

RESOLUTION NO. 2012-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE
OPPOSING THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY
HIGH-SPEED TRAIN PROJECT**

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on March 6, 2012 at 7:30 p.m., it was moved by Council Member _____, seconded by Council Member _____ and carried that the following Resolution be adopted:

WHEREAS, California voters approved Proposition 1A on November 4, 2008 and the Legislature codified the *Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century* (“the Act”; AB 3034; See Streets and Highways Code Sections 2704-2704.1); and

WHEREAS, the Act provides \$9.1 billion in bond funds to finance a high speed electrified train system designed along existing transportation corridors to achieve mandated travel times between population centers and to operate without government subsidies, that will connect the San Francisco Bay Area and Sacramento in the north, through the Central Valley to Los Angeles, Orange County and San Diego in the south (collectively the “Project”); and

WHEREAS, federal American Recovery and Reinvestment Act (“ARRA”) money has been allocated to the California high-speed train Project; and

WHEREAS, a nine-member California High-Speed Rail Authority (“Authority”) was appointed pursuant to the Act and Public Utilities Code Section 185020 to plan and implement the Project pursuant to the Act and all applicable law and implementing regulations; and

WHEREAS, the Authority and the Federal Railroad Administration (“FRA”) are co-lead agencies for purposes of environmental review of the Project under the California Environmental Quality Act (“CEQA”) and the National Environmental Protection Act (“NEPA”); and

WHEREAS, on September 29, 2009, City Council passed Resolution #2009-39 “in support of an American Recovery and Reinvestment Act (ARRA) application for high speed rail for California” as well as supporting the continuing development of high speed rail on a statewide basis and supporting a unified approach for the Central Valley.

WHEREAS, on February 16, 2010, the City Council passed Resolution #2010-02 “supporting the Development of a high-speed train station that ties into the Cross Valley Rail Corridor allowing connectivity throughout the region via future east-west passenger rail”; and

WHEREAS, opposition to the California High-Speed Rail Authority High-Speed Train Project is under consideration based on the following findings:

1. The Authority and FRA have failed and continue to fail to coordinate with Kings County regarding the Project and its impacts on the health, safety and welfare of the County and its local planning documents and ordinances; and
2. The Project does not conform with the Kings County General Plan and related ordinances; and
3. Prior to release of the Draft Environmental Impact Report/Environmental Impact Statement (“DEIR/EIS”) for the Fresno to Bakersfield Section of the Project, the Authority and FRA assured Kings County Board of Supervisors that local planning issues and health, safety and welfare concerns would be addressed in the DEIR/EIS, but it has not been done despite detailed correspondence presented to the Authority and FRA and introduced in attempted coordination meetings by Kings County Board of Supervisors; and
4. The DEIR/EIS defers mitigation analysis on many of the impacts that will affect not only Kings County property owners, but Kings County Government and County staff resources and fails to resolve conflicts with the County’s General Plan; and
5. The DEIR/EIS proposes that the Bakersfield to Fresno Section will not initially be electrified, in violation of Proposition 1A, which requires an electrified high-speed train system; and
6. The DEIR/EIS further indicates that if the entire high-speed train system anticipated by Prop. 1A is not built out as anticipated, the track for the Bakersfield to Fresno Section will have “independent utility” for Amtrak purposes and will qualify under ARRA funding requirements. This completely ignores the local investment in the existing transportation hub and inter-modal connectivity and planning as well as economic impacts on affected downtowns and the air quality and greenhouse gas impacts created by altering the hub; and
7. The Fresno to Bakersfield Section DEIR/EIS consists of more than 17,000 pages and relies on technical documents that combined total more than 30,000 pages yet the Authority provided for a 45-day comment period with a token 15 day extension for a total of 60 days; and
8. Just before expiration of the inadequate 60 day review period, rather than respond to a flood of requests for extension of the comment period, the Authority, without evaluating the impacts, issued a statement that it intends to retain the 60 day comment period for the DEIR/EIS, proceed with the separate Merced to Fresno Section DEIR/EIS, but “re-introduce an alternative route, the Hanford West Bypass alternative, along with an alternative station location to serve the Kings/Tulare region” and then issue a revised draft EIR/supplemental draft EIS for the Fresno to Bakersfield Section only in Spring of 2012. Had the Authority coordinated with the County as requested, this may have been avoided, and the Authority’s bad-faith behavior has exhausted local resources only to have to start all over again in the Spring of 2012. To further demonstrate the Authority’s mismanagement of this Project and unwillingness to account for local input, the Hanford West alternative was reintroduced as a preferred alternative from the Authority’s 2007 Visalia-Tulare-Station Feasibility Study, which was adopted without environmental review, without outreach by the Authority or contact with Kings County, and was previously abandoned without explanation. In other

words, it adopted particular alignments without public or agency input despite claiming to “tier” off of the earlier general programmatic environmental document. Also, despite a letter from a federal responsible agency, the U.S. Army Corps of Engineers, suggesting that it should reconsider the Hanford West alignment the Authority on May, 2011 refused to comply and remained undeterred in its effort to issue the Project DEIR/EIS. Now, at the end of the DEIR/EIS comment period, the Authority is backtracking and indicating it will reconsider this alternative; and

9. The Authority’s lack of transparency, failure to coordinate and resolve impacts, ignorance of the will of the people expressed in Prop. 1A, and its “act now, ask forgiveness later” approach to the Project, have caused the City of Lemoore to side with the Kings County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemoore:

1. Affirms the findings listed herein;
2. **OPPOSES** the California High-Speed Rail Authority High-Speed Train Project in its current proposed form.

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Lemoore held on the 6th day of March, 2012 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED:

Willard J. Rodarmel, Mayor

ATTEST:

Nanci C.O. Lima, MMC
City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)

I, NANJI C. O. LIMA, City Clerk of the City of Lemoore do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular meeting of the City Council of the City of Lemoore called and held on 6th day of March, 2012.

Dated: March 7, 2012

NANJI C. O. LIMA, MMC
City Clerk