

CALIFORNIA HIGH-SPEED TRAIN

Project Environmental Impact Report/Environmental Impact Statement

Fresno to Bakersfield

Mitigation Monitoring and Enforcement Program Amendments

September 2015



CALIFORNIA
High-Speed Rail Authority



U.S. Department of Transportation
Federal Railroad Administration



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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.

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 following is an amendment to the adopted MMEP to clarify contract requirements and enforce adherence to the Valley Fever avoidance and minimization measures S&S – AM #4b and S&S – AM 4c. This change was identified by the Authority's Construction Managers to enable them to manage and oversee design-build contractors' construction activities. Table 1 describes avoidance and minimization measures S&S – AM #4b S&S – AM #4c respectively and provides the changes shown in yellow highlight.

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 Avoidance and Minimization Measure for Contract Clarification

S&S - AM #4b	Valley Fever	<p>The following recommendations were provided by the Environmental Protection Agency and refined through discussion with the California Department of Public Health (CDPH).</p> <ul style="list-style-type: none"> • Prior to construction , provide information on causes, preventative measures, symptoms, and treatments for Valley Fever to individuals who could potentially be exposed through construction activities (i.e., construction workers, monitors, managers, and support personnel); • Continue outreach and coordination with the California Department of Public Health. In addition, reach out to county departments of public health to ensure that the above referenced information concerning Valley Fever is readily available to nearby residents, schools, and businesses and to obtain area information about Valley Fever outbreaks and hotspots; and, <p>Provide a qualified person dedicated to overseeing implementation of Valley Fever prevention measures to encourage a culture of safety of the contractors and subcontractors. The individual should have the authority to adaptively manage the implementation of Valley Fever prevention and effect change in coordination with the county Public Health Officer. The Valley Fever Health and Safety VFHS designee shall coordinate with the county Public Health Officer and oversee and manage the implementation of Valley Fever control measures. The VFHS designee is responsible for ensuring the implementation of measures in coordination with the county Public Health Officer. Medical information will be maintained following applicable and appropriate confidentiality protections.</p>	Design/Construction/ Operation	Design/Reporting	Monthly or as needed during construction and operation	Authority/Contractor	Authority/ Contractor	At incorporation or completion of design/As needed during construction and operation	At incorporation or completion of design/As needed during construction and operation	Impact S&S #1	Accidents at Construction Sites
										Impact AQ #1	Common Regional Air Quality Impacts During Construction
										Impact AQ #6	Localized Air Quality Impacts During Guideway/Alignment Construction
										Impact AQ #7	Localized Air Quality Impacts to Schools during Construction
										Impact AQ #9	Localized Air Quality Impacts from HMF and MOWF Construction

S&S - AM #4c	Valley Fever	<p>The VFHS designee in coordination with the County Public Health Officer will determine what measures will be added to the requirements for the Construction Safety and Health Plans (CSHPs) regarding preventive measures to avoid Valley Fever exposure (Ch. 3.11, Design Features, 3.11.6). The following shall be included in the existing design feature for Ch. 3.11, "Safety and Security," as well as the CSHP, shall include, but are not limited to the following:</p> <ol style="list-style-type: none"> 1. Train workers and supervisors on how to recognize symptoms of illness, and ways to minimize exposure, such as washing hands at the end of shifts; 2. Provide washing facilities nearby for washing at the end of shifts; 3. Provide vehicles with enclosed, air conditioned cabs and make sure workers keep the windows closed. Equip heavy equipment cabs with high efficiency particulate air (HEPA) filters; and, 4. Make NIOSH approved respiratory protection with particulate filters as recommended by the CDPH available to workers who request them. 	Design/Construction/Operation	Design/Reporting	Monthly or as needed during construction and operation	Authority/Contractor	Authority/Contractor	At incorporation or completion of design/As needed during construction and operation	At incorporation or completion of design/As needed during construction and operation	Impact S&S #1	Accidents at Construction Sites
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