

RESOURCE MANAGEMENT AGENCY PLANNING DEPARTMENT

Norman L. Allinder, AICP
Director

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May 6, 2013

Mr. Dave Navecky
U.S. Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

RE: Docket No. FD 35724 (CA HSR)

Mr. Navecky:

On April 16, 2013, the Madera County Board of Supervisors directed my office to submit a letter regarding your Board's consideration of adopting the Final Environmental Impact Statement (EIS) for the California High Speed Rail (CAHSR) Merced-Fresno Section.

The California High Speed Rail Authority and the Madera County Board of Supervisors entered into a formal settlement agreement related to the construction and ongoing maintenance of the system through Madera County. We strongly urge your Board's consideration of that settlement agreement, and request that no action taken by your Board harm or in any way impact that mutual agreement.

Madera County will experience the greatest amount of rail track when compared to the other counties analyzed in the Final EIS; therefore we would request your Board assure that protections be in place during the construction phase of the project to ensure adequate storm water collection and circulation are provided for in Madera County for public safety and movement of goods. The California High Speed Rail Authority has addressed the long-term transportation and circulation impacts in the attached settlement agreement, and we would ask for your Board's consideration of the agreements made as well as these construction impacts.

We are the only County impacted by the High Speed Rail project without any stated or committed benefit (for example, stations or maintenance facilities) in the near or long term. Madera County will realize no benefit, yet bears the burden of containing more track mileage than any other County in the State. In addition, Madera County will also accommodate the only wye in the system.

A clear issue of environmental justice exists for the City of Madera, City of Chowchilla, and the communities of concern within unincorporated Madera County. The communities of Parkwood and Parksdale, both located adjacent to the City of Madera, will be impacted by the project. Parkwood and Parksdale are identified as Community

Development Block Grant Target Income Communities that currently experience unemployment rates of 20.2% and 37.2%, respectively.

In February 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." In a separate memorandum, President Clinton identified Title VI as one of several federal laws already in existence that can help "to prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects."

We would request that the Surface Transportation Board assure that the Merced-Fresno High Speed Rail project strictly adheres to the following:

Executive Order 12898

1. Executive Order 12898 generally calls on each federal agency to achieve "environmental justice by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations"
2. Executive Order 12898 applies to federal agency actions, including the High Speed Rail (Federal Rail Authority), and directs agencies, to the extent permitted by law, to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.
3. Executive Order 12898 is a directive from the President of the United States to federal agencies intended to improve the internal management of the federal government.
4. The Executive Order establishes the Administration's policy on environmental justice; it is not enforceable in court and does not create any rights or remedies.

The Surface Transportation Board could offset the negative economic effects the HSR will place on Madera County by placing the Heavy Maintenance Facility (HMF), Maintenance of Way (MOW), and Dispatch Center (DC), within Madera County. By placing the facilities within Madera County, you ensure that those most impacted by the facility also have the potential to see the largest benefits of the project. Madera County is situated in the ideal location for any or all three facilities. We are located in the center of the system at the connection of the east-west route to San Francisco. Madera County has the ability to meet the requirements set forth by the Authority Board, with the necessary work force in the region to serve the project. Simply put, Madera County is at the center of the system, bears the greatest impact with the least benefit to our citizens; and, therefore, it is only appropriate that the Authority select Madera County as the location to place the HMF, MOW, and the Dispatch Center.

The Surface Transportation Board could assist in recommending that, absent any substantial defect or disadvantage as compared to other sites, the CHSRA place the Heavy Maintenance Facility (HMF), Maintenance of Way Facility (MOW), and the Command and Control Center, within Madera County. By placing these facilities in Madera County, you ensure that communities most impacted will have the potential to realize benefits as well. Madera County is ideally situated to accommodate these facilities. We are located in the center of the system at the connection of the east-west/north south wye of the route.

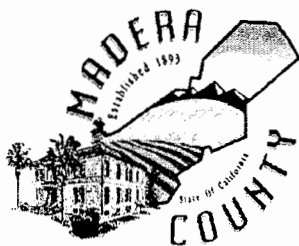
Madera County sites meet the requirements set forth by the CHSRA, with a work force in place drawing on the two largest SMSAs in Central California.

In closing, the County has strived to work with the CHSRA and staff: however real impacts to the citizens of Madera County remain, impacts that cannot be mitigated without an offset realized by gaining a benefit from the system. We request that the Surface Transportation Board recognize that there will be unavoidable impacts and recommend mitigating them through the siting of the HMF, MOW and Command and Control Center and adhere to the settlement agreement entered into between the CHSRA and Madera County.

Respectfully submitted,

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