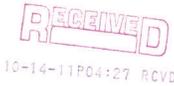


Submission BO021 (Jerry Wilmoth, Union Pacific Railroad, October 12, 2011)



Jerry Wilmoth  
General Manager Network Infrastructure



October 12, 2011

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

Re: Union Pacific Railroad Comments to Fresno to Bakersfield Draft EIR/EIS

Dear High-Speed Rail Authority:

Union Pacific Railroad Company (Union Pacific) submits the following comments related to the Fresno to Bakersfield Draft Environmental Impact Report/Statement (DEIR) in accordance with the guidelines on the California High-Speed Rail Authority's (Authority) website. Union Pacific is aware that the Authority intends to revise the DEIR to address additional alignment alternatives and to recirculate the revised document for additional public review and comment in spring 2012. Nevertheless, we understand that the Authority still solicits comment on the current DEIR and provide these comments accordingly. Replies or requests for additional information from Union Pacific should be addressed to the undersigned.

1. Failure to Accurately and Consistently Address Union Pacific's Property Rights.

As Union Pacific has already stated in previous comments, no part of the high-speed rail system may be located on Union Pacific's property. This has not changed – Union Pacific requires preservation of its entire operating right of way.

One of the difficulties in reviewing the DEIR is that it contains incomplete and contradictory information about property issues touching on Union Pacific's rights. While the DEIR makes statements about not encroaching on Union Pacific's property, its drawings show unmistakable encroachments in the Fresno station area. A stark example is an emergency vehicle access road for the Authority's use that would be located on the Union Pacific right of way near the Fresno station. The Authority's plans show this emergency vehicle access road crossing Union Pacific's mainline tracks at grade at two locations. For safety and public policy reasons, Union Pacific opposes the addition of any new grade crossings over its tracks.

Other examples of encroachments and inconsistencies may exist, but it is not possible to fully evaluate and comment on them because the Authority's materials do not provide sufficient detail to identify property lines and measurements. This is a pervasive problem throughout the DEIR. From

UNION PACIFIC RAILROAD 10031 Foothills Blvd. Roseville, CA 95747 ph. (916) 789-6360

California High-Speed Rail Authority  
Re: UPRR Comments to Fresno to Bakersfield Draft EIR/EIS  
October 12, 2011  
Page - 2

BO021-1

Union Pacific's review, it does not appear that right of way boundaries in areas of interest to Union Pacific are depicted on any of the Authority's maps, and they are shown with insufficient precision on its drawings. Remarkably, the DEIR does not address the extent of such potential acquisitions. To the contrary, it states that the plans call for no encroachments on Union Pacific at all and relies on avoidance of encroachments as a basis for avoiding environmental impacts. Because clarity on this point is essential, Union Pacific asks the Authority to address the question with specificity in the revised DEIR.

BO021-2

2. Failure to Acknowledge Acquisitions for Eminent Domain Purposes.

Union Pacific reserves the right to make further comments and defend its interests against any eminent domain or other action related to the Authority's plans that would involve an encroachment upon or acquisition of Union Pacific's operating property. Union Pacific will not surrender or convey any property that could be used to support freight railroad operations.

Compliance with the California Environmental Quality Act (CEQA) is a prerequisite for the exercise of eminent domain authority. Accordingly, the Authority cannot attempt to condemn any Union Pacific property in reliance on an EIR that claims to avoid any acquisitions of such property. If this document is finalized without addressing such acquisitions and the Authority later wishes to pursue condemnation, a Supplemental EIR/EIS would be necessary.

3. Failure to Evaluate Impacts of Alignments Adjacent to Union Pacific's Right of Way.

BO021-3

Even if there were no encroachments, the proposed alignment would materially impact Union Pacific's right of way and operations. Yet the DEIR fails to recognize or evaluate any potential impacts, temporary or permanent, on Union Pacific's operations:

As the HST alternatives do not encroach on the freight rail corridors, they would not have a direct effect on freight operations. After construction, freight operation would continue as it currently does and vehicle miles would change in accordance with service plans of the UPRR and BNSF. No effects on freight rail operations are anticipated. DEIR Section 3.2 Transportation, p. 49.

This conclusion is false. A portion of the alignment places the high-speed rail line immediately adjacent to Union Pacific's main line. Such placement permanently forecloses any expansion by Union Pacific on that side of its right of way. This would include both capacity expansion and new spurs to industrial and agricultural shippers.

Moreover, the DEIR is vague about just how close the project alignment would be to Union Pacific's line. Even where the high-speed rail line would be 125 feet or more from Union Pacific's main line, the buffer zone would not be usable for capacity or customer service. The DEIR fails to recognize or evaluate these impacts.

These are substantial issues, but they are not new – Union Pacific raised them in previous comments. Any constraints on freight rail capacity and expansion opportunities impact state and federal public policies and Union Pacific's commercial interests. For the DEIR to summarily conclude that the proposed high-speed rail project would have no effect on freight rail operations shows that the Authority has not sufficiently investigated, analyzed, and addressed these issues.

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Submission BO021 (Jerry Wilmoth, Union Pacific Railroad, October 12, 2011) - Continued

California High-Speed Rail Authority  
Re: UPRR Comments to Fresno to Bakersfield Draft EIR/EIS  
October 12, 2011  
Page - 3

California High-Speed Rail Authority  
Re: UPRR Comments to Fresno to Bakersfield Draft EIR/EIS  
October 12, 2011  
Page - 4

4. Failure to Address Construction Encroachments and Adjacency Impacts.

BO021-4

During construction of the high-speed rail line, impacts on adjacent freight rail operations could be significant. The DEIR states that "common construction impacts on all HST alternatives [include]: . . . Areas adjacent to freeways and/or existing rail lines where existing overcrossings would be modified or relocated" (p. 3.2-43). The DEIR also notes that: "After construction, freight operation would continue as it currently does" (p. 3.2-49). Yet there is no specific analysis of impacts on freight rail during construction itself, beyond those brief statements. The DEIR describes general mitigation by calling for repair to damage to freight railroad property incurred during construction and the possible construction of a shoofly track (Section, p. 3.2-83). Although this language provides some reassurance, it raises more questions than it answers about the nature and location of possible impacts on Union Pacific's property and operations during construction.

To further illustrate this deficiency, one would anticipate that the Authority may wish to access the high-speed rail line from Union Pacific's property at some locations during construction. This would require acquiring temporary access rights from Union Pacific and may disrupt freight operations. Yet, while the DEIR acknowledges encroachments and the need for temporary construction easements affecting parking areas, roadways, pedestrian lanes, bicycle lanes and parks, this list does not include freight railroad lines. (p. 3.2-44.)

Union Pacific encourages the Authority to address these issues prior to issuing the revised DEIR.

5. Failure to Evaluate Safety Risks and Mitigation.

BO021-5

In addition to inadequate evaluation of operational impacts, the DEIR fails to adequately discuss and evaluate the safety impacts inherent in high-speed operations. Along part of the Fresno to Bakersfield alignment, the high-speed corridor will be immediately adjacent to Union Pacific's right of way. The DEIR does not clearly identify the proposed separation between track centerlines or between track centerlines and right of way lines. These omissions and the possibility of contemplated encroachments prevent Union Pacific from fully evaluating the safety implications of the proposal.

The Authority proposes placing no safety barriers of any kind along the high-speed rail right of way where adjacent freight tracks are more than 102 feet away. (DEIR Section 3.11 Safety and Security, p. 27.) Where freight tracks are closer, the DEIR merely offers that some type of barrier "may" be required. It lists types of barriers that may be appropriate but provides almost no information about the standards to which they would be built. This leaves the railroad unable to evaluate and comment on the sufficiency of the suggested barriers.

The Federal Railroad Administration will likely require definite barriers and other safety measures between high-speed rail and freight trains. The DEIR fails to mention the jurisdiction and potential involvement of the FRA.

Union Pacific notes that the Authority's decision to require no barriers when freight and high-speed rail tracks are at least 102 feet apart appears to be based entirely on the use of random factual assumptions rather than an engineering study or other reliable authority. The Authority likewise cites no study or other authority for its standard that would permit freight and high-speed tracks to be as close to each other as 29 feet as long as a barrier is in place between them. The distance separating tracks is among the most important safety considerations for this project. Standards related to track

BO021-5

spacing and the plans based on them cannot be valid and reasonable unless they are based on reliable authorities.

The deficiencies related to safety described above render the DEIR inadequate. In short, while the DEIR acknowledges the possibility of high-speed rail and freight derailments (pp. 3.11-17, 27), it provides inadequate analysis of the risk that a derailment on one system may pose to trains and people on the other.

BO021-6

6. The Authority's Plans for Grade-Separated Road Crossings May Not Preclude Future Grade Separation of Adjacent Union Pacific Tracks.

The Authority's plans call for multiple grade-separated road crossings. Where these grade separations are constructed near Union Pacific's right of way, they may prevent future grade separation of crossings on Union Pacific's line. Federal and state public policies as well as Union Pacific's safety standards call for elimination of grade crossings wherever practicable. The Authority's project must be designed in such a way that grade separation of nearby freight lines remains possible.

BO021-7

7. Failure to Ensure Sufficient Area for Required Freight Operational Activities.

Union Pacific conducts a number of activities on its rights of way that are ancillary to the operation of trains. Many of these activities are undertaken to comply with standards administered by the Federal Railroad Administration. For example, under 49 C.F.R. Part 213, Union Pacific must comply with minimum safety requirements for railroad tracks, signal systems, roadbeds, and adjacent areas. Certain requirements imposed by the California Public Utilities Commission also apply to conditions on a railroad right of way. In addition to following these regulatory standards, Union Pacific has adopted its own standards for the safe and efficient operation of the railroad.

In areas of proximity between the Union Pacific right of way and the high-speed rail alignment, sufficient space must be maintained for such operational and maintenance activities. Space must also be preserved for access and activities related to improvements that Union Pacific makes to its property from time to time, including construction of new facilities. Union Pacific reserves the right to make more specific comments about these issues as the Authority clarifies its proposals through a revised DEIR.

8. Failure to Adequately Address Other Environmental Issues.

Union Pacific notes several other elements of the DEIR that appear to be deficient but are of a more technical nature that would require significant discussion to fully address here. Given the necessity for the Authority to revise and recirculate the DEIR to correct the deficiencies described above, Union Pacific elects only to briefly flag these additional issues in these comments. It does so in an effort to help guide the Authority's further development of its documentation and to preserve Union Pacific's ability to address these issues in more detail if they remain unaddressed in the revised DEIR and if their resolution may have a possible effect on Union Pacific's interests.

BO021-8

A. The DEIR does not adequately address land use, displacement, and environmental justice impacts of the proposed project. This is another consequence of the lack of consistency and clarity about potential land acquisitions that would be required for the Authority's project.

Submission BO021 (Jerry Wilmoth, Union Pacific Railroad, October 12, 2011) - Continued

California High-Speed Rail Authority  
Re: UPRR Comments to Fresno to Bakersfield Draft EIR/EIS  
October 12, 2011  
Page - 5

BO021-9

B. The DEIR does not adequately address impacts on natural resources, such as sensitive species and habitat, wetlands, hydrology, and water quality that could result from the Authority's efforts to avoid safety and operational problems due to overlapping or close alignments.

BO021-10

C. The Authority appears to omit, understate, or under-analyze several aspects of construction, maintenance, and operation of the proposed project that will have an impact on the DEIR's air-quality analysis.

9. Conclusion.

For the sake of efficiency, after the Authority addresses the deficiencies described in these comments, Union Pacific invites the Authority to share its proposed plans with Union Pacific for informal review in order to identify potential issues and solutions before circulating a revised DEIR.

Sincerely,



Jerry S. Wilmoth  
General Manager Network Infrastructure

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## Response to Submission BO021 (Jerry Wilmoth, Union Pacific Railroad, October 12, 2011)

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### **BO021-1**

The Authority will not encroach on the UP's right of way, with the exception of the shoofly which is necessary to grade separate the UPRR in Fresno, and is committed to maintaining UP's operational needs by implementing the shoofly in Fresno and not encroaching on the UPRR operational mainline in any other location. The Authority entered into an MOU with UP for the purpose of formalizing the process by which disputes will be resolved. Under this MOU, UP 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 provides for the adoption of an Engineering, Construction, and Maintenance Agreement through which the Authority and UP will agree to a final design that completely satisfies the concerns of UP. In this manner, any encroachments shown in the preliminary engineering design used in this analysis will be rectified. No substantial evidence is presented that finds fault with any of the environmental analysis of the proposed project, but in matters of ROW, UP considerations will prevail and plans will be revised as needed.

As a result of UP concerns, the Authority's Fire and Life Safety Committee identified an alternative means of emergency access to the future HST 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 in Volume III of the Final EIR/EIS.

It is correct that property lines are not shown on the design plans in Volume III of the EIR/EIS. 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

### **BO021-1**

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 UP is concerned about would occur. Through the July 2012 MOU between the two parties and the related Engineering, Construction, and Maintenance Agreement, the Authority and UP will ensure that the HSR alignment does not encroach into the Union Pacific Railroad right-of-way.

The commenter is also directed to Volume V, Submission BO091 and responses for additional information.

### **BO021-2**

The comment warns that because the environmental document does not identify the Authority's use of eminent domain to take UP property, then a supplemental environmental document would be required. The Authority is aware of this risk but is committed to working with UP and is confident that continued coordination will ensure that both party's ROW needs are met. Changes required by the UP review and approval process that result in new or more significant impacts would require an appropriate level of environmental review.

### **BO021-3**

The potential for impacts to Union Pacific property and freight operations are limited to work within the City of Fresno. The impacts have been fully evaluated, and the project will not require any permanent relocation or shifting of existing tracks. Some existing track work will be affected on a temporary basis to construct new underpasses or reconnect to the San Joaquin Valley rail tracks.

The comment references plans that show the proposed right-of-way limits. These plans show the existing 100-foot Union Pacific right-of-way would remain between Clinton Avenue and SR 180. South of SR 180, although acquisition of UPRR property is required (and included in the environmental footprint), in no case would operating

## Response to Submission BO021 (Jerry Wilmoth, Union Pacific Railroad, October 12, 2011) - Continued

### **BO021-3**

mainline right-of-way be acquired nor would the Union Pacific right-of-way be reduced to less than 100 feet. Therefore the HST should not impact the operations, maintenance, or safety of facilities due to either the physical distance separation or the inclusion of an intrusion protection barrier.

The Authority will continue consultation with Union Pacific during the design and procurement stages.

### **BO021-4**

The Authority has researched all reasonably foreseeable future projects within the project Study Area, including planned future rail spurs and planned freight rail expansion. When identified, they have been accommodated in the design. Potential encroachments on Union Pacific Railroad's right-of-way would be minimized to the extent possible, as stated in Design Feature #10 of Section 3.2.6, allowing for maintenance of the freight rail line during construction and HST operation.

A shoofly track is included in the plans for the Fresno HST station and the environmental footprint. Beyond the temporary access required for the shoofly construction in Fresno, temporary access sites have not been identified as the Authority intends to build the alignment from its own right-of-way. All temporary and permanent impacts to Union Pacific Railroad's property have been identified in the environmental footprint.

### **BO021-5**

The HST System would operate on a fully grade-separated and access-controlled guideway with required intrusion detection and monitoring systems. Section 3.11, Safety and Security, of the Final EIR/EIS provides information about project design features that would prevent train accidents, including derailments and collisions with trains and other vehicles (in particular, see Section 3.11.5, Environmental Consequences).

To prevent conventional passenger or freight trains from entering the HST trackway in the event of derailment, there would be either (1) a minimum separation between the HST tracks and the adjacent Union Pacific Railroad (UPRR) or BNSF Railway (BNSF) tracks or (2) where a minimum separation cannot be achieved, a barrier such as a physical barrier or an earthen berm. These conditions are illustrated on Figures 2-32

### **BO021-5**

and 2-33 in Chapter 2, Alternatives. The minimum separation distance (i.e., 102 feet between centerlines of tracks) includes the distance of the maximum practicable excursion of the longest U.S. freight rail car from the center of the track, plus an allowance for the overhead contact system (OCS) masts. A car body length of 89 feet for the freight rail car displacement, plus an allowance for 12.5 feet to include an OCS mast foundation, results in a minimum separation distance, without an intrusion protection barrier, of 101.5 feet, rounded to 102 feet.

These separation requirements, described in Technical Memorandum 2.1.7, Rolling Stock and Vehicle Intrusion Protection for High-Speed Rail and Adjacent Transportation Systems (Authority 2008b), were developed specifically for the HST System and do not directly adopt existing criteria for separation requirements. The guidance for intrusion protection generally follows the recommended practices described in the American Railway Engineering and Maintenance-of-Way Association (AREMA) manual and the design standards developed specifically for the construction and operation of HSTs based on international practices (AREMA 2012). This manual includes technical guidance from National French Railways for separation between the HST System and roadway infrastructure and the International Union of Railways' codes for structures built over railway lines. For intrusion from highways/roadways and protection of highway motorists, the design guidance follows FRA recommendations and was revised to be compliant with the Caltrans Highway Design Manual, which was updated in 2011 to specifically address separation requirements for HST facilities adjacent to the state highway system (Caltrans 2012b).

If a railroad line is less than 102 feet from an HST track and both are at ground level, additional protection is required. The need and type of protection is subject to the distance between tracks and the risk of a derailment. Earth berms can be used as intrusion protection for tracks with a centerline separation of 45 to 102 feet. A minimum of 29 feet of separation is required between centerlines of HST and adjacent railroad tracks, and this separation requires a physical intrusion barrier. When intrusion protection is needed, the minimum total height must be 10 feet with either ditch plus berm, concrete wall plus screen, or only a concrete wall. Specific locations of barriers between the HST and adjacent rail lines are included in Section 3.11.5, Environmental Consequences, in the Final EIR/EIS.

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## Response to Submission BO021 (Jerry Wilmoth, Union Pacific Railroad, October 12, 2011) - Continued

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### **BO021-6**

The Authority is working closely with the UP on all construction near or over the UP ROW. If UP is aware of a grade separation being planned by the Authority that would have a negative impact on future grade it will discuss these impacts in the design review process set forth in the ECM Agreement. The Authority will facilitate grade separation of freight rail to the maximum extent that it can to ensure that all federal and State safety requirements and objectives can be achieved.

### **BO021-7**

The comment points out that UP must comply with 49 CFR Part 213, "Federal Track Safety Standards" as administered by FRA. The Authority will design its ROW in accordance with sections 7, 3.1, and 8 of the draft ECM agreement. Through this process with UP, UP can be reasonably assured it will have adequate maintenance access to its ROW.

### **BO021-8**

See Volume I, Section 3.12, Impact SO#10 and SO#11 for community-by-community information on property displacements and relocations. 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 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 non-minority and/or non-low-income population along the project. Section 4.3 in the *Fresno to Bakersfield Section: Community Impact Assessment Technical Report* (Authority and FRA 2012a) identifies the environmental justice populations along the project. The methodologies for identifying these populations are detailed in Appendix A of the *Fresno to Bakersfield Section: Community Impact Assessment Technical Report*, and Section 5.3 in the report provides detailed information on the potential for substantial environmental justice effects across resources along the project, including impacts and effects identified in Corcoran. Volume 1, Section 3.12, Impacts SO#6 and SO#18 summarize these findings.

### **BO021-8**

The Authority and the FRA refined environmental justice impacts in the Revised DEIR/Supplemental DEIS as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. The impacts are described in Section 3.13, Station Planning, Land Use and Development, and Section 3.12, Socioeconomics, Communities, and Environmental Justice.

### **BO021-9**

Potential impacts of the project on natural resources are discussed in Section 3.7, Biological Resources and Wetlands, and in Section 3.8, Hydrology and Water Resources, of the Revised DEIR/Supplemental DEIS. The Authority's actions to avoid safety and operational problems due to overlapping or close alignments are not anticipated to result in additional impacts on natural resources beyond what is currently discussed in the document.

### **BO021-10**

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

The commenter does not provide enough specific information describing what aspect of the project he feels is underanalyzed.

Submission I022 (Reanna Bergman, October 13, 2011)



CALIFORNIA  
High-Speed Rail Authority



Comment Card  
Tarjeta de Comentarios

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

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

**Public Hearings**  
**September 2011**

**Audiencias Públicas**  
**Septiembre del 2011**

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 envíela por correo a la siguiente dirección:

**Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814**

The comment period is from August 15 to September 28, 2011. Comments must be received electronically, or postmarked, on or before September 28, 2011.

El periodo de comentario es del 15 de Agosto al 28 de Septiembre del 2011. Los comentarios tienen que ser recibidos electrónicamente, o matasellados, el o antes del 28 de Septiembre del 2011.

Name/Nombre: Reanna Bergman

Organization/Organización: \_\_\_\_\_

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Phone Number/Número de Teléfono: (559) 585-8601

City, State, Zip Code/Ciudad, Estado, Código Postal: Hanford, CA 93230

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(Use additional pages if needed/Usar paginas adicionales si es necesario)

I022-1

My home is impacted by the current rail alignment. On my half acre property, I have a large oak tree (I assume it is over 100 years old). This tree was the reason we purchased this particular property. We designed our home in a way that accentuates our tree, making it the focal point of our yard. In reading the EIR, I ~~was~~ wondered how much my oak tree is worth?

Also, how am I going to be compensated for money out of pocket. In building our home, I tried to keep our loan value low. I spent thousands of dollars outside of the loan to bring utilities out to the property, put rock on the exterior, purchase all kitchen appliances, build the back fence, install ceiling fans, etc. Even with our loan not including these, our payment each month has been a struggle. For the last 4 years we have rarely eaten out, bought only necessities, clothed our children in hand-me-downs... always with the idea that it was all worth it, in the end our home was an investment. Then the housing market crumbled. We would never be selling right now. How is "fair market value" determined?

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Response to Submission I022 (Reanna Bergman, October 13, 2011)

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**I022-1**

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

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 the Revised DEIR/Supplemental DEIS, Volume III.

Submission I023 (Reanna Bergman, October 13, 2011)



CALIFORNIA  
High-Speed Rail Authority



Comment Card  
Tarjeta de Comentarios

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Draft Environmental Impact Report/  
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Name/Nombre: Reanna Bergman  
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(Use additional pages if needed/Usar paginas adicionales si es necesario)

I023-1

I cant fathom the idea that this project can continue, but in the event that it does my home is impacted I will be forced to relocate, and "Your Rights and Benefits as a Displacee." raised more questions than it answered. Where in Kings County, CA, am I going to be able to find "functionally equivalent" home? My home is rural residential, 4 years old on a half acre out in the country. This type of property simply doesn't exist, <sup>that</sup> certainly is not "any" currently available on the market.

I was also intrigued by the idea that it not be in a location "less desirable" than our property. We built our home intentionally here, because we are only 3 miles from the properties my husband farms. Will distance to work be considered in our relocation housing? (Please bear in mind that with farming, my husband is never "off the clock." Problems arise at night, he may come in for an hour during the day, because nothing is going on, but leaves again "all hours. Basically, home is "home base" for him, unlike a 9-5 "office job.")

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Response to Submission I023 (Reanna Bergman, October 13, 2011)

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I023-1

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

Submission I024 (Mary Ruth Brown, October 13, 2011)



CALIFORNIA  
High-Speed Rail Authority



Comment Card  
Tarjeta de Comentarios

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

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

**Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814**

The comment period is from August 28, 2011. Comments must be received postmarked, on or before September 13, 2011.

Extended comment period for Fresno to Bakersfield High-Speed Train Draft EIR/EIS:  
**August 15-October 13**

The comment period is from August 15 to September 13, 2011. Comments must be received postmarked, on or before September 13, 2011.

Name/Nombre: Mary Ruth Brown  
Organization/Organización: \_\_\_\_\_  
Address/Domicilio: 4408 Kentfield Dr. Bakersfield, CA 93309  
Phone Number/Número de Teléfono: (661) 323-4517  
City, State, Zip Code/Ciudad, Estado, Código Postal: \_\_\_\_\_  
E-mail Address/Correo Electrónico: \_\_\_\_\_  
(Use additional pages if needed/Usar paginas adicionales si es necesario)

I024-1

Please do not have a route for the high speed rail interfere with CalTrans alternative C for the Centennial Corridor Project. Thank you!

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Response to Submission I024 (Mary Ruth Brown, October 13, 2011)

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I024-1

The HST project will not preclude any jurisdiction or entity from implementing future transportation projects.

Submission I025 (Millard Downing, October 13, 2011)

October 13, 2011



10-17-11P02:24 RCVD

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

Re: Millard & Carol Downing  
 9944 Ponderosa Rd  
 Hanford, CA 93230  
 Train Draft EIR/EIS

ATTN: HSR Authority

I am turning in Comment Cards at this time for the Fresno to Bakersfield EIR , and as your bulletin indicates you are giving an extension of time to the Spring for this Fresno to Bakersfield section of track , which will help with the large 17,000 page document.

"The public is encouraged to take advantage of the additional time for the Fresno to Bakersfield environmental process to provide further comments on the revised Draft EIR/Supplemental Draft EIS after it is released in the spring."

I have been at all the County Board of Supervisor meetings in which the Authority was meeting with the Board under the disguise of it being a Coordination Meeting. At these meeting, not one question was answered that the County Officials had previously submitted for answers, instead, the answer from your representative was that he could not answer at this time. He indicated that even if he knew the answer, he would not be able to speak on it until the EIR was published. This opened my eyes and apparently the County Board of Supervisors, that there never was any intent to Coordinate with County Officials . We have been asking and pleading that you Coordinate, and still request that you Coordinate with all County and City officials on this project, from San Francisco to the end of the line.

When I built my home, I approached the bank for a Course of Construction loan. I had to prove my prior repayment history, my income showing that I had the ability to pay, before my loan was granted and the work could begin. But it seems the Rail Authority does not have to conform to what ordinary people do on their construction projects, such as get our business plan first, have it analyzed , then if it meets the banks requirement, the loan will be approved.

My suggestion is do the math, do the Business Plan, before attempting the first shovel.

Sincerely,  
  
 Millard Downing  
 9944 Ponderosa Rd  
 Hanford, CA 93230



Comment Card  
 Tarjeta de Comentarios

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

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

**Public Hearings**

**Audiencias Públicas**

**September 2011**

**Septiembre del 2011**

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

**Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814**

The comment period is from August 28, 2011. Comments must be received postmarked, on or before Sep

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**August 15-October 13**

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Name/Nombre: Millard F. Downing  
 Organization/Organización: Homeowner  
 Address/Domicilio: 9944 Ponderosa Rd.  
 Phone Number/Número de Teléfono: 559-584-1046  
 City, State, Zip Code/Ciudad, Estado, Código Postal: Hanford, Ca 93230  
 E-mail Address/Correo Electrónico: millardd@gmail.com  
 (Use additional pages if needed/Usar paginas adicionales si es necesario)

I025-2

Impact:

This is our retirement home.

1. Built with the idea of retirement.

2. Made as maintenance free as possible for senior living

3. At age 67, too old to start over with payments, plus income level too small.

4. Not replaceable.

a. 1.19 acres - not allowed now, must be 26 acres.

b. Two wood burning fire places - not allowed now.

c. 1.19 acres has natural gas - not seldom found.

I025-1

Submission I025 (Millard Downing, October 13, 2011) - Continued



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I025-3

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 City, State, Zip Code/Ciudad, Estado, Código Postal: Hanford, Ca 93230  
 E-mail Address/Correo Electrónico: millardd@ymail.com  
 (Use additional pages if needed/Usar paginas adicionales si es necesario)

Impact:  
 The lots on Ponderosa Rd, Hanford, Ca are 1.25 acres to 2 acre lots, of which, Kings County no longer allows parcels to be sold that small. These parcels also have natural gas making them very unique, if not rare, and we would want our next parcel to have the same. Natural gas vs propane on a retirement income is a must for us.  
 If HSR cannot provide this for us it will be a lifetime monetary impact.

Name/Nombre: Millard F. Downing  
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Our home at 9944 Ponderosa Rd is a two (2) story home with 2 fire places for heating the home.  
These are wood burning fire places, one for the lower floor, and one for the up stairs.  
It is my understanding that homes cannot be built with wood burning fire places now.  
This will be a lifetime impact to us if we loose the ability to heat our home via wood.

Submission I025 (Millard Downing, October 13, 2011) - Continued



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I025-4

*Immediate Impact -  
 We have suffered immediate impacts from the rail EIR and alignment.  
 Our bank has frozen our line of credit attached to our home, which hinders us in accessing emergency money for repairs, illness etc.  
 If the rail does not ever happen or it does not use the East Hanford alignment, does the HSR intend to assist homeowners with these impacts they created?*



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I025-5

*Impact -  
 Our property at 9944 Ponderosa Rd is ideal for us shortening driving distance for our needs.  
 If eminent domain causes us to move we will have increased road miles driven, increased fuel costs and increased pollution, thus, increasing a lifetime monetary impact as well as a lifetime pollution impact.*

Submission I025 (Millard Downing, October 13, 2011) - Continued



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I025-6

Impact -  
If HSR takes our property many may lose the property tax rate that they are locked into with their APN numbers and Prop 13.  
This will be a lifetime impact for those losing their tax rate.  
This should be HSR problem in making a settlement during eminent domain.



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I025-7

Impact -  
Five years or more of construction will greatly impact our county, take additional ag land out of production, plus construction storage areas will contaminate the ag soil making it impossible to use as future farmland.

Submission I025 (Millard Downing, October 13, 2011) - Continued



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I025-8

Impact -  
 Road closings throughout the County when the train is at ground level will create thousands of extra miles be driven by nearly every person in this County that owns vehicles. This creates more and more air pollution offsetting the purpose of the Green Train. Road closings create safety issues:  
 1) Farm equipment having to drive for miles on our public roads to get to their land to farm.  
 2) Extended time to get law enforcement help.  
 3) Extended time for the fire department.  
 4) Extended time for an ambulance - could mean an unnecessary death, all because the rail closed to road.  
 5) Could possibly create a need for taxpayer funds to build a new fire dept.



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 E-mail Address/Correo Electrónico: millardd@ymail.com  
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I025-9

Impact -  
 Houston Ave Kings County fire department is one of our newest. It is also a Training Center and has Kings County's Helo-pad, and it is impacted. The fire service to areas East of 10th Avenue can be greatly impacted with their fire service without this station.  
 Road closings will have an adverse effect on response time causing structures to burn to the ground, when before they would have been saved. This also can have an adverse reaction to fire insurance premiums, in some cases causing them to be 3 times higher or not insured at all.

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## Response to Submission I025 (Millard Downing, October 13, 2011)

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### I025-1

The Draft Business Plan, which was issued on November 1, 2011, lays out a phased approach for implementing the high-speed rail system. By implementing the program in phases, work can be matched to available funding. With the state's success in securing almost \$4 billion in federal funding, the first step can be taken now. The decision to move ahead with the initial step does not, however, commit the state to proceeding with the full program. The phased approach gives decision-makers the flexibility to change course or timing in order to adapt to changing economic budgetary realities or new opportunities. This approach is consistent with how other major infrastructure programs are built. Under the phased implementation approach, the state will not proceed with future extensions until it has a clear funding plan for the extension in place.

### I025-2

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

### I025-3

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

### I025-4

Unfortunately, the 'temporary limbo' of potentially impacted properties is an effect of any major public works project that evaluates alternatives, including new roadway construction projects. Once a preferred alternative has been selected, this uncertainty will be resolved and there will not be a lasting impact on properties not acquired for the project. Please refer to the Executive Summary S.11 Next Steps in the Environmental Process for information on the schedule for the selection of the preferred alternative, publication of the Fresno to Bakersfield Section Final EIR/EIS, issuance of the FRA's Record of Decision (ROD) and the Authority's Notice of Determination (NOD), property acquisition and start of construction. The property acquisition and compensation process will only begin once all necessary legal processes have been completed, funding has been secured and construction is ready to begin. This is scheduled to begin in 2013 and last through 2015.

### I025-5

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

### I025-6

Refer to Standard Response FB-Response-SO-05, FB-Response-SO-01.

### I025-7

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

See section 5.1.2 in the *Fresno to Bakersfield Section: Community Impact Assessment Technical Report* (Authority and FRA 2012a) and Volume I, Section 3.12, Impacts SO#5 and SO#14 for information on project job creation during construction and operation. See Volume I, Section 3.14 for a complete analysis of impacts on agricultural lands.

Hazardous materials used during construction would typically include fuels, lubricants, paints and solvents. Existing federal, state, and local laws and regulations govern how hazardous materials used in construction are transported, handled, stored, and disposed of. Materials handling and onsite storage would be implemented according to the regulations, limiting the potential for spills or leaks that would cause soil contamination. Any spills of materials at a staging area would be cleaned up immediately according to spill prevention and response plans developed for the project. There is no evidence that soils at staging areas will become contaminated during construction or that use of the staging areas will be limited after construction because of any residual contamination.

Please refer to Volume 1, Section 2.8.3 for a description of the major types of construction activities and Table 2-17 for the approximate construction schedule. Construction work would not occur at every location along the Fresno to Bakersfield Section for the entirety of the project's construction period duration.

### I025-8

Refer to Standard Response FB-Response-AQ-04, FB-Response-S&S-01, FB-Response-S&S-04, FB-Response-TR-02 and FB-Response-AG-02.

### I025-9

As shown in Volume III and as described in Appendix 2-A of the EIR/EIS, the only public road near the Houston Avenue fire station that would be closed by the project is Lansing

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Response to Submission I025 (Millard Downing, October 13, 2011) - Continued

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**I025-9**

Avenue, 7 miles to the south. As discussed in Section 3.11 of the Revised DEIR/Supplemental DEIS, the project would not affect the use of the heliport at the Houston Avenue fire station.

Submission I026 (Tokuo Fukuda, October 13, 2011)



CALIFORNIA  
High-Speed Rail Authority

10-18-11A11:05 RCVD



Comment Card

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Name/Nombre: Tokuo Fukuda

Organization/Organización: \_\_\_\_\_

Address/Domicilio: 1501 8th Avenue Drive

Phone Number/Número de Teléfono: 559 892-5740

City, State, Zip Code/Ciudad, Estado, Código Postal: Kingsburg, CA 98631-1719

E-mail Address/Correo Electrónico: \_\_\_\_\_

(Use additional pages if needed/Usar paginas adicionales si es necesario)

I026-1

How will the construction and operation of the High Speed Rail System mitigate these negative environmental effects. Specifically, the negative effects on the waters of the USA in order to meet the Clean Water Act as the construction and operation of HSR will cross rivers, water basins, and flood plains.

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