Memorandum

To: CHAIR AND COMMISSIONERS **CTC Meeting**: December 2-3, 2020

From: MITCH WEISS, Executive Director

Reference Number: 2.2c. (8), Action

Prepared By: Jose Oseguera
Assistant Deputy Director

Published Date: November 20, 2020

Subject: Approval of Project for Future Consideration of Funding – Final Environmental Impact Report for the Valley Rail Sacramento Extension Project, Resolution E-20-130

Recommendation:

Staff recommends the California Transportation Commission (Commission), as a Responsible Agency, accept the Final Environmental Impact Report for the Valley Rail Sacramento Extension Project (Project) in San Joaquin and Sacramento Counties, and approve the Project for future consideration of funding.

Issue:

The San Joaquin Regional Rail Commission is the California Environmental Quality Act lead agency for the Project. The Project will expand Amtrak San Joaquins and Altamont Corridor Express (ACE) passenger rail services to the greater Sacramento area through the construction of five new stations and track improvements between Stockton and the Natomas area of Sacramento. The Project is located along the Union Pacific Railroad (UPRR) Sacramento Subdivision between Stockton and the Natomas area of Sacramento and will create five new stations – one new station in Lodi and four new stations in Sacramento (City College; Midtown Sacramento; Old North Sacramento; and Natomas/Sacramento Airport).

For all projects that are anticipated to be funded through a program under the purview of the Commission, full compliance with the California Environmental Quality Act (CEQA) is required. The Commission will not allocate funds to projects for design, right-of-way or construction until the environmental document is complete, and the Commission has approved the environmentally cleared project for future funding consideration.

Background:

On October 2, 2020, the San Joaquin Regional Rail Commission adopted a Final Environmental Impact Report, including the Statement of Overriding Considerations and determined that impacts related to agricultural resources and noise would be significant and unavoidable.

The San Joaquin Regional Rail Commission found there were several benefits that outweigh the unavoidable adverse impacts of the project. These overriding benefits include economic, legal, social, and technological considerations that outweigh the identified significant effects on the environment. The San Joaquin Regional Rail Commission determined that the Project would accomplish the following benefits to the regional community:

- Supports enhanced intercity and commuter rail service between the Sacramento region, the Central Valley, and the San Francisco Bay Area by implementing direct passenger rail service between Sacramento and the cities of Stockton, San Jose, and Merced.

- Provides transportation alternatives to automobile use along highway corridor segments on State Route 99, State Route 120, Interstate 205, Interstate 580, Interstate 680, and Interstate 880.

- Improves regional air quality and adds reductions in greenhouse gas emissions.

- Improves access to economic opportunities and affordable housing all along the corridors of service and would particularly benefit disadvantaged communities.

- Fosters key transit-oriented development opportunities in the Central Sacramento Area.

On October 23, 2020, the San Joaquin Regional Rail Commission confirmed that the preferred alternative set forth in the Final Environmental Impact Report remains consistent with the Project scope of work programmed by the California Transportation Commission.

The Project is estimated to cost $500,500,000 and is fully funded through construction with Transit and Intercity Rail Capital Program Funds.

Construction is estimated to begin in Fiscal Year 2021-22.

Attachments:

- Attachment A: Resolution E-20-130

- Attachment B: Statement of Overriding Considerations
- Attachment C: Notice of Determination
- Attachment D: Project Location Map

CALIFORNIA TRANSPORTATION COMMISSION
Resolution for Future Consideration of Funding

10– San Joaquin and Sacramento Counties
Resolution E-20-130

1.1 WHEREAS, the San Joaquin Regional Rail Commission has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the Valley Rail Sacramento Extension Project (Project) in San Joaquin and Sacramento Counties; and

1.2 WHEREAS, the San Joaquin Regional Rail Commission has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the CEQA Guidelines; and

1.3 WHEREAS, the Project is located along the Union Pacific Railroad (UPRR) Sacramento Subdivision between Stockton and the Natomas area of Sacramento, with one new station in Lodi and four new stations in Sacramento (City College; Midtown Sacramento; Old North Sacramento; and Natomas/Sacramento Airport). and

1.4 WHEREAS, the Project will expand Amtrak San Joaquins and Altamont Corridor Express (ACE) passenger rail services to the greater Sacramento area through the construction of five new stations and track improvements between Stockton and the Natomas area of Sacramento; and

1.5 WHEREAS, the California Transportation Commission (Commission), as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report; and

1.6 WHEREAS, on October 2, 2020, the San Joaquin Regional Rail Commission adopted the Final Environmental Impact Report; and

1.7 WHEREAS, the San Joaquin Regional Rail Commission determined that impacts related to agricultural resources and noise would be significant and unavoidable; and

1.8 WHEREAS, the San Joaquin Regional Rail Commission adopted a Statement of Overriding Considerations for the Project finding that the Project benefits outweigh the unavoidable adverse environmental impacts; and

1.9 WHEREAS, the above-referenced significant effects are acceptable when balanced against the facts set forth in the Statement of Overriding Considerations; and

1.10 WHEREAS, on October 23, 2020, the San Joaquin Regional Rail Commission confirmed that the preferred alternative set forth in the final environmental document is consistent with the Project scope of work programmed by the Commission; and

1.11 WHEREAS, the Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report and the Statement of Overriding Considerations.

2.1 NOW, THEREFORE, BE IT RESOLVED that the Commission does hereby accept the Final Environmental Impact Report and Statement of Overriding Considerations for the above-referenced Project to allow for future consideration of funding.

Findings of Fact and Statement of Overriding Considerations

4.3.1 Findings Regarding Significant and Unavoidable Effects

SJRRC determines that the following significant effects cannot be avoided. Feasible mitigation measures included in the Final EIR will lessen the effects, but will not result in complete mitigation of the effects to a less-than-significant level. The following identifies the pertinent mitigation measures by number and summary title. The full text of each of the mitigation measures cited below is found in the Final EIR and that text is hereby incorporated by reference.

Agricultural Resources

Significant Effect: Impact AG-4. The proposed project would conflict with existing zoning for an agricultural use.

Findings: SJRRC hereby makes findings (a)(1) and (a)(3) (described above), as required by PUB. RES. CODE 21081 and stated in State CEQA Guidelines Section 15091, with respect to the above identified effect.

Facts in Support of Findings: The Lodi Station and Lodi Station South Alternative sites are zoned AG-40. The AG-40 zoning designation is established to preserve agricultural lands for the continuation of commercial agricultural enterprises. Transportation services are not permitted in the AG-40 zone. This zoning designation was adopted for the purpose of avoiding a physical environmental effect. The Lodi Station and Lodi Station South Alternative Station would conflict with existing agricultural zoning by converting land zoned for agricultural uses to transit uses. The following measures mitigate this impact to the extent feasible, but not to a less-than-significant level.

- AG-2.1: Conserve Important Farmlands (Prime Farmland, Farmland of Statewide Importance, and Unique Farmland).
- AG-4.1: Consult with the San Joaquin County Community Development Department and Board of Supervisors on the adoption of a change in zoning designation for the parcels proposed for the Lodi Station or the Lodi Station South Alternative.

Mitigation Measure AG-2.1 would reduce project impacts from permanent conversion of agricultural land by requiring purchase of agricultural conservation easements, some of which could be zoned AG-40. However, conversion of agricultural land zoned for the continuation of agricultural uses to transit uses would still occur. Implementation of Mitigation Measure AG-4.1 would reduce the proposed project's impact by changing the zoning designation from AG-40 to

a designation that allows transit. However, SJRRC cannot guarantee successful implementation of the mitigation measure, since it is not responsible for approval of zoning designations in San Joaquin County. Therefore, the proposed project's impact from conflicts with existing zoning for an agricultural use would be significant and unavoidable.

Significant Effect: Cumulative Impact C-AG-1: Implementation of the proposed project, in combination with other foreseeable projects in the surrounding area, could result in a significant cumulative impact on agriculture.

Findings: SJRRC hereby makes findings (a)(1) and (a)(3) (described above), as required by PUB. RES. CODE 21081 and stated in State CEQA Guidelines Section 15091, with respect to the above identified effect.

Facts in Support of Findings: Past, present, and future projects throughout the region have, and will continue to convert, existing agricultural land to other uses—predominantly urban use. Future urban development projects identified in county and city general plans, as well as local and regional transportation projects in San Joaquin County and throughout the Sacramento Valley, would contribute to the cumulative loss of agricultural resources, including Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. Construction of the Lodi Station would directly and permanently convert approximately 10.9 acres of Prime Farmland, and construction of the Lodi Station South Alternative would directly and permanently convert 3.3 acres of Prime Farmland and 7.2 acres of Unique Farmland, to a non-agricultural use. Furthermore, these uses would conflict with existing agricultural zoning by converting land zoned for agricultural uses to transit uses. These conversions would contribute to the incremental decline of Important Farmland in the county, region, and state, and result in the irreversible conversion of this agricultural land.

The following measures mitigate this impact to the extent feasible, but not to a less-than-significant level.

- AG-2.1: Conserve Important Farmlands (Prime Farmland, Farmland of Statewide Importance, and Unique Farmland).
- AG-4.1: Consult with the San Joaquin County Community Development Department and Board of Supervisors on the adoption of a change in zoning designation for the parcels proposed for the Lodi Station or the Lodi Station South Alternative.

Implementation of Mitigation Measure AG-2.1 would reduce the proposed project's impacts from permanent conversion of Important Farmland; however, conversion of agricultural land zoned for the continuation of agricultural uses to transit uses would still occur. There is no additional feasible mitigation available that would reduce impacts associated with conflict with existing zoning for agricultural uses to a less-than-significant level. Therefore, the contribution to cumulative impacts associated with conflicts with an agricultural zoning would be considerable, and the impact would be cumulatively significant and unavoidable.

Noise

Significant Effect: Impact NOI-1: Construction of the proposed project could expose sensitive receptors to substantial increases in noise levels.

Findings: SJRRC hereby makes findings (a)(1) and (a)(3) (described above), as required by PUB. RES. CODE 21081 and stated in State CEQA Guidelines Section 15091, with respect to the above identified effect.

Facts in Support of Findings: As shown in Table 3.12-8 of the Final EIR, the operation of certain construction equipment and construction activities could generate noise exposure in excess of FTA thresholds for residences PUB. RES. CODE within 135 to 270 feet from a project construction site, depending on the activity. The potential for noise impacts would be greatest during structures work at locations where pile driving is required for bridge construction. Nighttime construction near residential uses would have larger impacts than daytime construction and would result in a potentially significant impact.

The following measure mitigates this impact to the extent feasible, but not to a less-than-significant level.

- NOI-1.1: Implement a construction noise control plan.

Implementation of Mitigation Measure NOI-1.1 would reduce the proposed project's impact from construction noise because it requires implementation of a construction noise plan. The construction noise plan will include performance standards in the form of construction best management practices, such as those listed below, that will be incorporated in the construction scope of work and specifications:

- Install temporary construction site sound barriers near noise sources.
- Use moveable sound barriers at the source of the construction activity.
- Avoid the use of impact pile drivers where possible near noise-sensitive areas or use quieter alternatives (e.g., drilled piles) where geological conditions permit.
- Locate stationary construction equipment as far as possible from noise-sensitive sites.
- Re-route construction-related truck traffic along roadways that will cause the least disturbance to residents.
- Use low-noise emission equipment.
- Implement noise-deadening measures for truck loading and operations.
- Line or cover storage bins, conveyors, and chutes with sound-deadening material.
- Use acoustic enclosures, shields, or shrouds for equipment and facilities.
- Use high-grade engine exhaust silencers and engine-casing sound insulation.
- Minimize the use of generators to power equipment.
- Limit use of public address systems.
- Grade surface irregularities on construction sites.
- Monitor and maintain equipment to meet noise limits.
- Establish an active community liaison program to keep residents informed about construction and to provide a procedure for addressing complaints.

Although the best management practices that would be implemented under the construction noise plan specified in Mitigation Measure NOI-1.1 would generally reduce the construction noise levels, the measures would not necessarily guarantee that noise-sensitive residential receptors would not be exposed to noise levels exceeding the 80-dBA limit during the day or the 70-dBA limit at night. Specifically, because project improvements are located within or near an

active railroad, it is probable that construction near some residential areas would have to be conducted at night to avoid disruption of freight and passenger rail operations that is unacceptable to the Union Pacific Railroad (UPRR) and to complete construction on schedule. Furthermore, a temporary soundwall may be effective in certain locations, but in many cases the nature of the construction work makes use of such soundwalls infeasible. Therefore, the proposed project's construction noise impact would be significant and unavoidable.

Significant Effect: Cumulative Impact C-NOI-1: Construction of the proposed project, in combination with other foreseeable projects in the surrounding area, would result in a significant cumulative impact on noise.

Findings: SJRRC hereby makes findings (a)(1) and (a)(3) (described above), as required by PUB. RES. CODE 21081 and stated in State CEQA Guidelines Section 15091, with respect to the above identified effect.

Facts in Support of Findings: Although the cumulative rail projects would be the largest contributor to operational noise increases, cumulative other regional transportation and land development projects would also contribute to increasing noise levels and would affect sensitive receptors in the vicinity of the project alignment. Because there would be other cumulative projects simultaneously under construction adjacent to the project alignment, the construction noise generated by the proposed project would result in a considerable contribution to a cumulative noise impact during construction.

The following measure mitigates this impact to the extent feasible, but not to a less-than-significant level.

- NOI-1.1: Implement a construction noise control plan.

Implementation of Mitigation Measure NOI-1.1 would reduce the proposed project's cumulative construction noise impacts because it requires implementation of a construction noise control plan. The construction noise plan will include performance standards in the form of construction best management practices, such as those listed above under Impact NOI-1. However, Implementation of Mitigation Measure NOI-1.1 would not necessarily reduce all noise impacts at all times during construction to a less-than-significant level, particularly with the likelihood of substantial nighttime construction expected with the proposed project. There is no additional feasible mitigation available that would reduce impacts associated with substantial construction noise to a less-than-significant level. Therefore, the contribution to cumulative impacts associated with construction noise would be considerable, and the proposed project's impact would be cumulatively significant and unavoidable.

5 Overriding Considerations

5.1 Introduction

CEQA requires decision-makers to balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, the adverse

environmental effects may be considered acceptable (State CEQA Guidelines 15093). In this case, the lead agency must state in writing the specific reasons to support its action. This "statement of overriding considerations" shall be supported by substantial evidence in the record, shall be included in the record of the project approval, and should be mentioned in the notice of determination. Pursuant to Section 15093 of the CEQA Guidelines, a Statement of Overriding Considerations has been prepared for the project.

5.1 Statements of Fact in Support of Overriding Considerations

SJRRC hereby finds that the following social, legal, environmental and economic benefits of the proposed project outweigh the significant unavoidable impacts for the following reasons. These benefits, viewed both individually and collectively, outweigh the significant unavoidable adverse effects of implementing the proposed project. As summarized in Final EIR Chapter 1:

The proposed project would support enhanced intercity and commuter rail service between the Sacramento region, the Central Valley, and the San Francisco Bay Area by implementing direct passenger rail service between Sacramento and the cities of Stockton, San Jose, and Merced.

The proposed project would provide direct rail connections between the Sacramento area, the South San Francisco Bay Area, and the Central Valley via ACE and Amtrak San Joaquins rail services. The proposed project would also increase connectivity to other transportation networks throughout California via potential transfers at the San Jose Diridon Station to Caltrain, the Amtrak Capitol Corridor, and Santa Clara Valley Transportation Authority transit services; transfers to local transportation networks in Sacramento, including Sacramento Regional Transit (SacRT) light rail trains and buses at the proposed City College Station, Midtown Sacramento Station, and Old North Sacramento Station; transfers to the Sacramento International Airport via a shuttle from the proposed Natomas/Sacramento Airport Station; and transfers to the future California HSR system at the San Jose Diridon Station and Merced.

The expanded and improved San Joaquins and ACE services would provide transportation alternatives to automobile use along highway corridor segments on SR 99, SR 120, I-205, I-580, I-680, and I-880. As summarized in in Final EIR Section 3.16, *Transportation*, implementation of the proposed project would reduce VMT by inducing a mode shift from personal (household) automobiles to public transit, including for long-distance commute and intercity trips between Sacramento, the San Joaquin Valley, and the Bay Area. Based on forecasted ridership between each station pair on the route, the proposed project is expected to result in an annual VMT reduction of approximately 65,204,100 vehicle miles in 2025, including approximately 29,400,000 vehicle miles due to Amtrak San Joaquins service improvements and 35,804,100 vehicle miles due to ACE service improvements.

Project-related reductions in VMT would lead to improved regional air quality and reductions in GHG emissions. Reductions in air pollutant emissions can lead to long-term health benefits for residents and employees along the existing rail corridors, addressing health problems associated with air pollution such as lung irritation, inflammation, asthma, heart and lung disease, and worsening of existing chronic health conditions. In addition, reduction of GHG emissions would help California meet its goals under Assembly Bill 32 (the California Global Warming Solutions Act of 2006) as well as GHG emissions reduction goals beyond 2020. As summarized in Final EIR Section 3.3, *Air Quality*, implementation of the proposed project would

improve existing passenger rail opportunities, which would reduce on-road VMT in the transportation network. When considering the displaced VMT that would result from increased rail use and reduced on-road travel, the proposed project would result in a net reduction in emissions of most pollutants. This transportation mode shift would be a regional air quality benefit of the proposed project.

The proposed project would improve access to economic opportunities and affordable housing all along the corridors of service and would particularly benefit the disadvantaged communities it would serve. The proposed project is well positioned to dramatically increase employment access to residents throughout the service area, particularly access for disadvantaged communities. The existing ACE service corridor from Stockton to San Jose provides access to approximately 1.04 million jobs in a 2.5-mile radius of the stations; existing San Joaquins service provides access to just under 600,000 jobs in the same station area radius. The proposed service expansions north and south of Stockton would provide access to an additional half-million jobs. All told, residents in the combined service areas would have access to more than 2.25 million jobs.

California's high housing costs make it difficult for many to find affordable housing. The combined service area would also provide rail connectivity to nearly 9,000 units of affordable housing within a half-mile of station areas.

Implementation of ACE and San Joaquins service on the Sacramento Subdivision would serve key transit-oriented development (TOD) opportunities in Central Sacramento. By 2020, more than 1,100 residential units and 1.3 million square feet of commercial development are planned within a 1-mile radius of the proposed City College Station, Midtown Sacramento Station, and Old North Sacramento Station.

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: California Transportation Commission
Attn: Jose Oseguera
1120 N Street, MS 52
Sacramento, CA 95814
(916) 653-2094

Subject: Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code.

Project Title: Valley Rail Sacramento Extension Project

2019090306	Kevin Sheridan	(209) 944-6224
State Clearinghouse Number	**Lead Agency Contact Person**	**Area Code/Telephone**

Project Location (include county): The project is located along the Union Pacific Railroad (UPRR) Sacramento Subdivision between Stockton and the Natomas area of Sacramento and will create five new stations – one new station in Lodi and four new stations in Sacramento (City College; Midtown Sacramento; Old North Sacramento; and Natomas/Sacramento Airport).

Project Description: The project will expand Amtrak San Joaquins and Altamont Corridor Express (ACE) passenger rail services to the greater Sacramento area through the construction of five new stations and track improvements between Stockton and the Natomas area of Sacramento.

This is to advise that the California Transportation Commission has approved the above described project on

(_ Lead Agency/ **X** Responsible Agency)

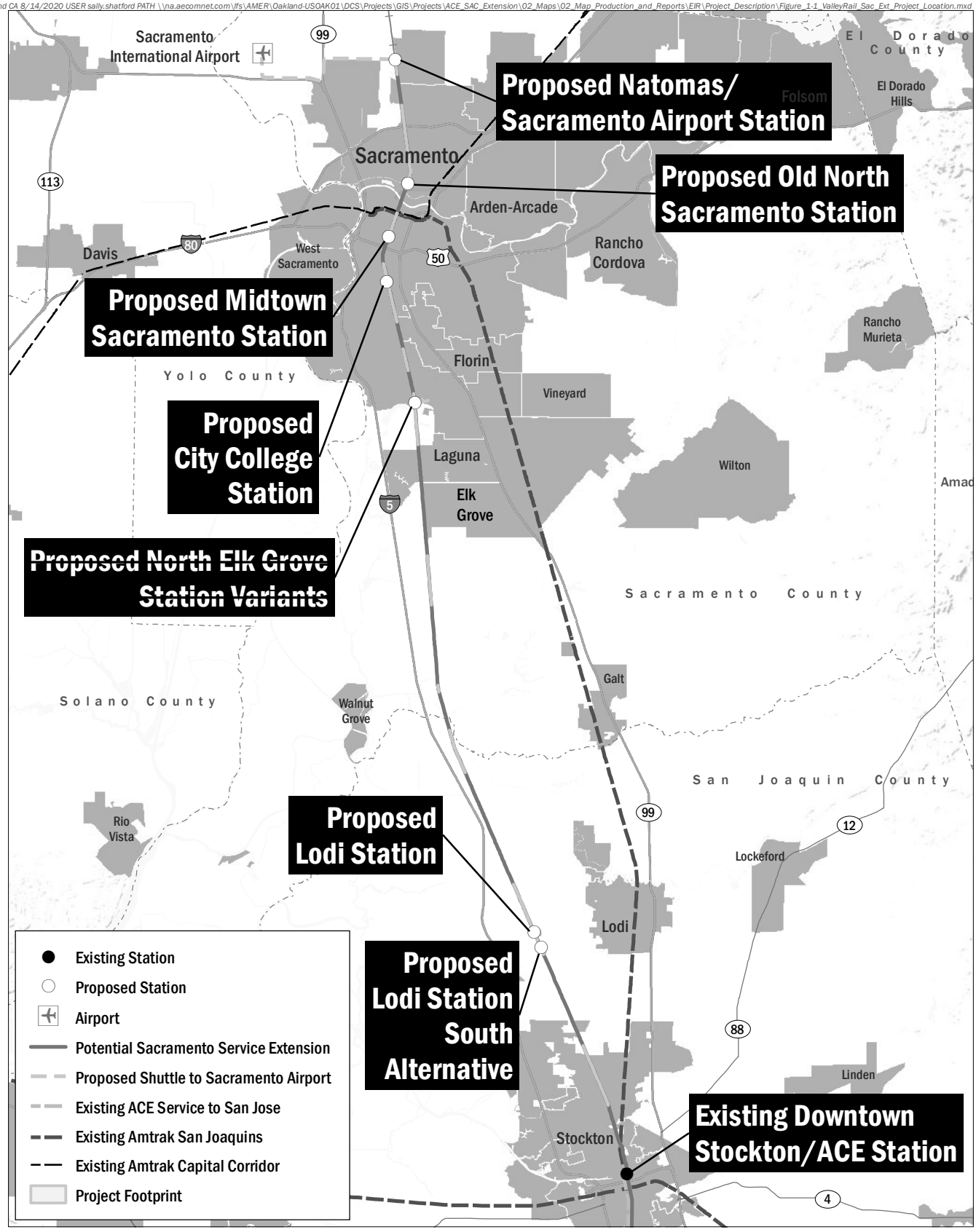
December 2-3, 2020, and has made the following determinations regarding the above described project:

1. The project (_X__will/ ___will not) have a significant effect on the environment.
2. __X__A Final Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ____A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (_X__were/____were not) made a condition of the approval of the project.
4. Mitigation reporting or monitoring plan (__X__was / ____was not) adopted for this project.
5. A Statement of Overriding Considerations (_X__was / ___was not) adopted for this project.
6. Findings (_X__were/ ___were not) made pursuant to the provisions of CEQA.

The above identified document with comments and responses and record of project approval is available to the General Public at: 949 E. Channel Street, Stockton, CA 95202

MITCH WEISS		Executive Director California Transportation Commission
Signature (Public Agency)	*Date*	*Title*

Date received for filing at OPR:



Data Source: ESRI, 2019; AECOM, 2019; San Joaquins and Capital Corridor Rail Alignments: California Department of Transportation, 2013.

AECOM

San Joaquin Regional Rail Commission

FIGURE 1-1

Project Location Map

Note: The North Elk Grove Station, including all access and siding variants, is no longer under consideration as part of the proposed project.