

**Testimony of
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Before the
**Committee on Transportation and Infrastructure
U.S. House of Representatives**

“California’s High-Speed Rail Plan: Skyrocketing Costs & Project Concerns”

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Chairman Mica and Members of the Committee, it is a pleasure to be here before you today and share our experiences and observations from what we call the “front lines” of California’s high speed rail implementation. As a local official representing Kings County in California, we are witness to a series of failures by the California High Speed Rail Authority (CHSRA) which has significantly compromised the chances for successful project implementation. In summary, I hope to provide a better understanding of how Kings County went from a supporter of high speed rail to completely opposing all high speed rail through Kings County.

Kings County, California

Kings County is one of the smaller rural/agricultural counties in one of our nation’s most fertile growing regions known as the San Joaquin Valley. Our county is also home to four incorporated cities (Avenal 15,505 pop., Corcoran 24,813 pop., Hanford 53,967 pop., and Lemoore 24,531 pop.) as well as one of our nation’s most strategic western defense bases - Naval Air Station Lemoore (NASL) which houses twenty F-18 squadrons that support the Pacific Fleet.

Kings County covers approximately 1,391 square miles with a total population of 152,892 (2010 Census). Most of the population is concentrated along the county’s northern boundary near the Kings River. The vast majority of urban growth in the valley, however, is in neighboring counties along the State Highway 99 corridor. Absent those growth pressures, Kings County is uniquely situated to more effectively manage growth while progressively preserving prime agricultural land. NASL shares this commitment as agricultural preservation also serves to protect the base from urban encroachment and ensure long term operational effectiveness. A Joint Land Use Study adopted in 2011 reaffirms this joint commitment.

On January 26, 2010, the Kings County Board of Supervisors (KCBOS) adopted the 2035 Kings County General Plan establishing a land use policy framework for smart growth implementation and greater resource protection. As the primary author of this comprehensive plan, policies were designed to build collaboration with State objectives (i.e. food production, renewable energy, and transportation). However, at the time of adoption minimal high speed rail alignment information was made available, and Circulation Element Policy C1.2.4 was established for Kings County to:

“Coordinate with the California High Speed Rail Authority and Caltrans if a high speed rail corridor is to be established within the County, and plan for the establishment of transportation linkages to the nearest High Speed Rail Station.”

CALIFORNIA HIGH SPEED RAIL – FALTERS IN PLANNING PROCESS

The California High Speed Rail Authority (CHSRA) first officially proposed and adopted conceptual high speed rail alignments through California to connect Los Angeles to San Francisco when the California High Speed Rail Program Environmental Impact Report/Environmental Impact Statement was adopted in 2005 (Program EIR/EIS). The Program EIR/EIS indicated the next step in the process would be to develop a more specific Project level EIR/EIS for specific segments that would tier off of the Program EIR/EIS. Instead, CHSRA engaged larger cities garnering support with the enticement of potentially locating a station or heavy maintenance facility in their jurisdiction. Substantial support from Fresno County interests and Kern County interests set the stage to connect proposed high speed rail facilities in Fresno and Shafter, thus veering away from the State Highway 99 corridor. In 2007, CHSRA released a “Station Feasibility Study” that was actually determining preferred routes and new alignment considerations not covered in the Program EIR/EIS to accommodate supporting communities. Although new alignments not addressed in the Program EIR/EIS were proposed without environmental review and without public comments, these efforts resulted in two Project level Draft EIR/EIS documents (Fresno to Bakersfield Section, and Merced to Fresno Section) released on August 15, 2011.

15% Project Design Approach

CHSRA relied upon a 15% design approach to provide the public, local communities and others with



only partial project information. Many project related questions from the public and impacted communities went and remain unanswered, and CHSRA staff and consultants kept rail alignment maps and documents in mostly an un-releasable format. As the Draft Project EIR/EIS neared completion and release in August 2011, CHSRA maintained reliance on only 15% of the project design to determine all potential impacts. This reliance on 15% design lead to incomplete and inadequate impact and mitigation analyses, thus greatly increasing the risk to project environmental scrutiny, and future potential cost overruns and change orders.

In attempting to understand the reasoning behind such a limited detail deficient project approach, CHSRA staff and consultants quickly referenced the need to comply with the Federal Rail Administration American Recovery and Reinvestment Act (ARRA) funding deadline in 2012. Essentially, meaning that the prioritized spending of ARRA funding overrode the need to fully address specific project details, impacts and mitigations and instead tended to pre-determine outcomes. CHSRA seemingly chose to rely on future contractors to work out project impacts and develop undetermined mitigation solutions from only 15% design. This is an impossible undertaking that by its very nature circumvents full disclosure and analysis required by the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). This “fill in the blanks later” approach to project approval will surely result in greater project change orders and cost overruns. In addition, it completely overlooks vital components for local integration with existing local and state roadways, and existing land use and circulation policies and mitigation of impacts therefrom. This deprives the public of the ability to fully understand impacts and how they will be addressed, and deprives local agencies of the opportunity to assist in finding common solutions that achieve minimal impacts to communities.

CHSRA Avoidance of Public Concerns

Consistent with its General Plan Circulation Element, Kings County has attempted to coordinate with CHSRA. Consistent with the requirements of NEPA and other federal laws, Kings County has demanded the CHSRA coordinate its project and resolve conflicts. The county has provided extensive detailed information about its concerns and demanded resolution, but the CHSRA, on the advice of its legal counsel, have and continue to refuse to coordinate its project. Because the Federal Railroad Administration (FRA) is a co-lead agency and federal funds are involved, and due to the refusal of CHSRA to coordinate, Kings County has demanded of the FRA that they step in and coordinate as required by NEPA. Extensive information has been provided to the FRA, but the FRA chose to provide an empty form letter response and has made no attempt whatsoever to coordinate with Kings County.

Incomplete and Inadequate Project EIR/EIS

In avoiding public disclosure of project specific details, CHSRA officials routinely directed the public and local agencies to find project answers in the Project EIR/EIS documents. CHSRA only allowed for a minimal public review and comment period, and forced many impacted stakeholders to review thousands of pages of technical documents to find answers. What was discovered in that review was the omission of analysis related to many impacts previously brought to the attention of CHSRA.

Surprisingly, agricultural impacts were minimally addressed and did not even begin to analyze issues such as pesticide drift, irrigation, access to cut off properties, electromagnetic fields around dairies, dairy relocation, etc. Other noteworthy omissions are impacts related to emergency services, local roadways and highways, local businesses, and local resources. For instance, several overpasses outlined by CHSRA nearly double the number of property and business impacts yet remain unaddressed. In addition, critical public facilities identified to CHSRA were not even analyzed. Without impact acknowledgement, the documents followed by being silent on evaluating potential mitigation. In many cases, mitigation for agricultural impacts was deferred to be addressed by the CHSRA contracted right-of-way agent to determine.

As the Project Section Draft EIR/EIS documents were fast tracked to meet the FRA ARRA funding deadline, the lack of complete project specific information has led to insufficient information for adequate review all potential impacts. Even at the document beginning, it fails to provide a clear and detailed enough project description to set the framework for adequate environmental analysis. This leaves the public with insufficient information to understand what potential impacts may result. Yet, even at present, CHSRA continues to develop many of the specific project details that were not fully disclosed in either Project Draft EIR/EIS documents. Interesting to note that these inadequacies were also the basis for Bay Area litigation against the CHSRA from their Program EIR/EIS approved in 2005, which claimed this environmental document:

- did not have an adequate project description
- did not give adequate consideration to the Project's impacts on the environment
- failed to propose adequate mitigation measures to address the Project's significant impacts.

Insufficient Public Comment Time

The two Project Section Draft EIR/EIS documents were preceded by limited disclosure of project specific details by CHSRA which left many unanswered questions. After their release, numerous requests were made for additional public comment review time. Despite these requests, CHSRA proceeded to stand firm on only allowing the State required minimum public review time to review 30,000 plus pages (represents only one set of Project Section Draft EIR/EIS) of technical documents.

- **August 15, 2011** – CHSRA released two project level Draft EIR/EIS documents (Fresno to Bakersfield Project Section, and Merced to Fresno Project Section) for 45 day public comment
- **September, 2011** - CHSRA allows a token 15 day extension
- **October 13, 2011** – public comment period ended
- **October 5, 2011** – despite numerous requests for a 180 comment period extension CHSRA chooses to introduce a new Hanford West alignment in the “Fresno to Bakersfield Section” only and claims that they now allowed additional time to review the original documents. The Hanford West alignment was the original alignment in the Program EIR/EIS that was discarded by CHSRA, and requested to be re-added by U.S. EPA and Army Corp. of Engineers as there was noted greater risk of challenge to the project with only one alternative alignment.

Heavy Reliance on Public Relations

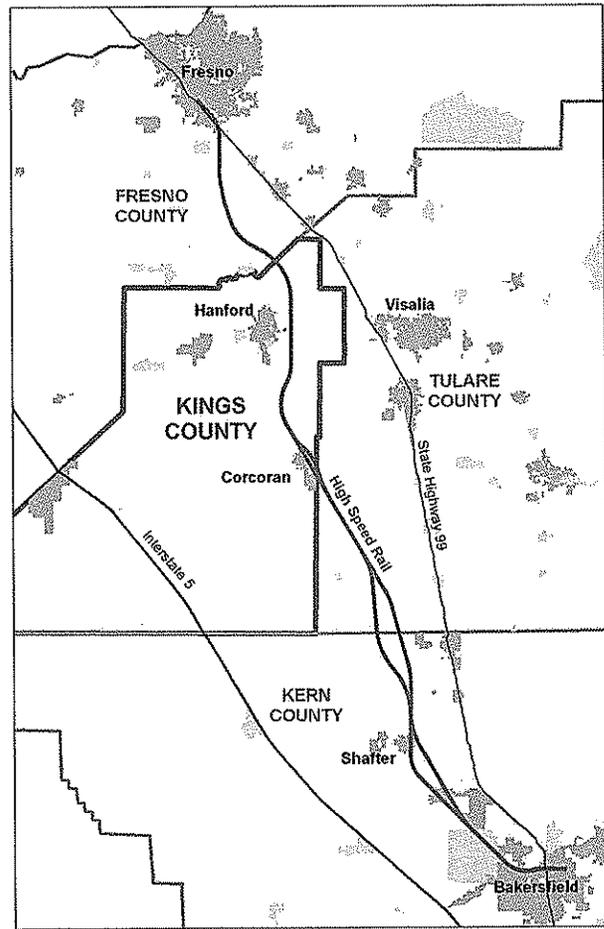
As legitimate issues of concern have arisen, many of these project concerns have not gained much media attention. This may be due to the fact that CHSRA has an estimated \$12 million devoted to public relations for their projects. Interestingly, recent public disclosure of the Ogilvy Public Relations Worldwide contract and others have demonstrated that a significant amount of public tax dollars are being spent to maintain a positive public image for CHSRA. This would not have been the case had the CHSRA project been truly “shovel ready” and had all its engineering and environmental clearances done. It is clear that considerable efforts are poured into monitoring and responding to media.

CHSRA officials are often quoted in the media as saying that they are working closely with local communities and have had numerous meetings. However, the truth of the matter is in the project details and content of those meetings which tells a different story. The reality is that CHSRA has provided few project specific details in these meetings, and mostly asks questions like “tell us what you like and don’t like about the project.” In the cases where there are legitimate issues needing to be resolved, the CHSRA officials are often silent and provide no response, or they direct you to find the answers in the environmental documents. This approach has greatly hindered any meaningful good faith effort towards cooperatively resolving issues. Instead, CHSRA’s mantra has often been “find your own answers” and “analyze and mitigate later.”

HIGH SPEED RAIL DEVASTATION IN KINGS COUNTY

The Fresno to Bakersfield Project Draft EIR/EIS proposes high speed rail to cut through 28 miles in Kings County, traveling through the City of Corcoran and prime agricultural land. A proposed optional station (referred to as “Kings-Tulare Regional Station”) is to be located east of the City of Hanford, outside planned urban growth boundaries. The proposed rail alignment referred to as the “BNSF Alignment,” aligns with only about 5 miles of existing BNSF rail near Corcoran, before crisscrossing through the county’s prime agricultural land and dairy industry region known locally as the county’s “Dairy Belt” which serves as a major economic generator for the county. Interestingly, the diagonal crosscutting pattern developed by CHSRA was not covered in the Program EIR/EIR, but instead added in 2007 to accommodate Tulare County interests. The original Program EIR/EIS alignment running west of Hanford was discarded by CHSRA in the Project EIR/EIS, only to be re-introduced on October 5, 2011 after considerable opposition arose to the BNSF Alignment.

Kings County is the smallest of the four counties impacted along the Fresno to Bakersfield Section Project EIR/EIS, yet faces the greatest agriculture related impacts along this route according to the Project EIR/EIS. Communities in the county rely heavily upon agriculture as a major component of the local economy, while larger county neighbors to the north, east and south have greater population and diversified economies.



Kings-Tulare Regional Station

Kings County happens to have the only CHSRA proposed station located outside of an existing urbanized area, and outside of any planned urban growth area. This poses significant challenges as it is located in prime agricultural land identified for priority preservation, and conflicts with local land use plans. As an urban use, the station would potentially incite increased urban sprawl and leap frog development in a manner that completely disregards coordinated city and county comprehensive land use plans, Local Agency Formation Commission established urban growth boundaries and provisions for municipal services. CHSRA relies upon this station location to justify access to a population of 450,000 within a 20 mile radius for their ridership model. Even though California Proposition 1 A specifically outlines funding for 22 proposed stations, the Kings-Tulare Regional Station is identified as a “Possible Station” that is not recognized for funding as it is the 24th station. The Project Draft EIR/EIS avoids analyzing this potential station by claiming that there are “no construction details” available.

Specific Unresolved Impacts

Some of the more noteworthy specific impacts relative to Kings County that were not adequately addressed in the Fresno to Bakersfield Project Section EIR/EIS despite numerous meetings where these concerns were brought to the attention of CHSRA include:

1. Approximately 7,100 acres of severed and/or disrupted agricultural acres.
2. 11 impacted dairies that may require substantial regulatory agency re-permitting and time delays.
3. Baker Commodities that provides critical cow rendering services to 800 dairy operations and would require re-permitting and relocation.
4. Kings County Fire Station No. 4, along with the regional firefighter training grounds, and helipad that supports SkyLife medical helicopter transport, Fire Department search and rescue helicopter utilized by CalFire, and Kings County Sheriff patrol surveillance helicopter operations.
5. Other emergency services including local fire, law enforcement and public works to support the CHSRA project.
6. CHSRA Project crosses over a \$66.6 million Central Valley Next-Generation Broadband Infrastructure Project. This Broadband Fiber Optic project has \$46.6 million in ARRA funding, and \$20 million in private matching funds.

All of these local businesses, critical county operations, and ARRA funded project are not fully addressed in the Fresno to Bakersfield Project Section Draft EIR/EIS. In addition, this EIR/EIS determines that there will be disproportionate economic impacts to Kings County in comparison to surrounding counties that seek to benefit economically from the project.

Kings County has estimated the potential economic impacts from construction of the high speed rail "Initial Construction Segment" in Kings County to be significant:

- An estimated \$100 million annual economic loss could result to the county
 - 8,203,595 Annual ag production loss
 - 28,700,000 Estimated annual supporting industry loss
 - 50,000,000 Estimated annual dairy industry loss
 - 11,000,000 Annual downtown business loss from Amtrak
 - 1,100,000 Estimated annual property tax loss
- In comparison, the Project EIR/EIS claims Kings County will economically benefit by \$700,000 in short term construction related sales tax generation according to **Section 3.12.5 Environmental Consequences, B. High-Speed Train Alternatives on Page 3.12-37.**
- In relation to **Agricultural Businesses on Page 3.12-66** there is no analysis of the potential loss or disruption of existing jobs.

Use of Amtrak as "Independent Utility"

CHSRA has prepared a Fresno to Bakersfield Section Project EIR/EIS that only hints to the possible utilization of Amtrak on the high speed rail line if funds are not available to complete a true high speed rail operational segment. However, the Business and Funding Plan released on November 1, 2011 expands considerably upon Amtrak as a "backup" plan to ensure there is some usability for the HSR right of way if future funding does not occur. According to statements made by CHSRA, if additional HSR funding is not available "at best this project would result in a 45 minute improvement in Amtrak San Joaquin service."

The potential switch of Amtrak's San Joaquin service over to any proposed CHSRA route would result in the loss of the Hanford Amtrak Station and Corcoran Amtrak Station. Amtrak connectivity in both these cities provides added sources of visitor revenue. Hanford downtown businesses estimate that the loss of the Amtrak station in Hanford could result in the loss of \$11 million annually to downtown business. These economic and other Amtrak related issues have not been addressed by CHSRA.

Deferred Mitigation

In seeking the least costly project commitments, CHSRA environmental documents consistently outline deferred mitigation to address potentially significant impacts upon local property owners, agricultural operations and other business. A typical mitigation response in the Project EIR/EIS documents is the deferral of specific impacted private property mitigation being deferred to future contracted right of way agents to determine after project approval.

Examples from the Fresno to Bakersfield Project Section Draft EIR/EIS

- **Section 3.12.5 Environmental Consequences, Agricultural Businesses, Page 3.12-66**
The Project EIR/EIS refers to a "relocation plan" for dairy operations and the unique rendering facility in Kings County be developed later. However, the same "to the extent feasible" escape clause is built in to the relocation efforts as is typical with other aspects of this Project to allow as much cost avoidance as possible while keeping the Project on track for development. As this Project does not fully evaluate the potential cost of relocation efforts because there is no accounting of property specific facilities, infrastructure, crops, and other factors, the CHSRA has failed to fully inform the public and the decision makers of all potential costs associated with relocation of impacted properties in Kings County.
- **Section 3.12.5 Environmental Consequences, Economic Effects on Agriculture, Page 3.12-74**
The Project EIR/EIS addresses impacts to agriculture production loss by providing generalized simple statements such as "reduction in agricultural production can be expected." There is no further analysis or evaluation of what that impact or loss actually is. Instead, mitigation and loss is to be determined by the right-of-way agents.
- **Section 3.12.5 Environmental Consequences, Economic Effects on Agriculture, Page 3.12-74**
The Project EIR/EIS addresses impacts to dairy operations by claiming that "operations would be required to reduce the number of cows housed at the facility." There is no analysis or quantification of associated economic costs to the impacted dairy operations. Dairy operators have had to hire their own consultants to evaluate the future permitting and sustainability of their individual agricultural businesses which will be impacted. CHSRA defines that these impacts are to be determined later and resolved by the right-of-way agents.

DISREGARD OF LOCAL CONCERNS

Public statements and media portrayals of CHSRA profess to claim they are working with local governments and the public. However, their well documented actions demonstrate a different reality, one that involves a “get the project done no matter what” attitude. The concerns of property owners, business owners, and local government have been dismissed. Lists of specific instances of disregard include:

- Deplorable treatment by Curt Pringle, then Chairman of the CHSRA at its May 5, 2011 meeting, when Kings County Farm Bureau’s Executive Director, Diana Peck attempted to raise concerns with the project. He spoke in a condescending tone, dismissive of the concerns raised and stated that the Authority had done all it was going to do with Kings County and other local entity’s positions. Mr. Pringle dismissed Ms. Peck by stating that she did not represent the county and that if she had concerns “put it on a note.” (see: <http://www.cahighspeedrail.ca.gov/displaycontent.aspx?id=10048>)
- New Chairman Umberg continued the disregard for Kings County, at the Authority’s July 14, 2011 Board meeting in Bakersfield when he, unilaterally cut off the unscheduled public comments of sixteen waiting Kings County residents by moving them to the end of the agenda and then shutting down the meeting after they had waited five hours and before they had a chance to speak. This was done even though they had submitted speaker cards and denial of their right was brought to the attention of counsel from the State Attorney General’s staff present. The Authority Board then attempted to make good by requesting they provide their comments at the August 25, 2011 meeting in Sacramento. (see: <http://www.cahighspeedrail.ca.gov/displaycontent.aspx?id=10385>)
- During a September 2011 public hearing in Hanford, California, to discuss the recently issued EIR/EIS, a 33 second video captured the Authority’s newly hired Deputy Director of communications, Lance Simmons, falling asleep as people testified.
- During its November 3, 2011, Authority Board meeting Kings County resident, Frank Oliveira, one of 32 county residents who traveled several hours to Sacramento to voice concerns at the Authority's monthly board meeting, was approached by two California Highway Patrol officers to leave the podium after speaking approximately 26 seconds past his allotted **one minute** public comment period. (See: http://www.cahighspeedrail.ca.gov/offsite_redirect.aspx?id=11299)

Other Jurisdictions

Other impacted jurisdictions and their citizens who have raised concerns have received similar treatment. Listed below are excerpts and links:

- **City of Chowchilla, City Council Meeting – July 25, 2011**
City Council considers and adopts Urgency Ordinance on July 25, 2011 to prevent high speed rail construction in the City. On August 8, 2011, the City Council considers extension of Urgency Ordinance No. 459-11 due to unresolved impacts and concerns with the CHSRA project.

David Alexander, Mayor – the Mayor has stated that the City had thought the CHSRA was working with the City to design a least impacting route through the City. The city even devoted their limited city planning and engineering staff over an entire year to work with CHSRA, only to find out that all of their recommendations and mitigations were discarded.
<http://ci.chowchilla.ca.us/councilminutes/08%2008%2011%20cc%20rda%20minutes.pdf>

- **City of Bakersfield, City Council Meeting – September 14, 2011**
City Manager Alan Tandy – expresses great concern to the City Council over how the CHSRA is conducting business. He states that the City’s input and recommendation have been discarded.
http://player.ci.bakersfield.ca.us/media/Council/2011_9_14cc-v2.wmv
- **City of Fresno, City Council Meeting – October 16, 2011**
Scott Mosier, Assistant Public Works Director – stated that some 600 (or upwards of 1,500) businesses may be forced to move, and that the 15% design build will have issues because the CHSRA will still be working out issues as they go. There will only be limited direction provided in the EIR document. He stated that the “city does not want the Authority to throw out alternatives due just to cost.” Most importantly, he stated that “It is very frustrating to not have the detail to know what the impacts will be to landowners.”

The Fresno City Council later confirmed that the CHSRA project leaves too many questions unanswered, and requested staff to formally acknowledge that the city considers the environmental reports inadequate.

<http://www.fresno.gov/video/council/CouncilVideo111006.asx>

Requests for Coordination

CHSRA and Federal Railroad Administration (FRA) have and continue to refuse to coordinate their Project with Kings County despite repeated requests which included detailed concerns. Only a quick overview of Kings County’s well-documented efforts are summarized below. The bottom line is that the Authority simply does not care what Kings County’s concerns are. In bringing these issues to the FRA, they disregard their very own procedures (“Procedures for Considering Environmental Impacts” FRA Docket No. EP-1, Notice 5) that require consultation with local authorities to ensure environmental issues are addressed at the earliest opportunity, and that evidence of consultation be provided.

- **May 25, 2010** Kings County Board of Supervisors (KCBOS) adopted Resolution No. 10-033 supporting continuing development of high speed rail on a statewide basis, with a unified approach for the Central Valley, along existing transportation corridors, and opposing alignments where transportation corridors do not exist.
- **March 1, 2011** KCBOS adopted Resolution No. 11-015 to document its concerns and insist that CHSRA coordinate with Kings County to resolve issues as early and quickly as possible.
- **March 4, 2011** KCBOS sent letter to CHSRA CEO Roelof van Ark requesting government to government coordination.
- **March 29, 2011** Mr. van Ark responded to coordination request by stating that they “are absolutely committed to working with our local partners” and that he had assigned

Jeff Abercrombie, Central Valley Area Program Manager, to work directly with Kings County.

- **April 11, 2011** Mr. Abercrombie advised that he disagrees with Kings County's request for coordination and instead requested the county provide input to a Technical Working Group for the Fresno to Bakersfield section.
- **April 19, 2011** KCBOS held its first coordination meeting where specific department by department concerns were raised related to the proposed project. Mr. Abercrombie and CHSRA consultants did not address the specific concerns. Instead, Mr. Abercrombie conveyed that they did not agree with our "legal basis for the effort of coordination" but did indicate "over the course of the next several months, we do expect to be back here and I do expect to provide the answers you are seeking..." This did not occur.
- **May 6, 2011** KCBOS sent a detailed letter to then CHSRA Chairman Curt Pringle summarizing the concerns and questions raised at the attempted coordination meeting on April 19, 2011, and requested a follow up meeting where the Authority would be requested to reply to the county as to how it would resolve conflicts and concerns identified.
- **May 17, 2011** Rather than provide a follow-up coordination date, Mr. Abercrombie indicated he wanted to meet to "verify that we have covered the issues of concern in the environmental document" and stated, as though he had never met with Kings County before, "[i]f there are issues of particular interest that you wish to discuss, please advise..."
- **May 27, 2011** KCBOS again responded that it seeks coordination on this project not just referral to a yet to be released Project EIR/EIS. KCBOS requested a copy of the administrative Draft EIR/EIS to review prior to its release to determine if its concerns were addressed. It also again requested a follow-up coordination meeting.
- **June 7, 2011** KCBOS held a second coordination meeting with Mr. Abercrombie wherein he indicated he could not answer most questions and stated that "all of the answers to your questions will be in the Project EIR/EIS".
- **August 2, 2011** KCBOS sent a letter with attachments (338 pages including transcripts from April 19 and June 7, 2011 meetings) to Joseph Szabo, FRA Administrator requesting coordination because CHSRA had refused to do so.
- **August 24, 2011** KCBOS sent letter to California Governor Jerry Brown requesting intervention in the Fresno to Bakersfield Segment as the Project Draft EIR/EIS was released on August 15, 2011 and, despite CHSRA's assurances, did not address Kings County's concerns.
- **September 12, 2011** Mr. Szabo acknowledged receipt of the August 2, 2011 KCBOS letter. He did not address any of the issues raised by Kings County. Instead, he directed the county to the Project Draft EIR/EIS.
- **September 21, 2011** Although both CHSRA and FRA refused to coordinate its project, it attempted a short notice meeting with no specific agenda as they were passing through the Valley for public hearings. They requested a meeting with counterparts at the county rather than the Board of Supervisors, even though they were acutely aware of the KCBOS' repeated coordination attempts.
- **October 12, 2011** KCBOS submits comments on the Fresno to Bakersfield Project Draft EIR/EIS which outlines unresolved concerns and issues with HSR plans through Kings County.

- **November 2, 2011** KCBOS sends letter to Mr. Szabo with FRA, a 26 page response to his September 12, 2011 letter reiterating the unresolved issues with the CHSRA project running through Kings County. A request is again made to coordinate this project with local plans and concerns as there is sufficient time with the additional six month period while CHSRA prepares the Hanford West alignment as an alternative.

Disregard of California Legislative Analyst's Office Concerns

The Authority has not only ignored Kings County's concerns, but also that of the California LAO's office. In a November 29, 2011 report on "High-Speed Rail Authority: The Draft 2012 Business Plan and Funding Plan" it detailed, in summary, some of the following major problems which are critical and relevant to Kings County:

- **Initial Construction Segment (ICS) Proposed Using Committed Funds** (Page 3) - the LAO states that the ICS between Merced and Bakersfield will have "Independent Utility" by switching Amtrak San Joaquin service. Yet the impacts of such a proposal have never been addressed by CHSRA and pose significant economic impacts to Kings County businesses.
- **Economic Impact Analysis is Imbalanced** (Page 8) - the LAO states that "the plan does not estimate economic losses from negative impacts to businesses from right-of-way acquisition and rail construction activities." This determination is reinforced by the numerous events that transpired where CHSRA has ignored local concerns and produced incomplete Project Draft EIR/EIS documents.
- **Independent Benefits of ICS Unlikely to Justify Expense** (Page 8) - the LAO states that it is doubtful that substantial additional federal funds will be available. Therefore, it is "likely that the ICS may be all that is ever built." This confirms the worst case scenario for Kings County as it will experience a disproportionate degree of economic impacts to a smaller county community that is more highly dependent upon agriculture. Kings County faces the greatest agricultural impacts along the Fresno to Bakersfield Project Section as identified in this segment's Project Draft EIR/EIS.

CHSRA Ag Working Group

On March 17, 2011, the California Assembly Agriculture Committee, and the Select Committee On High Speed Rail set a joint hearing seeking to address high speed rail impacts on agricultural lands. At this meeting it was requested by the agricultural community that an "Agriculture Committee" be formed to bring greater accountability in addressing impacts to agriculture. This work was to have been done before the release of the Project Section Draft EIR/EIS documents. The release of the EIR/EIS documents occurred on August 15, 2011, and public comment closed on October 13, 2011 without the formation of an agriculture committee.

However, at the November 3, 2011 CHSRA Board meeting CEO van Ark stated that "the ag working group has met 5 times and addressed all agricultural impacts." These impacts included high speed rail wind, pesticide drift, dairies, noise, vibration, irrigation, equipment movement, and agricultural lending. Little to no information was made available on this group or meetings, and so on November 10, 2011 a public records request was made to CHSRA.

On November 17, 2011, CHSRA responded to the request by providing only agendas and cursory information. However, the one item worth noting is Project Manager Jeff Abercrombie's memo to CEO van Ark dated November 14, 2011. In this memo Mr.

Abercrombie stated that “the group will need three to six more meetings to complete its work.” What Mr. Abercrombie was referring to is a list of high speed rail related impacts upon agriculture that were not addressed in either of the Project Draft EIR/EIS documents. Obviously, the intent of CHSRA is to address these agriculture related issues after the public comment period has closed. This effectively avoids public disclosure and review of this new information prior to release of the Final Project EIR/EIS documents that CHSRA will base their decisions on. Clearly, this afterthought process to address agriculture impacts circumvents the intent of both State and Federal environmental laws that are designed to protect the public by requiring full disclosure of potential impacts and evaluation of potential mitigation.

CONCLUSION

In Kings County the “stakes” are high, and continued disregard for local concerns and issues places Kings County in an undesirable role of being a rural/agricultural community sacrificed for the greater good of other larger communities. Kings County has always remained committed to working cooperatively with State and Federal agencies, but when it comes to high speed rail there is no good will in return. Despite repeated calls to State and Federal officials to resolve these matters before the project moves forward, the county’s requests continue to go unanswered and remain unresolved. CHSRA and FRA officials claim Kings County to be “naysayers” and “nimbys,” yet the countless documentation tells a different reality. If CHSRA and FRA can not work with the smallest of rural/agricultural counties in California’s San Joaquin Valley, who can they work with? As Kings County has attempted to bring legitimate issues to the attention of both CHSRA and FRA to resolve them early in the process, their uniform response has been clear. They seek only to “steamroll” over any critics or opposition instead of build a sustainable public supported project.

In closing, Kings County commends this Committee for asking the hard questions, and demonstrating integrity and public accountability as it seeks answers to how high speed rail is being implemented in California.