



BRIEFING: JANUARY 19-20, 2022 BOARD MEETING AGENDA ITEMS #9, #10, AND #11

TO: Board Chair Richards and Authority Board Members

FROM: LaDonna DiCamillo, Southern California Regional Director
Serge Stanich, Director of Environmental Services
Mark Chang, Director of Projects for Southern California

DATE: January 19, 2022

RE: Consider certifying the Burbank to Los Angeles Final EIR/EIS and taking actions as required by CEQA and NEPA for Selecting the Preferred Alternative for the Burbank to Los Angeles Project Section

SUMMARY

Staff recommends that the California High-Speed Rail Authority (Authority) Board of Directors (Board) take three actions:

- Certify the Burbank to Los Angeles High-Speed Rail (HSR) Project Section Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) as described in more detail in this memorandum; (Agenda Item #9)
- Approve the Preferred Alternative—the HSR Build Alternative (from San Fernando Boulevard (at Lockheed Drive) in Burbank to just short of U.S. Route 101 (US-101) near Alameda Street and Ramirez Street in Los Angeles, including two new electrified passenger tracks, located mostly within existing railroad right-of-way, a new underground HSR Station at Hollywood Burbank Airport, and expanded infrastructure at the existing Los Angeles Union Station) -- and adopt the California Environmental Quality Act (CEQA) Findings of Fact, Statement of Overriding Considerations (SOC), and a Mitigation Monitoring and Enforcement Plan (MMEP); and (Agenda Item #10)
- Direct the Authority Chief Executive Officer (CEO) to issue the federal Record of Decision (ROD) under the Authority's National Environmental Policy Act (NEPA) Assignment responsibilities, identifying the HSR Build Alternative as the Selected Alternative, documenting compliance with other related federal environmental laws, and including mitigation measures as identified in the MMEP. (Agenda Item #11)

STRUCTURE OF THE MEETING

The January 19-20, 2022 Board meeting is structured as a two-day meeting to ensure adequate time for thorough consideration of the Burbank to Los Angeles Project Section Final EIR/EIS and proposed decisions.

On January 19th, consistent with the Authority's practice, public comment will be taken at the start of the Board meeting on all agenda and non-agenda items, except the Burbank to Los Angeles Project Section agenda items (items #2, #8, #9, #10, and #11). Staff will then give a presentation to the Board about the

Burbank to Los Angeles Project Section Final EIR/EIS and proposed decisions (Agenda Item #2). Public comment on all Burbank to Los Angeles agenda items will be taken after the staff presentation. After hearing the staff presentation and public comment, the Board will then have an opportunity to identify any issues or questions it would like staff to address the following day.

After the Board addresses Agenda Items 1 through 7, the meeting will then recess until the following day.

On January 20, staff will present a summary of public comments received the prior day, issues and questions identified by the Board the prior day, and staff's responses to Board questions and issues raised in public comments (Agenda Item #8). The Board will then deliberate about the Final EIR/EIS and consider certifying the Final EIR/EIS, as noted above (Agenda Item #9).

If the Board certifies the Final EIR/EIS, the Board will then deliberate about the Burbank to Los Angeles Preferred Alternative and will consider approving it; adopting the associated CEQA Findings of Fact, the Statement of Overriding Considerations (SOC), and the Mitigation Monitoring and Enforcement Plan (MMEP) (Agenda Item #10); and directing the CEO to issue the NEPA ROD (Agenda Item #11).

BACKGROUND

The Burbank to Los Angeles Project Section is a critical link in Phase 1 of the statewide California HSR System between San Francisco and Los Angeles/Anaheim. The Burbank to Los Angeles Project Section is an approximately 14-mile alignment connecting two important transportation hubs in Southern California – the Hollywood Burbank Airport in Burbank and the LA Union Station in downtown Los Angeles – with electrified, emission-free passenger rail. The alignment will leverage intermodal connections at each of its terminal stations, offering riders non-stop service between Burbank airport and downtown Los Angeles at the historic Los Angeles Union Station, hub to three regional rail systems -- Los Angeles County's Metro regional light rail system, the Metrolink rail system (serving a six-county area which includes San Diego, Riverside, Ventura, Los Angeles, Orange, and San Bernardino), Amtrak rail and host to bus and coach service depots.

The Burbank to Los Angeles Project Section alignment will begin with an underground station at Burbank Airport and then transition from tunnel to an at-grade blended corridor where two new tracks will be built within an existing rail corridor shared with Metrolink passenger trains and Union Pacific Railroad freight trains. In addition to the transportation and connectivity benefits of the project, the Preferred Alternative will offer substantial long-term air quality benefits to communities along the alignment and regionally while minimizing community residential displacements by building primarily in tunnel and an existing rail corridor. The alignment will be grade separated, resulting in enhanced safety for communities along the alignment. The Preferred Alternative will also enhance transportation safety by providing positive train control as required on HSR trains to maintain train separation and avoid the risk of train collisions.

The Authority is the project sponsor and owner and is the lead agency under both CEQA and NEPA. Previous NEPA documents and approvals were completed in collaboration with the Federal Railroad Administration (FRA) as the lead federal agency. On July 23, 2019, the State of California and FRA finalized the National Environmental Policy Act Assignment Memorandum of Understanding (MOU). This MOU assigns to the Authority most responsibilities formerly held by FRA regarding the California HSR System's federal environmental review and approval process. The MOU empowers the Authority to perform NEPA review and authorization for all ongoing and new environmental documents that are being developed for the remaining project sections of the California HSR System, as well as for other passenger rail projects that directly connect to the HSR system.

PRIOR BOARD ACTION

At the November 15, 2018 Authority Board meeting, the Authority Board concurred with Authority staff that the HSR Build Alternative including a Burbank Airport Station and a modified Los Angeles Union Station is the Authority's Preferred Alternative for the Burbank to Los Angeles Project Section (Resolution #HSRA 18-20). Consistent with prior Board direction, the Draft EIR/EIS identified the Preferred Alternative/CEQA Proposed Project as the HSR Build Alternative (Resolution #HSRA 18-20).

DISCUSSION

The Draft EIR/EIS for the Burbank to Los Angeles Project Section (project) was circulated for public review and comment between May 29, 2020 and August 31, 2020, inclusive of a 45-day extension beyond the minimum 45-day period in response to stakeholder requests. The Draft EIR/EIS evaluated the HSR Build Alternative and a No Project/No Action Alternative, consistent with prior Board direction (Resolution #HSRA 18-20).

The Final EIR/EIS consider and responds to comments received during the Draft EIR/EIS comment period and, where appropriate, revises Draft EIR/EIS impacts and proposed mitigations, and compares the impacts and benefits of the HSR Build Alternative from the Burbank Airport Station to Los Angeles Union Station against impacts and benefits of the HSR No Build Alternative.

The Draft EIR/EIS consisted of:

- **Volume 1:**
 - Introductory text about the Burbank to Los Angeles Project Section and the environmental process, including the project purpose and need, and objectives
 - Detailed description of the HSR Build Alternative, including all related and supporting HSR facilities, such as stations, electrification infrastructure, and train control
 - Detailed environmental impacts and mitigation analysis of the HSR Build Alternative and the No Project Alternative across numerous environmental resource areas, including (but not limited to) parks and recreation, transportation and traffic, biological and aquatic resources, hydrology and water resources, noise and vibration, aesthetics and visual resources, air quality and global climate change, and cultural resources
 - Detailed Section 4(f) and environmental justice analyses
 - Summary of public and agency outreach efforts
- **Volume 2:**
 - Technical appendices supporting Volume 1
- **Volume 3:**
 - Preliminary design drawings and alignment plans/maps upon which environmental analysis is based, including detailed maps indicating which parcels may be affected by the project.

During the Draft EIR/EIS environmental review process, approximately 1,300 individual comments (contained in 278 submissions) from the public and government agencies were received in writing and during public testimony, regarding project environmental impacts, alternatives, and mitigations. Key comments related to: the number of alternatives considered in the draft (comments expressed concern about the alternatives development process that resulted in the detailed evaluation of only a single HSR build alternative in the Draft EIR/EIS), funding (project costs, funding availability, and potential cost overruns), impacts to planned future park projects such as those undertaken by the 100 Acre Partnership near the Los Angeles River, community impacts (impacts on the Taylor Yard community and neighborhood impacts related to the Main Street Grade Separation), noise (impacts during train operation and proposed minimization or mitigation actions), and property acquisition (the acquisition process and relocation assistance, as well as potential impacts on property values).

On November 5, 2021, the Authority issued the Final EIR/EIS and posted it on the Authority's website at <https://hsr.ca.gov/programs/environmental-planning/project-section-environmental-documents-tier2/burbank-to-los-angeles-project-section-draft-environmental-impact-report-environmental-impact-statement/>. The Authority provided broad public notice of the availability of the Final EIR/EIS on the Authority's website, in newspapers of general circulation in the project area, direct mailings to property owners and occupants near the project, direct mailings to commenters on the Draft EIR/EIS, email notification to persons who had subscribed to the project mailing list and postcard mailers, and through a Notice of Availability published in the Federal Register. The Final EIR/EIS is considered a "full" final because it consists of the same Volumes 1 through 3 as the Draft EIR/EIS, each with text revisions as

detailed below. The Final EIR/EIS also includes a fourth volume (Volume 4), which includes responses to the comments received during the public review period for the Draft EIR/EIS. In addition, Volume 4 provides the Authority's Standard Responses that address the most frequently raised issues. Standard Responses are provided in Chapter 17 and are also included in Attachment C to this memorandum.

Text revisions in Volume 1 of the Final EIR/EIS primarily focus on the following:

- Project design refinements made largely in response to public comments on the Draft EIR/EIS, as briefly described in the Summary and Chapter 2.
- Minor text and/or figure changes were made to address public comments on the Draft EIR/EIS or changes in regulations/case law. Non-substantive text edits (grammar, punctuation, and the like) were made throughout all chapters and sections, along with updated headers and footers.
- Consistency analyses with local and regional plans were updated in response to public comments on the Draft EIR/EIS, including with respect to future park planning.

For a more comprehensive list of such changes, please refer to the Final EIR/EIS. Each resource section or chapter contains a summary of the revisions that have been made to that section or chapter since the circulation of the Draft EIR/EIS.

Authority staff provided the Board with a complete copy of the Final EIR/EIS for its review in at the same time as the formal release on November 5, 2021. Elements of the Final EIR/EIS in paper form are also included with this memorandum for the Board's convenience.

CEQA does not require public review and comment for a Final EIR. Instead, CEQA requires that the proposed response to any comment received from a public agency be provided to that public agency at least 10 days prior to Board certification of the Final EIR. The Authority satisfied that requirement by mailing a letter and USB flash drive containing the Final EIR/EIS, including the Response to Comments, to public agencies that provided comments on the Draft EIR/EIS on November 5, 2021, approximately 75 days before the proposed certification on January 20, 2022.

NEPA requires that a Final EIS be made publicly available at least 30 days prior to the NEPA lead agency issuing a ROD. The Authority satisfied this requirement by issuing the Final EIR/EIS more than 75 days in advance of proposed consideration of a ROD. The U.S. Environmental Protection Agency included the Final EIS in its weekly Notice of Availability published in the *Federal Register* on November 5, 2021 (86 FR 61220), in addition to posting the Final EIR/EIS on its website on November 5, 2021.

Therefore, as part of this action, staff proposes the Board approve the Preferred Alternative, which is the HSR Build Alternative, starting from San Fernando Boulevard (at Lockheed Drive) in Burbank at the northern terminus and extending south through the Los Angeles Union Station to US-101 (between Alameda Street and Ramirez Street) at the southern terminus, with two new electrified passenger tracks mostly within the existing railroad right-of-way, a new underground HSR Station at Hollywood Burbank Airport, and expanded infrastructure to serve high-speed rail at the existing Los Angeles Union Station.

REQUESTED ACTIONS

CEQA

The purpose of CEQA is to ensure the public and government decision-makers are informed, through CEQA documents, of the potential environmental consequences of a proposed government action. Public comment on Draft EIRs helps provide information and feedback on the proposed action to decision-makers.

The first step at the approval stage of the project under CEQA (Agenda Item #9) is for the Board to certify, if it so chooses, that the Final EIR/EIS is adequate as an informational document for the Board about the environmental consequences of the project. That certification takes the form of draft Resolution #HSRA 22-01 attached to this memorandum, which states that the Final EIR/EIS has been completed in compliance with CEQA and presented to the Board, that the Board has reviewed and considered the information in it, and that the document represents the Board's independent judgment. Certification of the Final EIR/EIS is a prerequisite to approving the proposed project (here, the proposed project is the Preferred Alternative), but certification by itself does not approve the project.

The second and distinct step under CEQA (Agenda Item #10) is for the Board to consider whether to approve the Preferred Alternative in light of the environmental consequences disclosed in the Final EIR/EIS (certified in the first step). That approval takes the form of the draft Resolution #HSRA 22-02 attached to this memorandum. This step also involves making written acknowledgments (called “Findings of Fact”) about the environmental consequences as stated in the Final EIR/EIS that will flow from the approval and that will require feasible mitigation to minimize those consequences. For environmental consequences that cannot be mitigated to a less than significant level under CEQA, this step also involves making written conclusions that the benefits of implementing the project outweigh the impacts (the SOC). The Findings, the SOC, and a mitigation enforcement plan (called a Mitigation Monitoring and Enforcement Plan, or MMEP¹) are included in Exhibits B and C of the draft CEQA approval Resolution #HSRA 22-02.

NEPA

The purpose of NEPA is to ensure lead agencies consider the significant environmental consequences of their proposed actions and inform the public about their decision-making.

Pursuant to the Authority’s NEPA Assignment, the Board will also take a third step to consider whether to direct the Authority CEO to issue a ROD (Agenda Item #11). A Draft ROD is included as part of the materials provided prior to this meeting. Under NEPA and the NEPA Assignment MOU, the Draft ROD indicates selection of the Preferred Alternative²—the HSR Build Alternative—as the alternative that best serves the purpose and need for the Burbank to Los Angeles Project Section and balances economic, social, and environmental impacts. The Draft ROD also documents a number of federal decisions on the project, such as required determinations under several federal laws, including but not limited to Section 4(f) of the Department of Transportation Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, and the National Historic Preservation Act. This direction to issue a ROD takes the form of draft Resolution #HSRA 22-03, included herein as Attachment F.

Basis for Requested Actions

The Final EIR/EIS has undergone extensive preparation efforts, including thorough consideration of the comments received on the Draft EIR/EIS. Staff recommends that the Final EIR/EIS is an adequate informational document in compliance with CEQA, NEPA, and other pertinent state and federal regulations.

As explained in Chapter 8 of the Final EIR/EIS, the HSR Build Alternative is the appropriate approval choice over the No Project Alternative based on a balanced consideration of its environmental impacts and benefits. While the HSR Build Alternative will result in impacts such as operational noise and temporary construction effects, the HSR Build Alternative also avoids substantial permanent community residential displacement impacts by building underground or within an existing rail corridor and reduces some of the loudest operational noise (e.g., train horns) through grade separations.

When compared to the No Project Alternative, the HSR Build Alternative will also reduce regional vehicle miles travelled and regional traffic congestion, will reduce greenhouse gas emissions from the transportation sector, will offer non-diesel, electrified passenger rail service option along a largely diesel rail service corridor, and will improve long-term air quality regionally and to communities located along the alignment. Additionally, the HSR Build Alternative is environmentally preferable over the No Project Alternative for its transportation, noise reduction, security and safety benefits -- five new grade separations will improve neighborhood transit, bicycle and pedestrian safety, improve neighborhood and regional traffic flow, improve reliability of emergency vehicle response times, reduce community noise impacts from existing train horns and crossing gates, and improve community connectivity across existing tracks by eliminating rail crossings.

¹ The MMEP is consistent with the CEQA requirements for mitigation monitoring and reporting as set forth in Section 15097 of the CEQA Guidelines (California Code of Regulations Title 14, Division 6, Chapter 3).

² The draft ROD uses the term “Selected Alternative” to refer to the Preferred Alternative.

Finally, while the Project would result in a Section 4(f) permanent use of the San Fernando Railroad Bike Path and certain historic resources (Arroyo Sec Parkway Historic District, Broadway (Buena Vista) Viaduct, Spring Street Viaduct, and Main Street Bridge), the Final EIR/EIS also found that all possible planning to minimize harm to these resources was undertaken through the project’s design, impact minimization or mitigation commitments. Staff recommend selection of the HSR Build Alternative based on this balancing of adverse and beneficial impacts of the project on the environment when compared to the No Project Alternative.

LEGAL APPROVAL

The Office of Chief Counsel has verified that the Board is legally authorized to take the actions requested by these Board items. Authority counsel and outside counsel under the direction and guidance of Authority counsel have been involved in the development of the Final EIR/EIS and the certification and approval documents presented in this briefing. Legal counsel is not aware of any outstanding issues from a NEPA or CEQA perspective in the Project Section decision documents that would prevent consideration and action by the Board. Furthermore, legal counsel concludes that the draft ROD is legally sufficient as required by NEPA, the NEPA Assignment MOU (and associated application), and relevant FRA environmental guidance.

BUDGET AND FISCAL IMPACT

Construction costs for the Burbank to Los Angeles Project Section are outside the scope of the Expenditure Authorization approved by the Authority’s Board on June 25, 2020, and therefore do not affect the currently authorized capital outlay budget.

2021-22 Fiscal Year Budget Impact

Contract Name	ContractNumber	FY Budget	Budget Change	Funding Source
N/A	N/A	N/A	N/A	N/A

December 2021 Expenditure Authorization Budget Impact

Contract Name	ContractNumber	Contract Budget	Budget Change	Funding Source
N/A	N/A	N/A	N/A	N/A

Capital Cost Estimate

The estimated capital cost of the Preferred Alternative (HSR Build Alternative) for the Burbank to Los Angeles section in the Final EIR/EIS is \$4.319 billion in 2021 dollars (2021\$). This alignment is generally consistent with the alignment identified as part of the statewide Phase 1 high-speed rail program in the 2020 Business Plan for the Burbank to Los Angeles Project Section. However, the 2020 Business Plan includes the capital cost of the Burbank Airport Station, including associated civil work and right-of-way, in an adjacent project section instead (Palmdale to Burbank). Furthermore, the 2020 Business Plan excludes design and mitigation refinements primarily associated with the tunnel/trench approach south of Burbank Airport which are incorporated into the Preferred Alternative. These refinements minimize residential/commercial disruptions and provide direct rail-air intermodal connectivity at Burbank Airport.

Adjusting the Burbank to Los Angeles EIR/EIS cost of \$4.319 billion to place the cost of the Burbank Airport Station in the Palmdale to Burbank Section, and factor in design and mitigation refinements that were incorporated into the Preferred Alternative, brings the estimated Burbank to Los Angeles Project Section cost to \$2.935 billion in year-of-expenditure dollars (YOES\$).

Environmental Document Cost	2021\$ (billions)
Environmental Document Cost	\$4.319
Adjustment to Reconcile to 2020 Business Plan	
Burbank Airport Station (included in Palmdale-Burbank Section)	\$(1.507)
Design and Mitigation Refinements*:	\$(1.437)
<i>Tunnel/trench guideway</i>	\$(0.651)
<i>ROW/utilities/hazmat</i>	\$(0.639)
<i>Professional Services</i>	\$(0.118)
<i>Contingency</i>	\$(0.029)
Potential design optimizations	\$(0.080)
Environmental and Post-ROD costs moved to Baseline	\$(0.121)
Adjusted Total for 2020 Business Plan Scope	\$1.174

2020 Business Plan Reconciliation	YOES\$ (billions)
Adjusted Total for 2020 Business Plan Scope	\$1.320
Design and Mitigation Refinements*	\$1.615
Updated Capital Cost	\$2.935
Cost Range in 2020 Business Plan	\$1.161–\$1.571

*Primarily related to tunnel/trench approach south of Burbank Airport
YOES\$ =year-of-expenditure dollars

Reviewer Information

Reviewer Name and Title	Signature Verifying Budget Analysis
Brian Annis, Chief Financial Officer	Signed January 12, 2022
Reviewer Name and Title	Signature Verifying Legal Analysis
Alicia Fowler, Chief Counsel	Signed January 12, 2022

STAFF RECOMMENDATION

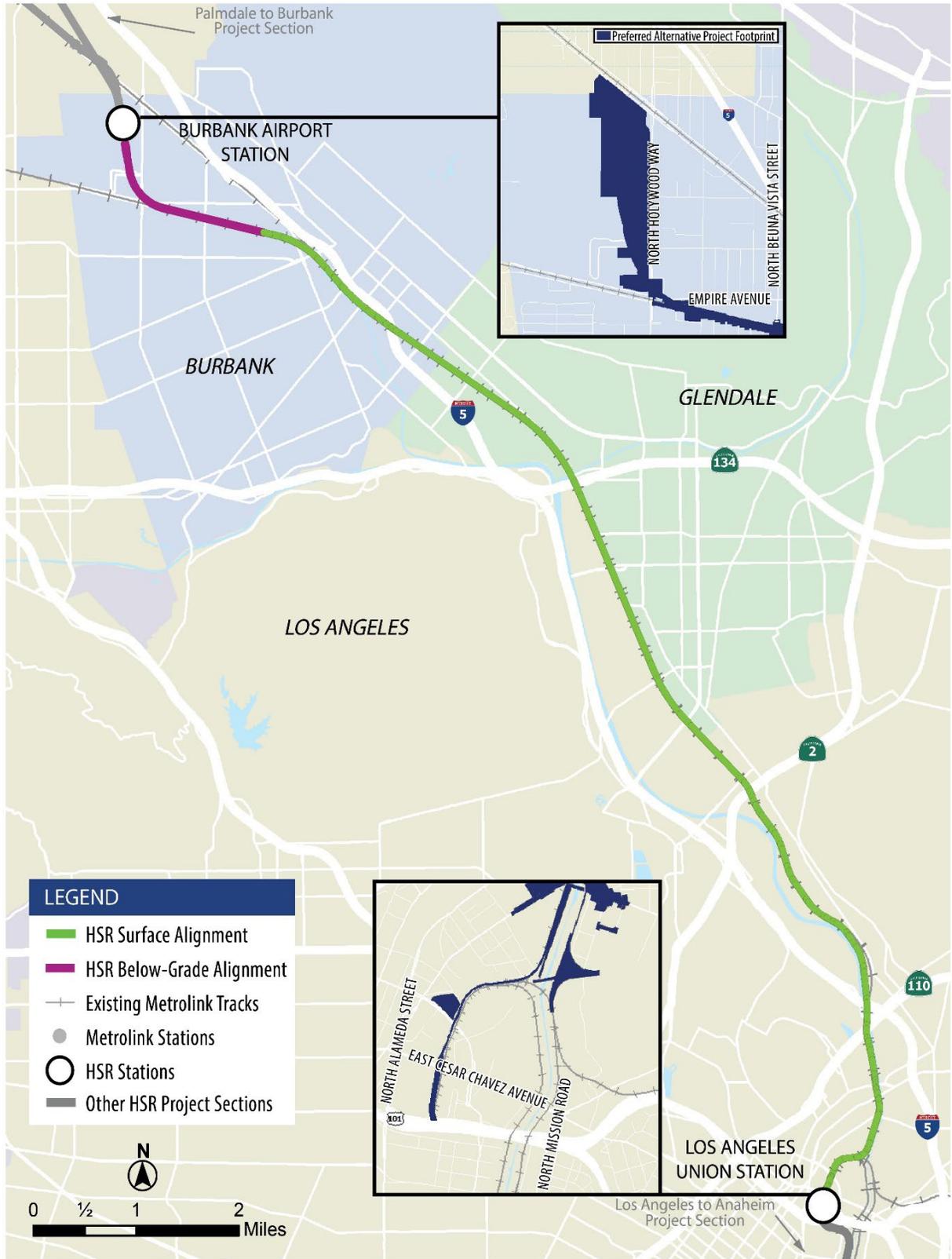
Staff recommends that the Board adopt the attached draft resolutions #HSRA 22-01, #HSRA 22-02, and #HSRA 22-03:

1. #HSRA 22-01 (Attachment D) certifies the completeness and adequacy of the Burbank to Los Angeles Project Section Final EIR/EIS for compliance with CEQA.
2. #HSRA 22-02 (Attachment E) approves the Burbank to Los Angeles Preferred Alternative—the HSR Build Alternative—and associated facilities from San Fernando Boulevard at Lockheed Drive in Burbank at the northern terminus to Los Angeles Union Station at the north edge of US-101 (between Alameda Street and Ramirez Street) at the southern terminus; adopts the CEQA Findings of Fact, SOC, and MMEP; and directs staff to file a CEQA Notice of Determination with the State Clearinghouse.
3. #HSRA 22-03 (Attachment F) directs the Authority CEO to issue the federal ROD under the Authority’s NEPA Assignment responsibilities, to identify the HSR Build Alternative as the Selected Alternative documenting compliance with other related federal environmental laws, and to include mitigation measures as identified in the MMEP.

ATTACHMENTS/ENCLOSURES

- Attachment A: Map of the Preferred Alternative
- Attachment B: Executive Summary of the Burbank to Los Angeles Project Section Final EIR/EIS
- Attachment C: Printed Copy of Standard Responses to the Most Frequently Raised Comments
- Attachment D: Draft Resolution #HSRA 22-01
- Attachment E: Draft Resolution #HSRA 22-02
 - Exhibit A: Map of the Preferred Alternative
 - Exhibit B: Draft CEQA Findings of Fact
 - Exhibit C: Mitigation Monitoring and Enforcement Program
- Attachment F: Draft Resolution #HSRA 22-03
 - Exhibit A: Draft Record of Decision for the Burbank to Los Angeles Project Section

ATTACHMENT A: MAP OF THE PREFERRED ALTERNATIVE



Source: California High-Speed Rail Authority, 2019

Burbank to Los Angeles Project Section Preferred Alternative

ATTACHMENT B: EXECUTIVE SUMMARY OF THE BURBANK TO LOS ANGELES PROJECT SECTION FINAL EIR/EIS

**ATTACHMENT C: PRINTED COPY OF STANDARD RESPONSES TO
THE MOST FREQUENTLY RAISED COMMENTS**

ATTACHMENT D: DRAFT RESOLUTION #HSRA 22-01

ATTACHMENT E: DRAFT RESOLUTION #HSRA 22-02

ATTACHMENT F: DRAFT RESOLUTION #HSRA 22-03