

**CALIFORNIA HIGH SPEED RAIL AUTHORITY
RESOLUTION NO. 08-01**

**CERTIFICATION OF THE FINAL PROGRAM ENVIRONMENT IMPACT REPORT
PURSUANT TO
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
AND
APPROVAL OF THE PACHECO PASS NETWORK ALTERNATIVE SERVING
SAN FRANCISCO AND SAN JOSE TERMINI
AND
APPROVAL OF PREFERRED ALIGNMENT ALTERNATIVES
AND STATION LOCATION OPTIONS**

WHEREAS, pursuant to the California High-Speed Rail Act, Public Utilities Code section 185000, et seq., the California High-Speed Rail Authority (“Authority”) was created in 1996 to implement a high-speed train system connecting California’s major metropolitan areas.

WHEREAS, Section 185030 of the Public Utilities Code provides that the Authority shall direct the development and implementation of intercity high-speed rail service that is fully integrated with the state’s existing intercity rail and bus network, and further directs that such an intercity high-speed rail network in turn shall be fully coordinated and connected with commuter rail lines and urban rail transit lines developed by local agencies, as well as other transit services, through the use of common station facilities whenever possible.

WHEREAS, pursuant to a Memorandum of Understanding between the California High Speed Rail Authority and the Federal Railroad Administration (“FRA”), the Authority and the FRA have worked in partnership to prepare a combined Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for compliance with the requirements of both the California Environmental Quality Act (“CEQA”, Public Resources Code, section 21000, et seq.) and the National Environmental Policy Act (“NEPA”);

WHEREAS, on November 2, 2005, by resolution No. 05-01, the Authority directed staff to proceed with the preparation of a separate program level EIR to identify a preferred alignment within the broad corridor between and including the Altamont Pass and the Pacheco Pass for the HST System segment connecting the San Francisco Bay Area to the Central Valley;

WHEREAS, in compliance with applicable CEQA requirements a Draft Program EIR/EIS was prepared and circulated for public and agency comment in July 2007, was posted on the Authority’s website and lodged in libraries across the state, and was the subject of eight public hearings by the Authority;

WHEREAS, the Draft Program EIR/EIS evaluates the potential environmental impacts of implementing the HST system between the San Francisco Bay Area and the Central Valley

utilizing three basic types of network alternatives, including the Pacheco Pass, the Altamont Pass, and the Pacheco Pass with Altamont Pass (local service);

WHEREAS, the Authority and the FRA received over 400 letters and postcards commenting on the Draft Program EIR/EIS;

WHEREAS, a Final Program EIR/EIS was prepared by the Authority and the FRA in accordance with the requirements of CEQA and NEPA, which includes responses to comments on the Draft Program EIR/EIS, and which identifies the Pacheco Pass Network Alternative with San Francisco and San Jose Termini as the preferred alternative for the HST System segment connecting the San Francisco Bay Area to the Central Valley;

WHEREAS, the Pacheco Pass Network Alternative With San Francisco and San Jose Termini includes alignment alternatives and station location options as more fully described in Chapter 8 of the Final Program EIR/EIS;

WHEREAS, the Authority finds that all applicable requirements of CEQA and the State CEQA Guidelines are satisfied in the Final Program EIR/EIS;

WHEREAS, the Authority finds that the Final Program EIR/EIS was posted on the Authority's website and made available to public agencies and the public electronically and on paper as of Friday, May 30, 2008, and copies of the Final Program EIR/EIS were distributed on May 21, 2008, to the public and public agencies that submitted comments on the Draft Program EIR/EIS;

WHEREAS, prior to taking action, the Authority has reviewed, and considered, among other items: (1) the information and data in the Draft and Final Program EIR/EIS (including the June 2008 Addendum/Errata); (2) information and data in related technical documents and presentations presented to the Authority; (3) the Staff Report prepared for the High Speed Rail Authority Meeting of July 8 and 9, 2008; (4) the proposed CEQA Findings of Fact and the Statement of Overriding Considerations; (5) the proposed Mitigation Monitoring and Reporting Program; and (6) and all oral and written evidence presented to it;

WHEREAS, the Final Program EIR/EIS, and the proposed CEQA Findings of Fact and the Statement of Overriding Considerations, reflect the independent judgment of the Authority and are deemed adequate for purposes of making decisions on a preferred alignment for the HST System segment to connect the San Francisco Bay Area to the Central Valley;

WHEREAS, the Authority has considered the environmental effects of the Pacheco Pass Network Alternative with San Francisco and San Jose Termini as presented in the Final Program EIR/EIS and finds that with the inclusion of the described design practices and mitigation strategies, as further discussed in the attached CEQA Findings of Fact, the potential adverse impacts of the preferred network alternative will be avoided, reduced and minimized to the extent feasible and that the feasible mitigation strategies identified at the program-level of analysis will be applied and refined at the project level to further avoid and reduce impacts;

and that additional mitigation measures will be considered as part of the CEQA process for the project-level EIRs that will be prepared; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have been fulfilled;

NOW, THEREFORE, BE IT RESOLVED by the California High-Speed Authority as follows:

Section 1. Certification. The Authority hereby certifies that:

- (a) the Final Program EIR/EIS has been prepared in compliance with CEQA;
- (b) the Final Program EIR/EIS has been presented to and reviewed by the Authority prior to its making a final decision; and
- (c) the Final Program EIR/EIS reflects the Authority's independent judgment.

Section 2. Approval of Findings. As the decision-making body for the High Speed Train System, the Authority has reviewed and considered the information contained in the Final Program EIR/EIS and in the Findings of Fact attached hereto as Exhibit "A" and supporting documentation. The Authority determines that the Findings of Fact contain a complete and accurate reporting of the environmental impacts and mitigation strategies associated with the Pacheco Pass Network Alternative with San Francisco and San Jose Termini, including preferred alignment alternatives and station location options as described in Chapter 8 of the Final Program EIR/EIS. The Authority further finds that the Findings of Fact have been completed in compliance with CEQA and the State CEQA Guidelines. The Authority hereby approves and adopts the Findings of Fact attached hereto as Exhibit "A".

Section 3. Approval of Statement of Overriding Considerations. 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 those significant effects on the environment that are found to be unavoidable, but are acceptable due to the overriding concerns and benefits expected to result from implementing the Pacheco Pass Network Alternative with San Francisco and San Jose Termini 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".

Section 4. Adoption of Mitigation Monitoring and Reporting Program. 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".

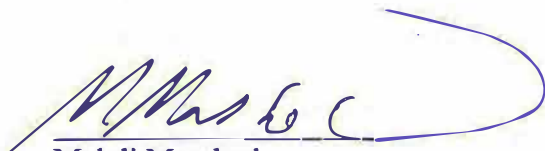
Section 5. Approval of the Pacheco Pass Network Alternative with San Francisco and San Jose Termini, Preferred Alignments, and Preferred Station Location Options. Based on and in consideration of all of the foregoing, the Authority hereby approves the preferred network alternative identified in Chapter 8 of the Final Program EIR/EIS as the Pacheco Pass Network Alternative with San Francisco and San Jose Termini to connect the San Francisco Bay Area with the Central Valley, along with, and as conditioned by, the design practices and mitigation strategies, which are described in the Findings of Fact attached hereto as Exhibit A and reflected in the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B, and which shall be incorporated into and be a part of the approved preferred network alternative.

Section 6. Next Steps. Based on its consideration and approval of the Pacheco Pass Network Alternative with San Francisco and San Jose Termini for the HST System, and the preferred alignments and station location options it has identified within this network alternative, the Authority hereby authorizes staff to proceed with the next steps in the environmental review process and the implementation planning for the Pacheco Pass Network Alternative with San Francisco and San Jose Termini.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California High-Speed Rail Authority 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 July 9, 2008.

Dated:



Mehdi Morshed
Executive Director