

## Submission B001 (Jonie Yates, January 16, 2018)

**Fresno - Bakersfield (2014 June+) - RECORD #377 DETAIL**

**Status :** Action Pending  
**Record Date :** 1/17/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Individual  
**Submission Date :** 1/16/2018  
**Submission Method :** Project Email  
**First Name :** Jonie  
**Last Name :** Yates  
**Professional Title :**  
**Business/Organization :**  
**Address :**  
**Apt./Suite No. :**  
**City :**  
**State :**  
**Zip Code :**  
**Telephone :**  
**Email :** jonie.yates@my.wheaton.edu  
**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

Dear HSRA,

Thanks for the work you are doing to bring HSR to California.

I know you've received numerous complaints about the Bakersfield City Council's F St proposal. In the words of a former city councilmember, "the City Council does not represent the people of Bakersfield." It's an unfortunate truth that we residents are all coming to terms with as we watch this debacle unfold.

B001-1

The EIR process has been rushed, leading to a station area EIR with numerous issues that need to be dealt with. Source data is missing, area impact numbers are wrong, cost estimates are flawed, and the station location and design is offensively inadequate. The review process was hushed and rushed. The Council doesn't want people to understand the proposals, because it knows people won't stand for it. They are not doing their jobs as elected officials.

B001-2

It is unacceptable if the current EIR moves forward. Please totally reject it (as the whole F St design and plan goes against the guiding principles that CA's HSR is intended to be built upon), or at least force the City Council to fix the flaws and inaccuracies of the document. I would prefer the former, as it will save the people of Bakersfield months of frustration

B001-2

and hundreds of thousands of dollars.

Thank you for your consideration,

Jonathan E Yates

**EIR/EIS Comment :** Yes

**Official Comment Period :** Yes

## Response to Submission B001 (Jonie Yates, January 16, 2018)

### **B001-1**

Refer to Standard Response FB-LGA-Response-GENERAL-02: Public Outreach.

The commenter expresses opinions about source data, impact numbers, cost estimates, station location, and station design. These comments are noted, but a response is not possible as the commenter does not provide any examples or specific questions or concerns. The commenter expresses an opinion about the Bakersfield City Council; this last is not related to the environmental document.

The commenter suggests that the Draft Supplemental EIR/EIS is a “station area EIR.” The commenter states that the environmental review process was not advertised and moved too quickly.

The Draft Supplemental EIR/EIS analyzes environmental impacts to the whole F-B LGA alignment from Poplar Ave north of Shafter to Oswell Street in East Bakersfield, and not just the F Street station area. The Draft Supplemental EIR/EIS went through numerous agency review cycles before publication. Refer to Chapter 9 of the Draft Supplemental EIR/EIS for more details about outreach activities during the development of the environmental document.

According to CEQA §15105(a), “when a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days.” The review period for the Draft Supplemental EIR/EIS was set at 60 days, to allow ample time for review of the document and submission of any comments from the public and agencies.

### **B001-2**

The commenter expresses opinions about the F-B LGA. These opinions are noted. The commenter requests that the Authority force the Bakersfield City Council to revise the Draft Supplemental EIR/EIS. The Authority and FRA prepared the Draft Supplemental EIR/EIS, and while the City of Bakersfield requested and aided in the development of an alternative to the May 2014 Project, the City did not provide any analysis for the Draft Supplemental EIR/EIS.

## Submission B002 (Todd Turley, AgReserves, Inc., January 16, 2018)

**Fresno - Bakersfield (2014 June+) - RECORD #329 DETAIL**

**Status :** Action Pending  
**Record Date :** 1/16/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Business and/or Organization  
**Submission Date :** 1/16/2018  
**Submission Method :** Project Email  
**First Name :** Todd  
**Last Name :** Turley  
**Professional Title :** Land & Govt. Affairs Manager  
**Business/Organization :** AgReserves, Inc.  
**Address :**  
**Apt./Suite No. :**  
**City :**  
**State :** CA  
**Zip Code :**  
**Telephone :** 661-240-5749  
**Email :** tturley@svfnuts.com  
**Email Subscription :**  
**Cell Phone :** 661-910-4286  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

**Attachments :** 329\_AgReserves\_email\_011618\_Attachment.pdf (152 kb)

To Whom It May Concern:

We appreciate this opportunity to comment on the Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section. Please find attached our comment letter from Farmland Reserve, Inc. We look forward to receiving a response to our comments from the California High-Speed Rail Authority and further discussion on the issues raised.

Best regards,

Todd Turley  
 AgReserves, Inc.  
 Land & Govt. Affairs Manager  
 (661) 240-5749 (work)  
 (661) 910-4286 (cell)

This e-mail and any attached files are confidential. If you are not the intended recipient, please delete this message immediately; Any use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.

**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes

## Submission B002 (Todd Turley, AgReserves, Inc., January 16, 2018) - Continued

### **Farmland Reserve, Inc.**

79 South Main Street, Suite 1000  
Salt Lake City, UT 84111-1945  
(801) 715-9100

15443 Beech Ave.  
Wasco, CA 93280  
(661) 391-9000

January 15, 2018

### **VIA MAIL AND EMAIL**

Attn: Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section  
California High-Speed Rail Authority  
770 L Street  
Suite 620 MS-1  
Sacramento, CA 95814  
[Fresno\\_Bakersfield@hsr.ca.gov](mailto:Fresno_Bakersfield@hsr.ca.gov)

RE: Comments to Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section

To Whom It May Concern:

Farmland Reserve, Inc., is an agricultural company with prime farmland and other production and processing assets in Kern County. We support the originally approved BNSF alignment and oppose the proposed "Fresno to Bakersfield Locally Generated Alternative" alignment.

B002-1

The proposed alignment of the "Fresno to Bakersfield Locally Generated Alternative" (the "F-B LGA") presented in the above-referenced Draft Supplemental EIR/EIS bifurcates FRI property located along Burbank Avenue within the jurisdictional limits of the City of Shafter.

The FRI land and other impacted land in the area are classified as some of the richest farmland in the world. These rich San Joaquin Valley soils, coupled with ideal climatic conditions and a superb water supply (North Kern Water Storage District, "NKWSD", with strong Kern River water rights), provide the most ideal pistachio production lands available anywhere. In fact, these lands strongly contribute to Kern County's standing as California's leading pistachio producer and its rank among the top three agricultural counties in the state. Cutting into this prime farmland should weigh heavily on the decision of placement of tracks. The unique swath of land being directly and permanently impacted by the rail alignment simply cannot be replaced.

B002-1

Nevertheless, if the F-B LGA is ultimately selected as the preferred alternative and the Supplemental EIR/EIS is certified, a primary objective should be to minimize the loss of prime farmland. We strongly urge the Authority to take deliberate steps to mitigate such detrimental effects.

B002-2

Accordingly, we recommend that the California High-Speed Rail Authority implement the following in the design of the rail alignment and related facilities so that farming can continue on some or all of what will be left of the FRI land that will be isolated between the proposed alignment and Burbank Avenue:

- Address safety and logistical concerns by providing:
  - At least two additional "ag undercrossings" at the locations identified in the attached map.
    - Minimum size requirements to be determined.
    - Additional "harvest roads" necessary due to the bifurcation.
    - Minimum size requirements to be determined.
- Resolve all irrigation issues created by the bifurcation
  - Re-engineer and build irrigation system with capacities to match existing system
    - Build reservoir(s) and lift system(s) and all other water systems and facilities as deemed necessary
  - Provide "utility sleeves" (at sufficient size) to serve the bifurcated section
  - Provide facilities as necessary (i.e. pumps, pipelines, etc...) to maintain access to NKWSD supplies

While we oppose the proposed F-B LGA alignment, we appreciate this opportunity to comment on the Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section and look forward to further opportunities to discuss the needs raised in this letter. Any inquiries should be directed to Todd Turley, Land & Governmental Affairs at the Wasco address shown above or by email at: [tturley@ari-slc.com](mailto:tturley@ari-slc.com).

Sincerely,



Daryl Wilkendorf  
Executive Vice President



## Response to Submission B002 (Todd Turley, AgReserves, Inc., January 16, 2018)

### B002-1

The Central Valley of California is one of the most productive agricultural areas in the world. As described in Section 3.14 of the Draft Supplemental EIR/EIS, the project would have a direct effect on agricultural production through conversion of agricultural land to a transportation use, disruption of agricultural operations in Kern County, and a resultant indirect effect on the agricultural economy. Under the May 2014 Project, approximately 485 acres of prime farmland would be converted to a transportation-related use as a result of the project. Under the F-B LGA, approximately 372 acres of farmland, of which 370 acres are prime farmland, would be converted to a transportation-related use as a result of the project. This would result in the permanent loss of these agricultural lands, which the Draft Supplemental EIR/EIS identifies as a significant impact under CEQA. (Note that the Fresno to Bakersfield Section Final EIR/EIS also identified this impact as significant pursuant to NEPA.) Kern County has about 2.7 million acres of farmland, including about 597,771 acres of prime farmland (California Department of Conservation 2015). Nonetheless, the overall impact of the project on agricultural land in the San Joaquin Valley (including Kern County) is identified as a significant adverse impact (see Tables 3.14-10 and 3.14-11 of the Draft Supplemental EIR/EIS) and as contributing to cumulative farmland loss in the San Joaquin Valley.

To mitigate this impact, the Authority will utilize the services of the Department of Conservation's Farmland Conservancy Program to identify suitable agricultural land for permanent preservation through the purchase of conservation easements from willing sellers (see AG-MM#1 in Section 3.14.7 of the Fresno to Bakersfield Section Final EIR/EIS). The Authority has negotiated a contract with the Department of Conservation for this purpose and provided initial funding for agricultural land mitigation in the Merced to Fresno and Fresno to Bakersfield sections. As identified in the scope of work for that contract, the Authority and the Department of Conservation will develop selection criteria for the easements that will include, but not be limited to, the requirements in Public Resources Code section 10252, including the prioritization of easements on lands adjacent to other protected agricultural lands or that provide greenbelts or urban separators that have the added benefit of limiting urban sprawl. This mitigation measure will lessen the impact, but the Fresno to Bakersfield Section Final EIR/EIS recognizes that the converted farmland will be permanently lost for the production of agricultural commodities.

### B002-1

In total, Kern County in the Fresno to Bakersfield Section accounted for about \$6.8 billion of the total \$47.1 billion (or about 14 percent) of the agricultural revenue generated in the state in 2015 (CDFA 2015). The project would have an effect on agricultural production through its conversion of agricultural land and effects on infrastructure (including access roads). It is expected that some of this production would relocate elsewhere within the San Joaquin Valley. Relocation would depend upon a number of variables, including the desires of the displaced farm owners, and cannot be accurately predicted. In some cases, production could not be easily replaced given the limited availability of suitable replacement lands or difficulties related to permitting necessary to continue production at a new site.

Some relocated agricultural production would take time to re-establish full production levels. In addition, any reduced agricultural production would have an additional multiplier effect on the region's economy and could affect businesses involved in agricultural services, food processing, and the transportation of goods (see Section 3.12 of the Fresno to Bakersfield Final EIR/EIS). In order to address this concern, the Final EIR/EIS included a commitment (see Section 3.14.6, Project Design Features) to assign a representative to act as a single point of contact to assist each confined animal facility owner during the process of obtaining new or amended permits or other regulatory compliance necessary to the continued operation or relocation of the facility. For information on relocation assistance, see Section 3.12 of the Fresno to Bakersfield Section Final EIR/EIS (Socioeconomics, Communities, and Environmental Justice) and FB-Response-SO-01 of the Fresno to Bakersfield Section Final EIR/EIS.

The project must also adhere to California Relocation Assistance Act requirements, which are discussed in Appendix 3.12-A of the Final EIR/EIS. Information about acquisition, compensation, and relocation assistance is also available on the Authority's website. Even with this assistance there would be potential for temporary disruption to agricultural operations as production is reallocated between owners, where severed parcels are transferred to adjoining owners, and as facilities are relocated. Related economic sectors, such as processing facilities, could also experience some short-term multiplier effects from reduced production.

## Response to Submission B002 (Todd Turley, AgReserves, Inc., January 16, 2018) - Continued

### **B002-1**

#### **Employment**

Employment in the agricultural sector accounted for about 16 percent of the total industry employment in 2013 in Kern County (see Section 3.12.3 of the Draft Supplemental EIR/EIS). The conversion of agricultural land could result in a reduction in the number of farm workers, who could be negatively affected if the acquisition were to result in permanent job losses or they were unable to find work on another farm or industry in the region. This effect would be minimized if the agricultural production were to relocate elsewhere in the region. Although Kern County has policies to protect agricultural lands, according to the California Department of Conservation farmland conversion data, conversions of Important Farmland continue to occur. Kern County reported a 13,970 acre reduction in Important Farmland between 2008 and 2014 (California Department of Conservation 2014b). Population growth and the associated pressure for rural, small ranches, and urban development primarily drive the loss of Important Farmland. More recently, the trend to situate solar photovoltaic facilities on agricultural lands has reduced the total number of Important Farmland acres. In addition, the Kern County Council of Governments 2014 RTP/SCS forecasts the addition of 602,900 residents by 2040 (2014-2040 planning period). As a result, Important Farmland loss from urban expansion is expected to convert approximately 24 square miles. Nevertheless, this is less than two percent of Important Farmland and 1/10th the conversion compared to the previous 22 years. This substantially lower rate of farmland conversion is largely due to local government efforts to balance urban expansion with the conservation of economically viable farmland (Kern County Council of Governments 2014).

#### **Road Closures**

In addition to the permanent property acquisitions, the project would also result in road closures where the alignment would be at-grade. Permanent road closures resulting from the project were examined to identify potential effects on regional access for agricultural operations (please see Section 3.14.4 of the Draft Supplemental EIR/EIS). The potential effects from restriction in regional access include increased costs to operations and increased difficulties in moving workers and equipment to cultivate and harvest fields and deliver products to processing facilities and markets. There would be a total of 10 road closures as a result of the F-B LGA, 6 of which would be in rural areas and therefore could potentially impact agricultural operations. However, for the May

### **B002-1**

2014 Project and the F-B LGA, the road closures associated with the project would be dispersed and detours to alternative routes or alternative property access would be approximately 2 miles long or less. As a result, regional access for agricultural operations (e.g., moving workers and equipment to cultivate and harvest fields and deliver products to processing operations and markets) is not expected to be restricted.

#### **Impacts to Individual Agricultural Operations**

The HSR project in the Fresno to Bakersfield Section would adversely affect individual farms and other agricultural operations. Construction of the HSR System would result in disruption to or removal of existing infrastructure such as buildings and other structures, pumps and wells, reservoirs/tailwater ponds, irrigation systems (including distribution lines, canals, and gravity flow systems), power supplies, and access. The Authority is sensitive to the importance of these disruptions to agricultural operations, including the acquisition of all or a portion of infrastructure needed for agricultural operations. The Authority will acquire right-of-way for the high-speed rail project in accordance with the Uniform Relocation Act (42 U.S.C. Ch. 61). The Uniform Relocation Act establishes minimum standards for treatment and compensation of individuals whose real property is acquired for a federally funded project. For more information on the Uniform Relocation Act, see Chapter 3.12 of the Fresno to Bakersfield Section Final EIR/EIS (Socioeconomics, Communities, and Environmental Justice) and FB-Response-SO-01 of the Fresno to Bakersfield Section Final EIR/EIS. The project must also adhere to California Relocation Assistance Act requirements, which are discussed in Appendix 3.12-A of the Fresno to Bakersfield Section Final EIR/EIS. Information about acquisition, compensation, and relocation assistance is also available on the Authority's website.

## Response to Submission B002 (Todd Turley, AgReserves, Inc., January 16, 2018) - Continued

### B002-2

This comment suggests specific design amendments related to the Farmland Reserve, Inc. (FRI) property. The commenter requests that the Authority accommodate at least “two additional ‘ag undercrossings’”; however, the map referenced in the commenter’s letter was not included as an attachment. As discussed in Section 2.4.5.1 of the Draft Supplemental EIR/EIS, “over crossings or undercrossings for the Fresno to Bakersfield Section would be provided approximately every 1 mile or less in many locations due to existing roadway infrastructure.” In proximity to the FRI parcels, “(r)oad closures would occur at Orange Avenue E and at Mendota Road (a private road)” (Section 2.6 of the Draft Supplemental EIR/EIS). However, access surrounding the FRI properties would be maintained at the Cherry Avenue and Driver Road undercrossings.

The commenter also suggests that additional “harvest roads” would be required as a result of the bifurcation. It is unclear if the commenter is suggesting that the “harvest roads” would be entirely internal to the remnant parcel(s), or if the “harvest roads” would be secondary “ag undercrossings” similar to those referenced above. Consistent with Section 2.4.5.1 of the Draft Supplemental EIR/EIS, undercrossings would be provided in proximity to the FRI parcels to facilitate continued mobility for farm operations.

The commenter also suggests that all irrigation issues created by the parcel severance will need to be resolved. Implementation of PUE-IAMM#1: Minimization of Utility Interruption requires that when relocating an irrigation facility is necessary, if feasible the Contractor will provide a new operational facility prior to disconnecting the original facility. The commenter requests that the Authority re-engineer and build the irrigation system with capacities to match the existing system. In accordance with PUE-IAMM#1, the Contractor would provide new irrigation facilities, as feasible, prior to disconnecting the existing service.

The Draft Supplemental EIR/EIS includes an analysis of the feasibility of continued agricultural activity on remnant parcels along the alignment. As noted under Impact AG#5, Effects on Agricultural Land from Parcel Severance, parcel severance could cause hardship to irrigation systems. The Authority would work with irrigation districts and landowners to protect irrigation systems as they intersect HSR. During the right-of-way acquisition process, the Authority’s right-of-way agents will work with each affected property owner to address issues of concern.

### B002-2

## Submission B003 (Michael Kennedy, Bethel Christian School, January 17, 2018)

### Fresno - Bakersfield (2014 June+) - RECORD #368 DETAIL

**Status :** Action Pending  
**Record Date :** 1/17/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Business and/or Organization  
**Submission Date :** 1/17/2018  
**Submission Method :** Project Email  
**First Name :** Michael  
**Last Name :** Kennedy  
**Professional Title :** Principal  
**Business/Organization :** Bethel Christian School  
**Address :**  
**Apt./Suite No. :**  
**City :**  
**State :**  
**Zip Code :**  
**Telephone :**  
**Email :** mikeakennedy@gmail.com  
**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

B003-1 | There is legal obligation to include the attached PDF file/letter as an official comment to the Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section.

In addition, please add this documentation to the existing Administrative Record for Case No.34-2014-80001864, as it was submitted on behalf of the church-school in the STB Petition.

Regards,  
Michael Kennedy, Principal (M.Ed.L.)  
Bethel Christian School

Sent from my iPhone  
**EIR/EIS Comment :** Yes  
**Official Comment Period :** No  
**Attachments :** 368\_Kennedy\_email\_011618\_Attachment.pdf (423 kb)

DAVID G. VALADAO  
21ST DISTRICT, CALIFORNIA  
WWW.VALADAO.HOUSE.GOV



UNITED STATES  
HOUSE OF REPRESENTATIVES

November 7, 2014

COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON AGRICULTURE,  
RURAL DEVELOPMENT,  
FOOD AND DRUG ADMINISTRATION  
SUBCOMMITTEE ON INTERIOR  
AND THE ENVIRONMENT  
SUBCOMMITTEE ON MILITARY  
CONSTRUCTION AND VETERANS AFFAIRS

The Honorable Daniel R. Elliott III, Chairman  
Surface Transportation Board  
395 E Street SW, Suite 100  
Washington, DC 40423-0001

RE: California High-Speed Rail Authority: Petition for Declaratory Order

Dear Chairman Elliott,

We are writing in opposition to the petition filed by the California High-Speed Rail Authority (CHSRA) on October 9, 2014, in which CHSRA requested that the Surface Transportation Board issue a declaratory order concerning the availability of injunctive remedies under the *California Environmental Quality Act* (CEQA).

As Members of Congress representing California's Central Valley, we want to make sure the high speed rail project is thoroughly reviewed in all areas and that all applicable laws are followed. The proposed route from Fresno to Bakersfield crosses many diverse environments, including agricultural farmland and tribal lands, and will affect millions of people who call the Central Valley home. Given the location and the potential consequences of the high speed rail project, we feel it is critical that our constituents in the Valley be able to appropriately review the project's impact on their community and that the appropriate remedies be made available to them. With multiple lawsuits working their way through our State's judicial system on this very issue, the CHSRA's petition is an attempt to end-run around California's environmental protection laws, thereby denying our constituents the opportunity to participate in the regulatory process and fully exercise their legal rights.

This project has changed drastically from what was promised to voters, and this is another attempt by the CHSRA to skirt the law. On behalf of our constituents, we urge you to reject the CHSRA's petition and require CHSRA to adhere to state and federal laws, as well as any judicial determinations, as it continues to develop and construct high speed rail in California.

Sincerely,

David G. Valadao  
Member of Congress

Jeff Denham  
Member of Congress

Kevin McCarthy  
Member of Congress

Devin Nunes  
Member of Congress

101 NORTH IRWIN STREET  
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## Response to Submission B003 (Michael Kennedy, Bethel Christian School, January 17, 2018)

### B003-1

Refer to Standard Response FB-LGA-Response-GENERAL-03: Response to Comments Received After the Close of the Public Comment Period.

The commenter has provided a file/letter (PDF) as an attachment to the comment submittal and indicates there is legal obligation to include the file as an official comment to the Draft Supplemental EIR/EIS. The materials attached to this comment have been included in the Final Supplemental EIS and, as such, as part of the project record.

The Authority has reviewed and considered the file/letter that was included with the comment. The file consists of a letter dated November 7, 2014 and addressed to the Surface Transportation Board (STB) from Congressmen David Valadao, Jeff Denham, Kevin McCarthy, and Devin Nunes. The letter voices opposition to the Authority's October 9, 2014 petition requesting a declaratory order concerning the availability of injunctive remedies under CEQA. The letter also references concerns that stakeholders have not had the opportunity to review the impacts associated with the Fresno to Bakersfield Section of the HSR Project.

The decision related to the petition referenced in the letter is located on the STB's website:  
<https://www.stb.gov/decisions/readingroom.nsf/cac42df635267da4852572b80041558c/8247a0ee7e3897ff85257dac007ccf08?OpenDocument>.

As discussed in Chapter 9 of the Draft Supplemental EIR/EIS, and detailed below, the Authority has provided sufficient public and agency outreach as part of the Supplemental EIR/EIS process, as well as opportunities for public involvement and comment. The public involvement and outreach included preparation and distribution of informational materials such as fact sheets, informational meetings and open houses, public and agency scoping meetings and hearings, meetings with individuals and groups, workshops regarding the F-B LGA, and briefings to interested and/or affected stakeholders.

The Fresno to Bakersfield Section Draft Supplemental EIR/EIS was circulated for 60 days as required by CEQA (CEQA Guidelines §15080-15088). The CEQA Guidelines provide:

### B003-1

*The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse. (14 C.C.R. 15105)*

Likewise, Section 13(c)(9) of the FRA Procedures for Considering Environmental Impacts provides:

*The draft EIS shall be made available for public and agency comment for at least 45 days from the Friday following the week the draft EIS was received by EPA. The time period for comments on the draft EIS shall be specified in a prominent place in the document, but comments received after the stated time period expires should be considered to the extent possible. (64 FR 101, page 28545, May 26, 1999)*

The Authority and FRA believe the time provided was sufficient for the public to review and provide comments on the Fresno to Bakersfield Section Draft Supplemental EIR/EIS. A formal public hearing was held in Bakersfield on December 19, 2017, at which written and verbal comments were accepted on the Draft Supplemental EIR/EIS.

Per the requirements set out by the CEQA Guidelines 15086 and 15087, the Authority and FRA provided widespread notice of the availability of the Draft Supplemental EIR/EIS to ensure that members of the public and local, state and federal agencies had the opportunity to review and provide comments. The Authority and FRA provided broad notice of the availability of the Draft Supplemental EIR/EIS in the following ways: by mailing a notice to all individuals/organizations that requested notice in writing and publication in newspaper(s) of general circulation; by direct mailing to owners/occupants of property within 300 feet of the F-B LGA footprint and the May 2014 Project footprint; via direct mailing to agencies, elected officials, tribes, etc.; via direct mailing to those on the project mailing list; by submitting copies to the State Clearinghouse for state agency review; and via publication in the federal register. The Authority and FRA provided access to the Draft Supplemental EIR/EIS in the following ways: the entire Draft Supplemental EIR/EIS, Volumes I through III, were made available on the Authority's website; CDs containing these documents were made available to anyone who

## Response to Submission B003 (Michael Kennedy, Bethel Christian School, January 17, 2018) - Continued

### **B003-1**

website; CDs containing these documents were made available to anyone who requested them (in writing), free of charge; and CDs and printed copies were made available in public libraries in the vicinity of the affected alignments and the Authority offices. The Authority and FRA facilitated awareness of the availability of the Draft Supplemental EIR/EIS in the following ways: by providing information during monthly agency meetings and regular consultations; by holding general public meetings, as well as individual meetings with stakeholders; by holding a public hearing during the 60-day review period for the Draft Supplemental EIR/EIS; and by using mailed announcements.

Chapter 10 of the Draft Supplemental EIR/EIS lists the agencies, Native American tribes, elected officials, and organizations and businesses that were provided mailed notice of the availability of the document. Between November 3 and November 9, 2017, the Authority published a press release in all major newspapers in the area advising the public of the availability of the Draft Supplemental EIR/EIS on the Authority's website. The Authority used the County Assessors' rolls in Kern County to identify and provide notice to owners of land affected or within a 300-foot buffer of the May 2014 Project and F-B LGA footprints.

The public was given the opportunity to comment in any of several ways. Comments could be submitted to the Authority and FRA by card or letter (including cards and letters submitted at the public hearing), verbally at the public hearing, and by means of e-mail. The Authority and FRA have considered comments received after January 16, 2018 on the Draft Supplemental EIR/EIS. These comments are reproduced here in Chapters 19 through 25 of this Final Supplemental EIS. A total of approximately 290 submission letters (a submission letter by an individual or organization could consist of one or multiple comments) were submitted on the Draft Supplemental EIR/EIS. These submissions were provided via e-mail, via mailed letters, and via the Authority's website.

Public and agency outreach included notification and circulation of the Draft Supplemental EIR/EIS. Refer to Chapter 9 of the Draft Supplemental EIR/EIS (Public and Agency Involvement), which describes the public and agency involvement efforts conducted during the preparation, and after publication, of the Draft Supplemental EIR/EIS. Table 9-1 lists the agency and public meetings held as part of the Authority's outreach efforts associated with the F-B LGA development process. Table 8-1 of the

### **B003-1**

Fresno to Bakersfield Section Final EIR/EIS lists the agency and public meetings held as part of the Authority's outreach efforts through the publication of the Fresno to Bakersfield Section Final EIR/EIS.

The Notice of Availability, which was distributed initially on November 9, 2017 and then, in corrected form on November 17, 2017, included notice of the December 19, 2017 Public Hearing and was mailed to schools, elected officials, stakeholders, agencies, and tribes. It was also mailed to owners and residents within 300 feet of the May 2014 Project and F-B LGA project footprints and to anyone who had requested to be notified. Finally, the NOA was published in 10 newspapers with circulation in the project area. The table below shows the names of publications and the dates the NOA was published.

Table 1: NOA Newspaper Publications

	Publication	Initial Publication Date	Second Publication Date
1	Bakersfield Californian	11/09/2017	11/17/2017
2	Bakersfield.com	11/09/2017-11/15/2017	11/15/2017
3	El Popular	11/03/2017	11/17/2017
4	Fresno Bee	11/09/2017	11/17/2017
5	Hanford Sentinel	11/09/2017	11/17/2017
6	Vida en el Valle	11/08/2017	11/22/2017
7	Corcoran Journal	11/09/2017	11/15/2017
8	Delano Record	11/09/2017	11/23/2017
9	Wasco Tribune	11/08/2017	11/22/2017
10	Shafter Press	11/08/2017	11/22/2017



## Response to Submission B003 (Michael Kennedy, Bethel Christian School, January 17, 2018) - Continued

### B003-1

In addition to publishing the notice in local newspapers, the Authority posted the NOA on the Fresno to Bakersfield project section webpage with a link from the Authority's homepage. The Authority also issued a press release on November 9, 2017 with the specific hearing information to media outlets in the Central Valley and an email list of 8,789 unique email addresses.

The FRA published a notice about the public hearing scheduled for December 19, 2017 in Bakersfield. The webpage was made available to the public on November 17, 2017 at: <https://www.fra.dot.gov/Page/P1072>. The U.S. Environmental Protection Agency also published a notice about the availability of the Draft Supplemental EIR/EIS from the FRA on November 17, 2017.

Public meetings were announced through direct mail to those in the project database, advertisements in local newspapers, email notices, and postings on the Authority's website. Meeting notices were also delivered to key stakeholder groups to display at public counters/bulletin boards. Direct mailed notices for public meetings were in English and Spanish or contained a toll-free phone number for Spanish speakers to call. Emailed notices for public meetings were in English and Spanish. American sign language interpreters were available at the Draft Supplemental EIR/EIS Public Hearing.

For further detail of the public meetings held during the preparation of the Draft EIR/EIS and the RDEIR/SDEIS, refer to FB-Response-GENERAL-16 in the Fresno to Bakersfield Section Final EIR/EIS.

Furthermore, various publications and materials were developed in English and Spanish and made available at public meetings, activity centers, information tables, and the Authority's website, including the Fresno-Bakersfield High-Speed Rail Fact Sheet, Statewide High-Speed Rail Fact Sheets, F-B LGA Fact Sheet, F-B LGA Frequently Asked Questions, Fresno to Bakersfield Frequently Asked Questions, Right-of-way Fact Sheets, "Your Property, Your High-Speed Rail Project," and the Permit to Enter fact sheet regarding field studies for various environmental disciplines. In addition, the Authority website includes information about HSR, the proposed HSR route, the Authority's Revised Business Plans (Authority 2012a, 2014, 2016), newsletters, press releases, board of directors meetings, recent developments, status of the environmental

### B003-1

review process, Authority contact information, and related links.

The Authority will continue to coordinate with private and public sectors during the environmental process and subsequent phases of the project (right-of-way acquisition, regulatory permitting, final design, etc.) in order to address concerns and resolve issues. The Authority has included the letter provided with the comment in the Administrative Record for the Final Supplemental EIS.

## Submission B004 (Michael Kennedy, Bethel Christian School, January 16, 2018)

<b>Fresno - Bakersfield (2014 June+) - RECORD #369 DETAIL</b>	
<b>Status :</b>	Action Pending
<b>Record Date :</b>	1/17/2018
<b>Response Requested :</b>	
<b>Affiliation Type :</b>	Business and/or Organization
<b>Interest As :</b>	Business and/or Organization
<b>Submission Date :</b>	1/16/2018
<b>Submission Method :</b>	Project Email
<b>First Name :</b>	Michael
<b>Last Name :</b>	Kennedy
<b>Professional Title :</b>	Principal
<b>Business/Organization :</b>	Bethel Christian School
<b>Address :</b>	
<b>Apt./Suite No. :</b>	
<b>City :</b>	
<b>State :</b>	
<b>Zip Code :</b>	
<b>Telephone :</b>	
<b>Email :</b>	mikeakennedy@gmail.com
<b>Email Subscription :</b>	
<b>Cell Phone :</b>	
<b>Add to Mailing List :</b>	
<b>Stakeholder Comments/Issues :</b>	

B004-1 | There is legal obligation to include the attached PDF file/letter as an official comment to the Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section.

In addition, please add this documentation to the existing Administrative Record for Case No.34-2014-80001864, as it was submitted on behalf of the church-school and other impacted organizations.

Regards,  
Michael Kennedy, Principal (M.Ed.L.)  
Bethel Christian School

Sent from my iPhone  
**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes  
**Attachments :** 369\_Kennedy\_email\_011618\_Attachment.pdf (2 mb)

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0006  
(916) 319-2006  
FAX (916) 319-2106

DISTRICT OFFICE  
3501 CIVIC CENTER DRIVE, SUITE 412  
SAN RAFAEL, CA 94903  
(415) 479-4920  
FAX (415) 479-2123

<http://democrats.assembly.ca.gov/members/a06>

Assembly  
California Legislature



**JARED HUFFMAN**  
ASSEMBLY MEMBER, SIXTH DISTRICT

COMMITTEES  
CHAIR, WATER, PARKS AND  
WILDLIFE  
BUDGET  
JUDICIARY  
NATURAL RESOURCES  
UTILITIES AND COMMERCE

BUDGET SUBCOMMITTEE NO.3  
ON RESOURCES

August 16, 2012

The Honorable Darrell Steinberg  
President Pro Tempore, California State Senate  
California State Capitol  
Sacramento, CA 95814

The Honorable John Perez  
Assembly Speaker, California State Assembly  
California State Capitol  
Sacramento, CA 95814

Dear President Pro Tempore Steinberg and Assembly Speaker Perez:

We are writing to express our concerns about proposals that are circulating to weaken California's most important environmental law, the California Environmental Quality Act (CEQA), in the final days of this legislative session. We urge you to oppose any proposal to create significant new exemptions or otherwise re-write CEQA in the days ahead.

Like many important laws, CEQA is not perfect and could probably be improved while retaining its many benefits – but only if such improvements are undertaken in a good faith process and are crafted very carefully. Unfortunately, the proposals we have seen and heard about reflect major changes that have not been vetted and are being advanced by special interests in an end-of-session power play. In rejecting these proposals, we urge you to give this issue the serious, thoughtful and transparent deliberation it deserves by convening a CEQA stakeholder working group with the goal of identifying improvements that can be the subject of hearings and legislative action next year.

As you know, this 42-year old law has made countless projects better by requiring consideration of environmental impacts. It has protected communities from pollution and allowed citizens to have a voice in decisions affecting their neighborhoods, public health, and quality of life. The protections CEQA affords are too important to change without careful, thoughtful analysis and review by stakeholders, the public, and a full, deliberative legislative process.

Toward that end, we stand ready to work with you on thoughtful CEQA improvements. In addition, we understand that the environmental community has already initiated its own process to examine how the law can work better.

  
Printed on Recycled Paper



# Submission B004 (Michael Kennedy, Bethel Christian School, January 16, 2018) - Continued

We have many big issues yet to consider before adjournment. Thank you for your leadership in preventing any last minute attempts to weaken CEQA.

Sincerely,

<u>Jack Hoffman</u>	<u>Michael C.</u>
<u>Marty B.</u>	<u>Tas Williams</u>
<u>Qui Wu</u>	<u>Naren E.</u>
<u>Greg Hill</u>	<u>Fran Parley</u>
<u>Elaine Dequert</u>	<u>Christine Kibre</u>
<u>Loni Hancock</u>	<u>Wac S.S.</u>
<u>Mark Laro</u>	<u>Alan Lowenthal</u>
<u>Janet Gama</u>	<u>Antony Portantino</u>
<u>Paul G.</u>	<u>S.L.R.</u>
<u>Qui Forman</u>	<u>Wally Clerk</u>

<u>Paul Chin</u>	<u>Bob Campbell</u>
<u>Donna Dammiano</u>	<u>Kimberly</u>
<u>Mike Fenn</u>	<u>John Hopkins</u>
<u>Hymitchell</u>	<u>Susan A. Bonilla</u>
<u>Jim J.</u>	<u>Nancy Gannon</u>
<u>William J. J.</u>	<u>Betsy Butler</u>
<u>Jack A.</u>	

## Response to Submission B004 (Michael Kennedy, Bethel Christian School, January 16, 2018)

### **B004-1**

The commenter has provided a file/letter (PDF) as an attachment to the comment submittal and indicates there is legal obligation to include the file as an official comment to the Draft Supplemental EIR/EIS.

The Authority has reviewed and considered the letter that was included with the comment. The letter, which is dated August 16, 2013 and addressed to former California State Senator Darrell Steinberg and former California State Assembly Speaker John Perez from former California Assembly Member Jared Huffman, urges opposition of any proposals to weaken CEQA (e.g., by creating significant new exemptions).

The letter is not directly relevant to the Supplemental EIR/EIS; however, the Draft Supplemental EIR/EIS was prepared in full accordance with CEQA and NEPA requirements. This is further described in Chapter 1, Section 1.1.3 of the Draft Supplemental EIR/EIS. The analysis of the F-B LGA was prepared consistent with the analysis that was conducted for the complementary portion of the Preferred Alternative that was identified in the Fresno to Bakersfield Section Final EIR/EIS to provide an apples-to-apples comparison between the F-B LGA and May 2014 Project. The Authority has included the attachment letter in the Administrative Record for the Final Supplemental EIS.

## Submission B005 (Michael Kennedy, Bethel Christian School, January 16, 2018)

### Fresno - Bakersfield (2014 June+) - RECORD #370 DETAIL

**Status :** Action Pending  
**Record Date :** 1/17/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Business and/or Organization  
**Submission Date :** 1/16/2018  
**Submission Method :** Project Email  
**First Name :** Michael  
**Last Name :** Kennedy  
**Professional Title :** Principal  
**Business/Organization :** Bethel Christian School  
**Address :**  
**Apt./Suite No. :**  
**City :**  
**State :**  
**Zip Code :**  
**Telephone :**  
**Email :** mikeakennedy@gmail.com  
**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

B005-1 | There is legal obligation to include the attached PDF file/letter as an official comment to the Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section.

In addition, please add this documentation to the existing Administrative Record for Case No.34-2014-80001864, as it was submitted on behalf of the church-school in the STB Petition.

Regards,  
Michael Kennedy, Principal (M.Ed.L.)  
Bethel Christian School

Sent from my iPhone  
**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes  
**Attachments :** 370\_Kennedy\_email\_011618\_Attachment.pdf (631 kb)

STATE CAPITOL  
SACRAMENTO, CA 95814  
TEL (916) 651-4016  
FAX (916) 651-4016

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113 COURT ST., STE. 205  
HANFORD, CA 93230  
TEL (559) 585-7161  
FAX (559) 585-7187  
2550 MARIPOSA MALL, STE. 2016  
FRESNO, CA 93721  
TEL (559) 264-3070  
FAX (559) 445-6506  
1122 TRUXTUN AVE., STE. 100  
BAKERSFIELD, CA 93301  
TEL (661) 395-2620  
FAX (661) 395-2622

### California State Senate

SENATOR  
**ANDY VIDAK**  
SIXTEENTH SENATE DISTRICT

COMMITTEES  
BANKING AND  
FINANCIAL  
INSTITUTIONS  
GOVERNANCE  
AND FINANCE  
GOVERNMENTAL  
ORGANIZATION  
INSURANCE  
JUDICIARY

October 27, 2014

The Honorable Daniel R. Elliott III, Chairman  
Surface Transportation Board  
395 E. Street, S.W. Suite 100  
Washington, DC 20423-0001

**RE: California High-Speed Rail Authority: Petition for Declaratory Order**

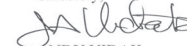
Dear Chairman Elliott,

As the State Senator who represents Senate District 16, which includes virtually every portion of the proposed High-Speed Rail Fresno-Bakersfield route, I write regarding the petition requesting that your Board issue a declaratory order regarding the availability of injunctive remedies under the California Environmental Quality Act (CEQA).

With several years of knowledge and engagement in this project, I want to make sure that the high-speed rail project goes through all facets of the normal environmental review process. This includes complying with both the National Environmental Policy Act (NEPA) and CEQA and the mitigation requirements any injunctive relief imposed by the courts. The Fresno to Bakersfield route transverses many sensitive wildlife and environmentally sensitive areas of the San Joaquin Valley. Additionally, this proposed alignment will go through historic tribal lands, prime agriculture farmland, and minority communities. Having the Authority go through the CEQA process and ensuring that proper mitigation is provided mandates that the Authority meets the state standards for protection of the environment and the rights of those who will be affected along the proposed route.

This project is fully contained within the borders of the State of California and therefore should be subject to the State's environmental review, in addition to those required under federal law. On behalf of my constituents I urge your board to reject this petition.

Sincerely,

  
**ANDY VIDAK**  
Senator, 16th District

## Response to Submission B005 (Michael Kennedy, Bethel Christian School, January 16, 2018)

### **B005-1**

The commenter has provided a file/letter (PDF) as an attachment to the comment submittal and indicates there is legal obligation to include the file as an official comment to the Draft Supplemental EIR/EIS. The Authority has reviewed and considered the attachment that was included with the comment. The letter, which is dated October 27, 2014 and addressed to the Surface Transportation Board (STB) from California State Senator Andy Vidak, voices opposition to the Authority's October 9, 2014 petition requesting a declaratory order concerning the availability of injunctive remedies under CEQA. The author also requests that the HSR project be subject to all facets of environmental review consistent with NEPA and CEQA requirements.

The decision related to the petition referenced in the letter is located on the STB's website: <https://www.stb.gov/decisions/readingroom.nsf/cac42df635267da4852572b80041558c/8247a0ee7e3897ff85257dac007ccf08?OpenDocument>.

The Draft Supplemental EIR/EIS was prepared in full accordance with CEQA and NEPA requirements. This is further described in Chapter 1, Section 1.1.3 of the Draft Supplemental EIR/EIS. The analysis of the F-B LGA was prepared consistent with the analysis that was conducted for the complementary portion of the Preferred Alternative identified in the Fresno to Bakersfield Section Final EIR/EIS. As described in Section 3.1.3.3 of the Draft Supplemental EIR/EIS, this consistency of methodology ensures an apples-to-apples comparison between the F-B LGA and May 2014 Project and that a Preferred Alternative for this portion of the Fresno to Bakersfield Section is fully analyzed per CEQA and NEPA requirements. The Authority has included the attachment letter in the Administrative Record for the Final Supplemental EIS.

## Submission B006 (Michael Kennedy, Bethel Christian School, January 16, 2018)

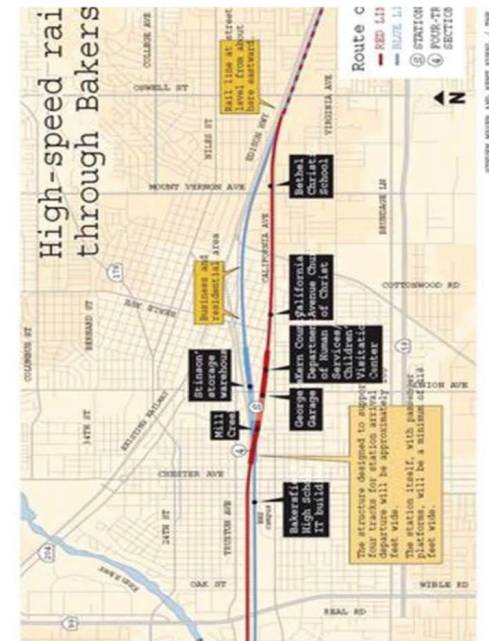
### Fresno - Bakersfield (2014 June+) - RECORD #371 DETAIL

Status : Action Pending  
Record Date : 1/17/2018  
Response Requested :  
Affiliation Type : Business and/or Organization  
Interest As : Business and/or Organization  
Submission Date : 1/16/2018  
Submission Method : Project Email  
First Name : Michael  
Last Name : Kennedy  
Professional Title : Principal  
Business/Organization : Bethel Christian School  
Address :  
Apt./Suite No. :  
City :  
State :  
Zip Code :  
Telephone :  
Email : mikeakennedy@gmail.com  
Email Subscription :  
Cell Phone :  
Add to Mailing List :  
Stakeholder Comments/Issues :

B006-1 | There is legal obligation to include the attached JPG files (3 total) as an official comment to the Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section.  
In addition, please add this documentation to the existing Administrative Record for Case No.34-2014-80001864.  
Regards,  
Michael Kennedy, Principal (M.Ed.L.)  
Bethel Christian School

Sent from my iPhone  
EIR/EIS Comment : Yes  
Official Comment Period : Yes  
Attachments : 371\_Kennedy\_email\_011618\_Attachment.pdf (324 kb)

IMG\_5072.jpg (730x990)



[http://cahsr.pbcommentsense.com/pbcs/files/41/InboxEmail/50773/78247/IMG\\_5072.jpg](http://cahsr.pbcommentsense.com/pbcs/files/41/InboxEmail/50773/78247/IMG_5072.jpg) [1/17/2018 9:55:58 PM]

## Submission B006 (Michael Kennedy, Bethel Christian School, January 16, 2018) - Continued

IMG\_5073.jpg (663x981)

**Community Noise: Guideline values I**

Environment	Critical effect	$L_{eq}$ [dBA]	Time base [h]	$L_{max}$ [dBA]
Bedroom	Sleep disturbance	30	8	45
Dwelling room	Annoyance	50	16	-
Outdoor (day)	Speech interference	55	16	-
School classroom	Serious annoyance	35	6	-
	Speech interference			

[http://cahsr.pbcommentsense.com/pbcs/files/41/InboxEmail/50773/78248/IMG\\_5073.jpg\[1/17/2018 9:59:08 PM\]](http://cahsr.pbcommentsense.com/pbcs/files/41/InboxEmail/50773/78248/IMG_5073.jpg[1/17/2018 9:59:08 PM])

IMG\_5074.jpg (654x870)

**Kern County Code (Section 8.36.020 et seq.)**

Kern County. The Noise Control Ordinance in the Kern County Code (Section 8.36.020 et seq.) prohibits a variety of nuisance noises, but does not specifically mention construction or related noise. However, the Kern County General Plan Noise Element (2004) establishes 65 dBA maximum Day-Night Average Noise Level (Ldn) as being considered compatible with residential uses or development.

[http://cahsr.pbcommentsense.com/pbcs/files/41/InboxEmail/50773/78249/IMG\\_5074.jpg\[1/17/2018 10:03:24 PM\]](http://cahsr.pbcommentsense.com/pbcs/files/41/InboxEmail/50773/78249/IMG_5074.jpg[1/17/2018 10:03:24 PM])



## Response to Submission B006 (Michael Kennedy, Bethel Christian School, January 16, 2018)

### **B006-1**

Refer to Standard Response FB-LGA-Response-N&V-01: Schools, FB-LGA-Response-N&V-02: General Assessment Methodology Concerns - Use of FRA Methodology/Criteria.

The commenter has provided three JPG files as an attachment to the comment submittal and indicates there is a legal obligation to include the file as an official comment to the Draft Supplemental EIR/EIS. The Authority has reviewed and considered the attachments that were included with the comment. The first attachment (Attachment A) presumably shows an HSR alignment evaluated in the Fresno to Bakersfield Section EIR/EIS in relation to various uses in Bakersfield, including the First Free Will Baptist Church and Bethel Christian School. The second attachment (Attachment B) is an unsourced diagram showing Community Noise Guidelines and noise values for various environments (including bedrooms, dwelling rooms, outdoor [day], and school classroom). The third attachment (Attachment C) provides language from Section 8.36.020 of the Kern County Code referencing the County's Noise Control Ordinance.

Attachment A does not specifically pertain to the F-B LGA analyzed in the Draft Supplemental EIR/EIS. Potential impacts associated with the F-B LGA have been discussed throughout Chapter 3 of the Draft Supplemental EIR/EIS. Refer to Section 3.2.4.3 for an analysis of transportation and safety impacts on schools; Section 3.3.5.1 for the air quality impacts on sensitive receptors, including schools; Section 3.4.4.2 for a discussion of impacts on noise-sensitive receivers, including schools; Section 3.5.4.2 for an analysis of electromagnetic fields and electromagnetic interference impacts on schools; Section 3.10.3.2 for the hazardous materials impacts on schools; Section 3.11.3.2 for an analysis of safety and security impacts associated with schools; Section 3.12.4.2 for a discussion of impacts to community facilities, including schools; and Section 3.16.3.2 for an analysis of visual quality effects to schools.

Attachment B reflects unsourced noise standards for various environments. Section 3.4.2.3 of the Draft Supplemental EIR/EIS describes the impact assessment guidance and noise thresholds used to assess impacts associated with the F-B LGA. This methodology is consistent with the noise impact methodology in the Fresno to Bakersfield Section Final EIR/EIS, as well as federal, state, and local laws, regulations,

### **B006-1**

and orders relevant to noise and vibration described in Section 3.4.1 of the Draft Supplemental EIR/EIS.

Attachment C, which reflects the Kern County Noise Control Ordinance, was considered as part of the analysis of potential noise impacts in the Draft Supplemental EIR/EIS and is discussed in Appendix B of the Noise Technical Report for the Fresno to Bakersfield Section EIR/EIS. As portions of the alignment traverse through unincorporated Kern County land, the regulations of the Kern County code have been considered in the preparation of the Draft Supplemental EIR/EIS (refer to Section 3.4.1.3 of the Draft Supplemental EIR/EIS).

The Authority has included the attached JPG files in the Administrative Record for the Final Supplemental EIS.

## Submission B007 (Michael Kennedy, Bethel Christian School, January 17, 2018)

Fresno - Bakersfield (2014 June+) - RECORD #372 DETAIL	
Status :	Action Pending
Record Date :	1/17/2018
Response Requested :	
Affiliation Type :	Business and/or Organization
Interest As :	Business and/or Organization
Submission Date :	1/17/2018
Submission Method :	Project Email
First Name :	Michael
Last Name :	Kennedy
Professional Title :	Principal
Business/Organization :	Bethel Christian School
Address :	
Apt./Suite No. :	
City :	
State :	
Zip Code :	
Telephone :	
Email :	mikeakennedy@gmail.com
Email Subscription :	
Cell Phone :	
Add to Mailing List :	
Stakeholder Comments/Issues :	

Sent from my iPhone

EIR/EIS Comment : Yes

Official Comment Period : Yes

 Attachments :  
 372\_Kennedy\_email\_011618\_Attachment.pdf (515 kb)  
 372\_BethelChrstianSchl\_email\_011618\_Original.pdf (512 kb)

B007-1

There is legal obligation to include the attached JPG files (6 total) from Robert Andres as an official comment to the Draft Supplemental EIR/EIS, for the Fresno to Bakersfield Project Section.

In addition, please add this documentation to the existing Administrative Record for Case No.34-2014-80001864.

Regards,

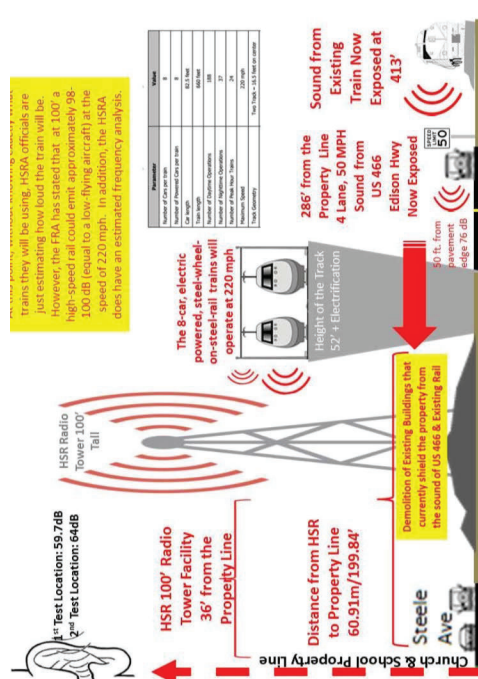
Michael Kennedy, Principal (M.Ed.L.)

Bethel Christian School



# Submission B007 (Michael Kennedy, Bethel Christian School, January 17, 2018) - Continued

IMG\_5075.jpg (744x1061)



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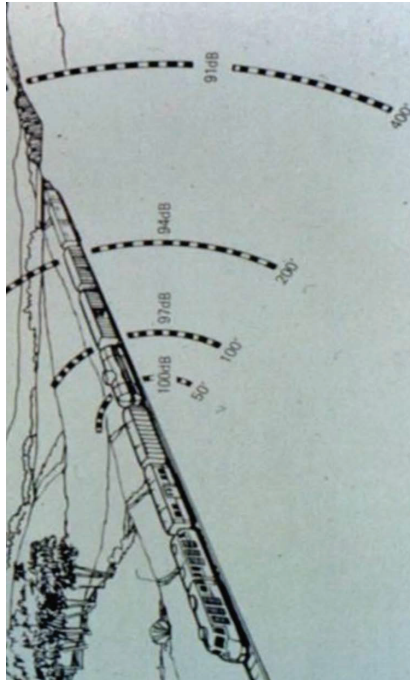
IMG\_5076.jpg (750x1140)



[http://cahrs.pbcommentsense.com/pbcs/files/41/InboxEmail/50772/78242/IMG\\_5076.jpg\[1/17/2018 9:50:21 PM\]](http://cahrs.pbcommentsense.com/pbcs/files/41/InboxEmail/50772/78242/IMG_5076.jpg[1/17/2018 9:50:21 PM])

## Submission B007 (Michael Kennedy, Bethel Christian School, January 17, 2018) - Continued

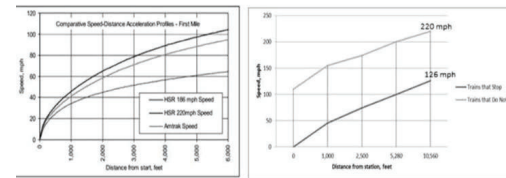
IMG\_5077.jpg (750x1244)



[http://cahsr.pbcommentsense.com/pbcs/files/41/InboxEmail/50772/78243/IMG\\_5077.jpg\[1/17/2018 9:51:00 PM\]](http://cahsr.pbcommentsense.com/pbcs/files/41/InboxEmail/50772/78243/IMG_5077.jpg[1/17/2018 9:51:00 PM])

IMG\_5078.jpg (740x996)

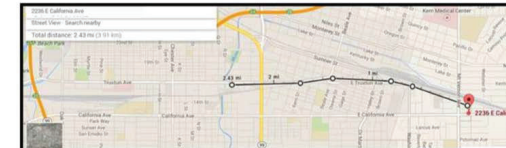
The following acceleration profiles were charted with data from Parsons Brinckerhoff for the California High-Speed Rail Authority. Therefore, this data is for application to the California High-Speed Train Project. These estimations establish speeds of 126-220 mph just 2 miles to the east of the Bakersfield HSR station. Additionally, it should be noted that the First Free Will Baptist Church and Bethel Christian School are located approximately 2.43 miles from the station location.



Distance from starting point	Speed at various distances from starting point for:		
	High Speed Train for 300 km/h (186 mph)	High Speed Train for 220 mph	Amtrak California Train
1000 feet *	42 mph	45 mph	34 mph
2500 feet	67 mph	74 mph	49 mph
1.0 Mile	89 mph	100 mph	62 mph
2.0 Miles	114 mph	126 mph	76 mph
5.0 Miles	151 mph	165 mph	95 mph **

\* approximation for speed of end of train when clearing departing end of platform

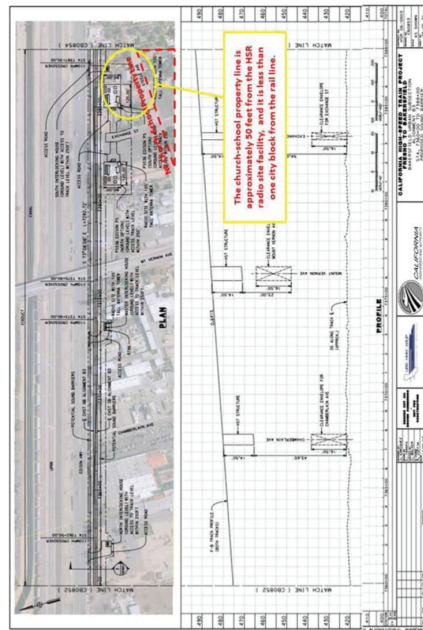
\*\* where speed limit above 79 mph is permissible



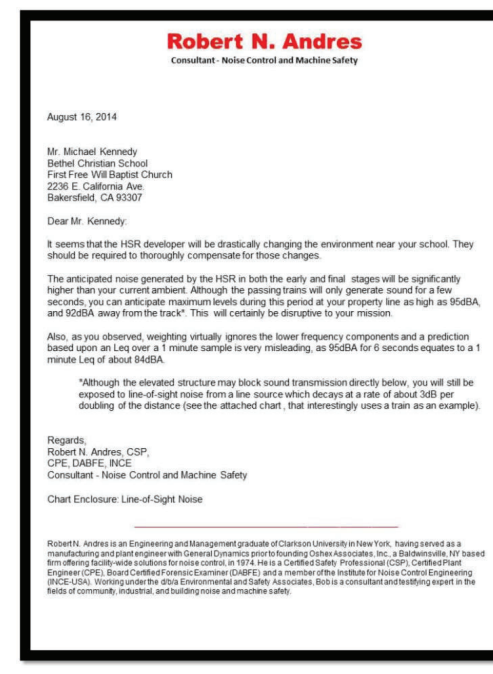
[http://cahsr.pbcommentsense.com/pbcs/files/41/InboxEmail/50772/78244/IMG\\_5078.jpg\[1/17/2018 9:51:29 PM\]](http://cahsr.pbcommentsense.com/pbcs/files/41/InboxEmail/50772/78244/IMG_5078.jpg[1/17/2018 9:51:29 PM])

## Submission B007 (Michael Kennedy, Bethel Christian School, January 17, 2018) - Continued

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IMG\_5080.jpg (737x1001)



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[http://cahrs.pbcommentsense.com/pbcs/files/41/InboxEmail/50772/78246/IMG\\_5080.jpg\[1/17/2018 9:52:46 PM\]](http://cahrs.pbcommentsense.com/pbcs/files/41/InboxEmail/50772/78246/IMG_5080.jpg[1/17/2018 9:52:46 PM])

## Response to Submission B007 (Michael Kennedy, Bethel Christian School, January 17, 2018)

### B007-1

Refer to Standard Response FB-LGA-Response-N&V-02: General Assessment Methodology Concerns - Use of FRA Methodology/Criteria.

The commenter has provided six JPG files and indicates there is legal obligation to include the files as an official comment to the Draft Supplemental EIR/EIS.

The Authority has reviewed and considered the six JPG files that were included with the comment. Although the attachments predate the release of the Draft Supplemental EIR/EIS for public review, the Authority has taken into consideration their content and their applicability to the Draft Supplemental EIR/EIS. The attachments include: 1) a diagram showing the distance of the proposed HSR viaduct (presumably the Bakersfield Hybrid alignment evaluated in the Fresno to Bakersfield Final EIR/EIS), proposed HSR radio tower, U.S. 466 Edison Highway, and existing train corridor from the school/church property; 2) an Authority "HST System Estimated Noise Levels" diagram; 3) a figure depicting a freight train and noise contour distances; 4) a figure showing acceleration profiles of the HSR and Amtrak trains at 186 and 220 miles per hour; 5) a design drawing from the Fresno to Bakersfield Section Volume III Sound Barrier Plans showing the distance of the Alignment B3 alternative from the school/church property line; and, 6) a letter from a noise consultant (Robert N. Andres) stating that maximum noise levels of 95 dBA could be experienced at the church/school property line due to HSR operation.

Sensitive receptors within 2,500 feet of the F-B LGA and May 2014 Project have been analyzed in the Draft Supplemental EIR/EIS as described in Section 3.4.2.6 of the Draft Supplemental EIR/EIS. The Draft Supplemental EIR/EIS, in Section 3.4, takes into account potential noise impacts to the Bethel Christian School using methodology based on the sensitive receptor's distance from the F-B LGA during operation and determines that, without mitigation, impacts would be severe (refer to Table 3.4-21 on page 3.4-31). The Authority will include the six JPG files in the Administrative Record for the Draft Supplemental EIR/EIS.

Although the HSR will generate noise, noise levels would be attenuated with distance, shielding factors, and noise abatement measures considered for the project. Noise abatement measures in the form of noise barriers along the HSR alignment were considered for this area (N&V-MM#3). The noise barrier was determined to be both

### B007-1

feasible and reasonable in the Fresno to Bakersfield Section Final EIR/EIS, the Draft Supplemental EIR/EIS, and their respective Noise and Vibration Technical Reports. The implementation of noise barriers would reduce severe exterior noise impacts to no impacts at this church-school facility, as described in Section 3.4.4.2 under Impact N&V #3 and shown in Table 3.4-21 and Figure 3.4-5 of the Draft Supplemental EIR/EIS. Refer to N&V-MM#3 for a discussion of the performance standards that must be achieved to ensure interior noise levels do not exceed 45 dBA Ldn.

## Submission B008 (Michael Kennedy, Bethel Christian School, January 16, 2018)

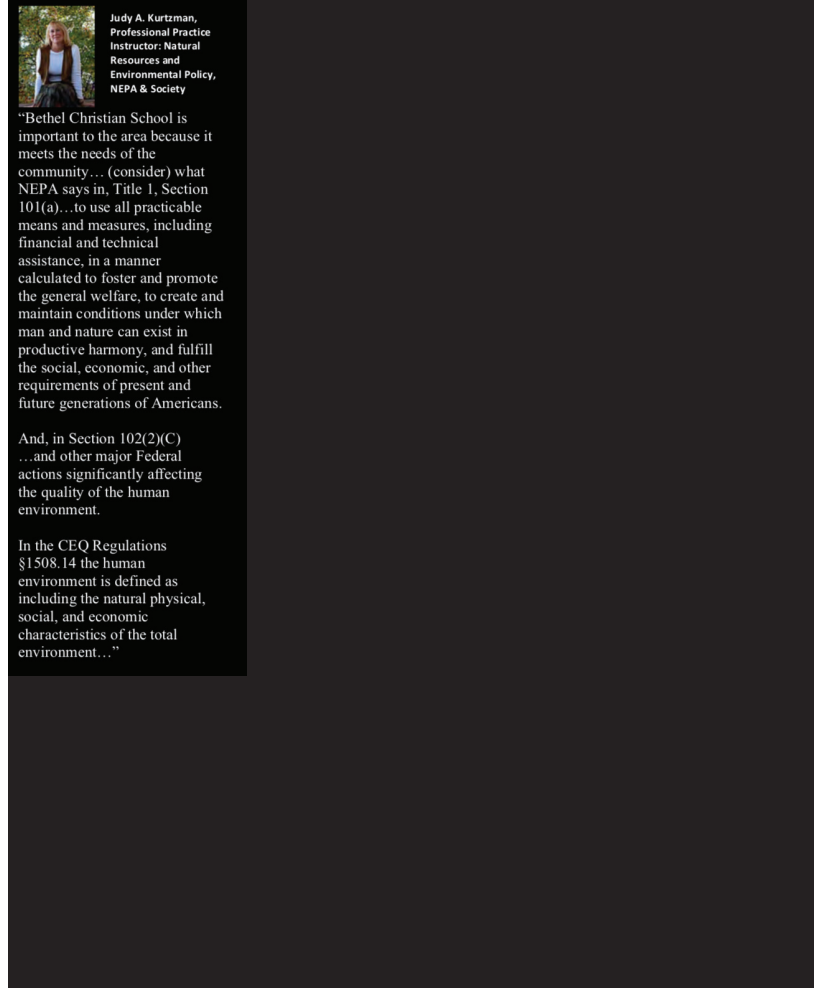
### Fresno - Bakersfield (2014 June+) - RECORD #373 DETAIL

**Status :** Action Pending  
**Record Date :** 1/17/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Business and/or Organization  
**Submission Date :** 1/16/2018  
**Submission Method :** Project Email  
**First Name :** Michael  
**Last Name :** Kennedy  
**Professional Title :** Principal  
**Business/Organization :** Bethel Christian School  
**Address :**  
**Apt./Suite No. :**  
**City :**  
**State :**  
**Zip Code :**  
**Telephone :**  
**Email :** mikeakennedy@gmail.com  
**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

B008-1 | There is legal obligation to include the attached JPG file as an official comment to the Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section.  
 In addition, please add this documentation to the existing Administrative Record for Case No.34-2014-80001864.  
 Regards,  
 Michael Kennedy, Principal (M.Ed.L.)  
 Bethel Christian School

Sent from my iPhone  
**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes  
**Attachments :** 373\_Kennedy\_email\_011618\_attachment.pdf (247 kb)  
 373\_Kennedy\_email\_011618\_Original.pdf (245 kb)

IMG\_5081.jpg (384x1091)



[http://cahsr.pbcommentsense.com/pbcs/files/41/InboxEmail/50771/78240/IMG\\_5081.jpg](http://cahsr.pbcommentsense.com/pbcs/files/41/InboxEmail/50771/78240/IMG_5081.jpg) [1/17/2018 9:43:19 PM]

## Response to Submission B008 (Michael Kennedy, Bethel Christian School, January 16, 2018)

### **B008-1**

Refer to Standard Response FB-LGA-Response-N&V-02: General Assessment  
Methodology Concerns - Use of FRA Methodology/Criteria.

The commenter has provided one JPG file and indicates there is legal obligation to include the file as an official comment to the Draft Supplemental EIR/EIS.

The Authority has reviewed and considered the JPG file that was included with the comment. The attachment contains NEPA regulation excerpts, including Title 1, Section 101(a) ("to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans"); Section 102 (2)(C) ("...and other major Federal actions significantly affecting the quality of the human environment."); and Section 1508.14 ("...the human environment is defined as including the natural physical, social, and economic characteristics of the total environment...").

The Draft Supplemental EIR/EIS has been prepared in compliance with NEPA and CEQA requirements as described in the Preface and Chapter 1, Section 1.1.3. As such, the Draft Supplemental EIR/EIS includes an analysis of impacts associated with the physical, social, and economic environment, as required under NEPA. The Authority has included the JPG file in the Administrative Record for the Final Supplemental EIS.

## Submission B009 (Michael Kennedy, Bethel Christian School, January 16, 2018)

Fresno - Bakersfield (2014 June+) - RECORD #374 DETAIL	
Status :	Action Pending
Record Date :	1/17/2018
Response Requested :	
Affiliation Type :	Business and/or Organization
Interest As :	Business and/or Organization
Submission Date :	1/16/2018
Submission Method :	Project Email
First Name :	Michael
Last Name :	Kennedy
Professional Title :	Principal
Business/Organization :	Bethel Christian School
Address :	
Apt./Suite No. :	
City :	
State :	
Zip Code :	
Telephone :	
Email :	mikeakennedy@gmail.com
Email Subscription :	
Cell Phone :	
Add to Mailing List :	
Stakeholder Comments/Issues :	

B009-1 | There is legal obligation to include the attached notes as an official comment to the Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section.  
In addition, please add this documentation to the existing Administrative Record for Case No.34-2014-80001864.  
Regards,  
Michael Kennedy, Principal (M.Ed.L.)  
Bethel Christian School

High-Speed Rail Negative Impact on Bethel Christian School and the First Free Will Baptist Church Executive Summary Report/Update: 2014

### Introduction

In November of 2013, the California High Speed Rail Authority (HSRA) approved the staff recommendation for the Hybrid Alignment through Bakersfield. The Authority stated that "The Bakersfield Hybrid Alternative would... impact the fewest religious facilities, and it would not impact... Bethel Christian School." Nevertheless, the environmental studies for all rail alignment alternatives near the church-school are only feet apart from each other, as throughout the City of Bakersfield. They are not true alternatives because all three will cause similar, extensive and severe impacts to the church-school facility and other local organizations. Although church-school stakeholder comments related to the revised EIR/EIS were initially submitted in writing, before the October 19, 2012 deadline, documented in numerous public hearings (e.g., August 27, 2012 HSRA Hearing),

and referenced in FFWBC Validation Complaint (Court Ruling 34-2013-00140689), the church-school community believes that their concerns related to the Bakersfield Hybrid Alignment have not been adequately addressed. It is also clear that little effort has been made by the HSRA to assess the church and school program before the certification of the EIR. Therefore, the stakeholders of the church-school have commissioned this extensive report to validate the existing quality of the school environment and to research the negative impacts that would result if a high-speed rail is situated within close proximity to the existing campus.

Research from this Report and the Study of HSR Documents Reveals the Following Negative Unmitigated Impacts:

- Air pollution, as there are concerns about cocci-containing dust.
- Noise pollution, due to the unique learning environment and work with the learning disabled.
- Traffic circulation, because of possible road closures near the church-school facility.
- Socioeconomic and Environmental Justice, as the school serves the low-income community.
- Land use compatibility related to the CDE, CA Education Code and religious land use.
- Aesthetics and visual, because of the elevated HSR structure towering 52-55 ft.
- Compensation for devaluation of property value and loss of income.
- Lack of specific mitigation in the certified FEIR/FEIS documents.
- Absence of viable route alternatives in violation of RLUIPA & CEQA.
- Additional impacts related to the campus church facility.

### History of the Church-School and HSR Impact

Bethel Christian School and the First Free Will Baptist Church are currently in the existing HSR alignments between both California Ave. (South Alignment) and Edison Highway (Hybrid Alignment). The school and church serve the greater Bakersfield area and the many low-income families in this study area.

### Socioeconomic, Environmental, and Ministry to Low-Income Stakeholders

In an October 22, 2011, Los Angeles Times article, by Ralph Vartabedian, it was noted that: "Officials at First Free Will Baptist Church believe it will lose some of the 22 parcels it owns in east Bakersfield, damaging its outreach mission and a school for 70 kids, no matter which route is selected. 'This area is in decline,' said Pastor Mark Harrison. 'We have a failing economy. There is a lot of vandalism here. There is graffiti everywhere. We are overrun with gangs. It is a violent area at night. If you want to see hopelessness, look at the youth in this area. We like to think of our church as standing for hope.'"

It should also be noted that, the 2013 WASC Report has verified "...Bethel Christian School serves this local need by providing a low-cost Christian education that is focused on learning results, established on Christian-character, and built around the individualized needs of the student..."

Many students in this low-income demographic will not always test at the highest levels or be accepted to the most prestigious academic programs, but it is the desire of the BCS staff to bring about the best in every child, and praise each child for the progress that has been made. This supportive atmosphere encourages students as they work to exceed the median levels and reach their personal educational goals. Such distinguishing features of the BCS program focus on what is best for the individual child.



## Submission B009 (Michael Kennedy, Bethel Christian School, January 16, 2018) - Continued

### NEPA/CEQA Regulations

Thorough analysis of impacts to the church-school is essential, as according to the National Environmental Policy Act (NEPA), Title 1, Section 101(a), the HSRA is required to "...use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." Section 102(2)(C) also states, "...and other major Federal actions significantly affecting the quality of the human environment." Note: CEQ Regulations §1508.14 the human environment is defined as including the natural physical, social, and economic characteristics of the total environment.

### Religious Land Use Laws

As a Baptist church, the Religious Land Use and Institutionalized Persons Act (RLUIPA), Pub.L. 106-274, codified as 42 U.S.C. § 2000cc et seq., is a United States federal law that would apply to the building of a High Speed Rail in close proximity to the church-school facility. RLUIPA prohibits the imposition of such burdens and gives churches and other religious institutions a way to avoid burdensome restrictions to their property use. The law states clearly that it is the responsibility of the government agency to "demonstrate that (any) imposition of the burden on that person, assembly or institution is: in furtherance of a compelling governmental interest; and is the least restrictive means of furthering that compelling governmental interest."

### Noise-Sensitive Land Uses Regulations

HSR noise impacts vary depending on the alignment but it has been established that "...noise would be greater with the hybrid aerial option..." Regardless, in the most recent High-Speed Ground Transportation Noise and Vibration Impact Assessment, the FRA has stated that a church and a school would both qualify as "indoor noise-sensitive sites".

### California Education Code (EC) Requirements

As a fully accredited WASC school, located only a few feet from the rail easement, Bethel Christian School should receive the same consideration granted to other WASC accredited institutions of learning. Under Title 5 Division 1, Chapter 13, Subchapter 1 of the California Code, the HSRA should consider among other items: "If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified."

### Aesthetics/Visual Impact to the Church-School

All three of the alternative alignments include 12 to 15 miles of elevated rail viaduct as high as 96 feet that will tower approximately 50 feet high at the church-school location. These impacts have not been mitigated in the most recent FEIS/FEIR documents.

### Mitigation and Church-School Stakeholder Recommendation

Due to the aforementioned impacts, the HSRA should "...consult with First Free Will Baptist Church and Bethel Christian School to identify suitable relocation alternatives for both facilities to minimize the impacts of the disruption", as promised with the South Alternative (Revised DEIR/Supplemental DEIS, July, 2012). The Authority should also, as with the South alignment, "...consult with school and church officials before land

acquisition to find the facilities necessary to replace displaced classroom space in a manner that ensures similar functionality and accessibility to current levels.

Sent from my iPhone

**EIR/EIS Comment :**

**Official Comment Period :**



## Response to Submission B009 (Michael Kennedy, Bethel Christian School, January 16, 2018)

### **B009-1**

The commenter has provided notes as an attachment to the comment submittal and indicates there is a legal obligation to include the file as an official comment to the Draft Supplemental EIR/EIS. The Authority has reviewed and considered the notes that were included with the comment. The notes consist of a summary, dated 2014, of resource topics that the commenter contends were analyzed incorrectly for impacts to the school/church in the Fresno to Bakersfield Section Final EIR/EIS. The notes identify that air pollution, noise pollution, traffic circulation, socioeconomics and environmental justice, land use compatibility, and aesthetics impacts were inadequately analyzed in the Fresno to Bakersfield Section Final EIR/EIS. Similar concerns were addressed in a comment letter submitted by representatives of the Bethel Christian School and Free Will Baptist Church on September 22, 2011 and were included in Volume IV of the Fresno to Bakersfield Section Final EIR/EIS (pages 29-469 through 29-475). The responses that were provided (comment responses P045-1 through P045-3 and P046-1 through P046-8) are sufficient to address the issues the commenter has described related to the analysis in the Fresno to Bakersfield Section EIR/EIS.

The Draft Supplemental EIR/EIS provides an analysis of the potential impacts on the Bethel Christian School and Free Will Baptist Church resulting from the F-B LGA. Refer to Section 3.2.4.3 for an analysis of transportation and safety impacts on schools; Section 3.3.5.1 for the air quality impacts on sensitive receptors, including schools; Section 3.4.4.2 for a discussion of impacts on noise-sensitive receivers, including schools; Section 3.5.4.2 for an analysis of electromagnetic fields and electromagnetic interference impacts on schools; Section 3.10.3.2 for the hazardous materials impacts on schools; Section 3.11.3.2 for an analysis of safety and security impacts associated with schools; Section 3.12.4.2 for a discussion of impacts to community facilities, including schools; and Section 3.16.3.2 for an analysis of visual quality effects to schools.

The Authority has included the attached notes in the Administrative Record for the Final Supplemental EIS.

## Submission B010 (Michael Kennedy, Bethel Christian School, January 17, 2018)

Fresno - Bakersfield (2014 June+) - RECORD #375 DETAIL	
Status :	Action Pending
Record Date :	1/17/2018
Response Requested :	
Affiliation Type :	Business and/or Organization
Interest As :	Business and/or Organization
Submission Date :	1/17/2018
Submission Method :	Project Email
First Name :	Michael
Last Name :	Kennedy
Professional Title :	Principal
Business/Organization :	Bethel Christian School
Address :	
Apt./Suite No. :	
City :	
State :	
Zip Code :	
Telephone :	
Email :	mikeakennedy@gmail.com
Email Subscription :	
Cell Phone :	
Add to Mailing List :	
Stakeholder Comments/Issues :	

B010-1

There is legal obligation to include the attached notes as an official comment to the Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section.

In addition, please add this documentation to the existing Administrative Record for Case No.34-2014-80001864.

Regards,  
Michael Kennedy, Principal (M.Ed.L.)  
Bethel Christian School

First Free Will Baptist Church and Bethel Christian School 2014 Sound Mitigation Study Notes

#### Executive Summary

Because the High Speed Rail Authority did not respond to our detailed letter, requesting mitigation of noise impacts in the EIR, it was imperative that a thorough analysis be made of the church-school facility. This study was needed because:

\*The high speed train will be running at approximately 220 mph at the church- school location.

\*Rapid onset noise is considered very disruptive.

\*Negative impacts at approximately 170 mph (274 kph) cause aerodynamic noise that tends to dominate the radiated noise from high speed trains.

\*The vertical alignment of the train will tower approximately 52 feet in the air, at the church-school location.

\*According to HSRA, the vertical alignment of the train has an effect. "Noise from elevated trains travels twice as far as noise from trains that are 'at grade' (at ground level).

\* More than 30 years ago a researcher, Dr. Arline Bronzaft, found that students in a school next to an elevated train in NYC were one year behind in reading ability if they had been on the noisy side of the school. That same researcher found that a couple years after the noise was reduced, the reading abilities of students on the formerly noisy side of school improved.

Based on these issues, the church stakeholders have contacted professionals that are familiar with sound mitigation. These professionals have detailed the negative impacts, and stakeholder needs, as related to mitigating the High Speed Rail impacts at the church-school facility. This document summarizes their findings and demonstrates the necessity for either a new multi-million dollar facility on the existing land, or relocation of the entire church-school facility.

#### Rebuilding and Mitigating on Existing Land

Some of the church-school stakeholders have requested information on mitigation measures that would allow the church and school to remain on the existing land. Although such changes would not mitigate sound on the playground, an effort was made to research mitigation measures that would reduce sound to the desired level within the classroom.

Unfortunately, this option is not cost effective because it would require demolition of many of the existing buildings, and it would also require extensive changes to any remaining structures. Within the FEIR, the HSRA contests that simple adjustments can be made to mitigate unacceptable sound levels if there are negative impacts to an organization. Nevertheless, our extensive research indicates that the proximity to the rail, frequent sound level increases from the passing train, loss of existing shielding, and the vertical alignment, will bring a multitude of negative impacts. These impacts will remain severe even with the HSRA mitigation measures in mind. To clarify what would be necessary to reduce such adverse sound, the following should be considered:

#### Windows and Doors

Sound rated doors with gaskets and the best sound rated windows will need to be purchased. Therefore, new triple-glazed window systems would be needed throughout the buildings. During the construction phase, frames are important and how they fit into the structure. In addition, and as allowed by code, windows and door entrances would need to be cut down dramatically.

Each building should also have a designated main entrance. This designated entrance should be designed with double doors, so that as you go through one door it closes behind you trapping the sound. The inside door and the outside door should have a large cavity between them, so that if sound does get inside it does not enter the main building or classroom.

#### The Building Structures (Sound Absorbing Walls and Ceiling)

The best way to soundproof a building is to build a smaller building inside of it. This is called acoustic decoupling. This type of building is made from heavy, solid materials. In addition, the structures cannot be touching one another directly or sound will pass through. Typically, the inner structure is supported by small clips (such as RSIC Resilient Sound Isolation Clips or WhisperClips) and the walls have sound-absorbing material. The walls must be 2"x8" construction with a stagger of 2"x6" studs within the wall. There should also be 6" of sound insulation within, and on the outside additional plywood should be added before the siding. There should also be a noise barrier that runs along the wall. For example: 7/8" resilient channels with a resilient clip to help isolate the sound, and possibly a layer of Homasote, if approved by building codes. Then a

## Submission B010 (Michael Kennedy, Bethel Christian School, January 17, 2018) - Continued

glue material should be used between the Homasote board and the Gypsum board to help reduce the sound. The ceiling should be similar to this but the top side would have shingles.  
 Note: Although these mitigation measures could be used on the church-school facilities, these changes would require extensive overhaul throughout the existing campus. Furthermore, the buildings would still be in close proximity to the rail line. Thus, a complete rebuild would be the best alternative for mitigation.

### Specialized Contractors and Acoustic Engineers

Both the retrofitting option and rebuild option would require a contractor that specializes in this type of mitigation. An independent acoustic engineer would also need to be contracted out to complete the process and meet unique code requirements. These individuals are a key component, because sound technicians and acoustic engineers are familiar with Sound Transmission Class (S.T.C.) materials. Also, without a sound technician, it is very difficult to determine how much reduction is going to be achieved, and address the low-frequency noise. It is important to get the S.T.C. as high as possible.

### Relocation of Structures on Existing Land

Relocation and a complete rebuild would be necessary for many of the structures, to achieve the desired decibel levels. According to HSRA, the vertical alignment of the train has an effect. "Noise from elevated trains travels twice as far as noise from trains that are 'at grade' (at ground level). Therefore, it would be imperative to rebuild on the south side of the property.

### Target Decibel Levels and School Classrooms

The World Health Organization (WHO) has established a standard for acceptable noise levels within school classrooms. Based on the WHO requirements, the target of 30-35 decibels, within each classroom, should be achieved on the church-school campus. This would not be possible with the existing structures, even if these buildings were retrofitted.

### Conclusion

There is the possibility that a new church-school facility, relocated on the existing land, would meet the necessary decibel levels. However, rebuilding just one portion of the church-school facility would come at great expense (Approximately \$3,777,800.), and there is no possible way to mitigate the impacts to the four outdoor playgrounds. All four of these playgrounds are located on the church-school property line.

Additional Note: This analysis does not account for the many negative impacts related to HSR construction.

### Church-School Noise Impacts, Mitigation, and EIR Facts

1. The High Speed Rail Authority (HSRA) readings along the church-school property line show a current dbi of approximately 59. See p. 112 of the attached/linkd HSRA Noise and Vibration Technical Report and the dbi for Steele Ave. & Exchange St. In addition, the baseline decibel (hybrid route) listed for Bethel Christian School is 64 dbi (p. 206).
2. Most city and county ordinances on sound recommend no higher than 60 dbi at a church and school. The County of Kern has a limit of 65 dbi. This is only one decibel from the current ambient at the church-school location.  
 Industry standard for aviation states that "...65 dbi or more in 'nose-sensitive' areas defined by land use guidelines (e.g., schools, etc.) are considered areas of significant noise..." Also, "...a change in exposure of 1.5 dbi or more, over noise- sensitive areas, at or above 65 dbi as the result of a proposed project is considered 'Significant'..."
3. The World Health Organization has established standards for acceptable noise levels and has stated that

inside a school the sound level should be no more than 35 dbi.

4. The HSRA estimates that the train will emit approximately 98-100\* dbi (equal to a low-flying aircraft) at the speed of 220 mph.

\*Note: The calculated 100 dbi is from the 2005 the FRA High-Speed Ground Transportation Noise and Vibration Impact Assessment.

5. The trains will, in one location, be about 100 feet from the church-school property line and only a few hundred feet from the buildings. The rail authority will also place a 100 ft. radio tower within approximately 50 feet of the church-school property line.
6. The rail authority will demolish all of the buildings between our church-school and the easement for the train. Demolition of these neighboring structures will not only expose our facility to approximately 100 dbi of sound from the High-Speed Rail, but it will also eliminate the existing sound shielding that these, soon to be demolished, structures provide from the existing train tracks and 50mph Edison

Hwy (US 466). Currently the railroad easement and US 466 are only one city block, or a few hundred feet, from the church-school campus.

7. Train construction and demolition decibel levels will be well over 100 dbi.
8. According to our experts, "modeling" throughout the EIR is not at all realistic. They have used a common deception to hide the fact that maximum levels could well be 20-30 dbi higher.
9. The train will be over 50 ft. in the air and adjacent to the church-school property line. This will, according to the HSRA, increase the overall sound level.
10. A screening distance of 300-700 feet was used throughout the EIR process, depending on the speed of the train (p. 86). However, the HSRA states in this document that the maximum screening distance has now been increased to 2,500 feet, due to further study and the inclusion of a large number of daily trains at high speeds.
11. Our accreditation agency (WASC) has noted that adverse HSR conditions could be an issue with future accreditation evaluations for the school.
12. In the Noise and Vibration Technical Report, Table 6-38 shows with the hybrid alternative, that there will be NO mitigation for the church-school facility.
13. On p. 279, Section 7.3.2, the HSRA states "...Reasonableness implies that good judgment and common sense have been applied during the decision-making process. Reasonableness is determined on the basis of several factors regarding the individual circumstances and the specific needs of affected receivers." Yet no consideration was given to mitigation on the church-school campus in the FEIR, despite a considerable amount of communication from the church-school stakeholders to the HSRA.

Link:

[http://www.hsr.ca.gov/docs/programs/fresno-baker-eir/final\\_ERIS\\_FresBaker\\_Tech\\_Noise\\_and\\_Vibration\\_April\\_2014.pdf](http://www.hsr.ca.gov/docs/programs/fresno-baker-eir/final_ERIS_FresBaker_Tech_Noise_and_Vibration_April_2014.pdf)

Sent from my iPhone

EIR/EIS Comment : Yes  
 Official Comment Period : Yes

## Response to Submission B010 (Michael Kennedy, Bethel Christian School, January 17, 2018)

### **B010-1**

Refer to Standard Response FB-LGA-Response-N&V-01: Schools, FB-LGA-Response-N&V-02: General Assessment Methodology Concerns - Use of FRA Methodology/Criteria.

The commenter has provided notes as an attachment to the comment submittal and indicates there is a legal obligation to include the file as an official comment to the Draft Supplemental EIR/EIS. The Authority has reviewed and considered the notes that were included with the comment. The notes, dated 2014, consist of a summary of church stakeholder concerns associated with the mitigation of noise impacts resulting from the HSR based on input they have collected from professionals familiar with sound mitigation. Church stakeholders indicate a necessity to either construct a new multi-million dollar facility on the existing property or relocate the church-school facility off-site in order to fully mitigate the noise impacts resulting from the HSR. To mitigate the noise impacts at the existing property, the notes indicate that additional mitigation beyond what is proposed in the Fresno to Bakersfield Section Final EIR/EIS be considered, such as new windows and doors, sound-absorbing walls and ceiling, or a complete re-build or relocation of the facilities. The notes also reference World Health Organization (WHO) standards for acceptable noise levels within classrooms (i.e., 30-35 decibels) and assert that these standards would not be achieved with mitigation proposed in the Fresno to Bakersfield Section Final EIR/EIS. Furthermore, the notes indicate that proposed noise mitigation would not mitigate noise impacts on the four outdoor playgrounds on the church-school property. The notes conclude with a list of "church-school noise impacts, mitigation and EIR facts."

In Section 3.4 of the Draft Supplemental EIR/EIS, a noise impact analysis was conducted for sensitive receptors located within 2,500 feet of the F-B LGA. The school/church facility is within this 2,500 foot study area and, as such, was accounted for in the analysis for the F-B LGA. It was determined that noise from HSR operation would be severe for the school/church facility. Although the HSR will generate noise, noise levels would be attenuated with distance, shielding factors, and noise abatement measures considered for the project. Noise abatement measures in the form of noise barriers along the HSR alignment were considered for this area. The noise barrier was determined to be both feasible and reasonable in the Fresno to Bakersfield Section Final EIR/EIS, the Draft Supplemental EIR/EIS, and their respective Noise and Vibration

### **B010-1**

Technical Reports. The implementation of noise barriers would reduce severe exterior noise impacts to no impacts at this church-school facility, as described in Section 3.4.4.2 under Impact N&V #3 and shown in Table 3.4-21 and Figure 3.4-5 of the Draft Supplemental EIR/EIS. Refer to N&V-MM#3 for a discussion of the performance standards that must be achieved to ensure interior noise levels do not exceed 45 dBA Ldn.

The Authority will acquire the land of property owners whose land is directly affected by the project in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sec. 4601 et seq.) (Uniform Act) and Implementing Regulations (49 C.F.R. Part 24); however, neither alignment (May 2014 Project or the F-B LGA) directly affects the church and school and therefore would not result in property acquisition and relocation.

The Authority has included the attachment in the Administrative Record for the Final Supplemental EIS.

## Submission B011 (Michael Kennedy, Bethel Christian School, January 16, 2018)

### Fresno - Bakersfield (2014 June+) - RECORD #376 DETAIL

**Status :** Action Pending  
**Record Date :** 1/17/2018  
**Response Requested :** No  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Business and/or Organization  
**Submission Date :** 1/16/2018  
**Submission Method :** Project Email  
**First Name :** Michael  
**Last Name :** Kennedy  
**Professional Title :** Principal  
**Business/Organization :** Bethel Christian School  
**Address :**  
**Apt./Suite No. :**  
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**State :**  
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**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

B011-1 | There is legal obligation to include the attached list as an official comment to the Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section.  
In addition, please add this documentation to the existing Administrative Record for Case No.34-2014-80001864.

Regards,  
Michael Kennedy, Principal (M.Ed.L.)  
Bethel Christian School

Documents that BCS Stakeholders Utilized for Evaluation and Reference

Note: The documents below should be utilized to provide full mitigation for the First Free Will Baptist Church and Bethel Christian School.

Train/Transit references

FTA Noise and Vibration Manual

FRA High Speed Ground Transportation Noise and Vibration Impact Assessment, Oct 2005.

Caltrain Electrification Program Draft EIR, Chapter 3, see Section 3.11

CA Dept of Transportation, Traffic Noise Analysis Protocol

Summary of European High-Speed Rail Noise and Vibration Measurements

FRA Guidance on Assessing Noise and Vibration Impacts

Noise and Vibration Mitigation for Rail Transportation System, Proceedings of the 9th International Workshop on Railway Noise, Munich, Germany, 4 – 8 September 2007

On noise pollution and its effects

Guidelines for Community Noise, 1999, WHO.

ANSI Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools

Noise Pollution Clearinghouse

Quite Classrooms – includes an extensive library of links to noise research, particularly as it relates to learning  
American Speech Language Hearing Association

On measuring noise and basic science of sound

Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Safety Margin, U.S. Environmental Protection Agency, 1974 (EPA/ONAC 550/9-74-004).

National Environmental Policy Act (42 U.S.C. 4321, et. seq.) (PL-91-190) (40 C.F.R. 1506.5)

Noise Control Act of 1972 (42 U.S.C. 4910)

FTA Guidelines (May, 2006)

FRA Guidelines (October, 2005)

HUD Environmental Standards (24 C.F.R. 51)

OSHA Occupational Noise Exposure; Hearing Conversation Amendment (FR 48 (46), 9738—9785)

## Submission B011 (Michael Kennedy, Bethel Christian School, January 16, 2018) - Continued

EPA Railroad Noise Emission Standards (40 C.F.R 201) - lame scanned version!

FRA Railroad Noise Emission Compliance Regulations (49 C.F.R. 210)  
Title 24, Part 2, California Code of Regulations

On Noise Mitigation

Sound Walls: Absorptive versus reflective design and effectiveness, SoundFighter  
Highway Traffic Noise Barriers at a Glance, Federal Highway Administration

Sent from my iPhone

**EIR/EIS Comment :** Yes

**Official Comment Period :** Yes

## Response to Submission B011 (Michael Kennedy, Bethel Christian School, January 16, 2018)

### **B011-1**

Refer to Standard Response FB-LGA-Response-N&V-01: Schools, FB-LGA-Response-N&V-02: General Assessment Methodology Concerns - Use of FRA Methodology/Criteria, FB-LGA-Response-N&V-03: Determining Mitigation.

The commenter has provided a list of references as an attachment to the comment submittal and indicates there is legal obligation to include the file as an official comment to the Draft Supplemental EIR/EIS. The Authority has reviewed and considered the list of references that was included with the comment. The list includes train/transit references, sources related to noise pollution and its effects, references associated with noise measurement methodology and basic science of sound, and one source related to noise mitigation. The commenter suggests that they should be utilized to provide full mitigation for the First Free Will Baptist Church and Bethel Christian School.

Section 3.4.2.3 of the Draft Supplemental EIR/EIS describes the impact assessment guidance and noise thresholds used to assess impacts associated with the F-B LGA. This methodology is consistent with the noise impact methodology in the Fresno to Bakersfield Section Final EIR/EIS, as well as federal, state, and local laws, regulations, and orders relevant to noise and vibration described in Section 3.4.1 of the Draft Supplemental EIR/EIS. Furthermore, the Draft Supplemental EIR/EIS was prepared in full accordance with CEQA and NEPA requirements. This is further described in Chapter 1, Section 1.1.3 of the Draft Supplemental EIR/EIS. The analysis of the F-B LGA was prepared consistent with the analysis that was conducted for the complementary portion of the Preferred Alternative identified in the Fresno to Bakersfield Section Final EIR/EIS. As described in Section 3.1.3.3 of the Draft Supplemental EIR/EIS, this consistency of methodology ensures an apples-to-apples comparison between the F-B LGA and May 2014 Project and that a Preferred Alternative for this portion of the Fresno to Bakersfield Section is fully analyzed per CEQA and NEPA requirements. Finally, Chapter 12 of the Draft Supplemental EIR/EIS and Chapter 11 of the Fresno to Bakersfield Section Final EIR/EIS provide a list of references used to provide a consistent and adequate analysis for the May 2014 Project and the F-B LGA.

## Submission B012 (Michael Kennedy, Bethel Christian School, January 16, 2018)

**Fresno - Bakersfield (2014 June+) - RECORD #379 DETAIL**

**Status :** Action Pending  
**Record Date :** 1/17/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Business and/or Organization  
**Submission Date :** 1/16/2018  
**Submission Method :** Project Email  
**First Name :** Michael  
**Last Name :** Kennedy  
**Professional Title :** Principal  
**Business/Organization :** Bethel Christian School  
**Address :**  
**Apt./Suite No. :**  
**City :**  
**State :**  
**Zip Code :**  
**Telephone :**  
**Email :** mikeakennedy@gmail.com  
**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

B012-1

There is legal obligation to include the attached Word document (docx) as an official comment to the Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section.

In addition, please add this documentation to the existing Administrative Record for Case No.34-2014-80001864.

Regards,

Michael Kennedy, Principal (M.Ed.L.)

Bethel Christian School

Sent from my iPhone

**EIR/EIS Comment :** Yes

**Official Comment Period :** Yes

**Attachments :** 379\_Kennedy\_email\_011618\_Attachment.pdf (979 kb)

## FIRST FREE WILL BAPTIST CHURCH & BETHEL CHRISTIAN SCHOOL

### MEDIA SAMPLES

Media Files & Links  
Related to the Church,  
EIR, and HSRA

R

2011-2014





## Submission B012 (Michael Kennedy, Bethel Christian School, January 16, 2018) - Continued

### First Free Will Baptist Church HSR Media Files and Links

#### TV NEWS

September 9, 2014

<http://www.bakersfieldnow.com/news/business/Bakersfield-church-sues-over-states-high-speed-rail-project-274558481.html?tab=video&c=y>



June 20, 2014

<http://www.turnto23.com/news/local-news/bakersfield-church-is-against-high-speed-rail-062014>



<http://www.bakersfieldnow.com/news/local/church-fears-path-of-high-speed-rail-line-264061671.html>



May 28, 2014

<http://www.turnto23.com/news/local-news/bakersfield-pastor-concerned-about-proposed-high-speed-rail-route>



December 17, 2011

<http://www.kget.com/news/local/story/Proposed-High-Speed-Rail-path-will-go-through-two/PJpD2WqQ-UarqqARPjmrA.csp>



June 6, 2012

<http://www.turnto23.com/web/kero/news/your-neighborhood/central/committee-releases-list-of-properties-affected-by-high-speed-rail>



November 11, 2011

[http://www.today.com/id/45153941/ns/today-today\\_news/t/obamas-rail-initiative-train-nowhere/](http://www.today.com/id/45153941/ns/today-today_news/t/obamas-rail-initiative-train-nowhere/)



June 24, 2012

[http://www.youtube.com/watch?v=Axl-5ouRa1c&feature=em-share\\_video\\_user&ytsearch=WlU5kxKNDoG7mUxN86ifK0FdOikBQKk5oo7HUKu\\_ZuSY8nZGk\\_bqAAF8om3QH\\_pWp5dX2JSAyDiyd\\_BnD22soR8OcA3cNaTrH0gPUxI5DAP3sFdfcBfBT-BeFR8vnVvdMZP00RnaM9DvkMxtXw3ls5t203xrXRiuXaih5IO8Zolaozk4zDLkP-dDmaRyOYiqotsnpeaOV\\_YliCIPvZNS4XKyALA2ved5aH9CNynKpVGFyMdS2uZSIMn4HeMILbCY3H2\\_0Bre1vgJVahTxI4vjzVqPNTpbJ5mXseEGS33h3B87XcRNx9Q6vQFB-HeA1BebxyoBkxcsOgw5GLLFT9\\_MiYy-t4pCjlytWrf5h1k8qsmtnSb1hZ7rxakBIT74BnzDalm3ISXyr-9-ybOPeScu2G0aW4vTOH7n3qAEwT-NBUaP6cvKQUSghCE3dFI\\_WPMnbzfgUmQINEIcboFStohV-ATKuwl1nXMBzGZ9dgyZG9f\\_vkMtl6u6E1VjtLohyv2ym4zErb63s5zbPA3\\_rnltm7ANSxezGv9MIA NC\\_8V4vXH8IG2tC9ZqfKrtERZH8bnwoDA3ZKPYI yhnz3HVvFH](http://www.youtube.com/watch?v=Axl-5ouRa1c&feature=em-share_video_user&ytsearch=WlU5kxKNDoG7mUxN86ifK0FdOikBQKk5oo7HUKu_ZuSY8nZGk_bqAAF8om3QH_pWp5dX2JSAyDiyd_BnD22soR8OcA3cNaTrH0gPUxI5DAP3sFdfcBfBT-BeFR8vnVvdMZP00RnaM9DvkMxtXw3ls5t203xrXRiuXaih5IO8Zolaozk4zDLkP-dDmaRyOYiqotsnpeaOV_YliCIPvZNS4XKyALA2ved5aH9CNynKpVGFyMdS2uZSIMn4HeMILbCY3H2_0Bre1vgJVahTxI4vjzVqPNTpbJ5mXseEGS33h3B87XcRNx9Q6vQFB-HeA1BebxyoBkxcsOgw5GLLFT9_MiYy-t4pCjlytWrf5h1k8qsmtnSb1hZ7rxakBIT74BnzDalm3ISXyr-9-ybOPeScu2G0aW4vTOH7n3qAEwT-NBUaP6cvKQUSghCE3dFI_WPMnbzfgUmQINEIcboFStohV-ATKuwl1nXMBzGZ9dgyZG9f_vkMtl6u6E1VjtLohyv2ym4zErb63s5zbPA3_rnltm7ANSxezGv9MIA NC_8V4vXH8IG2tC9ZqfKrtERZH8bnwoDA3ZKPYI yhnz3HVvFH)



## Submission B012 (Michael Kennedy, Bethel Christian School, January 16, 2018) - Continued

December 13, 2011

<http://www.bakersfieldnow.com/news/local/highspeedrailproposal-135551293.html?tab=video&c=y>



National Magazines

May 19, 2014

<http://townhall.com/tipsheet/amandamu%C3%B1oz/2014/06/01/the-boondoggle-express-n1841907>



Newspaper articles

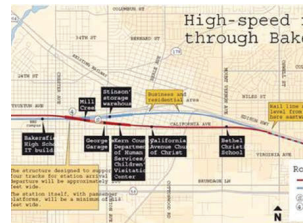
October 29, 2011

<http://www.bakersfieldcalifornian.com/special-sections/rail/x1766489520/Residents-worry-about-high-speed-rail-bisecting-heart-of-Bakersfield>



Aug. 23, 2011 (Church & School not in the EIR)

<http://www.bakersfieldcalifornian.com/special-sections/rail/x254542335/City-claims-bullet-train-study-bypasses-east-Bakersfield>



<http://www.bakersfieldcalifornian.com/local/x1008890007/Homes-businesses-churches-lie-in-the-path-of-high-speed-rail>

<http://www.bakersfieldcalifornian.com/local/x2127194759/Locals-participated-in-high-speed-rail-court-case>

October 22, 2011

<http://articles.latimes.com/2011/oct/22/local/a-me-bullet-train-20111023/2>



August 24, 2012

<http://www.examiner.com/article/california-environmental-quality-act-ceqa-fight-postponed-communities-on-alert>



Opinion articles

### The Bakersfield Californian

BE Decatur • Monday, Apr 23 2014 11:04 PM

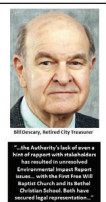
#### HSR Authority is not listening

The High-Speed Rail Authority is in its Draft 2014 Business Plan repeatedly insists to outreach to stakeholders, likely to respond to concerns that have been expressed by stakeholders. Although I have to properly state part of the project, as a by-product of Bakersfield (and the City) will be forever altered by an elevated track ranging from 30-50 feet. Consider impact of a station.

The Authority introduced its plan on Feb. 7, 2014, with a 60-day public comment period ending April 8, later extended to its April 20th board meeting. Protesting that about my eight pages of comments were delivered on April 10, 2014, and there was no way my comments or others delivered with mine were given any consideration when the board voted that meeting to approve the plan.

The plan's executive summary statement that "new and more construction relationships have been established with affected communities and concerned stakeholders" is a sham, which generally describes the plan. Locally, the Authority's list of more a list of report with stakeholders has resulted in continued Environmental Impact Report issues with both Right Health (Marty Hargrave) and First Trust (Will Baptist Church and its Bethel Christian School). Both have secured legal representation. Unresolved issues continue with the City of Bakersfield and its properties. Yes, the Authority refused to hold a public meeting on April 10.

The Authority continues to be an unresponsive, non-transparent state agency taking drastic measures to further a high-speed rail project with avoiding public support and significant legal challenges.



<http://www.bakersfield.com/opinion/community/x1538236170/Will-high-speed-rail-result-in-higher-taxes-and-fewer-jobs>

<http://www.foxandhoundsdaily.com/2014/05/appellate-court-hearing-friday-case-blocking-high-speed-rail-bonds/>

<http://www.bakersfieldcalifornian.com/opinion/hot-topics/x920646512/With-affirmative-vote-on-HSR-Rubio-ignored-his-constituents>

<http://www.bakersfieldcalifornian.com/opinion/community-voices/x518127323/We-needs-leaders-who-will-weigh-needs-of-constituents-honestly>

## Submission B012 (Michael Kennedy, Bethel Christian School, January 16, 2018) - Continued

### Paid Newspaper Advertisements



### Featured Documentaries

[https://www.youtube.com/watch?v=TW0iXds8\\_sl&feature=youtu.be](https://www.youtube.com/watch?v=TW0iXds8_sl&feature=youtu.be)



<https://www.youtube.com/watch?v=n42LmEGJD7c>



<https://www.youtube.com/watch?v=6rRXn-Rr5go>



### Press Conferences

<https://www.youtube.com/watch?v=-kc-kDEs6cE>



<https://www.youtube.com/watch?v=UJEM251owP0>



### Political Webpages



## Response to Submission B012 (Michael Kennedy, Bethel Christian School, January 16, 2018)

### **B012-1**

The commenter has provided a word document as an attachment to the comment submittal and indicates there is legal obligation to include the file as an official comment to the Draft Supplemental EIR/EIS.

The Authority has reviewed and considered the word document that was included with the comment. The word document provides a conglomeration of media files and links related to the church/school, Fresno to Bakersfield Section Final EIR/EIS, and HSRA. The majority of the links and media files provided were not accessible and could not be determined if they were applicable towards the Fresno to Bakersfield Section Final EIR/EIS or towards the Draft Supplemental EIR/EIS. The files that could be accessed were reviewed and were not relevant to the Draft Supplemental EIR/EIS as they were focused on the Fresno to Bakersfield Section Final EIR/EIS and the HSR project as a whole. The Authority has included the attachment as part of the Administrative Record for the Final Supplemental EIS.

## Submission B013 (Seven Bates, Canoodle Studios, December 21, 2017)

**Fresno - Bakersfield (2014 June+) - RECORD #224 DETAIL**

**Status :** Action Pending  
**Record Date :** 12/21/2017  
**Response Requested :** No  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Business and/or Organization  
**Submission Date :** 12/21/2017  
**Submission Method :** Website  
**First Name :** Seven  
**Last Name :** Bates  
**Professional Title :** Managing Editor  
**Business/Organization :** Canoodle Studios  
**Address :**  
**Apt./Suite No. :**  
**City :** Bakersfield  
**State :** CA  
**Zip Code :** 93309  
**Telephone :** 714-260-3777  
**Email :** 7bates@gmail.com  
**Email Subscription :** Bakersfield to Palmdale  
 , Central Valley, Locally Generated Alternative (Bakersfield)  
**Cell Phone :**  
**Add to Mailing List :** Yes  
**Stakeholder Comments/Issues :**

B013-1 Please ignore every single person complaining about building HSR infrastructure in Bakersfield. This city is populated by petulant libertarians who don't care about anything but ridiculous free market fantasies. They'll be opposed to ANY route you suggest. That's why they threw such a huge fit about the original route along Truxton.  
  
 Just build any route, please. I was thrilled about the proposed, elevated route. Now we have to settle for a crap, low to the ground option, instead of having an awesome rail line? Just build exactly what your team proposed and ignore the residents here. They are NOT impartial and they are not capable of seeing the benefits.  
**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes

## Response to Submission B013 (Seven Bates, Canoodle Studios, December 21, 2017)

### B013-1

Refer to Standard Response FB-LGA-Response-General-07: General Support of HSR.

## Submission B014 (Marsha Barnden, Care Delivery Adventist Health, January 17, 2018)

Fresno - Bakersfield (2014 June+) - RECORD #362 DETAIL	
Status :	Action Pending
Record Date :	1/17/2018
Response Requested :	No
Affiliation Type :	Business and/or Organization
Interest As :	Individual
Submission Date :	1/17/2018
Submission Method :	Email
First Name :	Marsha
Last Name :	Barnden
Professional Title :	Corporate Director Infection Prevention & Clinical Standards
Business/Organization :	Care Delivery Adventist Health
Address :	1075 Creekside Ridge Drive
Apt./Suite No. :	Suite 102
City :	Roseville
State :	CA
Zip Code :	95678
Telephone :	
Email :	BarndeMA@ah.org
Email Subscription :	
Cell Phone :	
Add to Mailing List :	Yes
Stakeholder Comments/Issues :	
EIR/EIS Comment :	Yes
Official Comment Period :	No
Attachments :	78263_362_Barnden_email_011718_Original.pdf (134 kb)

B014-1

**Subject:** FW: F Street/Truxtun

**From:** Barnden, Marsha [mailto:BarndeMA@ah.org]

**Sent:** Wednesday, January 17, 2018 11:16 AM

**To:** Perez-Arrieta, Stephanie (FRA) <stephanie.perez@dot.gov>

**Subject:** F Street/Truxtun

I am **ADAMANTLY** opposed to locating the train station on F Street. The station should be located on Truxtun next to the Amtrak. Ideally, GET bus and Greyhound should move to Truxtun as well so that law enforcement officers can patrol the area more easily. It would be an absolute nightmare locating this on F Street and that plan makes absolutely no sense whatsoever!

Thank you for your thoughtful consideration!

**Marsha Barnden** | Corporate Director Infection Prevention & Clinical Standards | Care Delivery Adventist Health | 1075 Creekside Ridge Drive Suite 102 | Roseville, CA 95678  
 C 661-301-4083 | marsha.barnden@org



## Response to Submission B014 (Marsha Barnden, Care Delivery Adventist Health, January 17, 2018)

### **B014-1**

Refer to Standard Response FB-LGA-Response-GENERAL-03: Response to Comments Received After the Close of the Public Comment Period, FB-LGA-Response-GENERAL-10: Comments with Opinion Only.

## Submission B015 (Cynthia Kellman, Citizens for California High Speed Rail Accountability/Chatten-Brown & Carstens, January 11, 2018)

**Fresno - Bakersfield (2014 June+) - RECORD #270 DETAIL**

**Status :** Action Pending  
**Record Date :** 1/11/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Business and/or Organization  
**Submission Date :** 1/11/2018  
**Submission Method :** Project Email  
**First Name :** Cynthia  
**Last Name :** Kellman  
**Professional Title :**  
**Business/Organization :** Citizens for California High Speed Rail Accountability/Chatten-Brown & Carstens  
**Address :** 2200 Pacific Coast Highway  
**Apt./Suite No. :** Suite 318  
**City :** Hermosa Beach  
**State :** CA  
**Zip Code :** 90254  
**Telephone :** 310-798-2400  
**Email :** cpk@cbcearthlaw.com  
**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

Good Morning,

Attached please find a letter from Douglas Carstens regarding the above-captioned subject.

Please feel free to contact me with any questions or concerns.

Cynthia Kellman

CHATTEN-BROWN & CARSTENS

2200 Pacific Coast Highway, Ste. 318

Hermosa Beach, CA 90254

Tel: 310-798-2400 x6

Fax: 310-798-2402

Email: cpk@cbcearthlaw.com

Website: www.cbcearthlaw.com

**EIR/EIS Comment :** Yes

**Official Comment Period :** Yes

**Attachments :** 270\_Kellman\_email\_011118\_attachment.pdf (143 kb)

## Submission B015 (Cynthia Kellman, Citizens for California High Speed Rail Accountability/Chatten-Brown & Carstens, January 11, 2018) - Continued

### CHATTEN-BROWN & CARSTENS

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

2200 PACIFIC COAST HIGHWAY  
SUITE 318  
HERMOSA BEACH, CALIFORNIA 90254

E-mail: DPO@CHCEARTH.LAW.COM

CHSRA  
January 11, 2018  
Page 2 of 3

January 11, 2018

Fresno to Bakersfield Project Section  
Draft Supplemental EIR/EIS Comment  
770 L Street, Suite 620 MS-1  
Sacramento, CA 95814

Via email to  
Fresno\_Bakersfield@hsr.ca.gov

RE: Fresno to Bakersfield Project Section Draft Supplemental  
EIR/EIS Comment

Fresno to Bakersfield Project Section:

B015-1

On behalf of the Citizens for California High Speed Rail Accountability (CCHSRA), Kings County and the Kings County Farm Bureau, we must write to you again concerning the Fresno to Bakersfield Project Section. The Fresno to Bakersfield Project Section Revised Draft Environmental Impact Report / Supplemental Draft Environmental Impact Statement: Fresno to Bakersfield (FB RSDEIR) addresses only changes made in the vicinity of Bakersfield. However, it should more comprehensively address defects in prior review that have not yet been remedied.

We have previously written about the EIR for this section, and are currently in litigation regarding its validity. (*Kings County et al. v. California High Speed Rail Authority*, Sacramento Superior Court case no. 34-2014-80001861. The Supplemental EIR may not build upon a defective EIR. The FBRSEIR mentions litigation filed by the City of Bakersfield (FBRSEIR, p. S-7), but does not mention the Kings County lawsuit or other litigation that is still pending and could render the entire Fresno-Bakersfield EIR, or portions of it, void.

B015-2

In *Kings County et al. v. California High Speed Rail Authority*, the following issues are raised, which could and should be addressed in the Supplemental EIR. We incorporate the entire Petition for Writ of Mandate in this letter and set forth the introductory paragraphs below:

The Section would consist of a broad swath of new train infrastructure through the heart of the Central Valley. The Section would ultimately cause extensive significant adverse impacts to, among other things, Central Valley

B015-2

agriculture, air quality, land use, aesthetics and visual resources, cultural resources, biological resources and wetlands, and parks and recreation resources, a hospital, churches, and hundreds of homes. Notably, a significant portion of the approved Section would deviate from existing transportation corridors such as Interstate 5, State Route 99, and the existing Burlington Northern Santa Fe Railway Company ("BNSF") railroad tracks. The Section's deviation from existing transportation corridors would result in the destruction of or substantial interference with thousands of acres of farmland (many of which are "prime," "important," or restricted by Williamson Act contracts) and wildlife habitat, established communities, many businesses, commercial properties and industrial facilities, existing roads, oil and water wells, and water delivery and drainage facilities.

B015-3

The Authority failed to analyze alternatives that would altogether avoid or substantially reduce the identified impacts. It also failed to recirculate the environmental impact report ("EIR") for the Section, even though significant new information about geotechnical impacts, Valley Fever, and interference with existing railroad lines, among other things, was not disclosed until after the draft EIR. In addition, the Authority revised the project to include additional elevated sections and other changes to the alignment without recirculating the EIR.

B015-4

Through the EIR for the Section, the Authority acknowledged some of the Section's significant impacts, but, due to numerous analytical deficiencies, failed to disclose and analyze the full scope and severity of these impacts to decisionmakers or to the public. The Authority also failed to incorporate a number of suggested feasible alternatives and mitigation measures to avoid the Section's adverse impacts on the Central Valley, as required by CEQA and Proposition 1A. Proposition 1A authorized funding for the Train System but placed significant restrictions on it including the requirements to follow existing transportation or utility corridors to the extent feasible, to minimize urban sprawl, and to minimize impacts on the natural environment. (Sts. & Hy. Code, § 2704.09.) The Authority's failure to analyze feasible alternatives and adequately mitigate impacts also resulted in its violating the Williamson Act and anti-discrimination law since feasible alternatives along existing transportation corridors would have avoided or reduced impacts to prime agricultural lands and disproportionate impacts to minority and low income populations. Therefore, the Authority's decision approving the Section must be set aside as contrary to law.

B015-5

These issues identified in our lawsuit, should be addressed in the Supplemental EIR before it is certified.

## Submission B015 (Cynthia Kellman, Citizens for California High Speed Rail Accountability/Chatten-Brown & Carstens, January 11, 2018) - Continued

CHSRA  
January 11, 2018  
Page 3 of 3

**Conclusion.**

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

Sincerely,

  
Douglas P. Carstens

## Response to Submission B015 (Cynthia Kellman, Citizens for California High Speed Rail Accountability/Chatten-Brown & Carstens, January 11, 2018)

### **B015-1**

The commenter states that the Supplemental EIR/EIS addresses Bakersfield area impacts. (Note that the commenter refers to the document as a Revised Draft EIR/Supplemental EIS; however, the November 2017 document was a Draft Supplemental EIR/EIS.) The commenter states that in addition to litigation with the City of Bakersfield, the Supplemental EIR/EIS should also address litigation with Kings County regarding the Final EIR/EIS; specifically, that the Supplemental EIR/EIS "should more comprehensively address defects in prior review that have not yet been remedied."

As the Preface to the Final Supplemental EIS describes, the Supplemental EIR/EIS is prepared to "supplement" the Final EIR/EIS for the Fresno to Bakersfield Section. The Supplemental EIR/EIS concerns a geographically discrete subsection of the Fresno to Bakersfield Section, the 23.13-mile portion from just north of Poplar Avenue to Oswell Street (with additional consideration of whether a supplemental EIR/EIS for that portion of the Fresno to Bakersfield Section north of Poplar Avenue was warranted related to BVLOS range, see page 3.7-1 of the Draft Supplemental EIR/EIS). The Draft Supplemental EIR/EIS considers an additional alignment that was not included in the Final EIR/EIS for the Fresno to Bakersfield Section, the F-B LGA, and describes and analyzes potential environmental impacts of that new alignment. The Draft Supplemental EIR/EIS contains the necessary analysis to allow the public and decision-makers to compare the alternatives under study. Refer to Chapter 8 of the Draft Supplemental EIR/EIS for the comparison between alternatives.

As of February 2019, there is one lawsuit on file challenging the Authority's 2014 certification of the Final EIR/EIS for the Fresno to Bakersfield Section. See *Kings County et al. v. CHSRA* (Sac. County Superior Court, Case No. 34-2014-80001861). Notwithstanding the presence of the lawsuit, the Authority's decision to certify the Final EIR/EIS is presumed correct and the Final EIR/EIS is not "defective"; the party challenging the Final EIR/EIS "ha[s] the burden of proving the EIR is legally inadequate." (*Santa Monica Baykeeper v. City of Malibu* (2011) 193 Cal.App.4th 1538, 1545-46; see also Pub. Res. Code§ 21167.3, subd. (b) [absent injunction, responsible agencies shall treat litigated EIR as CEQA-compliant pending final outcome of proceeding]; Evid. Code§ 664.) A merits hearing in the Kings County lawsuit is scheduled for April, 2019; accordingly, the Final EIR/EIS is presently understood to be presumed CEQA-compliant.

### **B015-1**

Note further that pursuant to Public Resources Code, §21168.9, courts have discretion to order remedies that may de-certify an EIR only in part, and/or to leave project approvals in place. (*Center for Biological Diversity v. Dep't of Fish & Wildlife*, 17 Cal.App.5th 1245, 1254 (2017).) Any hypothetical finding of a deficiency with respect to the Final EIR/EIS would not necessarily undermine the foundation of the Draft Supplemental EIR/EIS.

The Authority and the FRA's determinations regarding preparation of the Draft Supplemental EIR/EIS have been undertaken in furtherance of environmental compliance goals, including disclosure of new information about the expansion of the range for the BVLOS species. There is no reason that the presence of litigation about the Final EIR/EIS, pending for over four years, should paralyze the agencies' ability to proceed with the Final Supplemental EIS.

### **B015-2**

The comment quotes from allegations in the petition for writ of mandate and "incorporates the entire Petition for Writ of Mandate" in the comment. These allegations pre-date, and do not specifically pertain to, the Draft Supplemental EIR/EIS and the F-B LGA evaluated in the Draft Supplemental EIR/EIS. Potential impacts associated with the F-B LGA have been discussed throughout Chapter 3 of the Draft Supplemental EIR/EIS. With respect to the Draft Supplemental EIR/EIS, refer to Section 3.14.3.5 for an analysis of agricultural lands, Section 3.7.3.2 for an analysis of wildlife habitat, 3.12.4.2 for an analysis of community division and/or displacement and 3.6.3.2 for an analysis of public utilities. It is observed that the F-B LGA would generally be located adjacent to existing transportation corridors as described in Section 2.4.1, Alignment Requirements of the Draft Supplemental EIR/EIS.

## Response to Submission B015 (Cynthia Kellman, Citizens for California High Speed Rail Accountability/Chatten-Brown & Carstens, January 11, 2018) - Continued

### **B015-3**

The commenter quotes the Petition alleging that the Authority failed to analyze alternatives in the Fresno to Bakersfield Section EIR/EIS that would avoid or reduce impacts identified in the Petition for Writ of Mandate referenced by the commenter. The commenter alleges that the Fresno to Bakersfield Section EIR/EIS was not recirculated. These allegations pre-date, and do not specifically pertain to, the Supplemental EIR/EIS. Further, it is observed that the F-B LGA alignment is an alternative that reduces impacts relative to the May 2014 alignment identified in the Final EIR/EIS for the Fresno to Bakersfield Section.

### **B015-4**

The comment quotes from allegations in the petition for writ of mandate. These allegations pre-date, and do not specifically pertain to, the Supplemental EIR/EIS. The commenter does not suggest any feasible alternative or mitigation measures that pertain to the Supplemental EIR/EIS.

### **B015-5**

The commenter requests that the Draft Supplemental EIR/EIS address the issues in the litigation regarding the Fresno to Bakersfield Section EIR/EIS between Kings County and the Authority before it is certified. The allegations at issue in the current lawsuit challenging the Final EIR/EIS for the Fresno to Bakersfield Section, *Kings County, et al. v. CHSRA* (Sac. County Superior Court, Case No. 34-2014-80001861), predate, and do not specifically pertain to, the Draft Supplemental EIR/EIS and there is no requirement for such allegations about the Final EIR/EIS to be considered in the Draft Supplemental EIR/EIS. The Draft Supplemental EIR/EIS considers an additional alignment that was not included in the Final EIR/EIS for the Fresno to Bakersfield Section, the F-B LGA, and describes and analyzes potential environmental impacts of that new alignment. The Draft Supplemental EIR/EIS contains the necessary analysis to allow the public and decision-makers to compare the alternatives under study. Refer to Chapter 8 of the Draft Supplemental EIR/EIS for the comparison between alternatives.

## Submission B016 (Walter Steimle, Con-Fab California LLC, November 10, 2017)

Fresno - Bakersfield (2014 June+) - RECORD #144 DETAIL	
Status :	Action Pending
Record Date :	11/10/2017
Response Requested :	
Affiliation Type :	Business and/or Organization
Interest As :	Business and/or Organization
Submission Date :	11/10/2017
Submission Method :	Website
First Name :	Walter
Last Name :	Steimle
Professional Title :	Plant Manager
Business/Organization :	Con-Fab California LLC
Address :	
Apt./Suite No. :	
City :	Shafter
State :	CA
Zip Code :	93263
Telephone :	6616303275
Email :	walters@confabca.com
Email Subscription :	
Cell Phone :	
Add to Mailing List :	No
Stakeholder Comments/Issues :	

B016-1

As a small business right in the path of the alternate locally designated route and also working on the HSR, we are committed to what is best for our community. We trust that both the community and we will come out of this better off if we all work together and get this done right. We may lose our business location here in Shafter, but it is better than plowing through residential neighborhoods in Bakersfield. We trust in the promises that support will come from the HSR to keep our business going through any transition - especially because we are the low cost provider of precast bridge girders for HSR CP1 and CP4, a fact and relationship we believe the tax payer appreciates. The Bakersfield Bypass - it is the way to go. Thanks

EIR/EIS Comment :

Official Comment Period : Yes



## Response to Submission B016 (Walter Steimle, Con-Fab California LLC, November 10, 2017)

### **B016-1**

Refer to Standard Response FB-LGA-Response-General-08: Support of/Opposition to the Fresno to Bakersfield Locally Generated and May 2014 Project Alternatives.

## Submission B017 (Diane V. Donner, Dentons US LLP, January 16, 2018)

### Fresno - Bakersfield (2014 June+) - RECORD #315 DETAIL

**Status :** Action Pending  
**Record Date :** 1/16/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Business and/or Organization  
**Submission Date :** 1/16/2018  
**Submission Method :** Project Email  
**First Name :** Diane V.  
**Last Name :** Donner  
**Professional Title :**  
**Business/Organization :** Dentons US LLP  
**Address :** One Market Plaza, Spear Tower  
**Apt./Suite No. :** 24th Floor  
**City :** San Francisco  
**State :** CA  
**Zip Code :** 94105  
**Telephone :** 415-882-2491  
**Email :** diane.donner@dentons.com  
**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

Attached please find correspondence from Ivor Samson regarding the referenced matter. The original will follow today via Federal Express. Please advise if you have any difficulty opening or accessing the attached document. Thank you.

Sincerely yours,

[[http://logo.dentons.com/dentons\\_logo.png](http://logo.dentons.com/dentons_logo.png)]

Diane V. Donner  
 Legal Secretary  
 Assistant To: Steven H. Frankel, Paula M. Yost, Bonnie Lau, Sarah Ratcliffe Choi, Kenneth P. Stensland

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[diane.donner@dentons.com](mailto:diane.donner@dentons.com) <<mailto:diane.donner@dentons.com>>  
 Website <<http://www.dentons.com>>

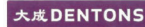
Dentons US LLP  
 1999 Harrison Street, Suite 1300, Oakland, CA 94612-4709

Maclay Murray & Spens > Gallo Barrios Pickmann > Muñoz > Cardenas & Cardenas > Lopez Velarde > Rodyk  
 > Boekel > OPF Partners > ?? > McKenna Long

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**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes  
**Attachments :** 315\_DentonsUSLLP\_email\_011618\_Attachment.pdf (2 mb)  
 315\_DentonsUSLLP\_email\_011618\_Attachment.pdf (2 mb)

# Submission B017 (Diane V. Donner, Dentons US LLP, January 16, 2018) - Continued



Ivor E. Samson  
Partner  
ivor.samson@dentons.com  
D +1 415 882 2491

Dentons US LLP  
One Market Plaza  
Spear Tower, 24th Floor  
San Francisco, CA 94105  
United States  
dentons.com

January 16, 2018

Via E-Mail and Federal Express

California High Speed Rail Authority  
770 L Street, Suite 620  
MS-1  
Sacramento, CA 95814

Re: Comments on Fresno to Bakersfield Project Section Supplemental EIR/EIS

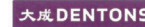
Dear Sir or Madam:

I am writing on behalf of the Bakersfield Homeless Center ("BHC"), to provide comments on the Draft Supplemental Environmental Impact Report/Environmental Impact Statement ("Draft SEIR/SEIS") published by the California High Speed Rail Authority ("HSRA") to evaluate the new Locally Generated Alternative ("LGA") for the Fresno to Bakersfield section of the California High-Speed Rail Project ("Project").

BHC is a special use nonprofit that serves homeless women and children in the Bakersfield area. More than 200 adults and children sleep at our shelter every night, and we provide additional services to hundreds more. Among other things, our programming includes meals; education, job training, and vocational placement services, including GED programs; access to medical assistance; licensed on-site childcare and after-school programs; laundry, showers, and clothing; transportation; and intensive case management designed to return individuals and families to independent, sustainable housing.

Many of these programs are unique to BHC. Indeed, the Kern County Homeless Collaborative and the United Way have recognized that "there is no other facility in our 8,150 square-mile county that could absorb this service population" (see attachment 1). Public officials agree: "BHC is the cornerstone of homeless services in Kern County." (see attachment 2). Any interruption in our operations would result in devastating consequences to the community we serve.

As you can imagine, we were disappointed to learn that the proposed LGA will completely displace our existing facility located at 1600 East Truxton Avenue in Bakersfield, from which we deliver the above-listed services and programs. We agree with the Draft SEIR/SEIS' conclusion that this is a significant impact under CEQA "[b]ecause the [LGA] would displace key facilities providing important community services to Bakersfield's homeless population" (Draft SEIR/SEIS at 3.12-59). For that same reason, impacts to BHC should also be recognized as significant under the National Environmental Policy Act ("NEPA") and Executive Order 12898 regarding Environmental Justice.



California High Speed Rail Authority  
January 16, 2018  
Page 2

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We are also concerned about the adequacy of the mitigation HSRA has proposed in the Draft SEIR/SEIS. While we appreciate the HSRA's commitment to "minimize disruption" by "consult[ing] with appropriate respective parties before land acquisition" and to "ensure relocation that allows the community currently served to continue to access [ ] services" (Draft SEIR/SEIS at 3.12-64), we are concerned about the timing, enforceability, and completeness of these mitigation measures:

- The Draft SEIR/SEIS commits to relocating BHC prior to demolition of existing facilities (Draft SEIR/SEIS at 3.12-64 to -65). To ensure that essential services will not be interrupted, this commitment should be clarified to specify that BHC will be relocated and all programming resumed (including any permitting necessary for the same) *before* access to our existing facilities is restricted or otherwise impacted.
- The Draft SEIR/SEIS addresses BHC in the context of the Project's "operational impacts" (Draft SEIR/SEIS at 3.12-64 to -65). Unfortunately, the impacts of the Project will occur long before high-speed trains are operating through Bakersfield. Many of those impacts have already occurred for the BHC. We rely on the generosity and goodwill of our donor community to help cover our operating costs and to make necessary repairs to our facilities.
- HSRA originally proposed to displace BHC as part of the 2014 version of the Project. Recognizing the long lead time necessary to acquire, permit and build a new facility, the HSRA and BHC engaged in discussions going back three years with HSRA representing that it wanted to do an "early acquisition" of the BHC, both to assist the BHC and to represent HSRA's efforts to help the community. To this end, in approximately October, 2016 HSRA's appraiser inspected the property for purposes of valuation. Throughout 2017 there were numerous discussions between HSRA and BHC about early acquisition; for months BHC was told that the acquisition would be "on next month's agenda." Unfortunately, in September, 2017 BHC was told for the first time that the Public Works Board would not approve funding for the purchase despite HSRA's request (see attachment 3).

We rely on the generosity and goodwill of our donor community to help cover our operating costs and to make necessary repairs to our facilities. Throughout this period, and particularly with this sudden change of position, donors have been questioning the future of the BHC significantly impacting funding, capital projects and long term maintenance have been deferred. Our ability to solicit operating funds and provide necessary services will continue to be harmed as long as our facility remains in limbo. To address this significant impact, it is essential that the mitigation in the SEIR/SEIS be revised to incorporate a requirement that HSRA work with BHC to design, fund, and, within 45 days of LGA approval, implement a transition plan that contributes transition funding to BHC to offset the cost of providing necessary services until our facilities are fully relocated.

These adjustments to the mitigation proposed in the Draft SEIR/SEIS are necessary in order to ensure that impacts to community facilities and cohesion are effectively reduced to less-than-significant levels. Without them, HSRA will not have a substantial evidentiary basis for concluding that socioeconomic and environmental justice impacts have been properly mitigated.

MacLay Murray & Spens • Gallo Barrios Pickmann • Muñoz • Cardenas & Cardenas • Lopez Velarde • Rodyk • Boekel • OPF Partners • 大成 • McKenna Long

## Submission B017 (Diane V. Donner, Dentons US LLP, January 16, 2018) - Continued



California High Speed Rail Authority  
January 16, 2018  
Page 3

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Thank you for this opportunity to comment on the Draft SEIR/SEIS. We look forward to working with you to minimize the impacts of the Project and ensure that Kern County's most vulnerable citizens continue to get the and services they need. If you have any questions, please don't hesitate to contact me.

Sincerely,

DENTONS US LLP

A handwritten signature in blue ink, appearing to read "Ivor E. Samson".

Ivor E. Samson

cc: Hon. Dan Richards (via email)

106184855-V-2

## ATTACHMENT 1

## Submission B017 (Diane V. Donner, Dentons US LLP, January 16, 2018) - Continued



February 9, 2017

Michael Cohen, Chair  
Christopher Lief, Executive Director  
Sally Lukenbill, Deputy Director  
State Public Works Board

To Whom It May Concern:

The Kern County Homeless Collaborative is the homeless Continuum of Care (CoC) for the Bakersfield/Kern County area. We urge the State Public Works Board (SPWB) to authorize California High Speed Rail to begin site acquisition in relation to Bakersfield Homeless Center (BHC), a cornerstone of homeless services in Kern County and the only emergency shelter services for women and children, in addition to men. The announcement of the proposed alignment has not only created a hardship for BHC as an agency but will have a tremendous adverse outcome for the Bakersfield / Kern County area.

BHC provides multiple homelessness and prevention services including: emergency shelter, shower facilities, meals and emergency food boxes, intensive case management to remove barriers for housing and return to independent living (and sustain housing), GED, access to medical assistance, licensed on-site childcare and afterschool children's program, job training and vocational placement services, laundry, transportation, a donations warehouse (for emergency clothing solutions and transitioning homeless people into housing by furnishing their homes), and the only provider of rapid rehousing programs in the county, and more. There is no other facility in our 8,150 square mile county that could absorb this service population.

A day's gap of services would be devastating to the more than 100 children and nearly 100 adults who sleep at the shelter each night. This would literally affect thousands of the most vulnerable in our society not to mention the hundreds of others receiving aftercare and supportive services that keep them from recidivism.

Upon receipt of the February 2015 High Speed Rail Authority notice, that the BHC campus would be entirely affected, BHC ceased having the ability to raise philanthropic dollars for maintenance and repairs as the building is no longer determined to have a "usable lifetime". The ripple effect of this impact has resulted in a morally unacceptable service delivery environment, to defenseless individuals (and victims) and families who are homeless, to be served in deteriorating facilities.

We respectfully ask the SPWB to understand the magnitude of relocating a unique, special use, nonprofit facility in a community with no alternative facilities within almost a five-hour drive radius (not to mention most have no mode of transportation other than to walk).

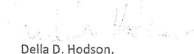
This means these fragile people would be on the streets.

Societal frame of thinking will often be "not in my back yard" and will be a difficult mindset to overcome when it comes to relocating to a permanent location.

The Kern County Homeless Collaborative, as the Bakersfield / Kern County Continuum of Care CA-604, asks that the Board authorize the site acquisition expeditiously so that the homeless scope of care (with 28 homeless service provider members and our community partners) can work to support Bakersfield Homeless Center as they begin the challenging process (determining the facility's value, agreeing upon terms, estimating a timeline, acquiring new property, designing a facility, constructing a new campus and finally relocating) most importantly without disruption of services.

We respectfully implore an expedited response so that Bakersfield Homeless Center – the only a vital link to homelessness emergency services for women and children – can begin the process of moving forward and planning as they care for those who are vulnerable in our community.

Respectfully,

  
Della D. Hodson,  
CEO / President –  
United Way of Kern County  
Collaborative Applicant and Fiscal Sponsor –  
Kern County Homeless Collaborative

DDH:cal

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@kernhomeless [www.endkernhomeless.org](http://www.endkernhomeless.org) [www.facebook.com/KernCountyHomelessCollaborative](http://www.facebook.com/KernCountyHomelessCollaborative)  
United Way of Kern County is the fiscal sponsor and Collaborative Applicant of the Kern County Homeless Collaborative, the Bakersfield/Kern County Continuum of Care. For nearly two decades the Kern County Homeless Collaborative (made up of individuals, businesses, nonprofit agencies, government, and faith based entities) has worked collectively with members, community partners and hundreds of volunteers to prevent and end homelessness in Kern County. United Way provides infrastructure and administrative support for the approximately \$5.4 million Bakersfield/Kern CA-604 Continuum of Care (CoC) application to the US Dept. of Housing and Urban Development.

5405 Stockdale Highway 200 Bakersfield CA 93309 661 834 1820 661 834 2952 fax  
@kernhomeless [www.endkernhomeless.org](http://www.endkernhomeless.org) [www.facebook.com/KernCountyHomelessCollaborative](http://www.facebook.com/KernCountyHomelessCollaborative)  
United Way of Kern County is the fiscal sponsor and Collaborative Applicant of the Kern County Homeless Collaborative, the Bakersfield/Kern County Continuum of Care. For nearly two decades the Kern County Homeless Collaborative (made up of individuals, businesses, nonprofit agencies, government, and faith based entities) has worked collectively with members, community partners and hundreds of volunteers to prevent and end homelessness in Kern County. United Way provides infrastructure and administrative support for the approximately \$5.4 million Bakersfield/Kern CA-604 Continuum of Care (CoC) application to the US Dept. of Housing and Urban Development.

## Submission B017 (Diane V. Donner, Dentons US LLP, January 16, 2018) - Continued

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www.co.kern.ca.us/bosdus5

**LETICIA PEREZ**  
SUPERVISOR - FIFTH DISTRICT

February 9, 2017

Michael Cohen, Chair  
State Public Works Board  
915 L Street, Ninth Floor  
Sacramento, CA 95814

Dear Chairman Cohen:

This letter is in support of the California High Speed Rail Authority to begin site acquisition of the Bakersfield Homeless Center. The Bakersfield Homeless Center (BHC) is the cornerstone of homeless services in Kern County, and the announcement of the proposed alignments has created a hardship for BHC. The current plan that the California High Speed Rail Authority has proposed would severely impact this facility and the essential services it provides to Kern County.

At this time, BHC provides multiple services: emergency shelter, shower facilities, meals, medical assistance, childcare, job training and placement, transportation, afterschool children's program, emergency food boxes, donations warehouse, case management, and a myriad of other services and programs. There is, at present, no other facility in Kern County that can absorb the population of homeless families, therefore BHC cannot be closed for even a day.

Relocating a special use nonprofit facility like BHC presents a number of challenges. BHC needs to begin the process of determining the value of the facility, agree upon terms, and estimate a timeline of when the California High Speed Rail Authority can acquire it. BHC will also need to acquire a new property, design a facility, construct the new campus and finally relocate without a disruption of services. It is my understanding that the partners involved would like to move forward with this plan as quickly as possible.

BHC must remain viable for the most vulnerable members of our community. Every day that action is not taken BHC's ability to provide services is impacted and this is morally unacceptable. Time is of the essence, and I respectfully request your consideration of the California High Speed Rail Authority's acquisition of the Bakersfield Homeless Shelter so they can begin the process of moving. Thank you in advance for your time and consideration of this letter. If you should have any questions or concerns, please feel free to contact my office at (661) 868-3690.

Sincerely,

  
Leticia Perez  
Kern County Supervisor  
Fifth District

cc: Christopher Lief, Executive Director  
Sally Lukenbill, Deputy Director

**ATTACHMENT 2**



## Submission B017 (Diane V. Donner, Dentons US LLP, January 16, 2018) - Continued



Ivor E. Samson  
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United States

大成 薩蘭斯 FMC SNR Denton McKenna Long  
dentons.com

October 10, 2017

VIA FEDERAL EXPRESS AND EMAIL

Honorable Dan Richard  
Chair, California High Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

Re: Bakersfield Homeless Center

Dear Dan:

I am writing to you at the suggestion of Diana Gomez on behalf of my client, the Bakersfield Homeless Center ("the Center.") The Center is a special use non-profit that that serves women and children in Bakersfield and surrounding areas of Kern County and is located on Truxtun Avenue right at the junction of either route that HSR will adopt. The Center has had numerous discussions with Diana Gomez, Don Grebe and others and all are in agreement that it will be completely wiped out by the HSR alignment and needs to be re-located.

The Center does not object to its acquisition by HSR; on the contrary, we need that to happen sooner rather than later. Ever since the route through the Center was announced, it has put a cloud on continuing operations: donors are reluctant to contribute due to uncertainty, the Center has deferred needed maintenance, installation of capital improvements and long term planning is virtually impossible. HSR's appraiser inspected the property almost exactly one year ago but nothing has happened since then.

Ms. Gomez has told Center Executive Director Louis Gill that HSR would be willing to proceed with an early acquisition of the property even though it was not part of the route budgeted for in the present acquisition process. However, we understand that, despite Ms. Gomez best efforts, the Public Works Board will not approve this acquisition because it is outside of the Section 4 acquisition area.

I am writing to you to see if Louis Gill and I can meet with you at your earliest convenience to see if this situation can be resolved before the Center is harmed any further. We would be pleased to meet with you in the Bay Area, Sacramento or Bakersfield at your convenience.

## ATTACHMENT 3



## Submission B017 (Diane V. Donner, Dentons US LLP, January 16, 2018) - Continued



## Response to Submission B017 (Diane V. Donner, Dentons US LLP, January 16, 2018)

### **B017-1**

The commenter asks that impacts to the Bakersfield Homeless Center be recognized as significant under NEPA and Executive Order 12898 regarding Environmental Justice. Refer to page 5-47 of the Draft Supplemental EIR/EIS, which states:

"the F-B LGA would displace seven community facilities and directly affect an additional eight community facilities. These facilities include the Bakersfield Homeless Center, Golden Empire Gleaners, and the Mercado, which are used primarily by low-income and minority populations. The displacement of these important community facilities would disproportionately affect minority and low-income communities... Because the areas containing minority and low-income populations are more likely to experience greater displacement and community disruption and/or division impacts resulting from implementation of the F-B LGA, when compared to the larger reference community, socioeconomic and community impacts would have disproportionately high and adverse effects in these locations."

### **B017-2**

The avoidance and minimization measures, and the mitigation measures, addressing displacement as a result of the project, including displacement of community facilities like the Bakersfield Homeless Center, are adequate and effective to ensure that associated impacts are mitigated. Page 3.12-65 of the Draft Supplemental EIR/EIS describes how applicable mitigation functions with respect to both construction and operation of the project, contrary to the commenter's characterization, and how the mitigation is effective with regard to impacts from displacement to community facilities, including the Bakersfield Homeless Center. Note that the timing of certain impacts to those geographic portions of the Draft Supplemental EIR/EIS study area that are located to the south/east of a proposed station location (including the Bakersfield Homeless Center) are anticipated to occur in connection with implementation of the physical project, and thus may occur later in time and in connection with potential approval of the Bakersfield-Palmdale section.

Bakersfield Homeless Center's proposed "clarification" is similar in effectiveness to the mitigation disclosed in the Draft Supplemental EIR/EIS and, accordingly, is not adopted. Because SO MM-#3 addresses "completing new facilities before necessary relocations, and by involving affected facilities in the process of identifying new locations for their operations," (page 3.12-65), it fulfills the same purpose identified by Bakersfield Homeless Center in seeking clarification about the timing of its relocation. Note further that avoidance and minimization measures detailed in Chapter 5 of the Draft Supplemental EIR/EIS, including SO-AM#2, will support the relocation process for facilities like the Bakersfield Homeless Center, and SO-MM#6 provides opportunities for affected communities to further engage with the Authority, including exploration of potential benefits for affected populations.

## Response to Submission B017 (Diane V. Donner, Dentons US LLP, January 16, 2018) - Continued

### **B017-3**

The commenter provides a short description of coordination between the Authority and the BHC regarding acquisition of the facility. Bakersfield Homeless Center's proposed "revision" is similar in effectiveness to the mitigation disclosed in the Draft Supplemental EIR/EIS and, accordingly, is not adopted. Because SO MM-#3 addresses "completing new facilities before necessary relocations, and by involving affected facilities in the process of identifying new locations for their operations," (page 3.12-65), it fulfills the same purpose identified by Bakersfield Homeless Center in seeking clarification about the timing of its relocation. Note that avoidance and minimization measures detailed in Chapter 5 of the Draft Supplemental EIR/EIS, including SO-AM#2, will support the relocation process for facilities like the Bakersfield Homeless Center, and SO-MM#6 provides opportunities for affected communities to further engage with the Authority, including exploration of potential benefits for affected populations. Note further that Bakersfield Homeless Center's proposed "revision" focusing on a "transition plan" shortly after a potential approval may also be infeasible in the context of the Homeless Center's location to the south/east of a proposed station location, insofar as the timing of impacts would be anticipated to occur later in time and in connection with potential approval of the Bakersfield-Palmdale section.

## Submission B018 (Daryl Wilkendorf, Farmland Reserve, Inc., January 15, 2018)

Fresno - Bakersfield (2014 June+) - RECORD #438 DETAIL	
Status :	Action Pending
Record Date :	1/22/2018
Response Requested :	No
Affiliation Type :	Business and/or Organization
Interest As :	Business and/or Organization
Submission Date :	1/15/2018
Submission Method :	Letter
First Name :	Daryl
Last Name :	Wilkendorf
Professional Title :	Executive Vice President
Business/Organization :	Farmland Reserve, Inc.
Address :	15443 Beech Avenue
Apt./Suite No. :	
City :	Wasco
State :	CA
Zip Code :	93280
Telephone :	661-391-9000
Email :	
Email Subscription :	
Cell Phone :	
Add to Mailing List :	Yes
Stakeholder Comments/Issues :	
EIR/EIS Comment :	Yes
Official Comment Period :	
Attachments :	438_Wilkendorf_letter_011518_Original.pdf (385 kb)

### Farmland Reserve, Inc.

79 South Main Street, Suite 1000  
Salt Lake City, UT 84111-1945  
(801) 715-9100

15443 Beech Ave.  
Wasco, CA 93280  
(661) 391-9000

January 15, 2018

### VIA MAIL AND EMAIL

Attn: Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section  
California High-Speed Rail Authority  
770 L Street  
Suite 620 MS-1  
Sacramento, CA 95814  
[Fresno\\_Bakersfield@hsr.ca.gov](mailto:Fresno_Bakersfield@hsr.ca.gov)

RE: Comments to Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section

To Whom It May Concern:

Farmland Reserve, Inc., is an agricultural company with prime farmland and other production and processing assets in Kern County. We support the originally approved BNSF alignment and oppose the proposed "Fresno to Bakersfield Locally Generated Alternative" alignment.

The proposed alignment of the "Fresno to Bakersfield Locally Generated Alternative" (the "F-B LGA") presented in the above-referenced Draft Supplemental EIR/EIS bifurcates FRI property located along Burbank Avenue within the jurisdictional limits of the City of Shafter.

The FRI land and other impacted land in the area are classified as some of the richest farmland in the world. These rich San Joaquin Valley soils, coupled with ideal climatic conditions and a superb water supply (North Kern Water Storage District, "NKWSD", with strong Kern River water rights), provide the most ideal pistachio production lands available anywhere. In fact, these lands strongly contribute to t Kern County's standing as California's leading pistachio producer and its rank among the top three agricultural counties in the state. Cutting into this prime farmland should weigh heavily on the decision of placement of tracks. The unique swath of land being directly and permanently impacted by the rail alignment simply cannot be replaced.

B018-1

## Submission B018 (Daryl Wilkendorf, Farmland Reserve, Inc., January 15, 2018) - Continued


B018-2 | Nevertheless, if the F-B LGA is ultimately selected as the preferred alternative and the Supplemental EIR/EIS is certified, a primary objective should be to minimize the loss of prime farmland. We strongly urge the Authority to take deliberate steps to mitigate such detrimental effects.

B018-3 | Accordingly, we recommend that the California High-Speed Rail Authority implement the following in the design of the rail alignment and related facilities so that farming can continue on some or all of what will be left of the FRI land that will be isolated between the proposed alignment and Burbank Avenue:

- Address safety and logistical concerns by providing:
  - At least two additional "ag undercrossings" at the locations identified in the attached map.
    - Minimum size requirements to be determined.
  - Additional "harvest roads" necessary due to the bifurcation
    - Minimum size requirements to be determined.
- Resolve all irrigation issues created by the bifurcation
  - Re-engineer and build irrigation system with capacities to match existing system
    - Build reservoir(s) and lift system(s) and all other water systems and facilities as deemed necessary
  - Provide "utility sleeves" (at sufficient size) to serve the bifurcated section
  - Provide facilities as necessary (i.e. pumps, pipelines, etc...) to maintain access to NKWSD supplies

B018-4 | While we oppose the proposed F-B LGA alignment, we appreciate this opportunity to comment on the Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section and look forward to further opportunities to discuss the needs raised in this letter. Any inquiries should be directed to Todd Turley, Land & Governmental Affairs at the Wasco address shown above or by email at: [tturley@ari-slc.com](mailto:tturley@ari-slc.com).

Sincerely,



Daryl Wilkendorf  
Executive Vice President

## Response to Submission B018 (Daryl Wilkendorf, Farmland Reserve, Inc., January 15, 2018)

### B018-1

The Central Valley of California is one of the most productive agricultural areas in the world. As described in Section 3.14 of the Draft Supplemental EIR/EIS, the project would have a direct effect on agricultural production through conversion of agricultural land to a transportation use, disruption of agricultural operations in Kern County, and a resultant indirect effect on the agricultural economy. Under the May 2014 Project, approximately 485 acres of prime farmland would be converted to a transportation-related use as a result of the project. Under the F-B LGA, approximately 372 acres of farmland, of which 370 acres are prime farmland, would be converted to a transportation-related use as a result of the project. This would result in the permanent loss of these agricultural lands, which the Draft Supplemental EIR/EIS identifies as a significant impact under CEQA. (Note that the Fresno to Bakersfield Section Final EIR/EIS also identified this impact as significant pursuant to NEPA.) Kern County has about 2.7 million acres of farmland, including about 597,771 acres of prime farmland (California Department of Conservation 2015). Nonetheless, the overall impact of the project on agricultural land in the San Joaquin Valley (including Kern County) is identified as a significant adverse impact (see Tables 3.14-10 and 3.14-11 of the Draft Supplemental EIR/EIS) and as contributing to cumulative farmland loss in the San Joaquin Valley.

To mitigate this impact, the Authority will utilize the services of the Department of Conservation's Farmland Conservancy Program to identify suitable agricultural land for permanent preservation through the purchase of conservation easements from willing sellers (see AG-MM#1 in Section 3.14.7 of the Fresno to Bakersfield Section Final EIR/EIS). The Authority has negotiated a contract with the Department of Conservation for this purpose and provided initial funding for agricultural land mitigation in the Merced to Fresno and Fresno to Bakersfield sections. As identified in the scope of work for that contract, the Authority and the Department of Conservation will develop selection criteria for the easements that will include, but not be limited to, the requirements in Public Resources Code section 10252, including the prioritization of easements on lands adjacent to other protected agricultural lands or that provide greenbelts or urban separators that have the added benefit of limiting urban sprawl. This mitigation measure will lessen the impact, but the Fresno to Bakersfield Section Final EIR/EIS recognizes that the converted farmland will be permanently lost for the production of agricultural commodities.

### B018-1

In total, Kern County in the Fresno to Bakersfield Section accounted for about \$6.8 billion of the total \$47.1 billion (or about 14 percent) of the agricultural revenue generated in the state in 2015 (CDFA 2015). The project would have an effect on agricultural production through its conversion of agricultural land and effects on infrastructure (including access roads). It is expected that some of this production would relocate elsewhere within the San Joaquin Valley. Relocation would depend upon a number of variables, including the desires of the displaced farm owners, and cannot be accurately predicted. In some cases, production could not be easily replaced given the limited availability of suitable replacement lands or difficulties related to permitting necessary to continue production at a new site.

Some relocated agricultural production would take time to re-establish full production levels. In addition, any reduced agricultural production would have an additional multiplier effect on the region's economy and could affect businesses involved in agricultural services, food processing, and the transportation of goods (see Section 3.12 of the Fresno to Bakersfield Final EIR/EIS). In order to address this concern, the Final EIR/EIS included a commitment (see Section 3.14.6, Project Design Features) to assign a representative to act as a single point of contact to assist each confined animal facility owner during the process of obtaining new or amended permits or other regulatory compliance necessary to the continued operation or relocation of the facility. For information on relocation assistance, see Section 3.12 of the Fresno to Bakersfield Section Final EIR/EIS (Socioeconomics, Communities, and Environmental Justice) and FB-Response-SO-01 of the Fresno to Bakersfield Section Final EIR/EIS.

The project must also adhere to California Relocation Assistance Act requirements, which are discussed in Appendix 3.12-A of the Fresno to Bakersfield Section Final EIR/EIS. Information about acquisition, compensation, and relocation assistance is also available on the Authority's website. Even with this assistance there would be potential for temporary disruption to agricultural operations as production is reallocated between owners, where severed parcels are transferred to adjoining owners, and as facilities are relocated. Related economic sectors, such as processing facilities, could also experience some short-term multiplier effects from reduced production.

## Response to Submission B018 (Daryl Wilkendorf, Farmland Reserve, Inc., January 15, 2018) - Continued

### B018-1

#### **Employment**

Employment in the agricultural sector accounted for about 16 percent of the total industry employment in 2013 in Kern County (see Section 3.12.3 of the Draft Supplemental EIR/EIS). The conversion of agricultural land could result in a reduction in the number of farm workers, who could be negatively affected if the acquisition were to result in permanent job losses or they were unable to find work on another farm or industry in the region. This effect would be minimized if the agricultural production were to relocate elsewhere in the region. Although Kern County has policies to protect agricultural lands, according to the California Department of Conservation farmland conversion data, conversions of Important Farmland continue to occur. Kern County reported a 13,970 acre reduction in Important Farmland between 2008 and 2014 (California Department of Conservation 2014b). Population growth and the associated pressure for rural, small ranches, and urban development primarily drive the loss of Important Farmland. More recently, the trend to situate solar photovoltaic facilities on agricultural lands has reduced the total number of Important Farmland acres. In addition, the Kern County Council of Governments 2014 RTP/SCS forecasts the addition of 602,900 residents by 2040 (2014-2040 planning period). As a result, Important Farmland loss from urban expansion is expected to convert approximately 24 square miles. Nevertheless, this is less than two percent of Important Farmland and 1/10th the conversion compared to the previous 22 years. This substantially lower rate of farmland conversion is largely due to local government efforts to balance urban expansion with the conservation of economically viable farmland (Kern County Council of Governments 2014).

#### **Road Closures**

In addition to the permanent property acquisitions, the project would also result in road closures where the alignment would be at-grade. Permanent road closures resulting from the project were examined to identify potential effects on regional access for agricultural operations (please see Section 3.14.4 of the Draft Supplemental EIR/EIS). The potential effects from restriction in regional access include increased costs to operations and increased difficulties in moving workers and equipment to cultivate and harvest fields and deliver products to processing facilities and markets. There would be a total of 10 road closures as a result of the F-B LGA, 6 of which would be in rural areas and therefore could potentially impact agricultural operations. However, for the May

### B018-1

2014 Project and the F-B LGA, the road closures associated with the project would be dispersed and detours to alternative routes or alternative property access would be approximately 2 miles long or less. As a result, regional access for agricultural operations (e.g., moving workers and equipment to cultivate and harvest fields and deliver products to processing operations and markets) is not expected to be restricted.

#### **Impacts to Individual Agricultural Operations**

The HSR project in the Fresno to Bakersfield Section would adversely affect individual farms and other agricultural operations. Construction of the HSR System would result in disruption to or removal of existing infrastructure such as buildings and other structures, pumps and wells, reservoirs/tailwater ponds, irrigation systems (including distribution lines, canals, and gravity flow systems), power supplies, and access. The Authority is sensitive to the importance of these disruptions to agricultural operations, including the acquisition of all or a portion of infrastructure needed for agricultural operations. The Authority will acquire right-of-way for the high-speed rail project in accordance with the Uniform Relocation Act (42 U.S.C. Ch. 61). The Uniform Relocation Act establishes minimum standards for treatment and compensation of individuals whose real property is acquired for a federally funded project. For more information on the Uniform Relocation Act, see Chapter 3.12 of the Fresno to Bakersfield Section Final EIR/EIS (Socioeconomics, Communities, and Environmental Justice) and FB-Response-SO-01 of the Fresno to Bakersfield Section Final EIR/EIS. The project must also adhere to California Relocation Assistance Act requirements, which are discussed in Appendix 3.12-A of the Fresno to Bakersfield Section Final EIR/EIS. Information about acquisition, compensation, and relocation assistance is also available on the Authority's website.

### B018-2

Refer to Response to Comment B002-1 in Chapter 23 of this Final Supplemental EIS.



## Response to Submission B018 (Daryl Wilkendorf, Farmland Reserve, Inc., January 15, 2018) - Continued

### **B018-3**

This comment relates to a request for specific design amendments related to the Farmland Reserve, Inc. property and does not provide a comment on the adequacy or content of the analysis contained in the Draft Supplemental EIR/EIS. The Draft Supplemental EIR/EIS includes an analysis of the feasibility of continued agricultural activity on remnant parcels along the alignment. As noted under Impact AG#5, Effects on Agricultural Land from Parcel Severance, parcel severance could cause hardship to irrigation systems. The Authority would work with irrigation districts and landowners to protect irrigation systems as they intersect HSR. During the right-of-way acquisition process, the Authority's right-of-way agents will work with each affected property owner to address issues of concern.

### **B018-4**

The Authority takes this comment into consideration and will continue to coordinate with private and public sectors during the environmental review process and subsequent phases of the project (right-of-way acquisition, regulatory permitting, final design, etc.).

## Submission B019 (James Spillers, Flooring Liquidators, January 16, 2018)

**Fresno - Bakersfield (2014 June+) - RECORD #347 DETAIL**

Official Comment Period : Yes

**Status :** Action Pending  
**Record Date :** 1/16/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Individual  
**Submission Date :** 1/16/2018  
**Submission Method :** Project Email  
**First Name :** James  
**Last Name :** Spillers  
**Professional Title :** Outside Sales  
**Business/Organization :** Flooring Liquidators  
**Address :**  
**Apt./Suite No. :**  
**City :**  
**State :**  
**Zip Code :**  
**Telephone :**  
**Email :** james\_s@flooringliquidators.net  
**Email Subscription :**  
**Cell Phone :** 661-549-3770  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

B019-1

Having the station on F street and Golden State makes NO SENSE. Your original proposal on Truxtin Avenue is the only smart place for the station- please do not allow the station to go on Golden State- this "local recommendation" from Alan Tandy and the City Council is nonsensical.

Please place it on Truxton Avenue- it makes NO sense elsewhere- for safety, useability and any other reason!!!!

Thank you

James Spillers  
661.549.3770

--

Thank you,

James Spillers  
Outside Sales

Flooring Liquidators  
Bakersfield, CA

(661)549-3770 Mobile

**EIR/EIS Comment :** Yes

## Response to Submission B019 (James Spillers, Flooring Liquidators, January 16, 2018)

### **B019-1**

Refer to Standard Response FB-LGA-Response-General-08: Support of/Opposition to the Fresno to Bakersfield Locally Generated and May 2014 Project Alternatives.

## Submission B020 (Brianna Heiber, Flooring Liquidators Branch 9, January 16, 2018)

### Fresno - Bakersfield (2014 June+) - RECORD #394 DETAIL

**Status :** Action Pending  
**Record Date :** 1/17/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Individual  
**Submission Date :** 1/16/2018  
**Submission Method :** Project Email  
**First Name :** Brianna  
**Last Name :** Heiber  
**Professional Title :**  
**Business/Organization :** Flooring Liquidators Branch 9  
**Address :** 6611 Rosedale Hwy  
**Apt./Suite No. :**  
**City :** Bakersfield  
**State :** CA  
**Zip Code :** 93308  
**Telephone :** 661-589-0123  
**Email :** brianna@flooringliquidators.net  
**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

B020-1 | put the station for the new high speed rail on TRUXTON AVENUE

--

Brianna Heiber  
 Flooring Liquidators Branch 9  
 661-589-0123  
 6611 Rosedale Hwy  
 Bakersfield Ca 93308  
 Check us out on Yelp!

**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes

## Response to Submission B020 (Brianna Heiber, Flooring Liquidators Branch 9, January 16, 2018)

### **B020-1**

Refer to Standard Response FB-LGA-Response-GENERAL-10: Comments with Opinion Only.

## Submission B021 (Jonathan Yates, International Agricultural Development Graduate Group, January 11, 2018)

<b>Fresno - Bakersfield (2014 June+) - RECORD #271 DETAIL</b>
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<b>Status :</b>	Action Pending
<b>Record Date :</b>	1/11/2018
<b>Response Requested :</b>	
<b>Affiliation Type :</b>	Business and/or Organization
<b>Interest As :</b>	Business and/or Organization
<b>Submission Date :</b>	1/11/2018
<b>Submission Method :</b>	Project Email
<b>First Name :</b>	Jonathan
<b>Last Name :</b>	Yates
<b>Professional Title :</b>	
<b>Business/Organization :</b>	International Agricultural Development Graduate Group
<b>Address :</b>	
<b>Apt./Suite No. :</b>	
<b>City :</b>	
<b>State :</b>	
<b>Zip Code :</b>	
<b>Telephone :</b>	
<b>Email :</b>	jeyates@ucdavis.edu
<b>Email Subscription :</b>	
<b>Cell Phone :</b>	
<b>Add to Mailing List :</b>	
<b>Stakeholder Comments/Issues :</b>	

Dear HSRA,

B021-1 | It's difficult for the EIR proposed by the Bakersfield City Council to be considered credible when cost and impact estimates are not properly explained and source documents are unavailable. How are we truly supposed to compare the price of the two alternatives and the impact on land and surrounding neighborhoods/properties unless this is more clear?

Thanks,  
Jonathan

--

Jonathan Yates  
International Agricultural Development Graduate Group  
UC Davis  
jeyates@ucdavis.edu  
**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes

## Response to Submission B021 (Jonathan Yates, International Agricultural Development Graduate Group, January 11, 2018)

### B021-1

The commenter requests explanations of and source documents for cost and impact estimates in the Draft Supplemental EIR/EIS. The commenter inaccurately attributes the Draft Supplemental EIR/EIS to the Bakersfield City Council; while the City was involved in the development of the LGA, the Draft Supplemental EIR/EIS was developed by the HSR Authority and FRA and the Final Supplemental EIR and Final Supplemental EIS was developed by the HSR Authority.

Comparative cost data is included in Chapter 6 of the Draft Supplemental EIR/EIS; however, the 2017 Cost Estimate Report (the source document for Chapter 6) contains a more detailed cost comparison and is available by request. All source documents used in the preparation of the Draft Supplemental EIR/EIS and the Final Supplemental EIR and Final Supplemental EIS are available by request, pursuant to the Public Records Act. Instructions and further information about Public Records Act requests can be found on the Authority's website. The Authority encourages written requests submitted via email to [records@hsr.ca.gov](mailto:records@hsr.ca.gov).

To send a written request via postal mail:  
California High-Speed Rail Authority  
Marie Hoffman/Public Records Officer  
770 L Street, Suite 620 MS1  
Sacramento, CA, 95814

Written requests should include details that will enable staff to identify and locate the requested records. The request should include a telephone number where the person making the request can be reached to discuss the request if the Authority needs additional information to locate the requested records.

Within 10 days from the date the request is received, the Authority will make a determination on the request and will notify the requester of its decision. If the determination cannot be made within 10 days due to unusual circumstances as defined in Government Code section 6253.1, the Authority will notify the requesting person of the reasons for the delay and the date when the determination will be issued. No such notice shall specify a date that results in an extension of more than 14 days.

### B021-1

## Submission B022 (Unknown, Kern Apartments, January 16, 2018)

Fresno - Bakersfield (2014 June+) - RECORD #426 DETAIL	
Status :	Action Pending
Record Date :	1/19/2018
Response Requested :	No
Affiliation Type :	Business and/or Organization
Interest As :	Business and/or Organization
Submission Date :	1/16/2018
Submission Method :	Program Info Line
First Name :	Unknown
Last Name :	Unknown
Professional Title :	Manager
Business/Organization :	Kern Apartments
Address :	
Apt./Suite No. :	
City :	
State :	CA
Zip Code :	
Telephone :	
Email :	
Email Subscription :	
Cell Phone :	
Add to Mailing List :	Yes
Stakeholder Comments/Issues :	

B022-1 | Hi I'm the manager of Kern Apartments calling to leave a comment on the Fresno to Bakersfield section I'm just calling to let you know that I oppose the F Street station alignment and support the Truxtun station and the Hybrid alignment, uh again I support the Truxtun station and the Hybrid alignment, thank you have a good day.

EIR/EIS Comment : Yes

Official Comment Period : Yes



## Response to Submission B022 (Unknown, Kern Apartments, January 16, 2018)

### B022-1

Refer to Standard Response FB-LGA-Response-GENERAL-10: Comments with Opinion Only.

## Submission B023 (Michael Geyer, KERNTec Engineering, January 16, 2018)

**Fresno - Bakersfield (2014 June+) - RECORD #322 DETAIL**

**Status :** Action Pending  
**Record Date :** 1/16/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Individual  
**Submission Date :** 1/16/2018  
**Submission Method :** Project Email  
**First Name :** Michael  
**Last Name :** Geyer  
**Professional Title :** PE, CIH, CSP, Project Director  
**Business/Organization :** KERNTec Engineering  
**Address :**  
**Apt./Suite No. :**  
**City :** Bakersfield  
**State :** CA  
**Zip Code :**  
**Telephone :**  
**Email :** megeyer@atg1.com  
**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

Greetings:

It is with great pleasure that I am able to provide comment to the HSR Board.

B023-1

It shall be known that I am not a fan of the proposed California High-Speed Rail (HSR). As a California long-time resident and taxpayer, I feel that the proposed budget that I read when voting on bonds and tax dollars to be spent on HSR in California was under-represented, and the value and ridership of HSR was over-represented. I feel that this was intentionally misleading and disingenuous to do so.

That said, the proposed \*F\* Street and Golden State location of the HSR station in Bakersfield further supports my disbelief and distrust of those in charge of California's HSR ? the \*F\* Street location makes no logical, practical or reasonable sense!!! I, as a professional engineer involved with many public works projects throughout my 30-yr career, cannot fathom the basis for seriously considering the \*F\* Street location; especially when compared to the alternate Truxtun Avenue location. I have tried to be open-minded re the HSR station's location in Bakersfield, but in all seriousness, the Truxtun location makes better use of existing infrastructure, brings HSR ridership closer to downtown Bakersfield and its convention facilities, and represents less cost and better use of taxpayer

B023-1

dollars.

If a HSR station is to be built in Bakersfield, the Truxtun location should be the only logical choice.

Respectfully submitted,

Michael Geyer

--

Michael Geyer, PE, CIH, CSP  
 Project Director  
 KERNTec Engineering  
 Bakersfield, California  
 www.kerntecindustries.com

**EIR/EIS Comment :** Yes

**Official Comment Period :** Yes

## Response to Submission B023 (Michael Geyer, KERNTEC Engineering, January 16, 2018)

### **B023-1**

Refer to Standard Response FB-LGA-Response-General-08: Support of/Opposition to the Fresno to Bakersfield Locally Generated and May 2014 Project Alternatives.

Refer to Table 6-1 of the Draft Supplemental EIR/EIS for a summary of the capital costs associated with the May 2014 Project and the F-B LGA. As shown in the table, the capital costs associated with the May 2014 Project are estimated at \$2,893.7 million, while the F-B LGA capital costs are estimated at \$2,687.5 million, a difference of more than \$200 million.

## Submission B024 (Kalpesh Patel, Kerntown Motel, December 7, 2017)

Fresno - Bakersfield (2014 June+) - RECORD #172 DETAIL	
Status :	Action Pending
Record Date :	12/7/2017
Response Requested :	Yes
Affiliation Type :	Business and/or Organization
Interest As :	Business and/or Organization
Submission Date :	12/7/2017
Submission Method :	Website
First Name :	Kalpesh
Last Name :	Patel
Professional Title :	Owner
Business/Organization :	Kerntown Motel
Address :	
Apt./Suite No. :	
City :	Bakersfield
State :	CA
Zip Code :	93305
Telephone :	661-747-6372
Email :	kerntown@gmail.com
Email Subscription :	Bakersfield to Palmdale , Board of Directors, Central Valley, Construction Package 4 Updates, Locally Generated Alternative (Bakersfield)
Cell Phone :	
Add to Mailing List :	No
Stakeholder Comments/Issues :	

B024-1 | I would like to get an in depth understanding on the process and the timeline, plus how my property is impacted? couple of years ago i had a meeting with Diana Gomez, in which she informed me that my property will be acquired by the HSR Authority, with an early buyout, this was mutually agreed...

How do i get a list of properties that will be acquired by the HSR Authority? Further to that a list of properties with early buyout? where are these list in the draft document(s)?

If my property is not listed on the list of properties to be acquired, how would i go about having it listed for acquisition? and if it is not on the early buyout list, what need to be done to to be placed on the early buyout list?

EIR/EIS Comment : Yes

Official Comment Period : Yes

## Response to Submission B024 (Kalpesh Patel, Kerntown Motel, December 7, 2017)

### B024-1

A list of impacted parcels is not provided in the Draft Supplemental EIR/EIS; however, Appendix 3.1-A of the Draft Supplemental EIR/EIS graphically depicts the impacted parcels within the HSR footprint and identifies whether the parcel would be permanently or temporarily impacted.

The Authority has worked closely with government agencies, businesses, and individuals to refine the F-B LGA design to avoid or minimize impacts, including property acquisitions, to the maximum extent possible in light of the performance criteria for the high-speed rail. This refinement process will continue throughout final design for the selected alternative.

The Authority will acquire the land of property owners whose land is directly affected by the project in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sec. 4601 et seq.) (Uniform Act) and Implementing Regulations (49 C.F.R. Part 24). The Uniform Act establishes minimum standards for treatment and compensation of individuals whose real property is acquired for a federally funded project.

For all acquisition of real property, the Uniform Act requirements include the following:

Appraisal of the property before negotiation begins

An invitation to the property owner to be present for the appraisal

A written offer of just compensation and a summary of what is being acquired

Payment for property before taking possession of it

An offer to acquire uneconomic remnants

Reimbursement for expenses resulting from the transfer of title

The Authority will negotiate on a case-by-case basis with property owners whose land would be impacted by the HSR System. Land will be acquired by the Authority at fair market value, as determined by the process described above. The Authority also has the power of eminent domain, allowing it to condemn the property of unwilling sellers, with payment of just compensation (i.e., fair market value) to the property owner. Eminent domain would be viewed as a last resort used to acquire the land for the public purpose of developing the statewide HSR System. Information on the eminent domain process is available on the Authority's website, please see, Your Property, Your High-

### B024-1

Speed Rail Project (Authority 2013).

Just compensation is an amount paid to a property owner for property acquired for public purposes that is not less than the fair market value of the property acquired, including damages or benefits to the remaining property. Compensation would include any measurable loss in value to the remaining property as a result of a partial acquisition.

When displacement results from the acquisition of non-residential properties, such as businesses and farms, the Uniform Act's provisions for relocation assistance include:

Relocation advisory services

A minimum 90-day written notice to vacate before taking possession

Reimbursement for moving and reestablishment expenses

The California Relocation Assistance Act (CRAA) essentially mirrors the Uniform Act and also ensures consistent and fair treatment of owners, expedited acquisition of property by agreement to avoid litigation, and promotion of confidence in the public land acquisitions process. However, if there is federal funding on the project, as here, the Uniform Act takes precedence.

A property owner may also claim a loss of business goodwill under California Code of Civil Procedure 1263.510 et seq. Goodwill is defined as the benefits that accrue to a business because of its location; reputation for dependability, skill, or quality; and any other circumstances resulting in probable retention of old or acquisition of new patronage. Loss of Goodwill is paid as an acquisition expense, but some of the items considered in calculating loss of goodwill may also be covered as a relocation expense.

Consistent with the requirements of the Uniform Act and CRAA, the Authority is committed to working closely and proactively with residents and businesses to help them plan ahead for relocation, find new homes or sites, and solve problems related to the acquisitions. While relocation assistance would mitigate the displacement, relocation could still represent an inconvenience or hardship to some property owners.

The Authority's relocation assistance and advisory services would include, but not be

## Response to Submission B024 (Kalpesh Patel, Kerntown Motel, December 7, 2017) - Continued

### **B024-1**

limited to, measures, facilities, or services that may be necessary or appropriate to determine the relocation needs and preferences of each household, business, farm, and nonprofit organization to be displaced. The Authority would provide current information on the availability, purchase prices, and rental costs of comparable replacement dwellings. Other benefits and compensation may include payment of residential moving expenses and replacement housing payments, nonresidential moving expenses, and reestablishment expenses. The Authority's relocation assistance documents in Appendix 3.12-A outline compensation and acquisition procedures in detail. For any properties acquired for the project, including any community facilities identified in Draft Supplemental EIR/EIS Section 3.12.3.7, Communities and Neighborhoods, the Authority would comply with appropriate provisions of the federal Uniform Relocation Act. Property owners whose entire or partial property would be acquired by the Authority would receive just compensation for their land and improvements.

Additional information about acquisition, compensation, and relocation assistance, and the Uniform Act, is also available in Appendix 3.12-A of the Fresno to Bakersfield Section Final EIR/EIS, and on the Authority's website.

## Submission B025 (Steve Dempsey Jr., KS Industries, LP, January 16, 2018)

**Fresno - Bakersfield (2014 June+) - RECORD #402 DETAIL**

Official Comment Period : Yes

**Status :** Action Pending  
**Record Date :** 1/17/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Individual  
**Submission Date :** 1/16/2018  
**Submission Method :** Project Email  
**First Name :** Steve  
**Last Name :** Dempsey Jr.  
**Professional Title :** Project Controls  
**Business/Organization :** KS Industries, LP  
**Address :** 6205 District Blvd.  
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**City :** Bakersfield  
**State :** CA  
**Zip Code :** 93313  
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**Email :** SDempseyjr@ksilp.com  
**Email Subscription :**  
**Cell Phone :** 661-203-5499  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

B025-1

I'm a citizen of the city of Bakersfield and would prefer the high speed rail station to be placed at the Truxtun Ave location

Sent from my iPhone

Steve Dempsey Jr.  
 Project Controls  
 KS Industries, LP  
 6205 District Blvd.  
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Mobile: 1(661) 203-5499

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**EIR/EIS Comment :** Yes

## Response to Submission B025 (Steve Dempsey Jr., KS Industries, LP, January 16, 2018)

### B025-1

Refer to Standard Response FB-LGA-Response-GENERAL-10: Comments with Opinion Only.



# Submission B026 (Adeyinka Glover, Leadership Counsel for Justice and Accountability, January 16, 2018)

**Fresno - Bakersfield (2014 June+) - RECORD #334 DETAIL**

**Status :** Action Pending  
**Record Date :** 1/16/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Business and/or Organization  
**Submission Date :** 1/16/2018  
**Submission Method :** Project Email  
**First Name :** Adeyinka  
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**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

**Attachments :** 334\_LdrshpCnslfrJstceandAcctbilty\_email\_011618\_Attachment.pdf (3 mb)

Good afternoon,

My name is Adeyinka Glover and I work at Leadership Counsel for Justice and Accountability. Attached please find a joint comment letter from Leadership Counsel, Central California Environmental Justice Network, and Faith in the Valley.

Please let me know if you have any questions.  
 Yinka

--

Adeyinka Glover, Esq.

Attorney

Leadership Counsel for Justice and Accountability

(661) 843-7677

aglover@leadershipcounsel.org

**EIR/EIS Comment :** Yes

**Official Comment Period :** Yes

# Submission B026 (Adeyinka Glover, Leadership Counsel for Justice and Accountability, January 16, 2018) - Continued



January 16, 2018

Attn: Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section  
California High-Speed Rail Authority  
770 L Street, Suite 620 MS-1  
Sacramento, CA 95814

## **Re: Comments on Fresno to Bakersfield Draft Supplemental EIR/EIS**

To Whom It May Concern:

Thank you for the opportunity to submit comments regarding the California High-Speed Rail Authority ("HSRA") Fresno to Bakersfield Draft Supplemental EIR/EIS ("Draft"). Leadership Counsel, along with Central California Environmental Justice Network and Faith in the Valley are partners in the comments. Leadership Counsel for Justice and Accountability works alongside residents of disadvantaged communities across the San Joaquin and East Coachella Valley, including throughout Kern County, to advocate for sound policy and eradicate injustice and secure equal access to opportunity regardless of wealth, race, income or place. Through our comments, we seek to ensure that the Fresno-Bakersfield alignment creates sustainable, equitable, and effective transportation options that benefit all of Kern County's residents, and that the HSRA has thoroughly evaluated and mitigated the environmental and human impacts of the alignment—from construction through operation—on Kern County's disadvantaged communities and populations in accordance with the California Environmental Quality Act ("CEQA") and state and federal fair housing and civil rights laws.

B026-1

Leadership Counsel understands that there are two proposed routes of HSR through Kern County: the Hybrid Alignment ("Hybrid") also known as the "May 2014 Project Alternative") and the Locally Generated Alternative (LGA). Each option's route affects Kern County substantially differently. The Hybrid for the most part follows the already established BNSF rail line. The LGA charts its own path and would require more property acquisition and road construction to operate. In fact, the LGA would split disadvantaged communities, like Oildale. The Final EIR/EIS must analyze all potentially significant impacts of these alignments for each of these routes, including in particular, impacts on environmentally burdened communities, and identify and adopt all feasible mitigation.



B026-2

## **I. The Draft is a Subsequent EIR not an Supplemental EIR as Alleged**

After certification of an EIR, a subsequent or supplemental EIR is permissible under several circumstances. A subsequent EIR is appropriate when "substantial changes are proposed in the project which will require major revisions of the previous EIR . . ."<sup>1</sup> A supplement is appropriate when there are substantial changes however "only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation."<sup>2</sup> The May 2014 EIR for the Fresno-Bakersfield alignment was certified by the appropriate agencies. The LGA proposed a completely new alignment through Kern County for a stretch of about forty miles. The new alignment travels through different communities and proposes a completely new station stop about a mile and a half away from the certified May 2014 stop. These changes are substantial and require an independent analysis of its environmental impacts, and with comparison to the previously certified alignment.

A subsequent EIR must follow appropriate notice and process procedures. A notice of preparation must be developed and sent out. Since, substantial changes to the 2014 certified EIR were made for the Draft, appropriately identifying the EIR as a subsequent EIR is critical to properly notifying the public. This was not done in the Draft.

B026-3

## **II. The EIR must Evaluate Environmental Impacts of Industrial Business Displacement**

The LGA Summary section briefly mentions that industrial businesses currently in the route's path would be displaced and that industrial areas located in the unincorporated community of Oildale will be relocated. The LGA's "Station Planning, Land Use, and Development" portion of the EIR provides no detailed discussion of how the EIR/EIS would mitigate the impacts of relocating the industrial businesses, nor to where the businesses may be relocated. It is important that the report identify what types of sites are intended as the relocation sites. It's imperative that other disadvantaged communities are not further impacted by industrial businesses moving into their communities.

B026-4

## **III. The EIR Must Be Consistent with Local and Regional General Plans**

Section 15125(d) of the California Environmental Quality Act (CEQA) Guidelines requires EIRs to "...discuss any inconsistencies between the proposed project and applicable general plans and regional plans. The LGA EIR's "Environmental Justice" section mentions that HSR is a state project and the State has not made any commitment to comply with local regulations, but local and regional general plans were reviewed for elements relevant to environmental justice. Since the LGA affects specific local and regional general plans, the EIR must elaborate on which local and regional plans were reviewed and which were not, identify inconsistencies between the

<sup>1</sup> California Public Resources Code 15162(a)(1)

<sup>2</sup> California Public Resources Code 15163(a)(2)

# Submission B026 (Adeyinka Glover, Leadership Counsel for Justice and Accountability, January 16, 2018) - Continued

B026-4

routes under consideration and all local and regional plans applicable to the area covered or impacted by the routes, any resulting environmental impacts and impacts on environmental justice considerations, and identify and include appropriate mitigation.

The EIR's analysis of conflicts with local and regional plans must include an evaluation of potential conflicts with general plan housing elements. When evaluating a route's consistency with an applicable housing element, the EIR must evaluate the impact of the proposed routes on the relevant jurisdictions' abilities to meet their Regional Housing Needs Allocations, timely implement the housing element's goals, policies, objectives, and programs, and analyze how potential displacement effects, both economic and physical, of the proposed route may conflict with Housing Element goals and objectives. For example, Kern County's Housing Element states, "Examine and/or adopt policies to facilitate revitalization opportunities of existing infrastructure improvements for underserved Disadvantaged Unincorporated Communities."<sup>3</sup> Appropriate analysis would examine how the planned alignment might hinder the policy's implementation. Economic and physical displacement impacts on various communities—especially disadvantaged communities—must be included in this evaluation.

B026-5

## IV. The EIR Must Analyze the Potential For Environmental Impacts of Economic and Physical Displacement Associated With the Proposed Routes And Include All Feasible Mitigation Measures

HSR will draw cost-burdened coastal residents inland to an area like Kern County as part of the skilled labor force to build HSR or to utilize the rail's services upon completion of the project. An influx of inhabitants to Kern County, including residents who will commute to the Coast and earn higher coastal wages, will drive up housing prices that may displace existing Kern County residents who would no longer be able to afford their homes. This may burden the housing market, in particular, the market for housing affordable to lower and moderate income residents, and require additional development of housing at an exponential rate.

Bakersfield is already experiencing high rent increases. In 2016, rent increased by 7% in the course of a year.<sup>4</sup> In fact, according to Bakersfield's 2015-2023 Housing Element, 10,385 or 84% of Extremely Low Income residents and 10,365 or 83% of Very Low Income residents of the City are deemed "housing cost burdened", with rents comprising at least 30% of household income. Residents experiencing housing cost burdens and severe housing cost burdens are at heightened risk of displacement and homelessness as a result of housing cost increases. The Final EIR/EIS must fully analyze potential displacement—both physical and economic—resulting from the alignments and identify and adopt all feasible mitigation.

<sup>3</sup> Kern County Housing Element (6-9)

<sup>4</sup> [http://www.bakersfield.com/news/business/report-bakersfield-rent-increases-led-the-country-in-december/article\\_360190ed-d5e9-5d4d-8edc-d56eb2e346b6.html](http://www.bakersfield.com/news/business/report-bakersfield-rent-increases-led-the-country-in-december/article_360190ed-d5e9-5d4d-8edc-d56eb2e346b6.html)

B026-6

## V. The Final EIR/EIS Must Fully Evaluate Cumulative Impacts of The Proposed Routes

The Draft includes insufficient analysis and mitigation of the cumulative effects of the LGA and Hybrid routes. Even if following the completion of a thorough analysis of individual environmental justice concerns impacts are not determined to be substantial or are satisfactorily mitigated, the sum of the impacts must be evaluated. A project is determined to have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable."<sup>5</sup> In evaluating cumulative effects, air quality factors like demolition dust and construction, sound, vibration, aesthetics, and transportation access must all be evaluated. For example, the alignment would cut through communities with high pollution burdens under the State's CalEnviroScreen 3.0 Tool and the EIR/EIS must evaluate cumulative impacts that the alignments would have on these communities. Attention must be paid to significant impacts in these areas and all impacts must be fully mitigated.

B026-7

## VI. Draft EIR issues of Civil Rights and Fair Housing

The Final EIR/EIS must thoroughly analyze and mitigate the effects of this Project to low-income communities of color that stand to be impacted to ensure that the project does not result disproportionately burden any such communities and result in a violation of state and federal civil rights and fair housing laws.<sup>6</sup> The Draft does not contain an adequate analysis of civil rights implications for either route. The LGA would cut directly and predominately through low-income communities of color, whereas the Hybrid travels through a mixture of communities. [See figures 5-2(b) and 5-3(b) in the "Environmental Justice chapter."] The Final EIR/EIS does not adequately analyze the impacts of either route on disadvantaged communities protected classes. The Final EIR/EIS must fully analyze and mitigate these impacts, including in particular impacts associated with route segments that cut through disadvantaged communities.

B026-8

## VII. Kern County Impacts not Identified in Fresno to Bakersfield Draft EIR

The Draft EIR/EIS focuses on the communities between the Fresno and Bakersfield Stations and does not address impacts of potential alignments in communities, including numerous disadvantaged unincorporated communities, located to the south of the Bakersfield Station options. We understand that the portion of the route covering Bakersfield south to Palmdale will be covered in a subsequent EIR/EIS and encourage the HSRA to develop and implement a robust public outreach process beginning with identification of potential route alternatives through the development of the EIR and implementation of mitigation. The outreach process should give special attention to ensuring full inclusion of disadvantaged communities and populations and stakeholder organizations, such as Leadership Counsel. We are available and willing to meet

<sup>5</sup> CA Public Resources Code Section 21083(b)(2)

<sup>6</sup> 42 U.S.C. § 3601; Cal. Gov. Code § 11135, 1290, & 65008.

## Submission B026 (Adeyinka Glover, Leadership Counsel for Justice and Accountability, January 16, 2018) - Continued

B026-8 | with HSR staff to discuss an outreach plan that will ensure that residents of disadvantaged communities are fully included in the planning process for the Bakersfield-Palmdale alignment.

B026-9 | While communities further south past either Bakersfield station stop are not discussed generally, one community center located past the Bakersfield Station stops that is discussed is Mercado Latino Tianguis (Mercado Latino). Mercado Latino is made up of an estimated 118 small businesses. To the extent that the Fresno-Bakersfield alignment would result in or require the relocation of Mercado Latino or otherwise impact the business, including by impairing access by patrons during route construction or operation, the Final EIR/EIS must fully analyze and mitigate these potential impacts. For example, one potential impact of relocation or impaired access by residents is an Vehicle Miles Travelled and greenhouse gas emissions, as residents will be required to travel to other establishments to purchase groceries. In addition, loss of Mercado Latino—a culturally significant fixture for the Bakersfield Latino community—could result in relocation of Latino residents seeking to communities with goods and services that meet their needs. These and other impacts must be disclosed, analyzed, and mitigated.

\* \* \* \* \*

Thank you for your consideration of our comments. We look forward to working together to ensure that the Final EIR/EIS ensures that the route selected benefits and does not undermine environmental health and well-being for disadvantaged communities. Please do not hesitate to contact me at (661) 843-7677 to find a time to discuss them in person.

Sincerely,



Adeyinka Glover, Esq.  
Attorney  
Leadership Counsel for Justice and Accountability  
aglover@leadershipcounsel.org

Gustavo Aguirre Jr.  
Project Coordinator  
Central California Environmental Justice Network

Alex Gonzalez  
Community Organizer  
Faith in the Valley



## Response to Submission B026 (Adeyinka Glover, Leadership Counsel for Justice and Accountability, January 16, 2018)

### B026-1

The commenter notes the two alignments. The commenter states that the F-B LGA would “charter” its own path and would require more property acquisition and road construction to operate. The commenter notes that the F-B LGA would split disadvantaged communities like Oildale. The commenter states that the environmental document must analyze all potentially significant impacts of these alignments for each of these routes. The commenter stresses the importance of analyzing impacts on environmentally burdened communities and identification and adoption of all feasible mitigation.

Refer to Appendix 8-A of the Draft Supplemental EIR/EIS. Table 8-A-48 summarizes the number of property acquisitions and residential and business displacements that would occur under the May 2014 Project as compared to the F-B LGA. The May 2014 Project would clearly displace more residents, businesses, and community facilities than the F-B LGA.

Both station locations would require reconfiguration of roads and intersections. The F Street station is closer to State Route 204, which would require reconfiguring on- and off-ramps. Both stations will be easily accessed from road systems in the vicinity. The F Street Station, as shown in Drawing Number A1801 in Volume III: Station Drawings of the Draft Supplemental EIR/EIS, would be accessible from Chester Avenue, SR 204, 34th Street, and F Street. The Truxtun Avenue Station, as shown in Drawing Number A9804, in Volume III: Station Drawings of the Final EIR/EIS, would be accessible from Union Avenue, Truxtun Avenue, U Street, and 14th Street. Some reconstruction of all access roads for either station would be required for the construction of the station, parking, and approaches.

The F-B LGA would follow existing transportation corridors, along the UPRR tracks and Golden State Avenue, through the community of Oildale. The F-B LGA would not cause division of this community. Refer to Section 3.12.4.2 and Section 5.6.3 of the Draft Supplemental EIR/EIS for detailed discussions regarding the Environmental Justice impacts of the F-B LGA, including in the community of Oildale.

### B026-2

The commenter indicates that the Draft Supplemental EIR/EIS is a Subsequent EIR under CEQA regulations. The commenter also states that since the F-B LGA is a completely new alignment 40 miles long[1] and proposes a new station stop about a mile and half away from the certified May 2014 stop that such changes are substantial and require an independent analysis of its environmental impacts with comparison to the previously certified alignment in a Subsequent EIR. Although this document is a Final Supplemental EIS, this document responds to this comment.

Chapter 1 of the Draft Supplemental EIR/EIS (Section 1.1.3 pages 1-5 through 1-10) provides an explanation, per CEQA guidelines (refer to Section 15163 “A Supplement to an EIR”), why a Supplemental document was prepared and not a Subsequent document.

CEQA Guidelines Sections 15162 and 15163 describe when a supplement to an EIR may be prepared. To determine whether preparation of a Supplemental EIR is appropriate, the criteria in CEQA Guidelines Section 15162 governing preparation of Subsequent Documents and the additional criteria in CEQA Guidelines Section 15163 governing preparation of Supplemental Documents must be met. Under NEPA (40 Code of Federal Regulations §1502.9), a supplement to a draft or final EIS may be prepared “when the agency determines that the purposes of NEPA would be furthered by doing so” or if “(1) the agency makes substantial changes in the proposed action that are relevant to environmental concerns, or 2) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed actions or its impacts”.

The Authority and FRA have determined that the preparation of a Draft Supplemental EIR/EIS is appropriate here because the certified Fresno to Bakersfield Section Final EIR/EIS remains relevant. The Draft Supplemental EIR/EIS examines only the 23.13-mile portion of the full 114-mile Fresno to Bakersfield Section studied in the Fresno to Bakersfield Section Final EIR/EIS that runs between just north of Poplar Avenue to Oswell Street. It evaluates the F-B LGA and proposed station at F Street Station in site-specific detail to provide a complete assessment of the direct, indirect, and cumulative effects of the proposed action.

## Response to Submission B026 (Adeyinka Glover, Leadership Counsel for Justice and Accountability, January 16, 2018) - Continued

### **B026-2**

[1] The commenter incorrectly states that the F-B LGA alignment is 40 miles long. The F-B LGA alignment is 23.13 miles long, whereas the May 2014 Project is 24.16 miles long.

### **B026-3**

Displacement and relocation of industrial businesses, including those located in the community of Oildale, is addressed under Impact SO #10 –Commercial and Industrial Business Displacements, in Section 3.12.4.2, Fresno to Bakersfield Locally Generated Alternative, of Section 3.12, Socioeconomics and Communities. The availability of suitable properties to which businesses could relocate was performed based on a county-wide assessment area, consistent with the methodology used for the Fresno to Bakersfield Section Final EIR/EIS and other sections of the HSR.

The HSR project would implement avoidance and minimization measures that help reduce impacts to affected business. As stated in Section 3.12.5, Avoidance and Minimization Measures, of the Draft Supplemental EIR/EIS, these measures are summarized in Chapter 3.12, Socioeconomics, Communities, and Environmental Justice, of the Fresno to Bakersfield Section Final EIR/EIS. The two avoidance and minimization measures that apply to industrial displacements and relocations are compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act and development and implementation of a relocation mitigation plan, as discussed on pages 3.12-135 through 3.12-137 of Chapter 3.12, Socioeconomics, Communities, and Environmental Justice, of the Fresno to Bakersfield Section Final EIR/EIS.

### **B026-4**

The commenter notes that CEQA guidelines require EIRs to discuss any inconsistencies between the proposed project with applicable general plans and regional plans. The commenter further notes that Chapter 5 of the Draft Supplemental EIR/EIS states that local and regional general plans were reviewed in the preparation of analysis. The commenter requests that the discussion be expanded to include which local and regional plans were reviewed, whether there were any inconsistencies found, and any resulting impacts and mitigation.

Although this document is a Final Supplemental EIS, this document responds to this comment. Refer to Section 3.0, Regulatory Setting, in the Fresno to Bakersfield Section CIA (2012) for a discussion of applicable federal, state, and local regulations related to socioeconomic, community, and environmental justice issues applicable to the HSR project, including the F-B LGA. Any local policies and regulations that were changed, updated, or added since publication of the Fresno to Bakersfield Section CIA (2012), as well as any plans that apply specifically to the F-B LGA that were not included previously, are discussed in Table 3-1 of the F-B LGA CIA (2017). Refer also to Appendix 3.13-A of the Draft Supplemental EIR/EIS disclosing potential inconsistencies.

The commenter further requests that the EIR include a discussion of potential impacts on implementation of applicable housing elements, including an evaluation of any impacts on the ability of local jurisdictions to meet their Regional Housing Needs Allocations.

Refer to the F-B LGA CIA (2017). The Kern Council of Governments' 2014 Regional Housing Needs Allocation Plan was used to prepare the analysis for the CIA, which in turn informed the analysis in Section 3.12, Socioeconomics and Communities and Chapter 5, Environmental Justice of the Draft Supplemental EIR/EIS. The current (2014) Regional Housing Needs Allocation Plan covers the period between January 1, 2013 and December 31, 2023. This portion of the HSR system will not be implemented until after construction of the 119-mile Central Valley Segment (Madera to Poplar Avenue), which is anticipated to be completed in 2022, according to the Draft 2018 California HSR Business Plan (Authority 2018). While the allocations found in the Kern Council of Governments' 2014 plan have informed projections and analysis in the Draft Supplemental EIR/EIS, the HSR project in Kern County will not impact the ability of local

## Response to Submission B026 (Adeyinka Glover, Leadership Counsel for Justice and Accountability, January 16, 2018) - Continued

### B026-4

jurisdictions to meet their Regional Housing Needs Allocations. Any future Regional Housing Needs Allocations for Kern County jurisdictions should account for the HSR project as a potential development constraint.

The commenter states that economic and physical displacement impacts on various communities must also be included. Refer to Section 3.12, Socioeconomics and Communities and Chapter 5, Environmental Justice of the Draft Supplemental EIR/EIS for discussion of any economic and physical displacement impacts on communities.

### B026-5

Because there are a number of factors that affect housing rates and availability, projecting residential displacement due to potential increased rents that could result from temporary and long-term employment associated with the HSR project would be speculative. Such speculation on potential future impacts is not required by CEQA or NEPA. However, consistent with the methodology used for the analysis in the Fresno to Bakersfield Section Final EIR/EIS, the analysis in the Draft Supplemental EIR/EIS estimates the number of temporary and long-term jobs that would be generated as a result of the HSR project and includes discussion of potential effects to population.

As discussed under Impact SO #5 –Temporary Construction Employment, in Section 3.12.4.2, Fresno to Bakersfield Locally Generated Alternative, of Section 3.12, Socioeconomics and Communities, some influx of population is expected as workers arrive in the area seeking jobs. However, given the high level of unemployment in the region and the large number of construction workers available for employment, the majority of these new construction jobs would be filled by current residents of these communities who possess the necessary construction skills.

Section 3.18.4.2, Fresno to Bakersfield Locally Generated Alternative, of Section 3.18, Regional Growth, evaluates employment effects and associated population growth associated with the HSR project. This assessment found that 17,200 jobs would be created in Kern County by 2035 as a result of operation of the HSR system, a 4.0 percent increase above the 2035 projections under the No Project Alternative. Given that unemployment rates in Kern County have historically been higher than those of the state, operation of the HSR system would provide employment opportunities for residents in the area and would not induce substantial growth beyond that already projected for Kern County.

The assessment also found that the increase in population induced by the HSR project would contribute a 3.5 percent increase in Kern County compared to 2035 population projections under the No Project Alternative. This increase would remain small relative to the total growth projected to occur in the county between 2010 and 2035 under the No Project Alternative, which amounts to 55.1 percent. The percentage increase in population in Kern County related to operation of the HSR system is expected to be slower than the percentage increase in employment in the county associated with the

## Response to Submission B026 (Adeyinka Glover, Leadership Counsel for Justice and Accountability, January 16, 2018) - Continued

### **B026-5**

project due to the likelihood that a number of the jobs generated by operation of the HSR system would be filled by area residents. Additionally, this growth would be spread out over time and any interregional shifts in residential locations are expected to be a small portion of the growth expected in the county. Therefore, the HSR project would not induce substantial population growth beyond that already projected for Kern County.

### **B026-6**

Chapter 5 of the SEIR/SEIS has been revised to include a cumulative analysis of Environmental Justice impacts. Operation of the F-B LGA and other past, present, and reasonably foreseeable projects would not have cumulative adverse impacts on environmental justice populations under NEPA.

### **B026-7**

Chapter 5 of the Draft Supplemental EIR/EIS describes the location of minority and low-income populations within the study area boundaries for both the May 2014 Project and the F-B LGA. Pages 5-49 of the Draft Supplemental EIR/EIS states:

As shown in Figure 5-2 and described in Section 5.4, Affected Environment, minority and low-income populations in the May 2014 Project study area are located primarily in the urban areas of Shafter and Bakersfield. Within Shafter, minority and low-income communities are located primarily to the southwest of May 2014 Project alignment. In Bakersfield, areas with minority and low-income populations are concentrated south of Truxtun Avenue and around the May 2014 Project alignment at its southern terminus near Oswell Street.

Like the May 2014 Project, minority and low-income populations in the F-B LGA study area are located primarily in the urban areas of Shafter and Bakersfield. Within the F-B LGA study area, the community of Oildale also includes minority and low-income populations, and scattered areas of low-density minority and low-income populations are located in the rural areas of Kern County between Shafter and Bakersfield. Around the F Street Station, minority and low-income populations are located primarily east/northeast of the station site (east of Chester Avenue) and south of SR 99. For the F-B LGA, one MOIF is proposed to be located in Shafter between Poplar Avenue and Fresno Avenue. The communities south and east of the proposed MOIF site contain minority and low-income populations.

As described above, minority and low-income populations are located within the 0.5-mile study area boundaries for both alignments.

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, national origin, age, sex or disability in programs and activities receiving federal financial assistance. In March 2012, the Authority adopted a policy and plan to ensure that the California HSR Program complies with Title VI (Authority, 2012)[1]. The Authority's Title VI program ensures that no person in the State of California is excluded from participation in, nor denied the benefits of, its programs, activities, and services on the basis of race, color, national origin, age, sex, or disability. The Authority's Title VI program includes guidance on public participation, limited English proficiency (LEP),



## Response to Submission B026 (Adeyinka Glover, Leadership Counsel for Justice and Accountability, January 16, 2018) - Continued

### B026-7

environmental justice, Title VI assurances, complaint procedures, annual reports and data collection. It also includes a commitment to inclusive public involvement of all persons affected by the HSR project (Authority 2012). Consistent with the Authority's Title VI program and the National Environmental Policy Act (NEPA), the environmental review for the F-B LGA includes an analysis of potential environmental justice effects, as well as public outreach to minority and low-income communities, as described in Chapter 5 of the Draft Supplemental EIR/EIS.

Chapter 5 of the Draft Supplemental EIR/EIS was prepared in compliance with the California High Speed Rail Project Environmental Impact Report/Environmental Impact Statement Environmental Methodology Guidelines Version 5 (Authority and FRA 2014), which describes the appropriate methodology for identifying disproportionately high and adverse impacts on minority and low-income populations resulting from the HSR project. As stated on page 5-22 of the Draft Supplemental EIR/EIS:

When minority or low-income populations were identified, the impacts experienced by that population were compared with the resource study area and the larger reference community (Kern County) to determine whether the project would result in a disproportionately high and adverse impact. A disproportionately high and adverse effect on minority and low-income populations is defined as an impact that is predominantly borne by a minority and/or low-income population or will be suffered by the minority and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect suffered by the non-minority and/or non-low income population in the affected area and the reference community. In addition, in determining whether the impact would be disproportionately borne by a minority and/or low-income population, the analysis considered if the project would implement measures to avoid or reduce the adverse effect, and/or provide benefits that would affect the minority and low-income populations.

As described above, the presence of minority and low-income populations within the project study area, does not, in itself, indicate that those communities would experience disproportionately high or adverse impacts compared to the larger reference community. Whether adverse effects will be disproportionately high is dependent upon various circumstances, including:

### B026-7

- The location of an adverse effect primarily in minority or low-income areas or in both minority/low-income areas and non-minority/low-income areas
- The percentage of the minority and low-income population in the area of impact as compared to the percentage of the minority and low-income population in the reference community
- The perceptions of the minority/low-income populations affected by the impact, regarding its severity and the success of the proposed mitigation measures in reducing impacts
- The equal application of mitigation measures to minority/low-income and non-minority/low-income populations
- The project benefits that will be received by the minority/low-income populations
- Any social, religious or cultural resources and public services, such as police, fire, and emergency services particularly important to the minority/low-income populations that would be affected.[2]

Chapter 5 provides an analysis of the potential disproportionately high and adverse impacts to minority and low-income populations resulting from construction and operation of the F-B LGA. It also provides a summary of the impacts associated with the May 2014 Project, as identified in the Fresno to Bakersfield Section EIR/EIS. As described in the Draft Supplemental EIR/EIS, a comparison between the impacts of the F-B LGA and May 2014 Project indicates that, though both the F-B LGA and the May 2014 Project would have disproportionately high and adverse impacts to minority and low-income populations, the F-B LGA would have lesser impacts related to noise and vibration, socioeconomics and communities, land use and parks and recreation than the May 2014 Project because the F-B LGA primarily traverses areas zoned for industrial or commercial use, minimizing the impacts to residentially-zoned properties that include minority and low-income populations.

[1] California High Speed Rail Authority, 2012. Title VI Program Plan. February. Available online at: [https://www.hsr.ca.gov/docs/programs/title\\_VI/CHSRA%20Title%20VI%20Program%20Final%206-21-12.pdf](https://www.hsr.ca.gov/docs/programs/title_VI/CHSRA%20Title%20VI%20Program%20Final%206-21-12.pdf) (accessed February 12, 2018).

## Response to Submission B026 (Adeyinka Glover, Leadership Counsel for Justice and Accountability, January 16, 2018) - Continued

### B026-7

[2] Authority and FRA, 2014. California High Speed Rail Project Environmental Impact Report/Environmental Impact Statement Environmental Methodology Guidelines Version 5. June.

### B026-8

The commenter expresses concern that the environmental document does not address impacts of potential alignments in communities located south of the Bakersfield Station options.

The F-B LGA starts at Poplar Avenue north of Shafter, moves through Shafter, unincorporated Kern County, Oildale and Bakersfield, and continues east/southeast to Oswell Street in East Bakersfield, a community in unincorporated Kern County. The Draft Supplemental EIR/EIS discusses impacts along the entire F-B LGA alignment including between the Bakersfield station and Oswell Street. The Draft Supplemental EIR/EIS does not discuss impacts to any communities south or east of Oswell Street. The Project Section south of Bakersfield is the Bakersfield to Palmdale Section. The environmental document for that section is under preparation, and will provide analysis of impacts to communities in Kern County east and south of Oswell Street, the terminus of the F-B LGA. See the Authority's website ([http://www.hsr.ca.gov/Programs/Statewide\\_Rail\\_Modernization/Project\\_Sections/bakersfield\\_palmdale.html](http://www.hsr.ca.gov/Programs/Statewide_Rail_Modernization/Project_Sections/bakersfield_palmdale.html)) for more information related to the Bakersfield-Palmdale section, including information on public outreach events held to date.

Refer to Section 3.12, Socioeconomics and Communities, of the Draft Supplemental EIR/EIS for analysis of potential impacts and benefits to communities east and southeast of the F Street Station in Bakersfield and in East Bakersfield. Impacts to schools such as Bethel Christian School, community facilities such as the Bakersfield Homeless Center, Mercado Latino, Golden Empire Gleaners, and others, all located east and southeast of the F Street Station, are considered. Additionally, discussions of populations in Bakersfield and Kern County are inclusive of communities east and southeast of the F Street Station.

Refer to Section 3.15, Parks, Recreation, and Open Space of the Draft Supplemental EIR/EIS for a discussion of impacts to Weill Park, located east/southeast of the F Street Station.

Refer also to Section 3.16, Aesthetics and Visual Resources, of the Draft Supplemental EIR/EIS for a discussion of visual impacts to the Central Bakersfield Landscape Unit and the East Bakersfield Landscape Unit, both of which are east and southeast of the F

## Response to Submission B026 (Adeyinka Glover, Leadership Counsel for Justice and Accountability, January 16, 2018) - Continued

### **B026-8**

Street Station.

Refer to Section 3.17, Cultural Resources, of the Draft Supplemental EIR/EIS for a discussion of impacts to potentially historic Built Resources south and southeast of the F Street Station.

Refer to Chapter 8 and Appendix 8-A of the Draft Supplemental EIR/EIS for analysis of impacts from the May 2014 Project to communities and facilities east of the Truxtun Station. In particular, Tables 8-A-48, 8-A-52, 8-A-53, 8-A-54 provide information about impacts from the May 2014 Project.

### **B026-9**

The Community Impact Assessment Technical Report for the F-B LGA determined that the Mercado Latino Tianguis would be partially displaced by the project as the building would be modified by removing the far north end to accommodate two of the piers that support the rail line structure. As the building is altered and the F-B LGA is constructed, the rest of the building would experience only temporary construction impacts from road closures, dust, and noise. The Mercado would not be displaced permanently neither would it be closed for extended times during project construction, as the commenter suggests. Therefore, the F-B LGA would not necessitate new or extended trips by residents to other grocery establishments, nor would it result in the need for residents to travel to other communities to access to goods and services. Neither would the F-B LGA's partial displacement of the Mercado result in substantial short- or long-term impacts to vehicle trips, vehicle miles traveled, or associated GHG emissions.

No revisions to the EIS have been incorporated based on this comment.

## Submission B027 (Stephen Montgomery, NARVRE Unit 013, January 19, 2018)

**Fresno - Bakersfield (2014 June+) - RECORD #434 DETAIL**

**Status :** Action Pending  
**Record Date :** 1/19/2018  
**Response Requested :** No  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Business and/or Organization  
**Submission Date :** 1/19/2018  
**Submission Method :** Project Email  
**First Name :** Stephen  
**Last Name :** Montgomery  
**Professional Title :** Local Legislative Representative  
**Business/Organization :** NARVRE Unit 013  
**Address :** 2115 1st Street  
**Apt./Suite No. :**  
**City :** Bakersfield  
**State :** CA  
**Zip Code :** 93304-2707  
**Telephone :** 661-496-6585  
**Email :** samonty@pacbell.net  
**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :** No  
**Stakeholder Comments/Issues :**

California High Speed Rail Authority, Cecelia Griego

Planning Commission & City Manager, Mayor Karen Goh, Council Member Andrae Gonzales

Kern County Supervisor Mike Maggard

Re: High Speed Rail; Fresno Bakersfield portion

Note: due to a personal medical emergency I was unable to draft comments or otherwise participate in this planning process but am now on the mend and getting back up to speed. I regret the late submission of these comments.

Ladies & Gentlemen:

B027-1 | From an urban planning perspective we oppose the F St. alignment option for the High Speed Rail project. That is the site apparently preferred by some Bakersfield city staff vs. the earlier one proposed for the BNSF alignment. Numerous opponents of this option have and continue to make sound points regarding its unsatisfactory nature.

In making choices like this we should first look to history. Since the 19th Century Bakersfield has had a

powerful economic entity that, has owning most of the land west of town, worked like a giant vacuum "sucking" the economic energy from central Bakersfield to their land south and west of town. In that they have been very successful. Originally known as Miller & Lux, but in the 1960s known as Tenneco West prevailed in getting the long overdue CS Bakersfield campus located, not at a better location near the White Wolf area, but west of town on their land for the blatant reasons to facilitate taking some of the finest agriculture land in the world out of production for the benefit of real estate development. In that they succeeded in spades. More recently Castle & Cooke the latest successor to the historic Miller & Lux interests, sought to locate the new, also long overdue, federal courthouse 8 miles west of town vs. the legal and government center where it obviously belonged.

Citizen opposition to this option and their outrage at the reaction of an arrogant US General Services to this badly considered scheme resulted in it being located downtown much closer to where it should be. This history speaks to the problem of the conflict of the desires of special financial interests and their economic goals as opposed to what are better urban planning options to the benefit of the citizenry and the long term economic and environmental interests of the area.

Again, referring to history in the late 19th Century, the Southern Pacific Railroad located their Bakersfield depot, not in Bakersfield, but in the town of Sumner, a community of their own creation east of town. This resulted in a trolley line being extended to the SP depot that had to be built to transport travelers from Sumner, that ultimately ended up developing its own smaller scale urban assets, to downtown Bakersfield, their true destination. Sumner is now known as Old Town Kern, a Bakersfield neighborhood, defined by portions of Sumner and Baker St.

B027-2 | No route for HSR can be made without cost and the taking of property. That's a fact of late development in already developed communities but the F St. option is isolated and disconnected from the urban core and other important transportation options and likely final destinations of passengers arriving via HSR. Like CSU Bakersfield locating such assets in areas for reasons not consistent with sound urban planning values works well for the interests that benefit but force the community to make unpleasant adjustments to accommodate longer commutes and redundant or missing support development.

B027-3 | Among the objections to the BNSF alignment are claimed losses of the city utility yard, 4101 Truxtun Ave <<https://maps.google.com/?q=4101+Truxtun+Ave&entry=gmail&source=g>>. At this point the proposed route is on an above grade viaduct meaning the only property loss to the city would need only be the footprints for support columns likely taking out some parking spaces. Other than that city buildings could remain as they are now for continued use. Because of the size and layout of the city property if any structures were to be lost they could be relocated nearby on this property. Some, because they are modular or portable structures could be simply picked up and moved.

That part between Oak St. and Chester Ave. routed above grade would be between 16th St. and the BNSF yard and until relatively recent times most of this was open land with postwar private residences built along the north side of 16th St. up to the Mercy Hospital campus. Development has occurred on much of that formerly open land including a storage rental facility that could continue to operate directly under the viaduct. To the east there are some professional office buildings whose owners might object to rail noise but these were built after the announcement of the proposed HSR project which means the developers had prior knowledge to make different choices for the location of these office structures however the noise from the current at grade

## Submission B027 (Stephen Montgomery, NARVRE Unit 013, January 19, 2018) - Continued

B027-3

operations are much noise and longer in duration than the HSR train passing by. At that part of the operation with the slow speed of the passenger train as it approaches the depot would cause little noise intrusion.

The work of routing the HSR viaduct around Mercy Hospital is difficult but should be planned to occupy above existing ground based rail operations to eliminate any added operation noise and vibration not already present at this location.

At the Bakersfield High School campus the properties between the BNSF tracks and 16th St. are of lower value than the campus structures themselves. With routing north of the BNSF tracks the hybrid alignment actually goes around the Bakersfield High School campus north of such historic assets like Harvey Auditorium eliminating legitimate fears about a degradation of environmental quality to these historic and culturally significant assets. At H St. the viaduct should route south of the tracks allowing it to be a challenge to only a handful of commercial buildings, and substandard housing, some of which are currently abandoned as documented in the Cultural Resources Survey 1985 updated 2017 by the Historic Preservation Commission.

This leads the BNSF alignment proposal to the station site preferably near the current Amtrak Station. East of the Amtrak station along the south side of the BNSF tracks to Union Ave. has a large quantity of distressed underutilized properties, owners of which would likely be eager to sell. East of Union Ave. properties on both sides of the BNSF alignment are distressed and would likely be easily acquired leading to more open area to Oswell St. and the route returning to ground level.

B027-4

For the reasons clearly stated by opponents to the F St. station site, the Truxtun Ave. proposal is, by a long shot, the preferred location. This perspective is supported in detail in the Kern County Council of Governments' Metropolitan Bakersfield High Speed Rail Terminal Impact Analysis, July 2003. Among the reasons stated include transportation interface with other mass transit options including Amtrak, Greyhound, Golden Empire Transit, taxi and non-motorized transportation and, importantly, the reasonable alternative of walking to likely and nearby destinations. Note with our poor local air quality any option to reduce the use of fossil fuel that would reduce additional impact on our already poor air quality would be desirable.

The F St. UP alignment option needs to go back on the shelf and details and issues surrounding the Truxtun Ave. BNSF alignment option need to be studied and worked out. Thank you for your consideration of this matter and this opportunity to comment.

Sincerely,

Stephen A. Montgomery  
NARVRE Unit 013, Local Legislative Representative  
<http://www.narvre.info> <<http://www.narvre.info/>>  
UTU Local 835 Alumni  
2115 1st Street  
Bakersfield CA 93304-2707

661-496-6585

CC: Jason Cater, Cathy Butler, Paul Gipe, Adam Cohen, Jonathan Yates, Ken Hooper, Gordon Nipp

EIR/EIS Comment : Yes

Official Comment Period : No

## Response to Submission B027 (Stephen Montgomery, NARVRE Unit 013, January 19, 2018)

### **B027-1**

Refer to Standard Response FB-LGA-Response-GENERAL-10: Comments with Opinion Only.

### **B027-2**

Refer to Standard Response FB-LGA-Response-GENERAL-03: Response to Comments Received After the Close of the Public Comment Period, FB-LGA-Response-GENERAL-05: Proximity of F Street Station to Downtown and Amtrak Station.

### **B027-3**

Refer to Standard Response FB-LGA-Response-GENERAL-03: Response to Comments Received After the Close of the Public Comment Period, FB-LGA-Response-General-08: Support of/Opposition to the Fresno to Bakersfield Locally Generated and May 2014 Project Alternatives.

The commenter references various “objections to the BNSF alignment” (or May 2014 Project, as analyzed in the Draft Supplemental EIR/EIS), including the “claimed loss” of the City of Bakersfield utility yard, noise impacts in Bakersfield between Oak Street and Chester Avenue, and impacts to Mercy Hospital and Bakersfield High School. The commenter provides reasons why the loss of the City’s corporation yard and the noise impacts in the specified areas of Bakersfield could be considered less severe. Regarding the May 2014 Project’s impacts to Mercy Hospital and Bakersfield High School, the commenter suggests a modified alignment in these areas to avoid or minimize impacts to these facilities. The commenter also provides reasons why a station site near the existing Amtrak Station is preferred.

Refer to Appendix 8-A for a complete comparison of impacts to all resources between the May 2014 Project and the F-B LGA. In particular, see Tables 8-A-5, 8-A-7, and 8-A-96 for comparisons of Air Quality and Noise and Vibration impacts, and impacts to Socioeconomics and Communities. Overall, the F-B LGA would have fewer impacts to resources and communities than the May 2014 Project.

Due to the high speeds required for the HSR, changes in horizontal or vertical alignment must be made over relatively long distances. The minimum curve radius varies from approximately 4 to 6.5 miles, thus taking several miles to make a change in direction. As a result, compared to other types of linear projects (e.g., highways, freight trains, transmission lines, and pipelines), designs for the HSR track alignment are less flexible with regard to changes in elevation or to curving, crossing, or shifting around to avoid resources or community facilities.

The proposed F Street Station is approximately 1.8 miles from the Bakersfield Amtrak Station and would be designed as a multi-modal transportation hub that would maximize intermodal transportation opportunities, meeting overall project objectives consistent with the voter-approved Proposition 1A. The location of the F Street Station would

## Response to Submission B027 (Stephen Montgomery, NARVRE Unit 013, January 19, 2018) - Continued

### **B027-3**

complement existing public transportation, including local buses, intercity buses, and Amtrak trains.

The City of Bakersfield Making Downtown Bakersfield Vision Plan (May 2018; Vision Plan), available on the City's website, illustrates the City's plan for the revitalization of Downtown Bakersfield in conjunction with the Bakersfield HSR Station. The City's mass transit vision is included in Section 3.4 of the Vision Plan, and contains additional information pertaining to the proposed Bus Rapid Transit upgrades, circulator shuttle, and new mobility hubs.

### **B027-4**


Refer to Standard Response FB-LGA-Response-GENERAL-03: Response to Comments Received After the Close of the Public Comment Period, FB-LGA-Response-GENERAL-05: Proximity of F Street Station to Downtown and Amtrak Station, FB-LGA-Response-General-08: Support of/Opposition to the Fresno to Bakersfield Locally Generated and May 2014 Project Alternatives.

## Submission B028 (Todd Jeffries, Optimal Hospice Care, January 16, 2018)

Fresno - Bakersfield (2014 June+) - RECORD #312 DETAIL	
Status :	Action Pending
Record Date :	1/16/2018
Response Requested :	
Affiliation Type :	Business and/or Organization
Interest As :	Business and/or Organization
Submission Date :	1/16/2018
Submission Method :	Project Email
First Name :	Todd
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Cell Phone :	
Add to Mailing List :	
Stakeholder Comments/Issues :	

B028-1 | I think the HSR station should be on Truxtun in Bakersfield.

Thanks!

Todd Jeffries  
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EIR/EIS Comment : Yes  
 Official Comment Period : Yes



## Response to Submission B028 (Todd Jeffries, Optimal Hospice Care, January 16, 2018)

### B028-1

Refer to Standard Response FB-LGA-Response-GENERAL-10: Comments with Opinion Only.

## Submission B029 (Rich Krizo, Pacific Appraisal Consultants, Inc., December 29, 2017)

**Fresno - Bakersfield (2014 June+) - RECORD #232 DETAIL**

**Status :** Action Pending  
**Record Date :** 1/2/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Business and/or Organization  
**Submission Date :** 12/29/2017  
**Submission Method :** Project Email  
**First Name :** Rich  
**Last Name :** Krizo  
**Professional Title :** President  
**Business/Organization :** Pacific Appraisal Consultants, Inc.  
**Address :** 1400 Chester Ave. Suite L  
**Apt./Suite No. :**  
**City :** Bakersfield  
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**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

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www.pacappraisal.com

**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes

B029-1

As a professional real estate appraiser in Bakersfield for 48 years, the only logical location for the high-speed rail station is downtown Bakersfield at Truxtun Ave. next to Amtrak. I do not believe that this location will severely impact the downtown area, rather it will revitalize the area. There will be a few buildings taken in this alignment but the overall location should be at a lower cost than the F Street location. The downtown location will be more convenient for everyone to use in the community. The F Street location is not in the best neighborhood location and will not get the use. A look at the current newer AMTRAK Station will give you an indication on how that structure at that location cleaned up the area and made the citizens of Bakersfield proud to use That location. Most residents of the community want the downtown location.

J. Richard Krizo, President

Pacific Appraisal Consultants, Inc.

1400 Chester Ave. Suite L

Bakersfield, Ca. 93301

## Response to Submission B029 (Rich Krizo, Pacific Appraisal Consultants, Inc., December 29, 2017)

### **B029-1**

Refer to Standard Response FB-LGA-Response-GENERAL-05: Proximity of F Street Station to Downtown and Amtrak Station, FB-LGA-Response-GENERAL-10: Comments with Opinion Only.

## Submission B030 (Troy Hightower, TDH Associates International, January 16, 2018)

**Fresno - Bakersfield (2014 June+) - RECORD #413 DETAIL**

**Status :** Action Pending  
**Record Date :** 1/17/2018  
**Response Requested :**  
**Affiliation Type :** Business and/or Organization  
**Interest As :** Business and/or Organization  
**Submission Date :** 1/17/2018  
**Submission Method :** Project Email  
**First Name :** Troy  
**Last Name :** Hightower  
**Professional Title :** Principal  
**Business/Organization :** TDH Associates International  
**Address :** Po Box 2493  
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**City :** Bakersfield  
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**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**

Hello,

I am an independent transportation consultant based in downtown Bakersfield, CA. There are a number of concerns with the EIR, the process, and data sources used.

I received a copy of the EIR on CD via the mail along with the public notice. The CD did not contain what had been called the May 2014 project EIR/EIS. This made it difficult to compare the alignments. The Community Impact Assessment which was referred to many times in the document also was not on the CD. It took considerable time for me to search the HSR Authority website to obtain these documents.

B030-1

Volume II Technical Appendices 8-A "Analysis of the Comparable Section (May 2014 Project)"  
In the Introduction 8-A-1 it is stated "Since the Fresno to Bakersfield Section Final EIR/EIS does not evaluate the May 2014 Project as a discrete alternative of the Fresno to Bakersfield Project (as it did for example for the Allensworth Bypass), affected environment and impact summary discussion included in this section for the May 2014 Project has been extrapolated from the available

B030-1

information contained within the Fresno to Bakersfield Final EIR/EIS." This confirms the analysis is not an apples-to-apples comparison.

Figure 8\_A-1 F-B LGA and May 2014 Project on page 8-A-3. The May 2014 Project illustrated in blue includes the footprint of the alignment plus land and uses adjacent to the actual alignment. Whereas the LGA illustrated in red depicts the alignment footprint only. Since this is stated as the reference for much of the analysis and identification of impacts this methodology skews the results in favor of the LGA. This map illustrates another example of not comparing apples-to-apples.

B030-2

Tables 8-A-39 and 8-A-40 Comparisons of residential displacements and commercial relocations on page 8-A-91  
The source for the data listed in these tables and others is noted as ReferenceUSA 2015. I contacted ReferenceUSA to obtain the data, but was told I had to go to my local library to access the data. I called my library Kern County Beale Library and they informed me they did not have access to ReferenceUSA. Therefore the source for the data in the EIR is not available to the public. This is of great concern because this information is not only the basis of comparisons within this Appendix it is used throughout the EIR.

B030-3

Table 8-A-65 Section 4(f) Impact Comparison between the May 2014 Project and F-B LGA on page 8-A-139  
Line item "Mill Creek Linear Park" states "No Impact" for F-B LGA. The northern boundary of Mill Creek Linear Park and the canal is at Golden State Hwy are within 250 feet of LGA.

B030-4

The cost estimates for the required construction projects (Golden State & F Street major new interchange, 7th Standard & Hwy 99 interchange modifications, Chester Ave and 34 St modifications) to access the F Street station are not included. The EIR does state that no construction is required for access to the May 2014 Project station at Truxtun Ave.

B030-5

The EIR makes reference to information related to F Street station in the "Metropolitan Bakersfield Transit Center Study". However, there is no mention of the information related to the Truxtun Ave station that is in that same study. The analysis and comparison in the study clearly confirms that Truxtun Ave is better suited for HSR station and Transit Oriented Development (TOD). The study also reported that the F Street/LGA location is not suitable for TOD.

## Submission B030 (Troy Hightower, TDH Associates International, January 16, 2018) - Continued

B030-6	<p>Regarding public participation in the EIR process, my observation is that the public hearing and release of the EIR were not adequately noticed to the public. I searched the local newspaper for an article or public notice but could not find a notice. At the public hearing I made a verbal and email request to the the person I was told that was handling the public notices. I have yet to receive a response. Plus the City of Bakersfield has been stating publicly for months that the selection has already been made in favor of an F Street station and the LGA. Lack of notice and the perception created by the City are reasons why there was little turnout at the hearing. The fact the the City has released a draft EIR for the station area plan at the same time as the LGA EIR is confusing to people.</p>	EIR/EIS Comment :	Yes
		Official Comment Period :	No
B030-7	<p>Regarding environmental justices issues, I reviewed the EJScreen model developed by the US EPA. It clearly illustrated a variety of minority, non-minority, low income, median, and upper income neighborhoods are impacted by the Hybrid alignment. However, it also clearly illustrated that LGA impacts only minority and low-income neighborhood. This is an example of what is referred to in Title VI as disproportionate impact.</p>		
B030-8	<p>In my professional opinion the LGA EIR is not consistent or reasonably accurate on its own. It certainly can not be used for comparisons of impacts to the May 2014 Project EIR. In addition source data used in the comparison tables is not available. Therefore the EIR in its current draft form is not adequate to reasonably identify and undersand the impacts and/or be used as a source of information to make a reasonable comparison to the May 2014 Project. If I had to rely on this EIR I would not be able to determine if the LGA is environmental clear and LGA is not superior to the May 2014 Project Hybrid alignment.</p>		
	<p>Troy Hightower            *****</p> <p>Troy D. Hightower            Principal            TDH Associates International            Po Box 2493            Bakersfield, CA 93303            (661) 431-7269            thightower@tdhintl.net            www.tdhintl.net            SB/DBE Certified CUCP # 41593</p>		

## Response to Submission B030 (Troy Hightower, TDH Associates International, January 16, 2018)

### **B030-1**

The commenter refers to Section 8-A-1 of Appendix 8-A of the Draft Supplemental EIR/EIS, which explains how impacts from the May 2014 Project were determined. As stated in the referenced section, the May 2014 Project was not evaluated as a discrete alternative in the Fresno to Bakersfield Section Final EIR/EIS; rather it is that portion of the Preferred Alternative which is comparable to the F-B LGA. Therefore, to determine the impacts of only this smaller portion, the findings made in the Final EIR/EIS relevant to the exact location, length, and features of the May 2014 Project were extrapolated to provide a real and fair comparison with the F-B LGA. The commenter states, based on this methodology, that the subsequent analysis is not an apples-to-apples comparison.

The impact analysis performed on the F-B LGA in the Draft Supplemental EIR/EIS, however, follows the methodology set out in the Fresno to Bakersfield Section Final EIR/EIS. Refer to Section 3.1.3.3 of the Draft Supplemental EIR/EIS, which states:

The methods used to collect data and evaluate potential impacts in this Draft Supplemental EIR/EIS are similar and consistent to the data collection and impact evaluation methods used in the Fresno to Bakersfield Section Final EIR/EIS. The regional study areas presented in the Fresno to Bakersfield Section Final EIR/EIS are used to evaluate resources in the Draft Supplemental EIR/EIS, as appropriate. Where applicable, data collected for the Fresno to Bakersfield Section Final EIR/EIS (including data from 2010) have been used to evaluate impacts associated with development of the F-B LGA. As described in more detail below, preparation of this Draft Supplemental EIR/EIS also includes current (2015) data to evaluate impacts of the F-B LGA. Comparable 2015 data is also used, as needed, for the May 2014 Project, as reflected in the individual resource sections and in Chapter 8 and Appendix 8-A of this Draft Supplemental EIR/EIS, in order to facilitate an apples-to-apples comparison with the F-B LGA.

As explained above, the analysis of each alternative used the same data collection and analysis methods. Where updated data was required for the F-B LGA, the same data was also updated for the May 2014 Project to allow comparable analysis. By ascertaining that the data sources as available and the methods for analyzing impacts were the same for both alternatives, the Draft Supplemental EIR/EIS ensured that the analysis presented allowed for an apples-to-apples comparison.

### **B030-1**

The commenter refers to Figure 8-A-1, found in Appendix 8-A of the Draft Supplemental EIR/EIS. The commenter mistakenly states that May 2014 Project footprint shown in the figure includes “land and uses” adjacent to the alignment whereas the F-B LGA footprint shown in the figure depicts the alignment footprint only. The commenter states that, as much of the analysis and identification of impacts were based on these footprints and their inclusions, the results are skewed in the favor of the F-B LGA, preventing an apples-to-apples comparison.

The figure referenced presents only the footprint of the May 2014 Project (in blue) and the footprint of the F-B LGA (in red), with a green dot representing the Truxtun Avenue Station and a yellow dot representing the F Street Station. The footprints shown represent the permanent and temporary impact areas associated with both alignments and their corresponding facilities and stations. The permanent project footprint for each alternative includes the proposed HSR right-of-way and associated facilities, such as traction power supply stations, maintenance of infrastructure facility (MOIF), and switching and paralleling stations, as well as shifts in roadway ROW associated with those facilities (including overcrossings and interchanges) that would be modified or shifted to accommodate the HSR project. The F-B LGA does not include a proposed Heavy Maintenance Facility; therefore, the Heavy Maintenance Facility was removed from the May 2014 Project permanent project footprint in order to allow a more accurate comparison of the alternatives (i.e., an apples-to-apples comparison). The footprints shown in this figure and used as the basis for the evaluation of impacts do not skew the analysis toward one alternative or another.

### **B030-2**

The ReferenceUSA 2015 citation noted by the commenter is a 144-page spreadsheet and is included as part of the Administrative Record for the Draft Supplemental EIR/EIS, the Final Supplemental EIR, and the Final Supplemental EIS and is available from the Authority upon request.

No revisions to this Final Supplemental EIS have been incorporated based on this comment.

## Response to Submission B030 (Troy Hightower, TDH Associates International, January 16, 2018) - Continued

### **B030-3**

Mill Creek Linear Park is a tree-lined walkway along a drainage canal in the City of Bakersfield. The Draft Supplemental EIR/EIS (page 8-13) states that the May 2014 Project would cross Mill Creek Linear Park and that the F-B LGA would not. As described here, new Geographic Information System (GIS) data confirms that the F-B LGA would not cross Mill Creek Linear Park but would be located closer to the park than previously reported in the Draft Supplemental EIR/EIS. GIS data sources and implications of this data on the impact analysis provided in the Draft Supplemental EIR/EIS are described below.

Section 15125 of the State CEQA Guidelines states that an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation (NOP) is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. In this case the NOP (SCH Number 2009091126) and Notice of Intent (74 FR 50866, October 1, 2009) for the Draft Project EIR/EIS for the Fresno to Bakersfield Section of the HSR project, of which the May 2014 Project and F-B LGA are a part, were issued on September 29, 2009, and October 1, 2009, respectively. For issue areas, (e.g. Geology and Soils), where the environmental setting remains relatively static over time the 2009 baseline information was deemed sufficient for comparison of both the May 2014 Project and F-B LGA. In other cases, to provide a valid comparison between the May 2014 Project and the F-B LGA, the analysis for the May 2014 Project was updated using newer data sources and the approved May 2014 Project alignment.

GIS data used to support the F-B LGA analysis was downloaded from the City of Bakersfield GIS portal on December 7, 2015, at the time the analysis was commenced, and was used to support the analysis provided in the Draft Supplemental EIR/EIS for the F-B LGA. The December 2015 data was the most current data available at the time of preparation of the Draft Supplemental EIR/EIS. The analysis for the May 2014 Project was based on data published in 2011, combined with the City's December 2015 GIS data. This data shows Mill Creek Park (also known as "Central Park" or "Central Park at Mill Creek"), as located outside of the 1,000-foot buffer from the F-B LGA alignment centerline. Therefore, this park is identified in the Draft Supplemental EIR/EIS as outside of the defined study area for the F-B LGA (Figure 3.15-2 of the Draft

### **B030-3**

Supplemental EIR/EIS and Table 8-A-65, pages 8-A-137 through 8-A-140 in Appendix 8-A of the Draft Supplemental EIR/EIS). Mill Creek Linear Park is not shown in the City's December 2015 data.

On January 31, 2018, in response to this comment, updated GIS data for the F-B LGA study area was downloaded from the City of Bakersfield GIS portal. Unlike the December 2015 GIS data, the January 2018 data delineates a portion of Mill Creek Linear Park as extending to the northeast from Mill Creek Park. This newly-defined park area extends to within 300 feet of the F-B LGA alignment centerline, which means that the F-B LGA would impact a portion of Mill Creek Linear Park that was not assessed in the Draft Supplemental EIR/EIS. As stated on page 3.15-2 of the Draft Supplemental EIR/EIS, construction within 300 feet of a park would have the greatest impact due to noise, dust, and visual effects, depending on the construction type and activity. Parks located more than 300 feet from construction are sufficiently remote to remain comparatively unaffected by most activities, due to the attenuation of noise and dust associated with construction activities, and the distance from visual effects associated with construction.

Therefore, as noted by the commenter, construction of the F-B LGA would result in temporary impacts to Mill Creek Linear Park due to its proximity within 300 feet of the alignment centerline. However, the table referenced, Table 8-A-65 identifies the Section 4(f) impacts associated with the May 2014 Project and the F-B LGA. The F-B LGA would not acquire land from the Mill Creek Linear Park and, therefore, would not result in a permanent or temporary use of this park. The "no impact" determination shown in the table, therefore, remains accurate, and no revisions have been made to Table 8-A-65. As with other potential construction impacts to parks, Avoidance and Minimization Measures NV-IAMM#1 and AQ-IAMM#2 would be implemented to address temporary noise and air quality impacts, respectively, during the construction period.

The January 2018 GIS data also shows that the May 2014 Project would traverse a portion of Mill Creek Linear Park, which is consistent with the analysis provided in the 2014 Final EIR/EIS for the Fresno to Bakersfield Section. As a result, the May 2014 Project would still result in a significant unavoidable impact to Mill Creek Linear Park where the alignment would cross over the park and substantially degrade the existing

## Response to Submission B030 (Troy Hightower, TDH Associates International, January 16, 2018) - Continued

### **B030-3**

visual character of the site and its surroundings.

Both alignments would be elevated in the vicinity of Mill Creek Linear Park.

### **B030-4**

The commenter states that the costs for the F Street interchange, the 7th Standard Road HSR crossing, and the Chester Ave and 34th Street modifications are not included in the Draft Supplemental EIR/EIS. The 2017 Cost Estimate Report, available from the Authority upon request, includes costs for the F Street Interchange (Unit Price Element 40.08.425A, approximately \$45 million), the 7th Standard Road Interchange (Unit Price Element 40.08.425B, approximately \$47.9 million), and the modifications at 34th Street (Unit Price Element 40.08.440A, approximately \$6.1 million). Refer to Chapter 6 of the Draft Supplemental EIR/EIS for more information about cost; the costs for these and other interchanges and modifications are in fact included in Cost Category 40: Site work, Right-of-Way, Land, Existing Improvements. Refer to Technical Appendix 2-A "Road Crossings" in the Draft Supplemental EIR/EIS for a listing of road crossings associated with the F-B LGA and a description of modifications at the proposed road crossings, if warranted by the Project.

The commenter also states that "the EIR" states that no construction is required for access to the May 2014 Project station at Truxtun Avenue. Neither the Fresno to Bakersfield Section Final EIR/EIS nor the Draft Supplemental EIR/EIS makes such a claim. A number of intersection and roadway modifications would be required for construction of and access to the Truxtun Avenue Station. Refer to Fresno to Bakersfield Section Final EIR/EIS Volume III, available on the Authority's website, for more information about the May 2014 Project's design.

### **B030-5**

Refer to Standard Response FB-LGA-Response-GENERAL-05: Proximity of F Street Station to Downtown and Amtrak Station.

The Transit Center Study identifies the F Street Station as a primary site location for a transit center but was not analyzed because it was identified as a potential HSR station site.



## Response to Submission B030 (Troy Hightower, TDH Associates International, January 16, 2018) - Continued

### B030-6

Refer to Standard Response FB-LGA-Response-GENERAL-02: Public Outreach.

The commenter expresses opinions about source data, impact numbers, cost estimates, station location, and station design. These comments are noted, but a response is not possible as the commenter does not provide any examples or specific questions or concerns. The commenter expresses an opinion about the Bakersfield City Council; this last is not related to the environmental document.

The commenter suggests that the Supplemental EIR/EIS is a "station area EIR." The commenter states that the environmental review process was not advertised and moved too quickly.

The Supplemental EIR/EIS analyzes environmental impacts to the whole F-B LGA alignment from Poplar Ave north of Shafter to Oswell Street in East Bakersfield, and not just the F Street station area. The Supplemental EIR/EIS went through numerous agency review cycles before publication. Refer to Chapter 9 of the Supplemental EIR/EIS for more details about outreach activities during the development of the environmental document.

Ahead of document publication, the Notice of Availability, which was distributed initially on November 9, 2017 and then, in corrected form on November 17, 2017, included notice of the Hearing and was mailed to schools, elected officials, stakeholders, agencies, and tribes, pursuant to CEQA §15087 and NEPA §1506.6. It was also mailed out to owners and residents within 300 feet of the project centerline and to anyone who had requested to be notified. Finally, the NOA was published in 10 newspapers with circulation in the project area. The table below shows the names of publications and the dates the NOA was published.

Table 1. NOA Newspaper Publications

	Publication	Initial Publication Date	Secondary Publication Date
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### B030-6

1	Bakersfield Californian	11/09/2017	11/17/2017
2	Bakersfield.com	11/09/2017-11/15/2017	11/15/2017
3	El Popular	11/03/2017	11/17/2017
4	Fresno Bee	11/09/2017	11/17/2017
5	Hanford Sentinel	11/09/2017	11/17/2017
6	Vida en el Valle	11/08/2017	11/22/2017
7	Corcoran Journal	11/09/2017	11/15/2017
8	Delano Record	11/09/2017	11/23/2017
9	Wasco Tribune	11/08/2017	11/22/2017
10	Shafter Press	11/08/2017	11/22/2017

In addition to publishing the notice in local newspapers, the Authority posted the NOA on the project section page with a link from the Authority's homepage. We also issued a press release on November 9, 2017 with the specific hearing information to media outlets in the Central Valley and an email list of 8,789 unique email addresses.

The Federal Railroad Administration (FRA) published a notice about the public hearing scheduled for December 19, 2017 in Bakersfield. The webpage was made available to the public on November 17, 2017. Here is a link: <https://www.fra.dot.gov/Page/P1072>. The U.S. Environmental Protection agency published a notice about the availability of the Fresno to Bakersfield Supplemental EIR/EIS from the FRA also on November 17, 2017.

According to CEQA §15105(a), "when a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days." The review period for the Supplemental EIR/EIS was set at 60 days, to allow ample time for review of the document and submission of any comments from the public and agencies.

## Response to Submission B030 (Troy Hightower, TDH Associates International, January 16, 2018) - Continued

### **B030-6**

The environmental processes for the City's Vision Plan and the Authority's alignment through Bakersfield are separate, and the decisions will be made, respectively, by the City and Authority. The timing is coincidental.

### **B030-7**

EJSCREEN is a screening tool that allows users to access high-resolution environmental and demographic information for locations in the United States, and compare their selected locations to the rest of the state, US EPA region, or the nation. EJSCREEN includes 11 environmental indicators, 6 demographic indicators, and 11 environmental justice indexes, which combine demographic indicators with a single environmental indicator. EJSCREEN uses demographic factors as very general indicators of a community's potential susceptibility to the types of environmental factors included in the screening tool.

As stated in the EJSCREEN Technical Documentation (US EPA 2017, pp 8-9), EJSCREEN should be used for a "screening-level" look. Screening is a useful first step in understanding or highlighting locations that may be candidates for further review. However, it is essential to remember that screening-level results do not provide a complete assessment of risk, and have significant limitations. EJSCREEN is a pre-decisional screening tool, and was not designed to be the basis for agency decision-making or determinations regarding the existence or absence of EJ concerns. It also should not be used to identify or label an area as an "EJ Community."

While EJSCREEN is regarded as a useful tool in screening for environmental concerns, it does not meet the needs of the level of analysis in the Draft Supplemental EIR/EIS for determining the HSR project's environmental impacts. The tool includes data on only some of the relevant issues and there is uncertainty in the data it provides. It lacks the geographic specificity used in the identification of minority and low-income communities for the Draft Supplemental EIR/EIS, and the methodology for EJSCREEN is not consistent with the methodology identified in the Fresno to Bakersfield Section Final EIR/EIS.

The process for identifying minority and low-income populations for the F-B LGA followed the methodology that was used for the Fresno to Bakersfield CIA, in order to maintain comparability between the F-B LGA and the HSR project alternatives presented in the Fresno to Bakersfield Section Final EIR/EIS. These methodologies are provided in the California High-Speed Train Project-Level Environmental Analysis Methodologies (Authority and FRA 2014). No variations from these procedures were made for the F-B LGA analysis, but United States Census (US Census) data was

# Response to Submission B030 (Troy Hightower, TDH Associates International, January 16, 2018) - Continued

## **B030-7**

updated to reflect the most recently available data.

Summary Explanation of the F-B LGA's Environmental Justice Methodology in Comparison to EJSCREEN.

The F-B LGA methodology for identification of minority and low-income communities is compared to EJSCREEN's methodology for identification of minority and low-income communities and summarized below:

F-B LGA	EJSCREEN
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## **B030-7**

Minority and low-income areas are geographically defined as census block and block group populations that meet either or both of the following criteria:

1. The census block contains 50 percent or more minority persons and/or the census block group contain 25 percent or more low-income persons.
2. The percentage of minority and/or low-income persons in any census block or census block group is more than 10 percentage points greater than county average.<sup>1</sup>
3. Kern County data was used to determine whether an area qualifies as minority or low-income under the second criterion above. Given that 61.4 percent of Kern County residents qualify as minorities and 22.9 percent of the population is below the poverty line, under the second criterion, communities with a minority population of 71.4 percent and/or a low-income population of 32.9 percent would be considered minority or low-income communities.

EJSCREEN uses demographic indicators as very general indicators of a community's potential susceptibility to the types of environmental exposures included in the screening tool. EJSCREEN then combines the exposure and susceptibility indicators in the form of an EJ Index.

The Demographic Index in EJSCREEN is created using two primary demographic indicators: low-income and minority. For each Census block group, these two indicators are averaged together. The Demographic Indexes count each indicator as adding to the overall potential susceptibility of the population in a block group. EJSCREEN then combines a single environmental indicator with demographic information and considered the extent to which the local demographics are above the national average. EJSCREEN puts each indicator or index value in perspective by reporting the value as a percentile. A percentile in EJSCREEN tells us roughly what percent of the US population lives in a block group that has a lower value (or in some cases, a tied value).

The Demographic indicators used in EJSCREEN are defined as follows:<sup>2</sup>

· Low-Income: The number or percent of a block group's population in households where the household income is less than or

## Response to Submission B030 (Troy Hightower, TDH Associates International, January 16, 2018) - Continued

B030-7

	<p>equal to twice the federal "poverty level."</p> <p>·Minority: The number or percent of individuals in a block group who list their racial status as a race other than white alone and/or list their ethnicity as Hispanic or Latino. That is, all people other than non-Hispanic white-alone individuals. The word "alone" in this case indicates that the person is of a single race, since multiracial individuals are tabulated in another category—a non-Hispanic individual who is half white and half American Indian would be counted as a minority by this definition.</p> <p>Other demographic indicators included in the EJSCREEN include:</p> <p>· Less than high school education: The number or percent of people age 25 or older in a block group whose education is short of a high school diploma.</p> <p>·Linguistic isolation: The number or percent of people in a block group living in linguistically isolated households. A household in which all members age 14 years and over speak a non-English language and also speak English less than "very well" (have difficulty with English) is linguistically isolated.</p> <p>·Individuals under age 5: The number or percent of people in a block group under</p>
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B030-7

	<p>the age of 5.</p> <p>·Individuals over age 64: The number or percent of people in a block group over the age of 64.</p>
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The methods explained above show a fundamental difference in methodology for identifying minority and low-income communities. For the F-B LGA, minority and low-income census block and block group populations were identified as described above, and then the project's specific environmental effects were analyzed to determine if such effects would result in disproportionately high and adverse effects to identified minority and low-income populations.

EJSCREEN analyzes existing conditions to determine where minority and low-income communities might exist and the level of environmental effect to which they might be exposed. EJSCREEN does not analyze a project's impact on the environment; rather, its use is limited to that of a screening tool and is not specific to a project's impacts.

EJSCREEN assesses environmental factors and effects on a regional or communitywide basis and cannot be used in lieu of performing an analysis of the potentially significant impacts of any specific project. Accordingly, EJSCREEN was not designed to be the basis for agency decision-making or determinations regarding the existence or absence of EJ concerns[1]. EJSCREEN's initial results should be supplemented with additional information and local knowledge whenever appropriate, for a more complete picture of a location. Additional considerations and data, such as national, regional, or local information and concerns, along with appropriate analysis, should form the basis for any decisions.[2]

Following the methodology explained above, the F-B LGA identified potential environmental justice populations. Through extensive public outreach and community engagement processes as described in Section 5.5, Engagement with Potential Environmental Justice Populations of the Draft Supplemental EIR/EIS, the Authority reached out to minority and low-income community members and community-based organizations to receive input on potential impacts and mitigation in order to avoid, minimize, or mitigate disproportionately high and adverse effects on the populations; to ensure full and fair participation by minority and low-income populations in the process; and to prevent denial of, reduction in, or significant delay in the receipt of project

## Response to Submission B030 (Troy Hightower, TDH Associates International, January 16, 2018) - Continued

### **B030-7**

benefits by minority and low-income populations (Authority and FRA 2017b). During the analysis of impacts, FRA and the Authority identified whether any of the minority and low-income populations would potentially be disproportionately affected by the project, taking into consideration the potential benefits to the community. Where minority or low-income populations were identified within the study area (the study area for environmental justice is located entirely within Kern County and is defined as the project corridor for the HSR project; this includes the F-B LGA, and the census blocks and block groups that lie completely or partially within a 0.5-mile radius of the F-B LGA and station facility), the impacts experienced by that population were compared with the resource study area and the larger reference community (Kern County) to determine whether the project would result in a disproportionately high and adverse impact. In addition, in determining whether the impact would be disproportionately borne by a minority and/or low-income population, the analysis considered if the project would implement measures to avoid or reduce the adverse effect, and/or provide benefits that would affect the minority and low-income populations.

EJSCREEN's methodology does not include the presence of historical and/or natural community divisions that pre-date the F-B LGA. Through consultation with minority and low-income community members and community-based organizations, the F-B LGA was able to leverage the qualitative data gained in these public outreach sessions to create an alignment that adheres to several existing community divisions, e.g., highways, the UPPR tracks, etc.

Because the F-B LGA comprises a portion of the larger Fresno to Bakersfield Section, it is important to maintain consistency across all high-speed rail segments when analyzing project impacts related to environmental justice. The F-B LGA methodology for analyzing environmental justice is the same methodology that was applied to the Fresno to Bakersfield Section Final EIR/EIS. Changing the environmental justice methodology that was applied in the Fresno to Bakersfield Section Final EIR/EIS for the F-B LGA analysis would create inconsistencies in avoidance and minimization and mitigation strategies among environmental justice populations along the high-speed rail route. The use of EJSCREEN as the sole environmental justice screening tool for the F-B LGA project would produce inadequate environmental justice impact analysis because of its broad identification of minority and low-income communities, its lack of analysis of natural and/or historical community divisions, and its inconsistency with the HSR

### **B030-7**

environmental justice methodology. The current methodology used to analyze the project's environmental justice impacts meets the needs of the project and is sufficient in determining environmental justice impacts along the F-B LGA alignment.

[1] U.S. Environmental Protection Agency (EPA), 2017. EJSCREEN Technical Documentation. Accessed Online on February 1, 2018 at [https://www.epa.gov/sites/production/files/2017-09/documents/2017\\_ejscreen\\_technical\\_document.pdf](https://www.epa.gov/sites/production/files/2017-09/documents/2017_ejscreen_technical_document.pdf)

[2] Ibid.

### **B030-8**

Refer to Standard Response FB-LGA-Response-General-08: Support of/Opposition to the Fresno to Bakersfield Locally Generated and May 2014 Project Alternatives.

## Submission B031 (Troy Hightower, TDH Associates International, December 27, 2017)

Fresno - Bakersfield (2014 June+) - RECORD #238 DETAIL	
Status :	Action Pending
Record Date :	1/5/2018
Response Requested :	No
Affiliation Type :	Business and/or Organization
Interest As :	Individual
Submission Date :	12/27/2017
Submission Method :	Email
First Name :	Troy
Last Name :	Hightower
Professional Title :	Principal
Business/Organization :	TDH Associates International
Address :	Po Box 2493
Apt./Suite No. :	
City :	Bakersfield
State :	CA
Zip Code :	93303
Telephone :	661-431-7269
Email :	thightower@tdhintl.net
Email Subscription :	
Cell Phone :	
Add to Mailing List :	Yes
Stakeholder Comments/Issues :	
EIR/EIS Comment :	Yes
Official Comment Period :	Yes
Attachments :	FB238_Hightower_Email.pdf (60 kb)

B031-1

From: Jeanette Flores  
 To: "Paul Dreed"  
 Subject: FW: Bakersfield HSR Hearing - Public Notices  
 Date: Thursday, January 04, 2018 10:45:34 AM

-----Original Message-----

From: Troy Hightower [mailto:thightower@tdhintl.net]  
 Sent: Wednesday, December 27, 2017 3:44 PM  
 To: jeanette.flores@vmapr.com  
 Subject: Bakersfield HSR Hearing – Public Notices

Hello Ms. Flores,

I met you at the recent HSR public hearing in Bakersfield. I can not find copies of any local public notices or announcements of the public hearing. I can find notices on the State/Authority and federal websites. I can find local media announcements on the actual day of the hearing.

Please provide where local notices were printed and/or posted.  
 If possible copies would be nice.

Troy

Troy D. Hightower  
 Principal  
 TDH Associates International  
 Po Box 2493  
 Bakersfield, CA 93303  
 (661) 431-7269  
 thightower@tdhintl.net  
 www.tdhintl.net  
 SB/DBE Certified CUCP # 41593

## Response to Submission B031 (Troy Hightower, TDH Associates International, December 27, 2017)

### B031-1

Refer to Standard Response FB-LGA-Response-GENERAL-02: Public Outreach.

The commenter expresses opinions about source data, impact numbers, cost estimates, station location, and station design. These comments are noted, but a response is not possible as the commenter does not provide any examples or specific questions or concerns. The commenter expresses an opinion about the Bakersfield City Council; this last is not related to the environmental document.

The commenter suggests that the Draft Supplemental EIR/EIS is a “station area EIR.” The commenter states that the environmental review process was not advertised and moved too quickly.

The Draft Supplemental EIR/EIS analyzes environmental impacts to the whole F-B LGA alignment from Poplar Ave north of Shafter to Oswell Street in East Bakersfield, and not just the F Street station area. The Draft Supplemental EIR/EIS went through numerous agency review cycles before publication. Refer to Chapter 9 of the Draft Supplemental EIR/EIS for more details about outreach activities during the development of the environmental document.

Ahead of document publication, the Notice of Availability, which was distributed initially on November 9, 2017 and then, in corrected form on November 17, 2017, included notice of the Hearing and was mailed to schools, elected officials, stakeholders, agencies, and tribes, pursuant to CEQA §15087 and NEPA §1506.6. It was also mailed out to owners and residents within 300 feet of the project centerline and to anyone who had requested to be notified. Finally, the NOA was published in 10 newspapers with circulation in the project area. The table below shows the names of publications and the dates the NOA was published.

**Table 1. NOA Newspaper Publications**

	Publication	Initial Publication Date	Second Publication Date
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### B031-1

1	Bakersfield Californian	11/09/2017	11/17/2017
2	Bakersfield.com	11/09/2017-11/15/2017	11/15/2017
3	El Popular	11/03/2017	11/17/2017
4	Fresno Bee	11/09/2017	11/17/2017
5	Hanford Sentinel	11/09/2017	11/17/2017
6	Vida en el Valle	11/08/2017	11/22/2017
7	Corcoran Journal	11/09/2017	11/15/2017
8	Delano Record	11/09/2017	11/23/2017
9	Wasco Tribune	11/08/2017	11/22/2017
10	Shafter Press	11/08/2017	11/22/2017

In addition to publishing the notice in local newspapers, the Authority posted the NOA on the project section page with a link from the Authority’s homepage. We also issued a press release on November 9, 2017 with the specific hearing information to media outlets in the Central Valley and an email list of 8,789 unique email addresses.

The Federal Railroad Administration (FRA) published a notice about the public hearing scheduled for December 19, 2017 in Bakersfield. The webpage was made available to the public on November 17, 2017. Here is a link: <https://www.fra.dot.gov/Page/P1072>. The U.S. Environmental Protection agency published a notice about the availability of the Fresno to Bakersfield Supplemental EIR/EIS from the FRA also on November 17, 2017.

According to CEQA §15105(a), “when a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days.” The review period for the Draft Supplemental EIR/EIS was set at 60 days, to allow ample time for review of the document and submission of any comments from the public and agencies.

## Response to Submission B031 (Troy Hightower, TDH Associates International, December 27, 2017) - Continued

B031-1



## Submission B032 (Clint Schelbitzki, Union Pacific Corporation, January 18, 2018)

Fresno - Bakersfield (2014 June+) - RECORD #406 DETAIL	
Status :	Action Pending
Record Date :	1/17/2018
Response Requested :	
Affiliation Type :	Business and/or Organization
Interest As :	Business and/or Organization
Submission Date :	1/18/2018
Submission Method :	Project Email
First Name :	Clint
Last Name :	Schelbitzki
Professional Title :	Director - Network Development
Business/Organization :	Union Pacific Corporation
Address :	10031 Foothills Blvd.
Apt./Suite No. :	
City :	Roseville
State :	CA
Zip Code :	95747
Telephone :	916-789-6360
Email :	CESCHELB@UP.COM
Email Subscription :	
Cell Phone :	
Add to Mailing List :	
Stakeholder Comments/Issues :	

Official Comment Period : Yes  
 Attachments : 406\_Schelbitzki\_email\_011618\_Attachment.pdf (399 kb)

See attached comments from UPRR.

Please let me know if there are any questions,

Clint

(See attached file: UP Comments on CHSRA DSEIR for Bakersfield LGA 1.16.18.pdf)

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EIR/EIS Comment : Yes

## Submission B032 (Clint Schelbitzki, Union Pacific Corporation, January 18, 2018) - Continued



January 16, 2018

Attn: Draft Supplemental EIR/EIS for the  
Fresno to Bakersfield Project Section  
California High Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

To Whom It May Concern:

Union Pacific Railroad Company (UPRR) submits these comments in response to the California High-Speed Rail Authority's (CHSRA) Draft Supplemental Environmental Impact Report/Statement: Fresno to Bakersfield Project Section (DSEIR).

UPRR owns and operates a common carrier freight railroad network in the western two thirds of the United States, including the State of California. Specifically, UPRR owns and operates rail main lines connecting the San Francisco Bay Area to Sacramento and points east and north, and to Los Angeles and points east and southeast. UPRR is the largest rail carrier in California in terms of both mileage and train operations. UPRR's network in California is vital to the economic health of the state and the nation as a whole, and its rail service to California customers is crucial to the current and future success and growth of those customers.

UPRR has been actively engaged in discussions with CHSRA for many years in order to ensure that the safety and efficiency of the UPRR system, including UPRR's ability to serve current and future customers, is preserved during the planning, construction, and operation of the California high-speed rail project. UPRR and CHSRA have entered into several agreements that reflect these interests, including the Memorandum of Understanding and Implementing Agreement Related to High-Speed Rail Development in California dated July 11, 2012 (MOU) and the Engineering, Construction, and Maintenance Agreement Related to the California High-Speed Rail Authority Project Merced to Bakersfield Segment dated December 23, 2014.

UPRR has also submitted formal comments in response to proposals at several points during the environmental permitting process for various aspects of the high-speed rail project. That communication has included comments on plans for the proposed Fresno to Bakersfield high-speed rail segment and the Downtown Bakersfield High-Speed Rail Station Area Plan.

CHSRA's DSEIR proposes a Locally Generated Alternative (LGA) alignment that is largely parallel to and appears to cross UPRR right of way and customer facilities and spur tracks, raising significant concerns for UPRR (compared to the Downtown Bakersfield Hybrid alignment, which is largely parallel to BNSF right of way). As UPRR has expressed in previous correspondence and comments, UPRR will not allow any part of the high-speed rail system to be located on UPRR-owned property. Where UPRR operates on rights of way owned by others, CHSRA facilities and operations must not interfere with UPRR's operations. Where the CHSRA and UPRR alignments run in close proximity, a safe and operationally functional distance must be maintained between them. All CHSRA facilities that may cross above or below UPRR right of way must clear-span the UPRR property and be constructed a sufficient distance away to permit UPRR's full utilization of its property for railroad purposes.

With these general principles as context, UPRR offers these specific points:

- Any new facilities that cross UPRR's right of way in relation to the project, including new or realigned roads, must be grade-separated and comply with UPRR's then-current minimum engineering standards.
- Depending on the design and proximity of the CHSRA facilities to the UPRR right of way, special conditions such as safety barriers may be required.
- To comply with the terms of the MOU, CHSRA must design its alignment in a manner that does not interfere with UPRR's access to current or future customers. Section 2(A)(2) of the MOU says CHSRA "will take all steps available under law to avoid impeding UPRR's commercially reasonable access to current and potential customers and the access of current and potential customers to UPRR along the corridor." Drawings for the LGA appear to depict the CHSRA alignment crossing existing UPRR spur tracks and facilities owned or operated by current UPRR customers. The

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## Submission B032 (Clint Schelbitzki, Union Pacific Corporation, January 18, 2018) - Continued

proposed alignment also appears to separate UPRR from developable property adjacent to the UPRR main line at various points along the proposed route. Impacts to existing and future freight rail customers associated with the proposed LGA alignment are unacceptable. If the LGA is chosen as the preferred route, UPRR will seek to require modification of the route per the terms of the MOU so that there are no impacts to our ability to serve existing or future customers.

B032-4.5

- It is not clear whether the DSEIR has examined the impact that construction of the CHSRA alignment may have on the future ability of the city or other road authorities to grade-separate roads that cross the UPRR tracks throughout Bakersfield. State and federal policies encourage the elimination of railroad grade crossings for the benefit of safety and the efficient movement of trains and vehicular traffic. The design of the CHSRA alignment and its proximity to the UPRR right of way under the LGA may permanently prevent roads that currently cross the freight tracks at grade from being grade-separated in the future. UPRR requests that an analysis be completed to determine the extent of these potential impacts and that the results be formally communicated to the respective roadway authorities who might be impacted and to UPRR.

Considering the potentially serious and detrimental impacts to UPRR facilities, operations, current and future customer access, and to long-term roadway accessibility over UPRR tracks through Bakersfield, UPRR encourages CHSRA not to adopt the LGA.

Thank you for considering our comments.

Sincerely,



Clint Schelbitzki  
Director Network Development

## Response to Submission B032 (Clint Schelbitzki, Union Pacific Corporation, January 18, 2018)

### **B032-1**

The commenter indicates that the F-B LGA is largely parallel to and appears to cross UPRR and customer facilities and spur tracks, while the Bakersfield Hybrid Alternative (or May 2014 Project, as evaluated in the Supplemental EIR/EIS) is largely parallel to BNSF right-of-way. The commenter reiterates UPRR's requirement that no portion of the HSR be located on UPRR property or interfere with UPRR operations on rights-of-way owned by others. Further, when the HSR and UPRR alignments run adjacent or where HSR crosses above or below UPRR right-of-way, UPRR indicates that a safe and operationally functional distance must be maintained and HSR must not prevent UPRR from fully utilizing its property.

The Authority acknowledges the December 2014 Engineering, Construction, and Maintenance Agreement Related to the California High-Speed Rail Authority Project Merced to Bakersfield Segment (Agreement) with UPRR, and notes that it has been working cooperatively with UPRR under that Agreement to address issues of concern.

The May 2014 Project and the F-B LGA follow existing transportation corridors and rights-of-way to the extent feasible, consistent with the objectives of the HSR System. The Authority acknowledges that both the May 2014 Project and F-B LGA parallel the UPRR corridor, yet the F-B LGA follows it for a greater distance (approximately 11.25 miles versus 1.75 miles for the May 2014 Project). However, consistent with the Agreement, the F-B LGA does not physically encroach on UPRR property or where UPRR operates within rights-of-way owned by others, and maintains a minimum 102-foot clearance between UPRR right-of-way and the centerline of the HSR when all tracks are at ground level. Volumes I (Sections 2.4.1, 2.4.2, and 2.4.3) and III (Alignment Plans) of the Supplemental EIR/EIS provide more detail associated with the location of the F-B LGA in relation to the UPRR corridor.

The majority of the portion of the F-B LGA that parallels the UPRR corridor will be on viaduct. As described in Section 2.4.2 of the Supplemental EIR/EIS, and consistent with the Agreement, the F-B LGA would be aligned so that the edge of the structure does not fall within the active UPRR operating corridor. At its closest locations to the UPRR corridor, the F-B LGA viaduct would be as close as 140 feet from the nearest UPRR ground level track along Sumner Street and as close as 70 feet from the nearest UPRR ground level track along Edison Highway (Figures 2-7 and 2-8 in the Supplemental

### **B032-1**

EIR/EIS). Figure 2-13 in the Supplemental EIR/EIS shows the viaduct cross section adjacent to the UPRR corridor within Bakersfield. Drawings TT-B0019, TT-B0020, and TT-B0021 in Volume III of the Supplemental EIR/EIS (Alignment Plans, Profiles, and Cross Sections), available on the Authority's website, show the F-B LGA viaduct in relation to the UPRR right-of-way. Plan and profile drawings for the segment of the F-B LGA that parallels the UPRR are located in this same set of plans (e.g., Drawings TT-D1042 through TT-D1047 show the viaduct within the Sumner Street and Edison Highway road rights-of-way).

The F-B LGA includes several clear-span crossings of UPRR right-of-way. In Bakersfield, 7th Standard Road would be raised to cross over the HSR viaduct, UPRR, and SR 99. However, in the existing condition, 7th Standard Road is already elevated over the UPRR corridor. The 7th Standard Road profile increase associated with the F-B LGA will require the removal and construction of bridges over UPRR and SR 99, as well as raising the intersections with Coffee Road and Golden State Avenue (refer to Drawings CV-T1017 and CV-T1022 in Volume III of the Supplemental EIR/EIS [Roadway and Roadway Structure Plans]). South of the 7th Standard Road crossing, the F-B LGA viaduct will cross a spur that could be used by UPRR just north of Snow Road in Bakersfield (Figure 2-6 in the Supplemental EIR/EIS and Drawing TT-D1029 in the Volume III Alignment Plans, Profiles, and Cross Sections). And, at the F Street Station location, 34th Street would be realigned from approximately L Street to the F Street Station site. To get over the UPRR, the profile of 34th Street would rise to the City of Bakersfield maximum allotted 6 percent grade and Chester Avenue would be raised over the UPRR. A multi-use path would also extend to the F Street Station elevated over the UPRR corridor at this location. Refer to Drawings CV-T1050 and CV-T1051, included in Volume III of the Supplemental EIR/EIS (Roadway and Roadway Structure Plans). Consistent with the Agreement, all overcrossings would be designed to meet freight height clearances and would not prohibit UPRR's full utilization of its property for railroad purposes.

The Agreement provides UPRR review and approval rights of engineering, construction, and maintenance plans from the point in time that the project is approved by the Authority (that is, environmentally cleared) through the point of acceptance of the final engineering design and construction plans. Through this process, the Authority and the UPRR will agree to a final design that satisfies the requirements and concerns of UPRR.

## Response to Submission B032 (Clint Schelbitzki, Union Pacific Corporation, January 18, 2018) - Continued

### B032-2

As described in Response to Comment B032-2, the F-B LGA would require several crossings of UPRR facilities, and all crossings would be grade-separated and clear-span UPRR right-of-way to fully avoid conflicts with or impacts on UPRR freight operations at ground level. In Bakersfield, 7th Standard Road would be raised to cross over the HSR viaduct, UPRR, and SR 99. South of the 7th Standard Road crossing, the F-B LGA viaduct will cross a spur that could be used by UPRR just north of Snow Road in Bakersfield. And, at the F Street Station location, 34th Street would be realigned from approximately L Street to the F Street Station site. To get over UPRR, the profile of 34th Street would rise to the City of Bakersfield maximum allotted 6 percent grade and Chester Avenue would be raised over UPRR. A multi-use path would also extend to the F Street Station elevated over the UPRR corridor at this location.

Consistent with the Authority and UPRR Agreement (2014) and Technical Memorandum 2.1.7, Rolling Stock and Vehicle Intrusion Protection for High-Speed Rail and Adjacent Transportation Systems (Authority 2013), all overcrossings would be designed to meet freight height clearances and would not prohibit UPRR's full utilization of its property for railroad purposes. Furthermore, the Agreement provides UPRR review and approval rights of engineering, construction, and maintenance plans from the point in time that the project is approved by the Authority and FRA through the point of acceptance of the final engineering design and construction plans. Through this process, the Authority and the UPRR will agree to a final design that satisfies the requirements and concerns of the UPRR.

### B032-3

Safety considerations are included in the design of the HSR alignments with regard to proximity of the HSR line to other transportation facilities, including other railroads or highways. Separation requirements, described in Technical Memorandum 2.1.7: Rolling Stock and Vehicle Intrusion Protection for High-Speed Rail and Adjacent Transportation Systems (Authority 2013), were developed specifically for the California HSR System. A horizontal separation of approximately 102 feet between the centerlines of adjacent conventional and HSR trackways has been determined to be a distance sufficient to require no additional protection, and is consistent with the Authority and UPRR Agreement (2014). The F-B LGA maintains a minimum 102-foot clearance between UPRR right-of-way and the centerline of the HSR when all tracks are at ground level.

The majority of the portion of the F-B LGA that parallels the UPRR corridor will be on viaduct. As described in Section 2.4.2 of the Supplemental EIR/EIS, and consistent with the Agreement, the F-B LGA would be aligned so that the edge of the structure does not fall within the active UPRR operating corridor. As described in Section 3.11.4.2, Safety and Security (Impact S&S#4), the F-B LGA track on the viaduct along Sumner Street and Edison Highway in Bakersfield would be as close as 140 feet from the nearest UPRR ground level track along Sumner Street and as close as 70 feet from the nearest UPRR ground level track along Edison Highway. Since the F-B LGA would be on viaduct and the UPRR would be at ground level (grade-separated), additional protection would not be required consistent with the Agreement, and the HSR would not interrupt freight rail service.

## Response to Submission B032 (Clint Schelbitzki, Union Pacific Corporation, January 18, 2018) - Continued

### B032-4

The Authority acknowledges the July 2012 Memorandum of Understanding and Implementing Agreement Related to High-Speed Rail Development in California (MOU) with the Union Pacific Railroad, and notes that it has been working cooperatively under that MOU with UPRR to address issues of concern.

As described in Response to Comment B032-2, the F-B LGA would involve several clear-span crossings of UPRR facilities. In Bakersfield, 7th Standard Road would be raised to cross over the HSR viaduct, UPRR, and SR 99. South of the 7th Standard Road crossing, the F-B LGA viaduct will cross a spur that could be used by UPRR just north of Snow Road in Bakersfield. At the F Street Station location, 34th Street would be realigned from approximately L Street to the F Street Station site. To get over UPRR, the profile of 34th Street would rise to the City of Bakersfield maximum allotted 6 percent grade and Chester Avenue would be raised over UPRR. A multi-use path would also extend to the F Street Station elevated over the UPRR corridor at this location. Consistent with the Authority and UPRR Agreement (2014) and Technical Memorandum 2.1.7, Rolling Stock and Vehicle Intrusion Protection for High-Speed Rail and Adjacent Transportation Systems (Authority 2013), all overcrossings would be designed to meet freight height clearances and would not prohibit UPRR's full utilization of its property for railroad purposes or access of current and potential customers to UPRR.

The Authority acknowledges that the HSR alignment potentially separates the UPRR corridor from developable right-of-way in Bakersfield (e.g., on 24th Street and at Truxtun Avenue and Washington Street). The Authority also appreciates UPRR's concern related to the HSR limiting UPRR's ability to serve future customers. As the Supplemental EIR/EIS acknowledges in Section 3.4.4.3 (Impact TR#10, under Altering Freight Rail Transportation), the "HSR would, in some locations, restrict the ability of UPRR and BNSF to construct new spur lines for potential future customers." Consistent with the Agreement and MOU, the Authority will continue to work collaboratively with UPRR to preserve UPRR's ability to serve current and future customers.

The Agreement provides UPRR review and approval rights of engineering, construction, and maintenance plans from the point in time that the project is approved by the Authority through the point of acceptance of the final engineering design and construction plans. Through this process, the Authority and UPRR will agree to a final

### B032-4

design that satisfies the requirements and concerns of UPRR. The Authority understands that changes required by the UPRR review and approval process that result in impacts not fully analyzed in the Final EIR/EIS would require an appropriate level of subsequent environmental review. This review may result in the preparation of subsequent or supplemental environmental documents, if required under CEQA and NEPA.

## Response to Submission B032 (Clint Schelbitzki, Union Pacific Corporation, January 18, 2018) - Continued

### B032-5

The comment indicates that the Supplemental EIR/EIS has not examined the impact that the HSR may have on the future ability to grade-separate roads that cross the UPRR corridor in Bakersfield. UPRR requests that an analysis be conducted to determine the extent of these potential impacts.

Within the F-B LGA alignment, UPRR has several at-grade crossings in Bakersfield, including Snow Road, Olive Drive, 30th Street, Q Street, and Baker Street. In order to grade separate the crossing, the roadway must go up above or below UPRR. The Authority acknowledges that taking the UPRR up or down is generally not practical due to the length of grades required to make a clearance. Furthermore, the Authority acknowledges that the proposed HSR on viaduct above these streets may limit the options to grade-separate these facilities, though not necessarily prevent it.

The Authority has conducted a preliminary assessment of the options to grade-separate these roadways. For 30th Street, Q Street, and Baker Street, lowering the road under the UPRR appears to be the best and potentially only option. However, at Snow Road and Olive Drive, taking the roadway up or down both appear to be viable options. Thus, the HSR viaduct would not eliminate opportunities to grade-separate roads that cross the UPRR corridor in Bakersfield.

The Authority will make a good faith effort to design the HSR viaduct so as not to preclude future grade separations, and consistent with Section 3.1.16 of the Authority and UPRR Agreement (2014), the Authority acknowledges that UPRR may withhold approval of the design of elements of the project if UPRR concludes that those elements will be built in a manner that will preclude future grade separation of UPRR tracks. Furthermore, in accordance with the Agreement, UPRR will review and approve designs to ensure that operational concerns are addressed in a mutually agreeable negotiated understanding between the Authority and UPRR.