

CALIFORNIA HIGH-SPEED TRAIN

Project Environmental Impact Report/Environmental Impact Statement

Fresno to Bakersfield

Mitigation Monitoring and Enforcement Plan Amendments

October 2014



CALIFORNIA
High-Speed Rail Authority



U.S. Department of Transportation
Federal Railroad Administration



**California High-Speed Train Project EIR/EIS
Fresno to Bakersfield Section**



Mitigation Monitoring and Enforcement Plan Amendments

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October 8, 2014
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Document/Amended	Date	Description
0	27 June 2014	FRA Record of Decision
1	August 2014	Staff update to add mitigation measures ordered by the Surface Transportation Board and California Code of Regulations as requested by California Public Utilities Commission

Note: Signatures apply for the latest MMEP amendments as noted above.

Introduction

In April 2014, the Federal Railroad Administration (FRA) and California High-Speed Rail Authority (Authority) published a joint Final Project Environmental Impact Report/ Environmental Impact Statement (EIR/EIS) for the Fresno to Bakersfield Section of the California High-Speed Train (HST) Project (Project). The Final Project EIR/EIS satisfies the requirements of National Environmental Policy Act (NEPA) and was the basis for the FRA's Record of Decision (ROD). As part of the ROD (June 27, 2014), the FRA selected the BNSF Alternative in combination with the Corcoran Bypass, Allensworth Bypass, and the Bakersfield Hybrid alternatives and the Kings/Tulare Regional Station-East Alternative and the Bakersfield Station-Hybrid Alternative.

A Mitigation Monitoring and Enforcement Plan (MMEP) was prepared for the Fresno to Bakersfield Section of the HST Project that adheres to the Council on Environmental Quality's (CEQ) regulations (40 Code of Federal Regulations [CFR] Section 1505) and FRA Procedures for Considering Environmental Impacts (64 Federal Register 28545, May 26, 1999). The FRA adopted the MMEP for the mitigation identified in the Final Project EIR/EIS. The MMEP was prepared based on, the CEQ finalized guidance entitled *Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact* (CEQ January 14, 2011), which assists federal agencies to develop mitigation programs that provide effective documentation, implementation, and monitoring of mitigation commitments.

The following are additions and/or amendments to the adopted MMEP via order from the Surface Transportation Board (STB), Service Date August 12, 2014, Docket Number FD 35724 (Sub-No. 1) and additional California Public Utilities Commission (CPUC) requirements per their October 13, 2011 comment letter on the Draft EIR/EIS.

On August 23, 2013, the STB became a cooperating agency, as defined by 40 C.F.R. § 1508.5, for the preparation of a final project-specific EIS, as well as for the other EISs currently being prepared or in the planning stages for the remainder of the proposed HST System. Subsequently, the STB's Office of Environmental Analysis (OEA) worked with the Authority and the FRA in the preparation of a Final EIS for this, the Fresno to Bakersfield Project Section. The STB accepted OEA's recommendation to adopt the Final EIS, which took a "hard look" at the potential environmental impact of the project, selected an environmentally preferred route from a range of alternatives, and recommended extensive environmental conditions to avoid, minimize, or mitigate the project's potential environmental impact. After weighing the entire record on both the transportation merits and the environmental issues, the Board granted the Authority's petition for exemption subject to various environmental mitigation conditions, including: (1) construction of the route designated by FRA as environmentally preferable, (2) compliance with the mitigation imposed by FRA in its ROD, and (3) compliance with three additional environmental conditions recommended by OEA¹.

The CPUC, in its October 13, 2011 letter, requested several requirements to be listed in the Mitigation Monitoring Section of the FEIR/EIS and for this to be forwarded to the CPUC. However, these considerations and requirements were not listed in either the Final EIR/EIS or the adopted MMEP.

Table 1 describes mitigation measures that would mitigate for potential adverse environmental impacts from construction and operation based upon the STB Order. Tables 2 and 3 would address new and/or additional avoidance and minimization measures for potential impacts to construct and operate the HST Project regarding both STB Order and CPUC consideration and requirement. Items highlighted in yellow are new additions while redline items are changes to the adopted MMEP.

¹ Language from the STB Service Date August 12, 2014, Docket Number FD 35724 (Sub-No. 1).

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Table 1
 Amendment to the Mitigation Monitoring and Enforcement Plan per Surface Transportation Board Order

Mitigation Measure	Title	Mitigation Text	Phase	Implementation Action	Reporting Schedule	Implementation Party	Reporting Party	Implementation Text	Implementation Mechanism	Impact #	Impact Text
Noise and Vibration											
N&V-MM #7	Mercy Hospital Noise Avoidance	During project-related construction, the Authority is prohibited from using pile drivers within 300 feet of the south side of Mercy Hospital's existing building located at 2215 Truxtun Avenue, Bakersfield, California	Design	Establish the 300 buffer from the south side of Mercy Hospital and note in all design and construction plans that "pile driving shall not be implemented in this area."	100% Record Set Design	Contractor	Contractor	Weekly	Contract Requirements/ Specifications	N&V#1	Construction Noise

Table 2
 Amendment to the Avoidance and Minimization Measures per Surface Transportation Board Order

Avoidance and Mitigation Measure	Title	Mitigation Text	Phase	Implementation Action	Reporting Schedule	Implementation Party	Reporting Party	Implementation Text	Implementation Mechanism	Impact #	Impact Text
Station Planning, Land Use and Development											
LU-AM#2	Construction Management Plan	Project design features would reduce some of the temporary land use impacts from project construction. These features are described in Section 3.12.6, Socioeconomics, Communities, and Environmental Justice, and in Section 3.3.8, Air Quality and Global Climate Change. They include implementation of a construction management plan to minimize temporary impacts on adjacent land uses including freight railroad operations, and implementation of dust control measures during project construction.	Design/Construction	Reporting	Monthly	Contractor	Contractor	At incorporation or completion of design/Monthly Reporting during Construction	Condition of Design Build Contract	LU Impact #1:	Temporary and intermittent disruption of access to some properties, temporarily inconvenience nearby residents, and temporarily change the intensity of agricultural operations on some lands along 31 miles of the BNSF Alternative, along the Corcoran Bypass, and Allensworth Bypass
Socioeconomics, Communities and Environmental Justice											
SO-AM #1	Construction Management Plan	The Authority will require that the design-build contractor will develop and implement a construction management plan to address communications, community impacts, visual protection, air quality, safety controls, noise controls, and traffic controls to minimize impacts on low-income households and minority populations. The plan will assure property access is maintained for local businesses, residences, and emergency services. This plan will include maintaining customer and vendor access to local businesses throughout construction by using signs to instruct customers about access to businesses during construction. The plan will address potential project-related construction impacts to freight railroad operations. In addition, the plan will include efforts to consult with local transit providers to minimize impacts on local and regional bus routes in affected communities. Construction Management Plans are standard for large infrastructure projects such as this one, and are considered effective in minimizing community impacts.	Design/Construction	Reporting	Monthly	Contractor	Contractor	At incorporation or completion of design/Monthly Reporting during Construction	Condition of Design Build Contract	N/A	N/A

Table 3
 Amendment to the Avoidance and Minimization Measures per California Public Utility Commission Consideration and Requirement

Avoidance and Mitigation Measure	Title	Mitigation Text	Phase	Implementation Action	Reporting Schedule	Implementation Party	Reporting Party	Implementation Text	Implementation Mechanism	Impact #	Impact Text
Public Utilities/ Energy Design Features											
PUB-AM #2	CPUC Railroad Crossing Requirements	<p>At the request of the CPUC the following requirements per the California Code of Regulations Title 20, Division 1 Public Utilities Commission, Chapter 1 Rules of Practice and Procedure, Article 3 Particular Applications are provided:</p> <p>§ 3.7. (Rule 3.7) Public Road Across Railroad. Applications to construct a public road, highway, or street across a railroad must be made by the municipal, county, state, or other governmental authority which proposes the construction. Such applications shall be served on the affected railroad corporations, and shall contain the following information:</p> <p>(a) The rail milepost and either a legal description of the location of the proposed crossing or a location description using a coordinate system that has accuracy comparable to a legal description.</p> <p>(b) Crossing identification numbers of the nearest existing public crossing on each side of the proposed crossing. (Numbers may be obtained from the crossing sign at the crossing, or from the office of the railroad.)</p> <p>(c) If the proposed crossing is at-grade,</p> <p>(1) a statement showing the public need to be served by the proposed crossing;</p> <p>(2) a statement showing why a separation of grades is not practicable; and</p> <p>(3) a statement showing the signs, signals, or other crossing warning devices which applicant recommends be provided at the proposed crossing.</p> <p>(d) A map of suitable scale (50 to 200 feet per inch) showing accurate locations of all streets, roads, property lines, tracks, buildings, structures or other obstructions to view for a distance of at least 400 feet along the railroad and 200 feet along the highway in each direction from the proposed crossing. Such map shall show the character of surface or pavement and width of same, either existing or proposed, on the street or road adjacent to the proposed crossing and on each side thereof.</p> <p>(e) A map of suitable scale (1,000 to 3,000 feet per inch) showing the relation of the proposed crossing to existing roads and railroads in the general vicinity of the proposed crossing.</p> <p>(f) A profile showing the ground line and grade line and rate of grades of approach on all highways and railroads affected by the proposed crossing.</p> <p>§ 3.8. (Rule 3.8) Alter or Relocate Existing Railroad Crossing. An application to alter or relocate an existing railroad crossing shall comply with Rule 3.7, except that it shall state the crossing identification number of the affected crossing, instead of the nearest crossings, and shall state if the affected crossing will remain within the existing right-of-way.</p> <p>§ 3.9. (Rule 3.9) Railroad Across Public Road.</p>	Design	CPUC approval required before construction of railroad crossings over public roads, over public roads, over railroads or under railroads is allowed	100% record set design	Contractor	Contractor	At incorporation or completion of 100% record set design	Condition of Design Build Contract	Not Applicable	CPUC requirements added at the request of the CPUC

Avoidance and Mitigation Measure	Title	Mitigation Text	Phase	Implementation Action	Reporting Schedule	Implementation Party	Reporting Party	Implementation Text	Implementation Mechanism	Impact #	Impact Text
		<p>An application to construct a railroad across a public road, highway or street shall be served on the municipal, county, state or other governmental authority having jurisdiction and control over the highway or charged with its construction and maintenance, and shall include, in addition to the information required by Rule 3.7, the following information:</p> <p>(a) A copy of the franchise or permit, if any be requisite, from the authority having jurisdiction, which allows the railroad to cross the public road, highway, or street involved. If such franchise or permit has already been filed, the application need only make specific reference to such filing.</p> <p>(b) The proposed crossing identification number.</p> <p>(c) The map referred to in Rule 3.7(d) shall also show, by distinct colorings or lines, all new tracks or changes in existing tracks, within the limits of the drawing, which are to be made in connection with the construction of the proposed crossing.</p> <p>§ 3.10. (Rule 3.10) Railroad Across Railroad.</p> <p>Applications to construct a railroad or street railroad across a railroad or street railroad shall be served on the affected railroad or street railroad corporations, and shall contain the following:</p> <p>(a) The rail milepost and either a legal description of the location of the proposed crossing or a location description using a coordinate system that has accuracy comparable to a legal description.</p> <p>(b) A map of suitable scale (50 to 200 feet per inch) showing accurate locations of all streets, roads, property lines, tracks, buildings, structures or other obstructions to view in the immediate vicinity.</p> <p>(c) A map of suitable scale (1,000 to 3,000 feet per inch) showing the relation of the proposed crossing to existing railroads in the general vicinity.</p> <p>(d) A profile showing the ground line and grade line of approaches on all railroads affected.</p> <p>(e) A true copy of the contract executed by the parties, or other evidence that the carrier to be crossed is willing that the crossing be installed.</p>									