RESOLUTION NO. 22-015
RESOLUTION OF THE
RIVERSIDE COUNTY TRANSPORTATION COMMISSION
CERTIFYING THE FINAL TIER 1/PROGRAM ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT FOR THE COACHELLA VALLEY-SAN GORGONIO PASS RAIL CORRIDOR SERVICE PROGRAM, ADOPTING FINDINGS OF FACT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND APPROVING THE PROGRAM

WHEREAS, the Riverside County Transportation Commission (Commission), in coordination with the Federal Railroad Administration (FRA) and the California Department of Transportation (Caltrans), has been working to develop the Coachella Valley-San Gorgonio Pass Rail Corridor Service Program (Project), which seeks to improve and provide passenger rail service between Los Angeles Union Station and the Coachella Valley; and

WHEREAS, the Commission is the lead agency for the Project under the California Environmental Quality Act (CEQA), and the FRA and Caltrans are the lead agencies under the National Environmental Policy Act (NEPA); and

WHEREAS, the FRA, Caltrans, and the Commission utilized a tiered environmental process for the Project, which is a phased approach to environmental review used in the development of complex projects (as provided in 40 Code of Federal Regulations [CFR] 1508.28 and 14 California Code of Regulations [CCR] 15152); and

WHEREAS, the tiered NEPA/CEQA review and decision-making process allows for a broad-level programmatic decision with a first-tier EIS and a programmatic EIR, which will be followed by more specific analyses and decisions through one or more second-tier NEPA/CEQA evaluations, as applicable, in the future; and

WHEREAS, a Notice of Intent and Notice of Preparation for a Joint Programmatic Environmental Impact Statement (EIS) /Environmental Impact Report (EIR) (Tier 1/Program EIS/EIR) for the Project was issued on or about October 6, 2016; and

WHEREAS, EIS/EIR Scoping Meetings were held on October 12, 2016, October 13, 2016 and October 17, 2016 to solicit input and receive comments regarding the scope of issues to be addressed in the Tier 1/Program EIS/EIR; and

WHEREAS, a Draft Tier 1/Program Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) (State Clearinghouse Number 2016101017) was prepared for agency and public review, and the Draft EIS/EIR was circulated for public comment from May 21, 2021 through July 6, 2021; and

WHEREAS, FRA, Caltrans, and the Commission hosted two virtual public hearings to explain the Program and the Draft EIS/EIR, and these hearings were heldon June 22, 2021 and June 26, 2021; and

WHEREAS, over three-hundred (300) comment submissions were received on the Tier 1/Program Draft EIS/EIR; and

WHEREAS, the Commission, FRA, and Caltrans have evaluated the comments regarding the Draft EIS/EIR that have been received from agencies, organizations, and individuals, and responses to these comments have been prepared; and

WHEREAS, a Final Tier 1/Program Environmental Impact Statement/Environmental Impact Report (Final Tier 1/Program EIS/EIR), incorporating responses to comments on the Draft EIS/EIR, was issued on June 9, 2022; and

WHEREAS, the complete Final Tier 1/Program EIS/EIR consists of the May 2021 Draft EIS/EIR, all technical studies and appendices prepared in connection with the Draft EIS/EIR, comments received on the Draft EIS/EIR, responses to those comments, a CEQA Mitigation and Monitoring and Reporting Program (MMRP), and all documents and resources referenced and incorporated by reference in the Final EIS/EIR; and

WHEREAS, the Tier 1/Program Final EIS/EIR has been completed in compliance with CEQA (Pub. Resources Code, § 21000, et seq.) and the State CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.) and local procedures adopted pursuant thereto; and

WHEREAS, the Preferred Alternative for the Project outlined in the Final Tier 1/Program EIS/EIR, also known as Build Alternative Option 1, would provide intercity passenger rail service between Los Angeles Union Station (LAUS) in Los Angeles and the City of Coachella to provide more travel choices in the 144-mile-long Coachella Valley-San Gorgonio Pass Rail Corridor (Program Corridor); and

WHEREAS, in June 2022, FRA, as the NEPA lead agency, issued a Record of Decision (ROD) for the Project; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the Commission, FRA, and Caltrans provided copies of responses to timely commenting public agencies at least ten (10) days before the Commission's July 13, 2022 hearing regarding the Tier 1/Program Final EIS/EIR; and

WHEREAS, on July 13, 2022, the Commission conducted a duly-noticed public hearing for the Final Tier 1/Program EIS/EIR and the Project; and

WHEREAS, all the requirements of the Public Resources Code and the State CEQA Guidelines have been satisfied by the Commission in connection with the preparation of the Final Tier 1/Program EIS/EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project, as well as feasible alternatives and mitigation measures, have been adequately evaluated; and

WHEREAS, the findings and conclusions made by the Commission in this Resolution are based not only on the information provided in this Resolution, but also on the oral and written evidence presented as well as the entirety of the administrative record for the Project, which is incorporated herein by this reference; and

WHEREAS, the Commission has prepared (a) CEQA Findings of Fact under State CEQA Guidelines section 15091 and a Statement of Overriding Considerations under State CEQA Guidelines section 15093, which are attached hereto as Exhibit A and incorporated herein by this reference as though set forth in full, and (b) a Mitigation Monitoring and Reporting Program, which is attached to the Final Tier 1/Program EIS/EIR as Appendix E and incorporated herein by this reference as though set forth in full; and

WHEREAS, prior to taking action, the Commission has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including but not limited to the Draft EIS/EIR, Final Tier 1/Program EIS/EIR, CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program, and all oral and written evidence presented to the Commission during all meetings and hearings; and

WHEREAS, the Final Tier 1/Program EIS/EIR reflects the independent judgment of the Commission and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, no comments made in the public hearing conducted by the Commission and no additional information submitted to the Commission have produced substantial new information requiring recirculation of the Final Tier 1/Program EIS/EIR or additional environmental review of the Project under State CEQA Guidelines section 15088.5; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The recitals above are true and correct and are incorporated into this Resolution by reference as findings of fact.

Section 2. Compliance with the Environmental Quality Act. As lead agency for the Project under CEQA, the Commission has reviewed and considered the Final Tier 1/Program EIS/EIR for the Project (State Clearinghouse Number 2016101017), along with all oral and written comments received and the administrative record (the Record). The Commission hereby finds and determines that the Final Tier 1/Program EIS/EIR has been completed in compliance with CEQA, and that it contains a complete and accurate reporting of the environmental impacts of the Project as a whole. The Commission hereby further finds and determines that the Final Tier 1/Program EIS/EIR has been completed in compliance with CEQA and the State CEQA Guidelines. The Commission further finds and determines that the Final Tier 1/Program EIS/EIR reflects the Commission's independent judgment and analysis.

Section 3. Certification of the Final Tier 1/Program EIS/EIR. The Commission hereby certifies the Final Tier 1/Program EIS/EIR prepared for the Project. The Final Tier 1/Program EIS/EIR is incorporated herein by reference as if fully set forth herein.

Section 4. Findings of Fact and Statement of Overriding Considerations. Based on the substantial evidence set forth in the Record, the Commission hereby adopts CEQA Findings of Fact under State CEQA Guidelines section 15091 and a Statement of Overriding Considerations under State CEQA Guidelines section 15093. The Findings of Fact and Statement of Overriding Considerations are attached hereto as Exhibit A and incorporated herein by reference as if fully set forth herein.

Section 5. Approval of Mitigation Monitoring and Reporting Program. Pursuant to Public Resources Code section 21081.6, the Commission hereby adopts the Mitigation Monitoring and Reporting Program (MMRP), which is attached to the Final Tier 1/Program EIS/EIR as Appendix E and incorporated herein by this reference. To the extent there is any conflict between the MMRP, the Final Tier 1/Program EIS/EIR, or the Findings of Fact, the terms and provisions of the MMRP shall control.

Section 6. Approval of Project. The Commission hereby approves the Preferred Alternative outlined in the Final Tier 1/Program EIS/EIR, also known as Build Alternative Option 1.

Section 6. Notice of Determination. The Commission directs staff to file a Notice of Determination with the Riverside County, Los Angeles County, Orange County, and San Bernardino County Clerk's Office within five (5) working days of adoption of this Resolution.

Section 7. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Resolution and the above findings have been based are located at the Riverside County Transportation Commission, 4080 Lemon Street, 3rd Floor, Riverside, California 92502.

APPROVED AND ADOPTED this 13th day of July, 2022.

Robert E. Magee, Vice Chair
Riverside County Transportation Commission

ATTEST:

Lisa Mobley, Clerk of the Board
Riverside County Transportation Commission

Caltrans

U.S. Department of Transportation
Federal Railroad Administration

RCTC RIVERSIDE COUNTY TRANSPORTATION COMMISSION

CEQA Findings of Fact and Statement of Overriding Considerations

Coachella Valley-San Gorgonio Pass Rail Corridor Service Program

June 2022

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Contents

Abbreviations/Acronyms

ACS	American Community Survey
CEQA	California Environmental Quality Act
EIR	environmental impact report
EIS	environmental impact statement
FRA	Federal Railroad Administration
LAUS	Los Angeles Union Station
NEPA	National Environmental Policy Act
Program	Coachella Valley-San Gorgonio Pass Corridor Service Program
Program Corridor	Coachella Valley-San Gorgonio Pass Rail Corridor
RCTC	Riverside County Transportation Commission
ROW	right-of-way
SDP	Service Development Plan
U.S.	United States
Uniform Act	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

1 Introduction

The California Environmental Quality Act (CEQA) requires that a Lead Agency issue two sets of findings prior to approving a project that will generate a significant impact on the environment. The Statement of Facts and Findings is the first set of findings where the Lead Agency identifies the significant impacts, presents facts supporting the conclusions reached in the analysis, makes one or more of three findings for each impact, and explains the reasoning behind the agency's findings.

The following statement of facts and findings has been prepared in accordance with the California Environmental Quality Act (CEQA) and Public Resources Code (PRC) Section 21081. CEQA Guidelines Section 15091 (a) provides that:

> *No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.*

There are three possible finding categories available for the Statement of Facts and Findings pursuant to Section 15091 (a) of the CEQA Guidelines.

> *(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
>
> *(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
>
> *(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

The Statement of Overriding Considerations is the second set of findings. Where a project will cause unavoidable significant impacts, the Lead Agency may still approve a project if its benefits outweigh the adverse impacts. Further, as provided in Section 5, Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects, and approves the project.

The Riverside County Transportation Commission (RCTC), as the CEQA Lead Agency, finds and declares that the proposed *Coachella Valley-San Gorgonio Pass Rail Corridor Service Program* (Program) Environmental Impact Report (EIR) State Clearinghouse No. 2016101017 has been

completed in compliance with CEQA and the CEQA Guidelines. RCTC finds and certifies that the EIR was reviewed, and information contained in the EIR was considered prior to approving the proposed Program.

Based upon its review of the EIR, the Lead Agency finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the proposed Program, represents the independent judgment of RCTC, and sets forth an adequate range of alternatives to this Program.

2 Program Summary

2.1 Description of the Program Proposed for Approval

FRA's, Caltrans', and RCTC's Preferred Alternative is Build Alternative Option 1. The Preferred Alternative consists of the existing route traveled by Amtrak Sunset Limited trains between Los Angeles and the Coachella Valley. As identified in the Tier 1/Program EIS/EIR, Los Angeles Union Station (LAUS) would serve as the western terminus while existing stations in the cities of Fullerton and Riverside would be utilized to support the proposed passenger rail service. No new stations or improvements to existing stations would be required to accommodate the proposed service within the Western Section of the Program Corridor. In addition, existing rail infrastructure would be used in the Western Section of the Program Corridor and no additional railroad infrastructure would be required in the Western Section.

Under the Preferred Alternative, potential new infrastructure improvements on the Eastern Section of the Program Corridor could include sidings, additional main line track, wayside signals, drainage, grade-separation structures, and station facilities to accommodate the proposed passenger rail service. In addition, the proposed passenger rail services within the Eastern Section of the Program Corridor would use the existing station in the City of Palm Springs and up to five new potential stations could be constructed in the following areas: 1) Loma Linda/Redlands Area (serving the Cities of Loma Linda and Redlands), 2) the Pass Area (serving the communities of Beaumont, Banning, and Cabazon), 3) the Mid-Valley Area (serving the communities of Cathedral City, Thousand Palms, the Agua Caliente Casino area, Rancho Mirage, and Palm Desert), 4) the City of Indio, and 5) the City of Coachella as the eastern terminus of the Program Corridor.

2.2 Program Purpose and Objectives

As identified in the Draft Tier 1/Program EIS/EIR (DEIS/EIR pg. 1-7), the Program's Purpose is to implement a safe, reliable, and convenient intercity passenger rail service in the Program Corridor with the capability to meet the future mobility needs of residents, businesses, and visitors and meet the following objectives:

1. Provide travelers between the Los Angeles Basin and the Coachella Valley with a public transportation service that offers more convenient, reliable, and competitive trip times, better station access, and more frequency than currently available public transportation services
2. Provide travelers between the Los Angeles Basin and the Coachella Valley with an alternative to driving that offers reliable travel schedules

3. Provide travelers between the Los Angeles Basin and the Coachella Valley with an affordable transportation service
4. Serve a range of trip purposes traveling between the Los Angeles Basin and the Coachella Valley, particularly including business and personal trips
5. Improve regional travel opportunities between the Los Angeles Basin and the Coachella Valley for individuals without private vehicles
6. Serve the expected population growth in the Los Angeles Basin and the Coachella Valley
7. Assist regional agencies in meeting air pollution and greenhouse gas (GHG) emission reduction targets as mandated in state and federal regulations

2.3 Program Need

The Program is needed to address the absence of effective transportation alternatives to personal automobile travel between coastal regions of Southern California (e.g., Los Angeles and Orange Counties) and cities in the Inland Empire (e.g., City of Riverside) and the Coachella Valley (e.g., Cities of Coachella, Indio, Palm Springs), the projected increase in travel demand in the Program Corridor resulting from population and employment growth, and the increasing unreliability of existing transportation systems within the Program Corridor.

As identified in the Draft Tier 1/Program EIS/EIR (DEIS/EIR pg. 1-8), the Program Corridor currently faces substantial mobility challenges that are likely to continue. Based on population and travel forecasts, as well as the amount of available open land within the Program Corridor, population, employment, and tourism activity is expected to continue to grow in the future; however, opportunities to increase the carrying capacity of the region's roadway network are limited. The two primary transportation and mobility challenges within the Program Corridor include the following:

1. For interregional travel between the Los Angeles Basin and the Coachella Valley, travelers are required to drive through Interstate (I) 10 through the San Gorgonio Pass. There are limited public transportation options; therefore, people who cannot afford to own and operate a private vehicle, or choose not to, have limited ability to travel between the regions, and people who might prefer not to drive do not have a viable alternative. The lack of available transportation options leaves the Program Corridor underserved, yet travel demand is expected to increase in the future.

2. Congested highway conditions in the Los Angeles Basin cause delays and highway travel unreliability for longer distance corridor driving trips. Emergency closures of I 10 through San Gorgonio Pass further undermine the reliability of the Program Corridor's transportation system. Future growth will result in more congestion and even longer travel times, causing more highway travel unreliability; thus, driving is an increasingly unattractive and inconvenient mode of travel through the Program Corridor.

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3 Procedural Findings

Based on the nature and scope of the *Coachella Valley-San Gorgonio Pass Rail Corridor Service Program*, RCTC determined, based on substantial evidence, that the Program may have a significant effect on the environment and prepared a Tier 1/Program Environmental Impact Statement/Environmental Impact Report (EIR), State Clearinghouse No. 2016101017, in coordination with the California Department of Transportation (Caltrans) and the Federal Railroad Agency (FRA). The Program EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with CEQA (PRC Sections 2100 et seq. and the CEQA Guidelines (14 California Code of Regulations Sections 1500 et. seq.), as follows:

- Pursuant to the provision of Section 15082 of the CEQA Guidelines, as amended, RCTC circulated a Notice of Preparation ("NOP") to State Clearinghouse, responsible agencies, and other interested parties for a 30-day period. The NOP was submitted to the State Clearinghouse on October 6, 2016. A notice advising of the availability of the NOP was posted by the Los Angeles County Clerk, Orange County Clerk, San Bernardino County Clerk, and Riverside County Clerk. In addition, three scoping meetings were held at three locations (Indio, Riverside, and Los Angeles) during the NOP comment period to educate the public on the purposed and need for the Program, share the history of the Program, outline the Program benefits, highlight the Program elements, explain next steps, and gather public comments pursuant to the requirements of Section 15082(c)(1) of the CEQA Guidelines.
- RCTC circulated the Draft Program EIR from May 21, 2021 to July 6, 2021. A notice advising of the availability of the Draft Program EIR was posted by Los Angeles County Clerk, Orange County Clerk, San Bernardino County Clerk, and Riverside County Clerk. The Notice of Availability of the Draft Program EIR was circulated to the State Clearinghouse, responsible agencies, and other interested parties on May 21, 2021.
- A total of 279 comment letters were received during the 45 -day public comment period. An additional 18 verbal comments were received during public hearings conducted on June 22 and June 26, 2021. Ten comment letters were received after the close of the public comment period (i.e., after July 6, 2021). Responses to these ten comment letters received after the close of the public comment period are included as a courtesy. RCTC prepared responses to all written and verbal comments. The comments and responses are contained in Appendix C and Appendix D, respectively, of the Final Program EIR.

- In accordance with the provisions of PRC Section 21092.5, RCTC has provided a written proposed response to each commenting public agency no less than 10 days prior to the proposed certification date of the Final EIR.

4 Independent Judgement and Finding

RCTC is the Lead Agency for the preparation of the EIR, as defined by CEQA PRC Section 21067 as amended. RCTC's Board of Commissioners has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Program. All findings set forth herein are based on substantial evidence in the record as indicated with respect to each specific finding.

4.1 Findings Regarding Less than Significant Impacts where No Mitigation is Required

Consistent with PRC Section 21002.1 and State CEQA Guidelines Section 15128, the Draft Tier 1/Program EIS/EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty that there is no potential for significant adverse environmental impacts. State CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that an EIR identifies as "no impact" or a "less than significant" impact. Nevertheless, RCTC's Board of Commissioners hereby finds that the Program would have either no impact or a less than significant impact to the following resource topics:

4.1.1 Aesthetics

Scenic Resources within a State Scenic Highway

Threshold: Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Findings: No impact (Draft Tier 1/Program EIS/EIR, pp. 3.4-30 through 3.4-31)

Explanation: There are no designated scenic highways within the Program Corridor. Therefore, construction and operation of the Program would not damage or obstruct any scenic resource (e.g., trees, rock outcroppings, or historic buildings) within a state scenic highway (Draft Tier 1/Program EIS/EIR, pp. 3.4-5 through 3.4-6). For these reasons and for the reasons discussed in the Draft Tier 1/Program EIS/EIR, the Program would not substantially damage scenic resources within a state scenic highway, and no mitigation is required (Draft EIR, pp. 3.4-30 and 3.4-31).

4.1.2 Agriculture and Forestry Resources

Forestland Zoning

Threshold: Would the Program conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

Findings: No impact (Draft Tier 1/Program EIS/EIR, p. 3.2-42)

Explanation: There are no forest lands (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) within the Program Corridor. Therefore, construction and operation of the Program would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)) (Draft Tier 1/Program EIS/EIR, pp. 3.2-24). For these reasons and for the reasons discussed in the Draft Tier 1/Program EIS/EIR, the Program would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production, and no mitigation is required (Draft EIR, pp. 3.2-42).

Loss of Forest Land

Threshold: Would the Program result in the loss of forest land or conversion of forest land to non-forest use?

Findings: No impact (Draft Tier 1/Program EIS/EIR, pp. 3.2-43)

Explanation: There are no forest lands (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) within the Program Corridor. Therefore, construction and operation of the Program would not result in the loss of forest land or conversion of forest land to non-forest use (Draft Tier 1/Program EIS/EIR, pp. 3.2-24). For these reasons and for the reasons discussed in the Draft Tier 1/Program EIS/EIR, the Program would not result in the loss of forest land or conversion of forest land to non-forest use, and no mitigation is required (Draft EIR, pp. 3.2-43).

4.1.3 Air Quality

Air Quality Management Plan Consistency

Threshold: Would the Program conflict with or obstruct implementation of the applicable air quality plan?

Findings: Less than significant impact (Draft Tier 1/Program EIS/EIR, pp. 3.5-17 through 3.5-25)

Explanation: The SCAQMD Air Quality Management Plan is a regional blueprint for achieving air quality standards and healthful air through various measures, such as trip reduction strategies, vehicle substitution, VMT reduction, and technological improvements. While construction activities may generate localized air quality emissions, construction of the Program would result in the operation of an enhanced passenger rail system. Operation of an enhanced passenger rail system within the Program Corridor would reduce VMTs within the region, which would have a corresponding reduction in air quality emissions generated. Since the Program would improve regional air quality through VMT reductions and technological improvements, the Project would not conflict with or obstruct implementation of the SCAQMD Air Quality Management Plan (Draft Tier 1/Program EIS/EIR, pp. 3.5-17 through 3.5-19). For these reasons and for the reasons discussed in the Draft Tier 1/Program EIS/EIR, the Program would not conflict with or obstruct implementation of the applicable air quality plan, and no mitigation is required (Draft EIR, p. 3.5-33).

Odors

Threshold: Would the Program result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Findings: Less than significant impact (Draft Tier 1/Program EIS/EIR, pp. 3.5-17 through 3.5-25)

Explanation: Construction activities may generate odors from construction equipment and vehicles (e.g., diesel exhaust). However, these impacts would be short term and limited in extent at any given time and range. Therefore, less than significant impacts are anticipated. Operation of the Program would generate odors from the operation of the additional passenger rail trains and the continued operation of the existing station facilities. However, these types of uses and generation of odors already occur within the Program Corridor. The types of uses are not within a category of land uses that are associated with objectionable odors (Draft Tier 1/Program EIS/EIR, p. 3.5-25). Therefore, less than significant impacts are anticipated. For these reasons and for the reasons discussed in the Draft Tier 1/Program EIS/EIR, the Program would not result in significant impacts pertaining to other emissions (such as those leading to odors) adversely affecting a substantial number of people, and no mitigation is required (Draft EIR, pp. 3.5-38).

4.1.4 Cultural Resources

Human Remains

Threshold: Would the Program disturb any human remains, including those interred outside of dedicated cemeteries?

Findings: Less than significant impact (Draft Tier 1/Program EIS/EIR, pp. 3.13-50)

Explanation: The potential for the inadvertent discovery of human remains during construction ground disturbing activities exists. However, implementation of requirements and procedures contained in California Health and Safety Code Section 7050.5 and Section 7052 and PRC Section 5097 would reduce these potential impacts to a level that is considered less than significant. For these reasons and for the reasons discussed in the Draft Tier 1/Program EIS/EIR, any potential disturbance of human remains, including those interred outside of dedicated cemeteries, during Program construction and operation would be less than significant, and no mitigation is required (Draft EIR, pp. 3.13-59 and 3.13-60).

4.1.5 Energy

Conflict with Energy Plans

Threshold: Would the Program conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Findings: No impact (Draft Tier 1/Program EIS/EIR, pp. 3.12-50 and 3.12-51)

Explanation: Overall, the Build Alternative Options are expected to result in energy savings relative to the No Build Alternative because the primary source of energy consumption for the Program (i.e., train propulsion) is more efficient than personal single occupancy vehicles. In the Western Section, existing infrastructure and stations would be utilized, so energy savings would be greatest in this section. In the Eastern Section of the Program Corridor, new rail infrastructure improvements and station facilities would be constructed and operated, resulting in additional increases in energy consumption. As such, energy consumption in the Eastern Section would be higher than in the Western Section, and the net savings would be lower (Draft Tier 1/Program EIS/EIR, pp. 3.12-38). However, implementation of the Program would support state and local plans for energy efficiency (Draft Tier 1/Program EIS/EIR, pp. 3.12-51) by reducing VMT (and associated fuel consumption) through shifting travel modes within the Program Corridor from automobiles to passenger rail. For these reasons and for the reasons discussed in the Draft Tier 1/Program EIS/EIR, the Program

would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and no mitigation is required (Draft EIR, pp. 3.12-50 and 3.12-51).

4.1.6 Geology and Soils

Septic Tanks

Threshold: Would the Program have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Findings: No impact (Draft Tier 1/Program EIS/EIR, pp. 3.10-72 and 3.10-73)

Explanation: During construction activities, the contractor would provide portable toilets on site, which would then be removed from the site on a regular basis for off-site servicing at an approved wastewater handling facility. Therefore, the use of alternative wastewater disposal systems is not anticipated during construction (Draft Tier 1/Program EIS/EIR, pp. 3.10-72 and 3.10-73). During operation, the increase in train service (two additional round trip daily trains within the Program Corridor) would not change existing land uses such that the need for alternative wastewater disposal systems would be warranted. The operation of maintenance and station facilities would generate wastewater; however, it is anticipated that these facilities would be connected to the local wastewater facility system and not to septic tanks or alternative wastewater disposal systems (Draft Tier 1/Program EIS/EIR, pp. 3.10-72 and 3.10-73). For these reasons and for the reasons discussed in the Draft Tier 1/Program EIS/EIR, the Program would have no impact on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater, and no mitigation is required (Draft Tier 1/Program EIS/EIR, pp. 3.10-72 and 3.10-73).

4.1.7 Greenhouse Gas Emissions

Conflicts with Applicable Plans, Policies, and Regulations

Threshold: Would the Program conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Findings: Less than significant impact (Draft Tier 1/Program EIS/EIR, pp. 3.5-40 and 3.5-41)

Explanation: The generation of GHG emissions from each construction project would be short term. Construction activities would be required to comply with applicable local, state, and federal regulations, in addition to the implementation of identified BMPs, to minimize GHG emissions and construction effects. While construction activities may generate GHG emissions, construction of the

Program under the Build Alternative Options would result in the operation of an enhanced passenger rail system within the Program Corridor. The operation of the enhanced passenger rail system would reduce VMTs within the region, which would have a corresponding reduction in GHG emissions generated. Since the Program is anticipated to result in beneficial GHG emission reductions through VMT reductions and technological improvements, the Program would not conflict with or obstruct implementation of the plans, policies, or programs associated with GHG reduction efforts. Less than significant impacts are anticipated (Draft EIR, pp. 3.5-25 through and 3.5-29). For these reasons and for the reasons discussed in the Draft Tier 1/Program EIS/EIR, the Program would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, and no mitigation is required (Draft EIR, pp. 3.5-40 and 3.5-41).

4.1.8 Utilities and Service Systems

Landfill Capacity

Threshold: Would the Program generate solid waste in excess or state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Findings: Less than significant impact (Draft Tier 1/Program EIS/EIR, pp. 3.12-46 and 3.12-47)

Explanation: Construction activities would be required to adhere to the local jurisdictions' goals and regulations associated with solid waste disposal and recycling. Although construction activities under any of the Build Alternative Options could increase the generation of solid waste, appropriate construction waste disposal and recycling methods per the local jurisdiction's goals and regulations would be used to minimize the amount of solid waste that would be transported to a solid waste facility. During Program operation, the increase in train service (two additional round trip daily trains within the Program Corridor) would not change existing land uses and would not result in significant increases in generation of solid waste or require new or additional solid waste facilities (Draft Tier 1/Program EIS/EIR, pp. 3.12-33 through 3.12-35). For these reasons and for the reasons discussed in the Draft Tier 1/Program EIS/EIR, the Program would not generate solid waste in excess of the capacity of local infrastructure, and no mitigation is required (Draft EIR, pp. 3.12-46 and 3.12-47).

Solid Waste

Threshold: Would the Program comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Findings: Less than significant impact (Draft Tier 1/Program EIS/EIR, pp. 3.12-48 and 3.12-49)

Explanation: Construction activities would be required to adhere to the local jurisdictions' goals and regulations associated with solid waste disposal and recycling. Although construction activities under any of the Build Alternative Options could increase the generation of solid waste, appropriate construction waste disposal and recycling methods per the local jurisdiction's goals and regulations would be used to minimize the amount of solid waste that would be transported to a solid waste facility to a level that is considered less than significant. Therefore, construction activities are unlikely to conflict with federal, state, or local regulations related to solid waste (Draft EIR, pp. 3.12-48). During Program operation, the increase in train service (two additional round trip daily trains within the Program Corridor) would not change existing land use and would not result in new generation of solid waste that would conflict with solid waste regulations (Draft Tier 1/Program EIS/EIR, pp. 3.12-48). For these reasons and for the reasons discussed in the Draft Tier 1/Program EIS/EIR, the Program would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, and no mitigation is required (Draft Tier 1/Program EIS/EIR, pp. 3.12-48).

4.2 Findings Regarding Impacts Mitigated to a Level that is Less than Significant

Having received, reviewed, and considered the information in the Tier 1/Program EIS/EIR for the Program, as well as the supporting administrative record, the Commission hereby makes findings pursuant to, and in accordance with, PRC Sections 21081, 21081.5, and 21081.6. The following findings have been made for the significant environmental effects identified in the Draft Tier 1/Program EIS/EIR relating to aesthetics, air quality, biological resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise and vibration, population and housing, public services, recreation, transportation, utilities, and wildfire.

The Commission hereby finds that feasible mitigation strategies have been identified in the Draft Tier 1/Program EIS/EIR and this Resolution that will avoid or substantially lessen the following potentially significant environmental impacts to a level of less than significant. The potentially significant impacts and proposed mitigation strategies are described below.

4.2.1 Biological Resources

Federally Protected Wetlands

Threshold: Would the Program have a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.7-33 through 3.7-34). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: The Eastern Section of the Program Corridor would require infrastructure improvements such as sidings, additional main line track, wayside signals, drainage, grade separation structures, and stations to accommodate the proposed service; however, the location of these improvements has not yet been identified at the Tier 1/Program level. Construction activities associated with the Eastern Section could include vegetation removal; ground clearing; placement of fill material; new, replaced, or extended culverts; and station facility development. These type of construction activities could result in short term/temporary effects associated with the temporary disturbance of wetland areas and functions.

Waterbodies that may run parallel to the Eastern Section route, such as San Timoteo Creek, could be affected by longer stretches of cut, fills, or diversions required to construct ballast, embankments, drainage slopes, or other railway or station infrastructure components. Waterbodies adjacent to the Eastern Section route may also be relocated or even truncated to accommodate the new railway and station infrastructure. The placement of fill required for major infrastructure, such as sidings, spurs, yards, and stations, could further increase effects within jurisdictional waters and wetland areas. Effects on jurisdictional waters, including wetlands, in the Eastern Section are anticipated to be unavoidable given the number of waterways and drainages.

Potential operational impacts on wetlands depend on the location of infrastructure improvements and station locations, which are currently unknown at the Tier 1/Program level. However, operational effects are anticipated to be limited to maintenance of culverts, bridges, embankments, and station areas. Efforts during the design phase to avoid wetlands would help to minimize potential operational effects because fewer jurisdictional waters and/or wetlands would be in proximity to a future rail line or station area. In addition, maintenance BMPs would be developed and implemented for future station areas to ensure that maintenance materials such as oils, lubricants, and fuels are handled in an appropriate regulatory manner and kept away from sensitive areas such as waterbodies or wetlands (Draft Tier 1/Program EIS/EIR, p. 3.7-26).

Construction and operational impacts on jurisdictional waters, including wetlands, would be minimized through regulatory compliance with Sections 401 and 404 of the CWA and with implementation of the Mitigation Strategies BIO-1, BIO-5, HWQ-1 through HWQ-3, and HAZ-2.

- **Mitigation Strategy BIO-1:** During the Tier 2/Project-level analysis, a preliminary biological resource screening shall be performed as part of the environmental review process to determine whether the specific rail infrastructure or station facility proposed has any potential to impact biological resources. If the specific rail infrastructure or station facility proposed has no potential to impact biological resources, no further action will be required. If the specific rail infrastructure or station facility proposed has the potential to impact biological resources, a qualified biologist shall conduct a biological resources assessment report to document the existing biological resources within the Tier 2/Project-level study area. The report shall include, but not be limited to, analysis and recommendations on the following topics:
    - Special-status species
    - Nesting birds
    - Wildlife movement
    - Sensitive plant communities and critical habitat
    - Jurisdictional waters
    - Applicable habitat conservation plans
    - Other biological resources identified as sensitive by local, state and/or federal agencies

  Pending the results of the biological resources assessment, design alterations; further technical studies (e.g., protocol surveys); and/or consultations with the United States Fish and Wildlife Service, California Department of Fish and Wildlife, and other local, state, and federal agencies may be required. If the specific rail infrastructure or station facility proposed cannot be designed without complete avoidance, the lead agency shall coordinate with the appropriate resource agency to obtain regulatory permits and implement Project-specific mitigation prior to any construction activities.

- **Mitigation Strategy BIO-5:** Prior to initiation of construction activities (including staging and mobilization), all personnel associated with Project construction shall attend worker environmental awareness program training, conducted by a qualified biologist, to aid workers in recognizing special-status resources that may occur in the Tier 2/Project-level study area. The specifics of this program shall include, but not be limited to, the following:
    - Identification of the sensitive species and habitats

  - Description of the regulatory status and general ecological characteristics of sensitive resources
  - Review of the limits of construction and mitigation measures required to reduce impacts on biological resources within the work area
  - Preparation of a fact sheet conveying this information shall for distribution to all contractors, their employers, and other personnel involved with construction of the Project
  - Employee documentation associated with worker environmental awareness program attendance and acknowledgment

- **Mitigation Strategy HWQ-1:** During Tier 2/Project-level analysis, additional floodplain hydrology documentation shall be conducted to determine if the siting of specific rail infrastructure or station facility proposed would encroach into a floodplain. If the siting of specific rail infrastructure or station facilities requires encroachment into a floodplain, a floodplain assessment shall be conducted to evaluate the impacts of specific designs on water surface elevations and flood conveyance and evaluate potential flooding risk. Any project that would result in floodplain encroachment shall coordinate with the governing agency or local jurisdiction. Any additional requirements that may be needed shall be determined in coordination with the applicable regulatory agencies.
- **Mitigation Strategy HWQ-2:** Based on the results of the Tier 2/Project-level analysis and recommendations, the construction of specific rail infrastructure or station facility proposed shall comply with the provisions of the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order Number 2009-0009-DWQ, National Pollutant Discharge Elimination System Number CAS000002) and any subsequent amendments (Order Number 2010-0014-DWQ and Order Number 2012-0006-DWQ). These provisions shall include, but are not limited to, the following:
  - Construction activities shall not commence until a waste discharger identification number is received from the State Water Resources Control Board Stormwater Multiple Application and Report Tracking System.
  - Identification of good housekeeping, erosion control, and sediment control best management practices shall be utilized during construction activities.
  - A stormwater pollution prevention plan shall be prepared.
  - A rain event action plan shall be prepared.

- A notice of termination shall be submitted to the State Water Resources Control Board within 90 days of completion of construction and stabilization of the site.

These requirements, and any additional approvals, shall be determined in coordination with the governing agencies or local jurisdiction before construction on a project commences.

- **Mitigation Strategy HWQ-3:** Based on the results of the Tier 2/Project-level analysis and recommendations, the operation of specific rail infrastructure or station facility proposed shall comply with the provisions of the applicable Regional Water Quality Control Board Municipal Separate Storm Sewer System Program. These provisions shall include, but are not limited to, the following:
  - Low impact, site design, and source control best management practices shall be identified to be utilized during operational activities.
  - A water quality management plan shall be prepared that will be implemented and maintained throughout the life of a project and used by property owners, facility operators, tenants, facility employees, and maintenance contractors.

  These requirements, and any additional approvals, shall be determined in coordination with the governing agencies or local jurisdiction before operation on a project commences.
- **Mitigation Strategy HAZ-2:** During Tier 2/Project-level analysis, a site-specific hazardous materials management program shall be prepared for the specific rail infrastructure or station facilities proposed. The hazardous materials management program shall provide for safe storage, containment, and disposal of chemicals and hazardous materials related to Project construction and operation, including the proper disposal of waste materials. The hazardous materials management program shall include, but should not be limited to, the following:
  - A description of hazardous materials and hazardous wastes used (29 Code of Federal Regulations 1910.1200)
  - A description of handling, transport, treatment, and disposal procedures, as relevant for each hazardous material or hazardous waste (29 Code of Federal Regulations 1910.120)
  - Preparedness, prevention, contingency, and emergency procedures, including emergency contact information (29 Code of Federal Regulations 1910.38)
  - A description of personnel training including, but not limited to: (1) recognition of existing or potential hazards resulting from accidental spills or other releases; (2) implementation of evacuation, notification, and other emergency response procedures; (3) management, awareness, and handling of hazardous materials and hazardous

wastes, as required by their level of responsibility (29 Code of Federal Regulations 1910)

- Instructions on keeping Safety Data Sheets for each on-site hazardous chemical (29 Code of Federal Regulations 1910.1200)
- Identification of the locations of hazardous material storage areas, including temporary storage areas, which shall be equipped with secondary containment sufficient in size to contain the volume of the largest container or tank (29 Code of Federal Regulations 1910.120)

Implementation of Mitigation Strategies BIO-1 and BIO-5 would require biological screening and worker awareness training during construction of any Tier 2 projects. Implementation of Mitigation Strategies HWQ-1 and HWQ-2 would require additional floodplain and hydrology documentation, if applicable, at the Tier 2/Project level. Implementation of Mitigation Strategies BIO-1, BIO-5, HWQ-1, and HWQ-2 would reduce construction-related impacts to jurisdictional waters to a level that is considered less than significant. Implementation of Mitigation Strategy HAZ-2 and HWQ-3 would require preparation of a site-specific hazardous materials management program for the specific rail infrastructure or station facilities proposed, and adherence to the provisions of the applicable Regional Water Quality Control Board Municipal Separate Storm Sewer System Program, respectively. Implementation of Mitigation Strategies HAZ-2 and HWQ-3 would reduce operational impacts to jurisdictional waters to a level that is considered less than significant.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies BIO-1, BIO-5, HAZ-2, HWQ-1, HWQ-2, and HWQ-3 (Draft Tier 1/Program EIS/EIR, pp. 3.7-33 through 3.7-38).

4.2.2 Energy

Wasteful, Inefficient, or Unnecessary Consumption of Energy

Threshold: Would the Program result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during construction or operation?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.12-35 through 3.12-39). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Construction activities required for infrastructure improvements (e.g., sidings, additional main line track, wayside signals, drainage, grade separation structures, and stations) would consume gasoline and diesel fuel through operation of heavy duty, off road construction equipment and on road vehicles. The amount of fuel consumed would vary depending on the length of the construction period, specific construction activity (e.g., grading, bridge, and construction), types of equipment, and number of personnel. Design specifics and locations of the rail infrastructure improvements and station facilities are not known at the Tier 1/Program level, so the energy that may need to be consumed during specific construction activities cannot be quantified at the Tier 1/Program-level evaluation. Once detailed construction information for the site specific rail infrastructure improvement or station facility is available, a quantitative estimate of the total energy consumption during construction would be conducted and evaluated during the Tier 2/Project level analysis. The effects of construction under any of the Build Alternative Options are not anticipated to be substantial with respect to energy consumption. The operational effect of any of the Build Alternative Options would be a net energy savings relative to the No Build Alternative on an annual basis. To achieve those energy savings, construction activity is needed to build the Program and allow drivers of on road personal vehicles to shift to rail transportation. Because construction would involve typical activities for the purpose of building a more efficient, energy saving transportation mode, fuel and other energy consumed during construction would not be considered wasteful, inefficient, or unnecessary (Draft Tier 1/Program EIS/EIR, p. 3.12-36). Additionally, implementation of Mitigation Strategy GHG-1 below, which requires the preparation and implementation of a construction energy conservation plan, would also reduce the wasteful, inefficient, or unnecessary consumption of energy resources during construction activities to a level that is considered less than significant.

Operation of subsequent Tier 2/Project level improvements would result in energy usage that would be needed to run the passenger rail system and new station facilities. Although operation of the Program would require energy, it is anticipated that the Program would result in overall energy savings because the primary source of energy consumption for the Program (i.e., train propulsion) is more efficient than personal on road vehicles, which are largely single use. New station facilities would also be constructed to be energy efficient, further reducing the energy needed to operate the new station facilities (Draft Tier 1/Program EIS/EIR, pp. 3.12-36 through 3.12-39). Once detailed Tier 2/Project level information is available, a quantitative estimate of the total energy consumption during operation would be prepared and evaluated during the Tier 2/Project-level analysis. Additionally, with implementation of Mitigation Strategy GHG-2, which requires the preparation and implementation of an operational energy conservation plan, the wasteful, inefficient, or unnecessary consumption of energy resources during operation would be reduced to a level that is considered less than significant.

- **Mitigation Strategy GHG-1:** During Tier 2/Project-level analysis, a construction energy conservation plan to avoid excess energy consumption shall be required for the specific rail infrastructure or station facility proposed. The construction energy conservation plan shall identify best management practices including, but not limited to, the following:
    - Identification of opportunities to use newer, more energy efficient construction equipment, vehicles, and materials
    - Limit construction equipment idling
    - Develop and implement a program encouraging construction workers to carpool or use public transportation for travel to and from construction sites
    - Locate construction materials production facilities onsite or in proximity to project work sites
    - Schedule material deliveries during off peak hours to minimize highway congestion
- **Mitigation Strategy GHG-2:** During Tier 2/Project-level analysis, an operational energy conservation plan shall be required for the specific rail infrastructure or station facility proposed. The operational energy conservation plan shall identify best management practices, including, but not limited to, the following:
    - Limit operational idling at stations
    - Identify state -of the -art locomotives to maximize fuel efficiency
    - Target -market to drivers of single -occupancy vehicles to maximize the effects of rail modal use on energy conservation and reduction of greenhouse gas emissions
    - Concentrate bus -service routes to feed passengers to train stations
    - Bring dispersed riders to train stations through other methods (e.g., demand response systems [paratransit, taxi, shuttle, call -and -ride])

Implementation of Mitigation Strategy GHG-1 would reduce the wasteful, inefficient, or unnecessary consumption of energy resources during Program construction to a level that is considered less than significant by requiring the preparation and implementation of a construction energy conservation plan during Tier 2 projects, if applicable. Implementation of Mitigation Strategy GHG-2 would reduce the wasteful, inefficient, or unnecessary consumption of energy resources during Program operation to a level that is considered less than significant by requiring the preparation and implementation of an operational energy conservation plan during Tier 2 projects, if applicable.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies GHG-1 and GHG-2 (Draft Tier 1/Program EIS/EIR, pp. 3.12-49 through 3.12-55).

4.2.3 Geology and Soils

Risk of Loss, Injury or Death Involving Rupture of a Known Earthquake Fault

Threshold: Would the Program directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.10-55 through 3.10-56). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: The Build Alternative Options cross Alquist Priolo fault zones capable of ground rupture and would be generally susceptible to earthquakes resulting in ground shaking. Additionally, some portions of the Eastern Section traverse areas with moderate to high susceptibility to landslides and liquefaction. Construction and operation of the Program would comply with federal, state, and local design and safety criteria regarding structural integrity to protect the public and property from geologic, soil, and seismic hazards. While applicable building codes and design features to address potential seismic or geologic hazards would be adhered to and developed, potential effects depend on where the infrastructure improvements, including new stations, which have not yet been selected, would be located. Which properties would be affected by the future construction and operation of a passenger rail system, and to what extent, cannot be determined at the Tier 1/Program level. The Tier 2/Project-level analysis would evaluate the selected site and proposed infrastructure improvement or station facility and whether people or structures are exposed to increased seismic or geologic hazard risk, including risk of loss, injury, or death involving rupture of a known earthquake fault (Draft Tier 1/Program EIS/EIR pp. 3.10-55 through 3.10-57). In the absence of site-specific evaluations, impacts are considered potentially significant. However, implementation of Mitigation Strategies GEO-1 and LU-3, which require the preparation of preliminary geotechnical reports and land use consistency analyses, respectively, during Tier 2/Project-level evaluation, would reduce potentially significant impacts to a level that is considered less than significant, as follows:

- **Mitigation Strategy GEO-1:** During the Tier 2/Project-level analysis, a preliminary geotechnical report shall be prepared by a licensed geotechnical or civil engineer for the

specific rail infrastructure or station facility proposed. The preliminary geotechnical report shall include, but not be limited to, analysis and recommendations on the following topics:

- Site preparation
- Soil bearing capacity
- Appropriate sources and types of fill
- Liquefaction
- Lateral spreading
- Corrosive soils
- Structural foundations
- Grading practices

The recommendations identified in the preliminary geotechnical report shall be refined in a final geotechnical report.

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies GEO-1 and LU-3 (Draft Tier 1/Program EIS/EIR, pp. 3.10-63 through 3.10-64).

Risk of Loss, Injury or Death Involving Strong Seismic Ground Shaking

Threshold: Would the Program directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.10-55 through 3.10-56). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: The Build Alternative Options cross Alquist Priolo fault zones capable of ground rupture and would be generally susceptible to earthquakes resulting in ground shaking. Additionally, some portions of the Eastern Section traverse areas with moderate to high susceptibility to landslides and liquefaction. Construction and operation of the Program would comply with federal, state, and local design and safety criteria regarding structural integrity to protect the public and property from geologic, soil, and seismic hazards. While applicable building codes and design features to address potential seismic or geologic hazards would be adhered to and developed, potential effects depend on where the infrastructure improvements, including new stations, which have not yet been selected, would be located. Which properties would be affected by the future construction and operation of a passenger rail system, and to what extent, cannot be determined at the Tier 1/Program level. The Tier 2/Project-level analysis would evaluate the selected site and proposed infrastructure improvement or station facility and whether people or structures are exposed to increased seismic or geologic hazard risk, including risk of loss, injury, or death involving strong seismic ground shaking (Draft Tier 1/Program EIS/EIR pp. 3.10-55 through 3.10-57). In the absence of site-specific evaluations, impacts are considered potentially significant. However, implementation of Mitigation Strategies GEO-1 and LU-3, which require the preparation of preliminary geotechnical reports and land use consistency analyses, respectively, during Tier 2/Project-level evaluation, would reduce potentially significant impacts to a level that is considered less than significant, as follows:

- **Mitigation Strategy GEO-1:** During the Tier 2/Project -level analysis, a preliminary geotechnical report shall be prepared by a licensed geotechnical or civil engineer for the specific rail infrastructure or station facility proposed. The preliminary geotechnical report shall include, but not be limited to, analysis and recommendations on the following topics:
    - Site preparation
    - Soil-bearing capacity
    - Appropriate sources and types of fill
    - Liquefaction
    - Lateral spreading
    - Corrosive soils
    - Structural foundations
    - Grading practices

The recommendations identified in the preliminary geotechnical report shall be refined in a final geotechnical report.

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies GEO-1 and LU-3 (Draft Tier 1/Program EIS/EIR, pp. 3.10-64 through 3.10-65).

Risk of Loss, Injury or Death Involving Seismic-Related Ground Failure, Including Liquefaction

Threshold: Would the Program directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving seismic related ground failure, including liquefaction?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.10-55 through 3.10-56). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: The Build Alternative Options cross Alquist Priolo fault zones capable of ground rupture and would be generally susceptible to earthquakes resulting in ground shaking. Additionally, some portions of the Eastern Section traverse areas with moderate to high susceptibility to landslides and liquefaction. Construction and operation of the Program would comply with federal, state, and local design and safety criteria regarding structural integrity to protect the public and property from geologic, soil, and seismic hazards. While applicable building codes and design features to address potential seismic or geologic hazards would be adhered to and developed, potential effects depend on where the infrastructure improvements, including new stations, which have not yet been selected, would be located. Which properties would be affected by the future construction and operation of a passenger rail system, and to what extent, cannot be determined at the Tier 1/Program level. The Tier 2/Project-level analysis would evaluate the selected site and proposed infrastructure improvement or station facility and whether people or structures are exposed to increased seismic or geologic hazard risk, including risk of loss, injury, or death involving seismic-related ground failure, including liquefaction (Draft Tier 1/Program EIS/EIR pp. 3.10-55 through 3.10-57). In the absence of site-specific evaluations, impacts are considered potentially significant. However, implementation of

Mitigation Strategy GEO-1, which requires the preparation of preliminary geotechnical reports during Tier 2/Project-level evaluation would reduce potentially significant impacts to a level that is considered less than significant, as follows:

- **Mitigation Strategy GEO-1:** During the Tier 2/Project-level analysis, a preliminary geotechnical report shall be prepared by a licensed geotechnical or civil engineer for the specific rail infrastructure or station facility proposed. The preliminary geotechnical report shall include, but not be limited to, analysis and recommendations on the following topics:
    - Site preparation
    - Soil-bearing capacity
    - Appropriate sources and types of fill
    - Liquefaction
    - Lateral spreading
    - Corrosive soils
    - Structural foundations
    - Grading practices

  The recommendations identified in the preliminary geotechnical report shall be refined in a final geotechnical report.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies GEO-1 (Draft Tier 1/Program EIS/EIR, p. 3.10-66).

Risk of Loss, Injury or Death Involving Landslides

Threshold: Would the Program directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.10-55 through 3.10-57). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: The Build Alternative Options cross Alquist Priolo fault zones capable of ground rupture and would be generally susceptible to earthquakes resulting in ground shaking. Additionally, some portions of the Eastern Section traverse areas with moderate to high susceptibility to landslides and liquefaction. Construction and operation of the Program would comply with federal, state, and local

design and safety criteria regarding structural integrity to protect the public and property from geologic, soil, and seismic hazards. While applicable building codes and design features to address potential seismic or geologic hazards would be adhered to and developed, potential effects depend on where the infrastructure improvements, including new stations, which have not yet been selected, would be located. Which properties would be affected by the future construction and operation of a passenger rail system, and to what extent, cannot be determined at the Tier 1/Program level. The Tier 2/Project-level analysis would evaluate the selected site and proposed infrastructure improvement or station facility and whether people or structures are exposed to increased seismic or geologic hazard risk, including risk of loss, injury, or death involving landslides (Draft Tier 1/Program EIS/EIR pp. 3.10-55 through 3.10-57). In the absence of site-specific evaluations, impacts are considered potentially significant. However, implementation of Mitigation Strategies GEO-1 and LU-3, which require the preparation of preliminary geotechnical reports and land use consistency analyses, respectively, during Tier 2/Project-level evaluation, would reduce potentially significant impacts to a level that is considered less than significant, as follows:

- **Mitigation Strategy GEO-1:** During the Tier 2/Project-level analysis, a preliminary geotechnical report shall be prepared by a licensed geotechnical or civil engineer for the specific rail infrastructure or station facility proposed. The preliminary geotechnical report shall include, but not be limited to, analysis and recommendations on the following topics:
    - Site preparation
    - Soil-bearing capacity
    - Appropriate sources and types of fill
    - Liquefaction
    - Lateral spreading
    - Corrosive soils
    - Structural foundations
    - Grading practices

  The recommendations identified in the preliminary geotechnical report shall be refined in a final geotechnical report.

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study

Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies GEO-1 and LU-3 (Draft Tier 1/Program EIS/EIR, pp. 3.10-64 through 3.10-65).

Substantial Soil Erosion or Loss of Topsoil

Threshold: Would the Program result in substantial soil erosion or the loss of topsoil?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.10-68). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Construction activities associated with rail infrastructure improvements or station facilities would include clearing, grading, and excavation, which have the potential to result in soil erosion. The Tier 2/Project level analysis would identify and evaluate impacts associated with site-specific drainage patterns changes and the potential for site specific construction activities to result in soil erosion and loss of topsoil (Draft Tier 1/Program EIS/EIR, p. 3.10-68). In the absence of site-specific evaluations, impacts are considered potentially significant. However, implementation of Mitigation Strategies HWQ-2 and LU-3, which require compliance with the provisions of the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities and the preparation of land use consistency analysis, respectively, during Tier 2/Project-level evaluation, would reduce potentially significant impacts to a level that is considered less than significant, as follows:

- **Mitigation Strategy HWQ-2:** Based on the results of the Tier 2/Project-level analysis and recommendations, the construction of specific rail infrastructure or station facility proposed shall comply with the provisions of the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order Number 2009-0009-DWQ, National Pollutant Discharge Elimination System Number CAS000002), and any subsequent amendments (Order Number 2010-0014-DWQ and Order Number 2012-0006-DWQ). These provisions shall include, but are not limited to, the following:
    - Construction activities shall not commence until a waste discharger identification number is received from the State Water Resources Control Board Stormwater Multiple Application and Report Tracking System.

- Identification of good housekeeping, erosion control, and sediment control best management practices shall be utilized during construction activities.
- A stormwater pollution prevention plan shall be prepared.
- A rain event action plan shall be prepared.
- A notice of termination shall be submitted to the State Water Resources Control Board within 90 days of completion of construction and stabilization of the site.

These requirements, and any additional approvals, shall be determined in coordination with the governing agencies or local jurisdiction before construction on a project commences.

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Implementation of Mitigation Strategies HWQ-1 and LU-3 would reduce potential significant impacts pertaining to erosion and the loss of topsoil during construction to a level that is considered less than significant by requiring compliance with the provisions of the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities and the preparation of land use consistency analysis, respectively, during Tier 2/Project-level evaluation.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies HWQ-1 and LU-3 (Draft Tier 1/Program EIS/EIR, p. 3.10-68).

Unstable Geologic Unit

Threshold: Would the Program be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Program and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.10-55 through 3.10-57, 3.10-69 through 3.10-70). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: The Build Alternative Options cross Alquist Priolo fault zones capable of ground rupture and would be generally susceptible to earthquakes resulting in ground shaking. Additionally, some portions of the Eastern Section traverse areas with moderate to high susceptibility to landslides and liquefaction. Construction and operation of the Program would comply with federal, state, and local design and safety criteria regarding structural integrity to protect the public and property from geologic, soil, and seismic hazards. While applicable building codes and design features to address potential seismic or geologic hazards would be adhered to and developed, potential effects depend on where the infrastructure improvements, including new stations, which have not yet been selected, would be located. Which properties would be affected by the future construction and operation of a passenger rail system, and to what extent, cannot be determined at the Tier 1/Program level. The Tier 2/Project-level analysis would evaluate the selected site and proposed infrastructure improvement or station facility and whether people or structures are exposed to increased seismic or geologic hazard risk, including risk of infrastructure being constructed on an unstable geologic unit (Draft Tier 1/Program EIS/EIR pp. 3.10-55 through 3.10-57). In the absence of site-specific evaluations, impacts are considered potentially significant. However, implementation of Mitigation Strategies GEO-1, which requires the preparation of preliminary geotechnical reports during Tier 2/Project-level evaluation, would reduce potentially significant impacts to a level that is considered less than significant, as follows:

- **Mitigation Strategy GEO-1:** During the Tier 2/Project-level analysis, a preliminary geotechnical report shall be prepared by a licensed geotechnical or civil engineer for the specific rail infrastructure or station facility proposed. The preliminary geotechnical report shall include, but not be limited to, analysis and recommendations on the following topics:
    - Site preparation
    - Soil-bearing capacity
    - Appropriate sources and types of fill
    - Liquefaction
    - Lateral spreading
    - Corrosive soils
    - Structural foundations
    - Grading practices

The recommendations identified in the preliminary geotechnical report shall be refined in a final geotechnical report.

Implementation of Mitigation Strategy GEO-1, which requires the preparation of preliminary geotechnical reports during Tier 2/Project-level evaluation, would reduce potentially significant impacts pertaining to unstable geologic units to a level that is considered less than significant

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategy GEO-1 (Draft Tier 1/Program EIS/EIR, pp. 3.10-70).

Expansive Soils

Threshold: Would the Program be located on expansive soil, as defined in Table 18 1 B of the UBC (1994), creating substantial direct or indirect risk to life or property?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.10-55 through 3.10-57, 3.10-71 through 3.10-72). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: The Build Alternative Options cross Alquist Priolo fault zones capable of ground rupture and would be generally susceptible to earthquakes resulting in ground shaking. Additionally, some portions of the Eastern Section traverse areas with moderate to high susceptibility to landslides and liquefaction. Construction and operation of the Program would comply with federal, state, and local design and safety criteria regarding structural integrity to protect the public and property from geologic, soil, and seismic hazards. While applicable building codes and design features to address potential seismic or geologic hazards would be adhered to and developed, potential effects depend on where the infrastructure improvements, including new stations, which have not yet been selected, would be located. Which properties would be affected by the future construction and operation of a passenger rail system, and to what extent, cannot be determined at the Tier 1/Program level. The Tier 2/Project-level analysis would evaluate the selected site and proposed infrastructure improvement or station facility and whether people or structures are exposed to increased seismic or geologic hazard risk, including risk of infrastructure being constructed on expansive soils (Draft Tier 1/Program EIS/EIR pp. 3.10-55 through 3.10-57). In the absence of site-specific evaluations, impacts are considered potentially significant. However, implementation of Mitigation Strategies GEO-1, which requires the preparation of preliminary geotechnical reports during Tier 2/Project-level evaluation, would reduce potentially significant impacts to a level that is considered less than significant, as follows:

- **Mitigation Strategy GEO-1:** During the Tier 2/Project-level analysis, a preliminary geotechnical report shall be prepared by a licensed geotechnical or civil engineer for the

specific rail infrastructure or station facility proposed. The preliminary geotechnical report shall include, but not be limited to, analysis and recommendations on the following topics:

- Site preparation
- Soil-bearing capacity
- Appropriate sources and types of fill
- Liquefaction
- Lateral spreading
- Corrosive soils
- Structural foundations
- Grading practices

The recommendations identified in the preliminary geotechnical report shall be refined in a final geotechnical report.

Implementation of Mitigation Strategy GEO-1, which requires the preparation of preliminary geotechnical reports during Tier 2/Project-level evaluation, would reduce potentially significant impacts pertaining to expansive soils to a level that is considered less than significant.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategy GEO-1 (Draft Tier 1/Program EIS/EIR, pp. 3.10-71).

4.2.4 Greenhouse Gas Emissions

Greenhouse Gas Emissions

Threshold: Would the Program generate GHG emissions, either directly, or indirectly, that may have a significant impact on the environment?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.5-38 through 3.5-40 and 3.5-58 through 3.5-59). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Construction activities required for infrastructure improvements (such as sidings, additional main line track, wayside signals, drainage, grade separation structures) and station facilities would result in short term increases in GHG emissions in and around the construction site.

GHG emissions would be generated from the use of equipment to conduct vegetation clearing, grading and excavation, and transport of materials and waste. The GHG emissions that could be generated would vary depending on the length of the construction period, specific construction activity (e.g., grading, paving, pile driving), types of equipment, and number of personnel (Draft Tier 1/Program EIS/EIR, pp. 3.5-26 through 3.5-29). In some situations, construction GHG emissions associated from a Tier 2 project may be orders of magnitude lower than the operational emissions from the project due to construction emissions generally being short in duration compared with the project's overall lifetime. However, there are instances when projects have long construction periods (e.g., 10 years) and may result in a large amount of emissions that, either directly or indirectly, may have a significant impact on the environment. Accordingly, Mitigation Strategies GHG-1 and LU-2 have been identified to reduce potentially significant impacts associated with construction GHG emissions to a level that is considered less than significant.

Operation of the Build Alternative Options would generate GHG emissions. However, the Build Alternative Options would result in overall energy savings and reduce the transportation system's impact on climate change because rail transit and public transportation generally produces significantly lower GHG emissions per passenger mile than private single occupancy vehicles. Based on projected ridership and VMT reductions, passenger rail use within the Program Corridor would decrease VMT and related mobile source emissions. This would be offset somewhat by locomotive operations and train station facility operations that would generate GHG emissions (Draft Tier 1/Program EIS/EIR, pp. 3.5-27 through 3.5-29).

A comprehensive quantitative GHG analysis would be performed during Tier 2/Project level analysis to determine GHG effects and quantify on road mobile source emissions reductions, as well as locomotive operations and train station operations area source emissions. Additionally, Mitigation Strategies GHG-2 and LU-3 have been identified to reduce potentially significant impacts associated with operational GHG emissions to a level that is considered less than significant.

- **Mitigation Strategy GHG-1:** During Tier 2/Project-level analysis, a construction energy conservation plan to avoid excess energy consumption shall be required for the specific rail infrastructure or station facility proposed. The construction energy conservation plan shall identify best management practices including, but not limited to, the following:
    - Identification of opportunities to use newer, more energy efficient construction equipment, vehicles, and materials
    - Limit construction equipment idling
    - Develop and implement a program encouraging construction workers to carpool or use public transportation for travel to and from construction sites

  - Locate construction materials production facilities onsite or in proximity to project work sites
  - Schedule material deliveries during off peak hours to minimize highway congestion

- **Mitigation Strategy GHG-2:** During Tier 2/Project-level analysis, an operational energy conservation plan shall be required for the specific rail infrastructure or station facility proposed. The operational energy conservation plan shall identify best management practices, including, but not limited to, the following:
  - Limit operational idling at stations
  - Identify state of the art locomotives to maximize fuel efficiency
  - Target market to drivers of single occupancy vehicles to maximize the effects of rail modal use on energy conservation and reduction of greenhouse gas emissions
  - Concentrate bus service routes to feed passengers to train stations
  - Bring dispersed riders to train stations through other methods (e.g., demand response systems [paratransit, taxi, shuttle, call and ride])
- **Mitigation Strategy LU-2:** Based on the results of a subsequent Tier 2/Project-level analysis and recommendations, the identified lead agency or agencies shall determine if a construction management plan is required for construction activities of the Tier 2/Project-level improvement being proposed. If required, a construction management plan shall be developed by the contractor and reviewed by the lead agency or agencies prior to construction and implemented during construction activities. The construction management plan shall include, but not be limited to, the following:
  - Measures that minimize effects on populations and communities within the Tier 2/Project Study Area
  - Measures pertaining to visual protection, air quality, safety controls, noise controls, and traffic controls to minimize effects on populations and communities within the Tier 2/Project Study Area
  - Measures to ensure property access is maintained for local businesses, residences, and community and emergency services
  - Measures to consult with local transit providers to minimize effects on local and regional bus routes in affected communities
  - Measures to consult with local jurisdictions and utility providers to minimize effects on utilities in affected communities

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Implementation of Mitigation Strategy GHG-1 and Mitigation Strategy LU-2 would require preparation and implementation of a construction energy conservation plan and construction management plan, respectively, to avoid excess energy consumption during construction of the specific rail infrastructure or station facility proposed, if applicable at the Tier 2/Project level. Implementation of Mitigation Strategy GHG-2 and LU-3 would require preparation and implementation of an operational energy conservation plan and land use consistency analysis, respectively, to avoid excess energy consumption during operation of the specific rail infrastructure or station facility proposed, if applicable at the Tier 2/Project level.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies GHG-1, GHG-2, LU-2, and LU-3 (Draft Tier 1/Program EIS/EIR, pp. 3.5-43 through 3.5-45).

4.2.5 Hazards and Hazardous Materials

Routine Transport, Use, or Disposal of Hazardous Materials

Threshold: Would the Program create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.11-55 through 3.11-56). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Construction activities could result in the temporary disturbance of hazardous materials sites, including sites with known soil or groundwater contamination, which would require cleanup and disposal of those materials. Due to the variety of potential construction techniques and numerous hazardous materials sites in the Tier 1/Program EIS/EIR Study Area, impacts are considered potentially significant. Additionally, the Tier 1/Program EIS/EIR evaluation does not identify the nature and severity of contamination at specific sites because the sites for where infrastructure and station improvements would be constructed have not yet been selected (Draft Tier 1/Program

EIS/EIR, pp. 3.11-45 through 3.11-46). Accordingly, Mitigation Strategies HAZ-1 through HAZ-3 have been identified to reduce potentially significant impacts associated with the routine transport, use, or disposal of hazardous materials during construction of Tier 2 projects to a level that is considered less than significant:

Similarly, potential operational impacts related to the transport, use, or disposal of hazardous materials depend on the location of new rail infrastructure improvements and station facilities, which are currently unknown. Some operational impacts could result in the generation of additional hazardous waste, contaminated materials, and solid waste, which would be handled by new maintenance facilities within the Eastern Section of the Program Corridor (Draft Tier 1/Program EIS/EIR, pp. 3.11-46 through 3.11-47). Accordingly, Mitigation Strategy HAZ-2 has been identified to reduce potentially significant impacts associated with the routine transport, use, or disposal of hazardous materials to a level that is considered less than significant during operation of Tier 2 projects.

- **Mitigation Strategy HAZ-1:** During Tier 2/Project-level analysis, a Phase I Environmental Site Assessment shall be conducted to determine the significance of impacts on hazardous waste or materials sites due to the siting of specific rail infrastructure or station facility proposed. The site-specific Phase I Environmental Site Assessment shall adhere to ASTM-conforming requirements and include recommendations on if a subsequent Phase II Site Investigation is required for the selected site. The Phase I Environmental Site Assessment shall also include a discussion of observed and/or suspected asbestos-containing materials, potential lead-based paint, and other materials falling under the Universal Waste requirements within the selected site.
- **Mitigation Strategy HAZ-2:** During Tier 2/Project-level analysis, a site-specific hazardous materials management program shall be prepared for the specific rail infrastructure or station facilities proposed. The hazardous materials management program shall provide for safe storage, containment, and disposal of chemicals and hazardous materials related to Project construction and operation, including the proper disposal of waste materials. The hazardous materials management program shall include, but should not be limited to, the following:
    - A description of hazardous materials and hazardous wastes used (29 Code of Federal Regulations 1910.1200)
    - A description of handling, transport, treatment, and disposal procedures, as relevant for each hazardous material or hazardous waste (29 Code of Federal Regulations 1910.120)
    - Preparedness, prevention, contingency, and emergency procedures, including emergency contact information (29 Code of Federal Regulations 1910.38)

- A description of personnel training including, but not limited to: (1) recognition of existing or potential hazards resulting from accidental spills or other releases; (2) implementation of evacuation, notification, and other emergency response procedures; (3) management, awareness, and handling of hazardous materials and hazardous wastes, as required by their level of responsibility (29 Code of Federal Regulations 1910)
- Instructions on keeping Safety Data Sheets for each on-site hazardous chemical (29 Code of Federal Regulations 1910.1200)
- Identification of the locations of hazardous material storage areas, including temporary storage areas, which shall be equipped with secondary containment sufficient in size to contain the volume of the largest container or tank (29 Code of Federal Regulations 1910.120)

- **Mitigation Strategy HAZ-3:** During Tier 2/Project-level analysis, sites identified for the specific rail infrastructure or station facility proposed shall be screened by the identified lead agency or agencies to determine if land use restrictions or activity use limitations are present. If the site contains land use restrictions or activity use limitations that would be affected by the Project, coordination with the governing agency (Department of Toxic Substance Control or Regional Water Quality Control Board) shall be required. Such coordination shall consist of notifying the local enforcement branch of the agencies that work is planned for a restricted property. Notification typically results in a meeting with regulators that would determine the requirements for the property during the Project. A soil management plan and a health and safety plan are typically required to be completed, reviewed, and approved in writing by the governing agency (Department of Toxic Substance Control or Regional Water Quality Control Board). These requirements, and any additional requirements, shall be determined in coordination with the applicable regulatory agencies.

Implementation of Mitigation Strategies HAZ-1, HAZ-2, and HAZ-3 would require preparation and implementation of a Phase I Environmental Site Assessment, a site specific hazardous materials management program, and site-specific hazardous materials screening, respectively, to reduce potentially significant impacts pertaining to the routine transport, use, or disposal of hazardous materials during construction and operation at the Tier 2/Project level to a level that is considered less than significant.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies HAZ-1, HAZ-2, and HAZ-3 (Draft Tier 1/Program EIS/EIR, pp. 3.11-71 through 3.11-73).

Reasonably Foreseeable Upset and Accident Conditions

Threshold: Would the Program create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.11-56 through 3.11-57). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Construction activities could result in the temporary disturbance of hazardous materials sites, including sites with known soil or groundwater contamination, which would require cleanup and disposal of those materials. Due to the variety of potential construction techniques and numerous hazardous materials sites in the Tier 1/Program EIS/EIR Study Area, impacts are considered potentially significant. Additionally, the Tier 1/Program EIS/EIR evaluation does not identify the nature and severity of contamination at specific sites because the sites for where infrastructure and station improvements would be constructed have not yet been selected (Draft Tier 1/Program EIS/EIR, pp. 3.11-45 through 3.11-46). Accordingly, Mitigation Strategies HAZ-1 through Haz-3 have been identified to reduce potentially significant impacts associated with reasonably foreseeable upset and accident conditions involving hazardous materials during construction of Tier 2 projects to a level that is considered less than significant.

Similarly, potential operational impacts related to reasonably foreseeable upset and accident conditions involving hazardous materials depend on the location of new rail infrastructure improvements and station facilities, which are currently unknown. Some operational impacts could result in minor spills and releases of non-acutely hazardous waste (i.e., petroleum, oil, and lubricants) along the tracks and at stations or maintenance facilities (Draft Tier 1/Program EIS/EIR, pp. 3.11-46 through 3.11-47). Accordingly, the Mitigation Strategy HAZ-2 has been identified to reduce potentially significant impacts associated with reasonably foreseeable upset and accident conditions involving hazardous materials to a level that is considered less than significant during operation of Tier 2 projects.

- **Mitigation Strategy HAZ-1:** During Tier 2/Project-level analysis, a Phase I Environmental Site Assessment shall be conducted to determine the significance of impacts on hazardous waste or materials sites due to the siting of specific rail infrastructure or station facility proposed. The site-specific Phase I Environmental Site Assessment shall adhere to ASTM-conforming requirements and include recommendations on if a subsequent Phase II Site Investigation is required for the selected site. The Phase I Environmental Site Assessment shall also include a discussion of observed and/or suspected

asbestos-containing materials, potential lead-based paint, and other materials falling under the Universal Waste requirements within the selected site.

- **Mitigation Strategy HAZ-2:** During Tier 2/Project-level analysis, a site-specific hazardous materials management program shall be prepared for the specific rail infrastructure or station facilities proposed. The hazardous materials management program shall provide for safe storage, containment, and disposal of chemicals and hazardous materials related to Project construction and operation, including the proper disposal of waste materials. The hazardous materials management program shall include, but should not be limited to, the following:
    - A description of hazardous materials and hazardous wastes used (29 Code of Federal Regulations 1910.1200)
    - A description of handling, transport, treatment, and disposal procedures, as relevant for each hazardous material or hazardous waste (29 Code of Federal Regulations 1910.120)
    - Preparedness, prevention, contingency, and emergency procedures, including emergency contact information (29 Code of Federal Regulations 1910.38)
    - A description of personnel training including, but not limited to: (1) recognition of existing or potential hazards resulting from accidental spills or other releases; (2) implementation of evacuation, notification, and other emergency response procedures; (3) management, awareness, and handling of hazardous materials and hazardous wastes, as required by their level of responsibility (29 Code of Federal Regulations 1910)
    - Instructions on keeping Safety Data Sheets for each on-site hazardous chemical (29 Code of Federal Regulations 1910.1200)
    - Identification of the locations of hazardous material storage areas, including temporary storage areas, which shall be equipped with secondary containment sufficient in size to contain the volume of the largest container or tank (29 Code of Federal Regulations 1910.120)
- **Mitigation Strategy HAZ-3:** During Tier 2/Project-level analysis, sites identified for the specific rail infrastructure or station facility proposed shall be screened by the identified lead agency or agencies to determine if land use restrictions or activity use limitations are present. If the site contains land use restrictions or activity use limitations that would be affected by the Project, coordination with the governing agency (Department of Toxic Substance Control or Regional Water Quality Control Board) shall be required. Such coordination shall consist of notifying the local enforcement branch of the agencies that work

is planned for a restricted property. Notification typically results in a meeting with regulators that would determine the requirements for the property during the Project. A soil management plan and a health and safety plan are typically required to be completed, reviewed, and approved in writing by the governing agency (Department of Toxic Substance Control or Regional Water Quality Control Board). These requirements, and any additional requirements, shall be determined in coordination with the applicable regulatory agencies.

Implementation of Mitigation Strategies HAZ-1, HAZ-2, and HAZ-3 would require preparation and implementation of a Phase I Environmental Site Assessment, a site specific hazardous materials management program, and site-specific hazardous materials screening, respectively, to reduce potentially significant impacts pertaining to reasonably foreseeable upset and accident conditions involving hazardous materials during construction and operation of the Program.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies HAZ-1, HAZ-2, HAZ-3, and HAZ-4 (Draft Tier 1/Program EIS/EIR, pp. 3.11-71 through 3.11-73).

Acutely Hazardous Materials within ¼ Mile of an Existing or Proposed School

Threshold: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.11-58 through 3.11-59). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Potential construction and operation impacts related to the handling of hazardous materials or generation of hazardous emissions within 0.25 mile of an existing or proposed school are dependent on the location of rail infrastructure improvements and station facilities, which are currently unknown. Due to the variety of potential construction techniques and numerous hazardous materials sites in the Tier 1/Program EIS/EIR Study Area, site specific construction and operational impacts and associated measures to existing school facilities are considered potentially significant. Accordingly, Mitigation Strategies HAZ-2 and LU-3 have been identified to reduce potentially significant impacts related to hazardous emissions or the handling of hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school to a level that is considered less than significant during construction and operation of the Program.

- **Mitigation Strategy HAZ-2:** During Tier 2/Project-level analysis, a site-specific hazardous materials management program shall be prepared for the specific rail infrastructure or station

facilities proposed. The hazardous materials management program shall provide for safe storage, containment, and disposal of chemicals and hazardous materials related to Project construction and operation, including the proper disposal of waste materials. The hazardous materials management program shall include, but should not be limited to, the following:

- A description of hazardous materials and hazardous wastes used (29 Code of Federal Regulations 1910.1200)
- A description of handling, transport, treatment, and disposal procedures, as relevant for each hazardous material or hazardous waste (29 Code of Federal Regulations 1910.120)
- Preparedness, prevention, contingency, and emergency procedures, including emergency contact information (29 Code of Federal Regulations 1910.38)
- A description of personnel training including, but not limited to: (1) recognition of existing or potential hazards resulting from accidental spills or other releases; (2) implementation of evacuation, notification, and other emergency response procedures; (3) management, awareness, and handling of hazardous materials and hazardous wastes, as required by their level of responsibility (29 Code of Federal Regulations 1910)
- Instructions on keeping Safety Data Sheets for each on-site hazardous chemical (29 Code of Federal Regulations 1910.1200)
- Identification of the locations of hazardous material storage areas, including temporary storage areas, which shall be equipped with secondary containment sufficient in size to contain the volume of the largest container or tank (29 Code of Federal Regulations 1910.120)

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Implementation of Mitigation Strategy HAZ-2 and LU-3, which require the preparation and implementation of a site specific hazardous materials management program and land use consistency analysis at the Tier 2/Project level, respectively, would reduce potentially significant impacts related to hazardous emissions or the handling of hazardous materials, substances, or

waste within 0.25 mile of an existing or proposed school to a level that is considered less than significant during construction and operation of the Program.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies HAZ-2 and LU-3 (Draft Tier 1/Program EIS/EIR, pp. 3.11-71 through 3.11-73).

Hazardous Materials Sites

Threshold: Would the Project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.11-58 through 3.11-59). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Hazardous waste and materials sites have been identified within the Eastern Section of the Program Corridor. Hazardous waste and material sites pose a safety risk to workers who might be exposed to contaminated soil, water, and vapors. Construction activities involving excavation increase the likelihood for encountering existing and unknown regulated materials. In addition, vehicles and equipment used during construction activities, such as fuel storage tanks, have the potential to release hazardous materials (mainly petroleum products) and have the potential to increase of material spills. However, potential impacts associated with hazardous waste and material sites are dependent on the location of rail infrastructure improvements and station facilities, which are currently unknown. Accordingly, Mitigation Strategies HAZ-1 through HAZ-3 have been identified to reduce potentially significant impacts associated with hazardous materials sites during construction of Tier 2 projects to a level that is considered less than significant:

- **Mitigation Strategy HAZ-1:** During Tier 2/Project-level analysis, a Phase I Environmental Site Assessment shall be conducted to determine the significance of impacts on hazardous waste or materials sites due to the siting of specific rail infrastructure or station facility proposed. The site-specific Phase I Environmental Site Assessment shall adhere to ASTM-conforming requirements and include recommendations on if a subsequent Phase II Site Investigation is required for the selected site. The Phase I Environmental Site Assessment shall also include a discussion of observed and/or suspected asbestos-containing materials, potential lead-based paint, and other materials falling under the Universal Waste requirements within the selected site.

- **Mitigation Strategy HAZ-2:** During Tier 2/Project-level analysis, a site-specific hazardous materials management program shall be prepared for the specific rail infrastructure or station facilities proposed. The hazardous materials management program shall provide for safe storage, containment, and disposal of chemicals and hazardous materials related to Project construction and operation, including the proper disposal of waste materials. The hazardous materials management program shall include, but should not be limited to, the following:
    - A description of hazardous materials and hazardous wastes used (29 Code of Federal Regulations 1910.1200)
    - A description of handling, transport, treatment, and disposal procedures, as relevant for each hazardous material or hazardous waste (29 Code of Federal Regulations 1910.120)
    - Preparedness, prevention, contingency, and emergency procedures, including emergency contact information (29 Code of Federal Regulations 1910.38)
    - A description of personnel training including, but not limited to: (1) recognition of existing or potential hazards resulting from accidental spills or other releases; (2) implementation of evacuation, notification, and other emergency response procedures; (3) management, awareness, and handling of hazardous materials and hazardous wastes, as required by their level of responsibility (29 Code of Federal Regulations 1910)
    - Instructions on keeping Safety Data Sheets for each on-site hazardous chemical (29 Code of Federal Regulations 1910.1200)
    - Identification of the locations of hazardous material storage areas, including temporary storage areas, which shall be equipped with secondary containment sufficient in size to contain the volume of the largest container or tank (29 Code of Federal Regulations 1910.120)
- **Mitigation Strategy HAZ-3:** During Tier 2/Project-level analysis, sites identified for the specific rail infrastructure or station facility proposed shall be screened by the identified lead agency or agencies to determine if land use restrictions or activity use limitations are present. If the site contains land use restrictions or activity use limitations that would be affected by the Project, coordination with the governing agency (Department of Toxic Substance Control or Regional Water Quality Control Board) shall be required. Such coordination shall consist of notifying the local enforcement branch of the agencies that work is planned for a restricted property. Notification typically results in a meeting with regulators that would determine the requirements for the property during the Project. A soil

management plan and a health and safety plan are typically required to be completed, reviewed, and approved in writing by the governing agency (Department of Toxic Substance Control or Regional Water Quality Control Board). These requirements, and any additional requirements, shall be determined in coordination with the applicable regulatory agencies.

Implementation of Mitigation Strategies HAZ-1, HAZ-2, and HAZ-3 would require preparation and implementation of a Phase I Environmental Site Assessment, a site specific hazardous materials management program, and site-specific hazardous materials screening, respectively, to reduce potentially significant impacts pertaining to hazardous materials sites during construction at the Tier 2/Project level.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies HAZ-2, HAZ-2, and HAZ-3 (Draft Tier 1/Program EIS/EIR, pp. 3.11-71 through 3.11-73).

Public Airports and Private Airstrips

Threshold: Would the Program be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport? Would the Program result in a safety hazard or excessive noise for people residing or working in the project area?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.11-61 through 3.11-62). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Potential impacts associated with consistency with airport land use compatibility plans depend on the location of rail infrastructure improvements, station facilities, and type of construction activities, which are currently unknown. Portions the Eastern Section of the Program Corridor are located within the Banning Municipal Airport, Bermuda Dunes Executive Airport, Palm Springs International Airport, and Jacqueline Cochran Regional Airport Influence Areas. As such, impacts are considered potentially significant (Draft Tier 1/Program EIS/EIR, pp. 3.11-48 through 3.11-49). Accordingly, Mitigation Strategy LU-3 has been identified to reduce potentially significant impacts associated with safety hazards and excessive noise associated with airports during construction and operation of Tier 2 projects to a level that is considered less than significant:

- **Mitigation Strategy LU 3:** During a subsequent Tier 2/Project level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis

identifies sensitive land uses or environmental resources within the Tier 2/Project level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Implementation of Mitigation Strategy LU-3, which requires the preparation and implementation of a land use consistency analysis at the Tier 2/Project level, would reduce potentially significant impacts associated with safety hazards and excessive noise associated with airports during construction and operation of Tier 2 projects to a level that is considered less than significant.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategy LU-3 (Draft Tier 1/Program EIS/EIR, pp. 3.11-71 through 3.11-73).

Emergency Access

Threshold: Would the Program impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.11-62 through 3.11-63). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Potential construction impacts that could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan are dependent on the location of rail infrastructure improvements and station facilities, which are currently unknown. However, implementation of Mitigation Strategies HAZ-4, LU-2, and LU-3 have been identified to minimize, reduce, or avoid potential impacts pertaining to emergency access and response by requiring coordination with emergency providers through design and analysis at the Tier 2/Project level, as follows:

- **Mitigation Strategy HAZ 4:** During Tier 2/Project level analysis, a Project specific Fire Control and Emergency Response Plan shall be prepared in coordination with local fire departments for the sites identified for the specific rail infrastructure or station facility proposed. The plan shall describe fire prevention and response practices that shall be implemented during construction and operation to minimize the risk of fire and, in the case of fire, provide for immediate fire suppression and notification.
- **Mitigation Strategy LU 2:** Based on the results of a subsequent Tier 2/Project level analysis and recommendations, the identified lead agency or agencies shall determine if a construction management plan is required for construction activities of the Tier 2/Project

level improvement being proposed. If required, a construction management plan shall be developed by the contractor and reviewed by the lead agency or agencies prior to construction and implemented during construction activities. The construction management plan shall include, but not be limited to, the following:

  - Measures that minimize effects on populations and communities within the Tier 2/Project Study Area
  - Measures pertaining to visual protection, air quality, safety controls, noise controls, and traffic controls to minimize effects on populations and communities within the identified Tier 2/Project Study Area
  - Measures to ensure property access is maintained for local businesses, residences, and community and emergency services
  - Measures to consult with local transit providers to minimize effects on local and regional bus routes in affected communities

- **Mitigation Strategy LU 3:** During a subsequent Tier 2/Project level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Implementation of Mitigation Strategies HAZ-4, LU-2, and LU-3 would minimize, reduce, or avoid potential impacts pertaining to emergency access and response by requiring coordination with emergency providers through design and analysis at the Tier 2/Project level.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation Mitigation Strategies HAZ-4, LU-2, and LU-3 (Draft Tier 1/Program EIS/EIR, pp. 3.11-71 through 3.11-73).

Wildland Fires

Threshold: Would the Program expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.11-62 through 3.11-63). Changes or alterations have been required in, or incorporated into, the

Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Construction of the Program in the Eastern Section of the Program Corridor would require the construction of rail stations, reconfiguration of existing or creation of new rail facilities, and potential ROW acquisition. Construction activities located within a SRA or LRA Fire Hazard Severity Zones under any of the Build Alternative Options have an increased risk of causing a wildfire due to increased human activity and ignition sources, including construction equipment that could create spark, be a source of heat, or leak flammable materials within an area. While applicable fire codes and design features for fire suppression would be developed, potential effects depend on where the infrastructure improvements, including new stations, would be located, which have not yet been selected. Which properties would be affected by the future construction and operation of a passenger rail system, and to what extent, cannot be determined at the Tier 1/Program level (Draft Tier 1/Program EIS/EIR, pp. 3.11-47 through 3.11-48). However, implementation of Mitigation Strategy HAZ-4 has been identified to minimize, reduce, or avoid potential impacts pertaining to wildland fires by requiring coordination with local fire departments to prepare project-specific Fire Control and Emergency Response Plans at the Tier 2/Project level, as follows:

- **Mitigation Strategy HAZ-4:** During Tier 2/Project level analysis, a Project-specific Fire Control and Emergency Response Plan shall be prepared in coordination with local fire departments for the sites identified for the specific rail infrastructure or station facility proposed. The plan shall describe fire prevention and response practices that shall be implemented during construction and operation to minimize the risk of fire and, in the case of fire, provide for immediate fire suppression and notification.

Implementation of Mitigation Strategies HAZ-4 would minimize, reduce, or avoid potential impacts pertaining to wildland fires by requiring coordination with local fire departments to prepare project-specific Fire Control and Emergency Response Plans at the Tier 2/Project level.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation Mitigation Strategy HAZ-4, (Draft Tier 1/Program EIS/EIR, p. 3.11-72).

4.2.6 Hydrology and Water Quality

Existing Drainage Patterns and Erosion/Siltation

Threshold: Would the Program substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.9-44 through 3.9-45). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Potential construction impacts associated with erosion or siltation are dependent on the location of rail infrastructure improvements and station facilities, which are currently unknown. However, the construction of these improvements and facilities has the potential to alter the existing drainage patterns of the site through the addition of new impervious surfaces and structures (Draft Tier 1/Program EIS/EIR, pp. 3.9-36 through 3.9-39). Accordingly, Mitigation Strategies HWQ-2 and LU-3 have been identified to minimize, reduce, or avoid potentially significant impacts associated with erosion and siltation to a level that is considered less than significant:

- **Mitigation Strategy HWQ-2:** Based on the results of the Tier 2/Project-level analysis and recommendations, the construction of specific rail infrastructure or station facility proposed shall comply with the provisions of the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order Number 2009-0009-DWQ, National Pollutant Discharge Elimination System Number CAS000002) and any subsequent amendments (Order Number 2010-0014-DWQ and Order Number 2012-0006-DWQ). These provisions shall include, but are not limited to, the following:
    - Construction activities shall not commence until a waste discharger identification number is received from the State Water Resources Control Board Stormwater Multiple Application and Report Tracking System.
    - Identification of good housekeeping, erosion control, and sediment control best management practices shall be utilized during construction activities.
    - A stormwater pollution prevention plan shall be prepared.
    - A rain event action plan shall be prepared.
    - A notice of termination shall be submitted to the State Water Resources Control Board within 90 days of completion of construction and stabilization of the site.

  These requirements, and any additional approvals, shall be determined in coordination with the governing agencies or local jurisdiction before construction on a project commences.
- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the

applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Implementation of Mitigation Strategies HWQ-2 and LU-3, which require compliance with the National Pollutant Discharge Elimination System permits and preparation and implementation of a land use consistency analysis at the Tier 2/Project level, respectively, would minimize potential erosion and siltation impacts to a level that is considered less than significant.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation HWQ-2 and LU-3, (Draft Tier 1/Program EIS/EIR, pp. 3.9-51 through 3.9--52).

Existing Drainage and Surface Runoff/Flooding

Threshold: Would the Program substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.9-44 through 3.9-45). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Potential construction impacts related to surface runoff rate and volume increases are dependent on the location of rail infrastructure improvements and station facilities. The construction of these improvements and facilities has the potential to alter the existing drainage patterns of the site and flood flows within the area. There are numerous drainages, waterways, and floodplains in the Tier 1/Program EIS/EIR Study Area, but a detailed analysis on how drainage patterns and flood flow could change cannot be considered at the Tier 1/Program EIS/EIR level, as the locations of infrastructure and facilities is unknown (Draft Tier 1/Program EIS/EIR, pp. 3.9-34 through 3.9-35). Accordingly, the Mitigation Strategies HWQ-1 and LU-3 have been identified to minimize, reduce, or avoid potentially significant impacts associated with flooding to a level that is considered less than significant:

- **Mitigation Strategy HWQ 1:** During Tier 2/Project level analysis, additional floodplain hydrology documentation shall be conducted to determine if the siting of specific rail infrastructure or station facility proposed would encroach into a floodplain. If the siting of

specific rail infrastructure or station facility requires encroachment into a floodplain, a floodplain assessment shall be conducted to evaluate the impacts of specific designs on water surface elevations and flood conveyance and evaluate potential flooding risk. Any project that would result in floodplain encroachment shall coordinate with the governing agency or local jurisdiction. Any additional requirements that may be needed shall be determined in coordination with the applicable regulatory agencies.

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Implementation of Mitigation Strategies HWQ-1 and LU-3, which require the preparation and implementation of additional floodplain hydrology documentation and a land use consistency analysis at the Tier 2/Project level, respectively, would minimize potential flooding impacts to a level that is considered less than significant.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation HWQ-1 and LU-3, (Draft Tier 1/Program EIS/EIR, pp. 3.9-51 through 3.9--52).

Existing Drainage and Stormwater Drainage Capacity/Sources of Polluted Runoff

Threshold: Would the Program substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.9-45 through 3.9-46). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Potential construction impacts related to surface runoff rate and volume increases are dependent on the location of rail infrastructure improvements and station facilities. The construction of these improvements and facilities has the potential to alter the existing drainage patterns of the

site. There are numerous drainages, waterways, and floodplains in the Tier 1/Program EIS/EIR Study Area, but a detailed analysis on how drainage patterns could change cannot be considered at the Tier 1/Program EIS/EIR level as the locations of infrastructure and facilities is unknown (Draft Tier 1/Program EIS/EIR, pp. 3.9-34 through 3.9-35). Accordingly, Mitigation Strategy LU-3 has been identified to minimize, reduce, or avoid potentially significant impacts associated with stormwater drainage capacity and polluted runoff to a level that is considered less than significant:

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Implementation of Mitigation Strategy LU-3, which requires the preparation and implementation of a land use consistency analysis at the Tier 2/Project level, respectively, would minimize potential impacts associated with stormwater drainage capacity and polluted runoff to a level that is considered less than significant.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation LU-3 (Draft Tier 1/Program EIS/EIR, pp. 3.9-51 through 3.9--52).

Existing Drainage and Re-directing Flood Flows

Threshold: Would the Program substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.9-47 through 3.9-48). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Potential impacts related to impeding or redirecting flood flows are dependent on the location of rail infrastructure improvements and station facilities, which are currently unknown. However, the construction of these improvements and facilities has the potential to alter the existing drainage patterns of the site and flood flows within an area through the addition of new impervious surfaces and structures (Draft Tier 1/Program EIS/EIR, pp. 3.9-34 through 3.9-37). Accordingly,

Mitigation Strategies HWQ-1 and LU-3 have been identified to minimize, reduce, or avoid potentially significant impacts associated with re-directing flood flows to a level that is considered less than significant:

- **Mitigation Strategy HWQ 1:** During Tier 2/Project level analysis, additional floodplain hydrology documentation shall be conducted to determine if the siting of specific rail infrastructure or station facility proposed would encroach into a floodplain. If the siting of specific rail infrastructure or station facility requires encroachment into a floodplain, a floodplain assessment shall be conducted to evaluate the impacts of specific designs on water surface elevations and flood conveyance and evaluate potential flooding risk. Any project that would result in floodplain encroachment shall coordinate with the governing agency or local jurisdiction. Any additional requirements that may be needed shall be determined in coordination with the applicable regulatory agencies.
- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Implementation of Mitigation Strategies HWQ-1 and LU-3, which require the preparation and implementation of additional floodplain hydrology documentation and a land use consistency analysis at the Tier 2/Project level, respectively, would minimize potential impacts to a level that is considered less than significant.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation HWQ-1 and LU-3, (Draft Tier 1/Program EIS/EIR, pp. 3.9-51 through 3.9--52).

Risk Release of Pollutants Due to Program Inundation

Threshold: Would the Program be located in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.9-48 through 3.9-49). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Potential impacts related to flood hazards are dependent on the location of rail infrastructure improvements and station facilities, which are currently unknown. While the Eastern Section is not within an identified area for tsunami or seiche zone risks, it crosses numerous FEMA flood zones. Construction activities associated with new rail infrastructure or station facilities may impact flood flows (Draft Tier 1/Program EIS/EIR, pp. 3.9-34 through 3.9-35). Accordingly, the following mitigation strategies have been identified to minimize, reduce, or avoid potentially significant impacts associated with Program inundation due to flooding to a level that is considered less than significant:

- **Mitigation Strategy HWQ 1:** During Tier 2/Project level analysis, additional floodplain hydrology documentation shall be conducted to determine if the siting of specific rail infrastructure or station facility proposed would encroach into a floodplain. If the siting of specific rail infrastructure or station facility requires encroachment into a floodplain, a floodplain assessment shall be conducted to evaluate the impacts of specific designs on water surface elevations and flood conveyance and evaluate potential flooding risk. Any project that would result in floodplain encroachment shall coordinate with the governing agency or local jurisdiction. Any additional requirements that may be needed shall be determined in coordination with the applicable regulatory agencies.
- **Mitigation Strategy HWQ-2:** Based on the results of the Tier 2/Project-level analysis and recommendations, the construction of specific rail infrastructure or station facility proposed shall comply with the provisions of the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order Number 2009-0009-DWQ, National Pollutant Discharge Elimination System Number CAS000002) and any subsequent amendments (Order Number 2010-0014-DWQ and Order Number 2012-0006-DWQ). These provisions shall include, but are not limited to, the following:
    - Construction activities shall not commence until a waste discharger identification number is received from the State Water Resources Control Board Stormwater Multiple Application and Report Tracking System.
    - Identification of good housekeeping, erosion control, and sediment control best management practices shall be utilized during construction activities.
    - A stormwater pollution prevention plan shall be prepared.
    - A rain event action plan shall be prepared.
    - A notice of termination shall be submitted to the State Water Resources Control Board within 90 days of completion of construction and stabilization of the site.

These requirements, and any additional approvals, shall be determined in coordination with the governing agencies or local jurisdiction before construction on a project commences.

Implementation of Mitigation Strategies HWQ-1 and HWQ-2, which require additional floodplain hydrology documentation and compliance with the National Pollutant Discharge Elimination System permits at the Tier 2/Project level, respectively, would minimize potential impacts associated with Program inundation due to flooding to a level that is considered less than significant.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of HWQ-1 and HWQ-2 (Draft Tier 1/Program EIS/EIR, pp. 3.9-51 through 3.9--52).

Conflict with Water Quality Control Plan or Sustainable Groundwater Management Plan

Threshold: Would the Program conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.9-49 through 3.9-50). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Potential conflicts with a water quality control plan or sustainable groundwater management plan are dependent on where the rail infrastructure improvements and station facilities are located, which is currently unknown. However, construction impacts could occur in multiple jurisdictions under different regional water quality programs (Draft Tier 1/Program EIS/EIR, pp. 3.9-49 through 3.9-50). Accordingly, Mitigation Strategies HWQ-2 and LU-3 have been identified to reduce potentially significant impacts associated with Program construction conflicts with a water quality control plan or sustainable groundwater management plan to a level that is considered less than significant.

Similarly, potential conflicts with a water quality control plan or sustainable groundwater management plan during Program operation are dependent on where rail infrastructure improvements and station facilities are located. Operational impacts could occur in multiple jurisdictions under different regional water quality programs. Accordingly, Mitigation Strategies HWQ-1, LU-3, and UTL-1 have been identified to minimize, reduce, or avoid potentially significant impacts associated with Program conflicts with a water quality control plan or sustainable groundwater management plan during operation to a level that is considered less than significant.

- **Mitigation Strategy HWQ-1:** During Tier 2/Project-level analysis, additional floodplain hydrology documentation shall be conducted to determine if the siting of specific rail

infrastructure or station facility proposed would encroach into a floodplain. If the siting of specific rail infrastructure or station facility requires encroachment into a floodplain, a floodplain assessment shall be conducted to evaluate the impacts of specific designs on water surface elevations and flood conveyance and evaluate potential flooding risk. Any project that would result in floodplain encroachment shall coordinate with the governing agency or local jurisdiction. Any additional requirements that may be needed shall be determined in coordination with the applicable regulatory agencies.

- **Mitigation Strategy HWQ-2:** Based on the results of the Tier 2/Project-level analysis and recommendations, the construction of specific rail infrastructure or station facility proposed shall comply with the provisions of the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order Number 2009-0009-DWQ, National Pollutant Discharge Elimination System Number CAS000002) and any subsequent amendments (Order Number 2010-0014-DWQ and Order Number 2012-0006-DWQ). These provisions shall include, but are not limited to, the following:
    - Construction activities shall not commence until a waste discharger identification number is received from the State Water Resources Control Board Stormwater Multiple Application and Report Tracking System.
    - Identification of good housekeeping, erosion control, and sediment control best management practices shall be utilized during construction activities.
    - A stormwater pollution prevention plan shall be prepared.
    - A rain event action plan shall be prepared.
    - A notice of termination shall be submitted to the State Water Resources Control Board within 90 days of completion of construction and stabilization of the site.

  These requirements, and any additional approvals, shall be determined in coordination with the governing agencies or local jurisdiction before construction on a project commences.
- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

- **Mitigation Strategy UTL-1:** During Tier 2/Project-level analysis, additional water supply documentation shall be conducted by the identified lead agency or agencies to determine water supply impacts (including groundwater basin withdrawals) associated with the operation of rail infrastructure or station facility proposed. If require by the identified lead agency or agencies, this documentation shall include, but is not limited to, the following:
    - A site-specific water supply assessment shall be prepared, per Senate Bill 610 requirements.
    - Water supply verification letters shall be obtained from the applicable water purveyor per Senate Bill 221 requirements.

Implementation of Mitigation Strategies HWQ-2 and LU-3 would minimize, reduce, or avoid potential conflicts with water quality control plans or sustainable groundwater management plans by requiring compliance with applicable regulations and identifying specific resources that would be impacted by Tier 2/Project-level construction. Implementation of Mitigation Strategies HWQ-3, UTL-1, and LU-3 would minimize, reduce, or avoid potential conflicts with water quality control plans or sustainable groundwater management plans by requiring compliance with applicable regulations and identifying specific resources that would be impacted by Project operation.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation HWQ-1, HWQ-2, LU-3, and UTL-1 (Draft Tier 1/Program EIS/EIR, pp. 3.9-50 through 3.9-52).

4.2.7 Noise and Vibration

Ground-Borne Vibration

Threshold: Would the Program result in generation of excessive groundborne vibration or groundborne noise levels?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.6-37 through 3.6-38). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Potentially significant impacts may occur at the Tier 1/Program EIS/EIR evaluation level under the Program. Potential impacts related to excessive ground borne vibration or noise levels are dependent on the location of rail infrastructure improvements, station facilities, and the type of construction activities. Vibration from construction equipment may be intermittently perceptible at sensitive receptor locations. Operation of station facilities or new rail infrastructure

improvements may also result in a new source of vibration within a particular site. These are considered potentially significant impacts (Draft Tier 1/Program EIS/EIR, pp. 3.6-30 through 3.6-32). Accordingly, Mitigation Strategy NOI-2 has been identified to minimize, reduce, or avoid potentially significant impacts associated with groundborne vibration to a level that is considered less than significant:

- **Mitigation Strategy NOI-2:** During Tier 2/Project-level analysis, a site-specific noise and vibration assessment shall be prepared for the specific rail infrastructure or station facility proposed. The site-specific noise and vibration assessment shall include, but not be limited to, the following:
    - Identification of adjacent noise sensitive land uses that would be impacted by construction and operation activities associated with the specific rail infrastructure or station facility.
    - Identification of construction equipment required to be within 50 feet of existing structures. If construction equipment is required within 50 feet, the assessment will demonstrate that the human annoyance threshold of 78 velocity in decibels (0.032 inches per second peak particle velocity) and structural damage thresholds of 0.2 inches per second peak particle velocity for nonengineered timber and masonry buildings and 0.12 inches per second peak particle velocity for historic-age buildings that are extremely susceptible to vibration damage is achieved.
    - Identification of existing noise levels at the nearest noise sensitive land uses.
    - Identification of any on-site generated noise sources, including generators, mechanical equipment, and trucks and predicted noise levels at property lines from all identified equipment.
    - Recommended mitigation to be implemented (e.g., enclosures, barriers, site orientation), to ensure compliance with the local jurisdiction’s noise regulations or ordinances. Noise reduction measures shall include building noise-attenuating walls, reducing noise at the source by requiring quieter machinery or limiting the hours of operation, or other attenuation measures. Exact noise mitigation measures and their effectiveness shall be determined by the site-specific noise analyses.

Implementation of Mitigation Strategy NOI-2 would reduce potentially significant impacts associated with groundborne vibration to a level that is less than significant by requiring preparation and implementation of site specific noise and vibration assessments during Tier 2/Project-level analyses. For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts

relating to this issue would be less than significant with the incorporation of Mitigation Strategy NOI-2 (Draft Tier 1/Program EIS/EIR, pp. 3.6-41 through 3.6-42).

Private/Public Airport

Threshold: Would the Program be located within the vicinity of a private airstrip or an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the Program area to excessive noise levels?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.6-37 through 3.6-38). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Potential impacts associated with consistency with airport land use compatibility plans depend on the location of rail infrastructure improvements, station facilities, and type of construction activities, which are currently unknown. Portions the Eastern Section of the Program Corridor are located within the Banning Municipal Airport, Bermuda Dunes Executive Airport, Palm Springs International Airport, and Jacqueline Cochran Regional Airport Influence Areas. As such, impacts are considered potentially significant (Draft Tier 1/Program EIS/EIR, pp. 3.6-37 through 3.6-38). Accordingly, Mitigation Strategy LU-3 has been identified to reduce potentially significant impacts associated with excessive noise associated with airports during construction and operation of Tier 2 projects to a level that is considered less than significant:

- **Mitigation Strategy LU 3:** During a subsequent Tier 2/Project level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Implementation of Mitigation Strategy LU-3, which requires the preparation and implementation of a land use consistency analysis at the Tier 2/Project level, would reduce potentially significant impacts associated with excessive noise associated with airports during construction and operation of Tier 2 projects to a level that is considered less than significant.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategy LU-3 (Draft Tier 1/Program EIS/EIR, pp. 3.6-37 through 3.6-38).

4.2.8 Population and Housing

Substantial Unplanned Population Growth

Threshold: Would the Program induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, p. 3.16-19). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: The Program would implement new railroad infrastructure that may result in additional population growth within the Program Corridor. This is considered a potentially significant impact. Accordingly, Mitigation Strategies PH-1 and LU-3 have been identified to minimize, reduce, or avoid potentially significant impacts associated with substantial unplanned population growth to a level that is considered less than significant:

- **Mitigation Strategy PH-1:** During Tier 2/Project-level analysis, any required acquisitions related to the construction of infrastructure improvements (such as sidings, additional main line track, wayside signals, drainage, grade-separation structures, and stations) shall be identified. If the proposed Project would have the potential to result in property acquisitions that would require residential or commercial displacement, a relocation mitigation plan shall be prepared, in consultation with affected property owners. The relocation mitigation plan shall be designed to meet the following objectives:
    - Provide affected property and business owners and tenants a high level of individualized assistance in situations when acquisition is necessary, and the property owner desires to relocate the existing use
    - Coordinate relocation activities that would result in displacements to ensure all displaced persons and businesses receive fair and consistent relocation benefits
    - Minimize the permanent closure of businesses and non-profit agencies as a result of property acquisition
    - Within the limits established by law and regulation, minimize the economic disruption caused to property owners by relocation
    - Provide regulatory compliance assistance to those business owners who require complex permitting

- **Mitigation Strategy LU 3:** During a subsequent Tier 2/Project level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Implementation of Mitigation Strategies PH-1 and LU-3, which require the identification of potential property acquisitions and the preparation and implementation of a land use consistency analysis at the Tier 2/Project level, respectively, would reduce potentially significant impacts associated with substantial, unplanned population growth as a result of the Program to a level that is considered less than significant.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies PH-1 and LU-3 (Draft Tier 1/Program EIS/EIR, p. 3.16-19).

Displace Housing and People

Threshold: Would the Program displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, p. 3.16-20). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: The Program may require the acquisition of significant ROW, and, as a result could displace people and housing. Accordingly, Mitigation Strategy PH-1 has been identified to minimize, reduce, or avoid potentially significant impacts associated with displacing substantial numbers of people and housing to a level that is considered less than significant:

- **Mitigation Strategy PH-1:** During Tier 2/Project-level analysis, any required acquisitions related to the construction of infrastructure improvements (such as sidings, additional main line track, wayside signals, drainage, grade-separation structures, and stations) shall be identified. If the proposed Project would have the potential to result in property acquisitions that would require residential or commercial displacement, a relocation mitigation plan shall be prepared, in consultation with affected property owners. The relocation mitigation plan shall be designed to meet the following objectives:

- Provide affected property and business owners and tenants a high level of individualized assistance in situations when acquisition is necessary, and the property owner desires to relocate the existing use
- Coordinate relocation activities that would result in displacements to ensure all displaced persons and businesses receive fair and consistent relocation benefits
- Minimize the permanent closure of businesses and non-profit agencies as a result of property acquisition
- Within the limits established by law and regulation, minimize the economic disruption caused to property owners by relocation
- Provide regulatory compliance assistance to those business owners who require complex permitting

Implementation of Mitigation Strategy PH-1, which requires the identification of potential property acquisitions at the Tier 2/Project level, would reduce potentially significant impacts associated with displacing substantial numbers of people and housing to a level that is considered less than significant.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategy PH-1 (Draft Tier 1/Program EIS/EIR, p. 3.16-20).

4.2.9 Recreation

Existing Facilities

Threshold: Would the proposed Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.14-28 through 3.14-29). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Implementation of the Program would result in the operation of passenger rail service. The improvements envisioned include various rail infrastructure and station facilities that are not anticipated to result in population growth that would increase the use of recreational facilities in the area. However, in the event that station facilities include a transit-orientated development component, there is the potential for an increase in use at existing recreational resources. This is

considered a potentially significant impact. Accordingly, Mitigation Strategy PCS-1 has been identified to minimize, reduce, or avoid potentially significant impacts on existing neighborhood and regional parks or other recreational facilities to a less than signficant level:

- **Mitigation Strategy PCS-1:** During Tier 2/Project-level analysis, recreational resources that would be impacted by the site-specific rail infrastructure improvement or station facility shall be identified, and any physical take of recreational properties shall be evaluated. Measures to avoid or minimize impacts on recreational properties shall include, but are not limited to, the following:
    - Selection of rail station locations that avoid recreational resources
    - Moving equipment and facilities to another located within existing parkland
    - Planting vegetation to offset removed vegetation or to establish visual or auditory screening
- **Mitigation Strategy LU 3:** During a subsequent Tier 2/Project level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Implementation of Mitigation Strategy PCS-1, which requires further analysis of impacts to parks and recreational facilities at the Tier 2/Project level, would reduce potentially significant impacts on existing neighborhood and regional parks or other recreational facilities to a level that is considered less than significant.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategy PCS-1 (Draft Tier 1/Program EIS/EIR, p. 3.14-31).

4.2.10 Transportation

CEQA Guidelines Section 15064.3(b)

Threshold: Would the Program conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.3-60 through 3.3-61). Changes or alterations have been required in, or incorporated into, the Program

that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Potential impacts associated with construction VMTs depend of the location of new stations and other rail infrastructure improvements, which are currently unknown. Construction of these improvements could require large scale construction activities over an extended period of time. A detailed construction VMT analysis cannot be considered at the Tier 1/Program EIS/EIR level because such an analysis at this stage would be too speculative, given the exact location and duration of construction associated with station facilities and other rail infrastructure improvements is unknown. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Accordingly, Mitigation Strategy TR-1 has been identified to minimize, reduce, or avoid potentially significant impacts associated with conflicts with CEQA Guidelines section 15064.3(b) to a less than signficant level:

- **Mitigation Strategy TR-1:** During Tier 2/Project-level analysis, a Project-specific traffic impact analysis shall be required for the sites identified for the specific rail infrastructure or station facility proposed. The traffic impact analysis shall be prepared using the standards and procedures of the applicable local jurisdiction(s) in which the Project is located. The traffic impact analysis may include, but will not be limited to, the following:
    - Analysis of construction related traffic impacts including identification and analysis of:
        - Transportation management plans to mitigate construction-related traffic, including coordination with emergency providers
        - Alternative work windows or temporary construction features (e.g., shoo-fly) to minimize disruption to rail operations during construction
        - Coordination with railroad host, operators and the jurisdiction within which construction will occur
        - Identification of haul routes for construction trucks, construction traffic management strategies, and any re-routing of vehicular, pedestrian, and bicycle routes
    - Analysis of operational-related traffic impacts including identification and analysis of:
        - Roadway network impacts and fair-share mitigation to mitigate impacts
        - Transportation system management/signal optimization, including retiming, rephrasing, and signal optimization; turn prohibitions; use of one-way street; and traffic diversion to alternative routes
    - For station facilities, identification and analysis of:

- Roadway network impacts associated with trips resulting from travel activity at stations
- Station amenities (e.g., parking, alternative modes of transit features, ticketing, emergency access)

Implementation of Mitigation Strategy TR-1 would reduce potentially significant impacts associated with conflicts with CEQA Guidelines section 15064.3(b) to a less than significant level by requiring the preparation and implementation of a Project-specific traffic impact analysis at the Tier 2/Project level.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategy TR-1 (Draft Tier 1/Program EIS/EIR, p. 3.3-65).

Hazards Due to Geometric Design

Threshold: Would the Program substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.3-61 through 3.3-62). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Construction of the rail infrastructure improvements or station facilities have the potential to result in hazards from geometric design features or incompatible land uses Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Accordingly, Mitigation Strategies TR-1, LU-2, and SS-1 have been identified to minimize, reduce, or avoid potentially significant impacts associated with geometric design hazards:

- **Mitigation Strategy TR-1:** During Tier 2/Project-level analysis, a Project-specific traffic impact analysis shall be required for the sites identified for the specific rail infrastructure or station facility proposed. The traffic impact analysis shall be prepared using the standards and procedures of the applicable local jurisdiction(s) in which the Project is located. The traffic impact analysis may include, but will not be limited to, the following:
    - Analysis of construction related traffic impacts including identification and analysis of:
        - Transportation management plans to mitigate construction-related traffic, including coordination with emergency providers

        - Alternative work windows or temporary construction features (e.g., shoo-fly) to minimize disruption to rail operations during construction
        - Coordination with railroad host, operators and the jurisdiction within which construction will occur
        - Identification of haul routes for construction trucks, construction traffic management strategies, and any re-routing of vehicular, pedestrian, and bicycle routes
    - Analysis of operational-related traffic impacts including identification and analysis of:
        - Roadway network impacts and fair-share mitigation to mitigate impacts
        - Transportation system management/signal optimization, including retiming, rephrasing, and signal optimization; turn prohibitions; use of one-way street; and traffic diversion to alternative routes
    - For station facilities, identification and analysis of:
        - Roadway network impacts associated with trips resulting from travel activity at stations
        - Station amenities (e.g., parking, alternative modes of transit features, ticketing, emergency access)

- **Mitigation Strategy LU-2:** Based on the results of a subsequent Tier 2/Project-level analysis and recommendations, the identified lead agency or agencies shall determine if a construction management plan is required for construction activities of the Tier 2/Project-level improvement being proposed. If required, a construction management plan shall be developed by the contractor and reviewed by the lead agency or agencies prior to construction and implemented during construction activities. The construction management plan shall include, but not be limited to, the following:
    - Measures that minimize effects on populations and communities within the Tier 2/Project Study Area
    - Measures pertaining to visual protection, air quality, safety controls, noise controls, and traffic controls to minimize effects on populations and communities within the Tier 2/Project Study Area
    - Measures to ensure property access is maintained for local businesses, residences, and community and emergency services

  - Measures to consult with local transit providers to minimize effects on local and regional bus routes in affected communities
  - Measures to consult with local jurisdictions and utility providers to minimize effects on utilities in affected communities

- **Mitigation Strategy SS-1:** During Tier 2/Project-level analysis, a Project-specific collision hazard analysis shall be required and would be prepared in coordination local jurisdictions in which the specific rail infrastructure or station facility is located. The collision hazard analysis shall be prepared in compliance with the Federal Railroad Administration's Collision Hazard Analysis Guide: Commuter and Intercity Passenger Service (Federal Railroad Administration 2007), which provides a step-by-step procedure on how to perform a hazard analysis, and how to develop effective mitigation strategies that would improve passenger rail safety.

Implementation of Mitigation Strategies TR-1, LU-2, and SS-1 would reduce potentially significant impacts associated with geometric design hazards to a less than significant level by requiring the preparation and implementation of a Project-specific traffic impact analysis, construction management plan, and collision hazard analysis, respectively, and if applicable, at the Tier 2/Project level.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies TR-1, LU-2, and SS-1 (Draft Tier 1/Program EIS/EIR, p. 3.3-65).

Inadequate Emergency Access

Threshold: Would the Program result in inadequate emergency access?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.3-63 through 3.3-64). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Potential impacts are dependent on the location of new stations and infrastructure improvements, which are currently unknown. Construction of the rail infrastructure improvements or station facilities have the potential to result in inadequate emergency access if road closures or detours are proposed or if adequate access to new stations is not provided. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Accordingly, Mitigation Strategies TR-1, LU-2, and SS-1 have been identified to minimize, reduce, or avoid potentially significant impacts associated with inadequate emergency access:

- **Mitigation Strategy TR-1:** During Tier 2/Project-level analysis, a Project-specific traffic impact analysis shall be required for the sites identified for the specific rail infrastructure or station facility proposed. The traffic impact analysis shall be prepared using the standards and procedures of the applicable local jurisdiction(s) in which the Project is located. The traffic impact analysis may include, but will not be limited to, the following:
    - Analysis of construction related traffic impacts including identification and analysis of:
        - Transportation management plans to mitigate construction-related traffic, including coordination with emergency providers
        - Alternative work windows or temporary construction features (e.g., shoo-fly) to minimize disruption to rail operations during construction
        - Coordination with railroad host, operators and the jurisdiction within which construction will occur
        - Identification of haul routes for construction trucks, construction traffic management strategies, and any re-routing of vehicular, pedestrian, and bicycle routes
    - Analysis of operational-related traffic impacts including identification and analysis of:
        - Roadway network impacts and fair-share mitigation to mitigate impacts
        - Transportation system management/signal optimization, including retiming, rephrasing, and signal optimization; turn prohibitions; use of one-way street; and traffic diversion to alternative routes
    - For station facilities, identification and analysis of:
        - Roadway network impacts associated with trips resulting from travel activity at stations
        - Station amenities (e.g., parking, alternative modes of transit features, ticketing, emergency access)
- **Mitigation Strategy LU-2:** Based on the results of a subsequent Tier 2/Project-level analysis and recommendations, the identified lead agency or agencies shall determine if a construction management plan is required for construction activities of the Tier 2/Project-level improvement being proposed. If required, a construction management plan shall be developed by the contractor and reviewed by the lead agency or agencies prior to construction and implemented during construction activities. The construction management plan shall include, but not be limited to, the following:

  - Measures that minimize effects on populations and communities within the Tier 2/Project Study Area
  - Measures pertaining to visual protection, air quality, safety controls, noise controls, and traffic controls to minimize effects on populations and communities within the Tier 2/Project Study Area
  - Measures to ensure property access is maintained for local businesses, residences, and community and emergency services
  - Measures to consult with local transit providers to minimize effects on local and regional bus routes in affected communities
  - Measures to consult with local jurisdictions and utility providers to minimize effects on utilities in affected communities

- **Mitigation Strategy SS-1:** During Tier 2/Project-level analysis, a Project-specific collision hazard analysis shall be required and would be prepared in coordination local jurisdictions in which the specific rail infrastructure or station facility is located. The collision hazard analysis shall be prepared in compliance with the Federal Railroad Administration's Collision Hazard Analysis Guide: Commuter and Intercity Passenger Service (Federal Railroad Administration 2007), which provides a step-by-step procedure on how to perform a hazard analysis, and how to develop effective mitigation strategies that would improve passenger rail safety.

Implementation of Mitigation Strategies TR-1, LU-2, and SS-1 would reduce potentially significant impacts associated with inadequate emergency access to a less than significant level by requiring the preparation and implementation of a Project-specific traffic impact analysis, construction management plan, and collision hazard analysis, respectively, and if applicable, at the Tier 2/Project level.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies TR-1, LU-2, and SS-1 (Draft Tier 1/Program EIS/EIR, p. 3.3-65).

4.2.11 Utilities and Service Systems

Wastewater Treatment

Threshold: Would the Program result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.12-45 through 3.12-46). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: During construction activities, the construction contractor would provide portable toilets on site, which would then be removed from the site on a regular basis for servicing off site at an approved wastewater handling facility. Therefore, construction activities are unlikely to produce a substantial increase in wastewater generation and would have minimal impacts on wastewater treatment facilities. New rail infrastructure improvements are not anticipated to generate substantial amounts of wastewater during operation or maintenance activities. However, new station or maintenance facilities would result in a new source of wastewater that would need to be treated by the local wastewater treatment facility (Draft Tier 1/Program EIS/EIR, pp. 3.12-31 through 3.12-33). Accordingly, Mitigation Strategies UTL-2 and LU-3 have been identified to minimize, reduce, or avoid potentially significant impacts associated with wastewater treatment capacity to a level that is considered less than significant.

- **Mitigation Strategy UTL-2:** During Tier 2/Project-level analysis, a site-specific utilities report shall be prepared for the rail infrastructure or station facility proposed. The utilities report will identify the ability for existing utility infrastructure to serve the Project, additional utility infrastructure needs, and local jurisdiction/utility provider coordination. The report shall include, but not be limited to, the following analyses:
    - *Wastewater/Sewer Infrastructure.* Identification of existing sewer infrastructure, sewer capacity, required wastewater/sewer relocations, and site-specific wastewater generation estimates
    - *Electrical Infrastructure.* Identification of existing electrical infrastructure, electrical capacity, required electrical infrastructure relocations, and site-specific electrical demand estimates
    - *Natural Gas Infrastructure.* Identification of existing natural gas infrastructure, required natural gas infrastructure relocations, and site-specific natural gas demand estimates
- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resource within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Implementation of Mitigation Strategies UTL-2 and LU-3, which require the preparation and implementation of site-specific utilities reports and land use consistency analysis at the Tier 2/Project level, respectively, would reduce potentially significant impacts on available wastewater treatment capacity to a level that is considered less than significant.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation of Mitigation Strategies UTL-2 and LU-3 (Draft Tier 1/Program EIS/EIR, pp. 3.12-46).

4.2.12 Wildfire

Impairment of Emergency Response and Evacuation Plans

Threshold: If located in or near state responsibility areas or lands classified as very high fire severity zones, would the Program substantially impair an adopted emergency response plan or emergency evacuation plan?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.11-63 through 3.11-65). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Potential construction impacts that could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan are dependent on the location of rail infrastructure improvements and station facilities, which are currently unknown. However, Mitigation Strategies HAZ-4, LU-2, and LU-3 have been identified to minimize, reduce, or avoid potential impacts pertaining to emergency access and response by requiring coordination with emergency providers through design and analysis at the Tier 2/Project level, as follows:

- **Mitigation Strategy HAZ-4:** During Tier 2/Project level analysis, a Project specific Fire Control and Emergency Response Plan shall be prepared in coordination with local fire departments for the sites identified for the specific rail infrastructure or station facility proposed. The plan shall describe fire prevention and response practices that shall be implemented during construction and operation to minimize the risk of fire and, in the case of fire, provide for immediate fire suppression and notification.
- **Mitigation Strategy LU-2:** Based on the results of a subsequent Tier 2/Project level analysis and recommendations, the identified lead agency or agencies shall determine if a construction management plan is required for construction activities of the Tier 2/Project level improvement being proposed. If required, a construction management plan shall be developed by the contractor and reviewed by the lead agency or agencies prior to

construction and implemented during construction activities. The construction management plan shall include, but not be limited to, the following:

- Measures that minimize effects on populations and communities within the Tier 2/Project Study Area
- Measures pertaining to visual protection, air quality, safety controls, noise controls, and traffic controls to minimize effects on populations and communities within the identified Tier 2/Project Study Area
- Measures to ensure property access is maintained for local businesses, residences, and community and emergency services
- Measures to consult with local transit providers to minimize effects on local and regional bus routes in affected communities

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Implementation of Mitigation Strategies HAZ-4, LU-2, and LU-3 would minimize, reduce, or avoid potential impacts pertaining to emergency access and response by requiring coordination with emergency providers through design and analysis at the Tier 2/Project level.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation Mitigation Strategies HAZ-4, LU-2, and LU-3 (Draft Tier 1/Program EIS/EIR, pp. 3.11-71 through 3.11-73).

Wildfire Pollutants and Uncontrolled Spread of a Wildfire

Threshold: If located in or near state responsibility areas or lands classified as very high fire severity zones, would the Program, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.11-66 through 3.11-67). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Construction of the Program in the Eastern Section of the Program Corridor would require the construction of rail stations, reconfiguration of existing or creation of new rail facilities, and potential ROW acquisition. Construction activities located within a SRA or LRA Fire Hazard Severity Zones under any of the Build Alternative Options have an increased risk of causing a wildfire due to increased human activity and ignition sources, including construction equipment that could create spark, be a source of heat, or leak flammable materials within an area. While applicable fire codes would be complied with and design features for fire suppression would be developed, potential effects depend on where the infrastructure improvements, including new stations, would be located, which have not yet been selected. Which properties would be affected by the future construction and operation of a passenger rail system, and to what extent, cannot be determined at the Tier 1/Program level. Once construction ceases, operation of the new railroad infrastructure and stations under the Build Alternative Options would not be anticipated to result in changes associated with fire severity hazard zones. However, the operation of new station facilities within fire severity zones could result in an increased wildfire risk to people or structures in the area; therefore, there is potential for significant impacts (Draft Tier 1/Program EIS/EIR, pp. 3.11-47 through 3.11-48). However, Mitigation Strategy HAZ-4 has been identified to minimize, reduce, or avoid potential impacts pertaining to wildland fires during construction and operation by requiring coordination with local fire departments to prepare project-specific Fire Control and Emergency Response Plans at the Tier 2/Project level, as follows:

- **Mitigation Strategy HAZ-4:** During Tier 2/Project level analysis, a Project-specific Fire Control and Emergency Response Plan shall be prepared in coordination with local fire departments for the sites identified for the specific rail infrastructure or station facility proposed. The plan shall describe fire prevention and response practices that shall be implemented during construction and operation to minimize the risk of fire and, in the case of fire, provide for immediate fire suppression and notification.

Implementation of Mitigation Strategies HAZ-4 would minimize, reduce, or avoid potential impacts pertaining to pollutant concentrations from a wildfire and the uncontrolled spread of a wildfire by requiring coordination with local fire departments to prepare project-specific Fire Control and Emergency Response Plans at the Tier 2/Project level.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation Mitigation Strategy HAZ-4, (Draft Tier 1/Program EIS/EIR, p. 3.11-72).

Infrastructure-Related Wildfire Risks

Threshold: If located in or near state responsibility areas or lands classified as very high fire severity zones, would the Program require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.11-67 through 3.11-68). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Construction of the Program in the Eastern Section of the Program Corridor would require the construction of rail stations, reconfiguration of existing or creation of new rail facilities, and potential ROW acquisition. Construction activities located within a SRA or LRA Fire Hazard Severity Zones under any of the Build Alternative Options have an increased risk of causing a wildfire due to increased human activity and ignition sources, including construction equipment that could create spark, be a source of heat, or leak flammable materials within an area. While applicable fire codes and design features for fire suppression would be developed, potential effects depend on where the infrastructure improvements, including new stations, would be located, which have not yet been selected. Which properties would be affected by the future construction and operation of a passenger rail system, and to what extent, cannot be determined at the Tier 1/Program level.

Once construction ceases, operation of the new railroad infrastructure and stations under the Build Alternative Options would not be anticipated to result in changes associated with fire severity hazard zones. However, the operation of new station facilities within fire severity zones could result in an increased wildfire risk to people or structures in the area; therefore, there is potential for significant impacts (Draft Tier 1/Program EIS/EIR, pp. 3.11-47 through 3.11-48). However, Mitigation Strategy HAZ-4 has been identified to minimize, reduce, or avoid potential impacts pertaining to wildland fires during construction and operation by requiring coordination with local fire departments to prepare project-specific Fire Control and Emergency Response Plans at the Tier 2/Project level, as follows:

- **Mitigation Strategy HAZ-4:** During Tier 2/Project level analysis, a Project-specific Fire Control and Emergency Response Plan shall be prepared in coordination with local fire departments for the sites identified for the specific rail infrastructure or station facility proposed. The plan shall describe fire prevention and response practices that shall be implemented during construction and operation to minimize the risk of fire and, in the case of fire, provide for immediate fire suppression and notification.

Implementation of Mitigation Strategies HAZ-4 would minimize, reduce, or avoid potential impacts pertaining to exacerbation of wildfire risks by requiring coordination with local fire departments to prepare project-specific Fire Control and Emergency Response Plans at the Tier 2/Project level.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation Mitigation Strategy HAZ-4, (Draft Tier 1/Program EIS/EIR, p. 3.11-72).

Landslide and Slope Instability

Threshold: If located in or near state responsibility areas or lands classified as very high fire severity zones, would the Program expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post fire slope instability, or drainage changes?

Findings: Less than significant with mitigation incorporated (Draft Tier 1/Program EIS/EIR, pp. 3.11-68 through 3.11-69). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).)

Explanation: Construction of the Program in the Eastern Section of the Program Corridor would require the construction of rail stations, reconfiguration of existing or creation of new rail facilities, and potential ROW acquisition. Construction activities located within a SRA or LRA Fire Hazard Severity Zones under any of the Build Alternative Options have an increased risk of causing a wildfire due to increased human activity and ignition sources, including construction equipment that could create spark, be a source of heat, or leak flammable materials within an area. While applicable fire codes and design features for fire suppression would be developed, potential effects depend on where the infrastructure improvements, including new stations, would be located, which have not yet been selected. Which properties would be affected by the future construction and operation of a passenger rail system, and to what extent, cannot be determined at the Tier 1/Program level.

Once construction ceases, operation of the new railroad infrastructure and stations under the Build Alternative Options would not be anticipated to result in changes associated with fire severity hazard zones. (Draft Tier 1/Program EIS/EIR, pp. 3.11-47 through 3.11-48). However, implementation of Mitigation Strategy HAZ-4 has been identified to minimize, reduce, or avoid potential impacts pertaining to landslides and slope instability within wildfire areas during construction by requiring coordination with local fire departments to prepare project-specific Fire Control and Emergency Response Plans at the Tier 2/Project level, as follows:

- **Mitigation Strategy HAZ-4:** During Tier 2/Project level analysis, a Project-specific Fire Control and Emergency Response Plan shall be prepared in coordination with local fire

departments for the sites identified for the specific rail infrastructure or station facility proposed. The plan shall describe fire prevention and response practices that shall be implemented during construction and operation to minimize the risk of fire and, in the case of fire, provide for immediate fire suppression and notification.

Implementation of Mitigation Strategies HAZ-4 would minimize, reduce, or avoid potential impacts pertaining to exacerbation of wildfire risks, including landslides and slope instability, by requiring coordination with local fire departments to prepare project-specific Fire Control and Emergency Response Plans at the Tier 2/Project level.

For the foregoing reasons and the reasons discussed in the Draft Tier 1/Program EIS/EIR, impacts relating to this issue would be less than significant with the incorporation Mitigation Strategy HAZ-4, (Draft Tier 1/Program EIS/EIR, p. 3.11-72).

4.3 Findings Regarding Impacts Not Fully Mitigated to a Level that is Less than Significant

The following significant and potentially significant environmental impacts of the Program at the Tier 1/Program level could be unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact during subsequent Tier 2/Project-level analysis. As indicated below, RCTC has identified mitigation strategies that could reduce these impacts, albeit not to less-than-significant levels. RCTC hereby adopts these measures. Notwithstanding the disclosure of these significant and unavoidable impacts, RCTC elects to approve the Program and a statement of overriding considerations as set forth below in the Statement of Overriding Considerations is included herein, pursuant to State CEQA Guidelines Section 15093.

4.3.1 Aesthetics

Scenic Vistas

Threshold: Would the Program have a substantial adverse effect on a scenic vista?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.4-29 through 3.4-30). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts on scenic vistas depend on the location of new stations, grade separations, and sound barriers, which are currently unknown. Visual impacts may occur if these new structures block views of important scenic vistas. Implementation of Mitigation Strategy VIS-1 would minimize, reduce, or avoid impacts on scenic vistas by identifying design alternatives (e.g., undercrossings instead of overcrossings where scenic vistas might be blocked) or material alternatives (e.g., see-through materials for noise barriers) that would preserve existing views of scenic vistas. However, impacts may remain significant and unavoidable as further analysis may determine that there is a conflict that cannot be mitigated between land uses (Draft Tier 1/Program EIS/EIR, p. 3.4-22).

- **Mitigation Strategy VIS-1:** During the Tier 2/Project-level environmental process, the identified lead agency or agencies shall conduct an inventory of visual or aesthetic resources at the location of specific rail infrastructure and station facility proposed. If visual or aesthetic resources are present, the identified lead agency or agencies shall undertake an analysis associated with the specific rail infrastructure and station facility proposed. The analysis shall include, but not be limited to, the following:
    - Infrastructure/station effects and impacts associated with blocking views of identified visual resources (e.g., local scenic resources, mountain/foothill views)
    - Infrastructure/station effects and impacts associated with change in visual character (e.g., removal of structures or landscaping)
    - Infrastructure/station effects and impacts associated with local design criteria and guidelines
    - Infrastructure/station effects and impacts associated with local lighting design criteria and guidelines

    Criteria to determine the type of site-specific mitigation for visual resources would be developed by the identified lead agency or agencies in consultation with local jurisdictions during the Tier 2/Project-level environmental process.

Visual Character and Quality

Threshold: Would the Program substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the Program is in an urbanized area, would the Program conflict with applicable zoning and other regulations governing scenic quality?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.4-31 through 3.4-32). Changes or alterations have been required in, or incorporated into, the Program that avoid or

substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts on the existing visual character or quality depend on the location of new stations, which are currently unknown. Significant impacts could occur if the improvements would remove existing structures or landscaping that contribute to a high level of visual character, or if they introduce visual elements that are out-of-scale or otherwise visually incompatible with the existing visual character. This would be most likely to occur if substantial ROW widening was necessary, at grade separations, or at stations and associated parking areas. Implementation of Mitigation Strategy VIS-1 would minimize, reduce, or avoid impacts on visual character or quality by identifying design or material alternatives that avoid altering the existing visual character. However, impacts may remain significant and unavoidable as further analysis may determine that there is a conflict that cannot be mitigated between land uses (Draft Tier 1/Program EIS/EIR, p. 3.4-22).

- **Mitigation Strategy VIS-1:** During the Tier 2/Project-level environmental process, the identified lead agency or agencies shall conduct an inventory of visual or aesthetic resources at the location of specific rail infrastructure and station facility proposed. If visual or aesthetic resources are present, the identified lead agency or agencies shall undertake an analysis associated with the specific rail infrastructure and station facility proposed. The analysis shall include, but not be limited to, the following:
    - Infrastructure/station effects and impacts associated with blocking views of identified visual resources (e.g., local scenic resources, mountain/foothill views)
    - Infrastructure/station effects and impacts associated with change in visual character (e.g., removal of structures or landscaping)
    - Infrastructure/station effects and impacts associated with local design criteria and guidelines
    - Infrastructure/station effects and impacts associated with local lighting design criteria and guidelines

  Criteria to determine the type of site-specific mitigation for visual resources would be developed by the identified lead agency or agencies in consultation with local jurisdictions during the Tier 2/Project-level environmental process.

Light and Glare

Threshold: Would the Program create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.4-33 through 3.4-34). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts related to light and glare depend on new station locations and infrastructure improvements, which are currently unknown. During operation, the addition of grade separations could result in roadway alignments that may result in headlight glare impacts on adjacent uses. Lighting at stations and parking lots could result in increased light levels or spillover lighting into adjacent areas. These are considered potentially significant impacts. While implementation of Mitigation Strategy VIS-1 and VIS-2 would minimize, reduce, or avoid impacts from a new source of substantial light and glare by minimizing light spillover and evaluating and addressing potential impacts from light sources during design and through the preparation of construction and operational lighting plans, impacts may remain significant and unavoidable as further analysis may determine that there is a conflict that cannot be mitigated between land uses (Draft Tier 1/Program EIS/EIR, pp. 3.4-22 through 3.4-23).

- **Mitigation Strategy VIS-1:** During the Tier 2/Project-level environmental process, the identified lead agency or agencies shall conduct an inventory of visual or aesthetic resources at the location of specific rail infrastructure and station facility proposed. If visual or aesthetic resources are present, the identified lead agency or agencies shall undertake an analysis associated with the specific rail infrastructure and station facility proposed. The analysis shall include, but not be limited to, the following:
    - Infrastructure/station effects and impacts associated with blocking views of identified visual resources (e.g., local scenic resources, mountain/foothill views)
    - Infrastructure/station effects and impacts associated with change in visual character (e.g., removal of structures or landscaping)
    - Infrastructure/station effects and impacts associated with local design criteria and guidelines
    - Infrastructure/station effects and impacts associated with local lighting design criteria and guidelines

    Criteria to determine the type of site-specific mitigation for visual resources would be developed by the identified lead agency or agencies in consultation with local jurisdictions during the Tier 2/Project-level environmental process.

- **Mitigation Strategy VIS-2:** To address potential lighting impacts related to nighttime construction lighting, the contractor shall use construction lighting during nighttime that is limited to the minimum necessary for safety and security, and the use of downward facing, cut-off fixtures that do not allow spillover onto adjacent land uses. A construction lighting plan shall be developed for each station facility, taking into account local and regional lighting policies, including but not limited to, the Mount Palomar Nighttime Lighting Policy.

4.3.2 Agriculture and Forestry Resources

Prime and Unique Farmland Conversion

Threshold: Would the Program convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.2-39 through 3.2-40). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: The construction of rail infrastructure and station facilities could convert prime farmland, unique farmland or farmland of statewide importance to a non-agricultural use as these types of farmlands are present within the Program Corridor. Potential impacts associated with converting farmland to non-agricultural use depend on the location of new stations and other infrastructure improvements, which are currently unknown. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level (Draft Tier 1/Program EIS/EIR, pp. 3.2-29 through 3.2-31). While implementation of Mitigation Strategies LU-4 and LU-5 would minimize, reduce, or avoid potential impacts associated with converting farmland through design, further analysis, and the consideration of agricultural easements, impacts may remain significant and unavoidable as further analysis may determine that agricultural easements would not actually mitigate the significant impact caused by the rail infrastructure or station facility proposed.

- **Mitigation Strategy LU-4:** During a subsequent Tier 2/Project-level analysis, siting of rail infrastructure and station facilities shall be designed by the identified lead agency or agencies to avoid or minimize conversion of farmland resources.
- **Mitigation Strategy LU-5:** During a subsequent Tier 2/Project-level analysis, the identified lead agency or agencies shall determine if the siting of the Tier 2/Project-level improvement being proposed is located within an area mapped as farmland by the California Department

of Conservation. If the Tier 2/Project-level improvement is located in an area mapped as farmland, the preparation of a land evaluation and site assessment shall be conducted to determine significance of impacts attributed to the loss or conversion of farmland associated with the siting of the Tier 2/Project-level improvement being proposed.

Agricultural Zoning

Threshold: Would the Program conflict with existing zoning for agricultural use, or a Williamson Act contract?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, p. 3.2-41). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: The construction of rail infrastructure and station facilities could conflict with existing zoning for agricultural uses or lands currently under a Williamson Act contract as both are present within the Eastern Section of the Program Corridor. Potential impacts associated with conflicts with existing zoning for agriculture or a Williamson Act contract depend on the location of new stations and other infrastructure improvements, which are currently unknown. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level (Draft Tier 1/Program EIS/EIR, p. 3.2-29 through 3.2-31). While implementation of Mitigation Strategies LU-4, LU-5, and LU-6 would minimize, reduce, or avoid potential impacts associated with conflicts with agricultural zoning through design, further analysis, and the consideration of agricultural easements, impacts may remain significant and unavoidable as further analysis may determine that agricultural easements would not actually mitigate the significant impact caused by the rail infrastructure or station facility proposed.

- **Mitigation Strategy LU-4:** During a subsequent Tier 2/Project-level analysis, siting of rail infrastructure and station facilities shall be designed by the identified lead agency or agencies to avoid or minimize conversion of farmland resources.
- **Mitigation Strategy LU-5:** During a subsequent Tier 2/Project-level analysis, the identified lead agency or agencies shall determine if the siting of the Tier 2/Project-level improvement being proposed is located within an area mapped as farmland by the California Department of Conservation. If the Tier 2/Project-level improvement is located in an area mapped as farmland, the preparation of a land evaluation and site assessment shall be conducted to determine significance of impacts attributed to the loss or conversion of farmland associated with the siting of the Tier 2/Project-level improvement being proposed.

- **Mitigation Strategy LU-6:** During a subsequent Tier 2/Project-level analysis, the identified lead agency or agencies shall determine if the siting of the Tier 2/Project-level improvement being proposed is located on land enrolled in a Williamson Act contract. Where lands enrolled in a Williamson Act contract are impacted during the siting of rail infrastructure or station facilities, the California Department of Conservation shall be notified by the identified lead agency or agencies and requirements of Government Code Section 51290-51295 and 51296.6 shall be met.

Conversion of Farmland to Non-Agricultural Use

Threshold: Would the Program involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.2-44 through 3.2-45). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: The construction of rail infrastructure and station facilities could result in the direct conversion of farmland to non-agricultural uses and represent a change in existing conditions that could result in an indirect potential for conversion of farmland to non-agricultural uses within the Program Corridor. Potential impacts associated with converting farmland to non-agricultural use depend on the location of new stations and other infrastructure improvements, which are currently unknown. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level (Draft Tier 1/Program EIS/EIR, p. 3.2-29 through 3.2-31). While implementation of Mitigation Strategies LU-4 and LU-5 would minimize, reduce, or avoid potential impacts associated with converting farmland through design, further analysis, and the consideration of agricultural easements, impacts may remain significant and unavoidable as further analysis may determine that agricultural easements would not actually mitigate the significant impact caused by the rail infrastructure or station facility proposed.

- **Mitigation Strategy LU-4:** During a subsequent Tier 2/Project-level analysis, siting of rail infrastructure and station facilities shall be designed by the identified lead agency or agencies to avoid or minimize conversion of farmland resources.
- **Mitigation Strategy LU-5:** During a subsequent Tier 2/Project-level analysis, the identified lead agency or agencies shall determine if the siting of the Tier 2/Project-level improvement being proposed is located within an area mapped as farmland by the California Department

of Conservation. If the Tier 2/Project-level improvement is located in an area mapped as farmland, the preparation of a land evaluation and site assessment shall be conducted to determine significance of impacts attributed to the loss or conversion of farmland associated with the siting of the Tier 2/Project-level improvement being proposed.

4.3.3 Air Quality

Net Increase of Criteria Pollutants

Threshold: Would the Program result in cumulatively considerable net increase of any criteria pollutant for which the region is non-attainment under an applicable federal or state ambient air quality standard?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.5-34 through 3.5-35). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts associated with air quality construction emissions depend on the location of new stations and other rail infrastructure improvements, which are currently unknown. Construction of these improvements could require large scale construction activities over an extended period of time. A detailed air quality construction analysis cannot be considered at the Tier 1/Program EIS/EIR level because such an analysis at this stage would be too speculative, given the exact location and duration of construction associated with station facilities and other rail infrastructure improvements is unknown at this time. Similarly, potential impacts associated with air quality operational pollutant emissions would vary depending on the traffic generated in and around the existing stations as a result of operation associated with the enhanced passenger rail system. Therefore, there is potential for the Build Alternative Options to result in the generation of operational air quality pollutants at a localized level, and potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level (Draft Tier 1/Program EIS/EIR, pp. 3.5-17 through 3.5-25). While implementation of Mitigation Strategies AQ-1 and LU-2 would minimize, reduce, or avoid potential impacts associated with cumulatively considerable net criteria pollutant increases, impacts may remain significant after mitigation.

- **Mitigation Strategy AQ-1:** During Tier 2/Project-level analysis, a site-specific air quality analysis shall be required for the specific rail infrastructure or station facilities proposed. If an air quality analysis is warranted at the Tier 2/Project level, the air quality analysis shall be prepared using the standards and procedures of the South Coast Air Quality Management

District and applicable local jurisdiction(s) in which the Project is located. The air quality analysis shall include analysis of construction and operational air quality impacts, including identification and analysis of:

- Construction equipment to be used and corresponding air quality emissions that could be generated from construction activities.
- Construction and operational traffic impacts analysis, including quantification of construction emissions and comparison with South Coast Air Quality Management District significance thresholds.
- Sensitive receptors and exposure of those sensitive receptors to air quality emissions during construction and operational activities. If sensitive receptors are located within or adjacent to the Project site, a health risk assessment to assess cancer risks and non-carcinogenic hazards for sensitive receptors may be required.
- Best management practices to be implemented during construction activities such as practices to limit idling and construction emissions, the use of ozone precursor emission controls, implementation of diesel emission reduction plans, and use of California Air Resources Board-certified equipment for pose combustion controls
- If a Project is located within an area designated as non-attainment for federal particulate matter 10 microns or less and particulate matter 2.5 microns or less standards, a particulate matter 10 microns or less and particulate matter 2.5 microns or less hot spot analysis shall be prepared based on guidance provided in Transportation Conformity Guidance for Qualitative Hot Spot Analyses in Particulate Matter 2.5 Microns or Less and Particulate Matter 10 Microns or Less Non-attainment and Maintenance Areas (United States Environmental Protection Agency 2006). As part of the hot-spot analyses, a project-level conformity determination shall include a finding of whether the Project is a Project of Air Quality Concern.

- **Mitigation Strategy LU-2:** Based on the results of a subsequent Tier 2/Project-level analysis and recommendations, the identified lead agency or agencies shall determine if a construction management plan is required for construction activities of the Tier 2/Project-level improvement being proposed. If required, a construction management plan shall be developed by the contractor and reviewed by the lead agency or agencies prior to construction and implemented during construction activities. The construction management plan shall include, but not be limited to, the following:
  - Measures that minimize effects on populations and communities within the Tier 2/Project Study Area

- Measures pertaining to visual protection, air quality, safety controls, noise controls, and traffic controls to minimize effects on populations and communities within the Tier 2/Project Study Area
- Measures to ensure property access is maintained for local businesses, residences, and community and emergency services
- Measures to consult with local transit providers to minimize effects on local and regional bus routes in affected communities
- Measures to consult with local jurisdictions and utility providers to minimize effects on utilities in affected communities

Sensitive Receptors

Threshold: Would the Program expose sensitive receptors to substantial pollutant concentrations?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.5-36 through 3.5-37). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts associated with air quality construction emissions depend on the location of new stations and other rail infrastructure improvements, which are currently unknown. Construction of these improvements could require large scale construction activities over an extended period of time. A detailed air quality construction analysis cannot be considered at the Tier 1/Program EIS/EIR level because such an analysis at this stage would be too speculative, given the exact location and duration of construction associated with station facilities and other rail infrastructure improvements is unknown at this time. The increase in train service (two additional round-trip daily trains within the Program Corridor) would not change existing land use and is anticipated to result in a decrease in regional and local VMTs. Operation of the Program within the Western Corridor would enhance passenger rail services within an existing high-quality transit corridor. However, there is the potential for generation of air quality criteria pollutants associated with increases in vehicles accessing the existing stations to use the enhanced passenger rail service. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. While implementation of Mitigation Strategies AQ-1 and LU-2 would minimize, reduce, or avoid potential air quality impacts to sensitive receptors, impacts may remain significant after mitigation.

- **Mitigation Strategy AQ-1:** During Tier 2/Project-level analysis, a site-specific air quality analysis shall be required for the specific rail infrastructure or station facilities proposed. If an

air quality analysis is warranted at the Tier 2/Project level, the air quality analysis shall be prepared using the standards and procedures of the South Coast Air Quality Management District and applicable local jurisdiction(s) in which the Project is located. The air quality analysis shall include analysis of construction and operational air quality impacts, including identification and analysis of:

- Construction equipment to be used and corresponding air quality emissions that could be generated from construction activities.
- Construction and operational traffic impacts analysis, including quantification of construction emissions and comparison with South Coast Air Quality Management District significance thresholds.
- Sensitive receptors and exposure of those sensitive receptors to air quality emissions during construction and operational activities. If sensitive receptors are located within or adjacent to the Project site, a health risk assessment to assess cancer risks and non-carcinogenic hazards for sensitive receptors may be required.
- Best management practices to be implemented during construction activities such as practices to limit idling and construction emissions, the use of ozone precursor emission controls, implementation of diesel emission reduction plans, and use of California Air Resources Board-certified equipment for pose combustion controls
- If a Project is located within an area designated as non-attainment for federal particulate matter 10 microns or less and particulate matter 2.5 microns or less standards, a particulate matter 10 microns or less and particulate matter 2.5 microns or less hot spot analysis shall be prepared based on guidance provided in Transportation Conformity Guidance for Qualitative Hot Spot Analyses in Particulate Matter 2.5 Microns or Less and Particulate Matter 10 Microns or Less Non-attainment and Maintenance Areas (United States Environmental Protection Agency 2006). As part of the hot-spot analyses, a project-level conformity determination shall include a finding of whether the Project is a Project of Air Quality Concern.

- **Mitigation Strategy LU-2:** Based on the results of a subsequent Tier 2/Project-level analysis and recommendations, the identified lead agency or agencies shall determine if a construction management plan is required for construction activities of the Tier 2/Project-level improvement being proposed. If required, a construction management plan shall be developed by the contractor and reviewed by the lead agency or agencies prior to construction and implemented during construction activities. The construction management plan shall include, but not be limited to, the following:

- Measures that minimize effects on populations and communities within the Tier 2/Project Study Area
- Measures pertaining to visual protection, air quality, safety controls, noise controls, and traffic controls to minimize effects on populations and communities within the Tier 2/Project Study Area
- Measures to ensure property access is maintained for local businesses, residences, and community and emergency services
- Measures to consult with local transit providers to minimize effects on local and regional bus routes in affected communities
- Measures to consult with local jurisdictions and utility providers to minimize effects on utilities in affected communities

4.3.4 Biological Resources

Special-Status Species

Threshold: Would the Program have a substantial adverse effect, either directly or through habitat modifications, including designated critical habitat, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by USFWS or CDFW?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.8-83 through 3.8-84). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts on special-status plant and wildlife species depend on the location of infrastructure improvements and station locations, which are currently unknown. Special-status plants and wildlife species and habitat that supports these species, including critical habitat, occur in within the Program Corridor. Impacts on special-status plant and wildlife species may result from the removal of vegetation or the placement of new permanent infrastructure improvements during construction activities and could result in a potentially significant impact. Similarly, impacts on special-status plant and wildlife species may result from operation of new stations and could result in a potentially significant impact. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategies BIO-1 through BIO-5 and LU-3 would minimize, reduce, or avoid potential impacts on special-status plant and wildlife

species by identifying resources in the Tier 2/Project-level Study Area and measures to minimize impacts on habitat through worker environmental awareness program training, limiting disturbance areas, controlling non-native and invasive species, and replacing or compensating for habitat loss. However, impacts may remain significant and unavoidable as further analysis may determine that there is a conflict that cannot be mitigated.

- **Mitigation Strategy BIO-1:** During the Tier 2/Project-level analysis, a preliminary biological resource screening shall be performed as part of the environmental review process to determine whether the specific rail infrastructure or station facility proposed has any potential to impact biological resources. If the specific rail infrastructure or station facility proposed has no potential to impact biological resources, no further action will be required. If the specific rail infrastructure or station facility proposed has the potential to impact biological resources, a qualified biologist shall conduct a biological resources assessment report to document the existing biological resources within the Tier 2/Project-level Study Area. The report shall include, but not be limited to, analysis and recommendations on the following topics:
    - Special-status species
    - Nesting birds
    - Wildlife movement
    - Sensitive plant communities and critical habitat
    - Jurisdictional waters
    - Applicable habitat conservation plans
    - Other biological resources identified as sensitive by local, state and/or federal agencies

    Pending the results of the biological resources assessment, design alterations; further technical studies (e.g., protocol surveys); and/or consultations with the United States Fish and Wildlife Service, California Department of Fish and Wildlife, and other local, state, and federal agencies may be required. If the specific rail infrastructure or station facility proposed cannot be designed without complete avoidance, the lead agency shall coordinate with the appropriate resource agency to obtain regulatory permits and implement Project-specific mitigation prior to any construction activities.
- **Mitigation Strategy BIO-2:** If completion of the Project-specific biological resources assessment determines that special-status plant species have potential to occur on site, surveys for special-status plants shall be completed prior to any vegetation removal, grubbing, or other construction activity of each project (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally timed to coincide with the

target species identified in the Project-specific biological resources assessment. All plant surveys shall be conducted by a qualified biologist approved by the implementing agency no more than 2 years prior to Project implementation. All special-status plant species identified on site shall be mapped onto a site-specific aerial photograph or topographic map. Surveys shall be conducted in accordance with the most current protocols established by the California Department of Fish and Wildlife and/or the United States Fish and Wildlife Service. A report of the survey results shall be submitted to the implementing agency for review. If special-status plant species are identified, Mitigation Strategy BIO-3 shall apply.

- **Mitigation Strategy BIO-3:** If federally or state-listed and/or California Rare Plant Rank 1 and 2 species are found during special-status plant surveys (pursuant to Mitigation Strategy BIO-1), the specific rail infrastructure or station facility proposed shall be redesigned to avoid impacting these plant species where feasible based on coordination with the local jurisdiction and applicable resource agencies. If California Rare Plant Rank 3 and 4 species are found, the biologist shall evaluate to determine if they meet criteria to be considered special status. If so, the same process as identified for California Rare Plant Rank 1 and 2 species shall apply. If special-status plants species cannot be avoided and would be impacted by the specific rail infrastructure or station facility proposed, all impacts shall be mitigated for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the lead agency and/or the local jurisdiction overseeing the Project for approval. The restoration plan shall include, at a minimum, the following components:
    - Description of the Project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type)
    - Goal(s) of the compensatory mitigation project (type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved)
    - Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values)
    - Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan)
    - Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule)
    - Monitoring plan for the compensatory mitigation site, including performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports

- Success criteria based on the goals and measurable objectives (said criteria to include numeric criteria to be selected based on the scale of the restoration effort and the restoration technique used)
- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria
- Notification of completion of compensatory mitigation and agency confirmation
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism)

- **Mitigation Strategy BIO-4:** Specific habitat assessment and survey protocol surveys are established for several federally and/or state endangered or threatened species. If the results of the biological resources assessment determine that suitable habitat may be present for any such species, protocol habitat assessments/surveys shall be completed in accordance with the California Department of Fish and Wildlife and/or United States Fish and Wildlife Service protocols prior to issuance of any construction permits/Project approvals. Alternatively, in lieu of conducting protocol surveys, the implementing agency may choose to assume presence within the Project footprint and proceed with development of appropriate avoidance measures, consultation, and permitting, as applicable. If the target species is detected during protocol surveys, or protocol surveys are not conducted and presence assumed based on suitable habitat, additional coordination shall apply.
- **Mitigation Strategy BIO-5:** Prior to initiation of construction activities (including staging and mobilization), all personnel associated with Project construction shall attend worker environmental awareness program training, conducted by a qualified biologist, to aid workers in recognizing special-status resources that may occur in the Tier 2/Project-level Study Area. The specifics of this program shall include, but not be limited to, the following:
  - Identification of the sensitive species and habitats
  - Description of the regulatory status and general ecological characteristics of sensitive resources
  - Review of the limits of construction and mitigation measures required to reduce impacts on biological resources within the work area
  - Preparation of a fact sheet conveying this information shall for distribution to all contractors, their employers, and other personnel involved with construction of the Project

  - Employee documentation associated with worker environmental awareness program attendance and acknowledgment

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Riparian Habitat

Threshold: Would the Program have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations by USFWS or CDFW?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.8-84 through 3.8-85). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts on riparian habitats under the Program depend on the location of infrastructure improvements and station locations, which are currently unknown. Impacts on riparian habitats or sensitive natural communities may result from the removal of vegetation or the placement of new permanent infrastructure improvements during construction and could result in a potentially significant impact. Similarly, riparian habitat or sensitive natural communities occur within the Program Corridor and impacts may result from operation of new stations and could result in a potentially significant impact. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategies BIO-1 through BIO-5 and LU-3 would minimize, reduce, or avoid potential impacts on riparian habitat and other sensitive habitat by identifying resources in the Tier 2/Project-level Study Area and measures to minimize impacts on habitat through worker environmental awareness program training, limiting disturbance areas, controlling non-native and invasive species, and replacing or compensating for habitat loss. However, impacts may remain significant and unavoidable as further analysis may determine that there is a conflict that cannot be mitigated.

- **Mitigation Strategy BIO-1:** During the Tier 2/Project-level analysis, a preliminary biological resource screening shall be performed as part of the environmental review process to

determine whether the specific rail infrastructure or station facility proposed has any potential to impact biological resources. If the specific rail infrastructure or station facility proposed has no potential to impact biological resources, no further action will be required. If the specific rail infrastructure or station facility proposed has the potential to impact biological resources, a qualified biologist shall conduct a biological resources assessment report to document the existing biological resources within the Tier 2/Project-level Study Area. The report shall include, but not be limited to, analysis and recommendations on the following topics:

- Special-status species
- Nesting birds
- Wildlife movement
- Sensitive plant communities and critical habitat
- Jurisdictional waters
- Applicable habitat conservation plans
- Other biological resources identified as sensitive by local, state and/or federal agencies

Pending the results of the biological resources assessment, design alterations; further technical studies (e.g., protocol surveys); and/or consultations with the United States Fish and Wildlife Service, California Department of Fish and Wildlife, and other local, state, and federal agencies may be required. If the specific rail infrastructure or station facility proposed cannot be designed without complete avoidance, the lead agency shall coordinate with the appropriate resource agency to obtain regulatory permits and implement Project-specific mitigation prior to any construction activities.

- **Mitigation Strategy BIO-2:** If completion of the Project-specific biological resources assessment determines that special-status plant species have potential to occur on site, surveys for special-status plants shall be completed prior to any vegetation removal, grubbing, or other construction activity of each project (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally timed to coincide with the target species identified in the Project-specific biological resources assessment. All plant surveys shall be conducted by a qualified biologist approved by the implementing agency no more than 2 years prior to Project implementation. All special-status plant species identified on site shall be mapped onto a site-specific aerial photograph or topographic map. Surveys shall be conducted in accordance with the most current protocols established by the California Department of Fish and Wildlife and/or the United States Fish and Wildlife Service. A report of the survey results shall be submitted to the implementing agency for review. If special-status plant species are identified, Mitigation Strategy BIO-3 shall apply.

- **Mitigation Strategy BIO-3:** If federally or state-listed and/or California Rare Plant Rank 1 and 2 species are found during special-status plant surveys (pursuant to Mitigation Strategy BIO-1), the specific rail infrastructure or station facility proposed shall be redesigned to avoid impacting these plant species where feasible based on coordination with the local jurisdiction and applicable resource agencies. If California Rare Plant Rank 3 and 4 species are found, the biologist shall evaluate to determine if they meet criteria to be considered special status. If so, the same process as identified for California Rare Plant Rank 1 and 2 species shall apply. If special-status plants species cannot be avoided and would be impacted by the specific rail infrastructure or station facility proposed, all impacts shall be mitigated for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the lead agency and/or the local jurisdiction overseeing the Project for approval. The restoration plan shall include, at a minimum, the following components:
    - Description of the Project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type)
    - Goal(s) of the compensatory mitigation project (type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved)
    - Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values)
    - Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan)
    - Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule)
    - Monitoring plan for the compensatory mitigation site, including performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports
    - Success criteria based on the goals and measurable objectives (said criteria to include numeric criteria to be selected based on the scale of the restoration effort and the restoration technique used)
    - An adaptive management program and remedial measures to address any shortcomings in meeting success criteria
    - Notification of completion of compensatory mitigation and agency confirmation

  - Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism)

- **Mitigation Strategy BIO-4:** Specific habitat assessment and survey protocol surveys are established for several federally and/or state endangered or threatened species. If the results of the biological resources assessment determine that suitable habitat may be present for any such species, protocol habitat assessments/surveys shall be completed in accordance with the California Department of Fish and Wildlife and/or United States Fish and Wildlife Service protocols prior to issuance of any construction permits/Project approvals. Alternatively, in lieu of conducting protocol surveys, the implementing agency may choose to assume presence within the Project footprint and proceed with development of appropriate avoidance measures, consultation, and permitting, as applicable. If the target species is detected during protocol surveys, or protocol surveys are not conducted and presence assumed based on suitable habitat, additional coordination shall apply.
- **Mitigation Strategy BIO-5:** Prior to initiation of construction activities (including staging and mobilization), all personnel associated with Project construction shall attend worker environmental awareness program training, conducted by a qualified biologist, to aid workers in recognizing special-status resources that may occur in the Tier 2/Project-level Study Area. The specifics of this program shall include, but not be limited to, the following:
  - Identification of the sensitive species and habitats
  - Description of the regulatory status and general ecological characteristics of sensitive resources
  - Review of the limits of construction and mitigation measures required to reduce impacts on biological resources within the work area
  - Preparation of a fact sheet conveying this information shall for distribution to all contractors, their employers, and other personnel involved with construction of the Project
  - Employee documentation associated with worker environmental awareness program attendance and acknowledgment
- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study

Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Movement of Native Resident or Migratory Fish or Wildlife

Threshold: Would the Program interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.8-86 through 3.8-87). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts on wildlife movement corridors depend on the location of infrastructure improvements and station locations, which are currently unknown. Construction activities that may occur in the Eastern Section may deter wildlife from entering construction work areas and work occurring near existing crossing structures, which would deter use of these structures. Similarly, operational activities in the Eastern Section may deter wildlife from using existing wildlife movement corridor structures or impeding wildlife movement through an increase in human activity within the area. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategy BIO-1 would identify would minimize, reduce, or avoid potential impacts from conflicts with wildlife movement corridors through design and further analysis. However, impacts may remain significant and unavoidable as further analysis may determine that there is a conflict that cannot be mitigated between land uses.

- **Mitigation Strategy BIO-1:** During the Tier 2/Project-level analysis, a preliminary biological resource screening shall be performed as part of the environmental review process to determine whether the specific rail infrastructure or station facility proposed has any potential to impact biological resources. If the specific rail infrastructure or station facility proposed has no potential to impact biological resources, no further action will be required. If the specific rail infrastructure or station facility proposed has the potential to impact biological resources, a qualified biologist shall conduct a biological resources assessment report to document the existing biological resources within the Tier 2/Project-level Study Area. The report shall include, but not be limited to, analysis and recommendations on the following topics:
    - Special-status species
    - Nesting birds

- Wildlife movement
- Sensitive plant communities and critical habitat
- Jurisdictional waters
- Applicable habitat conservation plans
- Other biological resources identified as sensitive by local, state and/or federal agencies

Pending the results of the biological resources assessment, design alterations; further technical studies (e.g., protocol surveys); and/or consultations with the United States Fish and Wildlife Service, California Department of Fish and Wildlife, and other local, state, and federal agencies may be required. If the specific rail infrastructure or station facility proposed cannot be designed without complete avoidance, the lead agency shall coordinate with the appropriate resource agency to obtain regulatory permits and implement Project-specific mitigation prior to any construction activities.

Conflicts with Local Policies and Ordinances Protecting Biological Resources

Threshold: Would the Program conflict with any local policies or ordinances protecting biological resources, such as a tree-preservation policy or ordinance?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.8-87 through 3.8-89). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts associated with conflict with local policies protecting biological resources depend on the location of infrastructure improvements, which are currently unknown. The Program Corridor crosses multiple local jurisdictions that may have biological resources policies that may conflict with construction and operation activities. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategies BIO-1 and LU-3 would minimize, reduce, or avoid potential impacts from conflicts with plans and policies through design and further analysis. However, impacts may remain significant and unavoidable as further analysis may determine that there is a conflict that cannot be mitigated between land uses.

- **Mitigation Strategy BIO-1:** During the Tier 2/Project-level analysis, a preliminary biological resource screening shall be performed as part of the environmental review process to determine whether the specific rail infrastructure or station facility proposed has any potential to impact biological resources. If the specific rail infrastructure or station facility proposed has

no potential to impact biological resources, no further action will be required. If the specific rail infrastructure or station facility proposed has the potential to impact biological resources, a qualified biologist shall conduct a biological resources assessment report to document the existing biological resources within the Tier 2/Project-level Study Area. The report shall include, but not be limited to, analysis and recommendations on the following topics:

- Special-status species
- Nesting birds
- Wildlife movement
- Sensitive plant communities and critical habitat
- Jurisdictional waters
- Applicable habitat conservation plans
- Other biological resources identified as sensitive by local, state and/or federal agencies

Pending the results of the biological resources assessment, design alterations; further technical studies (e.g., protocol surveys); and/or consultations with the United States Fish and Wildlife Service, California Department of Fish and Wildlife, and other local, state, and federal agencies may be required. If the specific rail infrastructure or station facility proposed cannot be designed without complete avoidance, the lead agency shall coordinate with the appropriate resource agency to obtain regulatory permits and implement Project-specific mitigation prior to any construction activities.

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Conflicts with Adopted Habitat Conservation Plan

Threshold: Would the Program conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.8-89 through 3.8-90). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier

1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts associated with conflict with an HCP or NCCP depend on the location of infrastructure improvements, which are currently unknown. The Eastern Section of the Program Corridor is located within the Coachella Valley MSHCP and Western Riverside County MSHCP. As such, construction and operation activities may conflict with the provisions of a habitat conservation plan. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategies BIO-1 and LU-3 would minimize, reduce, or avoid potential impacts from conflicts with adopted habitat conservation plans through design and further analysis. However, impacts may remain significant and unavoidable as further analysis may determine that there is a conflict that cannot be mitigated between land uses.

- **Mitigation Strategy BIO-1:** During the Tier 2/Project-level analysis, a preliminary biological resource screening shall be performed as part of the environmental review process to determine whether the specific rail infrastructure or station facility proposed has any potential to impact biological resources. If the specific rail infrastructure or station facility proposed has no potential to impact biological resources, no further action will be required. If the specific rail infrastructure or station facility proposed has the potential to impact biological resources, a qualified biologist shall conduct a biological resources assessment report to document the existing biological resources within the Tier 2/Project-level Study Area. The report shall include, but not be limited to, analysis and recommendations on the following topics:
    - Special-status species
    - Nesting birds
    - Wildlife movement
    - Sensitive plant communities and critical habitat
    - Jurisdictional waters
    - Applicable habitat conservation plans
    - Other biological resources identified as sensitive by local, state and/or federal agencies

    Pending the results of the biological resources assessment, design alterations; further technical studies (e.g., protocol surveys); and/or consultations with the United States Fish and Wildlife Service, California Department of Fish and Wildlife, and other local, state, and federal agencies may be required. If the specific rail infrastructure or station facility proposed cannot be designed without complete avoidance, the lead agency shall coordinate with the

appropriate resource agency to obtain regulatory permits and implement Project-specific mitigation prior to any construction activities.

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

4.3.5 Cultural Resources

Historical Resources

Threshold: Would the Program cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.13-57 through 3.13-58). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts on historic resources depend on the location of rail infrastructure improvements, station facilities and types of construction activities, which have yet to be determined. The Eastern Section contains known historical resources and could contain additional unknown historical resources. Construction of rail infrastructure improvements and station facilities have the potential to impact historical resources through ground-disturbing activities. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategy CUL-1 would minimize, reduce, or avoid potential impacts on historical resources through design, further analysis, and the avoidance of resources. However, it is unknown to what extent and type of impact on historical resources would occur. Impacts may remain significant and unavoidable if further analysis determines that a non-renewable historical resource would be impacted by the rail infrastructure improvement or station facility proposed.

- **Mitigation Strategy CUL-1:** During subsequent Tier 2/Project-level analysis, a preliminary cultural resource screening shall be conducted by the identified lead agency or agencies to determine if the Tier 2/Project-level improvement being proposed has the potential to impact cultural resources. If the proposed Tier 2/Project-level improvement has the potential to

impact cultural resources, a qualified cultural resources specialist shall conduct a cultural resources assessment report to document the existing cultural resources within the Tier 2/Project-level Study Area. The report may include, but not be limited to, the following:

- Survey and inventory for archaeological resources, including those determined to be tribal cultural resources, including a review of updated information for the applicable cultural information center and other data repositories.
- Survey and inventory for historic, built-environment resources, including a review of updated information for the applicable cultural information center and other data repositories.
- All identified cultural resources shall be recorded using the appropriate California Department of Parks and Recreation cultural resources recordation forms.
- Cultural resources shall be evaluated for eligibility for inclusion in the National Register of Historic Places and California Register of Historical Resources, and evaluations shall be conducted by individuals who meet the Secretary of the Interior's professional qualification standards in archaeology, history, and/or architectural history.
- Documentation of Tier 2/Project-level Section 106 and Assembly Bill 52 Native American consultation efforts and site-specific recommendations and input received from Native American tribes including but not limited to:
  - The provision of Native American monitors on site during ground disturbance activities
  - Identification of procedures regarding repatriation of cultural items
  - Notification and early coordination with the Bureau of Indian Affairs (BIA) and applicable Tribal Historic Preservation Officers for Tier 2/Project-level fieldwork and surveys occurring within Native American reservation lands.

If the resource is found to be a historical resource/historic property, the agency carrying out implementation of the Tier 2/Project-level improvement shall be required to identify and implement site-specific mitigation if the Tier 2/Project-level improvement has a substantial adverse change to the resource, including physical damage, destruction, relocation, or alteration of the property that materially alters in an adverse manner those physical characteristics of the property that convey its significance for inclusion in or eligibility for the NRHP, California Register of Historical Resources, or local register. These Tier 2/Project-level site-specific mitigation measures shall be developed in coordination with applicable Section 106 and AB 52 consultation requirements.

Archaeological Resources

Threshold: Would the Program cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.13-58 through 3.13-59). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts on archaeological resources depend on the location of rail infrastructure improvements, station facilities, and types of construction activities, which are currently unknown. The Eastern Section contains known archaeological resources and could contain additional unknown archaeological resources. Construction of rail infrastructure improvements and station facilities have the potential to impact archaeological resources through ground-disturbing activities. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategies CUL-1 would minimize, reduce, or avoid potential impacts on archaeological resources through design, further analysis, and the avoidance of resources. However, it is unknown to what extent and type of impact on archaeological resources would occur. Impacts may remain significant and unavoidable if further analysis determines that a non-renewable archaeological resource would be impacted by the rail infrastructure improvement or station facility proposed.

- **Mitigation Strategy CUL-1:** During subsequent Tier 2/Project-level analysis, a preliminary cultural resource screening shall be conducted by the identified lead agency or agencies to determine if the Tier 2/Project-level improvement being proposed has the potential to impact cultural resources. If the proposed Tier 2/Project-level improvement has the potential to impact cultural resources, a qualified cultural resources specialist shall conduct a cultural resources assessment report to document the existing cultural resources within the Tier 2/Project-level Study Area. The report may include, but not be limited to, the following:
    - Survey and inventory for archaeological resources, including those determined to be tribal cultural resources, including a review of updated information for the applicable cultural information center and other data repositories.
    - Survey and inventory for historic, built-environment resources, including a review of updated information for the applicable cultural information center and other data repositories.

- All identified cultural resources shall be recorded using the appropriate California Department of Parks and Recreation cultural resources recordation forms.
- Cultural resources shall be evaluated for eligibility for inclusion in the National Register of Historic Places and California Register of Historical Resources, and evaluations shall be conducted by individuals who meet the Secretary of the Interior's professional qualification standards in archaeology, history, and/or architectural history.
- Documentation of Tier 2/Project-level Section 106 and Assembly Bill 52 Native American consultation efforts and site-specific recommendations and input received from Native American tribes including but not limited to:
  - The provision of Native American monitors on site during ground disturbance activities
  - Identification of procedures regarding repatriation of cultural items
  - Notification and early coordination with the Bureau of Indian Affairs (BIA) and applicable Tribal Historic Preservation Officers for Tier 2/Project-level fieldwork and surveys occurring within Native American reservation lands.

If the resource is found to be a historical resource/historic property, the agency carrying out implementation of the Tier 2/Project-level improvement shall be required to identify and implement site-specific mitigation if the Tier 2/Project-level improvement has a substantial adverse change to the resource, including physical damage, destruction, relocation, or alteration of the property that materially alters in an adverse manner those physical characteristics of the property that convey its significance for inclusion in or eligibility for the NRHP, California Register of Historical Resources, or local register. These Tier 2/Project-level site-specific mitigation measures shall be developed in coordination with applicable Section 106 and AB 52 consultation requirements.

4.3.6 Geology and Soils

Paleontological Resources

Threshold: Would the Program directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.10-73 through 3.10-74). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier

1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts on paleontological resources depend on the location of rail infrastructure improvements, station facilities, and the types of construction activities, which are currently unknown. The Eastern Section contains multiple areas of high paleontological sensitivity with the potential for subsurface resources to exist, and construction-related ground disturbing activities could destroy previously undiscovered paleontological resources. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategies PAL-1 and LU-3 would minimize, reduce, or avoid potential impacts on paleontological resources through design, further analysis, and the avoidance of resources. However, it is unknown to what extent and type of impact on paleontological resources would occur. Impacts may remain significant and unavoidable if further analysis determines that non-renewable paleontological resources would be impacted by the rail infrastructure improvement or station facility proposed.

- **Mitigation Strategy PAL-1:** During the Tier 2/Project-level analysis, the lead agency or agencies shall determine if a paleontological resources assessment report is required for the specific rail infrastructure or station facility proposed. If required, a paleontological resources assessment report shall be prepared for the specific rail infrastructure or station facility proposed. The report shall include, but not be limited to, analysis and recommendations on the following topics:
    - Geologic context of the region and site and the potential to contain paleontological resources
    - A records search of institutions holding paleontological collections from the Southern California region
    - A review of published and unpublished literature for past paleontological finds in the area

    If the paleontological resources assessment report identifies that paleontological resources are present at the site or if the geologic units to be encountered by the Project are designated as having a high paleontological sensitivity by the applicable local jurisdiction and lead agency, a paleontological resources impact mitigation program shall be prepared and implemented by a professional paleontologist as defined under Secretary of the Department of the Interior Standards. The paleontological resource impact mitigation program shall include, but not be limited to, the following:
    - The qualifications of the principal investigator and monitoring personnel

- Construction crew awareness training content, procedures, and requirements
- Measures to prevent potential looting, vandalism, or erosion impacts
- Location, frequency, and schedule for on-site monitoring activities
- Criteria for identifying and evaluating potential fossil specimens or localities
- A plan for the use of protective barriers and signs or implementation of other physical or administrative protection measures
- Collection and salvage procedures
- Identification of an institution or museum willing and able to accept any fossils discovered
- Compliance monitoring and reporting procedures

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

4.3.7 Hydrology and Water Quality

Water Quality

Threshold: Would the Program violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.9-40 through 3.9-41). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential construction impacts are dependent on the location of rail infrastructure improvements, station facilities, and type of construction activities that would be required. Construction activities could impact water quality by creating debris and pollutants like concrete waste and sediment. Due to the variety of potential construction techniques and numerous waterways and drainages in the Eastern Section, site-specific impacts and associated BMPs to

minimize impacts cannot be determined at this time. During operation, introducing new impervious surfaces and buildings where they currently do not exist would have the potential to increase the rate and amount of stormwater runoff that could enter receiving waters. The generation of new stormwater sources may contain sediment, nutrients, pesticides, petroleum derivatives, solid wastes, or other chemical and metals that could degrade water quality in the area if not properly managed. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategies HWQ-2, HWQ-3, and LU-3 would minimize, reduce, or avoid potential impacts related to violating water quality standards and waste discharge requirements by requiring compliance with applicable regulations and further evaluation during the Tier 2/Project-level analysis. However, impacts may remain significant and unavoidable as further analysis may determine that construction and operational activities would result in water quality impacts.

- **Mitigation Strategy HWQ-2:** Based on the results of the Tier 2/Project-level analysis and recommendations, the construction of specific rail infrastructure or station facility proposed shall comply with the provisions of the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order Number 2009-0009-DWQ, National Pollutant Discharge Elimination System Number CAS000002) and any subsequent amendments (Order Number 2010-0014-DWQ and Order Number 2012-0006-DWQ). These provisions shall include, but are not limited to, the following:
    - Construction activities shall not commence until a waste discharger identification number is received from the State Water Resources Control Board Stormwater Multiple Application and Report Tracking System.
    - Identification of good housekeeping, erosion control, and sediment control best management practices shall be utilized during construction activities.
    - A stormwater pollution prevention plan shall be prepared.
    - A rain event action plan shall be prepared.
    - A notice of termination shall be submitted to the State Water Resources Control Board within 90 days of completion of construction and stabilization of the site.

    These requirements, and any additional approvals, shall be determined in coordination with the governing agencies or local jurisdiction before construction on a project commences.
- **Mitigation Strategy HWQ-3:** Based on the results of the Tier 2/Project-level analysis and recommendations, the operation of specific rail infrastructure or station facility proposed shall comply with the provisions of the applicable Regional Water Quality Control Board Municipal

Separate Storm Sewer System Program. These provisions shall include, but are not limited to, the following:

- Low impact, site design, and source control best management practices shall be identified to be utilized during operational activities.
- A water quality management plan shall be prepared that will be implemented and maintained throughout the life of a project and used by property owners, facility operators, tenants, facility employees, and maintenance contractors.

These requirements, and any additional approvals, shall be determined in coordination with the governing agencies or local jurisdiction before operation on a project commences.

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Groundwater Supplies

Threshold: Would the Program substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Program may impede sustainable groundwater management of the basin?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.9-41 through 3.9-42). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Although construction activities would require the use of water in site preparation, building preparation, material preparation, and for dust suppression, it is anticipated that construction water supply would not use groundwater supplies for these uses. Upon Program operation, new rail infrastructure improvements are not anticipated to require the use of groundwater supplies during operation or maintenance activities. However, depending on the location and type of amenities identified for new station facilities, there is the potential that groundwater supplies may be needed during operation. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategies UTL-1 and LU-3 would minimize,

reduce, or avoid potential impacts related to groundwater supplies through design and further analysis during the Tier 2/Project-level analysis. However, impacts may remain significant and unavoidable as further analysis may determine that construction and operational activities would result in groundwater supply impacts.

- **Mitigation Strategy UTL-1:** During Tier 2/Project-level analysis, additional water supply documentation shall be conducted by the identified lead agency or agencies to determine water supply impacts (including groundwater basin withdrawals) associated with the operation of rail infrastructure or station facility proposed. If required by the identified lead agency or agencies, this documentation shall include, but is not limited to, the following:
    - A site-specific water supply assessment shall be prepared, per Senate Bill 610 requirements.
    - Water supply verification letters shall be obtained from the applicable water purveyor per Senate Bill 221 requirements.
- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

4.3.8 Land Use and Planning

Divide an Established Community

Threshold: Would the Program physically divide an established community?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.2-37 through 3.2-38). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts associated with physically dividing an established community depend on the location of new stations, which are currently unknown, and which may require acquisition of parcels within local communities. The stations would be generally located adjacent to the existing tracks, and for that reason, impacts associated with dividing established communities would be

unlikely. However, construction activities would result in noise, air pollutants, and traffic impacts that may temporarily affect the community. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategies LU-1, LU-2, and LU-3 would minimize, reduce, or avoid potential impacts related to dividing an established community through design and further analysis. However, impacts may remain significant and unavoidable as further analysis may determine that land acquisitions would result in community impacts.

- **Mitigation Strategy LU-1:** Based on the results of a subsequent Tier 2/Project-level analysis and recommendations, the identified lead agency or agencies shall determine the extent and duration of construction activities of the Tier 2/Project-level improvement being proposed and develop construction best management practices that shall be implemented by the contractor to reduce noise, air quality, and transportation effects, such as temporary sound barriers and traffic management plans. Depending on the nature of construction activities proposed and the location where construction activities could occur, construction best management practices could include, but are not limited to, the following:
    - Limit noise-generating construction activities to the hours identified in the applicable local jurisdiction's ordinance and/or policies governing construction activities
    - Control fugitive dust by watering disturbed areas
    - Require specifications for construction equipment and idling times
- **Mitigation Strategy LU-2:** Based on the results of a subsequent Tier 2/Project-level analysis and recommendations, the identified lead agency or agencies shall determine if a construction management plan is required for construction activities of the Tier 2/Project-level improvement being proposed. If required, a construction management plan shall be developed by the contractor and reviewed by the lead agency or agencies prior to construction and implemented during construction activities. The construction management plan shall include, but not be limited to, the following:
    - Measures that minimize effects on populations and communities within the Tier 2/Project Study Area
    - Measures pertaining to visual protection, air quality, safety controls, noise controls, and traffic controls to minimize effects on populations and communities within the Tier 2/Project Study Area
    - Measures to ensure property access is maintained for local businesses, residences, and community and emergency services

  - Measures to consult with local transit providers to minimize effects on local and regional bus routes in affected communities
  - Measures to consult with local jurisdictions and utility providers to minimize effects on utilities in affected communities

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Conflict with an Applicable Land Use Plan, Policy, or Regulation

Threshold: Would the Program conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Program (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.2-38 through 3.2-39). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts associated with consistency with plans and policies depend on the location of new stations and other infrastructure improvements, which are currently unknown. Construction and operation of new stations may require land acquisition, which may require land use designation changes or amendments. However, a detailed analysis of city-level plans, policies, and regulations cannot be considered at the Tier 1/Program EIS/EIR level because such an analysis at this stage would be too speculative, given the exact location of stations is unknown at this time. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategy LU-3 would minimize, reduce, or avoid potential impacts associated with consistency with plans and policies through design and further analysis. However, impacts may remain significant and unavoidable as further analysis may determine that there is a land use conflict that cannot be mitigated.

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to

determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

4.3.9 Mineral Resources

Loss of Availability of a Known Mineral Resource

Threshold: Would the Program result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.10-74 through 3.10-75). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts on mineral resources and associated plans and policies under the Program are dependent on the location of rail infrastructure improvements and station facilities, which are currently unknown. Mineral resource lands are considered a finite and unique resource; once mineral resource land is converted to other uses, that resource is effectively eliminated. As such, if MRZ mapped lands within the Eastern Section of the Program Corridor are converted to a transportation use, it would be considered an adverse effect (Draft Tier 1/Program EIS/EIR, pp. 3.10-58 through 3.10-59). Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategy LU-3 would minimize, reduce, or avoid potential impacts to known mineral resources through preparation of a land use consistency analysis at the Tier 2/Project level. However, impacts may remain significant and unavoidable, as further analysis may determine that conflicts cannot be mitigated.

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Loss of Availability of a Locally Important Mineral Resource Recovery Site

Threshold: Would the Program result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.10-76 through 3.10-77). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts on mineral resources and associated plans and policies under the Program are dependent on the location of rail infrastructure improvements and station facilities, which are currently unknown. Mineral resource lands are considered a finite and unique resource; once mineral resource land is converted to other uses, that resource is effectively eliminated. As such, if MRZ mapped lands within the Eastern Section of the Program Corridor are converted to a transportation use, it would be considered an adverse effect (Draft Tier 1/Program EIS/EIR, pp. 3.10-58 through 3.10-59). Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategy LU-3 would minimize, reduce, or avoid potential impacts to locally important mineral resource recovery sites through preparation of a land use consistency analysis at the Tier 2/Project level. However, impacts may remain significant and unavoidable, as further analysis may determine that conflicts cannot be mitigated.

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

4.3.10 Noise

Ambient Noise Levels

Threshold: Would the Program result in generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.6-35 through 3.6-36). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potentially significant impacts may occur at the Tier 1/Program EIS/EIR evaluation level. Potential impacts related to a substantial, temporary increase in ambient noise levels are dependent on the location of rail infrastructure improvements, station facilities, and the type of construction activities required, which are unknown at this time. During operation, a permanent increase in ambient noise around new rail infrastructure improvements and station facilities could occur. This increase in ambient noise may result in potentially significant impacts on adjacent noise-sensitive land uses depending on the location of sensitive receptors. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategies NOI-1, NOI-2, and LU-3 would minimize, reduce, or avoid potential impacts associated with construction and operational noise through design and further analysis during the Tier 2/Project-level environmental process. However, impacts may remain significant and unavoidable as further analysis may determine that there are noise impacts that cannot be mitigated between land uses.

- **Mitigation Strategy NOI-1:** During Tier 2/Project-level analysis, a site-specific construction noise management plan shall be prepared for the specific rail infrastructure or station facility proposed. The construction noise management plan shall include, but not be limited to, the following:
    - A detailed construction schedule correlating to areas or zones of on-site Project construction activity(ies) and the anticipated equipment types and quantities involved. Information will include expected hours of actual operation per day for each type of equipment per phase and indication of anticipated concurrent construction activities on site.
    - Identification of construction noise reduction methods such as shutting off idling equipment, construction of a temporary noise barrier, maximizing the distance between construction equipment staging areas and adjacent sensitive land use receptors.
    - Identification of construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners to contact the job superintendent if necessary. In the event the municipality with jurisdiction receives a complaint, the construction noise management plan shall include guidance to ensure the appropriate corrective actions

are implemented and a report of the action is provided to the reporting party. Appropriate corrective actions may include stricter enforcement of construction schedule, re-location of stationary equipment further from adjacent noise-sensitive receptors, reduction in the number of equipment working simultaneously in proximity to the sensitive receptor, erection of temporary noise barriers, or a combination of the above.

- **Mitigation Strategy NOI-2:** During Tier 2/Project-level analysis, a site-specific noise and vibration assessment shall be prepared for the specific rail infrastructure or station facility proposed. The site-specific noise and vibration assessment shall include, but not be limited to, the following:
    - Identification of adjacent noise sensitive land uses that would be impacted by construction and operation activities associated with the specific rail infrastructure or station facility.
    - Identification of construction equipment required to be within 50 feet of existing structures. If construction equipment is required within 50 feet, the assessment will demonstrate that the human annoyance threshold of 78 velocity in decibels (0.032 inches per second peak particle velocity) and structural damage thresholds of 0.2 inches per second peak particle velocity for nonengineered timber and masonry buildings and 0.12 inches per second peak particle velocity for historic-age buildings that are extremely susceptible to vibration damage is achieved.
    - Identification of existing noise levels at the nearest noise sensitive land uses.
    - Identification of any on-site generated noise sources, including generators, mechanical equipment, and trucks and predicted noise levels at property lines from all identified equipment.
    - Recommended mitigation to be implemented (e.g., enclosures, barriers, site orientation), to ensure compliance with the local jurisdiction’s noise regulations or ordinances. Noise reduction measures shall include building noise-attenuating walls, reducing noise at the source by requiring quieter machinery or limiting the hours of operation, or other attenuation measures. Exact noise mitigation measures and their effectiveness shall be determined by the site-specific noise analyses.
- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis

identifies sensitive land uses or environmental resources within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

4.3.11 Public Services

Fire Protection Services, Police Services, Schools, Parks, and Other Public Facilities

Threshold: Would the Program result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i. Fire protection?

ii. Police protection?

iii. Schools?

iv. Parks?

v. Other public facilities?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.14-27 through 3.14-28). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts on public services depend on the location of infrastructure improvements, which are currently not known. However, construction activities may result in temporary noise, vibration, and air quality effects that could affect parklands or community facilities within the Tier 1/Program EIS/EIR Study Area, as well as in detours that could impact accessibility, travel patterns, and response times for fire and police protection. Construction of infrastructure improvements could result in temporary access disruption to existing community facilities and parks. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategy LU-2 would minimize, reduce or, avoid potential impacts on public services through the implementation of a construction management plan; however, impacts could remain potentially significant if avoidance of public service resources is not feasible during the Tier 2/Project-level planning and design phase.

- **Mitigation Strategy LU-2:** Based on the results of a subsequent Tier 2/Project-level analysis and recommendations, the identified lead agency or agencies shall determine if a construction management plan is required for construction activities of the Tier 2/Project-level improvement being proposed. If required, a construction management plan shall be developed by the contractor and reviewed by the lead agency or agencies prior to construction and implemented during construction activities. The construction management plan shall include, but not be limited to, the following:
    - Measures that minimize effects on populations and communities within the Tier 2/Project Study Area
    - Measures pertaining to visual protection, air quality, safety controls, noise controls, and traffic controls to minimize effects on populations and communities within the Tier 2/Project Study Area
    - Measures to ensure property access is maintained for local businesses, residences, and community and emergency services
    - Measures to consult with local transit providers to minimize effects on local and regional bus routes in affected communities
    - Measures to consult with local jurisdictions and utility providers to minimize effects on utilities in affected communities

4.3.12 Recreation

New Recreational Facilities

Threshold: Does the Project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.14-30 through 3.14-31). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Although the Program would not include recreational facilities as part of the proposed improvements, there is the potential for the Build Alternative Options to require expansion of recreational facilities in the event that the proposed improvements require a physical take of park property. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategies PCS-1 and LU-3 would result in additional

coordination with agencies to avoid or minimize the potential for parkland impacts; however, impacts could remain potentially significant if avoidance of recreational resources is not feasible during the Tier 2/Project-level planning and design phase.

- **Mitigation Strategy PCS-1:** During Tier 2/Project-level analysis, recreational resources that would be impacted by the site-specific rail infrastructure improvement or station facility shall be identified, and any physical take of recreational properties shall be evaluated. Measures to avoid or minimize impacts on recreational properties shall include, but are not limited to, the following:
    - Selection of rail station locations that avoid recreational resources
    - Moving equipment and facilities to another located within existing parkland
    - Planting vegetation to offset removed vegetation or to establish visual or auditory screening
- **Mitigation Strategy LU 3:** During a subsequent Tier 2/Project level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resources within the Tier 2/Project level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

4.3.13 Transportation

Conflict with a Transportation Plan, Ordinance, or Policy

Threshold: Would the Program conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.3-59 through 3.3-60). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potentially significant impacts under the Program are anticipated at the Tier 1/Program EIS/EIR evaluation level. Potential impacts are dependent on the location of new stations and rail infrastructure improvements, which are currently unknown. During construction, vehicular, pedestrian, and bicycle traffic may be affected due to temporary road closures and detours during

construction-related activities. Similarly, during operation of the Program, vehicular, pedestrian, and bicycle traffic may be affected due to permanent road closures. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategies TR-1 and LU-2 would minimize, reduce, or avoid potential impacts resulting from conflicts with Program plans, ordinances or policies through design and further analysis. However, impacts may remain significant and unavoidable, as further analysis may determine that there is a conflict that cannot be mitigated between land uses.

- **Mitigation Strategy TR-1:** During Tier 2/Project-level analysis, a Project-specific traffic impact analysis shall be required for the sites identified for the specific rail infrastructure or station facility proposed. The traffic impact analysis shall be prepared using the standards and procedures of the applicable local jurisdiction(s) in which the Project is located. The traffic impact analysis may include, but will not be limited to, the following:
    - Analysis of construction related traffic impacts including identification and analysis of:
        - Transportation management plans to mitigate construction-related traffic, including coordination with emergency providers
        - Alternative work windows or temporary construction features (e.g., shoo-fly) to minimize disruption to rail operations during construction
        - Coordination with railroad host, operators and the jurisdiction within which construction will occur
        - Identification of haul routes for construction trucks, construction traffic management strategies, and any re-routing of vehicular, pedestrian, and bicycle routes
    - Analysis of operational-related traffic impacts including identification and analysis of:
        - Roadway network impacts and fair-share mitigation to mitigate impacts
        - Transportation system management/signal optimization, including retiming, rephrasing, and signal optimization; turn prohibitions; use of one-way street; and traffic diversion to alternative routes
    - For station facilities, identification and analysis of:
        - Roadway network impacts associated with trips resulting from travel activity at stations
        - Station amenities (e.g., parking, alternative modes of transit features, ticketing, emergency access)

- **Mitigation Strategy LU-2:** Based on the results of a subsequent Tier 2/Project-level analysis and recommendations, the identified lead agency or agencies shall determine if a construction management plan is required for construction activities of the Tier 2/Project-level improvement being proposed. If required, a construction management plan shall be developed by the contractor and reviewed by the lead agency or agencies prior to construction and implemented during construction activities. The construction management plan shall include, but not be limited to, the following:
    - Measures that minimize effects on populations and communities within the Tier 2/Project Study Area
    - Measures pertaining to visual protection, air quality, safety controls, noise controls, and traffic controls to minimize effects on populations and communities within the Tier 2/Project Study Area
    - Measures to ensure property access is maintained for local businesses, residences, and community and emergency services
    - Measures to consult with local transit providers to minimize effects on local and regional bus routes in affected communities
    - Measures to consult with local jurisdictions and utility providers to minimize effects on utilities in affected communities.

4.3.14 Tribal Cultural Resources

Listed or Eligible Tribal Cultural Resources

Threshold: Would the Program cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k)?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.13-60 through 3.13-61). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts depend on the location of rail infrastructure improvements, station facilities, and types of construction activities, which are currently unknown. Construction of rail infrastructure improvements and station facilities have the potential to impact TCRs through ground-disturbing activities. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategy CUL-1 would minimize, reduce, or avoid potential impacts on TCRs through design, further analysis, and the avoidance of resources. However, it is unknown to what extent and type of impact on TCRs would occur. Impacts may remain significant and unavoidable if further analysis determines that a non-renewable TCR would be impacted by the rail infrastructure improvement or station facility proposed.

- **Mitigation Strategy CUL-1:** During subsequent Tier 2/Project-level analysis, a preliminary cultural resource screening shall be conducted by the identified lead agency or agencies to determine if the Tier 2/Project-level improvement being proposed has the potential to impact cultural resources. If the proposed Tier 2/Project-level improvement has the potential to impact cultural resources, a qualified cultural resources specialist shall conduct a cultural resources assessment report to document the existing cultural resources within the Tier 2/Project-level Study Area. The report may include, but not be limited to, the following:
    - Survey and inventory for archaeological resources, including those determined to be tribal cultural resources, including a review of updated information for the applicable cultural information center and other data repositories.
    - Survey and inventory for historic, built-environment resources, including a review of updated information for the applicable cultural information center and other data repositories.
    - All identified cultural resources shall be recorded using the appropriate California Department of Parks and Recreation cultural resources recordation forms.
    - Cultural resources shall be evaluated for eligibility for inclusion in the National Register of Historic Places and California Register of Historical Resources, and evaluations shall be conducted by individuals who meet the Secretary of the Interior's professional qualification standards in archaeology, history, and/or architectural history.
    - Documentation of Tier 2/Project-level Section 106 and Assembly Bill 52 Native American consultation efforts and site-specific recommendations and input received from Native American tribes including but not limited to:
        - The provision of Native American monitors on site during ground disturbance activities
        - Identification of procedures regarding repatriation of cultural items

- Notification and early coordination with the Bureau of Indian Affairs (BIA) and applicable Tribal Historic Preservation Officers for Tier 2/Project-level fieldwork and surveys occurring within Native American reservation lands.

If the resource is found to be a historical resource/historic property, the agency carrying out implementation of the Tier 2/Project-level improvement shall be required to identify and implement site-specific mitigation if the Tier 2/Project-level improvement has a substantial adverse change to the resource, including physical damage, destruction, relocation, or alteration of the property that materially alters in an adverse manner those physical characteristics of the property that convey its significance for inclusion in or eligibility for the NRHP, California Register of Historical Resources, or local register. These Tier 2/Project-level site-specific mitigation measures shall be developed in coordination with applicable Section 106 and AB 52 consultation requirements.

Lead-Agency Determined Tribal Cultural Resource

Threshold: Would the Program cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.13-61 through 3.13-62). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential impacts depend on the location of rail infrastructure improvements, station facilities, and types of construction activities, which are currently unknown. Construction of rail infrastructure improvements and station facilities have the potential to impact TCRs through ground-disturbing activities. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategy CUL-1 would minimize, reduce, or avoid potential impacts on TCRs through design, further analysis, and the avoidance of resources. However, it is unknown to what extent and type of impact on TCRs would occur. Impacts may

remain significant and unavoidable if further analysis determines that a non-renewable TCR would be impacted by the rail infrastructure improvement or station facility proposed.

- **Mitigation Strategy CUL-1:** During subsequent Tier 2/Project-level analysis, a preliminary cultural resource screening shall be conducted by the identified lead agency or agencies to determine if the Tier 2/Project-level improvement being proposed has the potential to impact cultural resources. If the proposed Tier 2/Project-level improvement has the potential to impact cultural resources, a qualified cultural resources specialist shall conduct a cultural resources assessment report to document the existing cultural resources within the Tier 2/Project-level Study Area. The report may include, but not be limited to, the following:
    - Survey and inventory for archaeological resources, including those determined to be tribal cultural resources, including a review of updated information for the applicable cultural information center and other data repositories.
    - Survey and inventory for historic, built-environment resources, including a review of updated information for the applicable cultural information center and other data repositories.
    - All identified cultural resources shall be recorded using the appropriate California Department of Parks and Recreation cultural resources recordation forms.
    - Cultural resources shall be evaluated for eligibility for inclusion in the National Register of Historic Places and California Register of Historical Resources, and evaluations shall be conducted by individuals who meet the Secretary of the Interior's professional qualification standards in archaeology, history, and/or architectural history.
    - Documentation of Tier 2/Project-level Section 106 and Assembly Bill 52 Native American consultation efforts and site-specific recommendations and input received from Native American tribes including but not limited to:
        - The provision of Native American monitors on site during ground disturbance activities
        - Identification of procedures regarding repatriation of cultural items
        - Notification and early coordination with the Bureau of Indian Affairs (BIA) and applicable Tribal Historic Preservation Officers for Tier 2/Project-level fieldwork and surveys occurring within Native American reservation lands.

  If the resource is found to be a historical resource/historic property, the agency carrying out implementation of the Tier 2/Project-level improvement shall be required to identify and implement site-specific mitigation if the Tier 2/Project-level improvement has a substantial

adverse change to the resource, including physical damage, destruction, relocation, or alteration of the property that materially alters in an adverse manner those physical characteristics of the property that convey its significance for inclusion in or eligibility for the NRHP, California Register of Historical Resources, or local register. These Tier 2/Project-level site-specific mitigation measures shall be developed in coordination with applicable Section 106 and AB 52 consultation requirements.

4.3.15 Utilities and Service Systems

Relocation or Construction of Facilities

Threshold: Would the Program require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.12-43 through 3.12-44). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: Potential construction impacts are dependent on the location of rail infrastructure improvements and station facilities, which are currently unknown. There are multiple known utilities within and adjacent to existing ROW and construction of new stations or rail infrastructure improvements may require relocation of utilities. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategies UTL-1, UTL-2, LU-2, and LU-3 would minimize, reduce, or avoid potential impacts associated with utilities through design and further analysis. However, impacts may remain significant and unavoidable as further analysis may determine that the construction of rail infrastructure improvements or station facilities would result in the relocation of existing utilities or construction of new utilities.

- **Mitigation Strategy UTL-1:** During Tier 2/Project-level analysis, additional water supply documentation shall be conducted by the identified lead agency or agencies to determine water supply impacts (including groundwater basin withdrawals) associated with the operation of rail infrastructure or station facility proposed. If required by the identified lead agency or agencies, this documentation may include, but is not limited to the following:
    - Preparation of a site-specific water supply assessment per Senate Bill 610 requirements

- Obtainment of a water supply verification letters from the applicable water purveyor per Senate Bill 221 requirements

- **Mitigation Strategy UTL-2:** During Tier 2/Project-level analysis, a site-specific utilities report shall be prepared for the rail infrastructure or station facility proposed. The utilities report will identify the ability for existing utility infrastructure to serve the Project, additional utility infrastructure needs, and local jurisdiction/utility provider coordination. The report shall include, but not be limited to, the following analyses:
  - Wastewater/Sewer Infrastructure. Identification of existing sewer infrastructure, sewer capacity, required wastewater/sewer relocations, and site-specific wastewater generation estimates
  - Electrical Infrastructure. Identification of existing electrical infrastructure, electrical capacity, required electrical infrastructure relocations, and site-specific electrical demand estimates
  - Natural Gas Infrastructure. Identification of existing natural gas infrastructure, required natural gas infrastructure relocations, and site-specific natural gas demand estimates
- **Mitigation Strategy LU-2:** Based on the results of a subsequent Tier 2/Project-level analysis and recommendations, the identified lead agency or agencies shall determine if a construction management plan is required for construction activities of the Tier 2/Project-level improvement being proposed. If required, a construction management plan shall be developed by the contractor and reviewed by the lead agency or agencies prior to construction and implemented during construction activities. The construction management plan shall include, but not be limited to, the following:
  - Measures that minimize effects on populations and communities within the Tier 2/Project Study Area
  - Measures pertaining to visual protection, air quality, safety controls, noise controls, and traffic controls to minimize effects on populations and communities within the Tier 2/Project Study Area
  - Measures to ensure property access is maintained for local businesses, residences, and community and emergency services
  - Measures to consult with local transit providers to minimize effects on local and regional bus routes in affected communities
  - Measures to consult with local jurisdictions and utility providers to minimize effects on utilities in affected communities

- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resource within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

Water Supply

Threshold: Would the Program have sufficient water supplies available to serve the Program and reasonably foreseeable future development during normal, dry, and multiple dry years?

Findings: Significant and Unavoidable Impact (Draft Tier 1/Program EIS/EIR, pp. 3.12-44 through 3.12-45). Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen some of the significant environmental effects as identified in the Draft Tier 1/Program EIS/EIR. (State CEQA Guidelines, Section 15091(a)(1).) However, impacts would remain significant and unavoidable at the Tier 1/Program-level evaluation.

Explanation: New rail infrastructure improvements are not anticipated to require the use of groundwater supplies during operation or maintenance activities. However, depending on the location and type of amenities identified for new station facilities, there is the potential that groundwater supplies may be needed during operation. Therefore, potentially significant impacts are anticipated at the Tier 1/Program EIS/EIR evaluation level. Implementation of Mitigation Strategies UTL-1, LU-2, and LU-3 would minimize, reduce, or avoid potential impacts associated with water supply through coordination with water providers and through subsequent design and analysis. However, impacts may remain significant and unavoidable as further analysis may determine that operational activities would result in water supply impacts.

- **Mitigation Strategy UTL-1:** During Tier 2/Project-level analysis, additional water supply documentation shall be conducted by the identified lead agency or agencies to determine water supply impacts (including groundwater basin withdrawals) associated with the operation of rail infrastructure or station facility proposed. If required by the identified lead agency or agencies, this documentation may include, but is not limited to the following:
    - Preparation of a site-specific water supply assessment per Senate Bill 610 requirements
    - Obtainment of a water supply verification letters from the applicable water purveyor per Senate Bill 221 requirements

- **Mitigation Strategy LU-2:** Based on the results of a subsequent Tier 2/Project-level analysis and recommendations, the identified lead agency or agencies shall determine if a construction management plan is required for construction activities of the Tier 2/Project-level improvement being proposed. If required, a construction management plan shall be developed by the contractor and reviewed by the lead agency or agencies prior to construction and implemented during construction activities. The construction management plan shall include, but not be limited to, the following:
    - Measures that minimize effects on populations and communities within the Tier 2/Project Study Area
    - Measures pertaining to visual protection, air quality, safety controls, noise controls, and traffic controls to minimize effects on populations and communities within the Tier 2/Project Study Area
    - Measures to ensure property access is maintained for local businesses, residences, and community and emergency services
    - Measures to consult with local transit providers to minimize effects on local and regional bus routes in affected communities
    - Measures to consult with local jurisdictions and utility providers to minimize effects on utilities in affected communities
- **Mitigation Strategy LU-3:** During a subsequent Tier 2/Project-level analysis, a land use consistency analysis shall be conducted by the identified lead agency or agencies to determine consistency of the Tier 2/Project-level improvement being proposed with the applicable local jurisdictional general plans or programs. If the land use consistency analysis identifies sensitive land uses or environmental resource within the Tier 2/Project-level Study Area, design or siting strategies shall be identified by the lead agency or agencies to avoid or minimize conflicts with sensitive land uses or environmental resources.

4.4 The Use of a Tier 1/Program EIS/EIR

FRA, Caltrans, and RCTC are using a tiered NEPA/CEQA process to complete the environmental review of the Program, under 40 CFR Part 1508.28 and CEQA Guideline Sections 15168 and 15170. Tiering is a staged environmental review process often applied to environmental review for complex transportation projects. This Tier 1/Program EIS/EIR complies with NEPA and CEQA, which requires that federal and state agencies analyze a range of reasonable alternatives in an EIS (42 USC Section 4332(c)(iii)) and EIR (CEQA Guidelines Section 15126.6(a)).

For CEQA purposes, a Program EIR is an EIR that may be prepared on a series of actions that can be characterized as one large project and are related in one of the following ways:

a) Geographically;

b) As logical parts in the chain of contemplated actions;

c) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or

d) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in a similar way.

A Program EIR enables the lead agency to consider broad environmental implications of development at an early stage in the process, sometimes when the project is still at a conceptual level, recognizing that a series of actions will occur prior to development. Because they are prepared relatively early on, Program EIRs allow greater flexibility in dealing with overall development options, basic environmental issues, and cumulative impacts. The Program EIR identifies and mitigates the effects of the overall program of development to the extent that they are known at this time. The lead agency incorporates feasible mitigation strategies developed in the Program EIR into subsequent actions to implement the program. Requests for approval of subsequent entitlements in the program must be examined in light of the Program EIR to determine whether additional environmental review must be conducted. If the agency finds that pursuant to CEQA Guidelines section 15162, no new effects could occur and no new mitigation is required, the agency can approve the activity as being within the scope of the Program EIR. However, if a later activity would have effects that were not examined in the Program EIR, additional environmental review would need to be conducted and additional opportunities for public review provided as appropriate under CEQA. Additional environmental review is required for subsequent discretionary approvals requested of the lead agency to implement the program, if, pursuant to section 15162 of the CEQA Guidelines, the following circumstances occur:

a) Substantial changes are proposed to the project description;

b) Substantial changes occur with respect to the circumstances under which the project is undertaken (such as new regulatory requirements are adopted relevant to the project); or

c) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, identifies new or more severe impacts from those identified in the program EIR or if new mitigation measures can be identified to offset impacts of the project.

4.5 Findings of Fact

As stated above, California PRC Section 21081 and CEQA Guidelines Section 15091 require that the lead agency, in this case RCTC, prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding (see Appendix F of this Final Tier 1/Program EIS/EIR for full mitigation strategy text). RCTC, as the CEQA lead agency, hereby certifies that the Board of Commissioner's has reviewed and considered the information contained in the Final Tier 1/Program EIS/EIR, identified below, for the Program. The RCTC acknowledges that the Final Tier 1/Program EIS/EIR has been completed in compliance with CEQA, pursuant to California PRC Section 21000 et seq., CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.), and that the Final Tier 1/Program EIS/EIR reflects the independent judgment of the RCTC. In certifying the Final Tier 1/Program EIS/EIR under CEQA, the RCTC hereby adopts these CEQA findings of fact and statement of overriding considerations.

4.6 Significant or Potentially Significant Impacts for which Mitigation is Outside RCTC's Responsibility or Jurisdiction

Mitigation strategies to mitigate, avoid, or substantially lessen the following significant and potentially significant environmental impacts from the Program are within the responsibility and jurisdiction of another public agency and not RCTC. Pursuant to California PRC Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2), as to each impact, RCTC, based on the evidence in the record before it, finds that implementation of these mitigation strategies is hereby approved by RCTC, to the extent implementation of the measure strategy is within RCTC's jurisdiction. In the instances in which implementation of the measure strategy is within the jurisdiction of another agency, RCTC finds that the strategy can and should be undertaken by the other public agency. In some cases, one part of a mitigation strategy may be under the jurisdictional control of RCTC, while some other part of the same mitigation strategy may be outside of RCTC's direct control. These situations with a combination of jurisdictional responsibilities are addressed in this subsection. RCTC will request, but cannot compel, implementation of the identified mitigation strategies described in the Tier 1/Program EIS/EIR. The impact and mitigation strategy and the facts supporting the determination that mitigation is within the responsibility and jurisdiction of another public agency, and not RCTC, would be determined during subsequent Tier 2/Project-level analysis. Notwithstanding the disclosure of these impacts, RCTC elects to approve the Program due to the overriding considerations set forth below in the statement of overriding considerations.

4.7 Findings Related to the Relationship Between Short-Term Uses of the Environment and Maintenance and Enhancement of Long-Term Productivity

CEQA requires a review of the balance between short-term uses and long-term productivity of resources within a project area. Potential impacts that narrow the range of beneficial uses to the environment include selecting a development option that reduces the ability to pursue other possibilities or committing a piece of land or other resources to a particular use that limits additional uses being performed on the same site.

Effects on resources are often characterized as being short term or long term in duration. Impacts that occur only during construction are considered temporary. Impacts that occur within a period of 3 years or less would be considered a short-term use and in excess of 3 years would be considered long term. Construction can create temporary water quality effects and increases in noise, emissions, traffic, and human population that can disturb resources in an area but subside when the work is complete. Long-term effects are related to the maintenance and enhancement of long-term productivity, in particular, the consistency of the Program with long-term economic, social, regional, and local planning objectives. These impacts may lead to permanent loss or degradation of resources. As required by PRC Section 21001(g), the short- and long-term effects of the Program under consideration are summarized below.

The Program Corridor faces transportation challenges associated with anticipated population growth, constrained travel options, rail service frequency, and a need for increased travel capacity without impacting air quality and natural resources. These challenges are likely to continue in the future, as continued growth in population and employment is expected to generate increased travel demand. In the short term, construction activities would likely increase employment opportunities, as well as locally purchased materials and services. In the long term, proposed improvements would likely increase the frequency and reliability of intercity rail service.

Based on the EIR and the entire record before RCTC, RCTC makes the following findings with respect to the Program's balancing of local short-term uses of the environment and the maintenance of long-term productivity:

1. As the Program is implemented, certain impacts would occur on a short-term level. Such short-term impacts are discussed above. Where feasible, mitigation strategies have been incorporated to mitigate these potential impacts during subsequent Tier 2/Project-level analysis.

2. Implementation of the Program would result in the long-term commitment of resources to implement the Program including water, natural gas, fossil fuels, and electricity. The long-term implementation of the Program would provide economic benefits within the Program Corridor and to Riverside, San Bernardino, Orange, and Los Angeles counties. The Program would accommodate development of an improved passenger rail service throughout the Program Corridor. Notwithstanding the foregoing, some long-term impacts would result from implementation of the Program.

Despite short-term and long-term adverse impacts that could result from implementation of the Program and that would not be reduced to a less-than-significant level even with the implementation of mitigation measures, the short-term and long-term benefits of implementation of the Program as discussed in the Statement of Overriding Considerations justify implementation.

4.8 Summary of Alternatives Considered

Pursuant to CEQA Guidelines Section 15126.6(a), which states that, “An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly obtain most of the basic objectives of the project,” FRA, Caltrans, and RCTC prepared an Alternatives Analysis (AA) (RCTC 2016) to evaluate alternatives for implementation of passenger rail service within the Program Corridor. The 2016 AA Report identified six potential route alternatives and service options for the Program Corridor based on the Purpose and Need statement, review of previous studies, and comments from agencies and the public. In the Western Section of the Program Corridor, various combinations of four existing rail lines between the cities of Los Angeles and Colton were evaluated. For the Eastern Section, all potential route alternatives utilized UP's Yuma Subdivision between Colton and Indio.[1]

Table 4-1. Route Alternatives Studied in the 2016 Alternatives Analysis

Route Alternative	Alignment Description	Eastern Terminus[a]	Western Terminus	Mode	Rail Lines
1	Los Angeles-Indio Rail Service via Fullerton/Riverside	Indio	LAUS	Intercity rail	BNSF San Bernardino Subdivision + UP Yuma Subdivision

[1] During preparation of the 2016 AA Report, the City of Indio was proposed to be the eastern terminus of the Program Corridor. Therefore, the City of Coachella was not included in the 2016 AA Report. However, the City of Coachella is located within the 15 mile Indio station catchment area studied in the 2016 AA Report. Based on comments received during the formal scoping period, FRA, Caltrans, and RCTC extended the eastern terminus of the Program Corridor beyond Indio to include the adjoining City of Coachella. The extension of the eastern terminus of the Program Corridor would not affect the conclusions reached in the 2016 AA Report, as only one route alternative in the Eastern Section (between Colton and Indio) was evaluated in the 2016 AA Report: the existing UP rail line.

Route Alternative	Alignment Description	Eastern Terminus[a]	Western Terminus	Mode	Rail Lines
2	Los Angeles-Indio Rail Service via Pomona/Riverside	Indio	LAUS	Intercity rail	UP Los Angeles Subdivision + UP Yuma Subdivision
3	Los Angeles-Indio Rail Service via Pomona/Ontario Airport	Indio	LAUS	Intercity rail	UP Alhambra Subdivision + UP Yuma Subdivision
4-A	Los Angeles-Indio Rail Service via Montclair/Rialto	Indio	LAUS	Intercity rail	SCRRA San Gabriel Subdivision + UP Yuma Subdivision
4-B	Los Angeles-Indio Rail Service via Montclair/San Bernardino	Indio	LAUS	Intercity rail	SCRRA San Gabriel Subdivision + UP Yuma Subdivision
5	Los Angeles-Indio Rail Service via Montclair/San Bernardino	Indio	LAUS	Intercity rail	UP Alhambra + SCRRA San Gabriel Subdivision + UP Yuma Subdivision

Source: RCTC 2016

Notes:

[a] During preparation of the 2016 AA Report, Indio was anticipated to be the eastern terminus of the Program Corridor.

AA=Alternatives Analysis; LAUS=Los Angeles Union Station; SCRRA=Southern California Regional Rail Authority; UP=Union Pacific Railroad

As stated in Section 2.1 (Alternatives Selection Process) of the Draft Tier 1/Program EIS/EIR (Draft Tier 1/Program EIS/EIR, p.2-8), four screening criteria were relied on during the process of evaluating and selecting reasonable and feasible route alternatives to carry forward in the Tier 1/Program EIS/EIR. These screening criteria included achieving the Program's Purpose and Need, environmental constraints, technical feasibility, and economic feasibility. Pursuant to CEQA Guidelines Section 15126.6(c), which states that, "Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts," five of the six route alternatives (Route Alternatives 2, 3, 4-A. 4-B, and 5) were removed from consideration in the Draft Tier 1/Program EIS/EIR, as follows:

- **Route Alternative 2.** Coarse level screening during the AA analysis concluded that Route Alternative 2 be eliminated from further study. The route alternative is a high density freight line, with substantial sections of single track that would require costly expansion projects to create the additional capacity needed to reliably operate the proposed passenger rail service and mitigate impacts on freight rail capacity and reliability. Route Alternative 2 would require construction of up to 10 miles of additional second main line track, with potentially sections of third main line track to accommodate Metrolink commuter services. Route Alternative 2 would only serve a population of approximately 4.14 million people (which is low when compared to Route Alternative 1, which would serve a population of approximately 11.63 million people) and require over 666 acres of land acquisitions, resulting in increased environmental and land use conflicts. In addition, Route Alternative 2 would require construction of infrastructure in various locations to hold freight trains waiting for space to enter BNSF's San Bernardino Subdivision or the Alameda corridor. The route also experiences freight train congestion and serves freight terminals where trains enter and exit at low speeds, which have the potential to affect passenger train travel reliability. Therefore, Route Alternative 2 was determined to not meet the Program's Purpose and Need, which aims to provide a competitive and attractive public transit mode to meet increasing travel demand within the Program Corridor through the 2040 horizon year.

  From an environmental constraint perspective, during the coarse level screening process conducted as part of the AA Report process, it was determined that additional ROW and modifications to existing track infrastructure resulting in new or expanded bridges over waterways would require intensive coordination with the USFWS, CDFW, and other responsible resource agencies. In the event that a new or expanded bridge is needed at the Santa Ana River along the Los Angeles Subdivision between the cities of Riverside and Jurupa Valley, mitigation could be difficult to obtain since the route crosses critical habitat for LBV and Southwestern Willow Flycatcher (both are listed as a Federal and State endangered species). When compared to other Route Alternatives that did not cross through critical habitat for endangered species, Route Alternative 2 was identified as potentially having greater environmental impacts than other route alternatives considered.

  To accommodate additional passenger trains on Route Alternative 2 without degrading freight train capacity, additional infrastructure would likely be required to enable overtakes of freight trains, meet/pass events for the proposed Coachella Valley passenger trains and Metrolink commuter traffic, which include potential portions of third track, and adequate windows for track maintenance. Obstacles to constructing an additional main track between Riverside and Pomona include a lack of available ROW between Riverside and Arlington, where the alignment descends an escarpment and is constrained by a quarry. An additional

bridge over the Santa Ana River would also be needed to supplement the existing single-track concrete arch structure. Given the extensive sections of single main line track and presence of heavy unscheduled freight train traffic, the potential for introducing travel unreliability, slow projected running time, high technical complexity, and high cost for expanding capacity, Route Alternative 2 was determined to be technically and economically infeasible and was eliminated from further study. (Draft Tier 1/Program EIS/EIR, p.2-9).

- **Route Alternative 3.** Coarse level screening concluded that Route Alternative 3 be eliminated from further study. The route alternative is a high density freight line, with substantial sections of single track that would require costly expansion projects to create the additional capacity needed to reliably operate the proposed passenger rail service and mitigate impacts on freight rail capacity and reliability. Route Alternative 3 would require construction of up to 39 miles of additional second main line track. In addition to the financial feasibility of constructing up to 39 miles of additional second main line track, property acquisition would require displacement of many businesses and residents, particularly where the route passes through highly urbanized areas. Route Alternative 3 would only serve a population of approximately 4.41 million people (which is low when compared to Route Alternative 1, which would serve a population of approximately 11.63 million people) and require over 625 acres of land acquisitions, resulting in increased environmental and land use conflicts (2016 Alternatives Analysis, p. 109). The route also experiences freight train congestion and serves freight terminals where trains enter and exit at low speeds, which have the potential to affect passenger train travel reliability. Therefore, Route Alternative 3 was determined to not meet the Program's Purpose and Need, which primarily aims to provide a competitive and attractive public transit mode to meet increasing travel demand within the Program Corridor through the 2040 horizon year. Additionally, given the extensive sections of single main line track and presence of heavy unscheduled freight train traffic, the potential for introducing travel unreliability, slow projected running time, high technical complexity, and high cost for expanding capacity, Route Alternative 3 was determined to be economically and technically infeasible, and was eliminated from further study. (Draft Tier 1/Program EIS/EIR, p.2-9.)
- **Route Alternative 4-A.** Route Alternative 4-A would require complex connecting tracks at San Bernardino and Colton, additional main line track, and a major new flyover across the BNSF San Bernardino Subdivision in San Bernardino. The infrastructure required under Route Alternative 4-A would be costly and impact adjacent urban areas with substantial property acquisitions and displacements particularly where the route passes through highly urbanized areas. In addition, while Route Alternative 4-A had the shortest projected travel time, it also had lower ridership projections than Route Alternative 1. Therefore, Route

Alternative 4 was determined to not meet the Program's Purpose and Need, which primarily aims to provide a competitive and attractive public transit mode to meet increasing travel demand within the Program Corridor through the 2040 horizon year. Additionally, Route Alternative 4-A did not meet the identified technical and economic criteria. Route Alternative 4-A was determined to be neither reasonable nor feasible. (Draft Tier 1/Program EIS/EIR, p .2-11.)

- **Route Alternative 4-B.** Route Alternative 4-B did not achieve the Program's Purpose and Need because it would not offer a competitive travel time due to an additional 20 to 30 minutes required for a mid-route station stop at San Bernardino. Route Alternative 4-B did not meet the technical criteria because it would require a complex connecting track at Colton, additional main line track, and a potential new flyover across the BNSF San Bernardino Subdivision in San Bernardino, which would be costly to implement, and which would impact adjacent urban areas. Route Alternative 4-B did not meet the economic criterion because of the excessive capital cost requirements. In addition, Route Alternative 4-B, along with Route Alternative 5, had the lowest projected ridership. As such, Route Alternative 4-B was determined to not meet the Program Purpose and Need, and was eliminated from further study. (Draft Tier 1/Program EIS/EIR, p .2-12.)
- **Route Alternative 5.** Route Alternative 5 did not achieve the Program's Purpose and because it would not offer a competitive travel time due to an additional 20 to 30 minutes required for a mid-route station stop at San Bernardino and slower track speed at UP's Alhambra Subdivision. In addition, Route Alternative 5 would require a complex connecting track at Colton, including a potential new flyover across the BNSF San Bernardino Subdivision in San Bernardino, which would be costly to implement, and which would impact adjacent urban areas and result in substantial property acquisitions. Route Alternative 5 did not meet the economic criterion because of the excessive capital cost requirements. Route Alternative 5 would cost more than Alternative 4-B without providing additional ridership benefits. This alternative had the longest projected travel time of the route alternatives, and, along with Route Alternative 4-B, has the lowest projected ridership. Route Alternative 5 was determined to not meet the Program Purpose and Need and was eliminated from further study. (Draft Tier 1/Program EIS/EIR, p .2-12.)

As the CEQA lead agency, RCTC identified Route Alternative 1 as the proposed CEQA Program (also known under CEQA as the proposed Project) to be carried forward in the Tier 1/Program EIS/EIR. In addition to meeting the applicable criteria, Route Alternative 1 would also allow for the use of the existing shared use agreement and memorandum of understanding between RCTC and the railroad stakeholders, which provides for available passenger rail capacity along the Program

Corridor. In the Western Section of the Program Corridor, RCTC has an existing shared use agreement with BNSF that pairs staged infrastructure improvement projects to available passenger train slots on the route (Atchison, Topeka, and Santa Fe Railway Company and RCTC 1992). In addition, an memorandum of understanding between SBCTA, UP, and BNSF associated with the Colton Crossing Railroad Grade Separation Project provides for the conversion of four non-revenue passenger train movements to revenue train movements in the segment of the San Bernardino Subdivision between Riverside and San Bernardino (SBCTA, UP, and BNSF 2010). Under these existing agreements, RCTC has the ability to commit four available train slots between LAUS and Colton for the proposed passenger rail service without constructing additional rail capacity improvement projects in the Western Section. However, if the proposed passenger rail service does not occur, RCTC could commit these slots to other intercity passenger or commuter rail services in the Western Section of the Program Corridor.

Under the existing agreements, passenger/commuter rail frequencies in the busiest part of the Western Section of the Program Corridor, between Los Angeles and Fullerton, are currently at capacity. However, specific capacity improvement projects planned or in construction along Route Alternative 1 in the Western Section of the Program Corridor would create additional passenger/train commuter train slots between Los Angeles and Fullerton by 2024 or sooner. RCTC has the ability to commit four of these additional slots to the proposed passenger rail service without the need to reduce existing passenger/commuter rail services by an equivalent number of frequencies between Los Angeles and Fullerton. The additional passenger/commuter slots associated with the near term capacity improvement projects planned or in construction between Los Angeles and Fullerton would also support other service increases in commuter and intercity passenger rail traffic that are anticipated to occur regardless of the proposed passenger rail service implementation. The capacity improvement projects that are planned or in construction are programmed for completion before the proposed passenger rail service would start. Therefore, infrastructure associated with the capacity improvement projects is considered part of baseline conditions in the Western Section of the Program Corridor between Los Angeles and Colton.

Although only one route alternative was carried forward, the Tier 1/Program EIS/EIR further included three reasonable, feasible Build Alternative Options for implementation of the major Program elements (e.g., speed, station stop pattern/service options, and frequency) associated with Route Alternative 1.

The three refined Build Alternative Options carried forward for consideration in the Draft Tier 1/Program EIS/EIR did not change in the Final Tier 1/Program EIS/EIR. Chapter 3 of the Draft Tier 1/Program EIS/EIR (Appendix A) describes the Program alternatives advanced for further study, which include a No Build Alternative and three Build Alternatives Options (Build Alternative Option 1, Build Alternative Option 2, and Build Alternative Option 3).

The No Build Alternative consists of the continuation of the existing Amtrak passenger train route, stations, and service within the Program Corridor. The No Build Alternative also includes all committed improvements (e.g., projects with dedicated or obligated funding) to the existing intercity passenger rail system, the highway/freeway system, and other modes of transportation available to the public (e.g. intercity bus services and aviation services) within the Tier 1/Program Study Area.

The three Build Alternative Options are:

- ***Build Alternative Option 1 –***Build Alternative Option 1 assumes up to two daily round passenger rail trips between LAUS and the City of Coachella. No additional railroad infrastructure improvements would be required within the Western Section of the Program Corridor and existing stations in Fullerton and Riverside would be utilized. Within the Eastern Section of the Program Corridor, the existing station in Palm Springs would be utilized and up to up to five new potential stations could be constructed in the Loma Linda/Redlands Area, the Pass Area, the Mid-Valley Area, the City of Indio, and the City of Coachella. A third main line track would augment the existing two main tracks along the entire Eastern Section of the Program Corridor from Colton to Coachella.
- ***Build Alternative Option 2 –***Build Alternative Option 2 assumes up to two daily round passenger rail trips between LAUS and the City of Indio. No additional railroad infrastructure improvements would be required within the Western Section of the Program Corridor and existing stations in Fullerton and Riverside would be utilized. Within the Eastern Section of the Program Corridor, the existing station in Palm Springs would be utilized and up to up to four new potential stations could be constructed in the Loma Linda/Redlands Area, the Pass Area, the Mid-Valley Area, and the City of Indio. A third main line track would augment the existing two main tracks along the entire Eastern Section of the Program Corridor from Colton to Indio.
- ***Build Alternative Option 3 –***Build Alternative Option 3 assumes up to two daily round passenger rail trips between LAUS and the City of Indio. No additional railroad infrastructure improvements would be required within the Western Section of the Program Corridor and existing stations in Fullerton and Riverside would be utilized. Within the Eastern Section of the Program Corridor, the existing station in Palm Springs would be utilized and up to up to four new potential stations could be constructed in the Loma Linda/Redlands Area, the Pass Area, the Mid-Valley Area, and the City of Indio. A third main line track would augment the existing two main tracks along the Eastern Section of the Program Corridor from Colton to the proposed Mid-Valley Station Area.

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, the project would still cause one or more significant environmental impacts that cannot be

avoided or lessened to below a level of significant, the lead agency must determine if there is a project alternative that is both environmentally superior and feasible. An alternative may be "infeasible" if it fails to achieve the most basic project objectives identified within the EIR. Further, "feasibility" under CEQA encompasses the desirability of the project "based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" of a project.

Based on the evaluation presented in the Draft Tier 1/Program EIS/EIR, the No Build Alternative would be the environmentally superior alternative because it would not result in any new construction related effects or require new land acquisition that may be required for rail infrastructure. However, the No Build Alternative would not meet the Program's Purpose and Need, nor would it result in the benefits associated with the Build Alternative Option 1, such as reduced air quality emissions, reduced greenhouse gas emissions, and improved travel options and reliability.

CEQA Guidelines Section 15126.6(e)(2) also states that where the No Project (No Build) Alternative is considered the environmentally superior alternative, the EIR shall identify another environmentally superior alternative. RCTC considered the Build Alternative Options, as well as the No Build Alternative, and weighed and balanced the environmental impacts of each alternative.

Build Alternative Options 2 and 3 are anticipated to result in fewer reductions of vehicle miles traveled and greenhouse gas emissions than Build Alternative Option 1. Based on the analyses documented in the Draft Tier 1/Program EIS/EIR and Final Tier 1/Program EIS/EIR, RCTC determined that the adverse environmental impacts associated with the Build Alternative Option 1 would be similar to those associated with Build Alternative Option 2 and 3, while benefits to ridership and communities would be higher under Build Alternative Option 1 than under Build Alternative Options 2 and 3. (Draft Tier 1/Program EIS/EIR, p .7-3 through 7-11.)

Based on the evaluation of reasonable and feasible alternatives (Draft Tier 1/Program EIS/EIR, Chapter 2, Alternatives), RCTC has determined that, while all three Build Alternative Options are reasonable, feasible, and meet the Purpose and Need of the Program, Build Alternative Option 1 would result in the least overall impacts to the human and natural environment while fulfilling the Purpose and Need of the Program to a greater extent than Build Alternative Options 2 and 3, and is therefore environmentally preferable.

4.9 Growth Inducement

CEQA requires a discussion of the ways in which a project could be growth inducing. CEQA also requires a discussion of ways in which a project may remove obstacles to growth, as well as ways in which a project may set a precedent for future growth. CEQA Guidelines section 15126.2, subdivision (d), identifies a project as growth inducing if it fosters economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

As documented in the Draft Tier 1/Program EIS/EIR (Draft EIS/EIR, p. 6-1), substantial growth impacts could be manifested through the provision of infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies. In general, growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services or if it can be demonstrated that the potential growth significantly affects the environment in some other way.

The four-county region of Los Angeles, Orange, Riverside, and San Bernardino Counties (which the Program Corridor crosses) grew by more than 7.4 million people between 1970 and 2010. In 2010, the region was home to approximately 46 percent of the population in the State of California. Los Angeles County has the largest population in the four-county region, followed by Orange County. Growth patterns between 1970 and 2010 showed that Riverside County and San Bernardino County grew at an average annual rate of 4.0 percent and 2.8 percent, respectively, while Los Angeles County and Orange County grew annually by 0.8 percent and 1.9 percent, respectively. Population projections prepared by the California Department of Finance forecast that the population within the four-county region will continue to grow between 2018 and 2050; however, the annual growth rate is anticipated to slow to 0.5 percent annually for the region as a whole. There are higher annual growth rates forecast for San Bernardino County (1.0 percent) and Riverside County (1.1 percent) compared with Los Angeles County (0.3 percent) and Orange County (0.4 percent).

Despite a forecast reduction in growth rates, the four-county region is still projected to grow approximately 17 percent overall between 2018 and 2050, for a total population of approximately 21.3 million people in 2050. By then, the four-county region will account for approximately 43 percent of the state population. These growth forecasts suggest that the Program Corridor between Los Angeles and San Bernardino Counties would support a substantial portion of the state's population in 2050.

Growth in the Western Section of the Program Corridor is expected with or without the Build Alternative Options. Two additional round-trip daily trains would serve existing stations at LAUS, Fullerton, and Riverside in the Western Section. No new stations or improvements to existing stations would be required to accommodate the proposed service. Therefore, the Build Alternative Options are not expected to induce additional growth in the Western Section.

San Bernardino and Riverside Counties have experienced population, housing, and employment growth over the past several decades. As discussed in Section 3.2, Land Use and Planning, of the Tier 1/Program EIS/EIR, there is a planned 18 percent increase in residential uses in the Eastern Section of the Program Corridor. Between 2010 and 2035, population and housing in Riverside County are each anticipated to increase by approximately 63 percent; however, employment is expected to grow faster than housing (County of Riverside 2003). Similarly, San Bernardino County

is expecting an increase in population of 630,000 people, an increase of more than 230,000 homes, and 316,000 additional jobs by 2040.

Because Riverside County and San Bernardino County supply a portion of the labor pool for the Los Angeles-Orange County metropolitan area, daily round-trip service and new station areas may induce additional housing growth in the new station catchment areas. Build Alternative Option 1 proposes up to five new potential stations within Loma Linda/Redlands, the Pass Area, the Mid-Valley area, and the Cities of Indio and Coachella. Build Alternative Options 2 and 3 propose up to four new potential stations within the Loma Linda/Redlands Area, the Pass Area, the Mid-Valley, and the City of Indio. New stations could also introduce employment opportunities in station areas and catalyze investment in transit-oriented development, including additional housing and business.

4.10 Significant Irreversible Environmental Changes

CEQA Guidelines section 15126.2, subdivision(d) provides the following direction for the discussion of irreversible changes:

> *Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.*

The Program would use both renewable and nonrenewable natural resources for construction and operation. The Program would use nonrenewable fossil fuels in the form of oil and gasoline during construction and operation. Other nonrenewable and slowly-renewable resources consumed as a result of Program implementation would include, but not necessarily be limited to, lumber and other forest products, sand and gravel, asphalt, petrochemical construction materials, steel, copper, lead, and water. However, these resources are necessary for construction of the Program and, as such, their use would not be wasteful or inefficient. Additionally, the Program would not result in a significant commitment of fossil fuels that would make their nonuse or removal likely. Rather, the Program, which proposes to implement passenger rail between Los Angeles and the Coachella Valley, would result in reduced fossil fuel usage associated with the Program-related mode shift from automobiles to passenger rail and associated decrease in vehicle miles traveled, over time (Draft Tier 1/Program EIS/EIR, pp 3.5-27 through 3.5-29).

The Program would not involve uses in which irreversible damage could result from potential environmental accidents associated with operation. The Program would implement intercity passenger rail between Los Angeles and the Coachella Valley and is not anticipated to release

hazardous materials into the environment. Construction and operation of the Program would utilize chemical substances common to urban construction activities that do not generally pose a significant hazard to the public or environment. Moreover, Mitigation Strategies HAZ-1 through HAZ-3 would minimize, reduce or, avoid potential impacts resulting from the accidental release of hazardous materials into the environment during construction by requiring further evaluation into hazardous materials in the area, preparation of a Project-specific hazardous materials management program and a health and safety plan, and by ensuring compliance with all applicable local, state, and federal regulations regarding hazardous materials during the Tier 2/Project-level analysis (Draft Tier 1/Program EIS/EIR, pp. 3.11-55 through 3.11-58).

The change in land use as a result of implementation of the Program from undeveloped land to urban/transportation use would represent a long-term commitment to urbanization, since the potential for developed land to be reverted back to undeveloped land uses is highly unlikely. This would involve the conversion, and potential loss, of habitat and productive agricultural and grazing land to accommodate the new transportation infrastructure and stations in the Eastern Section of the Program Corridor. These environmental changes would be irreversible. Chapter 3 of the Draft Tier 1/Program EIS/EIR evaluates the significance of these impacts under CEQA and effects under NEPA.

Overall, while the Program would require the commitment of nonrenewable resources, it is expected that residents and businesses in the region would benefit from the implementation of regional passenger rail in a corridor that does not currently have intercity passenger rail service, and, as such, the commitment of these resources is necessary and justified. As stated above in Section 2.2 (Program Purpose and Objectives), the Program would:

1. provide travelers between the Los Angeles Basin and the Coachella Valley with a public transportation service that offers more convenient, reliable, and competitive trip times, better station access, and more frequency than currently available public transportation services;
2. provide travelers between the Los Angeles Basin and the Coachella Valley with an alternative to driving that offers reliable travel schedules;
3. provide travelers between the Los Angeles Basin and the Coachella Valley with an affordable transportation service;
4. serve a range of trip purposes traveling between the Los Angeles Basin and the Coachella Valley, particularly including business and personal trips;
5. improve regional travel opportunities between the Los Angeles Basin and the Coachella Valley for individuals without private vehicles;

6. serve the expected population growth in the Los Angeles Basin and the Coachella Valley; and,
7. assist regional agencies in meeting air pollution and GHG emission reduction targets as mandated in state and federal regulations.

5 Statement of Overriding Considerations

Pursuant to Section 21081 of the California PRC and Section 15093 of the State CEQA Guidelines, RCTC has balanced the benefits of the Program against its unavoidable environmental impacts in determining whether to approve the Program. Pursuant to State CEQA Guidelines section 15093, if the benefits of the Program outweigh the Program's unavoidable adverse environmental impacts, those impacts may be considered "acceptable."

Having reduced the adverse significant environmental effect of the Program to the extent feasible by adopting the Mitigation Strategies identified in the EIR and the Mitigation Monitoring and Reporting Program (MMRP), and having weighed the benefits of the Program against its unavoidable adverse impacts after mitigation, RCTC has determined that each of the following social, economic and environmental benefits of the Program separately and individually outweigh the Program's potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable. RCTC thus adopts and makes the following statement of overriding considerations:

1. The Program would provide travelers between the Los Angeles Basin and the Coachella Valley with a public transportation service that offers more convenient, reliable, and competitive trip times, better station access, and more frequency than currently available public transportation services;
2. The Program would provide travelers between the Los Angeles Basin and the Coachella Valley with an alternative to driving that offers reliable travel schedules;
3. The Program would provide travelers between the Los Angeles Basin and the Coachella Valley with an affordable transportation service;
4. The Program would serve a range of trip purposes traveling between the Los Angeles Basin and the Coachella Valley, particularly including business and personal trips;
5. The Program would improve regional travel opportunities between the Los Angeles Basin and the Coachella Valley for individuals without private vehicles;
6. The Program would serve the expected population growth in the Los Angeles Basin and the Coachella Valley; and,
7. The Program would assist regional agencies in meeting air pollution and GHG emission reduction targets as mandated in state and federal regulations.
8. The Program would result in socioeconomic and community benefits including the creation of direct, indirect, and induced jobs and temporary increases in sales tax revenues within the counties and cities where the construction activities would take place. Future construction

activities would result in job growth in the construction industry, as well as job growth in the retail trade sector due to spending on goods and services by the construction workforce. The long-term operation of the enhanced passenger rail system proposed as part of the Program would result in the creation of direct jobs, as well as additional indirect and induced jobs. The majority of permanent jobs resulting from long-term operation and maintenance activities of the Program would be in the economic sector of transit and ground passenger transportation, which includes jobs related to train operations, dispatching, maintenance of equipment, and maintenance of infrastructure. In the long term, the Program is also anticipated to result in job creation due to improvements to regional accessibility. For example, improvements in accessibility can result in long-term dynamic economic effects, such as enhanced labor market accessibility, increased business travel and transactions, direct transport cost savings, improved business and worker productivity, and support of tourism and other important service sectors requiring patron accessibility.

9. Long-term socioeconomic benefits associated with the Program would be realized within the counties and cities that the Program Corridor crosses. Enhanced passenger rail service within the Program Corridor would provide additional connections to major economic generators within the Program Corridor, including the Cities of Los Angeles, Fullerton, Riverside, Palm Springs, and Coachella. The improved access would likely result in increased economic activity within cities directly served by the passenger rail, particularly near stations.
10. Improved access within the region and affected cities is anticipated to have social benefits including better access to jobs, community amenities, and facilities. Improving regional mobility and connections between economic and employment centers, education centers, other cultural and recreational activity centers, and to shops and services adjacent to station areas would enhance socioeconomic conditions throughout the region.
11. Connecting urban areas and communities by improving access and mobility would expand employment opportunities over the larger geographic area, benefitting both employers (by expanding the labor pool) and employees (by offering more choices regarding where to live and work). Passenger rail service would also offer travel time reductions for transit patrons and regional commuters by reducing congestion by shifting trips from the roadway system to the passenger rail system.

The substantial evidence supporting the enumerated benefits of the Program can be found in the preceding findings, which are herein incorporated by reference; in the Program itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below

constitutes a separate and independent ground for finding that the benefits of the Program outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

RCTC finds that the Program, as conditionally approved, will have the economic, social, technological, and environmental benefits for residents, businesses, and visitors associated with a safe, reliable, and convenient intercity passenger rail service in the Program Corridor with the capability to meet the future mobility needs. These benefits substantially outweigh the Program's unavoidable adverse environmental effects.

6 Mitigation Monitoring and Reporting Program

As referenced above in the findings, a MMRP has been prepared for the Program and is to be adopted concurrently with these findings and statement of overriding considerations pursuant to PRC Section 21081(a)(1). The MMRP is a separate stand-alone document (Final Tier 1/Program EIS/EIR – Appendix E).

A record of the MMRP will be maintained at Riverside County Transportation Commission's offices, located at 4080 Lemon Street, Riverside, CA 92501.

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7 Statement of Location and Custodian of Documents

California PRC Section 21082.6(a)(2) requires that RCTC, as CEQA lead agency, specify the location and custodian of the documents and other materials that constitute the record of proceedings upon which its decision has been based. The Final Tier 1/Program EIS/EIR and all supporting documentation can be found at the following locations:

- RCTC's website: https://www.rctc.org/projects/coachella-valley-san-gorgonio-pass-corridor-rail-corridor-service-project/
- FRA's website: https://railroads.dot.gov/environment/environmental-reviews/coachella-valley-san-gorgonio-pass-corridor-investment-plan

In addition, a record of the Tier 1/Program EIS/EIR and associated appendices will be maintained at Riverside County Transportation Commission's offices, located at 4080 Lemon Street, Riverside, CA 92501. RCTC has relied on all of the documents contained within the record of proceedings in reaching its decision on the Program.

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