



BRIEFING: MAY 10, 2016 BOARD MEETING AGENDA ITEM #3

TO: Chairman Richard and Board Members

FROM: Mark McLoughlin, Director of Environmental Services
Diana Gomez, Central Valley Regional Director

DATE: May 10, 2016

RE: Consider Concurring with an Initial Staff Recommended Preferred Alternative Alignment in the Bakersfield Area for Inclusion in the Draft Supplemental Environmental Impact Report/Environmental Impact Statement for the Fresno to Bakersfield Project Section

Background

In May 2014, the California High-Speed Rail Authority (Authority) Board of Directors (Board) approved for construction a portion of the Fresno to Bakersfield high-speed rail alignment. The approved portion extends between downtown Fresno and approximately 7th Standard Road northeast of the City of Bakersfield (City), near Shafter. The Board deferred approval of an alignment through Bakersfield to, among other reasons, provide more time to work with the City and other local stakeholders on potential alignments through Bakersfield.

As of May 2014, the proposed alignment through Bakersfield generally paralleled the existing BNSF rail line into the southeast corner of downtown Bakersfield, with a high-speed rail station at Truxtun Avenue. The City and other local stakeholders opposed this alignment.

Working with the City and others, an alternative potential alignment through Bakersfield was generated. It would cross from the existing approved alignment near Shafter, running east, to the eastern side of Bakersfield generally parallel to the existing Union Pacific rail line, with a high-speed rail station at F Street on the northeastern corner of downtown Bakersfield. This alignment is known as the Locally Generated Alternative (LGA) or F Street Alternative. The Authority and Federal Railroad Administration (FRA) will conduct detailed environmental analysis of the LGA in a forthcoming Draft Supplemental EIS/EIR. Staff has identified the LGA as the Preliminary Preferred Alternative, and requests Board concurrence. Such concurrence is not approval or even tentative approval. It is merely preliminary identification that can be stated in the Draft Supplemental EIS/EIR to aid public comment and transparency. It is being identified at this stage of the process consistent with modified federal guidance implementing the 2012 MAP-21 law.

As reported at the November 2015 Board meeting, the Authority continues to study and further refine the LGA alignment and associated station location in and near the City of Bakersfield. The LGA has been developed in partnership with the City. The Authority is studying in a supplemental environmental document the LGA along with the comparable section of the May 2014 Final EIR/EIS which is the BNSF Alignment in Shafter from Poplar Avenue to 7th Standard Road combined with the Bakersfield Hybrid Alignment and associated Truxtun Avenue Station.

The Authority has proactively sought to initiate meaningful dialogue with stakeholders, including resource agencies, landowners, community leaders, the agricultural community, and any interested members of the general public, going above and beyond the required outreach for the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) to ensure the broadest possible participation in the process. The Authority and FRA held informal and formal public meetings during the Draft Supplemental Environmental Impact Report/Environmental Impact Statement (Draft Supplemental EIR/EIS) preparation process for the LGA, as summarized below.

The Authority held three community open houses between August 25, 2015 and November 5, 2015, in the cities of Bakersfield and Shafter to provide information to the public and interested agencies about the LGA. These community open houses provided the community an opportunity to ask questions and provide comments about the LGA. Approximately 600 community members attended these events. Sixty-eight comments were received. Of these 19 were in favor of the LGA or the project in general, five comments expressed opposition to the alignment and/or the high-speed rail project, and six comments expressed a preference for the May 2014 project or a different alignment. Other comments received were associated with impacts to homes, businesses, and public facilities; construction costs or job creation; station connectivity to other transportation modes; suggestions for alternative alignments or opposition to the project; water storage; electromagnetic field and noise impacts; airport conflicts; the potential Shafter Heavy Maintenance Facility; and security concerns during operation.

In order to inform the design and preparation of the Draft Supplemental EIR/EIS, the Authority has conducted numerous outreach meetings with property owners, businesses, and school and special districts potentially affected by the LGA. This has included 54 stakeholder meetings and one meeting at the activity center at El Mercado Latino Tianguis. In addition, the Authority engaged and continues to engage with the local agencies in technical working group meetings.

Also discussed at the November 2015 Board meeting was the opportunity to identify a Preliminary Preferred Alternative in the Draft Supplemental EIR/EIS. The advantage of identifying the Preliminary Preferred Alternative in the Draft Supplemental EIR/EIS is that FRA would have the opportunity to issue its Record of Decision at the same time it issues the Final Supplemental EIR/EIS instead of 30 days after, as required if no Preliminary Preferred Alternative is identified in the draft. This will save time and accelerate the opportunity for right-of-way preservation. This approach is also generally required by MAP-21.

Staff has determined that sufficient information is available to: (1) confirm that the LGA is comparable to the May 2014 Project in terms of being able to meaningfully compare the attributes and environmental impacts of the Hybrid alignment and the LGA; and, (2) recommend a Preliminary Preferred Alternative. This Board Briefing memo and presentation

provides information that supports the recommendation and accompanying Board Resolution #HSRA 16-13.

Prior Board Action

Based on the analyses and comments that the Authority and FRA received on the Fresno to Bakersfield Section Revised Draft EIR/EIS, staff identified a Preferred Alternative in November 2013. The Preferred Alternative consisted of the BNSF alignment with the Corcoran and Allensworth bypasses, the Bakersfield Hybrid, the Kings-Tulare Regional Station, Bakersfield Station, and the Maintenance of Infrastructure Facilities in Shafter and Fresno. The Board directed staff to seek concurrence from the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA) that the Preferred Alternative is the Least Environmentally Damaging Practicable Alternative (LEDPA) and prepare a Final EIR/EIS. LEDPA concurrence was achieved later in the month of November 2013 and the May 2014 Project was published.

On May 7, 2014 the Board certified the May 2014 Project Final EIR/EIS (Resolution # HSRA 14-09, Attachment A). In a subsequent resolution the Board approved the Preferred Alternative from the Fresno station to an endpoint on the north side of 7th Standard Road (Resolution # HSRA 14-10, Attachment B). In that resolution the Board directed staff to continue working with Bakersfield to resolve outstanding issues.

Discussion

When comparing the May 2014 Project and the LGA, staff established a range of criteria by which it would evaluate the alternatives in consideration of a Preliminary Preferred Alternative:

- CEQA/NEPA Environmental Significance
- Community Support
- Construction Costs, Operations, and Constructability Factors
- Planning Opportunities

For the majority of the CEQA/NEPA issue areas, there is no meaningful difference between the significance of impacts from the LGA and the May 2014 Project/Hybrid. A careful review of the preliminary data shows that the LGA and the May 2014 Project are also similar to each other in terms of maintenance. There are factors that show differences: community support, planning opportunities, construction costs, and operations. Based on these factors staff recommends a Preliminary Preferred Alternative based on the merits of the alternative. For the reasons below, the LGA is the alternative of merit being identified as the Preliminary Preferred Alternative.

LGA Has Best Ability to Meet Project Purpose and Objectives

System Wide Benefits: Compared to the May 2014 Project, the LGA is approximately one mile shorter, is anticipated to cost less to construct and has a higher design speed that would maintain an operating speed of 220 miles per hour, resulting in a more efficient system.

LGA Favored by City of Bakersfield

Locally Generated: The alignment was generated through discussions between the City of Bakersfield and the Authority. Bakersfield and the Authority have partnered to further develop that original idea into an alignment now referred to as the LGA. The City of Bakersfield has supported the LGA, collaborating with the Authority to conduct outreach to stakeholders and engage the public in discussions about the project through community open houses. The City firmly believes that the LGA will be more advantageous for and less impactful to the City and the community as a whole than the May 2014 Project.

LGA Has Overall Similar Impacts, But Fewer Impacts in Certain Key Areas

Waters: The LGA is the apparent LEDPA as defined in the Clean Water Act. It would result in fewer direct permanent impacts to waters of the U.S. than the May 2014 Project in terms of area and habitat quality.

Community Impacts: The LGA would result in fewer residential displacements than the May 2014 Project.

Planning: The station location of the LGA affords an opportunity to directly connect with the pedestrian and bicycle uses associated with the Kern River Parkway. The station location of the May 2014 Project is approximately 3 miles east of the Kern River Parkway.

Agricultural Lands: The LGA would result in fewer impacts to Important Farmland and Williamson Act Contract Lands.

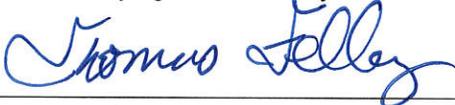
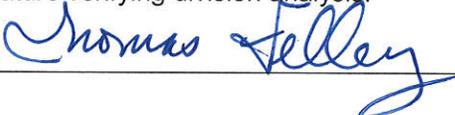
Comparison Table

Parameter	Alternatives	
	May 2014 Project	LGA
Waters		
Waters of the U.S. direct permanent impacts	17.03 acres	16.21 acres
Habitat Quality	Poor, fair and good	Fair or poor
Community Impacts		
Businesses	342	359
Residential	258	94
Medical Facilities	2	0
Planning		
Pedestrian and bicycle uses associated with Kern River Parkway	3 miles east	direct linkage
Locally Supported	Opposed by City of Bakersfield, Kern County, local school districts, a hospital and community groups	Supported by City of Bakersfield ¹

Parameter	Alternatives	
	May 2014 Project	LGA
Agricultural Lands		
Important Farmland	906 acres	655 acres
Williamson Act Contract Lands	601 acres	252 acres
Systemwide Benefits		
Alignment	23.8 miles	23 miles
Speed Capacity	125-220 mph	220 mph
Travel Time ² (Poplar Avenue to Oswell Street)	7 minutes 27 seconds	6 minutes 24 Seconds

¹ The Authority will continue to coordinate with local stakeholders, environmental justice communities, and local agencies to work through local issues. Comment letters on the Draft Supplemental EIR/EIS will help inform this data point.

² Fresno to Bakersfield travel time to be estimated as part of the supplemental environmental document

REVIEWER INFORMATION	
Reviewer Name and Title: Russell Fong, CFO	Signature verifying budget analysis: N/A
Reviewer Name and Title: Tom Fellenz, Chief Counsel	Signature verifying legal analysis: 
Reviewer Name and Title: Mark McLoughlin, Director of Environmental Services	Signature verifying division analysis: 
Reviewer Name and Title: Diana Gomez, Central Valley Regional Director	Signature verifying division analysis: 

Recommendation

Staff recommends that the Board identify the LGA as the Preliminary Preferred Alternative for the purpose of preparing the Fresno to Bakersfield Section Draft Supplemental EIR/EIS. The Board is not adopting or approving the Preferred Alternative at this time. No alternative, whether it be the LGA, hybrid, or any other alternative, will be approved until completion of a Final Supplemental EIR/EIS. Staff will present this alternative to the USACE and EPA and seek their concurrence that the LGA is the LEDPA.

Attachments

- Draft Resolution #HSRA 16-13
- Resolution #HSRA 14-09
- Resolution #HSRA 14-10

