



California High-Speed Rail BRIEFING: JUNE 26-27, 2024, BOARD MEETING AGENDA ITEMS #2, #8, #9, #10, #11

TO: Board Chair Richards and Authority Board Members

FROM: LaDonna DiCamillo, Southern California Regional Director
Stefan Galvez-Abadia, Director of Environmental Services
Christine Inouye, Chief Engineer of Strategic Delivery

DATE: June 26, 2024

RE: Agenda Items #2, #8, #9, #10, and #11 – Palmdale to Burbank Project Section Final EIR/EIS and related decisions to approve the Preferred Alternatives (SR14A Alternative including the Central Subsection and the Burbank Subsection) for the project section

Summary

Staff recommends that the California High-Speed Rail Authority (Authority) Board of Directors (Board) take three actions:

- Certify the Palmdale to Burbank Project Section Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS) is complete and adequate as an information document for Board action, and that it has been completed in accordance with the California Environmental Quality Act (CEQA) as described in more detail in this memorandum (Agenda Item #9).
- Approve the Palmdale to Burbank Project Section Preferred Alternative (the SR14A Build Alternative with the Central Subsection and the Burbank Subsection) from Spruce Court in Palmdale to Winona Avenue in Burbank (see **Attachment A** for map) and adopting the related CEQA Findings of Fact, Statement of Overriding Considerations (SOC), and Mitigation Monitoring and Enforcement Plan (MMEP) (Agenda Item #10).
- Consider whether to authorize the Authority's Chief Executive Officer (CEO) to proceed with completing and then issuing a National Environmental Policy Act (NEPA) Record of Decision (ROD) under the Authority's NEPA Assignment responsibilities, identifying the Preferred Alternative (SR14A Alternative with the Central Subsection and the Burbank Subsection) from Spruce Court in Palmdale to Winona Avenue in Burbank as the Selected Alternative for the Palmdale to Burbank Project Section, documenting compliance with other related federal environmental laws, and including mitigation measures as identified in the MMEP (Agenda Item #11).

Structure of the Meeting

The Palmdale to Burbank Project Section Final EIR/EIS and related decisions is scheduled to be on the agenda (Agenda Items #2, 8, 9, 10, 11) for the June 26-27 Board Meeting, located in Burbank. The June 26-27 Board meeting is structured as a two-day meeting to ensure adequate time for thorough consideration of the Palmdale to Burbank Project Section Final EIR/EIS.

On June 26, consistent with the Authority's typical practice, public comment will be taken at the start of the Board meeting on all agenda and non-agenda items, with the exception of the Palmdale to Burbank Project Section agenda items (Agenda Items #2, 8, 9, 10, and 11). Staff will then give a presentation to the Board about the Palmdale to Burbank Project Section Final EIR/EIS and proposed decisions (Agenda Item #2). Public comment on all Palmdale to Burbank Project Section agenda items will be taken after the staff presentation. After hearing the staff presentation and public comments, the Board will then have an opportunity to identify any issues or questions it would like staff to address the following day. After the Board addresses Agenda Item #7, the meeting then will recess until the following day.

On June 27, staff will present a summary of public comments received the prior day, issues and questions identified by the Board the prior day, and staff's responses to Board questions and issues raised in public comments (Agenda Item #8). The Board will then deliberate about the Final EIR/EIS and consider certifying the Final EIR/EIS, as noted above (Agenda Item #9). If the Board certifies the Final EIR/EIS, the Board will then deliberate about the Palmdale to Burbank Preferred Alternative and will consider approving it; adopting the associated CEQA Findings of Fact, SOC, and MMEP (Agenda Item #10); and directing the CEO to issue the NEPA ROD (Agenda Item #11) consistent with the decision, with allowance for revisions to address public comment and any other Board direction.

Background

The Palmdale to Burbank Project Section is part of Phase 1 of the statewide California High-Speed Rail System between San Francisco and Los Angeles/Anaheim. The Palmdale to Burbank Project Section would connect to the already-approved portions of the high-speed rail system between San Francisco to Palmdale to the north and from Burbank to Los Angeles Union Station to the south.

The Authority is both the project sponsor and the lead agency under both CEQA and NEPA. Previous NEPA documents and approvals were completed in collaboration with the Federal Railroad Administration (FRA) as the NEPA lead agency. On July 23, 2019, the State of California and the FRA executed the NEPA Assignment Memorandum of Understanding (MOU). This MOU assigns to the Authority most responsibilities formerly held by the FRA for the California HSR System federal environmental review and approval process.

Prior Board Action

In November 2018, the Board of Directors approved the Refined SR14 Alternative as the Preferred Alternative (PA) for the Palmdale to Burbank Project Section (Resolution #HSRA 18-19). In August 2020, the Authority CEO further refined the Preferred Alternative for the Palmdale to Burbank Project Section to the SR14A Alternative, as reflected in the minutes of the Authority Board of Directors August 13, 2020, meeting and consistent with the Board's delegation of authority to the CEO.

In August 2021, the Board approved the Bakersfield to Palmdale Project Section Preferred Alternative, which included the Palmdale Station through to Spruce Court in Palmdale (Resolutions #HSRA 21-05, #HSRA 21-06, and #HSRA 21-07). In consideration of this approval, Palmdale Station was removed from the Palmdale to Burbank Draft EIR/EIS published in 2022.

In March 2022, the Burbank to Los Angeles Project Section completed its final NEPA approvals, following the Board's approval of the Project Section and its EIR/EIS (Resolutions #HSRA 22-01, HSRA #22-02, and HSRA #22-03). Due to its later approval in 2022, the Burbank Station is also fully evaluated and included in this EIR/EIS as it was not approved in time to change the Palmdale to Burbank Draft EIR/EIS prepared for public circulation later in 2022. Comments were subsequently received on the Burbank Station Subsection. So, this EIR/EIS updates the previously approved Burbank Station analysis to reflect Authority responses to comments received, and staff propose to reaffirm the previous Burbank to Los Angeles Final EIR/EIS approvals, as the design for the Burbank Subsection and its Burbank Airport Station remains unchanged and as the Burbank to Los Angeles Final EIR/EIS conclusions remain consistent with the Palmdale to Burbank Final EIR/EIS conclusions for the Burbank Subsection.

For the proposed June 2024 meeting, the Board will consider approval of the full Palmdale to Burbank Project Section with both the Central Subsection and the reaffirmed Burbank Subsection.

Discussion

The Authority circulated the Draft EIR/EIS for the Palmdale to Burbank Project Section for public review and comment between September 2, 2022, and December 1, 2022. The Draft EIR/EIS evaluated the impacts and benefits of a No Project Alternative and six Build Alternatives for the Project Section which is divided into two subsections as detailed below:

- **Central Subsection (most of the project section alignment length):** This subsection includes most of the project section's proposed tunnels. The project section begins at-grade south of the approved Palmdale Station, beginning from Spruce Court in the City of Palmdale, continues south into tunnel through the communities of Acton, emerges briefly into an at-grade/viaduct/at-grade section, continues south in tunnel through the Angeles National Forest and the San Gabriel National Monument, emerges out of tunnel into an at-grade portion in the San Fernando Valley/Los Angeles neighborhoods of Pacoima and Sun Valley, and then transitions underground again to its terminus at Lockheed Drive in the City of Burbank.
- **Burbank Subsection (reaffirming the approved Burbank Airport Station):** This Subsection is proposed to be underground, extending from Lockheed Drive in the neighborhood of Sun Valley (City of Los Angeles) and terminating just north of Winona Avenue and north of the east/west airport runway in the City of Burbank. This section includes the Burbank Airport Station but stops north of airport infrastructure. This section does not traverse the airport runway or any alignment south of the runway, portions of the HSR alignment previously approved in the Burbank to Los Angeles Project Section EIR/EIS.

The Draft EIR/EIS consists of:

- **Volume 1, Report:**
 - Introductory text about the Palmdale to Burbank Project Section and the environmental process, including the project purpose and need and objectives.
 - Detailed description of the Palmdale to Burbank Project Section, and all related and supporting high-speed rail facilities, such as stations and electrification infrastructure. There are no maintenance facilities planned in this project section.
 - Detailed environmental impacts and mitigation analysis of the Palmdale to Burbank Project Section alternatives across numerous environmental resource areas, including, for example, biological and aquatic resources, hydrology, and water resources; noise and vibration; geology, soils, seismicity, and paleontological resources; aesthetics and visual quality; air quality and global climate change; cultural resources; parks, recreation, and open space; and cumulative effects.
 - Detailed Section 4(f) and environmental justice analyses.
 - Summary of public and agency outreach efforts.
- **Volume 2, Technical Appendices:**
 - Technical appendices provide additional details on the project alternatives; the Draft EIR/EIS process; and resource-specific background information, data, and other evidence supporting the analyses. Technical appendices are primarily related to the affected environment and environmental consequences analyses.
- **Volume 3, Preliminary Engineering Plans:**
 - Preliminary engineering plans which the environmental analysis is based, consisting of the design drawings showing track alignments, roadway modifications, vertical profiles, typical sections, construction use areas, and other preliminary design information.

During the public review period for the Draft EIR/EIS, the Authority received 481 written submissions and verbal comments, including 2,489 individual (delimited) comments from the public, government agencies, and businesses/organizations. The purpose of the public review process is for the public, agencies, and stakeholders to review the analysis and provide comments and feedback about project alternatives, environmental impacts, and mitigation measures.

Key comments on the Draft EIR/EIS addressed, but were not limited to, the following topics:

- tunneling, particularly effects on hydrology and related water resources (surface water resources and dependent habitat, private water supply wells, and biological resources) both within and outside the Angeles National Forest, construction effects (noise and vibration, transportation, spoils hauling, air quality, water supply) on communities and wildlife, and operations-phase seismic risk to tunnels;
- project funding;
- the natural landscape surrounding the foothill communities, including Kagel Canyon, Lake View Terrace, Shadow Hills, and Sunland-Tujunga;
- property acquisition;
- adverse effects on environmental justice communities, particularly related to construction-phase effects (spoils hauling, construction noise and traffic, residential and business displacements, effects on nearby schools) in Pacoima, Sun Valley, Sylmar, Lake View Terrace, and Acton;
- effects from the Burbank Airport Station; and,
- biological and aquatic resources impact from at-grade or viaduct portions of the alignment, including special status species, sensitive habitat, and wildlife connectivity, including Una Lake, the Santa Clarita River, and Bee Canyon.

During the comment period on the Palmdale to Burbank Project Section Draft EIR/EIS, the Authority also received comments specific to the Burbank Subsection. In consideration of these comments, the Final EIR/EIS includes updated analysis in response to those comments. The design for the Burbank Subsection has not changed from what was previously approved by the Authority Board, and the impact conclusions in the Palmdale to Burbank Project Section Final EIR/EIS are consistent with the conclusions in the Burbank to Los Angeles Project Section Final EIR/EIS for the Burbank Subsection. Accordingly, as a part of the Palmdale to Burbank Project Section approvals, the Burbank to Los Angeles Section Final EIR/EIS approvals are proposed to be reaffirmed, to reflect updated analysis that responds to comments received but affirms no change in design or impact conclusions from the prior approvals.

On May 24, 2024, the Authority issued the Final EIR/EIS and posted it on the Authority's website at <https://hsr.ca.gov/programs/environmental-planning/project-section-environmental-documents-tier-2/palmdale-to-burbank-environmental-documents/>. The Authority provided broad public notice of the availability of the Final EIR/EIS on the Authority's website, in newspapers of general circulation in the project area, direct mailings to property owners and tenants near the project, direct mailings to commenters on the Draft EIR/EIS, email notification to persons who had subscribed to the project mailing list. In addition, notice was published in the *Federal Register* ([FRA Docket 2024-11462](#)). The Final EIR/EIS is considered a "full" final because it consists of the same Volumes 1 through 3 as the Draft EIR/EIS, each with text revisions as detailed below. The Final EIR/EIS also includes a fourth volume (Volume 4), which includes reproductions of the original written comments and the Authority's responses to the comments received during the public review periods for the Draft EIR/EIS. In addition, this volume provides the Authority's Standard Responses that address the most frequently raised issues. Standard Responses are also included as **Attachment B** to this memorandum.

In the Final EIR/EIS, each resource section or chapter contains a summary of the substantive revisions that have been made to that section or chapter since the circulation of the Draft EIR/EIS. A vertical line in the page margins indicates substantive changes to the EIR/EIS.

Authority staff provided the Board with a complete copy of the Final EIR/EIS for its review in advance of this meeting. A copy of the Executive Summary of the Final EIR/EIS is also included in this memorandum for the Board's convenience (**Attachment C**).

CEQA does not require public review and comment for a Final EIR. Instead, CEQA requires that the proposed response to any comment received from a public agency be provided to that public agency at least 10 days prior to Board certification of the Final EIR. The Authority satisfied that requirement in May 2024 by mailing a letter and USB flash drive containing the Final EIR/EIS, including responses to comments received during the Draft EIR/EIS review period. The Final EIR/EIS was also made available to the general public on the Authority website and at repository locations along the Project Section on May 24, 2024.

NEPA requires that a Final EIS be made publicly available at least 30 days prior to the NEPA lead agency issuing a ROD. The Authority satisfied this requirement by issuing the Final EIR/EIS on May 24, 2024, more than 30 days in advance of proposed consideration of the ROD.

Requested Actions

CEQA

The purpose of CEQA is to ensure the public and government decision makers are informed, through CEQA documents and the public involvement process, of the potential environmental consequences of a proposed project, and that significant environmental impacts are mitigated to the extent feasible. Public comment on a Draft EIR helps provide information and feedback on a proposed project to the public and ultimately the decision makers.

The first step is for the Board to certify that the Palmdale to Burbank Project Section Final EIR/EIS is adequate as an informational document on the environmental consequences of the proposed project. That certification takes the form of the Draft Resolution #HSRA 24-09, included as **Attachment D**. This resolution states that the Final EIR/EIS was completed in compliance with CEQA and has been presented to the Board, that the Board has reviewed and considered the information, and that the document represents the Authority's independent judgment. Certification of the Final EIR/EIS is a prerequisite to approving the project, but certification by itself does not approve the project.

The second step is for the Board to consider whether to approve the Preferred Alternative (the SR14A Build Alternative with the Central Subsection and the Burbank Subsection), considering the environmental consequences disclosed in the Palmdale to Burbank Project Section Final EIR/EIS. That approval takes the form of Draft Resolution #HSRA 24-10, included as **Attachment E**. This step also involves making written acknowledgments (called "Findings of Fact") about the environmental impacts (as more fully described in the Final EIR/EIS) that result from the approval of the project and require feasible mitigation measures to minimize those impacts. For environmental impacts that cannot be mitigated to a less-than-significant level under CEQA, this step also involves a finding that the benefits of the project outweigh the significant and unavoidable impacts ("Statement of Overriding Considerations" or "SOC"). The Findings of Fact, the SOC, and a mitigation monitoring enforcement program (called an MMEP¹) are included in **Exhibits B** of the Draft Resolution HSRA# 24-10, included as **Attachment E**.

NEPA

The purpose of NEPA is to ensure agencies consider the significant environmental consequences of their proposed actions and inform the public of those impacts.

Pursuant to the Authority's NEPA Assignment MOU, the Board will also take a third action to consider whether to direct the Authority CEO to issue a Record of Decision (ROD) under NEPA (Agenda Item #11). A Draft ROD consistent with a decision, if made by the Board, to adopt the identified portion of the Preferred Alternative is included as part of the materials provided prior to this meeting. The Draft ROD indicates approval of the SR14A Build Alternative because this is the alternative that best serves the purpose and need for the Palmdale to Burbank Project Section and minimizes economic, social, and environmental impacts. The Draft ROD also documents several other federal decisions on the project, including required determinations under Section 4(f) of the Department of Transportation Act, Section 176(c) of the Clean Air Act, the Endangered Species Act, and Section 106 of the National Historic Preservation Act, as well as executive orders concerning wetlands, floodplains, and environmental justice. The Board's direction to issue a ROD takes the form of Draft Resolution HSRA# 24-11, included as **Attachment F**, and permits the CEO to proceed with completing and then issuing a ROD consistent with the Board decision, with allowance for modifications to reflect consideration of public comment and related Board direction.

The Final EIR/EIS has undergone extensive preparation efforts, including thorough consideration of the comments received on the Draft EIR/EIS, and staff find that the Final EIR/EIS is an adequate informational document in compliance with CEQA, NEPA, and other pertinent federal and state regulations. As explained in

¹ The MMEP is consistent with the CEQA requirements for mitigation monitoring and reporting as set forth in Section 15097 of the CEQA Guidelines (California Code of Regulations Title 14, Division 6, Chapter 3).

the draft CEQA Findings of Fact and Statement of Overriding Considerations, the draft NEPA Record of Decision, and the Final EIR/EIS (including its Chapter 8), the Preferred Alternative, of the Final EIR/EIS, the SR14A Build Alternative (with the Central Subsection and the Burbank Subsection) is an appropriate approval choice among other alternatives considered in the Final EIR/EIS because it represents the best balance of adverse and beneficial impacts of the HSR system. The SR14A Build Alternative would result in the fewest single-family residential displacements and would not require construction of an at-grade and elevated alignment through Acton and will avoid displacing its residents; fewer visual quality impacts; the least impact on wetland waters of the United States; the lowest potential risk of effects on groundwater that supports habitat for plant species and communities as well as habitat for wildlife; the least potential impact on surface water sources; and would result in effects to the fewest park, recreation, and open space resources. The SR14A Build Alternative would also have the least potential for direct and indirect effects on built historic cultural resources compared to the other Build Alternatives.

Legal Approval

The Authority Office of Chief Counsel has verified that the Board is legally authorized to take the actions requested in the agenda items. Attorneys, under the direction and guidance of the Office of the Chief Counsel, have been involved in the development and review of the Final EIR/EIS and the certification and approval documents presented in the attachments to this briefing. Legal counsel is not aware of any outstanding issues from a NEPA or CEQA perspective in the Palmdale to Burbank Project Section decision documents that would prevent consideration and action by the Board. Furthermore, as to the Draft ROD, legal counsel concludes that it is legally sufficient as required by NEPA, the NEPA Assignment MOU (and associated application), and the FRA Procedures for Considering Environmental Impacts.

Budget and Fiscal Impact

Construction costs for the Palmdale to Burbank Project Section are outside the scope of the Expenditure Authorization approved by the Authority’s Board on January 18, 2024, and therefore do not affect the currently authorized capital outlay budget.

2024-25 Fiscal Year Budget Impact

Contract Name	Contract Number	FY Budget	Budget Change	Funding Source
N/A	N/A	N/A	N/A	N/A

Total Program Budget Impact

Contract Name	Contract Number	Contract Budget	Budget Change	Funding Source
N/A	N/A	N/A	N/A	N/A

Capital Cost Estimate

The cost of the Preferred Alternative for the Palmdale to Burbank Project Section in the Final EIR/EIS is \$22.550 billion (2018\$). The cost includes the Palmdale Station, although that station was removed from this Palmdale to Burbank project section for the EIR/EIS analysis due to its prior EIR/EIS approval in mid-2021 as part of the Bakersfield to Palmdale Project Section. The cost for the Preferred Alternative also includes the Burbank Airport Station, which is analyzed in the EIR/EIS as part of the Palmdale to Burbank Project Section. The EIR/EIS cost of this section in 2024 dollars is \$28.666 billion, after adjusting 2018 costs by 27.1 percent for inflation based on the ENR Construction Cost Index (Los Angeles, Q3 2018 through Q4 2023).

This cost is inclusive of all elements in the Final EIR/EIS and is a decrease from earlier Draft EIR/EIS estimates based on the refinement of design and project development that has taken place since those estimates were developed. Those adjustments include key changes resulting from the Authority’s consideration of public comments (e.g., project footprint reductions), and conforming changes to professional services and unallocated contingency.

Pursuant to Board Policy HSRA 24-1135, cost estimates for sections outside the Central Valley must be updated in the Annual Report (Project Update Report or Business Plan) that follows Board approval of the

Final Environmental Clearance for the given segment. Next year’s Project Update Report will include updated costs for this segment and may include further refinement to the cost for value engineering savings, changes in inflation, and construction-year adjustments.

REVIEWER INFORMATION	SIGNATURE
Reviewer Name and Title: Alicia Fowler, Chief Counsel	Signature verifying budget analysis:
Reviewer Name and Title: Brian Annis, Chief Financial Officer	Signature verifying legal analysis:

Recommendations

Staff recommends that the Board adopt the attached draft resolutions #HSRA 24-10, #HSRA 24-11, and #HSRA 24-12:

1. #HSRA 24-10 (**Attachment D**) certifies the completeness and adequacy of the Palmdale to Burbank Project Section Final EIR/EIS for compliance with CEQA.
2. #HSRA 24-11 (**Attachment E**) approves the Palmdale to Burbank Preferred Alternative—the SR14A Build Alternative with the Central Subsection and the Burbank Subsection from Spruce Court in Palmdale to just north of Winona Avenue in Burbank—and associated facilities; adopts the drafts of the CEQA Findings of Fact, SOC, and MMEP, and directs staff to file a CEQA Notice of Determination with the State Clearinghouse.
3. #HSRA 24-12 (**Attachment F**) directs the Authority CEO to proceed with completing and then issuing the federal ROD under the Authority’s NEPA Assignment MOU responsibilities, identifying the SR14A Build Alternative (as described in prior resolutions) and associated project elements as the Selected Alternative and documenting compliance with other related federal environmental laws, and including mitigation measures as identified in the MMEP.

Attachments

- Attachment A: Map of the Preferred Alternative Under Consideration for Approval
- Attachment B: Standard Responses to Most Frequently Raised Questions
- Attachment C: Executive Summary of the Palmdale to Burbank Project Section Final EIR/EIS
- Attachment D: CEQA Certification Draft Resolution #HSRA 24-10
- Attachment E: CEQA Project Approval Draft Resolution #HSRA 24-11
 - Exhibit A – Map of the Preferred Alternative Proposed for Approval
 - Exhibit B – Draft CEQA Findings of Fact and Statement of Overriding Considerations
 - Attachment A (to Exhibit B) – Draft Mitigation Monitoring and Enforcement Plan
- Attachment F: Draft NEPA ROD Resolution #HSRA 24-12
 - Exhibit A – Map of the Preferred Alternative Proposed for Approval
 - Exhibit B – Draft Record of Decision for the Palmdale to Burbank Project Section

**ATTACHMENT A: MAP OF THE PREFERRED ALTERNATIVE UNDER
CONSIDERATION FOR APPROVAL**

ATTACHMENT B: STANDARD RESPONSES TO MOST FREQUENTLY RAISED QUESTIONS

**ATTACHMENT C: SUMMARY OF THE PALMDALE TO BURBANK PROJECT
SECTION FINAL EIR/EIS**

ATTACHMENT D: CEQA CERTIFICATION DRAFT RESOLUTION #HSRA 24-10

ATTACHMENT E: CEQA PROJECT APPROVAL DRAFT RESOLUTION #HSRA 24-11

**EXHIBIT A (TO ATTACHMENT E) – MAP OF THE PREFERRED ALTERNATIVE
PROPOSED FOR APPROVAL**

EXHIBIT B (TO ATTACHMENT E) – DRAFT CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

ATTACHMENT A (TO EXHIBIT B) – DRAFT RECORD OF DECISION FOR THE PALMDALE TO BURBANK PROJECT SECTION

ATTACHMENT F: DRAFT NEPA ROD RESOLUTION #HSRA 24-12

**EXHIBIT A (TO ATTACHMENT F) – MAP OF THE PREFERRED ALTERNATIVE
PROPOSED FOR APPROVAL**

EXHIBIT B (TO ATTACHMENT F) – DRAFT RECORD OF DECISION FOR THE PALMDALE TO BURBANK PROJECT SECTION

