

CHATTEN-BROWN & CARSTENS

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

2200 PACIFIC COAST HIGHWAY
SUITE 318
HERMOSA BEACH, CALIFORNIA 90254

E-mail: DPC@CBCEARTH.LAW.COM

December 20, 2013

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423-0001

Re: STB Finance Docket No. 35724 (Sub-No. 1).

California High-Speed Rail Authority's Petition for Exemption of Fresno to Bakersfield HST Section.

Dear Ms. Brown:

Our firm represents Citizens for California High Speed Rail Accountability (CCHSRA), Kings County, and the Kings County Farm Bureau. We respectfully submit this letter in opposition to a Petition for Exemption under 49 U.S.C. Section 10502, which the California High Speed Rail Authority (Authority) filed on September 26, 2013. We oppose the Authority's Petition for the reasons stated in letters we previously submitted to the Surface Transportation Board. (See attached letters.)¹

We wrote to the Surface Transportation Board and other recipients on October 3, 2013 and November 6, 2013 about our concern that the Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement: Fresno to Bakersfield (Fresno-Bakersfield Draft EIR/EIS) of the California High Speed Rail Authority (Authority) released in July 2012 describes a project with different alignments and features than is currently proposed for the High Speed Train (HST) system because major modifications and changes have occurred since it was released. We described significant changes including the contemplated elevated rail system over the Kings River, and the disclosure of new information about potentially significant geotechnical impacts that represent significant changes in the design and environmental impacts of this segment of the HST.

In accordance with the National Environmental Policy Act (NEPA) the Fresno-Bakersfield Draft EIR/EIS for the Fresno to Bakersfield segment must be revised to reflect changes in design and newly identified significant impacts, re-released for public

¹ We also join in and incorporate by reference the letters of objection submitted by Mr. Mike LaSalle, Mr. Ray Carlson, and Kings County Counsel Colleen Carlson.

Surface Transportation Board
December 20, 2013
Page 2 of 2

review. (40 C.F.R. § 1502.9.)

You must also prepare a supplemental programmatic system-wide EIR/EIS since the one the Federal Railroad Administration approved in 2005, and adopted by the Board in 2013, did not properly address at the program level alternatives and mitigation measures for impacts that are now apparent. (40 C.F.R. § 1502.9.) For example, in our October 2013 letter we identified the fact that the re-design and relocation of the “wye” in the Chowchilla area of California represents significant changes in the project design with system-wide implications. We also identified the availability of alternatives that are superior environmentally and fiscally such as use of an I-5 Corridor route. Therefore, for the reasons stated in our letters, the EIR/EIS that you previously approved must be supplemented. We also incorporate the objections to the environmental review lodged in Docket No. FD 35724 to ensure they are part of this docket sub-number.

Thank you for your consideration of these views.

Sincerely,



Douglas P. Carstens

Enclosures:

October 3, 2013 letter from Chatten-Brown & Carstens to Surface Transportation Board et al.

November 6, 2013 letter from Chatten-Brown & Carstens to Surface Transportation Board et al.