Submission L001 (Ken Hooper, Bakersfield High School, October 14, 2011)

BAKERSFIELD HIGH SCHOOL

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10-14-11P04:28 RCVD

October 12, 2011

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

To Whom It May Concern,

For one hundred and eighteen years, families have desired to have their high school aged children educated at Bakersfield High School. They have always carried the Driller pride, whether in the cockpit of B-17 over Europe during World War II, standing in front of a classroom in Mali in the 1980s, or sitting in the United States Supreme Court as Chief Justice in the 1950s. Our business is transforming young adults, and over the last one hundred and eighteen years, business has been good. The history of the school site is not simply the history of the buildings, but the history of students who entered the buildings to become the leaders in our community, state, nation and world. The High Speed Rail project threatens the traditions and mission of the oldest high school in the county that has produced such leaders as governor of California and a Chief Justice of the United States Supreme Court, a Tuskegee Airman, renown poets, Olympic medalists, Hall of Fame Athletes, a Director of NASA, directors of corporations, and other leaders that have been the hearthstone of our community since 1893.

Bakersfield High School has been in the same footprint since 1895. The 1952 earthquake altered the architectural design of the school, but the decision was made in 1952 to remain at the current location. The Kern High School District Board of Trustees and Junior College Board could have chosen to abandon the current site and begin on a new campus in the open land west of Oak Street. But by 1952 the traditions and history of the school were deeply embedded into the community.

The construction plan for the campus in the early 1920s is master plan conceived and carried out by Charles Biggar. Nine of the twelve main buildings on the Bakersfield High School campus in 2011 are designed by Charles Biggar. Post-earthquake 1952 reconstruction was completed with a distinct plan. Principal Hedge detailed this plan in the student newspaper the *Blue and White*:

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> The new campus, he told students later, will be constructed of reinforced concrete and will use the present site. To replace damaged buildings and add needed facilities will take about 10 years, he said, although it is hoped that many classrooms and offices can be added within three years.

Our community did not hesitate in supporting our school after the 1952 earthquake.

> With the passage of the $17,000,000 bond issue last Wednesday, work will begin immediately on the rehabilitation of Bakersfield High School. The bond issue was passed 16,181 to 2,028, an 8 to 1 majority.

The bond was to rebuild the buildings, not to move the school, and the bond passed by an 8-1 majority.

The Blue and White Editorial of February 4, 1953 reflects the student body's response to the generosity of the community.

> That the bond issue passed by such an overwhelming majority proves that the voters are interested in you and me, the present youth and future citizens. This was a vote of confidence. Now, it is up to us to make good use of the confidence placed on our shoulders—we must take advantage of our opportunity, education and profit by it.
>
> Let us resolve to make good use of the limited facilities we have at present and carry out the trust placed on our shoulders. We all owe a word of thanks to the voters of the district.

The principal architects of the school have been associated with each other seamlessly for almost 100 years. Thomas Wiseman was the architect for the Manuel Arts building in 1911. Charles Biggar worked as an associate for Thomas Wiseman. The architect Charles H. Biggar designed almost every

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Submission L001 (Ken Hooper, Bakersfield High School, October 14, 2011) - Continued

building on the Bakersfield High School campus. He designed buildings from Griffith Stadium, the Science Building, Ludden Hall, the Junior College Building – now Warren Hall, Spindt Hall, to Harvey Auditorium, and even the Water Tower. Much of post-1952 earthquake design work was done by the successor firm to Charles H. Biggar, the firm of Alford & Thomas (C. Barton Alford and W. J. Thomas). The document on the construction of the Castro Lane School in 1948 states: **the new structure which was planned by the architectural firm of Charles H. Biggar and C. B. Alford. A. L A., and W. J. Thomas**

This is our laymen's proof of the blending of the two firms, even though Charles Biggar had passed away in 1946.

Not only did Charles H. Biggar and C. Barton Alford design and redesign the school, but C. Barton Alford graduated from Kern County Union High School in 1933. The children of Charles H. Biggar, C. Barton Alford and W. J. Thomas graduated from Kern County Union High School and Bakersfield High School.

C. Barton Alford was charged with rehabilitating the campus after the devastating 1952 5.8 earthquake that destroyed so many older schools in Kern County. Alford was one of the earlier modernists in the Southern San Joaquin Valley. Almost all of those early modernists were graduates of USC. The current campus is a national example of the early modernist style of the Mid-1950s created by Bart Alford.

The primary focus of the research conducted after the visit by JRP historical Consulting in April of 2010, has been focused on the history of the buildings. The Bakersfield High School Archives has been assisted by the Bakersfield College Archives, the Kern County Museum, the Beale Library, the Kern County Historical Society, and several individuals. Most importantly Architectural Historian John Edward Powell. The draft of the Environmental Impact Report for Bakersfield High School does not begin to scratch the surface or accurately reflect the history of our buildings, the culture of our school, or the danger the High Speed Rail poses to our student's safety.

Some points regarding our school history:

- Kern County High School, Kern County Union High School, Bakersfield High School, Bakersfield High School, and Bakersfield College were intertwined. This is even more apparent after the 1952 earthquake when one wing of the Junior College Building was closed and the college students and the night school students began taking classes along side the high school students. This melding of the campus that will last for several years.

L001-1

- The EIR does not effectively reflect that the history of Bakersfield High School is also the history of Bakersfield College and the Bakersfield Adult School. For that is exactly how the people of Kern County have always viewed the campus.

- The Science Building, Ludden Hall, and the two Spindt Halls were retrofitted in response to the Field Act of 1933 and a district bond passed in 1960. The method to this transformation is important in understanding the school. The superintendent of the Kern High School District and

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the Junior College Board did not make the changes from brick sidings to reinforced concrete on a whim. It was made in response to Field Act of 1933 and to ensure the safety of the students.

- The Water Tower is the icon of the campus and home football games – to dismiss it as a simple utilitarian and antiquated structure would be to dismiss the significance of Bakersfield High School's history in general.

- Charles Biggar built the Standard Middle School Auditorium, the Horace Mann Elementary School Auditorium, the Taft High School Auditorium, the East High School Auditorium, but his crown jewel was the $12.5 million Harvey Auditorium completed two years after his death. While the draft EIR states that Harvey Auditorium is eligible the National Register of Historic Places, placing a six-story railroad trestle adjacent to our performing arts building is outrageous.

- Charles Biggar use of reinforced concrete for the construction of "earthquake proof" buildings was in response to the Long Beach earthquake of 1933.

- The original Commercial Building was constructed in 1895. Students today cross Elm Grove in the shade of giant palm trees planted in 1895. This is one of many ways the history and culture of the 19th century is shared with the students of the 21st century.

- The engineering of the North IT Building construction is connected to the completion and engineering that is used in the construction of Harvey Auditorium. One building cannot be built without the other being constructed first.

- The initial proposal for the North IT Building has the construction to be funded by PWA money, but when the district bond failed in 1939, the PWA withdrew the money from the district. The superintendent ordered the completion of the building regardless. Subsequently the North IT Building's PWA number is 1724, but no PWA money was used in its construction. More importantly ***only local*** money was used in its construction.

- Harvey Auditorium is the dream of Trustee Judge Harvey. He was president of the Kern High School District and Junior College School Board for almost 20 years. He advocated for a first-class auditorium for the community as early as 1934. He always believed the students of Bakersfield High School and Bakersfield Junior College should have priority and preference to community at large for scheduling purposes. This attitude is policy today. Judge Harvey saw the opening performance in the Auditorium on a Tuesday; he died on the subsequent Friday.

- There are three structures alumni become emotional over when discussing their tenure on campus, Harvey Auditorium, Griffith Stadium, and the Water Tower.

- Chief Justice Earl Warren graduated in 1908. He visited the campus Kern County Union High School and Bakersfield High School on a regular basis. He visited as California State Attorney General in November of 1941, Governor of California in 1948 at the retirement of Coach Goldie Griffith. As Chief Justice in 1956, Earl Warren came with his mother for the dedication of Warren Hall. And he attended the 50th Anniversary Class reunion in 1958.

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Submission L001 (Ken Hooper, Bakersfield High School, October 14, 2011) - Continued

- Alumni Frank Gifford has also been back to Bakersfield High School too many times to list, the last time was in 2008.

- In the reconstruction of Boys and Girls Gym of Bakersfield High School, the solid timber lamella roof was cutting edge at its construction in 1955. The 1954 edition of 'Modern Timber Engineering' by Scofield O'Brien (published by the Southern Pine Association) has a chapter on lamella roof including drawings and all the engineering calculations. The lamella roof design is now going through a renaissance in the United States with architect preservationists attempting to preserve the last remaining structures.

- The August 20, 1943 Article titled "Students Approved to work at Vega Plant" was in cooperation with the Industrial Arts staff to assist in the wartime production of B-17s. It is a reflection of the new Industrial Arts building's importance during World War II. Defense classes through the Bakersfield Nigh School began at 9:00 pm and ended at 4:30 am. The purpose of these classes was to educate men and women on the use of machinery so they could work in the defense industries of Californian. Kern County's 'Rosie the Riveter" was born at Kern County Union High School.

- Griffith Stadium is not a memorial stadium. The stadium, known affectionately as the 'Rock,' was named for math teacher and head football coach Dwight "Goldie" Griffith. He was head football coach from 1908-1948. In the existence of Bakersfield High School, we have amassed a football record with the most victories of any high school in the state of California.

The draft EIR came out in August of 2011, yet it took a maximum effort and weeks of my own time to find someone who had a copy of the DPR-523 report for Bakersfield High School, an item necessary to respond to the EIR. This has given us only a few weeks to respond to a long and technical document.
L001-2 Contrary to the draft EIR, it is my professional belief that the Bakersfield High School campus is a national example of preeminent regional architect Charles Biggar. It is also my belief that the campus qualifies under the National Register of Historic Places as a historic district.

Thank you,

Ken Hooper
History and Archiving Teacher
Bakersfield High School

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Response to Submission L001 (Ken Hooper, Bakersfield High School, October 14, 2011)

L001-1

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

The evaluation of Bakersfield High School conducted for this project, as provided the Historic Property Survey Report (HPSR) provides a detailed history of the Bakersfield High School campus, including campus use by Bakersfield College and the Bakersfield Adult School (Authority and FRA 2011c). The California State Historic Preservation Officer (SHPO) concurred with the evaluation of Bakersfield High School in February 2012, as presented in the technical documents for the Draft EIR/EIS (SHPO 2012). Details of the findings are available in the Historic Architectural Survey Report (HASR) and the HPSR (Authority and FRA 2011b, 2011c). The SHPO concurred that Harvey Auditorium is individually eligible for listing in the National Register of Historic Places (NRHP) and that none of the other buildings or structures on the Bakersfield High School campus qualify for inclusion in the NRHP, either individually or as a cohesive grouping, as required for historic districts. Harvey Auditorium is also eligible for listing in the California Register of Historical Resources (CRHR) and is considered a historical resource for the purposes of the California Environmental Quality Act (CEQA). None of the other buildings of the high school campus are considered historical resources under CEQA.

L001-2

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

Comment noted. The Historic Property Survey Report (HPSR) (Authority and FRA 2011c) includes an evaluation of the Bakersfield High School campus as a potential district. The evaluation concluded that the campus as a whole does not meet the criteria for listing in the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR) because it does not meet the criteria for significance within the broader context of state or county education, does not meet the criteria for significance within the context of secondary education within the city, and has undergone decades of changes that resulted in a substantial loss of integrity as a district. Not only was the campus changed by the addition and demolition of structures over the years, but it also suffered a great deal of damage in the earthquakes of 1952. The subsequent construction and later modification of those buildings further changed the campus. The post-earthquake construction did not attain historic

L001-2

significance on its own within the context of earthquake recovery efforts.

Harvey Auditorium was found eligible for listing in the NRHP and CRHR as an important example of the work of local master architect, Charles Biggar, under Criteria C (NRHP) and 3 (CRHR). These conclusions are substantiated by the analysis and supporting documentation presented in the evaluation and reported in the HPSR (Authority and FRA 2011c). Primary and secondary sources were used to document the history of the school and the development of the campus, including material from the Bakersfield High School Archive, historic aerial photography, historic architectural plans, and extensive local and architectural press coverage, among many other sources. The citations and full reference list were provided in the evaluation form. The California State Historic Preservation Officer (SHPO) concurred with the findings of eligibility and non-eligibility in February 2012, as presented in the technical documents for the Draft EIR/EIS (SHPO 2012). Details of the findings are available in the Historic Architectural Survey Report (HASR) and the HPSR (Authority and FRA 2011b, 2011c). The SHPO concurred that Harvey Auditorium is individually eligible for the National Register of Historic Places (NRHP). The auditorium is considered a historical resource for the purposes of the California Environmental Quality Act (CEQA). The SHPO also concurred that none of the other buildings or structures on the Bakersfield High School campus qualified for inclusion in the NRHP, either individually or as a cohesive grouping, as required for historic districts. The resources that did not meet the eligibility criteria for listing in the NRHP or CRHR are not considered historical resources under CEQA.

Submission L002 (Ashley Swearengin, City of Fresno, October 14, 2011)

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10-14-11P12:40 RCVD

MAYOR ASHLEY SWEARENGIN

October 13, 2011

Mr. Roelof van Ark, CEO
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

RE: Comments regarding Merced to Fresno High Speed Train Draft EIR/EIS
Fresno to Bakersfield High Speed Train Draft EIR/EIS

Dear Mr. van Ark:

As a strong supporter of starting high-speed rail construction in the Central Valley, I wish to commend you for your efforts in moving the project forward through the preparation of the two EIR/EIS documents for the Fresno to Merced and Fresno to Bakersfield segments. The project will further the economic development of our region through creation of jobs centered around this new industry, in particular the Downtown High Speed Rail Station to be located at Mariposa Street and the Heavy Maintenance Facility which we believe should be located in Fresno County due to its numerous advantages as presented in the Fresno Works proposal. The City of Fresno appreciates the hard work undertaken by you and your team, including numerous meetings here in Fresno with our staff and the Authority's team of consultants.

However, much work remains to be done in order to make the California High Speed Rail project the best for the State of California, for our metropolitan region and for the local community. You will be receiving a detailed letter from our City Manager Mark Scott that includes very specific comments on each point of concern with the High Speed Rail project. We are requesting not only that you review and respond to these comments, but that you would direct the engineering consultants to begin working with our City team immediately to revise the construction plans as necessary in order to address the City's concerns. I am highlighting several of these major concerns below:

L002-1
- The need for underpasses versus overpasses at several street-railroad grade separations, in order to provide the community with a project that mitigates its impacts upon traffic, aesthetics and socioeconomics/environmental justice to an acceptable level. The City is ready and willing to sit down with the Authority and the Union Pacific Railroad to work through any issues related to construction of underpasses along the HST/UPRR corridor.

L002-2
- A Traffic Management Plan needs to be included within the EIR/EIS now, with specific mitigations and limitations for street closures or lane closures, in order to keep our community functioning during construction. It is not acceptable to postpone working through those issues until after the design-build contractor is hired by the Authority.

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L002-3
- In order to help mitigate construction impacts around the crossings of Highway 99 and the UPRR corridor, Veterans Boulevard needs to be constructed from Shaw Avenue to Herndon Avenue, including the connections to Highway 99 and Golden State Boulevard, as part of the High Speed Rail construction project.

L002-4
- Economic impacts to businesses, sales tax and property tax need to be not only analyzed in greater depth, but also mitigated in part through the creation of a Business Relocation Team. This team needs to be funded by the Authority and would include working with community partners to assist impacted businesses find a new location as well as assist the City in processing new site plans, permits and all necessary steps to get them up and running as quickly as possible in their new location.

L002-5
- We continue to ask that a depressed (trenched) alignment through downtown Fresno be evaluated in the EIR/EIS. While the at-grade option is far superior in the City's opinion to the previously proposed 60' high elevated structure, the EIR/EIS still needs to evaluate a depressed alignment in the Downtown area which our engineering consultant team has demonstrated to be a feasible alternative for consideration.

L002-6
- The High Speed Rail project needs to make whole Roeding Park and the Zoo, as a result of the loss of Golden State Boulevard and the new main access point which was included in the previously certified Zoo EIR and Master Plan. A specific mitigation measure needs to be included in the High Speed Rail project EIR/EIS.

We remain committed to working with you and your team toward the successful completion of the project. Should you have any questions regarding the City's comments on the draft EIR/EIS, please do not hesitate to contact me.

Sincerely,

Ashley Swearengin

Ashley Swearengin
Mayor

Response to Submission L002 (Ashley Swearengin, City of Fresno, October 14, 2011)

L002-1

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

L002-2

Refer to Standard Response FB-Response-TR-02 and FB-Response-TR-01.

L002-3

The Authority is working with the City of Fresno to integrate Veteran's Boulevard improvements with the HST improvements.

L002-4

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

For information on the HST operation-related property and sales tax revenue effects, see the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #3, Impact SO #4, and Impact SO #13. In this document the intensity of the effect is described as negligible for all alternatives because the economic impact is measurable but would not be perceptible to community residents.

The Authority has been and is working in conjunction with the City of Fresno and County of Fresno to develop resources to assist affected businesses and to mitigate any potential impacts on city and county staff and resources for the increased permitting needs of those businesses. The Authority has committed to maintaining a “permit bureau” to help businesses overcome the regulatory disruptions caused by the project.

L002-5

After further engineering and discussions with Fresno, the trench option was found to be considerably more costly without providing the intended benefits. Trenching the HST alone would not provide desired benefit to Fresno. Although trenching both HST and UPRR would be possible, it would be even more costly, and critical spur lines would be overly constrained and impractical. Additionally, this option would require a longer construction period, which would not meet the Federal American Recovery and Reinvestment Act funding requirements. Through cooperative discussions, the Authority

L002-5

and Fresno reached agreement on an at-grade profile with some areas of the profile lowered where possible.

L002-6

The location referenced in your letter, Roeding Park and Chaffee Zoo, lies within the project footprint for the Merced to Fresno Section of the HST project, which adjoins the Fresno to Bakersfield Section in the city of Fresno. The Final EIR/EIS for the Merced to Fresno Section was issued in April 2012; the construction and project impacts on Roeding Park and the Chaffee Zoo are discussed in Section 3.15.5.3, Parks and Recreation.

Submission L003 (Lisa LeBlanc, Fresno Unified School District, October 17, 2011)

Fresno Unified School District
Preparing Career Ready Graduates

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10-17-11P04:46 RCVD

Measure Q
Facilities Management & Planning

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SUPERINTENDENT
Michael E. Hanson

October 13, 2011

California High-Speed Rail Authority
Merced to Fresno EIR/EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814

RE: Merced to Fresno Draft EIR/EIS

The Fresno Unified School District offers the following comments on the Draft Environmental Impact Report/Statement for the Merced to Fresno section of the California High-Speed Rail Project:

The Fresno Unified School District is the fourth largest school district in California and operates 94 schools serving approximately 73,000 students. Our District includes most of the City of Fresno, and the proposed high speed train (HST) route runs adjacent to and bisects the western portion of the District. The proposed Fresno HST station is located in the District.

Transportation Impacts

L003-1 Most of the District and its attendance areas are located east of the Union Pacific (UP) railroad tracks, which is the approximate alignment for the HST route. The District has traditionally endeavored to use the tracks as a logical boundary between attendance areas. None of the District's elementary attendance areas, from downtown Fresno north to the northwest edge of the District, cross the UP tracks. However, the high school attendance areas for both Fresno High School and Edison High School cross the UP tracks. As such, we are concerned that construction of the HST could disrupt transportation between the areas east and west of the HST route.

It is noted that the Draft EIR/EIS does require the preparation specific construction/traffic management plans for the purpose of maintaining pedestrian, bicycle and public transit access and routes, and managing construction-related traffic and parking (see pages 3.2-106 and 107). Such plans, however, should include specific provisions for coordination with school districts with respect to bus routes, pedestrian and bicycle routes, and automobile traffic to schools.

School Compatibility with Potential HST Route Impacts

L003-2 The District has determined the approximate distance between its schools and the proposed HST route. The closest school, Addams Elementary, is approximately 1,350 feet away from the HST route, followed by Homan Elementary (1,850 feet) and Fremont Elementary (1,950 feet). Based on the information in the Draft EIR/EIS, it does not appear that HST construction and operations would result in significant noise or vibration impacts at these distances from the HST route.

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L003-2 The Draft EIR/EIS Hazardous Materials Section correctly indicates that state regulations (California Public Resources Code section 21151.4) require the lead agency to consult with any school district with jurisdiction over a school within 0.25 mile of the project about potential impacts on the school if the project might reasonably be anticipated to emit hazardous air emissions, or handle an extremely hazardous substance or a mixture containing an extremely hazardous substance.

Figure 3.10-4 of the Draft EIR/EIS Hazardous Materials Section shows the location of Addams Elementary School in relation to the HST route, which would be within 0.25 mile of the construction zone. Based on the discussion in the Draft EIR/EIS, it appears that most of the potential for hazardous waste generation would result from project construction, demolition, and excavation activities. The Draft EIR/EIS indicates that potentially hazardous materials and items containing potentially hazardous materials would be used in railway construction, and demolition of existing structures within the project footprint could require the removal of asbestos-containing materials (ACMs) and lead-based paint from project sites. Because of the potential for the accidental release of extremely hazardous materials, Draft EIR/EIS indicates that the effect of HST construction related to routine transport and handling of hazardous or acutely hazardous materials within 0.25 mile of an existing or proposed school would be moderate under NEPA, and the impacts would be significant under CEQA.

To mitigate potential hazardous materials impacts to schools, the Draft EIR/EIS provides the following mitigation measure:

> HMW-MM#1: Limit use of extremely hazardous materials near schools. The contractor shall not handle an extremely hazardous substance (as defined in California Public Resources Code Section 21151.4) or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code within 0.25 mile of a school.

This measure should reduce potential impacts to a less than significant level.

Displacement of Businesses and Potential Economic Benefits

L003-3 The project could result in the displacement of numerous businesses along the HST route within the District. If these businesses are not successfully relocated within the District or move out of the area entirely, the movement of people and students out of the District could contribute to a loss of enrollment at District schools. This would be financially detrimental to the District, as funding from the state is based on average daily attendance (ADA).

On the other hand, HST project construction and operations will result in the creation of many jobs in the area. The location of a station in downtown Fresno could provide a large economic benefit to the area by attracting people, businesses and housing to the station vicinity. Such activities could result in enrollment increases in the District, which would be beneficial in terms of operational funding (ADA), but could put a strain on District school facilities, potentially resulting in the need for new facilities. This impact would be lessened through the payment of school facilities fees by new businesses and residential developments constructed in station area, as required by existing law.

Submission L003 (Lisa LeBlanc, Fresno Unified School District, October 17, 2011) - Continued

Thank you for the opportunity to comment on the Draft EIR/EIS. Please contact me if you have any questions regarding this letter.

Sincerely,

Lisa LeBlanc, Executive Director
Facilities Management and Planning Department

4

Response to Submission L003 (Lisa LeBlanc, Fresno Unified School District, October 17, 2011)

L003-1

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

L003-2

While this comment appears to be in reference to the Merced to Fresno EIR/EIS, which received a Record of Decision by the FRA in September 2012, concerns about the potential for hazardous materials and wastes in proximity to schools are addressed in Section 3.10 of the Fresno to Bakersfield Revised DEIR/Supplemental DEIS, and specific mitigation is listed in HMW#4.

L003-3

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

The number of potential residential and business displacements in Fresno is provided in the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #10 and Impact SO #11. For information on the impacts on school districts, see Volume II, Appendix, Section 3.12-B. As described in the residential displacement analysis, a suitable amount of vacant replacement housing is available in the vicinity of all anticipated displacements, and students would likely have the opportunity to remain in their current school districts; therefore, any effect on school district funding would be small.

Submission L004 (Ronald Brummett, Kern Council of Governments, October 14, 2011)

Kern Council of Governments

RECEIVED
10-14-11P12:36 RCVD

October 13, 2011

Roelof van Ark, Chief Executive Officer
California High Speed Rail Authority
770 L Street Suite 800
Sacramento CA 95814

Dear Mr. van Ark:

As the Regional Transportation Planning Agency and Metropolitan Planning Organization for Kern County, California, Kern Council of Governments is pleased to submit the following comments regarding "California High-Speed Train Project, Fresno to Bakersfield Section, Environmental Impact Report/Environmental Impact Statement".

L004-1 1. Page 2-41: Table 2-10 uses Kern COG's 2007 Regional Transportation Plan. The document should reference the updated 2011 RTP, adopted in July 2010.

L004-2 2. Figure 2-26 (and others) refers to Fomoso Woody. Should be Famoso.

L004-3 3. Page 2-49, paragraph 4: refers to Kern Regional Transit (not an agency, but a section of Kern County Roads Dept) providing service throughout the county, with connections between Wasco, Shafter, and Bakersfield. KRT provides many other connections, and provides connections at Inyokern to Eastern Sierra Transit Agency that serves Inyo and Mono Counties to the north of Eastern Kern. GET provides service in Metro Bakersfield, as well as an express run to the IKEA Distribution Center at I-5 and Laval Road.

L004-4 4. Page 2-49, paragraph 5: States that no documented plans for intercity expansion are available. However, the Long Range Transit Plan for GET with anticipated expansions is underway and is to be adopted January 2012.

5. Page 2-61, last paragraph: On the Allensworth Bypass, both Woollomes Ave. and Elmo Highway would be blocked from providing local access and appropriate mitigation is not proposed. Kern COG would like to see grade separations or other crossing solutions adequate for farm equipment. These would service properties with the same owner that are bisected by alignments and deviate from the existing BNSF alignment. Kern COG supports the BNSF alignment because of its lesser impact on transportation/circulation.

L004-5 6. Page 2-62, Wasco-Shafter Bypass Alternative: According to Appendix A, the Wasco Shafter Bypass would close 16 local roads, collectors, and/or arterials in comparison with the BNSF

1

Kern Council of Governments
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L004-5 alignment which only closes two. Kern COG supports the BNSF alignment because of the lesser level of impact on transportation/circulation.

L004-6 7. Page 2-82, Table 2-15, Shafter East HMF site mentions access to Wasco/Shafter bypass only, but not BNSF Alignment. The analysis of the Shafter East Site should reflect that it can service both alignments.

L004-7 8. Page 3.2-28, paragraph six, What is a "benef" bus? Does this refer to specially equipped buses for the disabled, such as that which GET-A-Lift, NAPD, and BARC provide?

L004-8 9. Page 3.2-28, paragraph 7, Within Kern County, Greyhound stops only in Bakersfield and in Mojave. Within Kern County, Orange Belt Stages serves Bakersfield, Tehachapi, Mojave, and Boron as well as Eeastern Tulare County. In 2007, Caltrans completed an Intercity Bus Study with more accurate information on where bus service is currently available (http://www.dot.ca.gov/hq/MassTrans/5311-Intercity-Bus-Study.html). The EIR/EIS should discuss integration between each operational implementation phase with Intercity bus service and how that integration will be achieved. The EIR/EIS should discuss how Amtrak Thru-way Bus Connector Service, and Federal Transit Administration 5311(f) funded rural transit routes such Kern Regional Transit will be affected and how schedules would need to be adjusted to service HSR passengers getting on and off in Bakersfield for each implementation phase (from the Initial Operating Segment (IOS) to the ultimate system).

L004-9 10. Page 3.2-23, paragraph 1: The City of Bakersfield does not operate Golden Empire Transit; GET operates as a special district. GET receives Section 5307 funds directly from the Federal Transit Administration, and the City has an MOU with GET to transfer the major portion of their TDA monies to this metro bus service.

L004-10 11. Page 3.2-34, Table 3.2-10. Source, as referenced in the paragraph above, is Golden Empire Transit District 2009, rather than Authority and FRA.

L004-11 12. Page 3.2-34, Non-Motorized Facilities. Currently (October 2011), a contract is being negotiated for Policy and Project Recommendations regarding the Kern Bicycle Plan and Complete Streets program. As part of this plan, the consultant will prepare for Kern COG's ultimate adoption maps and descriptions of existing and proposed bicycle transport and parking facilities for connections with and use of other transportation modes. This analysis will include parking facilities at transit stops, rail and transit terminals, park and ride lots, and provisions for transporting bicyclists and bicycles on transit or rail vehicles. It is anticipated that the Plan will be completed and adopted by June 2012. Kern has a significant bike path network. As mitigation, a bike path facility adjacent the HSR alignment should be provided to connect Wasco and Shafter with the Bakersfield bike path system. (For a map of the current bike path system, please reference the Kern COG 2001 Bike Plan: http://www.kerncog.org/docs/ped_bike/bikeplan.pdf).

L004-12 13. Page 3.2-40, Conventional Passenger Rail. Increased ridership on the Amtrak San Joaquins would be more germane to the discussion here, rather than the Capitol Corridor. In 2011, the San Joaquins had over one million riders, and is the third most active passenger rail in the State. In the southern San Joaquin Valley, Kern COG is preparing a commuter rail feasibility study with anticipated completion in mid 2012. Furthermore, it will be important to maintain the Amtrak feeder bus system (such as currently operates between Bakersfield and Los Angeles) after HST is

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L004-12 operating. Similar to an airport landing surcharge, a mitigation mechanism will be needed to fund the feeder bus system, such as a ticket surcharge for supporting local bus and rail transit.

L004-13 14. Page 3.2-40, Intercity Passenger Bus Service. Page 3.2-28 mentions Orange Belt; this page mentions Trailways. The proper wording should be Orange Belt Trailways in both instances. See comment above (at page 2-49, paragraph 4) regarding the Kern Regional Transit's intercity bus service.

L004-14 15. Page 3.2-43, Construction Period Impacts, 2nd paragraph: "During project design and construction, the Authority and FRA would implement measures to reduce impacts on circulation." Will it be a third tier EIR/EIS before reviewers see specific mitigation measures on this activity? When does the CHSRA anticipate providing a Mitigation Monitoring Program for review and comment by the public?

L004-15 16. Page 3.2-68, Bakersfield Intersection impacts – Ten impacts are identified on both alternatives, with significant effect under CEQA. Kern COG does not find any proposed mitigations for these impacts within the document. Kern COG requests the following mitigations for the impacted intersections:

a. Signalization / channelization necessary to maintain local government LOS standards
b. Local transit service improvements to Bakersfield high speed rail station, including an additional adjacent transit center and additional ingress/egress improvements for the buses
c. Off-street taxi waiting and loading areas, as well as kiss-and-ridequeues.
d. Adequate parking, including long term parking.

L004-16 17. Page 3.2-68, Bakersfield Area Transit Impacts: Addresses only existing GET, not KRT. Kern COG requests the following mitigations to alleviate area transit impacts:

a. GET service to Meadows Field (airport) will require capital and/or operational enhancements to provide additional transit service
b. KRT, the intercity transit service for Kern County, will require capital and/or operational enhancements to provide feeder routes to the Bakersfield high speed rail station from Arvin/Lamont, Frazier Park, Taft/Maricopa, Shafter/Wasco, and McFarland/Delano
c. These mitigations will assist CHSRA to enhance ridership and improve viability of the system.

L004-17 18. Page 3.2-75, Bakersfield Area Freight Impacts: Refers to Fresno station rather than Bakersfield. Also says freight rail service would be elevated, although it would appear to be the HST that would be elevated.

L004-18 19. Mitigation Measures for Transportation provided starting on page 3.2-82. Very general; more specificity and quantification, plus oversight agency, will need to be provided at next tier or as part of construction management plan. The following additional mitigations are proposed by Kern COG:

a. Minimize impacts during rail construction by staggering truck routing between construction and aggregate source sites.
b. Monitor loaded aggregate truck weight to minimize degradation of existing road pavement conditions.
c. Fix any road condition degradation created by violations of loaded truck weight.

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L004-18 d. Ship aggregate via rail car rather than truck, whenever possible to minimize impacts to road system pavement as well as air quality and greenhouse gas emissions.

L004-19 20. Page 3.3-37, Transportation Plans and Programs, 2nd paragraph: It appears that the Fresno COG RTP is incorrectly referenced, and should be replaced with Kern COG RTP.

L004-20 21. Page 3.3-38, Section 3.3.5, Environmental Consequences: CHSRA should provide KCOG with information on diverting travel from vehicles to high speed rail for initial construction and operation phases using existing $6.33 billion in order for this to be included in KCOG's next regional conformity analysis. It is anticipated that the diversion of travel to high speed rail will have a net reduction in health-based criteria pollutants and GHG.

L004-21 22. Page 3.3-38 - Next paragraph indicates that implementation of certain mitigation measures could reduce emissions. EIR/EIS should commit to specific mitigation measures.

L004-22 23. Page 3.3-38, Environmental Consequences, fourth paragraph states: "Operation of the HMF/MOWF may have the potential to cause a significant localized impact...." When will the exact level of impact be determined, and when will Kern COG have the opportunity to comment?

L004-23 24. Page 3.3-38, Environmental Consequences, fourth paragraph states: "Operation of the HMF/MOWF may have the potential to cause a significant localized impact...." To reduce impacts from commuting workers, the three Kern COG sites are located along existing rail and bus transit service. The Wasco HMF site is 2 blocks from the Wasco Amtrak/Kern Regional Transit (KRT) intermodal transit center serviced by 12 trains from the Amtrak San Joaquins, and additional runs from Kern Regional Transit that connects Bakersfield, Shafter, Wasco, McFarland and Delano. The two Shafter HMF facilities (East and West) are located along the same KRT line. Kern COG has retained a consultant to prepare a commuter rail feasibility that could include a new stop on the Amtrak San Joaquins or a new commuter rail service. The study is considering a transit center near 7th Standard Road, adjacent to the two Shafter HMF sites. In the interim, the sites will be serviced by KRT. If half of the HMF employees were to use transit over 700 additional round trips could be generated along this corridor. The transit stop should be included as mitigation for the Wasco and Shafter HMF sites.

L004-24 25. Page 3.3-39, first paragraph states "Implementation of mitigation measures could reduce the exposure..." When will the effectiveness of these mitigation measures be examined and tested, and when will Kern COG have the opportunity to comment?

L004-25 26. Page 3.3-40, fifth paragraph states: During construction, programmatic emissions-reduction measures would be applied, including watering exposed surfaces twice daily, watering unpaved roads three times daily, reducing vehicle speeds on unpaved roads to 15 mph, and ensuring that haul trucks are covered as discussed in Section 3.3.3(H). Kern COG supports these mitigation measures.

L004-26 27. Page 3.3-45, Local Impacts/Asbestos – Should define NOA acronym within text.

L004-27 28. Page 3.3-53, Mobile Source Air Toxics Analysis, should be followed by "(MSAT)", or defined with the following text.

L004-28 29. Pages 3.8-19 (Figure 3.8-2) and 3.8-53 (Table 3.8-15), Floodplain map does not show Shafter East and West HMF sites in floodplain; however, table states that they are in thefloodplain. This error also occurs on Table 2-15 (page 2-82).

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L004-29 30. Page 3.8-50, Hydrology: States that no HMF has access to municipal water supply; however, both Shafter sites do.

L004-30 31. Pg 3.12-69 Shafter West HMF would split an agricultural parcel, although the parcel has the same owner.

L004-31 32. Page 3.13-30, Heavy Maintenance Facility Alternatives, states that both Shafter HMF sites are agriculturally zoned, with a small amount of industrial zoning. In fact, this is true for Shafter West, but Shafter East is entirely industrial.

L004-32 33. Page 3.18-4, Kern COG's 2011 Regional Transportation Plan was adopted in July 2010 and would be the more appropriate document to be addressed herein. The planning horizon has been extended to 2035, and the document contains a more thorough discussion of high speed rail.

L004-33 34. Pages 3.18-9 and 3.18-15. Kern County's Annual Average Growth Rate is shown as 2.7% on first; 2.8% on second, while the same source listed. In addition, the Kern COG adopted growth forecast is approximately 2%.

35. Notes on Merced to Fresno EIR/EIS

L004-34 36. The methodology to analyze impacts for HMF sites in the Merced to Fresno EIR/EIS and the Fresno to Bakersfield EIR/EIS are inconsistent, making side by side comparison misleading. Specifically, the method used to calculate total acreage of the HMF sites appears to be inconsistent. The sites in the Merced to Fresno EIR/EIS range from 179 to 332 acres. The sites in the Fresno to Bakersfield EIR/EIS range from 415 to 586 acres. However, the document states that the area footprint required for the HMF is just 150 acres. It appears that the consultant analyzing the HMF site in the Fresno to Bakersfield EIR/EIS used a buffer zone around the proposed properties designated for each site; however, no map of the buffer zones has been provided making it difficult to confirm their analysis of the impacts in the area of the HMF sites. Kern COG requests that the analysis for the impacts for each HMF use a consistent methodology for calculating and comparing impacts among the 10 proposed sites.

L004-35 37. The maps in the Merced to Fresno EIR/EIS show areas of proposed property and acreages that roughly correspond to the property designated for each site; however, these acreages appear to exclude any buffer zone impact area as the analysis in the Fresno to Bakersfield EIR/EIS uses.

L004-36 38. The Merced to Fresno EIR/EIS lists as agricultural impacts the entire area including the apparent buffer zone impact area. For example, the KCOG-Shafter West site as listed in Table 3.13-2 shows an agricultural impact of 465 out of 480 total acres for the site. However, the footprint for the HMF is only 150 acres. The property adjacent to the site within the buffer zone is currently zoned for agricultural use. Therefore, the site should only show approximately 150 acres of impact to agricultural land. KCOG–Shafter East site and KCOG–Wasco site are currently designated industrial in the local General Plans, so the impact in Table 3.13-2 to industrial land should be listed as 0, not 484 and 407 acres, respectively. The Wasco vacant industrial site is currently under agricultural cultivation, so if an impact is listed, it should be limited to the actual

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footprint of the HMF, or 150 acres. The Shafter East site is predominantly fallow and should be listed as 0 or near 0 impact to agricultural.

L004-37 39. CHSRA has adopted the Vision California commitment to sustainability. To ensure the lowest possible carbon footprint for the HMF project, the analysis should include the availability of adjacent vacant industrially zoned property needed to accommodate ancillary manufacturing and support industries. For example, both the Shafter East and West sites are adjacent to 5 square miles of vacant industrially zoned property.

L004-38 40. The HMF should be co-located with a maintenance-of-way (MOW) facility to minimize impacts from additional travel by management and trainees to a separate site, in keeping with the HSR Vision California commitment. The 2 Shafter sites and the Wasco sites are the only ones that could be co-located with the MOW facility and not require an additional MOW between Sylmar and Wasco to ensure adequate maintenance response times in that corridor.

L004-39 41. On the Shafter West site, 4 single family houses are identified within the 480 acre buffer zone (including 150 acre HMF footprint). These houses are <u>not</u> located within the 150 acre site. Table 3.13-2 should list the number of single family houses as 0.

L004-40 42. On the Shafter West site, 10 acres of land are identified on Table 3.13-2as being impacted. However, the 150 acre footprint for the HMF is currently vacant with the exception of the adjacent railroad and an existing road. The buffer area includes some existing industrial property; however, these activities should not be affected by the HMF.

L004-41 43. On the Shafter East site, 5 acres of land are identified on Table 3.13-2 as being impacted. However, the 150 acre footprint for the HMF is currently vacant with the exception of the adjacent railroad and an existing road. The buffer area includes some existing industrial property; however, these activities should not be affected by the HMF.

L004-42 44. In the Fresno Bakersfield EIR/EIS Executive Summary, the KCOG Wasco – HMF site is incorrectly listed as having impact to a school. The closest school is approximately ¼ mile away. A low income housing project is located across the street from the proposed site; however, this is not mentioned.

L004-43 45. Table 3.13-2 lists "Other" Permanent Land Impacts by Potential HMF Site (acres) but does not specifically list what the other impacts are.

Kern COG concurs with comments submitted by the City of Bakersfield regarding transportation assessments within this EIR/EIS, copy of which is provided below. Separate response to Kern COG regarding these comments is not necessary. Kern COG will consider the Authority's response to City of Bakersfield as sufficient.

On page 3.2-8, Section 3.2 Transportation HSR incorrectly assumes that the daily trips are 4,590. That number of vehicle trips corresponds to the number of "Boardings," which is forecast to be 9,200 for the Bakersfield station. There are an equal number of "Alightings." Therefore the number of daily vehicle trips is twice what is indicated in Table 3.2.5. The assumed percentage of trips occurring in the peak hour is 15% and is too high. It should probably closer to 10, or even 7 to 9 percent, consistent with auto peaking characteristics, instead of local bus peaking characteristics, which are typically 30% in the AM peak period and 30% in the PM peak period. The local transit peak hour percentages are a function of

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work and school trips being the prominent trip purposes for local transit trips. To really get the proper % during the peak hour, one should look at the diurnal distribution of traffic on I-5 and SR 99 for automobiles. The EIR must be revised and recirculated to correct the significant underestimate of vehicle trips for the Bakersfield station and the unsupportable percentage of trips allocated to peak hours.

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

Three build alternatives (A, B, & C) are under consideration within Segment 1 of the Centennial Corridor. The proposed high speed train (HST) alignments are in direct conflict with Alternative C. This segment includes future direct connectors from Southbound SR-99 to westbound SR-58 and from eastbound SR 58 to northbound SR 99. The future direct connectors would be located east of the Mohawk Street Interchange, skewing across the BNSF rail yard, and tying into SR-99 near the Rosedale Highway Interchange. Estimated at $275 million, the direct connectors are not included in the build alternatives at this time; however, the project cannot preclude the construction of these connectors in the future. Potential conflicts with HST, which must be addressed in the EIR and, where appropriate, resolved through design changes or mitigation measures, are as follows:

Alignment B1

1. The HST vertical profile and the eastbound SR 58 to NB SR 99 connector vertical profile are proposed to be at the same elevation (approx. 475 feet). Elimination of the conflict would require a change in profile of 30 to 40 feet.

2. HST alignment is proposed to be constructed directly above an active 6 to 8 lane freeway at an extremely high skew for potentially thousands of feet (Centennial scheduled to be constructed prior to HST).

3. HST must span 6 to 8 lane mainline freeway plus approaches and auxiliary lanes to the future connectors.

4. Outrigger placement will be critical. Freeway median cannot accommodate proposed columns for outrigger; thus, requiring widening of the freeway and encroaching onto railroad right-of-way.

5. Temporary false work placement will impact active freeway for thousands of feet.

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6. Outrigger placement cannot preclude future widening of freeway. Current median width designed to accommodate future lane (possibly HOV).

7. Proposed HST equipment location may be in conflict with Segment 1 and Segment 2 (Westside Parkway).

Alignment B2

1. The HST vertical profile and the eastbound SR 58 to NB SR 99 connector vertical profile are proposed to be at the same elevation (approx. 465 feet). Elimination of the conflict would require a change in profile of 35 to 45 feet.

2. Proposed HST equipment location may be in conflict with Segment 1 and Segment 2 (Westside Parkway).

3. Centennial Project will construct off-ramp from westbound Centennial Corridor to Mohawk Street interchange. HST profile would possibly need to be raised to provide vertical clearance above off-ramp.

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

Alignment B1

1. HST alignment is proposed to be constructed directly above an active 6 to 8 lane freeway at an extremely high skew for potentially hundreds of feet.

2. HST must span 6 to 8 lane mainline freeway plus interchange, approaches and auxiliary lanes already in place.

3. Outrigger placement will be critical. Freeway median cannot accommodate proposed columns for outrigger without sacrificing future widening. Current median width is designed to accommodate future lane (possibly HOV) or a light rail facility.

4. Temporary false work placement will impact active freeway for hundreds of feet.

5. Construction activity may affect the commuters directly for extended amount of time with high cost and delays.

6. Proposed HST equipment location may be in conflict with Segment 1 and Segment 2 (Westside Parkway).

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Alignment B2

1. HST alignment is proposed to be constructed directly above an active 6 to 8 lane freeway at an extremely high skew for potentially hundreds of feet.

2. HST must span 6 to 8 lane mainline freeway plus interchange, approaches and auxiliary lanes already in place.

3. Outrigger placement will be critical. Freeway median cannot accommodate proposed columns for outrigger without sacrificing future widening. Current median width is designed to accommodate future lane (possibly HOV) or a light rail facility.

4. Temporary false work placement will impact active freeway for hundreds of feet.

5. Construction activity may affect the commuters directly for extended amount of time with high cost and delays.

6. Proposed HST equipment location may be in conflict with Segment 1 and Segment 2 (Westside Parkway).

On page 3.2-33, it is stated that the Golden Empire Transit District is operated by the City of Bakersfield. This statement is incorrect. They are a separate agency.

The attached Ridership and Revenue tables indicate the ridership and access modes by station, and the parking requirements at each station. On page 3.2-62 of the EIR/EIS, the document correctly indicates the parking requirement to be 7,400 spaces at the Fresno Station. On page 3.2-68 for Bakersfield, the document states, "The station parking areas would accommodate approximately 2,300 parking spaces at the Bakersfield Station." However, the attached table indicates the parking requirement at the Bakersfield station to be 8,100 spaces. Below the topic of Bakersfield Parking Impacts, Bakersfield Area Transit Impacts and Bakersfield Pedestrian and Bicycle Impacts are discussed. The volumes cited match those reported in the attached tables. So clearly the parking requirement is in error. It is further noted that the attached tables indicate in a footnote that "Egress is mirror of access." This means that there are an equal number of passengers (and associated vehicle trips) de-boarding the trains and leaving the stations. The daily trips reported in Table 3.2-5 on page 3.2-8 are incorrect for several reasons. For Bakersfield, from the attached tables, note that 1,400 autos are dropping off passengers. Once the autos drop off the passengers, they depart the station. That is 2,800 vehicle trips. Additionally, there are 2,300 motorized vehicles arriving to park, 400 rental cars being returned, and 400 taxis dropping off passengers. These total 5,900 vehicle trips for the boarding passengers, not the 4,590 daily trips reported in table 3.2-5. Plus there are an equal number of de-boarding related trips. So 11,800 daily trips for Bakersfield, and 11,200 daily trips for Fresno.

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

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

Santa Fe Way is a significant regional north-south route, connecting metropolitan Bakersfield with the cities of Shafter and Wasco. As discussed at the July 14, 2011 meeting, HSRA desires to run the High-Speed train under the recently constructed Seventh Standard Road overhead, adjacent to the BNSF Railway. This alignment would restrict future widening of Santa Fe Way to four lanes (currently planned as an ultimate six-lane arterial) and would necessitate the construction of a wall along the westerly abutment. It was determined that the loss in north-south roadway capacity could be mitigated with the construction of a parallel route comprised of Burbank Street, Zachary Avenue, the West Beltway/BNSF/High-Speed Rail/Santa Fe Way grade separation, and Heath Road.

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

With respect to the proposed Reina Road crossing, the circulation plan calls for a southerly relocation of the crossing with connections to Renfro Road and Jenkins Road to provide a more efficient perpendicular crossing of the railroad and to provide for north-south circulation/travel. Your plans show a Reina Road crossing so they need to be corrected to the Renfro/Jenkins crossing. The design for the Kratzmeyer Road and Renfro/Jenkins/Reina Roads grade separations should provide for a minimum 55 m.p.h. stopping sight distance on the vertical curves. Both roadways are designated as six-lane arterial streets and therefore a six-lane substructure should be provided to allow for future widening. The superstructure on Kratzmeyer Road and Renfro/Jenkins/Reina Roads should provide for a minimum of

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four lanes and two lanes, respectively. The overhead structures also need to provide for a minimum of four travel lanes, bike lanes, and a median on Santa Fe Way, adjacent to the High-Speed Rail.

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

Thank you for the opportunity to comment on the environmental impacts of this important project.

Sincerely,

Ronald E. Brummett
Executive Director

Robert Ball
Planning Director

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Response to Submission L004 (Ronald Brummett, Kern Council of Governments, October 14, 2011)

L004-1

The text of the Revised DEIR/Supplemental DEIS has been revised in response to your comment about Table 2-10 in Chapter 2, Alternatives.

L004-2

The relevant figures have been revised in the Revised DEIR/Supplemental DEIS to correct the spelling of Famoso Woody Road in Kern County.

L004-3

In response to your comment, the text of the Revised DEIR/Supplemental DEIS has been revised in Chapter 2, Alternatives, Section 2.4.1.

L004-4

In response to your comment, the text of the Revised DEIR/Supplemental DEIS has been revised in Chapter 2, Alternatives, Section 2.4.1.

L004-5

Please refer to Appendix 2-A of the Revised DEIR/Supplemental DEIS, which lists road crossings for the Fresno to Bakersfield alternatives revised as a result of continuing project design.

L004-6

The Kern Council of Governments-Shafter East HMF Site would serve the Wasco-Shafter Bypass Alternative and not the BNSF Alternative. The Kern Council of Governments-Shafter West HMF Site would serve all of the alternatives except the Wasco-Shafter Bypass Alternative. Text in Chapter 2, Table 2-15 is correct.

L004-7

The reference to “Benef buses” was an error; the section has been revised in the Revised DEIR/Supplemental DEIS.

L004-8

The HST will not preclude future or impede existing intracity and intercity bus routes. The Authority and FRA have also provided planning grants for cities that could have an HST station to assist them in planning for the integration of transit service with the high-speed rail and to update land use plans in the areas surrounding the stations.

L004-9

In the Revised DEIR/Supplemental DEIS, the text has been revised to state that Golden Empire Transit is an independent entity from the City of Bakersfield.

L004-10

In the Revised DEIR/Supplemental DEIS, the reference has been revised to "Golden Empire Transit District 2012."

L004-11

The HST will not preclude the future development of the Kern County Bicycle Plan.

L004-12

In the Revised DEIR/Supplemental DEIS, the analysis of Conventional Passenger Rail added language addressing increased ridership on the San Joaquin Amtrak Route.

L004-13

The naming convention of "Orange Belt Trailways" has been corrected in the Final EIR/EIS.

L004-14

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

L004-15

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

Mitigation measures for Existing and Existing Plus Project conditions impacts within the Bakersfield Station alternatives are discussed in Section 3.2.7 of the Revised DEIR/Supplemental DEIS and are summarized in Tables 3.2-50 and 51.

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L004-16

Providing local bus feeder service is not in the project's scope; however, the Authority will work with the City of Bakersfield and Kern County to integrate regional/intercity bus system service into the Bakersfield Station.

L004-17

The discussion of Bakersfield area freight impacts has been revised in the Revised DIER/Supplemental DEIS.

L004-18

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

Please refer to design features #8 and #11 in Section 3.2.6 of the Revised DEIR/Supplemental DEIS.

L004-19

Text has been revised in Section 3.3.5 of the Revised DEIR/Supplemental DEIS.

L004-20

The Fresno to Bakersfield Section of the HST project is not subject to the transportation conformity rule. However, if the project requires future actions that meet the definition of a project element subject to transportation conformity, additional determinations and associated analysis will be completed as may be required.

L004-21

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

Mitigation measures were refined in the Revised DEIR/Supplemental DEIS as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. Accordingly, appropriate mitigation will be included in the Final EIR/EIS and will also be included in FRA's Record of Decision, which will require the Authority to comply with all mitigation measures as the project advances through final design and construction.

L004-22

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

Mitigation measures were refined in the Revised DEIR/Supplemental DEIS as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. Accordingly, appropriate mitigation will be included in the Final EIR/EIS and will also be included in FRA's Record of Decision, which will require the Authority to comply with all mitigation measures as the project advances through final design and construction.

L004-23

The HMF site for the Fresno to Bakersfield Section of the HST will not be selected as part of an action by the Authority board. A decision on the HMF location will be made following certification of the San Jose to Merced Section Final EIR/EIS. Potential impacts on sensitive receivers will be a consideration in the future selection of the HMF site. A key consideration will be the distance from the HMF site to sensitive receivers. Potential effects of the HMF on children's health are discussed in Appendix 3.12-C, Children's Health and Safety Risk Assessment.

As discussed in Section 2.2.9.2, the future HMF will occupy approximately 154 acres. The property boundaries of each of the alternative HMF sites are larger than the acreage needed for the actual facility due to the unique site characteristics and constraints of each location. Because the actual site of the HMF within the identified larger parcels has not been determined, an analysis of impacts on sensitive receivers would be premature at this time. Once the HMF site has been selected, a Health Risk Assessment (HRA) would be conducted to address potential health impacts on the surrounding community. Mitigation Measure AQ-6 requires either the implementation of means to reduce emissions from the HMF, including the use of non-diesel machinery that will reduce toxic air contaminant emissions, or requires the establishment of a buffer area between emitters and sensitive receivers. Implementation of Mitigation Measure AQ-7 will reduce the impacts of stationary emission sources.

L004-24

Refer to Standard Response FB-Response-GENERAL-15.

Response to Submission L004 (Ronald Brummett, Kern Council of Governments, October 14, 2011) - Continued

L004-24

The Authority has not identified a preferred HMF site at this time. This decision will be made as part of the San Jose to Merced Section EIR/EIS document because selection of the HMF is highly dependent on the selection of the wye.
Once the HMF site is selected, additional comparative study, design, and review may be necessary. If the Wasco-Shafter HMF sites are selected, additional mitigation measures might be selected at that time.

L004-25

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

Mitigation measures were refined in the Revised DEIR/Supplemental DEIS as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. Accordingly, appropriate mitigation will be included in the Final EIR/EIS and will also be included in FRA's Record of Decision, which will require the Authority to comply with all mitigation measures as the project advances through final design and construction.

L004-26

The term NOA (naturally occurring asbestos) has been defined in Section 3.3.4.6 of the Revised DEIR/Supplemental DEIS.

L004-27

The term "Mobile Source Air Toxics" is followed by the acronym MSAT in Section 3.3.2.1 of the Revised DEIR/Supplemental DEIS.

L004-28

The floodplain at the Shafter HMF sites is a small local depression, smaller than the HMF facility, that is not associated with a water body with concentrated flow. The floodplain boundary is located within the proposed HMF sites. In Figure 3.8-2 in the Revised DEIR/Supplemental DEIS, the graphic that indicates the HMF location is overlaying the small floodplain.

L004-29

The Final EIS/EIR has been revised to indicate that the Shafter East HMF is within the city limits and within the city's municipal water service area and the Shafter West HMF is outside of the city's municipal water service area but within the planning area.

L004-30

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

See Volume I, Section 3.14, Impact AG#5, for more information on effects on agricultural land from parcel severance.

L004-31

Section 3.13, Station Planning, Land Use, and Development, of the Final EIR/EIS has been revised to reflect that the Shafter East HMF site is located on land that is zoned entirely industrial.

L004-32

The discussion of the regional transportation plan for Kern County was updated in the Final EIR/EIS with reference to the Kern Council of Governments' 2011 Regional Transportation Plan (KCOG 2010).

L004-33

Kern County's annual average growth rate is presented in the document for both the population growth rate and the housing unit growth rate. The data come from different sources and different years.

L004-34

Refer to Standard Response FB-Response-GENERAL-15.

As stated in Chapter 2, Alternatives, of the EIR/EIS for the Fresno to Bakersfield Section, the heavy maintenance facility (HMF) site will cover approximately 154 acres. As shown in Table 3.14-7 of the EIR/EIS, the alternative HMF sites in the Fresno to Bakersfield Section range in size from about 420 to 590 acres. Table 3.14-7 also shows

Response to Submission L004 (Ronald Brummett, Kern Council of Governments, October 14, 2011) - Continued

L004-34

the amount of Important Farmland in each of those alternative HMF study sites. The HMF would be located somewhere within the study sites, but the exact location is not known at this time. As indicated in Table 3.14-7, the amount of Important Farmland contained within the alternative HMF study sites ranges from 67% of the Fresno Works–Fresno HMF Site to essentially 100% of the Kern Council of Governments–Shafter HMF Site. Therefore, it is likely that locating the HMF at any of these sites would impact about 154 acres of Important Farmland. Maps showing the locations of the HMF study sites are provided throughout the EIR/EIS, including Section 3.14, Agricultural Lands, and in Appendix 3.1-A, Parcels within HST Footprint.

L004-35

Refer to Standard Response FB-Response-GENERAL-15.

As stated in Chapter 2, Alternatives, of the EIR/EIS for the Fresno to Bakersfield Section, the heavy maintenance facility (HMF) site will cover approximately 154 acres. As shown in Table 3.14-7 of the EIR/EIS, the alternative HMF sites in the Fresno to Bakersfield Section range in size from about 420 to 590 acres. Table 3.14-7 also shows the amount of Important Farmland in each of those alternative HMF study sites. The HMF would be located somewhere within the study sites, but the exact location is not known at this time. As indicated in Table 3.14-7, the amount of Important Farmland contained within the alternative HMF study sites ranges from 67% of the Fresno Works–Fresno HMF Site to essentially 100% of the Kern Council of Governments–Shafter HMF Site. Therefore, it is likely that locating the HMF at any of these sites would impact about 154 acres of Important Farmland. Maps showing the locations of the HMF site alternatives are provided throughout the EIR/EIS, including Section 3.14, Agricultural Lands, and Appendix 3.1-A, Parcels within HST Footprint.

L004-36

Refer to Standard Response FB-Response-GENERAL-15.

The HMF site will be about 150 acres in size; however, the exact location has not yet been determined, and therefore all acres designated as a potential HMF were analyzed in order to present a complete agricultural land assessment.

L004-37

The project description does not include any ancillary manufacturing facilities; therefore, they are not included in the project analysis. The Authority will note the request for consideration of this suggestion.

L004-38

Refer to Standard Response FB-Response-GENERAL-15.

L004-39

Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS states that there are four houses within the 480 acres of available land that constitute the proposed Shafter West HMF site. At this time it has not yet been determined which 154 acres within the 480 acres would be used for the HMF site.

L004-40

At this time it has not yet been determined which 154 acres within the 480 acres would be used for the HMF site.

L004-41

At this time it has not yet been determined which 154 acres within the 480 acres would be used for the HMF site.

L004-42

The Summary of the Revised DEIR/Supplemental DEIS has been revised to remove this discussion. A screening-level health risk assessment was conducted for the school that is 0.25 mile from the Kern Council of Governments–Wasco HMF Site. This analysis indicated that there could be impacts to that school. However, a more detailed analysis that would follow additional design of the HMF may find that there would be no significant health risks to the school.

L004-43

The Authority and FRA have refined the definition of "other" in the 3.13-3 Impacts Table in the Revised DEIR/Supplemental DEIS as a result of continuing project design,

Response to Submission L004 (Ronald Brummett, Kern Council of Governments, October 14, 2011) - Continued

L004-43

comments received on the Draft EIR/EIS, and additional consultation with public agencies. The refined definitions are used in Section 3.13, Station Planning, Land Use, and Development.

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011)

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
Lorelei H. Oviatt, AICP, Director
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DEVELOPMENT SERVICES AGENCY
Planning and Community Development
Engineering, Surveying and Permit Services
Roads Department

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10-14-11P12:37 RCVD

October 13, 2011 FILE: High Speed Rail

California High Speed Rail Authority
Fresno to Bakersfield Draft EIR/EIS Comment
770 L Street, Suite 800
Sacramento, California 95814

RE: **Comments on Draft Project Environmental Impact Report /Statement for the Fresno to Bakersfield Section High Speed Train (SCH# 2009091126)**

Dear Mr. Abercrombie,

The Kern County Planning and Community Development Department appreciates the opportunity to provide comments on the Draft EIR/EIS for the Fresno to Bakersfield Section of the High Speed Train. The system includes major components in Kern County including the Bakersfield Station, potential locations for a Heavy Maintenance Facilities and the railway alignments. The purpose of CEQA and NEPA is to provide an opportunity for the general public as well as other agencies with specific expertise to review the described project and analysis and provide comments and suggestions for mitigation and the avoidance or reduction of impacts. The courts have directed and the CEQA guidelines have reflected six separate policy grounds that justify the requirement that lead agencies must seek and respond to public comments: sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns and soliciting counter proposals (CEQA Guidelines 15200). The Authority, as lead agency, has chosen to present two sections of the project in two separate but related documents with formats that are not consistent. These two sections of the system involve impacts and interests to over 2.2 million Central Valley residents and deserve a robust and careful public review process to ensure compliance with the purpose of CEQA and NEPA, not merely the legal requirements. In addition these documents are presented as project level rather than program level documents which require a greater level of assessment and review.

L005-1

Public Notice and Review

The DEIR/EIS is presented as a project level document for the entire 114 miles of alignments and related infrastructure. Unlike other development projects, this project has not been initiated by a specific property owner and, therefore, affected property owners have no information or expectation that they would be included in the project description and that their property might be used for a track alignment or be adjacent to the alignment. Under CEQA, all members of the public hold a "privileged position " in the CEQA process and certainly property owners who

L005-1

may lose businesses or be relocated have an even higher fundamental right to know if and how the project will impact them, what are the impacts on the surrounding environment and how can they participate in the formulation of feasible alternatives and appropriate mitigation. " [A}] paramount consideration is the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision" (Environment Planning and Information Council v. County of El Dordo (3d Dist. 1982) 131 Cal App.3d).

The foundation of the CEQA/NEPA process is an accurate project description that provides for meaningful public participation. This Draft EIR/ EIS is deficient and flawed in not providing the affected property owners notification or effective tools for determining if they are impacted by the proposed project. A detailed search of the following chapters (Summary, Chapter 1.0, 2.0 or 3.1-Introduction) shows no reference to any location or diagram where a property owner could look to determine if their house, business or church would be required to be removed for an alignment. No direct link or other reference is provided in the public notices posted on the HSR website or provided to local government agencies to assist a citizen in determining how their property is affected other than direction to the Draft EIR/EIS volumes. Further the infrastructure components shown on Page 2-8 (At-Grade Profile, retained – Fill Profile, retained cut profile, Elevated profile) are not linked to specific properties so that the public can understand how the project would look at a specific location.

The only location of information directly relevant to an attempt to notify the public is in the Table of Contents (page viii), Volume II – Technical Appendices Appendix 3.1-1 – Parcels within HST Footprint. This volume comprised of 229 individual 11 X 17 colored sheets includes an alignment "footprint" using two colors: orange for Permanent impact and purple for Temporary impact and Assessor Parcel numbers superimposed on an aerial. A small square labeled "sheet overview" is included on each page. A disclaimer is located on each page which reads "PRELIMINARY DRAFT/SUBJECT TO CHANGE-HST ALIGNMENT IS NOT DETERMINED. The numbers and names of streets are done at a size and color that is difficult to read. These pages do not contain any other information or an index to that information that a citizen or staff looking for their property would need: county or city location, Section, Township and Range, or description of type of infrastructure component anticipated. Further, for purposes of CEQA, there is no information on this or any other map showing what type of business, structures or industries are under or adjacent to the alignment. In conjunction with the disclaimer, it is unclear how this qualifies as a project level document with a stable, finite project description as required by CEQA. Without specific information generated by the DEIR/EIS, the public is left to provide their own analysis back to the authority, based on their local knowledge, on what they think the impacts will be. It is the responsibility of the lead agency to provide that analysis and propose mitigation or alternatives to address specific impacts. That detailed analysis has not been provided in this document.

To provide the level of public notification required by CEQA for this project, Kern County requests for the next circulation of the Revised EIR/EIS that an online database be created that

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

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Page 3

L005-1 allows a citizen to input an Assessor Parcel Number, address, intersection or Section, Township and Range and then links to a map showing the alignment and infrastructure components for that area. This website address should be included in the next public notification for circulation and an explanation for its use provided.

L005-2 Air Quality and Global Climate Change

Without this site specific effort as well as an expansion of the analysis, this DEIR/EIS cannot be considered a project level document under CEQA. An example of the lack of specific detail is located in Chapter 3.3. Air Quality and Global Climate Change. The chapter begins with a reference to a technical document that is not included in the DEIR/EIS and is not located online: Fresno to Bakersfield Section: Air Quality Technical Report although it is cited in the summary of sources for the document. Yet Chapter 3.3 contains no specific quantification of amounts for construction emissions (Table 3.3-21) and no analysis at all for operational emissions. Instead the chapter includes simplified "yes or no" statements related to the construction emissions exceedance of the adopted thresholds. Such a presentation assumes that the public has no need to verify the methodology and calculations used for the air modeling and that the magnitude of the exceedance is irrelevant to informed decision-making. This chapter needs to include actual amounts in tons per year of the construction emissions and operational emissions, including the indirect air quality impacts of the employees driving to the trains as operators and the ridership. Further given the disclaimer on the alignment footprint Volume II – Technical Appendices Appendix 3.1-1, the assumptions for the methodology (ex. calculation of the trip lengths and mix for construction workers to each location) should be specifically discussed in the DEIR/EIS. Finally, the omission of the technical source document on air quality from the circulation of the DEIR/EIS deprives the public of fundamental information necessary for a complete evaluation of the accuracy of the information presented and meaningful comments. This and all source documents of a technical matter should be circulated along with a clear location for any programmatic documents that are being referenced in the DEIR/EIS.

Transportation

The Kern County Roads Department has reviewed the DEIR/EIS and provided the following technical comments.

L005-3 1. S.5.3 Station Area Development, Page S-8: *The project is estimated to bring 8,400 and 9,200 daily passengers to Fresno and Bakersfield respectively...* Please provide the background information for the ridership as the volumes appear to be relatively high.

L005-4 2. Table S-2, Page S-23: Contains similar statements for the various categories that do not coincide with the results. For example, the following statement is in regard to the total number of permanent road closures, which states "*Construction Impacts - There are no*

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L005-4 *significant differentiating construction impacts between alternatives for transportation and traffic.*" That is incorrect as the responses to the question vary significantly. How can the variation in the number of road closures between scenarios vary from 15 to 20 roads without that being a significant difference? Please clarify.

L005-5 3. Table S-3, Page S-27: Contains similar statements for the various categories that are incorrect. For example, the following states "*There are no construction impacts for transportation and traffic.*" This incorrect as there is no possible way to construct this project without impacting the surrounding roadway network with construction traffic, road closures and the various construction activities. In addition, the mitigation measures provided do not contain the necessary specifics to determine the level of significance. Please explain.

L005-6 4. Table S-4, Page S-40: See item #3 above with respect to the mitigation measures.

L005-7 5. Table 1-3, Page 1-12: The Annual Growth Rate (%) for Kern County was not provided, but a Year 2035 Projection was generated. Please explain how was the projection calculated?

L005-8 6. Table 2-4, Page 2-34: Kern County Year 2010 and Year 2035 Population and Employment estimates and projections appear to be higher than those modeled by KernCOG. Please verify.

L005-9 7. 2.8.2 Pre-Construction Activities, Page 2-97: A Traffic Control Plan, which may include CHP escorts, and any necessary encroachment permits should be submitted to the appropriate agency of jurisdiction for approval prior to any Construction Activities. Project construction timing may coincide with other neighboring projects, which will require coordination of construction traffic to avoid possible conflicts during the project construction phases.

L005-10 8. Table 3.2-5, Page 3.2-8: Provides AM and PM Peak Hour in and out volumes that do not reflect the characteristics of a 24/7 operation. The volumes split are more in line with those of a single shift per day rather than an operation with three shifts per day. Provide a 50/50 split as that would more accurately reflect the impacts upon the surrounding roadways. If the peak hour periods vary from those that are typically analyzed, please clarify. In addition, the paragraph following the table contains statements contrary to the information provided within the table. Primarily the difference between totals shown in the table versus those provide in the paragraph.

L005-11 9. Table 3.2-9, Page 3.2-33: Intersection 41 (Union Ave/Golden State Ave/21st St) is shown to be worse than both Intersections 46 (SR 178/SR99 Ramps/Buck Owens Blvd) & 47 (Oak St/SR 178), please verify.

L005-12 10. Section E, Page 3.2-33: Incorrectly states that the City of Bakersfield operates the Golden Empire Transit District, please revise to show the Golden Empire Transit District as a separate entity.

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

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L005-13 11. Table 3.2-23, Pages 3.2-69 – 3.2-74 and Table 3.2-31, Pages 3.2-89 – 3.2-93: These tables seem to indicate that the only intersections analyzed were in the City of Bakersfield. What County/unincorporated roads and intersections were analyzed, and what is the mitigation necessary to maintain the current level of service?

L005-14 12. Section 3.2.6 Mitigation measures Item 6, Page 3.2-82: Protection of Public Roadways during Construction. This section should include the requirement to enter into a secured agreement with the Kern County Roads Department to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the Caltrans and/or Kern County.

L005-15 13. Section D – Roadway and Grade Separation Plans, Part 2 of 2, Page 162 on the PDF, sheet 2 of 5: Please explain how the lengthening of Rosedale Highway/State Route 58 will be accomplished to accommodate the High Speed Train, without a major disruption in vehicle traffic. This is specific to Comment #3, as this is a heavily travelled route.

L005-16 14. Section D – Roadway and Grade Separation Plans, Part 2 of 2, WS1 Wasco-Shafter and WS2 Wasco-Shafter: These sections do not show the Renfro Road and West Beltway grade separations of the HST alignment as previously discussed, revise accordingly.

Land Use

L005-17 The document incorrectly identifies and cites the various Kern County land use documents. There are two General plans in the 8200 square miles in Kern County. The Kern County and City of Bakersfield Metropolitan Bakersfield General Plan is a jointly managed general plan for 409 square miles in the valley that includes unincorporated Kern County and the City of Bakersfield. The second is the Kern County General Plan which includes the unincorporated areas outside the Metropolitan Bakersfield Area. The policies for each are distinct and in some cases different and the DEIR/EIS needs to be revised to address these differences.

Various references to the results of the San Joaquin Valley Blueprint process are also inaccurate. On page S-12, it states "The eight San Joaquin Valley counties that participated in the San Joaquin Valley Blueprint planning process developed a forecast of farmland conversion to nonagricultural uses by 2050 based on current development patterns." An amount is then given of 326,000 acres of farmland. This statement is incorrect. While Kern County did participate in the Blueprint process, the modeling that was completed by the various Council of Governments was not formally ratified or adopted as accurate growth projections for farmland conversion. Instead they were simply "what if" scenarios not based on the general plan policies or even market conditions for agricultural commodities and use of farmland. A number of such statements regarding the San Joaquin Valley Blueprint results are included in various parts of the document and are used to represent purported growth forecasts and policy for Kern County. We

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Page 6

L005-18 object to this use of a hypothetical regional planning process to substitute for a reasoned analysis of impacts that is location specific for a project level document. The eight counties of the San Joaquin Valley while having common land use issues have different growth policies and projections on growth for land use impacts need to be discussed separately.

Future Comments

L005-19 Staff will be providing additional comments on the document during the recirculation of the Revised EIR/EIS. The public notice notes that "…only comments submitted during the official comment periods… will be treated as formal comments and subsequently responded to, in writing, as part of the Final EIR/EIS." While this statement is accurate under the CEQA guidelines it leaves the public with the impression that written and oral comments cannot be submitted outside those comment periods. That is contrary to CEQA case law and inappropriately limits public involvement. If a public hearing is held on the certification of the DEIR/EIS by the HSR authority then public comment, both written and oral, must be taken and considered in the final decision. A clarification of this matter should be included in all future notifications.

Citizen Comments

Attached are comments from citizens on the proposed High Speed Train that have been submitted to the Kern County Board of Supervisors and the Planning and Community Development Department. These are submitted for the record and require individual responses under CEQA.

Thank you for the opportunity to provide comment on this important investment in California's future.

Sincerely,

LORELEI H. OVIATT, AICP, Director
Kern County Planning & Community Development Department

LHO:jb
I:\adm\lorelei\HSR comment Oct 13, 2011
Attachments
cc: Kern County Board of Supervisors
County Administrative Office
County Counsel
Grand Jury
City of Bakersfield
Kern Council of Government

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

Ms. Lorelei Oviatt,

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

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

L005-20 The Authority does not have to destroy so much of our community to build their project. The authority could easily locate the rail alignment and station location somewhere outside the established Bakersfield community. Relocation of the station and rails outside our established neighborhoods would eliminate most if not all of the negative impacts that the Authority's current alignment plans will cause our community. It is worthy of note that the Authority's plan for the rail alignment in the Fresno area does not pass directly through their downtown community and due to that reasonable alignment; the project negatively affects far fewer citizens.

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

L005-21 I oppose the H.S.R. Authority's common practice of not sufficiently informing property owners that their properties are at risk of demolition or value degradation by the project. I have never been informed by the Authority that my family residence is directly in the middle of their planned alignment. I have never been informed by the Authority that my two business locations are directly in the middle of their planned alignment. I was informed of this by a citizen group located in the bay area on September 8th of this year. This notification was nearly halfway into the EIR/EIS review and comment period.

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

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

L005-22 I currently oppose the project as planned due to the insufficient amount of funds that are available to effectively begin construction of the project and I currently oppose the project because the amount of funds that will be necessary to complete the project have been grossly underestimated and the source of future funding is undetermined. I oppose the project because the unjustifiably high cost of the project will eliminate funding of important infrastructure projects well into the future.

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

L005-23 The individuals working for the Federal agencies that are planning and managing the High Speed Rail project are accountable to no one in the state of California and they are unnecessarily harming the interests of Californians and a large number of the Bakersfield area citizens that you serve. The Federally managed H.S.R. project has inexplicably exempted itself from our California Environmental Quality Act or CEQA standards and the Authority has ignored our California environmental standards as it drafted the project's EIR/EIS documents. These are environmental standards that all other projects located in the state of California are required to meet. The Authority's exemption of the project from our California state environmental standards is inexcusable. The Authority must be held accountable for this inexcusable omission.

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

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

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

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

Respectfully Submitted,

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

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

Presbytery of San Joaquin

438 S. Locust St. • Visalia, CA 93277

PHONE: (559) 739-0168 FAX: (559) 741-9341
WEB: www.sjpresbytery.org EMAIL: office@sjpresbytery.org

Kern County Planning and Community Development Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301

September 21, 2011

Reference: **GPA #8, Map #102-29; ZCC #38, Map #102-29**
PD Plan #27, Map #102-29

To Whom It May Concern,

I write on behalf of the Bakersfield Korean Presbyterian Church located at 1601 Art Street in Bakersfield, and on behalf of the Presbytery of San Joaquin. The Presbytery is the supervising body for the Bakersfield Korean Presbyterian Church and is ultimately responsible for all real property controlled by our member congregations.

It has come to our attention that the rail line for the California High Speed Rail Project will cut directly through the location of the building of the Korean Church. Losing this facility will harm this congregation in many ways. The process of locating new property and building or renovating a new worship facility is a tremendous hardship for a congregation. They have only recently finished their work in their current facility. While we know that the church will be paid for the property we are not at all sure that the payment will be enough to relocate.

In addition to the difficulty of relocating their facility such a forced move would be extremely disruptive to their church community. Most of the members of the church live close by the current location. For the church meeting place to be moved to another place in Bakersfield would result in the loss of members who would not want to drive a distance to worship and meetings.

I am aware that there are other routes being considered by the High Speed Rail Commission. I urge you to look upon the existing businesses and churches, such as Bakersfield Korean Presbyterian Church, and see the extreme difficulty that would be forced upon them by this route for the High Speed Rail line. Please choose another route.

Blessings,

Alexander C. Brown

Rev. Alexander Brown, General Presbyter and Stated Clerk
Presbytery of San Joaquin
executive@sjpresbytery.org

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
Bakersfield, CA 93301

To Whom It May Concern:

This is regarding file number: GPA #8, Map #102-29;
ZCC #38, Map #102-29;
PD Plan #27, Map # 102-29

I am writing in protest against the proposed high speed rail line of its geographical placement as it is going to destroy a Bakersfield Historic building……namely the Korean Presbyterian Church.

It is in my prayers that you will seek to divert this high speed line in a direction that will not distroy this special building.

Sincerely,

Sandra M. Schew
453 6th St.
Orange Cove, CA 93646

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
Bakersfield, CA 93301

To Whom It May Concern:

This is regarding file number: GPA #8, Map #102-29;
ZCC #38, Map #102-29;
PD Plan #27, Map # 102-29

I am writing in protest against the proposed high speed rail line of its geographical placement as it is going to destroy a Bakersfield Historic building……namely the Korean Presbyterian Church.

It is in my prayers that you will seek to divert this high speed line in a direction that will not distroy this special building.

Sincerely,

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
Bakersfield, CA 93301

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Sincerely,

Roger Radtke

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
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Sincerely,

Ethel Hamler

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
Bakersfield, CA 93301

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Sincerely,

Erma Radtke

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
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Sincerely,
Beverly A. Scheer
453 6th Street
Orange Cove CA
93646-2134

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
Bakersfield, CA 93301

To Whom It May Concern:

This is regarding file number: GPA #8, Map #102-29;
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It is in my prayers that you will seek to divert this high speed line in a direction that will not distroy this special building.

Sincerely,
Rev. Randall R. Scheer
453 6th Street
Orange Cove, CA 93646-2134
(559) 250-0374 cell

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

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

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

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

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

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

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

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

citizens at a huge legal and economic disadvantage. The Authority's common practice of not properly informing impacted citizens of the state is inexcusable, unethical and betrays the citizens of the state of California.

The EIR/EIS documents are too voluminous and complicated for the public to be able to review, understand and comment on in the insufficiently brief 60 day review and comment period:

NEPA and CEQA standards mandate that EIR and/or EIS documents must be written in plain language so that the public can understand the meaning of the documents. *The EIR is not drafted in language that common citizens can understand.* The technical jargon and technical engineering drawings make the document too complex for the general public to be able to understand.

NEPA and CEQA standards also mandate that an EIR/EIS draft document should be no more than 105 pages in length but they allow an extremely complex proposal such as the HSR project to be up to 300 pages in length. The EIR/EIS document has over 3,300 pages of complex and confusing data. *The EIR/EIS documents are too voluminous, technically difficult and confusing for citizens to review and effectively respond to in the insufficiently brief 60 day review and comment period.*

The Authority is planning to construct the rail alignment and station directly through the heart of our long established Bakersfield community. The destruction caused by the project to our Bakersfield community will be unacceptably severe. The multitude of extremely negative impacts that the project will cause our community cannot possibly be mitigated:

The Authority's current plan to construct the HSR project directly through the heart of our long established city will unnecessarily destroy an unacceptable number of Bakersfield City and surrounding area's infrastructure, homes, churches, businesses and schools. Our city corporation yard is affected. Our police garage is affected. Our oldest Bakersfield landmark - Bakersfield High School is affected. Our Rabobank Convention Center is affected. Our Mercy Hospital is affected. Our city staff parking lot is affected.

As planned the project will destroy as many as 240 homes in our relatively small community. It will displace as many as 730 residents. The project will destroy as many as 280 businesses affecting as many as 1,350 jobs and it will destroy as many as 8 churches in our community. These are an unacceptable number of negative impacts that will be unnecessarily caused to our Bakersfield community by the Authority's poor planning. The project will destroy our local culture and our community's quality of life. Our livelihoods, businesses, homes and infrastructure are being threatened by the Authority's plan to unnecessary cause such negative impacts to our community.

The Authority does not have to destroy so much of our community to build their project. ***The authority could easily relocate the rail alignment and station location somewhere outside the established Bakersfield community. Relocation of the station and rails outside our established neighborhoods would eliminate all of the negative impacts that the Authority's current alignment plans will cause our community.*** *The Authority must do what is necessary to relocate the rail alignments to a less destructive location outside of our established Bakersfield community.*

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

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

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

Physically divide an established community.

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

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

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

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

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

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

Speed Rail project will cause our Bakersfield community is to relocate the rail and station location to an area outside our metropolitan community.

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

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

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

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

The EIR/EIS documents are poorly written and confusing:

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

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

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

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

The description of the High Speed Rail project is incomplete:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

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

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

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

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

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

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

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

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

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

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

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

The EIR document acknowledges that the City of Bakersfield has adopted redevelopment plans for the vicinity of Bakersfield's proposed HSR station but the EIR does not adequately address the direct negative impacts to the 160 unit South Mill Creek affordable housing project; nor does the EIR/EIS accurately address the economic impact on the redevelopment project as a whole.

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

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

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

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

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

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

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

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

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

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

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

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

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

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

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

End of comment

Thank you

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
Bakersfield, CA 93301

To Whom It May Concern:

This is regarding file number: GPA #8, Map #102-29;
ZCC #38, Map #102-29;
PD Plan #27, Map # 102-29

I am writing in protest against the proposed high speed rail line of its geographical placement as it is going to destroy a Bakersfield Historic building.....namely the Korean Presbyterian Church.

It is in my prayers that you will seek to divert this high speed line in a direction that will not distroy this special building.

Sincerely,

Dawn Hayhurst

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

Chinmaya Mission Bakersfield

September 27, 2011

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

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

Dear Sir/Madam:

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

1. Introduction

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

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

2. Background on Church

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

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

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

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

3. Environment Impact

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

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

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

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

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

Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

Fresno to Bakersfield Draft EIR/EIS Comment
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would be fully displaced and parts of Chinmaya Mission property would be displaced)." See EIR at 3.12-52.

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

4. Additional Concerns

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

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

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

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

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

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

Thank you for your time and consideration.

Yours very truly,

CHINMAYA MISSION BAKERSFIELD

By:

_____

Anil Mehta, M.D.,
President

Response to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011)

L005-1

The Authority believes that the map book provided as Appendix 3.1-A of the EIR/EIS and maps provided at the public workshops have provided the public with the type of information that they could use to identify whether an alternative would directly impact their property.

L005-2

The methodology and detailed emission air quality estimates are available in the Air Quality Technical Report (Authority and FRA 2012e), as part of the Revised DEIR/Supplemental DEIS. The Air Quality Technical Report is available on the California High-Speed Train Authority's website.

L005-3

Refer to Standard Response FB-Response-GENERAL-24.

The boarding volumes cited are the largest reasonable forecast to allow for conservative evaluation of potential impacts in the environmental review. The scenario assumes the full 800-mile high-speed rail system is built, including service to San Diego and Sacramento as well as to the Los Angeles Basin and the Bay Area. It also assumes the lower HST fare scenario referred to as “50% of air fare,” and that the full system would be in place in 2035. The details of these assumptions and the background of the forecasts can be found at the Authority's website. As a perspective on the magnitude of the forecast, HST boardings at Bakersfield represent about 6% of all trips from Kern County to other parts of the state forecast to be made in 2030 *(Source: PB calculation from 2009-2010 Deliverables CS Run 01Y... for Full System 2030)*.

The Revised 2012 Business Plan (Authority 2012a) presents a medium-case forecast with phased construction and opening of service that shows about 650 passengers boarding per day at Bakersfield in 2022 (the first year of the Initial Operation Segment), growing to 3,600 boardings per day in 2035 for the Blended Phase 1 service. For detail on these forecasts, see the Revised 2012 Business Plan and supporting documents at the Authority's website.

Further discussion of the different forecasts for the project can be found in Standard Response FB-Response-GENERAL-24.

L005-4

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

All roads that cross the alignment were evaluated for average daily traffic, and roads that serve high volumes of traffic or are otherwise important routes were considered for overcrossings. Roads proposed to be closed are those estimated to have volumes fewer than 500 vehicles per day, with crossings available on alternative detour routes that would add 1 mile or less in out-of-direction travel to a trip. These crossings, requiring considerable investment in structures at each location, are intended to offset or minimize the disruption of traffic overall. Impacts from each individual road closure would be an inconvenience but would not restrict continued access, and impacts were therefore determined to be less than significant based on the continued availability of access.

All road crossings, whether proposed to remain open or closed, are listed in Chapter 2, Appendix A, Road Crossings.

L005-5

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

L005-6

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

L005-7

The validated 2006 and projected 2035 vehicle miles traveled (VMT) numbers for Kern County are taken from the *Final Conformity Analysis for the 2011 Federal Transportation Improvement Program and 2011 Regional Transportation Plan,* published by the Kern Council of Governments (Kern COG) on July 15, 2010 (Kern COG 2010). The validated 2006 base year estimate is found on page 27 of the analysis; the projected 2035 estimate is found in Table 2-2. No VMT annual growth rate is included in Table 1-3 of the EIR/EIS because none is available from the cited Kern COG report.

Response to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

L005-8

The California Department of Finance and Woods and Poole Economics, Inc. provided the Kern County Year 2010 and 2035 Population and Employment estimates, as cited in Table 2-4 of Chapter 2 of the Revised DEIR/Supplemental DEIS.

L005-9

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

L005-10

The Bakersfield Station analysis was based on a study area of intersections and roadway segments located within a sphere of influence that was determined in consultation with City of Bakersfield staff. Within the study area as a whole, the a.m. and p.m. commute times would be the peak travel times within the intersections and roadway segments of the station study area.

L005-11

In the Final EIR/EIS, Table 3.2-10 shows that Int# 41 operates at level of service (LOS) C, Int# 46 operates at LOS C, and Int# 47 operates at LOS F in the a.m., and Int# 41 operates at LOS F, Int# 46 operates at LOS E, and Int# 47 operates at LOS E in the p.m.

L005-12

The Revised DEIR/Supplemental DEIS has been amended to refer to the Golden Empire Transit District as an independent entity.

L005-13

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

All roads that cross the alignment were evaluated for average daily traffic, and roads that serve high volumes of traffic or are otherwise important routes were considered for overcrossings, whether they were in a "rural" area or not. Roads with volumes under 500 vehicles per day were considered for closure because the vehicles could use other crossings on alternative detour routes that would add 1 mile or less in out-of-direction

L005-13

travel or less to a trip. This change would be an inconvenience but would not restrict continued access.

L005-14

Any roadway repairs or improvements will be constructed in accordance to Caltrans or Kern County requirements and policy (if applicable).

L005-15

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

L005-16

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

L005-17

The Authority and FRA revised the naming convention and area for the *Kern County General Plan* (Kern County Planning Department 2009) and the *Metropolitan Bakersfield General Plan* (City of Bakersfield and Kern County 2007) in the Revised DEIR/Supplemental DEIS as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. The correct terminology is used in Section 3.13, Station Planning, Land Use and Development, of the Final EIR/EIS.

L005-18

The Authority and FRA have refined the definition and understanding of the San Joaquin Valley Blueprint in the Revised DEIR/Supplemental DEIS as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. The correct terminology is used in Section 3.13, Station Planning, Land Use, and Development, of the Final EIR/EIS.

L005-19

In accordance with the CEQA law, oral and written comments received at the public hearing held on certification of the Final EIR/EIS will be taken into consideration in making a decision on the project.

Response to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - Continued

L005-20

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

L005-21

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

L005-22

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

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

The conceptual HST cost estimates prepared for each of the study alternatives were developed by utilizing recent bid data from large transportation projects in the western United States and by developing specific, bottom-up unit pricing to reflect common high-speed rail elements and construction methods with an adjustment for Central Valley labor and material costs. All material quantities are estimated based on a 15% level of design for the Fresno to Bakersfield Section. This level of design has generally defined at-grade or elevated profiles, structure types, placement of retaining walls, and earth fill. HST stations are still conceptual, but roadway and utility relocations have been identified, and power substations have been sized and located.

The costs include the total effort and materials to construct the Fresno to Bakersfield Section, including modifications to roadways required to accommodate HST grade-separated guideways. It should be noted that the capital cost estimate reflects only HST-related infrastructure improvements and does not include costs associated with the No Project Alternative.

Right-of-way costs were estimated based on the 15% design and are provided in the

L005-22

Fresno to Bakersfield Section Preliminary Right-of-Way Requirements Report (Authority 2012b). However, as the design of the project evolves, the right-of-way limits will be reassessed to reflect refined property acquisition needs. As a result, property acquisition costs are estimated in broad categories (i.e., urban, suburban, and rural, and by density level) rather than relying on a parcel-by-parcel assessment at this phase of project development. Right-of-way costs include the estimated cost to acquire properties needed for the future HST right-of-way, but do not include costs associated with temporary easements for construction that are assumed to be part of allocated contingencies added to right-of-way acquisition costs.

The California voters elected to pass Proposition 1A to fund the California HST System.

L005-23

Refer to Standard Response FB-Response-GENERAL-27.

Since issuing the Draft EIR/EIS, the Authority has held 16 public meetings throughout the southern San Joaquin Valley to assist the public in identifying specific locations of project facilities relative to property boundaries. The Draft EIR/EIS and Revised DEIR/Supplemental DEIS also contains a map book showing permanent and temporary project impacts relative to parcel boundaries. That information is also available on the Authority website and has been provided on a CD to anyone who has requested it. This information has provided the public ample opportunity to identify properties that could be affected by project alternatives.

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Lorelei H. Oviatt, AICP, Director
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DEVELOPMENT SERVICES AGENCY

Planning and Community Development
Engineering, Surveying and Permit Services
Roads Department

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October 13, 2011 FILE: High Speed Rail

California High Speed Rail Authority
Fresno to Bakersfield Draft EIR/EIS Comment
770 L Street, Suite 800
Sacramento, California 95814

RE: **Comments on Draft Project Environmental Impact Report /Statement for the Fresno to Bakersfield Section High Speed Train (SCH# 2009091126)**

Dear Mr. Abercrombie,

The Kern County Planning and Community Development Department appreciates the opportunity to provide comments on the Draft EIR/EIS for the Fresno to Bakersfield Section of the High Speed Train. The system includes major components in Kern County including the Bakersfield Station, potential locations for a Heavy Maintenance Facilities and the railway alignments. The purpose of CEQA and NEPA is to provide an opportunity for the general public as well as other agencies with specific expertise to review the described project and analysis and provide comments and suggestions for mitigation and the avoidance or reduction of impacts. The courts have directed and the CEQA guidelines have reflected six separate policy grounds that justify the requirement that lead agencies must seek and respond to public comments: sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns and soliciting counter proposals (CEQA Guidelines 15200). The Authority, as lead agency, has chosen to present two sections of the project in two separate but related documents with formats that are not consistent. These two sections of the system involve impacts and interests to over 2.2 million Central Valley residents and deserve a robust and careful public review process to ensure compliance with the purpose of CEQA and NEPA, not merely the legal requirements. In addition these documents are presented as project level rather than program level documents which require a greater level of assessment and review.

Public Notice and Review

The DEIR/EIS is presented as a project level document for the entire 114 miles of alignments and related infrastructure. Unlike other development projects, this project has not been initiated by a specific property owner and, therefore, affected property owners have no information or expectation that they would be included in the project description and that their property might be used for a track alignment or be adjacent to the alignment. Under CEQA, all members of the public hold a "privileged position " in the CEQA process and certainly property owners who

October 13, 2012
Page 2

may lose businesses or be relocated have an even higher fundamental right to know if and how the project will impact them, what are the impacts on the surrounding environment and how can they participate in the formulation of feasible alternatives and appropriate mitigation. " [A}] paramount consideration is the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision" (Environment Planning and Information Council v. County of El Dordo (3d Dist. 1982) 131 Cal App.3d).

The foundation of the CEQA/NEPA process is an accurate project description that provides for meaningful public participation. This Draft EIR/ EIS is deficient and flawed in not providing the affected property owners notification or effective tools for determining if they are impacted by the proposed project. A detailed search of the following chapters (Summary, Chapter 1.0, 2.0 or 3.1-Introduction) shows no reference to any location or diagram where a property owner could look to determine if their house, business or church would be required to be removed for an alignment. No direct link or other reference is provided in the public notices posted on the HSR website or provided to local government agencies to assist a citizen in determining how their property is affected other than direction to the Draft EIR/EIS volumes. Further the infrastructure components shown on Page 2-8 (At-Grade Profile, retained – Fill Profile, retained cut profile, Elevated profile) are not linked to specific properties so that the public can understand how the project would look at a specific location.

The only location of information directly relevant to an attempt to notify the public is in the Table of Contents (page viii), Volume II – Technical Appendices Appendix 3.1-1 – Parcels within HST Footprint. This volume comprised of 229 individual 11 X 17 colored sheets includes an alignment "footprint" using two colors: orange for Permanent impact and purple for Temporary impact and Assessor Parcel numbers superimposed on an aerial. A small square labeled "sheet overview" is included on each page. A disclaimer is located on each page which reads "PRELIMINARY DRAFT/SUBJECT TO CHANGE-HST ALIGNMENT IS NOT DETERMINED. The numbers and names of streets are done at a size and color that is difficult to read. These pages do not contain any other information or an index to that information that a citizen or staff looking for their property would need: county or city location, Section, Township and Range, or description of type of infrastructure component anticipated. Further, for purposes of CEQA, there is no information on this or any other map showing what type of business, structures or industries are under or adjacent to the alignment. In conjunction with the disclaimer, it is unclear how this qualifies as a project level document with a stable, finite project description as required by CEQA. Without specific information generated by the DEIR/EIS, the public is left to provide their own analysis back to the authority, based on their local knowledge, on what they think the impacts will be. It is the responsibility of the lead agency to provide that analysis and propose mitigation or alternatives to address specific impacts. That detailed analysis has not been provided in this document.

To provide the level of public notification required by CEQA for this project, Kern County requests for the next circulation of the Revised EIR/EIS that an online database be created that

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

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Page 3

allows a citizen to input an Assessor Parcel Number, address, intersection or Section, Township and Range and then links to a map showing the alignment and infrastructure components for that area. This website address should be included in the next public notification for circulation and an explanation for its use provided.

Air Quality and Global Climate Change

Without this site specific effort as well as an expansion of the analysis, this DEIR/EIS cannot be considered a project level document under CEQA. An example of the lack of specific detail is located in Chapter 3.3. Air Quality and Global Climate Change. The chapter begins with a reference to a technical document that is not included in the DEIR/EIS and is not located online: Fresno to Bakersfield Section: Air Quality Technical Report although it is cited in the summary of sources for the document. Yet Chapter 3.3 contains no specific quantification of amounts for construction emissions (Table 3.3-21) and no analysis at all for operational emissions. Instead the chapter includes simplified "yes or no" statements related to the construction emissions exceedance of the adopted thresholds. Such a presentation assumes that the public has no need to verify the methodology and calculations used for the air modeling and that the magnitude of the exceedance is irrelevant to informed decision-making. This chapter needs to include actual amounts in tons per year of the construction emissions and operational emissions, including the indirect air quality impacts of the employees driving to the trains as operators and the ridership. Further given the disclaimer on the alignment footprint Volume II – Technical Appendices Appendix 3.1-1, the assumptions for the methodology (ex. calculation of the trip lengths and mix for construction workers to each location) should be specifically discussed in the DEIR/EIS. Finally, the omission of the technical source document on air quality from the circulation of the DEIR/EIS deprives the public of fundamental information necessary for a complete evaluation of the accuracy of the information presented and meaningful comments. This and all source documents of a technical matter should be circulated along with a clear location for any programmatic documents that are being referenced in the DEIR/EIS.

Transportation

The Kern County Roads Department has reviewed the DEIR/EIS and provided the following technical comments.

1. S.5.3 Station Area Development, Page S-8: *The project is estimated to bring 8,400 and 9,200 daily passengers to Fresno and Bakersfield respectively...* Please provide the background information for the ridership as the volumes appear to be relatively high.

2. Table S-2, Page S-23: Contains similar statements for the various categories that do not coincide with the results. For example, the following statement is in regard to the total number of permanent road closures, which states "*Construction Impacts - There are no*

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Page 4

significant differentiating construction impacts between alternatives for transportation and traffic." That is incorrect as the responses to the question vary significantly. How can the variation in the number of road closures between scenarios vary from 15 to 20 roads without that being a significant difference? Please clarify.

3. Table S-3, Page S-27: Contains similar statements for the various categories that are incorrect. For example, the following states "*There are no construction impacts for transportation and traffic.*" This incorrect as there is no possible way to construct this project without impacting the surrounding roadway network with construction traffic, road closures and the various construction activities. In addition, the mitigation measures provided do not contain the necessary specifics to determine the level of significance. Please explain.

4. Table S-4, Page S-40: See item #3 above with respect to the mitigation measures.

5. Table 1-3, Page 1-12: The Annual Growth Rate (%) for Kern County was not provided, but a Year 2035 Projection was generated. Please explain how was the projection calculated?

6. Table 2-4, Page 2-34: Kern County Year 2010 and Year 2035 Population and Employment estimates and projections appear to be higher than those modeled by KernCOG. Please verify.

7. 2.8.2 Pre-Construction Activities, Page 2-97: A Traffic Control Plan, which may include CHP escorts, and any necessary encroachment permits should be submitted to the appropriate agency of jurisdiction for approval prior to any Construction Activities. Project construction timing may coincide with other neighboring projects, which will require coordination of construction traffic to avoid possible conflicts during the project construction phases.

8. Table 3.2-5, Page 3.2-8: Provides AM and PM Peak Hour in and out volumes that do not reflect the characteristics of a 24/7 operation. The volumes split are more in line with those of a single shift per day rather than an operation with three shifts per day. Provide a 50/50 split as that would more accurately reflect the impacts upon the surrounding roadways. If the peak hour periods vary from those that are typically analyzed, please clarify. In addition, the paragraph following the table contains statements contrary to the information provided within the table. Primarily the difference between totals shown in the table versus those provide in the paragraph.

9. Table 3.2-9, Page 3.2-33: Intersection 41 (Union Ave/Golden State Ave/21st St) is shown to be worse than both Intersections 46 (SR 178/SR99 Ramps/Buck Owens Blvd) & 47 (Oak St/SR 178), please verify.

10. Section E, Page 3.2-33: Incorrectly states that the City of Bakersfield operates the Golden Empire Transit District, please revise to show the Golden Empire Transit District as a separate entity.

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

11. Table 3.2-23, Pages 3.2-69 – 3.2-74 and Table 3.2-31, Pages 3.2-89 – 3.2-93: These tables seem to indicate that the only intersections analyzed were in the City of Bakersfield. What County/unincorporated roads and intersections were analyzed, and what is the mitigation necessary to maintain the current level of service?

12. Section 3.2.6 Mitigation measures Item 6, Page 3.2-82: Protection of Public Roadways during Construction. This section should include the requirement to enter into a secured agreement with the Kern County Roads Department to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the Caltrans and/or Kern County.

13. Section D – Roadway and Grade Separation Plans. Part 2 of 2, Page 162 on the PDF, sheet 2 of 5: Please explain how the lengthening of Rosedale Highway/State Route 58 will be accomplished to accommodate the High Speed Train, without a major disruption in vehicle traffic. This is specific to Comment #3, as this is a heavily travelled route.

14. Section D – Roadway and Grade Separation Plans, Part 2 of 2, WS1 Wasco-Shafter and WS2 Wasco-Shafter: These sections do not show the Renfro Road and West Beltway grade separations of the HST alignment as previously discussed, revise accordingly.

Land Use

The document incorrectly identifies and cites the various Kern County land use documents. There are two General plans in the 8200 square miles in Kern County. The Kern County and City of Bakersfield Metropolitan Bakersfield General Plan is a jointly managed general plan for 409 square miles in the valley that includes unincorporated Kern County and the City of Bakersfield. The second is the Kern County General Plan which includes the unincorporated areas outside the Metropolitan Bakersfield Area. The policies for each are distinct and in some cases different and the DEIR/EIS needs to be revised to address these differences.

Various references to the results of the San Joaquin Valley Blueprint process are also inaccurate. On page S-12, it states "The eight San Joaquin Valley counties that participated in the San Joaquin Valley Blueprint planning process developed a forecast of farmland conversion to nonagricultural uses by 2050 based on current development patterns." An amount is then given of 326,000 acres of farmland. This statement is incorrect. While Kern County did participate in the Blueprint process, the modeling that was completed by the various Council of Governments was not formally ratified or adopted as accurate growth projections for farmland conversion. Instead they were simply "what if" scenarios not based on the general plan policies or even market conditions for agricultural commodities and use of farmland. A number of such statements regarding the San Joaquin Valley Blueprint results are included in various parts of the document and are used to represent purported growth forecasts and policy for Kern County. We

object to this use of a hypothetical regional planning process to substitute for a reasoned analysis of impacts that is location specific for a project level document. The eight counties of the San Joaquin Valley while having common land use issues have different growth policies and projections on growth for land use impacts need to be discussed separately.

Future Comments

Staff will be providing additional comments on the document during the recirculation of the Revised EIR/EIS. The public notice notes that "…only comments submitted during the official comment periods… will be treated as formal comments and subsequently responded to, in writing, as part of the Final EIR/EIS." While this statement is accurate under the CEQA guidelines it leaves the public with the impression that written and oral comments cannot be submitted outside those comment periods. That is contrary to CEQA case law and inappropriately limits public involvement. If a public hearing is held on the certification of the DEIR/EIS by the HSR authority then public comment, both written and oral, must be taken and considered in the final decision. A clarification of this matter should be included in all future notifications.

Citizen Comments

Attached are comments from citizens on the proposed High Speed Train that have been submitted to the Kern County Board of Supervisors and the Planning and Community Development Department. These are submitted for the record and require individual responses under CEQA.

Thank you for the opportunity to provide comment on this important investment in California's future.

Sincerely,

LORELEI H. OVIATT, AICP, Director
Kern County Planning & Community Development Department

LHO:jb
I:\adm\lorelei\HSR comment Oct 13, 2011
Attachments
cc: Kern County Board of Supervisors
County Administrative Office
County Counsel
Grand Jury
City of Bakersfield
Kern Council of Government

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

Ms. Lorelei Oviatt,

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

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

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

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

I oppose the H.S.R. Authority's common practice of not sufficiently informing property owners that their properties are at risk of demolition or value degradation by the project. I have never been informed by the Authority that my family residence is directly in the middle of their planned alignment. I have never been informed by the Authority that my two business locations are directly in the middle of their planned alignment. I was informed of this by a citizen group located in the bay area on September 8th of this year. This notification was nearly halfway into the EIR/EIS review and comment period.

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

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

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

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

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

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

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

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

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

Respectfully Submitted,

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

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

Presbytery of San Joaquin

438 S. Locust St. • Visalia, CA 93277

PHONE: (559) 739-0168 FAX: (559) 741-9341
WEB: www.sjpresbytery.org EMAIL: office@sjpresbytery.org

Kern County Planning and Community Development Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301

September 21, 2011

Reference: **GPA #8, Map #102-29; ZCC #38, Map #102-29**
PD Plan #27, Map #102-29

To Whom It May Concern,

I write on behalf of the Bakersfield Korean Presbyterian Church located at 1601 Art Street in Bakersfield, and on behalf of the Presbytery of San Joaquin. The Presbytery is the supervising body for the Bakersfield Korean Presbyterian Church and is ultimately responsible for all real property controlled by our member congregations.

It has come to our attention that the rail line for the California High Speed Rail Project will cut directly through the location of the building of the Korean Church. Losing this facility will harm this congregation in many ways. The process of locating new property and building or renovating a new worship facility is a tremendous hardship for a congregation. They have only recently finished their work in their current facility. While we know that the church will be paid for the property we are not at all sure that the payment will be enough to relocate.

In addition to the difficulty of relocating their facility such a forced move would be extremely disruptive to their church community. Most of the members of the church live close by the current location. For the church meeting place to be moved to another place in Bakersfield would result in the loss of members who would not want to drive a distance to worship and meetings.

I am aware that there are other routes being considered by the High Speed Rail Commission. I urge you to look upon the existing businesses and churches, such as Bakersfield Korean Presbyterian Church, and see the extreme difficulty that would be forced upon them by this route for the High Speed Rail line. Please choose another route.

Blessings,

Alexander C. Brown

Rev. Alexander Brown, General Presbyter and Stated Clerk
Presbytery of San Joaquin
executive@sjpresbytery.org

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
Bakersfield, CA 93301

To Whom It May Concern:

This is regarding file number: GPA #8, Map #102-29;
ZCC #38, Map #102-29;
PD Plan #27, Map # 102-29

I am writing in protest against the proposed high speed rail line of its geographical placement as it is going to destroy a Bakersfield Historic building……namely the Korean Presbyterian Church.

It is in my prayers that you will seek to divert this high speed line in a direction that will not distroy this special building.

Sincerely,

Sandra M. Schew
453 6th St.
Orange Cove, CA 93646

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
Bakersfield, CA 93301

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Sincerely,

Nancy Singer

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
Bakersfield, CA 93301

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Sincerely,

Roger Radtke

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
Bakersfield, CA 93301

To Whom It May Concern:

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Sincerely,

Esther Hamlin

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
Bakersfield, CA 93301

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Sincerely,

Erma Radeke

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
Bakersfield, CA 93301

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It is in my prayers that you will seek to divert this high speed line in a direction that will not distroy this special building.

Sincerely,
Beverly A. Scheer
453 6th Street
Orange Cove CA
93646-2134

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
Bakersfield, CA 93301

To Whom It May Concern:

This is regarding file number: GPA #8, Map #102-29;
ZCC #38, Map #102-29;
PD Plan #27, Map # 102-29

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It is in my prayers that you will seek to divert this high speed line in a direction that will not distroy this special building.

Sincerely,
Rev. Randall R. Scheer
453 6th Street
Orange Cove, CA 93646-2134
(559) 250-0374 cell

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

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

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

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

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

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

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

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

citizens at a huge legal and economic disadvantage. The Authority's common practice of not properly informing impacted citizens of the state is inexcusable, unethical and betrays the citizens of the state of California.

The EIR/EIS documents are too voluminous and complicated for the public to be able to review, understand and comment on in the insufficiently brief 60 day review and comment period:

NEPA and CEQA standards mandate that EIR and/or EIS documents must be written in plain language so that the public can understand the meaning of the documents. *The EIR is not drafted in language that common citizens can understand.* The technical jargon and technical engineering drawings make the document too complex for the general public to be able to understand.

NEPA and CEQA standards also mandate that an EIR/EIS draft document should be no more than 105 pages in length but they allow an extremely complex proposal such as the HSR project to be up to 300 pages in length. The EIR/EIS document has over 3,300 pages of complex and confusing data. *The EIR/EIS documents are too voluminous, technically difficult and confusing for citizens to review and effectively respond to in the insufficiently brief 60 day review and comment period.*

The Authority is planning to construct the rail alignment and station directly through the heart of our long established Bakersfield community. The destruction caused by the project to our Bakersfield community will be unacceptably severe. The multitude of extremely negative impacts that the project will cause our community cannot possibly be mitigated:

The Authority's current plan to construct the HSR project directly through the heart of our long established city will unnecessarily destroy an unacceptable number of Bakersfield City and surrounding area's infrastructure, homes, churches, businesses and schools. Our city corporation yard is affected. Our police garage is affected. Our oldest Bakersfield landmark - Bakersfield High School is affected. Our Rabobank Convention Center is affected. Our Mercy Hospital is affected. Our city staff parking lot is affected.

As planned the project will destroy as many as 240 homes in our relatively small community. It will displace as many as 730 residents. The project will destroy as many as 280 businesses affecting as many as 1,350 jobs and it will destroy as many as 8 churches in our community. These are an unacceptable number of negative impacts that will be unnecessarily caused to our Bakersfield community by the Authority's poor planning. The project will destroy our local culture and our community's quality of life. Our livelihoods, businesses, homes and infrastructure are being threatened by the Authority's plan to unnecessary cause such negative impacts to our community.

The Authority does not have to destroy so much of our community to build their project. ***The authority could easily relocate the rail alignment and station location somewhere outside the established Bakersfield community. Relocation of the station and rails outside our established neighborhoods would eliminate all of the negative impacts that the Authority's current alignment plans will cause our community.*** *The Authority must do what is necessary to relocate the rail alignments to a less destructive location outside of our established Bakersfield community.*

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

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

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

Physically divide an established community.

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

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

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

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

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

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

Speed Rail project will cause our Bakersfield community is to relocate the rail and station location to an area outside our metropolitan community.

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

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

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

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

The EIR/EIS documents are poorly written and confusing:

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

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

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

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

The description of the High Speed Rail project is incomplete:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

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

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

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

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

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

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

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

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

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

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

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

The EIR document acknowledges that the City of Bakersfield has adopted redevelopment plans for the vicinity of Bakersfield's proposed HSR station but the EIR does not adequately address the direct negative impacts to the 160 unit South Mill Creek affordable housing project; nor does the EIR/EIS accurately address the economic impact on the redevelopment project as a whole.

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

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

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

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

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

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

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

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

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

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

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

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

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

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

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

End of comment

Thank you

Kern County Planning and Community Development Department
1700 "M" Street Suite 100
Bakersfield, CA 93301

To Whom It May Concern:

This is regarding file number: GPA #8, Map #102-29;
ZCC #38, Map #102-29;
PD Plan #27, Map # 102-29

I am writing in protest against the proposed high speed rail line of its geographical placement as it is going to destroy a Bakersfield Historic building.....namely the Korean Presbyterian Church.

It is in my prayers that you will seek to divert this high speed line in a direction that will not distroy this special building.

Sincerely,

Dawn Naylhurst

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

Chinmaya Mission Bakersfield

September 27, 2011

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

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

Dear Sir/Madam:

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

1. Introduction

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

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

2. Background on Church

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

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

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

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

3. Environment Impact

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

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

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

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

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

Attachment to Submission L005 (Lorelei Oviatt, AICP, Kern County Planning & Community Development Department, October 14, 2011) - 1311 Kern County_letter_10132011_markup.pdf - Continued

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

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

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

4. Additional Concerns

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

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

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

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

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

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

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

Thank you for your time and consideration.

Yours very truly,

CHINMAYA MISSION BAKERSFIELD

By:

_____

Anil Mehta, M.D.,
President

Submission L006 (James M. Beck, Kern County Water Agency, October 17, 2011)

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Division 6

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Division 7

James M. Beck
General Manager

Amelia T. Minaberrigarai
General Counsel

150.3 Environmental

October 11, 2011

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

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

To Whom It May Concern:

The Kern County Water Agency (Agency) would like to thank you for the opportunity to review and comment on the Fresno to Bakersfield Section High-Speed Train (Project) Draft Environmental Impact Report/Environmental Impact Statement (DPEIR/S).

The Agency was created by the California State Legislature in 1961 to contract with the California Department of Water Resources for State Water Project (SWP) water. The Agency has contracts with water districts throughout Kern County to deliver SWP water. The Agency also manages and/or is a participant in multiple groundwater banking projects, including the Kern Water Bank, Pioneer Property and Berrenda Mesa banking projects. Therefore, the Agency is uniquely qualified to provide comments on the Project.

L006-1 **Comment 1: The DPEIR/S does not include the Agency as a water supplier.**

Sections 3.6 and 3.8 of the DPEIR/S do not include the Agency in their discussions or listings of water suppliers in the region. The Agency's primary function is to serve as the SWP contractor for Kern County, as described above. The Agency is the largest water supplier in the region addressed by the DPEIR/S, with a service area of approximately 1.5 million acres. The Agency is responsible for the operation of critical water infrastructure in Kern County, including the CVC. Therefore, the DPEIR/S should be amended to include descriptions of the Agency and its affected infrastructure, as well as analyses of the potential impacts from the construction and operation of the Project.

L006-2 **Comment 2: The proposed route will significantly impact major water delivery infrastructure in Kern County.**

The DPEIR/S contains several figures detailing the proposed route through the City of Bakersfield. According to Figure 3.8-5, the "Bakersfield Urban Section

(661) 634-1400

Mailing Address
P.O. Box 58
Bakersfield, CA 93302-0058

Street Address
3200 Rio Mirada Dr.
Bakersfield, CA 93308

L006-2 Alignment B1" and the "Bakersfield Urban Section Alignment B2," the proposed route has the potential to significantly impact water supply infrastructure, including the Cross Valley Canal (CVC), CVC Pumping Plant No. 6, Friant-Kern Canal and Arvin-Edison Canal, located southeast of the intersection of Coffee Road and Brimhall Road. These facilities, which converge at this location, represent critical components of Kern County's water supply infrastructure. Additionally, the CVC extends east from this location and appears to be crossed by the proposed route at least once more. However, the DPEIR/S does not contain any discussion of the impacts to this infrastructure from either construction or operation of the Project.

Additionally, the Agency is not listed in Sections 3.6 or 3.8 describing water suppliers and their affected infrastructure. This is a substantial failure of the DPEIR, as the Agency and the infrastructure described above are used to supply water to approximately 800,000 acres of irrigated agriculture and an ever-growing urban population. Therefore, the DPEIR/S should be amended to include an analysis and discussion of the impacts to these facilities from the construction and operation of the Project.

L006-3 **Comment 3: The DPEIR/S does not include mitigation measures to compensate for the potential loss of water supplies due to the construction and/or operation of the Project.**

As described above, the construction and operation of the Project has the potential to temporarily, if not permanently, impact the operation of the CVC and CVC Pumping Plant No. 6. These facilities, in part, are used to supply water to the Agency's Improvement District No. 4's (ID4) Henry C. Garnett Water Purification Plant. Once treated, ID4 provides this water to numerous urban water purveyors within the City of Bakersfield. If the operation of the CVC east of Coffee Road and/or the operation of CVC Pumping Plant No. 6 are to be impacted during construction and/or operation of the Project, ID4's water supply could be reduced by as much as 50,000 acre-feet. Subsequently, it would be necessary for the California High-Speed Rail Authority to provide an alternate water supply for ID4. Therefore, the DPEIR/S should be amended to include provision of an alternate water supply to ID4 as a mitigation measure.

L006-4 **Comment 3: The DPEIR/S does not include a cumulative impact analysis.**

Section 15130 of the CEQA Guidelines requires an EIR to discuss the cumulative impacts of the proposed project. The DPEIR/S fails to evaluate the cumulative impacts to Kern County, as well as the statewide cumulative impacts. The DPEIR/S states that the analyses consider only the Fresno to Bakersfield route impacts. The DPEIR/S does not consider impacts from completion of the route through Bakersfield and extending to the south through the remainder of Kern County. Additionally, the DPEIR/S does not discuss the cumulative impacts of the entire High-Speed Train project. As a result, there is no meaningful discussion of the cumulative impacts of the Project on either a local or statewide level. Without a cumulative impact analysis, Agency staff cannot accurately determine the cumulative impacts to local water resources and infrastructure from the construction and operation of the Project or High-Speed Train project as a whole. Therefore, the DPEIR/S should be amended to include a complete discussion of the cumulative impacts anticipated from construction and operation of the entire High-Speed Train project as required by the CEQA Guidelines.

If you have any questions, please contact Curtis Creel of my staff at (661) 634-1400.

Sincerely,

James M. Beck
General Manager

Response to Submission L006 (James M. Beck, Kern County Water Agency, October 17, 2011)

L006-1

Kern County Water Agency is listed as a service provider in both Table 3.6-3 and Table 3.8-3 of the Revised DEIR/Supplemental DEIS. Refer to Section 3.6 and Section 3.8 of the Revised DEIR/Supplemental DEIS for additional information.

L006-2

Refer to Standard Response FB-Response-HWR-01, FB-Response-PU&E-03.

The Authority is actively assimilating information on existing and planned utilities. The design presented in the Draft EIR/EIS is preliminary (15% to 30% complete). The Authority will coordinate with water districts to refine this information, identifying and evaluating all known facilities within the footprint during future design phases. The Authority intends to consider water supply infrastructure in the design and placement of HST facilities. In Section 3.6, Public Utilities and Energy, of the Revised DEIR/Supplemental DEIS, Table 3.6-3 lists Kern County Water Agency as one of the service providers (also see Section 3.8, Hydrology and Water Resources, Table 3.8-3).

L006-3

Refer to Standard Response FB-Response-HWR-01, FB-Response-PU&E-03.

The Authority is actively assimilating information on existing and planned utilities. The design presented in the Draft EIR/EIS is preliminary (15% to 30% complete). The Authority will coordinate with water districts to refine this information, identifying and evaluating all known facilities within the footprint during future design phases. The Authority intends to consider the design and placement of the canal crossings and pumping plants in the placement of HST facilities. The resolution of conflicts with utilities would be conducted in such a way that loss of water supplies would not occur.

L006-4

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

The entire HST project has been analyzed in preceding environmental review documents. As noted in FB-Response-GENERAL-01, the Revised DEIR/Supplemental DEIS Summary describes the tiered environmental review process used by the Authority

L006-4

and the FRA, indicating that the 2005 program EIR/EIS (Authority and FRA 2005) provided a first-tier analysis of the general effects of implementing the system across two-thirds of the state, while the 2008 program EIR/EIS (Authority and FRA 2008) and the 2010 Revised Program EIR/EIS (Authority and FRA 2010a) focus on connecting the Central Valley portion of the system to the San Francisco Bay area portion of the system (see EIR/EIS, Summary, Section S.2). Chapter 2 of the Revised DEIR/Supplemental DEIS discusses the background of the HST project and notes that the previously prepared Tier 1 documents provided a programmatic analysis of the proposed system and the environmental impacts of HST implementation. This project Revised DEIR/Supplemental DEIS has been prepared in the context of the previous, broader analysis, but provides more detailed analysis about the potential impacts, both beneficial and adverse, in the Fresno to Bakersfield Section.

Both CEQA and NEPA provide agencies with some discretion to fashion an environmental process as appropriate for the actions or projects they are considering. Program or first-tier EIRs/EISs are deliberately focused on the “big picture” impacts of proposed actions and the broad policy choices related to such actions. To avoid repetition and to help focus the document on issues ripe for decision, a lead agency may tier its environmental documents so that later program or second-tier EIRs/EISs incorporate and build upon the analysis and decisions made at the program level. A first-tier EIR/EIS may therefore be limited to the analytical information needed to make a general decision, with detailed analysis of potential impacts of a more specific decision to follow when a second-tier EIR/EIS is prepared.

Submission L007 (Tony Barba, Kings County Board of Supervisors, October 14, 2011)

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AVENAL, CORCORAN & KETTLEMAN CITY
DOUG VERHOON – DISTRICT 3
NORTH HANFORD, ISLAND DISTRICT & NORTH LEMOORE
TONY BARBA – DISTRICT 4
ARMONA, HANFORD & NEW HOME GARDEN
RICHARD FAGUNDES – DISTRICT 5
HANFORD & HOME GARDEN

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10-14-11P12:29 RCVD

October 12, 2011

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

Re: California High-Speed Train Project: Fresno to Bakersfield Section
August 2011 Draft Environmental Impact Report/Statement
County of Kings' Initial Comment Letter – Include in Record

Dear Mr. Leavitt:

The County of Kings (County) was preparing its comments to the referenced document when it received a notice issued by the California High-Speed Rail Authority (Authority) on October 5, 2011, that the Authority intends to issue a revised DEIR/EIS in the Spring of 2012. The County offers the initial comments included herein and reserves further comments for the new DEIR/EIS anticipated in Spring, 2012.

The County is a Coordinating Agency under the National Environmental Protection Act (NEPA) and takes its responsibility to participate in the environmental review of the Project very seriously. The Authority, on the other hand, has consistently refused to coordinate with the County to resolve conflicts created by its proposed Project. The County has identified its concerns in detail in the following correspondence between the County and the Authority and the County and the Federal Rail Administration (FRA) and incorporates same by reference into its comments to be lodged in the Record:

1. March 4, 2011 letter from Kings County Board of Supervisors to Authority;
2. May 6, 2011 letter from Kings County Board of Supervisors to Authority;
3. August 2, 2011 letter from Kings County Board of Supervisors to FRA.

The County was assured that each and every concern raised in the foregoing correspondence would be addressed in the DEIR/EIS. This has proven to be false. The County again requests that the Authority specifically address and resolve each and every concern.

1

Further comments and concerns of the County follow:

1. The Authority has failed and continues to fail to engage in any meaningful coordination and consultation with the County as required by NEPA and CEQA;

L007-1 2. The Authority has failed to propose an alignment that follows existing transportation corridors as required by the High Speed Rail Act;

3. The Authority has failed to properly consider in sufficient detail the Highway 99 alignment alternative;

L007-2 4. The Authority has failed to adequately identify, analyze and mitigate the Project's devastating impacts on the agricultural resources and economy of the County caused by deviation from existing transportation corridors;

5. The Authority has failed to identify, analyze and mitigate the Project's conflicts with applicable provisions of the County's General Plan and ordinances

L007-3 6. The Authority has failed to act in good faith to comply with CEQA and NEPA by allowing only 60 days to review more than 30,000 pages of DEIR/EIS and documents referenced therein;

L007-4 7. The Authority has allowed the reviewing parties to expend an extraordinary amount of time, money and resources attempting to respond to the 30,000 plus pages within an unreasonably short comment period, only to be informed at the last minute that the Authority will issue a new environmental document in the spring of 2012 that will reintroduce a previously preferred alternative that was abandoned without explanation. This will require the reviewing parties to expend additional amounts of time, money and resources to review new technical information on top of the existing 17,000 pages, during a time when financial hardship has stricken this County and State.

L007-5 8. The initial period of 60 days allowed for public review and comment was so unreasonably short that it precluded effective public participation. Therefore the County would recommend that the Authority consider a more adequate (180 day) public review period for the upcoming revised DEIR/EIS which is now due in spring of 2012.

9. The Project Description is uncertain and incomplete and will be changed and affected by the document anticipated in the Spring of 2012.

10. The analysis of the project's environmental impacts is inadequate.

Submission L007 (Tony Barba, Kings County Board of Supervisors, October 14, 2011) - Continued

Mr. Dan Leavitt
California High-Speed Rail Authority
Fresno to Bakersfield Draft EIR/EIS Comments
October 12, 2011; Page 3 of 4

11. The Proposed Mitigation Measures are incomplete and ineffective and in many cases are improperly deferred.

L007-6 13. The DEIR/EIS did not consider a reasonable range of alternatives that would avoid or substantially lessen the significant impacts of the Project.

After careful review of as much as it could to date, the County has concluded that the DEIR/EIS fails to fulfill NEPA's and CEQA's fundamental objective of informing the public and the decision makers of the potential significant environmental effects and mitigation costs of the Project. The defects and omissions identified to date make clear that the DEIR/EIS is inadequate and incomplete and fails to comply with the fundamental requirements of NEPA and CEQA. The County trusts that the revised and re-circulated document will remedy the obvious deficiencies in the existing analysis and comply with the requirements of NEPA and CEQA.

The Project and its potential significant environmental and economic effects are of enormous interest to the County and its residents. Accordingly, the County is submitting these initial comments in advance of the revised DEIR/EIS in a good-faith effort to assist the Authority in preparing an adequate and complete assessment of the significant environmental impacts the Project will have in the Central Valley. The County requests that the Authority provide at the most earliest convenience a Geographic Information System (GIS) layer of the new alternative which will be added to the revised Project, so that the County can enter into Coordination with the Authority and provide meaningful comment for the Authority to incorporate into the revised DEIR/EIS in Spring of 2012. The County anticipates receiving the revised DEIR/EIS and providing additional comments on the entire revised DEIR/EIS when it is re-circulated in the
L007-7 Spring of 2012. The County also reiterates its demand to coordinate the Project with the County Board of Supervisors in order to comply with NEPA and CEQA and produce a viable Project.

The County appreciates the opportunity to provide these initial comments and trusts that the Authority will fulfill its duties as the Lead Agency to prepare and re-circulate a revised DEIR/EIS that accurately, adequately and completely defines the specific Project and discusses the extensive adverse environmental and economic impacts the Project will have.

Sincerely,

Tony Barba, Chairman
Kings County Board of Supervisors

3

Mr. Dan Leavitt
California High-Speed Rail Authority
Fresno to Bakersfield Draft EIR/EIS Comments
October 12, 2011; Page 4 of 4

Enclosure: August 2, 2011 letter to FRA which incorporates March 4, 2011 and May 6, 2011 letters from Kings County Board of Supervisors to California High Speed Rail Authority

cc: Joseph C. Szabo, U.S.DOT Federal Railroad Administration
Michael S. Jewell, U.S. Army Corps of Engineers
Connell Dunning, U.S. Environmental Protection Agency

H:\HIGH SPEED RAIL\DEIR-EIS Initial COMMENT LTR 10 13 11(cjc comments).docx

4

Response to Submission L007 (Tony Barba, Kings County Board of Supervisors, October 14, 2011)

L007-1

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

L007-2

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

Also see Volume I, Section 3.12, Impact SO#16, for economic impacts on agriculture.

L007-3

Refer to Standard Response FB-Response-GENERAL-26.

The Revised DEIR/Supplemental DEIS was circulated for 90 days. Much of the information contained in the Revised DEIR/Supplemental DEIS was the same as in the Draft EIR/EIS. Where additional information was added or text changed, it was highlighted to assist the reviewer by reducing the time required to find this new text or text changes.

L007-4

Refer to Standard Response FB-Response-GENERAL-26.

As stated in the Preface to the Revised DEIR/Supplemental DEIS, the Authority decided to reintroduce alignment alternatives west of Hanford, based on substantive comments received during the public and agency review of the Draft EIR/EIS. In response to concerns raised by stakeholders in metropolitan Bakersfield, the Authority and FRA also decided to evaluate another alternative in Bakersfield (Bakersfield Hybrid Alternative) that would minimize impacts on residential and community facilities. The Authority and FRA determined that the introduction of these new alternatives and refinements being considered for existing Fresno to Bakersfield route alternatives required publication of this Revised DEIR and Supplemental DEIS in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

L007-5

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

L007-6

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

L007-7

The Authority has met with Kings County officials on many occasions throughout the environmental review process for the project and is always willing to work with the County to deliver a viable project. The Authority has met and exceeded its responsibility under CEQA and NEPA to inform the County and seek its input on the project. Coordination is not equivalent to essentially delegating to the County veto power over the project. The Authority is responsible under law for carrying forward the HST project and making the decisions necessary to implement the project. The Authority cannot delegate that responsibility to the County.

Submission L008 (Larry Spikes, County of Kings, Board of Supervisors, October 21, 2011)

COUNTY OF KINGS
BOARD OF SUPERVISORS
GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 582-3211, EXT. 2362
Catherine Venturella, Clerk of the Board of Supervisors

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AGENDA ITEM
October 18, 2011

Bookmark: 11

SUBMITTED BY: **Larry Spikes, County Administrative Officer**

SUBJECT: **RESOLUTION OPPOSING ANY AND ALL HIGH SPEED RAIL PROJECT ALIGNMENTS THROUGH KINGS COUNTY**

SUMMARY:

Overview:
The California High Speed Rail Authority's treatment of Kings County has prompted Board members to direct staff to bring a resolution opposing all high speed rail alignments through Kings County for their discussion and consideration.

Recommendation:
Consider adopting a Resolution opposing any high speed rail corridor through Kings County.

Fiscal Impact:
There is no expected fiscal impact relating directly to the adoption of the resolution, however there is substantial ongoing staff time in responding to the Project environmental document and attempting to enforce and implement the NEPA-required coordination process.

BACKGROUND:
The Board previously adopted Resolution No. 10-033 stating its support for high speed rail routes that utilize existing transportation corridors. This action was consistent with the language in the High Speed Rail Bond proposition that was passed in 2008. Since that time, the California High Speed Rail Authority has openly refused to coordinate with Kings County. Coordination is designed to assure consistency with the County General Plan and resolve discrepancies and impacts in furtherance of the protection of the health, safety and welfare of the community. It is required by the National Environmental Policy Act and various implementing regulations. The Authority's less than good faith behavior has prompted the request to consider removal of its support. The reasons are detailed in the resolution provided for your Board's consideration.

H:\County\2011HSR All Route Opposition.doc

BOARD ACTION: APPROVED AS RECOMMENDED: ✓ OTHER: _____

ROLL CALL: NEVES, VERBOON, VALLE, FAGUNDES, BARBA - AYE

[Reference: See Resolution No. 11-065; which by reference hereto, is made part of these minutes.]

I hereby certify that the above order was passed
and adopted on 10/18/2011.
CATHERINE VENTURELLA, Clerk of the Board
By Rhonda Bray, Deputy.

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

****

IN THE MATTER OF REVOKING AND RESCINDING RESOLUTION 10-033 AND OPPOSING THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY HIGH-SPEED TRAIN PROJECT **RESOLUTION NO. 11-065**

WHEREAS, California voters approved Proposition 1A on November 4, 2008 and the Legislature codified the *Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century* ("the Act"; AB 3034; *See* Streets and Highways Code Sections 2704-2704.1); and

WHEREAS, the Act provides $9.1 billion in bond funds to finance a high speed electrified train system designed along existing transportation corridors to achieve mandated travel times between population centers and to operate without government subsidies, that will connect the San Francisco Bay Area and Sacramento in the north, through the Central Valley to Los Angles, Orange County and San Diego in the south (collectively the "Project'); and

WHEREAS, federal American Recovery and Reinvestment Act ("ARRA") money has been allocated to the California high-speed train Project; and

WHEREAS, a nine-member California High-Speed Rail Authority ("Authority") was appointed pursuant to the Act and Public Utilities Code Section 185020 to plan and implement the Project pursuant to the Act and all applicable law and implementing regulations; and

WHEREAS, the Authority and the Federal Railroad Administration ("FRA") are co-lead agencies for purposes of environmental review of the Project under the California Environmental Quality Act ("CEQA") and the National Environmental Protection Act ("NEPA"); and

WHEREAS, on May 25, 2010, the Kings County Board of Supervisors resolved (Resolution #10-033) that it:

1. Supports the continuing development of high-speed rail on a statewide basis;
2. Supports a unified approach for the Central Valley, should the rail be designated to traverse through it;
2.3. Supports routes that use existing transportation corridors and rights-of-way; and
2.4. Opposes any and all alignments where transportation corridors do not exist at the present time; and

WHEREAS, revocation and rescission of Resolution 10-033 and opposition to the California High-Speed Rail Authority High-Speed Train Project is under consideration based on the following findings:

Submission L008 (Larry Spikes, County of Kings, Board of Supervisors, October 21, 2011) - Continued

Findings:

L008-1 1. The Authority and FRA have failed and continue to fail to coordinate with Kings County regarding the Project and its impacts on the health, safety and welfare of the County and its local planning documents and ordinances; and

L008-2 2. The Project does not conform with the County's General Plan and related ordinances; and

L008-3 3. Prior to release of the Draft Environmental Impact Report/Environmental Impact Statement ("DEIR/EIS") for the Fresno to Bakersfield Section of the Project, the Authority and FRA assured Kings County Board of Supervisors that local planning issues and health, safety and welfare concerns would be addressed in the DEIR/EIS, but it has not be done despite detailed correspondence presented to the Authority and FRA and introduced in attempted coordination meetings by Kings County Board of Supervisors; and

L008-4 4. The DEIR/EIS defers mitigation analysis on many of the impacts that will affect not only Kings County property owners, but Kings County Government and County staff resources and fails to resolve conflicts with the County's General Plan; and

L008-5 5. The DEIR/EIS proposes that the Bakersfield to Fresno Section will not initially be electrified, in violation of Proposition 1A, which requires an electrified high-speed train system; and

L008-6 6. The DEIR/EIS further indicates that if the entire high-speed train system anticipated by Prop. 1A is not built out as anticipated, the track for the Bakersfield to Fresno Section will have "independent utility" for Amtrak purposes and will qualify under ARRA funding requirements. This completely ignores the local investment in the existing transportation hub and intermodal connectivity and planning as well as economic impacts on affected downtowns and the air quality and greenhouse gas impacts created by altering the hub; and

7. The Fresno to Bakersfield Section DEIR/EIS consists of more than 17,000 pages and relies on technical documents that combined total more than 30,000 pages yet the Authority provided for a 45-day comment period with a token 15 day extension for a total of 60 days; and

L008-7 8. Just before expiration of the inadequate 60 day review period, rather than respond to a flood of requests for extension of the comment period, the Authority, without evaluating the impacts, issued a statement that it intends to retain the 60 day comment period for the DEIR/EIS, proceed with the separate Merced to Fresno Section DEIR/EIS, but "re-introduce an alternative route, the Hanford West Bypass alternative, along with an alternative station location to serve the Kings/Tulare region" and then issue a revised draft EIR/supplemental draft EIS for the Fresno to Bakersfield Section only in Spring of 2012. Had the Authority coordinated with the County as requested, this may have been avoided, and the Authority's bad-faith behavior has exhausted local resources only to have to start all over again in the Spring of 2012. To further demonstrate the Authority's mismanagement of this Project and unwillingness to account for local input, the Hanford West alternative is reintroduced as a preferred alternative from the Authority's 2007 Visalia-Tulare-Station Feasibility Study, which was adopted

L008-7 without environmental review, without outreach by the Authority or contact with Kings County, and was previously abandoned without explanation. In other words, it adopted particular alignments without public or agency input despite claiming to "tier" off of the earlier general programmatic environmental document. Also, despite a letter from a federal responsible agency, the U.S. Army Corps of Engineers, suggesting that it should reconsider the Hanford West alignment the Authority on May, 2011 refused to comply and remained undeterred in its effort to issue the Project DEIR/EIS. Now, at the end of the DEIR/EIS comment period, the Authority is backtracking and indicating it will reconsider this alternative; and

9. The Authority's lack of transparency, failure to coordinate and resolve impacts, ignorance of the will of the people expressed in Prop. 1A, and its "act now, ask forgiveness later" approach to the Project, have caused the Kings County Board of Supervisors to revisit its prior Resolution 10-033.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Kings County Board of Supervisors:

1. Affirms the findings herein;
2. **REVOKES** and **RESCINDS** Resolution #10-033 adopted May 25, 2010; and
3. **OPPOSES** the California High-Speed Rail Authority High-Speed Train Project.

The foregoing resolution was unanimously adopted upon motion by Supervisor Joe Neves, seconded by Supervisor Doug Verboon at a regular meeting held on the 18th day of October, 2011, by the following vote:

AYES: Supervisors Neves, Verboon, Fagundes, Valle and Barba
NOES: Supervisors
ABSENT: Supervisors

Tony Barba, Chairperson of the Board of Supervisors
County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this 18th day of October, 2011.

Rhonda Bray, Deputy Clerk of said Board of Supervisor

STATE OF CALIFORNIA } ss
COUNTY OF KINGS
I, CATHERINE VENTURELLA, Clerk of the Board of Supervisors of said County and State, do hereby certify the foregoing to be a full, true and correct copy of the original thereof on file in my office.
Witness my hand and Seal of said Board, this 18th day of Oct 2011
CATHERINE VENTURELLA
Clerk of the Board of Supervisors
By Rhonda Bray Deputy Clerk

h\High Speed Rail / 2011 Reso Opposing HSR Project - FINAL

Response to Submission L008 (Larry Spikes, County of Kings, Board of Supervisors, October 21, 2011)

L008-1

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

L008-2

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

Because the HST project is a state project, consistency with local plans and policies is not required by law. Nonetheless, in order to comply with the principles set out in Proposition 1A, the HST project has been designed to minimize conflicts and to be compatible with future and planned use to the extent possible.

L008-3

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

L008-4

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

The HST project is an undertaking of the Authority and FRA in their capacities as state and federal agencies. As such, it is not required to be consistent with local plans. However, the HST project's consistency with local plans is described by alternative in the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS in order to provide a context for the project.

L008-5

Proposition 1A Division 3 of the Streets and Highways Code, Section 9, Chapter 20, Section 2074.09 states, "The high-speed train system to be constructed pursuant to this chapter shall be designed to achieve the following characteristics: (a) electric trains that are capable of sustained maximum revenue operating speeds of no less than 200 miles per hour…." Section 1.2.2 of the Revised DEIR/Supplemental DEIS, "Purpose of the Fresno Bakersfield HST Project," states that the purpose of the project is to provide electric high-speed train service. This statement is consistent with Section 2074.09(a). Use of the rail infrastructure by conventional trains is part of a phased implementation system that leads to the operation of electric high-speed trains. The reasons for the phased implementation system for achieving Section 2704 (Proposition 1A) is thoroughly described in Section 1.6, "Revised 2012 Business Plan," beginning on page 1-30 and ending on page 1-33 of the Revised DEIR/Supplemental DEIS.

L008-6

Neither the HST System nor the Fresno to Bakersfield Section are being proposed for the purpose of installing a train line for Amtrak. The high-speed train (HST) will operate separately from Amtrak. At the same time, as discussed in Chapter 2 of the Revised 2012 Business Plan (Authority 2012a), when the HST track is completed in 2017, it would be available for interim use by Amtrak trains until HST operations begin.

The decision over the continued operation of Amtrak service on the San Joaquin line is outside the authority of the Authority or the Federal Railroad Administration. However, as described in Chapter 3, Section 3.2, of the Draft EIR/EIS, and Chapter 6, Section 6.5.1.5 in the Transportation Analysis Technical Report (Authority and FRA, 2012) it is assumed that the Amtrak San Joaquin rail service may be adjusted to function as a feeder service to the HST System. Since the San Joaquin stops at more stations, it is assumed it would continue service all the way to Bakersfield and, as a feeder service to the Phase 1 HST system, the San Joaquin would become increasingly important in its support of new riders.

The Authority and FRA are not proposing a "train to nowhere." The Central Valley sections are simply the first two in a series of sections that will make up the full HST system. The size of this project precludes building it all at once. Simply put, it must begin somewhere.

Response to Submission L008 (Larry Spikes, County of Kings, Board of Supervisors, October 21, 2011) - Continued

L008-6

The Revised Draft 2012 Business Plan lays out a feasible program for developing the HST blended system in functional phases. Phased implementation of the system will allow flexibility within the program should there be gaps in funding availability. For example, the completion of the IOS offers a discrete milestone. Should further funding not be available for the IOS, the "independent utility" provisions of the federal ARRA grant agreement would allow the IOS to be used to operate an Amtrak San Joaquin service while preserving the facility for further development in the future. This would occur only as a contingency, and is not a part of the HST project.

The No-Project Alternative does not assume that the HST System will be built in the future. Instead, it reflects projections of what is reasonably expected to occur in the absence of an HST system.

The purpose and need for the HST System is detailed in Section 1.2 of the EIR/EIS. The key statement of purpose is "to provide a reliable high-speed electric-powered train system that links the major metropolitan areas of the state, and that delivers predictable and consistent travel times." The purpose does not include "to build 800 miles of track for $33 billion," as stated in the comment. The HST system's purpose and need is a fundamental part of the design of the Fresno to Bakersfield Section.

The Revised 2012 Business Plan describes the HST System's place in California transportation network and its estimated cost, including updated interest and contigency costs. Chapter 2 of the Revised 2012 Business Plan describes a reasonable, phased approach to long-term financing of the HST System. Funding is now available for the Fresno to Bakersfield Section through a combination of state and federal money.

The HST System was approved by the Authority in 2005 pursuant to its statutory authority under California Public Utilities Code § 185000. That decision was based on the 2005 Program EIR/EIS for the system as a whole. The Fresno to Bakersfield Section is a component of the larger system and the present EIR/EIS examines the potential impacts of that section. The CHSRA will weigh the costs and benefits of the project alternatives when selecting the Fresno to Bakersfield alternative alignment that is to be constructed. This will include the environmental and economic costs of the project, as

L008-6

well as its environmental benefits (i.e., reduction in traffic, long-term air quality improvement, and others).

L008-7

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-02, FB-Response-GENERAL-16.

Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011)

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AVENAL, CORCORAN & KETTLEMAN CITY
DOUG VERHOOF – DISTRICT 3
NORTH HANFORD, ISLAND DISTRICT & NORTH LEMOORE
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ARMONA, HANFORD & NEW HOME GARDEN
RICHARD FAGUNDES – DISTRICT 5
HANFORD & HOME GARDEN

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3054
11-07-11P05:16 RCVD

November 2, 2011

Joseph C. Szabo
Administrator
Federal Railroad Administration
US Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Administrator Szabo:

We received your letter dated September 12, 2011 acknowledging that you had received our correspondence and reviewed our concerns regarding the Fresno-to-Bakersfield High Speed Rail Segment environmental study process. We note, however, that your letter did not directly address any of the specific issues we raised regarding the unresolved conflicts with the segment plan and our policies. Since that time, the California High Speed Rail Authority (Authority) and your agency have released the Draft Environmental Impact Statement (DEIS) for public review. On October 5, 2011, just days before the DEIS public comment period was to close (10/13/11), the Authority released a statement indicating it will "re-introduce an alternative route, along with an alternative station location to serve the Kings/Tulare region" and therefore "[r]ather than issuing a Final EIR/EIS for the Fresno-to-Bakersfield section in January as previously scheduled, the Authority will now use the coming 5-6 months to further engineer the additional Hanford West Bypass route and new station alternative, conduct the additional environmental analyses needed, seek 'value engineering' opportunities to reduce costs, and make other necessary revisions including those based on comments received through Oct. 13, 2011, after which a 'Revised Draft EIR/Supplemental Draft EIS' will be issued for public comment."

Prior to the notice that the Authority will be reintroducing an entirely new alternative that they had adamantly removed from consideration in contravention of the recommendation by the U.S. Army Corps of Engineers, we had an opportunity to review, for the first time, your project level specific plans for the new corridor alignment proposed through our productive agricultural region. As a result, we have prepared detailed comments (*see* October 12, 2011 letter to Mr. Dan Leavitt at the Authority) and incorporate them into this letter, by way of reference, as the basis for our position which must be coordinated by your agency under the National Environmental Policy Act (NEPA). Those specific comments also referenced and incorporated prior detailed comments both to you and to the Authority.

Review of the DEIS has prompted us to revoke Resolution No. 10-033 which supported High Speed Train (HST) along existing corridors and approve a new policy opposing the project altogether. (See Attached Resolution No. 11-065) There has been no consideration of our specific plans or policies in the DEIS, and where our plans have been generally referenced, they have been deliberately misinterpreted.

L009-1 It is our finding that the HST Fresno to Bakersfield segment as proposed:

1. Fails to resolve inconsistencies with the 2035 Kings County General Plan; L009-2
2. Fails to compare the affected environment of the proposed alternatives to the environmental consequences; L009-3
3. Fails to have "independent utility."

These actions and the decision making comprising these failings have elevated to the level of arbitrary and capricious, are an abuse of agency discretion, and violate federal law.

L009-4 We specifically put you on notice in our August 2, 2011 letter so that you would have the opportunity to correct these failings, however, you have refused to meet with us face-to-face in an open meeting on the record or acknowledge in any way your duty to coordinate with our County under NEPA.

After making a thorough review of the DEIS, it is clear that your Administration and the Authority have refused to uphold your statutory duty to resolve the conflicts between your proposed project and our local plans as is specifically called for at 42 USC 4332(2)(E), 40 CFR 1501.2(c), and 40 CFR 1507.2(d). Since you have demonstrated that you will not work with us directly, nor require that the Authority do so to resolve the inconsistencies between your project and our established and detailed plans, we are left with insisting that you select the "No Build" alternative, as it is the only option that complies with state and federal law.

L009-5 The combined power of the Federal Railroad Administration (FRA) and the California High Speed Rail Authority places tremendous political pressure on those impacted as you collectively and forcefully pursue this transportation agenda. As you apply this pressure, you must reconcile your project with the fact that Kings County has the highest poverty level, lowest per capita income and smallest population of the four counties affected by the Fresno to Bakersfield Segment. Your disregard of these facts should not justify ignorance of our concerns or your failure to abide by federal law. If anything, it should cause you to ensure that you fully understand the critical impacts to our community and use the force of your resources to shield our citizens and resolve your project conflicts to avoid the disproportionate harm being thrust upon us by this project.

Fortunately, the law does not favor the importance of a project over a citizenry to demand equity. Consideration of our position, coordination with our plans and policies, and resolution of the conflicts is your duty under the National Environmental Policy Act, which, to date, you have failed to uphold.

Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011) - Continued

For the following reasons, we insist you select the "No build" option and begin your environmental study anew, this time in coordination with our County and our County Plan.

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1. The DEIS Fails to Resolve Conflicts with 2035 Kings County Land Use Plan

A. The Authority and Your Administration Failed to Coordinate with Kings County's Local Plan.

The California High Speed Rail project is an ambitious transportation plan that to succeed must be properly coordinated with the many local, state and federal agencies with jurisdiction over the routes and support services necessary for its success. This was pointed out to your agency during the critical programmatic phase when the Environmental Protection Agency (EPA) raised concern that a careful consideration of local plans and policies had not been made. You assured the federal oversight agency that such a review would take place during the segment phase which is now almost complete.

> *"Thorough analysis of site-specific, local area, and focused regional cumulative effects, including specific urban development projects, will be undertaken as part of future project-level environmental review, when this information will be available and more relevant to substantive impact analysis." (Programmatic Record of Decision 2005, page 36.)*

Curiously, you justified not considering Kings County's land use plan at this point in the process, when you first made the decision to potentially impact our county by selecting the Central Valley as the preferred corridor, because you found local plans to be outdated and unreliable.

> *"USEPA's suggestion that local general plans be used to indentify reasonably foreseeable projects is not appropriate for this Program EIR/EIS. Every city and county is required by California law to adopt a general plan, but, except for housing elements, general plans are not comprehensively updated on a regular periodic basis pursuant to a statutory schedule. Each city and county determines when to update its general plan. Comprehensive updates are both unpredictable and irregular. ... For preparing a cumulative impact analysis for thousands of miles of alternative transportation corridors, the general plans did not provide a reliable and consistent information base for identifying reasonably foreseeable future projects to use in analyzing cumulative impacts in a consistent manner for the system as a whole."(ROD 36)*

A review of the local plans you consulted during the Programmatic phase as stated in your study reveals that no consideration was given to Kings County's general plan at that time, nor is their evidence that the Supervisors of the County were apprised that a High Speed Rail corridor could potentially be routed through Kings County prior to the decision being made.

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Had the Authority and your Administration not rejected the EPA's recommendation, you would have learned that we were in the process of updating our general plan presenting an opportune time to coordinate a potential high speed rail corridor that would be compatible through our County. However, you failed to do so and now unfortunately substantial conflicts exist between your project and our plan today that could have been avoided had you complied with the law.

It is for this reason that NEPA directs your agency to meet early with local governments, provide substantive details to the local governments, and coordinate federal plans with local governments so that these unnecessary conflicts can be avoided.

> *"Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts." (40 CRF 1501.2)*

As we informed you in our last letter, Kings County undertook an extensive plan revision process in order to embrace the California Legislature's mandates and the San Joaquin Valley Blueprint seeking to coordinate compact and efficient urban growth within the eight counties that make up the San Joaquin Valley. As a result, Kings County updated all City and Community District sphere of influence growth boundaries and removed 11,000 acres from future growth consideration for agriculture protection. This action received the California Association of Local

Agency Formation Commission's "2008 Project of the Year Award." When the 2035 General Plan revision for Kings County was adopted in January of 2010, after going through a rigorous Environmental Impact Report (EIR) process under the California Environmental Quality Act, it was promoted as the "model" plan for other counties to follow by the Attorney General's office because of its compliance with the law, specific and detailed planning directives, and clarity to guide the future prosperity of the County.

Every acre of our county was considered for its highest and best use. Urban growth and agricultural production was meticulously balanced and planned to be more than compatible with each other, but symbiotic with each other so that as our population grows the social cohesiveness and uniqueness of Kings County and our local economy is preserved. The services provided by the county and the cities residing within our jurisdiction were coordinated and boundaries defined so that the health, safety and welfare of our citizens could be efficiently met without redundancy.

We determined where urban growth best fit within our county and where the most productive agricultural areas should be maintained, as well as, what transportation corridors should be expanded to ensure efficient movement of our agricultural products and mobility of our citizens. Our goals were to maintain the high quality and unique way of life found in Kings County while planning progressively under the new smart growth principles adopted by the state. We succeeded, so much so that the plan is held as the model for other counties in California. As such, you would be hard pressed to characterize our plans us "unpredictable and irregular."

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However, even after all this careful planning, one proposed decision by your Administration to create a new transportation corridor for the California High Speed Rail through our prime farmland has the potential to destroy years of careful planning designed to ensure the future of Kings County. If the project is approved as currently proposed, it will cause irreparable harm to Kings County.

The decision of yours to ignore the specific policies of our plan is a flagrant violation of federal law. Our plan is not an unreliable and outdated document. It is an updated, relevant and detailed document which we use daily to guide the development of this county and continually rely on as we coordinate our services with regional planning efforts and the Kings County Association of Governments. The EPA was correct in their assessment that at the very least our plans and planning process should have been considered at the programmatic phase.

Six years later, your agency is now in the final stages of concluding your project level study for the Fresno to Bakersfield segment. Without coordinating your project with us or providing us with detailed project level specifics to help advise you as to the compatibility of your plan with our polices, you have determined that our plan is consistent with developing a new transportation corridor through our prime farmland, consistent with creating a train station outside our designated urban growth zones, and consistent with a Heavy Maintenance Facility even though such facility is not listed as a permitted use under Kings County zoning policies. Either the drafters of the DEIS did not carefully read our plan or you have intentionally misinterpreted our plan. Every aspect of the BNSF Alternative Route alignment to the east (the DEIS preferred alternative) and west of Hanford through Kings County directly violates the 2035 Kings County General Plan.

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B. Relevant Impacts to Kings County have not been Considered in the Comparison of Alternatives.

The comments submitted by Kings County, which are incorporated into this letter as the basis for our position to be coordinated by you, point to an abundance of specific inconsistencies with your plan and outright misstatements as to what our plan requires.

For instance, the DEIS states that the "Kings/Tulare Regional Station would be located nearly 0.5 miles from the nearest rural residential uses." (Page 3.13-A-13) This statement is factually incorrect as is pointed out in our comments. The potential station site is located less than two-hundred feet from an existing residential subdivision that contains 25 lots. The tracks from the HST project would potentially eliminate at least half of these residential sites, a detail and impact that you conveniently failed to notify the public and decision makers of in your comparison of alternatives.

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Another egregious example of this failure is that there is no mention of the loss of Kings County Fire Station 4 from your route selection even though the Authority was apprised of this on April 19, 2011 in our first coordination meeting and you were noticed of this directly in our August 2nd letter. We have meticulously planned the placement of our fire stations so that there is minimal overlap of the districts, adequate proximity to other stations to ensure necessary support in

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emergencies, and no void in insurance coverage zones so that all residents can receive reasonable rates. You move the location of one of our stations and you destroy the entire fire safety network we have meticulously designed.

Additionally, Fire Station 4 is home to both Skylife and Cal Fire contract rotary wing aircraft, and is an FAA designated and approved base. Certification for this site is expensive and lengthy. Station 4 also houses the fire training facility and has an agreement with the College of the Sequoias to train new personnel. To relocate all of these components to a new area will not only cost our citizens tremendous expense and increased tax liability, but be extremely time-consuming and difficult. You do not just relocate a Fire Station to a new piece of ground. Many variables including proximity, safety, mobility and size of parcels must be considered. Evidently these concerns are viewed as insignificant by you and the Authority as this issue was not weighed in the comparison of alternatives even though you were duly apprised of its impact.

Please understand these are critically significant issues to Kings County and we are aware of your duty to study these in the DEIS and not kick this analysis further down the road after the decision to cause this impact has been made. In fact, this is the purpose of NEPA. An environmental study is not to be pursued in order to justify an outcome. "Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made." (40 CFR 1502.2(g))

While courts will defer to your discretion, they will only do so after thoroughly reviewing whether or not you made a "good faith effort" to evenly weigh the alternatives. A "hard look" review does not include conveniently overlooking critical impacts that could very well lead objective decision makers to support an alternative contrary to the one you prefer. In fact, we are confident that once a court is apprised of the multiple times we brought these impacts to your attention, and still you refused to address these and work to resolve the conflicts, your analysis will fall far short of its required duty.

L009-9

C. Kings County's Plan has been Falsely Represented to the Public and Decision Makers as Consistent.

Beyond the many issues that have not been considered in the impact analysis, there are many more that have been simply falsely stated. For example, in the Land Use Appendix in the DEIS, page 13 finds that the Kings/Tulare Regional Station located to the east of the city of Hanford would be consistent with Kings County's General Plan.

> *"Consistent. The Kings/Tulare Regional Station would be located in Kings County along the urban fringe of Hanford and would avoid splitting large agricultural parcels. The station site is zoned as Light Industrial. Land to the south is also designated as Light Industrial. Land to the southwest in the city of Hanford is designated as Commercial. Therefore, the Kings/Tulare Regional Station would be located in an area planned for development of the station."*

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The Kings County *goal* you have selected in order to appear consistent with our plan is as follows:

> *"LU Goal B1. Protect agricultural lands throughout the County, and in particular, along the edges of community districts and of the urban fringe by maintaining large parcel sizes and preventing the premature development of incompatible urban uses."*

Interestingly, the DEIS cites a general goal and makes no mention of the specific polices they are inconsistent with. One of these is LU Policy C1.1.1 on Page LU-39 of our Land Use Plan, which you have been apprised of and which is readily available to the public for compliance review. This states:

> *"Urban type land uses such as residential, commercial and industrial that are located within Rural Interface areas shall remain limited to the previously defined extent of those land use designation areas. Minor adjustments between land uses may be considered so long as land use changes do not result in the expansion of Rural Residential zoning."*

In our comments, which we encourage you to carefully read, we point out why your plan is inconsistent with our policy.

> *"The potential station, the track and the heavy maintenance facility are all located outside the Primary Sphere of Influence of Hanford and outside the Blueprint Growth Area. No water or sewer service is available in the unincorporated area of Kings County. The 2035 Kings County General Plan directs urban growth to the Cities and Community Services Districts that are capable of providing urban services (water and sewer). Locating urban uses in agricultural area on prime agricultural land does not preserve agriculture, does not encourage city-centered urban growth, and is potentially devastating to Kings County agricultural economy."*

You are planning to site a rail, station and heavy maintenance facility in an area that is not zoned for sewer and water facilities. Revising our plan to accommodate your project could potentially require a new EIR study at great expense to the county. Further, there is no discussion of the cumulative impact of potentially having to build a new sewage treatment site to accommodate the station. Even more troubling is that the expense of accommodating your rail station and heavy maintenance facility is to be shouldered by Kings County. In fact you assured the public that this expense would not fall on them during the programmatic phase in order help sway their support.

> *"As the project proceeds to more detailed study, local governments would be expected to provide (through planning and zoning) for transit-oriented development around HST station locations, and to finance (e.g. through value capture or other financing techniques) and to maintain the public spaces needed to support the pedestrian traffic generated by hub stations if they are to have a HST station." (Programmatic ROD page 14)*

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The mere selection of this station site violates our planning and zoning policies. The duty to consider these carefully planned policies is your Administration's responsibility under NEPA, which you have neglected to fulfill. The assurance that you would do so was also made in your programmatic document.

> *"When making future decisions regarding both the final selection of station locations and the timing of station development, the extent to which appropriate Station Area Plans and development principles have been adopted by local authorities will be considered. Denser development near HST stations will concentrate growth in areas conveniently located near stations, reducing the need to convert land to urban use and improving conditions for comprehensive and extensive local transit systems. Local government would play a significant role in implementing station area development by adopting plans, policies, zoning provisions, and incentives for higher densities, and by approving a mix of urban land uses." (ROD 30)*

It is remarkable that since creating higher density growth areas around a station is a fundamental goal of the station, you would place the Kings/Tulare station in an area not zoned for this use, not planned for this use, and not supported for this use by the local authorities. Still, you assure the public in your environmental disclosure document that you will consider existing principles and regulations of the local area when making your station site selection which leads one to believe they will be taken into account. However, in Kings County, you falsely represent our position by claiming it is "consistent" instead of resolving the very servere impacts you intend to cause. Every other developer that seeks to build a project in our County is subject to our existing zoning regulations. Instead of considering the impacts and working with us you simply insist that we change our laws to suit your preference.

Ironically, even though you falsely claim your project is consistent with our plans, you do acknowledge in the Regional Growth section that there are conflicts with your project and our regulations. In fact you make a rare exception to your well established principles of encouraging growth around the station sites. In a statement buried in the Regional Growth section (3.18-28) of the DEIS you acknowledge that "The Kings/Tulare Regional Station would not be located in an urbanized area." This is interesting since you have assured the public that stations will be placed in areas where services and businesses will be available for pedestrians and where there will be established ground transportation services. In fact, this is a critical element of ensuring the HST succeeds.

However, you explain that "Since the station would be located in an agricultural area, the Authority would support local government regulations to continue to discourage growth in the agricultural area around the Kings/Tulare Regional Station."

There is no doubt that this is artfully placed in the detail of the document so that you can later claim that you worked to resolve the conflicts with our plan by making this one rare exception that violates your principles and purpose for station locations. The statement fails to explain how this will be accomplished and what resources will be used to accomplish the goal. While we understand your reason for inserting this statement, we have no confidence that it will be

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fulfilled. This statement combined with your refusal to coordinate with us and misstating our position demonstrates an intentional effort on your part to deceive the public and cause irreparable harm to Kings County.

At what point during this project do you begin to support local government regulations? By mere selection of the station site in Kings County you have already violated local government zoning regulations. Your duty under the law is to consider and work to resolve the conflicts with our plans not after you made the decision, but before you cause the impact. Resolving conflicts does not mean misstating our position to give the public the impression you are consistent with our plans and then later assuring us that eventually you will consider supporting our local regulations after you have already violated them.

Your assurance that eventually you will support our local regulations is an empty promise. Throughout your process you have refused to follow federal law and made similar promises to us in the past, none of which have been upheld by you. By way of specific example, on June 7, 2011, Mr. Abercrombie, the HST Central Valley Coordinator, was asked and answered the following question:

> *"Mr. Abercrombie, are you indicating then that ... each and every one of the questions that was raised in this forum [attempted coordination before Kings County Board of Supervisors] and others is going to be identified in the document [draft*
>
> *EIR/EIS] and an answer or comment or response given? Is that what you are saying?"*
>
> Mr. Abercrombie responded:
> *"All those questions are to be answered in the environmental draft document and I'll take a gander - that is our mission to accomplish ...]"*

We have no confidence that someday soon you will change your practice. This is the precise reason we revoked our earlier resolution and now oppose any portion of your project through Kings County.

In your DEIS you reiterate the primary principle behind station site selection is to encourage high density urban growth, and you note that the Authority has adopted HST Station Area Development Policies based on the following premise:

> *"For the high speed train to be more useful and yield the most benefit, it is important that the stations be placed where there will be a high density of population, jobs, commercial activities, entertainment, and other activities that generate personal trips. The success of HST is highly dependent on land use patterns that also reduce urban sprawl, reduce conversion of farm land to development, reduce vehicle miles traveled (VMT) by automobiles, and encourage high density development in and around the HST station."(DEIS 2-93)*

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Your proposal places the Kings/Tulare station in the middle of prime farmland that is isolated from utility services in an area specifically zoned for no urban growth. Of the four stations planned on the segment, this is the only station not placed in a population growth area. Evidently, you presume to know more about our County than we do and know better where such growth should occur than those of us charged with the responsibility of doing so. This station location is not only inconsistent with Kings County's policies, it is inconsistent with the Authority's principles.

This is only one specific example of the adverse impacts imposed on our county. Yet, such issues are critically important to a meaningful analysis of the environmental consequences of the project as the courts noted in *Akers v. Resor* (443 F. Supp 1355) where the U.S. Corp of Engineers failed to meaningfully consider the cumulative impacts of flood control to downstream residents. The impacts considered were selectively chosen by the agency in order to reach the preferred outcome sought by the agency.

Further, you have failed to meet the purpose of the station which is to be located in an area designed to encourage high density urban growth. Instead, you have situated the station in the middle of productive farm land. Rather than addressing the inconsistency with our plans and the difficulties this will place on our county, you have avoided the discussion and unilaterally determined that your plan is consistent with our policies. You have misrepresented our position to the public and decision makers regarding the compatibility of this project with our County plans.

Your DEIS is riddled with such conclusions on critically important issues that should be assessed in a sufficient DEIS. As we have looked closely at your analysis, we have found there is a pattern of misleading the public as to consistency of your project with our plan whenever conflicts arise. These conflicts have been clearly documented in our comments which we have incorporated by reference into this letter.

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D. Courts Require Good Faith Consistency Review and Consideration of all Relevant Local Plans

While we recognize that courts are reluctant to replace their judgment with that of the agency charged with having the expertise on the subject matter, this deference by the courts comes after determining that the study process was not arbitrary and capricious, after determining there was no abuse of agency discretion and after adequate and complete study in accordance with the law. The Fresno-to-Bakersfield Segment DEIS fails on all three counts.

We also recognize that courts are not quick to overturn an agency decision when unresolved conflicts are raised in general terms providing no specific issues for the agency to address. This will not be the case concerning Kings County. In fact, the opposite is true, Kings County has raised the specific conflicts on now numerous occasions and you have refused and continue to refuse to address. Instead you have made an assessment of the impacts so general that even by your own admission you have found it hard to identify any truly compelling differences between alternatives.

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L009-10 The issue as to whether or not you have a duty under the law to be consistent with local plans and work to resolve conflicts was addressed in *City of Davis v. Coleman* (521 F 2d 661). The court found that the California Department of Highways had failed to properly consider the local plans of two cities affected by a proposed interchange when assessing the alternatives.

> *"A properly drafted DSR should allow FHWA, which has the final say on commitment of federal funds, and for whose benefit the DSR is prepared, to compare the project as planned and the alternatives not only on the scale of economic costs and benefits but also with respect to social, economic and environmental impacts and* ***consistency with local planning****. It is not for us to say what weight FHWA or state highway departments should, in particular cases, accord to these often conflicting considerations, but when a DSR entirely omits analysis of the social, environmental and planning effects of alternatives, a crucial element in the congressionally mandated decisionmaking calculus is lacking, and the 'consideration' which the statute and regulations contemplate cannot take place."(emphasis added; Id at 682).*

The court also admonished the transportation department for picking and choosing which plans it would consider when making its analysis.

> *"The DSR and AEE also fail to take into proper account the effect of the project as proposed on Davis' urban planning. Davis submitted hundreds of pages of its planning documents and they have been included as a separate volume of the hearing transcript. But neither the DSR nor the AEE makes even a single reference to the contents of these documents. The Kidwell's project's consistency with the urban planning of Dixon and Solano County does not relieve the defendants of their obligation to consider the project's consistency with Davis' urban planning and to disclose in the DSR the nature and extent of any conflict." (Id at 683).*

Kings County has a detailed, updated plan that your analysis has marginalized through general statements that are factually incorrect. Many specific social, economic and environmental conflicts are not even addressed. We are hard pressed to see how your study will be found sufficient under the law.

L009-11 **2. Alternatives Analysis did not Adequately Compare the Affected Environment and Environmental Consequences**

A. The Alternative Through Kings County was Selected with a Bias Against Kings County

At the conclusion of your programmatic phase for the CA High Speed Rail in 2005, you eliminated from further consideration the alternative to route the rail along the I-5 Corridor, which follows the foothills of the Central Valley in preference for a route that would travel through the center of California's prized agricultural region. In making your determination, you summarize the reasoning as follows:

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> *"The eliminated corridors included ... an Interstate Highway 5 corridor, which failed to meet basic project objectives of maximizing intermodal opportunities, maximizing connectivity and accessibility, and providing transit connections and multi-modal stations, and additionally would result in increased incompatibility with land use planning." (Programmatic ROD page 10)*

We then learn in the alternatives analysis which "land use planning" efforts were taken into account in the discussion of the key criteria used to compare the alternatives. These were:

> *"Land Use Compatibility: Substantial incompatibility with current or planned* ***local*** *land use as defined in* ***local*** *plans was considered a criterion for failing to meet project objectives." (Programmatic 2-8) emphasis added.*

In the chart comparing the different corridor options you document that the I-5 Corridor was eliminated because of incompatibility with local land use plans.

> *"Incompatibility with current or planned local land uses as defined in local plans that would fail to meet project objectives." (Programmatic 2-32)*

This was not your primary reason, it was your secondary reason, which you found important enough to note as one of the considerations when weighing alternatives.

When the EPA pointed out that you should be making a closer analysis of local plans, you responded by stating they were too unpredictable to rely on at this stage, yet one of your determining factors for eliminating the I-5 corridor is precisely because of incompatibility with local plans, presumably just the plans on the I-5 corridor since we already know that one Central Valley local plan, the Kings County plan, was <u>not</u> considered.

A review of the Kings County Plan should have been made in order to fairly compare the Central Valley corridor with the I-5 option at this programmatic phase, as the *City of Davis* court pointed out. Had it been considered, a different outcome might have been reached. You would have had to make a more in-depth cumulative impact assessment. This is precisely the point of EPA's comment which you summarized.

> *"USEPA commented that the Final Program EIR/EIS did not contain a landscape-level cumulative impact assessment for all sensitive resources, and did not address a comprehensive set of reasonably foreseeable projects.* ***USEPA suggest that a different cumulative impacts analysis may have resulted in different conclusions*** *or different mitigation options ..." (Programmatic ROD 34) emphasis added*

There is mention in the programmatic document that regional plans were considered, yet your criteria and basis of elimination of the I-5 corridor was specifically for "local plans."

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Either you have violated your own criteria, or you determined not to review *all* of the local county plans when comparing the alternatives. This is a violation of any notion of a good faith analysis. In either event, the statute requires a fair and reasonable comparison of the elements that can sway or determine the outcome of one alternative over another and courts have upheld this duty.

We recognize that the opportunity to challenge the programmatic document directly in court has passed, but we are also aware of the connected relationship between tier one and tier two documents. While each EIS is expected to meet the full test of adequacy on its own, the tier two documents cannot be severed from its parent statement. In this case, a review of the commitments made from the programmatic stage forward can be considered in order to determine if the agency's behavior has been arbitrary and capricious.

The programmatic analysis also points to considerable local support for the SR-99 corridor (which places the corridor through the middle of the Central Valley) over the I-5 corridor as another compelling reason to advance this alternative. "The Commission received resolutions of support for the SR-99 corridor from nearly every Central Valley city, county, and regional government (Programmatic 2-35)." Kings County cannot speak for other local governments, but our position was that the HST should be located in existing transportation corridors, as was the will of the people when the authorizing bond passed supporting development of a high speed rail system in California. To the extent that SR-99 stayed within existing corridors, we were supportive of this alignment. Any effort to create a "new corridor" we opposed.

The discussion of station alignments identified the city of Hanford in Kings County as one of the potential sites and said that this "would be located along the BNSF alignment in the vicinity of the existing Amtrak station in Hanford. The Hanford station site would likely avoid impacts on social, economic, natural and cultural resources (2-64)." This potential station site was carried forward with the understanding that it would follow existing transportation corridors.

In the fall of 2010, you released an Alternatives Analysis Report for the Fresno-to-Bakersfield Segment without any public comment wherein you reduced the 24 variations of four major alignments to one. This then only allows the public to comment on "no build" and one route with four bypass variations through rural cities during the DEIS phase. Kings County was listed in the Alternative Analysis Coordination Plan as an "interested local agency," which simply meant we received general reports occasionally during this study process, but no opportunity to review project level specifics or provide substantive input.

The very critical decision to determine whether the HST would follow the existing SR-99 corridor or three other existing corridors was made without coordination with us even though we were directly impacted. There is only a very general mention of our plan in the Analysis, demonstrating that the necessary consideration of our position was again overlooked at this critical point in the process.

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The alternative advanced included the preference for a "new corridor" through most of Kings County, and yet, once again this was done without a proper comparison of environmental consequences.

In the Alternatives Analysis, one of the criteria used to compare the corridors was land use. "Measures include: supports transit use, is consistent with existing adopted local, regional and state plans, and is supported by existing and future growth areas." (Preliminary Alternatives Analysis Page 2-3) The alternative now being preferred goes to the east of the city of Hanford, creates a new corridor through prime farmland, is not sited where transit use is supported, is inconsistent with Kings County's General Plan, and is outside an existing or future growth area. It is simply not compatible with this area of Kings County.

In this same analysis, two similar routes were also considered, but eliminated. These were alignments that followed the SR-99 existing route until reaching the city of Visalia where an east of Visalia and west of Visalia "new corridor" alignment was studied. The Alternative Analysis removed these from consideration for the following reasons:

> *"The West of 99 and East of 99 alternatives were both considered 'greenfield' alternatives, passing largely through farmland. Both alternatives were eliminated because of their potential impacts to agricultural land and their inconsistency with the objective of following existing transportation corridors as a method of minimizing environmental impacts." (3-2)*

Curiously, the Kings County alignment selected meets these criteria for elimination. The selected BNSF alternative parallel's the BNSF route until right before reaching the Kings County line

where it is routed east of Hanford creating a "new corridor" that destroys prime farmland, destroys lands designated for conservation mitigation, cuts off hundreds of vital roads necessary for citizen's mobility, our critical agricultural economy and our necessary emergency services. A station is planned outside of the city of Hanford in an area planted primarily with perennial fruit and nut crops that take several years to establish. The rail crosses over half of the 25 residential lots in an isolated residential area surrounded by agricultural production.

There is no explanation in the Alternatives Analysis as to why the farmland east and west of SR-99 is more valuable than that in Kings County. There are no distinguishing facts presented in the analysis that would lead one to rationally determine a significant difference between the two routes. However, had you and the Authority coordinated with Kings County and considered in your analysis the conflicts we have shared with you on numerous occasions, a different decision would appropriately have been called for.

You describe the Kings County alignment in the DEIS as the following:

> *"Approximately 30 miles of the BNSF Alternative would be in Kings County. The alternative would pass east of the city of Hanford, parallel to and approximately 0.5 mile east of SR 43 (Avenue 8). South of Hanford in the vicinity of Idaho Avenue, the BNSF Alternative would curve to the west and then south toward the BNSF Railway right-of-*

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way. The alignment was refined in this area to avoid special aquatic features north of Corcoran and east of the BNSF Railway. The alignment would rejoin the BNSF Railway right-of-way on its western side just north of Corcoran and travel through the eastern edge of the city of Corcoran at grade. The majority of this part of the alignment would pass through agricultural land except where it travels through the city of Corcoran." (DEIS 2-59)

The statement does not highlight the creation of a "new corridor" through Kings County; rather it passively mentions that a majority of the alignment goes through agricultural land. The analysis does not discuss the cumulative, direct and indirect impacts of creating a "new corridor" in Kings County. In fact, you can find no in-depth comparison between expanding an already existing corridor and creating a whole "new" corridor. Even common sense will tell you that placing a rail line next to an existing transportation corridor will do far less environmental damage than creating a whole new corridor that severs the existing ecosystem. Further, if the goal is to avoid "special aquatic features," wouldn't staying on an existing corridor make more sense than creating new ecosystem impacts?

Oddly, however, no environmental comparison is even attempted. In fact, there is no real analysis made beyond an encyclopedic description of agricultural acres impacted, residences affected, and acres of sensitive species traversed. The significant and relevant cumulative, direct and indirect impacts on the human and natural environment are not even addressed. The law is clear that such an analysis is not allowed:

"Environmental Impact statements shall be analytical rather than encyclopedic." (40 CFR 1502.2(a))

Even more importantly, agencies are directed to sharply distinguish between alternatives.

"This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental Consequences (Sec. 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public." (40 CFR 1502.14)

You are further directed to "rigorously explore and objectively evaluate all reasonable alternatives," and "devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits." (40 CFR 1502.14 (a) and (b).)

We have no doubt that if a court is forced to evaluate your alternative analysis, it will find it fails the duty required despite the tens of thousands of pages of data you have compiled.

L009-11

The determination to select the "new corridor" alignment through Kings County is based on an assessment of where "not" to place the route without fully considering the relevant impacts on the area impacted. First, the Programmatic decision to route the rail through the Central Valley was made in part because the I-5 corridor was in conflict with local land use plans, without considering Kings County's plan. Second, the Alternative Analysis decision to eliminate creating a new corridor east or west of SR-99 was made in part because these routes significantly impacted agricultural land, without giving Kings County the same consideration. Third, the DEIS preferred route to create a "new" corridor through Kings County was made in part because it would be more beneficial to the aquatic features north of the city of Corcoran, without accurately analyzing the impacts in the area directly affected.

To reach this preference, you have avoided taking a hard look at the impacts in Kings County, misstated our local land use plans and changed the criteria for your assessment when you entered Kings County. A court will be hard pressed to find your analysis reasonable, fairly comparative and sharply defining.

L009-12

B. The Programmatic, Alternative Analysis and DEIS Failed to Consider the Unique Productive Value of the Central Valley

Kings County is the 11th largest agricultural county in the state. It is a vital component of the San Joaquin Valley agricultural industry. 77% of the land in our county is in productive agricultural use and we have planned carefully to ensure that we remain one of the top agricultural producing counties in the state and in the nation.

The San Joaquin Valley's importance to America and our contribution to this industry cannot be understated. "Savuer," an international high-end food magazine recently reported that our valley produces half of America's vegetable, fruit and nut produce. In your DEIS you also take note of this importance.

"At approximately 114 miles in length, the Fresno-to-Bakersfield Section crosses the entire southern San Joaquin Valley, the most productive agricultural region in California, and among the most productive agricultural regions in the world." (DESI 2-27)

The analysis demonstrates that you are aware of the significance of the San Joaquin Valley to our state, nation and the world. However, you only acknowledge this critical and unique element of the Central Valley after you have made the decision to impact the Central Valley by selecting a route that plows right through the middle of the region.

When you compared the I-5 corridor with the Central Valley alignment at the programmatic stage, there was conveniently no mention made of the Valley's significant contribution to feeding the nation and the world. There is an encyclopedic comparison of agricultural dollars generated by each county, but the analysis entirely failed to highlight and consider this unique and important productive use of the Valley.

Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011) - Continued

L009-12

This is concerning since a primary purpose of the High Speed Rail is to concentrate California's future population centers around the corridor. You understand that placement of the corridor will define where urban sprawl and development will occur and you made the calculated decision to both accommodate and direct this growth down the center of America's most productive agricultural valley without even allowing the public to question the wisdom of such decision. The only analysis made was a comparison of data, number of acres versus people with no real analytical reasoning that took this unique factor into account.

There are numerous examples in America where productive agricultural regions have been replaced by high density growth gradually paving over some of our best farmland -- decisions made by well intentioned planners. It is for this reason that Kings County developed a 2035 General Plan that ensures that future growth will occur where most appropriate and still provide for a thriving productive agricultural industry.

NEPA specifically calls for a "productive use" analysis, not encyclopedic comparison of data. It requires that just as the natural environment be considered, the species, wetlands and wildlife, so too should the human environment be considered which adds to the analysis the social and economic impacts. The "productive use" of the land is to be weighed heavily in the analysis.

> *"The purposes of this Act are: To declare a national policy which will encourage **productive** and enjoyable harmony between **man** and **his environment**; ..." (42 USC 4321)*

> *"The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances ... declares that it is the continuing policy of the Federal Government in cooperation with State and local governments ... to create and maintain conditions under which man and nature can exist in **productive** harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." (42 USC 4331(a))*

> *"In order to carry out the policy ... improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may ... assure for all Americans safe, healthful, **productive**, and aesthetically and culturally pleasing surroundings ..." (42 USC 4221(b)) emphasis added*

You ignored this impact at the critical point in the decision making process when it should have been a primary concern. You mention it now at the segment phase when the decision to impact the valley has already occurred. Similarly, you have ignored the relevant impacts to Kings County by creating a "new corridor," something not even passively studied. You assure our County that you will support our local regulations after the decision to violate them has been made. There is an intentional pattern evident in a review of all the impact statements which have guided the selection of the preferred alternative. Significant information has been missing throughout the process.

L009-12

In *City of Tenakee Springs v. Clough* (915 F 2d 1308, 1311) the court calls attention to an agency's duty under NEPA to "[r]igorously explore and objectively evaluate all reasonable alternatives" to a proposed action (40 C.F.R. § 1502.14(a) (1989); *see* 42 U.S.C. § 4332(2)(C)(iii), (2)(E)) and its duty to develop a "detailed statement," (42 U.S.C. § 4332(2)(C),) "sufficient 'to give decision makers ... removed from the initial decision sufficient data from which to draw their own conclusions.' " (Citing *City of Tenakee Springs*, 778 F.2d at 1407 (citation omitted). Sufficiency includes the duty to consider all critical and unique impacts.

Although NEPA does not contain its own provision for judicial review, under the Administrative Procedures Act, agency decisions may be set aside if arbitrary, capricious, an abuse of discretion, or without observance of procedure required by law (5 USC §706(2)). See also *Chevron U.S.A., Inc. v. NRDC*, 467 U.S. 837, 843–844, 104 S.Ct. 2778, 81 L.Ed.2d 694 (1984). The pattern demonstrated by the Authority throughout the HST environmental process is one of ignoring the impacts that would change your preference and only acknowledging their importance after the decision has been made. This failure to follow NEPA procedure would be subject to this standard of review and likely result in a requirement to revisit the environmental document based on failure to meet the standard.

L009-13

3. The Fresno to Bakersfield Segment does not have "Independent Utility."

The purpose and need for the California High Speed Rail as stated in the programmatic study is:

> *"The purpose of the proposed HST system is to provide a reliable mode of travel that links the major metropolitan areas of the state and delivers predictable and consistent travel times. A further purpose is to provide an interface with commercial airports, mass transit, and the highway network and relieve capacity constraints of the existing transportation system as increases in intercity travel demand in California occur, in a manner sensitive to and protective of California's unique natural resources." (ROD 6)*

We have already addressed that the programmatic study overlooked consideration of one of the most unique features of California, the national and international value of the productive Central Valley, when making your decision to place the corridor in the middle of this critical area. But other than this, the purpose and need for the HST has been clear, to add another transportation option that would connect the current and future growth from San Francisco/Sacramento to Los Angeles/San Diego.

The Fresno-to-Bakersfield Segment statement reaffirms this purpose.

> *"The purpose of this project is to implement the Fresno-to-Bakersfield Section of the California HST system to provide the public with electric-powered high speed rail service that provides predictable and consistent travel times between major urban centers and connectivity to airports, mass transit, and the highway network in the south San Joaquin Valley, and connect the Northern and Southern portions of the system." (DEIS 1-4)*

Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011) - Continued

L009-13

The question that needs to be asked is whether or not the DEIS demonstrates that this segment has "independent utility" and is functional on its own? A critical element, if not the primary element of this segment, according to your purpose and need statement, is to connect to the "Northern and Southern portions of the system," and to "implement the Fresno-to-Bakersfield Section of the California HST system." The decisions regarding route selection have been made with this purpose in mind, such as where the Northern and Southern stations are placed.

Federal Railroad Administration regulations for segmenting of projects is found at 23 CFR 771.111:

> *(f) In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each EIS or finding of no significant impact (FONSI) shall:*
>
> *(1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope;*
>
> *(2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and*
>
> *(3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.*

In the Preliminary Alternatives Analysis Report released in June of 2010, you note for the first time that you have concluded the Fresno to Bakersfield Segment meets these criteria.

> *"The project sections have sufficient length and logical termini to ensure that the projects could function effectively without requiring additional improvements elsewhere and without restricting consideration of alternatives for other sections of the HST system or transportation improvements." (1-2)*

No further discussion was made. There is no mention as to what factors were considered to make this determination or what analysis process you went through. The public and decision makers are simply to move forward without question that the segment meets the criteria based on your determination.

Without the benefit of your analysis, we are forced to evaluate whether the segment is functional on its own by reviewing the programmatic, alternative analysis, and segment studies. The determination does not address the impact on existing transportation hubs and Amtrak alignments. It does not reconcile the independent utility required by federal ARRA funding and the "high speed system" required by the bond measure anticipated by the High Speed Rail Act (Prop. 1A; AB 3034).

During the programmatic phase, you considered whether improvements to the conventional passenger rail service already in existence could be upgraded to meet project goals. You

L009-13

determined that it could not since travel times would still remain slow due to the nature of the shared tracks with freight traffic and "the service would still require transferring to buses to travel between Emeryville and San Francisco and between Bakersfield and Los Angeles." (Programmatic 2-18) You also found that the HST Alternative which was selected to move forward would create a social benefit by "improving the travel options available in the Central Valley and other areas of the state with limited bus, rail and air service for intercity trips." (ROD 18)

Improper segmentation of transportation projects has been closely reviewed by the Courts. In the case *Clairton Sportsmen's Club v. Penn Turnpike* (882 F. Supp. 455) the highway department was challenged as to whether a 17 mile segment of a planned 65 mile highway project had been improperly segmented because it did not empty onto an expressway, rather ended in a more remote crossroads. The court did not overturn the transportation department's decision but rather found that "[d]espite the obvious differences between the features of a 'crossroads' and those of a 'population center,' each of them nonetheless may qualify as logical endpoints for highway projects."

In *Clairton*, roads connected to roads, vehicle traffic was directed into a connected highway system. Therefore, the determination of the "logical termini" did not restrict or prevent the vehicles from reaching their destination. In the case of the Fresno-to-Bakersfield segment, you have a rail ending at a terminal which connects to highways with "limited bus, rail and air service for intercity trips." Without the other HST segments in place, the functionality and purpose of the rail fails. When a passenger reaches either end of the segment, they must switch to another form of transportation, which you note is limited. There is no mention of taxi service in the report, so the question of how pedestrians will get to their final destination is in question. You point out that people do not like to switch to other, slower services, such as a bus that would take them through to LA. Chances are they would much rather get on a plane or drive.

Additionally, the regulations require that the segment has to function on its own "if no additional transportation improvements in the area are made." The question then becomes if only the HST Fresno-to-Bakersfield segment is built and there were no improvements to commuter rail and bus services, could the segment meet the needs and purpose of the project?

In addition, courts have held that a segment cannot irretrievably commit federal funds for closely related projects. This segment and the Merced-to-Fresno segment are being pushed through the NEPA process quickly in order to secure the federal funding promised to initiate the project. If it were not for this federal investment, the nearly bankrupt state of California would very likely not be pursing this project because it cannot fund this on its own. It is arguable that the approval of the Fresno-to-Bakersfield segment will commit federal funds in order to keep this project from becoming a rail to nowhere.

HST systems worldwide operate on public subsidies in order to keep ticket prices down and attract sufficient ridership. In the most successful scenarios, HST systems begin and end in areas where the primary means of transportation is commuter services as opposed to private vehicles. For instance, a large population of those who live in New York and San Francisco do not own a car because they can easily reach all parts of the city relying on public and private taxi services.

Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011) - Continued

Joseph C. Szabo, Administrator
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However, this is not the case in Fresno or Bakersfield as you have pointed out. Ground transportation is limited.

The benefit of riding the HST from Fresno-to-Bakersfield is to connect to a terminal that will continue through to San Francisco or Sacramento, the ultimate goal of the project. In fact, your studies show that "[m]ore than 50% of the intercity travel market between the state's major metropolitan regions is expected to have a destination within the Bay Area to the central part of the San Joaquin Valley." (DEIS 1-10) Clearly the most pressing need for HST service is from the bay area to the Central Valley, not Fresno-to-Bakersfield. This segment may become necessary after a San Francisco to Fresno segment is built, but currently, as analyzed in your DEIS, the main purpose for the segment is to connect to the other planned segments.

Another instructive case is *Taxpayers Watchdog, Inc. v. Stanley* (819 F. 2d 294). The Urban Mass Transportation Administration and Southern California Rapid Transit District sought to build an 18.6 mile rail service between Los Angeles central business district and North Hollywood. The project was approved after completing a proper EIS. The transit district was unable to fund the full project so they prepared an environmental assessment with the alternative to build only the first four miles "to insure that the 4 mile project would be an independent operable segment." They did a proper study focusing on the question of whether the 4 miles was necessary and able to stand on its own if the rest of the line was not built. In their analysis they looked at only the 4 miles in isolation from the remaining segments.

The court ruled with the agency finding "although expansion of the rail system may be desirable, the substantial utility of MOS-1 as an independent rail segment serving the CBD does not require the construction of additional rail miles to justify the building of MOS-1 alone."

In *Taxpayers*, the first four miles began in one of the most populated areas in the state. It connected to an area with sufficient, not limited ground transportation services. In this case, however, the same is not true, as is concluded from your own study documents.

As to further evidence that the Fresno-to-Bakersfield segment does not have independent utility, this segment has been analyzed as a part of the statewide project not independent from the project. For instance, the cost of purchasing the train itself is completely left out of the equation.

> *"These costs do not include acquiring HST vehicles because they are part of the statewide HST System and are not associated with constructing individual sections." (DEIS 5-2)*

The Fresno-to-Bakersfield segment consists of a new railroad line, four stations, Heavy Maintenance Facilities, but no train set. How can this segment possibly meet the purpose and need of the project without at least purchasing the train? If instead, the segments from San Francisco to Fresno were completed and had operational trains, then it would be rational to conclude that this segment could be evaluated without the purchase of a train set since it would simply use those already in service. But, for the scenario before us today where this conceivably is the first segment, the analysis must include the cost of a train.

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It does not because this segment was never designed or analyzed for the purpose of functioning on its own.

We do not criticize the goal of creating a statewide HST system, but must question the method. What if the other segments are not built? Will the Central Valley be saddled with a rail to nowhere? If the true goal was to improve transportation in the Central Valley, would High Speed Rail be the alternative selected, or would decision makers select upgrading existing modal facilities instead? If reaching the population centers of the valley was the true goal, then would placing one of the four stations in the middle of prime farmland be the alternative selected? If connecting the bus, rail and airline modes is the true goal, then would a new corridor be developed that routed the train around the city of Visalia and off the main transportation artery, the SR-99 corridor?

The answers cannot be found in the DEIS because the questions were never considered. The Fresno-to-Bakersfield segment has always been viewed as a critical part of a larger system. "Independent Utility" was scarcely an afterthought.

We understand your assurance that if the HST project fails and all segments are not completed, the Fresno-to-Bakersfield segment will then be used to service Amtrak. An "if our project fails" approach to planning is poor planning at best.

You found that on average only one Amtrak train goes through the City of Hanford a day. This finding is false. The fact of the matter is easily evident from the Amtrak schedule. According to Amtrak, the San Joaquin Route operates twelve trains (Train Nos. 702, 712, 714, 716, 704, 718, 711, 701, 713, 715, 717, and 703) daily. All of these are scheduled for stops in Hanford, CA. Southbound trips stop in Hanford at 10:28 am, 12:09 pm, 2:44 pm, 5:54 pm: 8:39 pm, and 10:28 pm. Northbound stops include 6:12 am, 8:32 am, 11:26 am, 2:42 pm, 5:06 pm, and 7:40 pm. The same number of stops occur in the City of Corcoran. Your simplistic assertion that only one train goes through Hanford seems to falsely imply that there is not a high demand

for ridership in the Hanford area. In fact, you also anticipate that once the HST is fully operational, the Amtrak service will probably discontinue in Hanford, Corcoran and Wasco. 2010 ridership numbers for Amtrak indicate the following: Hanford Station had 187,865 boardings during Fiscal Year 2010; Corcoran had 27,375, Bakersfield had 413,172, and Fresno had 352,737.

> *"With the introduction of HST service, the Amtrak San Joaquin rail service may be adjusted to function as a feeder service to the HST System. With the introduction of HST service, passenger rail service could be discontinued at Hanford, Corcoran, and Wasco. Existing riders would shift to HST service as it becomes available (for example, for Bay Area to Fresno trips). The San Joaquin route could be particularly important as a connecting service during Phase 1 HST operations, prior to the extension to Sacramento. There would be a negligible impact under NEPA and a less-than-significant impact under CEQA because existing passenger rail service would not be limited or worsened as the HST maintains service between major cities on the San Joaquin route." (DEIS 3.2-48)*

Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011) - Continued

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If that is the case then why create a "new" corridor outside of Hanford? It seems reasonable that a "shared track" scenario should be evaluated or at least staying in the exiting corridor considered reasonable where a station can be placed in the population center of Hanford, next to the Amtrak station expected to be abandoned. We recognize that you conclude that sharing the track will force HST to slow down and not meet the 220 mile speed most preferable. However, the question is how has this issue been weighed in comparison to creating a whole new corridor through prime farmland? The answer is it has not.

You have already determined early in this process that upgrading existing commuter rail services did not meet project goals. Having a new rail line for Amtrak to operate while potentially abandoning a current rail line and station-hub, will not change this outcome but it will cause extensive environmental damage.

Does the Fresno-to-Bakersfield have "logical termini?" We don't know because the decision of where to place the station was made for the benefit of connecting to the other HST segments not yet approved. Whether or not these are the logical beginning and end points if this segment were the only portion of the HST system built has not been analyzed.

Does the Fresno-to-Bakersfield segment demonstrate "independent utility" or "independent significance," meaning that it is usable and a "reasonable expenditure even if no additional transportation improvements in the area are made?" We don't know because the segment was never analyzed with this objective question in mind. It was studied from a statewide perspective despite the studies segment title.

Does the Fresno-to-Bakersfield segment "restrict consideration of alternatives for other reasonably foreseeable transportation improvements?" We know it does in Kings County where a new corridor is being proposed which will force the Kings/Tulare station site to become the nucleus of all future transportation projects in our County even though doing so violates every aspect of our general plan, transportation plan and zoning regulations.

The Fresno-to-Bakersfield segment fails to demonstrate logical termini, independent utility and forecloses future transportation improvements. None of these questions were asked and analyzed during this study process. The segment was always planned and viewed as a major component of a statewide goal. What damage is done to Kings County if it fails was never even considered.

Summary

We do not presume to tell you or the Authority how to create a statewide High Speed Rail system in the state of California. That is not within our authority or expertise. We do, however, know how transportation plans best fit within Kings County. It is for this purpose that Congress placed on your agency the responsibility to ensure you coordinate federal plans with local governments early in the process in order to avoid conflicts. This duty is so simple and has been done many times in Kings County with other agencies to the benefit of the project, the county and the people. But in this instance, Kings County has been shut out from this process. Why, we do not know.

What we do know by way of review of all the environmental studies that have led up to this moment of impacting our county is that you have and continue to refuse to meet and discuss inconsistencies. You have intentionally and knowingly refused to consider important aspects of the problem. You have abused the very important agency discretion afforded you by NEPA and upheld by the courts. You have violated the very environmental statutes you are charged to uphold.

A six month delay to study a "new" corridor route along the west side of Hanford will not cure any of these deficiencies. Only selecting the "No Build" option and beginning your study process over, this time in coordination with Kings County, can prevent irreparable harm to the county. We strongly suggest you consider doing so.

Sincerely,

Tony Barba, Chairman
Kings County Board of Supervisors

Enclosures:
1. October 12, 2011 letter from Kings County Board of Supervisors to Dan Leavitt incorporating August 2, 2011 letter from Kings County Board of Supervisors to FRA which incorporates March 4 and May 6, 2011 letters from Kings County Board of Supervisors to California High Speed Rail Authority
2. Kings County Board of Supervisors Resolution No. 11-065

cc: The Honorable Edmund G. Brown, Jr.
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California High Speed Rail Authority
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Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011) - Continued

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Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011) - Continued

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NORTH HANFORD, ISLAND DISTRICT & NORTH LEMOORE
TONY BARBA - DISTRICT 5
ARMONA, HANFORD & NEW HOME GARDEN
RICHARD FAGUNDES - DISTRICT 3
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October 12, 2011

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

Re: California High-Speed Train Project: Fresno to Bakersfield Section
August 2011 Draft Environmental Impact Report/Statement
County of Kings' Initial Comment Letter – Include in Record

Dear Mr. Leavitt:

The County of Kings (County) was preparing its comments to the referenced document when it received a notice issued by the California High-Speed Rail Authority (Authority) on October 5, 2011, that the Authority intends to issue a revised DEIR/EIS in the Spring of 2012. The County offers the initial comments included herein and reserves further comments for the new DEIR/EIS anticipated in Spring, 2012.

The County is a Coordinating Agency under the National Environmental Protection Act (NEPA) and takes its responsibility to participate in the environmental review of the Project very seriously. The Authority, on the other hand, has consistently refused to coordinate with the County to resolve conflicts created by its proposed Project. The County has identified its concerns in detail in the following correspondence between the County and the Authority and the County and the Federal Rail Administration (FRA) and incorporates same by reference into its comments to be lodged in the Record:

1. March 4, 2011 letter from Kings County Board of Supervisors to Authority;
2. May 6, 2011 letter from Kings County Board of Supervisors to Authority;
3. August 2, 2011 letter from Kings County Board of Supervisors to FRA.

The County was assured that each and every concern raised in the foregoing correspondence would be addressed in the DEIR/EIS. This has proven to be false. The County again requests that the Authority specifically address and resolve each and every concern.

1

Mr. Dan Leavitt
California High-Speed Rail Authority
Fresno to Bakersfield Draft EIR/EIS Comments
October 12, 2011; Page 2 of 4

Further comments and concerns of the County follow:

1. The Authority has failed and continues to fail to engage in any meaningful coordination and consultation with the County as required by NEPA and CEQA;
2. The Authority has failed to propose an alignment that follows existing transportation corridors as required by the High Speed Rail Act;
3. The Authority has failed to properly consider in sufficient detail the Highway 99 alignment alternative;
4. The Authority has failed to adequately identify, analyze and mitigate the Project's devastating impacts on the agricultural resources and economy of the County caused by deviation from existing transportation corridors;
5. The Authority has failed to identify, analyze and mitigate the Project's conflicts with applicable provisions of the County's General Plan and ordinances
6. The Authority has failed to act in good faith to comply with CEQA and NEPA by allowing only 60 days to review more than 30,000 pages of DEIR/EIS and documents referenced therein;
7. The Authority has allowed the reviewing parties to expend an extraordinary amount of time, money and resources attempting to respond to the 30,000 plus pages within an unreasonably short comment period, only to be informed at the last minute that the Authority will issue a new environmental document in the spring of 2012 that will reintroduce a previously preferred alternative that was abandoned without explanation. This will require the reviewing parties to expend additional amounts of time, money and resources to review new technical information on top of the existing 17,000 pages, during a time when financial hardship has stricken this County and State.
8. The initial period of 60 days allowed for public review and comment was so unreasonably short that it precluded effective public participation. Therefore the County would recommend that the Authority consider a more adequate (180 day) public review period for the upcoming revised DEIR/EIS which is now due in spring of 2012.
9. The Project Description is uncertain and incomplete and will be changed and affected by the document anticipated in the Spring of 2012.
10. The analysis of the project's environmental impacts is inadequate.

Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011) - Continued

Mr. Dan Leavitt
California High-Speed Rail Authority
Fresno to Bakersfield Draft EIR/EIS Comments
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11. The Proposed Mitigation Measures are incomplete and ineffective and in many cases are improperly deferred.

13. The DEIR/EIS did not consider a reasonable range of alternatives that would avoid or substantially lessen the significant impacts of the Project.

After careful review of as much as it could to date, the County has concluded that the DEIR/EIS fails to fulfill NEPA's and CEQA's fundamental objective of informing the public and the decision makers of the potential significant environmental effects and mitigation costs of the Project. The defects and omissions identified to date make clear that the DEIR/EIS is inadequate and incomplete and fails to comply with the fundamental requirements of NEPA and CEQA. The County trusts that the revised and re-circulated document will remedy the obvious deficiencies in the existing analysis and comply with the requirements of NEPA and CEQA.

The Project and its potential significant environmental and economic effects are of enormous interest to the County and its residents. Accordingly, the County is submitting these initial comments in advance of the revised DEIR/EIS in a good-faith effort to assist the Authority in preparing an adequate and complete assessment of the significant environmental impacts the Project will have in the Central Valley. The County requests that the Authority provide at the most earliest convenience a Geographic Information System (GIS) layer of the new alternative which will be added to the revised Project, so that the County can enter into Coordination with the Authority and provide meaningful comment for the Authority to incorporate into the revised DEIR/EIS in Spring of 2012. The County anticipates receiving the revised DEIR/EIS and providing additional comments on the entire revised DEIR/EIS when it is re-circulated in the Spring of 2012. The County also reiterates its demand to coordinate the Project with the County Board of Supervisors in order to comply with NEPA and CEQA and produce a viable Project.

The County appreciates the opportunity to provide these initial comments and trusts that the Authority will fulfill its duties as the Lead Agency to prepare and re-circulate a revised DEIR/EIS that accurately, adequately and completely defines the specific Project and discusses the extensive adverse environmental and economic impacts the Project will have.

Sincerely,

Tony Barba, Chairman
Kings County Board of Supervisors

3

Mr. Dan Leavitt
California High-Speed Rail Authority
Fresno to Bakersfield Draft EIR/EIS Comments
October 12, 2011; Page 4 of 4

Enclosure: August 2, 2011 letter to FRA which incorporates March 4, 2011 and May 6, 2011 letters from Kings County Board of Supervisors to California High Speed Rail Authority

cc: Joseph C. Szabo, U.S.DOT Federal Railroad Administration
Michael S. Jewell, U.S. Army Corps of Engineers
Connell Dunning, U.S. Environmental Protection Agency

H:\HIGH SPEED RAIL\DEIR-EIS Initial COMMENT LTR 10 13 11(cjc comments).docx

4

Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011) - Continued

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

****

IN THE MATTER OF REVOKING AND RESCINDING RESOLUTION 10-033 AND OPPOSING THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY HIGH-SPEED TRAIN PROJECT

RESOLUTION NO. 11-065

WHEREAS, California voters approved Proposition 1A on November 4, 2008 and the Legislature codified the *Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century* ("the Act"; AB 3034; *See* Streets and Highways Code Sections 2704-2704.1); and

WHEREAS, the Act provides $9.1 billion in bond funds to finance a high speed electrified train system designed along existing transportation corridors to achieve mandated travel times between population centers and to operate without government subsidies, that will connect the San Francisco Bay Area and Sacramento in the north, through the Central Valley to Los Angles, Orange County and San Diego in the south (collectively the "Project'); and

WHEREAS, federal American Recovery and Reinvestment Act ("ARRA") money has been allocated to the California high-speed train Project; and

WHEREAS, a nine-member California High-Speed Rail Authority ("Authority") was appointed pursuant to the Act and Public Utilities Code Section 185020 to plan and implement the Project pursuant to the Act and all applicable law and implementing regulations; and

WHEREAS, the Authority and the Federal Railroad Administration ("FRA") are co-lead agencies for purposes of environmental review of the Project under the California Environmental Quality Act ("CEQA") and the National Environmental Protection Act ("NEPA"); and

WHEREAS, on May 25, 2010, the Kings County Board of Supervisors resolved (Resolution #10-033) that it:

1. Supports the continuing development of high-speed rail on a statewide basis;
2. Supports a unified approach for the Central Valley, should the rail be designated to traverse through it;
2.3. Supports routes that use existing transportation corridors and rights-of-way; and
2.4. Opposes any and all alignments where transportation corridors do not exist at the present time; and

WHEREAS, revocation and rescission of Resolution 10-033 and opposition to the California High-Speed Rail Authority High-Speed Train Project is under consideration based on the following findings:

Findings:

1. The Authority and FRA have failed and continue to fail to coordinate with Kings County regarding the Project and its impacts on the health, safety and welfare of the County and its local planning documents and ordinances; and
2. The Project does not conform with the County's General Plan and related ordinances; and
3. Prior to release of the Draft Environmental Impact Report/Environmental Impact Statement ("DEIR/EIS") for the Fresno to Bakersfield Section of the Project, the Authority and FRA assured Kings County Board of Supervisors that local planning issues and health, safety and welfare concerns would be addressed in the DEIR/EIS, but it has not be done despite detailed correspondence presented to the Authority and FRA and introduced in attempted coordination meetings by Kings County Board of Supervisors; and
4. The DEIR/EIS defers mitigation analysis on many of the impacts that will affect not only Kings County property owners, but Kings County Government and County staff resources and fails to resolve conflicts with the County's General Plan; and
5. The DEIR/EIS proposes that the Bakersfield to Fresno Section will not initially be electrified, in violation of Proposition 1A, which requires an electrified high-speed train system; and
6. The DEIR/EIS further indicates that if the entire high-speed train system anticipated by Prop. 1A is not built out as anticipated, the track for the Bakersfield to Fresno Section will have "independent utility" for Amtrak purposes and will qualify under ARRA funding requirements. This completely ignores the local investment in the existing transportation hub and intermodal connectivity and planning as well as economic impacts on affected downtowns and the air quality and greenhouse gas impacts created by altering the hub; and
7. The Fresno to Bakersfield Section DEIR/EIS consists of more than 17,000 pages and relies on technical documents that combined total more than 30,000 pages yet the Authority provided for a 45-day comment period with a token 15 day extension for a total of 60 days; and
8. Just before expiration of the inadequate 60 day review period, rather than respond to a flood of requests for extension of the comment period, the Authority, without evaluating the impacts, issued a statement that it intends to retain the 60 day comment period for the DEIR/EIS, proceed with the separate Merced to Fresno Section DEIR/EIS, but "re-introduce an alternative route, the Hanford West Bypass alternative, along with an alternative station location to serve the Kings/Tulare region" and then issue a revised draft EIR/supplemental draft EIS for the Fresno to Bakersfield Section only in Spring of 2012. Had the Authority coordinated with the County as requested, this may have been avoided, and the Authority's bad-faith behavior has exhausted local resources only to have to start all over again in the Spring of 2012. To further demonstrate the Authority's mismanagement of this Project and unwillingness to account for local input, the Hanford West alternative is reintroduced as a preferred alternative from the Authority's 2007 Visalia-Tulare-Station Feasibility Study, which was adopted

Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011) - Continued

without environmental review, without outreach by the Authority or contact with Kings County, and was previously abandoned without explanation. In other words, it adopted particular alignments without public or agency input despite claiming to "tier" off of the earlier general programmatic environmental document. Also, despite a letter from a federal responsible agency, the U.S. Army Corps of Engineers, suggesting that it should reconsider the Hanford West alignment the Authority on May, 2011 refused to comply and remained undeterred in its effort to issue the Project DEIR/EIS. Now, at the end of the DEIR/EIS comment period, the Authority is backtracking and indicating it will reconsider this alternative; and

9. The Authority's lack of transparency, failure to coordinate and resolve impacts, ignorance of the will of the people expressed in Prop. 1A, and its "act now, ask forgiveness later" approach to the Project, have caused the Kings County Board of Supervisors to revisit its prior Resolution 10-033.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Kings County Board of Supervisors:

1. Affirms the findings herein;
2. **REVOKES** and **RESCINDS** Resolution #10-033 adopted May 25, 2010; and
3. **OPPOSES** the California High-Speed Rail Authority High-Speed Train Project.

The foregoing resolution was unanimously adopted upon motion by Supervisor Joe Neves, seconded by Supervisor Doug Verboon at a regular meeting held on the 18th day of October, 2011, by the following vote:

AYES: Supervisors Neves, Verboon, Fagundes, Valle and Barba
NOES: Supervisors
ABSENT: Supervisors

Tony Barba, Chairperson of the Board of Supervisors
County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this 18th day of October, 2011.

Rhonda Bray, Deputy Clerk of said Board of Supervisor

h\High Speed Rail / 2011 Reso Opposing HSR Project - FINAL

Response to Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011)

L009-1

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

Project consistency with the *2035 Kings County General Plan* policies (Kings County Board of Supervisors 2010a) is discussed in Section 3.13.2.4, Consistency with Local and Regional Plans; Section 3.13.5.3, High-Speed Train Alternatives; and Appendix 3.13-A, Land Use Plans, Goals, and Policies, Attachment 1. Because the HST project is a state project, consistency with local plans and policies is not required by law. Nonetheless, to comply with the principles set out in Proposition 1A, the HST System has been designed to minimize conflicts and to be compatible with future and planned uses to the extent possible. Accordingly, the analysis includes a review of the goals and policies of the local land use plans and other plans. However, because the project is a state and federal project, the project is not required to comply with local and regional plans, and potential conflicts are not treated as environmental impacts.

L009-2

The environmental impact analysis compares the change from the existing conditions at the time of the Notice of Preparation to the changes that would occur during project construction, opening year, and in the future. The environmental impact analysis also compares the No Project Alternative to the project alternatives.

L009-3

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

L009-4

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

L009-5

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

L009-5

The current demographics and economic conditions of Kings County in relation to the other three counties were considered in all analyses, and these conditions are highlighted in the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12.4, and in the Community Impact Assessment Technical Report, Section 4 and Appendix B. See Volume 1, Section 3.12, Impact SO #6 and Impact SO #18, as well as Sections 4.3 and 5.3 in the Community Impact Assessment Technical Report, for information on the Environmental Justice analysis and methodology.

L009-6

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-GENERAL-16, FB-Response-LU-03.

Because the HST Project is a state project, consistency with local plans and policies is not required by law. Nonetheless, in order to comply with the principles set out in Proposition 1A, the HST Project has been designed to minimize conflicts and to be compatible with future and planned use to the extent possible. Accordingly, the analysis includes a review of the goals and policies of the local land use plans, as well as other plans. However, because as a State and federal project, HST is not required to comply with local and regional plans, potential conflicts are not treated as impacts.

As shown in Chapter 7 of the Revised DEIR/Supplemental DEIS, the Authority has been in contact with the County regarding this project many times during the CEQA/NEPA process. All notices required under CEQA and NEPA have been sent to the County in a timely manner.

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

Response to Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011) - Continued

L009-7

The text in Appendix 3.13-A is correct. The Kings/Tulare Regional Station–East Alternative itself would be approximately 0.5 mile from the residential subdivision. The new road that would connect SR 43 to the new station would be approximately 200 feet from the subdivision.

L009-8

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-05, FB-Response-GENERAL-21.

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

L009-9

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

For a discussion of land use planning consistency, please see Section 3.13.2.4 of the EIR/EIS. Because the HST Project is a state project, consistency with local plans and policies is not required by law. Nonetheless, in order to comply with the principles set out in Proposition 1A, the HST Project has been designed to minimize conflicts and to be compatible with future and planned use to the extent possible. Accordingly, the analysis includes a review of the goals and policies of the local land use plans, as well as other plans. However, because as a state and federal project, HST is not required to comply with local and regional plans and potential conflicts are not treated as environmental impacts. Also, refer to FB-Response-LU-03.

The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

As discussed in the Revised DEIR/Supplemental DEIS, the Kings/Tulare Regional

L009-9

Station–East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands. However, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station–East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the proposed station site. The Revised DEIR/Supplemental DEIS notes that the Kings/Tulare Regional Station–East would change the pattern and intensity of the use of the land, would be incompatible with adjacent land uses, and is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, developing the Kings/Tulare Regional Station—East Alternative could remove a barrier to growth through the extension of infrastructure to the station. This would allow for more development to occur around the station and along the path of the infrastructure expansion. Developing around the stations may be desirable to business and residences by creating a direct transportation link to areas with more business and employment opportunities. That is, people could travel from Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly. Even given the Urban Reserve and agricultural land use designations surrounding the Kings/Tulare Regional Station–East Alternative area, the potential for the Authority to purchase agricultural conservation easements around the station (easements must be purchased from willing sellers), and the Authority's vision for the Kings/Tulare Regional Station–East Alternative to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–East Alternative is high. Due to this high potential, the Authority could work with local government, the California Department of Conservation and non-governmental agencies to purchase agricultural conservation easements around the station to keep the land in agricultural production to

Response to Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011) - Continued

L009-9

discourage direct or indirect growth around this station. However, the Revised DEIR/Supplemental DEIS does acknowledge the potential for undesired growth to occur.

Section 3.13.5.3 discusses that the Kings/Tulare Regional Station–West Alternative would convert approximately 44 acres of agricultural, residential, and industrial land uses to a transportation use. Like the Kings/Tulare Regional Station–East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station–West. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, the Kings/Tulare Regional Station–West Alternative consists of unincorporated land adjacent to the City of Hanford's western Planning Area Boundary, and within the Armona Community Planning Area of Kings County. The station site would be located in an area categorized in the *2035 Kings County General Plan* (Kings County Board of Supervisors 2010a) as Urban Fringe, in an area designated as a Primary sphere of influence. The "Urban Fringe" Land Use Category is intended to represent residential, commercial, and industrial land uses immediately adjacent to Hanford. The station site land use designation within Kings County is Limited Agriculture, as is all adjacent land to the west, north, and east. Developing a station could remove a barrier to growth through the extension of infrastructure to the stations. This would allow for more development to occur around the stations and along the path of the infrastructure expansion. Developing around the stations may be desirable to business and residences by creating a direct transportation link to areas with more business and employment opportunities. Therefore, the Revised DEIR/Supplemental DEIS acknowledges that the potential for indirect effects on land use in the area

L009-9

surrounding the Kings/Tulare Regional Station–West Alternative is high.

L009-10

The HST project is being undertaken by a state agency (the Authority) and a federal agency (the FRA). The HST project is not subject to the general plan policies or zoning regulations adopted by local governments. The Authority and FRA have consulted with public agencies during the process of planning and designing the HST project, including during preparation of the Preliminary and Supplemental AA Reports. In addition, the project must conform to the policies and objectives of the statutes and regulations under which the Authority and FRA operate. For example, the Authority must balance the objectives stated in Proposition 1A in pursuing development of an HST system for California.

As stated in FRA Docket No. EP-1, Procedures for Considering Environmental Impacts, the EIS should assess the impacts of each alternative on local land use controls and comprehensive regional planning as well as on development within the affected environment, including, where applicable, other proposed Federal actions in the area. Where inconsistencies or conflicts exist, this section should describe the extent of reconciliation and the reason for proceeding notwithstanding the absence of full reconciliation. Land use impacts, including policy inconsistency and land use conflicts, are discussed in Section 3.13.2.4 and 3.13.5.3.

L009-11

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

The Program EIR/EIS eliminated alternatives, including corridors, at a program-level using a broad set of criteria. The eliminated corridors included a San Francisco to Los Angeles only corridor, which would not meet the objective of linking the major metropolitan areas of the state; coastal corridors following Highway 101 and Highway 1, which would result in greater impacts to sensitive natural and cultural resources, higher costs and slower travel due to challenging topography and waters; and an I-5 corridor, which failed to meet the basic project objectives of maximizing intermodal opportunities, maximizing connectivity and accessibility, and providing transit connections and multi-modal stations, and additionally would result in increased incompatibility with land use

Response to Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011) - Continued

L009-11

planning. Therefore, land use incompatibility was only one of the criteria used to eliminate the I-5 corridor.

The Revised DEIR/Supplemental DEIS evaluates a defined project, designed to a 15% level and therefore includes a more in-depth analysis than the Program EIR/EIS. The development of project alternatives selected for evaluation in the Revised DEIR/Supplemental DEIS utilized specific decision criteria under Section 404(b)(1) of the Clean Water Act and which included Consistency with Project Purpose; Logistics and Technology; Impacts on Aquatic Resources; Environmental Effects (including national wildlife refuges, parklands, cultural resources, agricultural resources, and displacements of residences and commercial and industrial facilities); Agency, Stakeholder, and Public Positions; and Benefits of Alternative. Therefore, some alternatives advanced for analysis in the Revised DEIR/Supplemental DEIS may

Regarding using the SR-99 corridor, as discussed in FB Response-02: Alternatives, due to HST engineering and operational needs the HST alignment in the Central Valley cannot feasibly be built solely within the existing transportation corridors. Existing corridors are not sufficiently straight nor are their curve radii long enough to support high-speed operation along their full lengths. Safety considerations also dictate the need to separate the HST from roads and conventional rail (see Section 2.4.2.A, Alignment Requirements). As a result, the potential to construct the HST down the center of SR 99, as suggested by some comments, does not exist. Further, to make greater use of existing corridors, additional right-of-way would be needed to provide sufficient width and curve radii for high-speed operations. This would necessitate acquisition and removal of substantially greater numbers of homes and businesses to expand and straighten these corridors, with greatly increased impacts on existing communities as the alignments pass through urban areas.

In compliance with the objective of using existing corridors where feasible, in making decisions regarding HST alignments and station locations, the HST Authority and the FRA have gone to great lengths to maximize the feasible use of existing transportation corridors and to minimize impacts on both agricultural lands and communities. Accordingly, the HST Authority and FRA have eliminated potential “new corridor” alignment alternatives to the west and east of SR 99 from further consideration and

L009-11

have identified downtown station locations for study in Fresno and Bakersfield. These downtown locations would help to minimize impacts on agriculture while promoting urban infill development.

The Authority and FRA have consulted with public agencies during the process of planning and designing the HST project, including during preparation of the Preliminary and Supplemental AA Reports. In addition, the project must conform to the policies and objectives of the statutes and regulations under which the Authority and FRA operate. For example, the Authority must balance the objectives stated in Proposition 1A in pursuing development of an HST system for California.

An analysis of the impacts to agricultural land; direct, indirect, and cumulative, is included in Sections 3.14 and 3.19.

L009-12

Refer to Standard Response FB-Response-GENERAL-04 and FB-Response-AG-07.

See the Revised DEIR/Supplemental DEIS, Volume I, Section 3.14, Impact AG #4, for information on the permanent conversion of agricultural land, and see Mitigation Measure AG-1 in Volume I, Section 3.14, for measures to preserve the total amount of prime farmland. See Volume II, Appendix 3.14-A, for the results and findings of land evaluation and site assessment pursuant to the Farmland Protection Policy Act, which includes evaluation score sheets prepared by the State Resources Inventory Coordinator of the Natural Resources Conservation Service and site assessment scores prepared by project staff.

L009-13

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-13, FB-Response-GENERAL-17.

The Fresno to Bakersfield Section would also have utility as a test track for the eventual expansion of the HST System. High-speed testing is crucial to the safe and efficient operation of the system. The relatively straight alignment would allow for the testing of track, signaling systems, and trainsets at operational speeds.

Response to Submission L009 (Tony Barba, Kings County Board of Supervisors, November 7, 2011) - Continued

L009-13

Fresno and Bakersfield are the two largest cities in the San Joaquin Valley, with January 1, 2011, populations estimated by the California Department of Finance to be 500,121 and 351,443 people, respectively. These two cities are both surrounded by large metropolitan areas and are economic hubs within the region. Given their potential ridership and regional economic importance, they make logical termini for a section of the HST System.

To ensure the operational independence of the Fresno to Bakersfield Section, the FRA/Authority American Recovery and Reinvestment Act (ARRA) funding agreement establishes an "Interim Use Reserve" fund to address the contingency that before construction is completed the FRA (in coordination with the Authority) determines that there could be a "significant delay" in securing the funding necessary to complete the investments needed to begin revenue operations for the HST System. This fund would be used only in that situation and would finance the additional capital improvements necessary to allow for the section to be placed into service for intercity, non-HST passenger rail purposes. To remain true to the requirements of Proposition 1A (2008), the funding agreement specifies that only federal money could be used for this purpose and that no state bond funds would be used. Further, the Authority would neither construct nor operate any such connection.

Submission L010 (Steve Kroeke, Public Works, June 21, 2012)

Fresno - Bakersfield (May 2011 – July 2012) - RECORD #1701 DETAIL

Status :	Action Pending
Record Date :	6/21/2012
Response Requested :	
Affiliation Type :	Local Agency
Interest As :	Local Agency
Submission Date :	6/21/2012
Submission Method :	Website
First Name :	Steve
Last Name :	Kroeke
Professional Title :	Public Works Director
Business/Organization :	Public Works
Address :	
Apt./Suite No. :	
City :	Corcoran
State :	CA
Zip Code :	93212
Telephone :	559-992-2151 ext. 262
Email :	steve.kroeker@cityofcorcoran.com
Cell Phone :	
L010-1 **Stakeholder Comments/Issues :**	Good Morning, in looking at the hybred alignment through Corcoran we would like to see some more work put into the Orange Ave. overcrossing. Would it be possible to extend 5 1/2 Ave. South across and over in such a way so as to "T" into Orange Ave. by either looping in from the North or the South? Maybe you could create a large "S" with a four way intersection at Letts Ave. that would include a traffic light, I don't know what you can do but coming South on 43 then turning Right on Orange Ave. then having to make a several turns to get back to Otis Ave. doesn't seem to be a very good solution to our situation should this option be chosen. If you have time maybe you can give me a call.
EIR/EIS Comment :	Yes
Official Comment Period :	No
Add to Mailing List :	Yes
Email Subscription :	Fresno - Bakersfield

Response to Submission L010 (Steve Kroeke, Public Works, June 21, 2012)

L010-1

The proposed grade separation for the BNSF Alternative at Orange Avenue has been designed according to state and local standards, however, in consultation with the city of Corcoran, additional overpass designs have been considered. Authority representatives met with city of Corcoran representatives (including the commenter) on July 31, 2012. Overpass designs including those suggested by the commenter were explored and the city's preferences will be incorporated into final design at the time the preferred alternative is selected.

Submission L011 (David Warner, San Joaquin Valley Air Pollution Control District, October 14, 2011)

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING

RECEIVED
10-14-11P04:31 RCVD

October 12, 2011

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

Project: California High-Speed Train
Fresno to Bakersfield Section
Draft Environmental Impact Statement

District CEQA Reference No: 20110301

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Statement (DEIS) for the project referenced above consisting of the Fresno to Bakersfield Section of the proposed California High-Speed Train (HST) system, and commends the Authority on a high-quality assessment of potential environmental risks of the California HST project. The District is supportive of a California HST system that is based on thoughtful design and implementation aimed at offering low emissions commute and travel options to the residents of the San Joaquin Valley. The potential for the HST system to reduce emissions from motor vehicle traffic in the Valley may be significant. The District does offer the following comments to further improve and complete the DEIS:

General Comments

L011-1

The San Joaquin Valley Air Pollution Control District is responsible for air quality in eight counties in California's Central Valley: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and the San Joaquin Valley Air Basin portion of Kern. Air quality in the San Joaquin Valley (SJV) has steadily improved over the past 15 years and continues to do so through the District's adoption of new Rules, State Implementation Plans, and the support and participation of stakeholders, businesses, and the public. The subject project and its companion project, the Merced to Fresno Section, have the potential to impact air quality in all eight counties.

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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Central Region (Main Office)
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Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

L011-1

Air pollution sources can be divided into two general categories, stationary sources and mobile sources. The District has achieved maximum cost-effective emission reductions from stationary sources and as a result mobile sources now produce about 80% of the Valley's smog-forming emissions. Thus, achieving significant reductions in mobile source emissions within the SJV is critical to District achieving attainment of state and federal air standards. If properly implemented, the HST could be a key component of the District's efforts to reduce the air quality impacts caused by vehicle miles traveled within the SJV.

Based on staff's review of the Environmental Impact Statement (EIS), the District believes that the environmental document likely understates construction-related impacts on air quality within the SJV and has not discussed all feasible mitigation measures for those impacts. However, we have significant experience in administering effective and feasible off-site mitigation programs that significantly or completely mitigate air pollution emissions from large projects, and we are offering to provide our expertise and assistance in this area.

Construction Related Impacts on Air Quality

L011-2

As discussed below, construction related exhaust emissions are potentially understated:

a) Tier 4 construction equipment: The analysis of construction equipment exhaust emissions assumes that all construction equipment will meet Tier 4 emissions standards. This assumption is inconsistent with the proposed mitigation measure which allows the use of Tier 3 engines if the contractor has documented that Tier 4 equipment or emissions retrofit is not available.

Based on the District's experience in providing funding to replace older, more polluting, off-road equipment, Tier 4 equipment is not widely available and retrofitting older equipment to achieve Tier 4 emissions standards is frequently not feasible. During the early consultation phase of developing the environmental document, the District expressed concerns about this assumption. The District recommended that if the assessment was not revised, the document should be amended to include an enforceable mitigation measure ensuring that, on a fleet-wide basis, equipment used would meet Tier 4 emissions standards. The proposed mitigation measure fails to meet that objective.

The District again recommends that the analysis be revised to reflect a realistic fleet-wide emissions target. The District further recommends that mitigation measures be revised to include enforceable conditions, ensuring construction exhaust emissions will be reduced or mitigated to the extent feasible. One approach is to require off-site mitigation of project emissions through a Voluntary Emissions Reduction Agreement, which is explained in more detail in the mitigation section below.

L011-3

b) Emissions Model: Construction emissions may be further understated because construction emissions were quantified using URBEMIS. During the early

Submission L011 (David Warner, San Joaquin Valley Air Pollution Control District, October 14, 2011) - Continued

L011-3 consultation phase, the District had advised that URBEMIS was not the most appropriate model to use for this complex construction project. In brief, URBEMIS was developed for estimating emissions from typical residential and commercial development projects. Construction of railways to support a high speed train involves activities that are not intrinsic to URBEMIS. Furthermore, URBEMIS has been demonstrated to produce lower estimates of construction exhaust emissions, as compared to a more recently developed model, the California Air Pollution Control Officers' Association's "California Emissions Estimation Model" (CalEEMod). However, like URBEMIS, CalEEMod is designed to model emissions from residential and commercial developments, not large scale linear construction projects like railroads. The District recommends that the rail construction analysis be conducted using a more suitable model. The District suggests the Sacramento Metropolitan Air Quality Management District's "Construction Mitigation Calculator," which incorporates the latest heavy duty equipment emissions factors approved by the California Air Resources Board, and should more accurately characterize emissions from the construction of a railway.

Heavy Maintenance Facility – Health Risk Assessment:

L011-4 The District's review of the health risk assessment (HRA) for the Heavy Maintenance Facility (HMF) concludes that the scenario that was modeled may not adequately correspond to actual conditions of the eventual location in terms of critical HRA parameters, such as prevailing winds and locations of sensitive receptors. As a result, the HRA may over-state, or under-state, the associated risk. Because specific site conditions are currently unknown, the District recommends that an enforceable mitigation measure be made a condition of project approval that would require a site-specific health risk assessment to be performed prior to actual site selection and that all air related health impacts be reduced or mitigated to below the District's thresholds of significance.

Stationary sources at the HMF will be subject to District air permits. As such, the District will be a responsible agency for the project. To ensure that the health risk assessment is adequate for District permitting and approval processes, the District recommends that the project proponent contact the District to review the proposed modeling methodology prior to preparing the final HRA modeling.

L011-5 **Mitigation of Project Related Impacts on Air Quality:**

Based on the existing air impact assessment, mitigated construction related emissions of NOx, VOC, and PM10 combined over the eight year construction period, were estimated as follows:

	Annual Average	Total project
Merced to Fresno:	230 tons/year	1,900 tons
Fresno to Bakersfield:	670 tons/year	5,400 tons
Total:	**900 tons/year**	**7,300 tons**

L011-5 These emissions exceed the District's thresholds of significance of 10 tons NOx per year, 10 tons VOC per year, and 15 tons PM10 per year. For significant environmental impacts, the California Environmental Quality Act (CEQA) requires lead agencies to implement all feasible mitigation measures.

As discussed above, the DEIS' proposed mitigation measures are not sufficiently enforceable to ensure that project related impacts on air quality will be reduced consistent with projected impacts. More importantly, the document concludes that, even with all feasible mitigation, the project will continue to have significant impacts. The District disagrees with the conclusion that all feasible mitigations have been explored. Specifically, the DEIS fails to discuss off-site mitigation measures such as Voluntary Emission Reduction Agreements (VERAs) as a means of mitigating project specific impacts on air quality to a less-than-significant level.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort.

To implement a VERA, the project proponent and the District enter into a contractual agreement in which the developer agrees to mitigate the project's emissions by providing funds for the District's Emission Reduction Incentive Program to fund grants for projects that achieve emission reductions, thus offsetting project related impacts on air quality. The types of projects that have been used in the past to achieve such reductions include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old trucks with new, cleaner, more efficient trucks, and a host of other emissions-reducing projects.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by a District-approved "Air Quality Impact Assessment," and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the District has designed adequate flexibility into these agreements such that the final mitigation is based actual emissions related to the project, based on actual equipment used, hours of operation, etc. After the project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that there is no significant air quality impact from the project.

Since 2005, the District has entered into seventeen VERAs with project developers and achieved 1,393 tons of NOx and PM10 reductions per year. It is the District's experience that implementation of a VERA is a feasible mitigation measure which effectively achieves actual emission reductions, potentially mitigating the project to a

Submission L011 (David Warner, San Joaquin Valley Air Pollution Control District, October 14, 2011) - Continued

L011-5 net-zero air quality impact. Because the DEIS failed to discuss this feasible mitigation measure, the document fails to meet the CEQA requirement of discussion and implementation of all feasible mitigation measures, so we strongly recommend that a discussion of VERAs be included in the final EIS.

In conclusion, the District recommends that the California High-Speed Rail Authority contact the District and work collaboratively to reduce and mitigate project specific impacts on air quality to a less-than-significant level by developing a VERA as discussed above. If you have any questions or require further information, please contact me or Arnaud Marjollet, Permit Services Manager at (559) 230-6000.

Sincerely,

for David Warner
Director of Permit Services

DW: db

Response to Submission L011 (David Warner, San Joaquin Valley Air Pollution Control District, October 14, 2011)

L011-1

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

As described in Section 3.3.4.9 of the Revised DEIR/Supplemental DEIS, construction emissions from regional building demolition and construction of the at-grade rail segments, elevated rail segments, retained-fill rail segments, transaction power substations, industrial buildings at the HMF, and HST stations—including parking garages and platform facilities— were calculated using emissions factors from California Air Resources Board's OFFROAD 2011 and 2007 models. Mobile-source emission burdens from construction worker trips and truck trips were calculated using vehicle miles traveled estimates and appropriate emission factors from EMFAC2007. Construction exhaust emissions from equipment; fugitive dust emissions from earthmoving activities; and emissions from worker trips, deliveries, and material hauling were calculated and compiled in a spreadsheet tool specific to the HST project for each year of construction.

The Revised DEIR/Supplemental DEIS used an alternative approach from that used in the Draft EIR/EIS, which provided for more flexibility for modeling the complexity associated with the proposed HST construction activities than allowed for by URBEMIS and California Emission Estimator Model (CALEEMOD) (Environ International Corporation 2011). It also allows incorporation of the OFFROAD 2011 emission rates. This revised approach was developed in consultation with the San Joaquin Valley Air Pollution Control District.

L011-2

The comments raised by San Joaquin Valley Air Pollution Control District have been addressed directly with the district through a series of conference calls and e-mails and the submission of calculations and spreadsheets. The Revised DEIR/Supplemental DEIS has been revised to state that the contractor will use the newest construction equipment available; therefore, there is no inconsistency in the use of Tier 4 and Tier 3 engines.

L011-3

The comments raised by San Joaquin Valley Air Pollution Control District have been addressed directly with the district through a series of conference calls and e-mails and the submission of calculations and spreadsheets. Construction-phase emission estimates were calculated using the California Air Resources Board's (CARB's) OFFROAD 2011 model and inputs specific to the study area and agreed emission factors and adjustments. The use of the CARB's OFFROAD 2011 model meets the San Joaquin Valley Air Pollution Control District's requirements.

L011-4

Qualitative and quantitative discussions of health impacts during project alignment construction were provided in Section 3.3.6.3 of the Revised DEIR/Supplemental DEIS. Quantitative analysis of health impacts from HMF operations— specifically, the cancer and non-cancer chronic and acute hazard risk analyses—were based on conservative estimates of equipment operations and locations, and on the locations of nearby sensitive land uses. Once a final HMF site is selected and designed, analyses will be conducted using projected equipment usage, the locations of the major emission sources (based on plant layout that will be developed), and the locations of nearby sensitive land uses (e.g., residences). Mitigation measures, if necessary, would be included to ensure that EPA's significant impacts thresholds are not exceeded at the sensitive land uses.

L011-5

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

Mitigation measures were refined in the Revised DEIR/Supplemental DEIS as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. Many of these mitigation measures are based on performance standards. Accordingly, appropriate mitigation will be included in the Final EIR/EIS and will also be included in FRA's Record of Decision, which will require the Authority to comply with all mitigation measures as the project advances through final design and construction.

Detailed mitigation measures have been revised to incorporate the comments and are described in Section 3.3.9 of the Revised DEIR/Supplemental DEIS, and include:

• Reduce construction equipment exhaust emissions by using the cleanest reasonably

Response to Submission L011 (David Warner, San Joaquin Valley Air Pollution Control District, October 14, 2011) - Continued

L011-5

available equipment.

• Reduce emissions from material hauling trucks during project construction by using vehicles that are equivalent to model year 2010, or newer.

• Locate the concrete batching plant 1,000 feet from sensitive receivers.

• Offset project construction emissions through the San Joaquin Valley Air Pollution Control District Voluntary Emissions Reduction Agreement program.

• Purchase offsets for emissions associated with hauling ballast materials outside of the San Joaquin Valley Air Basin.

• Reduce potential impacts of air toxics at HMF sites, through the use of electric or hybrid trucks, use of eclectic or Clean Switcher Locomotives, adjustment of facility operation and orientation, and definition of buffer distance between diesel truck operation and sensitive receiver areas.

• Equipment at the HMF will use best industry practice or alternative equipment to reduce emissions.

Submission L012 (Brian Dykes, Transbay Joint Powers Authority, October 24, 2011)

TJPA
TRANSBAY JOINT POWERS AUTHORITY
Maria Ayerdi-Kaplan • Executive Director

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October 21, 2011

Via E-Mail and U.S. Mail

The California High-Speed Rail Authority
Fresno to Bakersfield Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Fresno_Bakersfield@hsr.ca.gov

Subject: Fresno to Bakersfield Draft EIR/EIS Comments

Dear California High-Speed Rail Authority:

The Transbay Joint Powers Authority (TJPA) is a joint powers agency responsible for the planning, design, construction, operation and management of the new Transbay Transit Center in downtown San Francisco and the Downtown Extension (DTX), an underground rail tunnel from Fourth & King streets to the Transit Center that will accommodate both Caltrain commuter trains and high-speed trains. The California High-Speed Rail Authority (CHSRA) selected the Transbay Transit Center as the preferred location for the high-speed rail terminus in San Francisco in its Program EIR/EIS for the Bay Area to Central Valley portion of the high-speed rail system.

The TJPA appreciates the opportunity to submit the following comment on the CHSRA's Draft Environmental Impact Report and Environmental Impact Statement for the Fresno to Bakersfield Section of the California High-Speed Train Project (Fresno to Bakersfield DEIR).

The Transbay Transit Center Has Replaced the Transbay Terminal.
Statewide maps of the high-speed rail system used in the Fresno to Bakersfield DEIR incorrectly identify the San Francisco terminus as the "San Francisco Transbay Terminal." (Fresno to Bakersfield DEIR Figures S-1 and 1 and 2, Appendix 2-C *Operations and service Plan Summary* Figures 1 and 2.). In 2003, the California Legislature authorized the TJPA to demolish the Transbay Terminal and construct a new terminal at the same location designed to accommodate high-speed rail service. Pub. Res. Code § 5027.1. The TJPA completed demolition of the Transbay Terminal in August of this year. The new terminal is now under construction and is called the Transbay Transit Center (referred to herein as the "TTC"). Please update the statewide maps for the high-speed rail system by replacing "San Francisco Transbay Terminal" with "San Francisco Transbay Transit Center."

The San Francisco 4th & King Station is an Overflow Station to Be Constructed, as Necessary, *After* Phase 1 Begins Operation in 2020.
The *Operations and Service Plan Summary* included in Appendix 2-C of the Fresno to Bakersfield DEIR discusses two service Phases. Phase 1 consists of the San Francisco to Anaheim route and is planned to begin operation in 2020. Phase 2, the Full Build Service Plan, includes the Sacramento and San Diego spur routes and is planned to begin operation in 2027. The *Operations and Service Plan Summary* indicates that the 4th & King station will be one of the Phase 1 San Francisco stations. In describing Phase 1, the DEIR states that "[i]n San Francisco, high speed trains will operate at two terminal stations: the new Transbay Terminal and a reconstructed high-speed terminal at the existing Caltrain commuter station at 4th and King Streets." (*Operations and Service Plan Summary*, p. 2). In describing the terminal stations it states that "[f]our stations are identified as terminal stations in Phase 1 (2020); San Francisco-Transbay, San Francisco 4th & King . . . ." (*Id.* p. 11).

Although the 4th & King station is proposed to be a part of the Phase I route, it is misleading to identify it as a Phase I station because it will not be in operation in 2020. As discussed in the *San Francisco to San Jose Preliminary Alternatives Report*, the 4th & King station is being considered to accommodate any service demand that could not be accommodated at the TTC. The TJPA does not believe that the 4th & King station is necessary, as detailed in the TJPA's comments on the Draft Preliminary Alternatives Discussion document for the San Francisco to San Jose section. *See* Letter from Ellen J. Garber to Mehdi Morshed (Oct. 30, 2009) (attached). Nonetheless, the TJPA did not object to this alternative, because demand could first be accommodated at the TTC with overflow capacity being provided at 4th & King if it proved necessary once the high-speed rail system was fully built out.

This is the arrangement identified by a technical group consisting of TJPA, Caltrain, and CHSRA representatives and consultants who worked through the technical and operational planning issues regarding high-speed rail capacity at the TTC. The group concluded that "[w]hen the nearly 800-mile California high-speed train system *is completed*, the Transbay Transit Center will accommodate the majority of demand for high-speed rail service to San Francisco with additional demand accommodated, *as needed*, at an improved Fourth/King facility." (*California High-Speed Rail: San Francisco/Silicon Valley Corridor Investment Strategy*, p. 11-12 (June 2009) (emphasis added)).

The CHSRA Board has likewise directed that 4th & King should only be considered as an overflow station. On May 5, 2011, the CHSRA Board rejected a phased implementation approach that would have considered building 4th & King before the TTC.

Accordingly, the *Operations and Service Plan Summary* must clarify that the 4th & King station will be constructed after the TTC, and only in the event that overflow service is demanded. The 4th & King station should not be listed as a Phase 1 station or part of the Phase 1 service operations. If it becomes necessary, it would only begin operations during the Full Build Service Plan.

The TJPA Will Comment on the CHSRA's New Ridership Forecasts When They Are Released.

Submission L012 (Brian Dykes, Transbay Joint Powers Authority, October 24, 2011) - Continued

L012-1 The Fresno to Bakersfield DEIR includes ridership forecasts for the high-speed train system. These forecasts were developed using the CHSRA Ridership and Revenue Model finalized by Cambridge Systematics in 2007 and are only slightly changed from those reported in the CHSRA's 2009 Business Plan. The TJPA understands that the CHSRA will soon be releasing new ridership forecasts for the high-speed train system that build upon and go beyond this existing model. The TJPA will comment directly on these new ridership forecasts. Given their pending release, the TJPA will not comment on the ridership forecasts included in the Fresno to Bakersfield DEIR.

Please feel free to contact me if you would like to discuss any of these comments further.

Very truly yours,

B.R. Dykes

Brian Dykes
Principal Engineer
Transbay Joint Powers Authority

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October 30, 2009

Mehdi Morshed
Executive Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Re: Transbay Joint Powers Authority's Comments Re San Francisco To San Jose High-Speed Train Project's Preliminary Alternatives

Dear Mr. Morshed:

On September 30, 2009, the Transbay Joint Powers Authority (TJPA) received a copy of the California High-Speed Rail Authority's (CHSRA) Draft Preliminary Alternatives Discussion document at the second Transportation Participating Agency, Technical Working Group meeting. As explained below, the proposals to locate a San Francisco high-speed rail (HSR) terminus at a separate location from the Transbay Transit Center are legally, technically, and financially infeasible. Accordingly, the CHSRA should now determine that these proposals will not be advanced for further study in its alternatives evaluation process. The CHSRA already possesses clear evidence to support this determination from laws on the books, the prior analysis conducted in the Transbay FEIS/EIR, and the additional analysis submitted to the CHSRA by the TJPA.

Subsection number 0 of the San Francisco to San Jose HSR Project includes the HSR route from Common Street in San Francisco to the downtown Transbay Transit Center (Transit Center).[1] The *Draft* Preliminary Alternatives Discussion proposes an

[1] Subsection numbers are from the CHSRA's Draft Preliminary Alternatives Discussion document.

Submission L012 (Brian Dykes, Transbay Joint Powers Authority, October 24, 2011) - Continued

alternative (c) for subsection 0 consisting of constructing a new HSR terminal on the site of the existing Caltrain Fourth and King Streets station that would function as the San Francisco terminus for HSR ("Fourth & King Proposal"). Under this scenario, Caltrain service to San Francisco would continue from the Fourth & King station to the downtown Transbay Transit Center via the Caltrain Downtown Extension, but HSR service would terminate at the Fourth & King terminal, roughly a mile from the Transit Center.

The Draft Preliminary Alternatives Discussion also proposes an alternative (d) for subsection 0 that would eliminate the HSR train station immediately underneath the Transit Center and would instead locate it between Beale and Main Streets underneath the site of the Temporary Terminal, for which construction is nearly completed (the "Beale Street Proposal"). This appears to be the same proposal submitted to the CHSRA by Don Solem, President of Solem & Associates, a public relations firm, in a June 11, 2009 letter, which included schematics of the Beale Street Proposal prepared by the Gensler firm. (*See* Gensler Proposal: Beale Street Alternative Power Point (Attachment A).) Based on these schematics and the Preliminary Alternatives plans, the underground terminal would use the same main entrance as the Transit Center, but the facility would be located on separate parcels two blocks from that entrance and stretching 2 ½ blocks further away from the Transit Center and Market Street. The Beale Street Proposal would provide 6 rail tracks in phase I and expand to 12 tracks in phase II.

The certified Transbay FEIS/EIR already analyzed the environmental impacts of a reasonable range of alternatives, including a Beale Street and Fourth & King station, and selected the Transit Center as the preferred alternative for the San Francisco terminus of HSR.[2] Both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) are clear that the CHSRA may rely on the analysis conducted in the Transbay FEIS/EIR and need not repeat the consideration of station location alternatives in its environmental review.

Even if the CHSRA chooses not to incorporate or rely on the Transbay FEIS/EIR, substantial evidence now exists in the record demonstrating that, under the standards established by NEPA and CEQA, the CHSRA need not analyze the Beale Street or Fourth & King Street Proposals further. The CHSRA's San Francisco to San Jose EIS/EIR need only consider feasible and reasonable alternatives. Both proposed alternatives to the Transit Center are legally infeasible because they would conflict with

[2] Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final Environmental Impact Statement/Environmental Impact Report (SCH #95063004) (Transbay FEIS/EIR) (Attachment B).

several state and local laws, including the recent voter-approved HSR measure Proposition 1A. These laws require the San Francisco terminus of HSR to be located at the site of the current Transbay Terminal in order to provide multi-modal connectivity, proximity to downtown jobs, and to support transit oriented development. The Fourth & King and the Beale Street Proposals also run counter to decades of San Francisco planning and conflict with several adopted plans including the South Beach, Mission Bay, and Transbay Redevelopment Plans, the Rincon Hill Plan, and the on-going Transit Center District planning effort. The Fourth & King Proposal and the Beale Street Proposal also present massive construction hurdles and would require demolition of scores of residential housing units. Finally, both Proposals are financially infeasible. Locating the HSR station beneath the Transit Center will cost only $400 million because most of the cost of the multi-modal Transit Center would be borne by the TJPA. In contrast, the Fourth & King Proposal would cost more than $3.3 billion—over and above the cost of the Transit Center. The Beale Street Proposal would add more than $7.5 billion to the cost of the Transit Center. For these and other reasons it is clear that the Beale Street and the Fourth & King Proposals are infeasible alternatives.

The Transbay Project is environmentally cleared, and construction has already begun. Any analysis of alternatives to the Transit Center as the San Francisco terminus of HSR is unnecessary and a waste of public funds. Accordingly, further analysis of the Beale Street and the Fourth & King Proposals should immediately cease. The CHSRA should indicate in a revised Preliminary Alternatives Discussion and in the Draft Alternatives Analysis Report that, after initial consideration, it has determined that it will not carry these Proposals forward into the Alternatives Analysis.

DISCUSSION

I. Environmental Review for the San Francisco Terminus of HSR Has Already Been Completed and Construction Will Begin in 2010.

The TJPA is a joint powers authority responsible for the planning, design, construction, operation and management of the Transbay Project in San Francisco. Accordingly, it is the lead agency for CEQA environmental review. (CEQA Guidelines § 15051.) The Transbay Project includes a new Transbay Transit Center at First and Mission Streets, and an underground rail connection (the Downtown Extension, or DTX) designed to provide HSR and Caltrain access to the Transit Center from the existing Caltrain Fourth & King Streets terminus.

The TJPA selected the current design and location for the Transit Center and DTX after extensive environmental review and consideration of numerous alternatives in the Transbay FEIS/EIR. The project description for the Transbay FEIS/EIR included an

Submission L012 (Brian Dykes, Transbay Joint Powers Authority, October 24, 2011) - Continued

underground station that would serve as the northern California terminus for high-speed rail. Accordingly, the Transbay FEIS/EIR forecast high-speed rail ridership up to the year 2030 and considered a range of alternative designs and locations for the Transit Center and the DTX to accommodate the projected high-speed rail ridership. The TJPA approved a final design for the Transit Center based on an analysis that includes the high-speed rail information provided in the FEIR/EIS. The Transbay FEIS/EIR selected the Transbay Transit Center and rejected all other alternatives.

In April 2004, the City and County of San Francisco, the Peninsula Corridor Joint Powers Board, and the San Francisco Redevelopment Agency certified the Transbay FEIS/EIR, and the Federal Transit Administration adopted it in a Record of Decision issued February 2005. Accordingly, the Transbay FEIS/EIR is presumed legally adequate by law. (*State Water Resources Control Bd. Cases*, 136 Cal. App. 4th 674, 723 (2006); Pub. Res. Code § 21167.2.)

Technical working groups representing the TJPA, Caltrain, and the CHSRA have reached a consensus on the technical and operational requirements of the Transit Center. These groups are working now to ensure that high-speed rail's requirements are met as the Transit Center's designs are finalized.

The Transbay Project is now underway. The $18 million temporary bus terminal, located on the site of the Beale Street Proposal, is under construction and is expected to be completed in November 2009. The TJPA has acquired property for the throat structure for HSR and initiated acquisition of other properties to accommodate the tunnel radius for HSR at the site of the existing Transbay Terminal. Preliminary engineering designs for the Transit Center building are scheduled for completion in February 2010, and initial construction bid packages for the Transit Center based on those designs are scheduled to be issued in March 2010. Immediately upon award of these contracts, thousands of new jobs will be created.

The CHSRA must indicate to the public that it will not carry the Beale Street or the Fourth & King Proposals forward for detailed analysis in its EIS/EIR.

II. The CHSRA Already Selected the Transit Center and Need Not Revisit That Decision Now.

The CHSRA has already selected the Transit Center as the San Francisco terminus for HSR and has reiterated this selection numerous times. In 2005, the CHSRA's Final Program EIR/EIS for the California High-Speed Train System selected the new Transit Center as the station location for the San Francisco high-speed train terminus. (California High-Speed Train Final Program EIR/EIS, Vol. I (Attachment C) at 6A-5.) The CHSRA

reaffirmed its selection in its 2008 Bay Area to Central Valley High Speed Train Final Program EIR/EIS (Bay Area FEIR/EIS).[3] (Bay Area FEIR/EIS, Vol. I (Attachment D) at 8-18.)

In selecting the Transit Center as the station location for San Francisco, the CHSRA specifically acknowledged that the Transit Center consisted of its current design, stating that "[t]he rail facilities planned for the Transbay Transit Center are limited to 6 tracks and 3 platforms . . . ." (Bay Area FEIR/EIS, Vol. I at 8-18.) The CHSRA's Bay Area FPEIS/EIR even assumed the current design of the Transit Center with 6 tracks and 3 platforms. (*Id.* at 3.1-13, 3.26.) Similarly, the CHSRA's business plan issued November 7, 2008 states that the Transbay Transit Center shall serve as the San Francisco terminus of the proposed high-speed rail system. (California High-Speed Train Business Plan (Nov. 2008) (Attachment E) at 7, 10-11.) The Notice of Availability for the CHSRA San Francisco to San Jose project itself states:

> The preferred station in the City of San Francisco is the Transbay Transit Center; in the City of Millbrae the existing Millbrae BART/Caltrain Station, and in the City of San Jose the Intermodal Diridon Station. These locations were selected by the Authority and FRA through the Bay Area to Central Valley HST Final Program EIR/EIS considering the project purpose and need, and the program objectives.

(73 Fed. Reg. 79543 (Dec. 29, 2008).)

The CHSRA need not reconsider its decision to select the Transit Center in its programmatic EIR/EIS. That is because programmatic environmental review documents allow a lead agency to consider and select broad policy alternatives and program designs, in this instance the location of the San Francisco terminus of HSR. (CEQA Guidelines § 15168; *National Wildlife Fed'n v. Appalachian Reg'l Comm'n* (D.C. Cir. 1981) 677 F.2d 883, 888 (purpose of programmatic EIS).) The very purpose of a programmatic EIR/EIS is to avoid the kind of "duplicate reconsideration" that the Beale Street and the

[3] A recent court ruling in *Atherton v. California High-Speed Rail Authority*, No. 4-2008-80000022 (Sup. Ct. Sacramento County) directed the CHSRA to conduct additional studies with regard to certain environmental impacts along the Peninsula for its Bay Area FEIR/EIS. This ruling, however, did not invalidate the analysis conducted in San Francisco, and it did nothing to question the CHSRA's selection of the Transit Center as the location for the San Francisco HSR terminus. Further, the court denied an effort to preclude further reliance on the Bay Area FEIR/EIS.

Submission L012 (Brian Dykes, Transbay Joint Powers Authority, October 24, 2011) - Continued

Fourth & King Proposals would require the CHSRA to undertake. (CEQA Guidelines § 15168; 40 C.F.R. §§ 1500.4(i), 1502.4(d).) The CHSRA's project-level environmental review need only examine the Transit Center if construction of the San Francisco to San Jose project would have environmental effects that were not identified in the program-level analyses. (*Id.; see also Save our Sycamore v. Metropolitan Atlanta Rapid Transit Authority* (5th Cir. 1978) 576 F.2d 573 (holding project-level EIS for two stations unnecessary where the stations were sufficiently evaluated in transit system programmatic EIS.) The CHSRA then would require additional mitigation measures, as opposed to considering alternative stations. (CEQA Guidelines § 15168.)

Further, the Transit Center is simply one component of the San Francisco to San Jose Project. The CHSRA does not need to consider alternatives to the Transit Center: it only needs to consider alternatives to the Project as a whole. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 599.)

III. The CHSRA Should Incorporate the TJPA's Environmental Review: Consideration of Alternatives to the Transit Center Is Unnecessary and a Waste of Public Funds.

Considering alternative designs or locations for the Transit Center would simply duplicate the studies and analysis already completed in the Transbay FEIS/EIR. It is the strong legislative policy of both CEQA and NEPA that the lead agency (CHSRA) should rely on the completed environmental review of the Transbay Transit Center in its environmental review for the San Francisco to San Jose section of the high-speed train system.[4] Relying on the alternatives analysis completed almost five years ago for a project that has been approved, is nearly fully funded, and *has already broken ground* is nothing but reasonable.

Further, the CEQA Guidelines explicitly require the CHSRA to review the Transbay FEIS/EIR and rely on its analysis of alternative locations for the high-speed rail San Francisco terminus.

[4] Relying on the Transbay FEIS/EIR's prior review of a range of reasonable alternatives for the San Francisco terminus of HSR is entirely appropriate. As the CEQA Guidelines state, an "EIR need not consider every conceivable alternative to a project." (CEQA Guidelines § 15126.6(a).) Instead, as the California Supreme Court has stated, "[t]he statutory requirement for consideration of alternatives must be judged against a rule of reason." (*Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County*, 52 Cal. 3d 553, 565 (1990); *see also* CEQA Guidelines § 15126.6(f).)

> Where a previous document has sufficiently analyzed a range of reasonable alternative locations and environmental impacts for projects with the same basic purpose, the Lead Agency should review the previous document. The EIR may rely on the previous document to help it assess the feasibility of potential project alternatives to the extent the circumstances remain substantially the same as they relate to the alternative.

CEQA Guidelines § 15126.6(f)(2)(C) (citing *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 573.)

This principle was recently applied in *California Native Plant Society v. City of Santa Cruz*, (2009) 177 Cal.App.4th 957. In *California Native Plant Society,* the court found that the City of Santa Cruz's analysis in a prior EIR of off-site trail alternatives was a sufficient basis for limiting the range of alternatives analyzed for a new project that contained a similar component. (*Id.* at 995.) The court reasoned that given the previous EIR's review of alternative sites, it was proper for the City to "decline to revisit previously rejected alternative path locations." The City's reliance on the previous EIR was upheld, even though the City Council did not take action on or formally incorporate the prior EIR into the EIR at issue. (*Id.*) Further, the court found that it was immaterial that the two projects were not identical: "although the two projects are different, the specific component of the [current project] at issue here . . . shares some purposes in common with the earlier . . . project." (*Id.*)

Accordingly, the CHSRA may rely on the Transbay FEIS/EIR's analysis of alternative sites for the San Francisco terminus of high-speed train and "decline to revisit previously rejected alternative[s.]" (*Id.*) As discussed below, the two projects share the same purpose, the Transbay FEIS/EIR analyzed a reasonable range of alternatives; and conditions regarding location of a HSR station in San Francisco have not changed.

A. The Transbay FEIS/EIR Considered HSR Requirements.

Both the Transbay Project and the CHSRA's San Francisco to San Jose EIS/EIR Project share the same purpose, to extend HSR to a San Francisco terminal. Indeed, the Transbay FEIS/EIR explicitly lists "Accommodating Future High Speed Rail" as part of the purpose and need for the project. (FEIS/EIR, Vol. I at 1-16.)

The Transbay FEIS/EIR thoroughly evaluated the future use of the station by high-speed rail and even refined its alternatives after the draft EIS/EIR was published to better accommodate high-speed trains. After the Draft EIR/EIS was released, the TJPA received numerous comments to the effect that the Transit Center would not be able to

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physically accommodate high-speed trains or the number of high-speed trains that riders would demand. (*See* FEIS/EIR, Vol. II at 96-102 (Project Alternatives – CalTrain Downtown Extension), 108-119 (Caltrain/High Speed Rail Alignments, Design & Operations).) As a result, the TJPA refined the DTX alternatives by lengthening the rail platforms and increasing the number of tracks from two to three "to improve rail operations and capacity." (FEIS/EIR, Vol. I at 2-24 to 2-25; FEIS/EIR, Vol. II at 96-98 (describing refinements).) The TJPA also provided additional train storage capacity. (*Id.*)

The TJPA commissioned studies to project ridership demand for CalTrain and high-speed rail at the Transit Center and analyze the rail capacity of the refined alternatives. The FEIS/EIR noted that "[a] preliminary rail operations capacity analysis of the six-track, three-platform terminating station, indicated that sufficient capacity existed for both expanded Caltrain service as well as high-speed rail." (FEIS/EIR, Vol. II at 108.) Moreover, "California High Speed Rail Authority staff participated in the review of the two refined options and concurred with the selection of the Second-to-Main Option as the train component of the Locally Preferred Alternative." (FEIS/EIR, Vol. II at 163.) The "Second-to-Main Option," which is the current design for the Transit Center, has the train station under the Transit Center extending east-west from Second Street to Main Street. As discussed above, the CHSRA twice approved this design of the Transit Center as the San Francisco terminus for HSR.

B. The Transbay FEIS/EIR Already Considered and Rejected the Beale Street and the Fourth & King Proposals.

The Transbay FEIS/EIR analyzed a range of reasonable alternative locations for a HSR station in San Francisco and environmental impacts for the Transit Center. (FEIS/EIR Vol. I, Chpt. 2 (listing project alternatives).) The Transbay FEIS/EIR considered and rejected the Beale and the Fourth & King Proposals, and its findings are presumed valid.

The Transbay FEIS/EIR project alternatives included a station location at Beale Street and rejected it as legally and practically infeasible. (FEIS/EIR Vol. I at 2-553; *see also* TJPA Board of Directors Resolution No. 04-004 Attachment A, CEQA Findings (Attachment F) at xxiv-xxv.) The Transbay FEIS/EIR concluded that the Beale Street proposal "would be inconsistent with Proposition H and with stated policies of the City and County of San Francisco Board of Supervisors." (FEIS/EIR, Vol. II at 158-164; *id.* Vol. I at 2-53.) The FEIS/EIR further found the Beale Street alternative's location to be infeasible because it could "not be implemented under the provisions of the cooperative agreement transferring state owned property to the Redevelopment Agency and TJPA, and it would be counter to the regional consensus emanating from the 2000 MTC

Terminal Study." (FEIS/EIR, Vol. II at 163.) Section V.A of this letter discusses in detail the reasons the Transbay FEIS/EIR rejected the Beale Street proposal as technically infeasible. The Transbay FEIS/EIR also responded to comments made by several parties at the time of the 2002 Draft Transbay EIS/EIR to the effect that various elements of the Beale Street proposal would be superior to a HSR station underneath the Transit Center and explained why that alternative was rejected for further consideration. (FEIS/EIR, Vol. II at 158-164; *id.* Vol. I at 2-53.) AC Transit supported rejection of the Beale Street alternative because "the site would not provide the level of transit service that could be provided at the current terminal site and it would be farther from the employment locations of AC Transit's current riders." (FEIS/EIR, Vol. I at 2-53.)

The Transbay FEIS/EIR also considered whether the current Caltrain station at Fourth and King should become the San Francisco high-speed rail terminus. The Caltrain station at 4th and King was considered as the no project alternative for the DTX. The no project alternative included plans for electrifying Caltrain, which the FEIS/EIR determined "are compatible with the requirements of high-speed rail, and therefore will accommodate future development of high-speed rail in the Caltrain corridor . . . ." (FEIS/EIR at 2-3.) This alternative was also rejected because it would fail to construct a HSR terminal in downtown San Francisco and would fail to adhere to San Francisco voter mandates as well as various state laws. The TJPA found that the no project alternative "will eliminate the ability for a downtown San Francisco station leading to reduced high speed rail ridership, reduced economic development opportunities in San Francisco, and increased environmental impacts associated with more private vehicle transportation." (TJPA Board of Directors Resolution No. 04-004 Attachment A, CEQA Findings, at xvi-ii.)

C. Circumstances Have Not Changed.

Environmental circumstances have not changed as they relate to the Transit Center location. For this reason, NEPA also does not require new environmental review of the San Francisco HSR station location. Under NEPA, a subsequent EIS is required only where new information presents "a seriously different picture of the likely environmental consequences of the proposed action" which were not adequately discussed in the original EIS. (*State of Wisconsin v. Weinberger*, 745 F.2d 412, 420 (7th Cir. 1984); *see also* Pub. Res. Code § 21166; CEQA Guidelines § 15162.)

Because the TJPA has already completed environmental review of the Transit Center and DTX portion of the San Francisco to San Jose HSR Project, the CHSRA's reliance on the Transbay FEIS/EIR is exactly what CEQA envisions. Similarly, under NEPA a federal agency may adopt an EIS prepared by another agency. (40 C.F.R. §1506.3; *Southern Utah Wilderness Alliance v. Thompson*, 811 F. Supp. 635, 646

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(D. Utah 1993).) The CHSRA should incorporate the Transbay FEIS/EIR by reference into the San Francisco to San Jose EIR/EIS and rely on its analysis to limit any further study of alternatives to the Transit Center. (CEQA Guidelines §§ 15150 (incorporation by reference); 15126.6(f)(2)(C) (consideration of alternatives); 40 C.F.R. § 1502.21 (incorporation by reference).)

IV. The Beale Street and Fourth & King Proposals Should Not Be Studied Further Because They are Infeasible.

Even if the CHSRA decides not to incorporate the analysis of alternatives already completed in the TJPA FEIS/EIR, it should revise its list of Initial Project Alternatives to indicate that it will not carry the Beale Street or the Fourth & King Proposals forward for further review. This is because these proposed alternatives are legally and technically infeasible. The CHSRA already possesses sufficient information to make and support this determination. There is no reason to delay. At the very least, the CHSRA should immediately indicate that it will not carry forward these proposed alternatives for additional analysis in its Draft Alternatives Analysis Report.

An EIR must consider a reasonable range of "potentially feasible alternatives" that would attain most of the project objectives and would substantially lessen the project's significant environmental impacts. (CEQA Guidelines § 15126.6(a).) As defined in the CEQA Guidelines, feasible means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (*Id.* § 15634.) An EIR need not consider alternatives that are not economically justified or that would substantially delay a project. (*Marin Municipal Water District v. KG Land Cal. Corp.*, 235 Cal. App. 3d 1652, 1665-66 (1991).)

Similarly, under NEPA, an EIS need only consider "reasonable" alternatives. (40 C.F.R. § 1502.14.) Reasonable alternatives are "those that are practical or feasible from the technical and economic standpoint." (46 Fed. Reg. 18026 (March 23, 1981) at 2a; *see also Sierra Club v. Froehlke,* 534 F.2d 1289, 1295-96 (8th Cir. 1976) (holding floodplain acquisition not a feasible alternative to building a dam because of excessive cost and local opposition).)

CHSRA's 2008 Alternative Analysis Methods for Project-Level EIR/EIS also notes that regional teams need only identify "feasible and practicable alternatives to carry forward for environmental review and evaluation . . . ." (California High-Speed Train Project, *Technical Memorandum: Alternative Analysis Methods for Project-Level EIR/EIS* (Nov.-Dec. 2008) at 1.) The CHSRA's *Common Questions and Answers*

Related to the Alternatives Analysis report likewise states that an alternative will not be advanced for further study if it is not feasible or practical to construct.

Substantial evidence already exists in the record establishing that the Beale Street and the Fourth & King Proposals are neither legally, financially, nor technically feasible. The CHSRA would accomplish nothing except to waste public funds by carrying these proposals forward for additional study.

A. Several State and Local Laws Require the HSR San Francisco Terminus to be located at the Transit Center. The Beale Street and Fourth & King Proposals Are Thus Legally Infeasible.

Under the Fourth & King Proposal, HSR service would terminate at Fourth and King Streets, roughly a mile from the Transit Center. Under the Beale Street Proposal, the HSR terminal would not be located at the Transbay Terminal site, but would be located on separate parcels stretching two and a half blocks away from the Transit Center. Because of their locations, the Beale Street and Fourth & King proposals would violate the following state and local laws:

- In 1999, San Francisco voters overwhelmingly approved Proposition H, mandating that "a new or rebuilt terminal shall be constructed *on the present site of the Transbay Transit Terminal* serving . . . high-speed rail." (Emphasis added.) (Attachment G.)
- In 2001, the San Francisco Board of Supervisors unanimously passed Resolution 104-01 supporting the extension of Caltrain to a new Transit Center on the site of the current Transbay Terminal to serve, among other things, high-speed rail. (Attachment H.)
- Similarly, California Public Resources Code Section 5027.1 provides that

> the Legislature hereby approves demolition of the Transbay Terminal building at First and Mission Streets in the City and County of San Francisco, including its associated vehicle ramps, for construction of a new terminal *at the same location*, designed to serve Caltrain in addition to local, regional, and intercity bus lines, and designed to accommodate *high-speed passenger rail service* . . . .

(Emphasis added.) This law also establishes that "The Transbay Joint Powers Authority shall have primary jurisdiction with respect to all matters

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concerning the financing, design, development, construction, and operation of the new terminal."

- On March 2, 2004, the voters approved Regional Measure 2, authorizing an increase in area bridge tolls to fund a "new Transbay Terminal in San Francisco, connecting [regional transit with] future high-speed rail . . . ," and specifying that the new terminal must be located on the site of the existing Transbay Terminal at "*First and Mission Streets* in San Francisco." (Sts. and High. Code § 30914(c)(22) (emphasis added).)

- Most recently, in Proposition 1A, the voters of California mandated that the northern terminus for high-speed rail would be the Transbay Terminal: "It is the intent of the Legislature by enacting this chapter and of the people of California by approving [Proposition 1A] to initiate the construction of a high-speed train system that connects the San Francisco *Transbay Terminal* to Los Angeles Union Station and Anaheim." (Sts. and High. Code § 2704.04(a) (emphasis added).)

Because these laws require the new Transit Center and the San Francisco terminus of high-speed rail to be located at the existing Transbay Terminal site, and the TJPA has primary jurisdiction over the design of the new Transbay Terminal and has approved and begun construction of the project, the CHSRA has *no authority* to site the San Francisco HSR station at Main and Beale Street or Fourth & King Streets. These proposals are not legally feasible.

It was clearly the intent of the Legislature and the voters, as expressed in the ordinances and statutes excerpted above, that the San Francisco high-speed rail station be at the same location as the existing Transbay Terminal to connect to the other modes of transportation in the same building for the convenience and safety of passengers. Otherwise, the advantages of a multi-model transportation center are lost. Under the Beale Street Proposal, passengers would have to walk the distance of four football fields to reach other modes of transportation from the high-speed rail station. Under the Fourth & King Proposal, HSR would only connect to one other transportation provider, San Francisco Municipal Transportation Agency, and passengers would need to transfer trains to travel an extra one mile to reach additional providers.

V. The Beale Street Proposal Should Not Be Studied Further Because It Is Technically and Financially Infeasible and Unreasonable in a Number of Respects.

Beyond conflicting with numerous state and local laws, sufficient evidence demonstrates that the Beale Street Proposal is technically and financially infeasible and

unreasonable in a number of respects. There is no reason to carry this proposal alternative forward for further analysis.

A. The Beale Street Proposal Is Technically Infeasible.

The Beale Street Proposal is not technically feasible. It is nearly impossible to envision a design concept that could: (1) provide 12 tracks and platforms in the space provided, (2) avoid changing the layout of the Transit Center above grade for bus operations, and (3) avoid severely compromising the development potential above the rail station where the Temporary Terminal is almost completed and four towers are currently proposed. Even assuming the CHSRA can develop designs showing that all this is possible, the CHSRA need not consider the Beale Street Proposal, because it is otherwise technically infeasible and would have a greater impact on the environment than the existing Transit Center design.

Program managers for the Transit Center and DTX, who are experts in underground tunneling and HSR stations, have conducted a technical review of the Beale Street Proposal and concluded that it is technically infeasible and ill advised in several respects. (*See* PMPC Evaluation of the Gensler Proposal (August 19, 2009) ("Beale Street Technical Evaluation") (Attachment I).) The proposed station approach provides insufficient distance for the transition of 12 tracks to enter a single tunnel, requiring a wider tunnel that would interfere with the Bay Bridge anchorage. Because of the depth of the proposed station (four levels below grade), the technical difficulties associated with construction of the station and extension, and the need to preserve development opportunities currently entitled on the proposed station site, the Beale Street proposal would double the cost of the Transit Center and DTX. The full technical evaluation is attached as Attachment I.

The Transbay FEIS/EIR and prior environmental reviews also rejected several components of the Beale Street Proposal as technically infeasible. Nothing has changed since then that would make these infeasible elements of the Beale Street Proposal feasible.

As far back as 1997, the Federal Transit Administration and Caltrain rejected a proposal to extend Caltrain to an underground terminal at Market and Beale Streets. (Caltrain San Francisco Downtown Extension Project, Draft Environmental Impact Statement/Draft Environmental Impact Report and Draft 4(f) Evaluation (March 5, 1997) ("Caltrain Extension Draft EIS/EIR") (Attachment J) at 2-31-33.) Several different extension alignment options were considered as well as cut-and-cover and soft-ground tunneling options. (*Id.*) Caltrain rejected the Beale Street Alternative "because of poor constructability, higher costs, and potentially severe community and environmental

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impacts along the proposed alignments from Townsend Street to Beale Street." (*Id.*, at 2-33.)

The current Beale Street Proposal includes alignments of the rail extension along Townsend Street, the Embarcadero, and Beale Street. Caltrain rejected these extension alignments in its Caltrain Extension Draft EIS/EIR, however, because of impacts to "areas of extensive residential development that had recently undergone prolonged disruption from construction of the Embarcadero roadway and Muni Metro Extension projects." (*Id.*) Caltrain further concluded that these alignments were technically infeasible because of the "potential for adverse impacts on the Bay Bridge anchorage." (*Id.*) Caltrain rejected tunneling options that could reduce residential disruption after soil surveys revealed "highly fractured rock that offered an extremely poor medium for tunneling." (*Id.*) A panel of geotechnical and tunneling experts reviewed the soil conditions and "recommended against this tunneling alignment, given the high potential for rock slippage and catastrophic events such as cave-ins and broken utility lines." (*Id.*) Caltrain further concluded that the Beale Street location would be more costly than the existing Transbay Terminal site. (*Id.*)

Just as the Caltrain Extension Draft EIS/EIR had done, the Transbay FEIS/EIR rejected rail extension alignments along Townsend Street, the Embarcadero and Beale Street. The FEIS/EIR rejected a rail extension along Beale Street because "alignments along Beale Street leading from The Embarcadero would pass near the Bay Bridge anchorage, raising issues regarding the effects of cut-and-cover construction on this major structure." (FEIS/EIR, Vol. I at 2-57; *see also id.*, at 2-54 (CalTrain Downtown Extension Alternatives Considered and Withdrawn) Figure 2.3-1.) The FEIS/EIR rejected alignment of the rail extension down Townsend Street due to environmental impacts during construction on neighborhoods that have already experienced several prolonged periods of construction impacts. (*Id.* at 2-57.)

The FEIS/EIR also considered and rejected proposed alternatives that located the above ground Transit Center on the existing site but located the below-ground train station in adjacent locations, as the Beale Street Proposal does, because "the train platforms would not be directly under the multimodal transit facility, so internal passenger circulation and the ease of transfer from one mode to another would be substantially compromised." (FEIS/EIR, Vol. I, at 2-56.)

The Beale Street Proposal is also technically infeasible because it is proposed on a parcel already improved with the Transbay Temporary Terminal at a cost of more than $18 million. Construction of the Temporary Terminal started in December 2008 and will be completed in November 2009. The Temporary Terminal is required for bus operations during construction of the new Transit Center. If the Temporary Terminal were not

available, demolition of the Transbay Terminal and construction of the Transit Center would be impossible because AC Transit, Muni, Golden Gate Transit, SamTrans, and other bus services would have nowhere to operate in during construction.

B. The Beale Street Proposal Is Financially Infeasible.

If the rejected Beale Street Proposal were now revived, the Transbay Program would lose significant funding sources, and the CHSRA would face insurmountable costs to acquire and construct the Beale Street Proposal. The Beale Street design would cost in excess of $7.5 billion in 2009 dollars, which is nearly $4 billion more than the comparable costs for the approved Transbay Transit Center. (Beale Street Technical Evaluation, p. 14.)

The Beale Street Proposal would also significantly reduce current funding sources for the Transbay Program. Regional Measure 2 and Proposition 1A funding for a San Francisco rail terminal can only be applied to the Transbay Project site; they do not permit funding at another site. The San Francisco Redevelopment Agency ("SFRA") submitted comments on the Beale Street Proposal that reveal additional costs. (SFRA Comments (Attachment K).) Under the Transbay Redevelopment Project Plan, the Transit Center would receive an estimated $116 million from the sale of property north of Folsom Street as early as 2015, and an estimated $6.5 million in net tax increment funding each year after that. (*Id.*) Construction of the Caltrain extension and an underground rail station for the Beale Street proposal would delay development of this area by several years. (Beale Street Technical Evaluation, p. 3.) This delay would cost the Transit Center $116 million in funding from the sale of the land and delay net tax increment in excess of $6.5 million per year. In addition, the funding for the Transbay Program relies on the sale of the property on the block bounded by Main, Howard, Beale, and Folsom Streets that would be unavailable during construction of the Beale Street Proposal. The Gensler schematics include "Possible Development Ideas" as part of the Beale Street Proposal. As the SFRA notes, however, "redevelopment would be significantly hindered by the presence of the 12-track rail station directly below, which would make the development above more expensive and prevent the inclusion of underground parking." (SFRA Comments.) The area south of Folsom Street that Gensler proposes for redevelopment is not even within the Transbay Redevelopment Project Area, and thus would not generate tax increment funding. (*Id.*)

The Beale Street Proposal is nothing more than a repackaging of several proposals that were rejected as infeasible in the Transbay FEIS/EIR. A technical review of the proposal confirms those findings, and reveals additional reasons that it is technically infeasible. The proposal would cause a significant loss of revenue to the Transbay

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Program, and create acquisition and construction costs that would render the Program financially infeasible.

C. Consideration of the Beale Street Proposal Would Cause Unnecessary Delay and Threaten Funding.

The Beale Street Proposal is also infeasible because it would substantially delay construction of the Transbay Terminal and the DTX and threaten committed funding for these projects. Schematic Design for the Transit Center Building is currently in progress and preliminary engineering designs are scheduled for completion in December 2009. Initial construction bid packages based on that design are scheduled to be issued in January 2010. The TJPA is also actively engaged in Preliminary Engineering Design for the DTX. Of the $1,589 million required to construct the Transit Center, $1,189 million is already committed. (Nancy Whelan, Nancy Whelan Consulting, financial advisor to the TJPA.) Halting this progress to consider a new design of the Transit Center from scratch would add uncontrolled design and environmental review costs, delay construction of this project by several years at best, and cause the Transbay Program to incur significant added escalation and carrying costs.

VI. The Beale Street Proposal Would Increase Environmental Impacts.

The CHSRA may only consider alternatives that are environmentally superior to the Transit Center in some respect. (CEQA Guidelines § 15126.6(a).) The CHSRA's *Common Questions and Answers Related to the Alternatives Analysis* report likewise states that an alternative will not be advanced for further study if it is does not reduce or avoid adverse environmental impacts.

A. Construction Impacts Would be Greatly Increased.

It is readily apparent that the Beale Street Proposal would have significantly greater environmental impacts than the Transbay Transit Center. It would expand the construction zone for the Transit Center over an additional two and a half blocks and would extend the period during which local neighborhoods and commuter traffic would experience construction-related disruptions. If constructed in two phases as indicated in the Gensler Proposal, the disruption and environmental impacts of construction would be extended over an indeterminate period and property would remain undeveloped or underdeveloped in the interim.

The number of tracks, limited rights-of-way, and prevailing ground conditions are merely some of the challenges to constructing an extension to serve a Beale Street location. A Beale Street extension would require right-of-way acquisition along much of its alignment far in excess of that required for the alignment to the Transbay site. The

cut-and-cover construction necessary for the proposal would have significantly greater adverse effects on the community and environment. Furthermore, proximity to the Bay Bridge piers and anchorage of a rail tunnel necessary to reach a Beale Street station could be a significant threat to the viability of those structures and the long-term performance of the Bay Bridge. A rail tunnel leading to the Beale Street station could also impinge on the seawall and stormwater collection structures located beneath The Embarcadero. (Beale Street Technical Evaluation, pp. 7-9.) Finally, construction of the Beale Street Proposal would disrupt existing Muni light rail service. (*Id.*, p. 9.)

B. The Beale Street Proposal Would Create Significant Land Use Impacts, Including Demolition of Housing, and Would Directly Conflict With the Redevelopment Plan and Other Local Plans.

The Beale Street Proposal would significantly reduce the residential housing supply in the neighborhood and cause substantial displacement of people and housing. The Proposal requires acquisition and demolition of 201 Harrison Street, a residential condominium development with 287 units. (*See* Beale Street Technical Evaluation, and SFRA Comments.) It also requires acquisition of 201 Folsom Street, which has been approved for a residential development with 725 units. (SFRA Comments.) It would delay by several years construction of the area north of Folsom Street, which can accommodate more than 650 residential units. Elimination of housing units in San Francisco for public infrastructure would be unprecedented, inconsistent with local and regional planning policies, and politically infeasible. (*Id.*)

The proposed Beale Street station falls within both the SFRA's Transbay Redevelopment Project Area and San Francisco's Transit Center District Plan Area. This area constitutes the last large zone in downtown San Francisco for high density office and residential development. With the Transbay Center as the centerpiece for both efforts, the San Francisco Planning Department and San Francisco Redevelopment Agency have been planning and implementing their vision for this area of San Francisco. The Transbay Redevelopment Project Area is subdivided into two zones (Beale Street Technical Evaluation, Figures 1 and 2.). Zone 1, under the jurisdiction of the San Francisco Redevelopment Agency, is approved for high-density mixed-use residential and retail with a goal of 2,700 housing units, including 1,000 affordable units. Zone 2 is under the jurisdiction of the San Francisco Planning Department and is focused on commercial development. The objective of the Transit District Plan Area (*Id.*, Figure 3) is greater density development with increased building heights in select areas as well as a special financial program for funding and maintaining public improvements, including the Transit Center. The Beale Street Proposal would take the core out of Zone 1, and thus conflicts with these local land use plans. (*Id.*, p. 3.) It would similarly conflict with the South Beach, Rincon Hill, and Transit Center District Plans.

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In addition, acquisition of U.S. Postal Service property owned by the federal government would be required by the Beale Street Proposal; this may not be possible, let alone desirable.

VII. The Fourth & King Proposal Is Infeasible and Inferior to the Transit Center in a Number of Respects.

In addition to being legally infeasible, the Fourth & King Proposal is technically and financially infeasible and unreasonable for a number of reasons. Chief among these, it would require demolition of Interstate 280 off ramps and 70 to 90 units of residential housing. The Fourth & King Proposal also would cost roughly $2.9 billion more than locating HSR in the Transit Center.

A. The Fourth & King Proposal is Technically Infeasible.

Program managers for the Transit Center and DTX, experts in underground tunneling and HSR stations, have conducted a technical review of the Fourth & King Proposal and concluded that it is technically infeasible and ill advised in several respects. (*See* PMPC Evaluation of Fourth & King Street High-Speed Rail Terminus, ("Fourth & King Technical Evaluation") (Attachment L).) To begin with, the Interstate 280 Sixth Street off-ramps that cross the site would need to be appropriately supported during construction. However, it is impossible to do so and simultaneously squeeze the permanent rail alignment and structure between the existing I-280 bridge foundations and their temporary support. Accordingly, demolition of the I-280 ramps would likely be required to accommodate the Fourth & King Proposal.

The Fourth & King Proposal would create a horizontal radius on the throat to the southernmost platforms that is less than the minimum radius mandated by the HSR program. In order to construct a larger, acceptable radius, the CHSRA would need to acquire and demolish 70 to 90 residential units in Mission Bay apartments. As with the Beale Street Proposal, this elimination of housing units in San Francisco for public infrastructure would be unprecedented and politically infeasible.

The technical review further found that the proposed terminal would be primarily founded in bay mud and adjacent to an open water channel, which increase construction costs and structural risks during a seismic event. Moreover, construction of the Fourth & King terminal and throat approach must be conducted in a manner that allows Caltrain to continue operating on a normal basis. This would necessitate a multi-staged construction approach, resulting in significantly increased construction costs and duration.

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B. The Fourth & King Proposal Is Financially Infeasible.

Locating HSR in the Transit Center minimizes operating and capital costs for the HSR terminal. Phase 1 of the Transit Center, which is fully funded except for the underground train box, will be a multimodal station shared by several transit providers, thus reducing capital and operating costs to any individual operator. The Fourth & King Proposal would have none of these cost advantages. Instead, it requires construction and operation of an entirely separate terminal for HSR. A simple comparison of construction costs demonstrates the financial infeasibility of such an approach. The cost to construct the HSR train box for the Transit Center is approximately $400 million. In contrast, the Fourth & King Technical Evaluation estimates construction of a HSR terminal at Fourth & King would cost just over $3.3 billion. This $2.9 billion difference is not "financially justified" and is reason alone to cease further consideration of the Fourth & King Proposal. (*Marin Municipal Water District v. KG Land Cal. Corp.*, 235 Cal. App. 3d 1652, 1665-66 (1991).)

C. The Fourth & King Proposal Fails to Meet CHSRA's Station Location Objectives and Other Project Objectives.

The Fourth & King Proposal fails to meet key HSR station location objectives set forth in CHSRA's environmental documents. (Bay Area FEIR/EIS at Table 8.1-1 (identifying criteria).) Indeed, the CHSRA has already determined that the Fourth & King Proposal fails to meet these objectives in comparison to the Transit Center. (*Id.* at 8-18 (identifying the Transbay Transit Center as the preferred San Francisco station location over the Fourth & King Proposal).)

Fourth & King is an unreasonable alternative to the Transit Center, and fails to meet the following HSR station location objectives set forth in the CHSRA's Bay Area FEIR/EIS:[5]

Maximize connectivity and accessibility: The Transit Center offers direct connectivity with Muni, AC Transit, SamTrans, Golden Gate Transit, Greyhound, WestCAT, Caltrain, and BART. MTC Resolution 3434 gives the Transbay Transit Center MTC's highest rating for system connectivity in terms of number of connecting operators, modal access options, and frequency of connections. Fourth and Townsend has limited Muni connections and has no direct connection to any other mode of public transportation.

[5] The Beale Street Proposal also fails to meet the CHSRA's Objectives as discussed in PMPC evaluation of the Gensler Proposal.

Maximize compatibility with existing and planned development: The Transbay Transit Center Program ("Program") conforms to the principles of transit-oriented development – locating public transit close to employment, shopping, education, hotels, convention centers, museums, and parks to get people out of their cars. According to SPUR, Downtown San Francisco has the largest concentration of office and retail jobs east of Manhattan. The Transbay area already has a high concentration of jobs. Under the Transbay Redevelopment Plan, the area will have nearly 2,600 new homes (35% of which will be affordable), 1.2 million square feet of new office, hotel, and commercial space, and 60,000 square feet of new retail. The City's Transit Center District Plan, slated for adoption in the fall of 2009, will result in an additional 2.5 million gross square feet of office space, 425 hotel rooms, and 235 residential units. *See Transit Center District Plan,* S.F. Planning Dept. Presentation, Sept. 17, 2008 (http://www.sfgov.org/site/planning). The Transit Center will allow HSR passengers easy access to this planned development. Fourth & King is far from the Downtown San Francisco center of employment, shopping, hotels, recreation, and other urban amenities.

As required by MTC Regional Measure 2 and as contemplated by the California High-Speed Rail Project, the San Francisco HSR terminus will accommodate a future East Bay connection that would eventually extend high-speed rail to Sacramento. As described in the Fourth & King Technical Evaluation, an East Bay crossing from Fourth & King is not feasible.

Maximize ridership/revenue potential: Because the vast majority of passengers using California High-Speed Rail wish to depart from or arrive at Downtown San Francisco, the Transit Center would maximize ridership and revenue from high-speed rail. CHSRA's environmental documents indicate that the First and Mission Transit Center location will generate an additional 1 million passengers per year and $19 million per year in revenue compared with Fourth and Townsend. (Bay Area EIR/EIS at 7-141.)

Further, as discussed above, the Fourth & King Proposal fails to minimize operating and capital costs by not taking advantage of the Transit Center above-ground station. Fourth & King also fails to minimize impacts on social and economic resources because it would require demolition of residential units and is exorbitantly expensive. As the Fourth & King Technical Evaluation makes clear, it fails to avoid areas with geologic and soils constraints or potential hazardous materials.

These objectives also correspond to the criteria that the CHSRA will use to narrow the range of alternatives as stated in its "Common Questions and Answers Related to the Alternatives Analysis" handout. The CHSRA's EIS/EIR need only

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examine alternatives that meet most of the basic objectives. (CEQA Guidelines § 15126.6.) Because the Fourth & King proposal fails to meet these station location goals, it need not be advanced as an alternative for further study.

VIII. The Fourth & King Proposal Would Increase Environmental Impacts.

The Fourth & King Proposal would have significantly greater environmental impacts than the Transbay Transit Center. It would increase construction impacts by creating what is essentially a second Transit Center in a completely new neighborhood. The Fourth & King Proposal would significantly reduce the residential housing supply in the neighborhood by demolishing a large portion of Mission Bay apartments. Excavation for the Fourth & King station would unearth large quantities of this hazardous material, creating potential additional environmental risks and disposal expense. Accordingly, the Fourth & King Proposal would increase environmental impacts, and for this reason alone does not need to be considered further.

IX. The Proposed Alternative 0(a) Is Simply a Variant of the Transit Center.

The Proposed Alternative 0(a) is the TJPA's approved configuration for the Transit Center with added at-grade capacity for HSR at Fourth & King. This overflow service would accommodate any additional trains run by the CHSRA in the future beyond those proposed in its certified programmatic EIR/EIS documents. Alternative 0(a) is acceptable to the TJPA because it is simply a variant of Transit Center operations that the TJPA and the CHSRA have always considered.

The Transbay Transit Center contains sufficient capacity to accommodate high-speed rail. In the 2008 Bay Area FEIR/EIS, the CHSRA stated that its

> operational analysis indicate[s] that to serve all of the HST trains proposed in the Authority's operational plan, four tracks and two island platforms would have to be dedicated to HST service. Further cooperative operations planning analysis of Transbay terminal rail capacity is needed to determine the most efficient mix and scheduling of both HST and Caltrain commuter services.

(Bay Area FPEIS/EIR, Vol. I at 8-19.) Four tracks and two island platforms is precisely the current plan for the Transbay Transit Center. Technical working groups with representatives from Caltrain, CHSRA, and the TJPA have been coordinating high-speed rail operations planning, as discussed in more detail below.

In March 2009, the TJPA and the CHSRA signed a Memorandum of Agreement to help resolve design issues for "establishing the Transbay Transit Center as a terminus station of the high-speed rail system . . . ." (*Memorandum of Agreement Between the Transbay Joint Powers Authority and the California High-Speed Rail Authority Regarding Design of the Transbay Transit Center and the CalTrain Downtown Extension* (Attachment M) at 1.) Since then, a technical group of TJPA, Caltrain, and CHSRA representatives and consultants have met and worked though the technical and operational planning issues regarding high-speed rail capacity at the Transit Center. As stated in the June 2009 report *California High-Speed Rail: San Francisco/Silicon Valley Corridor Investment Strategy*, prepared by the TJPA, Caltrain, and others in association with the CHSRA,

> The technical group recommends proceeding with the current Transbay Transit Center design providing two high-speed rail platforms and one Caltrain platform; the Fourth & King site will be upgraded to support the operational and contingency requirements of the Caltrain and high-speed rail services across a range of operating scenarios.

(*California High-Speed Rail: San Francisco/Silicon Valley Corridor Investment Strategy* (June 2009) (Attachment N) at 12.) The technical working group concluded that "[w]hen the nearly 800-mile California high-speed train system is completed, the Transbay Transit Center will accommodate the majority of demand for high-speed rail service to San Francisco with additional demand accommodated, as needed, at an improved Fourth/King facility." (*Id.* at 11-12.) This is the same arrangement considered in the 2004 Transbay FEIS/EIR. (*See* FEIS/EIR, Vol. II at 108 ("The Fourth and Townsend station and platforms could also function as a 'relief valve' to accommodate some of the Caltrain service if the Transbay Terminal reaches capacity.").)

The Transit Center was designed with the facilities requirements of HSR in mind, including auxiliary facilities needed to support high-speed trains. In June 2009, the TJPA received the CHSRA High-Speed Train Station Program Guidelines. The TJPA is currently in the process of reviewing the auxiliary requirements in those guidelines to determine how to address them in the detailed designs that the TJPA is currently developing for the Transit Center.

The Transit Center can also accommodate a future expansion of HSR service to the East Bay. (FEIS/EIR, Vol. II at 97-98.) An East Bay extension could serve the Transit Center from a number of approaches. An extension that headed easterly along Townsend Street could merge with Peninsula rail traffic and serve the Transit Center along the same Second Street alignment as the DTX. Alternatively, trains from an East

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Bay extension could approach the Transit Center from the eastern end along a Main Street or Steuart Street alignment.

Accordingly, although the TJPA does not believe Alternative 0(a) is necessary, it is not opposed to it. The TJPA does, however, strongly object to the CHSRA advancing the Beale Street or the Fourth & King Street Proposals for further study. To do so is unnecessary under the law, and would only result in a waste of public resources.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

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Attachments

Attachment A: Gensler Proposal: Beale Street Alternative Power Point

Attachment B: Volumes I & II: The Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final Environmental Impact Statement/Environmental Impact Report (Transbay FEIS/EIR or FEIS/EIR) (excerpts)

Attachment C: California High-Speed Train Final Program EIR/EIS (excerpts)

Attachment D: Bay Area to Central Valley High Speed Train Final Program EIR/EIS (Bay Area FPEIR/EIS) (excerpts)

Attachment E: California High-Speed Train Business Plan (November 2008)

Attachment F: TJPA Board of Directors Resolution No. 04-004 (April 22, 2004)

Attachment G: San Francisco Proposition H (November 22, 1999)

Attachment H: San Francisco Resolution 104-01 (February 12, 2001)

Attachment I: PMPC Evaluation of the Gensler Proposal (August 19, 2009) (Beale Street Technical Evaluation)

Attachment J: Caltrain San Francisco Downtown Extension Project, Draft Environmental Impact Statement/Draft Environmental Impact Report and Draft 4(f) Evaluation (Mar. 5, 1997) (Caltrain Extension Draft EIS/EIR) (excerpts)

Attachment K: San Francisco Redevelopment Agency: *Comments on Gensler Rail Station Proposal*

Attachment L: PMPC Evaluation of Fourth and King Street High-Speed Rail Terminus (October 23, 2009) (Fourth & King Technical Evaluation)

Attachment M: *Memorandum of Agreement Between the Transbay Joint Powers Authority and the California High-Speed Rail Authority Regarding Design of the Transbay Transit Center and the CalTrain Downtown Extension*

Attachment N: California High-Speed Rail: San Francisco/Silicon Valley Corridor Investment Strategy (June 2009)

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As indicated in this comment, the ridership forecasts were updated in conjunction with the revised 2012 Business Plan. No comment was made on the ridership forecasts, with the statement that TJPA would comment on ridership forecasts when the are published.