



RESOLUTION #HSRA 22-21

San Francisco to San Jose Project Section

Direct Authority Chief Executive Officer to Issue a Record of Decision for the San Francisco to San Jose Project Section Selecting the Portion of the Preferred Alternative (Alternative A, with Caltrain stations modified for HSR at 4th and King Street and Millbrae, an East Brisbane light maintenance facility, the Millbrae Station Design, and associated facilities) from 4th and King Station in San Francisco to Scott Boulevard in Santa Clara pursuant to NEPA and other Federal Laws

Whereas, pursuant to the California High-Speed Rail Act, Public Utilities Code section 185000 et seq., the California High-Speed Rail Authority (“Authority”) was created in 1996 to direct the development and implementation of intercity high-speed rail (“HSR”) service that is fully integrated with the state’s existing intercity rail and bus network;

Whereas, the Authority has chosen to use a tiered environmental review and decision-making process to select alignments and station locations for the HSR system;

Whereas, the Authority and the Federal Railroad Administration (“FRA”) completed two first-tier, programmatic environmental documents pursuant to the California Environmental Quality Act (“CEQA”) and the National Environmental Policy Act (“NEPA”) for the statewide HSR system and approved general alignments and station locations for further study in second-tier, project-level environmental documents;

Whereas, the Authority and FRA divided the statewide HSR system into individual project sections for second-tier environmental analysis, one of which is the San Francisco to San Jose Project Section;

Whereas, the Authority and FRA commenced preparation of a second-tier San Francisco to San Jose Project Section Environmental Impact Report/Environmental Impact Statement (“EIR/EIS”) for a fully grade-separated four-track system in 2008;

Whereas, the Authority engaged in a public scoping process, development and screening of potential alternatives, and public and agency outreach efforts during the preparation of project-level technical studies supporting the second-tier San Francisco to San Jose Project Section EIR/EIS, including the preparation of Alternatives Analysis reports to explore alignment alternatives, including four-track dedicated alignments both at-grade and partially below-grade, in an iterative process from 2008 to 2012;

Whereas, in 2012, Senate Bill (SB) 1029 mandated that the Authority study only a mostly two-track blended system on the existing Caltrain corridor in the San Francisco to San Jose Project Section and the Authority signed a nine-party MOU with key stakeholders in the region agreeing to pursue a blended system approach in this Project Section;

Whereas, from 2012 through the development of the Final EIR/EIS, the Authority studied or screened multiple locations and sites for project section infrastructure including alternate stations, passing tracks, and light maintenance facility locations to explore a range of alternatives within the Caltrain corridor and consistent with a blended system;

Whereas, in 2016 and on the basis of these studies, the Authority re-initiated preparation of a second-tier San Francisco to San Jose Project Section EIR/EIS for a mostly two-track blended system and advanced two alternatives (Alternative A and Alternative B) between the 4th and King Station in San Francisco and the Diridon Station in San Jose for further study in the San Francisco to San Jose Project Section Draft and Final EIR/EIS;

Whereas, on September 17, 2019, in Resolution #HSRA 19-07, the Authority Board concurred with the staff recommendation to designate Alternative A with the 4th and King Station, the Millbrae Station Design, the East Brisbane light maintenance facility, and no passing tracks as the Authority's Preferred Alternative for the San Francisco to San Jose Project Section;

Whereas, under 23 United States Code section 327, the FRA and the State of California executed a NEPA Assignment Memorandum of Understanding, dated July 23, 2019, pursuant to which the State of California, acting through the California State Transportation Agency and the Authority, assumed FRA's responsibilities under NEPA and other federal environmental laws for projects necessary for the design, construction, and operation of the California HSR System;

Whereas, in its role as CEQA and NEPA lead agency, the Authority circulated the San Francisco to San Jose Project Section Draft EIR/EIS for a public review and comment period from July 10, 2020, to August 24, 2020, which identified Alternative A as the Authority's Preferred Alternative and the CEQA Proposed Project;

Whereas, on August 7, 2020, due to the uncertainty caused by COVID-19 and in response to public requests, the Authority extended the comment period for the San Francisco to San Jose Project Section Draft EIR/EIS to September 9, 2020, and elected to hold community open houses and public hearings as online teleconference meetings in light of public health and safety requirements;

Whereas, following the Authority's publication of the Draft EIR/EIS, the Authority learned that the monarch butterfly had been designated as a potential candidate for listing under the federal Endangered Species Act and the Authority developed and assessed environmental impacts of a design variant for the Millbrae Station; accordingly, the Authority, as CEQA and NEPA lead agency, prepared and issued the San Francisco to San Jose Project Section Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (Revised/Supplemental Draft EIR/EIS), which included the portions of the Draft EIR/EIS that would require revision based on the new information about the monarch butterfly and analysis of the design variant for the Millbrae Station (Reduced Site Plan Design Variant), and which the Authority circulated for public comment between July 23, 2021 and September 8, 2021;

Whereas, the Authority determined it was appropriate to complete the San Francisco to San Jose Project Section environmental analysis in the form of a Final EIR/EIS, consistent with both CEQA and NEPA, because, following circulation of the Revised/Supplemental Draft EIR/EIS, none of the circumstances meriting recirculation pursuant to State CEQA Guidelines section 15088.5 and preparation of a supplemental EIS pursuant to 40 Code of Federal Regulations section 1502.9(c)(1) (1978) existed;

Whereas, on April 28, 2022, the Authority Board adopted Resolutions #HSRA 22-11 and HSRA 22-12, approving the portion of the San Francisco to San Jose Project Section between Scott Boulevard in Santa Clara and West Alma Avenue in San Jose as part of the San Jose to Merced Project Section;

Whereas, the Authority completed and issued the San Francisco to San Jose Project Section Final EIR/EIS on June 10, 2022, with a Notice of Availability advising the public that the Authority would consider for approval the remaining portion of the San Francisco to San Jose Project Section between Scott Boulevard in Santa Clara and the 4th and King Station in San Francisco;

Whereas, the Final EIR/EIS evaluates the impacts and benefits of implementing two end-to-end project alternatives between Fourth and King Street Station in San Francisco and West Alma Avenue in San Jose, including a light maintenance facility ("LMF") in Brisbane, Caltrain stations modified for HSR at 4th

and King Street and Millbrae, two station design options (Millbrae Station Design and the Millbrae Reduced Site Plan Design Variant) and San Jose Diridon Stations, and associated project elements;

Whereas, the Preferred Alternative proposed for approval for the San Francisco to San Jose Project Section is Alternative A between the 4th and King Station in San Francisco and Scott Boulevard in Santa Clara, retains the Millbrae Station Design originally selected by the Board in 2019, includes the East Brisbane LMF and an interim HSR terminal station at 4th and King Streets, all of which is depicted on the map included in the Draft Record of Decision for the San Francisco to San Jose Project Section, attached hereto as Exhibit "A";

Whereas, the Authority has adopted Resolution #HSRA 22-20 selecting the Preferred Alternative (Alternative A with Caltrain stations modified for HSR at 4th and King Streets and in Millbrae, the East Brisbane LMF, the Millbrae Station Design, and associated project elements) from the 4th and King Street Station in San Francisco to Scott Boulevard in Santa Clara, and making related decisions as required by CEQA;

Therefore, it is resolved:

- a. The Board approves issuance of a Record of Decision for the San Francisco to San Jose Project Section selecting the Preferred Alternative (Alternative A with modified Caltrain stations for HSR at the 4th and King Street and Millbrae Stations, the East Brisbane LMF, the Millbrae Station Design, and associated project elements) from the 4th and King Street Station in San Francisco to Scott Boulevard in Santa Clara, in compliance with NEPA and related federal laws;
- b. The Board directs the Chief Executive Officer as follows:
 - To sign and issue a Record of Decision for the San Francisco to San Jose Project Section consistent with the Draft Record of Decision but with allowance for appropriate revisions reflecting the consideration of public comment and the final decision of the Authority Board, including any required notices pursuant to NEPA or other federal laws;
 - To take any other necessary steps to obtain permits, approvals, and rights that would allow construction and operations of HSR infrastructure and service in the Caltrain corridor, when funding becomes available, including pursuing agreements with the Peninsula Corridor Joint Powers Board (Caltrain) to implement the blended system;
 - To continue to actively engage and coordinate with partners in the project section with interfacing or adjacent rail or transit projects or plans such as the capital projects necessary for the Caltrain 2040 Service Vision, the Transbay Joint Powers Authority's (TJPA) Downtown Extension project, planning for the San Francisco Railyards, BART/Capital Corridor Joint Powers Authority (CCJPA)'s Link-21 project, freight operations in the corridor, and others;
 - To continue to support the region's, Caltrain's, and local cities' efforts to plan, prioritize and advance community grade separation projects that are part of the Caltrain 2040 Service Vision, Metropolitan Transportation Commission's Plan Bay Area 2050, and other local/regional plans;
 - To continue to work in partnership with relevant cities and counties and other regional stakeholders as the San Francisco to San Jose Project Section of the high-speed rail project is implemented; this includes continued engagement with Caltrain's Local Policymaker Group and the City/County Staff Coordinating Group, which are comprised of the jurisdictions along the Caltrain corridor;
 - To explore joint design and planning opportunities with the City of Millbrae when advancing from preliminary station design to final station design, in order to concurrently advance the two important statewide priorities of high-speed rail and transit-oriented

development in the San Francisco to San Jose project section broadly and around the Millbrae station specifically; and

- To explore joint design and planning opportunities with the City of Brisbane when advancing from preliminary design for the light maintenance facility to final design, in order to concurrently advance the two important statewide priorities of high-speed rail and transit-oriented development in the San Francisco to San Jose project section broadly and at the Brisbane Baylands site specifically.

Vote: 8-0

Yes: Schenk; Richards; Camacho; Williams; Ghielmetti; Pena; Escutia; Perea

No: N/A

Absent: N/A

Date: 8/17/2022

**Exhibit A: Draft Record of Decision for the San Francisco to San Jose Project
Section**