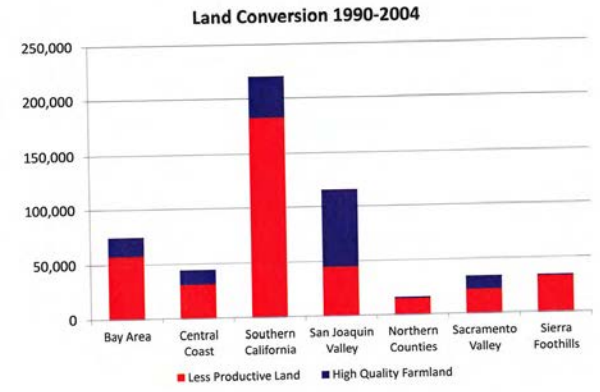
Sincerely,

Tom Rogers
President, Madera County Farm Bureau

Jean Okuye
President, Merced County Farm Bureau

16

Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued



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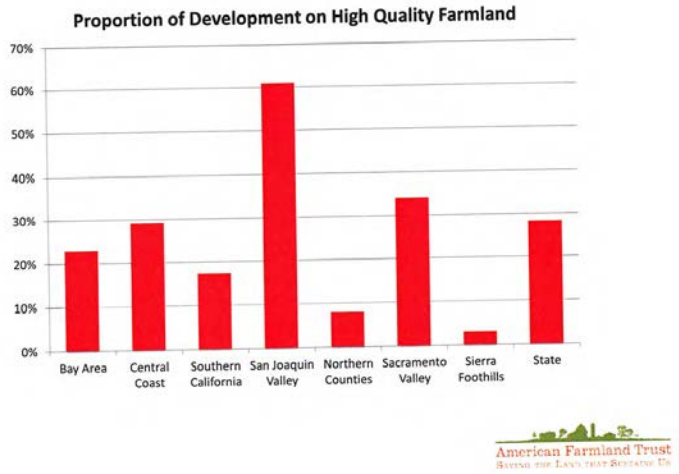
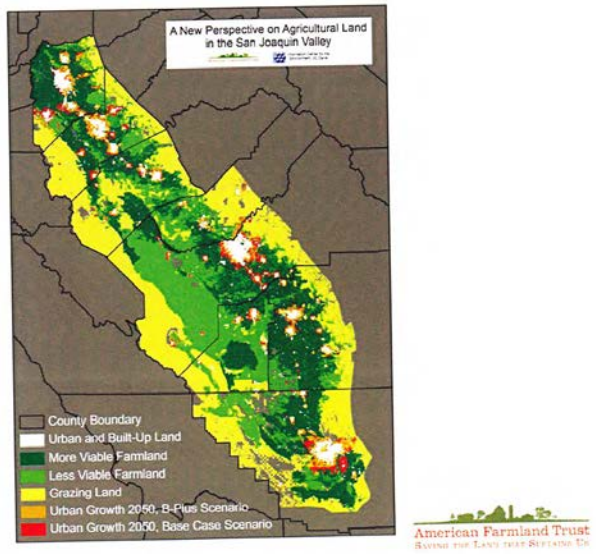
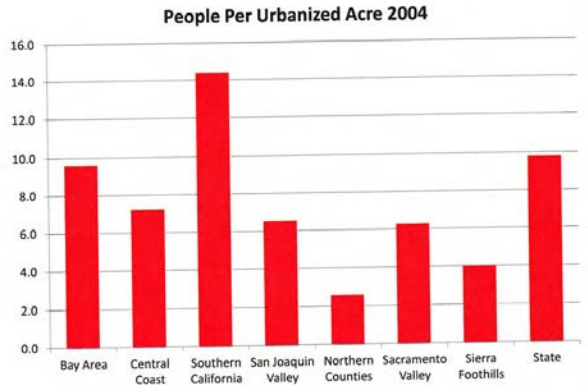
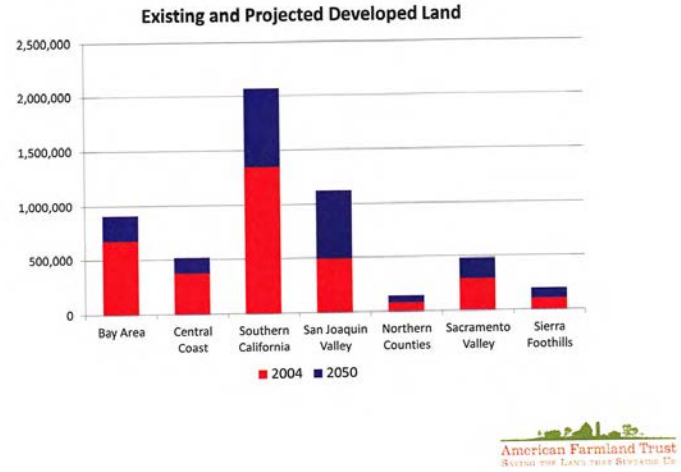




Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued





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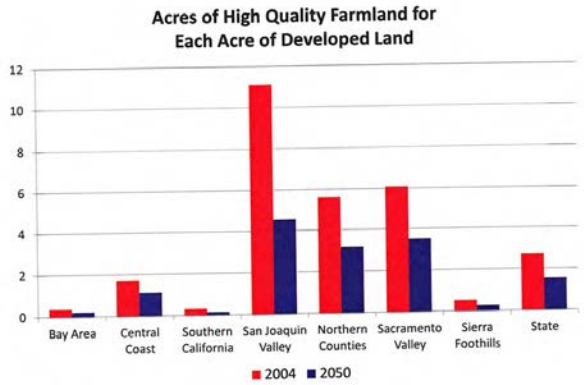

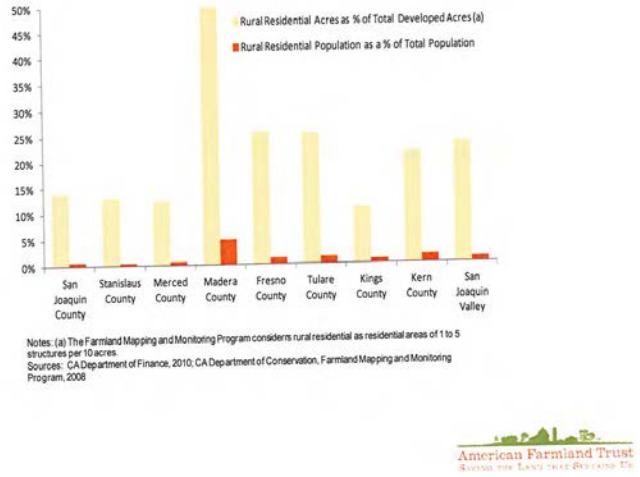

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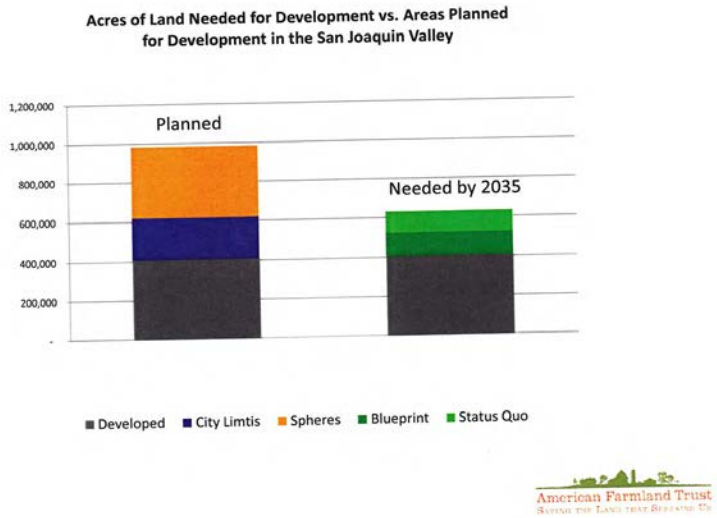

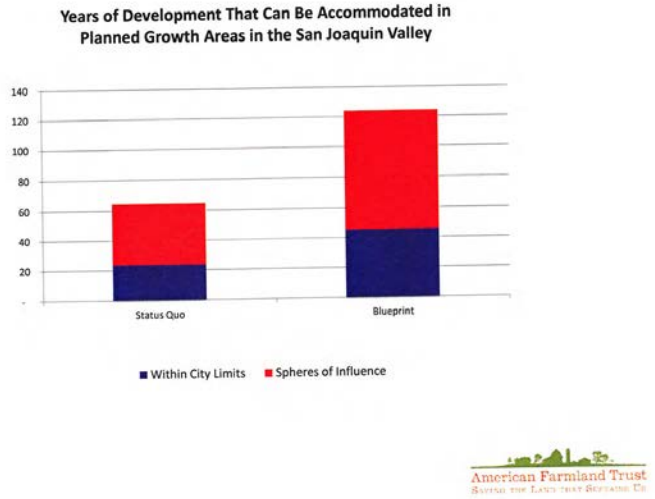

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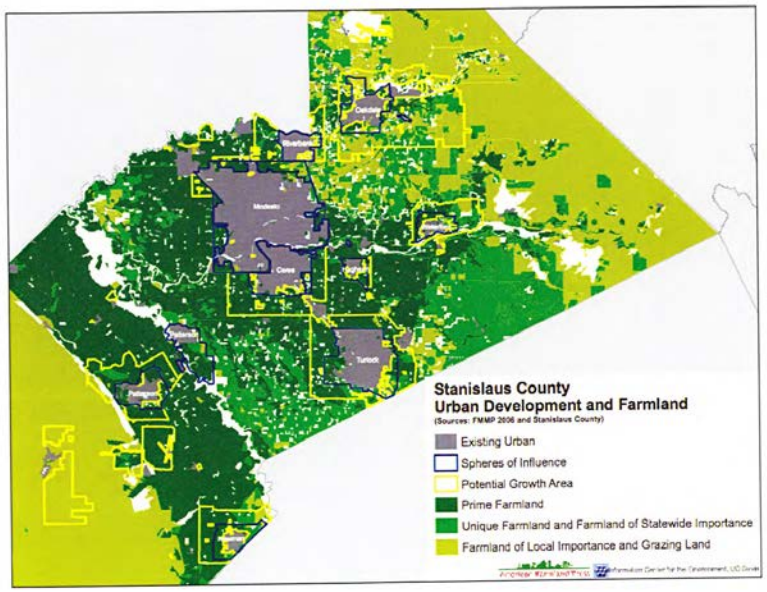

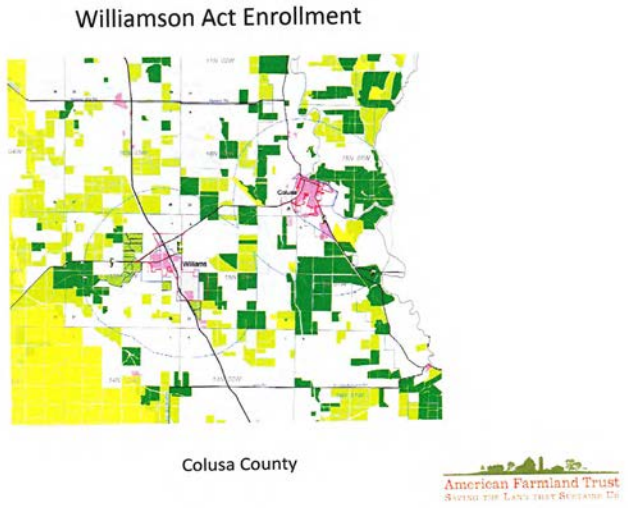

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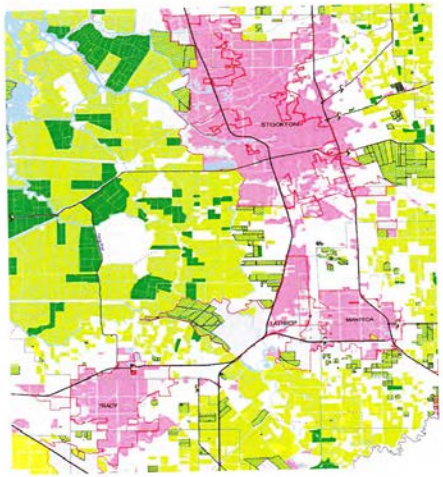
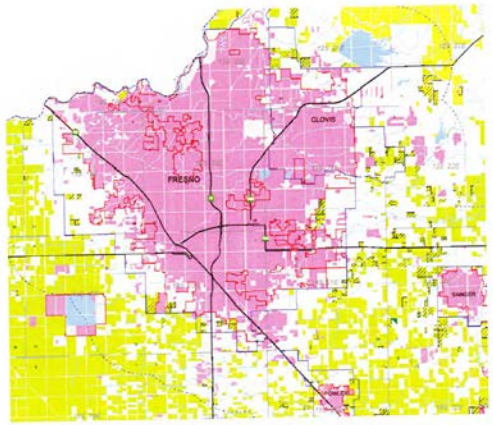


San Joaquin County

American Farmland Trust



Fresno County

American Farmland Trust

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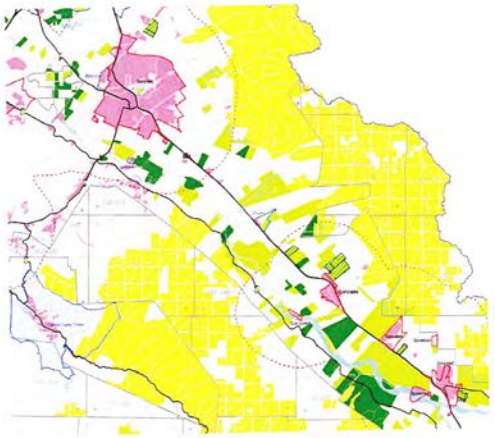

Monterey County

American Farmland Trust

American Farmland Trust

Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued

Water?

American Farmland Trust
Saving the Land that Sustains Us

Potential Impact of Climate Change

Reduction in crop yields (San Joaquin Valley)
- Orchards 9%
- Grapes 6%
- Citrus 18%

Reduction in suitable areas for some tree fruit and nut crops
- Warmer winters – 23 to 46% less land suitable for walnuts, apricots, plums & peaches (minimum 700 chill hours)

Reduction in available water (California)
- Agriculture 21%
- Urban 0.7%

Consequent reduction in agricultural land (Central Valley) 18.7%

R. Howitt, et al., Climate Change, Markets and Technology
E. Luedeling, et al., Climatic Changes Lead to Declining Winter Chill for Fruit and Nut Trees in California during 1950–2099

American Farmland Trust
Saving the Land that Sustains Us

Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued

Strategies for Effective Agricultural Land Conservation

- Set clear land & water conservation goals
- Grow efficiently – up, not out
- Stabilize urban edges
- Discourage ranchettes & solar conversion of prime farmland
- Provide real incentives for long-term land conservation
- Encourage environmental stewardship
- Maintain water supplies
- Strengthen agricultural economic viability

American Farmland Trust

Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued

FITZGERALD ABBOTT & BEARDSLEY LLP
ATTORNEYS AT LAW
1221 Broadway, 21st Floor Oakland, CA 94612
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Jason W. Holder
jholder@fablaw.com

October 18, 2012

VIA OVERNIGHT MAIL

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

RE: Revised Draft EIR/Supplemental Draft EIS Comment (California High-Speed Train Project: Fresno to Bakersfield Section)

To Whom It May Concern:

On behalf of our client, Madera County Farm Bureau ("Madera FB"), we submit the enclosed CD containing exhibits to the Corrected Memorandum of Points and Authorities in Support of Petitioners' Motion for Preliminary Injunction/Application for Administrative Stay ("PI Motion Opening Brief").

Madera FB's comment letter regarding the above referenced Draft EIR for the Fresno to Bakersfield Section includes as an exhibit the PI Motion Opening Brief and references the exhibits located on the enclosed CD. We request that the administrative record of proceedings for the Fresno to Bakersfield section of the High-Speed Train project include copies of all documents contained on the enclosed CD, along with all administrative record documents cited in the PI Motion Opening Brief. We provide the enclosed CD and refer to the cited administrative record documents so that California High-Speed Rail Authority staff can refer to this evidence when evaluating and responding to Madera FB's comments.

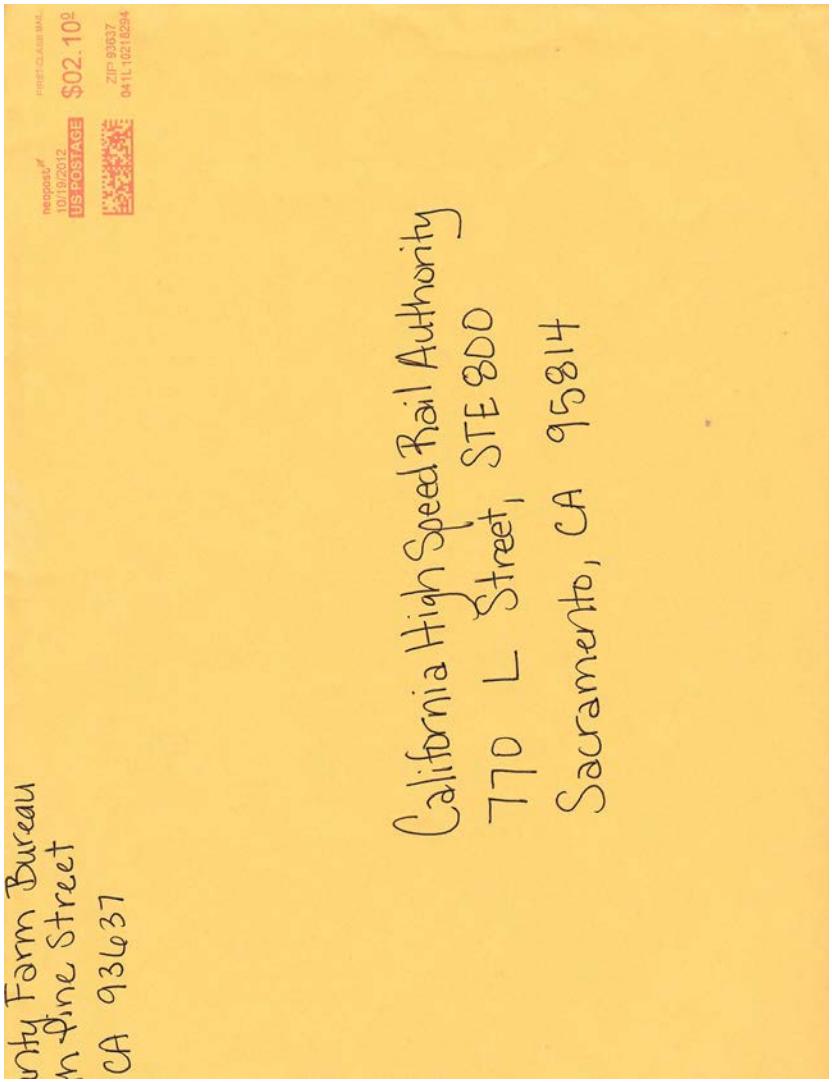
We appreciate your cooperation. If you have any questions or concerns regarding this, please contact me. Thank you.

Very truly yours,

FITZGERALD ABBOTT & BEARDSLEY LLP

By
Jason W. Holder

cc: (via e-mail only)
Anja Raudabaugh, Executive Director, Madera County Farm Bureau



Response to Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012)

BO061-1

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

BO061-2

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

BO061-3

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

BO061-4

The EIR/EIS analyzes the project-specific impacts of the Fresno to Bakersfield Section of the HST System. As referenced in this comment, pages 6-3 and 6-4 of the EIR/EIS indicate that the Fresno to Bakersfield Section would have significant unavoidable impacts on biological resources, specifically wildlife movement corridors, agricultural lands, aesthetics, cultural resources, and 4(f) properties, just as identified on pages 7-1 and 7-2 of the Statewide Program EIR/EIS (Authority and FRA 2005). These impacts are described in more detail in Chapter 3.0 of the EIR/EIS under the appropriate resource categories. The analysis provided in Section 3.7 of the EIR/EIS identifies project-specific impacts on wetlands and also identifies mitigation measures to reduce those impacts to a less-than-significant level.

An EIR/EIS does not contain a statement of overriding consideration. As indicated in Section 15093 of the CEQA Guidelines, such a statement must be prepared by the lead agency if it approves a project where the Final EIR identifies significant unavoidable adverse impacts.

BO061-5

It is within the Authority's discretion to define the projects that tier from the program-level environmental documents. 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 (about 65 miles) and Fresno to Bakersfield (about 114 miles) sections, both of which include portions of the proposed initial construction segment. Each project has logical termini at cities selected to have HST stations at the first tier of environmental reivew, has sufficient length to allow for an analysis of environmental impacts on a broad

BO061-5

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 an EIR that treated as the "project" at issue one freeway segment within a long-term, multi-agreement regional plan].) Section 3.19 of the EIR/EIS for the Merced to Fresno Section and the Fresno to Bakersfield Section include the cumulative impacts of both sections.

BO061-6

Refer to Standard Response FB-Response-AG-02, FB-Response-AG-03, FB-Response-GENERAL-01, FB-Response-GENERAL-21, FB-Response-HWR-01, FB-Response-HWR-02, FB-Response-PU&E-01.

The Authority and FRA have followed the procedural and substantive requirements of National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). No factual information has been provided in these comments to indicate that the procedures and requirements of NEPA and CEQA were not followed in the environmental review process for the Fresno to Bakersfield Section.

An Environmental Impact Report (EIR) project description is intended to be general, not detailed (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). Abundant substantial evidence in the record demonstrates the project description in the EIR/EIS is more than adequate. 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, such as concrete batch plants. 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 1512447 (see Dry Creek, supra, 70 Cal.App.4th at pp. 27-36 [upholding EIR conceptual project description as adequate when based on preliminary design]).

Response to Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued

BO061-6

With regard to transmission lines, please refer to Standard Response FB-Response-PU&E-01.

With regard to irrigation and drainage facilities, please refer to Standard Responses FB-Response-HWR-01 and FB-Response-HWR-02.

Descriptions of new or modified bridges over streams and rivers are described by alternative in Section 2.4, Alignment, Station, and Heavy Maintenance Facility Alternatives Evaluated in this Project EIR/EIS, of the Final EIR/EIS.

Modified freeway interchanges, road closures, and proposed modifications to existing roadways, including over- and underpasses, are discussed in Section 2.4.5, Modification of Caltrans/State Facilities, and Appendix 2-A, Road Crossings, of the Final EIR/EIS.

With regard to severance of agricultural parcels, please refer to Standard Responses FB-Response-AG-02 and FB-Response-AG-03.

As design progresses and refinements are made, additional information will become available. The Authority and FRA will consider whether changes in design, changes in circumstances, or new information will result in a new or more severe environmental impact. In those cases, subsequent or supplemental environmental analyses will be undertaken consistent with CEQA Guidelines Section 15162 to 15164 and FRA's Procedures for Considering Environmental Impacts (64 FR 101, page 28545, section 13[c]17). These analyses will result in additional CEQA and NEPA review, as required under those laws.

BO061-7

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-02, FB-Response-AG-03.

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

BO061-7

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.

The identification of uneconomic remnant parcels that were too small to farm was made by right-of-way experts with experience in acquisition of agricultural lands. This analysis was conducted by Bender Rosenthal Inc. who provides experienced real estate appraisal and right of way services throughout California. The staff members who conducted the study (Bill Kouris and Nicole Cornell) both have over 10 years of experience in real estate appraisals and have knowledge of federal land acquisition practices. The number of uneconomic remnant parcels and their total acreage are provided in Section 3.14.

The approach used to determine whether or not a parcel is an uneconomic remnant was to examine the parcels that are split by the HST and evaluate the remaining land on the basis of: access (does the project result in restricted or no access to a parcel so as to make it unavailable for agricultural use?); size (does the project cut a parcel creating a portion so small it is not likely to be viable to support a stand-alone agricultural operation or large enough to be acquired by a neighboring agricultural operation?); and shape (is the remnant parcel too oddly shaped to be viable for agricultural use, i.e., angled or narrow making equipment turn around difficult?). If the parcel is identified as being an uneconomic remnant parcel, that impact was added to the total agricultural lands impacted calculation total for the Revised DEIR/Supplemental DEIS. All parcels that are impacted by the HST will be reanalyzed once the right-of-way process begins, and the right-of-way agents will work with the farmers to determine whether or not a parcel is farmable, with compensation adjusted accordingly. The purpose of the uneconomic remnant parcel analysis for the Revised DEIR/Supplemental DEIS was to provide the most accurate measure of agricultural acreage lost due to the HST.

Response to Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued

BO061-7

The right-of-way acquisition process (which cannot begin until the EIR/EIS is certified and the Fresno-Bakersfield project approved) is a property-specific negotiation between the Authority's agents and the property owner that may result in accommodations such as undercrossings that would allow an owner access to lands separated by the HST right-of-way. As a result, the EIR/EIS cannot reasonably provide a precise enumeration of the viability of remnant parcels for continued agricultural use. The conservative approach utilized in the Revised DEIR/Supplemental DEIS ensures that the potential impact is not underestimated and provides decision makers with sufficient information to make an informed decision.

BO061-8

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

The analysis requested by the commenter has not been deferred. These analyses were included in the Revised DEIR/Supplemental DEIS. Additional analyses were undertaken by the Agricultural Working Group (AWG), and confirmed the conclusions of the Revised DEIR/Supplemental DEIS.

The AWG was established in July, 2011 to assist the Authority with an independent advisory group that could address the issues being raised by the agricultural community. The representatives of this group are specialists and experts in their specific fields of agriculture. They include university, governmental agencies, county agricultural commissioners, and agri-business representatives. A series of White Papers were produced by this group and were presented to the High-Speed Rail Authority Board. The information contained in the White Papers produced by the Working Group is included in the Final EIR/EIS in FB-Response-AG-04, Severance – Farm Impacts; FB-Response-AG-05, Pesticide Spraying/Dust/Pollination; and FB-Response-AG-06, Confined Animal Facilities. For more information on the White Papers, see Section 3.14.

BO061-9

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

As disclosed in the EIR/EIS, the HST project will directly contribute to the loss of agricultural land through direct conversion. However, its indirect contribution through induced growth will not be substantial. As discussed in Section 3.18, Regional Growth, of the Revised DEIR/Supplemental DEIS, the general plans of the cities and counties in the affected area contain sufficient planned development area to accommodate the future growth attributable to the HST project.

BO061-10

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-04.

The assumption that the HST will reduce the impacts of agricultural conversion is in addition to other measures that are currently being undertaken to prevent the conversion, such as SB 375. Growth around the stations in both Fresno and Bakersfield would not have any impacts on agricultural lands as the stations are in developed urban downtown areas. In regards to the Hanford station, the Revised DEIR/Supplemental DEIS states that some agricultural land would be lost, but the surrounding land that is currently in agricultural production would be placed into agricultural easements to the extent feasible (see Mitigation Measure AG #1) to prevent further conversion of agricultural land around the station.

BO061-11

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

Impact AG #1 addresses temporary use of agricultural land. It acknowledges that some agricultural land outside of the permanent right-of-way would be used for construction. Specific acreage estimates are provided for each alternative, and project design requires that the land be restored to as close to its preconstruction condition as possible. Any losses experienced by farmers due to temporary construction will be compensated by the Authority during the right-of-way process. In Impact AG #2 in Section 3.14 and in Section 3.6, the Revised DEIR/Supplemental DEIS describes how project construction is expected to result in scheduled utility service interruptions, and describes a series of design features to minimize effects. For example, where relocating an irrigation facility is necessary, the Authority will ensure that, where feasible, the new facility is operational prior to disconnecting the original facility. Advance notification of utility service interruptions will be provided. Mitigation Measure PU&E-MM #1 requires that any

Response to Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued

BO061-11

required substation relocations be dealt with prior to construction of the HST.

It will be stated in the description and contract of a temporary construction easement that the Authority's contractor will repair any damage and restore the property to its previous existing condition, including replanting, re-establishing irrigation systems, replacing wells, etc. Otherwise, the Authority's contractors are responsible for any damage caused outside of the acquired right of way and will compensate the affected land owner. If it is found that the land is not able to be restored to its previous existing condition, then the land owner will be compensated for the losses accordingly. The Authority feels that by having to restore the farmland to its existing condition listed as a project design feature and placing provisions in the construction contract that this process will be followed and that the farmers will either have their fields properly returned to its previous condition or will be compensated accordingly.

BO061-12

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

An amendment to AG MM#1 will be made to better define where agricultural easements will be purchased. In this instance, the agricultural region is defined to include four counties (Fresno, Kings, Tulare, and Kern), with farmlands to be mitigated at a ratio of 1:1 with farmlands of a similar or higher quality. For example 100 acres of Farmland of Statewide Importance can be mitigated by either placing 100 acres of Farmland of Statewide Importance into an agricultural conservation easement, or by placing 100 acres of Prime Farmland into an agricultural conservation easement.

Project design features are actually part of the project, and the parcel consolidation program will be undertaken as part of the project; therefore, there was no need for a mitigation measure. Because it will be part of the project, it is enforceable and would not be "determined to be infeasible" at some later time, as expressed by the commenter. The program will exist for no less than 5 years. During that 5 year period, the Authority will establish which remnant parcels are able to be economically farmed and which ones cannot be economically farmed. Regarding the parcels that cannot be economically farmed, the Authority will be responsible for long-term management of these parcels.

BO061-12

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.

BO061-13

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

The cumulative projects (see list in Appendix 3.19-B) was expanded to include adjacent HST segments (e.g., Merced to Fresno and Bakersfield to Palmdale). The analysis of each resource topic evaluated whether any of these project segments would contribute to a cumulative impact, and if so, was discussed in the cumulative section. The Authority recognizes that there are significant impacts, and that for some resources no mitigation can reduce these impacts to a less-than-significant level.

BO061-14

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-17.

Standard Response FB-Response-GENERAL-01 discusses the level of detail and specific permitting requirements that will ensure the identified mitigation is implemented. The mitigation is enforceable because the HST project is imposing this mitigation on itself. The mitigation measures will be made a part of the design-build contracts in order to further ensure their implementation. Construction cost estimates for the Revised DEIR/Supplemental DEIS are provided in Chapter 5 and include the costs

Response to Submission BO061 (Jason Holder, Madera County Farm Bureau (Atty. For) Fitzgerald Abbott & Beardsley LLP, October 19, 2012) - Continued

BO061-14

associated with both the right-of-way acquisition and the adoption of environmental mitigation measures (see Section 5.2, Capital Costs, bullet 40: Sitework, Right-Of-Way, Land, Existing Improvements). The costs of both right-of-way acquisition and environmental mitigation were also included in the cost estimates and were discussed in the *Revised 2012 Business Plan* (Authority 2012a). On page 3-2 it is stated that "To show the range of potential costs, the low-cost estimate includes the cumulative lowest-cost options, and the high-cost estimate includes the cumulative highest-cost options, both including environmental mitigation." Costs of right-of-way acquisition were discussed on page 3-5 where it is part of the third bullet discussing the quantities required to construct the project's key elements.

Simply extrapolating the cost of the first 29 miles to the full 130 miles of the alignment is oversimplifying the cost-estimating process. Costs will vary by location and the project element being built. The first 29 miles of the ICS may be a more complex part of the segment to construct, requiring more overpasses and bridges, while other portions would not require such infrastructure and would be cheaper to construct. The Authority feels that its cost estimates are reasonable.
In response to the feasibility of AG MM #1; the fou county region (consisting of Fresno, Kings, Tulare and Kern counties)has approximately 3,748,000 acres of Important Farmland. To fulfill the mitigation requirement, the HST would need to place an estimated 3,102 acres of land in conservation easements (0.08% of the regions total). As a result, it is reasonable to expect that there is more than enough Important Farmland for obtaining agricultural easements within the four county region. The agreement that the Authority has reached with the California Department of Conservation to acquire these lands will ensure that the totals are met (Authority and Department of Conservation 2013).

BO061-15

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-10, FB-Response-AG-01, FB-Response-GENERAL-02.

As discussed in Section 2.3, Potential Alternatives Considered during Alternatives Screening Process, of the Final EIR/EIS, the potential alternatives were evaluated against the HST System performance criteria: travel time, route length, intermodal

BO061-15

connections, capital costs, operating costs, and maintenance costs. Screening also included environmental criteria to measure the potential effects of the proposed alternatives on both the natural environment and the human environment, including impacts on agricultural land (as required by the Farmland Protection Policy Act [FPPA]).

As discussed in FB-Reponse-GENERAL-04 and FB-Response-AG-01, the Authority and FRA recognize the importance of farmland losses an impacts to agricultural lands and the agricultural economy but also must balance performance criteria including project cost. Elevated structures are more costly to construct than at-grade profiles, while tunnel and trench segments are more costly than both elevated and at-grade track profiles. Please refer to Chapter 5 of the EIR/EIS, Project Costs, for information and breakdown of project costs by alternative.

The selected alternatives strike a balance among these concerns. Neither the California Environmental Quality Act (CEQA) nor the National Environmental Policy Act (NEPA) requires that an EIR/EIS provide an alternative for every impact that may result from a project, particularly when such an alternative would result in other significant impacts.

BO061-16

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

BO061-17

Refer to Standard Response FB-Response-GENERAL-27.

The Revised DEIR/Supplemental DEIS fully describes the project setting, project alternatives, project impacts, and mitigation measures. None of the comments provided in this letter identify the need to recirculate the document.

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012)

MEL's Farms
Louis Oliveira, Gloria Denton, Franklin Oliveira
& Patrick Oliveira, All General Partners
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559-469-6685 Cell/Text
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October 17, 2012

To: **California High-Speed Rail Authority**
770 L Street, Suite 800
Sacramento, CA 95814
916-324-1541

Subject: **Fresno to Bakersfield Revised Draft Environmental Impact Report/Statement Comments**

Attached are 31-Revised Draft Environmental Impact Report/Statement comments for the Fresno to Bakersfield section.

Submitted on behalf of MEL's Farms,

Frank Oliveira
General Partner

Attachments: **29-pages of comments**

Pc: **File**

BO062-1

Comment #: MEL's Farms-1

The California High-Speed Rail Authority's (Authority) and the Federal Railroad Administration's (FRA) Failure to facilitate the Public's involvement in the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) by withholding critical documents from public review.

RDEIRS Volume-I, Page-xxxvii. The page reflects the following:

Document Availability
The Revised Draft EIR/Supplemental Draft EIS is available online at:
http://www.cahighspeedrail.ca.gov/
Printed copies of the Revised Draft EIR/Supplemental Draft EIS, related appendices and **technical reports are available at the** California High-Speed Rail Authority, **public libraries, and community centers (see List of Recipients beginning on page 8-1).**

Page 8-1 reflects the following locations received **Printed** copies of the Revised Draft EIR/Supplemental Draft EIS, **related appendices and technical reports are available at the California High-Speed Rail Authority, public libraries, and community centers.**

Allensworth: Allensworth Community Services District, 3336 Road 84, Allensworth, CA Phone: (661) 849-3894
Allensworth: Allensworth Community Center, 8123 Avenue 36, Allensworth, CA Contact: Kayode Kadara

Armona: Kings Co. Library, 11115 C Street, Armona, CA Phone: (559) 583-5005
Contact: Mary Diaz

Bakersfield: Kern Co. Library, Baker Branch, 1400 Baker St., Bakersfield, CA Phone: (661) 861-2390
Contact: Sherry Wade

Bakersfield: Kern Co. Library, Beale Memorial Library, 701 Truxtun Avenue, Bakersfield, CA Phone: (661) 868-0701
Contact: Maria Ruthledge

Bakersfield: Kern Co. Library, Northeast Branch, 3725 Columbus St., Bakersfield, CA Phone: (661) 871-9017
Contact: Heather Eddy

Bakersfield: Dr. Martin Luther King, Jr. Community Center, 1000 South Owens St., Bakersfield, CA Phone: (661) 322-9874
Contact: Linda McVicker

Bakersfield: Greenacres Community Center, 2014 Calloway Dr., Bakersfield, CA Phone: (661) 392-2010
Contact: JD Grissom

Bakersfield: Community Action Partnership of Kern, 300 19th Street, Bakersfield, CA Phone: (661) 336-5236
Contact: Amanda Norman, Executive Assistant

Bakersfield: Richard Prado East Bakersfield Senior Center, 2101 Ridge Road, Bakersfield, CA
Phone: (661) 323-8624
Contact: Patty Cortez

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

California High-Speed Train (HST) Project **October 17, 2012**
Fresno to Bakersfield Revised Draft Environmental Impact Report/Statement (RDEIRS) Comments.
Comment #: MEL's Farms-1 (Continued)
Page-2 of 28

BO062-1

Bakersfield: Richard Prado East Bakersfield Senior Center, 2101 Ridge Road, Bakersfield, CA Phone: (661) 323-8624
Contact: Patty Cortez

Clovis: Fresno County Public Library, Clovis Regional Library, 1155 Fifth Street, Clovis, CA Phone: (559) 299-9531
Contact: Wendy Eisenberg, Supervising Librarian

Corcoran: Kern County Library, Corcoran Branch, 1001 Chittenden Avenue, Corcoran, CA Phone: (559) 992-3314
Contact: Joseph Zamora, Head Librarian

Delano: Kern County Library, Delano Branch, 925 10th Avenue, Delano, CA Phone: (661) 725-1078
Contact: Carol Saunders, Branch Supervisor

Fresno: Fresno County Public Library, Central Branch, 2420 Mariposa Street, Fresno, CA Phone: (559) 600-7323
Contact: Nancy Espinosa, Document Librarian

Fresno: Fresno County Public Library, Cedar-Clinton, 4150 E. Clinton St., Fresno, CA Phone: (559) 442-1770
Contact: Albert Salazar

Fresno: Fresno County Public Library, Fig-Garden, 3071 W. Bullard Ave., Fresno, CA Phone: (559) 600-4071
Contact: Penny Hill, Branch Supervisor

Fresno: Fresno County Public Library, Mosqueda Center, 4670 E. Butler Ave., Fresno, CA Phone: (559) 453-4072
Contact: Wendy Eisenbert, Branch Supervisor

Fresno: Fresno Co. Public Library, Sunnyside, 5566 E. Kings Canyon Rd., Fresno, CA Phone: (559) 600-6594
Contact: Robyn Aguiar

Fresno: Fresno Co. Public Library, West Fresno, 188 E. California Ave., Fresno, CA Phone: (559) 455-6066
Contact: Penny Hill, Branch Supervisor

Fresno: Fresno Co. Public Library, Woodward Park, 944 E. Perrin Ave., Fresno, CA Phone: (559) 600-3135
Contact: Rebecca Matli, Branch Supervisor

Fresno: Fresno Co. Public Library, Senior Resource Center, 2025 E. Dakota Ave., Fresno, CA Phone: (559) 255-3383
Contact: Richard Mann

Fresno: Fresno County - Clerk of the Board, 2281 Tulare St., #301, Fresno, CA Phone: (559) 600-3529
Contact: Bernice Seidel, Clerk of the Board

Fresno: Einstein Neighborhood Center, 3566 E. Dakota, Fresno, CA Phone: (559) 621-6600
Contact: Kyle Jeffcoach, Supervisor

California High-Speed Train (HST) Project **October 17, 2012**
Fresno to Bakersfield Revised Draft Environmental Impact Report/Statement (RDEIRS) Comments.
BO062-1
Comment #: MEL's Farms-1 (Continued)
Page-3 of 28

Fresno: Fresno Interdenominational Refugee Ministries (F.I.R.M), 1940 N. Fresno St., Fresno, CA Phone: (559) 487-1500
Contact: Tony Bouthapayana

Fresno: Mary Ella Brown Community Center, 1350 E. Annadale., Fresno, CA Phone: (559) 621-6729
Contact: Kyle Jeffcoach, Supervisor

Fresno: Lafayette Neighborhood Center, 1516 E. Princeton, Fresno, CA Phone: (559) 621-2900
Contact: Kyle Jeffcoach, Supervisor

Fresno: Mosqueda Community Center, 3670 E. Butler, Fresno, CA Phone: (559) 621-6729
Contact: Kyle Jeffcoach, Supervisor

Fresno: Ted C. Wills Community Center, 770 N. San Pablo, Fresno, CA Phone: (559) 621-6720
Contact: Kyle Jeffcoach, Supervisor

Fresno: Dickey Development Center, 1515 E. Divisadero, Fresno, CA Phone: (559) 621-2953
Contact: Kyle Jeffcoach, Supervisor

Fresno: Frank H. Ball Community Center, 760 Mayor Ave., Fresno, CA Phone: (559) 488-1502
Contact: Kyle Jeffcoach, Supervisor

Hanford: Kings County Library, Hanford Branch (Main Library), 401 N. Douty Street, Hanford, CA Phone: (559) 582-0261
Contact: Sherman Lee, Reference Librarian

Hanford: Hanford Adult School, 905 Campus Dr., Hanford, CA Phone: (559) 583-5905
Contact: Rosemarie Lopes-Horn

Hanford: Kings Community Action Organization, 1130 N. 11th Avenue, Hanford, CA Phone: (559) 582-4386
Contact: Jenny Hoffmaster

Hanford: Housing Authority of Kings County, 670 South Irwin Street, Hanford, CA Phone: (559) 582-3120
Contact: Sandra Jackson-Bobo

Laton: Fresno County Public Library, Laton Branch, 6313 DeWoody Street, Laton, CA Phone: (559) 923-4554
Contact: Sean Aragon

Laton: Laton Community Services District, 6501 E Latonia Ave, Laton, CA Phone: (559) 923-4802
Contact: Joann Rempp

Lemoore: Kings County Library, Lemoore Branch, 457 C Street, Lemoore, CA Phone: (559) 924-2188
Contact: Christine Baize, Branch Supervisor

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-1

California High-Speed Train (HST) Project **October 17, 2012**

Fresno to Bakersfield Revised Draft Environmental Impact Report/Statement (RDEIRS) Comments.

Comment #: MEL's Farms-1 (Continued)

Page-4 of 28

Pinedale: Fresno Co. Public Library, Pinedale, 7170 N. San Pablo St., Pinedale, CA Phone: (559) 439-0486
Contact: Bob Detmonsone

Pinedale: Pinedale Community Center, 7170 N. San Pablo St., Pinedale, CA Phone: (559) 621-6729
Contact: Kyle Jeffcoach

Shafter: Kern Co. Library, Shafter Branch, 236 James Street, Shafter, CA Phone: (661) 746-2156
Contact: Joe DeRamus

Shafter: Shafter Youth Center, 455 E. Euclid Avenue, Shafter, CA Phone: (661) 746-8235
Contact: Angie Velarde, Program Manager

Shafter: Shafter Housing Authority, 300 Terra Vista Lane, Shafter, CA Phone: (661) 746-2583
Contact: Maria Corpuz

Tulare: Tulare Public Library, Tulare Branch, 475 North M Street, Tulare, CA Phone: (559) 685-4506
Contact: Mary-Catherine Oxford, Librarian

Visalia: Tulare County Library, Visalia Branch, 200 West Oak Avenue, Visalia, CA Phone: (559) 713-2704
Contact: Mike Drake, Branch Manager

Wasco: Kern County Library, Wasco Branch, 1102 7th Street, Wasco, CA Phone: (661) 758-2114
Contact: Ernestina Garcia, Branch Supervisor

Wasco: Wasco Housing Authority, 750 H. Street, Wasco, CA Phone: (661) 758-2746
Contact: Jim Wheeler

Sacramento: Sacramento Public Library, 828 I Street, Sacramento, CA Phone: (916) 264-2700
Contact: Rivkah Sass, Library Director

Sacramento: California High-Speed Rail Authority Office, 770 L Street, Suite 800, Sacramento, CA 95814
Phone: (916) 324-1541
Contact: Michael Penzkover

Washington, D.C.: Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, D.C., 20590
Phone: (202) 493-6368
Contact: David Valenstein, Environmental Program Manager

Early in this RDEIRS comment period, we contacted all of the locations in Kings County and asked them if they had received from CHSRA the **PRINTED** copies of the Technical Reports along with the printed copies of Volume-I, II & III of the RDEIRS for public review. All Kings County locations confirmed receiving Volumes-I, II & III and also confirmed that they **DID NOT receive any printed or digital copies of the Technical Reports**. Aside from the RDEIRS reflecting that **printed** copies of the RDEIRS were being released to the public **at specific locations**, the public needs to review the Technical Reports to understand the assumptions that are reflected in the RDEIRS.

BO062-1

California High-Speed Train (HST) Project **October 17, 2012**

Fresno to Bakersfield Revised Draft Environmental Impact Report/Statement (RDEIRS) Comments.

Comment #: MEL's Farms-1 (Continued)

Page-5 of 28

We requested a printed copy of the RDEIRS from the Authority and we only received Volume-I, II & III.

On August 29, 2012, in Fresno, CA, at Authority's Public Hearing, we personally verbally and in writing advised the following people that the printed RDEIRS Technical Reports had not been released for public review in Kings County and we demanded that they be immediately released for review and comment.
Jeff Morales/Authority Chief Executive Officer Responsible CEQA Official
Jeff Abercrombie/ Authority Central Valley Project Manager
David Valenstein/FRA/Responsible NEPA Official
Kathryn Hurd/FRA
Stephanie Perez/FRA
The group failed to comment or release the printed documents.

On September 5, 2012, we emailed the following people that they still had not released the printed Technical Reports to the public in Kings County and we demanded that they be released immediately..
David Valenstein/FRA/Responsible NEPA Official
Kathryn Hurd/FRA
Stephanie Perez/FRA
The group failed to respond or release the printed documents.

On September 11, 2012, in Sacramento, CA, at the Authority's Board Meeting, we verbally and in writing notified the following people that the printed Technical Reports had not been released in Kings County for public review and that we wanted to review the Technical Reports. We demand that they be released immediately. All of the board members were not present at the meeting but our written demand was addressed to all of them and was delivered publicly to the Board.
Dan Richard/Authority, Chairman
Lynn Schenk/Authority Vice-Chair
Thomas Richards/Authority, Vice-Chair
Thomas Umberg/Authority, Board
Robert Balgenorth/Authority, Board
Jim Hartnett/Authority, Board
Michael Rossi/Authority, Board
The group failed to respond or release the printed documents.

On September 15, 2012, we emailed the following people that they still had not released the printed Technical Reports to the public in Kings County and we demanded that they be released immediately.
David Valenstein/FRA/Responsible NEPA Official
Kathryn Hurd/FRA
Stephanie Perez/FRA
On September 17, 2012, Mr. Valenstein advised me to participate in the RDEIRS but failed to release the printed documents to the public for review. Ms. Hurd and Ms. Perez failed to respond or release the documents.

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

California High-Speed Train (HST) Project **October 17, 2012**

Fresno to Bakersfield Revised Draft Environmental Impact Report/Statement (RDEIRS) Comments.

BO062-1

Comment #: MEL's Farms-1 (Continued)

Page-6 of 28

On September 17, 2012, we emailed the following people that they still had not released the printed Technical Reports to the public in Kings County and we demanded that they be released immediately.

David Valenstein/FRA/Responsible NEPA Official
Kathryn Hurd/FRA
Stephanie Perez/FRA
Diana Gomez/Authority Central Region Director

On September 21, 2012, Mr. Valenstein advised me that the Technical Reports were available on the CHSRA website for review but failed to release the printed documents to the public for review. Ms. Hurd, Ms. Perez and Ms. Gomez failed to respond or release the documents.

On September 24, 2012, we emailed the following people that they still had not released the printed Technical Reports to the public in Kings County and we demanded that they be released immediately.

David Valenstein/FRA/Responsible NEPA Official
Kathryn Hurd/FRA
Stephanie Perez/FRA
Diana Gomez/Authority Central Region Director

The group failed to comment or release the printed documents.

On October 4, 2012, in Sacramento, CA, at the Authority's Board Meeting, we verbally notified the following people that the printed Technical Reports had not been released in Kings County for public review and that we wanted to review the Technical Reports. We demand that they be released immediately.

Dan Richard/Authority, Chairman
Thomas Richards/Authority, Vice-Chair
Thomas Umberg/Authority, Board
Robert Balgenorth/Authority, Board
Jim Hartnett/Authority, Board
Michael Rossi/Authority, Board

On October 5, 2012, **Thomas Fellenz/Authority Lead Counsel**, emailed me that the Authority was not going to release the printed Technical Reports. He cites that the Technical Reports were available on the Authority website and that libraries have internet connectivity.

On October 10, 2012, we emailed the following people that they still had not released the printed Technical Reports to the public in Kings County and we demanded that they be released immediately..

David Valenstein/FRA/Responsible NEPA Official
Kathryn Hurd/FRA
Stephanie Perez/FRA

The group failed to comment or release the printed documents.

California High-Speed Train (HST) Project **October 17, 2012**

Fresno to Bakersfield Revised Draft Environmental Impact Report/Statement (RDEIRS) Comments.

BO062-1

Comment #: MEL's Farms-1 (Continued)

Page-7 of 28

The Authority and the FRA have blatantly failed to provide the public in Kings County an adequate opportunity to participate in the RDEIRS review process despite their own procedure/process indicating that the printed documentation would be available for the public's review in designated locations.

The Authority and the FRA were notified numerous times by the public about their over-site failure to comply with NEPA, CEQA and their own policies/procedures in this matter and the Authority, FRA and its command level staff chose to not comply with NEPA, CEQA & their own policies/procedures.

The following command level staff persons are aware and were involved in the decision to deny the public in Kings County the adequate resources to participate in the RDEIRS review and have been complicit in denying the public its state and federal due process in this matter through their actions and decision to not take action.

Jeff Morales/Authority Chief Executive Officer Responsible CEQA Official
Jeff Abercrombie/Authority Central Valley Project Manager
David Valenstein/ FRA/Responsible NEPA Official
Kathryn Hurd/FRA
Stephanie Perez/FRA
Dan Richard/Authority, Chairman
Lynn Schenk/Authority, Vice-Chair
Thomas Richards/Authority, Vice-Chair
Thomas Umberg/Authority, Board
Robert Balgenorth/Authority, Board
Jim Hartnett/Authority, Board
Michael Rossi/Authority, Board
Diana Gomez/Authority Central Region Director

A- How are the Authority, the FRA and these individuals going to legitimately, fairly and impartially mitigate this matter?

BO062-2

Comment #: MEL's Farms-2

The Authority's and FRA's lack of compliance with laws and regulations or legitimacy:

The RDEIRS, the Final EIRS, the Notice of Determination and the Record of Decision have to be completed and reviewed and approved in accordance to NEPA & CEQA and other applicable laws and regulations.

A- Since the same prejudiced persons reflected above in Comment #: MEL's Farms-1 are knowingly violating the due process rights of the Citizens of Kings County, how will they make these determinations legitimately, fairly and impartially?

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-3

Comment #: MEL's Farms-3

The Authority's and FRA's lack of critical Project Details, Volume-I, Section-2.8.

This section explains that the HST project will build an Initial Construction Section (IOS) of HST tracks that will travel between Merced and Bakersfield. The track will be utilized for diesel intercity train service effective 2018 and support faster passenger service for the San Joaquin Amtrak service than what is being provided today.

1- The RDEIRS does not explain how placing the diesel San Joaquin Amtrak service on the IOS will actually improve the existing intercity passenger service. Pursuant to conversations with California High-Speed Rail Authority (Authority) staff, no modeling has been done to draw this conclusion.
   - A- Exactly how will moving the San Joaquin Amtrak service to the IOS significantly improve intercity passenger service?
   - B- How can the Authority make use this plan as justification for independent utility pursuant to federal ARRA funding if they have not scientifically studied this claim.

2- The RDEIRS does not reflect that the IOS will have diesel Amtrak Stations other than in Fresno. The RDEIRS does not address the Social Environmental Impacts to any or all of the communities in Fresno, Kings, Tulare, Kern and San Luis Obispo that utilize the soon to be closed Amtrak stations in Hanford, Corcoran and Wasco to accommodate the movement of the Amtrak service to the IOS.
   - A- What are any and all of the impacts to those communities that will now need to travel to Fresno or Bakersfield to access Amtrak?

3- The RDEIRS actually defers any environmental impact review of any form of impacts associated with the temporary or permanent operation of diesel trains on the IOS to any communities or farming operation in its alignment path.
   - A- How does not studying these impacts that the RDEIRS says will temporarily and possibly permanently may occur comply with the National Environmental Policy Act (NEPA)?
   - B- How does not studying these impacts that the RDEIRS says will temporarily and possibly permanently may occur comply with the Authority NEPA Environmental Justice Policy ?
   - C- How does not studying these impacts that the RDEIRS says will temporarily and possibly permanently may occur comply with the California Environmental Quality Act?
   - D- What are the impacts of operating the diesel train service on the IOS coupled with the impacts of the construct of the IOS weighed against the possibility that none of the HST assumed benefits will be achieved if the Bakersfield to Palmdale section is never complete due to funding shortages or other political concerns?

BO062-4

Comment #: MEL's Farms-4

The Authority's and FRA's lack of an accurate Project Description.

The two RDEIRS in play reflect that the Authority is building a high-speed rail line from Merced to Fresno and then this RDEIRS between Fresno and Bakersfield. The California State Legislature approved the sale of $2.7-Billion of General Obligations Bonds to be spent between Merced and Bakersfield. That money was to be matched by $3.3-Billion in Federal American Recovery and Reinvestment Act funds for a total of around $6-Billion. Authority staff have verified these numbers for me. Their number actually came in at $5.8 or $5.9-Billion.

That gives the project 6-Billion dollars to construct the alignment and have a project completed to a usable standard.

We have discovered that the Authority has around $1.5-Billion allocated to what is called Master Agreements with local agencies in the Fresno area. That leaves around 2/3's of the available funding to enter into Master Agreements with other agencies in Merced, Madera, Kings, Tulare and Kern Counties, plus the purchase of 130-mile of Right of Way (ROW), plus paying for Severance Damages and paying for Loss of Good Will costs along that ROW, plus paying for the acquisition of environmental mitigation properties before we even start paying Prime Contractors to actually design 85% of the project in their construction packages and the build the rail alignment and stations. If the Authority is committed to spending that much money on the Fresno area Master Agreements, there is not enough money to build a usable track all the way to Bakersfield.

The Authority announced at the Fresno Industrial Forum in Fresno, in August-2012 and also to City of Bakersfield staff recently that the project is going to run out of funding somewhere in Construction Package-4 and not make it to Bakersfield. Van Winkle/URS specifically told the sub-contractors in Fresno, in August that he predicted that they would only be able to build around 80-miles of track and not make it to Merced or Bakersfield. This plan by design will not be functionally completed which makes this RDEIRS inadequate because this RDEIRS does not address the impact to the communities, the agriculture operations and the environment caused by the partial construction of an unusable Initial Construction Section with no improvements in transportation that were promised in sight.

- A- How is the Authority going to mitigate the damages to the communities when they fail to complete the IOS due to a lack of funding?
- B- What is the Authority's specific plan to pay for what, at what time?
- C- What is the Authority's budget for Master Agreements on the IOS?
- D- What is the Authority's budget for Construction Package-1?
- E- What is the Authority's budget for Construction Package-2?
- F- What is the Authority's budget for Construction Package-3?
- G- What is the Authority's budget for Construction Package-4?
- H- What is the Authority's budget for Construction Package-5?
- I- What is the Authority's budget for station construction?
- J- What is the Authority's budget for other functions?

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-5

Comment #: MEL's Farms-5

The Authority's and FRA's lack of description of funding for & implementation of known Mitigation Measures.

The RDEIRS does not explain the cost of Mitigation Measures.

A- Who is going to receive Mitigation Measures?
B- When will they receive Mitigation?
C- Where will these Mitigation Measures be implemented?

BO062-6

Comment #: MEL's Farms-6

The Authority's and FRA's lack of effective Public Outreach.

The Authority's Public Outreach efforts reflected in the 2005 Statewide Record of Decision (ROD), reflects that the Authority engaged people heavily on the Peninsula and the Los Angeles Basin. The same report reflects that marginal outreach efforts were done in the Central Valley between Sacramento and Bakersfield. When studying the Authority's outreach efforts between Fresno and Bakersfield, the 2005 ROD reflects that the Authority's outreach efforts occurred in Fresno, Tulare and Bakersfield. According to the same 2005 ROD, no outreach efforts occurred in Kings County. The 2005 EIRS was not placed in public places in Kings County for people to study and comment.

The assumption is that according to the 2005 ROD, the preferred high-speed route was going to travel through Fresno, Tulare and Kern Counties at that time and there was no need to inform the public in Kings County or include that population in the evaluation and design of the project. The public in Kings County were disenfranchised by the Authority's lack of due diligence because in 2009, the Authority appears to have changed their mind about how the alignment would route between Fresno and Bakersfield and redirected it through Kings County an area that was omitted from the 2005 EIRS.

A- If the public and local governments in Kings County were not properly engaged by the Authority during the previous EIRS process, how can the Authority have a legitimate RDEIRS in Kings County?
B- Shouldn't we be revisiting the Project Level EIRS and not a Project Level RDEIRS?
C- How does this RDEIRS comply with NEPA and CEQA's early public and local government involvement requirements when we weren't involved?
D- How does this lack of early public outreach work with factoring the Authority's own NEPA Environmental Justice Guidance Policy?

BO062-7

Comment #: MEL's Farms-7

The Authority's and FRA's inappropriate route selections:

The 2005 Statewide Level EIRS reflects that routes along State Route-99 and the Burlington Northern Santa Fe (BNSF) rail line were studied. The BNSF route that was study traveled right along the BNSF track through Kings County.

The Authority has drawn two possible alignments that enter Kings County from the north and travel south through the county more or less merging north of Corcoran and splitting into three alternatives through the town of Corcoran all exiting the county into Tulare County near the BNSF track. The alignments more or less traverse 28-miles of Kings County.

The BNSF Alternative or Hanford East By-Pass travels about 4-miles to the east of the BNSF. The Hanford West By-Pass travels about 2-miles to the west of the BNSF.

Neither the BNSF Alternative or the Hanford West By-Pass are what was studied in the 2005 Statewide EIRS or are actually near the BNSF track. It appears that both alternatives should have been considered in the 2005 Statewide EIRS if they are legitimately going to be considered now.

A- If the current routes can be added to the project outside of what the 2005 ROD considered, why was a similarly detailed consideration of a route along Interstate-5 not considered when we requested to review those impacts in relation to what is being considered in this RDEIRS?
B- It is our understanding that the Interstate-5 route was eliminated based on impacts perceived in 1996 (16-years ago), based on 1990 (22-years ago)-Census data. It took the Authority, two years to released this data to us. The 1996 data does not portray a convincing argument that Interstate-5 should have been eliminated compared to the impacts of traveling along State Route-99 or along the BNSF Track south of Fresno or what is being designed miles off of the BNSF track. What are the real impacts of adding these new routes through Kings County verses the potential impacts of traveling along Interstate-5?
C- Is the current BNSF alignments south of Fresno actually being thoroughly studied in compliance with NEPA and CEQA or are these alignments being propelled with inadequate review and due process to meet political inspired deadlines?

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-8

Comment #: MEL's Farms-8

The Authority's and FRA's failed to assessment and account for known sever impacts to property access.

As the Authority's alignment cuts through the inside of parcels in Kings County by design instead of along the edges, numerous parcels all across Kings County pretty much every mile, lose a portion of the parcel to lack of access to a public roadway. That severed portion becomes separated from public roadways by the rail alignment and are surrounded on three sides by neighboring parcels that in many cases are in the same circumstance, land locked.

The problem is easy to identify by looking at the Authority's maps reflected in the RDEIRS. The Authority makes no effort to explain, document or identify these known problems. To do so would affect the quality of the Agriculture impact data that is reflected in the document perhaps to the point to raise doubt that the project could actually ever be completed.

The Authority does say that individual parcel impacts will be handled later after the RDEIRS, the Final EIRS, NOD and ROD are completed and approved based on a 15% project design. The Authority does denote on their maps the access roads that they are going to use across private property.

A- How does the Authority's failure to account for known negative impacts to private property equate to giving the public its due process pursuant to NEPA/CEQA?
B- How does this reconcile with the Authority's NEPA Environmental Justice Guidance Policy?
C- What happens when serious environmental impacts are discovered after the ROD is issued?

BO062-9

Comment #: MEL's Farms-9

The Authority's and FRA's failure to properly identify and account for how many agricultural parcels will cease to be viable agricultural parcels due to the Authority's inadequate design efforts.

NEPA requires that the project be designed in the least damaging manner. The Kings County General Plan states that Agricultural Parcels in the county will be 20-acres or larger.

Both rail alignments around the City of Hanford for some strange reason slices across the middle of parcels instead of the edges of those parcels.

BO062-9

Comment #: MEL's Farms-9 (Continued)

The BNSF Alternative reflects that approximately 25-parcels between the Fresno County line and the proposed Hanford Station will have parcels cleaved that will be smaller than 20-acres and be considered to be non-economic agricultural parcels. This lost acreage is simply ignored as an agriculture impact because they will be dealt with after the RDEIRS is finaled but the impact is clearly visible today and should be included in this report unless the Authority and the FRA is afraid to admit that their data is grossly inadequate. The sampling I used is just one short leg of the proposed alignments that are being evaluated in this RDEIRS. The 25-reduced acreage agriculture parcels could easily be tripled along the BNSF Alternative just in Kings County.

A- How does hiding these lost agriculture acres benefit the project?
B- How does hiding these lost agriculture acres hurt the project?
C- How does hiding these lost agriculture present an accurate picture of the impact of this project on our community and businesses?
D- How does hiding these lost agriculture acres comply with NEPA/CEQA?

BO062-10

Comment #: MEL's Farms-10

The Authority's and FRA's failed to comply with the Environmental Justice components of NEPA.

After 16-years of operation, the California High-Speed Rail Authority now admits that it must comply with the Environmental Justice components of NEPA and have been complying all along.

The Authority takes the matter so seriously that after not complying with NEPA for all of those years, it adopted an Environmental Justice Guidance Policy on August 2, 2012, after the Fresno to Bakersfield RDEIRS was released for public review and comment. The RDEIRS reveals that the Authority is not in compliance with their own new policy.

A- How does the Authority and the FRA reconcile this reality?

BO062-11

Comment #: MEL's Farms-11

The Authority and FRA are choosing to negatively affecting low income communities and minority communities.

Based on Page-3 of the just approved the Authority Environmental Justice Guidance document, the Authority reflects that: **"Implementation of environmental justice principles in how the Authority plans, designs and delivers the high-speed rail projects means that the Authority recognizes the potential social and environmental impacts that project activities may have on certain segments of the public."**

A- If that is the case, why did Authority's planning and design teams design its route through an avoidable area that is considered one of the economically poorer areas of the state without any realistic benefit to the people living in that same area?
B- How does the Authority and the FRA reconcile this reality?

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-12

Comment #: MEL's Farms-12

The Authority and the FRA is using flawed Census data to evaluate this RDEIRS.

Based on Page-3 of the just approved Authority Environmental Justice Guidance document, the Authority reflects that Quote: **"Implementation of environmental justice principles in how the Authority plans, designs and delivers the high-speed rail projects means that the Authority recognizes the potential social and environmental impacts that project activities may have on certain segments of the public."**

A- If that is the case, why did the Authority's planning and design teams use Year-2000 Census 12-year old data to classify our present populations and communities to evaluate the HSR impact on our current population?

B- How can the Authority's accurately recognize its potential social and environmental impacts if they are knowingly using 12-year old information when 2012-Census data is available?

C- How does the Authority and the FRA reconcile this reality?

BO062-13

Comment #: MEL's Farms-13

The Authority and the FRA prevented public and local government participation in the development of the RDEIRS.

Based on Page-3 of the just approved CHSRA Environmental Justice Guidance document, CHSRA reflects that Quote: **"The Authority recognizes how important provisions of existing environmental, civil rights, civil, and criminal laws may be used to help reduce environmental impact in all communities and environmental justice on the human element"**.

Starting in Bakersfield in July-2011 and other places through December-2011, then Authority Chairman and still current Board Member Thomas Umberg, openly violated the civil rights of the Citizens of Kings County by preventing them from participating in public meetings or preventing them from speaking at public meeting for the same amount of time as supporters of the HSR project. The Citizens of Kings County simply wanted to advise the Authority that their engineering design failed to account for the reality on the ground.

This discrimination continued through the DEIRS preparation and comment collect last fall. The Authority clearly violated the Bagley-Keenan act numerous times. In Novermber-2011, the CHSRA even used the threat of arrest and detention to prevent people from Kings County from speaking at their Board meeting during the Public Comment period.

A- How does the Authority and FRA reconcile this reality?

BO062-14

Comment #: MEL's Farms-14

The Authority and FRA have not addressed how the NEPA Environmental Justice Policy will be applied to the Right of Way acquisition process since that will be handled after this RDEIRS is completed.

The Authority says that they are committed to apply Environmental Justice to all of its programs and other activities that are undertaken, funded or approved by the FRA that affect Right Of Way. This project is only designed to a 15% standard and does not adequately address the NEPA Environmental Justice concerns reflected in their new policy.

A- How will they apply those NEPA Environmental Justice practices to Right Of Way related to this Revised Draft Environmental Impact Statement that was published before the policy was established and does not even address Right of Way, other than it will be handled after the project is approved by the FRA?

B- How does the FRA reconcile this?

BO062-15

Comment #: MEL's Farms-15

The Authority and the FRA does not adequately explain clearly identified private property impacts and potential Mitigation Measures.

The Authority has told us for two years that our basic Right Of Way impact questions will not be addressed during the RDEIRS process. They say that they are committed to apply Environmental Justice to all of its programs and other activities that are undertaken, funded or approved by the FRA that affect Right Of Way.

Simple questions like, we see the HSR alignment on Authority's map clearly eliminates our access to our properties and businesses from public roadways or destroys business and residence buildings.

A- If the impact is clearly identifiable and brought to the Authority's attention, what is are the Mitigation Measures for those known impacts?

Failing to include that in the RDEIRS clearly devalues the individual's, community's and local government's ability to effectively manage, use and improve their properties and businesses. This problem affects minorities, non-minorities and people of all income levels.

CHSRA tells us that access to our properties and businesses is not their concern and not part of their RDEIRS requirements.

B- How does a reasonable Authority and FRA reconcile this issue with NEPA's Environmental Justice requirements?

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

California High-Speed Train (HST) Project **October 17, 2012**
Fresno to Bakersfield Revised Draft Environmental Impact Report/Statement (RDEIRS) Comments.
Page-16 of 28

BO062-16

Comment #: MEL's Farms-16

The Authority and the FRA has not allowed the public and local governments adequate time to review and comment on this RDEIRS.

Based on Page-3 of the just approved CHSRA Environmental Justice Guidance document, Authority reflects that Quote: **"The Authority emphasizes the fair treatment and meaningful involvement of people of all races, cultures, and income levels, including minority and low income populations, from the early stages of transportation planning and investment decision making through design, construction, operation and maintenance"**

The Authority has given the public, people of all races, cultures, and income levels, including minority and low income populations, 90-days to review, understand and comment on the 30,000 plus pages used to formulate this RDEIRS.

Consider that the Authority has for the most part released partial copies of this RDEIRS to library's and community locations that are only open 5-days a week, from 8-5. The documents are not readily available to the public at large to review.

A- How does Authority limiting access to the documents to be reviewed allow the population to be involved much less at the early stages of transportation planning comply with the Authority's NEPA Environmental Justice Guidance Policy?

B- How does the Authority and the FRA reconcile this lack of Environmental Justice?

BO062-17

Comment #: MEL's Farms-17

The Authority and the FRA has not provided the non-English speaking public the tools necessary to review and comment on this RDEIRS.

Based on Page-3 of the just approved Authority's Environmental Justice Guidance Policy, Authority reflects that Quote: **"The Authority emphasizes the fair treatment and meaningful involvement of people of all races, cultures, and income levels, including minority and low income populations, from the early stages of transportation planning and investment decision making through design, construction, operation and maintenance"**

The Authority has given the public, people of all races, cultures, and income levels, including minority and low income populations, 90-days to review, understand and comment on the 30,000 plus pages used to formulate this RDEIRS. Consider that the Authority has for the most part not released Spanish, Portuguese, Dutch and Hmong copies of this RDEIRS to library's and community locations that are only open 5-days a week, from 8-5. The documents are not readily available to the non-English proficient public in this area.

A- How does the Authority limiting access to the documents to be reviewed allow the population to be involved much less at the early stages of transportation planning?

B- How does the Authority and the FRA reconcile this lack of Environmental Justice?

California High-Speed Train (HST) Project **October 17, 2012**
Fresno to Bakersfield Revised Draft Environmental Impact Report/Statement (RDEIRS) Comments.
Page-17 of 28

BO062-18

Comment #: MEL's Farms-18

The Authority and the FRA has not properly classified the impacts to the low income minority populations of Armona, Corcoran, Wasco, Shafter and parts of Bakersfield.

The Authority states that one of its three fundamental Environmental Justice principles is to avoid, minimize, or mitigate disproportionately high human health and environmental effects, including social and economic effects, on minority and low income populations.

A- How is the Authority and the FRA going to reconcile that the Authority is planning to devastate the low-income, minority communities of Armona, Corcoran, Wasco, Shafter and parts of Bakersfield with their route selection through those communities?

The Authority and FRA in many cases used 12-year old Census data to improperly classify the population impacts when 2010-Census data is readily available and demographics have changed. Practicing due diligence, actually working in coordination with the local populations would have also prevented these errors.

BO062-19

Comment #: MEL's Farms-19

The Authority and the FRA have not properly classified the impacts to the low income minority employment in the Agriculture Industry.

The Authority states that one of its three fundamental Environmental Justice principles is to avoid, minimize, or mitigate disproportionately high human health and environmental effects, including social and economic effects, on minority and low income populations.

A- How is the Authority and the FRA going to reconcile that the Authority is planning to devastate the dairies and farms in Kings, Tulare and Kern Counties that employ a low-income and primarily minority work force with their route selection through those agriculture communities?

The CHSRA in many cases used 12-year old Census data to improperly classify the population impacts when 2010-Census data is readily available and demographics have changed. Practicing due diligence, actually working in coordination with the local populations would have also prevented these errors.

BO062-20

Comment #: MEL's Farms-20

The Authority and the FRA failed to coordinate their project meaningfully with local governments and communities.

The Authority states that one of its three fundamental Environmental Justice principles is to ensure the full and fair participation by all affected communities in the transportation decision making process. The Authority and the FRA has prevented the full and fair participation of local communities by failing to actually coordinate route, design and meaningful impact mitigation with the communities of Hanford, Armona, Corcoran, Wasco, Shafter and Bakersfield as well as the counties of Kings, Tulare and Kern. As a matter of fact, the Authority has been quick to advise affected communities that they did not have to coordinate with locals or comply with existing land use management plans.

A- How does the Federal Rail Administration reconcile this lack of Environmental Justice?

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-21

Comment #: MEL's Farms-21

The Authority and the FRA failed to properly consider the impact to the Dairy Industry by planning a route over Baker Commodities facility in Hanford, CA.

The just approved Authority Environmental Justice Guidance Policy, The Authority reflects that Quote:
"Implementation of environmental justice principles in how the Authority plans, designs and delivers the high-speed rail projects means that Authority recognizes the potential social and environmental impacts that project activities may have on certain segments of the public."
If that is the case, why did Authority's planning and design teams picked a route that is going to travel through and destroy the Baker Commodities rendering plant east of Hanford. The rendering plant is the only plant that services all of the dairies in the Kings, Tulare and Kern Counties.

More than 500 dairies render their large dead animals there. Eliminating the plant even for one day will have a pronounced impact on the local economy, the state economy and the public health because there is no other place to dispose of the 700-carcassess a day that arrive there.

The Parsons Brinckerhoff staff knew about the ramifications of the rendering plant back in April-2011 because we advised them and linked them with the Baker Commodities headquarters to attempt to mitigate the matter.

Baker Commodities is a huge deal but it was eerily absent from the May-2011 Alternative Analysis Report to Authority's Board about the status of their project through Kings County. If the Authority's staff would have advised the Authority Board about the plant, the Board may have elected not to proceed forward with their project at that time utilizing the plan that they currently are following.

A- How can CHSRA recognize its potential social and environmental impacts if they are going to continue to disregard available critical information?
B- How does the Authority and the FRA reconcile this reality?

BO062-22

Comment #: MEL's Farms-22

The Authority and the FRA presented fraudulent information to launch this RDEIR.

The Authority's just approved Environmental Justice Guidance Policy reflects that Quote: **"The Authority recognizes how important provisions of existing environmental, civil rights, civil, and criminal laws may be used to help reduce environmental impact in all communities and environmental justice on the human element".**
On May 5, 2011, the Authority's Central Valley Project Manager Jeff Abercrombie and his URS contractor, presented an Alternative Analysis Report to the Authority Board about this section of the HSR project. That report reflected that the local communities, local governments and agriculture industry's concerns about the project had been mitigated. They recommended to the Board that the Board proceed with the DEIRS process as the result of their mitigation. The Board concurred with the recommendation causing the Contractor to working on the next phase of the project and being paid accordingly for their work.

Since our concerns clearly have not been mitigated.....paying the contractor to proceed seems like a violation of 18 USC 666/Misappropriation of Funds or 18 USC 1001/Misrepresentation. Nothing has changed in that Alternative Analysis Report. This project has been built on top of that report.

A- How does the Authority and the FRA reconcile this reality?

CHSRA has not been complying with NEPA all along as they have represented.

BO062-23

Comment #: MEL's Farms-23

The Authority and the FRA has failed to coordinate their activities with Kings County in compliance with their lawful NEPA request to do so.

The just approved Authority Environmental Justice Guidance Policy reflects that Quote: **"The Authority emphasizes the fair treatment and meaningful involvement of people of all races, cultures, and income levels, including minority and low income populations, from the early stages of transportation planning and investment decision making through design, construction, operation and maintenance"**
The Authority and the FRA have not had a meaningful relationship with the County of Kings or the people of this county or the Agriculture Industry here since April-2011.

The Authority's good faith efforts with Kings County means failing to coordinate activities with the county. Coordinating with the local communities and government is required by NEPA.

The Authority has failed to meet with the Kings County Board of Supervisors for the past three months after promising to meet monthly. When the Authority was noticed that they were expected to provide detailed information and real solutions to the County's concerns at the meetings, they stopped showing up.

A- How does the Authority and the FRA reconcile this reality?

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-24

Comment #: MEL's Farms-24

Widespread and severe violations of NEPA Environmental Justice law by the Authority and the FRA.

Potentially impacted property owners are being unjustly denied a meaningful opportunity to participate in formulation of feasible project alternatives and appropriate mitigation. It is a violation of NEPA Environmental Justice to exclude the public from being adequately informed in such a way that they can intelligently weigh the environmental consequences of all contemplated action, and have an appropriate voice in the formulation of all decisions made by the Authority.

The Authority has not publicized the addresses of impacted properties in the planned rail alignment nor has the Authority disclosed whether the impacted properties are residential, business, industrial or publicly owned.

There are approximately 30,000 pages of RDEIS documents for the HSR project for our section. We have only been given 90-days by the Authority to prepare intelligent meaningful comments for you today.

A- How does that fit with the Environmental Justice requirements of NEPA?

The Authority's failure to provide the public adequate time to access all relevant and necessary information denies stakeholders the ability to effectively review and comment to you on the environmental impacts of the project and has violated the intent of Environmental Justice.

The brief 90-day review and comment periods allowed by the Authority for the public, government and other agencies to respond to the RDEIRS documents is so unreasonably short that it effectively precluded any meaningful opportunity for informed agency and public participation. Many state agencies, legislators, congressional representatives, community organizations, city and county officials, businesses and individuals requested a review and comment extension last year, but the Authority ignored them all. This unreasonable 90-day review and comment periods have violated the Authority's duty to ensure informed public participation in the environmental review process. The 90-day review and comment period is insufficient for a project of this magnitude, cost and complexity.

B- How does the Authority and the FRA reconcile these obvious NEPA violations?

BO062-25

Comment #: MEL's Farms-25

The Authority's and FRA's inadequate Bakersfield planning.

The Fresno to Bakersfield RDEIRS states that local agencies endorsed the downtown Bakersfield, Truxtun Avenue station. However, concepts considered desirable prior to full evaluation of environmental effects should not preclude consideration of NEPA and CEQA alternatives within a RDEIRS that might be effective in avoiding or reducing significant environmental effects. There are no true rail alignment alternative studies for the Bakersfield area in the current RDEIRS documents.

NEPA requires that 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 that the Authority provide reasonable alternative studies for the project's proposed action for the purpose of identifying and evaluating the associated environmental impacts of the alternatives to determine which alternative will accomplish the purpose of the project while causing the least amount of impacts to the environment.

The RDEIRS only examined minor variations or combinations of the B1 and B2 alternative alignments when they developed the B3 hybrid alignment in Bakersfield. The three Bakersfield alternative alignments will cause similar, devastating impacts to the Bakersfield community. All three alignments are in most cases only feet apart from each other as they cut through the heart of metropolitan Bakersfield. All three of the alternative alignments are elevated as high as 90' for the entire route through metropolitan Bakersfield and will cause widespread and excessive impacts to all members of the community who live and work within sight and sound of the elevated train tracks.

A RDEIRS of less destructive and impactful alternative station locations and alignments outside of, but in close proximity to, metropolitan Bakersfield have not been considered. Peripheral alignment alternatives would cause far fewer negative impacts, especially if built at grade and may cost hundreds of millions of dollars less than the current alternatives. A peripheral alignment alternative may greatly reduce property acquisition costs and the exorbitant expense of constructing an elevated downtown station and 12 miles of elevated viaducts through the heart of Bakersfield.

A- How does the Authority and the FRA reconcile these violations of NEPA?

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

California High-Speed Train (HST) Project **October 17, 2012**
Fresno to Bakersfield Revised Draft Environmental Impact Report/Statement (RDEIRS) Comments.
Page-22 of 28

BO062-26

Comment #: MEL's Farms-26

The Authority's and the FRA's failure to adequately explain impacts and Mitigation Measure in Bakersfield.

The three Bakersfield alternative alignments will unnecessarily cause "south of the tracks" devaluation to an extended number of properties located within sight and sound of the 12 mile long elevated train tracks and will cause huge impacts to our local property tax base. All three alignments will unnecessarily destroy an unacceptable number of homes, businesses, jobs and community infrastructure. Widespread and severe destruction of a major portion of a city with severe impacts to culture and quality of life caused by that destruction violate CEQA and NEPA and violate the intended provisions of Environmental Justice law.

The RDEIRS does not consider other alternatives that could avoid or substantially reduce the project's significant impacts, such as alignments that follow established transportation corridors per the 2008 Prop-1A Initiative. Failure of the RDEIRS to consider a reasonable range of alternatives makes the analysis inadequate and incomplete and violates the intended provisions of NEPA Environmental Justice.

The Council on Environmental Quality (CEQ) has direct oversight of the Federal government's compliance with Executive Order 12898 and NEPA regulations. The CEQ and the Environmental Protection Agency (EPA) have developed guidance policies to further assist the FRA with their NEPA mandated procedures so that Environmental Justice concerns are effectively identified and addressed.

The Citizens for California High-Speed Rail Accountability respectfully requests that the FRA, Congress of the United States, the EPA conduct comprehensive investigations of the numerous and egregious NEPA violations that have been discussed today and take measures to reverse and mitigate the widespread and severe damage those violations have caused to untold thousands of persons unjustly denied their federally protected Environmental Justice rights by the Authority.

A- How is the Authority and the FRA going to reconcile this?

California High-Speed Train (HST) Project **October 17, 2012**
Fresno to Bakersfield Revised Draft Environmental Impact Report/Statement (RDEIRS) Comments.
Page-23 of 28

BO062-27

Comment #: MEL's Farms-27

The Authority's and FRA's inadequate evaluation of the impacts to the City of Corcoran.

The Fresno to Bakersfield RDEIRS reflects that the City of Corcoran will be dissected like a laboratory experiment frog by three potential alignments. All three alignments will impede movement through the city, physically destroy many of the few businesses in the city and separate the City visually from one side to the other. Note that the demographics of the city is rural, lower income and primarily Hispanic and should clearly be a protected location pursuant to the spirit of the Environmental Justice requirements of NEPA.

All three HSR alignments through Corcoran are virtually next to each other and are causing the same damages or similar damages.

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he project design concepts considered desirable prior to full evaluation of environmental effects should not preclude consideration of NEPA and CEQA alternatives within a EIS that might be effective in avoiding or reducing significant environmental effects.

There are no true rail alternative alignment studies for the City of Corcoran included in the current RDEIRS documents meaning that the Authority has predetermined the route of the alignment and is not truly studying alternatives.

NEPA requires that 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 that the Authority provide reasonable alternative studies for the project's proposed action for the purpose of identifying and evaluating the associated environmental impacts of the alternatives to determine which alternative will accomplish the purpose of the project while causing the least amount of impacts to the environment.

The RDEIRS only examined minor variations of alignments in Corcoran. A RDEIRS of less destructive and impactful alternative alignment such as along Interstate-5 has not been properly studied. An alignment along Interstate-5 would cost millions, perhaps Billions of dollars less and effect far fewer people.

A- How does the FRA reconcile this lack of compliance with NEPA?

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

California High-Speed Train (HST) Project **October 17, 2012**
Fresno to Bakersfield Revised Draft Environmental Impact Report/Statement (RDEIRS) Comments.
Page-24 of 28

BO062-28

Comment #: MEL's Farms-28

The Authority and the FRA failed to consider alternatives.
The Authority states that one of its three fundamental Environmental Justice principles is to ensure the full and fair participation by all affected communities in the transportation decision making process.

The Kings County Board of Supervisors, numerous citizens groups and individuals have asked and demanded for years that the Authority reveal the impacts to a route along Interstate-5 verses the two routes through Kings County reflected in the RDEIRS and to consider the Interstate-5 route through Kings County if the real impacts are less.

The Authority's position on this matter clearly appears to have total disregard for the community or the population of this county. The Authority appears to have ignored any compliance with the Environmental Justice components of NEPA in this matter. They have just said they are building this route here not matter what. The real options and impacts do not seem to matter and that does not seem to be consistent with NEPA.

When the Authority was called out last year on predetermining the route through Kings County, the Authority added the Hanford West route which does similar damage to the community as the BNSF Alternative Hanford East route. The Authority could have easily studied a less damaging route through Kings County like the Interstate-5 route but they have chosen not to even compare the impacts.

On August-6th, 2012, CHSRA Regional Manager Abercrombie reported to the Authority Board that the Hanford routes were no more damaging than following an Interstate-5 route. The Authority has never qualified that analysis with current data. A deaf, dumb, blind person could figure out that there are fewer affected people, less expensive land to buy and simply less land to purchase along Interstate-5 than going through the prime agriculture land area and dairy district of Kings County while destroying the City of Corcoran.

A- How does the FRA reconcile this against the Environmental Justice requirement of NEPA?

California High-Speed Train (HST) Project **October 17, 2012**
Fresno to Bakersfield Revised Draft Environmental Impact Report/Statement (RDEIRS) Comments.
Page-25 of 28

BO062-29

Comment #: MEL's Farms-28

The Authority and the FRA failed to evaluate a meaningful alternative route through Kings County.
The Fresno to Bakersfield RDEIRS reflects that the City of Hanford is being closely by-passed by two potential alignments. Both alignments will destroy many of the farms and dairies that make up Hanford's local economy. Both of the alignments will destroy existing permanent jobs for temporary jobs, most of which will go to people from outside the Hanford area who have the construction skill sets that our population does not have. Our existing permanent jobs will be traded for someone else's temporary jobs. Note that the demographics of the city is rural, lower income and primarily Hispanic and should clearly be a protected location pursuant to the spirit of the Environmental Justice requirements of NEPA.

A- What happens to the City of Hanford if the project is built through the city but the Authority never successfully builds the high-speed train system as they claim they can do without the 100-Billion dollars that they are missing?

The City of Hanford losses its economic base and its access to intercity passenger rail due to the closing of its Amtrak station by the Authority.NEPA requires that the Authority demonstrate a need for the proposed project compared with a no build option.

B- What about the impacts to Hanford if CHSRA fails?

The Authority's current plans do not address that but due to the lack of funding, it could easily become a NEPA Environmental Justice disaster.

C- How does the Authority and the FRA reconcile this lack of compliance with NEPA?

BO062-30

Comment #: MEL's Farms-28

The Authority and the FRA has failed to address the impact on the City of Corcoran coupled with the impact should they remove the Amtrak service from the BNSF track to the IOS as planned in the RDEIRS.
The Fresno to Bakersfield RDEIRS reflects that the City of Corcoran will be dissected by three potential alignments. All three alignments will impede movement through the city, physically destroy many of the few businesses in the city and separate the city visually from one side to the other. Note that the demographics of the city is rural, lower income and primarily Hispanic and should clearly be a protected location pursuant to the spirit of the Environmental Justice requirements of NEPA.

A- What happens to the City of Corcoran if the project is built through the city but the Authority never successfully builds the high-speed train system as they claim they can do without the 100-Billion dollars that they are missing?

The City of Corcoran looses their city, their businesses and their access to intercity passenger rail due to the closing of their Amtrak station by the Authority. NEPA requires that the Authority demonstrate a need for the proposed project compared with a no build option.

B- What about the impacts to Corcoran if CHSRA fails?

CHSRA current plans do not address that but due to the lack of funding, it could easily become a NEPA Environmental Justice disaster.

C- How does the FRA reconcile this lack of compliance with NEPA?

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-31

Comment #: MEL's Farms-28

The Authority and the FRA has failed to address the impact on the City of Wasco coupled with the impact should they remove the Amtrak service from the BNSF track to the IOS as planned in the RDEIRS.

The Fresno to Bakersfield EIS reflects that the City of Wasco will be dissected by potential alignments. All alignments will impede movement through the city. Note that the demographics of the city is rural, lower income and primarily Hispanic and should clearly be a protected location pursuant to the spirit of the Environmental Justice requirements of NEPA.

A- What happens to the City of Wasco if the project is built through the city but the Authority never successfully builds the high-speed train system as they claim they can do without the 100-Billion dollars that they are missing?

The City of Wasco looses their city, their businesses and their access to intercity passenger rail due to the closing of their Amtrak station by Authority. NEPA requires that the Authority demonstrate a need for the proposed project compared with a no build option.

B- What about the impacts to Wasco if the Authority fails?

The Authority's current plans do not address that but due to the lack of funding, it could easily become a NEPA Environmental Justice disaster.

C- How does the Authority and the FRA reconcile this lack of compliance with NEPA?

BO062-32

Comment #: MEL's Farms-28

The Authority and the FRA have failed to address what happens to Bakersfield's minority neighborhoods.

The Fresno to Bakersfield EIS reflects that the City of Bakersfield will be dissected by three potential alignments.

All three alignments will impede movement through the city, physically destroy many businesses, destroy places of worship, destroy schools, destroy low income minority neighborhoods and separate the city visually from one side to the other, while exposing the population to excessive noise.

A- What happens to the City of Bakersfield if the project is built through the city but the Authority never successfully builds the high-speed train system as they claim they can do without the 100-Billion dollars that they are missing?

The City of Bakersfield looses their businesses, schools, churches and neighborhoods. NEPA requires that the Authority demonstrate a need for the proposed project compared with a no build option.

B- What about the impacts to Bakersfield if Authority fails?

The Authority's current plans do not address that but due to the lack of funding, it could easily become a NEPA Environmental Justice disaster.

C- How does the FRA reconcile this lack of compliance with NEPA?

BO062-33

Comment #: MEL's Farms-28

The Authority and the FRA has failed to consider the impact on the southern Central Valley and central coast by closing the Amtrak station in Hanford, CA.

The Authority states that one of its three fundamental Environmental Justice principles is to ensure the full and fair participation by all affected communities in the transportation decision making process.

The Authority has decided that not only are they going to build their high-speed track through Kings County without the support of the local governments and populations, they are going to move the San Joaquin Amtrak service to the Authority's new high-speed track which will exclude the use of the Hanford Amtrak station and disenfranchise the populations from Selma, Kingsburg, Laton, Riverdale, Visalia, Exeter, Farmersville, Tulare, Hanford, Corcoran, Lemoore, Armona, Stratford, Kettleman City, Avenal and Paso Robles from using the San Joaquin Amtrak Service through the Hanford Amtrak Station.

The Authority did not seriously consult or work with any locals on this key independent utility justification matter for their access to Federal ARRA funds through the FRA. The Authority has not adequately assess the scale of the impact that it will cause by eliminating this Amtrak station from a primarily low income minority population.

The Authority has been quick to advise affected communities that they did not have to coordinate with locals or comply with existing transportation plans.

A- How does the Authority and the FRA reconcile this lack of Environmental Justice?

BO062-34

Comment #: MEL's Farms-29

The Authority and the FRA has failed to consider the impact on the southern Central Valley and central coast by closing the Amtrak station in Corcoran, CA.

The Authority states that one of its three fundamental Environmental Justice principles is to ensure the full and fair participation by all affected communities in the transportation decision making process. The Authority has decided that not only are they going to build their high-speed track through Kings County without the support of the local governments and populations, they are going to move the San Joaquin Amtrak service to Authority's new high-speed track which will exclude the use of the Corcoran Amtrak station and disenfranchise the populations from Visalia, Tulare, Pixley, Porterville, Poplar, Alpaugh, Corcoran, Stratford, Kettleman City, Avenal and Paso Robles from using the San Joaquin Amtrak Service through the Corcoran Amtrak Station.

The Authority did not seriously consult or work with any locals on this key independent utility justification matter for their access to Federal ARRA funds through the FRA. The Authority did not adequately assess the scale of the impact that it will cause by eliminating this Amtrak station from a primarily low income minority population.
The Authority has been quick to advise affected communities that they did not have to coordinate with locals or comply with existing transportation plans.

A- How does the Authority and the FRA reconcile this lack of Environmental Justice?

Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

California High-Speed Train (HST) Project **October 17, 2012**
Fresno to Bakersfield Revised Draft Environmental Impact Report/Statement (RDEIRS) Comments.
Page-28 of 28

BO062-35

Comment #: MEL's Farms-30

The Authority and the FRA has failed to consider the impact on the southern Central Valley and central coast by closing the Amtrak station in Wasco, CA.

The Authority states that one of its three fundamental Environmental Justice principles is to ensure the full and fair participation by all affected communities in the transportation decision making process. CHSRA has decided that not only are they going to build their high-speed track through Kings County without the support of the local governments and populations, they are going to move the San Joaquin Amtrak service to the Authority's new high-speed track which will exclude the use of the Wasco Amtrak station and disenfranchise the populations from Alpaugh, Lost Hills, Wasco, Shafter, McFarland, Delano and Paso Robles from using the San Joaquin Amtrak Service through the Wasco Amtrak Station.

The Authority did not seriously consult or work with any locals on this key independent utility justification matter for their access to Federal ARRA funds through the FRA. The Authority did not adequately assess the scale of the impact that it will cause by eliminating this Amtrak station from a primarily low income minority population. The Authority has been quick to advise affected communities that they did not have to coordinate with locals or comply with existing transportation plans.

A- How does the Federal Rail Administration reconcile this lack of Environmental Justice?

BO062-36

Comment #: MEL's Farms-31

The Authority and the FRA failed to considered the impact to Kings County should they fail to complete the HST project.

The Fresno to Bakersfield EIS reflects that Kings County will be dissected by two potential alignments. Both alignments will impede movement through the county, destroy many commercial businesses, destroy many farms and dairies which are the main stay of the local economy. Note that the demographics of the county is rural, lower income and primarily Hispanic and should clearly be a protected location pursuant to the spirit of the Environmental Justice requirements of NEPA.

A- What happens to Kings County if the project is built through the county but the CHSRA never successfully builds the high-speed train system as they claim they can do without the 100-Billion dollars that they are missing?

The County looses the city of Corcoran, its businesses, its farms, its dairies and its access to intercity passenger rail due to the closing of its Amtrak stations by the Authority. NEPA requires that the Authority demonstrate a need for the proposed project compared with a no build option.

B- What about the impacts to Kings County if the Authority fails?

CHSRA current plans do not address that but due to the lack of funding, it could easily become a NEPA Environmental Justice disaster.

C- How does the Authority and the FRA reconcile this lack of compliance with NEPA?

Response to Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012)

BO062-1

Contrary to the claim made in this comment, the technical reports were not with held from the public. The technical reports are and have been available at the Authority's website. Neither the California Environmental Quality Act (CEQA) nor the National Environmental Policy Act (NEPA) requires that hard copies of the technical information on which an EIR or EIS is prepared be provided alongside the EIR or EIS. The information presented in the EIR/EIS is sufficient to inform a discussion of the environmental consequences of actions taken in light of the merits of the project.

BO062-2

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

No due process laws and regulations have been violated by the Authority or FRA. The Authority and FRA have provided the citizens of Kings County the opportunity to review and comment on the EIR/EIS. The Authority and FRA have not violated the legal process for CEQA and NEPA and will continue to abide by the requirements of these environmental laws.

BO062-3

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

BO062-4

Refer to Standard Response FB-Response-GENERAL-17, FB-Response-GENERAL-21.

BO062-5

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. The situations to which the measures apply are described in the measures themselves.

BO062-6

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

BO062-6

The Authority conducted extensive public outreach before the circulation of the Draft EIR/EIS, which included 12 public meetings aimed at soliciting community feedback and informing impacted communities of the project status.

BO062-7

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 (Authority and FRA 2005). The Statewide Program EIR/EIS considered alternatives on Interstate 5 (I-5), State Route (SR) 99, and the BNSF Railway (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. Therefore, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor. The I-5 and SR 99 corridors were again considered during the environmental review for the Fresno to Bakersfield Section, but were eliminated from further consideration, as described in Standard Response FB-Response-GENERAL-02.

Because the Authority conducted analysis of alternative alignments that follow SR 99/the Union Pacific Railroad (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.

The procedural requirements for NEPA and 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). This range of alternatives was analyzed in the EIR/EIS.

Response to Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-8

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-03.

The analysis performed in the Revised DEIR/Supplemental DEIS, Volume I, Section 3.14, Impact AG #4, assumes that the Authority would acquire the remnant parcels that would be too small to maintain economic activity, and that these parcels would be permanently converted to a non-agricultural use. This acreage is included in the permanent conversion data. Nevertheless, the Authority has committed to implement a Farmland Consolidation Program that will attempt to transfer these non-economic remainder parcels to neighboring landowners, wherever possible, to consolidate with adjacent parcels.
The Authority has not failed to account for negative impacts to private property. The concern about the creation of uneconomic remainder properties as a result of the project are discussed in FB-Response-AG-03 and how owners will be compensated for their impacted properties is discussed in FB-Response-SO-01. These practices adhere to the state and federal laws and regulations related to property acquisition and compensation, see Appendix 3.12-A for details. Therefore, the Authority is in compliance with all requirements of CEQA and NEPA, including the Environmental Justice Guidance Policy.

If, following certification of a final EIR, changes to the project or to the circumstances surrounding the project require “major revisions" to the EIR or reveal "new, significant information," a subsequent EIR or supplement to the EIR would be required. A previously certified EIR is generally presumed valid. (See Pub. Resources Code, § 21167.2.) The Legislature has anticipated, however, that, in some instances, changes to a proposed project or its surrounding circumstances subsequent to the certification of an EIR may necessitate additional environmental review for further discretionary approvals for the project if changes implicate new or more significant environmental impacts. To that end, Public Resources Code section 21166 and its corresponding CEQA Guidelines sections 15162 and 15163, require a lead agency to prepare a Subsequent EIR or Supplement to an EIR to allow a project to be modified in response to substantial changes in circumstances or information. In order to determine if additional environmental review is warranted, an agency with approval power over a project must ask whether: "substantial changes are proposed in the project which will require major

BO062-8

revisions of the [EIR] "; "substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the [EIR] "; or "new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available." (Pub. Resources Code,§ 21166, subds. (a)-(c).)

BO062-9

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-03, FB-Response-AG-04.

The Authority is not "hiding" remainder parcels and has made a good faith effort to disclose the number. The fact that this is identified and discussed in detail as a discreet impact (Impact AG #5) indicates the concern expressed in the Revised DEIR/Supplemental DEIS. The number of affected parcels is disclosed in the discussion under Impact AG #5.

Federal and state laws require that the Authority pay fair market value for the land that is acquired. The land acquisition process begins before construction. It is during this phase that the Authority’s right of way agent will work with individual land owners to mitigate impacts from both construction and operation of the HST. If farmland is not farmable, the Authority will compensate the landowner at fair market value.

BO062-10

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

The Authority's Environmental Justice (EJ) Guidance document and Title VI Program were vetted with the Federal Railroad Administration (FRA). The Authority has subsequently received FRA comment to include the Department of Transportation order, which has been incorporated into the EJ Guidance document. The adoption of the EJ policy formalized the Authority’s long-standing efforts to address EJ matters in a comprehensive manner. Actions before its adoption do not suggest non-compliance with the law.

Response to Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-10

Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including environmental justice laws.

BO062-11

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-SO-07.

The minority group representation in the region is very similar to that in the state. In 2000, the population in the region was 56.5% minority, while the state population was 53.3% minority. Since then, the minority group representation has risen in both the region and the state. In 2008 the population in the region was 62.6% minority and the population in the state was 58.0% minority. These figures show that the minority group representation in the region is very similar to the minority group representation of the entire state.

The proposed HST project would bring economic benefits to the study region, including jobs and related income. HST construction and operation jobs would be filled by the regional labor force, so the project would benefit regional workers broadly, but would not disproportionately benefit minority and low-income populations. To help offset any disproportionate effects, the Authority has approved a Community Benefits Policy that supports employment of individuals who reside in disadvantaged areas and those designated as disadvantaged workers.

BO062-12

The Federal Railroad Administration and Department of Transportation issued a notice of intent to prepare an environmental impact statement for the California High-Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. At that time, the 2010 census data had not been published, and therefore data from the 2000 census were used for the socioeconomics analysis, in addition to more-recent data from the American Community Survey, the California Department of Finance, the California Employment Development Division, the California State Board of Equalization, local data sources, and consultation with community representatives familiar with local demographic trends. The methodologies for identifying and analyzing affected populations and a listing of all data sources used are detailed in Appendix A of the Community Impact Assessment Technical Report.

BO062-12

Technical Report.

BO062-13

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

The Authority recognizes the perceived slight that may have occurred at a previous Board meeting. Stakeholder engagement is a high priority for the Authority and for this project, and the Authority will continue to examine ways to solicit stakeholder input at future Board meetings.

The Authority and FRA recognize the concerns of Kings County representatives and community members, and we wish 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.

BO062-14

Refer to Standard Response FB-Response-SO-01, FB-Response-SO-07.

The displacement of residential, business, and community facilities will be mitigated because the Authority will comply with applicable federal and state laws and regulations, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Act and its amendments provide guidance on how federal agencies, or agencies receiving federal financial assistance for a project, will compensate for impacts on property owners or tenants who need to relocate if they are displaced by a project.

The Authority will compensate all property owners or tenants in accordance with this act, which applies to all real property. All benefits and services will be provided equitably without regard to race, color, religion, age, national origins, and disability, as specified under Title VI of the Civil Rights Act of 1964. The Relocation Assistance Program was developed to help displaced individuals move with as little inconvenience as possible and has commonly been used for large infrastructure projects that displace a large

Response to Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-14

number of residences and businesses, such as the HST project. It is considered successful standard practice for mitigating the impacts to individual property owners.

BO062-15

Refer to Standard Response FB-Response-AG-02, FB-Response-GENERAL-27, FB-Response-SO-01, FB-Response-TR-02.

See Section 3.12 Impact SO #1 for information about the potential for construction activities to disrupt residential areas and business activity. Detailed construction access plans will be developed before the start of construction, and the affected cities would review these plans before construction implementation. Although access to some residences and businesses would be disrupted and detoured for short periods of time during construction, access would always be maintained, see TR MM#1- Access Maintenance for Property Owners, which says that during construction, access with be maintained for owners to their property 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, alternative access via connections to existing roadways will be provided. If adjacent road access is not available, new road connections will be prepared, if feasible. If alternative road access is not feasible, the property will be considered for acquisition.

The Authority has not failed to account for negative impacts to private property. The concern about access to impacted properties is discussed in FB-Response-TR-02. These practices show the Authority is in compliance with all requirements of CEQA and NEPA, including the Environmental Justice requirements.

BO062-16

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-SO-07, FB-Response-GENERAL-27, FB-Response-GENERAL-26, FB-Response-GENERAL-16.

The locations of the public repositories were selected to maximize stakeholder and community involvement. The documents were provided to 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 upon selection of the locations; thus the diversity in the types of repositories that had evening or weekend hours.

BO062-17

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

The locations of the public repositories were selected to maximize stakeholder and community involvement. The documents were provided to community centers, public agencies, and libraries, chosen with the intent of providing a wide range of facilities open evenings and weekends for public review of the documents.

Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the EIR/EIS, an overview brochure, and comment cards, which were provided at the public workshops and hearings. In addition, a multilingual, toll-free hotline was made available for public comments and requests.

BO062-18

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

See EIR/EIS Volume 1 Section 3.12 Impact SO#17 and Impact SO#18 and MM SO-6 as well as sections 4.3 and 5.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) for information on the Environmental Justice analysis and methodology. Determination of potential environmental justice effects includes consideration of all possible mitigation. Mitigation of impacts to less than significant is not possible in every instance, so the effect is acknowledged and considered in decisions about project alternatives.

The Federal Railroad Administration and Department of Transportation issued a notice of intent to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. At that time, the 2010 Census data had not been published and therefore, the 2000 Census data was used for the socioeconomics analysis in addition to more recent data from the American Community Survey, the California Department of Finance, the California Employment Development Division, the California State Board of Equalization, as well as local data sources and consultation with community representatives familiar with local demographic trends. The methodologies for identifying and analyzing affected populations as well as all data

Response to Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-18

sources used are detailed in Appendix A of the Community Impact Assessment Technical Report.

BO062-19

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-06, FB-Response-SO-07.

For information on the economic effects on agriculture, see the EIR/EIS, Volume I, Section 3.12, Impact SO #15. For a detailed analysis of the effects of the HST project on agricultural production, see Appendix C of the Community Impact Assessment Technical Report. The analysis in this appendix provides these results by county and by project alternative in terms of the number of acres of agricultural production loss, the resulting annual revenue loss in both dollar and percentage terms for each type of agricultural product, and the employment loss. See Volume I, Section 3.12, Impact SO #15, and Volume II, Appendix 3.14-B, for impacts on confined-animal agriculture.

The Federal Railroad Administration and Department of Transportation issued a notice of intent to prepare an environmental impact statement for the California High-Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. At that time, the 2010 census data had not been published, and therefore data from the 2000 census were used for the socioeconomics analysis, in addition to more-recent data from the American Community Survey, the California Department of Finance, the California Employment Development Division, the California State Board of Equalization, local data sources, and consultation with community representatives familiar with local demographic trends. The methodologies for identifying and analyzing affected populations and the list of all data sources used are detailed in Appendix A of the Community Impact Assessment Technical Report.

BO062-20

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

The Authority and FRA consulted with cooperating agencies under NEPA and with

BO062-20

trustee and responsible agencies under CEQA regarding specific resource areas associated with these agencies. Interested state, federal, and local agencies were also consulted throughout the process. A full listing of meetings can be found in Chapter 8.

Executive Order 12898, known as the Federal Environmental Justice Policy, requires federal agencies to address, to the greatest extent practicable and as permitted by law, the potential disproportionately high, adverse human health and environmental impacts of their programs, policies, and activities on minority and low-income populations. Environmental justice impacts are discussed in Section 3.12.9 of the EIR/EIS. Pursuant to the requirements of NEPA and CEQA, the Authority and FRA have conducted an extensive public and agency involvement program as part of the environmental review process. In addition to meeting with local jurisdictions, various publications and materials were developed in English and Spanish and made available at public meetings and on the Authority's website.

BO062-21

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

Route selection is dependent on a number of factors, including engineering design, operational speed requirements for the HST System, and environmental factors. Baker Commodities is not "eerily absent from the EIR/EIS." For information on the impacts on Baker Commodities, see Volume I, Section 3.12, Impact SO #11, and for information on mitigation measures for this important facility, see Mitigation Measure SO-3. Baker Commodities is also mentioned in Section 5.2.4 of the *Community Impact Assessment Technical Report* under agricultural displacements and in Section 6.4.3 of the *Draft Relocation Impacts Report* under special relocation considerations.

All final determinations on property acquisition would occur during the acquisition process; see Volume II, Technical Appendix 3.12-A for details.

BO062-22

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

There have been several iterations of alternatives analyses, both before and after the

Response to Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-22

Alternatives Analysis Report referenced by the commenter (the *Supplemental Alternatives Analysis* [Authority and FRA 2011d]). All of these iterations have been guided by the project purpose, need, and objectives, as described in Chapter 1, Project Purpose, Need, and Objectives, of the EIR/EIS, and the objectives and criteria developed for and recorded in the *Visalia-Tulare-Hanford Station Feasibility Study* (Authority 2007). The first alternatives analysis was the board briefing titled "Fresno to Bakersfield Section Preliminary Alternatives Analysis" (Preliminary AA Report) (Authority and FRA 2010c). A "Working Draft" of this first analysis was issued in June 2010 (Authority and FRA 2010b). The second alternatives analysis was the *Supplemental Alternatives Analysis* (Authority and FRA 2010a). A second *Supplemental Alternatives Analysis* (Authority and FRA 2011d), referenced by the commenter, was prepared. Also, a third *Supplemental Alternatives Analysis* (Authority and FRA 2011e) was issued. In addition, a hybrid alternative alignment was developed for the Bakersfield subsection to address substantive comments received during public and agency review of the Draft EIR/EIS. Each of these analyses built on prior work and was responsive to input from jurisdictions, stakeholders, and others. This process is described more completely in Chapter 8 of the Final EIR/EIS. On the basis of the record, the Authority disagrees with the assertion that nothing has changed in the 2011 *Supplemental Alternatives Analysis*. The Authority has analyzed a reasonable range of alternatives and fully complies with the National Environmental Policy Act (NEPA).

BO062-23

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

The Authority and FRA recognize the concerns of Kings County representatives and community members, and we wish to maintain an open dialogue about the project. The Authority welcomes the opportunity to meet with landowners and stakeholders. 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.

BO062-24

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-16, FB-Response-SO-07, FB-Response-GENERAL-26.

BO062-24

The number of residential units displaced is an estimate based on parcel-by-parcel examination of the project alternative alignments as presented in Volume III of the Revised DEIR/Supplemental DEIS. See Appendix A of the Community Impact Assessment Technical Report for a description of the methodology used in the property analysis. All final determinations on property acquisition would occur during the acquisition process (see Volume II, Appendix 3.12-A for details).

The public outreach process for the Fresno to Bakersfield Section of the HST has been extensive and includes hundreds of public meetings and briefings where public comments have been received, community events where participation has been solicited, and development and distribution of educational materials to encourage feedback. These efforts are cited in Volume I, Chapter 8. Public notification regarding the draft environmental documents took place in the following ways: A notification letter, informational brochure, and NOA were written in English and Spanish and sent to landowners and tenants within 300 feet of all alignment alternatives. The letters notified landowners and tenants that their property may be necessary for construction (within the project construction footprint) of one or more of the alignment alternatives or project components being evaluated. Anyone who requested to be notified or is in the stakeholder database was sent notification materials in English and Spanish. An e-mail communication of the notification materials was distributed to the entire stakeholder database. Public notices were placed in English and Spanish newspapers. Posters in English and Spanish were posted along the project right-of-way.

BO062-25

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-25.

The City of Bakersfield originally endorsed the concept of a downtown HST station, but has since changed its mind. The text of the Revised DEIR/Supplemental DEIS notes the city's lack of support.

There have been no NEPA violations in the development of alternatives through downtown Bakersfield.

Response to Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-25

Chapter 1 of the EIR/EIS describes the project's purpose and need. The alternatives selected for analysis in the EIS must satisfy the project's purpose and need (64 FR 101, page 28545, section 14(l)). The no project alternative must also be examined, whether or not it would satisfy the purpose and need. Although NEPA requires an EIS to contain sufficient analysis to allow a comparison between alternatives, there is no provision in NEPA requiring that the project's purpose and need be compared to the "no-build option" (i.e., the No Project Alternative).

The purpose of project alternatives is to minimize or avoid impacts. The Authority is considering three alternative downtown Bakersfield alignments and station locations. Each has a different set of impacts and avoids a different set of sensitive properties. However, given the constrained physical area available in which to site the HST in this developed urban area (keeping in mind the speed and alignment considerations for HST systems), it is not feasible to avoid all effects, and an alternative that avoids one resource may affect another. The purpose of an EIR is to analyze and document the environmental impacts of a project. The fact that a project alternative will result in environmental impacts is not a violation of CEQA.

The effects of the three alternatives can be summarized as follows. The BNSF Alternative would displace six religious facilities, the Bakersfield High School Industrial Arts building, the Mercado Latino Tianguis, and 119 homes in the eastern portion of the city. In contrast to the corresponding segment of the BNSF Alternative, the Bakersfield South Alternative would not affect the Bakersfield High School campus or the Mercado Latino Tianguis. However, the alignment would displace five religious facilities, the Bethel Christian School, and 146 homes in east Bakersfield. The Bakersfield Hybrid Alternative would not affect the Bakersfield High School campus or the Bethel Christian School; however, the alignment would displace one religious facility, the Mercado Latino Tianguis, the Bakersfield Homeless Shelter, and 57 homes in east Bakersfield.

BO062-26

Refer to Standard Response FB-Response-SO-04, FB-Response-SO-06, FB-Response-SO-02, FB-Response-AVR-04, FB-Response-SO-05, FB-Response-SO-07, FB-Response-GENERAL-02.

For information on the potential for disruption and division in Bakersfield see EIR/EIS Volume I Section 3.12 Impact SO#6. Also see Impact SO#9 and Impact SO#10 for displacement estimates in Bakersfield. Mitigation measures SO-2 and SO-3 propose mitigations for identified effects in Bakersfield communities.

For information on potential HST project impacts on property values see Section 5.4.4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h). 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.

See EIR/EIS Volume 1 Section 3.12 Impact SO#17 and Impact SO#18 and MM SO-6 as well as Sections 4.3 and 5.3 in the Community Impact Assessment Technical Report for information on the Environmental Justice analysis and methodology. Determination of potential environmental justice effects includes consideration of all possible mitigation. Mitigation of impacts to less than significant is not possible in every instance, so the effect is acknowledged and considered in decisions about project alternatives.

BO062-27

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10, FB-Response-GENERAL-14, FB-Response-SO-07.

The environmental justice analysis adheres to the criteria outlined in 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 adverse effect is one 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 a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project alignment. Section 4.3 of the Community Impact Assessment Technical Report (Authority and FRA 2012h) identifies the environmental

Response to Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-27

justice populations along the project alignment.

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). This range of alternatives was analyzed in the EIR/EIS.

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 through the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS were described in sufficient detail to evaluate the potential impacts of each alternative.

BO062-28

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

As stated in Section 2.3.2, Range of Potential Alternatives Considered and Findings, of the Final EIR/EIS, the Authority and FRA decided to reintroduce an alignment alternative west of Hanford to address substantive comments received during public and agency review, including requests from the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA) to include a Hanford West Bypass Alternative in the environmental analysis of the Draft EIR/EIS in an attempt to reduce or avoid significant environmental effects. The Authority conducted a supplemental alternatives analysis to further evaluate potential alignment alternatives west of Hanford, and on the basis of this analysis, identified two Hanford West Bypass alternatives to carry through the environmental analysis in the EIR/EIS (Authority and FRA 2011d). The environmental justice analysis adheres to the criteria outlined in 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 adverse effect is one that is predominately borne by

BO062-28

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 a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project alignment. Section 4.3 of the Community Impact Assessment Technical Report (Authority and FRA 2012h) identifies the environmental justice populations along the project alignment.

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). This range of alternatives was analyzed in the EIR/EIS.

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 through the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS were described in sufficient detail to evaluate the potential impacts of each alternative.

BO062-29

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-06, FB-Response-GENERAL-14, FB-Response-GENERAL-19, FB-Response-GENERAL-12.

For information on the project effects on agricultural business and economic effects on agriculture see EIR/EIS Volume I Section 3.12 Impacts SO#11 and SO #15 and Volume II Technical Appendix 3.14-B for impacts on confined animal agriculture. For information on new job creation and the resulting impacts on the regional economy see Volume I Section 3.12 Impact SO#5 and 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. Jobs created by construction and operation of the project would likely be filled by workers in the region. To help offset any

Response to Submission BO062 (Frank Oliveira, MEL's Farms, October 18, 2012) - Continued

BO062-29

disproportionate effects, the Authority has approved a Community Benefits Policy that supports employment of individuals who reside in disadvantaged areas and those designated as disadvantaged workers.

BO062-30

Refer to Standard Response FB-Response-GENERAL-05, FB-Response-SO-04, FB-Response-GENERAL-19, FB-Response-GENERAL-12, FB-Response-SO-07.

For information on the impact to 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 and 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. For environmental justice impacts see Impact SO #18.

BO062-31

Refer to Standard Response FB-Response-GENERAL-05, FB-Response-SO-04, FB-Response-GENERAL-19, FB-Response-GENERAL-12, FB-Response-SO-07.

For information on the impact to the community of Wasco 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 and on the potential for physical deterioration see Volume I Section 3.12 Impact SO #16.

BO062-32

Refer to Standard Response FB-Response-SO-04, FB-Response-SO-05, FB-Response-SO-08, FB-Response-TR-02, FB-Response-GENERAL-19, FB-Response-N&V-05, FB-Response-SO-07.

For information on the potential for disruption and division in Bakersfield see EIR/EIS Volume I Section 3.12 Impact SO#6. Also see Impact SO#9 and Impact SO#10 for displacement estimates in Bakersfield. Mitigation measures SO-2 and SO-3 propose mitigations for identified effects in Bakersfield communities.

BO062-33

Refer to Standard Response FB-Response-GENERAL-12, FB-Response-SO-07.

BO062-34

Refer to Standard Response FB-Response-GENERAL-12, FB-Response-SO-07.

The Authority may provide a portion of the Kings/Tulare Regional Station Alternative's parking in Downtown Hanford, Visalia, Tulare, or other nearby cities and communities, with transit connectivity to the stations; although no specific site location(s) have been determined. Reducing the number of spaces provided at the station area would allow for more open space areas around the station, discourage growth at the station, encourage revitalization of the downtowns (by providing direct shuttles between downtown and the station), and reduce the development footprint of the station. The FRA's and Authority's goals for the Kings/Tulare Regional Station include creating a station that serves as a regional transportation hub to provide quick transit connections from the station to the downtown areas regionally local cities and communities.

BO062-35

Refer to Standard Response FB-Response-GENERAL-12, FB-Response-SO-07.

As discussed in Mitigation Measure SO-3, relocation of the Wasco Amtrak Station would be completed prior to demolition of the existing structure and no disruption to Amtrak service would occur.

BO062-36

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-06, FB-Response-GENERAL-05, FB-Response-SO-04, FB-Response-GENERAL-19, FB-Response-GENERAL-12, FB-Response-SO-07.

For information on the project effects on agricultural business and economic effects on agriculture see EIR/EIS Volume I Section 3.12 Impacts SO#11 and SO #15 and Volume II Technical Appendix 3.14-B for impacts on confined animal agriculture.

Submission BO063 (Russell Judd, Mercy Hospitals of Bakersfield, October 18, 2012)

Mercy Hospitals of Bakersfield
A Dignity Health Member

RECEIVED
10/19/2012

Mercy Hospitals of Bakersfield
2215 Truxtun Ave
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direct 661.632.5000
mercybakersfield.org

17 October 2012

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

RE: Review of the noise and vibration sections of the Draft EIR/EIS
California High Speed Rail Project – Fresno to Bakersfield

To Whom It May Concern:

The purpose of this letter is to provide comments on the Fresno to Bakersfield Revised Draft EIR/EIS for the California High Speed Rail Project specifically relating to noise and vibration impacts on Mercy Hospital, located at 2215 Truxtun Avenue in Bakersfield, California which is impacted by the Bakersfield South and Bakersfield Hybrid alignment alternatives.

As background, Mercy Hospital was founded by the Sisters of Mercy more than 100 years ago and they have been providing compassionate care to the citizens of Bakersfield and the surrounding communities ever since. Part of the many medical services that Mercy Hospital provides is surgical specialties including breast surgery and reconstruction, general surgery, gynecological surgery, head and neck surgery, neurosurgery, orthopedic surgery, outpatient surgery, plastic surgery, spine surgery, thoracic surgery, urology surgery, vascular surgery and weight-loss surgery programs. The surgical specialties are the areas that will be impacted the most by the HSR project.

Following are comments were prepared for us by noise and vibration consultant David L. Wieland of Wieland Acoustics, Inc. 1371 Warner Avenue, Suite A Tustin, CA 92780 (949) 474-1222. Although the Wieland comments were prepared prior to the revised Draft EIR being released it doesn't appear that the revisions addressed any of the following comments to the initial Draft EIR.

Section I
California High-Speed Train Technical Report, Fresno to Bakersfield Section, Noise and Vibration - URS/HMM/Arup Joint Venture, July 2011

BO063-1

1. Referring to Tables 4-3 and D-3 of the report, the estimated existing ambient Ldn at Mercy Hospital (identified as Site ST-2 in the tables) is 79.9 dB. However, it is our opinion that this is a serious overestimate. Appendix B, *Determining Existing*

BO063-1

Noise, of the FRA Document *High-Speed Ground Transportation Noise and Vibration Impact Assessment* (hereinafter, FRA Document) identifies six options for determining the existing ambient noise environment at a receiver, of which the report preparer appears to have selected Option 5. This option allows one to estimate the Ldn at a short-term measurement location (such as at Mercy Hospital) by comparing it to the data gathered at a nearby long-term measurement location. However, as the FRA Document states, care must be taken to ensure that the long-term measurement location has a similar noise environment to that represented by the short-term measurement location. This was not the case for Mercy Hospital, as described in the following comments:

a. The ambient noise environment at the south side of Mercy Hospital is dominated by traffic on 16th Street, railroad operations, and railyard activities, and measurement position ST-2 should have been selected to reflect this. However, instead the noise environment at the position selected for ST-2 was dominated by the hospital's own mechanical equipment yard[1]. The hospital's own noise cannot be included as part of the existing ambient noise that will be used to assess noise impacts on the hospital.

b. There appear to be two long-term measurement locations somewhat near Mercy Hospital; however, neither of them is exposed to the same noise environment as the hospital (i.e., traffic on 16th Street, railroad operations, and railyard activities). Site LT-1, located about 3,800 feet east of the hospital, is dominated by traffic on 14th Street and M Street, and by railroad operations. Site LT-187, located about 1,100 feet northwest of the hospital is dominated by traffic on Truxtun Avenue. It isn't clear from the document which of these two locations was compared to ST-2 in order to estimate the Ldn at Mercy Hospital.

In summary, Site ST-2 should have been located on hospital property away from any on-site mechanical equipment or other hospital-related noise sources, and it should have been compared to a long-term measurement obtained at a location that is representative of the ambient noise environment at the hospital (e.g., a residential location on 16th Street immediately west of the hospital). This would have provided a more accurate estimate of the existing ambient noise environment at the hospital.

[1]According to the GPS coordinates identified in Table D-3 for short-term measurement site ST-2 (Mercy Hospital), the measurement was not even actually obtained at the hospital, but across the street to the south.

Submission BO063 (Russell Judd, Mercy Hospitals of Bakersfield, October 18, 2012) - Continued

BO063-2

2. The calculation procedures identified on the bottom of page 4-11 and the top of page 4-12 for estimating the Ldn based on a short-term measurement do not comply with the procedures identified in the FRA Document.

BO063-3

3. Section 4.4.2, *Measured Vibration Levels*, states that the measured train vibration levels were compared to the estimated value obtained using the FTA general vibration assessment procedures, and that this comparison is provided in Table 4-5. However, no such comparison is provided in the test or the table. The text goes on the make some conclusions regarding the accuracy of the FTA method relative to the measurements, but these conclusions are based on the analysis provided in Table E-1, which has a number of errors in it. These errors include incorrect base RMS VdB levels for the various measurement positions, and incorrect calculations of "Measured VdB – FTA Model" differences.

BO063-4

4. Appendix E indicates that groundborne vibrations acceleration levels were measured at locations near the existing tracks. However, the document never indicates how the measured acceleration levers were converted to vibration velocity levels. (Velocity levels, not acceleration levels, are the basis for the FRA significance criteria.)

BO063-5

5. No groundborne vibration measurements were conducted at Mercy Hospital or anywhere in its vicinity.

BO063-6

6. In Section 6.2.7 there are no calculations presented in the report to substantiate the estimated project noise levels. Therefore, their accuracy cannot be properly assessed. However, using the data presented in the document, and the calculation procedures identified in the FRA Document, it is estimated that the Ldn at the hospital will be 73 dB for the alternative alignment and 79 dB for the Bakersfield South alignment. These differ significantly from the estimated Ldn values presented in Tables 6-23 and 6-24 of the report (i.e., 67 dB for the alternative alignment and 71 dB for the Bakersfield South alignment).

BO063-7

7. In Tables 6-23 and 6-24, the impact assessed at Mercy Hospital (Site ST-2) is Moderate for both the alternative alignment and the Bakersfield South alignment. However, referring to Comments #1, #2, and #6, these assessments appear to be based on an erroneously high ambient noise level and an erroneously low project noise level. Therefore, the impact assessments are also assumed to be erroneous.

BO063-8

8. In section 6.3, there appear to be a number of errors and inconsistencies in the procedure and analysis of vibration levels. However, we agree with the conclusion that no significant vibration impact is anticipated at Mercy Hospital due to train movements associated with the HST.

BO063-9

9. In Section 6.7.7, the Cumulative Plus Project Noise Impacts analysis at Mercy Hospital may be incorrect for the reasons discussed in Comments #1, #2, and #6 above.

BO063-10

10. In Section 7, there is no analysis to substantiate the recommended mitigation measures. Also, the recommended mitigation measures may no longer be adequate in light of Comments #1, #2, and #6 above.

BO063-11

11. In Section 7.1, there are a number of constraints placed on the use of barriers to mitigate noise (e.g., reasonableness, feasibility, cost, etc.). These constraints are not found in the FRA Document. What is their source?

BO063-12

12. In Section 7.1.5, the report indicates that all noise barriers will consist of a solid barrier no more than six feet high, with the remaining height of the barrier constructed of a transparent material. The document should note that this transparent material must provide a surface density of at least 3 pounds per square foot, as required in the FRA Document.

BO063-13

13. Will all floors of the hospital be protected by the proposed mitigation measures? If not, then an analysis should be conducted to determine what, if any, additional mitigation measures are needed in order to ensure an interior Ldn of 45 dB or less within the hospital.

BO063-14

14. In Tables 6-23 and 6-24, the impact assessed at Mercy Hospital (Site ST-2) is Moderate for both the alternative alignment and the Bakersfield South alternative alignment. As indicated in Section 7.1 of the document, however, this means that implementation of the mitigation measures described in Sections 7.2.11 and 7.2.12 is at the discretion of the Authority. There is no guarantee that the mitigation measures be implemented if the project goes forward.

BO063-15

15. The noise mitigation measures in Section 7 should include the source treatments discussed in Section 5.4.1 of the FRA Document. These treatments include vehicle noise specifications, wheel treatments, vehicle treatments, and guideway support.

BO063-16

16. The construction noise analysis described in Section 8.1 is internally inconsistent. Table 8-1 identifies average noise levels obtained from a 1971EPA report for various phases of construction, but doesn't identify what equipment or the numbers of each equipment item that were used to derive these average values. Table 8-2 then identifies noise levels for individual construction equipment items obtained from a 2006 FTA report, but these are likely not the equipment noise levels used by the EPA in 1971 to derive their average

Submission BO063 (Russell Judd, Mercy Hospitals of Bakersfield, October 18, 2012) - Continued

BO063-16 construction levels. Section 8.1 then goes on to identify (in Appendix I) the actual construction equipment that will be used in each phase of construction for the HST project, but these phases don't correspond to those identified in Table 8-1. With these inconsistencies, it isn't clear what data is used in the analysis. (This is cleared up in Section 8.4, which disregards much of the text presented in Section 8.1.)

BO063-17 17. Section 8-2, in the first paragraph after Table 8-3, has an incorrect reference to Table 8-4.

BO063-18 18. In Section 8.4, there is no analysis to substantiate the construction noise results presented in Table 8-6. Therefore, the accuracy of the results cannot be verified.

BO063-19 19. Given the amount of information available regarding numbers and types of construction equipment that would be used during each phase of project construction, the FRA's detailed construction noise analysis procedures should have been used to assess potential impacts.

BO063-20 20. Sections 8.4.1 through 8.4.7 mention only potential impacts at residences. Significant impacts will clearly occur at the hospital and should be identified.

BO063-21 21. Section 8.4.8 discusses measures for mitigating noise impacts from pile drivers. However, the document states that the recommended "drilling and casing" method for installing piles will reduce the impact distance to 220 feet from the construction. Since the hospital is located within 118 feet of the Bakersfield South alignment the impact remains significant.

BO063-22 22. The construction noise mitigation measures in Section 8.4.8 should be revised to address potential impacts at the hospital, not just at the residences.

BO063-23 23. No analysis is provided to how that the recommended mitigation measures will reduce the construction noise to levels that comply with the FRA guidelines or the local noise ordinance standards. Construction noise should be identified as a significant unavoidable impact.

BO063-24 24. Section 8.5 states that "The type of equipment along with the sequence of construction operations has not been established for the project." This is incorrect. Appendix I provides the information.

BO063-25 25. Section 8.5.1 indicates that there are potential construction vibration damage impacts at nearby buildings, but doesn't identify which buildings. Based on the information provided in Table 8-9, the impact at Mercy Hospital, which is located

BO063-25 within 135 feet of the Bakersfield South Alternative Alignment, is potentially significant.

BO063-26 26. Section 8.5.1 mentions the potential for annoyance due to vibration from construction activities but provides no analysis or conclusions. Using information provided in the report, Mercy Hospital will be subject to a vibration level (L_v) of about 92 VdB during pile driving on the Bakersfield South Alternative Alignment. This is well above the significance criterion of 72 VdB and is a significant impact.

BO063-27 27. In Section 8.5.2, there is no analysis and no specific recommendations for mitigating construction vibration impacts. These should be identified and included in the document.

Section II
Noise and Vibration – Section 3.4
California High-Speed Train Project EIR/EIS, Fresno to Bakersfield Section

Because this document is based on the Technical Report reviewed in Section I above, the comments provided above also apply to this document (though page numbers and section numbers are different). The following comments reflect issues that were not discussed in the Technical Report or items that conflict with the Technical Report.

BO063-28 1. On page 3.4-13, the document states that "Noise modeling projections assumed atmospheric absorption of sound based on the International Standard "ISO 9613-2". There's no evidence to substantiate this in the Technical Report.

BO063-29 2. On page 3.4-13, the document states that the noise analysis used source reference levels identified in the FRA Document for the VHS electric vehicle type. This conflicts with the Technical Report which states that the noise analysis used source reference levels for the HS EMU vehicle types when analyzing noise from the propulsion units and wheel-rail interactions. The VHS electric vehicle type was only used to analyze aerodynamic noise.

BO063-30 3. On page 3.4-15, In Section E, *CEQA Significance Criteria*, the document states that a significant impact will occur if the project results in the "Exposure of persons to or generation of noise levels in excess of standards for a severe impact established by the FRA for high-speed ground transportation and by the FTA for transit projects." In other words, under CEQA the noise level impact will be significant only if it is a severe impact according to the FRA. If the noise level is a moderate impact according to the FRA then there is no significant impact under CEQA. This position is reiterated in Section 3.4.5A, *Overview of Project Impacts*, which states that "For this analysis, a moderate impact according to the

Submission BO063 (Russell Judd, Mercy Hospitals of Bakersfield, October 18, 2012) - Continued

BO063-30 FRA impact criteria is considered to be a moderate effect under NEPA and a less than significant impact under CEQA."

BO063-31 4. In Section 3.4.5A, *Overview of Project Impacts*, the document states that there are some sensitive land use receivers within 175 feet of the rail line that would be adversely affected by vibration impacts during operation of the HST. It isn't clear how this screening distance was derived. In Table 3.4-9, the document identified a screening distance of 275 feet for vibration assessment. It isn't clear why the overview presented in Section 3.4.5A uses a lesser screening distance, or what impact this would have on the number of receivers that would be considered adversely affected by vibration impacts.

BO063-32 5. The construction noise analysis presented in Section 3.4.5C is inconsistent with that presented in the Technical Report and may be inconsistent with recommended FRA procedures. It is noted that pile drivers have not even been included. This is of particular importance when assessing potential impacts to Mercy Hospital since it is likely that the aerial structure will be supported on piles.

BO063-33 6. The construction vibration analysis presented in Section 3.4.5C is inconsistent with that presented in the Technical Report. It is noted that pile drivers were not included in the analysis summary of Table 3.4-13. This is of particular importance when assessing potential impacts to Mercy Hospital since it is likely that the aerial structure will be supported on piles.

BO063-34 7. The construction vibration analysis presented in Section 3.4.5C does not include a discussion of possible building damage impacts.

BO063-35 8. Mitigation Measure N&V-MM#2 indicates that building damage from construction vibration is only anticipated from impact pile driving at very close distances (25 to 50 feet) to buildings. This is inconsistent with the Technical Report which states that building damage can occur at distances of 135 feet. Since Mercy Hospital is located about 118 feet from the Bakersfield South Alignment, this is a potential concern. The mitigation measure, which limits pre-construction surveys to locations within 50 feet of piling, will not protect the hospital.

BO063-36 9. Mitigation Measures N&V-MM#3 states that "…where moderate increases in noise affect receptors, noise-reducing measures could be implemented, even though not required". As discussed in previous comments, the impact is considered to be moderate at the hospital; therefore, there is no assurance that mitigation will be implemented.

BO063-37 10. Mitigation Measure N&V-MM#3 appears to only address compliance with NEPA and not with CEQA. Will mitigation be implemented if the project noise results in

BO063-37 a significant impact relative to CEQA bur only a moderate impact relative to NEPA?

BO063-38 11. Table 3.4-28 states that implementation of Mitigation Measures N&V#1 and N&V#2 will reduce construction noise and vibration impacts to a CEQA level of less than significant. There is no analysis to support these claims.

Mercy Hospital is not opposed to the California HSR Project and looks forward to the opportunity to work with the High Speed Rail Authority to find appropriate solutions to the issues and concerns addressed above.

Sincerely,

Russell V. Judd
President/CEO

Submission BO063 (Russell Judd, Mercy Hospitals of Bakersfield, October 18, 2012) - Continued

From: (661) 632-5537
Michal Yniguez
Mercy Hospitals of Bakersfield
2215 Truxtun Avenue
Bakersfield, CA 93301

Origin ID: BFLA

Ship Date: 18OCT12
ActWgt: 1.0 LB
CAD: 101255419/INET3300

Delivery Address Bar Code

Ref # High Speed Rail
Invoice #
PO #
Dept #

SHIP TO: (661) 632-5537 BILL SENDER
Fresno to Bakersfield Revised Draft
EIR/Supplemental Draft EIS Comment
770 L ST
STE 800
SACRAMENTO, CA 95814

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10/19/2012

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Response to Submission BO063 (Russell Judd, Mercy Hospitals of Bakersfield, October 18, 2012)

BO063-1

Page 4-14 of the *Fresno to Bakersfield Section: Noise and Vibration Technical Report* (Authority and FRA 2012j) illustrates how the day-night sound level (Ldn) was calculated for short-term (ST) measurement locations that were correlated with long-term (LT) measurement data. During the measurement at ST-2 (Mercy Hospital), there were ambulances, train horns, and the fan/exhaust system at the hospital that contributed to the ambient noise level conditions near Mercy Hospital. The fan exhaust/system is considered part of the ambient noise environment at the hospital.

BO063-2

The short-term noise measurements (1-hour) were matched up with nearby long-term measurements (24-hour) that had similar types of nearby predominant noise sources. During the 1-hour short-term measurement, the nearby long-term measurement was being conducted. As the noise levels at the long-term measurement site rose and fell, we correlated this data with the short-term measurement site to see how the noise levels would rise and fall throughout the entire day in comparison with the long-term measurement data. These two noise levels were compared in order to come up with an estimated day-night sound level (Ldn) value at the short-term measurement site for the entire day, based on the long-term measurement data.

This method had to be used in order to come up with estimated Ldn's at noise-sensitive receivers other than where long-term measurements were set up. It would not have been practicable to conduct long-term measurements at all of these locations.

BO063-3

The field-measured vibration levels were compared to the residential vibration standard of 72 vibration decibels (VdB), and those values are presented in Table 4-5 of the *Fresno to Bakersfield: Noise and Vibration Technical Report* (Authority and FRA 2012j). These levels are to give residents adjacent to existing freight railroad lines an idea as to how high the vibration levels are from existing freight and passenger rail operations. The data presented in Table E-1 were an early estimate of modeled freight and passenger vibration levels, using the methodology presented in the Federal Transit Administration protocol and using base data from Figure 10-1 and Table 10-1 in order to compare the vibration levels with those measured in the field. The base RMS levels were taken from Figure 10-1 for a locomotive-powered freight or passenger train at 50 miles per hour.

BO063-3

That value was then corrected for the change in speed, distance from the rails, and the correction for flat spots on the wheels, and then those corrected values were compared to the measured values in the field.

BO063-4

The acceleration values are converted to velocity values by integrating the noise values with respect to time. In this case, that is accomplished by first converting the measured acceleration decibel value to an energy, then dividing the acceleration energy level at each of the one-third octave frequency bands by the quantity 2 times the constant pi multiplied by the frequency. The resulting value is then converted to inches per second (the basis for vibration decibels [VdB]), and the decibel value is then determined by taking 20 times the log of the ratio of the resulting energy value to the reference level of 10 to the -6 power inches per second.

BO063-5

Locations that are close to the existing rail are more suitable for vibration measurements, and Mercy Hospital was located too far away from the existing rail to obtain an accurate measurement of vibration levels caused by existing operations.

BO063-6

We are not sure what variables you used in your model, but our model has been reviewed in detail and a quality check has been conducted. Tables 5-2 and 5-3 of the *Fresno to Bakersfield: Noise and Vibration Technical Report* (Authority and FRA 2012j) show a comparison of modeled results (using the FRA method) compared to reference results for trains traveling at 100 and 200 miles per hour, respectively. Several cases can be found in the table.

BO063-7

The measured ambient noise level and estimated day-night sound level (Ldn) value at Mercy Hospital are not erroneous. The FRA guidelines were followed.

BO063-8

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

Response to Submission BO063 (Russell Judd, Mercy Hospitals of Bakersfield, October 18, 2012) - Continued

BO063-9

The measured ambient noise level and estimated day-night sound level (Ldn) value at Mercy Hospital are not erroneous. The FRA guidelines were followed.

BO063-10

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

The measured ambient noise level and estimated day-night sound level (Ldn) value at Mercy Hospital are not erroneous. The FRA guidelines were followed.

BO063-11

These constraints/conditions were worked out between the noise consultants and the California High-Speed Rail Authority, and they are consistent with Caltrans constraints/conditions.

BO063-12

Text in the report has been corrected.

BO063-13

Noise impacts have been calculated for all floors of the hospital, and the proposed mitigation will protect each of the floors of the hospital.

BO063-14

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

BO063-15

The newest technology/equipment will be used for the project and will address these issues. Most of these mitigation measures are already addressed in the EIR.

BO063-16

The noise levels that are listed in Table 8-1 provide guidance for construction of the Heavy Maintenance Facility and the Train Station since a list of definitive construction equipment that would be used has not been finalized. Table 8-2 provides examples for

BO063-16

noise sources. Section 8.4 deals with construction of the HST corridor and presents a rough list of equipment that would be used during specific construction activities.

BO063-17

The reference to Table 8-4 appears to be placed correctly as to show the detailed assessment criteria for construction noise.

BO063-18

Utilizing the construction equipment lists from Appendix I and the daytime and nighttime FRA noise standards of 80 dBA and 70 dBA Leq, respectively, distances to the construction noise contours were calculated for the construction activities phases.

BO063-19

The types and numbers of equipment found in Appendix I were used to determine distances to potential noise impacts due to construction.

BO063-20

The report will be changed to say "noise-sensitive receivers".

BO063-21

Mitigation measures will be implemented, but the EIR (in Section 3.4.5.3), states that impacts during construction would be significant under CEQA, but temporary in duration.

BO063-22

The report will be changed to say "noise-sensitive receivers".

BO063-23

Mitigation measures will reduce noise to acceptable levels that meet the Federal Transit Administration's construction noise level thresholds.

BO063-24

This is correct. Appendix I does include the construction equipment and sequencing.

Response to Submission BO063 (Russell Judd, Mercy Hospitals of Bakersfield, October 18, 2012) - Continued

BO063-25

Section 8.5.2 provides construction vibration mitigation measures that will be undertaken near vibration-sensitive receivers.

BO063-26

Specific areas where pile driving may be conducted have not been identified; however, vibratory pile driving and the drilling and casing methods have been recommended as mitigation measures to lessen the impact of pile driving in areas adjacent to sensitive receivers. The mitigation measure to reduce vibration impacts would be to use these mentioned alternative methods for pile driving.

BO063-27

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-21, FB-Response-N&V-04.

BO063-28

ISO 9613-2 was, in fact, used for noise-modeling projections.

BO063-29

The propulsion and wheel-rail source noise levels from the HS EMU components found in Table 5-1 of the *Fresno to Bakersfield: Noise and Vibration Technical Report* (Authority and FRA 2012j) were used for noise modeling. For the aerodynamic noise, the VHS Electric components were used in order to predict HST project noise levels.

BO063-30

This is true. A moderate impact is considered less than significant.

BO063-31

The screening distance is less because the transfer-mobility testing revealed the actual transmission characteristics of the soil along the right-of-way, where the distance to the screening distances was established. The screening distance is 175 feet, based on the transfer-mobility tests.

BO063-32

Specific areas where pile driving may be conducted have not been identified; however, vibratory pile driving and the drilling and casing methods have been recommended as mitigation measures to lessen the impact of pile driving in areas adjacent to sensitive receivers. The mitigation measure to reduce vibration impacts would be to use these mentioned alternative methods for pile driving.

BO063-33

Specific areas where pile driving may be conducted have not been identified; however, vibratory pile driving and the drilling and casing methods have been recommended as mitigation measures to lessen the impact of pile driving in areas adjacent to sensitive receivers. The mitigation measure to reduce vibration impacts would be to use these mentioned alternative methods for pile driving.

BO063-34

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-21, FB-Response-N&V-04.

Construction vibration analyses are included in Section 8.5 of the *Fresno to Bakersfield: Noise and Vibration Technical Report* (Authority and FRA 2012j).

.

BO063-35

Clarification of construction vibration criteria is not necessary due to the fact that in Section 8.5.1, Construction Vibration Criteria," in the *Fresno to Bakersfield: Noise and Vibration Technical Report* (Authority and FRA 2012j), it initially states that vibration from construction is highly unlikely to damage any structures. Table 8-9 shows the distances to construction vibration damage criteria. The building in question (Mercy Hospital) is still outside the realm of potential impact.

BO063-36

There are planned mitigation measures (sound barriers) for the area near the hospital.

Response to Submission BO063 (Russell Judd, Mercy Hospitals of Bakersfield, October 18, 2012) - Continued

BO063-37

Mitigation Measure N&V-MM#3 in the EIR is in reference to Section 3.4.7.2, Project Noise, so it is safe to say that for the operation of the HST, various options exist to address potential significant noise effects..

BO063-38

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-21, FB-Response-N&V-05.

Analysis could not be conducted at each potential noise-sensitive receiver in order to determine what mitigation measures will be necessary to ensure compliance along the entire portion of every alternative.

Submission BO064 (Ralph Pistonesi, Mid-Valley Investments Co, LLC & Pond Ranch LLC, October 5, 2012)

Sept 20, 2012

To High Speed Rail Authority.
Regarding the Enviornmental Report Comment Period for the Fresno to Bakersfield section of the track.

Dear Sir,

BO064-1 My name is Ralph Pistonesi. I am the managing owner of Mid-Valley Investments Co LLC and Pond Ranch L.L.C.. We farm 2,500 acres of prime wine grape vineyards that will be adversely impacted by H.S.R. in Kern county.

The major problem being caused by the Allensworth By Pass. If the track were to continue along the Hwy 43 corridor, which is the more sensible route, the tracks would impact ONE of our properties on the edge of the vineyards. The route using the Allensworth Bypass would disect diagonally through 2,500 acres of wells, irrigation systems pipelines both farm and irrigation district facilities. It would make access to farm both sides of the tracks like farming in two different counties. The ability for me to utilize our limited irrigation system almost impossible. Our access from one end of the property to the other may involve miles of travel. It completely changes my ability to farm to speak nothing of the diminished value of the entire property. It may also effect my ability to obtain spraying permits through the county. This Approved H.S.R route diagonally disects 2½ miles through our vineyards.

BO064-1

BO064-2

BO064-3

BO064-4 All of this 20 to 30 mile intrusion through prime farm land is because of the H.S.R's unwillingness to skirt the Allensworth State Park, which NO ONE ever goes to, let alone has heard of. I personally inspected the site, there are just short of 300 ft from the current rail tracts and the first houses at Allensworth. The moving of 3 tiny wooden structures elsewhere on the site and 2 trailer houses would eliminate this path of distruction through pistachio and almond orchards, vineyards and other prime Ag. properties.

Submission BO064 (Ralph Pistonesi, Mid-Valley Investments Co, LLC & Pond Ranch LLC, October 5, 2012) - Continued

BO064-4

It is my suggestion that this much more sensible approach be taken. We would be willing to pay ourselves for the movement of these structures to not undergo the distruction and costs doing otherwise would cause.

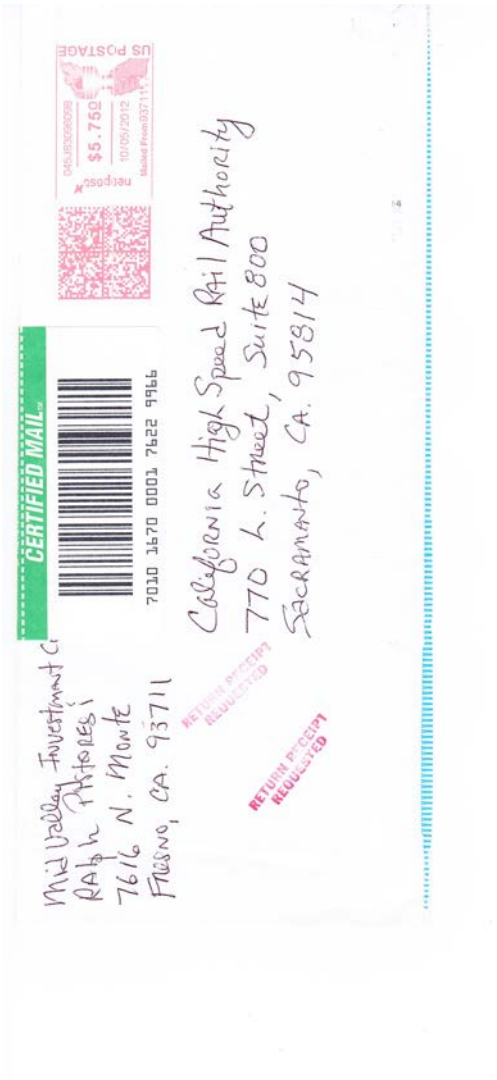
BO064-5

I am completely opposed to this high speed Rail project for about 100 reasons. But it seems politics trumps common sense in California most of the time.

BO064-6

Let us hope changing this Allensworth By Pass is the exception. Maybe with the train going pass Allensworth instead of around it will bring to people's attention that it even exits.

Ralph Pist—



Response to Submission BO064 (Ralph Pistonesi, Mid-Valley Investments Co, LLC & Pond Ranch LLC, October 5, 2012)

BO064-1

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-03, FB-Response-AG-04, FB-Response-GENERAL-10.

The Allensworth Bypass is one alternative along the Fresno to Bakersfield Section alignment. The Authority used the information in the Final EIR/EIS and input from the agencies and public to select the Preferred Alternative. The decision included consideration of the project purpose, need, and objectives, as presented in Chapter 1, Project Purpose, Need, and Objectives; the objectives and criteria in the alternatives analysis; and the comparative potential for environmental impacts. The Preferred Alternative strikes a balance among a number of considerations, including the least overall impact on the environment and local communities (including qualification as the "least environmentally damaging practicable alternative" under the Section 106 Clean Water Act process), cost, HST operational efficiency, and the constructability constraints of the project alternatives evaluated.

See the standard responses listed for discussions of compensation for landowners and the approach to dealing with land severance and access and utility disruptions.

BO064-2

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

For information on potential HST Project impacts on property values see Section 5.4.4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h).

BO064-3

Refer to Standard Response FB-Response-AG-05, FB-Response-AG-02.

BO064-4

Thank you for your comment. Colonel Allensworth State Historic Park encompasses the Allensworth Historic District, which is listed in both the National Register of Historic Places and the California Register of Historical Resources. As such, the Authority and FRA must comply with Section 106 of the National Historic Preservation Act (NHPA), the National Environmental Policy Act (NEPA), the California Environmental Quality Act

BO064-4

(CEQA), California Public Resources Code Section 5006.10, and Assembly Bill 1077 (chaptered October 8, 2011), which require that adverse effects to historic properties be avoided, minimized, or mitigated.

BO064-5

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

Your opposition to the project is noted.

BO064-6

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 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 BO065 (Brian Seibel, MMV Development (Atty. For) Seibel & Finta L.L.P., October 19, 2012)

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RECEIVED
10/22/12

October 18, 2012

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

Responsible NEPA Official
David Valenstein, Chief Environmental
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Federal Railroad Administration
1200 New Jersey Avenue, SE, MS-20, W38-303
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Responsible CEQA Official
Jeff Morales, Chief Executive Officer
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Dear Board Members:

This office represents MMV Development ("MMV"), the owners of an approximately 390-acre property located in the western portion of the City of Hanford, south of Hume Avenue, north of Houston Avenue and east of the Live Oak Slough as shown on Drawings No. CB1020 and CT1334 of the RDEIR/SDEIS. This property is more particularly identified in the High-Speed Rail Authority's Revised Draft EIR/Supplemental Draft EIS for the Fresno to Bakersfield Section ("RDEIR/SDEIS") as "the Live Oak Master Plan/Live Oak Residential Project" ("the Live Oak Project").[1] In August 2009, the City of Hanford approved Vesting Subdivision Maps and a Development Agreement for the Live Oak Master Plan residential and open space. The

[1] See Table 3.19-A-3 of the RDEIR/SDEIS

Live Oak Project is located entirely within the city limits of the City of Hanford and is currently zoned R-1 (One-Family Residential).

This letter is intended to provide MMV's comments to the RDEIR/SDEIS

The RDEIR/SDEIS includes detailed plan lines and profiles of proposed roadway improvements for various alternative alignments, including the proposed Hanford West Bypass Alternative Alignment ("HW Alignment"). Both the Hanford West Bypass 1 and Hanford West Bypass 2 alternatives would be located in the westerly portion of the Live Oak Master Plan (City of Hanford 2009). The Live Oak Master Plan allows for the development of 1560 dwelling units, parks, and open space areas, and construction of supporting infrastructure, including streets, water, sewer, drainage facilities, and other public utilities. There are no specific policies that relate to the HTS' rail alignment and right-of-way in the Live Oak Master Plan.

The proposed HW Alignment traverses the westerly portion of the Live Oak Project as set forth in Drawing No. CB1020 of the RDEIR/SDEIS. As depicted, the proposed northwesterly trending HW Alignment would be an "at-grade" 100 foot wide corridor as it passes through the Live Oak Project. Corridor setbacks of 60 to 100 feet wide might also be warranted to address noise and wind associated with the proposed rail traffic on this Alignment. additionally, the proposed HW Alignment also includes an 34 foot high overcrossing at the Houston Avenue intersection in the southwest corner of the Live Oak Project. The nature and extent of the proposed embankments to support the 4-lane Houston Avenue overcrossing is not specified although it appears it would extend directly into the Live Oak Project, with potential direct impacts to the residential units of the Project.

The Live Oak Plan calls for the production of custom single-family homes and a park west of 12th Avenue in Hanford. Although the nature and extent of the specific impacts resulting from the HW Alternative remain unclear in the RDEIR/SDEIS[2], as proposed, the HW Alignment could potentially directly and indirectly affect the ability of MMV to construct. It is estimated the proposed HW Alternative alignment and

[2] As an example, Attachment 1 of Appendix 3.7-B "Comparison on Biological Resources by Alternatives", notes that an additional 50 acres attributable to the HW Alignment(over and above the acreage associated with the BNSF Alignment) is designated as "unserveyed potential suitable habitat that could support special-status plant species"

Submission BO065 (Brian Seibel, MMV Development (Atty. For) Seibel & Finta L.L.P., October 19, 2012) - Continued

Houston Avenue overcrossing could directly affect a minimum of 94 lots currently planned for single-family development. Additionally, the proposed HW Alternative alignment could sever circulation improvements necessary to support the Live Oak Project. Again, in the absence of more detailed information regarding the location of the HW alternative alignment, it is estimated that 27 or more of the Live Oak's Projects single-family lots could indirectly be subject to internal circulation disruptions, resulting in a redesign of the approved site plan to address these issues. Additionally, the proposed HW Alternative alignment could impede planned water, sewer and drainage improvement necessary to support the Live Oak Project. Furthermore, the proposed HTS Alignment would affect key strategic entries and amenities planned for the Project.

BO065-1

Currently, and for development planning purposes, storm and water runoff from the property is gravity fed into a storm basin at the slough in the southwest corner of the Project at its boundary with Houston Avenue. At that same southwest corner location it is proposed that the water service for the Project shall be delivered. Based on RDEIR/SDEIS Drawing CB-1020 the HW Alternative alignment would directly affect these two services. The RDEIR/SDEIS notes that the HW Alternative could cause a substantial change in intensity of land use incompatible with adjacent land uses and that the effects of the HW Alternative alignment could be significant:

> "These [HW] alternatives would convert more residential, industrial, and agricultural land to transportation uses than the BNSF Alternative. While an HST on these alternative alignments would not change existing uses of adjacent lands or induce growth, the HST would not be compatible with adjacent land uses and would be inconsistent with land use plans, policies, and regulations. For these reasons, the land use effects of the Hanford West Bypass 1 and 2 alternatives would have substantial intensity under NEPA and would result in a significant impact under CEQA"

Nevertheless, the RDEIR/SDEIS does not address in any way the impact of the HW Alternative alignment to the Live Oak Project; nor does it propose any significant methods of mitigation. In fact, the RDEIR/SDEIS seems, inconsistently, to downplay the effects of the HW Alternative alignment that it otherwise describes as significant:

> "In a number of cases, the presence of the HST will disrupt community cohesion or result in community division. These displacement and

BO065-1

> community impacts are discussed in Section 3.12.5, Socioeconomics, Communities, and Environmental Justice. Although impacts will occur to communities and affect some residents, it will not be disruptive enough to force a change in land use patterns. Both the BNSF Railway and UPRR cross through the south San Joaquin Valley and have not prevented recent development of residential neighborhoods in close proximity to the lines. For example, there has been substantial residential development along the BNSF Railway alignment on the western side of metropolitan Bakersfield over the past 30 years.

BO065-2

In substance, the RDEIR/SDEIS recognizes the stimulative impact the project could have in the Hanford area and the fact that additional commercial and residential development could result to address these effects. At the same time it does not adequately reflect or deal with the impact that the HW Alternative alignment will have on proposed residential development currently underway in the area, including the Live Oak Project. In this regard the RDEIR/SDEIS also dismisses the proposal of the U.S. Environmental Protection Agency (EPA) that local general plans (including the City of Hanford's Live Oak Master Plan) be used to identify reasonably foreseeable projects and take such planning into account. The Live Oak Master Plan is recent, and specifically identifies an individual project. The Live Oak Master Plan clearly does provide a reliable and consistent information base to use in analyzing cumulative impacts in a consistent manner insofar as consideration of the HW Alternative alignment is concerned, yet the RDEIR/SDEIS gives no consideration to this Master Plan. While there may be sufficient reason to give less weight to such plans when the consideration is the system as a whole, in considering the HW Alternative alignment as an alternative, due consideration to the Live Oak Master Plan and its specific project is clearly appropriate. Certainly, given the timeframe for the implementation of the proposed HW Alternative alignment and the development of the Live Oak Project, the growth analysis should consider the HW Alternative alignment's affect on the Live Oak Master Plan resources, and the estimated secondary environmental impacts.

BO065-3

Further, the proposed HW Alternative alignment reduces the City of Hanford's ability to meet projected housing demand for all economic levels in the community and places a greater burden on planned development to provide additional open space and meet a mandatory senior and affordable housing requirement. The proposed HW Alternative alignment reduces the permitted and approved residential land (including a

Submission BO065 (Brian Seibel, MMV Development (Atty. For) Seibel & Finta L.L.P., October 19, 2012) - Continued

BO065-3

joint use park and, as noted above, a storm drainage basin) by 67 acres. That residential land would include approximately 94 lots, nine of which are City mandated for affordable housing. Furthermore, the Live Oak Project will potentially be required to redesign another 34 acres to correct road and utility disruptions from the initial right-of-way taking and required new setbacks from the rail line as well as the potential loss of acreage planned to accommodate the Live Oak Project's storm drainage needs. It is unknown at this time how many more developable lots could potentially be lost because of the redesign. Overall, the proposed HW Alternative alignment could potentially adversely affect 26 percent of the project fully approved by the City of Nanford.

BO065-4

The RDEIR/SDEIS also fails to consider the potentially significant environmental impacts to land use, consistency and compatibility with the Hanford General Plan (including the Housing Element). The RDEIR/SDEIS fails to adequately discuss the impacts of its proposed HW Alternative alignment on the ability of the City of Hanford to meet its objectives under California SB375, in particular reducing the ability to meet its housing goals and directing development of land in the City to land that needs to be annexed to the City, thereby diminishing the amount of agricultural land in Kings County and causing additional vehicle miles to be traveled.

BO065-5

The California High Speed Rail Authority is considering the single most significant project in California's history. In this light, the environmental review process should reflect its importance particularly for all of those that will be affected by its design. Further, CEQA advises EIR preparers when evaluating impacts that:

> "The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area." (Section 15064 CEQA Guidelines).

The RDEIR/SDEIS contains extensive analysis of the urban setting of Fresno and Bakersfield and impacts of the stations, as befits a "project level" EIR, At the same time, there is a scarcity of information and analysis of the HW Alternative alignment in the small city of Hanford, only rising marginally to the level of a "program level" EIR. The analysis of potential stations is far more detailed than the analysis of the HW Alternative

BO065-5

alignment and its effects in Hanford and the surrounding area. Certainly, the mandatory Federal requirements of Biology and Environmental Justice stand out as exceptions in the analysis. While loss of agricultural land appears to at the core of land use considerations, the RDEIR/SDEIS fails to recognize those lands in the City of Hanford that have development entitlements. The RDEIR/SDEIS analysis is misleading as the land use analysis uses the superficial "existing use of the land" without thoughtful analysis of actions of the City to approve entitlements for the land. Rather, as also noted above, the RDEIR/SDEIS ducks the entire issue of incompatibility with local plans by telling us on page 3.13-13:

> "[T]he HST project is an undertaking of the Authority and FRA, in their capacities as state and federal agencies. As such, it is not required to be consistent with local plans. However, the HST project's consistency with local plans is described here, by alternative, in order to provide a context for the project."

BO065-6

Beyond the introduction to Section 3.13 Station Planning, Land Use, Development the RDEIR/SDEIS is confusing and misleading as to what impacts will or may potentially effect the Live Oak Master Plan. On the one hand, the RDEIR/SDEIS says that;

> "[T]he analysts used quantitative analysis and GIS tools to determine direct impacts related to the conversion of land uses to a transportation-related use, and the required property acquisitions for the project. The analyst also reviewed local plans and zoning to determine indirect impacts"(page 3.13-16)

Based on the foregoing, it appears that the analysis does not have to be consistent with local plans, yet later the RDEIR/SDEIS identifies inconsistencies and inconsistency under NEPA:

> "An impact with substantial intensity is defined as an impact that would result in changes in the existing land use patterns of adjacent lands due to acquisitions and is not consistent with applicable plans. " (page 3.13-17)
>
> Later under the CEQA impact discussion, it is stated that:
>
> "[L]ocal land use plans are not applicable because the HST project is a state and federal government project, and, as such, is not subject to local

Submission BO065 (Brian Seibel, MMV Development (Atty. For) Seibel & Finta L.L.P., October 19, 2012) - Continued

BO065-6

governments' jurisdictional issues of land use. Consequently, a city or county is not 'an agency with jurisdiction over the project' as described in Appendix G. Therefore, although the EIR/EIS describes the HST project's consistency with local plans in order to provide a context for the project, inconsistency with such plans is not considered an environmental impact." (page 3.13-18)

Yet in the very next paragraph there is an acknowledgment of an impact analysis:

"[T]he impact analysis was divided into construction direct impacts (LU #1), permanent or long-term direct impacts (LU #2), indirect impacts on adjacent land use (LU #3 and #4), and potential for future increased density and transit-oriented development (TOD) at HST stations (LU #5)." (page 3.13-18)

BO065-7

The RDEIR/SDEIS cannot take two such diametrically opposed positions.

The RDEIR/SDEIS substantially understates the potential impact, or it is not considered at all, for each of the alternatives to residential land (the Live Oak Project alone exceeds the entire amount in the table for single-family impacts) in Table 3.13-2 (an excerpt is shown below):

Land Use Designation	Alternative Alignment				
	BNSF	Hanford West Bypass 1 At-Grade	Hanford West Bypass 1 Below-Grade	Hanford West Bypass 2 At-Grade	Hanford West Bypass 2 Below-Grade
Kings County					
Single Family	14	18	13	16	11
Multi-Family	3	1		1	
Commercial	21			3	
Industrial	45	22	4	22	4
Community Facilities	0	1		1	
Agriculture	700	303	296	267	263
Other*	173	372	354	373	355

BO065-7

Total	956	717	668	686	636

Yet the impact summary for NEPA and CEQA fail to adequately address the residential land converted to transportation land uses:

"Approximately 4,000 acres of land would be directly converted to transportation uses by the Fresno to Bakersfield Section, and it is estimated that a few hundred acres may be indirectly converted from agricultural to commercial uses. This represents less than 0.01% of the total land area of the four counties affected by the project. Therefore, the land use impact of the project would not be significant under NEPA." (page 3.13-59)

BO065-8

Further, the CEQA significance conclusion fails to acknowledge the impact on approved residential projects and disregards entirely any impacts except to agricultural land;

"The permanent conversion of land for the project would result in a significant land use impact. About 60% of the land converted by the project to transportation uses is currently used for agriculture. The project would represent a substantial change in the intensity of the use of this [emphasis added] land. About 95 miles of the BSNF Alternative passes through agricultural land. For about 31 miles the BNSF Alternative is not adjacent to existing railroad tracks, resulting in a change in the intensity of land use that is incompatible with adjacent land uses."(page 3.13-59)

In its summary of land use impacts, the RDEIR/SDEIS states that: "[N]o mitigation measures have been identified for this land use impact." (page 3.13-60) Yet the very next paragraph refers to Table 3.13-5 which lists mitigation measures focusing only on agricultural land impacts. The impact analysis of alternatives on page 3.13-59 correctly identifies impacts on adjacent lands including the approved Live Oak Project in the City of Hanford as follows:

"The Hanford West Bypass 1 and 2 alternatives, both the at-grade and the below-grade options, would primarily be located in a new right-of-way through agricultural lands"... "[W]hile an HST on these alternative alignments would not change existing uses of adjacent lands or induce growth, the HST would not be compatible with adjacent land uses and would be inconsistent with land use plans, policies, and regulations. For

Submission BO065 (Brian Seibel, MMV Development (Atty. For) Seibel & Finta L.L.P., October 19, 2012) - Continued

BO065-8

these reasons, the land use effects of the Hanford West Bypass 1 and 2 alternatives would have substantial intensity under NEPA and would result in a significant impact under CEQA."

These inconsistencies only result in confusion and uncertainty. For these reasons, the RDEIR/SDEIS appears inadequate and not in compliance with CEQA requirements.

The DEIR/SDEIS has the responsibility to mitigate or discuss potential mitigation and reject such mitigation and briefly explain the reasons underlying the lead agency's determination. Section 15126.4 of the CEQA Guidelines states, in part:

"(a) Mitigation Measures in General.

(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.

(A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

(B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

(C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix "F".

(D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed,

California High-Speed Rail Authority
Responsible NEPA Official David Valenstein
Responsible CEQA Official Jeff Morales, Chief Executive Officer

the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (*Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.)

(2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

(3) Mitigation measures are not required for effects which are not found to be significant.

(4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:

(A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and

(B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an *ad hoc* exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.

(5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination"

BO065-9

We believe the The RDEIR/SDEIS fails to adequately address the impacts or offer mitigation for the Live Oak Project with regards to the City of Hanford Housing Element nor projects conditioned on implementing the Housing Element in the City. This significant impact not only involves the reduction of approved residential land (essential for the City's Housing Element to comply with State Law), but also the taking of land necessary to meet the conditions of approval pertaining to the Live Oak Project's obligation to provide a fair share of affordable housing for the residents of the city of Hanford.

Submission BO065 (Brian Seibel, MMV Development (Atty. For) Seibel & Finta L.L.P., October 19, 2012) - Continued

In Section 3.18 "Regional Growth", the RDEIR/SDEIS correctly defines its responsibility to "examine both direct and indirect consequences, which may occur in areas beyond the immediate influence of an action alternative and at some time in the future." Positive and negative growth (i.e., change) is a potential consequence of the HW Alternative alignment. "Direct Growth Effects" are those caused by any HST alternative, occurring at the same time and place (40 CFR 1508.08). Direct Growth Effects include any permanent jobs directly associated with the HST alternatives as well as any displacement of housing related to the construction and operation of the proposed rail facilities. "Indirect Growth Effects" are considered to be reasonably foreseeable effects caused by the HST alternatives, typically occurring later in time or farther in distance from the project (40 CFR 1502.15[b]; 1508[b]). These include positive or negative growth in population numbers and/or patterns, positive or negative growth in local or regional economic vitality, and associated alterations in land use patterns that could occur with implementation of the HST project." Page 3.18-2 and under CEQA "to evaluate the potential growth-inducing impacts of a proposed project. An EIR must discuss the ways in which a project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." (page 3.18-2)

As noted earlier the RDEIR/SDEIS identifies an important exception to its earlier attempt to remove the FRA and HST Authority from being consistent with local plans, and yet it is the State that mandates the Housing Element required of each City. A Housing Element is a requirement of the State not the local jurisdiction. "The regional housing needs allocation is statutorily linked to the housing element that must be adopted by each city and county as part of its general plan." (page 3.18-3) The housing element must provide adequate land to meet the Regional Housing Need Allocation (RHNA) of the City of Hanford through new construction or rehabilitation of housing. The housing need includes specific allotments for very low and low-income housing.

BO065-10

The RDEIR/SDEIS addresses only a portion of its responsibility of analyzing the impacts of the Project by analyzing induced growth, not its negative impact of replacing approved residential land in Hanford with transportation land uses as required by both NEPA and CEQA for a full and complete analysis. The analysis in the RDEIR/SDEIS does not evaluate the short-term or long term impact on the availability of land in the City of Hanford that can meet the RHNA goals as required by State law nor creating a "potential governmental housing constraint:" to the delivery of affordable housing. This is a major flaw in the RDEIR/SDEIS and failure to analyze this impact cannot be waived.

BO065-11

As discussed early in this letter, the level of significance of impact must take into account impacts in rural cities versus urban cities such as Fresno and Bakersfield. The following statement lacks logical support and indicates a lack of recognition of differences in the various communities:

> "the presence of the HST stations would help direct a portion of this growth and the additional HST-induced growth into higher-density and more sustainable development patterns, and help achieve the goals of the SCS or ACSA adopted by each of the four MPO's [Metropolitan Planning Organization's] within the Fresno to Bakersfield Section pursuant to SB 375, the San Joaquin Valley Blueprint, and general plans in these areas" (page 3.18-27)

The City of Hanford is not in a Metropolitan Planning Organization and as such is not required to adopt a SCS. Secondly, neither of the alternative HST stations planned for Hanford are in the area of Downtown Hanford . Quite the opposite is true; they are in rural agricultural (see Section 3.13).

BO065-12

More importantly, the RDEIR/SDEIS suggests that the mitigation of the HST Authority and FRA decisions belongs to the City of Hanford:

> ("[C]ities and counties in California are required to prepare Housing Elements to meet the State Housing Element law, which requires jurisdictions to adequately plan for existing and projected housing needs." (page 3.18-34)

Aside from the growth induced by the HST project, if there is going to be a delegation of mitigation to local government there must also be a consideration of the effect on the local government of the removal of approved residential land committed to meet the City's RHNA requirements. It is inconceivable that the requirement imposed on the City of Hanford to expand residential land to make up for land lost to the HST project in the City would not be considered a significant impact. It is, therefore, incumbent on the HSTA and FRA to address proposed mitigation for this Project to address that impact. It certainly appears easy to propose a grant program to take care of station mitigation in Fresno and Bakersfield.

We trust our comments will be helpful in the environmental review process and we look forward to your response to our comments.

Submission BO065 (Brian Seibel, MMV Development (Atty. For) Seibel & Finta L.L.P., October 19, 2012) - Continued

California High-Speed Rail Authority
Responsible NEPA Official David Valenstein
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October 17, 2012
Page 13

Very truly yours,

SEIBEL & FINTA

BRIAN D. SEIBEL

Response to Submission BO065 (Brian Seibel, MMV Development (Atty. For) Seibel & Finta L.L.P., October 19, 2012)

BO065-1

Refer to Standard Response FB-Response-LU-03, FB-Response-GENERAL-05.

Analysis of the Live Oak Master Plan was included in Section 3.19 Cumulative Impacts. As stated in Section 3.19, the Hanford West Bypass 1 and Bypass 2 alternatives would interact in similar ways with the approved Live Oak Master Plan. These alternatives would bisect the western portion of the Live Oak Master Plan, through areas designated for residential use. The resulting close adjacency between the proposed HST alignments and the high-sensitivity residential viewers in the master plan area would result in a strong decline in visual quality as seen by these high-sensitivity/high exposure viewers, and represent an effect of substantial intensity under NEPA. Because the residential development plans in combination with the Hanford West Bypass 1 and Bypass 2 alternatives would change the agricultural character of the existing landscape, this would be a significant impact under NEPA. The HST project contribution to this impact would be cumulatively considerable under CEQA.

The HST would be a “design-build” project. That is, the project design would be completed by the contractor who would be chosen to build the project. The Authority and FRA have prepared a project-specific EIR/EIS analyzing the potential environmental consequences of a refined set of alternative corridor alignments and stations along this section based on that level.

BO065-2

Analysis of the Live Oak Master Plan was included in Section 3.19, Cumulative Impacts. As stated in Section 3.19, the Hanford West Bypass 1 and Bypass 2 alternatives would interact in similar ways with the approved Live Oak Master Plan. These alternatives would bisect the western portion of the Live Oak Master Plan, through areas designated for residential use. The resulting close adjacency between the proposed HST alignments and the high-sensitivity residential viewers in the master plan area would result in a strong decline in visual quality as seen by these high-sensitivity/high exposure viewers, and represent an effect of substantial intensity under NEPA. Because the residential development plans in combination with the Hanford West Bypass 1 and Bypass 2 would change the agricultural character of the existing landscape, this would be a significant impact under NEPA. The HST project contribution to this impact would be cumulatively considerable under CEQA.

BO065-3

Refer to Standard Response FB-Response-SO-01, FB-Response-LU-03, FB-Response-LU-04, FB-Response-GENERAL-05.

The housing units in the Live Oak Project are not yet constructed. If constructed and displaced by the HST project, the Authority will comply with applicable federal and state laws and regulations, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The act and its amendments provide guidance on how federal agencies, or agencies receiving federal financial assistance for a project, and will compensate for impacts on property owners or tenants who need to relocate if they are displaced by a project. The Authority will compensate all property owners or tenants in accordance with this act, which applies to all real property.

Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, a person displaced from a subsidized housing unit may be offered a comparable public housing unit as a replacement dwelling or they may be offered a unit subsidized under another housing program, e.g., Section 8 Housing Choice Voucher. Therefore, the HST project will not interfere with how the City of Hanford currently meets its affordable housing requirements.

BO065-4

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-GENERAL-25, FB-Response-LU-03.

The HST project, and the resulting concentration of population and employment growth it is expected to encourage, would not only be consistent with SB 375-related plans and programs, but would also assist the region in implementing the goals of those plans.

Section 3.18 Regional Growth details how the HST alternatives would provide a strong economic incentive for encouraging higher-density and more sustainable development patterns in order to meet market demands for greater transit-oriented development and as a strategy to comply with Sustainable Communities and Climate Protection Act of 2008 (SB 375), the San Joaquin Valley Blueprint, and general plans in the Central Valley.

Response to Submission BO065 (Brian Seibel, MMV Development (Atty. For) Seibel & Finta L.L.P., October 19, 2012) - Continued

BO065-5

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-05.

The EIR/EIS provides a thorough analysis of the impacts in all communities, including Hanford; see Section 3.12.8 Environmental Consequences.

As described in Chapter 3.13, Station Planning, Land Use and Development, the Kings/Tulare Regional Station alternatives would cause a substantial change in intensity of land use incompatible with adjacent land uses, and even with the mitigation proposed in AG-MM#1 to preserve the total amount of farmland, the impact remains significant.

Analysis of the Live Oak Master Plan was included in Section 3.19, Cumulative Impacts. As stated in Section 3.19, the Hanford West Bypass 1 and Bypass 2 alternatives would interact in similar ways with the approved Live Oak Master Plan. These alternatives would bisect the western portion of the Live Oak Master Plan, through areas designated for residential use. The resulting close adjacency between the proposed HST alignments and the high-sensitivity residential viewers in the master plan area would result in a strong decline in visual quality as seen by these high-sensitivity/high exposure viewers, and represent an effect of substantial intensity under NEPA. Because the residential development plans in combination with the Hanford West Bypass 1 and Bypass 2 would change the agricultural character of the existing landscape, this would be a significant impact under NEPA. The HST project contribution to this impact would be cumulatively considerable under CEQA.

The HST would be a “design-build” project. That is, the project design would be completed by the contractor who would be chosen to build the project. The Authority and FRA have prepared a project-specific EIR/EIS analyzing the potential environmental consequences of a refined set of alternative corridor alignments and stations along this section based on that level.

BO065-6

The comment is correct in stating that the project is not required to be consistent with local plans. However, the HST project’s consistency with local plans is described here, by alternative, in order to provide a context for the project. However, the analysis of

BO065-6

impacts is not based upon planning policy, but upon existing and proposed land uses on the project sites. Direct impacts occur if the land use would change for the project footprint, either along the alignment or at a facility or station. Indirect impacts occur where land use adjacent to the project footprint would change as a result of the project, particularly during operation. Therefore, the Revised DEIR/Supplemental DEIS is not inconsistent in its analysis of impacts between planning policy and direct and indirect land uses.

BO065-7

The Live Oak Master Plan is a future project. Therefore, analysis of the Live Oak Master Plan was included in Section 3.19, Cumulative Impacts, and would therefore not be included in Table 3.13-2. As stated in Section 3.19, the Hanford West Bypass 1 and Bypass 2 alternatives would interact in similar ways with the approved Live Oak Master Plan. These alternatives would bisect the western portion of the Live Oak Master Plan through areas designated for residential use. Planned development would have a new context in which to adapt their developments if constructing near the HST project, but this would not preclude use of the land. Future development may need to include noise walls, just as they might consider plantings and walls to divide adjacent areas from agriculture uses to address equipment noise and dust. The HST mitigation measures for noise impacts only address existing buildings and not planned future developments; refer to Section 3.4, Noise and Vibration, under N&V-MM-3: Implement Proposed California High-Speed Train Project Noise and Vibration Mitigation Guidelines.

The Revised DEIR/Supplemental DEIS states that the HST alternatives would result in the permanent conversion of land to transportation uses, which in many locations would be incompatible with existing land uses. Although the amount of land affected by the conversion of uses under the HST alternatives would be a relatively small percent of the four-county study area (approximately 4,000 acres, or less than 0.01%), there is the potential for significant land use incompatibilities to occur. As stated in Section 3.19.4 of the Revised DEIR/Supplemental DEIS, cumulative land use impacts would be substantial under NEPA and significant under CEQA because of changes in land use that could result from implementation of the HST alternatives. The HST alternatives’ contribution to this impact would be substantial under NEPA, and cumulatively considerable under CEQA.

Response to Submission BO065 (Brian Seibel, MMV Development (Atty. For) Seibel & Finta L.L.P., October 19, 2012) - Continued

BO065-7

BO065-8

Measures to preserve farmland to mitigate the change in intensity and unplanned changes on adjacent farmlands are included in Section 3.13.9. This measure would not reduce the impact to less than significant, and this impact would be significant and unavoidable. Residential land uses, which unlike farmland that consists of soils of a certain quality, could be located in a number of other places in the project area. However, in the case of the Live Oak Master Plan, this area under private ownership is proposed for residential uses. The adjacency of the project to the Live Oak Master Plan and resulting impacts cannot be mitigated; therefore, no feasible measures exist regarding the Live Oak Master Plan.

BO065-9

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

The housing units in the Live Oak Project are not yet constructed. If constructed and displaced by the HST project, the Authority will comply with applicable federal and state laws and regulations, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The act and its amendments provide guidance on how federal agencies, or agencies receiving federal financial assistance for a project, and will compensate for impacts on property owners or tenants who need to relocate if they are displaced by a project. The Authority will compensate all property owners or tenants in accordance with this act, which applies to all real property.

Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, a person displaced from a subsidized housing unit may be offered a comparable public housing unit as a replacement dwelling or they may be offered a unit subsidized under another housing program, e.g., Section 8 Housing Choice Voucher. Therefore, the HST project will not interfere with how the City of Hanford currently meets its affordable housing requirements.

The Project only has the potential to impact a small portion of the 390-acre Live Oak

BO065-9

Master Plan property, and would not preclude the development of most, if not all, of the planned 1,560 residential units. Therefore, the Project impacts to the Live Oak Project would not interfere with the goals of the City of Hanford Housing Element and would not negatively impact the City's ability to meet the Regional Housing Needs Assessment (RHNA).

The impacts of mitigation, including the construction of replacement structures, are analyzed in 3.12.11.

BO065-10

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-14.

Around the urban HST stations, the existing land uses are predominantly commercial and industrial; however, residential uses in close proximity to the stations could be affected by station activities. The Kings/Tulare Regional Station alternatives are not proposed to be located at urban sites and would potentially result in conversion of agricultural land. The potential locations of the Kings/Tulare Regional Station alternatives would not displace any affordable housing facilities and would not hamper the city's ability to achieve its affordable housing goals.
The housing units in the Live Oak Project are not yet constructed. If constructed and displaced by the HST project, the Authority will comply with applicable federal and state laws and regulations, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The act and its amendments provide guidance on how federal agencies, or agencies receiving federal financial assistance for a project, and will compensate for impacts on property owners or tenants who need to relocate if they are displaced by a project. The Authority will compensate all property owners or tenants in accordance with this act, which applies to all real property.

Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, a person displaced from a subsidized housing unit may be offered a comparable public housing unit as a replacement dwelling or they may be offered a unit subsidized under another housing program, e.g., Section 8 Housing Choice Voucher. Therefore, the HST project will not interfere with how the City of Hanford currently meets its affordable housing requirements.

Response to Submission BO065 (Brian Seibel, MMV Development (Atty. For) Seibel & Finta L.L.P., October 19, 2012) - Continued

BO065-10

In addition, the City of Hanford Housing Element (http://www.countyofkings.com/planning/housing%20element/Kings%20County%20Housing%20Element_2010-06-01b_final.pdf) shows housing surpluses that appear sufficient to offset any housing loses due to construction of the proposed project and therefore will not impact Hanford's ability to meet its allocation and would not lead to a RHNA deficit.

BO065-11

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

The Kings/Tulare Regional Station (whether considering the East Alternative or the West Alternative) is not consistent with the general plans of either Kings County or the City of Hanford; nor is the Kings/Tulare Regional Station discussed in the San Joaquin Valley Blueprint. The site of the West Alternative is in line with urbanization trends in the Hanford area; the site of the East Alternative, by contrast, is surrounded by agricultural land. Development of this station would reinforce the importance of Hanford as a transportation hub, but would not result in higher-density development in the city's downtown. As discussed in Section 3.13, Station Planning, Land Use, and Development, of the Final EIR/EIS, either of the Kings/Tulare Regional Station sites would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of a station at either site would be likely to result in unplanned changes in the use of existing adjacent land.

Hanford is within Kings County, for which the Kings County Association of Governments is the Metropolitan Planning Organization (MPO). Although Hanford itself is not an MPO, the Kings County Association of Governments is required to adopt a sustainable communities strategy (SCS) that includes the entire county, including the City of Hanford. Pursuant to SB 375, the Kings County Association of Governments must demonstrate how its region will reduce greenhouse gases by 5% in 2020 and 10% in 2035. The SCS will be an element of the Association of Governments' 2014 Regional Transportation Plan.

BO065-12

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

The Kings/Tulare Regional Station (whether considering the East Alternative or the West Alternative) is not consistent with the general plans of either Kings County or the City of Hanford; nor is the Kings/Tulare Regional Station discussed in the San Joaquin Valley Blueprint. The site of the West Alternative is in line with urbanization trends in the Hanford area; the site of the East Alternative, by contrast, is surrounded by agricultural land. Development of this station would reinforce the importance of Hanford as a transportation hub, but would not result in higher density development in the city's downtown. As discussed in Section 3.13, Station Planning, Land Use, and Development, of the Final EIR/EIS, either of the Kings/Tulare Regional Station sites would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of a station at either site would be likely to result in unplanned changes in the use of existing adjacent land. No residential land within the city of Hanford is being directly converted by the project.

Any impacts on planned land uses were evaluated through a review of local planning documents and addressed in Section 3.13, Station Planning, Land Use and Development. The HST alternative station sites are outside of the city limits of Hanford. The Kings/Tulare Regional Station–West Alternative is identified as Low-Density Residential (LD) and Very Low Density Residential (V-LD) areas for eventual incorporation into the City of Hanford. According to the July 16, 2010, letter from the State Housing and Community Development Department (HCD) accepting the City-County Housing Element, HCD's finding of adequate sites to meet the City's regional housing need allocation is largely "based on the preponderance of sites in the RM-2 zone, allowing 22 units per acre, to address the regional housing need for lower income households." This situation would not be affected by the removal of LD and V-LD lands from the sites eventually available for housing.

The Final EIR/EIS does not defer mitigation of impacts on residential lands; rather, it provides an extensive set of mitigation measures using performance standards included in project approval decisions made in the future by the Authority and the FRA. The loss of any existing residences would be compensated by the Authority in accordance with the Uniform Act.

Response to Submission BO065 (Brian Seibel, MMV Development (Atty. For) Seibel & Finta L.L.P., October 19, 2012) - Continued

BO065-12

The project does not alter the existing responsibility placed on the City by California Planning Law (Government Code Section 65580, et seq.) to plan for adequate housing to meet Regional Housing Needs Assessment (RHNA) requirements, which are local requirements and outside the purview of the Authority. Although the Authority is working with local governments to promote infill development and densification of downtowns to support growth and relocate properties, the actual planning and decision making would still be the responsibility of the local governments.

Submission BO066 (Manisha Patel, Morning Sunrise Hospitality Inc. and New Horizons Hospitality Inc., September 19, 2012)

Fresno - Bakersfield (July 2012+) - RECORD #186 DETAIL

Status :	Unread
Record Date :	9/19/2012
Response Requested :	
Stakeholder Type :	Business
Affiliation Type :	Businesses and Organizations
Interest As :	Businesses And Organizations
Submission Date :	9/19/2012
Submission Method :	Website
First Name :	Manisha
Last Name :	Patel
Professional Title :	President
Business/Organization :	Morning Sunrise Hospitality Inc. and New Horizons Hospitality Inc.
Address :	
Apt./Suite No. :	
City :	Fresno
State :	CA
Zip Code :	93706
Telephone :	559-237-7451
Email :	gablesmotelfresno@yahoo.com
Email Subscription :	
Cell Phone :	
Add to Mailing List :	
BO066-1 **Stakeholder Comments/Issues :**	I want at least twenty times my annual gross revenue for any impact or disturbances to my businesses noise, dust, vibrations and any street closures or construction delays for access to my businesses and anything not mentioned in this letter of statement concern.
EIR/EIS Comment :	Yes
Official Comment Period :	Yes

Response to Submission BO066 (Manisha Patel, Morning Sunrise Hospitality Inc. and New Horizons Hospitality Inc., September 19, 2012)

BO066-1

Refer to Standard Response FB-Response-SO-01, FB-Response-SO-03, FB-Response-N&V-04, FB-Response-N&V-05.

For information on the impacts on commercial and industrial businesses in communities see Volume I, Section 3.12, Impact SO #10.

During construction, neighborhoods could experience impacts related to noise, dust, and traffic congestion. Depending on the location of construction activities, impacts on the neighborhoods would vary, as would the amount of time. Each of the resource chapters in the Final EIR/EIS (refer to Section 3.2, Transportation; Section 3.3, Air Quality and Global Climate Change; Section 3.4, Noise and Vibration; etc.) includes a description of the affected environment, the project construction impacts on that environment, and the feasible means of reducing or avoiding those impacts. Measures will be implemented to address these impacts and are identified and referenced in Section 3.12.11.

On average, roadway overpasses would be provided approximately every 2 miles along the track. It is estimated that the proposed project would result in no more than 1 mile of out-of-direction travel for vehicles to cross the HST tracks.

For information on the property acquisition and compensation process see Volume II, Technical Appendix 3.12-A. Individual acquisition and access issues will be determined during the property acquisition process.

Submission BO067 (Jim Neufeld, Neuhouse Farms, October 19, 2012)

LESTER NEUFELD AND SON
NEUHOUSE FARMS

High Speed Rail Authority EIR Comments 9/16/12 prepared by

Lester Neufeld & Son/Neuhouse Farms
Kern County
P.O. Box 8014
Wasco, Ca 93280

(a family partnership representing Jim Neufeld, Priscilla Neufeld, Gwendolyn Neufeld, Nancy Neufeld, Hannah Neufeld, and Dan Waterhouse) these are also the affected individual land owners.

COMMENTS:

BO067-1

This list of EIR mitigation comments assumes that the alternative route chosen is the "bypass of Shafter & Wasco" from the revised EIR map presented August 2012 (mainly Sec 6 T27S R25E). All services below will require an additional hired manager to coordinate with the HSR Authority and carry out work described below. An accountant, law firm, appraiser(s) and other staff will also be hired as necessary by our organization to carry out this project. The manager and/or owner(s) will interface with the "Authority". All related cost and taxes resulting from HSR project assume the "Authority" to be responsible, not just what the minimal law requires.

This farm and its related business cannot be moved to a new location and therefore will be forced to deal with land and crop losses and massive inconveniences. Temporary water systems & cultivation to correct the below mentioned items will be very complicated to rectify temporally or permanently and most likely will be untimely since well drilling, installing associated equipment, connections, pipelines, contractors, water districts, PG&E, So Cal Gas, county permits etc takes months/years of timely step by step coordination. Any problem from one untimely step or delay would result in a whole farm or individual field loses and possible permanent damages for the life of the orchids or crops. This involves 500ac for this immediate farm since all systems tie together and is run by one family partnership. The EIR has not addressed the problems of coordinating these complicated step by step farm reconstruction (temporally or permanently) in a narrow critical window that would practical. The following items have to be addressed.

1. New Irrigation Pipelines will have to be permitted, constructed & rerouted to serve both sides of HSR bypass.

2. a New mainlines will have to be installed and connected to drip systems to serve each side.

2. B Supply reservoirs destroyed will need 2 systems. Filter systems destroyed will need 2 systems – one for each side – each and every drip line will have to be matched & reconnected to a system with the newly created triangle fields. It has to be assured that the system will be matched to yield an equal amount of controlled water over the whole of the field.

4. The deep & domestic water wells destroyed in the proposed path will have to be properly capped, permitted and approved according to law.

LNS P.O. Box N, Wasco, CA 93280 Office 661.758.2455 Fax 661.758.0457 neuhousefarms.com

BO067-1

5. Newly drilled deep well and domestic well will replace destroyed wells. Needed permits for all associated equipment & irrigation, gas lines (So Cal Gas), electric connections (PG&E & contractors).

5b. The Water District NKWSD supply pipeline will have to be planned, permitted, & reconstructed and enabled to serve both sides for dual irrigation systems.

BO067-2

6. New So Cal Gas lines and meters with outlets will have to be permitted and installed to serve both sides

7. Present PG& E Electric lines/poles/transformers will have to be dismantled by PG&E and reinstalled by PG&E to serve both sides according to their schedule.

8. A new house/yard/domestic water systems will require architect, plans, permits, & contractors with all supporting services to be built before actual construction of HSR.

9. Equipment yard with services will have to be contracted and replaced before actual construction of HSR.

10. Equipment shed and buildings, 10k gal fuel tank, domestic water & electrical systems will be dismantled and replaced along with all necessary permits before actual construction of HSR.

BO067-3

11. Direct access will have to be to both sides of farm to accommodate harvest; crop control, irrigation & equipment movement without using State Highways which have not been solved by the EIR. Additional comments (see 12 below).

12. If the bypass is used, than the use of "Blood alley" State Hwy 46 is out of the question for on farm equipment transportation and transportation to our larger operations west of Wasco. The bypass alignment closes use of McCombs Rd and farm equipment will have to go 3 extra miles to the north, go on the overpass (very dangerous with equipment), 1 extra mile west, 3 extra miles to the south and 1 extra mile east and still use the dangerous State Hwy 43 for farm equipment transportation. This is hardly acceptable for its added cost, inefficient, and dangerous transportation to this farm and to our other operations 1 and 10 miles to the west. There is no safe and efficient way to get to the other side of our immediate farm. The neighbors north & south have the same problem. Will The Authority carry additional insurance for all added dangers & pay additional cost of equipment transportation just to get to the other side of our immediate farm and also our farm operations west of Wasco? It is unmanageable.

BO067-4

13. Bee Hive is critical for proper pollination of trees. They are brought in from all across the country at a great expense to pollinate during a very short period of time (about 3 weeks). Bee Hive activity & control of this will be hampered and eliminated with fast moving trains. The Authority will have to be responsible for bee/crop loss damages for the surrounding orchids, the EIR has not yet determined as to how this might be addressed.

14. Aircraft crop control will have new and added areas of restrictions to the disadvantages of crop control – restricted flying over the rail line to control crops – buffer zones and times that will restrict

2

Submission BO067 (Jim Neufeld, Neuhouse Farms, October 19, 2012) - Continued

BO067-4 flying. (And for that matter ground spraying). The Authority will have to take responsibility for newly added areas where restrictions apply for crop control which result in increased cost and damages. The Authority has not answered questions of how this will be compensated. It simply is not the same as with the present BNSF conditions. It is an added inconvenience and cost that did not exist **before** no matter how the present laws address or govern this issue.

BO067-5 15. Fields will now have to have additional turn rows near the HSR thus resulting in more loss of farmland. It does not just involve the 100' proposed path but possibly an additional 35-50'on each side for the whole 1 mile pathway. Is the Authority going to pay for land it will not own but will force the owner to construct new turn rows that are presently not needed?

Also temporary construction roads on our property for HSR have not been addressed with other potential damages & safety caused because of the multitudes of HSR equipment/supplies/movement on our property. The effect of public or private road jams will restrict access to our own farm operations and is not addressed or solved by the EIR.

15b.Newly formed triangle fields (possible 8 or 9) will be very difficult and inefficient to manage and this problem will last forever. Will compensation be forever? The EIR does not address this issue.

BO067-6 16. The proposed path takes the heart out of our water supply (Water District & Well) & filters, pressurization and distribution systems as mentioned above. All fields of trees will have an undetermined lack of water and cultivation while HSR is being constructed since the main systems will be cut & destroyed during construction. Temporary constructions will have the same problem. Time will be of essence no matter what time of year. This could result in whole orchards fields being damaged or lost or damaged for the entire life of the trees since they are all tied together. This involves whole blocks or the whole farm, far more acreage than just the path being taken for the HSR.

BO067-7 17. Electric Wells, pumps, and other crucial systems depend on PG&E electricity. The HRS will also depend on the same electricity. HRS will not stop running the "summer hours" from noon to 6 pm to prevent peaking use throughout the electric system. We presently are restricted and face rotating hours. HSR demand of 100's of thousands of electric horsepower will have to be taken from the grid, even more power that today is restricted. The EIR shows our farm is designated to have "power stations" that will certainly restrict our electric power even more than it already is. The EIR or PG&E has not given any credible plan that has answered this potential lack of electric power.

BO067-8 18. Our remaining farm with a HSR running diagonally through it will certainly be valued much less than if the HSR had not been built through our farm. What would a private company have to pay for in devaluation, damages, any associated cost, and other compensations doing the same project? The obligation of Authority should be the same. The private company would have to pay even more to an unwilling seller. We are not a willing seller. The Authority should pay the same. The EIR does not really address this.

19. Present Land Loans will require the expenses of reappraisals, fees, and approval of new land loans of our property with the potential "take" acreage loss and damages to value. It cannot be assumed the

3

BO067-8 bank will be satisfied and may require more equity somewhere else. The process of remortgaging can take 6 months to a year. Nothing can progress until this is done. Who will be responsible for more needed equity and expenses of this untimely process? The EIR does not address this issue.

BO067-9 This and similar problems would exist virtually for all farms up & down the proposed "bypass". Potential damages can be far greater than you imagine. It takes months and years to permit, wait, build, or add to systems dependant on county, state, utilities, contractors, banks, suppliers and others. The Authority's demand for this construction will happen in a fairly narrow window and there are simply not resources

BO067-10 to plan & carry out such changes in a timely manner. The EIR has not addressed the loss implied of this much greater area of farmland. The Authority's responsibility will be much - much larger than just a narrow diagonal path since the threat is to **whole farms & farm operations on either side of the path up & down the whole proposed bypass**.

BO067-11 The above comments are only the foreseen potential safety problems, damages, valuations and costs. Any unforeseen additional problems of safety, damages, values & expenses the Authority also has the responsibility to make whole.

BO067-12 **Following the BNSF corridor as you are suppose to, will greatly diminish these problems**.

Sincerely,

Lester Neufeld & Son/Neuhouse Farms and Listed Individual Land Owners

Jim Neufeld — Nancy Neufeld

Priscilla Neufeld — Hannah Neufeld

Gwen Neufeld — Dan Waterhouse

Response to Submission BO067 (Jim Neufeld, Neuhouse Farms, October 19, 2012)

BO067-1

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

The Authority will fairly compensate landowners for loss or disruptions to their operations during the right-of-way acquisition process, including irrigation systems, wells, and storage basins. The Authority is also working with local districts and municipalities to minimize service disruptions to water distribution systems. Culverts would be installed when the canal system is dry, or if construction was needed during periods of water conveyance, water would be routed around active work areas by cofferdams, pipes, or other temporary conveyance systems.

Federal and State laws require that the Authority pay fair market value for the land that is acquired. The land acquisition process begins before construction. It is during this phase that the Authority's right-of-way agent will work with individual landowners to mitigate impacts from both construction and operation of the HST. It is during this phase that wells and other agricultural infrastructure will be modified so as to minimize impacts from the construction and operation of the HST. Prior to destruction of affected wells, the farm owner would have time to restore infrastructure before construction begins so as to minimize impacts on farm infrastructure.

BO067-2

Refer to Standard Response FB-Response-PU&E-03, FB-Response-AG-04, FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-03.

The commenter lists a variety of services and structures that would be needed to be replaced as a result of the HST right-of-way location. Valuation of the fair market value of necessary improvements and compensation will be determined at the time of right-of-way acquisition.

The Authority would positively locate public utilities within the potential impact area (by probing, potholing, electronic detection, as-built designs, or through other means) prior to construction, in compliance with state law (i.e., California Government Code 4216). Where it is not possible to avoid utilities, they would be improved (e.g., steel pipe encasement), so that there is no damage or impairment to the operation of these utilities

BO067-2

from the High Speed Train project. The Authority would comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 on compensation for impacts on property owners and tenants who must relocate if they are displaced by a federally sponsored project. This Act applies to all real property, including the acquisition of land for relocation of utilities (including agricultural wells). Refer to Section 3.6.5 for further details.

BO067-3

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

HSR policy is to provide roadway overpasses approximately every 2 miles, resulting in no more than 1 mile of out-of-direction travel for vehicles to cross the HST tracks. In most locations in the Fresno to Bakersfield Section, roadway overpasses would be provided more frequently, approximately every mile or less, because of the existing roadway infrastructure. Consequently, out-of-direction travel would be limited to approximately 1 mile in nearly all locations in the project area. Section 3.11.6 of the Revised DEIR/Supplemental DEIS explains that the project design would include coordination with emergency responders to incorporate roadway modifications that maintain existing traffic patterns and fulfill response route needs, resulting in negligible effects on response times by service providers. Section 3.11.5, Safety and Security Environmental Consequences, of the Revised DEIR/Supplemental DEIS provides additional detail regarding emergency response time during HST operations.

BO067-4

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-03, FB-Response-AG-04, FB-Response-AG-05.

Turnaround areas for crops have not been included in the agricultural land impacts because the land would not be removed from agricultural production; however, it is 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.

Response to Submission BO067 (Jim Neufeld, Neuhouse Farms, October 19, 2012) - Continued

BO067-4

The Agricultural Working Group (AWG) was established in July 2011 to assist the Authority as an independent advisory group that could address the issues being raised by the agricultural community. The representatives of this group are specialists and experts in their specific fields of agriculture. They include university, governmental agency, county agricultural commission, and agri-business representatives. A series of White Papers were produced by this group and were presented to the Authority Board. The information contained in the White Papers is included in the Final EIR/EIS in FB-Response-AG-04, Severance – Farm Impacts; FB-Response-AG-05, Pesticide Spraying/Dust/Pollination; and FB-Response-AG-06, Confined Animal Facilities. For more information on the White Papers, see Section 3.14.

BO067-5

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

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 within mapped agricultural lands); however, the Authority 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. Federal and State laws require that the Authority pay fair market value for the land that is acquired. The land acquisition process begins before construction. It is during this phase that the Authority's right-of-way agent will work with individual land owners to mitigate impacts from both construction and operation of the HST. It is during this phase that wells and other agricultural infrastructure will be modified so as to minimize impacts from the construction and operation of the HST. If farmland is not farmable, the authority will compensate the landowner at fair market value.

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

BO067-5

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.

Issues related to possible access conflicts during construction will be resolved at the time the right-of-way agent and landowner come to agreement over the temporary access rights and will be reflected in the access agreement.

BO067-6

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

The project will extend power lines to a series of traction power substations positioned along the HST corridor. The power substations are needed to even out the power feed to the train system. When necessary to bring sufficient electrical power to the power substation, existing lines will be reconstructed in order to serve the project (see Section 2.2.6.1). The traction power substations will draw from the electrical power grid and will not restrict the power to any individual property.

BO067-7

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

The Authority will fairly compensate land owners for loss or disruptions to their operations during the right-of-way acquisition process, including irrigation systems, wells, and storage basins. The Authority is also working with local districts and municipalities to minimize service disruptions to water distribution systems. Culverts would be installed when the canal system is dry, or if construction was needed during periods of water conveyance, water would be routed around active work areas by

Response to Submission BO067 (Jim Neufeld, Neuhouse Farms, October 19, 2012) - Continued

BO067-7

cofferdams, pipes, or other temporary conveyance systems.

BO067-8

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

For information on potential HST project impacts on property values, see Section 5.4.4.3 in the Community Impact Assessment Technical Report.

BO067-9

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

The Authority has committed to maintain a "permit bureau" to help agricultural businesses overcome the regulatory disruptions caused by the project.

BO067-10

Landowners will be compensated with just compensation as determined in the appraisal process. If the highest and best use of the subject larger parcel is for continued agricultural use (or an agricultural use in the interim), then curative work to the remainder will be analyzed for cost-effectiveness to reconfigure and restore the remainder property to its most productive use. For example, the property owner could be compensated for productive trees that need to be removed to allow for a turn row as well as removal and grading costs.

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, and then appraising the remainder in the after condition as a separate parcel as though the project was constructed (i.e., as bisected by the HST), and including any estimated "cost to cure" damages to the remainder, e.g., the cost of re-establishing irrigation systems, replacing wells, etc. The difference between these "before" and "after" values is termed as severance damages and will reflect any loss in value of the remainder due to the construction in the manner proposed.

BO067-10

The Authority will pay all costs associated with escrows and loans (including appraisals) as well as assist lending institutions with partial reconveyances. The process and policies can vary from one lending institution to another, and will be addressed and facilitated by the Authority's acquisition agents at the close of escrow.

The Authority will consider access issues on a case-by-case basis. If it is cost-effective and does not threaten the integrity of the HST, the Authority may provide access under the train route. If it is not determined to be cost-effective, the landlocked portion will be addressed in the appraisal process. The Authority may consider acquiring an access easement on the neighboring parcel under eminent domain.

Impacts to irrigation systems, resulting curative work, and/or potential ramifications will be addressed during the appraisal process, with consultation from experts in the hydraulic engineering and agriculture management fields. The timing of any restorative work or reconfigurations will be addressed at the acquisition stage and documented in the right-of-way contract.

Uneconomic remnant parcels can be identified at the right-of-way engineering appraisal mapping stage in obvious situations or at the appraisal stage in not so obvious situations. Compensation is addressed during the valuation stage and may involve acquisition of the remnant parcel or compensation for the loss in value.

Age of permanent plantings (such as orchards) is an element of comparison and will be considered and analyzed in the appraisal process. Future production is an inherent element of the appraised value.

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

Response to Submission BO067 (Jim Neufeld, Neuhouse Farms, October 19, 2012) - Continued

BO067-10

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.

BO067-11

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

The Authority will compensate landowners for right-of-way acquisition and associated damages, and landowner costs at the time of right-of-way acquisition. If landowners later identify unforeseen damages resulting from the project, they may bring them to the attention of the Authority, which will evaluate them on a case-by-case basis.

BO067-12

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

See Standard Response FB-Response-GENERAL-02 regarding the design requirements associated with high-speed operation that make it infeasible for the HST System to stay within the BNSF Railway (BNSF) corridor. The Authority used the information in the Final EIR/EIS and input from the 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 evaluated. The Preferred Alternative is reflected in the Final EIR/EIS.

Submission BO068 (Matt Delgado, Piccadilly Inn Express, August 15, 2012)

Fresno - Bakersfield (July 2012+) - RECORD #85 DETAIL

Status :	No Action Required
Record Date :	8/15/2012
Response Requested :	No
Stakeholder Type :	Business Opportunity Notices
Affiliation Type :	Businesses and Organizations
Interest As :	Businesses And Organizations
Submission Date :	8/15/2012
Submission Method :	Website
First Name :	Matt
Last Name :	Delgado
Professional Title :	Director of Sales & Marketing
Business/Organization :	Piccadilly Inn Express
Address :	5113 E McKinley Avenue
Apt./Suite No. :	
City :	Fresno
State :	CA
Zip Code :	93727
Telephone :	559-375-7720
Email :	mdelgado@piccadillyinnexpress.com
Email Subscription :	Fresno - Bakersfield
Cell Phone :	
Add to Mailing List :	Yes
BO068-1 **Stakeholder Comments/Issues :**	We are all very excited to hear that Fresno is part of this exciting new high speed rail and we wanted to let you know that we are willing to help as much as possible for your project. We here at the Piccadilly Inn Express wanted to offer anyone coming with your project a rate of $65 plus tax for either a single king bed or a double full size bed rooms. The rate does include complimentary breakfast for all guests and use of our complimentary wireless internet. Within the rooms a refrigerator, microwave, blow-dryer, iron, alarm clock radio and flat screen TV with cable are all available. In the area there are quite a few fast food restaurants nearby as well as a Starbucks coffee shop right across the street. Steak and Anchor, serving lunch and dinner is located right next door to us. Our knowledgeable staff can direct you to anywhere you would like to go in Fresno. We strive on making sure that our guests have a great stay and that our rooms are what they'd expect. Our hotel just went through a whole hotel renovation and we are very proud of the results. Please let me know if you have any questions or concerns about our property. Thank you. Matt Delgado Director of Sales & Marketing Piccadilly Inn Express 5113 E McKinley Avenue Fresno, CA 93727 Ph: 559-375-7720 Fax: 559-456-1861 www.piccadillyinnexpress.com
EIR/EIS Comment :	Yes
Official Comment Period :	Yes

Response to Submission BO068 (Matt Delgado, Piccadilly Inn Express, August 15, 2012)

BO068-1

Your comment is noted that your facility is available for people working on the proposed project.

Submission BO069 (Antonio Romos, Romos Furniture, 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:
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 cc... 201... Extended comment period for Fresno to Bakersfield High Speed Train Revised Draft EIR/Supplemental Draft EIS: **July 20 – October 19** ...er 20, ...ally, or 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: Antonio H Romos
Organization/Organización: Romos Furniture
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E-mail Address/Correo Electrónico:
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO069-1

Lo que no estoy de Acuerdo es que bloquen las entradas de mi Ciudad. Bongan a dañar casas que Uds. No Saben con que Sacrificio Nuestra gente la Pagó o esta Pagando con un Salario Misero que Uds. los Politicos y Compañia no Conocen esmas ni Idea Tienen Por Favor no Afecten Mi-Vente

Ant H Romo 10/11/12

Response to Submission BO069 (Antonio Romos, Romos Furniture, October 18, 2012)

BO069-1

Refer to Standard Response FB-Response-GENERAL-10, FB-Response-GENERAL-14, FB-Response-GENERAL-05, FB-Response-SO-01.

For information about the impact on the community of Corcoran, see Volume I of the EIR/EIS, Section 3.12, Impacts SO #6 and SO #9, and Mitigation Measure SO-1. For information about the impacts on communities and 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.

For more information on the property acquisition and compensation process, see Volume II, Appendix 3.12-A.

Consulte la Respuesta Estándar FB-Respuesta-GENERAL-10, FB- Respuesta - GENERAL-14, FB- Respuesta-GENERAL-05, FB-Respuesta-SO-01.

Para obtener información sobre el impacto en la comunidad de Corcoran vea el Volumen I Capítulo 3.12 Impacto SO#6 e Impacto SO#9 y Medida de Mitigación SO-1. Para obtener información sobre los impactos a las comunidades y el potencial de deterioro físico vea el Volumen I Capítulo 3.12 Impacto SO #16. Vea también el Volumen I Capítulo 3.12 Medida de Mitigación SO-5.

Para más información sobre el proceso de adquisición de propiedad y compensación vea el Volumen II Apéndice Técnico 3.12-A.

Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012)

ROSEDALE RANCH

RECEIVED
10/19/2012

October 18, 2012

Mr. Jeff Morales
California High-Speed Rail Authority
Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment
770 L Street Suite #800
Sacramento, California 95814

Subject: Comments Regarding the Fresno to Bakersfield High-Speed Train Draft EIR

Dear Mr. Morales,

Thank you for the opportunity to review and comment on the Draft EIR (DEIR) for the Fresno to Bakersfield section of the high-speed train (HST) system proposed by the California High-Speed Rail Authority (Authority). Rosedale Ranch along with adjacent land owners represent over 3,000 acres of land in northwest metropolitan Bakersfield which have been approved for and are anticipated to be developed with urban land uses over the next twenty years. Millions of dollars have been and continue to be spent for these entitlements to place these acres of land in the position for the development forecasted in the Metropolitan Bakersfield. We have been coordinating with Authority staff and consultants over the past two years. In conjunction with local agencies, we have met with and provided significant information and comments on HST impacts to roadways and circulation in the northwest Bakersfield area. Our comments have focused on impacts to roadways along the Santa Fe Way corridor from Seventh Standard Road to just north of Hageman Road and have included the HST crossings of Renfro/Jenkins/Reina Roads, Kratzmeyer Road, the West Beltway and Seventh Standard Road.

BO070-1

The current version of the HST plans contained in the DEIR do not adequately reflect roadway improvements required to be constructed by the Authority in order to mitigate the impacts created by the HST along the Santa Fe Way corridor. The construction of limited, two-lane rural/agricultural roadway connections over the HST

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along the Santa Fe Way corridor, at locations where city standard six-lane urban arterials and the West Beltway are planned within the near future (as defined in the Regional Transportation Plan), will severely restrict circulation in the northwest Bakersfield area. This restriction in circulation and roadway connectivity will severely limit the ability of planned developments to proceed and cause significant damages to land values on thousands of acres anticipated for residential, commercial and industrial development within the next twenty years. The landowners' inability to proceed with their entitlements could result in the loss of hundreds of millions of dollars and the jobs associated with the development of the property. Therefore, the following roadway improvements shall be constructed along the Santa Fe Way corridor by the Authority in order to mitigate roadway and circulation impacts created by the HST.

BO070-2

Santa Fe Way

Designated as an arterial: six lanes with concrete curb and gutter and a raised center median within 110 feet of right of way

Traffic conditions to 2035 warrant a minimum of four lanes; therefore, the Authority shall be responsible for the following:

- Obtaining 110 feet of replacement right of way from approximately 2,200 feet north of Hageman Road to Seventh Standard Road
- Relocating existing utilities and similar facilities (e.g., gas, water, sewer, oil, fiber optic and electrical) that lie within the existing Santa Fe Way right of way to a location within the 110 feet of replacement right of way, or confirm alternate arrangements with facility owners
- Constructing a four-lane roadway with 12-foot travel lanes from approximately 2,200 feet north of Hageman Road to Seventh Standard Road
  - Use a minimum design speed of 65 mph
  - Include a 14-foot raised center median with stamped concrete and concrete curbs to accommodate future expansion to ultimate arterial standard
  - Construct paved shoulder and concrete curb and gutter on east side
  - Construct paved shoulder and bike lane on west side

Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012) - Continued

- Install fencing adjacent to HST right of way
- Plant xeriscape landscaping on east side

- Constructing 12-foot right-turn lanes with 120-foot bay tapers and 150-foot storage at the intersections of Kratzmeyer Road/Santa Fe Way connector road, realigned Reina Road, and Renfro Road/Santa Fe Way connector road
- Constructing 12-foot left-turn lanes with 120-foot bay tapers and 200-foot storage at the intersections of Kratzmeyer Road/Santa Fe Way connector road, realigned Reina Road, and Renfro Road/Santa Fe Way connector road
- Installing traffic signal systems at the intersections of Santa Fe Way and Kratzmeyer Road/Santa Fe Way connector road and Santa Fe Way and Renfro Road/Santa Fe Way connector road
- Installing traffic signal interconnect conduit and wiring between the traffic signal systems along Santa Fe Way from Galpin Road to Hageman Road

BO070-3

Seventh Standard Road

Designated as an expressway: six lanes with concrete curb and gutter and a raised center median within 110 feet of right of way

Existing grade separation at BNSF Railway

The Authority shall be responsible for the following:

- Obtaining right of way necessary to extend the existing overcrossing to span BNSF, HST and Santa Fe Way rights of way
- Relocating existing utilities and similar facilities (e.g., gas, water, sewer, oil, fiber optic and electrical) which conflict with the overcrossing extension
- Reconstructing and extend existing overcrossing
  - Use a minimum design speed of 60 mph
  - Install street lighting on bridge structure
  - Construct drainage facilities on bridge structure
  - Construct concrete curb, gutter and sidewalk
- Constructing roadway drainage facilities compatible with future adjacent

3 of 20

development (i.e., sump rather than ditches)
- Planting xeriscape landscaping – slopes, parkways and medians
- Relocating/reconfiguring existing intersections which conflict with the overcrossing extension
  - Signalized intersection of Seventh Standard Road and Galpin Street
  - Access to property located south of Seventh Standard Road and east of BNSF Railway

BO070-4

West Beltway

Future freeway: ultimate six lanes, near-term four lanes within 210 feet of right of way

The Authority shall be responsible for the following:

- Obtaining right of way necessary for a full freeway width grade separation spanning BNSF, HST and Santa Fe Way rights of way
  - Tapering from 210 feet at touchdown points to approximately 320 feet at bridge abutments
  - Total structure length approximately 600 feet
- Relocating existing utilities and similar facilities (e.g., gas, water, sewer, oil, fiber optic and electrical) which conflict with the grade separation
- Constructing grade separation structure to accommodate six lane width
  - Width of 96 feet between flow lines, a raised center median , concrete curb and gutter, and appropriate railing and fencing on both sides of the roadway structure
  - Use a minimum design speed of 65 mph for vertical curve design
  - Install street lighting on bridge structure
- Constructing grade separation embankment to a width adequate to accommodate a six lane freeway
- Constructing four 12-foot lanes with shoulders from the bridge abutments to the touchdown points with a 32-foot center median
- Constructing roadway drainage facilities compatible with future adjacent development (i.e., sump rather than ditches)
- Planting xeriscape landscaping – slopes, parkways & medians

4 of 20

Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012) - Continued

BO070-5

Kratzmeyer Road

Designated as an arterial: six lanes with concrete curb and gutter and a raised center median within 110 feet of right of way

Planned grade separated crossing of BNSF Railway

Traffic conditions to 2035 warrant a minimum of six lanes; therefore, the Authority shall be responsible for the following:

- Obtaining right of way necessary for a full arterial width grade separation spanning BNSF, HST and Santa Fe Way rights of way
  - Tapering from 110 feet at touchdown points to 310 feet at bridge abutments
  - Total structure length approximately 500 feet
- Relocating existing utilities and similar facilities (e.g., gas, water, sewer, oil, fiber optic and electrical)which conflict with the grade separation
- Realigning existing canal
- Constructing grade separation structure to accommodate full width arterial street cross section
  - Width of 96 feet between flow lines, a raised center median (minimum 4 feet in width), concrete curb, gutter and sidewalk, and appropriate railing and fencing on both sides of the roadway structure
  - Use a minimum design speed of 65 mph for vertical curve design
  - Install street lighting on bridge structure
  - Construct concrete curb, gutter and sidewalk
- Constructing grade separation embankment to a width adequate to accommodate a full width arterial street
- Constructing six 12-foot lanes from the bridge abutments to the touchdown points, with a 14-foot raised center median
- Constructing roadway drainage facilities compatible with future adjacent development (i.e., sump rather than ditches)
- Providing bike lanes
- Planting xeriscape landscaping – slopes, parkways & medians
- Constructing an intersection with the Kratzmeyer Road/Santa Fe Way connector road and provide left- and right-turn channelization and install traffic signal system.

5 of 20

BO070-6

Kratzmeyer Road/Santa Fe Way connector Road

The Authority shall construct a four-lane roadway within 90 feet of right of way to provide connectivity between Kratzmeyer Road and Santa Fe Way

- Use a design speed of 40 mph for horizontal curve design
- Provide left- and right-turn channelization at intersections

Approximate points of connection

- Kratzmeyer Road: 1,270 feet west of Santa Fe Way
- Santa Fe Way: 1,450 feet north of Kratzmeyer Road

Roadway length: 980 feet (approximate)
Roadway width: 68 feet

BO070-7

Renfro Road/Jenkins Road

Designated as an arterial: 6 lanes with concrete curb and gutter and a raised center median within 110 feet of right of way

Planned grade separated crossing of BNSF Railway

Traffic conditions to 2035 warrant minimum of 4 lanes, standard arterial width is 6 lanes. Therefore, the Authority shall be responsible for the following:

- Obtaining right of way necessary for a full arterial width grade separation spanning BNSF, HST and Santa Fe Way rights of way
  - Tapering from 110 feet at touchdown points to 310 feet at bridge abutments
  - Total structure length approximately 350 feet
- Relocating existing utilities and similar facilities (e.g., gas, water, sewer, oil, fiber optic and electrical)which conflict with the grade separation
- Relocating existing North Kern Water Storage District canal and sump

6 of 20

Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012) - Continued

- Constructing grade separation structure to accommodate full width arterial street cross section
  - Distance of 96 feet between flow lines, a raised center median (minimum 4 feet in width), concrete curb, gutter and sidewalk, and appropriate railing and fencing on both sides of the roadway structure
  - Use a minimum design speed of 65 mph for vertical curve design
  - Install street lighting on bridge structure
  - Construct concrete curb, gutter and sidewalk
- Constructing grade separation embankment to a width adequate to accommodate a full width arterial street
- Constructing six 12-foot lanes from the bridge abutments to the touchdown points, with a 14-foot raised center median
- Providing bike lanes
- Planting xeriscape landscaping – slopes, parkways & medians
- Constructing an intersection with the Renfro Road/Santa Fe Way connector road and provide left- and right-turn channelization and install traffic signal system.

BO070-8

Renfro Road/Santa Fe Way connector road

The Authority shall construct a two-lane roadway within 60 feet of right of way to provide connectivity between Renfro Road and Santa Fe Way

- Use a design speed of 40 mph for horizontal curve design
- Provide left- and right-turn channelization at intersections

Approximate points of connection

- Renfro Road: 1,180 feet west of Santa Fe Way
- Santa Fe Way: 1,120 feet north of Renfro Road

Roadway length: 1,800 feet (approximate)
Roadway width: 40 feet

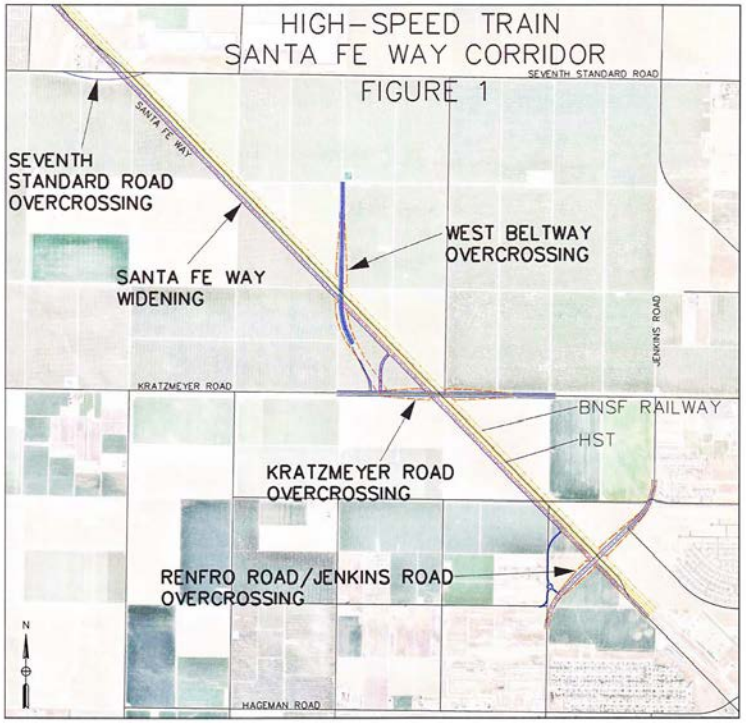
7 of 20

The Authority shall be responsible for all administrative costs incurred by the local agencies and property owners associated with adjustment in approved master plans, circulation elements, land use and zoning designations necessary to accommodate the HST. In addition, the Authority shall work in cooperation with both the local agencies and property owners to achieve the necessary adjustments.

The responsibility of the Authority to accomplish the roadway improvements above (see figure 1 below) is further substantiated in the following regional background information and comment on deficiencies contained in the DEIR.

8 of 20

Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012) - Continued



9 of 20

Regional Background

Longstanding Impediments to Traffic Circulation

Physical barriers which disrupt the continuity of the arterial grid system are the single greatest impediment to traffic circulation in northwestern metropolitan Bakersfield. These barriers consist of the Kern River and various manmade impediments, including BNSF Railway and the Union Pacific Railroad, State Route 99 and numerous canals (see Figure 2 below). The railroads brought the first of the manmade barriers to the area more than 100 years ago when tracks were laid between the time Bakersfield was settled in 1858 and officially incorporated in 1898.

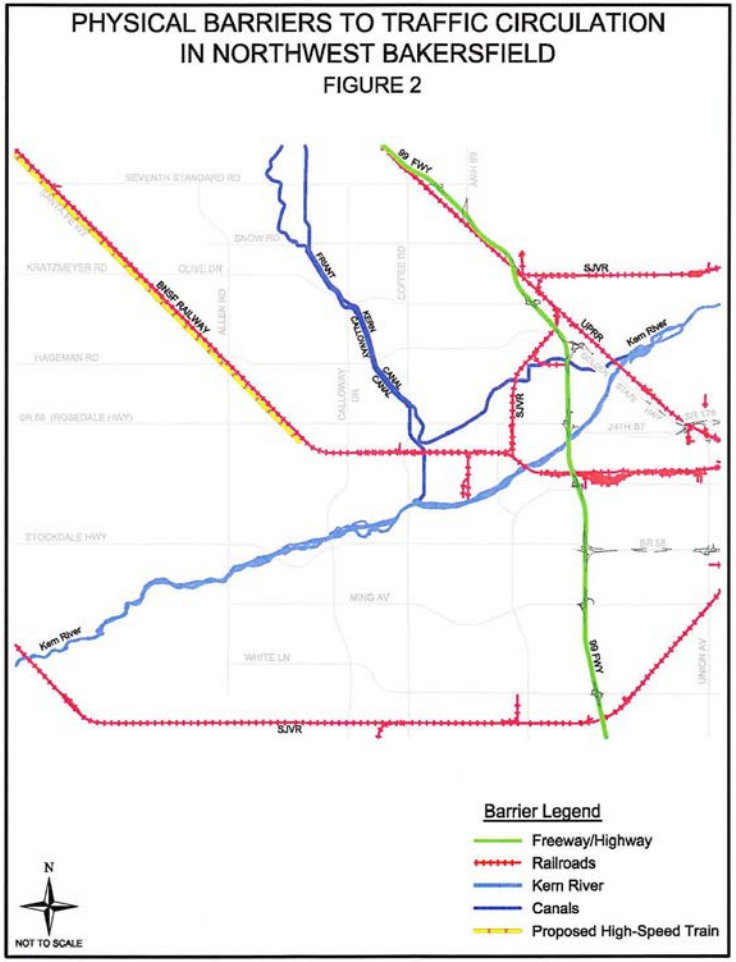
Over the past 30 years, the city and county have invested in a number of transportation improvement projects to mitigate the impacts of physical barriers on traffic circulation in northwestern metropolitan Bakersfield (see Figure 3 below). The total cost of these improvements amounts to more than $300 million (in today dollars) and includes railroad grade separations and river and canal crossings. These projects not only served to eliminate discontinuities in the existing arterial grid system, but were also built to full arterial standards in order to accommodate future travel demands.

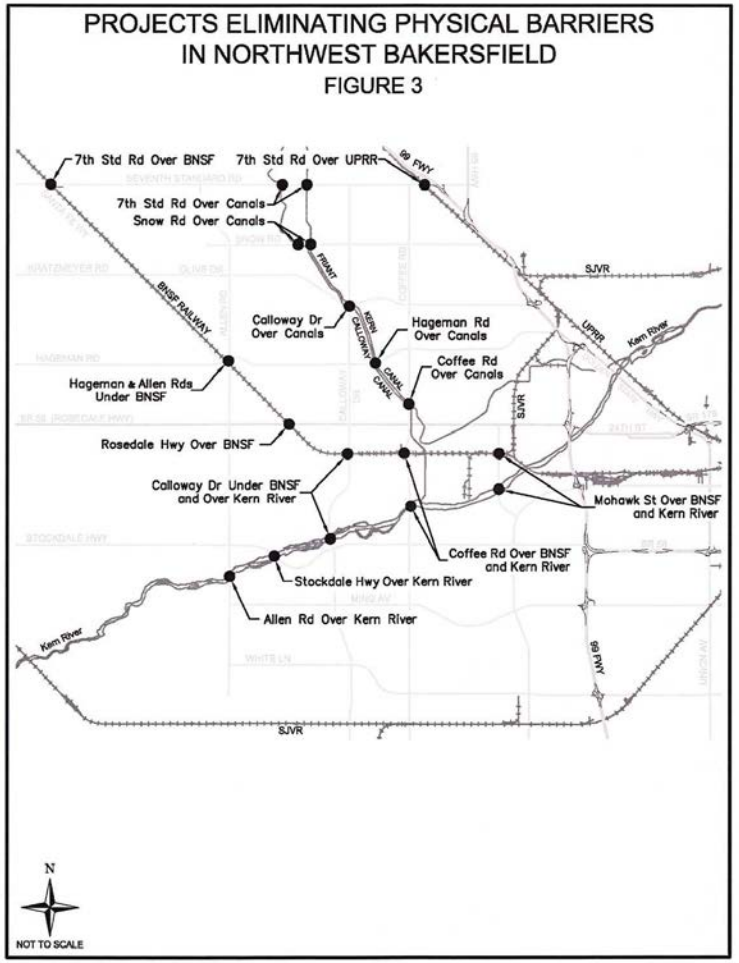
New Impediment Created by High-Speed Rail

As currently planned, the preferred BNSF alignment would be at-grade through northwestern metropolitan Bakersfield, thereby creating an additional manmade barrier which would disrupt the continuity of the existing arterial grid system and impede traffic circulation.

10 of 20

Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012) - Continued





Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012) - Continued

DEIR Deficiencies

SECTION 3.2 TRANSPORTATION

Section 3.2.2 Laws, Regulations, and Orders

Section 3.2.2.2 State; notes that Gov Code 65080 requires transportation planning agency to prepare and adopt a regional transportation plan (RTP); however, it fails to note the Gov Code 65300 requires, among other items, that the legislative body of each county and city shall adopt a comprehensive, long-term general plan (GP); and, that Section 65302 requires that the general plan shall include, among other items, a land use element [65302(a)], and a circulation element [65302(b)]. The circulation element shall include, among other items, existing and proposed major thoroughfares, transportation routes…and other public facilities…all correlated with the land use element of the plan.

BO070-9

Section 3.2.2.3 Regional and Local; includes acknowledgement of local plans and policies and notes the Kern County GP (2009) and the Metropolitan Bakersfield GP, but, the DEIR analysis and mitigation measures fail to address the impacts of the project on the Circulation Element of the GP and all the related impacts to other elements of the GP and future safety, capacity and air quality effects on the transportation system designated in the Circulation Element.

Section 3.2.3 Methods for Evaluating Impacts

Section 3.2.3.5 CEQA Significance Criteria; Operational Phase;

The DEIR indicates:

"The project would also have a significant effect on the environment if it would do any of the following:

- Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

- Result in inadequate emergency access.
- Substantially increase hazards due to a design feature (such as sharp curves or dangerous intersections) or from incompatible uses (such as farm equipment)."(sic)

BO070-10

The DEIR and project design does not adequately address the arterial corridors shown in the Circulation Element nor does it acknowledge that such corridors would likely be developed to ultimate multiple lane configurations with bicycle and pedestrian facilities and expanded intersections with turn lanes in the year 2035 when HST is operational. The lack of such ultimate arterial facilities and the proposed reduction of design speeds shown in the project design would not be consistent with adopted policies, plans and would substantially increase hazards.

Section 3.2.4 Affected Environment

BO070-11

The DEIR indicates: "This section describes the affected environment related to transportation." However, the DEIR basically limits analysis of impacts to the traffic around HST stations and essentially ignores the impacts on other portions of the Circulation Element. (Reference or insert specific notes with examples of insufficient widths of roadways design speeds, etc.)

Section 3.2.4.1 Regional Transportation System indicates in part: "The following subsections summarize the transportation network and facilities in the Fresno to Bakersfield Section."

Highways and Roadways

"The region contains several routes as well as other regionally significant roadways that serve as connections to population centers outside of the Fresno to Bakersfield Corridor. Figures 3.2-1 through 3.2-5 illustrate state routes and other regionally important roadways in this corridor."

BO070-12

The above is the quote of the entire subsection related to Highways and Roadways. Further, Figure 3.2-5, claims to represent regionally significant roads but essentially fails to show many of the arterials described in the Circulation Element. Additionally, for the

Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012) - Continued

roadways that are shown (such as Santa Fe Way, Kratzmeyer Road, Seventh Standard Road) that project design fails to acknowledge or provide for the arterial corridor consistent with the adopted Circulation Element or what would be in place in the year 2035. Likewise, other roadways described in the Circulation Element, but not acknowledged as "regionally significant" by the DEIR, are not adequately addressed by the DEIR or the project design.

3.2.5.3 High-Speed Train Alternatives

BO070-13

Consistency with Regional Plans and Policies

The DEIR indicates in part that: The HST project is generally consistent with the plans and policies in Table 3.2-1. This table includes Kern County GP (2009) and the Metropolitan Bakersfield GP; however, the DEIR and the project design does not adequately acknowledge or provide for any of the highway facilities consistent with the GP Circulation Element.

Project Impacts

BO070-14

Impact TR # 10 – Impacts on Regional Transportation System

The DEIR indicates in part that: The HST alternates would provide benefits to the regional transportation system by reducing trips, etc. Again, the DEIR analysis and mitigation measures fails to address the impacts of the project on the Circulation Element of the GP and all the related impacts to other elements of the GP and the future safety, capacity and air quality effects on the transportation system designated by the Circulation Element.

3.2.7 Mitigation Measures

BO070-15

TR MM#6 Widen Approaches to Intersections

TR MM#7 Add Exclusive Turn Lanes to Intersections

TR MM#8 Add New Lanes to Roadway

The DEIR indicates the above mitigation measures basically to maintain or improve LOS and traffic operations; however, the DEIR analysis and project design are inconsistent with the GP Circulation Element adopted by the County of Kern and the City of Bakersfield as required by State law.

SECTION 3.11 SAFETY AND SECURITY

3.11.3.2 CEQA Significance Criteria

The DEIR indicates in part:

> "CEQA requires the analysis of impacts to determine whether significant impacts would occur as a result of the proposed alternatives and the identification of specific mitigation for significant impacts. A significant safety or security impact would occur if a project were to do one or more of the following:
>
> - Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the safety of such facilities.
> - Substantially increase hazards due to a design feature (e. g. sharp curves or dangerous intersections) or incompatible uses.
> - …Airport land use…
> - …Government facilities…service ratios…
> - Result in inadequate emergency access.
> - Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan."

BO070-16

The DEIR and project design fail to acknowledge and consider the Circulation Element of the GP and the other related elements of the GP which are based on all the arterial facilities designed in the Circulation Element. The lack or reduced capacity and serviceability of arterial corridors as proposed in the project design would directly impact safety and security, emergency access and adopted emergency response and/or emergency evacuation plans based on the currently adopted General Plan elements thereof.

Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012) - Continued

3.11.3.3 Study Area

The third paragraph of this section indicates: "When the HST track is adjacent to a highway or roadway, a barrier is typically required where the roadway is less than 30 to 40 feet from the HST access control fence. Depending on the highway facility, the barrier can range from a standard concrete barrier to a taller barrier that protects against errant commercial trucks or trailers. Where the separation is greater than 30 to 40 feet, barriers may be considered, subject to a risk assessment."

BO070-17

The DEIR and project design does not provide adequate future roadway width consistent with the above provisions and Circulation Element. As proposed, some roadways (e.g. Santa Fe Way) would be extremely difficult to widen as designated by the Circulation Element and/or would have substantial additional costs added to the future road widening which is not being adequately address by the project. Additionally, future risk assessments may find that increased separation width might be required which may further encumber the parallel roadways (e.g. Santa Fe Way). The DEIR and project should acknowledge and provide for all potential risk assessment concerns and/or the HST system should assume any future obligations related to future modification needs or improvements.

3.11.8 NEPA Impacts Summary

The DEIR/DEIS indicates in part, under the HST alternatives, the effects are summarized; the third summarized effect states:

> "The HST alignment would have no effect on motor vehicle, pedestrian, and bicycle safety due to full grade separation and roadway improvements. Because the project involves replacement of at-grade crossings over existing railroad lines, the change of safety for the local communities would have a beneficial effect under NEPA."

BO070-18

Under the current project design and lack of acknowledgement of the Circulation Element of the GP, and all the related elements of the GP, this assertion is grossly in error. The HST system as currently designed will, in fact, encumber and restrict the roadways and transportation improvements designated by the Circulation Element; and,

not allow or substantially reduce the capacity, safety and air quality of the transportation facilities which are currently planned and which would otherwise likely be implemented in the 2035 year when the HST is operational.

3.11.9 CEQA Significance Conclusions

BO070-19

The DEIR/DEIS indicates only one impact and mitigation which relates to increased demand for fire, rescue, and emergency services at the stations and HMF (heavy equipment facilities), with a mitigation measure involving monitoring response of local fire and rescue and emergency services to the stations and HMF. The DEIR/DEIS states that "After mitigation, no impacts related to safety and security would be significant under CEQA."

Similar to the NEPA Impact Summary, Section 3.11.8, this assertion is grossly in error.

3.18 Regional Growth

3.18.2.3 Regional and Local

BO070-20

Kern Council of Governments Destination 2030 Regional Transportation Plan

The DEIR correctly acknowledges the following from the RTP:

> **"Goal:** Livability"
>
> **"Policy:** Support goals contained in city and county general plans that strive to enhance urban and community centers, promote the environmental sensitive use of land in Kern County, revitalize distressed areas, and ensure that new growth areas are planned in a well-balanced manner."

However, the DEIR analysis and project design are inconsistent with the GP Circulation Element adopted by the County of Kern and the City of Bakersfield as required by State law; and, fails properly acknowledge the stated provisions and policy of the RTP.

Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012) - Continued

3.18.2.4 Local

The DEIR correctly acknowledges, among other items, that: Kern County and cities of Shafter and Bakersfield all have adopted general plans. The DEIR states:

> "General plans are required by California state law, and each includes seven mandatory elements (Circulation, Conservation, Housing, Land Use, Noise, Open Space, and Safety and Seismic Safety) and must contain text that describes the goals, objectives, and policies for development. The general plans and their goals, objectives, and policies are guiding documents for the long-range growth, development, and redevelopment. These local plans and policies were considered in the preparation of this analysis."

BO070-21

However, the DEIR analysis and project design are inconsistent with the GP Circulation Element adopted by the County of Kern and the City of Bakersfield as required by State law; and, fails to properly acknowledge the stated provisions and policy which the DEIR purports were considered. At a minimum, if these local plans and policies were considered but not provided for (such as reduced roadway widths, reduce design speeds and decreased capacity, safety and air quality) then extensive analysis, mitigation and/or overriding considerations would be required for any non-compliance with the adopted general plans and all elements thereof.

3.18.4 Affected Environment

The second paragraph under this section acknowledges that Bakersfield is the next largest city in the study area (after Fresno) and that is growing at a faster rate than Fresno (See Table 3.18.1).

3.18.4.1 Population

BO070-22

The DEIR notes that over the next 25 years (2010 to 2035) the population of Kern County is projected to grow 81%, the fastest within the study area.

Accommodation of this stated growth, which is anticipated to be in place by the time the HST is operational, should be reflected in the project design by acknowledging and

providing for all transportation facilities shown in the Circulation Element. The project design should not propose any reductions in design features (width, speed, sight distance, traffic channelization, bicycle and pedestrian uses, or others) which would restrict the full anticipated implementation of the general plans and should not result in any reduction of transportation capacity, safety or air quality.

Summary

In summary, the currently proposed alignment of the HST along the Santa Fe Way corridor, between Hageman Road and Seventh Standard Road, has a significant impact on the current and future street and circulation system as well as the surrounding entitled land. The roadway improvements shown in the DEIR do not mitigate the impacts created by the HST. A detailed list of roadway improvements, along with supporting justification, has been provided in this letter as minimum roadway mitigation required to overcome the impacts created by the HST. Rosedale Ranch looks forward to your positive response to these comments and to working with the Authority on their implementation as the HST project proceeds.

Respectfully,

Keith Gardiner

Mr. Keith Gardiner
Owner/Manager

Representing the following land parcels:

463-020-22	529-010-24
463-010-05	529-010-25
463-040-05	529-010-10
463-040-06	529-010-12
463-040-16	529-010-19
463-040-17	529-010-24
463-040-13	529-010-25

Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012) - Continued

Response to Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012)

BO070-1

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-GENERAL-14.

Commenter refers to design interactions at public road interfaces. The Authority will continue to coordinate with the appropriate local agency having jurisdiction over roadway design throughout the design and procurement process.

BO070-2

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-GENERAL-14.

In coordination with the appropriate local agency, the Authority will restore the existing two-lane Santa Fe Way, to at least its current capacity, to the west of its current location to provide right-of-way for the HST project. The new roadway will be designed to meet current design standards, including design speeds, relocation of utilities, roadway cross section, drainage, landscaping, and turning lanes. The details of the design have not been developed as yet; these details will be completed during the design process, in coordination with the local agency having jurisdiction over roadway design.

The Authority is not responsible for improvements that are not necessitated by the project. However, the Authority will coordinate with local agencies to avoid precluding their plans for future expansion.

BO070-3

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-GENERAL-14.

Commenter again refers to design interactions at public road interfaces (in this instance, at Seventh Standard Road). The Authority will continue to coordinate with the appropriate local agency having jurisdiction over roadway design throughout the design and procurement process.

BO070-4

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-GENERAL-14.

Commenter refers to design interactions at the public road interface with the West Beltway. The Authority will continue to coordinate with the appropriate local agency having jurisdiction over roadway design throughout the design and procurement process.

BO070-5

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-GENERAL-14.

Commenter refers to design interactions at Kratzmeyer Road. The Authority will continue to coordinate with the appropriate local agency having jurisdiction over roadway design throughout the design and procurement process.

BO070-6

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-GENERAL-14.

In coordination with the appropriate local agency, the Authority will provide a grade separation for Kratzmeyer Road over the HST and BNSF Railway alignments, along with a connector road between Kratzmeyer Road and the relocated Santa Fe Way. The new roadways will provide at least the same capacity as the existing roadways. The new roadways will be designed to meet current design standards, including design speeds, relocation of utilities, roadway cross section, drainage, landscaping, and turning lanes. The details of the design have not been developed as yet; these details will be completed during the design process, in coordination with the local agency having jurisdiction over roadway design.

The Authority is not responsible for improvements that are not necessitated by the project. However, the Authority will coordinate with local agencies to avoid precluding their plans for future expansion.

BO070-7

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-GENERAL-14.

In coordination with the appropriate local agency, the Authority will provide a grade separation for Renfro Road over the HST alignment, Santa Fe Way, and the BNSF

Response to Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012) - Continued

BO070-7

Railway alignment that connects with Reina Road and that is designed for traffic to 65 miles per hour (mph). Connection of Renfro Road to Santa Fe Way would be via Hageman Road to the south or Kratzmeyer Road to the north. The new roadways will provide at least the same capacity as the existing roadways. The new roadways will be designed to meet current design standards, including design speeds, relocation of utilities, roadway cross section, drainage, landscaping, and turning lanes. The details of the design have not been developed as yet; these details will be completed during the design process, in coordination with the local agency having jurisdiction over roadway design.

The Authority is not responsible for improvements that are not necessitated by the project. However, the Authority will coordinate with the local agencies to avoid precluding their plans for future expansion.

BO070-8

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-GENERAL-14.

Commenter refers to design interactions at a nonexistent but planned Renfro Road/Santa Fe Way connector road. Although it is entirely unclear how the proposed project would trigger the warrant for this road (because it is not within the purpose and need of the proposed project to deliver future infrastructure not related to an electrified high-speed train), the Authority will continue to coordinate with the appropriate local agency having jurisdiction over roadway design throughout the design and procurement process to accommodate and rectify issues with existing roads.

BO070-9

The HST project's consistency with the *Kern County General Plan* (Kern County Planning Department. 2007) and the *Metropolitan Bakersfield General Plan* (City of Bakersfield and County of Kern. 2007) is discussed further in Section 3.13, Appendix A, Land Use Plans, Goals, and Policies.

BO070-10

The project addresses the transportation network as it exists and in the future, based on known projects that have a reasonable expectation that they will be funded and carried out. The project will not prevent future improvements envisioned by the local agency in the General Plan.

BO070-11

The local General Plan policies and goals establish the framework for the development of the transportation network with a wide range of policies affecting transportation. The EIR/EIS considered the impacts of the project on the existing and planned transportation network, including the impact of traffic at stations on local intersections and the crossing of existing roadways and necessary roadway closures. Levels of service and intersection delay were considered with regard to any impacts. The mitigation measures identified are consistent with General Plan goals, such as the addition of turn lanes and signal improvements at intersections that function poorly. Where improvements are made, they will meet local design requirements to the extent feasible (e.g., allowance for shoulders on new overcrossings, lane widths that meet local standards, etc.). The project will not reduce roadway widths or design speeds, with the exception of where roadway closures are planned, as identified in the EIR/EIS.

BO070-12

The HST project's consistency with the *Kern County General Plan* (Kern County Planning Department 2007) and the *Metropolitan Bakersfield General Plan* (City of Bakersfield and County of Kern 2007) is discussed further in Section 3.13 Appendix A, Land Use Plans, Goals, and Policies. Figure 3.2-5 does not intend or claim to depict all arterial roadways. The figure exhibits interstate, state routes, and local roads pertinent to the HST project identified in the station and alignment Study Area impact analysis.

BO070-13

As indicated in Section 3.13 of the EIR/EIS, the HST project is an undertaking of the Authority and FRA in their capacities as state and federal agencies. As such, it is not required to be consistent with local plans, however, the EIR/EIS has carefully considered local plans in its analysis. The HST project's consistency with the *Kern County General Plan* (Kern County Planning Department 2007) and the *Metropolitan*

Response to Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012) - Continued

BO070-13

Bakersfield General Plan (City of Bakersfield and County of Kern 2007) is discussed further in Section 3.13, Appendix A, Land Use Plans, Goals, and Policies. Figure 3.2-5 does not intend or claim to depict all arterial roadways. The figure exhibits interstate, state routes, and local roads pertinent to the HST project in terms of station and alignment Study Area impact analysis.

BO070-14

The HST project's consistency with the Metropolitan Bakersfield General Plan (City of Bakersfield and County of Kern 2007) is discussed further in Section 3.13, Appendix A, Land Use Plans, Goals, and Policies. Refer to Table 3.2-1 Regional and Local Plans and Policies of the Final EIR/EIS.

BO070-15

Mitigation Measures #6 Widen Approaches to Intersections, #7 Add Exclusive Turn Lanes to Intersections, and #8 Add New Lanes to Roadway are consistent with the *Metropolitan Bakersfield General Plan* Circulation Element's (General Policy #37: "Require new development and expansion of existing development in incorporated areas to fully provide for on-site transportation facilities including streets, curbs, traffic control devices, etc. Within unincorporated areas, street improvements will be determined by County Ordinance (I-27, I-29)" (City of Bakersfield and County of Kern 2007). The HST project includes these improvements for identified adverse traffic impacts.

BO070-16

Refer to Standard Response FB-Response-S&S-04.

Safety issues related to transportation and circulation primarily have to do with changed roadway conditions (access, relocation, volume of traffic, etc.) as a result of the HST. These effects are exhaustively analyzed in Section 3.2, Transportation. Please see a discussion of consistency with regional plans and policies on page 3.2-65. As described in Section 3.2, transportation impacts related to construction are expected to be short term and temporary. Moreover, these effects would not substantially increase hazards or incompatible uses or result in inadequate emergency access. With respect to

BO070-16

operational conditions, this section notes that NEPA impacts with moderate intensity would occur in the congested urban areas of the cities of Fresno and Bakersfield, which could extend the duration of peak periods of congestion and would therefore be considered to be substantial under NEPA. All transportation impacts would be reduced to a less-than-significant level under CEQA with implementation of applicable mitigation measures. Associated safety concerns are addressed in the following impact analyses in Section 3.11: Impact S&S #5 – Motor Vehicle, Pedestrian Accidents Associated with HST Operations; Impact S&S #8 – Increased Response Times for Fire, Rescue, and Emergency Services from Permanent Road Closures; Impact S&S #9 – Increased Response Times for Fire, Rescue, and Emergency Services Associated with Access to Elevated Track; and Impact S&S #10 – Need for Expansion of Existing Fire, Rescue, and Emergency Services Facilities.

BO070-17

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

The HST project does not provide for—nor does it prohibit—future widening of parallel local roadways (e.g., Santa Fe Way). The proposed roadway crossings have sufficient span to allow for planned future widenings.

The Authority will continue to coordinate with the appropriate local agency having jurisdiction over roadway design throughout the design and procurement process.

BO070-18

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

The Authority would coordinate roadway changes and improvements required to accommodate the HST with local jurisdictions to ensure that local plans and policies are considered in the design of these facilities.

BO070-19

Refer to Standard Response FB-Response-S&S-04.

Response to Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012) - Continued

BO070-19

Section 3.11 addresses three impacts related to increased demand for fire, rescue, and emergency services: Impact S&S #8 – Increased Response Times for Fire, Rescue, and Emergency Services from Permanent Road Closures; Impact S&S #9 – Increased Response Times for Fire, Rescue, and Emergency Services Associated with Access to Elevated Track; and Impact S&S #10 – Need for Expansion of Existing Fire, Rescue, and Emergency Services Facilities. In addition to Mitigation Measure S&S-1 referenced by the commenter, described in Section 3.11.6, Project Design Features, would incorporate engineering measures and best management practices based upon federal and state regulations and on the Statewide Program EIR/EIS (Authority and FRA 2005), which would reduce demand on fire, rescue, and emergency services. Applicable design standards for safety and security that would be used for the project are provided in Appendix 2-D. Furthermore, Mitigation Measure S&S-1 is not limited to monitoring response. It states that the *Authority will provide a fair share of the cost of service* (emphasis added) based on monitoring of local fire, rescue, and emergency service providers to incidents at the stations and HMF before and after construction. For all of these reasons, the assertion that the commenter quotes is accurate.

BO070-20

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

BO070-21

As discussed in Section 3.13.2. of the Revised DEIR/Supplemental DEIS, the Circulation Element of the *Kern County General Plan* (Kern County Planning Department 2007a) does not contain any specific policies related to the HST, but does include the goal of making certain that transportation facilities needed to support development are available. The *Metropolitan Bakersfield General Plan* (City of Bakersfield. 2007) includes policies to enhance rail service capacities and use in the planning area, and to support efforts to develop high-speed rail facilities to serve the city. In addition, it encourages the cooperation and support of local agencies to pursue the establishment of high-speed rail service for the plan area, including potential routes and terminal locations. The Metropolitan Bakersfield General Plan contains the following goal, policy, and implementation measure related to the high-speed train (HST) project:

- Goal 5: Enhances rail service capacities and usage in the planning area.

BO070-21

- Policy 12: Supports efforts to develop high-speed rail facilities to serve the plan area (I-11).
- Implementation Measure 10: Local agencies should cooperate in studies to pursue the establishment of high-speed rail service for the plan area, including consensus on potential routes and terminal locations.

As discussed on page 3.13-13 of the environmental document, the HST project is an undertaking of the Authority and FRA in their capacities as state and federal agencies. As such, it is not required to be consistent with local plans. The Authority would coordinate roadway changes and improvements required to accommodate the HST with local jurisdictions to ensure that local plans and policies are considered in the design of these facilities.

BO070-22

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

The population of the San Joaquin Valley is projected to increase by 66.8% between 2009 and 2035, almost twice the percentage increase in population projected for all of California over the same period. Within the Fresno to Bakersfield four-county study area, the population increase would be approximately 73%. An analysis by Cambridge Systematics, Inc., indicates that the HST project would have a small (approximately 3%) incremental effect compared with the forecasted growth in the Central Valley (Cambridge Systematics, Inc. 2010a).

HST-induced population and employment growth would be consistent with current and anticipated future regional growth management plans and programs, which encourage infill development that will concentrate growth in urban areas. Senate Bill (SB) 375 encourages more compact development patterns in the future. Section 3.13, Station Planning, Land Use, and Development, of the Final EIR/EIS describes how the Authority's adopted *HST Station Area Development: General Principles and Guidelines* (Authority 2010) and local plans will encourage beneficial high-density transit-oriented development in the urban areas around the Fresno and Bakersfield stations and discourage the potential for development at the edges of urban boundaries (sprawl). Section 3.13 also includes an analysis of the goals and policies of the local land use and

Response to Submission BO070 (Keith Gardiner, Rosedale Ranch, October 19, 2012) - Continued

BO070-22

other plans to identify conflicts that could result in potential environmental impacts.

Refer to Chapter 2, Alternatives, of the Final EIR/EIS for information on the modeling tool, Vision California, which details the impacts of various climate, land use, and infrastructure policies, and describes the associated development patterns resulting from these policies. Results are produced for a range of metrics, including greenhouse gases, air pollutants, fuel use and cost, building energy use and cost, residential water use and cost, land consumption, and infrastructure cost. The Vision California plan (Authority and SGC 2011b) was written to highlight the unique opportunity presented by California's HST System in shaping growth and other investments. More information about Vision California is available at http://visioncalifornia.org/index.php.

Submission BO071 (Raymond Rubalcaba, Rubalcaba Ag Service, Inc., 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

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: Raymond R Rubalcaba
Organization/Organización: Rubalcaba Ag Service, Inc
Address/Domicilio: 1230 Otis Ave
Phone Number/Número de Teléfono: 559-992-8100
City, State, Zip Code/Ciudad, Estado, Código Postal: Corcoran, Ca 93212
E-mail Address/Correo Electrónico: ray@heglandagri-service.com
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO071-1 We have a business along the route of the High speed rail track. We employ 12 people who all have families in this area of high unemployment. The loss of our business would impact at least 200 farmers throughout the valley. It would impact many ~~business~~ businesses that supply us with parts and service. All our savings were was put into the business and not recovered as yet. We would loose everything I've worked for for 30 years. Please have compassion for not distroy so many lives. Do the right thing! May the Lord lead you in your dicisions.

RECEIVED 10/18/2012

CALIFORNIA High-Speed Rail Authority

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

Name/Nombre: Raymond Rubalcaba
Organization/Organización: Rubalcaba Ag-Service
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Phone Number/Número de Teléfono: 661-979-6522
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)

BO071-2 I am the manager of the Kings mobile Lodge on 614 Otis Ave in corcoran many families can not afford to lose there homes that they have worked so very hard for many dont have cars and the trailer park is in walking distance from where they work and there is no other places in corcoran To move there trailers.

BO071-3 I also am a business owner my shop is also on otis Ave and I cant just pick up and move my shop if I lose my shop I can not operate and people will lose there jobs I imploy 7 people.

Response to Submission BO071 (Raymond Rubalcaba, Rubalcaba Ag Service, Inc., October 18, 2012)

BO071-1

Refer to Standard Response FB-Response-SO-01, FB-Response-SO-03.

BO071-2

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

BO071-3

Refer to Standard Response FB-Response-SO-01, FB-Response-SO-03.

Submission BO072 (John Vidovich, Sandridge Partners, September 10, 2012)

RECEIVED

De Anza Properties

September 10, 2012

California High Speed Rail Authority
Fresno-Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment.
770 L Street, Suite 800
Sacramento, CA 95814

EIR comment follows:

BO072-1

Enclosed and by reference this letter refers to Drawing CB 1450 and 1451, 3 and 4 of 32 sheets, WASCO-SHAFTER subsection Alignment WS1 Stations 5478+50 to 5562+50. The drawing is of Plan and profile. According to the drawing referred the alignment interferes with an existing almond processing plant called "Sunnygem Almonds". The interference is that the plant exists on a series of rectangular parcels in the city limits of Wasco and the tracks as proposed would take out necessary space in the rear so that it severs the plant to make it useless. The plant cost and value is in the neighborhood of 50 million dollars. While there may be some utility in what remains the severance is severe and would destroy or displace a viable almond processing business causing the loss of potentially 500 jobs in addition to the cost of the plant.

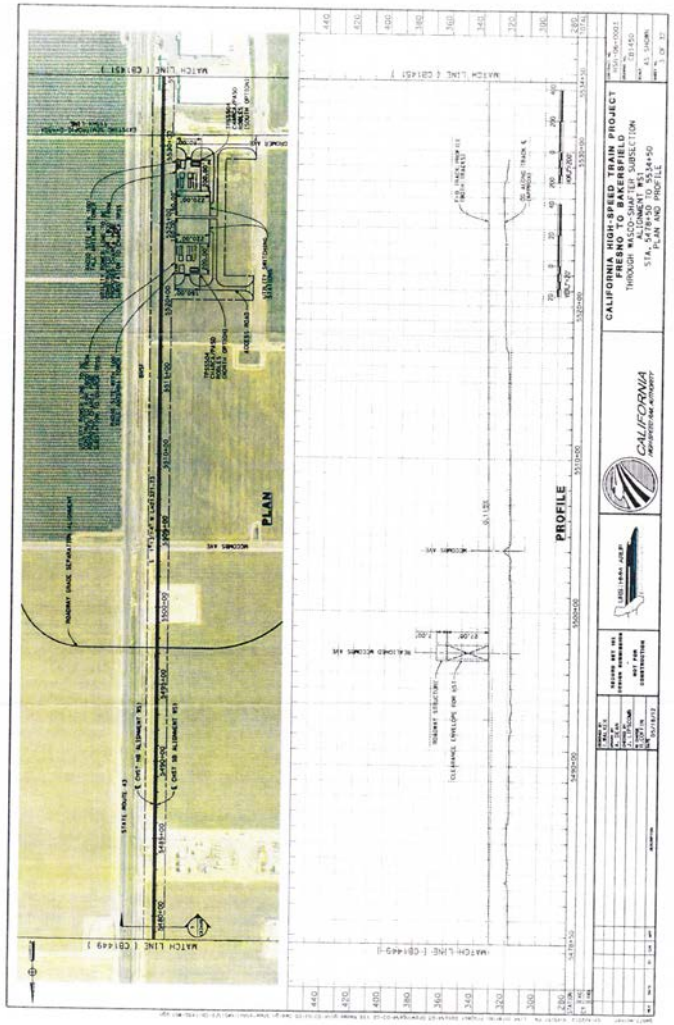
The undersigned is available to meet and discuss the matter. Our suggestion is to realign. I understand that the rail is a massive undertaking and location and alignment will create affects to the businesses located on lands in its path. The affect here is not lower cost farm land but the destruction of a factory operation that will be quite expensive for the tax payers. It would be cheaper to relocate the road adjacent than to encroach onto the factory property in this manner.

Sincerely,

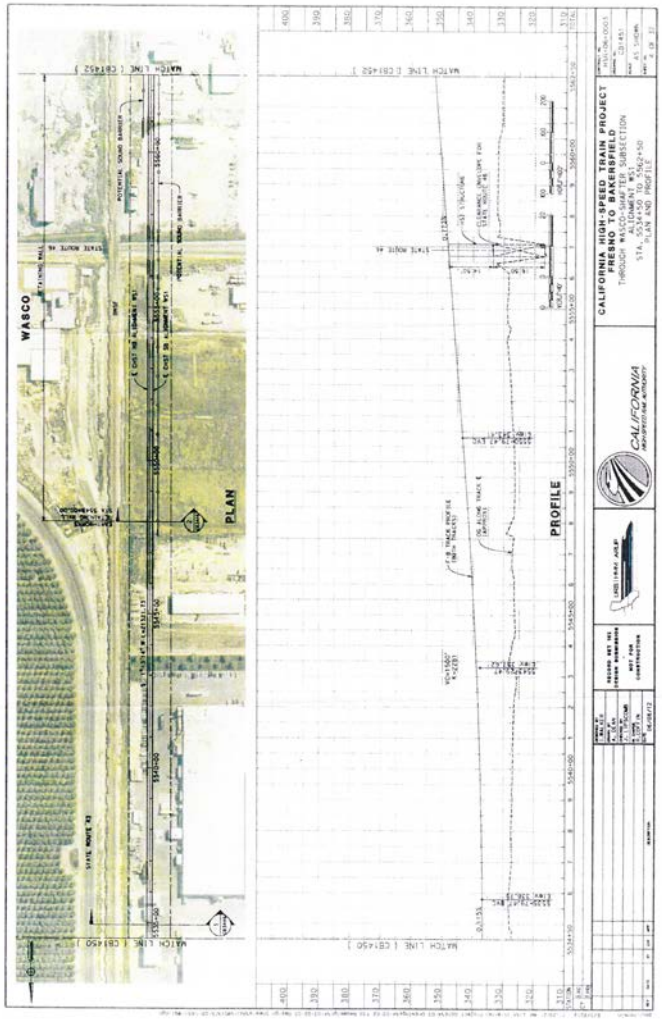
John Vidovich
Sandridge Partners

cc: Chris McCarthy, Pat McCarthy

920 West Fremont Avenue • Sunnyvale, California 94087 • Phone: 408/738-4444



Submission BO072 (John Vidovich, Sandridge Partners, September 10, 2012) - Continued



Response to Submission BO072 (John Vidovich, Sandridge Partners, September 10, 2012)

BO072-1

Refer to Standard Response FB-Response-GENERAL-10, FB-Response-SO-01, FB-Response-SO-03, FB-Response-AG-02.

The Preliminary Alternatives Analysis Report studied alternatives through Wasco on both the western and eastern sides of the BNSF right-of-way. The Wasco/Shafter Through-Town At-Grade Option (CTT2A) would travel on the eastern side of the BNSF right-of-way and was withdrawn during the Preliminary Alternatives Analysis process due to major intrusion through a small community; extensive commercial displacements; loss of road network connectivity; and costly, complex construction. This alignment would also have major impacts on BNSF Railway sidings and spurs and require grade separations that would have major impacts on the existing roadway network. This alignment would require relocation of the existing Amtrak station platform, and pass near an agricultural workers' compound, which could raise environmental justice issues. Two alternatives were carried forward for further analysis in the Fresno to Bakersfield Section EIR/EIS. The Wasco/Shafter Through-Town Elevated Option (CTT2B) (carried forward as the BNSF Alternative) would travel on the western side of the BNSF right-of-way. The Wasco/Shafter At-Grade East Bypass (CTT2D) (carried forward as the Wasco-Shafter Bypass) would bypass both cities to the east.

Submission BO073 (Jeff Taylor, Save Bakersfield Committee, August 22, 2012)

SBC
Save Bakersfield Committee
P.O. Box 9363 Bakersfield, CA 93389
(661) 332-1773

COMMITTEE FOUNDERS:
Jeff Taylor, Chairman
William Descary
Michael Kennedy
Dr. Anil Mehta
Dr. Girish Patel

August 22, 2012

Melisa Porter
Chief Counsel
U.S. Department of Transportation
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: California High-Speed Rail Authority's Violations of NEPA Environmental Justice

Dear Ms Porter:

BO073-1

On August 2, 2012 the California High-Speed Rail Authority (Authority) for the first time adopted an Environmental Justice (EJ) Guidance policy, even though the Authority has been planning the project for well over ten years. This is convincing evidence that the Authority did not consider or comply with provisions of EJ that are mandated by the National Environmental Policy Act (NEPA) laws and regulations from the Authority's inception through the entire design and planning stages of the project to the present day.

Non-compliance of EJ policy and other provisions of NEPA by the Authority are so egregious that the Federal Railroad Administration (FRA) must consider all planning of the project thus far completed by the Authority invalid. Authority violations of NEPA are sufficiently severe to necessitate planning for the project to start anew in strict compliance with all NEPA laws and regulations including those of EJ. The severity of Authority EJ violations must prevent FRA approval of federal funding for the California High-Speed Rail project until all prior EJ violations have been reversed, remedied and mitigated.

The Authority is responsible for the environmental, planning, engineering, constructing, operating and maintenance of the project. The Authority is also the lead agency for purposes of project compliance to California Environmental Quality Act (CEQA) requirements.

The FRA is the lead federal agency under NEPA and is responsible for informing, implementing and reviewing environmental policies of the project to insure compliance with procedural requirements of NEPA. The FRA is also responsible for technical and legal review of regional Environmental Impact Statements. The FRA is chartered to begin its process of considering the environmental impacts of a proposed action by consulting with appropriate federal, state, and local authorities, and with the public at the earliest practical time in the project planning process. The FRA's charter also includes complying with all applicable environmental review laws and regulations of NEPA. The FRA process includes encouraging broad public participation during scoping and review of draft environmental

BO073-1

documents. In addition to publication of notices in the Federal Register, the FRA is responsible for making effective efforts to notify the affected public.

Title VI of the Civil Rights Act of 1964 is a non-discrimination statute providing that: No person in the United States shall, on the ground of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. EJ is a component of Title VI and is a part of environmental law and regulations of NEPA. In September, 2011 the FRA requested that the Authority adopt Title VI policy. The Authority did not adopt Title VI policy until its March, 2012 Board meeting.

NEPA regulations also include Executive Order 12898. The Order addresses achieving EJ by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. The order specifically emphasizes the importance of NEPA's public participation process, directing that "each federal agency shall provide opportunities for community input in the NEPA process." The FRA in accordance with NEPA regulations is responsible for insuring effective policies to help "identify potential effects and mitigation measures in consultation with affected communities, and improve the accessibility of meetings, crucial documents, and notices."

Authority compliance with EJ regulations mandated by NEPA were not even considered until September 15, 2011, when the FRA directed the Authority to develop and implement a Title VI Program to finally address how the Authority will ensure nondiscrimination in the federally financially assisted high-speed rail project. As of August 2, 2012 the Authority had not yet filled the position of Title VI Coordinator.

During the August 2, 2012 Authority Board meeting held in Sacramento, the Authority for the first time adopted an Environmental Justice Guidance (EJG) policy. Board meeting Agenda Item #4 made two requests of the Board. (1) Approve the California High-Speed Rail Authority Environmental Justice Policy and authorize the Chief Executive Officer, Jeff Morales, to sign and widely disseminate. (2) Adopt the Environmental Justice Guidance and authorize the CEO to transmit the EJG policy to the Federal Railroad Administration. The Authority also adopted Resolution #HSRA 12-22 that resolved to approve the new EJG policy.

The EJG policy adopted by the Authority on August 2, 2012 states that "The Authority's Environmental Justice Guidance promotes the incorporation of EJ considerations into its programs, policies, and activities to mitigate disproportionate adverse impacts, particularly on minority and low-income populations. The Authority emphasizes the fair treatment and meaningful involvement of people of all races, cultures, and income levels, including minority and low-income populations, from the early stages of transportation planning and investment decision-making through design, construction, operations and maintenance." Unfortunately, the Authority has unfairly excluded untold thousands of people of all races and cultures from having any meaningful involvement in the early stages of the project's planning, design and decision making processes.

Since the Authority's inception, the project has violated provisions of EJ that are mandated by NEPA. Property owners whose properties will be impacted by the High Speed Rail project were not officially

Submission BO073 (Jeff Taylor, Save Bakersfield Committee, August 22, 2012) - Continued

Page 3 of 5

BO073-1 notified by the Authority that their properties were at risk of being taken or otherwise impacted until July 19, 2012. Stakeholder notification should have been provided much earlier to comply with EJ provisions mandated by NEPA.

The untimely notification by the Authority unjustly prohibited impacted stakeholders from participating in the project planning process. Impacted property owners have been excluded from attending workshops and meetings held by the Authority concerning alignment alternatives. This inexcusable oversight denied stakeholders privileged position status and prohibited stakeholders their right to participate in identifying impacts on the surrounding environment. Stakeholders have been unjustly denied the opportunity to review and make comments on Draft Environmental Impact Report and Study (DEIRS) documents and Authority Business Plans.

Thousands of stakeholders throughout California were unjustly denied the opportunity to attend Authority meetings held prior to July 19, 2012 because the Authority did not notify property owners specifically that plans were being made to take, partially take or otherwise impact their properties in order to make right of way for the project. This is a purposeful and egregious omission on the part of the Authority and violates the intent of federal EJ provisions mandated by NEPA.

BO073-2 The Authority has not provided hard copies of over 30 thousand pages of DEIRS documents written in Spanish language, even though a large percentage of impacted property owners who own properties in the planned alternative alignments are of Hispanic culture. In fact, very few Authority documents have been provided in Spanish language. This violates the intent of EJ provisions mandated by NEPA and has denied Spanish speaking stakeholder's privileged position status.

BO073-3 Potentially impacted property owners have been unjustly denied an opportunity to participate in formulation of feasible project alternatives and appropriate mitigation. It is a violation of EJ to exclude the public from being adequately informed in such a way that they can intelligently weigh the environmental consequences of all contemplated action, and have an appropriate voice in the formulation of all decisions made by the Authority. The Authority has not publicized the addresses of impacted properties in the planned rail alignment nor has the Authority disclosed whether the impacted properties are residential, business, industrial or publicly owned.

BO073-4 There are approximately 30,000 pages of DEIRS documents for the California High Speed Rail project. However, less than 4,800 pages of the documents have been provided on line and on CD for the purpose of review and comment on the Fresno to Bakersfield portion of the project. The Authority has not sufficiently provided over 25,000 pages of DEIRS documents to the public that address the entire high speed rail project. Those documents contain relevant information that is necessary for the public to fully evaluate all of the environmental impacts caused by the project. The Authority's failure to provide all relevant and necessary information to the public has denied stakeholders the ability to effectively review and comment on the environmental impacts of the project and has violated the intent of EJ.

BO073-5 The brief 60 day review and comment period allowed by the Authority for the public, government and other agencies to respond to the DEIRS documents is so unreasonably short that it effectively precludes any meaningful opportunity for informed agency and public participation. Many state agencies, legislators, congressional representatives, community organizations, city and county officials, businesses and individuals requested a review and comment extension last year, but the

Page 4 of 5

BO073-5 Authority has ignored them all. The unreasonable 60 day review and comment periods have violated the Authority's duty to ensure informed public participation in the environmental review process. The 60 day review and comment periods are insufficient for a project of this magnitude, cost and complexity. The Authority should have allowed much longer DEIRS review and comment periods.

BO073-6 The Fresno to Bakersfield DEIRS states that local agencies endorsed the downtown Bakersfield, Truxtun Avenue station. However, concepts considered desirable prior to full evaluation of environmental effects should not preclude consideration of NEPA and CEQA alternatives within a DEIRS that might be effective in avoiding or reducing significant environmental effects. There are no true rail alignment alternative studies for the Bakersfield area in the current DEIRS documents.

BO073-7 NEPA requires that 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 that the Authority provide

BO073-8 reasonable alternative studies for the project's proposed action for the purpose of identifying and evaluating the associated environmental impacts of the alternatives to determine which alternative will accomplish the purpose of the project while causing the least amount of impacts to the environment.

The DEIRS only examined minor variations or combinations of the B1 and B2 alternative alignments when they developed the B3 hybrid alignment in Bakersfield. The three Bakersfield alternative alignments will cause similar, devastating impacts to the Bakersfield community. All three alignments are in most cases only feet apart from each other as they cut through the heart of metropolitan Bakersfield. All three of the alternative alignments are elevated as high as 90' for the entire route through metropolitan Bakersfield and will cause widespread and excessive impacts to all members of the community who live and work within sight and sound of the elevated train tracks.

BO073-9 A DEIRS of less destructive and impactful alternative station locations and alignments outside of, but in close proximity to, metropolitan Bakersfield have not been considered. Peripheral alignment alternatives would cause far fewer negative impacts, especially if built at grade and may cost hundreds of millions of dollars less than the current alternatives. A peripheral alignment alternative may greatly reduce property acquisition costs and the exorbitant expense of constructing an elevated downtown station and 12 miles of elevated viaducts through the heart of Bakersfield.

BO073-10 All three of the Bakersfield alternative alignments will unnecessarily cause "south of the tracks" devaluation to an extended number of properties located within sight and sound of the 12 mile long elevated train tracks and will cause huge impacts to our local property tax base. All three alignments

BO073-11 will unnecessarily destroy an unacceptable number of homes, businesses, jobs and community infrastructure. Widespread and severe destruction of a major portion of a city with severe impacts to culture and quality of life caused by that destruction violate NEPA and CEQA law and violate the intended provisions of EJ.

BO073-12 The DEIRS does not consider other alternatives that could avoid or substantially reduce the project's significant impacts, such as an alignment that follows established transportation corridors per the 2008 Prop-1A Initiative. Failure of the DEIRS documents to consider a reasonable range of alternatives makes the analysis inadequate and incomplete and violates the intended provisions of EJ.

Submission BO073 (Jeff Taylor, Save Bakersfield Committee, August 22, 2012) - Continued

BO073-13

The Council on Environmental Quality (CEQ) has direct oversight of the Federal government's compliance with Executive Order 12898 and NEPA regulations. The CEQ and the Environmental Protection Agency (EPA) have developed guidance policies to further assist the FRA with their NEPA mandated procedures so that EJ concerns are effectively identified and addressed.

Save Bakersfield Committee respectfully requests that the Congress of the United States, Environmental Protection Agency, Federal Railroad Administration and California State Senate, conduct comprehensive investigations of the numerous and egregious violations of NEPA regulations we have addressed and take measures to reverse and mitigate the widespread and severe damage those violations have caused to untold thousands of persons unjustly denied their EJ rights by the California High-Speed Rail Authority. Please withdraw the EIS during the investigation. Please be certain the Authority has fully complied with NEPA and reverses, corrects and mitigates all damages caused to the planning process prior to making any decision to approve Federal funding for the project.

Respectfully Submitted,

Jeff Taylor
Chair, Save Bakersfield Committee

cc:

Congressman Kevin McCarthy
Environmental Protection Agency
California State Senator Jean Fuller
California State Senator Alan Lowenthal
California State Senator Joe Simitian
California Assemblywoman Shannon Grove
California Assemblyman David Valadao
Kern County Board of Supervisors
Bakersfield City Manager Alan Tandy

Response to Submission BO073 (Jeff Taylor, Save Bakersfield Committee, August 22, 2012)

BO073-1

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

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ policy and guidance with the Federal Railroad Administration (FRA). The Authority has subsequently received FRA comment to include the Department of Transportation order, which has been incorporated in the EJ Guidance document. The adoption of the EJ policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. 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 a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project.

Section 4.3 in the Community Impact Assessment Technical Report identifies the environmental justice populations along the project. 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. Impacts SO #17 and SO #18 (Volume 1, Section 3.12) summarize these findings. The Authority and FRA have undertaken substantial outreach to Environmental Justice communities. The Authority has assembled a Title VI Project Team with a coordinator and technical and policy consultants, who can be contacted via the Authority's website.

BO073-2

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

The Authority and FRA have undertaken substantial outreach to environmental justice communities. Materials translated into Spanish included the Executive Summary, Notice of Preparation, a Revised DEIR/Supplemental DEIS overview brochure, fact sheets, and

BO073-2

comment cards at the public workshops and hearings. In addition, a multilingual, toll-free hotline was made available for public comments and requests. Spanish-speaking staff were available at all public workshops and hearings and wore badges saying "Habla Espanol" ("I speak Spanish" for easy visibility. Signs reading "Servicios de Traducción Están Disponibles ("Translation services are available") were posted throughout the meeting space, directing participants to the appropriate staff. Translation services were made available at the public workshops and hearings where opening remarks were made in Spanish. Additionally, in an effort to address concerns about information being available, information about the California High-Speed Rail Authority Title VI Plan has been added to Section 3.12.2, Socioeconomics, Communities, and Environmental Justice, to describe the project benefits, regional and localized effects, and project impacts. Mitigation measures are intended to reduce impacts on environmental justice communities through additional design modifications to reduce visual impacts. Additional outreach will also take place. These measures augment, but do not replace, the outreach undertaken prior to and during the review period of the Draft EIR/EIS and Revised DEIR/Supplemental DEIS.

BO073-3

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

The public was notified about the environmental documents through a notification letter, informational brochure, and Notice of Action, which were written in English and Spanish and sent to landowners and tenants within 300 feet of all alignment alternatives. The letters notified landowners and tenants that their property may be necessary for construction (within the project construction footprint) of one or more of the alignment alternatives or project components under evaluation.

BO073-4

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

BO073-5

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

Response to Submission BO073 (Jeff Taylor, Save Bakersfield Committee, August 22, 2012) - Continued

BO073-6

The Authority and the FRA's prior program EIR/EIS documents selected the BNSF Railway route as the preferred alternative for the Central Valley HST between Fresno and Bakersfield in the 2005 Statewide Program EIR/EIS decision document. Therefore, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF Railway corridor. Refer to Section 1.5, Tiering of Program EIR/EIS Documents.

The Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project, as required under 14 CCR 15126.6 and 40 CFR 1502.15(a). This range of alternatives was analyzed in the EIR/EIS. Refer to Section 2.3.1 of the EIR/EIS.

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

The station locations are designed primarily to tie into the existing transportation network. City centers are where existing transit facilities are, and typically have good connections to the existing highway system. The Authority has not ignored the City of Bakersfield's concerns and suggestions. Input from the City of Bakersfield has been taken into consideration in project planning since the project was initiated. The Bakersfield station was located in downtown Bakersfield adjacent to the Amtrak station at the recommendation of the City of Bakersfield, Kern County, and the Kern Council of Governments. The Revised DEIR/Supplemental DEIS was modified to include information provided by the City of Bakersfield.

BO073-7

The purpose and need for the HST System is fully described in the 2005 Program EIR/EIS (Authority and FRA 2005). The purpose and need of the Fresno to Bakersfield Section of the HST is fully described in Chapter 1 of this EIR/EIS.

The Authority and the FRA's prior program EIR/EIS documents (see Section 1.5, Tiering of Program EIR/EIS Documents) selected the BNSF Railway route as the preferred alternative for the Central Valley HST between Fresno and Bakersfield in the 2005

BO073-7

Statewide Program EIR/EIS decision document. Therefore, the Project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF Railway corridor.

As discussed in Section 2.3.1 of the EIR/EIS, the Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project as required under 14 CCR 15126.6 and 40 CFR 1502.15(a). This range of alternatives was analyzed in the EIR/EIS. The project EIR/EIS for the Fresno to Bakersfield Section appropriately evaluates alternative alignments within the BNSF corridor.

BO073-8

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10, FB-Response-GENERAL-25.

The procedural requirements for the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) were followed during the environmental review for the Fresno to Bakersfield Section of the HST System.

The Authority and the FRA's prior program EIR/EIS documents (see Section 1.5, Tiering of Program EIR/EIS Documents) selected the BNSF Railway (BNSF) route as the Preferred Alternative for the HST System between Fresno and Bakersfield in the 2005 Statewide Program EIR/EIS decision document (Authority and FRA 2005). Therefore, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

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). This range of alternatives was analyzed in the EIR/EIS.

The purpose of project alternatives is to minimize or avoid impacts. For the Fresno to Bakersfield Section of the HST System, alternatives were developed to reduce or avoid

Response to Submission BO073 (Jeff Taylor, Save Bakersfield Committee, August 22, 2012) - Continued

BO073-8

the impacts associated with the BNSF Alternative. In Bakersfield, the BNSF Alternative would displace six religious facilities, the Bakersfield High School Industrial Arts building, the Mercado Latino Tianguis, and 119 homes in the eastern portion of the city. In contrast to the corresponding segment of the BNSF Alternative, the Bakersfield South Alternative would not affect the Bakersfield High School campus or the Mercado Latino Tianguis. However, this alternative would displace five religious facilities, the Bethel Christian School, and 146 homes in east Bakersfield. The Bakersfield Hybrid Alternative would not affect the Bakersfield High School campus or the Bethel Christian School; however, this alternative would displace one religious facility, the Mercado Latino Tianguis, the Bakersfield Homeless Shelter, and 57 homes in east Bakersfield.

BO073-9

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10, FB-Response-GENERAL-25.

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.

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The purpose of project alternatives is to minimize or avoid impacts. For the Fresno to Bakersfield Section of the HST System, alternatives were developed to reduce or avoid the impacts associated with the BNSF Alternative. In Bakersfield, the BNSF Alternative would displace six religious facilities, the Bakersfield High School Industrial Arts building, the Mercado Latino Tianguis, and 119 homes in the eastern portion of the city. In contrast to the corresponding segment of the BNSF Alternative, the Bakersfield South Alternative would not affect the Bakersfield High School campus or the Mercado Latino Tianguis. However, this alternative would displace five religious facilities, the Bethel Christian School, and 146 homes in east Bakersfield. The Bakersfield Hybrid Alternative would not affect the Bakersfield High School campus or the Bethel Christian School; however, this alternative would displace one religious facility, the Mercado Latino Tianguis, the Bakersfield Homeless Shelter, and 57 homes in east Bakersfield.

BO073-9

BO073-10

Refer to Standard Response FB-Response-SO-02, FB-Response-AVR-03, FB-Response-AVR-04, FB-Response-SO-05.

For information on potential HST project impacts on property values, see Section 5.4.4.3 in the Community Impact Assessment Technical Report.

BO073-11

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

For information on the potential for disruption and division in Bakersfield, see the EIR/EIS, Volume I, Section 3.12, Impact SO #6. Also see Impact SO #9 and Impact SO #10 for displacement estimates in Bakersfield. Mitigation Measures SO-2 and SO-3 propose mitigations for identified effects in Bakersfield communities. 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 a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project.

Response to Submission BO073 (Jeff Taylor, Save Bakersfield Committee, August 22, 2012) - Continued

BO073-11

Section 4.3 in the Community Impact Assessment Technical Report identifies the environmental justice populations along the project. 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. Impacts SO #17 and SO #18 (in Volume 1, Section 3.12) summarize these findings.

BO073-12

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-14, FB-Response-GENERAL-17, FB-Response-GENERAL-25, FB-Response-SO-07.

BO073-13

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-27.

Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012)

SBC
Save Bakersfield Committee
P.O. Box 9363 Bakersfield, CA 93389
(661) 332-1773

September 14, 2012

Mr. David Valenstein
Chief, Environment and Systems Planning Division
Office of Railroad Policy and Development
Federal Railroad Administration
U.S. Department of Transportation
1200 New Jersey Avenue SE., MS–20
Washington, DC 20590

SUBJECT: California High-Speed Rail Authority's Violations of NEPA

Dear Mr. Valenstein:

BO074-1

Non-compliance with National Environmental Policy Act (NEPA) provisions including widespread denial of public and local authority participation in the NEPA process by the California High Speed Rail Authority (Authority) is so egregious that the Federal Railroad Administration (FRA) must consider all scoping and planning of the project thus far completed by the Authority invalid. Authority violations of NEPA are sufficiently severe to necessitate planning for the project to start anew in strict compliance with all NEPA laws and regulations including those of Environmental Justice (EJ) that provide for effective efforts to notify the affected public to promote sufficient public participation in the scoping and planning process as per the intent of NEPA. The severity of Authority NEPA violations necessitates that the FRA withhold approval of federal funding for the California High-Speed Rail project until all prior NEPA violations have been reversed, remedied and mitigated.

The FRA is the lead federal agency responsible for project oversight and compliance with NEPA, the Endangered Species Act, and the National Historic Preservation Act. The US Army Corps of Engineers (USACE), the U.S. Environmental Protection Agency (EPA), the FRA, and the California High Speed Rail Authority (CHSRA) signed a Memorandum of Understanding (MOU) in 2010, creating an integrated process for compliance with NEPA. "See Attachment A" The MOU includes a series of checkpoints to determine the least environmentally damaging practicable alternative (LEDPA) for the High Speed Rail project for the purpose of creating an integrated NEPA document that would meet the needs of the FRA and the USACE. Draft Environmental Impact Report (DEIR) documents have been prepared for the High Speed Rail project by the FRA and the Authority with USACE being a cooperating agency.

Section 6.1 "Preferred Alternative" of the Revised Draft Fresno to Bakersfield EIR/S (RDEIR) states that the selection of a preferred alternative will take into account the physical and

BO074-1

operational characteristics, and potential environmental consequences associated with the HST alignments and station and heavy maintenance facility alternatives in which relative differences are identified, such as physical and operational characteristics that include travel time, capital cost, the ability to test and certify trains operating at speeds of 220 mph, right-of-way availability and ability to reach agreement with stakeholders to acquire easements or operating rights, construction complexity, impacts on existing railroad facilities and operations and available funding limitations (e.g., American Recovery and Reinvestment Act of 2009 (ARRA) deadlines).

According to the MOU between CHSRA, FRA, EPA and USACE Tier 2 project level reviews are not limited to Tier 1 program level alternatives. The MOU clearly states that "As sections of the proposed High Speed Train (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 MOU states that a preferred alternative will take into account potential environmental impacts including transportation related topics (air quality, noise and vibration, and energy), human environment (land use and community impacts, farmlands and agriculture, aesthetics and visual resources, socioeconomics, utilities and public services, and hazardous materials and waste), cultural resources (archaeological resources, historic properties) and paleontological resources, natural environment (geology and seismic hazards, hydrology and water resources, and biological resources and wetlands) and section 4(f) and 6(f) resources (certain types of publicly owned parklands, recreation areas, and historic sites).

The MOU at Checkpoint B, (Identification of Project Alternatives for Analysis in the DEIS) clearly states that the public interest review process may require alternatives to be revisited if necessary. A July 22, 2005 letter from the EPA and USACE is incorporated in the MOU as Appendix C. The letter concurred with the alternative most likely to contain the LEDPA for the statewide California HST Project.

BO074-2

The decisions were commensurate with the level and breadth of the environmental data made available to the USACE and EPA at that time and was focused on 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 Clean Water Act 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.

BO074-3

NEPA requires that the Authority demonstrate a need for the proposed project compared with a no build option. Arguably, the need threshold for a high speed rail system has not been met.

BO074-4

NEPA also mandates that the Authority provide reasonable alternative studies for the project's proposed action for the purpose of identifying and evaluating the associated environmental impacts of the alternatives to determine which alternative will accomplish the purpose of the project while causing the least amount of impacts to the environment.

Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - Continued

BO074-5 Environmental impacts associated with a more direct north-south route along the Central Valley's I-5 corridor to the southern portion of the San Joaquin Valley could be much less widespread and severe than the Fresno to Bakersfield alignment being considered in the current RDEIR because the I-5 route could use state-owned right of way or utility easements, reducing conflicts with property owners. In 2010, French National Railway officials proposed running the bullet train along I-5 through the Central Valley linking the system to San Francisco. The French National Railway officials are experienced and successful bullet train operators. They determined that the I-5 route would be the shortest, fastest and lowest-cost alignment, with a price tag of about $38 billion which is substantially less than CHSRA's current route with an estimated cost of $68.4 billion.

BO074-6 The I-5 rail alignment has never been studied under NEPA provisions because it was eliminated prior to the start of that formal review process. The I-5 alignment is arguably a 'better' preferred alternative and merits scoping, planning and environmental study under NEPA. The I-5 alignment may not perform as well for connecting Central Valley cities such as Fresno and Bakersfield, but that could be mitigated by adding spur lines along existing transportation corridors. It is possible that this alternative could outperform the current alternatives for nearly all desired characteristics as described in the RDEIR.

BO074-7 The current RDEIR states that local agencies endorsed the downtown Bakersfield, Truxtun Avenue station. However, concepts considered desirable prior to full evaluation of environmental effects should not preclude consideration of NEPA and CEQA alternatives within an RDEIR that might be effective in avoiding or reducing significant environmental effects. Previous local agency endorsements are outdated. More recently, the City of Bakersfield, City of Wasco and Kern County approved resolutions of opposition to the project as planned. This should be considered "new" information under the 2010 MOU, and under NEPA guidelines.

BO074-8 There are no true rail alternative alignment studies for the Bakersfield area in the current RDEIR documents. The RDEIR examined only minor variations or combinations of the B1 and B2 alternative alignments when they developed the B3 hybrid alignment in Bakersfield. The three Bakersfield alternative alignments will cause similar, devastating impacts to the Bakersfield community. All three alignments are in most cases only feet apart from each other as they cut through the heart of metropolitan Bakersfield. All three of the alternative alignments are elevated as high as 90' for the entire 12 mile long route through metropolitan Bakersfield and will cause widespread and excessive impacts to all members of the community who live and work within sight and sound of the elevated train tracks.

BO074-9 City of Bakersfield officials made a formal request to the CHSRA that a peripheral alignment be studied. Bakersfield City officials also addressed other serious issues that require response by the CHSRA in their 2011 Environmental Impact Comment to the CHSRA. However, the request for a peripheral alignment and virtually every other issue brought to the attention of the CHSRA by the City of Bakersfield has been completely ignored.

BO074-10 A RDEIR of less destructive and impactful alternative station locations and alignments outside of, but in close proximity to, metropolitan Bakersfield have not been considered. Peripheral alignment alternatives would cause far fewer negative impacts, especially if built at grade and may cost hundreds of millions of dollars less than the current alternatives. A peripheral

BO074-10 alignment alternative may greatly reduce property acquisition costs and the exorbitant expense of constructing an elevated downtown Bakersfield station and 12 miles of elevated viaducts that cut through the heart of Bakersfield.

BO074-11 All three of the Bakersfield alternative alignments will unnecessarily cause "south of the tracks" devaluation to an extended number of properties located within sight and sound of the 12 mile long elevated train tracks and will cause huge impacts to our local property tax base. All three alignments will unnecessarily destroy an unacceptable number of homes, businesses, churches, jobs and community infrastructure. Widespread and severe destruction of a major portion of a city with severe impacts to culture and quality of life caused by that destruction violate NEPA and CEQA law and violate the intended provisions of EJ.

BO074-12

BO074-13 The RDEIR does not consider other alternatives that could avoid or substantially reduce the project's significant impacts, such as an alignment that follows established transportation corridors. Failure of the RDEIR documents to consider a reasonable range of alternatives makes the analysis inadequate and incomplete and violates the intended provisions of EJ.

The Council on Environmental Quality (CEQ) has direct oversight of the federal government's compliance with Executive Order 12898 and NEPA regulations. The CEQ and the EPA have developed guidance policies to further assist the FRA with their NEPA mandated procedures so that EJ concerns are effectively identified and addressed.

The FRA is the lead federal agency for the California High Speed Rail project under NEPA and is responsible for informing, implementing and reviewing environmental policies of the project to insure compliance with procedural requirements of NEPA. The FRA is also responsible for technical and legal review of regional Environmental Impact Statements. The FRA is chartered to begin its process of considering the environmental impacts of a proposed action by consulting with appropriate federal, state, and local authorities, and with the public at the earliest practical time in the project planning process. The FRA's charter also includes complying with all applicable environmental review laws and regulations of NEPA. The FRA process includes encouraging broad public participation during scoping and review of draft environmental documents. In addition to publication of notices in the Federal Register, the FRA is responsible for making effective efforts to notify the affected public.

On August 2, 2012 the Authority for the first time adopted an Environmental Justice Guidance (EJG) policy, even though the Authority has been planning the project for well over ten years. Recently, the CHSRA was requested to provide their Right of Way Agents Manual which is an integral part of their EJG policy, but CHSRA responded that they are using Caltrans' manual. This is further evidence that the policy was an afterthought and is convincing evidence that the Authority did not consider or comply with provisions of EJ that are mandated by NEPA laws and regulations from the Authority's inception through the entire design and planning stages of the project to the present day.

BO074-14

Title VI of the Civil Rights Act of 1964 is a non-discrimination statute providing that: No person in the United States shall, on the ground of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. EJ is a component of Title VI and is a part of environmental law and regulations of NEPA. In September 2011, the FRA requested

BO074-15

Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - Continued

BO074-15 that the Authority adopt Title VI policy. The Authority did not adopt Title VI policy until its March 2012 Board meeting.

NEPA regulations also include Executive Order 12898. The Order addresses achieving EJ by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. The order specifically emphasizes the importance of NEPA's public participation process, directing that "each federal agency shall provide opportunities for community input in the NEPA process." The FRA in accordance with NEPA regulations is responsible for insuring effective policies to help "identify potential effects and mitigation measures in consultation with affected communities, and improve the accessibility of meetings, crucial documents, and notices."

BO074-16 Authority compliance with EJ regulations mandated by NEPA were not even considered until September 15, 2011, when the FRA directed the Authority to develop and implement a Title VI Program to finally address how the Authority will ensure nondiscrimination in the federally financially assisted high-speed rail project. As of August 2, 2012 the Authority had not yet filled the position of Title VI Coordinator.

During the August 2, 2012 Authority Board meeting held in Sacramento, the Authority for the first time adopted an EJG policy. Board meeting Agenda Item #4 made two requests of the Board. (1) Approve the California High-Speed Rail Authority Environmental Justice Policy and authorize the Chief Executive Officer, Jeff Morales, to sign and widely disseminate. (2) Adopt the Environmental Justice Guidance and authorize the CEO to transmit the EJG policy to the Federal Railroad Administration. The Authority also adopted Resolution #HSRA 12-22 that resolved to approve the new EJG policy.

The EJG policy adopted by the Authority on August 2, 2012 states that "The Authority's Environmental Justice Guidance promotes the incorporation of EJ considerations into its programs, policies, and activities to mitigate disproportionate adverse impacts, particularly on minority and low-income populations. The Authority emphasizes the fair treatment and meaningful involvement of people of all races, cultures, and income levels, including minority and low-income populations, from the early stages of transportation planning and investment
BO074-17 decision-making through design, construction, operations and maintenance." Unfortunately, the Authority has unfairly excluded untold thousands of people of all races and cultures from having any meaningful involvement in the early stages of the project's planning, design and decision making processes.

BO074-18 Since the Authority's inception, the project has violated provisions of EJ that are mandated by NEPA. Property owners whose properties will be impacted by the High Speed Rail project were not officially notified by the Authority that their properties were at risk of being taken or otherwise impacted until July 19, 2012. Stakeholder notification should have been provided much earlier to comply with EJ provisions mandated by NEPA.

BO074-19 The untimely notification by the Authority unjustly prohibited impacted stakeholders from participating in the project planning process. Impacted property owners have been excluded from attending workshops and meetings held by the Authority concerning alignment alternatives. This

BO074-19 inexcusable [redacted] stakeholders privileged position status and prohibited stakeholders their right to participate in identifying impacts on the surrounding environment. Stakeholders
BO074-20 have been unjustly denied the opportunity to review and make comments on EIR documents and Authority Business Plans.

BO074-21 Thousands of stakeholders throughout California were unjustly denied the opportunity to attend Authority meetings held prior to July 19, 2012 because the Authority did not notify property owners specifically that plans were being made to take, partially take or otherwise impact their properties in order to make right of way for the project. This is a purposeful and egregious omission on the part of the Authority and violates the intent of federal EJ provisions mandated by NEPA.

BO074-22 There are over 14,000 pages of RDEIR documents for the Fresno to Bakersfield California High Speed Rail segment and over 30,000 pages of documents which are directly related to the Program and Project Level EIRs. However, less than 4,800 pages of the documents have been provided on line and on CD for the purpose of review and comment on the Fresno to Bakersfield portion of the project. The 4,800 pages that were included in the CD make over 150 references to
BO074-23 more detailed information in the form of Technical Reports, yet those reports are not included on
BO074-24 the CD. The reports are not available locally in libraries. In fact, the reports are only available on the HSRA's website. Most reports are so large that they require not only a computer and access to the internet, but high speed access to the internet. The reports contain relevant information that is necessary for the public to fully evaluate all of the environmental impacts caused by the project. The Authority's failure to provide all relevant and necessary information to the public has denied stakeholders the ability to effectively review and comment on the environmental impacts of the project and has violated the intent of EJ.

BO074-25 The Authority has not provided hard copies of RDEIR documents written in Spanish, even though a large percentage of impacted property owners who own properties in the planned
BO074-26 alternative alignments are Hispanic. In fact, very few Authority documents have been provided in Spanish. This violates the intent of EJ provisions mandated by NEPA and has denied Spanish speaking stakeholder's privileged position status.

BO074-27 Potentially impacted property owners have been unjustly denied an opportunity to participate in formulation of feasible project alternatives and appropriate mitigation. It is a violation of EJ to exclude the public from being adequately informed in such a way that they can intelligently weigh the environmental consequences of all contemplated action, and have an appropriate voice in the formulation of all decisions made by the Authority. The Authority has not publicized the
BO074-28 addresses of impacted properties in the planned rail alignment nor has the Authority disclosed whether the impacted properties are residential, business, church, industrial or publicly owned.

BO074-29 The brief 60 day review and comment periods allowed by the Authority for the public, government and other agencies to respond to previous environmental impact and study documents and business plans was so unreasonably short that it effectively precluded any meaningful opportunity for informed agency and public participation. Many state agencies, legislators, congressional representatives, community organizations, city and county officials,
BO074-30 businesses and individuals requested a review and comment extension last year, but the Authority ignored them all. The unreasonable 60 day review and comment periods have violated the Authority's duty to ensure informed public participation in the environmental review process.

Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - Continued

BO074-30 The 60 day review and comment periods are insufficient for a project of this magnitude, cost and complexity. The Authority should allow much longer EIR and Business Plan review and comment periods. We recognize that the Authority did grant a 30 day comment period extension for the current Fresno to Bakersfield RDEIR.

BO074-31 Save Bakersfield Committee respectfully requests that the Federal Railroad Administration, the Army Corps of Engineers, the Congress of the United States, the Environmental Protection Agency, and the California State Senate, conduct comprehensive investigations of the numerous and egregious violations of NEPA regulations we have addressed and take measures to reverse and mitigate the widespread and severe damage those violations have caused to untold thousands of people unjustly denied their EJ rights and other NEPA provisions by the CHSRA's denial of public participation in the NEPA process. Save Bakersfield Committee requests the FRA withdraw the EIS during the investigation and make certain the Authority has fully complied with NEPA. The FRA must reverse, correct and mitigate all damages caused to the planning process prior to making any decision to approve federal funding for the project.

BO074-32 Save Bakersfield Committee is convinced that the only possible remedy to reverse, mitigate and correct the numerous and severe violations the CHSRA has caused to the NEPA process is to renew the high speed rail project scoping and planning process and do so in strict accordance to all provisions of NEPA law.

Respectfully Submitted,

Jeff Taylor
Chair, Save Bakersfield Committee

cc:

Army Corps of Engineers
Bakersfield City Manager Alan Tandy
California Assemblywoman Shannon Grove
California High Speed Rail Authority
California State Senator Jean Fuller
Congressman Kevin McCarthy
Environmental Protection Agency
Kern Council of Governments
Kern County Board of Supervisors

Attachment A:

November 2010 Memorandum of Understanding between the US Army Corps of Engineers, the US Environmental Protection Agency, the Federal Railroad Administration, and the California High Speed Rail Authority, "Integration Process for the California High-Speed Train Program."

Page 7 of 8

Response to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012)

BO074-1

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-GENERAL-16, FB-Response-GENERAL-27.

This comment provides no substantive evidence that the planning and scoping for the project were not in compliance with the National Environmental Policy Act (NEPA).

The Authority and FRA have undertaken substantial outreach to environmental justice communities during the preliminary engineering and environmental review of the Fresno to Bakersfield Section. Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, a Draft EIR/EIS overview brochure, and comment cards at the public workshops and hearings. Also, a multilingual, toll-free hotline was made available for public comments and requests. Section 3.12.5, Methods for Evaluating Impacts, of the EIR/EIS describes the project benefits, regional and localized effects, and project impacts on environmental justice communities. These efforts meet the intent and requirements of Executive Order 12898.

BO074-2

This comment consists of language taken from the National Environmental Policy Act (NEPA)/404 Integration Process Memorandum of Understanding (MOU) dated November 2010. The Authority and FRA are complying and will continue to comply with the requirements of the MOU. Since publication and circulation of the Revised DEIR/Supplemental DEIS and before the selection of the Preferred Alternative carried forward in this Final EIR/EIS, the Authority and FRA completed the Checkpoint C process with the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA). USACE completed its public interest review process. Both USACE and EPA issued letters concurring that the Preferred Alternative is the preliminary Least Environmentally Damaging Practicable Alternative (LEDPA). Therefore, the Preferred Alternative analyzed in this Final EIR/EIS is consistent with the Section 404(b)(1) requirements set forth in the Clean Water Act regulations and satisfies USACE's participating agency considerations for NEPA compliance.

BO074-3

The purpose and need for the HST System is fully described in the 2005 Program EIR/EIS (Authority and FRA 2005). The purpose and need of the Fresno to Bakersfield Section of the HST is fully described in Chapter 1 of the Fresno to Bakersfield Section EIR/EIS and has been concurred with by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency.

BO074-4

This EIR/EIS provides a range of alternatives to allow the decision-makers to determine which alternative will accomplish the purpose of the project while causing the least amount of impacts on the environment.

As described in Section 1.5, Tiering of Program EIR/EIS Documents, of the Final EIR/EIS, in the 2005 Statewide Program EIR/EIS decision document (Authority and FRA 2005) the Authority and FRA selected the BNSF Railway (BNSF) route as the Preferred Alternative for the HST System between Fresno and Bakersfield. Therefore, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

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). This range of alternatives was analyzed in the EIR/EIS.

Chapter 1, Project Purpose, Need, and Objectives, of the Final EIR/EIS describes the project's purpose and need. The alternatives selected for analysis in the EIS must satisfy the project's purpose and need (64 Federal Register [FR] 101, page 28545, section 14[l]). The No Project Alternative must also be examined, whether or not it would satisfy the purpose and need. Although the National Environmental Policy Act (NEPA) requires an EIS to contain sufficient analysis to allow a comparison between alternatives, NEPA does not mandate that the project's purpose and need be compared with the "no-build option" (i.e., the No Project Alternative).

Response to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - Continued

BO074-4

The Authority used the information in the Final EIR/EIS and input from the 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; 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, the lowest cost, and the fewest constructability constraints of the project alternatives evaluated.

BO074-5

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 (Authority and FRA 2005). The Statewide Program EIR/EIS considered alternatives on Interstate 5 (I-5), State Route (SR) 99, and the BNSF Railway (BNSF) corridor. The Record of Decision for the Statewide Program EIR/EIS selected the BNSF corridor as the Preferred Alternative for the Fresno to Bakersfield Section. The I-5 and SR 99 corridors were again considered during the environmental review for the Fresno to Bakersfield Section, but were eliminated from further consideration, as described in Standard Response FB-Response-GENERAL-02.

As the Authority conducted analysis of alternative alignments that follow SR 99/the Union Pacific Railroad (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.

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

BO074-6

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

BO074-6

The project EIR/EIS for the Fresno to Bakersfield Section is tiered from the 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 Railway (BNSF) corridor. The Record of Decision for the Statewide Program EIR/EIS selected the BNSF corridor as the Preferred Alternative for the Fresno to Bakersfield Section. The I-5 and SR 99 corridors were again considered during the environmental review for the Fresno to Bakersfield Section, but were eliminated from further consideration, as described in Standard Response FB-Response-GENERAL-02.

Because the Authority conducted analysis of alternative alignments that follow SR 99/the Union Pacific Railroad (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.

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

BO074-7

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-25.

The EIR/EIS for the Fresno to Bakersfield Section tiers from several program environmental documents prepared by the Authority and FRA, including the Statewide Program EIR/EIS for the California High-Speed Train Project (Authority and FRA 2005). The Statewide Program EIR/EIS evaluated a wide range of alternative alignment corridors for the HST System, including the Fresno to Bakersfield Section. The Notice of Determination (Authority 2005c) and Record of Decision (FRA 2005b) for the Statewide Program EIR/EIS identified the BNSF Railway (BNSF) corridor as the Preferred Alternative corridor for the Fresno to Bakersfield Section. The project-level EIR/EIS for the Fresno to Bakersfield Section evaluates alternative alignments within the BNSF corridor.

Response to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - Continued

BO074-7

The opposition of the cities mentioned in the comment does not affect the 2010 Memorandum of Understanding, which relates to compliance with the Section 404 process.

BO074-8

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-02, FB-Response-GENERAL-10, FB-Response-GENERAL-25.

The purpose of project alternatives is to minimize or avoid impacts. For the Fresno to Bakersfield Section of the HST System, alternatives were developed to reduce or avoid the impacts associated with the BNSF Alternative. In Bakersfield, the BNSF Alternative would displace six religious facilities, the Bakersfield High School Industrial Arts building, the Mercado Latino Tianguis, and 119 homes in the eastern portion of the city. In contrast to the corresponding segment of the BNSF Alternative, the Bakersfield South Alternative would not affect the Bakersfield High School campus or the Mercado Latino Tianguis; however, this alternative would displace five religious facilities, the Bethel Christian School, and 146 homes in east Bakersfield. The Bakersfield Hybrid Alternative would not affect the Bakersfield High School campus or the Bethel Christian School; however, this alternative would displace one religious facility, the Mercado Latino Tianguis, the Bakersfield Homeless Shelter, and 57 homes in east Bakersfield.

BO074-9

Refer to Standard Response FB-Response-GENERAL-25.

The Authority has previously committed to engaging with Kern County, the City of Bakersfield, and all affected municipalities as the project progresses and remains committed to doing so. Efforts to date to solicit feedback and modify the project based on that feedback resulted in the addition of the Bakersfield Hybrid Alternative. Unfortunately, not every opinion from the community on alignment alternatives can be acted on; the intent of the introduction of the Bakersfield Hybrid Alternative was to offer an alternative with fewer impacts on Bakersfield.

BO074-10

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-02, FB-Response-GENERAL-10, FB-Response-GENERAL-25.

The project EIR/EIS for the Fresno to Bakersfield Section is tiered from the Statewide Program EIR/EIS for the California HST System (Authority and FRA 2005). The Statewide Program EIR/EIS considered alternatives on Interstte 5 (I-5), State Route (SR) 99, and the BNSF Railway (BNSF) corridor. The Record of Decision for the Statewide Program EIR/EIS selected the BNSF corridor as the Preferred Alternative for the Fresno to Bakersfield Section. The I-5 and SR 99 corridors were again considered during the environmental review for the Fresno to Bakersfield Section, but were eliminated from further consideration.

Because the Authority conducted analysis of alternative alignments that follow SR 99/the Union Pacific Railroad (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.

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

The purpose of project alternatives is to minimize or avoid impacts. For the Fresno to Bakersfield Section of the HST System, alternatives were developed to reduce or avoid the impacts associated with the BNSF Alternative. In Bakersfield, the BNSF Alternative would displace six religious facilities, the Bakersfield High School Industrial Arts building, the Mercado Latino Tianguis, and 119 homes in the eastern portion of the city. In contrast to the corresponding segment of the BNSF Alternative, the Bakersfield South Alternative would not affect the Bakersfield High School campus or the Mercado Latino Tianguis; however, this alternative would displace five religious facilities, the Bethel Christian School, and 146 homes in east Bakersfield. The Bakersfield Hybrid Alternative would not affect the Bakersfield High School campus or the Bethel Christian School; however, this alternative would displace one religious facility, the Mercado Latino Tianguis, the Bakersfield Homeless Shelter, and 57 homes in east Bakersfield.

Response to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - Continued

BO074-10

The station locations are designed primarily to tie into the existing transportation network. City centers are where existing transit facilities are, and city centers typically have good connections to the existing highway system. The Authority has not ignored the City of Bakersfield's concerns and suggestions. Input from the City of Bakersfield has been taken into consideration in project planning since the project was initiated. The Bakersfield station was located in Downtown Bakersfield adjacent to the Amtrak station at the recommendation of the City of Bakersfield, Kern County, and the Kern Council of Governments. The Revised DEIR/Supplemental DEIS was modified to include information provided by the City of Bakersfield.

BO074-11

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

For information on the potential for disruption and division in Bakersfield, see the EIR/EIS, Volume I, Section 3.12, Impact SO #6. Also see Impact SO #9 and Impact SO #10 for displacement estimates in Bakersfield. Mitigation Measures SO-2 and SO-3 propose mitigation measures for identified effects in Bakersfield communities. 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.

BO074-12

The environmental justice analysis adheres to the definition in 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 a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project.

Section 4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) identifies the environmental justice populations along the project. The

BO074-12

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. Impacts SO #17 and SO #18, as described in Volume 1, Section 3.12, of the EIR/EIS, summarize these findings. See Volume I, Section 3.12, Impact SO #6, for a discussion of the impacts disrupting community cohesion or dividing existing communities.

The project also includes specific mitigation measures that will minimize or avoid the potential impacts on the environmental justice populations. These include:

I. Public Outreach

See Mitigation Measure SO-6: Continue outreach to disproportionately and negatively impacted environmental justice communities of concern. The Authority will continue to conduct substantial environmental justice outreach activities in adversely affected neighborhoods to obtain resident feedback on potential impacts and suggestions for mitigation measures. Input from these communities will be used to refine the alternatives during ongoing design efforts.
Impact SO #18, in Section 3.12, Environmental Justice Effects Conclusion, explains that the Authority would also continue the existing activities similar to the workshops that have been held in the city of Fresno to discuss the HST project and collect community input. At meetings in September 2011 and February 2012, the Authority provided overviews on the relocation process and distributed the brochure, "Your Property, Your High-Speed Train Project," and other brochures on the Relocation Assistance Program. The Authority has also made information available on the right-of-way process (Appendix 3.12-A), with emphasis on property and business owners' rights under federal and state laws and regulations. The overview consisted of a presentation followed by a question-and-answer period.

II. Memorandum of Understanding

The Authority and FRA along with the EPA, U.S. Department of Housing and Urban Development, and the Federal Transit Administration (FTA) have also entered into an

Response to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - Continued

BO074-12

Interagency Partnership and established a "Memorandum of Understanding (MOU) for Achieving an Environmentally Sustainable High-Speed Train System in California," which includes a common goal of integrating HST station access and amenities into the fabric of surrounding neighborhoods. The principles for this partnership are to help improve access to affordable housing, increase transportation options, lower transportation costs, and protect the environment in communities nationwide.

The implementation of the MOU would be beneficial to all populations but could help intensify project benefits in the areas most affected by project impacts, especially in communities of concern. One example is that the Authority would establish a temporary relocation field office to help facilitate relocation efforts in areas with substantial relocation needs. Project relocation field offices would be open during convenient hours and during evening hours if necessary. In addition to these services, the Authority is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits, including persons within communities of concern.

III. Community Benefits Policy

Jobs created by construction and operation of the project would likely be filled by workers in the region. To help offset any disproportionate effects, the Authority has approved a Community Benefits Policy that supports employment of individuals who reside in disadvantaged areas and those designated as disadvantaged workers, including veterans returning from military service. It helps to remove potential barriers to small businesses, disadvantaged business enterprises, disabled veteran business enterprises, women-owned businesses, and microbusinesses that want to participate in building the high-speed rail system.

Under the Authority's Community Benefits Policy, design-build construction contracts will be required to adhere to the National Targeted Hiring Initiative, which states that a minimum of 30% of all project work hours will be performed by National Targeted Workers and a minimum of 10% of National Targeted Workers' hours will be performed by disadvantaged workers. According to the National Targeted Hiring Initiative, disadvantaged workers either live in an economically disadvantaged area or face any of

BO074-12

the following barriers to employment: being homeless, being a custodial single parent, receiving public assistance, lacking a GED or high school diploma, having a criminal record or other involvement with the criminal justice system, being chronically unemployed, being emancipated from the foster care system, being a veteran, or being an apprentice with less than 15% of the required graduating apprenticeship hours in a program. The Community Benefits Policy will supplement the Authority's Small Business Program, which has an aggressive 30% goal for small-business participation, and which includes goals of 10% for disadvantaged business enterprises and 3% for disabled veteran business enterprises.

IV. Title VI Plan

The Authority, as a federal grant recipient, is required by the Federal Railroad Administration to conform to Title VI of the Civil Rights Act of 1964, and related statutes. The Authority's subrecipients and contractors are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities, and services. The Authority is committed to ensuring that no person in the state of California is excluded from participation in, nor denied the benefits of, its programs, activities, and services on the basis of race, color, national origin, age, sex, or disability, as afforded by Title VI of the Civil Rights Act of 1964 and Related Statutes.
As permitted and authorized by Title VI, the Authority will administer a Title VI Program in accordance with the spirit and intent of the nondiscrimination laws and regulations. The Authority has assembled a Title VI Project Team with a coordinator and technical and policy consultants who can be contacted at the Authority's website.

V. Project Benefits

According to Executive Order 12898, the offsetting benefits associated with the project should be considered as part of the environmental justice analysis. The project would provide benefits that would accrue to all populations, including communities of concern. These benefits would include improved mobility within the region, improved traffic conditions on freeways as modes divert to HST, improvements in air quality within the region, and new employment opportunities during construction and operation.

Response to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - Continued

BO074-12

Station construction and planned station area improvements in downtown Fresno and Bakersfield would improve the aesthetics and visual environment in both of these locations, benefiting the nearby minority and low-income communities. Other station-related benefits, including improved accessibility and property value increases, would benefit those who live and work closest to the new stations. In Fresno and Bakersfield, these benefits would be disproportionately incurred in minority and low-income communities.

BO074-13

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-SO-07.

The procedural requirements for the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) were followed during the environmental review for the Fresno to Bakersfield Section; therefore, no violation of Executive Order 12898 occurred. 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). This range of alternatives was analyzed in the EIR/EIS.

The environmental justice analysis adheres to the definition of environmental justice in 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 adverse effect is one 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 a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project alignment. Section 4.3 in the Community Impact Assessment Technical Report for the Fresno to Bakersfield Section (Authority and FRA 2012h) identifies the environmental justice populations along the project alignment. 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

BO074-13

potential for substantial environmental justice effects across resources along the project alignment. Impacts SO #17 and SO #18 in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of Volume 1 of the Final EIR/EIS summarize these findings.

BO074-14

The Authority has adopted the California Department of Transportation (Caltrans) Right of Way Manual as the basis for all business and residential relocations on the project (Caltrans 2009a). The Caltrans Right of Way Manual Section 10.01.02.01 states that relocation assistance will be administered in accordance with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act for all projects, regardless of funding sources. In preparing this document, Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the Final EIR/EIS looked at the state statutes governing relocation assistance (found in the California Government Code, Section 7260 et seq.) and the California Relocation Assistance and Real Property Acquisition Guidelines (found in Title 25 California Code of Regulations [CCR] chapter 6 [the Guidelines]). Both of these sources provide that for projects with state-only funding, state agencies shall adopt regulations to administer relocation assistance under state law, and with respect to a federally funded project a public entity shall make relocation assistance payments and provide relocation advisory assistance as required under federal law.

The adoption of the Environmental Justice Guidance Policy formalized the Authority's long-standing efforts to address environmental justice matters in a comprehensive manner. The Authority and FRA have undertaken substantial outreach to environmental justice communities. Section 3.12.3, Laws, Regulations, and Orders, of the Final EIR/EIS details the laws, regulations, and orders that the project adheres to, including environmental justice laws.

The environmental justice analysis adheres to the definition defined 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 effect is an adverse one 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 a low-income population

Response to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - Continued

BO074-14

than the adverse effect that would be suffered by the non-minority and/or non-low-income population along the project. Section 4.3 in the Community Impact Assessment Technical Report identifies the environmental justice populations along the project alignment (Authority and FRA 2012h). The methodologies for identifying these populations are detailed in Appendix A, Methodologies, 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. Impacts SO#17 and SO#18 in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the Final EIR/EIS summarize these findings.

BO074-15

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

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance. The rights of women, the elderly, and the disabled are protected under related statutes.

The Authority is committed to ensuring that no person shall, on the grounds of race, color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity in the design, construction and operation of the High-Speed Rail System.

The Environmental Justice (EJ) Guidance document is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ policy and guidance with the Federal Railroad Administration (FRA). The Authority has subsequently received FRA comment to include the Department of Transportation order, which has been incorporated in the EJ Guidance document. The adoption of the EJ policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. The Authority and FRA have undertaken substantial outreach to EJ communities.

BO074-16

The Authority has assembled a Title VI Project Team with a coordinator and technical and policy consultants, who can be contacted at the Authority's website.

BO074-17

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

BO074-18

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

The public outreach process for the Fresno to Bakersfield Section of the HST has been extensive and includes hundreds of public meetings and briefings where public comments have been received, community events where participation has been solicited, and educational materials that were developed and distributed to encourage feedback (see the Revised DEIR/Supplemental DEIS, Volume I, Chapter 7). Public notification regarding the draft environmental documents took place in the following ways: a notification letter, informational brochure, and Notice of Action were written in English and Spanish and sent to landowners and tenants within 300 feet of all alignment alternatives. The letters notified landowners and tenants that their property may be needed for construction (within the project construction footprint) of one or more of the alignment alternatives or project components being evaluated.

BO074-19

The public outreach process for the Fresno to Bakersfield Section of the HST has been extensive and includes hundreds of public meetings and briefings where public comments have been received, community events where participation has been solicited, and educational materials that have been developed and distributed to encourage feedback. These efforts are cited in Chapter 7 of the Revised DEIR/Supplemental DEIS. Since 2007 the Authority has conducted 66 public meetings and 985 stakeholder meetings. Public notification regarding the draft environmental documents took place in the following ways: A notification letter, informational brochure, and Notice of Action were written in English and Spanish and sent to landowners and tenants within 300 feet of all alignment alternatives. The letters notified landowners and tenants that their property may be necessary for construction (within the project construction footprint) of one or more of the alignment alternatives or project components being evaluated. Anyone who requested notification or is in the stakeholder database was sent notification materials in English and Spanish. An e-mail communication of the notification materials was distributed to the entire stakeholder

Response to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - Continued

BO074-19

database. Public notices were placed in English and Spanish newspapers. Posters in English and Spanish were posted along the project right-of-way.

The environmental justice analysis adheres to the definition in 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 a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project. Section 4.3 in the Community Impact Assessment Technical Report identifies the environmental justice populations along the project. 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. Impacts SO #17 and SO #18, Volume 1, Section 3.12, summarize these findings.

BO074-20

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

No one was "denied the opportunity to review and make comments" on the EIR/EIS.

The Draft 2012 Business Plan was released for public review and comment on November 1, 2011 (Authority 2011a). Although no public comment period is mandated under either the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), the Authority felt that it was important to receive stakeholder feedback on the Draft Business Plan, and comments were received until the Revised 2012 Business Plan was issued in April 2012 (Authority 2012a). The Revised 2012 Business Plan featured a dramatically revamped approach, due in part to the stakeholder comments.

BO074-21

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

BO074-22

The Draft EIR/EIS and the Revised DEIR/Supplemental DEIS were made available to the public for review in several ways. As noted above, the documents were posted on the Authority's website. Printed and electronic copies were made available in 40 libraries and community centers in Fresno, Clovis, Laton, Hanford, Lemoore, Corcoran, Tulare, Visalia, Delano, Shafter, and Bakersfield. Copies were sent to cooperating federal agencies and state responsible and trustee agencies (including copies sent through the State Clearinghouse). Copies were also available at the Authority's office in Sacramento. The Draft EIR/EIS and Revised DEIR/Supplemental DEIS, including all technical appendices, were available in electronic format on CD and were sent, without charge, to all who requested them.

The information presented in the EIR/EIS is sufficient to inform a discussion of the environmental consequence of actions taken in light of the merits of the project. Technical reports were prepared to record additional details on the environmental setting, impact assessment methodology, and environmental impacts for the following environmental disciplines: transportation, air quality, noise and vibration, biological resources and wetlands, geology, hazardous wastes, community impacts, relocations, aesthetics and visual resources, and cultural resources. Neither the California Environmental Quality Act (CEQA) nor the National Environmental Policy Act (NEPA) requires the preparation of technical reports. Also, neither CEQA nor NEPA require that these reports be distributed for public review with an EIR/EIS. However, all of the technical reports except for the reports on cultural resources were posted on the Authority's website for public review at the same time as the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS were posted. The availability of these technical reports was included in the notices to agencies, elected officials, Native American tribes, organizations, individuals on the project's mailing list, and owners of land adjoining and near the alternative alignments.

The cultural resources technical reports were not made available to the general public to protect those resources. By statute, the Authority and FRA are required to keep certain information about the locations and types of Native American cultural resources confidential. Specific locations of wetlands and known populations of threatened and endangered species were also redacted from the biological resources and wetlands

Response to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - Continued

BO074-22

technical reports made available to the general public to protect those resources. The Authority and FRA provided redacted cultural resources technical reports and redacted biological and wetlands information to experts in the fields of historic architecture, archaeology, and biology on their request. The redacted cultural resource reports were provided to the City of Fresno and the City of Bakersfield as well as Fresno County and Kern County.

BO074-23

The information presented in the EIR/EIS is sufficient to inform a discussion of the environmental consequence of actions taken in light of the merits of the project. Technical reports were prepared to record additional details on the environmental setting, impact assessment methodology, and environmental impacts for the following environmental disciplines: transportation, air quality, noise and vibration, biological resources and wetlands, geology, hazardous wastes, community impacts, relocations, aesthetics and visual resources, and cultural resources. Preparation of technical reports is not required by either the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), and neither CEQA nor NEPA requires that these reports be distributed for public review with an EIR/EIS. However, all of the technical reports except for the reports on cultural resources were posted on the Authority's website for public review at the same time as the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS. The availability of these technical reports was noted in the notices to agencies, elected officials, Native American tribes, organizations, individuals on the project's mailing list, and owners of land adjoining and near the alternative alignments.

The cultural resources technical reports were not made available to the general public to protect those resources. By statute, the Authority and FRA are required to keep certain information about the locations and types of Native American cultural resources confidential. Specific locations of wetlands and known populations of threatened and endangered species were also redacted from the biological resources and wetlands technical reports made available to the general public to protect those resources. The Authority and FRA provided redacted cultural resources technical reports and redacted biological and wetlands information to experts in the fields of historic architecture, archaeology, and biology on their request. The redacted cultural resource reports were

BO074-23

provided to the City of Fresno and the City of Bakersfield as well as Fresno County and Kern County.

BO074-24

The Authority provided all of the relevant information needed for decision-makers and the public to understand the impacts and consequences of the proposed project on the physical and human environment. Print copies of the environmental documents were available for public review at 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 on selection of the locations; thus, there was diversity in the types and hours of the repositories, with some of the repositories having evening or weekend hours. For individuals lacking high-speed Internet connections, CDs containing electronic files of the environmental documents were available on request.

Many public libraries offer public Internet access. These libraries provided reviewers with an alternative method to access the information on the Authority's website.

BO074-25

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

The Authority's website has provided translated materials, and the Authority has offered translation services at all public meetings. The Executive Summary and various educational materials regarding the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS are available in Spanish. Also, notification letters in English and Spanish for the Draft EIR/EIS were sent to residents, property owners, meeting attendees, businesses, organizations, elected officials, cities, counties, and agencies. Not a single request was received to provide the Revised DEIR/Supplemental DEIS in any other language.

BO074-26

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

The Authority's website has provided translated materials, and the Authority has offered translation services at all public meetings. The Executive Summary and various

Response to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - Continued

BO074-26

educational materials regarding the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS are available in Spanish. Also, notification letters in English and Spanish for the Draft EIR/EIS were sent to residents, property owners, meeting attendees, businesses, organizations, elected officials, cities, counties, and agencies.

The environmental justice analysis adheres to the definition defined 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 adverse effect is one 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 a low-income population than the adverse effect that would be suffered by the non-minority and/or non-low-income population along the project alignment. Section 4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) identifies the environmental justice populations along the project alignment. The methodologies for identifying these populations are detailed in Appendix A, Methodologies, 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 alignment. Impacts SO#17 and SO#18 in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the Final EIR/EIS summarize these findings.

BO074-27

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

The environmental justice analysis adheres to the definition in 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 a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project.

BO074-27

Section 4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) identifies the environmental justice populations along the project. 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. Impacts SO #17 and SO #18, Volume 1, Section 3.12, of the EIR/EIS summarize these findings.

BO074-28

Appendix 3.1-A, Parcels within HST Footprint, in Volume 2 of the Final EIR/EIS identifies impacted properties within the HST footprint by Assessor Parcel Number. Addresses were not publicized to protect the privacy of property owners and residents and to protect sensitive biological and cultural resources. The data were provided to individuals who specifically requested the information for technical review of the analyses.

Selected information about impacts on specific land uses can be found in Section 3.12, Socioeconomics, Communities, and Environmental Justice.

BO074-29

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

BO074-30

This comment acknowledges that the review and comment period for the Revised DEIR/Supplemental DEIS for the Fresno to Bakersfield Section was extended for an additional 30 days. Recognizing that the environmental document was circulated for a period that exceeds the time frames required by both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) compliance regulations, the Authority and FRA will take into consideration the recommendation of this comment to provide public review periods that are 90 days or longer as a matter of policy.

Response to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - Continued

BO074-31

Refer to Standard Response FB-Response-GENERAL-27.

BO074-32

Refer to Standard Response FB-Response-GENERAL-16, FB-Response-GENERAL-27.

The Authority and FRA have adhered to the public process required under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) in the preparation of the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS.

Attachment to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.pdf

ATTACHMENT "A"

November 2010 Memorandum of Understanding between the US Army Corps of Engineers, the US Environmental Protection Agency, the Federal Railroad Administration, and the California High Speed Rail Authority, "Integration Process for the California High-Speed Train Program."

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 to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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).

NEPA/404/408 MOU for California HST Program

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 BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.pdf - Continued

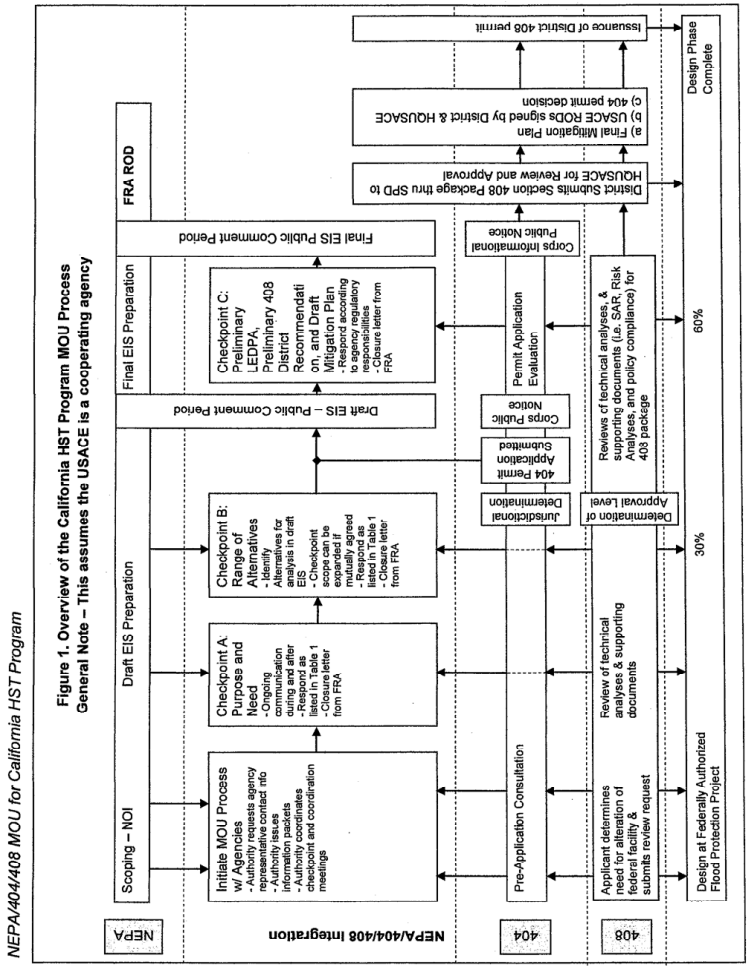
in site-specific detail through further consultation with EPA and USACE regarding the Section 404 and Section 408 permitting processes, to support decision-making for any necessary USACE (1) Section 404 permit decisions to discharge dredged or fill material into waters of the U.S. and (2) Section 408 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 BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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 BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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;

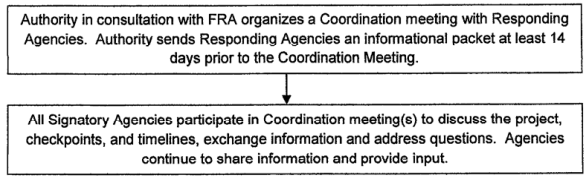
   (b) Identification of the Range of Alternatives to be Studied in the Project (Tier 2) EIR/EIS; and

   (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).

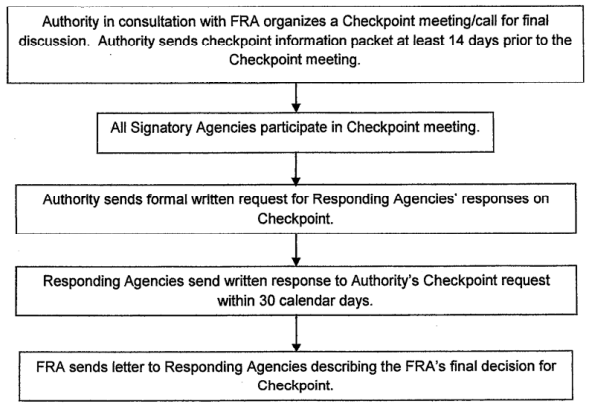
   A diagram outlining the coordination and checkpoints process is below as Figure 2. Appendix B outlines the data or analysis that should be included in the checkpoint information packets.
7. **Participants**. All Signatory Agencies may participate in the checkpoints. The level of participation by the 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:



[2] 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 BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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 BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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 BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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 BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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
Date

Scott F. "Rock" Donahue, P.E
Brigadier General, U.S. Army
Commanding

12/10/10
Date

Jared Blumenfeld
Regional Administrator
U.S. Environmental Protection Agency, Region IX

12/21/10
Date

Mark E. Yachmetz
Associate Administrator
Office of Railroad Policy and Development
Federal Railroad Administration

12/17/2010
Date

Roelof van Ark
Executive Director
California High-Speed Rail Authority

Attachment to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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 BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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 ___/___/___.		

NEPA/404/408 MOU for California HST Program

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 BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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 BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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 BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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 BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.pdf - Continued

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

July 22, 2005

Mark Yachmetz
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. Yachmetz:

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

Attachment to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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

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

Attachment to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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 B. 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 BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.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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Attachment to Submission BO074 (Jeff Taylor, Save Bakersfield Committee, September 14, 2012) - 796 Taylor Letter 09142012_Attachment.pdf - Continued

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 0 8 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

Submission BO075 (Joe & Kathy Sequeisa, Sequeisa Farms, October 18, 2012)

CALIFORNIA High-Speed Rail Authority

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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 envíela por correo a la siguiente dirección:

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

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Name/Nombre: Joe & Kathy Sequeisa
Organization/Organización: Sequeisa Farms
Address/Domicilio: 8360 18th Ave.
Phone Number/Número de Teléfono: 559-362-7647
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)

BO075-1 The DEIR/S basis impact on an unrealistic small project footprint- the foot print will be considerably larger due to noise, vibration, transfer of pesticides - Our irrigation system will be compromised!

BO075-2 New wells will have to be dug - at whose expense?

BO075-3 Our equipment needs to turn around on both sides. Access to our property will be cut off adding many miles daily just to get to walnut trees. Who will supply an easment to land locked property??

Response to Submission BO075 (Joe & Kathy Sequeisa, Sequeisa Farms, October 18, 2012)

BO075-1

The commenter confuses the project footprint—the area to be directly disturbed during construction or used for HST infrastructure—and the project study area—the larger area subject to project impacts. The project footprint depicts the maximum extent of potential physical disturbance that would be either temporarily or permanently affected by the project. Beyond that, each resource area uses an appropriate study area to measure and analyze impacts according to the methodologies described in each resource section. Both the project footprint and the project study areas were analyzed in the EIR/EIS. For example, the typical width of the project right-of-way is depicted as 120 feet, but the study area for noise impacts was measured 2,500 feet from the proposed track centerline based on typical screening distances, as defined by FRA and project-specific conditions.

BO075-2

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

BO075-3

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

Turnaround areas for crops have not been included in the permanent agricultural land impacts because the land would not be removed from agricultural production (note that the Farmland Mapping and Monitoring Program includes turnaround areas in the lands identified as agricultural). However, it is 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

BO075-3

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 BO076 (Leonard Baker, Simba Farms, September 25, 2012)

CALIFORNIA High-Speed Rail Authority

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Name/Nombre: Leonard Baker
Organization/Organización: simba farms
Address/Domicilio: 7057 14th Ave
Phone Number/Número de Teléfono: (559) 582-6349
City, State, Zip Code/Ciudad, Estado, Código Postal: Hanford Calif 93230
E-mail Address/Correo Electrónico:
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO076-1 The separation of farmland from the surface water canals of the various irrigation districts poses both environmental and structural concerns for HSR. Specifically the Hanford West Bypass alternative separates the Last Chance canal from the western parcels which are the canal's primary recipient of the sierra runoff water due to the terracing of the landscape. These parcels recieve water from the canal via gravity fed open ditches from the canal typically every ¼ to ½ mile. HSR most likely will need to install open pipelines under the track which are deeper than the open ditches resulting in pockets of year roond standing water (potential mosquito breeding vessels). The question is who is responsible for maintaining and repairing these pipelines not to mention mosquito control.

Fresno to Bakersfield Section CALIFORNIA High-Speed Rail Authority
25 SEP 2012 FRESNO CA 937

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

958143359

Response to Submission BO076 (Leonard Baker, Simba Farms, September 25, 2012)

BO076-1

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

Design of specific canal features will be carried out during later stages of design and will be coordinated through ongoing discussions and design reviews with the canal owners to ensure that the delivery of existing irrigation flows is maintained.

Where irrigation supply canals are crossed by the HST, culverts would be installed to allow irrigation water to continue to pass through the embankment. If the capacity of the canal or ditch is small, a pipeline would be installed through the embankment instead of a culvert. A straight pipeline is preferred rather than a U-shaped siphon to allow for easier flushing. All areas within the permanent HST right-of-way would be maintained by the Authority, including canals and pipelines located within the HST embankment. If the canal is drained, which leads to a siphon, there could be a small area of standing water (no larger than the inside diameter of the siphon). The Authority would deal any impacts associated with standing water on an as needed basis.

Submission BO077 (Leonard Baker, Simba Farms, September 25, 2012)

CALIFORNIA High-Speed Rail Authority

Comment Card
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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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Name/Nombre: Leonard Baker
Organization/Organización: simba farms
Address/Domicilio: 7057 14th Ave
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E-mail Address/Correo Electrónico:
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BO077-1 The below grade segments proposed on the Hanford West Bypass alternative must consider the ground water table. When I designed the storage lagoon for my dairy's wastewater and runoff from rain (100 yr storm) I had to stay 5' above the highest recorded water table (NRCS standards) which in 1950 was 15 feet along 13½ Ave. I wonder even if this 3 mi segment is entirely encased in concrete if it would be structurally sound. Can flood prevention be employed if the entrance and exit track is at or near grade as shown?

BO077-2 Has the obvious Hanford Community growth around Pioneer Elementary, Sierra Pacific High School and College of Sequoias been given as much consideration as your emphatic choice to avoid an area designated by the Laton Community for future growth?

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9581433590O

Response to Submission BO077 (Leonard Baker, Simba Farms, September 25, 2012)

BO077-1

The Lines of Equal Depth to Water in Wells maps developed by the Department of Water Resources for Spring 2010 show water depths of 100 feet + near Hanford. The below-grade segments can also be designed to be located below the water table using standard construction techniques. Lastly, construction of transportation infrastructure is not subject to the same regulations as dairy farms, so is not restricted to above water table construction.

BO077-2

The Kings/Tulare Regional Station–West Alternative is located near SR 198. A number of initial alternatives were driven by the possible locations for a Kings/Tulare Regional Station to serve the Visalia-Tulare-Hanford area. Land use planning and growth was considered as a factor for all station locations. However, this location was chosen for its ease of access for travelers, and it would provide increased access to most HST travelers in the area than locating a station near Laton, resulting in fewer vehicle miles traveled. This proposed station includes at-grade and below-grade design options as well. Utilities for future development would be accommodated depending on the option chosen.

Submission BO078 (Leonard Baker, Simba Farms, September 25, 2012)

CALIFORNIA High-Speed Rail Authority

Comment Card
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BO078-1 It appears that cost takes precedence over environmental concerns since cost is the primary difference between the previously rejected West Bypass Alternative and the BNSF Alternative. A more prudent use of re-do studies cost would assess the feasibility of a re-alignment of the BNSF to the east of Hanford (downwind) and utilize the existing BNSF right-of-way thru Hanford for HST. Utilizing the full BNSF right-of-way would give more flexability to the previous optins H1 and H2 while the lower speeds of the BNSF trains would significantly reduce the cost of parcel impact and allow at grade crossings.

Fresno to Bakersfield Section CALIFORNIA High-Speed Rail Authority
25 SEP 2012

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

95814335900

Response to Submission BO078 (Leonard Baker, Simba Farms, September 25, 2012)

BO078-1

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

An alternative through Hanford was evaluated during the development of project alternatives, but was not carried forward because of the large amount of urban impacts it would have caused without substantially reducing impacts on agricultural lands and biological resources, as discussed in Standard Response FB-Response-GENERAL-02. The Hanford West Bypass Alternative was not considered for cost reasons. The Hanford West Bypass Alternative and the corresponding segment of the BNSF Alternative were found to have very similar impacts during the preliminary analysis of these alternatives, as detailed in the Checkpoint B reports provided on the Authority's website (Authority and FRA 2011g). Because these two alternatives were similar at this preliminary stage of analysis, the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency requested that both be carried through the environmental analysis. This request is one of the reasons why the Hanford West Bypass alternatives were included in the Revised Draft EIR/Supplemental Draft EIS and the Final EIR/EIS.

Submission BO079 (Leonard Baker, Simba Farms, September 25, 2012)

CALIFORNIA High-Speed Rail Authority

Comment Card
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BO079-1 Dairy compliance in Kings County requires a measured amount of cropland suitable for disposing of dairy wastewater. The recent HST alignment would result in a 30% reduction in cropland available for my 1000+ cow dairy facility jeopardizing it's future as a small business. What are HST intentions to consider these factors in Compensating land owners whose businesses are similarly affected?

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95814335900

Response to Submission BO079 (Leonard Baker, Simba Farms, September 25, 2012)

BO079-1

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

The Authority will fairly compensate land owners 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.

Submission BO080 (Leonard Baker, Simba Farms, September 25, 2012)

CALIFORNIA High-Speed Rail Authority

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Tarjeta de Comentarios

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Revised Draft Environmental Impact Report/ Supplemental Draft Environmental Impact Statement (Revised Draft EIR/Supplemental Draft EIS)

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E-mail Address/Correo Electrónico:
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO080-1 In todays social norm of "those who benefit the most from an action should bear the brunt of any consequences" one could surmise that the urban areas should deal more with the disruptions HSR poses for the valley's counties, farms and dairies. An urban HSR alignment such as options H1 and H2 considered in 2010 should be reconsidered as an alternate to a rural route. The Fresno Bee published tips from Spanish HSR officials stating that residents whose homes were as near as 100 ft from HSR say HSR is less bothersome than regional freight trains. the most evident solution to disquiet dissent was to follow existing rail route minimising new crossings and dealing with individuals already acclimated to disruption. Not only would urban residents alongside BNSF route be more willing to relocate, but eminent domain should apply equally to urban and rural properties.

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

Response to Submission BO080 (Leonard Baker, Simba Farms, September 25, 2012)

BO080-1

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

In the case of Hanford, it was not feasible to follow the BNSF Railway through the city. The BNSF Railway in the Hanford area has several curves too severe for an HST and constructing the HST through Hanford would have resulted in a substantial impact to residential and commercial properties in the city. That is why the preferred alignment for the Fresno to Bakersfield Section was selected to bypass Hanford in the Statewide Program EIR/EIS for the California High-Speed Rail System.

Submission BO081 (Leonard Baker, Simba Farms, September 25, 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:
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: Leonard Baker
Organization/Organización: simba farms
Address/Domicilio: 7057 14th Ave
Phone Number/Número de Teléfono: (559) 582-6349
City, State, Zip Code/Ciudad, Estado, Código Postal: Hanford Calif 93230
E-mail Address/Correo Electrónico:
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO081-1 Two HSR urban alignments, Options H1 and H2 were dismissed in favor of a rural route primarily due to the congestion of having both HSR and BNSF thru Hanford. Unlike in Fresno a realignment of BNSF was not considered. A BNSF rural route would mitigate most agricultural concerns while significantly minimizing the congestion concerns in Hanford.

The recently revealed 43 million unspent Federal Money for California Transportation / RR Funds could be spent to reassess feasibility of re-aligning BNSF along SR43 and HSR thru downtown Hanford to address urban concerns of air pollution, metallic dust and congestion and rural concerns of crossovers and parcel divisions which will require subterrainian pockets of standing water for mosquitos.

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

Response to Submission BO081 (Leonard Baker, Simba Farms, September 25, 2012)

BO081-1

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

As described in Section 1.5, Tiering of Program EIR/EIS Documents, of the Final EIR/EIS, in the 2005 Statewide Program EIR/EIS decision document (authority and FRA 2005), the Authority and FRA selected the BNSF Railway (BNSF) route as the preferred alternative for the HST System between Fresno and Bakersfield . Therefore, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

In the case of Hanford, it was not feasible to follow the BNSF corridor through the city. The BNSF corridor in the Hanford area has several curves that are too severe for an HST alignment, and constructing the HST System through Hanford would have resulted in a substantial impact to residential and commercial properties in the city. for those reasons, the Preferred Alternative for the Fresno to Bakersfield Section of the HST System in the Statewide Program EIR/EIS (Authority and FRA 2005) was selected to bypass Hanford.

With regard to mosquito concerns, the mosquito abatement district will treat HST infiltration basins similar to the way it treats other infiltration basins/ponds in the area. Also, infiltration/detention basins are generally designed to drain within a relatively short time to prevent development of mosquito larvae. Where irrigation supply canals are crossed by the HST project, culverts would be installed to allow irrigation water to continue to pass through the embankment. If the capacity of the canal or ditch is small, a pipeline would be installed through the embankment instead of a culvert. A straight pipeline is preferred rather than a U-shaped siphon to allow for easier flushing. All areas within the permanent HST right-of-way would be maintained by the Authority, including canals and pipelines within the HST embankment. If a canal that leads to a siphon is drained, a small area of standing water could result (no larger than the inside diameter of the siphon). The Authority would deal with mosquitos on an as-needed basis, working with local agencies. In summer, when mosquito activity is high, irrigation canals would convey water and the siphons would be in active use, not holding still, standing water. In the winter, mosquito activity would be low and mosquito control would typically not be necessary.

Submission BO082 (Leonard Baker, Simba Farms, October 18, 2012)

CALIFORNIA High-Speed Rail Authority

RECEIVED 10/18/12

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:

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: Leonard Baker
Organization/Organización: simba Farms
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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)

BO082-1 In recent weeks Kings County experienced two accidents involving silage trucks crashing into trains. An interesting observation was one hit a Sraight train while the other hit an Amtreck train. In the Sirst the silage truck was totaled, the driver was in critical conditin yet the Sraight train was unharmed. In the secmd the much less massive passenger train cars wove devailed (4 cars) and forty some passengors were injured yet the silage truck and driver sussered much less damage. IS one oS these trucks should ever breech an overpass or underpass barrier into the path oS a 200 mph HST there could conceivably be no survivors typical oS a plane crash! What protections and at what costs will be given to these multitudes oS Sertile Sarmland crossings that neglect the treditimal avoidance oS major transportation corridors?

Fresno to Bakersfield Section CALIFORNIA High-Speed Rail Authority

18 OCT 2012

Justice FOREVER

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

9581433590O

Response to Submission BO082 (Leonard Baker, Simba Farms, October 18, 2012)

BO082-1

The examples provided are not applicable to the HST System. As discussed in Chapter 2, Alternatives, the HST System will operate on a fully grade-separated right-of-way with no at-grade road crossings. The grade-separated intersections make it impossible for vehicles to enter the HST right-of-way at those points. That is not the case with existing freight and Amtrak train lines, which have many at-grade crossings.

Overcrossings would be equipped with guard rails in accordance with Caltrans design standards to minimize the potential for vehicles falling off the overcrossing. Although such an event is not impossible, this type of railing most often prevents such an accident. It is possible that a vehicle could go off an overcrossing at the same time an HST approached or crossed that location. However, the probability of such an accident is very low.

Submission BO083 (Michael Moers, Solar Project Solutions, LLC, October 19, 2012)

Solar Project Solutions, LLC
5601 East Slauson Avenue, Suite 200
Commerce, CA 90040
(310) 200-8483

RECEIVED
Oct 19

October 19, 2012

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

Subject: ***California High-Speed Train Project, Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comments***

To Whom It May Concern:

Solar Project Solutions, LLC (SPS) welcomes the opportunity to review the revised environmental documents prepared for the Fresno to Bakersfield segment of the California High-Speed Train (HST) project. SPS appreciates that the High-Speed Rail Authority (HSRA) has responded in some part to public concerns and has provided a revised document and additional time for review and comment.

That notwithstanding, SPS remains extremely concerned about the economic impacts that the HST will have on various solar generating facility sites throughout the Central Valley. Although it is evident that the HSRA has taken steps to provide a more comprehensive and complete analysis of the impacts that could result from construction and operation of the HST, SPS maintains its positions on the comments provided in 2011.

SPS Concerns from 2011

BO083-1

Section 3.6: Public Utilities and Energy

- CEQA requires that project impacts be measured against a current baseline (defined to be a date between the issuance of the NOP and the certification of the EIR.) While DEIR claims to be in compliance with the 2010 case Sunnyvale West Neighborhood Assn. v. City of Sunnyvale (2010) 190 Cal.App.4th 1351 (Pg. 3.6-39), in fact that case specifically invalidated Sunnyvale's EIR for using a future baseline date rather than the CEQA-mandated date. Selection of 2035 as the baseline for evaluation of energy impacts violates CEQA and renders the DEIR inadequate. The energy analysis must be prepared using a current base year in a revised EIR.

BO083-2

- Pg. 3.6-39 states that although the HST System would result in an increase in electricity demand, it would reduce the energy demands from automobile and airplane travel, resulting in an overall beneficial effect on statewide energy use. While this might be accurate on a statewide level, the EIR does not discuss impacts from localized energy demand resulting from the HST. There will inevitably be impacts to the localized electrical transmission grid throughout the Central Valley; however, it is unclear from the EIR whether the existing infrastructure is available to handle the localized increase in electrical loads. As such, the analysis contained in the EIR is not adequate and must be readdressed in a revised EIR.

BO083-3

- Pg. 3.6-49 discusses that there is a need for transmission lines between the TPSS stations and existing substations to be constructed; however, there is no mention of the magnitude of transmission lines to be constructed nor is there additional information provided to support whether the construction of an unknown number of transmission lines would have any environmental impacts. As such, the EIR has failed to analyze the 'whole of the action' and must be revised to do so.

Respectfully,

Michael Moers
Manager, Solar Project Solutions, LLC

Submission BO083 (Michael Moers, Solar Project Solutions, LLC, October 19, 2012) - Continued

Response to Submission BO083 (Michael Moers, Solar Project Solutions, LLC, October 19, 2012)

BO083-1

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

Section 3.6, Public Utilities and Energy, page 3.6-42 states that the HST project's energy impacts are evaluated both against existing conditions and against background (i.e., No Project) conditions as they are expected to be in 2035. Results for both baselines are presented in this section. The results comparing the project with the future expected baseline are presented in detail in this document. The effects of the project under existing conditions are summarized in the analysis and in Appendix 3.6-A, Existing plus Project Conditions Energy Analysis. This approach complies with CEQA (see Woodward Park Homeowners Assn. v. City of Fresno [2007], 150 Cal.App.4th 683, 707, Sunnyvale West Neighborhood Assn. v. City of Sunnyvale [2010], 190 Cal.App.4th 1351, and Neighbors for Smart Rail v. Exposition Metro Line Construction Authority [2012], 204 Cal.app.4th 1480) by informing the public of potential project impacts under both baselines, but focuses the analysis on the baseline analysis more likely to occur. Court decisions indicate that a projected future baseline is an appropriate means to analyze environmental effects of a long-term infrastructure project when that future baseline is supported by substantial evidence.

BO083-2

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

Section 3.6, Public Utilities and Energy, of the Revised DEIR/Supplemental DEIS states that the area studied to determine the potential impacts of the HST System on electricity generation and transmission includes the entire state of California (and western states that produce energy that is exported to California) because the HST System would obtain electricity from the statewide grid. The HST System is expected to require less than 1% of the state's future electricity consumption. The Revised DEIR/Supplemental DEIS provides information about the multi-state electrical grid serving California and the HST System energy demand in Section 3.6, Public Utilities and Energy (Table 3.6-18). The HST project would set a priority on the use of renewable energy sources and not require the construction of a separate power source, although it would include the addition and upgrade of power lines to a series of substations positioned along the HST corridor. Please refer to the summary of electricity requirements in Section 2.2.6, Traction Power Distribution, in Chapter 2, Alternatives. Section 3.6.5-C, High-speed

BO083-2

Train Alternatives, discusses how the energy demand would be met.

BO083-3

Refer to Standard Response FB-Response-PU&E-01.

Transmission lines between the transmission power supply stations and the existing substations would be constructed above ground to industry standards and therefore, would not conflict with existing infrastructure (refer to Section 3.6.5).

Submission BO084 (Brian Thoburn, Southern California Edison Company, September 20, 2012)

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL Company

September 20, 2012

California High-Speed Rail Authority
Fresno to Bakersfield Revised DEIR/Supplemental DEIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Re: Revised Draft Environmental Impact Report (Revised DEIR)/Supplemental Draft Environmental Impact Statement (Supplemental DEIS): Fresno to Bakersfield Alignment

Dear California High-Speed Rail Authority (Authority):

Southern California Edison Company (SCE) appreciates the opportunity to comment on the Revised DEIR/Supplemental DEIS for the California High Speed Train (CAHST) - Fresno to Bakersfield Alignment. SCE provided comments on the original DEIR/DEIS in its letter to the Authority dated October 13, 2011. Please consider SCE's comments provided in the October 13 letter to be incorporated by reference into these comments on the Revised DEIR/Supplemental DEIS.

BO084-1

BO084-2

Impacts to SCE facilities

SCE's preliminary review of the revised Fresno to Bakersfield Alignment indicates that there are potentially three 66 kV crossings in the Hanford area and five 220 kV crossings located on Edison Highway between Fairfax and Highway 84 in East Bakersfield. Due to the number of potential crossings associated with this and other future alignments, SCE recommends that as the CAHST continues to cross further into SCE' service territory, required relocations should be identified as early as possible so that they might be bundled together into a consolidated application for the California Public Utilities Commission (CPUC) licensing. In addition, please ensure all SCE facilities over 50 kV that are potentially impacted by the proposed project are identified in a table with an indication of whether relocation is proposed. Please contact Jeannine Lee, SCE Technical Specialist, Transmission Commercial Management, at (559) 684-3779 for assistance.

BO084-3

Electricity Service to the CAHST

SCE will require engineering fees to determine the scope of work necessary to study the service requirements of the CAHST. Please contact Peter Lennon at (714) 895-0726 to initiate this process.

BO084-4

SCE's Mascot Substation Project

SCE is currently constructing a new substation (called Mascot Substation) located on the southwest corner of Grangeville Boulevard and 7 ½ Avenue near the City of Hanford in northeastern Kings County, which is in the vicinity of the proposed CAHST Fresno to Bakersfield Alignment. SCE needs detailed information on how the proposed Fresno to Bakersfield Alignment potentially impacts SCE's planned Mascot Substation Project. Please provide street level drawings of the Fresno to Bakersfield Alignment relative to SCE's planned Mascot Substation Project, including 66 kV subtransmission facilities associated with the proposed substation. For questions regarding the Mascot Substation Project, please call Kim Koeppen at (626) 302-7018.

BO084-5

Renewable Transmission Interconnection Planning

SCE continues to recommend that the Authority inquire with third party renewable generators to reduce any potential conflicts between proposed CAHST alignments and planned renewable generation projects and their supporting (sub) transmission and/or distribution facilities.

BO084-6

General Order (GO) 131-D

SCE would like to reiterate that it is important to be aware of the CPUC GO 131-D process for the permitting of new or relocated electrical facilities operating over 50kV (power lines and substations). As indicated above, several subtransmission and transmission lines may be required to be relocated to accommodate the proposed alignment, and multiple new substations will be required to power the CAHST.

If the work scope for the new or relocated SCE facilities operating between 50 and 200 kV are not included in the Authority Revised DEIR/Supplemental DEIS, SCE may need to seek approval from the CPUC for a Permit to Construct (PTC) for the 50-200 kV facilities. This process may take 18 months or longer for each defined SCE project, since the CPUC may need to conduct its own environmental evaluation (i.e., Mitigated Negative Declaration or Environmental Impact Report). The 18 months is in addition to the time required by SCE to prepare its CPUC PTC application and related Proponent's Environmental Assessment. This is another reason why it is important to identify all SCE relocation and construction activity necessary to support development of the CAHST alignments as soon as possible, so that multiple relocation/construction activities can be bundled into one (or few) PTC application(s).

Similarly, if the scope of work for the new or relocated SCE facilities operating over 200 kV are not included in the Authority Revised DEIR/Supplemental DEIS, SCE may need to seek approval from the CPUC for a Certificate of Public Convenience and Necessity (CPCN) for such facilities. This process may take 29 months or longer for each defined SCE project, since the CPUC may need to conduct its own environmental evaluation (i.e., Mitigated Negative Declaration or

Submission BO084 (Brian Thoburn, Southern California Edison Company, September 20, 2012) - Continued

BO084-6

Environmental Impact Report). The 29 months is in addition to the time required by SCE to prepare its CPUC CPCN application and related Proponent's Environmental Assessment. Similarly, it is important to identify early all SCE relocation and construction activity involving 200 kV facilities necessary to support development of the CAHST, so that multiple relocation/construction activities can be bundled into one (or few) CPCN application(s).

BO084-7

As an alternative, the Authority may wish to prepare a Revised EIR Addendum that analyzes SCE relocation and construction activities necessary to support development of the CAHST. SCE would then use the Addendum as part of its PTC/CPCN application processes to obtain licenses to construct the required electric facilities. As indicated above, this process may shorten the licensing timeline for the required facilities.

BO084-8

In closing, SCE company rights-of-way and fee-owned properties are purchased for the exclusive use of SCE to operate and maintain its present and future electric system facilities. Any proposed use of SCE rights-of-way, including crossings and impacts to SCE's access to rights-of-way, will be reviewed on a case-by-case basis by the appropriate SCE operating department. Approvals or denials will be in writing based upon review of the maps provided and compatibility with SCE rights-of-way constraints and rights. In the event this project

BO084-9

impacts SCE facilities or land related rights, please forward six (6) sets of plans depicting SCE's facilities and associated land rights to the following location:

Real Properties Department
Southern California Edison Company
2131 Walnut Grove Avenue
G.O. 3-Second Floor
Rosemead, CA 91770

SCE appreciates the opportunity to comment on the Revised DEIR/ Supplemental EIS for the Fresno to Bakersfield Alignment and looks forward to working closely with the Authority to address the electric system needs of the CAHST. If you have any questions regarding this letter, or would like to schedule an appointment to discuss this letter, please feel free to contact me at (559) 685-3760.

Sincerely,

Brian Thoburn
Local Public Affairs Region Manager
Southern California Edison Company

2423 S. Blackstone Street
Tulare, CA 93274

SOUTHERN CALIFORNIA EDISON

BAKERSFIELD CA 932
20 SEP 2012 PM 3 L

California High-Speed Rail Authority
Fresno to Bakersfield Revised DEIR/
Supplemental DEIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

9581435900

Response to Submission BO084 (Brian Thoburn, Southern California Edison Company, September 20, 2012)

BO084-1

Comments provided by Southern California Edison on the Draft EIR/EIS are addressed in Volume IV of the Final EIR/EIS.

BO084-2

Refer to Standard Response FB-Response-PU&E-03.

While individual power transmission lines are not called out in the EIR/EIS, an inventory of existing power transmission lines was done on the basis of available information and visual observation. The inventory of powerlines is provided in Section 3.6 of the EIR/EIS along with a discussion of conflicts of project alternatives with power transmission lines.

The Authority is actively assimilating information on existing and planned utilities. The Authority has, and will continue to, actively coordinate with SCE during the design phases of the project to identify, describe, and evaluate the HST's potential impact on existing electrical and gas infrastructure. As appropriate and commensurate to the early stage of engineering design, modifications have been made to the EIR/EIS to reflect the comments provided (see Section 3.6.2 Laws, Regulations, and Orders). Where the project would require modification of any electrical substation or electrical transmission, power, or distribution line, such modifications would be conducted in compliance with the California Public Utilities Commission's General Order 131-D. The Authority will assist utility providers in applying for a permit from the CPUC under CPUC General Order 131-D, including the need for any additional environmental review necessary for transmission line relocation or extension, or other new or modified facilities, and any localized increase in electrical loads identified as part of the more detailed design.

BO084-3

The Authority is working closely with Southern California Edison (SCE) on the issue of electricity service. The Authority has entered into an agreement with SCE to fund an interconnection study, which will determine how the HST should best connect to SCE in order to provide traction power for the HST System.

BO084-4

Refer to Standard Response FB-Response-PU&E-02, FB-Response-PU&E-03.

BO084-4

The California Public Utilities Commission (CPUC) approved Southern California Edison's proposed Mascot Electrical Substation project in the second quarter of 2011. Although the analysis of project-level effects in Section 3.6, Public Utilities and Energy, of the EIR/EIS evaluates anticipated effects on existing public utility facilities and services, the proposed Mascot Substation was not implemented at the time the Draft EIR/EIS analysis was prepared. A review by HST planning engineers concluded that the proposed Mascot Substation would not be directly affected by the project; however, the route of power lines connected to the proposed facility may need to be altered.

The project team has coordinated—and will continue to actively coordinate—with utility providers during all the design phases of the project to identify, describe, and evaluate the potential impact of the project on existing electrical infrastructure. Where the project would require modification of any electrical substation or electrical transmission, power, or distribution line, such modifications would be conducted in compliance with CPUC General Order 131-D.

BO084-5

The Authority is actively working with the California Public Utilities Commission (CPUC), the California Energy Commission (CEC), and third-party providers to explore existing/planned utilities and generation opportunities. The Authority continues to evaluate and strives to avoid, minimize, and/or mitigate any impacts on renewable generators.

The designs presented in the Final EIR/EIS are preliminary (15% to 30% complete). The Authority will coordinate with utility owners to refine this information, identifying and evaluating all known facilities within the footprint during future design phases.

BO084-6

Refer to Standard Response FB-Response-PU&E-01.

The designs presented in the Revised DEIR/Supplemental DEIS are based on preliminary engineering. The project team has coordinated and will continue to actively

Response to Submission BO084 (Brian Thoburn, Southern California Edison Company, September 20, 2012) - Continued

BO084-6

coordinate with Southern California Edison (SCE) during the design phases of the project to identify, describe, and evaluate the high-speed train's (HST) potential impact on existing infrastructure. As appropriate and commensurate to this preliminary stage of engineering design, modifications have been made to the Revised DEIR/Supplemental DEIS to reflect the comments provided (see Section 3.6.2 Laws, Regulations, and Orders). As the project advances into final design and construction, the Authority and the Authority's contractors will continue to work with SCE and conduct appropriate field activities to ensure all utility conflicts are identified and resolved. Where the project would require modification of any electrical substation or electrical transmission, power, or distribution line, such modifications would be conducted in compliance with the California Public Utilities Commission's General Order 131-D.

BO084-7

Refer to Standard Response FB-Response-PU&E-01.

BO084-8

Refer to Standard Response FB-Response-PU&E-03.

The Authority will continue to work with Southern California Edison (SCE) to address conflicts where HST facilities need to cross or conflict with existing SCE infrastructure and utility rights-of-way.

BO084-9

As requested in the comment, if the proposed project affects Southern California Edison's facilities and associated land rights, six sets of plans will be submitted to the requested location.

Submission BO085 (Dr. Emmanuel Strategos, St. George Greek Orthodox Churck, October 4, 2012)

ST. GEORGE GREEK ORTHODOX CHURCH
Metropolitan Gerasimos • Presiding Hierarch Father Joseph Chaffee • Parish Priest
401 Truxtun Avenue, Bakersfield, CA 93301 • Tel: (661) 325-8694
Web:stgeorgebakersfield.org • Email: office@ourparish.us

METROPOLIS OF SAN FRANCISCO

ST. GEORGE THE TROPHYBEARER

9/21/12

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

Attn: California High Speed Rail Authority

The Saint George Greek Orthodox Church is located at 401 Truxtun Ave., Bakersfield, CA, 93301. The Church Park and Sunday School building are directly south of the Church and Hellenic Hall and border on the west side of "U" St. The purpose of this letter is to re-affirm our objections with each alignment of the High Speed Rail Project.

BO085-1 Alignment B1 takes out our Church Park, parking lot, and Sunday School building. This alignment will orient too much traffic to "U" St. past the Church, and "U" St. is not wide enough to handle this increase in traffic. It will be dangerous to young children and older pedestrians as they make their way to Church from what will be remote parking because the parking lot will have been taken. It will also bring

BO085-2 excessive noise to the Church that will interfere with religious services. Finally, this alignment will result

BO085-3 in the taking of the Church property that will render the Church unable to fulfill its mission relative to Sunday School, fund raising festivals (we have 2 food festivals per year which generate approximately 60% of our annual revenues), parking and many other functions. This will destroy the Church's ability to operate efficiently, and eliminate a religious and cultural resource that has been part of our local community since the 1930's.

BO085-4 Regarding Alignment B2, the diagram is difficult to read, but if it takes out our back property (park, parking lot, Sunday School building), then it would present the same damage as Alignment B1.

BO085-5 Alignment B2 would result in a safety issue with our parishioners from increased traffic, and the

BO085-6 excessive noise will interfere with religious services.

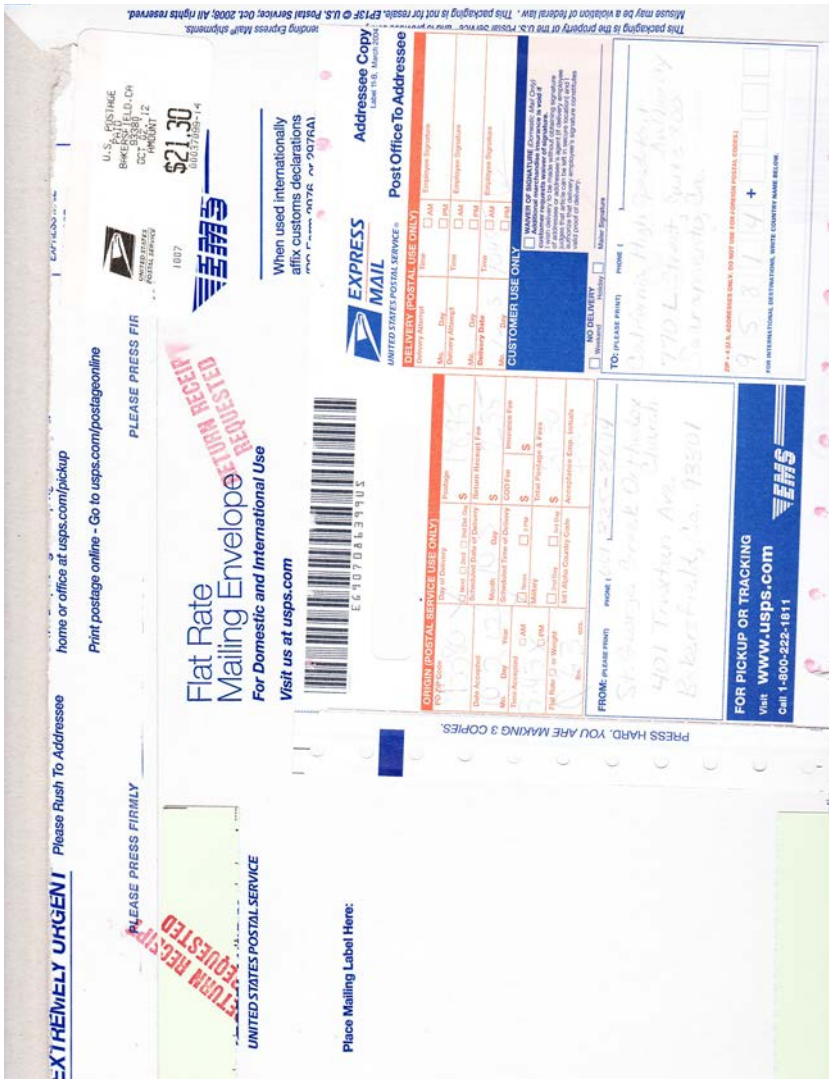
BO085-7 Alignment B3 Hybrid would leave our back property, but there will be a parking structure on the east side of "U" St. This parking structure will cause safety issues with children and older parishioners

BO085-8 because of increased traffic, and also create noise issues which will disrupt our Church services.

BO085-9 In closing, on behalf of our Church, we submit that all three alignments will effectively cripple our Church's ability to function as a place of worship.

Father Joseph Chaffee
Parish Priest

Dr. Emmanuel Strategos
President, Parish Council



Response to Submission BO085 (Dr. Emmanuel Strategos, St. George Greek Orthodox Churck, October 4, 2012)

BO085-1

Road closure and property access impact mitigation measures are identified under Section 3.2.7 of the Revised DEIR/Supplemental DEIS. Transportation Mitigation Measure #1 (TR MM#1) states that if a proposed road closure restricts current access to a property, the project would provide alternative access via connections to existing roadways. If adjacent road access is not available, then feasible new road connections would be provided. If alternative road access is not feasible either, then the property would be considered for acquisition.

BO085-2

The Saint George Greek Orthodox Church located at 401 Truxtun Avenue in Bakersfield has an existing noise level of 66 dBA Ldn, a total noise level (sum of the ambient and project noise levels) of 70 dBA Ldn for the BNSF Alternative, 70 dBA Ldn for the Bakersfield South Alternative, and 69 dBA Ldn for the Bakersfield Hybrid Alternative. The Saint George Creek Orthodox Church will be moderately impacted by both the BNSF and Bakersfield South alternatives. There will be no impact on the church by the Bakersfield Hybrid Alternative. The church will be mitigated by a 14-foot-high noise barrier for all three alignments, making the impact level none.

BO085-3

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

No property displacement is anticipated at the St. George Greek Orthodox Church. Alignment plans and maps of parcels directly affected by the project where the whole parcel or a portion thereof would be acquired by the project are provided in Volume III.

BO085-4

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

No property displacement is anticipated at the St. George Greek Orthodox Church. Alignment plans and maps of parcels directly affected by the project where the whole parcel or a portion thereof would be acquired by the project are provided in Volume III.

BO085-5

The Saint George Greek Orthodox Church located at 401 Truxtun Avenue in Bakersfield has an existing noise level of 66 dBA Ldn, a total noise level (sum of the ambient and project noise levels) of 70 dBA Ldn for the BNSF Bakersfield Alignment, 70 dBA Ldn for the Bakersfield South Alignment, and 69 dBA Ldn for the Bakersfield Hybrid Alignment. The Saint George Creek Orthodox Church will be moderately impacted by both the BNSF Bakersfield and Bakersfield South alignments. There will be no noise impact on the church by the Bakersfield Hybrid Alternative. The church will be mitigated by a 14 foot high noise barrier for all three alignments making the impact level none.

As stated in the Transportation Technical Report, the project is located along Roadway Segment No. 23, Truxtun Ave., between Q St. and Beale Ave. Table 5.4-9 states that the road segment will operate at LOS A for both Future (no project) conditions and Future plus Project for the Bakersfield North and South Station Alternatives, therefore the project is expected to have no impact on the traffic along this section of Truxtun Avenue. All streets in the vicinity of the church have been constructed with ADA compliant sidewalks on both lanes by the CIty of Bakersfield. A 4-way crosswalk is provided at the intersection of Truxtun Avenue and S Street.

BO085-6

The Saint George Greek Orthodox Church located at 401 Truxtun Avenue in Bakersfield has an existing noise level of 66 dBA Ldn, a total noise level (sum of the ambient and project noise levels) of 70 dBA Ldn for the BNSF Alternative, 70 dBA Ldn for the Bakersfield South Alternative, and 69 dBA Ldn for the Bakersfield Hybrid Alternative. The Saint George Creek Orthodox Church will be moderately impacted by both the BNSF and Bakersfield South alternatives. There will be no impact on the church by the Bakersfield Hybrid Alternative. The church will be mitigated by a 14-foot-high noise barrier for all three alignments, making the impact level none.

BO085-7

Refer to Standard Response FB-Response-S&S-01.

A new parking structure supporting the Bakersfield Hybrid Station would not provide public access from U Street. As stated in Transportation Technical Report, the project is located along Roadway Segment No. 23, Truxtun Ave., between Q St. and Beale Ave.

Response to Submission BO085 (Dr. Emmanuel Strategos, St. George Greek Orthodox Churck, October 4, 2012) - Continued

BO085-7

Table 5.4-11 states that the road segment will operate at LOS A for both Future (no project) conditions and Future plus Project for the Bakersfield Hybrid Alternative, therefore the project is expected to have no impact on the traffic along this section of Truxtun Avenue.

The Saint George Greek Orthodox Church located at 401 Truxtun Avenue in Bakersfield has an existing noise level of 69 dBA Ldn for the Bakersfield Hybrid Alignment. There will be no noise impact on the church by the Bakersfield Hybrid Alternative or Station. The church will be mitigated by a 14 foot high noise barrier making the impact level none.

No property displacement is anticipated at the St. George Greek Orthodox Church. Alignment plans and maps of parcels directly affected by the project where the whole parcel or a portion thereof would be acquired by the project are provided in Volume III.

BO085-8

The Saint George Greek Orthodox Church located at 401 Truxtun Avenue in Bakersfield has an existing noise level of 66 dBA Ldn, a total noise level (sum of the ambient and project noise levels) of 70 dBA Ldn for the BNSF Alternative, 70 dBA Ldn for the Bakersfield South Alternative, and 69 dBA Ldn for the Bakersfield Hybrid Alternative. The Saint George Creek Orthodox Church will be moderately impacted by both the BNSF and Bakersfield South alternatives. There will be no impact on the church by the Bakersfield Hybrid Alternative. The church will be mitigated by a 14-foot-high noise barrier for all three alignments, making the impact level none.

BO085-9

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

No property displacement is anticipated at the St. George Greek Orthodox Church. Alignment plans and maps of parcels directly affected by the project where the whole parcel or a portion thereof would be acquired by the project are provided in Volume III.

Submission BO086 (Ted Page, SunnyGem LLC, October 19, 2012)

Fresno - Bakersfield (July 2012+) - RECORD #395 DETAIL

Status :	Action Pending
Record Date :	10/19/2012
Response Requested :	No
Affiliation Type :	Businesses and Organizations
Interest As :	Businesses And Organizations
Submission Date :	10/19/2012
Submission Method :	Project Email
First Name :	Ted
Last Name :	Page
Professional Title :	Agent in Charge
Business/Organization :	SunnyGem LLC
Address :	
Apt./Suite No. :	
City :	Wasco
State :	CA
Zip Code :	97065
Telephone :	
Email :	tandspage@yahoo.com
Email Subscription :	
Cell Phone :	
Add to Mailing List :	

Stakeholder Comments/Issues :

California High Speed Rail Authority
Attn: Mr. Jeff Morales
770 L Street, Ste. 800
Sacramento, Ca. 95814

Re: Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment

BO086-1

Economic Impacts: SunnyGem LLC Almond Processing Facility

The above named almond processing facility is located at 500 N. F Street in Wasco, California. lying between the east side of F Street and the west side edge of the existing railroad tracks. (Parcels are described as: Parcels impacted by the project footprint. Sheet 215) The parcels impacted are numbered 48725002,48725001,48725012,48725013,48725015,48702026.

SunnyGem LLC is the largest non-governmental employer in the City of Wasco, Ca. We are now finishing a major expansion project and are beginning another major expansion project this year 2012 that will bring even more jobs to an area that continually and constantly hovers in the 25-30% unemployment range.

The existing HSR project alignment will effective gut our facility and our ability to continue physically as well as economically, causing the destruction of a major job creator and a producer of an antioxident protein food product for the people Wasco, California, United States, and the World.

BO086-2

SunnyGem LLC implores and requests that the HSR Project be constructed, if at all, within the existing railway easement or on the east side of Highway 43, thru the City of Wasco, Ca. U.S.A.

BO086-3

SunnyGem LLC does not believe the Authority has fully evaluated the economic and social cost pursuing potential eminant domain thru its property.

Adamantly and Respectfully Submitted,

Ted R. Page, Agent In Charge SunnyGem LLC
for John T. Vidovich

EIR/EIS Comment : Yes
Official Comment Period : Yes

Response to Submission BO086 (Ted Page, SunnyGem LLC, October 19, 2012)

BO086-1

Refer to Standard Response FB-Response-SO-01, FB-Response-SO-03.

For information about the impacts on commercial and industrial businesses in communities, see the EIR/EIS, Volume I, Section 3.12, Impact SO #10. For information on the property acquisition and compensation process, see Volume I, Appendix 3.12-A.

BO086-2

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

An alignment on the east side of the BNSF Railway (BNSF) through Wasco was considered during the alternatives analysis process at the beginning of the project. This alternative would require relocation of a BNSF rail yard and cutting spurs to BNSF customers. Moving the alignment away from the BNSF corridor to the east would have resulted in the displacement of a substantial number of low-income housing units east of H Street. For those reasons, an alternative on the east side of the BNSF corridor through Wasco was not carried forward in the EIR/EIS.

Two alternatives are under consideration in the Wasco area. They include the BNSF Alternative, which would travel on the western side of the BNSF right-of-way, and the Wasco-Shafter Bypass, which would bypass the city to the east. Project design guidelines recognize BNSF as a potential shared corridor partner, which in some locations could reduce the horizontal separation of the HST project from the BNSF facility by as much as 25 feet, assuming the appropriate intrusion protection barrier is provided; however, for purposes of the Final EIR/EIS, it is assumed that no encroachment on the BNSF right-of-way would occur.

The Authority used the information in the Final EIR/EIS and input from the 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; the objectives and criteria in the alternatives analysis; and the comparative potential for environmental impacts. The Preferred Alternative has the least overall impact on the environment and local communities, the lowest cost, and the fewest constructability constraints of the project alternatives evaluated.

BO086-3

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

The Authority will negotiate with property owners whose land would be impacted 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 the statewide HST system. The HST project financing includes funding for the costs of property acquisition.

Submission BO087 (Michael (1) Mark (2) Kennedy (1) Harrison (2), The First Free Will Baptist Church and Bethel Christian School, October 18, 2012)

Memorandum of Comment & Formal Objection to HSR

To: High Speed Rail Authority
Fresno to Bakersfield Revised Draft EIR/EIS Comment
770 L Street – Suite 800
Sacramento, CA 95814

From: The First Free Will Baptist Church and Bethel Christian School

2236 **E.** California Ave. Bakersfield, CA, 93307 (661) 325-2661 – (661) 325-6532

Date: 10/18/12

Re: High-Speed Rail Revised Draft EIR Comments/Formal Objection

To Whom It May Concern:

With regard to the proposed implementation of a High-Speed Railway system, we hereby submit this letter in opposition to this proposed project and the existing EIR.

Executive Summary

BO087-1

The most recent draft of the EIR/EIS released by the California High-Speed Rail Authority has been reviewed by our church-school staff. After careful review of the 30,000 page EIR document we find the Revised EIR /RDEIS to be poorly constructed, because it fails to adequately address mitigation issues for our church and school stakeholders. In addition, the Revised EIR/EIS has failed to provide to our, multi-ethnic school and Spanish church community, a full disclosure in the Spanish language, as required by the Equal Rights Act. This is disturbing because according to United States Environmental Law there is documentation required for such actions "...Significantly affecting the quality of the human environment." Therefore, based on such environmental law, it makes no sense that a project of this size has not had to undergo a more thorough assessment of potential impact on a church and school community. For this reason, **BCS/FFWBC stakeholders demand full mitigation (per CEQA)**, full disclosure, and those 30,000 pages of translated EIR text must, without reservation, be made available for our multi-ethnic school and church population. This is necessary, as our protection of assets is at risk.

Note: This document is intended to cover the major points thus far accumulated by our staff. As presented before, the existing Revised DEIS/EIR places at risk millions of dollars in school and affiliated church assets, with little or no mitigation being offered by the CHSR Authority.

Statements, Concerns and Questions:

1. All three alignments [Alternative (Purple Line), Red Line (BS, Bakersfield South) and Blue Line (BNSF Alternate route, BSNI/BLUE)] impact Bethel Christian School.

2. All three alignments [Alternative (Purple Line), Red Line (BS, Bakersfield South) and Blue Line (BNSF Alternate route, BSNI/BLUE)] impact the First Free Will Baptist Church.

3. Based on the aforementioned impacts to the church-school location, the stakeholders of the church/school community are concerned, because there is limited information available on the mitigation of the property to assure our community members that impacts will be minimal.

4. Based on the aforementioned impacts to the church-school location, the stakeholders of the church/school community are also concerned, because there is limited information available on the mitigation of the property to assure community members that impacts will be mitigated according to the guidelines outlined by CEQA.

BO087-2

5. Table S-3 under HST Mitigation Measures does not directly mention displacement of the First Free Will Baptist Church. However, the draft/revised EIR text does include displacement of the church-school facility. Why is this displacement not listed under the HST Mitigation Measures?

6. Although the CHSR Authority has provided maps showing the footprint of the rail, in the Revised EIR document, alignments (which according to the HSRA) do not require displacement of the church-school facility, have not received proper mitigation. In a letter, submitted on September 22, 2011 (before the deadline on the first DEIR/EIS), Mr. Michael Kennedy made a request that the HSR Authority mitigate the following:

   - Traffic circulation
   - Land affected (22 parcels of church-school land)
   - Student safety
   - Visual impacts (HSR is required, under Visual Impacts, to consider community input)
   - Mitigation relating to relocation
   - Effects of operational noise
   - Effects of construction activities

   Note: These items have not been mitigated properly in the Revised Draft document. In fact, the only item from the list of stakeholder concerns that the HSRA has clearly mentioned in section S-3 is "...lower visual quality..." (Page 79). The HSRA even noted in the Revised Document that that existing mitigation measures by the HSRA were not acceptable, and that lack of mitigation was still considered "...significant under CEQA..." In addition, there has been no consideration or input from the church-school community on decisions about visual impact, as required under HSR Visual Impacts.

7. We, therefore, also question why the CHSR Authority (established in 1996 as a state entity), is not following more detailed and higher standards of the California Environmental Quality Act (CEQA) and related CEQA Guidelines. Thus, BCS/FFWBC stakeholders submit the following amended concerns for this Revised document and request full mitigation of:

BO087-3

   - Radio wave impacts to the sensitive sound system.

BO087-4

   - Information and clear mitigation relating to impacts on the A/V equipment (e.g., RF resistant walls around sensitive equipment).

BO087-5

   - Mitigation/compensation for temporary closures of the church-school facility.
   - Loss of revenue, due to changing traffic patterns on California Ave.

BO087-6

   - Mitigation related to changes in access to the church-school property.
   - Construction noise and dust.

Submission BO087 (Michael (1) Mark (2) Kennedy (1) Harrison (2), The First Free Will Baptist Church and Bethel Christian School, October 18, 2012) - Continued

BO087-7
- Noise analysis on the learning environment.
- Noise analysis on the teaching environment.
- Full vibration analysis on existing structures.

BO087-8
- Clearly outlined mitigation, as related to church-school relocation.

BO087-9
8. CEQA states that "...an EIS/EIR shall be written in plain language and use appropriate maps and graphics... so the public can rapidly understand the document." In addition, the draft documents, "...should be less than 105 pages, and for proposals of unusual complexity (like HSR)... 300 pages." However, the EIR is many times the maximum, and the HSR drawings and text is undecipherable to our multi-ethnic/bilingual school and church community.

BO087-10
Conclusion of the Executive Summary
The eventual adoption of the environmental documents will potentially create a significant impact on Bethel Christian School and the First Free Will Baptist Church. Thus, we request that proper mitigation be included in the final EIR.

Formal Objection from Other Citizen Groups and the FFWB Church/BCS School Community

Pursuant to CEQA Guidelines, the HSR project would have a **significant impact** if it would:

- Physically divide an established community.
- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- Relocate substantial numbers of people, necessitating the construction of replacement housing elsewhere.
- Result in substantial adverse physical impacts associated with the provision of new or physically altered community and governmental facilities or with the need for new or physically altered community and governmental facilities, the construction of which could cause significant environmental impacts.

According to the original maps released by the HSR Authority, all three "...alignments would displace hundreds of homes and many non-residential properties, churches (like the First Free Will Baptist Church) and a school (Bethel Christian School). This alignment would alter community social interactions and community cohesion, and would change the physical character of the community. These impacts would be **significant under CEQA**." Therefore, all three alignments will be substantially devastating to our church, school, and our local community. As Public Notice explains, the effects (of HSR) will be felt in the following areas: "...transportation, air quality, noise and vibration, electromagnetic fields, biological resources and wetlands, hazardous materials and wastes, safety and security, communities, agricultural lands, parks, recreation, and open space, aesthetics and visual resources, and cultural and paleontological resources..."

BO087-11
Note: So far, there has been no mention of the total amount of compensation or noise abatement procedures available to the First Free Will Baptist Church and Bethel Christian School.

Additional Concerns as Raised by our Staff and Other Concerned Citizens by Letter to the HSRA

BO087-12
First, we are *concerned that this project will not be adequately funded*. At this point, we understand that the Authority has only obtained minimal funding for constructing tracks - not for the actual trains or electrification. Despite indicating the support of certain "private investors," the Authority has not yet identified any particularized firm commitments. We are concerned that this project will end up as a "train to nowhere," much like Senator Stevens' "bridge to nowhere" in Alaska. The train will severely impact the citizens of Bakersfield without any long term benefit. It will add to the debt of the State of California.

BO087-13
Second, we believe *the location of this project is misplaced*. Currently, the proposed project will run through "old" Bakersfield, which will result in extreme traffic and parking congestion. Other cities, such as Denver, Colorado, have wisely chosen to relocate new transportation centers away from the downtown area, to avoid negative impacts, such as unwanted noise, vibrations, pollution, and traffic congestion.

BO087-14
Third, we believe *the Authority will not undertake the necessary procedures to mitigate adverse impacts on the community*. In fact, we understand that mitigation efforts, such as construction of sound walls, are typically discretionary and, in some cases, can be reduced or even avoided altogether by the Authority. Thus, considering the budgetary constraints addressed above, we believe the community will not receive the necessary protections from the anticipated adverse environmental impact.

BO087-15
Fourth, we recommend that the HSR Authority re-evaluate the proposed site and consider the I-5 or HWY 99 option, as a better alternative.

Thank you for your time and consideration.

First Free Will Baptist Church, Bakersfield

Bethel Christian School, Bakersfield

By:
Michael Kennedy, Principal
Bethel Christian School

Dr. Mark Harrison, Pastor/
FFWB Church & Campus Church-School Administrator

Response to Submission BO087 (Michael (1) Mark (2) Kennedy (1) Harrison (2), The First Free Will Baptist Church and Bethel Christian School, October 18, 2012)

BO087-1

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

The Authority's website has provided translated materials and has offered translation services at all public meetings. The Executive Summary and several educational materials regarding the Draft EIR/EIS and Revised DEIR/Supplemental DEIS are available in Spanish. In addition, 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.

The EIR/EIS has been prepared in accordance with federal guidance regarding compliance with Executive Order 12898. The commenter has not presented any evidence that there has been any violation of federal requirements.

BO087-2

Table S-3 is a summary of the mitigation measures presented in Chapter 3 of the Revised DEIR/Supplemental DEIS. The more detailed description of the proposed mitigation measures in reference to the Free Will Baptist Church and the Bethel Christian School is discussed in Section 3.12.11, SO-3: Implement measures to reduce impacts associated with the relocation of important facilities.

BO087-3

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

* EMF and RF fields and resulting stray currents and voltages are measured and controlled.
* Fields do not disturb or disrupt systems and equipment of passengers or neighbors.

BO087-3

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

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

During the planning stage through the 30% system design, the Authority will perform EMC/electromagnetic interference (EMI) safety analyses to identify existing radio systems at nearby uses, will specify and design systems to prevent EMI with identified neighboring uses, will require compliance with international standards limiting emissions to protect neighboring uses, and incorporation of these design requirements into bid specifications used to procure radio and all other California HST systems, including trains, traction power systems, and communication systems. The implementation stage will include 100% system design and will include final engineering design, monitoring, test, and evaluation of system performance.

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

The HST would use radio systems for automatic train control, data transfer, and communications. The HST radio systems would transmit radio signals from antennas located at stations and the heavy maintenance facility (HMF) along the track alignment and on locomotives and train cars. The HST System may acquire two dedicated frequency blocks in the 900 megahertz (MHz) frequency range presently used by

Response to Submission BO087 (Michael (1) Mark (2) Kennedy (1) Harrison (2), The First Free Will Baptist Church and Bethel Christian School, October 18, 2012) - Continued

BO087-3

cellular telephone for use by automatic train control systems or may use other licensed, exclusive-use frequencies. If used, this spectrum would be dedicated for California HST use, and EMI with other users would not be expected. Communications systems at stations may operate at Wi-Fi frequencies to connect to stationary trains; channels would be selected to avoid EMI with other users, including Wi-Fi systems at use at nearby schools (Authority 2011c, 2011f).

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

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

BO087-4

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

The EIR/EIS includes specific information on the Bethel Christian School and the potential impacts. See Volume I, Section 3.12.6.4, for a community description; Section 5.2.5 of the Community Impact Assessment Technical Report for the impacts on the school; and Section 5.2.6 of the Community Impact Assessment Technical Report for mitigation measures related to the potential property displacement and relocation. For information on the property acquisition and compensation process, see Volume II, Appendix 3.12-A.

BO087-5

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

BO087-6

Refer to Standard Response FB-Response-AQ-05, FB-Response-GENERAL-01.

Construction dust is reduced to a less-than-significant level by implementation of best practice avoidance and minimization measures that are part of the project design features and described in Section 3.3.8 of the Final EIR/EIS. Noise is addressed in the Section 3.4, Final EIR/EIS .

The construction noise impact analysis was based on evaluating the noise expected to be generated by typical construction equipment and construction methods in comparison with existing noise levels. As mentioned above, the existing noise levels were determined throughout the corridor by direct field noise measurements.

Local and city noise ordinances were acknowledged and presented in Appendix A, Local Noise Regulations, of the Noise and Vibration Technical Report (Authority and FRA 2012j). However, because this is a federally funded project, the Authority and FRA are required to follow the assessment guidelines set forth by the FRA and Federal Transit Administration, which provide uniform guidance on rail and transit projects. As a state agency, the Authority is not subject to local noise ordinances. However, during construction, the Authority and its design-build contractor will consider local noise sensitivities consistent with local ordinances and employ best management practices to minimize excess noise impacts during construction.

BO087-7

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

BO087-8

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

Response to Submission BO087 (Michael (1) Mark (2) Kennedy (1) Harrison (2), The First Free Will Baptist Church and Bethel Christian School, October 18, 2012) - Continued

BO087-9

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

The CEQA provision cited is largely outdated as a result of the evolution of CEQA requirements through changes in statute and the interpretations of case law. In current practice, practically no EIR for a major project is 300 pages or less in length. Because of the size of the project, it is not possible to provide the information necessary for the public and decision makers to evaluate its environmental impacts in a document no more than 300 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.The EIR/EIS is written in plain language and uses appropriate maps and graphics. None of the information in this submission provides substantive information that the document is undecipherable.

BO087-10

Refer to Standard Response FB-Response-N&V-05, FB-Response-AQ-05, FB-Response-BIO-02, FB-Response-AVR-03, FB-Response-SO-01.

There are three proposed alternative alignments through Bakersfield: BNSF, Bakersfield South, and Bakersfield Hybrid. Each alternative would have its own set of different effects on Bakersfield.

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 of the project alternatives evaluated. For more detail please refer to Chapter 7, Preferred Alternative, in this Final EIR/EIS.

BO087-11

Refer to Standard Response FB-Response-N&V-05, FB-Response-SO-01.

BO087-12

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

BO087-13

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10, FB-Response-SO-04, FB-Response-GENERAL-25.

BO087-14

Refer to Standard Response FB-Response-N&V-05, FB-Response-GENERAL-11.

Mitigation measures identified in the EIR/EIS will become requirements for the Authority once the project is approved, will be implemented by either the Authority or design-builder, depending on the measure, and will be enforced through the contracts with the design-builder. A Mitigation Monitoring and Enforcement Plan will be prepared that will detail who is responsible for implementing the mitigation, when it needs to be implemented, and what documentation is required to demonstrate its implementation. The Authority will implement a mitigation tracking system to ensure that mitigation is carried out as required and at the time required.

BO087-15

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

Please refer to Section 2.3, Potential Alternatives Considered during Alternatives Screening Process, of the Final EIR/EIS for information regarding the elimination of the Interstate 5 (I-5) and State Route (SR) 99 routes from consideration in the project-level EIR/EIS.

Submission BO088 (Jeff Thomson, Thomson International, Inc., October 18, 2012)

Fresno - Bakersfield (July 2012+) - RECORD #343 DETAIL

Status :	Action Pending
Record Date :	10/19/2012
Response Requested :	No
Stakeholder Type :	Business
Affiliation Type :	Businesses and Organizations
Interest As :	Businesses And Organizations
Submission Date :	10/19/2012
Submission Method :	Project Email
First Name :	Jeff
Last Name :	Thomson
Professional Title :	
Business/Organization :	Thomson International, Inc.
Address :	
Apt./Suite No. :	
City :	
State :	CA
Zip Code :	93307
Telephone :	661-845-1111
Email :	jeflain2@aol.com
Email Subscription :	
Cell Phone :	
Add to Mailing List :	

BO088-1

Stakeholder Comments/Issues :

Gentlemen: I strongly support the "A-2" option on the HSR as the tracks enter Kern County and appears to be the same north of Kern County ie along the existing track line. Many of the Growers/Farmers support the HSR as a great vision for the future....always remember most Agricultural Economists will tell you that the output per acre is increasing faster than our population and thus fewer acres are needed every year to grow our food supply in the USA...don't let "loss of farm ground" impact/derail(sic) your efforts...the above output increase has been going on since about 1950 and is now at an increasing rate....those like Big-Oil-McCarthy and the oil companies can't stand the thought of not having 50,000 cars a day fill up with gasoline along the freeways in the South San Joaquin Valley when the HSR is built. Keep up the good work! C.Jeff Thomson Local Grower, Packer, Shipper

C. Jeff Thomson
Thomson International, Inc.
Phone: (661) 845 - 1111
Cell: (661) 332 - 7475

EIR/EIS Comment :	Yes
Official Comment Period :	Yes

Response to Submission BO088 (Jeff Thomson, Thomson International, Inc., October 18, 2012)

BO088-1

Refer to Standard Response FB-Response-GENERAL-09, FB-Response-GENERAL-10.

Your support of the A-2 option is noted.

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 BO089 (John W. Tos, Tos Farms, Inc., September 17, 2012)

Tos Farms, Inc.
9240 Excelsior Avenue
Hanford, California 93230
Phone 584-5751

RECEIVED
5054

September 11, 2012

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

Re: Draft EIR/EIS for Fresno to Bakersfield Section of HST Project

Dear Chairman and Members of the Board:

Tos Farms, Inc., submits this letter regarding the Draft EIR/EIS (EIR) for the Fresno to Bakersfield section of the High Speed Train (HST) project.

BO089-1

Failure to Describe Project

CEQA Guidelines §15124(a) states that "the precise location and boundaries of the project shall be shown on a detailed map, preferably topographic. . ." to be included in the EIR. The EIR fails to satisfy this requirement.

The EIR includes aerial maps that identify parcels impacted by the proposed BNSF alignment; however, the precise location and boundaries of the project cannot be identified from such maps. It is impossible to determine whether and how certain improvements (e.g., water wells and underground irrigation pipes) will be impacted. Accordingly, the public is deprived of the ability to determine whether the proposed alignment will have a significant impact.

"The project description must contain sufficient specific information about the project to allow the public and reviewing agencies to evaluate and review its environmental impacts." *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26; 82 Cal. Rptr.2d 398. The EIR fails to satisfy this requirement. For example, page 3.14-38 of the EIR states: "As the design develops, this assessment will continue to be updated for current property acquisition requirements. The farmland conversion reported in this document reflects a 15% design level." This lack of specificity deprives the public of its right to review and comment upon significant impacts to the environment.

BO089-2

Failure to Identify and Analyze Impacts

"The environmental impact report shall include a ***detailed*** statement setting forth. . . [a]ll significant effects on the environment of the proposed project" (emphasis added). Government Code §21100(b)(1). The EIR fails to satisfy this requirement for multiple reasons.

Failure to Identify and Analyze Impacts to Farmland and Farming Operations

The EIR does not explain how large parcels of land will be carved into inefficient jigsaw puzzle pieces and the significant burdens that will be forced upon farmers as a result of such division of parcels. The EIR fails to analyze, for example, how the construction of the HST tracks will result in the destruction of water wells, pumps, irrigation pipes, and other agricultural improvements, and the removal of crops and crop-producing trees located thereon.

The EIR does not analyze how construction of the HST project will impact farming operations. For example, the EIR does not identify whether the Authority will require buffer zones around temporary construction areas in which pesticides, herbicides, fertilizers, and other chemicals may not be applied. Without such information, the public is unable to fully analyze and comment upon the "temporary impact" areas shown on the maps contained in Volume II: Appendix 3.1-A.

The EIR fails to identify the impacts to agricultural land temporarily used for construction of the HST project. Page 3.14-36 of the EIR merely states that land will be leased from owners and will be restored to original condition when returned to owners. The EIR does not state how improvements will be impacted or whether crop-producing trees located on the affected property will be removed.

BO089-3

Failure to Identify and Analyze Impacts to Rural Traffic

The EIR omits a detailed statement identifying the significant effects on traffic caused by the rural road closures identified on page 3.2-51 and by parcel severance discussed on page 3.14-41 of the EIR.

The temporary and permanent closure of roads and the severance of parcels will result in a drastic increase in miles traveled by farm vehicles and equipment. Vehicles and equipment will be forced to travel miles on surface streets in order to reach the opposite side of a bisected parcel or a central shop facility or other properties on the other side of the HST track.

The BNSF alternative will have a direct impact on the miles traveled by our corporation's farm vehicles and equipment. Approximately ten (10) miles will be added to each vehicle trip, with fifty (50) vehicle trips occurring per day, six (6) days a week. Over a fifty (50) week period, the BNSF alternative will result in an additional one hundred fifty thousand (150,000) miles traveled by our corporation's vehicles each year.

The closure of roads and bisecting of parcels will add millions of vehicle miles traveled per year by the San Joaquin Valley's agriculture industry, which will result in a corresponding increase

Submission BO089 (John W. Tos, Tos Farms, Inc., September 17, 2012) - Continued

BO089-3

in vehicle emissions. Additional emissions will further worsen the San Joaquin Valley's air quality, which has already been deemed "non-attainment." The EIR fails to analyze this significant impact to the environment.

The increase in miles traveled by farm vehicles and equipment will also result in significant additional costs to farmers. The EIR fails to analyze such financial impact. At fifty cents ($0.50) per mile for fuel, the BNSF alternative would result in an additional seventy-five thousand dollars ($75,000.00) in fuel costs per year for our corporation's business. The increase in miles traveled will also result in additional labor, maintenance, repair and replacement costs. More miles driven will equate to employees and laborers spending more time in driving the additional miles and more wear and tear on vehicles and equipment.

The EIR also fails to analyze the significant risk to public safety caused by farm vehicles and equipment having to travel much greater distances on public roads. It is clear that the preparer of the EIR is not familiar with heavy farm equipment. Large equipment travels at a much slower speed than automobiles and passenger vehicles and often slows traffic on rural roads to a crawl. An increase in such traffic impediments will result in an increase in collisions. Maneuvering large equipment and negotiating turns across lanes of oncoming traffic traveling toward the equipment at highway speed will inevitably result in a rise in collision injuries and deaths. Driving conditions on rural roads in the San Joaquin Valley are greatly diminished during late-fall and winter when dense Tule fog regularly shrouds the area. Heavy farm equipment that poses a risk during normal conditions will be even more deadly when visibility on roads is reduced to less than one hundred feet (100') when thick fog is present.

The EIR fails to satisfy CEQA requirements as it lacks a detailed statement setting forth all significant effects on the environment that will be caused by the HST project.

BO089-4

Failure to Identify and Analyze Mitigation Measures

Government Code §21100(b)(3) states, "The environmental impact report shall include a ***detailed*** statement setting forth. . . [m]itigation measures proposed to minimize significant effects on the environment" (emphasis added).

"[A] mitigation condition that depends on the future formulation of a mitigation plan may be valid, provided the lead agency recognizes the significance of the potential environmental effect, commits itself to mitigating its impact, and articulates specific performance criteria for the future mitigation." *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1411; 43 Cal.Rptr.2d 170.

Page 3.14-41 of the EIR states, in part:

> "Although larger remainder parcels would not be at risk based on size alone, diagonal alignments could cause hardships in maintaining economic activity on otherwise viable parcels. For example, a remainder parcel may become isolated from the farm activity center, requiring farm workers (and farm equipment) to take long detours on public roads. The project design reduces these hardships by providing

BO089-4

> alignment crossings on public roads. As described in Chapter 2, and listed in Appendix 2-A, grade-separated crossings (usually overpasses) would occur at intervals of approximately 1-2 miles. The right-of-way acquisition process provides additional opportunities to reduce hardships caused by access severance. As part of this process, the Authority's right-of-way agents would work with each affected property owner to address issues of concern. Agents would attempt to resolve conflicts, for example by arranging additional property transfers to consolidate ownership. For large properties, agents may be able to arrange for additional grade-separated crossings (e.g., underpasses or small overpasses). The agents may not be able to resolve all issues, and may offer compensation to landowners that demonstrate a hardship from parcel severance. Because these issues would likely be resolved during the right-of-way acquisition process, it is unlikely that parcel severance would result in the additional conversion of farmland to nonagricultural use."

The foregoing is not a detailed statement setting forth mitigation measures and does not identify specific performance criteria for future mitigation. For example, the EIR does not specify the criteria that will warrant additional grade-separated crossings. The EIR also fails to specify how compensation to affected parties will be calculated.

Placing the HST rail alignment through farmland will result in multiple impacts and losses. Such impacts and losses will include, without limitation, the taking of land, the destruction of trees and other long-term sources of income, and the destruction of improvements. The EIR does not specify the criteria that the Authority will utilize to compensate injured parties for such impacts and losses.

Walnut trees have a life span of forty (40) years. It will cost the Authority in excess of one hundred thousand dollars ($100,000.000) per acre to place the rail alignment through a walnut orchard. The following is an example of how losses would be calculated:

- Five (5) year old walnut orchard (35 yrs. remaining life) on forty (40) acre parcel.
- Six (6) acres of trees removed to accommodate rail alignment.
- Three (3) ton crop per ac. per year at eighty cents ($0.80) per pound = $4,800.00/ac./yr. gross income.
- Net income per ac. per yr. = $4,800.00 (gross per ac.) - $1,500.00 (expenses per ac.) = $3,300.00/ac. per year.

Crop Value: 6 ac. x $3,300.00/ac x 35 yrs.:		$693,000.00
Bare Ground Value: 6 ac. x $15,000.00/ac.:		$ 90,000.00
Irrigation System Value:		$ 40,000.00
Tree cost and expenses for first 6 yrs.:		$ 42,000.00
	Total:	$865,000.00
		$144,167.00/ac.

Submission BO089 (John W. Tos, Tos Farms, Inc., September 17, 2012) - Continued

BO089-4

The EIR's description of the mitigation for such impacts and losses is virtually non-existent. The EIR essentially indicates that, if a significant impact cannot be mitigated, the Authority will compensate the injured party. The EIR does not state how such compensation will be calculated, and it is clear that the Authority does not comprehend the magnitude of the losses it will have to cover through monetary compensation.

It is common for farmland to be leased. Long-term leases can exceed thirty (30) years in length. Where land is subject to a lease, the Authority must compensate the landowner and the tenant, since both will be impacted. The EIR fails to describe the manner in which compensation will be allocated between landlords and tenants.

The EIR does not discuss the manner in which impacted facilities will be addressed and does not set forth specific performance criteria for future mitigation measures. The document, for example, fails to state whether the Authority will undertake the work to redesign and reconstruct irrigation systems and other impacted improvements or whether the Authority will merely pay landowners for the loss of such improvements and equipment. If each landowner will be responsible for redesigning and reconstructing improvements, the EIR fails to state when the landowners will be paid for the loss of improvements and how much advance notice the Authority will give to landowners. There are a limited number of contractors that construct farm-related improvements (e.g., water wells, irrigation lines, etc.). With an increased workload due to new construction of and modifications to existing farm improvements caused by the HST project, it is conceivable it could take many months to secure a contractor and for the contractor to complete the necessary work. The EIR fails to state whether the Authority will postpone destruction of an improvement to allow a farmer sufficient time to construct a replacement or modify an existing improvement required for continued agricultural operations. Destruction of an irrigation system during spring or summer will have devastating results if a replacement is not already in place at the time of destruction. The loss of irrigation water for a prolonged period during summer months could result in the death of fruit and nut trees.

The EIR states that the Authority will acquire severed remnant parcels that can no longer be feasibly farmed. The EIR does not identify specific criteria that will be used to determine whether a remnant parcel can be feasibly farmed. The EIR also fails to identify the environmental impact that non-farmable remnant parcels will have or the mitigation measures that the Authority will take with respect to such impact. For example, unused land in rural areas is often overgrown with noxious weeds and is a popular location for illegal dumping, both of which are significant impacts that are not discussed in the EIR.

The EIR does not indicate whether a farming operation burdened with increased fuel, maintenance, repair, and replacement costs resulting from greater vehicle miles traveled and increased equipment hours will be compensated for such permanent impacts and does not specify the criteria that will be utilized in the event compensation will be paid for such impacts.

The EIR fails to satisfy CEQA requirements as it lacks a detailed statement setting forth the mitigation measures and does not articulate specific performance criteria for future mitigation.

BO089-5

Violation of California Government Code §51292

Our corporation owns and rents agricultural preserve land that will be heavily impacted by the proposed BNSF alternative.

Government Code §51292 states:

> "No public agency or person shall locate a public improvement within an agricultural preserve unless the following findings are made:
>
> "(a) The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve.
>
> "(b) If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement."

The Authority has failed to make such findings.

BO089-6

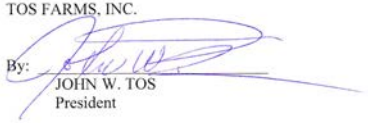
Within the Central Valley, the rail alignment could be located within the Interstate 5 median or along the Interstate 5 corridor, thereby avoiding agricultural preserve land. Utilization of the Interstate 5 corridor would place the rail alignment within a right-of-way already controlled by the State and would eliminate many significant impacts to private land. The Authority has failed to offer substantial evidence as to why there is no other land within or outside of the impacted agricultural preserves on which it is reasonably feasible to locate the rail alignment.

Conclusion

The EIR is grossly deficient. It fails to identify and analyze significant environmental impacts and mitigation measures. Many conclusions regarding significant impacts and proposed mitigation are not supported by substantial evidence. As a result, the EIR does not satisfy CEQA requirements. The Authority must revise the EIR to address such deficiencies. The revised EIR must be recirculated and the public must be given at least six (6) months to review and comment on the modified document in order to satisfy the requirement that the public be given adequate time to review and comment on the EIR.

Sincerely,

TOS FARMS, INC.

By: 
JOHN W. TOS
President

Submission BO089 (John W. Tos, Tos Farms, Inc., September 17, 2012) - Continued

Response to Submission BO089 (John W. Tos, Tos Farms, Inc., September 17, 2012)

BO089-1

The location and boundaries of the Fresno to Bakersfield Project are provided in Appendix 3.1-A, Parcels Within the HST Footprint.

BO089-2

Refer to Standard Response FB-Response-AG-01, FB-Response-AG-02, FB-Response-AG-03, FB-Response-AG-04, FB-Response-AG-05, FB-Response-GENERAL-01.

The Authority will fairly compensate land owners 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.

BO089-3

Refer to Standard Response FB-Response-TR-02, FB-Response-AG-02, FB-Response-AQ-03, FB-Response-S&S-01.

BO089-4

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

The statement described by the commenter is not a mitigation measure. It is a component of the HST Project's process of acquiring temporary (for construction phase) and permanent (for operations) land. The land acquisition process occurs before construction. It is during this phase that the Authority's right-of-way agent will work with individual land owners to mitigate impacts from both construction and operation of the HST. During this phase, wells and other agricultural infrastructure may need to be modified or newly built so as to minimize impacts from the construction and operation of the HST. Before land acquisition occurs and HST construction begins, the farm owner would have time to build or modify the farm's infrastructure so as to minimize impacts on farm operations.

As discussed in Standard Response SO-01, the Authority will pay fair market value for

BO089-4

property acquired on a temporary or permanent basis. The amount of the compensation will be determined on a case-by-case basis, taking into account numerous considerations. The amount of compensation listed in the comment and the method of reaching that amount does not represent the result of any negotiation or discussion with the Authority right-of-way staff and is the opinion of the commenter.

BO089-5

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-GENERAL-10, FB-Response-AG-01.

The commenter is incorrect. The Authority has complied with the requirements of the Williamson Act and has submitted the pre-acquisition notice required under Government Code Section 51291 to the Director of the Department of Conservation. The notice includes the findings required under Government Code Section 51292.

BO089-6

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

Submission BO090 (Carole Combs, Tulare Basin Wildlife Partners, September 21, 2012)

TULARE BASIN WILDLIFE PARTNERS
Creating Opportunities for Nature and People

September 21, 2012

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

Comments on Fresno to Bakersfield High Speed Train Revised Draft EIR/Supplemental Draft EIS

To Whom It May Concern:

On behalf of the Tulare Basin Wildlife Partners, we submit the following comments on the Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS ("HST Revised EIR/EIS") prepared by the California High Speed Rail Authority ("Authority") and the Federal Railroad Administration ("FRA"). These comments are submitted pursuant to the California Environmental Quality Act ("CEQA")[1] and the National Environmental Policy Act (NEPA)[2]. These comments are submitted for the Authority's consideration "prior to the close of the public hearing on the project before the issuance of the notice of determination."[3] These comments are in addition to, and do not in any way replace or supersede, any prior comments submitted regarding the proposed project.

Tulare Basin Wildlife Partners ("TBWP") is a science-based, collaborative leadership and advocacy organization with a local focus that forms partnerships, implements projects, educates the public, and secures funding for land and water conservation projects benefitting people and wildlife in the Tulare Basin. Established in 2005 as a 501(c) 3 non-profit organization, the Tulare Basin Wildlife Partners serve as a resource for the Tulare Basin Working Group, an alliance of more than 70 agency, non-profit, and industry partners concerned with quality of life in the Tulare Basin. Tulare Basin Wildlife Partners facilitate the engagement of partners, funders, and stakeholders in multi-benefit projects to promote ecological and economic health, sustain our agricultural heritage, and enhance the quality of life in the Tulare Basin for current and future generations.

BO090-1

The Tulare Basin, located in California's southern San Joaquin Valley, encompasses portions of Fresno, Kern, Kings, and Tulare counties, where the Kings, Kaweah, Tule, and Kern rivers and many smaller creeks and streams, flow from the Sierra Nevada, Transverse, and Coast Range mountains into the historic Tulare Lakebed. Tulare Basin Wildlife Partners works as a catalyst for positive environmental change in California's southern San Joaquin Valley.

I. THE HST REVISED EIR/EIS IMPROVES AND ADEQUATELY DESCRIBES THE BASELINE BIOLOGICAL CONDITIONS OF THE LOCAL ENVIRONMENT.

In September 2011, TBWP filed comments on the HST Draft EIR/EIS. In that letter, we stated

> "The Draft EIR/EIS prepared for the proposed project is legally inadequate. The Draft EIR/EIS (1) fails to provide "baseline" information about the project setting, (2) fails to acknowledge several of the project's potentially significant impacts and (3) improperly places the burden on the public and other agencies to identify the project's potentially significant adverse environmental effects. The Authority and the FRA should not approve the Fresno-Bakersfield Section until a revised EIR/EIS is prepared that demonstrates that all of the project's potentially significant adverse effects have been mitigated to "less-than-significant" levels."

With the issuance of the HST Revised EIR/EIS, we believe that many of the inadequacies of the initial draft have been corrected. TBWP has thoroughly reviewed the Revised EIR/EIS, and we believe that it now adequately discloses and analyzes the direct and indirect impacts to biological resources and special status species at the local and regional scales. In order to ensure that the Authority continues to use the best available scientific information, we ask that the TBWP Conservation Plans (outlined in "Tulare Basin Conceptual Conservation Projects For Tulare Basin Watershed Initiative And High Speed Rail Mitigation Recommendations dated February 17, 2012") and the California Department of Fish and Game Conceptual Area Protection Plans (CAPPs) are used as baseline information documents for future HSR mitigation uses.

BO090-2

II. THE HST REVISED EIR/EIS IMPROVES UPON PROPOSED MITIGATION MEASURES FOR DIRECT, INDIRECT AND CUMULATIVE IMPACTS TO BIOLOGICAL RESOURCES.

The main concern of the TBWP is the cumulative, direct and indirect impacts of the HST Project in terms of habitat loss, fragmentation, and degradation in the context of ongoing habitat losses throughout the San Joaquin Valley. The mitigation measures for the HST proposed in the Revised EIR/EIS are a reasonable starting point, considering that that site-

BO090-3

[1] Pub. Resources Code, § 21000, et seq.
[2] 42 U.S.C. § 4321 *et seq.*
[3] Pub. Resources Code, § 21177, subds. (a) and (b).

Contact: Carole K. Combs, Executive Director & Secretary of the Board, Tulare Basin Wildlife Partners,
P.O. Box 1180, Three Rivers, CA 93271 • phone (559)799-7204, fax (559)561-1921 • ccombs@thegrid.net
www.tularebasinwildlifepartners.org

Contact: Carole K. Combs, Executive Director & Secretary of the Board, Tulare Basin Wildlife Partners,
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Submission BO090 (Carole Combs, Tulare Basin Wildlife Partners, September 21, 2012) - Continued

BO090-3 specific survey, take avoidance, mitigation and habitat compensation measures will be developed with the California Department of Fish and Game, US Fish and Wildlife Service and US Army Corps of Engineers through consultations required under the California Endangered Species Act, Federal Endangered Species Act, Migratory Bird Treaty Act, and Clean Water Act.

BO090-4 TBWP requests that the California High Speed Rail Authority keep our organization fully informed of all opportunities to review measures proposed to minimize or avoid take, offset habitat loss, monitor project mitigation measures and evaluate project effects.

BO090-5 **III. MITIGATION MEASURES FOR POTENTIAL IMPACTS TO THE ALLENSWORTH ECOLOGICAL PRESERVE NEED FURTHER SPECIFICITY AND MUST CONTRIBUTE TO REGIONAL CONSERVATION GOALS.**

TBWP believes that, in the long term, the measures adopted to allow movements of terrestrial and aquatic wildlife across the right-of-way in the satellite and core conservation areas near the Allensworth Ecological Reserve and along riparian and wildlife corridors are key to successful mitigation of HST impacts. We strongly urge the acquisition of off-site habitat for biological resources to be in large blocks of land that maintain habitat integrity and preserve ecological functions and processes.

However, we suggest that wetlands acquired as compensation not be located directly adjacent to the alignment in order to minimize the potential for collisions between wildlife and the trains. The areas of off-site compensation should be within identified conservation strategies that contribute to the recovery of listed species and conservation of upland, riparian, and wetland habitats. TBWP also believes that secure water supplies should be obtained and required for on and off-site wetland mitigation measures.

IV. CONCLUSION

BO090-6 TBWP also hereby incorporates by reference all prior comments that our members and all other parties have previously submitted about this proposed project. Thank you for this opportunity to comment on the HST Revised EIR/EIS. We look forward to working with you as this process moves forward.

Sincerely,

Robert B. Hansen
President

Contact: Carole K. Combs, Executive Director & Secretary of the Board, Tulare Basin Wildlife Partners,
P.O. Box 1180, Three Rivers, CA 93271 • phone (559)799-7204, fax (559)561-1921 • ccombs@thegrid.net
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Response to Submission BO090 (Carole Combs, Tulare Basin Wildlife Partners, September 21, 2012)

BO090-1

Your comment is noted that Tulare Basin Wildlife Partners believes that the Revised DEIR/Supplemental DEIS adequaltely addresses the direct and indirect impacts on biological resources and special-status species at the local and regional scales.

BO090-2

The Authority used and continues to use available scientific information as baseline information for FB compensatory mitigation needs. A Conceptual Mitigation Plan (CMP) will be prepared for the project as part of NEPA/404/408 MOU Checkpoint C requirements. The CMP identifies a number of agency coordination and professional contracts that have contributed to the report, including communication with Tulare Basin Wildlife Partners and meeting with agencies to discuss the Conceptual Area Protection Plans.

BO090-3

Thank you for your comment.

BO090-4

The Authority appreciates this suggestion and plans to continue to work with all stakeholders as the project progresses.

Mitigation measures and opportunities will be posted on the Authority's website for viewing.

BO090-5

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

BO090-6

Comments received on the Draft EIR/EIS have been responded to in Volume IV of this Final EIR/EIS, and comments received on the Revised DEIR/Supplemental DEIS have been responded to in Volume V of the Final EIR/EIS.

Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012)

UNION PACIFIC RAILROAD COMPANY
10031 Foothills Boulevard, Roseville California 95747-7101
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JERRY S. WILMOTH
General Manager Network Infrastructure
Direct: (916) 789-6360

RECEIVED
10/29/12

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

Dear CHSRA:

I have enclosed Union Pacific Railroad Company's comments to CHSRA's "Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement: Fresno to Bakersfield". Please address any responses to the comments to my attention.

Sincerely,

JERRY S. WILMOTH

:cav

www.up.com

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BO091-1

BO091-2

BO091-3

BO091-4

Union Pacific Railroad Comments on the Revised Draft EIR/Supplemental Draft EIS for the Fresno to Bakersfield Section of the High Speed Train Project

GENERAL COMMENTS

1. On October 12, 2011, Union Pacific Railroad (UP) submitted comments on the initial Draft EIR/EIS for the Fresno to Bakersfield High Speed Train (HST) segment. Those comments are incorporated by reference herein. The Revised Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS) for the Fresno to Bakersfield segment fails to fully address the technical and legal deficiencies described in our prior comments, and includes additional deficiencies as explained below.

2. On July 11, 2012, UP and the California High Speed Rail Authority (HSR Authority) signed a Memorandum of Understanding and Implementing Agreement Related to High-Speed Rail Development in California (MOU). The MOU established terms and a coordination process for development of the HST affecting rights of way that UP owns or on which it operates. Since the execution of the MOU, UP and the HSR Authority have been working cooperatively to address some of the issues concerning the HST plans. However, the RDEIR/SDEIS project description, including the Alignment Plans, Roadway and Grade Separation Plans and Station Plans in Volume III of the RDEIR/SDEIS, has not been revised to address issues of concern to UP, as identified in our comments below. Correcting these problems, as well as any others that have not yet been identified, will require revisions to the plans.

3. As UP has stated in previous comments, UP will not allow any part of the HST system to be located on UP-owned property and, where the HST and UP rights of way run in close proximity, a safe and operationally functional distance must be maintained between them. Although in this case the points of encroachment and close proximity for the Fresno to Bakersfield segment generally appear to be limited to the vicinity of Fresno and Bakersfield, these remain significant operational issues, on which the RDEIR/SDEIS continues to provide unclear and incomplete information.

NEED FOR PROJECT REVISIONS TO AVOID FREIGHT RAIL DISRUPTION AND ENVIRONMENTAL IMPACTS

4. The Final EIR/EIS for the Fresno to Bakersfield segment must provide an accurate description, impact analysis and mitigation measures in order to provide environmental "clearance" for the project, before the HSR Authority can build it. The project description, including the details set forth in the Alignment Plans, Roadway and Grade Separation Plans and Station Plans, constitutes the project "footprint" which is the basis for the RDEIR/SDEIS's analyses of environmental impacts. However, the plans must be revised, in locations where they are inconsistent with the MOU and the MOU coordination process, or otherwise do not preserve a safe and operationally functional distance between the rights of way. Where the plans must be revised, the project footprint will change. Since such changes have not been incorporated into the RDEIR/SDEIS, the document fails to identify or analyze any environmental impacts associated with the altered project footprint.

UPRR F-B HST EIR-EIS comments 10-19-12.docx

Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

BO091-5

5. For example, in some locations, the HST right of way and/or the UP right of way must be shifted to provide additional room, to avoid or reduce significant encroachment and proximity impacts as discussed below. Environmental impacts resulting from such shifting include potential intrusion of the altered project footprint into incompatible land uses or sensitive habitats, or closer proximity to sensitive receptors for light and glare, noise and vibration and other localized impacts. All of these localized impacts were analyzed based on the incorrect footprint assumed in the RDEIR/SDEIS, and the impacts of the altered project footprint must still be studied.

BO091-6

6. To the extent that the HST interferes with freight rail operations, that interference would result in direct environmental impacts. Section 3.2, Transportation, of the RDEIR/SDEIS recognizes such effects as impacts on the regional transportation system. See Impact TR #1 (p. 3.2-67), which includes temporary impacts from access to freight railroad property during construction, and Impact TR#10 (p. 3.2-71), which includes permanent impacts on current and anticipated freight operations. Again, the analysis in the RDEIR/SDEIS is based on the project footprint described in the plans, which have not been revised to provide for a safe and operationally functional distance between HST and UP rights of way. Until the plans are revised to eliminate permanent encroachments and operational constraints, the claim that "[a]s the HST alternatives do not encroach on the freight rail corridors, they would not have a direct effect on current and anticipated freight operations" (RDEIR/SDEIS, p. 3.2-71) is not correct.

7. In addition, adverse impacts on freight rail operations have indirect environmental consequences, because freight transport by rail is more environmentally friendly than transport by truck. On average, trains are four times more fuel efficient than trucks and a single freight train can carry the same amount of cargo as more than two hundred trucks. As a result, shipping by rail reduces fuel consumption, air pollution and highway congestion compared to shipping by truck. See Attachment A: Association of American Railroads (AAR), *The Environmental Benefits of Moving Freight By Rail*, June 2012. Moving freight by rail also reduces greenhouse gas (GHG) emissions, on average, by 75 percent compared to shipping by truck. See Attachment B: AAR, *Freight Railroads Help Reduce Greenhouse Gas Emissions*, July 2012. For example, a 2007 analysis found that trucks produced 71.61 tons of CO_2 per million ton-miles of transported freight, while rail transport produced only 26.88 tons of CO_2 per million ton-miles. Center for Ports and Waterways and Texas Transportation Institute, *Modal Comparison of Domestic Freight Transportation Effects on the General Public*, December 2007, pp. 36-37, *available at* http://www.americanwaterways.com/press_room/news_releases/NWFSTudy.pdf. Rail transport also poses a lower risk of fatal accidents and spills of hazardous substances than does truck transport. *Id.*, pp. 43-46.

8. While improved truck technology can increase fuel efficiency and reduce emissions, so do improved rail technologies and operating practices. In 1980, U.S. freight railroads moved a ton of freight 235 miles per gallon of fuel, on average, but by 2011 fuel efficiency had improved to 469 miles per gallon, a 99 percent increase. Attachment A. A 2009 study by the Federal Railroad Administration (FRA) evaluated different scenarios of train and truck types and conditions, and found that across all scenarios rail was more efficient than trucking. Moreover, even taking into account predicted increases in truck fuel efficiency through 2020, trucking was less efficient than all train types and scenarios examined in the study. FRA, *Comparative Evaluation of Rail and Truck Fuel Efficiency on Competitive Corridors*, November 2009, pp. 51-78,

104-105, *available at* http://www.fra.dot.gov/Downloads/Comparative_Evaluation_Rail_Truck_Fuel_Efficiency.pdf.

BO091-7

9. The HST project as described in the RDEIR/SDEIS would disrupt freight operations both during construction (which the RDEIR/SDEIS acknowledges on p. 3.2-67) and during operation of the HST. If freight rail service is significantly disrupted by the HST project, shippers will move their goods by truck instead of by rail. The displacement of trainloads of freight onto highways would cause adverse impacts due to the poorer environmental performance of trucks as described above. In addition, displacement of freight shipping from rail to truck could substantially reduce the air quality and GHG benefits projected to occur from passengers switching from automobile trips to the HST. The RDEIR/SDEIS does not identify or evaluate these consequences.

BO091-8

TEMPORARY ENCROACHMENTS

10. Regarding temporary encroachments during construction, the RDEIR/SDEIS states that the HSR Authority:

> would *attempt* to avoid affecting railroad operations, *to the extent possible*. . . . However, because construction conditions may vary, there is a possibility for disruption to or temporary delay of railroad operations. In particular, impacts to rail operations are expected to occur in downtown Fresno at several railroad crossing locations. . . .

RDEIR/SDEIS, p. 3.2-67 (emphasis added). UP appreciates that the RDEIR/SDEIS acknowledges the need for temporary construction easements to access railroad property and for the construction contractor to reach agreement with freight rail operators regarding timing and duration of activities. *Id.* However, by limiting its commitment to avoid affecting freight rail operations to an "attempt. . . to the extent possible", while nevertheless allowing for significant disruption to occur, the RDEIR/SDEIS fails to support the conclusion that the effects would have moderate intensity under NEPA and impacts would be less than significant under CEQA. *Id.* UP has not agreed to any train delays or other disruption, and any such impacts on freight rail operations must be avoided.

BO091-9

11. The avoidance and minimization measures described in Design Feature #10, for the protection of freight rail during construction, are not sufficient to avoid such impacts. Design Feature #10 merely states that structural damage to freight railways will be repaired and, if necessary, a temporary shoofly track would be constructed to enable freight trains to bypass construction areas (p. 3.2-127). See also Section 2.8.3.2, p. 2-112 (Bridge, Aerial Structure, And Road Crossing Construction): "Where new roadway undercrossings of existing railroads are required, a temporary shoofly track would be constructed to maintain railroad operations during undercrossing construction." Shoofly track was identified as Mitigation Measure No. 10 in the prior Draft EIR/EIS, and has merely been moved from a mitigation measure to a design feature in the RDEIR/SDEIS. However, use of shoofly track remains problematic, as described below, and will not maintain railroad operations or avoid impacts.

BO091-10

12. The HSR Authority staff has not shared with UP its specific plans for shoofly tracks on the UP main line. Any shoofly track that is installed must be acceptable to UP. Use of shoofly tracks is highly disruptive to UP operations. Connection of each shoofly to the main line takes the area

Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

BO091-10

out of service 6-10 hours, with the same amount of time needed to shift back after completion of the work. Moreover, after a shoofly is installed, trains must reduce speed when transitioning on and off the shoofly for a minimum of 24 hours. This level of disruption is not consistent with the conclusion that impacts on freight rail operations would be of moderate intensity under NEPA and insignificant under CEQA. In addition, the inclusion of this design feature underscores the inconsistency of the RDEIR/SDEIS in claiming to minimize the disruption of freight rail and resulting environmental impacts, but at the same time acknowledging that construction may damage or require temporary relocation of freight track.

BO091-11

PERMANENT ENCROACHMENTS

13. Regarding permanent encroachments, the use of or effects on UP rights of way are still not well defined in the plans incorporated in the RDEIR/SDEIS, Volume III, which do not show the UP property lines. However, there appear to be at least some permanent encroachments in the plans that are not acknowledged in the RDEIR/SDEIS, contradicting the claim that "[a]s the HST alternatives do not encroach on the freight rail corridors, they would not have a direct effect on current and anticipated freight operations." RDEIR/SDEIS, p. 3.2-71. There may be other encroachment locations as well, but without proper right of way lines on the plans, these are impossible to identify.

BO091-12

14. For example, at the Fresno station, an emergency vehicle access road is shown crossing the UP main line at grade in two places, at both ends of the station. See Drawing # A1101, in Section A, sheet 7. UP has not agreed to gates or at-grade crossings onto its property, at this location or elsewhere. The MOU between UP and the HSR Authority provides that, other than above-grade or below-grade crossings, no high-speed rail facilities will be built on and no high-speed rail trains will operate on UP-owned rights of way. MOU, section 5. UP raised the issue of this access road with HSR Authority staff in the MOU coordination process and was told that it would be removed. However, the RDEIR/SDEIS continues to indicate the presence of the access road.

BO091-13

15. UP's concern regarding the crossings is reinforced by state policy discouraging new grade crossings. The California Public Utilities Commission (CPUC) has sole jurisdiction to authorize construction of new grade crossings. CPUC General Order 72-D, section 2, states: "As part of its mission to reduce hazards associated with at-grade crossings, and in support of the national goal of the Federal Railroad Administration (FRA), the Commission's policy is to reduce the number of at-grade crossings on freight or passenger railroad mainlines in California." The CPUC policy presumes that any new access will be grade-separated, and the burden is on the applicant (in this case, the HSR Authority) to overcome that presumption.

BO091-14

ABOVE- AND BELOW-GRADE CROSSINGS

16. Section 5 of the MOU further provides that, unless otherwise approved by UP, all HST facilities crossing above or below the UP right of way must clear-span UP property and be constructed a sufficient distance away to permit full utilization of the property for railroad purposes. However, the RDEIR/SDEIS plans are inconsistent with this requirement in several locations. For example, in the Hanford area, the drawings show UP-owned track being narrowed to cross over the HST right of way on a single track bridge. Alignment HW is shown on drawings CB1017 and

BO091-14

CB 1027, in Section A, PDF sheets 105 and 115 of 251 sheets, and Alignment H is shown on Drawings CB 1035 through CB 1037 and CB 3906, in Section A, PDF sheets 120-122 and 129 of 251 sheets. The drawings show no provision for continuing the existing maintenance access roads parallel to the tracks, within the UP right of way. Thus, the proposed design does not provide sufficient space to permit full utilization of UP's property for railroad purposes as required by the MOU. Moreover, this design constraint contradicts the claim that Fresno Area Freight Impacts would be negligible for purposes of NEPA, and less than significant for purposes of CEQA. RDEIR/SDEIS, p. 3.2-99. Consistent with the MOU, bridges in whichever alignment is selected must be the same width as the existing right of way, at a minimum, allowing room for two tracks and maintenance access. Although this track is currently leased to the San Joaquin Valley Railroad (SJVR), as UP-owned track it is covered by the MOU. UP's leased right of way must remain safe and operationally functional for UP's lessees, and may be utilized for UP operations in the future.

BO091-15

17. Similarly, in the Bakersfield area, proposed HST overcrossings in Alignments B1, B2, and B3 of Section B do not show that structures clear-span the UP-owned right of way (also currently leased by SJVR). Alignment B1 is shown in drawing CB0787 (sheet 174 of 255), Alignment B2 is shown in drawing CB0814 (sheet 210 of 255), and Alignment B3 is shown in drawing CB0858 (sheet 246 of 255). In these locations, the bridge structures and supporting columns appear too narrow and close to the UP right of way to allow maintenance access.

BO091-16

18. As UP previously commented, the HSR Authority's plans for grade-separated road crossings must not preclude future grade separation of adjacent UP tracks. October 12, 2011 UP Comments on Fresno to Bakersfield HST Draft EIR/EIS, p. 4. The RDEIR/SDEIS still fails to address this issue. In particular, due to the close proximity of the parallel HST and UP rights of way at the Ventura Street crossing, it is not physically possible to grade separate the HST crossing while leaving the UP crossing at grade, as shown on Drawing # CB 1661, in Section A, sheet 23 of 251 sheets. Instead, both must be grade separated, as HSR Authority staff agreed in discussions pursuant to the MOU. However, the drawing still shows the unrealistic design. Moreover, though the two rights of way then begin to diverge, their proximity remains close as far as the East Jensen Bypass, South Golden State Boulevard and possibly South Orange Avenue crossings, requiring further evaluation of those crossings. See Drawings # CB 1665-1666 and CB 3011, in Section A, PDF sheets 27-28 and 42 of 251 sheets. As a practical matter, if the HST is grade-separated at these locations but UP is not, this design may preclude economically feasible future grade separations of the UP crossings, thus failing to provide sufficient space to permit full utilization of UP's property for railroad purposes as required by the MOU.

BO091-17

19. As noted above, the Final EIR/EIS must provide an accurate description, impact analysis and mitigation measures in order to provide environmental "clearance" for the project. To the extent that the project as described in the RDEIR/SDEIS must be altered, in order to avoid or address the above encroachment and proximity issues consistent with the MOU, the project description must be revised before the HSR Authority can clear and construct the project.

BO091-18

CONSTRAINTS ON SPUR LINES AND OTHER TRACK CHANGES

20. The RDEIR/SDEIS states: "As the HST alternatives do not encroach on the freight rail corridors, they would not have a direct effect on current *and anticipated* freight operations" but also

Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

BO091-18

acknowledges that the "HST alternatives would, in some locations, restrict the ability of the UPRR and BNSF to construct new spur lines for potential customers." RDEIR/SDEIS , p. 3.2-71 (emphasis added). Instead of addressing this impact to ensure no effect on anticipated freight operations, the RDEIR/SDEIS asserts that "the freight railroads would also benefit from planned grade separations in several locations, depending on which alternative is selected. These improvements would enhance the speed and capacity of the rail corridor." *Id.* UP does not agree with, and there is no analysis in the RDEIR/SDEIS to support, the assertion that any grade separations could compensate for the effects of precluding spur construction, or meaningfully improve the speed and capacity of the corridor as a whole.

BO091-19

21. The MOU provides a mechanism for addressing constraints on new freight spur lines and other impacts on access to anticipated customers. Specifically, MOU Section 2 requires the HSR Authority to work collaboratively with UP to avoid impeding UPRR's commercially reasonable access to current and potential customers and the access of current and potential customers to UPRR along the corridor. We are satisfied that, to date, the issue of spur line constraints is being addressed effectively through this collaborative process. However, UP reserves the right to comment further on such impacts resulting from any future changes in this segment, or from future segments of the HST.

BO091-20

22. In addition, the proximity of the HST must not unreasonably impede UP's ability to make other track configuration changes. For example, the existing underpass at Fresno Street, shown on Drawing # CB 1676, will be constrained between the UP and HST rights of way. Construction of future UP tracks in this area would require widening the structure toward the HST alignment. However, the use of cranes and construction equipment so close to the active HST line may be impractical.

BO091-21

SEPARATION DISTANCE AND INTRUSION BARRIERS

23. A minimum 102-foot distance from the closest centerline of the HST to UP's right of way is necessary to assure safe separation from the HST system. This minimum distance is acknowledged in the RDEIR/SDEIS, which states that the minimum separation distance, without an intrusion protection barrier, is 101.5 feet, rounded up to 102 feet. RDEIR/SDEIS, pp. 3.11-29-30. However, the majority of the drawings do not conform to this minimum separation. For example, Drawing # CB 3010, in Section A, sheet 41, indicates that for the majority of the parallel UP/HST right of way in the Fresno area, there is a separation of approximately 99 feet from the HST centerline to the UP centerline, while the separation distance to the UP right of way line is much shorter. Drawings CB3011 and CB 3012 show approximately the same separation or less. Moreover, the RDEIR/SDEIS, p. 3.11-30, states that a "minimum of 29 feet of separation. . . between the centerlines of HST and adjacent railroad tracks" is acceptable with an intrusion barrier. Such close proximity is not acceptable even with a barrier. In discussions pursuant to the MOU, UP has confirmed that the separation must be maintained from the HST centerline to the *near boundary of the UP right of way* , not the UP centerline. The RDEIR/SDEIS must be revised accordingly.

BO091-22

24. Despite close proximity of the rights of way in the vicinity of the East Jensen Bypass, the intrusion barrier is not continuous in this area. Instead, the plans appear to treat the existing columns of the East Jensen Bypass as the functional equivalent of an intrusion barrier. Drawing

BO091-22

CB 3013, in Section A, sheet 44. This approach is insufficiently protective due to the gaps between the columns. A continuous barrier should be provided.

BO091-23

25. The intrusion protection barriers in the Fresno station area will be equipped with detection devices. The drawings note that these devices will be designed to mitigate the potential for derailments on the UP right of way to intrude into the HST right of way. See, for example, Drawings # CB 3010 through CB 3013 and CB 1035, in Section A, sheets 41-44 and 120. However, there appears to be no corresponding provision of intrusion detection devices to help protect the UP right of way from an HST derailment. The intrusion detection system should protect both systems.

BO091-24

26. The RDEIR/SDEIS, pp. 3.11-30, indicates that where the separation distance is between 45 feet and 102 feet, an earth berm is sufficient rather than a barrier wall. Additional explanation has been included in the RDEIR/SDEIS, but still does not justify reliance on berms alone in the 45-102 foot separation range. Moreover, where the RDEIR/SDEIS refers generally to barriers and walls, it does not identify specific criteria or performance standards for the barriers or crash walls, e.g., minimum wall height, thickness or construction, beyond noting that the minimum total height must be 10 feet consisting of either ditch-plus-berm, concrete-wall-plus-screen, or concrete wall. *Id.* A single derailment in Taiwan is illustrated in Fig. 3.11-9 on p. 3.11-33, but no engineering analysis is provided to support the conclusion that the barriers as proposed will be effective; for example, that derailed cars would not come over the top of a wall-plus-screen structure (where the height of the wall portion is unspecified), or that the thickness of the wall would be sufficient to prevent derailed cars from breaking down the crash wall itself. The 1994 FRA study, "Safety of High-Speed Guided Ground Transportation Systems, Intrusion Barrier Design Study," mentions berms and crash walls, but does not provide guidance on the necessary separation distance between tracks and any type of protection, or on the consequences of placing barriers at the distances and heights indicated in the RDEIR/SDEIS.

BO091-25

27. Where the separation distance is at least 102 feet, no barriers or berms are planned. The RDEIR/SDEIS , pp. 3.11-29 states that this assumption is based on an 89-foot freight car plus 12.5 foot allowance for the overhead catenary system mast foundation, and is supported by the "Rolling Stock and Vehicle Intrusion Protection for High-Speed Rail and Adjacent Transportation Systems" technical report. However, while this report does state that derailed cars tend to fold into an accordion or zigzag pattern, it specifically rejects the conclusion that they will remain within the bounds assumed in the RDEIR/SDEIS. Instead, the report emphasizes on p. 9 that "the actual effect of a derailment is subject to a variety of site conditions including curvature and topography." Figure 3.2-1 on p. 9 of the report clearly illustrates a derailed train with several cars that have been shoved further out by cars behind them, rather than folding into a perfect accordion pattern. The report on p. 10 states: "Figure 3.2-1 illustrates that when the railroad track bed is higher than the adjacent ground (right), the train cars typically deflect far from the track (approximately two car-lengths here)." Thus, the report contradicts the assumption for which it is cited, that no barriers will be needed anywhere that the separation distance is at least 102 feet. Accordingly, the report does not support the conclusion that this separation accommodates "the maximum practical excursion of the longest U.S. freight rail car from the center of the track," as stated in the RDEIR/SDEIS , p. 3.11-29.

Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

BO091-26

28. The RDEIR/SDEIS, p. 3.11-29-30, also relies on the American Railway Engineering and Maintenance-of-Way Association (AREMA) Manual to justify providing barriers only where separation is less than 102 feet. We cannot find any information concerning safe clearances for HSR separation in the AREMA Manual; we find only a requirement for crash walls as indicated in AREMA Manual Part 2.1.5.1. UP believes this requirement refers specifically to the protection of grade separation piers when within 25 feet of an active track. While the AREMA guidance suggests that piers for HST flyovers must be carefully placed and crash-wall compliant to avoid restricting UP's use of its right of way, the AREMA guidance does not support the HSR Authority's plan to provide barriers only where separation is less than 102 feet.

BO091-27

29. For these reasons, the cited studies do not support the conclusion that the potential intrusion of trains into the HST corridor would be an effect of negligible intensity under NEPA and a less than significant impact under CEQA as claimed in the RDEIR/SDEIS , p. 3.11-30. In the absence of established criteria by FRA or another authoritative agency in the United States, and with insufficient analysis in the RDEIR/SDEIS , UP requests that the HSR Authority provide a comprehensive engineering study of barrier design and locations for review by freight rail operators.

BO091-28

MAINTENANCE AND EMERGENCY ACCESS CONSTRAINTS

30. In addition to safety issues, close proximity of the HST and freight rail rights of way poses problems for future maintenance work on both lines. In general, when rail projects are constructed on parallel rights of way, an access road between them is provided for maintenance and emergency response. There is no room for such an access road in the current HST design and it is unclear how the HSR Authority intends to access its facilities, for example, to maintain its intrusion barriers and intrusion detection devices on barrier walls, or to respond to emergencies on the right of way. The HSR Authority should not assume that it will be able to cross UP right of way in order to access its facilities for maintenance purposes. Instead, UP recommends that the HST design include an adequate maintenance and emergency access road on its own right of way.

BO091-29

31. For example, in the Fresno station platform area, collision/intrusion protection barriers between the HST and UP rights of way are shown on the HST property, but right at the edge of the UP property. See Drawing # CB 3011, in Section A, sheet 42. A temporary construction easement would be required for access to UP property, in order to construct the barrier and footings. In addition, such barriers must be maintained. With this design, HSR maintenance crews could reach the UP side of the barrier only by entering the UP right of way. UP has not agreed to provide such access which would substantially disrupt current and future freight operations, requiring UP to leave an area on its own property open for HST maintenance crews. The barrier must be moved further from the edge of the HST property, to permit UP's full utilization of its property for railroad purposes.

BO091-30

32. The alignment plans also leave insufficient room for UP's maintenance and emergency access to its own right of way. For example, as noted above, in Drawing # CB3011, in Section A, sheet 42, the HST protection barrier is located at the edge of the UP right of way and no access is provided. Drawing # CB 3012, sheet 43, shows clearance of only 17 feet between the UP right of way and the HST barrier wall, while Drawing # CB 3010, sheet 41, indicates a clearance of 42.25

BO091-30

feet. The barrier must be moved back from the edge to maintain UP's access in this location, and UP's access to its own right of way must be maintained in general. If the HST Authority's plans require cutting off UP access to part of its property, whether or not on a defined access roadway, a substitute for that access must be provided.

BO091-31

33. Maintenance access constraints would seriously affect UP's ability to carry out a variety of regular maintenance activities on its right of way. Many of UP's maintenance activities are undertaken to comply with the Federal Track Safety Standards administered by the FRA. Under 49 C.F.R. Part 213, UP must comply with minimum safety requirements for railroad tracks, signal systems, roadbeds and adjacent areas, including (among other things) maintaining drainage and other water carrying facilities, keeping them free from obstruction and accommodate expected water flow, and controlling vegetation so that it does not pose fire risk, interfere with visibility, interfere with employees' trackside duties or interfere with track inspections. Additional requirements may be imposed by state and federal inspectors. In addition to operating subject to regulatory standards, UP has adopted its own standards for the safe and efficient operation of the railroad, with particular emphasis on protection of railroad employees and facilities. In areas of proximity between the UP and HST alignments, sufficient space must be maintained for such operational activities, including:

- Regular maintenance and repairs to maintain safe working and operating conditions and protect existing facilities and structures;
- Erosion and flood control actions, including removing eroded soils, sediment and debris from ditches, culverts and bridges;
- Rail, tie and crossing maintenance/replacement;
- Track undercutting and surfacing ballast;
- Maintenance of rights-of-way roads, walkways, signals, pole lines, bridges, culverts, tributary diversions, berms, levees and fences;
- Vegetation control (i.e., trimming or burning);
- Fire prevention activities, including disking and plowing;
- Excavation, grading, storage and placement of materials necessary for such work; and
- Equipment storage and maintenance.

Accordingly, elimination or reduction of existing maintenance access constitutes a serious impact on the UP activities. This contradicts the conclusion in the RDEIR/SDEIS, pp. 3.2- 67, 71 and 99, that impacts on freight rail operations will be less than significant.

BO091-32

34. In addition to regular repair and improvements, such activities may need to be conducted rapidly in response to human-caused and natural disasters or imminently threatened disasters and other discrete events, such as storms, floods, fires, derailments or releases of hazardous materials that threaten employee and public safety. Actions must be taken to protect existing infrastructure such as culverts, track, rights-of-way roads and embankments, and bridges, and to repair or replace damaged facilities (such as bridge abutments or footings) to allow their continued safe use or to restore them to safe use. Such actions include repairs of flood, fire and derailment damage, removal of debris from culverts and bridges, and repair of landslides.

Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

35. UP is in the continuous process of improving and maintaining the railroad on its right of way in order to maintain its network and efficiency. These activities include building new roads, track, signal systems, bridges and fences, as well as installation of culverts, drainage systems and other flood control facilities, power lines, underground utilities and fiber optic lines, and storage, grading and placement of materials used for this work. Allowing insufficient space for maintenance access could impair such activities as well.

36. In addition to providing an inadequate analysis of the physical and environmental impacts of access constraints on UP's necessary maintenance, emergency response and improvements, the RDEIR/SDEIS does not adequately address the HST project's own maintenance and emergency response system. Every rail operator must have a sophisticated system for planning and allocating resources, monitoring its tracks and facilities, inventorying and prioritizing maintenance and repair activities, continually shifting resources as necessary to meet current needs, and addressing safety and responses to emergencies, accidents and natural disasters, as well as regular maintenance and repairs. The operator must provide the equipment, personnel, and regular training for personnel to address both routine needs and any significant contingency. The system must incorporate the capacity for designing and implementing carefully engineered solutions when repairs or maintenance are necessary in the face of suddenly changed physical conditions or new regulatory standards. Implementing such a system also requires frequent interaction with regulatory agencies (e.g., the U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers) to obtain necessary permits and maintain compliance. The safety and operational success of HSR will depend on having such a system in place, with an assured source of funding. Without such a system in place and adequate funding, the environmental effects of accidents, natural disasters and other emergencies will be significantly magnified. The environmental effects will be further magnified by the close proximity of the HSR and UP rights of way and the limitations on UP access and UP ability to respond as discussed above. However, the RDEIR/SDEIS fails to acknowledge the need to incorporate this resource-intensive planning, response and implementation infrastructure into HSR operations.

BO091-33

***TOWN OF ATHERTON* LITIGATION**

37. In *Town of Atherton v. California High Speed Rail Authority* (Case No. 34-2008-80000022, August 26, 2009) (*Atherton I*), the Sacramento Superior Court rejected the Final Program EIR/EIS for the Bay Area to Central Valley section for failure to address impacts arising from the need to avoid UP right of way. Moreover, that case concerned a Program EIR/EIS, in which a higher-level, less detailed analysis is permissible; nevertheless, the court concluded (on pp. 5-6 of the decision):

> If Union Pacific will not allow the Authority to use its right-of-way, it appears it will be necessary for the Authority to obtain additional right-of-way outside this area, requiring the taking of property and displacement of residents and businesses. However, none of this was addressed in the FPEIR. [The HSR Authority] argues that a programmatic EIR does not need to contain a high level of detail, and that detailed information can be deferred to a later site-specific project EIR. . . . The court concludes that the description of the alignment of the HSR tracks between San Jose and Gilroy was inadequate even for a programmatic EIR. The lack of specificity in turn results in an inadequate discussion of the impacts of the Pacheco alignment alternative on surrounding

BO091-33

businesses and residences which may be displaced, construction impacts on the Monterey Highway, and impacts on Union Pacific's use of its right-of-way and spurs and consequently its freight operations.

As noted above, the RDEIR/SDEIS has not been revised to address the encroachment and proximity issues identified by UP in the MOU process. Addressing these issues will necessitate further shifts to the project footprint that was assumed as the basis for environmental impact analysis. Moreover, there may be other locations of encroachment or excessive proximity that UP has not yet been able to identify, based on the preliminary alignment, crossing and station plans included in Volume III of the RDEIR/SDEIS, which could result in further alterations to the project footprint. The environmental consequences of such shifts in the project footprint have not been studied in the RDEIR/SDEIS and would constitute new or more severe secondary impacts comparable to those at issue in the *Atherton* litigation.

BO091-34

38. The *Atherton I* court also held that the HSR Authority erred in failing to recirculate a revised Program EIR/EIS to address land use impacts and property acquisitions after Union Pacific advised that its property was unavailable. Following the decision, the HSR Authority did revise and recirculate the Program EIR/EIS, which was again rejected in a second decision in the *Atherton I* case (November 10, 2011). The court found that the revised Program EIR/EIS still failed to adequately address traffic, noise and vibration and construction impacts from shifting and narrowing a highway, and failed to provide sufficient room for the HST right of way between UP and the highway. See also *Town of Atherton v. California High Speed Rail Authority* (Case No. 34-2010-80000679, November 10, 2011) (*Atherton II*). The *Atherton* cases are currently being appealed. In the *Atherton II* appeal, the petitioners further contend that the HSR Authority failed to consider a reasonable range of alternatives arising out of the unavailability of the UP right of way. Again, similar issues are raised by the need to shift the alignment shown in the RDEIR/SDEIS.

BO091-35

SECONDARY ENVIRONMENTAL IMPACTS

39. The need to avoid encroachment and maintain operationally functional distances between the HST and UP rights of way in the Fresno-Bakersfield segment (including sufficient room for maintenance and emergency access as well as safe distances between the tracks themselves) raises the prospect of secondary environmental impacts. Each analysis of an impact is premised on the HST fitting into the proposed tight corridor, with no encroachment on or displacement of UP facilities. See, e.g, p. 3.2-71: "As the HST alternatives do not encroach on the freight rail corridors, they would not have a direct effect on current and anticipated freight operations. After construction, freight operation would continue as it currently does and train miles would not change due to the HST." However, the RDEIR/SDEIS does not provide sufficient information to support the conclusion that the HST alignment can succeed in maintaining an operationally functional and safe separation from the UP line and avoid all encroachments or displacements. As in the *Atherton* case, it will be necessary to shift the HST alignment, the UP right of way, and/or constraining highways, potentially intruding into other incompatible land uses or sensitive habitats, or closer to sensitive receptors for light and glare, noise and vibration and other localized impacts, which the impact-specific analysis in the RDEIR/SDEIS assumes will be avoided. Moreover, the analysis in the RDEIR/SDEIS fails to address the additional construction impacts if the HSR Authority seeks to avoid new intrusions into particularly sensitive areas by

Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

BO091-35

relocating UP track, if UP were to agree to any such relocation. Accordingly, the consequences of close proximity, encroachment and displacement include environmental as well as operational impacts.

BO091-36

40. For example, RDEIR/SDEIS Sections 3.12 through 3.15 address various land use-related impacts, assuming a particular project footprint. The supporting "Community Impact Assessment" technical report contains a detailed analysis of property acquisitions, business displacements and Environmental Justice implications for all alternatives, in locations where the RDEIR/SDEIS already acknowledges that its footprint will extend outside the transportation corridor. Additional acquisitions and displacements may be required if avoiding UP right of way or relocating a portion of track or highway results in any alteration of that presumed footprint. Such changes, in turn, could potentially alter the Environmental Justice conclusions. There could also be new or substantially more severe impacts to station-area land uses, agricultural lands, parks and open space, and resources protected by federal law (Department of Transportation Act section 4(f) and Land and Water Conservation Fund Act section 6(f)) into which the shifted footprint may intrude.

BO091-37

41. The issues of encroachment and proximity are also relevant to protection of natural resources in the context of emergency response. In responding to derailments or to damage to the railroad caused by floods or fires, UP employs procedures to protect and avoid wetlands and other water resources, wildlife and other biological resources, etc. The RDEIR/SDEIS 's conclusions of insignificant impacts to freight operations and safety do not take into account those efforts to protect natural resources in such urgent circumstances. An alignment that encroaches or even too closely parallels the freight rail tracks would significantly degrade UP's ability to respond in emergencies and, thus, would lead to increased incident-related impacts to sensitive species, habitats and water quality.

BO091-38

42. If any existing segments of UP track or highway must be relocated to avoid encroachment or proximity impacts, the relocation would result in construction emissions which are not included in the construction air quality analysis in RDEIR/SDEIS, Section 3.3. In addition, the RDEIR/SDEIS does not address potential operational emissions impacts of a relocated mainline freight right of way, including both diesel locomotive emissions and fugitive dust impacts of right-of-way maintenance activities (in particular, the activities required by 49 CFR Part 213) along relocated tracks.

ATTACHMENT A

Association of American Railroads

The Environmental Benefits of Moving Freight By Rail
June 2012

Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

The Environmental Benefits of Moving Freight by Rail

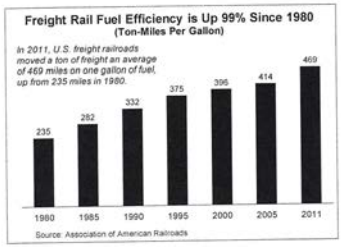
ASSOCIATION OF AMERICAN RAILROADS — JUNE 2012

Summary

Railroads are the most environmentally sound way to move freight over land. On average, **trains are four times more fuel efficient than trucks.** They also **reduce highway gridlock, lower greenhouse gas emissions, and reduce pollution.** Through the use of greener and cleaner technologies and more efficient operating practices, our nation's privately owned freight railroads are committed to even greater environmental excellence in the years ahead.

Freight Railroads and Fuel Efficiency Go Hand in Hand

- In 2011, U.S. freight railroads moved a ton of freight an average of **469 miles per gallon of fuel** — up from 235 miles in 1980. **That's a 99% improvement.**
- On average, railroads are **four times more fuel efficient than trucks**, according to a recent independent study for the Federal Railroad Administration.
- Greenhouse gas emissions are directly related to fuel consumption. That means **moving freight by rail instead of truck lowers greenhouse gas emissions by 75 percent.**
- If just 10 percent of the long-distance freight that moves by truck moved by rail instead, fuel savings would be approximately **one billion gallons per year** and **greenhouse gas emissions would fall by approximately 11 million tons** — equivalent to taking nearly 2 million cars off the road or planting more than 250 million trees.



Freight Railroad Innovations Help the Environment

Rail freight volume is nearly double what it was in 1980, but railroads' fuel consumption is about the same. How did railroads do this? Through technological innovations, new investments, improved operating practices, and a lot of hard work, including:

- **Increasing the amount of freight in an average rail car.** Thanks to improved freight car design and other factors, the average freight train carried 3,538 tons of freight in 2011, up 59 percent from 1980.

- Acquiring thousands of **new, more efficient locomotives**, including many "**gensets**" that have several independent engines that turn on and off depending on how much power is needed to perform a particular task. Many older, less fuel efficient locomotives have been retired from service.
- Installing new idling-reduction technologies, such as **stop-start systems** that shut down a locomotive when it is not in use and restart it when it is needed.
- Developing and implementing **highly advanced computer software systems** that, among other things, calculate the most fuel-efficient speed for a train over a given route; determine the most efficient spacing and timing of trains on a railroad's system; and monitor locomotive functions and performance to ensure peak efficiency.
- Offering **employee training** and **incentive programs** to help locomotive engineers develop and implement best practices and improve awareness of fuel-efficient operations.
- Expanding the use of **distributed power** (positioning locomotives in the middle of trains) to reduce the total horsepower required for train movements.
- Improving **rail lubrication** to reduce friction at the wheel-rail interface, saving fuel and reducing wear and tear on track and locomotives.

Freight Railroads Fight Highway Gridlock

Railroads help reduce the huge economic costs of highway congestion:

- According to the Texas Transportation Institute, in 2010 **highway congestion cost American $101 billion in wasted time (4.8 billion hours) and wasted fuel (1.9 billion gallons)**. Lost productivity, cargo delays, and other costs add tens of billions of dollars to this tab.
- **A single freight train, though, can carry the load of several hundred trucks**, freeing up space on the highway for other motorists.
- Shifting freight from trucks to rail **reduces highway wear and tear and the pressure to build costly new highways.**

Freight Railroads Mean Less Pollution

Moving freight by rail rather than by truck significantly reduces harmful emissions. In March 2008, the EPA issued stringent new locomotive emissions standards. The EPA estimates that, when compared to the previous standards, the new standards will:

- Reduce particulate matter (PM) emissions by 90 percent; and
- Reduce nitrogen oxide (NOx) emissions by 80 percent.

Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

ATTACHMENT B

Association of American Railroads

Freight Railroads Help Reduce Greenhouse Gas Emissions
July 2012

Freight Railroads Help Reduce Greenhouse Gas Emissions

ASSOCIATION OF AMERICAN RAILROADS — JULY 2012

Summary

Expanded use of freight rail offers a **simple, inexpensive,** and **immediate way** to meaningfully **reduce greenhouse gas emissions without harming the economy**. On average, railroads are four times more fuel efficient than trucks. That means moving freight by rail instead of truck **reduces greenhouse gas emissions by 75 percent**. According to Environmental Protection Agency (EPA) data, freight railroads account for just 0.6 percent of U.S. greenhouse gas emissions from all sources and just 2.2 percent of emissions from transportation-related sources.

Moving More Freight By Rail Would Significantly Reduce Greenhouse Gas Emissions

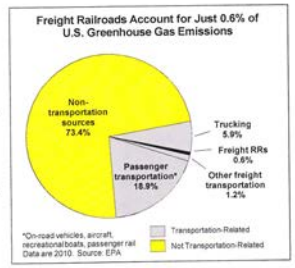
According to a recent independent study for the Federal Railroad Administration, railroads on average are **four times more fuel efficient than trucks**. Greenhouse gas emissions are directly related to fuel consumption. That means that **moving freight by rail instead of truck reduces greenhouse gas emissions by 75 percent.**

If just 10 percent of long-haul freight now moving by truck moved by rail instead, annual greenhouse gas emissions would fall by approximately 11 million tons — equivalent to taking nearly 2 million cars off the road or planting more than 250 million trees.

Moving more freight by rail also reduces highway congestion, which costs us $101 billion each year just in wasted time (4.8 billion hours) and wasted fuel (1.9 billion gallons), according to a recent study by the Texas Transportation Institute. **A single freight train, though, can carry the load of several hundred trucks**. Shifting freight from trucks to rail also reduces highway wear and tear and the pressure to build costly new highways.

According to data from the Environmental Protection Agency, total U.S. greenhouse gas emissions in 2010 were 6,822 teragrams (trillion grams) of carbon dioxide equivalents (see table on the next page). Non-transportation sources (power plants, industry, etc.) accounted for 73 percent of this total, with transportation accounting for the remaining 27 percent.

The 40.0 teragrams accounted for by freight railroads was just 0.6 percent of total U.S. greenhouse gas emissions from all sources and just 2.2 percent of transportation-related greenhouse gas emissions.



Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

U.S. Greenhouse Gas Emissions By Economic Sector: 2010

Economic Sector	Tg CO2 Eq.	% of Total
Electric. generation	2,306.5	33.8%
Residential	365.2	5.4%
Industry	1,394.2	20.4%
Agriculture	494.8	7.3%
Transportation	1,834.0	26.9%
Commercial	381.7	5.6%
U.S. Territories	45.5	0.7%
Total	6,821.8	100.0%

Data are in teragrams of CO2 equivalents.

U.S. Greenhouse Gas Emissions from Transportation: 2010

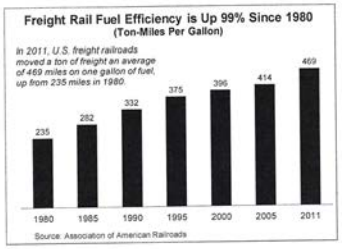
Economic Sector	Tg CO2 Eq.	% of Transp. Total
Trucking	402.2	22.1%
Freight Railroads	**40.0**	**2.2%**
Waterborne Freight	26.5	1.5%
Pipelines	38.8	2.1%
Aircraft	131.2	7.2%
Recreational Boats	16.8	0.9%
Passenger Railroads	6.2	0.3%
Cars, Light Trucks, Motorcycles	1,138.1	62.7%
Buses	16.5	0.9%
	1,816.3	100.0%

Source: EPA, *Inventory of U.S Greenhouse Gas Emissions and Sinks: 1990-2010*, Tables ES-7, A-113, and A-114. Totals for "transportation" in the two tables do not match because the table on the left includes emissions from sources considered to be transportation but not considered to be passenger or freight (e.g., lubricants).

Railroads Are Constantly Working to Improve Fuel Efficiency

In 1980, one gallon of diesel fuel moved one ton of freight by rail an average of 235 miles. In 2011, one gallon of fuel moved one ton of freight by rail an average of 469 miles — a 99 percent improvement since 1980.

In 2011 alone, U.S. freight railroads consumed 3.7 billion fewer gallons of fuel and emitted **41 million fewer tons of carbon dioxide** than they would have if their fuel efficiency had remained constant since 1980. From 1980 through 2011, U.S. freight railroads consumed **62.4 billion fewer gallons of fuel** and emitted **699 million fewer tons of carbon dioxide** than they would have if their fuel efficiency had not improved.



Railroads use a variety of means to cut fuel consumption and greenhouse gas emissions:

- Dramatically **increasing how much freight is carried in an average rail carload and average train.** Thanks to improved freight car design and other factors, the average freight train carried 3,538 tons of freight in 2011, up 59 percent from 1980.
- **New locomotives.** Railroads have spent billions of dollars in recent years on thousands of new, more fuel efficient locomotives and on overhauling older units to make them more fuel efficient. Many older, less fuel efficient locomotives have been retired from service. Many new switching locomotives used to assemble and disassemble trains in rail yards are "**genset**" (generator set) **locomotives**, which have two or three independent engines that switch on and off depending on how much power is needed at the time.

- Developing and implementing **highly advanced computer software systems** that, among other things, calculate the most fuel-efficient speed for a train over a given route; determine the most efficient spacing and timing of trains on a railroad's system; and monitor locomotive functions and performance to ensure peak efficiency. These systems can provide locomotive engineers with **real-time "coaching"** on the best speed for a train from a fuel-savings standpoint.
- **Training.** Railroad fuel efficiency depends on how well a locomotive engineer handles a train. That's why railroads use the skills of their engineers to save fuel. For example, railroads commonly offer training programs through which locomotive engineers offer suggestions — *e.g.*, the best way to accelerate and decelerate from a fuel-savings standpoint, or the best procedures to follow for shutting down an engine — to their colleagues on ways to save fuel.
- **Reduced idling.** Railroads are implementing **"stop-start" idling-reduction technology** that allows main engines to shut down when ambient conditions are favorable. One advantage of "genset" locomotives is that their smaller engines use anti-freeze, thus allowing them to shut down in cold weather. Some railroads also use "**auxiliary power units**" that warm engines so that locomotives can be shut down in cold weather.
- **New technologies and operational changes**, including:
  - ✓ Expanding the use of **distributed power** (positioning locomotives in the middle of trains) to reduce the total horsepower required for train movements.
  - ✓ Improving **rail lubrication,** to reduce friction at the wheel-rail interface and wear and tear on track and locomotives.
  - ✓ Using **low-torque bearings** in rail cars to reduce weight and save fuel.
  - ✓ Advanced **defect detectors** which identify poorly performing equipment that waste energy and are a safety risk as well.

Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

Response to Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012)

BO091-1

Comments submitted by Union Pacific (UP) on the Draft EIR/EIS are responded to in Volume 4 of the EIR/EIS. Comments submitted by UP on the Revised DEIR/Supplemental DEIS are responded to in Volume V of the EIR/EIS. The Authority has taken the concerns raised by UP into consideration and has addressed them to the extent practicable, given the existing constraints of the project.

BO091-2

The Authority acknowledges the Memorandum of Understanding and Implementing Agreement Related to High-Speed Rail Development in California (MOU), which was executed on July 11, 2012, and notes that the Revised DEIR/Supplemental DEIS was published on July 20, 2012. The Authority and Union Pacific Railroad (UPRR) have been working cooperatively to address the issues that UPRR sees with the proposed Alignment Plans, Roadway and Grade Separation Plans and Station Plans (Volume 3 of the Final EIR/EIS). These plans, on which the environmental analyses were based, were deemed complete for the purposes of environmental analysis well before the execution of the MOU with UPRR. Therefore, the plan set in Volume 3 of the Revised DEIR/Supplemental DEIS did not reflect all of UPRR's concerns. Since signature of the MOU and publication of the Revised DEIR/Supplemental DEIS, the Authority has proceeded with two activities simultaneously: (1) preparation of a Final EIR/EIS and (2) negotiation and execution of an Engineering, Construction, and Maintenance Agreement (Agreement). The Agreement provides UPRR review and approval rights of engineering, construction, and maintenance plans from the point in time that the project is approved by the Authority and FRA (that is, environmentally cleared) through the point of acceptance of the final engineering design and construction plans. During the intervening period of publication of the Revised DEIR/Supplemental DEIS, the Authority has revised the project description in as much as it was expedient and necessary to complete design of a project for environmental analysis and subsequent approval. None of these changes were made in response to this letter. These changes were made to ensure local roadway design speeds, maintenance rights-of-way, maintenance of infrastructure, and storage tracks. They are included in Volume 3 of this Final EIR/EIS. The Authority presumes that UPRR understands that the balance of its concerns with respect to the Alignment Plans, Roadway and Grade Separation Plans and Station Plans proposed by the project will be reviewed and approved by the UPRR. The Authority understands that changes required by the UPRR review and approval process

BO091-2

that result in impacts outside of the environmental footprint of this proposed project would require an appropriate level of environmental review.

BO091-3

The Authority will make every reasonable effort to accommodate the UP's right-of-way and operational needs.
If the UP's needs cannot be accommodated by the Authority with a solution that removes all impacts, then the Authority will work with UP to develop a solution that enables both parties to operate with the least amount of disruption to their respective operations. The Authority entered into an MOU with UPRR for the purpose of formalizing the process by which disputes will be resolved. Under this MOU, UPRR and the Authority are working together on an Engineering, Construction, and Maintenance agreement that will address conflicts with the UP right-of-way.

The MOU and MOU coordination process provide for the adoption of an Engineering, Construction, and Maintenance Agreement through which the Authority and the UPRR will agree to a final design that completely satisfies the concerns of the Union Pacific Railroad.

The Authority respectfully disagrees that the project as proposed contains any unsafe or dysfunctional operating distances. No substantial evidence is presented that finds fault with any of the environmental analysis of the proposed project. In the process of the Authority developing plans and the during the mutually agreed on review and approval process, the Union Pacific Railroad considerations would prevail in matters pertaining to the maintenance of the integrity of its own right-of-way and the plans would be revised.

BO091-4

The Authority recognizes the July 2012 MOU with Union Pacific Railroad and notes that it has been working cooperatively under that MOU with the Union Pacific Railroad to address issues that the Union Pacific Railroad has raised. The Authority disagrees that the Alignment Plans, Roadway and Grade Separation Plans and Station Plans that represent the proposed project and are analyzed as such demonstrate any inconsistency with the MOU or the MOU coordination process for preserving safe and operationally functional services.

Response to Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

BO091-4

The MOU and MOU coordination process provide for the adoption of an Engineering, Construction, and Maintenance Agreement through which the Authority and the Union Pacific Railroad will agree to a final design that completely satisfies the concerns of the Union Pacific Railroad. The Authority respectfully disagrees that the project as proposed contains any unsafe or dysfunctional operating distances. No substantial evidence is presented that finds fault with any of the environmental analysis of the proposed project. In the process of the Authority developing plans and the during the mutually agreed on review and approval process, the Union Pacific Railroad considerations would prevail in matters pertaining to the maintenance of the integrity of its own right-of-way and the plans would be revised. The Authority understands that changes required by the Union Pacific Railroad review and the approval process that results in impacts outside of the environmental footprint of this proposed project would require an appropriate level of subsequent environmental review. These changes may result in the preparation of subsequent or supplemental environmental documents. However, to presume that the environmental footprint would require changing would be speculative.

BO091-5

The Authority respectfully disagrees that the project as proposed contains any unsafe or dysfunctional operating distances. No substantial evidence is presented that finds fault with any of the environmental analysis of the proposed project. The Authority understands that changes required by the Union Pacific Railroad review and approval process that result in impacts outside of the environmental footprint of this proposed project (and that have not been analyzed in the EIR/EIS) would require an appropriate level of subsequent environmental review. Pursuant to CEQA and NEPA, the appropriate subsequent or supplemental environmental document will be prepared at that time. However, to presume that the environmental footprint would require changing would be speculative at this time.

BO091-6

None of the HST alternatives encroach on the freight rail corridors. Therefore, the alternatives would not have a direct effect on current or anticipated freight operations. After construction of the HST project, freight operation would continue as it currently does and train miles would not change due to the HST project.

BO091-6

Although the efficiency of moving freight by train rather than by truck is well documented, that is not pertinent to the HST project. There is no substantial evidence that the HST project would result in a substantial shift of freight movement from trains to trucks. Therefore, analyzing a scenario in which a non-quantifiable amount of rail freight would transition to truck freight would be speculative. An EIR/EIS is not required to engage in speculation.

The Authority is aware of the Union Pacific Railroad's operational safety concerns and will be cooperating with the Union Pacific Railroad under the July 2012 MOU between UP and the Authority to identify solutions to eliminate and alleviate perceived conflicts.

BO091-7

None of the HST alternatives encroach on the freight rail corridors. Therefore, the alternatives would not have a direct effect on current and anticipated freight operations. After construction, freight operation would continue as it currently does and train miles would not change due to the HST. The disruption of freight rail service to freight truck service is not
expected, and no associated air quality or greenhouse gas changes are foreseen. The Authority is aware of the UPRR's operational safety concerns and will be cooperating with the the railroad to identify solutions to eliminate and alleviate perceived conflicts.

BO091-8

Per Design Feature #10, Protection of Freight and Passenger Rail, of Section 3.2 of the Final EIR/EIS, during construction, repair any structural damage to freight or public railways, and return any damaged sections to their original structural condition. If necessary, during construction, a "shoofly" track would be constructed to allow existing train lines to bypass any areas closed for construction activities. Upon completion, tracks would be opened and repaired; or a new mainline track would be constructed, and the "shoofly" would be removed.

The Authority is aware that the Union Pacific Railroad (UPRR) does not want to allow any disruptions to its service, and it will work to avoid any disruptions to service either temporary or permanent. The Agreement between the Authority and UPRR will help

Response to Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

BO091-8

outline potential conflicts to the UPRR and HST operations. If a conflict was to occur, Section 21 of the Agreement outlines the dispute resolution process.

BO091-9

Per Design Feature #10, Protection of Freight and Passenger Rail, in Section 3.2, Transportation, of the Final EIR/EIS, the Authority will repair any structural damage to freight or public railways that occurs during project construction and return any damaged sections to their original structural condition. If necessary, during construction, the Authority would construct a "shoofly" track to allow existing train lines to bypass any areas closed for construction activities. On completion, tracks would be opened and repaired (or a new mainline track would be constructed), and the shoofly track would be removed.

Provision of shoofly tracks to construct underpasses is consistent with best practices, and they are widely used to minimize disruption to freight railroad operations while constructing underpass grade separations. Interruptions to freight service are anticipated to be consistent with routine replacement of similar track. Shoofly arrangements will be developed in conjunction with Union Pacific Railroad (UPRR).

The Authority has been in continuous communication with UPRR to make sure that the design, temporary outlets, and bypasses are agreed to and approved by UPRR before they would cause any interference with railway operations. Section 3.1 of the Engineering, Construction, and Maintenance Agreement details the planning and design of any engagements between the Authority and UPRR.

BO091-10

The Authority will work with the Union Pacific Railroad on shoofly proposals under the July 2012 MOU between the two entities. If a shoofly is considered, the Authority will make sure that Union Pacific Railroad is agreeable to the use and that the disruption to service is minimized to the fullest extent. In such case, the Authority would reevaluate the potential environment impacts of the shoofly, as authorized under CEQA and NEPA to determine whether a subsequent environmental analysis is needed. If the Authority determines that a subsequent or supplemental CEQA or NEPA document is required, then that document will be prepared pursuant to CEQA and NEPA before final

BO091-10

approval and construction of the shoofly track.

BO091-11

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

It is correct that property lines are not shown on the design plans in Volume III of the Revised DEIR/Supplemental DEIS and Volume III has not been revised to show the property lines in the Final EIR/EIS. Although impacts are disclosed, the property boundaries and property ownership were not expressly identified in any of the analyses. The decision was made to protect the privacy of the property owners, biological resources, and cultural resources. Impacts on the physical environment did not require the depiction of the property lines on the design plans for the analysis.

Since the beginning of the HSR program, impacts on properties and property owners' interests have been considered a point of mutual agreement to be negotiated between the Authority and the property interests. Detailed right-of-way/access analysis will be conducted during the right-of-way appraisal process. Although the HST alternatives will require acquisition of existing freight rail property, they do not encroach on the freight rail operating corridors. The Authority has committed to not encroaching into freight rail operations. No permanent intrusion into the freight rail corridors is proposed. Therefore, none of direct and secondary environmental effects that Union Pacific Railroad is concerned about (i.e., freight being moved by trucks rather than rail) would occur. Through the July 2012 MOU between the two parties and the related Engineering, Construction, and Maintenance Agreement, the Authority and Union Pacific Railroad will ensure that the HSR alignment does not encroach into the Union Pacific Railroad right-of-way.

BO091-12

Because of this comment, the Authority's Fire and Life Safety Committee identified an alternative means of emergency access to the future station. The alternative emergency access was deemed feasible and the emergency access route crossing the Union Pacific Railroad right-of-way was removed from the project. Drawing #A1101 (in Section A, sheet 7) has been revised to show the removal of the emergency access route crossing from the station drawings (Volume III of the Final EIR/EIS).

Response to Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

BO091-13

Because of the high rate of speed with which the HST travels, there can be no at-grade crossings of the track, and none are proposed. The HST project would grade-separate a significant number of the existing at-grade crossings in Fresno. The Authority will work to minimize and/or eliminate all at-grade crossings over the Union Pacific Railroad right-of-way. The HST design criteria ensure that the HST alignment is consistent with the aspirations of the California Public Utilities Commission (CPUC). In the event that an at-grade crossing cannot be eliminated, the Authority will work with Union Pacific Railroad under the July 2012 MOU to minimize any impacts to operations as well as to obtain approvals and reviews needed for at-grade crossings. The resultant Engineering, Construction, and Maintenance Agreement will help direct all designs that affect the two parties' rights-of-way to facilitate construction of new grade separations. However, no new public grade crossings are proposed to be installed. In other words, the Authority is not proposing to construct grade separations for other freight rail facilities in locations where HSR design does not affect both parties.

BO091-14

This comment pertains to Section 5 of the MOU, which states that all HST facilities crossing above or below the Union Pacific Rail Road must "clear span" the UP property. The Authority will ensure that if not currently shown at this level of design, then the requirements of the MOU and those stated in the Agreement section 3.1 (f) are met during the preparation of final engineering plans; and crossings over or under Union Pacific Rail Road will allow full utilization for Union Pacific Rail Road purposes. If an exception is necessary, then a mutually agreeable alternative will be negotiated between the Authority and the Union Pacific Rail Road consistent with the terms of the MOU. No substantial evidence is presented in this comment that would result in a different conclusion in the Final EIR/EIS than the proposed project would have a less-than-significant impact of negligible intensity on UP use of the rail corridor.

BO091-15

For alignment B1, the viaduct spanning the UPRR/SJVR spurs is shown on Drawing No. SV2642. The tracks are clear-spanned with 150-foot spans with a single column between the two spurs. For alignment B2, the viaduct is shown on Drawing No. SV2742, where the viaduct is shown in the median of E. California Ave. and spans the

BO091-15

two UPRR/SJVR tracks with a single 120-foot span. For alignment B3, the viaduct is shown on Drawing No. SV2842, where the viaduct is shown spanning the UPRR/SJVR west spur track with a span of 143 feet 6 inches to the north of E. Truxtun Ave. Minimum clearance to track is 30 feet. The east spur track is shown on Drawing No. SV2843 and is spanned with two spans of 140 feet supported on an integral straddle bent over E. Truxtun Ave. The minimum clearance to the straddle bent column is 25 feet 10 inches. There is also an adjacent track south of E. Truxtun Ave. that appears to be closed, as it does not cross E. Truxtun Ave. The clearance for this track is 38 feet 3 inches from the straddle bent column.

BO091-16

The comment suggests that a grade separation at the crossing at Ventura Street, as shown on Drawing No. 1661, is not physically possible. Instead of the alignment plans in Section A, please refer to the Roadway and Separation Plans, Section C, to appreciate the feasibility of providing grade separations at Ventura Street. Drawings CT #1019 and CT #1020 show the layout, and drawings CT # 2019 and CT #2020 are the profile drawings. The Authority will ensure that if not currently shown at this level of design, then the requirements of the July 2012 MOU and the resultant Engineering, Construction, and Maintenance Agreement will be met and grade-separated road crossings will not preclude future grade separations of adjacent Union Pacific Railroad tracks. No substantial evidence is presented in this comment that would result in a different conclusion that the proposed project would have a less-than-significant impact of negligible intensity on freight rail.

BO091-17

No substantial evidence is presented in this comment that would result in a different conclusion than that the proposed project would have a less-than-significant impact of negligible intensity on freight rail. The above- and below-grade crossings will be provided pursuant to the July 2012 MOU and the resultant Engineering, Construction, and Maintenance Agreement. Likewise, grade separations will be designed so as not to preclude future grade separations. In accordance with the Engineering, Construction, and Maintenance Agreement, Union Pacific Railroad will review and approve designs to ensure that operational concerns are addressed in a mutually agreeable negotiated understanding between the Authority and Union Pacific Railroad.

Response to Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

BO091-17

No substantial evidence is presented that finds fault with any of the environmental analysis of the proposed project. In the process of the Authority developing plans and the during the mutually agreed on review and approval process, the Union Pacific Railroad considerations would prevail in matters pertaining to the maintenance of the integrity of its own right-of-way and the plans would be revised. The Authority understands that changes required by the Union Pacific Railroad review and approval process that result in impacts not fully analyzed in the Final EIR/EIS would require an appropriate level of subsequent environmental review. This review may result in the preparation of subsequent or supplemental environmental documents, if required under CEQA and NEPA.

BO091-18

The Authority appreciates the Union Pacific Railroad's concern about not having the ability, in certain cases, to connect to future spur line sections. The specific text in the comment references two separate impact statements. The Final EIR/EIS document does not assert that the benefit of grade separations to regional freight rail speed and capacity would compensate for the potential restriction of future spur line construction. Because some spur line connections are hypothetical and there are no current plans by the Union Pacific Railroad to connect to the spur lines, any impact would be speculative, and it is not proper under CEQA for the Authority to include this as an impact in the EIR/EIS. If these spur lines are identified and are planned to be in operation before the HSR coming online, the Authority will review the plans and within the context of the July 2012 MOU and the resultant Engineering, Construction, and Maintenance Agreement will integrate them to the extent mutually agreeable.

BO091-19

The Authority is pleased that the communications and cooperation between the two entitles have effectively addressed the issue of spur line constraints. The Authority will continue to work with Union Pacific Railroad under the July 2012 MOU on all fronts to make sure the needs of both parties continue to be met.

BO091-20

The Authority is committed to working with the Union Pacific Railroad as necessary within the context of the July 2012 MOU and Implementing Agreement to make sure that the operation and maintenance of the Union Pacific Railroad system is not impaired. Although Union Pacific Railroad makes the claim that there will not be enough room between the two adjacent rights-of-way for the grade separation commitments, the engineering design in Section C of Volume III of the EIR/EIS demonstrates that it is reasonably feasible. The Authority acknowledges that it not possible to account for all possible contingencies. In instances where the Union Pacific Railroad needs to encroach on the Authority right-of-way, then the Authority will rely on the Union Pacific Railroad to contact the Authority for approval of the proposed work and encroachment. The access and notice of access is detailed in the Implementing Agreement under Section 8 and the separation criteria are addressed in Section 3.

BO091-21

The Authority will make every reasonable effort to accommodate the Union Pacific Railroad's (UPRR's) right-of-way and operational needs.

If the Authority cannot accommodate UPRR's needs with a solution that removes all impacts, then the Authority will work with UPRR to develop a solution that allows both parties to operate with the least amount of disruption to their respective operations. The Authority entered into a Memorandum of Understanding (MOU) with UPRR for the purpose of formalizing the process by which disputes will be resolved. Under this MOU, UPRR and the Authority are working together on an Engineering, Construction, and Maintenance (ECM) Agreement that will address any conflicts between the HST System and the UPRR right-of-way.

The MOU and MOU coordination process provide for the adoption of an ECM Agreement through which the Authority and UPRR will agree to a final design that completely satisfies the concerns of both UPRR and the Authority. The Authority respectfully disagrees that the project as proposed contains any unsafe or dysfunctional operating distances. The basis for the design evaluated in the analysis of potential impacts on the environment is documented in Technical Memorandum 2.1.7, “Rolling Stock and Vehicle Intrusion Protection for High-Speed Rail and Adjacent Transportation Systems” (Authority 2008a). On page 12 in Section 3.2.3.3, “Minimum Distance between

Response to Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

BO091-21

Tracks Using a Physical Barrier," this technical memorandum states, "It is recommended for planning purposes, a minimum separation of 29 ft (8.8 m), including provision for a physical barrier, is to be provided between the centerlines of the adjacent HST and conventional rail lines. This distance is the sum of the minimum clearance requirements for the HST operating infrastructure (12.5 ft) plus a protected walkway (3.0 ft) and a cable tray (1.0 ft) plus an allowance of 2.5 ft for the width of an intrusion barrier plus an offset to the centerline of the conventional railroad (10.0 ft)." The Technical Memorandum 2.1.7 (Authority 2008a, page 5) design guidelines are based on:

· Existing FRA guidelines regarding the separation and protection of adjacent transportation systems and conventional railroads.

· The 2012 Manual for Railway Engineering of the American Railway Engineering and Maintenance-of-Way Association (AREMA 2012).

· California Department of Transportation, Highway Design Manual (Caltrans 2012a).

· The DOT and FRA study on intrusion protection titled *Safety of High-Speed Guided Ground Transportation Systems* (November 1994).

· Technical Guidebook GEFRA 2004: technical guidance from National French Railways about twinning between high-speed train and road or highway infrastructures.

· UIC Code 777-2: "Structures Built over Railway Lines – Construction Requirements in the Track Zone." This code identifies a "danger zone" in proximity of the rail; within this zone, it is preferable to avoid having supports.

The commenter does not provide any evidence to refute the basis of the design that was evaluated in the environmental document. Furthermore, no substantial evidence is presented that finds fault with the environmental analysis of the proposed project. In the process of the Authority developing plans and during the mutually agreed on review and approval process, UPRR considerations will prevail in matters pertaining to the integrity

BO091-21

UPRR's right-of-way and the HST plans will be revised.

BO091-22

The design of the project has been refined to extend intrusion protection barriers so that they are continuous to East Jensen Bypass and achieve 102 feet of separation from the nearest HST track to the Union Pacific Railroad right-of-way.

BO091-23

A basic design feature of an HST system is to contain train sets within the operational corridor (FRA 1993). Strategies to ensure containment include operational and maintenance plan elements that would ensure high-quality tracks and vehicle maintenance to reduce the risk of derailment. Also, physical elements, such as containment parapets, check rails, guard rails, and derailment walls, would be used in specific areas with a high risk of or high impact from derailment. These areas include elevated guideways and approaches to conventional rail and roadway crossings.

BO091-24

Refer to Standard Response FB-Response-S&S-02.

BO091-25

An intrusion prevention barrier will be installed at locations where the horizontal separation distance between the nearest HST track and the nearest UPRR track is 102 feet or less, and where supported by a site-specific hazard analysis that considers the physical and operating characteristics of the adjacent railroad. UPRR has been invited to participate in the site-specific hazard analysis process.

BO091-26

An intrusion prevention barrier will be installed at locations where the horizontal separation distance between the nearest HST track and the nearest UPRR track is 102 feet, or less, and where supported by a site-specific hazard analysis that considers the physical and operating characteristics of the adjacent railroad. UPRR has been invited to participate in the site-specific hazard analysis process.

Response to Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

BO091-27

An intrusion prevention barrier will be installed at locations where the horizontal separation distance between the nearest HST track and the nearest UPRR track is 102 feet, or less, and where supported by a site-specific hazard analysis that considers the physical and operating characteristics of the adjacent railroad. UPRR has been invited to participate in the site-specific hazard analysis process.

BO091-28

The Authority is aware of the Union Pacific Railroad's (UPRR's) concerns about the proximity of the HST right-of-way. The Authority appreciates UPRR's clarification that maintenance of the intrusion barrier must be made from the Authority's right-of-way. The Authority further understands that the UPRR right-of-way may not be available for emergency access, and per UPRR's suggestion will not assume that it would be. The Authority and UPRR are in negotiations on an Engineering, Construction, and Maintenance (ECM) Agreement that will detail the minimum separations. The separation language can be found in Section 3.1(g) of the ECM Agreement. The Authority respects the integrity of UPRR's right-of-way, and if these minimums cannot be met, the Authority will work with the UPRR in design and review to make sure that both parties' needs are met.

BO091-29

The commenter does not provide substantial evidence that finds fault with any of the environmental analysis for the proposed project.

The Authority understands that any plans showing encroachment into the Union Pacific Railroad (UPRR) right-of-way will need to be revised. The minimum design standards will be set to those laid out in Section 3.1 (f)(g) of the Engineering, Construction, and Maintenance (ECM) Agreement. If the minimum distances cannot be met, the Authority will work with the Union Pacific Railroad (UPRR) to develop a beneficial solution. This solution would apply to both construction and maintenance access. UPRR has clarified that the Authority should not assume that UPRR will allow any access to any UPRR right-of-way at any time.

BO091-30

The commenter does not provide substantial evidence that finds fault with any of the environmental analysis of the proposed project. The Authority will design its right-of-way in accordance with Section 3.1 (f)(g) of the draft Engineering, Construction, and Maintenance Agreement. Through this process, the Union Pacific Railroad (UPRR) can be reasonably assured that the minimum standards will be established to maintain sufficient room for UPRR to maintain and provide emergency access to its own right-of-way.

BO091-31

The commenter asserts that if the proposed project constrains Union Pacific Railroad (UPRR) maintenance access to its right-of-way, then the project would have a significant impact on freight rail operations. The Authority established that its threshold of significance was project encroachment on freight right-of-way such that current and anticipated freight operation would continue. Through its analysis in Section 3.2, Transportation, of the Final EIR/EIS, the Authority found that, "As the HST alternatives do not encroach on the freight rail corridors, they would not have a direct effect on current and anticipated freight operations. After construction, freight operation would continue as it currently does and train miles would not change due to the HST" (page 3.2-71 of the Final EIR/EIS). The commenter points out that UPRR must comply with 49 Code of Federal Regulations (CFR) Part 213, "Federal Track Safety Standards" as administered by FRA. The commenter goes on to enumerate the activities conducted to maintain track safety. As a co-lead agency with the Authority, FRA has reviewed the project as proposed and did not identify any potential conflicts with existing freight operations from complying with 49 CFR Part 213. The Authority respectfully disagrees that there is compelling evidence to change the significance threshold for the evaluation of impacts on freight operations. The Authority will design its right-of-way in accordance with Sections 7, 3.1, and 8 of the draft Engineering, Construction, and Maintenance Agreement. Through this process with UPRR, UPRR can be reasonably assured that it will have adequate maintenance access to its right-of-way.

BO091-32

As discussed in comment response 1488, the proposed project does not conflict with the Union Pacific Railroad's (UPRR's) ability to comply with FRA's Title 49 Code of Federal Regulations (CFR) Part 213. The commenter asserts that the proposed project

Response to Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

BO091-32

constrains UPRR maintenance access to its right-of-way, but there is no compelling evidence provided to change the significance threshold. The Authority will design its right-of-way in accordance with Sections 3.1, 7, and 8 of the draft Engineering, Construction, and Maintenance Agreement. Through this process with UPRR, UPRR can be reasonably assured that it will have adequate maintenance access to its right-of-way even in emergency situations necessitating a rapid response.

BO091-33

The commenter warns that there may be conflicts between the right-of-way interests of the Union Pacific Railroad (UPRR) and the California High-Speed Rail Authority that would result in moving portions of the project footprint, which in turn could result in new significant impacts. The commenter uses the City of Atherton litigation as an example of how such conflicts could result in the need to recirculate the EIR/EIS.

However, the Authority has entered into an agreement with the UPRR (the Engineering, Construction, and Maintenance Agreement) that sets out a process of cooperation between the two parties in planning the HST route and gives UPRR review and approval rights for engineering, construction, and maintenance plans. The Authority recognizes the July 2012 Memorandum of Understanding (MOU) with UPRR and notes that the Authority has been working cooperatively with UPRR under the MOU to address issues that UPRR has raised. No such agreement was in place before the City of Atherton litigation. The Authority understands the risk that future design refinements could result in the shifting of the HST alignment away from the UPRR right-of-way and that this shift could result in new or more significant impacts. For this reason, the Authority has advanced a range of viable and practicable project alternatives. The Authority continues to work with UPRR in refining the design of the project. The Authority is confident that its work with UPRR to develop the final designs will mean that the alignment will need only minor adjustment and that both parties' right-of-way needs will be met.

The Authority understands that if substantial changes in the project footprint are necessary as a result of the UPRR review and approval process, then an appropriate level of subsequent environmental review would be necessary before those changes can be given final approval. The purpose of that subsequent environmental review would be to determine whether the changes result in new or substantially more

BO091-33

severe impacts outside of the environmental footprint. This review would comply with the requirements of both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

However, it is not currently known whether such changes in the project footprint might be necessary and where they might be located. As a result, prospective changes cannot be analyzed without indulging in speculation. Both CEQA and NEPA discourage speculation because it does not support informed and rational decision-making.

BO091-34

The Town of Atherton litigation referenced by the commenter was resolved in late February 2013, when the Sacramento Superior Court ruled in favor of the Authority. The court found that the Program EIR/EIS was adequate.

The City of Atherton case has no bearing on the present EIR/EIS. The Authority has entered into an agreement with the Union Pacific Railroad (UPRR) (the Engineering, Construction, and Maintenance Agreement) that sets out a process of cooperation between the two parties in planning the HST route and gives UPRR review and approval rights of engineering, construction, and maintenance plans. No such agreement was in place before the City of Atherton litigation. The Authority understands the risk that future design refinements could result in the shifting of the HST alignment away from the UPRR right-of-way and that this shift could result in new or more significant impacts. For this reason, the Authority has advanced a range of viable and practicable project alternatives. The Authority continues to work with UPRR in refining the design of the project. The Authority is confident that its work with UPRR to develop the final designs will mean that the alignment will need only minor adjustment and that both parties' right-of-way needs will be met.

The Authority understands that if substantial changes in the project footprint are necessary as a result of the UPRR review and approval process, then an appropriate level of subsequent environmental review would be necessary before those changes can be given final approval. The purpose of that subsequent environmental review would be to determine whether the changes result in new or substantially more severe impacts outside of the environmental footprint. This review would comply with the

Response to Submission BO091 (Jerry Wilmoth, Union Pacific Railroad Company, October 19, 2012) - Continued

BO091-34

requirements of both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

However, it is not currently known whether such changes in the project footprint might be necessary, where they might be located, or if they were to exist, whether they would have new or more severe impacts relative to those described in the EIR/EIS. As a result, there is no case to be made that recirculation of the EIR/EIS is required.

BO091-35

The impacts on Union Pacific Railroad (UPRR) property are limited to work within the city of Fresno. The impacts have been fully evaluated; the project would impact existing track on a temporary basis where construction of new underpasses or reconnections to the San Joaquin Valley rail tracks are required, but it would not require any permanent relocation or shifting of existing tracks. Therefore, no secondary impacts should occur.

The comment references alignment plans that show the proposed right-of-way limits. These plans show the existing 100-foot UPRR right-of-way between Clinton Avenue and State Route (SR) 180. South of SR 180, acquisition of property would be required, but in no case would the UPRR right-of-way be reduced to less than 100 feet. Therefore, operations, maintenance, and safety of UPRR facilities would not be affected due to either the physical distance separation or the inclusion of an intrusion protection barrier.

The Authority will continue to consult with UPRR during the design and procurement stages.

BO091-36

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

The commenter conflates the term "project footprint" with the area that will be affected by the HST project. The project footprint consists of the area that will be acquired for the HST project, including the support infrastructure for the HST project, or area that will be used for temporary construction, including relocation of utilities and, where identified, temporary and permanent relocation of existing railroad tracks. The affected area varies depending on the environmental issue and is often more extensive than the project

BO091-36

footprint. The Revised DEIR/Supplemental DEIS is valid because the footprint covers all areas to be disturbed by the project.

It is possible that design refinements could change the footprint to some degree in the future. What those changes could be, if they were to occur, is speculative at this time. Future changes in the footprint would require an environmental reevaluation under both CEQA and NEPA. That reevaluation could identify impacts not addressed in the Fresno to Bakersfield EIR/EIS, requiring a supplemental or subsequent environmental document. Issues such as environmental justice, Section 4(f), and Section 6(f) would be included in that reevaluation, as required by law.

BO091-37

Unfortunately, there is no way to predict when or where derailments of the UPRR, or damage caused by other acts of nature, would occur. Identification and quantification of potential impacts on biological resources are not possible because the location of such accidents and repairs is not known and the severity could range widely. Furthermore, those acts would be the responsibility of the UPRR. Because the HST is a fully dedicated system, which has been designed to be maintained upright and within the right-of-way, there is little to no potential for impacts on natural resources to occur in a emergency response situation. Related to your comment and to the example of special-status plants, habitat for special-status plant species would be removed within the right-of-way impacts that have been accounted for, and because the train is not designed or anticipated to derail, impacts associated with such acts or with the emergency response are not included in the Revised DEIR/Supplemental DEIS.

BO091-38

Construction emission estimates are based on the best available construction data at the time of the analysis. The project has entered into a VERA agreement with SJVAPCD to offset construction emissions. As such, a revised emission construction estimate will be calculated approximately 3 months before construction will begin and will be monitored daily through construction activity logs.

Submission BO092 (R. Michael, Jr. Viayra, Vintage Production California LLC, (Atty. For), R. Michael Viayra, Jr., October 18, 2012)

Vintage Production California LLC
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October 17, 2012

VIA HAND DELIVERY

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

Re: Fresno to Bakersfield Section of the California High Speed Rail: Revised Draft EIR/EIS

To Whom It May Concern:

Thank you for the opportunity to submit comments on the California High Speed Rail Authority's (the "Authority") Revised Draft Environmental Impact Report/Environmental Impact Statement ("Revised Draft EIR/EIS") for the Fresno to Bakersfield segment (the "Project"). Vintage Production California LLC ("Vintage") previously submitted comments on the Draft EIR/EIS on October 13, 2011. Vintage understands those prior comments will be responded to in the final EIR. The purpose of this letter is to advise you that the Revised Draft EIR/EIS in its current condition also would violate the California Environmental Quality Act ("CEQA") as a matter of law. A final environmental impact report for the Project cannot be certified until the impacts detailed below are fully analyzed.

BO092-1

BO092-2

I. The Revised Draft EIR/EIS Insufficiently Evaluates the Proposed Project Alternatives and, Accordingly, Is Legally Inadequate.

The Revised Draft EIR/EIS is wholly inadequate to meet CEQA's purpose of informing the public and decision makers about the environmental impacts of the Project. (CEQA Guidelines, § 15126(d).) A conclusory discussion of alternatives is inadequate; analyses must be specific enough to allow informed decision making and public participation. (*Ibid.*) The draft environmental report must "include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." (CEQA Guidelines, § 15126.6(d).) Here, the Revised Draft EIR/EIS identifies proposed project alternatives (Alternatives, § 2.0), but does not contain specific analysis, particularly analysis of impacts on petroleum pipelines and oil and gas mineral resources, to foster informed decision making and public participation.

BO092-3

For example, a bare assertion that "[t]he [P]roject would not result in prolonged disruption of services, and would not result in the loss or reduced access to petroleum and fuel pipelines" (Public Utilities, p. 3.6-58, 59) is legally inadequate. There is no discussion of how or why the Authority came to this conclusion, nor a discussion of the types of impacts resulting

October 17, 2012

California High Speed Rail Authority
Re: Fresno to Bakersfield Revised Draft EIR/EIS Comment

BO092-3

from the disruption, even if not prolonged. The Geology, Soils, and Seismicity section also contains cursory conclusions that the alternatives will not affect the availability of oil and gas resources. (Geology, Soils, and Seismicity, p. 3.9-31, 32.) The Revised Draft EIR/EIS does not contain sufficient information or analysis about each proposed alternative to allow for meaningful evaluation of the project alternatives. Therefore, the Final EIR/EIS cannot be certified until the Authority performs a thorough analysis of these impacts.

BO092-4

II. The Revised Draft EIR/EIS Erroneously Concludes That the Project's Present and Future Impacts on Mineral Resources Are Less Than Significant.

CEQA requires analysis of a potential project's impacts to mineral resources (*see* CEQA Guidelines, Appendix G at X), but the Revised Draft EIR/EIS fails to sufficiently analyze these impacts for the Project. The Revised Draft EIR/EIS simply asserts that loss of oil and gas production is expected to be "small," based on a Project footprint encompassing a 0.5-mile radius and a 50-foot buffer. The Revised Draft EIR/EIS only identifies 56 oil and gas wells within 1/8th-mile of all the alternatives and identifies only eight as being within the Wasco-Shafter Bypass. This conclusion fails to account for the 40 oil production wells that would be impacted by construction activities within the 500-foot corridor, as previously noted in our prior correspondence[1]. The Revised Draft EIR/EIS does not analyze any of this information and does not properly address the Project's potential impacts. All Project impacts must be analyzed.

Furthermore, it is insufficient to simply conclude that impacts will be "small" because production is expected to be small. (Geology, Soils, and Seismicity, p. 3.9-31.) The number of wells is not indicative of the amount of production projected from the oil field and the Revised Draft EIR/EIS does not contain any information regarding the production amounts for each displaced well.

Likewise, concluding that all impacts to mineral resources would be minimized because the Authority intends to use safe and explosion-proof equipment during Project construction is not a sufficient conclusion or analysis under CEQA. The Revised Draft EIR/EIS contains no discussion of the actual impacts to the mineral resources from construction, nor any indirect impacts of this equipment. Indirect effects include secondary effects. (CEQA Guidelines, § 15358(a)(2).) If a direct change in the physical environment resulting from a project causes

[1] Comment Letter from Vintage to the Authority dated October 13, 2011 in response to the Fresno to Bakersfield Draft EIR/EIS.

Submission BO092 (R. Michael, Jr. Viayra, Vintage Production California LLC, (Atty. For), R. Michael Viayra, Jr., October 18, 2012) - Continued

October 17, 2012

California High Speed Rail Authority
Re: Fresno to Bakersfield Revised Draft EIR/EIS Comment

BO092-4

another change in the environment, the secondary effect is treated as an indirect effect of the project. (*Id.* at § 15064(d)(3).) Failure to analyze any direct or indirect effects resulting from the construction equipment on mineral resources deprives the public of an opportunity to adequately participate in the public-comment process.

The Revised Draft EIR/EIS also concludes that active wells will need to be "capped, abandoned, or relocated, potentially to nearby locations using direction drilling techniques, ***if feasible***." (Geology, Soils, and Seismicity, p. 3.9-31, emphasis added.) The Revised Draft EIR/EIS completely fails to address the feasibility of moving wells and access to mineral resources, nor does it analyze the impacts of moving the wells. "Feasible," for purposes of CEQA, is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Resources Code, § 21061.1.) Moreover, if relocating wells is part of the Project or required as mitigation, these actions must be analyzed fully, with consideration of the impacts of relocation itself and citations to technological information. Even if well relocation is intended as a mitigation measure (and there is no indication that it is), the Authority must fully analyze impacts to mineral resources and impacts resulting from the relocation activity itself, including whether such relocation is even feasible.

The Draft EIR/EIS also concludes that replacement wells in the Wasco-Shafter Bypass would "occur in the same field as the displaced wells and continue to withdraw from the expansive Eocene Total Petroleum System within the San Joaquin Basin Province." (Public Utilities, p. 3.6-69.) This statement is conclusory and legally insufficient under CEQA.

If the wells are relocated, it is unclear whether the minerals will be accessible and production can be replicated by drilling in another direction and another area. There is also no evidence demonstrating the relocation's impact on extraction operations, nor any geological information or analysis to support the contention that relocating the wells will result in less than significant impacts to mineral resources. This conclusion is insufficient under CEQA, and the Final EIR/EIS must be reconsidered with additional analysis prior to certification.

3

October 17, 2012

California High Speed Rail Authority
Re: Fresno to Bakersfield Revised Draft EIR/EIS Comment

BO092-5

III. The Revised Draft EIR/EIS Erroneously Concludes That the Project's Present and Future Impacts on Petroleum Pipelines Are Less Than Significant.

The Revised Draft EIR/EIS fails to adequately analyze the impacts of creating a protective casing around petroleum pipelines. Protective casings for underground pipelines would require additional construction and potential disruption of mineral resources. It is unclear whether these casings are part of the Project or proposed as a mitigation measure. In either event, the Authority's analysis of the potential impacts of the casing is insufficient. The Authority is required to analyze potential impacts, e.g., access to minerals, construction of the casings, and impacts to production. There is no evidence to support the contention that the "project would not result in prolonged disruption of services and would not result in the loss of or reduced access to public utility lines or pipes." (Public Utilities, p. 3.6 -58.)

With respect to the Authority's conclusion that supplemental environmental analysis will be done at a future time if utilities cannot be modified or relocated within the construction footprint (Public Utilities, pp. 3.6-51, 52), such a conclusion is inadequate as a matter of law. CEQA Guidelines section 15162(c) requires the Authority to analyze the potential impacts at the time the information is available. An environmental impact report must analyze future expansion of a project or other action if it is "a reasonably foreseeable consequence of the initial project" and neither the future expansion nor other action "will likely change the scope or nature of the initial project and its environmental effects." (*Laurel Heights Improvement Association v. Regents of Univ. of Cal.* (1988) 47 Cal. 3d 376, 396.) A subsequent environmental impact report can only be done after Project approval if there is a substantial change proposed in the Project; substantial change occurs with respect to the circumstances under which the Project is undertaken due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or there is new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence. (CEQA Guidelines, § 15162(a).) The feasibility of relocating pipelines is not a change in the Project nor contingent on new information available at a future time. It is currently a reasonably foreseeable consequence of the Project that a pipeline will not be able to be modified or relocated. Therefore, the Authority cannot delay thorough review and analysis under CEQA and must analyze these impacts in the Final EIS/EIR.

4

Submission BO092 (R. Michael, Jr. Viayra, Vintage Production California LLC, (Atty. For), R. Michael Viayra, Jr., October 18, 2012) - Continued

October 17, 2012

California High Speed Rail Authority
Re: Fresno to Bakersfield Revised Draft EIR/EIS Comment

BO092-6

IV. Conclusion

The conclusion that overall availability of mineral resources would not be impacted is not supported by any evidence, much less substantial evidence. Therefore, the Revised Draft EIR/EIS's consideration of impacts to the availability of mineral resources is legally inadequate and must be revised.

CEQA requires an EIR to identify and describe feasible mitigation measures and a reasonable range of alternatives that would lessen or otherwise avoid significant impacts. (CEQA Guidelines, § 15126.4(a)(1); Pub. Resources Code, § 21100(b)(3).) As previously explained, it is clear that the proposed Project would have a significant impact on the availability of mineral resources. Accordingly, the Draft EIR/EIS must provide mitigation measures and alternatives that would reduce the severity of these impacts to a less than significant level.

For these reasons, the Final EIR/EIS must analyze these impacts before it can be certified.

Sincerely,

R. Michael Viayra, Jr.
Senior Counsel

RMV/mth

cc: Michael N. Mills, Esq., Stoel Rives LLP

5

Response to Submission BO092 (R. Michael, Jr. Viayra, Vintage Production California LLC, (Atty. For), R. Michael Viayra, Jr., October 18, 2012)

BO092-1

This commenter claims that the environmental document violates the California Environmental Quality Act (CEQA) for the reasons listed in the letter that follows. This particular comment is an introduction. Responses to concerns expressed in the letter are provided in subsequent responses.

The Authority met with representatives from Occidental Petroleum Corporation and its subsidiaries, Vintage Production California LLC, Vintage Petroleum LLC, and OXY USA Inc. (collectively, "OXY") on April 25, 2013 in Wasco, California to discuss potential impacts associated with the project. In their follow up letter of May 16, 2013, OXY provided information including an updated list and map of impacted wells (16 wells at the time of the letter) for consideration in the EIR/EIS.

BO092-2

The Revised DEIR/Supplemental DEIS provides an analysis of significant impacts and presents mitigation measures for those significant impacts in accordance to the requirements of Section 15126 of the CEQA Guidelines. The EIR/EIS clearly and concisely describes the nature and magnitude of project impacts, provides mitigation measures for significant impacts, and describes the significance of impacts following mitigation. The project is 114 miles long. For a project of this size, it is not possible to detail the specific impacts on each piece of property crossed by the project, and make the EIR/EIS readable or understandable.

Subsidence from groundwater or petroleum withdrawal is addressed in the Final EIR/EIS (Section 3.9.4.4, Geologic Hazards). The section states that substantial subsidence has occurred in the San Joaquin Valley, primarily due to groundwater extraction; however, the areas with greatest land subsidence are in the western portion of the San Joaquin Valley where subsidence of nearly 30 feet was recorded between 1926 and 1970. In the area of the HST alternatives, including stations and HMFs, subsidence has been far less dramatic than on the western side of the valley, with subsidence measured at less than 1 foot between 1926 and 1970 (Faunt 2009; Galloway et al.). Over the last several decades, the use of pipelines and aqueducts for surface water deliveries from other parts of California has reduced dependence on groundwater for agricultural use, and land subsidence has slowed or reversed in some areas of the San Joaquin Valley. During drought conditions, however, increased reliance

BO092-2

on groundwater may result in increased subsidence rates.

Construction and operation of the Fresno to Bakersfield Section of the HST would not change subsidence rates compared to existing conditions. The project does not include features (e.g., major new sources of groundwater extraction) that would contribute to subsidence. In fact, the project would cause land (under the preferred alternative) to be removed from agricultural production. Some of these lands are irrigated with groundwater, and therefore localized groundwater withdrawals would likely be reduced. The project will be designed so that geotechnical constraints (e.g., subsidence from groundwater withdrawal, soil settlement from new earth loads) do not result in premature degradation of the alignment such that speeds are reduced,
or operation and maintenance costs are unacceptably high. Prerequisite geotechnical and geologic evaluations, design features, and management measures to reduce or eliminate risk from poor or unexpected geologic conditions, or from long-term effects of the project on geology are described in the EIR/EIS.

BO092-3

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

The Final EIR/EIS discusses the project-level alternatives development process (refer to Section 2.3.1, HST Project-Level Alternatives Development Process). A range of potential alternatives preliminarily considered but eliminated from detailed consideration in the EIR/EIS has also been discussed. Refer to Section 2.3.2, Range of Potential Alternatives Considered and Findings, for further details. The September 2010 Supplemental Alternatives Analysis (AA) Report (Authority and FRA 2010a) and the December 2011 Supplemental Alternatives Analysis Report (Authority and FRA 2011e) describe the alternatives identification process in more detail. Both reports are available on the Authority's website.

Existing underground utilities crossing the HST right-of-way, such as gas, petroleum, and water pipelines, will be maintained during the relocation or protected in place. Utilities crossing the HST right-of-way will be encased in steel casings, and the length of the casing will be extended sufficiently beyond the HST right-of-way so that future access to the casings can be made without impacting the HST right-of-way. In

Response to Submission BO092 (R. Michael, Jr. Viayra, Vintage Production California LLC, (Atty. For), R. Michael Viayra, Jr., October 18, 2012) - Continued

BO092-3

compliance with State law (California Government Code Section 4216), the construction contractor will use a utility locator service and manually probe for buried utilities within the construction footprint before initiating ground-disturbing activities. This procedure would avoid accidental disruption of utility services and ensure that a feasible measure is implemented to reduce impacts. Refer to Section 3.6, Public Utilities and Energy, of the Final EIR/EIS for further details.

A number of high-risk potential conflicts between existing petroleum and gas pipelines have been identified in the Final EIR/EIS. Temporary effects on a number of petroleum and fuel facilities or structures would occur. The cost for well decommissioning and replacement would be borne by the Authority, and the effect on the capacity or viability of the petroleum resource and industry extraction operations relative to public utilities and energy was determined to be less than significant. The Authority would work with pipeline owners to place affected lines underground in a protective casing so that future maintenance of the line could be accomplished outside of the HST right-of-way. The project would not result in prolonged disruption of services and would not result in the loss of or reduced access to public utility lines or pipes. Refer to Section 3.6.5, Environmental Consequences, of the EIR/EIS for further details.

BO092-4

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

As discussed in the EIR/EIS, active wells would need to be capped and abandoned or relocated, potentially to nearby locations, possibly using direction drilling techniques, if feasible. Appurtenant facilities such pipelines would also potentially need to be relocated if they fall within the footprint. Data collected from exploration activities is used to optimize the entrance to the target zone when drilling and developing a well. Therefore, capping an existing well and redrilling into the target zone from a nearby location may not result in the same level of production from the new well. The production rate from a new well cannot be estimated before it is installed. Consequently, replacing wells may result in a reduction in the rate of production at the new well. Production lost during well relocation is expected to be small on a regional basis, due to the small number of affected wells (in the case of the Wasco-Shafter Bypass, 15 wells as of March 2013). Wells would be capped, abandoned, or relocated by the well operator with

BO092-4

compensation from the Authority. The Authority would compensate well owners for relocation and drilling of new wells, relocation of ancillary pipelines and underground conveyance, as well as for any loss in production.

Potential impacts to the physical environment from abandonment and replacement of wells would include emissions and fugitive dust from construction equipment, construction-related noise, visual impacts associated with new structures, impacts to agricultural lands, and impacts to biological and cultural resources that may be present on the site of new structures. Development of new wells would be designed and constructed to be consistent with applicable regulations, and would be subject to separate site-specific analysis under CEQA, including measures to mitigate impacts to a level less-than-significant. For this reason, it is expected that impacts of well relocation would be less than significant under CEQA and the impact would have negligible intensity under NEPA.

BO092-5

Protective casing will be installed where pipelines cross the HST right-of-way as a standard construction activity. Pipelines would be encased in appropriately sized steel casings, and the length of the casing would be extended sufficiently beyond the HST right-of-way so that future access to the casings can be made without affecting the HST right-of-way. The impact of this installation has been considered in conjunction with construction impacts of the HST. Where practical, pipelines would be maintained or temporarily diverted during the relocation or protection-in-place process and the Authority's contractor would coordinate scheduling of activities to avoid prolonged disruptions to service. Refer to Section 3.6.5 for further details.

The reference to supplemental environmental analysis is in relation to activities that may occur outside of the current study area of the EIR/EIS as a result of further refinements of the project design. The project is a design-build project, and the design will continue to be refined after approval of the Fresno to Bakersfield Section in response to site-specific features and challenges. The designs presented in the EIR/EIS are based on preliminary engineering, and the resolution of all utility and pipeline conflicts is not feasible until the necessary coordination with owners occurs during final design.

Response to Submission BO092 (R. Michael, Jr. Viayra, Vintage Production California LLC, (Atty. For), R. Michael Viayra, Jr., October 18, 2012) - Continued

BO092-5

The proposed project footprint established in the EIR/EIS anticipated the need to avoid, protect or relocate utility infrastructure. The analysis of physical impacts related to the project footprint, including public utility relocation, is provided in each of the respective impact areas (e.g., biological, archaeological, farmland resources). This approach is consistent with other CEQA analysis, as exemplified in the California Environmental Quality Act Significance Determination Thresholds, City of San Diego Development Services Department, January 2011.

Based on the substantial evidence underpinning Section 21084 of the Public Resources Code, which identifies the classes of projects which have been determined not to have a significant effect on the environment, “Class 2” actions such as replacement or reconstruction of existing structures and facilities, including utility systems and/or facilities involving negligible or no expansion of capacity, would not have a significant impact.

As stated by the commenter, supplemental environmental analysis would be conducted if utilities cannot be relocated or modified within the construction footprint (EIR/EIS Section 3.6.5). As discussed in EIR/EIS Section 2.2.6.1, for example, PG&E has indicated that existing transmission lines may need to be reconstructed in order to serve the project; however, the location of new or relocated transmission lines and power poles is not known at the level of HST design evaluated. The actual need and location of such actions is unforeseeable at the current design level. When electrification of the system is engineered, PG&E would review the need to design and implement changes to their transmission lines. The Authority would assist utility providers in complying with CPUC General Order 131-D, including the need for follow-on design and environmental review.

Based on substantial evidence contained in the EIR/EIS, relevant CEQA guidelines for public utilities, and CPUC General Order 131-D, however, it is anticipated that existing utilities can be relocated within the project footprint and would not result in a significant impact or substantial effect. In the event that new or relocated utilities would be required outside the project footprint, the Authority, in conjunction with the service provider, may undergo supplemental environmental review (assuming the circumstances set forth in Public Resources Code §21166 are present). However, relocation of existing utilities

BO092-5

outside of the project footprint is not anticipated and a presumption that any impacts associated with such relocation would occur is, at this time, speculative.

BO092-6

This commenter asserts that for the reasons provided in the letter the environmental document erroneously concludes that there would be no impact on mineral resources. The commenter goes on to say that the environmental document is flawed because it does not include mitigation measures to reduce the significance of the impacts to mineral resources. The environmental document does not claim that there would be no impact on mineral resources; rather, it finds that the impacts would be less than significant. Previous responses refute—with citations to substantial evidence—the claims that the environmental document insufficiently evaluates the project, its alternatives, and its conclusions about mineral resources and petroleum pipelines. The California Environmental Quality Act (CEQA) does not require mitigation for less-than-significant impacts. Because the impacts on mineral resources would be less than significant, no mitigation measures are proposed.

Submission BO093 (Holly King, Wasco-Shafter Ag Group, October 19, 2012)

Fresno - Bakersfield (July 2012+) - RECORD #416 DETAIL

Status :	Action Pending
Record Date :	10/20/2012
Response Requested :	No
Stakeholder Type :	Business
Affiliation Type :	Businesses and Organizations
Interest As :	Businesses And Organizations
Submission Date :	10/20/2012
Submission Method :	Project Email
First Name :	Holly
Last Name :	King
Professional Title :	
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Cell Phone :	
Add to Mailing List :	
Stakeholder Comments/Issues :	Attached please find comments for the Revised Draft EIR/Supplemental Draft EIS for the Fresno to Bakersfield Segment being submitted by the Wasco-Shafter Ag Group. They can be contacted by contacting the following person: Holly A. King 2091 W. Barstow Ave. Fresno, CA 93711 559-269-3310 holly@triplecrown.bz
EIR/EIS Comment :	Yes
Official Comment Period :	No

Wasco-Shafter Ag Group
Comments on California High-Speed Train:
Fresno To Bakersfield Section
Revised Draft Environmental Impact Report/
Supplemental Environmental Impact Statement
October 2012

Following are comments on the California High-Speed Train: Fresno To Bakersfield Section Revised Draft Environmental Impact Report/Supplemental Environmental Impact Statement, July 2012 ("EIR"), prepared by the California High Speed Rail Authority and the Federal Railroad Administration (the numbered paragraphs below correspond with the section numbers of the EIR):

BO093-1

1.1.2. The project analyzed in the EIR is described as, "The Fresno to Bakersfield HST Project section would connect a Fresno station, a potential Kings/Tulare Regional station in the Hanford/Visalia/Tulare area, and a Bakersfield station. The planned HST line north of the Fresno to Bakersfield section would extend to Merced," etc. The EIR then explains that the EIR is Tier 2 of an environmental review process that began with a Tier 1 programmatic environmental impact report/environmental impact statement that encompassed the entire proposed California High Speed Train ("HST") system that includes extensions to Sacramento, the San Francisco Bay Area, the Los Angeles Area and San Diego. The actual project, therefore, is a much longer system than the segment of the route from Fresno to Bakersfield.

BO093-2

The California Environmental Quality Act ("CEQA") (Pub. Res. Code sec. 21000, et seq.) and the CEQA Guidelines (Title 14 Cal. Code Regs. sec. 15000, et seq.) ("Guidelines") require that a project description be "stable and finite." *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal. App. 3d 185; *Kings County Farm Bureau v. City of Hanford* (5th Dist. 1990) 221 Cal. App. 3d 692. The courts have long recognized the need for an accurate and stable project description:

> A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance.

County of Inyo, supra.

Further, Guidelines section 15378 defines "project" for purposes of a project description, among other things, as follows: "Project means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment . . . ." (Emphasis added.)

Submission BO093 (Holly King, Wasco-Shafter Ag Group, October 19, 2012) - Continued

BO093-2

"Project is given a broad interpretation in order to maximize protection of the environment." *McQueen v. Board of Directors of the Mid-Peninsula Regional Space District* (6th Dist. 1988) 202 Cal. App. 3d 1136. Since the project includes a much larger HST system than that analyzed in the EIR (at a minimum, a Merced to Bakersfield segment which has been analyzed in a Tier 2 environmental document rather than a truncated Fresno to Bakersfield segment), the EIR falls short of the requirement that the "whole of an action" be considered and analyzed.

By failing to include an analysis of the impacts associated with the entire proposed system, the project description falls short of the requirements of CEQA and the Guidelines. Since the entire Merced to Bakersfield portion of the HST system may be constructed first (both the Fresno to Merced and Fresno to Bakersfield segments), the EIR at a minimum must analyze the environmental impacts associated with these two segments of the HST line together.

Failure of the project description to incorporate the entire HST system (or, at a minimum, the Fresno to Merced segment) results in impermissible "piecemealing" of the proposed project. A project must not be broken into segments for purposes of CEQA analysis (or the National Environmental Policy Act, 42, U.S.C sec. 4321, et seq.) "by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences." *Bozung v. Local Agency Formation Commission* (1975) 13 Cal. 3d 263. See also *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (2d Dist. 1991) 233 Cal. App. 3d 577; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376. By failing to consider the environmental effects of the entire system (or, at a minimum, the entire Merced to Bakersfield portion of the system), the project has been segmented in violation of the bar against piecemealing.

BO093-3

By piecemealing the environmental analysis of the HST project, the EIR fails to account for the cumulative impacts associated with the entire HST system. Since there are similar impacts associated with every segment of the HST (aesthetics, noise, vibration, etc.) there is the potential for significant cumulative impacts associated with the entire HST system that are not accounted for and analyzed in the EIR.

BO093-4

In addition to the foregoing, because the EIR is intended to satisfy the requirements of NEPA, it is required to contain a statement of purpose and need which defines the range of reasonable alternatives available to the California High Speed Rail Authority. (40 C.F.R. sec. 1502.13.) The EIR does not contain a concise statement of purpose and need. Rather, it contains a series of ambiguous statements regarding traffic congestion on the major surface arteries in the Central Valley, constraints that limit air travel, etc. The goal of the HST is not clear from the EIR.

BO093-5

1.2.4.1. The analysis of inter-city air service concludes that because of capacity constraints at the Los Angeles International Airport, train capacity will be required to fill the demand. The analysis fails to take the capacity of the Bob Hope (Burbank), Orange County and Ontario airports into consideration. The inter-city transportation analysis is, therefore, flawed.

BO093-6

1.6 The Revised 2012 Business Plan adopted by the California High Speed Rail Authority describes a phased implementation strategy ". . . [that] envisions the first construction of the Initial Operation Section (IOS first construction), a 130 mile segment that extends from North of Fresno to Bakersfield." Interim use of the IOS first construction track for upgraded Amtrak service is envisioned in the 2012 Business Plan; however, there is no analysis of impacts associated with this plan. In fact, the EIR provides as follows:

> The interim use of IOS first construction track for upgraded Amtrak service could have environmental impacts that differ from those analyzed in the EIR/EIS.

Thus, the authors of the EIR admit to completely skirting the environmental impacts associated with the interim use of the IOS which they state "could have environmental impacts that differ from those analyzed in the EIR/EIS." Without an assessment of the potential environmental impacts associated with interim use of the IOS by Amtrak, the EIR impermissibly defers the required assessment by "kicking the can down the road," leaving the environmental assessment to a later date and document. Such deferral is not permitted. *Sundstrom v. County of Mendocino* (1st Dist. 1988) 202 Cal. App. 3d 296. This impermissible deferral of environmental assessments also amounts to piecemealing because it results in further segmentation of the project.

BO093-7

2.2.6.1. The EIR points out that power for the HST will be supplied by PG&E. The EIR points out that PG&E transmission lines may need to be reconstructed and new power poles may need to be installed in order to accommodate the HST. The environmental review of reconstruction and/or installation of new power poles is left to PG&E for a later date. Once again, the EIR impermissibly piecemeals the project and defers environmental review of a segment of the project.

BO093-8

2.4.1.1. The EIR discusses the City of Fresno's ongoing General Plan update that is expected to include the city's 9,000 acre Southeast Growth Area ("SEGA"), with the potential to accommodate more than 17,000 additional dwelling units. Because the General Plan update has not been adopted, the buildout of the SEGA is not reflected in Table 2-5, making it flawed for purposes of the various analyses of environmental impacts associated with the HST, including impacts on traffic circulation.

BO093-9

2.4.1.4. The EIR discussion of the viability of the Fresno-Yosemite International Airport is inconsistent with the discussion of the airport's viability for intra-city travel in Section 1 of the EIR.

BO093-10

2.4.4.1. The EIR discussion of the Fresno Station-Mariposa alternative, states as follows:

Draft EIR EIS comments 10-19-12.doc

Submission BO093 (Holly King, Wasco-Shafter Ag Group, October 19, 2012) - Continued

BO093-10

> Currently, Downtown Fresno has a large amount of excess public parking within a mile of the proposed HST station. Based on discussions with the City of Fresno, the balance of spaces needed to satisfy the estimated parking demand (7,400 total spaces) would be accommodated by existing public spaces, without the need for additional parking lots or structures.

The EIR states (assumes) that the 7,400 parking spaces will be within one mile of the HST station. There is no consideration given to transporting HST patrons from the parking spaces to the HST station. It can be reasonably assumed that the patrons will not walk from the parking spaces to the station, particularly if they are burdened with luggage. There is no consideration given in the EIR to the transportation impacts associated with ferrying the patrons from the parking spaces to the HST station and the environmental impacts (traffic circulation, air quality, etc.) associated with transporting them.

BO093-11

2.4.4.2. The EIR discusses the need to meet parking requirements for the Kings/Tulare Regional station as follows:

> "The balance of parking spaces necessary to meet the 2035 parking demand (2,800 total spaces) would be accommodated in downtown Hanford, Visalia, and/or Tulare, with local transit or shuttle services connecting with the station."

The impacts associated with the local transit or shuttle services necessary to transport HST patrons to the Kings/Tulare Regional station are not considered in the traffic circulation impacts analyzed in the EIR.

BO093-12

3.14. The EIR proposes traffic circulation mitigation measures that will be the responsibility of other public agencies or private property owners to implement. Incredibly, the EIR states that ". . . the Authority is committed to [offsite] mitigation, [however] it cannot guarantee that it will be implemented because it is outside the Authority's control" and "The Authority cannot force [private] property owners to accept mitigation measures . . ." Despite these observations, the EIR concludes that these and other mitigation measures have reduced the traffic circulation impacts of the HST to a level of insignificance. The California High Speed Rail Authority cannot certify the EIR with such illusory mitigation measures because it cannot find with substantial evidence that these mitigation measures will actually be implemented. CEQA requires that the Authority find, based on substantial evidence, that the mitigation measures are "'required' in, or incorporated into, the project'; or that the measures are the responsibility of another agency and have been, or can and should be, adopted by the other agency; or that mitigation is infeasible and overriding considerations outweigh the significant environmental effects." *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2d Dist. 2000) 83 Cal. App. 4th 1252, 1259.

BO093-13

3.2.5.1. The EIR establishes a traffic circulation standard for road intersections and segments of Level of Service (LOS) D and states that:

BO093-13

> all HST alternatives would provide beneficial transportation impacts beyond providing an additional travel mode and connections to local and regional transit. The change from vehicle to HST would reduce regional and interregional daily auto trips and corresponding vehicle delay and congestion.

Despite this lofty statement, the Metropolitan Bakersfield General Plan, which encompasses a very significant portion of the area to be served by the HST, requires that LOS C be achieved. The fact that the admission in the EIR that the traffic mitigation measures required to reduce the impacts associated with the HST to a level of insignificance may not be implemented, coupled with the requirement in the Bakersfield Metropolitan General Plan that LOS C be achieved, makes the foregoing statement questionable, at best. In fact, there is no credible evidence to support the statement.

BO093-14

3.2.5.3. The EIR concludes that impacts on traffic circulation resulting from construction of the Fresno HST station and various other portions of the project will be considered "moderate" under NEPA and "less than significant" under CEQA. The EIR does not explain how this contradictory conclusion was reached.

BO093-15

3.7.5.3. The discussion of habitat loss under several of the alternative routes considered for the HST contain conclusions without reference to any source, scientific or otherwise, that the resulting impacts to protected and other species would be less than significant. An ". . . EIR must reflect the analytic route the agency traveled from evidence to action. The EIR must contain facts and analysis, not just the bare conclusions of a public agency." *Santiago Water District v. County of Orange* (4th Dist. 1977) 69 Cal. App. 3d 818. (See also Guidelines, sec. 15064.)

BO093-16

3.7.6. The EIR states that:

> . . . during project design and construction, the Authority and FRA would implement measures to reduce impacts on air quality and hydrology based on applicable design standards. Implementation of these measures will reduce impacts to biological resources.

There is no adequate explanation of the design standards to which the EIR refers that would give the reader the ability to gauge the efficacy of the standards in terms of reduction of impacts on biological resources. The foregoing statement is a mere conclusion that is not supported by evidence, which is not permitted under CEQA. *Santiago Water District*, supra.

BO093-17

3.7.7. Some of the mitigation measures designed to mitigate impacts to biological resources rely on plans to be developed following certification of the EIR. For example, BIO-MM #7 states:

Draft EIR EIS comments 10-19-12.doc

Submission BO093 (Holly King, Wasco-Shafter Ag Group, October 19, 2012) - Continued

BO093-17

> The contractor's biologist will prepare a plan before the start of ground-disturbing activities to address monitoring, salvage, relocation, and propagation of special status plant species.

It is not possible to gauge whether the aforementioned plan will reduce impacts on special status plant species to a level of insignificance, as the EIR maintains, without reviewing the plan. Again, the EIR fails for a lack of substantial evidence to support the conclusion that impacts to special status plant species will be reduced to a level of insignificance because, in this case, the biologist's plan is not available for review.

BO093-18

3.7.9. The EIR concludes that all impacts to biological resources will be reduced to a level of insignificance as a result of the mitigation measures imposed. Notwithstanding this conclusion, the EIR states that impacts under NEPA will be moderate to substantial. The EIR does not explain how these contradictory conclusions were reached.

BO093-19

Page 3.14-8 (Footnote 2) – the statement is made "that the intent of this analysis was to determine farmland that could be lost to production", yet there is not mention nor analysis of the farmland lost to production for "turnaround" space. By having a right of way traverse the property, the production will also be lost for 40 feet on either side of the right of way to allow for turnaround space at the end of each row where there are tree and row crops (which is true of the vast majority of crops in the Central Valley). Therefore, for every mile of rail laid through farmland, in addition to the acreage lost to the right of way, there will also be 4.85 acres of farmland lost to production for the turnaround allowance.

BO093-20

3.14.3 – states, "The Authority created an agricultural technical working group to study specific issues related to agriculture and the effects of the HST on it. The working group is evaluating project impacts to confined animal facilities, agricultural equipment, induced wind (pollination, bee, dust, and drift), agricultural infrastructure, and irrigation systems." Essentially this defers the environmental assessment, which is not permitted as stated previously.

BO093-21

3.14.5.3.

Page 3.14-42 – the statement is made: "**Wasco–Shafter Bypass Alternative.** The Wasco–Shafter Bypass Alternative would temporarily use 341 acres of Important Farmland during construction. This is 214 fewer acres of Important Farmland affected during construction than the acreage affected by the corresponding segment of the BNSF Alternative. This impact would have a negligible intensity under NEPA and the impact is less-than-significant impact under CEQA because it would not result in permanently converting farmlands or permanently disrupting agricultural uses." While the land would not be permanently converted from agricultural use, removing a permanent crop to use this land for construction purposes will wipe out an investment, that in the case of almond trees, will require compensation in the lease for the loss of that investment and consideration that the replanting of those trees does not mean they are immediately productive. It takes 7 years for those trees to be productive again to

BO093-21

the point that they cash flow. So, if the trees are taken out for three years, the owner is not only loosing the net profit from the ground for 3 years, but the loss of profitability from mature trees for another 6 years on top of that. The bottom line is that the lease payment for the construction period needs to take in to account the losses to make the owner whole.

BO093-22

Page 3.14-44 – the statement is made: "None of the alternatives would cause adverse wind effects on adjacent agricultural lands nor would they interfere with aerial spraying of the crops." Aerial spraying would in fact be disrupted. Crop dusters would need to be aware of times the high speed train would be passing on the tracks as they could not be spraying overhead when the train passes. Regulations require that there be a no drift outcome, no drift means the application cannot drift on to the train when it passes.

BO093-23

Page 3.14-47 – the statement is made: "**Wasco–Shafter Bypass Alternative.** The guideway and ancillary facilities for the Wasco–Shafter Bypass Alternative would result in the permanent conversion of 667 acres of Prime Farmland. This total of 667 acres of Important Farmland affected by the Wasco-Shafter Bypass Alternative is more than the 683 acres of Important Farmland affected by the comparative portion of the BNSF Alternative, which results in 16 fewer acres of Important Farmland affected." The conversion of 667 acres of Important Farmland affected by the Wasco-Shafter Bypass Alternative is NOT more than the 683 acres of Important Farmland affected by the comparative portion of the BNSF Alternative. 683 acres is MORE than 667 acres.

BO093-24

Page 3.14-48 – the statement is made: "implement a Farmland Consolidation Program as part of the HST project, and will attempt to transfer these non-economic remainder parcels to neighboring landowners wherever possible to consolidate with adjacent parcels." The Program needs to include the ability of the HST project to deal with the Subdivision Map Act, thereby relieving the landowner of this burden. Otherwise consolidation of remnant parcels with adjacent parcels under different ownership is not feasible. This comment also addresses Paragraph 3.14-6.

The EIR discusses the issue of permanent conversion of agricultural land to non-agricultural uses as a result of implementation of the HST project. Of particular importance is the prospect of remnant agricultural parcels left in the wake of acquisition of the rights-of-way for the HST that are not of sufficient size to be economical for farming purposes. IMPACT AG #4 states that farmland conversion to non-agricultural uses analyzed in the EIR "reflects a 15% design level" and "As the design develops, this assessment will continue to be updated for the current property acquisition requirements." This approach is classic piecemealing, and is forbidden under both CEQA and NEPA as discussed above. The only way the California High Speed Rail Authority can salvage this approach is to conduct yet another environmental impact report/environmental impact statement prior to acquisition of the HST rights-of-way and construction of the project in order to assess the actual impacts on agricultural lands and the feasible mitigation measures that can be implemented to reduce such impacts.

Draft EIR EIS comments 10-19-12.doc

Submission BO093 (Holly King, Wasco-Shafter Ag Group, October 19, 2012) - Continued

BO093-25 3.14.8 – A proposed mitigation: "Temporary utility and infrastructure interruption would have a negligible intensity because it would not result in a permanent conversion of farmland to a nonagricultural use. This would not be considered a significant impact under NEPA." Temporary utility interruptions may not result in a permanent conversion of farmland, but if the crop, especially if a permanent crop, were to be impacted, that crop should be replaced, along with the associated losses to the owner.

BO093-26 Overall Comments:

- The aerial maps used in Volume III – B Alignment Plans Part 2 of 2 for the Wasco and Shafter areas are outdated. This is significant as there have been numerous oil and gas wells drilled since the aerial maps. These oil and gas wells need to be considered in the assessment of environmental impacts as the bypass alignment will take out several of the newly installed wells at substantial cost. Additionally, if the rail passes close enough to the individual wells, safety and hazard prevention equipment will need to be installed. These impacts have not been adequately addressed in this EIR/EIS due to the use of outdated material to assess the current status.
- Prime Farmland is not being made any more. Once it is converted, it is lost forever. However, buildings can be replaced and businesses relocated, albeit there is a hassle factor, but they can be relocated. Prime farmland cannot be relocated.
- There is little mention or analysis of the impacts related to the redesign, retrofitting and restructuring of complex on farm irrigation systems. This will impact different farms in different ways, but it is an impact that places heavy burden and risk on those who are impacted. It will require complex planning, significant compensation, and significant forward planning to redesign these systems, and reconstruct them, and perform these activities without losing the crop, which is totally dependent on water.
- Additional equipment movement will be a result of the bifurcating of agricultural properties. We did not see any additional research related to the increased equipment hours to move equipment significant distances to cross the rail. This calculation should include ALL entities that will have to move equipment, not just those who are directly impacted with rail on their property. There will be a significant number of people who will be farming on both sides of the track.

Below are the comments submitted in the first comment period for the first draft of the EIR/EIS:

Comments on California High-Speed Train:
Fresno To Bakersfield Section
Draft Environmental Impact Report/
Environmental Impact Statement

Following are comments on the California High-Speed Train: Fresno To Bakersfield Section Draft Environmental Impact Report/Environmental Impact Statement ("EIR") prepared by the California High Speed Rail Authority and the Federal Railroad Administration the numbered references below correspond with the section numbers of the EIR):

1.1.3. The Fresno to Bakersfield portion of the High-Speed Train ("HST") project analyzed in the EIR is only one segment of the total HST project. A separate draft environmental impact report/environmental impact statement for the Fresno to Merced segment of the HST project was prepared simultaneously with the EIR and, like the EIR, is currently being circulated for public comment. Other segments of the HST project are envisioned, including a connection route to the San Francisco Bay area and a segment from Bakersfield to Los Angeles, but no analysis of the environmental impacts associated with these segments is included in the EIR.

California Environmental Quality Act (Pub. Res. Code sec. 21000, et seq.) ("CEQA") Guidelines ("Guidelines") section 15378 defines project to mean "the whole of an action" that may result in either a direct or reasonably foreseeable indirect physical change in the environment. A project must be fully analyzed in a single environmental review document, ensuring that "environmental considerations not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences." (*Burbank-Glendale-Pasadena Airport Authority v. Hensler* (2d Dist. 1991) 233 Cal. App. 3d 577.) By breaking the environmental review of the HST project into more than one environmental document, the EIR cannot account for possible cumulative impacts that would be analyzed and addressed if the various segments of the HST project are considered in one environmental document.

1.2.3. Data to support the conclusion that the Interstate Highways and commercial airports in the Central Valley are "overused" are not included in the EIR,. Such unsupported conclusions are not permitted. (See *Citizens for Quality Growth v. City of Mount Shasta* (3d Dist. 1988) 198 Cal. App. 3d 433.)

1.2.4. The discussion regarding conventional rail service fails to discuss the possibility of track upgrades, double tracking and other means to increase efficiencies and passenger volume as an alternative to the HST project. The discussion of airport

Submission BO093 (Holly King, Wasco-Shafter Ag Group, October 19, 2012) - Continued

capacity suffers from the same flaw. Section 15126.6 (a) and (f) of the Guidelines require that an EIR describe a reasonable range of alternatives to the HST project that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening the significant effects of the project on the environment. (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553; and *Save Our Residential Environment v. City of* West *Hollywood* (1992) 9 Cal App. 4th 1745, 1753, fn. 1.)

2.3.2. The HST project description is illusory and inadequate. The HST project description involves a number of alternative route alignments. In no case are the cumulative impacts of the individual combinations of alignments analyzed. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (3d Dist. 1977.) As the court noted in *County of Inyo*, "A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance.

By presenting a project with a wide array of alternative alignments (BNSF, Corcoran Elevated Alternative Alignment; Corcoran Bypass Alternative Alignment; Allensworth Bypass Alternative Alignment; Wasco Bypass Alternative Alignment; and Bakersfield South Alternative Alignment), the High Speed Rail Authority and Federal Railroad Administration may stitch together an alignment that produces significant cumulative impacts not analyzed as part of the environmental review of the individual alternative alignments.

2.2.6. Data to support the conclusion that the HST project will consume less than one percent (1%) of the state's future electric production are not provided. Such unsupported conclusions are not permitted. (See *Citizens for Quality Growth,* supra.)

2.3. The Fresno to Bakersfield Supplemental Alternatives Analysis Report (September, 2010), fails to take possible improvements to other transportation modes into consideration as means to correct the existing and future transportation deficiencies alleged in the EIR. Analyses of a reasonable range of alternatives to the HST project are required by Section 15126 (a) and (f) of the Guidelines. Separately or together, improvements to alternative modes of transportation may result in avoidance or a substantial lessening of the significant effects of the HST project on the environment. (See *Citizens of Goleta Valley*; and *Save our Residential Environment*, supra.)

3.2.5. There is no analysis to support the conclusion that, "With the incorporation of mitigation, all impacts would be less than significant under CEQA." Such unsupported findings are not permitted. (See *Citizens for Quality Growth*, supra.)

3.3.5 The analysis of emissions from power generating facilities encompasses only the Fresno to Bakersfield segment of the HST project. There is no cumulative analysis of the emissions impact on the environment that takes the entire HST project into consideration. Like other sections of the EIR in which no analyses of the impacts associated with the entire HST project are included, the foreshortened analysis of only the impacts associated with the Fresno to Bakersfield segment of the HST project amounts to piecemealing, which is not permitted. (Guidelines section 15378; Burbank-*Glendale-Pasadena Airport Authority*, supra.)

3.3.8. There is no explanation of how the HST project will "reduce the potential impacts of toxics . . .." This unsupported conclusion is not permitted. (See *Citizens for Quality Growth*, supra.)

3.4.8. The EIR provides that "Additional mitigation may be necessary," including imposition of Noise and Vibration Mitigation Measure No. 4. This mitigation measure requires the "procurement of an HST vehicle technology that sets performance limits for noise and vibration." The procurement of vehicle technology that mitigates significant noise and vibration impacts associated with the HST project impermissibly delays formulation of mitigation measures to an uncertain future because the performance standards are not specified and there is no evidence that an HST vehicle meeting acceptable noise and vibration criteria can be manufactured. No HST vehicle technology that will mitigate noise and vibration impacts is identified in the EIR. Since the success in procuring HST vehicles that mitigate noise and vibration impacts is uncertain, there is no assurance that these significant impacts will not occur. This deferral of environmental assessment until after project approval violates CEQA's policy that environmental impacts must be identified before project momentum reduces or eliminates the flexibility to later change the course of action. (*Sundstrom v. County of Mendocino* (1st Dist. 1988) 202 Cal. App. 3d 296.)

3.6.6. The EIR admits that, "The project would conflict with existing underground and above ground utilities . . .." The EIR proposes to mitigate this impact on existing utilities by "moving or encasing them, resulting in a negligible effect." There is no discussion or analysis of this mitigation measure, including the environmental impacts associated with relocating utilities. Later, the EIR provides that, "The effects on substations would be avoided by redesigning portions of the HST alignment." There is no explanation of the type of redesign that would mitigate the impacts on substations, including the possibility that the alignment of the HST project may have to be relocated to avoid the substations. This "mitigation" measure could amount to a significant change in the description of the HST project, particularly if relocation of the alignment impacts sensitive species, resources, etc. This amounts to a failure to consider the whole of the HST project, in violation of Guidelines section 15378.

3.7.6. Preparation of a Biological Resources Management Plan, which is the centerpiece of Biology Mitigation Measure No. 5, is deferred. Such deferral is not permitted. (See *Riverwatch v. County of San Diego* (4th Dist. 1999) 76 Cal App. 4th 1428.)

Draft EIR EIS comments 10-19-12.doc

Submission BO093 (Holly King, Wasco-Shafter Ag Group, October 19, 2012) - Continued

3.7.4. There is no comparative analysis of the environmental impacts associated with each of the alternatives so that the alternative with the least impact can be identified and selected. Guidelines section 15126.6 (f) suggests that a matrix be used to illustrate the significant effects of each alternative to aid in the comparison.

3.8.5. See comments under 3.7.4.

3.9.8. There is no analysis to support the conclusion that standard design measures and best management practices will reduce impacts to al less than significant level. "CEQA requires the agency to find, based on substantial evidence, that the mitigation measures are . . . incorporated into the project. (*Federation of Hillside & Canyon Associations v. City of Los Angeles* (2d Dist. 2000) 83 Cal. App. 4th 1252; see also *Kings County Farm Bureau v. City of Hanford* (5th Dist. 1990) 221 Cal. App. 3d 692.) (Emphasis added.) Here, there is no explanation of how incorporation of standard design measures and best management practices will result in mitigation of identified environmental impacts.

3.10.8. The EIR notes that there is a significant impact associated with the location of the proposed Wasco Heavy Maintenance Facility because it is sited within .25 miles of a school. No consideration is given to moving the proposed Heavy Maintenance Facility to another location. An EIR must describe a reasonable range of alternatives to a project. (Guidelines section 15126.6 (a) and (f).) "Among the factors that must be taken into account when addressing the feasibility of alternatives are site . . . and whether the proponent can reasonably acquire . . . or otherwise have access to the alternative site . . .." (*Citizens of Goleta*, supra.)

3.11.9. To reduce impacts associated with safety and security, the EIR establishes a mitigation measure that requires payment of impact fees to local fire, rescue and emergency service providers for services at stations and heavy maintenance facilities. There is no evidence provided in the EIR that the money paid to local fire, rescue and emergency service providers will actually be spent to offset the impacts identified in the EIR. If there is no evidence linking the payment of impact fees to mitigation of identified impacts, then the requirement that there be substantial evidence supporting the finding that the impacts have been mitigated is not met. (*Kings County Farm Bureau*, supra.)

3.14.5. The statement that HST alternatives would "convert farmland for construction but would also provide opportunities for focusing future development on land that is already urbanized is speculative and not supported by any evidence. (See *Kings County Farm Bureau*, supra.)

3.14.6. The assertion that Agricultural Mitigation Measure No. 1 will mitigate the loss of farmland caused by the HST project through the acquisition of agricultural conservation easements is illusory. Lost farmland offset by agricultural conservation easements over other existing farmland does not result in replacement of the lost farmland. Agricultural Mitigation Measure No. 1 is no mitigation measure at all.

3.17.6. No protocol for disposition of human remains during the course of construction of the HST project is included in the EIR. The requirements for disposition of human remains, including designation of a recipient of the remains by the Native American Heritage Commission in the case of Native American remains, should be included in the EIR.

3.18.6. There is no evidence to support the conclusion in the EIR that the HST project would "encourage more compact, efficient land use in the region and would generate higher density infill development around HST stations. (See *Federation of Hillside & Canyon Associations*, supra.)

3.19.3. The statement that the HST project would "potentially improve the future environmental condition of the study area" because of the benefits afforded by transit oriented development is not supported by any evidence in the EIR. (See *Federation of Hillside & Canyon Associations; and Kings County Farm Bureau*, supra.)

Draft EIR EIS comments 10-19-12.doc

Response to Submission BO093 (Holly King, Wasco-Shafter Ag Group, October 19, 2012)

BO093-1

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

BO093-2

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

Substantial evidence shows that the Authority has properly tiered, not piecemealed, its environmental review. Based on two first-tier program EIRs, 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!Rs. 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 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 (65 miles) and Fresno to Bakersfield (114 miles) sections, both of which include portions of the proposed Initial Operation Section. This comment indicates the project should have stayed as Merced to Bakersfield, but the smaller project 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]).

BO093-3

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

Substantial evidence shows that the Authority has properly tiered, not piecemealed, its environmental review. Based on two first-tier program EIRs, 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!Rs. 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 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.

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The cumulative impact analysis provided in Section 3.19 takes into account the cumulative effects of past, present, and foreseeable future projects in the counties affected by the Fresno to Bakersfield HST Section, including the Merced to Fresno Section of the HST. The Statewide Program EIR/EIS for the California HST System (Authority and FRA 2005) provides a description of the cumulative impacts of the entire HST System. This submission provides no substantive evidence that cumulative impacts of the HST System have not been addressed.

BO093-4

A concise statement of the purpose of the California HST System is provided in Section 1.2.1 of the EIR/EIS as follows:

Response to Submission BO093 (Holly King, Wasco-Shafter Ag Group, October 19, 2012) - Continued

BO093-4

"The program EIR/EISs identified and evaluated alternative HST corridor alignments and stations as part of a statewide HST System, and established the purpose of the HST System. The purpose of the statewide HST System is to provide a reliable high-speed electrified train system that links the major metropolitan areas of the state, and that delivers predictable and consistent travel times. A further objective is to provide an interface with commercial airports, mass transit and the highway network and relieve capacity constraints of the existing transportation system as increases in intercity travel demand in California occur, in a manner sensitive to and protective of California's unique natural resources" (Authority and FRA 2005).

A concise statement of the purpose of the Fresno to Bakersfield Section of the system is provided in Section 1.2.2 of the EIR/EIS as follows:

"The purpose of this project is to implement the Fresno to Bakersfield Section of the California HST System to provide the public with electric-powered high-speed rail service that provides predictable and consistent travel times between major urban centers and connectivity to airports, mass transit, and the highway network in the south San Joaquin Valley, and connect the northern and southern portions of the system."

Section 1.2.4 of the EIR/EIS provides a description of the need for the project including the constraints of existing intercity travel modes and existing and projected travel demand, travel safety and reliability issues, model connections, and air quality and greenhouse emissions problems associated with transportation in the state.

BO093-5

Air travel to and from Fresno-Yosemite International Airport and Meadows Field Airport does not competitively serve south San Joaquin Valley residents when compared with automobile travel. Air travel to and from these airports is restrained by the limited number of flights offered, and origin and destination airports served. Commercial air travel is not a competitive mode of intercity travel from the San Joaquin Valley. Refer to Section 1.2.4.1 for additional information.

The capacity of other airports in the Los Angeles area is irrelevant to the analysis of intercity air transportation. Since deregulation of airlines, no local government

BO093-5

agency can direct commercial airlines where they must provide service. As is evident by the demand projections for air travel at Los Angeles International Airport, airlines continue to prefer to seek providing service to this airport in preference to other airports in the Los Angeles Basin.

BO093-6

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

BO093-7

Refer to Standard Response FB-Response-PU&E-01.

BO093-8

As stated in Section 2.4.1, No Project Alternative – Existing and Planned Improvements, of the Final EIR/EIS, the potential capacity of the Southeast Growth Area (SEGA) is not reflected in Table 2-5 because the City of Fresno's General Plan Update has not been adopted. Because growth projections were made at a countywide level, they are not as detailed as the analysis of direct impacts.

BO093-9

The discussions of the Fresno-Yosemite International Airport (FAT) in both Chapter 1, Project Purpose, Need, and Objectives, and Chapter 2, Alternatives, are consistent.

Chapter 1 states, "Air travel to and from Fresno-Yosemite International Airport and Meadows Field Airport does not competitively serve south San Joaquin Valley residents when compared with automobile travel. As shown in Table 1-5, air travel to and from these airports is restrained by the limited number of flights offered, and origin and destination airports served."

Chapter 2 states that "studies have shown that demand at FAT is suppressed by market forces, including air fares, the availability of automobile travel, and alternative airports in the Bay Area, Sacramento, and Los Angeles (Council of Fresno County Governments 2010). A significant number of potential passengers (possibly as high as 300,000 a year) who might use intrastate air service, if available and competitively

Response to Submission BO093 (Holly King, Wasco-Shafter Ag Group, October 19, 2012) - Continued

BO093-9

priced, instead are making auto trips to their destination or to other state airports. These market forces will influence the growth in future operations at the airport."

Both discussions focus on the underutilization of FAT by the local population and the much lower number of enplanements when compared with similar areas, such as Sacramento. Due to the low utilization of the airport, both chapters discuss that the airport does not offer much intrastate service and that people are instead making auto trips.

BO093-10

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

The Authority would work with local jurisdictions and other interested parties to phase the parking supply to support HST ridership demand and the demand of other uses in the vicinity of the station. The stations have not yet been designed (the illustrations in the EIR/EIS are conceptual) and will not be designed for several years. Similarly, actual ridership levels are not known at this time. As discussed in Section 2.2.3 of the Revised DEIR/Supplemental DEIS:

"Parking demand expectations are based on HST System ridership forecasts where parking availability is assumed to be unconstrained – meaning 100% of parking demand is assumed to be met. These projections provide a 'high' starting point to inform discussions with cities where stations are proposed. While this EIR/EIS identifies locations for parking facilities needed to satisfy the maximum forecast demand, parking is anticipated to be developed over time in phases, while also prioritizing access to the HST System through other modes such as transit, which could lead to less parking being necessary."

Parking lot services such as self-service luggage carts and shuttles to assist passengers with luggage and getting to the station entrance have not been defined at this stage, but can be added.

BO093-11

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

As stated in Section 2.4.4, Station Alternatives, of the Final EIR/EIS, the balance of parking spaces necessary to meet the 2035 parking demand (2,800 total spaces) at the Kings/Tulare Regional Station–East Alternative would be accommodated in Downtown Hanford, Visalia, and/or Tulare, with local transit or shuttle services connecting with the station. Reducing the number of parking spaces provided at the station would allow for more open-space areas, discourage growth at the station, encourage revitalization of the downtowns of Hanford, Visalia, and/or Tulare, and contain the development footprint of the station. The location of station parking in downtown areas would be identified in consultation with local communities to avoid traffic congestion and may require additional environmental review.

Shuttle services serving local parking lots would not add a substantial number of vehicles to the peak period and would not affect the evaluation of impacts. The reduction in trips resulting from individuals parking their cars and then walking (or taking a shuttle service, if provided) has the beneficial effect of reducing traffic in the areas surrounding the stations in comparison with single-driver trips into the stations.

BO093-12

Refer to Standard Response FB-Response-GENERAL-01, subsection "Level of Detail in Mitigation Measures."

The identification of each impact and associated mitigation measures are specific. The mitigation measures identified reduce the level of impact to the existing condition prior to the project or to a level of less than significant.

BO093-13

The HST project is a federal and state project, and therefore not required to meet the City of Bakersfield level of service (LOS) standards. The general criterion of "an increase in traffic that is substantial in relation to the existing traffic load and capacity" is applicable to the project-level analysis, as follows: To appropriately apply this general criterion to detailed analysis of each specific roadway system element (i.e., roadway segments, signalized intersections, and unsignalized intersections), the existing local

Response to Submission BO093 (Holly King, Wasco-Shafter Ag Group, October 19, 2012) - Continued

BO093-13

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

BO093-14

The EIS/EIR identified intersections and roadways outside of the station area where traffic would increase and, in some cases, cause impacts that exceed the CEQA thresholds defining a significant impact. The mitigation measures involve road widening and intersection improvements that can reduce the impacts to less-than-significant levels, taking into account future traffic not associated with the project as well as project-related traffic. The Authority can work with local jurisdictions to agree and commit to a level of contribution for traffic-related improvements that the project is responsible for mitigating, but the Authority cannot construct or maintain improvements on land or facilities it has no responsibility over. For these reasons, the mitigation is identified in that context.

Pursuant to NEPA regulations (40 CFR 1500-1508), project effects are evaluated based on the criteria of context and intensity. Context means the affected environment in which a proposed project occurs. Intensity refers to the severity of the effect, which is examined in terms of the type, quality, and sensitivity of the resource involved, location and extent of the effect, duration of the effect (short- or long-term), and other considerations of context. Beneficial effects are identified and described. When there is no measurable effect, impact is found not to occur. Intensity of adverse effects is summarized as the degree or magnitude of a potential adverse effect where the adverse effect is described as negligible, moderate, or substantial. Context and intensity are considered together when determining whether an impact is significant under NEPA. Thus, it is possible that a significant adverse effect may still exist when, on balance, the impact has negligible intensity or is even beneficial. Therefore, when accounting for context and intensity, a moderate effect can be associated with a "significant" or "less-

BO093-14

than-significant impact."

BO093-15

The methods for evaluating impacts are described in Section 3.7.3 of the Revised DEIR/Supplemental DEIS. Information used to evaluate impacts came from literature review (Section 3.7.3.2) and field surveys (Section 3.7.3.3). Information gathered was analyzed using a habitat-based approach for species impacts as described in Sections 3.7.3.4, 3.7.3.5, and 3.7.3.6. The impacts table presented in Appendix 3.7-B presents the acreages of impact for each alignment alternative. Conclusions took into account the impact analysis, described above, as well as mitigation measures (Section 3.7.7) and project design features (Chapter 2) that would either result in impacts on or serve to reduce and/or minimize impacts on biological resources. The information presented in the Revised DEIR/Supplemental DEIS was adequate for the public to understand biological conditions, impacts, and mitigation associated with the project. Additional information regarding impacts analysis can be found in the Biological Resources and Wetlands Technical Report on the Authority's website (Authority and FRA 2012).

BO093-16

The following project design features, described in Section 3.8, Hydrology and Water Resources, of the Revised DEIR/Supplemental DEIS, are included in the project design to comply with specified regulations and to avoid
or minimize negative effects to water quality: Project Design Features for Stormwater Management and Treatment, Construction Stormwater Pollution Prevention Plan, and Industrial Stormwater Pollution Prevention Plan. By avoiding or minimize negative affects to water quality, these design features would avoid and/or minimize potential impacts on biological resources, including jurisdictional waters (Impacts Bio #3 and #7) and special-status
wildlife and plants (Impacts Bio #1, 2, 5, and 6). Specifically, these design features require the implementation of measures to prevent potential construction and project impacts on jurisdictional waters, such as reduced water quality from leaks, spills, erosion, or siltation. Additionally, these measures would reduce potential adverse effects on the numerous special-status wildlife and plant species (e.g., vernal pool fairy shrimp, western pond turtle,
little mouse tail) that rely on aquatic habitats for part or all of their life cycle.