CALIFORNIA High-Speed Rail Authority

DRAFT RESOLUTION #HSRA 22-19

CEQA Certification of the San Francisco to San Jose Project Section Final Environmental Impact Report/Environmental Impact Statement

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 in an iterative process from 2008 to 2012 and the continued refinement thereafter of alternatives and development of design options;

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 Street 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 as the Authority's Preferred Alternative for the San Francisco to San Jose Project Section, with an East Brisbane light maintenance facility, no passing tracks, and the Millbrae Station Design;

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 to the Preferred Alternative's Millbrae Station Design. 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) limited to the portions of the Draft EIR/EIS that would require revision based on the new information about the species and analysis of the design variant for the Millbrae Station (Millbrae Reduced Site Plan Design Variant), which 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, and that none of the circumstances meriting recirculation pursuant to State CEQA Guidelines section 15088.5, and supplementation pursuant to 40 Code of Federal Regulations section 1502.9(c)(1) existed; and

Whereas, on June 10, 2022, the Authority issued a San Francisco to San Jose Project Section Final EIR/EIS with the Preferred Alternative (Alternative A, inclusive of the East Brisbane light maintenance facility and the original Millbrae Station Design) and made it publicly available on the Authority website and provided broad public notice thereof.

Therefore, it is resolved:

The Authority hereby certifies that:

a. The San Francisco to San Jose Project Section Final EIR/EIS has been completed in compliance with CEQA;

b. The San Francisco to San Jose Project Section Final EIR/EIS has been presented to the Authority Board as the decision-making body for the San Francisco to San Jose Project Section and the Board has reviewed and considered the information contained in the San Francisco to San Jose Project Section Final EIR/EIS, prior to considering whether to approve the Preferred Alternative for the San Francisco to San Jose Project Section; and

c. The San Francisco to San Jose Project Section Final EIR/EIS reflects the Authority's independent judgment and analysis.

Vote:
Yes:
No:
Absent:
Date: