



Resolution #HSRA 15-04

California High-Speed Train Fresno to Bakersfield Section

Modification of Statement in Resolution # HSRA 14-10 Regarding Notice to City of Bakersfield Prior to Any Approval of Hybrid Alignment in Bakersfield, as Required by Paragraph 5.4 of Bakersfield Settlement Agreement

WHEREAS, the May 2014 California High-Speed Train Final EIR/EIS for the Fresno to Bakersfield Section (“Final EIR/EIS”) identifies a Preferred Alternative between the Fresno HST Station and a downtown Bakersfield Truxtun Street HST Station, including an alignment through Bakersfield known as the “Bakersfield Hybrid Alignment,”

WHEREAS, the Authority in May 2014 certified the Final EIR/EIS in Resolution # HSRA 14-09, as relates to all information in the Final EIR/EIS including the full length of the Preferred Alternative,

WHEREAS, the Authority in May 2014 via Resolution # HSRA 14-10 approved for construction and operation only that portion of the Preferred Alternative north of 7th Standard Road (in Kern County, just outside the Bakersfield city limits),

WHEREAS, as part of Resolution # HSRA 14-10, the Authority stated in the fifth Whereas clause it “will not approve any construction south of 7th Standard Road without providing the City of Bakersfield with at least sixty (60) days written notice,”

WHEREAS, the City of Bakersfield filed a lawsuit challenging the Final EIR/EIS and related approvals (Sacramento Superior Court No. 34-2014-80001866), and the City has entered into a settlement agreement (dated December 19, 2014) and stipulated judgment with the Authority dismissing the lawsuit (the “Settlement Agreement”),

WHEREAS, the last sentence of paragraph 5.4 of the Settlement Agreement requires the Authority to present for the Board’s consideration a resolution modifying the statement in # HSRA 14-10 that the Authority “will not approve any construction south of 7th Standard Road without providing the City of Bakersfield with at least sixty (60) days written notice,”

NOW, THEREFORE, BE IT RESOLVED by the California High-Speed Rail Authority that:

The penultimate sentence of paragraph 5.4 of the Settlement Agreement, wherein the Authority commits to complete a future environmental document prior to any approval of the Bakersfield Hybrid Alignment, supersedes that portion of Resolution # HSRA 14-10 stating the Authority “will not approve any construction south of 7th Standard Road without providing the City of Bakersfield with at least sixty (60) days written notice.” Nothing in this resolution or associated staff and Board materials is intended to alter or interpret the terms of the Settlement Agreement.

Vote: 7-0
Yes: Hartnett; Perez-Estolano; Richard; Richards; Rossi; Schenk; Selby
No: N/A
Absent: Henning
Abstain: N/A
Date: 02/10/15

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