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To: The Honorable Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, SW, Room 100
Washington, DC 20423-0001

March 3, 2014

Re: California High-Speed Rail Authority Petition for Exemption of Fresno to Bakersfield HST Section (STB Finance Docket No. 35724 (Sub-No. 1))

Dear Ms. Brown:

The Big Picture Situation-“Failing to Plan is Planning to Fail”

We are drafting this letter to ask that the Surface Transportation Board (STB) deny the California High-Speed Rail Authority's (Authority) request or any future request to be exempted from STB's review of any portion of the California High-Speed Train Project (CHSTP).

The Authority requested exemption from the STB's review in the past and was granted the exemption despite the CHSTP being out of compliance with state law. We can only assume that the Authority was given the benefit of the doubt after they inflated the status of their operation and capabilities.

The Sacramento Superior Court has already settled the issue of the CHSTP failing to comply with state law twice in November-2013. The cases concerned the Authority's lack of compliance with Proposition-1A and their failure to comply with reasonable procedures in the issuance of state bonds for the CHSTP. The latter case is commonly referred to as the Validation case.

Litigation continues in the Proposition-1A and Validation cases because the Authority has petitioned the State Supreme Court to overturn the Superior Court's ruling because the lower court ruling complicates the future operation of the illegal operation. That said, the Supreme Court appropriately pushed the Authority's petition to the Appellate Court. The Appellate Court is now reviewing the matter. When the Appellate Court appropriately upholds the lower court's ruling, the CHSTP will still be missing 75% of the funding that it claims it has access to today but really does not.

The CHSTP still has access to \$2.4-Billion in shovel ready American Recovery and Reconstruction Act (ARRA) grant funds and \$900-Million in other federal grants. The Authority currently does not have enough state funding to satisfy its ARRA matching fund requirements and the project is obviously not shovel ready as required.

Keep in mind that even if the Authority did not have all of these legal problems and had appropriately accessed the Proposition-1A and ARRA funding, the CHSTP would still be missing more than \$25-Billion to construct the first "Usable Segment" where the Authority and FRA say high-speed train service would commence.

All of these project challenges do not even account for the Proposition-1A 526A court case that is heading to court now. The case will appropriately further complicate the CHSTP ability to access the \$8-Billion Proposition-1A Bond despite whatever happens in the Appellate Court matter already noted.

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The Big Picture Situation-“Failing to Plan is Planning to Fail” (Continued)

Likewise, after the Fresno to Bakersfield Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) is approved, pending California Environmental Protection Act (CEQA) and National Environmental Policy Act (NEPA) court cases will further appropriately impede the CHSTP. This will happen because of the gross lack of realistic planning and mitigation noted in the Authority's and Federal Railroad Administration's (FRA) Draft EIR/EIS.

The CHSTP is riddled with flawed planning and will fail financial. The problem is not the parties bringing the lawsuits; it is the Authority and FRA's mismanagement of the project. How can a project with this many foundation problems actually succeed and deliver the advertized benefit of a cost effective, environmentally clean, affordable, 800-mile long, 220-mile per hour electric train system?

Instead of an exemption from review, the STB should very closely review and supervise every aspect of the CHSTP because the Authority and FRA have demonstrated that they cannot successfully oversee this project in a legal or creditable manner. If the STB is not willing to do this, the STB should close down the whole project.

**Examples of “Failing to Plan is Planning to Fail” within the Initial Construction Section (ICS)-
The CHSTP is aligned to directly conflict with known High-Voltage Transmission Lines (HVTL).**

The preferred CHSTP alignment through Kings County travels north and south for approximately 28-miles according to the Authority and FRA's Draft EIS.

The preferred alignment takes the 37-foot tall CHSTP infrastructure at grade underneath a Pacific Gas and Electric (PG&E) 115,000 High-Voltage Transmission Line (HVTL) twice. The lower wire on the HVTL sags at 27-feet above the ground. Obviously, the two structures cannot exist together unless some design changes occur. Since the Authority and the FRA have known about the HVTL since 2010, the EIS should account for the mitigation measures and costs associated with disturbing the HVTL. They have not and in the Authority's Preferred Alignment Report, the issue is not even mentioned.

The HVTL situation gets worse. The preferred alignment travels for approximately 10-miles along the eastern drip line of the 27-foot high HVTL that I just described with its 37-foot tall CHSTP infrastructure between Elder and Jackson Avenues.

Today, east to west county roads cross safely underneath the HVTL at grade about every mile. According to the Authority and FRA's EIS, those roadways will rise up on 40-foot high overpasses over the CHSTP infrastructure that will be at grade. The problem is that the overpass plan does not account for the HVTL right next to CHSTP alignment. What does this mean? For about 10-miles, on the mile, the Authority and the FRA are planning to build an overpass up into and through the middle of a HVTL that they are not acknowledging exists in their plans.

Reality and the CHSTP plan cannot coexist together. The only thing that can happen in this location are the following things.

- 1- The HVTL can be raised. This would require the involvement of PG&E, the California Power and Utilities Commission (CPUC), maybe the Federal Energy Regulatory Commission (FERC), maybe the Federal Aviation Administration (FAA) and Kings County. The matter certainly would require some planning, review and approvals.
- 2- The HVTL can be buried. This would still involve all of those agencies with the exception of the FAA.
- 3- The HVTL can be moved. This would require all of those agencies and issues already noted and the acquisition of more prime farmland and issues associated with that.
- 4- The preferred alignment could change which is counter to what the Authority and FRA is telling the public.

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**Examples of "Failing to Plan is Planning to Fail" within the Initial Construction Section (ICS)-
The CHSTP is aligned to directly conflict with known HVTL's-(Continued).**

Inquires with the CPUC and PG&E about the process of doing 1 through 3 places a delay of the project of between five to ten years and an additional \$500-Million to \$1-Billion to the project.

Diagrams of the HVTL conflicts have been attached to this letter for your review.

The same HVTL location brings forward more unaddressed concerns pertaining to terrorism.

The CHSTP is a terrorist's dream target. Is passenger and public safety being considered- No.

California has committed to building a \$100-Billion, 800-mile high-speed rail system that is to connect the major metropolitan areas in the state.

Protecting against the threat of a terrorist bomb being carried onto a train is included in the detailed construction plans for the future CHSTP. Unfortunately, there is very little in those plans about how to prevent a truck bomb or improvised explosive device (IED) attack against the tracks that carry trains traveling at over 200-miles per hour next to miles of HVTL towers to crash into. The lack of protection for the majority of the tracks will make the CHSTP the most attractive target in the world for Osama Bin Laden's Al-Qaida successors.

While we cannot let the threat of terrorist attacks by Islamic radicals substantially alter our lives, we also cannot ignore the clear and present danger that terrorist attacks would pose to the CHSTP. One of the intelligence discoveries made when Osama Bin Laden's compound was raided and he was killed, was that he had tentative plans on his computer to [attack](#) rail lines in the West.

On September 12, 2013, Al Qaeda leader Ayman al-Zawahri, Bin Laden's successor, called on Muslims living in the U.S. to conduct small-scale attacks and force the US to spend billions more on security. [He said](#), "We should bleed America economically by provoking it to continue in its massive expenditure on its security." Al-Zawahri also said that Muslims should seize any opportunity to land "a large strike" on the US, even if this took years of patience. What better "large strike" target could there be than 2000 passengers travelling at over 200-mph, at ground level, on virtually unprotected tracks?ⁱ

The Pacific Gas & Electric Metcalf Substation attack last year demonstrates the potential of a very few motivated people causing great damaged to the public when critical infrastructure is not properly protected. The Metcalf Substation attack is still unresolved.

The Federal Bureau of Investigation and the Pentagon have warned that the [IED threat](#) that our troops have faced for years in the Middle East is also a threat here at home. The Boston Marathon bombing by two amateur terrorist brothers last April vividly demonstrates the dangers posed by radicalized Muslims living in the US. Al-Qaida and other terrorist groups have published many of their explosive designs over the internet, which enables even novices like the Boston Marathon bombers to create relatively sophisticated bombs. In any future major public works project, the planners and engineers must account for this terrorist threat.ⁱⁱ

Al-Qaida and other terrorist groups have a very long [history](#) of using car and truck bombs to attack high value targets throughout the world. Car and truck bombs have been used as weapons as far back as the 1920 Wall Street Bombing. Muslim extremists have used car or truck bombs in the 1983 Beirut embassy bombing, in the first attack against the World trade Center in 1993, in the 1998 African embassy bombings, and hundreds of such attacks have been conducted in Iraq and Afghanistan since 2001.ⁱⁱⁱ

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**Examples of "Failing to Plan is Planning to Fail" within the Initial Construction Section (ICS)- (Continued)
The CHSTP is a terrorist's dream target, is passenger and public safety being considered- No.**

There have also been numerous terrorist attacks against passenger trains over the past 30 years using IED's. They include a failed Algerian terrorist attack against the French high-speed TGV rail *tracks* in 1995, the Madrid train attacks in 2004, and the London Underground attacks in 2005. There were also two little-publicized derailment attacks against relatively low-speed railroad *tracks* in [India](#) in 2002 and 2010, that each caused over 200-casualties.^{iv}

In a Minetta Transportation Institute [research paper](#) on the 1995 attempted derailment of the French TGV high-speed train, the authors contend:

In addition to the publicity, body count, and disruption sought by today's terrorists, high-speed rail is an icon of technological progress, thus adding the emotional value that terrorists seek in their targets. For these reasons, the attempted derailment [of the French TGV], although fortunately a failure for the terrorists, takes on particular significance.

The details of the nearly 200 train derailment attempts worldwide since 1970, contained in the Minetta paper, are particularly illuminating and frightening in their implications for the CHSTP.^v

The FRA and Authority's engineering plans contain detailed plans that call for rail right-of-ways that are less than 150 feet wide throughout most of the of system's length. If the Fresno-Bakersfield EIS for the CHSTP is representative of the entire system, [chain-link fencing](#) will be the primary intrusion barrier for most of the 800-mile track length. Obviously, a simple chain link fence will provide little protection against a determined terrorist attack.^{vi}

The FRA and Authority's Rolling Stock and Vehicle Intrusion Protection for High-Speed Rail and Adjacent Transportation Systems document call for "containment parapets, check rails, guard rails, and derailment walls, which would be used in specific areas with a high risk or high impact of derailment including, aerial structures, tunnels, and approaches to conventional rail and roadway crossings." In the event of a derailment, these containment parapets and derailment walls are supposed to keep the train upright and within the right-of-way. Nevertheless, the plans now call for their use only in a small portion of the overall 800-mile system. They are to be used in sections of track that would be susceptible to normal derailments, not against terrorist attacks. If the FRA and Authority planners took the threat of terrorist attacks against the tracks seriously, the entire system would have these derailment prevention safety systems in place.^{vii}

The lack of any terrorist attack consideration in the basic design element assumptions found in Section 3.3.5 of the Rolling Stock and Vehicle Intrusion Protection for High-Speed Rail and Adjacent Transportation Systems document are particularly troubling. Nowhere in this document are the words "terrorist threat" used. All of their derailment threat countermeasures are targeted at the standard types of train derailments found in section 3.3.3. None of these train derailments involved terrorists blowing up the rails in front of a high-speed train.

The plans also call for remote control [cameras](#) to detect any intrusion into the rail right-of-way in high-threat areas. Again, only certain high-risk areas are to be covered by these cameras. The entire system length needs to be covered by sensitive surveillance systems.^{viii}

Since the police response times average 6-8 minutes within the city limits for the police departments along CHSTP right-of-way in the Central Valley, and the response time goals for the rural areas of the Central Valley are 15-minutes for a single car response, we cannot rely on local police department to protect the tracks.^{ix}

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**Examples of "Failing to Plan is Planning to Fail" within the Initial Construction Section (ICS)- (Continued)
The CHSTP is a terrorist's dream target, is passenger and public safety being considered- No.**

The track intrusion protection barriers should be robust enough to slow down a terrorist group to allow a train traveling at speed to stop before reaching the attack site. This means the barriers will need to be strong enough that it would take at least 3-4 minutes to breach them either with a truck or on foot. This will hopefully allow a train enough time to make an emergency stop, since it can take up to 5-miles, and 2 to 3-minutes for a high-speed train travelling at over 200-mph to make an emergency stop.

The three-to-four minute warning requirement assumes the surveillance system is comprehensive enough to not have any gaps in the 800+ miles of tracks, and sensitive enough to detect any intrusion attempt the instant it occurs. The surveillance systems in the current plans do not appear to meet that level of protection.

The danger of car or truck bombs being used against the CHSTP system is only enhanced in the Central Valley. Terrorists could easily conceal their activities among the thousands of tanker and other trucks, and thousands of farms with large stockpiles of fertilizer. The trucks and fertilizer could be stolen and turned into truck bombs.

Knowing what we now know about Al-Qaida's intent to continue to attack the US with large and small attacks, we cannot continue to believe that an attack on a vulnerable section of the CHSTP is just a "Highly Unlikely" threat. We must assume attacks will be made against the system at least "occasionally." The FRA and Authority's Safety and Security Management Plan table 4.4 defines "occasionally" as an event that is likely to occur every 1 to 10 years.^x

A truck bomb or IED attack against a train going over 200-mph is likely to have catastrophic consequences with hundreds, if not thousands of casualties. Nevertheless, that threat is totally ignored in the FRA and Authority's own Safety and Security Management Plan. That plan's Table 4-6 "Criticality Matrix" says that any "occasional" that can lead to numerous fatalities or several injuries presents an "Unacceptable Risk." The Safety and Security Management Plan Section 4.2.3.3 says, "Unacceptable and undesirable risk will be reduced to an acceptable level before design acceptance. Or a decision must be made to accept the hazard."^{xi}

Have the FRA and Authority focused so much on minimizing costs that they have ignored the very real threat of terrorist attacks against their 800-mile rail system's tracks? Have they met even their own criteria for mitigating this serious threat to the safety of the rails? Or, have they quietly accepted the hazard that terrorists pose to the tracks, by not even addressing the threat of terrorist attack in their Safety and Security Plans?

On December 1, 2013, two key congressional intelligence leaders, Senator Dianne Feinstein (ironically, a big CHSTP proponent) and Rep. Mike Rogers, publicly [warned](#) that the threat of terrorist attacks has actually increased since 9/11.^{xii} Is the FRA and Authority incapable of understanding that those warnings will probably apply more to their rail system than any other potential terrorist target in America?

Are we, the high-speed train riding public, willing to accept that only small portions of the 800-miles of track we will be riding at 200-mph on will have all of the necessary track protection barriers in place? Or, is the FRA and Authority simply going to wait until after thousands are killed or injured in an attack that will almost certainly occur, before taking the steps needed to ensure the safety of the public while traveling at ground level, at over 200-mph?

Congress and the California State Legislature must ask if the FRA and Authority ever begins to take the threat of terrorist attacks against the CHSTP seriously, what the realistic security upgrade costs are going to be. How many more billions of taxpayer dollars will be needed to protect the entire 800-mile length of the system with robust vehicle and personnel intrusion barriers, comprehensive intrusion detections systems, containment parapets, and the enhanced derailment prevention systems that will be needed?

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**Examples of "Failing to Plan is Planning to Fail" within the Initial Construction Section (ICS)- (Continued)
The CHSTP is a terrorist's dream target, is passenger and public safety being considered- No.**

A cynic might say that the FRA and Authority are choosing to not address the security of the CHSTP for the simple reason that they know that the required security improvements will dramatically increase the overall costs of the CHSTP. Those cost increases will probably be so great that the entire High-Speed Rail plan would be in danger of losing what little public support it currently enjoys.

Have the FRA and Authority made the political calculation that it will be much easier to get the majority of the system built, and then go back and retrofit the billions of dollars of security improvements later? After all, there will be much greater public support for financing security improvements after an attack resulting in hundreds or thousands of casualties.

In conclusion, just because there has not been a successful terrorist derailment of a high-speed train in Europe or Asia does not mean that Al-Qaeda or its affiliates would not attack America's future prestigious high-speed rails. We are after all, "The Great Satan" in the extremist's eyes. They have publicly warned us that they will continue to attack us. Let us for once take them at their word. Our national intelligence experts seem to be warning us.

When it comes to an Islamic terrorist attack against the CHSTP, it is not a matter of if they will attack the CHSTP; it is a matter of when. The publicity to be gained by an attack will make the tracks and the trains they carry too attractive of a target to not be attacked. Therefore, to not honestly plan to defend against the known threat is scandalous and irresponsible.

Keep in mind that in April-2011 (almost 3-years ago), the Kings County Sheriff raised the terrorism contingency planning question to the FRA and Authority before the CHSTP Fresno-Bakersfield EIS was released. As you can see, the issue has not ever been realistically planned around or budgeted for on the FRA and Authority part but they must be aware of the potential. Consider also that some Authority board members are closely associated with the Minetta Transportation Institute and that the Authority frequently uses research from the Institute to justify their conclusions about the public need for high-speed rail but they have chosen to not plan for the Institute's clear warning that public slaughter is likely down the road.

The FRA and Authority has recently increased the terrorism target value of the CHSTP by announcing their plan to travel through Kings County. According to the EIS, the preferred CHSTP alignment through the county will be along the poorly studied 7-1/2 Avenue alignment.

What the EIS and preferred alignment study does not discuss is that the CHSTP will travel for approximately 10-miles under and immediately adjacent to 115,000-Volt High-Voltage Transmission Lines that also run along 7-1/2 Avenue. The existence of the high-voltage transmission lines are only generally acknowledged in the EIS with no specific mitigation plan for the situation beyond something would be done later. The terrorism aspect of the threat to the tracks coupled with the increased target value of derailing a high-speed train full of passengers directly into a high-voltage power tower and also disrupting the western US power grid is not even mentioned.

Without much brainpower, one can only imagine how a determined terrorist with a low tech IED would view the unprotected 10-mile target area. Yet, the FRA and the Authority simply have not planned for this in their EIS and failing to plan is planning to fail.

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**Examples of "Failing to Plan is Planning to Fail" within the Initial Construction Section (ICS)- (Continued)
The CHSTP is a terrorist's dream target, is passenger and public safety being considered- No.**

Please consider that common citizens prepared this document. We do not have access to the professional planning resources that the FRA and the Authority have or the near \$700-Million that the FRA and Authority have spent on planning to reach this point of planning failure. How could the FRA and the Authority totally miss this? What else have they missed or ignored in their rush to spend public funds?

Pursuant to the NEPA, the FRA and the Authority must engage the Kings County government and the community in Kings County. This has not adequately happened as demonstrated through this document. Kings County wanted these things addressed and they have not been addressed. This is just one of many ignored issues that will affect the success, safety and realistic cost of the project if the CHSTP proceeds forward as currently planned.

Sincerely,



FRANK OLIVEIRA

Attachments: HVTL-CHSTP Conflicts in Kings County – 10-Pages

Links:

¹ <http://www.reuters.com/article/2013/09/13/us-qaeda-zawahri-idUSBRE98C05820130913>

¹ <http://www.csmonitor.com/USA/Military/2012/0717/Pentagon-warns-that-US-faces-IED-threat-at-home>

¹ <http://www.globalresearch.ca/history-of-the-car-bomb/6257>

¹ http://www.upi.com/Business_News/Security-Industry/2010/06/01/India-train-derailment-raises-fear-of-copycat-attacks/UPI-37711275426121/

¹ <http://transweb.sjsu.edu/MTIportal/research/publications/summary/0607-2.html>

¹ http://www.hsr.ca.gov/Programs/Environmental_Planning/revise_draft_fresno_bakersfield.html

¹ http://www.hsr.ca.gov/docs/programs/eir_memos/TM%202.1.7%20Intrusion%20Protection%20R1%20130610%20no%20sigs.pdf

¹ http://www.hsr.ca.gov/Programs/Environmental_Planning/revise_draft_fresno_bakersfield.html

¹ http://www.hsr.ca.gov/docs/programs/eir_memos/TM%202.1.7%20Intrusion%20Protection%20R1%20130610%20no%20sigs.pdf

¹ http://www.hsr.ca.gov/Programs/Environmental_Planning/revise_draft_fresno_bakersfield.html

¹ http://www.hsr.ca.gov/docs/programs/fresno-baker-eir/RDrft_EIR_FB_Vol1_3_11.pdf

¹ http://www.hsr.ca.gov/docs/programs/construction/HSR_13_06_B3_PtB_Sub6_Safety_Security_Management_Plan.pdf

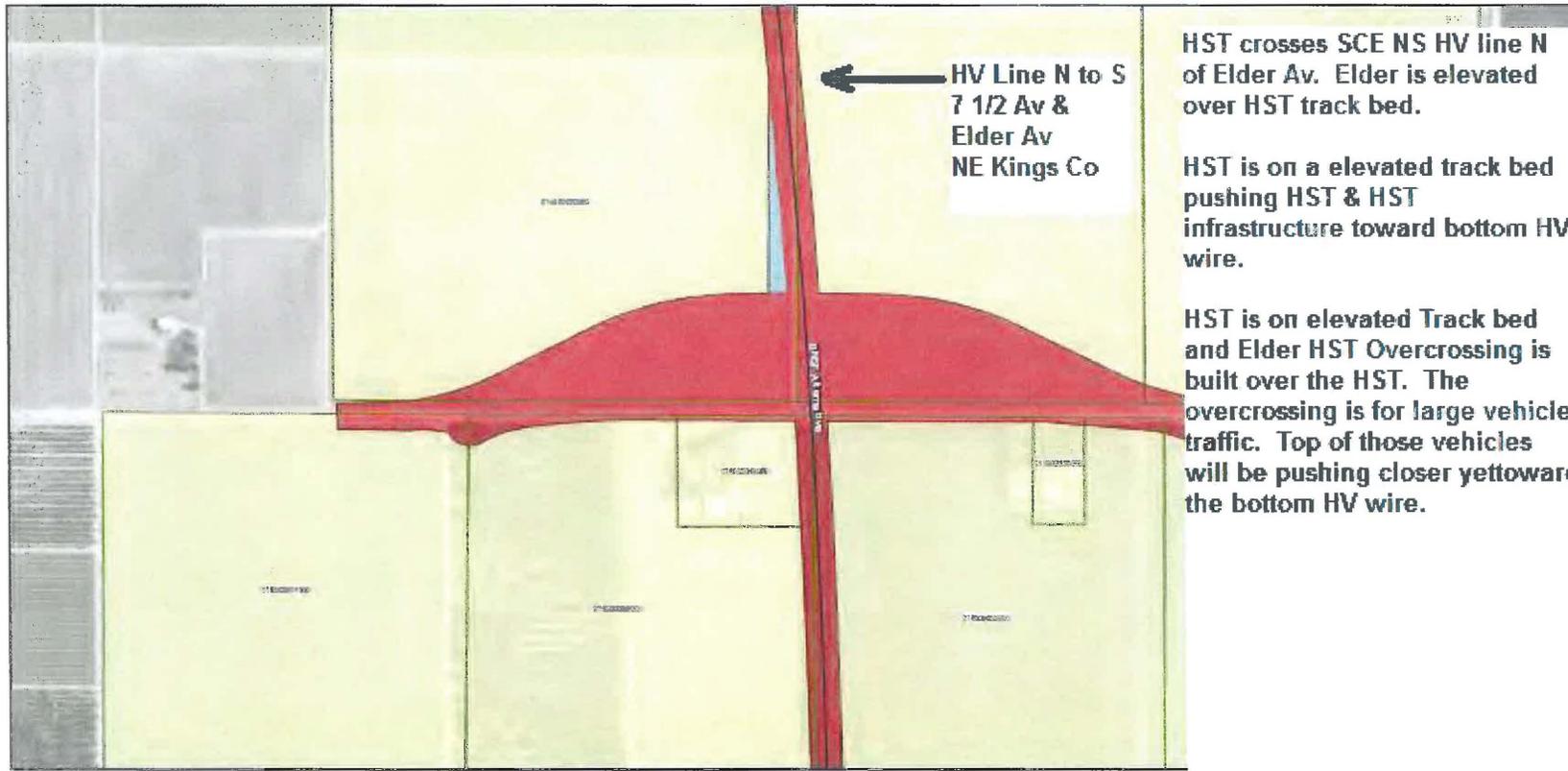
¹ http://www.hsr.ca.gov/docs/programs/construction/HSR_13_06_B3_PtB_Sub6_Safety_Security_Management_Plan.pdf

¹ <http://www.newsmax.com/newswidget/feinstein-rogers-terror-threat/2013/12/01/id/539316>

Pc: STB

Stakeholders

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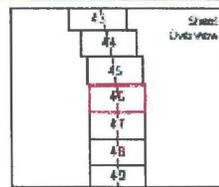
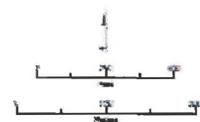
← HV Line N to S
 7 1/2 Av &
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HST crosses SCE NS HV line N of Elder Av. Elder is elevated over HST track bed.

HST is on a elevated track bed pushing HST & HST infrastructure toward bottom HV wire.

HST is on elevated Track bed and Elder HST Overcrossing is built over the HST. The overcrossing is for large vehicle traffic. Top of those vehicles will be pushing closer yet toward the bottom HV wire.

PHOTOGRAPHY: SAN FRANCISCO COUNTY OFFICE - NOT A LICENSED PHOTOGRAPHER
 Source: AGS, ACEI
 Digitized: Thomas R. Corporation, 2007



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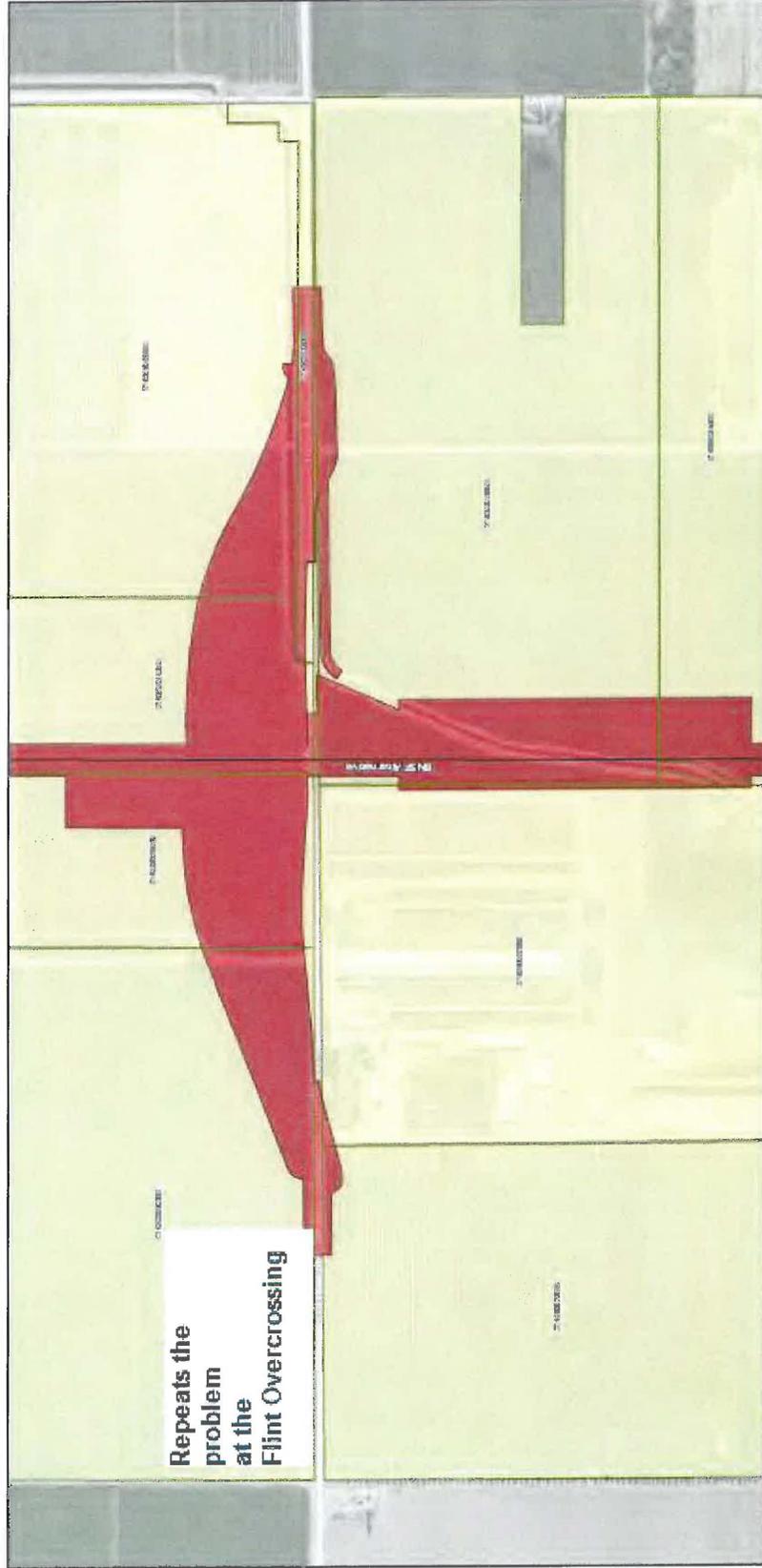


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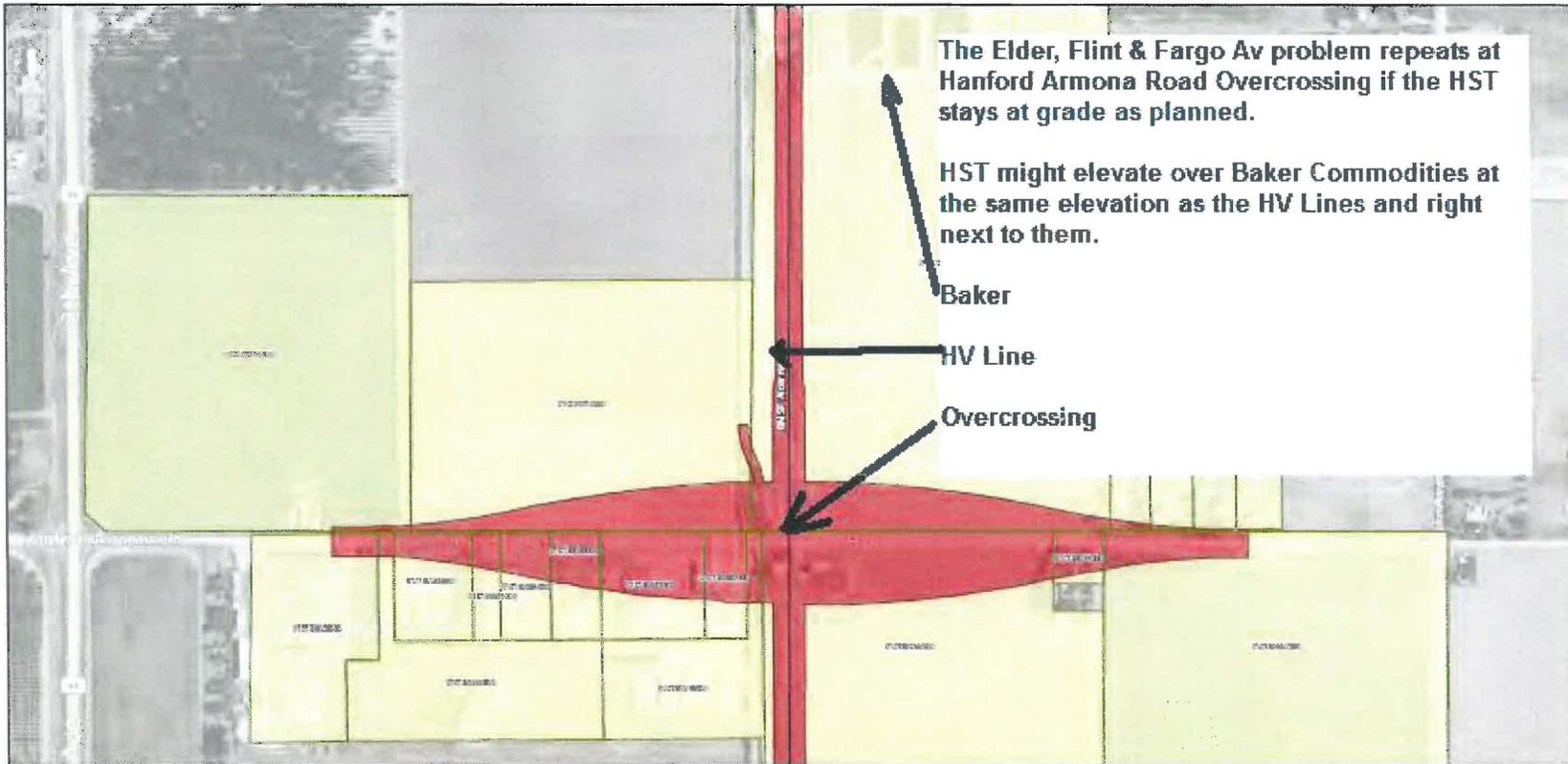


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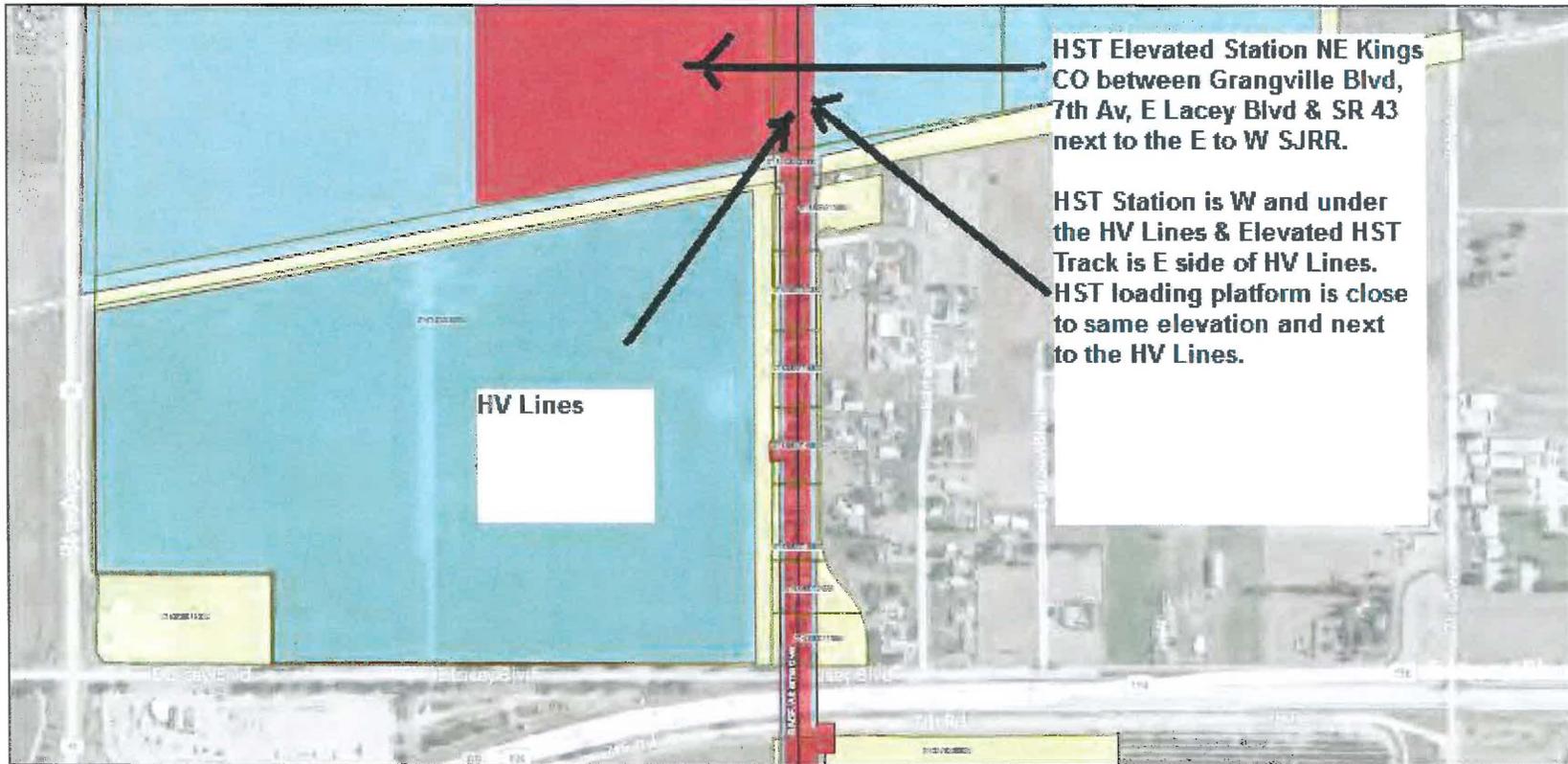




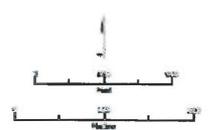
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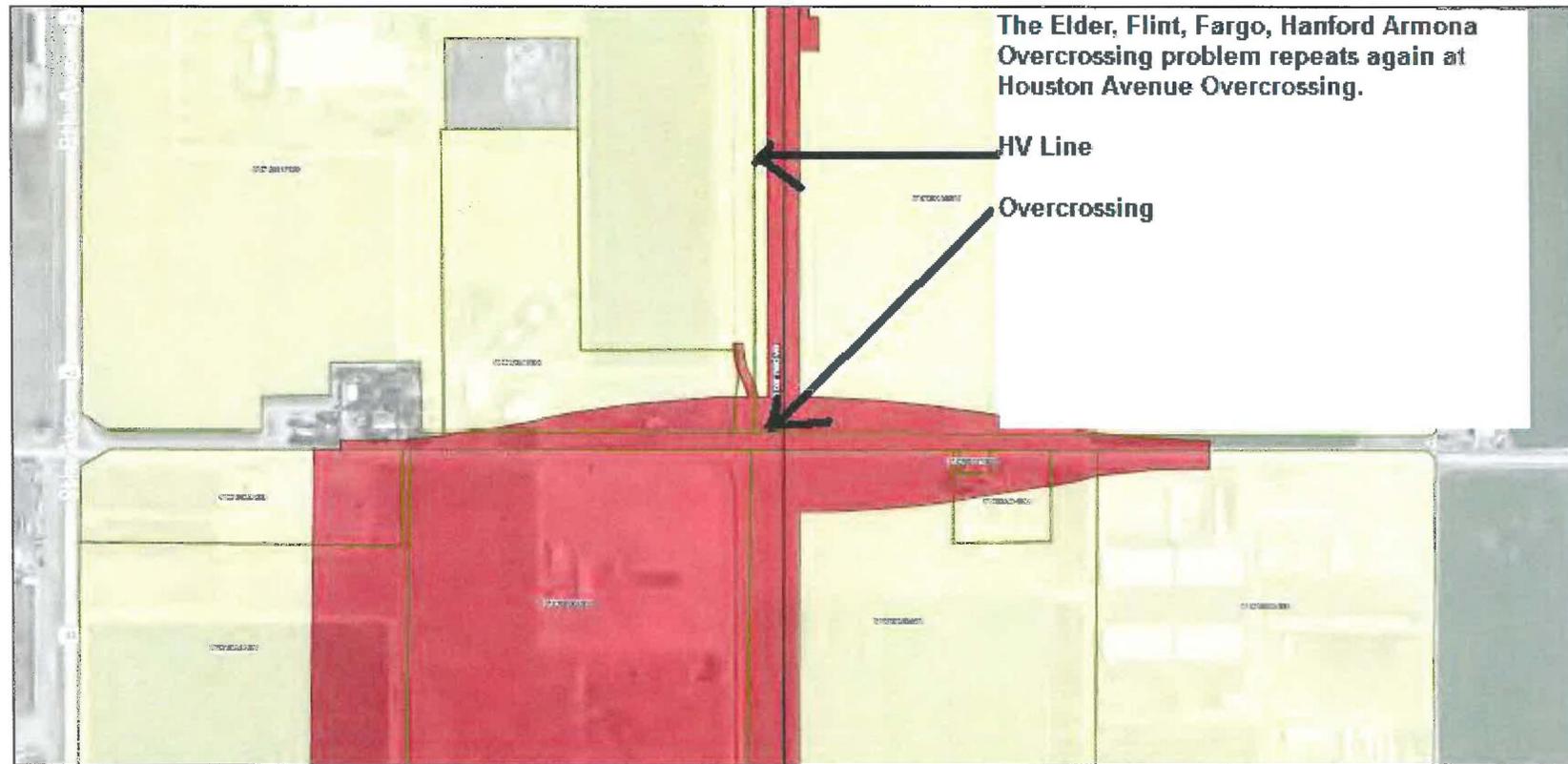


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 Revision: 3/10, 7/10
 Copyright: 2010, California High-Speed Rail Authority



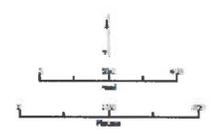
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 Author: Michael G. ...

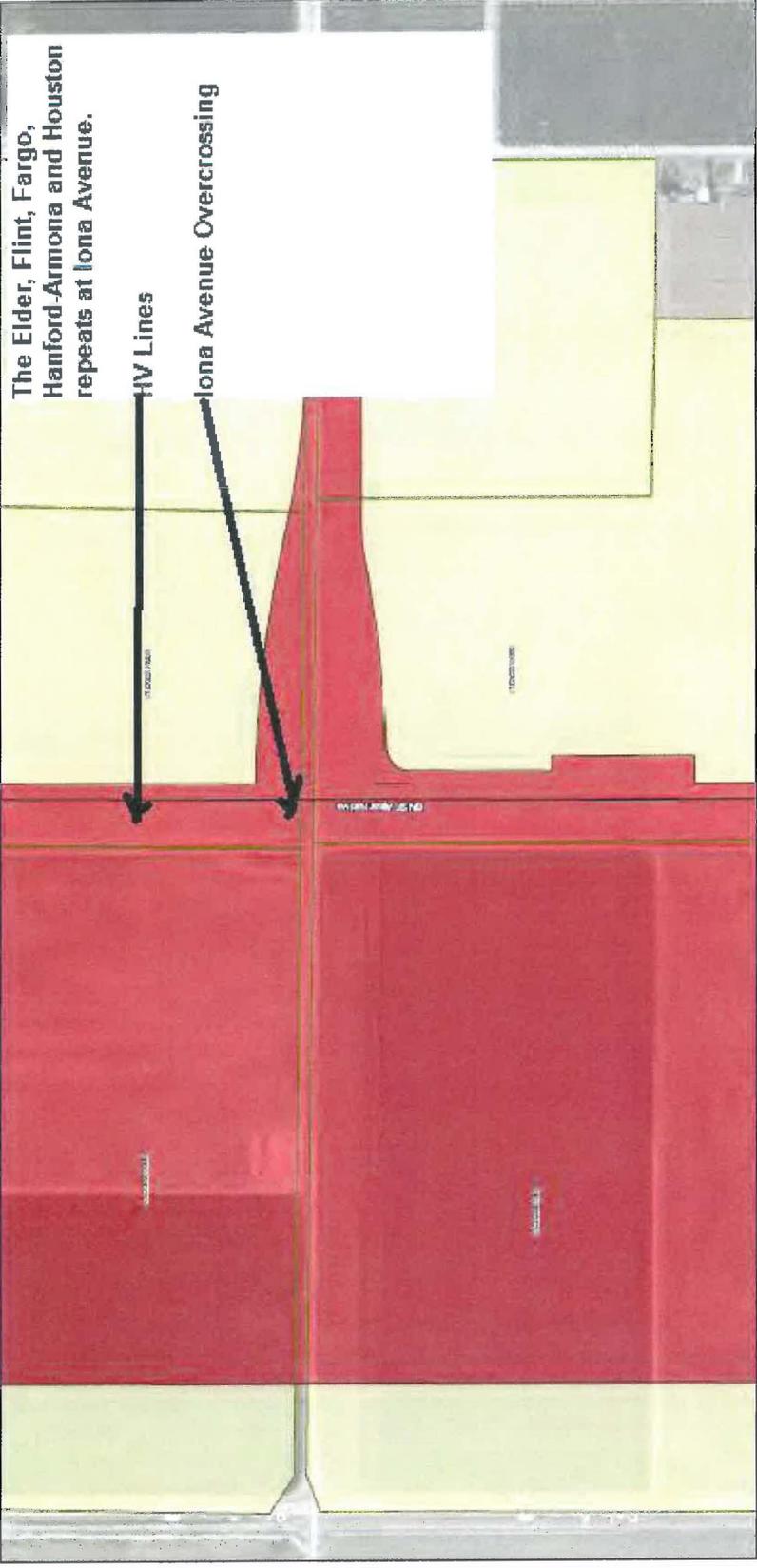
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Sheet 57
 Parcels impacted by the project footprint

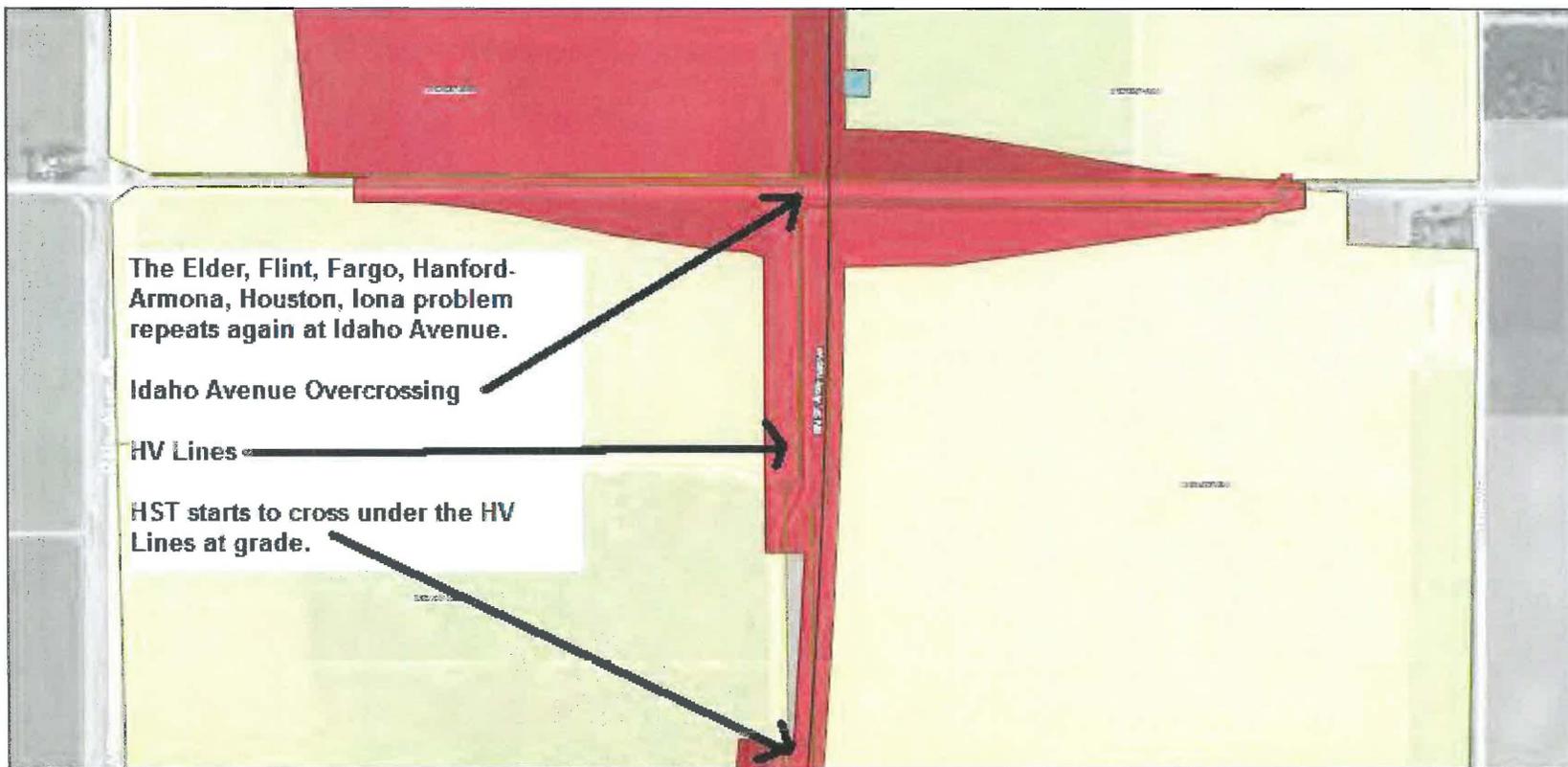


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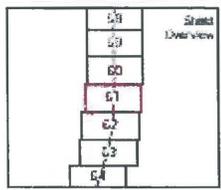
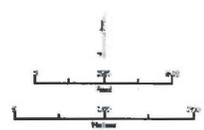
- Alternative alignments
- ▭ Parcel (APN displayed)
- ▭ Footprint
- ▭ Footprint outline
- ▭ Permanent Impact
- ▭ Temporary Impact

Sheet 59
 Parcels impacted by the project footprint

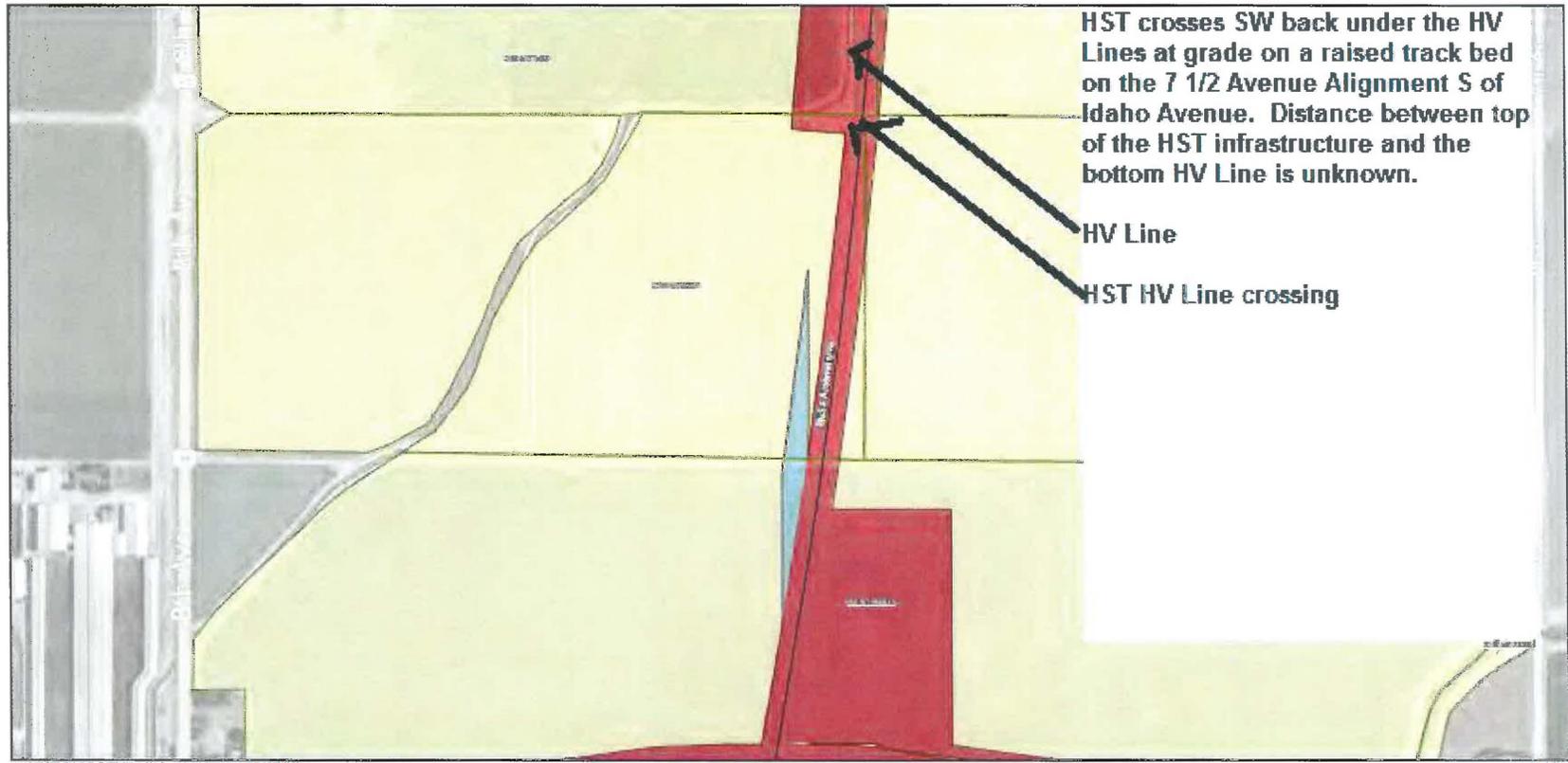


FILE NUMBER: 004710000001 TO CHANGE - NOT APPROVED BY THE STATE BOARD OF SUPERVISORS
 BOARD: 08/11/2011
 8:49pm (P) 004710000001 0001

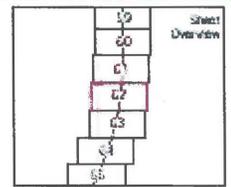
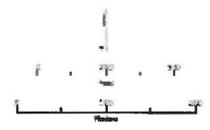
08/11/2011



- Alternative alignments
- ▭ Parcel (APN displayed)
- ▭ Footprint
- ▭ Footprint outline
- ▭ Permanent Impact
- ▭ Temporary Impact



ALL PROPERTY SHOWN SUBJECT TO CHANGE - THIS ALIGNMENT IS NOT DETERMINED
 ISSUE: 09/11/12
 DRAWING: 360-0001-000-001



- Alternative alignments
- Parcel (APN displayed)
- Footprint
 - Footprint outline
 - Permanent Impact
 - Temporary Impact

Sheet 52
 Parcels impacted by the project footprint

