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## Investigation:

# Allegations of Non-Compliance with Construction Noise Control, Dust Control, Vibration Control, and Public Information Requirements at CP1

**MARCH 30, 2026 | #2024-INV-02, 2024-INV-03, 2024-INV-06**

## Summary

Our office received three complaints from members of the public who reside near a Construction Package 1 (CP1) high-speed rail construction site. Those complaints alleged that construction contractors were not adequately controlling noise, dust, and vibration from construction, resulting in negative impacts to the complainants and their properties. As part of its compliance with environmental requirements for CP1, the High-Speed Rail Authority (Authority) must implement specific strategies for controlling construction noise, dust, and vibration. Through its contract with its design-builder, the Authority has assigned the design-builder responsibility for implementing those strategies but retains responsibility for monitoring the design-builder's compliance. In our investigation into the complaints, we found that relevant vibration control requirements did not apply at the subject construction site. However, we found that the Authority had not been monitoring the design-builder's implementation of noise or dust control activities and could not demonstrate that the design-builder had performed those activities as required. Further, we found evidence that the design-builder had not always complied with requirements for controlling dust from construction.

The complainants also asserted that the Authority and its design-builder had not provided sufficient information about the effect that construction would have on their properties and had not timely responded to their complaints about construction noise, dust, and vibration. The Authority has acknowledged the importance of being responsive to residents impacted by construction. Through its contract with the design-builder, the Authority has assigned the design-builder responsibility for keeping the public informed about construction and responding to construction-related complaints. However, we found that the Authority has not monitored the design-builder to ensure that it complies with contractual requirements for timely responding to complaints and neither party could demonstrate that timely responses



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had been provided. Additionally, we found that the Authority had not required the design-builder to provide contractually required updates about construction to residents who live near construction sites.

To address the issues we identified in our investigation, we recommended that the Authority implement the corrective actions beginning on page 24. The Authority stated that it would implement all the corrective actions, with full implementation completed by July 1, 2026.

## Background

State law gives the Office of Inspector General, High-Speed Rail (OIG-HSR) authority to receive and investigate complaints concerning the existence of an activity related to the California high-speed rail project (Project) constituting waste, abuse, violations of law, rules, or regulations, and other issues. Between August 2024 and October 2024, the OIG-HSR received complaints from three different members of the public residing near a Project construction site within CP1, a 32-mile stretch of the high-speed rail alignment located between Avenue 19 in Madera County and East American Avenue in Fresno County. In this report we refer to that site as the *subject site*. Altogether, the three complaints alleged the following:

1. The construction contractors were not taking adequate steps to control dust generated by construction, resulting in large amounts of dust affecting nearby properties.
2. The construction was taking place earlier than permitted by local noise ordinances and was emitting excessive noise, affecting nearby residents.
3. The construction was generating vibration that may damage nearby properties.
4. The Authority had not timely responded when complainants reported their concerns about the above issues.
5. The complainants had not received adequate information regarding construction and its expected impact on residents in the area.

Construction can reasonably be expected to generate noise, dust, and vibration. In light of those eventualities, the Authority has responsibility for meeting specific environmental requirements to mitigate the effect that construction noise, dust, and vibration have on residents near its construction sites. The Authority has also independently affirmed that minimizing these impacts on residents is critical to the success of the Project. Further, the Authority has established requirements for providing information to residents affected by construction and for timely responding



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to their concerns. We investigated whether the Authority complied with requirements pertaining to the control of noise, dust, and vibration, as well as its obligations to provide public information to residents near the subject site and respond to their concerns during the period January 2024 through March 2025.

## Overview of Relevant Requirements

A combination of state, federal, and local requirements establish specific measures that the Authority must implement to control construction noise, vibration, and dust. To comply with state and federal law, the Authority and Federal Railroad Administration issued an Environmental Impact Report/Environmental Impact Statement (Environmental Impact Report) for the Merced to Fresno section of the Project, which includes CP1. The Environmental Impact Report discusses the potential construction impacts of the Project on the environment, including on nearby residents, and includes specific measures that the Authority will take to mitigate or avoid those impacts. Those measures are referred to as mitigation measures, and the Authority must implement them under both state and federal environmental requirements. The Environmental Impact Report adopted specific mitigation measures for controlling the impacts of noise and vibration from construction that cannot be altogether avoided.

The requirements for controlling construction dust at the subject site come in part from regulations administered through San Joaquin Valley Air Pollution Control District (Air District). Those regulations require development and implementation of a dust control plan, to contain specific dust control activities, for controlling dust during construction. Table 1 on page 4 lists key requirements that the Environmental Impact Report, Air District regulation, and dust control plan collectively establish for the control of construction dust, noise, and vibration.

The Authority's Mitigation Monitoring and Reporting Program (Mitigation Program) describes implementation and monitoring procedures and responsibilities for the noise and vibration mitigation measures in the Environmental Impact Report. The Authority's contract with its design-build contractor for CP1 makes the design-builder responsible for implementing certain environmental requirements, including the mitigation measures for noise and vibration. In addition, the dust control plan identifies the design-builder as the entity with primary responsibility for implementing the dust control plan. Nonetheless, in the Mitigation Program the Authority acknowledges that, as the lead agency and proponent of the Project, it bears primary responsibility for verifying that the mitigation measures are implemented.



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**Table 1: Key Requirements for Control of Construction Dust, Noise, and Vibration**

Source of Requirement	Construction Impact	Required control measure
Air District Regulation	Dust	Limit dust emissions to a specified level and develop a dust control plan.
Dust Control Plan	Dust	Pre-water work sites.
Dust Control Plan	Dust	Apply water to dry areas at least twice daily or more often as needed to control dust during dirt disturbance work, such as earthmoving, leveling, and grading.
Dust Control Plan	Dust	Place devices at construction site intersections with paved public roads to prevent dust trackout. Trackout occurs when materials such as dust adhere to vehicle tires and are deposited onto a paved public road or road shoulder.
Environmental Impact Report	Noise	Monitor construction noise levels to ensure that they remain within limits established by the Federal Transit Administration (FTA) for residential areas.
Environmental Impact Report	Noise	As necessary to comply with the FTA noise limits, implement noise control measures such as by installing sound barriers or using low-noise emission equipment.
Environmental Impact Report	Vibration	If impact pile driving will occur within 50 feet of a structure, perform a preconstruction survey to document the existing condition of buildings in case damage is reported during or after construction.

Source: CP1 Environmental Impact Report, CP1 dust control plan, and Air District regulation.



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To assist the Authority in overseeing the design-builder’s performance of its responsibilities under its contract, the Authority entered a separate contract for project and construction management (PCM) services for CP1. The Authority refers to the contractor that provides those services as its *PCM*. The PCM has broad responsibility for oversight of the design-builder’s environmental compliance activities, including oversight of all environmental impact report requirements and mitigation measures; when we asked the Authority about oversight of noise and dust mitigation, the Authority referred us to its PCM. Figure 1 provides a high-level breakdown of responsibility for environmental compliance among the Authority, the design-builder, and the PCM.

**Figure 1: Breakdown of responsibility for environmental compliance activities.**



Source: Authority’s Mitigation Program, Authority contracts with the PCM and design-builder and related change orders, CP1 PCM Contract Management Manual.



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## **The Design-Builder Did Not Always Comply with Dust Control Requirements and Denied Responsibility for Monitoring to Ensure Compliance with Noise Level Limits**

To determine whether the design-builder had complied with noise and dust control requirements, we first requested records of compliance from the PCM, which the Authority's then director of infrastructure delivery stated was responsible for oversight of those requirements. However, as we describe later, at the time we began our review neither the Authority nor the PCM was monitoring—and therefore lacked records—regarding the design-builder's compliance. The Authority's lack of records therefore prevented us from fully evaluating whether or how consistently the design-builder met requirements for controlling construction noise and dust at the subject site during the periods of time implicated by the complainants. However, in our review of records from local jurisdictions as well as from dust control audits the PCM began after we initiated our investigation, we identified evidence that the design-builder has not always complied with dust control requirements. Additionally, the design-builder, the Authority, and the PCM each denied responsibility for conducting required noise level monitoring at the subject site; as a result, none had records sufficiently demonstrating that construction noise has remained within required limits. In the absence of contemporaneous records of design-builder compliance with all applicable noise and dust control requirements, we also reviewed the Authority's oversight of the design-builder's implementation of noise and dust control measures and describe the results of that review later in the report.

### **The design-builder did not always comply with dust control requirements.**

The design-builder had records showing it implemented some required dust control activities; however, the results of recent audits by the Air District and the PCM suggest that the design-builder has not always fully complied with the dust control requirements in its dust control plan.

All three complainants reported excessive dust emerging from the construction site and onto their property, and all claimed that the design-builder was not taking adequate steps to control dust. Two of the complainants provided our office photos and videos of dust on their property and in the air around their homes. Dust caused by construction may be unavoidable to some extent and therefore the documented presence of dust does not itself indicate a failure to implement required mitigations. As such, we sought to determine whether the design-builder took the preventive steps documented in its dust control plan. To do so, we reviewed the specific control



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activities required in the dust control plan and requested and reviewed records regarding implementation of those activities from the PCM and the design-builder. We also interviewed environmental compliance staff at the PCM and design-builder about their dust control activities.

The dust control plan specifies actions, and the frequency of those actions, that the design-builder must take to control dust levels during construction. These steps are intended to ensure compliance with air quality regulations, and they include pre-watering work sites as well as applying water to dry areas during construction activities that disturb dirt, such as grading and earthmoving, as frequently as needed but at least twice daily. Air District regulations also require that the design-builder keep records demonstrating compliance, including the location, amount, and frequency of water (or other dust suppressant) application during days when dust control measures are implemented. We reviewed the design-builder's dust control records for three typically dry months—July 2024 through September 2024—that included periods implicated in the complaints we received. The logs indicate that construction crews generally applied water at least twice per day during that period. However, other records that we reviewed during the investigation show that the design-builder has not always complied with the dust control plan.

In January 2025, after we began our investigation and discussed the complaints with the PCM, the PCM began conducting audits of the design-builder's compliance with the dust control plan. We subsequently reviewed five audits the PCM conducted in January and February 2025 and found that, in each, the PCM determined that the design-builder was not in compliance with the dust control plan. The PCM found that at several different construction sites the design-builder had generated excessive dust and did not always spray water for dust control. In some cases, the audits observed construction dust on neighboring properties. The PCM specifically visited the subject site twice during those five audits, and in one of the two visits found that the design-builder had not complied with dust control plan requirements. In its report for that visit, the PCM indicated that the design-builder had not implemented dust control plan requirements for applying water or dust suppressants to control dust, noting that with high winds and the absence of water application there was potential for visible dust emissions due to the dry conditions of the area.

Additionally, we identified two instances in which the Air District issued the design-builder a Notice of Violation for failure to comply with a separate element of the dust control plan. In both instances, the design-builder was cited for failure to meet requirements in the dust control plan regarding the use of a "trackout device" to



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prevent construction vehicles from transporting dust out onto paved public roads. One of the violations occurred at the subject site. The dust control plan requires the design-builder to prevent or clean up trackout of construction dust onto paved public roads and prescribes the step of manually sweeping and cleaning up dust in the event a trackout device is insufficient to prevent trackout. In its dust control plan audits, the PCM also sometimes observed issues with “heavy trackout” and in two instances noted that the trackout was contributing to emissions of dust.

We spoke with the design-builder’s construction manager and the field engineer responsible for the dust control plan. They stated that the design-builder ensures compliance with dust control requirements via a foreman supervising each site whose responsibilities include implementation of dust control. They also stated that during the construction manager’s periodic visits to construction sites, if he notices an issue with dust control, such as trackout or the need to spray, he will direct the construction crew to correct the issue. Finally, they indicated that the PCM’s oversight of environmental compliance helps to ensure compliance with dust control requirements. However, as we describe later, we found when we began our investigation that the PCM had not conducted oversight of the design-builder’s compliance with the dust control plan.

**The design-builder has not consistently monitored to ensure noise levels remain within acceptable limits established by the FTA and asserted it is not responsible for doing so.**

The Authority’s Mitigation Program, which is incorporated into the design-builder’s contract, establishes roles and responsibilities for implementing the mitigation measures in the Environmental Impact Report. In describing the mitigation measure for construction noise, the Authority included an assumption that the design-builder would comply with local noise ordinances; specifically, the Authority stated that the impact of construction noise would be of moderate intensity, but that due to the temporary nature of construction and the Project’s *adherence to local noise ordinances*, construction noise would not be significant (emphasis added). Consistent with that assumption, the construction specifications for CP1 state that before the design-builder starts construction activities within proximity of residences and other areas sensitive to noise, the design-builder will verify compliance with local jurisdictional noise level requirements. Local noise ordinances at the subject site limit the permissible hours of construction to between seven a.m. and seven p.m. on weekdays, and to between nine a.m. and five p.m. on Saturdays. The ordinances prohibit construction on Sundays.



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The two complainants who reported problems with construction noise asserted that construction crews had repeatedly started construction earlier than allowed. Records we obtained from the local sheriff's department showed that on a Saturday in August 2024 at 6:18 a.m.—nearly three hours earlier than permitted—the sheriff's department received a noise complaint regarding construction at the subject site. The dispatch records note that law enforcement arrived at the subject site at 6:42 a.m., contacted the construction crew, ordered them to “stop drilling which was making all the noise”, and advised them “to be more mindful of the [noise] ordinance.” Those records therefore substantiate that the construction crews did not adhere to local noise ordinances on at least one occasion. The design-builder's environmental compliance lead acknowledged the incident and stated that afterward the design-builder discussed the issue with construction crews and reviewed with them the noise ordinance requirements.

The design-builder also did not implement requirements in the Environmental Impact Report for monitoring construction noise levels to ensure they do not exceed established limits and denied that it has contractual responsibility to do so. The construction noise mitigation measure listed in the Environmental Impact Report requires monitoring noise during construction to verify compliance with limits established by the Federal Transit Administration (FTA). According to the Environmental Impact Report, these limits include a 30-day average for noise exposure in residential areas that is roughly equivalent to the sound generated by a car 50 feet away and traveling at a speed of 55 miles per hour. The associated mitigation measure in the Environmental Impact Report reiterates the need for monitoring and lists various strategies to be used as necessary to meet the required noise limits, including installing temporary sound barriers, using low-noise emission equipment, and lining or covering certain equipment with sound-deadening material. Although the mitigation measure does not specify how frequently noise levels must be measured, the Mitigation Program establishes a weekly reporting schedule indicating that monitoring should occur at least weekly.

The design-builder has not consistently monitored and has not reported to the Authority its compliance with construction noise limits. The design-builder's project director provided what he described as noise monitoring records for the subject site that resulted from the design-builder's voluntary efforts to “spot check” noise levels. However, for several reasons, the provided records were not sufficient to demonstrate that construction noise levels at the subject site had remained within FTA limits, including during the period we received the complaints. Namely, between August 2024—when we received the first complaint about the subject site—and the



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end of December 2024, the records provided by the design-builder indicate that it conducted noise monitoring on only one day. Beginning in February 2025, the records indicate that the design-builder increased the frequency of the noise monitoring—though not to a consistently weekly frequency. Further, when we reviewed the sound monitoring records, we found that they were not usable for the purpose of evaluating compliance with the FTA noise limits in the Environmental Impact Report. In particular, there were significant apparent errors in the data. For example, the records often showed that the average daily noise levels at the site were higher than the maximum sound level recorded on the same day.

When we asked the design-builder about its noise monitoring, the design-builder asserted that it does not have contractual responsibility for conducting the monitoring. We spoke with the design-builder’s environmental compliance lead, whom the Environmental Mitigation Plan states is responsible for environmental compliance oversight and management, and inquired about the design-builder’s processes for ensuring compliance with the construction noise mitigation measure. The environmental compliance lead pointed to a September 2023 change order that transitioned responsibility for monitoring and reporting environmental compliance for CP1 from the design-builder to the Authority and PCM. The design-builder’s project director further asserted that, even before the September 2023 change order, the design-builder had not been responsible for monitoring environmental compliance at the subject site. He provided a previous change order from March 2016, which added design and construction for the subject site to the design-builder’s contract for CP1, and pointed to language in the change order excluding “environmental costs associated with any monitoring that will be required during construction.”

The Authority disagreed that the design-builder did not have responsibility for monitoring compliance with the construction noise limits, stating that the change orders the design-builder referenced did not transfer to the Authority the design-builder’s responsibility for implementing noise control measures. Notwithstanding this unresolved dispute regarding who has responsibility for implementing the construction noise monitoring mitigation measure, the Authority has primary responsibility for verifying that all mitigation measures are properly implemented.

We discuss later in this report the September 2023 change order and the fact that the PCM did not monitor construction sites for compliance with the FTA noise limits. Because of the aforementioned issues with the design-builder’s records, and because the PCM did not monitor or verify construction noise levels, we could identify no adequate, contemporaneous records demonstrating the extent to which construction noise at the subject site has remained within the permissible limits



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established by the FTA—including during the period implicated by the complaints we received.

## **The Investigation Did Not Identify Evidence of Noncompliance with Vibration Mitigation Requirements**

One complainant reported concerns regarding the impact of construction-related vibrations on the complainant’s property. The Environmental Impact Report states that building damage from construction vibration is only anticipated from a specific construction activity—impact pile driving—occurring within 25 to 50 feet of buildings. As such, the corresponding vibration mitigation measure of surveying possibly affected property is required only when impact pile driving occurs within 50 feet of a building.

To determine whether impact pile driving had occurred at the subject site, we interviewed staff from the Authority, the PCM, and the design-builder and collected construction plans, the construction schedule, and daily construction reports pertaining to the site. In doing so, we identified no evidence that impact pile driving had occurred at the site. The Authority’s deputy construction manager for CP1 asserted that it had not used impact pile driving at any of the construction sites in CP1 and indicated that the Authority had instead used an alternative called “cast-in-drilled-hole”. According to guidance published by CalTrans, cast-in-drilled-hole piles are an alternative to impact driven piles when installation vibration is a concern. The Authority’s construction plans supported the deputy construction manager’s assertion, indicating that cast-in-drilled-hole would be used at the subject site.

Because the vibration mitigation measure is only required when impact pile driving occurs and there was no evidence that it had occurred at the subject site, there was no evidence that the Authority or its design-builder had not complied with vibration mitigation requirements.

## **The Authority Has Not Provided Adequate Oversight of the Design-Builder’s Compliance with Noise and Dust Control Requirements**

In September 2023, the Authority assumed responsibility for monitoring environmental compliance for CP1; however, at the time of our investigation neither the Authority nor the PCM had monitored the design-builder’s noise mitigation or dust control compliance. Several documents collectively describe the Authority’s



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process for overseeing the design-builder's implementation of environmental requirements. The Authority's Mitigation Program, which is incorporated into the design-builder's contract, establishes monitoring and reporting responsibilities for the mitigation measures in the Environmental Impact Report. Additionally, the design-builder's contract required that it develop and implement an Environmental Mitigation Plan which further details roles, responsibilities, and procedures for its personnel in monitoring compliance with environmental requirements.

The Authority's contract with the design-builder initially assigned the design-builder responsibility for implementing a majority of the mitigation measures and, via the Environmental Mitigation Plan, for monitoring and reporting on its own compliance with most of the noise, vibration, and air quality requirements it is responsible for implementing. However, via a change order effective September 2023, the Authority assumed responsibility for monitoring and reporting compliance with environmental requirements for CP1. In documents describing the reasons for the change order, the Authority cited "numerous instances" of the design-builder failing to comply with the contract's applicable environmental requirements, leading to notices of violations from external agencies. Specifically, the Authority's internal *findings of fact* supporting the change order state that the Authority had sent multiple notices to the design-builder regarding its noncompliance with the environmental requirements in its contract. That document further states that the transfer of responsibility from the design-builder to the PCM would allow the Authority to fulfill its permit conditions and avoid further notices of violations, which the Authority stated could potentially increase costs and impact the Project schedule and quality of work. During our investigation, the design-builder's project director disputed that problems with the design-builder's compliance with environmental requirements had been the reason for the change order, stating instead that the reason was the Authority's belief that it could manage the risk and costs associated with environmental monitoring better than the design-builder.

In light of the Authority's stated observations regarding the design-builder's noncompliance with environmental requirements, as well as the Authority's contemporaneous assumption of responsibility for monitoring environmental compliance, we expected that the Authority would have then begun implementing the monitoring activities contained within the design-builder's contract and in the Environmental Mitigation Plan. Those two documents establish activities for overseeing the design-builder's implementation of environmental requirements, listed in Table 2 on page 13, that apply to construction noise mitigation. As we describe earlier, when we inquired with the Authority about noise control it referred



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us to its PCM. However, as Table 2 also illustrates, our investigation found that the Authority had not implemented those oversight activities to monitor the design-builder’s compliance with construction noise mitigation requirements at the subject site, either itself or through its PCM. As a result, the PCM also could not provide records demonstrating that the design-builder had complied with construction noise mitigation requirements when we requested them.

**Table 2: Noise Mitigation Oversight Activities from the Design-Builder’s Contract and the Environmental Mitigation Plan**

Oversight Activity	Implementation Status
Conducting noise level monitoring and submitting weekly reports on that monitoring to the Authority through an electronic application.	The PCM had not conducted field monitoring or generated any weekly reports for construction noise mitigation.
Receipt and review of monthly schedule updates from the design-builder containing information on the status and schedule for environmental compliance activities.	The monthly schedule updates did not contain information on the status of environmental compliance activities.
Training for staff, including construction crews, on compliance with the Environmental Mitigation Plan, including construction noise mitigation requirements.	The training contained no information regarding construction noise abatement requirements.
Audits to verify compliance with environmental requirements.	The PCM conducted environmental compliance audits, but those audits did not include checking for compliance with the noise mitigation measure relevant to the complaints in question.

Source: Design-builder’s contract and Environmental Mitigation Plan.

The documents establishing required oversight activities for construction noise mitigation do not explicitly apply those requirements to oversight of construction dust control. However, we expected that the PCM would conduct some of the same types of monitoring of the design-builder’s dust control activities because they are



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basic and reasonable steps for ensuring the design-builder's compliance with the dust control plan. Additionally, the Authority's PCM Contract Management Manual, which provides instructions for PCM staff in implementing the contract, establishes both that the PCM will monitor the design-builder's work periodically for compliance with project environmental documents—which include the dust control plan—and conduct field audits of the design-builder's implementation of environmental compliance measures and associated documentation. However, at the time of our investigation the PCM had not conducted oversight of the design-builder's compliance with the dust control plan and could not provide records of the design-builder's compliance when we requested them. We found that:

1. The PCM had not conducted periodic monitoring of the design-builder's compliance with dust control plan requirements.
2. The PCM provides training for staff, including construction crews, but that training included insufficient information about requirements for dust control included in the dust control plan. Specifically, the training lacked information on pre-watering work sites, construction activities that typically require watering, and the frequency with which water should be applied for dust control.
3. The environmental compliance audits the PCM had been conducting prior to our investigation included some review of dust control measures, such as whether the design-builder used trackout devices and covered soil piles. However, the audits did not include reviews to identify evidence that the design-builder had complied with dust control plan requirements to periodically apply water for dust control.

The PCM's deputy environmental oversight manager acknowledged that the PCM had not conducted oversight of the design-builder's compliance with applicable construction noise or dust control requirements. She stated that the design-builder—not the Authority or PCM—was responsible for monitoring compliance with those requirements. However, the PCM's assertion is inconsistent with the September 2023 change order wherein the Authority assumed responsibility for monitoring compliance with environmental mitigation measures. More generally, the assertion also conflicts with the PCM's broad contractual responsibility for oversight of the design-builder's environmental compliance activities. The PCM's contract makes it responsible for monitoring the design-builder's implementation of all mitigation measures. Additionally, the Authority's PCM Contract Management Manual lists noise and air quality—including dust control—as among the areas for which the PCM will provide compliance oversight. Indeed, at the outset of our



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investigation, the Authority's then director of infrastructure delivery confirmed that the PCM has responsibility for oversight of all design-builder environmental compliance, including all mitigation measures and dust control requirements.

Notwithstanding the specific contractual responsibilities of the Authority's design-builder and PCM (and changes thereto), the Mitigation Program states that the Authority is ultimately accountable for the overall administration of the mitigation monitoring program, and that although the responsibilities of mitigation implementation, monitoring, and reporting extend to several entities, the Authority bears primary responsibility for verifying that the mitigation measures are implemented. Because of that responsibility, the Authority must verify that its contractors are appropriately fulfilling their required duties for implementing, monitoring, and reporting on all required environmental compliance activities, including noise and dust control. The Authority ultimately acknowledged to us that it is responsible and accountable for ensuring that environmental mitigations are implemented.

A factor that likely contributed to the deficiencies in the Authority's oversight of noise and dust control is that the Authority did not update its environmental oversight plans or procedures following the September 2023 change order. The change order explicitly stated that the Authority would take responsibility for updating the Environmental Mitigation Plan including detailing roles and responsibilities for environmental compliance as well as implementing procedures for identifying and rectifying environmental non-conformances. However, the Authority has not updated that plan, and the current version still assigns monitoring and reporting responsibilities to the design-builder.

By not monitoring implementation of required noise mitigation and dust control measures or ensuring that its PCM was doing so, the Authority risks subjecting individuals who reside within the vicinity of the project sites to greater levels of noise and dust than necessary or than have been determined acceptable in the Project's environmental documents. To the extent such excess exposure occurs, it would run counter to the Authority's stated position that minimizing impacts to residents is a critical component to the successful development of the Project. These gaps in the Authority's oversight of mitigation efforts mean that it cannot demonstrate to the public that it is taking all reasonable steps to limit the effect of project noise and dust.

After we began our investigation and inquired about the Authority's and PCM's oversight of the design-builder's implementation of noise and dust control activities,



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the PCM began taking some steps to monitor the design-builder's compliance with construction noise and dust control requirements; however, it later reported to us that it no longer intended to implement those monitoring activities. As mentioned earlier, in January 2025 the PCM began conducting audits specifically of the design-builder's compliance with the dust control plan, including evaluating whether the design-builder was spraying as required for dust control and ensuring dust levels remained below allowable thresholds. Also noted earlier, each of the PCM's audits we reviewed found that the design-builder was not in compliance with the dust control plan. The PCM's deputy environmental oversight manager initially stated that the PCM intended to continue conducting those audits at least biweekly, targeting work sites where dust is likely to be a problem.

However, our follow-up review of the PCM's records show that it stopped conducting those dust control audits in August 2025. When we inquired about the stoppage, staff told us that the PCM would instead conduct those audits on a "case-by-case basis" when its inspectors note dust coming from the Project. When we asked about the PCM's rationale, the PCM attributed the decision to proactive and diligent dust management by the design-builder, the ability of PCM auditors who are on site consistently to identify and address issues, the lack of a mandated inspection schedule, and historical practices during the rainy season.

We question the PCM's explanation for several reasons. First, despite the PCM's assertion that the design-builder had been proactive and diligent with its dust control efforts, the PCM's own records indicate cause for ongoing concern. In each of the 21 dust control audits that the PCM conducted between January 2025 and August 2025, it found that the design-builder was not in compliance with the dust control plan for at least one site visited. In all but one of the audits, the PCM specifically noted that dust was observable on neighboring properties for at least one visited site. During this period, PCM auditors visited the subject site 15 times and in 10 instances found the design-builder to be out of compliance with the dust control plan—including four visits wherein the PCM noted that it observed dust on neighboring properties. Given the consistency with which the PCM found noncompliance and the PCM's ongoing contractual responsibility to monitor the design-builder's compliance with environmental requirements, we do not find the PCM's rationale for ceasing its regular dust control audits to be justified.

Additionally, the PCM has developed a template for monitoring noise but maintains that it is the design-builder's responsibility to monitor noise levels. During our investigation, the PCM developed a noise monitoring template and then provided us documentation demonstrating that it had independently monitored noise levels at



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least once—during a period of overnight construction work at a Project site. Although a PCM environmental specialist initially stated that the PCM would conduct monitoring “when needed,” he later confirmed that the PCM was not in fact monitoring noise and instead expects the design-builder to do so. To demonstrate the PCM’s oversight efforts in lieu of monitoring, he provided documentation showing that the PCM had updated forms it provides to the design-builder before construction begins at a site. The updated forms include fields the PCM would use to inform the design-builder that noise monitoring is required for the site. However, it is doubtful that these forms will lead the design-builder to begin monitoring noise levels given the design-builder’s position is that it does not have responsibility for doing so.

The PCM environmental specialist also provided a letter and two emails that the PCM had sent to the design-builder between May 2025 and August 2025 wherein the PCM requested records, including noise monitoring records, for the subject site. However, the letter and emails indicated that the PCM had requested the noise monitoring records because the Authority had received a California Public Records Act request for those records, rather than for the purpose of conducting regular, required oversight of the design-builder’s noise monitoring activities. Because of its responsibility to monitor the design-builder’s implementation of environmental requirements, the PCM should at minimum be conducting oversight of the design-builder’s compliance with construction noise mitigation requirements.

## **The Authority Has Not Required the Design-Builder to Meet All its Responsibilities for Informing and Responding to the Concerns of the Public**

Two of the three complainants alleged that they had not received adequate information regarding construction activities and impacts, and one of them also alleged that they had not received timely responses to complaints that they had submitted. Both complainants provided evidence that they had contacted the design-builder and the Authority to complain about construction impacts, including noise and dust. Through its contract with the design-builder, the Authority has established requirements through which the design-builder is to keep residents informed about construction and to timely respond to complaints from the public. However, we found that the Authority has not performed oversight of the design-builder to ensure that it responds to complaints from the public within timelines established in the contract. We also found that the Authority has not required the



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design-builder to fulfill contractual responsibilities to provide weekly construction updates and conduct monthly community meetings to keep residents and businesses informed about the status of construction.

**The Authority has identified that communications, community involvement, and minimizing impacts to businesses and residents are critical to the success of the Project.**

The Authority has established plans for keeping residents affected by construction informed about the Project and for responding to their concerns. The design-builder's contract requires that the design-builder develop and maintain a Public Involvement Program (PIP) for all CP1 construction-related activities to facilitate management of community issues and mitigation of construction impacts on the community and on neighborhoods adjacent to construction worksites. Together, the design-builder's contract and the PIP establish requirements for the methods by and frequency with which the design-builder will provide information about construction activities to the public, particularly residents and businesses affected by construction. Those requirements include specific circumstances requiring notification to the public. For example, the design-builder must notify affected residents in advance about road closures and utility shutoffs and must provide weekly construction updates to businesses and residences fronting a heavy construction zone.

The Authority has emphasized that the development and implementation of the PIP is a team effort wherein the design-builder, the PCM, and the Authority each play a role. The design-builder's contract establishes its roles and responsibilities for providing that information and for responding to concerns from the public. The design-builder is responsible for implementing the PIP, including mitigating the impacts of construction on businesses and residents in the project area, maintaining day-to-day contact with affected residents, and acting as the public's point of contact for questions and concerns regarding construction. For its part, the Authority's contract with the PCM gives the PCM responsibility for oversight of the design-builder's public involvement activities related to construction notices, public construction awareness, and dissemination of information to the public. Notwithstanding these various provisions, the Authority's contract with the design-builder acknowledges that the Authority itself maintains overall responsibility for public involvement and information for the project, including monitoring the design-builder's performance for compliance with the PIP.



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**Because of deficiencies in its oversight of the design-builder, the Authority is unable to demonstrate it has been responsive to complaints from the public.**

Both the design-builder’s contract and the PIP require that the design-builder respond to complaints from the public within five days of receipt for non-emergency issues. To this end, the design-builder is required to track complaints and all other interactions with the public in the *project contact log*, also referred to by the contract as the *database*. Among other information, the design-builder must track in the database each complainant’s name, contact information, the nature of the contact, the date of the design-builder’s response, and information on how the design-builder responded. The design-builder must provide the information in the database to the Authority monthly.

To evaluate the timeliness with which the design-builder responded to complainants regarding the subject site, we first obtained and reviewed the design-builder’s database records for January 2024 through March 2025. We found that the database was incomplete. It did not contain explicit record of any complaints, including those submitted by the complainants in this investigation, even though we identified other evidence that the complainants had repeatedly contacted the design-builder to complain during that period. We also reviewed the design-builder’s monthly public information reports submitted to the Authority, which the design-builder provides alongside the database itself, and found that the reports also did not contain the information that the design-builder is required to track and report. In several cases, the reports stated that the design-builder had contacted or “corresponded with [an individual] regarding dust control” at the subject site but did not identify these contacts as “complaints” and provided no further details about the nature of the contact or any concerns raised therein. Further, the reports did not describe the nature or timing of responsive actions or resolutions for any of the instances in which the reports described corresponding with an individual about dust control—information that is all required by the PIP.

The Authority’s public information office maintains its own log, which the Authority refers to as its *community inquiry log*, wherein office staff track contacts with members of the public. We therefore also reviewed the community inquiry log and found that it, too, lacked any record of the Authority interacting with any of the complainants between January 2024 and March 2025. The Authority’s log showed only two entries categorized as complaints during that time, one of which was described as related to construction dust at a location in CP1 in August 2024. Although the log indicates that the issue was closed, it contains no detail on the



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specific nature of the complaint or whether or how it was resolved other than noting that the Authority referred it to design-builder staff.

The Authority could not demonstrate that it had used any other method to reliably ensure that the design-builder was responding to complaints within the required five-day timeframe. In the absence of a complete database, we attempted to evaluate the design-builder's responsiveness to complaints by making individual requests to the design-builder, the PCM, and the Authority for original records of receipt and response to all complaints received related to a selection of three construction sites in CP1, including the subject site. The PCM and the Authority were generally unable to provide any records of complaints: the PCM provided no records, and the Authority provided only an internal memorandum. That memorandum referenced some, but not all, of the construction noise and dust complaints we independently identified, and the Authority was not able to provide any documentation of the complaints themselves or responses to those complaints and instead referred us to the design-builder. The design-builder provided some records of complaints and its responses; however, we found those records were also incomplete for multiple reasons. For example, the complainants provided our office with evidence of several occasions on which they had contacted the design-builder with their concerns via text message, but for which there were no corresponding records in the documents that the design-builder produced.

Because it has not required the design-builder to meet its contractual requirements for tracking and reporting complaints that it receives, how it responds to those complaints, and the timeliness with which it does so, the Authority lacks assurance that the design-builder is timely and effectively responding to concerns from the public. These deficiencies in the design-builder's tracking and reporting of complaints, which it is required to report monthly to the Authority, also more generally limit the Authority's awareness of community feedback about how construction may be impacting members of the public.

The design-builder's public involvement manager acknowledged that the design-builder does not track complaints but stated that she makes an effort to respond to complaints within 24 hours, and that she saves all communication with complainants—an assertion we question given that the complaint records the design-builder provided were incomplete. She stated that she is working with the PCM to improve the database to include the required information on complaints. She further stated that the improvements would enable the design-builder to track complaint response time, including whether it responds within the five-day timeframe described in the PIP.



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The Authority's PCM and the Authority's Central Valley deputy regional director at the time of our investigation (deputy regional director) acknowledged the deficiencies in the design-builder's tracking and reporting of complaint information. Consistent with the design-builder's statements, the PCM's public involvement manager stated that she is working with the design-builder to improve its tracking and reporting practices. The deputy regional director stated that the Authority has verbally and via email notified the design-builder of issues with its noncompliance. However, as of the release of this report in March 2026, the Authority had not provided documentation that it had taken these or other actions to correct the deficiencies in the design-builder's tracking and reporting of complaints. Additionally, the design-builder's project director denied that there had ever been emails or discussions with the Authority or the PCM regarding noncompliance of the database.

**The Authority has not enforced requirements that the design-builder provide weekly construction updates or host community meetings for residents affected by construction at the subject site.**

Two of the complainants also alleged that they had not received adequate information from the Authority regarding construction at the subject site or its expected impact on nearby residents. The design-builder's contract requires that the PIP target public information activities to those most affected by Project construction. To that end, the contract specifically requires that the design-builder notify affected businesses and residents along the Project of construction progress and upcoming events. The text box includes examples of those required notification activities.

The evidence we reviewed showed that the design-builder and the Authority complied with some, but not all, of these requirements for the subject site. Dated public notices we identified on the Authority's website regarding construction at the subject site indicate that the Authority or the design-builder distributed both the required 30-day heavy construction notification and the construction schedule

**Required Public Notifications**

1. 30-day advance notification of heavy construction
2. Utility shut offs and diversions
3. Weekly heavy construction updates for businesses and residents fronting a heavy construction zone
4. Construction schedule one month prior to start of construction
5. Monthly community updates beginning at least one month prior to construction



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notification. In response to our request for documentation of required public notifications, the design-builder provided additional notices that did not appear on the website.

However, the Authority and the design-builder could not provide complete records regarding the parties to whom they distributed those notices. The Authority's contract management manual directs the design-builder to provide a list of the individuals to whom it distributed a given notification, but upon our request the Authority and design-builder were able to produce such lists for only two of the four notifications we identified. For those instances without such records, it is unclear which impacted residents and businesses received the notifications in question. The Authority's deputy regional director stated that the Authority does not in fact require the design-builder to provide its distribution lists. Rather, she explained that the Authority inquires verbally during bi-weekly meetings with the design-builder about the area and method used to distribute notifications.

Additionally, we found that the design-builder was not distributing two required types of public notifications: weekly heavy construction updates for businesses and residents fronting a heavy construction zone, and monthly community updates. The subject site is located within a residential area wherein multiple residences are immediately adjacent to the construction of a large overpass. Therefore, under the terms of the contract and the PIP, the design-builder is required to distribute weekly heavy construction updates for the residents fronting the site. However, there were no such weekly updates among the public notification records that the Authority, the PCM, and the design-builder provided upon our request for all issued construction notices. The design-builder's public involvement manager and the Authority subsequently acknowledged that the design-builder does not distribute weekly updates, and the design-builder's public involvement manager stated that it is the Authority who manages those notifications. Although the deputy regional director asserted that the Authority has instead distributed monthly updates to those residents, the Authority provided only three letters that the Authority's information officer indicated it sent to a group of residents near the subject site: one each in November 2024, January 2025, and May 2025. The Authority also provided two additional letters from November 2024, each addressed to a single resident. Both the November 2024 and the January 2025 general letters state that ongoing correspondence would be sent out to the neighborhood residents bi-weekly, but the Authority provided us with no evidence that it did so.

Similarly, although we found evidence that the Authority and design-builder had hosted three separate community meetings, in December 2023, February 2024, and

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March 2024, they did not continue to host them as required in the contract and in the PIP. The deputy regional director stated that the Authority had decided not to require monthly community meetings and to instead hold them only when needed depending on what is occurring with construction. She stated there may not be any updated information to provide on a monthly basis, but if there are major activities that could have a significant impact on the public, or if the Authority is seeing a lot of complaints, the Authority will work with the design-builder to hold a community meeting. However, the Authority did not update the PIP to reflect that new direction or to specify how the Authority would determine when a community meeting is needed, such as defining the amount or type of public concern that would warrant one. Additionally, as we describe earlier, the Authority has not ensured the design-builder met its requirement to track and report complaints for the public, thereby impairing the Authority's ability to identify when a community meeting would be needed to address a rise in complaints from the public.

Of the required public information notifications, the weekly construction updates and monthly community meetings are the two forms of ongoing communication that provide updates to residents fronting a construction zone. Therefore, by not requiring or ensuring that the design-builder meets either of these requirements, the Authority has not ensured that residents most likely to be continuously and significantly affected by construction receive proactive updates about construction consistent with the expectations and purposes contained in the design-builder's contract and PIP. Because it also did not establish any other means of providing proactive updates to these residents, the Authority increased the risk that affected individuals would not receive key information.

Finally, we found that the design-builder's database did not track all the public notifications that the design-builder did send, including 30-day heavy construction notifications and the one-month construction schedule notifications, as required by the contract and PIP. In its *Notifications* section, the design-builder's contract requires that the design-builder track each public contact within its database. However, the database did not contain record of any notification being distributed for the subject site from January 2024 through March 2025.

The database did contain information regarding some public notifications distributed for other construction sites. For the notices it did contain, the database typically included the cross streets and city where the construction was occurring, a brief summary of the nature of the work, and the date of notification. However, the database did not clearly specify other required information, such as descriptions regarding the method of notification, or specifically which type of contacts they



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were. For example, although one can infer from a description of “sewer work” that utilities were involved, the information in the database is not sufficient to make other distinctions, such as whether heavy construction or light construction was planned for that work—considerations that affect the timing of the notifications required. As with the deficiencies we identified in the design-builder’s complaint tracking, this lack of tracking or reporting limits the Authority’s ability to monitor and ensure that the design-builder meets expectations for keeping affected residents informed.

The Authority’s perspective on these findings was the same as its perspective regarding the deficiencies in the design-builder’s tracking of complaints. The Authority’s deputy regional director stated that the Authority was aware of the deficiencies with the design-builder’s tracking of the notifications and stated that the Authority has verbally and via email notified the design-builder of issues with its noncompliance, but as of the publication of this report in March 2026 the Authority had not provided documentation that it had taken action to correct the deficiencies. And, once again, the design-builder’s project director denied that such notifications had taken place.

## Recommended Corrective Action

1. The Authority should update the Environmental Mitigation Plan to clarify responsibility and establish specific procedures for implementing and monitoring implementation of requirements pertaining to noise mitigation and dust control. The procedures should include:
  - a. Incorporating the required noise mitigation measure, applicable local noise ordinances, and required dust control measures in training for staff on the Environmental Mitigation Plan.
  - b. Ongoing monitoring to verify that the design-builder is complying with FTA noise limits, implementing necessary noise mitigation measures, and adhering to local noise ordinances.
  - c. Ongoing monitoring to verify that the design-builder is implementing dust control measures in accordance with the dust control plan requirements.
  - d. Periodic audits to verify compliance with noise and dust control requirements.
  - e. Inspections for compliance when complaints from residents indicate that there may be excessive noise or dust from construction.
  - f. Specific procedures for verifying that the Authority and its contractors perform their assigned responsibilities.



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2. The Authority should enforce the requirements in its contracts with the CP1 design-builder pertaining to tracking and responding to complaints and distributing, documenting, and reporting public notifications, including required weekly construction updates.
3. The Authority should establish internal procedures for regularly evaluating design-builder compliance with complaint response and public notification requirements and taking corrective action when it finds that the design-builder has not complied with those requirements.

## **Authority Corrective Action**

The Authority stated that it would implement all our recommended corrective actions and indicated that it would do so by July 1, 2026.