



**Resolution # HSRA 14-10**

**California High-Speed Train Fresno to Bakersfield Section**

**Adoption of CEQA Findings of Fact and Statement of Overriding Considerations**

**Adoption of Mitigation Monitoring and Reporting Plan**

**Approval of an Alignment and Station Location**

**WHEREAS**, the Authority has certified the California High-Speed Train Final EIR/EIS for the Fresno to Bakersfield Section in Resolution 14-09, and hereby incorporates by reference the defined terms and statements contained in that Resolution,

**WHEREAS**, the Final EIR/EIS certified by Resolution 14-09 evaluates construction and operations impacts of the HST system between downtown Fresno and downtown Bakersfield,

**WHEREAS**, the Final EIR/EIS certified by Resolution 14-09 identifies a Preferred Alternative between the already-approved downtown Fresno High-Speed Train (HST) station at Mariposa Street and a downtown Bakersfield Truxton Street HST station, which is generally depicted on the map attached hereto as Exhibit "AA" (which is the same as Figure 6 on page 2-8 of Exhibit "A" hereto),

**WHEREAS**, the Authority has secured funding from federal and state sources to construct a portion of the Fresno to Bakersfield Section at least from downtown Fresno to approximately 7th Standard Road northwest of Bakersfield,

**WHEREAS**, the Authority has consulted with stakeholders in Bakersfield including the City of Bakersfield and recognizes the benefits of approving at this time only the portion of the Fresno-Bakersfield Section north of 7<sup>th</sup> Standard Road, and reserving the decisions on construction south of 7<sup>th</sup> Standard Road to a future date, and the Authority will not approve any construction south of 7<sup>th</sup> Standard Road without providing the City of Bakersfield with at least sixty (60) days written notice,

**WHEREAS**, the Authority makes the findings and takes the actions in this Section 1 of this Resolution without waiving the Authority's rights regarding the application of the Interstate Commerce Commission Termination Act of 1995 (ICCTA) (for the reasons explained in

Resolution 14-09), including the defense that ICCTA and the STB's jurisdiction preempt CEQA's application to the Authority's decision.

**NOW, THEREFORE, BE IT RESOLVED** by the California High-Speed Rail Authority, that it takes the following actions:

Section 1. Adoption of CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program

(a) As the decision-making body for the High-Speed Train system, the Authority Board has reviewed and considered the information contained in the California High-Speed Train Final EIR/EIS for the Fresno to Bakersfield Section and in the CEQA Findings of Fact attached hereto as Exhibit "A" and supporting documentation. The Authority determines that the CEQA Findings of Fact document identifies the significant environmental impacts and mitigation measures associated with the Preferred Alternative to Seventh Standard Road. The Authority further finds that the CEQA Findings of Fact have been completed in compliance with CEQA and the State CEQA Guidelines. The Authority hereby approves and adopts the CEQA Findings of Fact attached hereto as Exhibit "A".

(b) The Authority hereby finds that the Statement of Overriding Considerations was completed in accordance with Public Resources Code section 21081 and State CEQA Guidelines Section 15093, subdivision (a), which states that CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. The Statement of Overriding Considerations is included in the Findings of Fact attached hereto as Exhibit "A" and sets forth significant environmental effects that are found to be unavoidable but are acceptable due to the overriding considerations and benefits expected to result from implementing the Preferred Alternative to Seventh Standard Road in the California High-Speed Train Final EIR/EIS for the Fresno to Bakersfield Section, as well as the Preferred Alternative as part of the statewide HST System. The Authority hereby approves and adopts the Statement of Overriding Considerations included in the Findings of Fact attached hereto as Exhibit "A".

(c) Pursuant to Public Resources Code section 21081.6, and State CEQA Guidelines Section 15091, subdivision (d), the Authority hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit "B", which ensures that required mitigation is implemented as the Preferred Alternative in the Fresno to Bakersfield Section to 7<sup>th</sup> Standard Road is implemented.

Section 2. Approval of the Preferred Alternative to 7th Standard Road in Kern County.

Based on and in consideration of all of the foregoing, the Authority hereby approves all HST facilities (except any Heavy Maintenance Facility, decision regarding which is reserved to the future) described in the Final EIR/EIS associated with the Preferred Alternative between the southern edge of the already-approved Fresno Mariposa Street HST Station and Seventh Standard Road in Kern County, as generally depicted on the map attached hereto as Exhibit “AA” and as described in more detail in the Final EIR/EIS (incorporated herein), along with the project design features which have been incorporated into the project and the mitigation measures described in the Findings of Fact attached hereto as Exhibit A and reflected in the Mitigation Monitoring and Reporting Program (MMRP) attached hereto as Exhibit B, and which MMRP shall be a condition of the approved project.

Section 3. Next Steps.

The Authority hereby directs staff to file a CEQA Notice of Determination with the State Clearinghouse and to take any other necessary steps to obtain all additional permits, approvals and rights that would allow construction, and operation when funding and other considerations permit, of the portion of the Fresno to Bakersfield Section approved in Section 2. Staff shall continue to work with the City of Bakersfield and Bakersfield stakeholders regarding the portion of the Fresno to Bakersfield Section beyond that portion approved in Section 2.

**CERTIFICATION**

The undersigned Chief Executive Officer of the California High-Speed Rail Authority, or his designee, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California High-Speed Rail Authority held on May 6 and 7, 2014.

Dated:

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Jeff Morales

Chief Executive Officer

Vote: 7-0

Date: May 7, 2014

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