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Cynthia T. Brown, Chief  
Section of Administration  
Surface Transportation Board  
395 E Street, S.W., Room 100  
Washington, DC 20423-0001

**Re: STB Finance Docket No. FD 35724 (Sub-No. 1), California High-Speed Rail Authority--Construction Exemption--In Fresno, Kings, Tulare and Kern Counties, California (Transportation Merits of Project)**

Dear Ms. Brown:

As a transplanted 40-year resident of Bakersfield, the California High-Speed Rail Authority's (Authority) release of the Fresno to Bakersfield Draft EIR/EIS in August 2011 interested me. I began studying the proposed alignments through the San Joaquin Valley. The first thing I discovered was that the track approaching Bakersfield would be elevated as much as 90 feet dropping to 30 feet at the proposed downtown station. I was also shocked to learn that the two proposed alignments through Bakersfield will cause irreversible damage to homes, churches, schools, businesses, City facilities and other infrastructure including a building at century-old Bakersfield High School and one of the oldest hospitals in town, Mercy Hospital (Dignity Health). Such destruction, which appears to be proposed up and down the Central Valley, will significantly impact the quality of life of Valley residents.

While the Authority appears to have proposed a plan to minimize the impacts to Bakersfield High School and Mercy Hospital,<sup>1</sup> the reality is that the Authority's high-speed rail project in the Fresno to Bakersfield segment (the Project) will have devastating economic and social effects. Perhaps, if the Project were economically viable, some of these negative impacts could be accepted. But given the dire financial outlook for the Project and the reality that the full high-speed rail system as approved by the voters will likely never be built, these impacts are not justifiable.

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<sup>1</sup> The Authority's Revised Draft EIR/Supplemental Draft EIS, released in July 2012, proposes a "Bakersfield Hybrid" alternative that spares the high school and hospital but destroys the Bakersfield Homeless Center. This Bakersfield Hybrid alternative was formally approved, unanimously, by the Authority in November 2013.

Adding to these unjustifiable impacts is the fact that the Project fails to carry out the Rail Transportation Policy (RTP) of 49 CFR 10101 in the following ways:

1. **The Project will not operate without detriment to the public health and safety. (RTP No. (8).)** For example, as in Kern County, where Bakersfield is located, the Project is destructive in Kings County, primarily a rural agricultural county between Fresno and Bakersfield. The alignment runs the length of Kings County essentially dividing it.<sup>2</sup> It divides long-standing family farms rendering them useless by making them inefficient and costly to operate. It destroys investments in water wells, weirs, and irrigation systems. While the Authority proposes mitigation to address these impacts, the mitigation falls short of truly addressing the impacts especially those impacts related to noise and vibration.
2. **The Project is neither financially efficient nor economical. (RTP No. (1), (3), (4), (5), (6), and (9).)** To date, the Authority has only about \$6 billion (\$3 billion federal and \$3 billion bond proceeds, if available) to construct what the Authority claims to be approximately 130 miles, but may be as few as 87 miles,<sup>3</sup> of the 300 miles of track in the initial operating segment (IOS). If the Project ever is constructed, it will likely be nothing more than a track-laying project running from about 24 miles north of Fresno near Madera to Shafter or Wasco just north of Bakersfield, depending on how far the money goes. There is no budget for electrification and high-speed trains.
3. **The Project will likely not encourage or promote energy conservation. (RTP No. (14).)** Without certainty that the track will ever be electrified and used by high-speed trains, a claim that the Project satisfies the RTP in Section 10101(14) cannot be sustained since it is unlikely that there will, in fact, be a “diversion of automobile traffic to the *new electrified rail line*,” (emphasis added) thereby promoting energy conservation.
4. **The Project does not encourage honest and efficient management of railroads. (RTP No. (9).)** In order to meet the “operating segment” requirement of Proposition 1A and the “independent utility” requirement of the Federal Railroad Administration, the Authority claims in its Petition that “[t]his first construction portion, including the Fresno to Bakersfield HST Section, will be available for immediate use for improved and faster service on Amtrak’s San Joaquin intercity passenger rail line prior to initiation of HST service on the line

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<sup>2</sup> The proposed alignment through Kings County fails to follow a transportation corridor as required by Proposition 1A.

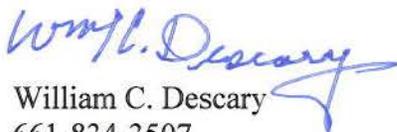
<sup>3</sup> William Grindley and William Warren, "How Realistic Are the CHSRA's Plans To Build From Madera To Bakersfield? - A Briefing Paper -, 30 May 2013, page 5 (<http://www.cc-hsr.org>, Financial Reports).

in 2022,....”<sup>4</sup> However, without additional funding, estimated to be over \$30 billion, to complete the IOS, the Authority is being presumptive, at best, in saying that high-speed train service will be available by 2022. If the Project is constructed, it is likely that nothing more than an additional track for Amtrak will be available between Fresno and Bakersfield. That same result could be achieved more efficiently and economically, and with much less destruction, by double tracking *existing right of way* and upgrading signaling to avoid freight train delays and grade separations.

5. **The Project, as proposed, does not lay the foundation for the necessary economical components to attract capital. (RTP No. (6).)** Contrary to the Authority’s claims, there is no indication that there is any interest in private or public capitalization of the Project beyond the \$6 billion dollars currently slated for use. There is also little probability that the Project, or the entire high-speed rail system, if ever constructed, will provide revenues that will exceed the amount necessary to maintain the rail system and attract capital. The reality is that Congress is taking a serious look at reallocating the \$3 billion appropriation and the movement toward reconsideration by California voters of the use of the bond proceeds for high-speed rail is gaining traction.<sup>5</sup>

The Authority’s Petition essentially requests that the Board dismiss a more thorough analysis of the Project’s compliance with the RTP. Since, as shown above, the Project fails to satisfy the RTP in multiple ways, the Authority’s Petition should be denied.

Sincerely,



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<sup>4</sup> California High-Speed Rail Authority – Construction Exemption – In Fresno, Kings, Tulare, and Kern Counties, California, Petition for Exemption, 26 September 2013, page 8.

<sup>5</sup> In September 2013, a USC/*Los Angeles Times* poll revealed that 70% of voters want another opportunity to vote on California’s high-speed rail. The impetus for the re-vote is that the high-speed rail project currently planned is so different from the project outlined in the 2008 Voter Information Guide that voters relied on in narrowly approving (52.62%) the issuance of bonds to partially finance the project. (USC Dornsife College of Letters, Arts and Sciences/*Los Angeles Times* poll, reported by Alexander Mar, Daily Trojan, 30 September 2013, Featured News.)