

HIGH-SPEED RAIL AUTHORITY
MONTHLY MEETING
TRANSCRIPT OF PROCEEDINGS

FRESNO CITY COUNCIL CHAMBERS
FRESNO CITY HALL
2600 FRESNO STREET
FRESNO, CALIFORNIA
TUESDAY, MAY 6, 2014
3:08 P.M.

TIFFANY KRAFT
CERTIFIED SHORTHAND REPORTER
LICENSE NO. 12277

A P P E A R A N C E S

BOARD MEMBERS

Mr. Dan Richard, Chair
Mr. Tom Richards, Vice Chair
Ms. Lynn Schenk, Vice Chair
Mr. Richard Frank
Mr. Jim Hartnett
Ms. Katherine Perez-Estolano
Ms. Thea Selby

STAFF

Mr. Jeff Morales, Chief Executive Officer
Mr. Thomas Fellenz, Esq., Legal Counsel
Mr. Mark Mc Loughlin, Director of Environmental Services
Ms. Janice Neibel, Board Clerk
Ms. Diana Gomez, Central Valley Regional Director

ALSO PRESENT

Mr. Randy Aaronian
Ms. Shelli Andranigian, Andranigian Farming
Mr. Leroy Brown, Kern County Academy

A P P E A R A N C E S

ALSO PRESENT

Mr. Ross Browning, CCHSRA

Ms. Colleen Carlson, County of Kings

Mr. Ryan Carmo

Mr. Douglas Carstens, County of Kings, Kings County Farm Bureau, CCHSRA

Mr. Gregory Cooper

Mr. Tim Cooper

Mr. Kevin Dayton, Labor Issues Solutions, LLC

Mr. Marvin Dean, SJV Construction Academy, KMCA

Mr. Leonard Dias, Kit Carson School

Mr. Joey Djabrayan, Fresno State

Ms. Lee Ann Eager, EDC

Mr. Jim Eggert, City of Bakersfield

Ms. Katie Emmons, I Will Ride

Mr. Yesenia Facio, Fresno State

Mr. Jerry Fagundes

Ms. Mary Jane Fagundes

Ms. Maurean Fukuda, CCHSRA

Mr. John Guinn, Roll Real Estate Development Paramount

Mr. Naazim Hamid, San Joaquin Valley Minority Contractors

Mr. Erik Hansen

Ms. Jennifer Hanson, PFFJ/Hormel Foods

A P P E A R A N C E S

ALSO PRESENT

Mr. Loran Harding

Mr. John Hernandez

Mr. Tate Hill, Fresno Metro Black Chamber/Central Valley
Diversity Partnership

Mr. Jason Holder, CCHSRA, Kings County, Kings County Farm
Bureau

Ms. Charlene Hook

Ms. Carole Jacoby

Ms. Joleen Jameson

Mr. Brad Johns

Ms. Holly A. King, Wasco-Shafter Ag Group

Mr. Michael Lamb

Mr. Mike LaSalle

Mr. Joe Machado

Mr. Michael Maldonado

Mr. Terry Maxwell, City Council, Bakersfield

Mr. Alfred Mendoza, CSU Fresno, I Will Ride

Mayor Steve Nelsen, City of Visalia

Mr. Jim Neufeld, Lester Neufeld & Son

Mr. Ram Nunna, Fresno State

Supervisor Henry Perea, Fresno County

Mr. Frank Oliveira, CCHSRA

A P P E A R A N C E S

ALSO PRESENT

Ms. Kathy Omachi

Ms. Angelica Pimentel, Fresno State

Mr. Darrel Pyle, City Manager, Hanford

Ms. Bianca Rodriguez, Fresno State, I Will Ride

Mr. Alan Scott, representing Bill Discary

Ms. Cherylyn Smith

Ms. Anita Soliz

Ms. Karen Stout, CHSRA

Ms. Helen Sullivan, Sullivan Farming

Mr. Todd Turley, South Valley Farms

Mr. Danny Vartan, American Lung Association in California

Mr. David Wells

INDEX

	<u>PAGE</u>
1. Consider Approval of Board Minutes from April 10, 2014, Meeting	2
Motion	2
Vote	3
2. Staff Presentation on the Fresno to Bakersfield Section Final Project Environmental Impact Report/Environmental Impact Statement and Supporting and Related Documents such as any Errata (collectively, "Final EIR/EIS")	3
Public Comment	32
3. Public Comment on All Agenda and Non-Agenda Items	
4. Adjournment	144
5. Reporter's Certificate	145

1 (Thereupon the Pledge of Allegiance was
2 Recited in unison.)

3 CHAIRPERSON RICHARD: Thank you. So we're going
4 to do things in a different order than we normally do.
5 Normally for our Board meetings, for those of you who
6 haven't experienced it, we have all the public comment
7 first. But since most of you are probably here for the
8 item having to do with the review of the environmental
9 documents, we're going to have our staff make a
10 presentation first. And that way, members of the public
11 will have the opportunity to see that presentation and
12 they can incorporate any thoughts or questions or concerns
13 they have into their comments.

14 So first we're going to go to Item 1, which is
15 the approval of the Board minutes from the April 10th,
16 2014, meeting. Can I have a motion?

17 VICE CHAIRPERSON HARTNETT: So moved.

18 CHAIRPERSON RICHARD: Moved.

19 VICE CHAIRPERSON SCHENK: Second.

20 CHAIRPERSON RICHARD: Moved by Mr. Hartnett,
21 seconded by Ms. Schenk.

22 Secretary, please call the roll.

23 BOARD CLERK NEIBEL: Ms. Schenk?

24 BOARD MEMBER SCHENK: Yes.

25 BOARD CLERK NEIBEL: Vice Chair Richards?

1 VICE CHAIRPERSON RICHARDS: I'll abstain. I
2 wasn't at the last meeting.

3 BOARD CLERK NEIBEL: Vice Chair Hartnett?

4 VICE CHAIRPERSON HARTNETT: Yes.

5 BOARD CLERK NEIBEL: Ms. Perez-Estolano?

6 BOARD MEMBER PEREZ-ESTOLANO: Yes.

7 BOARD CLERK NEIBEL: Mr. Frank?

8 BOARD MEMBER FRANK: Yes.

9 BOARD CLERK NEIBEL: Ms. Selby?

10 BOARD MEMBER SELBY: Yes.

11 BOARD CLERK NEIBEL: Chairman Richard?

12 CHAIRPERSON RICHARD: Yes.

13 Let me just say that Vice Chair Richards wasn't
14 at the last meeting. I believe that is the first meeting
15 he's missed in the four years he's been on the Board. So
16 his attendance record is still an A.

17 We will then move on, and I'll turn it to Mr.
18 Morales to introduce the staff.

19 We'll move on to the presentation by the staff of
20 the Fresno to Bakersfield section of the Final Project
21 Environmental Impact Report and Environmental Impact
22 Statement as well as with the supporting and related
23 documents.

24 So Mr. Morales, do you want to start?

25 CHIEF EXECUTIVE OFFICER MORALES: Very briefly,

1 Mr. Chairman, we have Diana Gomez and Mark McLoughlin to
2 present and give an overview of where we are in the
3 program and the environmental documents in front of us.
4 We also have counsel present to answer any questions that
5 may come up.

6 CHAIRPERSON RICHARD: Okay. I would like to
7 point out for the audience that those of us up here have
8 screens here. So if you don't see us turning around and
9 looking at the screens behind us, it doesn't mean we're
10 disinterested by any means.

11 Good afternoon, Ms. Gomez.

12 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ: Good
13 afternoon, Chairman, and Board members. Get the
14 presentation up for the audience.

15 (Thereupon an overhead presentation was
16 presented as follows.)

17 CHAIRPERSON RICHARD: Seems like if this is
18 Fresno, there ought to be audio/visual challenges.

19 --o0o--

20 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ: Good
21 afternoon.

22 In our presentation, we're going to first review
23 the preferred alternatives that the Board directed staff
24 to proceed with at the November 2013 Board meeting.

25 CHAIRPERSON RICHARD: Hold on one second. Can

1 everyone in the back hear? Okay. Thank you.

2 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ: We will
3 then summarize the history of the environmental review for
4 the high speed train project from Fresno to Bakersfield
5 section.

6 We will then present major areas of public
7 comment that we received during the environmental review
8 process and then how we address them.

9 We will then briefly summarize some of the
10 changes that occurred between the EIR document since the
11 revised supplemental, which was released July of 2012.

12 We will summarize the Board actions that will be
13 requested tomorrow and the next steps in the project.

14 --o0o--

15 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ: The
16 preferred alternative was presented to the Board in
17 November of 2013. The preferred alternative consists of
18 portions of the BNSF alternative combined with the
19 Corcoran bypass, the Allensworth bypass and the
20 Bakersfield hybrid alternative.

21 The final document contains an environmental
22 analysis of the complete project from the Fresno station
23 south through the Bakersfield station, although the staff
24 is not proposing approval at this Board meeting of the
25 Bakersfield components.

1 --o0o--

2 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ:

3 Throughout the project, outreach has been a core element.
4 Our team has met with stakeholders to review and discuss
5 the project, address their questions and concerns, and
6 impacts and mitigations. Due to the extensive amount of
7 comments from the community along the alignment, we were
8 able to accurately capture the effects of the high speed
9 rail project within the Central Valley.

10 --o0o--

11 CHAIRPERSON RICHARD: A little closer to the
12 mike.

13 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ: Okay.
14 So a little bit of history. Consideration of the high
15 speed rail alignment and station location began with the
16 High Speed Rail Commission in the mid 1990s. Those
17 investigations included public workshops throughout
18 Northern and Central and Southern California, as well as
19 meetings with many local governments and interested State
20 agencies.

21 Corridors between the Bay Area and Los Angeles
22 were considered, along the coast, I-5, State Route 99 and
23 other northern-south corridors not specifically located
24 along existing transportation corridors. The studies
25 evaluated the relative benefits of area's alternative

1 corridors, based on projected ridership, construction
2 costs, socioeconomic effects, and environmental issues.
3 We talked and we will be talking in more detail about I-5
4 and 99 later in the presentation.

5 Between 2001 and 2005, the Authority and the FRA
6 developed the statewide program EIR/EIS that set forth
7 several major decisions on the California high speed train
8 system.

9 First of all, it was decided that a high speed
10 train on steel rail technology was a viable mode of
11 transportation to improve inner-city travel in California
12 and would be more cost effective than increasing freeway
13 and airport capacity.

14 Second, general alignment corridors and station
15 locations were identified for the system between Fresno
16 and Bakersfield. The BNSF corridor was selected with
17 stations in downtown Fresno and downtown Bakersfield.

18 The Authority also decided to conduct a study of
19 viability of a possible station located in the
20 Hanford/Visalia/Tulare area prior to initiating the
21 project-specific document for Fresno to Bakersfield
22 section.

23 --o0o--

24 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ: The
25 Authority issued a Notice of Preparation for Fresno to

1 Bakersfield section in 2009 and held scoping meetings in
2 Fresno, Hanford, and Bakersfield. These scoping meetings
3 were followed by public workshops, stakeholder and
4 technical working group meetings, and meetings with
5 government officials.

6 The draft document for the Fresno to Bakersfield
7 section was published in August of 2011. A 60-day public
8 review period was provided for the draft ending on October
9 13, 2011. Based on comments received during the public
10 review of the draft document, the Authority decided to
11 reintroduce alignment alternatives west of Hanford.

12 In response to concerns raised by stakeholders in
13 Bakersfield, the Authority and the FRA also decided to
14 evaluate another alternative in Bakersfield that would
15 minimize impacts to residential and community facilities.
16 The Authority and the FRA determined that the introduction
17 of these new alternatives and refinements being considered
18 for existing Fresno to Bakersfield route alternatives
19 required a publication of a revised draft supplemental
20 document.

21 --o0o--

22 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ: The
23 revised document was published in July of 2012 and a
24 90-day public review period was provided for the document
25 ending on October 19, 2012. Based on technical analysis

1 of the project alternatives provided in the environmental
2 documents and public and agency comments received on those
3 documents, the Authority staff identified a preliminary
4 preferred alternative that was presented to the Board in
5 April of 2013. Based on consideration of public comments
6 on the draft environmental documents and public comments
7 at the April meeting, the Board directed staff to
8 re-evaluate project alternatives with the goal of
9 identifying a preferred alternative that balanced
10 considerations of effects to the physical environment with
11 concerns of local residents.

12 A preferred alternative was brought to the Board
13 at the November 7, 2013, meeting and the staff was then
14 directed to proceed with the preparation of the final
15 environmental document based on that preferred
16 alternative.

17 --o0o--

18 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ: The
19 final document addresses public and stakeholder comments
20 received on the draft environmental documents and was
21 prepared in coordination with federal, State, and local
22 agencies. The final document was put on the Authority's
23 website on April 18th of this year, and it's availability
24 for public review was published in the Federal Register on
25 April 23rd. At the meeting today, the Board will have the

1 opportunity to hear from the public on the final document.

2 Following consideration of those public comments,
3 the staff will ask the Board to consider certifying of the
4 EIR and project approval tomorrow.

5 --o0o--

6 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ: There
7 has been substantial public input on the project
8 throughout the environmental review process. The
9 Authority received almost 2300 written and environmental
10 review and verbal submissions containing more than 7900
11 comments from the agencies and the public on the draft
12 document and then the revised draft document. The most
13 common raised comments are alternatives, reduction in
14 property value, what is the project, adequacy of
15 mitigation, and then failure to listen to comments.

16 --o0o--

17 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ: Many of
18 the comments stated that the document was inadequate
19 because it did not carry alternative alignments along the
20 I-5 and State Route 99 corridors throughout the complete
21 environmental analysis. Many of these comments favored an
22 alignment along I-5 to connect the San Francisco Bay Area
23 and the Los Angeles basin.

24 If the Authority still wanted to provide services
25 to the San Joaquin Valley communities, spurs could run

1 along the number of existing east/west roads between I-5
2 and Fresno and in Bakersfield.

3 Other comments stated that the State Route 99
4 corridor was a logical choice for high speed train because
5 it's already a highly developed transportation corridor
6 with a freeway and the UPRR. But as stated in Proposition
7 1A, the purpose of the high speed train system is to
8 provide a reliable high speed electrified train system
9 that links major population centers of the state. The
10 California legislation defined the state's major
11 population centers to be in Sacramento, the San Francisco
12 Bay Area, the Central Valley, Los Angeles, the Inland
13 Empire, Orange County, and San Diego. The I-5 corridor
14 bypasses the Central Valley and therefore does not meet
15 the fundamental project objective. As a result, it was
16 eliminated from further consideration when the statewide
17 program EIR/EIS was being prepared.

18 --o0o--

19 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ: As
20 stated earlier, the California Inner-City High Speed Rail
21 Commission found that the I-5 corridor would be the least
22 attractive alignment for serving the major urban centers
23 of the San Joaquin Valley. This continues to be true.
24 The I-5 corridor has very little existing or projected
25 population between San Francisco and Los Angeles. There

1 has been little population growth along I-5 over the past
2 30 years.

3 In contrast, by 2010, there was over one million
4 residents living between Fresno and Bakersfield along the
5 preferred alignment which directly serves all of the major
6 Central Valley cities. Projected development on behalf of
7 the eight San Joaquin Valley counties expect the
8 population to grow at an annual rate of 1.3 percent along
9 the preferred alternative through 2050. The I-5 corridor
10 does not provide urban center of the south San Joaquin
11 Valley a reasonable transportation alternative, which is
12 the key objective of both Proposition 1A and the project's
13 purpose.

14 Many commentors have claimed using the I-5
15 corridor would substantially reduce impacts to farmland.
16 As shown in this slide, using the I-5 corridor would
17 primarily transfer the farmland impacts to another part of
18 the valley. An I-5 alignment alone would use about
19 two-thirds of the farmland that would be impacted by the
20 preferred alignment. If the spurs were built from I-5 to
21 Fresno and Bakersfield, more farmland would be impacted by
22 an I-5 alternative than by the preferred alternative.

23 --o0o--

24 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ: The
25 State Route 99 corridor was evaluated in the statewide

1 program document for the California high speed train
2 system and was not selected as a preferred corridor for
3 Fresno to Bakersfield because it was not a reasonable
4 alternative. The corridor was reconsidered for inclusion
5 in the Fresno to Bakersfield project at the behest of the
6 U.S. Army Corps. of Engineers and the EPA. It was not
7 carried forward in the document because it continues not
8 to be a reasonable alternative. Locating an alignment
9 along State Route 99 would require encroachment on UPRR
10 right-of-way at some locations.

11 The UPRR has expressed its concerns in writing on
12 several occasions regarding both liability risk and
13 commercial risk of the project in or near its
14 right-of-way.

15 The railroad believes that construction of
16 project facilities within the right-of-way would expose it
17 to significant and unmanageable increase in financial risk
18 due to the creation of new hazards. It also maintains
19 that the project would result in both displacement of
20 existing customers and walling off miles of its
21 right-of-way to potential future customers even if the
22 high speed train doesn't encroach on the right-of-way, but
23 it is located near it.

24 The UPRR stated opposition to construction within
25 the right-of-way would result in an unwillingness to

1 negotiate terms under which such construction would take
2 place.

3 The legal aspects of this issue represent a major
4 logistical impediment that this Authority wishes to avoid
5 because they could add years to the project schedule,
6 escalate costs, and threaten the completion of a viable
7 high speed train system throughout the state.

8 The State Route 99 alternative would require the
9 construction of four interchanges along State Route 99 and
10 the interchange at State Route 99 and State Route 198.
11 These interchanges are currently constrained by UPRR. And
12 due to the existing constraints on the roadway and the
13 interchange configurations, a new design would require
14 exceptions to the Caltrans design standards. These design
15 exceptions would decrease the safety of the driving public
16 by exposing them to features below state highway design
17 standards.

18 At this time, I'd like to pass it over to my
19 colleague, Mark, the Director of Environmental Services
20 for the Authority, to address in detail how comments have
21 been addressed in the final document.

22 CHAIRPERSON RICHARD: Thank you.

23 CHIEF EXECUTIVE OFFICER MORALES: Let me just
24 note this presentation appears on the Authority's website
25 for anyone who wants to access it.

1 CHAIRPERSON RICHARD: I think, Mr. McLoughlin,
2 you're a tall guy like I am. See if you can get the mike
3 as close as possible.

4 DIRECTOR OF ENVIRONMENTAL SERVICES MC LOUGHLIN:
5 Yes, sir. Good morning, Mr. Chair and Board members.

6 Mark McLoughlin, the Director of Environmental
7 Services for the Authority.

8 Picking up where Diane a left off --

9 --o0o--

10 DIRECTOR OF ENVIRONMENTAL SERVICES MC LOUGHLIN:
11 -- we want to talk about on this item would be property
12 values. I'll make a couple comments on that.

13 The majority of the comments made by the public
14 on the EIR/EIS raised concern about the project causing a
15 reduction in overall property values. Many commentors
16 believe that the EIR/EIS is inadequate because it does not
17 describe property damages for each parcel of land that
18 would be crossed by the high speed train. It does not
19 spell out how property owners would be compensated for
20 these damages.

21 The purpose of the EIR is to provide decision
22 makers and the public with a concise understanding of the
23 environmental cost of implementing the project. While
24 CEQA is only concerned with the physical environment, the
25 NEPA process requires disclosure of project effects on the

1 social and economic environment. As shown on the slide,
2 the final EIR/EIS addresses how the project would damage
3 property and cause a reduction in property values.

4 Also, many commentors who will have their
5 property taken by the project were frustrated because they
6 have not been told specifically how they would be
7 compensated for this loss. Specific compensation for
8 property impacted would be determined on a case-by-case
9 basis during the property acquisition process that cannot
10 begin until the EIR is certified by the Authority and
11 there is a record decision issued by the FRA, the Federal
12 Railroad Administration.

13 Under both federal and State law, the Authority
14 must provide just compensation for these damages to all
15 the property owners. This includes the statements of fair
16 market value for real property taken by the project, just
17 compensation for any decrease in the value of a remnant
18 parcel caused by the project, taking out a portion of
19 someone's property and the cost of cure damages of the
20 property caused by the project. An example would be
21 replacing irrigation systems, obtaining new permits for
22 wastewater systems, relocating wells, or providing new
23 access to property.

24 By law, the Authority must also provide benefits
25 to displaced individuals to assist them financially and

1 with advisory services related to relocating the residents
2 or their business operation. Benefits are available to
3 both owner/occupants and tenants of either the residential
4 or business properties.

5 --o0o--

6 DIRECTOR OF ENVIRONMENTAL SERVICES MC LOUGHLIN:

7 Next item would be farmland conversion. The conversion of
8 important farmland to non-agricultural issues is a CEQA
9 issue and is addressed in the final EIR/EIS.

10 The Authority is providing mitigation for this
11 impact. And as part of the project, the Authority has
12 established and will administer a farmland consolidation
13 program to sell remnant parcels to neighboring land owners
14 and for consolidation of adjacent farmland properties.

15 In addition, on request, the program will assist
16 the owners of remnant parcels and selling those remnants
17 to adjacent land owners. The goal of the program is to
18 provide for continued agricultural use on the maximum
19 amount of feasible of these remnant parcels that otherwise
20 may be uneconomical to farm.

21 The Authority has also entered into agreement
22 with the Department of Conservation Farmland Conservancy
23 program to implement agricultural land mitigation for the
24 high speed train project. The performance standards for
25 this measure are to preserve important farmland in an

1 amount commensurate with the quantity and quality of the
2 converted farmlands within the same agricultural region
3 where the project intersects and that are permanently --
4 replacement ratio of not less than one to one for lands
5 that are permanently converted to non-agricultural use by
6 the project.

7 In addition, the Authority will provide an
8 additional increment of important farmland mitigation
9 acreage at a level consistent with the terms of a recent
10 settlement agreement with the Authority reached with
11 agricultural interests in the case of county of Madera
12 versus High Speed Rail Authority.

13 --o0o--

14 DIRECTOR OF ENVIRONMENTAL SERVICES MC LOUGHLIN: A
15 lot of questions that come up about the project: What is
16 the project and the project definition?

17 Some commentors on the project also claim there
18 is no evidence the high speed rail system would be funded
19 by Proposition 1A and the ARRA funding commitment by the
20 federal government. Therefore, the claim goes the actual
21 project is not the Fresno to Bakersfield high speed rail
22 section, but rather an initial construction segment
23 outlined in the revised 2012 Business Plan. Therefore,
24 the EIR/EIS should only address the construction and use
25 of the initial construction segment from Madera to the

1 north of Bakersfield.

2 This isn't so. Funding availability is not a
3 requirement for defining the project under CEQA. The
4 Authority and the FRA are annualizing the potential
5 beneficial and adverse impacts of the California high
6 speed rail statewide system using a tiered environmental
7 review process. The first tier 2005 program EIR
8 identified the high speed rail as a desired project for
9 the entire state. That is the plan and funding is
10 available at any point in time if it does not effect that
11 document.

12 The Fresno to Bakersfield project definition is
13 the section of the high speed rail system between Fresno
14 and Bakersfield and the focus of this analysis in the
15 EIR/EIS.

16 Fresno and Bakersfield are the two largest cities
17 in the San Joaquin Valley and both surrounded by
18 metropolitan areas and are economic hubs within their
19 respective regions. Given the potential ridership and
20 regional economics importance, there are appropriate
21 logical termini for a section of the high speed rail
22 system. The Fresno to Bakersfield project section is a
23 substantial length and approximately about 114 miles.

24 In the construction of the resulting benefits of
25 the construction of this section are two-fold with

1 immediate benefits. First, the California high speed rail
2 system requires a section of approximately 100 miles of
3 high speed track to test track -- or serve as a test track
4 for the high speed trains once they're built. The high
5 speed train testing is critical to demonstrate the
6 operating performance safety for the operation of the
7 system. The relatively straight alignment in the Central
8 Valley section would allow for the testing of this track,
9 signaling systems and train sets at full operational
10 speeds.

11 Second point, the Fresno to Bakersfield section
12 can be operated for high speed rail service independent of
13 other sections of the high speed rail system.

14 Had the EIR/EIS only evaluated the initial
15 construction segment due to claimed funding limitations,
16 every new additional place of funding, cap and trade, for
17 example, would require a new or supplemental EIR. And
18 this is not reasonable nor required by law.

19 Lastly, even though operation of the initial
20 construction segment is not the Authority's intended
21 project and is not being proposed for approval, in
22 response to public comment, the EIR provides extensive
23 information about it, including impacts from operating
24 diesel passenger trains. The impacts will be similar to
25 or less than high speed train operation.

1 fencing on the project that would restrict access to
2 burrowing animals on the construction areas. Where
3 suggested mitigation measures were not used, responses to
4 comments provided in our volume four and five of the final
5 EIR/EIS explain why they were not used.

6 --o0o--

7 DIRECTOR OF ENVIRONMENTAL SERVICES MC LOUGHLIN:

8 Moving onto the next of our Authority responses to
9 comments.

10 Many of the comments asserted that the Authority
11 has not been responsive to public input received during
12 the process. Staff, we disagree with that comment. We
13 approved the design, strengthened the analysis, and
14 improved the mitigation directly by as a result of public
15 agency and stakeholder input. In addition to public
16 comment periods on the draft EIR and the EIS, including
17 the revised draft EIR supplemental draft EIS, the
18 Authority and the FRA continues to consult with local
19 jurisdictions and property owners within the project area.

20 The Authority and the FRA have also continued to
21 work closely with regulatory agencies in the jurisdiction
22 over components of the project and have reviewed extensive
23 public comments submitted to them regarding the project.
24 These consultations and public comments have resulted in
25 design refinements, changes to analytical methods, minor

1 modifications to the impact analysis, and refinements of
2 mitigation measures.

3 Some of our next several slides highlight some of
4 the changes we have made due to this valuable feedback in
5 cooperation from stakeholders.

6 --o0o--

7 DIRECTOR OF ENVIRONMENTAL SERVICES MC LOUGHLIN:

8 This is an example of the Kings River Complex. This
9 design modification is to meet other agency needs in
10 crossing the large King River Complex. The Authority
11 received input from the Kings River Conservation District
12 expressing their concerns over maintaining appropriate
13 access for levee maintenance along the Kings River.

14 To address these concerns, the Authority refined
15 the design of the BNSF alternative at the Kings River
16 crossing by increasing the vertical profile of the
17 crossing structures to 18 feet above the top of the
18 existing levee. The changes resulted in a narrow
19 footprint in addition to reduced impacts to wildlife
20 habitat and migration routes of habitat.

21 In addition to previously proposed depression of
22 State Route 43 no longer would be required because the
23 higher speed rail structure as provided would provide
24 clearance over State Route 43 in its current grid. This
25 eliminated the adjustment of the highway profile which

1 related flood evacuation concerns from this location that
2 will be raised in the public comments.

3 --o0o--

4 DIRECTOR OF ENVIRONMENTAL SERVICES MC LOUGHLIN:

5 This is an additional design modification to avoid the
6 impacts of businesses in the Lone Star Spur and Shafter.
7 This is where the Authority worked with the local land
8 owners and the city to make sure that the logistics
9 complex would have access to their site.

10 --o0o--

11 DIRECTOR OF ENVIRONMENTAL SERVICES MC LOUGHLIN:

12 Health risks associated with emissions from construction
13 of the high speed train stations and the heavy maintenance
14 facility were not analyzed in the draft EIR/EIS or the
15 revised draft EIR supplemental draft environmental impact
16 statement. Those were comments made by the public also.
17 They claim this shortcoming was raised in public comments
18 on the revised draft EIR and supplemental draft EIS.

19 To be responsive, the Authority provided a health
20 risk assessment, which was made for these emissions and
21 they were found to not significantly increase cancer risk
22 or other health risks to nearby sensitive receptors, such
23 as children and the elderly.

24 --o0o--

25 DIRECTOR OF ENVIRONMENTAL SERVICES MC LOUGHLIN:

1 So in regard to the responsiveness of public agencies,
2 this is a San Joaquin kit fox, if anyone didn't recognize
3 that. So the Authority again has worked with the
4 California Department of Fish and Wildlife, U.S. Fish and
5 Wildlife Service, U.S. Army Corps of Engineers,
6 Environmental Protection Agency, at least the past four
7 years to develop mitigation for biological impacts
8 associated with this project. Since the publication of
9 the draft EIR and draft supplemental EIS, the Authority
10 identified up to three mitigation banks and up to twelve
11 or more properties the Authority can acquire and/or use
12 for compensatory mitigation for the project. These
13 mitigation banks and properties provide adequate
14 opportunities to address the adverse impacts the project
15 may have on biological resources.

16 We will also continue to work with the resource
17 agencies through the permitting to finalize and implement
18 site-specific compensatory mitigation on a suite of
19 properties in this area.

20 --o0o--

21 DIRECTOR OF ENVIRONMENTAL SERVICES MC LOUGHLIN:

22 Part of the document that you have is we have a mitigation
23 monitoring and reporting plan, which is part of the
24 requirement of the project, including one minimize impacts
25 by including design features, complying with applicable

1 recommendations. In that also MMRP we identified
2 responsible parties, how we're going to do it, and the
3 implementation to be in compliance with the MMRP.

4 --o0o--

5 DIRECTOR OF ENVIRONMENTAL SERVICES MC LOUGHLIN:
6 With that, I'll turn it back to Diana Gomez.

7 CHAIRPERSON RICHARD: Mr. Morales wanted me to
8 remind you, you're so much shorter than Mr. McLoughlin.
9 So if you would adjust the microphone.

10 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ: Just by
11 a little bit. But I have more hair than he does.

12 (Laughter)

13 CENTRAL VALLEY REGIONAL DIRECTOR GOMEZ: I'm
14 kidding.

15 In summary, the Authority has responded to input
16 through the following:

17 The project refinements and improvements issues
18 asserted with the Fresno to Bakersfield EIR/EIS have been
19 addressed. No remaining unaddressed issues. We believe
20 recirculation is not required. We have added staff to the
21 Central Valley to provide additional resources.

22 What will happen, we will be requesting from the
23 remainder of the Board meeting, we will listen to the
24 public comments. We will ask the Board to direct staff to
25 address public comments as needed. Tomorrow, we will be

1 requesting for Board action for the Board to certify the
2 EIR covering the project from Fresno to the Bakersfield
3 station that has been completed in compliance with CEQA.

4 We will also ask for approval of the preferred
5 alternative from Fresno station to approximately Seventh
6 Standard Road. The approval to Seventh Standard Road,
7 Bakersfield stakeholders, including the city, have
8 concerns with the preferred alternative and station
9 location. Currently, as of today, the FRA grant and state
10 appropriations do not fund work into downtown Bakersfield.
11 The Seventh Standard approach provides time for continued
12 engagement.

13 If the EIR is certified and the project approved
14 to Seventh Standard Road, these would be the next steps.
15 In summer of 2014, FRA would do approval for the record of
16 decision, what we call the ROD.

17 In summer of 2014, we would initiate property
18 acquisition and start making offers.

19 In summer of 2014, the service transportation
20 Board would make a decision.

21 September of 2014 proposals for the CP2-3 design
22 and construction would be received.

23 In fall of 2014, we would start obtaining
24 required permits.

25 In spring of 2015, the construction of the Fresno

1 to Bakersfield section would commence. That is the
2 schedule for this section.

3 With that, that concludes our presentation and I
4 would turn it back to you over to you, Chairman.

5 CHAIRPERSON RICHARD: Thank you, Ms. Gomez,
6 Mr. McLoughlin.

7 At this point, I just would ask if Mr. Morales or
8 any of our colleagues have any questions for either of the
9 two staff representatives today?

10 So let me pick up on the comment that Ms. Gomez
11 made about the way we're going to proceed over the next
12 day or so. First of all, let me again say that if you
13 would like to speak and have not yet filled out a green
14 speaker's card, please do so and give it to the young
15 woman who's standing over there.

16 I want to thank my colleague, Rick Frank, who
17 made what I thought was a very appropriate suggestion that
18 this meeting be held here to consider the environmental
19 documents for the Fresno to Bakersfield section starting
20 in the afternoon and extending into the evening so that
21 working people have an opportunity to come and
22 participate. And so our plan is that any person who
23 arrives before 7:30 this evening and fills out a speaker
24 card will have the opportunity to address the Board. And
25 we'll do it like they do on election day. If there is a

1 long line of speakers at that time, but they have put in
2 their card before 7:30, they'll have an opportunity to
3 speak. So I think the suggestion was very good one.

4 Certainly appreciate the fact that this is very
5 important for people in this community up and down the
6 line between here and Bakersfield. And we want to give
7 the public that opportunity to address the Board.

8 Secondly, I know that the agenda indicated that
9 public comments would be limited to two minutes. But I
10 think that both given the number of comment cards that we
11 have, which is not an extraordinary number -- I haven't
12 counted them all, but it's probably about 40 at this
13 point, and obviously more will come in -- and given a
14 request that we've had from the affected citizens, we'll
15 set the public comment period at three minutes to give
16 people ample opportunity to say what's on their mind.

17 I will say that those of you who have been at our
18 meetings in the past have known I've been pretty liberal
19 with the clock to the point of not really running a clock.
20 I can't do that today because we want to make sure that
21 everybody has an equal opportunity to present their
22 thoughts and comments and concerns to the Board. And so
23 really going to ask you to respect that. And I've been on
24 the other side of this. I think in three minutes people
25 can certainly do that.

1 Let me also add that it is possible for you to
2 submit written comments. So what we're going to do this
3 afternoon and into this evening is we're going to listen
4 to comments from the public. Then overnight and tomorrow
5 morning, our staff is going to address those concerns and
6 think about how to respond to them. And they'll make that
7 presentation to us tomorrow morning in response to the
8 public comments that we received today.

9 And then the Board will deliberate on the
10 documents that we have in front of us, which are the
11 Environmental Impact Statement, which Environmental Impact
12 Statement is required by federal law. Environmental
13 Impact Report, which is required by state law. Because
14 this project has both State and federal funds, we are
15 looking at both of those documents and has been combined
16 EIR/EIS process.

17 So with that, I'm going to start the public
18 comment period.

19 Yes, thank you, Mr. Morales. Our CEO, Mr.
20 Morales, reminded me we do have two other items from part
21 from the environmental documents on the agenda for this
22 Board meeting and you see them in the Board meeting agenda
23 package. Members of the public are certainly invited to
24 speak on any item on our agenda before us. We suspect
25 most of you are here because of the environmental document

1 review, but we have two other items. If you would like to
2 speak on those, you can do that as well.

3 So with that, we'll turn to public comment now.
4 And I know that these are large documents and the number
5 of people had commented on the volume of them. Believe
6 me, for those of you up here who are reviewing these
7 documents, we feel the weight of the document load just as
8 you do.

9 However, I do want to point out as I indicated to
10 a number of people who asked us to delay this meeting,
11 that, in fact, this process started more than two years
12 ago. The first environmental documents on this segment
13 were circulated in the fall of 2011, and there was a full
14 public comment period on that that exceeded the minimums
15 that were required. Then the Board decided to recirculate
16 this document and that document was recirculated in the
17 summer of 2012. And at that time, we again had a public
18 comment period on the draft documents that not only
19 exceeded the legal standards, but in fact provided twice
20 the amount of time that the law requires as a minimum.

21 In the fall of 2013, the staff came before the
22 Board and made a presentation suggesting that they had a
23 preferred alignment, which was made up of pieces of this
24 different trackage of the 114 miles. They laid that out.
25 Public had an opportunity to see that in the comment. So

1 I do understand that there is still a lot of material in
2 front of people. But in fact, staff went through some of
3 the recent changes. But the bulk of this has been in
4 circulation in the public domain for quite some time.

5 So with that, what we do when we accept comments
6 from the public is we start with elected officials, your
7 representatives. We always put them first to give them an
8 opportunity to speak as a courtesy for them and out of
9 respect for their position. Then we take public comments
10 in the order in which they were received. So you should
11 know however these cards came into us, that's how we call
12 on citizens to speak.

13 So with that, I'm going to start down this
14 process. And we'll start with Mayor Steve Nelsen of the
15 city of Visalia. And he'll be followed by Terry Maxwell,
16 City Council Member for Bakersfield.

17 Good afternoon, Mr. Nelsen.

18 MAYOR NELSEN: Good afternoon. Thank you, Mr.
19 Chairman, Vice Chairman, and Board members. Thank you for
20 this opportunity.

21 I'm the Mayor of the City of Visalia. Visalia
22 has almost 130,000 residents and is the seat of Tulare
23 County. We are the largest city in Tulare and Kings
24 County region between Fresno and Bakersfield. For over
25 ten years, Visalia has supported building a high speed

1 train station in our region. That is why I'm pleased to
2 speak today in support of the Authority certification of
3 the Fresno to Bakersfield section of the final EIR/EIS
4 document.

5 Furthermore, we are in support of the approval of
6 preferred alternative route east of Hanford and support
7 the prompt construction of the Kings-Tulare station near
8 the juncture of State Route 198 and State Route 43.

9 There are a number of reasons why the quick
10 construction of a regional station in this location is
11 justified. For instance, in 2010, the Tulare County had
12 443,000 residents, while Kings County had 153,000
13 residents. The State Department of Finance projects by
14 2025, tulare County will have 575,000 residents and Kings
15 County will have 192,000 residents.

16 Clearly, placing of the future station on the
17 east side of Hanford will best serve the greatest number
18 of current and future residents in the two-county region.
19 Tulare and Kings Counties are disconnected from the major
20 urban corridors of the state. Having a regional station
21 nearby will greatly improve our access to educational,
22 medical, business, and cultural opportunities elsewhere in
23 the state.

24 The distance between Fresno and Bakersfield is
25 115 miles. Were the Kings-Tulare regional station is not

1 built, this will be the largest segment without a station
2 in the entire system. According to report from the
3 Environmental California Research and Policy Center, the
4 Visalia, Porterville, Tulare MSA has the second most
5 polluted air in the United States. Our regional station
6 will help address this issue.

7 Residents in our region use mass transit. In
8 2000 and 2001 fiscal year, annual ridership for Visalia
9 transit system, the region's largest mass transit system,
10 was approximately 1.2 million riders. For 2012-2013
11 fiscal year, the annual ridership was over 1.8 million,
12 yielding a 50 percent increase.

13 Investments in high-performing inter-connected
14 regional bus transit systems have been made to meet the
15 transit demands of each community in our region. This
16 system utilizes State Route 198 as a backbone for
17 delivering service throughout the region. Because Kings
18 Tulare regional station will be situated along State Route
19 198 between Hanford and Visalia, it will be conveniently
20 accessible to all communities in our region. Please
21 consider the need to the maximum ridership benefits of the
22 majority of the residents in the Kings Tulare region as
23 you make your decision.

24 To best serve the residents of Tulare County and
25 Kings County, I urge you to certify the Fresno to

1 Bakersfield section final EIR/EIS and approve the
2 preferred alternative route each of Hanford in the future
3 Kings station location near the future junction of State
4 Route 198 and 43.

5 On behalf of the city of Visalia, I'd like to
6 submit this letter of the support that was nominally
7 approved by our City Council. Thank you.

8 CHAIRPERSON RICHARD: Thank you, Mr. Mayor. And
9 we'll be happy to accept your written submission and any
10 written submission that members of the public have. Thank
11 you for traveling here today.

12 Terry Maxwell, City Council of Bakersfield. And
13 I think until Supervisor Perea arrives, that concludes our
14 elected officials. I'll move onto some municipal
15 officials. Colleen Carlson will be next.

16 MR. MAXWELL: Thank you very much for the time.

17 My name is Terry Maxwell. I'm Ward 2, City
18 Council for the city of Bakersfield that is in the
19 downtown area.

20 I heard earlier that this is not a consideration,
21 but my fear is that the downtown station will be pushed
22 through without any further real discussion. The
23 residents of Bakersfield have no interest having the
24 historic part of our city destroyed any further with the
25 downtown station being put in that area.

1 I think that if I were a private citizen and I
2 were going out and trying to do this particular project,
3 because of the 4F and the 6F rules, I would be told no.
4 If I continued and went ahead with this project, of
5 course, I would be in violation of the law. And I would,
6 of course, be jailed for that.

7 What I see here is that the taxpayers' lose a lot
8 of the respect when either bureaucracies, politicians,
9 whether it be in the federal, the state, or even in the
10 city that have established rules that we're all supposed
11 to follow, such as the 4F and the 6F rules. And then when
12 we have a project that we want to do, we go ahead and
13 ignore them. And we do it with the taxpayer dollars.

14 I think it's a poke in the eye to anybody in the
15 state who has trust in the bureaucracy and in the
16 politicians they elect to come up with ideas that are
17 followed the same way that just a regular citizen like
18 myself would have to follow.

19 So if I as a private citizen was in violation of
20 the law, especially those particular ones that I've cited,
21 then I think this project is in violation if it goes
22 forward. And I would urge you to reconsider what you're
23 going to do. And please, in terms of the city of
24 Bakersfield, we would want that discussion of where to put
25 this station if it comes through to our city. We don't

1 want it downtown. We prefer it on the east or the west.

2 Thank you for your time.

3 CHAIRPERSON RICHARD: Thank you, Council Member.

4 Ms. Carlson, I'm sorry. I was handed a note that
5 Councilwoman Joleen Jameson -- did I miss a speaker card?

6 MS. JAMESON: Good afternoon, ladies and
7 gentlemen. Yes, I am Joleen Jameson, Councilwoman for the
8 city of Hanford.

9 CHAIRPERSON RICHARD: Hi, Councilwoman, could I
10 ask you to speak up as much as possible?

11 MS. JAMESON: Can you hear me?

12 I would surrender my statement to my city
13 manager, if it would be appropriate.

14 CHAIRPERSON RICHARD: Okay.

15 MR. PYLE: Mr. Chairman, Darrel Pyle, City
16 Manager for the city of Hanford.

17 It is our understanding that tomorrow the
18 Authority will take a position to ratify the Environmental
19 Impact Report for the project from Fresno to Bakersfield
20 with an eastern alignment through Kings County. Should
21 the Board proceed I have two requests:

22 First, should you proceed from Bakersfield to
23 Fresno, we would really appreciate the inclusion of that
24 high speed station stop in the Kings Tulare County region
25 to be included in that budget for that first phase. We

1 think the worst possible outcome would be to build the
2 infrastructure for the high speed rail alignment and not
3 provide access to the 600,000 plus residents in the Kings
4 Tulare County region.

5 Second, the Environmental Impact Report does
6 highlight impacts to infrastructure in the Hanford area,
7 sewer, water, transportation, and public safety. We would
8 request that in your budget you also include funding to
9 mitigate those impacts. My staff has provided your staff
10 with a list of those impacts. And we did comment and did
11 receive response to comments in the Environmental Impact
12 Report. So we're asking that you would fund those
13 mitigation measures simply so that the citizens of Hanford
14 aren't paying to mitigate those impacts with local tax
15 dollars or out of their monthly user fees for those
16 particular services.

17 We appreciate your consideration. Thank you very
18 much.

19 CHAIRPERSON RICHARD: Thank you very much, sir.

20 Ms. Carlson, I apologize. Followed by Jim Eggert
21 from city of Bakersfield.

22 MS. CARLSON: Hi. Colleen Carlson, County
23 Council for Kings County.

24 I had a prepared statement, but I just want to
25 touch on a few things. I believe that the project is

1 being rushed. Rushed equates to more litigation and less
2 quality.

3 We've asked many times for you to pay attention
4 to our concerns in Kings County. The speaker from Visalia
5 highlighted that they more than double our population in
6 Tulare County, but we are incurring the burden equating to
7 ground zero in Kings County with the promise of a
8 "proposed station." Not even a real one like Fresno.

9 I also want to second the comment of the speaker
10 from Bakersfield, because it seems like the project is
11 wrought with noncompliance with the laws that we all have
12 to comply with. Tough to take.

13 I know that Ms. Gomez and Mr. McLoughlin had to
14 summarize their comments, but some of them were just
15 conclusions without basis and fact or law and seemed
16 arbitrary and even nonsensical.

17 It seems like this whole project is about chasing
18 \$3 billion. But no one mentioned how the rest of this is
19 going to be paid for. So we're going to have this
20 monstrosity plucked down in Kings County in the heart of
21 no water, bad air, and no money, forty percent
22 unemployment. And a project that can't be completed
23 because there is no money.

24 Also want to end with the fact that Kings
25 County's problems have not been addressed. The time that

1 you've given to respondent's FEIR is pitiful.

2 And Mr. Chairman, you promised us you would not
3 vote on this until you've addressed our issues and you
4 never came back to do that. So I want to remind you of
5 that. Thank you.

6 CHAIRPERSON RICHARD: Thank you, Ms. Carlson.

7 Next is Jim Eggert from the city of Bakersfield
8 followed by supervisor Henry Perea.

9 MR. EGGERT: Thank you, Mr. Chair, members of the
10 Board.

11 My name is Jim Eggert. I'm the Planning Director
12 for the city of Bakersfield. And certainly appreciate the
13 opportunity to address you this afternoon.

14 Since its inception, the city has been in support
15 of high speed rail and the potential economic and social
16 benefits it will have on our community. However, we have
17 previously expressed major concerns regarding current
18 alignment through the city and identifying negative
19 impacts to not only vital city assets, but to numerous
20 private residents, businesses, schools, churches, and
21 medical facilities. We find that the responses to our
22 comments in the final EIR/EIS are inadequate under CEQA or
23 NEPA to provide the level of detail necessary to mitigate
24 the impacts we have identified.

25 Furthermore, we noted that the final document

1 fails to evaluate the environmental effects to Section 4F
2 and 6F resources.

3 On a positive note, we would like to thank the
4 Authority for inclusion of Item Number 6 on tomorrow's
5 Board agenda. This item would only approve construction
6 of the rail north of Seventh Standard Road and reserves
7 decisions on rail construction south of Seventh Standard
8 Road to a later date.

9 While the city supports this resolution, we ask
10 the Board consider amendment that reinforces this intent
11 by adding language at the end of the fifth whereas clause
12 stating, "The Authority will not approve any construction
13 south of Seventh Standard Road without providing the city
14 of Bakersfield with at least 60 days written notice." And
15 we have provided a letter with that to Ms. Morales and
16 staff.

17 And lastly, we wish to thank your staff,
18 especially Mr. Morales and Ms. Gomez, as they have been
19 very willing to listen and work with the city to examine
20 all options for rail alignment that mitigates our
21 concerns. We appreciate their continued openness with
22 hopes of further refining the project to better serve the
23 interest of the city of Bakersfield as well as those of
24 the Authority. Thank you very much for your time and
25 consideration.

1 CHAIRPERSON RICHARD: Thank you, sir.

2 Supervisor Henry Perea followed by Danny Vartan.

3 SUPERVISOR PEREA: Good afternoon, Mr. Chairman,
4 members of the Authority. Welcome to Fresno County.
5 We're proud. We're happy. We're excited that you're here
6 to receive public testimony today and hopefully tomorrow
7 make a decision that will move this project forward into
8 reality for not just the people of California, but for the
9 people of Fresno County and the surrounding valley who
10 have been waiting for the opportunity to travel around the
11 state in different ways and provide jobs and other
12 opportunities for our local businesses.

13 With all due respect to our partners in Kings
14 County, we have a lot of respect and admiration, for the
15 previous speaker said there is no water, bad air, 40
16 percent unemployment.

17 Well, I think doing nothing guarantees that for
18 Kings County and other areas for another 40 years. It's
19 time for us to come together to look forward, just as our
20 parents and grandparents did to create the infrastructure
21 that we needed to become the greatest nation in the world.
22 We had that responsibility to the next generation that
23 comes behind us. You're doing the right thing. So just
24 want to thank you for being here, for deliberating
25 tomorrow on all the testimony and information you have

1 before you. But it's time to make a decision. It's time
2 to start turning dirt and putting people to work and
3 moving people in different ways in the state. Thank you
4 for being here today.

5 CHAIRPERSON RICHARD: Thank you, Supervisor.

6 I don't have any other cards from elected
7 officials or municipal officials. Obviously, if I missed
8 somebody, I apologize.

9 Mr. Vartan, good afternoon, followed by Brad
10 Johns.

11 MR. VARTAN: Thank you. My name Danny Vartan
12 with American Lung Association of California.

13 The Lung Association supports both voluntary
14 emission reduction agreement for the high speed rail
15 project to achieve net zero air pollution and greenhouse
16 gas emissions during construction of the project.

17 Just last week, the Lung Association released our
18 2014 state of the air report. Unfortunately, California
19 cities, doing several in San Joaquin Valley, topped the
20 list of worst polluted metropolitan areas in the country.
21 In fact, Fresno took the number one spot this year as the
22 worst city particle pollution as measured both by 24-hour
23 annual basis.

24 The high air pollution levels in the valley are
25 triggering asthma attacks, worsening lung and heart

1 illnesses, sending people to hospitals and emergency
2 rooms, and even shortening lives. While much progress has
3 been made to reduce pollution levels, clearly, we have
4 more work to do. Ensuring projects like high speed rail
5 do not add to the air pollution burden is a critical step.
6 While the American Lung Association in California has not
7 taken an official position on high speed rail project and
8 investment plan, we are fully supportive of mitigation of
9 emissions through the use of cleaner construction
10 equipment and measures outlined in the voluntary emission
11 reduction agreement. Purchasing clean buses for schools,
12 clean truck and tractors and electrified irrigation pumps
13 in the San Joaquin Valley will help clean the air and
14 avoid serious health impacts. Thank you.

15 CHAIRPERSON RICHARD: Thank you, sir. I
16 apologize. I think I slightly mispronounced your name.

17 Brad Johns followed by Douglas Carstens.

18 MR. JOHNS: Afternoon, ladies and gentlemen,
19 Board. This section has been thoroughly studied. I
20 personally have had some of the scientists out at the
21 ranch going through the canals and whatever. Your
22 scientists have been extremely thorough. I think the
23 judge in the first case -- the Madera case -- said it the
24 best. He said high speed rail has done everything humanly
25 possible to adhere to every California law, every

1 California environmental law. And there may be one or two
2 little issues that have yet to be seen. But the economic
3 outcome for the state for the counties far exceeds those
4 little problems yet to be solved.

5 So I urge you to solve or to ratify the east
6 alignment through Kings County, the preferred alignment.
7 This is the right thing. This will create jobs. This
8 will create -- help us with our air pollution. It's a
9 matter of public safety as far as taking cars off the
10 road. And more importantly, it's going to create
11 good-paying jobs for our veterans, for our colleges,
12 graduates, which we have a whole school at Fresno State
13 now that's -- the engineering department is looking
14 forward to the future. So this is building something for
15 the future for our kids. This is the right thing to do
16 for the state of California. So we can continue to be the
17 large economic engine that we are.

18 So with that, I say thank you very much. And God
19 bless you.

20 CHAIRPERSON RICHARD: Thank you, sir.

21 There are going to be people who say things that
22 some of you agree with and things people say some of you
23 disagree with. I think out of respect for all of them,
24 let's keep those emotions to ourselves if we could.

25 Douglas Carstens followed by Carole Jacoby.

1 MR. CARSTENS: Thank you and good afternoon, Mr.
2 Chairman and honorable Board members.

3 My name is Douglas Carstens. I'm an attorney
4 with Chatten-Brown & Carstens law firm on the plaintiff
5 and petitioner's side. And we're here representing the
6 California Citizens for High Speed Rail Accountability,
7 the County of Kings and the Kings County Farm Bureau.

8 In October and November of last year and March of
9 this year, we sent to you and three federal agencies
10 letters about your consideration of the Fresno/Bakersfield
11 alignment and about the entire high speed rail system
12 asking for adequate analysis and recirculation of a
13 supplemental report.

14 First of all, I'd like to ask and reiterate the
15 request for more time for this review out to June. It's a
16 very significant decision for the State and everybody.
17 And we do believe that it merits a fuller and more time
18 for consideration.

19 There was an inadvertent omission of letters.
20 They're in Chapter 6. They were posted on the web May
21 2nd. I didn't count all of them. It might have been 53
22 letters. That's something that shouldn't have happened.
23 I just wanted to note that as part of the reason more time
24 should be taken.

25 On the substance of the report itself, we ask

1 that you recirculate after supplementing the analysis. We
2 provided reasons for that in our letter -- extensive
3 letters. I can't repeat all the points. But I just want
4 to highlight one or two here.

5 Specifically, I'd like to talk about the
6 Statement of Overriding Consideration. This is how under
7 CEQA you would explain to everybody and how you and the
8 state of California would be sacrificing certain things to
9 obtain the benefits of this project. There are clearly
10 significant adverse impacts that can be avoided with
11 further mitigation and better alternatives. CEQA has a
12 substantive mandate that requires that every feasible
13 mitigation measure and every feasible alternative be
14 exhausted before approving something with significant
15 adverse impacts.

16 Here, there will be significant adverse impacts
17 to agricultural land, environmental justice communities,
18 and sensitive receptors, such as Mercy Hospital. I want
19 to read just one particular portion of this EIR. It's a
20 newly revealed impact on page 6-2 of the Final EIR about
21 environmental justice impacts. It states, "minority and
22 low income populations concentrated in urban areas along
23 the project area in Fresno, Corcoran, Wasco, Shafter,
24 Bakersfield as well as in rural areas would bear
25 disproportionately high and adverse projected project

1 period impacts. The impacts would include: Increase in
2 both ambient noise levels and migratory impacts above
3 standards, disruption of communities and displacement of
4 community facilities, change and loss of park resources,
5 decreases in visual quality, cumulative impacts for noise
6 and vibration communities, and aesthetics and visual
7 resources."

8 This is what it says and it's new. It's a new
9 impact. It's a game changer. It could be a violation of
10 both state and federal laws to approve under these
11 circumstances without circulating. We ask you to look at
12 seriously that alternative along I-5. Ways to avoid these
13 impacts. Not override them. I really appreciate your
14 consideration of this. And I respect the decision you
15 need to make. But ask you to carefully consider our
16 comments. Thank you.

17 CHAIRPERSON RICHARD: Thank you, counselor.

18 Next is Carole Jacoby followed by Erik Hansen, I
19 believe it is.

20 MS. JACOBY: Thank you. I'm just looking for a
21 few simple answers maybe.

22 What's going to happen? If the rail is going to
23 start in Madera and end in Bakersfield, so our ridership
24 will only be in that short period of time? And we already
25 have Amtrak running the same rail. So do we take that

1 into consideration? Are we going to discontinue Amtrak
2 along that?

3 Next is one question I have.

4 Currently, Amtrak, as will the new rail, end in
5 Bakersfield and the riders have to hop on a bus onto
6 southern California. I guess I'm looking for maybe some
7 answers to tell us when the high speed rail will indeed go
8 over the grapevine or through the Tehachapis. Is that 50
9 years from now? I'm just basically really concerned how
10 we're going to pay for this.

11 And the duration of time to get it finished. And
12 I know this is the one little block that I'm interested in
13 the rest of the rail at the end. Thank you.

14 CHAIRPERSON RICHARD: Thank you, Ms. Jacoby. As
15 I think people know, this is your time to address us and
16 so we will respond to public comments through the staff
17 after the course of the public comment period.

18 MR. HANSEN: Thank you. Chairman and Board
19 members.

20 My name is Erik Hansen. I'm a owner and operator
21 of a farm in the Corcoran area, fifth generation. And I
22 will be impacted by an overpass on Avenue 128.
23 Approximately 10 to 15 acres of eleven, twelve-year-old
24 pistachios will be taken out. As you guys know, the
25 pistachio right now are in very expensive crop. And my

1 family and I don't look forward to losing that acreage.

2 And our concerns are that this Board has not
3 considered the full cost of lapped values now as prior
4 when this was voted on as a proposition. When asked,
5 there has been no answer to whether or not there is a
6 budget for land acquisition. If there is a number, I
7 don't know what that number is. Currently, we have
8 promises for compensation, and clearly that's better than
9 the alternative. But we would actually like to have our
10 land kept the way it is.

11 This overpass is one of three within three miles.
12 It is my belief that that was done because there had to be
13 a certain number of overpasses in a certain area. And
14 those seem to be the most logical places to put them, even
15 though having three in such a close proximity seem
16 illogical.

17 Due to this complication, there will be job
18 losses in the form of transportation issues between
19 dairies and production of silage.

20 I would like to mention that the population
21 growth objectives that were mentioned in the EIR don't
22 include new water allocations that would be required for
23 that new population. And I would like to say that the
24 fact that this is moving forward at such a pace without
25 considerations is a detriment to the public trust. And I

1 believe that in the future propositions such as this one
2 will not be given proper credit because the trust is no
3 longer there. Thank you.

4 CHAIRPERSON RICHARD: Thank you.

5 Before you go to the next speaker, I've indicated
6 that the staff is going to review comments from the public
7 and they're going to come back and present to us tomorrow.

8 It's not reasonable for us to assume that people
9 like Mr. Hansen would have to be here both days to hear
10 responses to that. So when we have questions coming from
11 members of the public that relate to specific impacts on
12 their property, I would appreciate it if the staff could
13 just make note to reach out to these speakers after the
14 fact. This gentleman asked some very specific questions
15 about the ability to acquire the land and so forth. And I
16 don't think we should have to tell him he has to come back
17 tomorrow to hear the answers. If we could have the staff
18 make note when there are specific property -- specific
19 issues like that, we can go the extra mile and reach out
20 to those citizens, I would appreciate it very much.

21 Next speaker is Martin Dean followed by I believe
22 it's Naazim Hamed. I apologize if I mispronounce it.

23 MR. DEAN: I have some handouts I want to pass
24 out here.

25 Hi. My name is Martin Dean. I'm here

1 representing myself, the San Joaquin Valley Contractors
2 Association, and Kern Minority Association and
3 environmental justice residents and businesses along the
4 right-of-way.

5 Before I speak to that, the handouts with my
6 prepared remarks, I want you all to have a copy so I can
7 paraphrase.

8 First of all, I want to say that I disagree with
9 my councilman that spoke before me. We disagree
10 sometimes. I respect him for coming. But I'm also from
11 Bakersfield, and I hope he's stayed here to hear my
12 remarks or he hears about it is that prior city council
13 members voted to have the station downtown. This is not
14 something new. I've been following this thing for
15 ten years. We asked for it. We got it. I don't want you
16 to think it was something sprung on us all of a sudden. I
17 want to make the record correct.

18 The other thing is the gentleman that spoke
19 before me, the attorney about environmental justice
20 concerns. We have some concerns. I'm in an environmental
21 justice community. I'm here to say I support the
22 recommendation to go forward and approve the staff
23 recommendation to certify this ERA. We need to move this
24 project forward.

25 But there is some concerns. And the

1 recommendations -- I did give you all -- some
2 recommendations on what we're asking for. Basically three
3 things.

4 One is that the letter in there -- the second
5 letter is from the Stanford Group. They specialize on
6 small businesses and EV programs around the county.
7 They're out of Colorado. We looked at the current program
8 that the high speed rail have this small business program,
9 and we see some tweaks that need to be done. There is
10 specific suggestions in there about the tweaks we'd like
11 to see done on the program in terms of what we currently
12 have.

13 Two, the second item is that we're asking for the
14 high speed rail to consider an RFP to go out to address
15 environmental justice technical assistance and mentoring
16 program, a pilot program. A lot of these farms along the
17 right-of-way is not going to be included unless we do
18 that.

19 Third, we're using under the unsolicited proposal
20 that this Board approved some months back, we are asking
21 to meet with staff to talk about how we might be able to
22 come up with some recommendations, some suggestions to
23 address those needs. We've got something called the San
24 Joaquin Valley construction management -- San Joaquin
25 Valley Construction Academy. We provided technical

1 assistance and management to these firms. And we believe
2 that if it's left up to the High Speed Rail Authority
3 because your primary concern as primary contractor is to
4 build the project.

5 Third thing we need to be with the union, which
6 is primary doing what they normally do. It's not going to
7 happen. Because the history has shown us that a lot of
8 these programs and these goals that have been put in place
9 by these agencies -- I had a few minutes when I gave my
10 information out, Mr. Chairman -- that if we just leave it
11 up to people that may not be as sensitive as concerned
12 about this issue as many of us, it's not going to happen.
13 Not through any bad fault of anybody, but those of us that
14 are effected and knows the issue need to be involved in
15 this process. That's the only way a lot of us are going
16 to be included. Because most of these primes you're only
17 talking to first subs. They're not environmental justice
18 second, third, fourth, fifth subs. A lot of problems.
19 The effective outreach into the communities of these
20 communities to get to people in the benefit program. So
21 there is not enough adequately in place.

22 CHAIRPERSON RICHARD: Let me just -- first of
23 all, you're right. I noticed the 21 seconds had gone by
24 by the time you started. Just like an NBA referee, I'm
25 looking back and see where to set the clock. But I'm

1 going to ask you to stop at this point just so we keep it
2 fair.

3 And let me also say I understand the issues
4 you're raising are very important issues. And as you
5 know, as you've appeared before the Board many times,
6 you're going to have ample opportunity to work with us and
7 hold us accountable. I don't mean to disrespect or
8 undercut the importance of what you're saying.

9 MR. DEAN: That's good enough.

10 CHAIRPERSON RICHARD: Thank you.

11 Mr. Hamed.

12 MR. HAMED: Hamed.

13 CHAIRPERSON RICHARD: Sorry, sir.

14 MR. HAMED: Like Muhammad Ali.

15 Good afternoon. My name is Naazim Hamed. I am
16 President of San Joaquin Minority Black Contractors
17 Association.

18 I've been with Mr. Dean and a number of other
19 people in attending these meetings over the last four
20 years. We are very excited about the opportunity to be
21 able to work for and with the high speed rail.
22 Unfortunately, we haven't been able to accomplish any
23 economic advancements at this point through whatever
24 reasons. But I just want to say that we do have
25 contractors, truck drivers, and laborers that are ready,

1 willing, and able to work with any capacity we can find an
2 association.

3 And so we saying when the outreach methodology
4 have been refined to include our group in the group of
5 service providers, we will stand ready in supporting and
6 providing human resources that will enhance the
7 achievement of the 30 percent minority participation goal.

8 CHAIRPERSON RICHARD: Thank you, sir.

9 Leroy Brown.

10 MR. BROWN: My name is Leroy Brown.

11 CHAIRPERSON RICHARD: Sir, could I ask you to
12 speak into the microphones that way your comments will be
13 picked up by the court reporter.

14 MR. BROWN: Thank you.

15 My name is Leroy Brown. I'm a concerned citizen
16 about what's happening with the high speed rail as far as
17 employment and training is concerned.

18 I've been a member and a working person dealing
19 with the opportunity for over 30 years with the building
20 trades from Merced to Bakersfield. And I'm very much
21 interested in what's happening with the flow of
22 contractors' responsibilities of people that they need.
23 And I will be more than willing and hopefully to help them
24 reach their goals and what they're supposed to do so it
25 can be done right. I appreciate it.

1 CHAIRPERSON RICHARD: Thank you very much, sir.

2 I have an announcement to make. That parking
3 meters have been relaxed. That's in quotes. So I don't
4 know what it means. You do not have to feed the meters.

5 BOARD MEMBER FRANK: That's much appreciated, Mr.
6 Chairman, because I ran out of quarters.

7 CHAIRPERSON RICHARD: That's good. And if any of
8 you get a ticket, see Tom Richards here. He's from
9 Fresno. Okay.

10 Next is Angelica Pimentel followed by Yesenia
11 Facio. Ms. Pimentel?

12 BOARD CLERK NEIBEL: She might be out at the
13 meter.

14 CHAIRPERSON RICHARD: Okay. Mr. Facio? We will
15 check back in case people were at the meter.

16 Ryan Carmo followed by Joey Djabrayan.

17 CHIEF EXECUTIVE OFFICER MORALES: I know we had a
18 group of Fresno State students who had to get back to
19 class. And I think two of them are here, Katie Emmons and
20 Joey Djabrayan who are ready, but they need to get back to
21 class. So if we can take them.

22 CHAIRPERSON RICHARD: All right. I don't see
23 that name.

24 MS. EMMONS: We just filled out our cards. Do
25 you have them?

1 CHAIRPERSON RICHARD: Did you fill out a card?

2 MS. EMMONS: Uh-huh.

3 CHAIRPERSON RICHARDS: Why don't you go ahead and
4 speak and I'll find them.

5 Please state your name.

6 MR. EMMONS: My name is Katie Emmons. I'm a
7 student Fresno State.

8 You may have noticed our "I will ride" t-shirts.
9 There are many "I will ride" students who support the high
10 speed rail. A bunch of us had to go back to class. Those
11 were the civil engineering students.

12 My generation supports the high speed rail. On
13 my behalf and my fellow students, I'm here to offer
14 support. It's our future. Thank you.

15 CHAIRPERSON RICHARD: Thank you very much.
16 Your name, if you haven't filled out a green
17 card.

18 MR. DJABRAYAN: It should be on its way.

19 CHAIRPERSON RICHARD: Okay. Go ahead.

20 MR. DJABRAYAN: My name is Joey Djabrayan. I am
21 from Fresno State.

22 I just had a few words I wanted to say about my
23 views on the high speed rail. I think that it's the next
24 to natural progression for transportation and it's only
25 going to help upgrade our whole country as it progresses.

1 The Central Valley is the first step. We know
2 that. Connecting between Bakersfield and Fresno is
3 imperative to help us start this process and eventually
4 grow to the overall picture of a cleaner environment from
5 the high speed rail being to decrease the amount of
6 traffic and overall a better society. Thank you.

7 CHAIRPERSON RICHARD: Thank you very much. And
8 thank your colleagues also for coming over this afternoon.
9 Good luck with your studies.

10 BOARD MEMBER SCHENK: Mr. Chairman, where do we
11 get those t-shirts?

12 CHAIRPERSON RICHARD: We will send staff out to
13 find some.

14 Next we have Jim Neufeld followed by Joe Machado.

15 MR. NEUFELD: That's one way to wake me up.

16 Members of the Board of Directors here, Lester
17 Neufeld and Son and Newhouse Farms appreciate the
18 opportunity to comment on the final EIR Fresno to
19 Bakersfield.

20 The Authority has obviously been debating, and we
21 have over the period of a couple years have been speaking
22 to the bypass as opposed to the BNSF. And we wish to
23 voice our support for the BNSF alignment in the
24 Wasco-Shafter area as a being the preferred alternative as
25 opposed to the bypass. It's the best choice, as it has

1 reduced impacts on agricultural land commercial and
2 industrial uses, oil and gas production, and makes the
3 best use of the existing infrastructure.

4 I won't go through the points here. There's
5 several points that I feel that you have avoided as
6 everything from wetland, set backs, the bifurcation of
7 farmland diagonally, remnant parcels, oil and gas wells,
8 bees and pollination by taking the BNSF route.

9 Just speaking shortly, just -- I'll just chose
10 one of the items that going through the farmlands
11 diagonally. Had this bypass been chosen, the largest
12 impacts would be in the irrigation systems and equipment
13 movement. Bisecting the irrigation systems will be very
14 costly. And you have actually to me stated previously
15 that those impacts weren't near as high as they could have
16 been, such as in your final -- you state that it's one,
17 two miles that you might be going around and get to the
18 other side of the road, which is 20 feet away. In my
19 particular case, it's the seven and a half miles, half of
20 it going through private property to get to the other
21 side.

22 So with the BNSF route, we absolutely support.
23 It still will have impacts on us, but far less. So thank
24 you very much.

25 CHAIRPERSON RICHARD: Thank you, sir.

1 Joe Machado followed by Jason Holder.

2 Mr. Machado, I hope I got to you early enough.

3 MR. MACHADO: Thank you, Chairman Richard.

4 I also want to thank you for my request this
5 morning. I really appreciate that.

6 To piggyback on Supervise Perea's comment, I'm
7 from Kings County. We are salt of the earth people and
8 most of the people in Kings County that are impacted are
9 people that are feeding the world. And we are not happy.
10 We have been battling with this Authority before you were
11 even on the Board, Mr. Richard, back in 2001. Some of us
12 even earlier when there was only one alignment, that BNSF
13 east alternative.

14 In our dairy shed, which we think is really
15 severely impacted and we feel that the veering off of the
16 alignment or the transportation corridor is really
17 uncalled for. It was -- it came upon us as a surprise.
18 We were not identified -- contacted of any alignment. We
19 learned of the alignment, that's when Kings actually got
20 involved.

21 You know, in my general area, Mr. Tom Richards
22 has stepped foot on dairy ground there. This is my
23 neighbor south and two miles span. Our dairy facilities
24 employ 112 people. We house 19,700 head of carry animals.
25 We ship 96,000 -- almost 100,000 gallons of milk a day.

1 That's like 16 tankers.

2 And the beef I have today with the EIR concern of
3 my facility, your preparers have cleverly, you know,
4 thread to needle so to miss our facilities, but what they
5 don't realize is the whole facility, the whole ground
6 attributed to the dairy facilities is part of the whole
7 body of being. Wastewater must be distributed in that,
8 feed is grown, the whole influence. You can't just say,
9 yeah, we threaded the needle. We didn't touch the
10 facility. No impacts. We can mitigate that. You cannot.

11 I'm under three, four permit: Air quality,
12 regional water quality, general permit, and a health
13 permit. All of those are in jeopardy of being out of
14 compliance.

15 I did a survey with a couple -- two engineering
16 firms. When the first draft document came out, I was
17 listed in the EIR. Had some assessment. I disagreed with
18 it. I contacted your people. I showed them here's my
19 assessment from my people. And they said, okay. Maybe we
20 blew it a little bit. We'll get that corrected. Low and
21 behold, the final draft document comes out. I'm like,
22 okay, we'll see what happens. What a slap in the face.
23 My facility is not listed as an animal confined, 600
24 acres. You traverse a mile through a split of 820,
25 eliminate almost all groundwater with elimination of three

1 wells, the overpass. You dissect four irrigation lines,
2 eliminate almost any transmission water from my wastewater
3 lagoons. And I'm not even listed as wastewater influence,
4 not even no impacts or nothing. I was totally removed.

5 Contacted your staff here in Fresno and they
6 said, well, that doesn't mean you don't have impacts.
7 Maybe we missed you, but you're in agriculture lands.
8 Besides, maybe that's bad information we got from the
9 county.

10 The county said, no, you're here. The Water
11 Board says, you're okay. So there is problems with the
12 final EIR. It is not cladstone. I hope some of you have
13 been reading it. Because I feel uneasy with looking at
14 all you on the Board. None of you have been down this
15 road before, building high speed rail system. You're only
16 as good as the information that's given to you. And I
17 just hope you're just not a rubber stamp and educate
18 yourself.

19 CHAIRPERSON RICHARD: Thank you, Mr. Machado.

20 Again, I'm going to ask the staff to make sure we
21 get specific information related to the issues that Mr.
22 Machado raised.

23 Mr. Holder followed by Charlene Hock.

24 MR. HOLDER: Good afternoon, Mr. Chairman
25 Richard, Mr. Morales, members of the Board.

1 My name is Jason Holder. I'm an attorney
2 specializing in environmental law including CEQA and NEPA
3 and here on behalf of the Citizens for High Speed Rail
4 Accountability and County of Kings and the Kings County
5 Farm Bureau. Yesterday, we submitted a letter to your
6 attention concerning the final EIR/EIS. I hope that
7 you've all had a chance to read the letter. If not, I
8 have multiple copies here. I want to submit a copy for
9 the record as well again.

10 And our letter describes in detail some major
11 problems with the EIR/EIS. I list five of the issues that
12 we raised.

13 First, the section -- the project wasn't defined
14 properly. The ICS is the project. It's the real project.
15 It's what will actually cause effects on the ground from
16 Madera to Bakersfield. And one EIR that covers all of
17 those effects is what was appropriate here.

18 If built, the ICS will be the only part of the
19 project that is constructed in the Central Valley possibly
20 for years to come. In fact, likely for years to come.
21 Only the ICS provides the independent utility that was
22 required to get ARA funding. The logical division of
23 sections -- station to station sections is broken down.
24 The Merced to Fresno session doesn't get to Merced and the
25 Fresno to Bakersfield section won't get to Bakersfield.

1 Second, the EIR does not adequately analyze
2 cumulative impacts. Even if a section by section approach
3 is okay, if you look at the cumulative impacts chapter,
4 there is very little, if any, consideration of the impacts
5 of neighboring sections. By the dividing the projects
6 into sections and considering the impacts in isolation,
7 the Authority overlooks cumulative impacts that are
8 greater than the pieces.

9 Because the 2005 programmatic EIS relied on
10 incorrect assumptions, such as sharing railroad
11 right-of-way and a 50 foot -- already?

12 CHAIRPERSON RICHARD: You have a minute to go.

13 MR. HOLDER: I think a lot of these points I made
14 clearly in my letter.

15 CHAIRPERSON RICHARD: You have another minute.

16 MR. HOLDER: One thing I didn't go into great
17 detail in the letter is valley fever. And I think that
18 the city of Bakersfield raised valley fever in their
19 comments on the EIR, and the response to that comment was
20 highly inadequate.

21 EIR assumed that standard dust control measures
22 would be sufficient to address this major public health
23 issue. On this basis, they concluded without analysis or
24 factual support the risk of spreading valley fever during
25 construction or operation was less than significant.

1 In contrast, last year, the California Energy
2 Commission recommended enhanced dust control measures to
3 reduce that project's potential to spread valley fever.
4 And with that project, the Sierra Club recommended further
5 protective measures, including dust control measures when
6 construction is not occurring, such as night and weekends
7 and enhanced mitigation for disturbed soils, restricting
8 soil disturbing activities to the times of year when it's
9 less likely to spread the valley fever fungus.

10 The EIR must be revised to analyze the impacts of
11 a sufficiently described ICS. And it must provide a
12 robust and transparent analysis of severance impacts to
13 agricultural lands and the risk of exacerbating the valley
14 fever problem.

15 Thank you. And I'm happy to answer any
16 questions.

17 CHAIRPERSON RICHARD: Thank you, sir.

18 I apologize if I'm reading this incorrect. Is it
19 Charlene Hook?

20 MS. HOOK: It is Hook. Thank you.

21 CHAIRPERSON RICHARD: Ms. Hook, you'll be
22 followed by Jennifer Hanson.

23 MS. HOOK: I brought this to reiterate from prior
24 meetings -- and Dan Richards, I'm sure you're aware of
25 this because you went to this home over here to Ray and

1 (inaudible) Thatcher. They were the couple that had the
2 child killed and the ashes are on their property. We're
3 right next door. My sisters and I are all right there in
4 the alignment. It was just ironic it's going to take a
5 whole family out. I just don't understand that.

6 I'm really baffled because I don't understand the
7 reasoning behind people voting when you don't do what the
8 people voted for anyway. You can just take a vote and
9 turn it to do whatever you want it to do. If I did that,
10 I would be in jail.

11 Jerry Brown has a legacy. This is our legacy.
12 We have farmers, dairy men, they have legacies. But they
13 mean nothing because they're not a Governor? California
14 is in bad shape anyway. And you're going to bring this in
15 here and tear up what's left of California. For why I
16 don't know.

17 And cap and trade, there is another violation
18 because you think you can get away with it. Cap and trade
19 doesn't even fall into what you think you want to do. And
20 just like the health issues, valley fever, come on. Think
21 about that. Not to mention the water. California is in a
22 drought. Always has been. Always will be. And this
23 train is going to require water. You guys need to think
24 about what you're doing.

25 Prop. 1A, we voted it or somebody did. You

1 didn't. Stick with it. Why you want to change it now and
2 have that train doing all this crap. How are you going to
3 get from point A to B in the time you specify when you're
4 doing this (indicating)? It doesn't make any sense. You
5 guys need to really think about what you're doing and
6 doing it right. And you wouldn't even put it back on the
7 ballot, whoever determined that because you knew what
8 would happen. You would be voted down and this would end.

9 Think about our legacy, our farmers, our dairy
10 men, and those of you who think you aren't impacted
11 directly, you will be. Because when they take our
12 farmland and dairies, you will be impacted.

13 CHAIRPERSON RICHARD: I just wanted to ask you to
14 address your comments to the Board if you would.

15 MS. HOOK: Yes. But they always talk about
16 impacts. I'm directly impacted. Those of you that
17 aren't, yeah, you are. Because when they take the farms
18 and the dairies, think about it. You will be impacted.

19 CHAIRPERSON RICHARD: Thank you, Ms. Hook.

20 Jennifer Hanson, followed by Randy Aaronian.

21 MS. HANSON: Hi. My name is Jennifer Hanson.
22 I'm a Tulare County resident and manage PFFJ, a
23 wholly-owned subsidiary of Hormel Foods Corporation based
24 out of Corcoran. I appreciate the opportunity to speak
25 today.

1 We've been trying to work with the Authority for
2 three years. We've provided comments, consistently
3 explained our concerns, and even hosted meetings at my
4 facility. And nothing has changed. Our voice has not
5 been heard.

6 High speed rail will likely cut my company, PFFJ,
7 out of business. I'm here on behalf of my company and my
8 co-workers. We hear a lot today about people, new jobs.
9 Well, I'm going to give you the other side of it.

10 PFFJ is the largest swine production agriculture
11 business in Corcoran with 43 full-time year-round
12 with-benefits staff. We provide 150,000 market hogs to
13 Farmer John every year in the Los Angeles.

14 We own two parcels of land. They're separated by
15 a mile. One parcel has an overpass scheduled to be built
16 on it. Like our dairyman here, that overpass takes out
17 valuable farmland we need for our permitted discharge land
18 for our wastewater.

19 The other parcel we own is a large feed
20 processing land. The high speed rail runs right through
21 the middle of our plant. It's gone. Continuous to the
22 BNSF. We have a spur there. High speed rail takes it
23 out. No feed plant, no production. We need feed to feed
24 our publication.

25 When we close, 43 full-time staff will lose their

1 jobs and benefits. There will be loss in annual payroll,
2 property taxes, and the loss of business to the local
3 suppliers and support services. Our feed customer, we do
4 have one customer, he's the largest egg producing family
5 farm in California, which is an egg deficit state, may be
6 forced to shut down as well.

7 If my farm is forced to shut down, Hormel Foods
8 will be impacted by the loss of feed and hogs to Farmer
9 John. The loss estimated at \$41 million. I don't know if
10 that's in your budget. Farmer John will lose the last
11 California grown pork producer.

12 For three years, we have proposed circumventing
13 our feed plant and eliminating the overpass on Avenue 120.
14 Again, feels like our voice has not been heard. I ask you
15 to consider our specific objections and not approve the
16 EIR.

17 Thank you for your time.

18 CHAIRPERSON RICHARD: Thank you Ms. Hanson.

19 Randy Aaronian followed by John Guinn.

20 MR. AARONIAN: Hello, and thank you very much for
21 allowing me to speak today.

22 The reason why I'm here is I wanted to talk about
23 the appraisal process and what I've gone through so far.

24 First of all, I was told there was going to be no
25 impact with my property. I'm over on McKinnley and 99. I

1 understood that. I got that. I didn't have any problems
2 with that.

3 Then I was told, well, there is going to be
4 minimal impact. I might lose three or four parking
5 stalls. I have about 60 parking stalls. That was okay
6 too.

7 So then when this process started with me, I
8 discussed this with the engineer, and I explained to him,
9 first of all, that I get tractor-trailer rigs in 70 foot
10 long tractor/trailer rigs. Because this whole process is
11 being changed with my parking lot, they needed to make
12 sure that I had room for these vehicles to get in and out
13 of.

14 The engineer understood that. However, when he
15 conveyed his information to the appraiser, none of that
16 was included. So the appraisal was done on an overhead
17 view. No one ever came out to my property. The appraiser
18 did. But the engineer never came out. No appraisal is
19 ever done like that.

20 I'm losing -- according to the appraiser, I'm
21 losing 16 parking stalls. It's closer to about 30 parking
22 stalls. I cannot get a tractor-trailer rig in. They did
23 not use that in the appraisal.

24 And when I discussed this with a gal that went
25 over this whole process with me, this appraisal process,

1 she assured me she would get back to me within a week or
2 two. And where are my customer cars and my cars going to
3 be parked during this whole tearing up of my parking lot.
4 What about my garbage cans that weren't even figured in on
5 this whole appraisal?

6 Well, she comes back about a week or ten days
7 later and tells me, "You know, we're going to give you
8 \$5,000. You go get your own appraisal." Well, that only
9 scratches the surface. I need 25, \$30,000 to do a proper
10 appraisal.

11 So my whole point to this is: Why is this Board,
12 high speed rail, doing this? I mean, me, as a private
13 citizen, I couldn't get away with this. There is no bank
14 that would take an appraisal that was done on an overhead
15 view. I don't understand how it is that you guys allow
16 this to happen. And people like myself have to suffer
17 because of it. I have to go out and get an attorney now
18 to handle this because the haphazard appraisal that was
19 given to me is wrong. You didn't include what you were
20 supposed to include in the appraisal. I got a real
21 problem with that.

22 I'm sure if it's happening to me, it's happening
23 to thousands of other businesses out there. And I wish
24 you would really reconsider what you guys are doing
25 because what you're doing is wrong. This does not follow

1 proposition 1A according to that and I'm just fed up with
2 this whole process.

3 CHAIRPERSON RICHARD: Thank you. Mr. Arronian,
4 thank you for bringing this to our attention. I will tell
5 you that there are certain things that are going to happen
6 that we don't see as a Board. And this is your
7 opportunity to bring this to our attention and people will
8 follow up.

9 MR. AARONIAN: That's why I needed to come here
10 to speak. I want you guys to know what's going on and how
11 this is being handled because it's wrong.

12 CHAIRPERSON RICHARD: Okay, sir.

13 MR. AARONIA: It's totally wrong.

14 CHAIRPERSON RICHARD: We appreciate you coming.
15 John Guinn, followed by Bianca Rodrigues.

16 MR. GUINN: Mr. Chairman, members of the Board,
17 I'm the Vice President for Roll Real Estate Development,
18 which is a division of Roll Global, and Roll Global is the
19 parent company of Paramount Farms and Roll Real Estate
20 Development. So I'm here representing both Paramount
21 Farms and Real Estate Development Corporation.

22 First of all, I wanted to thank Ms. Gomez and her
23 staff and your staff for working with us on our concerns.
24 We are supportive in the Shafter/Wasco area of the
25 preferred alignment along the BNSF. We oppose the other

1 alignment. We are part of the Wasco/Shafter agricultural
2 movement. We're supportive of their comments. Thank you.

3 CHAIRPERSON RICHARD: Thank you, Mr. Guinn.

4 Bianca Rodriguez followed by Alfred Mendoza.

5 MS. RODRIGUEZ: Hello, everyone. Thank for
6 having me. My name is Bianca Rodriguez. I'm a civil
7 engineer undergraduate student at Fresno State. I'm also
8 part of the Louis Stokes Alliance for Minority
9 Participation and part of the "I will ride" chapter at
10 Fresno State.

11 I wanted to come here today to show my support
12 for the high speed rail and urge you guys to approve the
13 EIR/EIS. This is really an opportunity for the students
14 to develop their career in the valley. Two years ago, my
15 goal was to finish my undergraduate studies in the valley
16 and move away. Move to another city, a bigger city, a
17 city that actually offered the opportunity to pursue a
18 dream job. That place is now Fresno for me. There is no
19 need for me to move elsewhere because of the high speed
20 rail.

21 And as such, I mean, I feel like that same
22 opportunity needs to be offered to the next generation.
23 Generation under me. I know how important it is for
24 students pursuing a career to have that opportunity. And
25 like I said, as such, I feel like those opportunities need

1 to stay here and not be moved elsewhere. That's it.

2 Thank you.

3 CHAIRPERSON RICHARD: Thank you, Ms. Rodriguez.

4 Alfred Mendoza followed by Lee Ann Eagon.

5 MR. MENDOZA: Good afternoon, everyone. I'm,
6 myself, a student at Fresno State, civil engineer
7 undergrad student. And over the years, I haven't been too
8 thrilled about my major. Going through the regular
9 classes like everyone else has. Until I got involved with
10 the Mid-Pac civil engineering competition just occurred a
11 month ago. And me getting involved in aspects that I've
12 studied and applying to real life applications was
13 amazing. I feel like bringing the high speed rail here to
14 the valley can do that for many other students. This
15 would be a better advantage for them go out and actually
16 take what they studied. And like I said, put it to real
17 life applications and solve the problems we are having
18 here in the valley.

19 And I've looked into the technology that goes
20 into this high speed rail system. And I'm just, like I
21 said, a civil engineer. But there's hydraulics. The
22 magnetic fields that hold these things together. There's
23 wind pressure to help push it along. It's very efficient
24 and very well made. Just that alone, bringing those
25 technologies here to the valley that we don't have much of

1 around -- all I see so far is solar farms being put up,
2 which is amazing. But, you know, bring that technology
3 can maybe solve new problems. We can use that to develop
4 new solutions for the problems that -- other problems that
5 we have here.

6 And as has been brought up before, the younger
7 generation can be excited as I've been excited about
8 seeing this and learning something to improve their home
9 town and where they're from. Because I feel it would be
10 amazing to develop engineers in the valley as well as keep
11 them here. I feel like this would be a great stepping
12 stone into the future. Thank you.

13 CHAIRPERSON RICHARD: Lee Ann Eager followed by
14 Todd Turley.

15 MS. EAGER: Good afternoon. Welcome back to
16 Fresno. We're always glad to have you. Welcome Director
17 Selby.

18 I'm sorry I wasn't able to come to the last Board
19 meeting. I was in Sacramento. I was hoping to come over.
20 But I was at a California Academic Development Conference
21 with about 200 other academic development professionals.
22 We spent three days talking about how difficult it is to
23 bring new business to California. We talked about the
24 high unemployment. We talked about the air pollution in
25 the Central Valley, and as people talked about, gosh, what

1 is it that we can do to change the climate in California
2 in order to bring the new business, in order to get people
3 excited about California again.

4 And those of you who know me know I was sitting
5 back in the back of the audience going, "Oh, oh, oh, I got
6 something. I got something." And of course, it was the
7 high speed rail. Of course, it was we do have something
8 right here at our fingertips that can change this climate
9 in California and especially here in the Central Valley
10 where we need it the most.

11 I have been coming to these meetings for five
12 years. I have been hearing the folks come up and talk
13 about what it is that we need to do differently. And it
14 has been those first three years to talk about the EIR
15 from Merced to Fresno and then in the last two from Fresno
16 to Bakersfield. And I have to say that you have been very
17 responsive to the things that we talked about here in
18 Fresno County, about what it is that we need.

19 But one of the things that we have found over
20 these last five years in working with our businesses and
21 working with people on the alignment is that the worst
22 thing has been the unknown. The worst thing has been I
23 don't know if I'm on the alignment. I don't know what's
24 going to happen to me over the next five years. I think
25 really now is the time.

1 The folks from Merced to Fresno that we've been
2 working with and they know what's going to happen in the
3 next five years, they know what we need to do in order to
4 move them. They feel more comfortable about what's
5 happening. I think when we do the -- finalize the EIR
6 from Fresno to Bakersfield, those folks will feel more
7 comfortable, too. Being in limbo has to be the worst.
8 Right. We can start working with those folks out in
9 Fresno County now, talking to them about what's coming and
10 how we can help them with this relocation process.

11 So all of these things come back to I think our
12 theme, which is now is the time. We appreciate your
13 support. Thank you.

14 CHAIRPERSON RICHARD: Thank you.

15 Todd Turley.

16 MR. TURLEY: Good afternoon, Mr. Chairman.

17 My name is Todd Turley here on behalf of the
18 South Valley Farms, an agricultural company in the Wasco
19 area and where we farm almonds and pistachios and also a
20 member of the Wasco-Shafter Agricultural Group.

21 We appreciate the opportunity here to address
22 this Board and especially appreciate the cooperation of
23 your staff and their willingness to address our comments.

24 We are here in support of the BNSF alignment, and
25 particularly due to the fact that the BNSF alignment

1 creates fewer remnant parcels for agricultural lands which
2 is a very important issue for agricultural companies in
3 that area. Those remnant parcels really decrease the
4 value of those left over pieces. And in our company in
5 particular, the bypass alternative would have created
6 approximately 300 acres of the parcels, whereas the BNSF
7 creates zero. But there are other alignments that are
8 affecting them, so we also appreciate the creation of the
9 Farmland Consolidation Program that will assist other land
10 owners with those issues. Thank you.

11 CHAIRPERSON RICHARD: Thank you. We do have
12 other speakers and we'll continue. But we've been going
13 for two hours. Our diligent court reporter is probably
14 not the only one of us who would like a break. So why
15 don't we take a break for ten minutes. It's now 5:00 on
16 the clock behind you. At 5:10, we're going to reconvene.
17 We'll be in recess for ten minutes.

18 (Whereupon a recess was taken.)

19 CHAIRPERSON RICHARD: If I could ask people to
20 take their seats. My wife would not be surprised we said
21 we'd return at 5:10, and it's 5:17. I hope everybody was
22 able to take a break. And we will continue with public
23 comments.

24 Let me just say for those who may have arrived
25 more recently, if you have not spoken, if you would like

1 to address the Board, please fill out a green speaker's
2 request and hand it to the young woman who is seated, but
3 is about to stand up and wave. So, okay.

4 With that, we will resume public comments. And
5 first will be Lee Ayres followed by Kathy Omachi.

6 MS. OMACHI: Chairman, Kathy Omachi. I signed up
7 in place of our Board Chair, who is just finishing his
8 last graduate studies class at Fresno State. He will be
9 presenting. That's Chair Brownstein instead of me.

10 CHAIRPERSON RICHARD: All right. Thank you. I'm
11 sorry.

12 Lee Ayres? We missed Lee Ayres. I'm going to
13 set that aside. We'll go back to that.

14 Next then will be Holly King followed by Michael
15 Maldonado. Go ahead. I see what happened. My mistake.
16 Go ahead. Please introduce yourself.

17 MR. BROWNSTEIN: Good afternoon. Jerry
18 Brownstein. I'm a graduate at Fresno State from the
19 Department of Social Work Education. I'm also a business
20 owner in Fresno's Chinatown community. I'm here today as
21 the Board Chair of our Fresno Chinatown revitalization,
22 which is a nonprofit representing the business owners and
23 residents of not only the Fresno Chinatown community, but
24 our friends and close members within the west Fresno
25 community.

1 I want to comment on the 2014 EIR. The cultural
2 resource section of the 2014 EIR does not highlight
3 changes made. The body of the document stated it would
4 highlight any changes from the 2012 EIR. There are no
5 highlights within the cultural resource section. Our
6 organization was not identified as a community resource,
7 nor were we consulted, given the opportunity for input.
8 We feel we were discarded, dismissed, barred from
9 providing relevant critical information in evidence of the
10 cultural resources that may be destroyed by this project.

11 The only mention in change was on the
12 archeological decision, including the items found. Though
13 even this section was not highlighted, despite being an
14 addition from the last EIR. These decisions were
15 organized, dictated, and funded by high speed rail. Our
16 organization feels these archeological digs were a dog and
17 pony show in an attempt to publicly save face in light of
18 lack and regard for the impact of high speed rail on the
19 historical and cultural resources within the Fresno
20 Chinatown community and west Fresno.

21 The 2014 EIR therefore sustained disregard for
22 compliance with Federal Section 106 of the National
23 Historic Preservation Act. The EIR for 2011, '12, and now
24 '14 have at been in noncompliance of Federal Section 106
25 of the NHPA.

1 Board, we are not strangers to the Authority and
2 its representatives. In the past, we hosted two community
3 meetings in Chinatown with consultants from URS who were
4 hired from HSR to organize the initial community meetings.
5 Since those meetings, we've been left out of the
6 conversation. We've received very little support with our
7 concerns that have been voiced to the Authority.

8 We've held two community meetings in the last
9 year as a platform to discuss these concerns. Our second
10 meeting was on September 26th and was facilitated by our
11 organization hosted with representatives from HSR, EDR,
12 and the city of Fresno. Those representatives failed to
13 satisfy and answer the questions brought by our community.
14 Yet another example of poor planning and the lack of
15 adequate environmental reporting to assess impact, in
16 addition to the lack of ability to respond to the concerns
17 of our community.

18 I invite the Board and members of the public to
19 view this meeting as it was published to YouTube and on
20 our website.

21 Based on our comments and our attempts to work
22 with the Authority, we cannot support this EIR. The EIR's
23 cultural resource section is inadequate, incomplete and in
24 noncompliance with Section 106, lest it cannot be
25 supported for acceptance. Thank you.

1 CHAIRPERSON RICHARD: Thank you, Mr. Brownstein.
2 Those are pretty serious issues and I'll look forward to
3 staff addressing those tomorrow. Thank you.

4 Holly King, good afternoon.

5 MS. KING: Good afternoon. Thank you, Chairman
6 Richard and Board of directors.

7 I'm here representing the Wasco-Shafter
8 Agricultural Group. It's a consortium of agricultural
9 entities and organization. There's 126 entities in our
10 organization. And we are all in the Wasco and Shafter
11 area.

12 I'd like to on behalf of the agricultural group
13 like to express our support for your selection of the BNSF
14 as a preferred alternative in our area. And I also want
15 to thank your staff, specifically Jeff Morales, Diana
16 Gomez, and Mark McLoughlin, all of whom have worked with
17 us to hear our concerns and also work to address them and
18 incorporate them into -- and you can see it in the change
19 from the draft EIR to the final EIR.

20 A couple of examples. Wetlands is one area. The
21 preliminary jurisdictional determination, the PJD, would
22 have led you to believe that there are a lot of really
23 high quality wetlands in our area. There are not. And
24 with some research that was done, the final EIR states and
25 I quote, "It is noteworthy that none of these water are

1 wetland and are instead man-made features installed in
2 uplands for agricultural purposes such as irrigation flow,
3 detention basins, and irrigation channels."

4 This further research that was done pointed to
5 the fact that the bypass was not the preferred alternative
6 when it came to wetlands. And it was a deciding factor.
7 That was really important to us. So we appreciated the
8 consideration.

9 Setbacks is another example. When we started
10 this many years ago, we were concerned about not only is
11 the right-of-way a challenge for us because we lose ground
12 and production there, but also we think it's 40 feet. The
13 Madera assessment is smaller than that, but that that
14 setback be considered in this process. And with your
15 settlement with Madera, you have done that. And we
16 appreciate that. That loss is recognized.

17 The last one I want to mention is bees and
18 pollination. It's a huge issue for us. We grow almonds.
19 And without bees, we wouldn't have any almonds. And you
20 have set up a research fund that will further explore the
21 impacts of high speed rail on wind, noise, and dust. And
22 we appreciate that as well.

23 I just want to say that the agricultural group,
24 many of us have property on both alignments. So we looked
25 at them. We're going to lose some of our ground either

1 way. And in our personal analysis, which we've discussed
2 with staff, the BNSF alignment is far superior for many
3 reasons stated previously. Less impact on prime
4 agricultural and Williamson Act ground. Reduced cost to
5 redesign irrigation systems. Less cost to relocate oil
6 and gas wells. Less remnant parcels, and fewer road
7 closures. And the list goes on. So we are definitely in
8 support of certification of the EIR with the BNSF
9 alignment. Thank you.

10 CHAIRPERSON RICHARD: Thank you, Ms. King.

11 Michael Maldonado followed by Anita Soliz.

12 MR. MALDONADO: Mr. Chairman and Board, thank you
13 very much for taking our comments. I appreciate it.

14 My name is Michael Maldonado. I'm simply a
15 citizen born and raised in Visalia, California. I now own
16 a home in Tulare, California is where I reside now.

17 My comment. We have an amazing opportunity to
18 bring high speed rail to our valley. And I would just
19 like to say the sooner, the better. Many of our
20 residents, including myself, visit both the Sacramento and
21 Los Angeles areas. And this would be the perfect
22 opportunity to park our cars and ride the rails. The need
23 for the many outweigh the need for the few. And those
24 land owners that will have the rail line on a portion of
25 their land will be financially compensated.

1 High speed rail will reduce highway traffic.
2 High speed rail should have been done years ago. Let's
3 not miss this opportunity now to bring more desperately
4 needed jobs to our valley and bring a state-of-the-art
5 transportation system. Some are just afraid of change.
6 Don't let those few scare us away from progress. I hope
7 you move forward with the high speed rail without further
8 delay. Thank you.

9 CHAIRPERSON RICHARD: Thank you, sir.

10 Anita Soliz followed by Karen Stout.

11 MS. SOLIZ: Good afternoon. I'm a resident from
12 Bakersfield, California. And I'm here representing myself
13 as a mother of a valley fever patient.

14 Obviously, it seems to be ignored. Valley fever
15 is truly -- can be a terrible disease. My son, he
16 contracted valley fever. It's in the lining of his brain.
17 Now he contracted another brain infection, hydrocephalus.
18 So medical bills have been piling up. Unfortunately, I
19 didn't have the time to get itemized bills since 2007 in
20 order to present this for you. Just one hospital stay was
21 half a million actually. Half a million. In order for me
22 to take care of him, I would need to stop working. But
23 with him having private insurance, we're not eligible for
24 government programs. So this impacts everybody.

25 So on that note, I want to go on to the financial

1 effects this will have. It's not discriminated. It is in
2 the ground, the spores. You can put respirators on
3 however you deem fit. But you're not looking at the total
4 impact of this. His medicine alone, the oral medicine, is
5 9,222 a month. He's on it for the rest of his life.
6 Okay.

7 Here, we have cases that actually about almost
8 double Bakersfield west side parkway. It's 4.25 miles.
9 And during that highway project, valley fever spiked up
10 again almost in half. Okay. So in terms of that
11 four-year project, it went up tremendously.

12 We have prisons affected. Taxpayers, it effects
13 taxpayers. If you're going to have a job, it's going to
14 affect you. Anyone.

15 An inmate was awarded over \$400,000 because he
16 contracted valley fever. So not only is he getting
17 awarded for this, we're also paying for his stay in
18 prison. The case, he contracted this back in 2003. He
19 was awarded this last year. And that was at the Taft
20 Correctional Institute.

21 So I'm asking you just to really consider what
22 the effect is. Yeah, it will produce jobs. Yes, it will
23 do this. And that -- okay, the economy. But how is it
24 going to effect the economy on the other side financially?
25 Maybe you haven't been effected by it as Bakersfield has.

1 But it is out there and it needs to be addressed instead
2 of ignored. Thank you.

3 CHAIRPERSON RICHARD: Thank you, Ms. Soliz.

4 Karen Stout followed by Kevin Dayton.

5 MS. STOUT: My name is Karen Stout. I live in
6 Kings County, and I'm a member of CCHSRA.

7 This meeting -- this whole meeting is a farce.
8 Tomorrow, you have scheduled to vote for the certification
9 of the CEQA section of this final EIR. I surmise you
10 scheduled this at the release on Good Friday. You show by
11 this to the public you have very little regard and little
12 value for our public comments. This seems to be business
13 as usual for you.

14 I realize a few of you Board members are new. I
15 have been actively trying to educate myself on this
16 project for three years. I have seen your Board change a
17 number of times. The public has been trying to inform the
18 Board of agricultural concerns for these three years.
19 Just when we get you informed, you change on us.

20 I wish you new Board members have been -- hope
21 you are just as diligent as us in trying to learn this
22 proposed project. I wouldn't be surprised if you find a
23 number of things just not right with this project. Like,
24 why is this project south of the city of Fresno taking off
25 going through farms and dairies, bisecting properties

1 diagonally? What an operational nightmare for farmers.

2 Why isn't the alignment along a major freeway or
3 highway like Proposition 1A says it's supposed to be? I
4 would like to know a good reason why. And I think you
5 should find out, too.

6 I've heard that it takes a long time to turn
7 something that's going very, very fast. Well, I would say
8 that I don't know why you are even creating a green field
9 project in this area. Too bad this project wasn't planned
10 by collaboration of local governments. I'm afraid the
11 high speed rail staff just plain lies to the Board about
12 how different local governments like Kings County and the
13 city of Bakersfield agree with your plans. You as a Board
14 get staff reports that everything this is just fine with
15 these local leaders. I'm thinking of two and a half years
16 ago when this was flatly not true in these two cases. The
17 High Speed Rail Authority never collaborated with Kings
18 County and the city of Bakersfield. Tried to come to an
19 agreement with you through meetings early on in planning
20 of these alignments.

21 In the case of the city of Bakersfield, you did
22 not want or did not even consider their recommendations or
23 desires. Today, we heard here that that still is the
24 case. The High Speed Rail Authority could learn something
25 from Henry Clay. Well, wait. Let me be fair. Maybe you

1 just don't know, but the purpose of planning meetings is
2 to reach a compromise. And collaboration must be beyond
3 your scope of work since 60 questions from the Kings
4 County government are yet to be answered in two years.

5 I hope you will see that this new CD that you
6 have released on May 2nd should start this comment period
7 all over again. Since now is only the time that you
8 released three days ago the total project. If you're
9 going to put your name on this, you new members and pass
10 it to CEQA and the Federal Rail Administration, I hope you
11 look at this very carefully.

12 CHAIRPERSON RICHARD: Thank you, Ms. Stout.

13 Kevin Dayton followed by last name is Cooper
14 from --

15 MR. DAYTON: Thank you, Mr. Chairman. Kevin
16 Dayton with Labor Solutions --

17 CHAIRPERSON RICHARD: Mr. Dayton, hold the clock
18 for a second. You've appeared before us a number of
19 times. But I have to say you brought a delightful
20 accompaniment with you today.

21 MR. DAYTON: This is actually my nine-year-old
22 daughter, Ana, who loves politics. And she's very
23 interested in this. I think that she has a good pallet,
24 thinking it would be fun to ride a high speed rail. But
25 her generation long after we're gone, probably after I'm

1 dead, they're going to have to figure out how we're going
2 to pay off the debt. How is it going to be secured? I'd
3 like her to see early on what the tremendous project is
4 going to bring to the state. So I'm glad that she's here,
5 excited about this and hope she sees more of what's going
6 on with this. It certainly is a big thing for her
7 generation.

8 I have a comments about a few things. First, I
9 agree with earlier comments about the Fresno Chinatown not
10 really being addressed much. Of course, the thing is that
11 that's in the project segment for Merced to Fresno. So if
12 you go back and look at that, you'll be surprised at how
13 little there was about it. I agree perhaps a lot of that
14 was missed because people kept on telling me Fresno
15 Chinatown isn't being addressed here, but it's earlier
16 segment where it falls under.

17 Regarding this particular Environmental Impact
18 Report, first thing I notice is very little is paid
19 attention to Baker Commodities, which the high speed rail
20 is apparently going to go through the back door and out
21 the front door of this. I hear stories about how this is
22 the only rendering for cow carcasses in Kings County. And
23 if it closes, they won't be able to get water permits to
24 operate anywhere else. And people will have to have their
25 dead cows trucked up to Fresno. This is a serious issue.

1 And I saw a few little remarks and letters and things
2 earlier saying this is serious. I think is not addressed
3 appropriately. I think this could be a big problem for
4 the dairy industry.

5 Valley fever, I know in the late 1990s, early
6 2000s when all the natural gas power plants were project
7 labor agreements. A lot of worker -- I found out that a
8 lot of those union workers had come in from out of the
9 area because they all got valley fever. And there were
10 several news stories about that. You want to take a look
11 at that and past experience power plant construction.
12 They're having problems with valley fever on the solar
13 power plant work in San Luis Obispo County, too, as well.

14 Moving beyond that, I'd like to discuss the
15 Memorandum of Understanding with the San Joaquin Valley
16 Air Pollution Control District. I'm uncomfortable with
17 this because there seems to be very little accountability.
18 Apparently, there's going to be \$35 million given to the
19 control district and they're going to do something to make
20 net zero emissions. And we hear from the CEO that there's
21 going to be 5,000 trees planted. There's going to be
22 buying of new tractors. The report is sent to the
23 Legislature about greenhouse gas emissions. It talks
24 about buying new school buses, buying new irrigation
25 pumps. It sounds dangerously like a slush fund. And I

1 think you need to start bringing to the public more
2 specifics about, first of all, where is this money going
3 to be coming from. I wonder if this is going to be coming
4 from the cap and trade disadvantaged community fund. It
5 would be good to know where this money is coming from, in
6 addition much more specifics on how it's going to be
7 spent.

8 I think the idea of buying school buses for
9 school districts for the California High Speed Rail
10 Authority, the public is going to say, wait a minute. I
11 didn't really think I was authorizing borrowing money for
12 high speed rail. I was going to start buying school buses
13 for school districts. A lot more means needs to be known
14 about this. I think it might be a good idea to postpone
15 that Memorandum of Understanding vote until the public
16 gets more of an idea of where is the money coming from and
17 where is it going. Thank you.

18 CHAIRPERSON RICHARD: Thank you, Mr. Dayton.

19 On the Baker Commodities thing, my understanding
20 from staff was that we have addressed those issues. So I
21 want to make sure that -- I've actually stood outside
22 Baker Commodities. I know how important it is to the
23 ecosystem and the dairy industry in the southern part of
24 the San Joaquin Valley.

25 I really apologize because I'm just unable to

1 correctly read this person's first name. But the middle
2 initial is G and the last name is Cooper. And they're in
3 Corcoran.

4 MR. COOPER: That would be me.

5 CHAIRPERSON RICHARD: What is your first name?

6 MR. COOPER: Gregory.

7 CHAIRPERSON RICHARD: Boy, I apologize, Mr.
8 Cooper.

9 MR. COOPER: I'm the one that should apologize.
10 My handwriting is terrible.

11 My name is Greg Cooper. I appreciate the
12 opportunity to speak here. My brother is going to speak
13 after me.

14 Basically, we have 300 acre ranch south of
15 Corcoran between Avenue 144, right along highway 43. I
16 can start off by saying this. Had you intended to ruin
17 our ranch and put us out of business, you could have not
18 done a better job. And I mean that seriously and
19 humorously too.

20 Basically, there is -- well, there's a whole lot
21 of things. They're closing the busy intersection of 144,
22 routing the traffic back through the ranch, putting in a
23 massive overpass where our shop, office, and one of our
24 homes is. We'll all be taken out.

25 Then the track comes through the middle of the

1 ranch, crosses eight pipe lines, comes within 100 feet of
2 my brother's house, about a quarter mile from mine.

3 The costs on this from your standpoint are
4 massive. I'm not sure they're addressed in the report or
5 not. I apologize for not reading that part of it.

6 You know, this is our sole source of income. The
7 ranch has been in the family since 1955. Third
8 generation. We sent letters in explaining more of this
9 stuff.

10 I don't know what else to say. I just wish maybe
11 there was a little time to reconsider it. I think I
12 actually voted for this thing, believe it or not. But I
13 thought it would be over on I-5 and it would be something
14 I wouldn't have to worry about it. Well, that doesn't
15 seem to be the case.

16 I'll let my brother -- I'm sure he can add more
17 to this. But I do appreciate the opportunity to speak.
18 Thank you.

19 CHAIRPERSON RICHARD: Thank you, Mr. Cooper.

20 And our next speaker is Tim Cooper.

21 MR. COOPER: Thank you, Board members, for
22 letting us speak.

23 As my brother said, we're located in the west
24 side of Tulare County just south of Corcoran up near the
25 California State Prison. We farmed there since 1956. And

1 according to your maps, not only are you going to put a
2 rail through the ranch, you're going to reroute the main
3 artery that feeds the State Prison, Avenue 144. You're
4 going to close it and build county roads through the
5 middle our ranch over the rail and route it to the prison.

6 There is a tremendous amount of traffic. There's
7 actually traffic jams there at highway 43 as it exists.
8 According to your map, you're going to reroute the State
9 highway. You're going to reroute the county roads.
10 You're going to bring the rail through the ranch. We are
11 going to lose one or two homes, shop, two sheds, pump
12 equipment yard, our office. It's all going to be gone.
13 We have eight concrete pipe lines that are going to be
14 crossed by at least the rail and probably several other
15 roads.

16 It's just really discouraging to read this
17 report. We're going through a drought now, as you're all
18 aware, and we're dealing with that. But that's an act of
19 God. This highway speed rail is an act of man. And I
20 hope that other man can stop it in the court system.

21 Can I submit a written report while I'm here?

22 CHAIRPERSON RICHARD: Absolutely, sir.

23 MR. COOPER: Thank you very much.

24 CHAIRPERSON RICHARD: Thank you, Mr. Cooper.

25 Mr. Archer followed by Michael Lamb.

1 BOARD CLERK NEIBEL: Mr. Archer left.

2 CHAIRPERSON RICHARD: We'll come back.

3 Michael Lamb followed by John Hernandez.

4 MR. LAMB: Good afternoon. Good evening. Here
5 we are again, Mr. Richards, Tom Richard. I see you guys
6 all the time. You're the folks, you haven't been around
7 that much.

8 But every single one of these meetings, except
9 for a scant few, I've been to these voicing my displeasure
10 for this. And every time I tell you what's wrong, and
11 every time you vote, yeah, yeah. And every time you
12 schedule another meeting. And this is just an exercise of
13 futility, I'm afraid.

14 I'm here to express my opposition to high speed
15 rail. The cost, the current cost that -- you're right.
16 People voted for Prop. 1A. It was a great thing. We were
17 going to do this. The current cost is well over ten times
18 your original bid that the voters approved. I would think
19 that alone would cause you some pause.

20 I make my living -- I'm retired from a couple of
21 jobs, but I make my living now as a substitute teacher. I
22 substitute teach almost every day in Kings County. As a
23 teacher, one of the biggest issues that I have is
24 respiratory illness with children. These kids run around
25 here. They have their inhalers. Their office has their

1 inhalers for them. They have all kinds of things going
2 on. And this air pollution -- they talk about Kings
3 County having some of the worst air pollution in the
4 state. More than Los Angeles, for goodness sakes. This
5 air pollution causes many, many children to lose many,
6 many school hours and days on a fairly consistent basis.
7 That, folks, ladies and gentlemen, is a disservice to the
8 children.

9 Your plan calls for moving 30 million cubic yards
10 of dirt. Do you have any idea how big of a dust cloud
11 you're going to have? Thirty million cubic yards of dirt,
12 not counting the pollution from the trucks and this and
13 that. You have to think about this.

14 Your plan also calls your original plan, the 1A
15 plan, LA to San Francisco in 240 minutes. Wonderful. No
16 stops. Who wants to go get on a train to L.A. and get off
17 in San Francisco? I bet nobody.

18 I've come to these meetings. I've come to these
19 meetings in Corcoran. I came to the Meeting in Hanford.
20 I went to Sacramento to the meeting. I've been to the
21 meeting so often it's incredible. I should get money back
22 for my travel for these meetings I attended. And every
23 time I do this, you sit up there and you shake your head
24 yes. And I shake my head no. And you just go on and
25 thank you for your time and then you go down the road.

1 That's it.

2 The last six minutes I would like to implore you,
3 please, please, have some reality. Don't build this
4 boondoggle.

5 Once again, thank you. Hopefully I won't see you
6 again, but you never can tell. You'll probably schedule
7 another meeting and I'll see you again. We'll go wherever
8 the meeting is.

9 CHAIRPERSON RICHARD: Thank you.

10 John Hernandez followed by Cherylyn Smith.

11 MR. HERNANDEZ: Thank you, Chairman Richards.

12 I'm John Hernandez, the former CEO of the Central
13 California Hispanic Chamber of Commerce. And I'd like to
14 urge the Rail Authority to consider the feedback you're
15 getting at today from Kings County and other parts of the
16 state. Address those issues and move forward. I think
17 that's what we need to do as a state.

18 California is in a global competition. We are
19 the leader in the United States, whether it be the Silicon
20 Valley, whether it be our agriculture, whether it be on
21 the dairy business or whether it be on high speed rail.
22 We need to secure our place in history. Building this
23 project will connect our region to other regions. It will
24 create jobs. And on top of that, there is going to be a
25 re-visit of our entire water system at the same time,

1 which is long overdue. These things need to be done
2 together and in cooperation because this project and the
3 water projects that are coming are critical to this state.

4 I strongly urge you to also consider the small
5 businesses that are in this district. As former CEO of
6 the Chamber, I'm very concerned about some of our former
7 members of the Chamber -- because I'm no longer the CEO --
8 about many of their properties being undervalued because
9 they are under water. I think that needs to be in some
10 way, shape, or form addressed by this Board and this Rail
11 Authority.

12 Also we need to make sure that we're meeting our
13 goals. For a long time, I spent time on this project
14 fighting for the small business participation goals.
15 Fighting for small businesses being considered. Fighting
16 for people, local people, locally being hired at the same
17 time. I think it's critical that we deliver on that
18 promise. And we will hold you accountable as small
19 business owners and small business people because it's
20 imperative that we make sure we have an open line of
21 communication with the Rail Authority.

22 I do want to congratulate Diane Gomez and Jeff
23 Morales for the participation and the communication that
24 has happened in the past and has happened now. I do
25 believe though that that communication needs to be clearer

1 and more concise as this particular project is decided on
2 and hardened.

3 I think Lee Ann Eager presented that very, very
4 eloquently when she said that the distrust I think that
5 was up in Merced, once we came to an agreement, that
6 things improved. I think you're going to see the same
7 here.

8 But I want to urge you to please listen to Kings
9 County and their concerns. They have valid concerns. But
10 at the same time, we do need to address them and move
11 forward. So thank you. I urge approval of this EIR after
12 addressing some of these concerns tomorrow. Thank you.

13 CHAIRPERSON RICHARD: Mr. Hernandez, thank you
14 very much.

15 Cherylyn Smith followed by Jerry Fagundes.

16 MS. SMITH: I, too, am going to address mainly
17 the funding issues that are before us. But I also want to
18 preface what I have to say a little bit with the fact that
19 I'm going to refer to cap and trade, what I called
20 misguided attempts to bail you out.

21 But as I do that, I want to say something I've
22 been saying privately, but I want to address it to
23 everyone today. I am left of the democratic party, and
24 therefore I'm critical of both. This has been perceived
25 in the valley as a very right wing issue. I think what

1 I'm about to present to you is at the heart of liberal
2 thought. I hope that those of you that might mean
3 something to it might resonate and you'll hear it.

4 I'm going to read off of something that's
5 prepared, but I may interpolate a little bit as well.

6 "Governor Brown's misguided attempts to
7 reconfigure high speed rail funding are fraught with
8 damaging consequences. Reading between the lines" -- that
9 is, looking ahead, "we need to read between the lines. If
10 Brown implements cap and trade funds to pay for HSR's
11 initial segments, fines paid by the worst polluters in the
12 state would virtually bail out HSR from its self-inflicted
13 predicament, the loss of Prop. 1A money. That would leave
14 the Authority forever indebted to certain corporations.
15 It also releases HSRA from Proposition 1A's fiscal safe
16 guards and provisions, leaving us with a deregulated
17 project, discretely tied perhaps and very likely to
18 discredited companies, particularly with environmental
19 issues."

20 I would like to interpolate, for example, one of
21 the most notorious companies is Chevron. That's where
22 former Senator Rubio now works. He's the one that did the
23 tipping vote that led to the legislative approval of
24 releasing the bond funds, which are now very much in
25 question in the courts. But still, I hear you, HSRA,

1 point to that vote, the overall vote, and say must be
2 okay. They looked at it. Everything must be okay. Let's
3 not go there.

4 And looking ahead, that is hardly consistent with
5 what voters' original intent as defined in Prop. 1A the
6 2008 law that allowed HSRA to set up shop, collect
7 salaries, and spend millions so far. And I have seen many
8 of you sitting right there in the chairs turn to each
9 other here in these chambers and say, "That's consistent
10 with 1A, isn't it?" And it as if you're feigning
11 compliance prior to the court decisions.

12 And why? So you have a consultant that has to
13 have a consultant. And that's how you spend your money so
14 far. Moreover, cap and trade would be funding a project
15 identified by the State Legislative Analyst's Office as a
16 net polluter for 30 years. Note that environmental groups
17 have been challenging Brown all along for irregularities
18 with cap and trade allocations. If cap and trade jump
19 starts HSR, Brown's rainy day fund could become a safety
20 net for the project, extending the bail out indefinitely.
21 Attempts to salvage this botched project will have
22 insidious effects on our state economy for generations to
23 come.

24 CHAIRPERSON RICHARD: Thank you, Ms. Smith.

25 Jerry Fagundes followed by Hellen Sullivan.

1 MR. FAGUNDES: Jerry Fagundes. I'm actually
2 going to read a little bit from Carol Bender from
3 Bakersfield.

4 Her comment to the draft EIR regards using
5 outdated population data requesting HSRA to re-determine
6 more current numbers using 2010 Census instead of outdated
7 2010 Census. The response she received.

8 "The Federal Railroad Administration and
9 Department of Transportation issued a Notice of Intent to
10 prepare an Environmental Impact Statement for the
11 California High Speed Train Project for the Fresno to
12 Bakersfield section on October 1st, 2009. This date
13 established the reference year of the effected
14 environment. At that time, the 2010 Census data had not
15 been published. Therefore, the 2000 Census data was used
16 for the socioeconomic analyst in addition to the more
17 recent data from the American Communities Survey, the
18 California Department of Finance, the California
19 Employment Development Division, California State Board of
20 Equalization, as well as local data sources. These
21 methodologies used to identify and analyze effected
22 populations as well as all data sources used were detailed
23 in Appendix A of the Community Impact Assessment Technical
24 Report.

25 Ms. Carol Bender's rebuttal: "While you may have

1 used other data, more recent data from surveys as well as
2 from local and other government agencies in other parts of
3 your socioeconomic analysis, this was not the case with
4 developing the numbers to show the number of people who
5 live within one-half a mile from the proposed alignments
6 in Kern County and Kings County.

7 "The populations used use only came from the 2000
8 Census, which we are currently 14 years beyond that. You
9 agree in your responses to me there are 81,699 people in
10 Kern County within a half a mile of the alignments.
11 However, you neglect to state that they were more likely
12 far more people living within that five mile of the
13 alignment now. Bakersfield has grown in population
14 significantly in 14 years. Using the 2000 Census to
15 report this very important data is misleading. It is very
16 unreasonable to ask for revised numbers based on the 2010
17 Census, which is easily attainable.

18 "Therefore, it's reasonable to say that the
19 moderate to severe impacts to our communities for noise,
20 violation, air pollution are elevated far beyond those
21 figures represented. It is important to point out that
22 this also means more people are potentially at risk for
23 exposure to valley fever spores during construction and
24 operation."

25 And my little comment is I don't know how many of

1 you have got to read part of this, but this is letters
2 inadvertently omitted from Volumes 4 and 5. Just came out
3 last Friday. They're not doing their job. Thank you.

4 CHAIRPERSON RICHARD: Thank you, Mr. Fagundes.

5 Helen Sullivan followed by Tate Hill.

6 MS. SULLIVAN: Good afternoon. My name is Helen
7 Sullivan. I own property directly in the path of the
8 Hanford east alignment.

9 My family and I learned of this possible route
10 through our property approximately five years ago. Since
11 this time, we have met with Authority, one of the
12 Authority's paid consultants on several occasions. And I,
13 myself, have gone to many of the outreach meetings, each
14 time voicing my questions and concerns regarding land use,
15 water impact, and loss of natural resources and wildlife.
16 Likewise, each time I was told, "Ms. Sullivan, we will
17 address your concerns and get back to you." That was five
18 years ago.

19 As far as I'm aware, there are none of these
20 highly paid consultants or staff members still working for
21 the Authority. They walked away with their paychecks and
22 never once did they address any of our concerns. They
23 were apparently ignored.

24 Last Friday, May 2nd, I found a FedEx envelope
25 thrown over my gate at the front of my driveway. In this

1 envelope was a letter from Mark McLoughlin, your Director
2 of Environmental Services, which apologized for the fact
3 that my comments concerning the draft EIR/EIS dated
4 October 13th, 2011, had been received but unfortunately
5 had not been included in the final EIR/EIS. But they
6 weren't addressing my concerns now in the attached letter.

7 May I say upon reading these responses they were
8 general in nature, very, very vague and totally
9 inadequate. It had been two years and seven months since
10 my letter had been submitted. And yet, it was
11 unfortunately omitted from the final draft EIR.

12 I now understand that at least 30 letters
13 totaling some 230-plus pages were omitted. Those that I
14 have talked to who received these letters in these
15 envelopes are some of the individuals and businesses that
16 are impacted the most in Kings County. In your staff's
17 rush to produce this document and have it approved without
18 many of us being allowed the entire 17 days to respond,
19 you have once again failed to recognize our concerns in
20 good faith.

21 I ask you not to approve the document that has
22 obviously been hurried and constructed to confuse, bypass,
23 and deceive on the real issues. I do not believe that the
24 environment concerns were adequately answered or studied
25 and that to approve this EIR/EIS would be a totally

1 inappropriate and self-serving action on the part of the
2 Authority and your staff. Thank you.

3 CHAIRPERSON RICHARD: Thank you, Ms. Sullivan.

4 Tate Hill followed by Mary Jane Fagundes.

5 MR. HILL: Thank you, Board. My name is Tate
6 Hill. I'm the President of the Fresno Metro Black Chamber
7 of Commerce. And our organization has been a supporter of
8 the high speed rail project early on. And we have been a
9 supportive of the project early on.

10 I did just want to express some concerns about
11 the level of engagement with small minority businesses and
12 how the rail Authority could be more effective in doing
13 that. Just to reiterate some points that have already
14 been previously expressed about more concise and frequent
15 communication about contract opportunity and the details,
16 particularly some of the small business program components
17 that support small and diverse businesses.

18 Also, more effective communication with certain
19 contractors and their subcontractors regarding current
20 contracts and their payment schedule. I'm aware of some
21 challenges that contractors have had as to current
22 projects that they're working on and as relates to the
23 payment. One of the things I think we agreed upon that
24 was a critical part of the project, been able to assist
25 participation for the small and diverse business was

1 around prompt payment. And that for my understanding has
2 been a challenge of the Authority.

3 I think being able to effectively communicate
4 some of those challenges would assist those smaller
5 businesses in understanding of that process.

6 Also, again, I want to say I think the level of
7 engagement of small and diverse businesses is important.
8 Appreciate the informational session that you all provided
9 down in Visalia a couple weeks ago. And saw there was a
10 lot of interest within that community to learn more about
11 the project as it moves forward. And we definitely want
12 to assist the Rail Authority and be able to do the level
13 engagement within that community. So thank you.

14 CHAIRPERSON RICHARD: Thank you, Mr. Hill.

15 Ms. Fagundes followed by Maurean Fukuda.

16 MS. FAGUNDES: Mary Jane Fagundes, 9785
17 Ponderosa, Hanford, California.

18 I still remember when I first attended a high
19 speed rail meeting here in Bakersfield spring of 2011.
20 Well, the Army Corps. of Engineers as well as the EPA
21 spoke and previously sent written letters from their
22 organizations explaining that you could not just draw one
23 line in the sand and just study that and come to a
24 selection. That you needed other comparisons. That you
25 all on your thrones looked at each other, within less than

1 20 seconds took what I guess you would call a vote and
2 made the statement that, no, you didn't need to do anymore
3 than what you had done and you were doing and that was
4 just how it was.

5 I could not then nor now believe what I had
6 heard. Was this what it meant to be part of the
7 democratic society? But this is the same answer or
8 arrogance I have witnessed over and over and over again
9 with California High Speed Rail. You believe that you are
10 above the law, but actually you believe that you are the
11 law with a Governor's blessing. That's all that's
12 required.

13 Let me summarize some things for your alleged
14 transparent agency.

15 Number one: You plan to electrify your train
16 some day. And a recent question was asked of the powers
17 that be in the electric business. And the sheer mention
18 of the question about high speed rail, this power laughed
19 hysterically. Enough said.

20 Number two: You think you can move businesses or
21 their physical buildings to other parts of some parcels
22 with no permits. Really? I can't even put a fence up
23 without a permit.

24 Number three: You think you can build overpasses
25 going through or right above or right below power lines?

1 No problem. Sorry, Mr. Dan Richard, but just because you
2 were involved with a utility company at one time doesn't
3 mean they owe you one.

4 You think can you bring in and use huge cranes
5 and equipment such to build your track within 50 and 75
6 feet of our front door and that you don't need to do any
7 mitigation. That's really interesting to me. You're
8 paying maybe 30 to 50 cents on the dollar to what
9 businesses and land owner's property is worth through the
10 alleged current market value. And paying for this
11 property with what? Money? What money?

12 Number six: You are paying the homeless upwards
13 of \$50,000 a piece to relocate them from their current
14 lifestyle. Motel lifestyle. I guess it's better to be
15 homeless. They will be justly compensated more than some
16 land owners and businesses, minority other otherwise.

17 You also probably read the 4800-plus pages of the
18 revised EIR and public comments and high speed rail, the
19 answers. Oh, yeah. And the additional 236 pages of
20 letters that were inadvertently omitted that you posted
21 Friday, May 2nd. Have you read all of them? I didn't
22 think so.

23 So now for my question. From the EIR, there to
24 be approximately nine million cubic yards of dirt to be
25 moved from where? And more than half a million truck

1 loads and probably it will take a year or more to move
2 this dirt at eight hours a day. At approximately 25
3 million miles driven by these trucks on an estimated
4 average of 25 miles trip one way. Maybe less, but
5 probably more. Knowing high speed rail, we'll keep
6 changing where it has to get its dirt because they got to
7 find somebody they can buy it from. And then they're
8 going to spend approximately 3.5 million gallons of
9 diesel. So how does this factor into greenhouse gas
10 emissions, plus or minus, valley fever, and no
11 reimbursement for damage to our roads or the policing of
12 them or the safety to all of those who travel those roads.

13 CHAIRPERSON RICHARD: Ms. Fagundes, I'm going to
14 have to ask you to --

15 MS. FAGUNDES: I'm almost finished.

16 Just as a reminder, justice will prevail.
17 Perhaps not in my time, but in God's time. Like good over
18 evil. God bless America, but perhaps it should be God
19 save us from high speed rail and their presumption of
20 power, greed, arrogance, and flippant disregard,
21 especially for the American citizens in Kings County. And
22 for all you new people out there, just so you know, things
23 are not okay in Kings County.

24 CHAIRPERSON RICHARD: Next is Maurean Fukuda
25 followed by Ross Browning.

1 And let me just say that after Mr. Browning, I
2 don't have any other speaker cards. So hold on one second
3 Ms. Fukuda. Are there speakers cards outside?

4 Mr. Morales wanted me to remind you we will be
5 here until at least 7:30 to accommodate people who come in
6 after work. So I'll just make this request for speaker
7 cards at various intervals. But this is who I have right
8 now. Ms. Fukuda, nice to see you again.

9 MS. FUKUDA: Good evening. My name is Maurean
10 Fukuda, 895 Laura Lane, Hanford, California.

11 And I have provided written comment from my son
12 Aaron who could not be here tonight. He's at a Water
13 Board meeting in Monterey. So he has no control over what
14 I have to say. It's very short. I know he might be a bur
15 in your saddle, but I'm quite proud of him.

16 I'm addressing two items. One is the EIR and the
17 other is mitigation.

18 The EIR, it's available here. It's said to be
19 approved tomorrow. And as you can see, it's rather
20 daunting. I'm not a technophile. I don't use computers
21 very well. So I have to go to the library. When I went
22 to the library, they said, there's so many, you may have
23 to go down to the basement. They had put it on a cart and
24 they rolled out all like ten binders and ten folders.

25 And what I found quite interesting was that the

1 technology -- it's just over my head. I'm a biologist.
2 But it's so technically confusing, it's convoluted, I
3 didn't understand anything. The best thing I could
4 understand was the summary that's there. And I found it
5 quite interesting that it is provided in English and
6 Spanish. But the rest of the document is not. So I found
7 that quite interesting.

8 But it is rather daunting, and it takes a long
9 time to read. And I'm reading a book by Mr. LaSalle over
10 here, and it's about the immigrants that came to Oregon.
11 And I told him that if I were on that wagon train, I
12 probably would have died like the Donner Pass people
13 because it's just too much. This is just too much to
14 handle.

15 Anyway, it does provide due diligence on your
16 part, however, because it is there. Is it usable to the
17 common person? I doubt it.

18 The other is mitigation. I question have you
19 addressed the mitigation of people that possibly will lose
20 their jobs? I've been here quite often and you always
21 have union people saying jobs, jobs, jobs. And the poor
22 people that are possibly going to lose their job, maybe
23 they don't know. They're not here. And I ask has that
24 been addressed in either the EIR or in the general plan?

25 I mean, the Corcoran open house, there is a

1 poster there that says right-of-way process, 5th amendment
2 of the U.S. Constitution. "No person shall be deprived of
3 life, liberty, or property without due process of law."
4 So I'm wondering were they -- okay.

5 In summary, in tenure I've seen quite a few
6 changes. I've seen three Chairman of the boards, Pringle,
7 Umberg, Mr. Richard. I've seen General Managers Morales
8 and Diana. I've seen -- who else have I seen? The PR
9 person. And the Board members have come and gone. And
10 you're asking us to take the leap of faith and accept your
11 plan. It's like, Mr. Morales, you probably would
12 appreciate this. You expect us to jump off the cliff like
13 livings. This is wonderful. You paint a beautiful
14 picture.

15 There is a dark side. And there is some of us
16 that are on the edge of this cliff saying, wait a minute.
17 Maybe the plan's not exactly right. I don't want to take
18 that leap of faith.

19 And I hope the Board members, the people that are
20 just come on board, has read that and understand it and in
21 good faith make your vote. But it must be in good faith,
22 if you have read it, understood it, and know what you're
23 voting for. Have a good evening.

24 CHAIRPERSON RICHARD: Thank you.

25 Ms. Fukuda, I have to say it would have pained me

1 to be one of your students. A terrifying, but learning
2 experience.

3 Ross Browning followed by -- looks like -- I'll
4 come back to that.

5 MR. BROWNING: Good evening, now Mr. Chairman,
6 Vice Chair, recent appointment to the Board and Ms. Schenk
7 and also members of the Board that aren't here today.

8 Name is Ross Browning.

9 CHAIRPERSON RICHARD: Mr. Browning, Mr. Scott
10 said he can't hear you.

11 MR. BROWNING: Mr. Scott says he can't hear me?
12 Here. Here we go. How is this?

13 I promised myself I would never do this again.
14 Take what I had prepared pitch it on the side and come up
15 with something new. I thought I would never be given the
16 opportunity after Jeff Eggert left. Jeff could provide me
17 with information all day long.

18 But Ms. Gomez did one better today. I want to
19 talk to you about something that I heard Ms. Gomez say
20 that my mouth dropped open. And that is what she talked
21 about what happened on why I-5 was not a good choice and
22 why highway 99 was not a good choice. Some of the
23 technical points and points and all that.

24 The point I'm getting to is the purpose of this
25 is to discuss what's in that document. The purpose of

1 this meeting is to discuss what our concerns were and how
2 they were not answered.

3 Ms. Gomez brought up brand new information today.
4 Had not been -- I had not seen that. Not heard it. Not
5 done anything. I can't possibly comment on it. I have to
6 have time to weigh over -- I have to have time to get what
7 she said and weigh it over and decide what to do with it.

8 I don't think that there is a proper course. I
9 don't believe that you people should vote on this to
10 approve it. I can challenge any one of you right now that
11 you don't know -- even begin to know what's in that
12 document, let alone new information that Ms. Gomez
13 provided. So I would ask you all to please not approve
14 this document. Give yourself a month. Give us some time
15 to look at this new information and see how it effects us.
16 I know it's going to effect us. But to see what impact it
17 will have.

18 Other than that, thank you very much.

19 CHAIRPERSON RICHARD: I guess because we still
20 have a bunch of time and a few speakers Mr. Browning, you
21 and I have known each other for a long time. I just want
22 to tell you that in the documents that I have been reading
23 over the last week, in the responses what Ms. Gomez was
24 referring to was the questions that people had raised
25 about why this project had not considered going down the

1 99 or the I-5.

2 And I can tell you that I read in standard
3 responses and the summary documents an extensive
4 discussion of that issue. So A, it is not really
5 brand-new information. And B, it is in materials that you
6 have been reading. I have great respect for you. But I
7 want to make sure people understand this is not a new
8 issue. So I just --

9 MR. BROWNING: It's a fairly old issue. But new
10 to me today.

11 CHAIRPERSON RICHARD: Right. Okay.

12 Next speaker is -- I'm sorry. It looks like
13 Leonard. Is it Leonard Dias?

14 MR. DIAS: Dias.

15 CHAIRPERSON RICHARD: Mr. Dias, I apologize for
16 having a hard time reading that. Followed by Ram Nunna.

17 MR. DIAS: Good afternoon. My name is Leonard
18 Dias. I'm the School Board President of the Kit Carson
19 Union School District. The alignment that you guys are
20 looking at is less than half a mile from our physical
21 school site, going right down the middle of our district.

22 I would ask you that you guys give more time for
23 this EIR to be responded to. This was sent out during our
24 Easter break and given to the school at a time when we
25 were right now implementing brand-new testing for students

1 and getting ready for the end of the school year. And
2 then asked to now let's review and make sure it's okay
3 with you guys and let us know what you think. Well,
4 that's really very difficult to do.

5 No one -- last time we were approached by anybody
6 from the High Speed Rail to come to our school site was
7 probably back in 2011. I have yet seen any of the people
8 here come to a School Board meeting to explain how this
9 is -- where we're going. This is how it's happening. And
10 yet, we're asked to go through this whole report, which is
11 not very small at all, and read through it and make sure
12 it's okay. And yet, you're going to vote on it tomorrow.
13 We ask that you please postpone this. Let people have
14 time to digest what you have.

15 I've heard several people talk about the payments
16 and all that stuff like that. I've been on the School
17 Board for 13 and a half years. And I've dealt with State
18 payments in different projects. We've had a water project
19 going on since 2005. What we had to jump through for our
20 EIR report for two mile segment is nothing compared to
21 what I've been seeing here. We had to make sure certain
22 things happened and took quite a while to go through all
23 that. We are -- I'm also very concerned with how quickly
24 things get paid because we have the school. We have
25 projects we were promised timely payment. We have to

1 front the money up front and not get the money for 90, 120
2 days. So unfortunately, the State doesn't have a good
3 reputation with the way they pay things to the schools.

4 You know, we have -- I understand we are just a
5 school and maybe we're not as important to have someone
6 come out and explain to us what's happening in our
7 district. We're just supposed to read this report and
8 say, oh, here it is. We got it on Good Friday. We are
9 all at Easter break. I'm sure there's nothing going on
10 with the school at this time of year. And you should have
11 plenty of time to read that. Well, unfortunately, we do
12 not. So I'm asking you please take the time and make sure
13 everybody has a chance to go through this and voice their
14 concerns. Thank you.

15 CHAIRPERSON RICHARD: Thank you, Mr. Dias.

16 Ram Nunna followed by -- I'll get to that.

17 MR. NUNNA: Good evening. My name is Ram Nunna.
18 I'm the Dean of the College of Engineering here at Fresno
19 State.

20 As you know, we really are excited about the
21 technical and professional opportunities that a project
22 like this brings to our students and graduates. We
23 believe that we need to be prepared at the university to
24 educate the next generation workforce that will be needed
25 to continue to build and design this complex system over

1 the next many years. We have already begun offering
2 workshops to our students and we expect to continue this
3 in the future.

4 We look forward to partnerships with the High
5 Speed Rail and the engineering and construction firms who
6 will be part of this complex project in the future. Thank
7 you.

8 CHAIRPERSON RICHARD: Thank you, Dean. And a
9 fine group of students came from your school.

10 I'm apologizing because I'm having a hard time
11 reading this gentleman's -- there's a note here that says
12 Alan Scott is going to speak for him.

13 MR. SCOTT: Bill Discary. He's from Bakersfield
14 and can't make it. He wanted me to read something into the
15 record. He gave me some papers and -- he gave me some
16 papers. I have a hard copy. I can do it that way.

17 CHAIRPERSON RICHARD: Well, first of all, Mr.
18 Scott, why don't you come forward because you're the next
19 speaker anyway. And I would say if you could submit Mr.
20 Discary's information to us for the staff, we will have
21 that.

22 MR. DISCARY: Okay. This is what was to be read
23 in the record, and this is a letter.

24 It's been a long time. My name is Alan Scott.
25 Proud citizen of Kings County. Been doing this since June

1 of 2011.

2 And I was handed a note a little while ago. Very
3 interesting. The word "negligible" seems to be throughout
4 the EIR/EIS. And I will just say this to just digress a
5 second. This is the product of the last five days with
6 myself, Frank Oliveira, and Carol Bender, just on valley
7 fever. I have forgotten my remarks because I was involved
8 with all this stuff. So what I'll be talking about is
9 what I make up as I go along. I'm pretty good at that.

10 So anyway the definition of the word "negligible"
11 out of the Webster dictionary is interesting. Negligible,
12 so small as to be neglected or disregarded.

13 I have an issue with that because you've been
14 hearing about valley fever. I know for a fact -- and I
15 met with him last Thursday, the County Medical Officer for
16 Kings County and shortly thereafter my contacts in
17 Bakersfield had met with the county -- I believe the city
18 or the county, one or the other -- medical officers and
19 they both have submitted letters to the FRA specifically
20 addressing valley fever.

21 You have heard comments about millions of cubic
22 yards, tons of aggregate so on, so forth. And somewhere
23 over 650,000 trucks will be moving around. And you're
24 going to pay \$35 million to the Air Board supposedly. And
25 you're going to say that by making that payment the Air

1 Board is going to be able to mitigate. Well, I'm sorry.
2 When I drive down the road and I kick up the dust, that
3 \$35 million is not going to do a damn thing for the
4 particulates in the air.

5 Am I done already?

6 CHAIRPERSON RICHARD: No, sir. You have a
7 minute.

8 MR. SCOTT: And what's happening is you're
9 fooling yourself. You have trucks going all over the
10 place and you have particulates in the air staying there.
11 And you're saying a \$35 million payment or some type of
12 payment is going to mitigate that?

13 Well, I go back to Mr. Dias. My wife works at
14 the school and the train is going near her. She's got 300
15 some odd kids. They're outside. Guess what. They
16 have -- someone said it earlier. Young lady, she's gone
17 now. She has a medical bill of \$9,000 a month. Something
18 like that. Bottom line is you're telling me that money
19 mitigates the pollution?

20 I want to know where in the EIR/EIS -- mostly in
21 the EIS where you have really, really done a comprehensive
22 study on valley fever. I think not because I read too
23 much of it and I actually probably should go back to
24 drinking because this is absolutely unsavory. This
25 document -- these documents sitting on this table here are

1 daunting. I have the four disks. My God, this is
2 incredible.

3 You release it on Good Friday. Schools are on
4 vacation. In fact, Mr. Discary was away. He didn't know
5 it. He hasn't had the time to comment on it. Whether
6 he's retired or not doesn't make any difference. You have
7 violated the rights of the citizens by not allowing them
8 the proper time. And in fact, I really believe that
9 issuance on Good Friday was intentional because you only
10 gave 17 days. I have already submitted a copy to the FRA,
11 and I will be submitting all the rest of my responses
12 until the 27th of May to the FRA, not to the Board. You
13 don't listen to me.

14 Oh, by the way, let me close with this. This is
15 critical. You had a couple people say they got a letter
16 from Fed Ex, from the Authority, from him. Guess who's on
17 the list? Me. Guess who hasn't got his copy. Me. So I
18 want to know how you are going to meet tomorrow and
19 approve something that I have been missed on in 2011 and
20 you're going to sit and make a decision to do something
21 and I haven't had a chance to comment on it. You must be
22 kidding me.

23 CHAIRPERSON RICHARD: Thank you, Mr. Scott.

24 Loran Harding and that is -- sorry -- followed by
25 Shelli Andranigian.

1 MR. HARDING: Thank you, Mr. Chairman. I'm Loren
2 Harding out of northwest Fresno. I'm not trying to curry
3 favor with you to advance my position, but I still feel
4 that you make an excellent President of the United States.
5 I hope you'll offer yourself up for that job in the 2016.

6 A few comments. Private financing. I sent you
7 and the rest of the Board a long e-mail a couple of months
8 ago about financing. I'm retired from the Executive
9 office of GMAC. I said there, I don't see why we don't
10 consider that at this point with the bonds being tied up
11 in court in Sacramento seemingly forever.

12 And there again, what would happen is the
13 builders, Alstom, Siemens, Kawasaki, and Bombardier would
14 have financial subsidiaries sell bonds to raise the
15 billions, all 68 billion. They would then pay their
16 parent, the manufacturer for the trains, and then you
17 would take delivery of the trains. The financial
18 subsidiaries would hold title, and you would pay them over
19 30 years for the rolling stock and for building the entire
20 system. So it's just -- that's the way GMAC and the
21 dealers work. So I thought perhaps that model might work
22 here.

23 In Fresno -- I know we're not discussing Fresno,
24 but people are getting into other areas here. So just
25 this. I wish you would build sound walls six to ten feet

1 tall north of Shaw, maybe half a mile north and south of
2 Shaw. I sent you an email from Dow Chemical about
3 two years ago about things -- products they've developed
4 for high speed rail, a polypropylene sleeve. This is the
5 quiet noise and vibration. A sleeve that comes up around
6 the rail. A pad which goes between the rail and the cross
7 tie. A spray you can put on the ballast under the rail.
8 All of that would quiet down the noise and the vibration.
9 I'm not saying do it for 580 miles, but through 15 miles
10 of Fresno past thousands of homes and schools, it might
11 be. I don't pick up that that's been adopted or approved
12 or anything.

13 Farmland, it's just interesting. As you sit and
14 listen to this, you've ridden high speed rail yourself I'm
15 sure in France and Germany. I know in Japan I see you
16 with the Governor on that trip to Japan -- or China.
17 China. You've probably ridden in Japan. Did they go
18 right through farmland in Germany and France or did they
19 go along highways? I've watched what seems like miles of
20 tape of high speed rail tape in Europe. You see the
21 stations, and you see tape people shot from the trains as
22 they go along. It seems like they're right along a
23 highway. And I just wonder about that. Why do we have to
24 go through so much farmland?

25 I'm pro high speed rail. I think it's a great

1 idea. Wonderful system for us. But you do wonder why
2 didn't we come down 99. You would be right near all the
3 cities on the east side of the valley. Why do we have to
4 veer off and go through all the farmland?

5 Finally, the concept. High speed rail, as
6 proposed, will connect the Central Valley of what I
7 consider the real world. I moved here in 2000 from Santa
8 Clara, which is just north of San Jose. I find people
9 here in Fresno who have never heard of Hewlett Packard.
10 They've never heard of Silicon Valley. They don't know
11 what a CPA is. They've never heard of Charles De Gaulle.
12 I think this will connect this valley up with the real
13 world with L.A. and the Bay Area. Maybe that's not all
14 good. But I think suddenly it's 1950 in Fresno. And I
15 think the rich Republicans who control Fresno want to keep
16 it that way. That's why they're opposing high speed rail.
17 Those are my comments. I thank you very much.

18 MR. RICHARD: Thank you, Mr. Harding.

19 Shelli Andranigian. Then I'm going to call again
20 Lee Ayres and Sunny Barger.

21 MS. ANDRANIGIAN: Hi. I have written down good
22 afternoon and good evening, so I think I'll say good
23 evening, Chairman Richard and members of the Board.

24 Welcome to the Central Valley to those California
25 High Speed Rail Authority Board members who were not at

1 the meeting held in the same location at Fresno City Hall
2 on April 2013.

3 My name is Shelli Andranigian. I'm a native
4 Californian born and raised in Fresno County. It was
5 three years ago this month that I attended a meeting at
6 Kit Carson School in Hanford, California, to support those
7 who had homes, businesses, and farms in the path of the
8 California high speed train.

9 Although I have always loved trains and have been
10 on high speed ones in Europe, I didn't like the way these
11 individuals in Kings County were being treated. While
12 they are looking at mappings and speaking with those
13 representing the interests of the California High Speed
14 Rail Authority, I inadvertently found out our family farm
15 was also in the proposed path. The train was not only
16 traveling in the middle of our pluot orchard in south
17 Fresno County, there was also a temporary construction
18 site a quarter mile behind our family home.

19 Our ranch just across California Highway 43 was
20 also negatively impacted. Both of these properties, which
21 are next to the lush and majestic Cole Slough of the Kings
22 River remain so negatively impacted today.

23 A letter discussing the impacts, which include
24 air, land, and water of the California High Speed Rail on
25 our family business was written to then Chairman Umberg in

1 October 2011 on behalf of the Andranigian family,
2 Andranigian farming. This letter and responses to it were
3 inadvertently omitted. The Authority's words, not mine,
4 out of the final EIR/EIS just issued April 2014. That's
5 this. I was not the only one that received a letter via
6 Fed Ex last week. I brought my Fed Ex with me to let me
7 know. I brought the letter from the CHRA's Director of
8 Environmental Services Mark McLoughlin with me today.
9 There is also a CC on the letter. Ms. Stephanie Perez,
10 PG, Office of Railroad Policy and Development, Federal
11 Railroad Administration. This omission was also
12 referenced at the CHRA website, volume six, letters
13 inadvertently omitted from the volumes four and five in
14 errata posted May 2, 2014.

15 An errata is defined as an error in printing or
16 writing according to Websters decision area. Letters
17 omitted aside from mine included those from Tule River
18 Association, which is association of water districts,
19 Tulare Lake Basin Water Storage District, California Rural
20 League Assistance, Citizens for California High Speed Rail
21 Accountability, CCHSRA, which I'm also a Board member.
22 First Free Will Baptist Church, Fowler Packing Company,
23 Kings County Farm Bureau, Corcoran Presbyterian Church,
24 Mills Farms, Mercy Hospital in Bakersfield, Trinity Oil,
25 Inc., and Union Pacific Railroad. Based on these

1 omissions alone, you are not ready to take action
2 tomorrow.

3 I'd like to know why it's so critical to build a
4 high speed rail system in California when the resources
5 are not there, the legal issues large, and the surrounding
6 environmental issues yet to be resolved. Rushing and
7 doing a lousy job that will need to be corrected is not
8 proper way to build any infrastructure project, especially
9 one that is supposed to pave the way for all future high
10 speed rail systems in America.

11 Please note, I'm also here today to represent
12 those who have farms but were not able to make it to this
13 meeting as the harvest season has started. Those who feed
14 and clothe the world work 24/7 to do so, especially during
15 harvest.

16 Thank you in advance for your consideration of
17 doing what is proper for those in the proposed paths whose
18 lives and livelihoods will be forever altered by your
19 actions this week as well as in the coming months and
20 years. Your goal should be that those in the pathway
21 would not forever negatively be altered by your actions.

22 I leave with you the favorite passages from
23 Proverbs 6:7. "Determination to be wise is the first step
24 to becoming wise. With your wisdom, develop common sense
25 and good judgment."

1 Thank you and safe travels.

2 CHAIRPERSON RICHARD: Thank you. We have
3 other -- one more. David Wells

4 MR. WELLS: Could I submit this to the clerk to
5 pass out?

6 CHAIRPERSON RICHARD: Yes. Of course. Thank
7 you, Mr. Wells.

8 MR. WELLS: Those are copies and there should be
9 some left over.

10 If you could give it to them right now,
11 presently, so they can see. Right now.

12 BOARD CLERK NEIBEL: Sure.

13 MR. WELLS: Thank you. And then here's a copy
14 for the clerk, additional photographs. Is your attorney
15 present?

16 CHAIRPERSON RICHARD: He is. Sir, you can you
17 proceed

18 MR. WELLS: I want the people to know my name is
19 David Wells. I lived in Fresno for the last 45 years. PO
20 Box 1733, Fresno, California, 93717.

21 And these photographs that you're looking at are
22 self-explanatory on the piece of literature. Those are
23 recent photographs and they are not anomalies. They are
24 the stereotypical case of anchor bolts that started out as
25 approximately nine inches, this big, anchoring down the

1 overpasses of the Chicago Transit Authority's light rail
2 system all throughout Chicago. Those particular anchor
3 bolts were taken -- those pictures were taken in Oak Park,
4 which is one of the most prosperous suburbs of Chicago. I
5 personally took those photographs. I personally took
6 photographs like that in 2007. When I went back there in
7 2011, nothing had changed. I took the same photographs in
8 the same overpass and the same peers and the same anchor
9 bolts. Those anchor bolts, as you can see, are rusted
10 down to practically nothing. From this much to almost
11 this wide and some of them nothing (indicating).

12 If the Chicago Transit Authority, the state of
13 Illinois and the president of the United States, who is
14 from the state of Illinois and those three entities can't
15 maintain that rail system any better than that, you have
16 absolutely no business trying to use the people's money of
17 the state of California for that kind of a system to wind
18 up that way.

19 And I'm dead serious when I have submitted these
20 photographs two years ago to this Board made up of some
21 different Board members, I agree. But the state of
22 California, the Attorney General's Office, and your Board
23 and the Governor, the present day Governor all know it's a
24 matter of record that I submitted these photographs over
25 two years ago. And I'm telling you right now, if it

1 doesn't stop, I'm going to have a class action gathering
2 to have citizens arrest of all of you people and the
3 former Chairman of this Board arrested under criminal
4 charges of mismanagement of government funds. And I'm not
5 kidding. So you either stop this nonsense and do it right
6 and quit trying to have Diane Fineststein lead the pack --

7 CHAIRPERSON RICHARD: Thank you very much, sir.

8 MR. WELLS: Or you face civil contempt of court
9 and arrest on citizen's rest.

10 CHAIRPERSON RICHARD: Thank you, Mr. Wells.

11 MR. WELLS: I'm not kidding.

12 CHAIRPERSON RICHARD: Thank you, sir. Okay.

13 Do we have any other speaker cards at this time?

14 BOARD CLERK NEIBEL: I do not.

15 CHAIRPERSON RICHARD: Okay. We have noticed this
16 meeting to allow public comment for cards received before
17 7:30 p.m. And it's presently 6:40 p.m. So we will be
18 here until 7:30 p.m.

19 I'm going to propose is that we take a ten minute
20 recess and that might be extended a little bit. I don't
21 want to suddenly find I have 30 new cards and over shoot.
22 So take a ten minute recess and then we'll come back. If
23 we don't have speaker cards at that time, we'll take a ten
24 minute recess and so forth until we get close to the 7:30
25 time frame. Thank you.

1 (Whereupon a recess was taken.)

2 CHAIRPERSON RICHARD: If I could ask people to
3 take their seats.

4 And I believe we just have the one speaker card
5 left; right?

6 BOARD CLERK NEIBEL: That's correct.

7 CHAIRPERSON RICHARD: Obviously we still have a
8 little bit of time before 7:30, but why don't we go ahead
9 and ask Mr. Oliviera to present his comments to the Board.
10 And then if there are no other comments after that, we'll
11 just have some closing discussion. Mr. Oliviera. I think
12 I can stay good evening.

13 MR. OLIVIERA: Good evening, Mr. Richard, Ms.
14 Perez-Estolano, Ms. Schenk, Mr. Morales, Mr. Richards, Mr.
15 Hartnett, Ms. Shelby, and Mr. Frank.

16 Thank you for having this very important hearing
17 on this very important matter, which is a part of a long
18 process about what's going to happen to our communities.

19 We've been engaged -- by the way, I represent a
20 group called Citizens for California High Speed Rail
21 Accountability. We've been engaged in this conflict and I
22 call it a conflict since May 5th, 2011. We were actually
23 some of us were involved long before that. The reason why
24 this became a conflict is because of the same things that
25 I'm going to describe right now, which we know about our

1 in our community.

2 On May 6th, 2011, an alternative analysis report
3 was given. I've spoken at many Board meetings about that
4 date. For some of you that are new, you probably have
5 never heard that date. For some of you that aren't so
6 new, you probably have. That's the date that conflicts
7 started in Kings County and the people of Kings County
8 with this project.

9 On May 6th, I was treated to sit in Sacramento at
10 the Sacramento City Chambers. And I had not spoken before
11 to this Board. But I had been to meetings. Sat in the
12 back and tried to figure out what was going on and tried
13 to figure out why this project existed, why it was doing
14 what it was doing. But you didn't hear from me before May
15 6th, 2011.

16 The reason why I got involved was because your
17 staff gave a presentation that launched this EIR that we
18 are here today to deal with. In that report, they clearly
19 stated that everybody in Kings County was happy through
20 value engineering and they had mitigated our problems.
21 They mitigated land owner problems. They mitigated
22 agriculture. They mitigated the local community concerns
23 and local jurisdictions.

24 I knew that that was not true. And that's when
25 the conflict started. We brought that to the attention of

1 the Board at that time at that day. It's videotaped.
2 It's on YouTube. Diana Peck from the Farm Bureau said,
3 wait a minute. Foul. That's not true what you're saying.
4 We were in the same meetings that was supposed to be
5 derived from.

6 At any rate, we were told go home and get a note
7 by this Board, that their staff knew better than we did
8 about our community.

9 So all of that said, today with the lawsuits and
10 the engagement that we've been involved in, this conflict
11 since 2011, do you believe that everybody was okay in
12 Kings County? But that is the thing that started this
13 project, this EIR.

14 We came back in good faith and said, no. It's
15 not okay. What your staff told you that day was wrong.
16 You need to get better information to make informed
17 decisions to start a process like this. But that's not
18 what happened. We asked that the minutes be corrected.
19 But that's not what happened. And today, in the last 17
20 days since this final EIR came out, I've been treated to
21 go to the back and look at the justification to get to
22 this point and there it is. May 5th, 2011 --

23 CHAIRPERSON RICHARD: Mr. Oliveira, you know, I
24 want to give you time to express your views on this, but I
25 really don't want to be unfair to other people and I cut

1 off at three minutes. So can I just ask you to really try
2 to wrap up quickly here.

3 MR. OLIVEIRA: I'll go as fast as I can, sir, but
4 I have something to say.

5 CHAIRPERSON RICHARD: Well, you know, I
6 understand that. I do. But honestly, and you've seen me
7 over the years just not run the clock on this. But I did
8 say at the beginning that I wanted to be fair to
9 everybody. And so I'm sure there are other people who
10 have a lot of things to say also.

11 MR. OLIVEIRA: If you don't want to hear the
12 seven things that are wrong with that document, I'm
13 willing to leave. It's okay. You don't need to hear it.

14 CHAIRPERSON RICHARD: Mr. Oliveira.

15 MR. OLIVEIRA: You don't need to hear it.

16 CHAIRPERSON RICHARD: I would like to hear it. I
17 would like you to submit those to our staff or whatever.
18 But I can't be in a situation where I give everybody three
19 minutes and one person ten minutes.

20 UNIDENTIFIED SPEAKER: You guys haven't been fair
21 all along anyway. Let him. Everybody else wants him to
22 talk. Isn't there freedom of speech or is that not --

23 CHAIRPERSON RICHARD: Okay. Excuse me. I really
24 don't want to start using the gavel here, but I will.
25 Because just as I said, there are people who didn't

1 speak --

2 MR. OLIVEIRA: We've come a long way.

3 CHAIRPERSON RICHARD: I understand that. There
4 is another gentlemen that just handed in a speaker card.
5 I don't know if he's spoken before or not, but we've got
6 to --

7 MR. OLIVEIRA: We understand. We haven't been
8 heard before. We won't be heard now. We'll take this
9 stuff. Okay. It's all right. We've never been heard by
10 this Board before.

11 What do you want me to do? It's your meeting.

12 CHAIRPERSON RICHARD: I'm going to give you one
13 minute to summarize. And then I'm going to cut that off.

14 MR. OLIVEIRA: Okay. Mr. LaSalle is only one
15 worth one minute? That's okay. We get it. We've been
16 here before.

17 CHAIRPERSON RICHARD: Mr. LaSalle is free to
18 speak.

19 MR. LA SALLE: I assign my time to Mr. Oliveira,
20 if you don't mind.

21 CHAIRPERSON RICHARD: We don't let people do
22 that.

23 (Unidentified speakers shouting from audience)

24 CHAIRPERSON RICHARD: We let somebody speak in
25 somebody else's place. We didn't let someone aggregate

1 time. This is just about treating everybody equally.

2 MR. OLIVEIRA: It's about this EIR.

3 (Unidentified speakers shouting from audience)

4 CHAIRPERSON RICHARD: All right. Okay. You know
5 what? I'm sorry. I'm not going to be able to satisfy
6 people. I'm sorry.

7 Thank you, Mr. Oliveira. I would invite you and
8 encourage to you submit any comments you have to our
9 staff. I assure you we will take them seriously.

10 7:30, Mr. LaSalle, would you like to speak?

11 MR. LA SALLE: How much time after I given?

12 CHAIRPERSON RICHARD: You get three minutes, sir.

13 MR. LA SALLE: Okay. Well, I wasn't planning on
14 speaking. I guess I'll say a few words.

15 I'm Mike LaSalle from Hanford. I'm a farmer.
16 I'm in the western alignment that's not preferred right
17 now. I'm a retired attorney having practiced law for 38
18 years, much of it administrative law.

19 And I guess if I'm going to say anything, I'm
20 going to say this to the Board, particularly the new
21 members of the Board. I know you were appointed by the
22 Governor. I know you have a sacred duty to perform on a
23 Board. You're supposed to act objectively and
24 independently and while being fully informed.

25 The Authority has said in their responses to our

1 comments that there were 4800 pages of comment letters
2 that were submitted by the deadline of October 19th of
3 2012. Mine was one of them. Your staff took 545 days to
4 review them and to develop responses. We did not see
5 those responses to our comment letters until 16 days ago.
6 I spent quite a bit of time and I know others have spent a
7 great deal of time over the last 16 days reviewing your
8 responses to our comments to check to see whether in fact
9 they properly addressed our concerns. In many cases, they
10 have not. Many cases they side stepped them. And now you
11 give us 17 days to do that. It's not enough time.

12 I even doubt that you people yourself as Board
13 members who have to make an informed decision who I'm sure
14 will insist you're not a rubber stamp, I would doubt
15 you've even read our the responses or the documents that
16 we've submitted turned in yesterday. I turned in the
17 11-page letter yesterday that's a response to your staff's
18 response to my original comments.

19 I don't think you can make an informed decision
20 without reading these. And I suggest -- respectfully
21 suggest that at least one of you has the courage tomorrow
22 to move to table the decision on this for at least another
23 month. Give yourself a chance to read them. I hope
24 another one of you has the courage to second that motion.
25 And I hope there is another couple of votes that would

1 pass that and table this matter for 30 days. Your staff
2 took 545 days to review this. You can take another
3 30 days. Thank you.

4 CHAIRPERSON RICHARD: Thank you, sir.

5 Are there any other speaker requests that were
6 turned in before 7:30? Okay. Hold on one second. That
7 concludes the public comment period and concludes the time
8 for both written and oral comments. The staff will report
9 back to the Board tomorrow after we recess for the evening
10 to address some of the issues that were raised today.

11 I'd like to -- before we recess for the evening,
12 I'd like to turn to Mr. Morales to get some sense of what
13 do you think the inventory of issues are that were raised
14 today that should be included in the Board deliberations
15 tomorrow?

16 CHIEF EXECUTIVE OFFICER MORALES: Thank you, Mr.
17 Chairman.

18 There are a number of issues raised, many that
19 have been raised in other venues and some were answered in
20 the presentation and in other materials. But there were a
21 number that came to us consistently that we will have the
22 staff review this evening and prepare a report in the
23 morning for the Board's deliberation.

24 I would certainly look to the Board for my
25 direction on other issues that you heard that I don't note

1 here.

2 First issue being the treatment of valley fever.

3 Secondly, the issue of volume six.

4 Third, the Chinatown cultural resources
5 questions.

6 The 4F and 6F issues in Bakersfield.

7 There were a number of specific property issues,
8 specific impacts on properties that came up, Mr. Machado's
9 dairy, the Hanson farm, PFF Farms, Baker Commodities,
10 Cooper ranch. And certainly we'll go back through the
11 record and make sure other specific impacts that we need
12 to address.

13 The question of Census data 2000 versus 2010.

14 The timely review of the final EIR.

15 Bakersfield request for a 60-day notification
16 prior to taking further action in the city.

17 And questions maybe we should have gone over the
18 specific property, but the Kit Carson School District
19 questions that were raised as well.

20 That's the list we have. We certainly could look
21 through the record and see if we have others that were not
22 previously covered or otherwise covered. But certainly
23 would like guidance from the Board on that.

24 CHAIRPERSON RICHARD: Let me turn to my
25 colleagues on the Board and see if there are any other

1 issues beyond those that Mr. Morales just enumerated that
2 people feel need further elucidation tomorrow.

3 Ms. Schenk.

4 BOARD MEMBER SCHENK: You touched on the specific
5 issues that were brought up in terms of that, but I'd like
6 to have just more elucidation on the appraisal process and
7 how that came about and how we are doing it and what we
8 need to do better.

9 CHAIRPERSON RICHARD: Yeah. That's good. Other
10 questions, issues?

11 CHIEF EXECUTIVE OFFICER MORALES: Certainly, Mr.
12 Chairman, just to clarify, should the Board tomorrow have
13 other issues that come up during deliberation, we'll be
14 here to respond to those and provide you with an answer.

15 CHAIRPERSON RICHARD: I want to thank members of
16 the public who took time today to come here. I think the
17 inputs were very important. And thank the staff not only
18 for the presentation they made today, but for the work I
19 know they're going to be doing tonight. So we appreciate
20 that as well.

21 So with that, we will be in recess until 10:00
22 tomorrow morning, which will be the continuation of this
23 noticed meeting. And we'll proceed according to the
24 agenda that's been published for that. I wish everybody a
25 good evening.

(Whereupon the High Speed Rail Authority Board
meeting recessed at 7:38 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

