

22 Local Agency Comments

Part 2 of 4

Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #247 DETAIL

Status : Unread
Record Date : 6/21/2019
Submission Date : 6/21/2019
Interest As : Business and/or Organization
First Name : Desmond
Last Name : Johnston
Submission Content :

Dear High-Speed Rail Authority,

Attached please find the City of Chowchilla's comments on the Draft Supplement EIR/EIS.

Please direct responses to Rod Pruett, City Administrator.

Thank you.

Regards,
Des

Desmond Johnston, AICP
Senior Planner
2816 Park Avenue
Merced, CA 95348
209.723.2066 Office
209.777.3462 Mobile
www.QKInc.com<http://www.qkinc.com/
Attachments : Letter of Comment to CAHSRA - CV Wye DSEIR.pdf (1 mb)



June 20, 2019

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

Subject: Comments on the Central Valley Wye Draft Supplemental EIR/EIS

Dear High-Speed Rail Authority:

247-174 The City is concerned that the City's preferred alternative Wye configuration is not the one identified by CHSRA as the Draft SEIR's preferred alternative. The "Avenue 21 and Road 11" alignment, south of SR 152, is the only alternative that does not rupture our City. We request that this alternative be analyzed as previously requested, and that it proceed as the preferred Wye project alignment.

247-175 City residents, councilmembers and staff understand local conditions, the needs of the people living here, our preferred travel routes, economic drivers, and those things that improve or detract our aesthetic values and quality of life. The Avenue 21 and Road 11 project alignment will cause the least damage to the City's land uses, utilities, growth plans and prosperity. CHSRA must recognize that it has previously committed, per the Settlement Agreement signed by CHSRA on January 24, 2014, that it would not select a route that would enter the City. Failure of CHSRA to abide by the settlement, to move forward with a different alignment such as the one now presented in the Draft SEIR, will be a breach of the adjudged settlement.

247-176 The City also reminds the CHSRA, per our letter request last week to extend the public review period, that 45 days is not enough time for staff and decision-makers of a small City, or for anyone, to read and comment on an assessment of a project of this scale and lasting consequences. If the Draft SEIR was only a CEQA EIR it would not be enough time. CHSRA has published a combined CEQA/NEPA document, and CHSRA staff states that the NEPA portions are likely irrelevant due to federal non-involvement. As a dual CEQA/NEPA EIR/EIS, it is not reasonable to expect reviewers to ferret out what is germane only to CEQA and to commenters' area of concern from among what is embedded within many hundreds of pages.

Given that the SR 152 and Road 11 alignment is at this time identified as preferred by CHSRA, below is a summary of those areas we find the Draft SEIR as not having been adequately addressed.

130 S Second Street, Chowchilla, CA 93610
Telephone: (559) 665-8615 Fax: (559) 665-7418 www.cityofchowchilla.org

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247-177	<p>Impact Avoidance and Minimization Features (IAMFs)</p> <p>1. Impact analyses assume implementation of IAMFs and therefore does not disclose environmental impacts that would occur if the IAMFs are not implemented. Lotus vs. Caltrans (2014) directs that when a project incorporates measures to avoid or reduce environmental effects, an EIR must evaluate and disclose the effects in the absence of those measures. This is particularly relevant to the DSEIR in that the IAMFs do not provide sufficient commitments, detail, or performance standards to ensure they would adequately reduce potential impacts, yet the DSEIR assumes they would be adequate and therefore fails to disclose impacts that would occur if the IAMFs are not more clearly defined and fully implemented.</p>	247-185	<p>9. Identify specific phasing for construction of segments/intersections to minimize concurrent construction and cumulative traffic impacts associated with interchange and/or grade separation structure construction; and avoid starting construction without having all ROW and/or Utility clearance issues resolved to minimize potential for construction delays once started.</p>
247-178	<p>Mitigation Measures - General Comments</p> <p>2. Mitigation Measures are brief phrases and do not provide substantive detail of implementation requirements or performance standards.</p>	247-186	<p>10. The City should be provided the opportunity to review and approve/concur with construction impact analyses, mitigation requirements, facility design, and construction monitoring of HSR-related construction or reconstruction of City roads and other infrastructure, and be subject to Chowchilla Department of Public Works encroachment permits. CHSRA and all of its contractors should be required to fully comply with conditions of local agency permits and this provision should be included in any contracts CHSRA enters into with any contractor who is designing/constructing HSR-related facilities. If not in existing contracts for facilities in Chowchilla, the provision should be added.</p>
247-179	<p>3. The DSEIR is unclear with regard to how the mitigation measures adopted for the 2012 Merced-Fresno segment relate to the mitigation measures identified in the Central Valley Wye EIR.</p>	247-187	<p>11. As part of the project construction and the significant impacts of permanent road closures resulting from HSR facilities, there should be designed and constructed a full access interchange at SR 152 and SR 99 providing full access in all directions.</p>
247-180	<p>Transportation</p> <p>4. Existing road network access will be closed, and that traffic will be funneled to fewer access points, with increased and unanticipated loading at those points, with need for additional ROW acquisition, road widening, signalization, etc. CHSRA should fully analyze the increased volumes at the remaining roads, and provide appropriate design and construction mitigations and provide for review and acceptance by the City Engineer. Sufficient funds should be provided by CHSRA for City staff involvement supporting the project.</p>	247-188	<p>12. Road closures and route modifications analysis consider "representative" roadway segments, but should evaluate ALL affected routes, including Avenue 25 which is a main agricultural thoroughfare into the City.</p>
247-181	<p>5. The project, both during construction and long-term, will reduce the number of existing accessways into and out of the City's urban core, will restrict traffic flows, and cause increased response times for emergency responders. Slower response times will increase the potential for fatalities and loss of property. Slower calculated response times will erode the City's Insurance Service Office (ISO) rating, driving up municipal corporation costs and reducing the City's attractiveness to future developers and investors. This is not adequately addressed in the Draft SEIR.</p>	247-189	<p>13. Establish mechanism to minimize construction-related traffic effects (detours, closures) through construction scheduling and phasing; and review and approval of construction traffic management plans by affected local agencies.</p>
247-182	<p>6. The project will result in redirected traffic flows to Robertson Blvd and SR 99. The effects on this interchange should be analyzed further, with mitigation to increase Robertson Blvd to at least 4 lanes with adequate pedestrian access as well. The increased traffic will also require Robertson Blvd to be signalized on both sides of SR 99.</p>	247-190	<p>14. Establish mechanism to ensure construction contractors are accountable to HSRA and to the City for adherence to construction/traffic management plans and mitigation requirements.</p>
247-183	<p>7. Mitigation for impacts to local agency transportation infrastructure due to construction activities (i.e. detour and haul routes).</p>	247-191	<p>15. With visibility toward, and access into, Chowchilla and the industrial park from SR 152 substantially diminished, traffic eastbound on SR 152 that presently cannot transition to northbound SR 99, must be afforded the opportunity to access the City before being shunted southbound on SR 99. CHSRA should provide for reconstruction of SR 99/SR 152 interchange that includes northbound/southbound on- and off-ramps.</p>
247-184	<p>8. Analysis of proposed SR 152 at-grade crossings for City roads with respect to the General Plan Circulation Element, and Freeway agreements with Caltrans for SR 152.</p>	247-192	<p>16. Minimize permanent local road and crossings closures, and accommodate increased traffic on roads/crossing that will remain.</p>
		247-193	<p>17. Restore and improve existing local roads to mitigate construction impacts and to accommodate increased use due to closure of other roads.</p>
		247-194	<p>18. The SEIR has not addressed the impacts of construction material hauling and other construction upon rural City roads. Many existing roads are in poor condition and the addition of material hauling vehicles and other construction equipment may significantly</p>

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247-194 deteriorate or destroy them. The City's entire road network must be upgraded to handle the increase in material hauling.

247-195 **Air Quality and Climate Change**
19. Particulate matter generated by trains moving at 220 MPH needs to be discussed and appropriately mitigated. Road closures and very large overcrossings in industrial areas. These large overcrossings and raised track will have impacts upon climatic conditions (temperature and wind patterns). Mitigation measures should be coordinated with local landowners and City officials, with delineation of specific areas that will be impacted and specificity on type and degree of impacts.

247-196 20. The document does not appear to sufficiently evaluate health effects of criteria air pollutants as required per Sierra Club vs. Fresno County (CA Supreme Court, 2018).

247-197 21. Appendix C.12-3 (Children Health Risk) oversimplifies project benefits without discussion of air quality impacts at specific locations due to road system modifications.

247-198 22. Ensure that the HSR does not adversely affect the region's ability to comply with Federal Clean Air Act "Transportation Conformity" requirements.

247-199 **Noise and Vibration**
23. Effects of decelerating and accelerating trains on the south and west sides of Chowchilla have not been fully addressed. It is noted that the CHSRA will work with affected communities to develop performance criteria for noise mitigation and to also develop design guidelines. Such efforts may be helpful after the fact, but push off formulating mitigation to a future unknown time, and additionally impose such mitigation on the City and its residents rather than on the source of the noise and vibration - the HSR Wye project. This must be resolved to the satisfaction of the community prior to certifying the Final EIR.

247-200 24. The long-term effects of vibration and electrolysis to pipelines and agricultural and municipal wells needs to be addressed and disclosed, and adequately mitigated. There will be a problem for those impacted landowners to acquire operational financing to deal with the long-terms effect once HSR is ongoing and effects become apparent.

247-201 **Environmental Justice**
25. The Wye project imposes an enormously negative and disproportionate degree of impact on the City of Chowchilla, its community and its people. Chowchilla is in the center of the State's largest economically disadvantaged region, the Southern San Joaquin Valley. Chowchilla has a high minority demographic, a low median household income, and among the highest unemployment rates in the State - twice the State and national averages - and is deemed a "Very High Unemployment Area." No other community in the State will have HSR track and trains wrapping it on two sides. No other community will be enclosed in such a manner. HSR, while positive for many people of the State in many ways, is not a benefit to Chowchilla, but intensely damaging to our infrastructure, our safety, our plans, our future. Whether running east-west or north-south, every train will pass through our City, and pass it by. There will be no station here, but there will be the constant drone of engines winding-down and spooling-up, and the hum of steel

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247-201 wheels on rail, decelerating and accelerating around the mere intersection of a massive rail project that Chowchilla will become, carrying riders who can afford it, between the great population centers of California. The long-term economic impact on Chowchilla is unimaginable, and certainly the Draft SEIR has made little effort to assess it. The City requests that as a matter of mitigation and of justice, the future Heavy Maintenance Facility (HMF) be located in Madera County, consistent with the City's previous requests and resolutions, that is proximate to the Wye and which corresponds to the area of greatest impact, to assist in partially off-setting this impact by providing some measure of employment and business opportunity.

247-202 **Public Utilities, Services, Safety and Energy**
26. The City of Chowchilla wastewater treatment plant (WWTP) is nearing capacity, and the General Plan calls for a second WWTP to be constructed west of the City along the north side of SR 152. The City is presently cooperating with the California Water Resources Control Board request that the City provide wastewater treatment to the Community of Fairmead, which at present is at risk of contaminating the groundwater supply. The new trunk line from Fairmead will absorb a substantial portion of the City's remaining capacity. However, the proposed Wye alignment runs through the proposed new WWTP site as designated on the GP. In addition to conflicting with the adopted General Plan, the City would not expect to find an alternative WWTP site easily, nor to acquire it without a fight given that all other possible locations are presently designated and zoned for income-producing uses. The City will need CHSRA to acquire and construct the new WWTP in a suitable location.

247-203 27. The Fairmead sewer trunk line will be constructed along the east side of SR99 from the Community of Fairmead north to Avenue 24. If construction of the HSR line precedes construction on the Fairmead sewer line, a sleeve beneath the HSR line will need to be provided for the sewer line, since we expect that CHSRA will not allow excavation beneath the rail line. A second sleeve will also be needed in the event of failure of the sewer line at or near the rail line.

247-204 28. Permanent restricted access along the south side of the City caused by the alignment's raised berm and permanent closures of existing roads will diminish the visibility to, and attractiveness of, the City's industrial park to investors and stagnate development of needed infrastructure that would otherwise be built out by developers. ROW acquisition, water and sewer trunk lines, and streets, consistent with the City's accepted Industrial Park Specific Plan, should be funded by CHSRA.

247-205 29. In the event of an emergency related to HSR, the Chowchilla Fire and Police Departments will provide rescue, extraction, and fire suppression services inside and outside the City. The Chowchilla Fire Department does not own apparatus capable of reaching elevated track and cars in an emergency. A ladder truck will be needed. If HSR, the only bullet train in the country, should become a target of terrorism, Chowchilla Police will respond, will plan for such an event, and must be adequately provisioned to do so. This scenario remains to be addressed. Assurances must be given to the City now that the resources to meet its emergency response obligations to come to the assistance of CHSRA passengers and property will be in place.

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| 247-206 | 30. There is currently one fire station in Chowchilla, located north of the downtown core. A fire station is planned for the Industrial Park and will be needed south of Berenda Slough within Planning SubArea 8 (Chowchilla General Plan). This fire station will be needed with development of the HSR line in order to achieve timely response to emergencies on or near the HSR and should be funded by CHSRA. CHSRA should ensure that this safety need will not be left unmet, that it will be fully accounted for through an agreement with the City before the Final SEIR is certified. | 247-212 | 36. The loss of our way of life, the loss of generational legacy, and deterioration of community cohesiveness – all must be recognized, assessed and quantified as much as possible, and mitigated. The Draft SEIR does not presently address this. |
| 247-207 | 31. The City's drainage master plan and the Chowchilla General Plan call for regional drainage basins to collect stormwater. Chowchilla is in a low-lying area with active flowing sloughs inside the City that pose flood hazards. The loss of open and available lands along the south and west sides of the city that would be suitable for such basins should be compensated by CHSRA with acquisition and construction of appropriately located and sized basins. | 247-213 | <p>Biological Resources</p> <p>37. Ensure that funding or direct habitat conservation provisions are provided by HSRA for any future roadway or other public facilities that may need to be constructed or reconstructed by a public agency as a result of the HSR.</p> |
| 247-208 | 32. The Draft SEIR acknowledges impacts to surface hydrology and to the 100-year floodplain. The Wye configuration, with rail on raised berm along the south and west sides of the City, may have the effect of acting as a dam in the event of flooding from upslope – east and northeast- along the two sloughs. This potential safety issue should be addressed. | 247-214 | <p>Cumulative Projects Analysis</p> <p>38. Table 2-2 should include Chowchilla's Sessions Tentative Subdivision Map, 200 SFR lots that was approved in April 2019. The Fox Hills Community Plan in Merced County is no longer a factor, it has been abandoned for ten years. This may also be the case for the Villages of Laguna San Luis.</p> |
| 247-209 | <p>Aesthetics/Visual</p> <p>33. The Draft SEIR description diminishes the level of visual impact by stating that the CHSRA's preferred Wye alignment isn't as bad as one of the other alignment options that Chowchilla doesn't want. This isn't a finding that Chowchilla finds comfort in. The proposed elevated rail alignment along the north side of SR 152 will have aesthetic and economic impacts on Chowchilla that need further attention than is provided for in the Draft SEIR. Views of Chowchilla from SR 152 will literally be blocked by the elevated berm and rail line, which will suppress interest, commerce and development in Chowchilla. The City's urban core and treeline, and the new industrial park, will no longer be visible from SR 152, which will effectively truncate the City's potential for attracting investors.</p> | 247-215 | <p>Alternatives Evaluation</p> <p>39. The City requests CHSRA return to the Ave 21 & Road 11 alignment option, and select this as the preferred, and environmentally superior, project alternative.</p> |
| 247-210 | 34. Provide high quality, high visibility signage at Chowchilla's "Gateways," which are those roads that will not be permanently closed – Robertson Blvd at SR152 and Road 16 at SR152, as well as Avenue 24 at SR99, to include arches reminiscent of the City's historical entry arch, with City approval of final design and funding by HSR. | 247-216 | <p>40. Alternatives identification okay for developing the preferred alternative/proposed project; however, the DSEIR does not comply with CEQA requirement to consider alternatives that would reduce impacts of the proposed project. Alternatives that would avoid or reduce significant impacts of the proposed project are not identified or evaluated in compliance with CEQA. The alternatives evaluation process described in the DSEIR describes the method for selecting the preferred alternative/proposed project; however, CEQA identification and evaluation of alternatives to the proposed project that would avoid or reduce significant environmental effects of the proposed project. The CEQA alternatives analysis, therefore, must be done after the proposed project is identified and not as part of the process of selecting the proposed project.</p> |
| 247-211 | 35. It can be expected that there will be physical deterioration of areas underneath elevated guideways and alongside at-grade track, including vandalism, graffiti, and blighting. There must be specific programs identified for easements and parks, with architecturally attractive features built into the rail infrastructure, with maintenance and operations to be the responsibility of the CHSRA, and park and ride lots identified with maintenance to be the responsibility of the CHSRA. | 247-217 | <p>Land Use</p> <p>41. The HSR will effectively box the city into a triangle with State-owned linear infrastructure, a containment not addressed by the City's General Plan. We will need help from the State to ensure that Chowchilla is not cut-off from our agricultural economy, commerce, and our neighboring communities.</p> |
| | | 247-218 | <p>42. The CHSRA should provide funding to the City to update the General Plan and the Industrial Specific Plan, the water, sewer, and drainage master plans, and other local planning documents as necessary due to HSR's impacts on existing and planned land uses, effects on land use compatibility, parcel acquisition and division, effects on the established community, and effects on transportation system (existing and planned roads and bike/pedestrian facilities).</p> |
| | | 247-219 | <p>43. Fairmead Elementary School will be displaced, and it remains unclear how this will be sufficiently mitigated.</p> |
| | | 247-220 | <p>44. The Draft SEIR greatly underestimates the CHSRA's preferred alignment's effects on land use. The assessment does not account for our Industrial Park, which we have invested in</p> |

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- 247-220 but is not built-out, and will likely not ever be built-out with placement of the HSR within it. The rail alignment will cause valuable industrial land to be lost from the south end of the City's industrial park. To offset this, the CHSRA should relocate the Chowchilla Municipal Airport to a suitable site west of the City, allowing the existing airport site to become available for industrial development. Once the HSR is being constructed and in-place, it will be extremely unlikely that LAFCo will allow the City any annexations beyond the rail line, as it will be seen as the most significant "natural boundary." The City will be effectively contained by the HSR and not allowed to grow south or west. There will be no new replacement area for the industrial land lost to the HSR. Locating the Airport beyond the HSR line, will free-up the present airport site for the lost industrial land and will mitigate this impact.
- 247-221 45. The SEIR states that there will be no impact on future development of recreational trail corridors. Chowchilla has planned for a broad bike trail and pedestrian path along the south side of Berenda Slough within the Industrial Park, the Berenda Slough Trail, with a 50-foot native landscaped corridor, to connect with the City's Bikeway System. This will not be built if the Industrial Park is not built, and the HSR Wye alignment within the Industrial Park will likely kill investor-developer interest here.
- 247-222 46. Provide compensation, as well as work force training, for economic and community effects of HSR in the City.
- 247-223 47. Provide compensation for loss of property tax revenue from properties acquired for HSR facilities or otherwise affected by HSR (e.g., payments in lieu of taxes).
- 247-224 48. Select the Heavy Maintenance Facility (HMF), and light maintenance and ROW, in Madera County, consistent with those resolutions previously provided to CHSRA, to help offset the economic and community impacts of rendering Chowchilla.
- 247-225 49. With the junction of the San Jose-Merced and Merced-Fresno segments inside Chowchilla city limits, it is reasonable to expect that the HMF facility would be located, and should be located, in Madera County near the Wye. Locating the Wye in Chowchilla results in the HSR having greater and disproportionate impacts in Chowchilla due to the extra track miles needed to accommodate the Wye intersection of the San Jose-Merced and Merced-Fresno segments. Locating the HMF in Madera County would provide revenues/jobs and would contribute to offsetting adverse effects of the Wye.
- 247-226 50. The Authority should coordinate with the City and Madera County agencies for selection of an HMF site for the proposed project and development and operation of an HMF on the selected site should be evaluated as a component of the project.
- 247-227 51. The HSR Wye project will have the cumulative effect of exacerbating the existing delays and disruptions to Downtown caused by the at-grade SP Rail Road, which include disrupted vehicle traffic flows, diminished economic access, lessening of aesthetic values, and reduced private development and sales tax revenue for public frontage improvements. The Draft SEIR should do more to quantify and address this loss, and to provide mitigation.

- 247-228 **Socioeconomics**
52. The loss of property values within the community will be substantial. The rail alignment along SR 152 will impact the existing land uses, and those uses for which the parcels are zoned and upon which the City has heavily invested for its future. The rail project has the potential to further divide the City, and to make development costs prohibitive in the industrial area. We ask that these very real impacts be identified and that appropriate mitigation provided in the Final SEIR.
- 247-229 **Agriculture**
53. Provide compensation for reduced jobs and income associated with permanent loss of agricultural land and productivity.
- 247-230 54. Assessed valuation decreases- Ag land being displaced for the rail will cause decrease in value. There will be reduced ability to issue bonds, and reduced property tax for operations. Property tax in-lieu should be provided to the City.
- 247-231 **Groundwater**
55. The Draft SEIR states there will be no impacts to groundwater. The City has no surface water source and relies on groundwater. The City may in the future be required to find new well sites outside the urban boundary and south and west of the proposed Wye rail alignments. We expect that the CHSRA will not allow excavation or horizontal drilling beneath the rail line if water trunk lines are needed. Multiple sleeves should be installed beneath the rail line during construction at various locations to allow for future municipal water lines. Alternatively, the CHSRA should participate in the cost of developing a surface water alternative for the City.
- 247-232 56. Access groundwater and recharge to preserve groundwater rights on lands acquired by SRA and/or segmented by HSR facilities.
- 247-233 57. Provide a mechanism to ensure that groundwater rights associated with acquired properties are sufficient for retaining local access to groundwater and aquifer for regional water supply and groundwater recharge needs.
- 247-234 **Schools**
58. The Draft SEIR has identified EJ-MM#1 as a mitigation measure to minimize environmental justice impacts associated with the construction of the three alternatives involving SR-152. EJ-MM#1 states the Authority would pursue the purchase of Fairmead Elementary School ("Fairmead Elementary") from the Elementary District, only after Fairmead Elementary is closed and a new school is built in Chowchilla. EJ-MM#1 further states that after such purchase, the Authority would transfer the school site to the County of Madera ("County") for operation and maintenance as a community center for the residents of Fairmead. EJ-MM#1 is inadequate for the reasons stated below. CEQA requires that "[m]itigation measures *must be fully enforceable* through permit conditions, agreements, or other legally-binding instruments." (Cal. Code Regs., tit. 14, § 15126.4(a)(2).) The purpose of this requirement is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then disregarded. (*Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) EJ-MM#1 is insufficient because it lacks a

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247-234 | legally binding commitment for its implementation. EJ-MM#1 simply indicates that the Authority will "pursue" the purchase of Fairmead Elementary from the Elementary District. Of course, "pursue" does not equal "purchase," and thus, the measure does not constitute a "fully enforceable" commitment. Similarly, EJ-MM#1 states that the Authority would "coordinate" with the County for identification of long-term funding mechanisms for the operation, maintenance, and insurance of the community center. Again, this "coordination" does not constitute an enforceable commitment. EJ-MM#1 lacks sufficient detail to support a finding that such measures "have been required in, or incorporated into, the project" as required by Public Resources Code section 21081(a)(1). The Authority must reach a binding agreement with the Elementary District for the purchase of the Fairmead Elementary site prior to approving this EIR.

247-235 | 59. The Authority has identified various socioeconomic impacts to community cohesion resulting from construction activities themselves on any of the three SR-152 alternatives. For example, the Authority notes that construction activities would "introduce a visible and functional barrier that could deter neighbors from interacting, participating in community activities, and supporting each other, and could result in a perception by area residents that they have been separate from their community." (pg. 5-32.) Additionally, the SR-152 alternatives would create a permanent linear feature that would divide the northern and southern portions of the community, so that the residential northern part of the community would be separated from both residents and community facilities located south of Avenue 23. (pg. 5-33.) The appropriate remedy is to come to an agreement with the Elementary District prior to adoption of the EIR that ensures EJ-MM#1 can be implemented in a timely manner.

247-236 | 60. The California Education Code limits the amount of general obligation bonds that elementary school districts may sell during any fiscal year to 1.25% of the total taxable property within the school district. (Ed. Code, § 15102 and 15268.) Thus, a school district's bonding capacity is directly tied to the total assessed value of property within its boundaries. Th Authority recognizes that the project would result in the acquisition and displacement of residents, which would remove some private property from the local property tax rolls and reduce the local property tax revenues available to school districts. (See Impact 50 #11.) However, the EIR fails to address how the net reduction in the number of taxable properties within the Elementary District will also adversely impact the Elementary District's future bonding capacity, and thus the Elementary District's ability to maintain and construct school facilities for children in the community. The Authority should consider and address the level of significance of the adverse impact to the Elementary District's bonding capacity.

247-237 | The Final SEIR needs to recognize these impacts, the mitigation recommended here, and provide for ongoing dialogue and agreements to address them before the Final SEIR is certified. Additional comments on Chowchilla's behalf are provided in the Wye Madera County Task Force comment letter, and are incorporated here by reference.

The City of Chowchilla City Council and citizens of Chowchilla thank you for considering the City of Chowchilla, County of Madera, as a potential home for the HSR heavy maintenance and storage facility. The City of Chowchilla will continue to work collectively with the CHSRA and

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247-237 | the State of California on the HSR route alignment that is supported by the local residents and by the previously approved Resolution Nos. 27-10, 81-15, and 25-16. It is imperative that suitable mitigation measures be provided to off-set impacts to the City of Chowchilla. Thank you for your awareness of the integral role our City plays in the success of HSR.

We sincerely appreciate your attention to our commitment to support the HMF site in Madera County, consistent with previous requests, that aligns itself in close proximity to existing transportation corridors, the rail alignment, and which continues to provide for the protection of valuable agricultural and industrial land of Madera County and the City of Chowchilla.

Sincerely,



Rod C. Pruett, CPA
Interim City Administrator & Director of Finance
City of Chowchilla

Attachment: Chowchilla City Council Resolution No. 25-16

Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-238

COUNCIL RESOLUTION # 25-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA, CALIFORNIA, IN SUPPORT OF LOCATING THE CALIFORNIA HIGH SPEED RAIL HEAVY MAINTENANCE FACILITY IN MADERA COUNTY

WHEREAS, the City of Chowchilla joins the County of Madera and the City of Madera in support of locating the California High Speed Rail Maintenance Facility in Madera County; and,

WHEREAS, the County of Madera is in the center of the State and represents the backbone of the California High Speed Rail project, bearing the placement of the wye and the most track miles of any county in the initial operating segment; and,

WHEREAS, the stated policy goal of the California High Speed Rail Authority (CHSRA) is to provide benefit to those communities who are accommodating the system and Madera County is the only County who has yet to be designated any facility in the system; and,

WHEREAS, locating the Heavy Maintenance Facility (HMF) in Madera County would serve as a much needed stimulus to the struggling local economy and create an estimated 20,000 jobs for the next five years, create approximately 1,500 permanent jobs when the facility is completed, generate additional property taxes for the County, and would provide the most measurable economic benefit to offset the loss of important agricultural land and employment opportunities; and,

WHEREAS, a HMF placed in Madera County would serve the labor markets of the largest labor forces in the San Joaquin Valley including Fresno, Madera, Merced, and Stanislaus Counties, making Madera County the only regional site under consideration and providing the CHSRA with the largest number of local employees to staff the HMF; and,

WHEREAS, The City remains consistent with Chowchilla City Council Resolution # 81-15.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chowchilla hereby finds and determines the following:

1. The City Council of the City of Chowchilla joins Madera County and the City of Madera in support of the location of the HMF for the California High Speed Rail System within the County of Madera.
2. The City Council of the City of Chowchilla respectfully request the CHSRA mandate that a site in Madera County, whether existing or an alternative, that meets the criteria as described in the technical memoranda developed by the CHSRA, meets the delivery schedule, and is cost competitive, be given priority and placed in Madera County.
3. The City Council directs that a copy of this resolution shall be forwarded to the CHSRA for consideration when evaluating the alternatives for the HMF.

PASSED AND ADOPTED by the City Council of the City of Chowchilla this 23rd day of February, 2016 by the following vote to wit:

AYES: 5 – Walker, Chavez, Gaumnitz, Haworth, Ahmed

NOES: 0

ABSENT: 0

ABSTAIN: 0

APPROVED:


Waseem Ahmed, Mayor

ATTEST:


Joann McClendon, CMC
City Clerk

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019)

247-174

Following completion of the 2012 Merced to Fresno Final EIR/EIS, the Authority and the FRA engaged in extensive additional outreach and discussions on potential Central Valley Wye alternatives. These discussions included the City of Chowchilla. As explained in section 2.1.2.2, the Authority issued a Supplemental Alternatives Analysis Report in 2013 that preliminarily considered 14 alternatives, as shown on Figure 2-3, including an Avenue 21 to Road 11 alignment, and presented that information to the Authority Board. Based on the information in that report, four alternatives were carried forward for consideration and detailed study in the Supplemental EIR/EIS. Avenue 21 to Road 11 was not one of the four carried forward due to higher aquatic, agricultural, and biological resources impacts than the alternatives carried forward for study.

The Authority did include in this Supplemental EIR/EIS the Avenue 21 to Road 13 alternative.

Additional supporting detail on the screening of alternatives is included in the July 2013 Supplemental Checkpoint B Summary Report for the Authority's screening analysis of the Avenue 21 to Road 11 Wye Alignment.

247-175

The Authority acknowledges the City's preference for an Avenue 21 to Road 11 alternative. The Authority also acknowledges its Settlement Agreement with the City of Chowchilla, but respectfully disagrees with City's depiction of the terms of that Agreement. The Authority is in compliance with the terms of the Settlement Agreement. The Authority has and will continue to consider in good faith the City's concerns regarding the Central Valley Wye alternatives.

247-176

The comment pertains to the initial circulation of the document pursuant to CEQA. The public review period extended for 48 days, from May 3, 2019, until June 20, 2019. The Authority declined to extend the comment period but engaged in an ongoing dialogue with the City of Chowchilla subsequent to the close of the CEQA comment period to review in depth the City's concerns.

In addition, the document was circulated for NEPA review on September 13, 2019, for a 45-day comment period ending on October 28, 2019.

The City submitted a similar comment letter during the NEPA review period, which is included in this chapter as submission MF2-296.

247-177

The comment addresses developed IAMFs and suggests the Supplemental EIR/EIS does not provide adequate analysis, citing a CEQA case.

As stated in Section 2.2.3.7, Impact Avoidance and Minimization Features, in Chapter 2, Alternatives and in Appendix 2-B, the Authority has IAMFs for the HSR statewide project. These are applicable to the Central Valley Wye alternatives.

IAMFs are standard practices, actions, and design features that the Authority has incorporated into the Central Valley Wye alternatives. IAMFs were developed at a statewide level to ensure better consistency across all project sections, reflecting uniformity in the commitment of the Authority to ensure environmental effects can be avoided or minimized. In each analytical section of the Draft Supplemental EIR/EIS, the IAMFs are considered as project features that would be uniformly applied.

The impacts of the alternatives are identified with the IAMFs included, and the text explains how the IAMFs function to avoid or minimize impacts. For CEQA, the analysis describes whether the project, with incorporated IAMFs, is significant as measured against specific thresholds of significance based on CEQA Appendix G. For impacts that are significant, the analysis identifies mitigation measures. The analysis provides the disclosure CEQA requires.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-178

The comment suggests the mitigation measures in the Supplemental EIR/EIS are insufficiently detailed or lack performance standards. The commenter does not identify any particular mitigation measures that it believes are inadequate. The Draft Supplemental EIR/EIS provides adequate detail on the nature of mitigation measures to allow for the consideration of how such measures address identified environmental effects. Refer to, for example, Mitigation Measure AG-MM#1, which provides extensive detail and a performance standard.

247-179

Section 3.1.2 explains how the Supplemental EIR/EIS differs from the Merced to Fresno Final EIR/EIS. One such area involves mitigation measures. The text explains that most of the mitigation measures in the Draft Supplemental EIR/EIS were included in the Merced to Fresno Final EIR/EIS; however, in some cases measures were reworded or combined for clarification. The text also explains that this document includes some new mitigation measures. Appneix 3.1-C provides a crosswalk of Final EIR/EIS and Supplemental EIR/EIS measures. Refer to CVY-Response-GENERAL-7, Relationship Between the Merced to Fresno Final EIR/EIS and Central Valley Wye Final Supplemental EIR/EIS Documents for additional discussion of how the Supplemental EIR/EIS relates to the 2012 Final EIR/EIS.

247-180

The potential for changes in circulation from HSR closing roads, and increased traffic volumes on remaining roads, is addressed in Section 3.2, Impact TR#9. As noted in the discussion, affected roadways for each alternative are included in Appendix 3.2A.

Third party agreements are arranged with the Authority prior to construction and outline the relationship between the Authority, the selected contractor, and local jurisdiction. The agreements with local jurisdictions detail the submittal and review process for the local jurisdiction. These agreements also include reviewing and approving actions by the local jurisdiction for design plans, including detour routes and construction staging. Similar third party agreements with local jurisdictions would be expected for construction of the Central Valley Wye. The selected contractor for the Central Valley Wye would comply with any executed third party agreements.

Permanent road closures would predominantly affect local roads. Some vehicles may need to travel additional distances to reach roadway overpasses and underpasses over HSR tracks located approximately every two miles along HSR alignment. It is estimated that the Central Valley Wye alternatives would result in no more than one mile of out-of-direction travel for vehicles to cross the HSR tracks. A simplified operational roadway analysis was performed that was more suitable for low traffic volumes roadways. The transportation impact analysis concluded that even with traffic rerouting due to local road closures, rural roadways would continue to operate at acceptable traffic levels.

The Authority will continue to coordinate with the City during final design.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-181

The Draft Supplemental EIR/EIS identifies permanent and temporary impacts on circulation and emergency access routes within the transportation resource study area (refer to pages 3.2-38 and 3.2-39 [Impacts TR#4 and TR#5]). Design of the Central Valley Wye alternatives includes identifying when and where temporary construction-period closures of traffic lanes would occur, along with detours, reductions in traffic lane widths, reduced traffic speeds, and temporary on- and off-ramp closures. The duration of these impacts could be several hours to months (in the case of lane-width reductions). A more detailed discussion of potential temporary impacts on the response time of emergency service providers is provided in Section 3.11, Impact SS#1, Temporary Interference with Emergency Response Times.

Under TR-IAMF#2, a detailed CTP would be prepared and provided to emergency responders during final design to allow adequate time for evaluating existing routes and making necessary adjustments. For any of the Central Valley Wye alternatives, temporary impacts under CEQA would be less than significant because adequate emergency access would be in place. The final design would include effective measures for maintaining adequate emergency access during construction (e.g., by providing detour routes that allow 24-hour access for emergency vehicles). As set forth in TR-IAMF#2, the CTP would be developed and implemented in close consultation with affected jurisdictions, offering ample opportunity for local jurisdictions' concerns to be understood and incorporated.

Permanent impacts would include road closures that would affect emergency vehicle access and response times, especially in rural areas of Madera and Merced Counties. However, even in rural areas, the distances between overcrossings or undercrossings along the HSR alignment would vary from fewer than 2 miles to approximately 5 miles.

A more detailed discussion of potential permanent impacts on the response time of emergency service providers is provided in Section 3.11, Impact SS#2, Permanent Interferences with Emergency Response Times. Permanent impacts under CEQA would be less than significant under any of the alternatives because the ability of local jurisdictions to maintain adequate emergency access would not be affected.

247-182

Please refer to the discussion in Section 3.2.4.3, Methods for NEPA and CEQA Impact Analysis. As stated in this section, a simplified traffic analysis was performed that was suitable for the low traffic volumes on roads in the transportation resource study area. Please also refer to the discussion of Impact TR#21 in Section 3.2, Transportation. In this discussion, all proposed roadway closures were evaluated in determining future conditions. All roadways evaluated would continue to operate at the highest possible level of service (level of service A) and accordingly, no mitigation was indicated for any of the Central Valley Wye Alternatives. As such, the scenario described in the comment is not borne out by the evidence resulting from the transportation analysis.

247-183

As required by TR-IAMF#2, during final design, the project contractor will prepare a detailed CTP, which will describe protection for public roadways during construction; sequencing construction operations, temporary closures, and detours; provisions for off-street parking for construction-related vehicles as well as parking during special events; maintenance of pedestrian, bicycle, and transit access; and restrictions on construction hours and truck routes. As set forth in TR-IAMF#2, the CTP would be developed and implemented in close consultation with affected jurisdictions, offering ample opportunity for local jurisdictions' concerns to be understood and incorporated.

247-184

As stated on page 3.2-13, and in several of the impact discussions, the Authority will coordinate with Caltrans and local jurisdictions during final design to ensure that adequate circulation is provided on existing and new roadways and existing or new freeway agreements are in place.

Moreover, it should be noted that none of the Central Valley Wye alternatives include "at-grade" crossings (in other words, a crossing that would be shared by trains and motor vehicles). All Central Valley Wye alternatives would be fully grade-separated, ensuring that no conflicts between trains and motor vehicles would occur.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-185

As required by TR-IAMF#2, during final design, the project contractor will prepare a detailed CTP, which will describe sequencing construction operations, temporary closures, and detours. As set forth in TR-IAMF#2, the CTP would be developed in close consultation with affected local jurisdictions.

Third party agreements are arranged with the Authority prior to construction and outline the relationship between the Authority, the selected contractor, and local jurisdiction. The third party agreements with local jurisdictions detail the submittal and review process for the local jurisdiction. These agreements also include reviewing and approving actions by the local jurisdiction for design plans, including detour routes and construction staging. Similar third party agreements with local jurisdictions would be expected for construction of the Central Valley Wye. The selected contractor for the Central Valley Wye would comply with any executed third party agreements.

247-186

As stated on page 3.2-13, and in several impact discussions, the Authority will continue to coordinate with local jurisdictions, including the Chowchilla Department of Public Works, through final design. As set forth in TR-IAMF#2, the CTP would be developed in close consultation with affected local jurisdictions.

Third party agreements are arranged with the Authority prior to construction and outline the relationship between the Authority, the selected contractor, and local jurisdiction. The agreements with local jurisdictions detail the submittal and review process for the local jurisdiction. These agreements also include reviewing and approving actions by the local jurisdiction for design plans, including detour routes and construction staging. Similar third party agreements with local jurisdictions would be expected for construction of the Central Valley Wye. The selected contractor for the Central Valley Wye would comply with any executed third party agreements.

247-187

The analysis in the SEIR/EIS does not indicate significant traffic circulation impacts from permanent road closures. The City of Chowchilla's request for an interchange at SR 152 and SR 99 is noted. No such interchange is proposed as part of the CV Wye alternatives.

247-188

Please refer to the discussion in Section 3.2.4.3, Methods for NEPA and CEQA Impact Analysis. As stated in this section, a simplified traffic analysis was performed that was suitable for the low traffic volumes on roads in the transportation resource study area. Please also refer to the discussion of Impact TR#21 in Section 3.2, Transportation. In this discussion, all proposed roadway closures were evaluated in determining future conditions. Roadways evaluated for level of service impacts varied by alternative. Avenue 25 was considered for the two Central Valley Wye Alternatives involving Road 13 (SR 152 [North] to Road 13 and Avenue 21 to Road 13). As further shown in Section 3.2, all of the roadways evaluated would continue to operate at the highest possible level of service (level of service A) and accordingly, no mitigation was indicated for any of the Central Valley Wye Alternatives. Moreover, indicated in the Final Supplemental EIR/EIS, all of the Central Valley Wye alternatives would reduce regional VMT.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-189

As required by TR-IAMF#2, during final design, the project contractor will prepare a detailed CTP, which will describe protection of public roadways during construction; sequencing construction operations, temporary closures, and detours; provisions for off-street parking for construction-related vehicles as well as parking during special events; maintenance of pedestrian, bicycle, and transit access; and restrictions on construction hours and truck routes. In addition, specific traffic control plans will be prepared during each phase of construction. As set forth in TR-IAMF#2, the CTP would be developed in close consultation with affected local jurisdictions.

Third party agreements are arranged with the Authority prior to construction and outline the relationship between the Authority, the selected contractor, and local jurisdiction. The third party agreements with local jurisdictions detail the submittal and review process for the local jurisdiction. These agreements also include reviewing and approving actions by the local jurisdiction for design plans, including detour routes and construction staging. Similar third party agreements with local jurisdictions would be expected for construction of the Central Valley Wye. The selected contractor for the Central Valley Wye would comply with any executed third party agreements.

247-190

As required by TR-IAMF#2, during final design, the project contractor will prepare a detailed CTP, which will describe protection of public roadways during construction; sequencing of construction operations, temporary closures, and detours; provisions for off-street parking for construction-related vehicles as well as parking during special events; maintenance of pedestrian, bicycle, and transit access; and restrictions on construction hours and truck routes. As set forth in TR-IAMF#2, the CTP would be developed in close consultation with affected local jurisdictions.

Third party agreements are arranged with the Authority prior to construction and outline the relationship between the Authority, the selected contractor, and local jurisdiction. The third party agreements with local jurisdictions detail the submittal and review process for the local jurisdiction. These agreements also include reviewing and approving actions by the local jurisdiction for design plans, including detour routes and construction staging. Similar third party agreements with local jurisdictions would be expected for construction of the Central Valley Wye. The selected contractor for the Central Valley Wye would comply with any executed third party agreements.

247-191

The analysis in the SEIR/EIS does not indicate significant traffic circulation impacts from permanent road closures. The City of Chowchilla's request for an interchange at SR 152 and SR 99 is noted. No such interchange is proposed as part of the Central Valley Wye alternatives.

247-192

Chapter 8 of the Draft Supplemental EIR/EIS identifies the SR 152 (North) to Road 11 Wye Alternative as the Preferred Alternative. It has the second-lowest number of permanent road closures (33 roads) and the lowest number of temporary road closures (13 roads) compared with the Avenue 21 to Road 13 Wye Alternative (30 permanent road closures and 15 temporary road closures). The transportation impact analysis reviewed both the temporary and permanent proposed roadway closures and modifications, including grade separations, that would be caused by the Central Valley Wye alternatives to determine possible traffic rerouting.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-193

As required by TR-IAMF#1 and TR-IAMF#2, the project contractor will protect public roadways during construction and prepare a detailed CTP, which will describe protection of public roadways during construction, including the need to upgrade roads to handle the construction equipment and materials. Prior to construction, the contractor will provide a photographic survey, documenting the condition of the public roadways that would provide access to the project area for trucks. Following construction, the contractor will be responsible for repairing structural damage to the roadways to return them to pre-construction condition or better. The contractor will be required to submit a before-and-after road conditions report to the Authority for review. This will ensure that the project will not result in deterioration on local streets and rural roads from use by construction traffic. As set forth in TR-IAMF#2, the CTP would be developed and implemented in close consultation with affected jurisdictions, offering ample opportunity for local jurisdictions' concerns to be understood and incorporated.

247-194

The impact of construction vehicles using local roads for hauling and other purposes was duly considered in the Draft Supplemental EIR/EIS.

The impact of construction vehicles on major roadways and truck routes is addressed in Impact TR#3. Similar effects concerning rural roadways are addressed in Impact TR#8.

As required by TR-IAMF#1 and TR-IAMF#2, the project contractor will protect public roadways during construction and prepare a detailed CTP, which will describe protection of public roadways during construction, including the need to upgrade roads to handle the construction equipment and materials. Prior to construction, the contractor will provide a photographic survey, documenting the condition of the public roadways that would provide access to the project area for trucks. Following construction, the contractor will be responsible for repairing structural damage to the roadways to return them to pre-construction condition or better. The contractor will be required to submit a before-and-after road conditions report to the Authority for review. This will ensure that the project will not result in deterioration on local streets and rural roads from use by construction traffic. As set forth in TR-IAMF#2, the CTP would be developed and implemented in close consultation with affected jurisdictions, offering ample opportunity for local jurisdictions' concerns to be understood and incorporated.

All construction-vehicle truck traffic, either for excavation or for transporting construction materials to the site, would use the designated truck routes within each city and county per TR-IAMF#7.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-195

A detailed discussion of wind-induced dust related to HSR travel was provided in the Draft Supplemental EIR/EIS on page 3.14-27, under the subheading Impact AG#7: Wind-Induced Effects. As discussed therein, "...an HSR train traveling at 220 mph would generate a wind gust up to 22 mph lasting less than 1 second at a distance of approximately 10 feet from the train tracks. Wind speed is estimated at approximately 3 mph at the edge of the HSR right-of-way." As stated on page 3.3-35 under the subheading Meteorological Conditions, mean wind speeds in the project vicinity typically range from 5 to 8 miles per hour. Given that train-induced wind speeds would be less than the mean ambient wind speed at the edge of the HSR right-of-way, impacts related to train-induced fugitive dust generation would be less than significant.

Construction of new railroad and grade separation improvements would have no material effect on local climate conditions.

247-196

The Draft Supplemental EIR/EIS discloses health effects associated with emissions of criteria pollutants, consistent with *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502. Section 3.3.4.3 explains the methods used to conduct localized impact analysis for health impacts on sensitive receptors for construction activities, including construction of the alignment and use of concrete batch plants.

The Draft Supplemental EIR/EIS expands on the analysis previously conducted in the Merced to Fresno Final EIR/EIS by quantifying health risks associated with construction. Refer to Impact AQ#6.

In addition, Sections 3.3.4.5, 3.3.5.1, and 3.3.6.3 have been revised to add further discussion on health effects from air pollution with specific reference to *Sierra Club v. County of Fresno*. The added text provides more information, but does not reveal new impacts that were not already disclosed in the Draft Supplemental EIR/EIS.

247-197

An air toxics Health Risk Assessment (HRA) was prepared for this project, and is discussed under subsection Impact AQ#6: Temporary Direct Impacts on Air Quality - Localized Health Impacts, starting on page 3.3-34 in the Draft Supplemental EIR/EIS. As disclosed therein, impacts on human health would be less than significant.

Impacts on sensitive receptors related to project traffic volumes and roadway reconfigurations were discussed under subsection Impact AQ#10: Continuous Permanent Direct Impacts on Air Quality - Localized Mobile Source Air Toxics on page 3.3-79, Impact AQ#11: Continuous Permanent Direct Impacts on Air Quality - Carbon Monoxide on page 3.3-80, and Impact AQ#12: Continuous Permanent Direct Impacts on Air Quality - Particulate Matter on page 3.3-80 in the Draft Supplemental EIR/EIS. As detailed therein, localized air quality impacts related to traffic volumes would be less than significant.

247-198

The HSR project will not adversely affect the region's ability to comply with the federal Clean Air Act "Transportation Conformity" requirements.

The Authority has entered into an MOU with the SJVAPCD to offset all project construction emissions to zero via SJVAPCD's Voluntary Emission Reduction Agreement program. As such, project construction emissions would be "fully offset" to "net zero" as defined in that agreement. A copy of this MOU has been included as an attachment to this Final Supplemental EIR/EIS. Please also refer to Impact AQ #1, and the discussion of General Conformity for the Merced to Fresno Project Section in Appendix 3.3B.

With respect to long-term project operations, the proposed project would result in a net reduction in all criteria pollutant emissions, as detailed in the Draft Supplemental EIR/EIS in Table 3.3-19 on page 3.3-66. As such, the proposed project would not impede the region's ability to demonstrate conformity under the federal Clean Air Act.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-199

As stated in the FRA High Speed Ground Transportation Noise and Vibration Assessment manual, a 15-percent change in train speed will produce an approximate 2-decibel change in noise exposure (page 5-12). For every train that reduces its speed going into the Central Valley Wye, there will be a train increasing its speed coming out of the Central Valley Wye. When you average out these differences for the average day-night noise level (Ldn) or equivalent noise level (Leq), the increases and decreases in noise from acceleration and deceleration of individual trains cancel each other out and are the same as train traveling at 150 miles per hour through the Central Valley Wye and 220 miles per hour approaching the Central Valley Wye. This is why train acceleration is not addressed in the FRA manual for detailed analysis.

247-200

As explained in Section 3.4, vibration impacts during operations would not occur outside the HSR right-of-way. Because existing wells and pipelines are located outside of the impact distance, long-term effects are not anticipated.

The FRA Manual does not cite pipes or wells as a vibration impact concern; furthermore, the FRA Manual indicates that vibration-induced building damage does not typically occur as a result of surface transportation projects, except when associated with specific construction activities such as blasting or pile driving. While there are no precise standards for horizontal and vertical clearances between railways and adjacent pipelines, the Authority would adhere to industry-recommended practices based on site-specific engineering.

247-201

The comment asserts that Chowchilla would be negatively and disproportionately affected by the Central Valley Wye alternatives and would not receive any of the benefits of the HSR project. The comment also asserts, without evidence, that the Central Valley Wye alternatives would be intensely damaging with respect to infrastructure, safety, plans, and the future of the city of Chowchilla.

The Authority fully disclosed potential impacts on public utilities and other infrastructure, including the transportation network, in Section 3.6, Public Utilities and Energy, and Section 3.2, Transportation, respectively, of the Draft Supplemental EIR/EIS. The Authority fully disclosed potential public safety impacts in Section 3.11, Safety and Security, of the Draft Supplemental EIR/EIS. The Authority also fully disclosed and mitigated potential impacts on land use patterns in Section 3.13, Land Use and Development.

With respect to noise impacts from train operations, the Authority disclosed in Impact NV#5, Intermittent Permanent Exposure of Sensitive Receptors to Noise from HSR Operations, on pages 3.4-30 through 3.4-32 of the Draft Supplemental EIR/EIS, that noise generated by train operations would be significant and unavoidable. These significant and unavoidable impacts would occur at receptors that are adjacent to the proposed Central Valley Wye alternatives but would not be significant at receptors near downtown Chowchilla.

The comment claims that the community of Chowchilla would not receive any economic benefits from construction and operation of the HSR system. Although it is true that a station is not proposed in Chowchilla, a station is planned in Merced, approximately 19 miles to the north. As described in Impact SO#19, Permanent Impacts on Regional Employment, on page 3.12-67 of the Draft Supplemental EIR/EIS, the HSR project would improve state and regional connectivity while facilitating access to employment and educational opportunities, creating job opportunities throughout the region. The HSR project is expected to result in net employment growth, which would benefit the regional economy, including Madera County. Given the proximity of the aforementioned station to Chowchilla, it is reasonable to assume that this community would receive some of the economic and employment benefits of the project.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-201

Lastly, the comment requests that the Heavy Maintenance Facility be located in Madera County to offset purported economic and social impacts on the community of Chowchilla. The Authority is considering multiple locations for construction of the Heavy Maintenance Facility. The decision regarding location will be based on multiple factors, including proximity to the HSR corridor, the availability of land, and environmental impacts. A decision regarding the HMF is not presently proposed to occur as part of a decision on the Wye alignment. Please refer to CVY Response-GENERAL 4: Heavy Maintenance Facility.

247-202

The Chowchilla 2040 General Plan Circulation Element Map indicates a proposed wastewater treatment plant outside the city limits but within its sphere of influence in the northwestern portion of the intersection between Road 11 and SR 152, immediately east of Ash Slough. The western leg of the Preferred Alternative Wye Alignment (SR 152 [North] to Road 11) would be built to the west of Ash Slough (in other words, not on the property the City of Chowchilla proposes for a second wastewater treatment plant).

The proposed HSR alignment through this area would not preclude the development of a wastewater treatment plant at the City of Chowchilla's preferred site.

The Authority recognizes and appreciates Chowchilla's engagement with the Authority in discussions about the Authority's provision of funding, as part of EJ-MM#2, for purposes of facilitating Chowchilla's construction of infrastructure to connect Fairmead to Chowchilla's sanitary sewer system.

247-203

The comment is noted. The Authority will continue to engage with both Chowchilla and the community of Fairmead regarding proposed HSR construction timing and coordination with pending city projects, including the project that HSR will provide funding for as a part of EJ-MM#2, for purposes of facilitating Chowchilla's construction of infrastructure to connect Fairmead to Chowchilla's sanitary sewer system. The comment does not introduce any new environmental issue.

247-204

The Authority acknowledges the City's planning efforts for an industrial park, as set forth in the Chowchilla Industrial Park Specific Plan. This Specific Plan appears on the City's website as "revised" in September 2018 but does not reflect the City's adoption of the Specific Plan pursuant to California Government Code Section 65450 et seq.

Notwithstanding, the concerns raised about diminishment of value of the city's industrial park as a result of the project are highly speculative. The request for funding is noted and will be considered by the Authority outside of the environmental review process.

As depicted in Chapter 2, Alternatives, Figure 2.14, the Preferred Alternative (SR 152 [North] to Road 11) would incorporate three new roadway undercrossings/overcrossings at the immediate SR 99 and SR 152 interchange area. These new undercrossings/overcrossings will ensure adequate and redundant circulation through this area and will ensure that the viability of properties intended for industrial use would not be substantially diminished.

247-205

As noted on page 3.11-38 of the Draft Supplemental EIR/EIS, each of the Central Valley Wye alternatives is designed to provide access for emergency personnel to elevated portions of the track to allow for evacuation, if needed, regardless of the amount or location of elevated track.

In addition, please refer to the response to submission MF2-245 comment 115.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-206

Please refer to the response to submission MF2-245, comment 115.

247-207

As shown on Figure 3.8-3, portions of the Central Valley Wye alternatives are within the 100-year floodplain, but much of the alternatives' impact areas lie outside of the 100-year floodplain. Areas above the 500-year flood level are areas of minimal flood hazard (Zones C and X on Figure 3.8-3). In general, areas within the 500-year floodplain are considered to be at moderate risk or designated base floodplains of lesser hazards or shallow flooding. Therefore, the design of the Central Valley Wye alternatives would avoid any impacts of operations on floodplains and flood risk. There is therefore no nexus for mitigation as proposed by the commenter.

247-208

As discussed in Impact HYD#8 in Section 3.8, Hydrology and Water Resources, the Central Valley Wye alternatives would incorporate design features (HYD-IAMF#2) that require adequately sized culverts and waterbody crossings be provided to avoid the possibility of diverting or redirecting flood flows or increasing the water surface elevation in the 100-year floodplain by more than 1 foot, or as required by state or local agencies. These design standards would be implemented across the entire HSR project, are consistent with other state design standards (e.g., Caltrans), and would meet or exceed local requirements. The design of the Central Valley Wye alternatives would maintain the existing hydraulic capacity, avoiding a rise in existing flood or high-water elevations, and therefore would not increase existing 100-year floodwater surface elevation in Federal Emergency Management Agency-designated floodways, or as otherwise agreed upon with the county floodplains manager. Accordingly, no new flood hazard would be created.

247-209

The simulations for every key viewpoint (KVP) are not included in the Draft Supplemental EIR/EIS. The simulation for KVP 10, looking from SR 152 toward Chowchilla, under the SR 152 (North) to Road 13 Wye Alternative may be found in the Merced to Fresno Project Section Central Valley Wye Aesthetics and Visual Resources Technical Report as Figure 6-6, KVP 10, SR 152 near Road 17. This figure has also been added to the Final Supplemental EIR/EIS to demonstrate the difference in visual effects between the alternatives. In the simulation at KVP 10 for the SR 152 (North) to Road 13 Wye Alternative, the tree line and various buildings are still visible from the highway. Views of the same are also visible, to a lesser degree, in the simulation for the SR 152 (North) to Road 19 Wye Alternative, shown in the Draft Supplemental EIR/EIS on Figure 3.16-25. The statement regarding the relative visual impacts of the alternatives in the Draft Supplemental EIR/EIS is correct. The statement that visual effects will have adverse economic effects is highly speculative and unsupported.

247-210

The comment requests high-visibility signage. There is no evidence to suggest such signage is necessary to avoid a significant environmental impact.

247-211

Please refer to Section 3.16, Aesthetic and Visual Resources, where text has been added to Impacts AVR#4 and AVR#5. Each of these impact statements convey the Authority's intention to use landscaping wherever possible to reduce the potential for graffiti and vandalism, and also describe the Authority's responsibility to repair or repaint any such damage. Further, mitigation measures AVR-MM#4, AVR-MM#5, and AVR-MM#6 all describe actions that will be undertaken by the Authority to address ongoing maintenance of landscaping and structures. These measures include commitments to initial landscape installation, irrigation, and maintenance (AVR-MM#4 and AVR-MM#5), and maintenance of structures, including graffiti removal (AVR-MM#6). Because there are no station areas within any of the Central Valley Wye alternatives, no park-and-ride lots are considered in this analysis.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-212

In accordance with Section 15064(e) of the CEQA Guidelines, "economic and social changes resulting from a project shall not be treated as significant effects on the environment." Accordingly, the purported impacts related to "loss of our way of life, the loss of generational legacy" that the commenter noted would not be considered environmental impacts under CEQA.

For the purposes of CEQA, the Draft Supplemental EIR/EIS provides a full evaluation of temporary and permanent community cohesion impacts in Impacts SO#1 and SO#2, respectively. With respect to the city of Chowchilla, the analysis of permanent impacts on community cohesion, described in Impact SO#2 on pages 3.12-40 through 3.12-44, concludes by noting that impacts on the city would be largely avoided because the Central Valley Wye alternatives would curve around Chowchilla, bypassing its downtown area/population center; community impacts would be minimal because of the distance between the alternatives and downtown. The Central Valley Wye alternatives would not divide the city of Chowchilla and would have minimal impacts on community cohesion because there are few residences in the vicinity of the alternatives. No displacement of residences or businesses in Chowchilla would be required.

247-213

Roadway construction and modifications that are part of the project are described in Chapter 2, and included within the project footprint as shown in Appendix 3.1B. The Authority will mitigate impacts associated with such project components as described in Section 3.7.

The comment requests that the Authority provide funding for habitat conservation provisions for currently unidentified roadway or public facility projects that would need to be constructed or reconstructed as a result of the HSR project. There is no nexus for this form of financial mitigation, as such projects are speculative and currently unidentified. The Authority will continue to coordinate with federal, state, and local habitat management agencies throughout the project design process.

247-214

While the commenter (the City of Chowchilla) correctly indicates this comment is pertinent to the cumulative analysis (which is contained in Section 3.19 of the Draft Supplemental EIR/EIS), Table 2-2 summarizes assumed elements of the No Project Alternative, namely the potential year 2040 buildout of various planned residential development projects. The commenter asserts that the Fox Hills Community Plan has been abandoned for 10 years, but the County of Merced has not as of September 2019 removed either the Fox Hills or Villages of Laguna San Luis Community Plans from its online posting of approved community plans. Therefore, these plans were appropriately considered as part of the No Project Alternative in terms of anticipated future 2040 residential buildout.

The Sessions Tentative Subdivision Map has been added to the cumulative projects list in Appendix 3.19-A and considered in terms of the cumulative analysis. No change to the cumulative analysis was warranted because it already sufficiently described the cumulative condition in 2040.

247-215

The Authority acknowledges the City's preference for the Avenue 21 to Road 11 Wye Alignment. Please refer to the response to submission MF2-247, comment 174.

247-216

The range of alternatives in this Supplemental EIR/EIS complies with CEQA and NEPA. The four alternatives described in Chapter 2 and analyzed in Chapter 3 provide meaningful impact differences. For example, the Avenue 21 to Road 13 alternative would have fewer business displacements than the other alternatives, and would not convert existing land uses or affect community cohesion in Fairmead. The impact differences are described throughout Chapter 3 by resource area, and are summarized in Chapter 8. Please also refer to Standard Response: CVY-Response-GENERAL-2: Alternatives Analysis and Selection for CVY regarding considerations of corridor selection.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-217

The Authority respectfully disagrees that HSR will box the city into a triangle. As shown on Figures 2-8, 2-10, 2-12, and 2-14, the Central Valley Wye alternatives include road under- or overcrossings to provide continue access across the HSR right-of-way.

The Draft Supplemental EIR/EIS considered the potential for road closures to result in permanent indirect land use impacts (Impact LU#4). The Draft Supplemental EIR/EIS noted that the impact under CEQA would be less than significant because permanent road closures would not cause a substantial change in land use patterns. Access disruption to residents, businesses, customers, delivery vehicles, and buses would be minimized to the extent practicable when permanent road closures are required. It is possible that even with the access across the HSR right-of-way provided as part of the design, there could be some property access disruption sufficient to indirectly cause a change in land use in individual properties. However, the frequency of access across the HSR right-of-way provided by grade-separated crossings, which reduces the out-of-way travel required to cross the right-of-way, would avoid large-scale changes in land use and would therefore not result in the introduction of incompatible land uses.

247-218

The Chowchilla Industrial Park Specific Plan largely retains and incorporates previously in-place land use designations. As shown on Figures 2-3 and 2-4 of the Chowchilla Industrial Park Specific Plan, the specific plan incorporates essentially the same areas/acreages of light industrial, heavy industrial, and service commercial as those previously identified in city zoning. The specific plan converted some light and heavy industrial land to service commercial. The specific plan acknowledges the planned HSR project and acknowledges the SR 152 (North) to Road 11 Wye Alternative alignment as the Preferred Alternative. Nevertheless, the specific plan does not itself substantially rezone or redesignate properties and does not indicate what properties it might rezone or redesignate beyond these. The comment requests funding to update local plans. There is no evidence to suggest such funding is necessary to avoid a significant environmental impact.

247-219

As described on page 5-28 of the Draft Supplemental EIR/EIS, under the Chowchilla Elementary School District's long-range master plan, students from Fairmead Elementary School, which currently serves only the fifth and sixth grades, would migrate to Chowchilla; Fairmead Elementary School would then be closed (Chowchilla Elementary School District 2016). This plan is independent of the Central Valley Wye alternatives. In addition, the text of mitigation measure EJ-MM#1, which addresses environmental justice impacts under NEPA, has been revised such that the Authority would no longer arrange for the purchase of the Fairmead Elementary School site after its potential future closure (an action the school district may take independent of the high-speed rail project).

Under the revised EJ-MM#1, the Authority would provide funding to Madera County for the construction of a community center in Fairmead.

Therefore, neither construction nor operation of any of the Central Valley Wye alternatives would directly or indirectly result in displacement or relocation of Fairmead Elementary School. Furthermore, no alternative would be less than 700 feet from the school.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-220

The commenter asserts that the Draft Supplemental EIR/EIS did not analyze the impact on the Chowchilla Industrial Park Specific Plan, which the City of Chowchilla published on its website in late 2018 (after printing but before publication of the Draft Supplemental EIR/EIS for CEQA review in May 2019).

The specific plan area encompasses 2,893 acres, which is roughly 1/5 of Chowchilla's land area. The specific plan area includes 392 acres of unincorporated area, none of which is south of SR 152.

Notwithstanding, the Chowchilla Industrial Park Specific Plan retains and incorporates previously in-place land use designations. As shown on Figures 2-3 and 2-4 of the Chowchilla Industrial Park Specific Plan, the specific plan incorporates essentially the same areas/acreages of light industrial, heavy industrial, and service commercial as those previously identified in city zoning.

Section 1.4 of the specific plan identifies a number of "development challenges," which include the proximity of the airport precluding industrial development, the absence of infrastructure, and prospective roadway closures.

The preferred Central Valley Wye alignment (SR 152 [North] to Road 11) would indeed close some local roads in the southern part of the specific plan area but would create a new interchange at the SR 152 and Road 16 intersection. This would presumably be a route to connect the southern portion of the specific plan area to SR 152 and Highway 99.

The comment speculates on both future development within the specific plan area as well as possible future actions of the Madera County Local Agency Formation Commission. The commenter's assertion that the Road 16 interchange would be such a burden on the development of the specific plan area such that relocation of the airport is needed is not borne out by the evidence.

247-221

Please refer to the response to submission MF2-247, comments 204 and 220 above regarding the timing of adoption and relevance of the Chowchilla Industrial Park Specific Plan. The assertion by the commenter that the recreational trails would not be constructed if there is not sufficient industrial development in the industrial park is speculative. Construction of the Preferred Alternative would not preclude the construction of the noted recreational trail corridors.

247-222

Economic and social consequences of a project are not significant effects on the environment under CEQA that require mitigation measures. As described in Impact SO#19, Permanent Impacts on Regional Employment, on page 3.12-67 of the Draft Supplemental EIR/EIS, the HSR project would improve state and regional connectivity while facilitating access to employment and educational opportunities, creating job opportunities throughout the region. The HSR project is expected to result in net employment growth, which would benefit the regional economy, including the economy of Chowchilla.

The Authority acknowledges that there could be some permanent impacts on the agricultural economy, as described in Impact SO#20, Permanent Impacts on Agricultural Economy, on pages 3.12-68 and 3.12-69 of the Draft Supplemental EIR/EIS. The Authority would alleviate the impacts through financial compensation, provided during the right-of-way acquisition process, and help property owners file claims so they can receive compensation for economic losses related to farm productivity.

The impact discussions provide a full and adequate representation of the potential economic impacts that could occur as a result of construction and operation of the Central Valley Wye alternatives. The measures described would provide fair compensation in areas where the impacts would not be otherwise outweighed by the local and regional benefits of the HSR project.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-223

As described in Impact SO#15, Permanent Impacts on County and City Property Tax Revenues from Property Acquisition, on pages 3.12-63 and 3.12-64, and Impact SO#21, Permanent Impacts on County and City Property Tax Revenues from Changes in Property Values, on pages 3.12-69 and 3.12-70 of the Draft Supplemental EIR/EIS, the Authority acknowledges that there would be some decrease in property tax revenues as a result of construction of the Central Valley Wye alternatives. However, the loss would represent a small percentage of the total tax revenues collected by the counties. In addition, the loss in property tax revenues would be partially offset by anticipated increases in sales tax revenues (described in Impact SO#22, Permanent Impacts on Sales Tax Revenues, on page 3.12-70 of the Draft Supplemental EIR/EIS).

Furthermore, as described on page D-11 in Appendix 3.12-D, Economic Effects on School Districts, of the Draft Supplemental EIR/EIS, the regional benefits of the HSR project could increase property values in some areas of the San Joaquin Valley as a result of the region's increased connectivity to the rest of the state, partially counteracting some of the decrease in local property tax revenues.

247-224

Please refer to Standard Response: CVY-Response-GENERAL-4: Heavy Maintenance Facility.

247-225

Please refer to Standard Response: CVY-Response-GENERAL-4: Heavy Maintenance Facility.

247-226

Please refer to Standard Response: CVY-Response-GENERAL-4: Heavy Maintenance Facility.

247-227

The comment asserts that the Central Valley Wye alternatives would exacerbate existing delays and disruptions in Chowchilla caused by the existing at-grade railroad; however, it does not provide any evidence to support this assertion.

As described in Impact SO#2 on pages 3.12-40 through 3.12-44 of the Draft Supplemental EIR/EIS, the Central Valley Wye alternatives would curve around Chowchilla, bypassing its downtown area/population center; community impacts would be minimal because of the distance between the alternatives and downtown, although an elevated guideway spanning Ash Slough and the Chowchilla River would be visible from the community.

The Authority acknowledges that there could be some permanent impacts on the agricultural economy due to property acquisitions outside of the downtown area of Chowchilla, as described in Impact SO#20, Permanent Impacts on Agricultural Economy, on pages 3.12-68 and 3.12-69 of the Draft Supplemental EIR/EIS. The Authority would alleviate the impacts through financial compensation, provided during the right-of-way acquisition process, and help property owners file claims so they can receive compensation for economic losses related to farm productivity.

The impact discussions provide a full and adequate representation of the potential economic impacts that could occur as a result of construction and operation of the Central Valley Wye alternatives. The measures described would provide fair compensation in areas where the impacts would not be otherwise outweighed by the local and regional benefits of the HSR project.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-228

As described in Impact SO#2 on pages 3.12-40 through 3.12-44 of the Draft Supplemental EIR/EIS, the three SR 152 (North) wye alternatives would curve around Chowchilla, bypassing its downtown area/population center; community impacts would be minimal because of the distance between the alternatives and downtown, although an elevated guideway spanning Ash Slough and the Chowchilla River would be visible from the community. The three SR 152 (North) wye alternatives would not divide the city of Chowchilla; they would have minimal impacts on community cohesion because there are few residences in the vicinity of the alternatives. No displacement of residences or businesses in Chowchilla would be required. As described on page 3.13-29 of the Draft Supplemental EIR/EIS, areas east and west of Chowchilla are undeveloped farmland at the present time. SR 152 is an existing division between developed areas of Chowchilla and agricultural land to the south. Construction of any of the three SR 152 (North) wye alternatives would widen the existing SR 152 corridor, south of Chowchilla, but would not cause changes in land use patterns. Please refer to the response to submission MF2-247, comment 220, regarding the Chowchilla Industrial Park Specific Plan.

With respect to the assertion that the Central Valley Wye alternatives would make development costs prohibitive in the industrial area, the alternatives would include crossings over SR 152, thereby maintaining access for communities on both sides of SR 152 and facilitating access to future industrial development south of Chowchilla. Furthermore, the commenter does not provide any evidence documenting why construction of the Central Valley Wye alternatives would make development costs prohibitive.

247-229

See response to MF2-245 comment 124.

Please refer to the response to submission MF2-245, comment 124. As described in that response, the Authority would alleviate permanent impacts on the agricultural economy, which include the area in and around the city of Chowchilla, through financial compensation, provided during the right-of-way acquisition process, and help property owners file claims so they can receive compensation for economic losses related to farm productivity.

247-230

Please refer to the response to submission MF2-245, comment 125.

247-231

To date, the Authority has negotiated with local utilities to install horizontal sleeves under the high-speed rail alignment prior to construction. These sleeves were negotiated as part of third-party agreements with HSR. Any costs for additional sleeves are born by the third party with the exception of spare sleeves for fiber conduits that fall under CPUC General Order 176. All horizontal sleeves would be designed to ensure continued operation and maintenance of the HSR system

247-232

The comment appears to request groundwater rights to any lands acquired by the Authority in association with the selection and construction of a Preferred Alternative. Please refer to the responses to submission MF2-247, comment 231 and submission MF2-245, comment 129 above. Further, any discussions about property owners retaining groundwater rights would occur on a case-by-case basis and be part of the right-of-way acquisition process.

247-233

Please refer to the responses to submission MF2-247, comment 231, submission MF2-247, comment 232, and submission MF2-245, comment 129 above.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-234

This comment was received in association with the spring 2019 CEQA-only distribution of the Draft Supplemental EIR/EIS. As noted in Section 5.2.2, an environmental justice analysis is required in NEPA reviews (per Executive Order 12898). However, such analysis is not explicitly required in a CEQA analysis.

In the Draft Supplemental EIR/EIS, EJ-MM#1 had outlined a process by which the Authority would purchase Fairmead Elementary School (assuming the property became available for sale) and convert the school into a community center for Fairmead. In this Final Supplemental EIR/EIS, EJ-MM#1 has been revised to reflect that the Authority will instead provide funding to Madera County toward the purchase of a site and construction of a community center to serve Fairmead. EJ-MM#1 includes a number of performance standards to avoid or minimize any potential for secondary environmental effects.

The comment cites CEQA case law in stating that mitigation measures EJ-MM#1 and EJ-MM#2 are not sufficient. Because both of these mitigation measures are directed at identified environmental justice effects (effects under NEPA and other federal regulations), CEQA case law is not binding on mitigation measures expressly and only for environmental justice impacts. While the environmental justice analysis cites several mitigation measures from other resource/topic areas, the mitigation measures cited by the commenter were developed expressly for the environmental justice chapter of the Supplemental EIR/EIS.

247-235

The Authority acknowledges that construction of any of the three SR 152 (North) wye alternatives would result in significant impacts on community cohesion, even with implementation of SO-MM#1 and SO-MM#2. No other feasible mitigation is available under CEQA to mitigate the impacts.

In the Draft Supplemental EIR/EIS, EJ-MM#1 had outlined a process by which the Authority would purchase Fairmead Elementary School (assuming the property became available for sale) and convert the school into a community center for Fairmead. In this Final Supplemental EIR/EIS, EJ-MM#1 has been revised to reflect that the Authority will instead provide funding to Madera County toward the purchase of a site and construction of a community center to serve Fairmead. EJ-MM#1 includes a number of performance standards to avoid or minimize any potential for secondary environmental effects.

This mitigation measure is proposed as part of the environmental justice analysis under NEPA and intended to reduce the potential for impacts on community cohesion.

Response to Submission 247 (Desmond Johnston, QK, Inc. on behalf of the City of Chowchilla, June 21, 2019) - Continued

247-236

The text on pages 3.12-59 and 3.12-81 of the Draft Supplemental EIR/EIS, as well as pages D-6, D-7, and D-15 of Appendix 3.12-D, Economic Effects on School Districts, has been revised to acknowledge that a decrease in school district funding could affect a school district's ability to issue future bonds. This revision would not affect the changes in property tax revenue that would occur with construction of the Central Valley Wye alternatives because such taxes represent only a small percentage of total tax revenue collected by the counties, as described in Impact SO#15, Permanent Impacts on County and City Property Tax Revenues from Property Acquisition, on pages 3.12-63 and 3.12-64, and Impact SO#21, Permanent Impacts on County and City Property Tax Revenues from Changes in Property Values, on pages 3.12-69 and 3.12-70 of the Draft Supplemental EIR/EIS. In addition, the loss in property tax revenue would be partially offset by anticipated increases in sales tax revenue (described in Impact SO#22, Permanent Impacts on Sales Tax Revenues, on page 3.12-70 of the Draft Supplemental EIR/EIS). Furthermore, as described on page D-11 of Appendix 3.12-D, Economic Effects on School Districts, of the Draft Supplemental EIR/EIS, the Central Valley Wye alternatives would create employment and business opportunities and attract higher-wage jobs across the region compared with the No Project Alternative. Although the Central Valley Wye alternatives would raise projected employment growth only slightly, just beyond the growth planned for under the No Project Alternative, project-induced growth would increase the population, which would increase the number of students in the school districts and provide new sources of property tax revenue, thereby benefitting the school districts in the resource study area. Furthermore, the potential exists for the Central Valley Wye alternatives to increase the property tax base by increasing property values in the region. Although these values cannot be quantified, the values of residential and commercial properties could increase as a result of the Central Valley Wye alternatives because the HSR system would improve access to and from the area.

247-237

Please refer to Standard Response: CVY-Response-GENERAL-4: Heavy Maintenance Facility.

247-238

Please refer to Standard Response: CVY-Response-GENERAL-4: Heavy Maintenance Facility.

Submission 250 (Christina Wa, Chowchilla Elementary School District, June 21, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #250 DETAIL

Status : Unread
 Record Date : 6/21/2019
 Submission Date : 6/21/2019
 Interest As : Business and/or Organization
 First Name : Christina
 Last Name : Wa (for Chowchilla Elementary School District)
 Submission Content :

Please see attached for the Chowchilla Elementary School District's Comment Letter on the Draft Supplemental EIR/ EIS for the Merced to Fresno Section.

Thank you,

<http://www.f3law.com/>>

Christina Wa

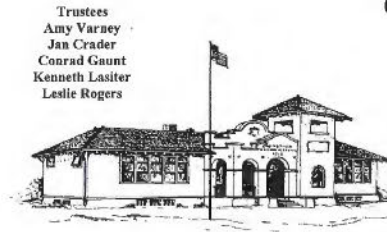
520 Capitol Mall
 Suite 400
 Sacramento, CA 95814-4713
 Direct: (916) 604-3080
 Mobile: (916) 500-3936
 Phone: (916) 443-0000
 Fax: (916) 443-0030
 Email: cwa@f3law.com<<mailto:cwa@f3law.com>>
 Web: www.f3law.com<<http://www.f3law.com>>

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Attachments : 6.1919_HSR CEQA Comment Letter_CESD .pdf (3 mb)

250-305



Trustees
 Amy Varney
 Jan Crader
 Conrad Gaunt
 Kenneth Lasiter
 Leslie Rogers

CHOWCHILLA ELEMENTARY SCHOOL DISTRICT

Mailing Address for all Departments
 355 N. 5th St. / P.O. Box 910
 Chowchilla, CA 93610
 (559) 665-8000 / fax: (559) 665-3036

Dr. Charles Martin
 Superintendent

Linda Russell-Scheet
 Assistant Superintendent
 of Educational Services

C. Lynette Walker
 Assistant Superintendent
 of Administrative Services

June 19, 2019

Via U.S. Mail and E-Mail
CentralValley.Wye@hsr.ca.gov

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

Re: Chowchilla Elementary School District's Comment on the Draft Supplemental EIR/EIS for the Merced to Fresno Section

To Whom it May Concern:

On behalf of the Chowchilla Elementary School District ("Elementary District"), we write in response to the Draft Supplemental Environmental Impact Report/ Environmental Impact Statement ("EIR") for the Merced to Fresno Section of the California High-Speed Rail Project ("Project"). We request that the California High-Speed Rail Authority ("Authority"), as lead agency, consider and address the following environmental impacts affecting the Elementary District in order to adequately comply with the California Environmental Quality Act ("CEQA").

1. Adopting the EIR Would Violate CEQA Because Proposed Mitigation Measure EJ-MM#1 Is Inadequate as a Matter of Law

The Authority has identified EJ-MM#1 as a mitigation measure to minimize environmental justice impacts associated with the construction of the three alternatives involving SR-152. EJ-MM#1 states the Authority would pursue the purchase of Fairmead Elementary School ("Fairmead Elementary") from the Elementary District, only after Fairmead Elementary is closed and a new school is built in Chowchilla.

EJ-MM#1 further states that after such purchase, the Authority would transfer the school site to the County of Madera ("County") for operation and maintenance as a community center for the residents of Fairmead. EJ-MM#1 is inadequate for the reasons stated below.

Fairmead School • Merle L. Fuller School • Ronald Reagan School • Stephens School • Wilson Middle School

Submission 250 (Christina Wa, Chowchilla Elementary School District, June 21, 2019) - Continued

250-305

A. EJ-MM#1 Violates CEQA Because It Lacks Sufficient Detail and Is Not "Fully Enforceable"

CEQA requires that "[m]itigation measures **must be fully enforceable** through permit conditions, agreements, or other legally-binding instruments." (Cal. Code Regs., tit. 14, § 15126.4(a)(2).) The purpose of this requirement is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then disregarded. (*Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.)

Here, EJ-MM#1 is insufficient because it lacks a legally binding commitment for its implementation. EJ-MM#1 simply indicates that the Authority will "pursue" the purchase of Fairmead Elementary from the Elementary District. Of course, "pursue" does not equal "purchase," and thus, the measure does not constitute a "fully enforceable" commitment.

Similarly, EJ-MM#1 states that the Authority would "coordinate" with the County for identification of long-term funding mechanisms for the operation, maintenance, and insurance of the community center. Again, this "coordination" does not constitute an enforceable commitment.

Additionally, by way of example and not limitation, EJ-MM#1:

- fails to account for what will happen if the Elementary District and the Authority cannot come to mutually agreeable terms for the sale of the Fairmead Elementary site;
- fails to set a timeline for how long the Fairmead community will be without a building capable of serving as a community hub after the Fairmead Elementary site is vacated; and
- fails to account for what will happen if the County is not willing to take on the operational responsibility for the new community center.

EJ-MM#1 *lacks sufficient detail* to support a finding that such measures "have been required in, or incorporated into, the project" as required by Public Resources Code section 21081(a)(1).

The reality is that EJ-MM#1 only vaguely requires "coordination," and does not ensure that the impacts will be mitigated. This project has been underway for years, and there is no reason that the specific details for an agreement to acquire the Fairmead Elementary site could not be worked out with the County and Elementary District prior to the approval of this EIR.

For the foregoing reasons, EJ-MM#1 violates Title 14 of the California Code of Regulations section 15126.4(a)(2), and Public Resources Code section 21081(a)(1). **The Authority must reach a binding agreement with the Elementary District for the purchase of the Fairmead Elementary site prior to approving this EIR.**

250-306

B. EJ-MM#1 Violates CEQA Because It Fails to Ensure It Will Be Implemented Prior to the Start of the Project Activity Creating the Impact

The implementation of a mitigation measure cannot be delayed beyond the start of the project activity that causes the impact in question. (*POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 740.)

250-306

The Closure of Fairmead

Here, EJ-MM#1 recognizes that the closure of Fairmead Elementary will result in the loss of an important permanent meeting place for community gatherings and events, and would thus have an adverse impact on community cohesion.

While EJ-MM#1 is conditioned upon, and is to occur *after* the closure and relocation of Fairmead Elementary, this *necessarily* means that implementation of the mitigation measure will be delayed beyond the start of the project activity that causes the impact in violation of *POET, LLC v. State Air Resources Bd.*

For example, if the Authority waits until after Fairmead Elementary is closed to obtain a binding commitment to obtain the Fairmead site from the Elementary District, the following will occur:

- while the Authority and Elementary District work out a deal for the acquisition of the Fairmead site, there will be a "gap" period where there is no community center or school in the Fairmead community; and
- there will be a risk that there may never be a community center or school in the Fairmead community if the Elementary District and the Authority cannot come to a mutual agreement for the transfer.

250-307

Construction Activities Themselves

Additionally, the Authority has identified various socioeconomic impacts to community cohesion resulting from construction activities themselves on any of the three SR-152 alternatives. For example, the Authority notes that construction activities would "introduce a visible and functional barrier that could deter neighbors from interacting, participating in community activities, and supporting each other, and could result in a perception by area residents that they have been separate from their community." (pg. 5-32.) Additionally, the SR-152 alternatives would create a permanent linear feature that would divide the northern and southern portions of the community, so that the residential northern part of the community would be separated from both residents and community facilities located south of Avenue 23. (pg. 5-33.)

These impacts will result from construction activities, regardless of whether Fairmead Elementary closes. However, EJ-MM#1 is conditioned upon the closure and relocation of Fairmead Elementary. The District cannot ensure closure of Fairmead Elementary prior to the Authority's construction of the Wye segment. Thus, the Authority's discussion of EJ-MM#1 fails to ensure implementation prior to the start of construction activity impacting the community of Fairmead. The District strongly encourages early collaboration between Authority staff and District staff to ensure that schedules and needs of both parties can be aligned. **The District believes the appropriate remedy is to come to an agreement with the Elementary District prior to adoption of the EIR that ensures EJ-MM#1 can be implemented in a timely manner.**

Submission 250 (Christina Wa, Chowchilla Elementary School District, June 21, 2019) - Continued

250-308

2. The EIR Fails to Address Impacts on Future Bonding Capacity as a Result of Student Relocations

The California Education Code limits the amount of general obligation bonds that elementary school districts may sell during any fiscal year to 1.25% of the total taxable property within the school district. (Ed. Code, § 15102 and 15268.) Thus, a school district's bonding capacity is directly tied to the total assessed value of property within its boundaries.

Here, the Authority recognizes that the project would result in the acquisition and displacement of residents, which would remove some private property from the local property tax rolls and reduce the local property tax revenues available to school districts. (See Impact SO #11.) However, the EIR fails to address how the net reduction in the number of taxable properties within the Elementary District will also adversely impact the Elementary District's future bonding capacity, and thus the Elementary District's ability to maintain and construct school facilities for children in the community. The Elementary District requests that the Authority consider and address the level of significance of the adverse impact to the Elementary District's bonding capacity.

CHOWCHILLA ELEMENTARY SCHOOL DISTRICT



Dr. Charles Martin, Superintendent

472-514502633.1

Response to Submission 250 (Christina Wa, Chowchilla Elementary School District, June 21, 2019)

250-305

Please refer to the response to submission MF2-247, comment 234.

Because Mitigation Measure EJ-MM#1 in this Final Supplemental EIR/EIS has been revised to reflect the fact that the Authority will provide funding to Madera County for the purchase of a site and construction of a community center to serve Fairmead (instead of acquiring the Fairmead Elementary School site from the Chowchilla Elementary School District), the commenter's concerns about detailed aspects of the proposed acquisition are no longer relevant.

250-306

Please refer to the response to submission MF2-247, comment 234.

Because Mitigation Measure EJ-MM#1 in this Final Supplemental EIR/EIS has been revised to reflect the fact that the Authority will provide funding to Madera County for the purchase of a site and construction of a community center to serve Fairmead (instead of acquiring the Fairmead Elementary School site from the Chowchilla Elementary School District), the commenter's concerns about detailed aspects of the proposed acquisition are no longer relevant.

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250-308

Please refer to the response to submission MF2-247, comment 236.

Submission 251 (Ron Seals, Chowchilla Union High School District, June 21, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #251 DETAIL

Status : Unread
 Record Date : 6/21/2019
 Submission Date : 6/21/2019
 Interest As : Business and/or Organization
 First Name : Christina
 Last Name : Wa (for Chowchilla Union High School District)
 Submission Content :

Please see attached for the Chowchilla Union High School District's Comment Letter on the Draft Supplemental EIR/ EIS for the Merced to Fresno Section.

Thank you,

Christina Wa

520 Capitol Mall
 Suite 400
 Sacramento, CA 95814-4713
 Direct: (916) 604-3080
 Mobile: (916) 500-3936
 Phone: (916) 443-0000
 Fax: (916) 443-0030

Email: cwa@f3law.com<mailto:cwa@f3law.com>
 Web: www.f3law.com<http://www.f3law.com>

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Attachments : CUHSD EIR Comments - Merced to Fresno - 06-20-2019 .pdf (194 kb)



CHOWCHILLA UNION HIGH SCHOOL DISTRICT
 805 Humboldt Avenue
 Chowchilla, CA 93610
 Phone: 559 665 3662 Fax: 559 665-1881

Chowchilla Tribe, Community Wide
 Strength comes in numbers!



June 19, 2019

Via U.S. Mail and E-Mail
 CentralValley.Wye@hsc.ca.gov

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

Re: Chowchilla Union High School District's Comment on the Draft Supplemental EIR/EIS for the Merced to Fresno Section

To Whom It May Concern:

On behalf of the Chowchilla Union High School District ("High School District"), we write in response to the Draft Supplemental Environmental Impact Report/ Environmental Impact Statement ("EIR") for the Merced to Fresno Section of the California High-Speed Rail Project ("Project"). The High School District opposes the Project and requests that the California High-Speed Rail Authority ("Authority"), as lead agency, consider and address the following environmental impacts affecting the High School District in order to adequately comply with the California Environmental Quality Act ("CEQA").

251-309

1. **The EIR Fails to Consider the Substantial Changes in the Circumstances Under Which the Project Is Being Undertaken.**

CEQA provides that a subsequent or supplemental EIR shall address substantial changes that occur with respect to the circumstances under which the project is being undertaken that will require major revisions in the previous EIR. (Pub. Res. Code § 21166; Cal. Code Regs., tit. 14, § 15162.)

Here, the Authority is currently and has been facing many uncertainties with respect to funding, final design, construction schedule, and more that have created "substantial changes in the circumstances" surrounding the Project. In Governor Newsom's State Address in February, the Governor indicated his plan to scale back the Project to focus on completing the link between Merced to Bakersfield within the Central Valley, rather than implement the original phase I plan of providing a link between San Francisco and Los Angeles. In March, the Federal Railroad Administration ("FRA") formally notified the Authority of its decision to cancel the

Submission 251 (Ron Seals, Chowchilla Union High School District, June 21, 2019) - Continued

251-309

\$928,620,000 in federal funds that were previously obligated for the Project. These recent state and federal level decisions will affect the feasibility and final design of the Project.

However, the EIR fails to consider any of these uncertainties and changed circumstances. Rather, the EIR discusses environmental impacts based on the presumption that the full San Francisco to Los Angeles Phase 1 alignment will be completed. In order to provide a complete analysis, the EIR needs to also address a realistic alternative of having only a Merced to Bakersfield alignment, and the environmental impacts that such a change in scope may cause.

251-310

2. **The EIR Fails to Identify and Consider Transportation Impacts to the High School District.**

A. **The EIR Fails to Address Impacts to the High School District's Existing School Bus Routes.**

Section 3.2.5.5 of the EIR identifies impacts to existing transit conditions within the transportation Resource Study Area ("RSA"), as defined, and includes a subsection identifying certain existing school bus routes that will be impacted. (Pg. 3.2-27.)

However, the EIR fails to identify or address any of the High School District's existing bus routes that will be impacted by the Project. The High School District offers school bus transportation services to all of its students outside of the limits of the City of Chowchilla ("City"). (See Parent Student Handbook for 2018-2019.) Thus, the Authority must consider and address the environmental impacts to the High School District's existing school bus routes.

251-311

B. **The EIR Fails to Address Impacts to Families' and Students' Home-to-School Commute.**

CEQA requires that an EIR discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. (Cal. Code Regs., tit. 14, § 15125(d).)

Here, in Section 3.2.5.7, the Authority notes that the City's "2040 General Plan proposes a comprehensive trails system linking residential areas, schools, parks, and commercial development centers so that residents can travel within the community without driving." (Pg. 3.2-29.)

However, the EIR fails to address how impacts on pedestrian and bicycle access, such as sidewalk closures, crosswalk closures, pedestrian rerouting, and permanent roadway changes, will affect the ability and safety of students and families who walk or bike to and from school every day. The Authority must consider and address how the Project will impact the City's general plan to provide a trails system linking residential areas and schools, and specifically, how the Project will impact the feasibility and safety of the High School District's students and families traveling to and from school by foot or by bicycle.

251-312

3. **The High School District Believes Some WYE Alternatives Will be More Beneficial for Families and Students Traveling to and from School**

Based on the High School District's overall concerns for the safety of its students and families commuting to and from school, the High School District offers that the WYE alternatives rank in order of safety and benefit to school and community transportation from the most safe (#1) to the least safe (#4), as follows:

251-312

1. South of SR 152 (North) to Road 11 Wye
2. South of SR 152 (North) to Road 19 Wye
3. South of SR 152 (North) to Road 13 Wye
4. South of Avenue 21 to Road 13 Wye

251-313

4. **The High School District Urges Maximizing The Use of Interchanges**

The High School District urges the Authority, as it continues to develop its final design, to consider maximizing the use of traffic interchanges at its proposed grade separations and road modifications, rather than overcrossings and jug handle ramps. There is only one grade separated interchange between Hwy 99 and Robertson Boulevard, Road 9. The reconfiguration of the Road 4 overcrossing to some sort of interchange would be of great benefit for all three Chowchilla school districts home-to-school transportation programs.

Sincerely,

CHOWCHILLA UNION HIGH SCHOOL DISTRICT



Ron Seals, Superintendent

750-544807251.1

Response to Submission 251 (Ron Seals, Chowchilla Union High School District, June 21, 2019)

251-309

The comment stating opposition to the project is noted. The commenter is invited to review the 2019 Project Update Report concerning the Authority's position regarding long-term financing of the project.

Please refer to:

Standard Response CVY-Response-GENERAL-1: Oppose HSR Project
Standard Response CVY-Response-GENERAL-3: Funding and Project Costs
Standard Response CVY-Response-GENERAL-5: Interim Operating Plans and Draft 2020 Business Plans.

251-310

The Draft Supplemental EIR/EIS identified permanent and temporary impacts on routes used by school buses within the transportation resource study area (please refer to pages 3.2-46 and 3.2-47 [Impacts TR#16 and TR#17]).

The design of the Central Valley Wye alternatives includes identifying when and where temporary closures and detours would occur, with the goal of maintaining traffic flow, especially during peak travel periods and school hours.

Construction-period detour routes would be finalized by the contractor during final design. Advance notification of construction would be provided to the school districts, and traffic control would be rigorously maintained at all school bus loading zones.

Any permanent impacts on school bus routes resulting from road closures would be identified in the final design, allowing schools enough time to evaluate existing routes and make any necessary adjustments. Based on the current (15 percent) level of design, the greatest out-of-direction travel distance for school buses would be 3.1 miles under each of the Central Valley Wye alternatives. This represents an approximately 10 percent increase in travel distance compared with the total average round-trip distance (25 to 35 miles) for the bus routes.

Appendix 3.12-D, Table 3, lists permanent road closures by school district and indicates the out-of-direction travel distance that would result from road closures. This was considered an indirect impact of the Central Valley Wye alternatives. Moreover, because buses can be rerouted to continue to provide service, there would be no permanent impacts with respect to the ability of buses to pick up children along a route. Therefore, it was determined that there would be no impacts under CEQA because alterations to school bus routes would not increase hazards or create safety risks for school bus users.

Response to Submission 251 (Ron Seals, Chowchilla Union High School District, June 21, 2019) - Continued

251-311

The Draft Supplemental EIR/EIS identifies permanent and temporary impacts on pedestrian and bicycle access within the transportation resource study area (please refer to page 3.2-48 [Impacts TR#18 and TR#19]). The design of the Central Valley Wye alternatives includes identifying when and where temporary closures and detours would occur (e.g., sidewalks; crosswalks, including rerouted crosswalks at intersections; roads that are designated bicycle routes that would be narrower during construction; pathways for pedestrians and bicyclists with construction-related material), with the goal of maintaining pedestrian and bicycle access. The public as well as the school districts would receive advance notification of road closures and detours during construction that would affect pedestrians and bicyclists.

Under all alternatives, grade-separated crossings would result in improved pedestrian and bicycle safety in areas close to HSR operations, relative to existing at-grade railroad crossings. Therefore, it was determined that there would be less-than-significant impacts under CEQA with any alternative because a loss of pedestrian and bicycle facilities would be limited to a few elevated segments. Moreover, permanent changes to pedestrian and bicycle facilities would result in safer access because of the new grade-separated crossings.

251-312

These comments present opinions on the merits of the project and the alternatives. Please refer to Standard Response CVY-Response-GENERAL-1: Oppose HSR Project and Standard Response CVY- Response-GENERAL-2: Alternatives Analysis and Selection for CVY. Chapter 8, Preferred Alternative, identifies the SR 152 (North) to Road 11 Wye Alternative as the Preferred Alternative and addresses the extent to which the alternatives would have different impacts on safety issues.

CEQA and NEPA require a final EIR and EIS, respectively, to respond to the responsible comments received on environmental issues (please refer to 14 California Code of Regulations Section 15088(a) and the FRA Procedures for Considering Environmental Impacts). The comments do not address an environmental issue but have been included in the project's administrative record.

251-313

The environmental analysis was based on a project footprint and 15 percent design plans, as is typical for the analysis of transportation projects. The interchanges along SR 152 were analyzed in the traffic models. A more specific roadway design will be developed following project approval.

The Authority has coordinated with and will continue to coordinate with Caltrans and local jurisdictions regarding potential impacts on roadways.

Submission 252 (Sharla Yang, San Joaquin Valley Air Pollution Control District, June 21, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #252 DETAIL

Status : Unread
 Record Date : 6/21/2019
 Submission Date : 6/21/2019
 Interest As : Local Agency
 First Name : Sharla
 Last Name : Yang
 Submission Content :

To Whom It May Concern:

Thank you for the opportunity to comment on the Merced to Fresno Section: Central Valley Wye Draft Supplemental EIR/EIS. Attached is a copy of the San Joaquin Valley Air Pollution Control District (District) comment letter for this project. Please feel free to contact me should you have any questions or concerns.

Best regards,

Sharla Yang
 Air Quality Specialist
 San Joaquin Valley Air Pollution Control District
 1990 East Gettysburg Avenue | Fresno, CA 93726
 Phone: (559) 230-5934 | Fax: (559) 230-6061
 E-mail: sharla.yang@valleyair.org<mailto:sharla.yang@valleyair.org>

STAR - Service b Teamwork b Attitude b Respect

[cid:B9A805D0C37647EC851433BFD409855D@RFL.LOCAL]<http://www.healthyliving.com/>
 Attachments : 20190530 Comment Letter.pdf (632 kb)



JUN 20 2019

California High-Speed Rail Authority
 Merced to Fresno Section: Central Valley Wye
 Draft Supplemental EIR/EIS
 770 L Street, Suite 620 MS-1
 Sacramento, CA 95814



Project: **Draft Supplemental Environmental Impact Report/Environmental Impact Statement for the Merced to Fresno Section: Central Valley Wye**

District CEQA Reference No: 20190530

To Whom It May Concern:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Supplemental Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) for the Merced to Fresno Section: Central Valley Wye which consists of evaluating the environmental impacts associated with four wye alternatives that would create the high-speed rail connection between the San Jose to Merced section to the west and the north-south Merced to Fresno section to the east (Project). The Draft EIR/EIS has identified the State Route 152 to Road 11 wye as the preferred alternative. The wye connection is located between the cities of Merced and Madera. The District offers the following comments:

252-314

1. **Voluntary Emission Reduction Agreement (VERA)**

The District recommends removing Air Quality Mitigation Measure AQ-MM#4 and replacing it with a measure to reflect the commitment in the Memorandum of Understanding (MOU) between the District and the High-Speed Rail Authority (HSRA).

The proposed AQ-MM #4 incorrectly requires actual construction emissions of NOx be fully mitigated, and actual construction emissions of PM10 to be mitigated to below the District's significance thresholds, when in fact the Project's construction emissions of NOx, VOCs, and PM10 shall be fully mitigated to net zero in accordance with the MOU. On June 19, 2014 the District and HSRA entered into an MOU which establishes the framework for fully mitigating to net-zero construction emissions of NOx, VOC, PM10 and PM2.5 for the entire High-Speed Train Project throughout the San Joaquin Valley Air Basin. Therefore, the District recommends removing AQ-MM#4 and replacing it with a measure that simply refers to the MOU between the District and HSRA requiring full mitigation to net-zero actual construction emissions of NOx, VOC, PM10 and PM2.5 for the Project.

Samir Shreshth
 Executive Director, Air Pollution Control Office

Northern Region
 4000 Encinitas Way
 Modesto, CA 95216-8718
 Tel: (209) 937-9400 Fax: (209) 937-8775

Central Region (Main Office)
 1990 E. Gettysburg Avenue
 Fresno, CA 93726-0744
 Tel: (559) 730-8000 Fax: (559) 230-6061

Southern Region
 24340 Flyover Court
 Colton, CA 95308-8726
 Tel: (661) 392-5900 Fax: (661) 392-5385

www.valleyair.org www.healthyliving.com

Submission 252 (Sharla Yang, San Joaquin Valley Air Pollution Control District, June 21, 2019) - Continued

District CEQA Reference No: 20190530

Page 2

District CEQA Reference No: 20190530

Page 3

252-314

To date, the District and HSRA have worked closely to ensure construction air quality emissions of NOx, VOC, PM10, and PM2.5 are mitigated in accordance with the MOU. This MOU requires the HSRA to enter into a VERA with the District for any segment located in the San Joaquin Valley Air Basin that has been approved for construction by the HSRA, or any other applicable state or federal entity. For reference, the District has attached a copy of the MOU to this letter.

252-315

2. Health Risk Assessment (HRA)

The District recommends the Draft EIR/EIS, specifically Table 8 on Page E-18 and 11 in the HRA Summary Excel file be revised for consistency purposes.

On Page E-18 of the *Air Quality and Global Climate Change Technical Report, Appendix E: Localized Impacts from Construction*, specifically Table 8 Excess Cancer and Noncancer Maximum Health Risk Associated with Construction Emissions from All Features Combined lists a maximum cancer risk of 18.1 at the most impacted receptor. However, in the HRA files (file name: HRA Summary 082216 (v9.5).xlsx), Table 11 Excess Cancer Maximum Risk Associated with Construction Emissions from All Features Combined lists a maximum cancer risk of 20.1 at the most impacted receptor. The District recommends the tables in the Draft EIR/EIS be revised to reflect the appropriate risk for consistency purposes.

The District recommends that the Health Risk Assessment (HRA) be revised for consistency with District recommended approaches for calculating risk.

The District reviewed the Health Risk Assessment (HRA) and determined there are inconsistencies between the discussion in the *Air Quality and Global Climate Change Technical Report, Appendix E: Localized Impacts from Construction* and the HRA / AERMOD modeling files. The District recommends that the HRA be revised to address the following comments:

252-316

- On Page E-9 of the *Air Quality and Global Climate Change Technical Report, Appendix E: Localized Impacts from Construction, Table 3 AERMOD Model Source Parameters* lists an exhaust release height of 3 meters for rail segment and road crossings. However, the AERMOD modeling files used an exhaust release height of 5 meters for the rail segment and road crossings. As such, the District recommends revising the HRA accordingly.

252-317

- On Page E-9 of the *Air Quality and Global Climate Change Technical Report, Appendix E: Localized Impacts from Construction*, under Section 5.1 Dispersion Modeling Inputs, an initial vertical dimension of 1 meter was used for modeling the rail segment, road crossing, and concrete batch plant based guidance from the Sacramento Metropolitan Air Quality Management District.

252-317

The District does not recommend using guidance from other air districts without prior District approval. In addition, the District does not recommend using an initial vertical dimension in the HRA. As such, the District recommends revising the HRA accordingly.

252-318

The Draft EIR/EIS concluded a less than significant impact on health risk. However, by addressing the comments above, the Project may result in a cancer risk score of greater than 20 resulting in a significant impact on health risk.

252-319

3. Rule 9510 Indirect Source Review (ISR)

The proposed Project is subject to Rule 9510 Indirect Source Review (ISR) and requires the submittal of an Air Impact Assessment (AIA) application.

District Rule 9510 Indirect Source Review (ISR) is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site fees. District Rule 9510 applies to any transportation or transit development projects where construction exhaust emissions equal or exceed two (2.0) tons of NOx or two (2.0) tons of PM10. Therefore, the Project is subject to District Rule 9510 and an Air Impact Assessment (AIA) application is required to be submitted to the District. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>. The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

252-320

4. District Rules and Regulations

The proposed Project may be subject to other District rules and regulations.

The proposed Project may also be subject to other District rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 4002 (National Emission Standards for Hazardous Air Pollutants), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1.ruleslist.htm.

Submission 252 (Sharla Yang, San Joaquin Valley Air Pollution Control District, June 21, 2019) - Continued

District CEQA Reference No: 20190630

Page 4

The District appreciates the HSRA ongoing commitment to working with the District and appreciates the opportunity to aid the HSRA in identifying and mitigating impacts on air quality. If you have any questions or require further information, please contact Sharla Yang at (559) 230-6000.

Sincerely,

Arnaud Marjollet
Director of Permit Services



Brian Clements
Program Manager

AM: sy

252-321

Enclosure: Memorandum of Understanding between District and HSRA

1 **MEMORANDUM OF UNDERSTANDING**
 2 This Memorandum of Understanding ("MOU") is entered into by the California
 3 High-Speed Rail Authority ("Authority") and the San Joaquin Valley Unified Air Pollution
 4 Control District ("District"). Authority and District are collectively referred to herein as
 5 the "Parties" with each being a "Party".

RECITALS

6 **WHEREAS**, District is an air pollution control district formed by the counties of
 7 Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare, and the Valley
 8 portion of Kern, pursuant to California Health and Safety Code section 40150, et seq.;
 9 and
 10

11 **WHEREAS**, District is responsible for developing and implementing air quality
 12 control measures within the District Boundaries as depicted in Exhibit A ("District
 13 Boundaries" or "San Joaquin Valley Air Basin") attached hereto and incorporated
 14 herein, including air quality control measures for stationary sources, transportation
 15 sources, and indirect sources; and

16 **WHEREAS**, despite the best efforts of District, air quality within District
 17 Boundaries remains impaired such that the San Joaquin Valley Air Basin is not in
 18 attainment of federal Clean Air Act standards for ozone and its precursors NOx and
 19 VOCs (extreme nonattainment) and PM2.5 and is in Attainment/Maintenance status for
 20 PM10 (NOx, VOC, PM10 and PM2.5 collectively, "Criteria Pollutants"); and

21 **WHEREAS**, emissions of Criteria Pollutants from the Authority's planned high-
 22 speed rail construction within District Boundaries would exacerbate that non-attainment
 23 status and could threaten that Attainment/Maintenance status; and

24 **WHEREAS**, the San Joaquin Valley Air Basin is unique meteorologically in that
 25 it is surrounded on three sides by mountain ranges, including to the west which
 26 significantly limits the ability of ocean weather patterns and winds to refresh air in the
 27 basin; and
 28

SJVUAPCD
1960 E. Gettysburg
Fresno, CA 93726
(559) 230-0000

-1-

Submission 252 (Sharla Yang, San Joaquin Valley Air Pollution Control District, June 21, 2019) - Continued

1 **WHEREAS**, the Authority, in partnership with the Federal Railroad
 2 Administration ("FRA"), is developing a high-speed train system ("HST System"), which
 3 includes construction of guide-way segments, and ancillary facilities such as a Heavy
 4 Maintenance Facility, stations, and overpasses for California pursuant to the California
 5 High-Speed Rail Act (Public Utilities Code section 18500 *et seq.*) ("Rail Act") and the
 6 Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (codified at
 7 Streets and Highways Code section 2704 *et seq.*) ("Bond Act") that would serve the
 8 San Francisco Bay Area, Sacramento, Central Valley, Los Angeles and San Diego
 9 through various station-to-station segments ("Segments") (as depicted in Exhibit B);
 10 and

11 **WHEREAS**, the HST System includes segments or portions thereof that will be
 12 constructed, if and when funding can be secured, within the boundaries of the San
 13 Joaquin Valley ("SJV") including the following: Merced to San Jose (portion), Merced to
 14 Fresno (all), Fresno to Bakersfield (all), Bakersfield to Palmdale (portion), and
 15 Sacramento to Merced (portion), collectively referred to as "HST SJV District Portion";
 16 and

17 **WHEREAS**, the Authority completed Program-level Environmental Impact
 18 Statements/Reports ("EIS/EIR") in 2005, 2008, 2010 and 2012 pursuant to the National
 19 Environmental Policy Act ("NEPA") and California Environmental Quality Act ("CEQA")
 20 evaluating impacts of the HST System, and selecting preferred route corridors; and

21 **WHEREAS**, a project level Final EIS/EIR ("MF FEIR") for the Merced to Fresno
 22 Segment ("MF Segment") was approved and certified via Resolution 12-19 ("MF FEIR
 23 Resolution") and the MF Segment approved and CEQA findings made via Resolution
 24 12-20 ("MF Segment Resolution") by the Authority's Board of Directors in May 2012
 25 and FRA's associated Record of Decision ("ROD") issued on September 2012; and

26 **WHEREAS**, construction of a portion of the MF Segment (from approximately
 27 Madera to downtown Fresno) is anticipated to commence in 2014 with connections to
 28 the San Francisco Bay Area and Los Angeles Basin expected after year 2028; and

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 1990 E. Gettysburg
 Fresno, CA 93726
 (559) 239-5990

1 **WHEREAS**, the Authority found in the MF FEIR and MF FEIR Resolution that
 2 construction of the MF Segment would cause significant air quality impacts from
 3 construction emissions of Criteria Pollutants because the San Joaquin Valley Air Basin
 4 is in non-attainment for Criteria Pollutants; and

5 **WHEREAS**, the Authority has included in the MF Segment Resolution, and in
 6 the Draft EIR/EIS for the Fresno-Bakersfield Segment (and anticipates so including in
 7 the draft environmental documents for other Segments of the HST SJV District Portion)
 8 various requirements and mitigation measures to reduce significant construction
 9 emissions associated with the HST SJV District Portion (such as using the cleanest
 10 construction and hauling fleet as reasonably practicable, as detailed in MF FEIR AQ-
 11 MM#1 and #2); and

12 **WHEREAS**, nevertheless, Criteria Pollutant(s) emitted during HST construction
 13 within the District Boundaries would still exacerbate and/or threaten the existing non-
 14 attainment and maintenance status for Criteria Pollutants within the District Boundaries;
 15 and

16 **WHEREAS**, during the public process leading up to the MF FEIR, the District
 17 recommended in writing that the Authority enter into a Voluntary Emission Reduction
 18 Agreement ("VERA") with the District as an additional mitigation measure (because of
 19 the emissions offsets VERA implementation would achieve) for construction emission
 20 impacts the MF FEIR concluded would occur in the MF Segment; and

21 **WHEREAS**, the MF Segment Resolution committed the Authority to entering
 22 into a VERA with the District for the MF Segment as a mitigation measure to
 23 accomplish net-zero MF Segment construction emissions of Criteria Pollutants
 24 because of the San Joaquin Air Basin's difficult air quality challenge (i.e., its non-
 25 attainment status), which VERA now has been drafted for the funded Madera-to-
 26 Fresno portion of the MF Segment and is near ready for execution ("Madera-to-Fresno
 27 VERA"); and
 28

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 1990 E. Gettysburg
 Fresno, CA 93726
 (559) 239-5000

Submission 252 (Sharla Yang, San Joaquin Valley Air Pollution Control District, June 21, 2019) - Continued

1 WHEREAS, the Authority understands that any significant HST construction
2 emissions air quality impacts from Criteria Pollutants within the District Boundaries
3 could be mitigated through various measures, including emissions offsets to net zero
4 through entry into VERAs, which approach would address the District's view that any
5 net HST construction emissions of Criteria Pollutants within the District Boundaries are
6 impacts that must be fully mitigated; and

7 WHEREAS, the District has developed Incentive Programs around several core
8 principles, including cost-effectiveness, integrity, effective program administration,
9 excellent customer service, the efficient use of District resources, fiscal transparency
10 and public accountability; and

11 WHEREAS, the District's Incentive Programs involve the District using monies
12 (such as grant funds and project-proponent-provided monies via a VERA) to fund
13 (usually on a percentage basis) the purchase and use by third parties of newer
14 equipment that emits fewer Criteria Pollutants to replace older, less-clean-burning
15 equipment (such as farm tractors), which the District administers through Individual
16 Incentive Program Funding Agreements ("IIPFAs"); and

17 WHEREAS, the District's IIPFAs require the user of the new equipment to use
18 the new equipment for a minimum number of hours (based on the user's historical use
19 of the replaced equipment) over a specified number of years, and require permanent
20 destruction of the replaced equipment; and

21 WHEREAS, the IIPFAs, because of their requirements, result in reductions of
22 Criteria Pollutants that get assigned to the project proponent providing the funding to
23 offset emissions by that project proponent ("Criteria Pollutant VERA Offsets"); and

24 WHEREAS, the Criteria Pollutant VERA Offsets, because of the requirements of
25 and protections in the IIPFAs, are secured and certified to the Authority by the District
26 ("Secured Criteria Pollutant VERA Offsets") upon execution of each IIPFA; and

27 WHEREAS, the District's Incentive Programs are regularly audited by
28 independent outside agencies including professional accountancy corporations on

SJVUAPCD
1990 E. Gettysburg
Fresno, CA 93726
(559) 230-6500

1 behalf of the federal government, the California Air Resources Board ("ARB"), the
2 California Department of Finance and the California Bureau of State Audits; and

3 WHEREAS, the District has determined that with appropriate funding from
4 Authority, the District can source, secure and certify Criteria Pollutant VERA Offsets as
5 necessary for construction of the HST SJV District Portion.

6 AGREEMENT

7 NOW THEREFORE, the Authority and the District hereby agree as follows:

8 1. Offset of Construction Emissions of Criteria Pollutants

9 (i) The Authority shall fully offset all HST SJV District Portion-related HST
10 construction emissions from Criteria Pollutants by achieving surplus, quantifiable and
11 enforceable emissions reductions of Criteria Pollutants.

12 (ii) For the purpose of this MOU, "fully offset" or "net zero" means that the
13 total amount of all Criteria Pollutants emission reductions secured by the offset
14 reduction measures is equal to, or greater than, the total amount of actual Criteria
15 Pollutant HST construction emissions within the HST SJV District Portion, minus the
16 projected emissions of Criteria Pollutants that would have occurred in the locations of
17 the HST District Portion construction in the absence of HST construction as may be
18 feasible and technically calculable for specific facilities HST might replace (as Individual
19 VERAs may include). "Surplus" emission reductions are reductions that are not
20 otherwise required by existing laws or regulations.

21 (iii) In order to fully offset such construction-related air emissions from the
22 HST SJV District Portion, upon each Segment in the HST SJV District Portion having
23 been approved for construction by the Authority and any applicable state or federal
24 entity, having secured funding for construction, and having approved or certified
25 associated environmental review reports and/or statements as required by applicable
26 law ("Certified Environmental Document"), the Authority and District shall enter into a
27 VERA substantially in the form of the Madera-to-Fresno VERA to cover the portion of
28 the Segment approved and funded for construction within District Boundaries prior to

SJVUAPCD
1990 E. Gettysburg
Fresno, CA 93726
(559) 230-6500

Submission 252 (Sharla Yang, San Joaquin Valley Air Pollution Control District, June 21, 2019) - Continued

1 the commencement of construction of said portion. Notwithstanding the above, nothing
 2 in this MOU shall prevent the Authority from commencing any construction if, despite
 3 the Authority's best efforts, timely entry into the associated VERA did not occur; in such
 4 event, the Parties shall work cooperatively to accomplish entry into the VERA in time
 5 for emissions offsets to occur in a timely manner to satisfy applicable law such as
 6 contemporaneous offset timing requirements established by the U.S. Environmental
 7 Protection Agency for general conformity.

8 **2. VERA Implementation**

9 (i) Upon entering into a VERA, the Authority shall provide the District with a
 10 meaningful amount of Air Quality Mitigation Funds (as a deposit) as may be specified in
 11 each VERA, which the District shall place in a District trust or escrow account until
 12 committed in an executed and Authority-approved IIPFA. Such Funds are intended to
 13 fund equipment replacement and/or retrofit to achieve Criteria Pollutant VERA Offsets
 14 and to fund the District's administrative expenses to implement the VERA, as may be
 15 specified in each VERA. The Authority acknowledges that the District will require
 16 availability of a meaningful amount of such Funds prior to soliciting and negotiating
 17 IIPFAs to accomplish Criteria Pollutant VERA Offsets on the Authority's behalf as part
 18 of any individual VERA. The District acknowledges that construction of the HST SJV
 19 District Portion is not fully funded, and future funding sources and availability can affect
 20 how individual VERAs get funded and the provisions and terms in such VERAs. The
 21 total estimated amount of Air Quality Mitigation Funds necessary for each VERA are
 22 based on (a) the total tonnage of Criteria Pollutants estimated to be emitted during the
 23 HST construction covered by each VERA, as estimated within a Certified
 24 Environmental Document or some subsequent estimate based on more then-up-to-
 25 date construction information and (b) District's cost per ton per the then-applicable rate
 26 contained in District Rule 9510 as set forth in each VERA.

27 (ii) Upon receipt of a meaningful amount of such Funds as relates to an
 28 individual VERA and upon the Authority's written notice to proceed from its Contract

SJVUAPCD
 1990 E. Gettysburg
 Fresno, CA 93726
 (559) 230-8000

1 Manager to the District based on relative certainty of a likely construction start date for
 2 the HST construction covered by the relevant VERA, the District will commence
 3 negotiating and executing (after Authority limited review and approval) and funding
 4 (from the Funds in trust/escrow) IIPFAs to achieve Secured Criteria Pollutant VERA
 5 Offsets on behalf of the Authority in a timely manner to satisfy applicable law or
 6 general conformity regulations requiring emission reductions to be achieved
 7 contemporaneous to the actual emissions to be offset. The Authority will continue to
 8 fund the trust/escrow account, and District will continue to negotiate and execute
 9 additional IIPFAs to create additional Secured Criteria Pollutant VERA Offsets until
 10 sufficient Secured Criteria Pollutant VERA Offsets have been funded to accomplish full
 11 offset to net zero for that VERA.

12 (iii) Upon execution of each IIPFA, District shall issue to the Authority a Secured
 13 Criteria Pollutant VERA Offsets Receipt, by which the District ensures to the Authority
 14 that such associated offsets listed in the Receipt have been secured with no further
 15 involvement or funding by the Authority.

16 (iv) Through periodic reporting to each other, the Authority will monitor the actual
 17 emissions resulting from construction and the District will monitor and match such
 18 actual emissions to the total offsets stated in Secured Criteria Pollutant VERA Offsets
 19 Receipts issued to date. The District shall certify in writing to the Authority when the
 20 total Secured Criteria Pollutant VERA Offsets listed in all Receipts issued fully offset
 21 the actual construction emissions of Criteria Pollutant(s) from the HST Segment portion
 22 covered by the associated VERA.

23 **3. Refunds**

24 When total offsets stated in Secured Criteria Pollutant VERA Offsets Receipts
 25 equal or exceed total actual construction emissions of Criteria Pollutants for the HST
 26 construction covered in a VERA, the District shall, upon Authority written request,
 27 refund the Authority any remaining Air Quality Mitigation Funds which are not
 28

SJVUAPCD
 1990 E. Gettysburg
 Fresno, CA 93726
 (559) 230-8000

Submission 252 (Sharla Yang, San Joaquin Valley Air Pollution Control District, June 21, 2019) - Continued

1 encumbered through IIPFAs. The District shall have a reasonable period of time to
2 refund the unencumbered Air Quality Mitigation Funds.

3 **4. Transfer of Segment Excess Emission Reductions**

4 If total offsets stated in Secured Criteria Pollutant VERA Offsets Receipts
5 exceed total construction emissions of Criteria Pollutants for the HST construction
6 covered in a VERA, the Authority shall be credited with such excess emission ("VERA
7 Excess Emission Reduction" or "Excess"). Such VERA Excess Emission Reductions
8 shall be transferred to any other than-existing or future Authority-District VERA. If there
9 is no existing VERA and likely will not be a future VERA in time for the Authority to get
10 value for the Excess, the Authority may transfer the Excess to a third-party developer.

11 **5. District Rule 9510-Indirect Source Review**

12 Authority acknowledges that it is required to comply with all applicable laws that
13 may be in effect as the HST SJV District Portion is implemented, such as the District's
14 current Rule 9510 (including its requirement to submit an Air Impact Assessment
15 Application). The Authority acknowledges that it is subject to all applicable provisions
16 of District Rule 9510 that are in effect at the time of submitting an Air Impact
17 Assessment Application, but the District anticipates that Criteria Pollutant Offsets to be
18 accomplished through VERAs as contemplated by this MOU will satisfy the emissions
19 reductions requirements of current Rule 9510.

20 **6. Term of MOU**

21 This MOU shall be effective upon the date it is signed. The Parties acknowledge
22 that construction of the HST SJV District Portion could span one or more decades. The
23 Parties agree to work cooperatively together over that time period to evaluate any
24 amendments necessary to this MOU to reflect any relevant circumstances that may
25 change, including but not limited to changing state and federal law requirements
26 related to air quality, changes (positive or negative) in the Clean Air Act attainment
27 status of the San Joaquin Air Basin for Criteria Pollutants or other pollutants, changing
28 and evolving HST funding, and changing state and federal law requirements related to

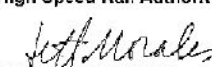
1 the HST System. This MOU shall be terminated by its terms when total offsets stated in
2 Secured Criteria Pollutant VERA Offsets Receipts equal or exceed total actual
3 construction emissions of Criteria Pollutants for the HST SJV District Portion.

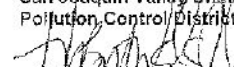
4 **7. Exhibits.** The Exhibits to this MOU are fully incorporated and are a part
5 of this MOU, and are:

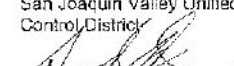
- 6 A. District Boundaries Map
- 7 B. HST System and Segment Map

8 **E. Miscellaneous.** The Recitals set forth above are hereby incorporated into
9 the terms of this MOU. Counterpart and facsimile/computer image signatures shall be
10 treated as originals. Notices under this MOU shall be given in writing to the persons
11 and addresses listed in the then-most-current VERA. This MOU contains all
12 understandings between the Parties as to the matters covered herein and incorporates,
13 integrates and supersedes any different or other oral or written understandings
14 between the Parties as to the matters covered herein. This MOU was prepared equally
15 by both Parties.

16 IN WITNESS WHEREOF, the Authority and District have executed this MOU
17 and agree that it shall be effective as of the date first written above.

18 **AUTHORITY**
19 High Speed Rail Authority
20 
21 Jeff Morales
22 Chief Executive Officer

18 **DISTRICT**
19 San Joaquin Valley Unified Air
20 Pollution Control District
21 
22 Hub Walsh
23 Governing Board Chair

24 **Recommended for approval:**
25 San Joaquin Valley Unified Air Pollution
26 Control District
27 
28 Seyed Sadredin
Executive Director/APCO

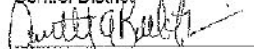
Approved as to legal form:

Submission 252 (Sharla Yang, San Joaquin Valley Air Pollution Control District, June 21, 2019) - Continued

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San Joaquin Valley Unified Air Pollution

Control District



Annette Ballafore-Williamson

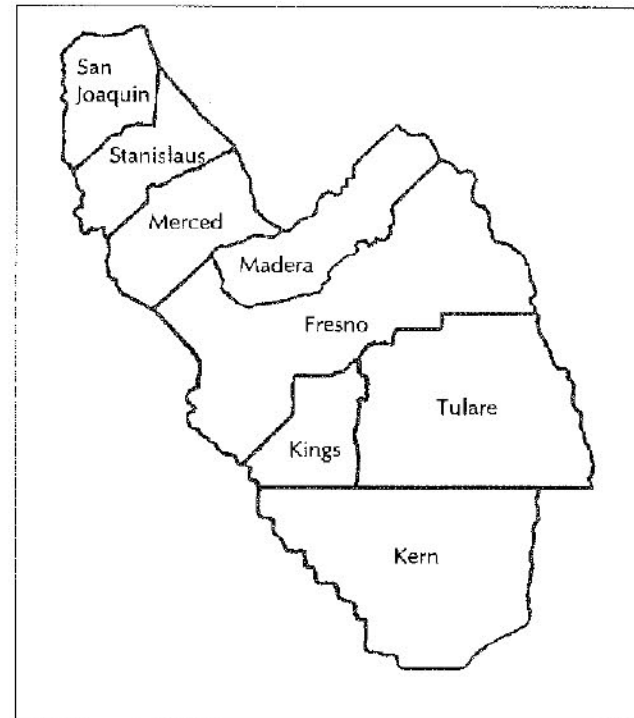
Interim District Counsel

-10-

SJVUAPCD
1900 E. Gettysburg
Fresno, CA 93726
(559) 230-6000

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EXHIBIT A: District Boundaries/San Joaquin Valley Air Basin



SJVUAPCD
1900 E. Gettysburg
Fresno, CA 93726
(559) 230-6000

-11-

Response to Submission 252 (Sharla Yang, San Joaquin Valley Air Pollution Control District, June 21, 2019)

252-314

The Authority acknowledges its MOU with the SJVAPCD. Through that MOU, the Authority has committed to “fully offset” construction emissions of Criteria Pollutants (nitrogen oxides, volatile organic compounds, and particulate matter 10 microns or 2.5 microns or smaller in diameter) for all HSR construction within the San Joaquin Valley Air Basin. The MOU defines the terms “fully offset” and “net zero” the same way. Mitigation Measure AQ-MM#4 has been revised to reference the June 2014 MOU between the Authority and SJVAPCD. Section 3.3, Air Quality, and Section 3.19, Cumulative Impacts, Section 3.19.6.2, Air Quality and Global Climate Change, have also been revised to clarify that the Authority will fully offset all HSR construction emissions of nitrogen oxides, volatile organic compounds, and particulate matter 10 microns or 2.5 microns or smaller in diameter to net zero, pursuant to AQ-MM#4 and the June 2014 MOU.

252-315

The comment identified an inconsistency between the data in Table 8 of the Air Quality Technical Report, Appendix E, and HRA files, Table 11, and requested to confirm the EIR/EIS has the correct data. The spreadsheet referred to in the comment was provided to the air district with the Draft Supplemental EIR/EIS. Unfortunately, it was included in error and was not the final version. The value shown in the document text (18.1 per million) is correct. The final version of the spreadsheet is included in an updated appendix to the Final Air Quality Technical Report. The revised spreadsheet does not affect the conclusions of the Air Quality Technical Report or Supplemental EIR/EIS.

252-316

The values shown in the text of the HRA, specifically Table 3, AERMOD Model Source Parameters, is correct. The AERMOD modeling files showing 5 meters were draft simulations that were not used to support the final impact analysis. The final AERMOD simulations used 3 meters for exhaust releases. No revisions to the HRA are required.

252-317

The analysis used an initial vertical dimension of 1 meter. This value was chosen by rounding the value of 1.4 meters to the nearest integer to be slightly more conservative than, but generally consistent with, the value that would be determined following the U.S. Environmental Protection Agency’s AERMOD guidance for surface-based volume sources, found in Table 3-2 of the AERMOD User Guide, available at: https://www3.epa.gov/ttn/scram/models/aermod/aermod_userguide.pdf.

This value is also included in SJVAPCD’s draft Guidance for Air Dispersion Modeling, available at: https://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm#modeling_guidance.

For dust releases, the analysis also used a value of 1 meter. This is based on an assumed diameter for a construction equipment tire of 1.1 meters. The analysis assumes that the movement of the tire would re-suspend crustal material twice the diameter of the tire, and it then applies the same U.S. Environmental Protection Agency recommendation for an initial vertical dimension.

As these values are consistent with published guidance, including that from SJVAPCD, they represent the best, and likely conservative, estimate of the initial vertical dispersion. Accordingly, the text in the Air Quality Technical Report has been revised to remove the reference to the Sacramento Air District. Also, clarification on the source of the 1-meter initial vertical dimension estimate has been added. These revisions do not affect the conclusions of the Air Quality Technical Report or Supplemental EIR/EIS.

252-318

The comment questioned the less-than-significant conclusion for health risk in the Draft Supplemental EIR/EIS in light of potential inconsistent data identified in submission MF2-252, comment 315. As noted above in the response to submission MF2-252, comment 315, the overall risk estimate is less than the SJVAPCD threshold; therefore, the analysis reached a correct significance conclusion and did not underestimate health risks.

Response to Submission 252 (Sharla Yang, San Joaquin Valley Air Pollution Control District, June 21, 2019) - Continued

252-319

Section 3.3, Air Quality and Global Climate Change, Section 3.3.2.3, Regional and Local, of the Merced to Fresno Final EIR/EIS states that construction of the project would be subject to Rule 9510. As noted in Section 3.3, Air Quality and Global Climate Change, Section 3.3.1, Introduction, information from the Merced to Fresno Final EIR/EIS that has not changed is summarized or otherwise referenced in the analysis. There have been no material changes to Rule 9510 since the Merced to Fresno EIR/EIS.

Section 3.3, Air Quality and Global Climate Change, Section 3.3.2.3, Regional and Local, of this Final Supplemental EIR/EIS provides readers with a link to SJVAPCD's rules and regulations website. While there have been no changes to the applicability analysis since the Merced to Fresno EIR/EIS, this section has been revised to clarify that all SJVAPCD rules identified in the Merced to Fresno EIR/EIS would apply to the project, including Rule 9510.

252-320

Please refer to the response to submission MF2-252, comment 319. Section 3.3, Air Quality and Global Climate Change, Section 3.3.2.3, Regional and Local, has been revised to list the cited rules and others that may apply during construction of the project.

252-321

A copy of the MOU between the SJVAPCD and the Authority has been included as an appendix to the Final Supplemental EIR/EIS.

Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019)

ALVIEW-DAIRYLAND UNION SCHOOL DISTRICT Chowchilla, California 93610

TRUSTEES
Kelsey Bruecker
Tom Fry
Clay Haynes 263-350
Tudie Nieuwkoop
Reis Soares

Dairyland School - District Office
12861 Avenue 18 1/2
Phone (559) 665-2394
Fax (559) 665-7347

Alview School
20513 Road 4
Tel: (559) 665-2277
Fax: (559) 665-8511
263-351

June 5, 2019

263-352

Diana Gomez, Central Valley Regional Director
High Speed Rail Authority
Merced to Fresno High Speed Train EIR/EIS Comment

Subject: Comments on the Merced to Fresno HSR Draft EIR/EIS

Dear Ms. Gomez:

263-348

Alview-Dairyland Union School district takes this opportunity to comment on the Merced to Fresno High Speed Train EIR/EIS. Our district has tremendous concerns regarding the Avenue 21 route. The possible impacts to our district could be massive and devastating to an already financially weakened California public school district. We will be addressing four areas of concern: Safety, environmental, economic, and legal.

263-353

263-349

Safety

The Avenue 21 route would bisect our school district along the only through road that spans the fifteen mile width of our district. (Madera County Roads 1 to 16.) Avenue 21 is a key road for bus transportation. In fact, all bus drivers utilize this road during their morning and afternoon routes. EIR 3.2-3 indicates that LOS (level of service) is the primary unit of measure in determining traffic volume for designated roadways. The report does not take into consideration that approximately 200 students are transported twice daily on Avenue 21 by our district alone. Chowchilla Union High School also uses this road to transport students to and from school. Road closures would place these students in danger with drivers needing to add additional turn-a-rounds. In the 3.2 Transportation section, there is no reference to the width or arch of overpasses. This area is prime farmland with farmers regularly moving equipment. Our students will be placed in danger when busses must cross the rail by means of an overpass with a the potential of a farmer with wide equipment crossing on the overpass in the opposite direction. Consider adding Madera County dense fog to the situation. In the 2018-19 school year, there were three (3) one hour bus delays and two (2) hour bus delays

263-354

263-355

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263-350

due to fog. Delays and cancellations would increase due to roads being blocked by HSR tracks.

Due to an increase in time on the roads, our district must hire an additional driver to transport students in a timely manner at an estimated cost of \$25,000.00.

Avenue 21 is a road used regularly by emergency responders. With the rail impacting this road in our district, there is potential delayed emergency response to our primary school located on Avenue 21 and Road 4.

Economic

Economically, the displacement of prime farmland will lead to the loss of agricultural jobs which will lead to the loss of students attending our schools. Farmers, laborers, and employees of agriculture related jobs may relocate. In EIR 3.2-47, the displacement of residential properties is anticipated to negatively affect the Alview-Dairyland Union School District due to a decrease in school district attendance. Fifty-three students reside on or within one-half mile of the Avenue 21 route. LCFF Funding equals \$9050.00 per student multiplied by 53 affected students would indicate a loss of revenue of \$479,650 per year due to relocation of students. There are few suitable residential properties in the school attendance area for relocation.

Currently, ADUSD enrolls 30 migrant students. A loss of attendance would generate a \$271,600 financial loss to the district.

A concern to the district is the loss of land value along the train's path. Potential buyers will not be interested in purchasing land near path of train. Less farm ground in production equals less property tax. Less income tax due to less acreage in production trickles down to districts.

In 2018-19, ADUSD busses traveled 71,000 miles on home to school routes. An estimated 25,000 additional miles may be added due to road closures and turn-a-rounds. Current transportation costs are \$4.30 per mile. An additional 25,000 miles would add a cost of \$107,500 to our already reduced home to school transportation budget.

Due to excellent education benefits, small school environment, and dedicated community, 145 inter-district transfer students choose to attend our schools. A loss of 145 students due to road blockages, etc, could create a \$1,312,250 loss to the district.

Environmental

Environmental impacts are many to this school district. Noise- In EIR Section 3.4-Noise and Vibration, there is not adequate information regarding the degree of noise impacting the Alview Elementary School. (This location

SHEILA PERRY
Superintendent/Principal
August 2020

EQUAL OPPORTUNITY EMPLOYER

MARYANNE DARRREIRA
Vice Principal/Curriculum Director

California High-Speed Rail Authority

Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019) - Continued

263-356

may be addressed in a future EIR working with the East-West routes through the valley.) The map on page 3.4-19 indicates the greatest decibel level due to high speeds. With high speed trains roaring along the tracks at regular intervals one quarter mile from the Alview School site, students may find a change in outdoor school events like annual track and field days, award assemblies, jog-a-thons, and recesses. An autistic child that can't adjust to noise may need to be moved to a new school at district's expense. There are no additional grade levels in this district so student's closest school to attend would be at a minimum of ten miles away. Costs to the district could be as low as 40 miles round trip @ \$.58 per mile = \$23.20/day or \$4,176.00 per year if transported by the parent or much higher if district must use a school bus and driver to transport student.

263-362

CALIFORNIA HIGH SPEED RAIL
POSSIBLE IMPACTS TO:
ALVIEW-DAIRYLAND UNION SCHOOL DISTRICT

Economic:

Loss of Agriculture Jobs:

- Less farm ground in production equals less farm laborers

Loss of Agriculture Related Jobs:

- Custom operators with employees residing in district would be reduced

Loss of Land Value:

- People will move away from path of train
- Potential buyers will not be interested in purchasing land near path of train

Tax Base Loss to School:

- Less farm ground in production equals less property taxes
- Less income tax due to less acreage in production – trickles down to districts

263-357

Vibration- Alview School classrooms may find disruption each time a train passes and potential damage to buildings and wells.

263-358

Dust/Air Quality- Dust causes illnesses such as Asthma and Valley Fever. We currently have 20 students identified with asthma. The table in EIR 3.12-57 fails to fully acknowledge the significance of air quality and impacts of dust emissions as a train travels at high speeds along the corridor.

263-359

Loss of historical way of life- This school district was established in 1915 and school began in a house until a bond passed for a two room school to be built. This district has tremendous community pride with parents moving into the district to educate their children at the school where they were educated.

263-360

Division of community- The HSR Avenue 21 route would bisect district. If ADUSD were to disband due to HSR, there is no surrounding district nearby to absorb students.

263-363

School bus fuel costs for increased route miles:

- 71,000 miles driven per year, estimated 25,000 additional miles added to increase route multiplied by \$4.30/mile = \$107,500 additional dollars for increased mileage

263-361

Lack of funding to complete project- Costs to complete this project increase by the day. Due to California having a weak economy and a rail with no private funds, this project needs to be delayed or discontinued until all negative aspects are addressed.

263-364

Bus turn-arounds:

- **Extremely dangerous!!** In the 2018-19 school year there were three (3) one hour bus delays and two (2) two hour bus delays for the morning routes, due to fog
- Delays and cancellations would increase due to roads being blocked by the HSR tracks
- Additional time for route equals additional dollars needed for transportation budget that has already been cut by state

Please consider these issues and concerns when choosing the Merced-Fresno Central Valley Wye route. The negative safety, economic and environmental impacts are of dire consequence to the Alview-Dairyland Union School District.

Sincerely,


Sheila Perry
Superintendent/Principal
Alview-Dairyland USD

263-365

Loss of ADA:

- Fifty-three (53) students reside on or within one-half mile of the Avenue 21 route. LCFF Funding = \$ 9050.00 per student multiplied by 53 affected students is \$479,650.00 loss of revenue due to relocation of these students.

Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019) - Continued

263-366	<p><u>More wells will be needed for water:</u></p> <ul style="list-style-type: none"> • Drilling of more irrigation wells due to irrigation system displacement • Could lower water table and quality of water at school sites 	263-373	<p><u>Change in outdoor school events:</u></p> <ul style="list-style-type: none"> • Track and Field Days, Jog-a-thon, pumpkin patch, awards assemblies, and recesses are all held outdoors during good weather and would be jeopardized.
263-367	<p><u>Loss of Inter-District Student ADA:</u></p> <ul style="list-style-type: none"> • Currently have 145 Inter-district students coming in to our district, times \$9050.00 per student equals \$1,312,250.00 loss to district 	263-374	<p><u>Migrant students:</u></p> <ul style="list-style-type: none"> • Potential loss of 30 migrant students valued at \$271,500
263-368	<p><u>Environmental:</u></p> <p><u>Noise:</u></p> <ul style="list-style-type: none"> • One-fourth (1/4) mile from Alview School • Autistic child that can't adjust to noise and therefore must be moved to a new school program at our district's expense is – 40 miles round trip @ \$.58 per mile = \$23.20/day times 180 school days per year = \$4,176.00 if transported by parent. If transported by district the cost increases to \$30,794.40 as cost per mile would be \$4.277. 	263-375	<p><u>Division of community:</u></p> <ul style="list-style-type: none"> • Train bisects district. If ADUSD were to disband due to HSR, surrounding districts would not be able to absorb students.
263-369	<p><u>Vibration:</u></p> <ul style="list-style-type: none"> • Classroom disruption each time a train passes • Damage to buildings and wells 	263-376	<p><u>SAFETY:</u></p> <p><u>Delayed emergency response:</u></p> <ul style="list-style-type: none"> • Delayed emergency response. Avenue 21 is the only through avenue from Road 1 to Road 16 in this district.
263-370	<p><u>Dust/Air quality:</u></p> <ul style="list-style-type: none"> • Dust causes illnesses such as Asthma/Valley Fever. We currently have 20 students with asthma 	263-377	<p><u>Road closures:</u></p> <ul style="list-style-type: none"> • Must hire additional driver to transport students in a timely manner at an estimated cost of \$25,000.00 for driver only
263-371	<p><u>Loss of historical way of life:</u></p> <ul style="list-style-type: none"> • School District was established in 1915 and school began in a house until a bond passed for a two room school to be built. Tremendous community pride in this district. 	263-378	<p><u>Bus turn-a-rounds in fog/weather:</u></p> <ul style="list-style-type: none"> • <u>Extremely dangerous!!</u> In the 2018-19 school year there were three (3) one hour bus delays and two (2) two hour bus delays for the morning routes, due to fog • Delays and cancellations would increase due to roads being blocked by the HSR tracks • Backing up busses creates dangerous visibility problem
263-372	<p><u>Change in school environment:</u></p> <ul style="list-style-type: none"> • Restructuring is not possible. There is no extra classroom space at other site (Dairyland) to house Alview Students. 	263-379	<p><u>Overpasses:</u></p> <ul style="list-style-type: none"> • Restricted visibility at the arch of each overpass. Weather conditions, fog, rain will increase danger • Width of overpass would have to accommodate transporting large farm equipment to allow passage of bus

Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019) - Continued

263-380

Lack of funding for the complete project:

- Costs to complete this project increase by the day
- Increase of electricity usage for train can utilize more than the grid can currently produce. Where is money for more electricity production?

COPY

ALVIEW-DAIRYLAND UNION SCHOOL DISTRICT
Chowchilla, California 93610

TRUSTEES
Kelsey Bruecker
Tom Fry
Clay Haynes
Trudie Nieuwkoop
Reis Soares

Dairyland School - District Office
12601 Avenue 1815
Phone (559) 665-2394
Fax (559) 665-7347

Alview School
20513 Road 4
Tel: (559) 665-2275
Fax: (559) 665-8510

June 5, 2019

Diana Gomez, Central Valley Regional Director
High Speed Rail Authority
Merced to Fresno High Speed Train EIR/EIS Comment

Subject: Comments on the Merced to Fresno HSR Draft EIR/EIS

Dear Ms. Gomez:

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The Avenue 21 route would bisect our school district along the only through road that spans the fifteen mile width of our district. (Madera County Roads 1 to 16.) Avenue 21 is a key road for bus transportation. In fact, all bus drivers utilize this road during their morning and afternoon routes. EIR 3.2-3 indicates that LOS (level of service) is the primary unit of measure in determining traffic volume for designated roadways. The report does not take into consideration that approximately 200 students are transported twice daily on Avenue 21 by our district alone. Chowchilla Union High School also uses this road to transport students to and from school. Road closures would place these students in danger with drivers needing to add additional turn-a-rounds. In the 3.2 Transportation section, there is no reference to the width or arch of overpasses. This area is prime farmland with farmers regularly moving equipment. Our students will be placed in danger when busses must cross the rail by means of an overpass with a the potential of a farmer with wide equipment crossing on the overpass in the opposite direction. Consider adding Madera County dense fog to the situation. In the 2018-19 school year, there were three (3) one hour bus delays and two (2) hour bus delays

SHEILA PERRY
Superintendent/Principal

EQUAL OPPORTUNITY EMPLOYER

MARY ANNE PAIRREIRA
Vice Principal/Curriculum Director

August 2020

Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019) - Continued

due to fog. Delays and cancellations would increase due to roads being blocked by HSR tracks.

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Economic

Economically, the displacement of prime farmland will lead to the loss of agricultural jobs which will lead to the loss of students attending our schools. Farmers, laborers, and employees of agriculture related jobs may relocate. In EIR 3.2-47, the displacement of residential properties is anticipated to negatively affect the Alview-Dairyland Union School District due to a decrease in school district attendance. Fifty-three students reside on or within one-half mile of the Avenue 21 route. LCFF Funding equals \$9050.00 per student multiplied by 53 affected students would indicate a loss of revenue of \$479,650 per year due to relocation of students. There are few suitable residential properties in the school attendance area for relocation.

Currently, ADUSD enrolls 30 migrant students. A loss of attendance would generate a \$271,500 financial loss to the district.

A concern to the district is the loss of land value along the train's path. Potential buyers will not be interested in purchasing land near path of train. Less farm ground in production equals less property tax. Less income tax due to less acreage in production trickles down to districts.

In 2018-19, ADUSD busses traveled 71,000 miles on home to school routes. An estimated 25,000 additional miles may be added due to road closures and turn-arounds. Current transportation costs are \$4.30 per mile. An additional 25,000 miles would add a cost of \$107,500 to our already reduced home to school transportation budget.

Due to excellent education benefits, small school environment, and dedicated community, 145 inter-district transfer students choose to attend our schools. A loss of 145 students due to road blockages, etc, could create a \$1,312,250 loss to the district.

Environmental

Environmental impacts are many to this school district.

Noise- In EIR Section 3.4-Noise and Vibration, there is not adequate information regarding the degree of noise impacting the Alview Elementary School. (This location

may be addressed in a future EIR working with the East-West routes through the valley.) The map on page 3.4-18 indicates the greatest decibel level due to high speeds. With high speed trains roaring along the tracks at regular intervals one quarter mile from the Alview School site, students may find a change in outdoor school events like annual track and field days, award assemblies, jog-a-thons, and recesses. An autistic child that can't adjust to noise may need to be moved to a new school at district's expense. There are no additional grade levels in this district so student's closest school to attend would be at a minimum of ten miles away. Costs to the district could be as low as 40 miles round trip @ \$.58 per mile = \$23.20/day or \$4,176.00 per year if transported by the parent or much higher if district must use a school bus and driver to transport student.

Vibration- Alview School classrooms may find disruption each time a train passes and potential damage to buildings and wells.

Dust/Air Quality- Dust causes illnesses such as Asthma and Valley Fever. We currently have 20 students identified with asthma. The table in EIR 3.12-57 fails to fully acknowledge the significance of air quality and impacts of dust emissions as a train travels at high speeds along the corridor.

Loss of historical way of life- This school district was established in 1915 and school began in a house until a bond passed for a two room school to be built. This district has tremendous community pride with parents moving into the district to educate their children at the school where they were educated.

Division of community- The HSR Avenue 21 route would bisect district. If ADUSD were to disband due to HSR, there is no surrounding district nearby to absorb students.

Lack of funding to complete project- Costs to complete this project increase by the day. Due to California having a weak economy and a rail with no private funds, this project needs to be delayed or discontinued until all negative aspects are addressed.

Please consider these issues and concerns when choosing the Merced-Fresno Central Valley Wye route. The negative safety, economic and environmental impacts are of dire consequence to the Alview-Dairyland Union School District.

Sincerely,



Sheila Perry
Superintendent/Principal
Alview-Dairyland USD

Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019) - Continued

CALIFORNIA HIGH SPEED RAIL
POSSIBLE IMPACTS TO:
ALVIEW-DAIRYLAND UNION SCHOOL DISTRICT

Economic:

Loss of Agriculture Jobs:

- Less farm ground in production equals less farm laborers

Loss of Agriculture Related Jobs:

- Custom operators with employees residing in district would be reduced

Loss of Land Value:

- People will move away from path of train
- Potential buyers will not be interested in purchasing land near path of train

Tax Base Loss to School:

- Less farm ground in production equals less property taxes
- Less income tax due to less acreage in production – trickles down to districts

School bus fuel costs for increased route miles:

- 71,000 miles driven per year, estimated 25,000 additional miles added to increase route multiplied by \$4.30/mile = \$107,500 additional dollars for increased mileage

Bus turn-arounds:

- **Extremely dangerous!!** In the 2018-19 school year there were three (3) one hour bus delays and two (2) two hour bus delays for the morning routes, due to fog
- Delays and cancellations would increase due to roads being blocked by the HSR tracks
- Additional time for route equals additional dollars needed for transportation budget that has already been cut by state

Loss of ADA:

- Fifty-three (53) students reside on or within one-half mile of the Avenue 21 route. LCFF Funding = \$ 9050.00 per student multiplied by 53 affected students is \$479,650.00 loss of revenue due to relocation of these students.

More wells will be needed for water:

- Drilling of more irrigation wells due to irrigation system displacement
- Could lower water table and quality of water at school sites.

Loss of Inter-District Student ADA:

- Currently have 145 Inter-district students coming in to our district, times \$9050.00 per student equals \$1,312,250.00 loss to district

Environmental:

Noise:

- One-fourth (1/4) mile from Alview School
- Autistic child that can't adjust to noise and therefore must be moved to a new school program at our district's expense is – 40 miles round trip @ \$.58 per mile = \$23.20/day times 180 school days per year = \$4,176.00 if transported by parent. If transported by district the cost increases to \$30,794.40 as cost per mile would be \$4.277.

Vibration:

- Classroom disruption each time a train passes
- Damage to buildings and wells

Dust/Air quality:

- Dust causes illnesses such as Asthma/Valley Fever. We currently have 20 students with asthma

Loss of historical way of life:

- School District was established in 1915 and school began in a house until a bond passed for a two room school to be built. Tremendous community pride in this district.

Change in school environment:

- Restructuring is not possible. There is no extra classroom space at other site (Dairyland) to house Alview Students.

Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019) - Continued

Change in outdoor school events:

- Track and Field Days, Jog-a-thon, pumpkin patch, awards assemblies, and recesses are all held outdoors during good weather and would be jeopardized.

Migrant students:

- Potential loss of 30 migrant students valued at \$271,500

Division of community:

- Train bisects district. If ADUSD were to disband due to HSR, surrounding districts would not be able to absorb students.

SAFETY:

Delayed emergency response:

- Delayed emergency response. Avenue 21 is the only through avenue from Road 1 to Road 16 in this district.

Road closures:

- Must hire additional driver to transport students in a timely manner at an estimated cost of \$25,000.00 for driver only

Bus turn-a-rounds in fog/weather:

- Extremely dangerous! In the 2018-19 school year there were three (3) one hour bus delays and two (2) two hour bus delays for the morning routes, due to fog
- Delays and cancellations would increase due to roads being blocked by the HSR tracks
- Backing up busses creates dangerous visibility problem

Overpasses:

- Restricted visibility at the arch of each overpass. Weather conditions, fog, rain will increase danger
- Width of overpass would have to accommodate transporting large farm equipment to allow passage of bus

Lack of funding for the complete project:

- Costs to complete this project increase by the day
- Increase of electricity usage for train can utilize more than the grid can currently produce. Where is money for more electricity production?

Response to Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019)

263-348

The comment is noted. The Avenue 21 to Road 13 Wye Alternative was not identified as the Preferred Alternative. The Preferred Alternative (SR 152 [North] to Road 11) would avoid or minimize most effects on the properties of the Alview-Dairyland Union School District.

263-349

The Preferred Alternative, SR 152 (North) to Road 11 Wye Alternative, would not close Avenue 21.

There would be an SR 152 overpass and interchange at Road 9 and an SR 152 underpass and interchange at Road 16, allowing access to SR 152 and areas north and south of the highway.

As discussed in Impact TR#13, any permanent impacts on school bus routes resulting from road closures would be identified in the final design, allowing schools enough time to evaluate existing routes and make any necessary adjustments.

263-350

The transportation impact analysis was completed for the current (15 percent) level of design; final design of the roadways and overpasses will occur at a later stage in the process (refer to Section 3.2.4.3, page 3.2-13). The comments on overpass widths and safety are noted.

As discussed in Impact TR#13, any permanent impacts on school bus routes resulting from road closures would be identified in the final design, allowing schools enough time to evaluate existing routes and make any necessary adjustments. Based on the current preliminary design, the greatest out-of-direction travel distance for school buses would be 3.1 miles under each of the Central Valley Wye alternatives. This represents an approximate 10 percent increase in travel distance compared with the total average round-trip distance (25–35 miles) for the bus routes.

263-351

Section 3.11.6.3 of the Draft Supplemental EIR/EIS provides an analysis of temporary, permanent, and continuous interference with emergency response times for each of the Central Valley Wye alternatives (refer to Impact SS#1, Impact SS#2, and Impact SS#8). Sufficient access would be provided, and none of the alternatives would be expected to affect the ability of local jurisdictions to meet response time goals, affect service ratios, or affect other performance objectives for emergency services. Grade-separated interchanges proposed as part of the Central Valley Wye alternatives would provide a benefit by reducing traffic delay at current at-grade intersections and would provide direct access for emergency responders across the HSR right-of-way. Considering both the changes in the traffic circulation patterns because of road closures and the construction of new grade-separated interchanges, the Avenue 21 to Road 13 Wye Alternative would have the least potential to reduce the ability of emergency service providers to access residences, businesses, and industrial facilities.

Response to Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019) - Continued

263-352

The commenter notes that loss of employment will reduce the number of students attending schools within the district and therefore reduce school district funding levels. The Authority acknowledges that construction and operation of the Central Valley Wye alternatives could result in a small decrease in agriculture-related employment. As described in Impact SO#14, Permanent Impacts on the Agricultural Economy, on pages 3.12-61 through 3.12-63 of the Draft Supplemental EIR/EIS, the conversion of agricultural land uses would affect agriculture-related employment, affecting between 77 and 86 employees and reducing employment within the entirety of the study area, only a portion of which covers the Alview-Dairyland Union School District. The greatest job losses would occur under the SR 152 (North) to Road 19 Wye Alternative; the fewest would occur under the SR 152 (North) to Road 11 Wye Alternative, which is the Authority's Preferred Alternative. However, the comment suggests that all 30 migrant students in the school district would be displaced and therefore would withdraw from the school district without providing factual evidence to support the claim.

Not everyone whose employment would be affected lives within the boundaries of the school district. As for those who do reside within the district, not all would relocate to another area and withdraw their students from schools.

The suggestion in the comment that all 53 students within 0.5 mile of the Avenue 21 to Road 13 Wye Alternative would be displaced and therefore would withdraw from the school district is similarly unfounded. Only those residences within the project footprint would be subject to direct displacement from construction of the Avenue 21 to Road 13 Wye Alternative. Furthermore, as described in Impact SO#3, Displacements and Relocations of Residences, on pages 3.12-45 through 3.12-48 of the Draft Supplemental EIR/EIS, displaced residents would be relocated to replacement housing, in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (SO-IAMF#2). It is speculative to assume that all those displaced by construction of the Avenue 21 to Road 13 Wye Alternative, should it be selected for construction, would relocate outside the boundaries of the school district.

263-353

Please refer to the response to submission MF2-263, comment 362, regarding the loss of property tax revenues.

The comment asserts that potential buyers would not be interested in purchasing land near the path of the train. Although this may be true for some prospective property owners who constructed residences in the absence of the HSR project but are no longer interested in constructing such land uses near the HSR corridor because of noise and aesthetic concerns, the high value and productivity of agricultural land in the Central Valley would not be affected by such aesthetic and noise concerns. Therefore, the sale of agricultural farmland near or adjacent to the HSR corridor is anticipated to be unaffected by the Central Valley Wye alternatives once constructed.

263-354

As discussed in Impact TR#13, any permanent impacts on school bus routes resulting from road closures would be identified in the final design, allowing schools enough time to evaluate existing routes and make any necessary adjustments. Based on the current preliminary design, the greatest out-of-direction travel distance for school buses would be 3.1 miles under each of the Central Valley Wye alternatives. This represents an approximate 10 percent increase in travel distance compared with the total average round-trip distance (25–35 miles) for the bus routes.

Response to Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019) - Continued

263-355

Of the two schools in the Alview-Dairyland Union School District, Alview Elementary School is approximately 2,000 feet south of potential roadway changes associated with the Avenue 21 to Road 13 Wye Alternative, and Dairyland Elementary School is approximately 2 miles south of roadway changes associated with that same alternative. These schools are approximately 2 miles and 4 miles south, respectively, of roadway changes associated with the three SR 152 (North) wye alternatives, one of which (SR 152 [North] to Road 11) has been identified as the Preferred Alternative. The comment appears to suggest, without providing evidence, that roadway changes associated with the Central Valley Wye alternatives could disrupt access to the schools and students would no longer be able to attend, resulting in a loss of funds.

As described in Impact TR#16, Temporary Impacts on School Bus Routes, on page 3.2-46 of the Draft Supplemental EIR/EIS, construction of the Avenue 21 to Road 13 Wye Alternative would not directly affect Alview Elementary School routes. Although not specifically referenced in this analysis because of the distance (approximately 2 miles south of the nearest Central Valley Wye alternative), construction of this alternative would also not directly affect school bus routes for Dairyland Elementary School.

As further described on page 3.2-46 of the Draft Supplemental EIR/EIS, temporary lane or road closures, as well as detours that might be necessary during construction within or along the public right-of-way, would result in minor delays for the motoring public, including school buses. Although school bus routes could be temporarily detoured during construction activities, alternative access routes would continue to be provided as a provision of the Construction Transportation Plan (TR-IAMF#2). TR-IAMF#2 identifies when and where temporary closures and detours would occur, with the goal of maintaining traffic flow, especially during peak travel periods and during school hours. Detour routes would be finalized by the contractor during final project design. Advance notification regarding construction activities would be provided to local school districts, and traffic control would be rigorously maintained at all school bus loading zones. Finally, any damage to public roads would be repaired by the contractor, benefiting the school buses that use them (TR-IAMF#1).

Impact TR#17, Permanent Impacts on School Bus Routes, on page 3.2-47 of the Draft Supplemental EIR/EIS, notes that any permanent school bus route changes required by

263-355

road closures associated with the Central Valley Wye alternatives would be identified as the final design for the alternatives is completed, allowing schools enough time to evaluate their existing routes and make any necessary adjustments. Based on the current 15 percent level of design (Authority 2016), the maximum out-of-direction travel distance for school buses is anticipated to be 3.1 miles under each of the Central Valley Wye alternatives. This represents an approximate 10 percent increase in travel distance compared with the total average round-trip distance of the bus routes (25–35 miles). This level of change is not expected to result in long detours and therefore is not anticipated to discourage students from attending any of the schools in the study area, including those within the Alview-Dairyland Union School District.

263-356

The closest alternative would be 0.5 mile from Alview Elementary School, and noise and vibration from the project would be negligible.

263-357

The closest alternative is 0.5 mile from Alview Elementary School, and noise and vibration from the project would be negligible. Typically, only vibrations caused by earthquakes have the potential to affect water wells. This is because an earthquake can shift the well pipe at its connecting joints or break the pipe welding at the connecting joints. Because vibration from trains can only travel efficiently along the ground surface, trains are typically not capable of generating sufficient vibration to dislocate the well pipe.

Response to Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019) - Continued

263-358

A detailed discussion of wind-induced dust related to HSR travel was provided in the Draft Supplemental EIR/EIS on page 3.14-27, under the subheading Impact AG#7: Wind-Induced Effects. As discussed therein, "...an HSR train traveling at 220 mph would generate a wind gust up to 22 mph lasting less than 1 second at a distance of approximately 10 feet from the train tracks. Wind speed is estimated at approximately 3 mph at the edge of the HSR right-of-way." As stated on page 3.3-35 under the subheading Meteorological Conditions, mean wind speeds in the project vicinity typically range from 5 to 8 miles per hour. Given that train-induced wind speeds would be less than the mean ambient wind speed at the edge of the HSR right-of-way, impacts related to train-induced fugitive dust generation would be less than significant.

With respect to Valley Fever, this is typically a concern during project construction, during periods of temporary soil disruption. The Draft Supplemental EIR/EIS covers this topic on page 3.11-37, under the subheading Impact SS#7: Temporary Exposure to Valley Fever. As discussed therein, several safeguards would be implemented to prevent the spread of Valley Fever. These safeguards include development of a fugitive dust control and Valley Fever action plan, outreach and coordination with California Department of Public Health, and coordination with county departments, among other measures. These measures would be effective in avoiding increasing the exposure risk of the public or construction workers to Valley Fever for all alternatives. Potential impacts would be less than significant.

263-359

The comment does not raise an environmental issue.

263-360

The comment suggests that the Central Valley Wye alternatives would bisect the district and cause it to "disband," without evidence.

Please refer to the response to submission MF2-263, comment 355, which pertains to disruptions along school bus routes that serve the schools in the Alview-Dairyland Union School District. As noted in the response, construction and operation of the Central Valley Wye alternatives would not obstruct or preclude access to the schools in this district. Similarly, access for parents, teachers, other individuals, and organizations that need to access these schools would be maintained during construction and operation of the Central Valley Wye alternatives, although they could be subject to detours of up to 3.1 miles. The Authority anticipates that the effects would not meaningfully alter student enrollment or the ability of individuals to access the schools and therefore would not impair the ability of the schools to function.

263-361

The comment stating opposition to the project is noted. The commenter is invited to review the 2019 Project Update Report concerning the Authority's position regarding long-term financing of the project.

Please refer to:

Standard Response: CVY-Response-GENERAL-1: Oppose HSR Project

Standard Response: CVY-Response-GENERAL-3: Funding and Project Costs

Response to Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019) - Continued

263-362

The commenter notes that employment losses and decreased tax revenues will affect school district funding levels. The Authority acknowledges that construction and operation of the Central Valley Wye alternatives could result in a small decrease in agriculture-related employment and property tax revenues. As described in Impact SO#14, Permanent Impacts on the Agricultural Economy, on pages 3.12-61 through 3.12-63 of the Draft Supplemental EIR/EIS, the conversion of agricultural land uses would result in an impact on agricultural employment (affecting between 77 and 86 employees). The greatest job losses would occur under the SR 152 (North) to Road 19 Wye Alternative; the fewest would occur under the SR 152 (North) to Road 11 Wye Alternative, which is the Authority's Preferred Alternative.

As described in Impact SO#15, Permanent Impacts on County and City Property Tax Revenues from Property Acquisition, on pages 3.12-63 and 3.12-64, and Impact SO#21, Permanent Impacts on County and City Property Tax Revenues from Changes in Property Values, on pages 3.12-69 and 3.12-70 of the Draft Supplemental EIR/EIS, the Authority acknowledges that there would be some decrease in property tax revenues as a result of construction of the Central Valley Wye alternatives. However, the loss would represent only a small percentage of the total tax revenues collected by the counties. In addition, the loss in property tax revenues would be partially offset by anticipated increases in sales tax revenues (described in Impact SO#22, Permanent Impacts on Sales Tax Revenues, on page 3.12-70 of the Draft Supplemental EIR/EIS). Furthermore, as described on page D-11 in Appendix 3.12-D, Economic Effects on School Districts, of the Draft Supplemental EIR/EIS, the Central Valley Wye alternatives would create employment and business opportunities and attract higher-wage jobs across the region compared with the No Project Alternative. Although the Central Valley Wye alternatives would raise projected employment growth only slightly, just beyond the growth planned for under the No Project Alternative, project-induced growth would increase the population, which would increase the number of students in the school districts and provide new sources of property tax revenue, thereby benefitting the school districts in the resource study area. Furthermore, the potential exists for the Central Valley Wye alternatives to increase the property tax base by increasing property values in the region. As described on page D-11 in Appendix 3.12-D, Economic Effects on School Districts, of the Draft Supplemental EIR/EIS, although these values cannot be quantified, the values of residential and commercial properties could increase as a result

263-362

of the Central Valley Wye alternatives because the HSR system would improve access to and from the area.

263-363

The commenter provides a rough calculation regarding increased fuel costs, based on a purported increase in the number of miles driven per year, but provides no evidence for how these additional miles were calculated. As described on pages D-12 through D-15 in Appendix 3.12-D, Economic Effects on School Districts, of the Draft Supplemental EIR/EIS, construction of the Central Valley Wye alternatives would result in some out-of-direction travel on some routes because of road closures; however, the maximum out-of-direction travel distance is anticipated to be 3.1 miles. This is not anticipated to result in long detours, and the Authority will work with local jurisdictions to provide additional access, as needed.

263-364

The Draft Supplemental EIR/EIS considers visibility and accident risk associated with dense fog in the Central Valley, especially in the winter months (please refer to Section 3.11.6.3, Impact SS#5).

263-365

Please refer to the response to submission MF2-263, comment 352.

Response to Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019) - Continued

263-366

As stated in the discussion of Impact HYD#5 in Section 3.8, Hydrology and Water Resources, the Central Valley Wye alternatives would require the implementation of GEO-IAMF#1, which would require monitoring and controlling the amount of groundwater withdrawal during construction. If groundwater withdrawals are required and levels are changing, then GEO-IAMF#1 requires the contractor to reinject water based on site-specific conditions to protect groundwater levels and supply, and to maintain groundwater quality and ground surface conditions. If a slurry is used as part of the drilling method, any groundwater encountered would be removed and disposed of along with the drilling slurry.

The constructed features proposed for the Central Valley Wye alternatives are very small relative to the size of the groundwater basins, and—because permanent stormwater recharge features are included in the design of the Central Valley Wye alternatives—it is anticipated that the natural recharge rates of the affected groundwater zones would reestablish following the completion of construction. The temporary effects would be approximately the same for all four Central Valley Wye alternatives.

Groundwater levels in the project footprints of the Central Valley Wye alternatives are generally deeper than anticipated excavation depths. Typical track, substation, and switching station construction would remain on the surface and may go 1 to 2 feet below the surface for clearing and grading. Auguring, varying from depths of approximately 6 to 24 feet, would be required for installation of structures associated with network upgrades and tie-lines. The SR 152 (North) to Road 19 Wye Alternative is the only Central Valley Wye alternative with a tunnel section. The tunnel section under SR 99 would be up to 60 feet deep, including subgrade. This alternative, however, has not been identified as the Preferred Alternative.

The commenter cites the potential for displaced irrigation systems to trigger the need for new wells and in turn lowered groundwater volumes. Any new wells displaced as a result of the project would be expected to draw on the same groundwater resources and therefore would result in no net increase on groundwater withdrawal.

Please also refer to the discussion of Impact HYD#5 regarding the less-than-significant potential for any effects on groundwater quality.

263-366

In all, the Draft Supplemental EIR/EIS found no significant effect related to groundwater.

263-367

Please refer to the response to submission MF2-263, comment 355.

263-368

The closest alternative is 0.5 mile from Alview Elementary School, and noise and vibration from the project would be negligible.

263-369

The closest alternative would be 0.5 mile from Alview Elementary School, and noise and vibration from the project would be negligible.

Typically, only vibrations caused by earthquakes have the potential to affect water wells. This is because an earthquake can shift the well pipe at its connecting joints or break the pipe welding at the connecting joints. Because vibration from trains can only travel efficiently along the ground surface, trains are typically not capable of generating sufficient vibration to dislocate the well pipe.

263-370

Please refer to the response to submission MF2-263, comment 358 above.

263-371

The comment does not raise an environmental issue.

Response to Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019) - Continued

263-372

The comment seems to suggest that Alview Elementary School would be subject to disruptions or closure as a result of construction of the Central Valley Wye alternatives. The only impact on Alview Elementary School would be the temporary utility easement on the school property for construction of the Avenue 21 to Road 13 Wye Alternative, as described on page F-10 in Appendix 3.12-F, Summary of Issues Affecting Schools, of the Draft Supplemental EIR/EIS. This would be an aerial easement for relocating wood poles and adjusting overhead electric lines. The school is adjacent to the last pole of the proposed utility realignment. At that location, the work may include an additional down guy or, at most, a new pole to adjust for the utility adjustments to the north. This work would happen outside of the school property (at the location of the existing pole) and be minimal. This school would not be affected by any of the three SR 152 (North) wye alternatives, one of which (SR 152 (North) to Road 11) has been identified as the Preferred Alternative.

In sum, should any of the Central Valley Wye alternatives be selected for construction, no changes to the facilities at Alview Elementary School would be required, and therefore, no displacement to students would occur.

263-373

The comment asserts that recreational activities at schools within the Alview-Dairyland School District could be disrupted by operations of one of the Central Valley Wye alternatives (Avenue 21 to Road 13 Wye Alternative). As noted on page 3.15-16, the environmental analysis of parks, recreation, and open space is focused on publicly accessible areas. The play area at Alview Elementary School is within the resource study area for the Avenue 21 to Road 13 Wye Alternative, but this play area is only for school district use and is thus not considered a park, open space, or recreational facility for purposes of this environmental analysis. Regarding the comment's assertion that outdoor school events "would be jeopardized" please refer to the responses to submission MF2-263, comments 357, 368, and 369 concerning changes in noise at Alview Elementary School. Please also note that Avenue 21 to Road 13 has not been identified as the Preferred Alternative; this Final Supplemental EIR/EIS identifies the SR 152 (North) to Road 11 Wye Alternative as the Preferred Alternative (please refer to Chapter 8, Preferred Alternative).

263-374

Please refer to the response to submission MF2-263, comment 352.

263-375

Please refer to the response to submission MF2-263, comment 360.

263-376

Section 3.11.6.3 of the Draft Supplemental EIR/EIS provides an analysis of temporary, permanent, and continuous interference with emergency response times for each of the Central Valley Wye alternatives (please refer to ImpactSS#1, Impact SS#2, and Impact SS#8). Sufficient access would be provided, and none of the alternatives would be expected to affect the ability of local jurisdictions to meet response time goals, affect service ratios, or affect other performance objectives for emergency services. Grade-separated interchanges proposed as part of the Central Valley Wye alternatives would provide a benefit by reducing traffic delay at current at-grade intersections and would provide direct access for emergency responders across the HSR right-of-way. Considering both the changes in the traffic circulation patterns because of road closures and the construction of new grade-separated interchanges, the Avenue 21 to Road 13 Wye Alternative would have the least potential to reduce the ability of emergency service providers to access residences, businesses, and industrial facilities.

263-377

Please refer to the response to submission MF2-263, comment 363.

263-378

The Draft Supplemental EIR/EIS considers visibility and accident risk associated with dense fog in the Central Valley, especially in the winter months (refer to Section 3.11.6.3, Impact SS#5).

Response to Submission 263 (Sheila Perry, Alview-Dairyland USD, June 5, 2019) - Continued

263-379

The transportation impact analysis was completed for the current preliminary (15 percent) level of design; final design for the roadways and overpasses will occur at a later stage in the process (refer to Section 3.2.4.3, page 3.2-13). The comments on overpass widths and safety concerns are noted.

263-380

Please refer to:

Standard Response: CVY-Response-GENERAL-1: Oppose HSR Project

Standard Response: CVY-Response-GENERAL-3: Funding and Project Costs