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November 6, 2014

Surface Transportation Board

395 E Street, SW Room-100
Washington DC 20423-0001

Attention: **The Honorable Cynthia T. Brown, Chief, Section of Administration**

Regarding: **California High-Speed Rail Authority Petition for Exemption of the Fresno to Bakersfield HST Section (Finance Docket ~~35724 (Sub No. 1)~~ FD 35861**

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November 7, 2014
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It has come to my attention that the California High-Speed Rail Authority (Authority) has petitioned the Surface Transportation Board (STB) to allow the Authority to proceed with the construction of the California High-Speed Train Project without the bother of achieving environmental compliance consistent with the California Environmental Quality Act (CEQA) or being subject to potential sanctions for its non-compliance with the Act.

It appears that the Authority is advising the STB that the Authority will comply with CEQA but they do not want to be subject to any potential CEQA non-compliance sanctions just in case they choose to not comply with CEQA after securing STB's blessing to be exempted from the Act.

Since the STB is entertaining the Authority's petition, the STB should be aware that the Authority has a history of failing to mitigate uncomfortable environmental problems that are right in front of them.

Problems like the fact that the southern Central Valley where the Authority has planned their project is choked full of Valley Fever spores in the soil. The Fresno-Bakersfield Draft Revised Environmental Impact Review/Statement did not even recognize this large-scale health problem that people on the ground deal with here. The mining, transporting, spreading and compacting of millions of yards of Valley Fever spore laden soil to build the 10-foot high/100-foot wide track bed through our communities, schools and schools will kill some and sicken many. The Authority is not concerned.

The Authority's proposed Valley Fever mitigation now is protective respirators and protective clothing for their employees, nothing for us the public and the Authority will be competing with our homes, farms and communities for the last drop of ground water available in this drought stricken farmscape for some hopeful dust control. The Authority's proposed mitigation is to protect their staff and provide nothing for everyone else noted in their Fresno-Bakersfield Final Environmental Impact Review/Statement (F-B FEIR/S).

Consider also that the F-B FEIR/S does not even recognize that the Authority's chosen rail alignment through Kings County is entangled with ten miles of 115,000-Volt, High-Voltage Transmission Lines (HVTL). The Authority's F-B EIR/S portrays no less than seven above grade alignment crossings sharing the same actual physical airspace with the existing HVTL's with no explanation how that can work or be mitigated.

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Should the Authority have some sort of explanation for this \$500-million planning oversight that they are aware of and ignoring...probably but the Authority is not concerned.

Consider also that along the same HVTL corridor the Authority has not acknowledged that it is creating a target rich environment for terrorist groups like ISIS between unguarded unsecured rural above grade crossings, high-speed western symbols and unprotected HVTL's. The Authority is aware of the issue and they have not provided any security considerations to address the matter. None...should they?

Reality is to properly protect the alignment in this rural area it is going to take millions of dollars and more planning that the Authority does not want to be held accountable to do. Again, the Authority is not concerned.

Can the Authority be trusted to come up with solutions after the fact to these and other known shortfalls that will work with the environment and our communities? They have not volunteered anything more than they worked really, really hard and then approved their own defective F-B EIR/S to meet their timeline. It leaves us on the ground to recognize that their timeline is more important than the environment, project safety, our health or our communities.

The Authority simply is making conscious decisions to gamble that known potential catastrophes just will not happen and should not be considered in their planning or construction activities because it is hard work. Apparently the Authority believes that Murphy's Law does not apply to them. Which is weird if you considered everything that has happened in this project to this point.

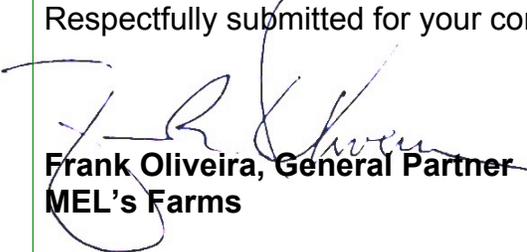
Left to their own, the Authority has demonstrated that they will not do the "right thing" on their own accord. Will the STB do the right thing?

I would like to believe that the STB would not be so remiss as to further remove the few public safeguards that remain in this project by exempting the Authority from the safeguards that the Authority previously committed to complying with. The Authority has not earned that trust yet.

Deny the exemption.

Upon your request, I will gladly provide the STB supporting information for the three examples that I have raised. I can be reached at the contact points noted on the previous page.

Respectfully submitted for your consideration today,


Frank Oliveira, General Partner
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Attachments: None

Pc: File