

Submission P001 (Shelli Andranigian, August 28, 2012)

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1 complies with NEPA. Thank you.  
2 MR. MORALES: Thank you, Mr. Fukuda.  
3 Ms. Andranigian and Richard Valle.  
4 MS. ANDRANIGIAN: Good afternoon and welcome  
5 to Kings County Ms. Perez, Ms. Hurd, Mr. Valenstein,  
6 Mr. Morales and Mr. Abercrombie.  
7 We farm in Fresno and Kings County. Our  
8 farm in Fresno County is impacted. I'm also a member of  
9 the Citizens of California for High Speed Rail  
10 Accountability, and I'm here today representing them.  
11 This is directed to Mr. Valenstein. The  
12 California High Speed Rail Authority now admits that it  
13 must comply with environmental justice components of  
14 NEPA. The just approved CHSRA environmental justice  
15 guidance document, CHSRA reflects that quote. The  
16 Authority emphasizes the fair treatment and meaningful  
17 involvement of people in all races, cultures, and income  
18 levels including minority and low income populations  
19 from the early stages of transportation planning and  
20 investment decision making through design, construction,  
21 operation and maintenance.  
22 CHSRA claims that even though they failed to  
23 have an environmental justice policy in place until now,  
24 they have always been complying with this component of  
25 NEPA. Really? The CHSRA has given the public, people

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1 of all races, culture, and income levels including  
2 minority and low income populations 90 days to review,  
3 understand, and comment on the 30,000 plus pages used to  
4 formulate this EIS. Consider that this CHSRA is holding  
5 this hearing in the middle of the insufficient 90-day  
6 period.  
7 People have not had enough time to digest or  
8 even obtain the material necessary to meaningfully  
9 participate in this hearing. If the CHSRA really wanted  
10 people to participate in this hearing we would be having  
11 this hearing toward the end of the review period, which  
12 is now October 19. Is holding this hearing really  
13 environmental justice pursuant to NEPA or is it just  
14 checking off a box? Is it reasonable?  
15 How does CHSRA limiting access to the  
16 documents to be reviewed allow the population to be  
17 involved, much less at the early stages of  
18 transportation planning. How does the Federal Rail  
19 Administration reconcile this lack of environmental  
20 justice? Was this considered in the Merced to Fresno  
21 EIS? Withdraw the EIS until CSHRA actually demonstrates  
22 that it is complying with NEPA instead of pretending on  
23 paper.  
24 And I want to just add something because  
25 even though I talked fast, I slowed it down so I have a

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1 little bit of time left. I personally met someone in  
2 the Fresno meeting in May that -- when the Fresno-Merced  
3 route was certified, and this lady's name was Roseanne  
4 Martinez. And she has an immigration service at "G" and  
5 Fresno Streets and she found out that she was in the  
6 route the week of those hearings, and she found out  
7 because someone was surveying on her property. And  
8 that's no way to find out.

9 And I spoke with someone who deals with  
10 minority, small and female owned businesses, and I  
11 thought it was 70 percent of businesses and individuals  
12 not being contacted properly. She said no, it's more  
13 like 95 percent. Thank you very much.

14 MR. MORALES: Thank you.

15 Mr. Valle and Mary Jane Fagundes.

16 MR. VALLE: Good afternoon. Richard Valle.

17 I know you introduced or announced the county  
18 supervisors that are here this afternoon -- this  
19 evening. However, I do want to put on the record that  
20 I'm making my comments based on a private citizen of the  
21 city of Corcoran, my hometown. It is good, though, to  
22 be here as a representative and see the members of our  
23 community come up here and be so vocal and passionate  
24 about what they're going through and what they're living  
25 through, especially for the new folks here on the scene,

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## Response to Submission P001 (Shelli Andranigian, August 28, 2012)

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### **P001-1**

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

The Authority and FRA have complied with Executive Order 12898 and related federal guidance during preparation of the EIR/EIS and prior to the Authority's adoption of its own guidance. 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 an 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 environmental justice matters in a comprehensive manner. The Authority and FRA have undertaken substantial outreach to environmental justice communities.

### **P001-2**

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

The timing of the public workshops and hearings was scheduled to maximize stakeholder input in the middle of the public comment period in an effort to ensure affected communities had an opportunity to review the documents prior to making official public comments. During the meetings, the public was advised that they may comment in writing at any time during the public review period either by mail or e-mail and that comments are not limited to the meetings.

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 Authority and FRA have undertaken substantial outreach to environmental justice communities. 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. In addition, a

### **P001-2**

multilingual, toll-free hotline was made available for public comments and requests. Additionally, in an effort to address concerns about information being available, text has been added to Section 3.12, 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.

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 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. Volume I, Section 3.12, Impacts SO#17 and SO#18 summarize these findings.

### **P001-3**

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

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, participation in 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.

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Response to Submission P001 (Shelli Andranigian, August 28, 2012) - Continued

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Public notification regarding the draft environmental documents took place in the following ways: a notification letter, informational brochure, and NOA were prepared in English and Spanish and sent to landowners and tenants within 300 feet of all proposed alignment alternatives. The letters notified landowners and tenants that their property could become necessary for construction (within the project construction footprint) of one or more of the proposed alignment alternatives or project components being evaluated. Anyone who has requested to be notified or is in our 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.

Submission P002 (Shelli Andranigian, August 28, 2012)

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1 The EIS of less destructive and impacted  
2 alternative station locations and alignments outside of  
3 but in close proximity to metropolitan Bakersfield have  
4 not been considered.

5 Peripheral alignment alternatives would  
6 cause far fewer negative impacts especially if built at  
7 grade and may cost hundreds of millions of dollars less  
8 than the currently alternatives. A peripheral alignment  
9 alternative may greatly reduce property acquisition cost  
10 and the exorbitant costs of constructing an elevated  
11 downtown station and 12 miles of elevated via duct  
12 through the heart of Bakersfield.

13 How does the FRA reconcile these violations  
14 of NEPA.

15 MR. MORALES: Thank you, Ms. Stout.  
16 Shelli Andranigian.

17 MS. ANDRANIGIAN: This is directed to Ms.  
18 Perez, Ms. Hurd and Mr. Valenstein. Everything seems to  
19 be done backwards with this project. We found out that  
20 we were in the proposed high speed rail path in May 2011  
21 when I went to a meeting to support other people that  
22 were in the proposed route and that's why I'm here.

23 In any case, the California High Speed Rail  
24 Authority now claims that it has been complying with the  
25 environmental justice components of NEPA. They say that

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1 they are committed to apply environmental justice to all  
2 of its programs and other activities that are  
3 undertaken, funded or approved by the FRA that affect  
4 right-of-way.

5 The California high speed rail authority was  
6 established in 1996, 16 years ago, and they just adopted  
7 an environmental justice policy in August 2nd of this  
8 year. How will they apply the NEPA environmental  
9 justice practices to right of way related to this  
10 Revised Draft Environmental Impact Statement that was  
11 published before the policy was established and does not  
12 even address right-of-way other than it will be handled  
13 after the project is approved by the FRA.

14 This project is only designed to a 15  
15 percent standard and does not adequately address the  
16 NEPA environmental justice concerns reflected in their  
17 new policy. How does this affect the Merced to Fresno  
18 EIS and other program studies? How does the FRA  
19 reconcile this? Please withdraw the EIS until the  
20 California High Speed Rail Authority proves it is  
21 complying with federal law. We have not seen it yet,  
22 have you?

23 Thank you for your time. And we'll see you  
24 tomorrow in Fresno.

25 MR. MORALES: Thank you.

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Response to Submission P002 (Shelli Andranigian, August 28, 2012)

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**P002-1**

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

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, participation in community events where participation has been solicited, and educational materials have been developed and distributed to encourage feedback. These efforts are cited in Chapter 7 of the Revised DEIR/Supplemental DEIS. Public notification regarding the draft environmental documents took place in the following ways: A notification letter, informational brochure, and NOA were prepared in English and Spanish and sent to landowners and tenants within 300 feet of all proposed alignment alternatives. The letters notified landowners and tenants that their property could become necessary for construction (within the project construction footprint) of one or more of the proposed alignment alternatives or project components being evaluated. Anyone who has requested to be notified or is in our 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.

**P002-2**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-21, FB-Response-SO-07.

The Authority's Environmental Justice (EJ) Guidance and Title VI Program were vetted with the Federal Railroad Administration (FRA). The Authority has subsequently received FRA comment to include the DOT 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. Actions prior to its adoption do not suggest non-compliance with the law.

The Revised DEIR/Supplemental DEIS provides documentary evidence that the Authority and FRA are fulfilling its duties to comply with CEQA, NEPA, and EO 12989. Project alternatives were identified, the impacts of which were evaluated at an equal level of detail and fully disclosed, and input was sought and received from the public

**P002-2**

including groups identified as minority, low income, or disadvantaged. No evidence has been presented contradicting the Authority's obligation to comply with CEQA and FRA's obligations to comply with NEPA and EO 12989. In the absence of any substantial evidence, there is no compelling reason to withdraw the Revised DEIR/Supplemental DEIS and recirculate it at some future date.

Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including environmental justice laws. 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 (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. EIR/EIS Volume 1 Section 3.12, Impacts SO#17 and SO#18, summarize these findings.

Submission P003 (Leonard Baker, Simba Farms, August 28, 2012)

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1 capital expense, not including ongoing cost of  
2 operation, and even with that option, the water still  
3 has to find another location for final management.  
4 Our timing is extremely important so -- the  
5 facility runs year around, not at peak, but we do have  
6 some discharge all year. So if accommodations are  
7 necessary to move the water elsewhere, it would need to  
8 happen without disruption in order for us to maintain  
9 our compliance with the state water board.  
10 When considering the Hanford West Bypass, we  
11 encourage staff to carefully examine the impacts to the  
12 land used by Del Monte taking full considerations of the  
13 difficulties and costs to replace lost value for the  
14 high speed pathways used. Thank you.  
15 MR. MORALES: Thank you very much, Ms. Kay.  
16 Leonard Baker.  
17 MR. BAKER: Leonard Baker.  
18 MR. MORALES: Let me also just point out as  
19 we get started we will take periodic breaks to -- for  
20 the court reporter and for people to stretch their legs.  
21 But we will go on for quite a while now.  
22 So, Mr. Baker.  
23 MR. BAKER: My name is Leonard Baker. I  
24 represent Simba Farms. We happen to be in the pathway  
25 of the West Bypass. I need much more than the time but

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P003-2

1 what I'll do is come back later because it doesn't like  
2 like we'll have a lot of speakers.  
3 My main concern is the dairy compliance in  
4 Kings county requires a measured amount of cropland  
5 suitable for disposing of the dairy wastewater. This  
6 recent high speed train alignment would result in a 30  
7 percent reduction in cropland available for my one  
8 thousand plus cow dairy facility, jeopardizing its  
9 future as a small business. What are the high-speed  
10 train intentions to consider these kind of factors in  
11 compensating land owners whose businesses are similarly  
12 affected.  
13 Number two, the separation of farmland from  
14 the surface water canals of the various irrigation  
15 districts possess both environmental and structural  
16 concerns for high speed rail. Specifically, the Hanford  
17 West alternative separates the Last Chance canal from  
18 the western parcels which are the canal's primary  
19 recipient of the Sierra runoff water due to the  
20 terracing of the landscape. These parcels receive water  
21 from the canal via gravity feed open ditches from the  
22 canal typically every one quarter to every one half mile  
23 along the rail.  
24 High speed rail will most likely need to  
25 install open lines underneath these tracks which are

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1 deeper than the open ditches, resulting in pockets of  
2 year around standing water, potential mosquito breeding  
3 vessels. The question is who is responsible for  
4 maintaining and repairing these pipelines, not to  
5 mention the mosquito control.

P003-3

6 The next item would be the below grade  
7 segment that you have some 40-foot in Hanford West  
8 Bypass alternative. We must consider the ground water  
9 table.

10 When I designed the storage lagoon for my  
11 dairy's wastewater and runoff from the one hundred year  
12 storm rain, I had to stay five feet above the highest  
13 ever recorded water table, which in 1950 was 15 feet  
14 along 13th and a half Avenue. And you're going to go  
15 down 40 feet. I wonder if this three mile segment that  
16 you're going to have, even if it's entirely encased in  
17 concrete, whether it will be structurally sound, and can  
18 flood prevention be employed if the entrance and exit  
19 track is at or near grade as shown.

P003-4

20 Has the obvious Hanford community growth  
21 around Pioneer Elementary, Sierra Pacific school and the  
22 College of Sequoias been given as much consideration as  
23 your emphatic choice in your brochure to avoid an area  
24 designated by the Laton community for future growth? I  
25 think Hanford is probably going to grow before Laton

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1 will. Either way, the power, sewer and water lines for  
2 expansion to the west from COS are going to be  
3 compromised by the three mile subway up to 40 foot deep.  
4 I'm out.

5 MR. MORALES: Thank you, Mr. Baker.  
6 Roger Christensen followed by Calleen Kohns  
7 and Maureen Fukuda and Michele Costa.

8 MR. CHRISTENSEN: My name is Roger  
9 Christensen. Shorter, straighter, faster, cheaper. I  
10 support the Hanford West option. It is nearly four  
11 miles shorter, faster, cheaper, and has nearly four  
12 miles less of impacts.

13 Remember the Hanford East option, with its  
14 grotesque diagonal diversions, is the invention of Kings  
15 and Tulare county planners who no longer take  
16 responsibility for it. For the cities of Visalia and  
17 Tulare, which remain 20 miles away, the difference in  
18 stations is just two or three more freeway exits off.  
19 So there is virtually no ridership difference between  
20 the two. So the fact that there is no ridership  
21 difference would mean it would make sense to do the  
22 shortest, cheapest, faster way, and perhaps you can save  
23 the money.

24 In the money saved, I would recommend the  
25 below grade. I think it's a lot in terms of urban like.

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Response to Submission P003 (Leonard Baker, Simba Farms, August 28, 2012)

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**P003-1**

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

The Authority is proposing to work with businesses that are losing their wastewater disposal land to help them get new land permitted to account for the land that it lost to the HST alignment. The Authority will pay fair market value for all properties taken, mitigating impacts to farmers through removal of farmland from production. Fair market value takes into account the value of the land, the improvements on the land, and the future income the land and improvements can generate.

**P003-2**

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

The Authority would work with irrigation districts and landowners to protect these irrigation systems. Canals may be bridged or placed in pipelines beneath the HST right-of-way. Irrigation pipelines crossing the alignment would be buried to an appropriate depth to sustain the weight of the HST and placed in a protective casing so that future maintenance of the line could be accomplished outside of the HST right-of-way. Refer to Section 3.6.5. Utility owners would be responsible for future maintenance. CEQA Guidelines Section 15145 state that if, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact. The comment regarding mosquito breeding is highly speculative at this time in that the canals are likely to be placed in pipelines rather than left open beneath the HST right-of-way in order to maintain gravity flow. As a result, it does not need to be analyzed in the Draft EIR/EIS.

**P003-3**

Contemporary records of the groundwater table in the vicinity of the below-grade Hanford West Bypass alternatives indicate groundwater levels to be around 60 and 120 feet below ground level. The referenced segment will be constructed in an open cut with side slopes that have been evaluated and determined to be stable even in the event of highly unfavorable conditions such as high groundwater combined with soils of low strength. The proposed cut slopes of the below-grade segment are therefore considered stable. Even if the groundwater was to revert to its historical level, the below-grade segment would not require concrete encasement.

**P003-3**

The HST is generally designed to be above 100-year FEMA flood zones where the alignment crosses such zones. The Hanford West Bypass Alternatives are outside of the 100-year FEMA flood zones where the HST is below-grade. During rain, the surface water runoff will be intercepted by a series of ditches at the foot of the cut slopes and the surface water pumped into a detention pond to be located within the Hanford West below-grade environmental footprint.

The Lines of Equal Depth to Water in Wells maps developed by the Department of Water Resources (DWR) in 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.

**P003-4**

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 potential HST station to serve the Visalia-Tulare-Hanford area. This location was chosen for its location near SR 198, which would provide easier access than locating a station near Laton. 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.

**P003-5**

Refer to Standard Response FB-Response-PU&E-03.

The Authority is actively assimilating information on existing and planned utilities. The designs presented in the Revised DEIR/Supplemental DEIS are based on preliminary engineering. The Authority would coordinate with utility owners to refine this information to ensure all known facilities within the footprint are properly considered during final design and construction.

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1 be paid accordingly for their work.  
2 Based on what you see today, do you really  
3 believe that CHSRA had mitigated our concerns? Since  
4 our concerns clearly had not been mitigated, paying the  
5 contractor to proceed seems like a violation of 18USC  
6 666, misappropriation of funds or 18USC 1001,  
7 misrepresentation.

8 Nothing has changed in that alternative  
9 analysis report. This project has been built on top of  
10 that report. How does the FRA reconcile this reality?  
11 CHSRA has not been complying with NEPA all along as they  
12 have represented.

13 Withdraw the EIS until CHSRA actually  
14 demonstrates that it is complying with NEPA instead of  
15 pretending on paper that it is complying.

16 Thank you.

17 MR. MORALES: Thank you, Mr. Young.

18 MR. BROWNING: My name is Ross Browning. I  
19 live in Laton in the county of Kings. Did you guys do  
20 your homework last night? Okay. I must admit I didn't  
21 read it either.

22 You've heard a little bit about the I5  
23 being a possible solution that we think is viable. Not  
24 getting very far with it.

25 I moved to this county this -- our present

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1 home in 2006. So, this all happened before I got here.  
2 But when I got involved with this, I attempted to get  
3 information about what was happening with I5 so I could  
4 make a -- so I could feel secure myself. So I put in a  
5 request -- I forgot who I sent it to, someone at the  
6 Rail Authority -- asking for engineering time cards.  
7 Just to tell me how many hours were expended on  
8 analyzing I5. I would have followed that up by the rest  
9 of them, but I never got any further than that.

10 The answer I got was that information is not  
11 available because that was done by a previous company, a  
12 previous administration. And I think it's kind of  
13 strange that you could take the results of a previous  
14 administration and hang your hat and wreak havoc through  
15 the county but you can't come up with a record what you  
16 paid them for. I just -- that blows my mind. I've  
17 given up on that one. I guess the good tooth fairy is  
18 going to have to come up with those records.

19 But what I would like to address is another  
20 conundrum. I was speaking with another engineer from  
21 the consultant firms and I said I'm just having a hard  
22 time, I don't believe -- I have an engineering  
23 background, actually in transportation. I've done  
24 studies like this in my sleep. And I don't believe that  
25 this train will go from Los Angeles to San Francisco in

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1 2 hours and 40 minutes. In fact, every time I read  
2 something from the High Speed Rail Authority they say  
3 this will do it in three hours or almost 2 hours and 40  
4 minutes. Well, that's not what the law says.

5 So I told the gentleman that I don't think  
6 they can do it in 2 hours and 40. And he said, Oh,  
7 yeah, I studied it. And when I said well, can I see one  
8 of those studies? And he said, well, it's not really a  
9 study. When they come up with the proposal of changing  
10 routing, we drew a little calculation and yeah, it's a  
11 minute longer or a minute shorter. But yeah, it will  
12 make it.

13 Well, how comfortable are you people signing  
14 your name to some document, to some study, some  
15 authorization based on no more than that. I mean, I'm  
16 not done with this. I'm going to press it to the end.  
17 Either you can make it or you can't.

18 The engineer in me, the little bit that --  
19 and granted, I've had to make some pretty big  
20 assumptions because I don't know all the facts. But  
21 they're fairly conservative. And it can't make it in  
22 two hours and forty minutes according to my  
23 calculations. Now, I hear from somebody that yeah, we  
24 can. But you can't show it or prove it to me. It tells  
25 me that it can't be done. Thank you very much.

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**P004-1**

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

**P004-2**

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

**P004-3**

The Authority evaluated high-speed trains from around the world to confirm that available train technologies could satisfy the project's performance requirements. The high-speed trains evaluated included the Alstom AGV, Bombardier S-102, Siemens ICE-3 Velaro, and Hitachi N700. The evaluation is documented in the Selected Train Technologies Technical Memorandum (Authority 2008c) and the Trainset Configuration Analysis and Recommendation, Technical Memorandum (Authority 2009c), which are available on the Authority's website. The Selected Train Technologies Technical Memorandum found that it is clear that the major trainset manufacturers—Alstom, Bombardier, Siemens, and Hitachi, often in conjunction with other manufacturers and/or the national rail systems in their home countries—are all working toward raising the speed capabilities of their high-speed train products. The status of the work at each manufacturer is different, but the overall result supports the conclusion that 220 miles per hour (mph) (354 kilometers per hour [kph]) trainsets will be available and reliable at the time that California project is ready to place an order.

High-speed trains in China have operated in revenue service at speeds of 220 mph and other high-speed train systems are planned to operate at 220 mph and faster as systems technologies advance. As indicated by proven technology used elsewhere in the world, high-speed rail in California will be able to operate revenue service at speeds of 220 mph.

To meet the objective of traveling from San Francisco to Los Angeles in 2 hours and 40 minutes, the optimum express travel time from Fresno to Bakersfield is 37 minutes. The travel times for all of the Fresno to Bakersfield alternatives were modeled taking into account speed changes on curves and grades, and all alternatives can achieve this optimum time.

**P004-4**

The commenter asserts that the 2 hour and 40 minute travel time from San Francisco to Los Angeles is not feasible. This assertion represents the unsubstantiated opinion of the speaker who has not presented any substantial evidence to support his claim.

The analytic methodology proving that HST service from San Francisco to Los Angeles in 2 hours and 40 minutes is feasible is described in the Phase 1 Service Plan, TM 4.2 (Authority 2008d). Since circulation of the Draft EIR/EIS, the Revised 2012 Business Plan (Authority 2012a) was released, requiring an update of the service plan. The California High-Speed Train draft conceptual Operations and Service Plan Summary, with the new phasing implementation strategy, was released in June 2012 (see Appendix 2-C, Operations and Service Plan Summary, in Volume II, Technical Appendices, of the Final EIR/EIS).

A spreadsheet-based "static" model was used for formulating and analyzing concept-level operating plans for the HST network. This model utilizes train performance calculations taken from prior detailed "dynamic" simulation modeling results to identify the running time characteristics of the various types of service and train stopping patterns that are expected to operate on the HST System. The model generates string-line (time-distance) diagrams and tabular outputs that describe the timing and scheduled operating performance of every train. The model also provides a level of detail sufficient to confidently perform "pattern analysis" of the various express, limited-stop, and all-stop local services that are envisioned, with the objective of identifying a reasonable service pattern that achieves the desired level of service at each station while minimizing both conflicts between trains and the required number of overtakes. (Authority 2008d, page 3). Besides the simulated train performance calculations that take into account speed changes on curves and grades, intermediate stations, and train overtakes, a time factor was added to these times. This added time, sometimes referred to as "schedule pad" or "recovery time," accounts for operator performance, external conditions, and minor delays, which result in minimal day-to-day fluctuations in train performance. The additional time factor assumed in this analysis, which is common in passenger train scheduling, permits trains to recover from time lost due to minor causes and provides an allowance for the system to maintain a high degree of overall on-time performance when operations are normal. Two different scenarios were analyzed concerning recovery time. The initial base case analysis assumed a recovery time factor of 7% on top of the

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Response to Submission P004 (Ross Browning, August 28, 2012) - Continued

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**P004-4**

minimum train run time. This time factor is consistent with current industry practice in the U.S. and is considered a conservative estimate, because the HST System is expected to operate at a higher level of precision than is "typical." A second service plan variation was developed assuming a recovery time factor of 3.5% for most trains. In this second case, certain "premium" services, such as express trains during peak periods, were assumed to operate with a recovery time allowance of as little as 1% (Authority 2008d, page 4).

With the 1% schedule pad allowance, the platform to platform service from San Francisco to Los Angeles is achievable in 2 hours and 40 minutes. With the 3.5% schedule pad allowance, service from San Francisco to Los Angeles would be 2 hours and 44 minutes (Authority 2008d, page 7).

Submission P005 (Ross Browning, August 28, 2012)

This transcript was prepared for you by:  
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1 Well, guess what? You can put it out there  
2 where it belongs. You don't need to go through all  
3 these people's yards. You don't need to be in this  
4 county. You can go out there to the other county.  
5 People will get on that train. If you're going to have  
6 a station here in Hanford, like they say, they're going  
7 to do it, and have people from Visalia or wherever  
8 coming to that station, you can sure as hell have them  
9 drive out 30 miles to I5, and in Bakersfield. It would  
10 be even less than that. It would be about five miles.  
11 So there's no reason why you can't get it out there, out  
12 of the way and out of anybody's way. But by putting a  
13 track out where it belongs not in here.  
14 MR. MORALES: Thank you.  
15 MR. BROWNING: Once again, good evening. My  
16 name is Ross Browning. I still live in Laton in the  
17 county of Kings.  
18 I'd like to address these remarks to our  
19 guests from the Federal Rail Administration. And hope  
20 you're enjoying your time here in Kings County. I hope  
21 we've treated you all right. And you can explain to  
22 David my remark about the assignment that you missed.  
23 The California High Speed Rail Authority now states  
24 that it must comply with the environmental justice  
25 components of NEPA. The CHSRA further states that one

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This transcript was prepared for you by:  
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P005-1 1 of the three fundamental environmental justice  
2 principles is to ensure full participation by all  
3 affected communities in the transportation decision  
4 making process.  
5 The CHSRA has decided that not only are they  
6 going to build their high speed train through the Kings  
7 county without the support of Kings County and the  
8 populations therein, but they're going to move the San  
9 Joaquin Amtrak station to California high speed rail's  
10 new high speed track, which will exclude the use of  
11 Wasco Amtrak station and disenfranchise populations from  
12 Wasco, Shafter, Delano, and Paso Robles from using San  
13 Joaquin Amtrak service station.  
P005-2 14 Since CHSRA did not seriously consult or  
15 work with any locals on this utility there is no  
16 justification for further access to the federal funds  
17 through FRA.  
P005-3 18 The CHSRA does not adequately assess the  
19 scale of the damage that will be caused by eliminating  
20 these Amtrak stations from a primarily low income  
21 minority population.  
P005-4 22 The CHSRA has been quick to advise affected  
23 communities that they do not have to coordinate with  
24 locals or comply with existing transportation plans.  
25 How does the Federal Rail Administration

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Submission P005 (Ross Browning, August 28, 2012) - Continued

This transcript was prepared for you by:  
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P005-4

1 reconcile this lack of environmental justice? Were  
2 these factors considered in the Merced to Fresno EIS?

P005-5

3 I ask you to do your due diligence and  
4 withdraw -- I'd like to ask you to trash the whole thing  
5 but, I'm just going to say withdraw the EIS until the  
6 California High Speed Rail Administration actually  
7 demonstrates that it's complying with NEPA rather than  
8 just pretending to do so on paper.

P005-6

9 And it's a personal matter of mine, to  
10 withhold it until they give us some information about I5  
11 and a study. Thank you very much.

12 MR. MORALES: Thank you, Mr. Browning.

13 We have a new speaker, Diana Peck.

14 MS. PECK: Hello. My name is Diana Peck.

15 I'm with Kings County Farm Bureau. I'm the program  
16 coordinator for the Farm Bureau. And I wanted to share  
17 with you that as we, the Farm Bureau, prepare our  
18 comment letter in review of your Draft Environmental  
19 Document, our objective will be to demonstrate not only  
20 the deficiencies of your document, but that your  
21 decision to impact Kings County and settling on these  
22 alignments that disproportionately affect agricultural  
23 land in Hanford east, Hanford west alignment. Your  
24 decision -- your agency made that decision arbitrarily  
25 and with prejudice, not providing this community the

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Response to Submission P005 (Ross Browning, August 28, 2012)

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**P005-1**

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

**P005-2**

Refer to Standard Response FB-Response-GENERAL-16, FB-Response-GENERAL-17, FB-Response-GENERAL-08.

**P005-3**

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

The Authority has no plans to eliminate any Amtrak stations. Therefore, access would still be available to travelers on Amtrak. The Draft California State Rail Plan states that if Amtrak chooses to operate on the HST tracks on an interim basis, they will continue to offer some service on the existing line as well (see Section 2.1.3, Draft California State Rail Plan, February 2013) .

**P005-4**

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

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 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. Volume 1, Section 3.12, Impacts SO#17 and SO#18 summarize these findings. Please consult the Merced to Fresno Final EIR/EIS for more information on effects in that study area.

**P005-4**

The fact that state and federal agencies generally have supremacy over local government is a fact of law, and has no effect on environmental justice considerations nor on the Authority's and FRA's obligations under Executive Order 12898 and related guidance. As discussed in Standard Response FB-Response-GENERAL-08, the Authority and FRA have consulted with local agencies.

**P005-5**

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

Your opposition to the project is noted.

The Authority and FRA are complying with CEQA and NEPA as demonstrated by completion of the Proram EIR/EIS, the original Draft EIR/EIS for the Fresno to Bakersfield Section, and the Revised DEIR/Supplemental DEIS for the Fresno to Bakersfield Section.

**P005-6**

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

Submission P006 (Ross Browning, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1           What does that matter? What it matters is  
2 it is not due diligence. This report is out there now.  
3 We're not required to write the report, we're required  
4 to review the report and comment. This information is  
5 clearly missing.  
6           Transportation impacts are insensitive to  
7 agriculture land. Good for urban, doesn't work for  
8 rural agriculture. Slow impact of slow moving farm  
9 equipment detouring for miles is not considered in the  
10 Environmental Impact Report. People have talked about  
11 that today. It's important to people here. It's how we  
12 make our living. It's how the economy works here.  
13           You must consider in the EIS these factors  
14 and these holes in the documentation as we're being  
15 forced to review 30,000 pages of documents at a level  
16 that I just described. We can't get that done in the  
17 amount of time and do a good job. Can any of you do  
18 that? Have any of you read all of the documents that we  
19 are trying to absorb? Thank you.  
20           MR. MORALES: Thank you, Mr. Oliveira.  
21           Ross Browning.  
22           MR. BROWNING: Ross Browning. I'll make  
23 this brief.  
24           You have heard a lot of talk about various  
25 items today. And I could go on with those and others,

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P006-1 | 1 no point to it. You get the general gist.  
2 | 2           We really don't want that thing here. If  
3 | 3 you look at what is happening and take a look at the  
4 | 4 area that's coming through, all it does for us in Kings  
5 | 5 County is destroy. It doesn't add, it doesn't modify,  
6 | 6 it destroys. It takes this away and replaces it with  
P006-2 | 7 something that we get no economic benefit from. There's  
8 | 8 no economic justification for that rail to be here.  
9 | 9           And we're pretty adamant about it when we  
10 | 10 know it could go somewhere else and be more effective  
11 | 11 and cost less. What more do I need? Cost less means  
12 | 12 better. I mean the French -- and I'm not a friend, but  
13 | 13 the French came over and told you guys where to put it,  
14 | 14 and you didn't listen to them.  
15 | 15           I know that I could go up to one of my  
16 | 16 grandkids and say if you were here and want to go there,  
17 | 17 how would you go? Well, the one, if he was playing with  
18 | 18 me, he would run it the way you're running it. But if  
19 | 19 they want to make it the shortest way, they would go  
20 | 20 down I5. There is nothing more I can say. Thank you.  
P006-4 | 21           MR. MORALES: Thank you, Mr. Browning.  
22 | 22           EJ Young.  
23 | 23           MR. YOUNG: Good evening, Ms. Perez. The  
24 | 24 California High Speed Rail Authority now admits that it  
25 | 25 must comply with the environmental justice components of

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Response to Submission P006 (Ross Browning, August 28, 2012)

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**P006-1**

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

**P006-2**

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

**P006-3**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-13.

For information on project costs, please refer to Chapter 5, Project Costs and Operations, of the Final EIR/EIS.

**P006-4**

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.

Submission P007 (Roger Christensen, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 will. Either way, the power, sewer and water lines for  
2 expansion to the west from COS are going to be  
3 compromised by the three mile subway up to 40 foot deep.  
4 I'm out.

5 MR. MORALES: Thank you, Mr. Baker.

6 Roger Christensen followed by Calleen Kohns  
7 and Maureen Fukuda and Michele Costa.

8 MR. CHRISTENSEN: My name is Roger  
9 Christensen. Shorter, straighter, faster, cheaper. I  
10 support the Hanford West option. It is nearly four  
11 miles shorter, faster, cheaper, and has nearly four  
12 miles less of impacts.

13 Remember the Hanford East option, with its  
14 grotesque diagonal diversions, is the invention of Kings  
15 and Tulare county planners who no longer take  
16 responsibility for it. For the cities of Visalia and  
17 Tulare, which remain 20 miles away, the difference in  
18 stations is just two or three more freeway exits off.  
19 So there is virtually no ridership difference between  
20 the two. So the fact that there is no ridership  
21 difference would mean it would make sense to do the  
22 shortest, cheapest, faster way, and perhaps you can save  
23 the money.

24 In the money saved, I would recommend the  
25 below grade. I think it's a lot in terms of urban like.

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P007-1

This transcript was prepared for you by:  
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1 It's a huge plus to have a below grade section around  
2 the station.

3 Beware today of robo remarks like nobody  
4 told us anything, the EIR is flawed, we need more study.  
5 This is lawyer strategy, obstruction 1A, and it is used  
6 for every infrastructure project ever.

7 Here in Kings County, where freeways 41 and  
8 198 were built, huge wide freeways with no outrage about  
9 loss of farmland, and somehow all these impacts got  
10 mitigated.

11 Many cling to the slow train to Wasco but  
12 shun high speed rail to the rest of the state. And we  
13 have Congressmen who will get on the local radio to tell  
14 us that high speed rail is a government plot to take  
15 away our cars, herd us into trains and control the  
16 masses.

17 Welcome to Hanford, welcome to Kings County.  
18 Keep your sense of humor today and seriously consider  
19 the Hanford West option. Thank you.

20 MR. MORALES: Thank you, Mr. Christensen.

21 Calleen Kohns, Maureen Fukuda and Michele  
22 Costa.

23 MS. KOHNS: Good afternoon. My name is  
24 Calleen Kohns and I am here not representing anyone but  
25 myself and some friends of mine that aren't affiliated

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Response to Submission P007 (Roger Christensen, August 28, 2012)

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**P007-1**

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

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.

Submission P008 (Dick Congdon, August 28, 2012)



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

September 20, electronically, or October 10, 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: Dick Congdon  
 Organization/Organización: Home owner, 65 year resident of Hanford  
 Address/Domicilio: 10150 12 1/2 Ave.  
 Phone Number/Número de Teléfono: 905-9336  
 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)

- P008-1 | 1. Don't build it. No one will come & ride
- P008-2 | 2. It's way too expensive for a bankrupt state.
- P008-3 | 3. Jobs can be created building & repairing roads.
- P008-4 | 4. If it has to be built, follow I5 alignment and shuttle people, don't destroy farms & homes,

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## Response to Submission P008 (Dick Congdon, August 28, 2012)

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**P008-1**

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

Your opposition to the project is noted.

**P008-2**

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

**P008-3**

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

California's population is growing rapidly and unless new transportation solutions are identified, traffic and congestion will only worsen and airport delays will continue to increase. Although road repair would employ some people, the HST System would also provide many job opportunities. For information on new job creation and the resulting impacts on the regional economy, see Impact SO #5 – Temporary Construction Employment, and SO #13 – Employment Growth, in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the Final EIR/EIS. See also Section 5.1.2 of the Community Impact Assessment Technical Report for more detailed information about short-term and long-term job creation (Authority and FRA 2012h).

**P008-4**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-14.

Submission P009 (Joyce Cooy, August 28, 2012)

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Fresno Court Reporters

This transcript was prepared for you by:  
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P009-1

1 Thank you.

2 MR. MORALES: Thank you, Mr. Fukuda.

3 Joyce Cooy followed by Alan Scott and

4 Maureen Fukuda.

5 MS. COOY: Good evening again. Joyce Cooy.

6 We're affected in two locations -- impacted, we are

7 impacted in two locations with the high speed rail west

8 side alignment. East or west, it's wrong. It's wrong

9 for the Central Valley, it's wrong for us personally.

10 The California High Speed Rail Authority now

11 admits that it must comply with the environmental

12 justice components of NEPA. The just approved CHSRA

13 environmental justice guidance document reflects this.

14 Quote, the Authority recognizes how important provisions

15 of existing environmental, civil rights, civil and

16 criminal laws may be used to help reduce environmental

17 impacts in all communities, environmental injustice on

18 the human elements.

19 The CHSRA and the state are openly

20 entertaining exempting the high speed rail project from

21 the existing requirements of the California

22 Environmental Quality Act. How can the Federal Rail

23 Administration Authority reconcile this reality?

24 It does not seem that the Authority is

25 concerned with complying with CEQA and would be happy to

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P009-3

1 be done with existing environmental protection laws.

2 Withdraw the EIS until the Authority actually

3 demonstrates that it is complying with NEPA. Thank you.

4 MR. MORALES: Thank you, Ms. Cooy.

5 Alan Scott -- Alan Scott and then Maureen

6 Fukuda.

7 MR. SCOTT: Alan Scott, CCHSRA. In all the

8 documents that we have, and we got a lot of them, and I

9 read parts of proposition 1A because that's a little bit

10 smaller, but I have an issue with the words, blending,

11 booking, hybrid, and whatever else they're using.

12 It seems as though every time the

13 politicians with the High Speed Rail Authority get into

14 difficulty based on the Prop 1A law we go into

15 alternatives. And they come cropping up, and then you

16 go back and say the intent and the purpose of 1A was to

17 get from two big cities, one in the north and one in the

18 south, in 2 hours and 40 minutes.

19 Mr. Browning explained in his engineering

20 terms, and I don't intend to get there. The bottom line

21 is, he and I looked at it one day and he showed me

22 what's going on. And you know what, I believe him.

23 And right now, the way you guys are going --

24 and I got to show you something, it's always good to do

25 show and tell. I learned something the other day and it

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P009-2

P009-3

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Response to Submission P009 (Joyce Cooy, August 28, 2012)

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**P009-1**

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

Your opposition to the project is noted.

**P009-2**

The proposed HSR project is not exempt from CEQA, which is why this EIR/EIS has been prepared along with the previous Program EIR/EISs.

**P009-3**

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

The Authority and FRA are complying with CEQA and NEPA, as demonstrated by completion of the Program EIR/EIS, the original Draft EIR/EIS for the Fresno to Bakersfield Section, and the Revised DEIR/Supplemental DEIS for the Fresno to Bakersfield Section.

Submission P010 (Joyce Cooy, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 is planning to devastate the dairies and farms in Kings,  
2 Tulare and Kern counties that employ a low income and  
3 primarily minority workforce with their route selection  
4 through these agricultural communities? The CHSRA in  
5 many cases used 12-year-old census data to improperly  
6 classify the population impacts when 2010 census data is  
7 readily available, and demographics have definitely  
8 changed.

9 Practicing due diligence, actually working  
10 in coordination with the local populations would have  
11 prevented these errors. How does the Federal Rail  
12 Administration reconcile this lack of environmental  
13 justice? Was this considered in the Merced to Fresno  
14 EIS? Withdraw the EIS until the CHSRA actually  
15 demonstrates that it is complying with NEPA instead of  
16 pretending on paper that it is complying.

17 MR. MORALES: Thank you, Ms. Sullivan.  
18 Joyce Cooy and then Maureen Fukuda.

19 MS. COOY: Joyce Cooy. The California High  
20 Speed Rail Authority now admits that it must comply with  
21 the environmental justice components of NEPA. Just to  
22 prove that the CHSRA guidance document of the California  
23 High Speed Rail reflects this quote: "Implementation of  
24 environmental justice principles in how the Authority  
25 plans, designs and delivers the High Speed Rail projects

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P010-1

This transcript was prepared for you by:  
Fresno Court Reporters

1 means that the Authority recognizes the potential  
2 social, and environmental impacts that project  
3 activities may have on certain segments of the public."  
4 If this is the case, why did the California  
5 High Speed Rail Authority planning and design team use  
6 year 2000 census data to classify our present population  
7 and communities to evaluate the High Speed Rail impact  
8 on our current population? Things have changed here,  
9 and more current year 2010 census data is available.  
10 How can CHSRA recognize its potential social and  
11 environmental impacts if they are knowingly using  
12 12-year-old information? This is just an example of the  
13 California High Speed Rail Authority knowingly using  
14 flawed data to cut corners.

15 How does the Federal Rail Administration  
16 reconcile this reality? Withdraw the EIS until the  
17 California High Speed Rail Authority actually  
18 demonstrates complying with NEPA instead of pretending.

19 MR. MORALES: Thank you, Ms. Cooy.  
20 Now, Ms. Fukuda.

21 MS. FUKUDA: It's a good thing it's written  
22 down because I would have had a senior moment and  
23 forgotten what I was going to say.

24 Anyway, Ms. Hurd, the California High Speed  
25 Rail Authority now admits that it must comply with the

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P010-1

P010-2

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Response to Submission P010 (Joyce Cooy, August 28, 2012)

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**P010-1**

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 an FRA comment to include the DOT 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 Environmental Justice communities. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including environmental justice laws. 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 (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. Volume 1 Section 3.12 Impacts SO#17 and SO#18 summarize these findings.

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 were used for the

**P010-1**

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. The methodologies for identifying and analyzing affected populations as well as all data sources used are detailed in Appendix A of the Community Impact Assessment Technical Report.

**P010-2**

Refer to Standard Response FB-Response-SO-07, FB-Response-GENERAL-11.

The Authority and FRA have complied with CEQA and NEPA in the preparation and procedures regarding the EIR/EIS.

Submission P011 (Michele Costa, Kings County Farm Bureau, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 and we have people texting. I saw another gentleman  
2 reading a book, binder type. It may have been the  
3 information of that day but he should have been paying  
4 attention to the people. And indifferent Authority.  
5 Also, and a good example, is Senator Mike  
6 Rubio. In the paper he says public hearing in Armona.  
7 Well, we're Hanford. We're not Armona. Does he show  
8 up? No. He sends his aide and says "Oh, go to  
9 Stratford." So we go to Stratford, a few of us. We ask  
10 Mr. Rubio, "Do you have information on job losses?"  
11 "Oh, I'll get that information to you." It's been about  
12 a month and a half, two months. Not a phone call,  
13 nothing. That is what we're dealing with.  
14 So can you understand my frustrations.  
15 Really, I cannot sleep well at night because I don't  
16 have simple answers, and very indifferent Authority.  
17 Thank you.  
18 MR. MORALES: Thank you. Ms. Fukuda.  
19 Michele Costa followed by Scott Davis and  
20 Carol Walters.  
21 MS. COSTA: Good afternoon. Michele Costa,  
22 executive director for the Kings County Farm Bureau.  
23 Kings County Farm Bureau is an organization  
24 that represents more than 800 farmers and ranchers here  
25 in Kings County. In our most recent crop report, the

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Hanford High-Speed Train Meeting  
559-224-9700

This transcript was prepared for you by:  
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P011-1

P011-2

1 2011 Kings County crop reports -- our crops produced a  
2 gross value of 2.2 billion. Those taxes support our  
3 local economy here.  
4 For the past two years, now, Kings County  
5 has made efforts to coordinate with the Authority and  
6 those have failed. For two years our concerns and  
7 questions have gone unanswered. Both alignments have  
8 failed to prove what -- alignments.  
9 Again, going back to the questions and  
10 concerns that have remained unanswered, dairy permitting  
11 has still not been addressed. I don't know if you're  
12 aware but the dairy industry is in a dire crisis right  
13 now and there has been no efforts made. Dairy  
14 permitting has still not been addressed. The dairy  
15 issue is in a huge crisis. We're rapidly losing dairies  
16 throughout the state. These are large businesses that  
17 contribute to these economies and they need to be  
18 addressed.  
19 I really don't like hearing that Kings  
20 County is opposed to progress. We are not opposed to  
21 progress. In fact, our farmers use the most efficient  
22 technology to operate at the highest standards to  
23 produce the safest food supply in the world. We do our  
24 job and now it's time for you to do yours.  
25 MR. MORALES: Thank you, Ms. Costa.

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Hanford High-Speed Train Meeting  
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Response to Submission P011 (Michele Costa, Kings County Farm Bureau, August 28, 2012)

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**P011-1**

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

The Authority and FRA recognize the concerns of Kings County representatives and community members, and want to maintain an open dialogue about the project. The Authority welcomes the opportunity to meet with landowners and stakeholders. In addition, project-level information has been shared at public meetings, made available at the Kings County project office, and provided through mailings, e-mail communication, outreach materials, and on the internet.

**P011-2**

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

For information on the impacts to commercial and industrial businesses in communities see EIR/EIS Volume I Section 3.12 Impact SO #10 and also Impact SO#11 and SO#15 for effects on agricultural businesses. The Authority has committed to maintain a "permit bureau" to help businesses (including confined animal operations) overcome the regulatory disruptions caused by the project.

The Authority 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 P012 (Diane Cox, Pioneer Union Elementary School District, August 28, 2012)

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 AUG 28 2012

BY: Hanford Hearings

To: High Speed Rail Authority  
 From: Diane J. Cox, Superintendent of Pioneer Union Elementary School District  
 1888 North Mustang Drive, Hanford, CA 93230 559-585-2400 ext 4141  
 Date: August 28, 2012  
 Re: Pioneer Union Elementary School District / High Speed Rail Impact Study Session held on  
 November 2, 2011/*unanswered by HSP rail authority as of 08/14/2012*

The following are the areas of concern Pioneer Union Elementary School District would like to have addressed by the High Speed Rail Authority in regards to the impact the West Side Alternate Plan would have on the safety, fiscal and educational programs of the District students, parents and staff:

P012-1  
 P012-2  
 P012-3  
 P012-4  
 P012-5

- A. Safety:**
1. Student safety—How will the Authority assure the safety of students; near the rails, the station, etc? The state has a requirement of being a specific distance from rail lines.
  2. Home to school transportation—how will the rail lines impact our student transportation; bus routes, student walking routes, and parent trips?
  3. Safe School Plan—how will our evacuation routes, plans for emergencies be impacted?
  4. Hazards—what hazards will the rail bring? Environmental? Safety? Accidents or other problems? *Will it be anticipated to transfer more than just people??*
  5. Other infrastructures—will there be any other structures, etc that may impact air quality, safety, transportation?

**B. Instructional Programs:**

The proposed plan is very, very close to Frontier Elementary School in all three proposals.

P012-6  
 P012-7

1. Learning environment: how will our students be protected from the noise, and the distraction of 20 plus trains daily?
2. Student attendance: what impact will the rail have on our student attendance which in turn affects their learning?

P012-8  
 P012-9  
 P012-10  
 P012-11  
 P012-12  
 P012-13  
 P012-14  
 P012-15  
 P012-16  
 P012-17  
 P012-18

3. Electromagnetic fields and interference of HSR—Our classrooms are filled with technology to enhance our student learning: will our internet, wireless be affected?
  4. Fiscal impact to funding for schools which will reduce our instructional resources and staff—will the HSR require a subsidy that may take revenue and resources from our already impacted schools?
- C. Fiscal Impact:**
1. Impact to property tax assessments—How will the rail impact school district property taxes with the loss of taxable property within the district?
  2. Utilities—will there be an impact on the utilities in the district with the increased electrical usage by the rail—also power reliability?
  3. Student Attendance—schools are funded on average daily attendance; what will be the impact if we lose families, students due to the rail?
  4. Future development in the district—the district has several housing developments in planning stages for the future; how will the rail affect this growth and subsequent loss or decline in enrollment?
  5. Loss of developer fees—how will the district recoup losses from planned developer fee revenue?
  6. Solar Farm—the nearby school site has a Solar Farm—what is the impact to our Solar Energy equipment and subsequent power source?
- D. Construction Phase:**
1. What impact will there be to the District and schools during the construction phase?
  2. How long will it take?
  3. What type of compensation will there be for the inconvenience which may include bus delays, travel distance, fuel costs, and time?
  4. What type of staging area will be needed for construction; added parking; heavy equipment, etc.
  5. *Hazardous substances? With our elementary school within ¼ mile of the project—what protection is there for students, staff and parents?*

**A Psychological Barrier?**

Will there be a psychological barrier that impacts the community, the district or families of Pioneer?

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## Response to Submission P012 (Diane Cox, Pioneer Union Elementary School District, August 28, 2012)

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### **P012-1**

There is no state requirement for a specific distance of a school from a rail line. In fact, one of the buildings at Bakersfield High School, the Industrial Arts Building, is located within about 40 feet of rail tracks in the BNSF rail yard in Bakersfield. California Code of Regulations, Title 5, Section 14010d requires a safety study for school sites within 1,500 feet of a railroad track easement. That analysis is provided in Impact S&S #14 in Section 3.11.5 of the EIR/EIS.

### **P012-2**

HSR policy is to provide roadway overpasses approximately every 2 miles, resulting in no more than 1 mile of out-of-direction travel for vehicles, including school buses, and pedestrians crossing 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.

### **P012-3**

The BNSF and Hanford West alternatives should have no impact on evacuation plans for Pioneer Union Elementary School, Frontier Elementary School, or Pioneer Middle School. The major east-west roads in the vicinity of these schools are Grangeville and Lacey boulevards and Flint and Fargo avenues. The major north-south roads providing evacuation routes for these schools are 14th and 13th avenues and Douty Street. None of these roads would be closed by the proposed project.

### **P012-4**

Because the HST System would carry only passengers and be electric-powered, there would be no safety hazard associated with HST cargo or fuel. The HST System would be fully grade-separated on a dedicated track. The right-of-way would be fenced with a heavy, chain-link type fence. The fence would be monitored electronically and visually to prevent intrusion on the railroad right-of-way.

The hazard associated with the derailment of an HST is the physical mass and speed of the train colliding with a structure or people, which could only occur adjacent to the right-

### **P012-4**

of-way. As discussed in Section 3.11, Safety and Security, of the EIR/EIS, a basic design feature of an HST system is to contain the trainsets within the operational corridor. Since HSTs began operating in 1964, there has only been one case where a train within a dedicated HST right-of-way has left the operational corridor. That case was an accident in China in 2011. A formal government investigation identified the cause of the accident as a systemwide lack of emphasis on safety, both in terms of equipment development and operating personnel training, by the management of China's HST system. Where industry standards for design, maintenance, and operation have been employed, this type of accident has not occurred over the four decades of HST operation. Therefore, if an HST derailment were to occur next to a school, there is a very high probability that the train would remain within the HST right-of-way. Because the train would be contained within the right-of-way and would not contain cargo or fuel that would result in a fire, explosion, or the release of toxic substances, the proposed project would not substantially increase hazards to nearby schools.

As described under Impact HWM #7, the trains would operate on electric power and would have none of the emissions associated with the use of diesel fuel, natural gas, or other fuels. The system would have no at-grade crossings, so the potential for accidents between the train and vehicles transporting hazardous materials is eliminated. The HST System would be a passenger rail service and would not be used to transport hazardous cargo.

### **P012-5**

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

HST infrastructure in the vicinity of the Pioneer Union Elementary School District includes radio communication towers, traction power electrical stations, and possibly an HST station. The radio communication towers and traction power electrical stations would not result in air quality, safety, or transportation impacts. The HST station will generate additional traffic in the vicinity of the station. Traffic impacts associated with the station are described in Section 3.2.5 of the EIR/EIS. Air quality impacts associated with increased traffic are described in Section 3.3.5 of the EIR/EIS.

Response to Submission P012 (Diane Cox, Pioneer Union Elementary School District, August 28, 2012) - Continued

**P012-6**

FRA noise impact assessment methodology contains criteria for noise and vibration impact to schools as well as other institutional land use. Schools and other institutional land uses with no nighttime use are included in FRA Land Use Category 3 for noise and vibration impact criteria. Category 3 includes institutional land use with primarily daytime and evening use. This includes schools, libraries, and churches, where it is important to avoid interference with such activities as speech, meditation, and concentration on reading material.

Potential noise impact has been assessed at sensitive receptors and these areas are identified in Section 3.4.7, Environmental Consequences, of the Revised DEIR/Supplemental DEIS and shown in Figures 3.4-9 through 3.4-13. The locations of potential barriers are illustrated on Figures 3.4-15 through 3.4-19. Refer to Section 3.4.6 for a complete listing of noise impact mitigation measures that would reduce noise impacts below a "severe" level. The Proposed California High-Speed Train Project Noise and Vibration Mitigation Guidelines developed by the Authority (see Appendix 3.4-A of the Revised DEIR/Supplemental DEIS) were used to determine whether mitigation would be proposed for these areas of potential impact. The Guidelines require consideration of feasible and effective mitigation for severe noise impacts (impacts where a significant percentage of people would be highly annoyed by the HST Project's noise).

The Authority will refine mitigation for homes (and other noise-sensitive receptors like schools) with residual severe noise impacts (i.e., severe impacts that remain notwithstanding noise barriers) and address them on a case-by-case basis during final design of the Preferred Alternative. In addition to the potential use of noise barriers, other forms of noise mitigation may include improvements to the home/school itself that will reduce the levels by at least 5 dBA, such as adding acoustically treated windows, extra insulation, and mechanical ventilation as detailed in Section 3.4.6, Project.

The Revised DEIR/Supplemental DEIS proposes noise barriers in areas of severe noise impacts resulting from the project, where the barriers meet the cost-effectiveness criteria. To meet the cost-effectiveness criteria, barriers must mitigate noise for more than 10 sensitive receptors, be not less than 800 feet in length, be less than 14 feet in height, and cost below \$45,000 per benefitted receiver. A receiver that receives at least

**P012-6**

5-dBA noise reduction due to the barrier is considered a benefitted receiver.

Mitigation measure N&V-MM#3 provides that sound barriers may be installed to reduce noise to acceptable levels at adjoining properties. These may include walls, berms, or a combination of walls and berms. The specific type of barrier will be selected during final design, and before operations begin. In addition, mitigation measure N&V-MM#3 provides that prior to operation, the Authority will work with communities regarding the height and design of sound barriers using jointly developed performance criteria, when the vertical and horizontal location have been finalized as part of the final design of the project. Mitigation measure VQ-MM#6 requires the provision of a range of options to reduce the visual impact of the sound barriers.

**P012-7**

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

For information about impacts on school district funding and access, see the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact #15. For information about impacts on schools and bus transportation, see Volume II, Appendix 3.12-B. Because there are suitable locations in almost all areas to accommodate the residential displacement, no long-term effect on school district attendance and related per-pupil funding, or impact on student learning is expected to occur.

**P012-8**

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.

## Response to Submission P012 (Diane Cox, Pioneer Union Elementary School District, August 28, 2012) - Continued

### **P012-8**

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

The California HST alternative track alignments pass near many wireless systems used by 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 project, including its trains, traction power system, and communications systems, does not interfere with neighbors or with HST equipment.

During the planning stage through the 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 will incorporate these design requirements into bid specifications used to procure radio and all other 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, testing, and evaluation of system performance.

Section 3.5, Electromagnetic Fields and Electromagnetic Interference, of the EIR/EIS primarily considers EMFs at the 60-hertz (Hz) power frequency, and at RFs produced intentionally by communications or unintentionally by electric discharges. EMI is avoided from intentionally produced communications and from other energy sources primarily through the Authority's commitment to adhere to its EMCPP. The EMCPP's 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 project would use radio systems for automatic train control, data transfer, and communications. HST radio systems would transmit radio signals from antennas located at stations and at the heavy maintenance facility (HMF) along the track alignment and

### **P012-8**

on locomotives and train cars. The HST System may acquire two dedicated frequency blocks in the 900-megahertz (MHz) frequency range presently used by cellular telephone for use by automatic train control systems or may use other licensed, exclusive-use frequencies. If used, this spectrum would be dedicated for 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 System 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. 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 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.

### **P012-9**

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

See the Revised DEIR/Supplemental DEIS, Volume II, Appendix 3.12-B for analysis of the potential effects on school district funding.

### **P012-10**

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

For information on the HST operation-related property and sales tax revenue effects,

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## Response to Submission P012 (Diane Cox, Pioneer Union Elementary School District, August 28, 2012) - Continued

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**P012-10**

see the EIR/EIS, Volume I, Section 3.12, Impacts SO #3, SO #4, and SO #12.

**P012-11**

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

**P012-12**

Refer to Standard Response FB-Response-LU-03, FB-Response-LU-04, FB-Response-SO-05.

For information on the potential for changes in school district funding, see the EIR/EIS, Volume I, Section 3.12, Impact SO #14.

**P012-13**

Pioneer Elementary School, Frontier Elementary School, and Pioneer Middle School all have solar farms on the school property. These three schools are located closest to the Hanford West Bypass alternatives. The solar farms for Frontier Elementary, Pioneer Elementary, and Pioneer Middle schools are located 0.3, 0.8, and 2.8 miles from the Hanford West Bypass alternatives. The HST alignments will not impact these solar farms.

**P012-14**

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

Project construction is expected to be completed in 7 to 9 years. This period extends from the beginning of the first phase of construction and continues through operational testing of the HST System. It is expected that heavy-construction activities, such as grading, excavating, and laying the HST railbed and trackway, would be accomplished within a 5-year period. The specific construction impacts on each community would not occur throughout the entire duration of the project construction period.

See Technical Appendix 3.12-C, Children's Health and Safety Risk Assessment, in Volume 2 of the Final EIR/EIS. This appendix describes the potential environmental health and safety risks to children during project construction and operation.

**P012-14**

For information on the impacts of the project on schools and bus transportation, see Technical Appendix 3.12-B, Effects on School District Funding and Transportation Bus Routes, in Volume 2 of the Final EIR/EIS.

**P012-15**

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

Compensation or mitigation is not provided for construction period because impacts are temporary and not significant.

**P012-16**

There are no designated construction staging areas in the vicinity of the District's schools. However, earth-moving equipment, construction worker vehicles, and material laydown may be done within the permanent footprint of the project in the District's service area.

**P012-17**

Items classified as hazardous materials, such as fuels, lubricants, and paints, would be used during construction of the Fresno to Bakersfield Section of the HST. The transport, storage, use, and disposal of these materials are governed by numerous state and federal regulations that would be complied with by the construction contractor, including development and implementation of necessary spill prevention and response plans.

As per Mitigation Measure HWM #4 and HWM#7, no materials defined as *extremely hazardous* would be used within 0.25 mile of a school. Extremely hazardous materials are defined by both the compound and the quantity of the material on hand, and it is likely that most substances classified as extremely hazardous materials would either not be needed during construction or would be used on only very small quantities below the thresholds for definition as extremely hazardous. The effect of hazardous materials released to the environment in the unlikely event of a leak or spill as the result of an accident or collision during construction would largely be negligible because of the generally small quantities of materials transported or used at any given time and

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Response to Submission P012 (Diane Cox, Pioneer Union Elementary School District, August 28, 2012) - Continued

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**P012-17**

because of the precautions required by regulations, such as spill response and contingency plans.

**P012-18**

The Pioneer Elementary School District and surrounding community include mostly agricultural land as well as some business and suburban homes. The main community impact associated with the Hanford West Bypass 1 and Bypass 2 alternatives would be felt in the vicinity of 13th Avenue and the Hanford-Armona Road, mainly as a result of ancillary road work rather than track construction. Although the loss of a few homes would be a hardship for the affected households, it would not divide or disrupt the community. The displaced households would be expected to have the opportunity to relocate in the area. The school district is currently already divided by linear features such as roads, canals and existing freight rail lines. The HST would become an additional linear feature in the district, but transportation from east to west would be maintained across existing roadways, and would therefore not create a psychological barrier in the school district.

Submission P013 (Scott Davis, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1                   Scott Davis, Carol Walters and Charlene  
2 Hook.  
3                   MR. DAVIS: Hi. I'm Scott Davis, a retired  
4 biology teacher. I'm originally from the Bay Area where  
5 they built the rapid transit. It took my best friend's  
6 house. When that went in they said it was going to be  
7 too expensive, no one would ride it. Gas was at 30  
8 cents a gallon, so it definitely looked that way.  
9                   But I tried to catch a train just recently  
10 in Castor Valley, the parking lot was full. There was  
11 at least 1,000 cars parked in that one town taking that  
12 mode of transportation.  
13                   If we have a train coming through here, a  
14 lot of people don't realize that will take about 400  
15 cars off of Highway 5. That's about a savings of 8,000  
16 gallons. Now, according to the EPA, one gallon of gas  
17 will come out to about 19 pounds of CO2. That's saving  
18 -- from those 400 cars from one train alone, that's  
19 152,000 pounds of carbon dioxide out of the atmosphere.  
20 Right now we're suffering global warming because of the  
21 carbon dioxide in the atmosphere. So if we had one  
22 train going each direction going every hour for one day,  
23 that's going be saving 7,296,000 pounds of carbon  
24 dioxide out of the air. And also saving our natural  
25 resources, 384,000 gallons of gas.

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P013-1

Hanford High-Speed Train Meeting  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

P013-2 | 1                   Now with planes -- I was looking through  
2 | 2 Southwest Airlines, Southwest alone sends 145 planes per  
3 | 3 day from the LA basin to the San Francisco basin. We  
4 | 4 could be taking a lot of those planes out of the  
5 | 5 atmosphere. Just one plane uses about 1,500 gallons of  
6 | 6 gas. That's 85,000 pounds of carbon dioxide that's  
7 | 7 going straight up into the upper atmosphere where there  
8 | 8 are no plants to change the Carbon Dioxide back to  
9 | 9 oxygen. So that's where it is very, very crucial. One  
10 | 10 train could replace three planes in the air. In one day  
11 | 11 that would be saving about 4 billion -- I'm sorry,  
12 | 12 4,104,000 pounds of carbon dioxide.  
13 | 13                   So I don't even know the results from  
14 | 14 removing Amtrak trains off the rail. You're looking  
15 | 15 there at the diesel fuel going to Bakersfield, and also  
16 | 16 all the buses that have to go over the Grapevine from  
17 | 17 there.  
18 | 18                   So we have to look when -- our farmers here  
19 | 19 in this Kings County have to realize farmers in the  
20 | 20 Midwest are starving right now dealing with global  
21 | 21 warming.  
22 | 22                   This train has an opportunity to be one  
23 | 23 small part in curing the problem of global warming. So  
24 | 24 I just really urge you to keep up the good work. Thank  
25 | 25 you.

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P013-3

P013-4

P013-5

Hanford High-Speed Train Meeting  
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Response to Submission P013 (Scott Davis, August 28, 2012)

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**P013-1**

Refer to Standard Response FB-Response-GENERAL-09.

**P013-2**

Refer to Standard Response FB-Response-GENERAL-09.

**P013-3**

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

**P013-4**

Refer to Standard Response FB-Response-GENERAL-09.

**P013-5**

Refer to Standard Response FB-Response-GENERAL-09.

Your support of the project is noted.

Submission P014 (Mary Jane Fagundes, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 How do they apply the NEPA environmental justice  
2 practices to the policy decisions relating to the  
3 Revised Draft Environmental Impact Statement that was  
4 published before the policy was established? Something  
5 to think about. How does the FRA reconcile this? Or  
6 does it?

7 Withdraw the EIS until the California High  
8 Speed Rail Authority proves that it is complying with  
9 federal law. We have not seen it yet.

10 The question is, do you care? Or are you  
11 just here to get your money and screw us and our  
12 families and our lives. Please, rethink this.

13 MR. MORALES: Thank you, Mr. Lamb.

14 Mary Jane Fagundes.

15 MS. FAGUNDES: Hello, I'm Mary Jane  
16 Fagundes. I live at 9785 Ponderosa in Hanford.

17 Ms. Perez, I wish to speak to you about  
18 widespread and severe violations of NEPA environmental  
19 justice law. NEPA regulations also include executive  
20 order Number 12898. The order addresses achieving  
21 environmental justice by identifying and addressing  
22 appropriately disproportionately high and adverse human  
23 health or environmental affects of its programs,  
24 policies, and activities on minority and low income  
25 populations.

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Hanford High-Speed Train Meeting  
559-224-9700

P014-1

This transcript was prepared for you by:  
Fresno Court Reporters

1 The order specifically emphasizes the  
2 importance of NEPA's public participation process,  
3 directing that each federal agency shall provide  
4 opportunities for community input in the NEPA process.

5 The Federal Rail Administration, in accordance  
6 with NEPA regulations is responsible for ensuring  
7 effective policies to help identify potential effects  
8 and mitigation measures in consultation with effected  
9 communities and improving the accessibility of meetings,  
10 crucial documents and notices.

11 Authority compliance with the Environmental  
12 Justice Regulations mandated by NEPA were not even  
13 considered until September 15, 2011 when the Federal  
14 Rail Administration directed the authority to develop  
15 and implement a Title 6 program to finally address how  
16 the Authority will ensure nondiscrimination in the  
17 federally, financially, assisted high speed rail  
18 project.

19 As of August 2nd, 2012 the Authority had not  
20 yet filled the position of the Title 6 coordinator.  
21 During the August 2nd, 2011 -- 2012 Authority board  
22 meeting held in Sacramento, the Authority, for the first  
23 time, adopted an Environmental Justice Guidance Policy.  
24 Board meeting agenda item number 4 made two requests of  
25 the board, number one, approve the California High Speed

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Submission P014 (Mary Jane Fagundes, August 28, 2012) - Continued

This transcript was prepared for you by:  
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P014-1

1 Rail Authority Environmental Justice Policy. And  
2 authorize the chief executive Officer, Jeff Morales, to  
3 sign and widely disseminate.  
4 Number two, adopt the environmental justice  
5 guidance and Authorize the CEO to transmit the  
6 Environmental Justice Guidance Policy to the Federal  
7 Rail Administration. The Authority also adopted  
8 resolution CHSRA 12 dash 22 that resolved to approve a  
9 new Environmental Justice Guidance Policy.

10 The Authority's new Environmental Justice  
11 Guidance Policy emphasizes the fair treatment and  
12 meaningful involvement of people of all races, cultures,  
13 and income levels including minority and low income  
14 populations from the early stages of transportation  
15 planning and investment decision making, design,  
16 construction, operations, and maintenance.

P014-2

17 The Authority has unfairly excluded  
18 thousands of people of all races and cultures from  
19 having any meaningful involvement in the early stages of  
20 the project's planning, design, and decision making  
21 process.

P014-3

22 How does the Federal Rail Administration  
23 reconcile these facts? Was the Environmental Justice  
24 really considered in the EIS Merced to Fresno? Thank  
25 you.

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This transcript was prepared for you by:  
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1 MR. MORALES: Thank you, Ms. Fagundes.  
2 Todd Fukuda.  
3 MR. FUKUDA: Good afternoon, Mr. Valenstein.  
4 I wish to speak to you about violations of  
5 NEPA environmental justice law.

6 The Fresno to Bakersfield EIS reflects that  
7 the city of Bakersfield will be dissected by three  
8 potential alignments. All three alignments will impede  
9 movements through the city physically destroying many  
10 businesses, destroying places of worship, destroying  
11 schools, low income minority neighborhoods, and separate  
12 the city visually from one side to the other, while  
13 exposing the population to excessive noise.

14 With that said, what happens to the city of  
15 Bakersfield if the project is built through the city but  
16 the Authority never successfully builds the high speed  
17 train system, as they claim they can do without the  
18 hundred billion dollars that are missing? The city of  
19 Bakersfield loses their businesses, schools, churches  
20 and neighborhoods.

21 NEPA requires that the Authority demonstrate  
22 the need for a proposed project compared with a no build  
23 option. What about the impacts to Bakersfield if the  
24 Authority fails? The High Speed Rail Authority  
25 currently plans to address that but due to the lack of

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Response to Submission P014 (Mary Jane Fagundes, August 28, 2012)

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**P014-1**

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

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 (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. Volume 1 Section 3.12 Impacts SO#17 and SO#18 summarize these findings. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including environmental justice laws.

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 DOT 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 Environmental Justice communities. 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.

**P014-2**

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

**P014-3**

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

The Authority's Environmental Justice (EJ) Guidance and Title VI Program were vetted with the Federal Railroad Administration (FRA). The Authority has subsequently received an FRA comment to include the DOT 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. Actions taken prior to its adoption do not suggest non-compliance with the law in either the Fresno to Bakersfield environmental process or the Merced to Fresno Final EIR/EIS.

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

Submission P015 (Jerry Fagundes, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1                   How does the Federal Rail Administration  
2 reconcile this reality? Withdraw the EIS until CHSRA  
3 actually demonstrates that it is complying with NEPA.  
4 Thank you.

5                   MR. MORALES: Thank you, Mr. Young.  
6                   Final speaker Jerry Fagundes.

7                   MR. FAGUNDES: Jerry Fagundes 9785  
8 Ponderosa. I was going to read off my script but you  
9 really need to understand that this county wants to be  
10 involved. We've asked questions. Jeff knows we've been  
11 in this for going on two years.

12                   The very first time we met with HRS  
13 representatives in Fresno in February of 2011, Aaron  
14 gave them 25 questions that we would like answered.  
15 Have not seen the answers. And that's pretty much been  
16 probably our main complaint.

17                   And a lot of times we've been told the  
18 answers will be in the EIR/EIS. We cannot find the  
19 answers to most of our questions. Questions like you're  
20 going to go through the middle of our field and divide  
21 off a little section and we have no road to get to it.  
22 There's not a county road connected anywhere. The  
23 property around our property is owned by somebody else.

24 And all we've heard is, okay, well, we'll take care of  
25 that. The right-of-way officers will work that out with

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P015-1  
P015-2  
P015-3  
P015-4

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1 you. It should be in the EIR how they're going to  
2 mitigate that.

3                   My personal story is, I live on Ponderosa  
4 Street. I guess I'm fortunate being that the train is  
5 across the street from me, approximately 90 feet from my  
6 house front door to the track that's 45 feet above the  
7 ground level.

8                   But we will not be impacted according to  
9 California High Speed Rail Authority. They do not have  
10 to do anything for us because they are not touching our  
11 property. But I'm going to highly doubt that I will not  
12 hear the train or feel the train. But in the EIR there  
13 is no -- they cannot put a sound wall because there's  
14 not enough houses in the area. They can't plant trees  
15 in the front yard and protect me. I have a front  
16 driveway and you cannot block my driveway. But the only  
17 mitigation says that there will be -- the right-of-way  
18 officer will work that out with you. So does that mean  
19 they're going to pay me to listen to the train for the  
20 rest of my life, I mean the vibration?

21                   It's frustration because we're not just  
22 coming here as landowners, you're in my backyard, my  
23 case, front yard. We're just frustrated with the whole  
24 process of not getting the answers to our questions.  
25 Simple as that.

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P015-5

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Submission P015 (Jerry Fagundes, August 28, 2012) - Continued

This transcript was prepared for you by:  
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1                   And I thank you folks for coming to listen  
2 to us.  
3                   MR. MORALES: Thank you. That concludes  
4 this evening. Thank you, everyone, for participating.  
5 Please be careful getting home this evening. I expect  
6 to see some of you tomorrow.  
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## Response to Submission P015 (Jerry Fagundes, August 28, 2012)

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**P015-1**

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.

**P015-2**

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

**P015-3**

Refer to Standard Response FB-Response-AG-02, 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 Volume III of the EIR/EIS.

**P015-4**

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

For more information on the property acquisition and compensation process, see Volume II, Technical Appendix 3.12-A, of the EIR/EIS.

**P015-5**

Refer to Standard Response FB-Response-N&V-03, FB-Response-N&V-05.

Submission P016 (Mary Jane Fagundes, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

P016-1

1 and Helen Sullivan.  
2 MS. FAGUNDES: My name is Mary Jane  
3 Fagundes. I live at 9785 Ponderosa in Hanford. This  
4 statement will be short, which I know is quite unusual  
5 for me. But I would ask that California High Speed Rail  
6 as well as the Federal Rail Administration please heed  
7 this. This is a thought for today and it is a quote  
8 from Lyndon Baines Johnson.  
9 "So whether it's a Democrat or Republican,  
10 devil or angel, this is conscience speaking. Doing  
11 what's right isn't the problem, it is knowing what is  
12 right."  
13 MR. MORALES: Thank you.  
14 Alan Scott followed by Helen Sullivan and  
15 Maureen Fukuda.  
16 MR. SCOTT: I'd like to just hold the clock  
17 for a second for something I have to say. To  
18 Mr. Abercrombie, thank you for talking to me. I will  
19 just say this much right now, I will do my due diligence  
20 regarding my previous comments to find out where they're  
21 at. If there is some issues with it and if I have to  
22 make a formal apology, I will do that. However, at the  
23 same time it's still an ownership of no notification.  
24 Do we agree on that one?  
25 MR. ABERCROMBIE: We agree to disagree.

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Response to Submission P016 (Mary Jane Fagundes, August 28, 2012)

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**P016-1**

The Authority and FRA will consider the environmental impact analysis presented in the EIR/EIS, the comments received on the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS, the responses to those comments, and other public and agency input when making the decision whether to approve this project.

Submission P017 (Jerry Fagundez, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 to prevent the people from Kings County from speaking at  
2 the board meeting during the public comment period. How  
3 does the Federal Rail Administration reconcile this  
4 reality?

5 CHSRA has not complied with NEPA all along  
6 the way that they have represented themselves. Please  
7 withdraw the ESI until they demonstrate they can comply  
8 with NEPA instead of pretending to on paper. Thank you.

9 MR. MORALES: Thank you, Mr. Oliveira.  
10 Jerry Fagundez and Alan Scott.

11 MR. FAGUNDEZ: Good afternoon Ms. Perez and  
12 Ms. Hurd, Mr. Valenstein. Thank you for being here to  
13 listen to us.

14 The California High Speed Rail Authority now  
15 admits that it must comply with the environmental  
16 justice components of NEPA. The CHSRA states that one  
17 of its three fundamental environmental principles --  
18 justice principles is to avoid, minimize, and mitigate  
19 this purportedly high human health environmental affects  
20 including social and economic affects on minority and  
21 low income populations.

22 How is the Federal Rail Administration going  
23 to reconcile that the California High Speed Rail  
24 Authority's planning to devastate the low income,  
25 minority income communities of Armona, Corcoran, Wasco,

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Hanford High-Speed Train Meeting  
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P017-1

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1 Shafter and parts of Bakersfield with the route  
2 selection through those communities? The California  
3 High Speed Rail Authority in many cases used 12-year-old  
4 census data to improperly classify population impacts  
5 when the 2010 census data is readily available, and  
6 demographics have changed. Practicing due diligence,  
7 actually working in coordination with these local  
8 populations would have also prevented these errors.

9 How does the Federal Rail Administration  
10 reconcile this lack of environmental justice? Was this  
11 considered in the Merced to Fresno EIS?

12 Withdraw the EIS until the California High  
13 Speed Rail Authority actually demonstrates that it is  
14 compliant with NEPA instead of pretending on paper that  
15 it is complying. Thank you.

16 MR. MORALES: Thank you, Mr. Fagundez.

17 Alan Scott, Calleen Kohns and Joe Machado.

18 MR. SCOTT: Afternoon again. Alan Scott.  
19 I'm with Citizens for High Speed Rail Accountability.

20 To Ms. Hurd, Ms. Perez, and Mr. Valenstein,  
21 after 16 years of operation, the California High Speed  
22 Rail Authority now admits it must comply with the  
23 environmental justice components of NEPA -- after 16  
24 years of operation, the California High Speed Rail  
25 Authority now admits it must comply with the

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## Response to Submission P017 (Jerry Fagundez, August 28, 2012)

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**P017-1**

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

See EIR/EIS Volume 1 Section 3.12 Impact SO#17 and Impact SO#18 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 in those cases where an impact will remain significant 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 had not been published and therefore, the 2000 Census data were used for the socioeconomic 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, and local data sources. The methodologies for identifying and analyzing affected populations as well as all data sources used are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h).

Please see Section 3.12.3, Methods for Evaluating Impacts, of the Merced to Fresno Final EIR/EIS, which describes the methodology used to perform the Environmental Justice analysis. The same methodology was used in the Fresno to Bakersfield Final EIR/EIS; see Section 3.12.5, Methods for Evaluating Impacts.

Submission P018 (Aaron Fukuda, August 28, 2012)

This transcript was prepared for you by:  
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1 showed up in June and more people showed up in July.  
2 Chairman Umburg, who was the chairman at  
3 that time, prevented people from Kings County from even  
4 speaking at that meeting. We filed comment cards, which  
5 I'm going to give you. These are out of High Speed Rail  
6 Authority's records from a public records request.  
7 On these documents, we clearly indicate that  
8 we were asking early in the planning to evaluate  
9 Interstate 5 and we asked to comply with NEPA and  
10 several other things. And what we were met with was  
11 about 16 of us were not even allowed to speak in a  
12 public meeting in violation of our civil rights and in  
13 violation of states -- I would like to present this to  
14 you. These are the people from Kings County that  
15 supposedly never spoke up about environmental justice.  
16 This is from a year and a half ago or less. Thank you.  
17 MR. MORALES: Thank you, Mr. Oliveira.  
18 We're going to go with new speakers first.  
19 Aaron Fukuda.  
20 MR. FUKUDA: Wow, I didn't even get a chance  
21 to collect my thoughts so I'll just go with it.  
22 Welcome back, Mr. Valenstein, I think  
23 Ms. Hurd. And Ms. Hurd, I think you're new to the Kings  
24 County area.  
25 I think you see there's quite a bit of

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P018-1

P018-2

1 frustration here. Really what -- this project is a  
2 statewide project, and I think CEQA and NEPA speaks  
3 specifically to ensuring that those concerns are heard,  
4 dealt with.  
5 I apologize if this is repetitive because I  
6 think Mr. Oliveira might have covered this. But I know  
7 everything is going retro these days. We like to go  
8 backward. So I'm going to go back to 2005 where the EIR  
9 was executed.  
10 CEQA and NEPA is a really important process  
11 because it's meant to bring everybody together to the  
12 table to make sure the impacts are heard. I think Frank  
13 indicated that he went through the documents. It was  
14 really shocking to me when I went back. There is  
15 literally a gaping hole between Fresno and Bakersfield.  
16 There is no outreach. Not a single -- there was only  
17 one outreach to a chamber of commerce. No elected  
18 officials were contacted. No local residents were  
19 contacted.  
20 I want to move forward into the alternative  
21 analysis work that was done. There was no notice to the  
22 individual landowners that might be along the alignment  
23 to participate in that selection process. And, in  
24 actuality, during that time period there was what I  
25 would characterize as misbehave -- or misinformation on

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Submission P018 (Aaron Fukuda, August 28, 2012) - Continued

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P018-3

1 behalf of the Authority to landowners. So there was a  
2 confusion as to what was happening and what was not  
3 happening.  
4 So if you don't know what's happening, you  
5 can't be a part of the process, it must be very clear.  
6 And that's why our local agencies, even if there is a  
7 small zoning change, everybody within a mile is notified  
8 by written notice of what's occurring.

9 I think Mr. Abercrombie was contacted by  
10 myself prior to a March 2011 Authority board meeting to  
11 discuss the alternative analysis report. The  
12 information that Mr. Abercrombie indicated to me, that  
13 there was going to be no discussion on the Hanford  
14 alignment. It was only going to be concentrating on the  
15 Fresno aerial viaducts. Come to find out that was the  
16 meeting where Mr. Abercrombie reported to the Authority  
17 that there was no problems in Kings County per the  
18 alternative analysis and moved forward.

19 Upon contacting Mr. Abercrombie back, he  
20 indicated he did not know what was in the presentation.  
21 Yet at that time he's the director over the consulting  
22 firms giving the presentations. Unacceptable and  
23 unheard of.

24 So I go back to the beginning and bring you  
25 through to the forward. The public is being misinformed

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P018-4

1 and confused. Therefore, it is hard for us to be a part  
2 of that process. So, hence, you hear the anger.

3 I think your process is broken. In order  
4 for a broken process to be rewritten, you have to stop.  
5 That's unfortunate for the High Speed Rail project. But  
6 you are now at the edge of a precipice of approving  
7 something that was poorly executed here in California.  
8 Your names will be forever tied to this if it is  
9 approved.

10 Thank you very much.

11 MR. MORALES: Thank you, Mr. Fukuda.

12 Ken Jensen -- Ken Jensen and then Louis  
13 Oliveira and Jerry Fagundez.

14 MR. JENSEN: My name is Ken Jensen. I  
15 represent Jensen Aircraft Service. I work on ag  
16 aircraft in four counties; Kern, Kings, Fresno and  
17 Madera Counties. When you take this boondog train and  
18 run it right through the heartland of our agriculture  
19 society here, agriculture area, you slice lots and lots  
20 of parcels into smaller groups, farms. My customers all  
21 lose the capability to treat these acreages because they  
22 become too small. If you -- you have to stay a certain  
23 amount of feet away from the train tracks. So they have  
24 to stay away, they'll lose all that revenue.

25 How do you propose to replace their income,

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## Response to Submission P018 (Aaron Fukuda, August 28, 2012)

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**P018-1**

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

**P018-2**

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

The public outreach process for the Fresno to Bakersfield Section of the HST System has been extensive; that process has included hundreds of public meetings and briefings where public comments have been received, participation in community events where participation has been solicited, and the development and distribution of educational materials to encourage feedback. These efforts are cited in Chapter 7, Public and Agency Involvement, of the Revised DEIR/Supplemental DEIS. Public notification regarding the draft environmental documents took place in the following ways. A notification letter, informational brochure, and NOA were prepared in English and Spanish and sent to landowners and tenants within 300 feet of all proposed alignment alternatives. The letters notified landowners and tenants that their property could become necessary for construction (within the project construction footprint) of one or more of the proposed alignment alternatives or project components being evaluated. Anyone who has requested to be notified or is in our stakeholder database was sent notification materials in English and Spanish. An e-mail communication about the notification materials was distributed to the entire stakeholder database. Public notices were placed in English- and Spanish-language newspapers. Posters in English and Spanish were posted along the project right-of-way.

**P018-3**

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

The Authority and FRA recognize the concerns of Kings County representatives and community members and wish to maintain an open dialogue about the project. The Authority welcomes the opportunity to meet with landowners and stakeholders. Also, 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.

**P018-4**

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

The Authority has held numerous public meetings from the beginning of project planning through the environmental review process to provide the public with information about project developments. From the comments received during those meetings and public comments on the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS, it appears that the public is well informed about the project.

Submission P019 (Aaron Fukuda, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 through Corcoran or severe influence as has been  
2 conveyed in the past.

3 And for the record, the city of Corcoran is  
4 concerned about routes that negatively impact low-income  
5 neighborhoods that potentially cripple our downtown  
6 corridor and other businesses that may result in the  
7 loss of Amtrak and that are in conflict with the cities  
8 general plan.

9 At the same time, the city recognizes that  
10 the High Speed Rail Authority has been attentive to  
11 comments made by the city with the previous Draft  
12 Environmental Impact Report and changes have been made  
13 in the second version.

14 The city hopes and anticipates that the High  
15 Speed Rail Authority will show the same attention to  
16 comments that will be submitted in the near future.

17 Thank you.

18 MR. MORALES: Thank you, Mr. Meek.  
19 Andrea Pike. No. Okay, Aaron Fukuda.

20 MR. FUKUDA: I apologize there might be two  
21 cards in that deck so just disregard one. I apologized  
22 also in the thought that we were keeping to the three  
23 minute time limit. I kind of rushed through my last  
24 speech and I forgot I had the documents that show  
25 exactly what type of outreach was done during the

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P019-1  
1 problematic EIR and I was looking through it again just  
2 to make sure I got all my facts right. And I'm going  
3 through this 21-page list of outreach that was done for  
4 the programatic EIR and I found one meeting with a  
5 Hanford Chamber of Commerce in 2002.

6 The rest of all of this is everywhere but in  
7 between Fresno and Bakersfield. So what came to my mind  
8 was going through there is truthfully what the  
9 California High Speed Rail Authority has done because  
10 they are the agent executing this project. They  
11 discriminated against the whole block of the Central  
12 Valley that being in between Fresno and Bakersfield.  
13 Those people were not reached out to. Nobody spoke to  
14 them about the programatic EIR. So a lot of people  
15 didn't know what was going on.

16 I being one of them, a civil engineer,  
17 didn't know what was going on. The publishing was not  
18 published in the local newspapers. It was only  
19 published in the Fresno Bee and Bakersfield paper. So  
20 no local papers were carrying the advertisement for the  
21 programatic EIR.

P019-2  
22 And I hate to do this this, but I think this  
23 project needs to go back to the programatic EIR to open  
24 it up. Because there were large groups of people unable  
25 to submit comments and their thoughts on the process.

P019-3  
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Submission P019 (Aaron Fukuda, August 28, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P019-4

1 That mainly would have been ideas like why is the I5  
2 being eliminated and like that. And that was probably  
3 done craftily so we could not bring it back up. We know  
4 that is all legalities. We'll go through that at a  
5 later time in our comment letters and I will be handling  
6 those. And so I'll pass those along to you in a minute.

7 The second item I wanted to touch on really  
8 quickly is, it's funny I was late to this meeting  
9 because I was at another meeting. Oddly enough, I was  
10 meeting with a federal agency on an EIS document of all  
11 things.

12 That agency has been working for a year on  
13 one simple item, the project description. I'm reading  
14 this document and I'm just going to give this as one of  
15 my comments to the EIS/EIR.

P019-5

16 The project description in this document is  
17 the worst project description I've ever read in an  
18 EIR/EIS ever. It doesn't report with any of the  
19 previous documents submitted alternative analysis  
20 reports, business plans, and what I'm going to point out  
21 is one of the key items. The project description does  
22 not explain that in the interim between the high speed  
23 rail service and construction that Amtrak service is  
24 planned to be put on that track.

P019-6

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25 The project description is supposed to

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Hanford High-Speed Train Meeting  
559-224-9700

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1 relate to the public what is going to be done. If that  
2 is part of the process, it needs to be explained.  
3 Furthermore, it needs to be analyzed. If it's not  
4 analyzed, it's not part of the project. Let's follow  
5 that through. If it's not part of the project, it's not  
6 going to happen. If it's not going to happen, the  
7 Authority no longer has independent utility. It does  
8 not have independent utility, it does not have access to  
9 the federal funds.

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10 So as of today not only in our document, but  
11 also in the Fresno Merced there is no description, no  
12 analysis of the Amtrak service, which is a different  
13 service than high speed rail service, which has it's own  
14 separate impact and analysis. Therefore, they cannot  
15 maintain independent utility.

16 Lastly, and I jump out on a limb here. I  
17 know some of you are -- is not from Washington, D.C. and  
18 you're -- would you happen to be from Washington D.C.  
19 well, nobody is from Washington.

20 Well, I went over there last year for a  
21 lobbying trip. Little did I know that lobbying -- what  
22 it entailed. So I put on my suit and went to  
23 Washington, D.C. and did my thing. And I was honored to  
24 be asked to go to Washington, D.C. and I came away with  
25 a sickening feeling because they asked me to make my

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1 statement.  
2 Each individual person gets to round about  
3 each Congressman or Congress woman. I said whatever you  
4 do, stop what you're doing in Washington, D.C. because  
5 by the time it gets to California, we tend to "you know  
6 what it up." And that's what this project has made  
7 happen, it's from day one everybody got it in their mind  
8 that we can just plow through without sitting down and  
9 using our professional practices to meet with people,  
10 understand, and get the largest infrastructure project  
11 off the ground and going.  
12 Mr. Morales has just joined the team but for  
13 all his benefits and such he cannot un do the damage  
14 that has been done in the past. He cannot undo it. So  
15 go back to the problematic EIR because right now, you  
16 don't have a project because you don't have a project  
17 description.  
18 Thank you.  
19 MR. MORALES: Thank you, Mr. Fukuda.  
20 Andrea Pike.  
21 MS. PIKE: As you probably noticed  
22 agriculture is a life blood of this community. And even  
23 most of you realize that the life blood of agriculture  
24 is water. Well, the farms along the high speed train  
25 line may receive a percentage of their water needs from

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**8 PUBLIC AND AGENCY INVOLVEMENT**

Pursuant to the requirements of CEQA and NEPA, the Authority and the FRA as lead agencies have conducted a public and agency involvement program as part of the program environmental review process. This chapter describes the public and agency involvement efforts conducted in the preparation of this Program EIR/EIS. The public and agency involvement program included the following efforts.

- Public involvement and outreach—informational materials, including region-specific fact sheets; information and scoping meetings including town hall meetings; public and agency scoping meetings, meetings with individuals and groups, presentations and briefings.
- Agency involvement—agency scoping meetings, interagency working group, other agency consultation.
- Notification and circulation of the Program EIR/EIS.

**8.1 PUBLIC INVOLVEMENT AND OUTREACH BEFORE DRAFT PROGRAM EIR/EIS RELEASE**

**8.1.1 Public Information**

**A. MAILING LIST**

A mailing list database was developed and used to provide information and announcements concerning the preparation of the Program EIR/EIS to the public. The database was based on an existing Authority contact list and includes more than 15,500 entries of federal, state, and local agency representatives; elected officials; property owners; interested persons; and interested organizations. The mailing list was updated to include public meeting participants and others who asked to be added. This list was used to provide notification of scoping events. The mailing list does not represent the distribution list for the Program EIR/EIS, which is presented in Chapter 11.

**B. PUBLICATIONS AND MATERIALS**

During the scoping phase, fact sheets were developed on various topics. The general fact sheet regarding scoping meetings was translated into Spanish and Chinese. Individual fact sheets covering the following general topics were compiled.

- Dates and agendas of scoping meetings.
- Role and responsibilities of the California High Speed Rail Authority.
- Project description.
- Project purpose and need and objectives, and project alternatives.
- Preliminary alignment and station options in the five regions.
- Types of high-speed trains being considered.
- Typical cross sections of high-speed train alternatives.
- Environmental review process.
- Environmental issues and technical studies.
- Visual and aesthetic resources potentially affected by the project.
- Noise and vibration, resources potentially affected by the project.

**C. CALIFORNIA HIGH SPEED RAIL AUTHORITY WEB SITE**

During the program environmental review process, project information and announcements have been posted on the Authority's Web site ([www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov)). The Authority uses the Web site to make public documents widely available. The site includes information on high-speed trains, a proposed route map from the Authority's final business plan (California High Speed Rail Authority 2002), newsletters, press releases, board of director meeting information, recent developments and new information regarding status of the environmental review process ("What's new?"), information to contact the Authority, and related links. The scoping reports and the alternatives screening reports and public materials, in addition to other reports, have also been made available on the Web site. The Web site is generally updated monthly.

**8.1.2 Public Meetings**

The Authority and the FRA held both informal and formal public meetings during the EIR/EIS preparation process. Various meeting formats (e.g., open house, formal presentation, and question and comment session) were used to present information and provide opportunities for input by participants. Numerous briefings, presentations, and small group meetings were included in the process. (See Chapter 9, *Organization, Agency, and Business Outreach*, for a list of meetings in addition to those noted here.) There were four general categories of public meetings: town hall meetings, public and agency scoping meetings, Authority governing board meetings, and presentations and briefings to interested groups.

**A. TOWN HALL MEETINGS**

Fifteen informal town hall meetings were held between February 5, 2001 and March 29, 2001, to inform the public about the EIR/EIS preparation process and the subsequent more formal public and agency scoping process. The town hall meetings included a presentation on the proposed HST system and alternatives, the environmental review process, and ways to participate in the Program EIR/EIS preparation process, along with a question-and-answer session with Authority staff and consultants. Meetings were announced through direct mail, a press release, and an announcement posted on the Authority's Web site. Approximately 538 people attended the town hall meetings. A summary of the meetings and input received is presented in *Outcome Report: Town Hall Meetings—August 1, 2001*. The places and dates of the town hall meetings are listed below.

- California State University, Sacramento—February 5, 2001.
- California Public Utilities Commission—February 5, 2001.
- California State University, Hayward—February 8, 2001.
- California State University, Stanislaus—February 12, 2001.
- California State University, Fresno—February 15, 2001.
- San Jose State University—February 15, 2001.
- California State University, Bakersfield—February 26, 2001.
- Palmdale City Hall—March 1, 2001.
- California State University, Northridge—March 5, 2001.
- California State University, Los Angeles—March 8, 2001.
- California State University, Fullerton—March 12, 2001.
- California State Polytechnic University, Pomona—March 15, 2001.
- California State University, San Bernardino—March 19, 2001.

NOTHING BEFORE REAL FRESNO AND BAKERSFIELD

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- California State University, San Marcos—March 22, 2001.
- San Diego State University—March 29, 2001.

B. PUBLIC AND AGENCY SCOPING MEETINGS

Seventeen public and agency scoping meetings were held between April 25, 2001 and May 23, 2001. In most locations, one meeting was conducted during the day and one during the evening to accommodate agency representatives and the general public. Meetings generally began with an informal open house and exhibit display followed by a presentation and comment session. Comments were documented and are summarized below by region and in the *Final Statewide Scoping Report, December 14, 2001*. Agendas, fact sheets, and scoping period comment sheets were provided. The federal notice of intent was published in the Federal Register on May 2, 2001, and the state notice of preparation was issued on April 6, 2001. Direct mail announcements of the public scoping meetings were sent to the 15,500 persons listed in the database, and the scoping meetings were announced on the Authority's Web site. Approximately 400 people participated in the formal scoping meetings. The places and dates of the public and agency scoping meetings are listed below.

- Sacramento: State Resources Building—April 24, 2001, 1:00 p.m. to 3:30 p.m.
- Oakland: Oakland City Hall—April 25, 2001, 11:00 a.m. & 6:00 p.m.
- Bakersfield: Kern County Administration Building—April 30, 2001, 3:00 p.m. & 6:00 p.m.
- Los Angeles: Japanese/American National Museum—May 2, 2001, 4:00 p.m. & 6:30 p.m.
- Fresno: Fresno City Hall—May 7, 2001, 3:00 p.m. & 6:00 p.m.
- Riverside: Riverside Convention Center—May 8, 2001, 6:30 p.m.
- San Diego: San Diego Association of Governments—May 10, 2001, 2:30 p.m., University Towne Centre, 6:00 p.m.
- Modesto: Modesto City/County Admin. Bldg.—May 14, 2001, 3:00 p.m. & 6:00 p.m.
- San Jose: Berger Drive Facility, Auditorium—May 15, 2001, 1:30 p.m. & 6:00 p.m.
- Irvine: Irvine Civic Center—May 23, 2001, 3:00 p.m. & 6:00 p.m.

In addition to the formal scoping meetings, other presentations, briefings, and workshops were held during the scoping process. Workshops were attended primarily by public agencies and other representative local organizations. Notification of the workshops was provided by telephone and fax to local/regional agency and organization representatives. Chapter 9, *Persons and Organizations Contacted*, includes a list of the additional meetings held as part of the Authority's outreach effort, both during and subsequent to scoping. Comments from these scoping workshops and meetings are summarized in the *Scoping Reports, July 2001* for each of the five regions (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).

C. CALIFORNIA HIGH SPEED RAIL AUTHORITY BOARD MEETINGS

The Authority governing board typically holds monthly meetings. Board meetings are held in different locations to encourage participation from agencies and the general public in multiple areas of the state. The board meetings held during the program environmental review process regularly included status reports on the preparation of the Program EIR/EIS and provided opportunities for public comment. Authority board meetings are announced by posting on the Authority's Web site and by mailing to approximately 1,600 persons and organizations. Board meeting minutes are also

posted on the Web site. The places and dates of the meetings of the Authority's board meetings are listed below.

- Oakland—April 25, 2001.
- Los Angeles—June 20, 2001.
- San Jose—August 1, 2001.
- Los Angeles—September 19, 2001.
- Burbank—October 26, 2001.
- Bakersfield—November 14, 2001.
- Sacramento—January 16, 2002.
- San Diego—February 20, 2002.
- San Francisco—March 20, 2002.
- San Bernardino—April 17, 2002.
- Oakland—May 15, 2002.
- Anaheim—June 19, 2002.
- San Jose—July 17, 2002.
- Fresno—August 21, 2002.
- Los Angeles—September 18, 2002.
- Sacramento—October 16, 2002.
- Bakersfield—November 20, 2002.
- San Francisco—January 28, 2003.
- Los Angeles—February 25, 2003.
- Irvine—May 27, 2003.
- Oakland—June 24, 2003.
- Los Angeles—July 22, 2003.

D. PRESENTATIONS, BRIEFINGS, AND OUTREACH

During the program environmental review process, presentations to conferences, forums, local and regional government agencies, interest groups and organizations, as well as agency meetings and other briefings, have been conducted to provide general information concerning the proposed HST system and the program environmental review process. Interest groups included non-governmental organizations (e.g., the Sierra Club), community planning organizations (e.g., San Francisco Planning and Urban Research Association [SPUR]), and public interest discussion/research groups (e.g., Los Angeles Town Hall). The state, regional, and local groups that participated in this aspect of the Authority and FRA outreach effort are listed in Chapter 9.

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**8.2 AGENCY CONSULTATION BEFORE DRAFT PROGRAM EIR/EIS RELEASE**

**8.2.1 Agency Scoping**

In addition to the statewide scoping meeting held in Sacramento on April 24, 2001, scoping meetings and informal roundtable/workshop meetings were conducted with many public agencies. Many of the agency contacts made during the scoping process led to subsequent one-on-one and small group agency consultation meetings during the preparation of the Program EIR/EIS.

**8.2.2 Interagency Consultation**

The Authority and the FRA convened staff representatives from 27 interested federal and state agencies to provide input on the environmental review process. Six federal agencies (U.S. Environmental Protection Agency [EPA], U.S. Army Corps of Engineers [USACE], Federal Aviation Administration [FAA], Federal Transit Administration [FTA], Federal Highway Administration [FHWA], and U.S. Fish and Wildlife Service [USFWS]) were designated cooperating agencies under NEPA for the preparation of the Program EIR/EIS, as reflected in a memorandum of understanding among these agencies and the FRA. There were nine consultation meetings: April 24, 2001; September 26, 2001; May 8, 2002; June 26, 2002; September 12, 2002; December 17, 2002; March 12, 2003; May 28, 2003; and July 23, 2003.

The federal cooperating agencies and the lead agencies also met on six occasions: May 8, 2002; September 12, 2002; December 17, 2002; March 11, 2003; May 28, 2003; and July 23, 2003.

**8.2.3 Other Agency Consultation**

In addition to the scoping process and interagency staff meetings, agency consultation has taken place at the state and regional levels. For example, the Authority participated in a workshop hosted by the San Diego Area Governments (SANDAG), which a number of regional jurisdictions attended. Chapter 9, *Organization, Agency, and Business Outreach*, lists these additional briefings.

The Authority met with EPA and USACE for purposes of NEPA 404 consultation on July 9, 2002. The FRA also participated in meetings with the Authority, EPA, and USACE on September 12, 2002, December 16, 2002, and December 10, 2003.

The Authority met with staff of the State Historic Preservation Office on October 23, 2002 to define the area of potential effect for the archaeology and historic property evaluation and to discuss the method of analysis proposed for this Program EIR/EIS.

The FRA and the Authority also initiated consultation with the Native American Heritage Commission for a search of their Sacred Lands file and lists of Native American contacts. The contacts were sent letters providing information about the proposed project alternatives and requesting information about any traditional cultural properties that could be affected by the project. The Authority also met with tribal representatives on September 9, 2003, at Frazier Park in the Tehachapi Mountains, on September 10, 2003, at the San Luis Recreation Area in Gustine, and on October 9, 2003, at the Temecula Community Center.

**8.3 SCOPING SUMMARY**

The scoping process helped the lead agencies identify general environmental issues to be addressed in this Program EIR/EIS. The public and agency comments identified support for and interest in the proposed high-speed train system in the general corridors to be studied, and indicated the need for the proposed system to be connected to existing transportation systems. Providing potential freight service was also frequently mentioned. Concerns regarding environmental issues typically focused on potential

noise and visual impacts, safety issues, potential impacts on air quality and sensitive habitats, and the potential for growth inducement. In addition to these issues, comments and concerns specific to each region are summarized below.

**8.3.1 Bay Area to Merced**

In the East Bay and Peninsula corridors, comments suggested the need to consider improving existing passenger rail services in existing corridors with compatible/consistent technologies versus adding new dedicated rights-of-way and services. Support was expressed for station locations at the proposed new Transbay Terminal in San Francisco and in downtown Oakland. The comments identified the need for the project to be sensitive to such environmental issues as noise, visual impacts, safety, impacts on wildlife refuges, and effects of induced growth. Concerns were raised regarding train speeds in urban areas. Some comments suggested including Altamont Pass in the study.

**8.3.2 Sacramento to Bakersfield**

Generally, the public and agency comments on an HST system in the Central Valley identified strong support for using existing rail corridors as much as possible to minimize disruption in the urban cores, as well as to minimize impacts on agricultural lands in the Central Valley. Many comments indicated a greater need for high-speed rail in the Central Valley than in other areas of the state because of limited air service into and out of the Central Valley cities. The most frequently mentioned environmental issues were preserving agricultural lands, contributing to improved air quality, and limiting potential impacts on future growth patterns.

**8.3.3 Bakersfield to Los Angeles**

The majority of those commenting on the HST system in this region viewed the Palmdale alignment (either through the Palmdale airport or the Transportation Center) as the preferred alignment. The I-5/Grapevine alignment was less preferred because of the extensive tunneling proposed, the seismic instability in the area, and the costs and uncertainty associated with tunnel construction. Comments expressed concern over the possible effects of the project, including adverse impacts on surrounding land uses, recreational areas, and agricultural lands, as well as general safety issues.

**8.3.4 Los Angeles to San Diego via Inland Empire**

In the inland corridor, two different lines of comments were presented: that the alignments should focus on corridors with the densest population, and that the alignments should focus on open land areas where greater opportunities for growth and development may exist. Comments from agencies indicated a concern that proposed stations should be located where transit-oriented land use, accessibility, and parking needs could be accommodated. Many comments suggested that this inland corridor should be connected to downtown San Diego. Comments pertaining to environmental concerns focused on visual impacts, impacts on floodplains/wetlands and sensitive habitats, noise impacts, traffic impacts, and possible growth-inducing impacts.

**8.3.5 Los Angeles to San Diego via Orange County**

Public and agency views on the relationship of high-speed trains and connectivity to LAX were varied and conflicting as to whether this would relieve or increase development pressures at LAX. Concerns about the existing LOSSAN rail corridor (south of Irvine) focused on the need to improve existing services rather than add new dedicated rights-of-way and services. Comments suggested the I-15 corridor would be better suited to dedicated high-speed services. Many comments from communities south of Irvine identified support for grade separation, but concerns were raised over the potential impacts of 200-mph train speeds on the existing communities along the LOSSAN corridor. Comments on environmental issues focused on potential visual, air quality, and noise impacts; compatibility with existing and planned land

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uses; impacts on sensitive lagoon and wetland areas; and safety. The potential impacts of an overhead catenary power supply system on views along the coast were noted. Impairment of or impacts on recreational facilities, or access to these facilities, was also raised as a concern.

**8.4 NOTIFICATION AND CIRCULATION OF THE DRAFT PROGRAM EIR/ EIS**

Notice regarding the availability and the circulation of this Draft Program EIR/EIS were provided pursuant to CEQA and NEPA requirements. The Draft Program EIR/EIS was released for public review and comment on January 27, 2004 and noticed in the federal register on February 13, 2004. The initial public comment period was scheduled to end May 14, 2004, but due to public requests, it was extended to August 31, 2004. Responsible agency and the public oral and written comments submitted by August 31, 2004 will be addressed and responded to in the Final Program EIR/EIS.

Notification packets announcing the availability of the Draft Program EIR/EIS were mailed on February 6, 2004 to federal cooperating agencies, other affected agencies and elected officials. The federal cooperating agencies received an announcement letter from the Authority, a hard copy of the Draft Program EIR/EIS, and a CD copy of the document with appendices. 140 other affected public agencies received an announcement letter from the Authority, an Executive Summary and a CD copy of the document with appendices. 282 elected officials received an announcement letter from the Authority, a Summary Brochure and a CD copy of the document with appendices. A distribution list for the Draft Program EIR/EIS is provided in Chapter 11.

To further publicize the release of the draft environmental document, press briefings were held in San Francisco, Los Angeles and Fresno. The Authority Board Chairperson, Joseph Petrillo, provided an overview of the project and the Draft Program EIR/EIS. Public Officials from each region made remarks expressing their views on the proposed project. Several media representatives attended each briefing.

The general public was informed of the Draft Program EIR/EIS release through distribution of an announcement of the document's availability to the project mailing list. The announcement also provided the details for submitting comments by mail or fax and announced that public hearings will be held in the future. The mailing list contains approximately 10,000 statewide contacts including: federal, state, and local elected officials; federal, state and local agency representatives; chambers of commerce; environmental and transportation organizations; special interest groups; media; private entities; and members of the public. The mailing list is based on the database developed during the scoping phase. The mailing list is on file with the Authority and is available for viewing.

The Program EIR/EIS was also made available for viewing and downloading at the Authority's website, [www.calhighspeedrail.ca.gov](http://www.calhighspeedrail.ca.gov). Comments were accepted directly from the website as well. The website also provided the opportunity to request a CD ROM of the document.

The announcement and website listed the 32 statewide libraries with a hard copy of the document available for review. Participating libraries were located in the following cities: Anaheim, Bakersfield, Burbank, Escondido, Fremont, Fresno, Gilroy, Irvine, Los Angeles, Merced, Modesto, Mountain View, Norwalk, Oakland, Oceanside, Ontario, Palmdale, Palo Alto, Riverside, Sacramento, San Clemente, San Diego, San Francisco, San Gabriel, San Jose, Santa Clarita, Stockton, Sylmar, Temecula, and Tulare.

The release of the Draft Program EIR/EIS was also announced through a display ad distributed in 16 statewide newspapers. The display ads were published on Friday, February 13, 2004 in the following newspapers: *Sacramento Bee*, *Daily Republic*, *Oakland Tribune*, *San Francisco Chronicle*, *San Jose Mercury*, *Modesto Bee*, *Merced Sun Star*, *Fresno Bee*, *Bakersfield Californian*, *Los Angeles Times*, *Orange County Register*, *Antelope Valley Press*, *The Press-Enterprise*, *North County Times*, *San Diego Tribune*, and *Stockton Record*.

Nothing is over papers



The Authority held a total of seven public hearings to present the Draft Program EIR/EIS and to receive public comments. Originally, five public hearings were scheduled, but with the extension of the public comment period to August 31, 2004, two more public hearings were planned. A court reporter was present at each of the public hearings to record oral comments. At each public hearing, oral comments could be made during the "public testimony" portion of the meeting or during the open house portion of the meeting to the court reporter at the "public comments" table. Oral comments on the Draft EIR/EIS were only accepted during the seven public hearings.

The public was notified of the first five public hearings through an announcement that provided the public hearing locations and schedule. The announcement was mailed on March 12, 2004 to the project mailing list (list is described in the "Document Availability" section).

The two additional public hearings were announced through a Notice Postcard mailed on May 13, 2004 to the project mailing list.

The public hearings were also announced through a second display ad distributed in 16 statewide newspapers. The display ad for the first five public hearings was published on Friday, March 19, 2004 and the ad for the two additional public hearings on May 10 and 12. The same newspapers were used as with the Notice of Availability display ad (listed in the "Document Availability" section).

Each of the five initial public hearings started at 3:00 PM and ended at 8:00 PM. The hours were selected to facilitate participation by the public. From 3:00 to 4:00 PM there was an informational open house with exhibit boards available for viewing and project staff present to answer questions and discuss issues. Formal public testimony began at 4:00 PM. Authority Board Chairperson Joseph Petrillo, facilitated the public testimony. Other Board Members, Mehdi Morshed, Executive Director of the Authority and David Valenstein, FRA Representative (at selected meetings only) were present to listen to comments. The open house resumed once all public testimony was received.

The public hearings were scheduled as follows:

- Sacramento – Tuesday, March 23, 2004
- Los Angeles – Tuesday, April 13, 2004
- San Francisco – Thursday, April 15, 2004
- San Diego – Tuesday, April 20, 2004
- Fresno – Wednesday, April 28, 2004

The two additional public hearings were held from 1:00 PM to 3:00 PM, all of which was public testimony. Exhibit boards were available and project staff present to answer questions and discuss issues. Chairperson Joseph Petrillo facilitated the public testimony and other Board Members and Mehdi Morshed were present to listen to comments.

The two additional public hearings were scheduled as follows:

- San Jose – Wednesday, May 26, 2004
- Los Angeles – Wednesday, June 23, 2004

At each public hearing, speaker cards were available for public testimony. Individuals, who wished to testify, submitted a speaker card and were then called in turn by the facilitator. Individual comments were time limited to provide equal opportunity for all to comment. A court reporter was present and recorded all the oral comments. Individuals were also able to make oral comments directly to the court reporter once the public testimony session had ended. Comment sheets were available for submitting written comments.



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**Public Hearing Summary**

The Authority held a total of seven public hearings to present the Draft Program EIR/EIS and to receive public comments. Originally, five public hearings were scheduled, but with the extension of the public comment period to August 31, 2004, two more public hearings were planned. A court reporter was present at each of the public hearings to record oral comments. At each public hearing, oral comments could be made during the "public testimony" portion of the meeting or during the open house portion of the meeting to the court reporter at the "public comments" table. Oral comments on the Draft EIR/EIS were only accepted during the seven public hearings.

**Public Hearing Notification**

The public was notified of the first five public hearings through a Notice Announcement that provided the public hearing locations and schedule. The Notice Announcement was mailed on March 12, 2004 to the project mailing list (list is described in the "Document Availability" section).

The two additional public hearings were announced through a Notice Postcard mailed on May 13, 2004 to the project mailing list.

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**Initial Five Public Hearings**

Each of the five initial public hearings started at 3:00 PM and ended at 8:00 PM. From 3:00 to 4:00 PM there was an informational open house with exhibit boards available for viewing and project staff present to answer questions and discuss issues. Formal public testimony began at 4:00 PM. Authority Board Chairperson Joseph Petrillo, facilitated the public testimony. Other Board Members, Mehdi Morshed, Executive Director of the Authority and David Valenstein, FRA Representative (at selected meetings only) were present to listen to comments. The open house resumed once all public testimony was received.

The public hearings were scheduled as follows:

- Sacramento - Tuesday, March 23, 2004
- Los Angeles - Tuesday, April 13, 2004
- San Francisco - Thursday, April 15, 2004
- San Diego - Tuesday, April 20, 2004
- Fresno - Wednesday, April 28, 2004

**Additional Two Public Hearings**

The two additional public hearings were held from 1:00 PM to 3:00 PM, all of which was public testimony. Exhibit boards were available and project staff present to answer questions and discuss issues. Chairperson Joseph Petrillo facilitated the public testimony and other Board Members and Mehdi Morshed were present to listen to comments.

The two additional public hearings were scheduled as follows:

- San Jose - Wednesday, May 26, 2004
- Los Angeles - Wednesday, June 23, 2004

At each public hearing, speaker cards were available for public testimony. Individuals, who wished to testify, submitted a speaker card and were then called in turn by the facilitator. Individual comments were time limited to provide equal opportunity for all to comment. A court reporter was present and recorded all the oral comments. Individuals were also able to make oral comments directly to the court reporter once the public testimony session had ended. Comment sheets were available for submitting written comments.

**Public Hearing Overview**

Sacramento - Tuesday, March 23, 2004, 3:00 - 8:00 PM

- Location: Tsakopoulos Library Galleria, East Meeting Room, 828 I Street, Sacramento
- Individuals Signed In: 75
- Oral Testimony Speakers: 26
- Comment Sheets Submitted: 8

Los Angeles - Tuesday, April 13, 2004, 3:00 - 8:00 PM

- Location: Metropolitan Transportation Authority, 1 Gateway Plaza, Los Angeles
- Individuals Signed In: 90
- Oral Testimony Speakers: 16
- Comment Sheets Submitted: 8

San Francisco - Thursday, April 15, 2004, 3:00 - 8:00 PM

- Location: State of California Building, 455 Golden Gate Avenue, San Francisco
- Individuals Signed In: 64
- Oral Testimony Speakers: 46
- Comment Sheets Submitted: 16

San Diego - Tuesday, April 20, 2004, 3:00 - 8:00 PM

- Location: San Diego Association of Governments, 401 B Street, San Diego
- Individuals Signed In: 34
- Oral Testimony Speakers: 10
- Comment Sheets Submitted: 4

Fresno - Wednesday, April 28, 2004, 3:00 - 8:00 PM

- Location: City of Fresno Council Chambers, 2600 Fresno Street, Fresno
- Individuals Signed In: 58
- Oral Testimony Speakers: 21
- Comment Sheets Submitted: 1

San Jose - Wednesday, May 26, 2004, 1:00 - 3:00 PM

- Location: County Government Center, 70 West Hedding Street, San Jose
- Individuals Signed In: 90
- Speaker Cards Submitted: 58
- Comment Sheets Submitted: 4

Los Angeles - Wednesday, June 23, 2004, 1:00 - 3:00 PM

- Location: Metropolitan Transportation Authority, 1 Gateway Plaza, Los Angeles
- Individuals Signed In: 53

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- Oral Testimony Speakers: 13
- Comment Sheets Submitted: 1

In all, over 450 members of the public attended the public hearings, 190 people provided oral testimony and 42 written comments were submitted.

**Written Comments Sent**

Written comments were sent to the Authority in the form of letters, faxes, and postcards and were also sent through the Authority's website. The Authority has addressed comments received on the Draft Program EIR/EIS and the responses are included in Volume II. The following lists the comments (number of letters, postcards, and website comments) received. These counts represent the number of submittals received. Some of the letters received listed multiple agencies. In addition, a number of individuals and organizations also orally commented at the public hearings and/or commented both in hardcopy and electronically (through the website).

Letters (Letters/Faxes) Received: 333 total (4 from Federal Agencies, 5 from Federal Representatives, 10 from State Agencies, 4 from State Representatives, 83 from Local Agencies, 84 from Organizations, and 143 from Individuals).

Postcards: 1,411 total (both during and prior to comment period). 456 during comment period (172 of postcard #1, and 284 of postcard #2); 955 prior to comment period (all of postcard #1)

Website: 219 total (6 from local agencies, 9 from organizations, and 204 from individuals)

**Overview of Comments Received**

The brief summary below provides an overview of the post cards, written letters, comments submitted via the Authority's website, and oral testimony received at the public hearings during the comment period. A complete summary of comments will be included in the Final Program EIR/EIS. Many of the comments supported the concept of a statewide HST system, however disapproval of the project was also expressed in some comments. Most of the comments either favored one HST design option (alignments and/or station locations) over another or favored the inclusion or exclusion of certain design options. Concerns were raised about potential environmental impacts from the construction and operation of HST service. Many concerns about environmental impacts comments dealt with local alignment options, but some of the comments also concerned the potential for the HST system to induce growth. Several environmental organizations questioned the adequacy and detail of the Program EIR/EIS. The following bullets summarize some of the most common comments received:

- Support for a HST system linking California's major metropolitan areas.
- Opposition to HST alignment options through Henry Coe State Park.
- Support for the investigation of the Altamont Pass as an HST alignment option between the Central Valley and the Bay Area.
- Support for the Antelope Valley HST alignment (with a station at Palmdale) for crossing the Tehachapi Mountains between Central Valley and Los Angeles.
- Questions about the sufficiency of the Program EIR/EIS to meet CEQA and NEPA requirements because of a perceived lack of detail and/or design options excluded (primarily concerning the Altamont Pass).
- Support and opposition for specific alignment options between the Bay Area and Central Valley (Pacheco Pass and Diablo Range Northern Crossing option).

- Opposition to alignment options and concerns about impacts to Taylor Yards and the Cornfield site in Los Angeles. Many of the comments relating to Taylor Yards and the Cornfield site requested an extension of the comment period.
- Support for Castle Air Force Base as the HST station location and maintenance facility.
- Opposition to the CCT alignment option for HST service between Sacramento and Stockton.
- Opposition to conventional rail improvement tunneling options through Del Mar, and options with potential impacts to lagoons.
- Support and opposition for the UPRR alignment options between Fresno and Bakersfield (with a potential station at Visalia).
- Opposition to a potential HST station at Los Banos.
- Support for the Transbay Terminal as the Downtown San Francisco HST terminus.
- Concerns relating to the potential for the HST Alternative to induce growth.
- Questions about how the Program EIR/EIS address potential mitigation measures.

**Additional Board Meetings**

At various meetings after the issuance of the Draft Program EIR/EIS the governing board of the High Speed Rail Authority received status reports on the preparation of the Final Program EIR/EIS. At the meetings listed immediately below the Authority's governing board received, discussed, and approved with some revisions, Authority staff recommendations on identifying preferred alignment and station options for the HST alternative in the Final Program EIR/EIS. Additional information concerning the Authority Board meetings may be found on the Authority's website at [www.calhighspeedrail.ca.gov](http://www.calhighspeedrail.ca.gov).

- September 22, 2004
- November 10, 2004
- December 15, 2004
- January 26, 2005

**Additional Agency Consultation and Outreach Activities**

After the release of the Draft Program EIR/EIS, the FRA and Authority staff again consulted with other federal agencies, including the U.S. EPA and the U.S. Army Corps of Engineers. Additionally, the FRA consulted the President's Council on Environmental Quality (CEQ) on procedures for further study of the broad corridor identified for the northern mountain crossing of the proposed HST system (see Chapter 6, San Jose to Merced—Northern Mountain Crossing). The CEQ concurred that the proposed approach would be consistent with NEPA and would provide for compliance with Section 404 of the Clean Water Act. (CEQ (Greczmil) letter to FRA (Yachmetz), January 24, 2005.)

In addition the co-lead agencies again consulted with the California Department of Parks and Recreation, tribal representatives, representatives of various transportation agencies and local and regional government agencies, including: the Transbay Terminal Joint Powers Authority, BART, SAMTRANS, SCRRA, SANDAG, OCTA, Riverside County Transportation Commission, the LACMTA, the Bay Area MTC, Sacramento Area COG, the Grassland Water District, the City of Palmdale, and numerous Cities and Counties in the Central Valley and elsewhere along potential alignments of the proposed HST system.

Also, following the release of the Draft Program EIR/EIS, the FRA and Authority Staff met with representatives of various groups and organizations, including the Sierra Club, the Planning and

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Conservation League, the Natural Resources Defense Council, and the Train Riders Association of California (TRAC).

**9 ORGANIZATIONS, AGENCY, AND BUSINESS OUTREACH BEFORE DRAFT PROGRAM EIR/EIS RELEASE**

Organization	Contact	Date	Topic
22nd District Agricultural Association	Larry Baumann	January 29, 2003	Program update
AAA	Lewison Lem	July 18, 2003 September 4, 2003	Program update
	Governmental Affairs	September 4, 2003	Presentation
	John Zeigler, Southern California Division	Frequent communication	Program background information
ACREM	Jeff Atkinson	November 13, 2002	Presentation
Alameda Corridor East (ACE)	Rick Richman Sharon Neeley	February 21, 2001 October 30, 2002	Program update, ACE update, Inland Empire alignments
Alameda County Supervisors Presentation	David Kutrosky, Capitol Corridor JPA	March 22, 2002	Program update and East Bay alignment options, Transportation Committee presentation
Alstom	Todd Welty Andre Huber	Frequent communication	Program updates and technology issues
Altamont Commuter Rail Service	Stacey Mortensen	March 6, 2002	Program update
American Lung Association	N/A	June 12, 2003	Program update
American Magline Group	Neil Cummings	Frequent communication	Program updates and technology issues
American Public Transportation Association	N/A	June 20, 2001 March 10, 2003 June 9, 2003	Presentations
Amtrak	David Carol	November 20, 2002 July 24, 2003	Program updates
	Darrell Johnson Ron Scolaro	Frequent communication	Program updates and Los Angeles to San Diego via Orange County (LOSSAN) issues
Anaheim (City of)	John Lower	March 30, 2001	Alternatives and issues
	Gary Johnson John Lower	Frequent communication	Program update and Anaheim station
Antelope Valley Board of Trade, Transportation Working Group	Terry Stubbings, Palmdale	May 4, 2001	Program update, alignment and station options
Apex Strategies	Eileen Goodwin	Frequent communication	Program updates
APWA Central California Section	Various public agency staff members representing Cities of Bakersfield, Visalia, Fresno, Clovis, and Hanford	November 1, 2002	Regional alignment and station alternatives
ARTBA	N/A	April 28, 2003	Presentation

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Organization, Agency, and  
 Business Outreach

Organization	Contact	Date	Topic
ARUP	Michael Kaye John Eddy	Frequent communication	Program updates
	John Eddy	May 30, 2003	Sacramento Intermodal Transportation Facility
ASCE, Aviation Technical Group/WTS Presentation	Charles Adams, Los Angeles International Airport (LAX)	April 18, 2002	Program update
ASCE, Bay Area Chapter	Thalia Anagnos	February 25, 2003	Presentation on alignment issues
Atwater City Council	Cindy Dover	October 27, 2003	Program update, alignment and station locations
Bakersfield (City of)	Mayor Harvey Hall John Stinson	March 16, 2001 November 15, 2001	Program updates, station and alignment issues
	John Flores	October 9, 2002	High-speed rail (HSR) design criteria
	Jacques LaRochelle	October 16, 2002	Alignment alternatives through Bakersfield
	City Council	October 2, 2002	Presentation
Bakersfield Chamber of Commerce	Dave Kilpatrick	March 16, 2001	Program background, jobs potential
Bakersfield Downtown Business Association	Ray Watson	February 2, 2001	Station locations, project financing
	Herman Ruddell	Frequent communication	Program updates, Bakersfield Golden State station location
BART (San Francisco Bay Area Rapid Transit District)	Tom Radulovich	Frequent communication	Program updates and alignment options
Bay Area Open Space Association	John Woodberry	July 18, 2002 October 1, 2002	Presentations
Bay Keepers Council Presentation	Members from Sierra Club, Audubon Society, & Environmental Health Coalition	May 23, 2001	Program update, alignment options, and environmental methodologies
BayRail Alliance	Presentations	September 25, 2002 January 27, 2003	Program updates, issues on alignment and station options
	Dan Krause Margaret Okuzumi	Frequent communication	Program update and alignment options
Bechtel	Tom Bordeaux	Frequent communication	Program updates and technology issues
Bell Rosenberg & Hughes Breakfast Forum	N/A	September 20, 2002	Program update
Bombardier	Matt Barkley Gary Hallman	Frequent communication	Program updates and technology issues
Booz Allen & Hamilton	Daniel Roth	February 9, 2003 December 19, 2003	Program updates
	Sandy Stadtfelt	Frequent communication	Program updates, Dutch HSR experience



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 Business Outreach

Organization	Contact	Date	Topic
Burbank Area Local Agency HSR Workshop	Representatives from City of Burbank, City of Pasadena, City of Arcadia, City of Glendale	May 31, 2001	Program update, alignment and station location options, scoping issues
Burbank-Glendale-Pasadena Airport Authority	Victor Gill	March 6, 2001	Program update, airport master plan
CA Building Trades Council Presentation	Neal Struthers	May 29, 2003	Program update
CA Commonwealth Club Forum on HSR	Jim Swofford	July 17, 2003	Presentation
CA Democratic Council	Larry Trellinger	April 27, 2002	Presentation
CA Department of Interior	Sequoia/Kings Canyon National Park	June 25, 2003	Program update
CA Department of Parks and Recreation	Noah Tilghman Kay Robinson Joseph Hardcastle George Cook	August 28, 2002 September 9, 2002 October 1, 2002	Program update and alignment options
CA Department of Transportation (Caltrans)	Jeff Morales	May 8, 2002	Program update
	Brian Smith, Division of Mass Transportation Warren Weber, Division of Rail	Frequent communication	Program updates, technical studies details
	N/A	March 2002 April 22, 2003	Presentations
	Pedro Orso-Delgado	March 14, 2002	District 11 presentation
	Pat Merrill, Division of Rail	Frequent communication	Program updates, LOSSAN corridor
	Mark Leiger, District 10	Frequent communication	Merced County alignment options
	Arturo Jacobo, District 11 Charles Larwood, District 12 Jim McCarthy, District 7	Frequent communication	Program updates, alignment and station options, technical studies progress reports
	N/A	June 21, 2001	Program update
CA Law Enforcement Agency Presentation	N/A	June 21, 2001	Program update
CA League of Cities	Paul Flint	February 27, 2003	Presentation
	State Convention	July 25, 2002	Presentation
	Genevieve Morelos, Transportation Committee	June 27, 2003	Presentation on alignment issues
CA State Coastal Conservancy	Sam Schuchat	January 14, 2003	Wetlands issues, alignment options, and program background
CA State Office of Historic Preservation (SHPO)	Hans Kreitzburg	October 23, 2002	Program update, cultural analysis methodology, and area of potential impact
CA Statewide Chamber of Commerce	Dave Ackerman	April 10, 2002 June 20, 2003	Program updates



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Organization, Agency, and  
 Business Outreach

Organization	Contact	Date	Topic
CA Transportation Commission	Robert Chung	December 11, 2002 June 9, 2003	Presentations
	Robert Chung	Frequent communication	Program updates
CA Transportation Foundation	Sarah West	February 26, 2003	Presentation
CA Trolley & Railroad Corp	N/A	June 3, 2002	Alignment issues
	Membership Committee	September 1, 2002 October 7, 2002	Alignment issues
CAATS	N/A	April 16, 2002	Alignment issues
California Advisory Council on Aging, Bay Area Chapter	N/A	February 3, 2003	Alignment issues
California Alliance for Transportation Choices	Christina Egan	June 28, 2002	Program update
California-Nevada Super-Speed Train Commission	Sara Katz	Frequent communication	South Orange County alignment options
Californians for Safe HW	Jim Deumas	December 11, 2002	Presentation
Caltrain JPA	Art Lloyd	Frequent communication	Program updates and Caltrain corridor
Canadian Consul General	N/A	January 29, 2003	Program update
Capitol Corridor Joint Powers Authority	David Kutrosky Eugene Skoropowski	Frequent communication	Program updates and East Bay station/alignment issues
Catellus Urban Development Corporation	Dean A. Perton David Grannis, Planning Company Associates	May 23, 2001 July 18, 2002	Program updates, alignment and station location options, scoping issues
CCSF	N/A	November 1, 2002	Coordination meeting
Central Japan Railways	Naoki Hariyama	May 30, 2003	Program update
	Naoki Hariyama Ken Ichikawa	Frequent communication	Program updates and Shinkansen information
CETAP	N/A	May 1, 2001	Presentation
China's National Railroad University	President, China's National Railroad University	August 9, 2002	Program update
City of Carlsbad	Robert T. Johnson	February 14, 2002 June 18, 2002	Alternatives and San Diego Coastal Rail Trail
	Julianne Nygard, Councilmember	Frequent communication	Program updates and LOSSAN corridor alignment options
City of Del Mar	David Scherer	November 20, 2001 December 5, 2001 May 20, 2002 June 17, 2002 June 9, 2003	Program updates, alignment and station issues, technical studies updates
	David Druker, Council Member Lauraine Brekke-Esparza, City Manager	Frequent communication	Del Mar alignment options

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Organization, Agency, and  
 Business Outreach

Organization	Contact	Date	Topic
City of Encinitas	Linda Niles		
	Richard Phillips	November 20, 2001 April 9, 2002 September 9, 2002	Discuss/refine alternatives and review proposed LOSSAN improvements
	Christy Guerin, Council Member Richard Phillips	Frequent communication	LOSSAN corridor status and alignment options
Clovis (City of)	Mayor Armstrong Jeff Witte	March 20, 2001	Alignment and station issues, farmlands issues
CMAA Northern California	Steve Perreault	October 15, 2003	Presentation
CMAA Southern California	Kelly Asper	November 13, 2003	Presentation
Community Redevelopment Agency (CRA)	Herbert Marshall Kenneth Moye	April 12, 2001	Program update, scoping issues
Compton Foundation	N/A	December 7, 2002	Program update
CSU-Stanislaus/Transportation Futures Workshop	N/A	September 5, 2001	Presentation and workshop
Daimler Chrysler	Chris Wilson	May 5, 2003	Program update
Dana Point (City of)	Douglas C. Chotkevys	August 8, 2002 April 25, 2003	Program update and screening recommendations
	Douglas Chotkevys and other officials from surrounding cities	June 24, 2003	South Orange County alignment issues
	Douglas Chotkevys	Frequent communication	Alignment issues
DE Consult	Gerd Morhenn Wolfgang Henn	Frequent communication	Technical standards, methodologies, and analysis
Del Mar Rail Committee	N/A	January 6, 2003	Presentation
Don Breazeale & Associates	Don Breazeale Jeff Amos	Frequent communication	LOSSAN corridor alignment options
El Toro Planning Authority	Bruce Nestande	October 1, 2001	Update of HSR study
ERA	Bill Lee	May 16, 2003	Project background
Escondido	Nancy Skinner	July 11, 2001 August 22, 2001	City Council presentations
	Patrick Thomas Jonathon Brindle Lori Holt-Pfeiler, Mayor	Frequent communication	Program updates and I-15 corridor alignment options
EuralSpeed 2002 International Conference	N/A	October 25, 2002	Presentations
Farm Bureau (local chapter)	Loron Hodge Doug Carter	March 16, 2001	Alignments through farmlands, Central Valley growth
Foothill Toll Corridor Agency	James Brown	April 25, 2001 October 29, 2002	Caltrans potential joint study, foothill toll road alignment

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 Business Outreach

Organization	Contact	Date	Topic
Fresno (City of)	Martin McIntyre	March 20, 2001	Station and alignment issues
	Richard Brogan Roger Monteiro	March 6, 2001	Program update, station and alignment issues
Fresno Area Residents for Rail Consolidation	John Ferdinand, Jr. Tom Bailey	Frequent communication	Fresno-area alignments
Fresno County	Deran Koligian Roger Palomino, Fresno County Economics Opportunities Commission	March 20, 2001	Station and alignment issues, concerns about supercommuting
	Supervisors Susan Anderson, Juan Arambula, and Bob Waterson	April 19, 2001	Station and alignment issues
	Supervisor Waterson	July 3, 2002	Program update
Fresno County Council of Governments (COG)	Barbara Goodwin	March 2, 2001	Station and alignment issues
	Clark Thompson	September 28, 2001 November 1, 2002	Fresno-area alignments
Fresno County Transportation Forum	Clark Thompson	November 19, 2003	Presentation
Fresno Rail Consolidation Committee	Clark Thompson	June 4, 2001 November 2, 2001 December 14, 2001	Program update, alignment issues, and rail consolidation
Friends of Light Rail	N/A	June 14, 2001	Presentation
FTA National Challenge Session AB	N/A	November 19, 2002	Presentation
Gateway Cities COG	Richard Powers	April 5, 2001	Presentations, alignment alternatives, and station issues
		May 7, 2001	
		March 20, 2003	
Granite Construction	Bill Dorey	January 15, 2003	Alignment issues
Great Valley Center	Carol Whiteside	March 26, 2001	Program updates, outreach to Central Valley
	N/A	January 3, 2002	Alignment issues
	Carol Whiteside	November 21, 2002	Alignment issues
	N/A	May 8, 2002	Presentation
Greater Gardener Strong Neighborhood Initiative Group (San Jose)	Ben Tripousis	July 2002	Presentations
		June 6, 2003	
		January 7, 2002	
Greater Gardener Strong Neighborhood Initiative Group (San Jose)	Ben Tripousis	February 27, 2002	Field review
Hanford Chamber of Commerce	N/A	March 6, 2002	Presentation
Hatch Mott MacDonald	Lee Wamock	Frequent communication	Program updates

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Organization	Contact	Date	Topic
High Speed Ground Transportation Association	Board Meetings	November 18, 2002	Program updates
		December 6, 2002	
		January 13, 2003	
2002 Annual Conference	May 21, 2002	Program updates	
	May 22, 2002		
2003 Annual Conference	May 12, 2003–May 14, 2003	Program update and land use around stations	
Huntington Beach (City of)	Ralph Bauer, Councilmember	Frequent communication	Program updates
I-5 Coalition	Ralph Webb	May 18, 2001 July 16, 2001	Alternatives and issues
Inland Empire Economic Partnership	Eric Haley	April 25, 2001	Program update
International Network for Urban Development (INTA)	N/A	October 21, 2002	Presentation
International Right-of-Way Association, Fresno Chapter	Maria Toles	March 8, 2002	Presentation
IPG Conference	SCAG	October 7, 2002	Presentation
Irvine (City of)	William Jacobs	April 2, 2001	Alternatives and issues
	Farideh Lyons Paul Glaab	Frequent communication	LOSSAN corridor status and alignment options
Italferr	Louise Hiesinger	Frequent communication	Technical standards, methodologies, and analysis
Japan Railways Technical Services (JARTS)	Hiroshi Okada Yasayuki Sakakibara Akira Nehashi	Frequent communication	Technical standards, methodologies, and analysis
	Yoshihiro Akiyama	September 19, 2002	Corridor tour and opportunities and constraints
Japanese Consulate	Makoto Tamura	Frequent communication	Program updates
Japanese Delegation	Ikuo Fujita Representatives from Central Japan Railways, Hitachi, JARTS, JTTRI, Mitsubishi, MLIT, Nippon, Sharyo, Japanese Consulate	September 26, 2002	Program update and technology issues
Japanese National Chamber of Commerce leaders	N/A	September 2, 2002	Program update
Kern COG	Ron Brummett	Frequent communication	Program updates
Kern County	Dave Price Chuck Lackey Craig Pope Dave Price	Frequent communication	Program updates
		February 2, 2001	
		Alignments and station locations	

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Organization	Contact	Date	Topic
Kern County Agencies HSR Workshop	Ron Brummett, Kern COG Jason Hade, Kern COG Gary Blackburn, KTF Dale Mills, KTF Tony Lusich, KTF Arnold Ramming, City of Bakersfield	February 2, 2001	Program update, alignment options, and station locations
Kern Economic Development Corp.	Pat Collins	March 16, 2001	Program background, jobs potential
Kern Transportation Foundation	Jason Hade	November 1, 2002	Program update
Korve Engineering	John James	Frequent communication	Program updates
Los Angeles County Federation of Labor	Miguel Contreras	March 18, 2003	Program update
LACMTA	NA	May 1, 2001	Scoping meeting, Los Angeles County alignments and stations
LACMTA, Agency Workshop	Representatives from LACMTA, Foothill Transit, City of Burbank, Los Angeles World Airports, Los Angeles Department of Transportation (DOT), Los Angeles City Planning, Port of Los Angeles, SCRRA	May 1, 2001	Program update, alignment and station issues, scoping issues
LACMTA	James de la Loza	March 15, 2001 May 2, 2001	Alternatives and Issues
Land Use and Transportation Task Force Presentation	N/A	August 28, 2001	Alignment issues
Leadership San Francisco	Mike Elzey	March 20, 2003	Alignment issues
League of Women Voters	Eva Brausner	March 18, 2002	Connectivity with other transportation modes
Lee Andrews Group	Donna Lee Andrews (representing Marblehead)	June 10, 2003	Potential impacts to Marblehead Development
Lincoln Seniors Group	Jerry Fritts	July 8, 2003	Presentation
Little Tokyo Redevelopment Agency	N/A	May 24, 2001	Program update, alignment and station location options, scoping issues
Los Angeles (City of)	Ruth Galanter, Councilmember Niki Tennant	August 2, 2001 August 15, 2001 February 6, 2003	Program updates and status
Los Angeles Union Station (LAUS)/Amtrak	Barbara Tumbill	July 16, 2002	Discuss LAUS run-through tracks

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Organization	Contact	Date	Topic
Metrolink	David Solow, Steve Lantz, Michael McGinley, Dedra Knox	December 17, 2001 February 5, 2002 July 10, 2002	Program updates, alignment options, and design assumptions
	Michael McGinley	Frequent communication	Alignment options and design assumptions
	Deadra Knox	Frequent communication	Program updates
Metropolitan Transit Development Board (MTDB)	Brian Sheehan	November 1, 2001	Board presentation
	Brian Sheehan	Frequent communication	Program updates, alignment and station issues
Metropolitan Transportation Commission (MTC)	Doug Kimsey	Frequent communication	Program updates and alignment options
	Steve Heminger	Frequent communication	Program updates and alignment issues
	MTC Board	April 17, 2002 December 18, 2002 May 28, 2003	Presentations
Millenia	Ellen Warner	December 16, 2002	Sacramento Depot area development plans
Milpitas Former Councilmember J. Lawson	Councilmember J. Lawson	January 29, 2003	Program update
Miramar Air Force Base (AFB)	Colonel Thomas Cauglin	March 22, 2001	Program update, alignment options
Modesto (City of)	Mayor Carmen Sabatino	March 26, 2001	Station location
Modesto Rotary Club	George Gaekle	September 17, 2002	Alignment issues
NARP Board	George Chilson	October 18, 2002	Presentation
National Rail Ministry of India	Mr. Sreenives	May 9, 2003	Program update
National Transportation Summer Institute	N/A	July 2, 2002	Presentation
Native American Heritage Commission	Larry Meyers, Rob Wood, Debbie Pitas-Treadway	Frequent communication	Program updates, alignment and station locations, Native American outreach efforts
Native American Outreach Workshop at Frazier Park	Rob Wood, NAHC; participants included representatives from Chumash, Kitanemuk & Yowikumne, and Tejon tribes	September 9, 2003	Program update, alignment and station locations focusing on Tehachapi Mountain crossing; potential impacts to cultural resources, and level of detail of current and future studies

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Organization, Agency, and  
Business Outreach

Organization	Contact	Date	Topic
Native American Outreach Workshop at San Luis Reservoir	Debbie Pilas-Treadway, NAHC; participants included representatives from N.V. Yokut, Ohlone, Miwuk, and Amah Musun tribes	September 10, 2003	Program update, alignment and station locations focusing on Northern California mountain crossing, South Santa Clara County and Central Valley impact; potential impacts to cultural resources, and level of detail of current and future studies
Native American Outreach Workshop at Temecula	Rob Wood, NAHC; participants included representatives from Chumash, Tataviam, Kitanemuk, Luiseno, Cahuilla, Diegueno-Kwaaymil, Gabrielino Tongva, and Cupeno tribes; and the San Fernando, Pala, Soboba, and Pechanga Bands of Mission Indians	October 9, 2003	Program update, alignment and station locations focusing on I-215/ I-15 corridor, Tehachapi Mountain crossing, potential impacts to mountains south of Temecula along I-15; potential impacts to cultural resources, and level of detail of current and future studies
The Nature Conservancy	Lloyd Wagstaff	October 1, 2002 June 12, 2003	Program updates and alignment options
	Elizabeth Gray Lloyd Wagstaff Allen Cattell	January 16, 2003	The Nature Conservancy issues and Mt. Hamilton project
Niles Canyon Railroad Group	Jim Evins	April 2, 2003	Program update
Nippon Sharyo	Masataka Nakajima	September 26, 2002	Program update
NOCRAP	Darrell Johnson, Amtrak Jerry Wilmoth, Union Pacific Railroad (UPRR) Representatives from ACE, Capitol Corridor JPA, Caltrain, Caltrans	March 6, 2002	Presentation
Nolte & Associates	William Ishmael	October 7, 2002	Sacramento station
North County Transit District (NCTD)	Leslie Blanda	Frequent communication	Program updates, alignment and station issues, technical studies updates
	Leslie Blanda	August 22, 2002 September 18, 2003 November 20, 2003	Board presentations
North Orange County Cities	Kurt Brotcke	October 3, 2001	Draft staff recommendations for alignments
Norwalk (City of)	Ernie Garcia	April 20, 2001	Alternatives and issues
Oakland (City of)	N/A	February 5, 2001	Program update
	Shanna O'Hare Dianne Tannenwald	Frequent communication	Program updates and East Bay station/alignment issues
Oakland (City of) and Capital Corridor	Eugene Skoropowski Shana O'Hare	July 2001	Coordination meeting
Oakland Airport Connector	Michele Jacobson	February 8, 2001	East Bay alignments, Coliseum BART station design



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Business Outreach

Organization	Contact	Date	Topic		
Oakland Chamber of Commerce	N/A	July 3, 2003	Presentation		
Oceanside (City of)	Frank Watanabe	July 5, 2001	Alternatives and issues		
	Frank Watanabe	July 17, 2001	Presentation to Transportation Committee		
OCTA Orange County HSR Agency Working Group meetings	Kurt Brotcke, OCTA Representatives from OCTA, Caltrans, San Juan Capistrano, Irvine, Santa Ana, TCA, Buena Park, Orange, Anaheim, San Clemente, Laguna Niguel, Cypress, Tustin, Fullerton, Mission Viejo, Huntington Beach	April 3, 2001 June 7, 2001 July 18, 2001 August 22, 2001 October 24, 2001 December 5, 2001 February 26, 2002 June 19, 2002 August 14, 2002 October 22, 2002 January 30, 2003 March 4, 2003 June 10, 2003 July 31, 2003 December 18, 2003	Alternatives, emerging recommendations, draft and approved staff alignment recommendations, upcoming outreach meetings and conceptual sketches, scoping meetings and draft no-build, program update, and environmental findings		
		Orange County Business Council	N/A	March 11, 2003	Briefing on HSR and program update
		Orange County Transportation Authority (OCTA)	Kurt Brotcke, Michelle Bitner-Smith, Richard Marcus	Frequent communication	LOSSAN corridor updates and Orange County alignment options
		Palmdale (City of)	Palmdale City officials and Public Works Administration meeting City officials and AV Board of Trade Terry Stubbings John Brooks	April 19, 2001 November 12, 2003	Program updates, alignment and station location issues, scoping issues
				May 17, 2001	Program update, alignment and station location options, scoping issues
				December 19, 2001	Program update
		Pinnacle One	Marcy Szantara	November 7, 2002	Presentation
		Planning Company Associates	John Barna	December 11, 2002	Program update
		Porterville City Council	N/A	August 20, 2002	Presentation
		PREP	Bruce Balshone	Frequent communication	San Francisco Peninsula issues
		Public Policy Institute	N/A	December 12, 2002 December 13, 2002	Presentations
				Rail PAC	Richard Silver Jim Swofford
RCTC	Eric Haley	Frequent communication	Program updates, alignment and station options		
RENFE	Dr. Del Rio	January 9, 2003 March 25, 2003 May 14, 2003 July 9, 2003	Program updates, Spanish HSR system, and information sharing		



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Organization	Contact	Date	Topic
Retired Railway Labor Union Members Association	N/A	January 3, 2002	Program update
Sacramento (City of)	Councilmember Steve Cohn, Paul Blumberg, Cam Beach	April 19, 2001 October 2, 2001 October 10, 2002	Program updates and Sacramento rail depot
	Paul Blumberg	Frequent communication	Program updates
	City Council	January 15, 2002	Presentation
	Councilmember Jones	February 22, 2002	Program update
Sacramento Chamber of Commerce	Dave Butler	April 19, 2001 January 14, 2002	Alignment and station issues
	Regional Government Forum	January 15, 2002	Alignment issues
Sacramento COG	Ken Hough Olin Woods	February 21, 2001 October 3, 2001 October 3, 2002	Program updates, alignment and station issues
	Olin Woods	Frequent communication	Program updates
Sacramento County	Supervisor Don Nottoli	April 19, 2001	Station and alignment issues
	Supervisor Muriel Johnson	April 19, 2001	Program update, alignment and station issues, Altamont Pass
Sacramento Economic Development Group	Erin Anderson	March 13, 2002	Presentation
Sacramento Transportation Authority	Brian Williams	February 21, 2001	Station locations
Samtrans	Howard Goode Darrell Maxey Jan McAvoy Comine Goodrich	Frequent communication	Program update, San Francisco Peninsula alignment, Caltrain right-of-way, and design
San Bernardino (City of)	Mayor Judith Valles	April 27, 2001	Program update and alignment and station options
	Raymond Casey Timothy Cook	November 9, 2001	Program update and San Bernardino station/alignment issues
	N/A Timothy Cook	January 14, 2002 Frequent communication	Program update San Bernardino station/alignment issues
San Clemente (City of)	James Holloway	March 27, 2001 May 16, 2001 October 2, 2001 November 19, 2001 June 10, 2003	Alternatives and issues, draft staff recommendations for alignments, alternatives with Marblehead developers and local businesses and communities
	Jim Holloway Stephanie Dorey, Mayor Susan Ritschel, Councilmember	Frequent communication	South Orange County alignment options

California High-Speed Train Final Program EIR/EIS Organization, Agency, and Business Outreach

Organization	Contact	Date	Topic
San Diego (City of)	Jay Petrek	Frequent communication	Alignment and land use issues
	Keith Greer	May 30, 2001	Alternatives and issues
	Keith Greer Gary Halbert	August 6, 2002	Program update and review
	Scott Peters, Councilmember	June 25, 2003	Program update and alternatives
San Diego (Port of)	Geneve Lehotsky	Frequent communication	Program update and alignment options
San Diego Airport Working Group	N/A	February 12, 2002	Kick-off meeting
San Diego Association of Governments (SANDAG) Agency Summit meetings	Gary Gallegos, SANDAG Linda Culp, SANDAG Brian Smith, Caltrans Pat Merrill, Caltrans	May 31, 2001 September 10, 2002 October 10, 2002 December 18, 2002 March 12, 2003	Alternatives and issues, LOSSAN study and strategic plan to discuss EIR/EIS issues and clarify positions
San Diego County	Pam Slater, Supervisor Sachiko Kohatsu	Frequent communication	LOSSAN corridor updates and Del Mar alignment options
San Diego County League of Cities	Linda Culp, SANDAG	June 11, 2001	Program update
San Diego League of Cities	N/A	June 11, 2001	Presentation
San Dieguito River Park Joint Powers Authority	N/A	January 29, 2003	Program update
San Francisco (City and County of)	Maria Ayerdi	November 2000 March 20, 2002 July 2003	Monthly meetings on Transbay Terminal
	Maria Ayerdi	Frequent communication	Program updates, station and alignment issues
San Francisco Bay Area Water Transit Forum	Liza Claremont	November 21, 2002	Alignment issues
San Francisco Bay Decision Makers	N/A	October 26, 2001	Presentation
San Francisco Chamber of Commerce	Gwyneth Borden	April 5, 2001 December 5, 2002	Presentations
	Gwyneth Borden Roberta Achtenberg	October 8, 2002	Alignment options and Altamont Pass
San Francisco County Transportation Authority	Jose Luis Moscovich	May 14, 2001	Program update and scoping meeting
San Francisco HSR Workshop Meeting	Representatives from AAA, San Francisco Municipal Railway (MUNI), Bay Area Air Quality District, San Francisco County Transportation Authority, CA PUC, City of Millbrae, City of San Francisco	May 14, 2001	Program update, alignment and station locations, scoping issues

Submission P019 (Aaron Fukuda, August 28, 2012) - Continued

California High-Speed Train Final Program EIR/EIS

Organization, Agency, and  
 Business Outreach

Organization	Contact	Date	Topic
San Juan Capistrano (City of)	John Gelff, Mayor George Scarborough	Frequent communication	San Juan Capistrano alignment options
	William Huber	December 17, 2001 July 21, 2002 March 4, 2003 March 21, 2003	Discuss/refine alternatives, review Purpose and need
San Mateo County Earth Day	Will Becket	April 23, 2003	Program update
San Mateo County Grand Jury, Transportation Committee	John Baker	April 25, 2002	Presentation on alignment issues
SANBAG	N/A	May 14, 2001	Alignment and station options
SANDAG	Linda Culp	Frequent communication	Program updates, alignment and station options
SANDAG Coastal Rail Agency Working Group	Linda Culp, SANDAG Leslie Blanda, NCTD Brian Sheehan, MTDB Patrick Merrill, Caltrans Rail Arturo Jacobo, Caltrans D11 Darrell Johnson, Amtrak Elizabeth O'Donoghue, Amtrak Deadra Knox, Metrolink	February 27, 2001	Alternatives, preliminary evaluation of alternatives and emerging recommendations, draft staff alignment recommendations, upcoming outreach meetings and conceptual sketches, draft no-build, and initial environmental findings
		March 22, 2001	
		May 21, 2001	
		July 5, 2001	
		August 28, 2001	
		October 23, 2001	
		December 5, 2001	
		February 5, 2002	
		June 13, 2002	
		July 30, 2002	
September 9, 2002			
October 22, 2002			
December 3, 2002			
February 18, 2003			
June 9, 2003			
SANDAG HSR Task Force	Linda Culp, SANDAG Task Force Members Invited: Chair Lori Holt Pfeiler, Mayor of Escondido Bob Emery, Poway Art Madrid, La Mesa Joe Kellejian, Solana Beach Pam Slater, San Diego County Mickey Cafagna, Poway Ron Morrison, National City Julianne Nygaard, LOSSAN Joint Powers Board John Fowler Richard Eamest, Del Mar Christy Guerin, Encinitas Hal Sadler, CCDC Tom Golish, NCTD Brian Maienschein, MTDB Pedro Orso-Delgado, Caltrans District 11 Cmdr. Roger Natsuhara, Department of Defense	March 8, 2001	Program updates, alternatives and issues, draft staff recommendations for alignments, and potential station locations
		May 10, 2001	
		November 1, 2001	
		February 20, 2002	
		June 13, 2002	
		October 10, 2002	
		March 14, 2003	
		May 9, 2003	
		December 4, 2003	

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California High-Speed Train Final Program EIR/EIS

Organization, Agency, and  
 Business Outreach

Organization	Contact	Date	Topic
	Ed Galko, NCTD Nick Inzunza, MTDB Ramona Finnila, Carlsbad		
Santa Clara County Economic Development	Margie Matthews	February 5, 2003	Alignment issues
Santa Clara County Open Space Council	Open Space Agencies in Santa Clara County	October 25, 2002	Coordination meeting
Santa Clara (City of)	City officials and staff	May 21, 2001	Program update, alignment and station location options, scoping issues
Santa Clara Chamber of Commerce, Transportation Committee		May 17, 2001	Program update, alignment and station location options, scoping issues
SCAG	Barry Samsten	February 6, 2003	Transportation Committee presentation
	Barry Samsten	Frequent communication	Program updates, inland (I-15) corridor alignment options
	N/A	February 15, 2001 March 15, 2001	Coordination with SCAG projects
SCAQMD	Barry Wallerstein Kathryn Higgins	October 17, 2001	Program update
San Francisco Peninsula (Palo Alto) HSR Workshop	Representatives from Samtrans, Caltrain JPB, City of Palo Alto, City of Redwood City, League of Women Voters	May 17, 2001	Program update, alignment and station locations, scoping issues
San Francisco Planning and Urban Research (SPUR)	Gabriel Metcalf	June 19, 2001 May 23, 2002	Presentations
	Gabriel Metcalf	April 23, 2002	
Siemens	Wayne Williams Frank Guzzo	Frequent communication	Program updates
Sierra Club	Jim Metropulos	February 3, 2003	Program update and alignment options
	Officers Annual Retreat in San Luis Obispo	March 8, 2003	Presentation
	Pat Moore	Frequent communication	Program updates and alignment/station options
Sierra Club (local chapters), San Francisco Bay, BayRail Alliance, and TRAC	Michael Bornstein, Sierra Club Margaret Okuzumi, BayRail Alliance Pat Moore, Sierra Club Dan McNamara, TRAC Alan Miller, TRAC	April 15, 2002	Alignment issues and Northern California mountain crossing
Sierra Club, Angeles Chapter	N/A	February 12, 2002	Presentation

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Submission P019 (Aaron Fukuda, August 28, 2012) - Continued

California High-Speed Train Final Program EIR/EIS

Organization, Agency, and  
 Business Outreach

Organization	Contact	Date	Topic
Silicon Valley Manufacturing Group	Laura Susinski	Frequent communication	Program updates and South Bay station and alignment issues
	Laura Susinski	February 3, 2003 April 24, 2003	Presentations
SIR's Congress	Bill Rodman	May 19, 2003	Presentation
SNCF	Jean-Pierre Mathieu Jean-Michel Gayon Pierre Louis Rochet Dennis Doute	Frequent communication	Technical standards, methodologies and analysis
Society of American Military Engineers	Wes Starratt	May 9, 2002	Presentation
Society of Military Engineers, San Diego		March 14, 2002	Presentation
Solana Beach (City of)	Joe Kellejian, Mayor	Frequent communication	LOSSAN corridor
	N/A	February 13, 2001	Coastal Rail Forum
South Alameda County (Fremont) HSR Workshop	Representatives from BART, City of Fremont, City of Union City	May 17, 2001	Program update, alignment and station locations, scoping issues
South Bay Cities COG	N/A	June 28, 2001	Alternatives and issues
South Bay Lung Association	N/A	November 14, 2002	Presentation
South Bay Medical Association Environmental Health Committee	N/A	January 8, 2003	Alignment issues
South Orange County Rail Working Group	Norm Emerson	Frequent communication	South Orange County alignment options
Southern Bay Area (Gilroy) HSR Workshop	Representatives from City of Los Banos, Los Banos Chamber of Commerce, Los Banos Commuter Alliance	May 24, 2001	Program update, alignment and station locations, scoping issues
Southern California Transit Advocates	Dana Gabbard	Frequent communication	Program update
Stanislaus County Economic Development Corporation	Charline Speck	March 26, 2001	Program background, Central Valley outreach
Stanislaus County	Supervisor Nick Blom Reagan Wilson	March 26, 2001	Pacheco Pass, alignment issues
Stanislaus County AOG	Gary Dickerson	March 26, 2001	Altamont Pass, alignment issues
State Parks Foundation	Barbara Hill	December 10, 2003	Alignment issues, parklands
Stockton (City of)	Mayor Gary Podesto	March 27, 2001	Alignment and station locations
	Roger Storey Steve Pinkerton Peggy Massey	March 27, 2001	Alignment and station locations
	Doug Wilhoit	March 27, 2001	Central Valley transportation needs

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California High-Speed Train Final Program EIR/EIS

Organization, Agency, and  
 Business Outreach

Organization	Contact	Date	Topic
STPP	John Doxey James Corless	Frequent communication	Program updates, alignment and station options
Sumitomo Corporation (JORSA)	Masao Tabuchi	March 20, 2003	Program update
	Takeshi Kato	Frequent communication	Program updates
Taiwan HSR	Jack Kwei	Frequent communication	Program updates
Talgo	Jean Pierre Ruiz	Frequent communication	Program updates
TASC	Bob Kirby	July 23, 2002	Presentation
Tejon Ranch	Joe Drew Dennis Mullins	March 13, 2003	Program update
	N/A	March 3, 2003	Alignment issues
Torrey Pines Community Association	Donald F. Billings	February 13, 2003	Program update
TRAC	Dan McNamara	February 28, 2002 July 31, 2003	Alignment options and Altamont Pass
	Adrian Brandt	Frequent communication	Program updates and Northern California mountain crossing
Transmetrics	Jack Ybarra	Frequent communication	Program updates
Transportation and Land Use Coalition (TALC)	Stuart Coen	July 16, 2003	Presentation focusing on Northern California mountain crossing alignments/issues
Tulare County Agencies HSR Workshop	Bob Stocker, TCAG Eddie Wendt, TCAG George Finney, TCAG Paul Saldana, Tulare County Economic Development Corp. Mark Clark, Tulare County Chuck Przybylski, Tulare County	February 27, 2001	Scoping issues, alignments and station locations, outreach to Central Valley
Tustin (City of)	Lou Bone, Councilmember	October 7, 2002	Program update and LOSSAN improvements
	Lou Bone	October 21, 2002	City Council presentation
U.S. DOT Federal Secretary Director of LAX	David M. Stone	August 19, 2002	Alignment issues

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Submission P019 (Aaron Fukuda, August 28, 2012) - Continued

California High-Speed Train Final Program EIR/EIS

Organization, Agency, and  
 Business Outreach

Organization	Contact	Date	Topic
Walt Disney Imagineering/Disney Corporation	Douglas M. Moreland	August 15, 2001	Program updates
	Edward A Chuchla	February 26, 2003	
	Lisa Pitney	March 18, 2003	
Wilbur Smith Associates	Justin Fox	November 18, 2002	Program update
	N/A	January 6, 2003	Bakersfield stations
	Peter Martin	February 14, 2003	Bakersfield Airport station location
Women's Transportation Council	N/A	April 24, 2002	Presentation
WRCOG	Rick Bishop, Executive Director	March 21, 2001	Program update, alignment and station options
	Ruth Taylor-Burger Young		
	Planners and Engineers Agency Coordination and City Managers Meetings	April 26, 2001 April 19, 2001	Presentations, alignment and station options
WTC	N/A	April 24, 2002	Presentation

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## Response to Submission P019 (Aaron Fukuda, August 28, 2012)

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### **P019-1**

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

The Authority and FRA recognize the concerns of Kings County representatives and community members and wish to maintain an open dialogue about the project. The Authority welcomes the opportunity to meet with landowners and stakeholders. Also, 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.

### **P019-2**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-16.

### **P019-3**

As discussed in Chapter 8 of the Statewide Program EIR/EIS for the California HST System (Authority and FRA 2005), a mailing list database was developed and used to provide information and announcements concerning the preparation of the Program EIR/EIS to the public. The database was based on an existing Authority contact list and includes more than 15,500 entries of federal, state, and local agency representatives, elected officials, property owners, interested persons, and interested organizations. The mailing list was updated to include public meeting participants and others who asked to be added.

The Authority and the FRA held both informal and formal public meetings during the EIR/EIS preparation process. Various meeting formats (e.g., open house, formal presentation, question-and-comment session) were used to present information and provide opportunities for input by participants. Numerous briefings, presentations, and small-group meetings were included in the process. Seventeen public and agency scoping meetings were held between April 25, 2001, and May 23, 2001.

Notice regarding the availability and the circulation of the Draft Program EIR/EIS were provided pursuant to CEQA and NEPA requirements. The Draft Program EIR/EIS was released for public review and comment on January 27, 2004, and noticed in the Federal Register on February 13, 2004. The initial public comment period was scheduled to end May 14, 2004, but due to public requests, it was extended to August

### **P019-3**

31, 2004. This provided adequate time for public and agency input and comment on the document.

### **P019-4**

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

Notice regarding the availability and the circulation of the Draft Program EIR/EIS was provided pursuant to CEQA and NEPA requirements. The Draft Program EIR/EIS was released for public review and comment on January 27, 2004, and noticed in the Federal Register on February 13, 2004. The initial public comment period was scheduled to end May 14, 2004, but due to public requests, it was extended to August 31, 2004. Responsible agency and the public oral and written comments submitted by August 31, 2004, were addressed and responded to in the Final Program EIR/EIS.

More information concerning notification and circulation of the California High-Speed Train Draft Program EIR/EIS is included in Section 8.4 of the California High-Speed Train Final Program EIR/EIS, available on the Authority's website.

### **P019-5**

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

### **P019-6**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-21, FB-Response-GENERAL-06, FB-Response-GENERAL-01.

### **P019-7**

Refer to Standard Response FB-Response-GENERAL-06, FB-Response-GENERAL-13.

### **P019-8**

Funding the Authority has secured would be used to construct high-speed-capable track bed and rails only (no electrification, no high-speed trains, no train control systems). They would extend from Madera to Fresno and Fresno to near-Bakersfield;

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Response to Submission P019 (Aaron Fukuda, August 28, 2012) - Continued

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**P019-8**

this extent would be known collectively as the Initial Construction Segment or "ICS." The non-electrified, no-train, no-high-speed-train-control-systems, track-bed-and-rail-only ICS is not the Authority's CEQA "project." The project is an electrified high-speed train system, with high-speed trains, running between high-speed train stations in Fresno and Bakersfield. The Authority legally cannot operate anything else. The ICS is a shorthand reference tied to funding availability and construction contracting. It is irrelevant to the Authority's CEQA compliance for the Fresno to Bakersfield Project EIR.

The Authority and its federal partner, the FRA, completed two Program-level EIR/EIS documents in 2005 and 2008 (revised in 2010 and 2012 [April]) for the Statewide HST System (Authority and FRA 2005, 2008; Authority 2010a, 2012c). Based on these Program documents, the Authority made basic route corridor and station-location (i.e., cities where the HST would stop) decisions. The decisions included dividing the nearly 800-mile system into nine smaller "project sections," based on the independent utility of the endpoints (i.e., city stations). This approach facilitates second-tier environmental review in manageable pieces. One of these sections is the Fresno to Bakersfield Section. These project sections are high-speed train sections. That means a project with electric high-speed trains running on electrified (using overhead catenary) high-speed-capable and grade-separated track between high-speed train stations, with high-speed train control and signaling systems and high-speed train maintenance facilities. The Authority is a single-purpose high-speed rail agency, without jurisdiction to construct or operate non-high-speed train systems.

**P019-9**

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

Submission P020 (Todd Fukuda, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 remind everyone that the purpose for today is for the  
 2 Authority and Federal Rail Administration to take your  
 3 comments so that they can be factored into the process  
 4 as we move forward. So, again, those comments -- even  
 5 if you speak here in person, you can still submit  
 6 comments in writing as well.

7 And let me also just comment on the timing.  
 8 The reason we have timing is to allow an orderly process  
 9 to ensure that as many people as possible are able to  
 10 speak.

11 We will allow people and we certainly  
 12 encourage people to speak multiple times if they want to  
 13 do that. For those who were at the hearing last night,  
 14 I think they can attest that many people took advantage  
 15 of that opportunity. And we certainly will be here  
 16 'till eight o'clock and we will listen to people as they  
 17 want to speak. But we need to make sure that everyone,  
 18 regardless of their point of view, has a chance to  
 19 speak.

20 So let's start again. First we have Todd  
 21 Fukuda followed by Sheli Andranigian. And Richard  
 22 Valle.

23 MR. FUKUDA: Good afternoon. Ms. Perez, I  
 24 wish to speak to you about widespread and severe  
 25 violation of NEPA environmental justice law.

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P020-1

Hanford High-Speed Train Meeting  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

P020-1  
 1 The Fresno to Bakersfield EIS reflects that  
 2 the city of Wasco will be dissected by potential  
 3 alignments. All alignments would impede movements  
 4 through the city. Note that the demographics of the  
 5 city is rural, lower income and primarily Hispanic and  
 6 should clearly be a protected location pursuant to the  
 7 spirit of the Environmental Justice requirements of  
 8 NEPA.

P020-2  
 9 With that said, what happens to the city of  
 10 Wasco if the project is built through the city but the  
 11 CHSRA never successfully builds a high speed rail system  
 12 as they claim they cannot do without the hundred billion  
 13 dollars that they are missing. The city of Wasco loses  
 14 their city, their businesses, and their access to  
 15 intercity passenger rail due to the closing of the  
 16 Amtrak station by CHSRA.

P020-3  
 17 NEPA requires that the Authority demonstrate  
 18 a need for the proposed project compared with a no build  
 19 option. What about the impacts to Wasco if CHSRA fails?  
 20 CHSRA's current plans do not address that but due to the  
 21 lack of the funding, it can easily become a NEPA  
 22 environmental justice disaster.

P020-4  
 23 How does the FRA reconcile that the lack of  
 24 compliance with NEPA were things considered in the  
 25 Merced to Fresno EIS. Withdraw the EIS until the CHSRA

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Hanford High-Speed Train Meeting  
559-224-9700

Submission P020 (Todd Fukuda, August 28, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 complies with NEPA. Thank you.  
2 MR. MORALES: Thank you, Mr. Fukuda.  
3 Ms. Andranigian and Richard Valle.  
4 MS. ANDRANIGIAN: Good afternoon and welcome  
5 to Kings County Ms. Perez, Ms. Hurd, Mr. Valenstein,  
6 Mr. Morales and Mr. Abercrombie.  
7 We farm in Fresno and Kings County. Our  
8 farm in Fresno County is impacted. I'm also a member of  
9 the Citizens of California for High Speed Rail  
10 Accountability, and I'm here today representing them.  
11 This is directed to Mr. Valenstein. The  
12 California High Speed Rail Authority now admits that it  
13 must comply with environmental justice components of  
14 NEPA. The just approved CHSRA environmental justice  
15 guidance document, CHSRA reflects that quote. The  
16 Authority emphasizes the fair treatment and meaningful  
17 involvement of people in all races, cultures, and income  
18 levels including minority and low income populations  
19 from the early stages of transportation planning and  
20 investment decision making through design, construction,  
21 operation and maintenance.  
22 CHSRA claims that even though they failed to  
23 have an environmental justice policy in place until now,  
24 they have always been complying with this component of  
25 NEPA. Really? The CHSRA has given the public, people

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Hanford High-Speed Train Meeting  
559-224-9700

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## Response to Submission P020 (Todd Fukuda, August 28, 2012)

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### **P020-1**

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

For information on the topic of disruption to community cohesion and division of existing communities from project operation see EIR/EIS Volume I Section 3.12 SO #6, and for information on environmental justice effects see SO #18. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including environmental justice laws.

### **P020-2**

Refer to Standard Response FB-Response-GENERAL-17, FB-Response-GENERAL-12, FB-Response-GENERAL-13, FB-Response-SO-03.

### **P020-3**

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

The project's need is described in Chapter 1, Purpose, Need, and Objectives, of the Final EIR/EIS. The April 2012 Business Plan sets out a feasible path for full funding of the project using public and private funding (Authority 2012a). Similar HST systems operate successfully in Japan, Taiwan, and Europe. There is no evidence that the HST project would fail or that it would become an "environmental justice disaster."

### **P020-4**

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

Submission P021 (Atsuyuki Fukuda, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 acre, which is the standard pistachio block, what is the  
2 true benefit of agriculture? I say it's more than  
3 producing food. It's also cleaning the air.

4 And since I have more time, working  
5 agriculture, this is one of our busiest times ever, and  
6 you release the EIR/EIS for us to review. So you give  
7 us, what, 40 days, then you add on, now, we're at what,  
8 90?

9 So you ask what is -- what is not our busy  
10 time for farmers? Usually, never. So what I'm asking  
11 you is possibly to give us a half year review so we have  
12 the proper time at nights and on that maybe one free day  
13 a week that we have to read the EIR.

14 Thank you very much.

15 MR. MORALES: Thank you.

16 Is Mr. Fukuda here this evening? All right,  
17 then. No.

18 MR. FUKUDA: I'm the one that got up last  
19 night and was very nervous in speaking and told you that  
20 normally my wife speaks for me. But I would like to  
21 address the Federal Rail Authority.

22 You know, I'd like for you -- each of you to  
23 go to the AAA or wherever and get a California map.  
24 Open it up, look at it, and see the routes, the  
25 transportation routes. You have I5, 99, 41 that goes

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Hanford High-Speed Train Meeting  
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This transcript was prepared for you by:  
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1 into Fresno.

2 You look at it, and you look at it and the  
3 straightest route is I5, and you can't tell me -- and  
4 then you take the Rail Authority's map and lay it on  
5 there and you can see it wiggling through the central  
6 state of California. Here you take I5, you go on the  
7 outskirts of the Valley, and you go straight into San  
8 Francisco.

9 The basic principle of this thing was to go  
10 from San Francisco to L A. Nowhere else. So if you  
11 shoot that from LA to San Francisco on I5 route, go up  
12 the Grapevine, tunnel it through the Grapevine, and then  
13 you go up to Ultimate Pass, veer off, you can go off to  
14 Sacramento, you can go into San Francisco, and then  
15 you're done.

16 You know, I'm not an engineer, but if you  
17 look at the California map and open it up -- we have at  
18 our house -- well, we have the whole family involved in  
19 this thing -- but if you open it up, we have it hanging  
20 in our house and you look at it and I5 is the  
21 straightest route.

22 So if the Federal Authority -- if you have  
23 power over the Rail Authority, I suggest you look at it  
24 very closely. And if you can, bring this back, take  
25 this EIR off the records, and bring it back and regroup.

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Hanford High-Speed Train Meeting  
559-224-9700

P021-1

P021-1

P021-1

Submission P021 (Atsuyuki Fukuda, August 28, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 Thank you.  
2 MR. MORALES: Thank you, Mr. Fukuda.  
3 Joyce Cooy followed by Alan Scott and  
4 Maureen Fukuda.  
5 MS. COOY: Good evening again. Joyce Cooy.  
6 We're affected in two locations -- impacted, we are  
7 impacted in two locations with the high speed rail west  
8 side alignment. East or west, it's wrong. It's wrong  
9 for the Central Valley, it's wrong for us personally.  
10 The California High Speed Rail Authority now  
11 admits that it must comply with the environmental  
12 justice components of NEPA. The just approved CHSRA  
13 environmental justice guidance document reflects this.  
14 Quote, the Authority recognizes how important provisions  
15 of existing environmental, civil rights, civil and  
16 criminal laws may be used to help reduce environmental  
17 impacts in all communities, environmental injustice on  
18 the human elements.  
19 The CHSRA and the state are openly  
20 entertaining exempting the high speed rail project from  
21 the existing requirements of the California  
22 Environmental Quality Act. How can the Federal Rail  
23 Administration Authority reconcile this reality?  
24 It does not seem that the Authority is  
25 concerned with complying with CEQA and would be happy to

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Hanford High-Speed Train Meeting  
559-224-9700

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Response to Submission P021 (Atsuyuki Fukuda, August 28, 2012)

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**P021-1**

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

The purpose and need for the HST project is described in Chapter 1, Project Purpose, Need, and Objectives, of the Final EIR/EIS. Contrary to the commenter's statement, the purpose of the project is not limited to serving the Los Angeles and San Francisco Bay Area. Although those are the end points of the system, the HST System also has the specific objective of providing high-speed connections to the major urban areas of the Central Valley. An Interstate 5 (I-5) route was dismissed largely because it would not meet those objectives.

Submission P022 (Maureen Fukuda, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 means that the Authority recognizes the potential  
2 social, and environmental impacts that project  
3 activities may have on certain segments of the public."  
4 If this is the case, why did the California  
5 High Speed Rail Authority planning and design team use  
6 year 2000 census data to classify our present population  
7 and communities to evaluate the High Speed Rail impact  
8 on our current population? Things have changed here,  
9 and more current year 2010 census data is available.  
10 How can CHSRA recognize its potential social and  
11 environmental impacts if they are knowingly using  
12 12-year-old information? This is just an example of the  
13 California High Speed Rail Authority knowingly using  
14 flawed data to cut corners.  
15 How does the Federal Rail Administration  
16 reconcile this reality? Withdraw the EIS until the  
17 California High Speed Rail Authority actually  
18 demonstrates complying with NEPA instead of pretending.  
19 MR. MORALES: Thank you, Ms. Cooy.  
20 Now, Ms. Fukuda.  
21 MS. FUKUDA: It's a good thing it's written  
22 down because I would have had a senior moment and  
23 forgotten what I was going to say.  
24 Anyway, Ms. Hurd, the California High Speed  
25 Rail Authority now admits that it must comply with the

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Hanford High-Speed Train Meeting  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

P022-1 1 environmental justice components of NEPA. The  
2 California High Speed Rail states that one of its three  
3 fundamental environmental justice principals is to  
4 insure the full and fair participation by all affected  
5 communities in transportation decision making processes.  
6 The Authority has decided that not only are  
7 they going to build their high speed track through Kings  
8 county without the support of local government and  
9 populations, they are going to move the San Joaquin  
10 Amtrak service to the Authority's new high speed track,  
11 which will exclude the use of the Hanford Amtrak station  
12 and disenfranchise the populations from Selma,  
13 Kingsburg, Laton, Riverdale, Visalia, Exeter,  
14 Farmersville, Tulare, Hanford, Corcoran, Lemoore,  
15 Armona, Stratford, Kettleman City, Avenal and Paso  
16 Robles from using the San Joaquin Amtrak service through  
17 the Hanford Amtrak station.  
18 The Authority did not seriously consult or  
19 work with locals on this key independent utility  
20 justification matter for their access to federal ARRA  
21 funds through the FRA. The Authority does not  
22 adequately assess the scale of the impact that it will  
23 cause by eliminating this Amtrak station from a  
24 primarily low income minority population.  
25 CHSRA has been quick to advise affected

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Submission P022 (Maureen Fukuda, August 28, 2012) - Continued

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P022-5|

1 communities that they did not have to coordinate with  
2 locals or comply with existing transportation plans.

P022-6|

3 How does the Federal Rail Administration reconcile this  
4 lack of environmental justice?

P022-7|

5           Were these things considered in the Merced  
6 to Fresno EIS? Withdraw the EIS until a CHSRA actually  
7 demonstrates that it is complying with NEPA instead of  
8 pretending on paper that it is complying.

9           And I have a few minutes left. And I closed  
10 my statement last year with a quote, and I don't know  
11 exactly but it's as close as possible. Eleanor  
12 Roosevelt, Collier's magazine, 1943, that I remember.  
13 She said, in regards to an Authority, the Relocation  
14 Authority," It is harder to correct a mistake than not  
15 to make one originally, but we seldom have the  
16 foresight." Eleanor Roosevelt, 1943. Thank you.

17           MR. MORALES: Thank you, Ms. Fukuda.

18           Frank Oliveira, Joe Machado, and Karen  
19 Stout.

20           MR. OLIVEIRA: Again, my name is Frank  
21 Oliveira. In keeping to the theme that we were  
22 discussing, Ms. Perez, Ms. Hurd, Mr. Valenstein, NEPA  
23 requires that, under the environmental section of  
24 justice component, requires the early participation. As  
25 I explained the last time I was at this podium, we were

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Response to Submission P022 (Maureen Fukuda, August 28, 2012)

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**P022-1**

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

See EIR/EIS Volume 1 Section 3.12 Impact SO#17 and Impact SO#18, 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. See EIR/EIS Section 3.12.3 for details on the laws, regulations, and orders that the project adheres to, including environmental justice laws. 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 in those cases where the impact will remain significant the effect is acknowledged and considered in decisions about project alternatives.

**P022-2**

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

**P022-3**

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

The Authority and FRA recognize the concerns of Kings County representatives and community members and wish to maintain an open dialogue about the project. The Authority welcomes the opportunity to meet with landowners and stakeholders. Also, 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.

**P022-4**

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

**P022-5**

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

The Authority and FRA recognize the concerns of Kings County representatives and community members and wish to maintain an open dialogue about the project. The

**P022-5**

Authority welcomes the opportunity to meet with landowners and stakeholders. Also, 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.

**P022-6**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

**P022-7**

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

See EIR/EIS Volume 1 Section 3.12 Impact SO#17 and Impact SO#18 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. See Section 3.12.3 for details on the laws, regulations, and orders that the project adheres to, including environmental justice laws. 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.

Submission P023 (Maureen Fukuda, August 28, 2012)

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P023-1

1 Maureen Fukuda.  
 2 MS. FUKUDA: Good afternoon again.  
 3 Ms. Perez, I wish to speak to you about the  
 4 widespread and severe violation of NEPA environmental  
 5 justice law. The Fresno to Bakersfield EIS reflects  
 6 that the city of Wasco will be dissected by potential  
 7 alignments. All alignments will impede movement through  
 8 the city. Note that the demographics through the city  
 9 is rural, lower income and primarily Hispanic and should  
 10 clearly be a protected location pursuant to the spirit  
 11 of the environmental justice requirements of NEPA.

P023-2

12 That said, what's going to happen to the  
 13 city of Wasco if the project is built through the city  
 14 but the CHRSA never successfully builds the high speed  
 15 train system as they claim they can do without the  
 16 hundred billion dollars that they are missing? The city  
 17 of Wasco loses their city, business, and access to  
 18 intercity passenger rail due to the closing of the  
 19 Amtrak station by the Authority. NEPA requires that the  
 20 Authority demonstrate a need for the proposed project  
 21 compared with no build option.

P023-3

22 What about the impacts on Wasco if CHSR  
 23 fails? CHSR current plans do not address that but due  
 24 to the lack of funding, it could easily become a NEPA  
 25 environmental justice disaster. How does FRA reconcile

P023-5

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P023-5

P023-6

1 this compliance with NEPA? Were these things considered  
 2 in the Merced to Fresno EIS? Withdraw the EIS until the  
 3 Authority complies with NEPA.  
 4 I would also like to say that we were  
 5 granted -- this is off. We were granted a 30 day  
 6 extension to the EIR and it sounds like a lot to you but  
 7 to me, it's not.

8 I have tried to read it. I taught biology.  
 9 I'm retired. The gentleman that came up here and went  
 10 on and on about the greenhouse gases is my partner. And  
 11 if he were to read it, it would be very difficult. It  
 12 tells you to refer to different things, this chart, that  
 13 chart. I'm not a technofile. I don't have a hard copy.  
 14 I'm from the old school. Give me piece of paper,  
 15 pencil, and highlighter and away I go. But with this  
 16 computer, you can't highlight. You have to go back,  
 17 reread and so forth. It takes me a long time. I mean,  
 18 if I do one page in a half hour, that's pretty good.

P023-7

19 It's difficult for me as a layperson now,  
 20 it's difficult even though I have a background in  
 21 biology.  
 22 So, yes, we were granted 30 days. I would  
 23 like to ask for another 60 -- make it 180. Give us a  
 24 chance to read this and see how it impacts us. That's  
 25 it.

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Submission P023 (Maureen Fukuda, August 28, 2012) - Continued

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1           The other thing -- and I told the FRA I'd  
2 like to close this with another quote from the head of  
3 the High Speed Rail Authority, Dan Richard, in a  
4 conversation with him over coffee. I said I have  
5 reservations about anything named Authority because it  
6 seems as though I've lost some rights. And he assured  
7 me, he said, the Authority is a servant of the people.  
8           Well, somewhere along the line, I've learned  
9 that we are governed by the people, for the people. And  
10 I think that's been violated. It's not -- it's for  
11 people but it's not taking all people into  
12 consideration. And I think our needs need to be  
13 addressed as well as those in the metropolitan area.  
14           As they said, government by the people, for  
15 the people and Dan Richard did say that the Authority is  
16 a servant of the people. So I expect that. Thank you.  
17           MR. MORALES: Thank you, Ms. Fukuda.  
18           James Neto followed by Glen Parsons.  
19           Sir, we have other people waiting in line  
20 and following the process.  
21           AUDIENCE: You don't know but Harris ranch  
22 on I5, the greatest cattle feed in the world. A few  
23 months back some people went in there, in the wee hours  
24 of the morning and put canisters that were bombs under  
25 14 trucks and trailers. They snuck out. And these are

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## Response to Submission P023 (Maureen Fukuda, August 28, 2012)

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**P023-1**

Refer to Standard Response FB-Response-SO-07, FB-Response-GENERAL-05.

For information on the topic of disruption to community cohesion and division of existing communities from project operation see EIR/EIS Volume I Section 3.12 SO #6, and for information on environmental justice effects see SO #18.

**P023-2**

Refer to Standard Response FB-Response-GENERAL-17, FB-Response-GENERAL-12, FB-Response-GENERAL-13, FB-Response-SO-03.

**P023-3**

Please refer to Section 1.2.4, Statewide and Regional Need for the HST System in the Fresno to Bakersfield Section, which addresses the need for the proposed project. Factors demonstrating the need for the HST System include future growth; capacity constraints; diminished quality of life and economic well-being resulting from the reliability of travel being affected by congestion and delays, weather conditions, accidents, etc., without the proposed project; reduced mobility as a result of increasing demand on limited modal connections between major airports, transit systems, and passenger rail without the proposed project; and poor and deteriorating air quality and pressure on natural resources and agricultural lands as a result of expanded highways and airports and urban development pressures.

**P023-4**

Refer to Standard Response FB-Response-GENERAL-17, FB-Response-GENERAL-13.

There are two proposed alternative alignments in the vicinity of Wasco and Shafter: the BNSF Alternative (through Wasco and Shafter) and the Wasco-Shafter Bypass Alternative. Each alternative would have its own set of different effects.

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

**P023-4**

in the alternatives analysis and the comparative potential for environmental impacts.

**P023-5**

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

**P023-6**

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-17, FB-Response-GENERAL-19, FB-Response-SO-07.

There is no requirement under NEPA that the entire HST System be fully funded before environmental review. The federal American Recovery and Reinvestment Act (ARRA) funding agreement stipulates that the Central Valley sections must be capable of being connected to existing infrastructure for use of its infrastructure by other operators in the event that the HST System does not go into operation. The Authority and FRA have fully complied with NEPA, and there is no reason to withdraw the EIS.

**P023-7**

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

Submission P024 (Maureen Fukuda, August 28, 2012)

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1 fees from DMV and all the rest of it because of our air  
2 quality. And granted these people are going to be  
3 riding trains to work but they still have to go to the  
4 grocery store, they still have to go to the kids' soccer  
5 games, there will be more cars here. We can't handle  
6 the air quality and traffic issues that will come into  
7 play if the Central Valley becomes a bedroom community  
8 for LA and San Francisco. Thank you.

9 MR. MORALES: Thank you, Ms. Kohns.  
10 Ms. Fukuda and then Michele Costa.

11 MS. FUKUDA: Good afternoon. Maureen Fukuda  
12 from Hanford, California.

13 It's been about a year since I addressed  
14 this panel and, Mr. Valenstein, were you here last year?  
15 Okay. And Mr. Abercrombie. You're the only two  
16 gentlemen on the panel last year in the auditorium.  
17 Since then the Authority has moved on. The Authority  
18 has their money. They're ready, as they say, shovel  
19 ready to go.

20 Where are we here in Kings County? We're at  
21 square one. We're still asking questions of the  
22 Authority that they have not, cannot, or will not  
23 answer. Life is a matter of having answers for your  
24 problems so you can move forward. We can't do that.

25 I'll be very honest, I do not sleep well at

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P024-1

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1 night. I think about this constantly, 24/7. It might  
2 sound silly but I have a map in my kitchen.

3 We just haven't been able to get anywhere  
4 because we have not been given answers. And the  
5 information at times is inaccurate.

6 I'm told don't worry about a 17-foot swather  
7 going down the road because the road is 12 feet wide  
8 with 4 feet access. Well, that's 16 feet. Don't worry.  
9 It's got one foot -- it's a 2-lane road. The swather  
10 cannot move over. It's going to be a barrier. So  
11 something has to give. And the answer was, we'll solve  
12 those problems as they arise.

13 That's not an answer. That's a put off.  
14 And we've been getting put offs all the way down the  
15 line. Inaccurate information.

16 We have indifferent people. There are  
17 just -- I have -- I went to the Fresno meeting March 2nd  
18 and 3rd. I saw Authority people behind a skirt like  
19 this that appeared to be texting. They were very busy  
20 under. Two people. I could name names but I refuse to  
21 do that at this time. I went up and complimented  
22 Mr. Burns for at least listening to the people who came  
23 up and gave comment. That's rude. That's not  
24 acceptable. They should pay attention.

25 These people are pleading for their lives

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P024-1

P024-2

P024-3

Submission P024 (Maureen Fukuda, August 28, 2012) - Continued

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P024-3

1 and we have people texting. I saw another gentleman  
2 reading a book, binder type. It may have been the  
3 information of that day but he should have been paying  
4 attention to the people. And indifferent Authority.

5 Also, and a good example, is Senator Mike  
6 Rubio. In the paper he says public hearing in Armona.  
7 Well, we're Hanford. We're not Armona. Does he show  
8 up? No. He sends his aide and says "Oh, go to  
9 Stratford." So we go to Stratford, a few of us. We ask

P024-4

10 Mr. Rubio, "Do you have information on job losses?"  
11 "Oh, I'll get that information to you." It's been about  
12 a month and a half, two months. Not a phone call,  
13 nothing. That is what we're dealing with.

14 So can you understand my frustrations.  
15 Really, I cannot sleep well at night because I don't  
16 have simple answers, and very indifferent Authority.  
17 Thank you.

18 MR. MORALES: Thank you. Ms. Fukuda.  
19 Michele Costa followed by Scott Davis and  
20 Carol Walters.

21 MS. COSTA: Good afternoon. Michele Costa,  
22 executive director for the Kings County Farm Bureau.  
23 Kings County Farm Bureau is an organization  
24 that represents more than 800 farmers and ranchers here  
25 in Kings County. In our most recent crop report, the

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Response to Submission P024 (Maureen Fukuda, August 28, 2012)

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**P024-1**

The Authority and FRA recognize the concerns of Kings County representatives and community members and wish to maintain an open dialogue about the project. The Authority welcomes the opportunity to meet with landowners and stakeholders. Also, 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.

**P024-2**

Refer to Standard Response FB-Response-S&S-01.

The project description states that for roadway overcrossings the lanes would be 12 feet wide and the shoulders would be between 4 to 8 feet wide. The width of the shoulders will be made wide enough to accommodate farm equipment.

**P024-3**

The Authority fully considers the perspective and issues raised in all public comments received and aims to pay close attention at every public hearing or opportunity for public comment.

**P024-4**

Refer to Standard Response FB-Response-GENERAL-14, FB-Response-GENERAL-16.

Senator Mike Rubio is not affiliated with and does not represent the California High-Speed Rail Authority. The Authority has conducted a public outreach process for the Fresno to Bakersfield Section of the HST that has been extensive and includes hundreds of public meetings and briefings where public comments have been received, participation in community events where participation has been solicited, and educational materials have been developed and distributed to encourage feedback. These efforts are cited in EIR/EIS Volume I Chapter 7.

The testimony described in the comment does not present evidence challenging the impact analysis and conclusions. The analysis of potential job loss due to business displacement and relocation was performed by alternative and the results are presented

**P024-4**

in EIR/EIS Volume I Section 3.12 Impact SO #10. A gap analysis of available properties was performed in Section 5.2.3 of the Community Impact Assessment Technical Report (Authority and FRA 2012h). The analysis examines all potentially relocated businesses and the results show a suitable number of replacement properties exist in the surrounding locations in each community. Because the Authority is required to provide relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, all the displaced businesses would be relocated; most, if not all, within the surrounding area, and their employees would remain employed. Also see Section 5.1.2 of the Community Impact Assessment Technical Report for more detailed information on short-term and long-term job creation.

Submission P025 (Todd Fukuda, August 28, 2012)

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1 social, environmental impacts if they are going to  
2 continue to disregard available critical information?  
3 This is just one of the many examples of how they take  
4 data, but they don't thoroughly look at it and find the  
5 problems. But it ultimately is at the expense of the  
6 community. And in this case, perhaps the state.  
7 How does Federal Rail Administration reconcile  
8 this reality? Do just what you're doing right now and  
9 gather the information. But when you find the problems,  
10 you have to act not just look beyond. Thank you.  
11 MR. MORALES: Thank you, Mr. Oliviera.  
12 Todd Fukuda. And Helen Sullivan and Ken  
13 Jensen.  
14 MR. FUKUDA: Thank you FRA for visiting our  
15 hometown. I'm a pest control advisor. I work in  
16 almonds and pistachios.  
17 This is not a hypothetical, this will happen  
18 if the rail goes through. There are pesticides that are  
19 allowed on almonds and not pistachios. If the pesticide  
20 sprayed in almonds is carried to pistachios by draft  
21 buildup by high speed rail, who will be responsible for  
22 the maximum residue level or MRL violations.  
23 I hope you have kept up with MRL issues that  
24 we have in agriculture. What happens is, it will affect  
25 sales of crops in foreign and domestic markets. So who

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P025-1

P025-2

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P025-3

1 is liable? What I assume is the processors will be  
2 liable, I will be liable, and the farmer will be liable,  
3 for something you guys have built, but did not study.  
4 So I ask you to require more studies on draft  
5 mitigation. Thank you.  
6 MR. MORALES: Thank you, Mr. Fukuda.  
7 Helen Sullivan.  
8 MS. SULLIVAN: Good afternoon again. I  
9 would like to conclude my comments today by noting  
10 several serious violations of NEPA environmental justice  
11 law.  
12 On August 2, 2012, California High Speed  
13 Rail Authority for the first time adopted an  
14 environmental justice guidance policy, even though, as  
15 Mr. Lamb and Oliveira both stated, the Authority had  
16 been planning this project for 16 years. This is  
17 convincing evidence that the F -- that the Authority did  
18 not consider or comply with provisions of environmental  
19 justice that are mandated by NEPA from the Authority's  
20 inception through the entire design and planning stages  
21 of the project to this present day.  
22 Noncompliance of environmental justice and  
23 other provisions of NEPA by the Authority are so  
24 egregious that the Federal Rail Administration must  
25 consider all planning of this project thus far completed

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## Response to Submission P025 (Todd Fukuda, August 28, 2012)

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### **P025-1**

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

The conclusions in the Revised DEIR/Supplemental DEIS are further supported by the July 2012 Agricultural Working Group White Paper entitled "Induced Wind Impacts." This concluded that "The risk of HST-induced wind creating conditions to cause pesticide drift is minimal due to the expected wind speed at the edge of the right-of-way."

### **P025-2**

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

For information on the economic effects on agriculture see EIR/EIS Volume I Section 3.12 Impact SO #15.

### **P025-3**

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

The Authority has undertaken a number of studies in this area. The Agricultural Working Group (AWG) was established in July of 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 representatives from university and governmental agencies, county agricultural commissioners, and agri-business representatives. A series of White Papers was produced by this group and they 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.

Submission P026 (Todd Fukuda, August 28, 2012)

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1 states that your document, the EIS, shall include  
2 discussions of, among others, the possible conflicts  
3 between the proposed action and the objectives of  
4 federal, regional, state, and local and then, the case  
5 of reservation Indian tribe, land use, plans, policies  
6 and controls for the area concerned. See section 15.06.  
7 So in 15.06, it states to better integrate  
8 environmental impact statements into state or local  
9 planning processes, statements shall discuss -- the EIS  
10 shall discuss any inconsistencies of your proposed  
11 action with any approved state or local plan where an  
12 inconsistency exists, the statement should describe the  
13 extent to which the agency, that's you, would reconcile  
14 its proposed action with that plan. Reconcile to mean  
15 to make consistent or congruous. To bring into  
16 agreement or harmony, to make compatible or consistent.  
17 So I believe this is a significant  
18 contradiction to the CEQA regulation. And I believe  
19 it's a significant flaw in your document. Thank you.  
20 MR. MORALES: Thank you, Ms. Peck.  
21 Todd Fukuda.  
22 MR. FUKUDA: First off, I would like to say  
23 I think it's unfair that you put me behind Diana Peck.  
24 That's just totally unfair. She's awesome.  
25 To the FRA, thank you for coming and for

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P026-1  
P026-2

1 your time. And my talking is going to be based on  
2 something that reviews kind of what my biology teacher,  
3 Scott Davis, said earlier about the greenhouse gases.  
4 Because everybody talks about the cars. Well, let's  
5 talk about agriculture.  
6 So let's talk about the power of green.  
7 6CO2 plus 12H2O plus light forms C6H12O2 plus 6O2 plus  
8 6H2O, that's green power. I work in agriculture and our  
9 job is to grow green. Plants will take CO2 out of the  
10 environment and put back O2. That is only done if our  
11 crops stay green. So has Authority given you the  
12 different rates at which different agricultural plants  
13 take out CO2? Have they given you the truth of real  
14 acres lost due to the rail? The truth of acres lost due  
15 to the urban sprawl? That is green power loss.  
16 And just for your information, I just took  
17 this from the American forest web site, but one tree  
18 takes out ten pounds of CO2 and adds 260 pounds of O2 in  
19 one year, enough for two people.  
20 I work in pistachio trees, one of our  
21 irrigation specialists said that pistachio have -- on  
22 the bottom and top making it more accessible to  
23 transpire. Meaning, that they take out more CO2.  
24 So if you can imagine that ten pounds of  
25 O2 -- CO2 out 260 pounds of CO2 times 130 trees per

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Submission P026 (Todd Fukuda, August 28, 2012) - Continued

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P026-3

1 acre, which is the standard pistachio block, what is the  
2 true benefit of agriculture? I say it's more than  
3 producing food. It's also cleaning the air.  
4 And since I have more time, working  
5 agriculture, this is one of our busiest times ever, and  
6 you release the EIR/EIS for us to review. So you give  
7 us, what, 40 days, then you add on, now, we're at what,  
8 90?  
9 So you ask what is -- what is not our busy  
10 time for farmers? Usually, never. So what I'm asking  
11 you is possibly to give us a half year review so we have  
12 the proper time at nights and on that maybe one free day  
13 a week that we have to read the EIR.  
14 Thank you very much.  
15 MR. MORALES: Thank you.  
16 Is Mr. Fukuda here this evening? All right,  
17 then. No.  
18 MR. FUKUDA: I'm the one that got up last  
19 night and was very nervous in speaking and told you that  
20 normally my wife speaks for me. But I would like to  
21 address the Federal Rail Authority.  
22 You know, I'd like for you -- each of you to  
23 go to the AAA or wherever and get a California map.  
24 Open it up, look at it, and see the routes, the  
25 transportation routes. You have I5, 99, 41 that goes

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Response to Submission P026 (Todd Fukuda, August 28, 2012)

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**P026-1**

All plants absorb some amount of carbon through photosynthesis, but they do not store the carbon for long. Plants release carbon in the atmosphere when they decompose, or when the soil is tilled. In addition, crops generally require more carbon inputs in the form of water and fertilizer than they absorb from the atmosphere.

Carbon sequestration is the capture and secure storage of carbon dioxide that would otherwise be emitted to or remain in the atmosphere. Terrestrial carbon sequestration is carbon stored in the biomass created by perennial vegetation, such as root systems and tree trunks. Conservation farming practices that include no- or low-till practices have been recognized by the Chicago Climate Exchange as a carbon offset protocol.

The amount of carbon stored by a plant or tree varies by type and location and on an annual basis. In general, trees, such as pistachio or almond trees, absorb and sequester more carbon than crops, such as corn, alfalfa, and cotton, which absorb carbon dioxide as they grow but release carbon dioxide when they are tilled or decompose. Broadleaf, deciduous, small trees sequester 0.1 ton of greenhouse gas (GHG) emissions total, for each tree, over an average 50- year life span.

Although removal of plants and trees due to the construction of the HST could result in a loss of a GHG sink, the loss will be offset by the reduction of GHG emissions associated with reduced VMT. The amount of carbon dioxide sequestered by different plant species is highly variable, and it would be speculative to estimate these emissions outside of a general analysis based on land use types.

**P026-2**

The Revised DEIR/Supplemental DEIS states that the HST alternatives would result in the permanent conversion of 4,000 acres to transportation uses. 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.

As discussed in Section 3.18.5.3 of the Revised DEIR/Supplemental DEIS, if the current

**P026-2**

population density of approximately 10 persons per acre (see Section 2.4, No Project Alternative – Existing and Planned Improvements) were to continue with the HST, 11,065 acres of land would be needed to accommodate this additional population.

**P026-3**

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

Submission P027 (Todd Fukuda, August 28, 2012)

This transcript was prepared for you by:  
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P027-1 | 1 MR. MORALES: Thank you, Ms. Fagundes.  
2 Todd Fukuda.  
3 MR. FUKUDA: Good afternoon, Mr. Valenstein.  
4 I wish to speak to you about violations of  
5 NEPA environmental justice law.  
6 The Fresno to Bakersfield EIS reflects that  
7 the city of Bakersfield will be dissected by three  
8 potential alignments. All three alignments will impede  
9 movements through the city physically destroying many  
10 businesses, destroying places of worship, destroying  
11 schools, low income minority neighborhoods, and separate  
12 the city visually from one side to the other, while  
13 exposing the population to excessive noise.  
14 With that said, what happens to the city of  
15 Bakersfield if the project is built through the city but  
16 the Authority never successfully builds the high speed  
P027-2 | 17 train system, as they claim they can do without the  
18 hundred billion dollars that are missing? The city of  
P027-3 | 19 Bakersfield loses their businesses, schools, churches  
20 and neighborhoods.  
P027-4 | 21 NEPA requires that the Authority demonstrate  
22 the need for a proposed project compared with a no build  
23 option. What about the impacts to Bakersfield if the  
24 Authority fails? The High Speed Rail Authority  
25 currently plans to address that but due to the lack of

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P027-5 | 1 funding, it could easily become a NEPA environmental  
2 justice disaster.  
3 How does the FRA reconcile the lack of  
4 compliance with NEPA? Were these things considered in  
5 the Merced to Fresno EIS? Withdraw the EIS until the  
6 Authority complies with NEPA.  
7 Thank you.  
8 MR. MORALES: Thank you, Mr. Fukuda.  
9 We'll take a 15 minute break until --  
10 MR. WILLIAMSON: Can I say something? I  
11 have a piece of ground, 40 acres. I just got through  
12 paying my water bill. I normally pay full price but  
13 because of the structure, the delta, we usually get  
14 half. But I'm going to talk about the health part of  
15 this. Not the statistics, but the health.  
16 My ancestors first came here in 1846. I  
17 have diaries from the late 1700's. When they came down  
18 through the Valley -- let the records show the heat was  
19 more at hand than it is now. When you look east from  
20 where I live, sometimes you can see the Sierra mountains  
21 and the snow packed winter. Summertime you can't see  
22 'cause of the haze. It was there in 1846.  
23 Now, to deal with the health part of this.  
24 I was making my own way by the time I was 11 years old.  
25 Mostly, working on the farm, pulling cotton. By the

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Response to Submission P027 (Todd Fukuda, August 28, 2012)

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**P027-1**

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

For information on the potential for disruption and division in Bakersfield, see Impact SO #6 in Section 3.12, Socioeconomics, Communities, and Environmental Justice. See also Impact SO #9 and Impact SO #10 for displacement estimates in Bakersfield. Mitigation Measure SO-2 proposes mitigations for identified effects in Bakersfield communities.

**P027-2**

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

**P027-3**

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

**P027-4**

This comment assumes that a lead agency must define its project based on available funding. CEQA includes no such rule, and courts cannot impose procedural or substantive requirements beyond those explicitly stated in the statute or Guidelines (Pub. Res. Code § 21083.1). Such a rule would force lead agencies to re-define their projects every time funding changes, a result in direct conflict with the "rule of reason" that governs EIRs (Laurel Heights Improvement Assn. v. UC Regents [1988] 47 Ca1.3d 376, 406-407).

The purpose of NEPA is to provide an analysis of the environmental effects of a federal action, in this case FRA's approval of and funding assistance for the Fresno to Bakersfield Section of the California HST System. The EIR/EIS describes the project alternatives, the environmental setting, the impacts associated with the project alternatives, and mitigation measures for impacts. Therefore, the FRA has complied with 40 CFR 1500 and the agency's procedures for complying with NEPA as set forth in the Federal Register (vol. 64, No. 101, pp. 28545-28556 [1999]).

**P027-5**

Refer to Standard Response FB-Response-GENERAL-17, FB-Response-SO-07.

**P027-6**

This comment assumes that a lead agency must define its project based on available funding. CEQA includes no such rule, and courts cannot impose procedural or substantive requirements beyond those explicitly stated in the statute or Guidelines (Pub. Res. Code §21083.1). Such a rule would force lead agencies to re-define their projects every time funding changes, a result in direct conflict with the "rule of reason" that governs EIRs (Laurel Heights Improvement Assn. v. UC Regents [1988] 47 Ca1.3d 376, 406-407).

The purpose of NEPA is to provide an analysis of the environmental effects of a federal action, in this case FRA's approval of and funding assistance for the Fresno to Bakersfield Section of the California HST System. The EIR/EIS describes the project alternatives, the environmental setting, the impacts associated with the project alternatives, and the mitigation measures for impacts. Therefore, the FRA has complied with 40 CFR 1500 and the agency's procedures for complying with NEPA as set forth in the Federal Register (vol. 64, No. 101, pp. 28545-28556 [1999]).

Submission P028 (Richard Garcia, August 28, 2012)

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1 and San Francisco. Laying down 130 miles of track with  
2 no money for a train, electrification, or completing it  
3 from San Francisco to LA does not justify global warming  
4 and destroying our homes and our livelihoods.

5 MR. MORALES: Thank you.

6 Janis Rogers and Richard Garcia.

7 MS. ROGERS: My name is Janis Rogers. I was  
8 born and raised in Hanford. I have a couple of  
9 questions.

10 If the High Speed Rail Authority makes good  
11 on the promises of stations to all of the towns along  
12 the proposed route, how can it possibly be a high speed  
13 train with all of those stops?

14 And also, the first phase of this project,  
15 Merced to Bakersfield, will not be electrified until the  
16 completion of the project. Does that mean it will just  
17 sit there like -- or be like the BNSF, and for how long?  
18 I would recommend that you revisit the Interstate 5  
19 right-of-way which will not be as destructive to the  
20 fertile San Joaquin Valley. Thank you.

21 MR. MORALES: Thank you, Ms. Rogers.

22 Richard Garcia and then Halen Sullivan and  
23 then Michael Lamb.

24 MR. GARCIA: Hello, I'm Richard Garcia. And  
25 I wasn't going to speak but I just -- I think that this

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1 high speed rail project is a fiasco. I think that it  
2 was supposed to go from San Francisco to LA on I5 and  
3 that's the way it should be. It shouldn't disrupt local  
4 businesses, farmland and homes that the people have  
5 worked for for such a long, long time.

6 I think probably all of us up there have  
7 children. And if you had your child stolen from you, I  
8 think you would be pretty upset. Well, that's what's  
9 happening today. You're trying to steal people's  
10 businesses, families, and homes. And it's not right.

11 You're going to have a fight from everyone  
12 in this Valley because you are disrupting this Valley as  
13 it is today. It's not right. It's wrong. And you're  
14 just taking away something that you worked your life for  
15 and you are taking it away. And you're trying to force  
16 feed it down people's throats.

17 I have a car business in Corcoran and I  
18 can't remodel my dealership because I don't know what  
19 the hell you're going to do. Because you don't know  
20 what you're going to do. It's disruptive and I think  
21 you need to rethink the whole project. Thank you.

22 MR. MORALES: Thank you, Mr. Garcia.

23 Halen Sullivan and Michael Lamb and Frank  
24 Oliveira.

25 MS. SULLIVAN: Good afternoon, ladies and

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Response to Submission P028 (Richard Garcia, August 28, 2012)

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**P028-1**

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

Your opposition to the project is noted.

**P028-2**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-14.

**P028-3**

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

**P028-4**

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 Volume III of the EIR/EIS.

Submission P029 (Charlene Hook, Citizens for California High Speed Rail Accountability, August 28, 2012)

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1 the opportunity to speak. So we will take first time  
 2 speakers in the order they come. People wanting to  
 3 speak a second time or multiple times, we will fit you  
 4 in after first time speakers but we will try to make  
 5 sure everyone gets every opportunity they want to  
 6 participate.

7 MS. HOOK: Afternoon. Charleene Hook,  
 8 Corcoran, California. I'm here representing not only  
 9 myself but also the Citizens for California High Speed  
 10 Rail Accountability, along with my two sisters, Karen  
 11 Allen and Darleen Rodriguez. It's affecting all our  
 12 homes. Three sisters. That's ironic, isn't it? The  
 13 High Speed Rail Authority now admits that it must comply  
 14 with environmental justice components of NEPA. The  
 15 CHSRA states that one of it's three fundamental  
 16 principles is to ensure full and fair participation by  
 17 all affected communities in the transportation decision  
 18 making process.

19 The Kings County board of supervisors,  
 20 numerous citizens groups and individuals have asked and  
 21 demanded for years that the CHSRA reveal the impacts to  
 22 the route along Interstate 5 versus the two routes in  
 23 Kings County reflected in the EIS and to consider the  
 24 Interstate 5 route through Kings County if the rail  
 25 impacts are less.

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P029-1

P029-2

P029-3

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1 I was told you don't consider I5 because you  
 2 can't get water. Harris Ranch got water, and you guys  
 3 can do just about anything you want.

4 CHSRA's position on this matter clearly  
 5 appears to have total disregard for the community or  
 6 population of this county. CHSRA appears to have  
 7 ignored any compliance with the environmental justice  
 8 components of NEPA in this matter.

9 They have said they are building the route  
 10 here no matter what. The rail options and impacts do  
 11 not seem to matter, and that does not seem to be  
 12 consistent with NEPA. When CHSRA was called out last  
 13 year, in predetermining the route through Kings County,  
 14 CHSRA added the Hanford west route, which is similar  
 15 damage to the community as the Hanford east route.  
 16 CHSRA could have easily studied a less damaging route  
 17 through Kings County like the Interstate 5 route that  
 18 they have chosen not to even compare the impacts.

19 On August 6, 2012 CHSRA regional manager  
 20 Abercrombie reported to the board that the Hanford  
 21 routes were no more damaging than the Interstate 5  
 22 route. CHSRA has never qualified that analysis. A  
 23 deaf, dumb, blind person can figure out that there were  
 24 fewer affected people, less expensive land to buy and  
 25 simply less land to purchase along Interstate 5 than

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P029-4

P029-5

Submission P029 (Charlene Hook, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

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P029-6

1 going through prime agricultural land area, dairy  
2 district of Kings County, while destroying the city of  
3 Corcoran.  
4 How does the FRA reconcile this against the  
5 environmental justice requirement of NEPA? Was this  
6 considered in the Merced and Fresno EIS? Withdraw the  
7 EIS until the CHSRA actually demonstrates it is  
8 complying with NEPA.

P029-7

9 And have any of you ever considered that we  
10 have fog season here? There's no way your train is  
11 going to go that fast in the fog here. If you don't  
12 know Tule fog, you ought to come and live here.

P029-8

13 And the power outages. They're asking us to  
14 conserve energy, turn off our air conditioners, do this,  
15 do that. I mean, your train is not going to be  
16 electrified on many routes down the road so you're going  
17 to pollute with more diesel. Thank you.

18 MR. MORALES: Thank you, Ms. Hook. We'll  
19 take a break and -- as we collect more speaker cards.  
20 We'll resume in 15 minutes. We'll say 4:35. Thank you.

21 (Whereupon, a short break was taken.)

22 MR. MORALES: Okay, we're ready to start up  
23 again. If everyone could take side conversations out so  
24 the speakers can be heard.

25 Two things before we start again. Let me

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## Response to Submission P029 (Charlene Hook, Citizens for California High Speed Rail Accountability, August 28, 2012)

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### **P029-1**

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

See EIR/EIS Volume I Section 3.12 Impact SO #9 for residential displacements.

### **P029-2**

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

### **P029-3**

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

The Interstate 5 (I-5) alternative has been rejected. There is no requirement in either the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA) that an EIR/EIS analyze the impacts of a rejected alternative or provide a comparative analysis between a rejected alternative and the alternatives carried forward in the EIR/EIS. To do so would be illogical because there is no chance that a rejected alternative would be selected as the Preferred Alternative and carried forward for implementation.

### **P029-4**

A potential I-5 alignment was considered and eliminated from further study in the 2005 Statewide Program EIR/EIS (Authority and FRA 2005). The Authority and FRA determined that I-5 is not a reasonable alternative for detailed consideration in the Fresno to Bakersfield Section of the HST system.

While the I-5 corridor could possibly provide better end-to-end travel times compared to alignment alternatives that follow the SR 99 corridor, it would not meet project objectives (refer to Section 1.2.3) and would not satisfy the project's purpose and need. As discussed below, the I-5 corridor is not where the bulk of the Central Valley population resides, and would result in lower ridership and not meet the current and future intercity travel demand generated by the Central Valley communities as well as the SR 99 corridor. Also, the I-5 corridor would not provide transit and airport connections in this area, and thus would not meet the purpose and need and basic objectives of maximizing intermodal transportation opportunities and improving the intercity travel experience in

### **P029-4**

the Central Valley area as well as the SR 99 corridor. Finally, use of the I-5 corridor would encourage sprawl development – the opposite of what the HST System is intended to achieve – and was opposed by numerous agencies, including the U.S. Environmental Protection Agency (EPA).

As mentioned above, the I-5 corridor has very little existing or projected population between the San Francisco Bay Area and Los Angeles. In contrast, well over 3 million residents are projected to live between Fresno and Bakersfield along the SR 99 corridor by 2015, which directly serves all the major Central Valley cities. Residents along the SR 99 corridor lack a competitive transportation alternative to the automobile, and the detailed ridership analysis showed that they would be ideal candidates to use an HST System. In addition, the I-5 corridor would not be compatible with current land use planning in the Central Valley, which focuses and accommodates growth in the communities along the SR 99 corridor. The concept of linking the I-5 corridor to Fresno and Bakersfield with spur lines was considered at the program level, but dismissed because it would add considerably to the I-5 corridor capital costs, and still have the same lower ridership figures compared to the SR 99 corridor.

For these reasons, and not for reasons of water supply reliability, the I-5 corridor was dismissed from further consideration in the Statewide Program EIR/EIS. There is no new information to indicate that this analysis should be revisited, nor that a different conclusion would be reached.

### **P029-5**

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

### **P029-6**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-05, FB-Response-GENERAL-14, FB-Response-GENERAL-02.

For information on the potential residential displacements in Corcoran, see Volume I, Section 3.12, Impact SO #9 and Mitigation Measure SO-1.

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## Response to Submission P029 (Charlene Hook, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

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**P029-7**

Refer to Standard Response FB-Response-S&S-01.

A safely operating HST System would consist of a fully grade-separated and access-controlled guideway. Unlike existing passenger and freight trains in the area of the project, there would be no at-grade road crossings; nor would the HST System share its rails with freight trains. Because there would be no potential for other vehicles to be on the track, there is no need for the HST to operate at reduced speeds in the fog.

**P029-8**

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

The purpose of this project is to implement the Fresno to Bakersfield Section of the California High-Speed Train (HST) project to provide the public with electric-powered high-speed rail service. The high-speed trains would not run on diesel. Refer to Chapter 1, Project Purpose, Need, and Objectives, which discusses the energy source of the HST.

Submission P030 (Charlene Hook, Citizens for California High Speed Rail Accountability, August 28, 2012)

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1 issues, and our irrigation issues, how we're going to  
 2 address the vibration to our property. We get to  
 3 choose.

4 Since when does the High Speed Rail  
 5 Authority negate their responsibility and use their  
 6 taxes -- they're our tax dollars -- to fight me, the  
 7 citizen, who has paid hard and with hard work for those  
 8 tax dollars, and they're using it against me and the  
 9 citizens of Kings County and never once have they  
 10 addressed these issues to us. Thank you.

11 MR. MORALES: Thank you, Ms. Walters.  
 12 Charlene Hook and Joe Machado.

13 MS. HOOK: My name is Charlene Hook. I'm  
 14 from Corcoran, California. I'm one of the many people  
 15 in Kings County that are affected by this rail being  
 16 near my home.

17 I'm affiliated with CCHSRA. And good  
 18 afternoon, Ms. Hurd. I wish to speak to you about  
 19 widespread and severe violations of NEPA Environmental  
 20 Justice law. The Fresno to Bakersfield EIS reflects  
 21 that the city of Corcoran will be dissected like a  
 22 laboratory experiment frog by the three potential  
 23 alignments. All three alignments will impede movement  
 24 through the city, physically destroying many of the few  
 25 businesses in the city, and separate the city visually

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P030-1

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P030-1 1 from one side to the other.

2 Note that the demographic of the city is  
 3 rural, lower income, primarily Hispanic, and should  
 4 clearly be a protected location pursuant to the spirit  
 5 of the environmental justice requirements of NEPA.

P030-2 6 Why is the HSR project anywhere near  
 7 Corcoran, we can't figure that one out. All alignments  
 8 through Corcoran are virtually next to each other and  
 9 are causing the same damage or similar damages. The  
 10 project design concepts considered desirable prior to  
 11 full evaluation of the environmental effect should not  
 12 preclude consideration of NEPA alternatives within an  
 13 EIS that might be effective in avoiding or reducing  
 14 environmentally significant effects. There are no true  
 15 rail alternative alignment studies that exclude the city  
 16 of Corcoran included in the current EIS documents.  
 17 Meaning that the Authority has predetermined the route  
 18 of the alignment, has not truly studied alternatives.

P030-3 19 NEPA requires that the Authority demonstrate  
 20 a need for the proposed project compared with the no  
 21 build option. The need threshold has not been met.

P030-4 22 NEPA also mandates that the Authority  
 23 provide reasonable alternative studies for the project's  
 24 proposed action for the purpose of identifying and  
 25 evaluating the associated environmental impacts of the

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Submission P030 (Charlene Hook, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

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1 alternatives to determine which alternative will  
2 accomplish the purpose of the project while causing the  
3 the least amount of impacts to the environment. The EIS  
4 only examines minor variations in Corcoran.  
5 EIS's is less destructive and impactful  
6 alternative alignments, such as along Interstate 5, has  
7 not been properly studied. An alignment along  
8 interstate 5 would cost millions and perhaps billions of  
9 dollars less and affect far fewer people. How does the  
10 FRA reconcile this lack of compliance with NEPA? Thank  
11 you.

12 MR. MORALES: Thank you, Ms. Hook.

13 Joe Machado.

14 MR. MACHADO: Thanks, panel, for being here  
15 today. I would like to address the three FRA personnel.  
16 Mr. Morales, Mr. Abercrombie, our comments will always  
17 fall on death ears with the Authority here, so I have no  
18 need to speak to them.

19 I pretty much reviewed the -- well, I am a  
20 dairy farm owner. And, first and foremost, you people,  
21 you three, are accountable for their actions.

22 When I first got involved, I read Prop 1A,  
23 and it just -- under Prop 1A, Mr. Morales' exboss or  
24 company decided to pick routes that were not on a  
25 transportation corridor. If you visit my dairy and the

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Hanford High-Speed Train Meeting  
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## Response to Submission P030 (Charlene Hook, Citizens for California High Speed Rail Accountability, August 28, 2012)

### **P030-1**

Refer to Standard Response FB-Response-GENERAL-05, FB-Response-GENERAL-10, FB-Response-SO-04, FB-Response-SO-01, FB-Response-SO-03, FB-Response-SO-07.

For information about the impact on the community of Corcoran, see Volume I, 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.

Environmental justice impacts on Corcoran are detailed in Impact SO #18.

### **P030-2**

The Record of Decision, based on the 2005 Statewide Program EIR/EIS (Authority and FRA 2005; see also Section 1.5, Tiering of Program EIR/EIS Documents, of the Final EIR/EIS) 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.

The commenter is misinformed regarding the Corcoran alternatives. Three alternatives are proposed for the Corcoran area. The BNSF Alternative would travel through Corcoran on the west side of the existing BNSF right-of-way. The Corcoran Elevated Alternative would travel through Corcoran on the east side of the existing BNSF right-of-way on an aerial structure. The Corcoran Bypass Alternative would travel east of Corcoran and avoid the city, resulting in fewer noise impacts on sensitive receivers, fewer effects on low-income and minority communities, less community disruption, and fewer business displacements than the BNSF Alternative. The Corcoran Bypass Alternative would convert more agricultural land to nonagricultural uses and result in a greater loss of land protected under the Williamson Act than would the BNSF Alternative. But the Corcoran Bypass Alternative would not pass through the city of Corcoran.

Neither the Authority nor FRA had selected a "Proposed Project" under the California

### **P030-2**

Environmental Policy Act (CEQA) or a "Preferred Alternative" under the National Environmental Policy Act (NEPA) at the time the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS were 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. The Preferred Alternative is reflected in the Final EIR/EIS.

### **P030-3**

The Authority does not agree with this comment and believes the purpose and need for the project has been adequately defined in Chapter 1.0 of the EIR/EIS.

### **P030-4**

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

The commenter is misinformed. For the Fresno to Bakersfield Section of the HST System, alternatives were developed to reduce or avoid the impacts associated with the BNSF Alternative. This approach resulted in three alternatives in the Corcoran area. The BNSF Alternative would travel through Corcoran on the west side of the existing BNSF Railway (BNSF) right-of-way. The Corcoran Elevated Alternative would travel through Corcoran on the east side of the existing BNSF right-of-way on an aerial structure. The Corcoran Elevated Alternative would result in fewer residential and business displacements than the BNSF Alternative and would be less disruptive of the roadway network in Corcoran. However, this alternative would result in noise impacts on more sensitive receivers than the BNSF Alternative and would have a greater visual impact on residents of the community. The Corcoran Bypass Alternative would travel east of Corcoran, avoiding the city and resulting in fewer noise impacts on sensitive receivers, fewer effects on low-income and minority communities, less community disruption, and fewer business displacements than the BNSF Alternative. The Corcoran Bypass Alternative would convert more agricultural land to nonagricultural uses and would result in a greater loss of land protected under the Williamson Act than the BNSF Alternative. The Corcoran Bypass Alternative is up to 1 mile away from the other Corcoran Alternatives.

See Standard Response FB-Response-GENERAL-02 regarding the past studies of the

## Response to Submission P030 (Charlene Hook, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

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### **P030-4**

Interstate 5 (I-5) alternative. The Record of Decision, adopted in 2005 on the basis of the 2005 Statewide Program EIR/EIS decision document (Authority and FRA 2005), selected the 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.

Submission P031 (Ken Jensen, August 28, 2012)

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1 I'd also like to point out that  
2 approximately 30 percent of the students that I teach  
3 come from homes where Spanish is spoken. I would like  
4 to know how many copies of the Spanish version of the  
5 EIS are available to the population of Kings County, how  
6 about the EIS in the Portuguese language, where is the  
7 social and environmental justice in limiting the  
8 availability and access of the EIS to the diverse  
9 populations of Kings County.

10 NEPA calls for participation of low income  
11 and minority populations in state cultures. Yet, how  
12 can we believe those populations are being represented  
13 when the documents are not available?

14 The FRA needs to recall the EIS until such  
15 times as the social, and environmental inequities have  
16 been resolved. And that's it. Thank you.

17 MR. MORALES: Thank you, Ms. Oliveira.  
18 Ken Jensen followed by Frank Oliveira and  
19 Ross Browning.

20 MR. JENSEN: My name is Ken Jensen and I  
21 live in -- just north of Hanford.

22 I understand that you must comply with NEPA  
23 requirements and I understand that your plans, if this  
24 is enacted, is to close down the Amtrak station.

25 My son-in-law rides that train as a way of

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P031-1

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P031-1

P031-2

1 work every day to Fresno. He walks to the train here,  
2 gets on, gets off, and walks to his place of work in  
3 Fresno. How do you reconcile his loss, my son-in-law,  
4 when it will cost him probably four times as much to get  
5 to work every month? The idea that you can come in and  
6 walk over this kind of person and with no way for him to  
7 recoup his losses is insanity.

8 We lose that service of Amtrak in  
9 Bakersfield. I use the Bakersfield train to go down  
10 there on Amtrak -- that will no longer be available when  
11 you get done with this.

12 I would like to say that, you know, maybe  
13 the people of California voted for this crap, but they  
14 were not told what the price tag was, honestly, and now  
15 we're talking about four, five, six times the original  
16 cost and down to a bunch less. And I don't really  
17 believe anybody has any idea how much it's going to  
18 cost. And yet we're getting this thing rammed down our  
19 throats and we're going to be forced to ride it. Well,  
20 not ride it. But we're going to be forced to buy it  
21 whether we like it or not.

22 Maybe the people that voted for this wanted  
23 to ride in a Cadillac ie., the train, but maybe the  
24 people that voted for the Cadillac ride can't afford the  
25 Cadillac. I'm sure we would all like to ride in a real

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Submission P031 (Ken Jensen, August 28, 2012) - Continued

This transcript was prepared for you by:  
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P031-2

1 nice train. Maybe we can't afford it. Maybe we need to  
2 have some common sense and the High Speed Rail Authority  
3 needs to figure out if just maybe this is too expensive  
4 and we can't afford it.

5 I'm a businessman in California and I'm  
6 really sick and tired of this kind of ramrodding crap we  
7 all have to pay for, and pay for, and pay for, and it's  
8 a no end. It seems like we have no voice, no voice at  
9 all.

P031-3

10 And you guys started out by not even caring,  
11 not even working with an Environmental Impact Report,  
12 nothing, just running it down. And at the very last  
13 hour the Court says yeah, you have to comply. So now we  
14 have to go through and comply and it seems like it's  
15 going to be a tremendous boondoggle.

16 I would ask you to really consider the cost  
17 that it's going to cost all of us in this Valley. Thank  
18 you.

19 MR. MORALES: Thank you, Mr. Jensen.  
20 Frank Oliveira.

21 MR. OLIVEIRA: Frank Oliveira, Citizens for  
22 California High Speed Rail Accountability.

23 Mr. Valenstein, to keep with the theme that  
24 I've been trying to keep with to demonstrate and provide  
25 you evidence that the California High Speed Rail

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Response to Submission P031 (Ken Jensen, August 28, 2012)

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**P031-1**

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

**P031-2**

Historically, federal funds have supported approximately 50% to 80% of many major transportation investments, including highway-, transit-, and aviation-related projects. This historical level of support means that even though California's high-speed rail program is much larger than most individual transportation projects, there is precedent for substantial federal support for large and nationally significant transportation programs.

California has been extremely successful in winning federal high-speed rail grants, obtaining close to 40% of the approximately \$10 billion of federal high-speed and intercity passenger rail grant funds available for the country as a whole. This initial federal funding allows California to move forward with the first step in the high-speed rail program.

The Passenger Rail Investment and Improvement Act (PRIIA) of 2008 established the framework for the national high-speed rail and intercity passenger rail program. Using PRIIA as a framework, in February 2009 Congress appropriated through the American Recovery and Reinvestment Act of 2009 (ARRA) an investment of \$8 billion for new high-speed and intercity passenger rail grants.

Congress continued to build on this ARRA funding by making available, through fiscal year (FY) 2010 appropriations, an additional \$2.1 billion, bringing the total program funding to \$10.1 billion. In 2011 Congress rescinded \$400 million of that FY 2010 funding. As a result, California's high-speed rail program has received \$3.5 billion or 34% of these federal funding sources. Of this amount, slightly more than \$3.3 billion is committed to constructing the Central Valley sections. This, combined with funding from Proposition 1A, would provide the estimated \$6 billion needed to build the Central Valley backbone.

The High-Speed Intercity Passenger Rail Program has been the single largest source of federal grant funding for high-speed rail. The program was developed to provide funding to new or improved high-speed or intercity passenger rail service. These project grants

**P031-2**

have the effect of delivering transportation, economic recovery, livable communities, and certain project success factors.

**P031-3**

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

The commenter is misinformed regarding the litigation. The Authority and FRA have prepared Program EIR/EISs and project EIR/EISs for the statewide system and the Merced to Fresno and Fresno to Bakersfield sections. More project EIR/EISs will follow for the other sections of the HST System. In each case, the EIR/EIS was or will be prepared in order to fulfill the responsibilities that the Authority and FRA have under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The court cases regarding the HST-related EIR/EISs have been challenges to the EIR/EISs themselves.

Submission P032 (Ken Jensen, Jensen Aircraft Service, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 and confused. Therefore, it is hard for us to be a part  
2 of that process. So, hence, you hear the anger.  
3 I think your process is broken. In order  
4 for a broken process to be rewritten, you have to stop.  
5 That's unfortunate for the High Speed Rail project. But  
6 you are now at the edge of a precipice of approving  
7 something that was poorly executed here in California.  
8 Your names will be forever tied to this if it is  
9 approved.

10 Thank you very much.

11 MR. MORALES: Thank you, Mr. Fakuda.

12 Ken Jensen -- Ken Jensen and then Louis  
13 Oliveira and Jerry Fagundez.

14 MR. JENSEN: My name is Ken Jensen. I  
15 represent Jensen Aircraft Service. I work on ag  
16 aircraft in four counties; Kern, Kings, Fresno and  
17 Madera Counties. When you take this boondog train and  
18 run it right through the heartland of our agriculture  
19 society here, agriculture area, you slice lots and lots  
20 of parcels into smaller groups, farms. My customers all  
21 lose the capability to treat these acreages because they  
22 become too small. If you -- you have to stay a certain  
23 amount of feet away from the train tracks. So they have  
24 to stay away, they'll lose all that revenue.

25 How do you propose to replace their income,

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1 and my income subsequently, according to NEPA, if this  
2 goes through the heartland? Why not consider putting  
3 this over on the I5 corridor where there is very little  
4 agriculture to disturb and disrupt?

5 You're going to take away our Amtrak.

6 It's just contrary to anything good except  
7 making jobs for the likes of you guys. You got real  
8 good pay coming up and lots going on and the longer it  
9 lasts, I guess the more the Authority's get paid. I'd  
10 really like to hear some kind of an answer to that.

11 This is the very first time that I've been  
12 able to find out or even get a map of where this is  
13 going. I live right between the two slits north of  
14 town. And I've been looking and watching and nobody's  
15 even come out or put anything in the paper, nothing  
16 about it. What's going on?

17 It's really shady for us as community people  
18 to have all this stuff rammed through our throats at the  
19 very last minute. Not even being asked, being told  
20 anything except it's all said and done. Try to sneak it  
21 under without having to give us an opportunity to do  
22 something. Thank you.

23 MR. MORALES: Thank you, Mr. Jensen.

24 Luis Oliveira and then Jerry Fagundez and  
25 Alan Scott.

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Response to Submission P032 (Ken Jensen, Jensen Aircraft Service, August 28, 2012)

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**P032-1**

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-01, FB-Response-AG-05, FB-Response-GENERAL-02, FB-Response-AG-03.

The Authority will fairly compensate landowners for loss or disruptions to their operations during the right-of-way acquisition process, as discussed in Standard Response FB-Response-AG-01.

**P032-2**

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

**P032-3**

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

**P032-4**

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

Submission P033 (Sally Kay, Del Monte Foods, August 28, 2012)

This transcript was prepared for you by:  
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1 followed by Leonard Baker and Roger Christensen.  
2 MS. KAY: Thank you so much for the time to  
3 comment today. I'm Sally Kay from Del Monte Foods. Del  
4 Monte operates a tomato facility in the Hanford area  
5 that employs over a thousand employees at peak season.  
6 The plant is 650,000 square feet with an additional 660  
7 square feet of warehouse space. The facility is  
8 responsible for approximately 7,000 contracted acres of  
9 tomatoes here in California and 385,000 tons of  
10 tomatoes.

11 Our concerns today center around the Hanford  
12 West Bypass, both one and two, though more so with one,  
13 due to the severe impacts on our properties and business  
14 operations.

15 The properties in question on the map from  
16 Jackson Avenue to Kent Avenue we own and lease, and they  
17 are vital for our compliance in the state water  
18 regulations. So in order to discharge nutrient rich  
19 water that comes from our cleaning and canning of the  
20 food products, we flood irrigate those agricultural  
21 fields and grow crops. The crops serve as an intake for  
22 the nutrients, that are then sold by a local farmer.

23 This is a water recycling operation that keeps  
24 us in compliance with the state water board and it  
25 ensures -- and any destruction of that land would

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Hanford High-Speed Train Meeting  
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P033-1

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1 quickly put us out of compliance with the state board.  
2 While we would lose some amount of land for the  
3 right of way, the bigger loss we see is the compromised  
4 irrigation system. By crossing the fields with track,  
5 the utility of that land for our purposes would be  
6 greatly diminished and the irrigation system would have  
7 to be overhauled at great expense. So the cost to the  
8 state to replace value for those operations would be  
9 much higher than just dollars per acre.

10 We're concerned about availability of  
11 suitable land should that land become unusable. Given  
12 likely increased demand in the area should the bypass be  
13 built, our options would be limited. The current land  
14 or any land used for this purpose must be a particular  
15 distance and have a particular soil and ground water  
16 condition to be suitable for the land application and  
17 recycling of the processed water and also allow the  
18 plant to continue to operate systems cost effectively.

19 So on the map, if you will look at what we've  
20 called parcel 17. If alternative one is selected, it  
21 goes right through the middle and that land, we think,  
22 would be unusable for our purposes.

23 If we're unable to find another suitable  
24 land application site, a biological treatment system  
25 would be close to \$7 million, in our estimation, in

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Submission P033 (Sally Kay, Del Monte Foods, August 28, 2012) - Continued

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P033-1

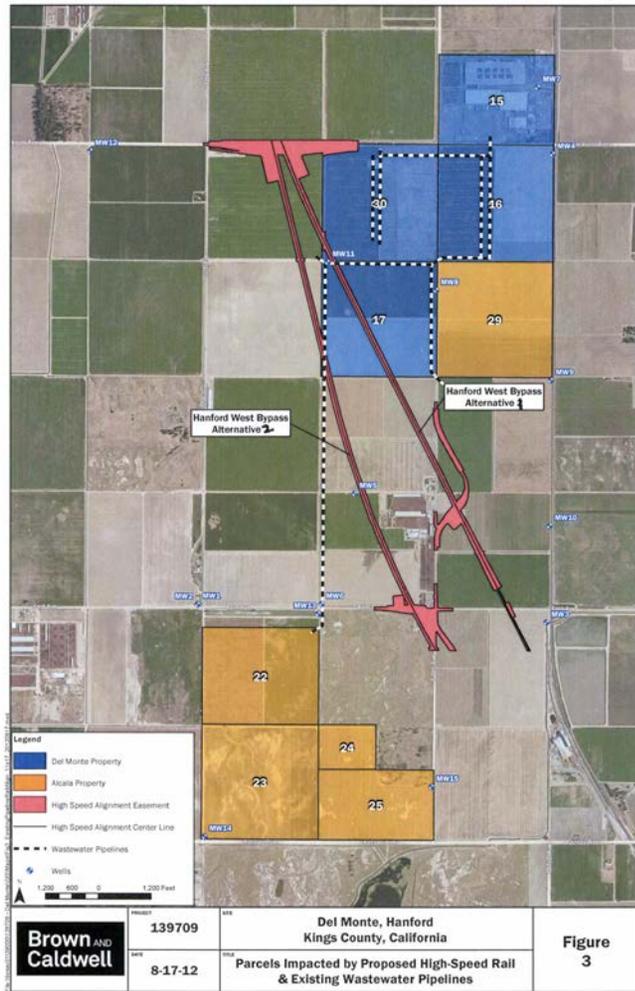
1 capital expense, not including ongoing cost of  
2 operation, and even with that option, the water still  
3 has to find another location for final management.  
4 Our timing is extremely important so -- the  
5 facility runs year around, not at peak, but we do have  
6 some discharge all year. So if accommodations are  
7 necessary to move the water elsewhere, it would need to  
8 happen without disruption in order for us to maintain  
9 our compliance with the state water board.  
10 When considering the Hanford West Bypass, we  
11 encourage staff to carefully examine the impacts to the  
12 land used by Del Monte taking full considerations of the  
13 difficulties and costs to replace lost value for the  
14 high speed pathways used. Thank you.  
15 MR. MORALES: Thank you very much, Ms. Kay.  
16 Leonard Baker.  
17 MR. BAKER: Leonard Baker.  
18 MR. MORALES: Let me also just point out as  
19 we get started we will take periodic breaks to -- for  
20 the court reporter and for people to stretch their legs.  
21 But we will go on for quite a while now.  
22 So, Mr. Baker.  
23 MR. BAKER: My name is Leonard Baker. I  
24 represent Simba Farms. We happen to be in the pathway  
25 of the West Bypass. I need much more than the time but

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Submission P033 (Sally Kay, Del Monte Foods, August 28, 2012) - Continued

Figure 3



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Response to Submission P033 (Sally Kay, Del Monte Foods, August 28, 2012)

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**P033-1**

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

The severance of a farm or processing facility from any of its currently utilized wastewater lands will be addressed in the right-of-way process. A right-of-way agent will work with the individual landowner to mitigate impacts from both construction and operation of the HST. Before the destruction of affected infrastructure, the owner will have time to restore infrastructure to minimize disruption. The Authority is proposing to work with landowners who would experience impacts on their wastewater land by helping them relocate and obtain permits for wastewater lands nearby. The Authority will compensate landowners fairly for loss or disruptions to their operations during the right-of-way acquisition process, including the costs associated with the loss of wastewater lands and the regulatory costs of permitting new lands.

Submission P034 (Dave Kirchert, August 28, 2012)



*Hanford Hearing*

Comment Card

Tarjeta de Comentarios

**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 envíela 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 Extended comment period for Fresno to Bakersfield High Speed Train Revised Draft EIR/Supplemental Draft EIS: **July 20 – October 19**  
September 20, 2012. The period of comment is from July 20 to September 20, 2012. Comments must be received electronically, or mailed, on or before September 20, 2012.

Name/Nombre: Dave Kirchert  
Organization/Organización: Homeowner  
Address/Domicilio: 1145 BALS ST  
Phone Number/Número de Teléfono: 642-1115  
City, State, Zip Code/Ciudad, Estado, Código Postal: \_\_\_\_\_  
E-mail Address/Correo Electrónico: \_\_\_\_\_  
(Use additional pages if needed/Usar paginas adicionales si es necesario)

P034-1 | HSR is unnecessary can't afford.  
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Response to Submission P034 (Dave Kirchert, August 28, 2012)

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**P034-1**

Chapter 1, Project Purpose, Need, and Objectives, of the EIR/EIS provides an explanation of the purpose and need for the HST project. This comment provides no evidence as to why the HST System is not necessary.

Historically, federal funds have supported approximately 50% to 80% of many major transportation investments, including highway-, transit-, and aviation-related projects. This historical experience means that even though California's high-speed rail program is much larger than most individual transportation projects, there is precedent for substantial federal support for a large and nationally significant transportation program.

California has been extremely successful in winning federal high-speed rail grants, obtaining close to 40% of the approximately \$10 billion of federal high-speed and intercity passenger rail grant funds available for the country as a whole. This initial federal funding allows California to move forward with the first step in the high-speed rail program.

The Passenger Rail Investment and Improvement Act (PRIIA) of 2008 established the framework for the national high-speed rail and intercity passenger rail program. Using PRIIA as a framework, in February 2009 Congress appropriated through the American Recovery and Reinvestment Act of 2009 (ARRA) an investment of \$8 billion for new high-speed and intercity passenger rail grants.

Congress continued to build on this ARRA funding by making available, through the fiscal year (FY) 2010 appropriations, an additional \$2.1 billion, bringing the total program funding to \$10.1 billion. In 2011 Congress rescinded \$400 million of that FY 2010 funding. As a result, California's high-speed rail program has received \$3.5 billion or 34% of these federal funding sources. Of this amount, slightly more than \$3.3 billion is committed to constructing the Central Valley sections. This, combined with funding from Proposition 1A, would provide the estimated \$6 billion needed to build the Central Valley backbone.

The High-Speed Intercity Passenger Rail Program has been the single largest source of

**P034-1**

federal grant funding for high-speed rail. The program was developed to provide funding to new or improved high-speed or intercity passenger rail service. These project grants have the effect of delivering transportation, economic recovery, livable communities, and certain project success factors.

With regard to project costs, estimates for the Fresno to Bakersfield Section of the HST System are included in Chapter 5, Project Costs and Operations, of the Revised DEIR/Supplemental DEIS. The cost of the Statewide HST System has been evaluated in the Revised 2012 Business Plan, which was made available to the public on April 2, 2012 (Authority 2012a). The current cost estimate has increased significantly since the last estimate in 2009, which was based on the programmatic conceptual design. That estimate, covering the full Phase 1 between San Francisco and Los Angeles/Anaheim, was \$36.4 billion in 2010 dollars. The Revised 2012 Business Plan estimate (in cumulative year of expenditure costs) is \$31.3 billion for the Initial Operating Section (IOS), \$51.2 billion for the Bay to Basin system, and \$68.4 billion for the full Phase 1 blended system. A substantial portion of this increase is for additional viaducts, tunnels, embankments, and retaining walls/trenches directly attributable to changes in scope and alignment based on stakeholder input, environmental necessity, and improved knowledge of site conditions.

To assess the reasonableness of the program's cost estimates, the Authority studied the most recent cost estimates against those of other operational high-speed rail projects. These include worldwide costs evaluated by the World Bank and improvements to the Northeast Corridor proposed by Amtrak. Of note, a cost comparison of different high-speed rail projects can only provide an order of magnitude indication of the reasonableness of the current estimate for the California program because every project has its own set of unique physical, environmental, and policy issues. This point is particularly relevant when considering European and Asian high-speed rail programs, which were built in different political and environmental settings.

Submission P035 (Jennifer Koelewyn, August 28, 2012)

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1 and bottom line is, I'm sorry to say, it's a  
2 continuation of what you're going to be hearing. There  
3 is an issue with the coordination, with the  
4 communication, with the asked and answered questions.

5 And I gave a letter, two-page letter to the  
6 secretary of the board on August 2nd, to Mr. Dan  
7 Richards, asking for a seven-day response, and still  
8 haven't gotten it.

9 MR. MORALES: Thank you, Mr. Scott.  
10 Jennifer Koelewyn, I believe it is. And  
11 then Leonard Vryhof and Ernestine Mattos.

12 MS. KOELEWYN: Good afternoon. I'm Jennifer  
13 Koelewyn and I represent myself. We are property owners  
14 on 13th Avenue near where the rail will be going.

P035-1 | 15 One of the things that we're concerned about  
16 is -- I don't believe we have addressed is the noise and  
17 vibration, what effect that will have on our property,  
18 our well, could there be damage to that well, damage to  
19 the foundation, or our home just being near there. And  
20 as I understand, there is no noise barriers going  
21 through Kings County and I have some concerns about  
22 that.

P035-2 | 23 Another issue is that I am a retired public  
24 health nurse so I worked with a lot of low income  
25 people. They depend on county services, and when the

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This transcript was prepared for you by:  
Fresno Court Reporters

P035-2

1 revenues to the county are cut dramatically by the loss  
2 of farm income, these people will be greatly affected.  
3 Who's the voice for them? They -- many don't even speak  
4 English. They depend on farm income. They depend on  
5 county service. And they -- that is not -- how can that  
6 be mitigated.

P035-3

7 Another issue I have concern about is a  
8 health issue. And that is, because of the construction,  
9 will there be some mitigation for valley fever in this  
10 area. For those workers and for the county residents  
11 because it is increasing and is found in the dust. And  
12 when that is in the air and people breathe that in, they  
13 become infected with valley fever.

14 So those are my concerns. Thank you.

15 MR. MORALES: Thank you very much.

16 Leonard Vryhof, Ernestine Mattos.

17 MS. MATTOS: Hi. My name is Ernestine  
18 Mattos. My husband and I have a dairy farm. We have  
19 had it since 1996. We were told by our neighbor that  
20 our farm was being affected and I said no, we've never  
21 been notified. He came over to inform us.

22 So we did what we had to. We had engineers  
23 come out. My question is, and it's never been answered,  
24 engineers have told us that if this train goes through  
25 the back of our dairy farm, it will shut us down. How

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## Response to Submission P035 (Jennifer Koelewyn, August 28, 2012)

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### **P035-1**

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

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

### **P035-2**

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

See the Revised DEIR/Supplemental DEIS, Section 3.12.5, Impact SO #16 – Economic Effects on Agriculture, for information on the project effects on agricultural business and economic effects on agriculture. It was estimated that the Hanford West Bypass 1 and 2 alternatives would impact agricultural revenues between \$7.0 and \$6.2 million dollars annually. This would result in the loss of around 70 employees. It is estimated that the losses of the Hanford West Bypass 1 and 2 alternatives are less than those of the corresponding portion of the BNSF Alternative, with \$11.6 million loss in revenue and approximately 110 lost agricultural jobs. These totals amount to less than 0.1% of the total agricultural revenues and employment in Kings County, and would have a negligible impact on the financing of county services to low-income individuals. 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 7. Also see Volume 1, Section 3.12.5.1, and Section 4.3.2 in the Community Impact Assessment Technical Report for information on the environmental justice outreach that was conducted. 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 distributed at the public workshops and hearings. In addition, a multilingual, toll-free hotline was made available for public comments and requests.

### **P035-3**

Although valley fever fungi are commonly found in the soil in the Central Valley and can be stirred into the air by anything that disrupts the soil, the potential from construction dust would be low due to the dust minimization measures listed in Section 3.3.8 of the Final EIR/EIS, which would reduce fugitive dust emissions to a less-than-significant impact. Valley fever spores would be released when the soil is disturbed; however, due to the minimization measures, fugitive dust disturbance will be minimal. Therefore, impacts from valley fever spores to workers and residents will be less than significant.

Submission P036 (Calleen Kohns, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 and I don't have any grandkids yet but that's my problem  
2 with my kids. But their kids and their kids after that  
3 are going to be paying for this.  
4 And I find it an injustice that there is no  
5 common sense in the workplace. I had to make a profit  
6 when I was in business for 30 years. That was my  
7 responsibility. You guys are not going to make a  
8 profit. However, we're going to have to pay for your  
9 mistakes. As Ms. Fukuda said, Eleanor Roosevelt was  
10 right in 1943 and she's right in 2012. Thank you.  
11 MR. MORALES: Thank you, Mr. Scott.  
12 Calleen Kohns and Joe Machado.  
13 MS. KOHNS: Good afternoon again. Calleen  
14 Kohns, not representing anyone other than myself.  
15 I am no expert on environmental impact  
16 studies and all that kind of thing but my understanding  
17 is that one of the considerations that must be addressed  
18 is the noise level. My understanding is also that there  
19 is no noise abatement going through Kings County for  
20 this.  
21 Now, just as an example, if you go to the  
22 intersection of the 13th and Grangeville, there is an  
23 elementary school, there is a high school, there is a  
24 college campus and a church within close proximity, not  
25 to mention the homes. And I have a strong concern that

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P036-1

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1 what's going to happen -- okay, these places are not  
2 necessarily within the alignment but they're very close  
3 to.  
4 And I'm just picturing -- I'm married to a  
5 teacher. And teachers already have enough challenges in  
6 the classroom. I can't imagine a teacher having to stop  
7 every six minutes because a train is going through and  
8 they can't be heard over the train. You know, if you  
9 have kids in that classroom, you don't want that for  
10 your children.  
11 Further, with the church, you can imagine  
12 sitting in a funeral and having the service stop because  
13 the train is going by and nobody can hear what's going  
14 on over the train. Or the building is vibrating during  
15 the funeral.  
16 We don't want that for our children, we  
17 don't want that for our loved ones, we don't want that  
18 for our county. And it appears that this study does not  
19 address those issues and needs to. Thank you.  
20 MR. MORALES: Thank you, Ms. Kohns.  
21 Joe Machado, Karen Stout and Carol Walters.  
22 MR. MACHADO: Thank you board, Federal  
23 Railroad Authority, Jeff, and Mr. Morales.  
24 Although Mr. Morales and Mr. Abercrombie are  
25 experts in their field, it's like the Dutch gentlemen

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Hanford High-Speed Train Meeting  
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Response to Submission P036 (Calleen Kohns, August 28, 2012)

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**P036-1**

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

Submission P037 (Calleen Kohns, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 It's a huge plus to have a below grade section around  
2 the station.  
3 Beware today of robo remarks like nobody  
4 told us anything, the EIR is flawed, we need more study.  
5 This is lawyer strategy, obstruction 1A, and it is used  
6 for every infrastructure project ever.  
7 Here in Kings County, where freeways 41 and  
8 198 were built, huge wide freeways with no outrage about  
9 loss of farmland, and somehow all these impacts got  
10 mitigated.  
11 Many cling to the slow train to Wasco but  
12 shun high speed rail to the rest of the state. And we  
13 have Congressmen who will get on the local radio to tell  
14 us that high speed rail is a government plot to take  
15 away our cars, herd us into trains and control the  
16 masses.  
17 Welcome to Hanford, welcome to Kings County.  
18 Keep your sense of humor today and seriously consider  
19 the Hanford West option. Thank you.  
20 MR. MORALES: Thank you, Mr. Christensen.  
21 Calleen Kohns, Maureen Fukuda and Michele  
22 Costa.  
23 MS. KOHNS: Good afternoon. My name is  
24 Calleen Kohns and I am here not representing anyone but  
25 myself and some friends of mine that aren't affiliated

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1 with anything.  
2 I moved up to the Central Valley in 1998,  
3 partially because I wanted to get out of the LA metro  
4 area, the traffic, the congestion and all the rest of it  
5 that went along with it. And I have loved living in the  
6 Central Valley with peace and quiet and traffic jams  
7 that I laugh at because they last five minutes as  
8 opposed to what I had experienced in LA. And I treasure  
9 the way of life here.  
10 If the high speed rail does as it was  
11 promoted to do, turn the Central Valley into essentially  
12 a bedroom community, with commuters going down to LA and  
13 San Francisco, and it succeeds in that ideal, it's going  
14 to turn the Central Valley back into LA, what I moved  
15 out of. And there are a lot of us people that live up  
16 here that love this community, that have just enveloped  
17 and embraced the way of life up here and we don't want  
18 to go back. And instead of going back, it's being  
19 brought to us, and we don't want it. Regardless of  
20 farmland that's taken over and water issues and all the  
21 rest of it, we don't want that life.  
22 And this -- the infrastructure that exists  
23 can't handle that kind of traffic and the numbers of  
24 people -- we're already in trouble because of air  
25 quality. We have come how close to having to pay extra

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P037-1

Submission P037 (Calleen Kohns, August 28, 2012) - Continued

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P037-1

1 fees from DMV and all the rest of it because of our air  
2 quality. And granted these people are going to be  
3 riding trains to work but they still have to go to the  
4 grocery store, they still have to go to the kids' soccer  
5 games, there will be more cars here. We can't handle  
6 the air quality and traffic issues that will come into  
7 play if the Central Valley becomes a bedroom community  
8 for LA and San Francisco. Thank you.  
9 MR. MORALES: Thank you, Ms. Kohns.  
10 Ms. Fukuda and then Michele Costa.  
11 MS. FUKUDA: Good afternoon. Maureen Fukuda  
12 from Hanford, California.  
13 It's been about a year since I addressed  
14 this panel and, Mr. Valenstein, were you here last year?  
15 Okay. And Mr. Abercrombie. You're the only two  
16 gentlemen on the panel last year in the auditorium.  
17 Since then the Authority has moved on. The Authority  
18 has their money. They're ready, as they say, shovel  
19 ready to go.  
20 Where are we here in Kings County? We're at  
21 square one. We're still asking questions of the  
22 Authority that they have not, cannot, or will not  
23 answer. Life is a matter of having answers for your  
24 problems so you can move forward. We can't do that.  
25 I'll be very honest, I do not sleep well at  
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Hanford High-Speed Train Meeting  
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Response to Submission P037 (Calleen Kohns, August 28, 2012)

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**P037-1**

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

Submission P038 (Michael Lamb, August 28, 2012)

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1 them all.  
2 This unreasonable 90 day review and comment  
3 period has violated the Authority's duty to ensure and  
4 inform public participation in the environmental review  
5 process. The 90 day review and comment period is  
6 insufficient for a project of this magnitude, cost, and  
7 complexity.

8 Does the FRA -- how does the FRA reconcile  
9 these obvious NEPA violations? And was this issue  
10 considered during the EIS process for the Merced to  
11 Fresno EIS? Thank you.

12 MR. MORALES: Thank you, Ms. Walters.

13 Michael Lamb and Mary Jane Fagundes, and  
14 Todd Fukuda and then we'll take a short break.

15 MR. LAMB: I'm Michael Lamb. I'm here to  
16 pose a question. The California High Speed Rail  
17 Authority now claims it has been complying with the  
18 environmental justice and NEPA. They say that the  
19 comment -- they say they are committed to environmental  
20 justice into all its programs and other activities that  
21 are undertaken and funded or approved by the FRA in  
22 affect the policy decision.

23 The California High Speed Rail Authority was  
24 established in 1996, 16 years ago. And they just  
25 adopted an environmental policy August 2nd of this year.

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P038-1

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1 How do they apply the NEPA environmental justice  
2 practices to the policy decisions relating to the  
3 Revised Draft Environmental Impact Statement that was  
4 published before the policy was established? Something  
5 to think about. How does the FRA reconcile this? Or  
6 does it?

7 Withdraw the EIS until the California High  
8 Speed Rail Authority proves that it is complying with  
9 federal law. We have not seen it yet.

10 The question is, do you care? Or are you  
11 just here to get your money and screw us and our  
12 families and our lives. Please, rethink this.

13 MR. MORALES: Thank you, Mr. Lamb.

14 Mary Jane Fagundes.

15 MS. FAGUNDES: Hello, I'm Mary Jane  
16 Fagundes. I live at 9785 Ponderosa in Hanford.

17 Ms. Perez, I wish to speak to you about  
18 widespread and severe violations of NEPA environmental  
19 justice law. NEPA regulations also include executive  
20 order Number 12898. The order addresses achieving  
21 environmental justice by identifying and addressing  
22 appropriately disproportionately high and adverse human  
23 health or environmental affects of its programs,  
24 policies, and activities on minority and low income  
25 populations.

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Response to Submission P038 (Michael Lamb, August 28, 2012)

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**P038-1**

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

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's 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. Actions prior to its adoption do not suggest noncompliance with the law. The Authority and FRA have undertaken substantial outreach to EJ communities. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including EJ laws.

Submission P039 (Michael Lamb, August 28, 2012)

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1 Michael Lamb.  
2 MR. LAMB: Thank you. My name is Michael  
3 Lamb. I'm here today to represent Michael Lamb, a  
4 concerned citizen, if you will. I'm an educator. I'm a  
5 school teacher.  
6 Several days a month, depending on the time  
7 of the year and what crop is in or what crop is being  
8 taken out, there are things called "bad air days." And  
9 on those days the student's recess time is abbreviated.  
10 One of the things I have to do as a teacher is I have to  
11 come up with a grand plan for their recess time because  
12 children have to have that recess time, you know, I have  
13 to come up with a grand plan to fill that time that is  
14 not academic but is stimulating. Generally I come up  
15 with something.  
16 You're now talking about taking, I have no  
17 idea what the number is, a gazillion tons of dirt and  
18 picking it up and putting it down somewhere else. Have  
19 you thought about the cloud? Have you thought about the  
20 dust? Have you thought about any of that stuff?  
21 Probably not. But I'm here to tell you it's going to be  
22 a darn mess.  
23 And what about the school busses and they go  
24 to where they're going and they can't go because your  
25 darn train is there so they have to go another place,

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P039-1

P039-2

Hanford High-Speed Train Meeting  
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P039-2 | 1 and now you have to think about when does school start.  
2 There are a lot of things that are going on  
3 here, folks, that you folks have no idea. You haven't  
4 even thought about. The only thing you know is you have  
5 your little deal, you've got your little train, you're  
6 going to play with your train and go put money in your  
7 pocket.  
8 Well I'm here to tell you Mr. Abercrombie  
9 and Mr. Morales, and Mr. Valenstein and Ms. Hurd and Ms.  
10 Perez, you guys are messing around with the wrong thing.  
11 You have no idea what the hell you're doing.  
P039-3 | 12 A high speed rail is in place in Europe,  
13 It's in place in the orient, and guess what, in 25 years  
14 it has yet to pay for itself. This wouldn't pay for  
15 itself forever.  
16 Please reconsider. Think about somebody  
17 else except yourselves. Thank you.  
18 MR. MORALES: Thank you, Mr. Lamb.  
19 Frank Oliveira.  
20 MR. OLIVEIRA: Good evening. My name is  
21 Frank Oliveira. I'm with the Citizens for California  
22 High Speed Rail Accountability. Welcome to Kings  
23 County.  
24 Ms. Perez, Ms. Hurd, Mr. Valenstein, I have  
25 asked myself for two years, how did we get to this

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Response to Submission P039 (Michael Lamb, August 28, 2012)

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**P039-1**

As stated in Section 3.3.4.9 of the Final EIR/EIS, fugitive dust emissions from dirt and aggregate handling were calculated using emission factors derived from equations from U.S. EPA's AP-42. As described in Section 3.3.8, Project Design Features of the Final EIR/EIS, several avoidance and minimization measures have been incorporated into the project. Several of these specifically are to address fugitive dust emissions from disturbance of the ground, hauling dirt and fill, and wind-driven erosion of dirt piles. These represent best practices for control of fugitive dust emissions associated with construction.

**P039-2**

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

**P039-3**

The Taiwan high-speed train system has been profitable (China Times, June 23, 2012, <http://www.wantchinatimes.com/news-subclass-cnt.aspx?id=20120623000038&cid=1102>), as is the French TGV and Spanish high-speed trains (The Economist, February 21, 2008, <http://www.economist.com/node/10717999> and The New York Times, March 15, 2010, [http://www.nytimes.com/2010/03/16/science/earth/16train.html?\\_r=0](http://www.nytimes.com/2010/03/16/science/earth/16train.html?_r=0)). In the United States, the Acela Express in the Northeast Corridor between Washington, D.C., and New York City makes a profit of \$42/ passenger (Business Insider, October 27, 2009, <http://www.businessinsider.com/report-amtrak-loss-comes-to-32-per-passenger-2009-10>).

Submission P040 (Mike LaSalle, August 28, 2012)

This transcript was prepared for you by:  
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1 home, you could see that there are hardly any overpasses  
2 over I5 between Sacramento and almost Lemoore. They  
3 tell us that these overpasses, that they have planned  
4 for every two miles because we're living organisms here.  
5 We have operations that need to be maintained over the  
6 other side of our property because you've dissected me  
7 almost 50/50 diagonally. There are overpass over  
8 overpass every two miles.

9 There's hardly an overpass on I5, maybe five  
10 of them, I don't know how many, but there are very few  
11 overpasses that are there now. And we hear that they  
12 are nearly 10 to 15 million dollars apiece. That's a  
13 major savings just right there.

14 MR. MORALES: Thank you, Ms. Stout.  
15 Mike Lasalle and then Alan Scott.

16 MR. LASALLE: My name is Mike Lasalle. I'm  
17 a landowner whose farm will be bisected by this project.  
18 I'd like to make one little suggestion. I'm  
19 a retired attorney. I've spent 38 years appearing  
20 before regulatory bodies similar to yours. I've never  
21 experienced the like of this. I mean this is a little  
22 bit insulting, over the top, and overbearing. I know  
23 you want to impose a three minute time limit, but it's a  
24 very overbearing distractive way to do it.

25 I mean let's keep in mind you people spent

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P040-1

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1 years developing this EIR and we're given 90 days to  
2 respond on it and comment on it and read it. I've never  
3 once seen you people impose a three minute time limit on  
4 yourselves and yet we're expected to. I just see it as  
5 another dominant/submissive game you play with us, the  
6 public.

7 I know you feel you're important but we're  
8 important too. And many of us have a great deal to say.  
9 And I don't think we like feeling that we're being --  
10 that our free speech is being impaired, suppressed or  
11 being deprived of due process.

12 My suggestion would be turn the thing off.  
13 If somebody is getting a little redundant maybe you can  
14 kind of remind them. And that's my suggestion.

15 Now I'll move on to my quick comments with  
16 the little bit of time I have left.

17 Mr. Valenstein, as a fellow attorney I would  
18 like to address my comments to you. As we become more  
19 and more aware, as we get into this project and learn  
20 more about it, that you play a major role through the  
21 NEPA process, and some of us have been focusing in on  
22 the environmental justice aspects. We do believe the  
23 project has violated provisions of the environmental  
24 justice elements that are mandated by NEPA.

25 Property owners whose properties were to be

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Submission P040 (Mike LaSalle, August 28, 2012) - Continued

This transcript was prepared for you by:  
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P040-2

1 impacted by this project were not officially notified by  
2 the Authority that their properties were at risk of  
3 either being taken or impacted until about July 19th,  
4 just about a month ago. And I think notification should  
5 have been provided much earlier in order to comply with  
6 your environmental justice provisions.

7 We think that by such a late notification,  
8 you've prohibited a number of impacted parties from  
9 participating more fully in the project in the earlier  
10 processes. We -- many of us did not attend workshops  
11 and meetings without knowing -- because we did not know  
12 that we would be impacted. And we think that this  
13 inexhaustible oversight or inexcusable oversight has  
14 denied us the status and opportunities that we were  
15 entitled to.

16 Mr. Valenstein, I have a question for you.  
17 Do you and your staff intend to look into whether or not  
18 the facts on the ground do constitute a violation of  
19 these environmental justice requirements? Do you? Can  
20 you assure us you will?

21 AUDIENCE: He's not going to answer.

22 MR. LASALLE: All right. Let the record  
23 reflect that I've gotten no response. Thank you very  
24 much.

25 MR. MORALES: Thank you, Mr. Lasalle.

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## Response to Submission P040 (Mike LaSalle, August 28, 2012)

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### **P040-1**

The time associated with providing oral testimony at public hearings was determined in order to encourage the broadest participation and maximize comments received from affected stakeholders at each public hearing. In many cases, stakeholders who requested additional time were allowed to speak multiple times over the course of the hearing, if time was available. Additionally, written comments were accepted via email and regular mail throughout the public comment periods.

### **P040-2**

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

The public was notified about the environmental documents by 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.

Submission P041 (Pamela Lea, August 28, 2012)

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1 notified. They did not know the train was coming  
2 through. They did not know they were going to lose  
3 their house. They did not know anything at all. They  
4 didn't even know the time of day even if they had a  
5 watch on. Because whatever the California High Speed  
6 Rail Authority did, they did a great job because they  
7 put these people in never never land, and I think  
8 they're still there. They have zero idea of what's  
9 going on.

10 There's one woman, she's got to be in her  
11 70's, she said, "My house is paid for. Everything is  
12 done. I followed the American dream. And I'm thrown  
13 out with no notice."

14 I can continue on with it but right now I'll  
15 stop since I see I beat the clock.

16 And to Mr. Lasalle, I've hated that damn  
17 thing since the first time I saw it.

18 MR. MORALES: Pamela Lea and Janis Rogers.

19 MS. LEA: Mr. Valenstein, the California  
20 High Speed Rail Authority now admits it must comply with  
21 the with environmental justice components of NEPA. The  
22 High Speed Rail Authority states that one of its three  
23 fundamental environmental justice principles is to  
24 ensure the full and fair participation by all affected  
25 communities in the transportation decision making

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P041-1

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1 process.  
2 High Speed Rail Authority has prevented the  
3 full and fair participation of local communities by  
4 failing to actually coordinate route design and  
5 meaningful impact mitigation with the communities of  
6 Hanford, Armona, Corcoran, Wasco, Shafter and  
7 Bakersfield, as well as the counties of Kings, Tulare  
8 and Kern. As a matter of fact, High Speed Rail  
9 Authority has been quick to advise the affected  
10 communities that they did not have to coordinate with  
11 locals or comply with existing land use management plans  
12 per their lawyers.

13 How does the Federal Rail Administration  
14 reconcile the lack of environmental justice to our  
15 communities? Was this considered in the Merced to  
16 Fresno EIS? Withdraw the EIS until High Speed Rail  
17 Authority actually demonstrates that it is complying  
18 with NEPA instead of pretending on paper that it is  
19 complying.

20 And since I have extra time -- and  
21 Mr. Abercrombie knows I'm a stinker. To Mr. Christensen  
22 for his comment, for the record, it is no longer a high  
23 speed rail train. To the environmentalist that made a  
24 comment back there, all of his information on global  
25 warming. If you want to make a difference, start in LA

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P041-1

P041-2

Submission P041 (Pamela Lea, August 28, 2012) - Continued

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1 and San Francisco. Laying down 130 miles of track with  
2 no money for a train, electrification, or completing it  
3 from San Francisco to LA does not justify global warming  
4 and destroying our homes and our livelihoods.  
5 MR. MORALES: Thank you.  
6 Janis Rogers and Richard Garcia.  
7 MS. ROGERS: My name is Janis Rogers. I was  
8 born and raised in Hanford. I have a couple of  
9 questions.  
10 If the High Speed Rail Authority makes good  
11 on the promises of stations to all of the towns along  
12 the proposed route, how can it possibly be a high speed  
13 train with all of those stops?  
14 And also, the first phase of this project,  
15 Merced to Bakersfield, will not be electrified until the  
16 completion of the project. Does that mean it will just  
17 sit there like -- or be like the BNSF, and for how long?  
18 I would recommend that you revisit the Interstate 5  
19 right-of-way which will not be as destructive to the  
20 fertile San Joaquin Valley. Thank you.  
21 MR. MORALES: Thank you, Ms. Rogers.  
22 Richard Garcia and then Halen Sullivan and  
23 then Michael Lamb.  
24 MR. GARCIA: Hello, I'm Richard Garcia. And  
25 I wasn't going to speak but I just -- I think that this

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Hanford High-Speed Train Meeting  
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Response to Submission P041 (Pamela Lea, August 28, 2012)

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**P041-1**

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

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's 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. Actions prior to its adoption do not suggest noncompliance with the law. The Authority and FRA have undertaken substantial outreach to environmental justice communities. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including environmental justice laws. The Authority and FRA have undertaken substantial outreach to environmental justice communities.

**P041-2**

Climate change is caused by increasing concentration of greenhouse gases (GHG) in the atmosphere. The Final EIR/EIS analyzed the impacts from GHG emissions, which are discussed in Section 3.3 of the Final EIR/EIS, Impacts AQ #4 and #11. The construction and operation of the project were determined to have a less-than-significant impact for GHG emissions and therefore for climate change.

Submission P042 (Joe Machado, August 28, 2012)

This transcript was prepared for you by:  
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1 what's going to happen -- okay, these places are not  
2 necessarily within the alignment but they're very close  
3 to.  
4           And I'm just picturing -- I'm married to a  
5 teacher. And teachers already have enough challenges in  
6 the classroom. I can't imagine a teacher having to stop  
7 every six minutes because a train is going through and  
8 they can't be heard over the train. You know, if you  
9 have kids in that classroom, you don't want that for  
10 your children.  
11           Further, with the church, you can imagine  
12 sitting in a funeral and having the service stop because  
13 the train is going by and nobody can hear what's going  
14 on over the train. Or the building is vibrating during  
15 the funeral.  
16           We don't want that for our children, we  
17 don't want that for our loved ones, we don't want that  
18 for our county. And it appears that this study does not  
19 address those issues and needs to. Thank you.  
20           MR. MORALES: Thank you, Ms. Kohns.  
21           Joe Machado, Karen Stout and Carol Walters.  
22           MR. MACHADO: Thank you board, Federal  
23 Railroad Authority, Jeff, and Mr. Morales.  
24           Although Mr. Morales and Mr. Abercrombie are  
25 experts in their field, it's like the Dutch gentlemen

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1 said, none of these gentlemen -- they're bored.  
2 Nobody's built a High Speed Rail. They're like a bunch  
3 of teenagers. In that respect, give them billions of  
4 dollars, give them no accountability, give them the  
5 power of eminent domain, and you have a recipe for  
6 disaster.  
7           We appreciate you three coming here because  
8 we feel that you three are the only people that we have  
9 left that will hold this Authority and their board  
10 accountable. It seems our politicians, our governor, no  
11 one is holding these people accountable. Just everybody  
12 has drank the Kool-aid. Us that have been engaged and  
13 informed in this county have realized the players and we  
14 appeal to you three to do your due diligence and hold  
15 them accountable.  
16           You know -- you've heard a lot about  
17 environmental justice. You know their route -- their  
18 EIS through the city of Hanford reflects closely -- it's  
19 bypass -- both alignments will destroy many of the farms  
20 and dairies that make up half the economy. Both  
21 alignments will destroy existing permanent jobs for  
22 temporary jobs, most of which will go to people outside  
23 the Hanford area who have the construction skills that  
24 our population does not have. Our existing jobs will be  
25 traded for somebody else's temporary jobs and that's a

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P042-1

Submission P042 (Joe Machado, August 28, 2012) - Continued

This transcript was prepared for you by:  
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This transcript was prepared for you by:  
Fresno Court Reporters

P042-2

1 fact.  
2 Notice that the demographics of the city is  
3 basically lower income and primarily Hispanic and should  
4 clearly be protected pursuant to local -- sorry -- be a  
5 protected location pursuant to the spirit of  
6 environmental justice plans of NEPA.

P042-3

7 That said, what happens to the city of  
8 Hanford if the project is built through the city but the  
9 High Speed Rail never successfully builds the high speed  
10 train system as they claim they can do without the  
11 hundred billion dollars that are still missing? The  
12 city of Hanford loses its economical base and its access  
13 to intercity passenger rail due to the closing of the  
14 Amtrak station by the High Speed Rail Authority.

P042-4

15 NEPA requires that the authority  
16 demonstrates a need for the proposed project compared to  
17 a no build option. What about the impacts to Hanford?  
18 If the High Speed Rail fails to accomplish that, how  
19 does the FRA reconcile this lack of compliance with  
20 NEPA? Were these -- was this even considered in the  
21 Merced to Fresno area? I know those people were very  
22 ill informed and didn't have the process to engage the  
23 FRA.  
24 Do your due diligence, go back, review the  
25 document, and if need be, withdraw it and make the

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1 teenagers go back to step one.  
2 MR. MORALES: Thank you, Mr. Machado.  
3 Karen Stout.  
4 MS. STOUT: My name is Karen Stout. I'm a  
5 walnut farmer in Kings County and I'm also a member of  
6 the CCHSRA.

7 In Hanford several months ago there was an  
8 Authority workshop to introduce the Kings County west  
9 alignment. At this meeting the engineers stated that  
10 the Fresno to Bakersfield section is only 15 percent  
11 planned.

12 Since the Authority only has this project 15  
13 percent planned, now is the right time to change it and  
14 do something more California friendly.

15 California agriculture in Kings, Tulare, and  
16 Kern counties cannot take this Boondog. You are making  
17 efficient farms and dairy operations inefficient and  
18 more costly. All agriculture related companies will  
19 have more expense transporting their product or services  
20 and burning more fossil fuels to get across this major  
21 obstruction. This will affect large cities in an impact  
22 that will show later. The high food prices in grocery  
23 stores should not come as a surprise to them, although I  
24 think it may.

25 But this project -- put this project on a

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## Response to Submission P042 (Joe Machado, August 28, 2012)

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### **P042-1**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-14.

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#13 for information on project job creation during construction and operation.

### **P042-2**

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

See EIR/EIS Volume 1 Section 3.12 Impact SO#17 and Impact SO#18, 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.

### **P042-3**

The Initial Operating Section (IOS) will include the Merced to Fresno and Fresno to Bakersfield sections of the HST System. Amtrak's San Joaquin line can provide passenger rail service to any of several Central Valley termini of the HST System while the other IOS is under construction. Should no other HST segments be constructed, Amtrak could continue to use this IOS.

Existing Amtrak service would not change; it would just be augmented by the use of the IOS.

### **P042-4**

The need for the proposed project is discussed at length in Chapter 1, Project Purpose, Need, and Objectives, of the EIR/EIS. Impacts to the Hanford area are described in the various sections of Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures.

Submission P043 (Joe Machado, August 28, 2012)

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1 alternatives to determine which alternative will  
2 accomplish the purpose of the project while causing the  
3 the least amount of impacts to the environment. The EIS  
4 only examines minor variations in Corcoran.  
5 EIS's is less destructive and impactful  
6 alternative alignments, such as along Interstate 5, has  
7 not been properly studied. An alignment along  
8 interstate 5 would cost millions and perhaps billions of  
9 dollars less and affect far fewer people. How does the  
10 FRA reconcile this lack of compliance with NEPA? Thank  
11 you.

12 MR. MORALES: Thank you, Ms. Hook.  
13 Joe Machado.

14 MR. MACHADO: Thanks, panel, for being here  
15 today. I would like to address the three FRA personnel.  
16 Mr. Morales, Mr. Abercrombie, our comments will always  
17 fall on death ears with the Authority here, so I have no  
18 need to speak to them.

19 I pretty much reviewed the -- well, I am a  
20 dairy farm owner. And, first and foremost, you people,  
21 you three, are accountable for their actions.

22 When I first got involved, I read Prop 1A,  
23 and it just -- under Prop 1A, Mr. Morales' exboss or  
24 company decided to pick routes that were not on a  
25 transportation corridor. If you visit my dairy and the

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1 dairies in that three or four miles, we're producing  
2 field crops, nowhere near a transportation corridor.  
3 The Authority failed miserably in finding a  
4 transportation corridor. Their guys are following -- a  
5 freight train line through Kings County is not  
6 justified, power transmission lines are not justified,  
7 we need a major highway, somewhere where high speed rail  
8 could parallel to and scrape the edges of properties,  
9 even farmland. They say that it's more destructive  
10 along the highway, it is not. The edges of the fields  
11 are less destructive than dissecting farmland.

12 On my facility -- and in the EIR/EIS  
13 sections, agricultural lands, animal confinement,  
14 section 314B, my facility was said to be negligible.  
15 There was three classes, severe, moderate and  
16 negligible. That was insult to me.

17 I had a study done in the last EIS by two  
18 firms I paid dearly to have this done because I wanted  
19 to prepare for my impacts. And I will -- you three, I  
20 will give you a copy if you so desire.

21 In that impact it said only seven and a half  
22 acres would be required of my property.

23 They traversed my property at a length of a  
24 mile, split my facility 80/20. My facility on the 20  
25 half has four sets of irrigation lines. My waste water

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P043-1

P043-2

Hanford High-Speed Train Meeting  
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Submission P043 (Joe Machado, August 28, 2012) - Continued

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1 line will be cut off. There's nothing that says how  
2 that's going to be mitigated. I cannot move -- my  
3 frontage road will be blocked off. There will not be an  
4 overpass on my country road, so for me to get to 80  
5 percent of my property, on the east side of the tracks,  
6 I would have to go a five-mile around, ten-mile round  
7 trip, to harvest my crops.

8 The overpass, they failed to mention the  
9 impacts of the overpass on my facility to the north of  
10 my property. There's an existing dairy to the north,  
11 which the existing will be the frontage road. The  
12 overpass will be pushed all onto my property, which will  
13 require a large of amount of acres.

14 They say seven and a half acres. The  
15 engineers and hydrolysis people that I talked to, with  
16 the setbacks and with their footprint, is 83 acres.

17 That is 435 animal units that I will lose with my  
18 wastewater permit, that I will lose my air permit.

19 All of you up there, if you had one leg cut  
20 off, you would be severely crippled. The footprint of a  
21 high speed rail through the dairy country is exactly  
22 that, crippling us. Thank you.

23 MR. MORALES: Thank you, Mr. Machado.

24 Karen Stout, Mike Lasalle and Alan Scott.

25 MS. STOUT: Good afternoon. My name is

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Hanford High-Speed Train Meeting  
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## Response to Submission P043 (Joe Machado, August 28, 2012)

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### **P043-1**

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

The Authority means no insult to the commenter. The Authority has committed to compensating landowners at a fair market value for any permanent takings of their land as well as any temporary or permanent losses of income they may experience. During the land acquisition phase, each landowner will have the ability to discuss the impacts from the HST with the Authority's right-of-way agent so that fair compensation for impacts on their property can be made.

### **P043-2**

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

### **P043-3**

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

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

Submission P044 (Lou Martinez, August 28, 2012)

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1 Speed Rail is on the other side.  
2 And I moved back out from the country --  
3 from the city of Hanford. And I considered Hanford a  
4 city because I enjoyed growing up in the country, and I  
5 wanted to be within a quarter mile of the farm of where  
6 I grew up, which is a 110-year-old farm that was  
7 purchased by my great grandfather.  
8 If you go on the east route, you're going to  
9 go through my cousin's property, which was purchased by  
10 my great grandfather on the other side of my family who  
11 was also county supervisor for 35 years.  
12 I ask you to reconsider and think about what  
13 -- that proposal, proposition as it was originally  
14 presented to voters. I'm not apposed to high speed  
15 rail, in theory. But I am very much at odds with the  
16 way it is being done. Because it is not being done in a  
17 way that's one, beneficial for the users, and two, in a  
18 way that will have the least impact on the people that  
19 will be affected by this.  
20 Thank you, I appreciate your time.  
21 MR. MORALES: Thank you, Mr. Parsons.  
22 Lou Martinez.  
23 MR. MARTINEZ: Good evening, everyone.  
24 I just have a question, first of all, you're  
25 with Railroad Authority? Federal Railroad Authority, is  
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1 that correct? Federal Rail Administration and these  
2 gentlemen are with high speed rail, is that correct?  
3 Yes. So you're here to listen to what we want, what we  
4 don't want, what we like, what we don't like, is that  
5 it.  
6 MR. MORALES: Your comments.  
7 MR. MARTINEZ: Okay. Well, first of all,  
8 what I would like to say is that I did vote for high  
9 speed rail. I did vote for high speed rail. But you  
10 know what, it wasn't what your doing now, what you are  
11 presenting to us now.  
12 When I voted for high speed rail, I was  
13 under the assumption that it was going to go through I5.  
14 And I had no idea that it was going to come right  
15 through our area here through Kings County. So  
16 evidently, when whoever was responsible for putting it  
17 on the ballot had from the very beginning the idea that  
18 they were going to deceive the people of California,  
19 they were going to deceive us in a way that we've never  
20 been deceived before. It was bate and switch is what  
21 you guys did.  
22 High speed rail is what you did to us. You  
23 did it to California. That's what you did to us. You  
24 need to understand one thing people, you know, when we  
25 -- when you build something in our area, it affects --  
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Submission P044 (Lou Martinez, August 28, 2012) - Continued

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P044-2

1 it has a negative -- well, this will have a negative  
2 impact on not just the people that you're taking land  
3 away from, their farms destroying or dividing the farms,  
4 but you also have an impact on the quality of life that  
5 we enjoy here in the community of Hanford. Whether it  
6 be Lemoore, Corcoran, all these areas. Quality of life  
7 that I want my children to enjoy. My grandchildren, my  
8 great grandchildren and with high speed rail they're not  
9 going to have that.

10 I have a question for you, when you -- the  
11 purpose of high speed rail is to get people from Los  
12 Angeles to San Francisco, is that correct, or San  
13 Francisco to Los Angeles, was that the idea of it? Yes,  
14 probably so, okay. So that's like building a bridge,  
15 right? One end Los Angeles one end San Francisco. So  
16 why would you build a bridge starting in the middle?  
17 What sense does that make? Shouldn't you start where it  
18 would be better able to accommodate people that you are  
19 actually going to be riding it. The people in San  
20 Francisco, the people in Los Angeles. Why start in the  
21 middle? It doesn't make any sense.

P044-3

22 Again, when voters approved this ballot  
23 measure, it was not for the amount we are going to pay  
24 now. We cannot afford high speed rail as you are  
25 presenting it to us today. If you want to cut it to

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P044-3

1 about ten percent what you got now, maybe we can do  
2 something on I5. But the way it is right now, we can't.  
3 We can't afford it. Our schools are hurting. Everybody  
4 is hurting. These communities are hurting. And high  
5 speed rail is going to get that money from anywhere else  
6 that could be used in this State of ours. We cant  
7 afford it. I've got a statement I want to read to you  
8 also.

P044-4

9 High Speed Rail Authority now claims that it  
10 has been complying with environmental justice components  
11 of NEPA. They say that they are committed to applying  
12 -- to apply environmental justice to all it's program  
13 and other activities that are undertaken, funded or  
14 approved by FRA that affect construction operation and  
15 maintenance.

16 The California Rail Authority was  
17 established in 1996, 16 years ago and they just adopted  
18 an environmental justice policy on August 2nd of this  
19 year.

20 How will they apply those NEPA environmental  
21 justice factors to the preliminary and final design  
22 engineer related to this Revised Draft Environmental  
23 Impact Statement that was published before the policy  
24 was established and does not even address construction  
25 operation maintenance beyond unsupported statements from

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Submission P044 (Lou Martinez, August 28, 2012) - Continued

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P044-4

1 a project that might be seen from space will cause only  
2 minor problems in our communities, businesses, and  
3 environment.

4 This project is only designed to a 15  
5 percent standard and does not adequately address NEPA  
6 environmental justice concerns reflected in their new  
7 policy.

P044-5

8 How does this reflect the Merced to Fresno  
9 EIS and other problematic studies? How does the FRA  
10 reconcile this? Withdraw the EIS until California High  
11 Speed Rail Authority proves that it is complying with  
12 federal law. We have not seen it yet, have you?

13 Please, in closing, we don't need this project. We  
14 can't afford it. It's going to alter life, the quality  
15 of life as we know it. You know, if you can come up  
16 with some kind of project that can move people between  
17 San Francisco and Los Angeles, then go ahead. But don't  
18 come to our Valley. And if it comes to the point where  
19 we have to lay down in front of the bulldozers, you know  
20 what, you can put my name on that list and I will do the  
21 same.

22 Thank you.

23 MR. MORALES: Thank you, Mr. Martinez.

24 Let me ask the the reporter, do you need a  
25 break?

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## Response to Submission P044 (Lou Martinez, August 28, 2012)

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### **P044-1**

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

### **P044-2**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-05, FB-Response-AG-02, FB-Response-AG-01.

See Volume I, Section 3.12, Impact SO #1 for information on the disruption to community cohesion or division of existing communities from project construction as well as Mitigation Measure SO-1.

### **P044-3**

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

### **P044-4**

Refer to Standard Response FB-Response-GENERAL-27, 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 an FRA comment to include the DOT 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.

### **P044-5**

On the law, this comment ignores that an 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). The issue is whether the project description in the Revised DEIR/Supplemental DEIS narrows the scope of environmental review or prevents full understanding of the project and its consequences (ibid).

### **P044-5**

Abundant substantive evidence in the record demonstrates that the project description 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. The 15% design generates detailed information, like the horizontal and vertical locations of track, cross sections of the infrastructure with measurements, precise station footprints with site configurations, and temporary construction staging sites and facilities. The 15% design also yields a "project footprint" overlaid on parcel maps, which shows the outside envelope of all disturbance, including both permanent infrastructure and temporary construction activity. This 15% design translated into a project description in the EIR with 100% of the information that is required under CEQA Guidelines Section 15124 (see *Dry Creek*, above, 70 Cal.App.4th at pp. 27-36 [upholding EIR conceptual project description as adequate when based on preliminary design]).

A higher level of design is not necessary because 15% design provides enough information for a conservative environmental analysis. A higher level of design provides refinement, but does not yield more information needed for adequate CEQA review. For example, if a lead agency knows the location, size, and basic design of a building, it has enough information for environmental review. The details about whether the water system will use PVC or copper pipe or whether windows will be vinyl or wood are not necessary for assessing the impacts of building construction. Further, it is common practice with larger transportation infrastructure projects to prepare the environmental analysis before completion of final design.

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 FRA. The Authority has subsequently received FRA comment to include the U.S. 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 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, an overview brochure of the Draft EIR/EIS, and comment cards at the public workshops and hearings. Also, a multi-lingual, toll-free hotline was

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Response to Submission P044 (Lou Martinez, August 28, 2012) - Continued

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**P044-5**

made available for public comments and requests.

Section 3.12 of the EIR/EIS describes the project benefits, regional and localized effects, and project impacts to EJ communities. These efforts meet the intent and requirements of Executive Order 12898.

Submission P045 (Ernestine Mattos, August 28, 2012)

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1 revenues to the county are cut dramatically by the loss  
2 of farm income, these people will be greatly affected.  
3 Who's the voice for them? They -- many don't even speak  
4 English. They depend on farm income. They depend on  
5 county service. And they -- that is not -- how can that  
6 be mitigated.

7 Another issue I have concern about is a  
8 health issue. And that is, because of the construction,  
9 will there be some mitigation for valley fever in this  
10 area. For those workers and for the county residents  
11 because it is increasing and is found in the dust. And  
12 when that is in the air and people breathe that in, they  
13 become infected with valley fever.

14 So those are my concerns. Thank you.

15 MR. MORALES: Thank you very much.

16 Leonard Vryhof, Ernestine Mattos.

17 MS. MATTOS: Hi. My name is Ernestine

18 Mattos. My husband and I have a dairy farm. We have  
19 had it since 1996. We were told by our neighbor that  
20 our farm was being affected and I said no, we've never  
21 been notified. He came over to inform us.

22 So we did what we had to. We had engineers  
23 come out. My question is, and it's never been answered,  
24 engineers have told us that if this train goes through  
25 the back of our dairy farm, it will shut us down. How

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P045-1 |

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1 are we going to be compensated?

2 My other question is, I've talked to one of  
3 the representatives that go around with a little name  
4 tag and he says, "We're going to appraise it." I said,  
5 "Okay, based on your appraisal? What about the bank's  
6 appraisal, people we owe money to?"

7 Life is hard enough as it is right now in  
8 the economy. How can you guys even think about doing  
9 this? You don't know what we've gone through in our  
10 lives. You know, this basically -- you're basically  
11 murdering our whole lives.

12 I've been through a murder trial four years  
13 ago, my sister. And it's kind of like you want to see  
14 the light at the end of the tunnel but you get nobody  
15 coming out to inform you of anything. You don't know  
16 anything besides newspapers. You go online and find out  
17 stuff, and what's written isn't what's being done.

18 When are we going to get straight answers?  
19 That's all I want. I mean, we're trying to hang onto  
20 what we can based on the economy.

21 We have to deal with air quality, water  
22 quality, and everything else. We do everything right  
23 that we can. This train comes up out of nowhere. Did  
24 they just jump on the airplane and say hey, we're going  
25 to jet right through here, there's nothing there?

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Submission P045 (Ernestine Mattos, August 28, 2012) - Continued

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1           You're going to cut -- it's going to kill  
2 us. So are we going to be compensated? And when? Are  
3 you going to wait until the next last date?  
4           And I heard that if there isn't an  
5 agreement, then you're going to come in and eminent  
6 domain it. We're going to lose it.  
7           How are we going to be compensated? I mean,  
8 how? When? And when are we going to be able to  
9 actually meet with someone? And how many -- our dairy  
10 farm is on 43 and Kansas Avenue, right there on the  
11 corner. And no one has ever ever come to talk to us.  
12 All we get is letters stating what parcels are going to  
13 be impacted.  
14           We have wells that's going to be -- they  
15 said they're going to -- what's the word they -- they're  
16 going to figure out, let's see, what's the age, they're  
17 going to appraise it and kind of see -- it cost us over  
18 \$200,000 to drill a well itself. How are you going to  
19 compensate us with all the pipelines?  
20           And then I thought it was kind of humorous  
21 when they didn't even realize that there is Lakeside  
22 Cemetery there so they just covered this a little more.  
23 There is a cemetery on our property and they didn't even  
24 realize. And then we're going to get this big huge  
25 overpass right in front of my house.

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1           No one is telling us anything. I just want  
2 someone to tell us something. Maybe we're not  
3 politically into everyone and we don't know a lot. We  
4 know our dairy farm. It takes a lot of time and a lot  
5 work.  
6           I have two children and two grandchildren  
7 and my grandchildren love coming out there. And I don't  
8 even -- you know, they're, like, grandma, is this going  
9 to be here? I don't know, I don't know anymore. We  
10 don't know what is going to happen.  
11           When are we going to get straight answers,  
12 that's all I ask. Straight answers. Thank you.  
13           MR. MORALES: Thank you, Ms. Mattos.  
14           And now Mr. Vryhof.  
15           MR. VRYHOF: Good afternoon. My name is  
16 Leonard Vryhof. The first thing I want to say, what  
17 makes you an authority on high speed rail? That's what  
18 I would like you to tell me. What makes you an  
19 authority? And what gives you the right to come over  
20 here in our Valley and take away the livelihood and  
21 completely burden us with things which don't -- we don't  
22 need over here.  
23           Number one, number two -- I mean number three, I  
24 spent seven weeks in Holland in May. Now, if you want  
25 to know something about high speed rail, you guys, you

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Response to Submission P045 (Ernestine Mattos, August 28, 2012)

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**P045-1**

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

The Authority has committed to compensating landowners at a fair market value for any permanent takings of their land as well as any temporary or permanent losses of income they may experience. During the land-acquisition phase each landowner will have the ability to discuss the impacts from the HST with the Authority's right-of-way agent, so that fair compensation for impacts on their property can be made.

Submission P046 (Kenden Meek, City of Corcoran, August 28, 2012)

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Fresno Court Reporters

1 miles. I can't afford to drive three extra miles to  
2 drive downtown Hanford just from where you're putting  
3 that thing at.  
4 I mean, you guys got to start thinking.  
5 It's -- everybody said I5 is the best way to go. But I  
6 don't think we need this stupid thing. Because we can't  
7 afford it. If you're going to put the money in  
8 something, put the water into water or fixing some of  
9 the roads. But not this. Not taking America. Not  
10 taking my freedom. My freedom is important to me.  
11 Just like the other man said, he said he  
12 will lay down. Laying down in front of the bulldozer.  
13 You never know, there are a bunch of people out there  
14 that are angry because of stuff like this. And I don't  
15 want to be a third world nation where we have to fight  
16 the fight. America is made for the people of freedom.  
17 Listen to the people.  
18 That's all I have to say.  
19 MR. MORALES: Thank you.  
20 Kenden Meek.  
21 MR. MEEK: Good evening. Kenden Meek city  
22 manager for the city of Corcoran. As in the past, I  
23 wanted to reiterate that the city's position on high  
24 speed rail in October of 2011. The city, by unanimous  
25 resolution, apposed all three routes that either go

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Hanford High-Speed Train Meeting  
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P046-1

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P046-1 1 through Corcoran or severe influence as has been  
P046-2 2 conveyed in the past.  
P046-3 3 And for the record, the city of Corcoran is  
P046-4 4 concerned about routes that negatively impact low-income  
5 neighborhoods that potentially cripple our downtown  
6 corridor and other businesses that may result in the  
7 loss of Amtrak and that are in conflict with the cities  
8 general plan.  
9 At the same time, the city recognizes that  
10 the High Speed Rail Authority has been attentive to  
11 comments made by the city with the previous Draft  
12 Environmental Impact Report and changes have been made  
13 in the second version.  
14 The city hopes and anticipates that the High  
15 Speed Rail Authority will show the same attention to  
16 comments that will be submitted in the near future.  
17 Thank you.  
18 MR. MORALES: Thank you, Mr. Meek.  
19 Andrea Pike. No. Okay, Aaron Fukuda.  
20 MR. FUKUDA: I apologize there might be two  
21 cards in that deck so just disregard one. I apologized  
22 also in the thought that we were keeping to the three  
23 minute time limit. I kind of rushed through my last  
24 speech and I forgot I had the documents that show  
25 exactly what type of outreach was done during the

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Response to Submission P046 (Kenden Meek, City of Corcoran, August 28, 2012)

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**P046-1**

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

Your opposition to the project is noted.

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

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

**P046-2**

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

For information on the potential residential displacements in Corcoran see EIR/EIS Volume I Section 3.12 Impact SO #9 and Impact SO # 18 for the Environmental Justice effects, and Mitigation Measure SO-1.

**P046-3**

Refer to Standard Response FB-Response-SO-03, FB-Response-GENERAL-12.

For information on the potential residential and business displacements in Corcoran, see Impacts SO #9 and SO #10 in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the EIR/EIS.

**P046-4**

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

Submission P047 (James Neto, August 28, 2012)

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1 protesting environmentalists who were over there at the  
2 slaughterhouse, and they remotely blew them up.  
3 And it disturbs us, in the cattle business,  
4 ranching business, we feel our lives are at risk.  
5 It's a cabal. That's the way we feel. I just wanted to  
6 let you know.  
7 Thank you.  
8 MR. MORALES: James Neto. And then Glen  
9 Parsons and Lou Martinez.  
10 MR. NETO: Good evening. My name is James  
11 Netto. I'm a farmer/dairyman and me and my brother are  
12 partners, and our wives. We have a large corn  
13 harvesting company right outside as you drive into town.  
14 We're the second largest corn harvesting company in the  
15 world. And the number one is two miles up the road.  
16 Reading through a little of the EIR, what I  
17 was looking for, is there a guarantee of an overpass at  
18 every intersection like the BNSF does have? At every  
19 intersection we have we can continue through. We have  
20 to stop, but we can continue through. Our forefathers  
21 did a great job in planning that and doing it right. So  
22 I think something that the Rail Authority and,  
23 hopefully, everybody will look at, is there needs to be  
24 an overpass.  
25 Being a trucking company with 60 trucks, if

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Hanford High-Speed Train Meeting  
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P047-2

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1 I'm at a corner where you do not put an over/underpass  
2 and I'm running 20 trucks in that crew, I will have --  
3 and the job I'm going to is two miles up the road on the  
4 road that doesn't have an overpass, running 20 trucks  
5 with a three mile circuit, and I run 12 loads a day,  
6 times 20, is 240 loads going three miles out of their  
7 way. That's 740 miles. I don't know if the E -- if the  
8 Authority ever took that into consideration. In my --  
9 it's mind boggling that in our town we run these  
10 transportation strips to see how many cars go over each  
11 day before we make a decision.  
12 I live by the railroad tracks. My land is  
13 all up and down. I have got three ranches it's going  
14 through. I never seen -- and I challenge them to tell  
15 me that they put transportation strips and counted the  
16 vehicles that go through those intersections that  
17 they're going to eliminate if they're not going to put  
18 an overpass or underpass in every -- every through  
19 section or road that we got today that the BNSF does  
20 have. And I challenge them to make sure they are there.  
21 We do not see them in the EIR. Thank you.  
22 MR. MORALES: Thank you, Mr. Netto.  
23 Glen Parsons and then Lou Martinez.  
24 MR. PARSONS: As a teacher, I like to use  
25 visual aides and I brought up here my iPhone. Everybody

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Hanford High-Speed Train Meeting  
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Response to Submission P047 (James Neto, August 28, 2012)

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**P047-1**

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

The BNSF does not have an overpass at every intersection. As discussed in Chapter 2, Alternatives, of the EIR/EIS, the HST System will be fully grade-separated and will not have any at-grade road crossings. Overcrossing locations are carefully planned with local transportation agencies to minimize impact on traffic patterns.

**P047-2**

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

Submission P048 (Frank Oliveira, Citizens for California High Speed Rail Accountability, August 28, 2012)

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1 and now you have to think about when does school start.  
2 There are a lot of things that are going on  
3 here, folks, that you folks have no idea. You haven't  
4 even thought about. The only thing you know is you have  
5 your little deal, you've got your little train, you're  
6 going to play with your train and go put money in your  
7 pocket.  
8 Well I'm here to tell you Mr. Abercrombie  
9 and Mr. Morales, and Mr. Valenstein and Ms. Hurd and Ms.  
10 Perez, you guys are messing around with the wrong thing.  
11 You have no idea what the hell you're doing.  
12 A high speed rail is in place in Europe,  
13 It's in place in the orient, and guess what, in 25 years  
14 it has yet to pay for itself. This wouldn't pay for  
15 itself forever.  
16 Please reconsider. Think about somebody  
17 else except yourselves. Thank you.  
18 MR. MORALES: Thank you, Mr. Lamb.  
19 Frank Oliveira.  
20 MR. OLIVEIRA: Good evening. My name is  
21 Frank Oliveira. I'm with the Citizens for California  
22 High Speed Rail Accountability. Welcome to Kings  
23 County.  
24 Ms. Perez, Ms. Hurd, Mr. Valenstein, I have  
25 asked myself for two years, how did we get to this

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1 point? A lot of people asked the question, why not I5?  
2 It makes sense. And we don't get any answers from the  
3 High Speed Rail Authority, which I'll talk about later  
4 tonight in other comments.  
5 But to go back to the root of the problem,  
6 we've been told that that decision to exclude I5 was  
7 made in 2005. So that made me wonder, what happened?  
8 Why, when we were raising our children, going to work,  
9 doing the things that we do here, we didn't know this  
10 was coming? Ms. Perez, Ms. Hurd, Mr. Valenstein, do you  
11 know if you go back to the rod the FRA rod from 2005  
12 that approved this project, you will find that the  
13 public outreach was done in about 30 places. This is  
14 from FRA records not the high speed rail's records but  
15 I'm assuming that they provided you the data for your  
16 report. There were 30 places where this was outreached  
17 at. I'm going to provide you a map of where they were.  
18 The closest place to this place was Fresno.  
19 They outreached in Fresno. They outreached in Tulare.  
20 They outreached in Bakersfield. The rest of the places  
21 were up towards Sacramento, the peninsula, and Los  
22 Angeles. And I'll provide you a map of these places.  
23 You will notice that Kings County is --  
24 well, not included. We didn't know this was happening.  
25 Maybe somebody knew. I'm sure that there were meetings

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P048-1

Hanford High-Speed Train Meeting  
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Submission P048 (Frank Oliveira, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

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1 with some people at some time. But to the public, the  
2 public was not noticed.  
3 So all of that said, in keeping with  
4 environmental justice, the environmental justice policy  
5 that you folks at FRA would require these folks at the  
6 state to follow, I believe that their policies clearly  
7 state that the public and community should be involved  
8 at the earliest stages of transportation and planning  
9 decisions.

10 This community was not. And that's why the  
11 people in this community feel the way that they do when  
12 we're told that the decision to go an alternative route  
13 cannot be changed and we see studies done to go over the  
14 Grapevine or Palmdale or to go here or to go there but  
15 we can't do that here because it was decided in 2005 and  
16 we were not noticed.

17 So I would encourage you to withdraw the  
18 EIS. And these decisions, as you can see on the map,  
19 probably affect people that work around Chowchilla and  
20 in the EIS section between Merced and Fresno. Thank  
21 you.

22 MR. MORALES: Thank you, Mr. Oliveira.  
23 We have Charleene Hook and then we'll take a  
24 short break to wait for other speakers.

25 Let me just note we want to afford everyone

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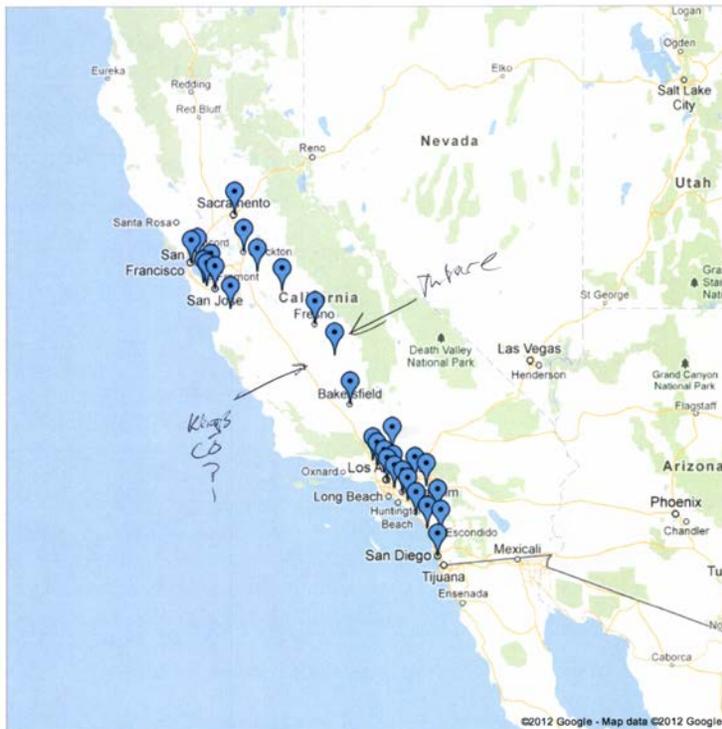
Submission P048 (Frank Oliveira, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

Outreach for 2005 HSRA Program Level EIR - Google Maps

8/28/12 6:38 AM



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**Outreach for 2005 HSRA Program Level EIR**

Cities which had access to the HSRA's Program Level EIR documents for review through their public libraries.

Source: USDOT/FRA Record of Decision, CA High-Speed Train System, 2005. Page 4 of

<https://maps.google.com/maps/ms?msid=2107788979018...418&t=m&z=6&vpsrc=6&ei=OQk9UK73JuOhIALVYG4BQ&pw=2> Page 1 of 2

Outreach for 2005 HSRA Program Level EIR - Google Maps

8/28/12 6:38 AM

<http://www.cahighspeedrail.ca.gov/assets/0/152/198/fcef36e7-f04-4bb5-bcd9-4503381e86ca.pdf>

Unlisted · 11 views  
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- Anaheim
- Bakersfield
- Burbank
- Escondido
- Fremont
- Fresno
- Gilroy
- Irvine
- Los Angeles
- Merced
- Modesto
- Mountain View
- Norwalk
- Oakland
- Oceanside
- Ontario
- Palmdale
- Palo Alto
- Riverside
- Sacramento
- San Clemente
- San Diego
- San Francisco
- San Gabriel
- San Jose
- Santa Clarita
- Stockton

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Submission P048 (Frank Oliveira, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

Outreach for 2005 HSRA Program Level EIR - Google Maps 8/28/12 6:38 AM

- Sylmar
- Temecula
- Tulare

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Outreach for 2005 HSRA Program Level EIR - Google Maps 8/28/12 6:36 AM

**Outreach for 2005 HSRA Program Level EIR**  
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Source: USDOT/FRA Record of Decision, CA High-Speed Train System, 2005. Page 4 of 4

https://maps.google.com/maps/ms?msid=2107788979018...418&t=m&z=6&vpsrc=6&ei=OQk9UK73JuOhIALVYG4BQ&pw=2 Page 1 of 3

Submission P048 (Frank Oliveira, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

Outreach for 2005 HSRA Program Level EIR - Google Maps 8/28/12 6:36 AM

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- Palmdale
- Palo Alto
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- San Francisco
- San Gabriel
- San Jose
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- Stockton

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## Response to Submission P048 (Frank Oliveira, Citizens for California High Speed Rail Accountability, August 28, 2012)

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### **P048-1**

The public outreach process for the Fresno to Bakersfield Section of the HST System has been extensive; it has included public meetings and briefings where public comments have been received, participation in community events where participation has been solicited, and the development and distribution of educational materials to encourage feedback. Public outreach before the circulation of the Draft EIR/EIS included 12 public meetings aimed at soliciting community feedback and informing impacted communities of the project status. These efforts are listed in Chapter 8, Public and Agency Involvement, of the Final EIR/EIS. Public notification regarding the draft environmental documents took place in the following ways: A notification letter, an informational brochure, and Notice of Availability (NOA) were prepared in English and Spanish and sent to landowners and tenants within 300 feet of all proposed alignment alternatives. The notification letters informed landowners and tenants that their property could become necessary for construction (within the project construction footprint) of one or more of the proposed alignment alternatives or project components being evaluated. Anyone who requested to be notified or is in our 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-language newspapers. Posters in English and Spanish were posted along the project right-of-way.

As shown in Chapter 8 of the Final EIR/EIS, the Authority has been in contact with the County many times regarding this project during the California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA) process. All notices required under CEQA and NEPA have been sent to the County in a timely manner. 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 and has met with Kings County officials and staff on 21 occasions. Also, 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.

Submission P049 (Frank Oliveira, August 28, 2012)

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1 communities that they did not have to coordinate with  
2 locals or comply with existing transportation plans.  
3 How does the Federal Rail Administration reconcile this  
4 lack of environmental justice?  
5           Were these things considered in the Merced  
6 to Fresno EIS? Withdraw the EIS until a CHSRA actually  
7 demonstrates that it is complying with NEPA instead of  
8 pretending on paper that it is complying.  
9           And I have a few minutes left. And I closed  
10 my statement last year with a quote, and I don't know  
11 exactly but it's as close as possible. Eleanor  
12 Roosevelt, Collier's magazine, 1943, that I remember.  
13 She said, in regards to an Authority, the Relocation  
14 Authority," It is harder to correct a mistake than not  
15 to make one originally, but we seldom have the  
16 foresight." Eleanor Roosevelt, 1943. Thank you.  
17           MR. MORALES: Thank you, Ms. Fukuda.  
18           Frank Oliveira, Joe Machado, and Karen  
19 Stout.  
20           MR. OLIVEIRA: Again, my name is Frank  
21 Oliveira. In keeping to the theme that we were  
22 discussing, Ms. Perez, Ms. Hurd, Mr. Valenstein, NEPA  
23 requires that, under the environmental section of  
24 justice component, requires the early participation. As  
25 I explained the last time I was at this podium, we were

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Hanford High-Speed Train Meeting  
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1 kind of excluded from this in 2005. And I provided you  
2 your own documents which reflect that.  
3           People around here started to sense  
4 something was up, I think it was around 2010, and all of  
5 a sudden there were routes. One day people showed up  
6 with maps. There were maps. People started trying to  
7 figure out what was going on early but we were not  
8 allowed to participate.  
9           One of the previous speakers came up and  
10 talked about a situation between previous board chairman  
11 Pringle and our Farm Bureau representative where he  
12 insulted her and treated her poorly. That's on video,  
13 easy to find. He told her that she spoke for no one  
14 because if she spoke for someone, they would be there at  
15 that meeting.  
16           I was there. It was just her and I from  
17 Kings County. But we were not under the impression that  
18 a report, an alternative analysis report was going to be  
19 given saying that all problems here were resolved,  
20 mitigated with local communities and the ag industry.  
21 That video, that presentation is available too, we can  
22 share that with you.  
23           Being disturbed about that, we went back.  
24 We were told to go find friends because nobody cared.  
25 And we discussed this in the community and more people

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Hanford High-Speed Train Meeting  
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Submission P049 (Frank Oliveira, August 28, 2012) - Continued

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P049-1

1 showed up in June and more people showed up in July.  
2 Chairman Umburg, who was the chairman at  
3 that time, prevented people from Kings County from even  
4 speaking at that meeting. We filed comment cards, which  
5 I'm going to give you. These are out of High Speed Rail  
6 Authority's records from a public records request.  
7 On these documents, we clearly indicate that  
8 we were asking early in the planning to evaluate  
9 Interstate 5 and we asked to comply with NEPA and  
10 several other things. And what we were met with was  
11 about 16 of us were not even allowed to speak in a  
12 public meeting in violation of our civil rights and in  
13 violation of states -- I would like to present this to  
14 you. These are the people from Kings County that  
15 supposedly never spoke up about environmental justice.  
16 This is from a year and a half ago or less. Thank you.  
17 MR. MORALES: Thank you, Mr. Oliveira.  
18 We're going to go with new speakers first.  
19 Aaron Fukuda.  
20 MR. FUKUDA: Wow, I didn't even get a chance  
21 to collect my thoughts so I'll just go with it.  
22 Welcome back, Mr. Valenstein, I think  
23 Ms. Hurd. And Ms. Hurd, I think you're new to the Kings  
24 County area.  
25 I think you see there's quite a bit of

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Submission P049 (Frank Oliveira, August 28, 2012) - Continued

**CITIZENS FOR CALIFORNIA HIGH-SPEED RAIL ACCOUNTABILITY**

Post Office Box 881  
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559-469-6685 (Cell/Text)  
[frank.oliveira.gm@gmail.com](mailto:frank.oliveira.gm@gmail.com) (Most Direct)  
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<http://www.cchsra.org/> (Website)  
<https://www.facebook.com#!/groups/CAHSR/> (Face Book)  
[www.twitter.com/CCHSRA](http://www.twitter.com/CCHSRA) (Twitter)



Date: August 29, 2012

To: Federal Rail Administration

Via: Mr. David Valenstein, Federal Rail Administration  
Ms. Kathryn Hurd, Federal Rail Administration  
Ms. Stephanie Perez, Federal Rail Administration

Subject: **NOTIFICATION TO YOU ABOUT GROSS VIOLATIONS OF THE ENVIRONMENTAL JUSTICE COMPONENTS OF THE NATIONAL ENVIRONMENTAL POLICY ACT WITHIN THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY PROJECT**

We respectfully request that the Federal Railroad Administration (FRA) withdraw or reject the Environmental Impact Statements for the California High-Speed Rail Authority's Fresno to Bakersfield Section Revised Draft Environmental Impact Review/Statement (RDEIR/S) and the Merced to Fresno Section Final Environmental Impact Review/Statement that is pending a Record of Decision by the FRA.

We also request that the validity of the 2005 California High-Speed Train Statewide Programmatic Study be re-evaluated pursuant to its demonstrated lack of compliance with the public participation requirements of the Environmental Justice components of the National Environmental Policy Act.

On Monday, August-27<sup>th</sup>, 2012 and yesterday, on August-28<sup>th</sup>, 2012, common people from the Southern Central Valley advised you in as many ways possible during your hearings in Bakersfield and Hanford, that the California High-Speed Rail Authority (Authority) has not practiced due their diligence in dealing with the public and local governments in regard to the California High-Speed Train project in our area. We have been excluded from the planning and design of the project. We have been ignored when we demanded to participate. We were disrespected and threatened when we refused to go away and now, we are being disregarded again.

The Authority never has and still is not complying with their recently adopted Title-IV, Environmental Justice compliance policy.

Mr. David Valenstein, Federal Rail Administration

August 29, 2012

Page-2 of 2

We have provided you personally the following easily to develop evidence of our allegation.

- 1- Mapping information from the FRA 2005 ROD that clearly shows that the Central Valley was treated very different in the public outreach to participate in that process which is now about to cause huge impacts to our communities.
- 2- Typed and very clear Public Comments Cards from the July-2011, Authority's Board meeting, before routes were locked in that demonstrate that the public tried to participate but unfortunately we disallowed by the Authority.
- 3- The fact that RDEIR/S is not readily available for the public to review effective within the time allowed by the Authority or in some cases, even in a format that people could use.
- 4- Digital examples of the Authority providing information to the public that is in a cumbersome format that is unreasonably complicated to use.
- 5- An example how the oil industry is treated differently than the agriculture industry in mitigation noted in the DEIR/S.
- 6- An attached partial inventory of more than 14,000-pages of the DEIR/S that the Authority has on this DEIR/S but for some reason has failed to share with the community in an acceptable format.

The FRA cannot escape responsibility to practice its due diligence in this matter now that this information has been openly delivered to the FRA.

Mr. Valenstein, you are listed in the DEIR/S as the responsible Lead NEPA Official in this project. Comply with the law that you are charged with protecting or you clearly will be complicit in its violation.

Withdraw or reject the Environmental Impact Statements until the FRA and the Authority has clearly complied with their own laws and policies.

We are open to meeting with you and your agency to discuss the Environmental Justice problems in this project and possible remedies. We realize that doing the right thing is not in the project plan but it is the right thing to do before the project starts buying right of way and destroy communities and lives.

Respectfully submitted,

Frank Oliveira, Co-Chair

Citizens for California High-Speed Rail Accountability

Attached: Partial list of missing DEIR/S documents  
CHSRA NEPA/Environmental Justice Policy Documents

Submission P049 (Frank Oliveira, August 28, 2012) - Continued

**FACT SHEET**

**Project Name**

California High-Speed Train Project, Fresno to Bakersfield Section

**Project Description**

The California High-Speed Train Project, Fresno to Bakersfield Section, proposes to build and operate an approximately 114-mile portion of a larger high-speed train (HST) system which is intended to connect to sections traveling west to San Francisco, south to Los Angeles and later, north to Sacramento. The project is designed as a steel-wheel-on-steel-railway completely grade separated from other modes. The need for this project is directly related to the population growth and increased intercity travel demand over the next 20 years and beyond and the increased travel delays and congestion that would result on California's highways and airports. Additionally, Fresno, Kings, Tulare, and Kern counties have limited connectivity with the state's larger urban metropolitan areas.

This Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (Revised DEIR/Supplement DEIS) considers ten alternatives, including the No Project Alternative and the nine HST alternatives: the BNSF, Hanford West Bypass 1, Hanford West Bypass 2, Corcoran Elevated, Corcoran Bypass, Allensworth Bypass, Wasco-Shafter Bypass, Bakersfield South, and Bakersfield Hybrid alternatives. Each contains one station in Fresno, one station in Bakersfield, and a potential Kings/Tulare Regional Station located in the vicinity of Hanford. The HST in this section has the ability to travel up to 220 mph along the alignment. Potential environmental impacts of the alternatives include displacement of commercial, residential, and agricultural properties; community and neighborhood disruption; increase in noise; increase in traffic at each of the stations; impacts on historic and archaeological sites; impacts on parks and recreational resources; visual impacts; impacts on sensitive biological resources and wetlands; and use of energy. Mitigation measures are described to

address impacts identified in the Revised Draft EIR/Supplemental Draft EIS.

**Joint Lead Agencies**

Federal Railroad Administration  
 1200 New Jersey Avenue SE MS-20  
 Washington, D.C. 20590

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

**NEPA Lead Agency**

The Federal Railroad Administration is the lead agency for NEPA

**Responsible NEPA Official**

David Valenstein, Chief  
 Environmental and Systems Planning  
 Division  
 Federal Railroad Administration  
 1200 New Jersey Avenue, SE, MS-20, W38-303  
 Washington, DC 20590

**CEQA Lead Agency**

The California High-Speed Rail Authority is the lead agency for CEQA

**Responsible CEQA Official**

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

**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).

**Contact Information**

To obtain a copy of the environmental documents, contact:

Michael Penzkover  
 California High-Speed Rail Authority  
 770 L Street, Suite 800  
 Sacramento, CA 95814  
 (916) 324-1541  
 E-mail: [mpenzkover@hsr.ca.gov](mailto:mpenzkover@hsr.ca.gov)

affected environment, environmental consequences, and mitigation measures resulting from changes in project alternatives, as well as information and analysis provided in response to public and agency comments on the Draft EIR/EIS for the Fresno to Bakersfield Section, are provided in this chapter and highlighted in gray.

**3.1.1 Chapter 3 Purpose and Content**

This chapter consists of three sections—the Affected Environment, Environmental Consequences, and Mitigation Measures—for each resource topic. The first section describes existing environmental conditions in the areas that would be affected by the proposed Fresno to Bakersfield Section of the HST Project and the No Project Alternative. This is followed by a discussion of potential environmental impacts associated with constructing and operating the HST alternatives. The sections in this chapter then conclude with the identification of site-specific mitigation measures where impacts cannot be otherwise avoided or reduced through design.

The analyses address the impacts of the alternative alignments, stations, and other related HST facilities as described in Chapter 2, Alternatives. They also incorporate impacts associated with related infrastructure changes required to accommodate the HST alternatives, such as roadway and interchange modifications, utility relocation, and addition of power substations, and identify key differences among the impacts associated with the alternatives. This document analyzes mitigation, impacts resulting from mitigation, and feasibility of mitigation.

Analysts used many sources to prepare this document. Chapter 10, References/Sources Used in Document Preparation, lists these sources.

**3.1.2 Organization of This Chapter**

Chapter 3 presents each environmental resource topic in its own section, as follows:

- Section 3.2 Transportation\*
- Section 3.3 Air Quality and Global Climate Change\*
- Section 3.4 Noise and Vibration\*
- Section 3.5 Electromagnetic Fields and Interference, and Public Utilities and Energy
- Section 3.6 Biological Resources and Wetlands\*
- Section 3.7 Hydrology and Water Resources\*
- Section 3.8 Geology, Soils, and Seismicity\*
- Section 3.10 Hazardous Materials and Waste\*
- Section 3.11 Safety and Security
- Section 3.12 Socioeconomics, Communities, and Environmental Justice\*
- Section 3.13 Station Planning, Land Use, and Development
- Section 3.14 Agricultural Lands
- Section 3.15 Parks, Recreation, and Open Space
- Section 3.16 Aesthetics and Visual Resources\*
- Section 3.17 Cultural and Paleontological Resources\*
- Section 3.18 Regional Growth
- Section 3.19 Cumulative Impacts

The asterisks in this list indicate sections supported by a technical report containing additional detailed analyses. In

**More About Schools**

Analysis of schools in the project vicinity can be found in the following sections:

- 3.2. Transportation
- 3.3. Air Quality and Global Climate Change
- 3.4. Noise and Vibration
- 3.5. Electromagnetic Fields and Interference
- 3.8. Hydrology and Water Resources
- 3.10. Hazardous Materials and Waste
- 3.11. Safety and Security
- 3.12. Socioeconomics, Communities, and Environmental Justice
- 3.13. Station Planning, Land Use, and Development
- 3.15. Parks, Recreation, and Open Space

Submission P049 (Frank Oliveira, August 28, 2012) - Continued

**3.2 Transportation**

**3.2.1 Introduction**

This section describes the regulatory setting and the affected environment for transportation, the impacts on transportation that would result from the project, and the mitigation measures that would reduce these impacts.

Growth-inducing impacts and cumulative impacts are discussed in Sections 3.18, Regional Growth, and 3.19, Cumulative Impacts, respectively. Safety and security impacts potentially associated with traffic and circulation are evaluated in Section 3.11, Safety and Security. Additional information about transportation is provided in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012).

The HST program incorporates several project engineering and design features intended to avoid or reduce the potential impacts of implementing the new HST System between Fresno and Bakersfield. The *Final Program Environmental Impact Report Environmental Impact Statement (EIR/EIS) for the Proposed California High-Speed Train System* (Statewide Program EIR/EIS) (Authority and FRA 2005) presents those features, which include but are not limited to, where feasible, locating the proposed project parallel to existing transportation features such as freeways and freight railroads. The intent of these engineering and design elements is to maintain the basic integrity of the existing surface transportation system so that the proposed project enhances mobility without causing substantial increases in traffic or travel time.

**3.2.2 Laws, Regulations, and Orders**

Federal, state, and local laws, regulations, and orders that pertain to transportation and traffic resources under the project are presented below.

**3.2.2.1 Federal**

**Procedures for Considering Environmental Impacts (64 Federal Register 101, 28545)**

These FRA procedures state that an EIS should consider possible impacts on all modes of transportation, including passenger and freight rail, as well as potential impacts on roadway traffic congestion.

**3.2.2.2 State**

**California Government Code Section 65080**

The State of California requires each transportation planning agency to prepare and adopt a regional transportation plan (RTP) directed at achieving a coordinated and balanced regional transportation system.

**California Streets and Highways Code (Section 1 et seq.)**

The code provides the standards for administering the statewide streets and highways system. Designated state route and interstate highway facilities are under the jurisdiction of the California Department of Transportation (Caltrans), except where facility management has been delegated to the county transportation authority.

**3.2.3.2 Baseline Operational Analysis**

In accordance with CEQA requirements, an EIR must include a description of the existing physical environmental conditions in the vicinity of the project. Those conditions, in turn, "will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant" (CEQA Guidelines §15125[a]).

For a project such as the HST project that would not commence operation for approximately 10 years and would not reach full operation for approximately 25 years, use of only existing conditions as a baseline for traffic LOS impacts would be misleading. It is substantially more likely that existing background traffic volumes (and background roadway changes due to other programmed traffic improvement projects) will change between today and 2020/2035 than it is for existing traffic conditions to remain precisely unchanged over the next 10 to 25 years. For example, as stated in Section 3.2.5.1, Regional Transportation Plans (RTPs) include funded transportation projects that are programmed to be constructed by 2035. Ignoring the fact that these projects would be in place before the HST project reaches maturity (i.e., the point/year at which HST-related traffic generation would reach a maximum), and evaluating the HST project's traffic impact without recognizing that the RTP improvements would change the underlying background conditions to which HST project traffic would be added, would create a hypothetical comparison, and, for these reasons, would be misleading.

For this reason, the LOS traffic analysis in this section uses a dual-baseline approach. That is, the HST project's LOS traffic impacts are evaluated both against existing conditions and against background (i.e., No Project) conditions as they are expected to be in 2035. This approach complies with CEQA. (See *Woodward Park Homeowners Assn. v. City of Fresno* (2007) 150 Cal.App.4th 683, 707 and *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale* (2010) 190 Cal.App.4th 1351.), *Pfeiffer v. City of Sunnyvale* (2011), 200 Cal.App.4th 1552, *Madera Oversight Coalition v. County of Madera* (2011), 199 Cal. App.4th 48) and *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (6th Appellate District, Case no. B232655, April 17, 2012). Impact results for both baselines (and mitigation where required) are presented in this section in summary format; further details (including mitigation) are presented in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012).

This approach informs the public of potential project impacts (and associated mitigation) under both baselines, reserving extensive detail for the supporting technical report. This approach improves readability for the public of a technically complex subject—traffic modeling analysis. Very detailed analysis results, including extensive LOS calculation tables, are contained in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012).

Mitigation at an intersection or of a segment under both baseline scenarios (i.e., competing/conflicting mitigation) is not required; of course, mitigation is required for only one under CEQA. The dual-baseline approach represents different analytical ways of evaluating the same potential impact and is provided for information and disclosure purposes. As stated above, it is substantially more likely that existing background traffic volumes (and background roadway changes due to other programmed traffic improvement projects) will change between today and 2020/2035 than it is that existing traffic conditions will remain perfectly unchanged over the next 10 to 25 years. (See *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (6th Appellate District, Case no. B232655, April 17, 2012, at page 20)). Accordingly, mitigation for the Future Plus Project impact scenario would be more appropriate for intersection and roadway impacts caused by HST station traffic, given that the stations are likely to be operational (and running close to full passenger capacity) nearer 2035 than it is today.

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**Vehicle Trip Generation at the Heavy Maintenance Facility Sites**

Trip generation for the HMF sites was based on the estimated number of employees, work shifts, and parking requirements for the proposed facility. The employees were classified based on their operational function as maintenance shop employees, management, crew and support, or maintenance-of-way employees. The *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012) provides more information on the HMF trip generation. The report demonstrates that the facility would be expected to generate approximately 2,000 daily trips; 729 trips would occur during each AM and PM peak-hour period.

**3.2.3.4 Methods for Evaluating impacts under NEPA**

Pursuant to Council on Environmental Quality 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. Beneficial effects are identified and described. When there is no measurable effect, impact is found not to occur. The intensity of adverse effects is the degree or magnitude of a potential adverse effect, 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 even if the impact is beneficial.

An impact with *negligible* intensity on transportation is defined as a worsening in transportation service levels that is measurable but not perceptible to the transportation system user. An impact with *moderate* intensity on transportation is defined as a worsening in transportation service levels that is measurable and perceptible to the transportation service user but does not meet the thresholds for an impact with substantial intensity. An impact with *substantial* intensity on transportation is defined as an adverse effect on transportation service levels. A project impact is considered to have substantial intensity under NEPA if the following occurs:

**Operational Phase**

A project impact is considered to have substantial intensity under NEPA if the following occurs:

- For roadway segments and intersections (signalized and unsignalized), the addition of project-related traffic results in a reduction in LOS<sup>1</sup> below D
- For roadway segments that are projected to operate at LOS E or F under baseline conditions, the addition of project-related traffic results in an increase in the V/C ratio of 0.04 or more
- For signalized intersections that are projected to operate at LOS E or F under baseline conditions, the addition of project-related traffic increases average delay at an intersection by 4 seconds or more
- For unsignalized intersections projected to operate at LOS E or F under baseline conditions, the addition of project-related traffic increases delay by 5 seconds or more (measured as average delay for all-way stop and for worst movement for a multi-way stop intersection),

<sup>1</sup> LOS analysis was completed only for intersections that would be affected by HST project operations (including station traffic and permanent road closures or realignments). Traffic congestion from project construction would be temporary, so an LOS analysis would not be appropriate. Impacts from project construction focus on maintaining safety and access during construction.

**3.2.4.2 Fresno Station Area**

This section discusses existing transportation conditions around the proposed Fresno Station in more detail than the previous regional discussion because of the potential changes in local traffic conditions related to a downtown HST station.

**Highways and Roadways**

The proposed Fresno HST alternative station sites are located in the area bounded by Merced and Santa Clara streets to the southeast, and by G and H streets. The study area is regionally served by State Route (SR) 41, SR 99, and SR 180, and locally by a connecting grid pattern of expressways, arterials, collector roads, and local roads.

There are 71 roadway segments in the vicinity of the Fresno HST Station. Figures 3.2-6a to 3.2-6c show the study intersections in the area; Figure 3.2-7 shows the existing roadway designations; and Figures 3.2-8a to 3.2-8c show the average daily traffic (ADT), number of lanes, and speed for these roadway segments. The methodology explained in Section 3.2.3 was used to evaluate the existing operating conditions for the study area roads, and determined that all 71 roadway segments currently operate at LOS D or better except for the roadway segment of Tulare Street between SR 41 ramps and N. First Street (LOS F). More details on LOS analysis for roadway segments are included in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012).

**Intersections**

There are 131 intersections (#119 would be created under Plus Project conditions) in the vicinity of the Fresno Station study area, as shown on Figures 3.2-6a to 3.2-6c. Figures 3.2-9a to 3.2-9c show the existing intersection operating conditions in terms of level of service. The methodology explained in Section 3.2.3 was used to evaluate the existing operating conditions for the study area intersections. With the exception of nine intersections shown in Table 3.2-6, the 122 remaining study area intersections currently operate at LOS D, or better. More details on LOS analysis at the study intersections are included in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012).

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The Council of Fresno County Governments' 2007 *Regional Transportation Plan (RTP)* is the plan for future transportation improvements to the regional and local roadway system (Fresno COG 2007). The nearest project in the RTP is on H Street between Belmont Avenue and Ventura Street, which is identified for widening from two to four lanes.

**Transit**

The Fresno Area Express (FAX) is the city of Fresno's transit line; it has 13 routes that serve the proposed HST station area. FAX serves the greater Fresno Metropolitan Area with a fleet of over 100 buses. Service includes 20 fixed-route bus lines and paratransit service (City of Fresno 2002). The existing routes that would serve the proposed Downtown Fresno Station are summarized in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report (Authority and FRA 2012)* and the weekday service frequencies are listed in Table 3.2-7. The Greyhound bus line also serves the proposed station area.

**Table 3.2-7**  
 City of Fresno Bus Routes and Weekday Service Frequency

Bus Routes – Fresno	Weekday Service Frequency (minutes)
Route 20 – N Hughes / N Marks / E Olive	30
Route 22 – N West Ave / E Tulare Ave	30
Route 26 – N Palm / Peach Ave	30
Route 28 – CSUF / Manchester Center / W Fresno	15
Route 30 – Pinedale / N Blackstone / W Fresno	15
Route 32 – N Fresno / Manchester Center / W Fresno	30
Route 33 – Olive / Belmont Crosstown	30
Route 34 – Northeast Fresno / N 1st / W Fresno	15
Route 35 – Olive Crosstown	30
Route 38 – N Cedar / Jensen / Hinton Center	15
Route 39 – Clinton Ave Crosstown	30
Route 41 – N Marks Ave / Shields Ave / VMC	30
Route 45 – Ashlan Crosstown	60

Source: Authority and FRA 2012.

**Non-Motorized Facilities**

The City of Fresno's bicycle master plan includes objectives to establish and promote an accessible bikeway system throughout the metropolitan area (City of Fresno 2010). Two existing bikeways are within 1 mile of the proposed Fresno HST Station, along Huntington Boulevard and B Street. There are no existing bike lanes or routes connecting to or located in the immediate

vicinity of the station sites. Sidewalks are present on most of the streets in the vicinity of the station site alternatives.

**Parking Facilities**

There are 10 city-owned and operated parking lots and garages in the Fresno downtown area that provide event, monthly, and/or daily parking. There are approximately 4,700 parking spaces within these 10 lots and garages. Most are in the vicinity of H Street and Van Ness Avenue, approximately 0.5 mile, or less, from the proposed station sites.

**3.2.4.3 Kings/Tulare regional Station—EAST Alternative**

This section discusses existing transportation conditions around the potential Kings/Tulare Regional Station—East Alternative because of the potential changes in local traffic conditions generated by the HST station.

**Highways and Roadways**

The potential Kings/Tulare Regional Station—East site is located in rural agricultural lands 3 miles east of Hanford. The site is adjacent to the San Joaquin Valley Railroad and northeast of (and would be accessed from) the SR 43 and SR 198 interchange. SR 198 is two lanes in each direction west of SR 43, and one lane in each direction east of SR 43. SR 43 is one lane in each direction within the study area.

The potential Kings/Tulare Regional Station—East study area includes 13 roadway segments. The study intersections are shown on Figure 3.2-10. Figure 3.2-11 shows the existing roadway designations for this area, and Figure 3.2-12 shows the average daily traffic (ADT), number of lanes, and speed for these roadway segments. A summary of the roadway segments is included in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report (Authority and FRA 2012)*.

**Intersections**

The potential Kings/Tulare Regional Station—East study area includes nine study intersections, as shown in Figure 3.2-10. Figure 3.2-13 shows the existing LOS for each intersection. Three of the nine intersections function at LOS E or F, as shown in Table 3.2-8. A summary of LOS analysis at the study intersections is included in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report (Authority and FRA 2012)*.

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of (and would be accessed from) 13th Avenue. The potential station site is north of the SR 198, 13th Avenue, Hanford-Armona Road interchange. Within the study area, SR 198 consists of two lanes in each direction.

The potential Kings/Tulare Regional Station—West study area includes 13 roadway segments. The study intersections are shown on Figure 3.2-14. Figure 3.2-15 shows the existing roadway designations for this area, and Figure 3.2-16 shows the average daily traffic (ADT), number of lanes, and speed for these roadway segments. A summary of the roadway segments is included in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012).

**Intersections**

The potential Kings/Tulare Regional Station—West study area includes 23 study intersections, as shown in Figure 3.2-14. Figure 3.2-17 shows the existing LOS for each intersection. Four of the 23 intersections function at LOS E or F, as shown in Table 3.2-9. A summary of LOS analysis at the study intersections is included in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012).

**Table 3.2-9**  
 Intersections Operating at LOS E or F near the Kings/Tulare Regional Station—West Alternative (Potential)

Int ID	Intersection	Control	Existing Conditions			
			AM Peak		PM Peak	
			Delay (seconds)	LOS	Delay (seconds)	LOS
1	14th Avenue/Hanford Armona Rd	Two-way Stop	31.6	D	<b>36.0</b>	<b>E</b>
5	13th Avenue/Lacey Boulevard	All-way Stop	20.7	C	<b>40.5</b>	<b>E</b>
12	Mall Drive/Lacey Boulevard	Signalized	23.6	C	<b>66.9</b>	<b>E</b>
18	South Redington Street/W. 4th Street	Two-way Stop	< 80	F	*	F

Source: Authority and FRA 2012.  
 \* = Volumes at the intersection exceed theoretical capacity. As a result, average delay cannot be predicted. Delay is in average delay per vehicle at signalized intersections and maximum average delay per vehicle at stop-controlled approaches.  
 Intersections with LOS E or F in the AM or PM are in **Bold**.  
 Acronyms and Abbreviations:  
 ID = identification  
 LOS = level of service  
 SR = state route

**Transit**

Kings Area Rural Transit (KART) operates a regional bus system with routes that begin and end at its intermodal transfer facility on Seventh Street, just west of the Amtrak Hanford station. KART also operates the Hanford-Corcoran bus route that travels from the intermodal transfer facility to SR 43 (in the vicinity of the potential Kings/Tulare Regional Station—West area), and then south to Corcoran. Greyhound and Orange Belt Stages have limited bus service connecting to the intermodal facility.

**Non-Motorized Facilities**

The potential Kings/Tulare Regional Station—West study area, located north of the SJVRR and east of 13<sup>th</sup> Avenue, is in a rural area with no existing bike or pedestrian facilities.

**Parking Facilities**

There are no existing parking facilities near the potential Kings/Tulare Regional Station—West study area.

**3.2.4.5 Bakersfield Station Area**

This section discusses existing transportation conditions around the potential Bakersfield Station because of the potential changes in local traffic conditions generated by the downtown HST station.

**Highways and Roadways**

The proposed Bakersfield Station sites are located in the area west of Union Street, between Truxtun and California avenues. Each of these roadways has two to three lanes in each direction, generally with divided medians except near intersections. Union Street has an undercrossing at the BNSF Railway line. The site and vicinity include the Bakersfield Amtrak station and a BNSF freight service yard.

Several new freeway corridors are included in the *Metropolitan Bakersfield General Plan*, although these projects are not funded and may still require adoption of the corridors (City of Bakersfield and Kern County 2007). The planned freeways nearest to the proposed Bakersfield Station sites, which may potentially cross the proposed BNSF Alternative, are the Crosstown Freeway (also called the Centennial Corridor), which would extend from SR 178 to SR 99; the Westside Parkway (a continuation of the Crosstown Freeway) from SR 99 to Interstate 5; and the widening of SR 58 from SR 99 to Cottonwood Road.

The Bakersfield Station study area includes 50 roadway segments. The study intersections are shown on Figure 3.2-18. Figure 3.2-19 shows the existing roadway designations for the area; and Figure 3.2-20 shows the ADT, number of lanes, and speed for these roadway segments. All but five (Road Segments #16, #17, #23, #31, and #32) of the 50 roadway segments operate at LOS C or better. More details on LOS analysis of the roadway segments are included in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012).

**Intersections**

The Bakersfield Station study area includes 72 intersections. Figure 3.2-18 shows the intersections analyzed in the Bakersfield Station area. Figure 3.2-21 shows the existing intersection operating conditions in terms of level of service. All but 19 of the 72 intersections operate at LOS C or better, as shown in Table 3.2-10. More details on LOS analysis at the study intersections are included in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012).

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**Non-Motorized Facilities**

There are no existing bike facilities in the immediate vicinity of the Bakersfield Station sites. The nearest existing or planned bike lanes are on Chester Avenue, P and Q streets, and Twenty-first Street (City of Bakersfield and Kern County 2010). Pedestrian sidewalks are present on Truxton, Union, and California avenues in the vicinity of the proposed station sites.

**Parking Facilities**

There are four parking lots located in the vicinity of the proposed station sites. All four parking lots are approximately 0.5 mile, or less, from the proposed station sites.

**3.2.4.6 Heavy Maintenance facility Alternatives**

Traffic volumes along the study roadway segments around each of the proposed HMF sites were collected from the travel-demand model. Based on these traffic volumes, LOS was calculated for the roadway segments. Full information is provided in Section 5.4.4.2 of the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012).

The results of the analysis indicated that three intersections operate at LOS E or F under existing conditions. Of these, all three intersections are in the vicinity of the proposed Fresno HMF site. Table 3.2-12 summarizes the LOS and delay information for these locations. All other intersections and road segments in the vicinity of proposed HMF locations operate under existing conditions at LOS D, or better, conditions.

**Table 3.2-12**  
 Intersections Operating at LOS E or F around the Proposed HMF Locations under Existing Conditions

Intersection ID	Intersection	Intersection Control	Existing Conditions			
			AM Peak Hour		PM Peak Hour	
			Delay (s)	LOS	Delay (s)	LOS
<b>Fresno Works-Fresno HMF</b>						
2	SR 99 SB off-ramp / E. Central Ave	Unsignalized <sup>a</sup>	<50	F	25.1	D
4	SR 99 NB off-ramp / S. Chestnut Ave	Unsignalized <sup>a</sup>	<50	F	20.9	C
11	Clovis Ave / SR 99 SB on-ramp	Unsignalized <sup>a</sup>	46.9	E	37.9	E

Source: Authority and FRA 2012.  
<sup>a</sup>One-way or two-way stop-controlled intersection. LOS and delay reported for the worst movement.  
 Intersections with LOS E or F in the AM or PM are in **Bold**.  
 Acronyms and Abbreviations:  
 ID = identification  
 LOS = level of service  
 SR = state route

The freight railroads would also gain capacity from planned improvements for the expansion of Amtrak San Joaquin service, as defined in the State Rail Plan. Additionally, they will benefit from the grade separations currently programmed by the counties.

Future improvements that are part of the No Project Alternative are also included in the HST alternatives as part of the future 2035 baseline. The No Project Alternative, described in more detail in Chapter 2.0, Alternatives, includes roadways and other modes of transportation, including aviation, freight rail, and conventional passenger rail elements.

**No Project Alternative Roadway Segment and Intersection Impacts**

No Project Alternative roadway segment and intersection analysis was performed for the Fresno Station, potential Kings/Tulare Regional Station-East and Kings/Tulare Regional Station-West alternatives, Bakersfield Station, and HMF site alternatives, incorporating the transportation improvements identified in this section in the vicinity of each location. The No Project condition traffic volumes were determined by using the growth factors obtained from the individual county models. The results of the analysis compared to the existing and No Project conditions are summarized here and detailed analysis and results for the same are presented in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012).

**Fresno Station Alternative**

In the vicinity of the Fresno station, 74 of the 131 analyzed intersections would operate at LOS E or F during the AM and/or PM peak hours under No Project conditions, while only eight intersections operate at LOS E or F under existing conditions. Twenty-seven of the 71 analyzed roadway segments would operate at LOS E or F under No Project conditions, while only one segment operates at LOS E or F under existing conditions.

**Kings/Tulare Regional Station-East Alternative**

At the potential Kings/Tulare Regional Station-East, 2 of the 13 roadway segments and 5 of the 9 intersections analyzed would operate at LOS E or F during the AM and/or PM peak hours under No Project conditions, while 7 roadway segments and 3 intersections would operate at LOS E or F during the AM and/or PM peak hours under existing conditions.

**Kings/Tulare Regional Station-West Alternative**

At the potential Kings/Tulare Regional Station-West, none of the 13 roadway segments and 10 of the 23 intersections analyzed would operate at LOS E or F during the AM and/or PM peak hours under No Project conditions, while no roadway segments and 4 intersections would operate at LOS E during the AM and/or PM peak hours or F under existing conditions.

**Bakersfield Station Alternative**

At the Bakersfield Station, 4 of the 50 roadway segments and 24 of the 72 intersections analyzed would operate at LOS E or F during the AM and/or PM peak hours under No Project conditions, while 5 of the roadway segments and 11 of the intersections would operate at LOS E or F during the AM and/or PM peak hours under existing conditions.

**Heavy Maintenance Facility Sites**

Roadway segments and intersections were also evaluated at the four potential HMF study area locations (five total alternative stations). In the vicinity of the potential HMF site in Fresno, three intersections would operate at LOS E or F conditions in the AM and/or PM peak hours under existing conditions, and five intersections under No Project future conditions. At the potential

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roadway travel lanes, pedestrian facilities, bicycle lanes, and paths. Any closure or removal of parking areas, roadways, pedestrian facilities, bicycle lanes, and paths during construction would be temporary, and every attempt would be made to minimize their removal or shorten the length of time that these facilities are inoperable. Upon completion of construction, all parking areas, roadway lanes, pedestrian facilities, and bicycle lanes would be restored. For TCEs that cross railroad property, the Authority would attempt to avoid affecting railroad operations, to the extent possible. Permission for temporary access on railroad property may be necessary during construction. In order to avoid affecting railroad operations during construction, the contractor would be responsible for reaching agreement on the timing and duration of activities prior to implementing a TCE on railroad property. 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. Because the timing and duration of activities would be predetermined in agreement with the railroad, the railroad would be able to adapt their operations during construction activities. Avoidance and minimization measures for the protection of freight and passenger rail during construction are described further in Design Feature #10 in Section 3.2.6, Project Design Features.

Impact TR #1 effects would have moderate intensity under NEPA and impacts would be less than significant under CEQA.

**Impact TR #2 - Impacts on Circulation from Fresno Station Construction**

Approximately 170 peak-hour trips would be added to the Fresno roadway system during construction of the proposed project. While the actual construction schedule is not known and cannot be known until closer to the beginning of construction, an analysis (see Appendix I, *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012)) was conducted to assess impacts, focusing on the impacts of construction-related trips (material hauling, worker trips, etc.). Based on this analysis, the addition of construction traffic from the proposed project is projected to be noticeable at the following intersection in Fresno:

- N. Blackstone Avenue/SR 180 Westbound Ramps.

Depending on the specifics of the construction activities, other intersections could notice increased traffic. However, these construction impacts are based on a worst-case assessment that would be reduced through avoidance and minimization measures, and any impacts would be short term and temporary. Moreover, these impacts would not substantially increase hazards or incompatible uses or result in inadequate emergency access. Because additional trips resulting from the construction of the project would be short term and temporary and would not substantially increase hazards, safety risks, or incompatible uses, the effects would have moderate intensity under NEPA. Impacts would be less than significant under CEQA.

**Impact TR #3 - Impacts on Circulation from Kings/Tulare Regional Station—East Alternative Construction**

Approximately 170 peak-hour trips would be added to the Kings/Tulare Regional Station area roadway system during construction of the proposed project. This additional traffic would be noticeable at the following intersections:

- Seventh Street/SR 198.
- Sixth Street/SR 198.
- Second Avenue/SR 198.
- SR 43/Lacey Boulevard.

Depending on the specifics of the construction activities, other intersections could notice increased traffic. However, these construction impacts are based on a worst-case assessment that would be reduced through avoidance and minimization measures, and any impacts would be short term and temporary. Moreover, these impacts would not substantially increase hazards or incompatible uses or result in inadequate emergency access. Because additional trips resulting from the construction of the project would be short term and temporary and would not substantially increase hazards, safety risks, or incompatible uses, the effects would have moderate intensity under NEPA. Impacts would be less than significant under CEQA.

**Impact TR #4 - Impacts on Circulation from Kings/Tulare Regional Station—West Alternative Construction**

Approximately 170 peak-hour trips would be added to the potential Kings/Tulare Regional Station—West Alternative area roadway system during construction of the proposed project. This additional traffic would be noticeable at the following intersections:

- 13th Avenue/Hanford-Armona/SR 198.
- 14th Avenue/SR 198.
- 13th Avenue/Lacey Boulevard.

Depending on the specifics of the construction activities, other intersections could notice increased traffic. However, these construction impacts are based on a worst-case assessment that would be reduced through avoidance and minimization measures, and any impacts would be short term and temporary. Moreover, these impacts would not substantially increase hazards or incompatible uses or result in inadequate emergency access. Because additional trips resulting from the construction of the project would be short term and temporary and would not substantially increase hazards, safety risks, or incompatible uses, the effects would have moderate intensity under NEPA. Impacts would be less than significant under CEQA.

**Impact TR #5 - Impacts on Circulation from Bakersfield Station Alternatives Construction**

Approximately 170 peak-hour trips would be added to the Bakersfield Station area roadway system during construction of the proposed project. This additional traffic would be noticeable at the following intersections:

- S. Union Avenue/Eastbound SR 58 Ramps.
- Oak Street/California Avenue.

Depending on the specifics of the construction activities, other intersections could notice increased traffic. Because additional trips resulting from construction of the project would be short term and temporary, and would not substantially increase hazards, safety risks, or incompatible uses, the effects would have moderate intensity under NEPA and impacts would be less than significant under CEQA. Moreover, any delays from this additional traffic would not substantially increase hazards or incompatible uses, create safety risks, or result in inadequate emergency access. The figures showing Construction Trips and Synchro Output of construction-phase analysis for HST stations are provided in Appendix I of the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012). The Authority and FRA have considered avoidance and minimization measures consistent with the Statewide and Bay Area to Central Valley Program EIR/EIS commitments. During project design and construction, the Authority and FRA would implement measures to reduce impacts on circulation. Because additional trips resulting from the construction of the project would be short term and temporary and would not substantially increase hazards, safety risks, or incompatible uses, the effects would have moderate intensity under NEPA. Impacts would be less than significant under CEQA.

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- Fresno Station–Mariposa Alternative: Centered on Mariposa Street, bordered by Fresno, Tulare, H, and G streets.
- Fresno Station–Kern Alternative: Centered on Kern Street, between Tulare and Inyo streets.

Because these two alternative station locations are close together, travel patterns to and from either station essentially would be the same, and therefore this document summarizes the traffic impacts for the two alternatives together as the Fresno station. The Fresno station would require closure of Divisadero Street, Kern Street, and Mono Street at the proposed HST and UPRR alignment. In conjunction with the street closures, the following intersection modifications would also occur:

- Fresno Street at H Street: Existing grade-separation with ramps would be replaced with an at-grade intersection with full directionality.
- Fresno Street at G Street: Existing at-grade intersection would be replaced with a grade-separation (no turning movements would be allowed).
- Ventura Street at H Street: Existing at-grade intersection would be replaced with a grade-separation (no turning movements would be allowed).
- Ventura Street at G Street: Existing at-grade intersection would be replaced with a grade-separation (no turning movements would be allowed).
- S. East Avenue at E. Church Avenue: Existing at-grade intersection would be replaced with a grade-separation (no turning movements would be allowed).
- S. Sunland Avenue at E. Church Avenue: Existing at-grade intersection would be replaced with a grade-separation (no turning movements would be allowed).

Tulare Street improvements with the project include either an overpass or an underpass option; this section presents the results for both of these options.

Roadway segment and intersection analysis of AM and PM peak hours used the traffic impact criteria described earlier in this section. For each station alternative, the roadway segment analysis is presented followed by the intersection analysis. For roadway segments and intersections, scenarios are evaluated and compared for Existing Conditions, Future No Project (year 2035), and Future with Project (year 2035). Because the significance criteria described earlier focus on roadways and intersections that are predicted to operate at LOS E and F, or are already operating at LOS E and F, only the roadways and intersections that meet those criteria are listed. All other roadways and intersections are and would continue to operate at LOS D or better, are not significantly impacted, do not require mitigation, and are not listed in this section. All roadways and intersections evaluated are included in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012).

**Fresno Stations Roadway Segment Impacts** – Table 3.2-14 presents the results of the roadway segment analysis for Existing Plus Project conditions and compares these conditions against existing conditions for the Tulare Street Underpass Option. As shown in the table, one of the roadway segments projected to operate at LOS E or F under Existing Conditions is projected to continue to operate at LOS E or F. None of the roadway segments are projected to be substantially impacted by the project, resulting in an effect with negligible intensity under NEPA and in a less-than-significant impact under CEQA.

**Table 3.2-17**  
 Future (2035) Plus Project Roadway Segment Analysis  
 Downtown Fresno Station – Tulare Street Underpass Option

No	Roadway Segment	Number of Lanes	Divided/Undivided	V/C		LOS		Impact
				Future (2035) No Project	Future (2035) +Project (Tulare St Underpass)	Future (2035) No Project	Future (2035) +Project (Tulare St Underpass)	
61	W. McKinley Ave, between Golden State Blvd & N. West Ave	2/2	Undivided	1.48	1.43	F	F	No
62	W. McKinley Ave, east of N. West Ave	2/2	Undivided	1.08	1.08	F	F	No
63	Golden State Blvd, between W. McKinley Ave & N. West Ave	2/2	Divided	1.07	1.11	F	C	No
64	Golden State Blvd, between N. West Ave & W. Olive Ave	2/2	Divided	1.08	1.08	F	C	No
65	N. Weber Ave, between W. Olive Ave & N. Brooks Ave	1/1	Undivided	1.07	0.11	F	D	No
66	W. Olive Ave, between SR 99 Ramps & N. West Ave	2/2	Undivided	1.08	0.11	D	E	Yes
67	W. Olive Ave, east of North Weber Ave	2/2	Undivided	1.32	0.66	F	F	No
69	N. Weber Ave, between W. Olive Ave & W. Belmont Ave	2/2	Undivided	1.27	0.33	F	C	No
70	W. Belmont Ave, between N. Arthur Ave & SR 99 Ramps	2/2	Undivided	0.95	1.09	E	F	Yes
71	Belmont Ave, east of N. Weber Ave	2/2	Undivided	1.29	1.21	F	F	No

Note: Under future conditions, roadway segment 49, Tuolumne St, is closed between G St and H St.  
 Roadway segments 36 through 41 would be closed under project conditions.  
 Roadway segments with impacts are shaded in gray.  
 Source: Authority and FRA 2012.

**Fresno Intersection Impacts** – Table 3.2-18 presents the results for the Tulare Street underpass option intersection analysis under Existing Plus Project conditions and compares these results with those under Existing conditions. The *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012) provides more information on LOS and delay calculations. The table shows all intersections that would function at an LOS E or F under Existing or Existing Plus Project conditions (or both), 10 intersections (6, 33-0, 63, 80, 86, 109, 117, 124, 129, and 130) would be impacted with the project traffic under Existing plus Project conditions in either the AM or PM, which would result in an effect with substantial intensity under NEPA. Impacts would be significant under CEQA.

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**Table 3.2-18**  
 Existing Plus Project, Intersection Operating Conditions  
 Proposed Fresno HST Stations – Tulare Street Underpass Option

No.	Intersection	AM Peak						PM Peak					
		Existing		Existing Plus Project		Increase in Delay	Impact	Existing		Existing Plus Project		Increase in Delay	Impact
		Delay(s)	LOS	Delay(s)	LOS			Delay(s)	LOS	Delay(s)	LOS		
6	SR 99 NB Ramps/Ventura Ave	137.2	F	142.9	F	5.7	Yes	34.5	D	35.5	E	1.0	Yes
7	E St/Ventura Ave	32.1	D	33.0	D	0.9	No	35.7	E	37.1	E	1.4	No
33-0	Divisadero St/ SR 41 NB Ramps/ Tulare St	140.9	F	148.4	F	7.5	Yes	375.5	F	394.8	F	19.3	Yes
63	H St/Divisadero St	74.7	E	232.9	F	158.2	Yes	33.7	C	34.5	C	0.8	No
80	N. Blackstone Ave/CA 180 WB Ramps	171.1	F	207.8	F	36.7	Yes	17.4	B	18.2	B	0.8	No
86	H St/Ventura St	34.7	D	63.2	F	28.5	Yes	28.6	D	81.8	F	53.2	Yes
89	M St/San Benito-SR 41 NB On-ramp	11.7	B	11.7	B	0.0	No	218.0	F	218.0	F	0.0	No
109	Stanislaus St/ F St	9.8	A	136.6	F	126.8	Yes	10.6	B	11.4	B	0.8	No
117	Stanislaus St/N St	28.1	D	50.3	F	22.2	Yes	14.9	B	19.3	C	4.4	No
121	W. McKinley Ave/SR 99 NB Ramp	35.1	E	35.1	E	0.0	No	218.6	F	218.2	F	-0.4	No
124	W. Olive Ave/SR 99 SB Ramps	12.7	B	15.0	B	2.3	No	24.3	C	37.3	E	13.0	Yes
129	W. Belmont Ave/SR 99 SB Ramps	18.7	C	23.8	C	5.1	No	35.7	E	51.3	F	15.6	Yes
130	W. Belmont Ave/SR 99 NB Ramps	12.0	B	12.5	B	0.5	No	33.8	D	37.1	E	3.3	Yes

Note: Intersections 8, 24, 39, 62, 93-95, 97-100, 103, 127, 128, and 131 would not exist under with project conditions. Intersections with impacts in either the AM or PM are shaded in gray.  
 Source: Authority and FRA 2012.

Table 3.2-19 presents the results for the Tulare Street overpass option intersection analysis under Existing Plus Project conditions and compares against existing conditions. The Fresno to Bakersfield Section: Transportation Analysis Technical Report (Authority and FRA 2012) provides

Technical Report (Authority and FRA 2012) provides more information on LOS and delay calculations. The table shows all intersections that would function at an LOS E or F under Future (2035) No Project or Future (2035) Plus Project conditions (or both), 42 intersections would be impacted with the project traffic under Future (2035) Plus Project conditions in either the AM or PM, which would result in an effect with substantial intensity under NEPA. Impacts would be significant under CEQA.

**Table 3.2-20**  
 Future (2035) with Project, Intersection Operating Conditions  
 Proposed Fresno Stations – Tulare Street Underpass Option

Int ID	Intersection	Future (2035) No Project		Future (2035) Plus Project		Increase in Delay	Impact	Future (2035) No Project		Future (2035) Plus Project		Increase in Delay	Impact
		AM Peak		AM Peak				PM Peak		PM Peak			
		Delays	LOS	Delays	LOS	Delays	LOS	Delays	LOS	Delays	LOS		
2	Van Ness Ave / SR 41 Northbound Ramp	45.8	E	71.3	F	25.5	Yes	19.0	C	21.2	C	2.2	No
3	Broadway St / SR 41 Southbound Ramp	27.7	D	27.7	D	0.0	No	43.5	E	43.3	E	-0.2	No
4	Van Ness Ave / SR 41 Southbound Ramp	6801.6	F	6801.9	F	0.3	No	6794.9	F	6795.1	F	0.2	No
5	SR 99 Southbound Ramps / Ventura Ave	29.3	C	30.5	C	0.7	No	128.2	F	128.7	F	0.5	No
6	SR 99 Northbound Ramps / Ventura Ave	2873.9	F	2893.6	F	19.7	Yes	*	F	*	F	*	Yes
7	E St / Ventura Ave	*	F	*	F	*	Yes	*	F	*	F	*	Yes
9	Broadway St / Ventura Ave	75.7	E	74.9	E	-0.8	No	110.9	F	119.1	F	8.2	Yes
10	Van Ness Ave / Ventura St	22.2	C	22.8	C	0.6	No	83.6	F	89.1	F	5.5	Yes
12	O St / Ventura Ave	24.7	C	24.8	C	0.1	No	60.5	E	61.8	E	1.3	No
19	P St / Inyo St	16.0	C	16.0	C	0.0	No	55.4	F	55.6	F	0.2	No
21	H St / Kiem St	25.9	D	29.1	D	3.2	No	35.8	E	41.5	E	5.7	Yes
22	E St / Tulare St	21.7	C	21.6	C	-0.1	No	301.1	F	301.8	F	0.7	No
23	F St / Tulare St	10.7	B	12.5	B	1.8	No	145.9	F	528.2	F	382.3	Yes

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**Table 3.2-20**  
 Future (2035) with Project, Intersection Operating Conditions  
 Proposed Fresno Stations – Tulare Street Underpass Option

Int ID	Intersection	Future (2035) No Project		Future (2035) Plus Project		Increase in Delay		Impact	Future (2035) No Project		Future (2035) Plus Project		Increase in Delay		Impact
		AM Peak		AM Peak		Delays	LOS		PM Peak		PM Peak		Delays	LOS	
		Delays	LOS	Delays	LOS				Delays	LOS	Delays	LOS			
129	W. Belmont Ave/SR 99 Southbound Ramps	*	F	*	F	*	Yes	Yes	*	F	*	F	*	Yes	Yes
130	W. Belmont Ave/SR 99 Northbound Ramps	*	F	*	F	*	Yes	Yes	*	F	*	F	*	Yes	Yes
131	W. Belmont Ave/N. Weber Ave	108.8	F	Will Not Exist	*	No	No	No	268.1	F	Will Not Exist	*	No	No	No
132	Olive Ave /Fruit Ave	330.9	F	206.6	F	-124.3	No	No	*	F	*	F	*	No	No

Note: Under with project conditions, intersection 88 would not be used.  
 Intersections 8, 24, 39, 62, 93-95, 97-100, 103, 127, 128, and 131 would not exist under with project conditions.  
 \* Intersections 105 and 106 are evaluated with ICU methodology LOS A-H designations  
 Intersections with impacts in either the AM or PM are shaded in gray.  
 Source: Authority and FRA 2012.

Table 3.2-21 presents the results of the intersection analysis for Future (2035) Plus Project conditions and compares them against the results for Future (2035) No Project conditions for the Tulare Street overpass option. The *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and FRA 2012) provides more information on LOS and delay calculations. The table shows all intersections that would function at an LOS E or F under Future (2035) No Project or Future (2035) Plus Project conditions (or both), 40 intersections would be impacted with the project traffic under Future (2035) Plus Project conditions in either the AM or PM, which would result in an effect with substantial intensity under NEPA. Impacts would be significant under CEQA.

**3.3 Air Quality and Global Climate Change**

**3.3.1 Introduction**

This section describes the regulatory and environmental setting associated with the air quality and global climate changes for the study area affected by the HST project, the potential impacts on air quality and global climate change that would result from the project, and mitigation measures that would eliminate or reduce these impacts. Emission reduction measures identified in the 2005 Statewide Program EIR/EIS (Authority and FRA 2005) are incorporated for the Fresno to Bakersfield Section as described in Section 3.3.9, Mitigation Measures.

The 2005 Statewide Program EIR/EIS (Authority and FRA 2005) concluded that the HST project would have low potential to result in significant impacts on air quality. The HST would reduce vehicle miles otherwise traveled and result in an air quality benefit when viewed on a systemwide and regional basis. The HST alternatives incorporate, to the extent possible, design measures, such as state-of-the-art, energy-efficient equipment and renewable energy sources, to minimize potential air pollution impacts associated with power used by the HST system.

The *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a) provides more detailed air quality and global climate change information. Section 3.18, Regional Growth, and Section 3.19, Cumulative Impacts, of this Draft Project EIR/EIS discuss growth-inducing impacts and cumulative impacts, respectively.

**3.3.2 Laws, Regulations, and Orders**

**3.3.2.1 Federal**

The U.S. Environmental Protection Agency (U.S. EPA) is responsible for establishing the National Ambient Air Quality Standards (NAAQS), enforcing the Clean Air Act (CAA), and regulating transportation-related emission sources, such as aircraft, ships, and certain types of locomotives, under the exclusive authority of the federal government. The U.S. EPA also establishes vehicular emission standards, including those for vehicles sold in states other than California. Automobiles sold in California must meet stricter emission standards established by the California Air Resources Board (CARB).

**Clean Air Act and Conformity Rule**

The CAA defines nonattainment areas as geographic regions designated as not meeting one or more of the NAAQS. It requires that a state implementation plan (SIP) be prepared for each nonattainment area, and a maintenance plan be prepared for each former nonattainment area that subsequently demonstrated compliance with the standards. A SIP is a compilation of a state's air quality control plans and rules, approved by the U.S. EPA. Section 176(c) of the CAA provides that federal agencies cannot engage, support, or provide financial assistance for licensing, permitting, or approving any project unless the project conforms to the applicable SIP. The State's and U.S. EPA's goals are to eliminate or reduce the severity and number of violations of the NAAQS and to achieve expeditious attainment of these standards.

Pursuant to CAA Section 176(c) requirements, U.S. EPA promulgated Title 40 Code of Federal Regulations Part 51 (40 CFR Part 51), Subpart W and 40 CFR Part 93, Subpart B, "Determining Conformity of General Federal Actions to State or Federal Implementation Plans" (see 58 Federal Register [Fed. Reg.] 63214, [November 30, 1993], as amended; 75 Fed. Reg. 17253 [April 5, 2010]). These regulations, commonly referred to as the General Conformity Rule, apply to all federal actions including those by FRA, except for those federal actions which are excluded from review (e.g., stationary source emissions) or related to transportation plans, programs, and

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**Executive Order S-01-07**

With Executive Order S-01-07, Governor Schwarzenegger set forth the low carbon fuel standard for California. Under this executive order, the carbon intensity of California's transportation fuels is to be reduced by at least 10% by 2020.

**Sustainable Communities and Climate Protection Act of 2008**

The Sustainable Communities and Climate Protection Act of 2008 (SB 375), signed into law by the governor on September 30, 2008, became effective January 1, 2009. This law requires CARB to develop regional reduction targets for GHG emissions, and prompts the creation of regional land use and transportation plans to reduce emissions from passenger vehicle use throughout the state. The targets apply to the regions in the state covered by California's 18 metropolitan planning organizations (MPOs). The 18 MPOs have been tasked with creating the regional land use and transportation plans called "Sustainable Community Strategies" (SCS). The MPOs are required to develop the SCS through integrated land use and transportation planning and to demonstrate an ability to attain the proposed reduction targets by 2020 and 2035. This would be accomplished through either the financially constrained sustainable communities' strategy as part of their RTP or through an unconstrained alternative planning strategy. If regions develop integrated land use, housing, and transportation plans that meet the SB 375 targets, new projects in these regions can be relieved of certain review requirements of CEQA.

Pursuant to SB 375, CARB appointed a Regional Targets Advisory Committee (RTAC) on January 23, 2009, to provide recommendations on factors to be considered and methodologies to be used in CARB's target-setting process. The RTAC was required to provide its recommendations in a report to CARB by September 30, 2009. The report included relevant issues such as data needs, modeling techniques, growth forecasts, jobs-housing balance, interregional travel, various land use/transportation issues affecting GHG emissions, and overall issues relating to setting these targets. CARB adopted the final targets on September 23, 2010. CARB must update the regional targets every 8 years (or 4 years if it so chooses) consistent with each MPO update of its RTP.

**3.3.2.3 Regional and Local**

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is responsible for implementing air quality regulations, including developing plans and control measures for stationary sources of air pollution to meet the NAAQS and CAAQS; implementing permit programs for the construction, modification, and operation of sources of air pollution; and enforcing air pollution statutes and regulations governing stationary sources. The following regulations that may be relevant to the project, as administered by the SJVAPCD with CARB oversight, were identified and considered for analysis:

- SJVAPCD Rule 2201 New and Modified Stationary Source Review.
- SJVAPCD Rule 2280 Portable Equipment Registration.
- SJVAPCD Rule 2303 Mobile Source Emission Reduction Credits.
- SJVAPCD Rule 4201 and Rule 4202 Particulate Matter Concentration and Emission Rates.
- SJVAPCD Rule 4301 Fuel Burning Equipment.
- SJVAPCD Rule 8011 General Requirements-Fugitive Dust Emission Sources.
- SJVAPCD Rule 9510.
- SJVAPCD CEQA Guidelines.

Descriptions of Rules 2201, 8011, and 9510 are included in the following sections because these rules may directly affect the measures to be included in the design features or may need to be implemented during the planning stage of this project. Additional descriptions of other rules were discussed in in the *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a).

background (i.e., No Project) conditions as they are expected to be in 2035. 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, 1351; *Madera Oversight Coalition v. County of Madera* [Sept 2011] 199 Cal. App. 4th 48; *Pfeiffer v. City of Sunnyvale* [Oct 2011] 200 Cal. App.4th 1552 and *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority, et al.* (2012) 205 Cal.App.4th 552.) Results for both baselines are presented. Additional details are presented in *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a).

**3.3.4.1 Study Areas for Analysis**

**Statewide**

A statewide study area was identified to evaluate potential changes in air quality from large-scale, non-localized impacts, such as HST power requirements, changes in air traffic, and project conformance with the SIP.

**Regional**

This section of the HST system would potentially affect regional air pollutant concentrations in the San Joaquin Valley Air Basin (SJVAB), which contains the entire Fresno to Bakersfield Section. Figure 3.3-1 shows the alignment as it is situated in the SJVAB, which includes all of Fresno, Kings, and Tulare counties, and a portion of Kern County. The SJVAB, which is approximately 250 miles long and 35 miles wide, is the second-largest air basin in the state. The SJVAB is defined by the mountain ranges of the Sierra Nevada to the east (8,000 to 14,000 feet in elevation), the Coast Range to the west (averaging 3,000 feet in elevation), and the Tehachapi Mountains to the south (6,000 to 8,000 feet in elevation). To the north, the valley opens to the sea at the Carquinez Strait, where the Sacramento-San Joaquin River Delta empties into San Francisco Bay. **Construction material hauling (ballast) may traverse other air basins; if/when so, these were included in the study areas.**

**Local**

Local study areas are areas of potential major air emission activities along the project alignment, including areas near large construction activities and major traffic pattern changes. Local study areas are generally defined as areas within 1,000 feet of the proposed stations, major intersections, and HMFs. Analyses performed by CARB indicate that providing a separation of 1,000 feet from diesel sources and high-traffic areas would substantially reduce diesel PM concentrations, public exposure, and asthma symptoms in children (Cal-EPA and CARB 2005). Potential impacts from changes in CO, PM<sub>2.5</sub>, and PM<sub>10</sub> concentrations caused by changes in local traffic conditions were evaluated at sensitive land uses located within 1,000 feet of intersections operating at LOS D or worse.

**3.3.4.2 Statewide and Regional Emission Calculations**

The emission burden analysis of a project determines a project's potential overall impact on air quality. The proposed project would affect long-distance, city-to-city vehicular travel along freeways and highways throughout the state, as well as long-distance, city-to-city aircraft take-offs and landings. The project would also affect electrical demand throughout the state.

**On-Road Vehicles**

An on-road vehicle emission analysis was conducted using average daily vehicle miles traveled (VMT) estimates and associated average daily speed estimates for each affected county. Emission factors were estimated by using the CARB emission factor program, Emission Factors

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Receptor locations for both the intersection and parking structure analyses were located in accordance with University of California, Davis, CO Protocol (Caltrans 1997). All receptors used were located at a height of 6 feet. Receptors for the intersection analysis were located 3 meters from the roadway spaced at 25 and 50 meters from the intersection corner for both the 1-hour and 8-hour analyses. For the parking structure 1-hour and 8-hour analysis receptors were located 3 meters from the parking structure along the property line at each corner and the entrance of the structure.

**Emission Model**

Vehicular emissions were estimated using EMFAC2007, which is a mobile source emission estimate program that provides current and future estimates of emissions from highway motor vehicles. EMFAC2007 (the latest in the EMFAC series) was designed by CARB to address a wide variety of air pollution modeling needs, and incorporates updated information on basic emission rates, more realistic driving patterns, separation of start and running emissions, improved correction factors, and changing fleet composition.

**Dispersion Model**

Mobile source dispersion models are the basic analytical tools used to estimate CO concentrations expected under given traffic, roadway geometry, and meteorological conditions. The mathematical expressions and formulations that compose the models attempt to describe a complex physical phenomenon as closely as possible. The dispersion modeling program used in this study for estimating pollutant concentrations near roadway intersections is the CALINE4 dispersion model developed by Caltrans.

The analysis of roadway CO impacts followed the protocol recommended by Caltrans (Caltrans 1997). It is also consistent with CO modeling procedures identified in the SJVAPCD CEQA guidance (SJVAPCD 2002).

**Meteorological Conditions**

The transport and concentration of pollutants emitted from motor vehicles are influenced by three principal meteorological factors: wind direction, wind speed, and the temperature profile of the atmosphere. The values for these parameters were chosen to maximize pollutant concentrations at each prediction site (i.e., to establish a conservative worst-case situation). The *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a), which was prepared for the project, provides these values. Their selection was based on recommendations from the CEQA Air Quality Handbook (South Coast Air Quality Management District [SCAQMD] 1993), Caltrans' CO Protocol, and the U.S. EPA Guidelines.

**Persistence Factor**

Peak 8-hour concentrations of CO were obtained by multiplying the highest peak-hour CO estimates by a persistence factor. The persistence factor accounts for the fact that over 8-hour (as distinct from a single hour) vehicle volumes will fluctuate downward from the peak hour, vehicle speeds may vary, and meteorological conditions, including wind speed and wind direction, will vary compared to the conservative assumptions used for the single hour. A persistence factor of 0.7, as in the CO protocol (Caltrans 1997), was used in this analysis.

**Background Concentrations**

Microscale modeling is used to predict CO concentrations resulting from emissions from motor vehicles, using roadways immediately adjacent to the locations at which predictions are being made. A CO background level must be added to these values to account for CO entering the area

- Emissions of organic compounds from diesel combustion were estimated using CARB's "Organic Speciation Profile for Diesel Light and Heavy Equipment" found in *Organic Chemical Profiles for Source Categories* (CARB 2011a).

The *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a) provides estimated emission factors and emission rates for the pollutants evaluated.

**HMF and MOWF Station Source Dispersion Analysis**

A detailed dispersion modeling analysis was conducted to estimate the potential impacts of HMF/MOWF emissions on nearby sensitive land uses. Using the same emission rates as those used in the screening analysis, the U.S. EPA AERMOD model (U.S. EPA 2006a) was used to simulate physical conditions and predict pollutant concentrations at specific distances from the boundaries of a HMF site. AERMOD is generally applied to estimate impacts from simple point-source emissions from stacks, as well as emissions from volume and area sources such as onsite mobile diesel equipment. The model accepts actual hourly meteorological observations and directly estimates hourly and average concentrations for various time periods.

A prototypical site layout was analyzed to evaluate the HMF/MOWF operational impacts. Pollutant concentrations were estimated approximately at the site boundary and in increments of 100 feet around the site. Regulatory default options and the rural dispersion algorithm of AERMOD were used in the analysis. The maximum concentrations at these distances were compared with NAAQS, CAAQS, and health-related guidelines to determine the level of impacts.

Emissions from expected operations were simulated as one area source spread out over the 140-acre HMF site. Five years of meteorological data (2004 through 2009) from Merced County Airport, as compiled by the San Joaquin Valley Air Pollution Control District, were used. An emissions release height was estimated to be 14.8 feet to approximate the stack heights of the locomotive engines, diesel trucks, and spray booth stack(s).

Maximum diesel PM and applicable TAC concentrations were used to estimate cumulative cancer risks and the overall non-cancer chronic and acute hazard indices associated with HMF/MOWF operations following procedures developed by the California Office of Environmental Health Hazard Assessment (OEHHA) (OEHHA 2003). The cancer risk calculation procedure developed by OEHHA was used to estimate increased cancer risks resulting from the HMF's diesel PM and TAC emissions. Details of the risk analysis are in the *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a). Cancer risks were compared to the SJVAPCD CEQA threshold of 10 in a million to assess the level of impacts.

**HMF and MOWF Mobile Source CO Hot-Spot Analysis**

CO hot-spot analysis was conducted to evaluate the potential impacts of traffic volume change near HMF sites. The Fresno Works-Fresno and Kern Council of Governments-Wasco HMF sites are near the largest populations and the most sensitive receptor land uses; these sites were evaluated in the CO hot-spot analysis because of the sites' proximities to signalized intersections. CO hot-spot analysis was not conducted for the other potential HMF locations because they are located in remote rural areas thus are not expected to cause traffic congestion at nearby intersections (see Section 3.2, Transportation).

**3.3.4.9 Construction Phase Analysis**

Construction phase emissions were quantitatively estimated for the earthwork and major civil construction activities of the following components of the project:

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CALIFORNIA HIGH-SPEED TRAIN PROJECT REVISED DEIR/SUPPLEMENTAL DEIS  
 FRESNO TO BAKERSFIELD SECTION 3.3 AIR QUALITY AND GLOBAL CLIMATE CHANGE

Detailed analysis of the construction emissions can be found in the *Fresno to Bakersfield Section Air Quality Technical Report* (Authority and FRA 2012a).

Fugitive dust control measures outlined in the 2005 Statewide Program EIR/EIS that construction contractors will be required to implement (such as watering unpaved access roads and disturbed areas three times daily, and promptly replacing ground cover over disturbed areas) were incorporated in the analysis and are Project Design Features (see Section 3.3.8).

The project's construction schedule is provided in Chapter 2, Alternatives.

Major activities were grouped into the following categories:

- Mobilization – would occur at thirteen main staging areas.
- Site preparation including demolition, land clearing, and grubbing.
- Earth-moving.
- Roadway crossings.
- Elevated structures.
- Track laying—elevated, at-grade and retained fill.
- Traction power supply station.
- Switching station.
- Paralleling station.
- HMF, including demolition, building, and track construction.
- Fresno station.
- Potential Kings/Tulare Regional station.
- Bakersfield station.
- Hauling emissions, including truck and rail.
- Demobilization.

**Material Hauling:** Emissions from the exhaust of trucks used to haul material (including concrete slabs) to the construction site were calculated using the heavy-duty truck emission factors from EMFAC2007 and anticipated travel distances of haul trucks within the San Joaquin Valley Air Basin (SJVAB). Ballast materials could potentially be hauled by rail within the air basin. Rail emission factors from the U.S. EPA document *Emission Factors for Locomotives* (U.S. EPA 2009b) and the travel distance by rail to the project site were used to estimate rail emissions.

Ballast materials would be potentially transported from locations outside of SJVAB. For the regional emission analysis, emissions from ballast material-hauling were calculated using the distance traveled within the SJVAB. Emissions from ballast material-hauling by trucks and locomotives outside the SJVAB were also estimated based on the travel distances and transportation method (by rail or by truck) from the locations where ballast materials would be available. Rail emission factors using U.S. EPA guidance (U.S. EPA 2009b) were used to estimate the locomotive emissions. Other construction materials would likely be delivered from supply facilities within the SJVAB.

Five potential quarries that provide ballast material were identified. Of these, three quarries, including Napa Quarry, Lake Herman Quarry, San Rafael Rock Quarry, were included in the evaluation because of their proximity to the project construction site. These three quarries are all located within 70 miles of the SJVAB border and would have material available for the project construction. The Bangor Rock Quarry Site A was included in the evaluation because it is located within 100 miles of the SJVAB border. In addition, this quarry would have material available for the project needs in quantities that exceed the material quantities available at the closest quarries. The other quarry, Kaiser Eagle Mountain Quarry, which is located 350 miles by rail (250 miles by road) from the border of the SJVAB, was analyzed because the annual production rate at this quarry was sufficient to meet construction material requirements.

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The analysis was based on the assumption that ballast would be transferred either by diesel truck from the quarry to rail (if there was no rail head onsite) and then by rail to the border of SJVAB, entirely by rail to the border of the SJVAB (if there was a rail head onsite), or by diesel truck from the quarry to the border of the SJVAB. Emissions could potentially occur in several air basins and air districts outside SJVAB.

**Concrete Batch Plants:** Concrete would also be required for construction of bridges used to support the elevated sections of the alignment and for construction of the retaining wall used to support the retained-fill sections of the alignment. To provide enough onsite concrete, an estimated three batch plants would operate in the project area during construction of the alignment sections. Because the locations of the concrete batch plants are unknown, emissions were estimated based on the total amount of concrete required (independent of the number of concrete batch plants) and emission factors from AP-42 Chapter 11.12—Concrete Batching (U.S. EPA 2006a). Emissions from on-road truck trips associated with transporting material to and from the concrete batch plants were also included.

The HST alternatives would also include the relocation and expansion of freeway segments, local roads, and overpasses, and reconstruction of several intersections. Fugitive dust and exhaust emissions from these activities were estimated using the default equipment list and construction schedules from the Sacramento Roadway Construction Emissions Model (SMAQMD 2009) and URBEMIS 2007.

**Schedule**

Chapter 2, Alternatives, provides more information regarding construction methods and schedules for the project. The equipment and workforce schedule were used with OFFROAD 2011 emission factors to calculate construction emissions. The *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a) provides the detailed equipment and workforce schedule.

Project mobilization would occur from June 2013 to July 2014. Regional building demolition and land grubbing for the at-grade, elevated, and retained-fill rail segments are expected to begin in July 2013 and conclude in July 2017. The major construction activities are expected to occur between 2013 and 2022, with construction of the HMF as well as MOWF completed by 2019, and stations completed by 2022. Power systems construction is expected to occur between August 2018 and January 2021. Project demobilization would occur from August 2017 and again in 2022.

**Statewide EIR/EIS Programmatic Control Measures**

The project design incorporates the following design elements from the 2005 Statewide Program EIR/EIS mitigation strategies to reduce air quality impacts associated with construction and operation of the HST system (see Section 3.3.8). Because the 2005 Statewide Program EIR/EIS includes these measures, they are not considered mitigation but are calculated as part of the project construction emissions prior to mitigation. The effectiveness of these measures was not included in the mitigated emissions calculations but was included in the unmitigated emission estimates. The programmatic measures and their corresponding emissions reductions include:

- Replacing ground cover in disturbed areas (PM, 5%).
- Watering exposed surfaces three times daily (PM, 61%).
- Watering unpaved access roads three times daily (PM, 61%).
- Reducing speed on unpaved roads to 15 miles per hour (PM, 45%).
- Ensuring that trucks hauling loose materials are covered (PM, 69%).
- Using low-VOC paint (VOC, 10%).
- Washing all trucks and equipment before exiting construction sites.
- Suspending dust generating activities when wind speeds exceed 25 mph.

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Criteria pollutant emissions were estimated for each year of construction. The HST construction schedule is provided in Chapter 2, Alternatives. The HST construction activities during each calendar year were summed based on the construction schedule. The *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a) provides information on the assumptions for the construction quantities, building square footages, construction equipment fleets for each unit operation, and OFFROAD 2011 emission factors.

For the Fresno to Bakersfield Section, all regional construction impacts for alignment were analyzed as common impacts. The BNSF Alternative will be used as the proxy alignment to estimate air quality emissions for the at-grade and elevated alignment for all alternatives. This is because the length of the alignment for alternatives that deviate from the BNSF Alternative is comparable to the length of the equivalent section of the BNSF Alternative. Therefore, construction emissions from construction of BNSF Alternative alignments are expected to be similar to the construction emissions for the alignments of the other alternatives. The lengths of the Corcoran Elevated Alternative, the Corcoran Bypass Alternative, the Hanford West Bypass 1 Alternative, the Hanford West Bypass 2 Alternative, and the Bakersfield South Alternative have the same lengths as the corresponding section of the at-grade and elevated alignments for the BNSF Alternative. The total alignment for the Wasco-Shafter Bypass Alternative is approximately 5% shorter than the total at-grade and elevated length of the corresponding section of the BNSF Alternative (refer to Table 2-3).

The predominant pollutant associated with construction of the guideway, stations, and maintenance facilities would be fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) from earthmoving and disturbed earth surfaces, and related to combustion pollutants, particularly ozone precursors (NO<sub>x</sub> and VOC), from heavy equipment and trucks. Construction emissions from the HST stations, power substations, maintenance facilities, material hauled to the site, and the regional roadway realignment construction emissions would be the same for all HST alternatives.

The unmitigated emissions (i.e., the actual estimated amounts/quantities) for construction of the BNSF Alternative as well as detailed model parameters and assumptions are included in the *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a).

Table 3.3-7 identifies the years in which the BNSF Alternative would exceed either the GC thresholds or the SJVAPCD CEQA thresholds.

**NEPA Impacts:** Direct emissions from the construction phase of the HST alternatives would exceed the GC applicability thresholds for VOC, NO<sub>x</sub>, and CO in certain calendar years in which construction would occur. VOC, NO<sub>x</sub>, and CO emissions are therefore considered to have the potential to cause air quality impacts with substantial intensity. GC thresholds would not be exceeded for any of the other criteria pollutants, and the potential impacts of the HST alternatives related to these pollutants are therefore considered to be of negligible intensity.

Purchase of offset emissions through a Voluntary Emission Reduction Agreement (VERA) with the SJVAPCD (mitigation measure AQ-MM #4) for VOC and NO<sub>x</sub> would reduce impacts to negligible intensity after mitigation because VOC and NO<sub>x</sub> emissions would be offset and be below the GC applicability thresholds. With respect to CO emission, there are currently no identified mitigation measures to reduce the emission below the GC thresholds; therefore the CO impacts would be of substantial intensity under NEPA. However, this is a conservative impact conclusion, given that only the urbanized areas of Fresno and Bakersfield are maintenance areas for CO, while the rest of the air basin that the HST Fresno-Bakersfield alignment traverses is an attainment area for CO. The impact analysis, however, applies the GC threshold for all CO emissions, not just the emissions in the urbanized areas. CO impacts may be reduced with subsequent, refined analysis.

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Criteria pollutant emissions were estimated for each year of construction. The HST construction schedule is provided in Chapter 2, Alternatives. The HST construction activities during each calendar year were summed based on the construction schedule. The *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a) provides information on the assumptions for the construction quantities, building square footages, construction equipment fleets for each unit operation, and OFFROAD 2011 emission factors.

For the Fresno to Bakersfield Section, all regional construction impacts for alignment were analyzed as common impacts. The BNSF Alternative will be used as the proxy alignment to estimate air quality emissions for the at-grade and elevated alignment for all alternatives. This is because the length of the alignment for alternatives that deviate from the BNSF Alternative is comparable to the length of the equivalent section of the BNSF Alternative. Therefore, construction emissions from construction of BNSF Alternative alignments are expected to be similar to the construction emissions for the alignments of the other alternatives. The lengths of the Corcoran Elevated Alternative, the Corcoran Bypass Alternative, the Hanford West Bypass 1 Alternative, the Hanford West Bypass 2 Alternative, and the Bakersfield South Alternative have the same lengths as the corresponding section of the at-grade and elevated alignments for the BNSF Alternative. The total alignment for the Wasco-Shafter Bypass Alternative is approximately 5% shorter than the total at-grade and elevated length of the corresponding section of the BNSF Alternative (refer to Table 2-3).

The predominant pollutant associated with construction of the guideway, stations, and maintenance facilities would be fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) from earthmoving and disturbed earth surfaces, and related to combustion pollutants, particularly ozone precursors (NO<sub>x</sub> and VOC), from heavy equipment and trucks. Construction emissions from the HST stations, power substations, maintenance facilities, material hauled to the site, and the regional roadway realignment construction emissions would be the same for all HST alternatives.

The unmitigated emissions (i.e., the actual estimated amounts/quantities) for construction of the BNSF Alternative as well as detailed model parameters and assumptions are included in the *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a).

Table 3.3-7 identifies the years in which the BNSF Alternative would exceed either the GC thresholds or the SJVAPCD CEQA thresholds.

**NEPA Impacts:** Direct emissions from the construction phase of the HST alternatives would exceed the GC applicability thresholds for VOC, NO<sub>x</sub>, and CO in certain calendar years in which construction would occur. VOC, NO<sub>x</sub>, and CO emissions are therefore considered to have the potential to cause air quality impacts with substantial intensity. GC thresholds would not be exceeded for any of the other criteria pollutants, and the potential impacts of the HST alternatives related to these pollutants are therefore considered to be of negligible intensity.

Purchase of offset emissions through a Voluntary Emission Reduction Agreement (VERA) with the SJVAPCD (mitigation measure AQ-MM #4) for VOC and NO<sub>x</sub> would reduce impacts to negligible intensity after mitigation because VOC and NO<sub>x</sub> emissions would be offset and be below the GC applicability thresholds. With respect to CO emission, there are currently no identified mitigation measures to reduce the emission below the GC thresholds; therefore the CO impacts would be of substantial intensity under NEPA. However, this is a conservative impact conclusion, given that only the urbanized areas of Fresno and Bakersfield are maintenance areas for CO, while the rest of the air basin that the HST Fresno-Bakersfield alignment traverses is an attainment area for CO. The impact analysis, however, applies the GC threshold for all CO emissions, not just the emissions in the urbanized areas. CO impacts may be reduced with subsequent, refined analysis.

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Details of the evaluations are presented in Appendix G of the *Fresno to Bakersfield Section Air Quality Technical Report* (Authority and FRA, 2012a).

**NEPA Impacts:** The emission results demonstrated that the worst-case emissions from all scenarios would be above the GC thresholds for NO<sub>x</sub> in the South Coast Air Basin for two of the five scenarios analyzed and the Salton Sea Air Basin for one of the five scenarios analyzed. The emissions for NO<sub>x</sub> in the other air basins (Sacramento Valley Air Basin, San Francisco Bay Area Air Basin, Mojave Air Basin, and the San Joaquin Valley Air Basin: Eastern Kern portion) would be below the GC thresholds for all scenarios. The emissions for all other pollutants would be below the GC thresholds for all scenarios in all air basins. Therefore, under NEPA, the material-hauling emissions outside of the SJVAB could have air quality impacts of substantial intensity for NO<sub>x</sub>, emissions in the South Coast Air Basin and the Salton Sea Air Basin, but would be of negligible intensity for all other pollutants in these air basins. Under NEPA, the material-hauling emissions could have air quality impacts of negligible intensity for all pollutants in the other air basins. Mitigation measures to reduce the material-hauling emission impacts are discussed in Section 3.3.9, Mitigation Measures.

**CEQA Impacts:** Emission results would exceed the CEQA thresholds for NO<sub>x</sub> for all scenarios in multiple air quality management districts (AQMDs) or air pollution control districts (APCDs). All other pollutants for these scenarios would be below the CEQA thresholds.

Under CEQA, the material-hauling emissions outside the SJVAB could exceed the SCAQMD CEQA NO<sub>x</sub> thresholds and the Bay Area AQMD's CEQA NO<sub>x</sub> thresholds for four of the scenarios. The material-hauling emissions could also exceed the Mojave Desert AQMD NO<sub>x</sub> CEQA thresholds for one scenario. Therefore, NO<sub>x</sub> emissions would have a significant impact in SCAQMD, BAAQMD, and Mojave Desert AQMD. Material-hauling emissions would be below the CEQA thresholds for all other air districts and pollutants and would have insignificant impacts. Mitigation measures to reduce the material-hauling emission impacts are discussed in Section 3.3.9, Mitigation Measures.

Detailed analysis for material-hauling emissions is presented in the *Fresno to Bakersfield Section: Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a).

**Table 3.3-8**  
 HST Alternative CO<sub>2</sub>e Construction Emissions (metric tons/ year)<sup>a, b, c</sup>

Year	BNSF Alternative
2019	7,520
2020	3,400
2021	5,663
2022	159
<b>Total</b>	<b>188,009</b>
<b>Amortized GHG Emissions (averaged over 25 years)</b>	
CO <sub>2</sub> e Per Year	7,520
<b>Payback of GHG Emissions (months)<sup>d</sup></b>	
Payback period (Project vs No Project)	3 to 4
Payback period (Project vs Existing condition)	3 to 4

Source: U.S. EPA 2005.

Notes:

<sup>a</sup>The CO<sub>2</sub>e emissions for each year of construction are included in the *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a).

<sup>b</sup>Project life assumed to be 25 years.

<sup>c</sup>According to the U.S. EPA, emissions of CH<sub>4</sub> and N<sub>2</sub>O from passenger vehicles are much lower than emissions of CO<sub>2</sub>, which contribute in the range of 5% to 6% of the CO<sub>2</sub>e emissions. In addition, the URBE-MIS 2007 model does not estimate CH<sub>4</sub> and N<sub>2</sub>O emissions. Therefore, to account for the CH<sub>4</sub> and N<sub>2</sub>O emissions, the CO<sub>2</sub>e emissions were conservatively increased by 5% to calculate the CO<sub>2</sub>e emissions. This approach for passenger vehicles was assumed to be applicable to all emission sources evaluated.

<sup>d</sup>Payback periods were estimated by dividing the GHG emissions during construction years by the annual GHG emission reduction during project operation. See Tables 3.3-17 and 3.3-18 for operation GHG emission reduction data. The data range represents the emission changes based on the range of HST ticket price of 50% to 83% of airfare.

Acronyms:  
 CO<sub>2</sub> carbon dioxide  
 CO<sub>2</sub>e carbon dioxide equivalent  
 GHG greenhouse gas

**Local Impacts**

**Impact AQ #5 – Asbestos and Lead-based Paint Exposure During Construction**

The demolition of asbestos-containing materials is subject to the limitations of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations and would require an asbestos inspection. The SJVAPCD's Compliance Division would be consulted before demolition begins. As described in Section 3.10, Hazardous Materials and Wastes, the project would include strict compliance with existing asbestos regulations as part of project design.

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ticket prices being 50% of the equivalent airfare. The other end of the range is based on HST ticket prices being 83% of airfare.

In the Existing Plus Project scenario versus Existing Conditions scenario, the project is also predicted to have a beneficial effect on (i.e., reduce) statewide emissions of all applicable pollutants, compared to the existing scenario (Table 3.3-10). Details of the Existing Condition Plus Project analysis are presented in the *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a).

**Table 3.3-9**  
 Summary of Estimated 2035 Statewide Emission Burden Changes (Project versus No Project - 2035) (tons/year)

Project Element	VOC	CO	NO <sub>x</sub>	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Roadways	-268 to -225	-11,524 to -9,811	-1,019 to -841	-70 to -56	-719 to -597	-301 to -261
Airport	-235 to -158	-2,154 to -1,443	-2,884 to -1,932	-200 to -134	-23 to -16	-23 to -16
Energy (Power Plants)	74 to 49	755 to 504	508 to 339	63 to 42	106 to 70	98 to 65
<b>Total</b>	<b>-430 to -333</b>	<b>-12,923 to -10,749</b>	<b>-3,395 to -2,432</b>	<b>-207 to -148</b>	<b>-636 to -542</b>	<b>-227 to -212</b>

Note: Totals may not add up exactly due to rounding. The values in the table represent the ranges of emission burden change based on the range of HST ticket price of 50% to 83% of airfare.

Acronyms:  
 CO carbon monoxide  
 HST high-speed train  
 NO<sub>x</sub> nitrogen oxide  
 PM<sub>10</sub> particulate matter smaller than or equal to 10 microns in diameter  
 PM<sub>2.5</sub> particulate matter smaller than or equal to 2.5 microns in diameter  
 SO<sub>2</sub> sulfur dioxide  
 VOC volatile organic compound

*Mobile Source Emissions*

The project would decrease VMT from other modes of travel (passenger cars, buses, diesel trains, and airports) and their associated emissions. The 2005 Statewide Program EIR/EIS (Authority and FRA 2005) demonstrated that the overall statewide project would reduce long-distance, city-to-city travel along freeways and state highways within the SJVAB and would reduce long-distance, city-to-city aircraft take-offs and landings within the air basin.

As a result of the HST Project, some vehicles may need to travel additional distances to cross the HST track on new roadway overpasses. 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. The width of the roadway overpasses would accommodate both farm equipment and school buses traveling in opposite lanes. Due to this frequency of roadway overpasses, additional distances traveled by vehicles to cross the HST tracks are expected to be negligible relative to regional VMT reductions; therefore, this is not discussed further in the analysis.

At the regional level, the air quality analysis is based primarily on the regional VMT. According to the traffic analysis, all the HST alternatives would have the same regional VMT effects (Authority and FRA 2012b). Therefore, the HST alternatives would have the same regional impact on air quality.

The regional VMT for the HST alternatives would decrease by about 10% (if the price of the HST ticket were based on 50% of the cost of airfare), and by about 7% (if the ticket price were 83% of airfare) compared to the No Project Alternative (2035) and about 10% to 7% if the ticket price were based on 50% and 83%, respectively, of the cost of airfare) compared to Existing Conditions. These reductions would result in lower pollutant emissions. Therefore, according to NEPA, and under CEQA guidelines, there would be a beneficial impact on air quality from the operation of regional on-road vehicles for the HST alternatives.

Despite overall projected VMT growth between Existing Conditions and the No Project conditions in 2035, emission factors for 2035, which take into account improved technology designed to meet higher emission standards in the future, would be lower than existing values. Regional on-road vehicle emissions for 2035 with the HST alternatives would be much less than emissions estimated under Existing Conditions.

Table 3.3-11 summarizes the reduction in VMT and in criteria pollutant emissions in the regional study area between the 2035 No Project Alternative and the 2035 Project Alternative based on travel mode projections of VMT developed for the project. Table 3.3-12 summarizes the reduction in criteria pollutant emissions in the regional study area between the 2009 Existing Condition and the 2009 Existing Plus Project scenario based on travel mode projections of VMT developed for the project. Details of the VMT comparison of the HST alternatives to existing conditions are included in the *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a).

*Emissions from Power Generating Facilities*

The HST project would increase electrical requirements compared to the No Project Alternative and Existing Conditions. Analysts conservatively estimated the electrical demands resulting from the propulsion of the trains to be 16.55 to 11.04 gigawatt hours per day (corresponding to the ticket price range 50% or 83% of airfare) compared to the No Project Alternative in 2035, and for the Existing Condition scenario in 2009. The state's electrical grid would power the HST system; therefore, no one-generation source for the electrical power requirements can be identified. Project-related emission changes from power generation were therefore predicted on a statewide level only. To derive the portion of electricity usage required by the Fresno to

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Bakersfield Section of the HST, the electricity usage is assumed to be proportional to the track alignment length. The alignment distance of approximately 118 miles was divided by the total HST distance to estimate the percentages of the statewide electricity consumed by the HST alternatives. Tables 3.3-11 and 3.3-12 provide the emissions estimated for the Fresno to Bakersfield Section for the project compared to No Project in 2035 and Existing Condition in 2009, respectively.

The estimated emission changes shown in Table 3.3-11 and Table 3.3-12 represent the portion of the emissions generated by HST electricity usage allocated to the SJVAB based on the alignment distance within the SJVAB. The State of California requires that an increasing fraction (33% by 2020) of the electricity generated for the state's power portfolio come from renewable energy sources. As such, the emissions generated for powering the HST system are expected to be lower in the future compared to the emission estimates used in this analysis based on the existing state power portfolio. In addition, the Authority has adopted a goal to purchase the HST system's power from renewable energy sources, which would further reduce the emissions compared to the existing estimates.

*Airport Emissions*

The HST project is projected to affect four regional airports: Fresno Yosemite International Airport, Hanford Municipal Airport, Visalia Municipal Airport, and Meadow Fields Airport. The 2005 Statewide Program EIR/EIS (Authority and FRA 2005) demonstrated that the long-distance, city-to-city aircraft take-offs and landings within the Fresno to Bakersfield Section would be reduced by about seven flights per day. The latest analysis shows that the HST project would reduce regional the long-distance, city-to-city aircraft take-offs and landings within the Fresno to Bakersfield Section by seven to five flights per day (corresponding to the ticket price range 50% or 83% of airfare) in 2035 and by four to three flights per day (corresponding to the ticket price range 50% or 83% of airfare) in 2009. This would reduce regional airport-related emissions of CO, NO<sub>x</sub>, and VOC relative to the No Project Alternative and Existing Conditions. Table 3.3-11 and Table 3.3-12 summarize the estimated effects of this reduction relative to the No Project Alternative and Existing Conditions, respectively. Details of the aircraft comparison for both the No Project Alternative to the HST alternatives and the Existing Conditions to Existing Plus Project conditions are included in the *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a).

*Station Emissions*

Emissions associated with the operation of the Fresno, Kings/Tulare Regional, and Bakersfield HST stations are expected as a result of combustion sources used primarily for space heating and facility landscaping (backup emergency generators), energy consumption for facility lighting, minor solvent and paint usage, and employee and passenger traffic. Deliveries to the HST stations were considered negligible. OFFROAD 2011 was used to estimate these emissions from each station, based on the square footage of the stations. Tables 3.3-11 and 3.3-12 summarize the annual emissions from the stations for 2035 and 2009 conditions, respectively.

*HMF and MOWF Emissions*

Typical activities expected at the HMF/MOWF include in-service monitoring, inspections and testing, toilet servicing, train car washing, minor and major repair of mechanical components, exterior maintenance (grinding, painting, and cutting activities), parts cleaning, heating, ventilation, and air-conditioning repair, and welding and fabrication. Because site-specific information for all activities at the HMF/MOWF is not available at this time, reasonable assumptions were made based on the type of activities that would occur at the facility, and

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emissions from these emissions sources, as well as from mobile sources operating onsite, were estimated based on these assumptions.

The emissions from the stationary and mobile sources at the HMF and the mobile sources at the MOWF are included in Tables 3.3-11 and 3.3-12 for the No Project Alternative compared to the HST alternatives, and the Existing Condition compared to the Existing Plus Project conditions, respectively.

Air dispersion modeling was performed to determine the potential impact on local air quality and is discussed in the local impacts section (AQ Impact #16). The stationary sources required for the HMF operation would require permits from the SJVAPCD unless they are exempt. Evaluation of applicable permitting requirements and the subsequent emissions estimates for permitting purposes will be performed during permitting processes and thus are not discussed in this report, but is part of project implementation and will not change any conclusions or analysis in this Revised Draft EIR/Supplemental Draft EIS Details of the sources associated with the HMF are included in the *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a).

Maintenance of way, which includes activities associated with track and right-of-way maintenance, would involve the travel of several types of vehicles either along the track or adjacent to the track in the right-of-way. Light-duty diesel trucks would travel along the right-of-way once a month. In addition, a patrol vehicle would travel along the right-of-way for security purposes twice a month. Track recording cars used for measuring track geometry and other parameters of the rail, the track, and the alignment infrastructure, would travel on the track every other month (six times a year). These frequencies are approximations and could vary depending on the situation. The *Fresno to Bakersfield Section: Air Quality Technical Report* includes the vehicle specifications, frequencies, and emission calculations (Authority and FRA 2012a).

**Impact AQ #11 – Greenhouse Gas Analysis During Operation**

The SJVAPCD released a guidance document in December 2009 for addressing GHG impacts within the context of CEQA. For projects to have a less than significant impact on an individual and cumulative basis, the project must comply with an approved Climate Change Action Plan, demonstrate that it would not impede the state from meeting the statewide 2020 GHG emissions target, adopt the SJVAPCD's Best Performance Standards for stationary sources, or reduce or mitigate GHG emissions by 29% (SJVAPCD 2009b).

The HST project, which is included in the AB 32 scoping plan as Measure #T-9, would help the state meet the 29% reduction in GHG emissions by 2020 (CARB 2008). Overall, the project operation would have a net beneficial impact on GHG emissions. Table 3.3-13 summarizes the statewide GHG emission changes from the No Project Alternative (expressed in terms of CO<sub>2</sub>) resulting from the operation of the project. The analysis estimated the emission changes from reduced on-road VMT, reduced intrastate plane travel, and increased electrical demand. Operation of the HST Project would not have an impact of substantial intensity on the current water supply system for the area around the project, nor would it have any measurable impact on the state's water supply system as a whole. Because the project would convert water-using agricultural land to non-water-using HST track, predominantly, water use and associated GHG emissions from pumping water would decrease.

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**Table 3.3-13**  
 2035 Estimated Statewide GHG Emissions (Project versus No Project) (MMT/year)

Project Element	Change in CO <sub>2</sub> Emissions
Roadways	-6.3 to -5.3
Airports	-0.481 to -0.322
Energy	1.8 to 1.2
Total	<b>-5.0 to -4.4</b>

Note: Totals may not add up exactly because of rounding. The values in the table represent the ranges emission changes based on the range of HST ticket prices of 50% to 83% of airfare.

Acronyms:  
 CO<sub>2</sub> carbon dioxide  
 GHG greenhouse gas

As compared to Existing Conditions of 2009, the HST alternatives would reduce GHG emissions due to the reduction in VMT. Table 3.3-14 presents the statewide GHG emission changes for the Existing Plus Project compared to Existing Conditions (expressed in CO<sub>2</sub>). The decrease in statewide GHG emissions is a result of reduced on-road miles traveled, reduced intrastate plane travel, and increased electrical demand compared to existing conditions.

**NEPA Impacts:** Under NEPA, there would be a net benefit to statewide GHG emissions from operation of the HST.

**CEQA Impacts:** Under CEQA, operational air quality impacts would be beneficial because of the reduction of GHG emissions in the state.

**Table 3.3-14**  
 2009 Estimated Statewide GHG Emission Changes (Existing Plus Project versus Existing Conditions) (MMT/year)

Project Element	Change in CO <sub>2</sub> Emissions
Roadways	-2.8 to -1.9
Airports	-0.279 to -0.186
Energy	1.8 to 1.2
Total	<b>-1.3 to -0.85</b>

Note: Totals may not add up exactly because of rounding. The values in the table represent the ranges emission changes based on the range of HST ticket prices of 50% to 83% of airfare.

Acronyms:  
 CO<sub>2</sub> carbon dioxide  
 GHG greenhouse gas

Details of the GHG comparison of the HST alternatives to the No Project Alternative and the Existing Plus Project compared to Existing Conditions are included in the *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a).

therefore, MSAT emissions from the HST alternatives would similarly decrease MSAT emissions as compared to Existing Conditions. The project will have a beneficial impact on regional MSAT emissions.

The operation of the EMU used by HST alternatives would not have combustion emissions, so no toxic emissions would be expected from operation of the HSTs. The potential MSAT emission sources directly related to the project operation would be from vehicles used at maintenance facilities and passenger vehicles traveling to these facilities, and the passenger vehicles travelling to and from the HST stations. Buses serving the stations would be mostly fuelled by natural gas and would not generate a substantial amount of diesel PM emissions. Localized increases in MSAT emissions may occur near the HST stations because of passenger commutes and near the HMF, where diesel vehicles would be used.

This evaluation includes a basic analysis of the likely MSAT emission impacts of the HST alternatives. The lack of a national consensus on an acceptable level of risk and other air quality criteria assumed to protect the public health and welfare, as well as the unreliability of available technical tools, does not allow predicting, with confidence, the project-specific health impacts of the emission changes associated with the alternatives (FHWA 2009). The outcome of such an assessment would be influenced more by the uncertainty introduced into the process by the assumptions made rather than from insight into the actual health impacts from MSAT exposure directly attributable to the HST alternatives (FHWA 2009). As reductions in MSAT emissions are predicted with the HST alternatives, further MSAT analysis would not be suggested even if it were practicable to accomplish.

**Impact AQ #14 – Microscale CO Impact Analysis**

The project would not worsen traffic conditions at intersections along the alignment because the alignment and roadways would be grade-separated. Therefore, the CO analysis did not consider intersections along the alignment. Instead, the analysis focused on locations near the HST stations and the HMF and on locations that would experience a change in roadway structure (such as closure of existing crossings along the alignment if closure would result in traffic congestion) or traffic conditions. These areas of potential elevated CO concentrations are referred to as hot spots.

CO concentrations were modeled at worst-case intersections near the proposed Fresno station, the proposed Kings/Tulare Regional station, the proposed Bakersfield station<sup>7</sup>, the proposed Fresno-Fresno Works and the proposed Kern Council of Government-Wasco HMF sites. The *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a) lists the intersections chosen for analysis, based on peak-hour volumes, delay times, and level of service (LOS). Receptors were placed at worst-case locations adjacent to the intersections to calculate the maximum 1-hour and 8-hour CO concentrations.

**Project versus No Project**

Intersections modeled in this analysis around the Fresno, Kings/Tulare Regional, and Bakersfield stations are signalized because traffic volumes at the unsignalized intersections in the study area are less than at the signalized intersections. For intersections around the Fresno and Wasco HMFs, there were only unsignalized intersections. Figure 3.3-4 shows the intersections included in the CO hot-spot analysis for the Project versus No Project condition. Table 3.3-19 summarizes the modeled CO concentrations at the intersections around the proposed Fresno, Kings/Tulare

<sup>7</sup> Additional intersections were selected for the proposed Kings/Tulare Regional Station and Bakersfield Station because of the distance between the two station options and localized traffic patterns.

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**Table 3.3-20**  
 Maximum Modeled 2035 CO Concentrations at Fresno, Kings/Tulare Regional, and Bakersfield Parking Facilities

Park-and-Ride Station	1-Hour Concentration (ppm)		8-Hour Concentration (ppm)	
	Maximum Modeled Increase <sup>a</sup>	Total Concentration <sup>b</sup>	Maximum Modeled Increase <sup>a</sup>	Total Concentration <sup>b</sup>
Bakersfield Station-North Alternative <sup>c</sup>	0.5	3.3	0.35	2.48
Bakersfield Station-South Alternative <sup>c</sup>	0.6	3.4	0.42	2.55
Bakersfield Station - Hybrid Alternative	0.2	3.0	0.14	2.27

Notes:  
<sup>a</sup> 8-hour CO concentrations at the parking garages were compared to the federal and state 8-hour CO standard of 9 ppm. 1-hour CO concentrations at the parking garages were compared to the federal 1-hour CO standard of 35 ppm and to the state 1-hour CO standard of 20 ppm. There were no exceedances of any standards due to CO concentrations at parking garages.  
<sup>b</sup> 8-hour CO concentrations determined by multiplying the 1-hour modeled concentrations by a persistence factor of 0.7, and adding the 8-hour background concentration.  
<sup>c</sup> Background CO data taken from Fresno First Street monitoring station for both Fresno station parking structures (Fresno Station-Mariposa Alternative and Fresno Station-Kern Alternative) were found to be 3.10 ppm for 1-hour CO concentration and 2.34 ppm for 8-hour CO concentration.  
<sup>d</sup> Background CO data taken from Fresno Drummond monitoring station for the Kings/Tulare Regional Station parking structures were found to be 3.50 ppm for 1-hour CO concentration and 2.14 ppm for 8-hour CO concentration.  
<sup>e</sup> Background CO data taken from Bakersfield Golden State Highway monitoring station for all the Bakersfield station parking structures (Bakersfield Station-North Alternative and Bakersfield Station-South Alternative) were found to be 2.80 ppm for 1-hour CO concentration and 2.13 ppm for 8-hour CO concentration.

Acronyms:  
 CO carbon monoxide ppm part(s) per million

*Existing Condition Plus Project versus Existing Condition*

In addition to this analysis for the Project versus No Project, a comparison between the HST alternatives, not accounting for natural growth and other transportation improvement projects in the region (i.e., Existing Condition Plus Project), relative to Existing Conditions was performed. According to this analysis, the project would not cause a violation of CO NAAQS or CAAQS at affected intersections. Details of the CO hot-spot analysis of the HST alternatives compared to Existing Conditions are included in the *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a).

Intersections included in the CO hot-spot modeling were selected based on comparisons of LOS, traffic volumes, and delay time under Existing Conditions and Existing Conditions Plus Project at the intersections. Intersections for Existing Conditions and Existing Conditions Plus Project were the same as those intersections analyzed for No Project and HST alternatives, as shown in Figure 3.3-4. Table 3.3-19, summarizes the modeled CO concentrations for the selected intersections. The CO hot-spot analysis results presented in the tables include the modeled concentrations plus the background concentrations. The background CO concentrations are from monitored data representing existing conditions (2007-2009).

As shown in Table 3.3-19, the intersections evaluated would have CO concentrations lower than the NAAQS and CAAQS for the Existing Conditions and Existing Conditions Plus Project. CO

transporting people to or from the stations. Passenger cars would be gasoline-powered. By 2016, transit buses in Fresno would be natural-gas fueled (Shenson 2010, personal communication). Buses in Bakersfield operated by GET (Golden Empire Transit) currently operate compressed-natural-gas buses (GET 2010) and would likely continue to operate these buses in the future. Therefore, the HST alternatives would not measurably increase the number of diesel vehicles at these affected intersections.

- New or expanded bus and rail terminals and transfer points that have a significant number of diesel vehicles congregating at a single location. Although the proposed project would include passenger rail terminals, there would not be a significant number of diesel vehicles congregating at a single location. The HST vehicles would be electrically powered; most vehicle trips entering and leaving the station location would be passenger vehicles, which are not typically diesel-powered; the transit buses used at the stations would be mostly natural-gas-fueled—with approximately 30 trips per day, including 4 trips during each AM or PM peak hour. The maintenance facilities may have diesel vehicles, such as in-yard diesel locomotives, to pull in or pull out the EMUs. However, the number of diesel locomotives and other diesel vehicles used at the maintenance facilities would be limited.
- Projects in, or affecting, locations, areas, or categories of sites that are identified in the PM<sub>2.5</sub>- or PM<sub>10</sub>-applicable implementation plan or implementation plan submission, as appropriate, as sites of violation or possible violation. The areas where the HST stations and maintenance facilities are located are not identified as sites of violation or possible violation in the U.S. EPA-approved 2003 SIP, the U.S. EPA-approved PM<sub>10</sub> Maintenance Plan, or the adopted 2008 PM<sub>2.5</sub> Plan for San Joaquin Valley (SJVAPCD 2008, 2007b).

For the reasons above, the proposed HST Project was determined to not be a project of air quality concern, as defined by 40 CFR Part 93.123(b)(1), and would not likely cause violation of PM<sub>10</sub>/PM<sub>2.5</sub> NAAQS during its operation. Therefore, quantitative PM<sub>2.5</sub> and PM<sub>10</sub> hot-spot evaluations are not required. CAA 40 CFR Part 93.116 requirements are thus met without a quantitative hot-spot analysis.

**NEPA Impacts:** Based on the criteria listed above, the HST Project is unlikely to cause any localized adverse impact on air quality for PM<sub>10</sub>/PM<sub>2.5</sub> NAAQS. Therefore, the PM<sub>10</sub> hot-spot impact on air quality has negligible intensity under NEPA.

**CEQA Impacts:** The HST project is unlikely to cause adverse impact on air quality for PM<sub>10</sub>/PM<sub>2.5</sub> CAAQS. Therefore, the PM<sub>10</sub> hot-spot impact on air quality would be less than significant under CEQA.

**Impact AQ #16 – Localized Analysis of HMF Impacts**

Because the exact location of the HMF has not been selected and the design has not been finalized, a detailed modeling analysis was conducted for a prototypical facility using a conceptual design and anticipated HMF/MOWF activities. Details of the HMF/MOWF operational impact analysis are presented in the *Fresno to Bakersfield Section: Air Quality Technical Report* (Authority and FRA 2012a).

Refined air quality and health risk assessments will be conducted once the options for the HMF facility have been narrowed and a more specific site design can be developed. This Revised Draft EIR/Supplemental Draft EIS analysis is conservative in assessing impacts and developing mitigation measures (e.g., ensuring facilities are 1,300 feet from sensitive receptors). A health risk assessment at the time a site is chosen and a precise design can be developed may result in lower impacts but not higher impacts. While this EIR/EIS contains a thorough analysis of the potential impacts of the alternative HMF sites in the project area, no HMF site selection will be made at this time.

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with the Office of Planning and Research to provide guidance for preparing required noise elements in city and county general plans, pursuant to Government Code Section 65302(f). In preparing the noise element, a city or county must identify local noise sources, and analyze and quantify, to the extent practicable, current and projected noise levels for various sources, including highways and freeways, passenger and freight railroad operations, ground rapid transit systems, commercial, general, and military aviation and airport operations, and other ground stationary noise sources. These would include HST alignments. The California Noise Control Act stipulates the mapping of noise-level contours for these sources, using community noise metrics appropriate for environmental impact assessment as defined in Section 3.4.3. Cities and counties use these as guides to making land use decisions to minimize the community residents' exposure to excessive noise.

3.4.2.3 Regional and Local

Counties and cities in California prepare general plans with noise policies and ordinances (outlined above in the discussion of state regulations). These noise elements often incorporate specific allowable noise levels to achieve a quality environment. Many noise elements reviewed for cities and counties in the Fresno to Bakersfield Section include restrictions on construction hours; none have noise level limits on construction. Where airports exist, the general plans include a section on airport land use compatibility plans with respect to noise so that new noise-sensitive uses are not located near or do not encroach on the area. The general plans do not address ground-borne vibration. The *Fresno to Bakersfield Section: Noise and Vibration Technical Report* (Authority and FRA 2012) summarizes the noise-related information from the city and county general plans for the Fresno to Bakersfield Section. These local plans and policies were identified and considered in the preparation of this analysis.

3.4.3 Methods for Evaluating Impacts

The analysis of noise and vibration impacts used design information for the proposed alignment and field noise and vibration measurements. The FRA (2005) guidance manual, *High-Speed Ground Transportation Noise and Vibration Impact Assessment*, was the primary source of guidance for analyzing HST noise and vibration impacts and mitigation, which was supplemented by FTA (2006) guidance, *Transit Noise and Vibration Impact Assessment*, for non-HST noise. The FRA manual provides guidelines for establishing the extent of the study area to be used for the noise and vibration impact analyses. It also provides guidance for identifying noise-sensitive locations where increased annoyance (the startle effect) can occur from HST pass-bys. The methodology followed by the noise and vibration analysts is described below.

- For HST noise sources, analysts used the FRA guidance manual (FRA 2005, Chapter 5 – Detailed Noise Analysis, Chapter 9 – Detailed Vibration Assessment). Analysts also used the FTA guidance manual for the detailed vibration impact analysis (FTA 2006, Chapter 11 – Detailed Vibration Analysis).
- For non-HST noise sources, such as stations, maintenance facilities and construction, analysts followed the methods described in the FTA guidance manual (FTA 2006).
- For traffic noise sources, analysts followed the methods described in the *FHWA Highway Traffic Noise: Analysis and Abatement Guidance* (FHWA 2010).

The following thresholds were used for the impact analyses:

- FRA Severe Noise Impact Criteria for HST Operations.
- FRA Moderate Noise Impact Criteria for HST Operations.
- FRA Increased Annoyance from Rapid Onset Rates of HST Pass-bys.
- FRA Interim Criteria for Noise Impacts on Animals.

- FRA Vibration Impact Criteria for HST Operations
- FTA Detailed Vibration Impact Criteria.
- Caltrans Noise Abatement Criteria for Traffic.
- FTA Noise Impact Criteria for Ancillary and Non-HST Noise Sources, such as stations and maintenance facilities.

Additional details regarding evaluation methods are provided in the following sections and in the *Fresno to Bakersfield Section: Noise and Vibration Technical Report* (Authority and FRA 2012).

3.4.3.1 What is Noise?

Noise from an HST system is expressed in terms of a "source-path-receiver" framework. The "source" generates noise levels that depend on the type of source (e.g., a high-speed train) and its operating characteristics (e.g., speed). The "receiver" is the noise-sensitive land use (e.g., residence, hospital, or school) exposed to noise from the source. In between the source and the receiver is the "path" where the noise is reduced by distance, intervening buildings, and topography. Environmental noise impacts are assessed at the receiver. Noise criteria are established for the various types of receivers because not all receivers have the same noise-sensitivity.

Analysts use three primary noise measurement descriptors to assess noise impacts from traffic and transit projects. They are the equivalent sound level ( $L_{eq}$ ), the day-night sound level ( $L_{dn}$ ), and the sound exposure level (SEL):

- $L_{eq}$ : The level of a constant sound for a specified period of time that has the same sound energy as an actual fluctuating noise over the same period of time. The peak-hour  $L_{eq}$  is used for all traffic and rail noise analyses at locations with daytime use, such as schools and libraries.
- $L_{dn}$ : The  $L_{eq}$  over a 24-hour period, with 10 dB added to nighttime sound levels (between 10 p.m. and 7 a.m.) as a penalty to account for the greater sensitivity and lower background sound levels during this time. The  $L_{dn}$  is the primary noise-level descriptor for rail noise in residential land uses. Figure 3.4-1 shows typical  $L_{dn}$  noise levels. The *Fresno to Bakersfield Section: Noise and Vibration Technical Report* provides details regarding noise and noise descriptors.

Measuring Noise Levels

Noise is unwanted sound. Sound is measured in terms of sound pressure level and is usually expressed in decibels (dB). The human ear is less sensitive to higher and lower frequencies than it is to mid-range frequencies. All noise ordinances, and this noise analysis, use the A-weighting system, which measures what humans hear in a more meaningful way because it reduces the sound levels of higher- and lower-frequency sounds—similar to what humans hear. Measurements taken with this A-weighted filter are referred to as dBA readings.

- SEL: The sound exposure level (SEL) during a single noise event is the primary descriptor of a single noise event, and is used to describe noise from a HST passing

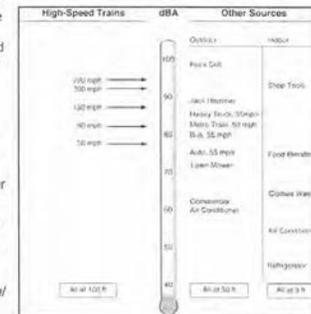


Figure 3.4-1  
 Typical  $L_{dn}$  noise levels

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**Table 3.4-1**  
 FTA Construction Noise Assessment Criteria

Land Use	8-hour $L_{eq}$ dBA		Noise Exposure, $L_{dn}$ dBA
	Day	Night	30-day Average
Residential	80	70	75 <sup>a</sup>
Commercial	85	85	80 <sup>b</sup>
Industrial	90	90	85 <sup>b</sup>

Source: FTA 2006.  
<sup>a</sup> In urban areas with very high ambient noise levels ( $L_{dn}$  greater than 65 dB),  $L_{dn}$  from construction operations should not exceed existing ambient + 10 dB.  
<sup>b</sup> 24-hour  $L_{eq}$ , not  $L_{dn}$ .  
 Acronyms:  
 dBA A-weighted decibel(s)  
 $L_{dn}$  day-night sound level  
 $L_{eq}$  equivalent sound level

To avoid temporary annoyance to building occupants during construction or construction interference with vibration-sensitive equipment inside special-use buildings, such as a magnetic resonance imaging (MRI) machine, FTA recommends using the long-term operational vibration criteria provided below in the Vibration Criteria – HST Operations section.

Table 3.4-2 shows the FTA building damage criteria for construction activity; the table lists PPV limits for four building categories. These limits are used to estimate potential problems that should be addressed during final design. See the *Fresno to Bakersfield Section: Noise and Vibration Technical Report* (Authority and FRA 2012) for a description of the metrics.

**Table 3.4-2**  
 Construction Vibration Damage Criteria

Building Category	PPV (inch/sec)	Approximate $L_v$ <sup>a</sup>
I. Reinforced concrete, steel, or timber (no plaster)	0.5	102
II. Engineered concrete and masonry (no plaster)	0.3	98
III. Non-engineered timber and masonry buildings	0.2	94
IV. Buildings extremely susceptible to vibration damage	0.12	90

Source: FTA 2006.  
<sup>a</sup> RMS vibration velocity level in VdB relative to 1 micro-inch/second.  
 Acronym:  
 PPV peak particle velocity

**Project Thresholds**

**Noise Criteria – HST Operations**

The descriptors and criteria for assessing noise impact vary according to land use categories adjacent to the track. For land uses where people live and sleep (e.g., residential neighborhoods,

**Vibration Criteria – HST Operations**

Ground-borne vibration impacts from HST operations inside vibration-sensitive buildings are defined by the vibration velocity level, expressed in terms of VdB, and the number of vibration events per day of the same kind of source. Table 3.4-6 summarizes vibration sensitivity in terms of the three land use categories and the criteria for acceptable ground-borne vibrations and acceptable ground-borne noise. Ground-borne noise is a low-frequency rumbling sound inside buildings, caused by vibrations of floors, walls, and ceilings. Ground-borne noise is generally not a problem for buildings near railroad tracks at- or above-grade, because the airborne noise from trains typically overshadows effects of ground-borne noise. Ground-borne noise becomes an issue in cases where airborne noise cannot be heard, such as for buildings near tunnels.

The FRA provides guidelines to assess the human response to different levels of ground-borne noise and vibration, as shown in Table 3.4-6. These levels represent the maximum vibration level of an individual train pass-by. A vibration event occurs each time a train passes the building or property and causes discernible vibration. "Frequent Events" are more than 70 vibration events per day, and "Infrequent Events" are fewer than 70 vibration events per day. The guidelines also provide criteria for special buildings very sensitive to ground-borne noise and vibration, such as concert halls, recording studios, and theatres. Table 3.4-7 shows the impact criteria for special buildings.

Tables 3.4-6 and 3.4-7 include separate FRA criteria for ground-borne noise (the "rumble" that radiates from the motion of room surfaces in buildings from ground-borne vibration). Although the criteria are expressed in dBA, which emphasizes the more audible middle and high frequencies, the criteria are significantly lower than airborne noise criteria to account for the annoying low-frequency character of ground-borne noise. Because airborne noise often masks ground-borne noise for aboveground (i.e., at-grade or elevated) high-speed trains, ground-borne noise criteria apply primarily to operations in a tunnel, where airborne noise is not a factor. The Fresno to Bakersfield alignment is planned to be above ground. As a result for the Fresno to Bakersfield corridor, ground-borne noise criteria apply only to buildings with sensitive interior spaces that are well insulated from exterior noise.

In order to determine the actual transmission characteristics of vibration through the soils along the project right-of-way, transfer mobility testing must be conducted. Transfer mobility is a measure of the relationship between the exciting force and the response at each accelerometer position. Eighteen vibration propagation measurements were taken to estimate the vibration transfer mobility along the proposed alignment between Fresno and Bakersfield. This testing showed that all residential structures within a distance of 86 feet and all 4(f) site structures within a distance of 190 feet from the centerline of any proposed at-grade alignment have the potential to be impacted by vibration levels from the HST project. Additional information regarding the transfer mobility testing can be found in the *Fresno to Bakersfield Section: Noise and Vibration Technical Report* (Authority and FRA 2012).

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**Construction Noise Impact Methodology**

The construction noise impact assessment used the methodology described in the FTA guidance manual (FTA 2006). The contractor and the Authority will make decisions regarding procedures and equipment. For this analysis construction scenarios for typical railroad construction projects are used to predict noise impacts. The construction noise and vibration methodology includes the following:

- Noise emissions from equipment expected to be used by contractors.
- Construction methods using the equipment identified above.
- Usage scenarios for how the equipment will be operated.
- Estimated site layouts of equipment along the right-of-way.
- Relationship of the construction operations to nearby noise-sensitive receivers.

Table 3.4-1 above lists FTA criteria for the maximum acceptable 8-hour noise levels ( $L_{eq}$ ) for daytime and nighttime. It also shows the 30-day average  $L_{eq}$  values for long-term construction projects.

**Criteria for Construction Noise Impact Assessment**

The construction noise assessment is based on guidelines included in the FTA guidance manual (FTA 2006), as well as consideration of local noise ordinances, which are presented in the *Fresno to Bakersfield Section: Noise and Vibration Technical Report*. The Authority applies uniform noise and vibration criteria for construction based on FTA and FRA guidance.

Table 3.4-1 shows FTA assessment criteria for construction noise. An 8-hour  $L_{eq}$  and a 30-day average noise exposure are used to assess impacts. A 30-day average  $L_{eq}$  is used to assess impacts in residential areas, and a 30-day average 24-hour  $L_{eq}$  is used to assess impacts in commercial and industrial areas. The noise emission levels of the construction equipment, utilization factor, hours of operation, and location of equipment are used to calculate 8-hour and 30-day average noise exposures.

**Construction Vibration Impact Methodology**

The FTA guidance manual (FTA 2006) provides the methodology for the assessment of construction vibration impact. Estimated construction scenarios have been developed for typical railroad construction projects allowing a quantitative construction vibration assessment to be conducted. Construction vibration is assessed quantitatively where a potential for blasting, pile-driving, vibratory compaction, demolition, or excavation close to vibration-sensitive structures exists. Criteria for annoyance (see Tables 3.4-6 and 3.4-7) and damage (see Table 3.4-2) were applied to determine construction vibration impacts. The methodology included:

- Vibration source levels from equipment expected to be used by contractors.
- Estimated site layouts of equipment along the right-of-way.
- Relationship of the construction operations to nearby vibration-sensitive receivers.

**Train Operation Noise and Vibration Methodology**

HST operation noise and vibration levels were projected using current HST System operation plans and the prediction models provided in the FRA guidance manual (FRA 2005). Potential noise and vibration impacts also were evaluated in accordance with the FRA guidance manual. Section 3.4.3.3 describes the applicable criteria; this section, as well as the Noise and Vibration Technical Report, provide further detail about the assessment methodology, including modeling assumptions. The assumptions for train operation are listed below, followed by the methodologies:

- Noise modeling projections assumed atmospheric absorption of sound based on the International Standard ISO 9613-2.
- The noise analysis used source reference levels for the VHS Electric vehicle type listed in Table 5-2 of the FRA Guidance Manual (FRA 2005). These adjustments assumed that trainsets would be distributed-power EMU vehicles with 8 cars and a maximum speed of 220 mph.
- The noise sources included the wheel/rail interface at one foot above top of rail, the propulsion noise at 2 feet above top of rail, and the aerodynamic noises from the train nose (at 10 feet above top of rail), the wheel region (at 5 feet above top of rail), and the pantograph (at 15 feet above top of rail).
- HST track was assumed to be a combination of ballast and slab track with continuous welded rail, consistent with the assumptions in the FRA guidance manual (FRA 2005). Slab construction will be used for elevated structures exceeding 1,000 feet in length, where operating speeds are planned for 220-mph operations. Slab track would be 3 dB louder than ballast and tie track, because of the decreased acoustic absorption compared to that provided by the ballast, and changes to the track stiffness.
- Modeling used the full system schedule of train operations as outlined in Chapter 2 of this document and detailed in the *Fresno to Bakersfield Noise and Vibration Technical Report*.
- Maximum speed was assumed to be 220 mph along the corridor depending upon speed profiles provided by Project Design files and interpreted by Parsons Brinckerhoff, Inc. in July 2010.
- Top of rail elevations are based on 15% preliminary design as available March 2011.
- The track was assumed to be on aerial structure wherever top-of-rail elevations are more than 20 feet above existing grade.
- All aerial structure sections of the corridor were assumed to be as described in the Technical Memorandum "TM 1.1.21 Typical Cross Section 15% R0 090404 TM Excerpt.pdf."
- Buildings within the property acquisition footprint were not to be included in the impact assessment because they were assumed to be acquired as part of the HST footprint.
- There would be several closures of existing roadway/freight train/Amtrak train at-grade crossings along the corridor on the BNSF Alternative. A road overcrossing would separate both the HST and the BNSF freight line. Trains passing through the existing at-grade crossings between roadways and freight/Amtrak railroad tracks currently are required to blow their horns as a warning to oncoming traffic and pedestrians. Noise modeling projections assumed no change to any of the existing at-grade crossings and, therefore, no change to locations where the freight and Amtrak trains will blow their horns. There would be no at-grade crossings for HSTs.
- No adjustments were made to projected noise levels to account for increases in localized noise due to special trackwork, such as crossovers and turnouts, since the project will use special trackwork which will not have gaps associated with crossovers.
- No noise exposure effects were assumed associated with changes in freight rail or Amtrak operations due to the implementation of the HST project.

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3.4.4.2 Existing Vibration Levels

Project analysts identified vibration sensitive areas (VSAs) within the study area by locating the vibration-sensitive land use categories listed in Table 3.4-6 (i.e., residential and institutional) within an appropriate screening distance from the proposed HST alternatives. The screening distances used to identify VSAs are based on FRA guidance, as listed in Table 3.4-9. Some of these VSAs are exposed to existing sources of ground-borne vibration. The existing levels were measured by placing vibration sensors at representative vibration-sensitive locations throughout the corridor along the UPRR and BNSF tracks.

Vibration measurements were conducted at 9 locations representative of actual potentially impacted areas that were within 220 feet of a HST alternative alignment and within approximately 250 feet of an existing active rail line. The field vibration data were processed in an appropriate fashion for comparison with established FTA/FRA impact criteria (i.e., maximum event vibration level) and then compared with the value generated by the FTA general vibration assessment procedure (using the Generalized Ground Surface Vibration Curve for "locomotive powered passenger or freight"). The values calculated using this FTA method are described as representing the "upper range of measurement data for a well-maintained system," so it is expected that the majority of the field measurements collected for this project would be at or below the FTA-predicted value.

Appendix 3.4-A NV Table 3 presents a summary of the vibration measurements, including measured vibration levels for various train-related vibration events and a comparison with predicted values using the FTA prediction method. Appendix D of the *Fresno to Bakersfield Section: Noise and Vibration Technical Report* (Authority and FRA 2012) provides additional detail on the field vibration measurements, including a sample of the field documentation procedures.

Appendix 3.4-A NV Table 3 shows the measured vibration levels were generally equal to or less than the levels predicted by the (conservative) FTA method (generally within about 0 to -8 VdB). Two of the 9 measured locations (Vib-02 and Vib-07) displayed some vibration levels higher than those predicted by the FTA method. The apparently efficient vibration propagation characteristics at these two locations were taken into account during the impact assessment. Several events were more than 10 VdB lower than the predicted values. These results may have been due to either less efficient soil propagation characterizations at these locations or simply lower-than-predicted isolated events. The predicted levels included the expectation of flat spots on the wheels, which are common on mixed freight trains and much less so on Amtrak trains. Perhaps the lower levels were due to lower actual train speeds than those estimated in the field.

Overall, a majority of the measurements were between 70 and 80 VdB with the highest measured vibration level being 92 VdB and the lowest measurement being 59 VdB. Specific vibration measurements were not taken at the proposed station locations as none of the stations had sensitive receivers within the FRA screening distances. It is estimated that none of the station alternatives are expected to have vibration levels above residential standards.

**Heavy Maintenance Facility (HMF) Alternatives**

Similar to the proposed station alternatives, none of the HMF alternative sites had sensitive receivers within the FRA screening distances. Therefore, it is estimated that none of the HMF alternatives are expected to have vibration levels be above residential standards.

mitigation. In the case of the Bakersfield Hybrid Alternative, train speeds would be reduced, resulting in fewer noise impacts to sensitive receivers than the BNSF and Bakersfield South alternatives for which design speeds would be maintained. In rural areas with low existing noise levels and no building shielding, impacts occur at greater distances from the alignment. All alternatives would result in severe and/or moderate noise impacts that would have substantial intensity under NEPA and would be significant under CEQA. Project elements, such as the specific vehicle type, track structure and other elements, may change during engineering and design, resulting in changes to the noise impact assessment. As project elements affecting noise either change or are refined, additional analyses will be conducted to reflect these changes.

The following sections summarize the potential noise impacts from the operation of the HST System. The *Fresno to Bakersfield Section: Noise and Vibration Technical Report* provides more details regarding impacts (Authority and FRA 2012).

**BNSF Alternative.** Table 3.4-14 summarizes potential direct noise impacts related to operation of the HST under the BNSF Alternative without mitigation during the design year (2035). Figures 3.4-9 through 3.4-13 show the locations of noise impacts under all HST alternative alignments without mitigation during the design year (2035). HST noise impacts are assessed for noise-sensitive land uses based on a comparison of existing noise levels with future noise levels from the project.

Project noise effects for many receivers along the BNSF Alternative before consideration of mitigation would have substantial intensity under NEPA and the impact would be significant under CEQA. Table 3.4-14 lists the number of sensitive receivers along the BNSF Alternative that may receive noise impacts from operation of the proposed project.

**Table 3.4-14**  
 Impacted Sensitive Noise Receivers along the BNSF Alternative

BNSF Alternative	Total Number of Impacts	
	Moderate Impacts	Severe Impacts
<b>Impacts by Alignment Segment</b>		
BNSF Fresno (Slab Track – Distance for Moderate Impact = 791 to 1,867 feet, Distance for Severe Impact = within 790 feet) (Ballast Track – Distance for Moderate Impact = 511 to 1,270 feet, Distance for Severe Impact = within 510 feet)	201 residences, 7 churches, 1 park, 20 historical	20 residences, 13 historical
Monmouth (Slab Track – Distance for Moderate Impact = 1,171 to 2,500 feet, Distance for Severe Impact = within 1,170 feet) (Ballast Track – Distance for Moderate Impact = 761 to 1,860 feet, Distance for Severe Impact = within 760 feet)	115 residences, 3 schools, 2 historical	50 residences, 1 church
BNSF Hanford East (Slab – Distance for Moderate Impact = 2,111 to 2,500 feet, Distance for Severe Impact = within 2,110 feet) (Ballast Track – Distance for Moderate Impact = 1,421 to 2,500 feet, Distance for Severe Impact = within 1,420 feet)	124 residences, 1 school	176 residences, 1 school, 1 historical

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**3.7 Biological Resources and Wetlands**

**3.7.1 Introduction**

This section describes the regulatory setting and the affected environment for biological resources, the potential impacts on these resources that would result from implementing the project, and the measures that would reduce such impacts. The term "biological resources" includes special-status plant and wildlife species, habitats of concern (including special-status plant communities, jurisdictional waters, critical habitat, conservation areas [i.e., Recovery Plan areas for federally listed species, conservation easements, public lands, conservation banks, and Habitat Conservation Plans], and protected trees), and wildlife movement corridors. This section summarizes detailed information contained in the *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012a). Additional information regarding biological resources is included in the following sections:

- Section 3.4, Noise and Vibration, discusses noise and vibration that would occur in the project vicinity from the operation of the project. Potential impacts on wildlife due to project noise and vibration are based on information provided in the *High-Speed Ground Transportation Noise and Vibration Impact Assessment Manual* (FRA 2005).
- Section 3.8, Hydrology and Water Resources, discusses existing surface water hydrology, water quality, groundwater, and floodplains, and identifies potential impacts on these resources for each alternative.
- Section 3.14, Agricultural Lands, discusses the range of impacts on agricultural lands that may overlap with the biological conditions discussed and evaluated in this section and addresses potential impacts on pollinating bees.
- Section 3.18, Regional Growth, includes a discussion of growth-inducing impacts.
- Section 3.19, Cumulative Impacts, describes the cumulative impacts of this and other past, present, and reasonably foreseeable future projects.

The Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) documents for the Proposed California High-Speed Train System (Statewide Program EIR/EIS) (Authority and FRA 2005) concluded the project would have a significant impact on biological resources and committed to mitigation strategies and design practices to reduce effects.

**3.7.1.1 Key Definitions**

Key definitions of special-status species, special-status plant communities, and jurisdictional waters are provided below. Each of these resources is further defined in the *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012a).

**Special-Status Species:** Special-status species are plants and animals that are legally protected under the federal Endangered Species Act of 1973 (federal ESA), the California Endangered Species Act (CESA), the California Native Plant Protection Act, and/or other regulations, such as those species that meet the definitions of rare, threatened, or endangered under CEQA Guidelines Sections 15380 and 15125. The special-status species designation does not extend to bird species protected under the Migratory Bird Treaty Act (U.S.C. Sections 703 to 712); however, impacts to these species are discussed under special-status wildlife species sections of this document. Further detail can be found in the *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012a).

**Special-Status Plant Communities:** Special-status plant communities are determined to be significant and/or to represent rare vegetation types (California Natural Diversity Database [CNDDB] [CDFG 2012a]) or to have limited distribution statewide or within a county or region. These communities are often vulnerable to the environmental effects of projects (CDFG 2000). A list of special-status plant communities in California is maintained by the California Department of Fish and Game (CDFG) in the *Vegetation Classification and Mapping Program: Natural Communities List* (CDFG 2010a). Additional information can be found in the *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012a).

**Jurisdictional Waters:** Wetlands and other waters in the project vicinity, including waters of the United States (water of the U.S.), waters of the state, and state streambeds and lakes, are regulated by the federal government (U.S. Army Corps of Engineers [USACE]) and the State of California (State Water Resources Control Board [SWRCB] and CDFG). When considering wetlands and other waters, these features are collectively termed jurisdictional waters. Wetlands and other waters as delineated during the jurisdictional delineation (see the *Fresno to Bakersfield Preliminary Jurisdictional Waters and Wetlands Delineation Report* (Authority and FRA 2011)) are assumed to fall under the jurisdiction of the USACE, SWRCB, and CDFG for purposes of this discussion. Confirmation of these waters as jurisdictional by the USACE, SWRCB, and CDFG will be conducted when the regulatory permitting process is conducted. Definitions of the categories that are included in the jurisdictional waters sections are presented below.

- **Waters of the U.S.:** The federal Clean Water Act (CWA) defines waters of the U.S. as follows: (1) all waters that are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide; (2) all interstate waters including interstate wetlands; (3) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce; (4) all impoundments of waters otherwise defined as waters of the U.S.; (5) tributaries to the foregoing types of waters; and (6) wetlands adjacent to the foregoing waters (33 CFR 328.3[a]). Wetlands are a sub-classification of waters of the U.S., as described below. The term other waters of the U.S. is used to describe waters of the U.S. exclusive of wetlands.
  - **Wetlands:** According to the Corps of Engineers Wetland Delineation Manual (Environmental Laboratory 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0) (USACE 2008b), three criteria must be satisfied to classify an area as a jurisdictional wetland: (1) a predominance of plant life that is adapted to life in wet conditions (hydrophytic vegetation), (2) soils that saturate, flood, or pond long enough during the growing season to develop anaerobic conditions in the upper part (hydric soils), and (3) permanent or periodic inundation or soils saturation, at least seasonally (wetland hydrology).
- **Waters of the State:** Waters of the state are broadly defined by the Porter-Cologne Water Quality Control Act (Section 13050[e] of the California Water Code) to mean any surface water or groundwater, including saline waters within the boundaries of the state. Under this definition, isolated wetlands that may not be subject to regulations under federal law are considered waters of the state and regulated accordingly. On March 9, 2012, the California Water Boards released a preliminary draft of their Wetland Area Protection Policy, which includes a proposed wetland definition. Under their definition, an area is a wetland if, under normal circumstances, it (1) is continuously or recurrently inundated with shallow water or saturated within the upper substrate; (2) has anaerobic conditions within the upper substrate caused by such hydrology; and (3) either lacks vegetation or the vegetation is dominated by

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hydrophytes (SWRCB 2012). Because this definition is still in draft form, the term wetland as used in this document refers to the USACE definition of wetlands, given above. Within this document, all waters of the state, except riparian areas, are classified as wetlands or other waters of the U.S.

- **State Lakes and Streambeds:** The CDFG has not released an official definition of lake or streambed jurisdiction and therefore the extent of areas regulated under Section 1602 remains undefined. However, CDFG jurisdiction generally includes the streambed and bank, together with the adjacent floodplain and riparian vegetation. This riparian area is classified as waters of the state in this document.

**3.7.2 Laws, Regulations, and Orders**

This section provides a summary of federal, state, and local laws, regulations, and agency jurisdiction and management guidance that apply to biological resources. Table 3.7-1 lists federal laws and regulations and Table 3.7-2 lists state laws and regulations. For full definitions and a discussion of the permits and actions required to comply with the laws and regulations listed below, refer to the *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012a).

**3.7.2.1 Federal**

**Table 3.7-1**  
 Federal Laws and Regulations

Policy Title	Summary
<b>Federal</b>	
Endangered Species Act of 1973 (federal ESA) (42 U.S.C. 4321 et seq.)	The federal ESA and subsequent amendments provide guidance for conserving federally listed species and the ecosystems upon which they depend. <b>Section 9 (Prohibited Acts):</b> Section 9 of the federal ESA and its implementing regulations prohibit the "take" of any fish or wildlife species listed under the federal ESA as endangered or threatened, unless otherwise authorized by federal regulations. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Take includes the modification of a listed species' habitat. Section 9, prohibits a number of specified activities with respect to endangered and threatened plants as well as adverse modifications to critical habitat. <b>Section 7 (Interagency Consultation and Biological Assessments):</b> Section 7 of the federal ESA requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) or the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS), as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered fish, wildlife, or plant species or result in the destruction or adverse modification of designated critical habitat for any such species. <b>Section 10 (Habitat Conservation Plans):</b> Section 10 of the federal ESA provides a process by which nonfederal entities may obtain an Incidental Take Permit from the USFWS or NMFS for otherwise lawful activities that might incidentally result in "take" of endangered or threatened species, subject to specific conditions.

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**Table 3.7-2**  
 State Laws and Regulations

Policy Title	Summary
Natural Communities Conservation Planning Act (CDFG Sections 2800 to 2835)	The Natural Communities Conservation Planning Act was enacted to encourage broad-based planning to provide for effective protection and conservation of the state's wildlife resources while continuing to allow appropriate development and growth. Natural Community Conservation Plans (NCCPs) may be implemented, which identifies measures necessary to conserve and manage natural biological diversity within the planning area, while allowing compatible and appropriate economic development, growth, and other human uses.
California Native Plant Protection Act (CDFG Sections 1900 to 1913)	The California Native Plant Protection Act (NPPA) requires all state agencies to use their authority to carry out programs to conserve endangered and rare native plants. The NPPA gives the CDFG the power to designate native plants as "endangered" or "rare" and prohibits the take of such plants, with certain exceptions.
Porter-Cologne Water Quality Control Act	Section 13260(a) of the California Water Code (Porter-Cologne Water Quality Control Act) requires any person discharging waste or proposing to discharge waste, other than to a community sewer system, within any region that could affect the quality of the waters of the state to file a Report of Waste Discharge (ROWD). The SWRCB is responsible for the implementation of the act.

**3.7.2.3 Regional and Local**

Local and regional municipal plans pertaining to the preservation and protection of biological resources are addressed in the various general plans for Fresno, Kings, Tulare, and Kern counties, and for the cities of Fresno, Corcoran, Wasco, Shafter, and Bakersfield. These plans address such issues as habitat, protection of wildlife, oak woodland conservation, and conservation of wetlands and riparian communities. The *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012a) provides more detail on the local plans and policies that were identified and considered in the preparation of this analysis.

**3.7.2.4 Habitat Conservation Plans in the Project Vicinity**

A Habitat Conservation Plan (HCP) is a document that must accompany an incidental take permit request under Section 10 of the federal ESA. Three HCPs have been identified in the project vicinity: the *Metropolitan Bakersfield Habitat Conservation Plan* (MBHCP) (City of Bakersfield and Kern County 1994); the draft *Kern County Valley Floor Habitat Conservation Plan* (VFHCP) (Kern County Planning Department 2006); and the *Pacific Gas & Electric Company San Joaquin Valley Operations and Maintenance Habitat Conservation Plan* (Jones & Stokes 2006). Section 3.7-4 provides a summary of the applicable regional HCPs that protect biological resources and/or wetlands.

**3.7.3 Methods for Evaluating Impacts**

This section describes the methods used for evaluating potential impacts on biological resources. The study areas used to identify biological resources are defined, and the background review and field surveys are summarized. Both the background literature review and field surveys identified potential biological resources within the footprints of the proposed project alternatives. This section also defines the types of potential impacts of the proposed project alternatives, describes

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the methods used to assess the various impacts, and presents the NEPA and CEQA criteria used to evaluate the significance of impacts.

**3.7.3.1 Study Areas**

The Fresno to Bakersfield Section study area described in Chapter 2 encompasses the entire potential area of disturbance associated with the construction footprint, including the proposed high-speed train (HST) right-of-way and associated facilities (traction power substations, switching and paralleling stations, and areas associated with modifying or relocating roadways for those facilities—including overcrossings and interchanges), heavy maintenance facility (HMF) sites, station alternatives, and construction areas (including laydown, storage, and similar areas [see the detailed description in Chapter 2]).

To address regulatory requirements and assess potential impacts to biological resources, the *Central Valley Biological Resources and Wetlands Survey Plan* (Authority and FRA [2009] 2011) established these varying biological resource study areas for the following types of resources:

- **Habitat Study Area** – Construction footprint plus a 1,000-foot buffer around project elements (review of aerial photos only if between 250 feet and 1,000 feet from buffer) to evaluate direct and indirect impacts on habitats and the special-status wildlife species that use them. The Habitat Study Area was divided into two areas: a core Habitat Study Area and an auxiliary Habitat Study Area. A third, or supplemental, Habitat Study Area was identified for select species that required further analysis based on agency- or protocol-recommended species-specific buffers:
  - The core Habitat Study Area includes the proposed construction footprint and a 250-foot buffer. This was the area that was physically surveyed.
  - The auxiliary Habitat Study Area, from the edge of the core area laterally 750 feet, was surveyed through extrapolation of observations made in the core Habitat Study Area from aerial photograph interpretation and in windshield surveys.
  - The supplemental Habitat Study Area extends laterally from the construction footprint up to 1.24 miles, depending on the target species, and identifies species-specific habitats based on aerial photograph interpretation and documented occurrences of the species, and on observations of special-status species and their habitats made in the field.
- **Wetland Study Area** – Construction footprint plus a 250-foot buffer to evaluate direct and indirect impacts on wetlands and special-status wildlife using vernal pools. Direct impacts on wetlands are within the construction footprint and indirect impacts are within the 250-foot buffer.
- **Special-Status Plant Study Area** – Construction footprint to evaluate direct and indirect impacts plus a 100-foot buffer to evaluate indirect impacts on sensitive plant resources (including special-status plants, special-status plant communities, protected trees, and elderberry shrubs).

**3.7.3.2 Literature Review**

Biological resources potentially occurring in the study areas were identified through queries of existing databases and agency information. The sources used are described below. Further detail can be found in the *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012a).

avoided if the project is implemented, and the significant irreversible environmental changes that would occur as a result of the project or irremediable commitments of resources or foreclosure of future options. Chapter 6.0 also provides information about identification of the preferred alternative and the least environmentally damaging practicable alternative.

**Chapter 7.0, Public and Agency Involvement**, contains summaries of coordination and outreach activities with agencies and the general public.

**Chapter 8.0, EIR/EIS Distribution**, identifies individuals and organizations informed of the availability of the Revised Draft EIR / Supplemental Draft EIS.

**Chapter 9.0, List of Preparers**, provides the names and responsibilities of the authors of the Revised Draft EIR / Supplemental Draft EIS.

**Chapter 10.0, References/Sources Used in Document Preparation**, cites the references and contacts used in writing this document.

**Chapter 11.0, Glossary of Terms**, provides a definition of certain terms used in the EIR/EIS.

**Chapter 12.0, Index**, provides a tool to cross-reference major topics used in the EIR/EIS.

**Chapter 13.0, Acronyms and Abbreviations**, defines the acronyms and abbreviations used in this document.

**Appendices and Technical Reports** provide additional details on the project and EIR/EIS process. Technical appendices, included in Volume II, are related to the affected environment and environmental consequences analyses. These appendices are numbered to match their corresponding environmental elements in Chapter 3, as well as in Chapters 1, 2, and 5 of the Revised Draft EIR/Supplemental Draft EIS. Detailed technical reports prepared for transportation; air quality and global climate change; noise and vibration; biological resources and wetlands; hydrology and water resources; geology, soils, and seismicity; hazardous materials and waste; acquisitions and relocations; socioeconomic; aesthetics and visual quality; cultural resources; paleontological resources, as well as other sections identified in the Revised Draft EIR/Supplemental Draft EIS, are available on DVD. Volume III, Alignment and Other Plans, also available on DVD, presents project design drawings, including trackway design and road crossing design. These documents are also available at [www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov) and at locations identified in Chapter 8, EIR/EIS Distribution.

**What Happens Next?**

**Public Review of the Revised Draft EIR / Supplemental Draft EIS**

The Authority and FRA are widely circulating the Revised Draft EIR/Supplemental Draft EIS to affected local jurisdictions, state and federal agencies, tribes, community organizations, other interest groups, and interested individuals. The document is also available at Authority offices, public libraries, and community centers. Those who wish to review and/or comment are provided a formal public comment period following the date of issuance of the document. In addition, public hearings will be held during the comment period to receive oral testimony.

**Identification of Preferred Alternative**

After the California High-Speed Rail Authority Board considers the information in the Project EIR/EIS, public and agency comments on the Draft EIR/EIS and the Revised Draft EIR/Supplemental Draft EIS, and other relevant information, the Board is expected to identify a preferred alternative. The Board will not make a final decision on the project alternative to be

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- Natural Resources Conservation Service Hydrologic Unit Code Basins dataset (USDA and NRCS 1999), which identifies watersheds in the region.
- *Water Quality Control Plan for the Tulare Lake Basin* (CVRWQCB 2004), which identifies watershed and sub-watershed areas, surface water features, and beneficial uses.
- National Wetlands Inventory (USFWS 2009a), which identifies the approximate location and type of wetlands at the project level.
- National Hydrography Dataset (USGS and EPA 1999), which identifies the approximate locations and types of rivers, streams, canals, ditches, and artificial paths at the project level.
- Holland Central Valley Vernal Pool Complexes data layer, also known as the CDFG Central Valley Vernal Pool Habitat dataset (Holland 2009a), which identifies vernal pool areas at the project level.
- Recent aerial photographs (ESRI 2009; DigitalGlobe 2009; Bing 2010).
- National List of Plant Species That Occur in Wetlands (Reed 1988).
- Soil surveys of Eastern Fresno, Tulare, Kings, and Kern Counties (USDA 1971, 1982, 1986, 1988).
- U.S. Geological Survey 7.5-minute (1:24,000) topographical quadrangle sheets (Fresno North, Malaga, Fresno South, Conejo, Caruthers, Burris Park, Laton, Remroy, Waukena, Taylor Weir, Corcoran, Pixley, Alpaugh, Hacienda Ranch NE, Delano West, Allensworth, Pond, Famoso, Wasco, Oil Center, Oildale, Rosedale, Rio Bravo, Edison, Lamont, Gosford, and Stevens).
- Precipitation records, including current and annual average rainfall for the region (USDA and NRCS 2010).

**Protected Trees**

To identify the requirements for protected trees, county and city ordinances and codes were reviewed as well as available general plans and habitat conservation plans.

**Wildlife Movement Corridors**

Known wildlife movement corridors were identified through a review of published technical reports and information available from regulatory agencies. The following data sources were obtained and used as a preliminary guide to understanding the location and species-specific requirements of the wildlife movement corridors that have been identified in the vicinity of the Fresno to Bakersfield Section:

- The wildlife movement corridors identified in *Missing Linkages: Restoring Connectivity to the California Landscape* (Penrod et al. 2001), which was prepared in response to the 2000 Missing Linkages conference.
- *South Coast Missing Linkage: A Linkage Design for the Tehachapi Connection* (Penrod et al. 2003), which provided a more in-depth analysis of the Bakersfield/Tehachapi region based on the earlier Missing Linkages report.
- *Recovery Plan for Upland Species of the San Joaquin Valley, California* (USFWS 1998), San Joaquin Valley Endangered Species Recovery Program (ESRP 2009), and San Joaquin Kit Fox

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**Special-Status Species and Special-Status Plant Communities**

A list of special-status species designated and proposed critical habitat, special-status plant communities, and wildlife movement corridors known or potentially occurring in the project footprint was reviewed based on existing federal, state, and private databases and agency information. Database queries included all reported occurrences within 10 miles of the alternative alignments or potentially within the various U.S. Geological Survey 7.5-minute quadrangles (quads) that overlapped with the alternative alignments and their eight surrounding quads (collectively referred to as a nine-quad search area) for the Fresno to Bakersfield Section. The following data sources were reviewed:

- USFWS Sacramento Field Office Website: A list of federal candidate, proposed, threatened, and endangered special-status wildlife and plant species and their federally designated or proposed critical habitats known or having the potential to occur within a nine-quad search area around the Fresno to Bakersfield Section alternatives was generated (USFWS 2012).
- California Natural Diversity Database (CNDDDB)/RareFind: A list of special-status plant and wildlife species, CDFG-designated special-status plant communities, and CNPS-listed special-status plant species was prepared through a two-fold inquiry consisting of a standard nine-quad search using the RareFind program and a geographic information system (GIS) mapping exercise of all occurrences within 10 miles of the alternative alignments. This two-fold inquiry was performed to ensure that all special-status species, including those listed by the CDFG as "sensitive," whose geographic location data had been suppressed, were captured in the query (CDFG 2012a).
- CNPS's Online Inventory of Rare and Endangered Plants of California: A list of CNPS special-status plant species that may occur in the nine-quad search area was generated using the online inventory database (CNPS 2012).
- California Wildlife Habitat Relationship (CWHR) System: The list of CDFG special-status wildlife species was augmented through a GIS exercise that overlaid the Fresno to Bakersfield alternatives with wildlife species (amphibians, reptiles, birds, and mammals) range maps available through the CWHR System (CDFG 2005). This query captured additional special-status species whose known geographic range occurs within 10 miles of the alternative alignments (CDFG 2008).
- USFWS Recovery Plans: Recovery Plan for Upland Species of the San Joaquin Valley, California (USFWS 1998), the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (USFWS 2005), and a number of Federal Register publications, public agency technical reports, survey guidelines, and other published reports.
- USFWS Birds of Conservation Concern (BCC) for Region 8 (California and Nevada) (USFWS 2008).

**Jurisdictional Waters**

A background review was conducted to identify locations of jurisdictional water features potentially present in the Wetland Study Area at both a watershed level and a project level. The geographic extent of the background review for jurisdictional waters consisted of an area defined by the centerline of the alternative alignments plus a 0.5-mile buffer. The 0.5-mile buffer was chosen to include jurisdictional waters that may be present and to encompass the general nature of the jurisdictional waters surrounding the alternative alignments. The background review was conducted using information available in the GIS and conventional sources to determine the potential locations, types, and extent of known jurisdictional waters. The background review relied on information from the following sources:

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(*Vulpes macrotis mutica*) 5-Year Review: Summary and Evaluation (USFWS 2010), which identified core, satellite, and linkage areas.

- California Essential Habitat Connectivity Project (Spencer et al. 2010), which identifies natural land blocks and essential connectivity areas.

3.7.3.3 Field Surveys

The potential for project impacts on biological resources depends largely on the presence of suitable habitat in and adjacent to areas that would be affected by the project. Project biologists conducted field surveys to determine the presence or absence of biological resources and to document the location of any biological resources through habitat characterization and mapping. Habitat characterization and mapping were conducted throughout the study area. Access was granted to approximately 40% of the study area. Where permission to enter was not granted, field crews used public roads, and adjacent parcels to characterize and map biological resources. These visual surveys were conducted to compare background information with existing data and aerial signatures identified in high-resolution aerial imagery to map inaccessible areas. The primary field surveys discussed in this section were conducted in the spring and summer of 2010. Supplemental surveys were conducted in 2011 in response to engineering design changes and are discussed in the "Supplemental Surveys" section below.

The Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report (Authority and FRA 2012a) provides detailed descriptions of the various methods employed during the field surveys for biological resources. The various field surveys were conducted according to the methodologies described in the California High-Speed Train Central Valley Biological Resources and Wetlands Survey Plan, which was prepared, in part, for the Fresno to Bakersfield Section of the HST (Authority and FRA [2009] 2011).

Special-Status Plant Species and Special-Status Plant Communities

Field surveys for special-status plants and special-status plant communities were conducted during the growing season (March, April, and May 2010 and, in select areas, in June 2010) in accordance with the CNPS Botanical Survey Guidelines (CNPS 2001), the Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 1996), and the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFG 2009). In addition, where applicable, surveys for the five federally listed species, Bakersfield cactus (*Opuntia basilaris* var. *treleasei*), California jewelflower (*Caulanthus californicus*), Hoover's woolly-star (*Eriastrum hooveri*), Kern mallow (*Erenalche kernensis*), and San Joaquin woolly-threads (*Monopolis congdonii*) complied with the supplemental guidance provided in General Rare Plant Survey Guidelines and in the Supplemental Survey Methods (ESRP 2002). Additional supplemental surveys for botanical resources were conducted in 2010 and 2011 and are discussed below in the "Supplemental Surveys" section.

Habitat types identified during the field surveys were compared against the known habitat requirements for each special-status plant species and for special-status plant communities with potential to occur in the regional area. The potential for a particular special-status species and special-status plant community to occur within the Special-Status Plant Study Area was then assessed and ranked as either no potential, low potential, moderate potential, or high potential (Appendix 3.7-A, Attachment 1).

Fish Species

Special-status fish species (e.g., listed salmonids), other than the Kern brook lamprey (*Entosphenus hubbsi*), are not expected to occur in the Habitat Study Area. The Habitat Study

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Area is outside the historical and current known geographic range of other special-status fish species, and suitable habitat is not present because of extensive water diversions and in-stream



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**P049-1**

Stakeholder engagement is a high priority for the California High-Speed Rail Authority and for this project. Public comments were responsible for changes in routes for the Fresno to Bakersfield Section. Proposed alignments in other sections of the statewide project have been developed because of public issues and concerns. The Authority takes public comments very seriously and will continue to examine ways to solicit stakeholder input at future Board of Director meetings.

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This transcript was prepared for you by:  
Fresno Court Reporters

1 nice train. Maybe we can't afford it. Maybe we need to  
2 have some common sense and the High Speed Rail Authority  
3 needs to figure out if just maybe this is too expensive  
4 and we can't afford it.  
5 I'm a businessman in California and I'm  
6 really sick and tired of this kind of ramrodding crap we  
7 all have to pay for, and pay for, and pay for, and it's  
8 a no end. It seems like we have no voice, no voice at  
9 all.  
10 And you guys started out by not even caring,  
11 not even working with an Environmental Impact Report,  
12 nothing, just running it down. And at the very last  
13 hour the Court says yeah, you have to comply. So now we  
14 have to go through and comply and it seems like it's  
15 going to be a tremendous boondoggle.  
16 I would ask you to really consider the cost  
17 that it's going to cost all of us in this Valley. Thank  
18 you.  
19 MR. MORALES: Thank you, Mr. Jensen.  
20 Frank Oliveira.  
21 MR. OLIVEIRA: Frank Oliveira, Citizens for  
22 California High Speed Rail Accountability.  
23 Mr. Valenstein, to keep with the theme that  
24 I've been trying to keep with to demonstrate and provide  
25 you evidence that the California High Speed Rail

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Hanford High-Speed Train Meeting  
559-224-9700

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1 Authority has not done their due diligence, and not  
2 actually operated in the matter with NEPA's  
3 environmental justice requirements.  
4 We're trying to process 30,000 pages. You  
5 heard many people talk about that. The question is,  
6 where are all these pages? What do they include?  
7 Why would we need stuff? I provided you  
8 with something from 2005. There's a lot of documents  
9 and things that are beyond the binders that have been  
10 circulated to the public that do need to be reviewed  
11 that are relevant.  
12 I'll give you an example of a records  
13 request. We're under the gun with a 90-day review, 90  
14 days to process all of this information. But not just  
15 process it, but to find it.  
16 So here is a records request. In this  
17 records request I request comments from last year. And  
18 the High Speed Rail Authority provided it. And I really  
19 appreciate that.  
20 I clearly indicated in this request that I  
21 was going to divide up this information and share it  
22 with people so many people could read it because there's  
23 so much to read and understand.  
24 So what I get provided are discs, CD's,  
25 which is good. That's good. We weren't asking for hard

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Submission P050 (Frank Oliveira, August 28, 2012) - Continued

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P050-1

1 copies. But this is password protected. You can't  
2 copy, paste something out of it to share with somebody.  
3 And you can't print it. Why is that necessary to secure  
4 this document, which is public information so I cannot  
5 effectively share it with anybody?  
6 I'm sure nobody thought they were doing  
7 anything wrong by doing that and there probably wasn't  
8 any malicious intent or anything like that. But the  
9 simple fact is, this doesn't help us participate as NEPA  
10 requires. This disc, this disc I can copy, I can share,  
11 I can e-mail, it produced this. But I can't share this  
12 information with anyone. It is only as good as the CD  
13 drive in my computer.  
14 So the High Speed Rail Authority is  
15 disenfranchising anybody that I'm going to communicate  
16 with this disc. This disc is also olsonized to an  
17 unreasonable ridiculous level.  
18 I'm going to provide you the disc per your  
19 own review. Thank you.  
20 MR. MORALES: Thank you, Mr. Oliveira.  
21 Tony Silva and Ross Browning and Todd  
22 Fukuda.  
23 MR. SILVA: Good evening. My name is Tony  
24 Silva and I live in the area about a quarter mile from  
25 where this is going in.

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Response to Submission P050 (Frank Oliveira, August 28, 2012)

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**P050-1**

Compact discs containing the environmental documents were available to anyone that requested them. To share documents, it was advisable for stakeholders to request additional CDs for public review.

Submission P051 (Frank Oliveira, Citizens for California High Speed Rail Accountability, August 28, 2012)

This transcript was prepared for you by:  
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1 Alan Scott and Frank Oliveira. No. Okay.  
2 MR. OLIVEIRA: Hello. Frank Oliveira,  
3 Citizens for California High Speed Rail Accountability.  
4 To stick with the theme of punching holes in  
5 the documentation and the due diligence that people have  
6 done, we have been trying to read this document, digest  
7 this document. At this very moment there are people in  
8 our community that are actually reading this stuff  
9 because they can't be here and still we can't get all of  
10 this done. I'm actually receiving texts as we sit here  
11 about problems with the document.  
12 I want to talk about right-of-way. Do you  
13 know there's an oil field called the North Shafter Oil  
14 Field? I did not know that. It's clearly marked on  
15 maps, state maps. The High Speed Rail Authority knew  
16 about it. Since this project has been going, 26 more  
17 wells have been put into that oil field. So the  
18 California High Speed Rail Authority has indicated in  
19 the Environmental Impact Report that they will replace  
20 any wells that they go over because the route -- one of  
21 the routes -- possible routes, actually goes through  
22 this oil field. So the High Speed Rail Authority said  
23 that they will replace the oil wells and guarantee, in  
24 the documents, production.  
25 So I'm going to come back now and I'm going

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P051-1

1 to say -- and see, this is stuff we're just getting as  
2 we're trying to read this stuff.  
3 Let's come back to us here, us in the  
4 middle, us that were not advised, us that did not  
5 participate. We're being told that there is no solution  
6 for our agriculture and house water wells. We still do  
7 not know what is going to happen. I get the impression  
8 that we're going to be paid money, fair market value,  
9 for our agricultural infrastructure. And probably  
10 depreciated, I would imagine.  
11 But if you're an oil company, to get to an  
12 oil field, you will guarantee a production well to  
13 replace what they take out. But will you do that for a  
14 dairy? Will you do that for a farm? Will you do that  
15 for a city?  
16 Another issue. And bear with me because I'm  
17 reading this right off the text.  
18 Okay, Hanford is missing in the aesthetics  
19 chapter 3.16. It goes from central Fresno south,  
20 central Fresno south, San Joaquin Valley, Corcoran,  
21 Wasco, Shafter, Rosedale, Kern, Central Bakersfield,  
22 East Bakersfield, table 3.16 dash 3 and dash 4.  
23 Another example of being -- okay, what does  
24 that mean? Hanford doesn't rate? Hanford is not  
25 factored aesthetically in this report?

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P051-2

Hanford High-Speed Train Meeting  
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Submission P051 (Frank Oliveira, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

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1           What does that matter? What it matters is  
2 it is not due diligence. This report is out there now.  
3 We're not required to write the report, we're required  
4 to review the report and comment. This information is  
5 clearly missing.

6           Transportation impacts are insensitive to  
7 agriculture land. Good for urban, doesn't work for  
8 rural agriculture. Slow impact of slow moving farm  
9 equipment detouring for miles is not considered in the  
10 Environmental Impact Report. People have talked about  
11 that today. It's important to people here. It's how we  
12 make our living. It's how the economy works here.

13           You must consider in the EIS these factors  
14 and these holes in the documentation as we're being  
15 forced to review 30,000 pages of documents at a level  
16 that I just described. We can't get that done in the  
17 amount of time and do a good job. Can any of you do  
18 that? Have any of you read all of the documents that we  
19 are trying to absorb? Thank you.

20           MR. MORALES: Thank you, Mr. Oliveira.

21           Ross Browning.

22           MR. BROWNING: Ross Browning. I'll make  
23 this brief.

24           You have heard a lot of talk about various  
25 items today. And I could go on with those and others,

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## Response to Submission P051 (Frank Oliveira, Citizens for California High Speed Rail Accountability, August 28, 2012)

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### P051-1

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

### P051-2

Aesthetic impacts in Hanford are discussed in several places in the EIR/EIS. The discussion of towns in the valley area is primarily focused on impacts on downtowns, which represent a different landscape type. The alternative alignments bypass downtown Hanford, which would thus be largely unaffected visually by the HST project. In the broader Hanford area, potentially affected areas fell into the "rural" category of viewers and impacts (i.e., outside of the city in nearby rural parts of the county) and are discussed in that context. However, all anticipated impacts in the greater Hanford area are discussed in the EIR/EIS.

The largest visual effect of the project on the broad Hanford area under the BNSF Alternative would be near the Kings/Tulare Regional Station–East Alternative, located east of downtown Hanford outside of the city limits. A simulation of this station is depicted on Figure 3.16-42 (in Section 3.16, Aesthetics and Visual Resources, of the EIR/EIS), and the impacts are discussed on page 3.16-94 of the Revised DEIR/Supplemental DEIS. As described there, impacts on nearby residents would be anticipated under this alternative and would be significant.

The Hanford West Bypass 1 and 2 alternatives also skirt the town of Hanford, but to the west. Affected viewers in Hanford could include students at the College of the Sequoias and Sierra Pacific High School. Effects at these two locations are discussed in detail on pages 3.16-118 and 3.16-138 of the Revised DEIR/Supplemental DEIS. As under the BNSF Alternative, the greatest visual change in the area near Hanford under these alternatives would result from the Kings/Tulare Regional Station–West Alternative. Different design options for this station are depicted on Figures 3.16-55 and 3.16-56 of the Revised DEIR/Supplemental DEIS. The effects of these station options are discussed on page 3.16-121 of the Revised DEIR/Supplemental DEIS. Other effects near Hanford, such as an elevated railroad crossing near 13<sup>th</sup> Avenue required under the at-grade option are also discussed on page 3.16-121 of the Revised DEIR/Supplemental DEIS. Other instances of possible impacts in rural areas near Hanford, such as impacts on residences from road overcrossings or proximity to the alignments, are discussed by impact *type*, because they would apply in essentially

### P051-2

identical form throughout rural parts of the San Joaquin Valley. The number of potential instances of these essentially similar impacts in rural areas was so great that it was not possible to discuss them on a case-by-case basis. However, the impacts would be similar in all cases and are addressed in the discussion under Section 3.16.5.3, High-Speed Train Alternatives, of the Revised DEIR/Supplemental DEIS. (In particular, see the discussion under the heading "San Joaquin Valley Rural/Agricultural Landscape Unit.") Representative simulations of these impact types are depicted on Figures 3.16-38, -39, -40, and -41 of the Revised DEIR/Supplemental DEIS. Mitigation measures addressing these potential impacts to rural residents are described in Section 3.16.7.1 and 3.16.7.2 of the Revised DEIR/Supplemental DEIS, including Measures AVR-MM#2a, #2c, #2e, and #2f.

Submission P052 (Heather Oliveira, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 practical time in the planning process. The FRA's  
2 charter also includes complying with all applicable  
3 environmental review laws and regulations of NEPA.  
4 The FRA process includes encouraging broad  
5 public participation during scoping and review of Draft  
6 Environmental documents to make effective efforts to  
7 notify the affected public. Environmental justice is a  
8 component of Title 6 of the Civil Rights Act of 1964 and  
9 it is a part of the environmental law and regulations of  
10 NEPA.

11 In September 2001, the FRA requested that  
12 the Authority adopt Title 6 policy. The Authority did  
13 not adopt Title 6 policy until this year. I wish my  
14 comments did not sound so redundant, but I'm afraid that  
15 it is not possible considering the glaring and blatant  
16 violations that have been committed.

17 MR. MORALES: Thank you, Ms. Sullivan.  
18 Heather Oliveira.

19 MS. OLIVEIRA: Good evening. My name is  
20 Heather Oliveira and I'm speaking to you today much like  
21 I did a year ago. My purpose in speaking to you is to  
22 bring forward some inequities in the access,  
23 availability, and the amount of time given to the  
24 citizens of Kings County in regard to the EIS.

25 I'm a teacher and last year -- I

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1 specifically teach people to read. And last year, I  
2 came before you and explained that 50 percent of adults  
3 read below an eighth grade reading level, and that's a  
4 fact. I also explained that the reading level of the  
5 EIS, according to the Fleishman Kincaid readability is  
6 8.8, or roughly a freshman in high school level.

7 It takes about 5 minutes a page to read for  
8 an adult. And that's an adult that can comprehend and  
9 keep up. At that rate, it takes an adult 101 days of  
10 reading 24 hours a day. Well, we recognize that nobody  
11 is going to read for 24 hours a day, so if we cut that  
12 in half, and somebody reads for 12 hours a day, then it  
13 would take 208 days of reading at 6 hours a day, which  
14 is a little more palatable, but not to me, you know, I  
15 would rather not read for six hours a day. Then you  
16 would be talking about reading for 416 days.

17 And that would be great if you had a  
18 computer access to the EIS. But if you don't, then you  
19 need to go to one of the Kings County libraries. And  
20 that's where it gets tricky for us. Unfortunately, the  
21 libraries are not open 24 hours. You don't have access.  
22 We are severely limited. And especially if you happen  
23 to work during the hours of the day that the library is  
24 open. The lack of the access to the text of the EIS is  
25 an unacceptable quality.

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Submission P052 (Heather Oliveira, August 28, 2012) - Continued

This transcript was prepared for you by:  
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P052-1

P052-2

1 I'd also like to point out that  
2 approximately 30 percent of the students that I teach  
3 come from homes where Spanish is spoken. I would like  
4 to know how many copies of the Spanish version of the  
5 EIS are available to the population of Kings County, how  
6 about the EIS in the Portuguese language, where is the  
7 social and environmental justice in limiting the  
8 availability and access of the EIS to the diverse  
9 populations of Kings County.

10 NEPA calls for participation of low income  
11 and minority populations in state cultures. Yet, how  
12 can we believe those populations are being represented  
13 when the documents are not available?

14 The FRA needs to recall the EIS until such  
15 times as the social, and environmental inequities have  
16 been resolved. And that's it. Thank you.

17 MR. MORALES: Thank you, Ms. Oliveira.

18 Ken Jensen followed by Frank Oliveira and  
19 Ross Browning.

20 MR. JENSEN: My name is Ken Jensen and I  
21 live in -- just north of Hanford.

22 I understand that you must comply with NEPA  
23 requirements and I understand that your plans, if this  
24 is enacted, is to close down the Amtrak station.

25 My son-in-law rides that train as a way of

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Response to Submission P052 (Heather Oliveira, August 28, 2012)

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**P052-1**

The Authority website has provided translated materials, and the Authority has offered translation services at all public meetings. The Executive Summary and several public educational materials regarding the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS are available in Spanish. Also, notification letters for the Draft EIR/EIS were sent in English and Spanish to residents, property owners, meeting attendees, businesses, organizations, elected officials, cities, counties, and agencies.

**P052-2**

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

Submission P053 (Luis Oliveira, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

P053-1

1 MR. MORALES: Thank you, Mr. Browning.  
2 Luis Oliviera and then Todd Fukuda.  
3 MR. OLIVEIRA: The California High Speed  
4 Rail now admits it must comply with the environmental  
5 justice components of NEPA. The word "now" is somewhat  
6 troubling to me. They've been in existence for over 16  
7 years. Just starting to reflect on it probably  
8 represents the current attitude and why things have  
9 happened the way they have.  
10 Just to approve the CHSRA environmental  
11 justice guidance document reflects that quote,  
12 implementation of the environmental justice principles  
13 in how the Authority plans, designs, and delivers, the  
14 high speed rail project means that the Authority  
15 recognizes the potential, social, and environmental,  
16 impact that the project's activities may have on certain  
17 segments of the public.  
18 If that is the case, why did CHSRA planning  
19 decide to pick a route that was going to travel through  
20 and destroy the Baker Commodity rendering plant east of  
21 Hanford? The rendering plant is the only plant that  
22 services all of the dairies in Kings, Tulare, and Kern  
23 county. More than 500 dairies render their large dead  
24 animals there. Eliminating the plant even for one day  
25 will present a serious impact on the local economy,

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P053-2

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1 state and public health because there is no other place  
2 to dispose of 700 carcasses a day.  
3 That issue is already on record in. In  
4 2006, when we had severe temperatures from 100 to 110 to  
5 115 for several weeks, we were losing cows, and that  
6 plant was temporarily shut down. Cows had to be buried,  
7 approvals had to be had from health organizations, and  
8 yes, public health was threatened. Our water is still  
9 potentially threatened for those animals that are  
10 currently decomposing in the sites that they were  
11 buried. So yes, without that plant we have a serious  
12 issue.  
13 The staff knew about this ramifications of  
14 the rendering plant back in April of 2011 because we  
15 advised them of them and linked them with the Baker  
16 Commodity Group to attempt to mitigate the matter.  
17 The Bakers Commodity is a huge deal but it  
18 is eerily absent from the May 2011 alternative analysis  
19 report to the board about the status of their project  
20 through Kings County.  
21 If the CHSRA staff would have advised the  
22 board about the plant, the board may have elected not to  
23 proceed with the project at the time, of utilizing the  
24 plan that they are currently following.  
25 How can CHSRA recognize these potential,

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Submission P053 (Luis Oliveira, August 28, 2012) - Continued

This transcript was prepared for you by:  
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P053-3

1 social, environmental impacts if they are going to  
2 continue to disregard available critical information?  
3 This is just one of the many examples of how they take  
4 data, but they don't thoroughly look at it and find the  
5 problems. But it ultimately is at the expense of the  
6 community. And in this case, perhaps the state.  
7 How does Federal Rail Administration reconcile  
8 this reality? Do just what you're doing right now and  
9 gather the information. But when you find the problems,  
10 you have to act not just look beyond. Thank you.  
11 MR. MORALES: Thank you, Mr. Oliviera.  
12 Todd Fukuda. And Helen Sullivan and Ken  
13 Jensen.  
14 MR. FUKUDA: Thank you FRA for visiting our  
15 hometown. I'm a pest control advisor. I work in  
16 almonds and pistachios.  
17 This is not a hypothetical, this will happen  
18 if the rail goes through. There are pesticides that are  
19 allowed on almonds and not pistachios. If the pesticide  
20 sprayed in almonds is carried to pistachios by draft  
21 buildup by high speed rail, who will be responsible for  
22 the maximum residue level or MRL violations.  
23 I hope you have kept up with MRL issues that  
24 we have in agriculture. What happens is, it will affect  
25 sales of crops in foreign and domestic markets. So who

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## Response to Submission P053 (Luis Oliveira, August 28, 2012)

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### **P053-1**

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

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 an FRA comment to include the DOT 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 Environmental Justice communities.

### **P053-2**

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

See EIR/EIS Volume I Section 3.12.11 Mitigation Measure SO-3, and for information on the property acquisition and compensation process see Volume II Technical Appendix 3.12-A.

### **P053-3**

The Authority recognizes that the Baker Commodities rendering facility is an essential operation. It is possible to reconfigure this facility so that it remains in operation. It is understood that this reconfiguring will take careful planning so that it does not interrupt the continued operation of the animal-rendering process, but it can be accomplished.

Submission P054 (Luis Oliveira, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 MR. OLIVEIRA: Hello, Ms. Perez, and the  
2 board. Thank you for the opportunity for us to express  
3 our concerns.  
4 My name is Luis Oliveira. I farm on the  
5 northeast side and on the west side of Hanford. And I'm  
6 a consultant -- crop consultant on both sides, the east  
7 and west, of Highway 43 corridor, which this track is  
8 going to affect.

9 The California High Speed Rail Authority now  
10 admits that it must comply with the environmental  
11 justice components of NEPA just to prove the CHSR  
12 environmental justice guidance documents. CHSR reflects  
13 that, quote, the Authority recognizes how important  
14 provisions of the existing environmental, civil rights,  
15 civil and criminal laws may be used to help reduce  
16 environmental impacts in all communities and  
17 environmental justice on elements.

18 From May 2011 through December 2011 the  
19 CHSRA chairman, Thomas Umburg, openly violated the civil  
20 rights of the citizens of Kings County by preventing  
21 them from speaking in a public meeting or preventing  
22 them from speaking at a public meeting for the same  
23 amount of time as supporters of the HSR project. The  
24 CHSR clearly violated the Act numerous times in November  
25 2011 and they even used the threat of arrest detention

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P054-2

This transcript was prepared for you by:  
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1 to prevent the people from Kings County from speaking at  
2 the board meeting during the public comment period. How  
3 does the Federal Rail Administration reconcile this  
4 reality?

5 CHSRA has not complied with NEPA all along  
6 the way that they have represented themselves. Please  
7 withdraw the ESI until they demonstrate they can comply  
8 with NEPA instead of pretending to on paper. Thank you.

9 MR. MORALES: Thank you, Mr. Oliveira.  
10 Jerry Fagundez and Alan Scott.

11 MR. FAGUNDEZ: Good afternoon Ms. Perez and  
12 Ms. Hurd, Mr. Valenstein. Thank you for being here to  
13 listen to us.

14 The California High Speed Rail Authority now  
15 admits that it must comply with the environmental  
16 justice components of NEPA. The CHSRA states that one  
17 of its three fundamental environmental principles --  
18 justice principles is to avoid, minimize, and mitigate  
19 this purportedly high human health environmental affects  
20 including social and economic affects on minority and  
21 low income populations.

22 How is the Federal Rail Administration going  
23 to reconcile that the California High Speed Rail  
24 Authority's planning to devastate the low income,  
25 minority income communities of Armona, Corcoran, Wasco,

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## Response to Submission P054 (Luis Oliveira, August 28, 2012)

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### **P054-1**

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

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 (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. In EIR/EIS Volume 1 Section 3.12 Impacts SO#17 and SO#18 summarize these findings. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including environmental justice laws. 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 an FRA comment to include the DOT 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 Environmental Justice communities.

### **P054-2**

Stakeholder engagement is a high priority for the California High-Speed Rail Authority and for this project. Public comments were responsible for changes in the route of the Fresno to Bakersfield Section. Proposed alignments in other sections of the statewide HST System have been developed because of public issues and concerns. The Authority takes public comments very seriously and will continue to examine ways to solicit stakeholder input at future Board of Director meetings.

Submission P055 (Glen Parsons, August 28, 2012)

This transcript was prepared for you by:  
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1 I'm at a corner where you do not put an over/underpass  
2 and I'm running 20 trucks in that crew, I will have --  
3 and the job I'm going to is two miles up the road on the  
4 road that doesn't have an overpass, running 20 trucks  
5 with a three mile circuit, and I run 12 loads a day,  
6 times 20, is 240 loads going three miles out of their  
7 way. That's 740 miles. I don't know if the E -- if the  
8 Authority ever took that into consideration. In my --  
9 it's mind boggling that in our town we run these  
10 transportation strips to see how many cars go over each  
11 day before we make a decision.

12 I live by the railroad tracks. My land is  
13 all up and down. I have got three ranches it's going  
14 through. I never seen -- and I challenge them to tell  
15 me that they put transportation strips and counted the  
16 vehicles that go through those intersections that  
17 they're going to eliminate if they're not going to put  
18 an overpass or underpass in every -- every through  
19 section or road that we got today that the BNSF does  
20 have. And I challenge them to make sure they are there.  
21 We do not see them in the EIR. Thank you.

22 MR. MORALES: Thank you, Mr. Netto.  
23 Glen Parsons and then Lou Martinez.  
24 MR. PARSONS: As a teacher, I like to use  
25 visual aides and I brought up here my iPhone. Everybody

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This transcript was prepared for you by:  
Fresno Court Reporters

1 -- a lot of people have an iPhone. If you take a look  
2 at Google maps on your iPhone and look at the Valley,  
3 look at Hanford. And you will see 198, 99, 41, Highway  
4 5. If you take that little Google map and you expand it  
5 so you can see San Francisco and Los Angeles, one  
6 traffic corridor remains in view.

7 Now, I don't know how you define traffic  
8 corridor, and I guess you can prioritize them or  
9 categorize them from large to small, but the only one  
10 that remains through the Valley when you can see both  
11 San Francisco and Los Angeles is Highway 5.

12 When the proposition was passed, we were  
13 told that the high speed rail would use a major  
14 corridor. The major corridor Google map's objective no  
15 subjectiveness here, shows Highway 5. I think when  
16 people were voting for this, as you heard today, most  
17 assumed Highway 5.

18 My question then becomes, is there trickery  
19 involved? At best case, it seems deceiving. At worse  
20 case it seems lying. Because that's what most people  
21 had in mind.

22 I've also been on Google maps and looked at  
23 satellite maps, and if you look for the west connection  
24 from Visalia and further east through Hanford, Lemoore  
25 and over to Highway 5 of the railroad -- actually, some

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P055-1

Hanford High-Speed Train Meeting  
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Submission P055 (Glen Parsons, August 28, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 of it is unused and falls apart and does not continue  
2 all the way to the 5 -- but you see right-a-ways where  
3 they existed that would take you all the way to the 5.  
4 Also from Fresno, Sanger, Fresno, and through Kerman  
5 just south of Madera, go all the way over to Highway 5.  
6 I'm not sure about further north in Merced but I  
7 wouldn't be surprised if you found one there as well.

8 If this rail was to go down Highway 5, you  
9 have a faster, more direct, far less impact on people's  
10 personal homes, businesses, farms, and dairies. People  
11 would move faster. And if you used the east-west  
12 connections, I suspect that you would also better and  
13 faster serve the people of Fresno, Sanger, Kerman,  
14 Madera, Visalia, Porterville, Hanford, Lemoore, if that  
15 was done. And I think that's what most of us had in  
16 mind, whether or not we voted for this to begin with.

17 My home is going to be very adversely  
18 impacted by this, as is my brother's home, as is my  
19 parents' home, as is my other brother's home, as is my  
20 niece's home.

21 Originally, I thought I was going to lose my  
22 property, now it just looks like I'll have a front yard  
23 view of an overpass because rather than going straight  
24 and taking out my home, you're going to avoid paying me  
25 and go a few feet in front of my property. And the High

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1 Speed Rail is on the other side.

2 And I moved back out from the country --  
3 from the city of Hanford. And I considered Hanford a  
4 city because I enjoyed growing up in the country, and I  
5 wanted to be within a quarter mile of the farm of where  
6 I grew up, which is a 110-year-old farm that was  
7 purchased by my great grandfather.

8 If you go on the east route, you're going to  
9 go through my cousin's property, which was purchased by  
10 my great grandfather on the other side of my family who  
11 was also county supervisor for 35 years.

12 I ask you to reconsider and think about what  
13 -- that proposal, proposition as it was originally  
14 presented to voters. I'm not apposed to high speed  
15 rail, in theory. But I am very much at odds with the  
16 way it is being done. Because it is not being done in a  
17 way that's one, beneficial for the users, and two, in a  
18 way that will have the least impact on the people that  
19 will be affected by this.

20 Thank you, I appreciate your time.

21 MR. MORALES: Thank you, Mr. Parsons.

22 Lou Martinez.

23 MR. MARTINEZ: Good evening, everyone.

24 I just have a question, first of all, you're  
25 with Railroad Authority? Federal Railroad Authority, is

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Response to Submission P055 (Glen Parsons, August 28, 2012)

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**P055-1**

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

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

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

**P055-2**

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

**P055-3**

In 2008, California voters approved Proposition 1A—essentially approving the California HST System. Regarding urban development and land use patterns, voters specifically mandated that HST stations “be located in areas with good access to local mass transit or other modes of transportation. The HST system also shall be planned and constructed in a manner that minimizes urban sprawl and impacts on the natural environment,” including “wildlife corridors.” The Authority has embraced this voter and legislative direction. As the Authority’s Program EIR/EIS documents show and this EIR/EIS supports, operation of the HST System by itself will reduce traffic congestion, air pollution, and greenhouse gas (GHG) emissions.

The Authority divided the HST System into nine project sections, allowing phased system implementation. This approach is consistent with the provisions of Proposition 1A, the Safe, Reliable, High-Speed Passenger Train Bond Act, adopted by California voters in November 2008.

**P055-3**

The HST System will have numerous benefits for users, including intercity travel in California between the south San Joaquin Valley, the Bay Area, Sacramento, and Southern California. Other benefits are described in Chapter 1 of the EIR/EIS.

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

Submission P056 (Andrea Pike, August 28, 2012)

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1 statement.

2 Each individual person gets to round about

3 each Congressman or Congress woman. I said whatever you

4 do, stop what you're doing in Washington, D.C. because

5 by the time it gets to California, we tend to "you know

6 what it up." And that's what this project has made

7 happen, it's from day one everybody got it in their mind

8 that we can just plow through without sitting down and

9 using our professional practices to meet with people,

10 understand, and get the largest infrastructure project

11 off the ground and going.

12 Mr. Morales has just joined the team but for

13 all his benefits and such he cannot un do the damage

14 that has been done in the past. He cannot undo it. So

15 go back to the problematic EIR because right now, you

16 don't have a project because you don't have a project

17 description.

18 Thank you.

19 MR. MORALES: Thank you, Mr. Fukuda.

20 Andrea Pike.

21 MS. PIKE: As you probably noticed

22 agriculture is a life blood of this community. And even

23 most of you realize that the life blood of agriculture

24 is water. Well, the farms along the high speed train

25 line may receive a percentage of their water needs from

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P056-1

1 surface water sources. We literally live and die with

2 ground water. Ground water is contained in underground

3 reservoirs or rivers called Aquafuren. If these crucial

4 underground structures are damaged or compromised by

5 high speed train vibrations, we will lose our farms,

6 businesses, livelihoods, property values, and cherished

7 rural homes who receive their water for drinking,

8 cooking, washing and any other household use from ground

9 water wells. What studies have been done to determine

10 the safety and security of under ground water supplies?

11 MR. MORALES: Thank you, Ms. Pike.

12 Karen Stout.

13 MS. STOUT: Hello again. My name is Karen

14 Stout, I'm a member of CCHSRA. Good afternoon,

15 Ms. Perez, I wish to speak to you about widespread and

16 severe violations of NEPA, environmental justice law.

17 The Fresno to Bakersfield EIS states that

18 local agencies endorsed the downtown Bakersfield Avenue

19 station. However, concepts considering -- excuse me a

20 minute. Concepts considered desirable prior to the full

21 evaluation of the environmental impacts should not

22 preclude consideration of NEPA and CEQA alternatives

23 within the EIS that might affect or avoid the reduced

24 significance environmental impacts.

25 There are no true rail alignment alternative

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Response to Submission P056 (Andrea Pike, August 28, 2012)

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**P056-1**

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

Well depths in the Central Valley aquifer system are determined by the depth of permeable aquifer material and by the quality of the ground water. In general, wells are usually less than 500 feet deep in the Sacramento Valley but are as deep as 3,500 feet in the San Joaquin Valley. The greater depth of wells is a result of the low permeability of the sands in the unconfined aquifer in the western and southern San Joaquin Valley and of highly mineralized water and water high in selenium in the upper parts of the aquifer system in the western San Joaquin Valley. At a depth of 500 feet, the vibration levels due to high-speed train (HST) operations are projected to be less than 57 VdB. Vibration levels this low are adequate for high-power optical microscopes (1000X) to be used for inspection and lithography equipment to 3-micron line widths. There are not expected to be any impacts to the Central Valley aquifer system from vibration associated with the operation of the HST System.

Submission P057 (Janis Rogers, August 28, 2012)

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1 and San Francisco. Laying down 130 miles of track with  
2 no money for a train, electrification, or completing it  
3 from San Francisco to LA does not justify global warming  
4 and destroying our homes and our livelihoods.

5 MR. MORALES: Thank you.

6 Janis Rogers and Richard Garcia.

7 MS. ROGERS: My name is Janis Rogers. I was  
8 born and raised in Hanford. I have a couple of  
9 questions.

10 If the High Speed Rail Authority makes good  
11 on the promises of stations to all of the towns along  
12 the proposed route, how can it possibly be a high speed  
13 train with all of those stops?

P057-1

14 And also, the first phase of this project,  
15 Merced to Bakersfield, will not be electrified until the  
16 completion of the project. Does that mean it will just  
17 sit there like -- or be like the BNSF, and for how long?

P057-2

18 I would recommend that you revisit the Interstate 5  
19 right-of-way which will not be as destructive to the  
20 fertile San Joaquin Valley. Thank you.

21 MR. MORALES: Thank you, Ms. Rogers.

22 Richard Garcia and then Halen Sullivan and  
23 then Michael Lamb.

24 MR. GARCIA: Hello, I'm Richard Garcia. And  
25 I wasn't going to speak but I just -- I think that this

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Response to Submission P057 (Janis Rogers, August 28, 2012)

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**P057-1**

As described in the Revised 2012 Business Plan (Authority 2012a), this initial section of the HST System could be used temporarily for Amtrak service.

**P057-2**

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

Submission P058 (Alan Scott, August 28, 2012)

This transcript was prepared for you by:  
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1 and Helen Sullivan.  
2 MS. FAGUNDES: My name is Mary Jane  
3 Fagundes. I live at 9785 Ponderosa in Hanford. This  
4 statement will be short, which I know is quite unusual  
5 for me. But I would ask that California High Speed Rail  
6 as well as the Federal Rail Administration please heed  
7 this. This is a thought for today and it is a quote  
8 from Lyndon Baines Johnson.  
9 "So whether it's a Democrat or Republican,  
10 devil or angel, this is conscience speaking. Doing  
11 what's right isn't the problem, it is knowing what is  
12 right."  
13 MR. MORALES: Thank you.  
14 Alan Scott followed by Helen Sullivan and  
15 Maureen Fukuda.  
16 MR. SCOTT: I'd like to just hold the clock  
17 for a second for something I have to say. To  
18 Mr. Abercrombie, thank you for talking to me. I will  
19 just say this much right now, I will do my due diligence  
20 regarding my previous comments to find out where they're  
21 at. If there is some issues with it and if I have to  
22 make a formal apology, I will do that. However, at the  
23 same time it's still an ownership of no notification.  
24 Do we agree on that one?  
25 MR. ABERCROMBIE: We agree to disagree.

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1 MR. SCOTT: Okay, thank you.  
2 All right, my comments are as follows, and  
3 it's to the FRA.  
4 Back on March 5th, or, sorry, May 5th of  
5 2011, approximately 12:23 p.m., Ms. Diana Peck, who at  
6 that time was the executive director of the Kings County  
7 Farm Bureau, presented to the EIS California High Speed  
8 Rail board meeting, and at the end of her comments about  
9 just short of two minutes, she was dressed down by Kirk  
10 Kringle, the chairman of the board. And basically what  
11 he did was he dressed her down pretty well.  
12 And rather than go into all of what I wrote  
13 down here, I'm going to give this paper to the High  
14 Speed Rail, and there is a web -- there is a link to the  
15 YouTube.  
16 And it is an interesting six plus minute  
17 tirade by Mr. Kringle, who actually never heard what  
18 Ms. Peck's position was. He assumed she was someone  
19 from the county of Kings and would appreciate a note  
20 from the county of Kings' government to say why she was  
21 up there speaking and so on and so forth.  
22 Actually, she was representing the Kings  
23 County Farm Bureau and she was talking about  
24 coordination which had not happened.  
25 Following that, in July -- June, I spoke for

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Submission P058 (Alan Scott, August 28, 2012) - Continued

This transcript was prepared for you by:  
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P058-2

1 my first time on the 2nd of June, and kind of dressed  
2 down Mr. Kringle about his actions because I thought  
3 they were reprehensible, and then in July we go to  
4 Bakersfield.  
5           And bottom line it was -- the environment --  
6 I read your thing on the environmental justice on Page 3  
7 and it gives you that long dissertation about how you're  
8 supposed to be kumbaya and all that to keep it simple.  
9 And it was kept simple. Meeting's over. See you later.  
10 All that. And you can look at the video for July, I  
11 think it was 16th or 17th, I'm not sure. But it's the  
12 July 2011 meeting, the board meeting in Bakersfield.  
13 And you can see what happened. And that was a Bradley  
14 issue brought before the Attorney General.  
15           But in closing, here is what has happened,  
16 from the meeting in May 5th, as Ms. Peck clearly  
17 outlined, there's no coordination. It still hasn't been  
18 done -- officials in Kings County -- still hasn't been  
19 done, questions answered by or -- questions asked to  
20 the -- sorry. Questions asked to the Authority by staff  
21 of Kings County, not done.  
22           The bottom line is this is unacceptable  
23 business practice. I retired from a major corporation  
24 -- international corporation, and this would have gotten  
25 me fired. If you paid attention to the due diligence --

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1 and bottom line is, I'm sorry to say, it's a  
2 continuation of what you're going to be hearing. There  
3 is an issue with the coordination, with the  
4 communication, with the asked and answered questions.  
5           And I gave a letter, two-page letter to the  
6 secretary of the board on August 2nd, to Mr. Dan  
7 Richards, asking for a seven-day response, and still  
8 haven't gotten it.  
9           MR. MORALES: Thank you, Mr. Scott.  
10           Jennifer Koelewyn, I believe it is. And  
11 then Leonard Vryhof and Ernestine Mattos.  
12           MS. KOELEWYN: Good afternoon. I'm Jennifer  
13 Koelewyn and I represent myself. We are property owners  
14 on 13th Avenue near where the rail will be going.  
15           One of the things that we're concerned about  
16 is -- I don't believe we have addressed is the noise and  
17 vibration, what effect that will have on our property,  
18 our well, could there be damage to that well, damage to  
19 the foundation, or our home just being near there. And  
20 as I understand, there is no noise barriers going  
21 through Kings County and I have some concerns about  
22 that.  
23           Another issue is that I am a retired public  
24 health nurse so I worked with a lot of low income  
25 people. They depend on county services, and when the

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Submission P058 (Alan Scott, August 28, 2012) - Continued

**Comments of Alan Scott**, August 28, 2012, Hanford, CA

Good afternoon, members of the FRA thank you coming and I will direct my comments to you as I am seeking resolutions.

EJ and civility? On May 5, 2011 at approximately 12:23PM Ms. Diana Peck presented to the CAHSRA Board meeting was completely dressed down by Curt Pringle on a ramble who never listened to who Ms. Peck was representing the Kings County Farm Bureau. You must watch the video to fully appreciate our frustrations @ <http://www.youtube.com/watch?v=jE9BK6-NVzc> to appreciate the full understanding of the egregious continuous lack of communications failures by CAHSRA/B over an extended period to present. At subsequent board meetings, prior to Mr. Richard's appointment, the attitude of Pringle & Umberg as well as the majority of the authority & authority vendors has been absolutely unacceptable and a great deal of this is all available for viewing on the authority meeting videos as they record all meetings.

Coordination, not done!

Response to elected officials in Kings County, not done!

Questions answered by the authority staff to Kings County, not done!

I could go on, bottom line the aggressive and unacceptable business practices of this group since my involvement beginning May 18, 2011 at Kit Carson School I Hanford has been nothing less the deplorable and I will give some credit to the civility that Mr. Richard brought to floor; however, the above concerns and issues were not eliminated under his tenure, either.

Thank you

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Response to Submission P058 (Alan Scott, August 28, 2012)

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**P058-1**

Stakeholder engagement is a high priority for the California High-Speed Rail Authority and for this project. Public comments were responsible for changes in the route for the Fresno to Bakersfield Section. Proposed alignments in other sections of the Statewide HST System have been developed because of public issues and concerns. The Authority takes public comments very seriously and will continue to examine ways to solicit stakeholder input at future Board of Director meetings.

**P058-2**

Stakeholder engagement is a high priority for the California High-Speed Rail Authority and for this project. Public comments were responsible for changes in the route for the Fresno to Bakersfield Section. Proposed alignments in other sections of the Statewide HST System have been developed because of public issues and concerns. The Authority takes public comments very seriously and will continue to examine ways to solicit stakeholder input at future Board of Director meetings.

Submission P059 (Alan Scott, Citizens for California High Speed Rail Accountability, August 28, 2012)

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1 Shafter and parts of Bakersfield with the route  
2 selection through those communities? The California  
3 High Speed Rail Authority in many cases used 12-year-old  
4 census data to improperly classify population impacts  
5 when the 2010 census data is readily available, and  
6 demographics have changed. Practicing due diligence,  
7 actually working in coordination with these local  
8 populations would have also prevented these errors.  
9 How does the Federal Rail Administration  
10 reconcile this lack of environmental justice? Was this  
11 considered in the Merced to Fresno EIS?  
12 Withdraw the EIS until the California High  
13 Speed Rail Authority actually demonstrates that it is  
14 compliant with NEPA instead of pretending on paper that  
15 it is complying. Thank you.  
16 MR. MORALES: Thank you, Mr. Fagundez.  
17 Alan Scott, Calleen Kohns and Joe Machado.  
18 MR. SCOTT: Afternoon again. Alan Scott.  
19 I'm with Citizens for High Speed Rail Accountability.  
20 To Ms. Hurd, Ms. Perez, and Mr. Valenstein,  
21 after 16 years of operation, the California High Speed  
22 Rail Authority now admits it must comply with the  
23 environmental justice components of NEPA -- after 16  
24 years of operation, the California High Speed Rail  
25 Authority now admits it must comply with the

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P059-1 |

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1 environmental justice of NEPA.  
2 I was at the meeting and I was taken back.  
3 I didn't realize what was going on. The California High  
4 Speed Rail Authority now takes the matters serious  
5 enough to comply with NEPA after all these years, to  
6 adopt an environmental justice plan.  
7 Just this month, after the Fresno to  
8 Bakersfield Revised Draft EI -- Environmental Impact  
9 Statement was released for public review and comment,  
10 the EIS reveals that the California High Speed Rail  
11 Authority is not in compliance with its own policy. How  
12 does the Federal Rail Administration reconcile this  
13 reality?  
14 And, again, withdraw the EIS until the  
15 California High Speed Rail Authority actually  
16 demonstrates that it is complying with NEPA instead of  
17 pretending on paper that it is complying.  
18 I know when you go back away from these  
19 meetings, the back room, you probably think we're just  
20 up here just repeating things. And that's one of the  
21 things that's bothered us over the years.  
22 And I think what has to happen is I'm paying  
23 you, it's my money, it's my tax dollars. And I'm in the  
24 retirement stage, and I am amazed at how much you want  
25 to put me in debt. My kids and my kids -- grandkids --

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Submission P059 (Alan Scott, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

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1 and I don't have any grandkids yet but that's my problem  
2 with my kids. But their kids and their kids after that  
3 are going to be paying for this.  
4 And I find it an injustice that there is no  
5 common sense in the workplace. I had to make a profit  
6 when I was in business for 30 years. That was my  
7 responsibility. You guys are not going to make a  
8 profit. However, we're going to have to pay for your  
9 mistakes. As Ms. Fukuda said, Eleanor Roosevelt was  
10 right in 1943 and she's right in 2012. Thank you.  
11 MR. MORALES: Thank you, Mr. Scott.  
12 Calleen Kohns and Joe Machado.  
13 MS. KOHNS: Good afternoon again. Calleen  
14 Kohns, not representing anyone other than myself.  
15 I am no expert on environmental impact  
16 studies and all that kind of thing but my understanding  
17 is that one of the considerations that must be addressed  
18 is the noise level. My understanding is also that there  
19 is no noise abatement going through Kings County for  
20 this.  
21 Now, just as an example, if you go to the  
22 intersection of the 13th and Grangeville, there is an  
23 elementary school, there is a high school, there is a  
24 college campus and a church within close proximity, not  
25 to mention the homes. And I have a strong concern that

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## Response to Submission P059 (Alan Scott, Citizens for California High Speed Rail Accountability, August 28, 2012)

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### **P059-1**

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

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 (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. EIR/EIS Volume 1 Section 3.12 Impacts SO#17 and SO#18 summarize these findings. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including environmental justice laws. 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 DOT 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 Environmental Justice communities.

Submission P060 (Alan Scott, Citizens for California High Speed Rail Accountability, August 28, 2012)

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Fresno Court Reporters

1 be done with existing environmental protection laws.  
2 Withdraw the EIS until the Authority actually  
3 demonstrates that it is complying with NEPA. Thank you.  
4 MR. MORALES: Thank you, Ms. Cooy.  
5 Alan Scott -- Alan Scott and then Maureen  
6 Fukuda.  
7 MR. SCOTT: Alan Scott, CCHSRA. In all the  
8 documents that we have, and we got a lot of them, and I  
9 read parts of proposition 1A because that's a little bit  
10 smaller, but I have an issue with the words, blending,  
11 booking, hybrid, and whatever else they're using.  
12 It seems as though every time the  
13 politicians with the High Speed Rail Authority get into  
14 difficulty based on the Prop 1A law we go into  
15 alternatives. And they come cropping up, and then you  
16 go back and say the intent and the purpose of 1A was to  
17 get from two big cities, one in the north and one in the  
18 south, in 2 hours and 40 minutes.  
19 Mr. Browning explained in his engineering  
20 terms, and I don't intend to get there. The bottom line  
21 is, he and I looked at it one day and he showed me  
22 what's going on. And you know what, I believe him.  
23 And right now, the way you guys are going --  
24 and I got to show you something, it's always good to do  
25 show and tell. I learned something the other day and it

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P060-1

1 looks like this.  
2 Over on 13th Avenue, just past the schools,  
3 all of a sudden -- and by the way -- let me just  
4 interject here.  
5 Is it right that they have to go check the  
6 local plans, county plans, city plans, before they start  
7 laying stuff out? Is that a fair statement? I know you  
8 can't shake your head yes, but I'm going to make a good  
9 assumption that it is.  
10 There are three brand new schools built on  
11 13th Avenue, one on the north side of 13th and two on  
12 the south side. One is an elementary school, one is a  
13 high school and one is junior college. And when the  
14 rail decided to go to the west side, someone popped up  
15 -- and I remember Mr. Abercrombie at the meeting in  
16 November, it was like a surprise to the schools that all  
17 of a sudden this train is there.  
18 And someone asked the questions, I believe  
19 it was one of the superintendent's that said, did you  
20 guys check the plans? Just for the FRA, the county of  
21 Kings won national awards for the 35 year plan, and  
22 someone here can help me out, but it was more than five  
23 years ago, in plenty of time for the Authority to check  
24 and see all this stuff.  
25 The train, I'm not sure what the distance

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Submission P060 (Alan Scott, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

This transcript was prepared for you by:  
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P060-2

1 is, but if you take the school, and 13th Avenue, and the  
2 lawyer's house, that it's going to go through, it's less  
3 than a quarter of a mile. The school is wired to the  
4 nth degree in the new state of the art. We've got  
5 harmonics, stray electricity, all these different  
6 things.

7 I even asked an engineer one day at a train  
8 talk station, well, it's not going to be a problem.  
9 Well, the school thinks it's going to be a problem.

10 So my closing comment on this is every time  
11 there is a roadblock, and there seems to be quite a few  
12 roadblocks, we have things like this come up. I mean, I  
13 thought this was high speed. You can't go high speed  
14 around this. All you have to do is look at the map.

15 I'm not, I mean, this is not to scale. But  
16 I think this is a true depiction of what's going on.  
17 And the bottom line is every time that there is a  
18 roadblock there is an alternative and it doesn't bother  
19 them to come to us and say move over, we're coming, see  
20 ya.

21 There is no integrity, no professionalism,  
22 and no common sense in this whole thing. But the other  
23 thing is, it's rare to get a please or thank you or  
24 anything out of any of them. Thank you.

25 MR. MORALES: Thank you, Mr. Scott.

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## Response to Submission P060 (Alan Scott, Citizens for California High Speed Rail Accountability, August 28, 2012)

### **P060-1**

Research on land use plans, including future projects, was conducted as part of the alternatives analysis, design, and environmental impact analysis. This research will continue and be ongoing as the design project progresses.

### **P060-2**

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 (EMFs) and RF fields can cause impacts on other systems are well established. Broadly used international standards were created based on intensive investigation to ensure that:

- \* 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.

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 California HST project, 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 will incorporate these design requirements into bid specifications used to procure radio and all other HST systems, including trains, traction

### **P060-2**

power systems, and communication systems. The implementation stage will include 100% system design and will include final engineering design, monitoring, testing, and evaluation of system performance.

Section 3.5, Electromagnetic Fields and Electromagnetic Interference, of the EIR/EIS primarily considers EMFs at the 60-hertz (Hz) power frequency, and at RFs produced intentionally by communications or unintentionally by electric discharges. EMI is avoided from intentionally produced communications and from other energy sources primarily through the Authority's commitment to adhere to its EMCPP. The EMCPP's 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 project would use radio systems for automatic train control, data transfer, and communications. California 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 project may acquire two dedicated frequency blocks in the 900-megahertz (MHz) frequency range presently used by cellular telephone for use by automatic train control systems or 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 in use at nearby schools (Authority 2011c, 2011f).

Most radio systems procured for California HST use are expected to be commercial off-the-shelf (COTS) systems conforming to Federal Communications Commission (FCC) regulations at Title 47 Code of Federal Regulations, Part 15, which contain emissions requirements designed to ensure EMC among users and systems. The Authority will require all non-COTS systems procured for HST use to be certified as being in conformity with FCC regulations for Part 15, Sub-part B, Class A devices. 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

Response to Submission P060 (Alan Scott, Citizens for California High Speed Rail Accountability,  
August 28, 2012) - Continued

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**P060-2**

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.

Submission P061 (Alan Scott, Citizens for California High Speed Rail Accountability, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 Alan Scott, Pamela Lea and Charlene Hook.  
2 MR. SCOTT: Good afternoon. My name is Alan  
3 Scott. I'm a founding member of the Citizens for  
4 California High-speed Rail Accountability, which seems  
5 to be -- we need a lot of it right now.  
6 Approximately three weeks ago I attended the  
7 board meeting in Sacramento. And at that time we heard  
8 environmental justice for the first time. A few of us  
9 in the audience sat there and looked at each other and  
10 said hmm.  
11 Two days later we were asked to go to  
12 Merced, myself and another gentleman in the audience,  
13 even though there EIR/EIS is finalized. And I'm  
14 directing my comments to the FRA. And so we went up  
15 there not knowing what to expect or anything like that.  
16 There was about 20 people that showed up.  
17 And the majority of the people that showed up were from  
18 an area that was an alignment -- and the specifics I do  
19 not have. However, if I need to get them, I can get  
20 them.  
21 But what I am going to tell you right now is  
22 myself and this other gentleman, and we're kind of tough  
23 old nuts and we can take a lot, we lost it that day.  
24 What we saw was something that I defended against for 22  
25 years in the United States Navy, and that was the Cold

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Hanford High-Speed Train Meeting  
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1 War. And I saw what I was trying to not have happen  
2 actually happen in Merced.  
3 There is a group of people that were  
4 disenfranchised, absolutely totally disenfranchised. I  
5 can't think of anything else that -- there's got to be  
6 other words but that's the word I'm going to use right  
7 now.  
8 We tried for a certain period of time to  
9 get -- to figure out what's going on, and then we did.  
10 There was no leadership in Merced. There was zero  
11 leadership in the High Speed Rail Authority and their  
12 board. And what I'm going to tell you right now is  
13 absolutely appalling.  
14 These are individuals that came in and  
15 bought houses 20 and 30 years ago in a section in the  
16 city of Merced where the city manager who was the city  
17 manager at the time was the one that was instrumental in  
18 putting this housing area together. And he was -- while  
19 the people are talking, he's telling myself and the  
20 other gentleman, that's what I was doing. I did that.  
21 And we built this up.  
22 So here's these people sitting there,  
23 standing there, looking at us with tears in their eyes.  
24 Actually came to us. But bottom line is they were never  
25 notified. Not one person in that group was ever

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Submission P061 (Alan Scott, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

This transcript was prepared for you by:  
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1 notified. They did not know the train was coming  
2 through. They did not know they were going to lose  
3 their house. They did not know anything at all. They  
4 didn't even know the time of day even if they had a  
5 watch on. Because whatever the California High Speed  
6 Rail Authority did, they did a great job because they  
7 put these people in never never land, and I think  
8 they're still there. They have zero idea of what's  
9 going on.

10 There's one woman, she's got to be in her  
11 70's, she said, "My house is paid for. Everything is  
12 done. I followed the American dream. And I'm thrown  
13 out with no notice."

14 I can continue on with it but right now I'll  
15 stop since I see I beat the clock.

16 And to Mr. Lasalle, I've hated that damn  
17 thing since the first time I saw it.

18 MR. MORALES: Pamela Lea and Janis Rogers.

19 MS. LEA: Mr. Valenstein, the California  
20 High Speed Rail Authority now admits it must comply with  
21 the with environmental justice components of NEPA. The  
22 High Speed Rail Authority states that one of its three  
23 fundamental environmental justice principles is to  
24 ensure the full and fair participation by all affected  
25 communities in the transportation decision making

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Hanford High-Speed Train Meeting  
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Submission P061 (Alan Scott, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

P061-2

**Comments of Alan Scott,** August 28, 2012, Hanford, CA

Good afternoon, members of the FRA thank you coming and I will direct my comments to you as I am seeking resolutions.

EJ and civility? On May 5, 2011 at approximately 12:23PM Ms. Diana Peck presented to the CAHSRA Board meeting was completely dressed down by Curt Pringle on a ramble who never listened to who Ms. Peck was representing the Kings County Farm Bureau. You must watch the video to fully appreciate our frustrations @ <http://www.youtube.com/watch?v=jE9BK6-NVzc> to appreciate the full understanding of the egregious continuous lack of communications failures by CAHSRA/B over an extended period to present. At subsequent board meetings, prior to Mr. Richard's appointment, the attitude of Pringle & Umberg as well as the majority of the authority & authority vendors has been absolutely unacceptable and a great deal of this is all available for viewing on the authority meeting videos as they record all meetings.

Coordination, not done!

Response to elected officials in Kings County, not done!

Questions answered by the authority staff to Kings County, not done!

I could go on, bottom line the aggressive and unacceptable business practices of this group since my involvement beginning May 18, 2011 at Kit Carson School I Hanford has been nothing less the deplorable and I will give some credit to the civility that Mr. Richard brought to floor; however, the above concerns and issues were not eliminated under his tenure, either.

Thank you

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## Response to Submission P061 (Alan Scott, Citizens for California High Speed Rail Accountability, August 28, 2012)

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### **P061-1**

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 (DOT) 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 Environmental Justice communities. See Standard Response 01 regarding the EIR/EIS and Standard Response 62 regarding the Environmental Justice analysis and related community outreach. Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, an overview brochure of the Draft EIR/EIS, and comment cards at the public workshops and hearings. Also, a multi-lingual, toll-free hotline was made available for public comments and requests. In an effort to address concerns about information being available, text has been added to Section 3.12, 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 before and during the review period of the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS.

### **P061-2**

The Authority recognizes the perceived slight that may have occurred at this 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.

Submission P062 (Tony Silva, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 copies. But this is password protected. You can't  
2 copy, paste something out of it to share with somebody.  
3 And you can't print it. Why is that necessary to secure  
4 this document, which is public information so I cannot  
5 effectively share it with anybody?  
6 I'm sure nobody thought they were doing  
7 anything wrong by doing that and there probably wasn't  
8 any malicious intent or anything like that. But the  
9 simple fact is, this doesn't help us participate as NEPA  
10 requires. This disc, this disc I can copy, I can share,  
11 I can e-mail, it produced this. But I can't share this  
12 information with anyone. It is only as good as the CD  
13 drive in my computer.  
14 So the High Speed Rail Authority is  
15 disenfranchising anybody that I'm going to communicate  
16 with this disc. This disc is also olsonized to an  
17 unreasonable ridiculous level.  
18 I'm going to provide you the disc per your  
19 own review. Thank you.  
20 MR. MORALES: Thank you, Mr. Oliveira.  
21 Tony Silva and Ross Browning and Todd  
22 Fukuda.  
23 MR. SILVA: Good evening. My name is Tony  
24 Silva and I live in the area about a quarter mile from  
25 where this is going in.

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Hanford High-Speed Train Meeting  
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Fresno Court Reporters

P062-1

P062-2

1 What I would like to say is that I have not  
2 received anything in the mail from high speed rail at  
3 all. And I only live a quarter of a mile away.  
4 Supposedly, there's going to be an off-ramp  
5 there. And my other question is, where are they going  
6 to get all this dirt for all these off-ramps? There's a  
7 lot of places around that I guess they could dig a hole  
8 but I understand if you start digging, it's like mining.  
9 And another thing, I don't know how many of  
10 you live close to railroad tracks, probably none of you,  
11 and if you're from the area, I don't think you would  
12 want to buy a house near the railroad track. That's one  
13 of the reasons why I built there.  
14 I didn't build there, I moved there. I  
15 lived there, practically in that area, all my life. And  
16 I don't know that any of you guys would love to live  
17 next to a railroad track.  
18 Well, you can tell whoever is in charge of  
19 this railroad system that maybe they would like to move  
20 next door or underneath one of those, or have their  
21 house moved after they've been there for so many years.  
22 The other thing is, there is a corridor from  
23 Bakersfield to LA. You guys can finish that rail from  
24 that point to LA. That's one thing. The other thing  
25 is, I know everybody has said, well, we can't do that.

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Hanford High-Speed Train Meeting  
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Submission P062 (Tony Silva, August 28, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P062-3

1 Why can't you? If you can go in and get eminent domain  
2 in 40, 50, 100 mile areas, you can do that.  
3 The other thing is, going from Sacramento to  
4 San Francisco, there's not a track that goes from  
5 Sacramento to San Francisco where you can go right  
6 directly to San Francisco itself. You have to take a  
7 bus or another alternate route. Finish that out.  
8 They're saying well, you have not -- there's  
9 no -- nobody has any jobs. You will have a job. You do  
10 that portion of it and the portion of it to LA and you  
11 will have a job.

P062-4

12 And they say, well, the other thing is go  
13 out to I5. I know you heard this a thousand times.  
14 You're all just about half asleep hearing this  
15 thing over, and over, and over, again but we're here.  
16 We're adamant about it. We're adamant about not having  
17 it come through this county, this state, go out there to  
18 I5 where it belongs. Like when this gentleman ahead of  
19 me said that when you guys -- when somebody put it on  
20 the ballot, that sounded like that's where it was going  
21 to go. And everybody was under the impression that  
22 that's where that rail was going to go.  
23 Well, somebody else told me a while ago that  
24 under 1A or whatever proposition it was, it was never  
25 brought up to put it up there.

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Hanford High-Speed Train Meeting  
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This transcript was prepared for you by:  
Fresno Court Reporters

1 Well, guess what? You can put it out there  
2 where it belongs. You don't need to go through all  
3 these people's yards. You don't need to be in this  
4 county. You can go out there to the other county.  
5 People will get on that train. If you're going to have  
6 a station here in Hanford, like they say, they're going  
7 to do it, and have people from Visalia or wherever  
8 coming to that station, you can sure as hell have them  
9 drive out 30 miles to I5, and in Bakersfield. It would  
10 be even less than that. It would be about five miles.  
11 So there's no reason why you can't get it out there, out  
12 of the way and out of anybody's way. But by putting a  
13 track out where it belongs not in here.

14 MR. MORALES: Thank you.

15 MR. BROWNING: Once again, good evening. My  
16 name is Ross Browning. I still live in Laton in the  
17 county of Kings.

18 I'd like to address these remarks to our  
19 guests from the Federal Rail Administration. And hope  
20 you're enjoying your time here in Kings County. I hope  
21 we've treated you all right. And you can explain to  
22 David my remark about the assignment that you missed.

23 The California High Speed Rail Authority now states  
24 that it must comply with the environmental justice  
25 components of NEPA. The CHSRA further states that one

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Hanford High-Speed Train Meeting  
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## Response to Submission P062 (Tony Silva, August 28, 2012)

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### **P062-1**

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

The public outreach process for the Fresno to Bakersfield section of the HST has been extensive; this process has included hundreds of public meetings and briefings where public comments have been received, participation in community events where participation has been solicited, and development and distribution of educational materials to encourage feedback. These efforts are cited in Chapter 7 of the Revised DEIR/Supplemental DEIS. Public notification regarding the draft environmental documents took place in the following ways. A notification letter, informational brochure, and NOA were prepared in English and Spanish and sent to landowners and tenants living within 300 feet of all proposed alignment alternatives. The letters notified landowners and tenants that their property could become necessary for construction (within the project construction footprint) of one or more of the proposed alignment alternatives or project components being evaluated. Anyone who has requested to be notified or is in our 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-language newspapers. Posters in English and Spanish were posted along the project right-of-way.

### **P062-2**

As discussed in Section 2.8, Construction Plan, of the Final EIR/EIS, fill material would be excavated from local borrow sites and travel by truck from 10 to 30 miles to the Preferred Alternative. Railroad ballast would be drawn from existing, permitted quarries from the Bay Area to Southern California. The ballast would be delivered using a combination of rail and trucks. All materials would be suitable for construction purposes and free from toxic pollutants in toxic amounts in accordance with Section 307 of the Clean Water Act.

### **P062-3**

Refer to Standard Response FB-Response-GENERAL-13, FB-Response-GENERAL-14.

Travel routes from Sacramento to San Francisco are not a part of the Fresno to Bakersfield Section of the HST System. Therefore, these routes are not included in the

### **P062-3**

environmental analysis of the project.

### **P062-4**

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

The project EIR/EIS for the Fresno to Bakersfield Section relies on information 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 rejected those routes and selected the BNSF corridor as the Preferred Alternative for the Fresno to Bakersfield Section. Accordingly, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

Neither the California Environmental Quality Act (CEQA) nor the National Environmental Policy Act (NEPA) requires an environmental document to analyze alternatives that have been rejected.

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

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

Submission P063 (Eva Solorio, August 28, 2012)



**K** **AUG 28 2012** **U** *Hanford Hearing*  
BY: \_\_\_\_\_ **Comment Card**  
**Tarjeta de Comentarios**

**Fresno to Bakersfield High-Speed Train Section** **La Sección de Fresno a Bakersfield del Tren de Alta Velocidad**  
Revised Draft Environmental Impact Report/ Proyecto Revisado de Informe de Impacto Ambiental/  
Supplemental Draft Environmental Impact Statement Declaración de Impacto Ambiental Proyecto Suplementario  
(Revised Draft EIR/Supplemental Draft EIS) (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 envíela 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 Extended comment period for Fresno to Bakersfield High Speed Train Revised Draft EIR/Supplemental Draft EIS: **July 20 - October 19**  
September 20, 2012, electronically, or October 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: Eva Solorio  
Organization/Organización: \_\_\_\_\_  
Address/Domicilio: 13077 12th AVE  
Phone Number/Número de Teléfono: 559 812 5423  
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)

P063-1 | I vote in favor of the BNSF Route.  
\_\_\_\_\_  
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Response to Submission P063 (Eva Solorio, August 28, 2012)

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**P063-1**

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

The Authority used the information in the EIR/EIS and input from the agencies and public to identify the Preferred Alternative. The Authority's decision included consideration of the project purpose, need, and objectives presented in Chapter 1, Project Purpose, Need, and Objectives; the objectives and criteria in the alternatives analysis; and the comparative potential for environmental impacts.

Submission P064 (Karen Stout, Citizens for California High Speed Rail Accountability, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 line will be cut off. There's nothing that says how  
2 that's going to be mitigated. I cannot move -- my  
3 frontage road will be blocked off. There will not be an  
4 overpass on my country road, so for me to get to 80  
5 percent of my property, on the east side of the tracks,  
6 I would have to go a five-mile around, ten-mile round  
7 trip, to harvest my crops.  
8 The overpass, they failed to mention the  
9 impacts of the overpass on my facility to the north of  
10 my property. There's an existing dairy to the north,  
11 which the existing will be the frontage road. The  
12 overpass will be pushed all onto my property, which will  
13 require a large of amount of acres.  
14 They say seven and a half acres. The  
15 engineers and hydrolysis people that I talked to, with  
16 the setbacks and with their footprint, is 83 acres.  
17 That is 435 animal units that I will lose with my  
18 wastewater permit, that I will lose my air permit.  
19 All of you up there, if you had one leg cut  
20 off, you would be severely crippled. The footprint of a  
21 high speed rail through the dairy country is exactly  
22 that, crippling us. Thank you.  
23 MR. MORALES: Thank you, Mr. Machado.  
24 Karen Stout, Mike Lasalle and Alan Scott.  
25 MS. STOUT: Good afternoon. My name is

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Hanford High-Speed Train Meeting  
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This transcript was prepared for you by:  
Fresno Court Reporters

1 Karen Stout. I'm a member of Citizens of California for  
2 High Speed Rail Accountability. And I'm here  
3 representing myself as well.  
4 Ms. Perez and panel, if this project  
5 proceeds as planned through the Central San Joaquin  
6 Valley, California will have a scar on the land that  
7 will be able to be seen from space. It will be like the  
8 Wall of China. It will have a larger effect than the  
9 Wall of China does for it's -- not maybe for its breadth  
10 but for it's width. California will wear this scar  
11 through prime agricultural land.  
12 This project should not go through Kings,  
13 Tulare or Kern Counties, through efficient farmlands and  
14 dairy operations.  
15 I have a quote from Blair Air Service, which  
16 is a commercial aerial spray company which sprays  
17 pesticides and herbicides, and they say that, I will not  
18 spray within a quarter mile of the rail alignment,  
19 unquote. That means we have got a half mile scar, plus  
20 the alignment itself is 140 feet through my property.  
21 So we're talking about over 2,640 feet wide. I'm not  
22 going to be able to spray my walnuts. I can't get rid  
23 of web worm and other pests that are chronically a  
24 problem.  
25 So this alignment footprint is not 140 feet,

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Hanford High-Speed Train Meeting  
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Submission P064 (Karen Stout, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P064-1

1 it's an extra 30 feet on each side to make turn arounds.  
2 But if somebody is not going to come and spray my  
3 property we're talking about over a half a mile wide.  
4 So what is California going to do with this  
5 half mile wide scar on the land? Turn it into a giant  
6 green belt like we see in Orange County? They have a  
7 little green belt to ride your bike and walk. This is  
8 going to be a major maintenance expense to the state.  
9 Do taxpayers want to pay to maintain a green belt or a  
10 brown belt or whatever it's going to become just because  
11 -- and you know, do you want to spend your money on  
12 education, or fire, or police service? There is  
13 unforeseen things that are going to happen here that I  
14 don't believe has been addressed.

P064-2

15 This project is in the wrong place. This  
16 project should not be -- should be along Interstate 5  
17 and the California Aqueduct. There are already  
18 right-aways for both projects there that California  
19 already owns.

20 Along I5 also is grassland. Grassland isn't  
21 even one of the four important farmlands. It's a class  
22 below farmland. And that's all there really is along  
23 Interstate 5 there.

P064-3

24 You go -- I was at the meeting on August 2nd  
25 in Sacramento asking for more time, and as we drove

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Hanford High-Speed Train Meeting  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

P064-3

1 home, you could see that there are hardly any overpasses  
2 over I5 between Sacramento and almost Lemoore. They  
3 tell us that these overpasses, that they have planned  
4 for every two miles because we're living organisms here.  
5 We have operations that need to be maintained over the  
6 other side of our property because you've dissected me  
7 almost 50/50 diagonally. There are overpass over  
8 overpass every two miles.

9 There's hardly an overpass on I5, maybe five  
10 of them, I don't know how many, but there are very few  
11 overpasses that are there now. And we hear that they  
12 are nearly 10 to 15 million dollars apiece. That's a  
13 major savings just right there.

14 MR. MORALES: Thank you, Ms. Stout.

15 Mike Lasalle and then Alan Scott.

16 MR. LASALLE: My name is Mike Lasalle. I'm  
17 a landowner whose farm will be bisected by this project.

18 I'd like to make one little suggestion. I'm  
19 a retired attorney. I've spent 38 years appearing  
20 before regulatory bodies similar to yours. I've never  
21 experienced the like of this. I mean this is a little  
22 bit insulting, over the top, and overbearing. I know  
23 you want to impose a three minute time limit, but it's a  
24 very overbearing distractive way to do it.

25 I mean let's keep in mind you people spent

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Hanford High-Speed Train Meeting  
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## Response to Submission P064 (Karen Stout, Citizens for California High Speed Rail Accountability, August 28, 2012)

### **P064-1**

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

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

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

The Authority recognizes that possible changes to current spraying practice from the HST may reduce the productivity of a farmer's remaining property. Those possible impacts would be taken into account by the appraiser at the time of right-of-way acquisition, and any diminution in value to a property owner's remaining parcel(s) will be

### **P064-1**

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

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

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 turnarounds in its classification of agricultural lands); 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 of 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

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## Response to Submission P064 (Karen Stout, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

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### **P064-1**

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.

### **P064-2**

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

The project EIR/EIS for the Fresno to Bakersfield Section relies on information 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 rejected those routes and selected the BNSF corridor as the Preferred Alternative for the Fresno to Bakersfield Section. Further engineering and environmental studies within the broad BNSF corridor have resulted in practicable alternatives that meet most or all project objectives, are potentially feasible, and would result in certain environmental impact reductions relative to each other. Accordingly, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

Neither the California Environmental Quality Act (CEQA) nor the National Environmental Policy Act (NEPA) requires an environmental document to analyze alternatives that have been rejected.

### **P064-3**

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

Submission P065 (Karen Stout, Citizens for California High Speed Rail Accountability, August 28, 2012)

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1 teenagers go back to step one.

2 MR. MORALES: Thank you, Mr. Machado.

3 Karen Stout.

4 MS. STOUT: My name is Karen Stout. I'm a

5 walnut farmer in Kings County and I'm also a member of

6 the CCHSRA.

7 In Hanford several months ago there was an

8 Authority workshop to introduce the Kings County west

9 alignment. At this meeting the engineers stated that

10 the Fresno to Bakersfield section is only 15 percent

11 planned.

12 Since the Authority only has this project 15

13 percent planned, now is the right time to change it and

14 do something more California friendly.

15 California agriculture in Kings, Tulare, and

16 Kern counties cannot take this Boondog. You are making

17 efficient farms and dairy operations inefficient and

18 more costly. All agriculture related companies will

19 have more expense transporting their product or services

20 and burning more fossil fuels to get across this major

21 obstruction. This will affect large cities in an impact

22 that will show later. The high food prices in grocery

23 stores should not come as a surprise to them, although I

24 think it may.

25 But this project -- put this project on a

P065-2

1 major transportation corridor along I5. I5 is the place

2 the project should be. This is where the voters voted

3 for it to be in 2008 on prop 1A. Withdraw this Revised

4 Draft EIR/EIS.

5 MR. MORALES: Thank you, Ms. Stout.

6 Carol Walters and Michael Lamb.

7 MS. WALTERS: Carol Walters representing our

8 own property and also a member of the Citizens for

9 California High Speed Rail Accountability.

10 Good afternoon again, Ms. Hurd. I wish to

11 speak to you about widespread and severe violations of

12 the NEPA environmental justice law.

13 Potentially impacted property owners are

14 being unjustly denied a meaningful opportunity to

15 participate in the formulation of a feasible project

16 alternative and appropriate mitigation. It is a

17 violation of environmental justice to exclude the public

18 from being adequately informed in such a way that they

19 can intelligently weigh the environmental consequences

20 of all contemplated actions and have an appropriate

21 voice in the formulation of all decisions made by the

22 Authority. The Authority has not publicized the

23 addresses of the impacted properties in the plan rail

24 alignment nor has the Authority disclosed whether the

25 impacted properties are residential, business,

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## Response to Submission P065 (Karen Stout, Citizens for California High Speed Rail Accountability, August 28, 2012)

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**P065-1**

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

**P065-2**

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

The project EIR/EIS for the Fresno to Bakersfield Section relies on information 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 rejected those routes and selected the BNSF corridor as the Preferred Alternative for the Fresno to Bakersfield Section. Further engineering and environmental studies within the broad BNSF corridor have resulted in practicable alternatives that meet most or all project objectives, are potentially feasible, and would result in certain environmental impact reductions relative to each other. Accordingly, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

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

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

Submission P066 (Karen Stout, Citizens for California High Speed Rail Accountability, August 28, 2012)

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1 surface water sources. We literally live and die with  
 2 ground water. Ground water is contained in underground  
 3 reservoirs or rivers called Aquafuren. If these crucial  
 4 underground structures are damaged or compromised by  
 5 high speed train vibrations, we will lose our farms,  
 6 businesses, livelihoods, property values, and cherished  
 7 rural homes who receive their water for drinking,  
 8 cooking, washing and any other household use from ground  
 9 water wells. What studies have been done to determine  
 10 the safety and security of under ground water supplies?  
 11 MR. MORALES: Thank you, Ms. Pike.  
 12 Karen Stout.  
 13 MS. STOUT: Hello again. My name is Karen  
 14 Stout, I'm a member of CCHSRA. Good afternoon,  
 15 Ms. Perez, I wish to speak to you about widespread and  
 16 severe violations of NEPA, environmental justice law.  
 17 The Fresno to Bakersfield EIS states that  
 18 local agencies endorsed the downtown Bakersfield Avenue  
 19 station. However, concepts considering -- excuse me a  
 20 minute. Concepts considered desirable prior to the full  
 21 evaluation of the environmental impacts should not  
 22 preclude consideration of NEPA and CEQA alternatives  
 23 within the EIS that might affect or avoid the reduced  
 24 significance environmental impacts.  
 25 There are no true rail alignment alternative

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P066-1

1 studies for the Bakersfield area in the current EIS  
 2 documents.  
 3 NEPA requires that the Authority demonstrate  
 4 a need for the proposed project compared with a no build  
 5 option. The need threshold has not been met.  
 6 NEPA also mandates that the Authority  
 7 provide reasonable alternative studies for the projects  
 8 proposed action for the purpose of identifying and  
 9 evaluating the associated impacts to the alternatives to  
 10 determine which alternative will accomplish the purpose  
 11 of the project while causing the least amount of impacts  
 12 to the environment.  
 13 The EIS only examines minor variations or  
 14 combinations of B1 and B2 alternative alignments when  
 15 they developed the B3 hybrid alignment in Bakersfield.  
 16 The three Bakersfield alternate alignments will cause  
 17 similar devastating impacts to the Bakersfield  
 18 community. All these alignments are in most cases only  
 19 feet apart from each other and they cut through the  
 20 heart of metropolitan Bakersfield. All three of the  
 21 alternative alignments are elevated as high as 90 feet  
 22 for the entire route through metropolitan Bakersfield  
 23 and will cause widespread and excessive impacts to all  
 24 members of the community who live and work within sight  
 25 and sound of the elevated train tracks.

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Submission P066 (Karen Stout, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

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P066-2

1 The EIS of less destructive and impacted  
2 alternative station locations and alignments outside of  
3 but in close proximity to metropolitan Bakersfield have  
4 not been considered.

P066-3

5 Peripheral alignment alternatives would  
6 cause far fewer negative impacts especially if built at  
7 grade and may cost hundreds of millions of dollars less  
8 than the currently alternatives. A peripheral alignment  
9 alternative may greatly reduce property acquisition cost  
10 and the exorbitant costs of constructing an elevated  
11 downtown station and 12 miles of elevated via duct  
12 through the heart of Bakersfield.

13 How does the FRA reconcile these violations  
14 of NEPA.

15 MR. MORALES: Thank you, Ms. Stout.  
16 Shelli Andranigian.

17 MS. ANDRANIGIAN: This is directed to Ms.  
18 Perez, Ms. Hurd and Mr. Valenstein. Everything seems to  
19 be done backwards with this project. We found out that  
20 we were in the proposed high speed rail path in May 2011  
21 when I went to a meeting to support other people that  
22 were in the proposed route and that's why I'm here.

23 In any case, the California High Speed Rail  
24 Authority now claims that it has been complying with the  
25 environmental justice components of NEPA. They say that

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## Response to Submission P066 (Karen Stout, Citizens for California High Speed Rail Accountability, August 28, 2012)

### **P066-1**

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

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 to determine whether 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, there is no provision in NEPA requiring that the project's purpose and need be compared with the "no-build option" (i.e., the No Project Alternative).

The purpose of project alternatives is to minimize or avoid impacts. The respective impacts of the alternatives are discussed in the impact sections of the EIR/EIS (i.e., in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, and Chapter 4, Section 4(f)/6(f) Evaluation). 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.

The Authority and its Station Area Development Policies specifically advocate:

- Higher-density development in relation to the existing pattern of development in the surrounding area, along with minimum requirements for density.
- A mix of land uses (e.g., retail, office, hotels, entertainment, residential) and a mix of housing types to meet the needs of the local community.

### **P066-1**

- Compact pedestrian-oriented design that promotes walking, bicycling, and transit access with streetscapes that include landscaping, small parks, and pedestrian spaces.

- Limits on the amount of parking for new development and a preference that parking be placed in structures. Transit-oriented development areas typically have reduced parking requirements for retail, office, and residential uses due to their transit and bicycle access, walkability, and potential for shared parking. Sufficient train passenger parking would be essential to system viability, but this parking would be offered at market rates (not free) to encourage the use of access by transit and other modes.

- Infill development—namely, development around HST stations on land that is already disturbed by existing development, parking lots, pavement, etc., rather than development on previously undisturbed land or on farmland. The Authority, therefore, prefers to locate its stations in existing developed areas, particularly city centers.

Please see Section 2.7, Additional High-Speed Train Development Considerations, of the Final EIR/EIS for more detail about these policies. Please also refer to Section 2.3, Potential Alternatives Considered during Alternatives Screening Process, for a discussion of the alternatives analysis process and findings.

### **P066-2**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10, FB-Response-GENERAL-25.

Please refer to Section 2.3, Potential Alternatives Considered during Alternatives Screening Process, of the Final EIR/EIS for a discussion of the alternatives analysis process and findings.

### **P066-3**

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

The procedural requirements for NEPA and CEQA were followed during the environmental review of the Fresno to Bakersfield Section of the HST System.

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## Response to Submission P066 (Karen Stout, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

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### P066-3

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 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 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 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 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, 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.

Submission P067 (Halen Sullivan, Farmer/Resident, August 28, 2012)

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1 high speed rail project is a fiasco. I think that it  
2 was supposed to go from San Francisco to LA on I5 and  
3 that's the way it should be. It shouldn't disrupt local  
4 businesses, farmland and homes that the people have  
5 worked for for such a long, long time.

6 I think probably all of us up there have  
7 children. And if you had your child stolen from you, I  
8 think you would be pretty upset. Well, that's what's  
9 happening today. You're trying to steal people's  
10 businesses, families, and homes. And it's not right.

11 You're going to have a fight from everyone  
12 in this Valley because you are disrupting this Valley as  
13 it is today. It's not right. It's wrong. And you're  
14 just taking away something that you worked your life for  
15 and you are taking it away. And you're trying to force  
16 feed it down people's throats.

17 I have a car business in Corcoran and I  
18 can't remodel my dealership because I don't know what  
19 the hell you're going to do. Because you don't know  
20 what you're going to do. It's disruptive and I think  
21 you need to rethink the whole project. Thank you.

22 MR. MORALES: Thank you, Mr. Garcia.  
23 Halen Sullivan and Michael Lamb and Frank  
24 Oliveira.  
25 MS. SULLIVAN: Good afternoon, ladies and

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1 gentlemen. I'm Halen Sullivan. I'm not a lawyer. I'm  
2 a farmer and a resident of Kings County.

3 It is my hope that we have all come here  
4 today to discuss this new proposed EIR/EIS in a sincere  
5 and meaningful way. I hope that the comments of the  
6 people of Kings County, and, indeed, of the people of  
7 the State of California will be duly noted and responded  
8 to. And they haven't been as of yet.

9 You have heard some of the other concerns  
10 being voiced and I have several. I spent the last  
11 several days attempting to gain some answers to my  
12 concerns that I have over this new document. My  
13 concerns are many.

14 How is our county government going to be  
15 compensated for the economic damage incurred from such  
16 things as loss of agricultural production and tax  
17 revenues, not to mention the increased cost our county  
18 government will have to absorb in order to efficiently  
19 provide law enforcement and emergency services to areas  
20 isolated by this train route?

21 How will the rail authority prevent  
22 disruption and displacement of our many endangered  
23 species; the kit fox, the red-tailed hawks, the  
24 red-winged blackbird, just to name a few that currently  
25 exist within the proposed routes.

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P067-2

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Submission P067 (Halen Sullivan, Farmer/Resident, August 28, 2012) - Continued

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P067-3

1                   How will you compensate the farmers for  
2 their lack of income, their loss of highly expensive  
3 irrigation systems and, even more expensive, pumping  
4 installations? How? When?

P067-4

5                   And when do you plan to find ways to provide  
6 these landowners with access roads to their land that  
7 have been isolated and bisected by your rail line?

8                   I have been searching through your indexes  
9 and through the paragraphs of your 30,000 page document  
10 for answers on how these will be accomplished, and do  
11 you know what I've found? Vague generalities and  
12 promises that these things will all be mitigated and  
13 resolved during the building process. There were no  
14 real workable answers. There was nothing but hypothesis  
15 and supposition.

16                   What you have presented us in this new  
17 revised EIR/EIS is 30,000 pages that lack any definite  
18 details on how you plan to accomplish these tasks. I  
19 suggest that you go back to the drawing board and  
20 present the people of this county and state some real  
21 detailed facts and answers. This is not a science  
22 experiment on how to build a high speed rail. You  
23 cannot experiment on people's homes, lives, and their  
24 way of life. Thank you.

25                   MR. MORALES: Thank you, Ms. Sullivan.

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Response to Submission P067 (Halen Sullivan, Farmer/Resident, August 28, 2012)

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**P067-1**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-SO-05, FB-Response-S&S-01, FB-Response-S&S-03, FB-Response-S&S-04.

For information on the economic effects on agriculture see Volume 1 Section 3.12, Impact SO #15. For information on the HST operation-related property and sales tax revenue effects see EIR/EIS Volume 1 Section 3.12, Impact SO#3, Impact SO#4, and Impact SO #12. See Volume 1 Section 3.12, Impact SO #1 for information on the construction period impacts to emergency response times and division of communities.

**P067-2**

The disruption and displacement of special-status wildlife species will be avoided, minimized, or mitigated through the implementation of the mitigation measures described in Sections 3.3.6 and 3.7.7, Biological Resources and Wetlands, of the Revised DEIR/Supplemental DEIS.

**P067-3**

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

For information on the economic effects on agriculture see EIR/EIS Volume 1 Section 3.12, Impact SO #15.

**P067-4**

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

Detailed right-of-way/access analysis will be conducted during the right-of-way appraisal process. If parcel access cannot be maintained, the parcel may be acquired.

Submission P068 (Hellen Sullivan, August 28, 2012)

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1                   So now, they made a deal. And they drilled  
2 underground 55 miles, and the sucker goes underground.  
3 You don't see it. It has one station out in nowhere.  
4 And it comes up out of the ground 55 miles later, out of  
5 the ground in nowhere. And it doesn't -- it goes under  
6 rivers, under the canals, under everything. And it is a  
7 third of the price of what it costs to burden all those  
8 people with your pressure tactics.

9                   So I think you guys better have a second  
10 look and know what you're talking about. Because no one  
11 of you guys know what you're talking about until you go  
12 out there and see what it's all about.

13                   That's my comment. Thank you very much.

14                   MR. MORALES: Helen Sullivan.

15                   MS. SULLIVAN: Hello again. Members of the  
16 FRA and Ms. Perez, in particular.

17                   As was stated earlier the California High  
18 Speed Rail Authority now admits that it must comply with  
19 the environmental justice components of NEPA. The CHSRA  
20 states that one of its three fundamental environmental  
21 justice principles is to avoid, minimize, or mitigate  
22 disproportionately high human health and environmental  
23 effects including social and economic affects on  
24 minority and low income populations.

25                   How is FRA going to reconcile that the CHSRA

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P068-1 | 1 is planning to devastate the dairies and farms in Kings,  
2 Tulare and Kern counties that employ a low income and  
3 primarily minority workforce with their route selection  
4 through these agricultural communities? The CHSRA in  
5 many cases used 12-year-old census data to improperly  
6 classify the population impacts when 2010 census data is  
7 readily available, and demographics have definitely  
8 changed.

P068-2 | 9                   Practicing due diligence, actually working  
10 in coordination with the local populations would have  
11 prevented these errors. How does the Federal Rail  
12 Administration reconcile this lack of environmental  
13 justice? Was this considered in the Merced to Fresno  
14 EIS? Withdraw the EIS until the CHSRA actually  
15 demonstrates that it is complying with NEPA instead of  
16 pretending on paper that it is complying.

17                   MR. MORALES: Thank you, Ms. Sullivan.  
18                   Joyce Cooy and then Maureen Fukuda.

19                   MS. COOY: Joyce Cooy. The California High  
20 Speed Rail Authority now admits that it must comply with  
21 the environmental justice components of NEPA. Just to  
22 prove that the CHSRA guidance document of the California  
23 High Speed Rail reflects this quote: "Implementation of  
24 environmental justice principles in how the Authority  
25 plans, designs and delivers the High Speed Rail projects

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Response to Submission P068 (Hellen Sullivan, August 28, 2012)

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**P068-1**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-14, FB-Response-SO-07.

For information on the project effects on agricultural business, and economic effects on agriculture, see EIR/EIS Volume 1 Section 3.12, Impacts SO#11 and SO #15. 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. 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 were used for the socioeconomic 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, and local data sources. The methodologies for identifying and analyzing affected populations, as well as all data sources used, are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h).

**P068-2**

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 received an FRA comment to include the DOT order, which is now 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 taken prior to its adoption do not suggest non-compliance with the law. The Authority and FRA have undertaken substantial outreach to EJ communities in both the Merced-Fresno and Fresno-Bakersfield environmental processes, as well as in the normal course of Authority business.

**P068-2**

Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including EJ laws. 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 EJ effects across resources along the project. In EIR/EIS Volume 1 Section 3.12, Impacts SO#17 and SO#18 summarize these findings.

Submission P069 (Helen Sullivan, August 28, 2012)

This transcript was prepared for you by:  
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1 is liable? What I assume is the processors will be  
2 liable, I will be liable, and the farmer will be liable,  
3 for something you guys have built, but did not study.  
4 So I ask you to require more studies on draft  
5 mitigation. Thank you.

6 MR. MORALES: Thank you, Mr. Fukuda.  
7 Helen Sullivan.

8 MS. SULLIVAN: Good afternoon again. I  
9 would like to conclude my comments today by noting  
10 several serious violations of NEPA environmental justice  
11 law.

12 On August 2, 2012, California High Speed  
13 Rail Authority for the first time adopted an  
14 environmental justice guidance policy, even though, as  
15 Mr. Lamb and Oliveira both stated, the Authority had  
16 been planning this project for 16 years. This is  
17 convincing evidence that the F -- that the Authority did  
18 not consider or comply with provisions of environmental  
19 justice that are mandated by NEPA from the Authority's  
20 inception through the entire design and planning stages  
21 of the project to this present day.

22 Noncompliance of environmental justice and  
23 other provisions of NEPA by the Authority are so  
24 egregious that the Federal Rail Administration must  
25 consider all planning of this project thus far completed

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P069-1

P069-2

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1 by the Authority to be invalid.  
2 Authority violations of NEPA are  
3 sufficiently severe to necessitate planning for the  
4 project to start anew in strict compliance with all NEPA  
5 laws and regulations including those of environmental  
6 justice.

7 The severity of the Authority's  
8 environmental justice violations must prevent FRA  
9 approval of federal funding for the California High  
10 Speed Rail project until all prior environmental justice  
11 violations have been reversed, remedied and mitigated.  
12 This must be considered in approval of the Fresno to  
13 Bakersfield EIS as I hoped it was in the approval of the  
14 Merced to Fresno EIS.

15 The FRA is the lead agency under NEPA and is  
16 responsible for informing, implementing, and reviewing  
17 environmental policies of the project to ensure  
18 compliance with procedural requirements of NEPA. The  
19 FRA is also responsible for technical and legal review  
20 of Regional EIS and EIS's and cannot escape that  
21 responsibility.

22 The FRA is chartered to begin its process of  
23 considering the environmental impact of a proposed  
24 action by consulting with appropriate federal, state,  
25 and local agencies and with the public at the earliest

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P069-2

P069-3

Submission P069 (Helen Sullivan, August 28, 2012) - Continued

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1 practical time in the planning process. The FRA's  
2 charter also includes complying with all applicable  
3 environmental review laws and regulations of NEPA.  
4 The FRA process includes encouraging broad  
5 public participation during scoping and review of Draft  
6 Environmental documents to make effective efforts to  
7 notify the affected public. Environmental justice is a  
8 component of Title 6 of the Civil Rights Act of 1964 and  
9 it is a part of the environmental law and regulations of  
10 NEPA.

11 In September 2001, the FRA requested that  
12 the Authority adopt Title 6 policy. The Authority did  
13 not adopt Title 6 policy until this year. I wish my  
14 comments did not sound so redundant, but I'm afraid that  
15 it is not possible considering the glaring and blatant  
16 violations that have been committed.

17 MR. MORALES: Thank you, Ms. Sullivan.  
18 Heather Oliveira.

19 MS. OLIVEIRA: Good evening. My name is  
20 Heather Oliveira and I'm speaking to you today much like  
21 I did a year ago. My purpose in speaking to you is to  
22 bring forward some inequities in the access,  
23 availability, and the amount of time given to the  
24 citizens of Kings County in regard to the EIS.

25 I'm a teacher and last year -- I

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## Response to Submission P069 (Helen Sullivan, August 28, 2012)

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### **P069-1**

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 received an FRA comment to include the DOT order, which is now 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 taken prior to its adoption do not suggest non-compliance with the law. The Authority and FRA have undertaken substantial outreach to EJ communities. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including EJ laws.

### **P069-2**

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

The Authority and FRA prepared the EIR/EIS in compliance with federal guidance for compliance with Executive Order 12898. The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Guidance with the FRA. The Authority has subsequently received FRA comment to include the U.S. 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 during the preliminary engineering and environmental review for the Fresno to Bakersfield Section of the HST System. 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 Final EIR/EIS describes the project benefits, regional and localized effects, and project impacts on EJ communities. These efforts meet the intent and requirements of Executive Order 12898.

### **P069-3**

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

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.

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Guidance with the FRA. The Authority has subsequently received FRA comment to include the U.S. 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 during the preliminary engineering and environmental review of the Fresno to Bakersfield Section of the HST System. 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 Final EIR/EIS describes the project benefits, regional and localized effects, and project impacts on EJ communities. These efforts meet the intent and requirements of Executive Order 12898.

Submission P070 (Lenard Vryhof, August 28, 2012)

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1           No one is telling us anything. I just want  
2 someone to tell us something. Maybe we're not  
3 politically into everyone and we don't know a lot. We  
4 know our dairy farm. It takes a lot of time and a lot  
5 work.  
6           I have two children and two grandchildren  
7 and my grandchildren love coming out there. And I don't  
8 even -- you know, they're, like, grandma, is this going  
9 to be here? I don't know, I don't know anymore. We  
10 don't know what is going to happen.  
11          When are we going to get straight answers,  
12 that's all I ask. Straight answers. Thank you.  
13          MR. MORALES: Thank you, Ms. Mattos.  
14          And now Mr. Vryhof.  
15          MR. VRYHOF: Good afternoon. My name is  
16 Leonard Vryhof. The first thing I want to say, what  
17 makes you an authority on high speed rail? That's what  
18 I would like you to tell me. What makes you an  
19 authority? And what gives you the right to come over  
20 here in our Valley and take away the livelihood and  
21 completely burden us with things which don't -- we don't  
22 need over here.  
23          Number one, number two -- I mean number three, I  
24 spent seven weeks in Holland in May. Now, if you want  
25 to know something about high speed rail, you guys, you

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1 better get your butt over there and see how it works and  
2 what thing -- how it is all put together and then you  
3 can come over here and put your thumb on our heads and  
4 tell us what we need to do and what you're going to take  
5 away from us. That's what it's all about.  
6          Now, I'll tell you about the high speed rail  
7 in Holland. You know, they fought that tooth and nail  
8 because it is a boon doggle. None of the people want to  
9 ride it. It runs from Amsterdam to Paris and the thing  
10 is empty most of the time. It's being subsidized by the  
11 government. And it's a boon doggle from the word go.  
12          They said it is unreliable, number one.  
13 Number two, it doesn't pay. And they don't want to ride  
14 it. Have you ever thought about that? It's too  
15 expensive, you know that. It's too expensive.  
16          Now, the next thing, they run in a whole lot of  
17 opposition. And they were fighting it tooth and nail  
18 and they got the environmentalists on their side, good.  
19 What happened was they were going to go right through  
20 the agriculture -- best agriculture land in Holland  
21 where all the glass -- where they grow the -- hothouses.  
22 So finally with the pressure of the socialists, because  
23 it is the socialist thing from the way it goes. It  
24 comes from Borax and stops in Washington. That's where  
25 it comes from.

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P070-1

Submission P070 (Lenard Vryhof, August 28, 2012) - Continued

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P070-1

1                   So now, they made a deal. And they drilled  
2 underground 55 miles, and the sucker goes underground.  
3 You don't see it. It has one station out in nowhere.  
4 And it comes up out of the ground 55 miles later, out of  
5 the ground in nowhere. And it doesn't -- it goes under  
6 rivers, under the canals, under everything. And it is a  
7 third of the price of what it costs to burden all those  
8 people with your pressure tactics.

9                   So I think you guys better have a second  
10 look and know what you're talking about. Because no one  
11 of you guys know what you're talking about until you go  
12 out there and see what it's all about.

13                   That's my comment. Thank you very much.

14                   MR. MORALES: Helen Sullivan.

15                   MS. SULLIVAN: Hello again. Members of the  
16 FRA and Ms. Perez, in particular.

17                   As was stated earlier the California High  
18 Speed Rail Authority now admits that it must comply with  
19 the environmental justice components of NEPA. The CHSRA  
20 states that one of its three fundamental environmental  
21 justice principles is to avoid, minimize, or mitigate  
22 disproportionately high human health and environmental  
23 effects including social and economic affects on  
24 minority and low income populations.

25                   How is FRA going to reconcile that the CHSRA

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## Response to Submission P070 (Lenard Vryhof, August 28, 2012)

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### **P070-1**

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

The HST alignment could be placed below-grade in a cut embankment with 2:1 slopes, a vertical trench with concrete walls or a tunnel. As described in Chapter 2, Alternatives, of the Final EIR/EIS, the electrical contact system for the trains would consist of a series of mast poles approximately 23.5 feet higher than the top of the rail. Therefore, the HST would need to be at a depth of about 40 feet for the whole system to be below-grade.

A cut embankment through urban areas (or for the entire length of the alignment) was not considered feasible because of the required width of the right-of-way. With 2:1 slopes, a 40-foot-deep cut with a bottom width of 120 feet would have a width at the surface of 160 feet. This width would result in a substantial increase in the amount of properties that would have to be acquired, resulting in greater impacts on communities and landowners crossed by the project than the alternatives now under consideration. Placing the HST alignment in a trench or tunnel would increase the project costs by more than one to two orders of magnitude, essentially making the project economically infeasible. The costs of constructing an at-grade foundation for HST tracks, a 40-foot-deep trench, and a tunnel were estimated using the unit price analysis method, as described in Engineering Technical Memoranda 1.1.19 and 1.1.22 (Authority 2011d, 2011e), both of which are available on the Authority's website. This method of cost estimating was typically used to develop costs for complex construction elements, including but not limited to viaducts, retained-earth systems, tunneling, and underground structures.

This method allows for unit prices to be developed based on current local construction and market conditions, such as changes that might affect productivity or the cost of labor or materials. The following steps were used to develop a unit price using this method:

- Analyze the proposed construction conditions.
- Estimate production rates.
- Compile a list of materials.
- Obtain material prices using local available sources.
- Determine labor and equipment rates.

### **P070-1**

- Calculate direct unit price using the above factors.
- Add allowances for contractor overhead and profit to arrive at an in-place unit price.

The following sources were used to obtain the basic cost data that were input into the database estimating program to develop construction unit prices:

- Labor rates – Federal Davis-Bacon Wage Determination and/or California Department of Industrial Relations Prevailing Wage Determinations.
- Equipment rates – R.S. Means and/or U.S. Army Corps of Engineers Construction Equipment Ownership and Operating Expense Schedule, Region VII.
- Material prices - Material and supply prices for locally available material were obtained from local supplier quotes, if possible. Secondary sources of material cost data were taken from R.S. Means, Engineering News-Report (ENR), or other published sources.

The civil construction costs (i.e., the costs of clearing the right-of-way and constructing the embankment for the HST rails and contact system) for an at-grade section of the HST System are estimated to be about \$2.5 million/mile. The civil construction costs for an elevated structure like that proposed for Downtown Bakersfield are a maximum of about \$84 million/mile. The civil construction costs for a 40-foot-deep trench would be approximately \$121 million/mile for two tracks. The civil construction costs for a tunnel would depend on the soil conditions in the area and the type of tunneling method, but would vary from approximately \$183 million/mile to \$495 million/mile for two tracks.

Submission P071 (Carol Walters, August 28, 2012)

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This transcript was prepared for you by:  
Fresno Court Reporters

P071-1

1 MR. MORALES: Thank you, Mr. Davis.  
 2 Carol Walters, Charlene Hook and Joe  
 3 Machado.  
 4 MS. WALTERS: Carol Walters. Since February  
 5 I have been looking at the EIR/EIS statement and map in  
 6 order to ascertain what is going to be the effect of our  
 7 property. It remains that we are totally blocked from  
 8 the only entrance and exit to our property in seven and  
 9 a half acres. I have met with the High Speed Rail  
 10 Authority numerous times at numerous occasions trying to  
 11 get an answer and they always tell me, "Trust us. Don't  
 12 listen to anyone else. We are going to make you whole.  
 13 You don't have to worry about this." And never once  
 14 have they given one solution.

P071-2

15 And the EIR/EIS map is only for the finished  
 16 product, for their benefit, not the landowner. It takes  
 17 not only our entrance and exit but it takes the  
 18 utilities, including the high pressure gas line just  
 19 north of our property for which we are connected.  
 20 At four o'clock we will be meeting with --  
 21 my husband will be meeting with someone to get an  
 22 estimate of what it is going to be. But we have been  
 23 told that we get to choose whose property and how we're  
 24 going to get out of our property, how we're going to get  
 25 our utilities taken care of, how to address our well

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1 issues, and our irrigation issues, how we're going to  
 2 address the vibration to our property. We get to  
 3 choose.  
 4 Since when does the High Speed Rail  
 5 Authority negate their responsibility and use their  
 6 taxes -- they're our tax dollars -- to fight me, the  
 7 citizen, who has paid hard and with hard work for those  
 8 tax dollars, and they're using it against me and the  
 9 citizens of Kings County and never once have they  
 10 addressed these issues to us. Thank you.

11 MR. MORALES: Thank you, Ms. Walters.  
 12 Charlene Hook and Joe Machado.

13 MS. HOOK: My name is Charlene Hook. I'm  
 14 from Corcoran, California. I'm one of the many people  
 15 in Kings County that are affected by this rail being  
 16 near my home.

17 I'm affiliated with CCHSRA. And good  
 18 afternoon, Ms. Hurd. I wish to speak to you about  
 19 widespread and severe violations of NEPA Environmental  
 20 Justice law. The Fresno to Bakersfield EIS reflects  
 21 that the city of Corcoran will be dissected like a  
 22 laboratory experiment frog by the three potential  
 23 alignments. All three alignments will impede movement  
 24 through the city, physically destroying many of the few  
 25 businesses in the city, and separate the city visually

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Response to Submission P071 (Carol Walters, August 28, 2012)

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**P071-1**

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

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 of the EIR/EIS.

**P071-2**

Refer to Standard Response FB-Response-PU&E-03, FB-Response-AG-04.

As noted on page 3.6-44 in Section 3.6, Public Utilities and Energy, of the Revised DEIR/Supplemental DEIS, the Authority would positively locate public utilities in the potential impact area (by probing, potholing, electronic detection, as-built designs, or through other means) before 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 from the HST project.

The EIR/EIS provides site-specific maps of its entire length and alternatives that illustrate the boundaries of the area to be acquired as well as the adjoining parcels, identified by Assessor's Parcel Numbers (see Appendix 3.1-A). These maps provide an affected landowner information about the extent to which his or her property would be affected.

Submission P072 (Carol Walters, Citizens for California High Speed Rail Accountability, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 major transportation corridor along I5. I5 is the place  
 2 the project should be. This is where the voters voted  
 3 for it to be in 2008 on prop 1A. Withdraw this Revised  
 4 Draft EIR/EIS.

5 MR. MORALES: Thank you, Ms. Stout.  
 6 Carol Walters and Michael Lamb.

7 MS. WALTERS: Carol Walters representing our  
 8 own property and also a member of the Citizens for  
 9 California High Speed Rail Accountability.

10 Good afternoon again, Ms. Hurd. I wish to  
 11 speak to you about widespread and severe violations of  
 12 the NEPA environmental justice law.

13 Potentially impacted property owners are  
 14 being unjustly denied a meaningful opportunity to  
 15 participate in the formulation of a feasible project  
 16 alternative and appropriate mitigation. It is a  
 17 violation of environmental justice to exclude the public  
 18 from being adequately informed in such a way that they  
 19 can intelligently weigh the environmental consequences  
 20 of all contemplated actions and have an appropriate  
 21 voice in the formulation of all decisions made by the  
 22 Authority. The Authority has not publicized the  
 23 addresses of the impacted properties in the plan rail  
 24 alignment nor has the Authority disclosed whether the  
 25 impacted properties are residential, business,

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P072-1

This transcript was prepared for you by:  
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P072-1

P072-2

1 industrial, or publicly owned.

2 There are approximately 30,000 pages of EIS  
 3 documents for the HSR project, for our EIS section. We  
 4 have been given insufficient time by the CHSRA to  
 5 prepare an intellectual or intelligent, meaningful  
 6 comment for you today. Does this fit with your  
 7 understanding of the environmental justice requirements  
 8 of NEPA?

9 The Authority's failure to provide the  
 10 public adequate time to access all relevant and  
 11 necessary information denied stake holders the ability  
 12 to effectively review any comment to you on the  
 13 environmental impact of the project. It has violated  
 14 the intent of the environmental justice to our area,  
 15 Kings county.

16 The brief, 90-day, review and comment  
 17 periods allowed by the Authority for the public,  
 18 government and other agencies to respond to the EIS  
 19 documents is so unreasonably short that it effectively  
 20 precluded any meaningful opportunity for informed agency  
 21 and public participation. Many state agencies,  
 22 legislatures, congressional representatives, and  
 23 community organizations, city and county officials,  
 24 businesses and individuals requested a review and  
 25 comment extension last year but the Authority ignored

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Submission P072 (Carol Walters, Citizens for California High Speed Rail Accountability, August 28, 2012) - Continued

This transcript was prepared for you by:  
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P072-2

1 them all.  
2 This unreasonable 90 day review and comment  
3 period has violated the Authority's duty to ensure and  
4 inform public participation in the environmental review  
5 process. The 90 day review and comment period is  
6 insufficient for a project of this magnitude, cost, and  
7 complexity.

8 Does the FRA -- how does the FRA reconcile  
9 these obvious NEPA violations? And was this issue  
10 considered during the EIS process for the Merced to  
11 Fresno EIS? Thank you.

12 MR. MORALES: Thank you, Ms. Walters.

13 Michael Lamb and Mary Jane Fagundes, and  
14 Todd Fukuda and then we'll take a short break.

15 MR. LAMB: I'm Michael Lamb. I'm here to  
16 pose a question. The California High Speed Rail  
17 Authority now claims it has been complying with the  
18 environmental justice and NEPA. They say that the  
19 comment -- they say they are committed to environmental  
20 justice into all its programs and other activities that  
21 are undertaken and funded or approved by the FRA in  
22 affect the policy decision.

23 The California High Speed Rail Authority was  
24 established in 1996, 16 years ago. And they just  
25 adopted an environmental policy August 2nd of this year.

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Response to Submission P072 (Carol Walters, Citizens for California High Speed Rail  
Accountability, August 28, 2012)

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**P072-1**

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

**P072-2**

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

Submission P073 (Eddie Warmerdam, August 28, 2012)



**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 envíela 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

September 20, 2012, electronically, or October 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: Eddie Warmerdam

Organization/Organización: Warmerdam Farms Inc.

Address/Domicilio: 13750-Elders Ave, Hanford, Ca, 93230

Phone Number/Número de Teléfono: 559 582-1273 559 779-0311

City, State, Zip Code/Ciudad, Estado, Código Postal: HPD. Ca. 93230

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

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

P073-1

Dear Sirs or Ladies -  
 We need to have the train run by I-5.  
 Why - There's not as many businesses that  
 will be destroyed. You can save money  
 by running it there. People can be shuttled  
 from both sides. I will guarantee that  
 you will lose at least 1,000,000,000 a day.  
 And it will destroy my property by  
 cutting it in half. (Ditchwater, wells,  
 pipelines, going miles to get to the side,  
 other  
 There is much more to mention to mention  
 Thank you Eddie Warmerdam

---

Response to Submission P073 (Eddie Warmerdam, August 28, 2012)

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**P073-1**

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

The commenter presents no evidence to support his general claim that the HST project will lose money unless located along an I-5 alignment. The 2005 Program EIR/EIS explained that one reason for eliminating the I-5 alignment from further consideration was that it would produce less revenue than an alignment that served select urban centers in the San Joaquin Valley.

Submission P074 (Michael Weatherly, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 We'll take five minutes.  
2 (Whereupon a short break was taken.)  
3 MR. MORALES: If anyone wants to we'll go  
4 through these and for those of you who have spoken you  
5 can obviously speak for as long as you would like but in  
6 the interest of letting everyone move on and not going  
7 too far past eight o'clock, if you would like to  
8 abbreviate your comments, you can do that as well.  
9 Michael Weatherly.  
10 MR. WEATHERLY: Thank you guys very much. I  
11 wasn't going to come and I wasn't going to speak but I  
12 love America. And I love California. I was raised in  
13 California. And these last -- I'm 67 years old. In  
14 these last 30 years I've seen things chipping. Just  
15 little things that chip at my freedom. My freedom is  
16 slowly by slowly turning away. Going back away. And I  
17 have to say something.  
18 You people are taking our freedom away by  
19 shoving this thing down our throats. I can't give you  
20 statistics or anything like that but there was once a  
21 great man that said, a house divided against itself  
22 cannot stand.  
23 You see, you guys are causing a division in  
24 people like me. I'm not a college man. I've worked  
25 hard jobs all my life. Never worked for a union but,

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P074-1

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1 you know, you people say this is going to bring jobs in  
2 California. It's going to bring jobs to union people.  
3 Because any time you do something for the state, you  
4 have to be in the union.  
5 For me -- people like me, it's not going to  
6 create jobs for me. If I was young, it still wouldn't  
7 because I wouldn't want to belong to a union because the  
8 union is what is wrong with America today.  
9 I'm fighting for my America. I'm fighting  
10 for my freedom. I'm fighting for California. If you  
11 guys keep continually shoving this down our throat,  
12 there's a lot of jobs going to leave California. Then,  
13 how are you going to pay for it? You know, people that  
14 get subsistent to union, they can't pay for it because  
15 they need my money to pay their jobs and pay their  
16 wages. And I'm mad because what you guys are doing to  
17 America today.  
18 I love America. But I don't know if you  
19 guys love America. You're just trying to shove things  
20 down our throats. You sit -- they sit up there in  
21 Sacramento year in and year out. They have nothing to  
22 do so they come up with these laws that takes away my  
23 freedom, taking away my right to live.  
24 If you put that thing right by my house and  
25 everything, I might have to drive two or three extra

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P074-1

P074-2

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Submission P074 (Michael Weatherly, August 28, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P074-2

1 miles. I can't afford to drive three extra miles to  
2 drive downtown Hanford just from where you're putting  
3 that thing at.  
4 I mean, you guys got to start thinking.  
5 It's -- everybody said I5 is the best way to go. But I  
6 don't think we need this stupid thing. Because we can't  
7 afford it. If you're going to put the money in  
8 something, put the water into water or fixing some of  
9 the roads. But not this. Not taking America. Not  
10 taking my freedom. My freedom is important to me.  
11 Just like the other man said, he said he  
12 will lay down. Laying down in front of the bulldozer.  
13 You never know, there are a bunch of people out there  
14 that are angry because of stuff like this. And I don't  
15 want to be a third world nation where we have to fight  
16 the fight. America is made for the people of freedom.  
17 Listen to the people.  
18 That's all I have to say.  
19 MR. MORALES: Thank you.  
20 Kenden Meek.  
21 MR. MEEK: Good evening. Kenden Meek city  
22 manager for the city of Corcoran. As in the past, I  
23 wanted to reiterate that the city's position on high  
24 speed rail in October of 2011. The city, by unanimous  
25 resolution, apposed all three routes that either go

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## Response to Submission P074 (Michael Weatherly, August 28, 2012)

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### **P074-1**

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

See Section 5.1.2 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) and Volume I Section 3.12 Impacts SO#5 and SO#13 for information on project job creation during construction and operation. 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 shall be performed by national Targeted Workers and a minimum of 10% of National Targeted Workers hours shall 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 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, 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 be used to supplement the Authority's Small Business Program, which has an aggressive 30% goal for small business participation, which includes goals of 10% for disadvantaged business enterprises and 3% for disabled veteran business enterprises.

### **P074-2**

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

Submission P075 (Jerry Williamson, August 28, 2012)

This transcript was prepared for you by:  
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1 funding, it could easily become a NEPA environmental  
2 justice disaster.  
3           How does the FRA reconcile the lack of  
4 compliance with NEPA? Were these things considered in  
5 the Merced to Fresno EIS? Withdraw the EIS until the  
6 Authority complies with NEPA.  
7           Thank you.  
8           MR. MORALES: Thank you, Mr. Fukuda.  
9           We'll take a 15 minute break until --  
10          MR. WILLIAMSON: Can I say something? I  
11 have a piece of ground, 40 acres. I just got through  
12 paying my water bill. I normally pay full price but  
13 because of the structure, the delta, we usually get  
14 half. But I'm going to talk about the health part of  
15 this. Not the statistics, but the health.  
16          My ancestors first came here in 1846. I  
17 have diaries from the late 1700's. When they came down  
18 through the Valley -- let the records show the heat was  
19 more at hand than it is now. When you look east from  
20 where I live, sometimes you can see the Sierra mountains  
21 and the snow packed winter. Summertime you can't see  
22 'cause of the haze. It was there in 1846.  
23          Now, to deal with the health part of this.  
24 I was making my own way by the time I was 11 years old.  
25 Mostly, working on the farm, pulling cotton. By the

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1 time I was 14, I was running my own dairy -- I do with  
2 dairies because they have been really impacted,  
3 especially, the one around where I live.  
4           Adventist Health, by the way, is strong in  
5 this county, all over the Valley. And this Valley here,  
6 San Joaquin Valley and Kings County are the heart and  
7 soul of the world's food supply. And this train is  
8 going to run right up the gut of this Valley. And you  
9 city slickers are going to be affected like everybody  
10 else.  
11          And you can't imagine the amount of farmers  
12 that I've talked to that say if this keeps up,  
13 this three prong cabal, no water in the delta, charging  
14 them \$120 an acre whether they pollute the groundwater  
15 or not, and this high speed rail -- and we got over  
16 there at the meat supply. I know the people there at  
17 the slaughterhouse. And in that slaughterhouse, there  
18 isn't a place in there that the US Government is in  
19 there. And somehow people got in there and took  
20 pictures under the nose of the Department of  
21 Agriculture. And we'll find out about that later.  
22          Adventist Health, I get their journals. And  
23 they're the leading advocates in the world for  
24 vegetarian diets. But guess what, they put an article  
25 -- I just got it in my home just this month. A total

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Submission P075 (Jerry Williamson, August 28, 2012) - Continued

This transcript was prepared for you by:  
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1 vegan diet doesn't give you the required amounts of  
2 vitamin B-12. And guess where they want you to get it?  
3 Two 8-ounce glasses of milk every day. Are you guys  
4 vitamin B-12 sufficient today? These are vegetarian  
5 diets, and you can look it up, www -- I don't know  
6 anything about that stuff Adventisthealth.com. There  
7 are articles in there.

8 And it's a three prong cabal. We feel these  
9 people don't listen to us. The Sacramento Delta --  
10 these people -- I was at the meeting over there where  
11 they want to charge \$120 an acre and it devastated these  
12 dairies. If it keeps up, this cabal keeps going, how  
13 many dairies -- the east side -- a lot of them talking.

14 Pretty soon it's going to start in the  
15 cities, and you get one or two grocery chains, and  
16 there's going to have a parking lot full of angry people  
17 taking numbers to get a loaf of bread. And when that  
18 word gets out, it's going to spread like wildfire.

19 Because you shut down these farming  
20 communities, it's going to have a real effect. Because,  
21 like you say it affects everybody.

22 And you're close to my place, and I  
23 guarantee you, you're not going to buy my property. And  
24 I'm not moving off of there. You can't print the money  
25 fast enough to buy my 40 acres. I'm not moving off of

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P075-1

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This transcript was prepared for you by:  
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P075-2

1 there.

2 In Armona that train is going right up that  
3 train track. It's going right up my great grandfather's  
4 tombstone, my grandfather's and the rest of my family.  
5 They came from Scotland. They were the backbone in the  
6 early days here.

7 And what are you going to do, bulldoze those  
8 tombstones and take them to the dump? What does the  
9 good book say? Don't remove the old landmarks. That's  
10 all I got to say.

11 MR. MORALES: Thank you. Sir, could you  
12 provide your name please so we have it for the record.  
13 If you could provide your name so we have it for the  
14 record, I would appreciate that.

15 MR. WILLIAMSON: Jerry Williamson.

16 MR. MORALES: Thank you. All right. We'll  
17 take 15 minutes and be back at ten after.

18 (Whereupon, a short break was taken.)

19 MR. MORALES: All right, let's start up  
20 again.

21 And we will start with Mr. Young.

22 MR. YOUNG: My name is EJ Young. I'm a  
23 resident of 8609 Lansing Avenue. I'm a dairy farmer and  
24 a crop farmer.

25 Both routes impact my property. I'm right

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Response to Submission P075 (Jerry Williamson, August 28, 2012)

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**P075-1**

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

The Authority will negotiate with property owners whose land would be affected by the HST System. The Authority has the power of eminent domain, allowing it to condemn the property of unwilling sellers, with payment of just compensation (i.e., fair market value) to the property owner. Eminent domain is viewed as a last resort in developing a statewide HST system. Information on the eminent domain process is available on the Authority's website.

**P075-2**

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

The inventory and evaluation of built environment resources conducted for the proposed project identified one historic cemetery, the Lakeside Cemetery. That cemetery will not be directly affected by the project. This comment did not provide enough specificity to determine the location of the cemetery referred to. The only known cemetery in Armona is the Grangeville Cemetery, which is not in the project area. If any unmarked or private cemeteries are unexpectedly identified by project activities, they would be subject to implementation of mitigation measures Arch MM#1 through MM#4.

Submission P076 (EJ Young, Dairy/Crop Farmer, August 28, 2012)

This transcript was prepared for you by:  
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1 there.  
2 In Armona that train is going right up that  
3 train track. It's going right up my great grandfather's  
4 tombstone, my grandfather's and the rest of my family.  
5 They came from Scotland. They were the backbone in the  
6 early days here.  
7 And what are you going to do, bulldoze those  
8 tombstones and take them to the dump? What does the  
9 good book say? Don't remove the old landmarks. That's  
10 all I got to say.  
11 MR. MORALES: Thank you. Sir, could you  
12 provide your name please so we have it for the record.  
13 If you could provide your name so we have it for the  
14 record, I would appreciate that.  
15 MR. WILLIAMSON: Jerry Williamson.  
16 MR. MORALES: Thank you. All right. We'll  
17 take 15 minutes and be back at ten after.  
18 (Whereupon, a short break was taken.)  
19 MR. MORALES: All right, let's start up  
20 again.  
21 And we will start with Mr. Young.  
22 MR. YOUNG: My name is EJ Young. I'm a  
23 resident of 8609 Lansing Avenue. I'm a dairy farmer and  
24 a crop farmer.  
25 Both routes impact my property. I'm right

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This transcript was prepared for you by:  
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1 where it Y's off. One route is worse for me than the  
2 other. But I think both routes are equally destructive  
3 to the Valley.  
4 Ms. Hurd, the California High Speed Rail  
5 Authority now admits that it must comply with the  
6 environmental justice components of NEPA. Just approved  
7 CHSRA environmental justice guidance document the CHSRA  
8 reflects that, quote, the Authority recognizes how  
9 important provisions of existing environmental civil  
10 rights, civil and criminal laws may be used to help  
11 reduce environmental impact in all community's and  
12 environmental justice on the human element.  
13 In May 2011, CHSRA, Central Valley Project  
14 manager Jeff Abercrombie and his URS contractor  
15 presented an alternative analysis report to the CHSRA  
16 board about this section of the HSR.  
17 That report reflected that the local  
18 communities', local governments' and agriculture  
19 industry's concerns about the project had been  
20 mitigated. They recommended to the CHSRA board that the  
21 board proceed with the Draft Environmental Impact  
22 Statement process as a result of their mitigation.  
23 The CHSRA board, based on the  
24 recommendation, concurred with that, causing the  
25 contractor working on the next phase of the project to

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Submission P076 (EJ Young, Dairy/Crop Farmer, August 28, 2012) - Continued

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P076-1

1 be paid accordingly for their work.  
2 Based on what you see today, do you really  
3 believe that CHSRA had mitigated our concerns? Since  
4 our concerns clearly had not been mitigated, paying the  
5 contractor to proceed seems like a violation of 18USC  
6 666, misappropriation of funds or 18USC 1001,  
7 misrepresentation.

8 Nothing has changed in that alternative  
9 analysis report. This project has been built on top of  
10 that report. How does the FRA reconcile this reality?  
11 CHSRA has not been complying with NEPA all along as they  
12 have represented.

13 Withdraw the EIS until CHSRA actually  
14 demonstrates that it is complying with NEPA instead of  
15 pretending on paper that it is complying.

16 Thank you.

17 MR. MORALES: Thank you, Mr. Young.

18 MR. BROWNING: My name is Ross Browning. I  
19 live in Laton in the county of Kings. Did you guys do  
20 your homework last night? Okay. I must admit I didn't  
21 read it either.

22 You've heard a little bit about the I5  
23 being a possible solution that we think is viable. Not  
24 getting very far with it.

25 I moved to this county this -- our present

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Response to Submission P076 (EJ Young, Dairy/Crop Farmer, August 28, 2012)

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**P076-1**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-16.

The Authority and FRA have fully complied with all provisions of Executive Order 12898 in the environmental review process of the Fresno to Bakersfield Section of the HST System. Although the Authority did not issue environmental justice guidance until August 2012, project planning and environmental review has always followed the requirements and spirit of Executive Order 12898, including printing project materials in Spanish, outreach to environmental justice communities, and analysis of environmental justice impacts of project alternatives, which is provided in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the EIR/EIS.

The Authority and FRA have mitigated the impacts of project alternatives to the extent possible. Project impacts for each alternative and mitigation measures for those impacts are described in Chapter 3 of the EIR/EIS. Neither CEQA nor NEPA require that an EIR/EIS mitigate all impacts below a level of significance. One reason that an EIR/EIS was prepared for this project is that the project would result in significant, unavoidable impacts.

Submission P077 (EJ Young, August 28, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 no point to it. You get the general gist.  
2 We really don't want that thing here. If  
3 you look at what is happening and take a look at the  
4 area that's coming through, all it does for us in Kings  
5 County is destroy. It doesn't add, it doesn't modify,  
6 it destroys. It takes this away and replaces it with  
7 something that we get no economic benefit from. There's  
8 no economic justification for that rail to be here.  
9 And we're pretty adamant about it when we  
10 know it could go somewhere else and be more effective  
11 and cost less. What more do I need? Cost less means  
12 better. I mean the French -- and I'm not a friend, but  
13 the French came over and told you guys where to put it,  
14 and you didn't listen to them.  
15 I know that I could go up to one of my  
16 grandkids and say if you were here and want to go there,  
17 how would you go? Well, the one, if he was playing with  
18 me, he would run it the way you're running it. But if  
19 they want to make it the shortest way, they would go  
20 down I5. There is nothing more I can say. Thank you.  
21 MR. MORALES: Thank you, Mr. Browning.  
22 EJ Young.  
23 MR. YOUNG: Good evening, Ms. Perez. The  
24 California High Speed Rail Authority now admits that it  
25 must comply with the environmental justice components of

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This transcript was prepared for you by:  
Fresno Court Reporters

P077-1

1 NEPA. In the just approved CHSRA environmental justice  
2 guidance document the CHSRA reflects that, quote, the  
3 Authority emphasizes the fair treatment and meaningful  
4 involvement of people of all races, cultures, and income  
5 levels including minority and low income populations in  
6 the early stages of transportation planning and decision  
7 making through design, construction, operation, and  
8 maintenance, end quote.  
9 CHSRA claims that even though they failed to  
10 have an environmental justice policy in place until now,  
11 they have always been complying with this component of  
12 NEPA.  
13 Really? Is the FRA aware that CHSRA has not  
14 had a meaningful relationship with the county of Kings,  
15 or the people of this county, or the agriculture  
16 industry here since April 2011? CHSRA good faith  
17 efforts with Kings County means failing to coordinate  
18 activities with the county. Coordinating with the local  
19 communities and government is required by NEPA.  
20 CHSRA has failed to meet with the Kings  
21 County Board of Supervisors for the past two months  
22 after promising to meet monthly. When the CHSRA was  
23 notified that they were expected to provide detailed  
24 information and real solutions to the county's concerns  
25 at the meeting, they stopped showing up.

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Submission P077 (EJ Young, August 28, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1                   How does the Federal Rail Administration  
2 reconcile this reality? Withdraw the EIS until CHSRA  
3 actually demonstrates that it is complying with NEPA.  
4 Thank you.  
5                   MR. MORALES: Thank you, Mr. Young.  
6                   Final speaker Jerry Fagundes.  
7                   MR. FAGUNDES: Jerry Fagundes 9785  
8 Ponderosa. I was going to read off my script but you  
9 really need to understand that this county wants to be  
10 involved. We've asked questions. Jeff knows we've been  
11 in this for going on two years.  
12                   The very first time we met with HRS  
13 representatives in Fresno in February of 2011, Aaron  
14 gave them 25 questions that we would like answered.  
15 Have not seen the answers. And that's pretty much been  
16 probably our main complaint.  
17                   And a lot of times we've been told the  
18 answers will be in the EIR/EIS. We cannot find the  
19 answers to most of our questions. Questions like you're  
20 going to go through the middle of our field and divide  
21 off a little section and we have no road to get to it.  
22 There's not a county road connected anywhere. The  
23 property around our property is owned by somebody else.  
24 And all we've heard is, okay, well, we'll take care of  
25 that. The right-of-way officers will work that out with

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Response to Submission P077 (EJ Young, August 28, 2012)

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**P077-1**

Refer to Standard Response FB-Response-GENERAL-01, 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 U.S. Department of Transportation (DOT) 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 Environmental Justice communities. Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, an overview brochure of the Draft EIR/EIS, and comment cards at the public workshops and hearings. Also, a multi-lingual, toll-free hotline was made available for public comments and requests. In an effort to address concerns about information being available, text has been added to Section 3.12, 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 before and during the review period for the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS.