

Submission P001 (John Albertson, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 generate electricity, will that be coming from the  
2 aqueduct or will that be from the ground water supply we  
3 have, which is in jeopardy also.

4 I know we need alternate transportation, but  
5 two things concern me. I've saw sections of the train  
6 is going to be elevated. Do we know if there are any  
7 earthquake faults within that area? And out in the open  
8 areas, elevated train, we get high winds through the  
9 valley, and are we going to be safe in that condition  
10 there, too?

11 It -- we've been told how many jobs it's going  
12 to create, but we haven't been told how many jobs are  
13 going to be lost, how many people are going to be  
14 displaced, how many businesses will no longer be doing  
15 business. This is really concerning.

16 So that's about all I've got to say.

17 MR. JEFF MORALES: Thank you, sir.

18 John Albertson, Tom Drulias, and then Vic  
19 Martinov.

20 MR. JOHN ALBERTSON: Good morning. My name is  
21 John Albertson. I live at 16284 Central Valley Highway,  
22 also known a Highway 43 south of Wasco. My wife and I  
23 have a little two and a half acre piece of property, and  
24 we noticed at the Elks' meeting about three weeks ago  
25 that you all have a right of way through our property

Page 16

California High-Speed Rail Authority - Public Hearing  
559-224-9700

P001-1

This transcript was prepared for you by:  
Fresno Court Reporters

1 going to "something" on the other side next to the  
2 railroad tracks. When I asked what was that  
3 "something," there was no answer. Nobody could tell me  
4 whether it was a sump, whether it was a power plant,  
5 whether it was a storage yard, but nonetheless you have  
6 a right of way on our property.

7 From the back of my father's bottom step to  
8 the south fence, which is a common property line between  
9 the Wasco Irrigation District and our place, that's 28  
10 and a half feet. From the highway property line to the  
11 railroad tracks east and west, that's 225 feet. If you  
12 all take that swath of ground from the highway east to  
13 the railroad tracks 28 feet wide, that's approximately  
14 6300 square foot, divided by 43,560, the number of feet  
15 in an acre, you're taking about 16 percent of --  
16 15 percent, excuse me, of our property.

17 In that 15 percent, I have about 225 feet of  
18 two-inch schedule 40 underground to irrigate my fruit  
19 trees and property with irrigation district water. I  
20 have 200 feet of inch-and-a-half schedule 40 with six  
21 faucet heads throughout that and water lines from the  
22 well. I have 14 fruit trees with faucets and drippers  
23 to irrigate. Out of those 14 trees that would have to  
24 be removed for that right-of-way, four of them are more  
25 than 50 years old. I have 45 feet of six different

Page 17

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P001 (John Albertson, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 varieties of table grapes on a trellis, 75 feet of  
2 blackberries on the south fence, 100 feet of buried gas  
3 line from the meter on the highway and to the back of  
4 dad's house. I will have to reroute a sewer line and a  
5 septic tank for dad's house. And you're going to take  
6 out part of your garden area where we grow our  
7 vegetables. Also, on the southeast corner of our  
8 property we have a 12-foot butterfly access gate between  
9 the eastern edge of our property and the railroad  
10 tracks.

11 We bought this place many years ago for a  
12 place to end our life. When I get the ride to last time  
13 over the great divide, that's where I want to cash out.  
14 We're too old to go down the road and start over again.  
15 I've planted over 500 fence posts out of pipe and  
16 cement, dug those holes by hand, mixed the bags of  
17 cement in a wheelbarrow, all of it hand work, sweat  
18 equity, middle class America work. I don't want to go  
19 someplace else to start over because I don't have it in  
20 me. I want to end my life right there.

21 You can take that right-of-way and you could  
22 move it down to Filburn or Jackson and accomplish the  
23 same goal without disrupting our property and our way of  
24 life. Thank you.

25 MR. JEFF MORALES: Thank you, Mr. Albertson.

Page 18

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P001 (John Albertson, August 27, 2012)

---

### **P001-1**

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

Kimberlina Avenue is proposed to become an underpass. A retention basin would be located on the east side of the existing BNSF tracks to collect rainwater from the underpass. Access would be required from Central Valley Highway to maintain the basin and pump equipment.

### **P001-2**

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02.

As described in Section 1.5, Tiering of Program EIR/EIS Documents, of the Final EIR/EIS, in the 2005 Statewide Program EIR/EIS decision document (Authority and FRA 2005), the Authority and FRA selected the BNSF Railway (BNSF) route as the preferred alternative for the HST System between Fresno and Bakersfield. Therefore, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

As discussed in Section 2.3.1, HST Project-Level Alternatives Development Process, of the Final EIR/EIS, the Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project, as required under Title 14 California Code of Regulations (CCR) Section 15126.6 and Title 40 Code of Federal Regulations (CFR) Section 1502.15(a). This range of alternatives was analyzed in the EIR/EIS.

In Wasco, the BNSF Alternative would closely follow the western side of the BNSF corridor until just south of the city, where it would cross over to the eastern side of the BNSF tracks. The BNSF tracks would be realigned in the area of the subject property (from Jackson Avenue to Merced Avenue) to accommodate the HST alignment, because the HST design requirements necessitate wider curves to accommodate the speed of the HST compared with the curves for the existing lower-speed freight trains.

Because the engineering design of the HST project is tied to the Kimberlina underpass and the existing curve of the BNSF alignment in the vicinity, it is infeasible to move

### **P001-2**

these features to Filburn or Jackson streets.

Submission P002 (Carol Bender, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 otherwise impact their properties in order to make  
2 right-of-way for the project. This is a purposeful and  
3 egregious omission -- omission on the part of the  
4 Authority and violates the intent of the Environmental  
5 Justice provisions mandated by NEPA.

6 The Authority has not provided hard copies of  
7 over 30,000 pages of Draft Environmental Impact Report  
8 and Study documents in Spanish, even though a large  
9 percentage of impacted property owners in the planned  
10 alternative alignments are Spanish-speaking. In fact,  
11 very few Authority documents have been provided in  
12 Spanish. This violates the intent of Environmental  
13 Justice provisions mandated by NEPA and has denied  
14 Spanish-speaking stakeholders privileged position  
15 status.

16 Thank you.

17 MR. JEFF MORALES: Thank you, Mr. Descary.

18 Carol Bender, Jeff Taylor, Sung Jung.

19 We have -- we're going to take a break for the  
20 court reporter. After these four speakers, we're going  
21 to take a short break and then resume again.

22 MS. CAROL BENDER: Good afternoon. My name is  
23 Carol Bender, and I'd like to speak to you about the  
24 widespread and severe violations of NEPA Environmental  
25 Justice law, also.

Page 44

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

P002-1

1 The Fresno to Bakersfield Draft EIR/S states  
2 that local agencies endorse the downtown Bakersfield  
3 Truxton Avenue station, however, concepts considered  
4 desirable in 2003, which is when this occurred, prior to  
5 full evaluation of environmental effects should not  
6 preclude consideration of NEPA and CEQA alternatives  
7 that might be effective in avoiding and reducing  
8 significant environmental effects. There are no truly  
9 new rail alignment alternative studies for the  
10 Bakersfield area in the current DEIR documents.

P002-2

11 NEPA requires that the Authority demonstrate a  
12 need for the proposed project compared with the no-build  
13 option. The need-to-build threshold has not been met.

P002-3

14 NEPA also mandates that the Authority provide reasonable  
15 alternative studies for the purpose of identifying and  
16 evaluating the associated environmental impacts of the  
17 alternative to determine which alternative will  
18 accomplish the purpose of the Project while causing the  
19 least amount of impact to the environment. The DEIR/S  
20 only examined prior variations with combinations of the  
21 B1 and B2 alternative alignment when they developed the  
22 B3 hybrid.

23 The three Bakersfield alternative alignments  
24 will cause similar devastating impact to the Bakersfield  
25 community. All three alignments are in most cases only

Page 45

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P002 (Carol Bender, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 feet apart from each other and have been cut through the  
2 heart of metropolitan Bakersfield, all three of the  
3 alternative alignments are elevated as high as 90 feet  
4 for the length of Bakersfield, and they will cause  
5 widespread and excessive impacts to all members of the  
6 community who live and work within sight and sound of  
7 the elevated train tracks.

8 A draft EIR/S of less destructive and  
9 impactful alternative station locations and alignments  
10 outside of but in close proximity to metropolitan  
11 Bakersfield have not been considered. Peripheral  
12 alignment alternatives would cause far fewer negative  
13 impacts, essentially to build it at grade, and may cost  
14 hundreds of millions of dollars less than the current  
15 alternative. A peripheral alignment alternative may  
16 greatly reduce property acquisition costs and the  
17 exorbitant expense of constructing an elevated downtown  
18 station and 12 miles of elevated viaducts through the  
19 heart of Bakersfield.

20 In 2003, in looking back at prior -- prior  
21 meeting notes, they predicted 10 billion riders per year  
22 annually. In the 2011 documents I read last night,  
23 117 billion. Lots of things change between 2003 and  
24 2012, yet no one will look at an outside alignment.

25 I'd like to just say one other thing off topic

Page 46

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 here, but in looking through that data, I spent like ten  
2 hours looking through that last night, the alignment  
3 through Fresno shows noise impacts severe, 20; noise  
4 impacts moderate; 220. In Bakersfield, severe noise  
5 impacts, 2,585; moderate, 5,940. Why does Fresno have  
6 less opposition? Look at the impact. You cannot tell  
7 me that you cannot find an alignment that has less  
8 environmental impact than these three that are basically  
9 are hand in hand a few feet apart.

10 Thank you very much.

11 MR. JEFF MORALES: Thank you, Mr. Bender.

12 Jeff Taylor, Sung Jung, and Harold Davis.

13 MR. JEFF TAYLOR: Good afternoon, Gentlemen,  
14 Ms. Perez, Ms. Hurd. My name is Jeff Taylor, and I'm  
15 Chairman of Save Bakersfield Committee, and I'd like to  
16 talk to you, too, about Environmental Justice violations  
17 of NEPA.

18 The three Bakersfield alternative alignments  
19 will unnecessarily cause south of the tracks devaluation  
20 to an extended number of properties located within sight  
21 and sound of the 12-mile-long elevated train tracks and  
22 will cause huge impacts to our local property tax base.  
23 All three alignment will unnecessarily destroy an  
24 unacceptable number of homes, businesses, jobs, and  
25 community infrastructure. Widespread and severe

Page 47

California High-Speed Rail Authority - Public Hearing  
559-224-9700

## Response to Submission P002 (Carol Bender, August 27, 2012)

---

### **P002-1**

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

The commenter is correct that the City of Bakersfield is no longer supportive of a downtown station.

As discussed in Section 2.3.1, HST Project-Level Alternatives Development Process, of the Final EIR/EIS, the Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project, as required under Title 14 California Code of Regulations (CCR) Section 15126.6 and Title 40 Code of Federal Regulations (CFR) Section 1502.15(a). This range of alternatives was analyzed in the EIR/EIS.

The Draft EIR/EIS analyzed two alternatives through Bakersfield. The Authority examined an additional alternative through the Bakersfield area in the Revised DEIR/Supplemental DEIS based on substantive comments received during the public and agency review of the Draft EIR/EIS. The Bakersfield Hybrid Alternative would require reduced speeds and would impact the overall travel times mandated by the California State Legislature. However, this alternative would provide the advantage of avoiding the Bakersfield High School campus and would reduce the number of religious facilities and homes impacted in east Bakersfield. Please refer to Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the Final EIR/EIS for more detail.

### **P002-2**

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

No evidence has been provided in this comment to indicate that there is not a need for the project.

Chapter 1 of the EIR/EIS describes the project's purpose and need. The alternatives selected for analysis in the EIR/EIS must satisfy the project's purpose and need (64 FR 101, page 28545, section 14[I]). The No Project Alternative must also be examined, whether or not it would satisfy the purpose and need. Although NEPA requires an EIS to contain sufficient analysis to allow a comparison between alternatives, there is no

### **P002-2**

provision in NEPA requiring that the project's purpose and need be compared with the "no-build option" (i.e., No Project Alternative).

### **P002-3**

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

The procedural requirements for the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) were followed during the environmental review of the Fresno to Bakersfield Section of the HST System.

As discussed in Section 2.3.1, HST Project-Level Alternatives Development Process, of the Final EIR/EIS, the Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project, as required under Title 14 California Code of Regulations (CCR) Section 15126.6 and Title 40 Code of Federal Regulations (CFR) Section 1502.15(a). This range of alternatives was analyzed in the EIR/EIS.

The Authority examined an additional alternative through the Bakersfield area in the Revised DEIR/Supplemental DEIS based on substantive comments received during the public and agency review of the Draft EIR/EIS. The Bakersfield Hybrid Alternative would require reduced speeds and would impact the overall travel times mandated by the California State Legislature. However, this alternative would provide the advantage of avoiding the Bakersfield High School campus, and would reduce the number of religious facilities and homes impacted in east Bakersfield. Please refer to Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the Final EIR/EIS for more detail.

### **P002-4**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10, FB-Response-GENERAL-25.

The procedural requirements for the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) were followed during the environmental review of the Fresno to Bakersfield Section of the HST System.

## Response to Submission P002 (Carol Bender, August 27, 2012) - Continued

---

### **P002-4**

As discussed in Section 2.3.1, HST Project-Level Alternatives Development Process, of the Final EIR/EIS, the Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project, as required under Title 14 California Code of Regulations (CCR) Section 15126.6 and Title 40 Code of Federal Regulations (CFR) Section 1502.15(a). This range of alternatives was analyzed in the EIR/EIS.

The Authority introduced an additional alternative through the Bakersfield area based on substantive comments received during the public and agency review of the Draft EIR/EIS. The Bakersfield Hybrid Alternative would require reduced speeds and would impact the overall travel times mandated by the California State Legislature. However, this alternative would provide the advantage of avoiding the Bakersfield High School campus and would reduce the number of religious facilities and homes impacted in east Bakersfield. Please refer to Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the Final EIR/EIS for more detail.

The Authority and its Station Area Development Policies specifically advocate:

- Higher-density development in relation to the existing pattern of development in the surrounding area, along with minimum requirements for density.
- A mix of land uses (e.g., retail, office, hotels, entertainment, residential) and a mix of housing types to meet the needs of the local community.
- Compact pedestrian-oriented design that promotes walking, bicycling, and transit access with streetscapes that include landscaping, small parks, and pedestrian spaces.
- Limits on the amount of parking for new development and a preference that parking be placed in structures. Transit-oriented development areas typically have reduced parking requirements for retail, office, and residential uses due to their transit and bicycle access, walkability, and potential for shared parking. Sufficient train passenger parking would be essential to system viability, but this parking would be offered at market rates (not free) to encourage the use of access by transit and other modes.

### **P002-4**

- Infill development—namely, development around HST stations on land that is already disturbed by existing development, parking lots, pavement, etc., rather than development on previously undisturbed land or on farmland. The Authority, therefore, prefers to locate its stations in existing developed areas, particularly city centers.

Please see Section 2.7, Additional High-Speed Train Development Considerations, of the Final EIR/EIS for more detail about these policies. Please also refer to Section 2.3, Potential Alternatives Considered during Alternatives Screening Process, for a discussion of the alternatives analysis process and findings.

Submission P003 (Carol Bender, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 checking off another box? Is it reasonable? That is  
2 the question that the FRA has before them today.  
3 NEPA Environmental Justice law was violated by  
4 the Authority from the beginning of the planning  
5 processes of the Merced to Fresno EIS. The Authority  
6 has also failed to comply with Environmental Justice  
7 provisions as it planned the Fresno to Bakersfield EIS.  
8 The only just remedy for the Authority's multitude of  
9 egregious NEPA violations is for the Federal Railroad  
10 Administration to withdraw this EIS and direct the  
11 High-Speed Rail Authority to beginning its planning  
12 processes anew and to do so in strict compliance with  
13 NEPA Environmental Justice law.

14 MR. JEFF MORALES: Thank you, Mr. Kennedy.  
15 Carol Bender.

16 MS. CAROL BENDER: Cumulative -- cumulative  
17 impacts are important to actually access, I think we can  
18 all agree on that. The noise studies in the EIR were  
19 conducted in 2009, and the methodology for determining  
20 base noise levels should be based upon conditions at the  
21 time of the build and as they are anticipated to be at  
22 full build at 2035, or whenever that is. I don't see  
23 any of that data or analysis in the EIR, and I've  
24 looked.

25 In the new Draft EIR, cumulative impacts along

Page 74

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 the Santa Fe Way area between Seventh Standard Road and  
2 Hageman are not specifically identified or adequately  
3 evaluated for at least not even -- or at least that  
4 documentation is not included. In the last draft of the  
5 EIR, sound walls were located north at Hageman Road. We  
6 were told at the time that just how far north they would  
7 be was to be determined. In the current EIR, those  
8 proposed sound walls were completely removed from the  
9 plan, apparently based upon the fact that only sound  
10 studies -- only on the sound studies that were done in  
11 2009 and based on east side track placement change.

12 However, what this report does not entail is  
13 major housing developments on both sides of the BSNF --  
14 BNSF that are not yet built but have been approved are  
15 also not mentioned or -- nor mitigation is not mentioned  
16 for that either.

17 Reina Ranch's EIR was available for their  
18 review in 2009, and it's currently on the Kern County  
19 website. It entails plans for 253 single family  
20 residences on approximately 72 acres just to the west of  
21 Santa Fe Way, which parallels the BNSF on all three  
22 proposed alignments. Mitigation should be provided for  
23 the neighborhoods of West North Hill Estates, Reina  
24 Ranch, and on the west side of the tracks for Rosedale  
25 Ranch to the east side between Seventh Standard Road and

Page 75

California High-Speed Rail Authority - Public Hearing  
559-224-9700



Submission P003 (Carol Bender, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P003-2

1 Kratzmeyer Road.  
2 The currently completed Hageman-Allen Santa Fe  
3 double underpass, as a neighbor reported earlier, was  
4 funded in part by a Prop 1B fund, and in their  
5 application a stipulation was made by BNSF that required  
6 them to build on specifications allowing triple track  
7 for their future freight service. I see no mention of  
8 this in the Draft EIR, nor I see -- do I see any  
9 indication of even double tracking in that area.

10 With the addition of two tracks for high-speed  
11 rail and an addition of up to two more tracks for BNSF  
12 shared services, freight and passenger, if we even  
13 retain Amtrak at all, we are talking about up to five  
14 track lines running just several hundred feet from large  
15 community residential areas. Yet not even a proposed  
16 sound wall.

P003-3

17 The EIR recognizes adverse effects, visual  
18 impacts, noise, vibration impacts, especially those  
19 elevated guidelines, but in the EIR, the narrative  
20 dismisses these cumulative effects. Quote, "There is an  
21 assumption" -- apparently the High-Speed Rail  
22 Authority's assumption -- "that because properties are  
23 already adjacent to the existing BNSF rail corridor,  
24 these decreased property values had already occurred."  
25 So apparently if you've got one railroad track there,

Page 76

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

P003-4

1 why not add ten more, our properties were also devalued  
2 with the first one. That is atrocious.

3 In addition to that, I just have a couple  
4 things, the census that was referred to was the 2000  
5 census, and the 2010 census reads our demographics as  
6 45.5 percent Hispanic, 8.2 percent Black, 6.2 Asian, and  
7 37.8 non-Hispanic white. The median income for our  
8 household is \$39,982.

P003-5

9 And, lastly, even though the hybrid alignment  
10 is touted as the High-Speed Rail's likely preferred one,  
11 it displaces the most school children in our community.  
12 In Kern County, 81,699 people live within a half mile of  
13 the High-Speed Rail alignment. That's 12.8 percent of  
14 our population. In Fresno, 1.5 percent of their  
15 population.

P003-6

16 And when you look at this, we don't have the  
17 funding. We know that construction is going to add a  
18 lot of adverse impacts. Our air quality, we all know  
19 what that's about, and ultimately that's what we're  
20 supposed to be helping. But we don't have the funding  
21 to complete this. If we do the construction project and  
22 leave it sitting with a 20-minute faster Amtrak train on  
23 the initial construction segment until we ever get any  
24 money, we would have put all that interest -- we would  
25 have adversely impacted the entire valley, the farmland,

Page 77

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P003 (Carol Bender, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P003-7

1 the children, our health for nothing. So is that worth  
2 it? No. This plan is wrong, and it needs to go back to  
3 the drawing board.  
4 Thank you.  
5 MR. JEFF MORALES: Thank you, Ms. Bender.  
6 Buddy Graham returned?  
7 Do we have any other --  
8 Frances Morgan, Jannette Berry, and Manooshree  
9 Patel.  
10 MS. FRANCES MORGAN: Frances Morgan, again  
11 representing myself and my community of Bakersfield. I  
12 didn't have time to finish the community centers that  
13 have the High-Speed Rail versions in hard copy, as well  
14 as the Kern County Planning Department.  
15 The Dr. Martin Luther King Community Center,  
16 on their website is English only, no Spanish is  
17 available. No information is regarding the High-Speed  
18 Rail is there. However, both versions of the high-speed  
19 copies in both English and Spanish were there, which was  
20 shocking to me, that is the first one you found. Their  
21 operating hours are Monday through Friday 8:00 to 5:00  
22 and closed on Saturday.  
23 The Greenacres on Calloway, their website is  
24 English only, no information on the High-Speed Rail, and  
25 they have only the English version. And they are open

Page 78

California High-Speed Rail Authority - Public Hearing  
559-224-9700

## Response to Submission P003 (Carol Bender, August 27, 2012)

---

### **P003-1**

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

The purpose of conducting ambient noise level measurements in 2009 was to establish existing ambient noise level conditions at noise-sensitive receivers. These noise levels were then used to model potential noise impacts at noise-sensitive receivers when the project is built. Project build-out (aka "full build") is expected by 2035, and the cumulative impacts can be found in Section 6.8 of the *Fresno to Bakersfield Section: Noise and Vibration Technical Report* (Authority and FRA 2012j).

### **P003-2**

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

The HST project will not preclude freight rail operators or any other entity from constructing future rail improvements or expansion.

Initially, the HST alignment was to be located on the east side of the BNSF Railway (BNSF) tracks, closer to the tract of homes that runs along Vega Meadows Road, north of Noriega Road and south of Reina Road. Since then, the HST alignment has been relocated to the west side of the BNSF tracks. The BNSF "Hageman-Allen Santa Fe" double-grade-separation construction funded by Prop 1B currently accommodates one track, with room for a second, and has the potential for the bridges to be widened to allow for a third track at a later date.

Although the noise analysis in the EIR/EIS was conducted using the railroad tracks in their current configuration, future rail traffic projections were considered in the analysis. Projected noise levels at this location did not exceed the noise impact criteria that would result in a "severe impact." Therefore, no noise mitigation measures would be warranted. Please refer to Section 7.0 of the Noise and Vibration Technical Report for the Fresno to Bakersfield Section (Authority and FRA 2012j; also available on the Authority's website), which describes the noise and vibration mitigation analysis. Section 7.2 of the Noise and Vibration Technical Report describes the locations where severe noise impacts require noise barriers; these locations are depicted in Appendix H of the report.

### **P003-3**

The commenter's quotation of the Revised DEIR/Supplemental DEIS pertaining to decreases in property values for parcels adjacent to the existing BNSF corridor is not consistent with the text provided in Section 3.19, Cumulative Impacts.

As described in Standard Response SO-02 (Property Values – HST Project Lower Property Values Due to a Nearby Station or HST Alignment that Generates Noise/Visual Impact), the analysis in the Revised DEIR/Supplemental DEIS addresses the potential effects of transit projects on property values. For information on potential HST project impacts on property values, see Section 5.4.4.3 in the Community Impact Assessment Technical Report.

### **P003-4**

The Federal Railroad Administration and Department of Transportation issued a notice of intent to prepare an environmental impact statement for the California High-Speed Train Project for the Fresno to Bakersfield section on October 1, 2009. This date established the year of the affected environment. At that time, the 2010 Census data had not been published, and therefore the 2000 Census data were used for the socioeconomic analysis in addition to more recent data from the American Community Survey, the California Department of Finance, the California Employment Development Division, the California State Board of Equalization, and local data sources. The methodologies for identifying and analyzing affected populations as well as all data sources used are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h).

### **P003-5**

The Bakersfield Hybrid Alternative would displace the fewest school children of the alternatives through Bakersfield. The Bakersfield Hybrid Alternative would displace 186 residences in Bakersfield, compared to 265 residences displaced under the corresponding portion of the BNSF Alternative and 272 residences displaced under the Bakersfield South Alternative. While it is true that 81,699 people in Kern County and 18,610 people in Fresno County live within 0.5 mile of the HST alignment, not all of these people will be displaced from their homes. See EIR/EIS Volume I Section 3.12 Impact SO#9 for more information on residential displacements.

---

Response to Submission P003 (Carol Bender, August 27, 2012) - Continued

---

**P003-6**

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

**P003-7**

Refer to Standard Response FB-Response-GENERAL-11.

Your opinion is noted.

Submission P004 (Carol Bender, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 How did they apply those NEPA Environmental  
2 Justice practices to the Project development,  
3 environmental reviews related to this Revised Draft  
4 Environmental Impact Statement that was published before  
5 the policy was established? How does this affect the  
6 Merced to Fresno EIS and other problematic studies? How  
7 does the Federal Rail Administrator -- Administration  
8 reconcile this?

9 Withdraw the EIS until the California  
10 High-Speed Rail Authority proves that it is complying  
11 with federal law. We have not seen it yet, have you?

12 Thank you.

13 MR. JEFF MORALES: Thank you.

14 Ms. Bender.

15 MS. CAROL BENDER: I just have a couple more  
16 points. I was talking earlier about cumulative impacts  
17 and mentioning that 81,699 people in Kern County live  
18 within a half a mile of these alignments, which are so  
19 close together that there really aren't -- we don't  
20 consider them much of -- much of an alternative.

21 In looking again at -- with the notice of the  
22 intent to prepare the EIR in 2009, the design criteria  
23 dictated that it be a 220-mile-per-hour design  
24 throughout with few exceptions and that rail would not  
25 have to slow down through town so that we would have

Page 89

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 220-mile-per-hour trains running nonstop through our  
2 town affecting all those 81,000 plus people. And the  
3 planned future High-Speed rail trips at full build were  
4 anticipated to be up to 40 an hour, 20 each way,  
5 starting out every five to six minutes and then ending  
6 at every three minutes. That's a heck of a lot of  
7 trains on top of the freight trains that could be  
8 anywhere up to triple tracked.

9 The other thing that wasn't addressed:  
10 Effects on property taxes due to the removal of homes  
11 and structures and businesses. The biggest effect  
12 through the four counties in the southern part of the  
13 valley here is Kern County. The total of the counties  
14 would be 2.5 -- \$2.3 million in lost property taxes.  
15 Kern's portion of that is 1.4 million. Fresno's portion  
16 of that: 450,000. Kern has three times more of the  
17 impact despite the lower population. And we all know  
18 that decreased property taxes adversely affect school  
19 systems and the monies that they receive.

20 Rule 3.2 dash B bash 3 dash 12, last night at  
21 3:00 a.m., discussing property taxes. Quote, "The  
22 Project would only slightly raise the projected  
23 population and employment growth beyond the growth  
24 planned under the no-build project alternative."  
25 (Humph). They've been trying to sell this plan that was

Page 90

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P004 (Carol Bender, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 going to give us all these jobs in the valley, and  
2 they've been changing around the language so that the  
3 everyday man cannot understand what it means. It's  
4 going to produce a hundred thousand job year jobs.  
5 That's, what, 20,000 jobs times five years? That's a  
6 temporary job. And they're not guaranteed to be filled  
7 by anyone in the valley. And EIR just underscores that.  
8 Thank you.  
9 MR. JEFF MORALES: Thank you, Ms. Bender.  
10 Alfred Hernandez.  
11 MR. ALFRED HERNANDEZ: Hi. I'm Alfred  
12 Hernandez, and I represent myself and the Bakersfield  
13 Tea Party.  
14 I have to go on record as being opposed when  
15 the state is completely broke, when we have three cities  
16 that are bankrupt, and we're looking at another subsidy.  
17 You know, what are we left with when this Project is  
18 over? We're budgeted for rails and no train as I  
19 understand it. And the disturbing thing is that we  
20 already have outages today. We don't have the energy to  
21 run this thing, so what happens when we put the train  
22 down the track and we start having brown outs and black  
23 outs?  
24 Thank you.  
25 MR. JEFF MORALES: Thank you.

Page 91

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P004 (Carol Bender, August 27, 2012)

---

### **P004-1**

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

The Record of Decision for the Statewide HST Program was based on the Authority and FRA's prior program EIR/EIS documents (e.g., Authority and FRA 2005; see also Section 1.5, Tiering of Program EIR/EIS Documents, of the Final EIR/EIS). The Record of Decision selected the BNSF Railway (BNSF) route as the Preferred Alternative for the HST System between Fresno and Bakersfield. Therefore, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

Section 2.4.3, Alignment Alternatives, of the Final EIR/EIS describes the project alternatives for the Fresno to Bakersfield Section of the HST System. The Kern County alternatives are depicted in Figure 2-30. The environmental impacts associated with these alternatives are described in detail in the various sections of Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures (i.e., Section 3.2, Transportation; Section 3.3, Air Quality and Global Climate Change; Section 3.4, Noise and Vibration; etc.). The Kern County alternatives are practicable alternatives that meet most or all project objectives, are potentially feasible, and would result in certain environmental impact reductions (including varying impacts on communities, environmental resources, and agriculture) relative to each other.

### **P004-2**

The number of trains operating at any given time will ultimately depend on the ridership. Appendix 2-C, Operations and Service Plan Summary, of the Revised DEIR/Supplemental DEIS provides background information on the intended service and operations of the California High-Speed Train (HST) System at this point in project planning. Because stations are proposed in Fresno and Bakersfield, trains would be going through those cities. There are bypass alternatives for all other towns and cities between Fresno and Bakersfield.

The Authority used the information in the Revised DEIR/Supplemental DEIS and input from the agencies and public to identify the Preferred Alternative. The decision included consideration of the project purpose and need and the project objectives presented in Chapter 1, Project Purpose, Need, and Objectives, as well as the objectives and criteria

### **P004-2**

in the alternatives analysis and the comparative potential for environmental impacts. For more detail please refer to Chapter 7, Preferred Alternative, in this Final EIR/EIS.

### **P004-3**

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

For information on the HST operation-related property and sales tax revenue effects, see Impacts SO #3, SO #4, and SO #12 in Section 3.12, Socioeconomics, Communities, and Environmental Justice. See Technical Appendix 3.12-B in Volume II of the EIR/EIS for analysis of the potential effects on school district funding.

### **P004-4**

The comment relays the conclusions stated in the Revised DEIR/Supplemental DEIS. The comment is acknowledged.

Submission P005 (Carol Bender, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 massive EIRs, which have massively confused and  
2 division. And we have been fed unrealistic numbers and  
3 analysis to entice our belief that this project is  
4 one-stop-cure for all of our problems from  
5 transportation to jobs.

6 Now, I've been sitting back there nervously  
7 waiting for this chance to speak to you, but I've  
8 noticed that of all the people that have gotten up and  
9 spoken, I think three of you, you can actually say are  
10 pro rail, and the rest have spoken in opposition of the  
11 rail, so I strongly recommend that the Federal Rail  
12 Authority take a good look at this and see and not pass  
13 this EIR.

14 Thank you.

15 MR. JEFF MORALES: Thank you, Mr. Fukuda.  
16 Kenneth Foster? No.

17 Okay. We have a few minutes left. We have  
18 one speaker who's asked to go last. We will honor that  
19 request, and see if Mr. Foster shows up or anyone else.

20 You shouldn't have sat down. Carol Bender.

21 MS. CAROL BENDER: Thank you. I'm not going  
22 to spew any more facts to you, I think -- I think my  
23 work's done in that area. I did spend a lot of time on  
24 it because my thought -- I think it's important. My  
25 house isn't going to be taken of me in some alignment,

Page 124

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 but this is my home, and those of us who can speak for  
2 our community need to.

3 And I think that if in 2003 when all this came  
4 about and was presented to our -- the people that were  
5 involved in Kern, city and county levels, it -- it  
6 sounded like kind of a cool idea. I mean, I thought we  
7 all thought it was a cool idea and establishing -- along  
8 established corridors, we all thought, huh, it's going  
9 to go down 5, perfect. All the people driving down 5  
10 are going to see this rail going by at 220 miles an hour  
11 and thinking maybe we should be doing that. We had no  
12 idea that we were going to -- it was going to plow  
13 through all of downtown.

14 Originally in the scoping meeting that I was  
15 reading the minutes last night, in 2003 they did have  
16 some public people there, they had three alternatives,  
17 one being downtown, one being at the airport, which  
18 was the -- had the most votes. So even at the beginning  
19 people thought that that made the most sense, but  
20 somehow, the picture got skewed that we needed it  
21 downtown, that this was going to bring some vitality to  
22 downtown, that there was going to be all these really  
23 positive things that were going to happen.

24 And -- and when I read the minutes of that  
25 meeting, it said -- it's clearly stated that we're not a

Page 125

California High-Speed Rail Authority - Public Hearing  
559-224-9700



Submission P005 (Carol Bender, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P005-3

1 hundred percent sure that is what we want, this is just  
2 based on what it looks like, and as the information  
3 comes to us, we'll be able to make a better decision.  
4 They had all these different things that they were  
5 concerned about, Tejon, Tehachapi. We're still  
6 concerned about those things. They're still findings  
7 faults, new fault lines in Tehachapi, yet Prop 1A says  
8 we got to go to Palmdale. What happens if we can't go  
9 to Palmdale or it costs us \$17 billion to build the  
10 first segment of it, then we find out there's another  
11 earthquake fault that's going to impair our ability to  
12 use it. So we really don't even know how much it's  
13 going to cost to get there, so therefore we really can't  
14 say if it will ever happen.

15 So I think in looking at this, just logically,  
16 if we could go back, knowing what we know now, in 2003  
17 no one would have chosen downtown. We would have said  
18 take the 5, because the reality is LA wants to get San  
19 Francisco, San Francisco wants to get to LA. Neither  
20 one want to use their airports, for the obviously  
21 reasons. They don't want to stop in the Central Valley.  
22 We're not the biggest exciting place to live -- I mean,  
23 to -- to view us in terms of vacation hot spots, unless  
24 you like to raft the Kern River, which a lot of people  
25 do.

Page 126

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 So I think now we would just simply say the 5  
2 is fine. Maybe we can somehow get some kind of funding  
3 or -- and get a light rail out to the 5 and create a  
4 station out there, that makes sense for us, and we'll  
5 just ride Amtrak, take the Amtrak bus, the Amtrak bus  
6 will get us there almost as fast as the new proposed  
7 high-speed rail, it's just not quite as luxurious.

8 So I think -- I think in listening to what --  
9 what Bill just said, the 5 got tossed out a long time  
10 ago. There's no water, therefore we can't built  
11 communities out there. Well, we don't need build  
12 communities out there. Why can't it just be a travel  
13 corridor? Why can't the Central Valley just grow food  
14 and farmland, pump the oil, have everybody continue to  
15 make fun of us down here because we don't know anything,  
16 that we have the most polluted air in the world, and  
17 who'd want to visit there. You know, we -- we've gotten  
18 pot shots from the press, we've been told we're ignorant  
19 nimbys who don't know what we're talking about, this is  
20 going to be the greatest thing since slice bread, as my  
21 dad used to say, you just wait.

22 Well, it's not going to do great. There's too  
23 many, it's a huge percentage of people that are going to  
24 be impacted by this thing in Bakersfield, and there's  
25 very few that benefit. We're going to get a few train

Page 127

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P005 (Carol Bender, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 lines in, but the nonstop trains are going to be  
2 breezing by at 220 miles per hour with all their adverse  
3 affects, and the lines that we're going to get are not  
4 going to be nonstop. We're not going to be getting to  
5 San Francisco fast. LA will be getting to San Francisco  
6 fast and San Francisco will be getting to LA fast, but  
7 we'll just have a faster train system, and that's not  
8 worth it to us.

9 We'll be happy to hand it back and just say,  
10 fine, take care of the book ends. They need it. I  
11 totally understand that they need their regional train  
12 systems, you know, improved, they do, but that's not  
13 what I voted for or anybody voted for with 1 --  
14 Proposition 1A. That's not what we voted for. We don't  
15 want to finance it, we don't want to be what gets, you  
16 know, destroyed in the process.

17 There's been so much talk about who cares --  
18 actually, one journalist actually wrote to me because I  
19 wrote to him and I asked him why don't -- why can't  
20 anyone understand that we don't want these elevated  
21 viaducts at 80-90 feet through our town, you know, with  
22 plexiglass so people can look through so they're not  
23 feeling like they're in a tunnel. I mean, hello, this  
24 is -- who would want that? And the response was it will  
25 probably be an improvement, I've been to Bakersfield,

Page 128

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 I've seen it. And so we sort of feel like no one's  
2 listening to us, that they just -- we are not credible.  
3 And we're hoping with having the new audience with the  
4 Federal Rail Administration, that you'll understand that  
5 we don't want this. Somebody wanted it, some of the  
6 politicians wanted it. The people that live here, we  
7 don't want it, and we would like you to look at other  
8 alternatives. It's not -- it's not about the money,  
9 it's not about I don't want it in my backyard, it's just  
10 not good for us. And please help us.

11 Thank you.

12 MR. JEFF MORALES: Thank you, Ms. Bender.

13 Last chance Kenneth Foster. If not, we have  
14 reached our anointed time, and Marvin Dean will be our  
15 final speaker.

16 MR. MARVIN DEAN: Good afternoon, again. I  
17 wasn't going to speak, but after listening to some of  
18 the remarks, I'm mainly speaking to the Federal  
19 representatives. I want to say a couple of things.  
20 First of all, I've been involved in this process for the  
21 last ten years. I didn't say ten months, ten years.  
22 And I don't think I've missed one or two meetings. So  
23 this goes back a long time.

24 Just a little background for some of the  
25 people that may or may not know, our elected officials

Page 129

California High-Speed Rail Authority - Public Hearing  
559-224-9700

## Response to Submission P005 (Carol Bender, August 27, 2012)

### **P005-1**

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

The Statewide Program EIR/EIS considered alternatives on Interstate 5 (I-5), State Route (SR) 99, and the BNSF Railway (BNSF) corridor (Authority and FRA 2005). The Record of Decision for the Statewide Program EIR/EIS selected the BNSF corridor as the Preferred Alternative for the Fresno to Bakersfield Section and dismissed the I-5 alternative. Accordingly, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor. The I-5 corridor was again considered during the environmental review for the Fresno to Bakersfield Section, but was eliminated from further consideration, as described in Standard Response FB-Response-GENERAL-02.

Proposition 1A was passed in 2008 with the understanding from prior decisions on the 2005 Program EIR/EIS that the I-5 alternative would not be analyzed further. Streets and Highways Code Section 2704.04(a), enacted by Proposition 1A, provides that:

"(a) It is the intent of the Legislature by enacting this chapter and of the people of California by approving the bond measure pursuant to this chapter to initiate the construction of a high-speed train system that connects the San Francisco Transbay Terminal to Los Angeles Union Station and Anaheim, and links the state's major population centers, including Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego consistent with the authority's certified environmental impact reports of November 2005 and July 9, 2008."

### **P005-2**

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

The Authority and its Station Area Development Policies specifically advocate:

- Higher-density development in relation to the existing pattern of development in the surrounding area, along with minimum requirements for density.
- A mix of land uses (e.g., retail, office, hotels, entertainment, residential) and a mix of housing types to meet the needs of the local community.
- Compact pedestrian-oriented design that promotes walking, bicycling, and transit

### **P005-2**

access with streetscapes that include landscaping, small parks, and pedestrian spaces.

- Limits on the amount of parking for new development and a preference that parking be placed in structures. Transit-oriented development areas typically have reduced parking requirements for retail, office, and residential uses due to their transit and bicycle access, walkability, and potential for shared parking. Sufficient train passenger parking would be essential to system viability, but this parking would be offered at market rates (not free) to encourage the use of access by transit and other modes.
- Infill development—namely, development around HST stations on land that is already disturbed by existing development, parking lots, pavement, etc., rather than development on previously undisturbed land or on farmland. The Authority, therefore, prefers to locate its stations in existing developed areas, particularly city centers.

Please see Section 2.7, Additional High-Speed Train Development Considerations, of the Final EIR/EIS for more detail about these policies. Please also refer to Section 2.3, Potential Alternatives Considered during Alternatives Screening Process, for a discussion of the alternatives analysis process and findings.

### **P005-3**

The preliminary engineering design is being prepared for the Bakersfield to Palmdale Section of the HST System, and the engineering team preparing that design has not found that faulting will make construction of that segment infeasible or impracticable. HST systems currently operate in highly seismic areas such as Japan and Taiwan without substantial risk.

Submission P006 (Jannette Berry, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 then.  
2 I request a meeting -- I requested a meeting  
3 in July through consensus in LA to meet with the project  
4 manager. This certainly seems to me -- oh, and I  
5 haven't heard back from them as of yet, nothing has  
6 happened, so in a sense, I think it's good I'm here  
7 today, maybe you can get some people to meet with us,  
8 because we definitely have concerns. Not only would we  
9 lose many of our beloved neighbors, but the rest of us  
10 are going to have to sit and listen to this train day  
11 and night 24/7. And, frankly, I'm very concerned about  
12 the health effects of having to listen to that day in  
13 and day out every five minutes or so.  
14 I implore the FRA to investigate this lack of  
15 cooperation with the community, especially since the  
16 impacts will be life changing for our community.  
17 Thank you very much.  
18 MR. JEFF MORALES: Thank you, Ms. Trinity.  
19 Jannette Berry, Nancy Smethurst -- sorry if it  
20 got that wrong -- and then Marvin Dean.  
21 MS. JANNETTE BERRY: I'm sorry?  
22 MR. JEFF MORALES: Jannette Berry.  
23 MS. JANNETTE BERRY: Hi. My name is Jannette  
24 Berry, I'm here representing myself. Thank you for  
25 coming.

Page 62

California High-Speed Rail Authority - Public Hearing  
559-224-9700

P006-1

This transcript was prepared for you by:  
Fresno Court Reporters

1 The California High-Speed Rail Authority says  
2 it's always been following the Environmental Justice  
3 components of NEPA, yet they just adopted the policy on  
4 August 2nd, 2012. How did they do that? They were  
5 established 16 years ago. How could they follow the  
6 Environmental Justice practices for the policy decisions  
7 of this revised draft of the Environmental Impact  
8 Statement since it was published before the policy was  
9 adopted. I'm interested in knowing how the FRA will  
10 settle this, and I would like the EIS retracted until  
11 the HSR Authority proves it is following federal law.  
12 Thank you.  
13 MR. JEFF MORALES: Thank you, Ms. Berry.  
14 Nancy Smethurst, and Marvin Dean, and Frances  
15 Morgan.  
16 MS. NANCY SMETHURST: Hi. Thank you for  
17 hearing me. I am representing myself. I live on --  
18 near Hageman and Sante Fe, and -- in Rosedale. And  
19 I'm -- was very concerned with the fact they just  
20 finished a lovely underpass, which I was very happy  
21 about, and then when news of this happening, it was  
22 really very upsetting me, especially since I found out  
23 since I've been here that in one of the -- in volume  
24 one, that there would be sound walls, but in volume  
25 three, that there are no -- the engineers drafted no

Page 63

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P006 (Jannette Berry, August 27, 2012)

---

**P006-1**

Refer to Standard Response FB-Response-SO-07, FB-Response-GENERAL-27.

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority has subsequently received an FRA comment to include the DOT order, which has been incorporated in the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. Actions prior to its adoption do not suggest non-compliance with the law. The Authority and FRA have undertaken substantial outreach to Environmental Justice communities. EIR/EIS Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including environmental justice laws.

Submission P007 (Jannette Berry, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 5:30 Monday through Thursday, 8:00 to 5:00 on Friday.  
2 However, on Friday, they're closed every other Friday,  
3 so for the month of July, they would closed July 4th,  
4 for the holiday, the 13th, the 27th, August 10th and  
5 24th, September 3rd, 7th, and 21st, October 5th and 9th.  
6 When I added up all these days, there was three days in  
7 July, two days in August, three days in Octo --  
8 September, and two days in October, that's ten days in  
9 addition to the Saturdays and Sundays that they are  
10 closed.

11 On the City of Shafter, there was no link in  
12 Spanish, no information on the High-Speed Rail. They're  
13 open from 8:00 to 12:00, closed for lunch, opens again  
14 1:00 to 5:00. That's Monday through Friday. Closed  
15 Saturday and Sunday.

16 And on the City of Bakersfield, they had no  
17 link in Spanish, they had no information on the  
18 High-Speed Rail. And I think that's important. And on  
19 Monday through Friday, they're open from 8:00 to  
20 5:00 p.m., closed Saturday and Sunday.

21 I'll be back. Thank you.

22 MR. JEFF MORALES: Thank you.

23 Jannette Berry.

24 MS. JANNETTE BERRY: Um, my name is Jannette  
25 Berry. I'm representing myself as well as Bakersfield

Page 80

California High-Speed Rail Authority - Public Hearing  
559-224-9700

P007-1

This transcript was prepared for you by:  
Fresno Court Reporters

1 and this community.

2 The HSR Authority says it is obligated, and it  
3 has been all along, to applying the Environmental  
4 Justice parts of NEPA to the system plan, but how could  
5 they have been doing that when the HSR Authority was  
6 established 16 years ago and the Environmental Justice  
7 parts of NEPA were just adopted this month on  
8 August 2nd, 2012? How did they use the NEPA  
9 Environmental Justice Practice with the system planning  
10 when they were writing the Revised Draft Environmental  
11 Impact Statement. Again, I'm interested to know how the  
12 FRA will handle this, back here, and I would like the  
13 EIS retracted until the HSR Authority proves it is  
14 following the federal law of the United States of  
15 America.

16 Thank you.

17 MR. JEFF MORALES: Thank you, Ms. Berry.

18 Manooshree Patel.

19 MS. MANOOSHREE PATEL: Hello. My name is  
20 Manooshree Patel, and I'm representing Chinmaya Mission  
21 Bakersfield.

22 The California High-Speed Rail Authority is  
23 responsible for the environmental, planning,  
24 engineering, constructing, operating, and maintenance of  
25 the Project. This means the California High-Speed

Page 81

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P007 (Jannette Berry, August 27, 2012)

---

**P007-1**

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

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority has subsequently received an FRA comment to include the Department of Transportation order, which has been incorporated in the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. Actions prior to its adoption do not suggest non-compliance with the law. The Authority and FRA have undertaken substantial outreach to Environmental Justice communities. EIR/EIS Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including environmental justice laws.

Submission P008 (Jannette Berry, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 Was the High -- was the ES -- EIS truly  
2 thought out in the Fresno to Bakersfield alignment and  
3 how will the Federal Rail Administration correct this  
4 injustice to the public at large? Until the California  
5 High-Speed Rail can provide and demonstrate that they  
6 truly are complying with the National Environmental  
7 Policy Act regarding this matter, I request that the EIS  
8 be withdrawn.

9 Thank you.

10 MR. JEFF MORALES: Thank you.

11 Ms. Berry.

12 MS. JANNETTE BERRY: Compared to some, my is  
13 short and sweet and simple.

14 The HSR Authority was established in 1996,  
15 sixteen years ago. Yet, the Environmental Justice  
16 policy was adopted less than a month ago on August 2nd,  
17 2012, actually, so how can they say they've been  
18 applying the Environmental Justice policy to the Project  
19 development and environmental reviews related to the  
20 Revised Draft Environmental Impact Statement which was  
21 published before the policy was established? How does  
22 this affect the Bakersfield EIS?

23 I have to ask once again how the FRA will  
24 settle this. Until the HSR Authority proves it is  
25 following the federal law, I believe the EIS should be

Page 87

California High-Speed Rail Authority - Public Hearing  
559-224-9700

P008-2

This transcript was prepared for you by:  
Fresno Court Reporters

1 retracted, withdrawn completely.

2 Thank you.

3 MR. JEFF MORALES: Okay, we don't have any  
4 other cards. Let's take a break, be back at about 6:30.

5 (Whereupon a break was taken at 6:04 p.m.)

6 (Whereupon the public hearing reconvened at  
7 6:31 p.m.)

8 MR. JEFF MORALES: All right. We said we  
9 would reconvene at 6:30, and it's just about that time.  
10 We just got a few speaker requests. Bill Lind, and  
11 Carol Bender, and Alfred Hernandez.

12 MR. BILL LIND: Hello again. I'm Bill Lind.  
13 I'm representing the Bakersfield Tea Party and the  
14 community of Bakersfield as a whole.

15 The California High-Speed Rail Authority now  
16 claims it has been complying with the Environmental  
17 Justice components of NEPA all along. They say they are  
18 committed to applying Environmental Justice to all of  
19 its programs and other activities that are undertaken,  
20 funded, or approved by the Federal Rail Administration  
21 that affect project development and environmental  
22 reviews. The California High-Speed rail Authority was  
23 established in 1996, sixteen years ago, and they just  
24 adopted Environmental Justice policy on August 2nd of  
25 this year.

Page 88

California High-Speed Rail Authority - Public Hearing  
559-224-9700



---

## Response to Submission P008 (Jannette Berry, August 27, 2012)

---

### **P008-1**

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

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority subsequently received an FRA comment to include the Department of Transportation order, which has been incorporated in the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. Actions prior to its adoption do not suggest non-compliance with the law. The Authority and FRA have undertaken substantial outreach to Environmental Justice communities. EIR/EIS Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including environmental justice laws.

### **P008-2**

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

The commenter is misinformed as to the Authority's compliance with Environmental Justice analysis requirements. The Authority has complied with Executive Order 12898 and federal guidance throughout preparation of the EIR/EIS. The Environmental Justice Guidance adopted by the Authority formalizes the Authority's long-standing efforts to address environmental justice matters in a comprehensive manner. In accordance with Executive Order 12898, Section 3.12 of the EIR/EIS identifies low-income and minority communities that would be impacted by project alternatives. The Authority has met its requirements under the law.

Submission P009 (Ross Browning, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 from the public when the public is trying to understand  
2 what's being done here, withholding it, is that  
3 Environmental Justice? Is that allowing the public to  
4 fairly participate on all levels?  
5 To really try to get into the meat of this  
6 thing, to lose the emotion -- there's a lot of emotion  
7 in this issue -- but to lose that emotion and try to get  
8 just glean the facts, glean the information, and it's  
9 not available, or it's not readily available, or it's  
10 not available in a language that a person can  
11 participate in, that's a big problem.  
12 At any rate, I wish you good evening.  
13 Thank you.  
14 MR. JEFF MORALES: Thank you, Mr. Olivera.  
15 Ross Browning.  
16 MR. ROSS BROWNING: Good evening. My name  
17 is -- good evening. My name is Ross Browning. I'm  
18 sorry that David isn't here, I wanted to welcome him  
19 back to -- to acknowledge that you ladies finally  
20 escaped the temperature of the heat, the foggy bottle.  
21 It's about as hot here, but we just don't have the  
22 humidity, so stay as long as you like. Actually, it's  
23 probably a good thing that David isn't here.  
24 First, let me say I voted for this project. I  
25 was all excited about it, I was soaked up, it's new --

Page 106

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 it's technology, we're going ahead. But this is not the  
2 project that I voted for. And I -- I'm embarrassed to  
3 say to people, people who I think are -- are Americans  
4 and part of this same system are changing what I voted  
5 for and ramming something at me that is not what was  
6 originally proposed.  
7 There is an 87-page document that I was given  
8 when I walked in here, "Executive Summary," sounds good.  
9 There's 87 pages in this. If I take out all of the  
10 pages that are not modified, that -- I take out 15  
11 pages, and I'm left with 72 pages. I'm going to give  
12 you a job for tonight, a challenge. You can even ignore  
13 these charts in the back, I could care less about them,  
14 don't understand them myself.  
15 Oh, before I go much further, I -- in my life  
16 time, among other things, I have -- I'm totally familiar  
17 and I'm comfortable with technical documents. I have  
18 authored them, I have edited them, I have analyzed them,  
19 I have complied with them, I have done what if, I've  
20 done everything to them, so I'm not totally foreign to  
21 these thing. This document will take me more than a day  
22 to read. I can read it probably in an hour and a half,  
23 maybe -- maybe quicker than that if I go back to my  
24 speed reading techniques, but I won't understand it.  
25 I gave this document to my -- we have another

Page 107

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P009 (Ross Browning, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 copy of this -- I gave this to my wife, and I said,  
2 "Here, I want you to read this and let me know what you  
3 think about it." I got -- she got about half a page  
4 into it and said, "You want to eat tonight," and threw  
5 the document at me. There's no way that at the time  
6 average person can do this. You can read it, but to  
7 understand, to be able to comment on things that are in  
8 their future?

9 So if any -- any one of you -- they have  
10 copies out there, I'm sure you guys can get a copy --  
11 you want something to do tonight, rather than watching  
12 television, and I'll -- I'll try to see you tomorrow if  
13 I make it, come up and say, "I read it. Do you want to  
14 discuss it?" I'll be all for it.

15 Thank you very much.

16 MR. JEFF MORALES: Thank you, Mr. Browning.

17 Okay, Mr. Olivera asked to speak at 7:30. Do  
18 you want do it now or wait and take a break and come  
19 back at 7:30?

20 MR. FRANK OLIVERA: Now. The reason why I  
21 spaced this out was to allow other people an opportunity  
22 as well.

23 MR. JEFF MORALES: No, I just wanted to know  
24 if you wanted to take a break. If we get any others,  
25 we'll space them in between.

Page 108

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P009 (Ross Browning, August 27, 2012)

---

### **P009-1**

The EIR/EIS presents the environmental analysis of project alternatives in a clear and concise manner. However, the project is over 100 miles in length, involves a number of alternatives, and impacts a full range of resources and communities. It is unreasonable to expect the EIR/EIS to both comprehensively analyze the project's impacts, as required by CEQA and NEPA, and be a short document.

Submission P010 (Ross Browning, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 Thank you.  
2 MR. JEFF MORALES: Thank you, Mr. Olivera.  
3 We do have another speaker, Mr. Browning.  
4 MR. ROSS BROWNING: And I had -- I had no  
5 inclination that Frank was going to talk about that  
6 subject.  
7 I'm Ross Browning from Kings County, happy  
8 resident of Laton, California. Don't look for that on  
9 the map, you'll get lost.  
10 I want to make mention something to you folks  
11 that happened, oh, about maybe three, four weeks ago,  
12 something around there, I forgot, on the weekend.  
13 Myself and another person, we went up to Merced to a  
14 meeting that they were having up there to talk to the  
15 folks up there. We told them where we were, what was  
16 happening as far as we -- we knew it with our -- with  
17 our efforts here in -- in Kings County. And then when  
18 it was opened up, we had to really try to get  
19 information out of those people. And the people that  
20 spoke spoke with a heavy Spanish accent. Three people  
21 spoke. There was some other people that who were  
22 obviously American -- I mean white guys, but three of  
23 the residents up there spoke. And they were very  
24 excited and very upset over the fact that they had no  
25 knowledge, no knowledge, had never been notified by any

Page 111

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 means that they stood in the way of a train.  
2 One fellow came up to me and said, "I worked  
3 all my life. I bought my house 20 years ago. I've been  
4 working. I fix my house up. My children were raised  
5 there. And now my house is going to be gone. Where am  
6 I going to go?" I couldn't say anything to him. I  
7 couldn't -- didn't want to tell him the same thing is  
8 happening to me. There was no answer I could give to  
9 him, because they had never, ever been notified. Not  
10 word in Spanish, not one word in anything.  
11 All it would have taken is a post card. It  
12 took -- it took a piece of paper stuck in their screen  
13 door to get them to that meeting. That's all it would  
14 have taken. With all the millions of dollars -- I guess  
15 it's almost up to a billion dollars that's been spent --  
16 a few bucks should have been pried loose to notify those  
17 people that they are in the way of progress and they  
18 better go find a tank or someplace to live in.  
19 Thank you.  
20 MR. JEFF MORALES: Thank you, Mr. Browning.  
21 Mr. Olivera.  
22 MR. FRANK OLIVERA: Here, again, I wasn't  
23 expecting to come back to you so soon, so I'll try to  
24 collect my thoughts on this. Again, I'm Frank Olivera,  
25 Citizens for California High-Speed Rail Accountability.

Page 112

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P010 (Ross Browning, August 27, 2012)

---

### **P010-1**

The public outreach process for the Fresno to Bakersfield Section of the HST System has been extensive; this process has included hundreds of public meetings and briefings where public comments have been received, participation in community events where participation has been solicited, and development and distribution of educational materials to encourage feedback. These efforts are cited in Chapter 7 of the Revised DEIR/Supplemental DEIS. Public notification regarding the draft environmental documents took place in the following ways. A notification letter, informational brochure, and NOA were prepared in English and Spanish and sent to landowners and tenants living within 300 feet of all proposed alignment alternatives. The letters notified landowners and tenants that their property could become necessary for construction (within the project construction footprint) of one or more of the proposed alignment alternatives or project components being evaluated. Anyone who has requested to be notified or is in the stakeholder database was sent notification materials in English and Spanish. An e-mail communication of the notification materials was distributed to the entire stakeholder database. Public notices were placed in English- and Spanish-language newspapers. Posters in English and Spanish were posted along the project right-of-way.

Submission P011 (Harold E. Davis, August 27, 2012)

8-27-12



Ladies and Gentlemen of the High Speed Rail Authority.

P011-1

Thank you for allowing me to speak.

My name is Harold E. Davis and I do not represent any official group, - I speak only of my own personal views as a tax paying citizen of Bakersfield, California.

My view of the High Speed Rail is the same now as it was when it was 1<sup>st</sup> proposed; - I felt that it would be too costly to build and run, and would never pay for itself. It would be a huge drain on the taxpayers for an infinite period of time. In other words, it is not what was presented for the voters to approve in 2008.

I feel that the entire High Speed Rail project is a misguided and "pie in the sky" dream. It reminds me of the story of the farmer in the Midwest who built a baseball park with the dream of "If you build it, they will come". The whole project assumes that if it is built, enough riders will magically appear. Why? Where is the need?

That, to me, is a foolish way to gamble with the taxpayer's money, especially when our state is already in deep financial trouble.

Folks, I urge you to do the right thing by our citizens of California and put this matter back on the ballot again, and this time with realistic and reasonable estimates.

Thank you for your time and attention.



---

## Response to Submission P011 (Harold E. Davis, August 27, 2012)

---

### **P011-1**

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

In 2008, California voters approved Proposition 1A – essentially approving the California HST System. Regarding urban development and land use patterns, voters specifically mandated that HST stations “be located in areas with good access to local mass transit or other modes of transportation. The HST system also shall be planned and constructed in a manner that minimizes urban sprawl and impacts on the natural environment” including “wildlife corridors.” The Authority has embraced this voter and legislative direction. As the Authority’s program EIR/EIS documents show and this EIR/EIS supports, operation of the HST system by itself will reduce traffic congestion, air pollution, and greenhouse gas (GHG) emissions.

The Authority divided the HST System into nine project sections, allowing phased system implementation. This approach is consistent with the provisions of Proposition 1A, the Safe, Reliable, High-Speed Passenger Train Bond Act, adopted by California voters in November 2008.

The need for for project is clearly described in Chapter 1.0, Project Purpose, Need, and Objectives.



Submission P012 (Marvin Dean, Kern Minority Contractors Association, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 sound walls, and I'm very confused about that.  
2 And I am -- I just want you to know that I  
3 live in a lovely, lovely neighborhood, I really do, and  
4 the one next -- the adjacent neighborhood next to us,  
5 these are not hobo homes, they are lovely, lovely homes,  
6 and very upscale neighborhood, and to not have even a  
7 sound wall for us would be devastating for our property  
8 values and for our lives, just living. I really would  
9 like you to consider that.  
10 Thank you.  
11 MR. JEFF MORALES: Thank you, Ms. Smethurst.  
12 Marvin Dean, Frances Morgan, and Nora Weber.  
13 MR. MARVIN DEAN: First off, I'm here  
14 representing myself. I'm also representing Kern  
15 Minority Contractors Association. I'm also representing  
16 the supporter -- local supporters for high-speed rail in  
17 Bakersfield. I've got a prepared remarks, I'm going to  
18 leave -- I've got two of these, and I'm going to just  
19 speak.  
20 MR. JEFF MORALES: Thank you.  
21 MR. MARVIN DEAN: First of all, I want to  
22 welcome you to Bakersfield, for having this hearing  
23 here, and I want to say before I talk about why I  
24 support the project, that even the folks that are in  
25 opposition to the project, I think those concerns

Page 64

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 they're raising, that you take those concerns seriously  
2 and you try to mitigate the concerns as much as  
3 possible, because I believe everybody has an opportunity  
4 and should be heard, whether they support the project or  
5 oppose the project.  
6 It would be too long for me to sit here and  
7 tell you why I support the project, but I'm going to hit  
8 on a couple of them. To me, this is a forward  
9 investment. 20 years from now with traffic  
10 transportation needs of the State of California, it's  
11 going to be unbearable.  
12 I also serve on the air -- the San Joaquin Air  
13 District Advisory Board, Environmental Justice Board. I  
14 know that EPA on the federal side, you guys are fining  
15 us \$29 million dollars a year because the air quality is  
16 so bad, and I'd say most of that traffic and throwing  
17 through here, the trucks on 99, it doesn't stop here. I  
18 think we ought to put a toll road, but that's another  
19 matter, because we have the pay impact here. So if we  
20 don't address the transportation needs, like high-speed  
21 rail is going to do, in the future, we're going to be in  
22 really bad shape.  
23 The other thing, 29 -- the six billion dollars  
24 coming into this region, I think it's going to be a  
25 benefit to every business and every resident of this

Page 65

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P012 (Marvin Dean, Kern Minority Contractors Association, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 community. I would say to those folks that are saying  
2 to stop this project, I think that money will be spent  
3 someplace else. We need those jobs and we need that  
4 money in this valley.

5 But I, too, have some concerns, and it's  
6 outlined in my written -- in my written testimony, and  
7 primarily there's two areas that I have some concerns  
8 with. I don't think that we've adequately prepared the  
9 residents in the Environmental Justice Community where  
10 this project is going to come. If we stay with the  
11 timetable in seven -- seven months, about, we're going  
12 to be under construction. A lot of these people are not  
13 ready, and I'm concerned if this project going to happen  
14 that local people in this valley are the first in line  
15 to get the jobs, so we've got to prepare our people, and  
16 so I don't think we're doing enough to do that, and  
17 that's why I raise my areas under the Environmental  
18 Justice section of the -- of the review.

19 In terms of routing, I haven't taken a  
20 position. My position on that is it should affect the  
21 least amount of people and then on the engineering of  
22 the design in terms of what's the best route. And  
23 people ought to be fairly compensated if they're ought  
24 to be -- to be able to give up their property.

25 The last thing I'll say is we did ask the new

Page 66

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 CEO for the High-Speed Rail to come to a luncheon in  
2 September. He's graciously agreed to come, and we're  
3 looking forward to a time where we can all kind of sit  
4 here in this committee and talk about if high-speed rail  
5 is coming -- and I believe it's coming -- what can we do  
6 to get ready for it.

7 Thank you.

8 MR. JEFF MORALES: Thank you, Mr. Dean.

9 Frances Morgan, followed by Nora Weber, and  
10 Michael Kennedy.

11 MS. FRANCES MORGAN: It is a test just to come  
12 down the steps without falling and embarrassing  
13 yourself.

14 MR. JEFF MORALES: I'm sure you would be  
15 graceful.

16 MS. FRANCES MORGAN: My name is Frances  
17 Morgan, and I support myself as well as my community  
18 here in Bakersfield --

19 MR. JEFF MORALES: Excuse me.

20 MS. FRANCES MORGAN: -- and Kern County.

21 MR. JEFF MORALES: Can you just pull the mic  
22 down a little bit.

23 MS. FRANCES MORGAN: I'm a short one, aren't  
24 I?

25 MR. JEFF MORALES: Mr. Dean is a bit taller

Page 67

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P012 (Marvin Dean, Kern Minority Contractors Association, August 27, 2012) - Continued

**Kern Minority Contractors Association**

P.O. Box 2367  
Bakersfield, Ca. 93303  
Email: kmca@att.net  
PH # 661-324-7535

Date: August 27, 2012

Public Comment @ Bakersfield CHSRA Public Hearing

Re: Chapter 4.0 Fresno to Bakersfield High Speed Rail revised Draft EIR/EIS

P012-3

The remarks I make today is intended to represent KMCA and my own personal view regarding California High Speed Rail Project section from Fresno to Bakersfield and they are similar to remark that I may earlier regarding the project section from Madera to Fresno earlier this year.

After briefly reviewing this report for the Fresno to Bakersfield section, I want to raise concern California High Speed Rail Authority and their Consultant team has not fully Address the impact this project will have on the environmental justice communities along the right away area these communities where low income & minorities resident currently live.

We believe more mitigation measure need to be put in place now to allow for these residents and smaller businesses to be able be included in the construction job & contracting opportunities as a trade off for their impact from this project.

We commend the CHSRA for setting a 30% SB/DBE/DVBE/MB project contracting goal and hiring a small business advocate but that will not be enough to in secure these residents and smaller businesses will be included in this when it get ready to start construction estimate approx # 5 to 7 month from today.

Their need to targeted outreach to these environment justice neighborhood to explain the project opportunities and their need to be targeted training to help get these residents and smaller businesses ready & able to be include in this project. In additional their to some program in place to remove barrier that prevent many of them from participating.

Again KMCA and it team would like to assist CHSRA your consultant team help get residents & smaller businesses in central valley ready & able for this great project.

Submitted by

Marvin Dean  
KMCA, President  
Cell # 661-747-1465

## Response to Submission P012 (Marvin Dean, Kern Minority Contractors Association, August 27, 2012)

### **P012-1**

Refer to Standard Response FB-Response-GENERAL-09.

Your support of the project is noted.

### **P012-2**

Refer to Standard Response FB-Response-GENERAL-18.

For information on new job creation and the resulting impacts to the regional economy see EIR/EIS Volume I Section 3.12 Impact SO #13. Also see Section 5.1.2 of the Community Impact Assessment Technical Report (Authority and FRA 2012h) for more detailed information on short-term and long-term job creation. Jobs created by construction and operation of the project would likely be filled by workers in the region. To help offset any disproportionate effects, the Authority has approved a Community Benefits Policy that supports employment of individuals who reside in disadvantaged areas and those designated as disadvantaged workers, including veterans returning from military service.

### **P012-3**

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

The environmental justice analysis adheres to the definition given by Executive Order 12898 and U.S. Department of Transportation Order 5610.2, which defines an environmental justice effect as a "disproportionately high and adverse effect on minority and low-income populations." This is an adverse effect that is predominately borne by a minority population and/or a low-income population or that would be appreciably more severe or greater in magnitude for the minority and/or a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project.

Section 4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) identifies the environmental justice populations along the project. The methodologies for identifying these populations are detailed in Appendix A of the Community Impact Assessment Technical Report. Section 5.3 in the Community Impact Assessment Technical Report provides detailed information on the potential for

### **P012-3**

substantial environmental justice effects across resources along the project. EIR/EIS Volume 1 Section 3.12 Impacts SO#17 and SO#18 summarize these findings.

Jobs created by construction and operation of the project would likely be filled by workers in the region. To help offset any disproportionate effects, the Authority has approved a Community Benefits Policy that supports employment of individuals who reside in disadvantaged areas and those designated as disadvantaged workers, including veterans returning from military service. It helps to remove potential barriers to small businesses, disadvantaged business enterprises, disabled veteran business enterprises, women-owned businesses, and microbusinesses that want to participate in building the High-Speed Rail System.

Under the Authority's Community Benefits Policy, design-build construction contracts will be required to adhere to the National Targeted Hiring Initiative, which states that a minimum of 30% of all project work hours shall be performed by national Targeted Workers and a minimum of 10% of National Targeted Workers' hours shall be performed by disadvantaged workers. According to the National Targeted Hiring Initiative, disadvantaged workers either live in an economically disadvantaged area or face any of the following barriers to employment: being homeless, being a custodial single parent, receiving public assistance, lacking a GED or high school diploma, having a criminal record or other involvement with the criminal justice system, being chronically unemployed, being emancipated from the foster care system, being a veteran, or an apprentice with less than 15% of the required graduating apprenticeship hours in a program. The Community Benefits Policy will be on supplement the Authority's Small Business Program which has an aggressive 30% goal for small business participation, which includes goals of 10% for disadvantaged business enterprises and 3% for disabled veteran business enterprises.

Submission P013 (Marvin Dean, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 I've seen it. And so we sort of feel like no one's  
2 listening to us, that they just -- we are not credible.  
3 And we're hoping with having the new audience with the  
4 Federal Rail Administration, that you'll understand that  
5 we don't want this. Somebody wanted it, some of the  
6 politicians wanted it. The people that live here, we  
7 don't want it, and we would like you to look at other  
8 alternatives. It's not -- it's not about the money,  
9 it's not about I don't want it in my backyard, it's just  
10 not good for us. And please help us.

11 Thank you.

12 MR. JEFF MORALES: Thank you, Ms. Bender.

13 Last chance Kenneth Foster. If not, we have  
14 reached our anointed time, and Marvin Dean will be our  
15 final speaker.

16 MR. MARVIN DEAN: Good afternoon, again. I  
17 wasn't going to speak, but after listening to some of  
18 the remarks, I'm mainly speaking to the Federal  
19 representatives. I want to say a couple of things.  
20 First of all, I've been involved in this process for the  
21 last ten years. I didn't say ten months, ten years.  
22 And I don't think I've missed one or two meetings. So  
23 this goes back a long time.

24 Just a little background for some of the  
25 people that may or may not know, our elected officials

Page 129

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 at the time, primarily City of Bakersfield and some  
2 other elected officials, they chose to have this rail  
3 come to this very location near the Amtrak because they  
4 wanted to have a station in the Amtrak. But what  
5 happened was -- and that's why I fault some of my  
6 leaders -- is that they don't plan, and what they did  
7 was they asked for something, perhaps they didn't think  
8 they were going to get it, then when the routing came  
9 near the station here, they built a bunch of projects,  
10 developments along the right-of-way, and all of a sudden  
11 this Project is going to have an impact on those  
12 projects. And perhaps they didn't know what they were  
13 asking for, but it was asked, because I was in those  
14 meetings back ten years ago, so I don't want to think  
15 just -- somebody just automatically brought it over here  
16 where it's at. Now, I'm for mitigating the concern, but  
17 I'm saying to you ten years ago, that's where they  
18 wanted it.

19 Now, I probably heard more about Environmental  
20 Justice than any public meeting I've attended. A couple  
21 of things, not -- this is really the reason I want to  
22 speak. I serve on the Environmental Justice Advisory  
23 Board for the Air District. I am -- I live in an  
24 Environmental Justice Community. I am an Environmental  
25 Justice person and Environmental Justice for small

Page 130

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P013 (Marvin Dean, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P013-1

1 business. Environmental Justice represents low-income  
2 communities and people of color. So I'm very concerned  
3 about Environmental Justice issues.

4 I wrote in my -- in my written comments, I  
5 raised some concerns about Environmental Justice, that I  
6 think we need to do more. But I would say even though  
7 we need to do more, it's not enough to stop this  
8 Project. I think those things can be mitigated as we go  
9 forward with this Project.

10 The other thing I wanted to stay about notice,  
11 there's been a lot of noticing done, to the tune a lot  
12 of people are -- are -- are fed up with this process. I  
13 was surprised myself there wasn't a lot of people here  
14 tonight. Normally the last time we had a meeting in  
15 this very hall, it was standing room almost in here.  
16 But a lot of the people are just to a point where they  
17 hear all the negativity in the news, they just got to a  
18 point where they're fed up with it or don't know what to  
19 do. And I would say because there's only been a handful  
20 of us that have spoken in support of this Project, don't  
21 use that as a gauge as to the amount of support for this  
22 project. I really believe that the majority is the --  
23 the silent majority. Because when people are engaged in  
24 the process, normally you have people that are affected  
25 or people have a first -- a personal reason why they

Page 131

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

P013-2

1 want to be engaged.

2 And I'm not saying that those things that have  
3 been raised tonight is not legit, but don't use that as  
4 a milestone because you don't have a lot of people that  
5 come here and say they support the Project. Because I  
6 know that there's a lot of people that support this  
7 Project.

8 So, again, I just wanted to just -- just put  
9 on your hearts as you leave here, because you didn't  
10 hear a lot of support for the Project and the fact that  
11 people are throwing around Environmental Justice  
12 issues -- and I'd like to have on some of these other  
13 projects where there's no Environmental Justice that I  
14 get the same kind of support about Environmental Justice  
15 concerns, getting jobs, and mitigating the concerns that  
16 affect Environmental Justice people. So, again, for one  
17 that serve that community and which a person that is an  
18 Environmental Justice business, I -- I still support  
19 this Project. But as I said in my written testimony,  
20 there is some concern we need to mitigate, but it's not  
21 enough to wade -- slow this Project down.

22 Thank you.

23 MR. JEFF MORALES: Thank you, Mr. Dean.

24 Let me thank everyone for being here, the time  
25 and energy and thought that people have put into this is

Page 132

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P013 (Marvin Dean, August 27, 2012)

---

### **P013-1**

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

The EIR/EIS provides documentary evidence that the Authority and FRA are fulfilling their duties to comply with CEQA, NEPA, and EO 12989. Project alternatives were identified, the impacts of which were evaluated at an equal level of detail and fully disclosed, and input was sought and received from the public including groups identified as minority, low income, or disadvantaged.

See EIR/EIS Volume 1 Section 3.12 Impact SO#17 and Impact SO#18, and Mitigation Measure SO-6, as well as Sections 4.3 and 5.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) for detailed information on the environmental justice analysis and methodology. Determination of potential environmental justice effects includes consideration of all possible mitigation measures. Mitigation of impacts to less than significant is not possible in every instance, so the effect is acknowledged and considered in decisions about project alternatives.

### **P013-2**

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

The Authority used the information in the Revised DEIR/Supplemental DEIS and input from agencies and the public to identify the Preferred Alternative. The decision included consideration of the project purpose and need and the project objectives presented in Chapter 1, Project Purpose, Need, and Objectives, as well as the objectives and criteria in the alternatives analysis and the comparative potential for environmental impacts. Refer to Chapter 7, Preferred Alternative, in this Final EIR/EIS.

Submission P014 (Dr. Komal Desai, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 the 13th. I don't want to shorten it.  
2 Finally, I'll point out we have a court  
3 reporter in the front there, and please speak clearly  
4 and slowly so that she can accurately capture your  
5 remarks. She may ask for clarification, either on a  
6 spelling of a name or something else, to ensure that we  
7 get your comment and your full information.  
8 And, again, remember that you can submit  
9 written comments on the document through our website or  
10 other means, and those -- those are listed out front in  
11 the lobby through October 15th.  
12 So with that, Evelyn, I guess do the last of  
13 it, then we'll go ahead and start with our speakers.  
14 MS. EVELYN ESCALERA: Okay.  
15 (Ms. Evelyn Escalera speaks Spanish.)  
16 MR. JEFF MORALES: Okay. Let's begin. First  
17 three speakers, again, in order, Komal Desai, followed  
18 by Jim Murdock, followed by Joseph Matteucci.  
19 Mr. Desai -- or Ms. Desai, excuse me.  
20 MS. KOMAL DESAI: Good afternoon, Ladies and  
21 Gentlemen. And my name is Dr. Komal Desai, and I wish  
22 to speak to you about widespread CEQA violations of  
23 National Environmental Policy Act, Environmental Justice  
24 Law. Potentially impacted property owners have been  
25 unjustly denied an opportunity to participate in

Page 10

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 formulation of physical project alternatives and  
2 appropriate mitigation. It is a violation of  
3 Environmental Justice to exclude the public from being  
4 adequately informed in such a way that they can  
5 intelligently weigh the environmental consequences of  
6 all contemplated action and have an opportunity to  
7 voice -- have an appropriate voice in the formulation of  
8 all the decisions made by the Authority.  
9 The Authority has not publicized the effected  
10 or impacted properties in the planned rail alignment nor  
11 has the Authority disclosed whether the impacted  
12 properties are residential, business, industrial, or  
13 publically owned.  
14 The California High-Speed Rail Authority has  
15 given the public people of all races, cultures, and  
16 income levels, including minority and low-income  
17 population, 90 days to review, understand, and comment  
18 on 30,000 plus pages used to formulate this  
19 Environmental Impact Statement, EIS. Consider that the  
20 California High-Speed Rail Authority has for the most  
21 part released copies of this EIS to library and  
22 community locations that are only open five days a week  
23 from 8:00 to 5:00. In simple terms, if we really had  
24 access to the documentation seven days a week, we would  
25 have to read 333 pages a day every day to read all the

Page 11

California High-Speed Rail Authority - Public Hearing  
559-224-9700



Submission P014 (Dr. Komal Desai, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 documents. In an eight-hour study period, if we had to  
2 read them all after eight hours work shift, we would  
3 need to read this technical matter at the rate of 41  
4 pages an hour.

5 The brief 90-day review and comment period  
6 allowed by the Authority for the public, government, and  
7 other agencies to respond to the prior drafts of  
8 Environmental Impact Report Statement documents is so  
9 unreasonably short that it effectively precluded -- it  
10 effectively precluded any meaningful opportunity for  
11 informed agency and public participation.

12 Many state agencies, legislatures,  
13 congressional representatives, community organizations,  
14 city and county officials, businesses, and individuals,  
15 requested a review and comment extension last year, but  
16 the Authority ignored them all. The unreasonable 90-day  
17 review and comment period have violated the Authority's  
18 duty to ensure informed public participation in the  
19 environmental review process.

20 Thank you for your time.

21 MR. JEFF MORALES: Jim Murdock.

22 MR. JIM MURDOCK: I'd like to open my remarks  
23 by thanking staff for taking the time to actually meet  
24 with a property owner, myself, and review the project  
25 and trying to answer our questions and address our

Page 12

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P014 (Dr. Komal Desai, August 27, 2012)

---

### **P014-1**

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

The Revised DEIR/Supplemental DEIS provides documentary evidence that the Authority and FRA are fulfilling their duties to comply with the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), and Executive Order 12989 (Environmental Justice). Project alternatives were identified, the impacts of which were evaluated at an equal level of detail and fully disclosed, and input was sought and received from the public, including groups identified as minority, low income, or disadvantaged. No evidence has been presented contradicting the Authority's obligation to comply with CEQA, and the FRA's obligations to comply with NEPA and EO 12989.

### **P014-2**

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

The EIR/EIS is not 30,000 pages long. The EIR/EIS and its appendices are less than 5,000 pages long. The Fresno to Bakersfield section is over 100 miles long, includes a range of alternatives, and has a full spectrum of environmental impacts. It is neither realistic nor reasonable that the EIR/EIS can both comply with the disclosure and mitigation requirements of CEQA and NEPA and be a short document.

Submission P015 (Bill Descary, Save Bakersfield, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 the -- to approve the new EJG policy.  
2 The Authority -- the Authority's new  
3 Environmental Justice Guidance emphasizes the fair  
4 treatment and meaningful involvement of people of all  
5 races, cultures, and income levels, including minority,  
6 low-income populations from every stage of  
7 transportation planning, investment, decision making,  
8 through design, construction, operation, and  
9 maintenance. The Authority has unfairly excluded untold  
10 thousands of people of all races, cultures having any  
11 meaningful involvement in the early stages of the  
12 Project's planning, design, and decision-making process.  
13 Thank you for your time.  
14 MR. JEFF MORALES: Thank you, Mr. Kennedy.  
15 Bill Descary, followed by Carol Bender, and  
16 Jeff Taylor.  
17 MR. BILL DESCARY: Mr. Chairman, Members of  
18 the Panel, my name is Bill Descary. I'm a 38-year  
19 resident of Bakersfield and a co-founder of Save  
20 Bakersfield Committee. I also want to speak to you  
21 about what my view of widespread and significant  
22 violations of NEPA Environmental Justice law.  
23 Since the Authority's inception, the  
24 High-Speed Rail Project has violated provisions of  
25 Environmental Justice that are mandated by NEPA.

Page 42

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 Property owners whose property will be impacted by the  
2 Project were not officially notified by the Authority  
3 that their properties were at risk of being taken or  
4 otherwise impacted until July 19th, 2012. Stakeholder  
5 notification should have been provided much earlier to  
6 comply with Environmental Justice provisions mandated by  
7 NEPA.  
8 Untimely notification by the Authority  
9 unjustly prohibited impacted stakeholders from  
10 participating in the Project planning process. As a  
11 result, impacted property owners were excluded from  
12 attending workshops and meetings held by the Authority  
13 concerning alignment alternatives. This inexcusable  
14 oversight denied stakeholders privileged position status  
15 and further denied stakeholders their right to  
16 participate in identifying impacts on the surrounding  
17 environment.  
18 Stakeholders have been unjustly denied the  
19 opportunity to review and make comments on Draft  
20 Environmental Impact Report and Study documents and the  
21 Authority's business plans. Thousands of stakeholders  
22 were unjustly denied the opportunity to attend Authority  
23 meetings held prior to July 19th, 2012, because the  
24 Authority did not notify property owners specifically  
25 that the plans being made to take, partially take, or

Page 43

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P015 (Bill Descary, Save Bakersfield, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P015-1

1 otherwise impact their properties in order to make  
2 right-of-way for the project. This is a purposeful and  
3 egregious omission -- omission on the part of the  
4 Authority and violates the intent of the Environmental  
5 Justice provisions mandated by NEPA.

P015-2

6 The Authority has not provided hard copies of  
7 over 30,000 pages of Draft Environmental Impact Report  
8 and Study documents in Spanish, even though a large  
9 percentage of impacted property owners in the planned  
10 alternative alignments are Spanish-speaking. In fact,  
11 very few Authority documents have been provided in  
12 Spanish. This violates the intent of Environmental  
13 Justice provisions mandated by NEPA and has denied  
14 Spanish-speaking stakeholders privileged position  
15 status.

16 Thank you.

17 MR. JEFF MORALES: Thank you, Mr. Descary.

18 Carol Bender, Jeff Taylor, Sung Jung.

19 We have -- we're going to take a break for the  
20 court reporter. After these four speakers, we're going  
21 to take a short break and then resume again.

22 MS. CAROL BENDER: Good afternoon. My name is  
23 Carol Bender, and I'd like to speak to you about the  
24 widespread and severe violations of NEPA Environmental  
25 Justice law, also.

Page 44

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P015 (Bill Descary, Save Bakersfield, August 27, 2012)

---

### **P015-1**

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

### **P015-2**

The Authority website has provided translated materials, and the Authority has offered translation services at all public meetings. The Executive Summary and several public educational materials regarding the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS are available in Spanish. Also, notification letters for the Draft EIR/EIS were sent in English and Spanish to residents, property owners, meeting attendees, businesses, organizations, elected officials, cities, counties, and agencies.

Submission P016 (Bill Descary, Save Bakersfield, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 he had suggested that we download the files as well.  
2 That's not possible.  
3 And not everybody knows about the High -- or  
4 the hard copies of the EIR/EIS Revised Draft, so if  
5 somebody requests one, I think it should be provided to  
6 them, and I don't think we should be questioned as to  
7 why we need it considering it's our tax dollars being  
8 used.  
9 And I do thank you for coming to Bakersfield  
10 and listening to us speak over and over again, and I  
11 hope you go back and give it some thought because you're  
12 representing the American people, and we depend on the  
13 federal government to take care of us or to -- to help  
14 us but not overwhelm us and tell us what we have to do.  
15 We know what's best for our own lives. So I thank you  
16 for coming, and I hope you have a safe trip back.  
17 Thank you.  
18 MR. JEFF MORALES: Thank you, Ms. Morgan.  
19 Bill Descary.  
20 MR. BILL DESCARY: My name is Bill Descary.  
21 I've been here since a little before 3:00, and I've  
22 heard a lot of things spoken today.  
23 High-Speed Rail was formed in 1996 and  
24 annually it was budgeted through the State of California  
25 a few million dollars each year, and they were in the

Page 121

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 planning stage, and they had periodic meetings and  
2 continued on with their planning year after year. And  
3 then 2008 Prop 1A came along and sort of legitimized the  
4 whole process. And then came federal money, and  
5 California politicians think federal money is free  
6 money, and, boy, they couldn't wait to spend it.  
7 High-Speed Rail went on steroids, and there was a rush  
8 to construct.  
9 And with the changes in demographics, et  
10 cetera, we've lost sight of re-evaluating do we really  
11 need this thing right now. And we've learned today that  
12 in this process, this hurried-up process, rules were  
13 probably overlooked and maybe even laws were broken, and  
14 it's really time to take a timeout and set population  
15 manipulation and social engineering, whatever you call  
16 it, tracking people into the valley, aside and get a  
17 true study of the I-5 corridor. If you want to move  
18 people from LA to -- to San Francisco, up in -- you  
19 really need to take a look at that.  
20 Somebody a long time ago figured out that was  
21 the best route, and by doing that you wouldn't have to  
22 deal with all the 90-foot structures around Bakersfield,  
23 destroying the farm land, and -- anyway, it's just time  
24 for a timeout and to really evaluate that.  
25 Oh, by the way, I mentioned that to

Page 122

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P016 (Bill Descary, Save Bakersfield, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 Mr. Richard one time, and he said, "Oh, there's no water  
2 out there." And I thought about that, no water, we're  
3 not talking about steam locomotives. Why do you need  
4 water? If you really want to transport people, let's  
5 look at that corridor.

6 Thank you.

7 MR. JEFF MORALES: Thank you, Mr. Descary.

8 Kenneth Foster. Mr. Foster?

9 Mr. Fukuda.

10 MR. ATSUYUKI FUKUDA: Good morning, Gentlemen,  
11 Ladies, or good afternoon or good evening.

12 You know, I'd like to address the Federal Rail  
13 Authority because over a year it's been since we've been  
14 with the Authority -- I get a little bit nervous,  
15 normally my wife does all the speaking for me, so bear  
16 with me -- but it's been over a year since our  
17 involvement with the Authority, its staff, and mountain  
18 of consultants that are piled on the Project, and so  
19 what have we experienced?

20 We have been given misleading information. We  
21 have been verbally mistreated by the Authority Board.  
22 Our comments and concerns have gone unanswered. We have  
23 been denied public testimony. We have been unfairly  
24 restricted from reasonable time and comments. We have  
25 been asked to review and constructively comment on

Page 123

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P016 (Bill Descary, Save Bakersfield, August 27, 2012)

---

**P016-1**

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

As discussed in Chapter 1, Project Purpose, Need, and Objectives, of the Final EIR/EIS, a key aspect of the HST project is to provide access to the major urban centers in the Central Valley. This access is an integral part of the project, as is through service from the San Francisco Bay Area to the Los Angeles Basin. The Interstate 5 (I-5) route, for reasons described in Standard Response FB-Response-GENERAL-02, does not meet the project objectives related to convenient Central Valley service.



Submission P017 (Tom Drulias, Saint George Greek Orthodox Church, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 Tom Drulias. I'm sorry if I'm not pronouncing  
2 it correctly.  
3 MR. TOM DRULIAS: You got it right.  
4 MR. JEFF MORALES: And Vic Martinov and Gerry  
5 Goodrich.  
6 MR. TOM DRULIAS: Tom Drulias. I'm on the  
7 church board at the Saint George Greek Orthodox Church  
8 right down at 401 Truxton Avenue. I'm here to talk  
9 about the problems our church has with each alignment to  
10 the California High-Speed Rail.  
11 Alignment B1 takes out our church parking lot,  
12 our church park, and also our Sunday school building.  
13 It will orient too much traffic to U Street, which runs  
14 right alongside our church hall. U Street is narrow and  
15 is not wide enough to handle the traffic. It will make  
16 it dangerous for our -- our young -- young children,  
17 excuse me, and older pedestrians as they're walking to  
18 church from what will be a parking. Because our parking  
19 lot is going to be taken out, they'll have to walk from  
20 quite a distance.  
21 Also, Alignment B1 will bring an excessive  
22 noise to the church, and it will interfere with our  
23 religious services.  
24 And then finally, Alignment B1 will result in  
25 the taking of church property that will render us unable

Page 19

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 to fulfill our mission relative to our Sunday school.  
2 We will not be able to hold our two food festivals that  
3 we have each -- each and every year, which also provide  
4 roughly about 60 percent of our revenues. It will knock  
5 out our parking lot as I mentioned before. And we will  
6 not even be able to have our church Easter picnic, which  
7 we typically have at our park every year. We also -- we  
8 rent out our park, and it's going to hurt those revenues  
9 also. And so it will just destroy our church's ability  
10 to operate efficiently, and consequently destroy a  
11 religious and cultural resource that has been part of  
12 this local community since 1930.  
13 The problems that we have with the Alignment  
14 B2, and it's a little bit difficult to tell what this  
15 does to our back property, but we still feel that  
16 there's a safety issue. There's a safety issue with  
17 parishioners from increased traffic. And also it will  
18 interfere, the noise will interfere with our religious  
19 services.  
20 And then finally with the Alignment B3, the  
21 hybrid, this does not take out our back property but it  
22 does build a parking structure next to our -- our church  
23 park, and -- which is across the street from our church  
24 park and Sunday school building, and we feel that  
25 there's a safety issue with this, also.

Page 20

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P017 (Tom Drulias, Saint George Greek Orthodox Church, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1           Thank you very much.  
2           MR. JEFF MORALES: Thank you.  
3           Vic Martinov.  
4           MR. VIC MARTINOV: Good afternoon. I'm Vic  
5 Martinov with Southland Properties, and we're  
6 representing Lazy H Community, which is at 2500 Jewetts  
7 Avenue and which consists of 87 individually owned  
8 homes.  
9           In addition to the effect of sound vibration,  
10 electromagnetic and other exposures, we're very  
11 concerned with -- with the sound wall that's proposed.  
12 Although the right-of-way for the project will not  
13 encroach on Lazy H Community property, the sound wall,  
14 which could be as high as 20 to 22 feet tall and run  
15 about a thousand feet along Lazy H property will affect  
16 more than 22 of the homes directly. What's most  
17 objectionable and intolerable is that this wall will be  
18 as close as three feet to most of the homes. Having a  
19 20- to 22-foot-high barrier with a three-foot backyard  
20 would change the entire ecological, natural environment,  
21 not to mention making those particular families feel  
22 imprisoned in their own homes and their backyards, it's  
23 going to be really tight. Three feet in the back of  
24 your home to a 22- or 20-foot wall would really be a  
25 tough one.

Page 21

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P017 (Tom Drulias, Saint George Greek Orthodox Church, August 27, 2012)

---

### **P017-1**

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

No property displacement is anticipated at the St. George Greek Orthodox Church. Alignment plans and maps of parcels directly affected by the project where the whole parcel or a portion thereof would be acquired by the project are provided in Volume III.

### **P017-2**

Refer to Standard Response FB-Response-N&V-05.

### **P017-3**

Refer to Standard Response FB-Response-TR-02, FB-Response-S&S-02, FB-Response-SO-01.

The Saint George Greek Orthodox Church located at 401 Truxtun Avenue in Bakersfield has an existing noise level of 66 dBA Ldn, a total noise level (sum of the ambient and project noise levels) of 70 dBA Ldn for the BNSF Bakersfield Alignment, 70 dBA Ldn for the Bakersfield South Alignment, and 69 dBA Ldn for the Bakersfield Hybrid Alignment. The Saint George Creek Orthodox Church will be moderately affected by both the BNSF Bakersfield and Bakersfield South alignments. There will be no impact on the church by the Bakersfield Hybrid Alternative. Noise impacts on the church will be mitigated through construction of a 14-foot-high noise barrier for all three alignments reducing the noise impact to less than significant.

The HST system would operate on a fully grade-separated and access-controlled guideway with intrusion detection and monitoring systems, where required. The HST infrastructure would be designed to prevent access by unauthorized vehicles, persons, animals, and objects. Section 3.11.5, Safety and Security Environmental Consequences, provides information about project design features that would prevent train accidents, including derailments and collisions with trains and other vehicles.

### **P017-4**

Refer to Standard Response FB-Response-N&V-05.

### **P017-4**

A sound barrier is proposed for the portion of the alignment that passes by the St. George Greek Orthodox Church.

### **P017-5**

As stated in Impact S&S #5 in Section 3.11 of the EIR/EIS, roadway improvements near stations and along the alignment would comply with design standards for pedestrian and bicycle safety. Therefore, the project would not cause a significant decrease in traffic safety.

Submission P018 (Jim Eggert, City of Bakersfield, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 Every year we're going to come back to the  
2 citizens of California and ask us for more money. And  
3 money does not grow on trees. Money will have to come  
4 from our paychecks. Money will have to come from our  
5 children's education. Money will have to come from  
6 health care. So we feel that this project, the people  
7 who are running this and the people who voted for it  
8 should have another thought, should think again, and  
9 come up with a project that will benefit the citizens of  
10 the State of California.

11 We're not opposed to high-speed transit, but  
12 we are opposed to do this project as it stands right  
13 now. It needs significant improvement. It needs  
14 significant modification.

15 Thank you for your attention.

16 MR. JEFF MORALES: Thank you, Dr. Mehta.

17 Jim Eggert, followed by Michael Kennedy, and  
18 Allen Kennedy.

19 MR. JIM EGGERT: Good afternoon. Get that up  
20 here. Good afternoon. Thank you for allowing me to  
21 speak. My name is Jim Eggert. I'm the Director of  
22 Planning for the City of Bakersfield. I'm here just to  
23 comment on a couple topics. Obviously the EIR is --  
24 it's a large document, very daunting for most people to  
25 look at, and the city will be submitting -- do I get

Page 35

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 this? Okay, I'm sorry.

2 MR. JEFF MORALES: Thank you.

3 MR. JIM EGGERT: We'll be submitting more  
4 detailed comments on more of the topics of the EIR  
5 before the deadline.

6 One of the -- the items on the revised that we  
7 have noticed, we were somewhat positive on the extension  
8 of the alignment to the east, whereas on the old  
9 alignment, it stopped at the station, we were glad to  
10 see there was some continuation of the discussion to the  
11 east, Oswell, which was better than what it was before,  
12 although we would have appreciated maybe going through  
13 the entire urban area to fully examine the impacts.

14 The second dealt with the hybrid alignment,  
15 something that I know the city staff had mentioned  
16 asking for alternatives like that to be looked at  
17 probably over a couple years ago. But I do want to go  
18 on record that there was some reports, there was some  
19 issues that we heard that the city had supported that  
20 alignment, and the city counsel has not supported that  
21 hybrid alignment; in fact, the city counsel's resolution  
22 where they are still in opposition to the project as  
23 proposed still stands. So I just want to make sure that  
24 that's clear on the record.

25 As far as the EIR, one of our major, we think

Page 36

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P018 (Jim Eggert, City of Bakersfield, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P018-2

1 weaknesses is the alternative section. The alternatives  
2 are really, in our viewpoint under CEQA not discussed  
3 thoroughly. These are probably more variations of a  
4 single alternative. Alternatives that have not been  
5 looked at is maybe going somewhere around the city or  
6 other technologies, and we did mention this in our  
7 earlier comments, such as mag lev, these were things  
8 that were not discussed under the alternatives, and so  
9 the alternatives in our opinion are -- are really not  
10 alternatives. The impacts that are discussed do -- are  
11 very similar in nature, so there's no way to take a look  
12 at another alternative and say maybe these impacts would  
13 be less if we followed a different alignment, and that  
14 would be true if you followed an alignment that might  
15 not go exactly through downtown or may skirt the edge of  
16 town. So those are -- those are some of the comments  
17 that we feel have still not been addressed to the EIR.

18 I do thank you for the opportunity to speak  
19 before you. And as I mentioned, we will give comments  
20 before the close. Thank you very much.

21 MR. JEFF MORALES: Thank you.

22 And let me remind everyone, if -- if you make  
23 oral comments, you still are able to submit written  
24 comments as well. Please share all your thoughts.

25 Michael Kennedy, followed by Allen Kennedy,

Page 37

California High-Speed Rail Authority - Public Hearing  
559-224-9700

## Response to Submission P018 (Jim Eggert, City of Bakersfield, August 27, 2012)

---

### **P018-1**

Refer to Standard Response FB-Response-GENERAL-14.

Your opposition to the project is noted.

### **P018-2**

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

The procedural requirements for the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) were followed during the environmental review of the Fresno to Bakersfield Section of the HST System. As discussed in Section 2.3.1, HST Project-Level Alternatives Development Process, of the Final EIR/EIS, the Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project, as required under Title 14 California Code of Regulations (CCR) Section 15126.6 and Title 40 Code of Federal Regulations (CFR) Section 1502.15(a). Alternatives were selected on the basis of meeting the project objectives, being potentially feasible, and the relative reductions in project impacts of the alternatives in comparison with each other. This range of alternatives was then analyzed in the EIR/EIS.

The Record of Decision for the Statewide Project relied on the 2005 Statewide Program EIR/EIS (Authority and FRA 2005; see also Section 1.5, Tiering of Program EIR/EIS Documents, of the Final EIR/EIS) to reject maglev as an HST mode and to select the BNSF Railway (BNSF) route as the Preferred Alternative for the HST System between Fresno and Bakersfield. Therefore, the project EIR/EIS for the Fresno to Bakersfield Section does not consider maglev or other alternative modes rejected in 2005 and focuses on alternative alignments along the general BNSF corridor. Neither NEPA nor CEQA requires that an EIR/EIS contain a detailed analysis or comparison of alternatives that have been rejected.

Three types of HST technology were analyzed by the California Intercity High-Speed Rail Commission for the Statewide Program EIR/EIS. These technologies included Steel-Wheel-on-Steel-Rail at Lower Speed (below 200 mph); Magnetic Levitation Technology (maglev); and Steel-Wheel-on-Steel-Rail (VHS; above 200mph). The Authority's enabling legislation, Senate Bill (SB) 1420 (chaptered 9/24/96, Chapter 796,

### **P018-2**

Statute of 1996), defines high-speed rail as "intercity passenger rail service that utilizes an alignment and technology that makes it capable of sustained speeds of 200 mph (320 kph) or greater." Technologies below 200 mph were therefore eliminated from further consideration. This direction is consistent with foreign HST experience, the experience of the northeast corridor (Boston-New York-Washington, D.C.), and HST studies done elsewhere in the U.S., which show that to compete with air transportation and generate high ridership and revenue, the intercity HST travel times between the major transportation markets must be below 3 hours. From this determination, the Commission directed staff to focus technical studies on VHS (Steel-Wheel-on-Steel-Rail at Very High Speeds [above 200 mph]), and maglev technologies. While a completely dedicated train technology using a separate track/guideway would be required on the majority of the proposed system for both technologies, requiring such separation everywhere in the system would prohibit direct HST service to certain heavily constrained terminus sections (i.e., San Francisco Peninsula from San Jose to San Francisco, and the existing rail corridor between Los Angeles Union Station and Orange County). Because of extensive urban development and severely constrained right-of-way, HST service in these terminus sections would need to share physical infrastructure (tracks) with existing passenger rail services in existing or slightly modified corridors. A maglev system, in addition to being more costly technology, requires separate and distinct guideway configurations that preclude the sharing of rail infrastructure. As a dedicated (exclusive guideway) high-speed rail service along existing right-of-way corridors in all segments of the system would be infeasible, use of maglev technology for portions of the project would preclude direct HST service without passenger transfer and would not satisfy travel time requirements of the project purpose and need. Other rail transportation configurations, including monorail, were eliminated from further consideration for not meeting this basic system requirement. A VHS system would be compatible with other trains sharing the tracks. The potential for utilization of shared track allows for individual project segments to meet independent utility requirements. By comparison, maglev technology does not lend itself to incremental improvements and could not satisfy independent utility requirements or meet the project's blended system approach. By taking advantage of the existing rail infrastructure, a shared-use configuration would be mostly at grade. Shared-use options are less costly and would result in fewer environmental impacts compared to exclusive guideway options. In addition, improved regional commuter service (electrified, fully grade-separated, with

---

Response to Submission P018 (Jim Eggert, City of Bakersfield, August 27, 2012) - Continued

---

**P018-2**

additional track and security features) will help mitigate the impacts along existing rail corridors. Shared-use improvements in these corridors would potentially improve automobile traffic flow at rail crossings and reduce noise impacts, since a grade-separated system could eliminate trains blowing warning horns throughout the alignment. Shared-use options would provide the opportunity for a partnership with right-of-way owners and commuter rail operators, and would provide the opportunity to incrementally improve network segments. For these reasons, maglev technology was eliminated from further investigation in the Final Program EIR/EIS, is not part of the project description and does not require further consideration in this project-level EIR/EIS.

The Final EIR/EIS does consider alternatives that avoid smaller cities (the Wasco-Shafter Bypass and the Corcoran Bypass alternatives) and parks (the Allensworth Bypass Alternative).

Submission P019 (Dan Fabbri, D&J Farm Management, LLC, August 27, 2012)



**Fresno to Bakersfield High-Speed Train Section**  
Revised Draft Environmental Impact Report/  
Supplemental Draft Environmental Impact Statement  
(Revised Draft EIR/Supplemental Draft EIS)

**La Sección de Fresno a Bakersfield del Tren de Alta Velocidad**  
Proyecto Revisado de Informe de Impacto Ambiental/  
Declaración de Impacto Ambiental Proyecto Suplementario  
(Proyecto Revisado EIR/Proyecto Suplementario EIS)

Please submit your completed comment card at the  
end of the meeting, or mail to:  
**Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814**

Por favor entregue su tarjeta completada al final de la  
reunión, o envíela por correo a la siguiente dirección:  
**Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814**

The comment period is from July 20 to September 20,  
2012. Comments must be received electronically, or  
postmarked, on or before September 20, 2012.

El periodo de comentario es del 20 de Julio al 20  
de Septiembre del 2012. Los comentarios tienen que ser  
recibidos electrónicamente, o matasellados, el o antes  
del 20 de Septiembre del 2012.

Name/Nombre: Don Fabbri

Organization/Organización: D&J Farm Management, LLC

Address/Domicilio: P.O. Box 82395 Bakersfield, CA 93380

Phone Number/Número de Teléfono: (661) 587-5198

City, State, Zip Code/Ciudad, Estado, Código Postal: Bakersfield, CA 93380

E-mail Address/Correo Electrónico: don@farmmanagementervices.com

(Use additional pages if needed/Usar paginas adicionales si es necesario)

P019-1

I don't believe the true cost/impact has not been evaluated  
for a farm property like mine which will be split in half  
due to this project.



---

## Response to Submission P019 (Dan Fabbri, D&J Farm Management, LLC, August 27, 2012)

---

**P019-1**

Refer to Standard Response FB-Response-AG-02, FB-Response-SO-01, FB-Response-AG-04.

Funding secured for the HST project includes the amount required for all of the land acquisition and property owner compensation.

Submission P020 (Atsuyuki Fukuda, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 Mr. Richard one time, and he said, "Oh, there's no water  
2 out there." And I thought about that, no water, we're  
3 not talking about steam locomotives. Why do you need  
4 water? If you really want to transport people, let's  
5 look at that corridor.

6 Thank you.

7 MR. JEFF MORALES: Thank you, Mr. Descary.

8 Kenneth Foster. Mr. Foster?

9 Mr. Fukuda.

10 MR. ATSUYUKI FUKUDA: Good morning, Gentlemen,  
11 Ladies, or good afternoon or good evening.

12 You know, I'd like to address the Federal Rail  
13 Authority because over a year it's been since we've been  
14 with the Authority -- I get a little bit nervous,  
15 normally my wife does all the speaking for me, so bear  
16 with me -- but it's been over a year since our  
17 involvement with the Authority, its staff, and mountain  
18 of consultants that are piled on the Project, and so  
19 what have we experienced?

20 We have been given misleading information. We  
21 have been verbally mistreated by the Authority Board.  
22 Our comments and concerns have gone unanswered. We have  
23 been denied public testimony. We have been unfairly  
24 restricted from reasonable time and comments. We have  
25 been asked to review and constructively comment on

Page 123

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 massive EIRs, which have massively confused and  
2 division. And we have been fed unrealistic numbers and  
3 analysis to entice our belief that this project is  
4 one-stop-cure for all of our problems from  
5 transportation to jobs.

6 Now, I've been sitting back there nervously  
7 waiting for this chance to speak to you, but I've  
8 noticed that of all the people that have gotten up and  
9 spoken, I think three of you, you can actually say are  
10 pro rail, and the rest have spoken in opposition of the  
11 rail, so I strongly recommend that the Federal Rail  
12 Authority take a good look at this and see and not pass  
13 this EIR.

14 Thank you.

15 MR. JEFF MORALES: Thank you, Mr. Fukuda.

16 Kenneth Foster? No.

17 Okay. We have a few minutes left. We have  
18 one speaker who's asked to go last. We will honor that  
19 request, and see if Mr. Foster shows up or anyone else.

20 You shouldn't have sat down. Carol Bender.

21 MS. CAROL BENDER: Thank you. I'm not going  
22 to spew any more facts to you, I think -- I think my  
23 work's done in that area. I did spend a lot of time on  
24 it because my thought -- I think it's important. My  
25 house isn't going to be taken of me in some alignment,

Page 124

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P020 (Atsuyuki Fukuda, August 27, 2012)

---

**P020-1**

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

The Authority recognizes the perceived slight that may have occurred at a previous Board meeting. Stakeholder engagement is a high priority for the Authority and for this project, and the Authority will continue to examine ways to solicit stakeholder input at future Board meetings.

Submission P021 (Elena Garcia, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 MR. GRAHAM KAYE-EDDIE: -- leave these as  
2 evidence of my submission. Thank you.  
3 MR. JEFF MORALES: Elena Garcia, followed by  
4 Howard Silver, and Nora Weber.  
5 MS. ELENA GARCIA: My name is Elena Garcia,  
6 and I'm a homeowner, and I worked with my father for 20  
7 years to acquire five homes. I found out today that  
8 you're not going to -- 99 percent chance you may not  
9 affect me, but then I also heard there's 150 ways that  
10 could change, also, so -- I'm not happy with any of  
11 this.  
12 I was also told by someone that works for you  
13 that -- I asked him this question, I said, "Well, why  
14 are you coming directly through Bakersfield? You're  
15 going to pay all this money out, why aren't you going --  
16 there's too many other ways you could go on the  
17 outskirts?"  
18 And he was told to me, "By the people from  
19 Bakersfield want it for the jobs." Well, I don't know  
20 what people they're talking to, but they're you talking  
21 to the wrong people. I know I never voted for this.  
22 And I've been a democrat for over 30 or 40  
23 years now, and I'm hearing that democrats are for this,  
24 which I find shocking, and republicans are not, and this  
25 is the one time I agree with the republicans. I don't

Page 26

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 want it. I don't know why it's not going on the  
2 outskirts. Creating jobs, and you're not talking about  
3 all the people that are going to be displaced. And this  
4 person told me, he said, "What if after the train is put  
5 up" -- because this is -- 143 feet from me is where the  
6 train is going to be. So right now I have a train right  
7 by me. I also have a homeless shelter right by me that  
8 I see these people on a daily basis. Matters can't get  
9 much worse, and I don't think this is going to improve  
10 things.  
11 That's all I have to say.  
12 MR. JEFF MORALES: Thank you, Ms. Garcia.  
13 Howard Silver, Nora Weber, and Anil Mehta.  
14 MR. HOWARD SILVER: Mr. Morales, Distinguished  
15 Members, it's nice to see you here. I'd like to start  
16 out by saying that I understand that we're here to  
17 discuss the Bakersfield to -- Fresno to Bakersfield  
18 right, which -- comments on the EIR, which are well  
19 taken, and I'm sure you'll look at them and study them  
20 as do you with everything else, but I'd really like to  
21 make a generalized comment.  
22 I'd like to tell you that -- reiterate to you,  
23 actually, that if those of us that were around at that  
24 time can think back during President Eisenhower's time  
25 when the first segment of the interstate was dedicated,

Page 27

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P021 (Elena Garcia, August 27, 2012)

---

### **P021-1**

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

The Record of Decision based on the Authority and the FRA's prior 2005 Statewide Program EIR/EIS (see Section 1.5, Tiering of Program EIR/EIS Documents) selected the BNSF Railway route as the preferred alternative for the Central Valley HST between Fresno and Bakersfield. Therefore, the Project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF Railway corridor. This included locating a station in Bakersfield.

### **P021-2**

Refer to Standard Response FB-Response-GENERAL-14, FB-Response-GENERAL-25.

Your opposition to the project is noted.

Submission P022 (Elena Garcia, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 forth by NEPA, how will the Federal Rail Administration  
2 correct this injustice? I kindly yet strongly request  
3 that the EIS be withdrawn until the California  
4 High-Speed Rail Authority can actually show in reality  
5 that they are complying with NEPA.

6 Thank you.

7 MR. JEFF MORALES: Thank you, Ms. Morgan.

8 Thank you, Ms. Morgan.

9 Elena Garcia and Bill Lind.

10 MS. ELENA GARCIA: Hello. My name is Elena  
11 Garcia, and I was born and raised in Bakersfield. And  
12 this is what I received in the mail saying that Revised  
13 Draft for Environmental Impact Report, EIR, Supplemental  
14 Draft Environmental Impact Statement, EIS, July 26,  
15 2012, Chapter 4.0 of the Revised Draft EIR, Supplemental  
16 Draft EIS for the Fresno to Bakersfield High-Speed Train  
17 Section incorrectly states that the residence at 2509  
18 East California Avenue in Bakersfield --

19 MR. JEFF MORALES: I'm sorry, can you hold on  
20 one second, please? I think the mic just went out. One  
21 second.

22 Let me just remind you, Ms. Garcia, you can in  
23 addition to this, please, remember you can submit  
24 comments in writing as well --

25 MS. ELENA GARCIA: Okay, I understand.

Page 101

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 MR. JEFF MORALES: -- so if you don't complete  
2 any of your thoughts here, please --

3 MS. ELENA GARCIA: I understand. I  
4 understand.

5 MR. JEFF MORALES: -- feel free to submit them  
6 in writing.

7 MS. ELENA GARCIA: Okay. Can you hear me now?

8 MR. JEFF MORALES: Yes.

9 MS. ELENA GARCIA: Okay. So this is -- well,  
10 basically what I'm trying to say is that everything this  
11 says, I've been to college a few years, and I was  
12 confused. It says that I'm not impacted and yet in the  
13 next sentence it says, "In fact, the residents" -- it  
14 says that it's not impacted, but then it says, "In fact,  
15 the residents would be impacted by the Bakersfield south  
16 alternative." So in one breath you say I'm not  
17 impacted, in the next breath you say I'm impacted.

18 Okay. Now, another thing is that people in my  
19 neighborhood some times don't even read this kind of  
20 stuff, okay. For one thing, if they don't understand  
21 it, they're not going to read it, okay, because a lot of  
22 them did not even go to college or high school or  
23 graduate or anything. If it would have been in the  
24 news, you would have more participation here, okay.  
25 It's a little late to have the news here today during

Page 102

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P022 (Elena Garcia, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P022-1

1 the meeting. If this would have been in the news, both  
2 English and Spanish, I think you would have more  
3 participation here.

4 Also, you should have put it in that you  
5 possibly might be tearing down their home. You don't  
6 put that here. Why wouldn't you put that here? And  
7 then people would come.

8 MR. JEFF MORALES: Thank you, Ms. Garcia.  
9 Bill Lind.

10 MR. BILL LIND: Hello, I'm Bill Lind, and  
11 I'm -- this is going to be my last statement for this  
12 evening.

13 My project -- this project, which promises a  
14 relatively small number of jobs compared to the number  
15 of good-paying jobs we have here in Kern County will be  
16 completed at a very high cost to our community in the  
17 following ways:

18 Number one, unmitigated sound and vibration  
19 from construction.

20 Unmitigated sound and vibration from operation  
21 of the high-speed rail.

22 Loss of local property and sales tax from loss  
23 of homes and businesses.

24 Loss of property value from homes and  
25 businesses, which would lower property tax revenue,

Page 103

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P022 (Elena Garcia, August 27, 2012)

---

**P022-1**

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

Environmental documents are written to a specific and legally required standard. The Authority provided fact sheets, brochures, and summaries to promote widespread understanding of the environmental documents and to make it easy to find pertinent information. Also, public workshops were designed to answer and solicit feedback on the documents and to assist the public with finding pertinent information.



Submission P023 (Gerry Goodrich, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1           What we're asking is that some mitigation be  
2   given to this intolerable project -- intolerable  
3   situation, and -- well, we hope you consider this and  
4   try to figure out some -- some way to deal with it.  
5   We -- we have had a meeting at -- at the project site,  
6   and what's -- a number of mitigating measures were  
7   discussed at the time, but as of yet we haven't really  
8   heard anything.  
9           So thank you.  
10          MR. JEFF MORALES: Thank you.  
11          Gerry Goodrich, followed by Graham Kaye-Eddie,  
12   and Elena Garcia. Gerry Goodrich.  
13          MS. GERRY GOODRICH: Good afternoon. From  
14   what I've heard so far from everybody that I've talked  
15   to, the California High-Speed Railroad is going to be a  
16   detriment to the State of California and not a help.  
17   First of all, we don't have the money in California;  
18   we're broke. We don't have the manpower because nobody  
19   wants to work; everybody wants everything given to them.  
20   We don't have any equipment; we have to bring it in from  
21   other states and other countries probably. Or the  
22   materials to build the trains, which I understand would  
23   be done in a different county. And California's broke.  
24          Have any of you read the EIR booklet. I know  
25   you don't have to answer me, but I would bet money on

Page 22

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1   the fact that you haven't read it from cover to cover,  
2   and I'll bet most of the people that look at it think  
3   holy cow, something else.  
4          Most people in office sit behind their desks  
5   and think things can be done just like that, and I know  
6   because I worked in Washington, D.C., and I've seen it  
7   and talked to them, and they've said, "You can do this,"  
8   and "You can do that." And then you go back to your  
9   area that -- from which you came, and you can't do those  
10   things. I mean, it sounds great on paper and it looks  
11   great from behind a desk, but it's -- that's a bunch of  
12   bull as far as I'm concerned.  
13          We've been working on the Isabella Dam for I  
14   know 15 years doing EIR studies and all kinds of studies  
15   on the Isabella Dam. It's still there just like it was,  
16   and we're still in danger down here in Bakersfield.  
17   Nothing has happened on it.  
18          The other thing I wanted to ask is the 9.95  
19   billion dollars that has been voted on by the people of  
20   California, and I don't know why that was done when they  
21   didn't know what all it was going to entail, because  
22   that isn't even going to be a drop in the bucket for the  
23   money that's supposed to be sent on this railroad.  
24   Anyway, I'm wondering how much of that has been spent on  
25   the EIR studies that we have.

Page 23

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P023 (Gerry Goodrich, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P023-2

1           And what's the matter with improving the  
2 existing railroad that we have? I mean, we could do  
3 that a lot, lot cheaper, and it's not that I'm a pinch  
4 penny, but I've worked over -- well, I've worked over 80  
5 years for everything that I have, I've paid for  
6 everything that I have, I've never asked the government  
7 to give me anything, and I think that's what we should  
8 continue to do.

9           MR. JEFF MORALES: Thank you.

10          Graham Kaye-Eddie, followed by Elena Garcia.

11          MR. GRAHAM KAYE-EDDIE: Good afternoon. My  
12 name is Graham Kaye-Eddie. I have resided for more than  
13 30 years a baseball throw away from the intersection of  
14 the BNSF rail line and Hageman and Allen Roads. This  
15 politically-driven project must be seriously rethought.  
16 This train project should be stopped in its tracks. It  
17 is not too late to change. What is required is courage  
18 to do so by admitting a mistake.

19          The cornerstone and foundation of American  
20 greatness was and shall only be a transformational  
21 change in our transportation infrastructure to service  
22 our comings and goings. Given the unsustainable cost  
23 estimate for repairing our entire transportation  
24 infrastructure, are you firmly persuaded that this old  
25 technology is the right fit for the future generations

Page 24

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P023 (Gerry Goodrich, August 27, 2012)

---

### **P023-1**

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

Proposition 1A approved the issuance of \$9.95 billion of general obligation bonds to partially fund an 800-mile high-speed train system under the supervision of the California High-Speed Rail Authority.

The Funding Plan on the Authority's website for the Initial Construction Section includes funding sources for planning, engineering, and environmental clearance.

### **P023-2**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-14, FB-Response-GENERAL-17.

See the discussion in Standard Response FB-Response-GENERAL-02 regarding the unsuitability of the existing Amtrak line for HST service and the infeasibility of upgrading the existing tracks to provide 220 mile per hour HST service.

Submission P024 (Buddy Graham, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 Buddy Graham.  
2 MS. REBECCA NICHOLAS: He is here now, he's  
3 just in the restroom.  
4 MR. JEFF MORALES: Okay.  
5 MS. REBECCA NICHOLAS: I shouldn't have  
6 announced that.  
7 MR. JEFF MORALES: Okay. Why don't we take a  
8 ten-minute break, and then we'll wrap -- we'll go  
9 through to 8:00 o'clock. We'll reconvene at 20 minutes  
10 'til.  
11 (Whereupon a break was taken at 7:30 p.m.)  
12 (Whereupon the public hearing reconvened at  
13 7:44 p.m.)  
14 MR. JEFF MORALES: Okay. I hope Mr. Graham is  
15 here. Buddy Graham.  
16 MS. REBECCA NICHOLAS: I better go get him.  
17 Nobody.  
18 MR. BUDDY GRAHAM: Hi.  
19 MR. JEFF MORALES: Mr. Graham, I presume.  
20 You're up.  
21 MR. BUDDY GRAHAM: Sorry, I was -- I didn't  
22 know when the break was over.  
23 MR. JEFF MORALES: That's quite all right. No  
24 problem. Go ahead. You can start, just identify  
25 yourself and if you have any affiliation or not.

Page 117

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

P024-1

P024-2

1 MR. BUDDY GRAHAM: Okay. I'm Buddy Graham,  
2 I'm one of the residents in Bakersfield, that's what  
3 I'm representing.  
4 I heard on the news on KGET this morning that  
5 there was a proposal that one of the routes is going to  
6 go through some of our institutions. I believe there's  
7 route alternatives to avoid that. It's either go under  
8 those institutions, over them, or go in parts of  
9 Bakersfield that have little to no development right  
10 now. But then there's a fourth one, it's going on the  
11 outskirts of Bakersfield, like where the Thomas Airport  
12 Terminal is, there's hardly any -- any development out  
13 there, and that's pretty much the outskirts.  
14 But I -- I hope your Authority does go through  
15 with this project, but you gotta be more creative about  
16 it and maybe think outside the box for it. I love  
17 transportation, especially futuristic or new technology  
18 stuff, and this train is great, but I just hope you  
19 don't get carried away with cost overruns like other  
20 federal agencies have and other state government have.  
21 I'm sure that there's a lot of other people  
22 that have the same ideas about where the station should  
23 be located. Going below ground and/or aboveground,  
24 they're going to be more accepted than developing the  
25 station in the less developed areas, you know, because,

Page 118

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P024 (Buddy Graham, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 you know, how the people you got to hire to -- to do the  
2 digging or the building and the seismic construction and  
3 stuff, but I know you people can do it or you can find  
4 the contractors that can, can do that. All right.  
5 That's all I have -- all I have to say.  
6 MR. JEFF MORALES: Thank you very much,  
7 Mr. Graham.  
8 MR. BUDDY GRAHAM: You're welcome.  
9 MR. JEFF MORALES: Frances Morgan.  
10 MS. FRANCES MORGAN: Last one, I promise.  
11 I just want to mention two things before I  
12 leave. I just want to know why the affected owners are  
13 not given notice when the High-Speed Rail is spending  
14 millions of dollars on consultants, engineers,  
15 contractors, but what about the affected people whose  
16 lives are going to be disrupted because of this high  
17 speed rail. They should be one of the -- the first ones  
18 to know that this is going to go through their property,  
19 and they're not. They're hearing it from people who  
20 already know it and are approaching them at their homes  
21 and businesses and letting them know. So they didn't  
22 even know.  
23 I know when you want to do something here in  
24 Kern County, your neighbors -- if you want to do  
25 something on your property, your neighbor do know

Page 119

California High-Speed Rail Authority - Public Hearing  
559-224-9700

## Response to Submission P024 (Buddy Graham, August 27, 2012)

### **P024-1**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10, FB-Response-GENERAL-25.

The Authority has used the information in the Final EIR/EIS and input from the agencies and public to identify the Preferred Alternative. The decision included consideration of the project purpose, need, and objectives, as presented in Chapter 1, Project Purpose, Need, and Objectives; the objectives and criteria in the alternatives analysis; and the comparative potential for environmental impacts. The Preferred Alternative has the least overall impact on the environment and local communities, the lowest cost, and the fewest constructability constraints of the project alternatives evaluated.

The HST project could be placed below-grade through urban areas in a cut embankment with 2:1 slopes, a vertical trench with concrete walls, or a tunnel. As described in Chapter 2, Alternatives, of the Final EIR/EIS, the electrical contact system for the trains would consist of a series of mast poles approximately 23.5 feet higher than the top of the rail. Therefore, the HST alignment would need to be at a depth of about 40 feet for the whole system to be below-grade.

A cut embankment through urban areas was not considered feasible because of the required width of the right-of-way. With 2:1 slopes, a 40-foot deep cut with a bottom width of 120 feet would have a width at the surface of 160 feet. This width would result in a substantial increase in the number of properties that would have to be acquired in urban areas, resulting in greater impacts on the communities crossed by the project. Placing the HST alignment in a trench or tunnel would increase the cost of crossing urban areas by more than one to two orders of magnitude, essentially making the project economically infeasible.

The costs of constructing an at-grade foundation for the HST tracks, a 40-foot deep trench, and a tunnel were estimated using the unit price analysis method, as described in Engineering Technical Memoranda 1.1.19 and 1.1.22 (Authority 2011d, 2011e), both of which are available on the Authority's website. This method of cost estimating is typically used to develop costs for complex construction elements, including but not limited to viaducts, retained-earth systems, tunneling, and underground structures.

### **P024-1**

This method allows for unit prices to be developed based on current local construction and market conditions, such as changes that might affect productivity or the cost of labor or materials. The following steps were used to develop a unit price using this method:

- Analyze the proposed construction conditions.
- Estimate production rates.
- Compile a list of materials.
- Obtain materials prices using local available sources.
- Determine labor and equipment rates.
- Calculate direct unit price using the above factors.
- Add allowances for contractor overhead and profit to arrive at an in-place unit price.

The following sources were used to obtain the basic cost data that were input into the database estimating program to develop construction unit prices:

- Labor rates – Federal Davis-Bacon Wage Determination and/or California Department of Industrial Relations Prevailing Wage Determinations.
- Equipment rates – R.S. Means and/or U.S. Army Corps of Engineers Construction Equipment Ownership and Operating Expense Schedule, Region VII.
- Material prices - Material and supply prices for locally available material were obtained from local supplier quotes, if possible. Secondary sources of material cost data were taken from R.S. Means, Engineering News-Report (ENR), or other published resources.

The civil construction costs (i.e., the costs of clearing the right-of-way and constructing the embankment for the HST rails and contact system) for an at-grade section of the HST System are estimated to be about \$2.5 million/mile. The civil construction costs for an elevated structure like that proposed for Downtown Bakersfield is a maximum of about \$84 million/mile. The civil construction costs for a 40-foot deep trench would be approximately \$121 million/mile for two tracks. The civil construction costs for a tunnel would depend on the soil conditions in the area and the type of tunneling method, but would vary from approximately \$183 to \$495 million/mile for two tracks. The HST project would cross approximately 13 miles of urban area in Fresno and 12 miles of urban area in Bakersfield. Assuming that the alignment would be at-grade in Fresno except where it crosses under State Route (SR) 180 and Jensen Avenue, and that 2 miles would be at-

---

## Response to Submission P024 (Buddy Graham, August 27, 2012) - Continued

---

**P024-1**

grade in Bakersfield, with the remaining 10 miles on an elevated structure, placing the HST in a trench through both communities would increase the project cost by about \$2.7 billion. Placing the HST in a tunnel through both cities would increase project costs from about \$5 billion to \$16 billion.

**P024-2**

Refer to Standard Response FB-Response-GENERAL-09.

Your support of the project is noted.

Submission P025 (Alfred Hernandez, Bakersfield Tea Party, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 going to give us all these jobs in the valley, and  
2 they've been changing around the language so that the  
3 everyday man cannot understand what it means. It's  
4 going to produce a hundred thousand job year jobs.  
5 That's, what, 20,000 jobs times five years? That's a  
6 temporary job. And they're not guaranteed to be filled  
7 by anyone in the valley. And EIR just underscores that.

8 Thank you.

9 MR. JEFF MORALES: Thank you, Ms. Bender.  
10 Alfred Hernandez.

11 MR. ALFRED HERNANDEZ: Hi. I'm Alfred  
12 Hernandez, and I represent myself and the Bakersfield  
13 Tea Party.

14 I have to go on record as being opposed when  
15 the state is completely broke, when we have three cities  
16 that are bankrupt, and we're looking at another subsidy.  
17 You know, what are we left with when this Project is  
18 over? We're budgeted for rails and no train as I  
19 understand it. And the disturbing thing is that we  
20 already have outages today. We don't have the energy to  
21 run this thing, so what happens when we put the train  
22 down the track and we start having brown outs and black  
23 outs?

24 Thank you.

25 MR. JEFF MORALES: Thank you.

Page 91

California High-Speed Rail Authority - Public Hearing  
559-224-9700



---

Response to Submission P025 (Alfred Hernandez, Bakersfield Tea Party, August 27, 2012)

---

**P025-1**

Refer to Standard Response FB-Response-GENERAL-14, FB-Response-GENERAL-17.

Your opposition to the project is noted.

Submission P026 (Jack Hudspeth, August 27, 2012)

RECEIVED  
AUG 27 2012  
BY: Bakersfield  
Hearing

**Where is This Train Going?**  
The Chosen Few.

P026-1

Let me start by setting the stage for the article I have decided to write for your readers. I think it is very important to get some kind of idea of what I am talking about. The train in this case is the big black train of life that we all are a part of, on our journey in life. The chosen few are our illustrious leaders that we were convinced into thinking that if we voted them into office, they would help make some changes that would be very beneficial in moving our country forward. As Dr. Phil would say, "How's that working for you?" I have always wondered why the two party system was always against us having a third party system. I finally got the message. I only needed to understand that "independent" meant thinking on your own. Trust me-our two parties don't ever want that to happen. They realized their jobs could be in danger if they allowed our people choices. It is quite obvious that they study out of the same manual-the chosen few always know best. We live in the greatest country in the world. It is a shame that our chosen few can do so little, yet won't take any credit for our problems. Something is drastically wrong. I was born and raised in this great state. I have been in many other states, and I have found none its equal. It breaks my heart to see it fall apart because our leaders will not get on the right track. Our leaders have run out of any new stories to tell. It is truly amazing how other people know best how to spend our money, almost a billion dollars, on just a study, and they still can't agree on anything! Something really stinks. You will never be too popular when you disagree with the chosen few. It is true that the chosen few truly believe they know what is best for us. I think our leaders should have taken a few more classes in money management to go along with that big degree in Political Science! I realize we never will be too popular when we speak our mind, but that's okay. If you were blessed with a good mind, let your elected officials hear your concerns-remember the squeaky wheel gets the grease.

Jack Hudspeth

---

Response to Submission P026 (Jack Hudspeth, August 27, 2012)

---

**P026-1**

Refer to Standard Response FB-Response-GENERAL-11.

Submission P027 (Sung Jung, Korean Presbyterian Church, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 and take measures to reverse and mitigate the widespread  
2 and severe damage those violations have caused to untold  
3 thousands of citizens.

4 Please withdraw the EIS during the  
5 investigation. Please be certain the Authority has  
6 fully complied with NEPA and reverses, corrects, and  
7 mitigates all damages caused to the planning process  
8 prior to making any decision to approve federal funding  
9 for the Project.

10 I have some documents that I'd like to provide  
11 to FRA officials, specifically made out to Ms. Porter.

12 MR. JEFF MORALES: Thank you, Mr. Taylor.

13 Sung Jung, followed by Harold Davis, then  
14 we'll break for a bit.

15 MR. SUNG JUNG: Hi. My name is Sung Jung, a  
16 long-time resident of Bakersfield, more than 30 years.  
17 I'm a physician, a member of Korean Presbyterian Church.  
18 According to the current redraft of the B2 BNSF  
19 alternative, my church will be destroyed and relocated.  
20 I have several concerns.

21 Number one, you might ask us why or what is  
22 wrong with the relocation. Well, there are several;  
23 however, main reason is that we have a two-acre lot with  
24 new sanctuary, fellowship hall with a kitchen, education  
25 building, house for pastor, ample paved parking lot,

Page 49

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 lots of grass surrounded by the cement concrete wall.  
2 Also we have a mortgage to pay. Let's say if you  
3 compensate us with a fair market value for our  
4 properties, we cannot duplicate or replace building for  
5 building, as I mention, with that money. Some of the  
6 buildings are old, but they are functioning. I'm just  
7 debating or asking the Authority can you give us a  
8 guarantee that Korean Presbyterian Church will be  
9 relocated if functionally so that our church can be  
10 functioning as it is now, otherwise you just simply  
11 destroy our church.

12 As far as I'm concerned, this project should  
13 start around the city where the money is, around the LA  
14 basin or San Francisco bay area, therefore at least from  
15 the beginning, this Project generate income from  
16 commuters, then the Project spread to the next area.  
17 Your first project is Merced-Fresno section. Even if  
18 you have enough money to finish this section and operate  
19 it, from the beginning it will generate negative cash  
20 flow, therefore you have to spend more money to fill up  
21 the negative cash flow as residue section.

22 As far as I'm concerned, this is a  
23 politically-motivated, federal fund, federal monies  
24 spending scam. This must stop. I am sure this is a  
25 trend on the well plan. We know individual Authority

Page 50

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P027 (Sung Jung, Korean Presbyterian Church, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 group has spent already almost one million, one billion,  
2 and just quit without responsibility.  
3 Thank you for listening.  
4 MR. JEFF MORALES: Thank you, Mr. Jung.  
5 Harold Davis. Harold Davis. No Mr. Davis?  
6 We'll go back to him if he's still around.  
7 So let's give our court reporter's fingers a  
8 break for 15 minutes, and then we'll reconvene -- we'll  
9 reconvene at 4:30.  
10 (Whereupon a break was taken at 4:16 p.m.)  
11 (Whereupon the public hearing reconvened at  
12 4:38 p.m.)  
13 MR. JEFF MORALES: Okay. We're ready to begin  
14 again. Let me say we -- we have some requests for  
15 repeat speakers. We will certainly entertain those.  
16 What we -- or one of our goals here today is to ensure  
17 that we hear from as many people as possible, so as we  
18 get new requests, we will take those first, and then get  
19 to the repeat speakers, but we will try to accommodate  
20 everyone as much as possible. But we will proceed  
21 accordingly.  
22 Let's see. Harold Davis. Is Harold here?  
23 Dr. Mehta.  
24 DR. ANIL MEHTA: Good afternoon, Ladies and  
25 Gentlemen. I'd like to welcome Ms. Stephanie Perez and

Page 51

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P027 (Sung Jung, Korean Presbyterian Church, August 27, 2012)

---

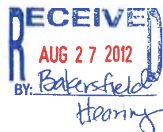
**P027-1**

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

Please see Section 5.2.5 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) for an explanation of the impacts of the project on the Korean Presbyterian Church and Mitigation Measure SO-3 in Section 3.12.11, Mitigation Measures, of the Final EIR/EIS regarding relocation of important community facilities.

Submission P028 (Graham Kaye-Eddie, Makabusi LLC, August 27, 2012)

PRESENTATION TO CAHSRA FOR PUBLIC RECORD -- 8/27/2012 -



GREETINGS CAHSRA TEAM DECISION MAKERS

P028-1

My name is Graham Kaye-Eddie. I have resided for more than 30 YEARS, a baseball throw away from the intersection of BNSF rail line and Hageman and Allen Roads.

I treasure these three minutes as a moment to share my good faith efforts to do good for Californians. This politically driven project must be seriously rethought. This "TRAIN PROJECT" should be stopped in its tracks. It is not too late to change. What it required is courage to do so by admitting a mistake.

The answer to our transportation future is found in one word VISION. This "TRAIN PROJECT" holds no vision. Without a new vision Americans will perish. CAHSRA is pushing a heroic transportation failure to move toward a disaster contributing less mobility for traveling and shipping. The cornerstone and foundation of American greatness was and shall only be a transformational change in our transportation infrastructure, to service our comings and goings.

Do you really know if you have improved the performance of energy consumption per passenger mile for this "TRAIN PROJECT" project, with a life span of more than a hundred years? Given the unsustainable cost estimate for repairing our entire transportation infrastructure, are you firmly persuaded that this old technology is the right fit for the future generations with its lifecycle of maintenance and operation?

The inexcusable response to an alternative magnetic levitation technology project evaluation was not only embarrassingly immoral, it was unjust. This alternative technology proposed was dismissed in a manner that smells of a fraudulent alliance with a tired, failing historical steel-wheel-steel-rail industry. California High Speed Rail simply cannot match other modern technologies for moving goods and people more efficiently.

America has extraordinary qualifications in transportation methodologies. These capabilities have been used both to reach outer space and to create military weapons that are extraordinary evidence of our science and technology superiority. This knowledge resource should not be ignored but rather employed and focused on the civil needs of transportation for humanity. Charity should begin on earth first.

Let's focus on proven technologies that are inspiring, enlightening, helpful, amazing, innovative and important for the next generation. A transportation system that will create

P028-1

genuine citizen enthusiasm for such a mobility solution for the future is warranted. This should be the mission.

Policymaking, project design and cost benefit assessment should ideally engage both private and public sectors as a partnership to enhance transportation capabilities. This "TRAIN PROJECT" shows no factual or legal evidence of successful integration.

TRANSPORTATION TECHNOLOGIES CAN BE SHARED. BUT NOT MONOPOLIZED.

My plea to you decision makers is something my mother said to me - listen to that little voice in your head that tells you whether the decision you make is right or wrong. Success comes when you do this honestly.

This "TRAIN PROJECT" is doomed to failure for Californians.

Graham Kaye-Eddie  
M.U.D. 8/16/12, 8/20/12, 8/23/12, 8/27/12 468 WORDS

Some References for those who wish to hear see and read in search for the truth:

A. THE BOOK OF HEROIC FAILURES by Stephen Pile

Example 1. Many transportation experts have been wrong about impending technology changes. For example: "Rail travel at high speed is not possible, because passengers, unable to breathe, would die of asphyxia" said Dr Lardner (1793 - 1959)

Example 2. He also asserted that no large steamship would be able to cross the Atlantic, since it would carry more coal than it could carry. Two years later the Great Western crossed the Atlantic.

Example 3. Flight by machines heavier than air is impractical and insignificant if not utterly impossible" said Simon Newcomb (1835-1909) The flight of the Wright Brothers eighteen months afterwards did not affect his opinion.

1. An Album by Merle Haggard "My love affair with trains". Seventeen short songs. Listen to the words. They truly share evidence that trains are a historic memory from many socio/cultural viewpoints.
2. The Lionel Electric Train Model toy some old board members will remember is now a piece of antiquity.
3. The study, "Farm to Market - A Soybean's Journey," analyzed how soybeans and other agricultural products move from the farm gate to customers, highlighting weaknesses found in the system along the way. It explains that U.S. farmers depend

Submission P028 (Graham Kaye-Eddie, Makabusi LLC, August 27, 2012) - Continued

P028-1

on a 50-year-old highway system, a 70-year-old inland waterway system and a railway network build in the late 1800s to move their products from the fields to end users.

[http://farmprogress.com/california-farmer-story-nl5\\_5nl-infrastructure-wont-meet-demands-grain-trade-8-62616?utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=21+August+2012](http://farmprogress.com/california-farmer-story-nl5_5nl-infrastructure-wont-meet-demands-grain-trade-8-62616?utm_source=newsletter&utm_medium=email&utm_campaign=21+August+2012)

4. Governor Brown is only focused on the budget. Where is the transportation VISION? [http://www.psmag.com/politics/the-governors-last-stand-http://www.44798/?utm\\_source=Newsletter226&utm\\_medium=email&utm\\_content=0821&utm\\_campaign=newsletters](http://www.psmag.com/politics/the-governors-last-stand-http://www.44798/?utm_source=Newsletter226&utm_medium=email&utm_content=0821&utm_campaign=newsletters)
5. About Tax and Bond referendums. Which legislation will survive? What leadership will listen to the populace? What Promised Federal Money will be delivered in reality to CAHSR over the future years? Some risk assessment?
6. A TRAIN WRECK BY GEORGE WILL.

[http://www.washingtonpost.com/opinions/george-will-a-golden-state-train-wreck/2012/08/08/c469d642-e0ae-11e1-8fc5-a7dcf1fc161d\\_story.html?tid=pm\\_pop](http://www.washingtonpost.com/opinions/george-will-a-golden-state-train-wreck/2012/08/08/c469d642-e0ae-11e1-8fc5-a7dcf1fc161d_story.html?tid=pm_pop)

P028-2

7. To Repeat - HSR Will Require A Subsidy – Forever  
Summary - To keep their project alive, California's High-Speed Rail Authority (CHSRA) has 'low balled' both revenues and O&M expenses – revenues to seem to be competitive with airline fares, and O&M costs to seem to produce profits. Real life examples show that existing high-speed rail fares run above 40¢ per passenger mile (PPM) while operating costs are above 30¢ PPM. Acela's riders in the northeast USA pay 72¢ PPM, while it cost at least 62¢ PPM to keep Acela running. But CHSRA claims fares at 23¢ PPM and operating costs at 10¢ PPM; a fraction of what they should be projecting, to not require a legally prohibited subsidy.

<https://www.sites.google.com/site/hsrcaifftr/home/2-1-major-reports---2012-plan/08-12-new-report>

Graham Kaye-Eddie  
M.U.D.  
Urban Planning, Management and Urban Design Consultant  
MAKABUSI LLC  
13109 Hageman Frontage Rd, Bakersfield, CA. 93314  
Web: [www.makabusi.com](http://www.makabusi.com) ;  
Web: [www.StarKorecity.com](http://www.StarKorecity.com)  
Email : [makabusi@pacbell.net](mailto:makabusi@pacbell.net) ;  
Email: [graham.kayeddie@gmail.com](mailto:graham.kayeddie@gmail.com)  
Office: 661 589 3300  
Cell: 661 319 1000  
Fax: 661 589 6933



## Response to Submission P028 (Graham Kaye-Eddie, Makabusi LLC, August 27, 2012)

### **P028-1**

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

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

### **P028-1**

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

### **P028-2**

Refer to Standard Response FB-Response-GENERAL-17, FB-Response-GENERAL-24, FB-Response-HMW-02.

Submission P029 (Graham Kaye-Eddie, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 And what's the matter with improving the  
2 existing railroad that we have? I mean, we could do  
3 that a lot, lot cheaper, and it's not that I'm a pinch  
4 penny, but I've worked over -- well, I've worked over 80  
5 years for everything that I have, I've paid for  
6 everything that I have, I've never asked the government  
7 to give me anything, and I think that's what we should  
8 continue to do.

9 MR. JEFF MORALES: Thank you.

10 Graham Kaye-Eddie, followed by Elena Garcia.

11 MR. GRAHAM KAYE-EDDIE: Good afternoon. My  
12 name is Graham Kaye-Eddie. I have resided for more than  
13 30 years a baseball throw away from the intersection of  
14 the BNSF rail line and Hageman and Allen Roads. This  
15 politically-driven project must be seriously rethought.  
16 This train project should be stopped in its tracks. It  
17 is not too late to change. What is required is courage  
18 to do so by admitting a mistake.

19 The cornerstone and foundation of American  
20 greatness was and shall only be a transformational  
21 change in our transportation infrastructure to service  
22 our comings and goings. Given the unsustainable cost  
23 estimate for repairing our entire transportation  
24 infrastructure, are you firmly persuaded that this old  
25 technology is the right fit for the future generations

Page 24

California High-Speed Rail Authority - Public Hearing  
559-224-9700

P029-2

This transcript was prepared for you by:  
Fresno Court Reporters

1 with its life cycle of maintenance and operation? The  
2 inexcusable response to an alternative magnetic  
3 levitation technology project evaluation was not only  
4 embarrassingly immoral, it was unjust. America has  
5 extraordinary qualifications at transportation  
6 methodologies. This knowledge resource should not be  
7 ignored but rather employed and focused on the civil  
8 needs of transportation for humanity.

9 Charity should begin on earth first.

10 Transportation system that will create a genuine citizen  
11 enthusiasm for such a mobility solution for the future  
12 is warranted. This should be the mission. This train  
13 project shows no factual or legal evidence of successful  
14 integration. Transportation technologies can be shared  
15 but not monopolized.

16 My plea to you decision-makers is something my  
17 mother said to me, "Listen to that little voice in your  
18 head that tells you whether the decision you make is  
19 right or wrong. Success comes when you do this  
20 honestly." This train project is doomed to failure for  
21 Californians.

22 I'd like to leave my full talk because I could  
23 only get this into three minutes, so if you wouldn't  
24 mind, I'd leave that --

25 MR. JEFF MORALES: Sure.

Page 25

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P029 (Graham Kaye-Eddie, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 MR. GRAHAM KAYE-EDDIE: -- leave these as  
2 evidence of my submission. Thank you.  
3 MR. JEFF MORALES: Elena Garcia, followed by  
4 Howard Silver, and Nora Weber.  
5 MS. ELENA GARCIA: My name is Elena Garcia,  
6 and I'm a homeowner, and I worked with my father for 20  
7 years to acquire five homes. I found out today that  
8 you're not going to -- 99 percent chance you may not  
9 affect me, but then I also heard there's 150 ways that  
10 could change, also, so -- I'm not happy with any of  
11 this.  
12 I was also told by someone that works for you  
13 that -- I asked him this question, I said, "Well, why  
14 are you coming directly through Bakersfield? You're  
15 going to pay all this money out, why aren't you going --  
16 there's too many other ways you could go on the  
17 outskirts?"  
18 And he was told to me, "By the people from  
19 Bakersfield want it for the jobs." Well, I don't know  
20 what people they're talking to, but they're you talking  
21 to the wrong people. I know I never voted for this.  
22 And I've been a democrat for over 30 or 40  
23 years now, and I'm hearing that democrats are for this,  
24 which I find shocking, and republicans are not, and this  
25 is the one time I agree with the republicans. I don't

Page 26

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P029 (Graham Kaye-Eddie, August 27, 2012)

---

**P029-1**

Refer to Standard Response FB-Response-GENERAL-14.

**P029-2**

The Statewide Program EIR/EIS for the California HST System (Authority and FRA 2005) considered maglev technology. Maglev technology would not allow for direct HST service to major intercity travel markets, and therefore would not meet the project purpose, need, and objectives. For this reason, it was not carried forward in the Fresno to Bakersfield EIR/EIS. For further discussion of this issue, please see Sections 2.6.6 and 2.6.7 of the Statewide Program EIR/EIS, which is available on the Authority's website.

Submission P030 (Allen Kennedy, Save Bakersfield Committee, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 a component of Title VI of the Civil Rights Act of 1964  
2 and is a part of the environmental law and regulations  
3 of NEPA. In September of 2011, the FRA requested that  
4 the Authority adopt Title VI policy. The Authority did  
5 not adopt Title VI policy until its's March 2012 board  
6 meeting, and this should not be acceptable.

7 Thank you.

8 MR. JEFF MORALES: Thank you, Mr. Kennedy.

9 Allen Kennedy, followed by Bill Descary, and  
10 Carol Bender.

11 MR. ALLEN KENNEDY: Good afternoon. My name  
12 is Allen Kennedy, local business owner and with Save  
13 Bakersfield Committee. I also wanted to speak with you  
14 about the NEPA Environmental Justice law. NEPA  
15 regulations also include the Executive Order Number  
16 12898. The order addresses achieving Environmental  
17 Justice by identifying and addressing as appropriate  
18 disproportionate high and adverse human health and  
19 environmental effects of its programs, policies,  
20 activities on minority and low-income populations. The  
21 order specifically emphasizes the importance of NEPA's  
22 public participation process directing that each federal  
23 agency shall provide the opportunity for community input  
24 in the NEPA process.

25 The FRA, in accordance with NEPA regulations,

Page 40

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 is responsible for ensuring effective policies who have  
2 identified potentially effects, mitigation measures as  
3 affecting communities and improved accessibility of  
4 meetings, cultural documents, and notices.

5 Authority compliance with Environmental  
6 Justice regulations mandated by NEPA were not even  
7 considered until September 15th of last year when the  
8 FRA directed the Authority to develop and implement  
9 Title VI Program and finally addressed how the Authority  
10 will ensure non-discrimination in the federally  
11 finance-assisted High-Speed Rail Project. As of  
12 August 2nd of this year, the Authority had not yet  
13 filled the position of Title VI Coordinator. During the  
14 August 2nd of this year meeting -- Board Authority  
15 meeting held in Sacramento, the Authority for the first  
16 time adopted the Environmental Justice Guidance policy.

17 Board meeting agenda item number four made two  
18 requirements of the Board: One, to approve the  
19 High-Speed Rail Authority Environmental Justice policy  
20 and authorize the Chief Executive Officer, Jeff Morales,  
21 to sign and widely disseminate; Number Two, adopt the  
22 Environmental Justice Guidance and authorize the CEO to  
23 transmit the Environmental Justice Guidance policy to  
24 the Federal Railroad Administration and authorize also  
25 adopted resolution HRSA 12 dash 22 that resolved to

Page 41

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P030 (Allen Kennedy, Save Bakersfield Committee, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P030-2

P030-3

1 the -- to approve the new EJG policy.  
2 The Authority -- the Authority's new  
3 Environmental Justice Guidance emphasizes the fair  
4 treatment and meaningful involvement of people of all  
5 races, cultures, and income levels, including minority,  
6 low-income populations from every stage of  
7 transportation planning, investment, decision making,  
8 through design, construction, operation, and  
9 maintenance. The Authority has unfairly excluded untold  
10 thousands of people of all races, cultures having any  
11 meaningful involvement in the early stages of the  
12 Project's planning, design, and decision-making process.  
13 Thank you for your time.  
14 MR. JEFF MORALES: Thank you, Mr. Kennedy.  
15 Bill Descary, followed by Carol Bender, and  
16 Jeff Taylor.  
17 MR. BILL DESCARY: Mr. Chairman, Members of  
18 the Panel, my name is Bill Descary. I'm a 38-year  
19 resident of Bakersfield and a co-founder of Save  
20 Bakersfield Committee. I also want to speak to you  
21 about what my view of widespread and significant  
22 violations of NEPA Environmental Justice law.  
23 Since the Authority's inception, the  
24 High-Speed Rail Project has violated provisions of  
25 Environmental Justice that are mandated by NEPA.

Page 42

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P030 (Allen Kennedy, Save Bakersfield Committee, August 27, 2012)

---

### **P030-1**

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

The Authority disagrees with this comment. Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority subsequently received an FRA comment to include the DOT order, which has now been incorporated into the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. Actions prior to its adoption do not suggest non-compliance with the law.

The Authority and FRA have undertaken substantial outreach to EJ communities. The Authority has assembled a Title VI Project Team with a coordinator, and technical and policy consultants who can be contacted via the CAHSR website. The EJ analysis adheres to the definition given in Executive Order 12898 and U.S. Department of Transportation Order 5610.2, which defines an EJ effect as a "disproportionately high and adverse effect on minority and low-income populations." This is an adverse effect that is predominately borne by a minority population and/or a low-income population, or that would be appreciably more severe or greater in magnitude for the minority and/or low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project.

Section 4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) identifies the EJ populations along the project. The methodologies for identifying these populations are detailed in Appendix A of the Community Impact Assessment Technical Report. Section 5.3 in the Community Impact Assessment Technical Report provides detailed information on the potential for substantial environmental justice effects across resources along the project. EIR/EIS Volume 1 Section 3.12 Impacts SO#17 and SO#18 summarize these findings.

### **P030-2**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-SO-07.

The Authority was in compliance with the requirements of Executive Order 12898 before adoption of this guidance. The Environmental Justice (EJ) Guidance is a supplement to

### **P030-2**

the Authority's Title VI Program. The Authority vetted the proposed EJ Guidance with the Federal Railroad Administration. The Authority has subsequently received FRA comment to include the U.S. Department of Transportation (DOT) order, which has been incorporated in the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. The Authority and FRA have undertaken substantial outreach to EJ communities (see Standard Response FB- Response-GENERAL-01 regarding the EIR/EIS and Standard Response FB-Response-SO-07 regarding the Environmental Justice analysis and related community outreach).

Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, a Draft EIR/EIS overview brochure, and comment cards at the public workshops and hearings. Also, a multilingual, toll-free hotline was made available for public comments and requests. To address concerns about information being available, text has been added to Section 3.12.5, Methods for Evaluating Impacts, to describe the project benefits, regional and localized effects, and project impacts. Mitigation measures are intended to reduce impacts on Environmental Justice communities through additional design modifications to reduce visual impacts. Additional outreach will also take place. These measures augment the outreach undertaken before and during the review period for the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS.

### **P030-3**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-SO-07.

The EIR/EIS has been prepared in compliance with Executive Order (EO) 12898 and federal guidance on Environmental Justice (EJ). EO 12898 and this federal guidance pre-dated the Authority's adoption of its own guidance document.

The EJ Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Guidance with the FRA. The Authority has subsequently received FRA comment to include an associated U.S. Department of Transportation (DOT) order, which has been incorporated into the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ

---

Response to Submission P030 (Allen Kennedy, Save Bakersfield Committee, August 27, 2012) - Continued

---

**P030-3**

matters in a comprehensive manner. The Authority and FRA have undertaken substantial outreach to EJ communities (see Standard Response FB-Response-GENERAL-01 regarding the EIR/EIS and Standard Response FB-Response-SO-07 regarding the EJ analysis and related community outreach). Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, a Draft EIR/EIS overview brochure, and comment cards at the public workshops and hearings. Also, a multilingual, toll-free hotline was made available for public comments and requests. In addition, in an effort to address concerns about information being available, text has been added to Section 3.12.5, Methods for Evaluating Impacts, of the EIR/EIS to describe the project benefits, regional and localized effects, and project impacts. Mitigation measures are intended to reduce impacts on EJ communities through additional design modifications to reduce visual impacts. Additional outreach will also take place. These measures augment the outreach undertaken before and during the review period for the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS.



Submission P031 (Michael Kennedy, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 and then Bill Descary.  
2 MR. MICHAEL KENNEDY: Good afternoon,  
3 Mr. Valenstein, also Ms. Perez, and Ms. Hurd. My name  
4 is Michael Kennedy, and I wish to speak to you today  
5 about widespread and severe violations of the NEPA  
6 Environmental Justice Law.

P031-1 | 7 On August the 2nd, 2012, the California  
8 High-Speed Authority for the first time adopted an  
9 Environmental Justice Guidance policy even though the  
10 Authority has been planning the project for well over  
11 ten years. This is convincing evidence that the  
12 Authority did not consider or comply with provisions of  
13 the Environmental Justice Law that are mandated by NEPA  
14 from the Authority's inception through the entire design  
15 and the planning stages of the project to our present  
16 day.

17 Noncompliance of Environmental Justice and  
18 other provisions of NEPA by the Authority are so  
19 egregious that the Federal Railroad Administration must  
20 consider all planning of the project thus far completed  
21 by the Authority invalid. Authority violations of NEPA  
22 are severe enough to necessitate the High-Speed Rail  
23 Authority to start anew in strict compliance with all  
24 NEPA laws and regulations, including those of  
25 Environmental Justice. The severity of the Authority's

Page 38

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 Environmental Justice violations must prevent FRA  
2 approval of federal funding for the California  
3 High-Speed Rail Project until all prior Environmental  
4 Justice violations have been reversed, remediated, or  
5 mitigated.

P031-2 | 6 The FRA is the lead federal agency under NEPA  
7 and responsible for informing, implementing, and  
8 reviewing environmental policies of the Project to  
9 insure compliance with procedural -- procedural  
10 requirements of NEPA. The FRA is also responsible for  
11 technical and legal review of regional Environmental  
12 Impact Statements. The FRA is chartered to begin its  
13 progress of considering the environmental impacts of a  
14 proposed action by consulting with appropriate federal,  
15 state, and local authorities, and with the public at the  
16 earliest practical time in the Project planning  
17 processes.

18 The FRA's charter also includes complying with  
19 all applicable environmental review laws and regulations  
20 of NEPA. The FRA processes includes encouraging broad  
21 public participation during the scoping and review of  
22 the draft environmental documents and to make effective  
23 efforts to notify the affected public. The -- the  
24 High-Speed Rail Authority has not meet this requirement.

25 One additional note, Environmental Justice is

Page 39

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P031 (Michael Kennedy, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 a component of Title VI of the Civil Rights Act of 1964  
2 and is a part of the environmental law and regulations  
3 of NEPA. In September of 2011, the FRA requested that  
4 the Authority adopt Title VI policy. The Authority did  
5 not adopt Title VI policy until its's March 2012 board  
6 meeting, and this should not be acceptable.

7 Thank you.

8 MR. JEFF MORALES: Thank you, Mr. Kennedy.

9 Allen Kennedy, followed by Bill Descary, and  
10 Carol Bender.

11 MR. ALLEN KENNEDY: Good afternoon. My name  
12 is Allen Kennedy, local business owner and with Save  
13 Bakersfield Committee. I also wanted to speak with you  
14 about the NEPA Environmental Justice law. NEPA  
15 regulations also include the Executive Order Number  
16 12898. The order addresses achieving Environmental  
17 Justice by identifying and addressing as appropriate  
18 disproportionate high and adverse human health and  
19 environmental effects of its programs, policies,  
20 activities on minority and low-income populations. The  
21 order specifically emphasizes the importance of NEPA's  
22 public participation process directing that each federal  
23 agency shall provide the opportunity for community input  
24 in the NEPA process.

25 The FRA, in accordance with NEPA regulations,

Page 40

California High-Speed Rail Authority - Public Hearing  
559-224-9700

## Response to Submission P031 (Michael Kennedy, August 27, 2012)

---

### **P031-1**

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority has received an FRA comment to include the DOT order, which is now incorporated into the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. Actions taken prior to its adoption do not suggest non-compliance with the law. The Authority and FRA have undertaken substantial outreach to EJ communities. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including EJ laws.

The Authority and FRA have undertaken substantial outreach to EJ communities. The EJ analysis adheres to the definition defined by Executive Order 12898 and U.S. Department of Transportation Order 5610.2, which defines an EJ effect as a "disproportionately high and adverse effect on minority and low-income populations." This is an adverse effect that is predominately borne by a minority population and/or a low-income population, or that would be appreciably more severe or greater in magnitude for the minority and/or a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project. Section 4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) identifies the EJ populations along the project. The methodologies for identifying these populations are detailed in Appendix A of the Community Impact Assessment Technical Report. Section 5.3 in the Community Impact Assessment Technical Report provides detailed information on the potential for substantial EJ effects across resources along the project. Volume 1 Section 3.12, Impacts SO#17 and SO#18, summarize these findings.

### **P031-2**

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

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Guidance with FRA. The Authority has subsequently received an FRA comment to include an associated U.S. Department of Transportation (DOT) order, which has been incorporated into the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts

### **P031-2**

to address EJ matters in a comprehensive manner. The Authority and FRA have undertaken substantial outreach to EJ communities during the preliminary engineering and environmental review of the Fresno to Bakersfield Section of the HST System. Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, a Draft EIR/EIS overview brochure, and comment cards at the public workshops and hearings. Also, a multilingual, toll-free hotline was made available for public comments and requests. Section 3.12.3, Methods for Evaluating Impacts, of the EIR/EIS describes the project benefits, regional and localized effects, and project impacts on EJ communities. These efforts meet the intent and requirements of Executive Order 12898.

The FRA has been an active participant in drafting, reviewing, and approving the EIR/EIS. This participation ensures that the requirements of the National Environmental Policy Act (NEPA), as reflected in FRA's guidance for compliance with NEPA, are met. The FRA's issuance of the Record of Decision will formally recognize the adequacy of the EIR/EIS as a NEPA document.

### **P031-3**

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

The Authority has met or exceeded all requirements for public participation for both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

Submission P032 (Michael Kennedy, Bethel Christian School/First Free Will Baptist Church, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 a nuisance? Environmental Justice appears not to be a  
2 priority of the Authority. Even NEPA law appears to be  
3 a passing inconvenience. There is no excuse for the  
4 Authority's omission of public notice for this hearing.  
5 As with all of the other omissions, this omission was  
6 purposely intended to deny the public an opportunity to  
7 be a part of the planning process.

8 The only just remedy for the Authority's  
9 multitude of egregious NEPA violations is for the  
10 Federal Railroad Administration to withdraw the EIS and  
11 direct the CHSRA to begin its planning process anew, and  
12 this time do it in strict compliance with NEPA  
13 Environmental Justice law.

14 Thank you.

15 MR. JEFF MORALES: Mr. Taylor.

16 Michael Kennedy. I thought that was him.

17 MR. MICHAEL KENNEDY: My apologies. I wasn't  
18 actually sure if I was next there.

19 My name is Michael Kennedy. I am also  
20 speaking today as a representative of the Bethel  
21 Christian School and the First Free Will Baptist Church  
22 here in Bakersfield located at 2236 East California  
23 Avenue. I would like to state that our stakeholders at  
24 the school and also at the church are still adamantly  
25 opposed to the High-Speed Rail alignments. This

Page 55

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 includes the new hybrid alignment, and -- and we -- we  
2 wanted to mention this, because I know that there in the  
3 documentation that's been provided in this new Revised  
4 EI draft, it talks about the fact that there was  
5 stakeholder involvement as these alignments were  
6 selected, and I do not feel like our stakeholders at our  
7 school and our church had involvement. We are also  
8 concerned because as we look through the EIR, we find  
9 that only one of the three alignments shows there will  
10 be relocation and/or compensation.

11 You will be receiving our official comments  
12 soon. We are thankful that you gave us a little extra  
13 time on the deadline to get that in, and we will be  
14 sending that as soon as we possibly can. But I'm sure  
15 you can understand, as large as this EIR document is,  
16 it's very difficult to get through even with the  
17 extended time period. Really we should have even more  
18 time than we even have with the extension.

19 Little is also said as we looked through the  
20 EIR about mitigation and noise -- and/or noise issues as  
21 this runs close to our property. I find it kind of  
22 funny that, you know, you can't locate the school next  
23 to a railroad but you can run a railroad through a  
24 school. I think that that's kind of backwards thinking.

25 Also, I would like to mention that many of our

Page 56

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P032 (Michael Kennedy, Bethel Christian School/First Free Will Baptist Church, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P032-5

1 stakeholders are Spanish-speaking only, that's at the  
2 church and at the school, and I find it odd that only  
3 the -- only the executive summary is in Spanish, yet we  
4 have thousands and thousands and thousands of pages in  
5 the EIR. It has never been translated. How are our  
6 stakeholders supposed to understand what is going to  
7 happen to our property? I think that this is definitely  
8 a violation of NEPA. I think that the High-Speed Rail  
9 Authority ought to start this process over again so  
10 these issues can be addressed, so our stakeholders can  
11 be involved in the process. That's something that's  
12 very important to us.

13 So we thank you for your time, we thank you  
14 for your consideration. And for those of you that serve  
15 on the FRA, we ask that you would please consider these  
16 NEPA violations today for our church and our school  
17 community.

18 MR. JEFF MORALES: Thank you, Mr. Kennedy.  
19 I'll ask again, Buddy Graham or Harold Davis?  
20 We'll check and see if we have any other  
21 speaker requests, otherwise we'll take a short break,  
22 and I suspect we'll have others coming in.

23 Tom Pavich.

24 MR. TOM PAVICH: Thank you. The California  
25 High-Speed Rail Authority now admits that it must comply

Page 57

California High-Speed Rail Authority - Public Hearing  
559-224-9700

## Response to Submission P032 (Michael Kennedy, Bethel Christian School/First Free Will Baptist Church, August 27, 2012)

---

### **P032-1**

Refer to Standard Response FB-Response-GENERAL-14.

Your opposition to the project is noted.

### **P032-2**

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

The Authority conducted extensive public outreach before the circulation of the Draft EIR/EIS. Public outreach included 12 public meetings aimed at soliciting community feedback and informing impacted communities of the project status.

### **P032-3**

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

The Final EIR/EIS includes specific information about Bethel Christian School and the potential impacts to it. Only the Bakersfield South Alternative would require the relocation of the school. See Section 3.12.6.4, Communities and Neighborhoods, of Volume I, Report, of the Final EIR/EIS for a community description; Section 5.2.5 of the Community Impact Assessment Technical Report (Authority and FRA 2012h) for the impacts on the school; and Section 5.2.6 of the Community Impact Assessment Technical Report (Authority and FRA 2012h) for mitigation measures related to the potential property displacement and relocation.

The Authority used the information in the Final EIR/EIS and input from the commenting agencies and public to identify the Preferred Alternative. The decision included consideration of the project purpose, need, and objectives, as presented in Chapter 1, Project Purpose, Need, and Objectives; the objectives and criteria in the alternatives analysis; and the comparative potential for environmental impacts. The Preferred Alternative balances the least overall impact on the environment and local communities, cost, and constructability constraints of the project alternatives evaluated. The Preferred Alternative is identified and discussed in the Final EIR/EIS.

### **P032-4**

Refer to Standard Response FB-Response-N&V-05.

### **P032-5**

The Authority website has provided translated materials about the project, and the Authority has offered translation services at all public meetings for the Fresno to Bakersfield Section. The Executive Summary and public educational materials regarding the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS were made available in Spanish. Also, notification letters regarding the Draft EIR/EIS were sent in English and Spanish to residents, property owners, meeting attendees, businesses, organizations, elected officials, cities, counties, and agencies.

Submission P033 (Michael Kennedy, Save Bakersfield, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 So as far as your Environmental Impact Report,  
2 I believe that your best way of transportation for this  
3 thing would be directly down I-5. Take it over the  
4 Grapevine.

5 I believe there is a preservation of  
6 farmland -- I don't know what title it falls under, it  
7 could be the Preservation of Farmland Act, I believe, I  
8 don't remember actually where I read that -- but it  
9 states that in all cases where farmland is involved and  
10 is going to be taken for any issue, that you must take  
11 the least -- how do you put this? You must take the  
12 least pervasive way. In other words, eliminate taking  
13 all the farmland that you can take, go as far away as  
14 you have to, but don't take farmland. I believe that's  
15 what the act talks about of the Preservation of Farmland  
16 Act.

17 Thank you.

18 MR. JEFF MORALES: Thank you, Ms. Weber.

19 Michael Kennedy and Carol Bender.

20 MR. MICHAEL KENNEDY: Michael Kennedy with  
21 Save Bakersfield. The California High-Speed Rail  
22 Authority now admits that it must comply with the  
23 Environmental Justice components of NEPA. Disturbingly,  
24 though, the Authority also falsely states that they have  
25 complied with NEPA Environmental Justice provisions all

Page 72

California High-Speed Rail Authority - Public Hearing  
559-224-9700

P033-1

This transcript was prepared for you by:  
Fresno Court Reporters

1 along, and this is not true. Based on page three of the  
2 recently-approved CHSRA Environmental Justice Guidance  
3 document, quote, "The Authority emphasizes the fair  
4 treatment and meaningful involvement of people of all  
5 races, cultures, and income levels, including minority  
6 and low-income populations from the earliest stages of  
7 transportation, planning, and investment decision making  
8 through design, construction, operation, and  
9 maintenance," end quote.

10 The CHSRA has given the public, people of all  
11 races, cultures, and income levels, including minority  
12 and low-income populations 90 days to review,  
13 understand, and comment on this 30,000 page plus  
14 document that was used to formulate the EIR/EIS. We  
15 should also consider that this CHSRA is holding this  
16 hearing in the middle of the insufficient 90-day EIS  
17 review period. As can be seen from our comments here  
18 today, people have not had enough time to digest or even  
19 obtain the material necessary to meaningfully  
20 participate in this hearing. If the California  
21 High-Speed Rail Authority really wanted people to  
22 participate in this hearing, we would be having this  
23 hearing toward the end of the 90-day review period.

24 Is holding this hearing today really  
25 environmentally just pursuant to NEPA or is it just

Page 73

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P033 (Michael Kennedy, Save Bakersfield, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P033-3

1 checking off another box? Is it reasonable? That is  
2 the question that the FRA has before them today.  
3 NEPA Environmental Justice law was violated by  
4 the Authority from the beginning of the planning  
5 processes of the Merced to Fresno EIS. The Authority  
6 has also failed to comply with Environmental Justice  
7 provisions as it planned the Fresno to Bakersfield EIS.  
8 The only just remedy for the Authority's multitude of  
9 egregious NEPA violations is for the Federal Railroad  
10 Administration to withdraw this EIS and direct the  
11 High-Speed Rail Authority to beginning its planning  
12 processes anew and to do so in strict compliance with  
13 NEPA Environmental Justice law.

14 MR. JEFF MORALES: Thank you, Mr. Kennedy.  
15 Carol Bender.

16 MS. CAROL BENDER: Cumulative -- cumulative  
17 impacts are important to actually access, I think we can  
18 all agree on that. The noise studies in the EIR were  
19 conducted in 2009, and the methodology for determining  
20 base noise levels should be based upon conditions at the  
21 time of the build and as they are anticipated to be at  
22 full build at 2035, or whenever that is. I don't see  
23 any of that data or analysis in the EIR, and I've  
24 looked.

25 In the new Draft EIR, cumulative impacts along

Page 74

California High-Speed Rail Authority - Public Hearing  
559-224-9700



---

## Response to Submission P033 (Michael Kennedy, Save Bakersfield, August 27, 2012)

---

### **P033-1**

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

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority received an FRA comment to include the DOT order, which has been incorporated into the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. Actions prior to its adoption do not suggest non-compliance with the law.

The Authority and FRA have undertaken substantial outreach to EJ communities. EIR/EIS Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including EJ laws. The Authority and FRA have undertaken substantial outreach to EJ communities. The EJ analysis adheres to the definition given in Executive Order 12898 and U.S. Department of Transportation Order 5610.2, which defines an EJ effect as a "disproportionately high and adverse effect on minority and low-income populations." This is an adverse effect that is predominately borne by a minority population and/or a low-income population or that would be appreciably more severe or greater in magnitude for the minority and/or a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project. Section 4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) identifies the EJ populations along the project. The methodologies for identifying these populations are detailed in Appendix A of the Community Impact Assessment Technical Report. Section 5.3 in the Community Impact Assessment Technical Report provides detailed information on the potential for substantial EJ effects across resources along the project. Volume 1 Section 3.12, Impacts SO#17 and SO#18, summarize these findings.

### **P033-2**

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

### **P033-3**

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

### **P033-3**

The EIR/EIS provides documentary evidence that the Authority and FRA are fulfilling their duties to comply with CEQA, NEPA, and EO 12989. Project alternatives were identified, the impacts of which were evaluated at an equal level of detail and fully disclosed, and input was sought and received from the public including groups identified as minority, low income or disadvantaged. No evidence has been presented contradicting the Authority's obligation to comply with CEQA and FRA's obligations to comply with NEPA and EO 12989. In the absence of any substantial evidence, there is no compelling reason to withdraw the Revised DEIR/Supplemental DEIS.

Section 4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) identifies the environmental justice populations along the project. The methodologies for identifying these populations are detailed in Appendix A of the Community Impact Assessment Technical Report. Section 5.3 in the Community Impact Assessment Technical Report provides detailed information on the potential for substantial environmental justice effects across resources along the project. Volume 1 Section 3.12, Impacts SO#17 and SO#18, summarize these findings.

Submission P034 (Anisa Laksmono, TDH Associates International, August 27, 2012)



CALIFORNIA  
High-Speed Rail Authority



*Bakersfield Hearing*

Comment Card  
Tarjeta de Comentarios

**Fresno to Bakersfield High-Speed Train Section**  
Revised Draft Environmental Impact Report/  
Supplemental Draft Environmental Impact Statement  
(Revised Draft EIR/Supplemental Draft EIS)

**La Sección de Fresno a Bakersfield del Tren de Alta Velocidad**  
Proyecto Revisado de Informe de Impacto Ambiental/  
Declaración de Impacto Ambiental Proyecto Suplementario  
(Proyecto Revisado EIR/Proyecto Suplementario EIS)

Please submit your completed comment card at the  
end of the meeting, or mail to:

Por favor entregue su tarjeta completada al final de la  
reunión, o envíela por correo a la siguiente dirección:

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

The  
21  
Extended comment period for Fresno  
to Bakersfield High Speed Train Revised  
Draft EIR/Supplemental Draft EIS:  
**July 20 – October 19**

September 20,  
electronically, or  
October 20, 2012.

El periodo de comentario es del 20 de Julio al 20  
de Septiembre del 2012. Los comentarios tienen que ser  
recibidos electrónicamente, o matasellados, el o antes  
del 20 de Septiembre del 2012.

Name/Nombre: Anisa Laksmono  
Organization/Organización: TDH Associates International  
Address/Domicilio: P.O. Box 2493, Bakersfield, CA 93303  
Phone Number/Número de Teléfono: 661-599-9842  
City, State, Zip Code/Ciudad, Estado, Código Postal: Bakersfield, CA 93303  
E-mail Address/Correo Electrónico: alaksmono@tdhintl.net  
(Use additional pages if needed/Usar paginas adicionales si es necesario)

P034-1

Yes in support for HSR and support to build  
South.



CALIFORNIA  
High-Speed Rail Authority



U.S. Department  
of Transportation  
Federal Railroad  
Administration

---

Response to Submission P034 (Anisa Laksmono, TDH Associates International, August 27, 2012)

---

**P034-1**

Refer to Standard Response FB-Response-GENERAL-09.

Your support of the project is noted.

Submission P035 (Anisa Laksmono, Fresno-Bakersfield High-Speed Rail Action Team, August 27, 2012)



**Fresno-Bakersfield High  
Speed Rail Action Team**



August 27, 2012

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

Dear Authority Board Members:

P035-1

We would like to submit the following comments on the California HST project.

We support the Hybrid Bakersfield alternative and station location adjacent to the existing train station. The Draft Fresno to Bakersfield EIR is much easier to review.

P035-2

We would like to commend you on the development of the 2012 Revised Business Plan and encourage you to "Build South". Build the Bakersfield to Palmdale segment next.

P035-3

We ask that you consider ways to work closely with California State University, Bakersfield to provide HST related educational programs.

Thank you for your consideration of these comments.

Respectfully,

Anisa Laksmono, Lead Organizer  
Fresno-Bakersfield High-Speed Rail Action Team  
Californians for High-Speed Rail

P.O. Box 2493, Bakersfield, CA 93303

---

## Response to Submission P035 (Anisa Laksmono, Fresno-Bakersfield High-Speed Rail Action Team, August 27, 2012)

---

### **P035-1**

Your support for the Bakersfield Hybrid Alternative is noted.

The Authority used the information in the Revised DEIR/Supplemental DEIS and input from the agencies and public to identify the Preferred Alternative. The decision included consideration of the project purpose and need and the project objectives presented in Chapter 1, Project Purpose and Need, as well as the objectives and criteria in the alternatives analysis, and the comparative potential for environmental impacts. The Preferred Alternative balances overall impact on the environment and local communities, cost, and constructability constraints among the project alternatives evaluated. For more detail, please refer to Chapter 7, Preferred Alternative, in this Final EIR/EIS.

We are glad that you found the document easier to review.

### **P035-2**

Refer to Standard Response FB-Response-GENERAL-09.

Your support of the project is noted.

### **P035-3**

The Authority will consider ways to work with California State University, Bakersfield to provide HST-related educational programs.

Submission P036 (Bill Lind, Bakersfield Tea Party, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 exorbitant expense of constructing an elevated downtown  
2 station, 8 to 12 miles of elevated viaducts through the  
3 heart of Bakersfield.  
4 So, please, we need to save Bakersfield  
5 because we live here.  
6 Thank you.  
7 MR. JEFF MORALES: Thank you, Ms. Patel.  
8 Any other ones?  
9 MR. TOM TRACY: Rebecca.  
10 MR. JEFF MORALES: Any other speakers?  
11 Bill Lind, followed by Frances Morgan, and  
12 Jannette Berry.  
13 MR. BILL LIND: Hello. My name is Bill Lind,  
14 and I'm representing the Bakersfield Tea Party and the  
15 community of Bakersfield.  
16 The California High-Speed Rail Authority now  
17 admits that it must comply with the Environmental  
18 Justice components of NEPA and should have been all  
19 along. Based on page three of the just-approved CHSRA  
20 Environmental Justice Guidance document, CHSRA reflects  
21 the quote, "The Authority recognizes how important  
22 provision of existing environmental, civil rights,  
23 civil, and criminal laws may be used to help reduce  
24 environmental impact in our communities and  
25 environmental injustice on the human element."

Page 84

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 Since the CHSRA and the State are openly  
2 entertaining exempting the High-Speed Rail Authority  
3 from the existing requirements of the California  
4 Environmental Quality Act, how does the Federal Rail  
5 Administration reconcile this reality? It does not seem  
6 that they are concerned with complying with CEQA and  
7 would be tickled to be done with this existing law.  
8 Withdraw the EIS until CHSRA actually  
9 demonstrates that it is complying with NEPA instead of  
10 pretending on paper that it is complying.  
11 Thank you.  
12 MR. JEFF MORALES: Thank you, Mr. Lind.  
13 Ms. Morgan.  
14 MS. FRANCES MORGAN: Once again, Frances  
15 Morgan.  
16 Just recently the California High-Speed Rail  
17 Authority admitted that it must abide by the EJ policy  
18 in regards to the National Environmental Policy Act,  
19 known as NEPA, and have been doing so since the  
20 beginning. If one would look at page three of the  
21 recently-approved California High-Speed Rail  
22 Environmental Justice Guideline document, the California  
23 High-Speed Rail agrees with, and I quote, "The Authority  
24 recognizes how important provision of existing  
25 environmental, civil rights, civil, and criminal laws

Page 85

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P036 (Bill Lind, Bakersfield Tea Party, August 27, 2012)

---

**P036-1**

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

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the FRA. The Authority has subsequently received FRA comment to include the U.S. Department of Transportation order, which has been incorporated in the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. The Authority and FRA have undertaken substantial outreach to EJ communities during the preliminary engineering and environmental review of the Fresno to Bakersfield Section. Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, an overview brochure of the Draft EIR/EIS, and comment cards at the public workshops and hearings. Also, a multi-lingual, toll-free hotline was made available for public comments and requests. Section 3.12 of the EIR/EIS describes the project benefits, regional and localized effects, and project impacts to EJ communities. These efforts meet the intent and requirements of Executive Order 12898.

The EIR/EIS has been prepared in accordance with CEQA, NEPA, and the related guidance documents. The commenter has not submitted evidence showing that this is not the case.

Submission P037 (Bill Lind, Bakersfield Tea Party, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 retracted, withdrawn completely.  
2 Thank you.  
3 MR. JEFF MORALES: Okay, we don't have any  
4 other cards. Let's take a break, be back at about 6:30.  
5 (Whereupon a break was taken at 6:04 p.m.)  
6 (Whereupon the public hearing reconvened at  
7 6:31 p.m.)  
8 MR. JEFF MORALES: All right. We said we  
9 would reconvene at 6:30, and it's just about that time.  
10 We just got a few speaker requests. Bill Lind, and  
11 Carol Bender, and Alfred Hernandez.  
12 MR. BILL LIND: Hello again. I'm Bill Lind.  
13 I'm representing the Bakersfield Tea Party and the  
14 community of Bakersfield as a whole.  
15 The California High-Speed Rail Authority now  
16 claims it has been complying with the Environmental  
17 Justice components of NEPA all along. They say they are  
18 committed to applying Environmental Justice to all of  
19 its programs and other activities that are undertaken,  
20 funded, or approved by the Federal Rail Administration  
21 that affect project development and environmental  
22 reviews. The California High-Speed rail Authority was  
23 established in 1996, sixteen years ago, and they just  
24 adopted Environmental Justice policy on August 2nd of  
25 this year.

Page 88

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 How did they apply those NEPA Environmental  
2 Justice practices to the Project development,  
3 environmental reviews related to this Revised Draft  
4 Environmental Impact Statement that was published before  
5 the policy was established? How does this affect the  
6 Merced to Fresno EIS and other problematic studies? How  
7 does the Federal Rail Administrator -- Administration  
8 reconcile this?  
9 Withdraw the EIS until the California  
10 High-Speed Rail Authority proves that it is complying  
11 with federal law. We have not seen it yet, have you?  
12 Thank you.  
13 MR. JEFF MORALES: Thank you.  
14 Ms. Bender.  
15 MS. CAROL BENDER: I just have a couple more  
16 points. I was talking earlier about cumulative impacts  
17 and mentioning that 81,699 people in Kern County live  
18 within a half a mile of these alignments, which are so  
19 close together that there really aren't -- we don't  
20 consider them much of -- much of an alternative.  
21 In looking again at -- with the notice of the  
22 intent to prepare the EIR in 2009, the design criteria  
23 dictated that it be a 220-mile-per-hour design  
24 throughout with few exceptions and that rail would not  
25 have to slow down through town so that we would have

Page 89

California High-Speed Rail Authority - Public Hearing  
559-224-9700



---

## Response to Submission P037 (Bill Lind, Bakersfield Tea Party, August 27, 2012)

---

### **P037-1**

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

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority received an FRA comment to include the Department of Transportation order, which is now incorporated into the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. Actions prior to its adoption do not suggest no compliance with the law. The Authority and FRA have undertaken substantial outreach to EJ communities. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including EJ laws.

### **P037-2**

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

The commenter is misinformed. The EIR/EIS was prepared pursuant to the requirements of Executive Order 12898 and related federal guidance before adoption of the Authority's own guidance document.

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the FRA. The Authority has subsequently received FRA comment to include the U.S. Department of Transportation order, which has been incorporated in the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. The Authority and FRA have undertaken substantial outreach to EJ communities during the preliminary engineering and environmental review of the Fresno to Bakersfield Section. Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, an overview brochure of the Draft EIR/EIS, and comment cards at the public workshops and hearings. Also, a multi-lingual, toll-free hotline was made available for public comments and requests. Section 3.12 of the EIR/EIS describes the project benefits, regional and localized effects, and project impacts to EJ communities. These efforts meet the intent and requirements of Executive Order 12898.

### **P037-2**

The Authority has complied with federal law.

Submission P038 (Victor Martinov, Lazy H Ranch, August 27, 2012)

SOUTHLAND  
PROPERTIES

August 13, 2012

RECEIVED  
AUG 27 2012  
BY: Bakersfield  
Hearings

(805) 688-8145

(805) 688-8546 fax

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

Re: Draft EIR/EIS for Fresno to Bakersfield Section

P038-1

Subject: Meeting dated 5/24/2012 with representatives of California High-Speed Authority and representatives of the Lazy "H" Ranch community. (2500 Jewetta Ave., Bakersfield, CA 93312). The meeting was held at the Lazy "H" Community site.

In addition to other areas of the project previously objected to in letters dated September 15, 2011 and January 3, 2012, (copies of which are attached hereto and made a part hereof) the subject meeting disclosed further disturbing information regarding the design along the Lazy "H" Ranch community property.

Although the right of way for the project will not encroach on Lazy "H" community property, the sound wall, which could be as high as 20 to 22 feet tall and run approximately 1,000 feet along Lazy "H" property will affect twenty two, (22) homes. What is most objectionable and intolerable is that this wall will be as close as 3 feet to most of the homes. Having a 20-22 foot high barrier with a 3-foot backyard would change the entire ecological, natural environment, not to mention making all those particular families feel imprisoned in their own homes.

Please address this extremely adverse situation and find mitigating measures to deal with this unbearable living condition. I feel confident that among the potential measures discussed at the subject meeting, a balance of design techniques can go a long way toward alleviating this.

Some measures discussed included: Relocating the wall away from the homes, lowering the rails, allowing for a lower wall, using other textures and materials such as glass sections, and other measures. This section along the Lazy "H" community could be recessed, thereby reducing the elevation of the wall.

Please consider the homeowners quality of life, serenity and home values as well. As I said above, design techniques can alleviate this harsh construction flaw.

Sincerely,



Victor Martinov  
Owner, Lazy "H" Ranch

enc.

cc: Kern County Board of Supervisors:

Jon McQuiston, Zack Scrivner, Mike Maggard, Ray Watson, Karen Goh

La Cumbre Management, Jim Murdock

— Post Office Box 299, Santa Ynez, CA 93460-0299 —

---

## Response to Submission P038 (Victor Martinov, Lazy H Ranch, August 27, 2012)

---

### P038-1

The project alignment in the area adjacent to the Lazy H Community has been moved to run along the east side of the BNSF Railway (BNSF) right-of-way. The location of this updated alignment puts the centerline at a distance of at least 78 feet from the eastern property line of the Lazy H Community. As a result, the noise barrier for this alignment would also be located on the east side of the BNSF alignment, as opposed to running along the east side of the Lazy H Community.

Submission P039 (Victor Martinov, Lazy H Ranch, August 27, 2012)

**SOUTHLAND**

(805) 688-8145

**PROPERTIES**

(805) 688-8546 fax

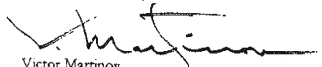
January 3, 2012

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

Re: California High-Speed Rail,  
Fresno to Bakersfield Section

- P039-1 | This letter is in opposition to the design and construction of the California High-Speed Rail System at this time and with this apparent sense of urgency. In general, it is obvious, that this is a time of economic crises, a time when our State cannot spend money that it does not have, a time when putting people to work can be accomplished by rebuilding and improving existing infrastructure not creating unsustainable debt and commitment.
- P039-2 | If the visionaries have a dream, let us proceed in an orderly way, with orderly sound planning, financially and structurally. This should involve not only appropriate design analysis but selecting routes that would be of minimum disruption, destruction, inconvenience, and gridlock.
- Surely when in the future this type of High-Speed alternative is, if ever, possible and desired, a less noxious and more efficient routing than currently contemplated, can be selected - a routing that will consider the many lives that will be disrupted - the many land uses include: residential, business, churches, schools, agricultural and others. Appropriate routes could avoid densely populated and improved areas and, as an example, would follow existing transportation corridors such as Interstate Highway 5.
- Following I-5 would not only give a more direct route from North to South, but would offer long reaches of unimproved land. The use of I-5 routing would therefore be much less disruptive and allow greater opportunity to afford the appropriate stations with services and parking.
- P039-3 | Specifically, we are the owners of a manufactured home community consisting of 87 individually owned homes. The lives of these homeowners would be disrupted and the landowner's business would be ruined. The impact of sound, vibration, electromagnetic and other negative aspects of a High-Speed Train in the immediate proximity of our community would be unbearable to the tenants and would cause the dissolution of the community.
- P039-4 | Please review the letter dated September 15, 2011 from the owners of the "Lazy H Ranch" to California High-Speed Rail Authority, which is attached hereto as Exhibit A together with the petition of the homeowners, Exhibit B and the letter from La Cumbre Management dated September 27, 2011 to California High-Speed Rail Authority, (Exhibit C).
- We are extremely concerned for the general well-being of the State of California, and our survival and we are deeply troubled for our tenants and the future of our community. Thank you for your consideration of this monumental matter and your serious attention.

Sincerely submitted,



Victor Martinov  
Owner, Lazy H Ranch

— Post Office Box 299, Santa Ynez, CA 93460-0299 —

## Response to Submission P039 (Victor Martinov, Lazy H Ranch, August 27, 2012)

---

### **P039-1**

Refer to Standard Response FB-Response-GENERAL-14, FB-Response-GENERAL-17.

Your opposition to the project is noted.

### **P039-2**

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

The Statewide Program EIR/EIS (Authority and FRA 2005) considered alternatives on Interstate 5 (I-5), State Route (SR) 99, and the BNSF Railway (BNSF) corridor. The Record of Decision for the Statewide Program EIR/EIS rejected those routes and selected the BNSF corridor as the Preferred Alternative for the Fresno to Bakersfield Section. Further engineering and environmental studies within the broad BNSF corridor have resulted in practicable alternatives that meet most or all project objectives, are potentially feasible, and would result in certain environmental impact reductions relative to one each other. Accordingly, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor. The I-5 corridor was again considered during the environmental review of the Fresno to Bakersfield Section (see Section 2.3.2, Range of Potential Alternatives Considered and Findings, of the Final EIR/EIS) and was eliminated from further consideration, as described in Standard Response FB-Response-GENERAL-02.

The Authority used the information in the Final EIR/EIS and input from the agencies and public to identify the Preferred Alternative. The decision included consideration of the project purpose and need and the project objectives presented in Chapter 1, Project Purpose, Need, and Objectives; the objectives and criteria in the alternatives analysis, and the comparative potential for environmental impacts. The Preferred Alternative has the least overall impact on the environment and local communities, the lowest cost, and the fewest constructability constraints of the project alternatives evaluated.

### **P039-3**

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

None of the project alternatives would result in the acquisition of homes in the Lazy H Mobile Home Park. The HST right-of-way would be situated in the existing BNSF

### **P039-3**

Railway right-of-way at this location. Please refer to Appendix 3.1-A of the EIR/ EIS for parcel impacts by the project footprint.

Mitigation Measure N&V-MM#3 provides that sound barriers may be installed to reduce noise to acceptable levels at adjoining properties. These may include walls, berms, or a combination of walls and berms. The specific type of barrier will be selected during final design, and before operations begin. In addition, Mitigation Measure N&V-MM#3 provides that prior to operation, the Authority will work with communities regarding the height and design of sound barriers, using jointly developed performance criteria, when the vertical and horizontal location have been finalized as part of the final design of the project. Mitigation Measure N&V-MM#8 provides that vibration mitigation measures be installed to reduce operational vibration levels to acceptable levels at adjoining properties. The types of vibration mitigation that may be applied are listed in Table 3.4-32. The specific type of mitigation will be selected during final design, and before operations begin.

Section 3.5, Electromagnetic Fields and Electromagnetic Interference, of the EIR/EIS identifies several types of EMFs from operation of the proposed HST. The EIR/EIS further states that of these EMFs, the dominant effect is expected to be the 60-Hz AC (alternating current) magnetic fields from the propulsion currents flowing in the traction power system: that is, the OCS and rails.

The EIR/EIS states that EMF exposure to people in nearby schools, businesses, colleges, and residences would be expected to be significantly below the Institute of Electrical and Electronic Engineers

(IEEE) Standard 95.6 maximum permissible exposure (MPE) limit of 9.0 Gauss (G) for the general public. The IEEE Standard applies in all residential areas, both inside and outside of a dwelling. EMF signals are not attenuated by insulation or most building materials. IEEE Standards have a safety factor built into the MPE limits, so no adverse health effects are anticipated as long as EMF values are below these levels.

---

Response to Submission P039 (Victor Martinov, Lazy H Ranch, August 27, 2012) - Continued

---

**P039-4**

The responses to the comments in the letter dated September 15, 2011, from the owners of the Lazy H Ranch to the California High-Speed Rail Authority are provided in Volume IV of this Final EIR/EIS.

Submission P040 (Victor Martinov, Lazy H Ranch, August 27, 2012)

*SOUTHLAND*

(805) 688-8145

*PROPERTIES*

(805) 688-8546 fax

September 15, 2011

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

Re: **Draft EIR/EIS for Fresno to Bakersfield Section**

Concerning: **2500 Jewetta Avenue, Bakersfield, CA 93312**  
**(APN #110-010-12-00-0)**

Dear High-Speed Rail Authority Officials:

Please be advised that the proposed project routing of the High-Speed Railway indicates a potential conflict with our 87 lot manufactured home community. We are requesting that the High-Speed Rail Authority consider our property and the impact that could be avoided by timely planning and adjustments that may serve to avoid unnecessary hardships. Hardships for the homeowners and the landowners.

Our property, the "Lazy H Ranch" consists of 87 individually owned homes on leased lots. To condemn all or part of this community would require not only the relocation of these families, but also the relocation of their individually owned homes.

The Lazy H Ranch has been in existence for over 40 years and serves as a unique and wholesome living environment.

From the standpoint of the landowners, to remove a portion of this development would ruin the economic viability of the entire business venture and therefore would require the taking of the entire development.

Please consider us, (the landowners, and homeowners) in your planning and final decisions. Attached please find the signatures and petition of the homeowners of Lazy H Ranch. If further information would be helpful, please let me know, (805) 688-8145.

Sincerely,



Victor Martinov  
Owner, Lazy H Ranch

enc.

cc: Kern County Board of Supervisors:  
Jon McQuiston, Zack Scrivner, Mike Maggard, Ray Watson, Karen Goh

La Cumbre Management, Jim Murdock

— Post Office Box 299, Santa Ynez, CA 93460-0299 —

---

## Response to Submission P040 (Victor Martinov, Lazy H Ranch, August 27, 2012)

---

**P040-1**

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

The Authority will take all public comments into serious consideration in the identification of a preferred alternative.

None of the project alternatives would result in the acquisition of homes in the Lazy H Mobile Home Park. The HST right-of-way would be situated in the existing BNSF Railway right-of-way at this location. Please refer to Appendix 3.1-A of the EIR/ EIS for parcel impacts by the project footprint.



Submission P041 (Vic Martinov, Southland Properties, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 Thank you very much.  
2 MR. JEFF MORALES: Thank you.  
3 Vic Martinov.  
4 MR. VIC MARTINOV: Good afternoon. I'm Vic  
5 Martinov with Southland Properties, and we're  
6 representing Lazy H Community, which is at 2500 Jewetts  
7 Avenue and which consists of 87 individually owned  
8 homes.  
9 In addition to the effect of sound vibration,  
10 electromagnetic and other exposures, we're very  
11 concerned with -- with the sound wall that's proposed.  
12 Although the right-of-way for the project will not  
13 encroach on Lazy H Community property, the sound wall,  
14 which could be as high as 20 to 22 feet tall and run  
15 about a thousand feet along Lazy H property will affect  
16 more than 22 of the homes directly. What's most  
17 objectionable and intolerable is that this wall will be  
18 as close as three feet to most of the homes. Having a  
19 20- to 22-foot-high barrier with a three-foot backyard  
20 would change the entire ecological, natural environment,  
21 not to mention making those particular families feel  
22 imprisoned in their own homes and their backyards, it's  
23 going to be really tight. Three feet in the back of  
24 your home to a 22- or 20-foot wall would really be a  
25 tough one.

Page 21

California High-Speed Rail Authority - Public Hearing  
559-224-9700

P041-1

This transcript was prepared for you by:  
Fresno Court Reporters

1 What we're asking is that some mitigation be  
2 given to this intolerable project -- intolerable  
3 situation, and -- well, we hope you consider this and  
4 try to figure out some -- some way to deal with it.  
5 We -- we have had a meeting at -- at the project site,  
6 and what's -- a number of mitigating measures were  
7 discussed at the time, but as of yet we haven't really  
8 heard anything.  
9 So thank you.  
10 MR. JEFF MORALES: Thank you.  
11 Gerry Goodrich, followed by Graham Kaye-Eddie,  
12 and Elena Garcia. Gerry Goodrich.  
13 MS. GERRY GOODRICH: Good afternoon. From  
14 what I've heard so far from everybody that I've talked  
15 to, the California High-Speed Railroad is going to be a  
16 detriment to the State of California and not a help.  
17 First of all, we don't have the money in California;  
18 we're broke. We don't have the manpower because nobody  
19 wants to work; everybody wants everything given to them.  
20 We don't have any equipment; we have to bring it in from  
21 other states and other countries probably. Or the  
22 materials to build the trains, which I understand would  
23 be done in a different county. And California's broke.  
24 Have any of you read the EIR booklet. I know  
25 you don't have to answer me, but I would bet money on

Page 22

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

Response to Submission P041 (Vic Martinov, Southland Properties, August 27, 2012)

---

**P041-1**

The project alignment in the area adjacent to the Lazy H Community has been moved to run along the east side of the BNSF right-of-way. The location of this updated alignment will put the centerline at a distance of at least 78 feet from the eastern property line of the Lazy H Community. As a result, the noise barrier for this alignment would also be located on the east side of the BNSF alignment as opposed to running along the east side of the Lazy H Community.

Submission P042 (Joseph Matteucci, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 you can't mitigate those factors from a cost-benefit  
2 standpoint.  
3 Thank you.  
4 MR. JEFF MORALES: Thank you, Mr. Murdock.  
5 Joseph Matteucci, followed by John Albertson,  
6 and Tom Drulias.  
7 MR. JOSEPH MATTEUCCI: Good afternoon. I'm --  
8 UNIDENTIFIED VOICE: Please talk into the  
9 microphone.  
10 MR. JEFF MORALES: Please move forward to the  
11 microphone a little bit.  
12 MR. JOSEPH MATTEUCCI: I've been here 80 years  
13 in this city and I'm concerned. The train is powered by  
14 electricity, correct?  
15 MR. JEFF MORALES: Yes.  
16 MR. JOSEPH MATTEUCCI: Okay. My concern is  
17 where are we going to generate the electricity to  
18 operate the train itself? Our power grid is strained as  
19 it is. We were requested to cut back on our air  
20 conditioning and so forth this last couple weeks when we  
21 were in triple digits.  
22 If so, what source will you use to build the  
23 power plants? Will it be natural gas, petroleum  
24 product, coal?  
25 Water to come in for the steam generators to

Page 15

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 generate electricity, will that be coming from the  
2 aqueduct or will that be from the ground water supply we  
3 have, which is in jeopardy also.  
4 I know we need alternate transportation, but  
5 two things concern me. I've saw sections of the train  
6 is going to be elevated. Do we know if there are any  
7 earthquake faults within that area? And out in the open  
8 areas, elevated train, we get high winds through the  
9 valley, and are we going to be safe in that condition  
10 there, too?  
11 It -- we've been told how many jobs it's going  
12 to create, but we haven't been told how many jobs are  
13 going to be lost, how many people are going to be  
14 displaced, how many businesses will no longer be doing  
15 business. This is really concerning.  
16 So that's about all I've got to say.  
17 MR. JEFF MORALES: Thank you, sir.  
18 John Albertson, Tom Drulias, and then Vic  
19 Martinov.  
20 MR. JOHN ALBERTSON: Good morning. My name is  
21 John Albertson. I live at 16284 Central Valley Highway,  
22 also known a Highway 43 south of Wasco. My wife and I  
23 have a little two and a half acre piece of property, and  
24 we noticed at the Elks' meeting about three weeks ago  
25 that you all have a right of way through our property

Page 16

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P042 (Joseph Matteucci, August 27, 2012)

---

### **P042-1**

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

### **P042-2**

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

The energy demand of the HST project is discussed under Impact PU&E#17 in Chapter 3.6, Public Utilities and Energy. The projected peak demand of the HST System is not anticipated to exceed existing electricity reserve amounts. No use of water for steam power production is a part of this project.

### **P042-3**

Impact GSS #11, Effects of Seismicity on Operations, in Section 3.9, Geology, Soils, and Seismicity, of the Final EIR/EIS discusses seismic hazards in the Fresno to Bakersfield Section of the HST System.

Seismic hazards, including the location of earthquake faults, are discussed in Section 3.9.4.5, Primary Seismic Hazards, and Section 3.9.4.6, Secondary Seismic Hazards. The impacts of seismicity on the HST System are discussed in Section 3.9.5.3, High-Speed Train Alternatives, under Impact GSS #11. Project structures and systems would be designed to account for expected seismic forces.

The system would be engineered to safely handle the type of wind loading experienced in the San Joaquin Valley, even within the elevated portions of the system.

Submission P043 (Dr. Anil Mehta, Save Bakersfield Committee/Chinmaya Mission, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 handled after the project is approved by the FRA? The  
2 project is only designed to a 15 percent standard and  
3 does not adequately address the NEPA Environmental  
4 Justice concerns reflected in their new policy.  
5 How does this affect the 7th Standard Road to  
6 Bakersfield and onto Oswell Street, which is your second  
7 phase, and the EIS other pragmatic studies? So how will  
8 your EIS affect that? How does the FRA plan on handling  
9 this issue?  
10 I request the FRA withdraw the EIS until the  
11 California High-Speed Authority proves that it is  
12 complying with the federal law, which it is not  
13 currently.  
14 Thank you.  
15 MR. JEFF MORALES: Thank you, Ms. Weber.  
16 Anil Mehta, followed by Jim Eggert, and  
17 Michael Kennedy.  
18 DR. ANIL MEHTA: Good afternoon. My name is  
19 Dr. Anil Mehta. I'm with the Save Bakersfield Committee  
20 and representative of the Chinmaya Mission, Bakersfield,  
21 a church that will be severely impacted and possibly  
22 destroyed by this project.  
23 I'd like to address my comments to Ms. Kathryn  
24 Hurd, legal counsel for FRA. I feel that this project  
25 is not only going to cause a lot of damage to

Page 33

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 Bakersfield but is basically an illegal project. It  
2 does not meet any tenets of Proposition 1A. It violates  
3 NEPA, as the previous speaker very clearly said. It  
4 violates CEQA, and that's why one of the backers of this  
5 project, Mr. Michael Rubio, Senator, tried to at the  
6 last minute sneak in a bill so that it could -- it would  
7 basically allow this project to get through CEQA. There  
8 have been a lot of back room dealings and the majority  
9 of the people of California are against this project.  
10 We feel that we do not need this project, we  
11 do not have the money. As far as high speed transit, it  
12 can be done much more efficiently by improving Amtrak.  
13 We have Amtrak, which can be improved, and they can  
14 build down to Los Angeles.  
15 But the way this project is designed is  
16 illegal, it's unethical, immoral. It is going to  
17 destroy the economy of the State of California. We are  
18 already laying off teachers. Our college tuition have  
19 been increased. Our medical care is being severely  
20 impacted. Prisoners are being released early. We do  
21 not have the money, and the people who -- who have --  
22 who are running this project and the people who have  
23 voted for it know that there is no money. There are no  
24 private investors. There are these mythical private  
25 investors who do not have a single name.

Page 34

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P043 (Dr. Anil Mehta, Save Bakersfield Committee/Chinmaya Mission, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P043-3

1 Every year we're going to come back to the  
2 citizens of California and ask us for more money. And  
3 money does not grow on trees. Money will have to come  
4 from our paychecks. Money will have to come from our  
5 children's education. Money will have to come from  
6 health care. So we feel that this project, the people  
7 who are running this and the people who voted for it  
8 should have another thought, should think again, and  
9 come up with a project that will benefit the citizens of  
10 the State of California.

P043-4

11 We're not opposed to high-speed transit, but  
12 we are opposed to do this project as it stands right  
13 now. It needs significant improvement. It needs  
14 significant modification.

15 Thank you for your attention.

16 MR. JEFF MORALES: Thank you, Dr. Mehta.

17 Jim Eggert, followed by Michael Kennedy, and  
18 Allen Kennedy.

19 MR. JIM EGGERT: Good afternoon. Get that up  
20 here. Good afternoon. Thank you for allowing me to  
21 speak. My name is Jim Eggert. I'm the Director of  
22 Planning for the City of Bakersfield. I'm here just to  
23 comment on a couple topics. Obviously the EIR is --  
24 it's a large document, very daunting for most people to  
25 look at, and the city will be submitting -- do I get

Page 35

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P043 (Dr. Anil Mehta, Save Bakersfield Committee/Chinmaya Mission, August 27, 2012)

---

### **P043-1**

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

### **P043-2**

Refer to Standard Response FB-Response-GENERAL-13, FB-Response-GENERAL-02.

Decisions regarding Amtrak's service and improvements are not a part of this project and are outside the purview of the Authority. Environmental analysis of subsequent sections of the HST System that are planned to connect Bakersfield to Los Angeles is currently under way. The Central Valley sections of the HST System are an integral portion of the statewide system that will connect San Francisco and the Bay Area to Los Angeles and Anaheim.

See Standard Response FB-Response-GENERAL-02 for a discussion of why Amtrak improvements cannot provide the level of service that would be provided by a HST System.

### **P043-3**

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

This section of the HST project is funded separately from education, health care, and other California budget items. It will not use funds intended for any other program.

### **P043-4**

Refer to Standard Response FB-Response-GENERAL-14.

Your opposition to the project as it presently stands is noted.

The Authority used the information in the Revised DEIR/Supplemental DEIS and input from agencies and the public to identify the Preferred Alternative. The decision included consideration of the project purpose and need and the project objectives presented in Chapter 1, Project Purpose, Need, and Objectives, as well as the objectives and criteria in the alternatives analysis and the comparative potential for environmental impacts. For more detail please refer to Chapter 7, Preferred Alternative, in this Final EIR/EIS.

Submission P044 (Dr. Anil Mehta, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 group has spent already almost one million, one billion,  
2 and just quit without responsibility.  
3 Thank you for listening.  
4 MR. JEFF MORALES: Thank you, Mr. Jung.  
5 Harold Davis. Harold Davis. No Mr. Davis?  
6 We'll go back to him if he's still around.  
7 So let's give our court reporter's fingers a  
8 break for 15 minutes, and then we'll reconvene -- we'll  
9 reconvene at 4:30.  
10 (Whereupon a break was taken at 4:16 p.m.)  
11 (Whereupon the public hearing reconvened at  
12 4:38 p.m.)  
13 MR. JEFF MORALES: Okay. We're ready to begin  
14 again. Let me say we -- we have some requests for  
15 repeat speakers. We will certainly entertain those.  
16 What we -- or one of our goals here today is to ensure  
17 that we hear from as many people as possible, so as we  
18 get new requests, we will take those first, and then get  
19 to the repeat speakers, but we will try to accommodate  
20 everyone as much as possible. But we will proceed  
21 accordingly.  
22 Let's see. Harold Davis. Is Harold here?  
23 Dr. Mehta.  
24 DR. ANIL MEHTA: Good afternoon, Ladies and  
25 Gentlemen. I'd like to welcome Ms. Stephanie Perez and

Page 51

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 Mr. David Valenstein representing FRA in Bakersfield.  
2 Thank you for your time.  
3 I'd like to read from a prepared statement.  
4 The California High-Speed Rail Authority now admits that  
5 it must comply with the Environmental Justice components  
6 of NEPA. The Authority also falsely states that they  
7 have complied with NEPA Environmental Justice provisions  
8 all along.  
9 The California High-Speed Rail Authority  
10 states that one of the three fundamental Environmental  
11 Justice principles is to avoid, minimize, and mitigate  
12 disproportionately high human health and environmental  
13 effects, including social and economic effects on  
14 minority and low-income populations. However, the  
15 Authority's planning to devastate dairies, farms, and  
16 many other industries in Kings, Tulare, and Kern  
17 Counties with the route selection through those  
18 agricultural communities. Thousands of low-income and  
19 primarily minority jobs will be impacted by this  
20 irresponsible route instead of choosing existing  
21 transportation corridors.  
22 The Authority in many cases used 12-year-old  
23 census data to improperly classify the population impacts  
24 when the 2010 census data is readily available. The  
25 demographics of the San Joaquin Valley have changed. If

Page 52

California High-Speed Rail Authority - Public Hearing  
559-224-9700



Submission P044 (Dr. Anil Mehta, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P044-3

1 the Authority practiced due diligence by actually  
2 working in coordination with local populations as they  
3 planned the route, the unjust treatment of low-income  
4 and minority populations would have been prevented.

5 NEPA Environmental Justice law was violated by  
6 the Authority from the beginning of the planning process  
7 of the Merced to Fresno EIS. The Authority has also  
8 failed to comply with Environmental Justice provisions  
9 as it plans the Fresno to Bakersfield EIS. The only  
10 just remedy for the Authority's multitude of egregious  
11 NEPA violations is for the FRA to withdraw the EIS and  
12 direct the CHSRA to begin its planning process anew and  
13 to do so in strict compliance with NEPA Environmental  
14 Justice law.

P044-4

P044-5

15 Just one point, there is only one paper copy  
16 of this 30,000-page document available to the public.  
17 It's in the Beale Library, and the library is closed.  
18 It's Monday afternoon, Tuesday afternoon at  
19 3:00 o'clock. At the point is that they have not  
20 informed the public. They have spent over a billion  
21 dollars on just creating paperwork. Where did this  
22 billion dollars come from? From our salaries. They do  
23 not have the federal money yet. The bond money has not  
24 been issued. And 30,000 pages and it cost a billion  
25 dollars. Anybody can do the math. To me, this is a

Page 53

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 total waste of tax payers' money and should be stopped.

2 Thank you.

3 MR. JEFF MORALES: Thank you, Dr. Mehta.

4 Mr. Buddy L. Graham, followed by Jeff Taylor,  
5 and Michael Kennedy.

6 UNIDENTIFIED VOICE: Buddy will be back.  
7 He'll be back.

8 MR. JEFF MORALES: Buddy will be back. Okay.  
9 Jeff Taylor.

10 MR. JEFF TAYLOR: My name is Jeff Taylor. I'd  
11 like to know why there was no notice of this public  
12 hearing posted by the High-Speed Rail Authority in  
13 today's newspaper, in yesterday's newspaper. You guys  
14 have an unlimited budget for informing your citizens  
15 about these kinds of meetings, but yet there isn't even  
16 an article, a notice in today's paper, yesterday's  
17 paper. I know there was one the day after the EIR was  
18 released, but that's not sufficient. Why were there no  
19 television newscasts informing the public about the  
20 meeting held today?

21 What excuse can possibly be made for these  
22 violations of NEPA Environmental Justice? The  
23 High-Speed Rail Authority has hundreds of millions of  
24 dollars for public outreach; however, public outreach  
25 apparently is not a priorities of the Authority. Is it

Page 54

California High-Speed Rail Authority - Public Hearing  
559-224-9700

## Response to Submission P044 (Dr. Anil Mehta, August 27, 2012)

---

### **P044-1**

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

### **P044-2**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-SO-03, FB-Response-SO-07.

The analysis of potential job loss due to business displacement and relocation was performed by alternative and the results are presented in Volume 1 Section 3.12 Impact SO #10. A gap analysis of available properties was performed in section 5.2.3 of the Community Impact Assessment Technical Report. The analysis examines all potentially relocated businesses and the results show that there are a suitable number of replacement properties in the surrounding locations in each community. Because the Authority is required to provide relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, all the displaced businesses would be relocated; most, if not all, within the surrounding area, and their employees would remain employed.

See Section 3.12 Impact SO #5 - Temporary Construction Employment for information on the number of construction jobs created as a result of the project as well as the ability of the existing regional labor force to fill the demand for the direct construction jobs as well as the resulting indirect and induced jobs. Impact SO#13 - Employment Growth details the long term jobs created to operate and maintain the project in the region, as well as the jobs created as a result of the improved connectivity of the region to the rest of the state. The total number of new jobs created is estimated to be a 3.2% increase in total employment above the 2035 estimate of 1.4 million total jobs in the region under the No Project Alternative (Cambridge Systematics 2010).

The San Joaquin Valley has greater unemployment and a lower per capita income than the state as a whole. The Authority has adopted a Community Benefits Policy, which requires that design-build construction contracts will be required to adhere to the National Targeted Hiring Initiative, which states a minimum of 30% of all project work hours shall be performed by National Targeted Workers and a minimum of 10% of National Targeted Workers hours shall be performed by Disadvantaged Workers. This, along with other hiring policies, will make sure that employment and business

### **P044-2**

opportunities created by the project are accessible to the local community. For more information on hiring policies, see the Authority's website.

### **P044-3**

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

The Federal Railroad Administration and Department of Transportation issued a notice of intent to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. At that time, the 2010 Census data had not been published and therefore, the 2000 Census data were used for the socioeconomics analysis, in addition to more recent data from the American Community Survey, the California Department of Finance, the California Employment Development Division, the California State Board of Equalization, and local data sources. The methodologies for identifying and analyzing affected populations as well as all data sources used are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h).

### **P044-4**

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

The commenter is misinformed. The EIR/EIS has been prepared in compliance with CEQA and NEPA, including the requirements under Executive Order 12898 under federal guidance.

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the FRA. The Authority has subsequently received FRA comment to include the U.S. Department of Transportation order, which has been incorporated in the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. The Authority and FRA have undertaken substantial outreach to EJ communities during the preliminary engineering and environmental review of the Fresno to Bakersfield Section. Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the

---

Response to Submission P044 (Dr. Anil Mehta, August 27, 2012) - Continued

---

**P044-4**

highlights of the Draft EIR/EIS, an overview brochure of the Draft EIR/EIS, and comment cards at the public workshops and hearings. Also, a multi-lingual, toll-free hotline was made available for public comments and requests. Section 3.12 of the EIR/EIS describes the project benefits, regional and localized effects, and project impacts to EJ communities. These efforts meet the intent and requirements of Executive Order 12898.

**P044-5**

The EIR/EIS is not 30,000 pages long. The EIR/EIS and its appendices are less than 5,000 pages long. The Fresno to Bakersfield section is over 100 miles long, includes a range of alternatives, and has a full spectrum of environmental impacts. It is neither realistic nor reasonable that the EIR/EIS can both comply with the disclosure and mitigation requirements of CEQA and NEPA and be a short document.

The commenter is misinformed about the number of available print copies. Print copies of the environmental documents were available for public review at 47 community centers, public agencies, and libraries (including all branches of the County library in Bakersfield), which were chosen with a diverse range of hours to solicit public review. The hours of the repositories were considered on selection of the locations; thus, the diversity in the types of repositories that had evening or weekend hours.

Submission P045 (Frances Morgan, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 CEO for the High-Speed Rail to come to a luncheon in  
2 September. He's graciously agreed to come, and we're  
3 looking forward to a time where we can all kind of sit  
4 here in this committee and talk about if high-speed rail  
5 is coming -- and I believe it's coming -- what can we do  
6 to get ready for it.  
7 Thank you.  
8 MR. JEFF MORALES: Thank you, Mr. Dean.  
9 Frances Morgan, followed by Nora Weber, and  
10 Michael Kennedy.  
11 MS. FRANCES MORGAN: It is a test just to come  
12 down the steps without falling and embarrassing  
13 yourself.  
14 MR. JEFF MORALES: I'm sure you would be  
15 graceful.  
16 MS. FRANCES MORGAN: My name is Frances  
17 Morgan, and I support myself as well as my community  
18 here in Bakersfield --  
19 MR. JEFF MORALES: Excuse me.  
20 MS. FRANCES MORGAN: -- and Kern County.  
21 MR. JEFF MORALES: Can you just pull the mic  
22 down a little bit.  
23 MS. FRANCES MORGAN: I'm a short one, aren't  
24 I?  
25 MR. JEFF MORALES: Mr. Dean is a bit taller

Page 67

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 than you.  
2 MS. FRANCES MORGAN: Okay. Do I need to  
3 repeat myself?  
4 MR. JEFF MORALES: Please.  
5 MR. TOM TRACY: Yes.  
6 Start I am time over, please.  
7 MS. FRANCES MORGAN: My name is Frances  
8 Morgan, and I represent myself as well as the  
9 Bakersfield community and Kern County.  
10 I was looking at the High-Speed Rail website,  
11 and I was looking at the Spanish version, and what I did  
12 is I highlighted the Spanish state -- link, and I  
13 received this page right here. Here it's in Spanish,  
14 but on the left-hand side, it's in English, so if  
15 somebody is confused about the high-speed rail just to  
16 begin with, they're going to really be confused trying  
17 to read the English language.  
18 And then also what I did is I translated it to  
19 English, and some of the websites or whatever won't  
20 allow you to translate this information. But I said --  
21 when I translated this to this, to English, it says,  
22 "Here you will find all documents we have in Spanish.  
23 The website will be updated when documents are  
24 translated." And the business plan outline is  
25 April 12th, 2012, and there's the dates there on those.

Page 68

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P045 (Frances Morgan, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P045-1

1 And then I went to the Revised Business Plan,  
2 and it says, "For board consideration," so I don't even  
3 know if this has been accepted or not. That's -- and  
4 there's many pages of that. And this is the Spanish  
5 version.

6 Also, there was 14 -- I looked at the bottom  
7 of the front page, and there was 14 locations with the  
8 libraries, the communities -- and the community  
9 centers, and the Kern County Planning Department was in  
10 that. I looked up at the libraries, and here's what I  
11 got: They don't know if all the libraries have all the  
12 hard copies of the high-speed rail draft. Today --  
13 well, on Sunday all the branches are closed.

14 On Monday, only today, the Baker Branch  
15 Library is open, but that's from 7:00 to 11:00, and they  
16 only offer the English version.

17 On the Beale Branch Library, which is this  
18 one, is closed on Sundays and Mondays, and opened from  
19 7:00 to 11:00 Tuesday through Friday, and 10:00 to 6:00  
20 on Saturday.

21 The Delano Branch is only open three days a  
22 week on, Tuesdays, Thursdays, and Saturdays. The first  
23 two is from 7:00 to 11:00, and then last on Saturday,  
24 9:00 to 5:00.

25 The Northeast Branch on Columbus, they're only

Page 69

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

P045-1

1 open two days of the week, Tuesdays and Fridays, 7:00 to  
2 11:00 and 9:00 to 5:00.

3 The Shafter Branch is only open on Thursdays,  
4 11:00 to 7:00, 9:00 to 5:00.

5 And the Wasco branch is only open on  
6 Wednesdays and Fridays from 7:00 to 11:00 to 9:00 --  
7 excuse me, 11:00 to 7:00, to 9:00 to 5:00. That --  
8 those big red X's.

9 They expect us to read the EIR Draft Revised.  
10 We can't do it. I'll come back and finish up if it's at  
11 all possible because I still have more on the rest of  
12 it.

13 Thank you.

14 MR. JEFF MORALES: Thank you, Ms. Morgan.

15 Nora Weber, Michael Kennedy, and Carol Bender.

16 MS. NORA WEBER: Nora Weber, business owner in  
17 Bakersfield. I'll be able to view your speed train as  
18 it's coming through at 220 from my deck one block away.

19 It would be nice to have all of this fancy  
20 transportation. I agree with what Ms. Drowser said.  
21 Very nice. But you know what, they weren't 16 trillion  
22 dollars in debt with the federal government. California  
23 is totally bankrupt. San Bernardino has declared  
24 bankruptcy. Stockton's declared bankruptcy. I guess  
25 Bakersfield will be down the road somewhere with

Page 70

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P045 (Frances Morgan, August 27, 2012)

---

**P045-1**

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

The locations of the public repositories were selected to maximize stakeholder and community involvement. The documents were provided to 47 community centers, public agencies, and libraries, which were chosen with a diverse range of hours to solicit public review. The hours of the repositories were considered on selection of the locations; thus, the diversity in the types of repositories that had evening or weekend hours.

Submission P046 (Frances Morgan, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 the children, our health for nothing. So is that worth  
2 it? No. This plan is wrong, and it needs to go back to  
3 the drawing board.  
4 Thank you.  
5 MR. JEFF MORALES: Thank you, Ms. Bender.  
6 Buddy Graham returned?  
7 Do we have any other --  
8 Frances Morgan, Jannette Berry, and Manooshree  
9 Patel.  
10 MS. FRANCES MORGAN: Frances Morgan, again  
11 representing myself and my community of Bakersfield. I  
12 didn't have time to finish the community centers that  
13 have the High-Speed Rail versions in hard copy, as well  
14 as the Kern County Planning Department.  
15 The Dr. Martin Luther King Community Center,  
16 on their website is English only, no Spanish is  
17 available. No information is regarding the High-Speed  
18 Rail is there. However, both versions of the high-speed  
19 copies in both English and Spanish were there, which was  
20 shocking to me, that is the first one you found. Their  
21 operating hours are Monday through Friday 8:00 to 5:00  
22 and closed on Saturday.  
23 The Greenacres on Calloway, their website is  
24 English only, no information on the High-Speed Rail, and  
25 they have only the English version. And they are open

Page 78

California High-Speed Rail Authority - Public Hearing  
559-224-9700

P046-1

This transcript was prepared for you by:  
Fresno Court Reporters

1 Monday through Saturday from 8:00 to 8:00 and closed on  
2 Sunday.  
3 The Shafter Community Center, there's no  
4 answer. I called, called, nobody answers so I don't  
5 even know if they're opened or what so I couldn't get  
6 any information. And their website was limited and it  
7 was directed to the Community Action Partnership with  
8 Kern.  
9 The Wasco Housing Authority, they -- their  
10 website was extremely limited, however, they have both  
11 versions of the EIR hard copy. They're open Monday  
12 through Friday 8:00 to 5:00 but closed on Saturday and  
13 Sunday.  
14 And then the Community Action Partnership of  
15 Kern here on 19th Street, they only have the English  
16 version, and they're open from Monday through Friday  
17 8:00 to 5:00, closed Saturday and Sunday.  
18 And then the East Bakersfield Senior Center,  
19 they only have the English version. They're open Monday  
20 through Thursday 8:30 to 4:00, Friday 8:30 to 3:30, and  
21 closed on Saturday and Sunday.  
22 The Kern County Planning Department, on the  
23 City of Wasco, there's no link in Spanish. It does not  
24 show the EIR/EIS Draft link, but it does mention the  
25 meeting here in Bakersfield. They're open from 7:30 to

Page 79

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P046 (Frances Morgan, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P046-1

1 5:30 Monday through Thursday, 8:00 to 5:00 on Friday.  
2 However, on Friday, they're closed every other Friday,  
3 so for the month of July, they would closed July 4th,  
4 for the holiday, the 13th, the 27th, August 10th and  
5 24th, September 3rd, 7th, and 21st, October 5th and 9th.  
6 When I added up all these days, there was three days in  
7 July, two days in August, three days in Octo --  
8 September, and two days in October, that's ten days in  
9 addition to the Saturdays and Sundays that they are  
10 closed.

11 On the City of Shafter, there was no link in  
12 Spanish, no information on the High-Speed Rail. They're  
13 open from 8:00 to 12:00, closed for lunch, opens again  
14 1:00 to 5:00. That's Monday through Friday. Closed  
15 Saturday and Sunday.

16 And on the City of Bakersfield, they had no  
17 link in Spanish, they had no information on the  
18 High-Speed Rail. And I think that's important. And on  
19 Monday through Friday, they're open from 8:00 to  
20 5:00 p.m., closed Saturday and Sunday.

21 I'll be back. Thank you.

22 MR. JEFF MORALES: Thank you.

23 Jannette Berry.

24 MS. JANNETTE BERRY: Um, my name is Jannette  
25 Berry. I'm representing myself as well as Bakersfield

Page 80

California High-Speed Rail Authority - Public Hearing  
559-224-9700



---

## Response to Submission P046 (Frances Morgan, August 27, 2012)

---

### **P046-1**

Print copies of the environmental documents were available for public review at 47 community centers, public agencies, and libraries, which were chosen with a diverse range of hours to solicit public comment. The hours of the repositories were considered upon selection of the locations; thus the diversity in the types of repositories that had evening or weekend hours. The Authority's website has provided translated materials and has offered translation services at all public meetings. The Executive Summary and several educational materials regarding the Draft EIR/EIS and Revised DEIR/Supplemental DEIS are available in Spanish. In addition, notification letters for the Draft EIR/EIS were sent in English and Spanish to residents, property owners, meeting attendees, businesses, organizations, elected officials, cities, counties, and agencies. A postcard mailer and the poster/Notice of Availability were also sent in English and Spanish.

Submission P047 (Frances Morgan, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 Since the CHSRA and the State are openly  
2 entertaining exempting the High-Speed Rail Authority  
3 from the existing requirements of the California  
4 Environmental Quality Act, how does the Federal Rail  
5 Administration reconcile this reality? It does not seem  
6 that they are concerned with complying with CEQA and  
7 would be tickled to be done with this existing law.

8 Withdraw the EIS until CHSRA actually  
9 demonstrates that it is complying with NEPA instead of  
10 pretending on paper that it is complying.

11 Thank you.

12 MR. JEFF MORALES: Thank you, Mr. Lind.

13 Ms. Morgan.

14 MS. FRANCES MORGAN: Once again, Frances  
15 Morgan.

16 Just recently the California High-Speed Rail  
17 Authority admitted that it must abide by the EJ policy  
18 in regards to the National Environmental Policy Act,  
19 known as NEPA, and have been doing so since the  
20 beginning. If one would look at page three of the  
21 recently-approved California High-Speed Rail  
22 Environmental Justice Guideline document, the California  
23 High-Speed Rail agrees with, and I quote, "The Authority  
24 recognizes how important provision of existing  
25 environmental, civil rights, civil, and criminal laws

Page 85

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 may be used to help reduce environmental impacts in all  
2 communities and Environmental Justice on the human  
3 element," unquote. The California High-Speed Rail  
4 Authority maintains although they failed to have the EJ  
5 policy in practice until recently, they have implied  
6 that they have been complied -- been complying with the  
7 EJ policy set forth by NEPA and expect all of us to  
8 believe that.

9 The California High-Speed Rail Authority has  
10 given the public, which consists of people of all races,  
11 incomes, cultures, plus levels of education, different  
12 levels of education, as well as minorities and in  
13 low-income populations at first a 60-day period ending  
14 just last week by another 30 days to October 19th. For  
15 reasons unknown -- for unreasons unknown to first  
16 understand and then to comment on their 30,000 plus  
17 pages on this revised EIS plan. Unfortunately, we are  
18 not able to come to be able to do this because the  
19 High-Speed Rail Authority has given the public at large  
20 few options by releasing the EIS hard copies to a  
21 limited number of libraries, communities, and public  
22 locations, which I had previously stated. And I stress  
23 that best case scenario is that the -- within these  
24 locations, that they are open five days a week between  
25 the hours of 8:00 to 5:00.

Page 86

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P047 (Frances Morgan, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1           Was the High -- was the ES -- EIS truly  
2   thought out in the Fresno to Bakersfield alignment and  
3   how will the Federal Rail Administration correct this  
4   injustice to the public at large? Until the California  
5   High-Speed Rail can provide and demonstrate that they  
6   truly are complying with the National Environmental  
7   Policy Act regarding this matter, I request that the EIS  
8   be withdrawn.

9           Thank you.

10          MR. JEFF MORALES: Thank you.

11          Ms. Berry.

12          MS. JANNETTE BERRY: Compared to some, my is  
13   short and sweet and simple.

14          The HSR Authority was established in 1996,  
15   sixteen years ago. Yet, the Environmental Justice  
16   policy was adopted less than a month ago on August 2nd,  
17   2012, actually, so how can they say they've been  
18   applying the Environmental Justice policy to the Project  
19   development and environmental reviews related to the  
20   Revised Draft Environmental Impact Statement which was  
21   published before the policy was established? How does  
22   this affect the Bakersfield EIS?

23          I have to ask once again how the FRA will  
24   settle this. Until the HSR Authority proves it is  
25   following the federal law, I believe the EIS should be

Page 87

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P047 (Frances Morgan, August 27, 2012)

---

### **P047-1**

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority received an FRA comment to include the DOT order, and has incorporated it into the EJ Guidance document. The adoption of the EJ policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. Actions prior to its adoption do not suggest non-compliance with the law. The Authority and FRA have undertaken substantial outreach to EJ communities. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including EJ laws.

### **P047-2**

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

The EIR/EIS is not 30,000 pages long. The EIR/EIS and its appendices are less than 5,000 pages long. The Fresno to Bakersfield Section is over 100 miles long, includes a range of alternatives, and has a full spectrum of environmental impacts. It is neither realistic nor reasonable that the EIR/EIS can both comply with the disclosure and mitigation requirements of CEQA and NEPA and be a short document.

The locations of the public repositories were selected to maximize stakeholder and community involvement. The documents were provided to 47 community centers, public agencies, and libraries, which were chosen with a diverse range of hours to solicit public review. The hours of the repositories were considered on selection of the locations; thus, the diversity in the types of repositories that had evening or weekend hours.

Submission P048 (Frances Morgan, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

P048-1

1 Ms. Morgan.  
2 MS. FRANCES MORGAN: Just recently California  
3 Highway -- the -- excuse me, let's start again.  
4 Just recently, the California High-Speed Rail  
5 Authority admitted that it must abide by the EJ policy  
6 in regards to the National Environmental Policy Act,  
7 known as NEPA, and have been doing so since the  
8 beginning. If one would look at page three of the  
9 recently-approved California High-Speed Rail  
10 Environmental Justice Guide -- Guidance Document, the  
11 California High-Speed Rail agrees with, and I quote,  
12 "The Cali -- The Authority emphasizes that fair  
13 treatment and meaningful involvement of all people of  
14 all races, cultures, and income levels, including  
15 minority and low-income populations, from the very --  
16 from the early stages of the transportation planning,  
17 investment decisions, making the design, construction,  
18 operation, maintenance, and maintenance," end quote.  
19 The California High-Speed Rail Authority maintains  
20 although they have failed to have the EJ policy in  
21 practice until recently, they have implied that they  
22 have complied with the EJ policy set forth by NEPA and  
23 expect all of us to believe them.  
24 The California High-Speed Rail Authority has  
25 given the public, which consists of all races, incomes,

Page 92

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

P048-2

1 cultures, plus the different levels of education, as  
2 well as minorities and low-income population 90 days to  
3 first understand and then comment regarding the 30  
4 plus -- 30,000 plus pages of this Revised EIS plan. In  
5 short, if the public had access to the documents in the  
6 very best case scenario of 24/7, the public at large  
7 would have to have the knowledge of reading the words in  
8 English, as well as knowing their definitions, and  
9 having the knowledge of the terminology of the EIR, and  
10 lastly, but not -- certainly not least, be speed readers  
11 to read the entire EIS in a reasonable amount of time.  
12 This simply cannot be done.

13 So in reality, is this 90-day review period  
14 reasonable in pertaining to the EJ in accordance with  
15 NEPA. How can the public population at large get  
16 involved in public process starting at the beginning  
17 stages of the project planning if the California  
18 High-Speed Rail Authority limits access to the EIS  
19 documents? Was this matter truly thought out in regards  
20 pertaining to the Fresno to Bakersfield EI -- alignment?  
21 And how will the Federal Rail Administration correct  
22 this injustice to the public at large?

23 Therefore, until the California High-Speed  
24 Rail Authority can provide and demonstrate that they are  
25 truly complying with the National Environmental Policy

Page 93

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P048 (Frances Morgan, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 Act regarding this matter, I request the EIS be  
2 withdrawn.  
3 Thank you.  
4 MR. JEFF MORALES: Thank you, Ms. Morgan.  
5 Lonnie Neel and Nora Weber.  
6 MR. LONNIE NEEL: I've known that we don't  
7 have a job the way other people have jobs, so therefore  
8 we got to get out and scuffle. You're talking about  
9 somebody here that knows where this place is. We know  
10 where this Corcoran is. Know the I left here in 1946  
11 and I went there, and I worked like a slave for this  
12 long on one of those tractors at a farm. And we need  
13 the job where we can make the locomotives to run up and  
14 down this town. We don't -- we need jobs that is going  
15 to pay us money, not just work us to death. And then  
16 when we get old, we can't work, and we're -- we're out,  
17 and -- and our bodies are torn up, but we -- if we had  
18 learned how to do mechanical work and we can make  
19 automotives and have them out on the road and they're  
20 running, we made that. And we can kickback. And our  
21 wives has been teaching and, see, we would have it made,  
22 but -- but if we have to work and support our families,  
23 we're going to have a rough time.  
24 And so what we need is -- is jobs here.  
25 Some -- some of us got it made, we don't need jobs, our

Page 94

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P048 (Frances Morgan, August 27, 2012)

---

### **P048-1**

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

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority received an FRA comment to include the DOT order, which it has incorporated into the EJ guidance document. The adoption of the EJ policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. Actions prior to its adoption do not suggest non-compliance with the law. The Authority and FRA have undertaken substantial outreach to Environmental Justice communities. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including EJ laws.

### **P048-2**

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

The Authority and FRA have not limited access to the documents. The Draft EIR/EIS and the Revised DEIR/Supplemental DEIS were made available at dozens of community centers, libraries, and other locations throughout the project footprint to encourage public review and comment. A complete listing of locations is available at the Authority's website.

Submission P049 (Frances Morgan, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 his tractor for killing one -- go from San Francisco to  
2 San Diego down the I-5 because all that salt water, when  
3 we were the bottom of the ocean down there, all that  
4 salt water raises to the top out there and you can't  
5 build any farms on it. So build a train along there and  
6 all you're going to have to deal with is salt water,  
7 salt raising to the top, rusting out your steal on the  
8 rails and a kangaroo rat.  
9 Thank you very much and good night. And I  
10 hope you will make an equitable financial decision,  
11 because so far I haven't seen that in any of your  
12 thinking.  
13 MR. JEFF MORALES: Thank you, Ms. Weber.  
14 MS. NORA WEBER: Good night.  
15 MR. JEFF MORALES: Is Buddy Graham here?  
16 Rebecca, any more cards? We'll break, then,  
17 until 7:00 o'clock then, 15 minutes, and take speakers  
18 if they come in.  
19 (Whereupon a break was taken at 6:47 p.m.)  
20 (Whereupon the public hearing reconvened at  
21 7:04 p.m. Mr. David Valenstein no longer in  
22 attendance.)  
23 MR. JEFF MORALES: Okay. Okay, we're ready to  
24 start up again.  
25 You ready, Ms. Morgan, or do you want to go to

Page 98

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 someone else first?  
2 MS. FRANCES MORGAN: Are you tired of seeing  
3 my face?  
4 MR. JEFF MORALES: No, not at all. You  
5 just -- you didn't look like you were ready.  
6 MS. FRANCES MORGAN: No.  
7 MR. JEFF MORALES: If you're ready.  
8 MS. FRANCES MORGAN: Just recently -- oh,  
9 should I wait for him to come back?  
10 MR. JEFF MORALES: Pardon?  
11 MS. FRANCES MORGAN: He left --  
12 MR. JEFF MORALES: No.  
13 MS. FRANCES MORGAN: -- huh? Oh, darn it.  
14 Okay.  
15 Just recently the California High-Speed Rail  
16 Authority admitted that it must abide by the EJ policy  
17 in regards to the National Environmental Policy Act  
18 known as NEPA and have been doing so since the  
19 beginning. If one we would look at page three of the  
20 recently-approved CH -- well, the California High-Speed  
21 Rail Authority Environmental Justice Guidance document,  
22 the California agrees with, and I quote that "Authority  
23 recognizes how important providing of existing  
24 environment, civil rights, civil and criminal law, laws  
25 may be used to help reduce environmental impact in all

Page 99

California High-Speed Rail Authority - Public Hearing  
559-224-9700



Submission P049 (Frances Morgan, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P049-1

1 communities and in the Environmental Justice on the  
2 human element," unquote.  
3  
4 However, from May of 2011 to the end of  
5 2000 -- from May of 2011 to the mid of 2000 -- to the  
6 end of 2011, ex-California High-Speed Rail Chairman,  
7 Mr. Thomas Umburg violated the civil rights of our  
8 neighbors to the north in Kings County by not allowing  
9 them to either participate in public meetings or  
10 preventing them to speak with the same allotted time --  
11 allotted time to give to the supporters for the  
12 High-Speed Rail Project, and by doing so, the California  
13 High-Speed Rail Authority clearly violated Bagley-Keene  
14 Act.

P049-2

15 To make worse -- to make matters worse, if  
16 that's even possible, the California High-Speed Rail in  
17 November 2011 called to the public speakers podium two  
18 California Highway patrol officers to use the threat of  
19 arrest -- of arrest to prevent citizens of Kings County  
20 from speaking at their board meeting during the public  
21 comment period. By this action, the High-Speed Rail not  
22 only intimidated our neighbors but anyone else who dared  
23 speak in opposition the California High-Speed Rail  
24 Project.

25 Because the California High-Speed Rail  
Authority has not been following the EJ Guidelines set

Page 100

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

P049-3

1 forth by NEPA, how will the Federal Rail Administration  
2 correct this injustice? I kindly yet strongly request  
3 that the EIS be withdrawn until the California  
4 High-Speed Rail Authority can actually show in reality  
5 that they are complying with NEPA.

6 Thank you.

7 MR. JEFF MORALES: Thank you, Ms. Morgan.

8 Thank you, Ms. Morgan.

9 Elena Garcia and Bill Lind.

10 MS. ELENA GARCIA: Hello. My name is Elena  
11 Garcia, and I was born and raised in Bakersfield. And  
12 this is what I received in the mail saying that Revised  
13 Draft for Environmental Impact Report, EIR, Supplemental  
14 Draft Environmental Impact Statement, EIS, July 26,  
15 2012, Chapter 4.0 of the Revised Draft EIR, Supplemental  
16 Draft EIS for the Fresno to Bakersfield High-Speed Train  
17 Section incorrectly states that the residence at 2509  
18 East California Avenue in Bakersfield --

19 MR. JEFF MORALES: I'm sorry, can you hold on  
20 one second, please? I think the mic just went out. One  
21 second.

22 Let me just remind you, Ms. Garcia, you can in  
23 addition to this, please, remember you can submit  
24 comments in writing as well --

25 MS. ELENA GARCIA: Okay, I understand.

Page 101

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P049 (Frances Morgan, August 27, 2012)

---

### **P049-1**

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

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority received an FRA comment to include the DOT order, which it has incorporated into the EJ guidance document. The adoption of the EJ policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. Actions prior to its adoption do not suggest non-compliance with the law. The Authority and FRA have undertaken substantial outreach to EJ communities. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including EJ laws.

### **P049-2**

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

Opportunities to hear from the public during the public comment period included a 90-day period where emails, regular mail, and written comments were accepted. The comment period also included public workshops and hearings designed to maximize public participation with afternoon and evening hours and availability of technical staff to answer questions. The Authority conducted extensive public outreach before the circulation of the Draft EIS/EIR, which included 12 public meetings aimed at soliciting community feedback and informing impacted communities about the project status.

California Highway Patrol officers were present to ensure the safety of participants at the meeting. They did not prevent members of the public from speaking during the comment period.

### **P049-3**

The Authority and FRA are complying with both CEQA and NEPA, as demonstrated by preparation of the Draft EIR/EIS, Revised DEIR/Supplemental DEIS, and this Final EIR/EIS.

Submission P050 (Frances Morgan, Bakersfield Tea Party, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 you know, how the people you got to hire to -- to do the  
2 digging or the building and the seismic construction and  
3 stuff, but I know you people can do it or you can find  
4 the contractors that can, can do that. All right.  
5 That's all I have -- all I have to say.  
6 MR. JEFF MORALES: Thank you very much,  
7 Mr. Graham.  
8 MR. BUDDY GRAHAM: You're welcome.  
9 MR. JEFF MORALES: Frances Morgan.  
10 MS. FRANCES MORGAN: Last one, I promise.  
11 I just want to mention two things before I  
12 leave. I just want to know why the affected owners are  
13 not given notice when the High-Speed Rail is spending  
14 millions of dollars on consultants, engineers,  
15 contractors, but what about the affected people whose  
16 lives are going to be disrupted because of this high  
17 speed rail. They should be one of the -- the first ones  
18 to know that this is going to go through their property,  
19 and they're not. They're hearing it from people who  
20 already know it and are approaching them at their homes  
21 and businesses and letting them know. So they didn't  
22 even know.  
23 I know when you want to do something here in  
24 Kern County, your neighbors -- if you want to do  
25 something on your property, your neighbor do know

Page 119

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 because they are given notice. But why aren't our  
2 citizens of Bakersfield, Kern County, Kings County,  
3 Tulare, the Central Valley notified. They need to do  
4 that.  
5 Also, at this time I'm representing the  
6 Bakersfield Tea Party. I'm an administrator of the  
7 Bakersfield Tea Party, and our three core values are  
8 fiscal responsibility -- responsibility, limited  
9 government, and free markets. I had requested a hard  
10 copy for our Bakersfield Tea Party members to go over in  
11 sections, the revised copy. At first I was told that I  
12 would be given that by Mr. McLoughlin. The next day, he  
13 contacted me -- we corresponded through e-mail. The  
14 next day he contacted me again and questioned why do I  
15 need a hard copy when I can go to the public libraries,  
16 when our people can go to the public libraries, the  
17 community centers, or the planning department, you know,  
18 the public locations, or the libraries. So here I had  
19 to go and explain myself that like I had previously told  
20 you, not the library -- not all the libraries are open  
21 seven days a week, nor the community centers, nor the  
22 planning department.  
23 Also, some of our members don't have  
24 computers, some don't know how to use computers, some  
25 have computers that cannot download the files, because

Page 120

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P050 (Frances Morgan, Bakersfield Tea Party, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 he had suggested that we download the files as well.  
2 That's not possible.  
3 And not everybody knows about the High -- or  
4 the hard copies of the EIR/EIS Revised Draft, so if  
5 somebody requests one, I think it should be provided to  
6 them, and I don't think we should be questioned as to  
7 why we need it considering it's our tax dollars being  
8 used.

9 And I do thank you for coming to Bakersfield  
10 and listening to us speak over and over again, and I  
11 hope you go back and give it some thought because you're  
12 representing the American people, and we depend on the  
13 federal government to take care of us or to -- to help  
14 us but not overwhelm us and tell us what we have to do.  
15 We know what's best for our own lives. So I thank you  
16 for coming, and I hope you have a safe trip back.

17 Thank you.

18 MR. JEFF MORALES: Thank you, Ms. Morgan.  
19 Bill Descary.

20 MR. BILL DESCARY: My name is Bill Descary.  
21 I've been here since a little before 3:00, and I've  
22 heard a lot of things spoken today.

23 High-Speed Rail was formed in 1996 and  
24 annually it was budgeted through the State of California  
25 a few million dollars each year, and they were in the

Page 121

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P050 (Frances Morgan, Bakersfield Tea Party, August 27, 2012)

---

### **P050-1**

Refer to Standard Response FB-Response-SO-01, FB-Response-GENERAL-07, FB-Response-GENERAL-16.

### **P050-2**

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

Print copies of the environmental documents were available for public review at 47 community centers, public agencies, and libraries, which were chosen with a diverse range of hours to solicit public review. The hours of the repositories were considered on selection of the locations; thus, the diversity in the types of repositories that had evening or weekend hours. Interested members of the public have had the opportunity to review the document either in print or electronic format.

Due to the size of the document, it is very expensive to reproduce in print form. Providing the document in electronic format and in public locations in printed version allows the dissemination of the document without the cost impediment associated with charging members of the public the cost of making a copy. This approach is cost-effective for both the public and the Authority.

### **P050-3**

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

Print copies of the environmental documents were available for public review at 47 community centers, public agencies, and libraries, which were chosen with a diverse range of hours to solicit public review. The hours of the repositories were considered on selection of the locations; thus, the diversity in the types of repositories that had evening or weekend hours.

Submission P051 (Jim Murdock, Representative of Mobile Home Park, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 documents. In an eight-hour study period, if we had to  
2 read them all after eight hours work shift, we would  
3 need to read this technical matter at the rate of 41  
4 pages an hour.

5 The brief 90-day review and comment period  
6 allowed by the Authority for the public, government, and  
7 other agencies to respond to the prior drafts of  
8 Environmental Impact Report Statement documents is so  
9 unreasonably short that it effectively precluded -- it  
10 effectively precluded any meaningful opportunity for  
11 informed agency and public participation.

12 Many state agencies, legislatures,  
13 congressional representatives, community organizations,  
14 city and county officials, businesses, and individuals,  
15 requested a review and comment extension last year, but  
16 the Authority ignored them all. The unreasonable 90-day  
17 review and comment period have violated the Authority's  
18 duty to ensure informed public participation in the  
19 environmental review process.

20 Thank you for your time.

21 MR. JEFF MORALES: Jim Murdock.

22 MR. JIM MURDOCK: I'd like to open my remarks  
23 by thanking staff for taking the time to actually meet  
24 with a property owner, myself, and review the project  
25 and trying to answer our questions and address our

Page 12

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 concerns. That was a -- that was a good meeting, and we  
2 appreciate the fact that they took the time.

3 The previous speaker alluded to the size of  
4 the report, the difficulty in analyzing it. I'd just  
5 like to point out that it grew about 55 percent from the  
6 first draft to this one, so it didn't get easier. I  
7 still feel like the -- there's a lot of information  
8 given in the report, but it kind of fails in terms of  
9 analysis of that information and the impacts.

10 I represent the owner of a mobile home park  
11 with approximately 30 of the spaces fronting directly on  
12 the right of way. The positive is that the right of way  
13 is now moved about 50 feet to the east farther away from  
14 the property, which I think will help a lot.

15 In terms of meeting with the staff, I think  
16 the electromagnetic force, my understanding, will  
17 dissipate quite quickly, and they're probably not an  
18 issued. With respect to noise and vibration, however, I  
19 think they still are an issue. The report and staff did  
20 mention that there could be a 20-foot, 20-foot plus  
21 sound wall put adja -- or along the boundary of the  
22 property. But, again, this is not certain; it's a  
23 possibility.

24 The elevation of the track is due to be  
25 raised. It's already six to eight feet above the level

Page 13

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P051 (Jim Murdock, Representative of Mobile Home Park, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P051-3

1 of the mobile home park, so to raise it further, you  
2 know, obviously creates more of an impact. But, again,  
3 not knowing exactly what it is, they say, "Well, we do  
4 could this," "We could do that," "We may put a sound  
5 wall in here," that really doesn't help us in our  
6 analysis.

7 Also, they mentioned putting a sound wall in,  
8 but how much will that impact the noise? I don't know.  
9 There's overthrow from the sound wall, again they  
10 recognize that, but it still doesn't tell us, you know,  
11 how much will be mitigated.

P051-4

12 I think the other concern in terms of  
13 mitigating noise and vibration is everything is done on  
14 a cost-benefit analysis, so the report says if it's not  
15 beneficial from a cost-benefit standpoint, then other  
16 factors will be considered. Well, what other factors?  
17 And what if no other factors apply? You know, again,  
18 those questions aren't answered, so we're sitting there,  
19 a multitude of residents that could be significantly  
20 impacted.

21 From prior experience, more with an airport  
22 and a gas processing facility, it's hard to mitigate the  
23 noise and sound impacts in a mobile home park. In fact,  
24 the FAA did a study and concluded that they couldn't, so  
25 again, I'd like to have answers as to what happens if

Page 14

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 you can't mitigate those factors from a cost-benefit  
2 standpoint.

3 Thank you.

4 MR. JEFF MORALES: Thank you, Mr. Murdock.

5 Joseph Matteucci, followed by John Albertson,  
6 and Tom Drulias.

7 MR. JOSEPH MATTEUCCI: Good afternoon. I'm --

8 UNIDENTIFIED VOICE: Please talk into the  
9 microphone.

10 MR. JEFF MORALES: Please move forward to the  
11 microphone a little bit.

12 MR. JOSEPH MATTEUCCI: I've been here 80 years  
13 in this city and I'm concerned. The train is powered by  
14 electricity, correct?

15 MR. JEFF MORALES: Yes.

16 MR. JOSEPH MATTEUCCI: Okay. My concern is  
17 where are we going to generate the electricity to  
18 operate the train itself? Our power grid is strained as  
19 it is. We were requested to cut back on our air  
20 conditioning and so forth this last couple weeks when we  
21 were in triple digits.

22 If so, what source will you use to build the  
23 power plants? Will it be natural gas, petroleum  
24 product, coal?

25 Water to come in for the steam generators to

Page 15

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P051 (Jim Murdock, Representative of Mobile Home Park, August 27, 2012)

---

**P051-1**

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

**P051-2**

Refer to Standard Response FB-Response-N&V-05.

**P051-3**

The project alignment in the area adjacent to the Lazy H Community has been moved to run along the east side of the BNSF Railway (BNSF) right-of-way. The location of this updated alignment will put the centerline at a distance of at least 78 feet from the eastern property line of the Lazy H Community. As a result, the noise barrier for this alignment would also be located on the east side of the BNSF alignment as opposed to running along the east side of the Lazy H Community.

**P051-4**

The Authority will take steps to reduce noise substantially through mitigation measures that are reasonable, physically feasible, practical, and cost-effective. In the report, sound insulation is identified as an alternative mitigation measure if sound barriers are not constructed and residences may be severely impacted by noise.



Submission P052 (Lonnie Neel, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 Act regarding this matter, I request the EIS be  
2 withdrawn.  
3 Thank you.  
4 MR. JEFF MORALES: Thank you, Ms. Morgan.  
5 Lonnie Neel and Nora Weber.  
6 MR. LONNIE NEEL: I've known that we don't  
7 have a job the way other people have jobs, so therefore  
8 we got to get out and scuffle. You're talking about  
9 somebody here that knows where this place is. We know  
10 where this Corcoran is. Know the I left here in 1946  
11 and I went there, and I worked like a slave for this  
12 long on one of those tractors at a farm. And we need  
13 the job where we can make the locomotives to run up and  
14 down this town. We don't -- we need jobs that is going  
15 to pay us money, not just work us to death. And then  
16 when we get old, we can't work, and we're -- we're out,  
17 and -- and our bodies are torn up, but we -- if we had  
18 learned how to do mechanical work and we can make  
19 automotives and have them out on the road and they're  
20 running, we made that. And we can kickback. And our  
21 wives has been teaching and, see, we would have it made,  
22 but -- but if we have to work and support our families,  
23 we're going to have a rough time.  
24 And so what we need is -- is jobs here.  
25 Some -- some of us got it made, we don't need jobs, our

Page 94

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 wives are working now at the school. And when they take  
2 care of the school kids, you're going to get to -- that  
3 little few dollars that we make on the farm, but now we  
4 need somebody to get up -- and, see, the reason why I'm  
5 up here is because I get these letters all the time,  
6 because I went to that place, I used to live there.  
7 And -- and -- and it was started out to be there, and  
8 then all of a sudden Bakersfield is going to be building  
9 the trains. Hey, we don't need anything here. We -- we  
10 needed it up there. But now we need it here.  
11 So you think about this whenever you think  
12 about this, that -- that your wives are working, and  
13 they can -- they can care of the family from then on,  
14 but who's going to give them a start? It's going to  
15 take some manpower.  
16 And I thank you.  
17 MR. JEFF MORALES: Thank you, Mr. Neel.  
18 Nora Weber.  
19 MS. NORA WEBER: Well, this will be my closing  
20 statement. Everybody can applaud at that one, uh?  
21 The meetings that the California Authority  
22 have been having have been delphi meetings. They've  
23 been determined long before we got there. We would go  
24 to these meetings, and they would pass out these silly  
25 little cards and you were supposed to vote on which one

Page 95

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P052 (Lonnie Neel, August 27, 2012)

---

**P052-1**

Refer to Standard Response FB-Response-GENERAL-14.

For information on new job creation and the resulting impacts on the regional economy, see Impact SO #13 in Section 3.12 of the EIR/EIS. See also Section 5.1.2 of the Community Impact Assessment Technical Report for more detailed information on short-term and long-term job creation.

Submission P053 (Frank Olivera, Citizen for California High-Speed Rail Accountability, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 which we need to main critical infrastructure and  
2 educate our children.  
3 People from all backgrounds have worked hard  
4 to build businesses and provide for their families  
5 through their jobs. The High-Speed Rail Project would  
6 be a huge net loss for working families in Kern County  
7 because it would cause a net loss of jobs and a net loss  
8 of government services. The EIS shows that much of the  
9 issues that follow under Environmental Justice under  
10 NEPA are not properly mitigated. The EIS needs to be  
11 withdrawn at this time.

12 The only place that high-speed rail would make  
13 any sense if it was done would be along I-5, and this is  
14 not even being considered.

15 Thank you and good night.

16 MR. JEFF MORALES: Thank you, Mr. Lind.

17 Do we have other -- Frank Olivera.

18 MR. FRANK OLIVERA: Good evening. My name is  
19 Frank Olivera. I'm with the Citizens for California --  
20 Citizen for California High-Speed Rail Accountability.

21 Hello, Ms. Hurd, Ms. Perez. The reason why  
22 I'm addressing you specifically is because we have a  
23 process problem. Environmental Justice is important  
24 pursuant to NEPA in that people should be adequately  
25 able to participate. We're in the process of trying to

Page 104

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 do that, trying to digest this volume of documents that  
2 the Rail Authority has given us 90 days now to review.  
3 To do that adequately requires also to do information  
4 requests, public records information requests and things  
5 like that.

6 I recently received a copy of the public  
7 comments from last year. The testimony from a place  
8 like this, if the transcriber went over one page, those  
9 records don't exist any more on my disk. So right now,  
10 if I talked long enough that the transcriber kept  
11 typing, for whatever reason, the back half of that  
12 statement is lost. I don't think that the court  
13 reporter didn't do her job, I just don't think that  
14 record exists anymore because it doesn't exist on my  
15 disk that I'm reading. So when I'm saying this is a  
16 problem, you can't review public testimony, it doesn't  
17 exist, half of it is gone. This happens more than once  
18 as you review these documents.

19 Redaction. These are public -- public  
20 documents. I've told you who am. It's public  
21 information. I've even signed in on a roster when I got  
22 here out front. To redact the names of parties that are  
23 giving these testimony or writing letters or making  
24 comments doesn't seem right, does it? Is that really  
25 part of a public process? Is withholding information

Page 105

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P053 (Frank Olivera, Citizen for California High-Speed Rail Accountability, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P053-2

1 from the public when the public is trying to understand  
2 what's being done here, withholding it, is that  
3 Environmental Justice? Is that allowing the public to  
4 fairly participate on all levels?

5 To really try to get into the meat of this  
6 thing, to lose the emotion -- there's a lot of emotion  
7 in this issue -- but to lose that emotion and try to get  
8 just glean the facts, glean the information, and it's  
9 not available, or it's not readily available, or it's  
10 not available in a language that a person can  
11 participate in, that's a big problem.

12 At any rate, I wish you good evening.

13 Thank you.

14 MR. JEFF MORALES: Thank you, Mr. Olivera.

15 Ross Browning.

16 MR. ROSS BROWNING: Good evening. My name  
17 is -- good evening. My name is Ross Browning. I'm  
18 sorry that David isn't here, I wanted to welcome him  
19 back to -- to acknowledge that you ladies finally  
20 escaped the temperature of the heat, the foggy bottle.  
21 It's about as hot here, but we just don't have the  
22 humidity, so stay as long as you like. Actually, it's  
23 probably a good thing that David isn't here.

24 First, let me say I voted for this project. I  
25 was all excited about it, I was soaked up, it's new --

Page 106

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P053 (Frank Olivera, Citizen for California High-Speed Rail Accountability, August 27, 2012)

---

**P053-1**

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

**P053-2**

Public testimony was recorded in accordance with NEPA and CEQA using industry standard practices and an accredited transcription service. The service provides full transcripts, and we know of no instances where public comments are missing or truncated.

Submission P054 (Frank Olivera, Citizens for California High Speed Rail Accountability, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 copy of this -- I gave this to my wife, and I said,  
2 "Here, I want you to read this and let me know what you  
3 think about it." I got -- she got about half a page  
4 into it and said, "You want to eat tonight," and threw  
5 the document at me. There's no way that at the time  
6 average person can do this. You can read it, but to  
7 understand, to be able to comment on things that are in  
8 their future?

9 So if any -- any one of you -- they have  
10 copies out there, I'm sure you guys can get a copy --  
11 you want something to do tonight, rather than watching  
12 television, and I'll -- I'll try to see you tomorrow if  
13 I make it, come up and say, "I read it. Do you want to  
14 discuss it?" I'll be all for it.

15 Thank you very much.

16 MR. JEFF MORALES: Thank you, Mr. Browning.

17 Okay, Mr. Olivera asked to speak at 7:30. Do  
18 you want do it now or wait and take a break and come  
19 back at 7:30?

20 MR. FRANK OLIVERA: Now. The reason why I  
21 spaced this out was to allow other people an opportunity  
22 as well.

23 MR. JEFF MORALES: No, I just wanted to know  
24 if you wanted to take a break. If we get any others,  
25 we'll space them in between.

Page 108

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 MR. FRANK OLIVERA: I simply don't want to  
2 monopolize the time. At any rate, again, my name is  
3 Frank Olivera. I'm with the Citizens for California  
4 High-Speed Rail Accountability.

5 Okay. Again, really I need to address this  
6 issue to Ms. Hurd, Ms. Perez, because this is going to  
7 back to the central theme of the largest problem that  
8 we're faced here in this project, in this process is  
9 Environmental Justice issues and public participation  
10 "at the earliest stages of the planning and design," I  
11 believe is some of the terminology that's used in the  
12 California High-Speed Rail Authority's Environmental  
13 Justice document, guidance document.

14 I want to talk about adequate public  
15 participation in the process. You have the largest  
16 infrastructure project in the history of the United  
17 States is happening right here. How many people are in  
18 this room? Not very many. And the reason being is  
19 there is not a lot of information. I'm not saying that  
20 the California Highway -- California High-Speed Rail  
21 Authority has not advertised or not sent brochures or  
22 not sent notices to people. They haven't really  
23 advertised, they haven't told people in Bakersfield that  
24 don't live right in the alignment -- it took a long time  
25 for them to tell everybody in the alignment, they've

Page 109

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P054 (Frank Olivera, Citizens for California High Speed Rail Accountability, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P054-2

1 done a better job of that since last year, but they're  
2 not telling people that live near the alignment or drive  
3 by the alignment or through the alignment or move kids  
4 through the alignment or have churches nearby the  
5 alignment, et cetera, et cetera, that this is big, this  
6 is affects Bakersfield, this is affects the Central  
7 Valley in many, many ways.

8 To have true public participation, you have to  
9 go tell the public and you have to advertise. You have  
10 to make public outreach that counts. If it doesn't  
11 count, if you're not getting the people here, perhaps  
12 it's not being done adequately enough. This process has  
13 been in the mix for, I believe, about 16 years. We're  
14 16 years into this. Bakersfield is about to be ripped  
15 apart for progress, and you probably have less than a  
16 hundred people notice.

17 Did this happen during -- in -- did this same  
18 kind of conduct happen in the Merced to Fresno alignment  
19 that's further along in the process? Was Environmental  
20 Justice really adhered to up there when the policy --  
21 well, there it didn't even exist at the time.

22 I beg that you withdraw the EIS until proper  
23 laws are followed, that the Project is done properly, so  
24 that the taxpayers, the public are protected, and tax  
25 dollars are spent appropriately.

Page 110

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 Thank you.

2 MR. JEFF MORALES: Thank you, Mr. Olivera.

3 We do have another speaker, Mr. Browning.

4 MR. ROSS BROWNING: And I had -- I had no  
5 inclination that Frank was going to talk about that  
6 subject.

7 I'm Ross Browning from Kings County, happy  
8 resident of Laton, California. Don't look for that on  
9 the map, you'll get lost.

10 I want to make mention something to you folks  
11 that happened, oh, about maybe three, four weeks ago,  
12 something around there, I forgot, on the weekend.  
13 Myself and another person, we went up to Merced to a  
14 meeting that they were having up there to talk to the  
15 folks up there. We told them where we were, what was  
16 happening as far as we -- we knew it with our -- with  
17 our efforts here in -- in Kings County. And then when  
18 it was opened up, we had to really try to get  
19 information out of those people. And the people that  
20 spoke spoke with a heavy Spanish accent. Three people  
21 spoke. There was some other people that who were  
22 obviously American -- I mean white guys, but three of  
23 the residents up there spoke. And they were very  
24 excited and very upset over the fact that they had no  
25 knowledge, no knowledge, had never been notified by any

Page 111

California High-Speed Rail Authority - Public Hearing  
559-224-9700

## Response to Submission P054 (Frank Olivera, Citizens for California High Speed Rail Accountability, August 27, 2012)

---

### **P054-1**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-SO-07.

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority has subsequently received FRA comment to include the U.S. Department of Transportation (DOT) order, which has been incorporated in the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. The Authority and FRA have undertaken substantial outreach to Environmental Justice communities. Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, an overview brochure of the Draft EIR/EIS, and comment cards at the public workshops and hearings. Also, a multi-lingual, toll-free hotline was made available for public comments and requests. In an effort to address concerns about information being available, text has been added to Section 3.12, Socioeconomics, Communities, and Environmental Justice, to describe the project benefits, regional and localized effects, and project impacts. Mitigation measures are intended to reduce impacts on Environmental Justice communities through additional design modifications to reduce visual impacts. Additional outreach will also take place. These measures augment, but do not replace, the outreach undertaken before and during the review period of the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS.

### **P054-2**

Refer to Standard Response FB-Response-GENERAL-16, FB-Response-GENERAL-10, FB-Response-SO-04, FB-Response-SO-06, FB-Response-SO-07.

The public outreach process for the Fresno to Bakersfield Section of the HST System has been extensive; this process has included hundreds of public meetings and briefings where public comments have been received, participation in community events where participation has been solicited, and development and distribution of public educational materials to encourage feedback. These efforts are cited in Chapter 7 of the Revised DEIR/Supplemental DEIS. Public notification regarding the draft environmental documents took place in the following ways. A notification letter, informational brochure, and NOA were prepared in English and Spanish and sent to landowners and tenants

### **P054-2**

living within 300 feet of the proposed alignment alternatives. The letters notified landowners and tenants that their property could become necessary for construction (within the project construction footprint) of one or more of the proposed alignment alternatives or project components being evaluated. Anyone who has requested to be notified or is in our stakeholder database was sent notification materials in English and Spanish. An e-mail communication of the notification materials was distributed to the entire stakeholder database. Public notices were placed in English- and Spanish-language newspapers. Posters in English and Spanish were posted along the project right-of-way.

Public notification regarding the draft environmental documents took place in the following ways. A notification letter, informational brochure, and NOA were prepared in English and Spanish and sent to landowners and tenants living within 300 feet of all alignment alternatives. The letters notified landowners and tenants that their property may be necessary for construction (within the project construction footprint) of one or more of the alignment alternatives or project components being evaluated. For information on the potential for disruption and division in Bakersfield, see Impact SO #6 in Section 3.12. See also Impacts SO #9 and SO #10 for displacement estimates in Bakersfield. Mitigation Measures SO-2 and SO-3 propose mitigations for identified effects in Bakersfield communities. Please consult the Merced to Fresno Final EIR/EIS for more information on effects in that study area.



Submission P055 (Frank Olivera, Citizens for California High Speed Rail Accountability, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 means that they stood in the way of a train.  
2 One fellow came up to me and said, "I worked  
3 all my life. I bought my house 20 years ago. I've been  
4 working. I fix my house up. My children were raised  
5 there. And now my house is going to be gone. Where am  
6 I going to go?" I couldn't say anything to him. I  
7 couldn't -- didn't want to tell him the same thing is  
8 happening to me. There was no answer I could give to  
9 him, because they had never, ever been notified. Not  
10 word in Spanish, not one word in anything.  
11 All it would have taken is a post card. It  
12 took -- it took a piece of paper struck in their screen  
13 door to get them to that meeting. That's all it would  
14 have taken. With all the millions of dollars -- I guess  
15 it's almost up to a billion dollars that's been spent --  
16 a few bucks should have been pried loose to notify those  
17 people that they are in the way of progress and they  
18 better go find a tank or someplace to live in.  
19 Thank you.  
20 MR. JEFF MORALES: Thank you, Mr. Browning.  
21 Mr. Olivera.  
22 MR. FRANK OLIVERA: Here, again, I wasn't  
23 expecting to come back to you so soon, so I'll try to  
24 collect my thoughts on this. Again, I'm Frank Olivera,  
25 Citizens for California High-Speed Rail Accountability.

Page 112

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 I believe what you've seen in this room, the  
2 people that did arrive here, have focused on things that  
3 just didn't work out the way that they should have  
4 worked out. The question is pursuant to NEPA, what  
5 happens at this point?  
6 Documents have been sent to libraries, which  
7 that's a logical place to send documents for people to  
8 review that don't have access to high-speed Internet or  
9 a computer. That's a logical place. But because of the  
10 realities of budget cuts, libraries are not open any  
11 more, or open as much as they used to be. So that is  
12 inadequate.  
13 People have told you that the language  
14 problems are inadequate. There are a lot of different  
15 cultures in the valley. A lot of cultures. We -- we  
16 keep talking about Spanish-speaking people because  
17 that's the predominant English-as-the-second-language  
18 population in our valley. But we also have Hmong that  
19 live around Fresno and has a community, which based on  
20 how the rail is going out of Fresno, I would imagine  
21 probably affects some of them.  
22 It definitely affects people in my community,  
23 in Kings County, through Laton, through Armona, through  
24 Corcoran on the one side. Going the other direction, it  
25 affects people on dairies that hires Spanish-speaking

Page 113

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P055 (Frank Olivera, Citizens for California High Speed Rail Accountability, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 people to work on their dairies. This is going to  
2 affect a lot of people in a lot of different cultures.  
3 But people don't know -- well, everybody knows,  
4 everybody kind of talks, but they don't know that they  
5 need to be here in today. They don't know that this is  
6 the only opportunity that they're going to be able to  
7 speak to a federal representative that has some federal  
8 responsibilities in this matter. They don't know who  
9 you guys are.

10 And all of you guys know that I didn't know  
11 who you were two years ago. I mean, it took me two  
12 years to figure out how this process works, and I'm  
13 fairly quick on the uptake on some of this stuff. So  
14 what about the common person who's just out there going  
15 to church, or not going to church, who's raising their  
16 family, a kid or two, who's trying to send kids to  
17 school, maybe to college, who's trying to go to work,  
18 who's trying to pay the bills, and you expect them to  
19 digest all of this information, which is in very limited  
20 places in a very short period of time.

21 We're going to close with this tonight -- and,  
22 Mr. Morales, I don't have any more cards and -- do I?

23 MR. JEFF MORALES: You do.

24 MR. FRANK OLIVERA: Okay. You're going to  
25 give me another three minutes?

Page 114

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 MR. JEFF MORALES: You have to sit down and  
2 get back up again.

3 MR. FRANK OLIVERA: Okay.

4 MR. JEFF MORALES: Or at least take a step  
5 back.

6 MR. FRANK OLIVERA: Okay.

7 MR. JEFF MORALES: Go ahead.

8 MR. FRANK OLIVERA: Okay. Thank you. And we  
9 can call that card good, too.

10 This -- this Environmental Impact Statement  
11 needs to be withdrawn until things are made right. It's  
12 not a matter of can it be made right. Sure, it can be  
13 made right. Is it inconvenient to be make it right?  
14 Yes, it's inconvenient to be -- to make it right. Is it  
15 an extensive project that perhaps will launch California  
16 into the forefront of technology? Perhaps it is, I  
17 don't know. But does that mean that we don't do it  
18 right? Does that mean we ignore Environmental Justice  
19 principles? Which has also been there, this may -- I  
20 know this is the first time that you're hearing all this  
21 terminology in the community because everybody is  
22 talking, you know, that is aware. But Environmental  
23 Justice has been, I think, part of this process since,  
24 like, something, like, the early 1970's, I think, I  
25 think it was with Nixon signing some of this stuff.

Page 115

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P055 (Frank Olivera, Citizens for California High Speed Rail Accountability, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1           So, okay, why is this not part of the process  
2 today? Why is this policy just being reviewed this  
3 month and approved this month? Why is that the case? I  
4 know you can't change that, can't go back and say we did  
5 it ten years ago or something. But it didn't happen.  
6 So the things, the decisions that have been made and the  
7 multiple studies and analysis and Environmental Impact  
8 Reports and this report and that report really should be  
9 gone back through to evaluate whether federal money  
10 should be spent in this project, because I dare say NEPA  
11 has not been complied with.

12           In our particular situation to the north of  
13 here, we have tried to coordinate with the High-Speed  
14 Rail Authority -- the public has, the county has, local  
15 governments have -- and we have not reached an  
16 edequate -- an adequate solution to the problems that  
17 are -- are noted in this Environmental Impact Report to  
18 our community, to the community in Corcoran, the  
19 community in Wasco, the community in Bakersfield, the  
20 community in Shafter. So are we going to rush through  
21 and forget what the law is? And if we do forget what  
22 the law is and go forward, are we all complicit with  
23 violating the law to reach a goal?

24           I wish you a good night.

25           MR. JEFF MORALES: Thank you, Mr. Olivera.

Page 116

California High-Speed Rail Authority - Public Hearing  
559-224-9700

## Response to Submission P055 (Frank Olivera, Citizens for California High Speed Rail Accountability, August 27, 2012)

---

### **P055-1**

The locations of the public repositories were selected to maximize stakeholder and community involvement. The documents were provided to 47 community centers, public agencies, and libraries, which were chosen with a diverse range of hours to solicit public review. The hours of the repositories were considered on selection of the locations; thus, the diversity in the types of repositories that had evening or weekend hours.

### **P055-2**

The Authority website has provided translated materials, and the Authority has offered translation services at all public meetings. The Executive Summary and several public educational materials regarding the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS are available in Spanish. Also, notification letters for the Draft EIR/EIS were sent in English and Spanish to residents, property owners, meeting attendees, businesses, organizations, elected officials, cities, counties, and agencies.

### **P055-3**

The EIR/EIS has been prepared in accordance with CEQA and NEPA and the applicable guidance. No evidence has been provided in this comment to support the conclusion that the EIR/EIS is not adequate.

### **P055-4**

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

The environmental justice analysis adheres to the definition given by Executive Order 12898 and U.S. Department of Transportation Order 5610.2, which defines an environmental justice effect as a "disproportionately high and adverse effect on minority and low-income populations." This is an adverse effect that is predominately borne by a minority population and/or a low-income population, or that would be appreciably more severe or greater in magnitude for the minority and/or a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project. Section 4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) identifies the environmental justice populations along the project. The methodologies for identifying these populations are detailed in Appendix A of the Community Impact Assessment Technical Report. Section

### **P055-4**

5.3 in the Community Impact Assessment Technical Report provides detailed information on the potential for substantial environmental justice effects across resources along the project. EIR/EIS Volume 1 Section 3.12 Impacts SO#17 and SO#18 summarize these findings.

Submission P056 (Manooshree Patel, Chinmaya Mission Bakersfield, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 and this community.  
2 The HSR Authority says it is obligated, and it  
3 has been all along, to applying the Environmental  
4 Justice parts of NEPA to the system plan, but how could  
5 they have been doing that when the HSR Authority was  
6 established 16 years ago and the Environmental Justice  
7 parts of NEPA were just adopted this month on  
8 August 2nd, 2012? How did they use the NEPA  
9 Environmental Justice Practice with the system planning  
10 when they were writing the Revised Draft Environmental  
11 Impact Statement. Again, I'm interested to know how the  
12 FRA will handle this, back here, and I would like the  
13 EIS retracted until the HSR Authority proves it is  
14 following the federal law of the United States of  
15 America.  
16 Thank you.  
17 MR. JEFF MORALES: Thank you, Ms. Berry.  
18 Manooshree Patel.  
19 MS. MANOOSHREE PATEL: Hello. My name is  
20 Manooshree Patel, and I'm representing Chinmaya Mission  
21 Bakersfield.  
22 The California High-Speed Rail Authority is  
23 responsible for the environmental, planning,  
24 engineering, constructing, operating, and maintenance of  
25 the Project. This means the California High-Speed

Page 81

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 Railway Authority, or the CHSRA, must make sure that the  
2 Project follows all the correct guidelines and also must  
3 give a chance for everyone to have a fair say regarding  
4 the topic.  
5 The EJ Guidance policy: On August 2nd, 2012,  
6 the California High-Speed Rail Authority adopted an  
7 Environmental Justice Guidance Policy, even the  
8 Authority had been planning the Project for well over  
9 ten years. This contributes to the fact that the CHSRA  
10 did not comply with the National Environmental Policy  
11 Act mandated EJ provisions until recently.  
12 The public voice: Order 12898 specifically  
13 emphasizes the importance of any PA, Public  
14 Participation Process, directing that each federal  
15 agency shall provide opportunities for community input  
16 in the NEPA process. The order also addresses EJ by  
17 identifying and addressing as appropriate  
18 disproportionately high and adverse human health or  
19 environmental effects of its programs, policies, and  
20 activities on minority and low-income populations.  
21 Unfortunately, the Authority has unfairly  
22 excluded untold thousands of people of all races and  
23 cultures from having any significant involvement in the  
24 early stages of the Project's planning, design, and  
25 decision-making process.

Page 82

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P056 (Manooshree Patel, Chinmaya Mission Bakersfield, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P056-3

1 The DEIR/S documents. There are approximately  
2 30,000 pages of DEIR/S documents for the CHSR Project,  
3 however, less than 4,800 pages of the document have been  
4 provided online for the Fresno to Bakersfield portion of  
5 the Project to review and comment on. The Authority's  
6 failure to provide all relevant and necessary  
7 information to the public has denied stakeholders the  
8 ability to effectively review and comment on the  
9 environmental impact of the Project and has violated the  
10 intent of EJ.

P056-4

11 Also, the brief 60-day review and comment  
12 period allowed by the CHSRA for the public was so  
13 unreasonably short that it effectively precluded any  
14 meaningful opportunity for informed agency and public  
15 participation.

P056-5

16 Now to the location. The three Bakersfield  
17 alternative rail assignments will cause similar  
18 devastating impacts to the Bakersfield community. All  
19 three alignments are in most case only feet apart from  
20 each other as they cut through the heart of metropolitan  
21 Bakersfield. They will cause widespread and excessive  
22 impacts to all members of the community who live and  
23 work within sight and sound of the elevated train  
24 tracks. A peripheral rail alignment alternative may  
25 greatly reduce property acquisition costs and the

Page 83

California High-Speed Rail Authority - Public Hearing  
559-224-9700

P056-6

This transcript was prepared for you by:  
Fresno Court Reporters

1 exorbitant expense of constructing an elevated downtown  
2 station, 8 to 12 miles of elevated viaducts through the  
3 heart of Bakersfield.

4 So, please, we need to save Bakersfield  
5 because we live here.

6 Thank you.

7 MR. JEFF MORALES: Thank you, Ms. Patel.

8 Any other ones?

9 MR. TOM TRACY: Rebecca.

10 MR. JEFF MORALES: Any other speakers?

11 Bill Lind, followed by Frances Morgan, and  
12 Jannette Berry.

13 MR. BILL LIND: Hello. My name is Bill Lind,  
14 and I'm representing the Bakersfield Tea Party and the  
15 community of Bakersfield.

16 The California High-Speed Rail Authority now  
17 admits that it must comply with the Environmental  
18 Justice components of NEPA and should have been all  
19 along. Based on page three of the just-approved CHSRA  
20 Environmental Justice Guidance document, CHSRA reflects  
21 the quote, "The Authority recognizes how important  
22 provision of existing environmental, civil rights,  
23 civil, and criminal laws may be used to help reduce  
24 environmental impact in our communities and  
25 environmental injustice on the human element."

Page 84

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P056 (Manooshree Patel, Chinmaya Mission Bakersfield, August 27, 2012)

---

### **P056-1**

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

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority received an FRA comment to include the DOT order, which has been incorporated into the EJ Guidance document. The adoption of the EJ policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. Actions prior to its adoption do not suggest non-compliance with the law. The Authority and FRA have undertaken substantial outreach to EJ communities. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including EJ laws.

### **P056-2**

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

### **P056-3**

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

The EIR/EIS is not 30,000 pages long. The EIR/EIS and its appendices are less than 5,000 pages long.

The Fresno to Bakersfield section is over 100 miles long, includes a range of alternatives, and has a full spectrum of environmental impacts. It is neither realistic nor reasonable that the EIR/EIS can both comply with the disclosure and mitigation requirements of CEQA and NEPA and be a short document.

### **P056-4**

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

### **P056-5**

Refer to Standard Response FB-Response-GENERAL-10, FB-Response-GENERAL-25.

### **P056-5**

For information on the potential impacts in Bakersfield see EIR/EIS Volume 1 Section 3.12 Impact SO#6. Also see Impact SO#9 and Impact SO#10 for displacement estimates in Bakersfield.

### **P056-6**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10, FB-Response-GENERAL-25.

Submission P057 (Tom Pavich, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 stakeholders are Spanish-speaking only, that's at the  
2 church and at the school, and I find it odd that only  
3 the -- only the executive summary is in Spanish, yet we  
4 have thousands and thousands and thousands of pages in  
5 the EIR. It has never been translated. How are our  
6 stakeholders supposed to understand what is going to  
7 happen to our property? I think that this is definitely  
8 a violation of NEPA. I think that the High-Speed Rail  
9 Authority ought to start this process over again so  
10 these issues can be addressed, so our stakeholders can  
11 be involved in the process. That's something that's  
12 very important to us.

13 So we thank you for your time, we thank you  
14 for your consideration. And for those of you that serve  
15 on the FRA, we ask that you would please consider these  
16 NEPA violations today for our church and our school  
17 community.

18 MR. JEFF MORALES: Thank you, Mr. Kennedy.  
19 I'll ask again, Buddy Graham or Harold Davis?  
20 We'll check and see if we have any other  
21 speaker requests, otherwise we'll take a short break,  
22 and I suspect we'll have others coming in.

23 Tom Pavich.

24 MR. TOM PAVICH: Thank you. The California  
25 High-Speed Rail Authority now admits that it must comply

Page 57

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

P057-1

1 with the Environmental Justice components of the  
2 National Environmental Policy Act, and it has been  
3 required to so all along. Based on page three of the  
4 just-approved California High-Speed Rail Authority  
5 Environmental Justice Guidance document, the California  
6 High-Speed Rail Authority states, "Implementation of  
7 Environmental Justice principles in how the Authority  
8 plans, designs, and delivers the high-speed rail  
9 projects means that Authority recognizes potential  
10 social and environmental impacts that project  
11 activities -- that project activities may have on  
12 certain segments of the public."

P057-2

13 If that is the case, why did the California  
14 High-Speed Rail Authority's planning and design teams  
15 pick a route selection that was going to travel through  
16 and destroy the Baker Commodities Rendering Plant east  
17 of Hanford. The rendering plant is the only plant that  
18 services all of the dairies in the Kings, Tulare, and  
19 Kern Counties. More than 500 dairies render their dead  
20 animals there. Eliminating the plant even for one day  
21 will have a pronounced impact on the local economy, the  
22 state economy, and the public health because there is no  
23 other place to dispose of 700 carcasses a day that  
24 arrive there.

25 My name is Tom Pavich. I'm a farmer here in

Page 58

California High-Speed Rail Authority - Public Hearing  
559-224-9700



Submission P057 (Tom Pavich, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 Kern County. The Central Valley is arguably the richest  
2 valley for farming in the world. Our unique climate  
3 here allows us to supply the vast majority of numerous  
4 crops that cannot be grown anywhere else in the United  
5 States. For example, California grows 99 percent of the  
6 almonds grown -- grown in the United States, 80 percent  
7 of the world's supply; 95 percent of the raisins grown  
8 in the United States and 50 percent of the world's  
9 supply; 98 percent of the table grapes grown in the  
10 United States. And this is just to name a few.

11 The High-Speed Rail System that's proposed  
12 drives a stake through the heart of California  
13 agriculture by establishing the whole new transportation  
14 corridor that splits the I-5 and the Highway 99  
15 corridors. The High-Speed Rail will encourage new  
16 development that will threaten the long-term viability  
17 and sustainability of our precious and unique farmland.

18 If High-Speed Rail were to ever make economic  
19 sense, it seems that it should focus on connecting the  
20 two highest concentrated population areas of the state,  
21 San Francisco and San Francisco -- and -- excuse me, and  
22 Los Angeles. Given that assumption, the only logical  
23 corridor to use would be the I-5 corridor. After all,  
24 as I recall from my high school geometry class, the  
25 shortest distance between two points is a straight line.

Page 59

California High-Speed Rail Authority - Public Hearing  
559-224-9700

P057-5

This transcript was prepared for you by:  
Fresno Court Reporters

1 I urge you to withdraw the Environmental  
2 Impact Statement until the California High-Speed Rail  
3 Authority actually demonstrates that it is complying  
4 with the National Environmental Policy Act.

5 Thank you.

6 MR. JEFF MORALES: Thank you, Mr. Pavich.

7 Any new speakers at this point? All right.  
8 We'll take a break. I think we're probably in between  
9 shifts somewhat here. Take a half hour and try to get a  
10 critical mass of new speakers. So 5:20 we'll return.

11 (Whereupon a break was taken at 4:52 p.m.)

12 (Whereupon the public hearing reconvened at  
13 5:28 p.m.)

14 MR. JEFF MORALES: Okay, we're going to start  
15 up again.

16 As a reminder, when you are called to speak,  
17 please state your name and any affiliation, if you have  
18 one, clearly so the court reporter can capture that so  
19 we have a complete record.

20 Okay. We'll start with Kathleen Trinity,  
21 followed by Jannette Berry, and Nancy Smethurst.

22 MS. KATHLEEN TRINITY: Good evening, Ladies  
23 and Gentlemen. I hope I'm not intruding. I'm coming  
24 from Acton, California, where we imagine we'll see you  
25 in the future. Kathleen Trinity, a resident of Acton.

Page 60

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P057 (Tom Pavich, August 27, 2012)

---

### **P057-1**

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

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority received an FRA comment to include the DOT order, which it has incorporated into the EJ guidance document. The adoption of the EJ policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. Actions prior to its adoption do not suggest non-compliance with the law. The Authority and FRA have undertaken substantial outreach to EJ communities. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including EJ laws.

### **P057-2**

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

The role of the Baker Commodities Rendering Plant in the greater Kings, Tulare, and Kern County area is understood by the Authority, and documented in Volume 1 Section 3.12, Impact SO #11. While project construction may require the acquisition and relocation of a number of businesses, relocation assistance will be provided to businesses (as appropriate) that are affected by the preferred alternative.

The Authority will consult directly with Baker Commodities should relocation of any portion of their facility be affected per the mitigation measures for this important facility (found in Mitigation Measure SO-3). Baker Commodities is also discussed in Section 5.2.4 of the Community Impact Assessment Technical Report (Authority and FRA 2012h) under agricultural displacements, and in Section 6.4.3 of the Draft Relocation Impact Report Authority and FRA 2012i) under special relocation considerations.

### **P057-3**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-SO-01, FB-Response-GENERAL-03.

The Authority recognizes that the loss of farmland cannot be fully mitigated, and as such the loss has been classified as a significant and unavoidable impact. See Impact AG #4

### **P057-3**

for information on the permanent conversion of agricultural land. and see Mitigation Measure AG #1 in Section 3.14.7 for measures to preserve the total amount of prime farmland. The Authority has committed to compensating landowners at a fair market value for their land. During the land acquisition phase, each landowner will have the ability to discuss the impacts from the HST with the Authority's right-of-way agent so that fair compensation for impacts on their property can be made. During the property acquisition process, losses in the value of the remaining property will be taken into account and compensation will be provided for the loss in productivity.

### **P057-4**

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

The project EIR/EIS for the Fresno to Bakersfield Section relies on information from the 2005 Statewide Program EIR/EIS (Authority and FRA 2005). The Statewide Program EIR/EIS considered alternatives on Interstate 5 (I-5), State Route (SR) 99, and the BNSF Railway (BNSF) corridor. The Record of Decision for the Statewide Program EIR/EIS rejected those routes and selected the BNSF corridor as the preferred alignment for the Fresno to Bakersfield Section. Further engineering and environmental studies within the broad BNSF corridor have resulted in practicable alternatives that meet most or all project objectives, are potentially feasible, and would result in certain environmental impact reductions relative to each other. Accordingly, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

Neither the California Environmental Quality Act (CEQA) nor the National Environmental Policy Act (NEPA) requires an environmental document to analyze alternatives that have been rejected.

### **P057-5**

The EIR/EIS was prepared in compliance with CEQA, NEPA, and related regulatory guidance. This comment does not provide evidence that the EIR/EIS does not comply with NEPA.

Submission P058 (Phillip Scott, August 27, 2012)



**Fresno to Bakersfield High-Speed Train Section**  
Revised Draft Environmental Impact Report/  
Supplemental Draft Environmental Impact Statement  
(Revised Draft EIR/Supplemental Draft EIS)

**La Sección de Fresno a Bakersfield del Tren de Alta Velocidad**  
Proyecto Revisado de Informe de Impacto Ambiental/  
Declaración de Impacto Ambiental Proyecto Suplementario  
(Proyecto Revisado EIR/Proyecto Suplementario EIS)

Please submit your completed comment card at the  
end of the meeting, or mail to:  
**Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814**

Por favor entregue su tarjeta completada al final de la  
reunión, o envíela por correo a la siguiente dirección:

The comment period is from July 20 to September 20,  
2012. Comments must be received electronically, or  
postmarked, on or before September 20, 2012.

El periodo de comentario es del 20 de Julio al 20  
de Septiembre del 2012. Los comentarios tienen que ser  
recibidos electrónicamente, o matasellados, el o antes  
del 20 de Septiembre del 2012.

Name/Nombre: Phillip Scott

Organization/Organización: \_\_\_\_\_

Address/Domicilio: 2102 20th Street Bakersfield CA 93301

Phone Number/Número de Teléfono: (661) 322-2133

City, State, Zip Code/Ciudad, Estado, Código Postal: Bakersfield CA 93301

E-mail Address/Correo Electrónico: p.scott99@yahoo.com

(Use additional pages if needed/Usar paginas adicionales si es necesario)

P058-1

I oppose the selection of  
the BNSF alternative through Bakersfield.

The selection of the BNSF alternative would  
route the train directly through the  
campus of Bakersfield High School.

The selection of the BNSF alternative would  
result in the destruction of the IT Building  
on the campus of BHS.

Please select one of the two other alternatives  
for a route through Bakersfield.

---

## Response to Submission P058 (Phillip Scott, August 27, 2012)

---

### P058-1

There are three proposed alternative alignments through Bakersfield; BNSF, Bakersfield South, and Bakersfield Hybrid. Each alternative would have its own set of different effects to Bakersfield. Each is proposed to be elevated since construction elevated sections have fewer on-the-ground impacts than at-grade sections. There would be few road closures, so connectivity north and south of the elevated sections would be maintained. Refer to Appendix 2-A, Road Crossings, for a list of proposed roadway modifications by alternative.

The Authority used the information in the Revised DEIR/Supplemental DEIS and input from agencies and the public to identify the Preferred Alternative. The decision included consideration of the project purpose and need and the project objectives presented in Chapter 1, Project Purpose and Need, as well as the objectives and criteria in the alternatives analysis, and the comparative potential for environmental impacts. The Preferred Alternative would balance overall impact on the environment and local communities, cost, and constructability constraints. For more detail refer to Chapter 7, Preferred Alternative, in this Final EIR/EIS.

Submission P059 (Howard Silver, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 want it. I don't know why it's not going on the  
2 outskirts. Creating jobs, and you're not talking about  
3 all the people that are going to be displaced. And this  
4 person told me, he said, "What if after the train is put  
5 up" -- because this is -- 143 feet from me is where the  
6 train is going to be. So right now I have a train right  
7 by me. I also have a homeless shelter right by me that  
8 I see these people on a daily basis. Matters can't get  
9 much worse, and I don't think this is going to improve  
10 things.

11 That's all I have to say.

12 MR. JEFF MORALES: Thank you, Ms. Garcia.

13 Howard Silver, Nora Weber, and Anil Mehta.

14 MR. HOWARD SILVER: Mr. Morales, Distinguished  
15 Members, it's nice to see you here. I'd like to start  
16 out by saying that I understand that we're here to  
17 discuss the Bakersfield to -- Fresno to Bakersfield  
18 right, which -- comments on the EIR, which are well  
19 taken, and I'm sure you'll look at them and study them  
20 as do you with everything else, but I'd really like to  
21 make a generalized comment.

22 I'd like to tell you that -- reiterate to you,  
23 actually, that if those of us that were around at that  
24 time can think back during President Eisenhower's time  
25 when the first segment of the interstate was dedicated,

Page 27

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 we didn't have the money, we did not know where the  
2 money was going to come from to build a 40,000-mile  
3 network throughout the nation, and we had no clue when  
4 it was going to be finished. However, because of the  
5 vision of a few back during those days, we have today  
6 probably one of the most successful interstate systems  
7 in the world. And I know it's easy to discount it and  
8 say those were different times, et cetera, et cetera, et  
9 cetera, but you know what, time goes on forever.

10 I think some of the things that we need to be  
11 aware of is that if we do not build this high-speed  
12 rail -- and we're starting with this segment, and this  
13 is the segment we're talking about at this point,  
14 including going on to LA -- on a typical weekend, it's  
15 probably going to take about five hours to go from  
16 Bakersfield to LA. Now, I've had people laugh at me and  
17 say, "Five hours? Preposterous." But no, remember,  
18 we're talking in the next 25, 30 years, another 12, 13,  
19 14, 15 million people in the Valley. The Valley is a  
20 place where a lot of people want to be.

21 So then we run into situations where current  
22 businesses we have -- and I like to use state farms as  
23 an example because their lives are the most obvious --  
24 are they going to want to be bringing people into a  
25 place that's landlocked, that they can't get out of if

Page 28

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P059 (Howard Silver, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 they need to go places? I don't think so, but then  
2 again, you know, we don't know.  
3 But look at the other side of the equation.  
4 If we add 3,000 lane miles to I-5, 3,000 lane miles to  
5 I-5 and other freeways throughout the state, it's going  
6 to be twice as expensive as what it's going to cost to  
7 do the high-speed rail. Where is that money going to  
8 come from if we have to spend twice as much to lay more  
9 lanes? And, again, I know the argument, "Oh, well.  
10 Well, we'll have more time. We're going to doing it  
11 over more time." Well, nobody is going to say  
12 high-speed rail is going to be up and running in the  
13 next few years. We know it's not. They took 40 years  
14 to complete the interstate system. We have examples of  
15 local things here that have been referred to. Things do  
16 not happen overnight. We have to realize that. Do  
17 times change? Absolutely times change.  
18 I think we have to look at the advantage of  
19 rail travel versus freeway travel. There comes a point  
20 where we're not physically going to be able to add any  
21 more freeway lanes, but on the train -- on a rail  
22 system, once you reach maximum capacity, you just keep  
23 on adding more rail cars. I mean, the solution is much  
24 easier at that particular point.  
25 And, yes, I talk about thinking 25, 30 years

Page 29

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 ahead, but you know what, this county wasn't built on a  
2 vision that just went 25, 30 years ahead. It was built  
3 on a vision that's been far reaching, and I think we  
4 know that our successes and where we are today.  
5 Another thing we have to understand is if we  
6 do give this money back, it's not going to go into the  
7 general fund, it's going to be end up in the northeast  
8 corridor. I mean, that's probably where the votes are,  
9 that's where they have the most clout, and that's where  
10 they're looking to build the rail. We've got them going  
11 into Chicago to New York to Boston to Washington, and  
12 they're talking about accelerating the trains. So,  
13 again, we have to look at an overall picture. We can't  
14 just start and focus on what is happening here right now  
15 because what is today is not going to be tomorrow.  
16 When I-5 was built across California, the  
17 first lane segment extended two miles --  
18 MR. JEFF MORALES: Mr. Silver, if you could  
19 wrap up, please.  
20 MR. HOWARD SILVER: That's it?  
21 MR. JEFF MORALES: You can finish your -- if  
22 you have a sentence or --  
23 MR. HOWARD SILVER: When I-5 was built across  
24 California, the first four lane segment was extended  
25 two miles from the base of the Grapevine. It was six

Page 30

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P059 (Howard Silver, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 years before the next segment began instruction near  
2 Highway 166, 46, and 50 -- 152. And from these  
3 locations, I-5 progressed. While the interim sections  
4 were being built, yes, there was use of them that  
5 benefited those people in those particular areas. It  
6 took a while, it was eventually completed, and it  
7 benefited everybody.

8 And I don't need to go into the numbers for  
9 what we're going to have with construction, with what we  
10 know what our employment rates are, et cetera, et cetera  
11 here.

12 MR. JEFF MORALES: Thank you.

13 MR. HOWARD SILVER: It's a win-win situation.

14 MR. JEFF MORALES: Thank you.

15 MR. HOWARD SILVER: Thank you for allowing me  
16 to speak.

17 MR. JEFF MORALES: Nora Weber, followed by  
18 Anil Mehta, and Jim Eggert.

19 MS. NORA WEBER: Well, I remember our four  
20 star General Eisenhower very well, and just as --  
21 you're -- actually, you're wasting your time, because  
22 just as soon as we get Obama out of office, you're not  
23 going to have any money for this project.

24 Number one, this California High-Speed Rail  
25 Authority has now claimed that it has been complying

Page 31

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P059 (Howard Silver, August 27, 2012)

---

**P059-1**

Refer to Standard Response FB-Response-GENERAL-09.

Your support of the project is noted.



Submission P060 (Nancy Smethurst, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 The California High-Speed Rail Authority says  
2 it's always been following the Environmental Justice  
3 components of NEPA, yet they just adopted the policy on  
4 August 2nd, 2012. How did they do that? They were  
5 established 16 years ago. How could they follow the  
6 Environmental Justice practices for the policy decisions  
7 of this revised draft of the Environmental Impact  
8 Statement since it was published before the policy was  
9 adopted. I'm interested in knowing how the FRA will  
10 settle this, and I would like the EIS retracted until  
11 the HSR Authority proves it is following federal law.  
12 Thank you.  
13 MR. JEFF MORALES: Thank you, Ms. Berry.  
14 Nancy Smethurst, and Marvin Dean, and Frances  
15 Morgan.

16 MS. NANCY SMETHURST: Hi. Thank you for  
17 hearing me. I am representing myself. I live on --  
18 near Hageman and Sante Fe, and -- in Rosedale. And  
19 I'm -- was very concerned with the fact they just  
20 finished a lovely underpass, which I was very happy  
21 about, and then when news of this happening, it was  
22 really very upsetting me, especially since I found out  
23 since I've been here that in one of the -- in volume  
24 one, that there would be sound walls, but in volume  
25 three, that there are no -- the engineers drafted no

Page 63

California High-Speed Rail Authority - Public Hearing  
559-224-9700

P060-1

This transcript was prepared for you by:  
Fresno Court Reporters

1 sound walls, and I'm very confused about that.  
2 And I am -- I just want you to know that I  
3 live in a lovely, lovely neighborhood, I really do, and  
4 the one next -- the adjacent neighborhood next to us,  
5 these are not hobo homes, they are lovely, lovely homes,  
6 and very upscale neighborhood, and to not have even a  
7 sound wall for us would be devastating for our property  
8 values and for our lives, just living. I really would  
9 like you to consider that.  
10 Thank you.  
11 MR. JEFF MORALES: Thank you, Ms. Smethurst.  
12 Marvin Dean, Frances Morgan, and Nora Weber.  
13 MR. MARVIN DEAN: First off, I'm here  
14 representing myself. I'm also representing Kern  
15 Minority Contractors Association. I'm also representing  
16 the supporter -- local supporters for high-speed rail in  
17 Bakersfield. I've got a prepared remarks, I'm going to  
18 leave -- I've got two of these, and I'm going to just  
19 speak.

20 MR. JEFF MORALES: Thank you.  
21 MR. MARVIN DEAN: First of all, I want to  
22 welcome you to Bakersfield, for having this hearing  
23 here, and I want to say before I talk about why I  
24 support the project, that even the folks that are in  
25 opposition to the project, I think those concerns

Page 64

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P060 (Nancy Smethurst, August 27, 2012)

---

**P060-1**

Refer to Standard Response FB-Response-N&V-05.

Volume I identifies the potential sound barriers in the Rosedale area. Volume III depicts the potential extents of the sound barriers on plan. This is shown as a line with intermittent circles, as identified in the legend on page 10 of 16 in the Volume III General Sheets. The cross sections do not show the potential sound barriers as the position, height, and design of this mitigation must be completed by the design-build contractor. Section 3.4.7.2 of Volume I outlines that the visuals and performance of the sound barriers will be developed with the community.

Submission P061 (Jeff Taylor, Save Bakersfield Committee, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 here, but in looking through that data, I spent like ten  
2 hours looking through that last night, the alignment  
3 through Fresno shows noise impacts severe, 20; noise  
4 impacts moderate; 220. In Bakersfield, severe noise  
5 impacts, 2,585; moderate, 5,940. Why does Fresno have  
6 less opposition? Look at the impact. You cannot tell  
7 me that you cannot find an alignment that has less  
8 environmental impact than these three that are basically  
9 are hand in hand a few feet apart.

10 Thank you very much.

11 MR. JEFF MORALES: Thank you, Mr. Bender.

12 Jeff Taylor, Sung Jung, and Harold Davis.

13 MR. JEFF TAYLOR: Good afternoon, Gentlemen,  
14 Ms. Perez, Ms. Hurd. My name is Jeff Taylor, and I'm  
15 Chairman of Save Bakersfield Committee, and I'd like to  
16 talk to you, too, about Environmental Justice violations  
17 of NEPA.

18 The three Bakersfield alternative alignments  
19 will unnecessarily cause south of the tracks devaluation  
20 to an extended number of properties located within sight  
21 and sound of the 12-mile-long elevated train tracks and  
22 will cause huge impacts to our local property tax base.  
23 All three alignment will unnecessarily destroy an  
24 unacceptable number of homes, businesses, jobs, and  
25 community infrastructure. Widespread and severe

Page 47

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 destruction of a major portion of the city with severe  
2 impacts to culture and quality of life caused by that  
3 destruction violates CEQA and NEPA and violate the  
4 intended provisions of Environmental Justice.

5 The DEIR/S does not consider other  
6 alternatives that could avoid or substantially reduce  
7 the Project's significant impact, such as alignments  
8 that follow established transportation corridors as per  
9 2008 Prop 1A. Failure of the DEIR/S to consider a  
10 reasonable range of alternatives makes the analysis  
11 incomplete, inadequate, and violates the intended  
12 provisions of Environmental Justice.

13 The Council on Environmental Quality has  
14 direct oversight of the federal government's compliance  
15 with Executive Order 12898 and NEPA regulations. The  
16 CEQ and the Environmental Protection Agency have  
17 developed guidance policies to further assist the FRA  
18 with their NEPA mandated procedures so that  
19 Environmental Justice concerns are effectively  
20 identified and addressed. Save Bakersfield Committee  
21 respectfully requests that the Federal Railroad  
22 Administration, Congress of the United States, the  
23 Environmental Protection Agency, and California State  
24 Senate conduct comprehensive investigations of the  
25 numerous and egregious NEPA violations we have addressed

Page 48

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P061 (Jeff Taylor, Save Bakersfield Committee, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P061-4

1 and take measures to reverse and mitigate the widespread  
2 and severe damage those violations have caused to untold  
3 thousands of citizens.

4 Please withdraw the EIS during the  
5 investigation. Please be certain the Authority has  
6 fully complied with NEPA and reverses, corrects, and  
7 mitigates all damages caused to the planning process  
8 prior to making any decision to approve federal funding  
9 for the Project.

10 I have some documents that I'd like to provide  
11 to FRA officials, specifically made out to Ms. Porter.

12 MR. JEFF MORALES: Thank you, Mr. Taylor.

13 Sung Jung, followed by Harold Davis, then  
14 we'll break for a bit.

15 MR. SUNG JUNG: Hi. My name is Sung Jung, a  
16 long-time resident of Bakersfield, more than 30 years.  
17 I'm a physician, a member of Korean Presbyterian Church.  
18 According to the current redraft of the B2 BNSF  
19 alternative, my church will be destroyed and relocated.  
20 I have several concerns.

21 Number one, you might ask us why or what is  
22 wrong with the relocation. Well, there are several;  
23 however, main reason is that we have a two-acre lot with  
24 new sanctuary, fellowship hall with a kitchen, education  
25 building, house for pastor, ample paved parking lot,

Page 49

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P061 (Jeff Taylor, Save Bakersfield Committee, August 27, 2012) - Continued



**COMMITTEE FOUNDERS:**  
Jeff Taylor, Chairman  
William Descary  
Michael Kennedy  
Dr. Anil Mehta  
Dr. Girish Patel

August 22, 2012

Melisa Porter  
Chief Counsel  
U.S. Department of Transportation  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

RE: California High-Speed Rail Authority's **Violations of NEPA Environmental Justice**

Dear Ms Porter:

P061-5

On August 2, 2012 the California High-Speed Rail Authority (Authority) for the first time adopted an Environmental Justice (EJ) Guidance policy, even though the Authority has been planning the project for well over ten years. This is convincing evidence that the Authority did not consider or comply with provisions of EJ that are mandated by the National Environmental Policy Act (NEPA) laws and regulations from the Authority's inception through the entire design and planning stages of the project to the present day.

Non-compliance of EJ policy and other provisions of NEPA by the Authority are so egregious that the Federal Railroad Administration (FRA) must consider all planning of the project thus far completed by the Authority invalid. Authority violations of NEPA are sufficiently severe to necessitate planning for the project to start anew in strict compliance with all NEPA laws and regulations including those of EJ. The severity of Authority EJ violations must prevent FRA approval of federal funding for the California High-Speed Rail project until all prior EJ violations have been reversed, remedied and mitigated.

The Authority is responsible for the environmental, planning, engineering, constructing, operating and maintenance of the project. The Authority is also the lead agency for purposes of project compliance to California Environmental Quality Act (CEQA) requirements.

The FRA is the lead federal agency under NEPA and is responsible for informing, implementing and reviewing environmental policies of the project to insure compliance with procedural requirements of NEPA. The FRA is also responsible for technical and legal review of regional Environmental Impact Statements. The FRA is chartered to begin its process of considering the environmental impacts of a proposed action by consulting with appropriate federal, state, and local authorities, and with the public at the earliest practical time in the project planning process. The FRA's charter also includes complying with all applicable environmental review laws and regulations of NEPA. The FRA process includes encouraging broad public participation during scoping and review of draft environmental

Page 2 of 5

P061-5

documents. In addition to publication of notices in the Federal Register, the FRA is responsible for making effective efforts to notify the affected public.

Title VI of the Civil Rights Act of 1964 is a non-discrimination statute providing that: No person in the United States shall, on the ground of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. EJ is a component of Title VI and is a part of environmental law and regulations of NEPA. In September, 2011 the FRA requested that the Authority adopt Title VI policy. The Authority did not adopt Title VI policy until its March, 2012 Board meeting.

NEPA regulations also include Executive Order 12898. The Order addresses achieving EJ by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. The order specifically emphasizes the importance of NEPA's public participation process, directing that "each federal agency shall provide opportunities for community input in the NEPA process." The FRA in accordance with NEPA regulations is responsible for insuring effective policies to help "identify potential effects and mitigation measures in consultation with affected communities, and improve the accessibility of meetings, crucial documents, and notices."

Authority compliance with EJ regulations mandated by NEPA were not even considered until September 15, 2011, when the FRA directed the Authority to develop and implement a Title VI Program to finally address how the Authority will ensure nondiscrimination in the federally financially assisted high-speed rail project. As of August 2, 2012 the Authority had not yet filled the position of Title VI Coordinator.

During the August 2, 2012 Authority Board meeting held in Sacramento, the Authority for the first time adopted an Environmental Justice Guidance (EJG) policy. Board meeting Agenda Item #4 made two requests of the Board. (1) Approve the California High-Speed Rail Authority Environmental Justice Policy and authorize the Chief Executive Officer, Jeff Morales, to sign and widely disseminate. (2) Adopt the Environmental Justice Guidance and authorize the CEO to transmit the EJG policy to the Federal Railroad Administration. The Authority also adopted Resolution #HSRA 12-22 that resolved to approve the new EJG policy.

The EJG policy adopted by the Authority on August 2, 2012 states that "The Authority's Environmental Justice Guidance promotes the incorporation of EJ considerations into its programs, policies, and activities to mitigate disproportionate adverse impacts, particularly on minority and low-income populations. The Authority emphasizes the fair treatment and meaningful involvement of people of all races, cultures, and income levels, including minority and low-income populations, from the early stages of transportation planning and investment decision-making through design, construction, operations and maintenance." Unfortunately, the Authority has unfairly excluded untold thousands of people of all races and cultures from having any meaningful involvement in the early stages of the project's planning, design and decision making processes.

Since the Authority's inception, the project has violated provisions of EJ that are mandated by NEPA. Property owners whose properties will be impacted by the High Speed Rail project were not officially



Submission P061 (Jeff Taylor, Save Bakersfield Committee, August 27, 2012) - Continued

Page 3 of 5

P061-5 notified by the Authority that their properties were at risk of being taken or otherwise impacted until July 19, 2012. Stakeholder notification should have been provided much earlier to comply with EJ provisions mandated by NEPA.

P061-6 The untimely notification by the Authority unjustly prohibited impacted stakeholders from participating in the project planning process. Impacted property owners have been excluded from attending workshops and meetings held by the Authority concerning alignment alternatives. This inexcusable oversight denied stakeholders privileged position status and prohibited stakeholders their right to participate in identifying impacts on the surrounding environment. Stakeholders have been unjustly denied the opportunity to review and make comments on Draft Environmental Impact Report and Study (DEIRS) documents and Authority Business Plans.

Thousands of stakeholders throughout California were unjustly denied the opportunity to attend Authority meetings held prior to July 19, 2012 because the Authority did not notify property owners specifically that plans were being made to take, partially take or otherwise impact their properties in order to make right of way for the project. This is a purposeful and egregious omission on the part of the Authority and violates the intent of federal EJ provisions mandated by NEPA.

P061-7 The Authority has not provided hard copies of over 30 thousand pages of DEIRS documents written in Spanish language, even though a large percentage of impacted property owners who own properties in the planned alternative alignments are of Hispanic culture. In fact, very few Authority documents have been provided in Spanish language. This violates the intent of EJ provisions mandated by NEPA and has denied Spanish speaking stakeholder's privileged position status.

P061-8 Potentially impacted property owners have been unjustly denied an opportunity to participate in formulation of feasible project alternatives and appropriate mitigation. It is a violation of EJ to exclude the public from being adequately informed in such a way that they can intelligently weigh the environmental consequences of all contemplated action, and have an appropriate voice in the formulation of all decisions made by the Authority. The Authority has not publicized the addresses of impacted properties in the planned rail alignment nor has the Authority disclosed whether the impacted properties are residential, business, industrial or publicly owned.

P061-9 There are approximately 30,000 pages of DEIRS documents for the California High Speed Rail project. However, less than 4,800 pages of the documents have been provided on line and on CD for the purpose of review and comment on the Fresno to Bakersfield portion of the project. The Authority has not sufficiently provided over 25,000 pages of DEIRS documents to the public that address the entire high speed rail project. Those documents contain relevant information that is necessary for the public to fully evaluate all of the environmental impacts caused by the project. The Authority's failure to provide all relevant and necessary information to the public has denied stakeholders the ability to effectively review and comment on the environmental impacts of the project and has violated the intent of EJ.

P061-10 The brief 60 day review and comment period allowed by the Authority for the public, government and other agencies to respond to the DEIRS documents is so unreasonably short that it effectively precludes any meaningful opportunity for informed agency and public participation. Many state agencies, legislators, congressional representatives, community organizations, city and county officials, businesses and individuals requested a review and comment extension last year, but the

Page 4 of 5

P061-10 Authority has ignored them all. The unreasonable 60 day review and comment periods have violated the Authority's duty to ensure informed public participation in the environmental review process. The

60 day review and comment periods are insufficient for a project of this magnitude, cost and complexity. The Authority should have allowed much longer DEIRS review and comment periods.

P061-11 The Fresno to Bakersfield DEIRS states that local agencies endorsed the downtown Bakersfield, Truxtun Avenue station. However, concepts considered desirable prior to full evaluation of environmental effects should not preclude consideration of NEPA and CEQA alternatives within a DEIRS that might be effective in avoiding or reducing significant environmental effects. There are no true rail alignment alternative studies for the Bakersfield area in the current DEIRS documents.

NEPA requires that the Authority demonstrate a need for the proposed project compared with a no build option. The need threshold has not been met. NEPA also mandates that the Authority provide reasonable alternative studies for the project's proposed action for the purpose of identifying and evaluating the associated environmental impacts of the alternatives to determine which alternative will accomplish the purpose of the project while causing the least amount of impacts to the environment.

The DEIRS only examined minor variations or combinations of the B1 and B2 alternative alignments when they developed the B3 hybrid alignment in Bakersfield. The three Bakersfield alternative alignments will cause similar, devastating impacts to the Bakersfield community. All three alignments are in most cases only feet apart from each other as they cut through the heart of metropolitan Bakersfield. All three of the alternative alignments are elevated as high as 90' for the entire route through metropolitan Bakersfield and will cause widespread and excessive impacts to all members of the community who live and work within sight and sound of the elevated train tracks.

A DEIRS of less destructive and impactful alternative station locations and alignments outside of, but in close proximity to, metropolitan Bakersfield have not been considered. Peripheral alignment alternatives would cause far fewer negative impacts, especially if built at grade and may cost hundreds of millions of dollars less than the current alternatives. A peripheral alignment alternative may greatly reduce property acquisition costs and the exorbitant expense of constructing an elevated downtown station and 12 miles of elevated viaducts through the heart of Bakersfield.

All three of the Bakersfield alternative alignments will unnecessarily cause "south of the tracks" devaluation to an extended number of properties located within sight and sound of the 12 mile long elevated train tracks and will cause huge impacts to our local property tax base. All three alignments will unnecessarily destroy an unacceptable number of homes, businesses, jobs and community infrastructure. Widespread and severe destruction of a major portion of a city with severe impacts to culture and quality of life caused by that destruction violate NEPA and CEQA law and violate the intended provisions of EJ.

The DEIRS does not consider other alternatives that could avoid or substantially reduce the project's significant impacts, such as an alignment that follows established transportation corridors per the 2008 Prop-1A Initiative. Failure of the DEIRS documents to consider a reasonable range of alternatives makes the analysis inadequate and incomplete and violates the intended provisions of EJ.

Submission P061 (Jeff Taylor, Save Bakersfield Committee, August 27, 2012) - Continued

---

Page 5 of 5

P061-12

The Council on Environmental Quality (CEQ) has direct oversight of the Federal government's compliance with Executive Order 12898 and NEPA regulations. The CEQ and the Environmental Protection Agency (EPA) have developed guidance policies to further assist the FRA with their NEPA mandated procedures so that EJ concerns are effectively identified and addressed.

Save Bakersfield Committee respectfully requests that the Congress of the United States, Environmental Protection Agency, Federal Railroad Administration and California State Senate, conduct comprehensive investigations of the numerous and egregious violations of NEPA regulations we have addressed and take measures to reverse and mitigate the widespread and severe damage those violations have caused to untold thousands of persons unjustly denied their EJ rights by the California High-Speed Rail Authority. Please withdraw the EIS during the investigation. Please be certain the Authority has fully complied with NEPA and reverses, corrects and mitigates all damages caused to the planning process prior to making any decision to approve Federal funding for the project.

Respectfully Submitted,



Jeff Taylor  
Chair, Save Bakersfield Committee

cc:

Congressman Kevin McCarthy  
Environmental Protection Agency  
California State Senator Jean Fuller  
California State Senator Alan Lowenthal  
California State Senator Joe Simitian  
California Assemblywoman Shannon Grove  
California Assemblyman David Valadao  
Kern County Board of Supervisors  
Bakersfield City Manager Alan Tandy

## Response to Submission P061 (Jeff Taylor, Save Bakersfield Committee, August 27, 2012)

### **P061-1**

Refer to Standard Response FB-Response-GENERAL-14, FB-Response-SO-01, FB-Response-SO-03, FB-Response-SO-04.

For information on the potential for disruption and division in Bakersfield see EIR/EIS Volume 1 Section 3.12 Impact SO#6. Also see Impact SO#9 and Impact SO#10 for displacement estimates in Bakersfield. Mitigation Measure SO-2 and SO-3 propose mitigations for identified effects in Bakersfield communities. For information on the HST operation-related property and sales tax revenue effects see Volume 1 Section 3.12 Impact SO#3, Impact SO#4, and Impact SO #12. For information on new job creation and the resulting impacts on the regional economy see Volume 1 Section 3.12 Impact SO #13. Also see Section 5.1.2 of the Community Impact Assessment Technical Report (Authority and FRA 2012h) for more detailed information on short-term and long-term job creation.

### **P061-2**

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

Please refer to Section 2.3, Potential Alternatives Considered during Alternatives Screening Process, of the Final EIR/EIS for a discussion of the alternatives analysis process and findings.

The project EIR/EIS for the Fresno to Bakersfield Section relies on information from the 2005 Statewide Program EIR/EIS for the California HST System (Authority and FRA 2005). The Statewide Program EIR/EIS considered alternatives on Interstate 5 (I-5), State Route (SR) 99, and the BNSF Railway (BNSF) corridor. The Record of Decision for the Statewide Program EIR/EIS rejected those routes and selected the BNSF corridor as the preferred alignment for the Fresno to Bakersfield Section. Further engineering and environmental studies within the broad BNSF corridor have resulted in practicable alternatives that meet most or all project objectives, are potentially feasible, and would result in certain environmental impact reductions relative to each other. Accordingly, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

Proposition 1A was passed in 2008, with the tacit understanding from the 2005 Program

### **P061-2**

EIR/EIS that the I-5 alternative would not be further analyzed. Streets and Highways Code Section 2704.04(a), enacted by Proposition 1A, provides that:

"(a) It is the intent of the Legislature by enacting this chapter and of the people of California by approving the bond measure pursuant to this chapter to initiate the construction of a high-speed train system that connects the San Francisco Transbay Terminal to Los Angeles Union Station and Anaheim, and links the state's major population centers, including Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego *consistent with the authority's certified environmental impact reports* of November 2005 and July 9, 2008." (emphasis added)

### **P061-3**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-SO-07, FB-Response-GENERAL-25, FB-Response-GENERAL-27.

The Authority and the FRA's prior program EIR/EIS documents are identified and briefly described in Section 1.5, Tiering of Program EIR/EIS Documents. The 2005 Statewide Program EIR/EIS decision document selected the BNSF Railway route as the preferred alternative for the Central Valley HST between Fresno and Bakersfield. Therefore, the Project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF Railway corridor.

As discussed in Section 2.3.1 of the EIR/EIS, the Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project as required under 14 CCR 15126.6 and 40 CFR 1502.15(a). This range of alternatives was analyzed in the EIR/EIS. Neither CEQA nor NEPA require the environmental document to analyze alternatives that are not practicable to implement.

The environmental justice (EJ) analysis adheres to the definition defined by Executive Order 12898 and U.S. Department of Transportation Order 5610.2, which defines an EJ effect as a "disproportionately high and adverse effect on minority and low-income populations." This is an adverse effect that is predominately borne by a minority



---

Response to Submission P061 (Jeff Taylor, Save Bakersfield Committee, August 27, 2012) - Continued

---

**P061-3**

population and/or a low-income population or that would be appreciably more severe or greater in magnitude for the minority and/or low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project. Section 4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) identifies the EJ populations along the project. The methodologies for identifying these populations are detailed in Appendix A of the Community Impact Assessment Technical Report. Section 5.3 in the Community Impact Assessment Technical Report provides detailed information on the potential for substantial EJ effects across resources along the project. EIR/EIS Volume 1 Section 3.12, Impacts SO#17 and SO#18, summarize these findings.

**P061-4**

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

The EIR/EIS has been prepared in accordance with CEQA, NEPA, and related regulatory guidance. This guidance includes requirements for compliance with Executive Order 12898.

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the FRA. The Authority has subsequently received FRA comment to include the U.S. Department of Transportation order, which has been incorporated in the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. The Authority and FRA have undertaken substantial outreach to EJ communities during the preliminary engineering and environmental review of the Fresno to Bakersfield Section. Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, an overview brochure of the Draft EIR/EIS, and comment cards at the public workshops and hearings. Also, a multi-lingual, toll-free hotline was made available for public comments and requests. Section 3.12 of the EIR/EIS describes the project benefits, regional and localized effects, and project impacts to EJ communities. These efforts meet the intent and requirements of Executive Order 12898.

**P061-5**

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

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority received an FRA comment to include the DOT order, and has incorporated it into the EJ guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. Actions prior to its adoption do not suggest non-compliance with the law. The Authority and FRA have undertaken substantial outreach to EJ communities. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including EJ laws.

The Authority and FRA have undertaken substantial outreach to EJ communities. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including EJ laws. The EJ analysis adheres to the definition given by Executive Order 12898 and U.S. Department of Transportation Order 5610.2, which defines an EJ effect as a "disproportionately high and adverse effect on minority and low-income populations." This is an adverse effect that is predominately borne by a minority population and/or a low-income population or that would be appreciably more severe or greater in magnitude for the minority and/or a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project. Section 4.3 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) identifies the environmental justice populations along the project. The methodologies for identifying these populations are detailed in Appendix A of the Community Impact Assessment Technical Report. Section 5.3 in the Community Impact Assessment Technical Report provides detailed information on the potential for substantial EJ effects across resources along the project. In Volume 1 Chapter 3.12, Impacts SO#17 and SO#18 summarize these findings.

**P061-6**

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

---

## Response to Submission P061 (Jeff Taylor, Save Bakersfield Committee, August 27, 2012) - Continued

---

### **P061-7**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-SO-07.

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

### **P061-8**

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

The public has not been excluded. The public outreach process for the Fresno to Bakersfield Section of the HST System has been extensive; the process has included hundreds of public meetings and briefings where public comments have been received, participation in community events where participation has been solicited, and development and distribution of educational materials to encourage feedback. These efforts are cited in Chapter 7 of the Revised DEIR/Supplemental DEIS. Public notification regarding the draft environmental documents took place in the following ways. A notification letter, informational brochure, and NOA were prepared in English and Spanish and sent to landowners and tenants living within 300 feet of all proposed alignment alternatives. The letters notified landowners and tenants that their property could become necessary for construction (within the project construction footprint) of one or more of the proposed alignment alternatives or project components being evaluated. Anyone who has requested to be notified or is in our stakeholder database was sent notification materials in English and Spanish. An e-mail communication of the notification materials was distributed to the entire stakeholder database. Public notices

### **P061-8**

were placed in English- and Spanish-language newspapers. Posters in English and Spanish were posted along the project right-of-way.

### **P061-9**

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

The EIR/EIS is not 30,000 pages long. The EIR/EIS and its appendices are less than 5,000 pages long. The Fresno to Bakersfield Section of the HST System is over 100 miles long, includes a range of alternatives, and has a full spectrum of environmental impacts. It is neither realistic nor reasonable that it can both comply with the disclosure and mitigation requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) and be a short document.

### **P061-10**

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

### **P061-11**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10, FB-Response-GENERAL-25.

The procedural requirements for the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) were followed during the environmental review for the Fresno to Bakersfield Section of the HST System.

The 2005 Record of Decision based on the Authority and the FRA's prior program EIR/EIS documents (e.g., Authority and FRA 2005; see also Section 1.5, Tiering of Program EIR/EIS Documents, of the Final EIR/EIS) selected the BNSF Railway (BNSF) route as the Preferred Alternative for the HST System between Fresno and Bakersfield. Therefore, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

As discussed in Section 2.3.1, HST Project-Level Alternatives Development Process, of the Final EIR/EIS, the Authority implemented an alternatives analysis process to identify

---

Response to Submission P061 (Jeff Taylor, Save Bakersfield Committee, August 27, 2012) - Continued

---

**P061-11**

the full range of reasonable alternatives for the project, as required under Title 14 California Code of Regulations (CCR) Section 15126.6 and Title 40 Code of Federal Regulations (CFR) Section 1502.15(a). This range of alternatives was analyzed in the EIR/EIS.

Chapter 1, Project Purpose, Need, and Objectives, of the Final EIR/EIS describes the project's purpose and need. The alternatives selected for analysis in the EIS must satisfy the project's purpose and need (64 Federal Register [FR] 101, page 28545, section 14[I]). The No Project Alternative must also be examined to determine whether it would satisfy the purpose and need. Although NEPA requires an EIS to contain sufficient analysis to allow a comparison between alternatives, there is no provision in NEPA requiring that the project's purpose and need be compared with the "no-build option" (i.e., the No Project Alternative).

The purpose of project alternatives is to minimize or avoid impacts. For the Fresno to Bakersfield Section of the HST System, alternatives were developed to reduce or avoid the impacts associated with the BNSF Alternative. In Bakersfield, the BNSF Alternative would displace six religious facilities, the Bakersfield High School Industrial Arts building, the Mercado Latino Tianguis, and 119 homes in the eastern portion of the city. In contrast to the corresponding segment of the BNSF Alternative, the Bakersfield South Alternative would not affect the Bakersfield High School campus or the Mercado Latino Tianguis. However, this alternative would displace five religious facilities, the Bethel Christian School, and 146 homes in east Bakersfield. The Bakersfield Hybrid Alternative would not affect the Bakersfield High School campus or the Bethel Christian School; however, this alternative would displace one religious facility, the Mercado Latino Tianguis, the Bakersfield Homeless Shelter, and 57 homes in east Bakersfield.

**P061-12**

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

The EIR/EIS has been prepared in accordance with federal guidance for compliance with Executive Order 12898. The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Guidance with FRA. The Authority has subsequently received FRA comment to include the U.S.

**P061-12**

Department of Transportation order, which has been incorporated in the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. The Authority and FRA have undertaken substantial outreach to EJ communities during the preliminary engineering and environmental review of the Fresno to Bakersfield Section. Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, a Draft EIR/EIS overview brochure, and comment cards at the public workshops and hearings. Also, a multilingual, toll-free hotline was made available for public comments and requests. Section 3.12.5, Methods for Evaluating Impacts, of the EIR/EIS describes the project benefits, regional and localized effects, and project impacts on EJ communities. These efforts meet the intent and requirements of Executive Order 12898.

Submission P062 (Jeff Taylor, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 total waste of tax payers' money and should be stopped.  
2 Thank you.  
3 MR. JEFF MORALES: Thank you, Dr. Mehta.  
4 Mr. Buddy L. Graham, followed by Jeff Taylor,  
5 and Michael Kennedy.  
6 UNIDENTIFIED VOICE: Buddy will be back.  
7 He'll be back.  
8 MR. JEFF MORALES: Buddy will be back. Okay.  
9 Jeff Taylor.  
10 MR. JEFF TAYLOR: My name is Jeff Taylor. I'd  
11 like to know why there was no notice of this public  
12 hearing posted by the High-Speed Rail Authority in  
13 today's newspaper, in yesterday's newspaper. You guys  
14 have an unlimited budget for informing your citizens  
15 about these kinds of meetings, but yet there isn't even  
16 an article, a notice in today's paper, yesterday's  
17 paper. I know there was one the day after the EIR was  
18 released, but that's not sufficient. Why were there no  
19 television newscasts informing the public about the  
20 meeting held today?  
21 What excuse can possibly be made for these  
22 violations of NEPA Environmental Justice? The  
23 High-Speed Rail Authority has hundreds of millions of  
24 dollars for public outreach; however, public outreach  
25 apparently is not a priorities of the Authority. Is it

Page 54

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 a nuisance? Environmental Justice appears not to be a  
2 priority of the Authority. Even NEPA law appears to be  
3 a passing inconvenience. There is no excuse for the  
4 Authority's omission of public notice for this hearing.  
5 As with all of the other omissions, this omission was  
6 purposely intended to deny the public an opportunity to  
7 be a part of the planning process.  
8 The only just remedy for the Authority's  
9 multitude of egregious NEPA violations is for the  
10 Federal Railroad Administration to withdraw the EIS and  
11 direct the CHSRA to begin its planning process anew, and  
12 this time do it in strict compliance with NEPA  
13 Environmental Justice law.  
14 Thank you.  
15 MR. JEFF MORALES: Mr. Taylor.  
16 Michael Kennedy. I thought that was him.  
17 MR. MICHAEL KENNEDY: My apologies. I wasn't  
18 actually sure if I was next there.  
19 My name is Michael Kennedy. I am also  
20 speaking today as a representative of the Bethel  
21 Christian School and the First Free Will Baptist Church  
22 here in Bakersfield located at 2236 East California  
23 Avenue. I would like to state that our stakeholders at  
24 the school and also at the church are still adamantly  
25 opposed to the High-Speed Rail alignments. This

Page 55

California High-Speed Rail Authority - Public Hearing  
559-224-9700

## Response to Submission P062 (Jeff Taylor, August 27, 2012)

---

### **P062-1**

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

The public outreach process for the Fresno to Bakersfield Section of the HST System has been extensive; this process has included hundreds of public meetings and briefings where public comments have been received, participation in community events where participation has been solicited, and development and distribution of educational materials to encourage feedback. These efforts are cited in Chapter 7 of the Revised DEIR/Supplemental DEIS. Public notification regarding the draft environmental documents took place in the following ways. A notification letter, informational brochure, and NOA were translated in English and Spanish and sent to landowners and tenants living within 300 feet of all proposed alignment alternatives. The letters notified landowners and tenants that their property could become necessary for construction (within the project construction footprint) of one or more of the proposed alignment alternatives or project components being evaluated. Anyone who has requested to be notified or is in our stakeholder database was sent notification materials in English and Spanish. An e-mail communication of the notification materials was distributed to the entire stakeholder database. Public notices were placed in English- and Spanish-language newspapers. Posters in English and Spanish were posted along the project right-of-way.

The Authority has no power to direct television stations to produce a newscast regarding the meeting.

### **P062-2**

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

The environmental justice (EJ) analysis adheres to the definition defined by Executive Order 12898 and U.S. Department of Transportation Order 5610.2, which defines an EJ effect as a "disproportionately high and adverse effect on minority and low-income populations." This is an adverse effect that is predominately borne by a minority population and/or a low-income population or that would be appreciably more severe or greater in magnitude for the minority and/or a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project. Section 4.3 in the Community Impact Assessment Technical Report

### **P062-2**

(Authority and FRA 2012h) identifies the EJ populations along the project. The methodologies for identifying these populations are detailed in Appendix A of the Community Impact Assessment Technical Report. Section 5.3 in the Community Impact Assessment Technical Report provides detailed information on the potential for substantial EJ effects across resources along the project. EIR/EIS Volume 1 Section 3.12 Impacts SO#17 and SO#18 summarize these findings.

### **P062-3**

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

The commenter is misinformed. The EIR/EIS has been prepared in accordance with CEQA, NEPA, and related regulatory guidance. This guidance included requirements for compliance with Executive Order 12898.

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the FRA. The Authority has subsequently received FRA comment to include the U.S. Department of Transportation order, which has been incorporated in the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. The Authority and FRA have undertaken substantial outreach to EJ communities during the preliminary engineering and environmental review of the Fresno to Bakersfield Section. Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, an overview brochure of the Draft EIR/EIS, and comment cards at the public workshops and hearings. Also, a multi-lingual, toll-free hotline was made available for public comments and requests. Section 3.12 of the EIR/EIS describes the project benefits, regional and localized effects, and project impacts on EJ communities. These efforts meet the intent and requirements of Executive Order 12898.

Submission P063 (Nora Weber, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 years before the next segment began instruction near  
2 Highway 166, 46, and 50 -- 152. And from these  
3 locations, I-5 progressed. While the interim sections  
4 were being built, yes, there was use of them that  
5 benefited those people in those particular areas. It  
6 took a while, it was eventually completed, and it  
7 benefited everybody.  
8 And I don't need to go into the numbers for  
9 what we're going to have with construction, with what we  
10 know what our employment rates are, et cetera, et cetera  
11 here.  
12 MR. JEFF MORALES: Thank you.  
13 MR. HOWARD SILVER: It's a win-win situation.  
14 MR. JEFF MORALES: Thank you.  
15 MR. HOWARD SILVER: Thank you for allowing me  
16 to speak.  
17 MR. JEFF MORALES: Nora Weber, followed by  
18 Anil Mehta, and Jim Eggert.  
19 MS. NORA WEBER: Well, I remember our four  
20 star General Eisenhower very well, and just as --  
21 you're -- actually, you're wasting your time, because  
22 just as soon as we get Obama out of office, you're not  
23 going to have any money for this project.  
24 Number one, this California High-Speed Rail  
25 Authority has now claimed that it has been complying

Page 31

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 with the Environmental Justice, I might add, components  
2 of the NEPA all along. They say that they are committed  
3 to applying Environmental Justice to all of its programs  
4 and other activities that are undertaken, funded or  
5 approved by the FRA -- and that's you guys, the Federal  
6 Railroad Authority -- that affect the right-of-ways.  
7 However, you have not allowed for any right-of-ways once  
8 you're building this railroad because people are not  
9 going to have access to their businesses, to hospitals,  
10 to freeways, to roads, back and forth to where they  
11 live. There's nothing in that. You're going to have  
12 corridors running all the over the place once they put  
13 in their sustainable development projects -- and this is  
14 what this is all a leg of -- but you have not allowed in  
15 your Environmental Impact Report for right-of-ways. So  
16 that's going to be a big injustice here to all the  
17 owners, the businesses, homeowners, and so forth.  
18 Number one, you're taking some of the most valuable land  
19 in the State of California, which is farmland, so it's a  
20 land grab is what it is.  
21 How will they apply those NEPA environmental  
22 practices to the right-of-way relating to the revised  
23 draft of the Environmental Impact Statement that was  
24 published before this policy was established and does  
25 not even address the right-of-way, other than it will be

Page 32

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P063 (Nora Weber, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P063-2

1 handled after the project is approved by the FRA? The  
2 project is only designed to a 15 percent standard and  
3 does not adequately address the NEPA Environmental  
4 Justice concerns reflected in their new policy.  
5 How does this affect the 7th Standard Road to  
6 Bakersfield and onto Oswell Street, which is your second  
7 phase, and the EIS other pragmatic studies? So how will  
8 your EIS affect that? How does the FRA plan on handling  
9 this issue?  
10 I request the FRA withdraw the EIS until the  
11 California High-Speed Authority proves that it is  
12 complying with the federal law, which it is not  
13 currently.  
14 Thank you.  
15 MR. JEFF MORALES: Thank you, Ms. Weber.  
16 Anil Mehta, followed by Jim Eggert, and  
17 Michael Kennedy.  
18 DR. ANIL MEHTA: Good afternoon. My name is  
19 Dr. Anil Mehta. I'm with the Save Bakersfield Committee  
20 and representative of the Chinmaya Mission, Bakersfield,  
21 a church that will be severely impacted and possibly  
22 destroyed by this project.  
23 I'd like to address my comments to Ms. Kathryn  
24 Hurd, legal counsel for FRA. I feel that this project  
25 is not only going to cause a lot of damage to

Page 33

California High-Speed Rail Authority - Public Hearing  
559-224-9700



---

## Response to Submission P063 (Nora Weber, August 27, 2012)

---

### **P063-1**

Refer to Standard Response FB-Response-SO-01, FB-Response-SO-07.

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Policy and Guidance with the Federal Railroad Administration (FRA). The Authority received an FRA comment to include the DOT order, which is now incorporated into the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. Actions taken prior to its adoption do not suggest non-compliance with the law. The Authority and FRA have undertaken substantial outreach to EJ communities. Section 3.12.3 also details the laws, regulations, and orders that the project adheres to, including EJ laws.

### **P063-2**

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

The Environmental Justice (EJ) Guidance is a supplement to the Authority's Title VI Program. The Authority vetted the proposed EJ Guidance with the FRA. The Authority has subsequently received FRA comment to include the U.S. Department of Transportation order, which has been incorporated in the EJ Guidance document. The adoption of the EJ Policy formalized the Authority's long-standing efforts to address EJ matters in a comprehensive manner. The Authority and FRA have undertaken substantial outreach to EJ communities during the preliminary engineering and environmental review of the Fresno to Bakersfield Section of the HST System. Materials translated into Spanish included the Executive Summary, Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, a Draft EIR/EIS overview brochure, and comment cards at the public workshops and hearings. Also, a multilingual, toll-free hotline was made available for public comments and requests. Section 3.12.5, Methods for Evaluating Impacts, of the Final EIR/EIS describes the project benefits, regional and localized effects, and project impacts on EJ communities. These efforts meet the intent and requirements of Executive Order 12898.

The commenter has not provided any substantial evidence that the Authority and FRA have not complied with federal law.



Submission P064 (Nora Weber, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 open two days of the week, Tuesdays and Fridays, 7:00 to  
2 11:00 and 9:00 to 5:00.  
3 The Shafter Branch is only open on Thursdays,  
4 11:00 to 7:00, 9:00 to 5:00.  
5 And the Wasco branch is only open on  
6 Wednesdays and Fridays from 7:00 to 11:00 to 9:00 --  
7 excuse me, 11:00 to 7:00, to 9:00 to 5:00. That --  
8 those big red X's.  
9 They expect us to read the EIR Draft Revised.  
10 We can't do it. I'll come back and finish up if it's at  
11 all possible because I still have more on the rest of  
12 it.  
13 Thank you.  
14 MR. JEFF MORALES: Thank you, Ms. Morgan.  
15 Nora Weber, Michael Kennedy, and Carol Bender.  
16 MS. NORA WEBER: Nora Weber, business owner in  
17 Bakersfield. I'll be able to view your speed train as  
18 it's coming through at 220 from my deck one block away.  
19 It would be nice to have all of this fancy  
20 transportation. I agree with what Ms. Drowser said.  
21 Very nice. But you know what, they weren't 16 trillion  
22 dollars in debt with the federal government. California  
23 is totally bankrupt. San Bernardino has declared  
24 bankruptcy. Stockton's declared bankruptcy. I guess  
25 Bakersfield will be down the road somewhere with

Page 70

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 bankruptcy when all of this is over with and they can't  
2 sell the bonds.  
3 On your speed rail, I understand that when we  
4 get through paying with the bond issues and whatever the  
5 federal government pumps in from the world banks and the  
6 international monetary fund, however much they can  
7 borrow, that you're going to give the train away to  
8 private investors under a contract. The private  
9 investors, then, of this train will get all the proceeds  
10 coming in from the riders of the training until the  
11 private investors show a profit. That's the worst way  
12 in the world to sell a business.  
13 Any business sold thinking that you're going  
14 to get proceeds coming at the end of a profit, doesn't  
15 take a rocket scientist to figure out that there'll  
16 never be any profits. I don't believe Amtrak has ever  
17 made a profit until this day. I think it cost them  
18 something like 14 or \$15 I heard from a hamburger --  
19 good heavens, the microphone came on -- 14 or \$15 for a  
20 hamburger, and they tell it for like 9. I mean, if this  
21 is any example of what we're going to be doing in the  
22 speed rail, you won't even have enough money to pay for  
23 the electricity that it's going to take to operate this  
24 thing, which is going to be a tremendous amount of  
25 money.

Page 71

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P064 (Nora Weber, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

P064-3

1 So as far as your Environmental Impact Report,  
2 I believe that your best way of transportation for this  
3 thing would be directly down I-5. Take it over the  
4 Grapevine.

P064-4

5 I believe there is a preservation of  
6 farmland -- I don't know what title it falls under, it  
7 could be the Preservation of Farmland Act, I believe, I  
8 don't remember actually where I read that -- but it  
9 states that in all cases where farmland is involved and  
10 is going to be taken for any issue, that you must take  
11 the least -- how do you put this? You must take the  
12 least pervasive way. In other words, eliminate taking  
13 all the farmland that you can take, go as far away as  
14 you have to, but don't take farmland. I believe that's  
15 what the act talks about of the Preservation of Farmland  
16 Act.

17 Thank you.

18 MR. JEFF MORALES: Thank you, Ms. Weber.

19 Michael Kennedy and Carol Bender.

20 MR. MICHAEL KENNEDY: Michael Kennedy with  
21 Save Bakersfield. The California High-Speed Rail  
22 Authority now admits that it must comply with the  
23 Environmental Justice components of NEPA. Disturbingly,  
24 though, the Authority also falsely states that they have  
25 complied with NEPA Environmental Justice provisions all

Page 72

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

## Response to Submission P064 (Nora Weber, August 27, 2012)

---

**P064-1**

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

**P064-2**

Refer to Standard Response FB-Response-GENERAL-17, FB-Response-GENERAL-19.

**P064-3**

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

The Grapevine is not a viable alternative and was dismissed from further consideration in the Record of Decision, based on the 2005 Final Program EIR/EIS (Authority and FRA 2005). For information purposes, the report titled *Conceptual I-5 Corridor Study: Bakersfield to San Fernando Valley (Sylmar)* (Authority and FRA 2012o) reviewed the feasibility of the Interstate 5 (I-5) corridor over Tejon Pass and confirmed that it is not feasible. Further, Streets and Highways Code Section 2704.04(b)(3)(D) mandates that the HST alignment travel from "Fresno to Bakersfield to Palmdale to Los Angeles Union Station." A Tejon Pass route would not allow the HST System to serve Palmdale as an intermediate stop between Bakersfield and Los Angeles.

**P064-4**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-GENERAL-10, FB-Response-AG-01, FB-Response-AG-07.

Submission P065 (Nora Weber, August 27, 2012)

This transcript was prepared for you by:  
Fresno Court Reporters

1 wives are working now at the school. And when they take  
2 care of the school kids, you're going to get to -- that  
3 little few dollars that we make on the farm, but now we  
4 need somebody to get up -- and, see, the reason why I'm  
5 up here is because I get these letters all the time,  
6 because I went to that place, I used to live there.  
7 And -- and -- and it was started out to be there, and  
8 then all of a sudden Bakersfield is going to be building  
9 the trains. Hey, we don't need anything here. We -- we  
10 needed it up there. But now we need it here.  
11 So you think about this whenever you think  
12 about this, that -- that your wives are working, and  
13 they can -- they can care of the family from then on,  
14 but who's going to give them a start? It's going to  
15 take some manpower.  
16 And I thank you.  
17 MR. JEFF MORALES: Thank you, Mr. Neel.  
18 Nora Weber.  
19 MS. NORA WEBER: Well, this will be my closing  
20 statement. Everybody can applaud at that one, uh?  
21 The meetings that the California Authority  
22 have been having have been delphi meetings. They've  
23 been determined long before we got there. We would go  
24 to these meetings, and they would pass out these silly  
25 little cards and you were supposed to vote on which one

Page 95

California High-Speed Rail Authority - Public Hearing  
559-224-9700

This transcript was prepared for you by:  
Fresno Court Reporters

1 you thought would be second, third, fourth, or fifth  
2 place in your priority of thinking, so they were  
3 definitely delphi meetings. That thing has been  
4 predetermined.  
5 These trainings aren't going to be built in  
6 California, they're not even going to be built in the  
7 United States. These investors will probably have these  
8 trains built in Europe, where they have experience  
9 building fast-speed trains, such as France or Japan. We  
10 have no experience building fast-speed trains in the  
11 United States.  
12 So in case none of you realize, what tax,  
13 spend, and borrow means, I'll give you my definition.  
14 It means financial disaster. That's what it equals.  
15 Tax, spend, and borrow equals financial disaster. And  
16 that's where we're going. Good heavens, haven't  
17 experience -- we see it all the time. Doesn't it teach  
18 us anything about money? Don't we know that we can't  
19 continually spend more than we have without not having  
20 anything and going bankrupt? That's where we're headed  
21 with this situation. You're going to have a silly train  
22 that's going to be running from Fresno to Oswell Street  
23 if you're lucky to get the second phase built, and  
24 that's probably about as far as you're going to get.  
25 But let me get you an example of where you

Page 96

California High-Speed Rail Authority - Public Hearing  
559-224-9700

Submission P065 (Nora Weber, August 27, 2012) - Continued

This transcript was prepared for you by:  
Fresno Court Reporters

1 could go, and the only thing you're going to be  
2 offending is going to be kangaroo rat. So if you go  
3 along, if you want a train to go from San Francisco to  
4 San Diego -- you know, for many of you, you may not know  
5 anything about Kern County, but some of us moved here to  
6 get away from the lifetime of the metropolis, fast-speed  
7 pace of life. We don't want it anymore, that's why  
8 we're here in Kern County. We happen to like our oasis  
9 of oil wells and farms.

10 So we don't want all you fancy people coming  
11 in here telling us how we're going to live our lives  
12 with sustainable development. Take it to Boston and  
13 have it in New York, you know, there's a million people  
14 there, we don't want it here. We like our oil wells and  
15 our farms, okay, so go back to Washington and tell them  
16 we don't want this thing here. So get out of our lives  
17 and leave us alone. If you want to live in Boston or  
18 New York, go live there. If you want a job and you  
19 can't get -- find a job here, move someplace where you  
20 can find a job. There's jobs other places. Leave  
21 Bakersfield.

22 So if you want a train where you're going to  
23 go from San Francisco to San Diego, the simple way to do  
24 it -- and you're not going to get any objection from the  
25 kangaroo rat out there, they only arrested one farmer on

Page 97

California High-Speed Rail Authority - Public Hearing  
559-224-9700

P065-1

This transcript was prepared for you by:  
Fresno Court Reporters

1 his tractor for killing one -- go from San Francisco to  
2 San Diego down the I-5 because all that salt water, when  
3 we were the bottom of the ocean down there, all that  
4 salt water raises to the top out there and you can't  
5 build any farms on it. So build a train along there and  
6 all you're going to have to deal with is salt water,  
7 salt raising to the top, rusting out your steal on the  
8 rails and a kangaroo rat.

9 Thank you very much and good night. And I  
10 hope you will make an equitable financial decision,  
11 because so far I haven't seen that in any of your  
12 thinking.

13 MR. JEFF MORALES: Thank you, Ms. Weber.

14 MS. NORA WEBER: Good night.

15 MR. JEFF MORALES: Is Buddy Graham here?

16 Rebecca, any more cards? We'll break, then,  
17 until 7:00 o'clock then, 15 minutes, and take speakers  
18 if they come in.

19 (Whereupon a break was taken at 6:47 p.m.)

20 (Whereupon the public hearing reconvened at  
21 7:04 p.m. Mr. David Valenstein no longer in  
22 attendance.)

23 MR. JEFF MORALES: Okay. Okay, we're ready to  
24 start up again.

25 You ready, Ms. Morgan, or do you want to go to

Page 98

California High-Speed Rail Authority - Public Hearing  
559-224-9700

---

Response to Submission P065 (Nora Weber, August 27, 2012)

---

**P065-1**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04,  
FB-Response-AG-01.