

Submission L001 (Jean Roggenkamp, Bay Area Air Quality Management District (BAAQMD), October 13, 2011)



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L001-1

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EXECUTIVE OFFICER/APCO

October 13, 2011

Thomas J. Umberg
Chairman of the Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Subject: California High-Speed Train Project Draft EIR/EIS: (1) Merced to Fresno Section and (2) Fresno to Bakersfield Section

Dear Mr. Umberg:

Bay Area Air Quality Management District (District) staff reviewed your agency's Draft Environmental Impact Reports/Statements (DEIRs) for the California High-Speed Train Project (1) Merced to Fresno Section and (2) Fresno to Bakersfield Section (Project). The California High-Speed Train (HST) system will provide intercity, high-speed service on more than 800 miles of tracks throughout California, connecting the major population centers of Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County and San Diego. The HST system will be an electrically powered system with trains capable of operating up to 220 miles per hours.

District staff has the following comments on the adequacy of the air quality analysis in the DEIRs.

NOx Emissions in the Bay Area from Material Hauling

According to both DEIRs, material hauling during the construction phase would result in oxides of nitrogen (NOx) emissions that would exceed the CEQA significance thresholds in the Bay Area Air Quality Management District (District). The actual levels of emissions anticipated to occur in the San Francisco Bay Area Air Basin (SFBAAB) is uncertain due to the programmatic level of analysis provided in the DEIRs, in part due to the uncertainty in the location of aggregate and other building materials that would be used in the construction activity. District staff agrees with the characterization of the construction impacts as significant, but not the conclusion that this impact remains significant because the District does not have an offset program for mobile sources (p. 3.3-72 in both DEIRs). There is insufficient analysis in the DEIRs regarding the availability and feasibility of potential mitigation measures to support this conclusion. For example, the Project could implement an off-site mitigation program that works very similarly to an "offset program for mobile sources" as referenced in the DEIRs.

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Thomas J. Umberg

October 13, 2011

The offsite mitigation program would ensure that the Project does not adversely affect the region's ability to attain national and state ambient air quality standards. Mitigation measure AQ-MM#9 in both DEIRs should be expanded to include the following feasible mitigation measure identified by staff:

The Project shall implement an off-site mitigation program to achieve criteria pollutant (NOx, ROG, PM) emission reductions due to material hauling in the SFBAAB equal to the amount of emissions above the District's significance threshold. In lieu of the California High-Speed Rail Authority (Authority) implementing its own off-site mitigation program, the Authority could off-set their emissions through the District's Carl Moyer Memorial Air Quality Standards Attainment Program (CMP) or other Air District emission reduction incentive programs. The Authority would provide funding for the emission reduction projects in an amount up to the emission reduction project cost-effectiveness limit set by the California Air Resources Board (ARB) for the CMP during the year that the emissions from material hauling are emitted. (The current emissions limit is \$16,640/weighted ton of criteria pollutants [NOx + ROG + (20*PM)]). An administrative fee of 5% would be paid by the Authority to the District to implement the program. The funding would be used to fund projects eligible for funding under the CMP guidelines or other District incentive programs meeting the same cost-effectiveness threshold that are real, surplus, quantifiable, and enforceable.

District staff is available to assist the Authority in addressing these comments. If you have any questions, please contact Alison Kirk, Senior Environmental Planner, at (415) 749-5169.

Sincerely,

Jean Roggenkamp
Deputy Air Pollution Control Officer

cc: District Board of Directors

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Page 1 of 2



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Response to Submission L001 (Jean Roggenkamp, Bay Area Air Quality Management District (BAAQMD),
October 13, 2011)

L001-1

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

Submission L002 (Alison Kirk, Bay Area Air Quality Management District (BAAQMD), August 23, 2011)

Fresno - Bakersfield - RECORD #135 DETAIL	
Status :	Action Pending
Record Date :	8/23/2011
Response Requested :	
Stakeholder Type :	Environmental Agency
Submission Date :	8/23/2011
Submission Method :	Website
First Name :	Alison
Last Name :	Kirk
Professional Title :	Senior Environmental Planner
Business/Organization :	BAAQMD
Address :	
Apt./Suite No. :	
City :	San Francisco
State :	CA
Zip Code :	94109
Telephone :	415-749-5169
Email :	akirk@baaqmd.gov
Email Subscription :	
Cell Phone :	
Add to Mailing List :	No
Stakeholder Comments/Issues :	page S-1 of this document refers to this as a Tiered Environmental Review. Please confirm that there will be further tiers for review for the Bay Area, Fresno-Bakersfield, and Merced-Fresno Sections. Thank you.
EIR/EIS Comment :	Yes

L002-1

Response to Submission L002 (Alison Kirk, Bay Area Air Quality Management District (BAAQMD),
August 23, 2011)

L002-1

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

This is the project EIR/EIS for the Fresno to Bakersfield Section which is tiered from the program EIR/EISs that have been prepared for the California HST System. No additional tiered environmental document will be prepared for the Fresno to Bakersfield Section unless substantial unforeseen design changes take place in the future that result in significant impacts not addressed in this EIR/EIS or substantially increase the magnitude of impacts addressed in this EIR/EIS.

Submission L003 (Curt Taras, P.E.,MSCE, Central Valley Flood Protection Board, October 13, 2011)

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY
 3310 El Camino Ave., Rm. 151
 SACRAMENTO, CA 95821
 (916) 574-0900 FAX: (916) 574-0982
 PERMITS: (916) 574-2380 FAX: (916) 574-0682

EDMUND G. BROWN JR., GOVERNOR

CENTRAL VALLEY FLOOD PROTECTION BOARD

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October 13, 2011

Mr. Dan Levitt
 California High-Speed Rail Authority
 Fresno to Bakersfield Draft EIR/EIS Comments
 770 L Street, Suite 800
 Sacramento, California 95814

Subject: Response to the California High-Speed Train: Fresno to Bakersfield Section: Draft Environmental Impact Report/Environmental Impact Statement; SCH Number: 2009091126

Dear Mr. Levitt:

Staff of the Central Valley Flood Protection Board (Board) has reviewed the subject document and provides the following comments:

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection and flood fight procedures (CCR Section 131).

Mr. Dan Levitt
 October 12, 2011
 Page 2 of 3

Board staff has reviewed the subject document and provides the following comments:

L003-1

1. The Fact Sheet shows "Permits, Approvals and Consultations Federal... Central Valley Flood Protection Board – Section 408 (flood protection facilities)." The statement does not list the Central Valley Flood Protection Board's regulations and should be revised to show:

"Central Valley Flood Protection Board - The Board enforces standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2). The Board has all the responsibilities and authorities necessary to oversee future modifications as approved by the U.S. Army Corps of Engineers (Corps) pursuant to assurance agreements with the Corps and the Corps Operation and Maintenance Manuals under Title 33 Code of Federal Regulations, Section 208.10 and Title 33 United States Code, Section 408."

L003-2

2. Table 2-18 Potential Major Environmental Permits and Approvals Page 2-101 shows "Central Valley Flood Protection Board Section 208 (flood protection facilities)". The statement should be revised to show:

"Central Valley Flood Protection Board - The Board enforces standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2). The Board has all the responsibilities and authorities necessary to oversee future modifications as approved by the U.S. Army Corps of Engineers (Corps) pursuant to assurance agreements with the Corps and the Corps Operation and Maintenance Manuals under Title 33 Code of Federal Regulations, Section 208.10 and Title 33 United States Code, Section 408."

L003-3

3. Bridges crossing any State project levee shall span over the levee and have at least 5 feet vertical clearance over the levee crown and 20 feet horizontal clearance from the levee toes for maintenance and inspection.

L003-4

4. Bridge piers placed in the flood channel shall be designed to minimize changes in water surface elevation, velocity, and scour.

L003-5

5. Bridges crossing any non- project levee shall have at least 3 feet vertical clearance over the levee crown for maintenance and inspection.

L003-6

6. The levee under a proposed bridge shall be armored with a concrete slab 6 inches thick to protect it from erosion and rodent burrowing.

L003-7

7. When a levee crown patrol road is blocked by a bridge, a detour road not to exceed 3 miles shall be provided around the track via a nearby underpass or overpass that has 15 feet minimum vertical clearance.

Submission L003 (Curt Taras, P.E., MSCE, Central Valley Flood Protection Board, October 13, 2011)
- Continued

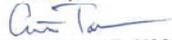
Mr. Dan Levitt
October 12, 2011
Page 3 of 3

- L003-8 | 8. Bridges crossing any floodway or regulated stream shall have at least 3 feet of vertical clearance over the design flood water surface elevation. The design flood flow shall be the runoff calculated for the 200 year return period storm for urban and urbanizing areas and the 100 year return period storm for rural areas unless specified differently.
- L003-9 | 9. The maps found at <http://gis.bam.water.ca.gov/bam/> should be used to identify the locations of levees and floodplains that the high speed rail track will cross in the central valley.
- L003-10 | 10. The project EIR should determine or calculate the channel flow rate for the design storm flood for each waterway crossing. This information shall be listed in a table ready to be used by the bridge designers. This task should not be left for the design-build team since the design storm and flow rate for flood channels affected by proposed bridges/culverts should be available for public review and comment.
- L003-11 | 11. Permitting of bridges and culverts by the CVFPB will require a publicly noticed approval process estimated to take 180 days from receipt of applications. The High Speed Rail Authority should obtain the CVFPB permits for each waterway crossing prior to soliciting the project to Design-Build contractors. Permitting the project in advance will result in a lower project cost and shorter completion time because there is less uncertainty for the contractor.
- L003-12 | 12. The statewide track alignment alternatives should show potential future high speed rail connections to Las Vegas and Phoenix under consideration by the Federal Railroad Administration plan.
- L003-13 | 13. The statewide track alignments should more clearly show the transit connections to major airports and local passenger rail and bus service routes.

The permit application and the California Code of Regulations Title 23 can be found on the Central Valley Flood Protection Board's website at <http://www.cvfpb.ca.gov/>. Contact your local, federal and state agencies, as other permits may apply.

If you have any questions, please contact me at (916) 574-0684 ctaras@water.ca.gov or James Herota, Staff Environmental Scientist at (916) 574-0651, jherota@water.ca.gov.

Sincerely,



Curt Taras, P.E., MSCE
Chief, Permitting and Enforcement Branch

Attachment: Kings River Conservation District's August 16, 2011 letter

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Response to Submission L003 (Curt Taras, P.E., MSCE, Central Valley Flood Protection Board,
October 13, 2011)

L003-1

The text in Section 3.8.2.2, State, of the Revised DEIR/Supplemental DEIS has been revised to incorporate your suggested change.

L003-2

The text of the Revised DEIR/Supplemental DEIS in Chapter 2, Alternatives, Table 2-18, has been revised in response to your comment.

L003-3

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

L003-4

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

L003-5

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

L003-6

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

L003-7

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

L003-8

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

L003-9

The URL referenced in this comment is maintained by the California Department of Water Resources. The webpage provides links to FEMA DFIRMS. FEMA DFIRMS from the FEMA map service center were used to identify the 100-year floodplains, consistent with information from the referenced website. Levees were identified by the USACE National Levee Database and consultation with local agencies.

L003-10

Flow data from FEMA Flood Insurance Studies are listed in Chapter 3.8, Hydrology and Water Resources, Table 3.8-2 in the Revised DEIR/Supplemental DEIS. These are the latest values as of preparation of the Revised DEIR/Supplemental DEIS. It is anticipated that these flows will be used in future design studies unless more recent values become available.

L003-11

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

L003-12

The Federal Railroad Administration's (FRA) Southwest Rail Study is a separate project from the California High-Speed Train project. The FRA study is at an early stage. Therefore any discussion of future connections from this system to Phoenix and Las Vegas would be purely speculative due to the large number of variables and lack of detail currently available. Further, any potential future connections would be located outside of the Fresno to Bakersfield segment. Accordingly, possible connections to potential Phoenix and Las Vegas high-speed rail lines are not analyzed in this EIR/EIS.

L003-13

Transit connectivity maps for Phase 1 of the HST Project have been created showing the service areas of connecting local and regional transit service providers and included in Chapter 2 of the EIR/EIS. Figures 2-54 through 2-56 depict the transit connectivity for Northern California, the San Joaquin Valley, and Southern California, respectively. These maps show the service areas of transit providers whose lines serve one or more high-speed train station location alternative.

Attachment to Submission L003 (Curt Taras, P.E., MSCE, Central Valley Flood Protection Board,
October 13, 2011) - 1161_CentralValleyFloodProtectionBoard_letter_10132011_Attachment v2.pdf



August 16, 2011

Mr. James Labanowski, P.E.
URS/HMM/ARUP Joint Venture
1380 Lead Hill Boulevard, Suite 100
Roseville, CA 95661-2997

Re: Utility Letter "A", Relocation Confirmation
California High-Speed Train Project Utility Coordination

Dear Mr. Labanowski:

The Kings River Conservation District (District) is in receipt of the Existing Utility Location maps for the California High Speed Train (HST) project dated June 8, 2011 and your request for utility verification and coordination. The District does not have any electric, telecommunications, natural gas, water, or drainage utilities within the right-of-way shown on the maps; however, the District operates and maintains the flood project on the Kings River and is impacted by the proposed right-of-way.

The proposed right-of-way crosses the flood project at three locations on the Kings River complex: the Cole Slough (Exhibit 39), the Dutch John Cut (Exhibit 40), and the Old Kings River Channel (Exhibit 43). All three channels convey flood flows and are Designated Floodways authorized under Title 23 of the California Code of Regulations.

The District maintains three of the six levees on the Kings River system that are affected by the proposed right-of-way. These levees are located on the left and right banks of the Cole Slough and the right bank of the Dutch John Cut. These levees were built as a part of a federal flood project. The District has acquired easements for the flood project and gave operations and maintenance assurances directly to the federal government. The remaining three levees are maintained by landowners.

All encroachments within the flood project are subject to approval by the Kings River Conservation District, the Central Valley Flood Protection Board (CVFPB), and the U.S. Army Corps of Engineers (USACE). As of this date, the District has not received an application from the High Speed Rail Authority for any of the three proposed Kings River Designated Floodway crossings. The District has met with HST staff, USACE staff, CVFPB staff, and various consultants in Sacramento regarding potential requirements for the project.

The District has advised the HST that it will require an encroachment permit for each crossing and a determination of final permit conditions and design acceptance would be made as a part of that process. The District has provided the HST staff and

Attachment A
Fresno to Bakersfield High speed Rail

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4886 East Jensen Avenue
Fresno, California 93725
Tel: 559-237-5567
Fax: 559-237-5560
www.krcd.org

Mr. James Labanowski, P.E.
August 16, 2011
Page 2

consultants the comments at various stages in the HST design process to aid in their efforts. These comments are repeated below and will aid in your design efforts.

- (1) The District generally requires 18 feet of clear access above the crown of the levee for maintenance purposes. The clear space is required to inspect, maintain and repair the flood project levee in accordance with U.S. Army Corps of Engineers standards and District practices. If an "at-grade" alignment is proposed, the crossing will have to be acceptable to the District, the CVFPB and the USACE. At a minimum, the District will require that: (a) the crossing structure be configured to provide the flood protection component in lieu of the levee; (b) the crossing structure be reinforced concrete designed for the life of the project; (c) the HST periodically inspect and maintain the crossing and structure; and (d) the crossing not impact maintenance, repair and flood-fighting activities.
- (2) The District will require a turnaround at each location where the roadway on the levee crown terminates into the proposed right-of-way. Each turnaround shall conform to USACE levee construction standards. It appears from the provided exhibits that six locations within the flood project on will require turnarounds, four on the Cole Slough crossing and two on the Dutch John Cut crossing. Similar turnarounds will also be required on non-project levees.
- (3) An access road and bridge are proposed to provide access to the Cole Slough left bank levee. The District will require access to the right bank levee at this location using this same access road.
- (4) The right-of-way isolates a large triangular area bordered by the Cole Slough, Dutch John Cut, and the proposed right-of-way and the only access is provided by the aforementioned access road and bridge to the Cole Slough levee. An additional access is required on the Dutch John Cut levee to facilitate levee maintenance, levee repair, and flood fighting activities.
- (5) The right-of-way crosses State Highway 43 and the proposed crossing is configured such an underpass is constructed for the highway. The end of the underpass is located adjacent to the District's access to the flood project levees on the Cole Slough. The proposed underpass and access road configuration does not appear to meet the California Department of Transportation (Caltrans) highway construction standards. The underpass shall be designed per Caltrans standards and shall retain current District access to flood project levees.
- (6) State Highway 43 serves as a major transportation corridor and the District is concerned that the underpass will become unusable in the event of a flood emergency. Among other purposes, the highway is needed to cross from one side of the channel to the other side. Project design elements must address this concern and reduce the risk of flooding in the underpass.
- (7) Facility owners are required to remove all debris that accumulates during flood flows. The current "at-grade" alignment does not appear to provide sufficient clearance between the design water level and the bottom chord of

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Attachment to Submission L003 (Curt Taras, P.E., MSCE, Central Valley Flood Protection Board, October 13, 2011) - 1161 CentralValleyFloodProtectionBoard letter 10132011 Attachment v2.pdf - Continued

Mr. James Labanowski, P.E.
August 16, 2011
Page 3

- the structure to allow debris to pass safely under the facility. It is common for large trees to fall into the flood channels during flood events.
- (8) The current configuration does not appear to provide adequate access or facilities for HST maintenance staff to remove debris which may accumulate at the front of the crossing structure.
 - (9) The District will require passageways or underpasses sufficient for large pickup trucks to facilitate flood patrols if travel time from one side of the right-of-way to the other side of the right-of-way becomes unduly burdensome.
 - (10) The District will require the HST to address similar concerns from landowner levees along the designated floodway.
 - (11) Design information for the flood project is limited and outdated. The California Department of Water Resources (CDWR) and the USACE are in the process of updating hydrological data for the Central Valley. The District will require the HST to undertake a flood study with the updated data to: (a) establish a design water surface elevation; (b) verify that the crossing and associated facilities are located in conformance with USACE and National Flood Insurance Program (NFIP) standards; and (c) verify that the alignment will not pose an impediment to flood flows within the channel or across the floodplain during major flood events.

The District appreciates the opportunity to provide input for this major infrastructure project. Please feel free to call me at (559) 237-5567 extension 115 if there are any questions.

Sincerely,



Steven P. Stadler, P.E.
Deputy General Manager of
Flood Control and Environmental Resources/Chief Engineer

SPS/sjs

cc: Jay Punia, CVFPB
Col. William J. Leady, USACE

L11-0122
File: 701.01.03

Submission L004 (Douglas Welch, Chowchilla Water District, September 21, 2011)

Chowchilla Water District

Post Office Box 905 • 327 S. Chowchilla Blvd. • Chowchilla, CA 93610
Phone (559) 665-3747 • Fax (559) 665-3740 • Email dwelch@cwwater.com

Board of Directors

Dan Maddalena • Michael Mandala • Vince Taylor • Kole M. Upton • Mark Wolfshorndl

September 15, 2011

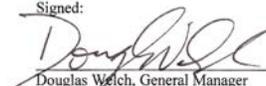
Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Signed:


Douglas Welch, General Manager
Chowchilla Water District

L004-1 |

Response to Submission L004 (Douglas Welch, Chowchilla Water District, September 21, 2011)

L004-1

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

Submission L005 (Alan Tandy, City of Bakersfield, September 1, 2011)



August 25, 2011

Mr. Roelof van Ark
Chief Executive Officer
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, California 95814

RE: Request to extend the public comment period for the Draft Environmental Impact Report for the Fresno to Bakersfield Section High Speed Rail

Dear Mr. van Ark:

L005-1

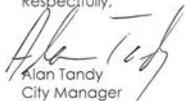
The City of Bakersfield respectfully requests a thirty (30) day extension of the public review period for the draft Environmental Impact Report (DEIR) of the proposed Fresno to Bakersfield Section High Speed Rail project in accordance with CCR §15088, §15203, and §15207.

This is a substantial project that affects a large population and geographic area. It traverses over 100 miles of land, includes significant portions of the two largest cities in the San Joaquin Valley (Fresno and Bakersfield), and affects numerous smaller communities and private properties. Within the City of Bakersfield, the project bisects the community impacting many homes and businesses. Additionally, the project affects a major transportation facility currently under construction; and due to the technical information provided in the DEIR, the City needs more time to thoroughly review and provide meaningful comments to the Authority about those issues.

Given the considerable volume of documentation (nearly 4,000 pages, including technical studies), and the very technical nature of the exhibits and maps, it is clear the minimum sixty (60) day review is not sufficient for the City or the general public to fully comprehend and adequately comment on the DEIR.

Your consideration of our request is very much appreciated.

Respectfully,



Alan Tandy
City Manager

cc: Mr. Jeff Abercrambie
CA High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

City of Bakersfield • City Manager's Office • 1600 Truxtun Avenue
Bakersfield • California • 93301
(661) 326-3751 • Fax (661) 324-1850

Response to Submission L005 (Alan Tandy, City of Bakersfield, September 1, 2011)

L005-1

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

Submission L006 (Alan Tandy, City of Bakersfield, September 12, 2011)



SEP 12 2011
2729

High Speed Rail Authority
September 7, 2011
Page 2

September 7, 2011

Dan Leavitt
Deputy Director, Planning/Environmental
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Dear Mr. Leavitt:

I am in receipt of your letter of August 31, 2011 regarding your concerns about recent media stories reporting that the Draft EIS/EIR for the Fresno-Bakersfield High Speed Rail segment did not discuss potential impacts within the East Bakersfield area. I would concur that it is important that citizens with businesses and property in the East Bakersfield area review and provide comments on the EIR. In fact, I would encourage all citizens in the Bakersfield area to do so since this project will impact the entire community, not just those along or within the rail footprint. However, I respectfully disagree with your other comments that East Bakersfield has been properly evaluated in the EIR.

An EIR is supposed to be an informational document to inform public agency decision makers and the public of significant environmental effects of the project, identify possible ways to minimize those significant effects, and describe reasonable alternatives to the project. It should be written in plain English and be arranged so that information can be easily found and understood.

The decision to terminate the study just past the station is illogical. It divides the community under two different review processes (and timelines) even though the impacts across the entire urban area share common elements. It diffuses concerns since the EIR through East Bakersfield is not anticipated to be available for review for possibly a year or more. Therefore, the public has no way to compare and evaluate impacts west and east of the station. Furthermore, decisions made west of the station regarding an alternate selection will predetermine the selection to the east without the public being able to make appropriate comments.

L006-1

L006-2

Concerning the level of analysis for East Bakersfield, the current document includes chapters that discuss specific environmental effects, such as transportation, air quality, noise, visual, etc. Within those chapters are sections generally dedicated to specific rail alternatives. For example, if a person was interested in only the Allensworth Bypass Alternative, they can find that section within each chapter and be able to review the specific environmental issues.

However, for East Bakersfield, the Authority points out that all of the specific environmental issues are addressed in just one chapter, which is titled "Socioeconomics, Communities and Environmental Justice". First, by title alone, this provides no clue to a reader that all of the environmental impacts in East Bakersfield are located in this one chapter. Secondly, this is inconsistent with how all other environmental discussion is assembled. If one were to logically follow the environmental analysis of a specific alignment based on the document's current format, each chapter would discuss impacts to the entire city, not just the area west of the station. To somehow assume, as the Authority notes in their letter, that all of the environmental issues for East Bakersfield are addressed elsewhere, is confusing and disingenuous.

Although it is true that some information is provided in Chapter 3.12 regarding properties east of the station area, the level of detail regarding environmental impacts is not at the same level contained in other chapters. What may also cause further confusion to a reader attempting to be informed about East Bakersfield issues, the EIR references this area as Northeast Bakersfield, which does not characterize the correct geographic area of the city.

L006-3

Lastly, there are no detailed maps depicting affected properties or rail alignments beyond Baker Street. The Authority notes impacts to East Bakersfield are discussed, but provides no plans such as those provided west of the station. This makes it impossible for anyone to fully understand the precise impacts to public facilities, homes and businesses as the rail continues east through the urban area. This omission severely limits any meaningful review of the project in the East Bakersfield area.

Sincerely,

Alan Tandy
City Manager

cc: Raul Rojas, Public Works Director
Jim Eggert, Planning Director

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(661) 326-3751 • Fax (661) 324-1850

Response to Submission L006 (Alan Tandy, City of Bakersfield, September 12, 2011)

L006-1

The environmental analysis of project alternatives has been extended to Oswell Street in the Revised DEIR/Supplemental DEIS. All of the alternative alignments through Bakersfield merge at Oswell Street. Therefore, impacts associated with the complete length of the BNSF, Bakersfield South, and Bakersfield Hybrid alternatives are captured in the Revised DEIR/Supplemental DEIS.

L006-2

Refer to Standard Response FB-Response-GENERAL-20, FB-Response-SO-06.

The Northeast Bakersfield District is not completely contained within the project study area. This neighborhood, which lies south of East Truxtun Avenue between Union Avenue and Oswell Street, is only partially within the defined project study area for the Fresno to Bakersfield Section, but is examined as a whole community in this document.

See Appendix A in the Community Impact Assessment Technical Report for the methodologies used in the analysis, including how community boundaries were defined (Authority and FRA 2012g). The community boundaries in the Bakersfield area were determined through consultation with Bakersfield city planners and through examination of census tract boundaries.

L006-3

As discussed in Chapter 2 of the EIR/EIS, the project termini for the Fresno to Bakersfield Section of the HST system are the northern end of the Fresno station tracks, located along the UPRR rail line adjacent to Amador Street, and the southern end of the Bakersfield station tracks, located in the vicinity of Baker Street.

Because the Fresno to Bakersfield Section alignment alternatives extend south of the project's southern terminus at Baker Street, the impact analysis presented in the Revised DEIR/Supplemental DEIS extends through Bakersfield to Oswell Street in order to provide analysis and comparison of impacts for the full length of alignment alternatives carried forward.

The Revised DEIR/Supplemental DEIS includes detailed parcel maps and engineering profiles in Appendix 3.1-A and Volume III, respectively. Chapter 2 includes several

L006-3

alignment maps, and each resource area Section includes maps of various analyses conducted. In addition, detailed alignment maps have been available on the Authority's website, at all public meetings, and upon request.

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011)



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October 13, 2011

Mr. Dan Leavitt
Deputy Director Planning/Environmental
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

**RE: California High-Speed Train Project: Fresno to Bakersfield Section
Draft Environmental Impact Report/Environmental Impact Statement**

Dear Mr. Leavitt:

On behalf of the City of Bakersfield (City), we are submitting this letter in response to the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Fresno to Bakersfield Section of the California High-Speed Train Project (Project). We also acknowledge the notice issued by the California High-Speed Rail Authority (Authority) on October 5, 2011, that it intends to issue a revised DEIR/EIS in the Spring of 2012 that will re-introduce the Hanford West Bypass as an additional alternative alignment, along with an alternative station location to serve the Kings/Tulare region and other unspecified "improvements to the existing Fresno to Bakersfield alternatives." Please include this letter in the record of proceedings for the Project.

The City is a Coordinating Agency under the National Environmental Protection Act (NEPA), 42 U.S.C. section 4321, *et seq.*, and its guidelines, Code of Federal Regulations, title 40, section 15000, *et seq.*, and a Responsible Agency under the California Environmental Quality Act (CEQA), Public Resources Code section 21000, *et seq.*, and its guidelines (CEQA Guidelines), California Code of Regulations, title 14, section 15000, *et seq.* As such, the City takes its responsibility to participate in the environmental review of the Project very seriously.

The DEIR/EIS indicates the Project would have significant construction and operational impacts on residents of the City and surrounding communities that would permanently affect the physical environment and quality of life in the region. The nature and extent of the Project's significant environmental effects compelled the City to expend considerable resources in its review of the DEIR/EIS. During the unreasonably short period of time allowed by the Authority for reviewing and commenting on the Draft EIR/EIS, the City retained experts and directed City staff to evaluate the adequacy and completeness of the DEIR/EIS. The specific environmental issues identified in the comments enclosed as Attachment 1 were prepared by staff from the

City's planning, public safety, economic/redevelopment, property management, public works and engineering departments, and by experts retained by the City in the fields of traffic and transportation, noise, air quality, and the legal requirements of NEPA and CEQA. The curriculum vitae of these experts, which establish their qualifications, experience and expertise to comment on their respective subjects, are enclosed as Attachment 2. (*Sierra Club v. California Dept. of Forestry & Fire Protection* (2007) 150 Cal.App.4th 370, 382 [comments by qualified experts constitute substantial evidence that EIR is inadequate].) The experience and expertise of the City staff also qualifies their comments to serve as substantial evidence of the numerous ways in which the DEIR/EIS fails to comply with the procedural and substantive requirements of NEPA and CEQA. (*City of Arcadia v. State Water Resources Control Board* (2006) 135 Cal.App.4th 1392 [comments of government officials on a project's anticipated environmental impacts on their communities constitutes substantial evidence that EIR is inadequate]; *City of Rancho Cucamonga v. Regional Water Quality Control Board* (2006) 135 Cal.App.4th 1377 [comments of agency staff constitute substantial evidence].)

After careful review, the City has concluded that the DEIR/EIS fails to fulfill NEPA's and CEQA's fundamental objective of informing the public and the decision makers of the significant environmental effects of the Project and either omits or defers the information and analysis necessary to mitigate the Project's devastating significant impacts. The defects and omissions identified in the City's comments clearly show the DEIR/EIS fails to comply with the fundamental requirements of NEPA and CEQA. The City agrees with the Authority's decision to revise and recirculate the DEIR/EIS and fervently hopes that the revised and recirculated document will remedy the obvious deficiencies and produce a document which complies with the requirements of NEPA and CEQA.

GENERAL COMMENTS

- 1. The Initial Period of Time Allowed for Public Review and Comment Was So Unreasonably Short that It Precluded Effective Public Participation.**

The DEIR/EIS, including the appendices, reference material and previous environmental documents from which it tiered, comprised many thousands of pages of material. Despite the large volume of material and the enormous public interest in the Project and its potential impacts on the environment, the Authority allowed only sixty (60) days for public review and comment. This truncated review period was clearly unreasonable and effectively precluded any meaningful opportunity for informed agency and public participation.

Although the time allowed exhibited facial compliance with CEQA's minimum requirements, it clearly violated the Authority's duty to provide an adequate opportunity for public review and comment and to ensure informed public participation in the environmental review process. (14 CCR §§ 15086, 15087, 15201). Numerous concerned persons, including the City, requested that the Authority allow reasonable additional time for public review of the DEIR/EIS. The failure to allow a reasonable time for public review of such an unusually long and complex DEIR/EIS denied meaningful participation by interested agencies, organizations and individuals and violated CEQA's most basic objectives.

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

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On October 5, 2011, however, the Authority gave notice that it intended to prepare a revised DEIR/EIS in the Spring of 2012, which will be recirculated for public review and approval. Although it informed the public that "[t]his step will also afford additional time to review the information contained in the current Draft EIR/EIS," the notice also stated that the "formal comment period for the Fresno to Bakersfield section Draft EIR/EIS will still end on October 13, 2011." The ambiguity of the notice and the confusion it has created are contrary to the procedures for recirculation set forth in CEQA Guidelines section 15088.5.

The unreasonably brief period of time allowed for review of the DEIR/EIS has prevented the City and others from being able to digest and comment on much of the information contained in the DEIR/EIS and its related materials. The City's comments, which include the general comments below and specific comments prepared by the City's experts and staff in Attachment 1, necessarily discuss only some of the important environmental issues which have not been adequately addressed in the DEIR/EIS. Accordingly, the City reserves its right to submit additional comments in the future on the revised DEIR/EIS, including any and all unrevised portions of the original DEIR/EIS which it may contain.

L007-1

2. The Project Description Is Uncertain and Incomplete.

The description of the Project is ambiguous and unstable because it fails to identify a proposed project and instead identifies several possible alignment and HMF alternatives, one of which will be identified in the Final EIR/EIS as the preferred alternative. This approach is contrary to NEPA, which considers the project description to be "the heart of the EIS" and requires the EIS to analyze a proposed project and alternatives. (40 CFR §§ 1502.14, 1502.16(d).) It also is contrary to CEQA, which considers an accurate, stable and fixed project description to be the *sine qua non* of a legally sufficient EIR. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655-656.)

The DEIR/EIS's consideration of six alternatives, without identifying which is the proposed project, results in an ambiguous and unstable project description which precludes informed public participation. Although the multiple alignment alternatives give the Authority several options from which to choose, they prevent the public and responsible agencies from knowing which alternative is the "proposed project" to which they should devote substantive attention. By deferring identification of the preferred alternative until the Final EIR/EIS is prepared, the Authority effectively precludes informed public review and comment on the DEIR/EIS. The use of multiple alternatives with no designated project also obscures and frustrates the fundamental purpose of alternatives, which is to avoid or substantially reduce the proposed project's significant environmental impacts. Unless this defect is remedied, the consideration of an additional route in the revised DEIR/EIS will only exacerbate the defect. Accordingly, the revised DEIR/EIS must identify which alignment is the proposed "project" and which alignments are project alternatives, which are intended to avoid or substantially reduce the significant effects of the proposed project.

The failure to identify a proposed "project" may be due to the fact that the design of the Project has not reached a point that allows meaningful environmental review. In the City's experience, environmental review of a project is premature until the project design is at the 30% stage. The alignment alternatives in the DEIR/EIS are only at the 15% design stage, and there is only a hypothetical design proposed for the "potential" Kings/Tulare Regional Station. Both

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CEQA and NEPA require environmental review to begin only "at that stage in the development of an action when . . . the effects can be meaningfully evaluated." (40 CFR § 1508.23; 14 CCR § 15004(b).) The DEIR/EIS confirms that environmental review of the Project is premature with a number of critical studies not yet complete, the analysis of several significant impacts deferred, and many mitigation measures in only the early stages of formulation. The City encourages the Authority to use the additional time not only to prepare a revised DEIR/EIS, but also to prosecute the proposed design to a stage sufficiently complete to allow meaningful evaluation of the Project's significant environmental effects.

3. The Analysis of the Project's Environmental Impacts Is Inadequate.

NEPA and CEQA require the analysis of potential impacts to be "reasonably thorough." (*City of Carmel-by-the-Sea v. US Dept of Transportation* (9th Cir. 1993) 123 F.3d 1142.) The DEIR/EIS is inadequate because it frequently discusses environmental effects in only general terms and fails to quantify extent of the Project's potential impacts. (*Galante Vineyards v. Monterey Peninsula Water Management District* (1997) 60 Cal.App.4th 1109, 1122-1123.) The DEIR/EIS purports to be a project level EIR that provides "site specific detailed analysis." (DEIR/EIS, p. 5-1.) Instead, it deals largely in generalities and frequently fails to quantify the extent of the anticipated impacts. Without such specific information, the public and the decision makers cannot assess the severity of potential impacts or the adequacy and effectiveness of proposed mitigation measures.

The DEIR/EIS also is inadequate because many of the assumptions, analysis and conclusions regarding potential impacts are not supported by facts, data or other substantial evidence. NEPA and CEQA require a lead agency to explicitly reference the scientific and other sources which support the discussions, analyses and conclusions in an EIS. (40 CFR § 1502.24; *Te-Moak Tribe of Western Shoshone of Nevada v. U.S. Dept of Interior* (9th Cir 2010) 608 F.3d 592; 14 CCR § 15147; *Joy Road Area Forest and Watershed Assn. v. California Dept. of Forestry* (2006) 142 Cal.App.4th 656.) The discussion of virtually every potential environmental impact consists of conclusory statements which are not supported by any scientific data or other facts. Unless they are supported by substantial evidence, the assumptions, analysis and conclusions in the revised DEIR/EIS will be susceptible to a successful legal challenge.

4. The Proposed Mitigation Measures Are Incomplete and Ineffective.

NEPA requires an EIS to discuss mitigation measures "in sufficient detail to ensure that environmental consequences have been fairly evaluated." (*City of Carmel-by-the-Sea v. US Dept of Transportation* (9th Cir. 1993) 123 F.3d 1142.) CEQA also requires an EIR to identify specific mitigation measures that will avoid or reduce the significant impacts of a proposed project. (14 CCR § 15126.4.) Proposed mitigation measures must be sufficiently specific to ensure they are enforceable and effective. (*Vineyard Area Citizens for Responsible Growth, etc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412.) Vague, incomplete or speculative mitigation measures are insufficient under CEQA. (*Federation of Hillside & Canyons Assn. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260.) As succinctly stated in the CEQA Guidelines, "[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments." (14 CCR § 15126.4(a)(2).)

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The DEIR/EIS fails to comply with the basic requirements of CEQA for effective and enforceable mitigation. The discussion of mitigation measures in each section of the DEIR/EIS fails to identify mitigation measures with sufficient specificity to gauge their effectiveness and enforceability. Few, if any, of the recommended measures identify who is to perform the mitigation, what action is required, when the mitigation must be performed, or how it is to be accomplished.

Under NEPA and CEQA, an essential component of an adequate discussion of mitigation measures is an assessment of whether the proposed measures would be effective. (*South Fork Band Council of Western Shoshone of Nevada v. U.S. Dept. Of Interior* (9th Cir. 2009) 588 F.3d 718.) The DEIR/EIS is inadequate because it improperly defers the formulation of necessary mitigation measures. (14 CCR § 15126.4(a)(1)(B); *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 669-671.) In many critical areas, necessary mitigation measures or critical components of the measures are left for future determination. Where the mitigation measures are not identified and agreed on, the conclusion that impacts will be mitigated is unsupported. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70.)

In addition, the DEIR/EIS repeatedly conditions the implementation of necessary mitigation measures with the words "where possible" or "to the extent feasible," which violates CEQA by improperly delegating the determination of whether or what mitigation will be performed to unnamed persons and making it uncertain whether the significant impact will or will not be mitigated to a level below significance. As a result, it is impossible for public and the decision makers to know whether the measures will be effective and enforceable. (*City of Carmel-by-the-Sea v. US Dept of Transportation* (9th Cir. 1993) 123 F.3d 1142; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296.)

An EIR/EIS is required to evaluate feasible mitigation measures proposed by the public or responsible agencies. (14 CCR § 15126.4(a)(1)(A), (B).) The Authority undoubtedly will receive comments from other agencies and members of the public which propose feasible mitigation measures that may avoid or reduce the severity of the Project's significant impacts. The City requests that these mitigation measures be adopted and, if they are not adopted, that the DEIR/EIS explain the reasons for not doing so.

5. The DEIR/EIS Did Not Consider a Reasonable Range of Alternatives.

An EIR/EIS is required to analyze a reasonable range of alternatives that will fulfill the fundamental objectives of a proposed project and will avoid or substantially reduce any of its significant environmental effects. (40 CFR § 1502.14; 14 CCR § 15126.6.) Under CEQA, it is the lead agency's responsibility, not the public's or responsible agencies' duty to identify feasible alternatives. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405.) The range of alternatives discussed in an EIR must be sufficiently broad that it "will foster informed decision making and public participation." (14 CCR § 15126.6(a); *Center for Biological Diversity v. U.S. Dept. Of Interior* (9th Cir. 2010) __ F.3d __.) The existence of reasonable but unexamined alternatives renders an EIS inadequate. (*Ibid.*)

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The DEIR/EIS fails to comply with NEPA and CEQA because it did not consider a reasonable range of alternatives and instead, except for the mandatory "no project" alternative, examined only minor variations in portions of the proposed alignment. The DEIR/EIS' failure to consider other alternatives that could avoid or substantially reduce any of the Project's significant impacts, such as an alignment that follows established transportation corridors (e.g., SR-99) or an alternative technology that would avoid or minimize one or more significant impacts (e.g., maglev), renders the analysis inadequate and incomplete.

6. The Authority Must Provide Meaningful Responses to the City's Comments.

NEPA and CEQA require a lead agency to provide meaningful responses to public and agency comments. (40 CFR § 1503.4; 14 CCR § 15088.) "Comment noted" is not a meaningful response. If a comment does not warrant further response, the lead agency is required to explain why, "citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response." (40 CFR § 1503.4(a)(5).) The lead agency's responses to comments must describe the disposition of all significant environmental issues raised in the comments and must provide detailed, reasoned, good-faith analysis of the issues raised. (14 CCR § 15088(c).) Conclusory statements unsupported by factual information are not an adequate response. (*Ibid.*) An EIS cannot ignore reputable scientific criticism. (*City of Carmel-by-the-Sea v. US Dept of Transportation* (9th Cir. 1993) 123 F.3d 1142.) Accordingly, reasoned, factually supported responses are particularly important where the comments are made by responsible agencies or by experts. (*Berkeley Keep Jets over the Bay v. Board of Port Commrs.* (2001) 94 Cal.App.4th 1344, 1367, 1371.)

The Project and its potential significant environmental effects are of enormous interest to the City and its residents. The general comments set forth above and the specific comment contained in Attachment 1 are based on the experience and expertise of City staff and the experts retained by the City to evaluate the adequacy of the DEIR/EIS. The City trusts that the Authority will fulfill its statutory duty to provide detailed, reasoned and meaningful responses to the numerous significant environmental issues raised in these comments.

CONCLUSION

The City is submitting these initial comments in advance of the revised DEIR/EIS in a good-faith effort to assist the Authority in preparing an adequate and complete assessment of the significant environmental impacts the Project will have in the Central Valley. The City looks forward to receiving a meaningful opportunity to review the revised DEIR/EIS and to providing additional comments on the entire revised DEIR/EIS when it is recirculated in the Spring of 2012.

The City appreciates the opportunity to provide these initial comments and trusts that the Authority will fulfill its duties as the Lead Agency to prepare and recirculate a revised DEIR/EIS that accurately, adequately and completely discusses the extensive adverse environmental impacts the Project will have upon the community.

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Lastly, members of the public have submitted comments regarding the project to the City Council either by mail or electronically. Since we do not know if these comments were also sent to the Authority, we have included those letters with this correspondence so that they may also be considered as formal comments on the DEIR/EIS (see Attachment 4).

Respectfully,



Jim Eggert
Planning Director

Enclosures

cc: David Valenstein, USDOT Federal Railroad Administration
Zachary Simmons, US Army Corps of Engineers

Mayor and Councilmembers
Alan Tandy, City Manager
Virginia Gennaro, City Attorney
Raul Rojas, Public Works Director
Rhonda Smiley, Asst. to City Manager
Steve Teglia, Asst. to City Manager

ATTACHMENT 1

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Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
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Attachment 1 page 1

Attachment 1 page 2

ATTACHMENT 1
SPECIFIC ENVIRONMENTAL ISSUES/COMMENTS
FRESNO TO BAKERSFIELD SECTION DEIR/EIS

GENERAL

- L007-2
- The lead agency for the project is identified as the California High Speed Rail Authority, which was established in 1996 as a State entity (as defined on their web site). As such, we question why the draft document is not following the higher standards of the California Environmental Quality Act (CEQA) and CEQA Guidelines concerning format, specific identification of impacts, specific mitigation, overriding considerations, etc.
- L007-3
- The main EIR (Volume I) is over 1,500 pages. Overall, there are over 3,300 pages covering three volumes, plus reference documents and appendices comprising thousands of additional pages of material. For the entire metropolitan Bakersfield area (population approximately 500,000 people), only one hard copy of all of the EIR volumes and sections was provided for public review. This is insufficient and does not provide the public with adequate means to review the document. This is a lengthy and complicated report that is extremely difficult to review on a computer and a substantial portion of local residents either do not have access to or are not sufficiently proficient with a computer to be able to review the EIR and related materials. When considered in light of the extremely short comment review period, the result is that the public is being deprived of a meaningful opportunity to review and comment on the adequacy of the EIR.
- L007-4
- The existing 45 day comment period (later extended 15 days) is inadequate and denies due process to those seeking to comment on this EIR/EIS. In 2004, the public review period for the program EIR/EIS, which was a much more generalized document that only provided decision-makers with sufficient information to decide whether to continue with the process to pursue a high-speed rail system, was given a 180-day public review period. This EIR/EIS is a much more detailed and technical project level document, but was only given a 60 day review period. This is plainly insufficient to allow for any meaningful review by agencies affected by the project and the general public.
- Although on October 6, 2011, the Authority released a public notice indicating that a revised DEIR/EIS will be released in Spring 2012 with its own 45-day review period, that notice states comments are still due on the initial DEIR/EIS within the original 60-day period. Furthermore, there is nothing stated in that release that the Authority will accept comments for the entire revised document or if responses to comments will be limited to just the revisions. Since the Authority's press release contains comments from Mr. van Ark and community elected officials that imply additional time will be given to adequately review the DEIR/EIS, it is presumed that means the entire document and not just the revisions.
- Both NEPA and CEQA state that an EIS and/or EIR shall be written in plain language and use appropriate graphics so decision-makers and the public can rapidly understand the documents. Additionally, the draft document should normally be less than 105 pages, and for proposals of unusual scope or complexity, may be up to 300

- pages. This draft document is five times the recommended maximum. Its size and inclusion of technical discussions, and inclusion of technical engineering drawings are undecipherable to the majority of the general public. Further, although the EIR is many times longer than the recommended maximum, the Authority has refused to allow sufficient additional time for public review and comment. Allowing only the bare minimum 45 days for public comment, even with the additional 15 days agreed to by the Authority, is patently insufficient to allow for any meaningful opportunity to review and comment on the entire EIR.
- L007-5
- The City received public notice based on its ownership of impacted properties, which was identified by an Assessor's parcel number at the upper right-hand corner of the notice (note: some of these numbers were incomplete for proper identification). We presume that other individuals with impacted properties may have also received this notice and that these notices were sent only to those property owners impacted as identified in "Volume II - Parcels Within the HSR Footprint". However, there is no indication to the property owner why they are receiving the notice. The notice only states that the property owner, resident, or business owner is "in the project area" but this area is not defined. The map included in the notice provides no guidance since it shows the entire rail route between Fresno and Bakersfield at a scale that does not help the property owners determine if their property is truly impacted. There is nothing in the notice that states these properties are within the footprint of the HSR, or does it give any indication that the HSR directly affects their property or business. This is very misleading to those owners. We suggest that the notice be rewritten and resent to these affected property owners with better maps clearly indicating whether there would be a direct or indirect impact of the proposed rail to their property.
- L007-6
- There is no specific project description that includes the project's technical, economic or environmental characteristics to provide the basis for the discussion of environmental effects in accordance with Section 15124 of the CEQA Guidelines.
- L007-7
- The DEIR does not contain a discussion of the environmental setting that establishes the baseline physical conditions to determine whether an impact is significant. This makes it difficult to ascertain if significant environmental impacts were adequately investigated and discussed, and if meaningful mitigation is being proposed in accordance with Section 15125 of the CEQA Guidelines.
- L007-8
- Although the two routes are shown in Bakersfield, the EIR does not consistently identify them. In preliminary maps provided to the City and public prior to release of the EIR, the alternates were identified as "Blue" and "Red". In the EIR text these alternates are identified as the BSNF Alternate (previous Blue) and Bakersfield South Alternate (previous Red). However, in Chapter 2 (Alternatives), it concludes that two alternates named D1-S and D2-N were being carried forward into the EIR evaluation, which we believe correspond to the BSNF and Bakersfield South alternates, respectively, but there is nothing mentioned in that section that establishes that correlation. In Volume III, which contains the alignment maps, these routes are shown as Alignment B1 and Alignment B2 (appears to correspond to BSNF and South Bakersfield alternates, respectively). In Volume II, which shows the HSR footprint maps, the alternates are not identified or labeled at all. Lastly, the proposed high speed train stations are identified as North and South Alternates, which would correspond to the BSNF and South Bakersfield alternatives, respectively (it would have been better served to identify

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 Continued

Attachment 1 page 3

Attachment 1 page 4

- L007-8 these stations consistent with the alternative alignment names). To conclude, by not consistently identifying the alternative routes and corresponding stations, it makes it extremely difficult for the reader to follow a particular alternate through the analysis process and attempt to compare them with the maps contained in the other volumes. The inconsistent description of the project fails to comply with the basic CEQA requirement that an EIR provide "an accurate, stable and consistent project description. The failure to provide a stable and consistent description of the proposed project causes the EIR to be inadequate and requires the description of the project to be revised and recirculated for public review. See *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 197; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655.
- L007-9
- In all early meetings with Authority staff, the City and public were provided maps showing the rail through the populated area from 7th Standard Road to Oswell Street. These maps also included the two alternatives beginning from where they split near Rosedale Highway to where they joined back together at Oswell Street. However, the EIR only shows the alternates ending near Baker Street. The remainder of East Bakersfield is stated to be analyzed in a subsequent EIR within the next one to two years. Furthermore, some maps in Volume III and the portions of the EIR (Socioeconomics) discuss at length impacts to East Bakersfield but no defined rail line maps or parcel information is available to fully evaluate potential impacts. This causes a couple of problems. First, in order for the City and public to fully understand and evaluate the EIR's impacts within the Bakersfield Metropolitan area, the study should have included the entire stretch of rail within the populated area. Property and business owners east of the station area are at a disadvantage since the two rail alternatives clearly show a continuation to the east. This continuation to the east will diffuse any cumulative impact discussion in the EIR. Secondly, any selection of an alternative west of the station cannot be made before the EIR for East Bakersfield is completed. The East Bakersfield property owners must be able to understand the potential impacts east of the station before they can have meaningful discussion on the entire alternative through the metropolitan area. The failure to include the entire stretch of rail in the East Bakersfield area causes the project description to be inadequate and incomplete, which in turn causes the entire analysis of potential impacts to be inadequate and incomplete. Please revise the EIR to describe the entire proposed alignment through East Bakersfield and analyze the potential impacts of the complete alignment. Once the EIR is revised, it would be recirculated in accordance with the CEQA Guidelines for public review and comment. See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655; *Rural Land Owners Assn. v. City Council* (1983) 143 Cal.App.3d 1013, 1024.
- L007-10
- Although more detailed property maps should have been available to the public a very long time ago, there is no way to compare impacted properties of one alignment verses the other in the "Parcels Within HSR Footprint" volume. The maps show all impacted properties together. Therefore, it is not possible for someone to compare alignments and try to even support one over the other based on those impacts. Additionally, it is noted that some properties that probably should have been shown as impacted since the rail goes over/through them, show no impact at all (no color given).

- L007-10
- Since people will naturally migrate to the route maps, they will have difficulty finding the information about what the colors mean in any detail, especially if their property is shown as impacted. There is no detailed discussion in the EIR as to what these colors depict and what is actually impacted.
- L007-11
- The EIR/EIS does not adequately discuss nor address impacts to the City of Bakersfield's South Mill Creek Redevelopment Project. South Mill Creek, generally bounded by 'N' Street, California Avenue, 'S' Street and the BNSF railway, and adjacent to the described Bakersfield HSR station, is an approximate 20-acre mixed-use development which includes over 160 affordable housing units, and approximately 100,00 square feet of commercial uses on a former brownfield site. The EIR's failure to discuss potential impacts on the residents of these affordable housing units, including the sensitive receptors located there, renders the EIR inadequate and incomplete.
- L007-12
- Mitigation Measures (MM): Analysis text states that some mitigation may not be feasible because other jurisdictions have control over implementation of the MM. Therefore, these MMs are incomplete and inadequate.
- Examples:
- a) Pg 3.1-6: the City of Bakersfield controls street intersections where HRS may not be allowed to change/improve. However, the MM does not state how HSTP will mitigate if the City does not allow access to the intersection. In addition, the EIR should identify and discuss other mitigation measures and alternatives that are within the jurisdiction of the Authority.
- b) Pg 3.4-45; N&V-MM#3 (3rd bullet): is written to imply exterior sound barriers are not feasible, installation of building sound proofing (windows, insulation) would be adequate to mitigate interior noise.
- L007-13
- L007-14
- There is no mention of need for "Statement of Overriding Considerations" for those impacts that remain significant (Air, Noise, Traffic, Biological Resources, Aesthetics/Visual Resources, Cultural Resources)
- L007-15
- The 2010 Federal Census shows that within the City of Bakersfield 45.5 % of the total population is of an ethnic origin that is Hispanic or Latino; for Kern County it is 49.2% of the total population. Many of these individuals may read, write or speak limited English. Because the Project impacts neighborhoods that contain high percentages of this ethnic group, the DEIR/EIS should have also been made available in Spanish.

PURPOSE

- L007-16
- Page 1-27, Section 1.4.4 incorrectly states regarding the Bakersfield Thomas Roads Improvement Program (TRIP) that alternatives for the Fresno to Bakersfield HST Section in Bakersfield would overlap portions of the Centennial Corridor Alternative D between Mohawk Street and Union Avenue. Alternative D was dropped prior to the Centennial Public Update Meeting (May 2011) as a viable alternative for the Centennial Corridor Project.

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ALTERNATIVES

- L007-17 |
 - On page 2-27 under the Bakersfield Subsection, the discussion is totally inadequate under Section 15126.6 of the CEQA Guidelines. Rather than provide a range of reasonable alternatives to the project or to the location of the project, it discusses which alternatives were dropped from further analysis leaving just two routes within close proximity to one another. No maps have been provided to show the removed alternatives, nor are the remaining routes identified with the same names in the DEIR and maps thereby confusing the reader.
- L007-18 |
 - Page 2-28 states that in 2003 the City of Bakersfield, along with the Kern Council of Governments and the County of Kern, endorsed the "Truxtun" downtown Bakersfield High-Speed Train (HST) station as the preferred alternative. However, the Truxtun station concept was preliminary at that time and was not accompanied by a proposed HST alignment. Furthermore, it was not known at that time that this station location would result in an elevated guide-way through downtown Bakersfield or that this station location would dictate what has become an essentially fixed HST alignment based upon the minimum design speed for express trains passing through, but not stopping in, Bakersfield. Furthermore, the extent of the impacts of the preferred alternative to established communities, businesses, institutions, and vital governmental facilities was not known at that time. For these reasons, it is imperative that a CEQA alternative consisting of an HST alignment which bypasses downtown Bakersfield, including alternative station locations, be included as part of the EIR analysis as a potential means to avoid or reduce the significant environmental effects of the project. Concepts considered to be desirable prior to the full evaluation of their environmental effects should not preclude the consideration of CEQA alternatives within an EIR which might be effective in avoiding or reducing significant environmental effects.
- L007-19 |
 - On page 2-70, there is a general description of the two station locations, but there is no discussion or analysis as to their impacts upon existing development in the area.
- L007-20 |
 - On page 2-89 under Section 2.5.3, Ridership and Station Area Planning, the second paragraph states that research suggests that the percentage of transit passengers arriving/departing transit stations by car and needing to park decreases as land use development and population around the station increases. This may be true for a typical commuter rail system, but the logic is flawed for a project that has been identified as an alternative to air travel with at least half of the trains not even stopping in the city. There are no facts supporting these statements. Parking and supportive transit services around the station will be significant, increasing congestion on the local streets. This will, in turn, increase vehicular exhaust emissions negatively affecting local air quality in the area. These issues are not discussed.
- L007-21 |
 - On page 2-91, we question the statement that the "dwell time" at stations for passenger loading and unloading will only take 90 seconds. This figure seems incorrect.
- L007-22 |
 - The no project alternative discussion is inadequate and fails to meet any of the requirements under Section 15126.6(c) of the CEQA Guidelines. Later sections (not all) sometimes include further discussion of the no project alternative relative to the environmental effect. However, this piece-meals the overall discussion making it

- L007-22 |
 - difficult to determine if the no project alternative is a relevant alternative. Furthermore, there are no facts provided to determine if the no project alternative is or is not environmentally superior.
- L007-23 |
 - Page 2-93 states that "The HST will be most successful, and will best fulfill the intent of the voters and Legislature, if it is coordinated with sprawl-reducing and environment-improving land use development patterns. Accordingly, the Authority has adopted HST Station Area Development Policies based on the following premise: For the high-speed train to be more useful and yield the most benefit, it is important that the stations be placed where there will be a high density of population, jobs, commercial activities, entertainment, and other activities that generate personal trips." In our opinion, no basis exists for the Authority's assertion that these policies reflect the intent of the Legislature and voters in formulating and approving Proposition 1A. Despite the desire of the Authority to base route alignment decisions upon these policies, it is our opinion that an HST system would serve as an alternative to private vehicles, bus, rail, and air modes of transportation for intercity travel and, therefore, does not require stations to be sited within dense urban centers. Now that the project-level environmental effects of a downtown Bakersfield station and the resulting HST alignment are beginning to be realized, the time is ripe to evaluate the merits of the preferred alternative relative to potential alternatives. Instead, it has become increasingly apparent that the Authority's goal is to rush ahead to final engineering design and construction without the required analysis of feasible alternatives that take into account site-specific adverse impacts and without regard for the City's concerns.
- L007-24 |
 - With respect to at least one preliminary alternative which would have avoided downtown Bakersfield but was rejected (Alternative 4), page 2-29 states that "This initial alternative was not carried forward for further consideration as it would not meet the project's purpose and need of providing a downtown station." However, nowhere within Section 1.2 of the EIR (Purpose of and Need for the HST System and the Fresno to Bakersfield HST Section) is it specified that the need for a downtown Bakersfield station has been officially established. To preclude the consideration of such an alternative in spite of the significant environment effects of the preferred alternative is contrary to the requirements of CEQA Guidelines Section 15126.6, including but not limited to subsection (f)(2) Alternative locations. Furthermore, CEQA is clear that an alternative is not infeasible simply because it may not meet one of the project's objectives. See *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477.
- L007-25 |
 - Page 2-93 states Proposition 1A mandated that HST stations "...be located in areas with good access to local mass transit or other modes of transportation." In Metropolitan Bakersfield, current and future planned mass transit consists solely of Golden Empire Transit and Kern Regional Transit bus and dial-a-ride services. Other modes of transportation in Metropolitan Bakersfield consist of private vehicles, taxis, and bicycles. The provision of good access from a Metropolitan Bakersfield HST station to local mass transit is not dependent upon a downtown station location. In fact, it is our belief that a significant proportion of HST system users in the Metropolitan Bakersfield area may be more likely to utilize the system if they are not required to travel to and, for those utilizing private vehicles and bicycles, to park for an extended period of time in the downtown area. Furthermore, with respect to bicycle accessibility, many areas of Metropolitan Bakersfield are more conveniently

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L007-25 | accessible to the Kern River Bike Path, a fully grade-separated bikeway which bisects the central portion of Metropolitan Bakersfield in an east-west direction, than to downtown Bakersfield.

L007-26 |

- Due to the lack of guaranteed funding for extensions of the HST system beyond the Fresno to Bakersfield Section, travel demand and ridership forecasts should have been studied for a scenario where no future extensions beyond this initial section are constructed. By doing so, a comparison of the benefits versus the environmental effects of the project studied in the EIR would be possible, which is necessary in order for the Authority's decision makers to formulate a statement of overriding considerations, as required under CEQA, in conjunction with project approval. Alternatively, if the HST benefits are derived based on a full ridership Project Description, then the HST EIR should study the entire Project including the projected track through East Bakersfield as opposed to the piecemeal analysis which ignores potentially severe impacts to one of Bakersfield's more challenged urban locations.

TRANSPORTATION

L007-27 |

- On page 3.2-8, Section 3.2 Transportation HSR incorrectly assumes that the daily trips are 4,590. That number of vehicle trips corresponds to the number of "Boardings," which is forecast to be 9,200 for the Bakersfield station. There are an equal number of "Alightings." Therefore the number of daily vehicle trips is twice what is indicated in Table 3.2.5. The assumed percentage of trips occurring in the peak hour is 15% and is too high. It should probably be closer to 10, or even 7 to 9 percent, consistent with auto peaking characteristics, instead of local bus peaking characteristics, which are typically 30% in the AM peak period and 30% in the PM peak period. The local transit peak hour percentages are a function of work and school trips being the prominent trip purposes for local transit trips. To really get the proper % during the peak hour, one should look at the diurnal distribution of traffic on I-5 and SR 99 for automobiles. The EIR must be revised and recirculated to correct the significant underestimate of vehicle trips for the Bakersfield station and the unsupportable percentage of trips allocated to peak hours.

L007-28 |

- Caltrans in cooperation with the City of Bakersfield is currently preparing a Caltrans Project Study Report (PSR), and a Project Report (PR) and Environmental Document (EIR/EIS) for the Centennial Corridor Loop Project. This project, which will be adopted as State Route (SR) 58 immediately after construction, provides a continuous route along SR-58 from Interstate 5 (I-5) to Cottonwood Road on existing SR-58, east of SR-99. The proposed continuous route has been divided into three distinct segments. Segment 1 is the furthest eastern segment that would connect the eastern terminus of the Westside Parkway to the existing SR-58 (East) freeway. Segment 2 is composed of what is locally known as the Westside Parkway (WSP) and extends from Heath Road to Mohawk Street, and is currently under construction. Segment 3 extends from I-5 to Heath Road.

Three build alternatives (A, B, & C) are under consideration within Segment 1 of the Centennial Corridor. The proposed HST alignments are in direct conflict with Alternative C. This segment includes future direct connectors from Southbound SR-99 to westbound SR-58 and from eastbound SR 58 to northbound SR 99. The future direct connectors would be located east of the Mohawk Street Interchange, skewing across

L007-28 |

the BNSF rail yard, and tying into SR-99 near the Rosedale Highway Interchange. Estimated at \$275 million, the direct connectors are not included in the build alternatives at this time; however, the project cannot preclude the construction of these connectors in the future. Potential conflicts with HST, which must be addressed in the EIR and, where appropriate, resolved through design changes or mitigation measures, are as follows:

Alignment B1

- a. The HST vertical profile and the eastbound SR 58 to NB SR 99 connector vertical profile are proposed to be at the same elevation (approx. 475 feet). Elimination of the conflict would require a change in profile of 30 to 40 feet.
- b. HST alignment is proposed to be constructed directly above an active 6 to 8 lane freeway at an extremely high skew for potentially thousands of feet (Centennial scheduled to be constructed prior to HST).
- c. HST must span 6 to 8 lane mainline freeway plus approaches and auxiliary lanes to the future connectors.
- d. Outrigger placement will be critical. Freeway median cannot accommodate proposed columns for outrigger; thus, requiring widening of the freeway and encroaching onto railroad right-of-way.
- e. Temporary false work placement will impact active freeway for thousands of feet.
- f. Outrigger placement cannot preclude future widening of freeway. Current median width designed to accommodate future lane (possibly HOV).
- g. Proposed HST equipment location may be in conflict with Segment 1 and Segment 2 (Westside Parkway).

Alignment B2

- a. The HST vertical profile and the eastbound SR 58 to NB SR 99 connector vertical profile are proposed to be at the same elevation (approx. 465 feet). Elimination of the conflict would require a change in profile of 35 to 45 feet.
- b. Proposed HST equipment location may be in conflict with Segment 1 and Segment 2 (Westside Parkway).
- c. Centennial Project will construct off-ramp from westbound Centennial Corridor to Mohawk Street interchange. HST profile would possibly need to be raised to provide vertical clearance above off-ramp.

L007-29 |

- Regarding the Westside Parkway, which is currently under construction west of SR-99, potential conflicts with HST, which must be addressed in the EIR and, where appropriate, resolved through design changes or mitigation measures, are as follows:

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Alignment B1

- a. HST alignment is proposed to be constructed directly above an active 6 to 8 lane freeway at an extremely high skew for potentially hundreds of feet.
- b. HST must span 6 to 8 lane mainline freeway plus interchange, approaches and auxiliary lanes already in place.
- c. Outrigger placement will be critical. Freeway median cannot accommodate proposed columns for outrigger without sacrificing future widening. Current median width is designed to accommodate future lane (possibly HOV) or a light rail facility.
- d. Temporary false work placement will impact active freeway for hundreds of feet.
- e. Construction activity may affect the commuters directly for extended amount of time with high cost and delays.
- f. Proposed HST equipment location may be in conflict with Segment 1 and Segment 2 (Westside Parkway).

Alignment B2

- a. HST alignment is proposed to be constructed directly above an active 6 to 8 lane freeway at an extremely high skew for potentially hundreds of feet.
- b. HST must span 6 to 8 lane mainline freeway plus interchange, approaches and auxiliary lanes already in place.
- c. Outrigger placement will be critical. Freeway median cannot accommodate proposed columns for outrigger without sacrificing future widening. Current median width is designed to accommodate future lane (possibly HOV) or a light rail facility.
- d. Temporary false work placement will impact active freeway for hundreds of feet.
- e. Construction activity may affect the commuters directly for extended amount of time with high cost and delays.
- f. Proposed HST equipment location may be in conflict with Segment 1 and Segment 2 (Westside Parkway).

L007-30

- Page 3.2-33 states that the Golden Empire Transit District is operated by the City of Bakersfield. This statement is incorrect. It is a separate agency.

L007-31

- The attached Ridership and Revenue tables indicate the ridership and access modes by station, and the parking requirements at each station. On page 3.2-62 of the EIR/EIS, the document correctly indicates the parking requirement to be 7,400 spaces

L007-31

at the Fresno Station. On page 3.2-68 for Bakersfield, the document states, "The station parking areas would accommodate approximately 2,300 parking spaces at the Bakersfield Station." However, the attached table indicates the parking requirement at the Bakersfield station to be 8,100 spaces. Below the topic of Bakersfield Parking Impacts, Bakersfield Area Transit Impacts and Bakersfield Pedestrian and Bicycle Impacts are discussed. The volumes cited match those reported in the attached tables. So clearly the parking requirement is in error.

It is further noted that the attached tables indicate in a footnote that "Egress is mirror of access." This means that there are an equal number of passengers (and associated vehicle trips) de-boarding the trains and leaving the stations. The daily trips reported in Table 3.2-5 on page 3.2-8 are incorrect for several reasons. For Bakersfield, the attached tables note that 1,400 autos are dropping off passengers. Once the autos drop off the passengers, they depart the station. That is 2,800 vehicle trips. Additionally, there are 2,300 motorized vehicles arriving to park, 400 rental cars being returned, and 400 taxis dropping off passengers. These total 5,900 vehicle trips for the boarding passengers, not the 4,590 daily trips reported in table 3.2-5. Plus there are an equal number of de-boarding related trips. Therefore, there are 11,800 daily trips for Bakersfield and 11,200 daily trips for Fresno.

L007-32

- The Bakersfield Roadway Segment Impacts are discussed on page 3.2-66 and quantified on the following pages in Tables 3.2-21 and 22. In Table 3.2-21, Existing Plus Project scenario, there is virtually no difference between the "existing" and the "existing plus project" average daily traffic volumes. Some of these segments are incorrectly referenced so we cannot identify (SR 178 between 23rd Street and Chester Avenue, and 23rd Street between 24th Street and F Street). However, none of the 11,800 vehicles a day traveling to or from the station are apparently traveling along these segments. Under the Future with Project scenario, Table 3.2-22, it is easier to tell what roadway segment the authors are referencing. On 23rd Street, between F Street and Chester Avenue, not one extra vehicle will be on the roadway as a result of the HST station being constructed. It seems inappropriate to conclude that no one will want to use 23rd and Q Streets to get to the station. We did not further look at the individual level of service (LOS) results for the intersections, because with these ADT and station trip activity volume errors, the LOS results would not provide accurate or reliable data to base any conclusion. These errors alone are significant enough to warrant a re-study of traffic impacts.

L007-33

- The City of Bakersfield, Greater Bakersfield Separation of Grade District, and the County of Kern, in coordination with adjacent property owners, have been engaged in defining Specific Plan Lines for the alignments and limits of grade separations along the BNSF Railway at Kratzmeyer Road, Renfro/Jenkins/Reina Roads and West Beltway. The addition of the High-Speed Rail alignment alternatives along the BNSF corridor has required the development of alterations to the previous concept plans for the railroad grade separations and necessitated an accelerated time schedule for construction of the grade separations along Santa Fe Way.

Santa Fe Way is a significant regional north-south route, connecting metropolitan Bakersfield with the cities of Shafter and Wasco. As discussed at the July 14, 2011 meeting, HSRA desires to run the High-Speed train under the recently constructed Seventh Standard Road overhead, adjacent to the BNSF Railway. This alignment

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would restrict future widening of Santa Fe Way to four lanes (currently planned as an ultimate six-lane arterial) and would necessitate the construction of a wall along the westerly abutment. It was determined that the loss in north-south roadway capacity could be mitigated with the construction of a parallel route comprised of Burbank Street, Zachary Avenue, the West Beltway/BNSF/High-Speed Rail/Santa Fe Way grade separation, and Heath Road.

The West Beltway is planned as an ultimate six-lane freeway. For that reason, the overhead should be constructed with a substructure for this ultimate facility and a superstructure for either two or four lanes. The connecting roadway should provide a minimum of two travel lanes and paved shoulders.

With respect to the proposed Reina Road crossing, the circulation plan calls for a southerly relocation of the crossing with connections to Renfro Road and Jenkins Road to provide a more efficient perpendicular crossing of the railroad and to provide for north-south circulation/travel. Your plans show a Reina Road crossing, they need to be corrected to the Renfro/Jenkins crossing. The design for the Kratzmeyer Road and Renfro/Jenkins/Reina Roads grade separations should provide for a minimum 55 M.P.H. stopping sight distances on the vertical curves. Both roadways are designated as six-lane arterial streets and therefore a six-lane substructure should be provided to allow for future widening. The superstructure on Kratzmeyer Road and Renfro/Jenkins/Reina Roads should provide for a minimum of four lanes and two lanes, respectively. The overhead structures also need to provide for a minimum of four travel lanes, bike lanes, and a median on Santa Fe Way, adjacent to the High-Speed Rail.

Because the preliminary design work and right-of-way coordination have been accomplished by our local agencies and adjacent land owners, we recommend that the Santa Fe Way mitigation project (Burbank Street grade separation, West Beltway overhead and connecting roadways), the Kratzmeyer Road grade separation, and the Renfro/Jenkins/Reina Roads grade separation be accomplished as early delivery projects. We also recommend that the full scope of these early delivery projects, including design, right-of-way acquisition, utility relocation and construction, be accomplished by our local agencies through a Joint Agencies Agreement among the HSR, the City of Bakersfield, the County of Kern, the City of Shafter and the Greater Bakersfield Separation of Grade District, with funding being provided by the HSR.

L007-34

- Maps show that Palm Avenue in northwest Bakersfield will be permanently closed. This is a major collector road identified in the General Plan Circulation Element. No mitigation is identified as to where traffic will be directed and if this will result in other nearby roads dropping below level service "C" as indicated in the Plan. Closure is inconsistent with the policies of the General Plan.

AIR QUALITY

L007-35

- Section 3.3.1 Introduction - The introduction to the Air Quality Section is inadequate as it presumes that the HST project would have low potential of air quality impacts.

The analysis itself shows significant and unavoidable impacts. Additionally, the significant and unavoidable impacts on sensitive receptors is not adequately defined because the project description does not identify the source locations of the added

L007-35

generation needed for normal and emergency operations, it does not identify the locations of the sensitive receptors, it does not do a complete health risk analysis and it does not have an appropriate cumulative impact analysis for CEQA within the City of Bakersfield and surrounding urban areas. In general the following issues of concern should be extended to all discussions, quantifications and modeling in the EIR and the Technical Appendices.

L007-36

- Section 3.3.3 A. Power Plant Emissions - The EIR inadequately represents the pollutant emissions (GHG, toxics and criteria) by using state averages which do not correspond to peak electrical demand of the HST.

The EIR assumes that all HST motive electricity is taken off the CAISO controlled grid and that the additional demand is met by statewide generation on an average basis. The current system has steadily experienced erosion of the in-state reserve capacity and does not have adequate reserve capacity for another 1000MW of demand. Therefore, the additional 1000MW must be considered as "new load" requiring added generation and the project must account for the added demand as being separate of the generation fleet used in the CARB Scoping Plan and related regulatory baseline. The demand for electricity must be followed by both energy and by capacity; otherwise the HST will not have a steady demand. Therefore the CAISO acting as the grid operator will have to call on additional generation to meet the transient load so as to maintain the appropriate voltage and frequency stability required by FERC and NERC. Any resultant increases in ancillary power costs due to increased transient demand within control nodes and penalties due to HST induced system failures may affect the CAISO and result in additional dispatch of high heat rate peaker generation.

The HST will be functionally equivalent to the addition of an entire city's worth of demand. The EIR should show evidence of contracts for the added electricity demand in terms of the actual demand profile or clarify in the project description to include those sources of electrical generation before making claims concerning the nature of the electric generation both in terms of emissions and location. The Central Valley is a tightly constrained and closed air shed and impacts due to new generation are not adequately addressed in the EIR.

L007-37

- Section 3.3.3 A. Power Plant Emissions and Air Quality Technical Report: Section 6.7.3 - The EIR inadequately represents the criteria and toxic pollutant impacts and GHG effects by claiming use of RPS rather than peak load following generation needed to provide reserve capacity in the CAISO Control Area.

The EIR assumes that all HST motive electricity is taken off the CAISO controlled grid and that the additional demand is met by existing and planned statewide generation. The existing and planned generation (both RPS and traditional generation) are earmarked through the CPUC for the benefit of all ratepayers, who are responsible for paying the costs through rate making procedures. The current electrical system has steadily experienced erosion of the in-state reserve capacity and does not have adequate reserve capacity for another 1000MW of demand, whose costs both internalized and external are paid disproportionately by Central Valley ratepayers.

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The introduction of GHG initiatives such as RPS, Cap and Trade and the elimination of once-through cooling generation will reduce the availability of the non-renewables fleet upon which reserve capacity heavily relies. The EIR states that the HST will use "renewables" to derive the motive electricity but fails to account for the fact that all RPS is already nominated into the electrical system for the benefit of the existing sectors (i.e., industrial, commercial and residential). No one denies reasonable access to the grid but the cost of the additional demand in the context of emissions must be properly counted in the EIR, including Criteria Pollutant Costs as well as additional GHG allowances needed by the utility to provide the additional 8.32 GWh per day [HST EIR Air Technical Report, p3.3-51], which by CARB schedule will have to come from a steadily reduced pool of allocation.

Mitigation should be required to offset the increments in terms of surplus real and quantifiable reductions in the affected air sheds or by protocols approved by CARB.

Further, the HST's potential use of renewable will be largely limited to solar generation since wind derived electricity is limited to night time when wind speeds reach sufficient velocity to achieve cut-in. Therefore, the additional 1000MW of actual demand created by the HST operations cycle must be considered new load requiring added generation, and the project must account for the added demand separate of the generation fleet used in the CARB Scoping Plan and related regulation. The EIR should show evidence of contracts for the electricity or clarify in the project description the sources of electrical generation before making claims concerning the nature of the electric generation both in terms of emissions and location. Any added generation needed to follow HST new load must be designed for the HST load profile and not rely on the state average heat rate. The resultant emission impacts should be based on the location of the new generation and not spread out to minimize impacts to the sensitive receptors. Although the train moves, the stationary electricity sources stay where they are and run at varying loads. Criteria pollutants are emitted in greater concentration at varying load conditions and GHG-related emissions per unit of electrical energy generated are much greater due to the inefficiency of part load operation. Simply put, the Central Valley is a closed air shed and impacts due to new generation due to the HST are not addressed in the EIR.

L007-38

- Section 3.3.3 A. Power Plant Emissions and Operation Impacts: Emissions From Generating Facilities - The EIR inadequately presents the local impacts of the HST-related electricity generation by spreading the HST related pollutant emissions (GHG, toxics and criteria) over the entire state.

The reserve margin criteria for generation in the ISO control zones will dictate that new fossil-fired generation will have to be constructed to replace phased out once-through-cooling-based generation assets as well as to replace existing fossil-fired units that have now lost their capacity payments in previous Standard Offer Contracts and will shutter due to poor economic returns. Kern, Fresno, Tulare and Kings Counties are home to approximately 30% of the fossil-fired generation in the CAISO control area. Many of these new fossil-fired generation assets (needed to support the HST) will very likely be constructed in the San Joaquin Air Basin, particularly in Kern County.

The EIR states that "[b]ecause the regional emissions for the applicable pollutants are lower under the operational phase of the HST alternatives than for the No Project

L007-38

Alternative, only emissions generated during the construction phase need to be compared to these threshold values to determine whether the GC Rule is applicable." [p3.3-68]. This interpretation relies entirely on the assumption that there is excess capacity for the added electrical demand particularly in the renewable fleet. Progress data from the state's RPS conversion program and the resource availability trends do not support this assumption. This inadequacy, which understates the emissions impacts, extends throughout the air analysis.

L007-39

- Section 3.3.5 and Air Quality Technical Report: Section 6.8 Construction Impacts - The EIR inadequately presents the local impacts of the HST construction pollutant emissions (GHG, toxics and criteria) in the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The SJVAPCD has imposed very restrictive limits on new construction-related emissions. Presumably, the District board has been forced to take such measures to ensure continued Federal Highway Funding. Continued access to diminishing rights to emit indirect source emissions are a critical concern to all businesses seeking approvals to construct. The EIR did not quantify the HST compliance with Rule 9510 but instead appears to ignore the critical impact of its construction on the closed air shed and relies on an after-fact mitigation based on complying with ISR on an individual local-project-element basis, thereby avoiding any presentation of the acute or cumulative impacts until after the discretionary approvals are in place.

Additionally, the EIR does say that the construction emissions alone will impede progress of the San Joaquin Valley towards attainment with the federal air quality standards. No analysis of the indirect impacts to business and the public of not reaching attainment in accordance with the current plans has been discussed.

L007-40

- Section 3.3.5, page 3.3-46 and Air Quality Technical Report: Section 6.8 Construction Impacts - The EIR inadequately presents the local pollutant emissions (toxics and criteria) impacts of the HST by not properly identifying the proximity to construction impacts by sensitive receptors in the City of Bakersfield.

The sensitive receptors which include hospitals, schools (both public and private), residences, convalescent homes, churches, and day care centers along the construction route have not been specifically identified either by map, table or any other means within the City of Bakersfield. Both CAPCOA and GAMQUL require the identification of location, and quantification of impacts to sensitive receptors, which include health risk assessment as well as criteria pollutant modeling at the project boundaries for the duration of the construction activities including demolition and construction. The concrete batch plants have no location specified, no equipment identified, and no sizing identified for the City of Bakersfield, which consists of largely elevated track. There are no construction staging areas identified within the City of Bakersfield which can also be areas of concentrated emissions. Given that this is a project level EIR, the project level EIR must specify all the project features so that the impacts associated with the complete Project Description can be identified and the public has adequate opportunity to comment. Both the SJVAPCD GAMAQI states that "CEQA requires that in evaluating the significance of a project's potential air quality impacts, the Lead Agency shall consider both primary (direct) and secondary (indirect) consequences. [CCR§15064(d)] Primary impacts include emissions from

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- L007-40 project construction and emissions..." Further, the CAPCOA Guidance Document states that "[a]lthough methodology for assessing health risk for construction projects is not included in this document, lead agencies under CEQA are required to identify health risk from construction activities or projects and mitigate if they are deemed significant." [CAPCOA Guidance Document, p7, footnote 4] This EIR does not quantify the construction health risk in and around the HST route passing directly through Bakersfield and its surrounding communities and reliance on ISR does not constitute mitigation for health risk at the project activity level.
- L007-41
- Section 3.3.5 and Air Quality Technical Report: Section 6.8 Construction Impacts - The EIR is inadequate as the construction impacts are significant and unavoidable without all feasible mitigations being implemented.
- The proposed HST project could utilize the Voluntary Emissions Reduction Agreements as used in City of Bakersfield for large projects requiring all feasible mitigation for the emissions impacts. The mitigation has successfully reduced construction impacts to zero in this tightly constrained air basin. However, the analysis must still address the health risk at the site construction level and mitigations must be developed for these local construction activities to mitigate any site specific impacts as part of the conditions considered in granting discretionary approvals.
- L007-42
- Page 3.3-36 - The EIR is inadequate in that the health risk impact from the HMF is above the AB2588 standard of 10 in a million at the facility boundary.
- AB2588 prohibits construction of any new stationary source that exceeds this threshold. An override of the AB2588 health risk protective standards should be discussed in detail. The override of the health protective standards will be precedent setting. This significant impact should have all feasible mitigation applied to achieve a level of no significant impact.
- L007-43
- Section 3.3.5 Project Operation Impacts and Air Quality Technical Report: Section 7.1.3 Airport Emissions - The EIR inadequately overstates the pollutant emissions (GHG, toxics and criteria) reduction from plane travel in Kern County based on removing 16 planes per day from Bakersfield to LA and San Francisco. The benefit should not be overstated. Presently, only 10 flights are scheduled.
- L007-44
- Section 3.3.5 Project Operation Impacts, page 3.3-52 - The EIR is deficient in the analysis of the operation of the HST station in the City of Bakersfield.
- Emissions related to delivery of goods and services to and from the station were not quantified. No health risk related to the impacts of the sources of emission at the station was included. The indirect increased emissions at the City of Bakersfield wastewater treatment plant from the operation of the station were not quantified. See the previous discussion related to GAMAQI and the CAPCOA Guidance Document.
- L007-45
- EIR and Air Quality Technical Report - The EIR is inadequate in its analysis of the health effects of construction and operation of the HST.

- L007-45
- An exhaustive search of the EIR and Appendices did not reveal any consideration or discussion of Valley Fever. The EIR fails to consider the impact of fugitive-dust-related health effects from Valley Fever related to HST construction and operation. Valley fever has been a well-known concern in the Central Valley for many years, identified largely due to outbreaks among WWII trainees and prisoners. It is well documented that large scale projects such as the California Aqueduct and the construction of I-5 disturbed the soil and increased Valley Fever for both the residents and construction personnel. This impact has not been quantified nor discussed.
- L007-46
- Section 3.19 Cumulative Impacts, page 13 - The EIR inadequately analyzes the cumulative construction and operational impacts because the definition of critical project elements within the Project Description is not sufficient to support claims related to the project impacts either on a project level or in a cumulative context.
- L007-47
- Section 3.19 Cumulative Impacts, page 13 - The EIR inadequately analyzes the cumulative construction and operational impacts because the project presumes that a conformity analysis is sufficient using simple averages to dilute localized cumulative impacts.
- The cumulative impact discussions do not include localized impacts of permitted but unimplemented and reasonably foreseeable projects, which have the potential to emit criteria, toxic, or GHG emissions. Without documentation or discrete analysis the EIR claims that all of the demolished structures are primarily "industrial" in nature and therefore no cumulative health risk analysis is necessary. Particularly in the City of Bakersfield the HST Project impacts thousands of homes, numerous schools, churches, and daycare centers, which the analysis ignores.
- NOISE**
- L007-48
- Impacts to noise-sensitive receivers are identified as potentially significant after mitigation since there is no guarantee that noise barriers will effectively reduce operational noise to acceptable levels. Elevated guideways constructed through and adjacent to residential neighborhoods represent potentially significant sources of operational noise which likely cannot be fully mitigated. As stated above, a CEQA alternative which bypasses existing Bakersfield communities must be included as part of the EIR analysis as a means to avoid or reduce significant environmental effects, including but not limited to operational noise impacts. Another potential alternative which could avoid or reduce significant operational noise impacts is a below-grade system through established Bakersfield communities.
- HST Project's train penetration into enclosed areas will have a significant localized pulse effect which has been identified in tunnel entrances for other existing HSR facilities. The EIR should carefully consider the use of barriers and analyze barriers in the context of low frequency resonance in the vicinity of sensitive receptors such as schools. [Proceedings: Low Frequency 2004, 11th International Meeting Low Frequency Noise and Vibration and Its Control, Maastricht, Netherlands.]
- L007-49
- Page 2-2 (2.2 HST System Infrastructure) states that "The HST System is envisioned as a state-of-the-art, electrically powered, high-speed, steel-wheel-on-steel-rail technology..." While it is acknowledged that voters who supported Proposition 1A

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envisioned a state-of-the-art, electrically powered, high-speed train system for California, it is not likewise acknowledged that such a system must utilize steel-wheel-on-steel-rail technology. Existing high-speed rail systems, as well as systems presently under construction throughout the world utilize various technologies, including but not limited to maglev, that have been proven to result in less severe noise impacts than conventional steel-wheel-on-steel-rail technology. Therefore, the inclusion of a CEQA alternative consisting of the implementation of a high-speed rail technology that is more advanced and, therefore, less environmentally damaging than steel-wheel-on-steel-rail technology is required.

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- Section 3.4.3 A. What is Noise, Section 4.2.2 Measured Noise Levels, Noise and Vibration Technical Report: Section 4.2.2 Measured Noise Levels - The EIR is inadequate due to the fact that it does not properly portray the background conditions (soundscape).

The EIR Background Data are erroneously presented on an Ldn (Day Evening Night Sound Level) basis, which results in a smaller area of significant impacts than will actually exist.

The Ldn is the average sound level over a 24 hour period, with a penalty of 10 dB added to data for any given hour for the hours 22:00 to 07:00. This is not for application to background data; it is for impact analysis. Adding 10 dBA to any particular soundscape value based on evening implies that local background should be 10 dBA higher (one order of magnitude higher noise energy) during a given night-time hour.

The EIR correctly states in the definition in Section 3.4.3 A.: "Ldn: The Leq over a 24-hour period, with 10 dB added to nighttime sound levels (between 10 p.m. and 7 a.m.) as a penalty to account for the greater sensitivity and lower background sound levels during this time. The Ldn is the primary noise-level descriptor for rail noise in residential land uses."

The HST EIR's Noise and Vibration Technical Report states that in order "[t]o establish a base of existing environmental noise levels for project noise impact assessment, a comprehensive series of noise measurements were made within the study area. A combination of 196 long-term (24 hours in duration) and 207 **short-term (60 minutes in duration)** noise measurements were taken at noise-sensitive receivers. Some measurement sites included multiple measurements. The ambient noise level measurement locations were selected to be representative of the noise environment most likely to be impacted by train noise. Measurements were completed at single-family and multi-family residences for long-term measurements. **Short term measurements were completed at residential and institutional sites (e.g., hospitals, libraries, schools, churches), and were taken to estimate the Ldn at receivers with sleep activity not covered by the 24-hour measurements and to determine the existing conditions at receivers with only daytime activities.**" **[emph]** (4.2.2 Measured Noise Levels) This argument for using either 24-hour or one-hour monitoring and the misleading application of Ldn adjustments to estimate a pre-existing soundscape described by an single inflated Ldn leaves the reader with no means of understanding how a train passing by in the evening, nighttime and early morning will affect their location. Simply, the Ldn adjustments should be used on the impact (not the existing

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soundscape) and compared to the Leq for the 24-hour period being considered. The Ldn adjustment made to a proposed project's potential noise impact then takes care of the normal community concerns related to night-time noise impacts.

For CEQA, the appropriate EIR analysis should be prepared to answer the question: What is the effect of a passing HST on a specific receptor if the proposed project were built and a noise meter were placed at the receptor (day or night) at the time the HST actually passes?

The subject of noise analysis is very complex and important stakeholders can easily be confused by difficult and complicated presentations. However, the realities of project-related impacts are not lessened by obfuscation. While this comment attempts to unravel the mystery of the presentation focuses on the receptors at and around Mercy Hospital, the concern extends to all similarly situated urban receptors.

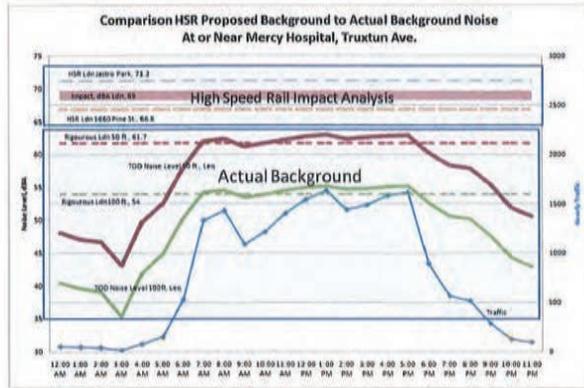
Figure C-20 "Noise and Vibration Measurement" sites show short-term measurement for noise which resulted in readings that are reported as greater than 64 dB noise level (presumed to be adjacent to Mercy Hospital and Truxtun Ave). This specified reading has no reference data and is presumed to be a "short-term" noise measurement that has no relevance to Ldn or CNEL (which would at least require 24 hours of continuous noise measurement to be meaningful). Tables 6-23 and 6-24 show that the data gathered as a reliable Ldn (again implying that data were properly gathered for the full 24 hours necessary to at least establish the community noise level for that specific setting).

The conversion of a 60-minute measurement (a single hour worth of data) gathered during the daytime period near a sensitive receptor at a noise level of 58 dBA misadjusted using the formulae for presenting 24-hour empirical and modeled Leq data assumes that 58 dBA were occurring during every hour for any 24-hour cycle giving a false impression that the existing background should be 64 dB every hour, day and night against which the increment is weighed during periods when this is not the case. This approach is even more interesting in the context that the speed limit along Truxtun Avenue at the hospital is 30 miles per hour and night-time traffic is less than 100 vehicles per hour. Furthermore, the speed limits in the residential areas directly adjacent to the HST easement along Truxtun Avenue are also 30 miles per hour. The chart below underscores some of the problems contained in the analysis as presented. The HST analysis proposes that the soundscape in the near-HST area ranges between 65 dBA to 70 dBA relying on the Ldn conversion. The reality as shown by the FWHM modeling for traffic during each hour shows the true soundscape to be substantially quieter (i.e., 35 dBA(1h) to 62 dBA (1h)). The difference between the increment and the existing soundscape is 30 dBA at night and in the morning; this translates to an energy differential of 1000 times. The same overstatement (of background condition by extrapolating one-hour data to 24 hours) holds true for all urban area short-term manipulations.

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For CEQA, the intent of the Ldn and CNEL data is to provide a conservative analysis of incremental impacts above actual background to an affected receptor. The use of Ldn or CNEL as a means of establishing background levels inappropriately serves to increase the background through use of a 1-hour based estimated average into which up to 10 dB are added to hourly background noise at night, resulting in a false numerical value that is higher than the actual noise (soundscape).

Furthermore, the discussion in Section 3.2.1 D, "FTA Guidelines" properly shows that the modeled "[n]oise exposure is in terms of Leq (h) for Category..." Ldn implies a 24-hour cycle for background, not a single hour converted to Ldn. It is important to stress that the Ldn is not the appropriate soundscape value to test project impacts against thresholds for significance. Category 2 refers to residences and buildings where people normally sleep. This category includes homes and hospitals where night-time sensitivity to noise is assumed to be of utmost importance and leaving one to wonder why the EIR uses an estimated Ldn to establish a higher soundscape value as opposed to an actual value for these receptors.

The correct use of the FTA Chart is as follows:

If the actual receptor background were properly used as Leq (h) for all background analysis, the residential noise levels under "Existing Noise Exposure" would likely be 40 dBA to 50 dBA at night for any hour (h), the Leq (h) would also be reported in this range, and the Ldn would be approximately 56 dBA. At a far-field distance where the HST project incremental noise level was estimated to be 40 dBA Leq, the Category 1 would be designated a Severe Impact (Significant for the EIR) for any receptor with a nighttime soundscape having a Leq(h) of less than 55dBA; Category 3 would

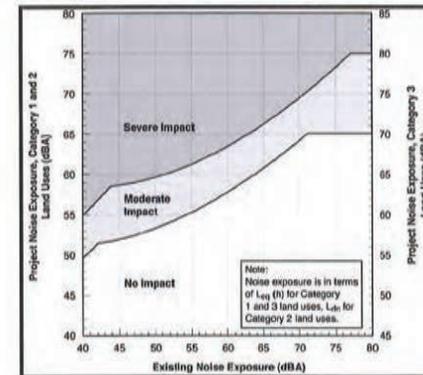
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experience a Severe impact for any receptor with a nighttime soundscape having a Leq(h) of less than 40 dBA. However, Category 2 project impacts would be converted to Ldn (66.7 dBA) and applied to the chart showing a Severe impact to soundscapes where the hourly background Leq(h) is as high as 66 dBA.

Using the HST impact of 69 dBA Ldn estimated for location the EIR Noise Study receptor location ST195 (1600 Pine Street) coupled with a reasonable background of 50 dBA correctly shows a "Severe Impact" in the evening night and morning hours as opposed to the erroneous presentation using a calculated value to present a soundscape having an Ldn of 66.8 dBA which would infer "No impact".

Further, according to the FTA Guidance, "[t]he measure of noise exposure is Ldn for residential areas and Leq for land uses that do not have nighttime noise sensitivity. Since Ldn and Leq are measures of total acoustic energy, any new noise source in a community will cause an increase, even if the new source level is less than the existing level." [FTA Guidelines, §3.1.2] Therefore the incremental impact should be considered to determine the severity using Figure 3.2.



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The misapplication of the Ldn reduces the area of actual severe impacts of the HST in critical urban areas. The HST EIR represents that 2,723 residences, 11 churches, 4 schools, 1 hospital, and 1 park are severely impacted. However, the actual number of urban receptors showing severe impacts when properly assessed using the correct soundscape will be substantially greater. The severity of impacts to all sensitive receptors should be properly shown for both daytime and night-time operations in the context of actual background noise levels and not a misapplied Ldn.

In this project, the noise generated by the HST train is not a sustained phenomenon. Trains will pass through the corridor at discrete times for short durations. The pulsed disturbance felt at 8am will not be the same as the effect felt at 8pm or 2 am (when background is lower—not higher!). The background should be established for periods in the day based on the noise as measured at the time of the day that the impact-creating event occurs. The correct analysis would be to apply the HST related Ldn noise increment to the actual background noise level to reflect the impact to the community at the time an HST train passes. The use of Ldn washes the discrete data into a poorly defined overstated average that hides an important time dependent impact to sensitive receptors (homes, hospitals and schools), an impact that could be profound, adverse and irreversible.

Even FTA guidelines for recognizes the potential impacts need to be carefully considered in the context of time. When determining relevant time periods for analysis FTA states that one should, "[e]stablish relevant time periods. For each of these source types/conditions, decide what are the relevant time periods for all receivers that may be affected by this source. For **residential receivers**, the **two time periods of interest** for computation of Ldn are: daytime (7 am to 10 pm) and nighttime (10 pm to 7 am)." [FTA Guidelines§6.2.1]

Please give detailed explanation as to how the Ldn formula is an acceptable method to define background in urban locations and at important buildings housing sensitive receptors whose presence is defined by home affordability, poor health or by state mandated education obligations.

L007-51

- Section 3.25 G - The EIR is inadequate in its portrayal of the Bakersfield Metropolitan Noise Element criteria.

The discussion in the Noise and Vibration Technical Study focuses on the C.O.B. Metropolitan Noise Element criteria addressing nuisance activities. These criteria rely on L50(h) and/or CNEL. Again, it is important to establish the background CNEL on actual data and not based on a single daytime hour's measurement that is extrapolated. The maximum noise level shall not exceed 60 dBA CNEL at any residence (this is inclusive of the noise increment as well as background).

Using a simple addition of two similar noise levels to achieve 60 dBA CNEL, results in the increment for the project related impact of 57 dBA CNEL, or roughly a modeled HST impact of 50 dBA Leq, (calculated by backing out the 5 and 10 dBA additions for certain hours). One can easily contour the project related impact level of 50 dBA Leq from the HST source as a point or linear source depending on distance from the source to the receptor. Using 6dBA reduction per distance doubled [ignoring the more conservative 3dBA] the ST 164 value of 62 dBA Ldn at 1357 feet, and converting the

L007-51

Ldn back to Leq, (i.e., 56 dBA Leq) one can now establish that the distance to the contour line representing the C.O.B. threshold exceeding value of 50 dBA Leq is between 2600 feet (point source) [and 5200 feet (line source)] [Noise and Vibration Technical Report Section 5.2.3], thereby extending the severe impacts well beyond the depiction provided in the EIR even when using the less protective 6 dBA per distance doubled. In fact, this indicates that the entire area in green should be considered as severely impacted and the EIR should properly reflect the greater severity of impacts. [EIR, Noise and Vibration Technical Report, Appendix F, Figures F-19 and F-20].

Further, to address the limited NEPA analysis, FTA specifically states that "[o]n the other hand, in residential areas that are not near major roadways, a full day's ambient Ldn is usually required", [FTA Guidance §6.6]. Appendix D of the FTA guidelines show that the Ldn if used alone should be adjusted based on the time-of-day of the single one-hour reading, thereby reducing the value by 2 decibels. [FTA, TRANSIT NOISE AND VIBRATION IMPACT ASSESSMENT, FTA-VA-90-1003-06, 2006]. While this may meet the minimum NEPA hurdles set forth by the FTA, it does not rise to the more protective and requirements under CEQA. [Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners].

L007-52

- Sections 3.4.3 and 3.4.5, Noise and Vibration Technical Report: Sections 5.0, 6.0 and Appendix G - The EIR is inadequate because the entire spectrum of noise data are only presented in dBA format.

The EIR addresses the issue of audible effects, but the use of dBA grossly understates the physiological effects of low frequency and infrasound below 100Hz. Empirical data gathered at existing HST facilities show that HST low frequency noise is a major component of trains passing specific locations. [Gori, L. et al., Acoustic characterization of high speed train ETR 500, Trenitalia – Unità Tecnologie Materiale Rotabile Sperimentazione, Firenze – Italy] [Proceedings: Low Frequency 2004, 11th International Meeting Low Frequency Noise and Vibration and its Control, Maastricht, Netherlands.]

Additionally, construction noise profiles associated with heavy equipment show extreme levels of noise in the frequencies below 125Hz where A-weighting discounts the impact. In A-weighting, the 20 Hz octave band is reduced by 50.5 dB, and the 63 Hz band is reduced by 26.2 dB.

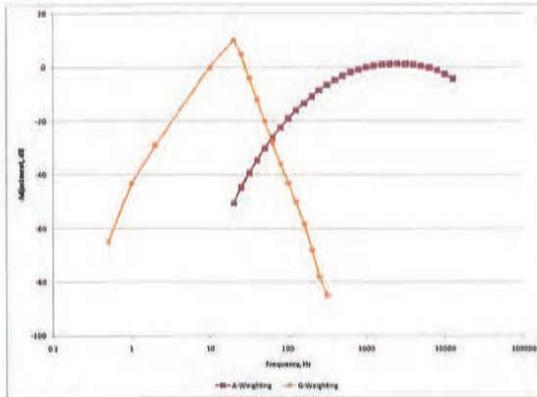
G-weighted data are more representative of the physiological effects to humans of noise levels below 100Hz (see following figure).

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"Low frequency noise, the frequency range from about 10 Hz to 200 Hz, has been recognized as a special environmental noise problem, particularly to sensitive people in their homes. Conventional methods of assessing annoyance, typically based on A-weighted equivalent level, are inadequate for low frequency noise and lead to incorrect decisions by regulatory authorities. There have been a large number of laboratory measurements of annoyance by low frequency noise, each with different spectra and levels, making comparisons difficult, but the main conclusions are that annoyance of low frequencies increases rapidly with level. **Additionally the A-weighted level underestimates the effects of low frequency noises.** There is a possibility of learned aversion to low frequency noise, leading to annoyance and stress which may receive unsympathetic treatment from regulatory authorities. In particular, problems of the Hum often remain unresolved. An approximate estimate is that about 2.5% of the population may have a low frequency threshold which is at least 12 dB more sensitive than the average threshold, corresponding to nearly 1,000,000 persons in the 50-59 year old age group in the EU-15 countries. This is the group which generates many complaints. Low frequency noise specific criteria have been introduced in some countries, but do not deal adequately with fluctuations. Validation of the criteria has been for a limited range of noises and subjects." [emph] (Leventhal HG., Low Frequency Noise and Annoyance, Noise Health, 2004)

Although the EIR and the Noise and Vibration Technical Report addresses the issue of vibration (a ground borne phenomenon) it fails to speak to the low frequency airborne noise which has been found to cause Vibroacoustic Disease. (Nuno, A.A., et al. Proceedings: Low Frequency 2004, 11th International Meeting Low Frequency Noise and Vibration and Its Control, Maastricht, Netherlands.)

L007-53

- Sections 3.4.3 and 3.4.5, Noise and Vibration Technical Report: Sections 5.0, 6.0 and Appendix G - The EIR is deficient in that it does not address location-specific phases where the noisiest construction equipment may be operating for sustained periods in areas near sensitive receptors.

Study data for sensitive receptors such as Bakersfield High School (BHS) or Mercy Hospital shows little relevant construction noise impact-related information. Appendix I, of the Noise and Vibration Technical Report for the HST EIR shows little information that reveals the impact of demolition- and foundation-related construction.

Bakersfield has a unique urban setting. The city center through which the HST is proposed has a dense mix of residential (single and multiple dwellings) as well as hospitals, churches and schools. Heavy earthmoving equipment, jackhammers and pile drivers will be necessary to ensure that the elevated rail system is suitably constructed for Seismic Zone 4 requirements. The hospital facilities contain many special-needs patients including critical care patients that are a mix of paid-in-full, as well as subsidized/disadvantaged patients that must be treated as part of the hospital's ongoing obligations. Schools must remain in operation to provide services to the inner city students. Construction within the urban area will present the City of Bakersfield schools with difficult decisions related to ensuring that the City's students are not forced to accept substandard education due to the selection of a route through the dense city center.

The presence of HST-related high-noise-impact-generating activities coupled with sensitive receptors must be considered in the EIR to adequately inform decision makers not familiar with Bakersfield's unique urban setting. Bakersfield ordinances have special provisions for such activities; see previous discussion concerning the C.O.B. Noise Element.

Mitigation for the construction noise would be to adhere to the C.O.B. noise requirements and a limit on the construction in and around school areas to weekends and limit construction activities near all other sensitive receptors to week days and daytime hours only.

- Sections 3.4.3 and 3.4.5, Noise and Vibration Technical Report: Sections 5.0, 6.0 and Appendix G - The EIR does not present an adequate analysis of the physiological effects of the HSR noise in terms of unique frequency bands.

Educators have expressed concern regarding the effect of certain noise sources on learning. As an example, BHS is an inner city school, which has a responsibility for educating students with learning difficulties whose parents are living at subsistence levels. Many of those students are also learning in an English-as-a-second-language (ESL) context. Teachers will be faced with additional challenges as trains pass directly adjacent to the historic inner city education facility 180 times a day (assuming a daytime skew) once every ten or fifteen minutes during classes.

Certain frequencies will travel through ground and past acoustic barriers. Resonation of certain frequencies in architectural features such as windows, doors and walls will create episodic nuisance affecting sensitive receptors.

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L007-54

- Sections 3.4.3 and 3.4.5, Noise and Vibration Technical Report: Sections 5.0, 6.0 and Appendix G - The EIR does not consider the Kern County recommended low frequency criteria.

Kern County is a leader in the permitting and management of low frequency emitting sources (i.e., large scale wind turbine generators). Kern County has carefully considered the issue of low frequency noise in the context of large scale wind turbine projects. In the county's development of the Wind Energy Combining District criteria, the county felt that low frequency noise potential for impacts needed special criteria for evaluation.

"Low frequency noise or infrasound from wind turbine operations shall not be created which causes the exterior noise level to exceed the following limits when measured within fifty (50) feet of any existing residence, school, hospital, church, or public library."

One-third Octave Band Center Frequency (Hz)	Sound Pressure Level (dB)
2 to 1	70 (each band)
20	68
25	67
31.5	65
40	62
50	60
63	57
80	55
100	52
125	50

The same potential for low frequency impacts to receptors exists in the form of high speed trains. The same degree of sensitivity exists for county residents including those within the City of Bakersfield regardless of the source of the incremental impact and the same level of protective consideration should be afforded to all residents. It is equally important to note that in this instance the thresholds are referenced to the un-weighted (actual sound pressure levels) and not referenced to A-weighted (adjusted for audible noise). There is also an adjustment to low frequency criteria for pure tone noise.

Empirical data have been gathered for an HST in operation. Data show high noise levels associated with the lower frequencies. [Luca Gori, et al., "Acoustic characterization of high speed train ETR 500"]

BIOLOGY

L007-55

- The general description of Biological Resources focuses on species, not location. It is difficult to determine which species are impacted by location. There are species located in Fresno and other areas that are not present in Bakersfield and vice-versa. The overall generalization does not adequately describe the impacts on biological resources by location and what specific mitigation measure applies.

L007-56

- The Biological Resources mitigation measure section uses the word "could"; not "shall" under implementation. This implies the mitigation measure is optional (example: page 3.7-121) and therefore unenforceable and ineffective, in violation of CEQA's fundamental requirements. See CEQA Guidelines § 15126.4(a)(2); *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1116.

L007-57

- On page 3.7-5, the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) description should state the permit expires in August 2014. An application for extension of the permit has been submitted.

L007-58

- On page 3.7-55, a conclusory statement is made that the HSR has no impact on MBHCP. There is no discussion to support this statement. DEIR provides more discussion on the un-adopted "Draft Valley Floor Habitat Conservation Plan", than the adopted/permited MBHCP. The EIR thus fails to comply with the requirement of CEQA that the EIR's assumptions and conclusions must be supported by facts or other data. See *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70; *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866.

L007-59

- Some references state Bakersfield is a "county", which is incorrect. (page 3.7-33)

L007-60

- Bio-MM#58 (page 3.7-136) states that the San Joaquin Valley kit fox habitat replacement is at a ratio of 1:1. What is the basis for this ratio? Why was the City's Thomas Road Improvement Program (TRIP) required to mitigate habitat by the same wildlife agencies at a ratio of 3:1? Has the Authority consulted with the wildlife agencies to determine the appropriate mitigation ratio or is this just a guess? The DEIR should be more definitive in the amount of mitigation that will be required.

L007-61

- On Table 3.7-18 (Level of Significance after Mitigation page 3.7-143), the Common Mitigation Measures shows "N/A" as level of significance after implementation of mitigation measures. These are not true mitigation measures under CEQA. They do not address any specific impacts. If they are not implemented, how does that affect the quality of or level of significance reduced under the other mitigation measures?

L007-62

- There is no direct discussion as to what permits are required by/from the US Fish and Wildlife Service (USFW) and California Department of Fish and Game (CDFG). What Federal and/or State permits are required? Pages 3.7-3 through 5 list applicable laws and regulations but doesn't specify how they will be applied to HSR.

L007-63

- Both the B1 and B2 alignments cross through the Kern River linkage, an important wildlife crossing area. As described in Section 3.7 Biological Resources and Wetlands, impacts to wildlife movement through the corridor would be blocked by fencing during construction activities. This would result in a moderate effect under NEPA and a significant effect under CEQA. The Westside Parkway (now under construction) utilizes minimal amounts of fencing and, where required, it is restricted around areas of construction staging and where public safety is an issue. The Westside Parkway has also installed large culverts with protective gratings at known wildlife crossings to allow wildlife to freely cross under the freeway. During PS&E, HSR should restrict the use construction fencing to areas where construction would pose general safety hazards. The mitigation measures employed on the Westside Parkway project are feasible.

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L007-63 would reduce or avoid the potential impacts, and can be incorporated into the proposed project. Please discuss these additional mitigation measures and either recommend their adoption or explain why they are not selected. CEQA Guidelines § 15126.4(a)(1)(B).

L007-64

- The HSR intends to prepare and implement a Habitat Mitigation and Monitoring Plan (HMMP) to mitigate for temporary and permanent impacts on jurisdictional waters and state streambeds (Bio-MM#60) but ignores other types of upland habitats. The Westside Parkway is required to provide compensatory mitigation for sensitive species for habitat outside of the Kern River using the MBHCP on a fee per acre basis. The fee is based on pre-negotiated compensation ratios for impacts (permanent versus temporary) and habitat types (disturbed/ruderal, non-native grassland, saltbush scrub, and riparian). The mitigation ratios vary from 4:1 for permanent impacts to non-native grassland to as low as 1:1 for temporary impacts to disturbed/ruderal areas. For riparian habitat within the Kern River streambed, the Westside Parkway is required to mitigate at 4:1 using the Kern Water Bank Authority lands. The mitigation measures employed on the Westside Parkway project are feasible, would reduce or avoid the potential impacts, and can be incorporated into the proposed project. Please discuss these additional mitigation measures and either recommend their adoption or explain why they are not selected. CEQA Guidelines § 15126.4(a)(1)(B).

SAFETY

L007-65

- Page 3.11-27 discusses train derailment and how physical elements such as containment parapets, check rails, guard rails, and derailment walls would be used in specific areas with high risk of or high impact from derailment. However, nothing is identified as to where these high risk areas are located. The project design features beginning on page 3.11-37 do not specifically identify whether these physical features are or are not incorporated into the track design and where they occur.

L007-66

- On page 3.11-34 regarding hazards of flooding, there is no mention that Isabella Dam is under the authority of the US Army Corp of Engineers or that Isabella reservoir has limited capacity because the dam is in need of repair and upgrade. Furthermore, the project does not state how it complies with the 2009 Lake Isabella Dam Failure Evacuation Plan and the impact of flooding affecting the HSR and piers that support the elevated portions of the track.

L007-67

- There is no discussion regarding the possibility of terrorist activities that could occur along any portion of the elevated track through the city.

L007-68

- There is no mention of train collisions and if the physical barriers to prevent derailments would be effective. How likely would the physical barriers be able to contain a head-on collision at over 200 mph, especially on the elevated section of track? What would happen if the physical barriers failed to contain the trains involved in a head-on collision? What about the impact at grade where no derailment barriers are provided?

L007-69

- S&S-MM #2 on page 3.11-38 states that there will be payment of an impact fee to local fire, rescue and emergency service providers. This is pretty broad. What is the fee being proposed? Will that fee actually pay for anticipated services of the various

L007-69 agencies? CEQA is clear in its requirement that the payment of a fee alone is not sufficient mitigation. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.) The EIR/EIS also must provide substantial evidence that payment of the impact fee actually will result in avoiding or substantially reducing the potential impact. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099.) In addition, the EIR/EIS must identify a plan or program which the public agency is committed to implementing that will use the impact fee to accomplish actual mitigation of the significant impact. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173.)

L007-70

- There is no discussion about the electrification of the track and its impact to public safety or wildlife. Furthermore, in an emergency, how is electrification handled and how easily is it turned off so that emergency personnel and injured people will not become electrified, especially if the system does not turn off automatically?

SOCIOECONOMICS

L007-71

- Regarding economic and socioeconomic impacts, the City recognizes that the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the Fifth Amendment of the United States Constitution are applicable to the project as described on page 3.12-82. However, the impacted development includes several forms of public financial assistance such as HUD entitlement grant funds, redevelopment funds, State of California grants, and tax credits; therefore, removal of the housing in any way prior to the periods of affordability as required for such funding sources (in many cases, up to 55 years of affordability) would likely result in significant repayment penalties to the developers and the City above and beyond fair market value of any such property, yielding potentially significant economic impacts. In addition, replacement of 160 low-, moderate- and middle-income (LMMI, earning < 120% Area Median Income) units, and relocation of approximately 450 LMMI residents is problematic when assessing the number of current vacant affordable units available in the Bakersfield market and the number of desirable sites for replacement units which would provide similar proximity to services and transportation.

L007-72

- In Section 3.12.8 (CEQA Significance Conclusions), impacts SO-2 and SO-3, the division of existing communities in northeast and northwest Bakersfield, is identified as being a significant impact after mitigation. As stated previously, a CEQA alternative which bypasses existing Bakersfield communities must be included as part of the EIR analysis as a means to avoid or reduce significant environmental effects, including but not limited to impacts SO-2 and SO-3. Another potential alternative which could avoid or reduce impacts SO-2 and SO-3 is a below-grade system through established Bakersfield communities. Both alternatives would avoid or substantially reduce unmitigated significant impacts to noise and land use and, absent substantial evidence of infeasibility, must be analyzed in the EIR.

L007-73

- Because a significant number of businesses will be required to be relocated, the Authority should identify specific relocation mitigation, including but not limited to, assisting businesses through the permitting process at their new site and ensuring that infrastructure necessary for a business is in place, entitlements exist for the business, and additional funds above and beyond the typical relocation process are available

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- L007-73 | to address the hardships encountered with a move, including loan assistance and resulting business closure or bankruptcy.
- L007-74 |
- Both the BNSF alternative and the Bakersfield South alternative will adversely impact a number of City facilities, including but not limited to, the City's Corporation Yard, Police Service Center, Communications Facility, City Hall South parking lot and the Rabobank Arena & Convention Center parking lot. The corporation yard houses a number of facilities that are an integral part of the City's operations. Any disruption to these operations will negatively impact our ability to provide essential services to the citizens of Bakersfield, i.e. police, fire, refuse collection, etc. The City has previously voiced its concerns about these impacts to the High Speed Rail Authority who has chosen to ignore them. As such the EIR/EIS is inadequate and misleading as it only addresses those impacts that can be mitigated. The EIR/EIS is insufficient because it does not address or mitigate the impacts to these City operations that have the potential to affect public services and public safety for thousands of residents.
- L007-75 |
- The EIR/EIS does not address impacts to the Rabobank Arena/Convention parking lots. The Rabobank Arena/Convention Center is the largest venue in the southern San Joaquin Valley. These parking lots are necessary to accommodate large events that can number over 10,000 attendees. It is typical for these large events to book several months or more in advance. However, the EIR does not address either the temporary or permanent impacts or how this will affect events already booked. If the City cannot guarantee sufficient parking for these events, they will go elsewhere. In addition to the impacts on public parking, loss of these events would potentially cost the City millions in direct revenue, sales tax, and occupancy tax, which would have an adverse indirect effect of public services and public safety.
- L007-76 |
- East Bakersfield is not the only environmental justice area that the rail will impact. Similar housing areas exist in the downtown area along California Avenue and Truxtun Avenue, and in the northwest area along Glenn Street, Enger Street, Jewetta Avenue and Verdugo Lane. Additionally, Bakersfield High School would be considered an inner-city school.
- LAND USE**
- L007-77 |
- The Draft EIR/EIS appears to attempt to address such economic impacts by stating that the proposed project will substantially increase economic opportunities in the vicinity of the Bakersfield HST station, based on ridership projections for the full state-wide system. More specifically, the EIR/EIS states on page 3.13-15 that impacts are less than significant because "indirect effects on surrounding land uses would be beneficial, encouraging more-efficient land use patterns that are in agreement with Bakersfield planning goals." However, due to projected HST costs and existing funding for the HST system, the feasibility of constructing such a system beyond the segments described in the Merced-Fresno EIS and Fresno-Bakersfield EIR/EIS is highly questionable. Thus, ridership projections beyond the scope of the Merced-Bakersfield route are highly speculative and inappropriate for forming conclusions regarding economic impacts to a station area. Development of the project segments as described in the Fresno-Bakersfield EIR/EIS will, for the foreseeable future, result in removing all residential units (and approximately 35% of land area), which are crucial to the viability of any mixed-use neighborhood such as South Mill Creek.

- L007-78 |
- According to Appendix 3.1-A of the Draft EIR/EIS, all affordable housing in South Mill Creek will be permanently impacted by the project. On page 3.13-35 (Station Planning, Land Use, and Development), the document acknowledges that the City of Bakersfield has adopted redevelopment plans in the vicinity of Bakersfield's proposed HST station. The document, though, does not adequately recognize direct impacts to the 160 units of South Mill Creek affordable housing, nor does the EIR/EIS accurately address the economic impact on the redevelopment project as a whole, including the potential impacts associated with urban decay that may occur. See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.
- L007-79 |
- On page 3.13-12, the following Metropolitan Bakersfield General Plan implementation measure is referenced: "Local agencies should cooperate in studies to pursue establishment of high-speed rail service for the plan area, including consensus on potential routes and terminal locations." What the EIR fails to note, however, is that concerns raised by City staff with respect to impacts to established communities, businesses, institutions, and vital governmental facilities in response to proposed HST alignment plans have been ignored by the Authority. Instead, the EIR contains generalized, unsubstantiated conclusions to justify that the benefits of the HST system, to the State of California and to the environment would greatly outweigh any adverse impacts which might result at the local level. In accordance with CEQA, the purpose of an EIR is to disclose to the public and to decision makers the potentially significant environmental effects of a project and to identify ways in which such effects can be avoided or reduced. Justifying the overriding benefits of a project relative to its environmental effects is not one of the roles of an EIR; rather, in accordance with State CEQA Guidelines Section 15093 a statement of overriding considerations supported by evidence in the record must be made by a decision-making body at the time they approve a project for which an EIR identifies unmitigated environmental effects. See *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866.
- L007-80 |
- On page 3.13-31 in the Station Planning, Land Use and Development section of the EIR/EIS, the document mentions that 4,500 parking spaces would be provided in one or two structures, depending on the alternative site chosen. In addition, four parking lots are located approximately 0.5 miles or less, from the proposed station location. Section 3.13 got the number correct insofar as the parking requirement, but the transportation section did not as previously stated.
- L007-81 |
- Page 3.13-11 states that the HSR would be located on lands designated as high and low density commercial and industrial. It is unclear if the DEIR is identifying this as existing policy or if the Authority believes the HSR has been limited to these areas. This statement is misleading. It fails to identify that the HSR will also be located over residential, open space and recreation lands and as such, is inconsistent with the city's General Plan and will result in significant adverse impacts on land use and planning.
- L007-82 |
- On page 3.13-12, Implementation Measure 10 of the City's General Plan is referenced that local agencies should cooperate in studies to pursue the establishment of high speed rail service for the plan area, including consensus on potential routes and terminal locations. Although the City has had numerous meetings with the HSR Authority, the Authority has never worked with the City to alter routes or explore

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- L007-82 | alternatives to address impacts on city resources or other public facilities. Issues brought forward by staff such as Bakersfield High School, Mercy Hospital, East Bakersfield, the convention center, and current road construction projects were never resolved. The Authority, although invited numerous times to address the Planning Commission and City Council to provide public dialog, never accepted. Instead, the Authority has decided to defer all discussion during the comment period of this DEIR rather than have open and honest discussions with stakeholders and the public concerning the project.
- L007-83 |
 - Page 3.13-12 indicates that both stations are within the Old Town Kern Redevelopment area. This is incorrect. The stations are within the Southeast Bakersfield Redevelopment area.
- L007-84 |
 - Page 3.13-13 states that station alternatives have been planned in collaboration with cities. What the statement fails to acknowledge is that because the rail alternatives were already established by the Authority without any initial input from the city, this predetermined the station locations. Few details were ever provided for analysis by City staff. Stations were always conceptually shown making it difficult to adequately determine the compatibility with local land use plans, goals and policies. Actual rail route footprints and rights-of-way were never provided until the release of the DEIR.
- L007-85 |
 - Under the no project alternative there is a statement that communities may not attract transit oriented development (TOD) without the HSR. This is not true. Within the City, active TOD-type projects are underway. The proposed HSR will actually remove a new TOD and negatively impact the economic viability of the remaining development. The DEIR should acknowledge that current general plans encourage mixed use and infill development. Although the HSR is noted in the Plan, it is not a critical element in the eventual development of mixed use or TOD projects within the City.
- L007-86 |
 - Page 3.13-27 mentions that alignments in Bakersfield would follow existing transportation corridors. This is not entirely correct. South of Rosedale Highway (SR-58), both alternatives move away from the existing BNSF corridor and through established residential areas. The Bakersfield South alternative goes through established business districts and residential neighborhoods east of the proposed station.
- L007-87 |
 - On page 3.13-27, it notes that the effects from the conversion of land for the alternatives, HST stations and HMF during construction are considered negligible under NEPA and land use impacts from construction are considered less than significant under CEQA. We disagree. There is nothing in the DEIR how these determinations were made. For example, the temporary impacts upon the convention center parking and loading areas would be significant as these disruptions would affect the ability of the city to attract or possibly retain events, thereby reducing income to support the facility. This is one of many instances where it is very unclear in the DEIR what the impacts are to these properties and how the Authority intends to address them. The lack of facts or other data to support the assumptions and conclusions in the EIR/EIS renders it inadequate and incomplete. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70.)
- L007-88 |
 - CEQA expressly requires an EIR to evaluate whether a proposed project will physically divide an established community. (CEQA Guidelines, Appendix G). However, there is

- L007-88 | no discussion in the EIR/EIS of the permanent division of the community that will occur. The rail will create a significant barrier. What happens under the elevated portion of the track? Will it be fenced? What uses would be permitted underneath these areas? We understand that the City of Fresno already has experienced urban decay impacts under overpasses in its urban area. Bakersfield Police and Code Enforcement have also experienced similar urban decay issues under existing overpasses in Bakersfield. This division may impact neighborhoods and business areas to the degree that they could become undesirable, unattractive, and eventually abandoned resulting in urban decay. Remnant parcels too small to be used for any development will become an attractive nuisance being used for illegal dumping of debris. What if the Authority acquires developed land but leaves empty buildings for years before the project is actually built, or the project stalls permanently? This increase the amount of urban decay in the area. The EIR/EIS needs to analyze whether the project will cause or contribute to urban decay impacts. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 127 Cal.App.4th 1184.)
- L007-89 |
 - One of the alleged benefits of the project is that it will reduce air travel trips. However, the EIR/EIS fails to disclose and discuss the potential adverse impacts on existing air transportation services serving local communities, such as Meadows Field in Bakersfield. There is no mention of the impact to these other transportation land uses or the extent of the reduction in air travel which is expected to result from the Project. CEQA clearly requires an EIR to provide sufficient detail in its analysis to determine the extent of the potential impacts. (*Galante Vineyards v. Monterey Peninsula Water Mgmt. District* (1997) 60 Cal.App.4th 1109, 1123.) Could the reduction of demand for these regional airports result in closure and contribute to urban decay of these areas?
- PARKS**
- L007-90 |
 - In Section 3.15 Parks, Recreation, and Open Space, page 3.15-21, the discussion for the Kern River Parkway discusses the effects of construction activities and the creation of noise and visual changes. The analysis is inadequate and incomplete because it does not address the effects of operational noise from trains operating overhead on an elevated track and the effect on the recreational use of adjacent parks, bikeways and hiking trails. The visual change with the introduction of an elevated rail system is expected to be dramatic (see Figure 3.16-27) and not negligible as concluded on page 3.15-30.
- VISUAL**
- L007-91 |
 - Aesthetics and Visual Resources VQ-MM#3 only requires HRS designers to "consider" local jurisdiction input. This is not appropriate or feasible mitigation under CEQA since it provides no specific information about the mitigation or if such will reduce the stated impacts. Furthermore, it defers making a determination to a later time, which is inconsistent with CEQA.
- L007-92 |
 - VQ-MM#3a does not specify the extent of the "financial compensation" for park land replacement or where required. The DEIR and mitigation measures need to identify which parks are removed and how much park land will be acquired.

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L007-93

- VQ-MM#3b, 4a and 4b states that trees and landscaping will be planted to visually screen the HRS. There is no identification of when or where the planting would occur, no responsible party for maintenance, and no funding mechanism for on-going replacement and operations (watering, trimming and replacement). As a result, the proposed mitigation is incomplete, ineffective and illusory.

L007-94

- Impacts VQ# 6 (Lower visual quality in the Rosedale, Kern River, and Central Bakersfield Landscape Units) and VQ# 10 (Noise wall would block views) are identified in Table 3.16-5 as significant after mitigation. These impacts would result from the need to construct elevated guideways and noise walls where the HST traverses urbanized areas in Bakersfield and other communities. As stated previously, a CEQA alternative which bypasses existing urbanized areas must be included as part of the EIR analysis as a means to avoid or reduce significant environmental effects, including but not limited to visual quality impacts. Another potential alternative which could avoid or reduce visual quality impacts is a below-grade system through urbanized areas. Both alternatives would avoid or substantially reduce unmitigated significant impacts to visual impacts, noise, and land use. Absent substantial evidence of infeasibility, these alternatives must be analyzed in the EIR.

CULTURAL

L007-95

- Page 3.17-51, Table 3.17-7, Significant Historic Architectural Resources by Alternative, does not identify SR-204 or Union Avenue as an historic resource. In August 2010, the Department of Transportation (Caltrans) prepared a Historical Resources Compliance Report (HRCR) for the Relinquishment of State Route 204. Caltrans determined that SR 204 (Historic US 99) from Airport Drive and SR 99 to Brundage Lane meets the National Register of Historic Places (NRHP) criteria. The California State Historic Preservation officer (SHPO) concurred on September 21, 2010 with Caltrans' determination and agreed to add SR 204 to the Master List of State-owned Historical Resources. SR 204 may require additional mitigation subject to SHPO approval. The failure to analyze the potential impacts of the proposed project on these historical resources renders it inadequate and incomplete. See *Madera Oversight Coalition v. County of Madera* (2011) Cal.App.4th, 2011 DJDAR 13943.

REGIONAL GROWTH

L007-96

- Table 3.18-2 shows that Bakersfield's annual average growth rate will be 5.9% annually until 2035. This means that the city will increase its population an average of over 20,000 people per year over the next 25 years. This is grossly in error. City projections only show a population in the mid-400,000 range in 2035 with an average growth rate of between 1.5 and 2.5% per year. Even during the boom years in the early to mid-2000's, the city never achieved the projected growth rate stated in this table. If these figures were used to estimate future housing growth and in turn, potential ridership, then any assumptions that relied on those numbers are incorrect. A number of experts have disputed the Authority's projections and provided detailed factual and other data which shows that the Authority's projections regarding financial feasibility of the Project and its anticipated economic benefits, including job creation, are vastly overstated and not supported by the evidence. Newspaper articles and other publications discussing these expert reports and providing the web addresses, at which the reports are available, are included with these comments as Attachment 3.

L007-97

- On page 3.18-16 under No Project alternative, please note (again) that Bakersfield is not a county.

L007-98

- Under the No Project alternative, HSR is not a critical element for the City to meet its land use goals. The City's General Plan notes this to be a potential component of the transportation system, but our goals are not dependent upon it being developed. Furthermore, to state under this alternative that cities will have a difficult time reducing low density development is not based on fact as with or without the HSR, TOD, mixed use and high density housing will continue to be encouraged and developed as required by state policy (e.g., SB 375) and as market conditions dictate.

L007-99

- Beginning on page 3.18-17, the employment tables are deceiving and may mislead people trying to understand the employment figures. Each year is depicted with employment figures as annual job years. The table concludes there will be 7,200 job years, which is the cumulative total over an eight year period. However, this is not the total number of jobs. In the narrative that follows, the terms jobs and job years are intermingled, which gives the wrong impression of overall employment. It should be made clear that the number of actual jobs created by the project is much different (lower) than job years. The number of actual jobs should have been provided. A number of experts have disputed the Authority's projections and provided detailed factual and other data which shows that the Authority's projections regarding the Project's anticipated economic benefits, including job creation, are vastly overstated and not supported by the evidence. Newspaper articles and other publications discussing these expert reports and providing the web addresses, at which the reports are available, are included with these comments as Attachment 3.

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CALIFORNIA HIGH-SPEED TRAIN PROJECT STATEWIDE MULTIMODEL TRAVEL DEMAND MODEL DEVELOPMENT AND APPLICATION



**CALIFORNIA HIGH-SPEED RAIL
RIDERSHIP AND REVENUE MODEL**

**DEVELOPMENT, APPLICATION, AND PROJECT-LEVEL
EIR/EIS FORECASTS**

November 2010



Prepared by
with Cambridge Systematics Inc.
For the California High Speed Rail Authority

PLEASE NOTE: This is a DRAFT version and not the final report. Several items are still to be resolved. In addition, while the following should be obvious from the text, it is stressed that the information and results presented in this appendix are estimates and projections based in part on subjective judgments, and will undoubtedly be materially different from the actual future ridership and revenue. As a result none of the outcomes and results in this appendix is in any way guaranteed or promised. The material presented in this memorandum was developed in order to estimate the environmental impacts of various high speed train service configurations. As such, growth forecasts, future transportation networks, and other significant items were required by state and federal environmental regulations to be based on officially adopted governmental plans, which were not independently assessed.

This document has been prepared by **Parsons Brinckerhoff** for the California High-Speed Rail Authority and for application to the California High-Speed Train Project. Any use of this document for purposes other than this Project, or the specific portion of the Project stated in the document, shall be at the sole risk of the user, and without liability to PB for any losses or injuries arising for such use.



CALIFORNIA HIGH-SPEED TRAIN PROJECT RIDERSHIP FORECAST REPORT CHAPTER 6 --STATION AREA PARKING

Table 6- 4: Highest Station Boardings and Access Activity, 2035

Average Weekday*

Origin Station	2035 Boardings		2035 Access Activity†									
	Inter-regional	Local	Total	Autos Dropping Off Pgrs	Vehicles Arriving	Motorized Cumulative Parking Demand	Rental Cars Back	Transit/ Brought Off Pgrs	Taxis	Trains	Transit/ Shuttle	Bicycles/ Other Non-Motorized
San Francisco**	29,400	11,000	40,400	3,300	2,800	9,800	1,800	2,300	10,300	11,200		
Millbrae	1,600	4,400	6,000	700	700	1,100	300	300	1,300	1,200		
Redwood City	4,700	3,100	7,800	1,100	1,200	3,000	400	400	800	1,000		
San Jose	8,700	3,900	12,600	1,200	1,400	3,800	600	600	2,800	2,600		
Sacramento	19,100	0	19,100	1,200	2,100	6,400	200	300	200	200		
Stockton	6,700	0	6,700	1,000	1,800	6,600	300	400	600	400		
Mercat	2,600	0	2,600	1,200	2,200	7,700	400	400	600	300		
Bakersfield	8,500	0	8,500	1,300	2,200	7,400	400	400	700	400		
Fresno	8,600	8,700	17,300	3,400	2,300	11,100	400	400	700	800		
Bakersfield	10,300	3,100	13,400	3,400	2,300	11,100	400	400	700	800		
Syracuse	2,500	4,300	6,800	1,000	3,600	9,300	200	400	500	400		
Bakersfield***	14,100	15,000	29,100	2,300	2,300	4,800	1,200	1,400	700	800		
Los Angeles	4,000	3,000	7,000	900	1,300	3,100	400	400	800	900		
Anaheim**	25,500	5,100	30,600	2,800	5,000	13,700	1,600	1,700	6,200	5,500		
Ontario	5,600	5,400	11,000	1,600	1,800	3,900	700	600	1,100	1,300		
Reverse	10,600	3,700	14,300	2,500	3,100	8,500	700	400	1,000	500		
Temecula/Murrieta	6,400	2,000	8,400	1,500	2,000	5,500	100	200	100	200		
Escondido***	9,000	300	9,300	1,200	1,500	5,000	500	500	1,100	1,200		
University City	6,000	200	6,200	1,200	1,700	5,600	100	200	100	200		
San Diego	19,900	400	20,300	1,800	2,200	7,200	1,000	900	4,300	4,000		
City of Industry	4,100	2,600	6,700	1,400	1,800	4,500	100	200	300	200		
Modesto	4,600	0	4,600	700	1,300	4,300	200	300	400	200		
Total Daily	231,200	77,200	308,400									
Annualization Factor	365	292	346									
Annual (millions)	84.4	22.5	106.7									

† Egress is mirror of access
* 12/2009 Full System for all stations except as noted
** 12/2009 Phase 1
*** Interregional from EIRIS Full System (08/2008) with changes due to parking cost estimated
**** EIRIS Full System (08/2008) with changes due to parking cost estimated



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Table 6- 7: Phase 1 Terminal Stations Boardings and Access, Full System 2030

Origin Station	2030 Boardings		Average Weekday*									
	Inter-regional	Local	Total	Autos Dropping Off	Motorized Vehicles Arriving to Park	Cumulative Parking Space Demand	Rental Cars Brought Back	Taxis Dropping Off	Transit Shuttle	Walkers Bicyclists Other Non-Motorized		
San Francisco*	23,900	10,600	34,500	2,500	2,000	6,500	1,500	1,900	8,500	10,500		
Merced*	7,200	0	7,200	400	700	2,000	100	100	200	100		
Anaheim*	16,100	5,600	21,700	1,700	3,300	9,700	1,300	1,600	5,000	4,500		
				Forecast base								

* 12/2009 Full System for all stations
 † Express is minor of access



ATTACHMENT 2

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Continued

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Areas of Special Expertise:

California Environmental Quality Act (CEQA) and Land Use Law

Current Advisory Matters:

- * **San Diego Unified Port District:** Currently serving as special counsel to the Port District on CEQA matters, working with the Port Attorney, planning staff and consultants in the preparation of environmental review documents for proposed development projects, including the North Embarcadero Port Master Plan Amendment, San Diego Convention Center expansion, and the development of new and expanded hotels and related facilities on San Diego Bay.
- * **County of Kern, California:** Currently serving as special counsel to Kern County on CEQA matters, working with County Counsel, planning staff and consultants in the preparation of environmental review documents for regulatory ordinances and proposed development projects.
- * **County of Kings, California:** Currently serving as special counsel to Kings County on CEQA matters, working with County Counsel, planning staff and consultants in the preparation of environmental review documents for regulatory ordinances and proposed development projects, including the California High Speed Rail Project.
- * **City of Bakersfield, California:** Currently serving as special counsel to the City of Bakersfield on CEQA matters, working with the City attorney, planning staff and consultants in the preparation of environmental review documents for regulatory ordinances and proposed development projects.
- * **City of Calexico, California:** Currently serving as special counsel to the City of Calexico on CEQA matters, working with the City Attorney, planning staff and consultants in the preparation of environmental review documents for proposed development projects.

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- * **City of Carlsbad, California:** Currently serving as special counsel to the City of Carlsbad, working with the City Attorney, planning staff and consultants in California Energy Commission's licensing proceedings for a new proposed power plant.
- * **City of Solana Beach, California:** Currently serving as special counsel to the City of Solana Beach, working with the City Manager, City Attorney, planning staff and consultants in evaluating the potential environmental impacts associated with proposed redevelopment of the Del Mar Fairgrounds and Racetrack, expansion of the Interstate 5 North Coast Corridor, proposed SANDAG 2050 Regional Transportation Plan, and other development projects.

Current Litigation:

- * **Preserve Calavera v. City of Oceanside:** Currently representing the City of Oceanside in an action challenging the adequacy of an EIR prepared for the proposed extension of Melrose Drive.
- * **Unite Here Local 30 v. San Diego Unified Port District (Sunroad Hotel):** Currently representing the San Diego Unified Port District in an action alleging the Port District violated CEQA, the Harbors and Navigation Code and Alquist-Priolo Act in approving a proposed new hotel on Harbor Island.
- * **CREED-21 v. City of Calexico:** Currently representing the City of Calexico in a CEQA lawsuit challenging the adequacy of the City's compliance with CEQA prior to its approval of a cooperation agreement with the Calexico Redevelopment Agency.
- * **El Pueblo Para El Aire Y Agua Limpio v. County of Kings:** Currently representing Kings County in a lawsuit challenging the adequacy of an EIR prepared for the proposed expansion of a Class I hazardous waste disposal facility in Kettleman Hills, California, and alleging violation of environmental justice and anti-discrimination regulations.
- * **Friends of Avira v. City of Carlsbad:** Currently representing the City of Carlsbad in a CEQA lawsuit which alleges the City should have prepared an EIR, rather than a mitigated negative declaration, before adopting an amendment to the Housing Element of its General Plan.
- * **County of Los Angeles Sanitation District, et al. v. County of Kern:** Currently defending Kern County in a state court action and cross-action regarding the validity of an ordinance regulating the land application of sewage sludge, involving claims of noncompliance with CEQA and violation of Proposition 13 and the Commerce, Due Process and Equal Protection Clauses of the United States and California constitutions.

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Continued

- * **Sierra Club v. City of Bakersfield (Saco Ranch):** Currently representing the City of Bakersfield in a CEQA lawsuit which challenges the adequacy of an EIR prepared for a large residential development project.
- * **Sierra Club v. City of Bakersfield (Stockdale Ranch):** Currently representing the City of Bakersfield in a CEQA lawsuit which challenges the adequacy of an EIR prepared for a large residential development project.

Significant Public Agency Representation:

- * **Save Our Heritage Organization v. San Diego Unified Port District:** Represented the San Diego Unified Port District in a CEQA lawsuit challenging the adequacy of an EIR prepared for the demolition of former aircraft manufacturing buildings at the San Diego International Airport.
- * **San Diego Navy Broadway Complex Coalition v. San Diego Unified Port District:** Represented the San Diego Unified Port District in an action alleging the Port District violated CEQA, the California Coastal Act and the Port Master Plan in approving construction of a new cruise ship terminal on Broadway Pier.
- * **San Diego Navy Broadway Complex Coalition v. United States Coast Guard (San Diego Unified Port District):** Represented the San Diego Unified Port District in a federal court action which alleged the U.S. Coast Guard and the Port District violated federal national security regulations by not enforcing a mandatory security zone around cruise ships berthed at the Broadway Pier.
- * **Citizens for Honesty and Integrity by Calexican Officials v. Heffernan Memorial Healthcare District (City of Calexico):** Represented the City of Calexico in a CEQA lawsuit challenging the adequacy of an EIR prepared for a commercial development and the adequacy of the Housing Element of the City's General Plan.
- * **Citizens for Responsible Equitable Environmental Development v. City of Calexico (Mega Park):** Represented the City of Calexico in a lawsuit challenging the adequacy of an EIR prepared for a commercial development and the adequacy of the Housing Element of the City's General Plan.
- * **City of Los Angeles, et al. v. County of Kern:** Represented Kern County in a federal court lawsuit which alleged that an initiative ordinance which prohibited the land application of sewage sludge violated the Commerce and Equal Protection Clauses of the United States Constitution and was preempted by federal and state law.
- * **Citizens for Responsible Planning v. City of Bakersfield:** Represented the City of Bakersfield in a CEQA lawsuit which alleged the EIR prepared for a commercial shopping center and discount grocery store project failed to adequately analyze and mitigate urban decay and long-term traffic impacts.

- * **Coalition for Honesty and Integrity in Calexico v. City of Calexico:** Represented the City of Calexico in a CEQA lawsuit challenging the adequacy of an EIR prepared for a large commercial development, including an off-reservation Indian casino, and the adequacy of the Housing Element of the City's General Plan.
- * **Hogar Dulce Hogar v. Escondido Community Development Commission:** Represented the City of Escondido and its Community Development Commission in an action challenging the funding of low income housing under the Community Redevelopment Law and a cross-action against the County of San Diego seeking reimbursement for overpayments under a related tax sharing agreement.
- * **Unite-Here Local 30 v. San Diego Unified Port District (Lane Field):** Represented the San Diego Unified Port District in a CEQA lawsuit which alleged an Addendum to a Master EIR previously certified by the Port District failed to adequately analyze the potential impacts of a proposed hotel project.
- * **Canyons, LLC v. City of Bakersfield:** Represented the City of Bakersfield in a CEQA lawsuit which alleges the City should have prepared an EIR, rather than a Negative Declaration, for amendments to a hillside development ordinance.
- * **DKS Investments, LLC v. City of Bakersfield (The Canyons):** Represented the City of Bakersfield in a declaratory relief action under the Subdivision Map Act concerning the applicability of a hillside development ordinance to an application for approval of a tentative tract map for a large residential subdivision.
- * **Sierra Club v. City of Bakersfield (Ten Section):** Represented the City of Bakersfield in a CEQA lawsuit which alleges the City failed to prepare an EIR which adequately evaluated the potential impacts on water supply availability, global climate change, prime agricultural land and general plan consistency for a proposed residential development and related general plan amendment, rezoning and related land use approvals.
- * **Sierra Club v. City of Bakersfield (Santa Barbara Capital):** Represented the City of Bakersfield in a CEQA lawsuit which alleges the City failed to prepare an EIR which adequately evaluated the potential impacts on prime agricultural land of a proposed residential and commercial development and related general plan amendment, rezoning and related land use approvals.
- * **Downtown Business Owners Assn. v. City of Escondido:** Represented the City of Escondido in a CEQA lawsuit challenging the adequacy of its environmental review under CEQA for a hotel development jointly sponsored by the city and a private developer.

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

- * **Bakersfield Citizens for Local Control v. City of Bakersfield (Castle & Cook Commercial - CA, Inc.):** Representing the City of Bakersfield in a CEQA lawsuit challenging the adequacy of the EIR prepared for the development of a large retail shopping center and Wal-Mart Supercenter in Bakersfield, CA.
- * **Bakersfield Citizens for Local Control v. City of Bakersfield (Panama 99 Properties, LLC):** Represented the City of Bakersfield in a CEQA lawsuit challenging the adequacy of an EIR prepared for the development of a large retail shopping center and Wal-Mart Supercenter in Bakersfield, CA.
- * **Oxy Resources of California v. City of Bakersfield (Rosedale Ranch):** Represented the City of Bakersfield in a CEQA lawsuit which alleges the City failed to prepare an EIR which adequately evaluated the potential impacts on oil and other mineral resources of a proposed residential and commercial development and related general plan amendment, rezoning and related land use approvals.
- * **Sierra Club v. City of Bakersfield (Rosedale Ranch):** Represented the City of Bakersfield in a CEQA lawsuit which alleges the City failed to prepare an EIR which adequately evaluated the potential impacts on prime agricultural land of a proposed residential and commercial development and related general plan amendment, rezoning and related land use approvals.
- * **Nancy Schmidt v. San Diego Unified Port District:** Represented the Port District in a lawsuit challenging the adequacy of its environmental review under CEQA of a public project to improve public access and to control beach erosion in Imperial Beach, CA.
- * **Coshow v. City of Escondido:** Represented the City of Escondido in the appeal of a lawsuit challenging the validity of the City's plan to fluoridate its water supply in compliance with the California Safe Drinking Water Act.
- * **Orange County Sanitation Districts, et al. v. County of Kings:** Represented Kings County in a lawsuit challenging the validity of its approval of an ordinance regulating the land application of biosolids, involving claims of noncompliance with CEQA, inverse condemnation and violation of the commerce and due process clauses of the United States and California constitutions.
- * **City of Bakersfield v. City of Shafter:** Represented the City of Bakersfield in a CEQA lawsuit challenging the adequacy of the environmental review prepared by the City of Shafter for a proposed expansion of its sphere of influence and the related municipal services review.
- * **Southwestern Community College District v. California Dept. of Transportation:** Represented Southwestern Community College District in a lawsuit challenging the adequacy of the environmental review prepared for a federal highway project and related eminent domain proceedings.

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- * **California Association of Sanitation Agencies, et al. v. County of Kern:** Represented Kern County in a federal court lawsuit which claimed Kern County's adoption of an amended ordinance regulating the land application of biosolids violated the commerce, due process and equal protection clauses of the United States Constitution.
- * **San Diego County Regional Airport Authority v. San Diego Unified Port District:** Represented the Port District in a CEQA lawsuit challenging the adequacy of its environmental review and its jurisdiction under state law to approve a public airport parking facility in San Diego, CA.
- * **County of Kern v. State Water Resources Control Board:** Represented Kern County in a lawsuit which established the State Board failed to comply with CEQA before approving a General Order regulating the application of biosolids on farmland throughout California.
- * **Shean Magan v. County of Kern:** Represented Kern County in two lawsuits which alleged Kern County abused its discretion in denying plaintiffs application for an extension of time to continue land applying Class B biosolids and approved an ordinance regulating the land application of biosolids which resulted in an unlawful taking of plaintiffs property without just compensation.
- * **Save Our Heritage Organization v. San Diego Unified Port District:** Represented the Port District in a CEQA lawsuit challenging the adequacy of its environmental review of a lease for portions of an historic rail line in Chula Vista, CA.
- * **Pacific Gateway, Ltd. v. San Diego Unified Port District:** Represented the San Diego Unified Port District in settling a lawsuit challenging the Port District's compliance with CEQA before approving the South Embarcadero Redevelopment Program 2, a Port Master Plan amendment for construction of the Campbell Shipyard Hotel, the Fifth Avenue Landing Spinnaker Hotel and related coastal improvements.
- * **CityFront Terrace, LLC v. San Diego Unified Port District:** Represented the San Diego Unified Port District in a CEQA lawsuit challenging the approval of South Embarcadero Redevelopment Program 1, a Port Master Plan amendment for the expansion of the Hyatt Hotel and Seaport Village and the creation of a new public park in the South Embarcadero.
- * **San Diego Police Historical Association v. San Diego Unified Port District:** Represented the San Diego Unified Port District in a CEQA lawsuit challenging the approval of South Embarcadero Redevelopment Program 1, a Port Master Plan amendment for the expansion of the Hyatt Hotel and Seaport Village and the creation of a new public park.

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- × **San Diego Unified Port District v. Environmental Health Coalition:** Represented the San Diego Unified Port District in bringing an action to enforce a CEQA settlement agreement concerning the fumigation of agricultural commodities at the Tenth Avenue Marine Terminal, the Port District's import and distribution facility.
- × **Mountain Shadows Mobile Home Park Association v. City of Escondido:** Represented the City of Escondido and the Escondido Community Development Commission in a construction defect lawsuit arising out of the City's purchase and conversion of a mobile home park to resident ownership.
- × **Environmental Health Coalition v. San Diego Unified Port District:** Represented the San Diego Unified Port District in a lawsuit challenging the adequacy of the Port District's compliance with CEQA in approving the conversion of the Tenth Avenue Marine Terminal to a cold storage facility for the fumigation and distribution of imported agricultural commodities.
- × **Yee v. City of Escondido:** Represented the City of Escondido in a lawsuit filed by the owners of nine mobile home parks, challenging the City's mobile home park rent control ordinance and alleging inverse condemnation, takings and civil rights claims.
- × **Native Sun/Lyon Communities v. City of Escondido:** represented the City of Escondido in a lawsuit challenging the adequacy of the City's compliance with CEQA and the California Planning and Zoning Law in denying approval of a large residential development.
- × **Water Quality Association v. City of Escondido:** Represented the City of Escondido in a lawsuit challenging the adequacy of its compliance with CEQA in approving a municipal water reclamation project and enabling ordinance.
- × **Escondido Sunrise Ridge, Ltd. v. City of Escondido:** Represented the City of Escondido in a lawsuit alleging inverse condemnation and violation of civil rights as a result of the denial of an application for permits for a residential development project.
- × **Lynch v. City of Escondido:** Represented the City of Escondido in a lawsuit for inverse condemnation and violation of civil rights by an apartment building owner concerning a "seniors only" housing ordinance.
- × **Kel-Cal v. City of Carlsbad:** Represented the City of Carlsbad in settling a lawsuit filed by a developer for inverse condemnation and civil rights violations concerning the approvals needed for a large residential project.
- × **Hinsvark v. City of Encinitas:** Represented the City of Encinitas and a property owner in a lawsuit challenging the adequacy of environmental review under CEQA for the approval of a large residential and commercial project (Ecke Ranch).

Significant Property Owner Representation:

- × **Padres Hacia Una Vida Mejor v. Gray Davis, Governor (Safety-Kleen, Inc.):** Represented Safety-Kleen, Inc. in a lawsuit and subsequent administrative proceedings under the Tanner Act, which sought to impose more restrictive regulatory conditions on a Class I hazardous waste treatment, storage and disposal facility.
- × **Padres Hacia Una Vida Mejor v. County of Kern (Laidlaw Environmental Services Inc.):** Represented Laidlaw Environmental Services, Inc. and County of Kern in federal and state administrative proceedings (EPA, HUD, DTSC, RWQCB) and litigation challenging the approvals for expansion of a Class I hazardous waste treatment, storage and disposal facilities, involving Tanner Act, CEQA and "environmental justice" civil rights claims.
- × **Albertson's, Inc. v. City of Palmdale:** Represented Albertson's, Inc. in a CEQA lawsuit challenging a city's approval of a zoning variance allowing the conversion of a portion of a commercial shopping center to school use.
- × **Palmdale School District v. Albertson's, Inc.:** Represented Albertson's, Inc. in an eminent domain lawsuit by a school district, which sought to condemn a shopping center use restriction prohibiting schools in a commercial shopping center.
- × **State of California (CalTrans) v. Uhlmann (Albertson's, Inc.):** Represented Albertson's, Inc. in an eminent domain lawsuit by CalTrans to condemn a portion of a commercial shopping center.
- × **Palla v. County of Kern (Laidlaw Environmental Services Inc.):** Represented Laidlaw Environmental Services, Inc. in a citizens lawsuit challenging approvals for expansion of a Class I hazardous waste treatment, storage and disposal facilities, involving Tanner Act, CEQA and California Planning and Zoning Law claims.
- × **Local Assessment Committee v. Kern County (Laidlaw Environmental Services Inc.):** Represented Laidlaw Environmental Services, Inc. in a lawsuit filed by a Local Assessment Committee, challenging the adequacy of compliance with the Tanner Act in approving expansion of a Class I hazardous waste treatment, storage and disposal facility.
- × **Treasure Island Associates v. City of Laguna Beach:** Represented the owner of Treasure Island Mobile Home Park in several lawsuits concerning relocation mitigation payments required in order to close the mobile home park, involving CEQA, Mobile Home Residency Act, Ellis Act, inverse condemnation, takings and civil rights claims.

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- * **Caritas Company (Encinitas Ranch):** Represented the Caritas Company in defeating an initiative and in obtaining approvals to develop a large residential and commercial project, including CEQA review, the termination of Williamson Act contracts, municipal annexation, general plan amendment, specific plan approval, rezoning, and various other site specific approvals.
- * **San Diego Unified School District v. Tenth Avenue Cold Storage Company:** Represented the lessee of a public facility for the importation, fumigation and distribution of agricultural commodities in a lawsuit challenging the adequacy of compliance with CEQA for the project's permits.
- * **Harbor Fumigation, Inc. v. San Diego County Air Pollution Control District:** Represented Harbor Fumigation, Inc. in a lawsuit challenging the jurisdiction of the county air pollution control district to regulate methyl bromide emissions under the Tanner Act.
- * **Neighborhoods United v. City of Encinitas (Home Depot USA, Inc.):** Represented Home Depot in a lawsuit challenging the adequacy of compliance with CEQA and the California Planning and Zoning law for the development of a large home improvement center, and assisted the project applicant in developing and implementing a successful campaign to defeat a referendum which sought to set aside approval of the project approvals.
- * **Swinton v. City of Poway:** Represented property owners in a lawsuit challenging the approval of a residential subdivision in violation of CEQA and the California Planning & Zoning Law.
- * **J.W. Jones Co. v. City of San Diego:** Represented a real estate developer in an action challenging inclusion of property in a facilities benefit assessment district, involving Proposition 13, civil rights and inverse condemnation claims.
- * **Summerhouse Inn v. City of San Diego:** Represented the owner of a hotel in bringing a lawsuit to set aside a city's revocation of land use permits previously issued for expansion of the hotel and in obtaining a substantial financial settlement of regulatory takings claims.
- * **Taylor v. County of San Diego:** Represented the property owner in successfully suing, twice in five years, to reinstate permits for the operation of a sand and gravel mining project which had been revoked by a county.
- * **Christward Ministry v. City of San Marcos:** Represented an adjoining property owner and several citizen action groups over a period of ten years in a series of lawsuits challenging the adequacy of CEQA compliance and other environmental review for general plan amendments, conditional use permits and development agreements for a proposed waste-to-energy project and a materials recovery facility.

- * **Christward Ministry v. County of San Diego:** Represented an adjoining property owner and citizen action groups over a period of five years in several lawsuits challenging the adequacy of CEQA compliance and other environmental review for the expansion of a Class III solid waste landfill.
- * **Leach v. City of San Marcos:** Represented an individual taxpayer who challenged the adequacy of CEQA compliance for a redevelopment plan.
- * **Christward Ministry v. California Pollution Control Financing Authority:** Represented a property owner which challenged the adequacy of a state bonding agency's compliance with CEQA before authorizing the issuance of \$185 million of bonds for a proposed waste-to-energy project.
- * **Putnam Foundation v. City of San Diego:** Represented an art museum in Balboa Park which challenged the adequacy of the City's compliance with CEQA before approving the proposed construction of certain improvements in the park.
- * **Christward Ministry v. State Water Resources Control Board:** Represented a property owner in an action challenging the approval of waste discharge requirements under the Porter-Cologne Water Quality Act for the expansion of a Class III solid waste landfill.
- * **Wiltshire v. City of San Marcos:** Represented the proponent of a land use initiative in an action alleging the measure was pre-empted by state law.

Professional Experience:

- * Hogan Guiney Dick LLP, San Diego, CA (1995-present)
- * Gray Cary Ware & Friedenrich (formerly Gray Cary Ames & Frye), San Diego, CA (1980-1995)

Education:

- * J.D., Boston College Law School (*magna cum laude*)
- * B.A., Lake Forest College

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Continued



Resume for
Mary Jane Wilson

WZI Inc.



MARY JANE WILSON, R.E.A
President

EDUCATION/CERTIFICATION

B.S., Petroleum Engineering, Stanford University, 1972
State of California Registered Environmental Assessor No. 00050
State of California Accredited Lead Verifier of Greenhouse Gas Emissions Data, Executive Order H-09-63
Special Government Employee, Department of Energy Ultra-Deepwater Advisory Committee
Member, National Petroleum Council
Director - Mission Bank, Audit Committee
Director - Greater Bakersfield Chamber of Commerce
Patent Nos. US 6,659,178 B2 Apparatus and Method For Sealing Well Bores and Bore Holes, US 6,860,997 B1 Apparatus and method for processing Organic Materials
Past Director - California Independent Petroleum Association
Past Director - Kern Economic Development Corporation and Chairman
1994 Journal of Petroleum Technology Editor, January Issue and 1994 Review Chairman
Society of Petroleum Engineers - Member since 1972, Environment Health and Safety Committee Member, 1993 Distinguished Lecturer, Co-chairman SPE/EPA Exploration & Production Environmental Conference, 1997, Chairman SPE Monograph Committee, Editor Monograph Volume 18 Henry L. Doherty Series, *Environmental Engineering for Exploration and Production Activities*
1993-94 Advisory Board - San Joaquin Valley Chapter, American Petroleum Institute
Stanford School of Earth Sciences, Stanford University - Advisory Board and former National Fundraising Chairman
Member - Air and Waste Management Association, American Petroleum Institute, Association of Groundwater Scientists and Engineers, Central California Association of Power Producers, California Groundwater Association, California Independent Petroleum Association, California Living Museum, National Water Well Association and the Water Association of Kern County, Central California Association of Power Producers
Member at Large - Conservation Committee of California Oil and Gas Producers
Member - West Coast Advisory Group of the Petroleum Technology Transfer Council
Member - PTTC National Labs Partnership Work Group
The Council of One Hundred - California State University, Bakersfield
Future Bakersfield - Mayor's Action Team, Strategic Vision Plan
Women's Advisory Council - Girl Scouts, Joshua Tree Council
Graduate, Hill & Knowlton Media Training Seminar
Soroptimist Achievement Award, 1976 Outstanding Professional Woman, L. A. Area

SPECIAL AREAS OF EXPERTISE:

Regulatory Compliance:

1717 28th STREET BAKERSFIELD, CALIFORNIA 93301 (661) 326-1112 FAX: (661) 326-0191

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 Continued

WZI INC.

Participates on an ongoing basis in regulatory reform programs both nationally and locally.

- Management of contracts where WZI acts as the client's representative in the coordination of business goals and permit conditions in large projects requiring interagency cooperation. This includes preparation of permit documents, technical support documents, public hearing representation and community relations.
- Provides strategic planning for compliance with regulations, the formulation of operations tracking protocols which improve agency/industry communication where permit conditions require a good understanding of a project.
- Working with regulatory agencies in the interpretation of "intent" of environmental regulations when applied to projects especially where Federal, State and local regulations are not clearly presented or have overlapping jurisdiction.
- Provides management direction on protocol design and implementation of environmental audits (site assessments, compliance audits, risk appraisals).
- Expert testimony in litigation involving groundwater contamination.
- Expert testimony and advise in litigation involving air emissions, health risk.

Petroleum:

Serves on the National Petroleum Council. Council advises, informs and makes recommendations to the Secretary of Energy with respect to matters submitted to the Council by the Secretary of Energy representing the views of the energy industry.

- Expert Witness Moss v. Venoco, Chevron et al. for Air Emissions, Due Diligence, Standard of Care
- Appointed by Congress to advise on the operation of the Naval Petroleum Reserve No.1 (Specific Expertise in Environmental Compliance)
- Over thirty years of oil and gas operations and reservoir engineering experience.
- Prepared numerous U. S. Securities Exchange Commission Reserves Appraisals and fair market valuations on oil and gas producing properties.
- Prepared numerous enhanced oil recovery development plans.
- Economic Analysis of business alternatives in oil/gas exploration and operations both domestically and internationally.
- Negotiated settlements regarding wastewater issues of independent refineries.
- Presentation to the National Electrical Generation Association regarding California Electrical Restructuring.

Power Generation:

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WZI INC.

- Kern County Electrical Advisory Committee member.
- California Independent Petroleum Association Oil Producers Electrical Project member.

PROFESSIONAL EXPERIENCE:

1986 - Present	<p><u>President, Chief Executive Officer: WZI Inc.</u></p> <p>Defines and directs the overall management objectives of WZI Inc. Ms Wilson provides technical standards for all projects on an as-needed basis, to assure client satisfaction, monitors all projects for contract compliance and technical content.</p> <p>WZI Inc. headquartered in Bakersfield, California. WZI Inc. is an environmental and consulting engineering company, which has achieved a reputation for high quality, successful project management. WZI is a State of California Verification Body for AB32 Greenhouse Gas Mandatory Reporting, Executive Order Number H-10-173. WZI offers professional and technical services in regulatory compliance (air, water, waste), geoscience, hydrology, site characterization, hazardous waste management, and environmental impact assessment. WZI offers its clients a uniquely high level of expertise, an innovative, technical approach and disciplined project management.</p>
1982 - 1987	<p><u>Partner: Evans, Carey & Crozier</u></p> <p>Represented numerous clients in environmental matters related to regulatory compliance and reservoir engineering. Supervised geological and groundwater studies, performed subsurface engineering and design, and made alternative recommendations, all related to hazardous and non-hazardous waste injection facilities. Expertise has been utilized in obtaining the necessary permits required by EPA, DOHS, RWQCB and various county agencies. Conducted detailed environmental assessments of hazardous waste site selections, all of which meet the demands of CEQA, and were utilized in EIR preparation.</p>
1979 - 1982	<p><u>Consultant: Evans, Carey & Crozier</u></p> <p>Represent Evans, Carey & Crozier with clients. Designed and implemented enhanced recovery and waste disposal programs including all permitting activities. Prepared property appraisals and evaluations.</p>
1972 - 1979	<p><u>Engineer: Texaco, Inc.</u></p>

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Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

WZI INC.

Initially, assisted in the evaluation of secondary recovery projects and pilot flood performance. Performed reservoir analysis, log interpretations and economic analyses. Based on this knowledge, was given the task of supervising all drilling and production activities for a major secondary recovery project in which she devised a new water entry survey technique. Studied the drilling potential in California, Nevada, and Alaska, and the development of several steam flood recovery projects. Asked to represent Texaco in unit negotiations, testify before government agencies and obtain all necessary permits. Also assisted in developing the Division's investment budget.

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WZI INC.

PUBLICATIONS:

- Englehardt, John, M.J. Wilson, et al., 2001, New Abandonment Technology New Materials and Placement Techniques, S.P.E. Paper No. 66496.
- Wilson, M.J. and J.D. Frederick, 1999, Editors, SPE Monograph Volume 18 Henry L. Doherty Series, Environmental Engineering for Exploration and Production Activities.
- Wilson, M. J. and S. C. Kiser, 1994, Transactional Environmental Assessments: Use in the Identification of Viable Enhanced Oil Recovery Projects, S.P.E./DOE Paper No. 27782.
- Wilson, M. J. and S. C. Kiser, 1993, Site Assessment Methods in Determination of Liability in Oil and Gas Property Acquisition and Divestiture, S.P.E. Paper No. 25834.
- Wilson, M. J. and J. D. Frederick, 1993, Particulate Emission Testing Methodologies as Applied to Natural Gas Fired Turbines, S.P.E. Paper No. 25945.
- Wilson, M. J. and S. G. Muir, 1992, A Critique of Selected Case Studies in Environmental Geophysics, S.P.E. Paper No. 23998.
- Kiser, S. C., M. J. Wilson and L. M. Bazeley, 1990, Oil Field Disposal Management Practices in Western Kern County, California in proceedings from First International Symposium on Oil and Gas Exploration and Production Waste Management Practices, New Orleans, Louisiana, p.677-688.
- Wilson, M. J., Kiser, S. C., E. J. Greenwood, R. N. Crozier, R. A. Crewdson, 1987, Oil Field Disposal Practices in the Hydrogeologic Setting of the Midway-Sunset and Buena Vista Oil Fields: A Review of Past Effects, Current Activities and Future Scenarios, American Association of Petroleum Geologists, Bull. V. 72, No. 3, p.394 Abs.
- Wilson, M. J. and S. C. Kiser, 1987, Proceedings of Hazmacon 1986 Conference April 29 - March 1, 1986, Anaheim, California, Synergistic Approach for Siting and Design for Injection of Hazardous Liquid Wastes: Case Study in Western San Joaquin Valley, Kern County, California, S.P.E. Paper No. 16327
- Wilson, M. J., 1979, The Santos: A Case History of Fractured Shale Development, S.P.E. Paper No. 7978.
- Wilson, M. J., 1974, A Young Engineer's Personal Look at the "Guidelines", S.P.E. Paper No. 4913.

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Resume for
Jesse D. Frederick

WZI Inc.

1717 28th STREET BAKERSFIELD, CALIFORNIA 93301 (661) 326-1112 FAX: (661) 326-0191



JESSE D. FREDERICK

EDUCATION/CERTIFICATION:

USN, Surface Nuclear Mechanical Operator, 1974
B.S., Chemical Engineering, Rose-Hulman Institute of Technology, 1981
State of Texas Registered Professional Engineer
Member – American Institute of Chemical Engineering, Society of Petroleum Engineers,
American Chemical Society, Association of Energy Engineers
Dow Chemical, USA Environmental Management
California Air Resources Board: Certified Lead GHG Verifier

SPECIAL CONTRIBUTIONS and RECOGNITIONS:

Recipient: Chevron Presidents Award for development of a new venture Business Plan
CoEditor: SPE Environmental Monograph Environmental Engineering for Exploration and
Production Activities
Guest Lecturer: Rose-Hulman Institute of Technology (1993) Advanced Coal Gasification
Technology, USC (2001) Electrical Deregulation, SPE (2002) Electrical Deregulation, EUCC
(2010)-Strategic Analysis of GHG Programs, Impacts on Reliability
Panelist – Valuing NO_x Offsets, Panel Discussion, Sponsored by Air Quality Week, 1993
Patent for: Steam Blow Silencer, Well Abandonment Technology, Anaerobic Digester
IOGCC, Oil and Gas Exploration and Production Environmental Reporting Requirements
DOE, Title V Guidance Manual for E&P industry
National Petroleum Council, Peer Review for Studies on Natural Gas Pipeline Infrastructure,
1999
API, Toxic Release Inventory Report on Exploration and Production
Member of Texas NO_x RACT Advisory Group, 1993
Board Member: Society of Petroleum Engineers (San Joaquin Valley Chapter)
Board Member: Kern County Taxpayers Association
Member: Kern County Chamber of Commerce Regulatory Advisory Committee

SPECIAL AREAS OF EXPERTISE:

- Contract assessment and negotiations.
- Business Planning including financial pro-forma and risk analysis.
- Modeling
 - Gas and Electricity Price Forecasting and Refinery Margin Analysis
 - Noise Impact Analysis, Finite Models: TNM, ENM, CORONA.
- Participation in the sale and acquisition of large energy assets for Fortune 500
Companies.
- Developed and implemented the audit procedure for cogeneration facilities and oil and
gas producing properties for a Fortune 500 company.
- Oversaw the environmental aspect of the development process for over thirty power
projects, through initiation to various stages of development including financial
closing.
- Federal, state and local regulations, including FERC, NEPA, SEQRA, CEQA, PSD,
NSPS, and NPDES as well as European environmental law.
- Expert testimony in both legal and semi-adjudicatory proceedings regarding: valuation
of environmental externalities, energy values, facility siting, environmental disputes,
impact of standard offer contracts on property values, refinery product and property
valuation.

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

FREDERICK – 2

WZI INC.

- Collaborated in the preparation of power project proposals. This included design and budgeting coordination for engineering, economic and engineering evaluations of various options.
- Forensic analysis of facility failures and on/offsite consequences.

PROFESSIONAL EXPERIENCE:

1994 - Present

Vice President - WZI Inc.

Responsible for the technical scoping of large projects which require multi-disciplinary integration. Responsible for technical peer review of on-going projects. Mr. Frederick acting on behalf of major clients has performed internal energy studies for long-term purchase and production plans as well as negotiated major energy contracts. In overseeing client regulatory compliance, Mr. Frederick advises clients regarding approaches to permitting and regulatory guidelines, including facilitating the Department of Energy's sale of the Elk Hills Naval Petroleum Reserve. Directs the planning, development and implementation of policies, programs and procedures in support of contract management. Mr. Frederick provides assistance in WZI's National Petroleum Council activities. Mr. Frederick holds a patent for an industrial noise silencer and has supervised and performed noise management and operational and environmental noise studies for numerous projects including over 1000MW of Large Scale Wind Turbine Generation, over 1000MW of Fossil-Fired Generation and Mixed-Use and Residential projects. Mr. Frederick is responsible for identifying business opportunities, expert advice on energy forecasts, valuations, business planning and provides business development services to numerous clients and has also served as a testifying expert on environmental regulations and utility ratemaking in states such as California, New York, Texas, as well as at the federal level.

1995 - 1998

President - CONSUMERS Utility Advisors, Inc.

Provided staff leadership in strategic planning and technical negotiations for the emerging energy markets in California. Clients included Fortune 500 integrated energy companies. He also directed corporate activities including business development, goal setting and quality assurance. Mr. Frederick was responsible for business planning and economic models for various clients.

1982 - 1994

Manager of Environmental Affairs, Destec Energy, Inc.

Promoted from Project Development, Mr. Frederick provided analytical support for multi-million dollar projects. The increased need for firm project management in the area of environmentally related issues led to a promotion to establish the Environmental Affairs department for the Dow energy subsidiary and management of the day-to-day activities of the Environmental Affairs staff. In this role Mr. Frederick, reported to senior management and oversaw all domestic and international environmental issues related to upstream and downstream energy production including: property sales and acquisitions, permitting, compliance, and facility/property audits for all Destec facilities including coal gasification projects, 740,000 acres of oil and gas properties, as well as superfund sites.

FREDERICK – 2

WZI INC.

Mr. Frederick wrote internal energy related planning documents for board consideration and implementation. Mr. Frederick was a team member for all business acquisitions and financial projects and participated in contracts and closings.

1981 - 1982

Engineer, M.W. Kellogg

Served in the Mechanical Division (Special Equipment Group) designing and procuring specialized chemical/refining and power generation equipment.

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

FREDERICK – 3

WZI INC.

PUBLICATIONS:

- Frederick, J. D., 1990, "Gas Turbine Emissions," Industrial Energy Technology Conference
Frederick, J. D. and B. Tulloh, 1991, "Title III of the Clean Air Act and BACT," Society of Petroleum Engineers Forum
Frederick, J. D., 1992, "Clean Air Act Title III and the Oil Industry," Society of Petroleum Engineers
Frederick, J. D., 1993, "Air Emissions Trading," SPE/EPA Exploration & Production Environmental Conference, San Antonio, TX, 7-10 March 1993
Frederick, J. D., 1993, "Effective Environmental Management," SPE Hydrocarbon Economics and Evaluation Symposium, Dallas, TX, 29-30 March 1993
Frederick, J. D. and S. Jenkins, 1993, "Cogeneration and Meeting California Environmental Requirements," 8th Cogeneration & Independent Power Congress, Boston, MA, 15-16 June 1993
Frederick, J. D. and W. Lessig, 1993, "Environmental Considerations of Coal Gasification Technology and the Wabash River Repowering Project," American Power Conference, Boston, MA, 1993
Frederick, J.D. and Wilson, M.J., 1993, Particulate Emission Testing Methodologies as Applied to Natural Gas Fired Turbines, S.P.E. Paper No. 25945
Frederick, J. D. and M.S. Weaver, 1997, *Title V and the Exploration and Production Industry*, S.P.E. Paper No. 37883.
Frederick, J. D. and Mary Jane Wilson, 1999, Editors, SPE Environmental Monograph Environmental Engineering for Exploration and Production Activities
Frederick, J. D. *Meter-based Cost Impact of Energy and GHG Regulation and Operational Mitigation*, AEE Conference on Strategic Planning for Energy and the Environment, 2010

DAVID CLARK

David Clark is a Senior Project Manager with more than 33 years of experience managing, overseeing, and preparing planning and environmental documents for large-scale multidisciplinary transportation projects. He has extensive experience preparing Environmental Impact Statements (EISs) and Environmental Impact Reports (EIRs), Environmental Assessments (EAs), Initial Studies (ISs), and Mitigated Negative Declaration (MNDs) for California Environmental Quality Act/National Environmental Policy Act (CEQA/NEPA) compliance for Caltrans and the Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA). He has managed large scale planning-level documents such as major investment studies (MISs), corridor analyses, and alternative feasibility studies for the Riverside County Transportation Commission (RCTC), Orange County Transportation Authority (OCTA), and San Bernardino Associated Governments (SANBAG).

David is currently the Environmental Program Manager for the \$1.2 Billion Thomas Roads Improvement Program (TRIP) for the City of Bakersfield. His responsibilities include the management of several consultant teams in the preparation and delivery of initial planning, technical studies, and EDs for the 24th Street Improvement EIR/EA, Rosedale Highway Widening IS/EA, SR-178/Morning Drive EIR/EA, SR-178 Widening IS/EA, Hageman Flyover IS/EA, and Centennial Corridor EIR/EIS within Caltrans District 6. He has also managed and prepared several revalidations for Westside Parkway and preliminary environmental assessment reports (PEARs) for the SR-99 North and South projects, as well as the Hageman Flyover and SR-178 Widening projects.

David oversees mitigation compliance and biological monitoring for Westside Parkway phases 1, 2, and 4. He is responsible for permit compliance for the U.S. Army Corps of Engineers (Section 404), CDFG, California Department of Fish and Game (1602 Streambed Alteration Agreement), Central Valley Flood Protection Board (Encroachment Permit), and California Regional Water Quality Control Board (Section 401) for Westside Parkway at the Kern River. David is also working closely with Caltrans District 6, the U.S. Fish and Wildlife Service (USFWS), and CDFG to implement a program-wide mitigation plan for state- and federally-listed endangered species for the San Joaquin kit fox.

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

ROBERT SCALES

Mr. Scales is a civil and transportation engineer with a broad background in the design and planning of highways, light rail transit, commuter rail, intermodal facilities, train stations, bus transit services, and goods movement systems. His expertise includes project development, feasibility studies, concept through final design, management and operations, economic evaluation, and public presentations. His work includes area-wide transportation plans, transportation corridor analysis, intermodal planning, traffic engineering, transit system evaluation, design and operations. Mr. Scales directs the technical analysis and formation of recommendations and final designs for a wide variety of transportation investments, and the group's transportation planning practice. Mr. Scales is experienced with coordinating efforts among multiple federal, state, and local agencies, citizen groups, and task forces.

In Bakersfield, Mr. Scales has served as Traffic Study Manager for the Thomas Road Improvement Program (TRIP), which includes 16 projects encompassing road widening, new interchanges, new freeways and connecting roadways. Program management role includes conceptual studies and review of traffic studies performed by corridor consultants. Work includes recalibration of the Metropolitan Planning Organization regional travel demand model.

His 40 years of experience includes major traffic studies for I-15 and U.S. 95 in Las Vegas for the Nevada Department of Transportation, traffic studies and goods movement studies for the California Department of Transportation in the San Francisco Bay Area, transit studies for light rail transit in San Jose and San Diego and for the Pittsburg-Antioch extension of BART in San Francisco, railroad station studies for Caltrain service on the San Francisco Peninsula and for the extension of commuter rail service in Monterey County, California.

ATTACHMENT 3

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

Financial analysis keeps pressure on rail effort - Bakersfield.com

Financial analysis keeps pressure on rail effort

BY John Cox Californian staff writer
jcox@bakersfield.com | Monday, Sep 19 2011 05:31 PM

Last Updated Monday, Sep 19 2011 05:32 PM

An updated study of the steep financial challenges facing California's High-Speed Rail proposal underlines the pressure on project officials as they wrap up an important business plan due next month.

The report's main findings – that the project's construction is severely underfunded and that the system would require an operating subsidy ruled out three years ago in a voter-approved \$9 billion state bond measure – have been widely discussed. What's new is that authors of the report released Monday say updated figures show that the situation has worsened.

For example, they conclude that the project's actual price tag has increased to \$66 billion from the \$43 billion estimate released in 2008. The report also forecasts annual operating deficits of between \$2.2 billion and \$4.6 billion – not the \$2.4 billion surplus project officials predicted in 2009.

The report arrives just weeks before a highly anticipated business plan is due before a state Legislature divided over the project. The business plan is expected to discuss many, if not all, of the issues raised in the report, such as where money would come from to finish building the project and who would operate it once built.

A project spokeswoman did not respond to a request for comment Monday.

Construction is planned to begin late next year between Bakersfield and Merced. By 2020, the system is proposed to link Anaheim and San Francisco with trains traveling up to 220 mph. Plans call for expanding that initial phase to add stops in San Diego and Sacramento.

The study is essentially an update to previous reports issued by the same group of three men, two private-sector executives and a retired Stanford professor who said the group donated its time to produce the study. He said all three authors live in the area around Palo Alto, where opposition to the rail project has been fierce.

Assuming the initial phase gets built at a cost of \$66 billion, servicing the bond debt would cost the state \$4.6 billion a year, the study states. Over 30 years, it says, that would cost taxpayers between \$65 billion and \$137 billion.

The report reiterates doubts that the federal government will contribute the full \$18 billion called for to finish the project; only \$3.3 billion has come through, and many question Congress's commitment to continue investing in the project despite strong support from the Obama administration.

Also, the California High-Speed Rail Authority has not yet identified who exactly would contribute the roughly \$11 billion earlier deemed reasonable to expect from the private sector.

"The Authority's financial plans, even at these early stages of engineering studies, continually veer from the optimistic to the aspirational," the authors of the study released Monday state in their preface.

REVISITING ISSUES IN
THE OCTOBER 2010 REPORT

THE FINANCIAL RISKS OF
CALIFORNIA'S PROPOSED
HIGH-SPEED RAIL PROJECT
– THE 2011 EDITION –

A Project Consuming \$700,000 Each Working Day
In The Confident Hope Of A Miracle'

September 14th 2011

Here is the quotation from the October 2010 Financial Risks Report's cover, with new portions modified by bold typeface.

*"We do not oppose high-speed rail in concept. It seems to work in parts of Europe and Japan and possibly elsewhere; **albeit with deep construction and continuous operating subsidies, illegal under AB3034.** The 2008 Prop1A promise that captured many voters was that the California High-Speed Rail (CHSR) would not cost the taxpayer a penny **more than the \$9 billion approved by Proposition 1A.** After months of work on this report, **six other reports, a complete financial analysis and twenty Notes,** we are forced to conclude that the Authority's promise **seems is an impossible goal.**"*

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
 Continued

Community Coalition on High Speed Rail

Latest from CC-HSR
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The Financial Risks of California's Proposed High-Speed Rail Project



The Community Coalition on High-Speed Rail is proud to make available financial analyses of the proposed California High-Speed Rail Project, prepared by a citizen panel of business and financial experts.

2011 Edition



Click on the icon to the left to access a copy of The Financial Risks of California's Proposed High-Speed Rail Project - the 2011 Edition. This new 2011 edition of Financial Risks explores the even more devastating results of the project's increased costs and lack of new Federal grants.

2010 Edition

Click on the links below to access a copy of the 2010 The Financial Risks of California's Proposed High-Speed Rail Project and its appendices.

The Financial Risks of California's Proposed High-Speed Rail Project REPORT	APPENDIX A	APPENDIX B	APPENDIX C
2010 Report (.pdf)	Appendix A (.pdf)	Appendix B (.pdf)	Appendix C (.pdf)

<http://www.cc-hsr.org/>

10/10/2011

Community Coalition on High Speed Rail

The review, released in October 2010, concludes that the California High-Speed Rail Authority's financing plans are not fiscally sound. Operating the High-Speed Train as currently proposed would be financially risky for any operator. Building it as currently planned could mean financial ruin for any investor and jeopardize the State's fiscal health. The review represents months of work, and its conclusions have been endorsed by over seventy knowledgeable, non-partisan reviewers ("Principal Reviewers"), who signed their names in support of its findings and conclusions. Names of the Principal Reviewers start on page two of the review.

Principal authors of the review are:

Alain C. Enthoven: Mariner S. Eccles Professor of Public and Private Management (emeritus), GSB Stanford; President, Litton Medical Products, Economist, Rand Corporation; President's Award for Distinguished Federal Civilian Service; Baxter Prize for Health Services Research; Fellow American Academy of Arts and Sciences; Founder, Jackson Hole Group (BA Economics, Stanford; Rhodes Scholar-Oxford; PhD Economics, MIT)

William H. Grindley: World Bank, Associate Division Director, SRI International; Founder and CEO, Pacific Strategies, ret. (Master of City Planning, MIT)

William Warren: Officer, US Navy. Forty years of Silicon Valley finance, sales and consulting experience and management, including CEO of several start-ups, Director/Officer at IBM, ROLM, Centigram, and Menorex (BA Political Science, Stanford; MBA, Stanford).

Financial Analysis of the Proposed California High-Speed Rail Project

The authors of *The Financial Risks of California's Proposed High-Speed Rail Project* released another report in June 2011. This report, entitled *Financial Analysis of The Proposed California High-Speed Rail Project*, measures the impact of four critical California high-speed rail project variables: 1) the decline, if not disappearance, of Federal grant money, 2) the near-certainty of increasing construction costs, 3) the certainty that cash-strapped cities and counties will not have money to contribute to the construction of the high-speed rail project, and 4) the high probability that the California High-Speed Rail Authority will not achieve its projected operating results. Using the Authority's business plan operating data, the forecasted financial results show insufficient monies from operations to service the construction debt. The burden of this debt will fall to the taxpayers, who will need to service it at the expense of priorities such as education and public safety.

Financial Analysis of the Proposed California High-Speed Rail Project - June 2, 2011 [CLICK HERE](#) (.pdf)

Executive Summary Of The Financial Analysis Report - June 17, 2011 [CLICK HERE](#) (.pdf)

Briefing Papers

The authors of *The Financial Risks of California's Proposed High-Speed Rail Project* have released a series of Briefing Papers. Each Briefing Paper discusses one of the topics addressed in *The Financial Risks of California's Proposed High-Speed Rail Project*.

1. Dubious Ridership Forecasts - November 3, 2010 [CLICK HERE](#) (.pdf)
2. Six Myths Protecting California's High-Speed Rail Project - November 13, 2010 [CLICK HERE](#) (.pdf)
3. Executive Summary - November 30, 2010 [CLICK HERE](#) (.pdf)
4. A Train To Nowhere But Bankruptcy - January 3, 2011 [CLICK HERE](#) (.pdf)
5. Seven Deadly Financial Facts - January 18, 2011 [CLICK HERE](#) (.pdf)
6. Big Trouble For California's \$65 Billion Train - March 21, 2011 [CLICK HERE](#) (.pdf)
7. Will The High-Speed Train Benefit California's Middle Class? - April 4, 2011 [CLICK HERE](#) (.pdf)

Briefing Notes

The authors of *The Financial Risks of California's Proposed High-Speed Rail Project* have released a series of one-page briefs addressing claims frequently made by proponents of the California High-Speed Rail project. Each Briefing Note counters a specific claim and contains extensive footnotes and quotations from various sources. The

<http://www.cc-hsr.org/>

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Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

Community Coalition on High Speed Rail

Briefing Notes are focused on matters of subsidies, costs, jobs and other financial issues. They do not address local issues with the possible exception of matters related to imminent construction in the Central Valley.

1. ON THE LIKELYHOOD OF MORE FEDERAL CONSTRUCTION MONIES [CLICK HERE](#) (.pdf)
2. ON HIGH-SPEED RAIL RIDERS AND RIDERSHIP FORECASTS [CLICK HERE](#) (.pdf)
3. ON COST OVERRUNS WHILE BUILDING MEGAPROJECTS [CLICK HERE](#) (.pdf)
4. ON CONSTRUCTION JOBS IN THE HIGH-SPEED RAIL PROJECT [CLICK HERE](#) (.pdf)
5. ON PERMANENT JOBS CREATED BY THE HIGH-SPEED RAIL PROJECT [CLICK HERE](#) (.pdf)
6. ON HIGH-SPEED RAIL'S NEED FOR OPERATING SUBSIDIES [CLICK HERE](#) (.pdf)
7. ON PRIVATE CAPITAL FOR CALIFORNIA'S HIGH-SPEED TRAIN [CLICK HERE](#) (.pdf)
8. ON HIGH-SPEED RAIL TICKET PRICES VERSUS DRIVING [CLICK HERE](#) (.pdf)
9. ON CHSRA'S ASSUMED RAIL TICKET PRICES VERSUS AIRLINE FARES [CLICK HERE](#) (.pdf)
10. ON HIGH-SPEED RAIL'S FINANCIAL SHELL GAMES [CLICK HERE](#) (.pdf)
11. ON HIGH-SPEED RAIL'S PROBLEMS - DEJA VU ALL OVER AGAIN [CLICK HERE](#) (.pdf)
12. ON THE CHSRA'S ESTIMATED OPERATING EXPENSES [CLICK HERE](#) (.pdf)
13. ON THE CHSRA'S ESTIMATED OPERATING REVENUES [CLICK HERE](#) (.pdf)
14. ON EVIDENCE-BASED HIGH-SPEED RAIL FARES [CLICK HERE](#) (.pdf)
15. ON OPERATING COSTS OUT OF SYNC WITH THE FRA AND REALITY [CLICK HERE](#) (.pdf)
16. ON PHASE ONE'S COSTS, MARGINS AND ACCUMULATED DEBT OVER SIXTEEN YEARS [CLICK HERE](#) (.pdf)
17. ON THE 'ENTIRE SYSTEMS' COSTS, MARGINS AND ACCUMULATED DEBT OVER THIRTY YEARS [CLICK HERE](#) (.pdf)
18. ON PRE-PHASE ONE CONSTRUCTION, MARGINS AND ACCUMULATED DEBT [CLICK HERE](#) (.pdf)
19. ON THE IMPACT ON THE STATE OF SERVICING DEBT ON THE 'ENTIRE SYSTEM' [CLICK HERE](#) (.pdf)
20. ON THE CONSEQUENCES OF THE INCREASING COST PER MILE IN THE CENTRAL VALLEY [CLICK HERE](#) (.pdf)
21. ON WHAT CAN ACTUALLY BE BUILT IN THE CENTRAL VALLEY [CLICK HERE](#) (.pdf)
22. ON CASH FROM OPERATIONS PAYING FOR HIGH-SPEED RAIL'S CONSTRUCTION [CLICK HERE](#) (.pdf)
23. ON A MOVE TO CHANGE HIGH-SPEED RAIL'S FINANCIAL PERFORMANCE METRICS [CLICK HERE](#) (.pdf)

Follow the Money



Click on the icon to the left, to view a fifteen page, graphics-driven presentation on the numbers surrounding the California high-speed rail project as proposed by 2008's Proposition 1A. The presentation touches on everything from the likely construction costs and ridership numbers for the proposed high-speed system, to jobs and to the devastating impact on California's General Fund. The authors of this presentation have used it throughout California to educate elected officials and others. It is a useful tool for explaining the project to the financially inexperienced.



ATTACHMENT 4

<http://www.cc-hsr.org/>

10/10/2011

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

Bakersfield City Council Members City_Council@bakersfieldcity.us

I am a resident in the Bakersfield area and I am writing to you to inform you of some of the many concerns that I have about the High Speed Rail project as it is planned including:

I oppose the H.S.R. Authority ignoring our community leader's reasonable recommendations during the planning of the project and I oppose the Authority not giving adequate consideration to many recommendations that would mitigate numerous negative impacts that the project as planned will cause my community.

I oppose the Authority's plan to destroy an unacceptable amount of Bakersfield City and surrounding area's infrastructure, homes, churches, businesses and schools by the Authority's plan to run the Rail project directly through the middle of our long established city. Our city corporation yard is affected. Our police garage is affected. Our oldest Bakersfield landmark - Bakersfield High School is affected. Our Robobank civic center is affected. Our Mercy Hospital is affected. I ask "is this any way to run a railroad?"

The Authority does not have to destroy so much of our community. The authority could easily locate the rail alignment and station location somewhere outside the established Bakersfield community. Relocation of the station and rails outside our established neighborhoods would eliminate most if not all of the negative impacts that the Authority's current alignment plans will cause. As planned the project will destroy over 230 homes in our relatively small community. It will displace at least 700 residents, it will destroy between 110 and 280 businesses affecting between 800 and 1350 jobs and it will destroy between 7 and 8 churches all in our community. I believe that the religious freedoms that we are guaranteed by the Constitution of the United States will be violated by such unnecessary government heavy handedness. These are an unacceptable number of negative impacts caused to our Bakersfield community by the Authority's poor planning. This is to say nothing of the tax revenue, both sales tax and property taxes lost. The jobs that are to be lost will only put more burdens on the City to try to find meaningful jobs for these newly displaced workers.

I currently oppose the project as planned due to the insufficient amount of funds that are available to effectively begin construction of the project and I currently oppose the project because the amount of funds that will be necessary to complete the project have been grossly underestimated as has been verified by numerous Economists and groups with expertise in this area. There is no way the Authority can build, maintain, and operate the system with the funding currently available to them. The Authority's plan that ridership will pay for the ongoing cost of operations seems totally out of line with reality again, as does their plan for the source of future funding, which is undetermined.

I hope you will agree with me that the lack of fore thought by the Authority only adds a severe burden to our City and many of its residents. I ask that you oppose the Authority's current EIR/EIS and send them back to the drawing board, as many of the other cities along their route have already done. I personally feel a vote of "No Confidence" is in order for this issue.

Respectfully Submitted,

Leslie (Les) Robison
7313 Live Oak Way
Bakersfield, CA 93308

To Jim Eggert.

Sept 23, 2011

We Carl & Betty Matthews are emphatically opposed to the high speed rail project in our City. The environmental impact report is incomplete as they have not included us in it as well as many others. Our Church at 800 Butte & King St. sets where you plan to put tracks, and would be destroyed. We have owned this property since 1971 and was always a church since the 1930's. Please don't let this happen. We pray you will stand with us against the rail in Bakersfield

Sincerely Carl & Betty Matthews

4700 KAYLAIN AVE.
BAKERSFIELD, CA 93313

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

These are the individual data forms for each building in an HASR, Historic Architectural Survey Report (aka HPSR, Historic Property Survey Report).

What we should be receiving is the entire HASR/HPSR with all the DPR 523 forms for Bakersfield, and in particular the complete set for BHS.

Without the HASR/HPSR and the DPR 523 forms it is impossible to determine by what rationale JRP determined any building either eligible or ineligible for the National Register -- which is the only purpose for completing the survey under Section 106 of the National Historic Preservation Act (NHPA).

The NHPA is very specific about what has to be done to clear and/or condemn properties potentially to be razed under eminent domain.

The HASR/HPSR should also include a major narrative history of the campus based on ALL the data we supplied to JRP.

The Draft EIR/EIS provides the briefest of summary references or charts, only denoting Harvey Auditorium as eligible for the NRHP.

CONCERNED BAKERSFIELD RESIDENT
AUGUST 19, 2011

Jim Eggert

From: Michael Kennedy <mikeakennedy@gmail.com>
Sent: Sunday, September 11, 2011 1:00 AM
To: Jim Eggert
Subject: High-Speed Rail EIR

Mr. Eggert:

We have recently been notified by a grassroots movement that our Christian school (Bethel Christian School, Bakersfield) was not considered in our the High-Speed Rail Environmental Impact Statement/Report (EIS/EIR). However, it is clear that our school community will be significantly impacted even if our facility is not taken, via eminent domain, as the sound of the passing train, at 200mph, will disrupt the learning environment. According to United States Environmental Law, there is documentation required for such actions "significantly affecting the quality of the human environment".

We are not asking the High-Speed Rail Authority to cease and desist. Instead, we simply request that the school (Bethel Christian School) be included in the Environmental Impact Statement/Report, as the existing EIS/EIR has managed to bypass the inclusion of our school during the planning phases. It makes no sense that a project of this size has not had to undergo a thorough assessment of potential impacts on schools. Even if the proposed high-speed rail does not come through our property the EIS/EIR should have included a sound barrier for the school and homes within the vicinity of the track/rail.

Michael Kennedy, Principal
Bethel Christian School
(661) 472-9649
(661) 325-2661
mikeakennedy@gmail.com

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

Jim Eggert

From: Becca Hill <jdjane@hotmail.com>
Sent: Monday, September 26, 2011 4:37 PM
To: bakersfield mayor; zachary.m.simmons@usace.army.mil; Jim Eggert;
fresno_bakersfield@hst.ca.gov
Subject: High Speed Railroad in Bakersfield, CA

To Whom It May Concern:

I am writing to you in response to the High Speed Railroad that is suppose to coming through Bakersfield, CA. It is my understanding that an Environmental Impact Report has been put together for the planned railroad. I also understand that my church, Full Gospel Lighthouse, will be affected by this plan. Full Gospel Lighthouse is planned for demolition. Unfortunately your Environmental Impact Report was not complete. The person(s) who put together your report left out Full Gospel Lighthouse church among many other homes and businesses. Full Gospel Lighthouse is located at 800 Butte Street in Bakersfield, CA. I know you are not from this neighborhood and to you its just another neighborhood. But this property is ordained by God to be a house of deliverance and has been for many people who attend the church and many in the neighborhood. This church has been a lighthouse - a source of light - sharing the gospel of Jesus Christ with this neighborhood. I have attended this church faithfully for the last 5 years. I found Jesus Christ my Lord and Savior at this church. I have received deliverance many times here at this church. The Spirit of God can be felt at this church.

I am opposed to the building of the high speed railroad in Bakersfield. I ask that another Environmental Impact Report be completed including Full Gospel Lighthouse and the surrounding community in it. I don't believe that the addition of a high speed railroad is going to benefit Bakersfield.

I thank you for your time.

Sincerely,

Rebecca J. Hill

A humble servant to the Most High God

Jim Eggert

From: The Hunny Do Handyman <thehunnydohandyman@gmail.com>
Sent: Monday, September 26, 2011 6:11 PM
To: bakersfield mayor; zachary.m.simmons@usace.army.mil; Jim Eggert;
Fresno_Bakersfield@hst.ca.gov; City_Council; district1@co.kern.ca.us; district2@co.kern.ca.us; district3@co.kern.ca.us; district4@co.kern.ca.us; district5@co.kern.ca.us
Subject: High Speed Railroad Enviromental Impact Report

To All Concerned,

I am contacting you today in regards to the High Speed Railroad. I am requesting that Kern County and Bakersfield City reconsider allowing this project from continuing due to the underhandedness of the project. As you already know the EIR is incomplete and not explained in a simplicity as to allow the common man to understand it. This 30,000 page document can not be read in the amount of time being allowed to the majority of individuals who have only accidentally found out about their property being on the demolition slate or affected by the future of the HSR. I myself am a member of the church Full Gospel Lighthouse, and a board member, had to find out that our church is on the demolition list by an individual from the bay area only 2.5 weeks ago. We began to search out and dig in on all the information available to us by public record, as we have not received any other documents, only to find we were not included on the EIR. The EIR stops short of our address of 800 Butte Street Bakersfield, CA 93305, the report does not continue or take into account any part of the city beyond Baker Street and California Avenue. This is not proper or fair to the residents of Bakersfield, we have earned our right to be informed and to say no to the destruction of so many properties illegally and unconstitutionally. The law states that anyone affected by the HSR must be informed by a representative or a letter, and the EIR must be understood by the common man. This is not the case the 30,000 page document is written in such a way as to only allow a team of lawyers to decipher it and still not come to a unanimous conclusion on it's meaning. I am requesting that the EIR be re-submitted and re-examined to include all the properties affected by this poorly planned decision, or be dropped entirely.

I understand that there is a "promise" of jobs and "better" business. I, along with many others do not see this as being the case. The HSR will only end up being a burden upon the tax payers and is a way to allow the business' of Bakersfield the opportunity to leave. The only people to be employed by the HSR will be foriegn countries for materials, the lowest bidder and maybe some of the states unemployed. What happens when the construction phase is complete and we have wiped out so many existing jobs for the false "promise" of future jobs? There are plenty of empty parcels of land for the HSR to utilize. Why go further in debt trying to buy property already occupied? There are many questions that have been failed to be answered, and issues that need to be addressed. The economy as it stands today can not support this multi-billion dollar burden. I am not supporter of the amount of debt that California has incurred along with the Federal Government. If the average family was to try and incur this debt to scale the creditors would laugh at us and deny us before we can even begin to apply.

The HSR has done their job poorly, and intentionally at that, and should be made to hold the standards set forth for every other entity in California. If the state of California, County of Kern, or the city of Bakersfield continue to allow the citizens to be literally railroaded what sort of standard does this set forth for our children? You as our elected officials need to seriously re-consider the way this operation is being done. Please forward this email to all who may need to be included.

Thank you for your time it has greatly been appreciated.
Jason D. Hill

I can do all things through Christ which strengeth me. Pillipians 4:13

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

Jim Eggert

From: AdmMgr
Sent: Monday, September 26, 2011 8:42 AM
To: Jim Eggert
Cc: Steven L. Teglia; Alan Tandy
Subject: FW:

Jim - Another to add to your list and as we get these comments from , should reply back with an acknowledgement that we have received, etc. Thanks.

From: Stafford Betty [mailto:Stafford_Betty@firstclass1.csubak.edu]
Sent: Friday, September 23, 2011 6:45 PM
To: DEVPln; AdmMgr
Subject:

Dear Sirs:

I regard the high speed rail project as a massive boondoggle. I say this not because I don't like trains or am opposed on principle to high speed rail, but because the track between Los Angeles and San Diego, even if finished--and I don't think it ever will be--will never attract enough riders to make it pay. In England, Switzerland, and Austria, where I've traveled by train recently, a high percentage of the population use the rails, and trains run very frequently up and down the tracks--in England every five minutes. This is money well spent.

Rails work wonderfully in densely populated areas at close proximity to each other, but California's population is spread too far apart. Air travel makes much better sense, and it always will.

And of course there is the enormous expense, probably ranging realistically in the area of 150-200 billion. We don't have that kind of money. We never will.

Finally, the disruption of lives as homes, churches, schools, and businesses are destroyed is way too high a cultural and psychic price to pay.

Please stand firmly opposed to this wasteful project.

L. Stafford Betty
Professor of Religious Studies
CSU Bakersfield

Jim Eggert

From: melissa matthews <matthews5x5@msn.com>
Sent: Wednesday, September 21, 2011 12:40 PM
To: fresno_bakersfield@hsr.ca.gov; zachary.m.simmons@usace.army.mil; Jim Eggert
Cc: nadianaik@gmail.com
Subject: Draft EIR/EIS Comment for High Speed Railroad through Bakersfield, CA

Greetings to all.

I am Pastor Todd Matthews of Full Gospel Lighthouse, 800 Butte St., Bakersfield, CA 93305.

This E-mail in in regards to the High Speed Railroad that is proposed to go through Bakersfield, California.

In late August, 2011 I was contacted by a grass roots program that informed me that our property would fall in line with this High Speed Railroad project. After looking at some maps and reading through documents that they sent to us, it appears to me that this is correct. But what is also apparent is that the Environmental Impact Study did not include us and therefore is incomplete. To myself, the Board and the Members of Full Gospel Lighthouse this brings us great concern.

Here at Full Gospel Lighthouse, the Lord has blessed us in many ways. Just to name a few, our property is paid for and we operate debt free.

The Lord has also blessed us in many ways enabling us to touch this community. We minister to the community in many ways such as Preaching, praying, feeding, clothing, and loving them. Our church is located in an area that is considered to be low income. It also has perhaps the greatest population of homeless and at risk adults in the Bakersfield area. We get out and help them each week by being Jesus' hands extended.

Speaking as a Pastor and a man of faith, this church and property at 800 Butte Street is what the Lord God Almighty has given us and through prayer and faith in Our Lord Jesus Christ, we intend on keeping it.

Thank you for your cooperation in this matter,

Pastor Todd Matthews
Full Gospel Lighthouse
800 Butte, St.
Bakersfield, CA 93305

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

Jim Eggert

From: Edward Gonzales <egonzales55@gmail.com>
Sent: Thursday, September 22, 2011 12:24 PM
To: Jim Eggert
Subject: Fwd: I Disagree with High Speed Rail Project

----- Forwarded message -----

From: Edward Gonzales <egonzales55@gmail.com>
Date: Thu, Sep 22, 2011 at 12:21 PM
Subject: I Disagree with High Speed Rail Project
To: CityCouncil@bakersfieldcity.us

This proposed route will destroy many established churches without any thought to its members or facts of origin in our faith and of leadership in this community.

Jim Eggert

From: City_Council
Sent: Tuesday, September 27, 2011 10:51 AM
To: Jeff Taylor; bakersfield mayor; Couch, David; Couch, David; Harold Hanson; jacquiesullivan@sbcglobal.net; russjohnson77@yahoo.com; Salas, Rudy; sbenham@sbcglobal.net; Weir, Ken
Cc: Brad Underwood; Jim Eggert; Steven L. Teglia
Subject: ATTN: All Members please

Dear Mr. Taylor:
Your e-mail has been provided to Mayor Hall, Councilmembers and staff. Thank you for providing input and sharing your ideas and concerns regarding the High Speed Rail project.
Sincerely,
Roberta Gafford, CMC
City Clerk

From: Jeff Taylor [mailto:californiafisherman@bak.rr.com]
Sent: Monday, September 26, 2011 7:05 PM
To: City_Council
Subject: ATTN: All Members please

Honorable Bakersfield Council Members,

I am a resident and business owner within the Bakersfield community and I wish to inform you of the many concerns that I have about the harm that the High Speed Rail project as it is currently planned will cause our community.

I oppose the Authority's plan to unnecessarily destroy an unacceptable number of Bakersfield City and surrounding area's infrastructure, homes, churches, businesses and schools by the Authority's plan to construct the Rail project directly through the middle of our long established city. Our city corporation yard is affected. Our police garage is affected. Our oldest Bakersfield landmark - Bakersfield High School is affected. Our Robobank civic center is affected. Our Mercy Hospital is affected. Our city staff parking lot is affected.

The Authority does not have to destroy so much of our community to build their project. The authority could easily locate the rail alignment and station location somewhere outside the established Bakersfield community. Relocation of the station and rails outside our established neighborhoods would eliminate most if not all of the negative impacts that the Authority's current alignment plans will cause our community. It is worthy of note that the Authority's plan for the rail alignment in the Fresno area does not pass directly through their downtown community and due to that reasonable alignment; the project negatively affects far fewer citizens.

As planned the project will destroy over 230 homes in our relatively small community. It will displace at least 700 residents, it will destroy between 110 and 280 businesses affecting between 800 and 1350 jobs and it will destroy between 7 and 8 churches in our community. These are an unacceptable number of negative impacts that will be unnecessarily caused to our Bakersfield community by the Authority's poor planning.

I oppose the H.S.R. Authority's common practice of not sufficiently informing property owners that their properties are at risk of demolition or value degradation by the project. I have never been informed by the Authority that my family residence is directly in the middle of their planned alignment. I have never been

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

informed by the Authority that my two business locations are directly in the middle of their planned alignment. I was informed of this by a citizen group located in the bay area on September 8th of this year. This notification was nearly halfway into the EIR/EIS review and comment period.

Local governments properly notify citizens of proposed zone change and conditional use permits to sufficiently inform the citizens where the zone change or C.U.P. properties are located in relation to the citizen's property. Proper notification provides the citizens an opportunity to be involved in the planning process. Proper notification was not given to the negatively affected citizens of the state concerning rail alignment locations. That omission has put the citizens of the entire state at a huge and unfair disadvantage because they were unable to be involved in the planning process of the project.

I oppose the Authorities plan to demolish as many as 8 churches, a religious school and a Hindu mission in our moderately sized community. I believe that our religious freedoms that are guaranteed by the Constitution of the United States will be violated by such unnecessary government heavy handedness. These are churches and schools that have been serving their community in long established neighborhoods. When they are destroyed, they will not be able to relocate in the neighborhoods that they serve.

I currently oppose the project as planned due to the insufficient amount of funds that are available to effectively begin construction of the project and I currently oppose the project because the amount of funds that will be necessary to complete the project have been grossly underestimated and the source of future funding is undetermined. I oppose the project because the unjustifiably high cost of the project will eliminate funding of important infrastructure projects well into the future.

The project has received a very small amount of Federal funds in relation to the amount of funding that will be necessary to complete the project. The project is located entirely within the state of California and it will be funded almost entirely by state of California tax payers. I believe that the Federal government has way too much power over this project. This is not an interstate project so I believe that it should NOT be managed by the Federal Railroad administration. The State of California should be in charge of this project because our California state leaders would better look after the best interests of their citizens.

The individuals working for the Federal agencies that are planning and managing the High Speed Rail project are accountable to no one in the state of California and they are unnecessarily harming the interests of Californians and a large number of the Bakersfield citizens that you serve. The Federally managed H.S.R. project has inexplicably exempted itself from our California Environmental Quality Act or CEQA standards and the Authority has ignored our California environmental standards as it drafted the project's EIR/EIS documents. These are environmental standards that all other projects located in the state of California are required to meet. The Authority's exemption of the project from our California state environmental standards is inexcusable. The Authority must be held accountable for this inexcusable omission.

Our state cannot afford this project. The Authority has planned this project in an extremely unethical and non transparent manner. I will never support a project that denies my fellow citizens their constitutionally protected religious freedoms by destroying so many of their neighborhood sanctuaries. I will never support a project that destroys our local culture and our community's quality of life. Our livelihoods, businesses, homes and city infrastructure are being threatened by the Authority's plan and I will not support those kinds of unnecessary negative impacts to our community.

The 3,300 page EIR/EIS documents are too voluminous, technically difficult and confusing for citizens to review and effectively respond to in the insufficiently brief 60 day review and comment period. I believe that the review and comment period should be extended to a more reasonable 6 month period.

Please do what is necessary to relocate the rail alignments to a less destructive location outside our established community. Please hold the Authority accountable for their uncooperative heavy handedness. Please protect our citizens from the unacceptably negative consequences of the High Speed Rail Authority's poorly planned project and please protect our citizens from the negative consequences that the Authority's poorly drafted EIR will cause our community.

Please consider proposing a vote of no confidence of the management, planning and EIR document preparation of the High Speed Rail Authority project at the next City Council meeting. Many other city governments throughout the state have done so. Your vote of no confidence will make an important statement of support of your community citizen's best served interests.

Respectfully Submitted,

Jeff Taylor
1624 Country Breeze Place
Bakersfield, CA 93312 (661) 332-1773

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

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This is my comment on the Fresno to Bakersfield High-Speed Train Section Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS)

Date: October 10th, 2011
My Name is: Jeff Taylor
My address is: 1624 Country Breeze Place
Bakersfield, CA 93312

I am a resident of and conduct business in the Bakersfield community. I wish to inform you of the many objections that I have about the California High Speed Rail Draft Environmental Impact Statement/Report for the Fresno-Bakersfield portion of the project. **It is my explicit understanding that I will have an opportunity to comment on the ENTIRE EIR in the spring when the Authority releases it.** I am alarmed by the harm that the High Speed Rail project as it is currently planned will cause my Bakersfield city and surrounding community.

The High Speed Rail Authority did not inform property owners that their properties were at risk as they planned the project:

The HSR Authority has not informed property owners that their properties are at risk of demolition or value degradation by the project. The official notification letter from the California HSR Authority that I received in mid August of 2011 was vague, deceptive, misleading and legally deficient in that it failed to indicate that my home would be subject to demolition by the project. The issuance of such a misleading notification letter is contrary to the public good, the spirit of our democratic system, and it is an abuse of trust by persons in positions of authority. If I had relied solely on the August letter, I would not have been compelled to review and comment on the EIR/EIS documents and I would have suffered economic and legal standing damages. The high speed rail has committed errors and omissions in their dishonest notifications to property owners.

I have never been properly informed by the Authority that my family residence is directly in the middle of their planned rail alignment. Thousands of other property owners throughout the state have not been properly notified that their properties are at risk. I have never been properly informed by the Authority that my two business locations are directly in the middle of their planned rail alignment. Thousands of business owners throughout the state have not been properly notified that their businesses are at risk. This unethical and illegal practice has unjustly put the property owners of California at a huge disadvantage. It has prevented them from being a part of the HSR planning process and it has tricked them into not realizing the importance of their reviewing the EIR document and commenting on it within the 60 day review and comment period. I was informed about my property being at risk by a citizen group located in the bay area on September 8th of this year. *This notification was nearly halfway into the EIR/EIS review and comment period.*

Local governments properly notify citizens of proposed zone change and conditional use permits to sufficiently inform the citizens where the zone change or C.U.P. properties are located in relation to the citizen's property. Proper notification provides the citizens an opportunity to be involved in the planning process. Proper notification was not given to the negatively affected citizens of the state concerning rail alignment locations. *That error and omission has put the citizens of the entire state at a huge and unfair disadvantage because they were illegally shut out of the planning process of the project but more importantly, they have been denied their opportunity to review and comment on the EIR which puts the*

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Prior to beginning construction of the HSR project, the government must assess the potential environment impacts under NEPA (Federal) and/or CEQA (State & Local) regulations:

Pursuant to NEPA regulation (40 CFR 1500-1508), project effects are evaluated based on the criteria of context and intensity. **Substantial effects** would result in long-term physical division of an established community, relocation of substantial numbers of residential or commercial businesses, and effects on important community facilities. Pursuant to CEQA Guidelines, the project would have a **significant impact** if it would:

Physically divide an established community.

Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

Relocate substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Result in substantial adverse physical impacts associated with the provision of new or physically altered community and governmental facilities or with the need for new or physically altered community and governmental facilities, the construction of which could cause significant environmental impacts.

According to the EIR: "In the Northwest District, the BNSF Alternative would depart from the BNSF right-of-way just south of Rosedale Highway and rejoin the rail right-of-way after crossing the Kern River. The alignment would cut through an existing suburban development in Bakersfield's Northwest District. The rail alignment will *displace 239 homes, 282 businesses, and 7 churches including a Christian school and a Hindu Mission.* This alignment would alter community social interactions and community cohesion, and would change the physical character of our entire Bakersfield community. **These impacts would be substantial under NEPA and significant under CEQA.**" See EIR at 3.12-50.

"The Bakersfield South Alternative Alignment, like the BNSF Alternative, would pass through Bakersfield's Northwest, Central, and Northeast districts, affecting similar but somewhat different community facilities. Impacts in the Northwest District of Bakersfield would be similar to those identified for the BNSF Alternative, displacing many homes and several churches. Like the BNSF Alternative, *the Bakersfield South Alternative would divide the existing community displacing 228 homes, 109 businesses and 8 churches including a Christian school and a Hindu Mission.* This alignment would alter community social interactions and community cohesion, and would change the character of our entire Bakersfield community. **These impacts would be substantial under NEPA and significant under CEQA.**" See EIR at 3.12-52.

The Public Notice explains these effects will be felt in the following areas: "transportation, air quality, noise and vibration, electromagnetic fields, biological resources and wetlands, hazardous materials and wastes, safety and security, communities, agricultural lands, parks, recreation, and open space, aesthetics and visual resources, and cultural and paleontological resources." Clearly, under either alignment, the impact of the project will be particularly devastating to our local community. **The only possible mitigation to the multitude of unacceptably devastating negative impacts that the High**

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
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Speed Rail project will cause our Bakersfield community is to relocate the rail and station location to an area outside our metropolitan community.

The Authority's plan to destroy so many of our churches and religious schools deny citizen's our Constitutional right to practice our religious beliefs:

The Authority plans to demolish as many as 8 churches, a Christian school and a Hindu mission in our moderately sized community. *The religious freedoms that are guaranteed every American citizen by the Constitution of the United States will be violated by such unnecessary government heavy handedness.* These are churches and schools that have been serving their community in long established neighborhoods. When they are destroyed, they will not be able to relocate in the neighborhoods that they serve. *The Authority is denying the Bakersfield citizens their constitutionally protected religious freedoms by destroying so many of our neighborhood sanctuaries.*

The Authority has unlawfully exempted itself from California Environmental Quality Act or CEQA guidelines as the Authority drafted the EIR/EIS documents:

The California High Speed Rail Authority was established in 1996 as a state entity. However, the Authority has inexplicably exempted itself from our California Environmental Quality Act or CEQA standards and guidelines. CEQA standards and guidelines are much higher and more detailed than the National Environmental Protection Act or NEPA guidelines and standards that the Authority has illegally adopted in its preparation of the project's EIR/EIS documents. The HSR project is not an interstate project; the project is located entirely in the state of California. *Therefore, the High Speed Rail project must follow the CEQA environmental standards and guidelines that all other projects located in the state of California are required to meet.*

The EIR/EIS documents are poorly written and confusing:

The Authority is considering two different rail alignments through the heart of Bakersfield. They were the "Blue" line and the "Red" line prior to the EIR/EIS document. The EIR now identifies the Blue line as the "BSNF Alternate" and the Red line as the "Bakersfield South Alternate" however in the documents that contain the rail profile maps, the routes are designated B1 and B2 and the maps that show impacted parcels are not even identified.

The Authority irresponsibly provided insufficient hard copies of the EIR/EIS documents to the Bakersfield community for review purposes:

Only one hard copy of the 3,300 page EIR was provided for our community of 500,000 citizens to review which is malicious, irresponsible and insufficient. There is one hardcopy EIR/EIS document available at the Beale Library in Bakersfield for citizens to review. Volume I is six inches thick (the biggest 3-ring binder I have ever seen). Volume II isn't much smaller. The third volume comprises six one inch plus thick books of maps. *The voluminous and complicated documents are too difficult to review and understand on a computer screen. Furthermore, many residents in our community do not have easy access to a computer.*

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The description of the High Speed Rail project is incomplete:

The EIR fails to describe the whole project. Without a description of all aspects of the project that could impact the environment, the EIR cannot be complete. The EIR fails to describe the electrical facilities necessary to operate the project including transmission lines to and from sources for the entire project including the stations. For this reason or reasons, it is not possible for the EIR to accurately and adequately describe the project's impacts and mitigation measures.

The EIR maps show two alternative routes in the Bakersfield community that abruptly end at Baker Street. The Authority plans to analyze the remainder of East Bakersfield in a future EIR. The City of Bakersfield, private property owners, citizens and business owners located beyond the current EIR study are put at a huge legal and economical disadvantage due to the Authority's incomplete, non specific and pathetically poor planning.

The Authority has not determined the rail alignment route from the southern San Joaquin Valley to the Los Angeles area. The Authority has not determined if they are going to construct their project over the Tehachapi Mountains to desert communities or over the Grapevine mountains to Los Angeles communities. The Authority has not completed environmental studies that are necessary to determine if it is even possible to construct the *high speed* rail project over the Tehachapi or the Grapevine Mountains.

The fact of the matter is that the HSR Authority has not even begun to complete the planning that is necessary to begin construction of the HSR project.

The High Speed Rail Authority is conducting their business in an irresponsible, deceiving and dishonest manner:

On the same shelf that the EIR/EIS documents were stored at the Beale library to be reviewed by the public, there was a stack of California HSR Authority Comment cards located next to the documents. On October 7th, 2011 all of the available HSR comment cards had the original comment period of August 15 to September 28, 2011. None of the cards had the yellow stamp on them informing citizens of the extended comment period date for the Fresno to Bakersfield HSR Train Draft EIR/EIS deadline of October 13. The librarian confirmed that these were the only comment cards that the HSR Authority had ever made available to the public. *Anyone wanting to use these cards to make a comment would be maliciously deceived into believing that the review and comment period deadline had passed and therefore would be discouraged into not submitting a comment.*

The HSR Authority has not provided the EIR/EIS documents in Spanish language:

This inexcusable omission has put the Spanish speaking public at a huge disadvantage. The omission has deprived Spanish only speaking citizens of their right to protect their economic and future legal standing by depriving them of an opportunity to comment on the EIR within the review and comment period.

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The EIR does not adequately offer effective mitigation measures to address the negative financial impacts to the property values of an unnecessarily large number of properties in the Bakersfield community:

The EIR does not adequately offer effective mitigation measures to address the negative financial impacts to property owners or city properties that will be forced to relocate City infrastructure, homes and businesses. The EIR does not adequately address the method by which the property owners that are forced to surrender their properties through the eminent domain process will be compensated.

The EIR does not adequately offer effective mitigation measures to address the extremely negative financial impacts caused by the project to community properties that will remain within sight and sound distance of the project.

The EIR does not adequately offer effective mitigation measures to address the extremely negative impacts to the property values of various properties that are designated within the alternate rail alignments for possible demolition, but have not yet been selected. The EIR as written unnecessarily puts many private property and community property asset values at risk.

The EIR does not adequately offer effective mitigation measures to address the negative impacts that the project will cause Bakersfield community's historically significant and culturally important community assets:

The EIR does not correctly identify SR-204 or Union Avenue as an historic resource. Caltrans has determined that Historic US 99 or SR 204 from Airport Drive to Brundage Lane meets the National Register of Historic places (NRHP) criteria. The California State Historic Preservation Office (SHPO) concurred with Caltran's determination and has agreed to add SR 204 to the Master List of State-owned Historical Resources. However, the EIR does not recognize SR 204 at Union Avenue as having sufficient historical significance to be considered in the report.

The EIR does not adequately offer effective mitigation measures to address the destruction of Bakersfield High School's historically significant and culturally important buildings that are located north of 14th Street or offer reasonable and necessary mitigation measures to address replacement of the historically significant and culturally important buildings on a campus with very limited space.

The EIR/EIS document does not offer effective mitigation measures to a multitude of problems that the project will cause our Bakersfield and surrounding community. Many of the mitigation measures offered in the EIR are vague and insufficient. Furthermore, there are no possible effective mitigation measures for multitudes of excessively negative impacts that the project as planned will cause our Bakersfield and surrounding community:

The EIR does not adequately offer effective mitigation measures to address the extremely negative visual character changing impacts that the project will cause a large percentage of Bakersfield and surrounding area citizens by the Authority's current plan to construct elevated rail structures as high as 80 feet directly through the heart of our established community. It is a fact that the extremely negative visual and aesthetic impacts that an elevated high speed train operation will cause the community cannot be adequately mitigated. The visual change that an elevated rail system will cause to our Bakersfield community will be dramatic and not negligible as concluded in the EIR.

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The EIR does not adequately offer effective mitigation measures to address the extremely negative visual impacts that the project will cause a large percentage of Bakersfield and surrounding area citizens from the huge amount of graffiti that the elevated rail structures and sound walls will undoubtedly invite. Necessary mitigation measures to address who will be responsible for removal of graffiti is not addressed in the EIR.

The EIR does not adequately offer effective mitigation measures to address the extremely negative noise impacts that the project will cause our Bakersfield community during and after construction. The noise that a high speed train will create as it travels 65 to 80 feet high will travel an unacceptably long distance from the rail location. The mitigation measures submitted to address noise in the EIR are insufficient, vague and in many cases deemed as being optional.

The EIR does not adequately offer effective mitigation measures to address the extremely negative vibration impacts that the project will cause to our community by the project's close proximity to remaining structures.

The EIR does not adequately offer effective mitigation measures to address the extremely negative hurricane force winds that a 220 mile per hour train will create. The dust that will be lifted by the vortex of the train will be substantial. However, no mitigation is offered. Effective mitigation measures to address Valley Fever and other pathogens that will be born into the air by the 220 MPH train have not been addressed. The rail alignment as planned will dissect many farm operations. Various pesticide, herbicide, fungicide and other harmful residues will be born into the air by the high winds created by the high speed train, but no effective mitigation has been offered.

The EIR does not adequately offer effective mitigation measures to address the increased traffic caused by the project on existing downtown Bakersfield city streets due to the HSR Authority's current plan to construct the rails and the station in the heart of our Bakersfield city. Increased emergency vehicle response times will also be caused by the added congestion but have not been adequately addressed in the EIR.

The EIR lists street names that do not exist and addresses that are not located anywhere near the proposed rail alignment, thereby drawing the entire document's accuracy into question.

The EIR does not adequately offer effective mitigation measures to address the elimination of a vital connector road on Palm Avenue. The Authority plans to dissect the Palm Avenue thoroughfare into two dead end cul-de-sacs. This will negatively impact existing traffic circulation in a large part of the surrounding community and cause negative impacts to response times for emergency services.

The EIR does not adequately offer effective mitigation measures to address the closing of Hayden Court and the negative impacts to all of the businesses along that street.

The EIR does not adequately offer effective mitigation measures to address the extremely negative impacts to our community's traffic circulation that will be caused during construction of the project.

The EIR does not adequately offer effective mitigation measures to address the destruction of available community parking for existing business and city buildings caused by the project or offer reasonable and necessary mitigation measures to relocate adequate parking availability.

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The EIR does not adequately offer effective mitigation measures to address the extremely negative impacts to our community's Bakersfield Commons project that is currently in the planning stages located on N.W. corner of Brimhall and Coffee roads.

The EIR does not adequately offer effective mitigation measures to address how the H.S.R. project as planned will destroy the City's corporation yard facilities or offer reasonable and necessary mitigation measures to address relocation of the Corporation yard facilities.

The EIR does not adequately offer effective mitigation measures to address the destruction of Bakersfield's Police department garage facilities or offer reasonable and necessary mitigation measures to address relocation of the Police garage facilities.

The EIR does not adequately offer effective mitigation measures to address the destruction of one half of the existing parking lot for city staff or offer reasonable and necessary mitigation measures to address replacement of the necessary parking.

The EIR does not adequately offer effective mitigation measures to address the negative impacts on Bakersfield's culturally important and economically significant Robobank convention center by the Authority's plan to destroy a large portion of the convention center's parking lot that is located South of the existing railroad tracks or offer reasonable and necessary mitigation measures to address replacement of the vitally necessary parking.

The EIR does not adequately offer effective mitigation measures to address the negative impact on Bakersfield's culturally important and economically significant Robobank convention center by the Authority's plan to destroy the loading area of the facility.

The EIR does not adequately offer effective mitigation measures to address the negative impact on Bakersfield's culturally important and economically significant Robobank convention center by the Authority's plan to destroy the pedestrian bridge from the parking lot to the convention center.

The EIR does not adequately offer effective mitigation measures to address the destruction of Bakersfield's Mercy Hospital's property or offer reasonable and necessary mitigation measures to address replacement of the Hospital property.

The EIR does not adequately offer effective mitigation measures to address the destruction of or the replacement of the Bakersfield City Credit Union.

THE EIR/EIS documents fail to adequately describe and characterize land use impacts:

The EIR fails to describe the project's impacts on land use. In fact the EIR erroneously states that project impacts will be less than significant when taking into consideration the total percent of land impacted. *To the contrary, land use impacts will be significant.*

The EIR bases impacts on an unrealistically small project footprint. *The footprint will be considerably larger due to the height of the elevated rails, loud noise, vortex wind and vibration.*

The EIR underestimates land use impacts because it omits critical information about existing land uses and land use policies.

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The EIR does not adequately offer effective mitigation measures to address the projects disruption of existing neighborhoods and operations during and after construction of the project.

The EIR does not adequately describe the identification of negatively affected Bakersfield parks or bike paths within the projects massive footprint or offer effective mitigation measures to address the negative impacts that the project will cause to the public's use of the parks and bike path.

The EIR fails to adequately address or offer effective mitigation for the unnecessary destruction of over 2,200 acres of irreplaceable farm land.

The EIR does not adequately address or offer effective mitigation for the annual loss of hundreds of millions of dollars of farming revenue, dairy revenue, and other business revenue throughout the state that will be caused by the project.

The EIR fails to adequately address where the source of the massive amounts of electricity that will be necessary to power the HSR operations will come from.

The EIR does not adequately offer effective mitigation measures to address the overtaxing of the existing electric grid that the HSR operations will cause.

The HSR project will cause numerous major impacts to Bakersfield TRIP projects:

The HSR project will cause significant impacts to Bakersfield's Westside Parkway and Centennial Corridor project. There are significant conflicts with Bakersfield's TRIP projects currently under construction, as well as the future Centennial Corridor. If HSR adopts their EIR or plan alignments with such conflicts, it will create environmental document conflicts that would significantly impact the \$400million extension of highway 58 - Centennial Corridor project.

Caltrans is currently preparing a Project Study Report, a Project Report and Environmental documents for the \$275million Centennial Corridor Loop project. *The proposed HSR train alignments are in direct conflict with possible future direct connectors from Southbound SR-99 to Westbound SR-58 and from Eastbound SR-58 to Northbound SR-99.* The future direct connectors would be located east of the Mohawk Street interchange, passing across the BNSF rail yard, and tying into SR-99 near the Rosedale Highway Interchange.

The HSR project will cause numerous major impacts to an important Bakersfield Redevelopment Project:

The EIR does not adequately offer effective mitigation measures to address the project's excessive negative impacts to Bakersfield's new \$17 million South Mill Creek apartment project which is currently under construction. The South Mill Creek apartment project is an approximate 20-acre mixed use development which includes over 160 affordable housing units and approximately 100,000 square feet of commercial use. *According to the EIR document, all affordable housing in South Mill Creek will be permanently impacted by the project.*

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
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The EIR document acknowledges that the City of Bakersfield has adopted redevelopment plans for the vicinity of Bakersfield's proposed HSR station but the EIR does not adequately address the direct negative impacts to the 160 unit South Mill Creek affordable housing project; nor does the EIR/EIS accurately address the economic impact on the redevelopment project as a whole.

THE MULTITUDE OF EXTREMELY NEGATIVE IMPACTS THAT THE HIGH SPEED RAIL PROJECT WILL CAUSE OUR BAKERSFIELD COMMUNITY WOULD BE COMPLETELY ELIMINATED BY SIMPLY RELOCATING THE RAIL AND STATION LOCATIONS SOMEWHERE OUTSIDE OUR COMMUNITY. NO OTHER ADEQUATE MITIGATION MEASURES ARE POSSIBLE.

The monetary cost of the High Speed Rail project is much more than the citizens voted for in the 2008 proposition-1A initiative.

In 2008, Proposition-1A advertised that the HSR project would cost \$33Billion and now it is estimated to conservatively require \$67 to \$87Billion to complete. Many highly respected economists believe it will cost much more than that. (See the September 14th, 2011 Economic report titled, "The Financial Risks of California's Proposed High-Speed Rail Project" by A. Enthoven, W. Grindley and W. Warren.)

In 2008, Proposition-1A authorized the state to sell bonds in the amount of \$9.95Billion to construct approximately 800-miles of high-speed rail track. Proposition-1A did not authorize the state to borrow an additional \$33Billion, \$67Billion or the 100's of Billions of dollars that the eventual cost of the HSR project may end up costing. The state does not have the required funds available to complete the Fresno to Bakersfield portion of the project and it has nowhere near enough funds to complete the entire project. This project cannot be completed as designed in today's economy and still have the required funds necessary to run the state.

In 2008, Proposition-1A advertised that the federal government would *probably* bear approximately 1/3 of the \$33Billion estimated total cost of the project or around \$11Billion. The federal government has only *conditionally* agreed to provide around \$5Billion dollars. However, the current estimated cost of the project has increased from the original \$33Billion price tag to \$67Billion. The federal government has never agreed to fund a third of this project and it is highly unlikely that it will.

If the state borrows \$9.95Billion and the federal government grants the state almost \$5Billion, there will only be approximately \$15Billion of construction funds available for the project which is still \$52Billion short of the estimated \$67Billion that will be required to build this project.

In 2008, Proposition-1A advertised that they expected private investors to fund approximately 1/3 of the \$33Billion or around \$11Billion. As of this date there are no private investors investing money to fund the project.

The interest on the \$9.95-Billion in state general obligation bonds will be paid out of the state general fund. The amount of funds available for vital services such as law enforcement and fire protection will be reduced. It is projected that the interest on the bonds will be \$10Billion over the next twenty years. After spending the Proposition-1A bond funds and the federal funds we will have invested approximately \$15Billion in the project. After paying back the principle and interest on the bonds we will have invested approximately \$19.95Billion in the project and we will still be missing more than

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\$52Billion to complete the project. For a cost of approximately \$20Billion, only *rails* will be constructed from somewhere south of Fresno to somewhere north of Bakersfield. Taxpayers will then be required to pay additional funds for electrification, trains, stations and maintenance facilities for the Fresno to Bakersfield section.

The HSR Authority now estimates that the section of rail from Fresno to Bakersfield will cost around \$13Billion to build. It is believed to be the *easiest* section of the project to build and the *least expensive* section of eight planned sections. *If the CHSRA is correct, the entire project will certainly cost much more than \$104Billion. Do the math...* (\$13Billion x 8 = \$104Billion) which does not include the \$10Billion State General Fund bond interest payments. These figures are in 2011 dollars; not the cost of construction 10 years from now. The cost for completing the project will be more, much more than we were initially promised.

Reasonable people must be concerned that this project is not and will not be adequately funded. At this point, I understand that the Authority has only obtained funding for constructing tracks for 80 miles. There are no funds allocated for trains, stations, maintenance facilities or electrification. Given the present fiscal climate, I don't feel that the State or the Federal government will be in a position to give away more money to the HSR project. Despite indicating the support of private investors, the Authority has not yet identified any particular firm commitments. I am concerned that this project will end up being a train to nowhere, much like Senator Stevens' bridge to nowhere in Alaska. The train will severely impact the citizens of Bakersfield without any long term benefit and it will add to the debt of the State of California.

The prospect of the High Speed Rail project ever paying for itself is realistically non-existent. The H.S.R. project will certainly be a huge economic drain to federal and state taxpayers.

The Federal Government is fiscally bankrupt and currently has a 14 trillion dollar deficit. The huge balance of funds necessary to complete the project will not come from the Feds. The state of California is also out of money and in fact has a huge budget deficit as well. Every county government in the state has a budget deficit. The selling of bonds for HSR construction will cost us untold \$Billions in interest.

The Authority has an insufficient amount of funds available to effectively begin construction of the project. The amounts of funds that will be necessary to complete the project have been grossly underestimated and the source of future funding is undetermined. Furthermore, the unjustifiably high cost of the project which is now estimated to be over \$116Billion will most likely cost over \$200Billion to complete. The huge cost of the project will eliminate future funding of more beneficial and important infrastructure projects well into the future.

End of comment

Thank you

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued



Chinmaya Mission Bakersfield

September 27, 2011

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

Re: **Objection to the High Speed Railway**

Dear Sir/Madam:

With regard to the proposed implementation of a High Speed Railway system, I hereby submit this letter in opposition to this proposed project.

1. Introduction

I am a practicing physician in Bakersfield, California, since 1982. I have been very involved in the community:

1. Past Chief of Staff of Mercy and Memorial Hospitals.
2. Past President of Bakersfield Breakfast Rotary Club.
3. Past President of India Association of San Joaquin Valley.
4. Current President of Chinmaya Mission Bakersfield

2. Background on Church

At Chinmaya Mission, our goal is to provide to individuals, from any background, the wisdom of Vedanta and the practical means for spiritual growth and happiness, enabling them to become positive contributors to society.

Chinmaya Mission Bakersfield has been active in the community since 1995. We have weekly classes for our children which teaches them about the Hindu culture and heritage. We also have weekly Yoga, Meditation, and Adult Study classes which are open to all members of the community. A large number of Non-Hindus attend and participate in these activities. Chinmaya Mission Bakersfield consists of 300 families as our members. **Our building, located at 1723 Country Breeze Place, Bakersfield, California 93312, is in the path of the High Speed Railway and will be demolished if the project is to proceed as proposed by the California High-Speed Rail Authority. As a result, we respectfully oppose this initiative.**

1723 Country Breeze Place, Bakersfield, California 93312 • (661)588-0000

Fresno to Bakersfield Draft EIR/EIS Comment
September 27, 2011
Page 2

3. Environment Impact

Prior to taking action, the government must assess the potential environment impacts under NEPA (Federal) and/or CEQA (State & Local). Pursuant to NEPA regulations (40 CFR 1500-1508), project effects are evaluated based on the criteria of context and intensity. **Substantial effects** would result in long-term physical division of an established community, relocation of substantial numbers of residential or commercial businesses, and effects on important community facilities.

Pursuant to CEQA Guidelines, the project would have a **significant impact** if it would:

- Physically divide an established community.
- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- Relocate substantial numbers of people, necessitating the construction of replacement housing elsewhere.
- Result in substantial adverse physical impacts associated with the provision of new or physically altered community and governmental facilities or with the need for new or physically altered community and governmental facilities, the construction of which could cause significant environmental impacts.

According to the EIR: "In the Northwest District, the BNSF Alternative would depart from the BNSF right-of-way just south of Rosedale Highway and rejoin the rail right-of-way after crossing the Kern River. The alignment would cut through an existing suburban development in Bakersfield's Northwest District, **displacing 122 homes and 10 non-residential properties, including a gas station/minimart, an art studio, 2 health centers, and 2 churches (Chinmaya Mission and Korean Presbyterian Church).** This alignment would alter community social interactions and community cohesion, and would change the physical character of the community. These impacts would be **substantial under NEPA and significant under CEQA.**" See EIR at 3.12-50.

Further: "The Bakersfield South Alternative Alignment, like the BNSF Alternative, would pass through Bakersfield's Northwest, Central, and Northeast districts, affecting similar but somewhat different community facilities. Impacts in the Northwest District of Bakersfield would be similar to those identified for the BNSF Alternative, displacing many homes and several churches. Like the BNSF Alternative, **the Bakersfield South Alternative would divide the existing community and result in a considerable number of residential property acquisitions in this neighborhood, as well as the displacement of churches (the Korean Presbyterian Church**

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

Fresno to Bakersfield Draft EIR/EIS Comment
September 27, 2011
Page 3

would be fully displaced and parts of Chinmaya Mission property would be displaced).”
See EIR at 3.12-52.

The Public Notice explains these effects will be felt in the following areas: “transportation, air quality, noise and vibration, electromagnetic fields, biological resources and wetlands, hazardous materials and wastes, safety and security, communities, agricultural lands, parks, recreation, and open space, aesthetics and visual resources, and cultural and palcontological resources.” Clearly, under either alignment, the impact of the project will be **particularly devastating to our Mission and our local community**. So far, there has been no mention of compensation or noise abatement procedures available to those damaged by the project.

4. Additional Concerns

First, we are concerned that *this project will not be adequately funded*. At this point, we understand that the Authority has only obtained funding for **constructing tracks for 80 miles** - not for the actual trains or electrification. In addition, given the present fiscal climate, we don’t feel that the State or the Federal government will be in a position to give more money. Despite indicating the support of certain “private investors,” the Authority has not yet identified any particularized firm commitments. We are concerned that this project will end up as a “train to nowhere,” much like Senator Stevens’ “bridge to nowhere” in Alaska. The train will severely impact the citizens of Bakersfield without any long term benefit. It will add to the debt of the State of California.

Second, we believe *the location of this project is misplaced*. Currently, the proposed project will run through “old” Bakersfield, which will result in extreme traffic and parking congestion. Thus, we are concerned that local citizens will lose their easy access to downtown Bakersfield. Other cities, such as Denver, Colorado, have wisely chosen to relocate new transportation centers away from the downtown area, to avoid negative impacts, such as unwanted noise, vibrations, pollution, and traffic congestion. Notably, the proposed railway in Fresno, California does not pass through the center of the City and will affect FAR FEWER citizens.

Third, we find that *the EIR report provided is incomplete and insufficient*. For example, although the document provides data on environmental impact, the actual noise and vibration studies were not included. Without reviewing the studies themselves, it is impossible to decipher the relative impact of the project. Important considerations include: when the study was performed, how many trips per day were considered, the duration and location of specific testing sites, the effect of the Hageman/Allen underpass project, etc., thereby making it impossible to decipher the relative impact of the Authority’s project. In addition, the report does not address environment impacts on the East side, nor does it explain why the site on 7th Standard Road and State Route 99 was not considered. Furthermore, the EIR report is flawed because, at least in one section, it lists street names that do not exist and addresses that are not located anywhere near the proposed rail line, thereby drawing its accuracy into question.

Fresno to Bakersfield Draft EIR/EIS Comment
September 27, 2011
Page 4

Fourth, we believe *the Authority will not undertake the necessary procedures to mitigate adverse impacts on the community*. In fact, we understand that mitigation efforts, such as construction of sound walls, are typically discretionary and, in some cases, can be reduced or even avoided altogether by the Authority. Thus, considering the budgetary constraints addressed above, we believe the community will not receive the necessary protections from the anticipated adverse environmental impact.

Fifth, we recommend that the HSR Authority re-evaluate the proposed site on 7th Standard Rd and Freeway 99.

Finally, we have *not received adequate notice of the proposed project and respectfully request additional time of at least six (6) months to respond*. In fact, the EIR includes approximately 30,000 pages of technical jargon, with which we are not familiar, and allows only a 60-day comment period. **To review it, we would have to read 500 pages a day**. The report is in highly technical language, being difficult for a layman to understand. It needs to be simplified. Further, we had no idea that our church would be demolished until receiving a phone call approximately two (2) weeks ago from a friend! The official notification letter from the California HSR Authority dated August 10, 2011, was vague, deceptive, and legally deficient in that it utterly failed to indicate that our building would be subject to demolition and potentially complete economic loss; reliance on this August 10th letter could have resulted in a substantial loss of our legal rights and damages. The issuance of such a misleading notification letter is contrary to the public good, the spirit of our democratic system, and an abuse of trust by those in positions of authority. Accordingly, we have already submitted a formal request for an extension to the Office of Governor Brown. Therefore, we feel an extension is necessary in this instance, and we kindly request your cooperation.

Thank you for your time and consideration.

Yours very truly,

CHINMAYA MISSION BAKERSFIELD

By:

Anil Mehta, M.D.,
President

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

From: Stacey Hungerford [mailto:shungerford@bak.rr.com]
Sent: Wednesday, September 21, 2011 7:55 PM
To: Sue Stone
Subject: Fwd: High Speed Railway

Stacey

Begin forwarded message:

From: Anil Mehta <anilmehtamd@yahoo.com>
Date: September 21, 2011 2:22:00 PM PDT
To: undisclosed recipients :
Subject: Fw: High Speed Railway
Reply-To: Anil Mehta <anilmehtamd@yahoo.com>

Dear Fellow Meditators,

We need your help. See the following letter which was sent to our elected officials. If you can contact any members of the city council, Board of Supervisors, or State and Federal elected officials, please do so. That will help us a lot.

Anil Mehta

Subject: High Speed Railway

I am a practicing physician in Bakersfield and President of Chinmaya Mission Bakersfield, which consists of 300 families as our members. Our building on 1723 Country Breeze Pl is in the path of the High Speed Railway. As per the notice, our church building will be demolished for this project.

We, the citizens of Bakersfield, are strongly opposed to this project. It seems they do not have enough money to finish the segment that they are planning right now in the valley. With the present fiscal climate, we don't feel that the State or the Federal government will be in a position to give more money. This will end up as a "train to nowhere" just like Senator Stevens "bridge to nowhere" in Alaska. The train will severely impact the citizens of Bakersfield without any long term benefit. It will add to the debt of the State of California.

We would hence request you to use your influence to block this project.

Thank you,

Sincerely,

Anil Mehta, M.D.

2

Jim Eggert

From: City_Council
Sent: Monday, October 03, 2011 11:46 AM
To: Couch, David; Couch, David; Harold Hanson; jacquiesullivan@sbcglobal.net; russjohnson77@yahoo.com; Salas, Rudy; sbenham@sbcglobal.net; Weir, Ken
Cc: Brad Underwood; Steven L. Teglia; Jim Eggert
Subject: FW: High Speed Railway

FYI...Roberta

From: anilmehtamd@yahoo.com [mailto:anilmehtamd@yahoo.com]
Sent: Thursday, September 29, 2011 2:49 PM
To: City_Council; district1@co.kern.ca.us; district2@co.kern.ca.us; district3@co.kern.ca.us; district4@co.kern.ca.us; district5@co.kern.ca.us; bakersfield mayor; raywatson@co.kern.ca.us
Subject: High Speed Railway

Below are excellent web to explain the High-Speed Rail project:
Against California High Speed Rail (Great Background)
<http://againstcaliforniahsr.com/>
Proposition 1A Text (2008 Voter's Guide)
<http://voterguide.sos.ca.gov/past/2008/general/pdf-guide/suppl-complete-guide.pdf#prop1a>
Legislative Analyst Office Report (May-2011)
http://www.lao.ca.gov/reports/2011/frns/high_speed_rail/high_speed_rail_051011pdf
Independent Peer Committee (Great Background)
<http://www.cahsrprg.com/index.html>
Independent Peer Committee Report (June-2011)
<http://www.cahsrprg.com/files/legislativeanalysis1.pdf>
Peer Ridership Review Report (July-2011)
<http://www.calhsr.com/wp-content/uploads/2010/02/PRP-first-report-final2.pdf>
Assemblywoman Harkey (Great Background)
http://arc.asm.ca.gov/member/73/pdf/HSR_Compilation_Report_as_of_J.pdf
Californians Advocating Responsible Rail Design (Great Background)
<http://www.calhsr.com/>

Eleven simple ugly financial things about the California High-Speed Rail Authority (CHSRA) and the high-speed rail project in California.

1- In 2006, Proposition-1A advertised that this project would cost 33-Billion dollars and now it is estimated to conservatively going to require 67 to 87-Billion dollars to complete. Many believe it will cost more than that.

2- In 2008, Proposition-1A authorizes the state to borrow 9.95-Billion dollars to build approximately 800-miles of high-speed rail track, not to borrow 33, 67 or even much more. The state does not have enough money on hand or the authorization to borrow the money needed to complete this project. This project cannot be completed as designed in today's economy with the money the state has to work with to run the state.

3- In 2008, Proposition-1A advertised that the federal government would probably bear approximately 1/3 of the 33-Billion dollars or around 11-Billion dollars. The federal government has only conditionally agreed to provide around 5-Billion dollars and the cost of the project has far increased from the original 33-Billion dollar price tag. The federal government recently experienced serious debates about his credit worthiness which makes it unlikely that the federal government will every fund a third of this project. The federal government has never agreed to fund a third of this project.

1

Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) -
Continued

4- Considering #1, #2 & #3, if the state borrows the 9.95-Billion dollars and the federal government gives the state the almost 5-Billion dollars, the state would have around \$15,000,000,000. \$52,000,000,000 short of the \$67,000,000,000 that they need to build this project. Many people believe that the cost will be much higher.

5- In 2008, Proposition-1A advertised that private investors would fund approximately 1/3 of the 33-Billion dollars or around 11-Billion dollars. There are no private investors yet and the cost projections of the project are now much higher than 33-Billion dollars.

6- The interest on the Proposition-1A 9.95-Billion dollars in state general obligation bonds will be paid out of the state general fund which will further reduce the amount of services such as law enforcement and fire protection the state can provide its citizens, unless, taxes collections and fees are increased. Note: counties are now being forced to house state prison felons to reduce the inmate population in the California Department of Corrections. It is projected that the interest on the bonds will be \$10,000,000,000 over the next twenty years. Note: if these monies are borrowed, spent and paid back, without much, much, more money being spent, only the track from Fresno to Bakersfield will be built.

7- Considering #4, 5# & #6, after spending the Proposition-1A money and the federal money and paying back the bonds, we will have invested 14.95-Billion dollars into the rail, at a cost of 19.95-Billion and we will still be missing more than 52-Billion dollars needed to complete the project.

8- Considering #7 and assuming that there are 30-million men, women and children living in California, they all each will have to pay \$665 dollars to build the Fresno to Bakersfield section (19.95-Billion divided by 30-Million). Since not all of Californians pay income taxes, the \$665 number will top \$1,000 for those who pay taxes. According to the CHSRA, you will not be able to ride the train until the next section is funded and built. When that is done, you will be able to ride the train for 83% of an airfare according to the CHSRA.

9- It is now estimated that the section of track from Fresno to Bakersfield will cost around \$13,000,000,000 to build. It is believed to be the easiest section of eight planned sections to build if the CHSRA is right, the entire project should really cost more than \$104,000,000,000 (13-Billion x 8, 10-Billion dollars of State General Fund bond interest payments not factored). That is in 2011 dollars and not the costs of construction 10-years from now. It will be more, much more.

10- Considering #8 & #9, if the project is going to cost 114-Billion dollars to finish (9.95-Billion borrowed state dollars + 10-Billion state interest payments + 5-Billion federal dollars = 25-Billion dollars +/- combined with 89-Billion dollars of money yet to be determined from where or under what terms = 114-Billion dollars) divided by 30-million Californians puts every man, woman and child's share of the bill at more than \$3,800 by default. Since everyone does not pay taxes, the share to the tax paying citizen of California will top \$7,000, for an opportunity to ride the train for 83% of a plane fare. Those who do not pay taxes probably will not be able to afford to ride the train. Many who do pay taxes, will also not be able to afford to ride the train.

11- The CHSRA has spent more than \$630,000,000 to date on planning and they have not figured out yet that they do not have enough money available to build this project. Using CHSRA's current plan and mode of operation, this project cannot be successfully built. This is not a matter of whether or not you like the high-speed rail or not or whether you are a democrat or republican. There simply is not enough money committed to succeed and there is not enough money available to the state to do this without severely compromising the services it provides its citizens.

Response to Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011)

L007-1

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

L007-2

In accordance with Section 15222 of the CEQA Guidelines, the environmental document for the Fresno to Bakersfield Section is a joint EIR/EIS that meets the requirements of both CEQA and NEPA. CEQA Guidelines provide no specific requirements for format. The Guidelines only provide requirements for the content of an EIR, and the Fresno to Bakersfield Draft EIR/EIS is consistent with those requirements. The Draft EIR/EIS identifies impacts of project alternatives. Where those impacts have been identified to be significant based on the significance criteria provided in the Draft EIR/EIS, mitigation measures have been provided. An EIR does not contain a discussion of overriding considerations. As stated in Section 15093 of the CEQA Guidelines, a statement of overriding consideration is prepared following the Final EIR when the lead agency approves a project that will result in significant effects, which are identified in the Final EIR but are not avoided or substantially lessened.

L007-3

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

The Draft EIR/EIS was made available in accordance with Section 15087(g) of the CEQA Guidelines. In addition, an electronic version of the document and supporting technical reports were available on the Authority's website and a CD of the Draft EIR/EIS was provided to anyone requesting it.

L007-4

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

L007-5

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

L007-6

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

L007-7

The EIR/EIS contains a description of the environmental setting in Chapter 3 at the time the Notice of Preparation was issued by the Authority (2009), and where relevant, a projection of environmental conditions at project completion in 2035. The significance of impacts is based on changes to existing environmental conditions caused by the project and compared to the significance criteria provided in Chapter 3. The comment provides no evidence that baseline information is lacking.

L007-8

To help clarify the alignment alternatives, Chapter 2 of the Revised DEIR/Supplemental DEIS was revised on page 2-29 to clearly state that D1-S is the BNSF Alternative and D2-N is the Bakersfield South Alternative. The second page of Volume III is a general sheet with a schematic of the alignment segments that B1 is the Bakersfield South Alternative and B2 is Bakersfield North or the BNSF Alternative. Section 2.4.4.3 of the Revised DEIR/Supplemental DEIS also calls out each station alternative relative to its alignment alternative.

L007-9

The Revised DEIR/Supplemental DEIS has been revised to include maps and analysis of impacts of project alternatives east of the alternative station locations to Oswell Street.

L007-10

Appendix 3.1-A of the Revised DEIR/Supplemental DEIS contains a key to the colors provided on the map depicting Assessor Parcel Numbers, temporary impacts, and permanent impacts.

L007-11

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-21, FB-Response-LU-03, FB-Response-LU-04.

Individual properties and projects were analyzed per the California Environmental Quality Act (CEQA) guidelines. The level of detail in the environmental analysis is to

Response to Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) - Continued

L007-11

“correspond to the degree of specificity involved in the underlying activity which is described in the EIR” (Title 14 California Code of Regulations [CCR] Section 15146). Therefore, the EIR/EIS is based on the level of engineering and planning necessary to identify potential environmental impacts and to identify the appropriate mitigation measures. Please note that the Authority and FRA, along with the U.S. Department of Housing and Urban Development, the Federal Transit Administration (FTA), and the U.S. Environmental Protection Agency (EPA), have entered into an interagency partnership and established a *Memorandum of Understanding for Achieving an Environmentally Sustainable High-Speed Train System in California* (MOU) (Authority et al. 2011). The MOU includes a common goal of integrating HST station access and amenities into the fabric of surrounding neighborhoods. The principles for this partnership are to help improve access to affordable housing, increase transportation options, lower transportation costs, and protect the environment in communities nationwide.

L007-12

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

The text referencing mitigation measures on Page 3.1-6 of the Draft EIR/EIS was removed before circulation of the Revised DEIR/Supplemental DEIS.

L007-13

It is not implied that exterior sound barrier are not feasible. It is simply stating that when sound barriers are not feasible, additional mitigation measures may be necessary. The potential noise impact has been assessed at sensitive receivers, and these areas are identified in Section 3.4.5, Environmental Consequences, of the Revised DEIR/Supplemental DEIS and shown in Figures 3.4-9 through 3.4-13. The locations of potential barriers are illustrated on Figures 3.4-15 through 3.4-19. Refer to Section 3.4.7 for a complete listing of noise impact mitigation measures that would reduce noise impacts below a “severe” level. The Proposed California High-Speed Train Project Noise and Vibration Mitigation Guidelines developed by the Authority (see Appendix 3.4-A of the Revised DEIR/Supplemental DEIS) were used to determine whether mitigation would be proposed for these areas of potential impact. The Guidelines require consideration of feasible and effective mitigation for severe noise impacts (impacts

L007-13

where a significant percentage of people would be highly annoyed by the HST project’s noise).

The Authority will refine mitigation for homes with residual severe noise impacts (i.e., severe impacts that remain notwithstanding noise barriers) and address them on a case-by-case basis during final design of the Preferred Alternative. In addition to the potential use of noise barriers, other forms of noise mitigation may include improvements to the home itself that will reduce the levels by at least 5 A-weighted decibels (dBA), such as adding acoustically treated windows, extra insulation, and mechanical ventilation as detailed in Section 3.4.7, Project.

The Revised DEIR/Supplemental DEIS proposes noise barriers in areas of severe noise impacts resulting from the project, where the barriers meet the cost-effectiveness criteria. To meet the cost-effectiveness criteria, barriers must mitigate noise for more than 10 sensitive receivers, be not less than 800 feet in length, be less than 14 feet in height, and cost below \$45,000 per benefited receiver. A receiver that receives at least a 5-dBA noise reduction due to the barrier is considered a benefited receiver.

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

L007-14

As stated in Section 15093 of the CEQA Guidelines, neither a statement of overriding considerations nor a mention for the need of such a statement is required in a Draft or Final EIR. As stated in Section 15093(b) of the Guidelines: “When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall

Response to Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) - Continued

L007-14

state in writing the specific reasons to support its action based on the final EIR and/or other information in the record...."

L007-15

The Authority and FRA have undertaken substantial outreach to Environmental Justice communities. See Standard Responses 01 regarding the EIR/EIS and 62 regarding the Environmental Justice analysis and related community outreach. Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/DEIS, an overview brochure of the Draft EIR/EIS, and comment cards at the public workshops and hearings. Also, a multi-lingual, toll-free hotline was made available for public comments and requests. To address concerns about information being available, text has been added to Section 3.12, Socioeconomics, Communities, and Environmental Justice, to describe the project benefits, regional and localized effects, and project impacts. Mitigation measures are intended to reduce impacts on Environmental Justice communities through additional design modifications to reduce visual impacts. Additional outreach will also take place. These measures augment, but do not replace, the outreach undertaken before and during the review periods for the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS.

L007-16

Caltrans identified Alternative D as a possible route for the Centennial Corridor on their project website as late as August 2012:
<http://www.dot.ca.gov/dist6/environmental/projects/centennial/environmental.html>
(accessed August 9, 2012).

L007-17

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

L007-18

Refer to Master Response FB-Response-02, FB-Response-10, FB-Response-86.

Chapter 2 of the Fresno to Bakersfield Section EIR/EIS accurately states that the City of

L007-18

Bakersfield and Kern Council of Governments (KCOG) reviewed issues concerning the siting of the Metropolitan Bakersfield High-Speed Rail Terminal for over 6 years, participated in a regional steering committee created by the KCOG, and retained a consultant team to analyze three potential sites in the Bakersfield metropolitan area. After careful consideration, the Council of the City of Bakersfield issued Resolution No. 118-03 on July 9, 2003, endorsing the downtown Truxtun Avenue site for the High-Speed Rail Terminal.

The station locations are designed primarily to tie into the existing transportation network. City centers are where existing transit facilities are, and typically have good connections to the existing highway system. The Authority has not ignored the City of Bakersfield's concerns and suggestions. Input from the City of Bakersfield has been taken into consideration in project planning since the project was initiated. The Bakersfield station was located in downtown Bakersfield adjacent to the Amtrak station at the recommendation of the City of Bakersfield, Kern County, and the KCOG. The Revised DEIR/Supplemental DEIS was modified to include information provided by the City of Bakersfield.

L007-19

The description of the project provided in Chapter 2 of the Revised DEIR/Supplemental DEIS does not provide discussion or analysis of project impacts. Impact discussions are included in Chapters 3 and 4 of the Revised DEIR/Supplemental DEIS, and organized by resource discipline.

L007-20

While the issues of increased congestion and exhaust emissions are not discussed on page 2-89 in Chapter 2, Alternative, the impacts of more parking and of added vehicle trips on congestion, plus proposed mitigations, are reported in Section 3.2, Transportation, with results discussed on pages 106 through 117 of the Revised DEIR/Supplemental DEIS. The impacts and mitigations of added vehicle exhaust emissions locally within Bakersfield are discussed in Section 3.3, Air Quality and Global Climate Change, on pages 3.2-63 through 3.2-76, following the regional and statewide impact sections.

Response to Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) - Continued

L007-20

Support for the concept and data that the percentage of auto access to transit and rail stations as well as to airports is lower where land use is denser can be found in the Authority's Station Area Parking Guidance, Appendix B. The reason that auto trips are higher with high-speed rail, even in denser areas where the percentage of auto access is lower, is because there are more trips made from denser areas than less dense areas, regardless of how many trains do not stop at the station.

L007-21

While HST experience elsewhere is that dwell times in through stations can be less than 1 minute, the California HST planning is more conservative. The dwell times planned for the California HST System are 2 minutes, with 30 to 40 minutes at terminal stations to allow for cleaning and servicing. The presence of platforms in each station that are at the same level as the floor of the car and the several doors per car make boarding and alighting much faster than in services such as Amtrak's, where passengers must negotiate steps both inside and outside the train.

L007-22

Refer to Standard Response FB-Response-GENERAL-20.

The No Project Alternative is described in Chapter 2 of the Fresno to Bakersfield EIR/EIS and analyzed in each of the individual resource sections of Chapter 3. The commenter provides no evidence that the discussion and analysis of the No Project Alternative "fails to meet any of the requirements under Section 15126.6(c) of the CEQA Guidelines." As discussed in Section 2.3.1 of the EIR/EIS, the Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project, as required under 14 CCR 15126.6 and 40 CFR 1502.15(a). This range of alternatives was analyzed in the EIR/EIS.

L007-23

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-25.

The station locations are designed primarily to tie into the existing transportation

L007-23

network. City centers are where existing transit facilities are and typically have good connections to the existing highway system. The Authority has not ignored the City of Bakersfield's concerns and suggestions. Input from the City of Bakersfield has been taken into consideration in project planning since the project was initiated. The City of Bakersfield and Kern Council of Governments reviewed issues concerning the siting of the Metropolitan Bakersfield High-Speed Rail Terminal for over 6 years, participated in a regional steering committee created by the Kern Council of Governments, and retained a consultant team to analyze three potential sites in the Bakersfield metropolitan area. After careful consideration, Kern Council of Governments' *Metropolitan Bakersfield High Speed Rail Terminal Impact Analysis* recommends the Truxtun site for the Bakersfield Region (Kern COG 2003). The Council of the City of Bakersfield issued Resolution No. 118-03 on July 9, 2003, endorsing the downtown Truxtun Avenue site for the High-Speed Rail Terminal (City of Bakersfield 2003). The Bakersfield station was located in downtown Bakersfield adjacent to the Amtrak station at the recommendation of the City of Bakersfield, Kern County, and the Kern COG.

L007-24

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-25.

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Response to Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) - Continued

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of Bakersfield, Kern County, and the Kern COG.

L007-25

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-25.

The station locations are designed primarily to tie into the existing transportation network. City centers are where existing transit facilities are and typically have good connections to the existing highway system. The Authority has not ignored the City of Bakersfield's concerns and suggestions. Input from the City of Bakersfield has been taken into consideration in project planning since the project was initiated. The City of Bakersfield and Kern Council of Governments reviewed issues concerning the siting of the Metropolitan Bakersfield High-Speed Rail Terminal for over 6 years, participated in a regional steering committee created by the Kern Council of Governments, and retained a consultant team to analyze three potential sites in the Bakersfield metropolitan area. After careful consideration, Kern Council of Governments' *Metropolitan Bakersfield High Speed Rail Terminal Impact Analysis* recommends the Truxtun site for the Bakersfield Region (Kern COG 2003), and the Council of the City of Bakersfield issued Resolution No. 118-03 on July 9, 2003, endorsing the downtown Truxtun Avenue site for the High-Speed Rail Terminal (City of Bakersfield 2003). The Bakersfield station was located in downtown Bakersfield adjacent to the Amtrak station at the recommendation of the City of Bakersfield, Kern County, and the Kern COG.

L007-26

Refer to Standard Response FB-Response-GENERAL-20.

The commenter is misinformed as to the purpose and requirements of both CEQA and NEPA. The suggested approach would violate the clear requirements under both laws to examine the "whole of the action" (CEQA Guidelines Sections 15003 and 15063; 40 CFR 1508.25 [EIS must examine connected actions]) and result in a piecemeal analysis of the system. As disclosed in the foundational 2005 Statewide Program EIR/EIS (Authority and FRA 2005) and described in the Authority's Revised 2012 Business Plan (Authority 2012a), the HST System consists of a number of integrated geographic sections that will connect the Bay Area to the Los Angeles Basin in its first phase.

L007-26

An alternative in which no future extensions are made beyond the Fresno to Bakersfield Section would not meet the fundamental project objective and statutorily mandated purpose of the Authority itself of providing a statewide HST System beyond the Fresno to Bakersfield Section (see Public Utilities Code Section 185030 [mandating the Authority to plan and implement service] and Streets and Highways Code Section 2704.04 [bond measure to construct the HST system connecting San Francisco to Los Angeles and Anaheim, with service to Central Valley cities]), that is, to plan and implement a statewide HST system. Further, as discussed above, this alternative would violate the requirements of both CEQA and NEPA by artificially truncating the project. The suggested alternative is rejected for these reasons.

L007-27

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

Refer to Section 2.2.4 Station Alternative of the Final EIR/EIS for details on planning and design assumption for the Stations. There are four existing parking lots located in the vicinity of the proposed station area currently available for long term parking. All four parking lots are located approximately 0.5 mile, or less, from the proposed station locations.

The rationale for how parking would be met by the system is discussed in Section 2.0 Alternatives. The relatively lower number of spaces in Bakersfield is because of a higher availability of nearby parking, as opposed to the other stations. As described in this section for Bakersfield parking, the balance of the supply necessary to accommodate the full 2035 parking demand (8,100 total spaces) would be provided through use of underutilized facilities around the station and in Downtown Bakersfield. Identification of these additional spaces would be coordinated with the City of Bakersfield as a part of a comprehensive parking strategy. Additional environmental review may be necessary as parking needs are identified for full system operations.

L007-28

The Fresno to Bakersfield HST project will not preclude Caltrans and the City of Bakersfield from constructing the Centennial Corridor Loop project. Caltrans continues to identify Alternative D as a possible route for the Centennial Corridor, as provided on their project website at <http://www.dot.ca.gov/dist6/environmental/projects/centennial/>

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project_alternatives.html (accessed September 5, 2012).

The Authority will work with local jurisdictions, including the City of Bakersfield, to identify future transportation projects that could be affected by the implementation of the HST project and to not preclude these planned projects.

L007-29

The Fresno to Bakersfield HST project will not preclude Caltrans and the City of Bakersfield from constructing the Westside Parkway project. The Authority will work with local jurisdictions, including the City of Bakersfield, to identify future transportation projects that could be affected by the implementation of the HST project and to not preclude these projects.

L007-30

The Revised DEIR/Supplemental DEIS has been revised to state that the Golden Empire Transit District is a separate agency.

L007-31

The peak-hour boardings were derived by multiplying the daily boarding trips by the peak-hour trip percentages. For inter-regional boardings, this percentage is 12%, and for daily local boardings, this percentage is 17%, based on data presented in Table 9 in Technical Memorandum, Phase 1 Service Plan, TM 4.2 (Parsons Brinkerhoff, 2008; page 11).

The peak-hour alighting trips are assumed to be 25% of the peak-hour boarding trips. It is assumed that this alightings percentage of peak-hour boardings applies to all arrival modes identified in the boarding category. This means that alighting passengers will depart the HST station via automobile pick-up, a vehicle that is parked at the station, a taxi, a rental car, or a transit vehicle.

It is also assumed that all the "auto dropping off boarding passengers" trips and the "auto picking up alighting passengers" trips will arrive and depart the station area during the same peak hour.

L007-32

Within the Revised DEIR/Supplemental DEIS, road segment tables provided analysis in V/C instead of ADT. However, LOS determinations remain the same as in the previously circulated Draft EIR/EIS. SR 178 becomes 24th St, followed by a division into two one-way streets, 23rd Street and 24th Street. In the analysis prepared for the Bakersfield Station Area, the separation/connection of 23rd Street and 24th Street is considered an intersection. Therefore, the Bakersfield Station Area includes the road segments of 23rd Street, between 24th Street and F street, and 24th Street, between 23rd Street and Chester Avenue.

In general, trip distribution was based on shortest distance, which results in a different travel path than what the comment suggests. For this specific scenario, Q St was not chosen because it is one lane in either direction. Union St was chosen instead because it is a major arterial and the existing volumes are not high. Similarly, for 24th and 23rd streets, volumes are heavy already on these streets, and were not chosen as a preferred distribution path.

L007-33

The Fresno to Bakersfield HST project will not preclude any jurisdiction or entity from constructing future transportation projects. The Authority has been working with the City of Bakersfield and will continue to work with staff to address these local circulation issues.

L007-34

Palm Avenue is proposed to be closed under the BNSF, Bakersfield South, and Bakersfield Hybrid alternatives. Verdugo Lane is proposed to be extended to connect Palm Avenue to Shellabarger Road, which connects to the closest HST crossing at Calloway Drive. The extension of Verdugo Lane would save approximately 1 mile of out-of-direction travel that would otherwise require the use of Palm Avenue, Spanke Road, and Cilantro Avenue, and Pepita Way access at the intersection of Verdugo Lane and Shellabarger Road.

The Authority and the design/build contractor, will continue to work with local jurisdictions, including the City of Bakersfield, to address local circulation concerns and specific roadway and intersection designs, and to not preclude transportation projects

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that are planned in the vicinity of the HST project. This will be done as part of design development and refinement.

The local General Plan policies and goals establish the framework for the development of the transportation network with a wide range of policies affecting transportation. The EIR/EIS considered the impacts of the project on the existing and planned transportation network, including the impact of traffic at stations on local intersections, and crossing of existing roadways and necessary roadway closures. Levels of service and intersection delay were considered with regard to any impacts. The mitigation measures identified are consistent with General Plan goals, such as the addition of turn lanes and signal improvements at intersections that function poorly. Where improvements are made, they will meet local design requirements to the extent feasible (e.g., allowance for shoulders on new overcrossings, lane widths that meet local standards, etc.). The project will not reduce roadway widths or design speeds, with the exception of where roadway closures are planned, as identified in the EIR/EIS.

L007-35

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

There are no dedicated generating facilities proposed for this project, so at this time no source facilities can be identified. As described in Section 3.3.4.3 of the Revised DEIR/Supplemental DEIS, the power-generating emissions were calculated on a statewide level using California Air Resources Board statewide emission inventory and the U.S. Environmental Protection Agency (EPA) Emissions & Generation Resource Integrated Database (eGRID) electrical generation data.

Section 5.6 of the Air Quality Technical Report provides the list of the locations of sensitive receivers near the stations, HMF sites, and the alignment (Authority and FRA 2012e). Qualitative discussions and quantitative analyses of health impacts during project alignment construction are provided in Section 3.3.6.3 of the Revised DEIR/Supplemental DEIS.

Section 3.19, Cumulative Impacts, of the EIR/EIS provides a complete air quality and greenhouse gas cumulative analysis that is consistent with San Joaquin Valley Air Pollution Control District, California Air Resources Board (CARB), and EPA guidance.

L007-36

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

As described in Section 3.3.4.2 of the Revised DEIR/Supplemental DEIS, no dedicated generating facilities have been proposed for this project, and therefore no source facilities have been identified at this time. The Revised DEIR/Supplemental DEIS assumes an increase in electric demand based on HST ticket prices being in a range from 50% of the equivalent airfare to 83% of the equivalent airfare. These estimates are presented in Tables 3.3-9 and 3.3-10 in the Revised DEIR/Supplemental DEIS.

The statewide emissions analysis uses EPA's Emissions & Generation Resource Integrated Database (eGRID), which is a comprehensive source of data on the environmental characteristics of almost all electric power generated in the United States. These environmental characteristics include air emissions for nitrogen oxides, sulfur dioxide, carbon dioxide, methane, and nitrous oxide; emissions rates; net generation; resource mix; and many other attributes.

L007-37

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

The project's greenhouse gas emissions from power generation were estimated using the California Air Resources Board (CARB) statewide emission inventory and EPA's Emissions & Generation Resource Integrated Database (eGRID) electrical generation data, as described in the Air Quality Technical Report (Authority and FRA 2012e). Both the CARB statewide inventory and the eGRID factors take into account load variations; therefore the project's greenhouse gas emissions are not underestimated.

L007-38

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

HST operations would help improve long-term air quality in the San Joaquin Valley Air Basin by reducing vehicle miles traveled (VMT), a major source of air pollution. As automobiles produce a major portion of the air pollutants generated within the basin, reducing VMT would reduce these emissions and result in lower emissions than would

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occur under the No Project Alternative.

The Revised DEIR/Supplemental DEIS assumes an increase in electric demand based on HST ticket prices being in a range from 50% of the equivalent airfare to 83% of the equivalent airfare. These estimates are presented in Tables 3.3-9 and 3.3-10 in the Revised DEIR/Supplemental DEIS. Any regional increases in emissions due to added demand for the electrical operation of the HST will be offset by the reduction in VMT and associated emissions.

L007-39

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

The discussion of HST compliance with San Joaquin Valley Air Pollution Control District Indirect Source Review has been added to Section 3.3.2.3 of the Revised DEIR/Supplemental DEIS. The Authority will submit an Air Impact Assessment application with a commitment to reduce NOx and PM10 emissions by 20% and 45%, respectively, through the use of Mitigation Measures AQ-1 or AQ-4.

L007-40

Quantitative health risk analysis from construction activities has been conducted for sensitive receivers at schools within 1,400 feet of the Bakersfield station; health risk impacts are presented in Section 3.3.6.3 of the Revised DEIR/Supplemental DEIS.

The project footprint, which could be affected permanently or only during construction, can be found in Appendix 3.1-A of the Revised DEIR/Supplemental DEIS. Final construction and staging areas would be located within the evaluated construction footprint. The construction footprint is based on preliminary engineering design drawings, which were made part of the Revised DEIR/Supplemental DEIS in Volume III (Alignments and Other Plans).

L007-41

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

L007-42

Health impacts for the potential HMF site exceed the AB 2588 thresholds of 10 in a million at the property boundary and within 1,300 feet of the HMF site. Mitigation measures were refined in the Revised DEIR/Supplemental DEIS as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. Many of these mitigation measures are based on performance standards. Accordingly, appropriate mitigation will be included in the Final EIR/EIS. They will also be included in FRA's Record of Decision, which will require the Authority to comply with all mitigation measures as the project advances through final design and construction. These additional mitigation measures would help reduce the health risk impacts for the potential HMF site.

L007-43

The Revised DEIR/Supplemental DEIS has been updated in the Final EIR/EIS to reflect the removal of 7 to 5 flights per day in 2035 based on the HST ticket price being in a range of 50% to 83% of airfare, respectively, and 4 to 3 flights per day in 2009 based on the HST ticket price being in a range of 50% to 83% of airfare, respectively. The updated emission rates can be found in Tables 3.3-9 and 3.3-10 of the Revised DEIR/Supplemental DEIS, as well as in Tables 7.1-5 and 7.1-6 of the Air Quality Technical Report (Authority and FRA 2012e).

L007-44

Emissions from station operations (including area and stationary sources at the station, and employee, truck delivery, and passenger travel to the stations) were addressed in Section 3.3.6 of the Revised DEIR/Supplemental DEIS (see Tables 3.3-11 and 3.3-12). Specific sources that were included in station operational emissions are discussed in the Air Quality Technical Report, Section 6.2 (Authority and FRA 2012e).

L007-45

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

The dust minimization measures listed in Section 3.3.8 of the Revised DEIR/Supplemental DEIS would further reduce fugitive dust emissions to a less-than-significant impact. Valley Fever spores would be released when the soil is disturbed.

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L007-45

However, because of the minimization measures, fugitive dust disturbance will be minimal. Therefore, impacts from Valley Fever spores will be less than significant.

L007-46

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

The Authority does not agree with the commenter that the project description provides inadequate information about the project to analyze project impacts and cumulative impacts. As noted in Standard Response FB-Response-GENERAL-01, since 2005 environmental analysis and corresponding section-specific design work have continued on portions of the HST System, including refinement of the alternative alignments and station locations identified in the 2005 Program EIR/EIS (Authority and FRA 2005). The Final EIR/EIS for the Fresno to Bakersfield Section project analyzes the environmental impacts, both adverse and beneficial, of implementing the HST System between Fresno and Bakersfield. The project EIR/EIS is based on more detailed project planning and engineering than the 2005 Program EIR/EIS. The analysis in the project EIR/EIS therefore tiers from the earlier decision and analysis contained in the Program (Tier 1) EIR/EISs (Authority and FRA 2005, 2008; Authority 2010a, 2012d) and provides more site-specific detail and design as well as more detailed analysis of the potential environmental impacts of the Fresno to Bakersfield Section of the HST System.

The HST project would be a “design-build” project. That is, the project design would be completed by the contractor who would be chosen to build the project. This project-level Final EIR/EIS contains significantly more detail than was available for the first-tier Program EIR/EIS. At the time the Draft EIR/EIS was released for public review in August 2011, the Fresno to Bakersfield Section design was based on preliminary engineering. The design in the Final EIR/EIS is also based on preliminary engineering. In larger transportation infrastructure projects, consistent with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), the environmental analysis process occurs before completion of final design, and this is common practice in projects using a design/build process for construction.

The Final EIR/EIS for the Fresno to Bakersfield Section provides a second-tier project-level environmental analysis on the Fresno to Bakersfield portion of the HST System

L007-46

and is consistent with the previous Program EIR/EISs. The Final EIR/EIS provides more detailed information on the system elements and alternative alignments and more detailed analysis of the environmental impacts associated with alignment alternatives and station location options in the area from Fresno to Bakersfield. The Fresno to Bakersfield Section Final EIR/EIS also provides more detail in an area that was previously covered in more general terms, primarily in the 2005 Program EIR/EIS (Authority and FRA 2005). While relying on the program analyses to treat the system as a whole, this project-level EIR/EIS provides a more detailed review of the environmental impacts of implementing the HST System from Fresno to Bakersfield, and it provides a fresh look at energy impacts, air quality impacts, growth effects, and cumulative impacts for this section of the system. For example, the growth analysis uses information initially developed in 2007, but applies refinements to the analytical approach and adds updated information specific to Fresno, Kings, Tulare, and Kern counties – the four counties traversed by the Fresno to Bakersfield Section of the HST System.

The environmental documentation conforms to Section 1501.2 of CEQA’s regulations implementing NEPA, which does not require full design in order to complete an EIS but rather states that “[a]gencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts” (40 Code of Federal Regulations [CFR] 1501.2). Similarly, the CEQA Guidelines indicate that environmental analysis “should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (14 California Code of Regulations [CCR] 15004). As provided in the CEQA Guidelines, the level of detail in the environmental analysis is to “correspond to the degree of specificity involved in the underlying activity which is described in the EIR” (14 CCR 15146). The EIR/EIS is based on the level of engineering and planning necessary to identify potential environmental impacts and to identify the appropriate mitigation measures.

L007-47

As presented in Section 3.3, Air Quality and Global Climate Change, of the Revised DEIR/Supplemental DEIS, conformity analysis was completed for the HST project in order to meet compliance on a regional scale. Additionally, localized impacts were

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analyzed for the HST project in areas with nearby sensitive receivers. In Section 3.19, Cumulative Impacts, an analysis of cumulative localized impacts from construction and operations of the HST project and other past, present, and reasonably foreseeable projects, including permitted but unimplemented projects, was completed. This analysis included health risk analysis for construction and operations of cumulative projects and addressed their impacts on sensitive receivers, including residences, schools, churches, and daycare centers. A conformity analysis was not completed for the cumulative projects because it is not appropriate for the cumulative condition, as it only applies to projects that receive federal funding and will not apply to all past, present, and reasonably foreseeable projects.

As presented in Section 3.19.4.2 of the Revised DEIR/Supplemental DEIS, the cumulative construction and operational impact analysis does not presume that a conformity analysis would dilute localized impacts. The cumulative localized impacts due to the HST project as well as reasonably foreseeable future projects (including permitted but unimplemented projects) would be significant around the stations due to the potential to exceed state health risk standards. Health risk impacts are due to HMF operations in conjunction with other potential future projects. Qualitative cumulative health risk analysis does not show any permitted but unimplemented sources in the vicinity of the proposed HMF locations. The quantitative cumulative localized health risk analysis for operations at the HMF will be conducted once a final HMF site is selected and designed; analyses will be conducted using projected equipment usage, the locations of the major emission sources (based on a plant layout that will be developed), and the locations of nearby sensitive land uses (e.g., residences). Qualitative cumulative health risk analysis does not show any permitted sources in the vicinity of the proposed HMF locations.

The Revised DEIR/Supplemental DEIS does not claim that all demolished structures are primarily "industrial" in nature and does not discount health risk analysis as a result. Localized health risk analysis is conducted for the HST station during construction, specifically looking at cumulative impacts on schools. The localized health risk assessment is conducted for HMF operations, looking in particular to cumulative impacts on residences and other sensitive receivers within 1,300 feet of the HMF. The cumulative localized analysis in the Revised DEIR/Supplemental DEIS does not ignore

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the localized impacts on homes, schools, churches or daycare centers.

L007-48

Refer to Standard Response FB-Response-GENERAL-25, FB-Response-N&V-02, FB-Response-N&V-05.

Typically, below-grade construction in urban areas is cost prohibitive due to underground utility infrastructure and in some cases, subsurface cultural resources. While elevated structures are more costly to construct than at-grade profiles, tunnel and trench segments are more costly than both elevated and at-grade track profiles. Please refer to Chapter 5 of the EIR/EIS, Project Costs, for information and breakdown of project costs by alternative.

L007-49

Three types of HST technology were analyzed by the California Intercity High-Speed Rail Commission for the Statewide Program EIR/EIS. These technologies included Steel-Wheel-on-Steel-Rail at Lower Speed (below 200 miles per hour [mph]); Magnetic Levitation Technology (maglev); and Steel-Wheel-on-Steel-Rail (very high speed [VHS]; above 200 mph). The Authority's enabling legislation, Senate Bill (SB) 1420 (chaptered 9/24/96, Chapter 796, Statute of 1996), defines high-speed rail as "intercity passenger rail service that utilizes an alignment and technology that makes it capable of sustained speeds of 200 mph (320 kph) or greater." Technologies below 200 mph were therefore eliminated from further consideration. This direction is consistent with foreign HST experience, the experience of the northeast corridor (Boston-New York-Washington, D.C.), and HST studies done elsewhere in the United States that show that to compete with air transportation and generate high ridership and revenue, the intercity HST travel times between the major transportation markets must be below 3 hours. From this determination, the Commission directed staff to focus technical studies on VHS (Steel-Wheel-on-Steel-Rail at Very High Speeds [above 200 mph]), and maglev technologies. While a completely dedicated train technology using a separate track/guideway would be required on the majority of the proposed system for both technologies, requiring such separation everywhere in the system would prohibit direct HST service to certain heavily constrained terminus sections (i.e., San Francisco Peninsula from San Jose to San Francisco and the existing rail corridor between Los Angeles Union Station and Orange

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County). Because of extensive urban development and severely constrained right-of-way, HST service in these terminus sections would need to share physical infrastructure (tracks) with existing passenger rail services in existing or slightly modified corridors.

A maglev system, in addition to being more costly technology, requires separate and distinct guideway configurations that preclude the sharing of rail infrastructure. As a dedicated (exclusive guideway) high-speed rail service along existing right-of-way corridors in all segments of the system would be infeasible, use of maglev technology for portions of the project would preclude direct HST service without passenger transfer and would not satisfy travel-time requirements of the project purpose and need. Other rail transportation configurations, including monorail, were eliminated from further consideration for not meeting this basic system requirement. A VHS system would be compatible with other trains sharing the tracks. The potential for utilization of shared track allows for individual project segments to meet independent utility requirements. By comparison, maglev technology does not lend itself to incremental improvements and could not satisfy independent utility requirements or meet the project's blended system approach.

By taking advantage of the existing rail infrastructure, a shared-use configuration would be mostly at-grade. Shared-use options are less costly and would result in fewer environmental impacts compared to exclusive guideway options. In addition, improved regional commuter service (electrified, fully grade-separated with additional track and security features) will help mitigate the impacts along existing rail corridors. Shared-use improvements in these corridors would potentially improve automobile traffic flow at rail crossings and reduce noise impacts, since a grade-separated system could eliminate trains blowing warning horns throughout the alignment. Shared-use options would provide the opportunity for a partnership with right-of-way owners and commuter rail operators, and would provide the opportunity to improve network segments incrementally. For these reasons, maglev technology was eliminated from further investigation in the Final EIR/EIS, is not part of the project description and does not require further consideration in this project-level EIR/EIS.

L007-50

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

L007-50

FRA guidelines use the day-night sound level (Ldn) metric.

L007-51

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

FRA and Federal Transit Administration guidelines use the day-night sound level (Ldn) metric for area with sleep activities.

L007-52

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

A-weighted decibels are commonly used by federal, state, and local regulations to assess noise impacts. The FRA *High-Speed Ground Transportation Noise and Vibration Impact Assessment* (FRA 2005a) guidance manual only established impacts in terms of A-weighted decibels.

L007-53

The construction noise impact analysis was based on evaluating the noise expected to be generated by typical construction equipment and construction methods in comparison to existing noise levels. Local and city noise ordinances were acknowledged and presented in Appendix A, Local Noise Regulations, of the *Fresno to Bakersfield Section: Noise and Vibration Technical Report* (Authority and FRA 2012i). However, as this is a federally funded project, the Authority and FRA are required to follow the assessment guidelines set forth by the FRA and Federal Transit Administration, which provide uniform guidance on rail and transit projects. As a state agency, the Authority is not subject to local noise ordinances. However, during construction, the Authority and its design/build contractor will consider local noise sensitivities consistent with local ordinances and employ best management practices (BMPs) to avoid or minimize excess noise impacts during construction. Refer to Mitigation Measures N&V-MM#1 and N&V-MM#2 in Section 3.4.7, Mitigation Measures, for mitigation measures that will be undertaken during construction of the project.

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L007-54

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

Noise is evaluated based on the FRA guidance manual (FRA 2005a), and the guidance manual does not specify low-frequency noise. The Wind Energy Combining District criteria do not apply to the high-speed rail project because this project deals with trains, and noise generated by train noise is different from noise generated by wind turbines.

L007-55

In Section 3.7, Biological Resources and Wetlands, of the Revised DEIR/Supplemental DEIS, the discussion of impacts on special-status plants and wildlife is organized by alternative alignment. This organization inherently provides information about where species occur because alignment alternatives (excluding the BNSF Alternative) are associated with a particular geographic location. For example, species that occur in Bakersfield are discussed under the Bakersfield area alternatives, and species that occur in the Hanford area are discussed under the Hanford area alternatives. Additionally, Appendix 3.7-B provides a table listing the available area of suitable habitat within the alternative alignments by species, allowing a reader to determine where impacts on a particular species could potentially occur.

L007-56

The text of the Revised DEIR/Supplemental DEIS, Biological Resources and Wetlands, Section 3.7.7, Mitigation Measures, has been revised to include "will" or "shall" when discussing implementation of the mitigation measures throughout this section. The use of "will" means that the Authority and FRA are certain action will take place. The Authority and FRA are aware that mitigation is not optional and must be enforceable and effective. In a few isolated instances, not related to implementation of the mitigation measures, the word "could" was employed in this section. These instances are associated with the presentation of a potential impact, such as in Mitigation Measure BIO-13: Work Stoppage: "The Contractor will suspend ground-disturbing activities in the immediate construction area where the potential construction activity could result in 'take' of special-status wildlife species; other work may continue in other areas" or where there are a number of performance standards that have been identified to meet the desired performance standard. For example, as stated in the Revised

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DEIR/Supplemental DEIS, compensatory mitigation could include one of the following:

- Purchase of credits from an agency-approved mitigation bank.
- Fee-title-acquisition of natural resource regulatory agency-approved property.
- Purchase or establishment of a conservation easement with an endowment for long-term management of the property-specific conservation values.
- In-lieu fee contribution determined through negotiation and consultation with the U.S. Fish and Wildlife Service (USFWS).

L007-57

The following text has been added to the description of the Metropolitan Bakersfield Habitat Conservation Plan: "The incidental take permit associated with the Metropolitan Bakersfield Habitat Conservation Plan will expire in August 2014; however, an application for an extension has been submitted."

L007-58

As stated in Section 3.7, Biological Resources, in the Revised DEIR/Supplemental DEIS, the HST project would have no impact on the Metropolitan Bakersfield Habitat Conservation Plan because the HST project would not conflict with the provisions of the plan. The mitigation ratios proposed for the HST project are similar to the "adequate mitigation" ratios presented in the plan, and the HST project does not overlap with the Conceptual Focus Areas identified as potential preserve areas.

L007-59

Thank you for your comment. The mistaken reference to Bakersfield as a county has been removed from the Revised DEIR/Supplemental DEIS.

L007-60

The 1:1 mitigation ratio was cited as the minimum ratio for habitat replacement to mitigate for potential impacts on the San Joaquin kit fox. The final mitigation ratio will be

Response to Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) - Continued

L007-60

determined through consultations with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife, and will be in accordance with the USFWS Biological Opinion and/or the California Department of Fish and Wildlife 2081(b). Since the release of the Revised DEIR/Supplemental DEIS, the FRA and Authority have received a biological opinion issued by the U.S. Fish and Wildlife Service, which includes a range of mitigation ratios to offset effects on the San Joaquin kit fox, depending on the project's impacts on habitat types: natural habitats mitigated at a 2:1 to 3:1, and developed habitats mitigated as a 0.1:1 to 0.5:1 ratio, depending on the relationship to recovery areas. As such, the mitigation ratio in the Final EIR/EIS has been updated to provide consistency between the USFWS Biological Opinion (USFWS 2013) and the Final EIR/EIS. The Authority is not aware of the details or specifics of the City of Bakersfield Thomas Road Improvement Program (TRIP), its mitigation requirements, or the manner in which the referenced mitigation ratios were established.

L007-61

Thank you for your comment. The text of the Revised DEIR/Supplemental DEIS, Section 3.7, Biological Resources and Wetlands, has been revised in response to your comment. The reference to "N/A" as it relates to the common mitigation measures that would be implemented to reduce the impacts on all biological resources has been removed in the Revised DEIR/Supplemental DEIS. The implementation of the common mitigation measures is important because they apply to more than one resource area and provide assurances that the specific mitigation measures would be fully and successfully implemented.

L007-62

A list of permits required for the HST project is presented in Section 2.9, Permits, of the Revised DEIR/Supplemental DEIS. Also, the permits required for biological resources and wetlands are discussed in more detail in Section 3.1, Regulatory Requirements, and Chapter 6, Permits and Technical Studies for Special Laws or Conditions, of the *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012f).

L007-63

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

In response to the commenter's recommendations that the HST project adopt additional mitigation measures in line with the mitigation measures implemented with the Westside Parkway project, only signatories of the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) can participate in the Habitat Conservation Plan. Whereas the Westside Parkway's project proponents (City of Bakersfield and Caltrans) are both signatories of the MBHCP, the Authority and FRA are not signatories. Therefore, the MBHCP does not apply to the HST project.

In response to the commenter's recommendations that the HST project adopt specific mitigation measures in line with the mitigation measures implemented with the Westside Parkway project (including restricting project and construction fencing to staging areas or areas where public safety is an issue, and installing large culverts with protective gratings at known wildlife crossings), these issues are discussed further below.

For security purposes, the HST project must be grade-separated, and for this reason, the outer edge of the HST right-of-way will be protected by an 8-foot-high security fence. Therefore, the commenter's recommended mitigation measure to restrict project fencing is not feasible and cannot be adopted.

Dedicated wildlife-crossing structures have been proposed as part of the project description and are described in Chapter 2, Alternatives, of the Revised DEIR/Supplemental DEIS, to ensure permeability for wildlife movement underneath the alignment. These dedicated wildlife-crossing structures were designed in consultation with San Joaquin kit fox expert, Dr. Brian Cypher, and are expected to facilitate wildlife movement not only for kit fox, but for other wildlife species in the region. These structures also include escape dens for kit fox as refugia against predatory species such as domestic dogs and coyotes. Therefore, the commenter's recommended mitigation measure to install large culverts with protective gratings is consistent with measures already included as part of the project description, and need not be adopted in place of the dedicated wildlife-crossing structures.

Consistent with the commenter's recommendation, construction fencing will be limited to

Response to Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) - Continued

L007-63

staging areas and areas where public safety is an issue. Section 2.8.1, General Approach, of the Final EIR/EIS has been revised, and the following sentence has been added: "Where fencing is required, it would be restricted to areas designated for construction staging and areas where public safety is an issue."

L007-64

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

In response to the commenter's recommendations that the HST project adopt additional mitigation measures in line with mitigation measures implemented in the Westside Parkway project, only signatories of the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) can participate in the Habitat Conservation Plan. Whereas the Westside Parkway's project proponents (City of Bakersfield and Caltrans) are both signatories of the MBHCP, the Authority and FRA are not signatories. Therefore, the MBHCP does not apply to the HST project.

Compensatory mitigation for impacts on upland habitats will be conducted through compensatory mitigation for impacts on special-status wildlife species habitat. Mitigation ratios presented in the Revised DEIR/Supplemental DEIS are presented as a minimum ratio for compensation. Compensatory mitigation could include one of the following:

- Purchase of credits from an agency-approved mitigation bank.
- Fee-title-acquisition of natural resource regulatory agency-approved property.
- Purchase or establishment of a conservation easement with an endowment for long-term management of the property-specific conservation values.
- In-lieu fee contribution determined through negotiation and consultation with USFWS.

Final mitigation measures for this project will be determined through consultation with the appropriate regulatory agencies.

L007-65

As stated in Section 3.11 of the EIR/EIS, physical elements to contain the HST within the alignment would be installed in areas with a high risk of or high impact from derailment, including elevated guideways and approaches to conventional rail and

L007-65

roadway crossings.

L007-66

Information on Lake Isabella is provided in Section 3.9 (Geology, Soils, and Seismicity) of the EIR/EIS. As discussed in Section 3.11.6, fire/life safety programs (FLSPs) would be developed to implement the requirements set forth in the Federal Rail Safety Act. A FLSP is coordinated with local emergency response organizations to provide them with an understanding of the rail system, facilities, and operations, and to obtain their input for modifications to emergency response operations and facilities, including evacuation routes.

As discussed in Section 3.9.6, project design will incorporate engineering measures and best management practices based upon federal and state regulations and on the Statewide Program EIR/EIS. Site-specific geotechnical investigations will be carried out as design work progresses so that the project can incorporate into the design site-specific engineering solutions that adhere to regional and national technical standards and codes to reduce risks associated with the geology, soils, and seismicity, including flooding. Section 3.9.6 discusses the specific standards and codes project structures will be built to.

L007-67

Refer to Standard Response FB-Response-S&S-05.

L007-68

Refer to Standard Response FB-Response-S&S-02.

As described in Chapter 2 of the EIR/EIS, the HST system will be dual-tracked, one track for northbound trains and the other track for southbound trains. Therefore, there is no potential for head-on collisions.

L007-69

As stated in the mitigation measure, the fair share will be based on projected passenger use for the first year of operations, with a growth factor for the first 5 years of operation.

Response to Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) - Continued

L007-69

This cost-sharing agreement will include provisions for ongoing monitoring and future negotiated amendments as the stations are expanded or passenger use increases. Such amendments will be made on a regular basis for the first 5 years of station operation, as will be provided in the agreement. After the first 5 years of operation, the Authority will enter into a new or revised agreement with the public service providers of fire, police, and emergency services to fund the Authority's fair share of services. The fair share will take into account the volume of ridership, past record and trends in service demand at the stations, new local revenues derived from station area development, and any services that the Authority may be providing at the station.

To make sure that services are made available, impact fees will not constitute the sole funding mechanism, although impact fees may be used to fund capital improvements or fixtures (police substation, additional fire vehicle, onsite defibrillators, etc.) necessary to service delivery.

L007-70

Refer to Standard Response FB-Response-S&S-05 regarding safety of emergency responders.

As discussed in Chapter 2 of the EIR/EIS, electrical power is provided to the train by an overhead contact system (OCS). The tracks are not electrified. The OCS is adjacent to the HST tracks. The system consists of a series of mast poles, approximately 23.5 feet higher than the top of the rail, with contact wires suspended from the mast poles between 17 to 19 feet from the top of the rail. Because the OCS is well above the ground within the fenced-off HST right-of-way, it represents no reasonable safety risk to people or to wildlife other than birds. Electrocution of birds by power lines happens when birds are able to physically contact two energized phases, or an energized phase and a grounded conductor or equipment, at the same time. The Avian Power Line Interaction Committee (APLIC) has developed design criteria for the physical separation of power line phases as well as other design methods, such as covers, to prevent electrocution of birds (APLIC 2012). Section 3.7, Biological Resources and Wetlands, contains a mitigation measure for review of the OCS design to ensure it meets APLIC criteria.

L007-71

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

Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, a person displaced from a public housing project may be offered a comparable public housing unit as a replacement dwelling or they may be offered a unit subsidized under another housing program, e.g., Section 8 Housing Choice Voucher. Therefore, any forms of public financial assistance could be applied to the replacement dwelling, and the City would not be subject to repayment penalties.

As discussed in the property section in Chapter 3.12 Impact SO #10, there are enough vacant residences to accommodate displaced housing: "The communities in unincorporated Fresno, Kings and Kern counties, as well as in Corcoran and the Bakersfield districts—where over 95% of the total residential displacements would occur—have vacant residences in excess of the estimated number of displacements." It goes on to note that fewer units are available in the Northeast District of Bakersfield (27 units) than the potential number of relocated renters (52). It is noted that in addition, renters housed in single-family residences could add to this need for rental units in both the Northeast and Northwest districts. Given the large numbers of single-family residential vacancies, it is not likely that new housing would need to be constructed to house these individuals. The relocation plan for residents in the Northeast district will consider the fact that rental units available in the immediate area may not be adequate and that as a result, it will be important to allow sufficient lead time to identify suitable rental properties and to provide housing of last resort, including rehabilitation of existing housing or relocation of the disrupted residential areas to newly constructed housing.

L007-72

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-25.

The Statewide Program EIR/EIS for the California HST System evaluated alternative alignments around and through Bakersfield as well as alternative station locations in downtown Bakersfield and the outskirts of Bakersfield (Authority and FRA 2005). The Record of Decision (ROD) on the Statewide Program EIR/EIS identified the BNSF Railway as the preferred corridor for the HST through Bakersfield with a station located in the vicinity of the existing Amtrak station. The city of Bakersfield, Kern COG,

Response to Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) - Continued

L007-72

Kern County, and many other civic groups such as the Greater Bakersfield Chamber of Commerce and Hispanic Chamber of Commerce, as well as other members of the public were involved in this decision and no comments opposed to the BNSF corridor and a downtown Bakersfield station were received from these organizations and groups on the Statewide Program Draft EIR/EIS. In fact, a comment letter on the Statewide Program Draft EIR/EIS from the Director of the Kern County Resource Management Agency did not care which alignment alternative was selected as long as it supported a "Truxtun" station site.

The Authority has not ignored the City of Bakersfield's concerns and suggestions. Input from the City of Bakersfield has been taken into consideration in project planning since the project was initiated. The City of Bakersfield and Kern Council of Governments reviewed issues concerning the siting of the Metropolitan Bakersfield High-Speed Rail Terminal for over 6 years, participated in a regional steering committee created by the Kern Council of Governments, and retained a consultant team to analyze three potential sites in the Bakersfield metropolitan area. After careful consideration, Kern Council of Governments' *Metropolitan Bakersfield High Speed Rail Terminal Impact Analysis* recommends the Truxtun site for the Bakersfield Region (Kern COG 2003), and the Council of the City of Bakersfield issued Resolution No. 118-03 on July 9, 2003, endorsing the downtown Truxtun Avenue site for the High-Speed Rail Terminal (City of Bakersfield 2003). The Bakersfield station was located in downtown Bakersfield adjacent to the Amtrak station at the recommendation of the City of Bakersfield, Kern County, and the Kern COG.

The Fresno to Bakersfield Section EIR/EIS is tiered from the Statewide Program EIR/EIS and the decisions made on the Statewide Program EIR/EIS. Therefore, the Fresno to Bakersfield Section EIR/EIS focuses on alternative alignments within the BNSF corridor through Bakersfield as appropriate under both CEQA and NEPA.

L007-73

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

For information on the potential for disruption and division in Bakersfield, see the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #7. Also see

L007-73

Impact SO #10 and Impact SO #11 for displacement estimates in Bakersfield. Mitigation Measures SO-2 and SO-3 propose mitigation for identified effects in Bakersfield communities. Mitigation Measure SO-4 describes the measures that will be implemented to reduce the impacts associated with relocating important community facilities.

For more information on the property acquisition and compensation process, see Volume II, Appendix 3.12-A.

L007-74

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

Impacts to important facilities in Bakersfield are recognized in Volume I Chapter 3.12 Impact SO#7. While not every affected facility along the entire alignment is specifically called out, several of the facilities identified by the commenter are identified, including displacement of government facilities: the Bakersfield public works office/corporation yard and Kern Mental Health office, as well as parking associated with the Bakersfield Convention Center.

Please refer to Mitigation Measure SO-4: Implement measures to reduce impacts associated with the relocation of important facilities. These measures will apply to all schools, churches, city and county property, as well as other important facilities displaced in Bakersfield. The Authority will consult with these respective parties before land acquisition to assess potential opportunities to reconfigure land use and buildings and/or relocate affected facilities, as necessary, to minimize the disruption of facility activities and services, and also to ensure relocation that allows the community currently served to continue to access these services. This mitigation measure will be effective in minimizing the impacts of the project by completing new facilities before necessary relocations, and by involving affected facilities in the process of identifying new locations for their operations. The Authority, as required under the Uniform Act and CRAA, bears the cost of compensation for displaced public infrastructure.

L007-75

Impacts on the Bakersfield Convention Center overflow parking lot are discussed in the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #7 and Mitigation

Response to Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) - Continued

L007-75

Measure SO-4.

L007-76

For detailed information on the locations of environmental justice communities within the study area, see Section 4.3 of the Community Impacts Assessment Technical Report.

L007-77

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

Individual properties and projects were analyzed per the CEQA guidelines. The level of detail in the environmental analysis is to "correspond to the degree of specificity involved in the underlying activity which is described in the EIR" (14 CCR 15146). Therefore, the EIR/EIS is based on the level of engineering and planning necessary to identify potential environmental impacts and to identify the appropriate mitigation measures.

L007-78

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

Individual properties and projects were analyzed per the CEQA guidelines. The level of detail in the environmental analysis is to "correspond to the degree of specificity involved in the underlying activity which is described in the EIR" (14 CCR 15146). Therefore, the EIR/EIS is based on the level of engineering and planning necessary to identify potential environmental impacts and to identify the appropriate mitigation measures.

L007-79

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

L007-80

The Authority and the FRA have revised the parking number allotments in the City of Bakersfield in Section 3.2, Transportation, of the Revised DEIR/Supplemental DEIS.

L007-81

As stated in Section 3.13.5.3, all nine project alignment alternatives would result in permanent conversion of land in other uses to transportation-related uses. For all alignment alternatives, approximately 30% of the land that would be permanently used for the HST tracks and supporting facilities (e.g., traction power and communication systems) is currently in similar uses (i.e., rights-of-way and transportation) or is vacant land; 60% is in agricultural uses; and about 10% is in residential, commercial, and industrial uses.

Project consistency with the Bakersfield Metropolitan General Plan policies is discussed in Section 3.13.2.4, Section 3.13.5.3., and Appendix 3.13A-1. See Master Responses FB-Response-08 and FB Response-66 for further discussion of the HST Project's relationship to local agency policies and consistency with land use policies.

As discussed in Section 3.13.5.3, although land acquired for the project would constitute a small portion of the total agricultural, industrial, residential, commercial, and public land in the four counties, all nine project alignment alternatives would result in permanent conversion of land in other uses to transportation-related uses. Overall, the effect of the permanent conversion of land for the project would have moderate intensity under NEPA and a significant impact under CEQA.

L007-82

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

As discussed in FB Response-General-02: Alternatives, the HST Authority has considered public and agency input received during preparation of the Program-level EIR/EIS, including public and agency comments received as part of that scoping process and input received during ongoing interagency coordination meetings. Also, the HST Authority conducted a preliminary alternatives analysis process for the Fresno to Bakersfield Section to identify the potential alternatives for study.

During late 2009 and early 2010, the HST Authority's consultants met several times with City of Bakersfield representatives to review and discuss HST station issues. The first such meeting was held on November 5, 2009. That meeting focused on the station planning and design process and included a discussion of local factors that could affect

Response to Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) - Continued

L007-82

the layout and design of the HST station (e.g., likely access routes for HST passengers).

Following-up on the November 5 meeting, the HST Authority's consultants met with City of Bakersfield representatives on January 21, 2010, to review three station concepts for each of the two alignments that were under consideration at that time (and which were carried forward into the Revised DEIR/Supplemental DEIS). Each of these concepts showed potential locations for the station building, HST parking facilities, bus transportation facilities, and other ground transportation accommodations, as well as potential opportunities for redevelopment associated with the HST station. These concepts were drawn on aerial images that clearly depicted key features of the station area, including access roadways and existing development. City representatives at the meeting included Alan Tandy, Steve Teglia, Jim Eggert, Raul Rosas, Brad Underwood, Arnold Ramming, and Donna Kunz.

Based on the input received at the January 21 meeting, the HST Authority's consultants met with City staff again on February 24, 2010. At that meeting, the consultants reviewed more detailed station concepts for each alignment option including plan view site drawings, station transverse sections, and passenger platform access scenarios. City representatives at the meeting included Steve Teglia, Jim Eggert, Brad Underwood, Rhonda Barnhard, and Donna Kunz.

On March 31, 2010, the Authority held a Bakersfield Technical Working Group meeting that included a presentation on planning for the Bakersfield Station. The HST Authority's consultants shared the same material that had been presented at the February 24, 2010, meeting with City staff. This was the first meeting at which the Authority's consultants had discussed the station concepts with anyone other than City staff.

Following the meetings conducted between November 2009 and March 2010, the Authority's consultants commenced with preparation of the 15% station design drawings that are included in Volume III of the Revised DEIR/Supplemental DEIS.

L007-83

Section 3.13, Station Planning, Land Use and Development, of the Revised DEIR/Supplemental DEIS has been revised and no longer references the Bakersfield

L007-83

Old Town Kern Pioneer Redevelopment Plan.

L007-84

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

As discussed in FB Response-General-02: Alternatives, the HST Authority has considered public and agency input received during preparation of the Program-level EIR/EIS, including public and agency comments received as part of that scoping process and input received during ongoing interagency coordination meetings. Also, the HST Authority conducted a preliminary alternatives analysis process for the Fresno to Bakersfield section to identify the potential alternatives for study.

During late 2009 and early 2010, the HST Authority's consultants met several times with City of Bakersfield representatives to review and discuss HST station issues. The first such meeting was held on November 5, 2009. That meeting focused on the station planning and design process and included a discussion of local factors that could affect the layout and design of the HST station (e.g., likely access routes for HST passengers).

Following-up on the November 5 meeting, the HST Authority's consultants met with City of Bakersfield representatives on January 21, 2010, to review three station concepts for each of the two alignments that were under consideration at that time (and which were carried forward into the Revised DEIR/Supplemental DEIS). Each of these concepts showed potential locations for the station building, HST parking facilities, bus transportation facilities, and other ground transportation accommodations, as well as potential opportunities for redevelopment associated with the HST station. These concepts were drawn on aerial images that clearly depicted key features of the station area, including access roadways and existing development. City representatives at the meeting included Alan Tandy, Steve Teglia, Jim Eggert, Raul Rosas, Brad Underwood, Arnold Ramming, and Donna Kunz.

Based on the input received at the January 21 meeting, the HST Authority's consultants met with City staff again on February 24, 2010. At that meeting, the consultants reviewed more detailed station concepts for each alignment option including plan view site drawings, station transverse sections, and passenger platform access scenarios.

Response to Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) - Continued

L007-84

City representatives at the meeting included Steve Teglia, Jim Eggert, Brad Underwood, Rhonda Barnhard, and Donna Kunz.

On March 31, 2010, the Authority held a Bakersfield Technical Working Group meeting that included a presentation on planning for the Bakersfield Station. The HST Authority's consultants shared the same material that had been presented at the February 24, 2010, meeting with City staff. This was the first meeting at which the Authority's consultants had discussed the station concepts with anyone other than City staff.

Following the meetings conducted between November 2009 and March 2010, the Authority's consultants commenced with preparation of the 15% station design drawings that are included in Volume III of the Revised DEIR/Supplemental DEIS.

At this point, station designs are conceptual in nature and will be refined as the project design progresses.

L007-85

Contrary to the claim in this comment, Section 3.13.5.2 states that infill development would occur without the HST; however, the amount of TOD attracted to the downtown areas of Fresno and Bakersfield under the No Project Alternative would be less than the amount of TOD likely to occur with the HST as a catalyst.

However, as stated in Sections 3.13.2.4 and 3.13.5.3, land uses in the downtown Fresno and Bakersfield areas are zoned for higher density development and the cities currently have plans and policies in place encouraging downtown revitalization. Fresno has begun to define land use opportunities for TOD planning by using land use overlay zones and by identifying supporting services for transit passengers (i.e., restaurants and retail). The Bakersfield Station would be located in an area subject to revitalization efforts. Therefore, TOD development could occur without the HST project.

L007-86

The Revised DEIR/Supplemental DEIS has been revised to state that land uses from the Rosedale area to the Bakersfield city limits include residential, commercial, agricultural, and light industrial. The pattern of existing uses along the study area in the

L007-86

Bakersfield city limits is very diverse. Much of the corridor is characterized by industrial uses associated with oil-related businesses and rail yards. The downtown portion of the alignment, however, is predominantly commercial and community facility with considerable areas of vacant and underused land.

L007-87

As stated in Section 3.13.5.3, construction of project alternatives would result in temporary impacts, including increases in noise levels, dust and other air pollutants, traffic congestion, visual changes, disrupted access to properties and neighborhoods, and temporary use of land for construction fabrication, laydown, and staging areas. Construction in urban areas could create hardship to businesses during construction because of access disruptions and traffic congestion.

Impacts in station areas during construction are discussed in Section 3.2.5.3, Transportation. Economic impacts to businesses during construction are discussed in Section 3.12.5.2, Socioeconomics, Communities, and Environmental Justice. Construction activities could be particularly disruptive to nearby community facilities and institutions because construction would occur primarily during normal hours of operation when noise, traffic, and other conflicts would be most problematic. Potential conflicts with special events (e.g., fairs, athletic events, major conventions) would be addressed through a special mitigation measure described in the section titled "Construction during Special Events" in Section 3.2.5.3, Transportation. This measure provides mechanisms to prevent roadway construction activities from reducing roadway capacity during major athletic events or other special events that attract a substantial number of visitors.

The significance of construction impacts was determined as less than significant because lands used temporarily for construction would be acquired from willing landowners and restored to their previous condition at the end of the construction period, long-term land uses would not change, adjacent land uses would not change, and there would not be a substantial change in the long-term pattern or intensity of land use incompatible with adjacent land uses. For these reasons, the effect of the temporary use of land for project construction staging, laydown, and fabrication would have negligible intensity under NEPA, and the impact would be less than significant under CEQA.

Response to Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) - Continued

L007-88

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

For information on the disruption to existing communities, including Bakersfield, see Chapter 3.12 Socioeconomics, Communities, and Environmental Justice, Impact SO #7 and see the related mitigation measures SO-1, SO-2 and SO-3 for measures to reduce impacts associated with the division of communities.

Allowable uses underneath elevated portions of the HST tracks has not yet been determined.

L007-89

As described in Section 3.2.5.3, High-Speed Train Alternatives, of the Final EIR/EIS, the HST alternatives would divert trips from air travel in the area, primarily from Fresno Yosemite International Airport. The Statewide High-Speed Rail ridership model projected where trips would be diverted and whether the diversions would be from automobiles or airplane trips; an estimated 23% of passengers at the Fresno and Bakersfield airports would be diverted to the HST within the San Joaquin Valley (page 3.2-45 of the Final EIR/EIS). Air travel provides a flexible form of transportation wherein scheduled flights are added or discontinued according to demand. However, flights would not be reduced to the extent that it would create a need for closure of a regional airport, which would contribute to urban decay.

L007-90

Impact PK #4 in Section 3.15, Parks, Recreation, and Open Space, discusses HST operational impacts on park character. The analysis in the Revised DEIR/Supplemental DEIS determined that the project would substantially degrade the existing visual character and quality of the site and its surroundings and therefore would have an effect of substantial intensity under NEPA and a significant impact under CEQA. The revised analysis also determined that HST operational noise would increase noise exposure for users of the parkway and facilities, and therefore the operational noise impacts would have an effect of moderate intensity under NEPA and a significant impact under CEQA.

For mitigation measures, see N&V-MM#3, Implement Proposed California High-Speed

L007-90

Train Project Noise Mitigation Guidelines, in Section 3.4, Noise and Vibration, and AVR-MM#2a through AVR-MM#2f in Section 3.16, Aesthetics and Visual Resources.

L007-91

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

Mitigation measures have been revised in the Revised DEIR/Supplemental DEIS. Please refer to all the revised mitigation measures in Section 3.16.7 in the Revised DEIR/Supplemental DEIS.

L007-92

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

Please refer to Impact PK #2 in Section 3.15.5.3 of Section 3.15, Parks, Recreation, and Open Space, of the Revised DEIR/Supplemental DEIS for a discussion of project acquisition of parks, recreation, and open-space resources. See also Section 3.15.7.2 for a discussion of the mitigation measure for acquisition of park property.

L007-93

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

See also Mitigation Measures AVR-MM#2b, #2c, #2d, and #2e, of the Revised DEIR/Supplemental DEIS.

L007-94

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

L007-95

The text of Section 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS has been revised in response to your comment.

L007-96

The growth rate in Table 3.18-2 is correct based on population estimates from the Kern

Response to Submission L007 (Jim Eggert, City of Bakersfield, Planning Division, October 13, 2011) - Continued

L007-96

Council of Governments.

L007-97

The text will be revised in the Final EIR/EIS.

L007-98

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

L007-99

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

Footnote 3 in Section 3.18, Regional Growth, provides a discussion of jobs and annual job years. See also Impacts SO #5 and SO #14 in Section 3.12, Socioeconomics, Communities, and Environmental Justice, for information on project job creation during construction and operation of the project.

Submission L008 (Kindon Meik, City of Corcoran, September 16, 2011)



September 14, 2011

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

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

L008-1

The City of Corcoran supports the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Respectfully,

Kindon Meik
Interim City Manager

CITY OFFICES:
832 Whitley Avenue • Corcoran, CA 93212 • Phone 559/992-2151 • www.cityofcorcoran.com

Response to Submission L008 (Kindon Meik, City of Corcoran, September 16, 2011)

L008-1

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

Submission L009 (Larry Hanshew, City of Corcoran, October 12, 2011)

RESOLUTION NO. 2594

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORCORAN, OPPOSING THE HIGH SPEED RAIL ROUTES PROPOSED WITHIN THE CITY LIMITS OR THE CITY'S SPHERE OF INFLUENCE AS PRESENTED IN THE ENVIRONMENTAL IMPACT REPORT COMPILED BY THE CALIFORNIA HIGH SPEED RAIL AUTHORITY.

WHEREAS, at a regularly scheduled meeting of the City Council of the City of Corcoran, held on October 3, 2011 in the City Council Chambers, 1015 Chittenden Avenue, Corcoran, California, the following resolution was adopted:

WHEREAS, the City Council has followed with interest the development of the High Speed Rail (HSR);

WHEREAS, the City Council has solicited the input of residents of the community during scheduled council meetings and a special town hall meeting;

L009-1 | **WHEREAS**, the draft environmental impact report (EIR) presented by the High Speed Rail Authority fails to address issues relating to environmental justice by not mitigating the economic and social ramification of the routes on minority and low-income neighborhoods;

L009-2 | **WHEREAS**, the EIR does not conform to the City's approved General Plan and is further negligent in outlining impacts on the existing state prison and substance abuse treatment facility;

L009-3 | **WHEREAS**, the High Speed Rail Authority has not provided answers to the numerous questions posed by the City of Corcoran and has ignored the request by the City to extend the comment period for up to 180 days.

NOW, THEREFORE BE IT RESOLVED that the City of Corcoran memorializes its concern about the detrimental consequences that high speed rail will have on the community.

1. The City of Corcoran determines that the sixty days allocated to review the draft EIR is not sufficient.
2. The City of Corcoran determines that there are not adequate financial and staffing resources provided to review the document.

BE IT FURTHER RESOLVED that the City of Corcoran opposes the three routes proposed in the draft EIR that are within the city limits or within the city's sphere of influence.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Corcoran held on the 3rd day of October 2011, by the following vote:

AYES: Councilmembers: Baltierra, Lerma, Mustain, Wadsworth, and Hanshew

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:  City Clerk
APPROVED:  Mayor

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CLERKS CERTIFICATE

City of Corcoran }
County of Kings } ss.
State of California }

I, Lorraine P. Lopez, hereby certify that the foregoing is a full, true and correct copy of a resolution passed and adopted by the City Council of the City of Corcoran at a regular meeting held on the 3rd day of October, 2011, by the vote as set forth therein.

DATED: October 10, 2011

ATTEST:


Lorraine P. Lopez, CMC
City Clerk

[seal]

Response to Submission L009 (Larry Hanshew, City of Corcoran, October 12, 2011)

L009-1

The environmental justice analysis adheres to the definition defined by Executive Order 12898 and U.S. Department of Transportation Order 5610.2, which defines an environmental justice effect as a "disproportionately high and adverse effect on minority and low-income populations." This is an adverse effect that is predominately borne by a minority population and/or a low-income population, or that would be appreciably more severe or greater in magnitude for the minority and/or a low-income population than the adverse effect that would be suffered by the non-minority and/or non-low-income population along the project.

Determination of potential environmental justice effects includes consideration of all possible mitigation. Mitigation of impacts to less than significant is not possible in every instance, so the effect is acknowledged and considered in decisions about project alternatives. Section 4.3 in the Community Impact Assessment Technical Report identifies the environmental justice populations along the project, including the high concentrations of environmental justice populations in Corcoran. The methodologies for identifying these populations are detailed in Appendix A of the Community Impact Assessment Technical Report. Section 5.3 in the Community Impact Assessment Technical Report provides detailed information on the potential for substantial environmental justice effects across resources along the project, including impacts and effects identified in Corcoran. The Revised DEIR/Supplemental DEIS, Volume 1, Section 3.12, Impacts SO #6 and SO #18 summarize these findings.

L009-2

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

Individual properties and projects were analyzed per the CEQA guidelines. The level of detail in the environmental analysis is to "correspond to the degree of specificity involved in the underlying activity which is described in the EIR" (14 CCR 15146). Therefore, the EIR/EIS is based on the level of engineering and planning necessary to identify potential environmental impacts and to identify the appropriate mitigation measures.

L009-3

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

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funds, resources or staff time will be required for the mitigation measures or processing of items unless the CHSRA fully compensates the City. It is the City's expectation CHSRA will bear the full costs associated with the project's impacts, including impacts to the City's residents and businesses. Our specific comments are listed below by section of the Draft EIR/EIS. As can be seen from the extensive comments provided in this letter, the City has concerns that the DEIR/EISs have not sufficiently analyzed a significant number of potentially significant environmental impacts to the City of Fresno from this Project.

L010-1

SECTION 2.1: ALTERNATIVES

A critical component of an EIR/EIS is its Alternatives Analysis. Though the EIR/EISs for the Bakersfield to Fresno and Merced to Fresno sections analyze alternative alignments for areas apart from the City of Fresno, the EIR/EISs analyze only one option for the rail alignment/profile through the City of Fresno. The City believes that this single alternative is inadequate and fails to comply with the requirements of CEQA and NEPA.

Public Resources Code, section 21002 states that the California Legislature finds and declares that it is the policy of the state that public agencies should not approve a project as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. In addition, CEQA Guidelines, section 15126.6 (c) states that the range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination.

L010-2

CEQA Guidelines, section 15364 states that "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.

The economic factors, such as cost of constructing an alternative, may be considered in determining the feasibility of an alternative. However, California courts have stated that the fact that an alternative is more expensive than the project, does not make the alternative infeasible. The court in Citizens of Goleta Valley v. Board of Supervisors (1988) 197 Cal.App.3d 1167, 1181 stated as follows:

The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project. (Underlining added.)

Here, the EIR/EIS states the project objectives and policies for the proposed HST system are as follows:

1. Provide intercity travel capacity to supplement critically over-used interstate highways and commercial airports.
2. Meet future intercity travel demand that will be unmet by current transportation systems, and increase capacity for intercity mobility.

October 13, 2011

Mr. Roelof van Ark, CEO
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Comments regarding Fresno to Bakersfield High Speed Train Draft EIR/EIS

Dear Mr. van Ark:

Thank you for the opportunity to review and comment on the Draft EIR/EIS for the Fresno to Bakersfield segment of the proposed High Speed Rail project. In an effort to make the High Speed Rail project the best for the State of California, for our metropolitan region and for the local community, please consider the comments the City is providing as you prepare the Final EIR/EIS. Attached please find a detailed comments table which addresses specific issues throughout the document. These concerns generally fall into the categories below:

- The need for underpasses versus overpasses at several street-railroad grade separations;
- Construction impacts (traffic management plan, limitations and restrictions upon road closures);
- Adequacy and timing of certain traffic mitigations;
- Economic impacts to businesses, sales tax and property tax;
- Depressed trench versus at-grade profile through downtown;
- Protection of existing sewer and water pipelines, provision for future crossings;
- Adequacy of historic resources analysis

In terms of fiscal and economic impacts, the City of Fresno wishes to emphasize that the high speed rail project should not result in any cost or negative revenue impacts to the City. City staff will be pleased to assist with processing of items required for the project including plan checks for public improvements, traffic control plan reviews, inspections and acceptance of City facilities. Of course, CHSRA will be completely responsible for financing the mitigation measures within the City of Fresno or its sphere of influence, and as a result, no City of Fresno

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3. Maximize intermodal transportation opportunities by locating stations to connect with local transit, airports, and highways.
4. Improve the intercity travel experience for Californians by providing comfortable, safe, frequent, and reliable high-speed travel.
5. Provide a sustainable reduction in travel time between major urban centers.
6. Increase the efficiency of the intercity transportation system.
7. Maximize the use of existing transportation corridors and rights-of-way, to the extent feasible.
8. Develop a practical and economically viable transportation system that can be implemented in phases by 2020 and generate revenues in excess of operations and maintenance costs.
9. Provide intercity travel in a manner sensitive to and protective of the region's natural and agricultural resources and reduce emissions and vehicle miles traveled for intercity trips.

In this regard, an entirely below-grade "trench" style alternative through the City of Fresno's downtown area as depicted in the attached diagram(s) could feasibly accomplish most of the basic objectives of the project as required for analysis by the EIR/EIS.

First, the downtown "trench" alternative provides the same intercity travel capacity to supplement critically over-used interstate highways and commercial airports, and is consistent with the "at grade" profile alternative proposed by the draft EIR/EIS except that it would be below grade.

Second, the downtown "trench" alternative merely adjusts the grade to mitigate environmental impacts caused by the option analyzed by the draft EIR/EIS, and will be able to fulfill the objective of meeting future intercity travel demand that will be unmet by current transportation systems, and increase capacity for intercity mobility, in substantially the same manner as the at-grade option.

Third, station location alternatives, including the preferred Mariposa Station, will not be affected. As a result, the downtown "trench" alternative will continue to maximize intermodal transportation opportunities by locating stations to connect with local transit, airports, and highways in the same manner as the at-grade alternative.

Fourth, the downtown "trench" alternative will provide for the overall same improvement to the intercity travel experience for Californians by providing comfortable, safe, frequent, and reliable high-speed travel. The grade separation will not affect safety, other than to improve emergency response times and public safety services on roadways passing over the below-grade trench as compared to the at-grade alternative requiring under-passes, steep overpasses or other impediments to vehicular and pedestrian traffic.

Fifth, the downtown "trench" alternative will meet the objective of providing a sustainable reduction in travel time between major urban centers for the same reasons as the at-grade alternative analyzed in the EIR/EIS. It will also increase the efficiency of the intercity transportation system in the same manner.

Sixth, the downtown "trench" alternative will meet the objective of maximizing the use of existing transportation corridors and rights-of-way, to the extent feasible. In this regard, the

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"trench" option will be located at the identical alignment as the at-grade option, and parallels existing Union Pacific Rail Road (UPRR) corridor to the extent feasible.

Attached are several cross-sections that have been developed by the City's engineering consultant team. To date the Authority has not provided a cost analysis to indicate why this option would not be feasible, given this alternative's potential to be the environmentally superior alternative in terms of traffic circulation, aesthetics, socioeconomic and environmental justice considerations, and minimizing the disruption of an establish community.

L010-3

SECTION 3.2: TRANSPORTATION

Section 3.2.5 of the Draft EIR/EIS states that "during project design and construction, the Authority and FRA would implement measures to reduce impacts on circulation."

Project construction has the potential, if not mitigated, to create significant impacts to emergency response and public safety, result in significant traffic congestion, delays and short-term air quality impacts by either the full closure of roadways or lane closures, that would in turn result in detours or significant delays to the traveling public and emergency responders. Arterial and collector streets, within both the City and Caltrans right-of-way (i.e. freeway overpasses) are relied upon by emergency responders such as the Fresno Police Department and Fresno Fire Department. Detours, closures and lane restrictions therefore have the potential to impact emergency response times, thus creating a potentially significant impact to public safety that needs to be addressed. Ordinarily a stage construction and traffic handling plan would be prepared during the final design of a project, after CEQA/NEPA clearance. However, due to the proposed design-build delivery method of the project, the City is concerned that this approach will be inadequate, in that traffic control requirements that do not make it into the bid set, or bridging documents, would have a strong likelihood of becoming change orders, claims or generally cost increases to the project.

The Policing District impacted by the HSR is the Southwest Policing District (HSR tracks south of McKinley Blvd). Information such as proposed construction schedules, defined construction zones, security needs for building sites or building materials (to coordinate with private security if used), would assist in developing adequate travel alternatives for law enforcement emergency calls. It is not adequate to defer the development of a traffic management plan to the final design stage given the potential impacts which may or may not be mitigated by the future plan that would be developed. A comprehensive plan should be developed in conjunction with the Fresno Police Department, Fresno Fire Department and California Highway Patrol for this area. Major construction/grade separations on east-west roadways do not appear to have contemplated the impact upon emergency responders and public safety for the project area. More specificity is needed in order to ensure that these impacts are mitigated.

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The Draft EIR/EIS is inadequate in that these construction impacts have not been analyzed nor has a plan been put in place to mitigate the impacts. Traditionally some of these requirements for stage construction and lane closure or road closure restrictions would be put in place during the final design of the project. However, due to the proposed design-build delivery method of the project, this approach will be inadequate, in that traffic control requirements that do not make it into the bid set, or bridging documents, would have a strong likelihood of becoming change orders, claims or generally cost increases to the project. The traffic control

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requirements need to put in place as mitigation measures to reduce these construction impacts to less than significant. The City believes the following restrictions will mitigate the construction impacts:

- Maintain detection at signalized intersections where alignment changes or widening is necessary, in order that the traffic signal does not need to be placed on recall (fixed timing).
- Changeable message signs (CMS) shall be employed to advise motorists of lane closures or detours ahead. The CMS shall be deployed seven (7) days prior to the start of construction at that location.
- Where project construction causes delays on major roadways during the construction period, the project shall provide for a network of CMS locations to provide adequate driver notification. For example, construction-related delays at the railroad grade separations that lead to State Route 99 freeway interchanges will require CMS placement to the east to allow drivers to make alternate route decisions. In the case of work on Fresno Street, recommended placement would be a CMS at Broadway just east of the UPRR underpass, at Van Ness and a CMS at the intersection of Fresno and Divisadero. Similar CMS usage shall be required along Ventura Avenue, Church Avenue and Central Avenue.
- Alignment of roadways to be grade-separated and freeway overpasses to be reconstructed shall be offset from the existing alignment to greater facilitate stage construction.
- In regards to the existing railroad crossings at Fresno Street, Tulare Street and Ventura Avenue, two of the three crossings shall remain open at any given time.
- The existing Church Avenue at-grade railroad crossings at UPRR and BNSF shall remain open with one travel lane in each direction, until the Church Avenue overpass has been constructed and is open to traffic.
- In regards to the existing railroad crossings at Central Avenue and American Avenue, these shall not be closed at the same time.
- Mitigation measures associated with the closure of railroad crossings in the South Van Ness Industrial area (i.e. Van Ness, Florence, Belgravia) shall be constructed prior to closure of the railroad crossings.
- The HSR Authority in conjunction with the City of Fresno, Public Works Department shall develop a traffic management plan for large event generating traffic on surface traffic congestion/delays at Chukchansi Park at Tulare and H Street, as well as Convention Center/Selland Arena/Saroyan Theater events in downtown Fresno.

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Pages 3.2-84 through 3.2-89 discuss the mitigation measures necessary for the area surrounding the Downtown Fresno Station. The proposed mitigation measures fail to provide adequate traffic mitigation, either due to not going far enough to address the needs, or the measures fail to be consistent with the City's adopted General Plan and associated policies. The proposed measures need to be modified as follows in order to provide adequate mitigation measures:

- Intersection #6 (SR 99 NB Ramps/Ventura Ave): The intersection will meet signal warrants at the time of HST project completion. Road closures will increase traffic to this location and therefore the HST project should install the traffic signal with the initial project construction.
- In regards to Table 3.2-53, "Future (2035) Plus Project Mitigation Measures – Fresno Station", the City is concerned that the DEIR/EIS does not prescribe a method for

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implementing these mitigation measures. This project is being funded with one-time money for this segment and assuming other project segments are funded in a similar manner, those Federal dollars may not be eligible to implement future year mitigations for a previously constructed project segment, thus creating a CEQA/NEPA issue for these traffic impacts. Furthermore the HST project's reconfigurations, realignments and road closures represent alterations to traffic patterns that will be permanent upon project completion, thus creating the impact at the time of project construction. Therefore the project must either construct these mitigation measures now with initial project construction, or create a legally binding and enforceable agreement between the State of California and City of Fresno for the construction of these improvements upon 180 days notice by the City when traffic conditions warrant the particular improvements. Such an agreement should be consistent with existing case law (Anderson First) and entered into prior to certification of the EIR/EIS.

- The widening of a number of intersections and roadways would conflict with the City's 2025 Fresno General Plan. Existing Plan policies giving the highest priority to street improvements that will not jeopardize or negatively impact neighborhoods (GP E-1-c). General Plan E-1-j Policy is directing pedestrian and other non-motorized travel enhances complementing safety and efficiency of the street system. The Central Area Community Plan, Transportation, Circulation and Parking chapter articulates one major objective by promoting pedestrian circulation and activity taking full advantage of the aesthetic and convenience potentials. The Community Plan goes on to express the importance of a user friendly circulation system and the linkage between local street patterns, traffic and pedestrian flow to a major activity center. None of these policies will be satisfied if overpasses are constructed with 30 foot berm which eliminates direct street access and re-routes local traffic through adjacent properties. Overpasses which are not ADA accessible, walkability or conducive to non-motorized travel clearly conflicts with existing general and community plan policies. There are no technical studies, substantial evidence or discussion (e.g. cueing studies, traffic counts, evaluation of properties adjacent to the proposed take-off or landing points of the overpass, calls for graffiti removal, urban decay, potential aesthetic impacts, division of an existing neighborhood) to substantiate the conclusion that an overpass would reduce impacts, compared to an underpass option. Therefore, the City would not be supportive of widening following intersections and roadways, specifically:
 - Intersection #21, H Street and Kern Street
 - Intersection #25, H Street and Tulare Street
 - Intersection #26, Van Ness and Tulare
 - Intersection #42, Van Ness and Fresno
 - Intersection #66, Van Ness and Divisadero
 - Intersection #74, Blackstone and Belmont
 - Roadways: We do not support the widening of Tulare Street to six lanes between Broadway and Van Ness, nor do we support the widening of Divisadero to six lanes between Fresno Street and SR-41.
- Intersection #24 would have to be a grade-separated intersection as only the underpass (Tulare going under HST and UPRR) is viable for Tulare Street. The EIR/EIS fails to address the impacts that would be created by an overpass at this location, such as historic impacts to the Fulton Mall, impacts upon stadium and parking garage operations, loss of circulation to businesses and visual impacts associated with an elevated structure in close proximity to the main stadium entry. There are no technical studies, substantial evidence or discussion (e.g. shadow analysis, calls for graffiti removal, urban

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- decay, potential aesthetic impacts, division of an existing neighborhood) to substantiate the conclusion that an overpass would reduce impacts, compared to an underpass option.
- Why does the consultant believe that split phasing would be appropriate as a mitigation measure for intersection 46 (Fresno and Divisadero)? This would seem to create a long cycle length and poor and unacceptable LOS operations. Other options should be considered as in reality this would tend to worsen, rather than improve LOS at this location. The City requests further evaluation and revising of this mitigation measure to an option that does not involve split phasing of this intersection due to operational concerns.
 - Intersection #63 (H and Divisadero) is being proposed for extensive widening (i.e. triple rights, dual lefts, etc.) This mitigation measure may fit the CEQA definition of feasible, however does not consider potential significant impacts (dividing an existing community, or create inconsistency with the City's Bicycle, Pedestrian and Trail's Master Plan). Therefore, The City recommends the Authority evaluate a roundabout at this location to provide adequate LOS without the significant amount of R/W acquisition which would be necessary to implement the consultant's recommended "improvements".

L010-6

SECTION 3.6: PUBLIC UTILITIES AND ENERGY

The City notes that Section 3.6 attempts to describe the potential impacts and mitigation measures for public utilities and energy. The City has several comments on the Draft EIR/EIS pertaining to the City sewer and water systems:

- The locations and sizes of major sewer lines should be identified that cross the study area. Areas of specific concern are at Kern St. Alignment, Church Ave. crossing, Jensen Ave. crossing, and North Ave. crossing, plus two private sewer mains at the Church Avenue crossing.
- In order to avoid sanitary sewer overflows and protect public health, thereby seeking to mitigate potential impacts of the HST project, it is essential for the City to be able to adequately clean and maintain the sewer collection system. To facilitate those maintenance efforts there must be ready access to the system as follows:
 - o Any change in direction of the sewer collection system must occur at a manhole to allow access to each reach for inspection and cleaning.
 - o Any new sewer collection system manhole or structure installed with the project must be located to allow ready access by City of Fresno Collection System Maintenance crews, equipment, and vehicles. Access must allow for the proper, safe, and efficient orientation of equipment and vehicles. This includes acquiring any necessary right-of-ways or easements.
 - o The construction of any new structures associated with the project must not impact ready access to existing sewer collection system manholes or other sewer collection system structures by City of Fresno Collection System Maintenance crews, equipment, and vehicles. Access must allow for the proper, safe, and efficient orientation of equipment and vehicles. This includes acquiring any necessary right-of-ways or easements. Any proposed bypass during construction of new mains would be subject to the requirements of the City of Fresno.

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- The HST project has the potential to both impact the integrity of the existing mains and thus impact public health and safety, as well as to restrict the City's future growth through construction of the HST corridor which could preclude the installation of new

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- mains across the HST right-of-way. Therefore we believe the following mitigation would be appropriate for public utilities:
- o All existing and Master Planned sewer, water, and recycled water facilities crossing the existing tracks and future HST tracks shall be required to have steel casings. Any relocation or abandonment of existing water and/or sewer lines shall be required to maintain service to all parcels. Replacement lines must be constructed to City of Fresno Standards. Also, all existing valves, manholes, and any other above ground appurtenances shall be relocated outside of the proposed HSR ROW. HSR shall provide steel casings crossing the alignment of the HSR for future recycled water lines.

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SECTION 3.8: HYDROLOGY AND WATER RESOURCES

The City of Fresno Water Division has reviewed the California High Speed Train Environmental Impact Report/Environmental Impact Statement - Fresno to Bakersfield segment. Based upon the City's review of the DEIR/EIS, the proposed project has the potential to greatly impact the operation of the City of Fresno water system. However, with appropriate mitigation measure those impacts could be reduced to less than significant. The City's comments and recommendations are as follows:

1. The HST will cross or displace through the relocation of roadways numerous existing water mains. These mains are critical to the overall performance of the water system as they are generally near the UPRR and Freeway 99 alignments. Water main crossings of these existing alignments are currently limited and therefore need to be maintained to ensure adequate water system distribution east and west of these alignments.
 - a) Existing water mains crossing the proposed HST alignment shall be maintained by reconstructing them in steel casings to allow the City of Fresno to maintain these facilities from outside the HST right-of-way.
 - b) Related water system appurtenances such as valves, blow-offs, air release assemblies, etc., shall be relocated outside the HST right-of-way.
 - c) Where water main crossings will exist outside the public right-of-way, the project shall provide dedicated water main easements to the City for the ongoing operation and maintenance of the facilities.
 - d) The City reserves its right to increase the size of existing crossings or propose additional crossings as necessary to ensure existing levels of water service are maintained.
 - e) The City has previously provided to the Authority with a list of existing water mains that will be impacted by the proposed HST alignment. It should be noted that this list is based upon a cursory level review and that other water main crossings may be identified as the project progresses.
2. Due to ongoing planned water system capital improvement projects and anticipated future growth within the City of Fresno 2025 Fresno General Plan boundary, the Water Division will require the installation of steel casings to accommodate future water mains to be constructed

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- L010-10 | after completion of the HST. As the project progresses, it is possible that additional locations may be identified and shall be included in the HST project.
- L010-11 | 3. The City of Fresno, Department of Public Utilities, Water Division presently operates Well Site No. 162 located at 2091 E. Muscat Ave. Based upon the proposed HST alignment, this well site will be displaced and will no longer be able to operate. This will result in a significant reduction in water to the system in the area, including available water currently being used for homes and businesses, as well as maintaining adequate fire-fighting pressures. Current production data indicate that this well was constructed in March, 1995 and is capable of producing 1,500 GPM. Due to the proposed removal of this well site, the Water Division requires that the well site be replaced with a new well site(s) capable of producing a minimum of 1,500 GPM. Well sites shall be of a size and at a location acceptable to the Director of Public Utilities or his designee. The HST Authority shall be responsible for fully mitigating this impact, including acquisition of replacement well site(s), construction of the well(s) (including test holes, monitoring wells, wellhead treatment, site improvements, equipment structures, discharge plumbing, utilities and ancillary equipment) and payment of any costs and fees required for connection and restoration of lost water service.. Installation of the replacement well site(s) as outlined should restore water services to existing levels and result in mitigation of the impact caused by HSR.
- L010-12 | 4. The Water Division is presently designing a 24-inch water main that will originate in West Fresno at the intersection of N. Hughes Ave/W. Olive Ave and terminate in downtown Fresno at the Water Division's proposed 3MG Water Storage Facility located at 401 H St (See the attached exhibit). The project design is currently at the 60% stage. Existing design documents for the 24-inch water main show the main crossing the proposed HST alignment at Mono St between G St and H St. This crossing will require a minimum 36-inch steel casing within the proposed HST right-of-way. Additionally, the 24-inch main is currently proposed in the G St alignment paralleling the proposed Fresno Train Station alternative at G St/Tulare St. Due to the limited information provided regarding the Train Station footprint and potential impacts to the G St. right-of-way, further information is requested by the Water Division to ensure the least possible impacts to the design, construction, and operation of the proposed 24-inch water main. At this point in time, the Water Division estimates that construction of the 24-inch water main will precede construction of the HST.
- L010-13 | 5. Due to the significant number of potential water system impacts related to the proposed HST project, the Water Division requests the opportunity to complete the design of water facility improvements by utility or reimbursement agreement. Should the design of water facility improvements be completed under the HST project, all design documents shall be subject to approval by the City of Fresno Director of Public Utilities or his designee.
- L010-14 | 6. Appendix 3.6-B Technical Memorandum: Water Usage Analysis for CHST Fresno to Bakersfield Section, Pg. 3.6-B-6 identifies an adjusted water usage factor for the HMF as 30 gallons per employee per day. This method of developing a water usage factor for the HMF seems inappropriate when the largest percentage of water that will be consumed at that facility is based upon the number of train cars maintained by the facility. The City recommends that the water demand analysis consist of factors based upon the industrial use of water rather than a per capita approach.

- L010-15 | 7. The DEIR Section 3.8-10 states that the HMF site will connect to the municipal water supply where possible and practicable. If the HMF Fresno Works alternative is selected and will obtain water service from the City, the following provisions must be satisfied:
 - The HST project shall submit an application to the Fresno County Local Agency Formation Commission seeking authorization to expand Fresno's water service boundaries and provide water service to the Fresno Works site.
 - The HMF Fresno Works Alternative property is not fully located within the City of Fresno's 2025 General Plan boundary and was not included in the 2008 Fresno Urban Water Management Plan. Therefore, no water allocation was identified for this portion of the site. The HST project shall provide an annual water usage analysis and provide the City of Fresno with a supply of water equivalent to the demand.
 - The HST project shall submit water system improvement plans showing the location of all main extensions and all irrigation, fire, and domestic water services to be provided by the City of Fresno. Include on the plans the location of all reduced pressure backflow prevention devices for all services (see City Standards for acceptable locations). Any proposed City water mains shall be looped; dead end water mains will not be allowed.
 - Payment of the standard impact and connection fees for the facility.
 - Seal and abandon existing on-site well(s) in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.
 - If the HMF Fresno Works alternative is selected and will obtain its water supply through the development of groundwater wells, the City of Fresno, Department of Public Utilities, Water Division recommends that the HST project identify groundwater mitigation measures to offset its groundwater demand through the implementation of water recycling, reuse, and aquifer recharge. The mitigation shall have a net zero impact on groundwater resources.

L010-16 | **SECTION 3.11 SAFETY AND SECURITY**

The Draft EIR/EIS includes Table 3.11-3 concerning Fire Departments and Equipment. The City has noted items in this table that need to be corrected:

- Service Area:**
 City of Fresno and adjacent Fresno County areas under contract with the North Central Fire Protection District and Figarden Fire Protection District.
- Equipment:**
 19 engines
 5 ladder trucks with at least 85 feet reach
 1 USAR (urban search and rescue) apparatus
 2 water tenders
 2 hazmat apparatus
 2 brush rigs for vegetation fires
 Hazmat decontamination trailer
 Light and air unit

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L010-16 For Table 3-11.4, this analysis is not accurate, but can be rectified by the addition of the following information:

- The **Closest Fire Station** column needs the following changes for the "Fresno Works-Fresno" line:
1.25 miles Fresno County Fire Protection District, Battalion 17, Station 89, Easton
- The **Closest Hospital** column needs following changes for the "Fresno Works-Fresno" line:
7.2 miles, Community Regional Medical Center, Fresno

In Section 3.11.4, this analysis is not accurate, but can be rectified by the addition of the following information:

- Delete last sentence: "~~None of the fire departments have specialized rescue equipment~~" and replace with the following:—*The Fresno and Bakersfield Fire Departments are certified as a Type 1 Heavy Rescue and Regional Response Forces with specialized rescue equipment and contracted access to additional equipment, such as industrial crane, as needed.*
- Add the following language: *The City of Fresno does not have an automatic aid agreement with the Fresno County Fire Protection District. Delivery of an Effective Response Force (EFR) within the time frames prescribed in NFPA 1710 (22-25 fire fighters within 8 minutes) to a proposed Fresno Heavy Maintenance Facility south of Fresno will not be possible until such an instant aid agreement can be implemented.*
- Additionally, *Fresno County Fire only has one truck company and NFPA 1710 specifies a minimum of two truck companies to comprise an ERF.*

L010-17 **SECTION 3.12: SOCIOECONOMICS, COMMUNITIES AND ENVIRONMENTAL JUSTICE**

In Section 3.12.4.1, Regional Population Characteristics, this section references the 2000 US Census. The 2010 US Census is now available and should be used to update this entire section. Projected population growth may be lower than estimated, which would further substantiate project impacts.

L010-18 In Section 3.12.4, Figure 3.12-2 Minority Group Representation, this figure needs to be updated to include US Census 2010 data. Failure to use the proper data could result in a failure to identify a potentially significant impact.

L010-19 In the HST Study Area Housing Setting, City of Fresno, this discussion of housing characteristics in the Central, Edison and Roosevelt Districts should be revised to include US Census 2010 data. Failure to use the proper data could result in a failure to identify a potentially significant impact.

L010-20 Under Economic Setting and Environmental Justice, these sections should be revised to include 2010 unemployment data, and US Census 2010 data. Failure to use the proper data could result in a failure to identify a potentially significant impact.

L010-21 Concerning Poverello House as a women's shelter, the City wishes to note that Poverello House serves three meals a day, 365 days a year, to anyone in need; offers free medical and dental care through the Holy Cross Clinic; provides showers and laundry

L010-21 services to the homeless; serves as a day shelter and safe haven for people on the streets, houses a 28-bed residential alcohol and drug rehabilitation program, and a five-bed transitional home; distributes free clothing; provides recreation, mail service, transportation, and, in 2004, opened the Village of Hope, a temporary overnight shelter for homeless people who want an alternative to the streets.

L010-22 The City also has concerns regarding the sufficiency of analysis associated with the significant impact of the project on the human and physical environment, including the need for a comprehensive economic analysis of the project's impacts as well as the significant impacts on displaced, relocated or closed businesses. At a Special Meeting conducted on October 13, 2011, the Fresno City Council adopted a motion finding that the DEIR/EISs are legally inadequate as currently drafted.

L010-23 As a preliminary matter, the DEIR notes the "economic and social changes resulting from a project shall not be treated as significant effects on the environment." However, an EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis must be on the physical changes, and there must be substantial evidence of those physical changes. In this regard, economic or social effects of a project may be used to determine the significance of physical changes caused by the project.

Here, the construction of HSR divides the existing City community, creating a physical change, but the social and economic effect on the community would be a basis for determining that the effect would be significant. Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR is required to explain the reason for determining that the effect is significant. Further, economic, social, and particularly housing factors shall be considered together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. The EIR should contain information on these factors, and should be supported by substantial evidence to support the analysis. (See CEQA Guidelines §15131.)

While CEQA does not require technical perfection in an EIR, it does require adequacy, completeness, **and a good-faith effort at full disclosure**. (CEQA Guidelines §150039(i).) Here, the City has concerns regarding the sufficiency of analysis and the adequacy of mitigation measures including the following issues:

L010-24 1. **Complete "Corridor" Analysis For the City of Fresno:** The City of Fresno serves as a juncture for the Fresno to Bakersfield HST Section and the Merced to Fresno HST Section. A draft EIS/EIR has been prepared for each of the Sections, both of which analyze slightly overlapping portions of the HST corridor through the City, but not all of it. However, the City is not physically divided into two sections, nor is the commercial and industrial business community along the HST corridor, and the City is a single jurisdiction wherein property and sales taxes are applied throughout the community. As a practical matter, the split analysis used by the draft EIS/EIRs has the effect of assessing only a divided portion of the community, including the significant number commercial and industrial business community located along the HST corridor, which artificially reduces the significance of impacts and results in less-

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effective mitigation measures. For example, the total number of displaced commercial and industrial businesses within the City is not assessed by either EIS/EIR. Further, it is difficult to determine the combined total impact as the EIS/EIRS for Merced to Fresno HST Section breaks down the number of displaced/relocated businesses for other jurisdictions – but does not appear to provide the same information for the City of Fresno. This information might be capable of being derived by reviewing the details of supporting technical studies, but is not readily available. To ensure the EIS/EIRs adequately assess the full impacts of the project, the City recommends Section 3.12 of the EIS/EIR be updated to include a unified and complete analysis of the entire portion of the HST corridor within the jurisdiction and sphere of influence of the City of Fresno, and to present the summary of those findings and analysis in a clear and readily assessable manner.

L010-25

2. **Economic Analysis:** The economic analysis, including property and sales tax, is not comprehensive and appears incomplete. This seems to be a systemic issue with Section 3.12. For example, the draft EIS/EIR does not quantify loss of value of property adjacent to the project. Even without this data the draft EIS/EIR still purports to estimate a total loss of tax revenue – based on 2009 tax data averaged across multiple counties - which offsets the loss of higher value property with lower value property in other regions. In addition, HSR properties would also be permanently removed from the tax rolls. However, the draft EIS/EIR does not appear to state the amount of impact, but does assert the impacts would eventually be offset by a multi-county average 3% increase in population almost a quarter century from now. No mitigation is provided for the intervening period, nor are the funds adjusted to reflect the time-value of money. An increase in property values may be associated in the area around the station, but both EIS/EIRs appear to use this to offset loss of property values for their section, effectively counting the increase in value twice. This would be resolved by a single analysis for the entire HST corridor in the City. The EIS/EIR also acknowledges that some businesses will close as a result of the project and/or contemplates relocation of projects out of the City's jurisdiction by up to 50 miles, but neither calculations as to the number of these businesses closures are provided (including the effect of requiring a relocated business or home-owner to immediately pay off a security interest or mortgage on a property that is "upside down" resulting in a number of operations being driven out of business or being able to obtain credit to secure equivalent commercial space or housing), nor are estimates as to the impact it would have on the City's property and sales tax revenue. Lost wages and revenues due to closure, displacement or relocation, including impacts on the environment, should also be assessed.

These sorts of general estimates do not adequately assess project-level impacts, and as a result, the City is unable to determine whether there will be funding available for public facilities, infrastructure, services and other needs to address the impacts caused by the project or if the draft EIS/EIR analysis is adequately addresses these issues. The City recommends a comprehensive, project-level, economic analysis that assesses all the economic impacts from the project within the jurisdiction of the City and its sphere of influence, including both immediate, intermediate and long term impacts, including impacts on sales tax and property tax revenues to the City, and uses the most current and updated data available. Mitigation measures to reduce these impacts to less than significant, and ensure the City remains whole to provide adequate funding for operation and maintenance of public facilities and services, must also be included.

L010-26

3. **Urban Decay Analysis:** In conjunction with the economic analysis issues, the draft EIS/EIR does not appear to assess the physical deterioration impacts caused by

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displacement, relocation or closure of businesses. Likewise, the analysis also does not assess the impact of the project along the entire HST corridor within the City of Fresno, thereby reducing significance of impacts. To ensure sufficiency of the EIS/EIR, the City recommends analysis to include physical changes to the environment caused by the closure, displacement or relocation of businesses for the entire HST corridor within the jurisdiction and sphere of influence of the City of Fresno.

L010-27

4. **Methodology for Estimating Impacts:** The number of displaced businesses and employees appear to be based on estimates derived from aerial photographs, conceptual engineering plans, profiles and right-of-way data showing potential parcel alternatives. If this is the extent of the information, and the analysis is based on such estimates, then the EIS/EIR does not adequately assess current baseline conditions and project impacts required for a project-level analysis. Actual, specific and reasonably available data is the superior alternative as compared to estimates derived from photographs and planned uses. To ensure sufficiency of this project-level EIS/EIR, the City recommends either field visits or direct communication with all businesses anticipated to be displaced or relocated by the project to determine specific data including i) the actual type of business being operated; ii) the number of employees actually employed; iii) the nature and type of entitlement (conditional use permit, etc.), if any, allowing for operation of the business in the zoned district; and iv) any attributes of the business which may limit or restrict its options with regard to relocation (e.g., a need for direct access to a freight rail spur, special equipment requiring a building of unusual height or length, materials requiring special infrastructure or treatment, silos or specialized storage facilities, larger yards to accommodate heavy equipment parking and maneuvering, etc.).

L010-28

5. **Infrastructure Analysis:** In assessing relocation, the draft EIS/EIR reviewed the availability of commercial, retail and office space buildings, as well as commercial and industrial businesses. These numbers appear to be based on vacancy rates in the same zip code with the NAICS codes of the businesses being relocated shortened to only two digits and then grouped into similar functional requirements. However, the NAICS numbering system employs six-digit code at the most detailed industry level, with the first two digits designating the largest business sector, the third digit designating the subsector, the fourth digit designating the industry group, and the fifth digit designating particular industries. By reducing the NAICS codes to only two digits, only very general categories of businesses are analyzed, such as "retail trade", rather than the full five digit designation within the retail trade category which contains a wide variety of uses from a supermarket (445110), computer store (443120) and automotive parts (441310). As a result, reducing the NAICS codes to only two digits to analyze vacancy rate availability does not address whether there are actually vacancies for the particular type of business use being displaced.

The City recommends additional analysis – using the complete six-digit NAICS number code - to determine if relocation is actually feasible including i) whether the relocation buildings have compatible infrastructure to allow for the relocated business to physically continue to operate (see examples discussed in the item above); ii) whether the relocation buildings allow for the same land use consistent with the City's zoning ordinance, 2025 General Plan, and applicable community and specific plans; iii) the economic viability of operating in the relocation area; and iv) whether the number of relocation buildings comply with current safety and entitlement requirements necessary to commence relocation in that structure (i.e., sidewalks, fire sprinklers per current requirements, special water supply or sewerage requirements for certain uses, etc.).

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6. Economic Setting/Employment Data: Employment data for the City of Fresno references 2000 and 2002 data. The draft EIS/EIR also notes a change in economic conditions since that time resulting in the current economic downturn. Updated data, if available, should be used to ensure an accurate baseline for analysis of project impacts.

L010-30

The Proposed Mitigation is Inadequate

In addition the City's concerns regarding the adequacy of the economic analysis contained in the EIR/EIS's associated with the displacement of businesses and economic impacts, the City has concerns that the measures proposed to mitigation these impacts are inadequate. In addition to stating that the Lead Agency will fully comply with the requirements set forth in the Uniform Relation Assistance and Real Property Acquisition Policies Act (42 U.S.C. Chapter 61) ("URARPAA") and the California Relocation Assistance Act (Government Code, section 7260 et seq.) ("CRAA") see MFEIR, pp. 3.12-59-3.12-60, the EIRs contain the following mitigation measure:

SO-MM#2: Develop a relocation mitigation plan. Before any acquisitions occur, coordinate with affected communities and counties to develop a relocation mitigation and enhancement plan that will (1) arrange for meetings with affected property and businesses owners and tenants to provide counseling and assistance in applying for funding, including research to summarize loans, grants, and federal aid available, and research of demographically similar areas; and (2) collaborate with affected communities to develop enhancements and address indirect social and psychological impacts on communities. Provide housing of last resort if required.

This mitigation measure fails to meet the minimum requirements for such mitigation and constitutes deferral of mitigation. This mitigation measure defers to the future the development of a program to provide information and advice to individuals and businesses that will be displaced by the HSR. Furthermore, this mitigation measures does not contain any specific performance measures. As such, it is inadequate.

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Compliance with the "URARPAA" and "CRAA" will also not serve to fully mitigate the impacts to individuals, businesses and communities in which those individuals and businesses are located. This is for the following reasons:

1. The URARPAA and CRAA place unrealistic caps on the amount of money the Authority will pay to compensate displaced businesses that relocate. One example of an unrealistic cap is the cap of \$10,000.00 that the URARPAA and CRAA will compensate displaced businesses for "actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site." (See URARPAA, section 4622(a)(4), CRAA, section 7262(a)(4), Appendix 3.12-A to EIR/EIS, section entitled "Reestablishment Expenses"). \$10,000.00 is unrealistically low because of the possibility that businesses and/or non-profit organizations may need to obtain special permits or other development entitlements from the City of Fresno (e.g. conditional use permit, site plan, variance, rezone, plan amendment) in order to lawfully operate on another parcel within the City of Fresno. The costs associated with obtaining these special permits or other entitlements can easily far exceed the \$10,000.00 cap, especially if significant environmental review pursuant to

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CEQA is required. Attached to these comments is a copy of the portion of the City's Master Fee Schedule that sets forth the costs associated with processing various Special Permits and other entitlements for your review and consideration. As such, the nature and extent of the compensation available to displaced individuals, businesses and non-profits needs to be reevaluated and increased as necessary to amounts that will fully compensate for all actual costs associated with the displacement or relocation.

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2. Neither the URARPAA, CRAA or SO-MM #2 address the potential adverse impacts on the communities in which businesses and non-profits to be displaced operate if the business or non-profit chooses either to shut-down permanently or relocate to a location outside the jurisdiction where the business or non-profit was originally located once the Authority takes the property on which they operate. According to the Relocation Assistance Program Brochures, Appendix 3.12-A, the Authority could actually facilitate businesses relocating away from the City of Fresno as it will compensate a displaced business or non-profits for the costs of moving within 50 miles of the business or non-profit's current location. The potential for lost sales tax and property tax revenues to the City of Fresno, as well as the corresponding job losses, resulting from businesses that shut-down completely or choose to relocate outside of the City of Fresno constitutes a potential adverse economic impact. Specifically, it could result adverse economic and physical impacts in the form of urban decay, as not only will the City be dealing with trying to maintain the areas outside the HSR right-of-way that now lay vacant because of the dislocated businesses and non-profits, but it also faces a significant reduction in tax revenue that would otherwise be available in its general fund to pay for the cost of maintaining these areas so as to avoid the incidences of urban decay, including graffiti, vandalism and illegal dumping.

Both the URARPAA and CRAA state that the intent of these Acts is to minimize the adverse impact of displacement which is essential to maintaining the economic and social well-being of communities. (See, URARPAA, section 4621(a)(4) and CRAA, section 7260.5(a)(4).) However, as discussed above, in the context of this project strict adherence to the minimum criteria established by URARPAA and CRAA will not adequately minimize the adverse impacts to the City of Fresno due to displacement.

To provide further assurances that the City of Fresno, as a community, will be held harmless by the dislocations resulting from this project, Mitigation Measure SO-MM#2 must be significantly modified to include as a performance measure, the establishment of a primary goal of the relocation program to minimize as much as conceivably possible the actual shutting down of businesses and/or non-profits, and ensuring that as close to 100% of the displaced businesses and non-profits in the City of Fresno that are displaced are relocated to suitable and economically viable locations within the City of Fresno. To ensure the success of this goal, the Authority should strongly encourage the State Legislature to adopt various financial incentives for dislocated businesses to relocate within the same jurisdiction their businesses were originally located.

L010-33

3. The relocation planning, assistance coordination, and advisory services required by the URARPAA and CRAA does not constitute adequate mitigation as these Acts merely state that the Displacing Agency, in this case the Authority, must develop a program in the future that ensures that certain information and services are provided to individuals, businesses and non-profits to be displaced. (See URARPAA, section 4625(c) and CRAA, section 7261(c).) However, the measure defers the establishment of this program to some unknown time in the

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future, fails to set forth any specific performance measures, and fails to mandate the necessary funding and dedicated personnel for this relocation assistance program.

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4. Nothing in the mitigation proposed addresses the potential for individuals and businesses experiencing a significant increase in the property tax basis as a result of having to acquire new property at a higher price for purposes of relocating or having to construct new buildings to replace buildings acquired by the CHSRA. This could potentially result in significant increases in the property tax liability of individuals and businesses that relocate.

In summary, the Authority's reliance upon its compliance with the URARPAA, the CRAA and proposed mitigation measure SO-MM-#2 are insufficient to adequately mitigation the significant adverse impacts associated with the project and displacement of individuals and businesses. Accordingly, the City of Fresno respectfully requests that mitigation measures substantially in the form set forth below be added to the both EIR/EISS:

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Proposed Additional Mitigation Measures:

Mitigation Measure No. 1: Prior to the Authority's certification of the EIR/EIS for the Bakersfield to Fresno Section and the Merced to Fresno Section, the Authority shall enter into an agreement with the City of Fresno and other relevant organizations, as authorized by URARPAA Section 4632 and CRAA Section 7261.5, including the Economic Development Corporation serving the County of Fresno, in which the Authority will agree to the following:

1. The CHSRA will use its best efforts and draft its policies related to relocation assistance to minimize as much as feasibly possible the actual closure of displaced businesses and non-profits within the City of Fresno and to maximize the number of displaced businesses and non-profits that relocate to locations within the City of Fresno.

2. The CHSRA will raise the reimbursement caps set forth in the URARPAA and CRAA related to compensating displaced businesses and non-profits to amounts that will realistically compensate the business or non-profit for the actual costs of relocation, including those costs associated with obtaining the necessary special permits, entitlements and building permits to legally operate at a new location within the City of Fresno or construct new buildings on the original site to replace buildings that were acquired by the CHSRA. The special permit, entitlement and building permit costs would include any costs to construct or install additional improvements, such as curbs, gutters, sidewalks, required as a condition of approval of the special permit, entitlement or building permit.

3. The CHSRA shall establish a local relocation advisory assistance office(s) within the City of Fresno to assist with displacement issues and in obtaining replacement facilities for persons, businesses and non-profits which find that it is necessary to relocate because of the CHSRA's acquisition of real property.

4. During the period when any property is being acquired for the project, and not less than a period of 5 years from the date of certification of the EIR/EIS's, the Authority will provide all funding for the City of Fresno to hire qualified personnel, as reasonably determined by the City to be necessary, to expedite the processing and approval of any special permit or other entitlements necessary for a displaced or relocated business or non-profit to operate within the City of Fresno.

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5. During the period when any property is being acquired for the project, and not less than a period of 5 years from the date of certification of the EIR/EISS, the Authority will provide all funding for the City of Fresno to hire qualified personnel, as reasonably determined necessary by the City, to expedite the processing of any necessary building permits (including all necessary building inspections) for construction of new structures or the modification or expansion of existing structures on property for a displaced or relocated persons, businesses or non-profits to allow continued operation and occupancy prior to the displacement or relocation.

6. The CHSRA will fund City personnel, as reasonably determined to be necessary by the City, to be part of the staff implementing the Relocation Assistance Program for the purpose of explaining to displaced businesses the steps necessary for the businesses or non-profit to relocate within the City of Fresno and the City resources available to assist and expedite the relocation process.

7. The CHSRA shall closely collaborate with the City in preparing a detailed Relocation Assistance Program that includes time frames for implementation and specific performance measures (e.g. business retention within the boundaries of the City of Fresno) that will be included in the Memorandum of Understanding approved by the Authority prior certification of the EIR/EISS. This detailed program shall include funding and resources for the gathering of data for each displaced, relocated or impacted business or non-profits so the City can determine the special permits and entitlements required for the new location as well as a mechanism for establishing which businesses or non-profits should receive priority in processing of entitlement and/or special permit applications. This program shall also specify the number and specialty of each member of the coordinate Authority, City, EDC team necessary to counsel displaced businesses and non-profits, and facilitate and process any applications for financing, special permits, entitlements, etc., for displaced or relocated businesses or non-profits within the City of Fresno.

8. The CHSRA shall use its best efforts to encourage the California State Legislature and Governor to adopt economic and financial incentives for displaced businesses to relocate within the jurisdiction the business was in prior to displacement.

9. The CHSRA shall acquire and pre-entitle commercial and industrial property within the City of Fresno and make this property available to those businesses and non-profits within the City of Fresno that are required to relocate because the CHSRA has acquired their property requiring relocation of the business or non-profit.

10. The CHSRA shall establish and fund an ombudsman, and supporting staff and facilities as may be reasonably necessary, with an office located within the City of Fresno and open to the public during expanded business hours and for a period commencing upon approval of the project until six months after rail service on the HST becomes publicly available. The role of ombudsman shall be to answer questions, address citizen concerns and interests, and inform the public regarding specific details associated with all phases of the project, including implementation, construction details (closures, detours, traffic impacts, etc.) and operational aspects of the HST project. The ombudsman shall act as an intermediary or liaison between the CHSRA and the citizens and businesses of the City of Fresno. The ombudsman shall also be able to investigate complaints from the public relating to the HST construction process and attempt to resolve them, including providing recommendations to the Authority, and be able to

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identify organizational roadblocks running counter to the interests of the impacted community. The ombudsman shall also report directly to the project manager responsible for the construction of all aspects of the HSR sections that are located within the City of Fresno or its sphere of influence. The CHSRA will provide reasonable notice to the public within the City of Fresno, through a local newspaper of general circulation, radio/television announcements, billboards or displays, of the existence and general role of the ombudsman and methods of contacting the ombudsman.

Mitigation Measure No. 2: The CHSRA shall ensure that property owners, businesses, non-profits and residents are fully compensated for any increase in tax basis, arising from displacement or relocation and resulting in increased property tax liability, because they either have to relocate to new property that has a higher tax basis or because they have to construct new buildings or facilities on the original sites to replace buildings or facilities that were acquired by the CHSRA.

Mitigation Measure No. 3: The CHSRA shall ensure that owners of property that the CHSRA intend to acquire in whole or in part that are encumbered with mortgages secured by deeds of trusts, notes or other instruments with remaining balances in excess of the fair market value of the property are not financially impacted by having to immediately pay off the remaining mortgage balance in excess of the property's fair market value. CHSRA will either agree to pay the remaining instrument balance, negotiate with the holder of the instrument to reduce the balance to the property's fair market value, or work with the holder of the instrument to transfer the encumbrance to relocation property of equivalent value, such that the displacement or relocation will not result in an additional financial impact.

L010-36

SECTION 3.16 – VISUAL AND AESTHETIC

In Section 3.16.5.3 of the Draft EIR/EIS, the document states that "Characteristics of typical HST components as well as the potential to affect the aesthetic environment are listed in Table 3.16-2. (Street Modifications, Retaining Walls)". The Draft EIR/EIS fails to address the visual impacts upon existing neighborhoods and business districts in close proximity to the proposed overpasses/grade separations. The Tulare Street option which places Tulare over the HST corridor is an unacceptable option to the City in that it places Tulare Street more than twenty (20) feet in the air at the H Street intersection, directly in front of Chukchansi Stadium. This option also brings an overpass structure touching down near the historic buildings of the Fulton Mall. Furthermore this option proposes to block off F Street in the heart of the Chinatown district. For these reasons, an underpass with Tulare going under HSR is clearly environmentally superior and the only acceptable treatment for the project, which would reduce a potentially significant impact to less than significant.

L010-37

An underpass should also be constructed at the Ventura Street/UPRR/HST crossing. The overpass is problematic in terms of local street connectivity, circulation, ADA compliance, aesthetics and socioeconomic/environmental justice issues of a significant barrier being placed between communities to the east and west of this crossing.

L010-38

SECTION 3.17 – CULTURAL RESOURCES

The City has a number of comments on this section of the DEIR/EIS as follows:

L010-38

- HPSR: Of 176 historical architectural resources found ineligible by the consultants to the National or California registers, none "is listed or eligible for listing in local government registers or inventories, and as such, none is considered an historical resource for the purposes of CEQA." Only the City's Historic Preservation Commission ("HPC") and the Fresno City Council can determine and designate a resource to the Local Register of Historic Resources. There are in fact a few resources within the proposed corridor that MAY meet the threshold for the Local Register. These would be considered, as appropriate, by the HPC and the City Council. The City's Demolition review protocol (2025 General Plan) could also trigger a review of a resource.

L010-39

- Table 6.6-1 identifies several properties as historical resources for the purposes of CEQA due to the fact that they have been included in prior surveys, many over five years of age, and have been evaluated as potential contributors to a Local Historic District or as individually eligible to the Local Register but NOT designated, as such by action of the HPC or the City Council. After reviewing the Cultural Resources section of the DEIR and its related technical appendices, it appears that the Authority has identified a significant number of buildings and structures as "historic resources" that do not fall within the definitions for a mandatory or presumptive historic resource set forth in Public Resources Code, section 21084.1 and CEQA Guidelines, section 15064.5(a). Though this expansive view of "historic resources" is permissible it is not legally required. The Authority's determinations regarding which buildings or structures are "historic resources" with the City of Fresno is not binding on the City.

L010-40

In regards to ARC-MM#4 (EIS/EIR), Mitigation MM#4 should be required for the Fresno Station area, as it is the environmentally superior alternative to avoid impacts, direct and indirect, to historic resources including the potential for sub-surface deposits in Chinatown and within the corridor of the Central Pacific Railroad (later Southern Pacific). There are no technical studies, substantial evidence or discussion (e.g. discussion of potential of subsurface deposit that may be in the area, historic underground tunnels/structures in Chinatown) to substantiate the conclusion.

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The DEIS/EIR identifies the Azteca Theatre (836-840 F Street) as eligible for listing in the California Register. Due to the building's association with Arturo Tirado and the importance of the building to the *Mexicano* community in Fresno (1950s and 1960s) staff and HPC believe the building is individually eligible to the National Register of Historic Places.

L010-42

The City notes that the DEIR/EIS states that the Tulare Street Overcrossing would cause a direct adverse effect to the Southern Pacific Railroad Depot and to the Bank of Italy (Fulton Mall). In addition the proposed overcrossing would cause indirect impacts to CEQA only historical resources. The City wishes to add that a Tulare Street undercrossing is required in order to avoid impacts, direct and indirect, to historic properties.

L010-43

In regards to the Downtown Fresno Station alternatives, the City wishes to comment that The Mariposa Street Station is the most prudent and feasible alternative for avoiding or reducing impacts to the environment. The Kern Station alternative would demolish a designated historic building, the Hobbs Parsons Produce Company Building (1903, HP#169) which is not only one of the oldest extant commercial buildings in Fresno but was also recently restored for adaptive use by the City's Fire Department.

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L010-44 | In regards to the proposed mitigations for Archaeology and Historic Architectural Resources, the City's analysis suggests that the mitigation measures as proposed are loosely described and do not provide specificity to minimize significant adverse impacts, measurable, feasible, nor describe the responsible party for implementing the measure.

L010-51 | curves for these streets as underpasses and has determined that the underpass will be shorter, extending only from F to H Streets (similar to the Fresno Street underpass), thus providing for greatly reduced structure costs and superior circulation. It will also be possible with the street going under UPRR/HST to provide ADA-compliant sidewalks, thus eliminating the need for a separate pedestrian bridge and the problem of two ADA non-compliant bridges.

L010-45 | The Historic Preservation Commission at a special meeting on September 19, 2011 took public testimony and made the additional comments and recommendations. Authority staff members were present at the meeting, but the comments provided by the HPC were as follows:

L010-52 | The grade separation plans show local streets being terminated at the vertical retaining walls for the City's major streets that would be reconstructed as overpasses extending over UPRR and HST (and in one case BNSF). The plans shown in the technical appendices fail to address public safety and impacts to neighborhoods associated with the proposed concepts of local street terminations. The City is concerned that the EIR/EIS does not appear to have analyzed the potential for these dead-end streets to physically divide established communities. It is not permissible or appropriate to dead-end a local street without a cul-de-sac for turnaround purposes or alternatively with a local frontage road paralleling the realigned or elevated/depressed major street. In order to properly and adequately connect local streets that serve residential, commercial and industrial areas, the project will need to acquire additional right-of-way to either cul-de-sac local street, or to reconnect them to each other via local frontage roads.

1) The City has concern about potentially significant impacts to a historic resource at the Van Ness Gateway, which is not only on the City of Fresno, Local Register of Historic Resources but was also found eligible to the National Register of Historic Places by the consultants. Although the historic Gateway to Fresno is not currently within the direct line for construction, it is anticipated that Railroad Avenue will become a cul-de-sac and the context for the Gateway will be impacted; other than perhaps from the train(s) itself it will be difficult or impossible to view the resource.

L010-53 | On a more general note, the conceptual 15% plans depict numerous partial and full acquisitions. The Draft EIR/EIS fails to address the economic impact of the creation of numerous parcels which may no longer have any development potential, or a greatly reduced potential. The environmental document does not speak to what will occur with this remnants and unusable slivers. The City is greatly concerned over the loss of land for economic development, loss of property tax revenues and sales tax revenues, as well as the potential for blight created by the HST project. The EIR/EIS needs to quantify these impacts and to provide appropriate mitigation to the community for these impacts.

L010-46 | 2) The City requests that its Historic Preservation Commission be treated as a consulting party for the Memorandum of Agreement (MOA), or other similar type of instrument that will develop the treatment plan for significant impacts to historic resources.

L010-54 | Regarding the Fresno Station Area, the diagram shows the block bounded by Broadway, Fresno, H, and Merced Sts. in its present configuration. The site should be shown as reconfigured back to a traditional street grid, and developed over time with ground floor retail.:

L010-47 | 3) The City expressed concern about the combined impacts from noise and vibrations to historic resources from two rail systems, side-by-side, the HST and freight trains.

1. The frontage on the south side of Fresno St. and both sides of Mariposa St. between Broadway and H Sts. should also be shown as lined with ground-floor retail uses. Mariposa in particular is a key pedestrian passage from the station to the commercial core of the downtown, and surface parking lots and blank building walls would act as a pedestrian deterrent.

L010-48 | 4) Public and commissioners asked staff to consider the U.S. Steel Building for its potential designation to the Local Register.

2. In the two blocks bounded by H St., Mono St., the UPRR, and Kern St., there should not be a parking structure placed farther from the station than a surface lot, as shown. If demand requires the construction of a parking garage, the garage should be placed on the site of the surface parking and its size should incorporate the spaces provided by the lot.

SECTION 3.18 – REGIONAL GROWTH

L010-56 | 3. In the block bounded by H St., Mono St., the UPRR, and Inyo St., the existing row warehouse along H St. should be shown as retained, particularly in light of comment (3).

L010-49 | Section 3.18.2 concerning the City of Fresno General Plan should be revised to ensure consistency with the planned land use and other applicable policies with the Fulton Corridor Specific Plan, Downtown Neighborhood Plan, Downtown Development Code and the Fresno General Plan, and related Development Code. Information is currently available on the City of Fresno website at: www.fresno.gov.

4. A taxi & shuttle pickup area is shown near the station's west entrance. This facility should be placed near the station's east entrance instead, perhaps as part of the future

L010-50 | Section 3.18.5.3 includes construction-related employment effects. It is not clear how the \$156,000 annual wage for construction workers was derived. It seems high to the City of Fresno.

VOLUME III: ALIGNMENTS

L010-57 | 3. In the block bounded by H St., Mono St., the UPRR, and Inyo St., the existing row warehouse along H St. should be shown as retained, particularly in light of comment (3).

The conceptual 15% plans shown in Volume III call for the existing overpasses at Tuolumne and Stanislaus Street in downtown Fresno to be reconstructed to span both UPRR and the HST alignment. The reconstruction includes approximately 8% grades on the approaches and calls for a separate pedestrian overcrossing somewhere between Tuolumne and Stanislaus. Underpasses should also be constructed at the Stanislaus/UPRR/HST and Tuolumne/UPRR/HST crossings. The proposed overpass creates potentially significant environmental impacts in terms of lack of local street connectivity, circulation, ADA compliance, aesthetics and socioeconomic/environmental justice issues of a significant barrier being placed between communities to the east and west of this crossing. The City has analyzed the vertical

Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Continued

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intermodal transit center shown at the corner of Mariposa St. and H St., or incorporated into the eastern bus stop and kiss & ride areas. An eastern location would allow this transit service to serve the downtown area in addition to the station itself.

L010-58

5. In the programming of the station itself, the western entrance should be conceived as secondary in function to the eastern entrance.

L010-59

The City continues to support a Mariposa alignment for an east-facing station over the previously proposed west-facing station on a Kern St. alignment. Presently several thousand parking spaces exist in publicly and privately owned off-street facilities within walking distance of the station. The proposed new parking facilities depicted in the diagrams should only be developed when the parking demand in the area exceeds the available supply. New parking facilities should not be developed on a speculative basis. The land where potential future parking facilities are depicted should remain available for other types of appropriate downtown development and use, unless and until the parking facilities are developed.

Should you have any questions regarding the City's comments on the draft EIR/EIS, please contact our Assistant City Manager Bruce Rudd at (559) 621-7770 or our City Engineer Scott Mozier at (559) 621-8650.

Sincerely,

Mark Scott
City Manager

Attachment: Downtown trench alternatives

Response to Submission L010 (Mark Scott, City of Fresno, October 13, 2011)

L010-1

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

Through further engineering and discussions with the City of Fresno, the trench option was found to be considerably more costly without providing the intended benefits. Trenching the HST alone would not provide a desired benefit to Fresno; while trenching both the HST and UPRR would be possible, it would be even more costly, and critical spur lines would be overly constrained and impractical. Additionally, this option would require a longer construction period, which would not meet the Federal American Recovery and Reinvestment Act funding requirements. Through cooperative discussions, the Authority and the City of Fresno reached agreement on an at-grade profile, with some areas of the profile lowered where possible.

L010-2

Trench alternatives (open cut and retained cut, both with and without Union Pacific Railroad (UPRR) were considered at the City of Fresno's request. A retained cut was incorporated in the design for the area from Roeding Park through to south of SR 180 to accommodate specific constraints, such as the San Joaquin Valley Railroad (SJVRR) spurs and the SR 180 crossing. However, in addition to significant additional cost, more extensive trenching would have major impacts on utilities crossing the alignment. An open cut would require a significant footprint and would impede development over a city block. Placing UPRR in a trench would have significant impacts on UPRR operations and on their connections to the SJVRR. If the UPRR were to remain at-grade, smaller road crossing structures could be adopted over the trench; however, this would maintain the existing UPRR grade crossings and would not provide the benefit of the grade separations proposed under the current scheme.

L010-3

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

L010-4

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

L010-5

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

The Authority and the design/build contractor will continue to work with local jurisdictions, including the City of Bakersfield, to address local circulation concerns and specific roadway and intersection designs, and to not preclude transportation projects that are planned in the vicinity of the HST project. This will be done as part of design development and refinement.

L010-6

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

L010-7

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

The relocation and/or protection of sanitary sewer lines will be performed per the established requirements of the entity having jurisdiction over the sanitary sewer and the Authority's requirements for when utilities cross the HST right-of-way. Per contract requirements, the Contractor is required to coordinate its design and construction activities related to relocation and/or protection of the sanitary sewer with the jurisdictional entity and obtain its review and comment prior to any construction affecting the sanitary sewer.

L010-8

The HST project would not negatively affect the integrity of existing mains or preclude the installation of new mains across the HST right-of-way. In areas where the HST route would be elevated in the city of Fresno, it is likely that disturbance to these pipelines would be avoided during final engineering design for the specific placement of columns. However, where existing underground utilities, such as sewer and water pipelines, cross the HST alignment, these affected utilities would be placed in a protective casing. The Authority would work with the appropriate municipal authorities, such as the city's public works department, to relocate services so they do not conflict with HST infrastructure. Refer to Section 3.6 for additional information.

Response to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Continued

L010-9

1a) Existing water mains crossing the HST right-of-way will be maintained during the relocation or protection-in-place of these lines. Water lines crossing the HST right-of-way will be encased, in steel casings, and the length of the casing will be extended sufficiently beyond the HST right-of-way so that future access to the casings can be made without affecting the HST right-of-way.

1b) All related appurtenances to water lines and their casings will be placed outside the HST right-of-way, so that any maintenance of the water lines can be performed without the need to access the HST right-of-way.

1c) If an existing water line, which is located in private property and has its own easement, requires relocation and the relocation places the water line in a private property, the Authority will work with the affected utility owner to obtain a new easement for the relocated water line.

1d) Appropriate size casings will be provided for all utilities crossing the HST right-of-way. Any requests to increase the size of an existing facility or accommodate installation of a future facility would be negotiated between the City of Fresno and the Authority. Future utilities would be allowed to cross the HST right-of-way subject to obtaining permits from the Authority and meeting the requirements of HST design criteria.

1e) The Authority and its contractor(s) will continue to work with the City of Fresno to ensure the design and relocation/protection of water mains and other utilities meet the requirements of the City.

L010-10

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

Any requests to increase the size of an existing facility or accommodate installation of a future facility would be negotiated between the City of Fresno and the Authority.

L010-11

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

L010-11

The Authority has been discussing this well site with the City of Fresno since early 2012, and will continue to work with the City to ensure conflicts with this facility are properly addressed during right-of-way negotiations, final design, and construction.

L010-12

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

The designs presented in the Revised DEIR/Supplemental DEIS are preliminary. The Authority will coordinate with the City of Fresno to refine this information and coordinate terms and conditions for avoiding or encasing existing and planned infrastructure.

L010-13

Contracts for HST construction will include provisions that require the Contractor to coordinate with the City of Fresno for all utilities under the jurisdiction of the City of Fresno's Department of Public Works and provide the City with the opportunity to review and comment on utility relocation design.

L010-14

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

An adjusted water usage factor of 30 gallons per employee per day was used for the heavy maintenance facility (HMF) analysis. This water usage factor was estimated by comparing the number of train sets and employees for both the Bay Area Rapid Transit (actual numbers) and HST facilities (planned numbers), and other climatic conditions (average temperature, humidity). In addition, landscaping was considered as well as the expected use of anticipated water recycling and reuse technologies at the HMF. This methodology is discussed further in Appendix 3.6-B.

L010-15

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

The designs presented in the Revised DEIR/Supplemental DEIS are preliminary. A

Response to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Continued

L010-15

decision on the heavy maintenance facility (HMF) location is not being made at this time. If the Fresno Works–Fresno HMF Site is ultimately selected as the HMF location, the Authority will coordinate with the City to refine the HMF design and coordinate provisions for water service from the City of Fresno.

L010-16

Section 3.11 of the Revised DEIR/Supplemental DEIS was revised to include the corrections provided in this comment.

L010-17

The Federal Railroad Administration and Department of Transportation issued a notice of intent (NOI) to prepare an Environmental Impact Statement for the California High-Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year for the affected environment. The Draft EIR/EIS was released in August 2011. At the time the document was being prepared, the 2010 Census block-level data had not been published; the data were released in late August 2011. The "Affected Environment" section of Section 3.12, Socioeconomics, Communities, and Environmental Justice, presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources included the California Department of Finance (2007 and 2010 data), the American Community Survey (2006-2008 data), and the California Employment Development Division (2010 data). The methodologies for identifying and analyzing affected populations and the data sources used in the analysis are detailed in Appendix A, Methodologies, of the Community Impact Assessment Technical Report (Authority and FRA 2012g).

L010-18

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L010-18

level data had not been published; the data were released in late August 2011. The "Affected Environment" section of Section 3.12, Socioeconomics, Communities, and Environmental Justice, presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources included the California Department of Finance (2007 and 2010 data), the American Community Survey (2006-2008 data), and the California Employment Development Division (2010 data). The methodologies for identifying and analyzing affected populations and the data sources used in the analysis are detailed in Appendix A, Methodologies, of the Community Impact Assessment Technical Report (Authority and FRA 2012g).

The decennial Census is considered the most reliable source of data on race and ethnicity because it is based on a 100% population survey of all geographic areas, rather than sampling or estimating techniques, as are used in more recently published data. Therefore, the 2000 Census data were used for the environmental justice (EJ) analysis. To confirm the validity of the data, EJ populations in the study area were further examined using quantitative and qualitative methods to identify any potential demographic changes that may have occurred since the 2000 Census. Quantitative analysis included using proxy data sources that would indicate the current locations of EJ populations, such as American Community Survey data for 2006-2008, and participation data by zip code for social service, food stamp, Section 8 housing, and school free or reduced-fee lunch programs in the study area. Qualitative examination included outreach to local agencies and organizations to inquire about changes in conditions that would lead to changes in EJ population identification and local expert review of identified 2000 Census EJ areas to ensure that the results are representative of current minority and low-income conditions. These additional verification processes confirmed the accuracy of the 2000 Census, and all are thoroughly documented in the EJ methodology in Section A.1 of Appendix A of the Community Impact Assessment Technical Report.

L010-19

The Federal Railroad Administration and Department of Transportation issued a Notice of Intent (NOI) to prepare an Environmental Impact Statement for the California High-

Response to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Continued

L010-19

Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year for the affected environment. The Draft EIR/EIS was released in August 2011. At the time the document was being prepared, the 2010 Census block-level data had not been published; the data were released in late August 2011. The "Affected Environment" section of Section 3.12, Socioeconomics, Communities, and Environmental Justice, presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources included the California Department of Finance (2007 and 2010 data), the American Community Survey (2006-2008 data), and the California Employment Development Division (2010 data). The methodologies for identifying and analyzing affected populations and the data sources used in the analysis are detailed in Appendix A, Methodologies, of the Community Impact Assessment Technical Report (Authority and FRA 2012g).

L010-20

The Federal Railroad Administration and Department of Transportation issued a notice of intent (NOI) to prepare an Environmental Impact Statement for the California High-Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year for the affected environment. The Draft EIR/EIS was released in August 2011. At the time the document was being prepared, the 2010 Census block-level data had not been published; the data were released in late August 2011. The "Affected Environment" section of Section 3.12, Socioeconomics, Communities, and Environmental Justice, presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources included the California Department of Finance (2007 and 2010 data), the American Community Survey (2006-2008 data), and the California Employment Development Division (2010 data). The methodologies for identifying and analyzing affected populations and the data sources used in the analysis are detailed in Appendix A, Methodologies, of the Community Impact Assessment Technical Report (Authority and FRA 2012g).

L010-20

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L010-21

In response to this comment, information on the Poverello House was added to the Community Impact Assessment Technical Report in Section 5.1.1.2, for operation impacts of the BNSF in Fresno County, and in Section 4.3, for identification of environmental justice areas (Authority and FRA 2012g).

L010-22

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

See Section 5.2.3 in the Draft Relocation Impact Report for detailed information on the estimated number of relocated businesses and currently available vacant business properties (Authority and FRA 2012h).

Response to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Continued

L010-23

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

For information on the potential for disruption and division in Fresno, see the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #7. Also see Impact SO #10 and Impact SO #11, for displacement estimates in Fresno. Mitigation Measure SO-4 proposes mitigation to minimize the impacts from the relocation of important facilities in Fresno.

See Section 5.2.2 in the Draft Relocation Impact Report for detailed information on the number of estimated relocated residences and available vacant properties (Authority and FRA 2012h). See Volume I, Section 3.12, Impact SO #3, Impact SO #4, and Impact SO #13, for effects on property and sales tax revenues.

L010-24

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

L010-25

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

The economic analysis presented in Chapter 3.12 of the EIR/EIS and the Community Impact Assessment (CIA) Technical Report is comprehensive and complete.

A comprehensive literature review in section 5.4.4.3 of the CIA presents research studies conducted on the effect of constructing new commuter rail lines on residential and commercial real estate values. Although considerable research has been conducted on the property value impacts of rail transit, no studies were found that examine the specific question of high-speed rail impacts on real estate property values. Therefore, it is not clear how these findings would apply to high-speed rail projects and it is unclear whether the property value impacts would be similar. As a result, a calculation of loss of value of property adjacent to the project would be speculative.

Section 5.4.4.2 of the CIA examines the reduction in property tax revenues that would result from acquisition of land for project construction. The economic impact to the City

L010-25

of Fresno from the reduction in property tax revenues is insignificant and would not be perceptible to community residents and no mitigation is required. Therefore, long-term increases in property tax revenue are not an off-set, nor property tax revenue increases associated with increased property values surrounding stations is considered an off-set.

The EIR/EIS acknowledges the potential exists that some displaced businesses will choose not to reopen. Decisions to close or relocate outside of the City of Fresno will be made by individual property owners, and as such any estimate would be speculation. Businesses that would be relocated by the project would be entitled to relocation assistance and counseling similar to that provided to residents in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, to ensure adequate relocation of businesses. Compensation is provided for moving and relocation expenses. As such, businesses and property owners would not have increased difficulties obtaining a new loan or securing commercial space or a home because of the HST.

The short-term reductions in sales tax revenues are discussed in Chapter 3.12 Impact SO #13, because the need to acquire land will necessitate the relocation of businesses along the project alignment. With the relocation assistance discussed above, including assistance in finding replacement properties, moving expenses, and obtaining permits, temporary reductions in sales tax revenue from business displacement would be minimal. A detailed discussion of potential sales tax revenue losses is presented in section 5.4.4.4 of the CIA. Losses for the City of Fresno would be an insignificant amount of the annual revenue from sales tax collected by the city. Therefore, the economic impact is measurable, but would not be perceptible to community residents and no mitigation is required.

Additionally, the expected annual gain in sales tax revenue from project spending is greater than the expected loss from business relocation. Construction- and operation-related sales tax gains are examined in section 5.4.6 of the CIA. The City of Fresno will have considerable additional revenues attributed to the construction and operation of the HST.

Response to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Continued

L010-26

Refer to Standard Response FB-Response-SO-04, FB-Response-GENERAL-20.

For information on the potential for physical deterioration, see the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #17. Section 5.4.5 of the Community Impact Assessment Technical Report details the analysis performed to measure all potential effects associated with construction and operation, and examines the impacts to determine if the resulting changes to the community would reasonably be expected to lead to physical deterioration (Authority and FRA 2012g). See Volume I, Section 3.12, Mitigation Measure SO-7: Develop measures to minimize the potential for physical deterioration. Please refer to the Merced to Fresno Section Final EIR/EIS, Section 3.12, which has consistent measures to address physical deterioration.

L010-27

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-21, FB-Response-GENERAL-22.

Collecting individual conditional-use permits and attributes of businesses is beyond the scope of an EIR/EIS. Details about the business analysis, including type of businesses affected, vacancies, and number of employees potentially affected, are included in Section 5.2.3 of the Community Impact Assessment Technical Report (Authority and FRA 2012g).

The analysis of potential job loss due to business displacement and relocation was performed, by alternative, and the results are presented in the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #11. See the Draft Relocation Impact Report for the complete analysis (Authority and FRA 2012h). The property acquisition and compensation plan includes provisions for ensuring relocated businesses remain fully operational at their new locations and includes the potential for renovating existing structures to fit the needs of a business if no comparable properties exist in the surrounding area.

L010-28

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-21, FB-Response-SO-01, FB-Response-SO-03.

L010-29

The "Affected Environment" section of Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the EIR/EIS presents economic data from the California Employment Development Division (2010).

The Federal Railroad Administration and Department of Transportation issued a Notice of Intent (NOI) to prepare an Environmental Impact Statement for the California High-Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year for the affected environment. The Draft EIR/EIS was released in August 2011. At the time the document was being prepared, the 2010 Census block-level data had not been published; the data were released in late August 2011. The "Affected Environment" section of Section 3.12, Socioeconomics, Communities, and Environmental Justice, presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources included the California Department of Finance (2007 and 2010 data), the American Community Survey (2006-2008 data), and the California Employment Development Division (2010 data). The methodologies for identifying and analyzing affected populations and the data sources used in the analysis are detailed in Appendix A, Methodologies, of the Community Impact Assessment Technical Report (Authority and FRA 2012g).

L010-30

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

The Authority has adopted the Caltrans Right of Way Manual as the basis for all business and residential relocations as a result of the project (Caltrans 2009). The Caltrans Right of Way Manual, Section 10.01.02.01, states that relocation assistance will be administered in accordance with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) for all projects regardless of funding sources. The displacement of residential, business, and community facilities will be mitigated for because the Authority will comply with applicable federal and state laws and regulations, including the Uniform Act. The act and its amendments provide guidance on how federal agencies, or agencies receiving federal financial assistance for a project, will compensate for impacts on property owners or tenants who need to

Response to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Continued

L010-30

relocate if they are displaced by a project. The Authority will compensate all property owners or tenants in accordance with this act, which applies to all real property. All benefits and services will be provided equitably without regard to race, color, religion, age, national origins, and disability, as specified under Title VI of the Civil Rights Act of 1964. The Relocation Assistance Program was developed to help displaced individuals move with as little inconvenience as possible and has commonly been used for large infrastructure projects that displace a large number of residences and businesses, such as the HST project, and is considered successful standard practice for mitigating the impacts to individual property owners.

Additionally, former Mitigation Measure SO-2 (Develop a Relocation Mitigation Plan) has now been expanded and included in Project Design Features. As described in Section 3.12.6, Project Design Features, the Authority must comply with the Uniform Act. The Authority has developed more detailed information about how it plans to comply with the Uniform Act and the California Relocation Assistance Act. The Authority has developed three detailed relocation assistance documents modeled after Caltrans' versions. The documents are included in Appendix 3.12-A, Relocation Assistance Documents. Before any acquisitions occur, the Authority will develop a relocation mitigation plan in consultation with affected cities and counties. Included in this will be an ombudsman to act as a single point of contact for property owners, residents, and tenants with questions about the relocation process. The ombudsman will be charged with representing the interests of the public and will be a mechanism for keeping the Authority accountable.

L010-31

The \$10,000 cap on reestablishment expenses cited include, but are not limited to things such as repairs or improvements to the replacement real property; modifications to the replacement property; and construction and installation costs for exterior signing.

Costs associated with obtaining special permits or other development entitlements is addressed in the Caltrans ROW Manual, Section 10.05.05.10. The High Speed Rail Authority has adopted this manual for use until such time as the Authority creates its own ROW manual. This section states that "The displacee is entitled to the cost of any license, permit, or certification required for the particular business or organization to

L010-31

operate at the replacement location that is not transferable to the replacement property..."

L010-32

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

The property acquisition and compensation plan includes provisions to ensure relocated businesses remain fully operational at their new location and includes the potential for renovating existing structures to fit the needs of the business.

The analysis of potential suitable replacement real estate (residential and commercial-industrial) available for sale or rent in the study region was conducted in 2010. Real estate market conditions are constantly changing along with overall economic conditions in the region, so the report can only identify the likely availability of suitable replacement structures. Individual acquisition and access issues will be determined during the property acquisition process.

For information on the HST-operation-related property and sales tax revenue effects, see the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #3, Impact SO #4, and Impact SO #13.

See Volume I, Section 3.12, Impact SO #5, Temporary Construction Employment, for information on the number of construction jobs created as a result of the project, the ability of the existing regional labor force to fill the demand for direct construction jobs, and the resulting indirect and induced jobs. Impact SO #14, Employment Growth, details the long-term jobs created to operate and maintain the project in the region, as well as the jobs created as a result of the improved connectivity of the region to the rest of the state. The total number of new jobs created is estimated to be a 3.2% increase in total employment above the 2035 estimate of 1.4 million total jobs in the region under the No Project Alternative (Cambridge Systematics, Inc. 2010).

Response to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Continued

L010-33

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

The property acquisition and compensation process will begin only after all necessary legal processes have been completed, funding has been secured, and construction is ready to begin. This is scheduled to begin in 2013 and last through 2015. Funding secured for the HST project includes the amount required for all of the land acquisition and compensation. Property owners will receive at least 90 days notice if their property is affected. For more information on the property acquisition and compensation process, see Volume II, Appendix 3.12-A.

L010-34

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

Relocated property owners will receive property tax relief, which allows them to retain the assessed valuation of the property from which they were displaced.

L010-35

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

Mitigation Measure SO-2 describes how the impacts on displaced residents will be fully mitigated because the Authority will locate suitable replacement housing. For more information on the property acquisition and compensation process, see the Revised DEIR/Supplemental DEIS, Volume II, Appendix 3.12-A.

The property acquisition and compensation plan includes provisions to ensure relocated businesses remain fully operational at their new location and includes the potential for renovating existing structures to fit the needs of the businesses.

The \$10,000 cap on reestablishment expenses cited include, but are not limited to, things such as repairs or improvements to the replacement real property; modifications to the replacement property; and construction and installation costs for exterior signing. Costs associated with obtaining special permits or other development entitlements are addressed in the Caltrans Right of Way Manual, Section 10.05.05.10 (Caltrans 2009). The Authority has adopted this manual for use until such time as its own right-of-way manual is created. This section states that "the displacee is entitled to the cost of any

L010-35

license, permit, or certification required for the particular business or organization to operate at the replacement location that is not transferable to the replacement property ..."

The analysis of potential suitable replacement real estate (residential and commercial-industrial) available for sale or rent in the study region was conducted in 2010. Real estate market conditions are constantly changing along with the overall economic conditions in the region, so the report can only identify the likely availability of suitable replacement structures. Individual acquisition and access issues will be determined during the property acquisition process.

L010-36

The Authority recognizes the necessity for the HST in some situations to go over or under streets and highways or in trenches. The situational need to construct an overpass as opposed to an underpass (or vice versa) is based on a number of factors, the most important of which are engineering feasibility and prudential cost considerations. Moreover, the Authority recognizes that overpasses, underpasses, and trenches have the potential to reduce visual quality, change traffic patterns, and bisect communities. Because of this potential, the Authority will apply the design plans and mitigation measures in collaboration with communities and with regard to local plans and methods to minimize and mitigate the adverse impacts of construction and operation of the HST System. The Authority has coordinated with each affected jurisdiction to develop a specific approach at each roadway affected. Each approach is recorded in the updated analysis in the Revised DEIR/Supplemental DEIS and will be documented with a MOU/agency agreement between the Authority and the City of Fresno.

A simulation of the Tulare overpass option is depicted and analyzed in Section 3.16, Aesthetics and Visual Resources, of the Revised DEIR/Supplemental DEIS.

L010-37

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

Response to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Continued

L010-38

Comment noted. The Draft EIR/EIS took into account previous local built environment surveys to ensure that the survey for the Fresno to Bakersfield Section included all potential individual resources as well as districts and potential districts, such as the Warehouse District. Section 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS presents the findings of this study and has adequately identified built environment resources for the purposes of Section 106 and CEQA. Although the City's Historic Preservation Commission may designate a property to the Local Register, the Authority's obligation under CEQA/NEPA to identify and mitigate adverse effects or significant impacts caused by the proposed project does not supersede the City's authority to designate resources for its local register.

L010-39

Comment noted. The analysis in the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS took into account previous local built environment surveys to ensure that the survey for the Fresno to Bakersfield Section of the HST System included all potential individual resources as well as districts and potential districts, such as the Warehouse District. Section 3.17, Cultural and Paleontological Resources, presents the findings of this study and has adequately identified built environment resources for the purposes of Section 106 and CEQA as they pertain to historical resources.

L010-40

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

With respect to the presence of a network of tunnels in Fresno Chinatown, the anecdotal evidence that supports their existence has not, at the time of the Revised DEIR/Supplemental DEIS circulation, been supported with direct observation of their whereabouts, either through a published archaeological survey or other report presenting physical evidence of their location and integrity. This lack of evidence notwithstanding, since the circulation of the Revised DEIR/Supplemental DEIS, additional research was conducted regarding the possible presence of the Chinatown tunnel system as part of the Merced-Fresno Archaeological Treatment Plan (ATP) (Authority and FRA 2012a) (a document required as part of the procedures set forth in the Section 106 Programmatic Agreement [Authority and FRA 2011e] that

L010-40

outlines treatments and mitigations for archaeological resources to be implemented as the project is constructed). This research further suggests the presence of, at a minimum, historic archaeological deposits in Downtown Fresno, some of which may be associated with ethnic Chinese activities in the area. As a result, the ATP designated the Fresno Chinatown as an archaeologically sensitive area, which will trigger more controlled, scientific investigations in this area before construction of the HST project.

If, after the investigation and evaluations are complete, a network of tunnels or other historic deposits are considered eligible for listing in the National Register of Historic Places or the California Register of Historic Resources, they would potentially be subject to Section 4(f). In this case, the Authority and the FRA would coordinate with the State Historic Preservation Officer to determine how to avoid or minimize harm to these resources. Further, as provided in Mitigation Measure CUL-MM#1 in Chapter 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS, the implementation of the procedures outlined in the Section 106 Programmatic Agreement would serve as an enforceable agreement to treat and mitigate potential effects or impacts on cultural resources identified as the project proceeds.

L010-41

The text of Section 3.17, Cultural and Paleontological Resources, in the Revised DEIR/Supplemental DEIS has been revised in response to your comment.

L010-42

Thank you for your comment. Please note that the Revised DEIR/Supplemental DEIS identifies indirect adverse effects from the BNSF Alternative's Tulare Street overcrossing option on the Southern Pacific Railroad Depot and no adverse effects on the Bank of Italy building.

L010-43

Comment noted. The Authority will determine the least environmentally damaging alternative by considering all adverse effects identified as part of the CEQA/NEPA process.

Response to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Continued

L010-44

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

L010-45

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

The Authority and FRA have revised the BNSF Alternative in the Revised DEIR/Supplemental DEIS as a result of continuing project design updates, comments received on the Draft EIR/EIS, and additional consultation with public agencies. The analysis of potential effects on the South Van Ness Entrance Gate from the BNSF Alternative is described in Section 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS. Direct and indirect adverse effects on this National Register of Historic Places (NRHP)-listed property are assessed in accordance with Section 106 of the National Historic Preservation Act (NHPA), 36 CFR 800.5 (Assessment of Adverse Effects). Effects assessments are presented in the Revised DEIR/Supplemental DEIS and discussed in greater detail in the Findings of Effect (FOE) report. The FOE report describes the assessment of potential adverse effects on historic properties that would result from the construction or operation of the project and identifies mitigation measures that would eliminate or minimize such effects. Mitigation measures developed to address these effects will be incorporated into project design and construction documents.

L010-46

Thank you for your comment. The City of Fresno will be invited to be a consulting party on the project.

L010-47

Refer to Standard Response FB-Response-CUL-01 and FB-Response-CUL-03.

The City of Fresno has accepted an invitation to be a consulting party on the project.

L010-48

Comment noted. The U.S. Steel facility at 2421 East California Avenue was evaluated

L010-48

for inclusion in the National Register of Historic Places and the California Register of Historical Resources and was found not to be eligible for listing in either register. On February 6, 2012, the California State Historic Preservation Office (SHPO) concurred with that finding.

L010-49

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

L010-50

Hourly construction wage rate was assumed to be \$75 in hour for the purpose of economic analyses and was based on published prevailing wages in CA for heavy civil construction trades (Davis-Bacon Act). This rate also includes fringe benefits and employer's payroll taxes resulting in an annual burden construction salary (excluding contractors mark-ups) of \$156,000 (\$75/hr x 2080 hrs/yr).

Hourly construction wage rate was assumed to be \$75 per hour for the purpose of the economic analyses and was based on published prevailing wages in California for heavy civil construction trades (Davis-Bacon Act). This rate includes fringe benefits and employer payroll taxes, resulting in an annual burden construction salary (excluding contractors' mark-ups) of \$156,000 (\$75/hr x 2080 hr/yr).

L010-51

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

L010-52

Extensive coordination with the City of Fresno has taken place to develop designs for impacted city roadways in accordance with city standards. Where city standards could not be accommodated, road design has been coordinated and addressed with City engineering staff. Coordination with City staff will continue through project final design.

These coordinated designs are reflected in the impact footprint for the project as presented in Volume III of the Final EIR/EIS for the Fresno to Bakersfield section of the

Response to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Continued

L010-52

High-Speed Train project.

L010-53

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

See the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #3, Impact SO #4, and Impact SO #13, for effects on property and sales tax revenues. For the potential for physical deterioration, see Volume I, Section 3.12, Impact SO #17.

L010-54

The California High-Speed Rail Authority (Authority), through its station area development principles and policies, demonstrates a commitment to collaborating with station-recipient communities on long-term benefits and impacts of introducing high-speed rail service. The general principles for station area development are articulated in Section 6B of the Program EIR/EIS and further elaborated in the High-Speed Train (HST) Station Area Development Policies (Authority 2008a). Applied together, the policies and principles establish a framework for the Authority to guide station design and planning within the surrounding local context. As you may know, the City of Fresno has initiated the Fresno High-Speed Rail Multimodal Station Area Planning project. This study and the associated Station Area Master Plan will include an extensive public participation strategy to develop the city's conceptual station design, surrounding land use, development strategies, and transit connections. Details associated with local station design and development will be shared with the community during this process.

L010-55

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

The parking structure is shown in its current location as a result of discussion with the City of Fresno. It was agreed that the parking structures should be located as far as feasible from the station, while still remaining within the walking distances stipulated in the Authority's technical memoranda, to encourage foot traffic that would drive development on the parcels near to the station. The City of Fresno has reviewed the parking structure locations and concurred with the current plans.

L010-56

The California High-Speed Rail Authority (Authority), through its station area development principles and policies, demonstrates a commitment to collaborating with station-recipient communities on long-term benefits and impacts of introducing high-speed rail service. The general principles for station area development are articulated in Section 6B of the Program EIR/EIS and further elaborated in the High-Speed Train (HST) Station Area Development Policies (Authority 2008a). Applied together, the policies and principles establish a framework for the Authority to guide station design and planning within the surrounding local context. As you may know, the City of Fresno has initiated the Fresno High-Speed Rail Multimodal Station Area Planning project. This study and associated Station Area Master Plan will include an extensive public participation strategy to develop the city's conceptual station design, surrounding land use, development strategies, and transit connections. Details associated with local station design and development will be shared with the community during this process.

L010-57

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L010-58

The California High-Speed Rail Authority (Authority), through its station area development principles and policies, demonstrates a commitment to collaborating with station-recipient communities on long-term benefits and impacts of introducing high-

Response to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Continued

L010-58

speed rail service. The general principles for station area development are articulated in Section 6B of the Program EIR/EIS and further elaborated in the High-Speed Train (HST) Station Area Development Policies (Authority 2008a). Applied together, the policies and principles establish a framework for the Authority to guide station design and planning within the surrounding local context. As you may know, the City of Fresno has initiated the Fresno High-Speed Rail Multimodal Station Area Planning project. This study and the associated Station Area Master Plan will include an extensive public participation strategy to develop the city's conceptual station design, surrounding land use, development strategies, and transit connections. Details associated with local station design and development will be shared with the community during this process.

L010-59

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

Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf



OVERVIEW

HIGH SPEED RAIL ALIGNMENT THROUGH FRESNO

- ▲ Enters Fresno from the south following the BNSF tracks just east of Cedar Avenue, west of SR-99 and east of SR-41.
- ▲ Enters Fresno from the north on the east side of UPRR, immediately crosses to the west side of UPRR north of Herndon Avenue and generally follows the Golden State Boulevard - G Street - Railroad Avenue alignment.
- ▲ Sweeping curve between the Jensen Ave/UPRR overpass to North Avenue and SR-99 to transition from the UPRR to BNSF alignments.
- ▲ All at-grade in the City of Fresno with the exceptions of:
 - Elevated when crossing San Joaquin River, UPRR and Herndon Avenue, transitioning to at-grade prior to the future Veterans Boulevard crossing.
 - Depressed from north of Belmont Avenue to Stanislaus Street, in order to dive under the UPRR spur to Roeding Business Park, FID's Dry Creek Canal and the 180 freeway.
 - Elevated between Jensen Avenue and Central Avenue, in order to fly over the 99 freeway.

Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued



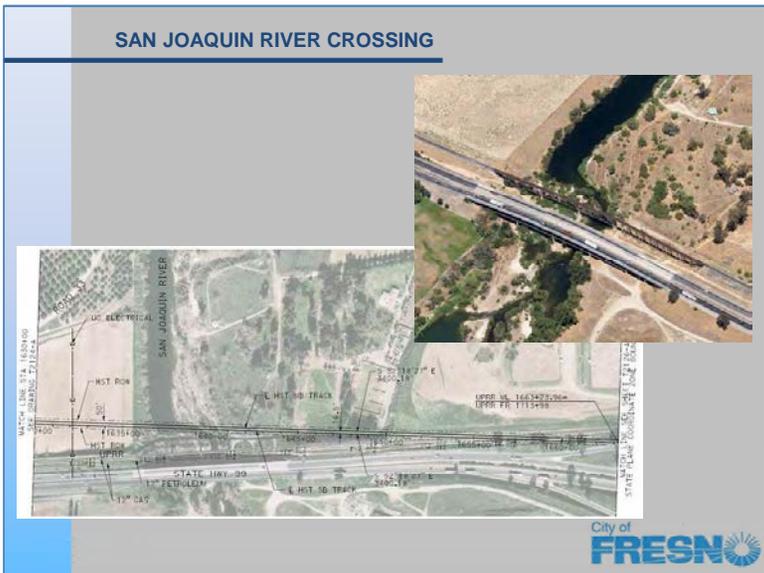
OVERVIEW

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City of FRESNO

Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued



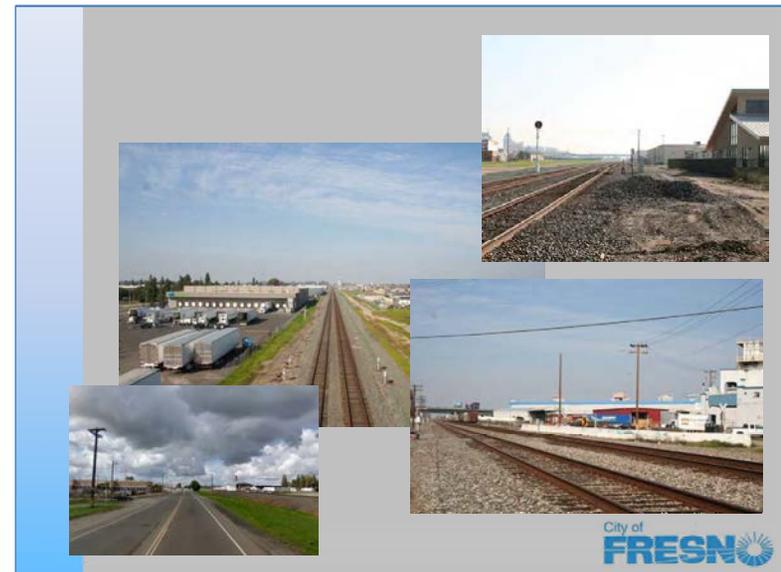
Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued

OVERVIEW

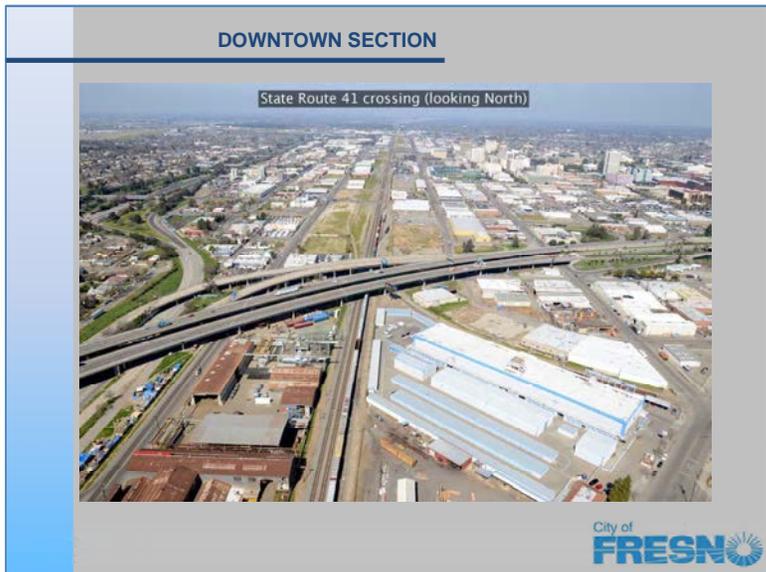
HIGH SPEED RAIL ALIGNMENT THROUGH FRESNO

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Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued



OVERVIEW

PURPOSE OF DRAFT EIR-EIS

- ▲ To disclose information of the proposed action to decision makers and the public and to provide opportunity for public input and comments.

IDENTIFICATION OF PREFERRED ALTERNATIVE

- ▲ The California High-Speed Rail Authority Board will identify a preferred Alternative after the Board considers the information in the Project EIR/EIS, public and agency comments on the Draft EIR/EIS, and other relevant information.
- ▲ Record of Decision (ROD) issued by Federal Railroad Administration (FRA) for "preferred alternative" after completion of Final EIR/EIS.

NOTE: All proposed alignments have the same footprint within the City of Fresno.

City of FRESNO

This slide provides an overview of the draft EIR-EIS process. It includes two main sections: 'PURPOSE OF DRAFT EIR-EIS' and 'IDENTIFICATION OF PREFERRED ALTERNATIVE'. The purpose is to disclose information to decision makers and the public, and to provide an opportunity for public input and comments. The identification of a preferred alternative will be done by the California High-Speed Rail Authority Board after considering the project EIR/EIS, public and agency comments, and other relevant information. A Record of Decision (ROD) will be issued by the Federal Railroad Administration (FRA) for the preferred alternative after the final EIR/EIS is completed. A note states that all proposed alignments have the same footprint within the City of Fresno. The City of Fresno logo is in the bottom right corner.

Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued

PROJECT SCHEDULE

- ▲ August 2011 Public release of Draft EIR/EIS
- ▲ Comments of Draft EIR/EIS October 13th 2011
- ▲ February 2012 Final EIR/EIS published
- ▲ March 2012 Notice of Determination and Record of Decision
- ▲ 2011 through 2013 Final design/permitting
- ▲ December 2012 Property acquisition begins
- ▲ 2012-2017 Construction



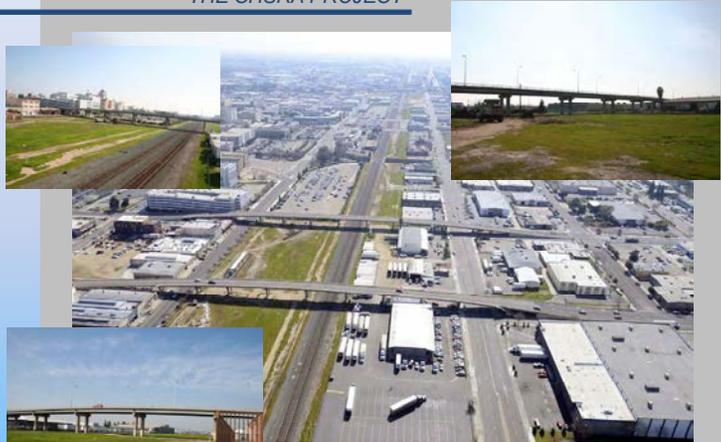
SUMMARY OF CITY OF FRESNO DRAFT COMMENTS

- Underpasses v. overpasses (traffic, aesthetics, ADA, socioeconomic)
- Construction impacts (traffic management plan, limitations and restrictions upon road closures)
- Adequacy and timing of traffic mitigations
- Economic impacts to businesses, sales tax and property tax
- Depressed trench versus at-grade profile through downtown
- Protection of existing sewer and water pipelines, provision for future crossings
- Noise and vibration
- Adequacy of historic resources analysis
- Treatment at Roeding Park



Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued

OVERPASSES PROPOSED BY THE CHSRA PROJECT



This aerial photograph shows several long, elevated concrete overpasses crossing a dense urban street grid. The overpasses are supported by tall concrete pillars. The surrounding area includes commercial buildings, parking lots, and some green spaces. The City of Fresno logo is visible in the bottom right corner.

UNDERPASSES PROPERLY MITIGATE IMPACTS



- Shaw Avenue
- McKinley Avenue
- Olive Avenue
- Stanislaus Street
- Tuolumne Street
- Tulare Street
- Ventura Avenue

Long overpasses cut off local street circulation

- ADA concerns, separate pedestrian bridges
- 30' high concrete walls
- Socioeconomic
- Visual/aesthetics, blight

The City of Fresno logo is visible in the bottom right corner.

Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued



Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued

TIMING AND ADEQUACY OF TRAFFIC MITIGATIONS

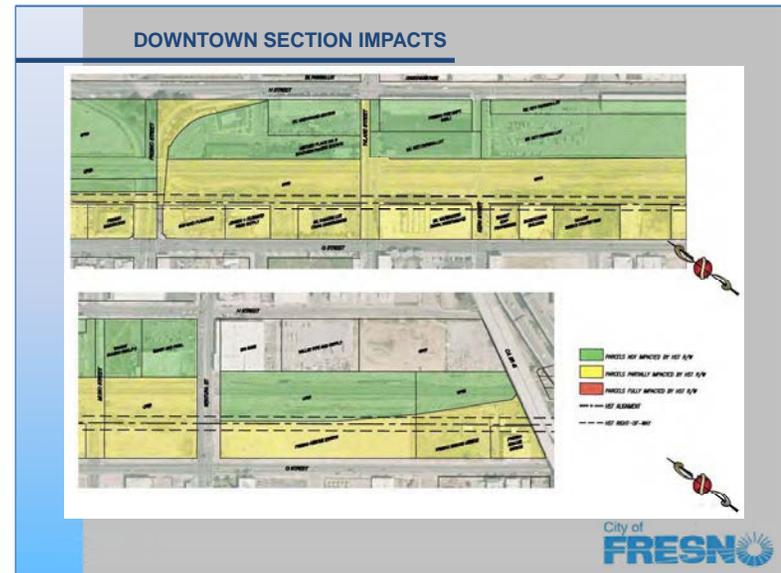
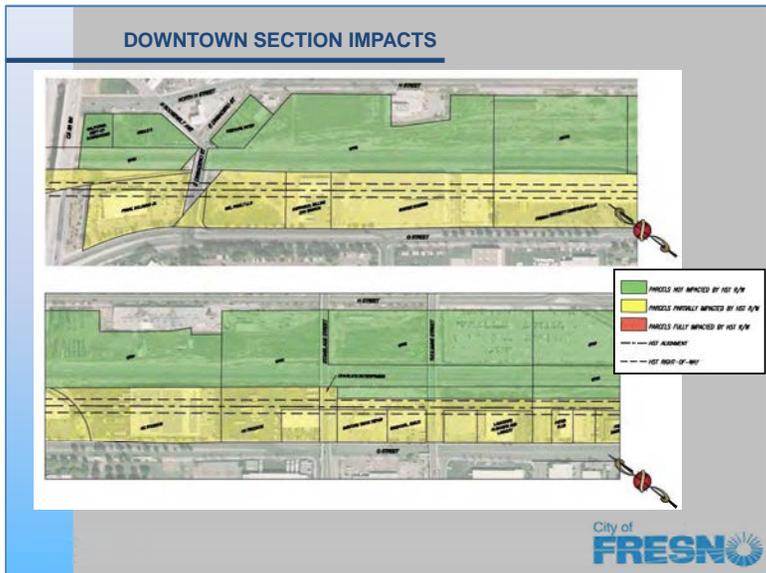
- Permanent traffic impacts created by road and ramp closures:
 - Divisadero, Mono and Kern in Downtown Fresno
- Three exit ramps/two entrance ramps from State Route 99:
 - Dakota Avenue
 - Shields Avenue
 - Princeton Avenue
- Carnegie Avenue, mitigation with Veterans Boulevard overpass
- South Van Ness Industrial street crossings:
 - Van Ness
 - Florence
 - Belgravia
 - Re-routing of East Avenue
- Traffic mitigations to be implemented with the project, not in the future



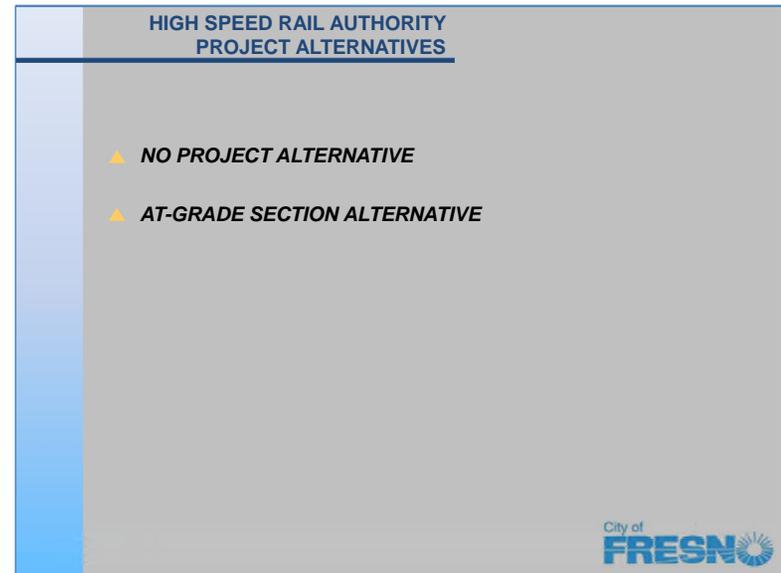
DISPLACEMENT OF BUSINESSES



Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued



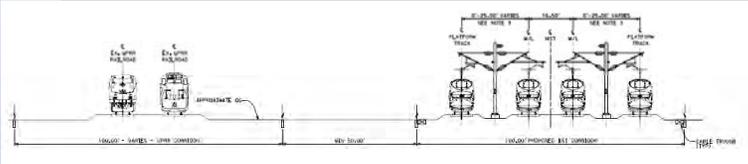
Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued



Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued

**FRESNO SUBSECTION
ALTERNATIVES DESCRIPTIONS**

**CAHSR AUTHORITY ALTERNATIVE 1:
AT-GRADE SECTION**



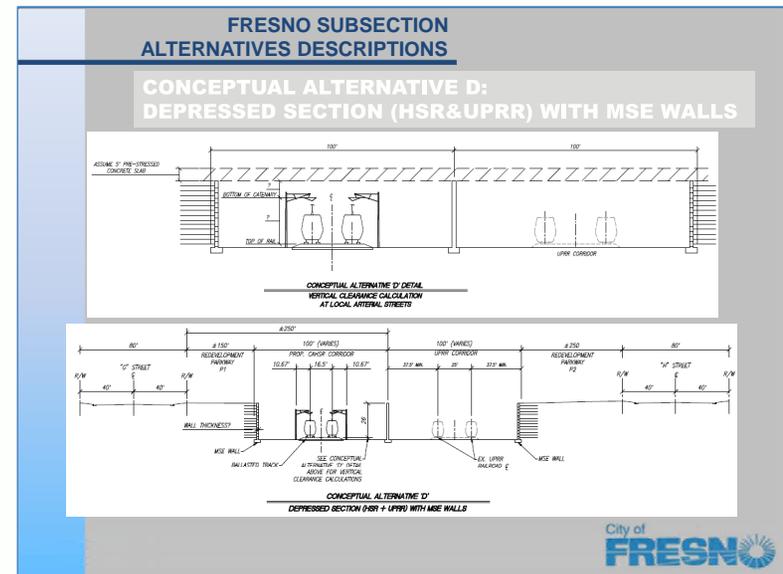
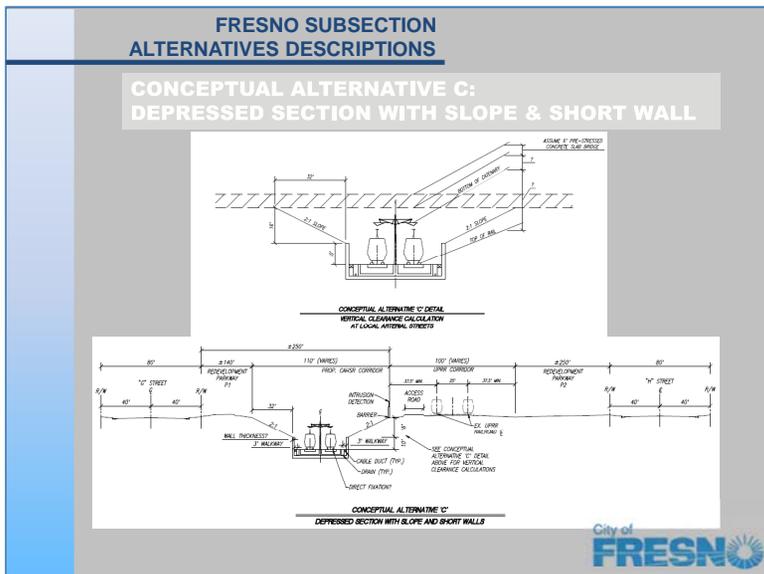
The diagram illustrates a cross-section of an at-grade section. It features two main track areas, each with a platform. Above the tracks are overhead power lines supported by masts. To the left, there are signal masts and a structure labeled 'APPROXIMATE 60'. Below the tracks, there are labels for '100'00' - 100'00' - 100'00' COMBINATION', 'NEW SIGNAL', and '100'00' - 100'00' - 100'00' COMBINATION'. A 'TIE-BE THRU' is indicated on the right side. The City of Fresno logo is in the bottom right corner.

**DOWNTOWN TRENCH ALTERNATIVES
NOT INCLUDED IN EIR/EIS**

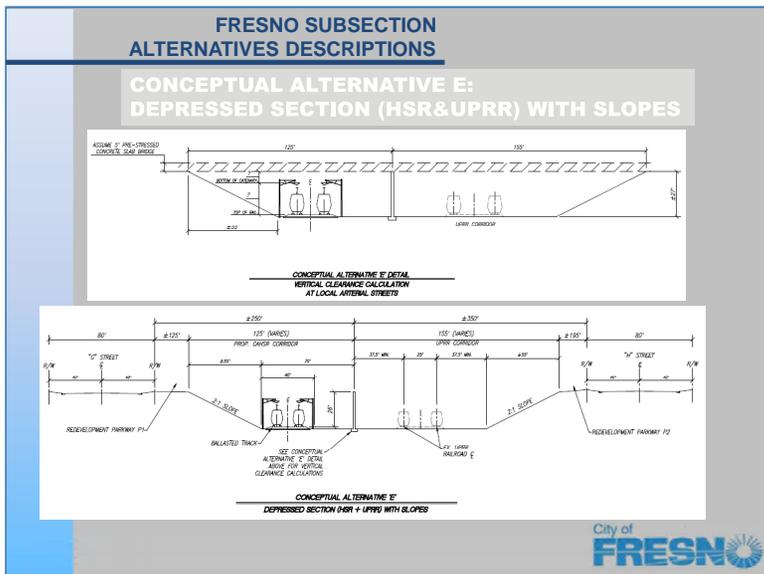
- ▲ **CAHSR CONCEPTUAL ALTERNATIVE A:**
DEPRESSED SECTION
- ▲ **CONCEPTUAL ALTERNATIVE B:**
DEPRESSED SECTION WITH SLOPES
- ▲ **CONCEPTUAL ALTERNATIVE C:**
DEPRESSED SECTION WITH SLOPE & SHORT WALLS
- ▲ **CONCEPTUAL ALTERNATIVE D:**
DEPRESSED SECTION (HSR/UPRR) WITH MSE WALLS
- ▲ **CONCEPTUAL ALTERNATIVE E:**
DEPRESSED SECTION (HSR/UPRR) WITH SLOPES

City of FRESNO logo in the bottom right corner.

Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued



Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued



FRESNO SUBSECTION ALTERNATIVES DESCRIPTIONS

ALTERNATIVES EVALUATION MATRIX - Table 3.1

HIGH SPEED RAIL ALTERNATIVES	ENVIRONMENTAL ISSUES						Cultural Resources	Visual Quality	Final Project Cost
	Archival Issues	Liberty Impacts	Design Impacts	Utility Impacts	Public Use/Access	Significance Impacts			
Alt. 3: Elevated Section	No design requirements required for 42' of vertical clearance for UPRR, overhead	Construction noise and vibration acts to be addressed (noise, air quality, etc.)	None	None	None	None	None	None	None
Alt. 4: Depressed Section	All design issues must be addressed by use of design alternatives, not just mitigation	Construction noise and vibration acts to be addressed (noise, air quality, etc.)	None	None	None	None	None	None	None
Alt. 5: Depressed Section with Slopes	All design issues must be addressed by use of design alternatives, not just mitigation	Construction noise and vibration acts to be addressed (noise, air quality, etc.)	None	None	None	None	None	None	None
Alt. 6: Depressed Section with Slopes and Overhead	All design issues must be addressed by use of design alternatives, not just mitigation	Construction noise and vibration acts to be addressed (noise, air quality, etc.)	None	None	None	None	None	None	None
Alt. 7: Depressed Section with Slopes and Overhead	All design issues must be addressed by use of design alternatives, not just mitigation	Construction noise and vibration acts to be addressed (noise, air quality, etc.)	None	None	None	None	None	None	None
Alt. 8: Depressed Section with Slopes and Overhead	All design issues must be addressed by use of design alternatives, not just mitigation	Construction noise and vibration acts to be addressed (noise, air quality, etc.)	None	None	None	None	None	None	None
Alt. 9: Depressed Section with Slopes and Overhead	All design issues must be addressed by use of design alternatives, not just mitigation	Construction noise and vibration acts to be addressed (noise, air quality, etc.)	None	None	None	None	None	None	None
Alt. 10: Depressed Section with Slopes and Overhead	All design issues must be addressed by use of design alternatives, not just mitigation	Construction noise and vibration acts to be addressed (noise, air quality, etc.)	None	None	None	None	None	None	None

City of
FRESNO

Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued

NOISE AND VIBRATION



City of **FRESNO**

HISTORIC PROPERTIES

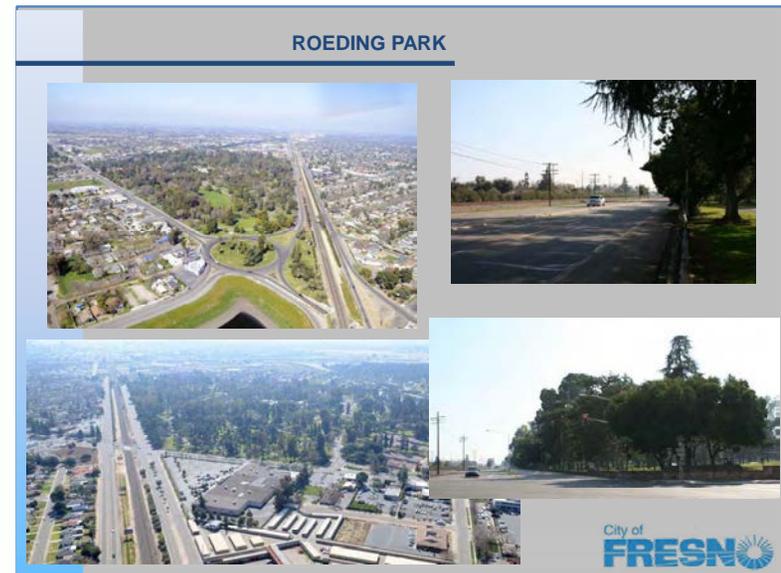
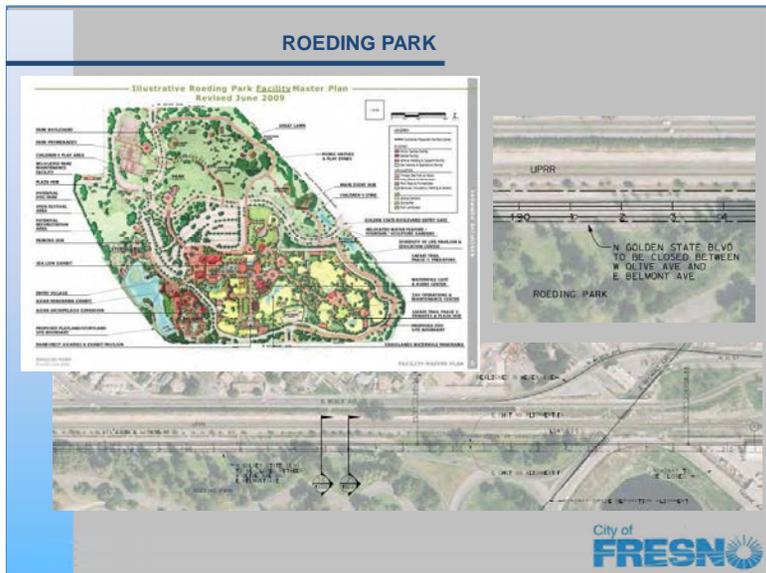


*Foresti
Underground Gardens*



City of **FRESNO**

Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued



Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued

POSITIVE ASPECTS

- Grade-separated Union Pacific corridor
- Downtown High Speed Rail station (Mariposa Street location)
- Reconstruction of confusing Fresno and H Street connection
- Heavy maintenance facility
- Veterans Boulevard construction



STATION AREA DEVELOPMENT



Attachment to Submission L010 (Mark Scott, City of Fresno, October 13, 2011) - Downtown trench alternatives.pdf - Continued

DISCUSSION



City of **FRESNO**

Submission L011 (Ashley Swearingin, City of Fresno, October 13, 2011)



MAYOR ASHLEY SWEARINGIN

October 13, 2011

Mr. Roelof van Ark, CEO
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

**RE: Comments regarding Merced to Fresno High Speed Train Draft EIR/EIS
Fresno to Bakersfield High Speed Train Draft EIR/EIS**

Dear Mr. van Ark:

As a strong supporter of starting high-speed rail construction in the Central Valley, I wish to commend you for your efforts in moving the project forward through the preparation of the two EIR/EIS documents for the Fresno to Merced and Fresno to Bakersfield segments. The project will further the economic development of our region through creation of jobs centered around this new industry, in particular the Downtown High Speed Rail Station to be located at Mariposa Street and the Heavy Maintenance Facility which we believe should be located in Fresno County due to its numerous advantages as presented in the Fresno Works proposal. The City of Fresno appreciates the hard work undertaken by you and your team, including numerous meetings here in Fresno with our staff and the Authority's team of consultants.

However, much work remains to be done in order to make the California High Speed Rail project the best for the State of California, for our metropolitan region and for the local community. You will be receiving a detailed letter from our City Manager Mark Scott that includes very specific comments on each point of concern with the High Speed Rail project. We are requesting not only that you review and respond to these comments, but that you would direct the engineering consultants to begin working with our City team immediately to revise the construction plans as necessary in order to address the City's concerns. I am highlighting several of these major concerns below:

- L011-1 | • The need for underpasses versus overpasses at several street-railroad grade separations, in order to provide the community with a project that mitigates its impacts upon traffic, aesthetics and socioeconomics/environmental justice to an acceptable level. The City is ready and willing to sit down with the Authority and the Union Pacific Railroad to work through any issues related to construction of underpasses along the HST/UPRR corridor.
- L011-2 | • A Traffic Management Plan needs to be included within the EIR/EIS now, with specific mitigations and limitations for street closures or lane closures, in order to keep our community functioning during construction. It is not acceptable to postpone working through those issues until after the design-build contractor is hired by the Authority.

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Mr. Roelof van Ark
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- L011-3 | • In order to help mitigate construction impacts around the crossings of Highway 99 and the UPRR corridor, Veterans Boulevard needs to be constructed from Shaw Avenue to Herndon Avenue, including the connections to Highway 99 and Golden State Boulevard, as part of the High Speed Rail construction project.
- L011-4 | • Economic impacts to businesses, sales tax and property tax need to be not only analyzed in greater depth, but also mitigated in part through the creation of a Business Relocation Team. This team needs to be funded by the Authority and would include working with community partners to assist impacted businesses find a new location as well as assist the City in processing new site plans, permits and all necessary steps to get them up and running as quickly as possible in their new location.
- L011-5 | • We continue to ask that a depressed (trenched) alignment through downtown Fresno be evaluated in the EIR/EIS. While the at-grade option is far superior in the City's opinion to the previously proposed 60' high elevated structure, the EIR/EIS still needs to evaluate a depressed alignment in the Downtown area which our engineering consultant team has demonstrated to be a feasible alternative for consideration.
- L011-6 | • The High Speed Rail project needs to make whole Roeding Park and the Zoo, as a result of the loss of Golden State Boulevard and the new main access point which was included in the previously certified Zoo EIR and Master Plan. A specific mitigation measure needs to be included in the High Speed Rail project EIR/EIS.

We remain committed to working with you and your team toward the successful completion of the project. Should you have any questions regarding the City's comments on the draft EIR/EIS, please do not hesitate to contact me.

Sincerely,

Ashley Swearingin
Mayor

Response to Submission L011 (Ashley Swearingin, City of Fresno, October 13, 2011)

L011-1

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

The concern cited in the comment about the community impacts resulting from engineering decisions about the construction of underpasses versus overpasses is addressed through Mitigation Measure SO-7: Develop measures to minimize the potential for physical deterioration. The Authority has committed to working with affected communities on the design of these features, consistent with Technical Memorandum 200.06, Aesthetic Guidelines for Non-Station Structures (Authority 2011b).

See also Impact SO#18, Environmental Justice Effects, in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the Final EIR/EIS. SO#18 evaluates the potentially significant operational impacts that would be disproportionately high and adverse on minority and low-income populations. The Environmental Justice (EJ) impacts are presented in Table 3.12-17, including those related to traffic, aesthetics, and socioeconomic impacts.

The aesthetic and visual impacts resulting from the construction of underpasses or overpasses would be distributed across the entire alignment, but would be concentrated in urban areas where EJ communities exist. See Section 3.16, Aesthetics and Visual Resources, for complete information on the impacts and mitigation measures proposed to address these issues, including Mitigation Measure AVR-MM#2f, Landscape Treatments along the HST Project Overcrossing and Retained Fill Elements of the HST. Where the elevated guideway or overpass is adjacent to residential areas, the Authority will plant trees along the edges of the right-of-way to help reduce the visual contrast. The Authority will also plant vegetation within lands acquired for the project after construction is complete. This type of mitigation measure is commonly used for large infrastructure projects to minimize impacts resulting from the introduction of new structures.

L011-2

Refer to Standard Response FB-Response-TR-01, FB-Response-S&S-01 and FB-Response-GENERAL-01.

L011-3

The location of the requested construction of Veterans Boulevard from Shaw Avenue to Herndon Avenue falls within the project limits of the Merced to Fresno Section. Please see Volume IV of the Merced to Fresno Final EIR/EIS. This document can be located on the Authority's website.

L011-4

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

For information on the HST-operation-related property and sales tax revenue effects, see the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #3, Impact SO #4, and Impact SO #13. The document explains that the intensity of the effect is negligible for all alternatives because the economic impact is measurable but would not be perceptible to community residents.

The Authority has been working in conjunction with the City of Fresno and County of Fresno to develop resources to assist affected businesses and to mitigate any potential impacts on city and county staff and resources from the increased permitting needs of those impacted businesses. The Authority has committed to maintaining a permit bureau to help businesses overcome the regulatory disruptions caused by the project.

L011-5

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-AVR-04.

L011-6

The location referenced in your letter, Roeding Park and Chaffee Zoo, lies within the project footprint for the Merced to Fresno Section of the HST project, which adjoins the Fresno to Bakersfield Section in the city of Fresno. The Final EIR/EIS for the Merced to Fresno Section was issued in April 2012. The construction and project impacts on Roeding Park and the Chaffee Zoo are discussed in Section 3.15.5.3, Parks and Recreation, of the Merced to Fresno Section Final EIR/EIS.

Submission L012 (Craig Scharton, City of Fresno, Development and Resource Management Department, September 19, 2011)

<p>City of FRESNO</p> <p>REPORT TO THE HISTORIC PRESERVATION COMMISSION</p> <p>September 19, 2011</p> <p>FROM: CRAIG SCHARTON, Assistant Director Development and Resource Management Department</p> <p>BY: KARANA HATTERSLEY-DRAYTON Historic Preservation Project Manager Secretary, Historic Preservation Commission</p> <p>SUBJECT: REVIEW AND PROVIDE COMMENTS ON THE PROJECT ENVIRONMENTAL IMPACT REPORTS/ENVIRONMENTAL IMPACT STATEMENTS FOR THE BAKERSFIELD TO FRESNO SECTION AND MERCED TO FRESNO SECTION OF THE CALIFORNIA HIGH-SPEED TRAIN PURSUANT TO FMC 12-1606(b) (5) AND (6).</p> <p>RECOMMENDATION</p> <p>Staff recommends that the Historic Preservation Commission:</p> <ol style="list-style-type: none"> 1. Review and provide comments on the Historic Property Survey Report (HPSR) for the Merced-Fresno Section; 2. Review and provide comments on the Historic Architectural Survey Report (HASR) and the Historic Property Survey Report for the Fresno-Bakersfield Section (Fresno properties only); 3. Review and provide comments on the proposed plans for the Fresno Station; and 4. Discuss and provide comments for submission to the High-Speed Rail Authority on potentially significant impacts to historic resources and potential feasible mitigation measures to address potentially significant impacts to historic resources located within the City of Fresno and within the Area of Potential Effects (APE) for the California High-Speed Train. <p>EXECUTIVE SUMMARY</p> <p>The California High-Speed Rail Authority (Authority) proposes to construct, operate and maintain an electric-powered high-speed train (HST) system in California. Two of the nine sections of the 800-mile route meet here in Fresno; a Merced to Fresno HST Project would connect a Merced station and a Fresno station. A Fresno to Bakersfield HST Project would connect Fresno with Bakersfield to the south. Due to federal funding, the project meets the definition of a "federal undertaking," pursuant to 36 CFR Part 800.16(y). As a consequence the Project must comply with both federal and California environmental laws and protocols. The Federal Railroad Administration (FRA) is the lead agency for compliance with both the National Environmental Policy Act (NEPA) as well as other federal laws. The California High-Speed Rail Authority is serving as a joint-lead agency under NEPA and is the lead agency for compliance under the California Environmental Quality Act.</p> <p>In August the joint agencies released an EIS/EIR for the two sections, Merced to Fresno and Fresno to Bakersfield. As part of the technical studies for these environmental reports, historic surveys were prepared that identified and evaluated the cultural resources within the Project's Area of Potential Effects (APE), with "cultural resources" defined as including "prehistoric archaeological sites, historic-era sites, traditional cultural properties as well as historic buildings, structures, landscapes, districts and linear features." Pursuant to FMC 12-1606(b)(5) and (6) the Historic Preservation Commission has the authority to participate in environmental reviews and to comment on land use and planning as they may affect designated Historic Resources, Historic Districts and Heritage Properties "as the Commission deems appropriate." In addition, both federal and State statutes ensure public participation.</p>	<p>AGENDA ITEM NO. VIA HPC MEETING: 09/19/11</p>
	<p>APPROVED BY</p>
	<p>DEPARTMENT DIRECTOR</p>

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BACKGROUND

The historic surveys prepared in support of the High-Speed Train Project evaluated properties using the explicit protocols delineated under Section 106 of the National Historic Preservation Act (1966, as amended). Thus the consultants, who all met the Secretary of the Interior's Professional Qualifications as archaeologists or architectural historians, prepared Area of Potential Effects (APE) maps for each section in consultation with the State Office of Historic Preservation. APE is defined as the "geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties" (CFR 800.16(d)). For the proposed HST corridor the APE for architectural resources generally included all properties at least 50 years of age within the proposed right-of-way and which were within 250 feet of the centerline (EIR/EIS Merced to Fresno 4-1). The APE for archaeological resources was narrower and only included resources within the area proposed for ground disturbance during construction.

The use of the "50-year" rule--evaluating resources constructed prior to 1960-- is a tad unusual for transportation planning, as normally a "45-year" window is employed with the understanding that project construction will extend over several years. It will be useful to know whether resources will be reevaluated prior to construction, or not. It is also important to note that resources within an APE are not necessarily slated for demolition, but are included because of their adjacency to a project and the potential for indirect impacts.

Per federal and state protocols, the consultants for both the Merced to Fresno and Fresno to Bakersfield historic surveys prepared a historic context that identified the major themes and property types against which resources would be evaluated. Thereafter, through on-ground survey work each team prepared Department of Parks and Recreation Primary and Building, Structure and Object forms (523 A and B) for all properties that appeared to warrant evaluation. Through a Programmatic Agreement (PA) developed among the FRA, the Authority, the Advisory Council on Historic Preservation (ACHP), the State Historic Preservation Officer (SHPO) and consulting parties, including Native American Tribes, an overall framework for conducting Section 106 review was prepared, which included a provision for resources that could be streamlined, due to "substantial alterations and/or loss of integrity" and which were thus not fully evaluated on DPR survey forms.

Resources were evaluated for their eligibility to the National Register of Historic Places (due to the federal funding and protocols) as well as to the California Register of Historical Resources (pursuant to PRC 5020.1(j) and 5024.1). Although properties already designated to Fresno's Local Register of Historic Resources were treated as historical resources under CEQA, it is critical to note that there may be properties, found ineligible to the National or state registers that MAY be eligible for the Local Register and if so designated in the future would meet the definition of a historical resource. A property slated for demolition will be subject to the demolition review protocol, as found in Fresno's 2025 General Plan and will be evaluated or reevaluated, as appropriate. It is therefore misleading to state that the 176 architectural resources not found eligible in the Fresno-Bakersfield corridor for the National or California Registers are also NOT eligible for listing in a local government register or inventory, as it is only the Fresno Historic Preservation Commission and the City Council which can make this determination.

Regarding historic surveys, the best consultants will readily admit that a survey rarely plumbs the depths of information on any resource: was this humble building the first African- American owned business in West Fresno? If it was, does that change its significance, or not? Consultants from outside a community bring an etic (external) perspective that is comparative and which is strengthened by work throughout a

L012-1

Submission L012 (Craig Scharton, City of Fresno, Development and Resource Management Department,
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region or state. However the local (emic) perspective is also invaluable. Therefore the "conversation" between staff/commissioners and consulting firms is critical, in order to best understand the potential importance of a resource.

Overall, the work included in these two surveys is excellent and will add immeasurably to the City's historic database. But there are some omissions (to be addressed) and due to the comprehensive nature of this work, a few errors. There are also minor conflicts with ongoing survey work, or survey work that was recently completed (such as the HUD required Section 106 review of the Hotel Fresno).

The EIR/EIRs overlap in their coverage: historic resources in Fresno's downtown are included in both documents and the findings are similar. To avoid confusion, the following discussion will use the boundaries adopted in the separate architectural surveys. The Merced to Fresno survey included resources north of Clinton, whereas the Fresno to Bakersfield survey included all resources in Fresno's downtown and south.

1. Review and provide comments on the Historic Property Survey Report (HPSR) for the Merced-Fresno Section:

The Merced to Fresno historic survey treated three properties—Roeding Park, the Forestiere Underground Gardens and the Weber Avenue Overcrossing (former highway bridge near Roeding Park) --- as historical resources pursuant to CEQA either because the resources were already listed on the National Register or were found eligible to the National Register in a prior survey. None of the other approximately 88 Fresno-area resources in this survey were evaluated as eligible for the California Register of Historical Resources or the National Register. The consultants used a district approach for three tracts, including the "Oak Park Acre Tract," the "W. Hammond Avenue District," and the N. Carruth Avenue District.

The McCardle Home, located at 417 W. Belmont Avenue, was found ineligible for listing to the National or California Registers; however it may warrant consideration for the Local Register of Historic Resources. Zacky Farms located at 315 N. H Street with its amazing grain elevations was not evaluated other than on a short streamlined documentation form due to replacement of windows, replacement of doors, altered fenestration and overall "loss of integrity." This c1920 property is included in the City's historic preservation database as HP# 068, although it was never actually designated. It would appear to warrant consideration for the Local Register and possibly the California Register.

A major omission in the survey was the lack of evaluation of either the Belmont Circle or the 1932 Belmont Subway and railroad bridge (technically a grade separation) which are all adjacent to and west of the Weber Avenue bridge, thus closer to the centerline of the proposed corridor. The Belmont Circle is the first traffic circle in Fresno and was deeded to the City in 1932. All of these resources will potentially be demolished and require evaluation pursuant to federal and state protocols.

Another potential resource is signs. The Sands Motel has long since lost its integrity but perhaps the sign is worthy of consideration? Regarding construction techniques and materials, one former restaurant within the APE appears to be built of Hans Sumpf stabilized adobe bricks. Although it is doubtful that this alone lifts the resource to a level of significance it is still a reason why a local perspective is important in evaluating resources.

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Direct Impacts to National Register or Eligible Buildings:

The **Weber Avenue Overcrossing** constructed in 1953 was the first vehicle bridge in California to use pre-stressed concrete. The bridge was found eligible to the National Register of Historic Places by the SHPO in 2005 under Criterion C at the State level of significance. The bridge will be demolished as it lies directly within the proposed corridor of the HST. In addition, the 1932 underpass, bridge and Belmont Circle immediately adjacent to the 1953 bridge will also apparently be removed. These resources need to be fully evaluated. Thanks to support from City of Fresno Public Works, Planning and Caltrans staff, we have assembled a file of data on the Circle and the underpass/railroad bridge.

The **Forestiere Underground Gardens** is also within the direct path for roadway improvements for all three alternatives of the High Speed Train. It is unclear what the impact to this National Register (State Landmark and Local Register) property will be from what appears to be a proposed property "take" from the northeast corner of the parcel. Vibrations and noise from construction also need to be considered. In addition, other sub-surface resources may exist within this immediate area. For example, years ago the "Hinojosa" property was discovered to have a small hardpan underground "residence" that used similar building techniques as found at the neighboring Gardens.

Indirect Adverse Effects:

Roeding Park lies west of and is immediately adjacent to the proposed at-grade rail corridor which will introduce visual elements as well as potential noise which would diminish the significant features of the property. The HST will not permanently acquire land from the park. At the southern portion of the park the tracks will descend below ground into a retained cut to cross State Route 180. The most critical impact appears to be from noise, which may be mitigated through construction of a sound barrier.

Questions:

- Is there an impact to cemeteries that are near Roeding Park?

Recommendations for Fresno Resources, Merced to Fresno Section:

- 1) The Historic Preservation Commission may wish to consider the eligibility of the McCardle Home and Zacky Farms to the Local Register of Historic Resources and/or to the California Register of Historical Resources.
- 2) The Belmont Circle, the Belmont Underpass and Railroad Bridge (1932) all need to be formally evaluated for the National, California and Local Registers as an update to the HST historic survey.
- 3) The City needs more explicit information regarding potential impacts to the Forestiere Underground Gardens, a world-class site.
- 4) The HPC should request that archaeological mitigation measure #4 be required for the area surrounding the Gardens, due to the potential for other sub-surface resources and in order to monitor impacts to the Gardens during construction.

Submission L012 (Craig Scharton, City of Fresno, Development and Resource Management Department, September 19, 2011) - Continued

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2. Review and provide comments on the Historic Architectural Survey Report (HASR) and the Historic Property Survey Report for the Fresno-Bakersfield Section (Fresno properties only):

The Historic surveys for the Fresno to Bakersfield evaluated approximately 228 resources within the APE of the Fresno to Bakersfield Corridor. Of this number 176 were found ineligible to the National Register of Historic Places or the California Register of Historical Resources but were evaluated on DPR forms as included within the "Historic Architectural Survey Report" (HASR). A few of these properties found ineligible by the consultants in the HSR survey have been treated as potentially eligible properties for either the California Register or Fresno's Local Register of Historical Resources in prior or concurrent surveys prepared by City staff and consultants (to be discussed further). Fifty-two known and potential historic properties (pursuant to the National Register protocols) and historical resources (CEQA only) were identified within the APE and were reported in a separate document, the Historic Property Survey Report (HPSR). Of these 52, 25 properties were listed, have been determined eligible for listing, or appear to be eligible for listing in the National Register, pending SHPO concurrence. The consultants found that 27 of the 52 properties were not eligible for listing in the National Register but are listed or are eligible for listing in the California Register of Historical Resources or are on local government registers or inventories. All of these resources were considered historical resources for the purposes of CEQA.

L012-2

New National Register Eligible Buildings:

Several local Fresno landmarks were found eligible for listing on the National Register of Historic Places: Hotel Fresno (Criterion C); the Crest Theater (Criterion C); The Fresno Fire Department Station #3 (Criteria A and C); the Basque Hotel/E.A. Walrond Building (Criterion A); First Mexican Baptist Church (A and C); Radin-Kamp Building (J.C. Penneys) (Criterion C); Bank of Italy/America (Chinatown, Criteria A and C); Vartanian Home (A and C); Holt Lumber Company (Criterion C) and the Van Ness Gateway (A and C).

Staff concurs with the evaluation of these buildings for the National Register of Historic Places with these caveats and corrections:

- The Hotel Fresno was previously found eligible by staff to the National Register under Criteria A and C with concurrence by the SHPO on May 10, 2011.
- The Crest Theater historic property number is HP#270.
- The Basque Hotel (1102 F Street) was actually only purchased by a Basque family in 1937, at which time the *pilota* court was installed. As a working class hotel the building, like the Hotel Virginia, would appear to be eligible to the National Register but the period of significance may need to be reconsidered, or broadened.
- The Azteca Theatre (836-840 F Street) is potentially eligible for the National Register of Historic Places due to its association with Arturo Tirado and the role the theatre played in community life for the region's *Mexicano* population in the 1950s and 1960s. Tirado was born into a show business family in Mexico City and from 1956 into the 1960s ran a program of Spanish-only films at the Azteca which often featured personal appearances by stars of the Mexican cinema. After the decline of the film industry in the 1960s the Azteca functioned as an important community center for the community. (See Manuel G. Gonzales, "Arthur Tirado and the Teatro Azteca: Mexican Popular Culture in the Central San Joaquin Valley," *California History* 83:4, 2006.

L012-3

Resources Previously Found Eligible to the California Register in a Professional Survey:

The following properties have been treated by the consultants as historical resources pursuant to CEQA due to their inclusion in a prior survey, in which the resource was evaluated as individually eligible to the California Register of Historical Resources:

- Bud and Quinn Showroom (1560 H Street)
- H.E. Jaynes and Son (1454 H Street)
- H.E. Jaynes and Son (1452 H Street)
- 1416 Broadway
- Mayflower Hotel (Apartments) (1415 Broadway)
- Dick's Shoes (1522-1526 Kern Street)
- Azteca Theatre (836-840 F Street)
- Komoto's Department Store and Hotel (1536-1542 Kern Street)

Staff concurs with these findings with the following caveats:

- Mayflower Apartments (original name), evaluated as potentially eligible for the Local Register in a 1994 survey and as potentially eligible for individual listing for the California Register in a 2004 survey, has been significantly altered, due to its recent adaptive reuse as loft apartments (2011). The Commission may wish to comment on the building's eligibility.
- The California Packing Corporation Water Tower (503 G Street) was evaluated by staff for the "Renaissance at Santa Clara Residential Development Project" (February 4, 2011) and was found eligible to the California Register under Criteria 1 and 3 as well as Fresno's Local Register under Criteria i and iii. Survey was submitted to the Office of Historic Preservation.

Resources Newly Found Individually Eligible to the California Register:

- H. Sargavak Building (942 Fagan Alley)

L012-4

Additional Properties Treated as Historical Resources for the Purposes of CEQA:

Several buildings which were evaluated in prior surveys as contributors to a potential but not designated Local Register District or as individually eligible to Fresno's Local Register have been treated as historical resources for the purposes of CEQA. It should be noted that this is in conflict with the City of Fresno's legal interpretation of CEQA and historical resources:

- Bud and Quinn (1514-1518 H Street)
- Peacock Department Store Building (937 F Street)
- 938-952 F
- 1528-1548 Tulare
- Haruji Ego Family Building (956 China Alley) (Heritage Property #008)
- Pacific Coast Seeded Raisin Company/Del Monte Plant (1946 portion of building only)

Submission L012 (Craig Scharton, City of Fresno, Development and Resource Management Department,
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L012-4

Staff has no objections to these buildings, many of them located in Chinatown, as being treated as "historical resources," for the purposed of this Project with one caveat:

- The Pacific Coast Seeded Raisin Company/Del Monte Plant No. 68 was evaluated in the 1994 Ratkovich Plan survey. The original plant was constructed in 1919 and the complex of buildings has been heavily modified over time. The portion found eligible in the 1994 survey is the 1946 3-story international style raisin packing plant designed by Kump and Falk of San Francisco. The consultants have re-evaluated the Calpak/Del Monte Plant No. 68 and have concluded that it is not eligible for the National or California Registers but appears to be eligible for the Local Register, with the boundary of the resource the legal parcel. The building is within the footprint of the proposed Mariposa Street Fresno Rail Station as well as the actual rail corridor and is slated for demolition, which if it meets the definition of a historical resource will require mitigation. Only the Historic Preservation Commission and the Fresno City Council are authorized under the City's Historic Preservation Ordinance to designate a resource to the Local Register and the Commission is encouraged to consider the building's eligibility.

Indirect Impacts to National Register Properties:

The BNSF Alternative Alignment includes construction of a Tulare Street overcrossing that would be adjacent to several historic buildings and due to the size, scale and massing of the elevated structure would cause indirect adverse effects to both the Southern Pacific Railroad Depot as well as the Bank of Italy/America (1001 Fulton Mall).

L012-5

Indirect Impacts to Historical Resources (CEQA) Due to the Tulare Street OC:

The BNSF Alternative Alignment would also cause an indirect impact to several resources that are considered historical resources under CEQA (only) due to both the Overcrossing but also due to the demolition of buildings on the east side of G Street and the concomitant change in the setting:

- 1528-1548 Tulare
- Haruji Ego Family Building
- Hobbs Parsons Produce Building
- Komoto's Department Store and Hotel

Staff Recommendation:

An option to the Tulare Street bridge/overcrossing is an undercrossing. This option would avoid the indirect visual impacts to these resources and it is recommended that the Commission support this option.

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3) Review and provide comments on the proposed plans for the Fresno Station:

There are two alternative sites for the Fresno Station, the Mariposa Street Station alternative and the Kern Street Station. In brief, the Mariposa Street Station would incorporate the 1889 Southern Pacific Railroad Station as well as the 1922 Pullman Shed into the project footprint, retaining both buildings. The Kern Street Alternative would require the demolition of the Hobbs Parsons Produce Company (1903; HP#169). Both alternatives would require the demolition of the Del Monte Plant #68 complex. It is the staff understanding that any final building plans for the Station would need to be further reviewed by the Commission at a future date.

Staff Recommendation:

Staff recommends that the Commission support the Mariposa Street Station as the most prudent and feasible alternative.

L012-6

3. Discuss and provide comments for submission to the High-Speed Rail Authority on potentially significant impacts to historic resources and potential feasible mitigation measures to address potentially significant impacts to historic resources located within the City of Fresno and within the Area of Potential Effects (APE) for the California High-Speed Train.

The Project EIR/EIS for both sections include a series of mitigation measures for archaeological and historical resources (please see these sections). Arch-MM#4- Conduct Archaeological Monitoring in Proximity to Identified Sites of Areas of Sensitivity is critical, as it would require a qualified archaeologist to be on site during construction. The EIR/EIS does not include specific mitigation measures for sensitive resources and so there is no guarantee of which mitigation measures will be applied, when, where, or by whom (thus who is responsible for the measure).

Staff Recommendations:

Staff recommends that Arch-MM#4 be required for the area adjacent to the Forestiere Underground Gardens as well as all areas impacted by the proposed Fresno Station, due to the sensitivity and the potential for sub-surface resources within Chinatown and the old rail corridor. Staff also recommends that the Final EIR/EIS include a Project Specific Mitigation Monitoring Program with specific agency responsibilities for the mitigation measures.

CONCLUSION

The proposed 800-mile High-Speed Train System will link the San Joaquin Valley to points north and south and will potentially transform the City of Fresno's downtown. It is our future. However, the proposed project will also have a potential and profound impact on the environment, including cultural (archaeological and historic) resources. It is therefore critical for City staff, the Historic Preservation Commission and the preservation community at large to carefully review and comment on this very important project.

Submission L012 (Craig Scharton, City of Fresno, Development and Resource Management Department, September 19, 2011) - Continued

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L012-7

In addition to any comments or suggestions which the Commission may choose to provide to the Federal Rail Administration, Staff recommends the following:

- 1) The Historic Preservation Commission may wish to consider the eligibility of the McCordle Home and Zacky Farms to the Local Register of Historic Resources and/or to the California Register of Historic Resources.
- 2) The Belmont Circle, the Belmont Underpass and Railroad Bridge (1932) all need to be formally evaluated for the National, California and Local Registers as an update to the HST historic survey. The Commission may also choose to evaluate these resources for designation to Fresno's Local Register of Historic Resources.
- 3) The City needs more explicit information regarding potential impacts to the Forestiere Underground Gardens, a world-class site. Any demolition permit (through a take of a portion of the property) will be reviewed by the Historic Preservation Commission which, through the City's Historic Preservation Ordinance, has discretion over permits for designated historic properties.
- 4) Staff recommends that Arch-MM#4 be required for the area adjacent to the Forestiere Underground Gardens as well as all areas impacted by the proposed Fresno Station, due to the sensitivity and the potential for sub-surface resources within Chinatown and the old rail corridor.
- 5) Staff recommends that the Teatro Azteca (The Aztec Theater) be considered for eligibility to the National Register of Historic Places, due to its association with Arturo Tirado and the importance of the theater to the Hispanic community in the 1950s and 1960s.
- 6) The Commission should consider whether the former Del Monte Plant #68 retains sufficient integrity as well as historic significance to be eligible for listing on the Local Register. If not, it should not be considered a "historical resource" for the purposes of CEQA and will not require extensive mitigation.
- 7) Staff recommends that the Commission support the Tulare Street Undercrossing option, as preferable to the overcrossing, due to the indirect visual effects caused by the mass and height of the proposed bridge (OC) structure.
- 8) Staff recommends that the Commission support the Mariposa Street Station as the most prudent and feasible alternative.
- 9) Staff also recommends that the Final EIR/EIS include a Project Specific Mitigation Monitoring Program with specific agency responsibilities for the mitigation measures.

L012-8

L012-9

L012-10

L012-11

L012-12

In addition, the following appear to be errors of fact and should be reviewed and corrected:

- 1) The order of resources documented in the Merced-Fresno historic survey should follow in a north-south pattern, thus the Underground Gardens are north of Roeding Park.
- 2) Table 4-4 in the 4(f) section does not include some National Register properties, such as the Fulton Mall's Bank of Italy. Perhaps there is a rationale to this?
- 3) Page 3.17-37 (of the EIR/EIS Fresno to Bakersfield) refers to Table 3.17-6; it is actually 17-7.
- 4) Hotel Fresno was found eligible to the National Register under Criteria A and C with concurrence from the SHPO on May 10, 2011.
- 5) The Crest Theater is HP#270.
- 6) The Southern Pacific Railroad Depot was built in 1889 (early references have an 1899 date). It is not correct to state that the Pullman Shed is also on the National Register as, unfortunately, the earlier NR nomination did not include the 1922 shed. Later attempts to correct this omission with the SHPO were not completed. However, according to staff at the California State Railroad Museum, the Pullman Shed appears to be the only extant resource of its kind in the United States and is certainly eligible for individually listing on the National, California and Local Registers.

L012-13

L012-14

L012-15

L012-16

L012-17

L012-18

L012-19
 L012-20

- 7) Under Table 3.17-1 it might be useful to mention that the City's Historic Preservation Ordinance established and provides for both the Local Register of Historic Resources as well as the City's Historic Preservation Commission.
- 8) Page 3.17-14 in the Fresno to Bakersfield EIS, reference to Table 3.17-4 is actually 17-7.
- 9) In addition, tables in the HPSR Fresno to Bakersfield incorrectly identify the status code for the following properties:
 - Parker Nash, Benham Ice Cream/Dale Brothers Coffee Building and sign, Hobbs Parsons Produce, the Liberty Laundry and the Baskins Auto Supply Sign should all be 5S1 as they are designated properties on Fresno's Local Register of Historic Resources.

- Attachments:
- Exhibit A - California High-Speed Train Project Draft Environmental Impact Report and Environmental Impact Statement for the Merced to Fresno Section and the Fresno to Bakersfield Section, 8 August 2011 (<http://www.cahighspeedrail.ca.gov/newsfacts.aspx>).
 - Exhibit B - "California High-Speed Train Historic Property Survey Report Information" Fresno to Bakersfield Section and "Historic Architectural Survey Report" Fresno to Bakersfield (Fresno resources only) September 2011 (www.fresno.gov/preservation)
 - Exhibit C - 2008 Aerial of the Belmont Circle, Fresno.

Response to Submission L012 (Craig Scharton, City of Fresno, Development and Resource Management Department, September 19, 2011)

L012-1

Comment noted. The Draft EIR/EIS took into account previous local built environment surveys to ensure that the survey for the Fresno to Bakersfield Section of the HST System included all potential individual resources as well as districts and potential districts, such as the Warehouse District. Section 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS presents the findings of this study and has adequately identified built environment resources for the purposes of Section 106 and CEQA as they pertain to historical resources. The Authority and FRA acknowledge the authority of the Fresno City Council and the Historic Preservation Commission to designate resources to the Fresno Local Register of Historic Resources.

L012-2

The text of Section 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS has been revised in the Final EIR/EIS in response to this comment. Regarding the Basque Hotel, review of historical research for this property supports the findings in the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS. Also, on February 6, 2012, the California State Historic Preservation Officer (SHPO) concurred (SHPO 2012) with the findings of the Historic Architectural Survey Report (HASR) (Authority and FRA 2011b) and the Historic Property Survey Report (HPSR) (Authority and FRA 2011c), both of which were completed in October 2011.

L012-3

The text of Section 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS has been revised in response to your comment regarding the California Packing Corporation Water Tower. Regarding the Mayflower Apartments, the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS identified this property as not eligible for the National Register of Historic Places; however, previous studies found the property eligible for listing in Fresno's Local Register of Historic Places and the California Register of Historical Resources. The HST System would have no direct or indirect impacts on this historical resource, so no further action is required.

L012-4

Comment noted. The Authority and FRA acknowledge the authority of the Fresno City Council and the Historic Preservation Commission to designate resources to the Fresno

L012-4

Local Register of Historic Resources. The Draft EIR/EIS identified the Pacific Coast Seeded Raisin Co. as a historical resource under the California Environmental Quality Act (CEQA) because of its potential significance at the local level. The Draft EIR/EIS also identified a direct impact to the building because it would be demolished. In addition, the Draft EIR/EIS identified multiple options for mitigation of impacts to historical resources. The specific mitigation for this property will be identified in the Memorandum of Agreement (MOA) and built-environment treatment plan process.

The consultation process is discussed in detail in the Section 106 Programmatic Agreement (PA) (Authority and FRA 2011e) in Section IV, Ongoing Consultation with Native American Tribes, and Section V, Participation of Other Consulting Parties and the Public. The PA is provided as Appendix 3.17-A of the Final EIR/EIS. The PA constitutes an agreement between the State Historic Preservation Officer (SHPO), the Authority, the FRA, and Native American tribes on how compliance with Section 106 will be implemented. Part of these stipulations is the requirement to inquire with knowledgeable individuals or groups to seek their involvement in the process of developing MOAs that deal specifically with deciding on the types of mitigation measures that the parties involved agree will successfully minimize or reduce adverse effects on historical properties.

L012-5

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

Comment noted. Direct and indirect adverse effects of the project are assessed in accordance with Section 106 of the NHPA, 36 CFR 800.5 and in accordance with Section 15064.5 of the CEQA Guidelines. The analysis of potential effects caused by the alternatives is described in Chapter 3.17, Cultural and Paleontological Resources. The conclusions of this analysis will take into account the options provided by the Authority's engineering team and make recommendations to resolve the adverse effects, or avoid them if feasible, as per the stipulations of the PA and as required by CEQA as it pertains to historical resources.

Response to Submission L012 (Craig Scharton, City of Fresno, Development and Resource Management Department, September 19, 2011) - Continued

L012-6

This resource was not addressed in the Draft EIR/EIS or the Revised DEIR/Supplemental DEIS for the Fresno to Bakersfield Section. This resource was responded to as part of the responses to the Merced to Fresno Section.

L012-7

Whether or not the Commission determines that the McCardle Home and Zacky Farms to eligible for the Local Register of Historic Resources or the California Register is not under the purview of the EIR/EIS to address; however, it is the prerogative of the Commission to do so. The Zacky Farms and McCardle Home are within the Merced-Fresno area of potential effect, and are not located within the study area of the Fresno-Bakersfield document.

L012-8

The Azteca Theater was re-evaluated for eligibility to the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) in response to the additional information provided. The text of Section 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS has been revised appropriately.

L012-9

Comment noted. The Authority and FRA acknowledge the authority of the Fresno City Council and the Historic Preservation Commission to designate resources to the Fresno Local Register of Historic Resources. The Draft EIR/EIS identified the Pacific Coast Seeded Raisin Co. as a historical resource under the California Environmental Quality Act (CEQA) because of its potential significance at the local level. The Draft EIR/EIS also identified a direct impact on the building because it would be demolished. In addition, the Draft EIR/EIS identified multiple options for mitigation of impacts on historical resources. The specific mitigation for this property will be identified in the Memorandum of Agreement (MOA) and the built-environment treatment plan process.

The consultation process is discussed in detail in the Section 106 Programmatic Agreement (PA) in Section IV, Ongoing Consultation with Native American Tribes, and Section V, Participation of Other Consulting Parties and the Public (Authority and FRA

L012-9

2011e). The PA is provided as Appendix 3.17-A of the Final EIR/EIS. The PA constitutes an agreement between the State Historic Preservation Officer (SHPO), the Authority, the FRA, and Native American tribes on how compliance with Section 106 will be implemented. Part of these stipulations is the requirement to inquire with knowledgeable individuals or groups to seek their involvement in the process of developing the MOAs that deal specifically with deciding on the types of mitigation measures that the parties involved agree will successfully minimize or reduce adverse effects on historical properties.

L012-10

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

Recommendations regarding the design and build options are not addressed in Chapter 3.17 and, as such, the efficacy of the undercrossing or overcrossing as options at Tulare Street are not discussed here. No specific reference to a cultural resource is provided in the comment to determine if either option may or may not impact a cultural resource. The Commission can, however, make recommendations regarding the preferred design options directly to the Authority.

L012-11

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

Recommendations regarding the preferred alternative are not addressed in Chapter 3.17 and, as such, the efficacy of Mariposa Street Station as an alternative are not discussed here. No specific reference to a cultural resource is provided in the comment to determine if other station options may or may not impact a cultural resource. The Commission can, however, make recommendations regarding the preferred design options directly to the Authority.

L012-12

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

Response to Submission L012 (Craig Scharton, City of Fresno, Development and Resource Management Department, September 19, 2011) - Continued

L012-13

As discussed in the Revised DEIR/Supplemental DEIS, the Bank of Italy building will not be adversely affected by the proposed project and therefore is not considered a take under Section 4(f), which, in turn, would not warrant its inclusion in this table (Table 4-4 in Chapter 4 of the Revised DEIR/Supplemental DEIS).

L012-14

Thank you for your comment. The text of the Revised DEIR/Supplemental DEIS has been revised in response to your comment on Section 3.17, Cultural and Paleontological Resources.

L012-15

The text of Section 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS has been revised in response to your comment.

L012-16

The text of Section 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS has been revised in response to your comment.

L012-17

The text of Section 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS has been revised in response to your comment.

L012-18

Table 3.17-1 in both the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS provides information regarding the Historic Preservation Ordinance of the City of Fresno (Fresno Code of Ordinances, Chapter 12, Article 16), its purpose, and its authorization of the establishment of a Historic Preservation Commission and a local register of historic resources.

L012-19

Thank you for your comment. The text of Section 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS has been revised in response to

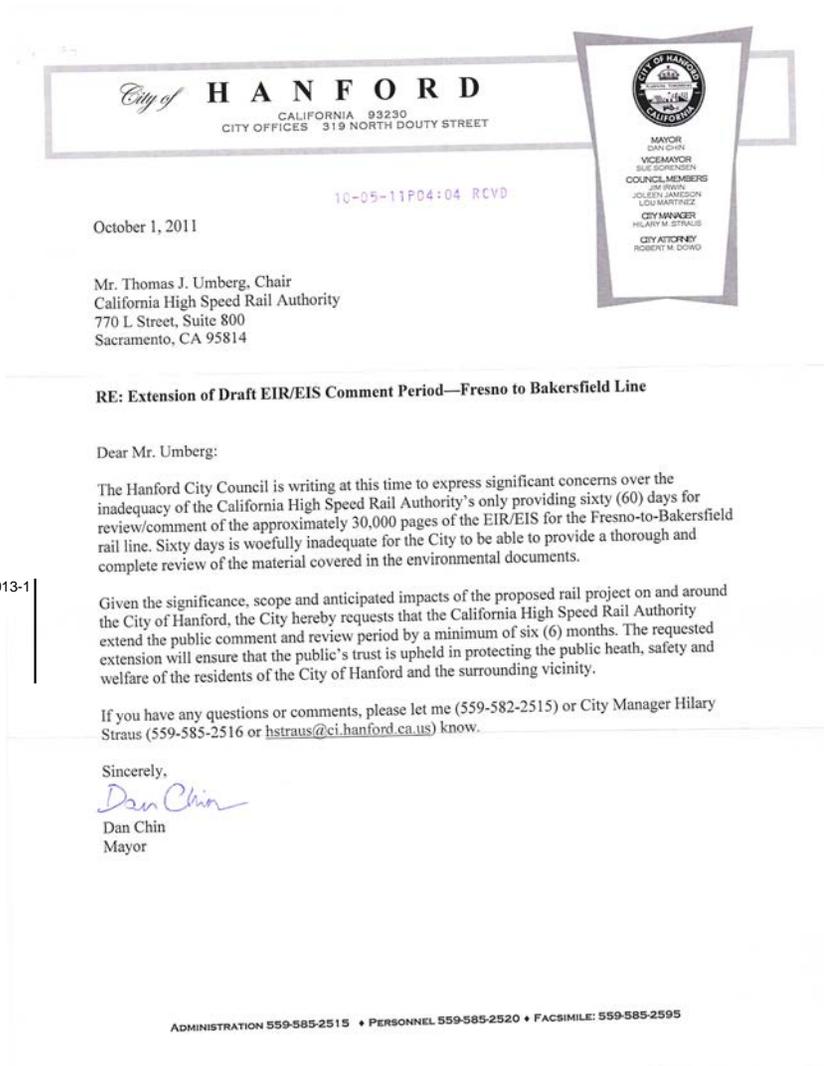
L012-19

your comment.

L012-20

The correct status codes for these properties are provided in Table 6.6-1 of the Historic Property Survey Report (HPSR) (Authority and FRA 2011c).

Submission L013 (Dan Chin, City of Hanford, October 5, 2011)



Response to Submission L013 (Dan Chin, City of Hanford, October 5, 2011)

L013-1

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

Submission L014 (Cathy Cain, City of Hanford, October 13, 2011)



October 13, 2011

Fresno to Bakersfield Draft EIR/EIS Comment
 California High Speed Rail Authority
 770 L St., Suite 800
 Sacramento, CA 95814

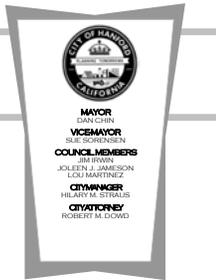
On September 20, 2011, the City of Hanford City Council approved sending a letter to the CAHSRA to request that the review period for the EIR/EIS be extended to six (6) months. This request was in addition to others that have been sent. To date, no extension has been reported.

It should be noted that the burden of reviewing and commenting on the Draft EIR/EIS within the designated comment period is unreasonable and disproportionate to small agencies with limited staff, such as Hanford. Volume 1 of the Draft EIR/EIS tends to contain summary information with references to thousands of additional pages of text and graphics in separate documents, some of which are included as appendices and some are not. While we remain concerned that the methodology and approach utilized to prepare the EIR/EIS is inadequate to fully disclose impacts to the Hanford and Kings County community, it has not been possible to develop a complete understanding of how the technical studies and supporting documents were utilized to reach the conclusions presented in the EIR/EIS. This dilemma is magnified by the fact that an already small staff typical of medium and small cities like Hanford has been reduced further due to economic conditions. We believe that the additional analysis requested in some of the comments below is sufficiently extensive enough to require a revised Draft EIR/EIS be issued. The revised Draft EIR/EIS, when completed, should be circulated for at least a 6-month period. Our comments are below.

L014-1 | We would like to request that, in addition to the "project" and "no project" scenarios, analysis of an alternative alignment along the SR 99 corridor be included in the final EIR/EIS.

L014-2 | The HST is considered the single most significant project in California history. The environmental review process should reflect its importance, particularly for all of those that will be affected by its design. Further, Section 15064 of the CEQA Guidelines advises EIR preparers when evaluating impacts that "The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area." The EIR/EIS provides extensive analysis in the urban settings of Fresno and Bakersfield. However, there is a lack of information and analysis in the rural areas of Kings County. This leads to an inappropriate conclusion of "no significant impact" for many sections. This is a major inadequacy of the EIR/EIS.

• COMMUNITY DEVELOPMENT: 559-585-2580 • FACSIMILE: 559-583-1633



L014-3

Section 1.0 – Project Purpose, Need, and Objectives

- Section 1.3.1

This section references the San Joaquin Valley Blueprint process, an unprecedented planning effort that was launched in 2005 by the eight valley metropolitan planning organizations. It should be noted that, in addition to the valley-wide effort, each of the individual eight counties undertook county-specific Blueprint processes that outlined goals, priorities, and smart growth planning objectives. There are planning principles specific to the Kings County Blueprint that were outlined during the county-specific public outreach efforts. The eight county-specific Blueprints provide a more detailed look at each county's planning priorities. The Kings County Blueprint Principles should be evaluated and integrated into the EIR/EIS.

Section 2.5 – Travel Demand and Ridership Forecast

- Pages 2-87 thru 92

Since Hanford is listed as a potential station location, there is a need to include ridership forecasts for Hanford with a station, and Hanford without a station.

We believe the document should include a list of ridership costs for roundtrip tickets from various stops in the Valley, as well as the cost of tickets to the Bay Area, Los Angeles and Sacramento.

Section 3.2 - Transportation

L014-5

- Page 3.2-15 "Passenger Rail Service". This section indicates that Amtrak's San Joaquin route runs several times a day between the San Francisco Bay area, Sacramento, and Bakersfield, and notes that other stops include Stockton, Modesto, Merced, Martinez, and Fresno. It does not mention Hanford or Corcoran.

• Comment: Since Hanford's ridership exceeds Stockton, Modesto, and Merced, it should certainly be listed as a stop.

L014-6

- Page 3.2-24 (figure 3.2-9) "Roadway Classifications" draft EIR identifies Lacey Boulevard as a local street. Other areas of document identify Lacey Boulevard as an arterial street (see Transportation-Technical Analysis Report page 4.3.2).

• Comment: Both City of Hanford roadway segments of Grangeville Boulevard from 10th Avenue to Highway 43 and Lacey Boulevard from 10th Avenue to Highway 43 will be impacted with the project. These two segments of roadway need to be included in the Traffic Impact Study Analysis. Both roadways are designated as city arterial streets.

L014-7

- Page 3.2-48

Draft EIR states that with the introduction of HST service, passenger rail service (Amtrak) could be discontinued at Hanford, Corcoran, and Wasco.

• Comment: Abandoning Amtrak service at the existing Hanford downtown station would severely impact our local economy and limit transportation options within our community and Kings County in general. The City of Hanford and Kings Area Rural Transit (KART) have invested approximately \$3 million to develop a regional transportation facility in the

Submission L014 (Cathy Cain, City of Hanford, October 13, 2011) - Continued

L014-7	<p style="text-align: right;">Page 3</p> <p>Downtown area. KART provides local and regional bus service in Kings County. It connects with Amtrak San Joaquin trains, Visalia City Coach, and Fresno Area Express. The hub of the bus system is Hanford Station.</p> <p>The impact of moving a train station approximately 1.5 miles east of town, or worse, not having a station to serve our community, would be devastating. The draft EIR does not identify mitigation measures to address this issue. The Hanford Station has more Amtrak ridership than Modesto, Stockton, and Merced – all larger cities. According to statistics provided by the Hanford Visitor Agency, 98 organized groups were processed in the fiscal year 2010-11 (ending in July, 2011). Of these groups, 45% of the visitors came on Amtrak. This does not count other groups or individuals that do not use the Visitor Agency services. A conservative estimate would be an additional 20 visitors per day, or 7,280 per year. If the 45% using Amtrak holds true, that would be an additional 3,276 visitors per year using Amtrak, for a total visitor count of 6,164. This also does not include those people who use Amtrak to commute to and from work and those traveling on vacation or business. It is estimated that the average ridership at the Hanford Station is 7,500 to 9,000 people per month. Hanford is the third busiest stop on the San Joaquin line. The loss of a station in Hanford would mean a yearly loss of 90,000+ Amtrak riders. At an average ticket price of \$50, this would mean a loss of \$4,500,000 yearly. If the average ticket cost of \$100 is used, it would be a loss of \$9,000,000 yearly. Add in the loss of revenue from hotel rooms, food, gas, rental cars, and merchandise, and the yearly loss is considerably more. The EIR-EIS indicates that existing riders would shift to HST service as it becomes available. Based on existing Amtrak ticket prices and the estimated cost of HST, it is unlikely that most riders would shift. It would mean an <u>increase</u> in vehicle miles traveled if (most likely) people shift to using personal vehicles, but many of the city's visitors would be lost. Also, there is only a "potential" HST station in Hanford. If there is no Amtrak station and no HST station, there would definitely be an impact to vehicle miles traveled.</p> <p>The EIR-EIS states that there would be a negligible impact under NEPA and a less-than-significant impact under CEQA because existing passenger rail service would not be limited or worsened as the HST maintains service between major cities on the San Joaquin route. However, since Hanford is the third busiest stop on the San Joaquin route, it is one of the major cities. The loss of an Amtrak station in Hanford is certainly significant. The financial/economic impacts must be addressed in the EIR-EIS and be discussed under Transportation and Environmental Justice. There should also be a review of the impacts of Vehicle Miles Traveled, including GHG, because train users would be required to drive to Fresno or Bakersfield to access Amtrak should Hanford's station be discontinued. There should also be an analysis of the economic impact of no commuter rail service and the effect that would have on people who rely on Amtrak to commute to their jobs.</p> <ul style="list-style-type: none"> • Page 3.2-63 	<p style="text-align: right;">Page 4</p> <p>L014-8</p> <p>Another possible option is locating the HST station south of the SJVR tracks. This would allow a connection to serve the facility off of Lacey Boulevard. Either location would require an updated Traffic Impact Study (TIS) analysis.</p> <p>L014-9</p> <ul style="list-style-type: none"> • Table 3.2-18, page 3.2-63 <p>Draft EIR states that the segment of Highway 43 from Highway 198 to Grangeville Boulevard will be adversely impacted with development of an HST station. Mitigation measures as identified on Table 3.2-32, page 3.2-91, specify construction of an additional travel lane on Highway 43. Since this segment of roadway crosses the SJVR track line, construction of an over/underpass at the crossing may be required. The future Caltrans Highway 43 expressway plan specifies the need to install a grade separation structure at the SJVR crossing if road widening occurs.</p> <ul style="list-style-type: none"> • Table 3.2-19, page 3.2-64 <p>Draft EIR states that the intersection of Highway 43/Lacey Boulevard will be adversely impacted with development of an HST station. Mitigation measures as identified in Table 3.2-31 specify installation of a traffic signal system to improve LOS/operation. TIS fails to address the issue of the Highway 43/Lacey Boulevard intersection being in close proximity to the Highway 198 westbound off ramp. Caltrans has stated to City staff that relocation of the Highway 43/Lacey Boulevard intersection further north from the existing location will be necessary in the future to accommodate left turn movements onto Lacey Boulevard. Maintaining this movement is critical to providing access to existing/future businesses located along East Lacey Boulevard as well as the City Downtown. Mitigation measures need to address this issue and provide for relocation of the Lacey Boulevard/Highway 43 intersection north of its current location. City staff is available to discuss this issue in more detail.</p> <p>L014-10</p> <ul style="list-style-type: none"> • Page 3.2-65 <p>Draft EIR discusses the possibility of funding construction of some downtown parking facilities to reduce the development footprint at the proposed HST station. The EIR/EIS needs to elaborate more on this issue and be specific. How many spaces are proposed to be offset with mitigation dollars? When would funding become available? Where would the off-site parking be located and how many spaces would be there be? How many on-site spaces are planned? What are the traffic impacts of travel into Hanford to access this parking?</p> <p>L014-11</p> <ul style="list-style-type: none"> • Page 3.2-66 <p>Draft EIR makes reference to "Fresno station area" in paragraph titled "Kings/Tulare Area Freight Impacts." This statement is incorrect.</p> <p>L014-12</p> <ul style="list-style-type: none"> • Page 3.2-90, Table 3.2-32 <p>Draft EIR refers to Highway 198 as a two-lane roadway throughout the document. Improvements to widen Highway 198 from Hanford to Visalia from two to four lanes have been on-going for well over a year now and are anticipated to be completed in 2012.</p>
L014-8	<p>Draft EIR mentions that primary access to the proposed HST station will be via a direct access connection to Highway 43 located between the San Joaquin Valley Railroad (SJVR) and the intersection of Highway 43/Grangeville Boulevard.</p> <p>Figure 2.4 Transportation Analysis Technical Report also shows a map identifying a direct access connection to Highway 43.</p> <p><u>Comment:</u> Caltrans will not allow a direct access connection to their highway system. Access to proposed HST station facility, in its current location, will most likely be required off Grangeville Boulevard.</p>	

Submission L014 (Cathy Cain, City of Hanford, October 13, 2011) - Continued

Section 3.4 - Noise

L014-13 | • There is no detail in the Draft EIR/EIS that quantifies the total exposure of noise to sensitive receptors. While the Ldn for residential is provided, it lacks meaning and clarity given the extent of the proposed HST operations. There is no analysis of the period of time that the increasing, peak, and decreasing noise from the train will be experienced during the daily operations throughout Kings County.

L014-14 | • The noise and vibration impacts upon the rural and agricultural areas (including dairy operations) of Kings County have not been adequately addressed in the Draft EIR/EIS. It is important to note that the level of significance for noise and vibration impacts in agricultural and rural areas should be considered differently than the level of significance recognized in metropolitan or urban areas where higher noise and vibration levels can be expected. The agricultural and rural areas of Kings County are significantly more susceptible to changes in noise and vibration levels, since existing conditions involve minimal noise and vibration disturbances. Please note that a significant effect on the environment as defined in the CEQA guidelines includes potentially substantial adverse change in physical conditions. Regarding noise and vibration, adverse changes relating to noise and vibration in agricultural and rural areas should be examined separately from those impacts in urban areas. While there was information on noise levels for livestock, it was not clear what the impacts would be and how the impacts would be mitigated.

L014-15 | • The Draft EIR/EIS does not propose any sound barriers as mitigation in the Hanford area. Why?

Section 3.11 – Public Safety and Security

L014-16 | As stated in the Draft EIR/EIS, the United States currently doesn't have any standards for a High Speed Rail system. The Authority should place the EIR/EIS and the project on hold and begin the process of adopting standards. It is unrealistic and inadequate to simply rely upon another nation's protocol.

• Table 3.11.3 on Page 3.11-8 is incorrect in the listing of Hanford Fire Department's equipment. The current Fire Department Apparatus listing is as follows:

- 4 engines – 2 staffed
- 2 patrols – staffed when staffing is available
- 1 hazmat apparatus
- 1 command vehicle (Police and Fire)

• Page 3.11-15 – Law Enforcement – does not list crime rates for Hanford or Kings County. This needs to be included in the analysis.

• Current Police Vehicles

- 18 marked patrol vehicles
- 6 unmarked vehicles
- 1 marked pick-up
- 2 marked Citizen on Patrol vehicles
- 1 armored vehicle
- 1 police/fire mobile command vehicle
- 3 traffic motorcycles
- 1 SWAT Equipment Transport Van

L014-16 |

• Emergency Response Plans

Figure 3.11-4 on Page 3.11-11 does not correctly identify hospital locations in Hanford. While there is a small complex on North Dotty (Central Valley), this facility does not provide emergency treatment. The primary hospital (Adventist Medical Center) is at Mall Drive and Seventh Street and does provide emergency treatment. There is a heliport at that location.

Figure 3.11-4 also does not show Fire Station #2, which is located on Houston near 11th Avenue. It does show a police or fire station to the west of town, which should probably have been identified as the hospital (Adventist Medical Center).

L014-17 |

Section 3.11.7 – Mitigation Measures

• Page 3.11-38

MM#2 indicates that payment of impact fees would lower impacts of safety and security hazards.

• Table 3.11-8 on Page 3.11-39 also indicates payment of impact fees would lower a "significant" impact to "less than significant".

Comment

Impact fees alone will not mitigate or lower impacts to a less than significant level and we believe that further analysis is warranted. Suggested mitigation measures are:

1. There will be a need to construct a fire station and a police substation on the east side to maintain current response times.
2. Additional staff to meet the demands for growth – per National Standards for Fire Fighters and one per thousand as per City Council policy for Police Officers.
3. Additional Fire apparatus, such as a ladder truck, and Police vehicles as required.
4. Additional radio equipment.
5. Special equipment for accidents.

L014-18 |

Section 3.13 – Land Use

• The proposed station site is outside the City's Sphere of Influence (SOI) and is not eligible for annexation. County policies direct development to the cities within the County. The County's General Plan shows the area as agricultural, which it has been for a very long time. The City has not identified a General Plan land use designation, since it's outside the SOI. The State's guidelines call for Transit Oriented Development (TOD) around the station, which would not be appropriate in the current proposed location. Although we have been told that the Kings-Tulare Regional Station would not be required to provide TOD, there is nothing in the EIR/EIS that would exclude the Hanford area station from this requirement. We would like an acknowledgment in this document that the Hanford area station would not be developed the same as stations in urban areas and that the area to would be allowed to remain in agriculture, with possibly an Urban Reserve designation for the future.

Submission L014 (Cathy Cain, City of Hanford, October 13, 2011) - Continued

Page 7

L014-18

The Draft EIR/EIS has indicated that the impact to Land Use by the HST is less than significant and no mitigation is required. This is not plausible. The EIR/EIS has stated that the station locations will result in increased development around them and that will have an impact. Development around the Hanford area station would be detrimental to the agricultural area, as well as to Hanford's historic downtown. It is not appropriate to simply dismiss the growth inducing impact of the facility by stating the impact would be less than significant. We strongly request the Authority to do the necessary analysis to determine the growth inducing impacts of the HST and disclose them within the Draft EIR/EIS.

L014-19

- How much land would be removed from agriculture within Kings County, both for right-of-way and because of creating unusable parcels?

Some general questions, not necessarily covered in any specific section of the EIR-EIS are:

L014-20

- Could there be a problem with any potential contaminants in the fill used during construction? What are the negative repercussions if any contaminants or pests are brought in? How could this negatively impact the fertile valley soil? What are other potential problems that could be caused from the fill?

L014-21

- Will the upcoming financial plan have more analysis on the number of jobs created? CAHSRA has claimed that 20,000 jobs will be created for every \$1 billion spent on the project per year. Since it's estimated that \$5.5 billion will be spent for the rail between Fresno and Bakersfield, has it been confirmed that 20,000 jobs will be created in the Valley for five and a half years – or longer?

The City of Hanford appreciates the opportunity to review and comment on the Draft EIR/EIS for the Fresno to Bakersfield section of the California High Speed Rail project. We recognize the tremendous scope of the project and the difficulty in attempting to analyze and address all potential impacts. However, even in the short period of time allowed for review of the voluminous document, we have noted quite a few inadequacies.

As presented in the Draft EIR/EIS, the City of Hanford believes that the analysis of the Project fails to identify critical impacts to the community. We also believe that mitigation measures are not adequate to ensure that significant effects are mitigated to less than significant levels. Because a reasoned response to our comments would require the presentation of new information which identifies significant impacts not disclosed in the draft document, we request that the Draft EIR/EIS be re-circulated.

City staff is available to review any of the comments provided in this letter, or to assist the Authority in analyzing impacts and devising appropriate mitigation measures where feasible. Please send a written response to our comments prior to any action on the environmental document. You may contact me at (559) 585-2578 or via email at ccain@ci.hanford.ca.us with any questions or to request a meeting to discuss these comments in greater detail.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT



Cathy Cain
Interim Community Development Director

Response to Submission L014 (Cathy Cain, City of Hanford, October 13, 2011)

L014-1

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

L014-2

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

The Draft EIR/EIS provides extensive analysis of impacts in rural areas of the alternative alignments, including impacts on agricultural lands and agricultural businesses. Based on comments received on the Draft EIR/EIS, additional information was provided in the Revised DEIR/Supplemental DEIS on project impacts in rural areas.

L014-3

The Kings County Blueprint Principles relative to the HST project are the same as the land use goals and policies provided in the County of Kings 2035 General Plan (Kings County Planning Department 2010). Those goals and policies are evaluated in Section 3.13 of the EIR/EIS.

L014-4

Refer to Standard Response FB-Response-GENERAL-23.

In addition to forecasting HST ridership without a Hanford Station, the Authority tested two scenarios with a high-speed rail station near Hanford (i.e., the Kings/Tulare Regional Station): one with four trains per hour stopping at the Kings/Tulare Regional Station and a second with one train per hour (see Cambridge Systematics, Inc. 2011). The EIR/EIS uses the higher forecast (four trains per hour) to evaluate local and regional traffic and parking impacts.

The effect on overall HST riders is minor, because a large portion of the boardings at the Kings/Tulare Regional Station are attracted from the Fresno Station, and the additional time to stop trains reduces longer-distance inter-regional trips slightly more than additional ridership generated by the station.

Since publication of the Revised DEIR/Supplemental DEIS, the Authority and FRA have committed to constructing a Kings/Tulare Regional Station in the vicinity of Hanford as

L014-4

part of the project. The Kings/Tulare Regional Station is no longer considered a "potential" station. Construction timing would be based on ridership demand in the region, and would occur during Phase 2 of the statewide project, sometime after 2020.

L014-5

The text has been revised to include a reference to "Hanford" in the Revised DEIR/Supplemental DEIS.

L014-6

The majority of traffic directed to the Kings/Tulare Regional Station—East Alternative is expected to travel on SR 198 and SR 43. Road segments along Grangeville Boulevard are not anticipated to be affected by the HST project. Both Grangeville Boulevard and Lacey Boulevard are identified as arterial streets on Figure 3.2-11.

L014-7

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

L014-8

The project proposes a new roadway connection with SR 43, not direct access for the Kings/Tulare Regional Station—East Alternative.

L014-9

The Fresno to Bakersfield HST project will not preclude any jurisdiction or entity from constructing future transportation projects or improvements. The Authority will work with local jurisdictions to identify future transportation projects that could be affected by this implementation of the HST project.

L014-10

The Authority would work with local jurisdictions and other interested parties to phase the parking supply to support HST ridership demand and the demand of other uses in the vicinity of the station. The stations have not yet been designed (the illustrations in the EIR/EIS are conceptual) and will not be designed for several years. Similarly, actual ridership levels are not known at this time. As discussed in Section 2.2.3 of the Revised

Response to Submission L014 (Cathy Cain, City of Hanford, October 13, 2011) - Continued

L014-10

DEIR/Supplemental DEIS:

"Parking demand expectations are based on HST system ridership forecasts where parking availability is assumed to be unconstrained – meaning 100% of parking demand is assumed to be met. These projections provide a 'high' starting point to inform discussions with cities where stations are proposed. While this EIR/EIS identifies locations for parking facilities needed to satisfy the maximum forecast demand, parking is anticipated to be developed over time in phases, while also prioritizing access to the HST system through other modes such as transit, which could lead to less parking being necessary."

The Authority does not have sufficient information to provide precise information regarding the timing, design and funding of station parking; therefore, the phasing plan for parking structures has not yet been developed. The implementation of parking will be initiated in conjunction with the construction of the stations and the initiation of rail service, and will be phased in accord with ridership levels and demand.

L014-11

Reference to "Fresno station area" has been corrected in the Revised DEIR/Supplemental DEIS.

L014-12

Regional consultant staff collected the average daily traffic volumes at the study roadway segments for the Kings/Tulare Regional Station—East Alternative during March 2010. SR 198 was a one-lane, directional roadway at this time.

The Authority will work with local jurisdictions to identify future transportation projects that could be affected by the implementation of the HST project, and to not preclude these projects in the future.

L014-13

The sound exposure level (SEL) during a single noise event is the primary descriptor of a single noise event, and is used to describe noise from a HST passing a location along the track. SEL is an intermediate value in the calculation of both the equivalent

L014-13

continuous noise level (Leq) and the day-night sound level (Ldn). It represents a receiver's cumulative noise exposure from an event (train pass-by) and represents the total A-weighted sound during the event, normalized to a 1-second interval. There is considerable evidence that increased annoyance is likely to occur for train noise events with rapid onset rates. The relationship between speed and distance defines the locations where the onset rate for HST operations can cause annoyance or surprise, according to the FRA guidance manual (FRA 2005a). For the most part, the potential for increased annoyance is confined to an area very close to the tracks. In the Fresno to Bakersfield Section, the maximum train speeds would be 220 miles per hour. At this speed, the distance from the centerline of the tracks within which annoyance or surprise can occur would be 45 feet, which is within the project right-of-way where people and animals will be excluded with fencing. For these reasons, rapid onset noise events are considered to be negligible effects under NEPA and less-than-significant impacts under CEQA.

L014-14

Research on noise effects on wildlife and livestock is limited, but suggests that noise levels about 100 decibels (dBA) Sound Exposure Level (SEL) (the total A-weighted sound experienced by a receiver during a noise event, normalized to a 1-second interval) may cause animals to alter behavior. The FRA *High-Speed Ground Transportation Noise and Vibration Impact Assessment* manual (FRA 2005a) considers an SEL of 100 dBA the most appropriate threshold for disturbance effects on wildlife and livestock of all types. An animal would need to be within 100 feet of an at-grade guideway to experience an SEL of 100 dBA. Pile-driving activities related to construction may generate these noise levels if livestock/animals are located within 50 to 100 feet of the activity, but it is not likely that animals will be located this close as the right-of-way is 50 feet away from the centerline of the track. At this time, there is no conclusive evidence of noise and vibration decreasing production in livestock or affecting breeding habits. The Authority, or the subcontractor, will be responsible, as they will be the ones generating the noise during construction of the project. .

L014-15

Potential noise impact has been assessed at sensitive receivers, and these areas are identified in Section 3.4.5, Environmental Consequences, of the Revised

Response to Submission L014 (Cathy Cain, City of Hanford, October 13, 2011) - Continued

L014-15

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

The Authority will refine mitigation for homes with residual severe noise impacts (i.e., severe impacts that remain notwithstanding noise barriers) and address them on a case-by-case basis during final design of the Preferred Alternative. In addition to the potential use of noise barriers, other forms of noise mitigation may include improvements to the home itself that will reduce the levels by at least 5 dBA, such as adding acoustically treated windows, extra insulation, and mechanical ventilation as detailed in Section 3.4.7, Project.

The Revised DEIR/Supplemental DEIS proposes noise barriers in areas of severe noise impacts resulting from the project, where the barriers meet the cost-effectiveness criteria. To meet the cost-effectiveness criteria, barriers must mitigate noise for more than 10 sensitive receivers, be not less than 800 feet in length, be less than 14 feet in height, and cost below \$45,000 per benefited receiver. A receiver that receives at least a 5-dBA noise reduction due to the barrier is considered a benefited receiver.

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

L014-15

reduce the visual impact of the sound barriers.

L014-16

The suggested corrections have been made to the Revised DEIR/Supplemental DEIS.

L014-17

Refer to Standard Response FB-Response-S&S-03, FB-Response-S&S-04.

L014-18

As discussed in the Revised DEIR/Supplemental DEIS, the Kings/Tulare Regional Station–East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. Although, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station–East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. The Revised DEIR/Supplemental DEIS notes that the Kings/Tulare Regional Station–East would change the pattern and intensity of the use of the land, would be incompatible with adjacent land uses, and is likely to result in some unplanned changes in the use of existing adjacent land. The Revised DEIR/Supplemental DEIS does acknowledge the potential for undesired growth to occur.

Section 3.13.5.3 discusses that the Kings/Tulare Regional Station–West Alternative would convert about 44 acres of agricultural, residential, and industrial land uses to a transportation use. Like the Kings/Tulare Regional Station–East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station–West. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on

Response to Submission L014 (Cathy Cain, City of Hanford, October 13, 2011) - Continued

L014-18

agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land. Therefore, the Revised DEIR/Supplemental DEIS acknowledges that the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–West Alternative is high.

As discussed in Section 3.13.5.3, although land acquired for the project would constitute a small portion of the total agricultural, industrial, residential, commercial, and public land in the four counties, all nine project alignment alternatives would result in permanent conversion of land in other uses to transportation-related uses. Overall, the effect of the permanent conversion of land for the project would have moderate intensity under NEPA and a significant impact under CEQA.

L014-19

As stated in Section 3.14.5.1, the BNSF Alternative would permanently convert 3,102 acres of Important Farmland to nonagricultural use. The Hanford West Bypass 1 and Hanford West Bypass 2 alternatives would decrease farmland impacts by 233 and 277 acres, respectively, in comparison to the BNSF Alternative, which travels to the east of Hanford. The Corcoran Elevated Alternative would decrease impacts on Important Farmland by 155 acres when compared with the BNSF Alternative. The Corcoran Bypass, Allensworth Bypass, and Wasco-Shafter Bypass alternatives would decrease the acreage of Important Farmland converted to nonagricultural use relative to the BNSF Alternative by 76, 82, and 16 acres, respectively. The Bakersfield South and Bakersfield Hybrid alternatives pass through an urban area and would not affect Important Farmland, as would the segments of the BNSF Alternative that correspond to the Bakersfield South and Bakersfield Hybrid alternatives.

The Authority and FRA have refined acreages of agricultural land that would be converted to non-agricultural land in the Revised DEIR/Supplemental DEIS as a result of continuing project design, comments received on the DEIR/DEIS, and additional consultation with public agencies. Because final design is not complete, the Revised DEIR/Supplemental DEIS took a conservative approach in identifying a footprint area within which project construction would occur and permanent structures would be

L014-19

placed.

L014-20

The Authority recognizes this concern and notes that the project would use only clean fill material for construction. Existing laws and regulations would prohibit or severely limit the use of contaminated materials to eliminate the spread of these materials and the risk of exposure to contaminated soils.

L014-21

The California High-speed Rail Authority compared job creation estimates from several sources, including the American Public Transportation Association and the President's Council of Economic Advisors, to develop an average figure of 20,000 job-years per \$1 billion in capital investment, with approximately one-third of those jobs the result of direct employment and approximately two-thirds the result of multiplier effects. Multiplier effects capture the impact that an initial amount of spending will have as it travels through the economy (as workers go to local restaurants, stores and other businesses who then pay their employees). The term job-years represents the equivalent number of one-year long, full-time jobs that will be created. The estimates are based on the capital costs of the program but do not include the costs associated with purchasing real estate which is considered an investment, not a source for job creation. However, 20 percent of the total real estate costs are assumed to include administrative and professional service fees associated with real estate purchases so these costs are included in the analysis. The Authority estimates construction will create approximately 20,000 jobs annually over five years in the Central Valley.

Submission L015 (John Gordon, City of Lemoore, October 13, 2011)

Fresno - Bakersfield - RECORD #675 DETAIL

Status : Action Pending
Record Date : 10/13/2011
Response Requested :
Stakeholder Type : Elected Official
Submission Date : 10/13/2011
Submission Method : Website
First Name : John
Last Name : Gordon
Professional Title : City Councilman
Business/Organization : City of Lemoore
Address :
Apt./Suite No. :
City : Lemoore
State : CA
Zip Code : 93245
Telephone :
Email : johngordonesq@gmail.com
Email Subscription :
Cell Phone :
Add to Mailing List : No

L015-1
 L015-2
 L015-3
 L015-4
 L015-5

**Stakeholder
 Comments/Issues :**

JOHN W. GORDON, ATTORNEY AT LAW
 P.O. Box 798
 Lemoore, CA 93245
 (559) 707-7191
 johngordonesq@gmail.com

October 12, 2011

RE: High Speed Rail EIR Comments
 Comment 1.

The High Speed Rail (HSR) line will create urban sprawl throughout the San Joaquin Valley (Valley). Working parents will look for cost effective housing and less population dense areas to raise their family. Therefore, HSR will increase the Valley population thereby encroaching on open spaces and sensitive habitats. Further, the population increase will cause a huge demand for a reliable municipal water source. These concerns come from the empirical evidence provided by the development in the city of Dublin, California. Dublin is the most eastern station on the Bay Area Rapid Transit System. Over the past two decades, Dublin saw an explosion in urban development. As the population has increased, there has been a greater demand for resources like water and an increase in local vehicle traffic. In this example a rural area became urbanized due to urban sprawl that Bay Area workers created.

These workers are better left in dense urban areas where they better utilize natural resources and are not lured into the possibility of less efficient single family housing on large lots. In addition, the Valley's water resources are much more suited to an agricultural use because of the yearly variability of surface water in the Valley. Hence, we would have to greatly deplete ground water and push environmental needs aside in order to satisfy the demands of urban sprawl in the San Joaquin Valley.

Comment 2.

The High Speed Rail (HSR) Authority's plan to move Amtrak onto the HSR System will have a negative impact on Kings County residents. Currently, the residents have an Amtrak station in down town Hanford. Putting Amtrak on the HSR System would require residents to travel to Fresno to utilize Amtrak services. This plan will create an extra 70 mile vehicle round trip for Kings County residents. Therefore, the plan increases pollutants like particulate matter, hydrocarbons, carbon monoxide, sulfur dioxide, nitrogen oxides and volatile organic compounds.

The carrot of a Hanford HSR station is economic infeasible. The price tag is much too great of a burden for the economically disadvantaged citizens of Kings County. Additionally, this carrot does not seem sincere as it is not a planned stop within the current HSR plan.

Comment 3.

There is great concern with the environmental record of the two engineering firms chosen to build the High Speed Rail (HSR) System. Siemens paid a \$500,000 fine for environmental violation in 2008 and has a pending case for violating the Clean Water Act by polluting the Sacramento River where the California Sportfishing Protection Alliance is the plaintiff. URS was issued a fine of \$150,000 last year by the Department of Energy.

The HSR System is a massive project and will have devastating impacts on the San Joaquin Valley if best engineering practices are not used.

Comment 4.

The High Speed Rail (HSR) Alignment that would run west of the city of Hanford will create readiness issues for the Lemoore Naval Air Station (LNAS). Many of the sailors that work at LNAS live in Hanford. The construction of the HSR and creation of bypasses needs to be addressed to insure the readiness of LNAS which has National Security

Submission L015 (John Gordon, City of Lemoore, October 13, 2011) - Continued

L015-5	consequences.
L015-6	In addition, many people that live in Lemoore work and/or shop in Hanford. The construction and operation of the HSR may impair Lemoore citizens travel to Hanford and increase travel distances due to lack of bypass ability of the HSR System. This would increase pollutants like particulate matter, hydrocarbons, carbon monoxide, sulfur dioxide, nitrogen oxides and volatile organic compounds.
L015-7	Comment 5. Assuming the High Speed Rail (HSR) Authority is environmentally and cost conscious, the HSR Authority must explain why the Bakersfield to Los Angeles is not the first priority. Amtrak riders from Northern California have to ride a bus from Bakersfield to Los Angeles because there is no connecting rail for this segment of California. These bus trips increase the San Joaquin Valley pollution by creating air pollutants like particulate matter, hydrocarbons, carbon monoxide, sulfur dioxide, nitrogen oxides and volatile organic compounds. Therefore, first, the HSR Authority must create the Bakersfield to Los Angeles segment in order to act in an environmentally responsible manner.
L015-8	Respectfully submitted, John W. Gordon Lemoore City Councilman

EIR/EIS Comment : Yes

Response to Submission L015 (John Gordon, City of Lemoore, October 13, 2011)

L015-1

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

L015-2

Refer to Standard Response FB-Response-GENERAL-03 and FB-Response-LU-01.

L015-3

HST operations would help improve long-term air quality in the San Joaquin Valley Air Basin by reducing vehicle miles traveled, a major source of air pollution. As described in the EIR/EIS, Section 3.3.6.3, the reductions in vehicle miles traveled and the consequential reduction in air pollution cover both inter-regional (from county to county) and intra-regional (within the county) travel.

L015-4

Since publication of the Revised DEIR/Supplemental DEIS, the Authority and FRA have committed to constructing a Kings/Tulare Regional Station in the vicinity of Hanford as part of the project. The Kings/Tulare Regional Station is no longer considered a "potential" station. Construction timing would be based on ridership demand in the region, and would occur during Phase 2 of the statewide project, sometime after 2020.

L015-5

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

As discussed in Chapter 2, Section 2.2 of the EIR/EIS, the HST System would include a dedicated, fully grade-separated and access-controlled right-of-way. Unlike existing passenger and freight trains in the project area, there would be no at-grade road crossings, and planning the system requires grade-separated overcrossings, undercrossings, and modifications for roadways.

Proposed road crossings of the HST alignment in the vicinity of Lemoore and Lemoore Naval Air Station are listed in Appendix 2-A, Road Crossings. For the Hanford West Bypass 1 and Bypass 2 alternatives in particular, Flint Avenue, Fargo Avenue, Grangeville Boulevard, 13th Avenue, West Lacey Boulevard, Glendale Avenue, SR 198, Hanford-Armona Road, Houston Avenue, Iona Avenue, 12th Avenue, Idaho Avenue,

L015-5

and Jackson Avenue (among others) would remain open and grade-separated from the HST alignment with either overcrossings or undercrossings. Please refer to Appendix 2-A for more detail.

As discussed in Standard Response FB-Response-TR-01, the project's Construction Transportation Plan will be developed in close cooperation with local jurisdictions.

L015-6

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

L015-7

As discussed in the Revised 2012 Business Plan (Authority 2012a), the California High-Speed Rail (HSR) Program will depend on a mix of public and private investment, the latter becoming available after the fundamental economics of the program are demonstrated. A phased approach to system development is the prudent course to build a foundation that allows for greater efficiency in the use of private investment once the initial segments of the system are in place.

This approach also recognizes current budgetary and funding realities. Among other things, the phased approach will help ensure the system's success by introducing Californians to HSR service and building ridership over time. At the same time, improvements can be made to regional systems that connect with HSR, resulting in the conventional and high-speed systems complementing each other.

The goals of Proposition 1A were used to develop the phasing strategy for the statewide HSR System and were guided by the following key principles:

- Divide the statewide HSR Program into a series of smaller, discrete projects that can stand alone, will provide viable revenue service, can be matched to available funding, and can be delivered through appropriate business models.
- Advance sections as soon as feasible to realize early benefits, especially employment, and to minimize inflation impact.
- Leverage existing rail systems and infrastructure, including connecting rail and bus services.

Response to Submission L015 (John Gordon, City of Lemoore, October 13, 2011) - Continued

L015-7

- Forge a long-term partnership with the federal government for program delivery.
- Develop partnerships with other transportation operators to identify efficiencies through leveraging state, regional, local, and capital program investments and maximizing connectivity between systems.
- Seek earliest feasible and best value private-sector participation and financing with appropriate risk transfer and cost containment.
- Mitigate against the risk of funding delays by providing decision points for state policy-makers to determine how and when the next steps should proceed while leaving a fully operational system and generating economic benefits at each step.

The Authority applied these principles, taking into account key factors such as cost, funding scenarios, and ridership and revenue projections, to develop an implementation strategy with the following key steps:

- **Step 1—Early Investments, Statewide Benefits.** The first construction of dedicated high-speed infrastructure for the initial operating system (IOS) begins in the Central Valley. As with all of the steps, this initial section is being developed to deliver early benefits by leveraging other systems—enabling them to operate on the new high-speed tracks, which can be done without impacts on design or the integrity of the new infrastructure. Improved passenger rail service would begin upon completion of the first IOS segment by connecting the (Amtrak) San Joaquin, Altamont Commuter Express, Sacramento Regional Transit, and the Capitol Corridor (and potentially Caltrain). Through a new, strategic approach, there is also the opportunity for new or improved travel between Bakersfield and Sacramento, Oakland, San Jose, and San Francisco. This expanded Northern California Unified Service could begin operation as early as 2018, with the potential to provide transportation and economic benefits well before fully operational high-speed rail service is initiated.

As part of this first step, complementary investments and improvements will be made to both accelerate benefits and distribute them more widely across the state. These investments will be made using the \$950 million in Proposition 1A connectivity funding, available Proposition 1A high-speed rail funds, future federal funds, and other sources, and will include the following:

- **Investment in the bookends:** In northern California, the long-awaited electrification of the Caltrain corridor will begin under a collaborative program between Bay Area agencies and the Authority. In addition, in a manner consistent with the Southern

L015-7

- California MOU, investments will be made in key rail corridors in the southern part of the state, such as upgrading the Metrolink corridor from Los Angeles to Palmdale.
- The Northern California Unified Service described above will be initiated.
- As the next step in the IOS, work to close the rail gap between Bakersfield and Palmdale through the Tehachapi Mountains will begin. Environmental clearance is possible in early 2014, and plans are being developed to move quickly to implement the improvements to close this critical gap and create the first statewide rail link between the Bay Area and the Los Angeles Basin.

- **Step 2—Initial HSR Operations.** Introduction of the state's (and the nation's) first fully operational HSR service will begin. This service can be operated by a private entity without subsidy, will have the potential to attract private investment to expand the system from Bay to Basin, and can be completed within a decade. The service will be blended with regional/local systems. The IOS is achieved through expansion of the first construction segment into an electrified operating high-speed rail line from Merced to Palmdale and the San Fernando Valley, accessing the populous Los Angeles Basin. Following on the work discussed above, the next priority in implementing the IOS will be closing the rail gap between Northern and Southern California by crossing the Tehachapi Mountains with new, dedicated HSR infrastructure. Prior to completion of the IOS to the San Fernando Valley, this link will tie the north to the south at Palmdale, where Metrolink commuter rail service can then provide service and connections throughout Southern California.

Currently, the IOS is defined as extending from Merced to the San Fernando Valley, and high-speed revenue service would only start once the full IOS is built and operable. Should ridership and revenue forecasts and financial projections demonstrate that revenue service compliant with Proposition 1A could begin earlier, with a shorter IOS, appropriate reviews would occur to consider and implement earlier service, if appropriate.

- **Step 3—The Bay to Basin System.** The dedicated HSR infrastructure of the IOS will be expanded north and west to San Jose, providing HSR service between the state's major population centers in the north and south and providing the platform for the transition to statewide blended operations. At this stage, passengers will be able to take a one-seat ride between greater Los Angeles (San Fernando Station) and the San

Response to Submission L015 (John Gordon, City of Lemoore, October 13, 2011) - Continued

L015-7

Francisco Transbay Transit Center using blended infrastructure in the north between San Francisco and San Jose (assuming electrification of the Caltrain corridor by 2020 as proposed by Caltrain), using dedicated HSR infrastructure between San Jose and the San Fernando Station, and, in the south, connecting via Metrolink between the San Fernando Valley Station and Los Angeles' Union Station and on to other points throughout Southern California.

- Step 4—The Phase 1 System. For the blended approach, the dedicated HSR infrastructure of the Bay-to-Basin system will be extended from the San Fernando Valley to Los Angeles Union Station, linking to a significantly upgraded passenger rail corridor developed to maximize service between Los Angeles and Anaheim while also addressing community concerns about new infrastructure impacts in a congested urban corridor that includes a number of established communities that abut the existing right-of-way. Under a full-build scenario, dedicated HSR infrastructure would be extended from San Jose to San Francisco's Transbay Transit Center and from Los Angeles to Anaheim.
- Step 5—The Phase 2 System. Phase 2 will extend the HSR System to Sacramento and San Diego, representing completion of the 800-mile statewide system. Travelers will be able to travel among all of the state's major population centers on HSR. Phase 2 areas will see improvements in rail service well in advance of the expansion of the HSR System through the combination of early investments and blended operations, as described in the Revised Business Plan.

L015-8

As discussed in Section 1.5 of the Revised DEIR/Supplemental DEIS, the Revised 2012 Business Plan describes in more detail how Phase 1 of the HST system will be implemented. Phase 1 will start in the Central Valley (the Merced to Fresno Section and the Fresno to Bakersfield Section) and build incrementally toward the Los Angeles Basin. Temporary increases in pollutants might occur because Amtrak riders will have to travel from Bakersfield to Los Angeles while those segments (the Bakersfield to Palmdale Section and the Palmdale to Los Angeles Section) are built. These increases would be offset, however, by HST operations that would help improve long-term air quality in the San Joaquin Valley Air Basin by reducing vehicle miles traveled, a major

L015-8

source of air pollution.

Submission L016 (John Guinn, City of Shafter, September 26, 2011)



09-26-11P04:20 RCVD

336 Pacific Avenue • Shafter, California 93263

September 22, 2011

Mr. Roelof van Ark, Chief Executive Officer
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Extending Public Review Period for Fresno to Bakersfield HST Draft EIR/EIS

Dear Mr. van Ark:

The 114 mile Fresno to Bakersfield High Speed Train (HST) project involves 4 counties, 6 cities, alternative alignments, new technology, and hundreds of infrastructure modifications from station and facility development to road crossings. The three volume Draft Environmental Impact Report/ Environmental Impact Statement (EIR/EIS) for the Fresno to Bakersfield HST tiers off a previous three volume 2005 Final EIR/EIS for the California High-Speed Train System (Tier 1 document). To adequately comment on the Fresno to Bakersfield HST Draft EIR/EIS, the Tier 1 document must be considered and referenced.

For local decision makers and interested citizens in the four counties and six cities to comment on the potential significant environmental impacts of the project, thousands upon thousands of pages of documentation and data must be reviewed. This review includes new terms and complex data that are not normally considered in environmental documents at the local level. One example is the analysis on electromagnetic fields and electromagnetic interference. The Draft EIR/EIS also includes federal environmental analysis which extends the amount of information for review.

The above description means neither a 60 day or 100 day public review period will provide sufficient time for any local decision maker or interested citizen to adequately review and comment on the project. To reference the Tier 1 document in conjunction with preparing comments for the HST Draft EIR/EIS, decision makers and interested citizens need a minimum public review period of 180 days. Therefore, on behalf of the City of Shafter, I am respectfully requesting that the California High-Speed Rail Authority extend the public review period for the Fresno to Bakersfield HST Draft EIR/EIS to February 10, 2012.

Sincerely,


John Guinn
City Manager

City Manager: (661) 746-5000 / Fax (661) 746-0607 • Finance: (661) 746-5001 / Fax (661) 746-1002
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Response to Submission L016 (John Guinn, City of Shafter, September 26, 2011)

L016-1

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

Submission L017 (John Guinn, City of Shafter, October 13, 2011)



336 Pacific Avenue • Shafter, California 93263

October 13, 2011

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

RE: City of Shafter Comments for California HST Project Fresno to Bakersfield Draft EIR/EIS

Dear Sir or Madam:

L017-1 | The California High-Speed Train Project Fresno to Bakersfield Section Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) states the project will increase the population in Fresno, Kings, Tulare, and Kern counties by 110,650 persons (see page 3.18-25). The Draft EIR/EIS further states that the project will require an additional 11,065 acres (17 square miles) of land to house the probable density of approximately 10 persons per acre (see page 3.18-25). Since none of the subject local jurisdictions have planned for this induced population growth, the project would have a potential significant impact on air quality, greenhouse gas emissions, agriculture, public services, and transportation. Even though the Draft EIR/EIS assumes residential densities will be increased near the Bakersfield and Fresno High-Speed Train stations and existing Spheres of Influence are large enough to accommodate the induce growth, there is no substantial evidence presented in the Draft EIR/EIS that shows how the impact(s) will be reduced to a level that is less than significant. The impact on local communities has not been addressed.

L017-2 | The California High-Speed Train project is proposed in multiple phases. The funding for those phases is unsettled. It may be decades before any significant portion of the project is actually running high-speed trains. The potential significant impact of other train systems using the project needs to be addressed in the Draft EIR/EIS.

L017-3 | The maps in Volume 1 of the Draft EIR/EIS show the community/urban areas with outdated incorporated boundaries. Shafter is shown with its 1992 incorporated area on most maps. Some show the 1997 incorporated area. The text in Volume 1 of the Draft EIR/EIS references the smaller incorporated area which significantly affects the environmental analysis of the document. Appendices 3.19-A and 3.19-B of the Draft EIR/EIS show the correct incorporated boundaries for Shafter and other cities. The maps in Volume I should be updated with the city limits from these appendices and the analysis in Volume 1 updated accordingly.

On behalf of the City of Shafter, I want to thank the High-Speed Rail Authority for extending the comment period for the Draft EIR/EIS and we look forward to reviewing the revised draft next year.

Sincerely,

John Guinn
City Manager

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

Response to Submission L017 (John Guinn, City of Shafter, October 13, 2011)

L017-1

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

L017-2

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

L017-3

The maps included in Volume I of the Revised DEIR/Supplemental DEIS have been revised in response to your comment.

Submission L018 (Bob Link, City of Visalia, October 13, 2011)

City of Visalia

425 East Oak Avenue, Suite 301, Visalia, CA 93291



Office of the Mayor

Tel: (559) 713-4512 Fax: (559) 713-4800

October 13, 2011

Bob Link
Mayor

Fresno to Bakersfield Draft EIR/EIS Comment
California High Speed Rail Authority Board
770 L Street, Suite 800
Sacramento CA 95814

Amy Shuklian
Vice Mayor

E. Warren Gubler
Councilmember

**Subject: Fresno to Bakersfield Draft EIR/EIS Comments/Discussion Paper on
Kings-Tulare Regional High Speed Train Station**

Dear Chairperson Thomas Umberg and Authority Board Members:

L018-1 Steven A. Nelsen
Councilmember

This letter is being sent from the City of Visalia as a comment letter on the Fresno to Bakersfield Draft EIR/EIS and as a "white paper" in support of the Potential Kings-Tulare Regional High Speed Train (HST) Station east of Hanford. The letter is in support of the environmental, economic, strategic, and environmental justice benefits of the future Kings-Tulare Regional HST Station proposed at the juncture of State Highways 43 and 198, east of Hanford. This letter will also express the City of Visalia's willingness to take a leadership role for the region and in partnership with the High Speed Rail Authority in planning for the Kings-Tulare High Speed Train Station at the juncture of State Highways 198 and 43.

Donald P. Sharp
Councilmember

The City is aware from the press release dated October 5, 2011 that the High Speed Rail Authority will be revising the Fresno-Bakersfield Draft Environmental Impact Report to re-consider the Hanford West Bypass Alignment and a future station site on the west side of Hanford. The City of Visalia believes reconsideration of the Hanford West Bypass and west of Hanford station site is ill-conceived and will only serve to create additional acrimony in the controversy over the high speed rail alignment through Kings County. Further, the Hanford West Bypass Alternative would move the Kings-Tulare Station several miles to the west and further from higher and growing population concentrations located on the east side of the San Joaquin Valley, thereby making ridership less attractive for a majority of residents in the two-county area.

Overview

Visalia has followed and participated in the High Speed Rail project since its inception. Our region actively engaged in the evaluation of alignment alternatives, and had hoped that the high speed rail alignment near the State Highway 99 corridor would be selected as the recommended route. The Highway 99 alignment would have enabled a station to be established in Tulare County near the highest population concentrations in the Kings County/Tulare County region which are located on the east side of the Valley. However, the Draft EIR/EIS recommends placing the high speed train system along the Burlington Northern Santa Fe alignment in Kings County with a potential station to be located near the juncture of State Highway 198 and State Highway 43 along the Hanford East Bypass. While this station location is further from population

concentrations on the east side of the San Joaquin Valley in our region, the potential Kings-Tulare regional station can nonetheless adequately serve the population concentrations in both Tulare County and Kings County through an existing comprehensive and efficient regional bus transit system that interconnects populations in both counties.

Kings-Tulare Station

If the high speed train system is built in California, the construction of the Kings-Tulare Regional Station is fully justified and critically needed. Further, the station can be planned, constructed, and operated as a rural station in reliance upon existing interconnected transit systems that can link population concentrations in cities and communities throughout the two-county region to the rural station. These conclusions are supported by the following:

Strong Regional Population Growth: The Kings-Tulare Regional Station will serve one of the fastest growing regions of California. The region currently has approximately 600,000 residents. According to State Department of Finance projections, by 2030, the region is projected to have almost 1 million residents. Tulare County by itself is projected to have over 1 million residents by 2050.

Regional Relationship to California: Although the Kings County-Tulare County region is situated almost in the geographical center of the State of California, the long driving distance to major urban centers of the state (200 miles to San Francisco, 200 miles to Sacramento, 180 miles to Los Angeles), combined with increasing congestion on state highways, makes the Kings-Tulare region remote. This remoteness restricts access to educational opportunities, medical specialties, business opportunities, cultural events, and other benefits available only in highly urbanized areas.

Lack of Alternative Transportation Modes: The remoteness of the Central Valley increases each year due to the lack of reasonably priced, convenient methods of access to large metropolitan areas of the State. Highway 99 is the major transportation spine through the San Joaquin Valley, but over the years it has become increasingly congested and poorly maintained. Adding lanes has helped but not made access along this route appreciably better because traffic has continually increased. Likewise, major routes into Los Angeles (I-5) and the San Francisco Bay Area (Highway 580) experience significant congestion even though those highways have increased to as many as 5 lanes each way. The Kings-Tulare HST Station will provide a convenient and hopefully reasonable cost alternative transportation mode to access the many beneficial services located in major urban centers.

Station Accessibility: The distance between Fresno and Bakersfield is 115 miles. If the Kings-Tulare Regional Station is not built, this will be the longest segment without a station in the entire system. The hundreds of thousands of residents and business persons in our region would be forced to drive 40-50 miles on average to access high speed rail. Given this choice, many residents from our region will instead choose to continue to their destinations via automobile, thereby exacerbating highway congestion and air pollution problems. The Tulare-Kings Regional Station will provide a convenient and feasible high speed train (HST) alternative to vehicle travel for the large and growing regional population.

Submission L018 (Bob Link, City of Visalia, October 13, 2011) - Continued

Regional Air Quality Benefits: A primary benefit of high speed rail is the improvement to regional air quality as travelers switch from vehicle to train transportation. This benefit is extremely important to our area of the San Joaquin Valley. **Environment California Research and Policy Center, in its September 2011 report entitled "Danger In The Air: Unhealthy Air Days In 2010 and 2011" identified the Visalia/Porterville/Tulare Metropolitan Statistical Area as having the second most polluted air in the entire nation!** Providing an accessible, convenient regional HST station will encourage travelers to use high speed train instead of vehicle travel, and help reduce mobile air emissions. Getting people out of cars and using transit is a major strategy in solving the critical air pollution problem in the Central San Joaquin Valley, and particularly Tulare County.

Gateway to Sequoia-Kings Canyon National Park: The Sequoia-Kings Canyon National Park is a premier tourist destination in California and the United States. Located in Tulare County and east of Visalia, the Park received approximately 1,003,000 visitors in 2010 according to the National Park Service. The City provides a convenient, economical "Sequoia Shuttle" service from Visalia to and from the Park. This shuttle service connects to an internal shuttle that provides access to popular locations within the Park. Sequoia Shuttle statistics indicated that about 41% of riders to the Park come from outside California, and about 18% come from outside the United States. The Kings-Tulare Regional Station will serve as a major gateway for many visitors to the Park. With regional transit connecting Visalia to the Kings-Tulare Station and shuttle service to and within the Park, visitors from outside Kings and Tulare County will be able to access the Park via high speed rail and regional transit systems **without having to use an automobile.**

Access to Lemoore Naval Air Station: Located approximately 18 miles west of the proposed Kings-Tulare Regional Station, Lemoore Naval Air Station is a major air/military base serving the western United States. Commissioned in 1961, Lemoore NAS is the Navy's largest master jet base and the home of the strike Fighter Wing Pacific. The Base's population grew 77% between 2000 and 2010 to 10,200 (military and civilian). Transportation options for military personnel are limited, as many do not have vehicles on base and rely heavily on public transit. The Kings-Tulare Regional Station would provide a fast and convenient method of transportation for base personnel to access urban centers around the state.

Economic Revitalization: The business climate in the Central San Joaquin Valley currently lags behind the major urban centers of California. Agriculture remains the dominant regional industry; however, agriculture employment is limited except for field work, providing low skill, low technology, and low wage jobs. Increasing mechanization has also reduced job opportunities in the agricultural industry. While local governments have tried to diversify the regional economy, the current lack of educated and highly skilled local workers has discouraged technology-based industries from locating in the region. The region experiences unemployment rates chronically higher than the rest of California (currently, the California unemployment rate is 12.1%, compared to 15.3% in Kings County and 15.7% in Tulare County, according to State Employment Development Department statistics). High speed rail can help stimulate the local economy by making educational and training opportunities

available in major urban centers more accessible, and by increasing the interconnectivity of business between the Central Valley and the rest of California.

Socio-Economic Benefits: The San Joaquin Valley, particularly the Central Valley, suffers from many socio-economic problems due to factors including the primarily agricultural job base, influx of migrants seeking jobs, and lack of educational opportunities. Key socio-economic measurements derived from the U.S. Census Bureau, 2010 American Community Survey include:

Educational Attainment: In 2010, 30.1% of Californians over 25 years old had a bachelor's degree or higher, as compared to 10.9% in Kings county and 13.4% in Tulare County. In contrast, 10.5% of Californians over 25 have less than a 9th grade education compared to 15.6% in Kings County and 20.5% in Tulare County.

Income Levels: Statewide per capita income in 2010 was \$27,353, compared to \$17,129 for Kings County and \$17,365 for Tulare County.

Families Below Poverty Level: In 2010, 11.8% of all families in California had annual income below the poverty level, as compared to 18.3% in Kings County and 20.7% in Tulare County.

The Census data shown above clearly indicates that the Kings-Tulare region has been "left behind" with respect to economic prosperity in California. The difficult socio-economic conditions that exist in the Central Valley have given rise to the unflattering nickname "The Appalachia of the West". (See attached article from The Economist, January 21, 2010 - "California's Central Valley: The Appalachia of the West".)

Regional Ridership Support: Amtrak's *San Joaquin Line* extends through the San Joaquin Valley between Los Angeles and San Francisco/Sacramento. **The San Joaquin Line is the 5th busiest rail corridor in the United States.** This heavy ridership is reflective of the higher percentage of low-income residents in the Central Valley who are transit dependent for economic reasons. Ridership on the San Joaquin Line continues to grow and outpace other popular routes. From June 2010 to June 2011, ridership on the San Joaquin Line increased by 12.8%. Comparatively, another popular California Amtrak line, the Pacific Surfliner which connects San Luis Obispo with San Diego via Santa Barbara and Los Angeles, increased ridership by only 4% during the same period.

The Hanford Amtrak Station consistently ranks among the top of the stations along the San Joaquin Lines for ridership. During the June 2010- June 2011 period, Hanford ranked 4th (187,750 boardings/arrivals) among the 16 stations along the route. Notably, Sacramento ranked 5th with 117,093 boardings/arrivals. Clearly, the transit-dependent nature of many residents of the Kings-Tulare Region creates a strong demand for train transportation. The Kings-Tulare HST Station will draw strong ridership from a local population that is already well accustomed and economically inclined toward train travel.

Strong Transit Growth: As noted earlier, the economic characteristics of our region has generated strong reliance on bus transit as a feasible method of

Submission L018 (Bob Link, City of Visalia, October 13, 2011) - Continued

transportation. This is clearly demonstrated in ridership growth for the Visalia Transit system, the largest system in the region. In the 2000-01 fiscal year, annual ridership for Visalia Transit was approximately 1.2 million riders. In the recently completed 2010-11 fiscal year, ridership increased to approximately 1.6 million riders. These numbers indicate about a 33% increase over the 10 year period. This upward trend in ridership is expected to continue as transit remains convenient and financially competitive compared to other modes of transportation.

Kings-Tulare Station as a Rural Station

The future Kings Tulare HST Station is unique because it will be the only rural station in the high speed rail system. While most stations in the system will be located within urbanized areas, mostly in downtowns, the alignment being recommended in the draft environmental impact report does not traverse an urbanized area in our region, though the proposed station location is just east of the City of Hanford in Kings County. Nonetheless, the proposed station location as shown in the DEIR is adequately suited to the geographic characteristics of the two-county region due to the manner in which our population centers are dispersed.

The total population in Tulare and Kings County is large (currently 600,000) and is dispersed among 12 incorporated cities and unincorporated communities. Population data from the State Department of Finance for the two counties and their incorporated cities is as follows:

KINGS COUNTY

Avenal	15,094
Corcoran	24,154
Hanford	54,950
Lemoore	24,835
Unincorporated	34,332
County Total	153,365

TULARE COUNTY

Dinuba	21,950
Exeter	10,395
Farmersville	10,796
Lindsay	12,020
Porterville	54,843
Tulare	59,926
Visalia	125,770
Woodlake	7,331
Unincorporated	143,806
County Total	446,837

KINGS-TULARE REGION TOTAL – 600,202

Several major population centers are situated close to the Kings-Tulare Regional Station. Hanford (population 54,950) is the county seat of Kings County and located approximately 3 miles from the station site. Lemoore (population 24,835) is on Highway 198 about 12 miles west of the HST Station. Tulare (population 59,926) is approximately 20 miles from the station via Highway 99 and Highway 198. Visalia (population 125,770) is the county seat of Tulare County and is approximately 18 miles from the station site. Visalia residents will have direct access to the station site via State Highway 198, which is currently being expanded to two lanes each way (4 lanes total) between Visalia and Hanford. (These mileage distances are measured from downtown city centers to the HST Station site.)

When the Highway 198 expansion is completed in 2012, the combined populations of Hanford, Lemoore, Visalia, and Tulare (over 265,000 residents) will be about a 20- minute drive or less of the Kings-Tulare Regional Station.

The population characteristics of the Tulare-Kings region with respect to our proposed HST station can be contrasted with stations designated for specific cities along the high speed train route. Examples of populations of cities designated for downtown stations are as follows:

Gilroy	48,821
Merced	80,542
Palmdale	152,622
Murrieta	103,466
Escondido	143,911

Submission L018 (Bob Link, City of Visalia, October 13, 2011) - Continued

The Kings-Tulare HST Station will be located inside a close cluster of cities that together contain over 265,000 residents. Further, the station site will be situated along a major highway that is easily and conveniently accessible by all cities in the region. In that respect, the geographic location of the HST Station will effectively serve the population centers of the region in a manner that may be superior to locating the station inside one particular city.

Regional Transit Connectivity to the Kings-Tulare HST Station

As discussed earlier, the economic characteristics of the Kings-Tulare region results in many households being heavily reliant on transit. Local and regional governments have recognized this condition for many years. To address transit demands, the region has developed an intricate and interconnected regional bus transit system to effectively transport residents between cities and unincorporated communities and the two counties.

Tulare County has four independently operated city bus transit systems and a county-wide, public transit system that connect residents from incorporated cities and unincorporated rural communities to other regional destinations. City transit systems include independent intra-city systems in the cities of Dinuba, Porterville, Tulare and Visalia. The Visalia transit system also provides regular transit service to the nearby cities of Farmersville and Exeter and operates the Sequoia National Park Shuttle. Tulare County operates a county-wide transit system (Tulare County Area Transit, or TCAT) that serves unincorporated communities, along with the cities of Woodlake and Lindsay. TCAT also provides inter-city transit services, enabling residents in Tulare County to move efficiently between cities and unincorporated communities.

Kings County has an integrated transit system similar to Tulare County. The Kings Area Rural Transit (KART) system provides both intra-city and inter-city transit services for the cities of Avenal, Corcoran, Lemoore and Hanford in Kings County and for the City of Coalinga in southwestern Fresno County. KART also serves several unincorporated communities and Lemoore Naval Air Station.

Integrated county-wide transit systems in both counties enable passengers from outlying cities and communities to travel to regional transit centers in Downtown Hanford and Downtown Visalia. Both KART and AMTRAK provide regular bus service between Visalia Downtown Transit Center and Hanford Downtown Transit Center (located next to ANTRAK Station). This integrated regional system enables efficient transit service within and between both counties, and will form the basis for effectively connecting residents in the region to the future Kings-Tulare HST Station.

Transit Oriented Development Strategies

Unlike other HST station locations, the Kings-Tulare Regional Station is not intended to serve as an urban station, but will remain exclusively rural while serving a large population dispersed throughout the region in large and small cities and unincorporated communities. Given its rural nature, the Kings-Tulare HST station will not be a focal point for transit-oriented development (TOD). Rather, the station will remain rural but easily accessible to regional population centers by virtue of the station's strategic location at the juncture of State Highways 198 and 43. This strategy is well suited to this area because existing population centers are well established throughout the region and an additional pocket of urban growth around the HST

Station is not needed and would have detrimental effects by consuming agricultural land.

However, the rural HST station does not mean high speed rail will not foster transit-oriented development. Rather, it is anticipated that TOD will be discouraged around the Kings-Tulare Station but pursued around outlying downtown transit centers throughout the region, especially Visalia, Tulare, Hanford, Dinuba and Porterville.

As noted above, major cities in the region (Visalia, Hanford, Porterville, Tulare, Dinuba) have downtown transit centers. These centers are effectively connected and intertwined by KART and Tulare County Area Transit. In essence, the downtown transit centers serve as local hubs for intra-city transit routes and as boarding/arrival points for bus travel within the two-county region, and for travel to the AMTRAK station in Hanford.

All cities in the region have land use policies fostering sustainability and effective urban planning. Among the most important are downtown revitalization, urban infill, prevention of sprawl, and preservation of agricultural lands. Incentives for downtown infill are critical for strengthening city centers.

Transit connection to high speed rail, when added to intra-city and regional bus transit services in existing cities, will strengthen the attractiveness of downtown housing and job growth within each city. Comprehensive transit service is a cornerstone of transit-oriented development. Existing cities in the region can use this attribute, including transit service to the Kings-Tulare Regional HST Station, as a key feature in the establishment of future TOD projects within each respective city.

Future Regional Light Passenger Rail

The Tulare Council Association of Governments, the City of Visalia, and the City of Tulare have undertaken preliminary studies to develop potential route alignments for a future regional light rail passenger system to serve the growing Tulare-Visalia metropolitan area. Funded by a \$10 million allocation from Measure R (a half-cent sales tax override approved by Tulare County voters in 2006), initial efforts will include route selection, system planning, and right of way acquisition. The establishment of the Kings-Tulare Regional HST Station will create a key destination point for a light rail system.

The future HST Station will be located very near the east-west alignment of the Cross Valley Rail Line, an existing freight rail system extending from the City of Huron in West Fresno County, easterly near Lemoore NAS, through the Cities of Lemoore and Hanford, and connecting to the City of Visalia. Future light rail studies in Tulare County will explore the feasibility of connecting to future rail passenger service on the Cross Valley Rail Line as another means of moving travelers from the Tulare-Visalia metro area to the Kings-Tulare Regional HST Station.

Conclusion

High speed rail service provided by a strategically situated local station is greatly needed in the Kings and Tulare County region. The station would not only provide immediate and obvious benefits of improved air quality and convenient travel but, more importantly, significant long term socio-economic benefits by effectively connecting our region to the many services offered exclusively in major urban centers of our state.

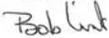
Submission L018 (Bob Link, City of Visalia, October 13, 2011) - Continued

Educational opportunities, medical services, business connections and other critical relationships will be made easier and more effective through a conveniently accessible HST station. The ability to travel more efficiently to metropolitan cities will help improve our regional education levels, health statistics, business climate and overall standard of living.

These benefits can be achieved in a way that does not compromise environmental priorities or land use planning. The Kings-Tulare HST station can function effectively as a rural station, located at the juncture of two state highways and near an existing rail line. Existing interconnected regional bus transit systems and a future Tulare County light passenger rail system can provide efficient and environmentally beneficial transportation to the station. Transit oriented development can be encouraged and planned around downtown transit centers in outlying cities in the region.

Cities and other local governments in the Kings County and Tulare County region have the understanding of local conditions and technical expertise to create an efficient transit-oriented regional system to connect our growing cities to a future rural HST station. We request that the High Speed Rail Authority form a partnership with local governments to plan and deliver a high speed train station that meets the objectives of the High Speed Rail Authority and the needs of our local citizens. The City of Visalia is willing to assist the High Speed Rail Authority in strategic planning for the Kings-Tulare Regional station.

Thanks you for considering the interests of the City of Visalia and our region in a rural High Speed Train Station. The City's contact on this matter is Mike Olmos, Assistant City Manager, who can be contacted at 559-713-4332 or molmos@ci.visalia.ca.us.

Sincerely,

Bob Link
Mayor

Attachments:

1. Map of Regional Bus Service
2. Map Comparing Commute Distances to the HST Station
3. Article from The Economist: "California's Central Valley: The Appalachia of the West."

CC:

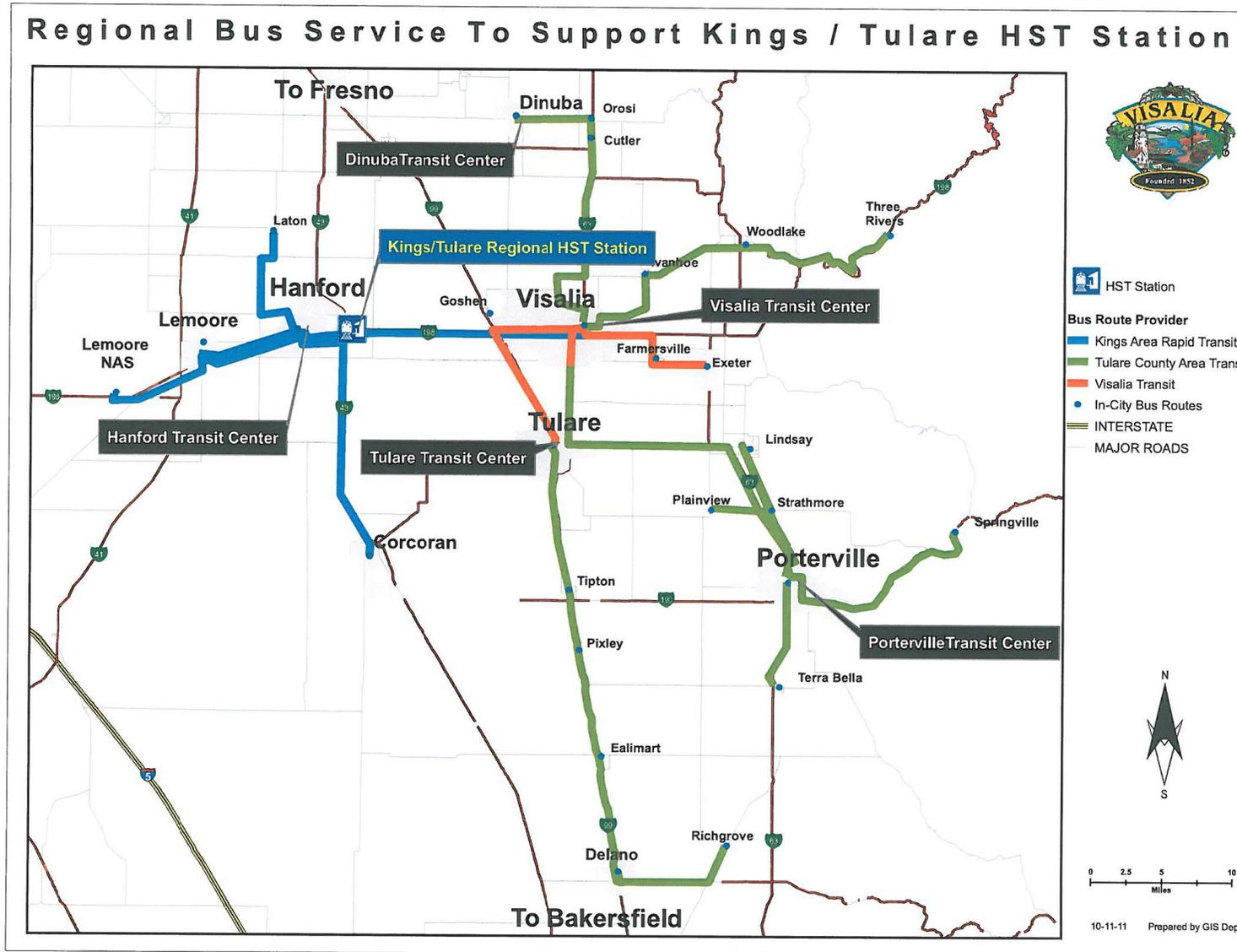
Visalia City Council
Tulare County Association of Governments
Kings County Association of Governments
Tulare County Board of Supervisors
Kings County Board of Supervisors
City of Dinuba – Tulare County
City of Exeter – Tulare County
City of Farmersville – Tulare County
City of Lindsay – Tulare County
City of Porterville – Tulare County
City of Tulare – Tulare County
City of Woodlake – Tulare County
City of Avenal – Kings County
City of Corcoran – Kings County
City of Hanford – Kings County
City of Lemoore – Kings County
Senator Jean Fuller
Assembly Member Connie Conway
Senator Diane Feinstein
Senator Barbara Boxer
Congressman Devin Nunes

Response to Submission L018 (Bob Link, City of Visalia, October 13, 2011)

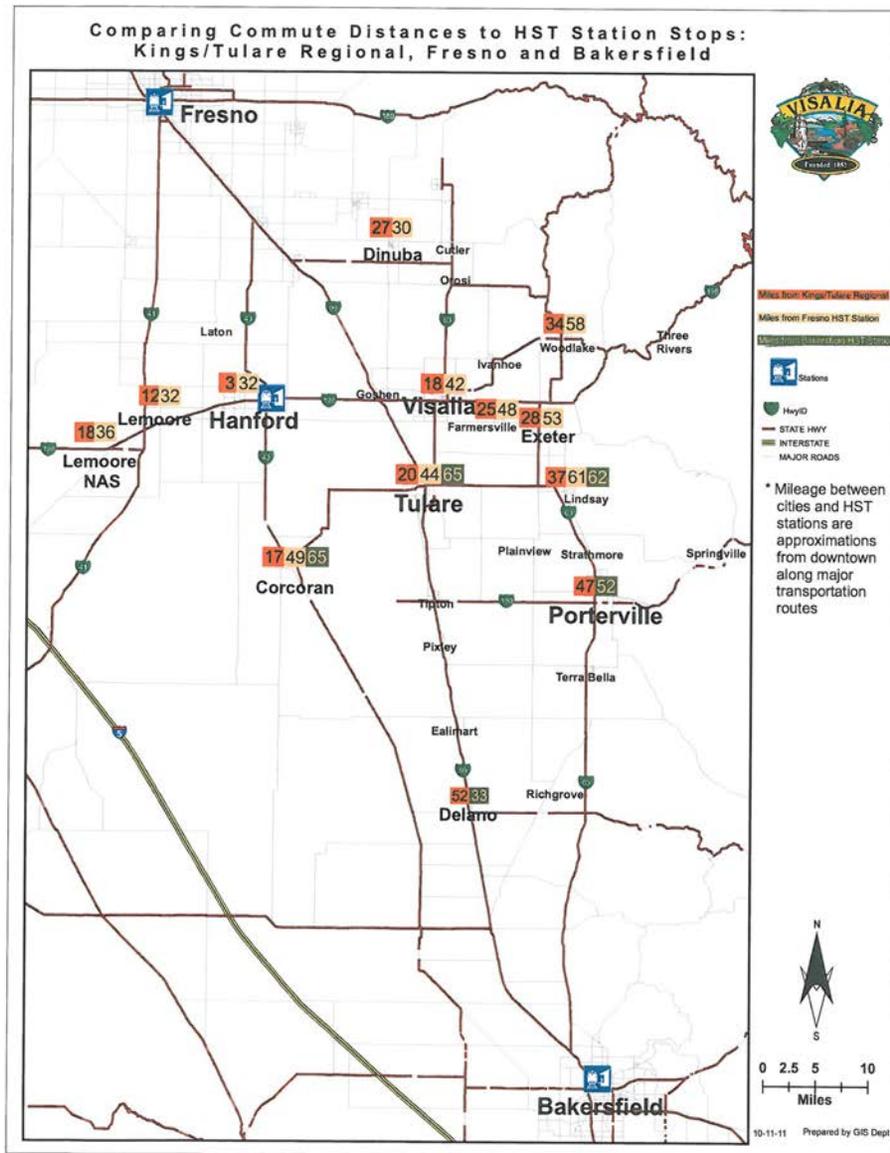
L018-1

Refer to Standard Response FB-Response-GENERAL-09 and FB-Response-GENERAL-10.

Attachment to Submission L018 (Bob Link, City of Visalia, October 13, 2011) - Map of Regional Bus Service.pdf



Attachment to Submission L018 (Bob Link, City of Visalia, October 13, 2011) - Map Comparing Commute Distances to the HST Station.pdf



Attachment to Submission L018 (Bob Link, City of Visalia, October 13, 2011) - The Economist - California's Central Valley - The Appalachia of the West.pdf

California's Central Valley: The Appalachia of the West | The Economist - chris westerga... Page 1 of 5

California's Central Valley: The Appalachia of the West | The Economist - chris westerga... Page 2 of 5

chris westergaard's posterous

bigger than a bread basket, smaller than a....

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California's Central Valley: The Appalachia of the West | The Economist

JAN 21

[United States](#)

California's Central Valley

The Appalachia of the West

California's agricultural heartland threatens to become a wasteland

Jan 21st 2010 | *FIELDS BETWEEN BAKERSFIELD AND VISALIA*
From *The Economist* print edition



Alamy

<http://chriswestergaard.posterous.com/californias-central-valley-the-appalachia-of>

10/04/2011

MIKE CHRISMAN looks out from his SUV as he drives through seemingly endless rows of walnut trees on his property near Visalia, in central California. "I have to be optimistic, I'm so tied to this land," he says. His great-grandfather, after trying his luck in the Gold Rush, settled in Visalia in the 1850s, and the family has been there ever since. But as California's secretary for natural resources—a job at the intersection of the environmental and farming lobbies, perennially at loggerheads over the state's scarcest resource, water—Mr Chrisman also knows that optimism has become a minority view.

His land is in California's Central Valley, a region that covers 19 counties and stretches for 450 miles (725km) from the Cascade mountains in the north to the Tehachapis in the south, and is bounded in the east by the Sierra Nevada and the west by California's Coast Ranges. Much of it was an inland sea in its geological past, and its alluvial soils and Mediterranean climate make parts of it, particularly the San Joaquin valley in the south, about the most fertile agricultural region in the world.

But this status is at risk because water, the vital ingredient to make the soil productive, is increasingly scarce. Some of the reasons are natural; California has been in one of its periodic droughts since 2006, and climate change is a long-term threat to the state's mountain snowpacks. Others are political; the pumps and aqueducts that carry water from the wetter north to the dry fields in the south are creaking with age, threatening ecosystems and endangering species.

"Water is our biggest issue," says Bill Phillimore, the manager at Paramount Farms near Bakersfield, the largest grower of pistachios and almonds in the world, and of pomegranates and citrus fruits in America. Water used to be 20% of Paramount's costs, he says, but now accounts for 30%. As a result, many farmers are letting their fields lie fallow or switching from thirsty crops, such as cotton, to those that need less. Paramount's trees, lined up like soldiers on parade as far as the eye can see, are irrigated by tiny "micro-sprinklers" at their base so that water hits only the roots and no drop goes to waste.

Farming will not disappear, but whether it will be as big as it is now is a question, says Mr Phillimore, adding that "If the agriculture goes away, there is nothing." In the San Joaquin valley agriculture provides almost 20% of the jobs. The alternatives are depressing and scant. For example, many of California's prisons are sited in the

<http://chriswestergaard.posterous.com/californias-central-valley-the-appalachia-of>

10/04/2011

Attachment to Submission L018 (Bob Link, City of Visalia, October 13, 2011) - The Economist - California's Central Valley - The Appalachia of the West.pdf - Continued

California's Central Valley: The Appalachia of the West | The Economist - chris westerga... Page 3 of 5

California's Central Valley: The Appalachia of the West | The Economist - chris westerga... Page 4 of 5

Central Valley's wide expanses, in what is sometimes called an "archipelago".



A big problem is that the workforce in the Central Valley is badly educated, says Carol Whiteside, the founder of the Great Valley Centre, a not-for-profit organisation whose aim is to improve the region. The largest farms are often still owned by the families that arrived a century or so ago—the descendants of Portuguese and Dutch immigrants are big in dairy farms, for example. But most of the whites tend to be "Okies" who arrived from the dust bowl of the Great Plains during the depression, such as the fictional Joad family in John Steinbeck's "The Grapes of Wrath", who drove up and down in search of work on the stretch of Highway 99 where Paramount Farms now sits.

Economically, socially and educationally, their descendants have barely moved up. Nor have more recent immigrant groups such as the Hmong, Thai and Mien, who came to work in the fields during the 1970s and now live in Central Valley cities such as Stockton, Fresno and Modesto—or, of course, the Mexicans, who have been coming since then and are now the majority of workers in the fields, where Spanish is the common language.

These demographic trends, combined with the water shortage, are causing worry. The Central Valley is already one of the poorest regions of the country. And its population, about 6.7m in 2008, is among the fastest-growing; it is expected to double in the next 40 years, as new immigrants continue to pour in looking for farm work.

http://chriswestergaard.posterous.com/californias-central-valley-the-appalachia-of 10/04/2011

This has led to comparisons with Appalachia, which has also relied on a declining extractive industry (coal mining) and has suffered from high unemployment, poverty and a relatively unskilled workforce. A report commissioned by Congress in 2005 argued that the San Joaquin valley is in some respects behind Appalachia's coal country in diversifying its economy.

As the almond trees of the San Joaquin valley go into their February bloom, turning the plains white with their buds and abuzz with millions of bees who are temporarily imported to pollinate them, it may be hard to see devastation in the making. Nonetheless, the Central Valley's future looks increasingly barren.

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I wish I could still afford my subscription to the Economist, even though they have a European liberal editorial slant, their reporting and features are still better than any US publication. It's nice to see the ecosystem of the entire Valley put into the story, we tend to get focused on our little corner. With all the chatter about better branding for Fresno, et al., I think it's important for us to see the brutally honest facts so that we can take action that changes the area for the better, instead of just trying to (if I can use an appropriate agricultural analogy) put some lipstick on this pig.

0 Filed under // CentralValley Education Immigrant Water

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Submission L019 (Alan Christensen, City of Wasco, August 23, 2011)

Fresno - Bakersfield - RECORD #136 DETAIL	
Status :	Action Pending
Record Date :	8/23/2011
Response Requested :	No
Stakeholder Type :	Government
Submission Date :	8/23/2011
Submission Method :	Website
First Name :	Alan
Last Name :	Christensen
Professional Title :	City Manager
Business/Organization :	City of Wasco
Address :	
Apt./Suite No. :	
City :	Bakersfield
State :	CA
Zip Code :	93280
Telephone :	6615871312
Email :	alanc@ci.wasco.ca.us
Email Subscription :	Fresno - Bakersfield
Cell Phone :	
Add to Mailing List :	Yes

L019-1

**Stakeholder
Comments/Issues :**

The California High-Speed Rail Authority has been developing the project-level Draft EIR/EIS for the Fresno to Bakersfield section of the California High-Speed Rail Project. The City of Wasco is taking specific interest in the preferred alignment for the rail tracks that will send high speed trains through our downtown.

First of all, let me say that the Wasco City Council generally supports the downtown alignment as preferred. At this time, your staff indicates that the preferred alignment would go on the west side of the BNSF right-of-way. This letter is a formal notice to the Authority that the Wasco City Council is opposed to a western alignment and insists that the track should be located east of the BNSF line instead.

The east location is desirable for the following reasons. First, a western alignment severely impacts many key businesses and residences. Second, the many businesses impacted on the west location are significant to the City of Wasco. Many of those industrial businesses are the largest industrial employers in Wasco. We are certain that if those businesses were displaced, many would choose to relocate outside the City of Wasco with jobs permanently lost to the community. Third, the economic harm caused by impacting so many of our business and residential properties will devastate the city's tax base. It is difficult to quantify the amount of lost revenue caused by the loss of so many key businesses, but we can say that it would take the community many years to recover from lost property tax and business tax revenue.

We have been led to believe that the BNSF Railroad's objection to the eastern alignment is the primary reason why a west side alignment is not preferred at this time. Apparently BNSF believes an eastern alignment would hurt their operations. We do not believe that is the case, and we believe they could be convinced if they understood the realities of project better. We ask your assistance in coming up with ways to keep the rail alignment on an eastern path acceptable to the BNSF, the High-Speed Rail Authority and the City of Wasco.

EIR/EIS Comment :

Yes

Response to Submission L019 (Alan Christensen, City of Wasco, August 23, 2011)

L019-1

Refer to Standard Response FB-Response-GENERAL-10, FB-Response-GENERAL-14.

The *Preliminary Fresno to Bakersfield Alternatives Analysis Report* (Authority and FRA 2010b) studied alternatives through Wasco on both the western and eastern sides of the BNSF right-of-way.

The Wasco/Shafter Through-Town At-Grade Option (CTT2A) would travel on the eastern side of the BNSF right-of-way and was withdrawn during the Preliminary Alternatives Analysis process due to its major intrusion through a small community; extensive commercial displacements; loss of road network connectivity; and costly, complex construction. This alignment would also have major impacts on BNSF Railway sidings and spurs, and require grade separations that would have major impacts on the existing roadway network. This alignment would require relocation of the existing Amtrak station platform, and pass near an agricultural workers' compound, which could raise environmental justice issues.

Placing an alignment to the east of the BNSF Railway would displace the BNSF railyard and facilities, including two customer spur lines. Because the BNSF is a common carrier, it may not be possible to relocate their facilities if they choose not to participate. Locating an HST alignment further east would require placement of the alignment on the east side of H Street, which would displace a substantial number of low-income housing units.

For these reasons, two alternatives were carried forward for further analysis in the Fresno to Bakersfield Section EIR/EIS. The Wasco/Shafter Through-Town Elevated Option (CTT2B) (carried forward as the BNSF Alternative) would travel on the western side of the BNSF right-of-way. The Wasco/Shafter At-Grade East Bypass (CTT2D) (carried forward as the Wasco-Shafter Bypass Alternative) would bypass both cities to the east.

For more information, please see the *Preliminary Fresno to Bakersfield Alternatives Analysis Report* (June 2010b) available on the Authority's website.

Submission L020 (Alan Christensen, City of Wasco, October 10, 2011)



City of Wasco (661) 758-7214, Fax (661) 758-5411
 746 8th Street, Wasco, CA 93280

RECEIVED
 10-10-11P03:31 RCVD

October 1, 2011

BY FAX/MAIL/EMAIL

California High Speed Rail Authority
 Att. Mr. Dan Leavitt
 770 L. Street, Suite 800
 Sacramento, CA. 95814

Dear Mr. Leavitt,

RE: City of Wasco Comments on, The California High Speed Train; Fresno to Bakersfield, Draft Environmental Impact Report/Environmental Impact Statement

Miscellaneous Items

- L020-1 | 1. Analyze traffic impacts to City streets affected during construction, and specifically identify any streets that would be detoured or closed during construction or permanently as part of the project.
- L020-2 | 2. Evaluate the impact of the high speed rail project alternatives including the impacts of a Wasco to Bakersfield bike trail adjacent to the HST ROW.
- L020-3 | 3. The EIR/EIS should analyze how the project when built and during construction would impact access to the Wasco Transit/ Amtrak Station and impact on other local bus and shuttle services within the City of Wasco.
- L020-4 | 4. The EIR/EIS should evaluate all potential safety impacts from construction and operation of the HST. Wasco is urbanized along the railroad tracks, and accidents or explosions from trains traveling at 125 mph could have severe impacts on nearby residences, businesses, roadways, parks and other facilities.
- L020-5 | 5. The City of Wasco opposes proposed alignment No.1 on the west side of the BNSF tracks, this would impact many businesses and parcels in that corridor causing financial burden on the City. The City would support an alignment that is east of the BNSF main rail spur, this alignment would have little economic effect to the citizens and the City of Wasco.
- L020-6 | 6. Identify how land and structures within the HST ROW will be cared for and maintained.
- L020-7 | 7. Identify responsibility and timeliness of graffiti removal from all HST structures, will the authority seek to enter into maintenance agreements with the City.

Page | 1



- L020-8 | 8. There is no pedestrian crossing identified along the HST route through the City of Wasco, The City understands that the HST route through the City is to be elevated, the City is concerned that pedestrians crossing the BNSF lines will be distracted by the HST running along the track and that these citizens will not pay the proper attention to on-coming freight trains causing a hazard situation. The City would like to see a pedestrian crossing designed at 6th street and a 6' block wall constructed to the east of the BNSF lines running from 6th street to Poso.
- L020-9 | 9. Evaluate the impact of relocating City-owned utilities above ground and underground and relocation of the City-owned transit station along the BNSF line to continue operating as an Amtrak stop.

Economic Impacts

- L020-10 | 1. Evaluate the potential positive and negative impacts on real property values of adjacent and nearby properties due to the project. The analysis should consider the economic impacts of noise, vibration, increased daily train operations, visual impacts of elevated structures, and changes to circulation and access associated with the project within and surrounding the City of Wasco. The analysis should use property values based on individual communities, not a regional or County-wide average
- L020-11 | 2. Evaluate the full economic cost of the potential elimination of the Amtrak station within the City of Wasco.
- L020-12 | 3. Analyze construction and engineering techniques that would reduce construction noise and excavation impacts on adjacent properties.
- L020-13 | 4. Evaluate economic impacts to City of Wasco's business district that are in close proximity to the rail line and construction. Impacts to be assessed should include both construction period impacts due to reduced access or traffic detours and longer term impacts of noise and visual alterations near these businesses.

Visual Impacts

The City of Wasco General Plan contains many policies directed towards maintaining and enhancing design of private and public facilities to be attractive and compatible with nearby residences, commercial development, and public spaces, including streets. While the Wasco General Plan focus is on building and roadway construction, the EIR/EIS should address similar goals for the proposed High Speed Train. The EIR/EIS should:

- L020-14 | 1. Analyze how visual impacts would vary with different elevated track alignments and should identify measures to reduce visual impacts to the community. In particular, the visual impacts of the "catenaries" electrified system and associated retaining walls are potentially extensive, adding potentially unattractive clutter and unsightly structures to an alignment that may be 20 or more feet above grade. These lines would occur

Page | 2

Submission L020 (Alan Christensen, City of Wasco, October 10, 2011) - Continued



- L020-14 | immediately adjacent to homes, as well as businesses, parks, transit facilities, and other uses and would be visible from all of downtown Wasco and from many points some distance away from the actual tracks. The document should evaluate alternative technologies that would avoid the catenaries, including third rail technology, along with the tunnel (underground) or trench designs.
- L020-15 | 2. Address the impacts of the widened rail right-of-way, grade separations, and construction scenarios on existing trees and other vegetation, and should outline substantial mitigation to minimize the visual impacts of the project, including providing for extensive landscaping to screen the facilities as much as possible.
- L020-16 | 3. Address the visual impacts of components of the project other than the rail lines, trains, and catenaries, including any proposed safety fencing or walls. Techniques and treatments should be proposed to minimize the intrusiveness and unsightliness of those facilities, and to provide for as much openness and green space as possible.
- L020-17 | 4. Use state-of-the-art Visualization technology, including photorealistic models and animation, to demonstrate each of the design alternatives of elevated sections through Wasco. This should also include simulations of potential development above and near the alignment with tunnel or cut-and-cover options.
- L020-18 | 5. Evaluate the likelihood that the vertical walls of the elevated portion would attract graffiti and assess the ongoing cost to mitigate the impact.
- L020-19 | **Land Use & Community Design**
 1. Identify how each of the different vertical track alignments (i.e. tunnel, trench, and track at grade, elevated track) could potentially divide or connect the community. The at-grade and (particularly) elevated options appear to have substantial likelihood of division of the community. The document should, for those options, outline measures to demonstrate how such a project can enhance the community by providing attractive connections and interactions between neighborhoods, commercial/business areas and open spaces/parks.
- L020-20 | 2. Evaluate the potential adverse land use and economic issues associated with the establishment of the "ultimate ROW line" and the "loss of use" to those private properties whether the Train is built or not. Once the line is shown on maps, the properties illustrating a significant taking will become effectively useless. The affected property owners will be compensated if the train is built. The unavoidable negative impact will occur on those properties that are not "taken" and are forever in a state of limbo.
- L020-21 | 3. Evaluate the potential to sell development rights for a variety of residential, commercial, community, and/or parkland use below the elevated section, and identify the likely impacts of that development.



- L020-22 | 4. Wasco is not being considered for a stop/station along the HST route. Evaluate how a potential HST station in Wasco would affect right-of-way needs, and potential impacts of high intensity land use development around such a station. Impacts to be considered should include, but are not limited to economic benefits, traffic and parking, visual resources, noise, open space, and cultural/historic resources.
- L020-23 | 5. Propose innovative urban design solutions for underground, at-grade and/or elevated structures that provide for open passage and connections, attractive fences and walls (where such fences and walls are absolutely necessary), extensive landscaping, street furniture, and pedestrian and bicycle amenities, etc.
- L020-24 | 6. Evaluate the potential positive and negative impacts on real property values of adjacent and nearby properties due to the project. The analysis should consider the economic impacts of noise, vibration, increased daily train operations, visual impacts of elevated structures, and changes to circulation and access associated with the project. The analysis should use property values based on individual communities, not a regional or county-wide average.
- L020-25 | 7. Evaluate the full economic costs of pursuing potential eminent domain.
- L020-26 | 8. Evaluate the potential funding generated by air rights development above a depressed track alignment in Wasco (versus an elevated section) and how the development rights might be a funding mechanism for the underground alternative. Identify the agencies that would benefit with revenues from air rights development.
- L020-27 | 9. Analyze construction and engineering techniques that would reduce construction noise and excavation impacts on adjacent properties, and to preserve existing vegetation and/or provide extensive new mitigation screening.
- L020-28 | 10. Evaluate the economic impact to Wasco if the AMTRAK station and service is eliminated due to the construction/presence of the HST. Provide connectivity alternatives for Wasco residents who wish to take AMTRAK. Evaluate the additional VMT for Wasco residents who will have to drive to Bakersfield to access AMTRAK service.
- L020-29 |
- L020-30 | 11. Evaluate the potential to add a bike lane along the HST Right of Way from Wasco to Bakersfield.

Sincerely,

Alan Christensen
 City Manager
 City of Wasco

Response to Submission L020 (Alan Christensen, City of Wasco, October 10, 2011)

L020-1

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

L020-2

Construction of a Wasco to Bakersfield bike trail adjacent to the HST right-of-way is not a proposed project activity for the Fresno to Bakersfield Section of the HST System, and therefore is not analyzed in the Fresno to Bakersfield Section Revised DEIR/Supplemental DEIS.

L020-3

Amtrak service is not proposed to be discontinued in Wasco. The passenger platform in Wasco would be relocated prior to demolition of the existing structure if necessary. During construction, the Authority will coordinate with the appropriate transit jurisdiction(s) before limiting access to public transit and limiting movement of public transit vehicles. Potential actions that would impact access to transit include, but are not limited to, relocating or temporarily removing bus stops, temporarily reducing access to bus stops or transfer facilities, or otherwise temporarily modifying public transit routes or operations. Public transit routes and stops will be maintained when safe and feasible given construction requirements, and disruption to services will be minimized.

L020-4

Section 3.11 (Safety and Security) evaluates the safety impacts from construction and operation of the HST system. Because the HST would carry passengers and be electric-powered, there would be no safety hazards associated with HST cargo or fuel, such as fires, explosions, or the release of toxic gases. The hazard associated with the derailment of an HST is the physical mass and speed of the train colliding with a structure or people, which could only occur adjacent to the right-of-way. A basic design feature of an HST system is to contain train sets within the operational corridor. Strategies to ensure containment include design, operational, and maintenance plan elements that would ensure high-quality tracks and vehicle maintenance to reduce the risk of derailment. Also, physical elements, such as containment parapets, check rails, guard rails, and derailment walls, would be used in specific areas with a high risk of or high impact from derailment. These areas include elevated guideways, such as the guideways that will go through Wasco, and approaches to conventional rail and roadway

L020-4

crossings.

L020-5

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

The *Preliminary Fresno to Bakersfield Alternatives Analysis Report* (Authority and FRA 2010b) studied alternatives through Wasco on both the western and eastern sides of the BNSF right-of-way.

The Wasco/Shafter Through-Town At-Grade Option (CTT2A) would travel on the eastern side of the BNSF right-of-way and was withdrawn during the Preliminary Alternatives Analysis process due to major intrusion through a small community; extensive commercial displacements; loss of road network connectivity; and costly, complex construction. This alignment would also have major impacts on BNSF Railway sidings and spurs, and require grade separations that would have major impacts on the existing roadway network. This alignment would require relocation of the existing Amtrak station platform and would pass near an agricultural workers' compound, which could raise environmental justice issues.

Two alternatives were carried forward for further analysis in the Fresno to Bakersfield project EIR/EIS. The Wasco/Shafter Through-Town Elevated Option (CTT2B) (carried forward as the BNSF Alternative) would travel on the western side of the BNSF right-of-way. The Wasco/Shafter At-Grade East Bypass (CTT2D) (carried forward as the Wasco-Shafter Bypass Alternative) would bypass both cities to the east.

For more information, please see the *Preliminary Fresno to Bakersfield Alternatives Analysis Report* (Authority and FRA 2010b), available on the Authority's website.

L020-6

The California High-Speed Train Program Revised 2012 Business Plan (Authority 2012a) provides information on funding infrastructure and systems maintenance of the HST System. It is anticipated that the California High-Speed Rail Authority (Authority) will partner with the private sector through competitive procurement for the delivery, operation, and maintenance of system infrastructure and train service. Maintenance

Response to Submission L020 (Alan Christensen, City of Wasco, October 10, 2011) - Continued

L020-6

revenues may be collected through a track access charge imposed on train operators. To identify responsibility for infrastructure maintenance, the Authority and/or its private sector partners may work with local agencies to enter into maintenance agreements where the HST right-of-way intersects with local infrastructure. These maintenance agreements will identify how common issues such as graffiti and weed abatement will be addressed for land and structures within the HST right-of-way.

L020-7

The California High-Speed Rail Program Revised 2012 Business Plan (Authority 2012a) provides information on funding infrastructure and systems maintenance of the high-speed rail system. It is anticipated that the California High-Speed Rail Authority (Authority) will partner with the private sector through competitive procurement for the delivery, operation, and maintenance of system infrastructure and train service. Maintenance revenues may be collected through a track access charge imposed on train operators. To identify responsibility for infrastructure maintenance, the Authority and/or its private sector partners may work with local agencies to enter into maintenance agreements where the high-speed train (HST) right-of-way intersects with local infrastructure. These maintenance agreements will identify how common issues such as graffiti and weed abatement will be addressed for land and structures within the HST right-of-way.

L020-8

To protect public safety and the security of the California High-Speed Train (HST) System, pedestrian and bicycle facilities will not be located within the HST corridor. The California High-Speed Rail Authority (Authority) will continue to coordinate with local agencies planning bike and pedestrian infrastructure projects outside the HST corridor, and will work to ensure public safety and consistency with local design requirements and standards.

L020-9

Refer to Standard Response FB-Response-PU&E-03, FB-Response-GENERAL-12, FB-Response-GENERAL-13.

L020-9

The project construction contractor would coordinate schedules for utility relocations and protection-in-place with the utility owner to ensure the project would not result in prolonged disruption of services.

L020-10

Refer to Standard Response FB-Response-SO-02, FB-Response-SO-05.

For information on potential HST project impacts on property values, see Section 5.4.4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012g). See the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #3, Impact SO #4, and Impact SO #13, for effects on property and sales tax revenues.

L020-11

The Wasco Amtrak passenger platform may also be displaced by the project and would need to be relocated to minimize service interruptions. This issue has been identified as a special relocation consideration in the Draft Relocation Impacts Report, Section 6.4.3.1 (Authority and FRA 2012h).

L020-12

Refer to Mitigation Measures N&V-MM#1 and N&V-MM#2 in Section 3.4.7, Mitigation Measures, for mitigation measures that will be undertaken during construction of the project.

L020-13

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

For all project alternatives as well as all proposed station and HMF locations, construction impacts would include traffic congestion related to temporary road closures or detours, temporary increases in noise, and visual changes. (Refer to Chapter 3.2, Transportation; Chapter 3.4, Noise and Vibration; and Chapter 3.16, Aesthetics and Visual Resources, for full discussion of these construction impacts).

See Volume I Chapter 3.12 Impact SO #1 for information about the potential for

Response to Submission L020 (Alan Christensen, City of Wasco, October 10, 2011) - Continued

L020-13

construction activities to disrupt business activity. Detailed construction access plans will be developed before the start of construction, and the affected cities would review these plans before construction implementation. Although access to some businesses would be disrupted and detoured for short periods of time during construction, access would always be maintained, see Chapter 3.2 TR MM#1- Access Maintenance for Property Owners, which says that during construction, access will be maintained for owners to their property to a level that maintains pre-project viability of the property for its pre-project use. If a proposed road closure restricts current access to a property, alternative access via connections to existing roadways will be provided. If adjacent road access is not available, new road connections will be prepared, if feasible. If alternative road access is not feasible, the property will be considered for acquisition.

As discussed in Chapter 3.4, without mitigation, noise effects for many sensitive receivers in the Wasco area would have substantial intensity under NEPA and the impact would be significant under CEQA. These effects would be decreased to a less-than-significant level at most locations with the implementation of the proposed mitigation measures (N&V-MM#1-Construction Noise Mitigation Measures and N&V-MM#2-Construction Vibration Mitigation Measures). These impacts could remain significant at some locations due to the infeasibility of mitigation.

Figures 3.4-15 through 3.4-19 show the locations where the criteria were met for the construction of sound barriers for all HST alternatives. The sound barriers along the BNSF Alternative would mitigate 55% of the severe noise impacts in the Wasco-Shafter area. The noise receivers severely impacted in Wasco and Shafter that would not be mitigated by a sound barrier would receive other forms of mitigation, such as building insulation or payment of property noise easements. The Wasco-Shafter Bypass Alternative would use mitigation in the form of building insulation or payment of property noise easements to reduce severe impacts along this alternative. The Wasco-Shafter Bypass would have substantially fewer severe noise impacts than the BNSF Alternative because it avoids urban areas.

See Chapter 3.16, Aesthetics and Visual Resources, for information about temporary impacts related to new sources of light and glare during construction. The chapter explains that the impacts are of negligible intensity, and because their context would be

L020-13

localized, temporary, and with appropriate mitigation from AVR-MM#1a and #1b, minimally affected, they are therefore not significant under NEPA and would be reduced to less than significant levels under CEQA. Viewer sensitivity in established downtown areas can be high, see Impact AVR #2c. As such, the project would result in adverse visual effects that would remain significant under CEQA even after implementation of mitigation measures.

Although project construction would affect individuals and property owners, these impacts would be temporary and would not substantially affect community cohesion. Therefore, construction effects and impacts in Wasco's business district from the BNSF Alternative related to disruption or severance of community interactions or division of established communities would be of moderate intensity under NEPA, and less than significant under CEQA.

The short-term reductions in sales tax revenues are discussed in Chapter 3.12 Impact SO #13, because the need to acquire land will necessitate the relocation of businesses along the project alignment. With the relocation assistance provided under the Uniform Act, including assistance in finding replacement properties, moving expenses, and obtaining permits, temporary reductions in sales tax revenue from business displacement would be minimal. A detailed discussion of potential sales tax revenue losses is presented in section 5.4.4.4 of the CIA. Losses would be an insignificant amount of the annual revenue from sales tax collected by the cities and counties. Therefore, the economic impact is measurable, but would not be perceptible to community residents and no mitigation is required.

Additionally, the expected annual gain in sales tax revenue from project spending is greater than the expected loss from business relocation. Construction- and operation-related sales tax gains are examined in section 5.4.6 of the CIA. The impacted cities and counties will have considerable additional revenues attributed to the construction and operation of the HST.

L020-14

Refer to Standard Response FB-Response-AVR-02 and FB-Response-AVR-03, FB-Response-GENERAL-02, FB-Response-PU&E-02.

Response to Submission L020 (Alan Christensen, City of Wasco, October 10, 2011) - Continued

L020-14

Refer to Standard Responses FB-Response-AVR-02, FB-Response-AVR-03, FB-Response-GENERAL-02, FB-Response-PU&E-02, Chapter 2, Alternatives, of the Revised DEIR/Supplemental DEIS, and the Authority's website for Frequently Asked Questions under the heading "Technology."

The commenter asks about possible technical alternatives to catenary electric power systems. Third-rail technology was not considered because there is no available HST third-rail technology, and no third-rail HST systems are in operation anywhere in the world. Tunneling and trenching of segments to avoid potential visual impacts would be a prohibitively expensive way to address this issue; such an approach would require extensive tunneled or trenched segments to avoid visible overhead catenary systems, and these segments would have an extremely high cost.

Ultimately, the Wasco-Shafter Bypass Alternative was developed to address the visual (and other) issues in Wasco most effectively. With this alternative, the great majority of potentially sensitive visual receptors in Wasco would be completely avoided, rendering technological alternatives unnecessary.

L020-15

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

See also Mitigation Measures AVR-MM#2b, #2c, #2d, #2e, and #2f.

L020-16

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

See also Mitigation Measures AVR-MM#2b, #2c, #2d, #2e, #2f, and #2g.

L020-17

Simulations of a typical elevated section in Downtown Wasco are provided in Figure 3.16-44 in Section 3.16, Aesthetics and Visual Resources, of the Revised DEIR/Supplemental DEIS. Simulations of tunnel and cut-and-cover options have not

L020-17

been prepared because those options would be much less visually intrusive and would only be visible from relatively close range.

L020-18

The same measures cited for sound barriers in measure AVR-MM#2g would also apply to the standard non-sound vertical walls of the elevated structures. Surface coatings would be applied to facilitate graffiti removal.

The vertical walls atop the elevated structures are at the outside edge of the viaduct and would be accessible only via the rail bed/train track. Access to those walls would be extremely difficult.

The Authority would maintain all HST facilities, including elevated structures, provide appropriate graffiti control, and bear the cost of that control. The cost of that activity cannot be accurately ascertained at this time. Maintenance activities are described in Section 2.6, Operations and Service Plan, of the Revised DEIR/Supplemental DEIS. The Authority would not be responsible for maintaining lands outside of the project footprint.

L020-19

Refer to Standard Response FB-Response-GENERAL-05, FB-Response-GENERAL-10, FB-Response-GENERAL-14, FB-Response-SO-04.

See the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #1 and Impact SO #7, for examination of community division along the project.

L020-20

Unfortunately, the 'temporary limbo' of potentially impacted properties is an effect of any major public works project that evaluates alternatives, including new roadway construction projects. Once a preferred alternative has been selected, this uncertainty will be resolved and there will not be a lasting impact on properties not acquired for the project. Please refer to the Executive Summary S.11 Next Steps in the Environmental Process for information on the schedule for the selection of the preferred alternative,

Response to Submission L020 (Alan Christensen, City of Wasco, October 10, 2011) - Continued

L020-20

publication of the Fresno to Bakersfield Section Final EIR/EIS, issuance of the FRA's Record of Decision (ROD) and the Authority's Notice of Determination (NOD), property acquisition and start of construction. The property acquisition and compensation process will only begin once all necessary legal processes have been completed, funding has been secured and construction is ready to begin. This is scheduled to begin in 2014 and last through 2016. It is not possible to predict how home prices may fluctuate between now and the time homes are actually purchased for the project, but the market as a whole tends to fluctuate, not individual units or neighborhoods.

L020-21

The Authority has not determined whether they will allow the leasing of land under the HST guideway. Therefore, leasing land under the guideway is not a part of the project and is conservatively analyzed as permanently converted.

L020-22

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

L020-23

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

L020-24

Refer to Standard Response FB-Response-SO-02, FB-Response-SO-05.

For information on potential HST project impacts on property values, see Section 5.4.4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012g). See the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #3, Impact SO #4, and Impact SO #13, for effects on property and sales tax revenues.

L020-25

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

The Authority will negotiate with property owners whose land would be impacted by the HST System. The Authority has the power of eminent domain, allowing it to condemn

L020-25

the property of unwilling sellers, with payment of just compensation (i.e., fair market value) to the property owner. The HST Project financing includes funding for the costs of property acquisition. Eminent domain is viewed as a last resort in developing a statewide HST system. Information on the eminent domain process is available on the Authority's website.

As described in Chapter 3.12, overall, property and sales tax revenues are expected to increase as a result of the project. Short-term reductions in property tax revenues caused by private property being acquired for a public transportation purpose, and related sales tax revenue reductions associated with relocating businesses, will cause a tax revenue reduction. These revenue losses, however, are expected to be more than offset by both short-term increases in sales tax revenues from construction spending and long-term increases in the regional property and sales tax bases resulting from increased property values and new economic development through improved connectivity of the region to the rest of the state.

The analysis in Chapter 3.12 describes how a short-term reduction in property tax revenues may occur due to property acquisition by removing parcels from county tax rolls. This estimated amount ranges from a low of 0.03% of the total fiscal year 2009-2010 property-tax revenue of Tulare County to a high of 0.2% in Kings County. Therefore, the intensity is negligible for all alternatives, because the economic impact is measurable, but would not be perceptible to community residents.

Short-term property tax revenues could also be reduced as a result of perceived lower property values caused by proposed locations of project alternatives. Sales prices of properties that change ownership in advance of planned construction or during the construction period may be lower than current assessed values and may result in lower property tax revenues. These resulting overall changes in property values cannot be quantified as many factors influence these values and it is not possible to isolate the impact of a proposed project from all the other current and future effects on real estate supply and demand.

The short-term reductions in sales tax revenues are discussed in Chapter 3.12 Impact SO #13, because the need to acquire land will necessitate the relocation of businesses

Response to Submission L020 (Alan Christensen, City of Wasco, October 10, 2011) - Continued

L020-25

along the project alignment. With the relocation assistance provided under the Uniform Act, including assistance in finding replacement properties, moving expenses, and obtaining permits, temporary reductions in sales tax revenue from business displacement would be minimal. A detailed discussion of potential sales tax revenue losses is presented in section 5.4.4.4 of the CIA. Losses would be an insignificant amount of the annual revenue from sales tax collected by the cities and counties. Therefore, the economic impact is measurable, but would not be perceptible to community residents and no mitigation is required.

Additionally, the expected annual gain in sales tax revenue from project spending is greater than the expected loss from business relocation. Construction- and operation-related sales tax gains are examined in section 5.4.6 of the CIA. The impacted cities and counties will have considerable additional revenues attributed to the construction and operation of the HST.

L020-26

The Authority does not currently have air rights for lands crossed by the HST. Those rights must be provided by the State Legislature, which has not yet granted them. Because the granting of air rights is uncertain, the economic impacts were conservatively evaluated as permanent acquisitions and land use conversion.

This comment suggests that the alignment would be placed below ground in a covered trench or in a tunnel so that the land above the HST could be developed. Because of the height of the rail and the overhead contact system, the HST would need to be located 40 feet below grade to be fully depressed. In order to cover the HST, it would have to be placed in a trench at least 50 or 60 feet deep. The cost of the elevated structure through Wasco is approximately \$63 million/mile. While the cost for a cut-and-cover trench has not been developed, the cost of a retained cut 40 to 50 feet deep is estimated to be about \$131 million/mile. This would be less than the cost of a cut-and-cover trench but provides a ballpark estimate of the cost difference between such a trench and an elevated structure. The cost of a tunnel depends on the soils the tunnel goes through and the method used to excavate the tunnel, but the minimum cost would be approximately \$242 million/mile.

L020-26

If it is assumed that the depressed section would extend 3 miles from McCombs Avenue to the north and Jackson Avenue to the south, the cut-and cover trench would cost at least \$204 million more than the proposed elevated structure and the tunnel would cost about \$537 million than the proposed elevated structure. It is not expected that the development rights to the right-of-way through Wasco would approach this increase in construction costs.

L020-27

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

L020-28

The Wasco Amtrak passenger platform may also be displaced by the project and would need to be relocated to minimize service interruptions. This issue has been identified as a special relocation consideration in the Draft Relocation Impact Report, Section 6.4.3.1 (Authority and FRA 2012h).

L020-29

Refer to Standard Response FB-Response-GENERAL-12, FB-Response-TR-01.

Amtrak service is not proposed to be discontinued in Wasco. The passenger platform in Wasco would be relocated prior to demolition of the existing structure if necessary.

L020-30

To protect public safety and the security of the California High-Speed Train (HST) System, pedestrian and bicycle facilities will not be located within the HST corridor. The California High-Speed Rail Authority (Authority) will continue to coordinate with local agencies planning bike and pedestrian infrastructure projects outside the HST corridor, and will work to ensure public safety and consistency with local design requirements and standards.

Submission L021 (Carlo Wilcox, Corcoran Irrigation District, September 15, 2011)

DIRECTORS
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MATHEW O. GILKEY
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Corcoran Irrigation District

P.O. BOX 566 - CORCORAN, CALIFORNIA 95212
TELEPHONE (559) 992-5165 - FAX (559) 992-5166

09-15-11P03:13 RCVD

September 13, 2011

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

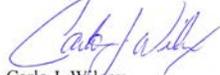
Re: Request for Extension of EIR/EIS Comment Period - Fresno to
Bakersfield Section

Dear Chairman and Members of the Board:

L021-1

The Corcoran Irrigation District supports the request of the J. G. Boswell
Company, dated September 8, 2011, for an extension of time to review the
EIR/EIS documents referenced above of at least 180 days.

Sincerely



Carlo J. Wilcox
Manager

MEMBER, ASSOCIATION OF CALIFORNIA WATER AGENCIES

Response to Submission L021 (Carlo Wilcox, Corcoran Irrigation District, September 15, 2011)

L021-1

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

Submission L022 (Carlo Wilcox, Corcoran Irrigation District, October 13, 2011)

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October 13, 2011

California High-Speed Rail Authority
Fresno to Bakersfield Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Re: Draft EIR/EIS Comments

Gentleman:

The Corcoran Irrigation District (CID) is a California Irrigation District that provides irrigation water to 42,000 acres of prime agricultural land located in Kings County in the area east and northeast of the historic Tulare Lake Basin. The District boundaries extend from Kansas Avenue to the north, Tucson Avenue to the south, the Kings-Tulare County line on the east and 10th Avenue to the west. The District is providing the following comments with respect to the proposed California High-Speed Rail Environmental Impact Report to make clear to the rail project the District irrigation water delivery works, the capacity and access requirements of the Corcoran Irrigation District so that the rail may the tasks it requires without interfering with the timely delivery of irrigation water to the landowners in the District. The District provides nearly all of the irrigation water required by the operators in the District. Nearly none of the landowners in the District own or operate irrigation wells and those growers rely on the District to provide their entire irrigation water supply. Careful coordination is mandatory to avoid interruptions in delivery and the economic losses that would occur if irrigation water is not delivered in appropriate quantities and on a timely basis to our growers for maximum crop production.

The facilities of concern are listed beginning in the north and working toward the south end of CID.

1. The northern most canal in the District is called the McCann #1 ditch. The McCann #1 ditch carries 50 to 60 cubic feet per second (cfs) from the east to property located on the west side of the BNSF railroad tracks. The canal is located along the north side of section 20 and 21, T20S, R22E. The canal crosses under the BNSF railroad tracks slightly south and 1/8th miles east

L022-2

of the northwest corner of section 20, T20S, R22E and then continues in a southeasterly direction along the west side of the BNSF right of way and parallel to the BNSF right of way until it reaches the Cross Creek near the south quarter corner of section 20. It is unclear where the California High Speed Rail route and the McCann Ditch route overlap. At the location where the ditch crosses under the California High Speed Rail CID will need a minimum of a 60 inch diameter reinforced concrete pipe to carry the design capacity. In addition the crossing under the rail line needs to be at least 40feet outside of the rail right of way on both sides so that our canal tenders, maintenance personnel and equipment can turn around at the intersection of the canal and the railroad right of way and perform work in the opposite direction rather than have to travel long distances in reverse. Also, depending where the proposed California High Speed Rail is located, a portion of the canal may need to be relocated.

2. The next location of concern is where the California High Speed Rail crosses over the Cross Creek. The Cross Creek is a natural channel that carries runoff water from the Saint Johns River as well as several other creeks and sloughs that contribute water from the Sierra Nevada and foothills into the Kaweah River and Saint Johns River systems into the creek. The capacity of the Cross Creek at the location where the California High Speed Rail will cross is in excess of 2,500 cfs. The Kaweah Delta Water Conservation District is the agency responsible for the operation and maintenance of the Cross Creek.
3. The McCann #2 Ditch currently delivers irrigation water from District facilities located east of State Highway 43 on the alignment of the north section line of section 28, T20S, R22E, then the canal jogs to the south for 1/4 mile and then it turns to the southwest and terminates on the west side of the BNSF railroad bed. It is unclear where and how the new California High Speed Rail route will impact both the District's delivery ditch (the McCann #2) and/or the adjacent property owner. Depending on the location of the California High Speed Rail, the ditch may have to be extended to the west to serve the property historically served. The capacity of the McCann #2 ditch is 10 cfs and the plumbing will need to sized appropriately.
4. The west branch of the Lakelands Canal crosses under State Highway 43 and the BNSF railroad bed near the California High Speed Rail station 2584 in Section 33 T20S, R22E. The west branch of the Lakeland Canal carries 250 cfs. The crossing under Highway 43 consists of two 60 inch diameter reinforced concrete pipes and two 42 inch diameter reinforced concrete pipes. Where the west branch of the Lakeland Canal crosses under

MEMBER ASSOCIATION OF CALIFORNIA WATER AGENCIES

Submission L022 (Carlo Wilcox, Corcoran Irrigation District, October 13, 2011) - Continued

L022-2

the California High Speed Rail bed a minimum of three 60 inch diameter reinforced concrete pipes or a box or combination of box culverts with a total cross section of not less than 60 square feet will be required. As indicated for the previous canal crossings, the crossing under the California High Speed Rail right of way must extend a minimum of 40 feet outside of the rail right of way so that canal tenders and maintenance equipment can make a "U turn" and either continue to perform maintenance or travel back on the opposite bank of the west branch of the Lakeland Canal.

5. The California High Speed Rail will cross over our Main Canal at the alignment of Nevada Avenue. The Main Canal is located on the south side of Nevada Avenue and delivers water from the reservoir located at the intersection of 6th and Nevada Avenues to the west to approximately 1/4 mile west of State Highway 43 at the northwest corner of section 3, T21S, R22E. The capacity of the Main Canal along Nevada Avenue is 160 cfs. The District will require two 60 inch diameter reinforced concrete pipes under the bed of the California High Speed Rail or a concrete box culvert with a minimum of 40 square feet of cross sectional area to carry the flow.
6. The capacity of the main canal east of Nevada Avenue where the canal continues to the south to serve the majority of the land in the District is 250 cfs and that capacity is maintained to well south of Quebec Avenue. It is unclear, depending which route is selected by the California High Speed Rail Authority, whether and where the California High Speed Rail will cross the Sweet Canal. The Sweet Canal is the District's major delivery canal. The canal continues to the southeast and parallels State Highway 43 beginning at the District's main (east/west) canal near the NW corner of the NE quarter of Section 3. T21S, R22E and continues to the southeast and crossing under State Highway 43 near 5th Avenue.

Depending on the route chosen by the California High Speed Rail Authority, the Sweet Canal may be crossed in an alignment that is nearly parallel with the Sweet Canal. This will be unworkable. When the routes are more finalized, more time and effort will be required to determine the best method to cross the Sweet Canal. Perhaps a canal crossing more perpendicular to the rail alignment and the relocation of a portion of the canal on one or both sides of the rail bed will be required. Unfortunately, there are many property owners in the area where the relocation is contemplated and the majority of the acreage served by the District is served from the Sweet Canal. Most of the acreage served is located downstream of State Highway 137. The California High Speed Rail must accomplish this relocation without interrupting the delivery of irrigation water to the growers in the District. Most of the growers located in the

L022-2

southern portion of the District do not own or maintain irrigation wells. Those growers rely entirely on the District for their irrigation water.

7. The Bean Extension is a District Delivery canal located on the west side of the BNSF railroad right of way. The Bean Extension diverts water from the Main Canal located on the south side of Nevada Avenue and carries the water in a southeasterly direction to approximately the southeast corner of the northeast quarter of the northeast quarter of section 10, T21S, R22E. The Bean Extension is fed by a 48 inch diameter turnout and carries 40 cfs maximum. Again, depending on the route chosen, the Bean Extension may have to completely relocated due to its location along the west side of the BNSF railroad right of way and parallel to the BNSF railroad right of way. More analysis will be required when the route of the train is defined.
8. At the intersection of Orange Avenue and 5th Avenue and the District operates the AX Canal. The AX Canal carries water from the northeast along the alignment of State Highway 137. The AX Canal is located on the south side of State Highway 137 and runs parallel to the highway. The AX Canal has a capacity of 60 cfs. Depending exactly how the California High Speed Rail will cross the AX Canal in this area, a 60 inch diameter reinforced concrete pipe crossing should carry the capacity of the ditch without costing excessive head pressure. As indicated with respect to the other canal/rail crossings referenced, the canal crossing must extend at least 40 feet outside of the California High Speed Rail footprint so that our men and equipment can negotiate a "U" turn and travel up the opposite canal bank to perform operation and maintenance work.
9. The Airport Ditch is a canal that carries District water, private water and flood water at times originating from the Deep Creek to the east. The canal is located along the south side of section 24, T21S, R22E as well as sections 19 and 20, T21S, R23E to the east. Often the canal carries flows in the range of 20 to 40 cfs, but at times when flood water must be carried the capacity approaches 80 to 100 cfs. The canal has a turnout with two 48 inch diameter reinforced concrete pipes connecting it to the Sweet Canal. We suggest that capacity be maintained to avoid flooding someone who has not been flooded in the past. Again, it is unclear exactly where the rail and the Airport Ditch will intersect. As such, more analysis will be needed when the final route is determined.
10. Once again, the Sweet Canal in the area either east or west of Santa Fe Avenue in Section 25, T21S, R22E appears to be in the path of the California High Speed Rail route. Again, the Canal and the rail route are parallel and as such, if the rail interferes with the Sweet Canal, a significant

Submission L022 (Carlo Wilcox, Corcoran Irrigation District, October 13, 2011) - Continued

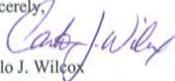
L022-2

relocation will be necessary with a crossing at some location that is perpendicular to the rail right of way. More analysis will be needed when the final route is determined. The crossing must have adequate capacity to pass 250 cfs. Recent upgrades made by CID have used ConSpan concrete arches that are open so that no additional head is lost. Either the same design or large concrete box culverts with sufficient cross section to pass 250 cfs without raising the upstream water level will be required by the District.

11. The District maintains a canal called the Hayes Lateral that carries water from the Sweet Canal to the west along the north side and parallel to Plymouth Avenue. The Hayes Lateral is designed to carry 60 cfs. Sixty inch diameter reinforced concrete pipe will be adequate to carry the canal capacity and if the rail bed interrupts the canal, forty feet of crossing beyond the California High Speed Rail right of way will be needed for operation and maintenance purposes.

12. Lastly, the District owns and operates three irrigation water wells in the area along the east side of section 25, T21S, R22E. Well E-72 is located on the west side of the BNSF right of way where the Sweet Canal crosses under the BNSF right of way. Well E-70 is located on the west side of the Sweet Canal near Plymouth Avenue and well E-71 is located near the intersection of State Highway 43 and Plymouth Avenue. These wells are located on the reach of the Sweet Canal that is located on the west side of the BNSF right of way and parallel to the BNSF right of way. Again, depending on the route chosen, the wells may have to be replaced.

The District understands the task the California High Speed Rail Authority has been charged with to construct this infrastructure item and the aggressive time schedule you have to do it. We offer the items above to make you aware of the various locations where the proposed rail and the Districts irrigation facilities will interfere with one another, but also and most importantly, to sensitize you with the complexity of doing the work. You are not simply putting in some pipes, box culverts or arch bridges. We have to continue to keep the irrigation water flowing the entire time. Most of the growers in the District rely on the District for all of their irrigation water and cannot tolerate an interruption in deliveries when the crops being irrigated need water without suffering economic devastation.

Sincerely,

Carlo J. Wilcox
Manager

cc: Board of Directors

L022-3

Response to Submission L022 (Carlo Wilcox, Corcoran Irrigation District, October 13, 2011)

L022-1

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

L022-2

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

L022-3

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

Submission L023 (Phil Larson, County of Fresno Board of Supervisors, September 23, 2011)



09-23-11PC1:58 RCVD

County of Fresno

BOARD OF SUPERVISORS
SUPERVISOR PHIL LARSON – DISTRICT ONE
CHAIRMAN

September 21, 2011

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

Subject: Draft Environmental Impact Report/Statement for Fresno to Bakersfield Section of the Proposed High Speed Rail Project

To Whom It May Concern:

Thank you for the opportunity to comment on the Draft Environmental Impact Reports/Statement (DEIR/DEIS) for the proposed High Speed Train Project. Fresno County would like to reiterate its support for the High Speed Train in California and specifically for the Burlington-Northern-Santa Fe (BNSF) Alignment Alternative 1 as reflected in the DEIR/DEIS, which parallels the BNSF Railroad south of Fresno, and shifts east of the BNSF near Conejo to bypass Laton and Hanford to the east. Fresno County has reviewed the DEIR/DEIS and offers the following initial comments. Additional comments may be provided at a later date.

L023-1

- Grade separations over County roads should be on the same alignment as the existing road. The long-term benefit to public safety and maintenance savings outweigh any short-term savings achieved by constructing the crossings as proposed. As expressed in our May 18, 2011 letter to Parsons Brinkerhoff, Engineering Manager, sound design principles for rural roads should be utilized when establishing both vertical and horizontal alignments. Change in grade should be minimized to the fullest extent possible, thus providing the required sight distance for rural County roads (55 mph). Horizontal curvature should be avoided whenever possible, and when required, alignment should be designed to provide the geometry required for rural County roads. Rural drivers expect to transverse over the railroad void of any unnecessary curvature. If necessary, slopes can be modified to reduce the footprint and have less impact to the surrounding properties. Benefits of incorporating horizontal alignments void of curves are listed below.
 - A realignment of the road will inevitably lead to vehicles running off the road because of unexpected curvatures, especially during foggy conditions that are prevalent in winter months.
 - Decrease impact to farmland. The curves will encroach on farmland and create irregularly shaped parcels that will decrease efficiency of farming.
 - It is likely that residents adjacent to the grade separation would rather be bought out rather than live with a large embankment and structure next to their homes. Consideration should be made to acquire these properties in lieu of a skewed-alignment grade separation.

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California High-Speed Rail Authority
September 21, 2011
Page 2

L023-1

- Easier to maintain. The irregular parcels will lead to unusable areas that will become magnets for trash dumping. The curves will require on-going maintenance of additional signage. It is foreseeable that signs could get knocked down due to drivers not negotiating the turn and it not being reported. This could increase the County's liability should another driver also miss the curve because of lack of signage.

L023-2

- More detailed comments about the crossings can be found in Attachment "A".
- The undercrossing proposed for State Route 43 (SR 43) should be designed to accommodate the anticipated widening of SR 43 to a four-lane expressway standard. SR 43 is a project in the local Measure C Regional Highway program. The California Department of Transportation (CalTrans) should be consulted on anticipated alignment and standards.

L023-3

- According to the DEIR, the BNSF alternative would result in conversion of 555 acres of Important Farmland in Fresno County, of which 255 acres are under Williamson Act Contract. The County requests that the Authority, in working with the Department of Conservation (DOC), acquire the contracted parcels and provide a list of the affected parcels to the County of Fresno. Per Government Code Section 51291(b), the Authority shall notify the DOC, as well as the County responsible for administering the preserve of its intention to acquire parcels that are under Contract.

L023-4

- Page 3.13-5 of the EIR, under the heading of "County and City General Plans," third line, the County General Plan is incorrectly referred to as "Fresno County 2003". The Fresno County General Plan was adopted in 2000. The same error appears on the same page under the heading of "Fresno County General Plan" (adopted), third line, as well as Page 3.14-4, under Table 3.14-1.

L023-5

- Please clarify the Project Schedule throughout the documents. The Summary (Page S-22) notes that testing and start-up are scheduled to commence mid-2016, with operations to begin at the beginning of 2018. The Preface indicates that operations will begin at the beginning of 2019. It is unclear how either of these fit within the Construction Schedule provided in the Community Impact Assessment Technical Report.

L023-6

- The Fresno County Department of Public Health provides the following additional information for consideration:
- Should any underground storage tanks be encountered during the project, the Project Manager or other responsible individual shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.
 - Any septic systems encountered during the project shall be properly destroyed by an appropriately licensed contractor, under permit and inspection from the Department of Public Works, Development Services Division (or appropriate City's jurisdiction).
 - Any existing water wells that are compromised by the project shall be properly destroyed by an appropriately licensed contractor, under permit and inspection from the Department of Public Health, Environmental Health Division (or appropriate City's jurisdiction). Contact the Water Surveillance Program at (559) 445-3350 for more information.
 - Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in

Submission L023 (Phil Larson, County of Fresno Board of Supervisors, September 23, 2011) -
Continued

California High-Speed Rail Authority
September 21, 2011
Page 3

L023-6

the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well shall be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

10. The following comments apply to the demolition or removal of structures necessary as part of the project:

- Should the structures have an active rodent or insect infestation, the infestation should be abated prior to demolition/removal of the structures in order to prevent the spread of vectors to adjacent properties.
- In the process of demolishing/removing existing structures, the contractor may encounter asbestos containing construction materials and materials coated with lead based paints.
- If asbestos containing materials are encountered, contact the San Joaquin Valley Unified Air Pollution Control District at (559) 230-6000 for more information.
- If any structure was constructed prior to 1979 or if lead-based paint is suspected to have been used in the structures, then prior to demolition and/or removal work the contractor should contact the following Agencies for current regulations and requirements:
 - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.
 - United States Environmental Protection Agency, Region 9, at (415) 947-8000.
 - State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA), at (559) 454-5302.
- All materials deemed hazardous as identified in the demolition/removal process must be characterized and disposed of in accordance with current federal, state, and local requirements.

If you have any questions on the transportation items, please contact Bob Palacios, Division Manager, Department of Public Works and Planning, Road Maintenance and Operations Division at rpalacios@co.fresno.ca.us or at (559) 600-4275, or for other questions please contact Briza Sholars, Planner, Department of Public Works and Planning, Development Services Division at bsholars@co.fresno.ca.us or at (559) 600-4207.

Sincerely,



Phil Larson, Chairman

c: Board of Supervisors
Lynn Gorman, Deputy Director, Department of Public Works and Planning
Jorge Granados, Deputy Director, Department of Public Works and Planning
Robert Palacios, Manager, Road Maintenance and Operations Division
Bernard Jimenez, Manager, Development Services Division
Wayne Fox, Supervising Environmental Health Specialist, Fresno County Department of Public Health
Vince Mendes, Supervising Environmental Health Specialist, Fresno County Department of Public Health
Briza Sholars, Development Services Division

ATTACHMENT "A"

Specific comments regarding County road crossings:

L023-7

- The County requests that crossings at American, Manning, Lincoln, South, and Floral Avenues remain at the current alignment rather than shifted. If necessary, the embankment slopes can be steepened to reduce the footprint and the impact to adjacent properties.

L023-8

- The County requests that the crossing at Nebraska Avenue be modified to minimize the off-set south of the existing alignment while still providing access to the industrial operation on the northeast quadrant.
- The County requests that an undercrossing be constructed to maintain the existing alignment at Davis Avenue rather than the overcrossing that requires large sweeping curves. The proposed realignment would affect a much larger agricultural area. Lift stations for drainage of the undercrossing should be designed with a backup system in case of a power failure.

L023-9

- High Speed Rail (HSR) needs to identify how the new crossings will be maintained. The HSR should not add a burden onto already strapped local agency maintenance budgets. It is recommended that embankment slopes be hardscaped to minimize future maintenance costs. If hardscaped, slopes may be steepened to reduce footprints and impacts.

L023-10

- Provisions must be made to contain drainage from the overcrossings such that any additional run-off generated is not directed to County roads or private property.

L023-11

- Roads proposed to be closed should be terminated in cul-de-sacs, unless abandoned by the County.

Response to Submission L023 (Phil Larson, County of Fresno Board of Supervisors, September 23, 2011)

L023-1

Through coordination with Fresno County officials, the majority of overcrossings have been realigned to provide straight overcrossings along existing roadway alignments, where feasible. These design modifications were evaluated in the Revised DEIR/Supplemental DEIS and in the Final EIR/EIS.

L023-2

Based on coordination with Fresno County officials and the California Department of Transportation, the undercrossing proposed for State Route 43 would be designed to accommodate four lanes of traffic. These design modifications were evaluated in the Revised DEIR/Supplemental DEIS.

L023-3

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

A letter of notification to acquire Williamson Act land has been sent to the Department of Conservation and each of the affected counties.

L023-4

The Authority and FRA revised the naming convention for the Fresno County General Plan (Fresno County 2000) in the Revised DEIR/Supplemental DEIS as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. The corrected terminology is used in Section 3.13, Station Planning, Land Use, and Development, of the Final EIR/EIS.

L023-5

The project schedule has been revised in the Revised DEIR/Supplemental DEIS. Please refer to the Preface for a schedule of milestones, and to Chapter 2, Table 2-17 for the approximate construction schedule.

L023-6

Comment noted. The Authority will coordinate with the Department of Public Health regarding requirements for any necessary removal of underground storage tanks, septic systems, water wells, and structures.

L023-7

Through coordination with Fresno County officials, the listed overcrossings (American, Manning, Lincoln, South, and Floral avenues) have been realigned to provide straight overcrossings along existing roadway alignments. The offset at Nebraska Avenue is designed to minimize the offset while still complying with county design speed requirements for curves and sight distance. These design modifications were evaluated in the Revised DEIR/Supplemental DEIS, and further refined in accordance with county requirements in the Final EIR/EIS.

L023-8

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

L023-9

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

The Authority would maintain the HST system, including the right-of-way and fence, and provide appropriate weed and pest control. Maintenance activities are described in Section 2.6, Operations and Service Plan, of the Revised DEIR/Supplemental DEIS. The Authority would not be responsible for maintaining land outside the project footprint.

Maintenance of highways is the responsibility of Caltrans; maintenance of local roads is under the appropriate jurisdiction (county or city) within its respective rights-of-way.

Regarding maintenance of overcrossing landscaping, Mitigation Measure AVR-2f requires that such landscaping will be maintained continuously and appropriate irrigation systems installed, if needed. Surface coatings will be applied on wood and concrete surfaces to facilitate cleaning and graffiti removal. Graffiti or visual defacement or damage will be painted over or repaired within a reasonable time after notification.

L023-10

Please see Chapter 3.8, Hydrology and Water Resources, of the Revised DEIR/Supplemental DEIS, impact WTR-5 (Section 5.2.2). This section indicates that runoff from overcrossings would be directed to infiltration/detention basins if a local

Response to Submission L023 (Phil Larson, County of Fresno Board of Supervisors, September 23, 2011) - Continued

L023-10

storm drain system does not exist or if the storm drain system does not have sufficient capacity.

L023-11

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

Sufficient area to incorporate cul-de-sacs at closed county roadways has been evaluated in the EIR/EIS. The details of these features will be developed with the county during the design and construction process.

Submission L024 (Mike Maggard, County of Kern, September 23, 2011)

BAKERSFIELD OFFICE
1115 TRUXTON AVENUE, ROOM 503
BAKERSFIELD, CA 93301
PHONE (661) 868-3670
FAX (661) 868-3677
district3@co.kern.ca.us



09-23-11P01:57 RCVD

FIELD OFFICE
1348 NORRIS ROAD
BAKERSFIELD, CA 93308
PHONE (661) 391-7480
FAX (661) 391-7488
www.co.kern.ca.us/bov/district3

MIKE MAGGARD
SUPERVISOR - THIRD DISTRICT

September 20, 2011

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

Dear Members:

As Supervisor for the 3rd District of the County of Kern, I am writing with my comments in regard to the California High Speed Train Fresno to Bakersfield Draft Environmental Impact Report/Environmental Impact Statement.

L024-1

During the selection process of alternative alignments of the *High Speed Rail Fresno to Bakersfield Segment* some disruptions to certain neighborhoods are unavoidable. However, it is imperative that the High Speed Rail Authority take every measure to avoid, mitigate and offset environmental impacts where possible. Specifically, I am writing with my concerns about the parcels located in metropolitan Bakersfield between Rosedale Highway and Brimhall and between Calloway and Jewetta; Parcels 223, 224, and 225.

It is evident that these parcels will be cleared in the future of all structures. The sites are intended to be left barren and in a desolate state, thereby reducing visual quality for the adjacent neighborhoods. I along with many nearby residents would like to see the development of greenbelts/greenspace along this portion of the alignment to enhance visual resources in the residential alignment area and reduce impacts to sensitive receivers. The HSR Authority has a responsibility to be a good neighbor and to minimize the impacts of the alignment footprint to the extent possible.

Thank you for allowing me to voice my concerns about the impacts to the neighborhoods in my district. I look forward to working together to ensure that mitigations are developed to protect the visual resources and aesthetics of our community as the HSR project moves forward.

Best regards,

Mike Maggard
Supervisor 3rd District

Response to Submission L024 (Mike Maggard, County of Kern, September 23, 2011)

L024-1

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

The Authority is committed to work with communities to improve the quality of views that include the HST. Mitigation measure AVR-MM#2 in Section 3.16 of the EIR/EIS would require the Authority and its design/build contractor to establish a process with the city or county with jurisdiction over the land along the alignment to advance the final design through a collaborative, context-sensitive solutions approach. Participants in the consultation process will meet on a regular basis to develop a consensus on the urban design elements that are to be incorporated into the final designs including landscaping. The process will include activities to solicit community input in the affected neighborhoods.

Submission L025 (Douglas Davis, Cross Creek Flood Control District, September 20, 2011)

CROSS CREEK FLOOD CONTROL DISTRICT

P.O. Box 985
Corcoran, California 93212
Telephone: (559) 992-3145

09-20-11A11:06 RCVD

September 15, 2011

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

Re: Request for Extension of EIR/EIS Comment Period, Fresno to Bakersfield Section

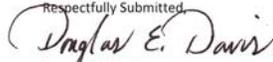
Dear Chairman and Members of the Board,

L025-1

The Cross Creek Flood Control District requests an extension of time to review the EIR/EIS document of at least 180 days. The initial 45 day comment period, later extended 15 days to October 13, 2011, is not sufficient time to review and comment on the lengthy EIR/EIS document.

Thank you for your consideration.

Respectfully Submitted,



Douglas E. Davis
District Manager

Response to Submission L025 (Douglas Davis, Cross Creek Flood Control District, September 20, 2011)

L025-1

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

Submission L026 (Loreda Clevenger, Edison School, October 6, 2011)

Fresno - Bakersfield - RECORD #465 DETAIL

Status : Action Pending
Record Date : 10/6/2011
Response Requested : No
Stakeholder Type : Other
Submission Date : 10/6/2011
Submission Method : Website
First Name : Loreda
Last Name : Clevenger
Professional Title : Principal
Business/Organization : Edison School
Address :
Apt./Suite No. :
City : Bakersfield
State : CA
Zip Code : 93307
Telephone : (661) 366-8216
Email : lcleven@zeus.kern.org
Email Subscription : Bakersfield - Palmdale, Fresno - Bakersfield
Cell Phone :
Add to Mailing List : Yes
Stakeholder Comments/Issues : Both Routes that were shared at the Edison School meeting, showed the High Speed Rail Project going by Edison School. The Route along Edison Hwy, would place the rails above the playground. The Route to the South of Edison School was unclear, but unless the rails goes through several homes, the rails will border some of our classrooms and the buses will have to travel under the rail each day. Our walking students would walk under the rails also. When Edison School was looking for property to purchase so we could eventually build another school, we were unable to purchase our chosen property due to the close proximity to railroad tracks. I don't believe that law has changed. Alternative routes must be developed so that students at Edison School are not placed in danger each day they attend school.
EIR/EIS Comment : Yes

L026-1

Response to Submission L026 (Loreda Clevenger, Edison School, October 6, 2011)

L026-1

The Edison Elementary School is on South Edison Road between SR 58 and the Edison Highway. This school is approximately 4.25 miles east-southeast of the southern terminus of the environmental study area for the Fresno to Bakersfield Section. The alternative alignments for the HST between Bakersfield and Palmdale near the Edison Elementary School are still under study and have not been finalized. Concerns regarding student safety will be taken into account in finalizing the alternative alignments near this school.

Submission L027 (Loreda Clevenger, Edison School, October 7, 2011)

Fresno - Bakersfield - RECORD #467 DETAIL

Status : Action Pending
Record Date : 10/7/2011
Response Requested : No
Stakeholder Type : Other
Submission Date : 10/7/2011
Submission Method : Project Email
First Name : Loreda
Last Name : Clevenger
Professional Title : Principal
Business/Organization : Edison School
Address : 721 Edison Road
Apt./Suite No. :
City : Bakersfield
State : CA
Zip Code : 93307
Telephone : 661-366-8216
Email : lclevenger@edisonschooldistrict.org
Email Subscription : Fresno - Bakersfield
Cell Phone :

Add to Mailing List : Yes

Stakeholder Comments/Issues : I am the Principal of Edison School and I am very concerned regarding the path of the High Speed Rail by Edison School. There were two plans
- One for the High Speed Rail to border our playground fields to the North and the other plan to border our school to the South. To the South of the school is School street. Unless the path is taken through several houses on the South side of School Street, the rails will be placed right next to classrooms and our buses will travel under the rails each day.

When we looking to purchase property for a new school, we were unable to purchase the property we wanted due to the close proximity to the railroad tracks. Now the High Speed Rail project is able to bypass those laws? It is not safe for our students to be under the rails. Please choose alternate routes that are not as close to Edison School, 721 Edison Rd, Bakersfield, Ca 93307.

Loreda Clevenger
Edison School Principal
(661) 366-8216

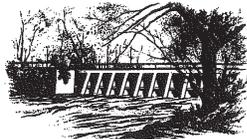
EIR/EIS Comment : Yes

Response to Submission L027 (Loreda Clevenger, Edison School, October 7, 2011)

L027-1

The Edison Elementary School is on South Edison Road between SR 58 and the Edison Highway. This school is approximately 4.25 miles east-southeast of the southern terminus of the environmental study area for the Fresno to Bakersfield Section. The alternative alignments for the HST between Bakersfield and Palmdale near the Edison Elementary School are still under study and have not been finalized. Concerns regarding student safety will be taken into account in finalizing the alternative alignments near this school.

Submission L028 (Bill Stretch, Fresno Irrigation District, October 13, 2011)



YOUR MOST VALUABLE RESOURCE - WATER
 October 13, 2011



OFFICE OF
FRESNO
IRRIGATION DISTRICT
 TELEPHONE (559) 233-7161
 FAX (559) 233-8227
 2907 S. MAPLE AVENUE
 FRESNO, CALIFORNIA 93725-2218

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

RE: California High-Speed Train Project – Draft EIR/EIS
 Merced to Fresno Section and Fresno to Bakersfield Section
 FID Facilities: Various

Dear Sir or Madam:

The Fresno Irrigation District (FID) is located in California's San Joaquin Valley and provides surface water to a service area of approximately 245,000 acres. FID is located in the geographic center of Fresno County and its boundary extends from the San Joaquin River to the north, City of Easton to the south, the Kings River and Friant-Kern Canal to the east and just past the City of Kerman to the west. Water is delivered to agricultural lands as well as the metropolitan areas of Fresno and Clovis. FID diverts an average of 500,000 acre-feet of surface water annually.

FID appreciates the opportunity to review and comment on the California High Speed Rail Authority (CHSRA) Draft Environmental Impact Report (EIR)/ Environmental Impact Statement (EIS) for the High Speed Train System (HST) project for the Merced to Fresno section as well as the Fresno to Bakersfield section. FID wishes to continue being a participating agency and be included in the decision making process for this project. It is FID's understanding that several corridor alternatives are still being considered and a preferred alternative will be selected by the CHSRA and the Federal Railroad Administration (FRA) shortly after the Final EIR/EIS is published in early 2012.

FID has met with several of the CHSRA's consulting engineers over the past 12 months, and has provided information regarding the proposed canal crossings as well as FID's requirements. This letter will include comments regarding the plan sheets included in the EIR/EIS. FID has recently received 30% plans for the northern portion of Fresno and believes the southern Fresno section to be at 15%. FID does not typically submit such detailed comments at this stage, but we believe that this project is very complex and will require a great deal of planning and coordination. FID's comments and requirements are as follows:

BOARD OF DIRECTORS President JEFFREY NEELY, Vice-President RYAN JACOBSEN
 STEVEN BALLS, GEORGE PORTER, JERALD REBENSENDORF General Manager GARY R. SERRATO

California High Speed Rail Authority
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L028-2

L028-3

L028-4

L028-5

1. History and Prior Rights – FID was formed in 1920 as a successor to the privately owned Fresno Canal and Irrigation Company. The assets of the company consisted of over 600 miles of canals and distribution works, which were constructed between the years 1860 and 1900, as well as extensive water rights on the Kings River. In most cases, FID canals pre-date all roads, highways, and railroads.
2. Impacted FID Canals and Pipelines (Facilities) – Attached are several maps and a table which should help the CHSRA understand the number of canal and pipeline crossings and potential impacts including:
 - a. FID map (1 page) illustrating the HST alignment within the FID's boundaries which will potentially impact 19 FID canals;
 - b. FID table (1 page) which includes FID's impacted facilities, corresponding HST stationing, type of facility (open channel, pipeline or basin), size of facility (existing pipeline diameter), approximate flow rate (irrigation and flood flows), and other related information; and
 - c. CHSRA 15% maps that identify FID facilities and correspond to the information provided on the table mentioned above.
3. Private Canals – There are several privately owned facilities that may be impacted by the Project. FID does not own, operate, or maintain these facilities; however they are used to convey surface water from FID to their users. The attached maps are not inclusive of all private pipelines, but illustrate a few of the known private facilities. FID will provide a list of water users upon request.
4. Potential Negative Impacts – The HSRA should recognize that many FID facilities will be directly impacted by the project and will most likely increase FID's Operation and Maintenance costs. To help offset or avoid these additional costs, the CHSRA will need to make the necessary improvements to FID's infrastructure. FID encourages the CHSRA to consider this while considering all improvements. Although most of the road crossings will be relocated either under or over the HST, there will be several road crossings that will be eliminated (e.g. Malaga Avenue, intersection of California, Cherry and Railroad avenues, etc.). These impacts may include but are not limited to: accessibility to system and facilities, increased travel times, increased vehicle mileage, increased operating costs for FID employees to complete necessary tasks due to inability to travel directly and efficiently between work sites, increased number of employees being required to complete necessary tasks, etc.
5. Agreements – During previous discussions with CHSRA's consultants, FID proposed utilizing agreements that are similar to those currently used with Caltrans when State freeways cross canals. Caltrans typically requires two agreements, 1) Utility and 2) Joint Use. The Utility agreement addresses that Caltrans agrees to design and construct a new facility across the freeway at

L028-1

Submission L028 (Bill Stretch, Fresno Irrigation District, October 13, 2011) - Continued

California High Speed Rail Authority
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L028-5 Caltrans costs and pay for all associated fees including plan review and inspection. The Joint Use agreement acknowledges that there is an understanding that FID is responsible for running water through the pipeline and Caltrans is responsible for all liability and maintenance including facility replacement.

L028-6 6. Engineering and Inspection – FID requires oversight of the plans, agreements, and inspection. There will be considerable time and effort required of FID's staff to plan, coordinate, review plans/specifications and inspect the project. To that end, FID will expect to be reimbursed for all associated costs. In addition:

- a. FID Fees – FID will expect CHSRA to reimburse FID for all associated costs. FID is not able to estimate those fees at this time, but it may be substantial.
- b. Engineering – The term "Engineering" includes but is not limited to surveying, design, plan preparation, writing specifications, construction staking, as-builts, etc. Over the past 10 years, FID has worked with a State agency for three large freeway projects and it was very difficult working with the Staff that was not competent or knowledgeable in designing irrigation systems. In addition, dealing with staffing turnover was a continual problem. During recent discussions, FID highly recommended that the CHSRA hire a local Consultant, who is familiar with FID's design specifications, in an effort to reduce costs and save staff time for both agencies.
- c. Licensed Engineers and Surveyors – FID requires that CHSRA hire a California Registered Civil Engineer and/or Land Surveyor for the survey and design of any project that impacts the Canal. The Engineer/Land Surveyor will also be required to draft the property/easement description and plats needed for the appropriate agreements.
- d. Hydraulics Analysis – FID will require the Engineer to perform hydraulic calculations to determine the necessary pipe, culvert, or bridge dimensions for each canal crossing unless the canal has already been masterplanned by FID. The calculations will help determine water surface profile impacts and the amount of head loss across the new bridge/culvert. New bridge/culvert structures cannot raise upstream water levels.
- e. As-Builts – FID requires detailed As-Built Plans after construction has been completed. As-Builts shall include all modified structures, removed structures, relocated structures, dimensions, elevations, material type, etc.
- f. Other Utilities Crossing FID Facilities – FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Stormdrains, Street, Landscaping, Dry Utilities, and all other utilities.
- g. FID requires its review and approval of all Private and Public facilities that encroach into FID's property/easement. If FID allows the encroachment,

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L028-6 the Public or Private party will be required to enter into the appropriate agreement which will be determined by FID.

L028-7 7. Small/Medium Canal Crossing Requirements – The majority of the proposed crossings will impact existing pipelines and small open channel canals. Requirements for the pipelines will include:

- a. Pipeline Requirements:
 - i. FID will require all open channels and existing pipelines to be replaced with ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP). Although many of FID's facilities that lie within the proposed study areas are pipelines, the majority of these pipelines do not meet FID's urban specifications which would include road or highway crossings. The majority of the existing pipelines are monolithic cast-in-place concrete pipe (CIPCP), low head/thin wall PVC, and non-reinforced mortar jointed concrete pipeline. These pipelines were designed for a rural environment and will fail if they are not replaced as part of the proposed project.
 - ii. FID typically requires a minimum of three feet of cover over pipelines. FID tries to eliminate siphons wherever possible due to sedimentation, plugging, and trash removal issues. Most utilities can be moved above and below FID's pipelines and because FID typically pre-dates everyone else, FID should be placed in its desired location.
 - iii. FID is also concerned with its pipelines, which fall outside of the HST ROW and Road ROW, being damaged. FID anticipates the use of large, heavy equipment during construction that could easily damage FID's older pipelines, especially where there is shallow cover and/or non-reinforced concrete pipe.
- b. The three conditions that the proposed crossings will likely fall under are:
 - i. Canal Crossings within the HST ROW.
 - ii. Canal Crossings within a New or Realigned Road or Highway ROW – many of the streets that either cross or parallel the proposed HST will be realigned as part of the project. The Road Maintaining Agency (City, County or State) is responsible for maintaining the canal facilities under the Road ROW and they will most likely require the canal crossing to be upgraded to the requirements mentioned above.
 - iii. Canal Realigned outside of the HST or Road ROW – there may be existing conditions or proposed plans to realign a FID canal outside of the HST or Road ROW as part of the project. FID will require that the CHSRA obtain an exclusive pipeline easement on FID's behalf. The width will vary between 15 to 40 feet depending on the pipeline diameter and site conditions.

Submission L028 (Bill Stretch, Fresno Irrigation District, October 13, 2011) - Continued

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8. **Large Canal Crossing Requirements** – There are several large canal crossings that will not be able to be contained within a pipeline such as the Herndon, Dry Creek, Central and Washington canals. The design shall protect the canal's integrity for an urban setting. The proposed canal crossing must be designed to convey the water in a safe and efficient manner without altering the existing conditions in a negative manner in regards to FID's operations and maintenance. Additional requirements will include:
- a. **Freeboard of Bridge** – FID requires a minimum freeboard of 2.0 feet through the canal crossing, where possible. The freeboard is needed to pass floating debris and trash through the structure. All of the large open canals are used to convey stormwater from the Fresno/Clovis metropolitan area along with the water coming from the rural creeks in eastern Fresno County. Trash will include both large and small items including, but not limited to: shopping carts, couches, refrigerators, tree branches, plastic bags, lawn clippings, leaves, aquatic weeds, and all other trash that one could expect from both urban and rural areas.
 - b. **Bridge/Culvert Type** – FID prefers that the crossing be a clear span bridge with no obstructions within the canal. During recent meetings with the CHSRA's consultants, this issue has been raised on both the Herndon and Dry Creek Canal crossing where a multiple bay box is being proposed instead. FID understands that a multiple bay box culvert is more desirable because it is less expensive, however, it may end up being more expensive with additional costs going towards additional improvements mentioned below. Also, there is increased liability to both FID and CHSRA, due to the possibility of trash accumulating at dividing walls causing the water levels to raise upstream and potential breach and flood nearby homes and businesses.
 - c. **Trash/Debris** – If a multiple bay culvert or a bridge with pilings design is selected, trash and debris will collect on the piers and culvert walls. Access must be provided to remove the trash in a safe and efficient manner. Additional property or easement may be required if it is determined that more trash will collect due to the canal crossing. Maintenance accessibility for trash removal needs to be evaluated based on channel size, amount of trash collected at location in question and accessibility. Galvanized steel or concrete catwalk will be required on the upstream side of the bridge/culvert structure for FID's crews to access the collected trash. See attached FID Detail No. 19 for standard trash pier rider, board guides, apron and ladders. FID's crews will typically remove the trash at the bridge and another crew will come by to remove the trash. The hauling off of this material may occur several weeks after the trash has been placed on the side of the canal, and the trash may be considered a nuisance (sight and smell). If the CHSRA requires a different level of maintenance effort, they will need to enter into an

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- agreement for that purpose and the CHSRA will be responsible to fund the "higher level" of maintenance.
- d. **Equipment Access** – The large canals are typically dredged every 3-5 years depending on the location and the sedimentation carried in that particular canal. FID crews typically remove the sediment with bulldozers in the channel and use large excavators on top removing the sediment and depositing the spoils on top of the banks to dry out. Once the spoil has dried, FID will flatten the spoil as time permits. If necessary, FID will remove the spoils and haul away in a dump truck. With this in mind, FID will need adequate room to load the trucks as well as to pull a semi-truck and trailer loaded with equipment off the road and onto its canal banks.
 - i. **Access from a Parallel Road to the Canal** – It appears that Golden State Boulevard, a road paralleling the HST, will be relocated as part of the project where it crosses the Herndon Canal. In this particular situation, FID will need enough room to pull off the road to access both canal banks. FID will need to access the portion between the UPRR and the HST as well as the canal downstream of the Golden State Blvd. FID typically requires a 50-foot wide drive approaches narrowing to 20 feet wide drive banks (See attached "Drive Approach in Urban Areas" Detail No. 62). The 50-foot width is defined as starting from the end portion of the bridge/railing outward (away from the bridge). Every road and canal intersection is different and therefore each access may be different.
 - ii. **Extend Culverts** – In most cases, the culvert should extend past the HST ROW where FID's equipment can safely access both banks for operations and maintenance (O&M) purposes. The length that the culvert should extend depends on the type of equipment needed to access both banks. At a minimum, the culvert should extend a minimum of 20 feet for FID's Water System Operator vehicles (1/2 ton trucks), spray truck (1 ton truck). Some crossings may need to be extended for larger equipment such as an excavator.
 - iii. **Turnaround areas** – In some situations, turnaround areas may need to be constructed for FID's O&M equipment to turnaround. One example may include the area between UPRR and the HST at the Herndon Canal crossing. Turnaround areas may need to be significantly long and wide to handle the large trucks and equipment.
 - e. **Gaps between Bridges** – FID will not allow small gaps between bridges and culverts such as the one being recommended on the Herndon Canal between the Golden State Blvd., and the HST. This gap will become almost impossible to maintain properly. Instead, FID requires a

Submission L028 (Bill Stretch, Fresno Irrigation District, October 13, 2011) - Continued

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- continuous culvert of the same dimensions extend through the HST and Golden State Blvd.
- f. Canal Banks – As part of the project, the bridge/culvert will transition back to the open canal and the following are a few guidelines and requirements:
- i. The side slopes are extremely sandy and have eroded due to steep side slopes and accessing of the canal. Required canal improvements will include reshaping the canal and slope stabilization. FID recommends dredging the canal, removing the sediment, re-shaping the side slope to a 1.5:1 (H:V) and compacting to a minimum of 93 percent of maximum density.
 - ii. All disturbed soil will be required to be concrete lined (both side slopes and bottom). In areas close to the HST where access will be an issue and potentially dangerous for maintenance workers, FID will require structurally reinforced concrete to limit the on-going maintenance that typically occurs with gunite or shotcrete slope protection.
 - iii. Drive banks must be sloped a minimum of 2% away from the canal with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives.
 - iv. Drive banks shall be overlaid with 3 inches of Class 2 aggregate base course for all-weather access.
 - v. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement.
 - vi. FID requires a minimum of 1.5 feet of freeboard and a maximum of 2.0 feet.

L028-9

9. **Water Routings and Construction Window** – Construction is currently scheduled to begin during Fall 2012. FID assumes that the canal improvement projects will be first order of work because most canals are dry during the fall and winter time. The FID construction window will vary from year-to-year based on the length of the irrigation season, flood routings, recharge deliveries, maintenance projects and projects funded by others. FID's typical irrigation season begins on March 1, with FID opening the headgates to fill the canals/pipelines approximately 8 days prior (approximately February 21). An average irrigation season lasts 6 months, therefore the season will typically end on August 31. In very wet years, such as this current year, the irrigation season may go through mid-November.
- a. Construction Window – All construction must occur outside FID's irrigation season. A typical construction window would be September 1 through February 22. The canals typically take approximately 1-2 weeks to drain.
 - b. Stormwater Routings – Many of the impacted canals are also utilized to convey storm water. The canals serve as major arteries of the Fresno

L028-9

- Metropolitan Flood Control District (FMFCD) and Army Corps of Engineers flood routing system. The stormwater is a combination of water pumped from urban storm water systems and water from foothill stream flood control projects within and under the jurisdiction of FMFCD. Once the floodwater enters FID's canal system, FID routes the water through various canals, but the majority through the Herndon and Dry Creek systems, to various basins located on the west side of FID.
- c. Bypass – Depending on the canal system, construction schedule, water season, and storm season, a bypass may be needed. If a bypass is not constructed, all water will be required to pass through the project site.
- i. FID will determine the minimum flow rate if a bypass is required. The Engineer and/or Contractor will be responsible for designing the bypass system. The Bypass system shall include facilities as necessary to convey waters downstream and away from the project such as a channel, pipeline, or bypass pumps (with redundancy). Facilities shall be the responsibility of the Contractor to install and maintain at all times.
 - ii. The Contractor shall prepare and submit, for approval from both the CHSRA and FID, the detailed plans and calculations detailing that the system is capable of handling the projected flow.
 - iii. Should a bypass channel be constructed, a drive bank on both sides of the channel shall be incorporated for maintenance and operation purposes.
 - iv. FID does allow coffer dams, but they must be constructed one foot below the canal's high water level.
 - v. Should a bypass be situated outside FID's R/W, FID will require a copy of an access agreement from the agency and/or adjacent landowner(s) where the bypass will be constructed. This agreement shall include a waiver releasing FID of any liability as it relates to the bypass channel situated on adjacent properties.

L028-10

10. **Elevated Sections of the HST ROW** – During several discussions with the CHSRA's consultants, it appears that the HST will be at grade in northern Fresno, go below grade under Dry Creek Canal and Highway 180, continue at grade and then elevate above grade for a small segment as it transitions over to the BNSF RR, and coming back down to grade near Central Avenue. It is unclear if a fence will be placed along the HST ROW where the HST is elevated. Where the HST is at grade, FID understands that a block wall will be constructed and there will be no at-grade crossings, with all road or railroad crossings being constructed over or under the HST. FID has the following concerns:
- a. Pilings and Footings – Along the elevated sections of the HST, pilings or columns with large spread footings will be constructed.
 - i. Impact to FID Pipelines – may impact the Braley and Fresno Colony canals. FID recommends that the pilings and footings be

Submission L028 (Bill Stretch, Fresno Irrigation District, October 13, 2011) - Continued

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- constructed outside of FID's easement. If there is an existing pipeline, and the columns will be constructed within FID's easement, FID requires the pipeline be replaced with the RGRCP mentioned earlier. It is possible that the pipeline may need to be re-aligned, but FID prefers to avoid adding additional bends to accommodate the HST wherever possible.
- ii. Impact to FID open canals – may impact the Fresno Colony, North Central and Central canal. Columns may not be placed within FID's easement, which are typically is 20-feet on either side of the canal. The HSR should design around this issue or potentially relocate the canal.
 - iii. Eliminate Small Remainder Canal segments – the project will bisect several open canals that may leave small open channel segments that will make O&M very difficult. For example, where the HST crosses the North Central Canal, the HST will bisect the canal in between Highway 99 and Cedar Avenue, thus leaving FID with two small open segments on either side of the HST. FID urges the CHSRA to pipeline these segments and prevent creating access and O&M impacts. The other potential crossing issue is on the Fresno Colony Canal.
- b. Fencing along HST ROW – If the CHSRA chooses to fence the HST ROW, FID's access will be eliminated within the section of the canal. FID will require the canal be improved such as piping the open canals (or place within a culvert), replacing old pipe with new pipe, etc. so that routine maintenance is no longer necessary. If this occurs, this may create an additional trash collection location which FID will need to access the upstream location.
 - c. Clearance – If CHSRA chooses to allow access under the HSR ROW, FID will require enough clearance over both canal maintenance/access roads for FID's largest equipment being hauled on a large tractor truck and trailer. FID assumes this height would be the same as or greater than freeway/road crossings.

L028-11

11. Discharges into FID Canals – FID will not allow any discharges into the canals for numerous reasons, including but not limited to, it is a violation Federal/State/Local regulations, FID's Rules and Regulations and negative impact it will have during the Operations and Maintenance Seasons. All existing discharges from the proposed project into canals must be re-routed to FMFCD storm drain facilities.

L028-12

12. Additional Comments – FID's comments and conditions reflected in this letter are based on the 15% plans which were included in the Draft EIR/EIS. FID has recently received 30% plans from the consultant for northern Fresno section which FID will provide additional comments during the next several weeks. These

California High Speed Rail Authority
Re: California High-Speed Train – Merced to Fresno to Bakersfield Draft EIR/EIS
October 13, 2011
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L028-12

comments will be more specific in regards to each canal crossing, including pipe size, access issues, diversion structures, etc.

Thank you for making available to us the Project for our review and allowing us the opportunity to provide comments. FID appreciates the CHSRA's consideration and incorporation of our requirements and concerns. As previously noted, the proposed project is very complex, and will have the potential to significantly impact numerous FID facilities unless adequate conditions and measures are required. Should you have any questions or concerns in regard to the subject matter, please feel free to contact me at 233-7161, extension 318.

Sincerely,



William R. Stretch, P.E.
Chief Engineer

Attachments: FID Map – Impacted FID Canals & Pipelines (Facilities)
FID Table – Facility Information
CHSRA 15% Plans Identifying FID Facilities – Merced to Fresno
CHSRA 15% Plans Identifying FID Facilities – Fresno to Bakersfield
FID Detail No. 62 – Drive Approach in Urban Areas Detail
FID Detail No. 19 – Trash Pier Rider

cc: Antonio Molina, URS Corporation
James Labanowski, URS Corporation
Duane McClelland, CH2MHill
Henry Liang, AECOM
Thomas Bernard, AECOM
Marcus Hu, AECOM
Grant Schlereth, Arup
Johnny Kuo, Parson Brinkerhoff
Scott Mozier, City of Fresno
Jerry Lakeman, FMFCD
Gary R. Serrato, FID
Laurence Kimura, FID

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Response to Submission L028 (Bill Stretch, Fresno Irrigation District, October 13, 2011)

L028-1

The Authority selected a Preferred Alternative following the close of the comment period on the Revised DEIR/Supplemental DEIS and a review of those comments. The Preferred Alternative is described in Chapter 7 of the Final EIR/EIS.

L028-2

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

L028-3

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

L028-4

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

L028-5

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

L028-6

The comment is not related to the evaluation of potentially significant impacts on public utilities, specifically irrigation facilities. The environmental document identifies potential impacts on existing utilities and determined that, through implementation of the Statewide Program EIR/EIS mitigation strategies (e.g., to replace and relocate existing utilities), the project as proposed would have no significant impact on public irrigation facilities. The comment identifies preferences of the Fresno Irrigation District (FID) for the methods and processes for crossing, replacing, and relocating its facilities. Implementing or not implementing the requests in Items 6a through 6g would not change the evaluation and determination that there would be no significant impacts on irrigation facilities because the facilities would be replaced or relocated to operate at no worse a level than that at which they currently function.

The Authority does acknowledge, however, the need for FID to participate in the review of the Authority's construction plans to avoid and minimize impacts on FID facilities. As a result, the Authority and FID are now preparing a third-party agreement that will specify the roles and responsibilities of each party in implementing the project. Issues

L028-6

raised in the comment letter regarding the review of plans, the use of licensed engineers and surveyors, the need for hydraulics studies, the provision of as-built drawings following HST construction, and the crossing of FID property and easements will be addressed as part of the Authority and FID agreement negotiations.

L028-7

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

L028-8

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

L028-9

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

L028-10

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

L028-11

No discharges to FID canals are planned. For additional information regarding stormwater management, please see discussions in the Hydrology and Water Resources Technical Report and Stormwater Quality Management Report. Detailed drainage plans will be further refined by the Design/Build contractor.

L028-12

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

Attachment to Submission L028 (Bill Stretch, Fresno Irrigation District, October 13, 2011) - FID Table.pdf

Potentially Impacted FID Facilities

Revised: 10/3/2011

Item No.	FID Facility Name & Number (Out of FID Jurisdiction)	Facility Impacted by HSR or Road Realignment	Consultant Plan Page No.	Plan Sta.	Nearest Major Cross Streets	Max. Irrig. Flow at Headgate (cfs)	Max. Flood Flow at Headgate (cfs)	Design Flow at HSR Crossing / Impact (cfs)	Upstream of existing U.P./B.N.S.F. RR - Size, Type (Year Installed)	Upstream As-Built Plans No.	Existing U.P./B.N.S.F. RR Crossing - Size, Type (Year Installed)	Downstream of Exst U.P./BNSF RR or proposed HSR ROW - Size, Type (Year Installed)	Downstream As-Built Plans No.	Downstream Easement Document No. (Year, Width)
1	San Joaquin River	HSR	Not in plans	n/a	Outside FID Boundary									
2	Hendon No. 39	HSR	UT-41015-N	10592+75	Banlow & Goblen State	550	600	600	Open Channel	No	UPRR wooden bridge piling (1989 Built) (1936 Rehab)	Box culvert under Goblen State Blvd (5 bays @ 7' w x 5.5' h each bay) downstream of Goblen State Blvd is Open Channel	391945027	Prescriptive
3	Lisnerby No. 45	Road	UT-41020-N	10684+00	1/4 MI. S/O Shaw & Goblen State	9	9	9	24" RGRCP (2010)	4520101201	36" Conc Pipe (1908)	36" unknown type (1936) 24" Conc Box (1 year?)	4519811210	#74843 (1981, 30'-4")
4	Victoria No. 42	HSR	UT-41024-N	10733+00	Dakota & Hwy 99	30	6	30	Open Channel	No	Dual 2'x3' Box (1928)	42" RGRCP (1957)	4219670101	?
5	Victoria Colony No. 43	Road	UT-41024-N	10733+00	Dakota & Hwy 99	18	6	18	No Crossing	No	No	30" RGRCP (1907)	4219670101	#46702 (1959, 30'-4")
6	Tracy No. 44	Road	UT-41024-N	10733+00	Dakota & Hwy 99	12	3	12	No Crossing	No	No	30" RGRCP (1907) & 30" NRCP (1991)	4419570101	#72464 (1959, 30'-4") #9104397 (1991, 30'-4")
7	Coleman Branch No. 40 (ABANDONED BY FID)	HSR	UT-41024-N	4885+00	Dakota & Hwy 99	2	4	2	48" NRCP (1966)	4610666664	UPRR unknown pipe size	30" RGRCP (1966)	4610666667	TBD
8	Cala S. B. No. 40	HSR	UT-41024-N	491+99	Dakota & Hwy 99	5	0	5	24" NRCP (1947)	No	UPRR, unknown pipe size	Unknown	No	#42625 (1947, 15'-4")
9A	Dry Creek No. 75	HSR	"F1" Line, #5	228100	H & Hwy 180	450	425	450	Open Channel	No	UPRR Bridge No. 9935 (1970)	Open channel, 4-bay bridge for S/V/SF RR spur, each bay 14.5'x5' (1962)	No	Prescriptive
9B	Dry Creek No. 75	Road			Nielsen & Thorne	450	425	450	Open Channel		Conc box culvert	Open Channel	No	Prescriptive
10	Dray No. 14	HSR	"F1" Line, #9	345100	California & Cherry	19	19	19	Unknown	No	UPRR, unknown	30" Walked Steel Pipe under Goblen State (1947)	1419470512	#62896 (1948, 30'-4")
11	Fresno Colony No. 24	HSR	"F1" Line, #12	491100	North & Cedar	50	50	60	N/A	No	No	Dual pipeline, 3-42" CIP-MCP and 1-18" CIP-MCP (1962)	2419620911	#20099 (1957, 60'-4")
12	North Central No. 20	HSR	"F1" Line, #14	491100	Goblen State & Cedar	50	50	50	N/A	No	No	Open Channel	No	#20099 (1957, 60'-4")
13A	Central No. 23	HSR	"F1" Line, #16	532100	Central & Cedar	350	350	350	Open Channel	No	BNSF, bridge piling (2002)	Open Channel	No	Prescriptive
13B	Central No. 23	Road			Central & Cedar	350	350	350	Open Channel	No	Cedar Ave conc box culvert	Open Channel	No	Prescriptive
14	Wain No. 25	HSR	"F1" Line, #17	675100	Madaga & Cedar	9	0	9	Open Channel	No	BNSF & 42" CMP (1964 & 2002)	Open channel	No	Prescriptive
15	Stoney No. 237	HSR	"F1" Line, #19	694100	SW American & Cedar	5	0	5	18" NRCP (1957)	23719569713	BNSF, 20" SSP (pre 1969 & 2002)	20" NRCP (1957)	23719570930	#62814 (1968, 30'-4")
16	Washington Colony No. 15	HSR	"F1" Line, #19	624100	SW Jefferson & Cedar	120	120	85	Open Channel	No	BNSF, 8"x8" conc box culvert (pre 1976 & 2002)	Open Channel	No	Prescriptive
17	Church Dish No. 231 (Private)	HSR	"F1" Line, #20	628100-634100	NW Lincoln & Cedar	2	0	2	Open Channel	No	BNSF, unknown size	Open Channel	No	PRIVATE
18	Wilson No. 239	HSR	"F1" Line, #1 & #2	649100-655100	NW Clayton & Cedar	6	0	5	Open Channel	No	BNSF, 18"x24" concrete box culvert (1964 & 2002)	Open channel & 18" NRCP (1967)	No	Prescriptive & #20012 (1957, 60'-4")
19	Chandler North Branch No. 17	HSR	"F1" Line, #2	666100-669100	SW Clayton & Cedar	25	0	18	42" CIP-MCP (1956)	1819591210	BNSF, 42" C-61 D-25 RGRCP (2002)	Open Channel	No	Prescriptive
20	Chandler South Branch No. 18	HSR	"F1" Line, #4	696100	Acorns & Cedar	25	0	25	42" CIP-MCP (1960)	1819600919	BNSF, 42" Arched CMP & 48" RGRCP (pre 1961)	30" CIP-MCP (1966)	1819600919	ID #142 (1967, 12'-4")
21	Chandler South Branch of the South Branch No. 19	HSR	"F1" Line, #4	729100-732100	NW Sumner & Cedar	10	0	10	36" CIP-MCP (1979)	1819791102	BNSF, 30" RGRCP C-61 D-25 (2002)	20" PVC (1988)	1918680304	#40109024 (1988, 20'-4")
22A	Chandler South Branch of the South Branch No. 19	HSR	"F1" Line, #5	726100-727100	South & Cedar	10	0	10	30" CIP-MCP (1953)	1919531130	No	30" CIP-MCP (1962)	1919621203	#7802 (1954, 40'-4") & #9345 (1963, 30'-4")
22B	Gejser No. 164	HSR	"F1" Line, #5	727100-731100	South & Cedar	3	0	3	18" NRCP (installed prior to 1976)	No	No	18" NRCP (pre 1976)	No	?
23	Gejser No. 164 (Private)	HSR	"F1" Line, #5 & #6	731100-738100	South & Cedar	3	0	3	Unknown	Unknown	BNSF, unknown pipe size, conc box culvert	Unknown	Unknown	PRIVATE

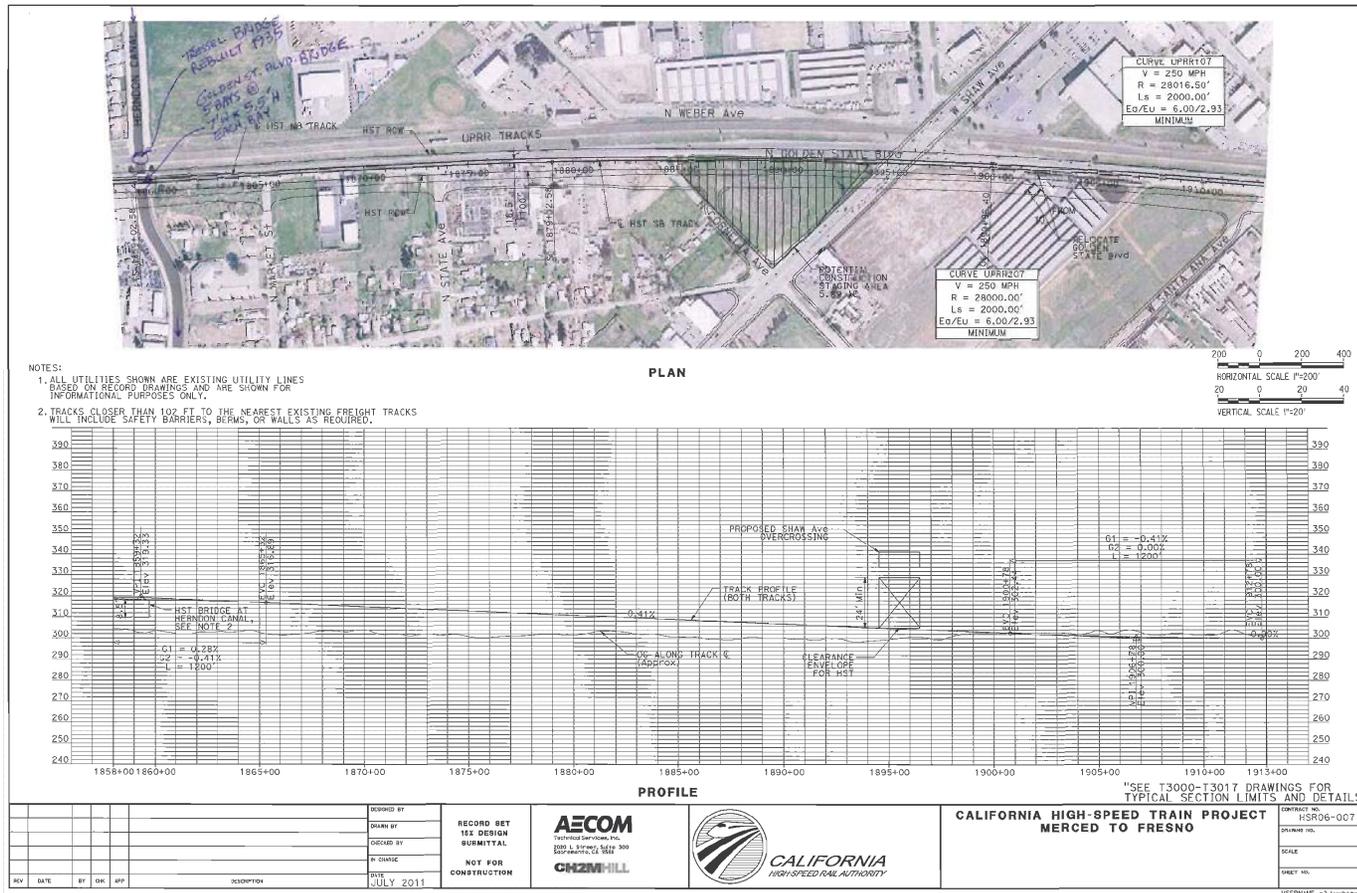
LEGEND: CIP-MCP: Cast in Place Reinforced Concrete | RGRCP: Rubber Gasket Reinforced Concrete | CMP: Compacted Metal Pipe | SSP: Smooth Steel Pipe | NRCP: Non Reinforced Concrete Pipe | TBD: To Be Determined | PVC: Polyvinyl Chloride

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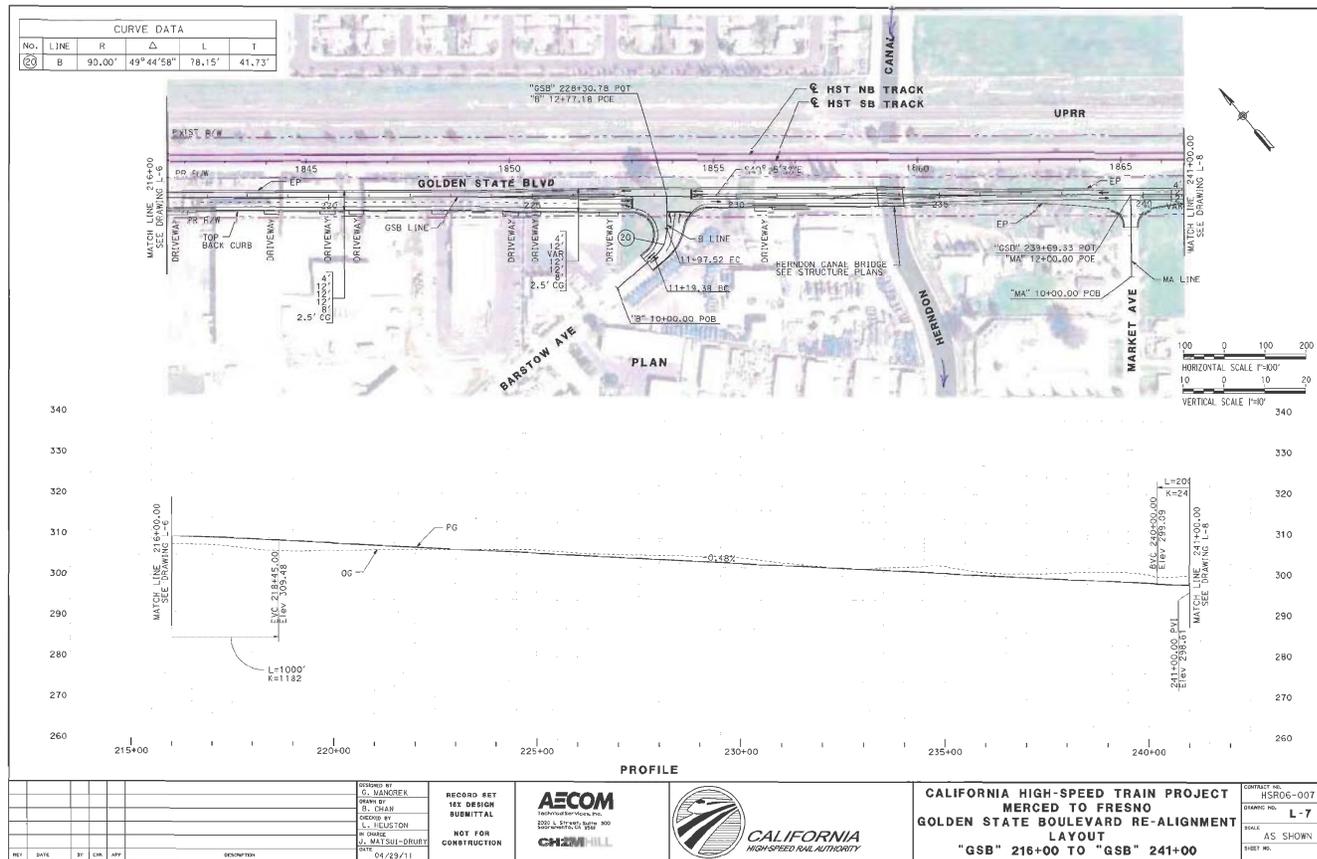
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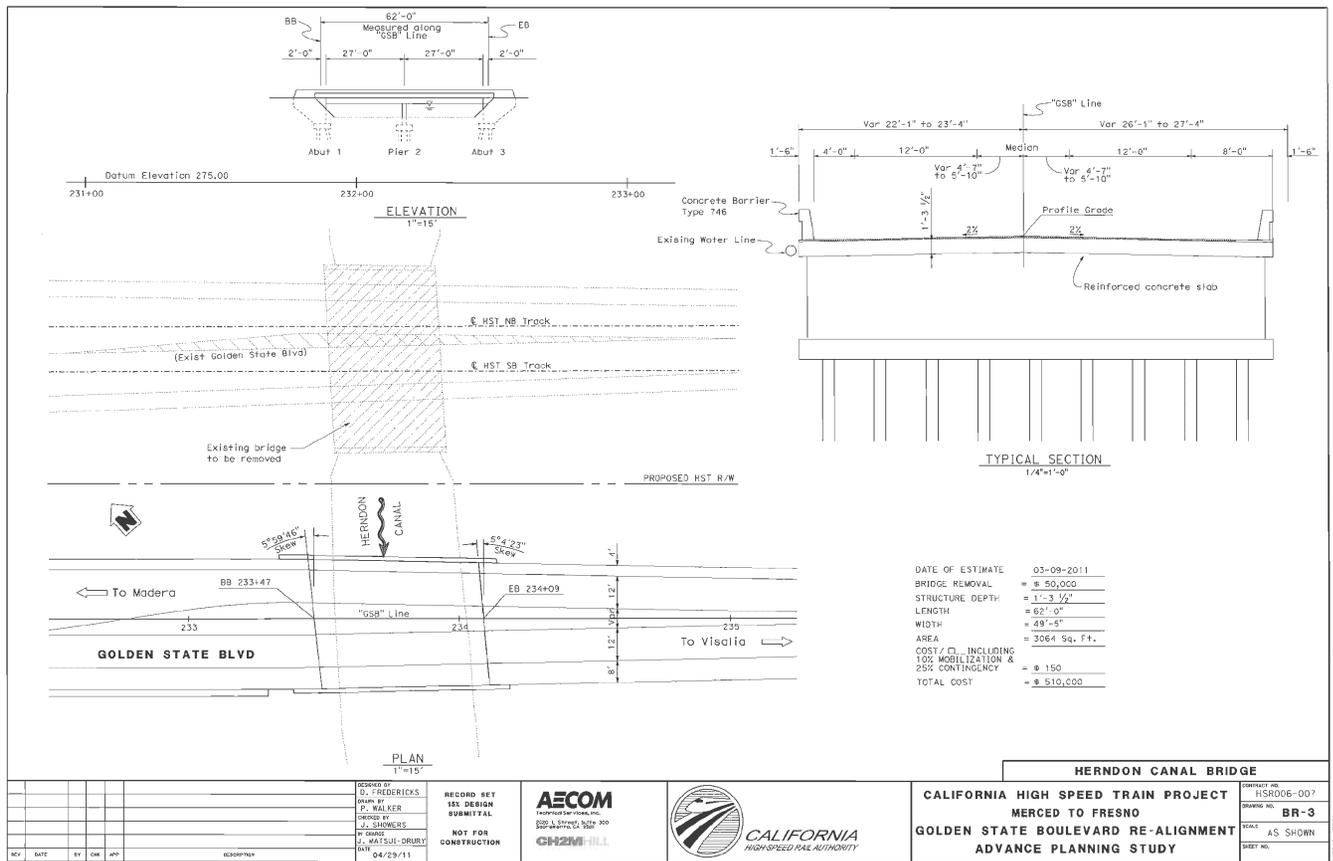
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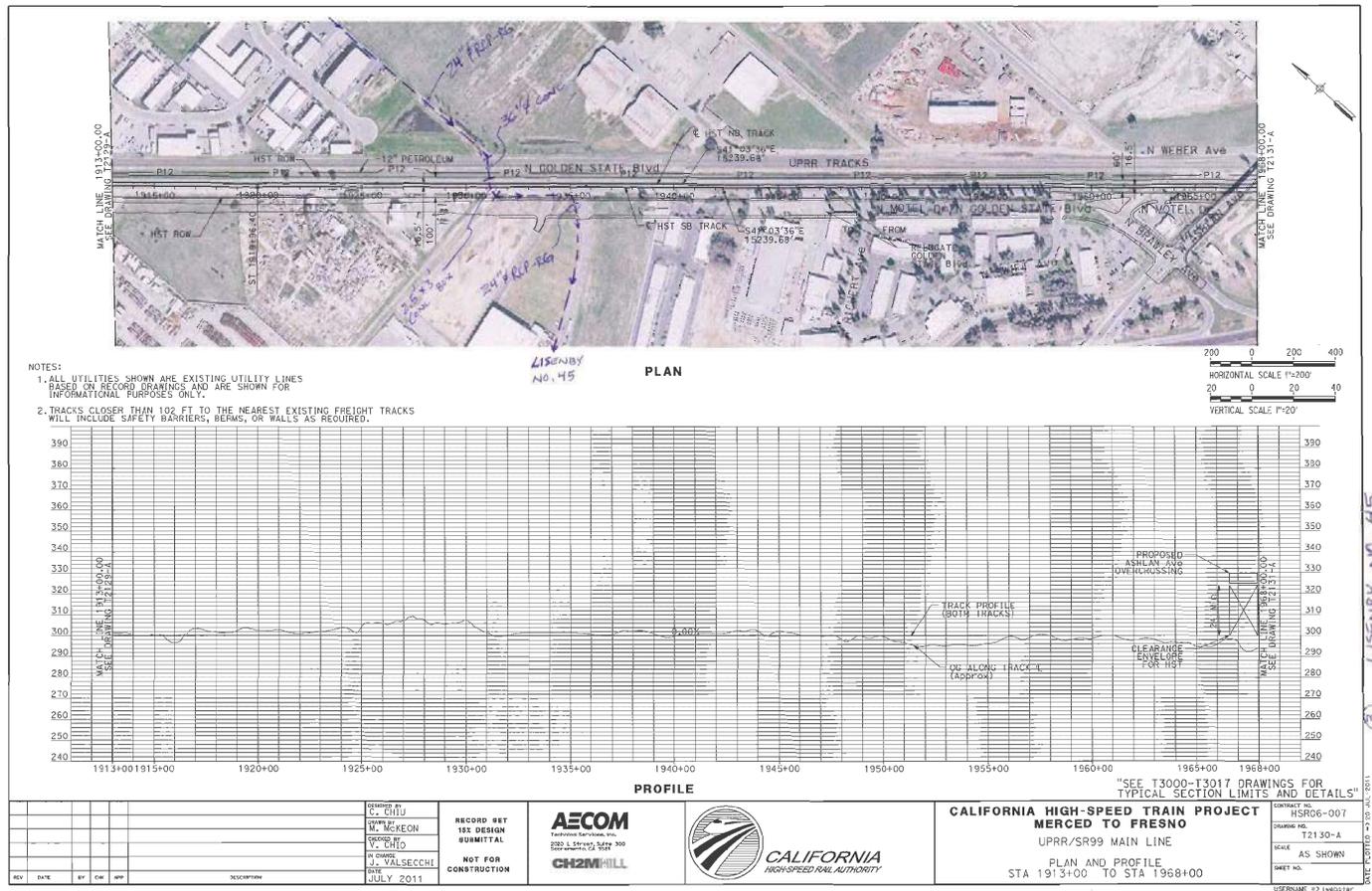


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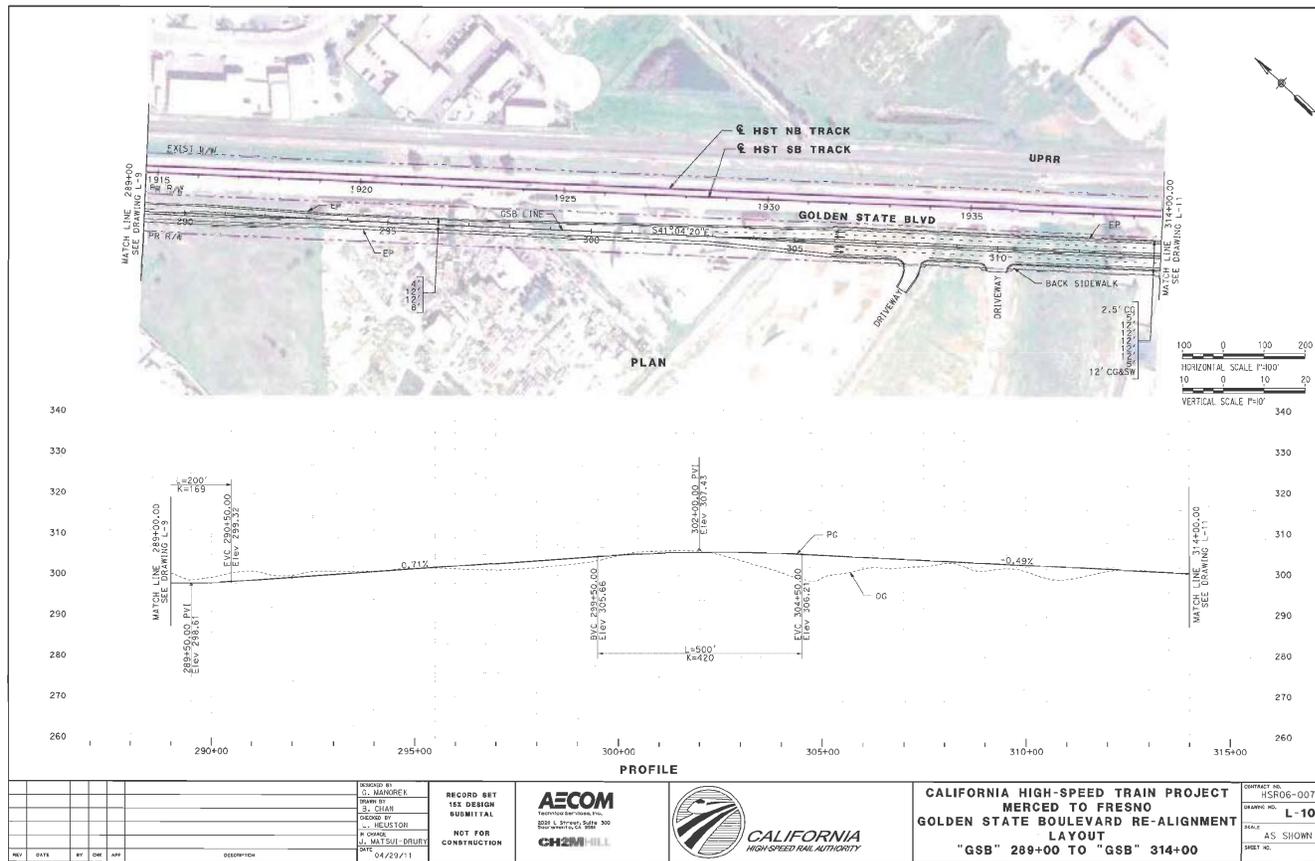


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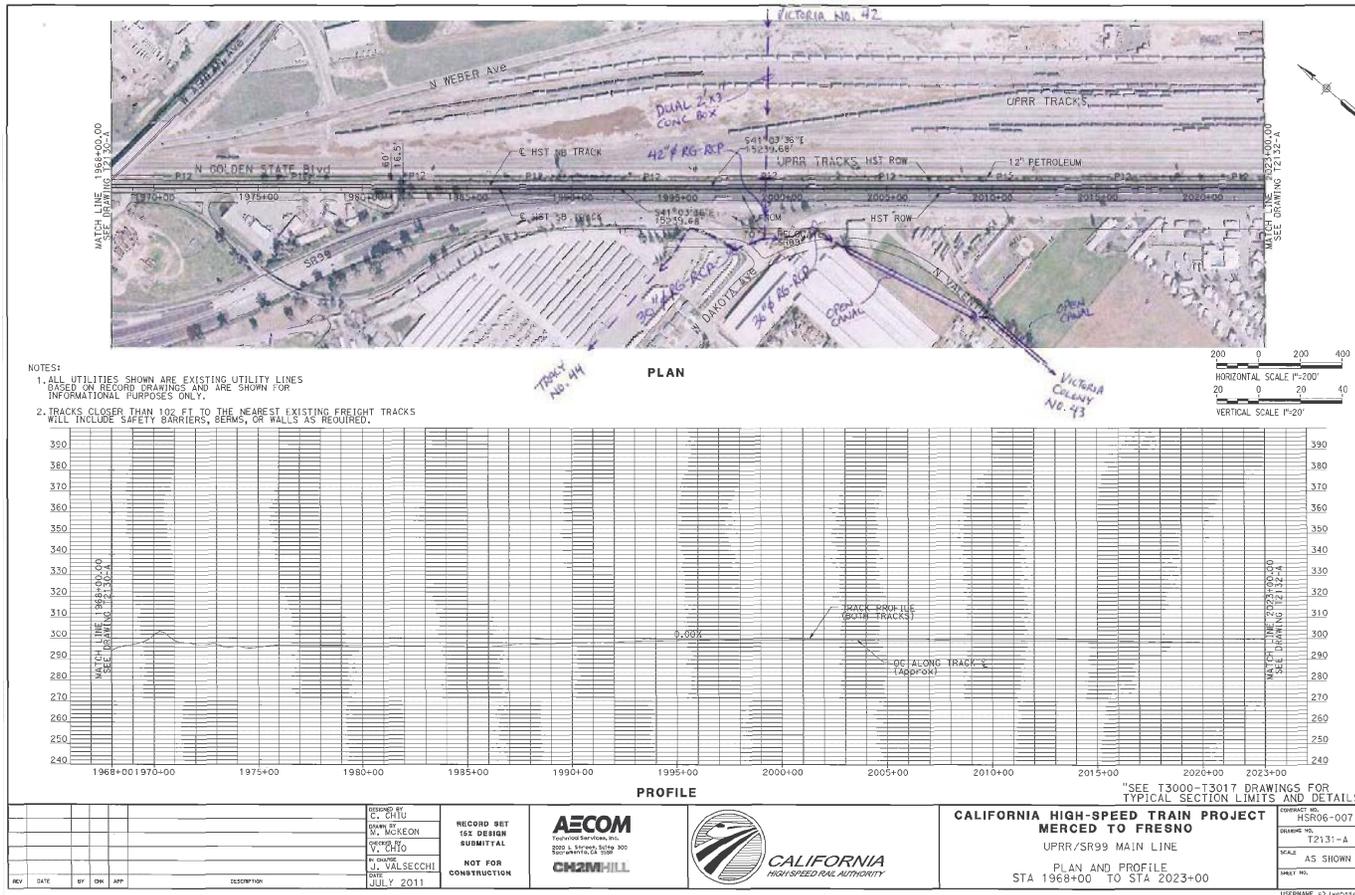
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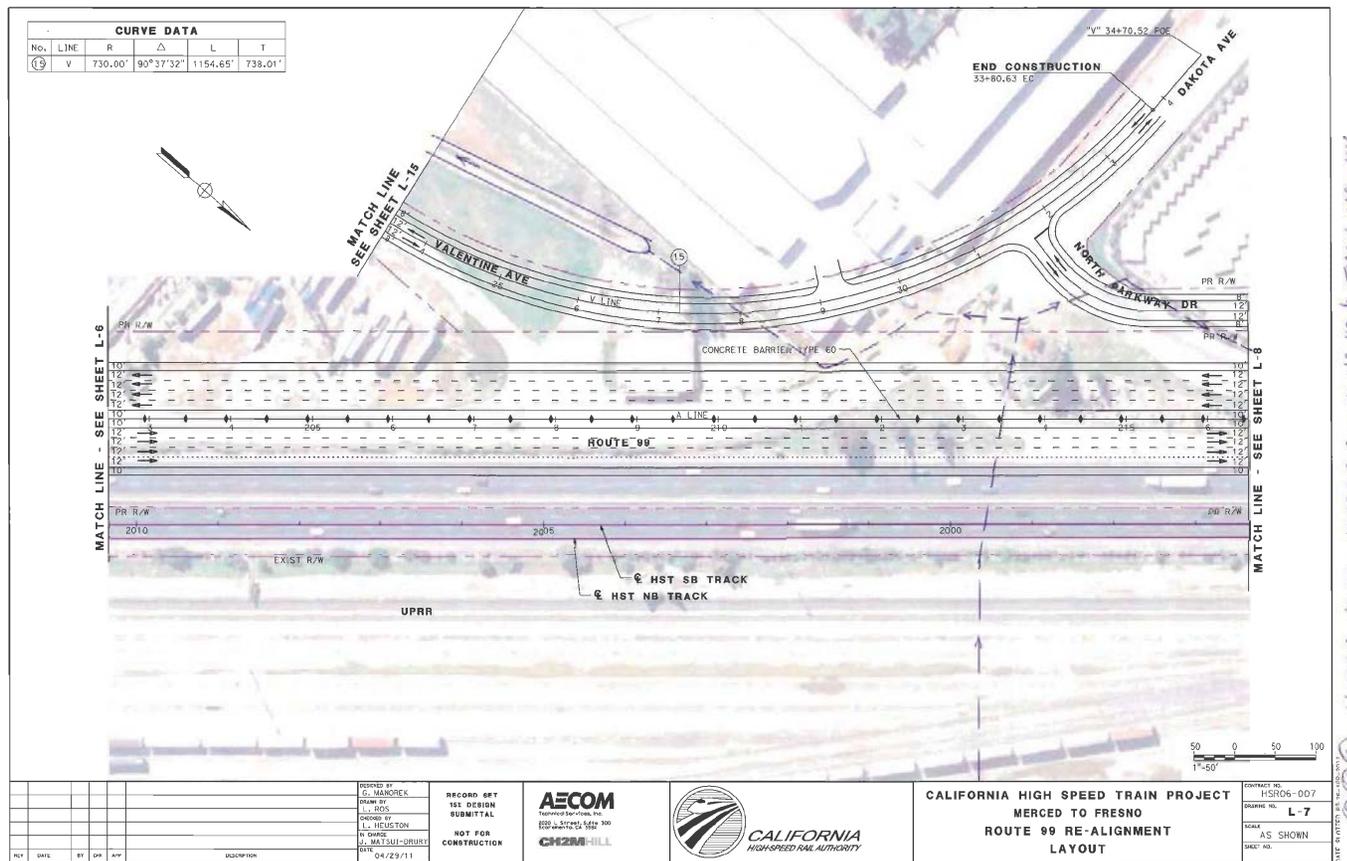
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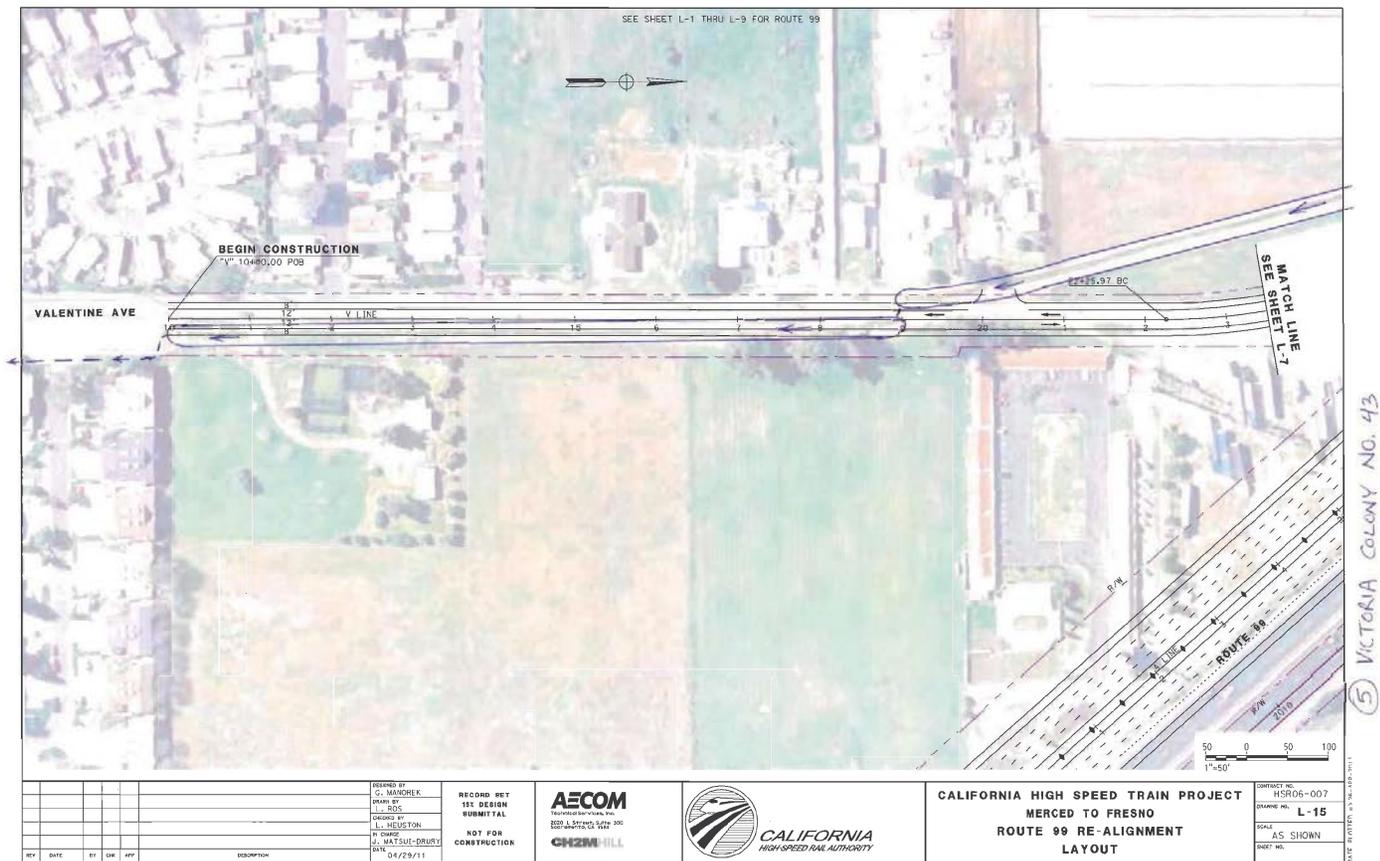
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G. MANOREK
 DRAWN BY
L. ROS
 CHECKED BY
L. HEUSTON
 IN CHARGE
J. MATSUI-DRURY
 DATE
04/29/11

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 5% DESIGN
 SUBMITTAL

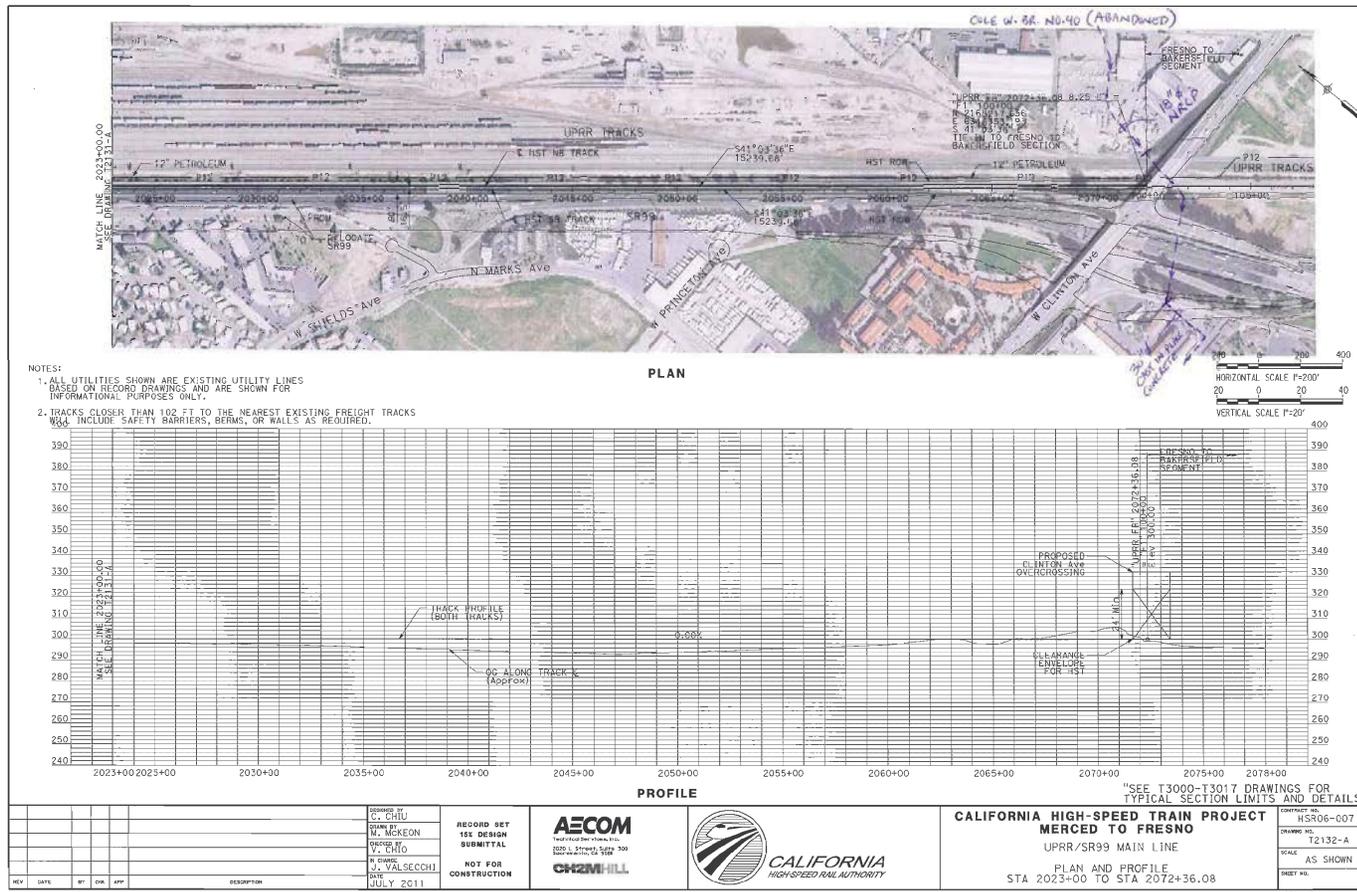
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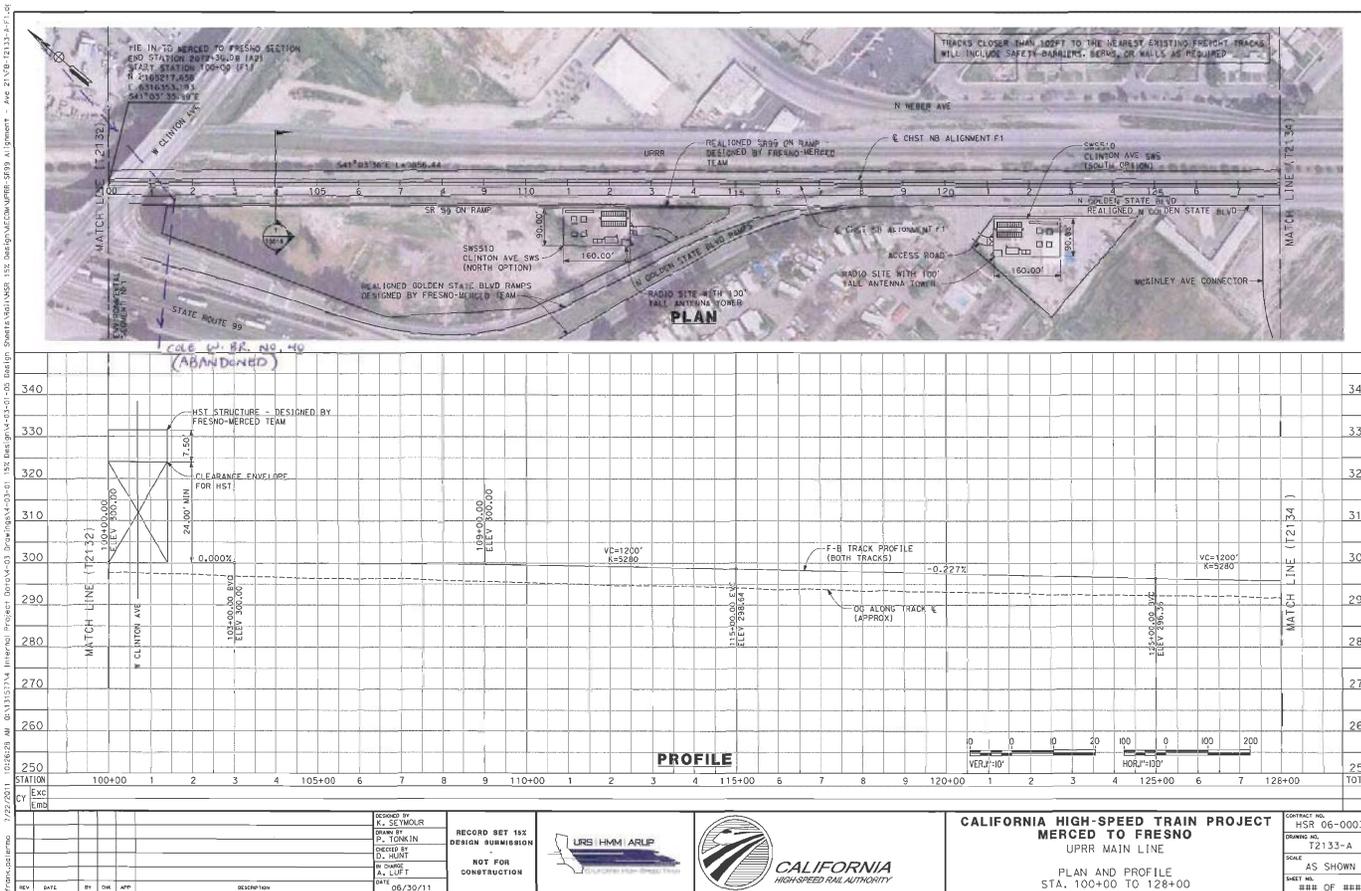
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 MERCED TO FRESNO
 ROUTE 99 RE-ALIGNMENT
 LAYOUT

CONTRACT NO.
HSR06-007
 DRAWING NO.
L-15
 SCALE
AS SHOWN
 SHEET NO.

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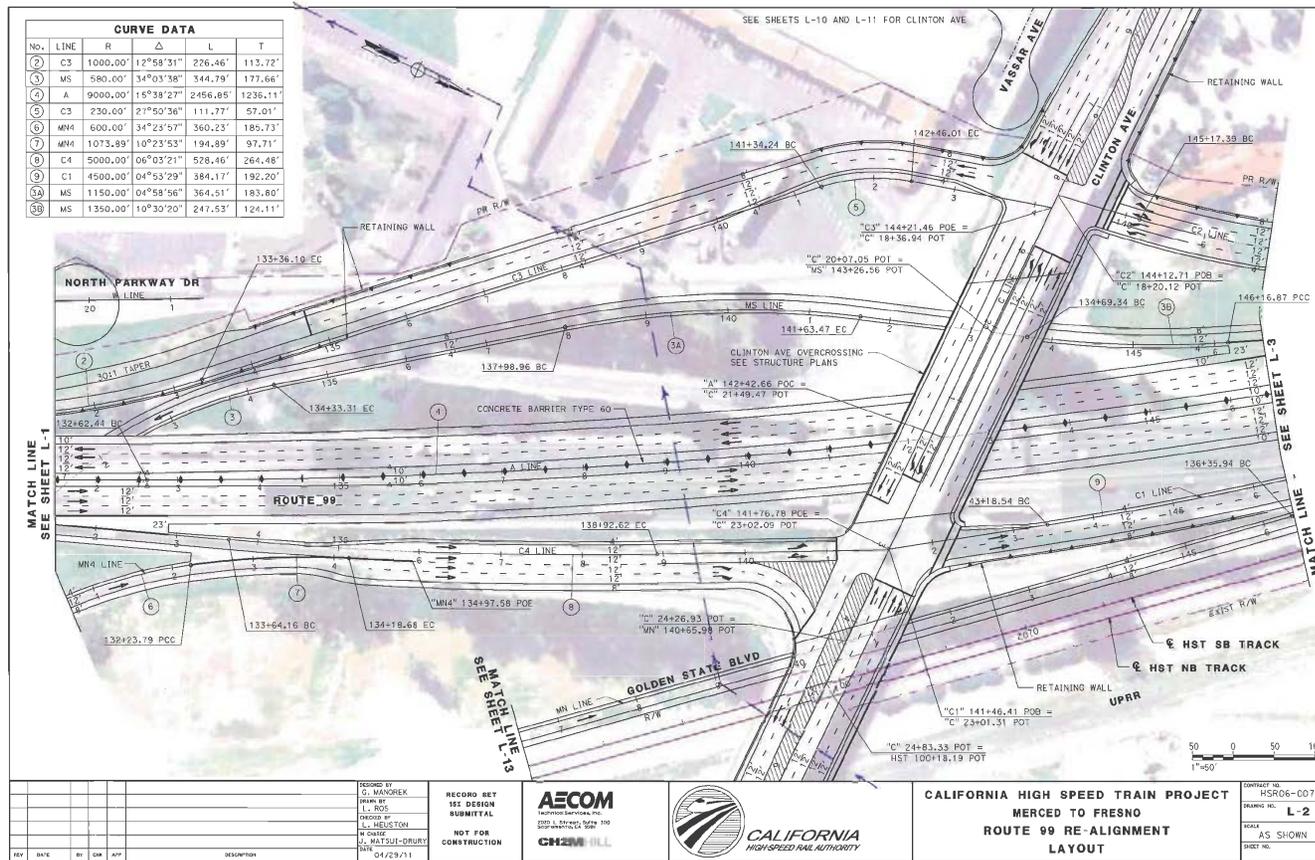


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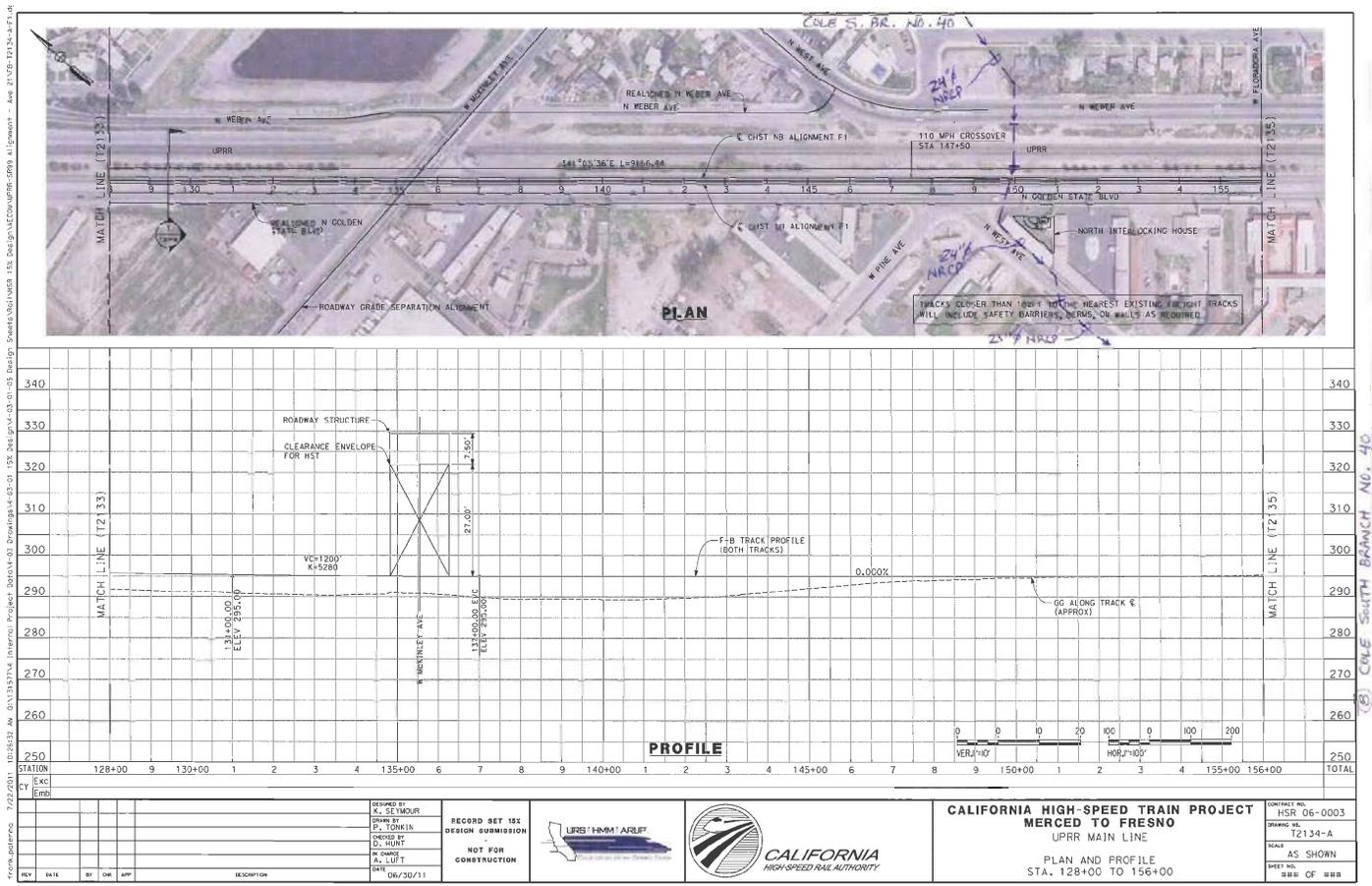
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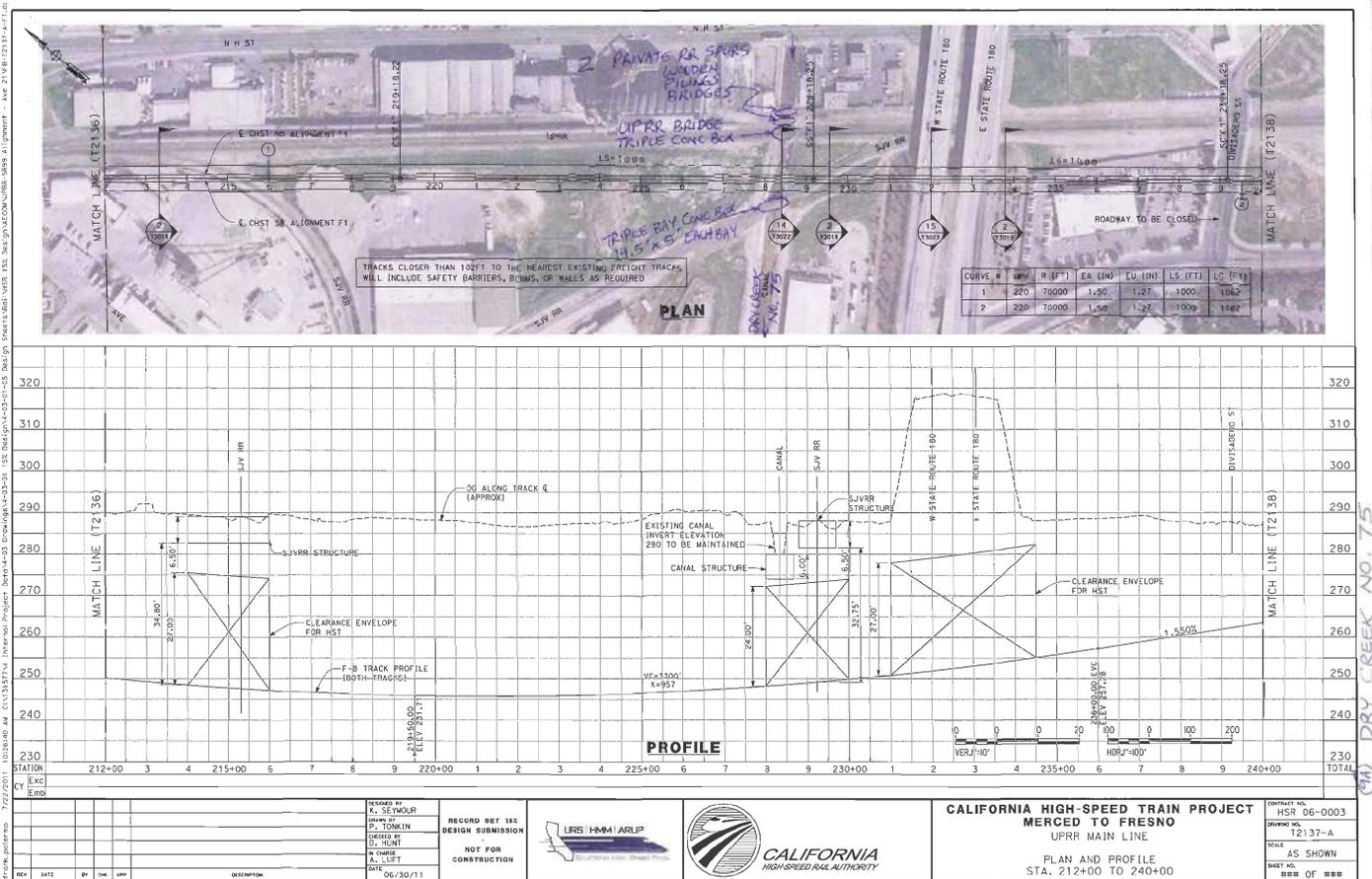


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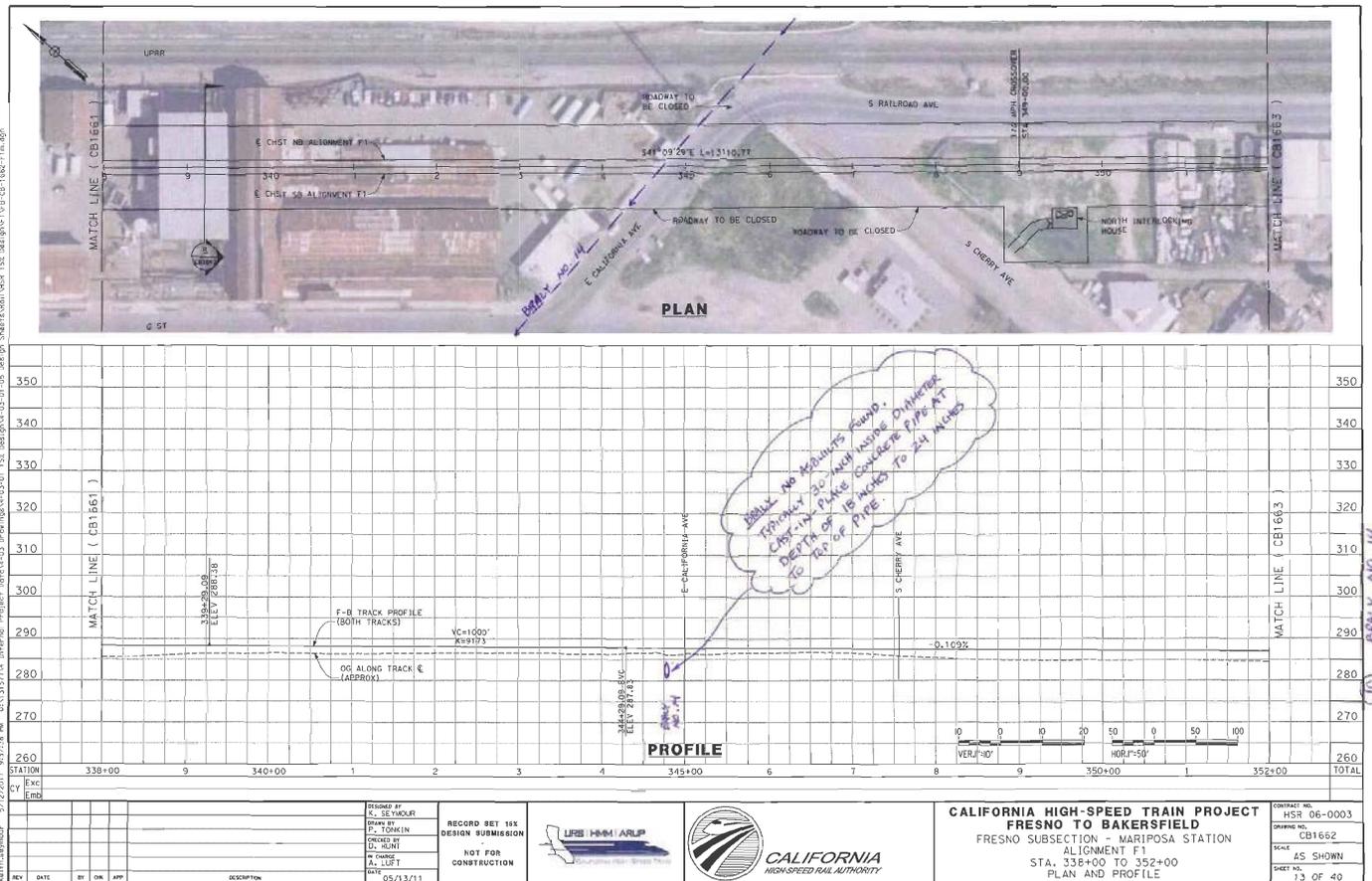
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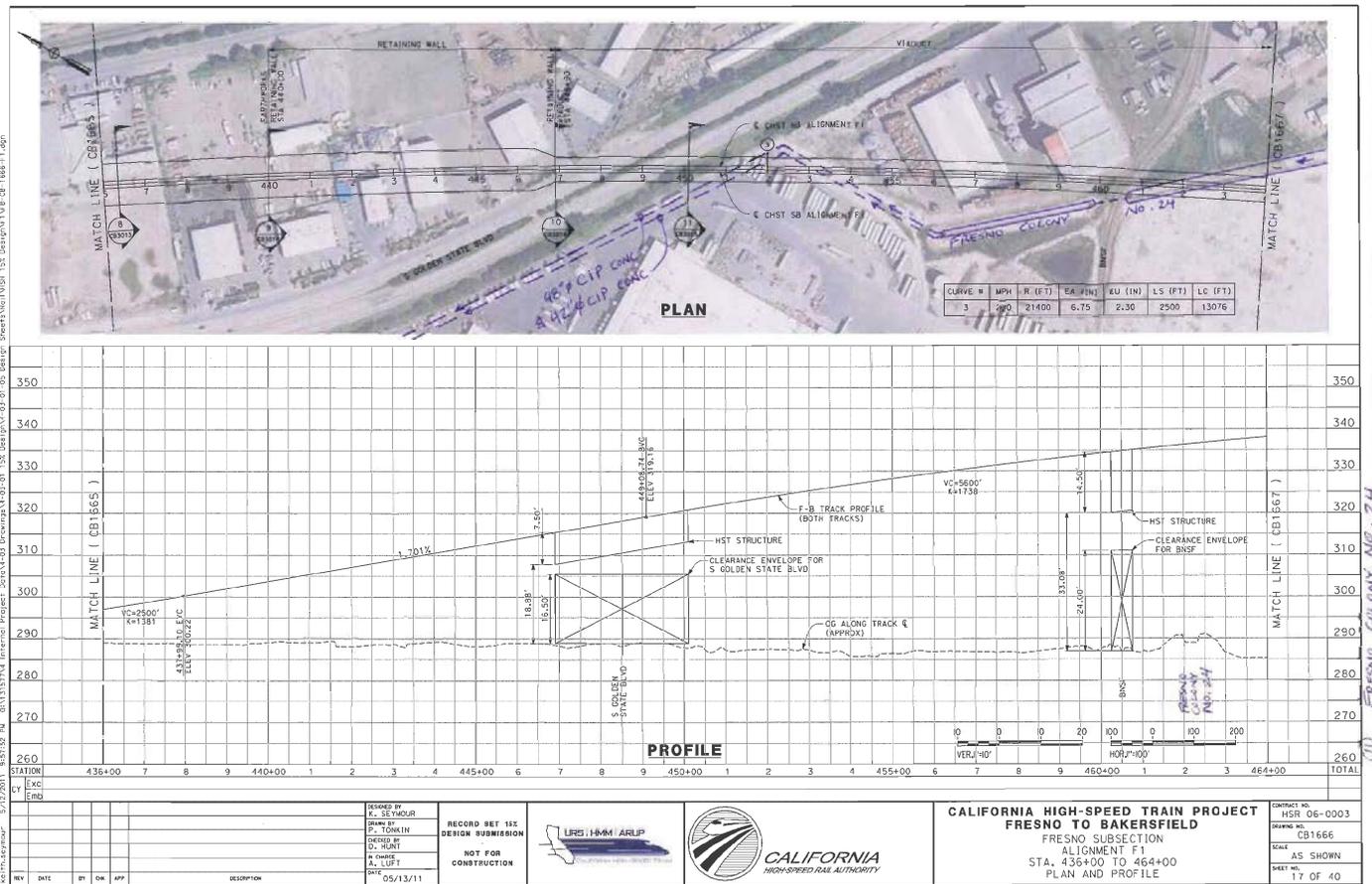
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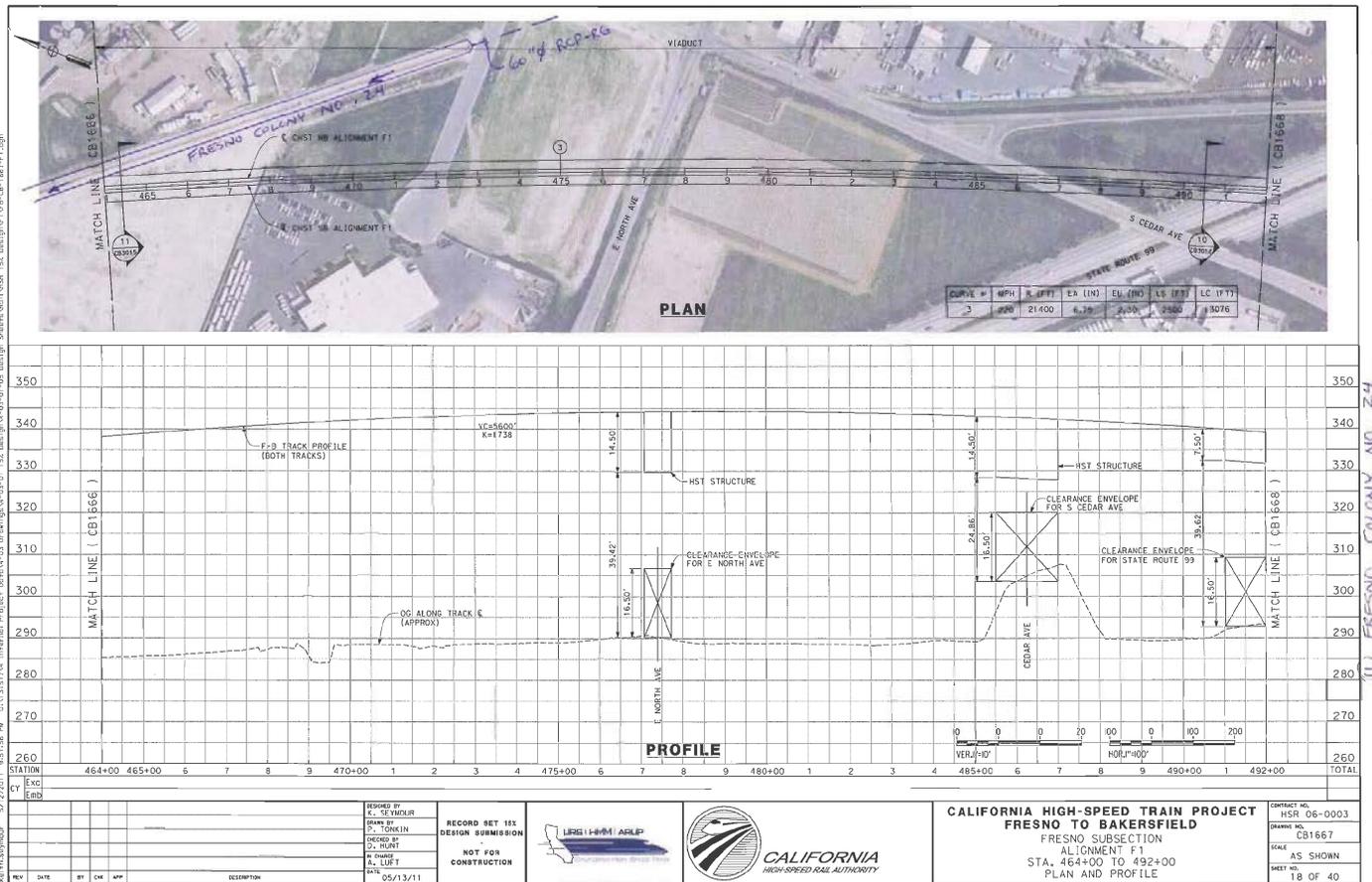
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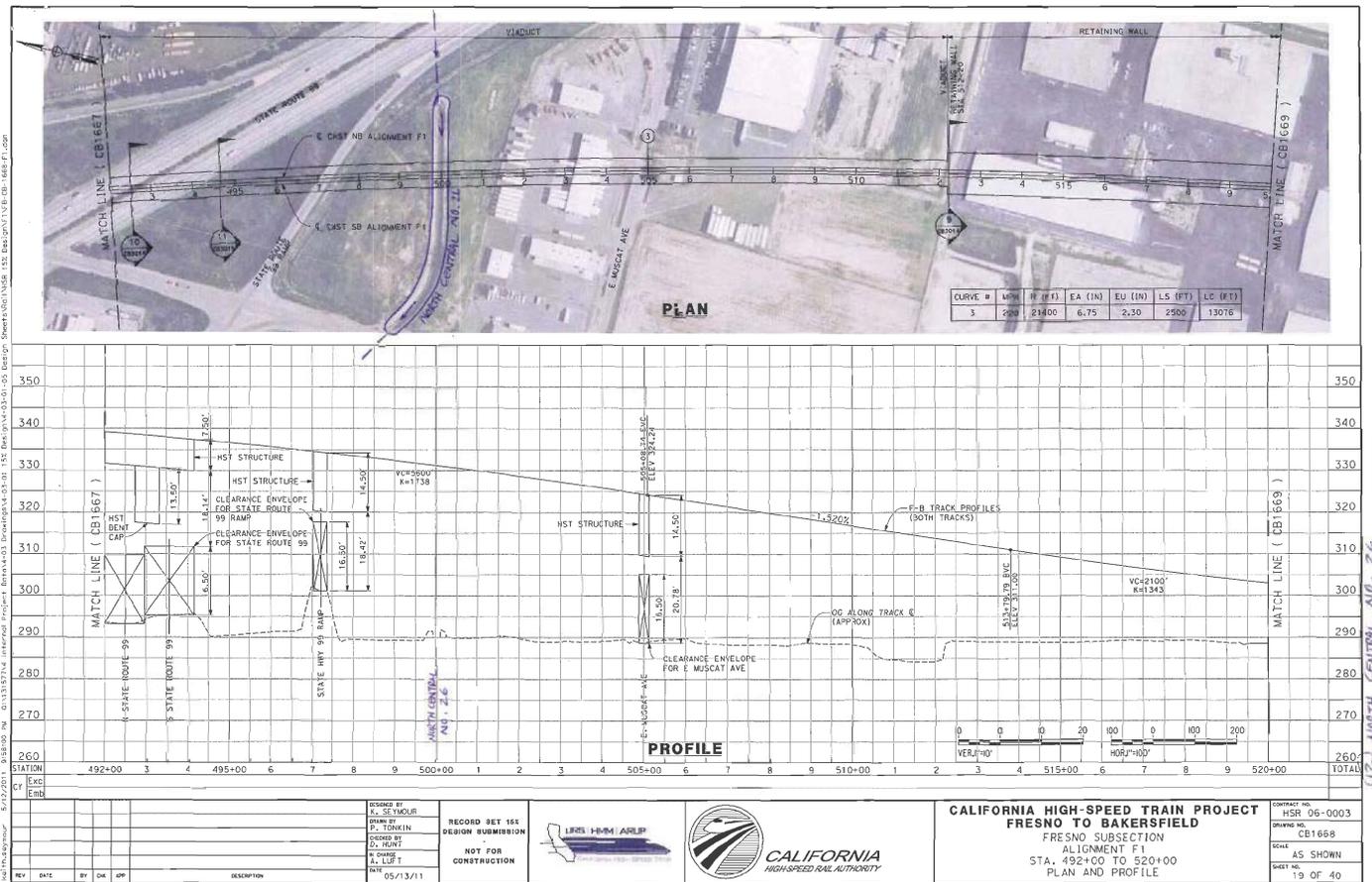


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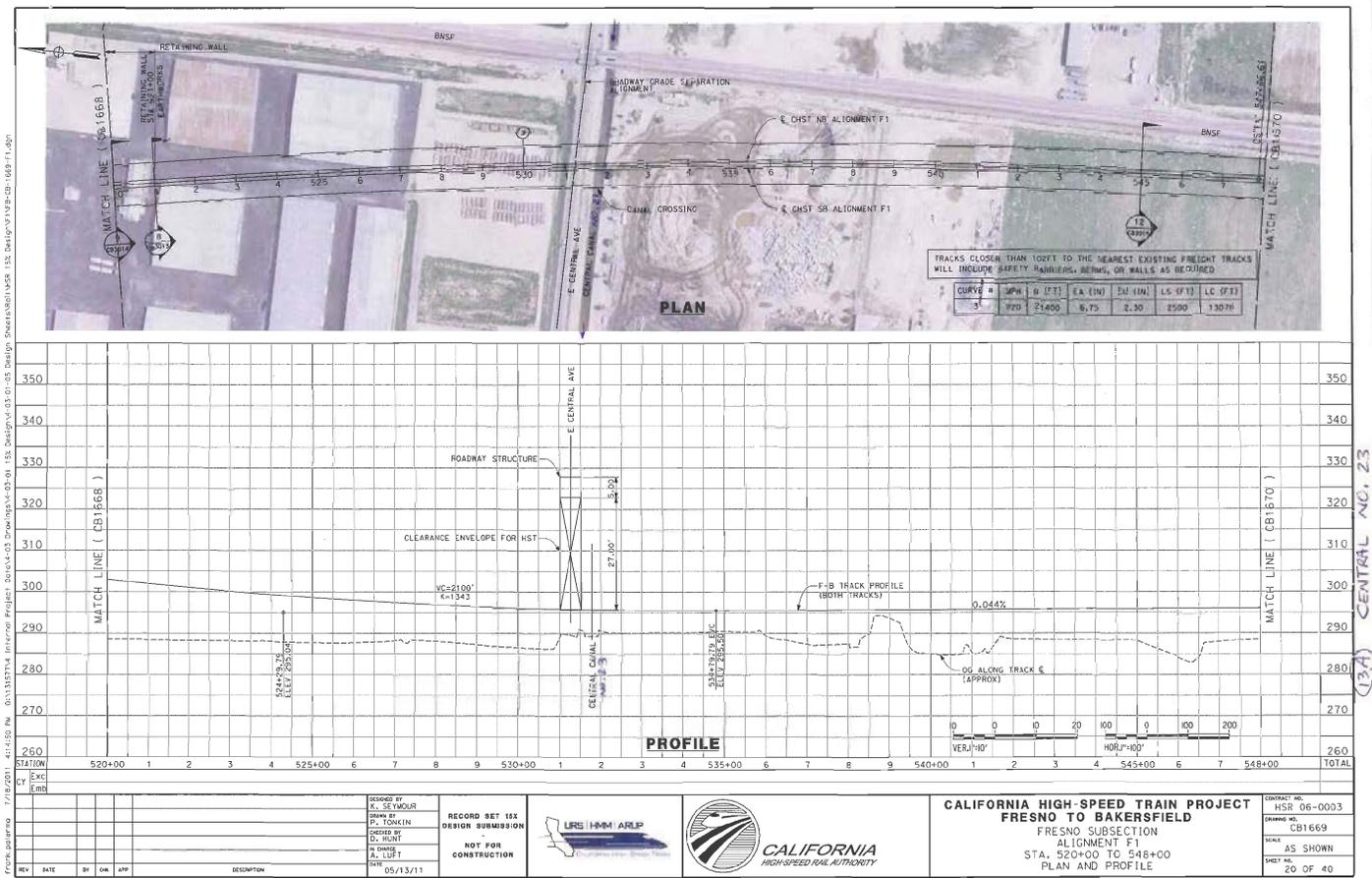


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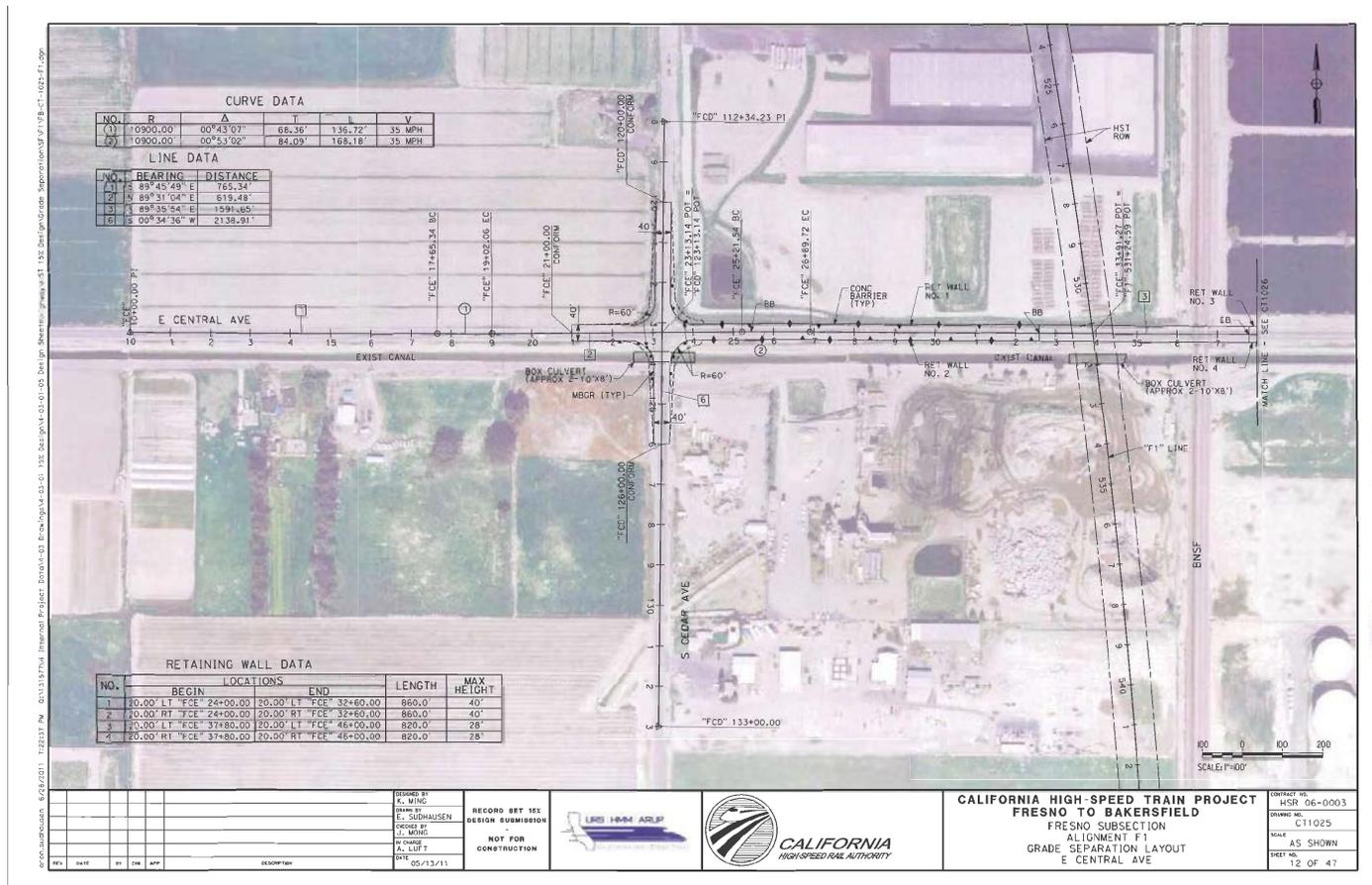
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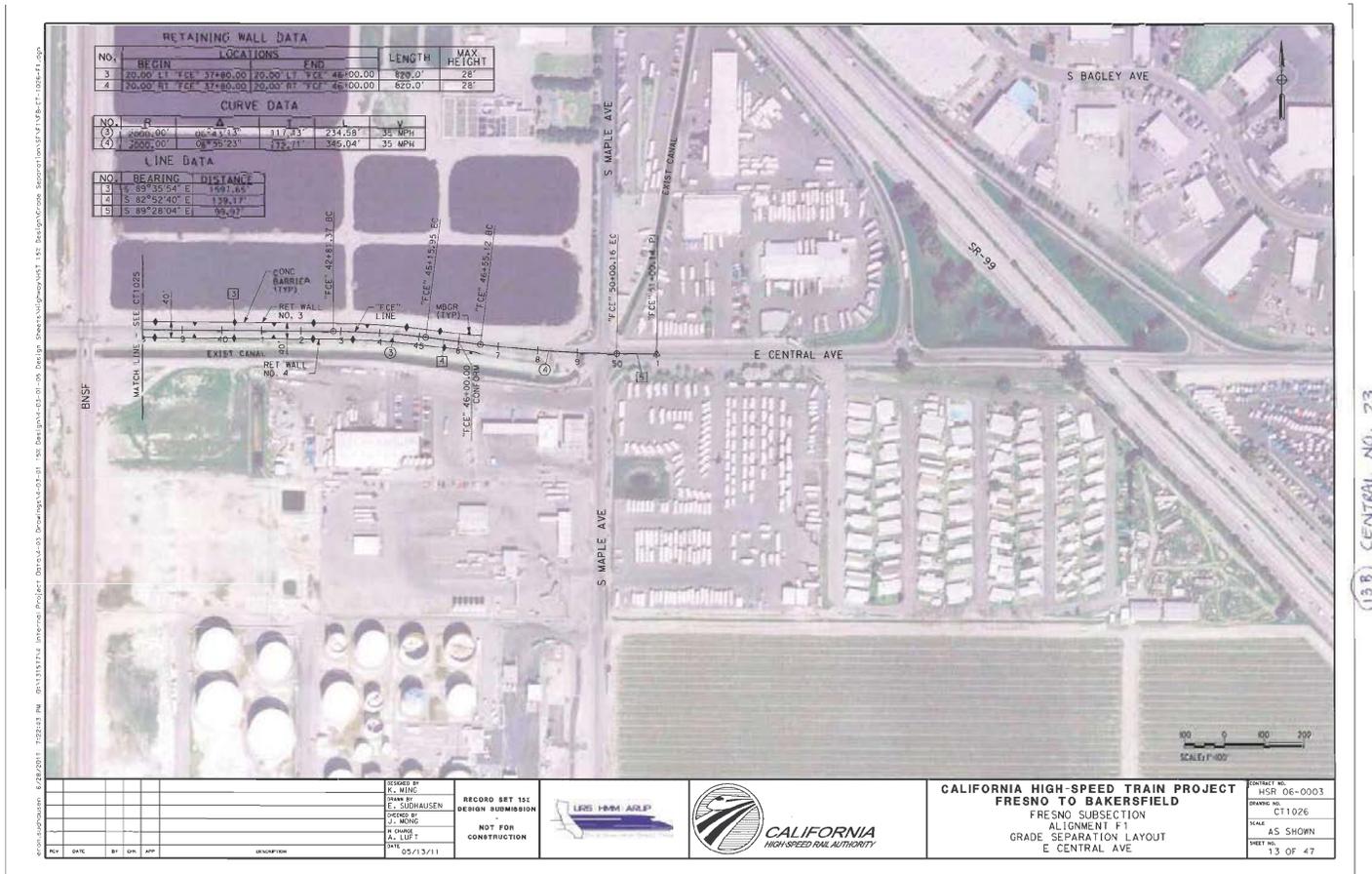
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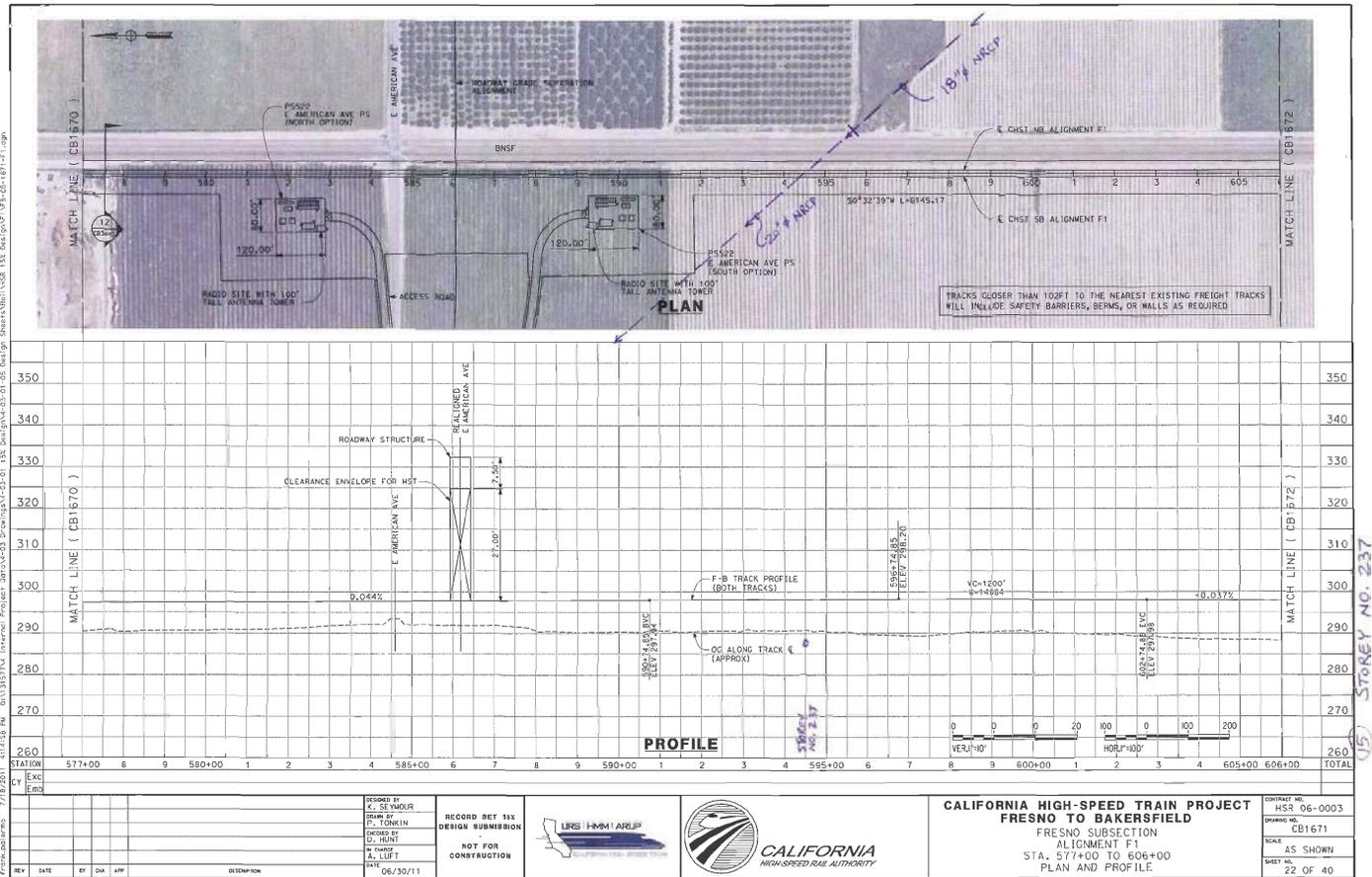
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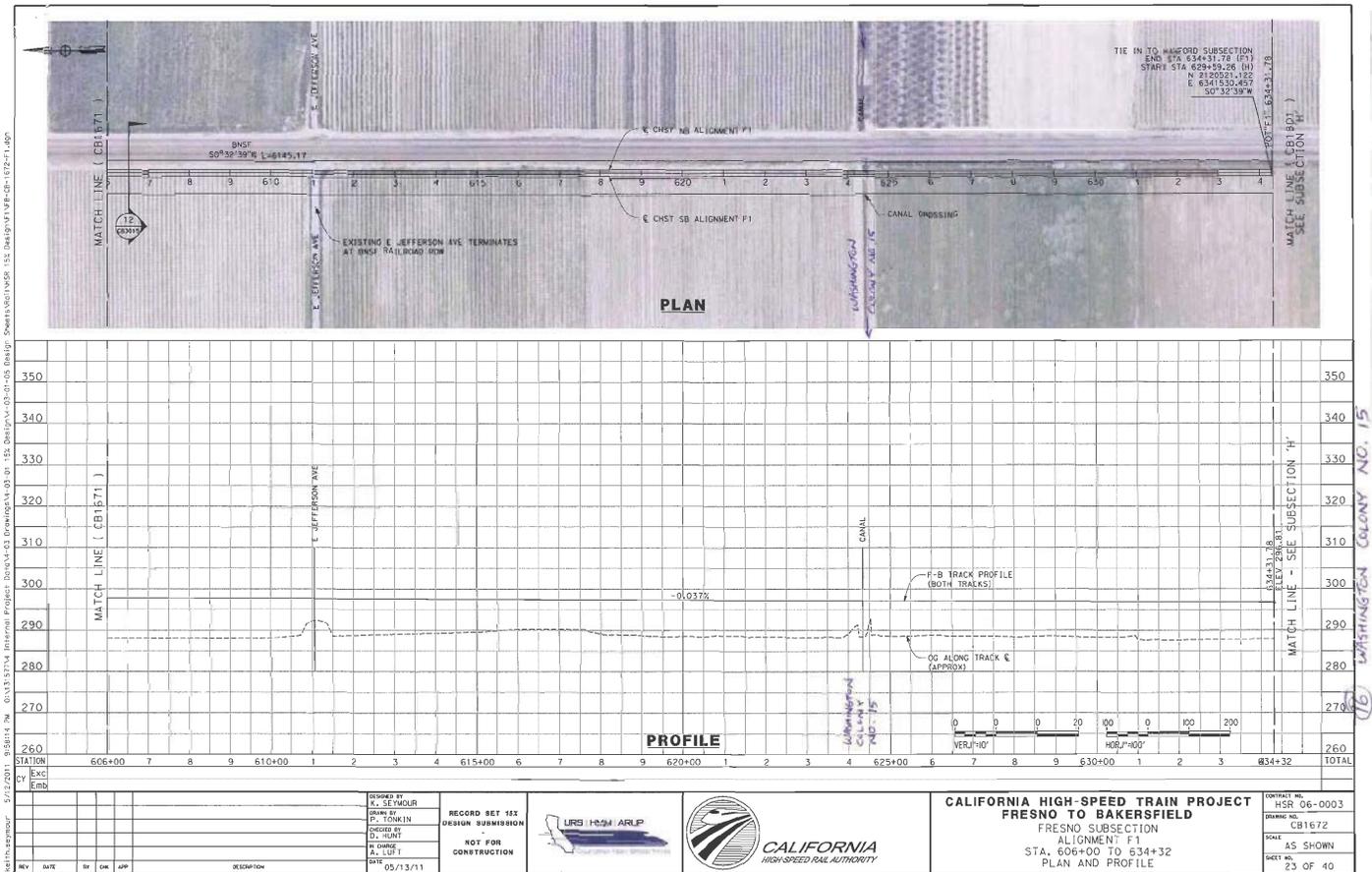
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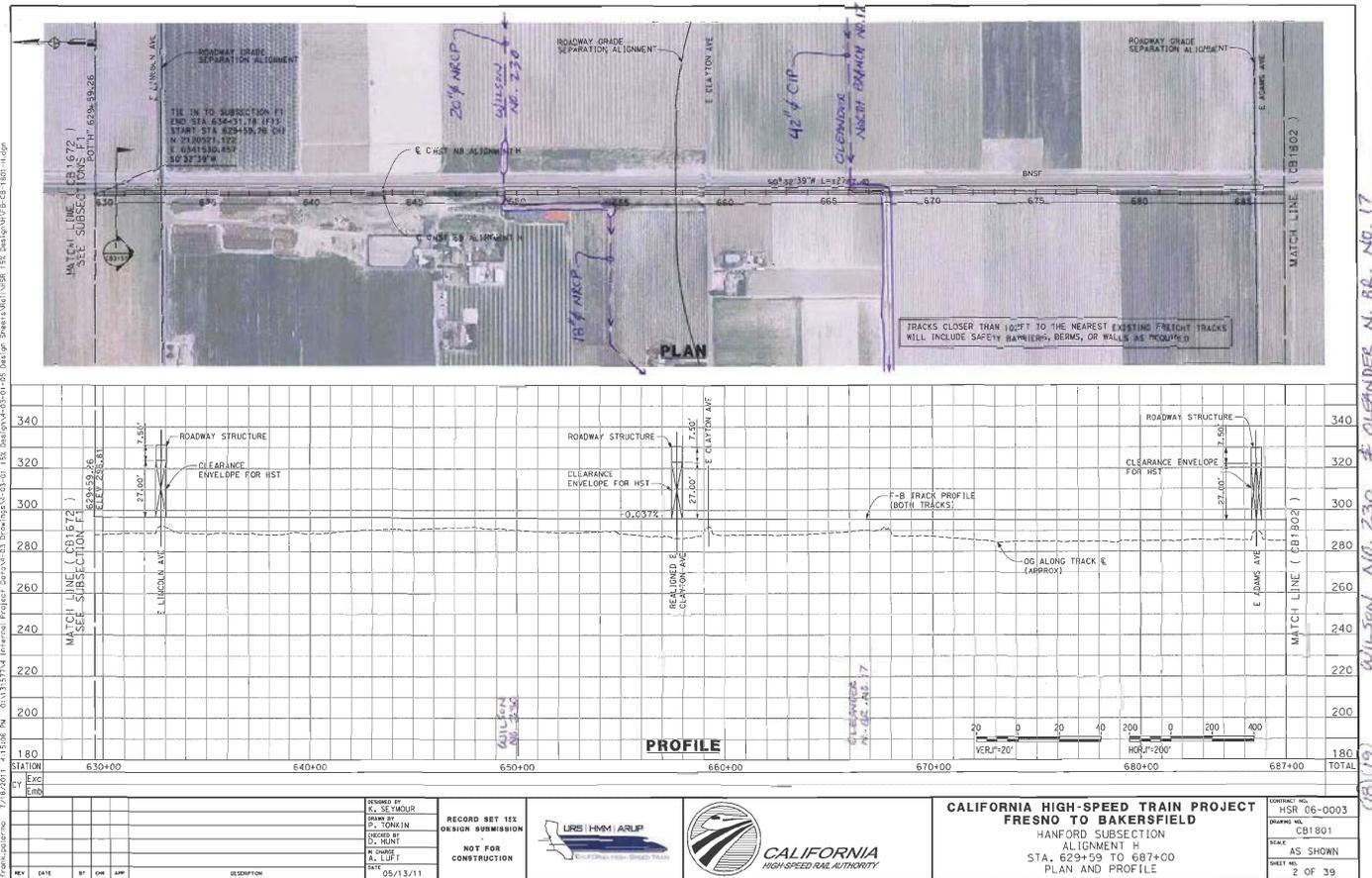
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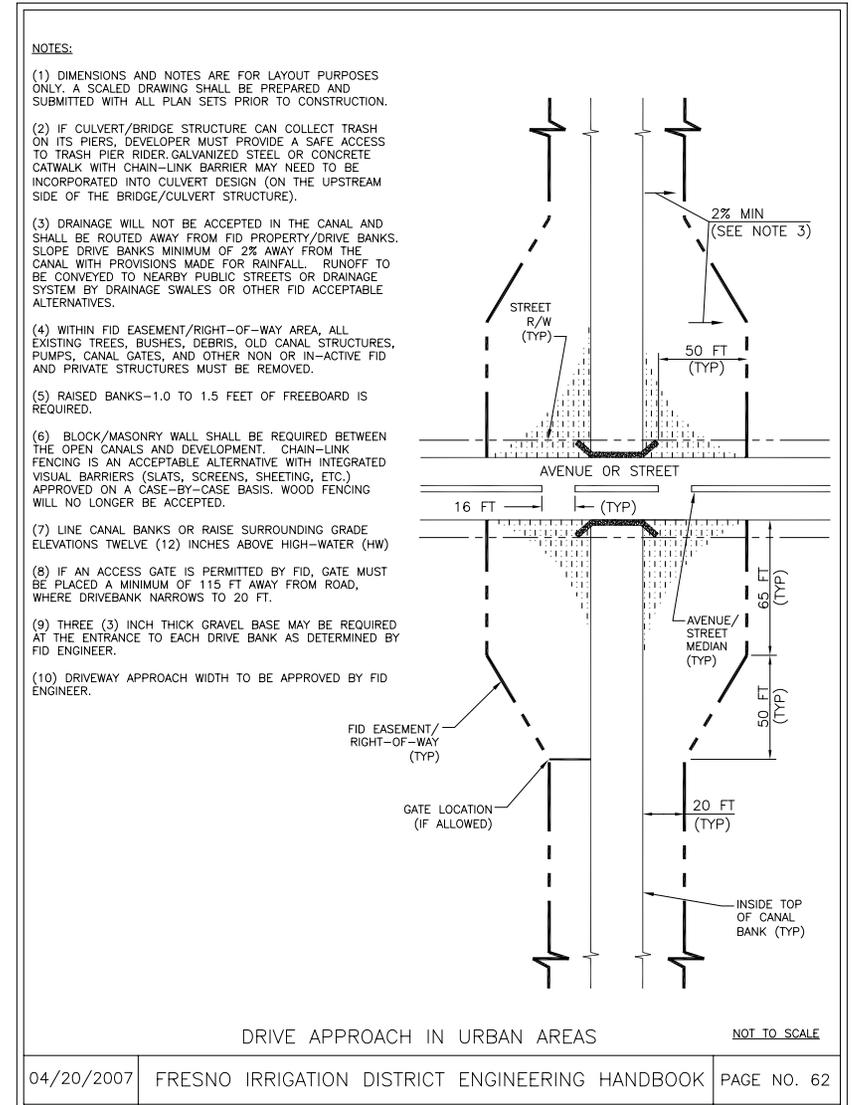
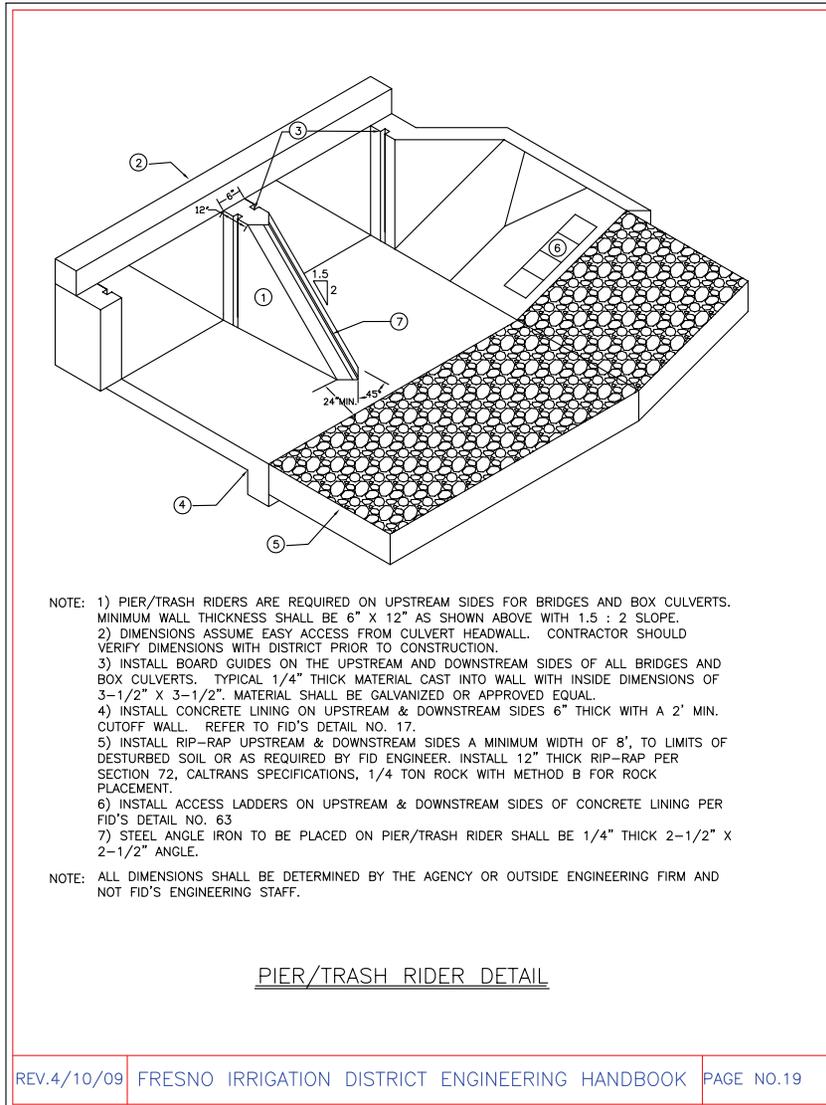
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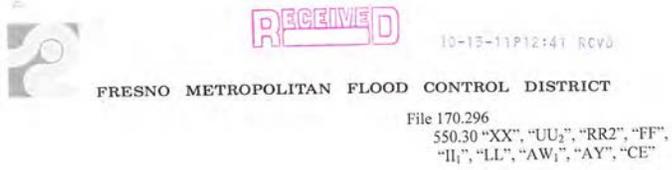
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Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011)



California High Speed Rail Authority
October 12, 2011
Page 2 of 10

October 12, 2011

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

Dear Sir/Madam,

**FMFCD Comments and Conditions for
Notice of Environmental Impact Report (EIR)
for the High Speed Train Project (HST)
Draft EIR/Statement: Fresno to Bakersfield**

The Fresno Metropolitan Flood Control District (FMFCD) has completed its review of the portion of the Fresno to Bakersfield Section of the California High Speed Train Environmental Impact Report/Environmental Impact Statement with respect to the portion of the project within the FMFCD. The following are comments on the report and/or information useful to the High Speed Rail Authority (HSRA).

L029-1

Drainage Fees

FMFCD bears responsibility for stormwater management within the Fresno-Clovis metropolitan area, including the area of the subject project. The community has developed and adopted a Storm Drainage and Flood Control Master Plan (Master Plan). Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipelines and storm drainage retention basins. The subject project lies within several individual drainage areas of the locally adopted Master Plan.

Each property owner (or project) is required to contribute its pro-rata share to the cost of the public drainage system related to the benefits of a drainage system to their property. It is this form of participation in the cost and/or construction of the drainage system that mitigates the impact of development. The High Speed Train (HST) must pay drainage fees consistent with the Drainage Fee Ordinance in order to mitigate the drainage impact of the project. These fees will be placed in the drainage area trust account for the purposes of constructing the planned drainage facilities and/or reimbursing the FMFCD for historical fund advances for drainage improvements. Such fee payment must be included as a provision in an agreement between FMFCD and the HSRA. Payment will be required at the rates in effect at the time of approval of construction and/or as provided in the agreement. The agreement will also identify provisions for the HST to obtain drainage services from FMFCD systems (the majority, if not all, of the reach through FMFCD area). Please refer to attached Exhibit "A" for preliminary drainage fees listed by drainage area.

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5469 E. OLIVE • FRESNO, CA 93727 • (559) 456-3292 • FAX (559) 456-3194

L029-2

Drainage Patterns

The HST improvements generally will produce the percentage of stormwater runoff at or near those reflected in the Master Plan. The Master Plan will continue to be reviewed for possible amendments or modifications of existing facilities to accommodate certain HST proposals. The FMFCD will require that the HST coordinate drainage from frequent storms (2-year Master Plan design) into the planned drainage system with certain mitigation identified herein. HST must also consider mitigating impacts from major storms (those that overwhelm the Master Plan design). Generally, FMFCD will manage the disposal of stormwater within the project area although the HST may need to provide some attenuation storage as specific locations wherein the HST needs additional flood protection and/or is adding water to certain FMFCD systems differently than planned.

HST alignment shall be designed to maintain the passage of the major storm surface flow patterns. To accomplish this, HST must analyze the impacts the project will have on surface drainage from major storms. HST must identify where surface flows from major storms currently cross the area proposed for the HST and if the HST will have any adverse impact on these flows. Adverse impacts to be avoided are i) elevating upstream flood pools thus creating new areas of property inundation, ii) blockage or change of historical drainage patterns and in those locations where changes are made there must be full mitigation of any adverse effects, iii) the analysis should determine if HST itself will cause any unacceptable diversion of major storm surface flow and iv) verification HST rail lines will not be flooded. FMFCD and HST need to determine if the major storm surface flowage area will be protected by the dedication of easements to FMFCD. As HST is locating near the Union Pacific Railroad (UPRR) and generally above its rails, most of the HST project length is not problematic. FMFCD will work to assist HST engineering consultants to identify the appropriate improvements at locations that may be identified as the Project design progresses. Some of these locations are addressed in the following paragraph.

The HST proposes to close several existing street crossings. As such, surface drainage patterns must be carefully reviewed and drainage patterns maintained with a series of cross drains or other approved conveyance systems, including provisions for any major storm flows across the HST. The change in street improvements in the vicinity of the HST must be similarly mitigated with respect to drainage impacts. To assist HST, FMFCD has identified the following roadways from Clinton Avenue south, where major storm surface flows must cross the HST alignment: McKinley Avenue, Belmont Avenue, Fresno Street, Lorena Street, East Avenue, Orange Avenue and Malaga Avenue. Please refer to Table 1 in Exhibit "B" and the diagrams in Exhibit "B" that show a Red Arrow as the Major Storm flow path.

L029-3

Drainage Service

The FMFCD has identified locations for the availability of storm drainage service. A summary of Drainage Guidance is provided in Table 1 of Exhibit "C" and the diagrams in Exhibit "C" reflect the existing FMFCD Master Plan.

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L029-3

In order to mitigate the impact of the HST storm drainage runoff with respect to frequent storms (FMFCD standard 2-year event), HST must relocate or construct drainage facilities within the FMFCD boundary effected by the HST alignment. This mitigation will be accomplished by conforming to the Master Plan that identifies specific segments of the HST right-of-way and the locations for drainage discharge.

Drainage from the HST will need to be directed to the appropriate drainage system and its associated conveyance facilities. It is recommended that the HST builder/contractor contact FMFCD as early as possible to coordinate the locations of proposed connections to or the relocation of existing drainage facilities. Where HST proposes direct connections to the FMFCD system, discharge rates will be limited to the capacity available based upon the area anticipated in the Master Plan for the HST right-of-way. The discharge capacity will be limited to the peak flow rate of a 2-year return frequency storm, but attenuated discharge rates may continue with the total volume not limited. HST shall construct their own facilities (on-site basins or pipelines) to mitigate and temporarily detain any stormwater volume generated above the approved discharge rates identified by FMFCD to meet HST drainage criteria.

For the portions of the HST that are depressed, FMFCD will determine the maximum allowable discharge rate (cfs) to the existing FMFCD collection system and provide that information to the HST hydrology group or the HST builder/contractor for their use in the design of pump and HST detention basin systems. These connection locations can be further addressed during the design and construct phase of the HST route. The HST builder/contractors will need to maintain contact with FMFCD to insure the proper connections and conveyance to FMFCD stormwater collection system.

FMFCD recommends attenuation of peak flows in surface ponds when needed. It is further suggested the ponds be as consolidated as much as possible to lessen the initial expense of dewatering pumps and related power supply needs as well as the long-term future maintenance and dewatering efforts. As an alternative to the ponds, in some instances the HST may desire to increase the size of proposed FMFCD storm drainage pipelines and/or construct parallel storm drainage specifically for HST needs to an FMFCD stormwater management basin. Increasing the diameter of planned facilities could convey any increased flow generated by the HST and this option should be considered in the design of the stormwater conveyance system. The cost for such revisions to the Master Plan would be borne by the HST and not be eligible for fee credit.

The HST alignment traverses some areas of "no-service" to FMFCD. These are generally areas of Caltrans or City right-of-way wherein those agencies are responsible for drainage facilities. However, FMFCD will consider proposals from HST to convey stormwater from these areas to FMFCD, pay drainage fees for the area, and obtain drainage service. Otherwise, HST must provide their own drainage service.

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L029-4

Relocation/Protection of Existing Pipe Facilities

The HST will cross numerous existing storm drainage pipeline facilities at the approximate locations listed in Table 2 of Exhibit "B" (South Clinton to American Avenue) and also shown on the diagrams in Exhibit "B" (attached hereto). Several specific locations are more fully described below.

- 1) Depressed Sections of Rail Requiring Replacement Design
 - a. 96-inch diameter storm drain pipeline flowing west into Basin "RR₂" located near Sta. 10913+20 and approximately 150 feet south of Belmont Avenue. (Exhibit "B", Page 5)
 - b. 60-inch diameter storm drain pipeline flowing west, located near Sta. 10940+20 south of 180 FWY and north of Divisadero. (Exhibit "B", Page 5)

These two facilities are within depressed sections of the HST and must be relocated to meet FMFCD and HST utility standards. The depressed section requires that a replacement design be developed for the storm drainage pipe to match the gravity flow condition similar in characteristic to the existing system. Any replacement must be design to the written satisfaction of FMFCD.

- 2) Proposed Structure over Storm Drain Pipeline
Volume III, Section E – Station Plans, The Fresno High Speed Train Station - Kern Option and Volume I Report Fresno to Bakersfield Section, Public Utilities and Energy, Page 3.6-57, HST Station Facilities.

The Kern Station is proposed to cross a 72-inch diameter storm drainage pipe, near Sta. 11006+50, (Exhibit "B", Page 7) that currently conveys storm runoff from a tributary area of approximately 188 acres northeasterly of the site at a flow rate of 127 cfs. FMFCD will not allow buildings to be constructed over its pipelines. As such, the HST will need to relocate this pipe line to a location that will not be effected with proposed buildings. FMFCD desires the HST select the Mariposa Station Option, as it has no such storm drainage pipeline conflicts.

- 3) Relocation of Storm Drain Pipeline to a Location outside HST Right of Way
There is an existing 42-inch diameter storm drainage pipeline south of the Church Avenue (Sta. 11086+50 to Sta. 11105+00) (Exhibit "B", Page 9) that parallels and is beneath the proposed HST rail design. This pipeline will need to be relocated outside the HST right of way.

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L029-4

The storm drainage facility crossings identified in Table 2, Page 2 of Exhibit "B" are not designed to withstand the loading that may be presented by HST. These facilities must be replaced and/or protected to standards adequate for the HST and FMFCD. HST must provide rights to FMFCD sufficient to operate and maintain the facilities within the HST right-of-way.

Any relocation of FMFCD storm drainage pipeline facilities outside of public street right-of-way must be relocated within a separately dedicated FMFCD storm drainage easement of sufficient width such that future access and maintenance to the storm drainage facilities are effectively provided.

HST must bear the cost of all impacts to the existing FMFCD facilities, including the cost for all relocations and reimbursement of all FMFCD expenses, to include any FMFCD staff time for reviewing the relocation of existing facilities and/or revising the Master Plan to accommodate HST. HST shall enter into an agreement with FMFCD to formalize such reimbursement of costs.

FMFCD's Master Plan must be reviewed for possible amendment or modification to the extent HST relocates existing facilities to accommodate the proposed HST. FMFCD will assist HST to achieve adoption of such modifications.

L029-5

Basins

The proposed HST alignment (Fresno to Bakersfield) has a direct impact on the locations of two FMFCD basins, namely Basin "EE" (McKinley and West) and Basin "RR₂" (Belmont and Thorne). All impacts to these basins must be mitigated, including the replacement of land and storage capacity in a manner acceptable to FMFCD.

HST adjoins FMFCD Basin "RR₂" near Belmont Avenue (Exhibit "B", Page 5). The construction of an overpass at McKinley adjoins FMFCD Basin "EE" (Exhibit "B", Page 3). The HST must not allow any runoff from the HST right-of-way to surface flow into the basins as it would cause severe and unacceptable erosion. Nor can Basin "RR₂", a relatively small basin for its drainage area, accept HST runoff. Also special arrangements would be necessary to add drainage to Basin "EE." Discussions with HST consultants indicate HST intends to control stormwater runoff within the HST right-of-way throughout this depressed section of the project and discharge the runoff into an HST detention basin near its alignment and Dry Creek, and then discharge stormwater from the detention basin into an FMFCD pipeline nearby. This drainage plan for the portion of the project within Drainage Area "RR" is acceptable to FMFCD with a limitation as to the rate of discharge. Also detailed discussions and arrangements will be necessary should any drainage be proposed to be added to Basin "EE."

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FMFCD recommends a single fence between the HST and FMFCD's Basin "RR₂" (Belmont and Thorne). The HST should contact FMFCD so that the specifications for the single fence and maintenance arrangements can be made, as a fence other than the existing chain link fence must be reviewed and approved by FMFCD. FMFCD requests that the grading Engineer contact FMFCD as early as possible to review the proposed site grading for the affected basins for verification and acceptance of grades at our mutual property line prior to preparing a grading plan.

Basin "RR₂" is located near the southwest corner of Belmont Avenue and Golden State Boulevard adjacent to the HST Below grade section near Station 10913+20 (Exhibit "B", Page 5). All proposed fill or encroachments into the basin that will affect the capacity or storage volumes of the basin must be mitigated in a manner acceptable to FMFCD. FMFCD cannot accept a reduction in the capacity of this basin. FMFCD recommends expansion of the basin beneath Belmont Avenue and expansion into what is currently the Belmont Circle. FMFCD will need access beneath Belmont Avenue so that maintenance does not require external travel between the two sides of Belmont Avenue. Basin side slope must be no steeper than 4:1. No additional HST drainage will be accepted into this basin. HST shall be required to provide access and maintenance roads that will meet all weather access requirements for operations and maintenance of Basin "RR₂" for any proposed mitigation.

The access to FMFCD Basin "EE", located at the northwest corner of McKinley and West Avenues, is proposed to be cut off by the reconstruction of McKinley Avenue. HST shall be required to provide alternate access and maintenance roads that will meet all weather access requirements for operations and maintenance of Basin "EE".

L029-6

Proposed Facilities to be Constructed

Development of the HST will require the construction of facilities planned by the Master Plan and lying within or across the HST right-of-way. Construction of these facilities must precede construction of the HST. HST shall also construct all proposed FMFCD storm drainage pipelines that may be located within any new or reconstructed local streets as shown on the diagrams in Exhibit "B" and listed within Table 1 of Exhibit "B".

The cost of construction of Master Plan facilities, excluding dedication of storm drainage easements and also excluding the cost of relocations, is eligible for credit against the drainage fee of the drainage area served by the facilities. An agreement shall be executed with FMFCD to affect such credit. The extra cost for re-routing of proposed facilities whether constructed with the HST or in the future must be borne by the HST without drainage fee credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that HST's costs for proposed Master Plan facilities for an individual drainage area exceed the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to FMFCD.

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HST has a land use density at or near that reflected in the original Master Plan. FMFCD recognizes that for those portions of storm drainage pipe that have not been constructed and can be revised in size to convey the increased flow generated by the HST, it may be an option to increase the capacity for the stormwater conveyance system. The cost for such revisions to the storm drainage Master Plan would be borne by the HST and not be eligible fee credit from FMFCD. HST must also bear the cost to obtain UPRR licenses or easements for all new crossing of UPRR right-of-way.

HST shall obtain or have dedicated to FMFCD a minimum twenty-foot (20') wide storm drain easement whenever storm drain facilities are located on private property. No encroachments into the easement will be permitted including, but not limited to foundations, roof overhangs, swimming pools, and trees. During the design/build phase of the HST, if an easement location for the storm drainage system is realigned to accommodate future development, the HST shall be required to grade the property such that the drainage from the property will reach inlets on the alternate pipeline alignment. HST shall also accept and pay any additional costs for the construction of additional storm drain facilities that may be required for realignment. All proposed storm drain alignments must be reviewed and approved by FMFCD prior to implementation.

FMFCD will need to review and approve all HST storm drainage and other improvement plans for all conveyance facilities to insure compliance with the FMFCD Master Plan (i.e. grading, street improvement and storm drain) prior to implementation. Where HST proposes direct connections to the FMFCD system, discharge rates will be limited to the capacity available in the FMFCD system anticipated by the HST right-of-way area. FMFCD facilities are designed with capacity for a 2-year return frequency storm, but the volume is not limited. A Non-Conforming Facilities fee will be assessed for any lengthening of storm drain and on any non-Master Plan connection to the FMFCD storm drainage system in accordance with FMFCD policy. The current fee for a connection is \$180.00 per connection. All connected inlets are charged per inlet at the rate of \$35.00 per inlet for pipe sizes greater than 12-inches in diameter. If there will be storm drainage pipeline extensions that FMFCD will own, operate, and maintain, a maintenance fee of \$6.50 per lineal foot of pipe will also be assessed.

L029-7

Fill Material and Source of Materials

FMFCD has approximately 17,800,982 cubic yards of commercially exportable fill material available for the HST or other projects in the Fresno/Clovis area. The location of the fill material is shown in Exhibit "D". All locations are compliant with the CEQA as part of FMFCD's 2004 District Services Plan Master Environmental Impact Report. Currently, the permit fee for the export of material is \$0.60 per cubic yard. FMFCD encourages HST to export this fill material for HST construction. As the basin is excavated by the development community, the excavation contractors are required to grade the basin site. Not only do these sites satisfy HST commitment to commercially available sites, use of these sites eliminates duplication of export borrow sites.

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keeps more land on the tax rolls by not consuming property that is otherwise usable, conforms to General Plans, accelerates development of public facilities, and allows the multiple use programs of FMFCD to be implemented (stormwater management, flood control, groundwater recharge, open space and recreational uses).

Both FMFCD and the local tax payers benefit from the reduced cost of the construction of the basins by using the fill material locally, removing most, if not all costs of excavation of the basin from the drainage fee schedules. The local development community also benefit from having an inexpensive and locally available fill material for construction. If HST uses fill material from FMFCD basin sites the community of Fresno Metropolitan Area would benefit from reduced cost in the excavation and development of the basin sites, and the reduced costs of the fill material and transportation of the fill material that the HST would be using to construct the rail.

FMFCD encourages HST to use these commercially available fill sites for borrow material from FMFCD when constructing with the Fresno area. In addition to the multiple community benefits, reduced transportation needed, reduced cost associated with the fill material, the excavation of basins could potentially improve stormwater capacity that would directly and positively affect the HST and the neighboring community. HST contractors must contact FMFCD to make the proper arrangements, including execution of the excavation permits and payment of fees.

STORMWATER QUALITY

L029-8

Outside FMFCD Boundary

Those elements of the HST system that lie outside of the National Pollution Discharge Elimination Permit System (NPDES) Boundary of a Municipal Separate Storm Sewer System (MS4) must be designed to meet the "Post-Construction Standards" specified in Section XIII of the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ.

Section XIII, in general terms, requires that projects outside the MS4 boundary be designed such that post-project stormwater runoff generated by a site is equal to or less than pre-project runoff. This requirement does not apply to projects inside the MS4 boundary (e.g. the FMFCD boundary). Please be aware of the requirement as it applies along the rail route immediately north and south of the FMFCD NPDES Permit boundary.

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L029-9

Within FMFCD Boundary

The FMFCD boundary extends the length of the HST from the San Joaquin River to American Avenue. Within those limits, the HST is subject to the requirements applicable to the local MS4 stormwater permit, a joint municipal stormwater permit that includes the FMFCD and the City of Fresno as well as other local agencies. Projects within those limits benefit from the permit and the extensive stormwater management facilities constructed throughout the community. The stormwater management requirements related to construction and operation of the HST are further explained below. FMFCD Environmental Resources staff is available for assistance to the HSRA and its consultants for more detailed information as needed.

Construction Phase

L029-10

National Pollutant Discharge Elimination System (NPDES) Compliance

Construction of all rail facilities and associated structures is subject to the requirements of the California State Water Resources Control Board, National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity (hereinafter, "Construction General Permit").

In accordance with California Regional Water Quality Control Board Order No. 5-01-048 it is the joint responsibility of the FMFCD and the City of Fresno to ensure compliance with the requirements of the Construction General Permit. The FMFCD leads a multi-agency program of inspection, enforcement and monitoring designed to ensure that all construction projects larger than one acre achieve and maintain compliance with the Construction General Permit.

FMFCD and City of Fresno management and field inspectors will provide compliance site inspections and work with the HSRA and its contractors from the earliest stages of construction (e.g. demolition and land-clearing) through final paving and landscaping to ensure compliance with both the administrative and site-level requirements of the Construction General Permit.

In addition to the requirements of the Construction General Permit, the Project is subject to FMFCD Ordinance 96-1, "Urban Storm Water Quality Management and Discharge Control", hereinafter "Ordinance 96-1". Compliance with Ordinance 96-1 requires that contractors implement the measures included in the FMFCD's "Fresno-Clovis Storm Water Quality Management Program Construction Site Storm Water Quality Management Guidelines". These guidelines are currently undergoing revision and will be reissued in late 2011.

FMFCD staff will be available to coordinate on the content of the HSRA's contracts with respect to formulating contract provisions aimed at ensuring compliance with both State and local regulation pertaining to stormwater pollution prevention.

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L029-10

Within the FMFCD boundary the HST must comply with the Master Dust Control Plan for Compliance with San Joaquin Valley Air Pollution Control District Regulation VII. Fugitive Dust Control. Excavation and transport of construction fill in the Fresno region will be subject to requirements of the San Joaquin Valley Air Pollution Control District Regulation VIII, Fugitive Dust Control. Regulation VIII imposes site and vehicle controls and reporting requirements on owners of fill-producing sites, excavators and transporters of fill, and on projects accepting construction fill.

FMFCD's basin excavation program operates under a Master Dust Control Plan that covers all of our facilities slated for production of construction fill. The FMFCD's Master Dust Control Plan includes uniform and simplified reporting, excavation and transport protocols designed to facilitate contractor compliance with the demands of Regulation VIII.

L029-11

Operational Phase

California Regional Water Quality Control Board Order No. 5-01-048 establishes the collectively implemented *Municipal General Permit* for FMFCD, the City of Fresno, City of Clovis, Fresno County and CSU Fresno. To assist in fulfilling its responsibilities under the Municipal General Permit, the FMFCD adopted Ordinance 96-1, "Urban Storm Water Quality Management and Discharge Control". The HST segment running through FMFCD's NPDES boundary will be subject to the requirements of the Municipal Permit and Ordinance 96-1 for the life of the project.

In general terms, Ordinance 96-1 requires that all HST operations and facilities be managed to protect storm drain systems, stormwater retention/detention basins, irrigation canals, or natural streams located in or adjacent to the Fresno urban area. Protections include but are not limited to preventing any stormwater or non-stormwater discharges from transporting mud, silt, hydrocarbons, salts, pesticides, herbicides or any other harmful materials into the storm drain system (the *system* to include streets, gutters, inlets, basins, underground conveyance etc.).

Thank you for the opportunity to comment. Please keep FMFCD informed on the timing, design and construction of this project. If you should have any questions or comments, please contact FMFCD at (559) 456-3292.

Sincerely


Jerry Lakeman
District Engineer

JL/lrl

Attachment(s)

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Response to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011)

L029-1

Thank you for the information provided on the drainage fee ordinance requirements. The Authority and Fresno Metropolitan Flood Control District have entered into an agreement regarding the drainage fee, and the drainage fee will be paid for by the Authority's contractor.

L029-2

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-HWR-01, FB-Response-HWR-02.

Stormwater management strategies have been developed as part of the project's preliminary engineering. Agency consultation and coordination will continue and the Contractor will work with FMFCD to complete the final design for utility relocations. In addition, project design has been further advanced within the Fresno Metropolitan Flood Control District area as part of Construction Package 1A, including more detailed drainage design. Engineers from the regional consultant team are working with the district to address concerns and resolve conflicts. Project design features and environmental impacts are evaluated in the RDEIR/SEIS, including floodplain impacts and changes to existing drainage patterns. In general, it is anticipated that the HST would use existing FMFCD drainage facilities where appropriate.

L029-3

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

Information provided by Fresno Metropolitan Flood Control District (FMFCD) will be provided to HST contractors and inform the final design. The HST System will be designed to meet FMFCD design guidelines within the district boundaries, including onsite detention of stormwater runoff that exceeds the design flows of the existing stormwater system. For example, please see the Procurement Package 1 Stormwater Management Report, which is a more detailed document applicable to the initial construction area between Herndon Avenue and Downtown Fresno (i.e., within the district boundaries).

L029-4

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

The regional consultant design team is aware of pipeline crossings discovered during initial utility investigations (which took place in 2010) and based on continued coordination with the FMFCD. Protection of existing facilities crossed by the HST alignment, or the relocation of those facilities, will be addressed in agreements between the District, the Authority, and the Authority's contractors.

L029-5

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

Updates to the project design for Construction Package 1A (i.e., advancing the level of detail in the preliminary engineering between Herndon Avenue and Downtown Fresno) have further advanced proposed solutions to basin impacts. The Authority has been working with FMFCD on these issues and will continue to work with the District to resolve conflicts with Basin EH, EE, and RR2.

L029-6

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

This comment addresses the timing of relocated or otherwise affected drainage facilities relative to HST construction activities. The comment also addresses cost allocation and reimbursement, and procedures by District staff for reviewing and approving HST drainage design and connections to District drainage infrastructure. These topics will be addressed in the agreement between the Authority and the District.

L029-7

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

The Authority appreciates the information about FMFCD's local and commercially available source of fill. The Authority agrees in principle with the benefits of using this readily available, permitted source and has committed to its use to minimize impacts. At this time, the Authority is not committing to using this of any particular source of fill –

Response to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Continued

L029-7

procurement of fill material will be at the discretion of the Design/Build contractor, so long as the fill is commercially available and permitted.

L029-8

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

For a general discussion about water quality, please see FB-Master Response-49. General requirements and design standards for stormwater quality control (both within and outside of District boundaries) are described in Chapter 3.8, Hydrology and Water Resources, of the Revised DEIR/Supplemental DEIS and in the Stormwater Quality Management Report. The HST project design features include compliance with and implementation of the statewide NPDES Construction General Permit, including post-construction stormwater requirements in areas outside of MS4s.

L029-9

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

NPDES permitting requirements for the HST are currently being discussed with the State Water Resources Control Board. Storm water management programs are described in Section 3.8.2.3.

L029-10

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

During construction, the Authority will be subject to the requirements of the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP), as amended or reissued, and the Clean Water Act (CWA) Section 401 Water Quality Certification. In general, the CGP will drive construction-phase best management practices (BMPs) and monitoring, whereas the Section 401 Water Quality Certification will drive the selection and design of post-construction BMPs. Post-construction BMPs required by the State Water Resources Control Board (SWRCB) will likely be consistent with treatment and hydromodification control standards of the Caltrans NPDES MS4 Permit, which meet or exceed the post-construction requirements of Section XIII of the

L029-10

CGP.

Fresno Metropolitan Flood Control District's (FMFCD) permit RWQCB Order No. 5-01-048 (which is currently being revised) requires the FMFCD to conduct inspection activities at construction sites to determine compliance with the CGP; however, under the CWA, the FMFCD cannot directly enforce the CGP but would enforce building permit conditions.

L029-11

National Pollutant Discharge Elimination System (NPDES) permitting requirements for the operational phase of the HST are currently being discussed with the State Water Resources Control Board (SWRCB).

During construction, the Authority will be subject to the requirements of the NPDES Construction General Permit (CGP), as amended or reissued, and the Clean Water Act (CWA) Section 401 Water Quality Certification. In general, the CGP will drive construction-phase best management practices (BMPs) and monitoring, whereas the Section 401 Water Quality Certification will drive the selection and design of post-construction BMPs. Post-construction BMPs required by the SWRCB will likely be consistent with treatment and hydromodification control standards of the Caltrans NPDES MS4 Permit, which meet or exceed the post-construction requirements of Section XIII of the CGP.

While various agencies such as the Fresno Metropolitan Flood Control District (FMFCD) have various adopted rules and procedures to protect and control water quality and storm flows as required by the CWA and the California Porter Cologne Water Quality Act in the areas in which HST will be built, the SWRCB has an interest in standardizing water quality protection requirements under these laws to aid in enforcement of, and the Authority's compliance with, such requirements because the HST System is a project of statewide importance. The SWRCB will therefore administer both the federal CWA Section 401 water quality certifications and the Section 402 post-development NPDES discharge permit for all sections and facilities of the HST project.

The Authority and the SWRCB are in the process of developing a new statewide post-

Response to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Continued

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development NPDES permit for the California HST Project. The anticipated statewide post-development NPDES permit will describe post-construction stormwater treatment and hydromodification control standards consistent with the 401 Water Quality Certification, as well as operational BMPs and source controls, and BMP maintenance and monitoring requirements during project operations. The process to develop and adopt a statewide NPDES permit for the Authority is expected to take substantial time, including completion of an internal review by the Authority and SWRCB, as well as a public review and comment period.

In general, the Authority will adopt post-construction treatment control and hydromodification control standards as described in the new NPDES permit. These standards will likely be consistent with the Caltrans NPDES MS4 Permit per SWRCB approval. However, in specific areas where unique conditions exist, the Authority will have the flexibility to comply with local MS4 requirements. For example, discharges within the city of Fresno may warrant a waiver if those discharges are captured and treated within the FMFCD regional infiltration basin system.

Attachment to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District,
 October 13, 2011) - Fresno Metro Flood Control Attachments.pdf

Exhibit "A"

Table (Page 1) – Summary of Preliminary Drainage Fees

Diagrams (Pages 2 – 6) – Drainage Fees by Drainage Area

**High Speed Rail
 Summary Preliminary Drainage Fee
 Portion Clinton to American Avenue**

HST

Drainage Area	Use	Rate/Ac	Acres	Fee
EXEMPT "EI"	Comm.	\$15,640	1.08	\$16,891.00
EI	Comm.	\$15,640	1.05	\$16,422.00
EH	Comm.	\$13,090	12.18	\$159,436.00
AH	Comm.	\$11,010	16.78	\$184,748.00
AK	Comm.	\$8,890	10.14	\$90,145.00
EXEMPT "AL"	Comm.	\$6,960	14.25	\$99,180.00
NON-PLANNED "EH"	Comm.	\$13,090	2.63	\$34,427.00
EL	Comm.	\$9,970	3.32	\$33,100.00
EH	Comm.	\$13,090	9.92	\$129,853.00
			71.35	\$764,202.00

Roadway Construction/Relocation

Drainage Area	Use	Rate/Ac	Acres	Fee
AH	Road	\$11,010	29.80	\$328,098.00
EL	Road	\$9,970	3.85	\$38,385.00
EI	Road	\$15,640	1.60	\$25,024.00
EH	Road	\$13,090	39.92	\$522,553.00
AK	Road	\$8,890	6.21	\$55,207.00
			81.38	\$969,267.00

Attachment to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Fresno Metro Flood Control Attachments.pdf - Continued

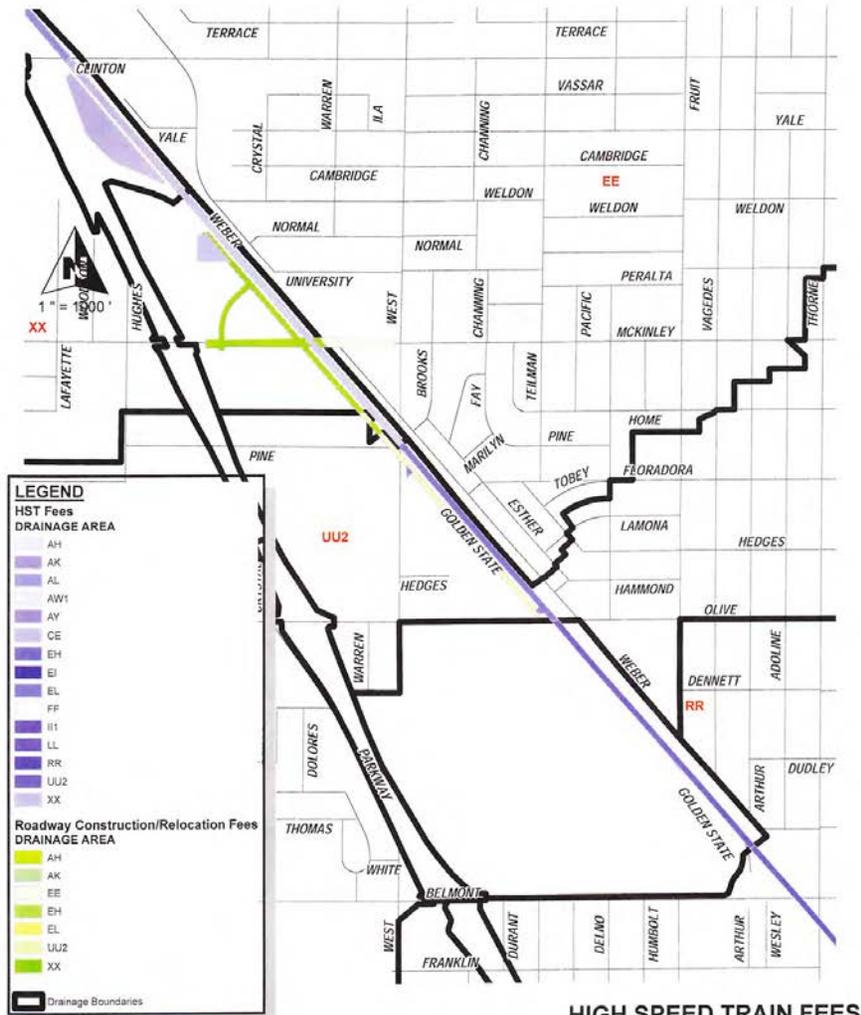


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FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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 Date: 10/10/2011
 Path: K:\Master Planning & Special Projects\Misc. Special Studies\2011-208_HSR Train Project\HSR\FEES.mxd

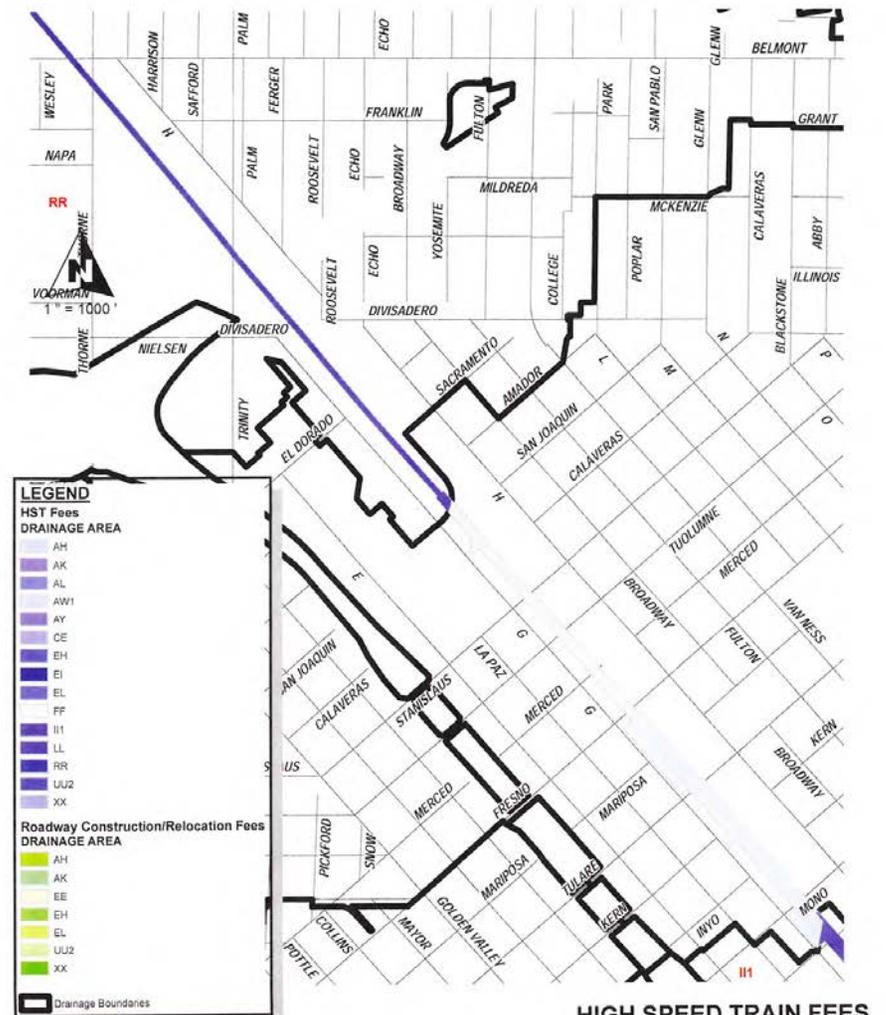


EXHIBIT "A"
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FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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