

Submission 001 (Cindy M. Kelly, Martin Kelly Farms, October 20, 2012) - Continued



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

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

Name/Nombre: Cindy M. Kelly
Organization/Organización: Martin Kelly Farms
Address/Domicilio: 4334 13 1/4 Ave
Phone Number/Número de Teléfono: (539) 547-1308
City, State, Zip Code/Ciudad, Estado, Código Postal: Hanford, Ca 93230
E-mail Address/Correo Electrónico: WalnutwomanCMK@gmail.com
(Use additional pages if needed/Usar paginas adicionales si es necesario)

*the Western Alignment of the HSR bisects
our 150 acre Walnut grove. HSR/A has NOT
answered my questions of "How will we
access the back 100 acres?" We are
surrounded by three other land owners
in the back, no public roads. How
will we access our well on the front
50 acres?". Their answer is "we have
to make it right". The fact is,
it will NEVER be "right". Who will
abandon their car in Madra to travel to
Bakersfield???. Why don't you run
this thing down the middle of I5,
SF to LA where people will readily
use it!!! The front 50 acre section is a
separate parcel they say will not be affected,
even though it runs 1,000 ft from our home...*

Submission 002 (Robert Wister, October 20, 2012)

Cal High Speed Rail
770 L St, Suite 800
Sacramento, CA 95814

RECEIVED
10/20/12

Sir/Madam:

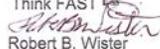
Enclosed is scheme for making transfers to and from high speed rail while enroute without stopping. A copy was sent to KQED after they had a program on HSR. There was not any reply or acknowledgment.

The process is economical of time and real estate. It provides true high speed transport from any station to any other along the line.

With proper sizing of the station rail lengths any condition of emergency or bypass can be accomodated.

It would be a pitiful waste of time and energy to bring the main rail vehicle to a stop several times along the route. This process gives the utility of a commuter train while operating at projected efficient point to point realized speeds.

Think FAST


Robert B. Wister
26256 Hickory Ave.
Haywield, CA 94544-3112

No Inet; no Email; limited phone 510-783-3006 M/S

KQED for NPR SCIENCE FRIDAY

High Speed Rail Plan

One of the overwhelming barriers to high speed rail is the station problem. High speed is of little use if the vehicle must slow and stop several times over a route. Without stops the route becomes of no value to those along the path.

To enhance the value of such high speed rail there must be a means of exiting and entering the vehicle while enroute. There is a relatively simple means of providing enroute transfers without slowing the principal vehicle. At the rear of the principal vehicle there will be a detachable auxiliary powered element. On approach to a transfer point the rear element will detach and decelerate as it switches to a side track. On that side track there is a duplicate element that accelerates as the principal vehicle approaches and switches to the main rail as the main passes. It then accelerates to attach to the rear of the main as a replacement auxiliary.

Passengers and freight that will proceed past the next stop would advance forward to the main vehicle. Freight and passengers to exit at the next stop would retreat to the auxiliary for departure at the next stop by the same process.

Elimination of enroute stops would cut the route time over such as 500 miles with 5 enroute stations by about one third. This assures the reality of HIGH SPEED rail. Using this procedure each station along the line would be served in a timely manner and local high speed rail connections would be practical. The lack of acceleration and deceleration of principal vehicle is a very large energy savings, again about one third.

If the entire system is electrified with overhead wire power it simplifies the entire process. Auxiliary and principal vehicles will be independently powered with motor drives below each detachable element. Switching and deceleration/acceleration is a realitively simple program that can be automated.

Vehicles now in use by the BART system resemble this construction since elements may be attached and detached while control is maintained from either end of the train. Each element is independently powered and there is a control station in each.

Think FAST

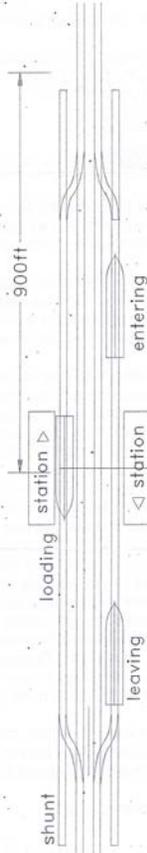

Robert B. Wister
26256 Hickory Ave.
Haywield, CA 94544-3112
July 8, 2012-October 19, 2012

No Inet; no Email; limited phone 510-783-3006

FOR IN A BROKEN COUNTRY THERE IS NOTHING LEFT TO STEAL,
Last page of *The Virginian*
Owen Wister

Submission 002 (Robert Wister, October 20, 2012) - Continued

This simplified schematic of a transfer station demonstrates a boarding platform which is central to the siding. The siding must be configured to accommodate the full principal vehicle for bypass purposes. Transfer unit would be shunted under those conditions. The 1/2 G acceleration is selected as about the level of a medium performance auto. At a minimum the transfer unit would require passengers to wear safety belts. The switch must be run through before full mainline speed is achieved due to lateral acceleration and switch character. A closure speed with the principal vehicle is 20 MPH using laser ranging to control approach and connection.
 Note that each auxiliary unit would cycle through the length of the system dependent on the number of stations over the route. Low priority freight could remain aboard a given auxiliary unit over the entire route.



Typical station configuration 500 mile
 Mainline speed 120MPH = 4:10 150MPH = 3:20

Equations for this action
 $v=at$ $S=1/2 at^2$

Using 1/2G acceleration

$$176=16t \quad t=11 \quad S=.5(16)(121)=968'$$

$$220=16t \quad t=13.75 \quad S=.5(16)(189)=1512'$$

26256 Hickory Ave.
 Hayward, CA 94544

OAKLAND CA 945
 20 OCT 2012 FN 5 L



Cal High Speed Rail
 770 L St, Suite 800
 Sacramento, CA 95814

56614395900



Submission 004 (Andrew Alvarez, Sethi, October 23, 2012)

Fresno - Bakersfield (July 2012+) - RECORD #444 DETAIL

Status : Unread
Record Date : 10/23/2012
Response Requested : No
Stakeholder Type : Business
Affiliation Type : Businesses and Organizations
Interest As : Businesses And Organizations
Submission Date : 10/23/2012
Submission Method : Website
First Name : Andrew
Last Name : Alvarez
Professional Title : Regional Director of Sales
Business/Organization : Sethi
Address :
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93704
Telephone :
Email : aalvarez@sethimangement.com
Email Subscription :
Cell Phone :
Add to Mailing List : No
Stakeholder Comments/Issues : What are you guys thinking? Relocate HWY 99, close Historical Landmarks and hurt a lot of California People... WASTING MONEY!!!! Right, its not our of your pocket.. but mine
EIR/EIS Comment : Yes
Official Comment Period : No

Submission 005 (Alan Scott, Citizens for California High Speed Rail Accountability, October 23, 2012)

Alan Scott
1318 Whitmore Street
Hanford, California 93230-2848

October 18, 2012

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

Subject: CEQA/NEPA Comments Concerning the DEIR/EIS for the Proposed Fresno to Bakersfield Section of the California High Speed Rail Project

Dear Chairman Richard:

Chairman Richard, let me begin this comment letter to the authority and the board with this comment – since the authority and the board provided only a 15% project plan, my response is based on 100% of your 15% project plan. Therefore, for the record you presented only a 15% plan to the voters of California that contained significant major errors and equally major flaws, along with extremely questionable funding for any part of the Fresno to Bakersfield alignment, a serious violation of Title VI Environmental Justice and on October 11, 2012 at the Corcoran City Hall I became aware of at least a dozen more citizens that had not been contacted and I could go on.

Just for the record and the courts, since you have only provided a 15% project plan I find that this is an unacceptable misuse of state and federal taxpayer monies at the highest levels for incompetence and fiscal responsibility. Especially since the State Auditor on May 17, 2012 presented before Senate Transportation subcommittee an extensive report questioning the business plan a proposed funding. I also direct your attention to the Legislative Analysis Office Report, which mirrored the auditor's report, both were negative reports.

On to my official comment letter.

As a resident of Kings County since 1974 and a resident of Hanford since 1978. I want it made clear, I am not within the alignment whether it is the eastern or western by-pass through Kings County; however, I have extremely strong objections and concerns that the authority & the board have egregiously failed in the production of this Revised Draft EIR/EIS for the Fresno to Bakersfield section both CEQA & NEPA compliance. Further, as a taxpayer the debt service for this project is totally unacceptable as it is based on massive "what ifs" & "we think" projections, which all the pundits clearly state all your projections are wrong.

Chairman Dan Richard
Revised draft EIR/EIS Comment Letter

October 18, 2012
Page 2 of 5

Below I have highlighted the specific areas with a short comment on what I believe is the issue. However, I believe the legal actions will prove me and others correct that the board and the authority failed on so many levels, wasting massive amounts of taxpayer dollars producing serious flawed work product for a political gain only that will never benefit our state.

I now draw your attention to this link from the New Yorker Magazine, issue dated October 22, 2012 http://www.newyorker.com/reporting/2012/10/22/121022fa_fact_osnos?currentPage=all from their on line site. This article addresses what, many of us believe, will certainly happen with this project and the signals are already apparent that are being addressed in all the comments you have and will be receiving re Fresno to Bakersfield project.

1. Environmental Justice component Title VI:

My primary concerns are the failures in the Environmental Justice area beginning with the fact your documents up to August 2, 2012 stated you were in compliance with all Title VI and all other requirements of this process. In actual fact, on August 2, 2012, your board only just adopted and formally recognized this serious component of CEQA & NEPA especial since NEPA specifically directs copies must be provided to all groups affected and you FAILED at the highest levels. Prior to further movement on this project you must mitigate all affected failures and ensure these individuals, groups, businesses or organizations have the opportunity to fully review the project documents. Furthermore, you shall provide documents in the language of the population affected by the alignment. You can begin with the Colony Lane community in Merced who were never contacted by either the authority or the board. This was confirmed (by a conditional statement from Mr. Jeff Abercrombie to me to wit "that could be a possibility that I will neither confirm nor deny" or words to that affect during the Kings County comment session Hanford on August 29, 2012

2. Section 3.2 Transportation

The is a major issue clearly demonstrating poor project planning especially with emergency response mitigations, increased costs for homeowner's fire insurance (as the ISO rate will be increased dramatically based on response time), increased agricultural costs for equipment operations in fuel costs, increase wear & tear based on longer travel times, et.... nowhere in your plan does it address the issue of increased size of agricultural equipment based on your design, this increased vehicle traffic on few roads now create the opportunity for more vehicle incidents especially when schools are in sessions (remember the fog conditions in our valley). All these and many other issues revolving around this section have not even been properly addressed and more important the life safety of school children cannot be found anywhere, amazing oversight.

Submission 005 (Alan Scott, Citizens for California High Speed Rail Accountability, October 23, 2012) - Continued

Chairman Dan Richard
Revised draft EIR/EIS Comment Letter

October 18, 2012
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3. Section 3.4 Noise & Vibration

Have you really mitigated all noise & vibrations issues addressed in this section as your presented evidence does not demonstrate you have resolved "All alternative would result in severe and/or moderate noise impacts that would have substantial intensity under NEPA and would be significant under CEQA. In other words, the requirement placed upon the authority to be in compliance with the state & federal regulations clear was abrogated by the authority and it clearly appears that this revised Draft EIR/EIS was a cut and paste work product at what cost to the taxpayers.

4. Section 3.3 Air Quality

Nothing address with respect to Valley Fever as this is one of the highest rated locations in the United States of America. I find it amazing that when I questioned a URS environmental consultant at a show & tell session, when asked how the authority plans to mitigate Valley Fever and the response was what? This individual did not even know about this highly deadly disease if not treated properly. So as a follow up I addressed the same question to an engineer and received the same response – never heard of this disease. So just based on this input from your highly paid staff now is proof positive your EIR/EIS, whether draft or revised, are seriously flawed failing to meet the requirements of CEQA & NEPA.

5. Section 3.4 Noise & Vibration

As noted in the above paragraph, your failure to mitigate in compliance with CEQA & NEPA, the authorities negligent omissions clearly apply to this section and to in a discussion with a foreign engineer working for either the authority or a contract stated at a meeting in Hanford, there are no issues with either one of the these impacts. The statement this train will only increase the air pressure by 2-miles per hour is absolutely bogus and if wrong then you must prove it with actual testing and provide copies to all involved in this project.

6. Section 3.6 Public Utilities & Energy

Let's begin with the state is broke, the federal government is broke. Both entities have negative credit ratings with California coming in last in the USA. Therefore, building a utility system to supply power to this boondoggle by my estimate would be at least the amount the Governor quoted this project earlier this year, \$68,000,000,000 or more. So this brings into question the actual cost of this project and you are required to present more detail in spreadsheet format based on 80% of design build because at 15% or 30% of project plan is no way to run a business or project especially this one. Accuracy & ethical information is what is missing from this project.

Chairman Dan Richard
Revised draft EIR/EIS Comment Letter

October 11, 2012
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7. Overall Safety / Security Component – failures

This area is the most deficient creating unmitigated dangers to the California Citizens in total. I begin with the total lack of what is required of cities and counties emergency response requirements under the Homeland Security standards for restricted access to "at grade", "above grade" & "below grade" environments. More important according to your design, the alignment is extremely difficult to access at best and worst is when there is greater distance between counties & cities existing locations and who do not have the appropriate equipment to respond whether a police or fire incident. The complete failure to never address these beginning issues with each county or city leaders of the fire or the police agencies is to mine mind gross negligence placing passengers and communities at serious risk without the thought of any proper well thought out mitigation.

Further to this discussion of mitigation of safety / security, there have been zero (to the best of my knowledge and if I am wrong then I required a detailed listing of these meetings but more important a copy of all non-classified discussion items including any decision agreements. My guess is there are none.

What accommodations will the authority & the board making to affected counties and cities for the purchase and on-going training for HSR service? Since the majority of the counties and cities will not achieve any revenue gain from this project but serious loss of annual revenues but additional costs for specialized equipment but the competent to ensure training is always to-date for all response agencies involved. This without question is a serious financial burden that cannot be borne these entities as they will immediately lose significant revenues for ever and if the authority and the board cannot mitigate this financial burden, then you must stop the project now because this is a major life safety issue affection all of this state.

Another key issue is mitigation of traffic congestion, especially in the rural areas for school buses and parents who transport their children to school. With the automatic reduction of existing thorough road that will be turned into Cul de Sac's will increase the melding of agricultural traffic, normal business traffic, school bus traffic and the normal daily usage for the citizen. More important, what mitigation have you developed for the decrease of cross traffic roads, overpasses, etc...especially in the fog, which this valley is known for??? Since this is a 15% plan, my guess is that you will cross that bridge when you come to it, I think? However, you must provide NOW mitigation in the presented documents, which you have not; therefore, you must immediately stop this project until these serious issues are successfully mitigated.

In the event of a serious security violation to the HSR system involving many passengers and non-passengers, what are your mitigation policies for medical treatment facilities? Further to the

Submission 005 (Alan Scott, Citizens for California High Speed Rail Accountability, October 23, 2012) - Continued

Chairman Dan Richard
Revised draft EIR/EIS Comment Letter

October 18, 2012
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7. Overall Safety / Security Component – failures (continued)

point, in remote areas in the fog season, what mitigation have you developed for all agencies involved???

I believe this area of your poorly produced project & business plan fails to even address this issues I have raised but the issues of all the affected agencies are totally unknown to the authority

& the board because you have based your matrix on the European HSR system that does not even match this flawed project.

In closing Chairman Richard, since your project plans are only at the 15% level, I have provided numerous mitigations failures that require you to either extend the comment period by 1 full year from the time you produce the entire EIR/EIS, technical documents, a responsible financial plan with realistic overrides based on whole factor numbers rather than percentages. Example, the new bay bridge estimate was \$1,000,000,000 and the actual cost is \$7,000,000,000 (from their web site). This is 7 x's the original estimate and currently, I believe you estimate 3% cost overruns, which is ridiculous at best. There were many more comments I could have complied; however, I cannot due your project plan is at only the 15% level I find it very difficult to respond on the missing 14,000+ pages. The issues is the authority & the board is missing 85% of the project plan so how does one make valid financial plans when over ¾'s of the plan is missing? Furthermore, that states credit rating is A- lowest of all 50-states, ¼'s of a trillion dollars in funded and unfunded debt (if I am wrong prove it!), the United States is \$16,000,000,000,000 in debt with an AA- credit rating and there are projections already saying you do not have enough funding to complete Merced to Bakersfield. Empirical evidence indicates a 100% project failure and it is clearly backed up with expert facts by the volumes and with almost a billion dollars spent & what do you have to show for this expenditure of taxpayer monies?

Sincerely,



Alan Scott
Founding Member Citizens for California High Speed Rail Accountability (CCHSRA)

cc:
CCHS RA Archives Files

Submission 006 (Carey Madrigal, October 24, 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)

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

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Name/Nombre: Carey Madrigal
 Organization/Organización: Homeowner
 Address/Domicilio: 8930 Frontier St.
 Phone Number/Número de Teléfono: 559-584-9554
 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)

Has research been completed on how the water level drops and how long it takes to drop with all of the new wells being drilled to replace those in the way of the rail?

How will this affect domestic wells?



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

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

Name/Nombre: Carey Madrigal
 Organization/Organización: Homeowner
 Address/Domicilio: 8930 Frontier St.
 Phone Number/Número de Teléfono: 559-584-9554
 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)

Has research been done on the effect the sound of the rail has on students who hear it day after day when they are at recess?

Has any funding been set aside for schools that are close to the rail for sound proofing their classrooms? There will be ~~two~~ of those schools in our area. 2 Elementary / High School

Submission 007 (Darryl Smith, November 13, 2012)

Fresno - Bakersfield (July 2012+) - RECORD #786 DETAIL

Status : Action Pending
Record Date : 11/13/2012
Response Requested : Yes
Affiliation Type : Individual
Interest As : Individual
Submission Date : 11/13/2012
Submission Method : Website
First Name : Darryl
Last Name : Smith
Professional Title :
Business/Organization :
Address :
Apt./Suite No. :
City : Madera
State : CA
Zip Code : 93636
Telephone :
Email : darryl.smith.1961@gmail.com
Email Subscription : All Sections
Cell Phone :
Add to Mailing List : Yes
Stakeholder Comments/Issues : what is the holdup with this train? im 51 years old and want this hsr done so i can ride it with my grandkids before i die! seems like we are dragging our feet. Just get it done! I don't want to havd to admit to the naysayers they were right. I still have hope and pride in my state and country, just do like they did on our great infrastruucure projects in this great country ,hoover dam,golden gate, GET IT DONE!!!
EIR/EIS Comment : Yes
Official Comment Period : No

Submission 008 (Sergio Sanchez, Tulare, November 25, 2012)

Fresno - Bakersfield (July 2012+) - RECORD #791 DETAIL

Status : Completed
Record Date : 11/25/2012
Response Requested : No
Affiliation Type : Individual
Interest As : Individual
Submission Date : 11/25/2012
Submission Method : Website
First Name : Sergio
Last Name : Sanchez
Professional Title :
Business/Organization : Tulare
Address :
Apt./Suite No. :
City : Visalia
State : CA
Zip Code : 93292
Telephone :
Email : tepa.sergio@gmail.com
Email Subscription :
Cell Phone :
Add to Mailing List : No
Stakeholder Comments/Issues : Continue. I support this project. Make it as sound as possible. The more sound it is, the better for it's future. I use California Amtrak. I will use High Speed Rail...if it makes sense.
EIR/EIS Comment : No
Official Comment Period : No

Submission 009 (Sergio Sanchez, January 29, 2013)

Fresno - Bakersfield (July 2012+) - RECORD #827 DETAIL

Status : Action Pending
Record Date : 1/29/2013
Response Requested : No
Affiliation Type : Individual
Interest As : Individual
Submission Date : 1/29/2013
Submission Method : Website
First Name : Sergio
Last Name : Sanchez
Professional Title :
Business/Organization :
Address :
Apt./Suite No. :
City : Visalia
State : CA
Zip Code : 93292
Telephone :
Email : tepa.sergio@gmail.com
Email Subscription :
Cell Phone :
Add to Mailing List : No
Stakeholder Comments/Issues : <http://www.latimes.com/news/local/la-me-bullet-land-20130127,0,6688039.story>

I am worried that the High Speed Rail Goal does not have a very effective plan. California needs this train to be an example for the rest of the country and world.
EIR/EIS Comment : No
Official Comment Period : No

Submission 010 (Erie L. Averett, Rosedale-Rio Bravo Water Storage District, February 21, 2013)



ROSEDALE - RIO BRAVO

WATER STORAGE DISTRICT

849 Allen Road • P.O. Box 20620 • Bakersfield, California 93390-0620 • (861) 589-6045 • FAX (661) 589-1867

February 21, 2013

Tom Richards, Vice Chairman, Board of Directors
California High-Speed Rail Authority
855 M Street, Ste. 1110
Fresno, CA 93721

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

Diana Gomez, Central Valley Regional Director
2550 Mariposa Mall, Suite 3015
Fresno, CA 93721
dgomez@hsr.ca.gov

Dear Mr. Vice-Chairman, Mr. Morales and Ms. Gomez:

Rosedale-Rio Bravo Water Storage District encompasses approximately 44,000 acres of lands, of which approximately 23,000 are in irrigated agriculture, with an additional 7,000 acres developed in residential, commercial and industrial.

Agriculture creates significant economic activity and jobs in this area. Without agriculture these communities would not exist as we know them today. Agriculture is continually being challenged today in our area from water impacts, taxes, fees and many other costly interruptions. Now the uninvited impact of the HSR to the growers in our area is causing additional harm to agriculture. Taking prime farmland out of production has significant impacts on individual growers, rural communities, AND the State as a whole. These communities as a whole will lose jobs, individual growers will experience significant losses to their operations and the State and Nation will experience negative impacts on their food supply. Losses to growers due to destruction of their farming facilities and crops will add significantly to the costs of constructing the high speed rail.

The BSNF alignment minimizes the impacts to the highly productive agricultural lands we serve. The alternate route referred to as the by-pass route would significantly impact the agricultural community within Kern. Costs to be borne by the HSR Authority and the interruption of water deliveries to these agricultural lands are not insignificant challenges for all parties involved.

I respectfully request you strongly consider the concerns of the property owners and select the route along the existing BNSF alignment.

Sincerely,

A handwritten signature in black ink, appearing to read "Erie L. Averett".

Erie L. Averett, General Manager

Attachment to Submission 010 (Erie L. Averett, Rosedale-Rio Bravo Water Storage District,
February 21, 2013) - Rosedale-Rio Bravo Water Storage District Response Letter 2013-04-08.pdf



April 8, 2013

Eric L. Averett, General Manager
Rosedale - Rio Bravo Water Storage District
849 Allen Road
P.O. Box 20820
Bakersfield, CA 93390-0820

Board Members:

Dan Richard
Chairperson

Lynn Schenk
Vice-Chairperson

Thomas Richards
Vice-Chairperson

Jim Hartnett

Michael Rossi

Thomas J. Umberg

Jeff Morales
Chief Executive Officer

Dear Mr. Averett:

Thank you for your recent communication with the California High-Speed Rail Authority. We have received your letter regarding request for the consideration of the BNSF alignment and appreciate your comments.

At the April 4, 2013 Board Meeting, the staff of the California High-Speed Rail Authority presented technical information and a preliminary recommendation for a preferred alignment alternative and station locations to be designated in the Fresno to Bakersfield Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

This recommendation was based on review and consideration of substantive comments received during the public and agency review of the Draft EIR/EIS; including comments received following recirculation of the Revised Draft Environmental Impact report/Supplemental Draft Environmental Impact Statement (Revised DEIR/SDEIS) and recent comments received from stakeholders, including the Rosedale - Rio Bravo Water Storage District.

The recommended "Preferred Alternative" includes components of all alternatives, and consists of parts of the BNSF Alternative, the Hanford West Bypass 2 Alternative (below grade), the Corcoran Bypass Alternative, the Allensworth Bypass Alternative, the Wasco-Shafter Bypass Alternative, and the Bakersfield Hybrid Alternative.

The recommended alignment incurs the least impacts to aquatic resources, the least environmental impacts considering the collective evaluation of natural and community resources, the least impacts on Section 4(f) resources, is the least costly alternative (together with a similar alignment terminating with the Bakersfield South Alternative), has the fewest constructability issues, and therefore best meets the California High-Speed Rail Authority's (Authority's) project objectives and purpose and need.

Additionally, the estimated cost of the Preferred Alternative is about \$790 million less than the BNSF Alternative, and is the lowest cost alternative of all

possible alternative combinations (together with a similar alignment terminating with the Bakersfield South Alternative).

The Amended April 4, 2013 Board Meeting Agenda and supporting information, including Fresno to Bakersfield Section Preferred Alternative Recommendation and Fresno to Bakersfield Revised Draft EIR/EIS can be found at the Authority's website, <http://www.cahighspeedrail.ca.gov>.

The California High-Speed Rail Authority Board will consider the staff recommendation and public testimony before deciding on the Preferred Alternative. As a valued stakeholder, your contact information is currently in our database to ensure that you receive information and notification of upcoming public meetings and/or events.

We look forward to your continued interest in the project.

Sincerely,

Diana Gomez
Central Valley Regional Director



Submission 011 (John A. Ritchie, Roll Real Estate Development, February 21, 2013)



February 21, 2013

VIA EXPRESS MAIL

California High Speed Rail Authority
Attn: Mr. Gary Kennerley
Regional Manager
Fresno-Bakersfield Segment
770 L Street, Suite 800
Sacramento, CA 95814

Re: Fresno-Bakersfield HSR Segment – Support of BNSF Alignment

Dear Mr. Kennerley,

Paramount Farming Company and Roll Real Estate Development, who are both subsidiaries of Roll Global, write this letter in response to our continued participation with the High Speed Rail in regard to the impacts to farming and commercial development involved in the route selection. Paramount and Roll have been actively involved with the High Speed Rail to promote community consensus on an acceptable route and to offer 2 sites for consideration for the HMF site.

Paramount and Roll recommend the selection of the BNSF alignment as the final route through the Wasco-Shafter area. We believe that the selection of the Wasco-Shafter Bypass will cause significant devaluation neighboring farmland and to the Paramount Logistics Park. Our calculation indicates that the Bypass route will impact approximately 500 acres of the Park. These negative impacts include both developed and undeveloped land, existing businesses and road and rail infrastructure. Our initial estimate of costs that would be required by the HSR in order to acquire the property and provide relief for the collateral damages to the balance of the Park would be in excess of \$100 million dollars.

The Paramount Logistics Park is the preeminent industrial park in the region and at full build out will provide over 10,000 jobs. The Bypass route will take approximately half of the Park and will in turn reduce potential employment in the area by 5,000 full time employees. The Park is also home to one of the largest installations of rail track and terminal improvements in California. Rail service for distribution is recognized as the cleanest way to move products from one location to another. Our ability to fully develop rail distribution in the Central Valley will greatly reduce the diesel emissions from truck traffic. The Bypass route negatively impacts all of the rail improvements at the Paramount Logistics Park.

4805 Centennial Plaza Way
Suite 100
Bakersfield, CA 93312
Phone: 661.829.8102
Fax: 661.589.3757

John Ritchie
Vice President Commercial Development
jritchie@roll.com
www.roll.com



Mr. Gary Kennerley
Page 2 of 2

For all of these reasons, Paramount and Roll oppose the Bypass Route.

Sincerely,

John A. Ritchie
Vice President-Roll Real Estate Development

Cc: Jeff Morales, CEO, California High Speed Rail Authority

4805 Centennial Plaza Way
Suite 100
Bakersfield, CA 93312
Phone: 661.829.8102
Fax: 661.589.3757

John Ritchie
Vice President Commercial Development
jritchie@roll.com
www.roll.com

Submission 012 (John D. Guinn, City of Shafter, March 7, 2013)



336 Pacific Avenue Shafter, California 93263

March 7, 2013

Tom Richards
Vice Chairman, Board of Directors
California High Speed Rail Authority
855 M Street, Suite 1110
Fresno CA 93721

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

Dianna Gomez
Central Valley Regional Director
California High speed rail authority
2550 Mariposa Mall, Suite 3015
Fresno, CA 93721

RE: Fresno to Bakersfield High speed Rail Segment

Dear Mr. Richards, Mr. Morales, and Ms. Gomez:

I'm am writing you on behalf of the citizens of the City of Shafter and their elected representatives, the Shafter City Council, to inform you of Resolution 2259 opposing the HSR bypass alignment that would severely impact the citizens of Shafter. I have enclosed a copy of the resolution.

The City of Shafter has worked hard to encourage business development and the City is now home to one of the most important industrial centers in the State of California; the Paramount Logistics Park(PLP), located just north of Seventh Standard Road and in the path of the proposed bypass alignment. The bypass alignment would severely impact this industrial park and the economic future of the City of Shafter.

Currently the City of Shafter is economically healthy because of the businesses that have located in Shafter and brought opportunity to the City by selling products both retail and business to business which results in a solid use and sales tax base. The City of Shafter relies heavily on this form of income to provide the policing and other services the community needs. Additionally over 5000 people current rely on the PLP industrial park for employment and it is estimated that approximately 20,000 people would be employed there in the future.

City Manager: (661) 746-5000 / Fax (661) 746-0607 Finance (661) 746-5001 / Fax (661) 746-1002
Planning/Building/Engineering: (661) 746-5002 / Fax (661) 746-9125 www.shafter.com

Mr. Richards, Mr. Morales, and Ms. Gomez:
California High Speed Rail Authority
March 7, 2013
Page 2

The park has the only industrial rail facility in the southern San Joaquin Valley capable to receive unit trains and provide intermodal service. It is the only chance for employment, a sustainable tax base and an opportunity to convert both imports to the valley and exports from the valley to rail transportation. Obviously, in a state littered with unemployment and economic hardships this success story does not need to be harmed. The City of Shafter currently operates the rail switching services in the park but would be unable to continue with HSR bisecting the facility. The loss to the community and the state as a whole would be devastating.

The City has calculated that it is currently receiving approximately \$10,000 per acre in sales tax and property tax in the park. This would equate to a \$25 million loss per year on 2500 impacted acres and \$250 million over the next 20 years with a present value of \$372 million today.

Should HSR maintain the current bypass route future clients would immediately cease looking at the PLP as an option for expansion or relocation and causing the City of Shafter immediate financial. It is clear the HSR proposed bypass alignment is not being analyzed properly and the true cost; or in this case, the loss of opportunity for the citizens of the City of Shafter is not being fully understood.

The City of Shafter urges the HSR Authority to better analyze the impacts of the bypass alignment and avoid a decision that is so putative to the citizens, the economy, the environment and the future of California.

Sincerely,

John D. Guinn
City Manager
City of Shafter

Submission 012 (John D. Guinn, City of Shafter, March 7, 2013) - Continued

RESOLUTION NO. 2259

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHAFTER IN SUPPORT OF THE "BNSF" HIGH SPEED RAIL ALIGNMENT VS THE "BYPASS" ALIGNMENT

WHEREAS, The City of Shafter receives no tangible benefit from the High Speed Rail ("HSR"), the City Council has studied the proposed alignments with the goal of supporting the option causing the least immediate and long-term negative impact to the community; and

WHEREAS, the City Council of the City of Shafter supports the HSR alignment adjacent to the BNSF Railroad line; and

WHEREAS, the agricultural, commercial and residential properties affected by a bypass alignment of the HSR would cause significantly greater disruption and economic harm to the community than the BNSF alignment; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Shafter does hereby resolve, find, declare, determine, and order as follows:

1. That all of the facts in the recitals set forth above are hereby found to be true.
2. That the City Council and community of Shafter has a vested interest in the specific location of the High Speed Rail alignment.
3. The HSR should mitigate impacts to the community, including cooperative efforts to address sound issues.
4. Because the BNSF and HSR trains will further inhibit pedestrian and vehicle traffic across their respective rights-of-way, the HSR should also build grade separations to facilitate easier access for residents and public safety resources.
5. The City Council hereby supports location of the HSR alignment along the BNSF tracks vs the proposed Bypass route to the east.

PASSED, APPROVED AND ADOPTED ON THIS 19th DAY OF FEBRUARY 2013.


Jon Johnston, Mayor

ATTEST


Christine Wilson, City Clerk

CERTIFICATE OF GOVERNING BODY'S ACTION

STATE OF CALIFORNIA)
) ss.
COUNTY OF KERN)

I, Christine Wilson, City Clerk of the City of Shafter, California, DO HEREBY CERTIFY that the above Resolution 2259, a Resolution of the City Council of the City of Shafter, was duly passed and adopted at a Regular Meeting held on the 19th day of February, 2013, by the following vote:

AYES: Alvarado, Colvard, Florez, Johnston, and Prout.
NOES: None.
ABSENT: None.
ABSTAINING: None.

DATED: February 20, 2013

(SEAL)



City Clerk of the City of Shafter

Attachment to Submission 012 (John D. Guinn, City of Shafter, March 7, 2013) - City of Shafter
Response Letter 2013-04-08.pdf



April 8, 2013

John D. Guinn, City Manager
City of Shafter
336 Pacific Avenue
Shafter, CA 93263-2047

Board Members:

Dan Richard
Chairperson

Lynn Schenk
Vice-Chairperson

Thomas Richards
Vice-Chairperson

Jim Hartnett

Michael Rossi

Thomas J. Umberg

Jeff Morales
Chief Executive Officer

Dear Mr. Guinn:

Thank you for your recent communication with the California High-Speed Rail Authority. We have received your letter regarding opposition of the High-Speed Rail Wasco-Shafter Bypass Alternative and appreciate your comments.

At the April 4, 2013 Monthly Board Meeting, the staff of the California High-Speed Rail Authority presented technical information and a preliminary recommendation for a preferred alignment alternative and station locations to be designated in the Fresno to Bakersfield Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

This recommendation was based on review and consideration of substantive comments received during the public and agency review of the Draft EIR/EIS; including comments received following recirculation of the Revised Draft Environmental Impact report/Supplemental Draft Environmental Impact Statement (Revised DEIR/SDEIS) and recent comments received from stakeholders, including the City of Shafter.

The recommended "Preferred Alternative" includes components of all alternatives, and consists of parts of the BNSF Alternative, the Hanford West Bypass 2 Alternative (below grade), the Corcoran Bypass Alternative, the Allensworth Bypass Alternative, the Wasco-Shafter Bypass Alternative, and the Bakersfield Hybrid Alternative.

The recommended alignment incurs the least impacts to aquatic resources, the least environmental impacts considering the collective evaluation of natural and community resources, the least impacts on Section 4(f) resources, is the least costly alternative (together with a similar alignment terminating with the Bakersfield South Alternative), has the fewest constructability issues, and therefore best meets the California High-Speed Rail Authority's (Authority's) project objectives and purpose and need.

Additionally, the estimated cost of the Preferred Alternative is about \$790 million less than the BNSF Alternative, and is the lowest cost alternative of all

possible alternative combinations (together with a similar alignment terminating with the Bakersfield South Alternative).

The Amended April 4, 2013 Board Meeting Agenda and supporting information, including Fresno to Bakersfield Section Preferred Alternative Recommendation and Fresno to Bakersfield Revised Draft EIR/EIS can be found at the Authority's website, <http://www.cahighspeedrail.ca.gov>.

The California High-Speed Rail Authority Board will consider the staff recommendation and public testimony before deciding on the Preferred Alternative. As a valued stakeholder, your contact information is currently in our database to ensure that you receive information and notification of upcoming public meetings and/or events.

We look forward to your continued interest in the project.

Sincerely,

Diana Gomez
Central Valley Regional Director



JERRY BROWN
GOVERNOR

Submission 013 (Alan E. White, Vinate Production California (Occidental Petroleum Corporation),
March 19, 2013)



9600 Ming Avenue, Suite 300
Bakersfield, California 93311
Phone 661.869-8000, Fax 661.869-8024

March 15, 2013

VIA EXPRESS MAIL. CERTIFIED MAIL RETURN RECEIPT REQUESTED

California High Speed Rail Authority
Attn: Gary Kennerley
Regional Manager
Fresno-Bakersfield Segment
770 L Street, Suite 800
Sacramento, CA 95814

Re: Fresno to Bakersfield Portion of High Speed Rail Project – Preliminary Analysis of
Financial Impact to Occidental Petroleum Corporation under the Wasco-Shafter Bypass
Alternative

Dear Mr. Kennerley:

This letter is sent on behalf of the following three subsidiaries of Occidental Petroleum Corporation: a) Vintage Production California LLC, a Delaware limited liability company, b) Vintage Petroleum, LLC, a Delaware limited liability company, and c) OXY USA Inc., a Delaware corporation (collectively, "OXY"). OXY sends this letter under the provisions of the Memorandum of Understanding, dated November 19, 2012, by and between OXY and the State of California High-Speed Rail Authority (the "Authority") and in furtherance of our continued discussions with the Authority regarding potential impacts to OXY arising from the construction of the Fresno to Bakersfield portion of the High Speed Rail ("HSR").

On February 21, 2013, OXY transmitted a letter to you describing its preference for the BNSF Alignment based on the significant financial liability to the Authority if it selected the Wasco-Shafter Bypass Alternative ("Bypass"). Below is OXY's analysis of the various expense/loss scenarios which support our current estimate of \$532 million if the Authority selects the Bypass.

Summary

The Bypass bisects the North Shafter Oil Field from Northwest to Southeast. OXY's preliminary analysis of the economic impacts of the HSR to OXY's operations in the North Shafter Oil Field yields an estimated average replacement cost/value of approximately \$530 million under various scenarios, described in further detail below. This preliminary analysis assumes "ideal" replacement conditions for relocation of existing wells and infrastructure (i.e., no development delays associated with well and other permitting, no issues or impediments associated with purchasing land from surface owners, no issues or obstacles in obtaining surface

1

March 14, 2013

California High Speed Rail Authority

Re: Fresno to Bakersfield Portion of High Speed Rail Project – Preliminary Analysis of
Financial Impact to Occidental Petroleum Corporation under the Wasco-Shafter Bypass
Alternative

use agreements with landowners). Naturally, such "ideal" conditions are unlikely to be realized. Finally, and most importantly, this preliminary analysis does not capture the potentially significant economic impacts of reserve loss resulting from sub-optimal field redevelopment, infrastructure replacement, or the potential loss of existing and/or planned gas sales points.

Background

OXY appreciates the time and effort the Authority has taken to understand and learn about OXY's business in Kern County. To emphasize what you may have already learned as part of your planning process for the HSR, oil fields are like cities in terms of infrastructure. A network of wells is connected through a myriad of pipelines and other transmission infrastructure to multiple discrete facilities. Pipelines, testing and treatment facilities associated with individual wells are located both on and below the surface of the ground.

OXY currently has 79 active oil wells in the North Shafter Oil Field. Each of these wells has a unique footprint. OXY has developed six different scenarios to account for the different economic impacts it could suffer if the Bypass is constructed. Each scenario examines impacts relating to: a) wells and b) other infrastructure and facilities. While each of these scenarios results in a different economic impact, together the average estimated dollar value is \$532 million. These scenarios all rely on the following assumptions:

- (1) Commodity prices (oil, gas, steel) remain unchanged during the relevant time period.
- (2) Wells are not shut-in (i.e., turned off) due to permitting delays, delays in obtaining new rights-of-way, delays in obtaining new surface use agreements or other reasons that overlap with HSR construction time.
- (3) There are no issues securing additional land for new facilities and pipelines.

Each of the six scenarios, and their corresponding economic impact, in dollar figures, is set out below.

2

Submission 013 (Alan E. White, Vinate Production California (Occidental Petroleum Corporation),
March 19, 2013) - Continued

March 14, 2013

California High Speed Rail Authority
Re: Fresno to Bakersfield Portion of High Speed Rail Project – Preliminary Analysis of
Financial Impact to Occidental Petroleum Corporation under the Wasco-Shafter Bypass
Alternative

Scenario 1: In excess of \$269 million

Wells: OXY must replace those wells that the HSR bisects.

Other Facilities: OXY cannot obtain a right-of-way under the HSR line and must build a new production facility to the east to replicate the existing facility to the west of the HSR line.

Scenario 1 would result in a well capital expenditure of \$133 million and a facilities capital expenditure of \$135 million. Also, there would be an additional \$1 million impact due to the net present value of the preceding figures. Therefore, the total capital cost that OXY would incur is \$269 million. However, this figure does not take into account economic impacts resulting from an inability to tie into current and planned gas sales lines, nor does it account for reserve losses due to sub-optimal field redevelopment (i.e., the new wells are not as productive as the original ones).

Scenario 2: In excess of \$591 million

Wells: OXY must replace those wells that the HSR bisects.

Other Facilities: OXY cannot obtain a right-of-way under the HSR line and the Authority must then purchase the reserves on the east side of the HSR line, which no longer have a production facility associated with the wells producing these reserves.

Scenario 2 would result in a well capital expenditure of \$133 million and a reserves capital expenditure/loss of \$457 million. Also, there would be an additional \$1 million impact due to the net present value of the preceding figures. Therefore, the total capital cost that OXY would incur is \$591 million. However, this figure does not take into account reserve losses due to sub-optimal field redevelopment (i.e., the new wells are not as productive as the original ones).

Scenario 3: In excess of \$207 million

Wells: OXY must replace those wells that the HSR bisects.

Other Facilities: OXY can obtain a right-of-way under the HSR line, and, therefore, it can replace infrastructure connections to the east of the HSR line.

3

March 14, 2013

California High Speed Rail Authority
Re: Fresno to Bakersfield Portion of High Speed Rail Project – Preliminary Analysis of
Financial Impact to Occidental Petroleum Corporation under the Wasco-Shafter Bypass
Alternative

Scenario 3 would result in a well capital expenditure of \$133 million and a facilities capital expenditure of \$73 million. Also, there would be an additional \$1 million impact due to the net present value of the preceding figures. Therefore, the total capital cost that OXY would incur is \$207 million. However, this figure does not take into account reserve losses due to sub-optimal field redevelopment (i.e., the new wells are not as productive as the original ones).

Scenario 4: In excess of \$623 million

Wells: OXY is unable to replace wells that the HSR will bisect, and instead these wells must be shut-in and the Authority must then purchase the reserves associated with these wells.

Other Facilities: OXY cannot obtain a right-of-way under the HSR line and must build a new production facility to the east to replicate the existing facility to the west of the HSR line.

Scenario 4 would result in a well capital expenditure of \$487 million and a facilities capital expenditure of \$135 million. Also, there would be an additional \$1 million impact due to the net present value of the preceding figures. Therefore, the total capital cost that OXY would incur is \$623 million. However, this figure does not take into account economic impacts resulting from an inability to tie into current and planned gas sales lines.

Scenario 5: In excess of \$945 million

Wells: OXY is unable to replace wells that the HSR will bisect, and instead these wells must be shut-in and the Authority must then purchase the reserves associated with these wells.

Other Facilities: OXY cannot obtain a right-of-way under the HSR line and the Authority must then purchase the reserves on the east side of the HSR line, which no longer have a production facility associated with the wells producing these reserves.

Scenario 5 would result in a well capital expenditure of \$487 million and a reserves capital expenditure/loss of \$457 million. Also, there would be an additional \$1 million impact due to the net present value of the preceding figures. Therefore, the total capital cost that OXY would incur is \$945 million.

4

Submission 013 (Alan E. White, Vinate Production California (Occidental Petroleum Corporation),
March 19, 2013) - Continued

March 14, 2013

California High Speed Rail Authority
Re: Fresno to Bakersfield Portion of High Speed Rail Project – Preliminary Analysis of
Financial Impact to Occidental Petroleum Corporation under the Wasco-Shafter Bypass
Alternative

Scenario 6: In Excess of \$561 million

Wells: OXY is unable to replace wells that the HSR will bisect, and instead these wells must be shut-in and the Authority must then purchase the reserves associated with these wells.

Other Facilities: OXY can obtain a right-of-way under the HSR line, and, therefore, it can replace infrastructure connections to the east of the HSR line.

Scenario 6 would result in a well capital expenditure of \$487 million and a facilities capital expenditure of \$73 million. Also, there would be an additional \$1 million impact due to the net present value of the preceding figures. Therefore, the total capital cost that OXY would incur is \$561 million.

Conclusion

We appreciate your time and your attention to the matters identified in this letter. It is our hope that we can set a mutually agreeable time in the near future to further discuss this matter, our methodologies for calculating these estimated figures, and how best to proceed, given the information OXY has developed to date.

Sincerely,



 Alan E. White
President and General Manager

AEW/mth

cc: Jeff Morales, Chief Executive Officer, California High Speed Rail Authority

Submission 014 (J. D. Doster, MMA, March 25, 2013)

Fresno - Bakersfield (July 2012+) - RECORD #884 DETAIL

Status : Action Pending
Record Date : 3/25/2013
Response Requested : No
Affiliation Type : Individual
Interest As : Individual
Submission Date : 3/25/2013
Submission Method : Website
First Name : J. D.
Last Name : Doster
Professional Title : Fighter
Business/Organization : MMA
Address :
Apt./Suite No. :
City : Bakersfield
State : CA
Zip Code : 93309
Telephone : 661-381-8737
Email : jmstoster@yahoo.com
Email Subscription : Fresno - Bakersfield
Cell Phone :
Add to Mailing List : Yes
Stakeholder
Comments/Issues : Hello,
My name is J.D. Doster. I am writing this comment to say that I truly thank this company and the people of California for allowing this opportunity for everyone to enjoy and/or dislike. But to be honest, this is such a great opportunity for other parts of the world to want to grow and expand. May we all embrace and enjoy. oh, and also pray for the best.
EIR/EIS Comment : No
Official Comment Period : No

Submission 015 (Don Lazarus, April 3, 2013)

Fresno - Bakersfield (July 2012+) - RECORD #895 DETAIL

Status : Completed
Record Date : 4/3/2013
Response Requested : No
Affiliation Type : Individual
Interest As : Individual
Submission Date : 4/3/2013
Submission Method : Website
First Name : Don
Last Name : Lazarus
Professional Title :
Business/Organization :
Address :
Apt./Suite No. :
City : Tehachapi
State : CA
Zip Code : 93561
Telephone :
Email : dlaz001@aol.com
Email Subscription :
Cell Phone :
Add to Mailing List : No
Stakeholder Comments/Issues : with all the objections on the path for the rail, why NOT USE THE HWY 99 AND GO ABOVE IT, IT IS A STRAIGHT SHOT FROM FRESNO TO BAKERSFIELD AND WOULD NOT PUT ANYONE OUT OR ANY BUSINESS OR PEOPLES HOUSES TAKEN FROM THEM YOU COULD REINFORSE THE STRUCTURE WITH QUIDE RAILS AND GO STRIAIGHT DOWN THE MIDDLE ABOVE THE TRAFFIC FLOW..LESS TO DEMOLISH AND MORE TO BUILD ON
EIR/EIS Comment : No
Official Comment Period : No

Submission 016 (Don Lazarus, April 5, 2013)

Fresno - Bakersfield (July 2012+) - RECORD #896 DETAIL

Status : Unread
Record Date : 4/5/2013
Response Requested : No
Affiliation Type : Individual
Interest As : Individual
Submission Date : 4/5/2013
Submission Method : Website
First Name : Don
Last Name : Lazarus
Professional Title :
Business/Organization :
Address :
Apt./Suite No. :
City : Tehachapi
State : CA
Zip Code : 93561
Telephone :
Email : dlaz001@aol.com
Email Subscription :
Cell Phone :
Add to Mailing List : No
Stakeholder Comments/Issues : received your response to WHY NOT THE 99HWY TO BUILD THE RAIL, BUT IT WOULD ONLY SEEM LOGICAL TO DO THAT THAN TO DISPLACE SO MANY HOMES AND BUSINESS, YOU COULD GO 99 TO 58 -58 TO L.A.-WHY NOT THE 99HWY CORRIDOR WITHOUT DISPLACING HOMES AND ETC, AND THE COSTS WOULD BE CUT INHALF, IF YOU GO ABOVE THE 99 HWY CENTER DIVIDE,
EIR/EIS Comment : No
Official Comment Period :

Submission 017 (Michael Barkley, Candidate for Congress CA-10, May 5, 2013)

Fresno - Bakersfield (July 2012+) - RECORD #919 DETAIL

Status : Action Pending
Record Date : 5/5/2013
Response Requested : Yes
Affiliation Type : Individual
Interest As : Individual
Submission Date : 5/5/2013
Submission Method : Website
First Name : Michael
Last Name : Barkley
Professional Title : Candidate for Congress CA-10
Business/Organization : Candidate for Congress CA-10
Address :
Apt./Suite No. :
City : Manteca
State : CA
Zip Code : 95336
Telephone : 209-823-4817
Email : mjbarkl@inreach.com
Email Subscription : All Sections
Cell Phone :
Add to Mailing List : Yes
Stakeholder Comments/Issues : I understand that the Corcoran area for your proposed right-of-way was 9 feet under overflowed Tulare Lake in 1862 and 13 feet under in 1868. If you do not elevate, how will you handle a repeat of those floods? If you elevate, how elevated are those elevated tracks going to be? --Mike Barkley, Candidate for Congress CA-10 mjbarkl.com/floods.htm and mjbarkl.com/run.htm
EIR/EIS Comment : No
Official Comment Period : No

Submission 018 (None, Sunny Gem Vendors Letters, May 13, 2013)

First Name	Last Name	Address	City	State	Zip	Company	Phone #	Ext.
Doug	Reyes	P.O. Box 789	Visalia	CA	93279	Freedom Freight and Logistics	866-295-1860	1015
Bob	Trask							
Steven	Rizo							
Larry	Rocha							
Doomli	Kent							
Kelvin	Robinson					Estes Express Trucking		
Morgan	Southern							

Submission 018 (None, Sunny Gem Vendors Letters, May 13, 2013) - Continued



13 May 2013

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

Re: Proposed High-Speed Rail Route
BNSF Route

To Whom It May Concern:

I am a vendor to SunnyGem LLC Almond Processing Facility located at 500 N. "F" Street in Wasco, CA and would like to voice our companies opposition to one of the proposed routes of the HSR.

The proposed route would follow the existing BNSF line. This routing would cut through SunnyGem's facility making this facility unusable and would therefore displace our business relationship with SunnyGem. It would also stop SunnyGem's proposed expansion that would increase the number of employees that currently work here within the next 2 years.

Shafter and Wasco are small farming communities whose residents rely on large agriculture facilities such as SunnyGem to provide for their families. The impact of this proposed route could affect over 150 employees of SunnyGem and their families not to mention a large portion of our companies business. As SunnyGem is one of the largest almonds processing facilities in the area, it would be hard for us to find alternative business within the Shafter/Wasco area.

We ask that you please take our comments into consideration when making your decision.

Yours Truly,

Doug Reyes
Freedom Freight + Logistics
P.O. Box 789
Visalia, Ca 93279
816-295-1860
Ext 1015

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



13 May 2013

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

Re: Proposed High-Speed Rail Route
BNSF Route

To Whom It May Concern:

I am a vendor to SunnyGem LLC Almond Processing Facility located at 500 N. "F" Street in Wasco, CA and would like to voice our companies opposition to one of the proposed routes of the HSR.

The proposed route would follow the existing BNSF line. This routing would cut through SunnyGem's facility making this facility unusable and would therefore displace our business relationship with SunnyGem. It would also stop SunnyGem's proposed expansion that would increase the number of employees that currently work here within the next 2 years.

Shafter and Wasco are small farming communities whose residents rely on large agriculture facilities such as SunnyGem to provide for their families. The impact of this proposed route could affect over 150 employees of SunnyGem and their families not to mention a large portion of our companies business. As SunnyGem is one of the largest almonds processing facilities in the area, it would be hard for us to find alternative business within the Shafter/Wasco area.

We ask that you please take our comments into consideration when making your decision.

Yours Truly,

Bob Trask
Bob Trask

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

Submission 018 (None, Sunny Gem Vendors Letters, May 13, 2013) - Continued



13 May 2013

California High-Speed Rail Authority

770 "L" Street, Suite 800

Sacramento, CA 95814

Re: Proposed High-Speed Rail Route

BNSF Route

To Whom It May Concern:

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Yours Truly,

Steven Rizo - STEVEN RIZO 5/15/13

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



13 May 2013

California High-Speed Rail Authority

770 "L" Street, Suite 800

Sacramento, CA 95814

Re: Proposed High-Speed Rail Route

BNSF Route

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Yours Truly,

Larry Rocha Larry Rocha 5/15/13

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

Submission 018 (None, Sunny Gem Vendors Letters, May 13, 2013) - Continued



13 May 2013

California High-Speed Rail Authority

770 "L" Street, Suite 800

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Submission 018 (None, Sunny Gem Vendors Letters, May 13, 2013) - Continued



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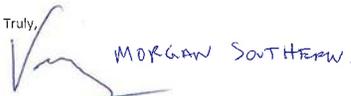
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Yours Truly,



MORGAN SOUTHERN

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

Submission 019 (None, Sunny Gem LLC Almond Processing Facility Employee Letters, May 13, 2013)

First Name	Last Name	Address	City	State	Zip						
						Martha E.	Romo	216 Manner Avenue	Shafter	CA	93263
Edgar	Ortega					Angelica	Salazar	1950 Palm Avenue, #205			
Johnny	Castillo	100 5th Place	Wasco	CA	93280	Marco	Lopez	Lopez 663	Shafter	CA	93263
Angelica	Velasquez	418 Broadway Street	Wasco	CA	93280	Sergio	Guevara	1009 Margalo Street	Wasco	CA	93280
Silvana	Duarte	1641 Poppy Court	Wasco	CA	93280	Eric	Martinez	1216 Adams Street	Wasco	CA	93280
Blanca	Estrada	1532 3rd Street	Wasco	CA	93280			1600 Poplar Avenue, Apt. 7	Wasco	CA	93280
Laura	Aguilar	483 Olson Avenue	Shafter	CA	93263	Cesar	Ruiz	1700 San Jose Avenue	Wasco	CA	93280
Aracely	Zamora	1001 1st Street	Wasco	CA	93280	Trinidad	Tapia	2727 Bettis Avenue	Wasco	CA	93280
Patricia	Contreras	1810 Poplar Avenue, Apt. F	Wasco	CA	93280	Soledad	Zamore	650 9 Street	McFarland	CA	93250
Erika	Ruiz	1140 Broadway Street	Wasco	CA	93280	Ana I.	Vargaz	945 Pecan Street	Wasco	CA	93280
Angeles	Juar3ez	2021 3rd Street	Wasco	CA	93280	Maria	Rodriguez	2200 Jasmin	Wasco	CA	93280
Raquel	Sanchez	1770 Bay Meadow Drive	Wasco	CA	93280	Maria	Cappeonco				
La	Rayes	2246 Santa Barbara Cr	Delano	CA	93215	Francisco	Gozman	P.O. Box 583	Wasco	CA	93280
Veronica	Perez	1923 2nd Street	Wasco	CA	93280	Eva	Barboza	2710 Yosemite Court	Wasco	CA	93280
Shelley	Davis					Fabiola	Ibarra				
Emma	Hernandez	712 18th Place	Delano	CA	93215	Loraine	Navarro				
Meajun	Rammiscal	1825 18th Avenue	Delano	CA	93215	Teresa	Cortez				
Meagen	Ortiz	17201 Magnolia Avenue	Wasco	CA	93280	Lucinda	Alaniz				
Maria	Juban	605 Front Road	Earlimart	CA	93219	Angelica R.	Valdovinos	2128 Quincy Street	Delano	CA	93215
Alma	Ortiz	17201 Magnolia Avnue	Wasco	CA	93280	Andrew P.	Murray				
Marco A.	Gomez	514 Santa Maria	Shafter	CA	93263	Gabriela M.	Solis				
Grisselda	Hernandez	1302 4th Street, Apt. B	Bakersfield	CA	93304	Librado	Perez	15007 Magnolia Avenue	Wasco	CA	93280
Martna	Pimentel	1540 Elm Street	Wasco	CA	93280	Imelda	Argueta				
	Romero	1925 Haley Street	Bakersfield	CA	93305	Peter	Ferrer				
Victoria	Perez	1957 Fern Tree Close	Wasco	CA	93280	Lisa	Lamborn				
		389 A Street	McFarland	CA	93250	Susan	Huseman				
Norma	Osorio	1315 E Street, Apt. E	Wasco	CA	93280						
Ana J.	Rodriguez	2109 Norwalk Street	Delano	CA	93215						
Rubi	Rordaw	700 S. Shafter Avenue, Spc 118	Shafter	CA	93263						
Maria R.	Barveios	900 Arnett Court	Bakersfield	CA	93307						
Marisol	Cameron	351 Browning Road	McFarland	CA	93250						
Gabriela	Camarena	1141 Pecan Street	Wasco	CA	93280						
Allaro	Trujisco	1950 Pollar Avenue Apt. 105									
Javier	Ramirez	1600 Poplar Avenue, Apt. G7	Wasco	CA	93280						
Yuvaliet	Mayo	1225 8 Place #F	Wasco	CA	93280						
Patricia	Corona	300 Amador Avenue	Bakersfield	CA	93307						
Griselda	Garcia	140 Kattenhorn Street	Shafter	CA	93263						
Laticia	Rodriquez	1900 Poplar Avenue	Wasco	CA	93280						
Sal	Gasoa	4347 Gatson RR									
Rodrigo	Romo	815 Jeffries Street	Shafter	CA	93263						
Raquel	Duarte	815 Jeffries Street	Shafter	CA	93263						
Otilia E.	Sanchez	272 E. Ash Avenue	Shafter	CA	93263						
		1600 Poplar Avenue, Apt. 21	Wasco	CA	93280						
Raldan	Gomez										
Reyna	Aguilar	450 Olson Avenue	Shafter	CA	93263						
Jose Luis	Iberra	804 H Street, Apt. 3A	Wasco	CA	93280						

Submission 019 (None, Sunny Gem LLC Almond Processing Facility Employee Letters, May 13, 2013) -
Continued



13 May 2013

California High-Speed Rail Authority

770 "L" Street, Suite 800

Sacramento, CA 95814

Re: Proposed High-Speed Rail Route

BNSF Route

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My family and I ask that you please take my comments into consideration when making your decision.

Yours Truly,



EDGAR ORTEGA

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



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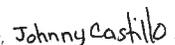
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Yours Truly,



Johnny Castillo
1005th pl. wasco. ca. 93280

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Submission 019 (None, Sunny Gem LLC Almond Processing Facility Employee Letters, May 13, 2013) -
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Yours Truly,
Angelica Velasquez
418 Broadway st.
Wasco, CA 93280

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Yours Truly,
Silvana Duarte
1641 Poppy ct.
Wasco, CA 93280

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

Submission 019 (None, Sunny Gem LLC Almond Processing Facility Employee Letters, May 13, 2013) -
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1532 3rd st.
wasco ca. 93280

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Yours Truly, *483 Olson Ave Shafter, CA, 93263*
Laura Aguilar

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Submission 019 (None, Sunny Gem LLC Almond Processing Facility Employee Letters, May 13, 2013) -
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ALECELY ZAMORA
1001 Lst Street
Wasco, CA 93280

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Patricia Centenas
1810 Poplar Ave. Apt F
Wasco, CA 93280

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

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Yours Truly,
Erika Ruiz
1140 Broadway St.
Wasco CA. 93280

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Angeles Juarez
2001 8th St
Wasco CA. 93280

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Yours Truly,

Raquel Sanchez
1770 Bay meadow DR.
Wasco CA 93280

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



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Raquel Sanchez
3946 SANTA BARBARA DR
DELANO, CA 93215

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Yours Truly,
Veronica Perez
1923 5th St
Wasco, Ca. 93280

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Shelley Davis
Yours Truly,
Shelley Davis

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

Submission 019 (None, Sunny Gem LLC Almond Processing Facility Employee Letters, May 13, 2013) -
Continued



13 May 2013

California High-Speed Rail Authority

770 "L" Street, Suite 800

Sacramento, CA 95814

Re: Proposed High-Speed Rail Route

BNSF Route

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Yours Truly,

Emma Hernandez
412 18th Place
Delano, Ca 93215

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



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Yours Truly,

Maricela Pannical

1825 18TH AVENUE
DELANO, CA. 93215

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

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Yours Truly,

17201 Magnolia ave, wasco, ca,
93280

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



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Yours Truly,

605 Front Rd.
Earlimart CA. 93319

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Yours Truly, *17201 magnolia AV Alma Ortiz*

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Yours Truly,

Marco A. Gomez

514 Santa Monica Shafter

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

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Yours Truly, *Grisselda Hernandez*
1302 4th St apt B
Bakersfield ca. 93304

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Yours Truly, *Martna Pimentel*
1540 ELM St
wasco ca 93280

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Yours Truly,

Edwin Romero

1925 Haley St
Bakersfield, CA 93305

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Yours Truly,

Victoria Penz
1957 Fern Tree Close
Wasco CA 93280

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389 A St
McFarland CA 93250

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Yours Truly,

1315 Apt C E St Wasco CA 93280
Norma Osorio

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

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Yours Truly, ANA S RODRIGUEZ
2109 Norwalk St
Delano Cal 93215.

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



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Yours Truly, RUBI RODRIGUEZ
700 S Shafter Ave Spc 118
Shafter CA, 93263.

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

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Yours Truly,

Maria R Barajas
900 Arnott Ct
Bakersfield CA 93307

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Yours Truly,

351 Browning Rd McFarland Ca 93250
MARISOL CAMARON

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

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Yours Truly,
1191 PECHN ST W ASCO 93280
GABRIELA COMARENA

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Alvaro Trujillo
1950 Pella ave apt 105

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*Javier Ramirez
1600 Poplar Ave Apt 57*

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*Yovaliet Mayo
1225 8 Pl # F wasco*

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Patricia Corona
300 Amador Ave,
Bakersfield Ca. 93307-3602
SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



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Griselda Garcia 140 Kattenhorn St
Shafter CA 93263

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

Submission 019 (None, Sunny Gem LLC Almond Processing Facility Employee Letters, May 13, 2013) -
Continued



13 May 2013

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

Re: Proposed High-Speed Rail Route
BNSF Route

To Whom It May Concern:

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Yours Truly,

1900 Poplar Av
Wasco Ca 93280

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



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Yours Truly,

Sal Garcia 4347 Gatson ee

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Yours Truly,

Rodrigo Pomo
815 JEFFRIES ST
SHAFTER CA 93263

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



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Yours Truly,

815 JEFFRIES ST
SHAFTER CA 93263
Raquel Duarte

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Yours Truly, *Otilia E. Sanchez*

*272 E. Ash Ave
Shafter, CA, 93263*

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



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Yours Truly,

Abilio Rguz *1600 Poplar ave. # 21
Wasco, ca. 93280.*

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Yours Truly,

Roldan Gomez

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Reyna Aguilar 450 Olson Ave
Shafter CA 93263

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Yours Truly,

Jose Luis Ibarra
804 H ST APT 3A Wasco Ca 95280

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



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My family and I ask that you please take my comments into consideration when making your decision.

It would affect my employment. My family needs me to support them. I have a daughter that I support in college and a son that I support. I support my children I support my family. Shafter Ca

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

Submission 019 (None, Sunny Gem LLC Almond Processing Facility Employee Letters, May 13, 2013) -
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Yours Truly,

*Angelica Diaz
1950 Palm. Ave #205*

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Yours Truly,

*Marco Lopez
Lopez 663 Shafter CA
93263*

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Yours Truly, *SERGIO GUEVARA*
1009 MARGALO ST.
WASCO, CA. 93280

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Yours Truly, *Eric Mantua*
1216 Adams St.
Wasco, Cal. 93280

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*1600 Poplar Ave Apt #7
Wasco CA. 93280. Anna Delgado.*

Yours Truly,

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Yours Truly,

*Cesar Ruiz
1700 San Jose Ave
Wasco Ca.*

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Yours Truly, *Trinidad Tapia*
2727 Bettis Ave
Wasco CA 93280

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McFarland Ca. 93250
Yours Truly, *Solided Zmora*
650 9ST
Mc Farland Ca.
93250

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

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Yours Truly, *Ana I Vargas 945 Pecan St Wasco CA 93280*

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Yours Truly, *Marta Rodriguez 2200 JASMIN wasco ca 93280*

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Yours Truly, *MARIA CARMELO NORA*

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Yours Truly, *Francisco Gorman*
P.O. 583 wasco, CA. 93280

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My family and I ask that you please take my comments into consideration when making your decision.

Yours Truly, *EVA BARBOZA*
2710 Yosemite Ct
Wasco CA 93280

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



13 May 2013

California High-Speed Rail Authority

770 "L" Street, Suite 800

Sacramento, CA 95814

Re: Proposed High-Speed Rail Route

BNSF Route

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Yours Truly,
Fabola Maria
Fabola Ibarra.

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

Submission 019 (None, Sunny Gem LLC Almond Processing Facility Employee Letters, May 13, 2013) -
Continued



13 May 2013

California High-Speed Rail Authority

770 "L" Street, Suite 800

Sacramento, CA 95814

Re: Proposed High-Speed Rail Route

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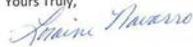
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Yours Truly,


Loraine Navarro

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Teresa Cortez

Yours Truly,



SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

Submission 019 (None, Sunny Gem LLC Almond Processing Facility Employee Letters, May 13, 2013) -
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WENDY ALANIZ
Yours Truly,

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



13 May 2013

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Yours Truly,

Angelica R. Valdovinos
2128 Quiney St.
Delano, CA 93215
661-758-0491

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

Submission 019 (None, Sunny Gem LLC Almond Processing Facility Employee Letters, May 13, 2013) -
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Yours Truly,
Andrew P. Murray

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494



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Yours Truly,
Gabriela M. Solis

GABRIELA H. SOLIS

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

Submission 019 (None, Sunny Gem LLC Almond Processing Facility Employee Letters, May 13, 2013) -
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Librado Perez
15007 Magnolia Ave
Wasco, California 93280

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Imelda Argueta
SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

Submission 019 (None, Sunny Gem LLC Almond Processing Facility Employee Letters, May 13, 2013) -
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Submission 019 (None, Sunny Gem LLC Almond Processing Facility Employee Letters, May 13, 2013) -
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Yours Truly,

Susan Huseman
Susan Huseman

SunnyGem LLC | 500 N. "F" Street Wasco, CA 93280 | Office: (661) 758-0491 | Fax: (661) 758-0494

Submission 020 (Gus Hurtado, Union Pacific, May 23, 2013)

Fresno - Bakersfield (July 2012+) - RECORD #942 DETAIL

Status : No Action Required
Record Date : 5/23/2013
Response Requested : No
Affiliation Type : Federal Agency
Interest As : Federal Elected
Submission Date : 5/23/2013
Submission Method : Website
First Name : Gus
Last Name : Hurtado
Professional Title : Supervisor
Business/Organization : Union Pacific
Address :
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93705
Telephone : 559-443-2221
Email : gus_hurtado@up.com
Email Subscription : All Sections
Cell Phone :
Add to Mailing List : Yes
Stakeholder Comments/Issues : My name is Gus Hurtado I work for Union Pacific I am opposed to this railway project because it goes against my belief and I feel like a russian with gas mainly phosgene gas.
EIR/EIS Comment : No
Official Comment Period : No

Submission 021 (Jeffrey A Nuytten, Hormel Foods Corporation, June 5, 2013)



Jeffrey A. Nuytten
Vice President of Operations
Refrigerated Foods

Hormel Foods Corporation
1 Hormel Place
Austin, MN 55912-3680
Tel. (507)437-5520
E-Mail jnuytten@hormel.com

June 5, 2013
Page 2 of 3

June 5, 2013

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED
7010 1670 0000 7659 8759

Ms. Diana Gomez
Central Valley Director
California High-Speed Rail Authority
Fresno Office
2550 Mariposa Mall, Suite 3015
Fresno, CA 93721

Re: High Speed Rail Line Impacts

Dear Ms. Gomez:

I write in follow-up to a May 28th phone conversation between representatives from the California High Speed Rail Authority (the "Authority") and PFFJ, LLC ("PFFJ"), a large hog production agribusiness and wholly-owned subsidiary of Hormel Foods Corporation. As stated during the call, if the high speed rail line moves forward with the current proposed routing, it will end up shutting down our facilities in its path and result in a substantial loss in jobs and tax revenue for the local economy. In response to PFFJ's stated concerns, the Authority requested an updated description of the impacts the proposed high speed rail line will have on PFFJ's facilities and further requested input on possible ways to mitigate the negative impact of the rail line on PFFJ's business.

I. About PFFJ

PFFJ owns 420 acres, including farm buildings, offices and a feed mill near Corcoran in Tulare County, California. PFFJ uses this property to raise approximately 150,000 market hogs per year, which are sold to the Farmer John pork processing plant in Los Angeles (also a Hormel Foods company). PFFJ also produces about 115,000 tons of feed per year on the property to supply its internal needs, as well as commercial feed sales. PFFJ employs 43 full-time staff on the property in the areas of hog production, feed

milling, maintenance and administration with an annual payroll of approximately \$1.5M.

II. Impact

The Authority's plans for the high speed rail line threaten the very existence of PFFJ's business in the area. The current plans for the high speed rail line include the building of an overpass on PFFJ's property at the intersection of Avenue 120 and Highway 43 (Exhibit A). As previously explained, the land needed to build this overpass may force PFFJ out of compliance with the strict environmental regulations relating to the number of acres needed for effluent application. Our farm disposes of hog effluent by channeling the effluent from our hog houses into lagoons. From the lagoons, the effluent is channeled to our fields for application on crops. The State of California sets strict regulations for the amount of effluent that can be disposed over a given area of land. Over the years, we have noticed a growing shortage of land available for effluent application, due to conversion of such land to fruit production and conservation. With the loss of the acres needed for the overpass and no contiguous crop land available for purchase, PFFJ would need to build an effluent pipeline to transfer effluent away from its facilities at considerable cost. It is likely not possible to obtain the necessary permits and easements for such a pipeline. Further, even if it was possible to obtain permitting and easements, the estimated \$500,000 cost to build a 2-3 mile pipeline would be prohibitive.

The Authority's plans also require the destruction of PFFJ's feed mill located near Angiola and Avenue 112 (Exhibit B). We use this feed mill to store grain and manufacture complete feed coming to and from our farm by rail on the BNSF line. This feed mill is essential to PFFJ's continued operation and it is unlikely we will be able to obtain rail support for a new feed mill on financially-viable terms. It is our understanding that BNSF has little interest in supporting new single car receiving facilities and we anticipate that other rail companies will take a similar stance.

Based on the above impacts, we have come to the conclusion that PFFJ will be forced to cease its operations in the area if the Authority's current plans for the high speed rail line go forward. The loss of PFFJ's business will be devastating to the local economy, leading to the loss of 43 permanent full-time jobs and important tax revenue. Moreover, the effect of closing PFFJ's operations will ripple throughout the business of Hormel Foods Corporation causing significant additional harm. Among other effects, the closing of PFFJ's operations in the area will lead to the loss of valuable feed accounts and force Farmer John to source its hogs from elsewhere. We estimate the incremental cost to replace the hogs at Farmer John and the cost of losing these feed accounts to be around \$41M.

Submission 021 (Jeffrey A Nuytten, Hormel Foods Corporation, June 5, 2013) - Continued

June 5, 2013
Page 3 of 3

III. Proposed Alternatives

Should the high speed rail line go forward as planned, PFFJ and Hormel Foods intend to seek full compensation for the taking of property, loss of business goodwill and related expenses. Since the Authority is required to pay for whatever it takes, we believe that the Authority and PFFJ have a shared interest in mitigating the effect of the high speed rail line on PFFJ's business. There are cost-effective alternatives the Authority could pursue that will eliminate, or substantially reduce, the devastating impact of the high speed rail line on PFFJ's business. For example, the Authority could either divert the rail line away from PFFJ's property or build an underground rail tunnel at both the Avenue 120 and Avenue 112 locations. PFFJ respectfully requests that the Authority seriously consider these and other possible alternative options and we look forward to further dialogue with the Authority regarding their feasibility.

Sincerely,

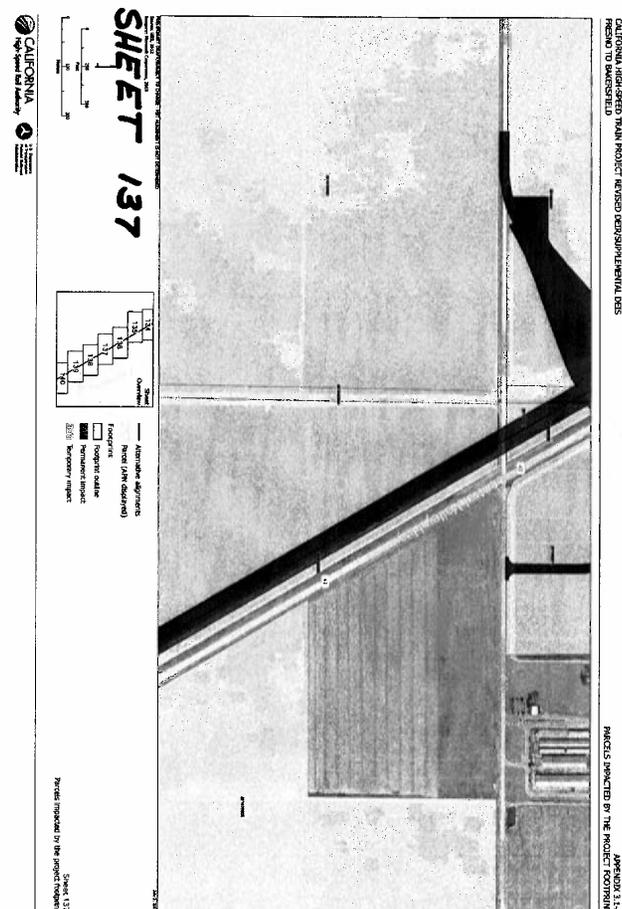
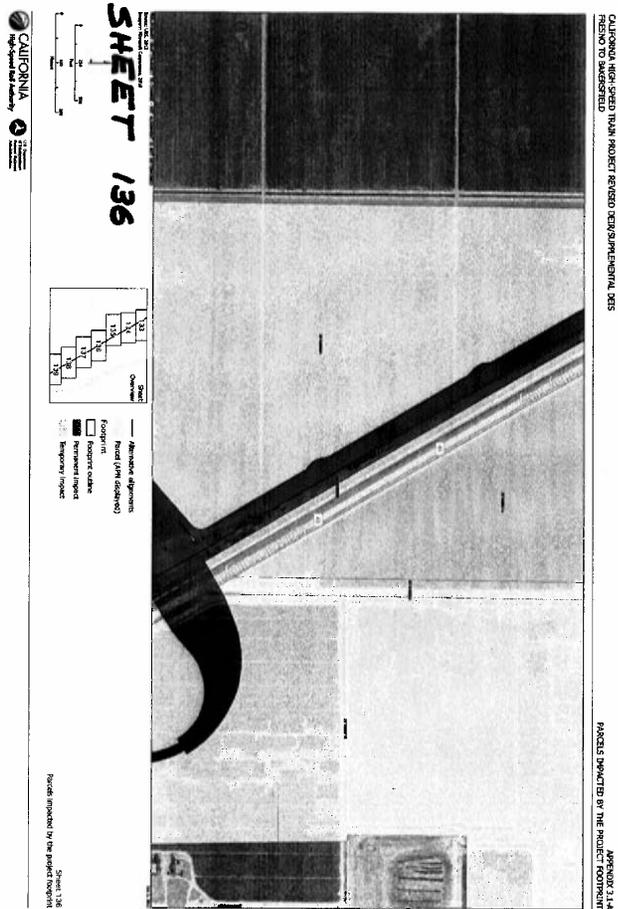


Jeffrey A. Nuytten
Vice President of Operations-Refrigerated Foods
President, PFFJ, LLC

cc: Cheryl Lehn

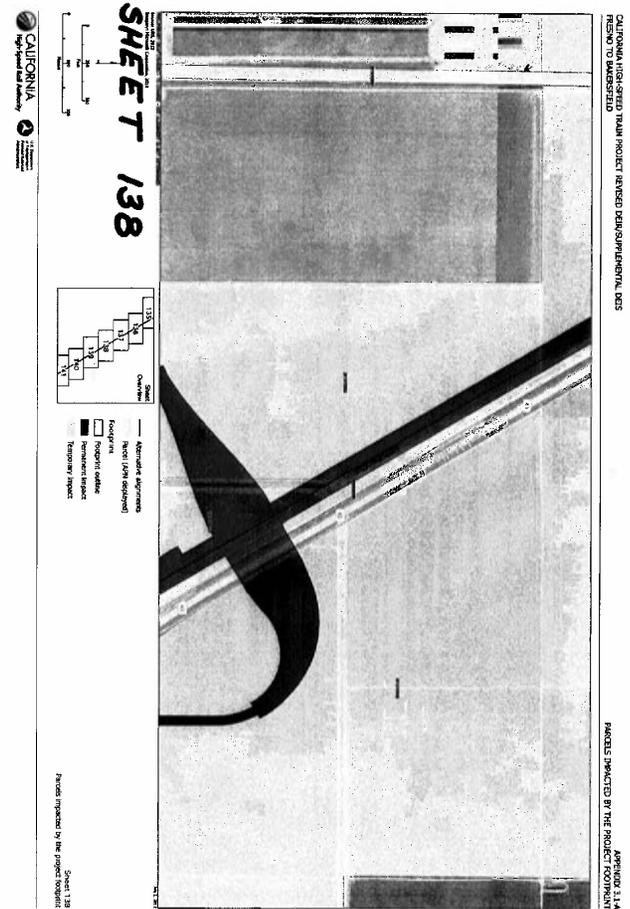
Exhibit A

Submission 021 (Jeffrey A Nuytten, Hormel Foods Corporation, June 5, 2013) - Continued



Submission 021 (Jeffrey A Nuytten, Hormel Foods Corporation, June 5, 2013) - Continued

Exhibit B



Submission 022 (Douglas Carstens, Chatten-Brown & Carstens, October 3, 2013)

CHATTEN-BROWN & CARSTENS

TELEPHONE: (310) 798-2400
FACSIMILE: (310) 798-2402

2200 PACIFIC COAST HIGHWAY
SUITE 318
HERMOSA BEACH, CALIFORNIA 90254

E-mail: DPO@CBCBARTH.LAW.COM

October 3, 2013

- California High Speed Rail Authority
Board
Chairman Dan Richard and Honorable
Board Members
c/o Mr. Mark McLoughlin
1770 "L" Street, Suite 800
Sacramento, CA 95814

Surface Transportation Board
Chairman Elliot and Honorable Board
Members
395 E Street, SW
Washington, DC 20423

Federal Railroad Administration
Joseph C. Szabo, Administrator
c/o Mr. David Valenstein
MS-20, W38-303
1200 New Jersey Avenue, SE
Washington, DC 20590

Mr. Horace Greczmiel
Associate Director for NEPA Oversight
Council on Environmental Quality
Executive Office of the President
722 Jackson Place N.W.
Washington D.C. 20503

RE: Request for Recirculation of Revised Draft EIR/EIS for Fresno to Bakersfield Segment of High Speed Train System; Supplemental EIR/EIS to 2005 Programmatic EIR/EIS for High Speed Train System; and Coordination of Project Planning and Environmental Review

Chairman Richard, Chairman Elliot, Administrator Szabo, Director Greczmiel and Honorable Board Members:

Our firm represents Citizens for California High Speed Rail Accountability (CCHSRA), Kings County, and the Kings County Farm Bureau. It has come to our clients' attention that the Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement: Fresno to Bakersfield (Fresno-Bakersfield Draft EIR/EIS) of the California High Speed Rail Authority (Authority) released in July 2012 describes a project with different alignments and features than is currently proposed for the High Speed Train (HST) system because major modifications have been made since it was released. Significant changes include the contemplated elevated rail system over the Kings River, a trenched alignment around 13th Avenue in Hanford, and the disclosure of new information about potentially significant geotechnical impacts. These changes represent significant changes in the design and environmental impacts of this segment of the HST. Therefore, the Fresno-Bakersfield Draft EIR/EIS must be recirculated with the current alignments and features, and an analysis of their impacts.

Furthermore, the circumstances under which the HST is being reviewed have

CHSRA, FRA, STB, CEQ
October 3, 2013
Page 2 of 19

changed significantly with the Sacramento Superior Court's August 2013 ruling that the Authority violated the terms of Proposition 1A for funding and building the HST. Recirculation is also advisable because the Surface Transportation Board's June 2013 assertion of jurisdiction over the Merced to Fresno portion of the HST sets a precedent that could affect review of the Fresno-Bakersfield segment that was not anticipated in the Fresno-Bakersfield EIR/EIS.

For these reasons, in accordance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) the Authority, the Federal Rail Administration (FRA), and the Surface Transportation Board (STB) must revise the Fresno-Bakersfield Draft EIR/EIS for the Fresno to Bakersfield segment to reflect changes in design, and re-release the draft for public review. (40 C.F.R. § 1502.9 [NEPA]; Pub. Resources Code § 21092.1 [CEQA].) You should also prepare a supplemental programmatic system-wide EIR/EIS¹ since the one approved in 2005 did not properly address at the program level alternatives and mitigation measures for impacts that are now apparent from further analysis. (40 C.F.R. § 1502.9 [NEPA]; Pub. Resources Code § 21092.1.)

We write to all of you because at this point it is unclear who will have decisionmaking authority over the High Speed Train project and its various segments. While we believe the High Speed Rail Authority is the Lead Agency for CEQA purposes for the entire HST and all its segments, we understand that the Authority has asserted that its environmental review authority is preempted by the assertion by the STB of authority over the HST in June 2013 pursuant to the Interstate Commerce Commission Termination Act of 1995 (ICCTA). The Authority, in litigation over the Bay Area to Central Valley segment of the high-speed rail system, asserted this action by STB had the effect of preempting its environmental review authority pursuant to the California Environmental Quality Act. We believe no such preemption has occurred and that while STB may have jurisdiction over the HST system, it is not exclusive. In the interest of efficiency, however, we write to each of you that may exercise some authority over the HST in the future, or over coordination proceedings related to the HST system.

Below we discuss some of the significant new information and recent changes that appear to have occurred based upon discussions with Authority Board Members, staff and consultants working on the project. In light of these changes, in addition to revising, recirculating, and supplementing the environmental review as appropriate, we also ask that you initiate coordination proceedings for your review with Kings County and other affected jurisdictions.

¹ We are relying upon the Final Program Environmental Impact Report/Environmental Impact Statement for the Proposed California HST System (Aug. 2005) (HST Program EIR/EIS), available on the Authority's website at http://www.hsr.ca.gov/Programs/Environmental_Planning/EIR_EIS/index.html.

Submission 022 (Douglas Carstens, Chatten-Brown & Carstens, October 3, 2013) - Continued

CHSRA, FRA, STB, CEQ
October 3, 2013
Page 3 of 19

I. Changes In The Project's Circumstances, Its Design, and Feasible Alternatives Require Supplemental Environmental Review and Recirculation of Draft Documents.

A. NEPA and CEQA Require Revision of a Draft EIS/EIR and Recirculation When There are Changes to a Project, New Information, or a Change of Circumstances Disclosing Significant Impacts.

Under NEPA, federal agencies reviewing major federal actions must take a "hard look" at environmental consequences of the proposed project, and the need for supplementation of the information in environmental impact statements. (*Kleppe v. Sierra Club* (1976) 427 U.S. 390, 410; *Marsh v. Oregon Natural Resources Council* (1989) 490 U.S. 360, 374.) CEQA requires that EIRs provide a thorough investigation and adequate analysis of project impacts in which a public agency finds out and discloses all that it reasonably can about project impacts. (Tit. 14, Cal. Code Regs. §§ 15144 and 15151.) Under both NEPA and CEQA, when significant new facts emerge about a project or alternatives to it, or the circumstances in which it is proposed, the environmental review documents for it must be supplemented, if they have already been approved (40 C.F.R. § 1502.9 [NEPA]; Public Resources Code § 21166 [CEQA]), or recirculated if they have not yet been approved (40 C.F.R. § 1502.9 [NEPA]; Public Resources Code section 21092.1).

NEPA provides the following:

(c) Agencies:

(1) Shall prepare supplements to either draft or final environmental impact statements if:

(i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or

(ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

(40 C.F.R. § 1502.9.) Federal courts confirm this requirement of NEPA:

In view of this purpose, an agency that has prepared an EIS cannot simply rest on the original document. The agency must be alert to new information that may alter the results of its original environmental analysis, and continue to take a "hard look" at the environmental effects of [its] planned action, even after a proposal has received initial approval.' *Id.* at 374, 109 S.Ct. 1851 (citations and quotations

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omitted). It must 'ma[ke] a reasoned decision based on ... the significance-or lack of significance-of the new information,' *id.* at 378, 109 S.Ct. 1851, and prepare a supplemental EIS when there are 'significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.' 40 C.F.R. § 1502.9(c)(1)(ii). 'If there remains major Federal action to occur, and the new information is sufficient to show that the remaining action will affect the quality of the human environment in a significant manner or to a significant extent not already considered, a supplemental EIS must be prepared.' *Marsh [v. Oregon Natural Resources Council]*, 490 U.S. at 374, 109 S.Ct. 1851 (citations and quotations omitted).

(*Friends of the Clearwater v. Dombeck* (9th Cir. 2000) 222 F.3d 552, 557-58.)

California Public Resources Code section 21092.1 provides:

"When significant new information is added to an environmental impact report after notice has been given . . . and consultation has occurred . . . but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report."

(Pub. Resource Code § 21092.1.) New information is "significant," within the meaning of section 21092.1, if as a result of the additional information the EIR is "changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 447; accord, CEQA Guidelines, Cal.Code Regs., tit. 14, § 15088.5, subd. (a).)

California Public Resources Code section 21166 provides supplemental review should be prepared when:

(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

(Pub. Resource Code § 21166.)

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Thus, as explained below, the HST Programmatic EIR/EIS that was prepared in 2005 must be supplemented because significant new information is available that has system-wide implications as well as implications specific to the Fresno-Bakersfield segment of the HST system. A supplement to the Programmatic EIR/EIS for the HST System must be prepared to address new information and the availability of alternatives that avoid newly identified significant impacts. Furthermore, the draft environmental review documents for the Fresno-Bakersfield segment of the HST must be revised to include this new information and be recirculated.

B. Geotechnical Information Revealing Unanticipated Significant Impacts On Alignments of the Fresno-Bakersfield Segment of the HST Only Recently Came to Light.

On September 12, 2013, in response to a California Public Records Act request but no earlier, the Authority produced a copy of a report entitled “Draft 15% Submission Fresno to Bakersfield Geologic and Seismic Hazards Report, April 2013” (hereinafter, the Geologic and Seismic Hazards Report) that revealed some significant geotechnical information previously undisclosed to the public.² Since it was prepared in April 2013, it was not available at the time of the release of the draft Fresno-Bakersfield EIR/EIS in July 2012, or at the time of the HST Final Program EIR/EIS in 2005. The Report summarized the risks as follows:

The preliminary assessment of geologic and seismic hazards along the FB [Fresno-Bakersfield] Section of the HST identified in this study suggests that there is a *moderate to high risk of the following hazards*:

- Ground rupture — Kern County, Pond Poso Creek Fault³, and Edison Fault.

² This Report was posted by members of the public at <http://www.calhsr.com/wp-content/uploads/2013/09/FB-Geo-Seismic-Hazard-Report-15pct-Draft-Apr2013-Rpt-only.pdf>. Apparently, the Authority has still not distributed it to other members of the public. There are references in the Fresno-Bakersfield EIR/EIS to “The Fresno to Bakersfield Section: Geologic, Soils, and Seismicity Technical Report (Authority and FRA 2012)” and the “Fresno to Bakersfield Geologic and Seismic Hazards Report (Authority and FRA 2011a)” (Fresno-Bakersfield EIR/EIS, p. 3.9-1), but it is not clear those reports were available or distributed either. There apparently were no technical appendices for Chapter 3.9 on Geology, Soils and Seismicity posted online with the EIR. (See http://hsr.ca.gov/Programs/Environmental_Planning/revise_draft_fresno_bakersfield.html.)

³ Contrary to this statement of moderate to high risk in the Geologic and Seismic Hazards Report, the Fresno-Bakersfield EIR/EIS states the Pond Fault “is not likely to be a significant source of ground shaking.” (Fresno-Bakersfield EIR/EIS, p. 3.9-16.)

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- Seismically induced ground deformations — entire alignment.
- Shallow groundwater — Kings and Tulare Counties.
- Soil corrosivity and expansive soils — entire alignment.
- Loose granular soils where historical dune sand underlies the alignment.
- Strong motion ground shaking — Tulare and Kern Counties.
- Seismically induced flooding — between Fresno and Corcoran and Bakersfield.
- Land subsidence — entire alignment.
- Seasonal flooding — Fresno, Kings River Crossing, Corcoran, North of Wasco, Bakersfield.
- Soft compressible soils — historical Tulare Lake footprint.
- Slope instability — river channel slopes.

(Fresno to Bakersfield Geologic and Seismic Hazards Report, April 2013, pp. 1-1 to 1-2, emphasis added.) The Report further opined that “Most of the hazards either are distributed across the [Central] valley (such as potentially liquefiable soils) or run perpendicular to the proposed alignment (such as flood plains); therefore, avoidance by rerouting the proposed alignment [within the identified corridor] may not be a viable option.” (*Id.*)

In stark contrast with this admission of moderate to high risks for the “entire alignment,” the Fresno-Bakersfield EIR/EIS states “The severity of these risks is limited because the geology along the alignment alternatives, stations, and HMF sites is generally very competent, with only localized areas of potentially loose or compressible soils.” (Fresno-Bakersfield EIR/EIS, p. 3.9-26.)

Among other items revealed in the Geologic and Seismic Hazards Report, but not by the EIR/EIS, are the following:

“Until site specific, high-quality density results and ground motion investigations become available, the liquefaction hazard throughout the alignment should be considered moderate.” The Report states a “low” risk characterization is inappropriate. (*Id.*, at p. 4-24.) In fact, a “high” level of geologic and seismic hazards is noted in summary for many areas. (*Id.* at p. 8-1, Table 8.0-1.)

“The Rural South (FB-G) and Wasco Shafter (FB-H) subsections of the alignment were historically marshy and boggy areas that were subject to seasonal inundation. Although these areas are now drained it is likely that soft organic soils prone to settlement and low bearing capacity are likely to be encountered. The presence of soft organic soils may also increase the risk from the ‘bow wave’ effect.” (*Id.*, at p., 5-24).⁴

⁴ The Fresno Bakersfield EIR/EIS does not even mention, let alone address, the “bow

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“5.7 Erodible Soils: Certain soil types demonstrate a higher potential for erodibility from the forces of water (rainfall and runoff) than other soil types do.” (*Id.*, at p. 5-29.) Table 5.7-1 Soil Erosion Potential (USDA) shows that virtually the entire Fresno-Bakersfield alignment has Moderate to High soil erosion potential. (*Id.*, at p. 5-31.)

“Review of available historical seismic data and ground shaking intensity maps suggest that the seismic hazard along the Fresno-Bakersfield alignment is significant and requires further investigation.” (*Id.* at p. 10-1).

“The presence of soft organic soils could increase the potential for the ‘bow Wave Effect’ associated with high speed trains. In summary, the primary potential geohazards or constraints associated with this section are potential for flooding and localized high groundwater table, liquefaction hazards, unknown soil conditions (near surface and at depth) with potentially soft compressible ground and abandoned or operational oil and gas wells.” (*Id.* at p. B-8).

(Fresno to Bakersfield Geologic and Seismic Hazards Report, April 2013.) The Report admitted the data available from public sources that it used allowed for a qualitative analysis of hazards, “but was rarely refined enough to enable a specific quantitative assessment of the hazards for any particular section of the proposed alignment.” (*Id.* at p. 1-1.)

Clearly, insufficient geotechnical investigation was conducted prior to circulation of the Fresno-Bakersfield draft EIR/EIS. This investigation is only now beginning to be addressed in the Geologic and Seismic Hazards Report. Therefore, the draft EIR/EIS must be recirculated with the new geotechnical information available in the Geologic and Seismic Hazards Report. (*Portland Audubon Society v. Babbitt* (9th Cir. 1993) 998 F.2d 705, 708 [a supplemental EIS should have been prepared because the scientific evidence raised significant new information relevant to environmental concerns].) Furthermore, because significant hazards are identified in the alignment that were not identified in the Program EIR/EIS, the Program EIR/EIS must be supplemented with this information about hazards and alternative means of avoiding them such as using the I-5 Corridor or SR-99 alignment.

The detailed geotechnical information necessary to design and analyze the impacts of wave” effect. The “bow wave” effect, also known as train induced ground vibrations, can have significant and adverse safety impacts for high speed trains. (“Train induced ground vibrations: different amplitude-speed relations for two layered soils,” Proceedings of the Institution of Mechanical Engineers, Part F: Journal of Rail and Rapid Transit, 2012, 226; published online 7 February 2012.)

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the high speed train project is a significant analysis which is missing from the Fresno-Bakersfield Draft EIR/EIS. Recent detailed progress reports provided by Regional Consultant URS, consultants working on the project, highlight the need for detailed geotechnical information and the potential for significant impacts to the entire HST project. (Regional Consultant Monthly Progress Report, Fresno to Bakersfield for the Period of April 27, 2013 through May 24, 2013, Page 5). Page 5 of the report states:

As noted in previous monthly progress reports, the RC [Regional Consultant] considers a lack of adequate geotechnical data a serious procurement risk to the authority as the design is currently based on assumed ground conditions. Uncertainty about ground conditions could have significant impacts on bid prices, and likely would result in claims from the design/build contractor.

(Regional Consultant Report, p. 5, emphasis added.) Further in the report the Regional Consultant refers to the impact of the inclusion of new subsidence information which was not identified until the April 19, 2013 Geologic and Seismic Hazards Report. (Regional Consultant Report, p. 6.) Information that emerged includes the recognition that previous monuments in the Central Valley have moved 18 inches vertically and some have moved laterally. (*Ibid.*) This has caused a revision in track form and possibly the infrastructure used, thus creating unforeseen impacts.

Detailed geotechnical information must be included in the draft EIR/EIS for public review for the following reasons:

- Detailed subsurface explorations would indicate the depth to groundwater or the presence of perched groundwater. This information could guide the design choices for infrastructure, which in turn could affect local environmental impacts.
- Specific factual information about the perched groundwater will also show the Authority that in key areas where the alignment is being designed there is perched water that is at levels as low as 1-2 feet below ground surface. Water is so shallow that agricultural crops cannot be grown on the ground without drowning the root systems of the crops. In order to deal with this problem the Authority may need to use systems such as shallow water removal systems, however the disposal of this water may become an environmental impact to the local area.⁵

⁵New potential impacts to local groundwater require consultation with the Regional Water Quality Control Board, the Kings County Water District, and other users of groundwater, which is critically important to Kings County’s predominantly agricultural community. We note that the Kings County Water District, among others, is opposing the Authority’s effort to validate the issuance of construction bonds in *High-Speed Rail Authority et al. v. All Persons Interested*, Sacramento Superior Court Case no. 34-2013-00140689.

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- Geotechnical information is needed to address the varying degree of soils that are present within the Central Valley. Along alignments through Kings County, soils generally found around the Kings River will be of a sandy composition, while soils near the Tulare Lake Bottom will be finer and possess clay material. The presence of clay will induce shrinkage and swelling of soils depending on the presence and/or lack of water.

It is not sufficient that the Geologic and Seismic Hazards Report is available to your agencies and consultants. Instead, this information must be made available to the public and other public agencies for review and critical analysis. In *I-291 Why? Association v. Burns*, 372 F. Supp. 223 (D. Conn. 1974), *aff'd*, 517 F.2d 1077 (2d Cir. 1975), the court concluded that post-EIS studies by a local employee of FHWA could not save a defective EIS, in part because the studies were not circulated to other interested agencies, such as the Environmental Protection Agency (EPA) and the Council on Environmental Quality (CEQ). "The circulation and review requirements are critical features of NEPA's effort to insure informed decision making by providing procedural inputs for all responsible points of view on the environmental consequences of a proposed major federal action." (*I-291 Why? Association v. Burns*, 372 F. Supp. at 223.) The Second Circuit agreed: "These studies could not cure these particular inadequacies because they were not circulated for review and comment in accordance with procedures established to comply with NEPA." (*I-291 Why? Association v. Burns*, 517 F.2d at 1081; see also *Appalachian Mountain Club v. Brinegar*, 394 F. Supp. 105, 122 (D.N.H. 1975) [supplemental information not circulated in the same manner as a draft EIS cannot validate an otherwise deficient draft EIS]; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442.)

C. Elevated Tracks On the BNSF (Eastern) Alignment of the Fresno-Bakersfield Segment of the HST System Are New.

During a recent meeting with Ross and Phyllis Browning and Karen Stout, who are CCHSRA members, our client discovered that the Authority now plans to provide an elevated track system over the three channels of the Kings River on the BNSF (Eastern) Alignment. This change in design presents a significant departure from the previous design offered by the Authority and would result in significant further environmental impacts.

The original Draft EIR/EIS, released in 2011, had an "at grade" design over the Kings River, which elevated the tracks over all three channels of the Kings River three feet above river levees to the bottom of the river trellis. (Draft Fresno to Bakersfield Section Draft EIR-EIS, Volume III, Section A - Alignment Plans, Drawing Nos. CB1816, CB1817 and CB 1818.) During the initial review of the project and after postponement of the 2011 public review period, the Authority was clearly put on notice by the Kings

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River Water Authority, the Kings River Conservation District and many citizens that a three foot clearance was not appropriate for operation and maintenance of the river channels. However, the Authority left the three foot clearance design in for the design and analysis of the Revised Draft EIR/EIS.

While it is appropriate that the Authority has now recognized the problem with the original plan for crossing the Kings River, concerns that are apparent with an elevated track system versus an at-grade system include:

- Visual impacts to a current setting which is rural and scenic within the area.
- Sound impacts which will be greater due to the elevated tracks. Sound will not encounter the same dampening effect that would be if it were on the ground and absorbed by its surroundings.
- Increased intensive construction effort to construct concrete pillars and pylons.
- The increased impact to the nearby habitat that is caused by an elevated track and the increased effort required for construction.⁶
- Increased safety concerns for the residents in the area and for the riders in the event that an accident or health issue occurs in the elevated section.
- Impacts to local agriculture as the elevated tracks present a vertical impediment which can and will cause issues including with the local aerial application of pesticides and herbicides.

These potential impacts must be studied in a Revised Draft EIR/EIS for the Fresno to Bakersfield Segment of High Speed Train System.

D. The Hanford West Trench Alternative of the Fresno-Bakersfield Segment of the High Speed Train System Has Significant Previously Undisclosed Impacts.

The inclusion of a trench option in the Western Alignment through Kings County in the vicinity of 13th Avenue and across Highway 198 raises the possibility of significant complications with high local groundwater. As relayed to the landowners that met with the Authority, the plan is to include a 40 foot deep trench, which would be capable of accommodating four tracks of high speed rail. These design elements were not included in the original Fresno-Bakersfield Draft EIR/EIS. While they may be appropriate, concerns regarding the trenched alternative include:

⁶ Potential unforeseen habitat alteration and biological resource impacts require re-consultation with the federal Fish and Wildlife Service, the California Department of Fish and Wildlife, the Army Corps of Engineers, the Environmental Protection Agency, among other agencies.

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- Impacts to local perched groundwater both in hydrogeologic movement of water and in water quality.
- Safety concerns for the local area including traffic and pedestrian movements around the trench.
- Impacts to wildlife that use the corridor and their ability to traverse the trenched area.
- Noise impacts associated with the reverberation of sounds on surrounding concrete walls in the trench.
- Impacts to municipal and agricultural utilities that must traverse the trench.

Because of these significant design changes along the Fresno-Bakersfield segment, the Fresno-Bakersfield Draft EIR/EIS must be recirculated with this new information included so the public and public agencies may properly evaluate the changes.

E. Changes in the Circumstances of the High Speed Train Project Since the Programmatic EIR/EIS Was Approved in 1995 and the Draft Revised Fresno-Bakersfield EIR/EIS Was Released in 2012 Require Revisions to the Entire Analysis.

1. It is Necessary to Study and Fund the Entire High Speed Train System Initial Operating Section, Not Merely the Initial Construction Segment.

In August 2013, the Superior Court for the County of Sacramento concluded that the Authority violated the terms of Proposition 1A, the initiative measure entitled the "Safe, Reliable, High-Speed Passenger Train Bond Act for the 21st Century" that added section 2704 to 2704.21 to the Streets and Highways Code. The Court found that the Authority violated state law and "abused its discretion" in approving a funding plan that did not comply with the requirements of Proposition 1A. "Specifically the identification of the sources of all funds to be invested in the IOS [Initial Operating Section] and the certification regarding completion of necessary project level environmental clearances did not comply with the requirements set forth in the plain language of section 2704.08(c)(2), subsection (D) and (K)" of Proposition 1A. (August 16, 2013 Ruling on Submitted Matter: Petition for Writ of Mandate in *Tos et al. v. California High Speed Rail Authority*, Sacramento Superior Court Case No. 34-2011-00113919-CU-MC-GDS, p. 7.)

This court ruling, if it stands, has a profound impact on the continuing analysis of the High Speed Train system, including the Fresno-Bakersfield segment. As was made clear in the funding plan rejected by the court, the Authority currently has identified nowhere near the funds required to complete an Initial Operating Section. Since the court has determined adequate funding commitment is required for the entire initial operating section (from Merced to the San Fernando Valley), you have both the opportunity and

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fiduciary duty to reexamine lower cost alternatives for the initial operating section, such as the I-5 Corridor and SR-99 Corridor alternatives. Early reports stated "the I-5 corridor offers . . . lowest capital costs." (California HSR Corridor Evaluation and Environmental Constraints Analysis, Taylor et al., *Journal of Transportation Engineering*, Jan./Feb. 1997, p. 6.) "[T]he SR-99 corridor is estimated to be 4-15% more costly to build than the I-5 corridor." (*Id.* at 8.) Therefore, you should reexamine the possibility of using the I-5 corridor as a cost-saving measure.

2. The Assertion of Surface Transportation Board Jurisdiction Creates a New Legal Regime Significantly Different From that Analyzed in the Draft Fresno-Bakersfield EIR/EIS and the HST Program EIR/EIS.

In June 2013, the Surface Transportation Board asserted jurisdiction over the Fresno to Merced portion of the High Speed Train system. (Surface Transportation Board, Decision, Docket No. FD 35724, California High-Speed Rail Authority-Construction Exemption – in Merced, Madera, and Fresno Counties, Cal., pp. 11-14.) Based upon this assertion of jurisdiction, the Attorney General of California has argued that CEQA is preempted. (Letter by Attorney General Kamala Harris to Third District Court of Appeal, June 26, 2013 in *Town of Atherton v. California High Speed Rail Authority*, Court of Appeal of the State of California, Third Appellate District, Case No. C070877.) While we disagree with the Attorney General's opinion on this matter, assuming arguendo that the Attorney General is correct, this is a significantly different situation than was described in the Program EIR/EIS's regulatory regime section where the Authority, not the STB, would conduct and approve site-specific environmental review. (Program EIR/EIS, p. S-21.)

3. Other Significant Changes in Various Portions of the HST System or Its Circumstances Require Supplementing of the HST Program EIR/EIS.

There are other design changes that affect the entire HST system that require review and supplementing of the Program EIR/EIS. For example, the re-design and relocation of the "wye" in the Chowchilla area represents significant changes in the project design with system-wide implications.

Another example of significant changes since the 2005 Program EIR/EIS is the Authority's new plan, as of its April 2012 revised business plan, to operate high-speed trains "on the very same tracks as freight and conventional passenger trains" in the San Francisco Peninsula area. (Trial Brief of Union Pacific Railroad Company in *High-Speed Rail Authority et al. v. All Persons Interested*, Sacramento Superior Court Case no. 34-2013-00140689, p. 4.) Union Pacific Railroad initially objected to allowing the Authority to use its tracks, then entered a memorandum of understanding with the Authority. This type of blended usage of rail lines could significantly change travel times for the HST System (*ibid.*), thus affecting the ability of the HST to fulfill identified

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purposes and needs for a high speed train system.

The California Legislature recently passed, and the Governor approved on September 6, 2013, SB 557 (Hill), which restricts the use of the blended rail system approach. If high speed rail is required to utilize separate tracks away from current stations, it may have the effect of depriving small cities such as Corcoran, Wasco, and Shafter of the train stations used by economically disadvantaged people that environmental justice regulations are designed to protect. This cumulative impact, in conjunction with those impacts identified in comments on the Fresno-Bakersfield EIS/EIR by Ybarra Company Public Affairs and Solutions Strategies International, Inc. dated October 17, 2012, require revision and recirculation of the EIS/EIR. Ybarra Companies and SSI noted that the Central Valley through which approximately 114 miles of the HST Project would cut is characterized by approximately 43 percent of the impacted population being Hispanic, with a total minority population of 56.6 percent, and annual median income substantially below the California average. They state "The corridor takes out homes, businesses, churches, shelters, and other community facilities where minority and low-income individuals live, work, and play . . ." (Ybarra and SSI Letter, p. 3, emphasis in original.) Page 3.12-8 of the RDEIR/SDEIS, in the section on Environmental Justice, notes "The environmental justice (EJ) analysis conducted for the Fresno to Bakersfield Section of the HST EIR/EIS identified the potential for the project to result in disproportionately high and adverse effects on minority and low-income populations." Federal agencies are required by Executive Order 12898 and Title VI of the Civil Rights Act of 1964 to avoid such impacts.⁷ Since the EIS/EIR itself identifies the potential for disproportionately high adverse effects on minority and low-income populations, your agencies must develop ways to avoid such impacts.

A third example of significant information available since the circulation of the Fresno-Bakersfield Draft EIR/EIS is the April 17, 2013 settlement between Madera County Farm Bureau, Merced County Farm Bureau, Preserve Our Heritage, and Chowchilla Water District on one hand and the Authority on the other in Sacramento Superior Court case number 34-2012-80001165. (We incorporate this settlement agreement by reference). The settlement is significant new information because it

⁷ Title VI of the Civil Rights Act, Section 601, provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." This provision is sufficiently broad to include prohibiting discrimination in state or local programs or activities, including permitting assessments, that receive federal funds." (Executive Order 12,898 and Title VI as Tools for Achieving Environmental Justice, US Commission on Civil Rights, October 2003, p. 31; available at <http://www.usccr.gov/pubs/envjust/ej0104.pdf>.) Section 602 allows a violation to be established by proof of unintentional discrimination or disparate impact. (*Ibid.*)

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provided for meaningful agricultural land loss mitigation measures very different from, and more effective than, those that were set forth in the EIR/EIS involved in that case or in the Fresno-Bakersfield EIR/EIS. Because of the recent availability of these new, more effective mitigation measures, if the Authority does not adopt them for the Fresno-Bakersfield segment, it must recirculate the Fresno-Bakersfield EIR/EIS to explain the measures and the reasons they would not be adopted. (Tit. 14 Cal. Code Regs. § 15088.5 subd. (a)(3) [EIR must be recirculated when "A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it."])

F. The Availability of An Environmentally Superior Alternative, the I-5 Corridor Alternative, Has Not Been Properly Analyzed in Publicly Reviewed Documents.

The Authority, FRA, and STB are required by CEQA and NEPA to study a reasonable range of alternatives. (*Natural Resources Defense Council v. Morton* (D.C. Cir. 1972) 458 F.2d 827, 836.) The Interstate 5 (I-5) corridor alignment through the Central Valley has repeatedly been advocated as a potential alternative but has been improperly omitted from the alternatives analysis in both the Programmatic EIR/EIS and subsequent documents. (E.g., California Farm Bureau Federation Letter dated October 19, 2012 re Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment.) Now that new information of significant, unforeseen alignment-wide moderate to high risks of seismically induced ground deformations, soil corrosivity, expansive soils, and land subsidence and a new legal situation brought about by Judge Kenny's decision and the STB's assertion of jurisdiction is apparent, there is an opportunity to properly analyze the feasibility and desirability of the I-5 corridor routing and other alternatives.

In 1995 the High-Speed Rail Commission studied three broad corridors: coastal, I-5 and SR-99. Early analysis stated the following advantages of the I-5 Corridor:

Interstate 5 (I.5) Corridor

The I-5 Corridor best serves the end-to-end markets. This corridor offers the shortest distances, lowest capital costs, fastest Los Angeles to San Francisco Bay Area travel times, and the highest overall ridership forecasts.

(California HSR Corridor Evaluation and Environmental Constraints Analysis, Taylor et al., *Journal of Transportation Engineering*, Jan./Feb. 1997, p. 6.)

Based on the ridership estimates of this study, the I-5 corridor will maximize the emission reductions because of higher ridership and minimal localized carbon monoxide emissions (due to minimal urban land cover).

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(November 1995, Preliminary Environmental Constraints and Impacts Analysis, Parsons Brinckerhoff/JGM, Last sentence of the bulleted paragraph "High Speed Rail Air Quality Analysis Background Emission Sources:Emissions from Modal Shifts", 10th page of Appendix A, page 102 of pdf document at <http://www.calhsr.com/wp-content/uploads/2013/09/Environmental-Constraints-and-Impacts-Analysis-November-1995.pdf>.) Although these statements were contained in a preliminary report, they are as applicable today as they were when they were made.

Maximizing greenhouse gas emissions reductions is critical, because as pointed out by the California Legislative Analyst's Office, "an independent study found that- if the high-speed rail system met its ridership targets and renewable electricity commitments- construction and operation of the system would emit more GHG emissions than it would reduce for approximately the first 30 years." (Taylor, California Legislative Analyst's Office, April 17, 2012, "The 2012-13 Budget: Funding Request for High-Speed Rail.") This information became available after the approval of the Program EIR/EIS and constitutes another reason to supplement it.

In addition to the I-5 corridor being an environmentally superior alternative from the perspective of maximizing emission reductions and minimizing localized carbon monoxide emissions, it is a superior alternative from the viewpoint of biological resource impacts. As stated by expert biologists commenting on the Fresno-Bakersfield Draft EIR/EIS:

The choice of the BNSF/SR 43 alignment over an alignment following SR 99 or Interstate 5 itself ensures that the project will not minimize urban sprawl and impacts on the natural environment. Of all the possible routes through the Central Valley, even a cursory review of the distribution of sensitive species and lands would lead to the conclusion that the proposed Fresno to Bakersfield route along the BNSF right-of-way will be the most damaging to the natural environment. A review of all of the distributions of the sensitive bird species (from eBird maps, not included in this submission) shows this, as does a review of the natural habitat and protected lands that must be traversed.

(Dr. Travis Longcore and Catherine Rich, Land Protection Partners, October 16, 2012 letter to Dan Richard, Chair, Board of Directors, California High Speed Rail Authority, p. 37.)

The Program EIR/EIS approved in 2005 stated the reasons for eliminating the I-5 Corridor alternative from analysis in the HST Program EIR/EIS:

In summary, while the I-5 corridor could provide better end-to-end travel times compared to the SR-99 corridor, the I-5 corridor would result in lower ridership and would not meet the current and future intercity travel demand of Central

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Valley communities as well as the SR-99 corridor. The I-5 corridor would not provide transit and airport connections in this area, and thus failed to meet the purpose and need and basic objectives of maximizing intermodal transportation opportunities and improving the intercity travel experience in the Central Valley area of California as well as the SR-99 corridor. For these reasons the I-5 corridor was dismissed from further consideration in this Program EIR/EIS.

(Program EIR/EIS 2-35, http://www.hsr.ca.gov/docs/programs/eir-eis/statewide_final_EIR_vol1ch2.pdf.) However, the reasons for rejecting analysis of the I-5 corridor altogether are not adequate under NEPA or CEQA. An alternative is not infeasible merely because it fails to meet every purpose and objective of the agency. (*Natural Resources Defense Council v. Morton* (D.C. Cir. 1972) 458 F.2d 827, 836; CEQA Guidelines section 15216.6(a) ["An EIR shall describe a range of reasonable alternatives to the project, or to the location of a project, which would feasibly attain most of the basic objectives of the project ...", emphasis added].) The feasibility and relative merits of the I-5 Corridor should have been explored in the Programmatic EIR/EIS so that the public and public agencies could compare it to other alternatives. This is especially true since, from several perspectives the I-5 corridor alternative appears to be the Least Environmentally Damaging Practicable Alternative (LEDPA).

In response to comments raising the possibility of using the I-5 corridor, the Authority has sometimes referred to the 2005 Program EIR/EIS and earlier corridor evaluation studies, claiming that I-5 was eliminated based on previous studies. However, *the I-5 has never been properly studied* in a document subject to public and peer review an EIR or EIS review process. Before proceeding with any further review, this omission of the I-5 Corridor from public analysis must be rectified.

In addition to the environmentally superior I-5 Corridor alignment, numerous other feasible alternatives, insufficiently analyzed previously, are available. One such alternative would be an alignment along the SR-99 Corridor that goes through Visalia. Such an alternative was analyzed in the August 1, 2007 "Visalia-Tulare-Hanford Station Feasibility Study" prepared for the Authority, but no alternative through Visalia was presented in the Fresno-Bakersfield EIR/EIS. Two other potentially feasible alternatives would be alignments that are either trenched below grade or tunneled to avoid surface impacts. While such alternatives may be more costly, the avoidance of environmental damage and savings in property acquisitions could potentially outweigh the increased costs. Without information about such alternatives, meaningful evaluation cannot be undertaken nor comparisons made.

In *Natural Resources Defense Council v. Morton*, 458 F.2d 827 (D.C. Cir. 1972), the court affirmed a district court holding that the Department of the Interior's Final EIS failed to discuss adequately the alternatives to the proposed leasing of offshore lands. On remand, the Interior Department attempted to comply with the court's decision by

Submission 022 (Douglas Carstens, Chatten-Brown & Carstens, October 3, 2013) - Continued

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supplementing its final EIS with an addendum, which discussed reasonable alternatives to the proposed action. Because the new material had never been circulated for comment as required by Section 102(2)(C) of NEPA, the district court refused to accept the statement as modified:

If this addendum is to be considered a part of the Final [EIS], then it must be subjected to the same comment and review procedures outlined by § 4332(2)(C) of NEPA, as was required for the original Final [EIS] which did not contain the addendum when it was first circulated.

(*Natural Resources Defense Council v. Morton*, 337 F. Supp. 165, 172 (D.D.C. 1972.) Thus, federal courts require information that must be in an EIS to be in the document itself, so it may be subject to the comment and review procedures required by NEPA for an EIS. CEQA has similar requirements. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442.)

II. Coordination With Kings County and Other Affected Jurisdictions Should be Undertaken.

The federal Council on Environmental Quality "has advised participating agencies to adopt a flexible, cooperative approach . . . The agency should first inquire of other agencies whether there are any potential conflicts. . . [T]he EIS must acknowledge and describe the extent of those conflicts. . . . Comments from officials of the affected area should be solicited early and should be carefully acknowledged and answered in the EIS." (Council on Environmental Quality, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," question 22-23c, 46 Fed. Reg. 18026, 18033 (1981); 40 C.F.R. § 1500.2(d).)

Repeatedly, Kings County has called on the Authority and FRA to coordinate their decisionmaking processes over the security, damages, planning impacts, and environmental consequences of the HST project with the County. (E.g., Kings County Community Development Agency letter to Authority Board and FRA dated October 19, 2012, pp. 2-4.) As Doug Verboon, Chairperson of the Kings County Board of Supervisors stated in his April 2, 2013 letter to Chairman Dan Richards of the Authority: "If a successful, quality, efficient, national model is the Authority's objective, coordination is an elementary component supported by a host of California and Federal laws." The need for coordination is supported by NEPA, CEQA, the Authority's Merced-Fresno November 2009 Agency Coordination Plan, the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, Executive Order 133352, the Passenger Rail Investment and Improvement Act of 2008, and the Authority's former Chairman Pringle who spoke of a need for "close coordination" of the project in a "cooperative planning process" in his March 25, 2010 correspondence with the Los Angeles County Metropolitan Transportation and the Orange County Transportation Authority.

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Coordination with Kings County is particularly important because the County has authority over review of such matters as encroachment permits for geotechnical, biological resource, and cultural resource investigations prior to construction that would occur within County rights-of-way or County owned property. Eventually encroachment permits would be needed for construction. Thus far, the County has denied such permits due to the failure of the Authority to ensure its proposals are consistent with the County's award-winning general plan and the needs of public health, safety, and welfare. (August 16, 2013 Letter from Kevin J. McAlister, Director of County of Kings Department of Public Works to Kinzie Gordon of URS/HMM/Arup Joint Venture [No encroachment permits will be issued until inconsistencies with County General Plan and safety and planning policies are resolved.]

Therefore, under the new facts and circumstances that exist today, we call again upon all of you, including STB, to properly and immediately coordinate with Kings County, other public agencies including but not limited to USACE, EPA, USFWS, CDFW, the State Water Resources Control Board, Caltrans, and affected members of the public before any further decisions are made or more momentum for approval of further segments of the HST is created.

Conclusion.

FRA, STB, and the Authority have failed to appropriately analyze high speed rail alignments through Kings County and ways to effectively avoid or mitigate their impacts. The continued review of the HST project now should encompass the significant changes that have occurred to the project and its circumstances. Significant changes include the contemplated elevated rail system over the Kings River, a trenched alignment around 13th Avenue in Hanford, and the disclosure of new information about potentially significant geotechnical impacts. Changes have occurred in the HST project's circumstances, including the assertion of STB jurisdiction over a major segment of the HST and the California Superior Court requirement that a larger portion of the HST system be analyzed adequately pursuant to Proposition 1A. With these recent changes in the project and its circumstances, CCHSRA, Kings County, and the Kings County Farm Bureau request that these changes be reflected in a Revised Draft EIR/EIS for the Fresno-Bakersfield alignment and a supplemental HST programmatic EIR/EIS that are both released to the public for a public review period of at least 90 days.

Submission 022 (Douglas Carstens, Chatten-Brown & Carstens, October 3, 2013) - Continued

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Thank you for your consideration of these views. We look forward to your responses.

Sincerely,



Douglas P. Carstens

Cc:
Environmental Protection Agency
US Army Corps of Engineers
US Fish and Wildlife Service
California Department of Conservation
California State Water Resources Control Board
California Department of Fish and Wildlife
California Department of Transportation

Submission 023 (Tilo Coretz, City of Wasco, October 21, 2013)



RECEIVED
9/30/13

City of Wasco (661) 758-7214 Fax (661) 758-5411
764 8th. Street, Wasco, CA. 93280

September 26, 2013

Ms. Dianna Gomez
Central Valley Regional Director
CALIFORNIA HIGH SPEED RAIL AUTHORITY
2550 Mariposa Mall, Suite 3015
Fresno, CA 93721

RE: **WASCO HOUSING AUTHORITY LOW-INCOME PUBLIC HOUSING UNITS**

Dear Ms. Gomez:

The Wasco Housing Authority manages 224 low-income housing units which are located within the City of Wasco's industrial area. The Department of Agriculture – Rural Development subsidizes 199 of these units as farm labor housing. These units are over 50 years old and although they have had continuing rehabilitation efforts they are small and in many ways substandard. The recent City of Wasco Housing Conditions Survey (2012) identifies these units as "dilapidated".

In addition to their physical condition, these housing units are separated from the majority of the community by the BNSF railroad tracks. This location adjacent to the railroad tracks exposes residents to noise, dust and vibration from rail operations and requires pedestrians to cross multiple tracks, creating health, safety and quality of life impacts for the project residents. Quality of life impacts include separation from community facilities such as schools, medical facilities, grocery stores, etc.

Due to the physical housing conditions, safety issues, and lack of access to community services, the City supports efforts to relocate these farm labor housing units from their current location in the industrial area of the City adjacent to the rail tracks, to a better integrated and safer location within the community.

Sincerely,

Tilo Cortez
Mayor, pro-tem

Submission 024 (David Couch, October 22, 2013)



RECEIVED
10/22/13

PHONE (661) 868-3680
FAX (661) 868-3688
couch@co.kern.ca.us

DAVID COUCH
SUPERVISOR - FOURTH DISTRICT

October 16, 2013

Ms. Dianna Gomez
Central Valley Regional Director
CALIFORNIA HIGH SPEED RAIL AUTHORITY
2550 Mariposa Mall, Suite 3015
Fresno, CA 93721

RE: WASCO HOUSING AUTHORITY LOW-INCOME PUBLIC HOUSING UNITS

Dear Ms. Gomez:

The Wasco Housing Authority manages 224 low-income housing units which are located within the City of Wasco's industrial area. These units are over 50 years old and although they have had continuing rehabilitation efforts they are small and in many ways substandard. The recent City of Wasco Housing Conditions Survey (2012) identifies these units as "dilapidated".

In addition to their physical condition, these housing units are separated from the majority of the community by the BNSF railroad tracks. This location adjacent to the railroad tracks exposes residents to noise, dust and vibration from rail operations and requires pedestrians to cross multiple tracks, creating health, safety and quality of life impacts for the project residents. Quality of life impacts include separation from community facilities such as schools, medical facilities, grocery stores, etc.

Due to the physical housing conditions, safety issues, and lack of access to community services, the county of Kern supports the City of Wasco's efforts to relocate these farm labor housing units from their current location in the industrial area of the City adjacent to the rail tracks, to a better integrated and safer location within the community.

We hope you will give strong consideration to relocating these units.

Sincerely,

David Couch
District 4 Supervisor

1115 Truxtun Avenue, Room 504 • Bakersfield, CA 93301
Phone (661) 868-3680 • Fax (661) 868-3688 • E-mail: district4@co.kern.ca.us

Submission 025 (John Balestra, Roll Real Estate Development, November 4, 2013)



November 4, 2013

VIA EXPRESS MAIL and EMAIL

Chairman Richard and Members of the Board
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814
fresno_bakersfield@hsr.ca.gov

Re: Fresno-Bakersfield HSR Segment - Support of BNSF Alternative

Dear Mr. Richard and Members of the Board:

Paramount Farming Company and Roll Real Estate Development, who are both affiliated with Roll Global, write this letter in support of the staff recommendation (dated November 7, 2013) for selection of the BNSF Alternative through the Wasco-Shafter area. As you know, Paramount and Roll have been actively involved with the High Speed Rail Authority to promote community consensus on an acceptable route through Kern County.

We applaud the Authority and its staff for their hard work through the process. We would be happy to discuss further at your convenience. I can be reached at (310) 966-8888.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Balestra".

John Balestra
President, Roll Real Estate Development

Cc: Jeff Morales, CEO, California High Speed Rail Authority

Submission 026 (Carol Walters, November 5, 2013)

November 5, 2013

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

Chairman and Board Members:

It is now 24 months since November of 2011 that I have tried to find out the impact to our property on the Hanford western alignment. The front of the property is to be impacted by the Grangeville underpass that intersects with the rails that go up our lane. This results in a total closure to the only entrance and exit to our property.

On September 26, 2013, at the Chinatown Revitalization meeting with the California Rail Authority, I again addressed the need for information to Diana Gomez, Project Manager, who stated she would return a phone call and even offered to come to our property to discuss the issues. No phone call ever happened.

Finally on October 16, 2013 I received a phone call from the Public Outreach Specialist Benjamin Camarena. I stated I was requesting the information regarding the total impact to our property. The following is the summary of the conversation:

- Mr. Camarena did not know the impact to our property or our area as was looking at a Google Earth Map and did not have High Speed Rail map in front of him.
- Mr. Camarena *did not want to given out any information requested stating environmental and area studies were not completed.*
- Mr. Camarena stated the Authority finalized 2 days prior to the phone call that

the decision for the Hanford alignment would be decided on November 15, 2013 at the Sacramento Board meeting.

- When I asked how the alignment decision could be ^{made} ~~be~~ without the EIR/EIS completed and approved, I was given ~~with~~ no reply.
- No information was available for the dimensions of the underpass or the rail impact for our property or that of our neighbor's. I was told to wait until after the November 15 Board meeting to be able to have information.
- At the request for a map of our involvement, I was told to go to the CAHSR website which I decline as is not user friendly. He offered to send only our property map.
- ***It was stressed that Mr. Camarena would be the person to be the one to talk with for answers as the construction plans only show 15% of details for the 'build as it goes' project passed on to the construction contractors.***

SUMMARY: After numerous contacts with personnel of the California High Speed Rail Authority, there are **NO ANSWERS 24 months later** for the property owner as to the actual impact of the California High Speed Rail Project. **It is very blatant that the California High Speed Rail Authority gives only vague manipulative statements. It is painfully obvious that the California High Speed Rail Authority displays great disdain for honest communication while giving definite disregard and disrespect for the property, business and home owner.**

After much flip flopping from west to east, the eastern alignment is again slated to be chosen for Hanford. **The many distasteful encounters with the Authority leave me**

Page 2 of 3

Submission 026 (Carol Walters, November 5, 2013) - Continued

in great fear for the horrendous impacts to every resident, property, business and home owner in Kings County regardless of which alignment. The hard working men and women of Kings County are privileged to manifest high integrity and commonsense with which to see through the scamming platitudes in the dealings with the California High Speed Rail Authority.

Respectfully submitted,



Carol Walters
13343 Grangeville Blvd.
Hanford, CA 93230

Home telephone #: (559) 584-8385
E-mail address: caroldwalters@gmail.com

Submission 027 (Aaron Fukuda, November 6, 2013)

November 6, 2013

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

Dear Chairman Richard,

I was disappointed at the response that the Citizens for California High Speed Rail Accountability received regarding the simple request to participate in the monumental decision being made on November 7, 2013. Per information delivered by a Mr. Camarena to Mrs. Carol Walters, we believed the presentation and selection of alignment was to take place on November 15, 2013. When we discovered that this was not the case, our instant response was to ask for some method in which to participate locally to accommodate the people most impacted. A simple call in conference number would have sufficed, the same courtesy extended to Authority Board members who cannot attend meetings in person.

In my particular situation I made all attempts to attend the meeting in Sacramento on November 7, 2013 and unfortunately cannot rearrange meetings and work schedules. Two meetings were held on the same date, however the ability to participate locally would have allowed me to capture all of the events of the day. Therefore, it is with a disappointing tone that I inform you that your decision to not extend the courtesy offered to your own Board has forced me to assert that the public is being held to a different standard and being denied its right to participate in the greatest fashion possible.

The following items are those which I would like to call to the Attention of the Authority prior to asserting any decision of the alignments in Kings County:

1. In the event that the Authority staff indicates to the Authority Board that all items have been resolved along the alignments, I would like to challenge that assertion and indicate that there are numerous lingering impacts and questions yet to be addressed. One questions that had yet to be answered directly is the taking of rural homes and the lack of recognition that Kings County planning rules do not allow any future development of small rural "ranchette" homes (homes in the country on 1-5 acres). At this moment there is a shortage (in recent review of homes for sale I could only identify approximately 6 suitable homes for sale) and the Authority plans to relocate dozens of these just in Kings County.
2. In reviewing the Alignment recommendation report being presented to the Authority, the Authority staff seems to change course from the previous April 2013 report that was delivered. Total and numbers in the impacts seem to have changed. Did the alignment change? Was the EIR/EIS wrong? Either way the information being given is suspect at the least. Nowhere in the report does the Authority explain the changes such that the reader can understand if the changes were justified or legitimate.
3. The recent claims by the Authority that the City of Visalia is better served would indicate the benefits to accessing the City of Visalia population. This leads to the previous question I have posed, why not travel down the old Golden State Highway (right of way owned by State) and travel along the Union Pacific Railroad and service the City of Visalia where the Highway 99 and Highway 198 intersect. This is also where the City of Visalia wanted to place a station and donate land to the project.

4. If the Authority chooses the Eastern alignment the impacts to the development in the area will effectuate the conversion of more farmland than would be expected. This would accelerate the development of the City of Hanford and cause the conversion of land where it was not traditionally expected. Highway 43 has always been a natural boundary for the City, which is indicated by the lack of utilities (none) that extend past Highway 43. Essentially utilities were developed to end at the highway and there is no excess capacity to carry them beyond that point.
5. A tunnel option for Kings County was proposed several years ago. The information and impression that we received from previous Board members and consultants was that it was infeasible. However, recent discussions with Authority staff and recent reports that tunneling is being utilized in other areas to deal with impacts, would indicate that tunneling is feasible and a measure by which to mitigate for impacts. Furthermore I learned through a Public Records Request that there have been no studies in Kings County to determine feasibility and that the costs are no so significant that it would eliminate it from even being studied.

Lastly the waffling of the Authority between alignments highlights the lack of a distinguishing alternative to analyze within the EIR/EIS process. What we see is a situation where both apples in each hand are rotten, so which rotten apple will you eat? What is even more disturbing is that between April 2013 and now the analysis and impacts have changed and the public has not been made aware.

In closing, the Authority has a responsibility to the public, and more importantly to those impacted by the project to properly catalog, present and analyze impacts. What we are witnessing is the lack of outreach at the critical stages of the project (prior to public review of the EIR/EIS) has left the project schizophrenically jumping between alignments to determine the worse alignment out of two bad alignments. Had the outreach been done earlier a suite of alternatives could have been properly vetted in the public. **I strongly encourage the Authority to instruct staff to postpone development of the Draft Revised EIR/EIS, hold public meetings to fully vet potential alternatives, and work cooperatively with landowners and Kings County to adopt an alignment that is truly the least impactful alternative.**

Sincerely,



Aaron Fukuda

Submission 028 (Douglas Carstens, Kings County, et al. being represented (Atty. For)
Chatten-Brown & Carstens, November 6, 2013)

CHATTEN-BROWN & CARSTENS

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SUITE 318
HERMOSA BEACH, CALIFORNIA 90254

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November 6, 2013

California High Speed Rail Authority Board
Chairman Dan Richard and Honorable Board Members
c/o Mr. Mark McLoughlin
770 "L" Street, Suite 800
Sacramento, CA 95814

Federal Railroad Administration
Joseph C. Szabo, Administrator
c/o Mr. David Valenstein
MS-20, W38-303
1200 New Jersey Avenue, SE
Washington, DC 20590

Surface Transportation Board
Chairman Elliot and Honorable Board Members
395 E Street, SW
Washington, DC 20423

Mr. Horace Greczmiel
Associate Director for NEPA Oversight
Council on Environmental Quality
Executive Office of the President
722 Jackson Place N.W.
Washington D.C. 20503

RE: Supplement to October 3 2013 Letter Re High Speed Train System
Programmatic EIR/EIS and Fresno-Bakersfield Revised Draft EIR/EIS; and
Coordination of Project Planning and Environmental Review

Chairman Richard, Chairman Elliot, Administrator Szabo, Director Greczmiel and
Honorable Board Members:

Our firm represents Citizens for California High Speed Rail Accountability
(CCHSRA), Kings County, and the Kings County Farm Bureau. We wrote to you on
October 3, 2013 about our concern that the Revised Draft Environmental Impact
Report/Supplemental Draft Environmental Impact Statement: Fresno to Bakersfield
(Fresno-Bakersfield Revised Draft EIR/EIS) of the California High Speed Rail Authority
(Authority) describes a project with different alignments and features than is currently

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proposed for the High Speed Train (HST) system. As previously explained, major
modifications to the project and changes in circumstances have occurred since the revised
draft EIR/EIS was released in July 2012. The final version of this EIR/EIS is reportedly
scheduled for release in January 2014.

We described the significant changes in the project and the circumstances
including the contemplated elevated rail system over the Kings River, a trenched
alignment around 13th Avenue in Hanford, and the new information about potentially
significant geotechnical impacts that represent significant changes in the design and
environmental impacts of this segment of the HST. Since that time, we have become
aware of significant issues that further substantiate our view that the Fresno-Bakersfield
Revised Draft EIR/EIS must be revised and recirculated.

After our previous letter had been delivered, we hoped an effort would be made to
resolve or at least address the issues we raised; however no such effort has been made to
date. We remain more than willing to discuss these concerns with your General
Counsel, or any appropriate staff members you would designate.

We are also disappointed that, despite CCHSRA's reasonable request, the
Authority has chosen not to make remote viewing locations available for its November 7,
2013 hearing at which a choice of a preferred alternative for the Fresno-Bakersfield
alignment will be considered. Instead, the Authority is holding its hearing in Sacramento
approximately 170 miles away from Fresno (and even further away from other portions
of the proposed alignment). The lack of a satellite location hampers the ability of the
public to participate in the Authority's proceedings. We based the request in part on the
fact that incorrect information was delivered by phone by Authority staff member
Camarena to Carol Waters of CCHSRA that the alignment selection would take place on
November 15th, thus leading many people to formulate their plans based on this
anticipated date. Also, the courtesy of having remote satellite locations is extended to
Authority Board members when they are unable to attend in person at Authority Board
meetings.

As we previously stated, in accordance with the California Environmental Quality
Act (CEQA) and the National Environmental Policy Act (NEPA) the Authority, the
Federal Rail Administration (FRA), and the Surface Transportation Board (STB) must
revise the Fresno-Bakersfield Revised Draft EIR/EIS for the Fresno to Bakersfield
segment to reflect changes in design and newly identified significant impacts, and re-
release the draft for public review. (40 C.F.R. § 1502.9 [NEPA]; Pub. Resources Code §
21092.1 [CEQA].) You should also prepare a supplemental programmatic system-wide
EIR/EIS since the one approved in 2005 did not properly address at the program level
alternatives and mitigation measures for impacts that are now apparent from further
analysis. (40 C.F.R. § 1502.9 [NEPA]; Pub. Resources Code § 21092.1.)

Submission 028 (Douglas Carstens, Kings County, et al. being represented (Atty. For)
Chatten-Brown & Carstens, November 6, 2013) - Continued

CHSRA, FRA, STB, CEQ
November 6, 2013
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Below we discuss how recently obtained information supports our prior request that you to revise, recirculate, and supplement the environmental review as appropriate, and that you coordinate with Kings County and other affected jurisdictions.

I. Changes In The Project's Circumstances, Its Design, and Feasible Alternatives Require Supplemental Environmental Review and Recirculation of Draft Documents.

A. NEPA and CEQA Require Revision of the Revised Draft EIS/EIR and Recirculation Because of Changes to the Project, New Information, and Changes in Circumstances Disclosing Significant Impacts.

We previously explained that under NEPA, federal agencies reviewing major federal actions must take a "hard look" at environmental consequences of the proposed project, and prepare an adequate draft EIS. (Chatten-Brown & Carstens (CBC) Letter of October 3, 2013, p. 3, citing *Kleppe v. Sierra Club* (1976) 427 U.S. 390, 410; *Marsh v. Oregon Natural Resources Council* (1989) 490 U.S. 360, 374.) CEQA also requires that EIRs provide a thorough investigation and adequate analysis of project impacts in which a public agency finds out and discloses all that it reasonably can about project impacts. (Tit. 14, Cal. Code Regs. §§ 15144 and 15151.) Under both NEPA and CEQA, when significant new facts emerge about a project or alternatives to it, or the circumstances in which it is proposed, the environmental review documents for it must be supplemented, if they have already been approved (40 C.F.R. § 1502.9 [NEPA]; Public Resources Code § 21166 [CEQA]), or recirculated if they have not yet been approved (40 C.F.R. § 1502.9 [NEPA]; Public Resources Code section 21092.1).

1. Project Management Oversight Documents Confirm the Significance of Changes That Have Occurred, Or Problems That Have Been Identified Internally But Not Publicized Since the Release of the Fresno-Bakersfield Draft EIR/EIS in July 2012.

Pursuant to the Public Records Act, Californians Advocating Responsible Rail Design recently obtained Project Management Oversight (PMO) progress reports prepared by T.Y. Lin and shared them with our clients. These Progress Reports identified numerous issues that should have been made publicly available. Examples of how the Progress Reports helped identify problems possibly before they become intractable include the following:

a. PMO Report #38- February 2013

The PMO reported that the Regional Consultant submitted more than 40 changes to the Merced-Fresno section of the alignment. (PMO Progress Report #38, p. 8.) There is a discussion ongoing about the potential delays and potential litigation for changes

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made without CEQA and/or NEPA review:

The RC submitted design change memoranda for four locations (Olive, Belmont, McKinley, & Golden State Boulevard) with analysis in Jan 2013. They received PMT/AG comments, which are now being addressed. Authority/PMT/AG need to consider schedule vs. litigation risks in determining level of detail in the analysis. Also need to consider litigation risk (i.e. newly affected parcels, and permitting/ [National Historic Preservation Act] Sec 106 requirements) when determining need for and timing of additional CEQA/NEPA review. PMT reviewing need for 40+ additional design changes.

(PMO Progress Report, #38, p. 8.) The risk of future litigation could be reduced by providing the required amount of coordination with the public including local agencies. As matters stand now, the changes made to the Merced-Fresno alignment require that the EIR/EIS for the Merced-Fresno section be supplemented and recirculated for public review.

b. PMO Report # 39- March 2013.

The PMO confirmed that the Authority has not finalized the "footprint" that is utilized to define the project. (Progress Report # 39, p. 8.) Therefore the Authority has not properly described to the reader of the Fresno-Bakersfield EIR/EIS the project footprint in the Project Description. As reported by the PMO, only after the footprint is identified can various requirements be described:

These requirements include a 15-foot permanent easement on either side of viaduct and trench structures for maintenance, and access along embankments and cuttings. Based on agreements with the EMT, the permanent environmental footprint is being modified for the Final EIR/EIS; however, the late application of these new criteria has impacted the final delivery schedule for the environmental footprint. The RC is working to finalize the footprint, including engineering, ROW, and other environmental input.

(PMO Progress Report # 39, p. 8.) This confirms the insufficiency of the project description in the July 2012 version of the Fresno-Bakersfield EIR/EIS.

Furthermore, the project description is insufficient because the Authority has not clarified the road speed required by each county. (PMO Progress Report # 39, p. 11.) The road speed will impact the dimensions and safety of many of the overpass and underpass structures.

Status of County Road 65 MPH requirement: PMT/HSR (Diana Gomez and staff) are in a process of meeting with all the cities and counties to negotiate a design

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speed that is workable with the HSR alignment.

(PMO Progress Report # 39, p. 11.)

The Project Management Team (PMT) informed the Regional Consultant (RC) (which is URS in the Fresno-Bakersfield area) that design criteria in Technical Memorandum 2.1.2 was being revised to increase the distance between the end of a horizontal curve and the beginning of a vertical curve because "Segment lengths and attenuation time have a direct impact on rider comfort, a fundamental system consideration." The impacts of not providing enough length between transitions would increase what could be considered a "roller-coaster effect" on the riders of the train. Increasing the lengths of times between transitions would mean adjustments in the alignment. Adjustments in the alignments could introduce new impacts, change existing impacts and require different and new mitigation measures. (PMO Progress Report #41, p. 8.) Whereas, failure to make any adjustments could impact the service level of the high speed train system with a likely outcome of slower trains and failure to meet travel time requirements.

We would also like to caution the Authority that ignoring compliance with internal technical specification adds a severe safety concern to the traveling public. With the recent tragedy in Spain, the Authority should take precautions to provide the safest and technically sound system given that Central Valley will require the greatest speeds (upwards of 220 mph) to accommodate to the "blended" approach in the northern and southern stretches of the system.

c. PMO Report # 40- April 2013.

The PMO reports that there is some confusion regarding coordination with the California Public Utilities Commission (CPUC). (PMO Report #40, p. 14.) We believe it is critical that the Authority coordinate with the CPUC to determine future energy demands on the system, however it is more critical to coordinate with the CPUC for design and safety reasons. This is highlighted in the Hanford East alignment, which currently is staff's preferred alignment, where the tracks cross a set of high power electrical lines that are in alignment with 7 1/2 Avenue in Kings County. This topic is further discussed below.

d. PMO Report # 41- May/June 2013.

The Report indicates that the RC and the PMT reviewed roadway design changes that have the potential to result in new environmental impacts. (PMO Report #41, p. 9.) It was further stated that the RC and PMT have "incorporated these changes into the environmental footprint for the FEIR/EIS." (PMO Report, p. 9.) This would indicate that new environmental impacts have been included in the Fresno-Bakersfield Revised Draft

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EIR/EIS and will require further public review. There is a great risk that the Draft EIR/EIS could be introducing new significant impacts without public review, including review by local jurisdictions such as Kings County and the City of Hanford.

2. Overhead Electrical Powerline Issues Are a Significant Impact That Has Been Insufficiently Analyzed and Mitigated.

The staff's recent identification of the Hanford East Alignment as the preferred alignment raises the serious issue that the siting of the High Speed Train System near and among high voltage overhead electrical power lines has not been adequately analyzed or mitigated.

The current design of the Hanford East alignment crosses a 115,000-Volt High-Voltage Transmission Line in several locations at an angle or in a perpendicular direction as it weaves in and out the power lines.² The High-Voltage Line is identified as the Kingsburg-Waukena HV Transmission Line and runs north and south through eastern Kings County. This power line is owned and operated by PG&E and carries a large amount of the electrical supply up and down the Central Valley, supplying power to Fresno, Visalia, Hanford, Tulare, Bakersfield and many other small communities along the way.

Given that the track bed and the subsequent train facilities are approximately 35 feet above natural grade, the train will run directly into the power lines. Thus, they will have to be relocated or undergrounded. Also there are overpass structures slated for approximately every mile along the Hanford East alignment. These overpasses are also approximately 35 feet above natural grade to the bottom of the overpass structure. This means that the overpasses will be directly within the high power lines at every mile. The Fresno-Bakersfield Revised Draft EIR/EIS states that any impacts due to relocation of power lines is not significant and that the inconvenience to residents and power users will be minimal. The problem is that there was no detailed discussion of what was impacted, how it was to be addressed and what the impacts would be. The reader has no way of making an informed evaluation if the impact would be minimal.

² Electromagnetic fields traveling too close to each other and in different directions potentially cause arcing failures. (http://en.wikipedia.org/wiki/Electromagnetic_interference "mutual inductance between two radiated electromagnetic fields will result in EMI [ElectroMagnetic Interference"; Federal Record of Decision California High-Speed Train System, November 18, 2005, p. 21]) If the current design of the HSR calls for 37-foot clearance above grade for necessary infrastructure with a 5,000-Volt HSR power transmission cable, is there enough clearance under the existing high voltage lines to avoid arcing and flaming failure? For example, the HSR crosses under the HV lines at an angle between Idaho and Jackson Avenues in the City of Hanford.

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Lastly, the Hanford East alignment station location places the high speed system directly adjacent to the power lines and the metal structures they are supported on. With the station track being approximately 40 feet above grade, the train will be at the same elevation of the power lines. The Draft EIR/EIS did not mention the safety concerns associated with high speed trains being adjacent to high voltage power lines, as significant headwind forces could be created by high speed trains. Nor does the Draft EIR/EIS discuss the potential for long-term impacts such as metal fatigue cause by the vibration impacts emanating from the high speed rail system. Lastly, there is no discussion of the impacts that construction poses near the power lines given the elevated viaduct in that location is directly adjacent to the power lines and there is very little room to construct the system while maintaining a safe distance away from the power lines.

The Fresno-Bakersfield Revised Draft EIR/EIS considers electrical substations to be "high risk". (Draft F-B EIR/EIS Page 3.16-11.) However, the Draft EIR/EIS does not identify the new Mascot Station located at the southwest corner of 7 1/2 Avenue and Grangeville Boulevard in the City of Hanford. This is a new SCE high power substation to serve the eastern section of Hanford that we have been informed cost \$25 million to construct and was completed recently. The new station also includes new power lines that parallel the Kingsburg-Waukena 115kV lines. Therefore given the definitions identified in the Draft EIR/EIS, the public analyzed the Draft EIR/EIR with a "high risk" facility missing.

The California Public Utilities Commission (CPUC) regulates public electric utilities in California. General Order 131-D sets forth provisions that must be adhered to when public electric utilities construct any new electric-generating plant or modify an existing electric-generating plant, substation, or electric transmission, power, or distribution line. The Project is also subject to CPUC General Order No. 95. This CPUC General Order Rule for Overhead Electric Line Construction formulates uniform requirements for overhead electrical line construction, including overhead catenary construction, the application of which will ensure adequate service and secure safety to persons engaged in the construction, maintenance, operation or use of overhead electrical lines and to the public in general. A Permit to Construct must be obtained from the CPUC, except when planned electrical facilities would be under 200 kilovolts (kV) and are part of a larger project that has undergone sufficient CEQA review. The requirement for this permit could add significantly (possibly years) to the construction time schedule and significant costs to the project budget.

The Fresno-Bakersfield Revised Draft EIR/EIS reports that thirty-three transmission and power lines owned by PG&E cross the BNSF Alternative corridor. (Draft EIR/EIS, p. 18.) Four additional transmission lines occur within proposed HST stations, one at the potential Kings/Tulare Regional Station-East Alternative and three at the Bakersfield Station. The EIR/EIS reports there are two substations in the study area,

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both in Kings County: one station owned by Southern California Edison approximately 900 feet north of Front Street and a second substation, owned by PG&E, at the northwestern corner of the intersection of Kent Avenue and South 11th Avenue. However, the identification of electrical facilities does not identify what exact lines are impacted and how. The Mascot Station is omitted altogether. The EIR/EIS does not mention the impacts associated with overpasses and other facilities that may interfere with the transmission lines. For example, overpasses that will intersect the power lines with the crest of the overpass very close to the power lines.³ The analysis of the newly created proximity of planned overpasses and power lines must consider that specialized farm equipment that is taller and wider than routine highway traffic may use the overpasses and underpasses. For example, a 15 foot clearance is needed for a cotton picker and a combine.

The Fresno-Bakersfield Revised Draft EIR/EIS in a section labeled "Impact PU&E#5 - Conflicts with Existing Utilities" states that many utilities are within or cross the study area for the proposed HST and associated facilities, as listed in Tables 3.6-14 and 3.6-15 for high-risk and low-risk utilities, respectively. (F-B Draft EIR/EIS, p. 51.) The project would not be compatible with most of these existing utilities so agreements would have to be reached to relocate them or place them underground. However, the EIR/EIS concludes the effect of the project on utility providers and their customers would have negligible intensity under NEPA, and impacts would be less than significant under CEQA. (F-B Draft EIR/EIS, p. 51.) The EIR/EIS states that if utilities cannot be relocated or modified within the construction footprint defined in Chapter 2, Alternatives, supplemental environmental analysis would be conducted, if necessary. However, there is no valid reason the ability to relocate and modify utilities cannot be identified now as it must be in the project level Fresno-Bakersfield EIR/EIS. Such analysis and mitigation may not be deferred to the future. Elevating, relocating, or burying the lines would require extensive environmental review, may raise eminent domain issues and other impacts, and could add enormous, currently-undisclosed costs to the project. Such analysis must be not deferred since the results of the analysis could significantly impact the feasibility of the preferred alignment.

3. Information About Allegations By the City of Los Angeles of Shoddy Construction Involving the Prime Contractor Chosen by the Authority Have Become Available.

³ The HSR alignment aligns with the high voltage line along the east side drip line heading north to south. The HSR crosses the east-west Elder, Flint and Fargo Avenues. Over crossings are planned for these roads to cross the HSR. The over crossings are scheduled to be 40-ft high pushing vehicle traffic up into the HV lines that the roads also cross. Will the clearance between the peak of the over crossing and the HV lines be enough? The HSR heads south still along the HV lines across Hanford-Armona Road, Houston, Iona, Idaho and Jackson Avenues causing the same concerns

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The Authority has approved a contract with a company being sued by the City of Los Angeles last month for faulty construction on a large public works project, the runway at Los Angeles International Airport. The Authority's chosen contractor is Tutor Perini Corporation as reported on August 20, 2013:

Tutor Perini Corporation (NYSE:TPC), a leading civil and building construction company, today announced that its joint venture has executed a contract with the California High-Speed Rail Authority (Authority) for the design and construction of the initial Madera to Fresno segment of the California high-speed rail system. The contract is valued at approximately \$985 million, plus an additional \$53 million in provisional sums.

(<http://investor.perini.com/phoenix.zhtml?c=106886&p=irol-newsArticle&ID=1848687&highlight=>). Tutor-Perini is the same company as Tutor-Saliba since they combined. (<http://www.tutorsaliba.com/news/perini-and-tutor-saliba-combine.html>.)

Tutor-Saliba, and thus Tutor-Perini, is being sued by the City of Los Angeles for shoddy construction work on a \$250 million runway project at Los Angeles International Airport:

The city is suing four major contractors that built the \$250-million south runway at Los Angeles International Airport, alleging that widespread construction flaws are causing the runway to wear out prematurely. They are R & L Brosamer, HNTB Corp., CH2M Hill Inc. and a joint venture involving Tutor-Saliba Corp. and O & G Industries Inc.

(http://www.iaobserved.com/archive/2013/10/morning_buzz_thursday_101_9.php. This was reported in the Los Angeles Times. (<http://www.latimes.com/local/lanow/la-me-ln-lax-runway-suit-20131016,0,3057309.story>.)

The City of Los Angeles' experience is not an isolated incident with this contractor by a single public agency, since several other public agencies encountered similar problems. (<http://www.insidesocal.com/aviation/2013/10/18/tutor-saliba-accused-of-poor-construction-work-on-lax-runway-has-been-sued-before/>.) For example, the Los Angeles Times in 2010 reported legal proceedings against Tutor-Saliba related to the Los Angeles County Metropolitan Transportation Agency (a.k.a. Metro or MTA, in whose headquarters you had your October Board hearing) went on for nearly a decade. (<http://articles.latimes.com/2010/feb/14/local/la-me-mta-legal-costs14-2010feb14>) "Many MTA board members (say) contractor Tutor-Saliba tried to cheat the agency out of millions of dollars by submitting a low bid and then asking for dozens of change orders and other requests that dramatically increased the price of constructing parts of the Red Line subway," the Los Angeles Times reported. (*Ibid.*) Therefore, the Authority

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must be prepared for the foreseeable possibility that there could be defective construction involved in the high speed rail project, and that it will be required to pay far more than stated in the initial bid amount.

Rules that allowed Tutor-Perini with a proposal that ranked poorly for technical reasons but was lowest in cost to be chosen by the Authority were apparently changed without Board review or approval. (<http://www.modbee.com/2013/04/28/2691569/agency-sneaked-in-change-to-bidding.html>) ["In March 2012, the authority's board decreed that even if all five teams submitted bids, only the three most 'technically competitive' firms could compete based on the cost to build the 29-mile segment in Madera and Fresno counties. The teams with the lowest technical scores would be dropped and their price envelopes returned unopened. That rule, however, didn't stick. In August — months before contractors submitted bids — the authority's executive staff quietly altered the process without formal action by the board."] The Kings County Water District is challenging as invalid the contractor selection process through a cross-complaint in the validation action brought by the Authority. (Cross-Complaint filed June 18, 2013, *High-Speed Rail Authority, High-Speed Passenger Train Finance Committee v. All Persons Interested, etc.*, Sacramento County Superior Court Case No. 34-2013-00140689.)

A recent article in the Record Searchlight, a Redding, California newspaper titled "Lack of Permits Irks County Supervisor- Frustration Builds on Bridge Project " addressed problems a county had with a Tutor-Perini project. District Supervisor Bill Schappell stated "Sometimes the lowest bid isn't the best bid." He further went on to say "...I don't respect their business ethics at all. I really don't." In that case, Tutor Perini "low-balled" the bid by \$20 million and failed to secure any of the required permits for construction. The firm further inflamed community members by littering their community with construction equipment in tourist sensitive areas.

Just as the safety of runways at an airport is critically important, the safety of the high speed rail system should be ensured beyond reproach. Therefore, the Authority should take steps to guard against the possibility that construction defects will be discovered years after work on the rail system is potentially completed, as well as steps to protect itself financially from future claims by a contractor with a history of such claims.

4. Historic Resource Impacts Have Been Revealed That Were Denied in Earlier Review Documents.

The Authority approved the Merced to Fresno section of the HSR which analyzes the alignment from Merced to south of the intersection of Highway 99 and Highway 41. However, the Archeological Treatment Plan (ATP) for the Merced to Fresno EIR/EIS only went from Merced to Amador Street in Fresno, which is north of the end of the full Merced-Fresno alignment. Thus, the shortfall of the ATP left the area around the

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proposed HSR station south of Amador Street in Fresno outside of the scope of analysis. This area generally corresponds to an area referred to as the Fresno Chinatown area. Instead, this section from south of Amador Street to Bakersfield was addressed, albeit inadequately, in the Fresno-Bakersfield Revised Draft EIR/EIS.

After Authority staff apparently realized that they were planning to award a construction contract that went from Avenue 17 in Madera to American Avenue (south of Fresno) they realized there was a small section not covered in the first ATP. They were given notice by the Chinatown Revitalization Organization that there are potential cultural resources in the area. An ATP addendum report then concentrated on a section south of Amador Street to just south of Highway 41, which corresponds to the area where Chinatown can be found. This addendum report stated:

The Fresno to Bakersfield Section technical reports revealed that there are no known archaeological resources located within the proposed construction footprint; however, review of the historic Sanborn Fire Insurance maps for the Fresno to Bakersfield Section technical reports indicated that a portion of Fresno Chinatown is located within the construction boundary. Extensive archival research and a review of previous studies indicate the presence of two archaeologically sensitive areas, including anticipated property types such as residential features and privies associated with Chinatown, eligible for the National Register of Historic Places (NRHP), that were not addressed in the ATP. The sensitive areas were defined based on historic map research and previous investigations within Fresno Chinatown in locations where sediments with archaeological potential intersect with the anticipated vertical Area of Potential Effects (APE), as defined in the Final ATP (Authority and FRA 2012a).

(Merced to Fresno section Draft Archaeological Treatment Addendum No. 1, p. 1-1, available as the date of this letter at https://dl.dropboxusercontent.com/u/52109137/MF_ATP_Addendum-1_SHPQ_Review-013013%5B1%5D-1.pdf.) This statement shows that the Draft Fresno-Bakersfield EIR/EIS and the Final Merced-Fresno EIR/EIS were flawed and missing key information about potentially significant impacts. Whereas they reported no known archaeological resources in the proposed construction area, a more thorough search of maps and reports showed that there are cultural resources present including buildings and potential artifacts. It also shows that the use of an addendum ATP for the Merced-Fresno segment approval was inappropriate since an addendum may only be used for reporting minor information or changes. Using an addendum ATP is improper in this context where significant impacts were reported which had previously been undisclosed. The Merced-Fresno EIR/EIS should have been supplemented and recirculated. The Fresno-Bakersfield Revised Draft EIR/EIS must be revised and recirculated. The information from the ATP addendum should be included in the Cultural Resources section of the Fresno-Bakersfield EIR/EIS and the document

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recirculated.

Thus far, the impact of construction and operations on existing cultural resources has not been analyzed in a publicly circulated document- either the Merced-Fresno EIR/EIS or the Fresno-Bakersfield EIR/EIS. This omission must be rectified. The HSR alignment poses an engineering risk in that the vibrations and construction stressors may cause damage to local buildings and artifacts. Vibrations from operations can also cause building damage. During construction the loss of business could severely impact the businesses on the west of the tracks (an area already struggling to survive), therefore causing them to close and creating blight in Fresno's Chinatown area. Since many business owners and residents in the area are from minority populations, this could create disparate impacts that must be avoided pursuant to Executive Order 12898. (See "Does high-speed rail threaten cultural heritage?" October 28, 2013, [Chen Jia](http://usa.chinadaily.com.cn/opinion/2013-10/28/content_17063947.htm) (China Daily USA).) http://usa.chinadaily.com.cn/opinion/2013-10/28/content_17063947.htm .)

The National Historic Preservation Act Section 106 process requires the Authority and the State Historic Preservation Office to coordinate with local parties of interest. In this case the Chinatown Revitalization organization was never contacted and their questions were not meaningfully answered.

5. Air Quality Impact Mitigation Would Be Impermissibly Deferred.

We have learned that the Voluntary Emissions Reduction Agreement (VERA) between the Authority and the San Joaquin Valley Air Pollution Control District has not been completed yet, and likely will not be completed until December 19, 2013 or later. Therefore, the project may not legally be approved until the VERA is actually completed.

A VERA is critical to project approval and compliance with CEQA and NEPA because the EIR/EIS's air quality analysis depends upon this measure for mitigation of construction air quality impacts.

The County of Kings has been informed by air district staff that the VERA is tentatively scheduled to go to the Air Board on December 19th. The terms of the VERA must be included in the EIR/EIS and circulated to the public and public agencies so that they may review this critically important sole mitigation measure for significant construction air quality impacts. Without such public review, the EIR/EIS would violate CEQA and NEPA, and neither the FRA nor STB may make a legally adequate General Conformity Determination.

The deferral of mitigation measures that feasibly could be developed prior to project approval, and thus be made available for public review prior to approval, is impermissible under CEQA and NEPA. (*San Joaquin Raptor Rescue Center v. County of*

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Merced (2007) 149 Cal.App.4th 645, 670 [EIR for aggregate mine and processing operation improperly deferred mitigation for impacts to vernal pool habitat]; *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281; *Conservation Law Foundation v. United States Dep't of Air Force* (D.N.H. 1994) 864 F. Supp., [impact statement essentially failed to evaluate air quality mitigation measures], aff'd in part and rev'd in part on other grounds sub nom. *Conservation Law Foundation v. Busey* (1st Cir. 1996) 79 F.3d 1250.]

The Authority's approval of the Fresno-Merced EIR/EIS included mitigation measure AQ-MM #4 that allegedly committed the Authority to offset to net zero its criteria pollutant emissions from construction that exceed General Conformity thresholds. The September 2012 Merced to Fresno Section: Federal General Conformity Determination relied on this statement that the air quality mitigation measure of a VERA would be approved. (September 2012 Merced-Fresno Section: Federal General Conformity Determination, p. 12-1.)

In August 2012, Mark McLoughlin, Interim Deputy Director of Environmental Planning for the Authority stated "The Authority has prepared a draft VERA and provided it to the District; the parties are currently working towards finalizing and approving it later this year. As the VERA is the method to offset emissions, no construction work will begin until it is executed." (August 13, 2012 letter to Mr. David Valenstein of FRA attached to September 2012 Merced to Fresno Section: Federal General Conformity Determination.) This deferral of the execution of the VERA violated the prohibition of CEQA and NEPA on impermissible deferral of the formulation of mitigation measures. Any potential approval of the Fresno-Bakersfield project on the basis of this same mitigation measure, without an actual commitment to a VERA, would further aggravate this violation.

6. The Choice of the Hanford East Alignment as the Preferred Alternative Requires Recirculation of the Revised Fresno-Bakersfield EIR/EIS and Supplementation of the Programmatic EIR/EIS.

In April 2013, Authority staff identified numerous areas in which the Hanford West Bypass, which was then the recommended preferred alternative, was superior to the BNSF (Hanford East Bypass). ("Preliminary Staff Recommended Preferred Alternative," April 4, 2013.) The Hanford West Bypass was stated to impact fewer acres of U.S. jurisdictional waters (10.76 versus 12.44), less important farmland (809 acres versus 1075 acres), less Williamson Act land (96 acres versus 582 acres), fewer confined animal facilities (4 versus 15); and fewer housing displacements (50 versus 62). Now, Authority staff presents a very different picture of impacts, including changing the numbers for "aquatic resources" and "community resources" impacted. (Compare table 1 and table 2 in April 2013 staff report with table 1 and 2 in November 2013 staff report.) Therefore, the EIR/EIS should be recirculated so the public and public agencies may have sufficient

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time to review and comment upon the new information provided. For example, the Hanford East alignment would impact Kit Carson School on the east side of Kings County whereas the prior preferred alternative would not so now that the alignment is identified those impacts must be addressed. Furthermore, the Programmatic EIR/EIS must be supplemented and recirculated since it showed a different alignment, west of Hanford, as the preferred alternative. (Programmatic EIR/EIS, figure 6.3-4A.) The Programmatic EIR/EIS also showed, but the Fresno-Bakersfield EIR/EIS did not analyze, an alignment that followed the SR 99. (*Ibid.*)

B. Feasible Alternatives, Not Merely Variations on A Single Alternative, Should Be Analyzed in a Publicly Reviewed Document.

1. An Adequate Analysis of Alternatives Must be Circulated in the EIR/EIS.

We had stated in our prior letter that the current legal situation, with the Authority having received an adverse ruling in litigation about Proposition 1A (*Tos et al. v. California High Speed Rail Authority*, Sacramento Superior Court Case No. 34-2011-00113919-CU-MC-GDS, p. 7) ("the *Tos* litigation"), gives the Authority an opportunity to reevaluate alternatives in a public process.⁴ Such alternatives should not have been omitted from the earlier processes, but it is not too late to revisit them in a public process. The current Revised Fresno-Bakersfield EIR presents variations on a single alternative—i.e., an alignment through the Hanford area, as if they were alternatives to the project, without addressing alternatives that would effectively avoid many of the impacts that would be created.

⁴ We agree with the plaintiffs in the *Tos* litigation that the Authority violated Proposition 1A. We also object that if the Authority approves further segments including the Fresno-Bakersfield segment or awards further contracts, it would be further violating the requirements of Proposition 1A. We incorporate all of the allegations set forth in the *Tos* litigation Complaint (Petition for Writ of Mandate in *Tos et al. v. California High Speed Rail Authority, et al.*, Sacramento Superior Court case no. 34-2011-00113919-CU-MC-GDS) as if set forth fully herein. Judge Quentin Kopp's declaration in support of the *Tos* plaintiffs was prescient of Judge Kenny's August 2013 ruling as he stated the HSR project "has been distorted in a way directly contrary to the high speed rail plan the Authority attempted to implement while I was Chairman, namely, a true HSR system containing all the features, terms and protections desired by the Legislature and honoring restrictions placed upon use of Proposition 1A bond proceeds by the Legislature. Accordingly, it is my opinion the project is not lawfully eligible to receive Proposition 1A bond funds." (Declaration of Quentin L. Kopp, dated February 15, 2013.) We believe it likely Judge Kenny's ruling would be upheld if there is an appeal.

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We are aware of the Authority's 2012 Alternatives analysis report, General Counsel Thomas Fellenz's July 13, 2002 letter to Kings County, and the transcript of a June 2013 meeting involving the County of Kings and Chairman Richard attempting to explain why State Route 99 (SR 99) and Interstate Highway 5 (I-5) were eliminated from analysis in the programmatic and project level EIR/EISs. However, the fact that there may be analysis and comparison of alternatives in various documents not included in the EIR/EISs does not salvage either the Programmatic EIR/EIS or the Fresno-Bakersfield EIR-EIS. In *I-291 Why? Association v. Burns*, 372 F. Supp. 223 (D. Conn. 1974), *aff'd*, 517 F.2d 1077 (2d Cir. 1975), the court concluded that post-EIS studies by a local employee of FHWA could not save a defective EIS, in part because the studies were not circulated to other interested agencies, such as the Environmental Protection Agency (EPA) and the Council on Environmental Quality (CEQ). "The circulation and review requirements are critical features of NEPA's effort to insure informed decision making by providing procedural inputs for all responsible points of view on the environmental consequences of a proposed major federal action." (*I-291 Why? Association v. Burns*, 372 F. Supp. at 223.) The Second Circuit agreed: "These studies could not cure these particular inadequacies because they were not circulated for review and comment in accordance with procedures established to comply with NEPA." (*I-291 Why? Association v. Burns*, 517 F.2d at 1081; see also *Appalachian Mountain Club v. Brinegar*, 394 F. Supp. 105, 122 (D.N.H. 1975) [supplemental information not circulated in the same manner as a draft EIS cannot validate an otherwise deficient draft EIS]; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442.)

2. **The Feasible Alternatives of Construction in the I-5 or SR-99 Corridors Were Improperly Omitted from the Programmatic EIR/EIS and the Fresno-Bakersfield EIR-EIS.**

We previously wrote to encourage you to publicly examine the I-5 Corridor or SR-99 Corridor routing. (CBC Letter, October 3, 2013, p. 16.) We remind you that a French high speed rail company made a serious proposal that would have involved construction of a high speed rail system along the I-5 corridor, but this proposal was apparently rejected by Authority staff without being presented to the Board or mentioned in public documents. At least one member of the public, Michael LaSalle, commented about this proposal. (October 13, 2012 comment of Michael LaSalle, p. 5 ["In July, 2012, the *Los Angeles Times* reported that SNCF, a French firm and the developer of France's high-speed rail system, expressed the opinion that an I-5 alignment was a far more direct and cost-effective route to connect the Bay Area and Southern California."]) We look forward to your Final EIR/EIS response to this and other comments.

Apparently, the SNCF October 9, 2010 presentation to the Authority staff is available (http://transdef.org/Blog/Whats_hot_assets/SNCF%20Presentation.pdf),

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but so far as we know it is not available in the Authority's environmental documentation. Some members of the public are aware of the proposed feasible alternative, but not all who review the EIR/EIS. (<http://marketurbanism.com/2012/07/10/what-i-learned-today-about-sncf-and-california-hsr/> ["SNCF, the highly experienced French national high-speed rail operator, apparently had a plan for California's HSR network, but was turned off by the highly politicized routing. Namely, they wanted to make a straight shot from LA to San Francisco by running along the flat, government-owned I-5 corridor with spurs out to the eastern Central Valley, whereas the California High Speed Rail Authority (CHSRA) and state politicians wanted the main line to go through every little town in the Central Valley, directly."]) This proposal would have the advantage of not requiring state funding. We believe this proposal should be revisited. Even if it is not currently being offered, if the Authority expresses a willingness to explore it (especially now that Judge Kenny's ruling casts doubt on the ability of the Authority to use Proposition 1A funds), we anticipate that the proposal could be reassembled.

Other reports submitted and discussed by the Train Riders Association of California (TRAC) also highlight the benefits of an I-5 alignment. In their December 2012 newsletter (which can be found at <http://www.calrailnews.com/crm/1212/crm1212.pdf>), TRAC highlights that the I-5 alternative offers superior service, travel times at a lower cost and less environmental and economic impact to the Central Valley.

Also, recent reports have indicated that a proposal by Elon Musk for a high speed transportation system have progressed since it was first announced in August 2013. ("Elon Musk's Hyperloop Now Has A Company: Ambitious Plans for 2015 Demo," posted October 31, 2013 at <http://www.latinospost.com/articles/30866/20131031/elon-musks-hyperloop-now-has-a-company-plans-for-2015-demo.htm>.) This proposal apparently would be completely privately financed. (<http://motherboard.vice.com/blog/is-elon-musks-hyperloop-already-killing-californias-high-speed-rail>.)

While either of these two proposals may be viewed as infeasible (and the Authority is required to publicly articulate the reasons it believes they would be infeasible), each of them have the advantage of not requiring the commitment of billions of dollars of state or federal funds in the future. In light of Judge Kenny's ruling, we suggest that you formally consider these alternatives.

The preferred alternative alignment proposed by staff would have impacts on resources protected by section 4(f) of the Department of Transportation Act (49 U.S.C. 303) Such resources, referred to as "Section 4(f) properties," can only be used for federal-funded transportation projects if there is no feasible and prudent alternative and all possible planning has been taken to avoid the use of a 4(f) property or minimize harm to them. Without an analysis in the programmatic EIR/EIS or Fresno-Bakersfield Revised EIR/EIS of the potential use of the SR-99 or I-5 Corridor or a tunnel alternative

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to avoid the 4(f) properties impacted by the preferred alternative, the Authority, FRA, and STB would not be able to comply with the Department of Transportation Act.

3. **The Feasible Alternative of Tunneling or Trenching to Avoid Impacts in the City of Hanford Area Should be Analyzed in the EIR/EIS.**

In our prior letter, we questioned why the Authority has not considered either a tunnel or trenching option through the City of Hanford area, which would greatly reduce the surface impacts including to the agricultural community. (CBC Letter, October 3, 2013, p. 16.) In response to a Public Records Act request, our client obtained a single email message to the Authority addressing this subject. This single email stated four scenarios of construction of a three-mile long tunnel would increase costs in a range between \$950 million for a single-track twin tunnel to \$1.5 billion for a double track 50 foot inside diameter tunnel. These were "estimates and underlying quantities should be consider [sic] ballpark for general discussion only." (Email correspondence dated August 20, 2013 from Kinzie Gordon of URS to Diana Gomez of the Authority.) This cursory analysis is woefully insufficient. There was no discussion of the enormous costs for mitigation of surface impacts that would be avoided by utilizing a tunnel alternative, nor of the time, and therefore costs, that potentially would be saved in project construction since there may be less opposition (including litigation) and fewer eminent domain proceedings required for a tunnel option. The BNSF alignment through Hanford was the preferred alternative in the Programmatic EIR/EIS approved in 2005. In order to change this preference, a supplement to the Programmatic EIR/EIS must be prepared to explain why such an alternative is no longer the preferred alternative.

Since the overall price tag of the high speed train project in the Central Valley has fluctuated and is "now pegged at \$68 billion, but certain to grow" (<http://www.sacbee.com/2013/10/17/5830825/dan-walters-california-bullet.html>) an increase of \$1 to \$1.5 billion associated with tunnel construction would not render the project infeasible. It likely would render the project more palatable to local jurisdictions and communities, along with mitigating many of the impacts associated with an at-grade or elevated system. Furthermore in the Hanford area, a tunnel option would allow the Authority to intersect the Downtown Amtrak station, which is critical to the economic vitality of Hanford. It would also avoid leapfrog development outside the City of Hanford's General Plan jurisdiction area and within the County. Thus, such an alternative should be analyzed in order to reduce its impacts.

Furthermore, the staff report states that the Preferred Alternative is estimated to cost approximately \$7.174 billion in 2010 dollars. (Staff Recommendation, p. 3-19.) It is our understanding that the Authority has available to in no more than \$6 billion in grant funding (including \$2.6 billion in federal grants for the Fresno-Bakersfield segment), and that it does not have Proposition 1A funding available due to Judge Kenny's ruling.

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Since the capital costs of the Preferred Alternative are beyond the Authority's means, we suggest analyzing additional, less expensive alternatives. As we noted in our prior letter, the I-5 Corridor "offers the shortest distances, *lowest capital costs*, fastest . . . travel times, and highest overall ridership forecasts." (CBC October 3, 2013 Letter, p. 14, citing California HSR Corridor Evaluation and Environmental Constraints Analysis, Taylor et al., Journal of Transportation Engineering, Jan./Feb. 1997, p. 6, emphasis added.) Lower costs for I-5 were also noted by TRAC. (<http://www.calrailnews.com/crm/1212/crm1212.pdf>, p. 5 ["Because the geographic layout of the [non- I-5 Corridor] line is so wasteful, with 100 extra miles of route and unnecessary grade and seismic hazards, no private capital is willing to undertake the ridership risk."])

It is our understanding based upon the City of Santa Clarita's presentation at the Board hearing of October 14, 2013 that a tunnel option is being considered for the Santa Clarita area of the High Speed Train system. We request that the City of Hanford area within Kings County be shown the same consideration.

C. **Kings County Repeats its Requests For Coordination.**

Our prior letter requested that the Authority coordinate with the County of Kings. At the last Board meeting, Frank Oliveira of CCHSRA stated that the Authority had failed to answer the questions the County of Kings had posed for a long time, since at least April 17, 2012. The County also posed questions at a June 4, 2013 meeting with the Authority. Board Chairman Richard responded in October 16, 2013 correspondence to Mr. Oliveira that various questions had been answered. However, as a October 30, 2013 email message from County Counsel Colleen Carlson to Chairman Richard and the Authority staff clarifies, issues from the June 2013 meeting remain unanswered and answers related to the 2012 questions were non-responsive. Detailed and responsive answers, i.e., those that tend to work toward a resolution, to the questions Ms. Carlson identifies would be appreciated as a preliminary to meeting among representatives of the Authority, the County, CCHSRA, and the Farm Bureau about these questions.

The Authority staff report lists numerous agencies that have been meeting with FRA and the Authority: USFWS, CDFW, the San Joaquin Central Valley Flood Control Board, USACE, the State Historic Preservation Office, the State Water Resources Control Board, the EPA, CARB, and the San Joaquin Valley Air Pollution Control District. (November 2013 Authority Staff Report, p. 3-28.) It is telling that meetings are not reported to coordinate with the County of Kings, the City of Hanford, the City of Bakersfield, and other jurisdictions to coordinate the alignments. Instead, it is reported under the "Project Area Local Governments" heading that "Kings County and the City of Hanford do not support an HST alignment in Kings County and would prefer the HST to follow SR 99 or I-5." (Staff Report, p. 2-2.) We request that the Authority undertake a coordination process with Kings County in order to address the reasons Kings County currently does not support an HST alignment through its jurisdiction. It is our hope that

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FRA, STB, and CEQ can help facilitate this process.

D. Procedural Issues Related to the Authority's Potential Decisions in November and December.

We realize that you are considering a preferred alignment on November 7. Your staff report appears to contemplate approval of the Final EIR/EIS in January 2014. However, approval without recirculation of a legally adequate environmental review document would violate the requirements of CEQA as we have outlined above and in prior correspondence. We also advise you that Judge Kenny will be having a hearing of the Proposition 1A litigation on November 8, 2013, the day after your November 7th hearing. Any decision from Judge Kenny potentially enjoining expenditures on the project would likely have a profound impact on your schedule. No matter when you intend to review and potentially approve the Fresno-Bakersfield alignment, we make the procedural requests below.

1. We Request a Copy of All Notices Issued By the Authority, FRA, and STB Related to the California High Speed Train System.

We request a copy of all future notices issued by the Authority, including but not limited to notification if the Authority files a Notice of Determination about the Project for any reason, pursuant to Public Resourced Code section 21092.2. We request a copy of any notice issued by FRA or STB related to further consideration of the California High Speed Train System.

2. Responses to Agency and Other Public Comments Should be Released With Sufficient Time to Review Them Prior to Certification.

Regulations adopted pursuant to the California Public Resources Code require that the Authority provide responses to public agency questions at least 10 days prior to certification of the EIR/EIS. State CEQA Guidelines section 15088 reads in pertinent part that "the lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report." (State CEQA Guidelines § 15088, subd. (b).) Since it appears the Authority may certify the Final EIR/EIS in December or January, the Authority should release the responses to comments with sufficient time for the public and public agencies to review them. This is obviously a complex project with extensive documentation and extensive public and public agency comments. It would be appropriate to provide at least a 90 day period for review of the responses to public and public agency comments before the Authority considers certifying the Final EIR/EIS. As we have stated before, this is a once-in-a-century opportunity of a project potentially involving massive expenditures of public funds. The public should not be shortchanged

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with a rushed review and approval process, especially during the year end holiday season.

Conclusion.

FRA, STB, and the Authority have failed to appropriately analyze high speed rail alignments through Kings County and ways to effectively avoid or mitigate their impacts. The continued review of the HST project now should encompass the significant changes that have occurred to the project and its circumstances. With these recent changes in the project and its circumstances, CCHSRA, Kings County, and the Kings County Farm Bureau request that these changes be reflected in a Revised Draft EIR/EIS for the Fresno-Bakersfield alignment and a supplemental HST programmatic EIR/EIS that are both released to the public for a public review period of at least 90 days.

Thank you for your consideration of these views. We look forward to your responses.

Sincerely,



Douglas P. Carstens

Cc:

Environmental Protection Agency
US Army Corps of Engineers
US Fish and Wildlife Service
California Department of Conservation
California State Water Resources Control Board
California Department of Fish and Wildlife
California Department of Transportation
Congressman David Valadao
Congressman Kevin McCarthy
Congressman Jeff Denham
Senator Andy Vidak
Assemblymember Rudy Salas
Assemblymember Jim Patterson

Submission 029 (Todd Fukuda, November 7, 2013)

To: Chairman Dan Richard and the California high Speed Rail Authority,

It should be no surprise to the authority and to Chairman Richard that I write to you once again showing concern and disgust. I show concern towards my fellow Kings County citizens that have received a notice of a rail alignment preference that will be given by the staff at the next meeting on November 7th. The concern is that Kings County citizens will not have the ability to travel to Sacramento to voice their concerns as they were led to believe the issues would be brought up at a meeting set up for the 15th of November. I know people, like me, have work or other activities that would not allow them to be present at the board meeting. Understanding that it was the 15th, and knowing that our family is all in on this fight I had the 15th free to travel to Sacramento to voice my disgust in the game you are playing with the livelihoods of Kings County residents. But my disgust does not end with the games you are playing with the alignment preferences. I am disgusted that you have not taken into consideration the people you are going to be hurt the most, the landowners and the communities. If you had showed any consideration at all, you would have held your board meeting at a location in the area you are going through, Kings County. By having a Kings County or Central Valley board meeting it would allow the area that is being affected to be represented and heard. Since you had not considered having your meeting in Kings County, then the least you could have done was set up a remote location for people to gather and give public comment by Skype or by conference call. Technologies that an organization spending hundreds of millions of dollars should be able to provide. The remote location was suggested by CCHSRA and was denied. So I see the outreach to the communities involved has not changed at all. So like I said before, it should be no surprise that I write you once again with concern and disgust.

With great concern and disgust,



Todd Fukuda
tfukudacp02@hotmail.com

To: Chairman Dan Richard and the California high Speed Rail (Abuse Of)Authority,

This would have been my public comment if I attended a board meeting on the 15th of november

I am frustrated as hell to put it nicely, if I could express more freely I would use more choice words. I do not have any property in the alignment and I cannot imagine what landowners in the alignments both West and East are going through. If I had property in the alignment I assume I would be using those choice words. So what is my involvement that would allow me to feel and understand the frustration? I am part of CCHSRA, my brother is in the alignment, I have friends in the alignment both East and West, and I do contract work in fields that are in the alignment both East and West. So what has angered and frustrated me is the game the authority and the staff have played with the lives of Kings County residents and farmers. The authority and staff has showed a lack of concern for the stress they have placed on landowners that have a potential of being obliterated. First I-5, then Hwy 99, then the West, then the East, then a new West, then back to the East. It is apparent that you have wanted to hap hazardly meet your requirements of having alternatives and fully exercising the use of both alignment alternatives. It is also apparent you have attempted to splinter the Kings County by developing a division between the West and East sides of Hanford, which you have not. It is also evident you have not taken into consideration the landowner as you freely wave a wand and one day a person's property is in the alignment, the next it's not, and a month later it is back in the alignment. I assume the authority and staff does not know what it is like, the stress and the emotions a landowner faces as he learns his property and livelihood is in danger of being taken by the state. If so I would assume the authority and staff wouldn't have played the games you have for the past two years. So I ask Chairman Richard to live up to what he is claiming in the media, a new and improved authority. Step one would be stop playing games. STOP PLAYING GAMES!!!

Someone who is fed up with the California High Speed Rail (Abuse of)Authority,



Todd Fukuda
tfukudacp02@hotmail.com

Submission 030 (Colleen Carlson, Kings County, November 7, 2013)

Kings Government Center
1400 West Lacey Boulevard,
Building No. 4
Hanford, CA 93230
(559) 852-2445
Fax No.: (559) 584-0865

OFFICE OF THE
KINGS COUNTY COUNSEL



COLLEEN CARLSON
County Counsel
Deputies:
CARRIE R. WOOLLEY
DIANE WALKER
JULIANA F. GMUR
ERIK D. KAEDING
RISÉ A. DONLON

November 7, 2013

Hand-Delivered

To: California High Speed Rail Authority Board
From: Colleen Carlson, County Counsel for Kings County
Re: Comments to be included in the record of your meeting

Good morning Chairman Richard and board members;

My name is Colleen Carlson. I serve as County Counsel to the County of Kings.

Before I begin my comments, I wanted to congratulate the Central Valley Regional Director, Diana Gomez, on receipt of the Society of Hispanic Professional Engineer's Jamie Oaxaca Award.

I, along with many others from Kings County awoke early and traveled many hours for the privilege of speaking here. It is my hope that you will extend us the courtesy of a little more than 90 seconds.

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I urge you to re-think your approach to the Central Valley, the timing of your actions, and to revisit well-documented unfinished business in Kings County.

The County has growing health, safety and economic concerns, and fears unaddressed damage.

My comments today are about irony – the opposite of what one typically expects:

Over the past three years you have flip flopped three times on a preferred alignment through Kings County: First east, then west, now east again. What has changed since April that you didn't know when you first went east over the objection of US EPA and Army Corps? Do you understand that your actions and inactions impact lives? You have impacted the ability of farms and dairies to get loans. You have impacted business operations and decision making.

Mr. Chairman, when you met with us in June, you claimed to essentially neutralize your staff's April recommendation so that we could work in good faith without a black cloud hanging over our heads. Without another word from you or your staff since, we learn from Craig Schmidt that you are again going east because, and I quote, "it is more convenient for travelers" in the Visalia-Tulare-Kings area. To add insult to injury, rather than hold this meeting in the place most affected, you hold this meeting in SACRAMENTO and refuse to have a satellite meeting place in Kings County to allow the hard working concerned citizens a chance to participate. We know you met with Visalia the same day you professed to be meeting in good faith with us. It appears you have flip flopped again based on politics – not the environment. I wonder what EPA and Army Corps will think.

CEQA Section 21000.1 requires public agencies to conduct state projects "subject to the same level of review and consideration under [CEQA] as that of private projects required to be approved by public agencies. The Authority has spent 17 years and hundreds of millions of dollars studying the environmental impacts of its high speed rail project, only to recently argue in court that Prop. 1A does not require

Submission 030 (Colleen Carlson, Kings County, November 7, 2013) - Continued

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compliance with CEQA. ... Irony. I note, despite your staff's agenda footnote, that Page 1-2 of the Programmatic EIR/EIS adopted by your board in 2005 indicates: "[t]he proposed HST system is subject to environmental review under CEQA, and the Authority is both the project sponsor and lead agency for CEQA compliance."

The Authority recently vehemently argued to Judge Kinney that Prop. 1A bond validation was imperative because those funds are urgently needed to begin project construction; then argued to the same judge a couple weeks later in a different but related case that it does not need Prop. 1A funds because other state funds can be used.... Irony.

A recent Authority press release gives you, Mr. Chairman, accolades for the "strong partnerships [you forged] with local governments", but you refuse to do so with Kings County. ...Irony.

Since early 2011, the Authority has argued it is not required to coordinate the details of 30 miles of the spine of its project with Kings County; yet Gregg Albright, your former Acting Director of Planning and current employee of consultant Parsons Brinkerhoff, is quoted in August, 2013 as indicating "**Coordination is key**" to building a better California and high speed rail project, explaining "**it has to be done locally and then build up...**" We were right all along, yet ignored or patronized. ... Irony.

You provided millions of dollars to Fresno to our north, and worked diligently with them to enhance existing transportation corridors along Highway 99, and are working with Shafter and big oil to our south to completely re-route the southernmost portion of the Fresno to Bakersfield alignment in order to continue on an existing transportation corridor, but then you slice right through the middle of protected farmland, away from existing corridors, in desecration of our General Plan to gain speed on the backs of Kings County and its hard working, food producing farmers. ... Irony.

Prop. 1A supports transit oriented development and existing transportation corridors. The BNSF, an existing corridor, veers away from Fresno and Highway 99 and travels directly through the middle of

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Hanford in Kings County where there is a train station, bus station, and transit hub, but you choose farmland instead.... Irony

Visalia has offered free land for a station near its airport situated at the hub of two major highways and the UP railroad corridor, and you indicate using that route would take too much farmland. ...Irony.

You explain to the people of Kings County that the Hwy 99 route is not ideal because it curves too much, yet you zig and zag in and out of farmland and under major power lines to use Kings County. ... irony. Also see attached map containing your proposed route imposed over Highway 99. Your explanation fails.

In 2011, your people told Kings County it is "too late to change", but have since released two different draft versions of the environmental document ignoring Kings County's well documented concerns; yet you are willing to accommodate big oil and little Shafter. ... Irony.

I note that your blended approach is "highly acclaimed" according to a recent Authority press release, but a superior court judge ruled in August, 2013, that such funding plan and approach is an abuse of discretion that does not comply with Prop. 1A. ...Irony.

I recall a recent question from Senator Lowenthal to Chairman Richard as follows: Chairman "for all this money, ... we [are] going to get genuine high speed rail" [right]? Response: "no, but you are going to get a lot." Irony?

Kings County reviews progress reports and, as a result, has many safety concerns. For example, Progress Report 41 from June contains a comment that the Fresno-Bakersfield section draft design submittal does not meet the "Alignment Design Standard for High-Speed Train Operation TM 2.1.2". It further indicates that there are "many quality control issues." The County is concerned with the health, safety and welfare of its citizens, and it's Board of Supervisors most certainly has the power to protect.

Submission 030 (Colleen Carlson, Kings County, November 7, 2013) - Continued

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Progress Report 39 indicates that over and under passes can't be designed without coordination with Counties and Cities regarding road speed, because speed impacts the dimension and safety. I know with certainty no road speed coordination has occurred with Kings County.

In closing, I would urge you to delay your vote -- not sneak these prolonged actions through during the holiday season; get your environmental ducks in a row; revisit reasonable alternatives outside of Kings County and along existing corridors that were eliminated for the wrong reasons; or coordinate in good faith with Kings County to resolve its legitimate concerns like any other developer would be required to do in order to receive project approval.

Lastly, I would like to remind you Mr. Chairman of the many promises that either you or your staff have not carried out, as outlined in my October 30, 2013 notice to you, and of your June 4, 2013 promise directly to the Kings County Board of Supervisors, that is: "But I will make this promise to you sitting right here on the record, which is I won't vote to adopt an EIR or EIS for this alignment if you're telling me that the data on which we're making that decision is still not consistent with where the county is." We are telling you it is not consistent.

Thank you.

Sincerely,



Colleen Carlson

Enclosures:

1. October 30, 2013 e-mail at 4:47 PM to Diana Gomez, Chairman Richard, and High Speed Rail Authority Board Members
2. Map of proposed route imposed over Highway 99

Carlson, Colleen

From: Carlson, Colleen
Sent: Wednesday, October 30, 2013 4:47 PM
To: Diana Gomez (dgomez@hsr.ca.gov); drichard@hsr.ca.gov; 'danrichard@mac.com'; 'boardmembers@hsr.ca.gov'
Cc: Verboon, Doug; Spikes, Larry
Subject: YOU ARE ON NOTICE
Attachments: #9 06-04-2013 County-HSR coordination transcript.pdf; 04-02-13 SIGNED letter Verboon to Richard.pdf; 02-07-13 SIGNED letter Verboon to Richard.pdf; 06-27-12 SIGNED Letter Spikes to Richard re Absurd Responses.pdf; 04-27-12 HSRs attempt to answer Countys 60 questions.pdf

Dear Ms. Gomez and Chairman Richard and Board Members:

YOU ARE AGAIN ON NOTICE that you have not done as promised. The list of outstanding commitments is long.

JUNE 4, 2013

The short list of outstanding/unaddressed issues relating only to our June 4, 2013 meeting is included again [below] for your reference.

Mr. Richard, I feel it important to remind you of your specific PROMISE which I am quoting from the 6-4-13 transcript of our meeting, recorded by a certified court reporter as follows:

"But I will make this promise to you sitting right here on the record, which is I won't vote to adopt an EIR or EIS for this alignment if you're telling me that the data on which we're making that decision is still not consistent with where the county is." (Pg. 14 – see attached)

This reminder is particularly important in light of your Board's 11-7-13 agenda Item No. 2: "CONSIDERATION OF THE STAFF RECOMMENDED PREFERRED ALIGNMENT FOR THE FRESNO TO BAKERSFIELD PROJECT SECTION". It is difficult to imagine how you can proceed with such without addressing the articulate, specific concerns of Kings County, especially after your promise. It is also difficult to understand why not one attempt has been made since the June 4, 2013 meeting, especially after sending the very specific reminder list below.

I can honestly say that I have never worked with a group such as the Authority, that has an interesting and important project, that so consistently meets, promises, then drops the ball. It is difficult to know what you expect us to think or expect us to behave, but we are definitely disappointed. We have spent valuable time explaining and articulating only to be consistently overlooked and ignored.

It is difficult to keep things professional when your organization behaves so unprofessionally. It is not our mission to embarrass, but you most certainly should be. This is the biggest transit project in California's history yet you are consistently getting the cart before the horse. It is not our mission to get in the way of your project. This project belongs to all Californians and should be a model, not a chronicle of what not to do. We are trying to protect the County and its communities and all taxpayers from the clear ineptness you consistently portray. That ineptness will translate directly to destruction in our community and an extraordinary burden on all taxpayers. That is not acceptable here and should not be anywhere. We will not stop insisting on quality and accountability.

Submission 030 (Colleen Carlson, Kings County, November 7, 2013) - Continued

Below is the list that that evolved from the June 4, 2013 transcript attached and was forwarded to Diana Gomez and Chairman Richard on October 8, 2013:

THE PRIOR LIST OF 6-4-13 UNRESOLVED MATTERS AND FOLLOW-UP PROMISES:
"Good afternoon Diana,

I had a chance to speak with Chairman Verboon regarding your e-mail below. In response, he requested I review the transcript of the June 4, 2013 meeting and respond to you directly regarding a host of outstanding issues from that meeting alone. Those include the following:

1. **Maps:** On June 4, 2013, you left a large scale map for the western alignment, but the consultants did not have the large scale map for the eastern alignment. It was indicated at that time that we would receive it. **We have not received.** The purpose was so that both could be displayed and the community could review and provide comments either to the County or directly to you. Have you received any comments on the Western bypass displayed? The idea was to discuss circulation, safety and other issues that may be triggered.
2. **Electronic Shape Files Update:** At the time of the meeting, it was agreed that an update to the shape files we received from the Authority's consultants earlier would be received after the meeting. **We did not receive the shape file update promised.** Instead, we received a message – I believe through Cheryl Lehn at URS – that it would not be provided.
3. **Hwy 99/I-99:** The issue of upgrading Hwy 99 to an Interstate was discussed. A question was posed whether the Authority had considered coordinating with Caltrans on this and to incorporate the HSR alignment into such project. Mr. Richard indicated: "I don't know the answer to that. Our CEO, Mr. Morales, was the CalTrans director, so I'll ask him." **We have not received a response.**
4. **Dairy Permit Streamlining:** Mr. Pentorelli indicated a main issue was whether or not new crop plans had to be prepared. He said it wasn't really an issue unless the nitrogen level changed. A commenter at the meeting actually pointed out that of course the ratio will change if you export the same level of effluent onto less land because land has been taken for right of way. **The issue remains unaddressed.** Additionally, Mr. Gatzka reminded that all of the issues the County would have to address for dairy re-permitting were included in a prior letter that are already in staffs hands and he would be happy to provide it again. **He has not been asked to provide it again** and we have received no follow-up whatsoever on this or any issue raised during the June 4, 2013 meeting. Mr. Gatzka explained that while the County's 2002 Dairy Element does have a streamlined permitting process, as long as the project meets certain standards for nitrate wastewater distribution and cattle numbers, once that gets disrupted, that permitting process has to get relooked at.
5. **Dairy Permit Streamlining #2 – Easements:** The question was raised and assurances made that the Authority would follow up on whether the Authority will actually allow an easement under or over its right of way to accommodate a pipeline for continued distribution of wastewater as to not disrupt an operation bisected by the track. You may recall that Chairman Richard indicated: "I will make this promise to you sitting right here on the record, which is I won't vote to adopt an EIR or EIS for this alignment if you're telling me that the data on which we're making that decision is still not consistent with where the county is. So we would at least have that conversation to try to get it as harmonized as much as possible so that what I have before me and my colleagues as decision makers is a full understanding of this. Our Ag Commissioner added that this must be resolved. The pipes are sometimes used for irrigation and sometimes effluent is injected into the pipeline. I clarified that the worry is the time in between. What happens while the Right of Way Agent and property owner are negotiating and the Authority has no fixed process in place. The farmer could lose his crops and the consequences could hugely affect the farmer's operations. **We have heard nothing more on this issue.**
6. **Well Inventory:** Mr. Gatzka pointed out and our comments to the EIR/EIS include the request more than a year ago that the Authority inventory the wells that will be disrupted or impacted directly. Has this been done? Mr. Spikes indicated that this can't be an entirely unique situation and you must have some process developed for the farmland you are in the process of acquiring in Madera and some in Fresno that is not along existing roads. Mr. Gatzka further explained this issue and indicated that if each situation is left to the design-build

2

- contractor to remedy, it could really slow the process. Instead, a process should be developed now that incorporates mitigation procedures. Dan Richard replied: "I'm making a note to myself because I want to follow up on this, which is there's a question of the efficiency of the design. If we say to the design build contractor understand that there's going to be a baseline of x number of under crossings that are going to have to be dug through over this wide length of miles, we don't exactly know where they are yet because that will be part of the curing and mitigation process. But you should build into your – your bid and your thinking those are going to be there. I think what Mr. Gatzka is getting at is it should be more than just the -- just the right of way acquisition process, there ought to be some design standards, if you will, that address on a generic basis how we're going to..." address this. Mr. Richard continued that he believed that the Authority may already have some documents that talk about generic strategies and indicated "we'll provide those as well to the county." **We have not received any such documents.**
7. **Loss of Amtrak Stations:** Supervisor Valle expressed concern for the loss of stations in Hanford and Corcoran when the new Authority line is built. Mr. Richard indicated that it is not the Authority's intention to orphan those stations and mentioned that he has been talking with Secretary Kelly at the Transportation Agency about this very issue. **No follow-up information has been provided to the County on this issue.**
 8. **Reimbursement Agreement:** The County finds many issues with the Reimbursement Agreement, but is **not willing** to enter into an Agreement with the Authority **while it is in litigation** against the Authority.
 9. **Water Levels on Hanford West Bypass:** It has come to our attention from reviewing URS technical memos to the Board that it has released a technical memo on the groundwater levels in the vicinity of the western bypass. **The County would like a copy of that memo please.**

Conclusion: There is no reason to meet at this time. Essentially everything you, Mr. Richard and the consultants indicated you would follow up on **remains outstanding after three more months.** Until those items are addressed, there is no point. We look forward to you providing the information promised."

APRIL 2, 2013

I have attached hereto an April 2, 2013 letter from our Board Chairman to Mr. Richard. It is another list of unmet commitments. The details are included in the letter, but the short list consists of the following:

- Project triggered non-compliance with AB 32
- Outstanding Ag Issues
- Foreseeable Pesticide Drift
- Circulation Issues
- Implications of AB 1779

FEBRUARY 7, 2013

I have attached hereto a February 7, 2013 letter from our Board Chairman to Mr. Richard. It is another reminder of all the issues that have not been addressed.

June 27, 2012

I have attached hereto a June 27, 2012 letter from our County Administrative Officer to Mr. Richard. It contains lists of prior issues that were not addressed. Just a short list includes the following:

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Submission 030 (Colleen Carlson, Kings County, November 7, 2013) - Continued

- AB 32
- Dairy Permitting
- Existing Conditions
- Pesticide Drift
- Mitigation Measures
- Outstanding Ag Issues
- And lists of questions re prior outstanding, unaddressed questions.

APRIL 27, 2012

I have attached hereto an April 27, 2012 letter from the Authority. I am told that Mr. Richard recently indicated to Mr. Oliveira in a board meeting and follow-up correspondence that all of Kings County's questions have been answered. After you review the responses, I am sure you will agree that they are responses, but not necessarily resolution and very poor "answers". A few examples:

SECURITY ISSUES:

- Q: Who will be responsible for Public Safety relating to the project? A: "Although it has not been formally decided who will be responsible for public safety during construction and operation, we anticipate that those decisions may fall in line with similar existing arrangements." WHAT DOES THIS MEAN?
- A: "A Threat and vulnerability analysis will be developed....". WHEN? DOES IT EXIST NOW?
- Q: What about security against terrorism? A: the Federal Railroad Authority has determined the Transportation Security Administration "has jurisdiction over all security matters including HST" and has a "dedicated deputy general manager assigned to the project ... but TSA currently has no established regulations ... but is working to develop..." WHEN? DOES IT EXIST NOW AS YOU BEGIN CONSTRUCTION?
- Q: What is your plan to police the project? A: "...the Authority is in the process of evaluating types of policing methods and services that potentially could be employed..." HAS THE AUTHORITY FIGURED THIS OUT? WHAT IS THE PLAN?

PEST QUARANTINE ISSUES:

- Q: What is the authority doing about potential pest quarantine issues? A: We do not anticipate a problem, but if there is one, we "would manage in close cooperation with Kings County." ... "the Authority plans to work closely with the County..." . IS THERE A PLAN?

ECONOMIC LOSS TO COUNTY AS A RESULT OF PROJECT

- Q: How do you intend to address the economic impacts of the project on Kings County. A: "To understand these effects, and eventually mitigate them to the greatest extent possible, the Authority has endeavored to carefully consider the economic and social effects of the HST and to carefully determine whether they will lead to secondary impacts on the environment. The Authority believes that Kings County officials will be our best resource in determining these impacts as we move forward." IS THIS AN ANSWER? IT PROVIDES NO REFERENCE TO A STUDY. IT INDICATES KINGS COUNTY WILL PROVIDE THE INFORMATION IT IS ASKING FOR.

LACK OF PROJECT DETAILS:

- Q: The County's planning director indicated that the lack of project detail makes it difficult to evaluate the impacts to the County and expressed frustration with this. A: "CHSRA understands the frustrations that can arise...especially on a project of this magnitude...We look forward to continuing our collaborative discussion with

you on a detailed level as the project advances." THIS HAS NOT HAPPENED. WHERE IS THE ANSWER? WHEN WILL THIS OCCUR IF IT HAS NOT FOR THE PAST TWO AND A HALF YEARS THAT WE HAVE BEEN ASKING?

ROAD CLOSURES:

- Q: how many road closures will result from the project and how will ag and public safety be able to continue in light of the closures? A: there will be four closures. Staggered construction is the plan. WHAT?

Essentially, the "answers" are that we will work with you – don't worry. That is not good enough, particularly because every time you have promised to work with Kings County it NEVER happens. Unfortunately, I could keep going, but I am growing weary that it makes no difference what we write. It only grows the records of wrongs committed against the County. This is not acceptable. Please address our legitimate, repeated, ongoing concerns.

Sincerely,

Colleen Carlson
County Counsel
County of Kings
1400 W. Lacey Blvd., Building #4
Hanford, CA 93230
Phone: 559-852-2448
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From: Gomez, Diana@HSR [<mailto:Diana.Gomez@hsr.ca.gov>]
Sent: Wednesday, October 02, 2013 12:43 PM
To: Verboon, Doug; Carlson, Colleen
Subject: Kings County follow up

Supervisor Verboon,

It's been over 3 months since we met and I wanted to follow up on a couple of items:

- We have not received any comments on the reimbursable agreement and we would like to finalize so we can ensure the County is getting reimbursed for their reviews.
- Would you like to schedule another meeting. We can provide an update on the project and our work with impacted property owners.
- We also be following up with a letter regarding our permit requests that have been denied by the County and would like to discuss this issue.

Also survey notices will be mailed to impacted property owners within the boundaries of the Hanford East alignment. Boundary surveys are one of the first steps in the right-of-way process. These surveys establish property boundaries to assess potential impacts and inform

Submission 030 (Colleen Carlson, Kings County, November 7, 2013) - Continued

appraisal mapping. The survey crews do not collect any information about the property other than verifying legal boundaries.

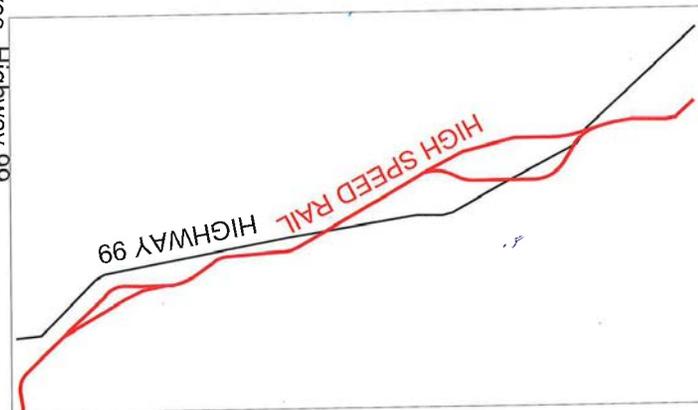
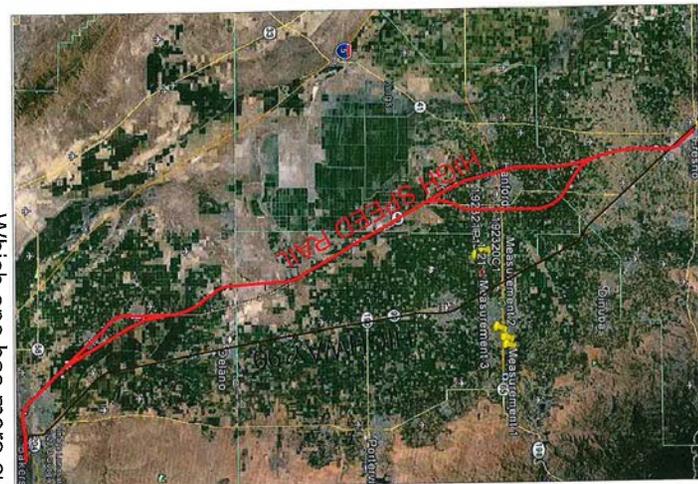
Look forward to hearing from you hope all is well.

Diana Gomez, PE, PMP
Central Valley Regional Director
California High-Speed Rail Authority
diana.gomez@hsr.ca.gov
(559) 445-5172 Office
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Which one has more curves, Highway 99 or High Speed Rail?



Submission 031 (Doug Verboon, Kings County Board of Supervisors, November 7, 2013)



DOUG VERBOON

Supervisor
District 3

BOARD OF SUPERVISORS
Kings County Government Center
1400 W. Lacey Boulevard
Hanford, California 93230
Phone (559) 582-3211 - Ext. 2366
Fax (559) 585-8047

November 7, 2013

To: California High Speed Rail Authority Board
From: Supervisor Doug Verboon, Kings County Board of Supervisors
Re: Comments for CHSRA Board Meeting.

Good Morning, I am Doug Verboon. I am the Chairman of the Kings County Board of Supervisors and a 3rd generation farmer of Gold Top Ranch located in Hanford.

I am here to present comments on the County's behalf, along with our local Kings County Farm Bureau, and a group of other people that formed the California Citizens for High Speed Rail Accountability. We have travelled a long way to speak with you and I hope you will afford us a little extra consideration to hear our concerns.

I am hand delivering a letter prepared by our legal counsel Douglas Carstens. It is the second part of a set of comments we started before your last meeting down in Los Angeles last month. Now we are up here to see you in Sacramento. We sure wish you would have these hearings closer to where we are- and where you are proposing to build this rail line. Kings County is on the opposite side of the Authority in two lawsuits - one over Proposition 1A and the other over the Authority seeking validation of its bond funding.

But today, we are here to ask you not to make the mistake of creating more momentum for a particular alignment through Kings County until you, and your staff, has really sat down and coordinated with us. You have to get your environmental documents right, and make sure everyone has a good chance to look them over- and I don't mean during the holidays coming up. Real people are facing real impacts from what you are planning- impacts to their lives and livelihoods, and those of their families.

There is plenty of new information, and recent changes since you put out a revised EIR last year. Your staff's recommendation of the Hanford East Alignment is the latest in a series of major last minute changes or new discoveries that people have to have the time to look at and think about. The letters we and others are putting in talk about new geotechnical information, shallow groundwater, land subsidence, and compressible soils; design changes like elevated tracks over the three channels of the Kings River; and power lines and substations that are not even identified in the review documents.

There are better alternatives missing that we still don't have a satisfactory explanation for, the SR-99 and I-5 Corridors have advantages and disadvantages of their own, but those should be laid out side-by-side with the alignment you are narrowing in on. The view from Kings County is that either of those major transportation Corridors would make a lot more sense than the plan your staff currently prefers. We are asking you to put the project on a firm footing that makes sense to people on the outside looking in- not just to you and your staff. Answer the questions we have been posing all along, and coordinate your efforts with us. If the project is going to be done, it has to be done right.

Attachment to Submission 031 (Doug Verboon, Kings County Board of Supervisors, November 7, 2013)
- 1017_Verboon_Board_Meeting_Letter_11072013_Attachments.pdf

CHATTEN-BROWN & CARSTENS

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November 6, 2013

California High Speed Rail Authority Board
Chairman Dan Richard and Honorable Board Members
c/o Mr. Mark McLoughlin
770 "L" Street, Suite 800
Sacramento, CA 95814

Federal Railroad Administration
Joseph C. Szabo, Administrator
c/o Mr. David Valenstein
MS-20, W38-303
1200 New Jersey Avenue, SE
Washington, DC 20590

Surface Transportation Board
Chairman Elliot and Honorable Board Members
395 E Street, SW
Washington, DC 20423

Mr. Horace Greczmiel
Associate Director for NEPA Oversight
Council on Environmental Quality
Executive Office of the President
722 Jackson Place N.W.
Washington D.C. 20503

RE: Supplement to October 3 2013 Letter Re High Speed Train System
Programmatic EIR/EIS and Fresno-Bakersfield Revised Draft EIR/EIS; and
Coordination of Project Planning and Environmental Review

Chairman Richard, Chairman Elliot, Administrator Szabo, Director Greczmiel and
Honorable Board Members:

Our firm represents Citizens for California High Speed Rail Accountability
(CCHSRA), Kings County, and the Kings County Farm Bureau. We wrote to you on
October 3, 2013 about our concern that the Revised Draft Environmental Impact
Report/Supplemental Draft Environmental Impact Statement: Fresno to Bakersfield
(Fresno-Bakersfield Revised Draft EIR/EIS) of the California High Speed Rail Authority
(Authority) describes a project with different alignments and features than is currently

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proposed for the High Speed Train (HST) system. As previously explained, major
modifications to the project and changes in circumstances have occurred since the revised
draft EIR/EIS was released in July 2012. The final version of this EIR/EIS is reportedly
scheduled for release in January 2014.

We described the significant changes in the project and the circumstances
including the contemplated elevated rail system over the Kings River, a trenched
alignment around 13th Avenue in Hanford, and the new information about potentially
significant geotechnical impacts that represent significant changes in the design and
environmental impacts of this segment of the HST. Since that time, we have become
aware of significant issues that further substantiate our view that the Fresno-Bakersfield
Revised Draft EIR/EIS must be revised and recirculated.

After our previous letter had been delivered, we hoped an effort would be made to
resolve or at least address the issues we raised; however no such effort has been made to
date. We remain more than willing to discuss these concerns with your General
Counsel, or any appropriate staff members you would designate.

We are also disappointed that, despite CCHSRA's reasonable request, the
Authority has chosen not to make remote viewing locations available for its November 7,
2013 hearing at which a choice of a preferred alternative for the Fresno-Bakersfield
alignment will be considered. Instead, the Authority is holding its hearing in Sacramento
approximately 170 miles away from Fresno (and even further away from other portions
of the proposed alignment). The lack of a satellite location hampers the ability of the
public to participate in the Authority's proceedings. We based the request in part on the
fact that incorrect information was delivered by phone by Authority staff member
Camarena to Carol Waters of CCHSRA that the alignment selection would take place on
November 15th, thus leading many people to formulate their plans based on this
anticipated date. Also, the courtesy of having remote satellite locations is extended to
Authority Board members when they are unable to attend in person at Authority Board
meetings.

As we previously stated, in accordance with the California Environmental Quality
Act (CEQA) and the National Environmental Policy Act (NEPA) the Authority, the
Federal Rail Administration (FRA), and the Surface Transportation Board (STB) must
revise the Fresno-Bakersfield Revised Draft EIR/EIS for the Fresno to Bakersfield
segment to reflect changes in design and newly identified significant impacts, and re-
release the draft for public review. (40 C.F.R. § 1502.9 [NEPA]; Pub. Resources Code §
21092.1 [CEQA].) You should also prepare a supplemental programmatic system-wide
EIR/EIS since the one approved in 2005 did not properly address at the program level
alternatives and mitigation measures for impacts that are now apparent from further
analysis. (40 C.F.R. § 1502.9 [NEPA]; Pub. Resources Code § 21092.1.)

Attachment to Submission 031 (Doug Verboon, Kings County Board of Supervisors, November 7, 2013)
- 1017_Verboon_Board_Meeting_Letter_11072013_Attachments.pdf - Continued

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Below we discuss how recently obtained information supports our prior request that you to revise, recirculate, and supplement the environmental review as appropriate, and that you coordinate with Kings County and other affected jurisdictions.

I. Changes In The Project's Circumstances, Its Design, and Feasible Alternatives Require Supplemental Environmental Review and Recirculation of Draft Documents.

A. NEPA and CEQA Require Revision of the Revised Draft EIS/EIR and Recirculation Because of Changes to the Project, New Information, and Changes in Circumstances Disclosing Significant Impacts.

We previously explained that under NEPA, federal agencies reviewing major federal actions must take a "hard look" at environmental consequences of the proposed project, and prepare an adequate draft EIS. (Chatten-Brown & Carstens (CBC) Letter of October 3, 2013, p. 3, citing *Kleppe v. Sierra Club* (1976) 427 U.S. 390, 410; *Marsh v. Oregon Natural Resources Council* (1989) 490 U.S. 360, 374.) CEQA also requires that EIRs provide a thorough investigation and adequate analysis of project impacts in which a public agency finds out and discloses all that it reasonably can about project impacts. (Tit. 14, Cal. Code Regs. §§ 15144 and 15151.) Under both NEPA and CEQA, when significant new facts emerge about a project or alternatives to it, or the circumstances in which it is proposed, the environmental review documents for it must be supplemented, if they have already been approved (40 C.F.R. § 1502.9 [NEPA]; Public Resources Code § 21166 [CEQA]), or recirculated if they have not yet been approved (40 C.F.R. § 1502.9 [NEPA]; Public Resources Code section 21092.1).

1. Project Management Oversight Documents Confirm the Significance of Changes That Have Occurred, Or Problems That Have Been Identified Internally But Not Publicized Since the Release of the Fresno-Bakersfield Draft EIR/EIS in July 2012.

Pursuant to the Public Records Act, Californians Advocating Responsible Rail Design recently obtained Project Management Oversight (PMO) progress reports prepared by T.Y. Lin and shared them with our clients. These Progress Reports identified numerous issues that should have been made publicly available. Examples of how the Progress Reports helped identify problems possibly before they become intractable include the following:

a. PMO Report #38- February 2013

The PMO reported that the Regional Consultant submitted more than 40 changes to the Merced-Fresno section of the alignment. (PMO Progress Report #38, p. 8.) There is a discussion ongoing about the potential delays and potential litigation for changes

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made without CEQA and/or NEPA review:

The RC submitted design change memoranda for four locations (Olive, Belmont, McKinley, & Golden State Boulevard) with analysis in Jan 2013. They received PMT/AG comments, which are now being addressed. Authority/PMT/AG need to consider schedule vs. litigation risks in determining level of detail in the analysis. Also need to consider litigation risk (i.e. newly affected parcels, and permitting/[National Historic Preservation Act] Sec 106 requirements) when determining need for and timing of additional CEQA/NEPA review. PMT reviewing need for 40+ additional design changes.

(PMO Progress Report, #38, p. 8.) The risk of future litigation could be reduced by providing the required amount of coordination with the public including local agencies. As matters stand now, the changes made to the Merced-Fresno alignment require that the EIR/EIS for the Merced-Fresno section be supplemented and recirculated for public review.

b. PMO Report # 39- March 2013.

The PMO confirmed that the Authority has not finalized the "footprint" that is utilized to define the project. (Progress Report # 39, p. 8.) Therefore the Authority has not properly described to the reader of the Fresno-Bakersfield EIR/EIS the project footprint in the Project Description. As reported by the PMO, only after the footprint is identified can various requirements be described:

These requirements include a 15-foot permanent easement on either side of viaduct and trench structures for maintenance, and access along embankments and cuttings. Based on agreements with the EMT, the permanent environmental footprint is being modified for the Final EIR/EIS; however, the late application of these new criteria has impacted the final delivery schedule for the environmental footprint. The RC is working to finalize the footprint, including engineering, ROW, and other environmental input.

(PMO Progress Report # 39, p. 8.) This confirms the insufficiency of the project description in the July 2012 version of the Fresno-Bakersfield EIR/EIS.

Furthermore, the project description is insufficient because the Authority has not clarified the road speed required by each county. (PMO Progress Report # 39, p. 11.) The road speed will impact the dimensions and safety of many of the overpass and underpass structures.

Status of County Road 65 MPH requirement: PMT/HSR (Diana Gomez and staff) are in a process of meeting with all the cities and counties to negotiate a design

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speed that is workable with the HSR alignment.

(PMO Progress Report # 39, p. 11.)

The Project Management Team (PMT) informed the Regional Consultant (RC) (which is URS in the Fresno-Bakersfield area) that design criteria in Technical Memorandum 2.1.2 was being revised to increase the distance between the end of a horizontal curve and the beginning of a vertical curve because "Segment lengths and attenuation time have a direct impact on rider comfort, a fundamental system consideration." The impacts of not providing enough length between transitions would increase what could be considered a "roller-coaster effect" on the riders of the train. Increasing the lengths of times between transitions would mean adjustments in the alignment. Adjustments in the alignments could introduce new impacts, change existing impacts and require different and new mitigation measures. (PMO Progress Report #41, p. 8.) Whereas, failure to make any adjustments could impact the service level of the high speed train system with a likely outcome of slower trains and failure to meet travel requirements.

We would also like to caution the Authority that ignoring compliance with internal technical specification adds a severe safety concern to the traveling public. With the recent tragedy in Spain, the Authority should take precautions to provide the safest and technically sound system given that Central Valley will require the greatest speeds (upwards of 220 mph) to accommodate to the "blended" approach in the northern and southern stretches of the system.

c. PMO Report # 40- April 2013.

The PMO reports that there is some confusion regarding coordination with the California Public Utilities Commission (CPUC). (PMO Report #40, p. 14.) We believe it is critical that the Authority coordinate with the CPUC to determine future energy demands on the system, however it is more critical to coordinate with the CPUC for design and safety reasons. This is highlighted in the Hanford East alignment, which currently is staff's preferred alignment, where the tracks cross a set of high power electrical lines that are in alignment with 7 1/2 Avenue in Kings County. This topic is further discussed below.

d. PMO Report # 41- May/June 2013.

The Report indicates that the RC and the PMT reviewed roadway design changes that have the potential to result in new environmental impacts. (PMO Report #41, p. 9.) It was further stated that the RC and PMT have "incorporated these changes into the environmental footprint for the FEIR/EIS." (PMO Report, p. 9.) This would indicate that new environmental impacts have been included in the Fresno-Bakersfield Revised Draft

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EIR/EIS and will require further public review. There is a great risk that the Draft EIR/EIS could be introducing new significant impacts without public review, including review by local jurisdictions such as Kings County and the City of Hanford.

2. Overhead Electrical Powerline Issues Are a Significant Impact That Has Been Insufficiently Analyzed and Mitigated.

The staff's recent identification of the Hanford East Alignment as the preferred alignment raises the serious issue that the siting of the High Speed Train System near and among high voltage overhead electrical power lines has not been adequately analyzed or mitigated.

The current design of the Hanford East alignment crosses a 115,000-Volt High-Voltage Transmission Line in several locations at an angle or in a perpendicular direction as it weaves in and out the power lines.² The High-Voltage Line is identified as the Kingsburg-Waukena HV Transmission Line and runs north and south through eastern Kings County. This power line is owned and operated by PG&E and carries a large amount of the electrical supply up and down the Central Valley, supplying power to Fresno, Visalia, Hanford, Tulare, Bakersfield and many other small communities along the way.

Given that the track bed and the subsequent train facilities are approximately 35 feet above natural grade, the train will run directly into the power lines. Thus, they will have to be relocated or undergrounded. Also there are overpass structures slated for approximately every mile along the Hanford East alignment. These overpasses are also approximately 35 feet above natural grade to the bottom of the overpass structure. This means that the overpasses will be directly within the high power lines at every mile. The Fresno-Bakersfield Revised Draft EIR/EIS states that any impacts due to relocation of power lines is not significant and that the inconvenience to residents and power users will be minimal. The problem is that there was no detailed discussion of what was impacted, how it was to be addressed and what the impacts would be. The reader has no way of making an informed evaluation if the impact would be minimal.

² Electromagnetic fields traveling too close to each other and in different directions potentially cause arcing failures. (http://en.wikipedia.org/wiki/Electromagnetic_interference "mutual inductance between two radiated electromagnetic fields will result in EMI [ElectroMagnetic Interference]"; Federal Record of Decision California High-Speed Train System, November 18, 2005, p. 21]) If the current design of the HSR calls for 37-foot clearance above grade for necessary infrastructure with a 5,000-Volt HSR power transmission cable, is there enough clearance under the existing high voltage lines to avoid arcing and flaming failure? For example, the HSR crosses under the HV lines at an angle between Idaho and Jackson Avenues in the City of Hanford.

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Lastly, the Hanford East alignment station location places the high speed system directly adjacent to the power lines and the metal structures they are supported on. With the station track being approximately 40 feet above grade, the train will be at the same elevation of the power lines. The Draft EIR/EIS did not mention the safety concerns associated with high speed trains being adjacent to high voltage power lines, as significant headwind forces could be created by high speed trains. Nor does the Draft EIR/EIS discuss the potential for long-term impacts such as metal fatigue cause by the vibration impacts emanating from the high speed rail system. Lastly, there is no discussion of the impacts that construction poses near the power lines given the elevated viaduct in that location is directly adjacent to the power lines and there is very little room to construct the system while maintaining a safe distance away from the power lines.

The Fresno-Bakersfield Revised Draft EIR/EIS considers electrical substations to be "high risk". (Draft F-B EIR/EIS Page 3.16-11.) However, the Draft EIR/EIS does not identify the new Mascot Station located at the southwest corner of 7 1/2 Avenue and Grangeville Boulevard in the City of Hanford. This is a new SCE high power substation to serve the eastern section of Hanford that we have been informed cost \$25 million to construct and was completed recently. The new station also includes new power lines that parallel the Kingsburg-Waukena 115kV lines. Therefore given the definitions identified in the Draft EIR/EIS, the public analyzed the Draft EIR/EIR with a "high risk" facility missing.

The California Public Utilities Commission (CPUC) regulates public electric utilities in California. General Order 131-D sets forth provisions that must be adhered to when public electric utilities construct any new electric-generating plant or modify an existing electric-generating plant, substation, or electric transmission, power, or distribution line. The Project is also subject to CPUC General Order No. 95. This CPUC General Order Rule for Overhead Electric Line Construction formulates uniform requirements for overhead electrical line construction, including overhead catenary construction, the application of which will ensure adequate service and secure safety to persons engaged in the construction, maintenance, operation or use of overhead electrical lines and to the public in general. A Permit to Construct must be obtained from the CPUC, except when planned electrical facilities would be under 200 kilovolts (KV) and are part of a larger project that has undergone sufficient CEQA review. The requirement for this permit could add significantly (possibly years) to the construction time schedule and significant costs to the project budget.

The Fresno-Bakersfield Revised Draft EIR/EIS reports that thirty-three transmission and power lines owned by PG&E cross the BNSF Alternative corridor. (Draft EIR/EIS, p. 18.) Four additional transmission lines occur within proposed HST stations, one at the potential Kings/Tulare Regional Station-East Alternative and three at the Bakersfield Station. The EIR/EIS reports there are two substations in the study area,

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both in Kings County: one station owned by Southern California Edison approximately 900 feet north of Front Street and a second substation, owned by PG&E, at the northwestern corner of the intersection of Kent Avenue and South 11th Avenue. However, the identification of electrical facilities does not identify what exact lines are impacted and how. The Mascot Station is omitted altogether. The EIR/EIS does not mention the impacts associated with overpasses and other facilities that may interfere with the transmission lines. For example, overpasses that will intersect the power lines with the crest of the overpass very close to the power lines.³ The analysis of the newly created proximity of planned overpasses and power lines must consider that specialized farm equipment that is taller and wider than routine highway traffic may use the overpasses and underpasses. For example, a 15 foot clearance is needed for a cotton picker and a combine.

The Fresno-Bakersfield Revised Draft EIR/EIS in a section labeled "Impact PU&E#5 – Conflicts with Existing Utilities" states that many utilities are within or cross the study area for the proposed HST and associated facilities, as listed in Tables 3.6-14 and 3.6-15 for high-risk and low-risk utilities, respectively. (F-B Draft EIR/EIS, p. 51.) The project would not be compatible with most of these existing utilities so agreements would have to be reached to relocate them or place them underground. However, the EIR/EIS concludes the effect of the project on utility providers and their customers would have negligible intensity under NEPA, and impacts would be less than significant under CEQA. (F-B Draft EIR/EIS, p. 51.) The EIR/EIS states that if utilities cannot be relocated or modified within the construction footprint defined in Chapter 2, Alternatives, supplemental environmental analysis would be conducted, if necessary. However, there is no valid reason the ability to relocate and modify utilities cannot be identified now as it must be in the project level Fresno-Bakersfield EIR/EIS. Such analysis and mitigation may not be deferred to the future. Elevating, relocating, or burying the lines would require extensive environmental review, may raise eminent domain issues and other impacts, and could add enormous, currently-undisclosed costs to the project. Such analysis must be not deferred since the results of the analysis could significantly impact the feasibility of the preferred alignment.

3. Information About Allegations By the City of Los Angeles of Shoddy Construction Involving the Prime Contractor Chosen by the Authority Have Become Available.

³ The HSR alignment aligns with the high voltage line along the east side drip line heading north to south. The HSR crosses the east-west Elder, Flint and Fargo Avenues. Over crossings are planned for these roads to cross the HSR. The over crossings are scheduled to be 40-ft high pushing vehicle traffic up into the HV lines that the roads also cross. Will the clearance between the peak of the over crossing and the HV lines be enough? The HSR heads south still along the HV lines across Hanford-Armona Road, Houston, Iona, Idaho and Jackson Avenues causing the same concerns

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The Authority has approved a contract with a company being sued by the City of Los Angeles last month for faulty construction on a large public works project, the runway at Los Angeles International Airport. The Authority's chosen contractor is Tutor Perini Corporation as reported on August 20, 2013:

Tutor Perini Corporation (NYSE:TPC), a leading civil and building construction company, today announced that its joint venture has executed a contract with the California High-Speed Rail Authority (Authority) for the design and construction of the initial Madera to Fresno segment of the California high-speed rail system. The contract is valued at approximately \$985 million, plus an additional \$53 million in provisional sums.

(<http://investor.perini.com/phoenix.zhtml?c=106886&p=irol-newsArticle&ID=1848687&highlight=>). Tutor-Perini is the same company as Tutor-Saliba since they combined. (<http://www.tutorsaliba.com/news/perini-and-tutor-saliba-combine.html>.)

Tutor-Saliba, and thus Tutor-Perini, is being sued by the City of Los Angeles for shoddy construction work on a \$250 million runway project at Los Angeles International Airport:

The city is suing four major contractors that built the \$250-million south runway at Los Angeles International Airport, alleging that widespread construction flaws are causing the runway to wear out prematurely. They are R & L Brosamer, HNTB Corp., CH2M Hill Inc. and a joint venture involving Tutor-Saliba Corp. and O & G Industries Inc.

(http://www.laobserved.com/archive/2013/10/morning_buzz_thursday_101_9.php. This was reported in the Los Angeles Times. (<http://www.latimes.com/local/lanow/la-me-ln-lax-runway-suit-20131016,0,3057309.story>.)

The City of Los Angeles' experience is not an isolated incident with this contractor by a single public agency, since several other public agencies encountered similar problems. (<http://www.insidesocal.com/aviation/2013/10/18/tutor-saliba-accused-of-poor-construction-work-on-lax-runway-has-been-sued-before/>.) For example, the Los Angeles Times in 2010 reported legal proceedings against Tutor-Saliba related to the Los Angeles County Metropolitan Transportation Agency (a.k.a. Metro or MTA, in whose headquarters you had your October Board hearing) went on for nearly a decade. (<http://articles.latimes.com/2010/feb/14/local/la-me-mta-legal-costs14-2010feb14>) "Many MTA board members (say) contractor Tutor-Saliba tried to cheat the agency out of millions of dollars by submitting a low bid and then asking for dozens of change orders and other requests that dramatically increased the price of constructing parts of the Red Line subway," the Los Angeles Times reported. (*Ibid.*) Therefore, the Authority

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must be prepared for the foreseeable possibility that there could be defective construction involved in the high speed rail project, and that it will be required to pay far more than stated in the initial bid amount.

Rules that allowed Tutor-Perini with a proposal that ranked poorly for technical reasons but was lowest in cost to be chosen by the Authority were apparently changed without Board review or approval. (<http://www.modbee.com/2013/04/28/2691569/agency-sneaked-in-change-to-bidding.html> ["In March 2012, the authority's board decreed that even if all five teams submitted bids, only the three most 'technically competitive' firms could compete based on the cost to build the 29-mile segment in Madera and Fresno counties. The teams with the lowest technical scores would be dropped and their price envelopes returned unopened. That rule, however, didn't stick. In August — months before contractors submitted bids — the authority's executive staff quietly altered the process without formal action by the board."]) The Kings County Water District is challenging as invalid the contractor selection process through a cross-complaint in the validation action brought by the Authority. (Cross-Complaint filed June 18, 2013, *High-Speed Rail Authority, High-Speed Passenger Train Finance Committee v. All Persons Interested, etc.*, Sacramento County Superior Court Case No. 34-2013-00140689.)

A recent article in the Record Searchlight, a Redding, California newspaper titled "Lack of Permits Irks County Supervisor- Frustration Builds on Bridge Project" addressed problems a county had with a Tutor-Perini project. District Supervisor Bill Schappel stated "Sometimes the lowest bid isn't the best bid." He further went on to say "...I don't respect their business ethics at all. I really don't." In that case, Tutor Perini "low-balled" the bid by \$20 million and failed to secure any of the required permits for construction. The firm further inflamed community members by littering their community with construction equipment in tourist sensitive areas.

Just as the safety of runways at an airport is critically important, the safety of the high speed rail system should be ensured beyond reproach. Therefore, the Authority should take steps to guard against the possibility that construction defects will be discovered years after work on the rail system is potentially completed, as well as steps to protect itself financially from future claims by a contractor with a history of such claims.

4. Historic Resource Impacts Have Been Revealed That Were Denied in Earlier Review Documents.

The Authority approved the Merced to Fresno section of the HSR which analyzes the alignment from Merced to south of the intersection of Highway 99 and Highway 41. However, the Archeological Treatment Plan (ATP) for the Merced to Fresno EIR/EIS only went from Merced to Amador Street in Fresno, which is north of the end of the full Merced-Fresno alignment. Thus, the shortfall of the ATP left the area around the

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proposed HSR station south of Amador Street in Fresno outside of the scope of analysis. This area generally corresponds to an area referred to as the Fresno Chinatown area. Instead, this section from south of Amador Street to Bakersfield was addressed, albeit inadequately, in the Fresno-Bakersfield Revised Draft EIR/EIS.

After Authority staff apparently realized that they were planning to award a construction contract that went from Avenue 17 in Madera to American Avenue (south of Fresno) they realized there was a small section not covered in the first ATP. They were given notice by the Chinatown Revitalization Organization that there are potential cultural resources in the area. An ATP addendum report then concentrated on a section south of Amador Street to just south of Highway 41, which corresponds to the area where Chinatown can be found. This addendum report stated:

The Fresno to Bakersfield Section technical reports revealed that there are no known archaeological resources located within the proposed construction footprint; however, review of the historic Sanborn Fire Insurance maps for the Fresno to Bakersfield Section technical reports indicated that a portion of Fresno Chinatown is located within the construction boundary. Extensive archival research and a review of previous studies indicate the presence of two archaeologically sensitive areas, including anticipated property types such as residential features and privies associated with Chinatown, eligible for the National Register of Historic Places (NRHP), that were not addressed in the ATP. The sensitive areas were defined based on historic map research and previous investigations within Fresno Chinatown in locations where sediments with archaeological potential intersect with the anticipated vertical Area of Potential Effects (APE), as defined in the Final ATP (Authority and FRA 2012a).

(Merced to Fresno section Draft Archaeological Treatment Addendum No. 1, p. 1-1, available as the date of this letter at https://dl.dropboxusercontent.com/u/52109137/MF_ATP_Addendum-1_SHPO_Review-013013%5B1%5D-1.pdf.) This statement shows that the Draft Fresno-Bakersfield EIR/EIS and the Final Merced-Fresno EIR/EIS were flawed and missing key information about potentially significant impacts. Whereas they reported no known archaeological resources in the proposed construction area, a more thorough search of maps and reports showed that there are cultural resources present including buildings and potential artifacts. It also shows that the use of an addendum ATP for the Merced-Fresno segment approval was inappropriate since an addendum may only be used for reporting minor information or changes. Using an addendum ATP is improper in this context where significant impacts were reported which had previously been undisclosed. The Merced-Fresno EIR/EIS should have been supplemented and recirculated. The Fresno-Bakersfield Revised Draft EIR/EIS must be revised and recirculated. The information from the ATP addendum should be included in the Cultural Resources section of the Fresno-Bakersfield EIR/EIS and the document

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recirculated.

Thus far, the impact of construction and operations on existing cultural resources has not been analyzed in a publicly circulated document- either the Merced-Fresno EIR/EIS or the Fresno-Bakersfield EIR/EIS. This omission must be rectified. The HSR alignment poses an engineering risk in that the vibrations and construction stressors may cause damage to local buildings and artifacts. Vibrations from operations can also cause building damage. During construction the loss of business could severely impact the businesses on the west of the tracks (an area already struggling to survive), therefore causing them to close and creating blight in Fresno's Chinatown area. Since many business owners and residents in the area are from minority populations, this could create disparate impacts that must be avoided pursuant to Executive Order 12898. (See "Does high-speed rail threaten cultural heritage?" October 28, 2013, [Chen Jia](http://usa.chinadaily.com.cn/opinion/2013-10/28/content_17063947.htm) (China Daily USA).) http://usa.chinadaily.com.cn/opinion/2013-10/28/content_17063947.htm.)

The National Historic Preservation Act Section 106 process requires the Authority and the State Historic Preservation Office to coordinate with local parties of interest. In this case the Chinatown Revitalization organization was never contacted and their questions were not meaningfully answered.

5. Air Quality Impact Mitigation Would Be Impermissibly Deferred.

We have learned that the Voluntary Emissions Reduction Agreement (VERA) between the Authority and the San Joaquin Valley Air Pollution Control District has not been completed yet, and likely will not be completed until December 19, 2013 or later. Therefore, the project may not legally be approved until the VERA is actually completed.

A VERA is critical to project approval and compliance with CEQA and NEPA because the EIR/EIS's air quality analysis depends upon this measure for mitigation of construction air quality impacts.

The County of Kings has been informed by air district staff that the VERA is tentatively scheduled to go to the Air Board on December 19th. The terms of the VERA must be included in the EIR/EIS and circulated to the public and public agencies so that they may review this critically important sole mitigation measure for significant construction air quality impacts. Without such public review, the EIR/EIS would violate CEQA and NEPA, and neither the FRA nor STB may make a legally adequate General Conformity Determination.

The deferral of mitigation measures that feasibly could be developed prior to project approval, and thus be made available for public review prior to approval, is impermissible under CEQA and NEPA. (*San Joaquin Raptor Rescue Center v. County of*

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Merced (2007) 149 Cal.App.4th 645, 670 [EIR for aggregate mine and processing operation improperly deferred mitigation for impacts to vernal pool habitat]; *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281; *Conservation Law Foundation v. United States Dep't of Air Force* (D.N.H. 1994) 864 F. Supp., [impact statement essentially failed to evaluate air quality mitigation measures], *aff'd in part and rev'd in part on other grounds sub nom. Conservation Law Foundation v. Busey* (1st Cir. 1996) 79 F.3d 1250.]

The Authority's approval of the Fresno-Merced EIR/EIS included mitigation measure AQ-MM #4 that allegedly committed the Authority to offset to net zero its criteria pollutant emissions from construction that exceed General Conformity thresholds. The September 2012 Merced to Fresno Section: Federal General Conformity Determination relied on this statement that the air quality mitigation measure of a VERA would be approved. (September 2012 Merced-Fresno Section: Federal General Conformity Determination, p. 12-1.)

In August 2012, Mark McLoughlin, Interim Deputy Director of Environmental Planning for the Authority stated "The Authority has prepared a draft VERA and provided it to the District; the parties are currently working towards finalizing and approving it later this year. As the VERA is the method to offset emissions, no construction work will begin until it is executed." (August 13, 2012 letter to Mr. David Valenstein of FRA attached to September 2012 Merced to Fresno Section; Federal General Conformity Determination.) This deferral of the execution of the VERA violated the prohibition of CEQA and NEPA on impermissible deferral of the formulation of mitigation measures. Any potential approval of the Fresno-Bakersfield project on the basis of this same mitigation measure, without an actual commitment to a VERA, would further aggravate this violation.

6. The Choice of the Hanford East Alignment as the Preferred Alternative Requires Recirculation of the Revised Fresno-Bakersfield EIR/EIS and Supplementation of the Programmatic EIR/EIS.

In April 2013, Authority staff identified numerous areas in which the Hanford West Bypass, which was then the recommended preferred alternative, was superior to the BNSF (Hanford East Bypass). ("Preliminary Staff Recommended Preferred Alternative," April 4, 2013.) The Hanford West Bypass was stated to impact fewer acres of U.S. jurisdictional waters (10.76 versus 12.44), less important farmland (809 acres versus 1075 acres), less Williamson Act land (96 acres versus 582 acres), fewer confined animal facilities (4 versus 15); and fewer housing displacements (50 versus 62). Now, Authority staff presents a very different picture of impacts, including changing the numbers for "aquatic resources" and "community resources" impacted. (Compare table 1 and table 2 in April 2013 staff report with table 1 and 2 in November 2013 staff report.) Therefore, the EIR/EIS should be recirculated so the public and public agencies may have sufficient

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time to review and comment upon the new information provided. For example, the Hanford East alignment would impact Kit Carson School on the east side of Kings County whereas the prior preferred alternative would not so now that the alignment is identified those impacts must be addressed. Furthermore, the Programmatic EIR/EIS must be supplemented and recirculated since it showed a different alignment, west of Hanford, as the preferred alternative. (Programmatic EIR/EIS, figure 6.3-4A.) The Programmatic EIR/EIS also showed, but the Fresno-Bakersfield EIR/EIS did not analyze, an alignment that followed the SR 99. (*Ibid.*)

B. Feasible Alternatives, Not Merely Variations on A Single Alternative, Should Be Analyzed in a Publicly Reviewed Document.

1. An Adequate Analysis of Alternatives Must be Circulated in the EIR/EIS.

We had stated in our prior letter that the current legal situation, with the Authority having received an adverse ruling in litigation about Proposition 1A (*Tos et al. v. California High Speed Rail Authority*, Sacramento Superior Court Case No. 34-2011-00113919-CU-MC-GDS, p. 7) ("the *Tos* litigation"), gives the Authority an opportunity to reevaluate alternatives in a public process.⁴ Such alternatives should not have been omitted from the earlier processes, but it is not too late to revisit them in a public process. The current Revised Fresno-Bakersfield EIR presents variations on a single alternative, i.e., an alignment through the Hanford area, as if they were alternatives to the project, without addressing alternatives that would effectively avoid many of the impacts that would be created.

⁴ We agree with the plaintiffs in the *Tos* litigation that the Authority violated Proposition 1A. We also object that if the Authority approves further segments including the Fresno-Bakersfield segment or awards further contracts, it would be further violating the requirements of Proposition 1A. We incorporate all of the allegations set forth in the *Tos* litigation Complaint (Petition for Writ of Mandate in *Tos et al. v. California High Speed Rail Authority, et al.*, Sacramento Superior Court case no. 34-2011-00113919-CU-MC-GDS) as if set forth fully herein. Judge Quentin Kopp's declaration in support of the *Tos* plaintiffs was prescient of Judge Kenny's August 2013 ruling as he stated the HSR project "has been distorted in a way directly contrary to the high speed rail plan the Authority attempted to implement while I was Chairman, namely, a true HSR system containing all the features, terms and protections desired by the Legislature and honoring restrictions placed upon use of Proposition 1A bond proceeds by the Legislature. Accordingly, it is my opinion the project is not lawfully eligible to receive Proposition 1A bond funds." (Declaration of Quentin L. Kopp, dated February 15, 2013.) We believe it likely Judge Kenny's ruling would be upheld if there is an appeal.

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We are aware of the Authority's 2012 Alternatives analysis report, General Counsel Thomas Fellenz's July 13, 2002 letter to Kings County, and the transcript of a June 2013 meeting involving the County of Kings and Chairman Richard attempting to explain why State Route 99 (SR 99) and Interstate Highway 5 (I-5) were eliminated from analysis in the programmatic and project level EIR/EISs. However, the fact that there may be analysis and comparison of alternatives in various documents not included in the EIR/EISs does not salvage either the Programmatic EIR/EIS or the Fresno-Bakersfield EIR-EIS. In *I-291 Why? Association v. Burns*, 372 F. Supp. 223 (D. Conn. 1974), *aff'd*, 517 F.2d 1077 (2d Cir. 1975), the court concluded that post-EIS studies by a local employee of FHWA could not save a defective EIS, in part because the studies were not circulated to other interested agencies, such as the Environmental Protection Agency (EPA) and the Council on Environmental Quality (CEQ). "The circulation and review requirements are critical features of NEPA's effort to insure informed decision making by providing procedural inputs for all responsible points of view on the environmental consequences of a proposed major federal action." (*I-291 Why? Association v. Burns*, 372 F. Supp. at 223.) The Second Circuit agreed: "These studies could not cure these particular inadequacies because they were not circulated for review and comment in accordance with procedures established to comply with NEPA." (*I-291 Why? Association v. Burns*, 517 F.2d at 1081; see also *Appalachian Mountain Club v. Brinegar*, 394 F. Supp. 105, 122 (D.N.H. 1975) [supplemental information not circulated in the same manner as a draft EIS cannot validate an otherwise deficient draft EIS]; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442.)

2. **The Feasible Alternatives of Construction in the I-5 or SR-99 Corridors Were Improperly Omitted from the Programmatic EIR/EIS and the Fresno-Bakersfield EIR-EIS.**

We previously wrote to encourage you to publicly examine the I-5 Corridor or SR-99 Corridor routing. (CBC Letter, October 3, 2013, p. 16.) We remind you that a French high speed rail company made a serious proposal that would have involved construction of a high speed rail system along the I-5 corridor, but this proposal was apparently rejected by Authority staff without being presented to the Board or mentioned in public documents. At least one member of the public, Michael LaSalle, commented about this proposal. (October 13, 2012 comment of Michael LaSalle, p. 5 ["In July, 2012, the *Los Angeles Times* reported that SNCF, a French firm and the developer of France's high-speed rail system, expressed the opinion that an I-5 alignment was a far more direct and cost-effective route to connect the Bay Area and Southern California."]) We look forward to your Final EIR/EIS response to this and other comments.

Apparently, the SNCF October 9, 2010 presentation to the Authority staff is available (http://transdef.org/Blog/Whats_hot_assets/SNCF%20Presentation.pdf),

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but so far as we know it is not available in the Authority's environmental documentation. Some members of the public are aware of the proposed feasible alternative, but not all who review the EIR/EIS. (<http://marketurbanism.com/2012/07/10/what-i-learned-today-about-sncf-and-california-hsr/> ["SNCF, the highly experienced French national high-speed rail operator, apparently had a plan for California's HSR network, but was turned off by the highly politicized routing. Namely, they wanted to make a straight shot from LA to San Francisco by running along the flat, government-owned I-5 corridor with spurs out to the eastern Central Valley, whereas the California High Speed Rail Authority (CHSRA) and state politicians wanted the main line to go through every little town in the Central Valley, directly."]) This proposal would have the advantage of not requiring state funding. We believe this proposal should be revisited. Even if it is not currently being offered, if the Authority expresses a willingness to explore it (especially now that Judge Kenny's ruling casts doubt on the ability of the Authority to use Proposition 1A funds), we anticipate that the proposal could be reassembled.

Other reports submitted and discussed by the Train Riders Association of California (TRAC) also highlight the benefits of an I-5 alignment. In their December 2012 newsletter (which can be found at <http://www.calrailnews.com/crn/1212/crn1212.pdf>), TRAC highlights that the I-5 alternative offers superior service, travel times at a lower cost and less environmental and economic impact to the Central Valley.

Also, recent reports have indicated that a proposal by Elon Musk for a high speed transportation system have progressed since it was first announced in August 2013. ("Elon Musk's Hyperloop Now Has A Company: Ambitious Plans for 2015 Demo," posted October 31, 2013 at <http://www.latinospot.com/articles/30866/20131031/elon-musks-hyperloop-now-has-a-company-plans-for-2015-demo.htm>.) This proposal apparently would be completely privately financed. (<http://motherboard.vice.com/blog/is-elon-musks-hyperloop-already-killing-californias-high-speed-rail>.)

While either of these two proposals may be viewed as infeasible (and the Authority is required to publicly articulate the reasons it believes they would be infeasible), each of them have the advantage of not requiring the commitment of billions of dollars of state or federal funds in the future. In light of Judge Kenny's ruling, we suggest that you formally consider these alternatives.

The preferred alternative alignment proposed by staff would have impacts on resources protected by section 4(f) of the Department of Transportation Act (49 U.S.C. 303) Such resources, referred to as "Section 4(f) properties," can only be used for federal-funded transportation projects if there is no feasible and prudent alternative and all possible planning has been taken to avoid the use of a 4(f) property or minimize harm to them. Without an analysis in the programmatic EIR/EIS or Fresno-Bakersfield Revised EIR/EIS of the potential use of the SR-99 or I-5 Corridor or a tunnel alternative

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to avoid the 4(f) properties impacted by the preferred alternative, the Authority, FRA, and STB would not be able to comply with the Department of Transportation Act.

3. **The Feasible Alternative of Tunneling or Trenching to Avoid Impacts in the City of Hanford Area Should be Analyzed in the EIR/EIS.**

In our prior letter, we questioned why the Authority has not considered either a tunnel or trenching option through the City of Hanford area, which would greatly reduce the surface impacts including to the agricultural community. (CBC Letter, October 3, 2013, p. 16.) In response to a Public Records Act request, our client obtained a single email message to the Authority addressing this subject. This single email stated four scenarios of construction of a three-mile long tunnel would increase costs in a range between \$950 million for a single-track twin tunnel to \$1.5 billion for a double track 50 foot inside diameter tunnel. These were "estimates and underlying quantities should be consider [sic] ballpark for general discussion only." (Email correspondence dated August 20, 2013 from Kinzie Gordon of URS to Diana Gomez of the Authority.) This cursory analysis is woefully insufficient. There was no discussion of the enormous costs for mitigation of surface impacts that would be avoided by utilizing a tunnel alternative, nor of the time, and therefore costs, that potentially would be saved in project construction since there may be less opposition (including litigation) and fewer eminent domain proceedings required for a tunnel option. The BNSF alignment through Hanford was the preferred alternative in the Programmatic EIR/EIS approved in 2005. In order to change this preference, a supplement to the Programmatic EIR/EIS must be prepared to explain why such an alternative is no longer the preferred alternative.

Since the overall price tag of the high speed train project in the Central Valley has fluctuated and is "now pegged at \$68 billion, but certain to grow" (<http://www.sacbee.com/2013/10/17/5830825/dan-walters-california-bullet.html>) an increase of \$1 to \$1.5 billion associated with tunnel construction would not render the project infeasible. It likely would render the project more palatable to local jurisdictions and communities, along with mitigating many of the impacts associated with an at-grade or elevated system. Furthermore in the Hanford area, a tunnel option would allow the Authority to intersect the Downtown Amtrak station, which is critical to the economic vitality of Hanford. It would also avoid leapfrog development outside the City of Hanford's General Plan jurisdiction area and within the County. Thus, such an alternative should be analyzed in order to reduce its impacts.

Furthermore, the staff report states that the Preferred Alternative is estimated to cost approximately \$7.174 billion in 2010 dollars. (Staff Recommendation, p. 3-19.) It is our understanding that the Authority has available to in no more than \$6 billion in grant funding (including \$2.6 billion in federal grants for the Fresno-Bakersfield segment), and that it does not have Proposition 1A funding available due to Judge Kenny's ruling.

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Since the capital costs of the Preferred Alternative are beyond the Authority's means, we suggest analyzing additional, less expensive alternatives. As we noted in our prior letter, the I-5 Corridor "offers the shortest distances, lowest capital costs, fastest . . . travel times, and highest overall ridership forecasts." (CBC October 3, 2013 Letter, p. 14, citing California HSR Corridor Evaluation and Environmental Constraints Analysis, Taylor et al., Journal of Transportation Engineering, Jan./Feb. 1997, p. 6, emphasis added.) Lower costs for I-5 were also noted by TRAC. (<http://www.calrailnews.com/crm/1212/crm1212.pdf>, p. 5 ["Because the geographic layout of the [non-I-5 Corridor] line is so wasteful, with 100 extra miles of route and unnecessary grade and seismic hazards, no private capital is willing to undertake the ridership risk."])

It is our understanding based upon the City of Santa Clarita's presentation at the Board hearing of October 14, 2013 that a tunnel option is being considered for the Santa Clarita area of the High Speed Train system. We request that the City of Hanford area within Kings County be shown the same consideration.

C. **Kings County Repeats its Requests For Coordination.**

Our prior letter requested that the Authority coordinate with the County of Kings. At the last Board meeting, Frank Oliveira of CCHSRA stated that the Authority had failed to answer the questions the County of Kings had posed for a long time, since at least April 17, 2012. The County also posed questions at a June 4, 2013 meeting with the Authority. Board Chairman Richard responded in October 16, 2013 correspondence to Mr. Oliveira that various questions had been answered. However, as a October 30, 2013 email message from County Counsel Colleen Carlson to Chairman Richard and the Authority staff clarifies, issues from the June 2013 meeting remain unanswered and answers related to the 2012 questions were non-responsive. Detailed and responsive answers, i.e., those that tend to work toward a resolution, to the questions Ms. Carlson identifies would be appreciated as a preliminary to meeting among representatives of the Authority, the County, CCHSRA, and the Farm Bureau about these questions.

The Authority staff report lists numerous agencies that have been meeting with FRA and the Authority: USFWS, CDFW, the San Joaquin Central Valley Flood Control Board, USACE, the State Historic Preservation Office, the State Water Resources Control Board, the EPA, CARB, and the San Joaquin Valley Air Pollution Control District. (November 2013 Authority Staff Report, p. 3-28.) It is telling that meetings are not reported to coordinate with the County of Kings, the City of Hanford, the City of Bakersfield, and other jurisdictions to coordinate the alignments. Instead, it is reported under the "Project Area Local Governments" heading that "Kings County and the City of Hanford do not support an HST alignment in Kings County and would prefer the HST to follow SR 99 or I-5." (Staff Report, p. 2-2.) We request that the Authority undertake a coordination process with Kings County in order to address the reasons Kings County currently does not support an HST alignment through its jurisdiction. It is our hope that

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FRA, STB, and CEQ can help facilitate this process.

D. Procedural Issues Related to the Authority's Potential Decisions in November and December.

We realize that you are considering a preferred alignment on November 7. Your staff report appears to contemplate approval of the Final EIR/EIS in January 2014. However, approval without recirculation of a legally adequate environmental review document would violate the requirements of CEQA as we have outlined above and in prior correspondence. We also advise you that Judge Kenny will be having a hearing of the Proposition 1A litigation on November 8, 2013, the day after your November 7th hearing. Any decision from Judge Kenny potentially enjoining expenditures on the project would likely have a profound impact on your schedule. No matter when you intend to review and potentially approve the Fresno-Bakersfield alignment, we make the procedural requests below.

1. We Request a Copy of All Notices Issued By the Authority, FRA, and STB Related to the California High Speed Train System.

We request a copy of all future notices issued by the Authority, including but not limited to notification if the Authority files a Notice of Determination about the Project for any reason, pursuant to Public Resources Code section 21092.2. We request a copy of any notice issued by FRA or STB related to further consideration of the California High Speed Train System.

2. Responses to Agency and Other Public Comments Should be Released With Sufficient Time to Review Them Prior to Certification.

Regulations adopted pursuant to the California Public Resources Code require that the Authority provide responses to public agency questions at least 10 days prior to certification of the EIR/EIS. State CEQA Guidelines section 15088 reads in pertinent part that "the lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report." (State CEQA Guidelines § 15088, subd. (b).) Since it appears the Authority may certify the Final EIR/EIS in December or January, the Authority should release the responses to comments with sufficient time for the public and public agencies to review them. This is obviously a complex project with extensive documentation and extensive public and public agency comments. It would be appropriate to provide at least a 90 day period for review of the responses to public and public agency comments before the Authority considers certifying the Final EIR/EIS. As we have stated before, this is a once-in-a-century opportunity of a project potentially involving massive expenditures of public funds. The public should not be shortchanged

CHSRA, FRA, STB, CEQ
November 6, 2013
Page 20 of 20

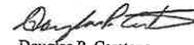
with a rushed review and approval process, especially during the year end holiday season.

Conclusion.

FRA, STB, and the Authority have failed to appropriately analyze high speed rail alignments through Kings County and ways to effectively avoid or mitigate their impacts. The continued review of the HST project now should encompass the significant changes that have occurred to the project and its circumstances. With these recent changes in the project and its circumstances, CCHSRA, Kings County, and the Kings County Farm Bureau request that these changes be reflected in a Revised Draft EIR/EIS for the Fresno-Bakersfield alignment and a supplemental HST programmatic EIR/EIS that are both released to the public for a public review period of at least 90 days.

Thank you for your consideration of these views. We look forward to your responses.

Sincerely,



Douglas P. Carstens

Cc:
Environmental Protection Agency
US Army Corps of Engineers
US Fish and Wildlife Service
California Department of Conservation
California State Water Resources Control Board
California Department of Fish and Wildlife
California Department of Transportation
Congressman David Valadao
Congressman Kevin McCarthy
Congressman Jeff Denham
Senator Andy Vidak
Assemblymember Rudy Salas
Assemblymember Jim Patterson

Submission 032 (Benjamin Hanelin, Latham & Watkins LLP, November 7, 2013)

Benjamin J. Hanelin
Direct Dial: (213) 891-8015
benjamin.hanelin@lw.com

355 South Grand Avenue
Los Angeles, California 90071-1550
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www.lw.com

November 6, 2013
Page 2

LATHAM & WATKINS LLP

LATHAM & WATKINS LLP

November 7, 2013

BY HAND DELIVERY

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

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Houston Silicon Valley
London Singapore
Los Angeles Tokyo
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Re: November 7, 2013 Board of Directors Meeting Agenda Item # 2: Consideration of the Staff Recommended Preferred Alignment for the Fresno Bakersfield Project Section

Dear Honorable Board Members:

We are writing on behalf of our client, Coffee-Brimhall LLC, to request that you reject staff's Preferred Alternative for the Fresno to Bakersfield portion of the California High-Speed Train Project. Because the High Speed Rail Authority has not identified a funding source for a dedicated high-speed rail alignment south of Shafter, the Board should not adopt a Preferred Alternative that unnecessarily cuts through neighborhoods, homes, and businesses from Shafter to downtown Bakersfield. We appreciate that staff's proposed resolution directs staff to continue to work with the City of Bakersfield to address the range of decision-making options for this Board, but request that clearer direction be given to staff today on the Board's implementation of the project in Bakersfield.

Specifically, the Board should adopt a Preferred Alternative with a dedicated high-speed only alignment to Shafter that, at Shafter, ties into the existing BNSF/Amtrak track and continues on this existing track Bakersfield. This will create a segment with "independent utility" that can be built today. Alternatively, if the Board decides not to consider this feasible alternative, the Board should amend the resolution to confirm that the Board will not rely on any environmental clearances for the Fresno to Bakersfield Project Section in deciding what the ultimate alignment through the metropolitan Bakersfield area will be. The Board should also direct Authority staff to analyze alternative Bakersfield area alignments as part of the Bakersfield to Palmdale Project Section environmental analyses. In other words, the Board should commit to taking a fresh look at the Bakersfield alignment when it analyzes the Bakersfield to Palmdale section and should preclude itself from relying on any environmental clearance connected to the Fresno to Bakersfield section. Due to the admitted lack of funding, the high-speed rail project will not be prejudiced in any way if the Board makes these commitments today.

However, failing to take either of these actions has real world consequences for thousands of residents, homeowners, and businesses in the alignment's path, and threatens to delay the project by creating unnecessary opposition to it. If the Board adopts staff's proposed Preferred Alternative today, the Board will place a black mark on every property in and near the alignment and spur project opposition. While the Board will only be drawing a line on a piece of paper, there are real world impacts from doing so – residential property values will drop, communities will be split in two, and businesses will forgo necessary investments. Both of the alternatives offered here protect against these impacts and fomenting contempt and we respectfully request that the Board adopt one or both of them.

Coffee-Brimhall, LLC owns approximately 255 acres of land at Coffee Road and Brimhall Road in Bakersfield and has approvals to build two million square feet of retail and commercial buildings and 425 dwelling units as part of the Bakersfield Commons project. The Bakersfield Hybrid alignment cross this property as it cuts through the adjacent neighborhoods and heads into downtown Bakersfield. This is simply unacceptable to our client and to the Bakersfield community, which strongly supports the Bakersfield Commons project and looks forward to the economic engine that a project of the magnitude that Bakersfield Commons will be. We have raised these issues on numerous occasions, including through a comment letter dated October 19, 2012, on the Revised Draft Environmental Impact Report/Environmental Impact Statement for the Fresno to Bakersfield segment (RDEIR/S), which is incorporated by this reference.

Though these site-specific issues are critical, the immediate issue before the Board today is the approval of a Preferred Alternative alignment. In the Bakersfield area, staff recommends the Bakersfield Hybrid Alternative because, in staff's view, "it would impact the fewest acres of quality habitat along the Kern River, it would impact the fewest religious facilities, cause the fewest residential displacements, and it would not impact the Bakersfield High School campus and Bethel Christian School." (Staff Recommendation: Preferred Alternative, November 2013, p. 4-1.)

The Authority and the Federal Railroad Administration (FRA), however, only have funding for the Fresno to Bakersfield segment to extend the proposed new high speed rail line between Fresno and Shafter. We are not aware of a funding source that would permit construction of new high speed-only track between Shafter and downtown Bakersfield, nor has either agency identified any. Because this funding does not exist, the Board should not adopt a Preferred Alternative that includes a high-speed alignment between Shafter and Bakersfield. Adopting staff's Preferred Alternative violates CEQA because doing so means that the Authority will not analyze a feasible alternative that would mitigate the impacts of the alignment through Bakersfield.

The RDEIR/S only analyzes the environmental impacts of a new high speed track between Shafter and Bakersfield. The RDEIR/S does not discuss of the possibility that another alignment may be needed to connect from Shafter to Bakersfield despite the funding challenges currently facing this segment. Since there is only funding to build the project to Shafter, and the

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Submission 032 (Benjamin Hanelin, Latham & Watkins LLP, November 7, 2013) - Continued

November 6, 2013
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Authority has stated that each segment must have independent utility;¹ the Authority will have to tie the high speed rail line from Fresno to Shafter into existing rail lines in order to reach Bakersfield. If the Authority does not analyze the impacts from this alignment now, it will need to reopen the environmental review process and do it later. Under CEQA, "an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." (Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 396.) Similarly, under NEPA, the range of actions to be considered in a single environmental impact statement includes "[c]onnected actions, which means that they are closely related and therefore should be discussed in the same impact statement." (40 CFR § 1508.25.)

Therefore, to protect any certification of this segment's EIR against a well-founded piecemealing and segmenting argument, the Board should approve a Preferred Alternative that contains high-speed only rail between Fresno and Shafter and then ties into the existing BNSF/Amtrak track at Shafter and uses this existing track to continue to Bakersfield and to create a segment with "independent utility."

As an alternative, if the Board adopts the staff-recommended Preferred Alternative, the Board should concurrently adopt a resolution confirming that it will not undertake any design, acquisition, or construction activities pursuant to this approval with respect to the Bakersfield area. This resolution would blunt the significant impacts on homeowners and businesses of drawing a black line through and next to their properties. Should the Board ultimately certify the EIS/EIR for the Fresno to Bakersfield Project Section, the Board should immediately thereafter adopt a Notice of Preparation for the Bakersfield to Palmdale Project Section EIS/EIR directing the Authority to analyze alternative alignments for the Bakersfield region. These alternative alignments must include a Bakersfield station location outside of the City center, which is the preferred station location of a "majority of individual and government official comments." (Staff Recommendation: Preferred Alternative, November 2013, p. 2-1.)

¹ The RDEIR/S states that the Merced to Fresno and Fresno to Bakersfield sections of the High Speed Train system have been prioritized to meet American Recovery and Reinvestment Act (ARRA) funding requirements. ARRA's funding requirements include a funding deadline of Sept. 30, 2017, and a requirement that the Federal investment demonstrate "independent utility" as that term is defined in the High Speed Intercity Passenger Rail Notice of Funding Availability and Interim Program Guidance (74 Fed. Reg. 29900, 29905, June 23, 2009) ("Notice of Funding Availability"). (RDEIR/S, p. 2-108.) The Notice of Funding Availability defines "independent utility" as "[a] project...[that] will result, upon completion, in the creation of new *or substantially improved* High-Speed Rail/Intercity Passenger Rail service, and will provide tangible and measurable benefits even if no additional investments in the same High-Speed Rail/Intercity Passenger Rail service are made." (Emphasis added.) The term "Intercity Passenger Rail" is defined in the Notice of Funding Availability to "subsume[] both High-Speed Rail and conventional intercity passenger services." (Emphasis added.)

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November 6, 2013
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LATHAM & WATKINS LLP

The Board should not approve a Preferred Alternative that includes a high speed track between Shafter and Bakersfield. Funding for this segment does not exist, and the selection of a Preferred Alternative that may never be built puts an unnecessary strain on residents and businesses and creates an unnecessary litigation risk for the Authority relative to its environmental review of this major project.

We very much appreciate your consideration. Please do not hesitate to contact me at (213) 891-8015 if you have any questions.

Very truly yours,

/s/ Benjamin Hanelin
Benjamin J. Hanelin
of LATHAM & WATKINS LLP

cc: Jeff Morales, Chief Executive Officer, California High Speed Rail Authority
Thomas Fellenz, Chief Counsel, California High Speed Rail Authority
David Valenstein, Environmental Program Manager, Federal Railroad Administration
Ms. Christine Mirabel
Mr. Alan Tandy
Ms. Virginia "Ginny" Gennaro
Mr. Jim Eggert
Mr. George Muhlsten

LA13379701.2

Submission 033 (Ross Browning, November 7, 2013)

November 7, 2013

Good Morning Chairman Richard and Members of the Board.
My name is Ross Browning and I am a resident of Kings County.

On October 25, 2013, on Channel 18's "The Maddy Report", Jeff Morales, CEO of the California High Speed Rail Authority when asked about the people and resistance in Hanford, stated, "It is the growing pains of the project." The resistance felt is NOT "the growing pains of the project", it IS, however, our attempt to shine light on the terrible, inept lack of planning, and poor management of this project. It also highlights the inefficient and ineffective use of taxpayers money.

South of the city of Fresno your alignment leaves Highway 99 and goes helter-skelter, bisecting fields diagonally, through the best agricultural land in the country. South of Fresno County is Kings County. It is 34th in size of the 58 counties in California, but Kings County is 8th of the 58 counties in Gross Agricultural Value, as expressed in dollars in agricultural crop income according to the Kings County Ag Crop Report of 2012.

Growing Pains? NO. It is the destruction of Kings County's highly efficient planning, construction and operation of its farms and dairies. This project should not be here. The High Speed Track, at this time, is NOT aligned on a major transportation corridor, like I-5, as Proposition 1A says it needs to be.

This Authority needs to comply with the law and Judge Kenny's rulings of August 16th. At this time you are operating illegally. You are doing a disservice not only to yourself but to all residents of Kings County, the tax payers of the State of California, and ^{you're} ~~you're~~ making a mockery of our State Judicial System.

Submission 034 (Rudy Salas, Member of the Assembly, 32nd District, November 8, 2013)

STATE CAPITOL
P.O. BOX 942649
SACRAMENTO, CA 94249-0032
(916) 319-2032
FAX (916) 319-2132

received
11/8/13

Assembly
California Legislature



RUDY SALAS, JR.
ASSEMBLYMEMBER, THIRTY-SECOND DISTRICT

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ACCOUNTABILITY AND
ADMINISTRATIVE REVIEW
GOVERNMENTAL ORGANIZATION
VETERANS AFFAIRS

SELECT COMMITTEES
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TO ADDRESSING THE STATE'S
WATER CRISIS
CHAIR, WORKFORCE AND
VOCATIONAL DEVELOPMENT IN
CALIFORNIA
CALIFORNIA'S HIGH TECHNOLOGY
COMMUNITY COLLEGES
PRIVACY

October 29, 2013

Ms. Dianna Gomez
Central Valley Regional Director
California High Speed Rail Authority
2550 Mariposa Mall, Suite 3015
Fresno, CA 93721

RE: Relocation of Wasco Housing Authority and Farm Labor Housing Units

Dear Ms. Gomez:

I am writing to express my support for the new farm labor housing development.

Currently, the Wasco Housing Authority manages 224 low-income housing units, of these units, 199 are subsidized by the Department of Agriculture- Rural Development. These units are over 50 years old and despite rehabilitation efforts are in many ways substandard. Furthermore, these units are separated from the majority of the community by railroad tracks. As a result, residents are exposed to noise and are required to cross multiple tracks creating health and safety hazards.

Moving the housing development to the new location will provide better access to nearby schools, shopping, medical, facilities, and other services, thereby improving the quality of life.

For these reasons, I support the proposed move of the farm labor housing units. If you would like to discuss or have any questions, please do not hesitate to contact Elva Martinez in my district office at (661) 335-0302.

Sincerely,

RUDY SALAS
Member of the Assembly
32nd District

RS: rb

DISTRICT OFFICE: KERN COUNTY DISTRICT 1430 TRUXTUN AVENUE, SUITE 803 • BAKERSFIELD, CA 93301 • (916) 335-0302 • FAX (861) 335-0361
KINGS COUNTY DISTRICT 113 COURT STREET, SUITE 201 • HANFORD, CA 93230 • (559) 585-7170 • FAX (559) 585-7175

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Submission 035 (Henry Perea, Fresno Works, November 25, 2013)



October 25, 2013

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EDMUND G. BROWN JR.
GOVERNOR



Mr. Alan Weaver
Director of Public Works and Planning
Fresno County
2200 Tulare Avenue, 7th Floor
Fresno, CA 93721

Subject: **Clayton and Springfield Avenue Closure
Fresno to Bakersfield Section
California High-Speed Rail Project Coordination**

Dear Mr. Weaver:

The California High Speed Rail Authority (Authority) respectfully requests that the Fresno County Board of Supervisors consider the closure of East Clayton and East Springfield Avenues where they intersect the proposed High-Speed Rail (HSR) alignment.

The Authority recognizes the impacts of changes to the road network on local communities and on the adjacent properties and is committed to maintaining flow of traffic and existing traffic patterns to the maximum possible extent. Throughout the length of the HSR project, all intersecting roadways will either be grade separated from HSR (via overpass or underpass) or will be closed at the intersection with HSR, in accordance with the road closure standards of the local jurisdiction. Through the southern portion of Fresno County, the HSR alignment parallels the BNSF Railroad between Cedar Avenue on the west and Maple Avenue on the east. Most of the intersecting roadways that currently have at-grade freight railroad crossings will be maintained as through roads with overcrossings spanning the HSR and BNSF, removing the at-grade crossings.

In September and October of 2011, the Authority presented the roadway impacts in Fresno County to the Board of Supervisors. At that time, overcrossings were planned for East Clayton and East Springfield Avenues with a design speed of 45-mph. The Fresno County Board of Supervisors submitted a letter to the Authority in 2011 requesting all roadways be designed to 55-mph. In May of 2012, County Staff indicated that roadway designs needed to be to 65-mph.

Based upon these directives the Authority reviewed the overcrossings at these two roadways based upon a 55-mph design (impacts associated with 65-mph would be even greater). The results are as follows:

Clayton and Springfield Avenues are east/west, low-volume, minor roads that are being considered for closure due to the proximity of planned grade-separated crossings and the severity of impacts overcrossings at East Clayton and East Springfield would have on the properties that front these roads, as well as on certain intersecting north/south roadways.

2550 Mariposa Mall, Suite 3015, Fresno CA, 93721 • www.hsr.ca.gov

Mr. Alan Weaver
Director of Public Works and Planning
page 2

East Clayton Avenue is approximate 0.5 mile south of Lincoln Avenue and 0.5 mile north of Adams Avenue, both of which have planned overcrossings. An overcrossing at East Clayton Avenue, designed to 55-mph, would impact seven residential properties and five agricultural properties.

East Springfield Avenue is approximately 0.5 mile south of Manning Avenue and 1.5 miles north of Floral Avenue, both of which have planned overcrossings. The existing East Springfield Avenue does not continue west of Cedar Avenue. An overcrossing provided at Springfield Avenue, designed to 55-mph, would impact six residential properties and seven agricultural properties.

As a result of the low traffic volumes on these Avenues, the nature of the property impacts, and the high cost of providing overcrossing structures, the Authority proposes that they be closed.

To enhance the safety and minimize inconvenience of closures of East Clayton and East Springfield Avenues, the following measures are proposed:

- Provide grade separated crossings of HSR and BNSF for the adjacent roadways to the north and south of East Clayton and East Springfield Avenues.
- Provide Fresno County standard dead-end road treatment in close coordination with Fresno County staff.

The Authority is committed to working with Fresno County. We appreciate the opportunity to present the case for closure of East Clayton and East Springfield Avenues.

More information about the California High-Speed Rail Project can be found on-line at www.hsr.ca.gov.

Sincerely,

Diana Gomez
Central Valley Regional Director
(559) 445-5172
diana.gomez@hsr.ca.gov

Attachment:

Map of Fresno to Bakersfield HSR alignment and proposed closures of East Clayton and East Springfield Avenues.

cc: Richard Prust, Fresno to Bakersfield Regional Consultant Engineering Manager
Terry Ogle, CHSRA
Mike Leonardo, CHSRA PMT

Submission 036 (Michael Kennedy, First Free Will Baptist Church and Bethel Christian School,
December 18, 2013)

Bethel Christian School and First Free Will Baptist Church

Memorandum of Request

TO: High Speed Rail Authority, Diana Gomez

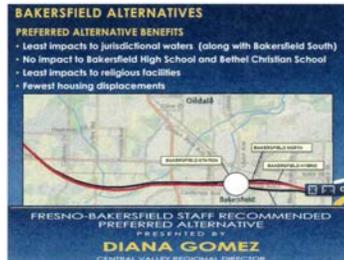
FROM: First Free Will Baptist Church, Bethel Christian School

SUBJECT: New Hybrid Alignment

DATE: DECEMBER 18, 2013

Introduction

In November of 2013, the California High Speed Rail Authority (HSRA) approved the staff recommendation for the Hybrid Alignment through Bakersfield. The Authority stated that "The Bakersfield Hybrid Alternative would... impact the fewest religious facilities, and it would not impact...



Bethel Christian School." Nevertheless, the environmental studies for the three proposed rail alignment alternatives near the church-school are only feet apart from each other, as throughout the City of Bakersfield. They are not true alternatives because all three will cause similar, extensive and severe impacts to the church-school facility and other local organizations. Although church-school stakeholder comments

related to the revised EIR/EIS were initially submitted in writing, before the October 19, 2012 deadline, documented in numerous public hearings (e.g., August 27, 2012 HSRA Hearing), and referenced in FFWC Validation Complaint (Court Ruling 34-2013-00140689), the church-school community believes that their concerns related to the Bakersfield Hybrid Alignment have not been adequately addressed.

Therefore, the stakeholders of the church-school request that the HSRA incorporate the attached data into the Final EIR/EIS. This is essential because the Bakersfield Hybrid was only recently (November, 2013) identified as the preferred alignment.

New Hybrid Alignment Property Impacts (Based on the November Staff Report)



Submission 036 (Michael Kennedy, First Free Will Baptist Church and Bethel Christian School,
 December 18, 2013) - Continued

Areas for expanded consideration under this newly approved alignment should include:

- Air Quality
- Noise
- Traffic Circulation
- Socioeconomic/Environmental Justice
- Land Use Compatibility
- Aesthetics/Visual
- Compensation for Devaluation of Property Value
- Lack of Specific Mitigation in the Revised EIR/EIS
- Absence of Viable Route Alternatives in Violation of RLUIPA
- Cumulative Church-School Impacts
- Preferred Relocation of Facilities Due to Proximity of the Hybrid Alignment

History of the Church-School and HSR Impact

Bethel Christian School and the First Free Will Baptist Church are currently in the existing HSR alignments between both California Ave. (South Alignment) and Edison Highway (Hybrid Alignment). The school and church serve the greater Bakersfield area and the many low-

income families in this study area. As noted in the Revised EIR/EIS

Index	East Bakersfield	Bakersfield	California
Income per capita	\$7,937	\$11,022	\$20,267
Median household income	\$23,496	\$31,997	\$64,817
Median household income never married	\$66,373	\$66,310	\$74,630
Median household income never married	\$29,782	\$29,782	\$44,242
Median earnings male	\$16,912	\$30,524	\$41,197
Median earnings female	\$11,389	\$21,104	\$24,729
Unemployment rate (2010)	24.9%	8.3%	4.9%
Unemployment rate (2012)	16%	10.2%	12.2%
Unemployment rate (2013)	16%	10.9%	8.9%
Poverty level	59.2%	18.0%	13.2%

*The poverty level in East Bakersfield is 37% greater than the Bakersfield average and 27% greater than the California average.

Socioeconomic, Environmental, and Ministry to Low-Income Stakeholders

In an October 22, 2011 Los Angeles Times article by Ralph Vartabedian, it was noted that:

"Officials at First Free Will Baptist Church believe it will lose some of the 22 parcels it owns in east Bakersfield, damaging its outreach mission and a school for 70 kids, no matter which route is selected.

"This area is in decline," said Pastor Mark Harrison. "We have a failing economy. There is a lot of vandalism here. There is graffiti everywhere. We are overrun with gangs. It is a violent area at night. If you want to see hopelessness, look at the youth in this area. We like to think of our church as standing for hope."

Families within East Bakersfield are greatly concerned about the opportunities afforded to low-income youth. Many of these families desire a safe church-school environment where Christian character is foundational, and learning outcomes are a priority. Some are also concerned about the declining condition of the local schools

available to their children, because student-to-teacher ratios are climbing, test scores are dropping, and graduation rates are at historic lows.

East Bakersfield Bakersfield crime information

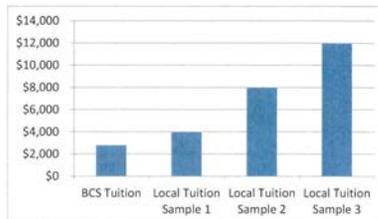
Statistic	East Bakersfield / 100K	Bakersfield / 100K	California / 100K
Violent crime	949 (estimate)	531	423
Property crime	6,754 (estimate)	4,201	2,759
Total crime index	7,603 (estimate)	4,732	3,182

Submission 036 (Michael Kennedy, First Free Will Baptist Church and Bethel Christian School,
 December 18, 2013) - Continued

In fact, according to a study conducted by the Fresno State College Department of Sociology (2006), students within our local East Bakersfield subculture have stated that their educational needs are as follows:

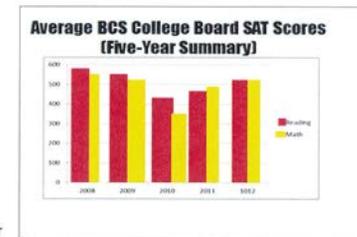
- Providing educational opportunities needed to succeed (46.5%)
- Creating more venues for local arts (43.5%)
- Providing students the resources they need (40.3%)
- Making sure our schools are accountable (34.7%)
- Providing youth with vocational training (39.7%)
- Making our schools safe (26.4%)
- Providing young people with more leadership opportunities (15.5%)

While there are sixty-six private and Christian schools throughout the County of Kern, the majority of middle-class and lower-income households cannot afford the luxury of privatized education. Many of these private Christian schools have exceptional programs and facilities, but tuition rates for local private schools are now between \$4,000 and \$12,000 dollars per year.



With this in mind, the 2013 WASC Focus on Learning Report has verified that "Bethel Christian School serves this local need by providing a low-cost Christian education that is focused on learning results, established on Christian-character, and built around the individualized needs of the student."

Many students in this low-income demographic will not always test at the highest levels or be accepted to the most prestigious academic programs, but it is the desire of the BCS staff to bring about the best in every child, and praise each child for the progress that has been made. This supportive atmosphere encourages students as they work to exceed the median levels and reach their personal educational goals. Such distinguishing features of the BCS program focus on what is best for the individual child.



NEPA/CEQA Regulations

Thorough analysis of impacts to the church-school is essential, as according to the National Environmental Policy Act (NEPA), Title 1, Section 101(a), the HSRA is required to "...use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future

Submission 036 (Michael Kennedy, First Free Will Baptist Church and Bethel Christian School,
December 18, 2013) - Continued

generations of Americans.” Section 102(2)(C) also states, “...and other major Federal actions significantly affecting the quality of the human environment.”

Note: CEQ Regulations §1508.14 the human environment is defined as including the natural physical, social, and economic characteristics of the total environment.

Religious Land Use Laws

As a Baptist church, the Religious Land Use and Institutionalized Persons Act (RLUIPA), Pub.L. 106–274, codified as 42 U.S.C. § 2000cc et seq., is a United States federal law that would apply to the building of a High Speed Rail in close proximity to the church-school facility. RLUIPA prohibits the imposition of such burdens and gives churches and other religious institutions a way to avoid burdensome restrictions to their property use.

The law states clearly that it is the responsibility of the government agency to “demonstrate that (any) imposition of the burden on that person, assembly or institution is: in furtherance of a compelling governmental interest; and is the least restrictive means of furthering that compelling governmental interest.” Yet in Court Ruling 34-2013-00140689, the CA Superior Court of Sacramento found that “...there was no evidence in the record of the proceedings before the Committee (HSRA) to support its finding and determination, made at its March 18, 2013 (HSR) meeting, that it was ‘necessary and desirable’ to authorize issuance of bonds” to build the HSR.

FRA & Noise-Sensitive Land Uses Regulations

HSR noise impacts vary depending on the alignment but it’s assumed that noise would be greater with the hybrid aerial options. Regardless, in the most recent High-Speed

Ground Transportation Noise and Vibration Impact Assessment, the FRA has stated that a church and a school would both qualify as “indoor noise-sensitive sites” and that they should be evaluated and compared with other similar noise-sensitive sites to allow for similar mitigation. Within the existing hybrid alignment three similar noise sensitive areas exist including: Mercy Hospital, Kern County Library, and Bakersfield High School.

California Education Code (EC) Requirements

As a fully accredited WASC school, which lies within only 190-490 feet of the rail easement, Bethel Christian School should receive the same consideration granted to other WASC accredited institutions of learning. Under Title 5 Division 1, Chapter 13, Subchapter 1 of the California Code, the HSRA should consider among other items:

“If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified.”

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Aesthetics/Visual Impact to the Church-School

All three of the alternative alignments include 12 to 15 miles of elevated rail viaduct as high as 96 feet that will tower approximately 80 feet high at the church-school location. These impacts have not been mitigated in the most recent DEIS/DEIR document.

Mitigation and Church-School Stakeholder Recommendations

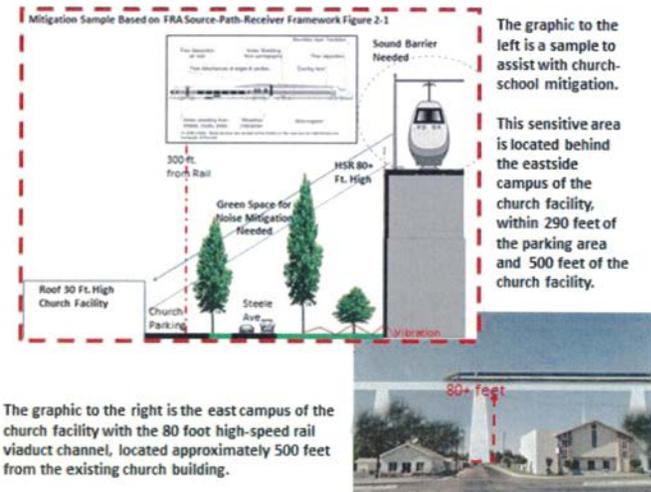
Option 1: Preferred Relocation

Under the new Hybrid Alignment the HSR Authority should, as promised with the South Alternative (Revised DEIR/Supplemental DEIS, July, 2012), "...consult with First Free Will Baptist Church and Bethel Christian School to identify suitable relocation alternatives for both facilities to minimize the impacts of the disruption." The Authority should also, as with the South alignment, "...consult with school and church officials before land acquisition to find the facilities necessary to replace displaced classroom space in a manner that ensures similar functionality and accessibility to current levels."

Option 2: Substantial Reconfiguration of Existing Buildings

If full relocation of the church-school facility (under the Hybrid Alignment) is not possible, then the close proximity of the facility to the high-speed rail easement will necessitate facility reconfiguration, and rebuilding of noise-sensitive structures to mitigate issues relating to noise and vibration. Based on FRA requirements this would require substantial landscape design, sound walls, major facility demolition, reconfiguration, and rebuilding to the South of the existing church-school property.

Audits would also need to be conducted to account for loss of property value and to provide compensation and good will.

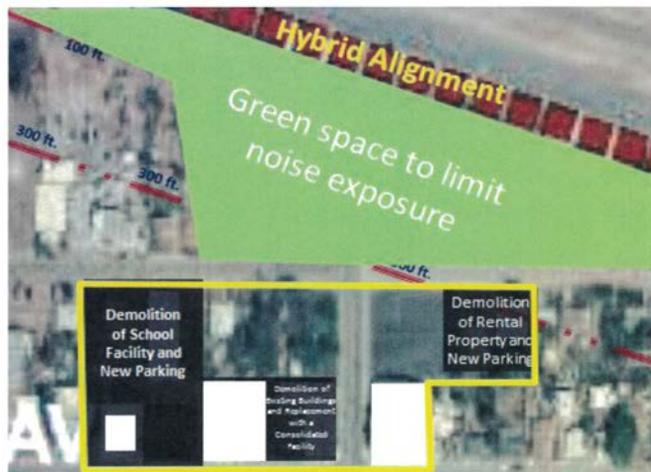


The graphic to the right is the east campus of the church facility with the 80 foot high-speed rail viaduct channel, located approximately 500 feet from the existing church building.

Note: The HSRA has stated that it does not anticipate construction in the Central Valley and upgrades of existing systems to be complete and operational until 2018. Nevertheless, natural noise barriers (e.g., trees, shrubs, etc.) should be established in early 2014 to allow for needed growth. In addition, facility demolition, facility reconfiguration/consolidation, and needed facility upgrades (e.g., new insulation) should be aligned with the timeline for the Bakersfield Construction Package(s) (CP).

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Mitigation Needs and Church Facility Consolidation: Option 2 (Non-Relocation)



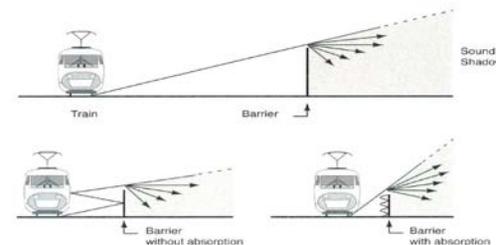
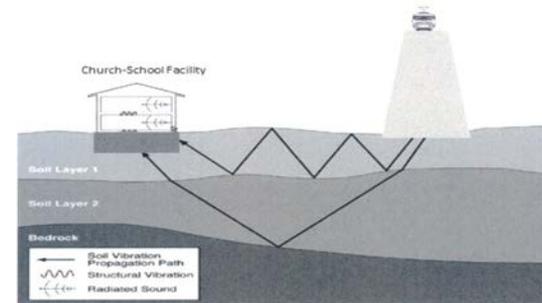
The graphic above shows demolition of six (6) noise-sensitive facilities that are in close proximity to the Hybrid Alignment. This graphic also depicts the building of a large consolidated structure on the south end of the existing church-school property, to replace displaced classroom space in a manner that ensures similar functionality and accessibility to current levels. This substantial reconfiguration would help minimize the impacts of the HSR disruption to the First Free Will Baptist Church and BCS.

Note: The church-school would also need green space (e.g., trees, grass, etc.), sound wall/barriers (with absorption), and relocation of the existing parking facilities to ensure similar functionality.

FRA Source Data and Basic HSR Receiver Geometry (Noise and Vibration)

The total amount of vibration the HSR would cause to the church-school facility is not yet known. However, it is an issue of concern. In recent correspondence with the CHSRA the church-school stakeholders have requested this question be addressed in detail. Any vibration impacts (e.g., structural, radiated sound, etc.) caused by HSR would have to be mitigated.

Note: Sound barriers will only provide minimal assistance in this area.



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This comprehensive church-school document has been submitted to the High-Speed Rail Authority (HSRA) to assist the HSRA staff as it works to submit the Final DEIR/DEIS for the Bakersfield segment. Full mitigation and consideration is imperative, as Court Ruling 34-2013-00140689 has ordered the Authority to demonstrate that all environmental clearances are in place for the first 300 miles of the HSR line throughout the Central Valley.

Submitted: 12/18/2013

_____ Date: _____
Michael Kennedy, Principal
Bethel Christian School

_____ Date: _____
Dr. Mark Harrison, Pastor
First Free Will Baptist Church

Received: 12/18/2013

_____ Date: _____
Diana Gomez, HSRA
Central Valley Regional Director

