

Madera, Merced farm bureaus say state rail agency is violating farmland settlement

By Tim Sheehan

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California High-Speed Rail Authority board members Dan Richard, left, and Mike Rossi, appear at a 2011 news conference. The authority plans a ceremonial groundbreaking for the statewide project on Tuesday, Jan. 6 in downtown Fresno.

RENEE C. BYER — The Sacramento Bee

- Groundbreaking ceremony

The California High-Speed Rail Authority is holding a groundbreaking event Tuesday in Fresno to mark the ceremonial start of construction for the statewide bullet-train project.

- **When:** Noon Tuesday.
- **Where:** Future high-speed train station site at the northeast corner of Tulare and G streets, downtown Fresno.
- **Who:** Among the dignitaries attending are Gov. Jerry Brown, Federal Railroad Administration chief Joseph Szabo, and U.S. Environmental Protection Agency administrator Gina McCarthy. Attendance at the event is by invitation only.

Street closures

Because of the groundbreaking ceremony, Tulare Street will be closed between G and H streets, and G Street will be closed between Mariposa and Kern streets. Both downtown streets will be closed from 8 a.m. to 3 p.m., according to a traffic advisory issued by the city of Fresno.

Watch Tuesday's groundbreaking ceremony live [here](#).

The Madera and Merced county farm bureaus allege that the California High-Speed Rail Authority is falling short of its responsibilities under a legal settlement stemming from the organizations' lawsuits over the Merced-Fresno portion of the statewide bullet-train route.

The notice of default, in a letter from the farm bureaus' attorney Jason Holder to the rail agency, came on the eve of Tuesday's formal groundbreaking for the initial construction of the controversial project. The farm organizations' lawsuit was filed in mid-2012, after the rail authority's board approved much of the 60-mile Merced-Fresno route. It was one of several lawsuits challenging the authority's environmental analysis of the section, all of which were settled by the spring of 2013.

Among the key provisions of the April 2013 settlement was a requirement that the rail authority make up for the loss of farmland to the railroad right of way by providing permanent preservation of similar-quality farmland elsewhere in the region. The authority was also to offer to buy any leftover parcels under 20 acres when the rail line divides an owner's property.

Monday's notice asserts five specific violations of the settlement, by either the rail authority or its right-of-way contractors, related to appraising and buying the property it wants for the right of way:

- Failing to provide alternative appraisals for buying land that creates remnant parcels of 20 acres or less.
- Not providing reasons for why the agency is proposing to buy an entire property when only a portion of the land is needed for the right of way.
- Failure by appraisers to consider factors that affect the property's valuation.
- Not engaging in a consultation process over the valuation of severed parcels.
- Failing to establish a panel of at least seven mediators approved by both sides to hear issues over farmland valuation.

Not having a consultation process for valuations "has resulted in appraisals that substantially underestimate the value of property that the authority proposes to acquire and the amount of severance damages to remainder parcels," Holder, an Oakland attorney, wrote in the default notice. "The appraisals fail to take into account for landowner

compensation the value of crops under cultivation ... at the time the property is acquired.”

Madera County Farm Bureau president Al Sheeter was less subtle than the attorney. “They’re robbing us blind, it’s that simple,” Sheeter said in a written statement. “The appraisals leading up to the offers on properties in Madera County amount to theft of private property.”

The notice gives the rail agency 30 days to either solve the issues or else the farm bureaus would return to Sacramento County Superior Court to ask a judge for court orders to enforce the settlement. “Of course, we hope that the authority timely cures each of the defaults ... so that judicial enforcement of the agreement can be avoided,” Holder wrote.

To date, the authority’s efforts to purchase property for the railroad route have focused solely on its first construction package, a 29-mile stretch from the northeast edge of Madera to the south end of Fresno.

The agency has acquired about 100 of the more than 500 pieces of property needed, either in whole or in part, to build the Madera-Fresno segment of the rail line and associated structures such as bridges and overpasses. Demolition work began last summer, and following Tuesday’s groundbreaking, major construction could commence within weeks.

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