M e m o r a n d u m

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 7, 2013

Reference No.: 2.2c.(22)
Action

From: ANDRE BOUTROS
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING FINAL ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT FOR THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL & DOWNTOWN TRANSIT CENTER PROJECT (RESOLUTION E-13-43)**

ISSUE:

Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report/Environmental Assessment (FEIR/EA) and Findings of Fact and Statement of Overriding Considerations for the Downtown San Bernardino Passenger Rail and Downtown Transit Center Project (project) in San Bernardino County and approve project for future consideration of funding?

RECOMMENDATION:

Staff recommends that the Commission accept the FEIR/EA and Findings of Fact and Statement of Overriding Considerations and approve the project for future consideration of funding.

BACKGROUND:

The San Bernardino Associated Governments (SANBAG) is the CEQA lead agency for the Downtown San Bernardino Passenger Rail and Downtown Transit Center Project. The project is located in the City of San Bernardino. The project will extend Metrolink regional passenger rail service approximately one mile east from its current terminus at the existing San Bernardino Metrolink Station/Santa Fe Depot (depot) to a new Metrolink commuter rail terminus proposed at the intersection of Rialto Avenue and E Street. The project will construct a second track, rail terminus and crew house, parking lots, pedestrian pathways, an overpass at the depot, an Omnitrans bus facility, grade crossing improvements, railroad signalization, roadway closures, drainage improvements, utility accommodation and implementation of safety controls.

On September 5, 2013 the SANBAG board of directors approved and certified an FEIR/EA for the project. On October 26, 2012 after review of the EA, the Federal Transit Administration issued a Finding of No Significant Impact for the project. The FEIR determined that impacts related to noise and cultural resources would be significant and unavoidable. Specifically the project would demolish

properties resulting in significant adverse change to historic resources and significant noise impacts from rail operations are predicted to occur at existing residential structures in the vicinity of project improvements. Mitigation measures and/or alternatives to the proposed project that would substantially reduce or avoid these significant unavoidable impacts are infeasible.

SANBAG adopted the FEIR/EA, Findings of Fact and a Statement of Overriding Considerations for the project on September 5, 2012. SANBAG found that there were several benefits that outweigh the unavoidable adverse environmental effects of the project. These benefits include, but are not limited to, encouraging the integration of current and future passenger rail operations with other forms of transit in the region, accommodating forecasted ridership and providing a convenient and efficient transit alternative to automobile travel, improving the mobility opportunities for transit-dependent populations in the City of San Bernardino to employment centers in Los Angeles and Orange County, supporting local and regional planning foals for the development of transit corridors in the Inland Empire, improving safety and accessibility at the existing depot and facilitating intermodal transit opportunities. SANBAG established a Mitigation Monitoring Program to ensure that the mitigation measures specified for the project are implemented.

On March 11, 2013 SANBAG provided written confirmation that the preferred alternative set forth in the final environmental document is consistent with the project programmed by the Commission.

The project is estimated to cost $93,748,768. The project is anticipated to be funded with State ($41,114,768) funds, Local ($29,336,000) funds, and Federal ($23,298,000) funds. Construction is estimated to begin in fiscal year 2013/14.

Attachment
- Resolution E-13-43
- Findings of Fact and Statement of Overriding Considerations
- Project Location

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding
08 – San Bernardino County
Resolution E-13-43

1.1 **WHEREAS,** the San Bernardino Associated Governments (SANBAG) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:

- Downtown San Bernardino Passenger Rail and Transit Center Project

1.2 **WHEREAS,** SANBAG has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and

1.3 **WHEREAS,** the project will extend Metrolink regional passenger rail service approximately one mile east from its current terminus at the existing San Bernardino Metrolink Station/Santa Fe Depot (depot) to a new Metrolink commuter rail terminus proposed at the intersection of Rialto Avenue and E Street. The project will construct a second track, rail terminus and crew house, parking lots, pedestrian pathways, an overpass at the depot, an Omnitrans bus facility, grade crossing improvements, railroad signalization, roadway closures, drainage improvements, utility accommodation and implementation of safety controls; and

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

1.5 **WHEREAS,** Findings of Fact made pursuant to CEQA guidelines indicate that specific unavoidable significant impacts related to cultural resources and noise make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and

1.6 **WHEREAS,** SANBAG adopted a Statement of Overriding Considerations for the project; and

1.7 **WHEREAS,** SANBAG adopted a Mitigation Monitoring Program for the project; and

1.8 **WHEREAS,** the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.

2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Environmental Impact Report, Findings of Fact, and Statement of Overriding Considerations and approve the above referenced project to allow for future consideration of funding.

RESOLUTION NO. 13-004

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION MAKING FINDINGS NECESSARY TO APPROVE THE MITIGATION MONITORING AND REPORTING PROGRAM, ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT, AND APPROVE THE DOWNTOWN SAN BERNARDINO PASSENGER RAIL PROJECT

(State Clearinghouse Number 2011051024)

WHEREAS, the San Bernardino Associated Governments (SANBAG) acting in its capacity as the San Bernardino County Transportation Commission (Commission) is proposing to extend Metrolink commuter passenger rail service approximately one mile east from its current terminus at the existing San Bernardino Metrolink Station/Santa Fe Deport (Depot) to new Metrolink commuter rail platforms at the proposed San Bernardino Transit Center (the Downtown San Bernardino Passenger Rail Project or Project); and

WHEREAS, SANBAG staff acting on behalf of the Commission as the lead agency has prepared a Final Environmental Impact Report (FEIR), State Clearinghouse Number 2011051024, that analyzes the potentially significant environmental effects of the Project; and

WHEREAS, the FEIR was completed on August 17, 2012, incorporating the five comment letters that were received and the written responses to each of these comment letters along with some minor clarifications and corrections; and

WHEREAS, the FEIR has been prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines; and

WHEREAS, the Commission has carefully reviewed the FEIR and all other relevant information contained in the record for the Project; and

WHEREAS, the FEIR evaluated the significant or potentially significant environmental impacts associated with the Project and addresses appropriate and feasible mitigation measures and alternatives that would mitigate or eliminate those impacts; and

WHEREAS, the FEIR identified significant environmental effects related to noise and cultural resources that cannot feasibly be mitigated to less-than-significant levels; and

WHEREAS, the Commission has balanced the benefits of the project against the unavoidable adverse environmental effects; and

WHEREAS, all other legal prerequisites to the adoption of this resolution have occurred,

NOW, THEREFORE, THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Commission hereby certifies the FEIR was completed in compliance with CEQA, that the Commission has reviewed and considered the information in the FEIR, and that the FEIR reflects the independent judgment of the Commission as the lead agency.

SECTION 2.

(a) Consistent with Section 15128 of the State CEQA Guidelines, the Notice of Preparation determined that a Draft Environmental Impact Report (DEIR) would be prepared for the Project. The following environmental impacts were not considered potentially significant in the DEIR, as provided in Section 3.12, and were not addressed in detail in the FEIR: agriculture and forest resources, mineral resources, population and housing, public services, recreation, and utilities and service systems.

(b) Consistent with Sections 15091 and 15092 of the State CEQA Guidelines, and as detailed in the FEIR at Sections 3.2, 3.3, and 3.9, incorporated herein by reference, the Commission finds that there are no significant impacts for aesthetics, air quality and greenhouse gases, and land use and planning.

SECTION 3. Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines, the Commission finds that most potential impacts resulting from the Project can be avoided through the implementation of design measures and standard conditions of approval incorporated into the Project which result in the self-mitigation of potential impacts, or can be reduced to an acceptable level. More specifically, the significant environmental effects as identified below can feasibly be avoided, eliminated, or substantially lessened through the adoption of proposed mitigation measures recommended in the FEIR. The remaining unavoidable significant effects cannot be fully mitigated but are nevertheless found to be acceptable due to overriding considerations, as discussed in Section 6.

(a) The FEIR determined that without mitigation the Project could result in significant adverse impacts on biological resources from a project-specific and cumulative perspective. Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines and as detailed in the FEIR in Section 3.4, incorporated herein by reference, the Commission finds that the following mitigation measures have been required for the Project. These measures will avoid or substantially lessen (i.e., reduce to less-than-significant levels) the potential significant environmental effects identified with respect to impacts on biological resources, including impacts on migratory birds, nests, and undisturbed habitat during construction.

Mitigation Measure BR-1: Conduct Preconstruction Nest Survey for Migratory Birds. Prior to habitat removal during the avian breeding season, a preconstruction nest survey for migratory birds will be conducted within 10 days of the onset of construction by a qualified biologist. Verification surveys will be conducted if the Project has not commenced within 10 days of the original preconstruction survey.

Mitigation Measure BR-2: Establish Buffer Area for Migratory Bird Nests. Should an active nest of any Migratory Bird Treaty Act (MBTA) -covered species occur in or adjacent to the survey area, a 100-foot buffer (300 feet for raptors) will be established around the nest, and no construction will occur within this area until the young have fledged. A

qualified biologist will determine when the nest is no longer active or the young have fledged.

Mitigation Measure BR-3: Restrict Uses within Project Study Area Boundaries. The Commission will clearly delineate the boundaries of the Project Study Area by posting stakes, flags, and/or rope or cord, as directed by the Project biologist. Signs will be posted and fencing installed as necessary to exclude vehicle traffic unrelated to Project construction. All parking and equipment storage related to the Project will be confined to the construction or temporary staging area or to previously disturbed off-site areas. Undisturbed areas and off-site species habitat will not be used for parking or equipment storage. Construction-related vehicle traffic will be restricted to established roads, construction areas, storage areas, and staging and parking areas.

(b) The FEIR determined that without mitigation the Project could result in significant adverse impacts on cultural resources, specifically if buried archaeological resources are discovered, from a project-specific and cumulative perspective. Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines and as detailed in the FEIR in Section 3.5, incorporated herein by reference, the Commission finds that the following mitigation measures have been required for the Project. These measures will avoid or substantially lessen (i.e., reduce to less-than-significant levels) the potential significant environmental effects identified with respect to impacts on buried archaeological and nonrenewable paleontological resources within the area of potential effects (APE).

Mitigation Measure CR-2: Conduct Cultural Resources Monitoring. The Commission shall prepare a cultural resources monitoring and discovery plan in consultation with the California State Historic Preservation Office (SHPO) prior to construction to ensure appropriate mitigation of any unanticipated discoveries. The plan will define areas within the Area of Potential Effect (APE), including the Optional Detention Basin #3 and the Omnitrans Bus Facility, requiring archaeological monitoring by a qualified archaeologist during ground-disturbing construction-related activities. If during cultural resources monitoring the qualified archaeologist determines that the sediments being excavated are previously disturbed or unlikely to contain significant cultural materials, the qualified archaeologist can specify that monitoring be reduced or eliminated in that area.

In general, this plan will specify that if additional cultural materials (prehistoric or historic artifacts) are encountered during construction, work should stop in the vicinity of the find until a qualified archaeologist can assess the material and recommend further action if necessary. Treatment measures typically include development of avoidance strategies, capping with fill material, or mitigation of effects through data recovery programs, such as excavation or detailed documentation, or other mitigation measures, following standard archaeological procedures.

Mitigation Measure CR-3: Conduct Paleontological Monitoring. The Commission will develop a program to mitigate impacts on nonrenewable paleontological resources prior to excavation or construction of any components of the proposed Project. During construction, this program will include paleontological monitoring in designated Project locations, including the Optional Detention Basin #3 and any other location within the

APE requiring excavation of more than five feet in depth. This mitigation program will be conducted by a qualified vertebrate paleontologist and consistent with the proposed guidelines of the Society of Vertebrate Paleontology. This program will include the following:

- Assessment of site-specific excavation plans to determine areas that will be designated for paleontological monitoring during initial ground disturbance.
- Development of monitoring protocols for designated areas. Areas consisting of artificial fill materials or areas of ground disturbance less than five feet in depth will not require monitoring. Paleontological monitors qualified to Society of Vertebrate Paleontology standards will be equipped to salvage fossils as they are unearthed to avoid construction delays and remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced if some of the potentially fossiliferous units are determined upon exposure and examination by qualified paleontologic personnel to have a low potential to contain fossil resources.
- Preparation of all recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates, if paleontological resources are encountered. Preparation and stabilization of all recovered fossils are essential to mitigate fully adverse impacts on the resources.
- If paleontological resources are encountered, identification and curation of all specimens into an established accredited museum repository with permanent retrievable paleontologic storage. These procedures are also essential steps in effective paleontologic mitigation and CEQA compliance (San Bernardino County Museum; Scott and Springer 2003). The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts on significant paleontologic resources is not considered complete until such curation into an established museum repository has been fully completed and documented.
- If paleontological resources are encountered, preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate lead agency, along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts on paleontologic resources.

Mitigation Measure CR-4: Stop Work if Unanticipated Human Remains Are Encountered. If human remains are exposed during construction, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the coroner determines the remains to be Native American, the coroner must contact the Native American Heritage Commission and the Project must comply with state laws relating to the disposition of Native American burials that are under the jurisdiction of the Native American Heritage Commission (PRC Section 5097). Construction must halt in the area of the discovery of human remains, the area must be protected, and consultation and treatment would occur as prescribed by law.

(c) The FEIR determined that without mitigation the Project could result in significant adverse impacts on geology and soils, specifically with regards to geology, soils, and erosion potential and implementation of recommended design measures. Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines and as detailed in the FEIR in Section 3.6, incorporated herein by reference, the Commission finds that the following mitigation measure has been required for the Project. This measure will avoid or substantially lessen (i.e., reduce to less-than-significant levels) the potential significant environmental effects identified with respect to impacts on geology, seismic stability, soils, and erosion potential.

G-1: Comply with Geotechnical Recommendations. Construction and structural design of the Project will comply with all of the geotechnical recommendations, including design measures, provided in the final geotechnical investigation report prepared for the Project (see Appendix E). This includes implementation of the geotechnical recommendations for Project-specific improvements, based on the site investigation, engineering analysis, and standard design criteria, as stated in the geotechnical investigation report for the following:

- Pedestrian overcrossing stair tower buildings
- Pole foundations
- Concrete platforms
- Retaining walls
- Concrete culverts
- Track subgrade grading
- Imported soils
- Subballast and ballast
- Soil corrosivity
- Pavement design
- Temporary excavations
- Shored excavation

Through integration of the required geotechnical recommendations, final design will reflect compliance with the applicable Seismic Design Category (e.g., D, E, or F) for each proposed structural facility in accordance with the California Building Code.

(d) The FEIR determined that without mitigation the Project could result in significant adverse impacts on hazards and hazardous materials from a project-specific and cumulative perspective. Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines and as detailed in the FEIR in Section 3.7, incorporated herein by reference, the Commission finds that the following mitigation measures have been required for the Project. These measures will avoid or substantially lessen (i.e., reduce to less-than-significant levels) the potential significant environmental effects identified with respect to hazards and hazardous materials impacts during construction.

Mitigation Measure HM-1: Comply with Hazards and Hazardous Materials Recommendations. The proposed Project will comply with all recommendations provided in Phase I Environmental Site Assessments, Phase II Environmental Site Assessments, and the associated Technical Memorandum of Additional Findings prepared for the Project (see Appendix F). This includes recommendations related to subsurface activities, additional investigations, and proper handling and removal of previously unknown wastes and soils affected by lead.

Mitigation Measure HM-2: Plan and Monitor for Hazardous Materials. Prior to the start of ground-disturbing activities, the contractor will be provided with a copy of the Phase I Environmental Site Assessment and advised that hazardous wastes may be present anywhere along the rail corridor. The construction specifications will require the contractor to be responsible for appropriate handling, storage, and disposal of any hazardous wastes encountered on the site or generated during project-related construction and demolition activities, in accordance with applicable local, state, and federal laws.

Prior to the demolition of any structures within the Project Study Area, a survey shall be conducted for the presence of hazardous building materials such as asbestos-containing materials, lead based paints, and other materials falling under universal waste requirements. The results of this survey shall be submitted to the Commission, and the City of San Bernardino's Community Development Department. If any hazardous building materials are discovered, a plan for their proper removal shall be prepared in accordance with applicable requirements of the California Division of Occupational Safety and Health (Cal/OSHA) and the County of San Bernardino Environmental Health Services. The contractor performing the work will be required to have a license in the State of California and possess a C-21, A or B classification. Further, and if required, the contractor or its subcontractor will be required to possess a California State Contractor License (ASB – Asbestos Certification) to perform any asbestos-related work. Prior to any demolition activities, the contractor will be required to secure the site and ensure the disconnection of utilities.

(e) The FEIR determined that without mitigation the Project could result in significant adverse impacts on hydrology and water quality, specifically with regards to water quality, from a project-specific and cumulative perspective. Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines and as detailed in the FEIR in Section 3.8, incorporated herein by reference, the Commission finds that the following mitigation measures have been required for the Project. These measures will avoid or substantially lessen (i.e., reduce to less-than-significant levels) the potential significant environmental effects identified with respect to impacts on hydrology, water quality, drainage, and erosion control.

Mitigation Measure HYD-1: Develop and Implement a Stormwater Pollution Prevention Plan (SWPPP). The construction contractor will develop a SWPPP and implement the Best Management Practices (BMPs) described in the plan. The SWPPP will mitigate temporary construction-related impacts related to hydrology and water quality by using a combination of BMPs to protect downstream hydrology and maintain runoff rates during construction at pre-construction levels. The BMPs will either capture or filter

stormwater flow to ensure that sedimentation or other construction-related contaminants will not result in impacts on water quality.

Standard erosion control measures, such as management, structural, and vegetative controls, will be implemented for all construction activities that expose soil. Erosion in disturbed areas will be controlled by one or more of the following:

- Grading so that direct routes for conveying runoff to drainage channels and inlets are eliminated.
- Constructing erosion-control barriers, including silt fences, fiber rolls, or mulching material.
- Reseeding disturbed areas with grass or other plants as soon as possible.

Following construction, the Commission, will ensure the provision of sufficient drainage inlet and outlet protection through the use of energy dissipaters, vegetated riprap, and/or other appropriate BMPs to slow runoff velocities and prevent erosion at discharge locations from the rail platforms and parking areas.

Mitigation Measure HYD-2: Develop and Implement a Water Quality Management Plan. Opportunities for low-impact development will be integrated into the final drainage plan to the maximum extent practical and reflected in a project-specific water quality management plan. The final water quality management plan for the Project will demonstrate no net increase in runoff for the post-project condition.

(f) The FEIR determined that without mitigation the Project could result in significant adverse impacts on noise and vibration, specifically during construction, from a Project-specific and cumulative perspective. Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines and as detailed in the FEIR in Section 3.10, incorporated herein by reference, the Commission finds that the following mitigation measures have been required for the Project. These measures will avoid or substantially lessen (i.e., reduce to less-than-significant levels) the potential significant environmental effects identified with respect to impacts on noise and vibration impacts on sensitive receptors during construction.

Mitigation Measure NOI-1: Employ Noise-Reducing Measures during Construction. The Commission will require its construction contractors to employ measures to minimize and reduce construction noise. Measures that will be implemented to reduce construction noise to acceptable levels include:

- Comply with local noise regulations and limit construction hours to the extent practicable (i.e., between the hours of 7:00 a.m. and 8:00 p.m.); and
- Use available noise suppression devices and techniques, including:
    - Equipping all internal combustion engine-driven equipment with mufflers, air-inlet silencers, and any other shrouds, shields, or other noise-reducing features that are in good operating condition and appropriate for the equipment (5 to 10 dB reduction possible).

- Using "quiet" models of air compressors and other stationary noise sources where such technology exists.
- Using electrically powered equipment instead of pneumatic or internal combustion-powered equipment, where feasible.
- Using noise-producing signals, including horns, whistles, alarms, and bells, for safety-warning purposes only.
- Locating stationary noise-generating equipment, construction parking, and maintenance areas as far as reasonable from sensitive receivers adjoining or near the Project Study Area.
- Prohibiting unnecessary idling of internal combustion engines (i.e., in excess of 5 minutes).
- Placing temporary soundwalls or enclosures around stationary noise-generating equipment when located near noise-sensitive areas (5 to 15 dB reduction possible).
- Ensuring that Project construction-related public address or music systems are not audible at any adjacent receiver.
- Notifying adjacent residents in advance of construction work.

NOI-2: Prepare a Community Awareness Program for Project Construction. In consultation with the representatives of the neighboring cities, the construction contractor will prepare and maintain a program to enhance community awareness of Project construction issues, including noise, vibration, nighttime noise, nighttime lighting, and roadway closures. Initial information packets will be prepared and mailed to all residences within a 500-foot radius of Project construction, with updates prepared as necessary to indicate new scheduling or processes. A project liaison will be identified who will be available to respond to community concerns regarding noise, vibration, and light.

(g) The FEIR determined that without mitigation the Project could result in significant adverse impacts on transportation and traffic, specifically with regards to traffic and levels of service, from a project-specific and cumulative perspective. Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines and as detailed in the FEIR in Section 3.11, incorporated herein by reference, the Commission finds that the following mitigation measures have been required for the Project. These measures will avoid or substantially lessen (i.e., reduce to less-than-significant levels) the potential significant environmental effects identified with respect to impacts on transportation, levels of service standards, and parking and traffic management.

Mitigation Measure T-1: Prepare and Implement a Traffic Management Plan. Prior to initiating construction, SANBAG staff, on behalf of the Commission, will ensure that the construction contractor prepares a Traffic Management Plan that includes construction detour plans and designates construction truck access routes for each phase of construction. During each phase of construction, the construction contractor will provide signage indicating the construction limits, access routes, detour routes, and entrances to individual business sites. In addition, the construction contractor will supply "open for business" signs to encourage normal business activity during construction.

Mitigation Measure T-2: Prepare and Implement a Stadium Parking Plan. The Commission or its construction contractor will prepare a stadium parking plan for review and approval by the City of San Bernardino for the optional use of the parking lot areas west and south of the San Manuel Stadium as temporary staging locations and one future detention basin. The Commission will consult with the City for approval to ensure that adequate parking is provided in the area during scheduled events and that designated replacement parking is conveniently located near San Manuel Stadium for use by stadium visitors.

Mitigation Measure T-3: Install a Traffic Signal at the J Street/2nd Street Intersection. To address the unsatisfactory Level of Service (LOS) conditions at the J Street/2nd Street intersection in 2035, under the proposed Project only, a traffic signal will be installed at this intersection. In accordance with City standards, the Commission will contribute its fair share to the funding of this improvement based on the City's impact fees at the time the improvement is required.

Mitigation Measure T-4: Install All-Way Stops at the J Street/Rialto Avenue Intersection. To address the unsatisfactory LOS conditions at the J Street/Rialto Avenue intersection in 2035 (under any design option), this intersection will be converted to an all-way stop-controlled intersection. In accordance with City standards, the Commission will contribute its fair share to the funding of this improvement based on the City's impact fees at the time the improvement is required.

SECTION 4. Consistent with Sections 15091, 15092, and 15093 of the State CEQA Guidelines, the Commission finds that significant adverse environmental effects in the areas of cultural resources (Project-specific and cumulative demolition of historic resources) and noise (Project-specific and cumulative permanent increases in ambient noise levels during operation) cannot feasibly be avoided or mitigated to a less-than-significant level. Nevertheless, these impacts are found to be outweighed by overriding considerations and benefits, as discussed in Section 7.

(a) The FEIR determined that with mitigation the Project could result in significant adverse impacts on cultural resources, specifically the potential demolition of onsite historical resources, from a Project-specific and cumulative perspective. Consistent with Sections 15091, 15092, and 15093 of the State CEQA Guidelines, and as detailed in FEIR Sections 3.5 and 3.13, incorporated herein by reference, the Commission finds that the following mitigation measures have been required for the Project. These measures will minimize some of the Project's impacts on historical resources.

Mitigation Measure CR-1: Provide Photographic Documentation of Historic Resources and Noise Reduction Measures. The following mitigation measure addresses the proposed Project's potential for significant direct impacts on properties identified as historic resources (i.e., the residential properties located at 263 North K Street, 221–229 North K Street, 203 North K Street, 961 West 2nd Street and 907 West Rialto Avenue; the commercial properties located at 971 West 3rd Street, and 123 South G Street; and the industrial properties located at 111 South I Street, and 170 South E Street).

Photography and Recordation. Prior to the issuance of demolition permits for the aforementioned historic resources, a photographic documentation report will be prepared for each property by a qualified architectural historian, historic architect, or historic preservation professional who satisfies the Secretary of the Interior's Professional Qualification Standards for History, Architectural History, or Architecture, pursuant to 36 CFR 61. Each report shall document the significance of the property and its physical conditions, both historic and current, through photographs and text (e.g., an expanded Department of Parks and Recreation [DPR] form). Photographic documentation noting all elevations and additional details of architectural features will be taken using 35-millimeter black-and-white film. The photographer will be familiar with the recordation of historic resources. Photographs will be prepared in a format consistent with the Historic American Buildings Survey (HABS) standard for field photography. Coordination and notification will be provided to the City of San Bernardino and copies of the report will be submitted to the City of San Bernardino Community Development Department, the San Bernardino Public Library (main branch), and the City of San Bernardino Historical and Pioneer Society.

Noise Mitigation—907 West Rialto Avenue. Prior to the initiation of construction of the Project in the vicinity of the dwelling located at 907 West Rialto Avenue, specific measures related to the minimization of noise impacts on the residence will be implemented. Such measures will include the installation of soundproof windows, exterior door and window seals, and interior insulation as well as sealing crevices and other openings to reduce sound intrusion. All construction must meet the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving Historic Buildings (Weeks and Grimmer 1995).

The Commission further finds that implementation of these mitigation measures would not reduce the significant adverse impacts on the onsite historical resources to a less-than-significant level, given the resources' complete demolition.

As a result, this impact is considered significant and unavoidable.

The demolition of the following properties would result in a significant adverse change to each of the historic resources and cannot be mitigated to a less-than-significant level:

- The residential properties located at 203, 221–229 and 263 North K Street
- The residential property located at 961 West Second Street
- The commercial properties located at:
  - 971 West Third Street
  - 123 South G Street
- The industrial properties located at:
  - 111 South I Street
  - 170 South E Street

Nevertheless, implementation of Mitigation Measure CR-1 would ensure that information regarding each property's contribution to the history of the City of San Bernardino is retained even though impacts are significant and unavoidable

The Commission finds that the Project provides economic, legal, social, technological, and/or other benefits, including region-wide benefits, that outweigh the unavoidable adverse environmental effects, and that these impacts may be considered acceptable.

(b) The FEIR determined that with mitigation the Project could result in significant adverse impacts on noise, specifically operational-related, permanent increases in ambient noise levels, from a project-specific and cumulative perspective. Consistent with Sections 15091, 15092, and 15093 of the State CEQA Guidelines, and as detailed in FEIR Sections 3.10 and 3.13, incorporated herein by reference, the Commission finds that the following mitigation measures have been required in the Project. These measures will eliminate most of the Project's long-term noise and vibration impacts.

Mitigation Measure NOI-3: Use Ballast Mats, Resiliently Supported Ties, or Measures of Comparable Effectiveness on Portions of the Rail near Sensitive Receivers. The Commission's design team will ensure the track design specifications include the use of ballast mats or resiliently supported ties (under-tie pads) on portions of the track near sensitive receivers to minimize project-related groundborne vibration generated when the trains pass sensitive receivers.

Mitigation Measure NOI-4: Establish Quiet Zones. The Commission will support the establishment of quiet zones by constructing certain supplemental safety measures (SSMs) that, when implemented at an existing grade crossing, allow the roadway authority to designate a quiet zone. Under FRA and CPUC guidelines, SSMs allowed in California include the installation of such measures as raised medians, placement of exit gates with vehicle-presence detection systems, and permanent closure. SSMs will be established at the following grade crossings within the Project Study Area: 2nd Street, Rialto Avenue/I Street, and G Street.

Mitigation Measure NOI-5: Provide Building Noise Insulation. For the three residential structures represented by Receivers 11 and 15, as described in the FEIR, the Commission will provide sound insulation. Effective treatments include such measures as caulking and sealing gaps in the building façade and installing new doors and windows that are specially designed to meet acoustical transmission-loss requirements. Exterior doors facing the noise source will be replaced with well-gasketed solid-core wood doors and well-gasketed storm doors. Acoustical windows are usually made of multiple layers of glass with air spaces between to provide noise reduction. Acoustical performance ratings are published in terms of Sound Transmission Class (STC) for these special windows. A minimum STC rating of 39 will be used on any window exposed to the noise source. Additional building sound insulation, if needed, will be provided by sealing vents and ventilation openings and relocating them to a side of the building and away from the noise source. Particularly in the case of Receiver 15, it may be necessary to increase the mass of the building façade of wood-frame houses by adding a layer of sheathing to the exterior walls.

To ensure that the windows and doors can be kept closed while still maintaining habitable conditions, a central heating, ventilation, and air-conditioning (HVAC) system will also be provided.

Mitigation Measure NOI-6: Lubricate Wayside Rail. Wayside rail lubrication applicators will be installed for all tight-radius curves on the Project track alignment. If the wayside applicators are not able to reduce squeal to an acceptable level, additional reductions may be possible through customized profiling of the rail to reduce the forces required for trains to negotiate the curve.

However, the Commission further finds that even with the implementation of all feasible mitigation measures, the noise and vibration impacts during Project operations may remain significant and unavoidable. While sound barriers are generally effective in reducing noise impacts, additional factors—such as appropriateness in the context of the project setting (aesthetics), nonconforming land uses within the Project Study Area, and potential for division of established communities—are being taken into consideration for the proposed Project. Based on these considerations, it may not be appropriate for the Project to construct sound barriers in this area. Therefore, impacts related to rail noise experienced by sensitive receptors adjacent to the railway are significant and unavoidable.

The Commission finds that the Project provides economic, legal, social, technological, and/or other benefits, including region-wide benefits, that outweigh the unavoidable adverse environmental effects, and that such impacts may be considered acceptable.

SECTION 5. Consistent with Sections 15091, 15092, and 15093 of the State CEQA Guidelines, and as detailed in FEIR Section ES.3.1, incorporated herein by reference, the Commission finds that, based on the impacts of the proposed Project and other design options to the proposed Project:

(a) The No-Build/No-Project Alternative would not result in the construction impacts identified in the FEIR that would result with the Project because no changes or improvements to the existing railway would occur. However, according to Section 15126.6(e)(2) of the State CEQA Guidelines, if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Of the alternatives considered, the 3rd Street Open Design Option 3 would be the environmentally superior alternative.

Furthermore, while the construction impacts would be less under the No-Build Alternative, there are other impacts that could occur by not taking any action under the No-Build/No Project Alternative. Under the No-Build/No Project Alternative, passenger rail service would not be extended east to downtown San Bernardino. Additionally, the No-Build/No-Project Alternative would not include: 1) improvements to or reconstruction of rail infrastructure to accommodate passenger rail service, 2) grade crossing improvements, 3) railroad signalization, 4) roadway closures, 5) rail platform or station facilities, or 6) an Omnitrans bus facility. Metrolink service would continue to originate and/or terminate at the Depot. The pedestrian overcrossing proposed to improve pedestrian safety would not be constructed. Existing conditions within the rail corridor would remain unchanged, and the rail line east of the Depot would continue to be used for low-speed, local freight service. Consequently, the No-

Build/No-Project Alternative would not achieve or fulfill any of the goals and objectives of the proposed Project or those of the City's general plan with the overall objective of providing mass transit opportunities, increasing mass transit services, or increasing connectivity between and providing convenience for residents and employees traveling to and from San Bernardino. For these reasons, the Commission rejects this alternative as infeasible.

(b) Build Alternatives Pedestrian Overpass Options 1A and 1B would be similar to the Project. Like the Project, Pedestrian Overpass Options 1A and 1B would meet the purpose and need, which is to allow efficient use of the Metrolink system and facilitate an orderly, safe evacuation of the platforms in the event of station emergencies. Pedestrian Overpass Options 1A and 1B would include open-to-air steel structure variations for the pedestrian overpass. These design options would have one stairway entering and exiting a protected and covered elevated passageway. The prominent differences between Pedestrian Overpass Options 1A and 1B are the railing design and elevator enclosure design. All other railway, station, and bus facility improvements proposed as part of the Project would remain the same.

The FEIR demonstrated that the Project and Pedestrian Overpass Options 1A and 1B would have similar environmental effects during construction and operations. However, this alternative was considered to minimize visual impacts on the Depot, maximize circulation space around the new structures, and maintain fire truck access to the trackside of the Depot. Although the construction schedule for these design options is similar to the Project, Pedestrian Overpass Options 1A and 1B are likely to require fewer construction materials and effort to construct. Structural massing would be reduced in comparison with the pedestrian overpass bridge design proposed as part of the Project. However, the differences in environmental effects would be similar and slightly reduced, and not appreciably different from the Project. For these reasons, the Commission chooses not to select this alternative.

(c) Build Alternative Pedestrian Underpass Option 2 would be similar to the Project. Like the Project, the Pedestrian Underpass Option 2 would meet the purpose and need, which is to allow efficient use of the Metrolink system and facilitate an orderly, safe evacuation of the platforms in the event of station emergencies. Pedestrian Underpass Option 2 would be constructed underground and would result in less constriction of the train platform at the stair locations. Pedestrian Underpass Design Option 2 would have two stairwells entering the passageway at Platform A and a combined stairway exiting just west of the Depot. All other railway, station, and bus facility improvements proposed as part of the Project would remain the same.

The FEIR demonstrated that the Project and Pedestrian Underpass Option 2 would have similar environmental effects during construction and operations. However, this alternative was considered in order to minimize visual impacts that could detract from the aesthetic value of the historic Depot structure. Although the construction schedule for this design option is similar to that of the Project, the Pedestrian Underpass Option 2 is likely to require a longer construction period and additional engineering and structural design, including additional shoring and protection due to the complexity of undergrounding a pedestrian underpass below an active rail line. Although visual structural massing would be reduced in comparison with the pedestrian overpass bridge design proposed as part of the Project or other pedestrian overpass design

options, other factors—including engineering stability and perceived safety—were considered. As the environmental effects would be similar and slightly reduced with this alternative, engineering stability requirements and perceived safety impacts would be greater than for the Project. For these reasons, the Commission chooses not to select this alternative.

(d) Build Alternative 3rd Street Open Design Option 3 would involve a different design than that of the Project. Like the Project, the 3rd Street Open Design Option 3 would meet the purpose and need. This design option was considered in order to avoid costs associated with the closing of 3rd Street under the proposed Project and corresponding potential disruptions to existing traffic circulation patterns. This option would result in upgrades to the existing at-grade crossing between J Street and I Street. Vehicular and pedestrian traffic along 3rd Street between the J Street intersection and North I Street intersection would remain. All other improvements associated with this design option would be similar to those described for the proposed Project.

The FEIR demonstrated that the 3rd Street Open Design Option 3 would have fewer environmental effects during construction and operations. The 3rd Street Open Design Option 3 would have reduced impacts, specifically because of the reduced size of the 3rd Street Open Design Option 3 Study Area in comparison to the Project Study Area. This alternative would result in reduced impacts on aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and transportation. Accordingly, the 3rd Street Open Design Option 3 is considered the environmentally superior alternative. However, the 3rd Street Open Design Option 3 is not the preferred design option because the Project's circulation during project operations near the Depot would be preferred. For these reasons, the Commission chooses not to select this alternative.

(e) Additional alternatives to the Project were considered by the Commission, including using the existing rail alignment and employing alternative train technologies. In order to accommodate the Project, several alternative layover facilities and configurations were also considered. These alternatives and layover options were unable to either accomplish project objectives or avoid significant environmental effects of the Project and design options; therefore, they were not selected for further consideration, as discussed in further detail in Section 2.5 of the FEIR.

SECTION 6. The preceding Findings, although based primarily on conclusions in the FEIR, have not attempted to describe the full analysis of each environmental impact contained in the FEIR. Instead, the Findings incorporate by reference the discussions and analyses in the FEIR and supporting reference documents for the FEIR's determinations regarding the nature and severity of the impacts of the Project and mitigation measures designed to address those impacts. In making these Findings, the Commission, ratifies, adopts, and incorporates into these Findings the analysis and explanation in the FEIR and ratifies, adopts, and incorporates in these Findings the determinations and conclusions of the FEIR.

SECTION 7. The FEIR found that the Project would result in significant unavoidable adverse impacts in the areas of cultural resources (project-specific and cumulative demolition of historic resources) and noise (project-specific and cumulative exposure of persons to permanent increases in ambient noise levels). Consistent with Section 15093 of the State CEQA Guidelines, the Commission, hereby makes a Statement of Overriding Considerations and finds that the benefits of the Project, as outlined below,

outweigh its unavoidable environmental impacts and thus render those impacts acceptable. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding Findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings. The Commission also finds that the Project is consistent with the statement of purpose and need as detailed in the FEIR in Section 1.3, incorporated herein by reference. The benefits of the Project outweigh its unavoidable environmental impacts because the Project would meet the following objectives:

(a) Construct a second track and associated railroad improvements to extend regional Metrolink passenger rail service between the existing Depot and downtown San Bernardino.

(b) Encourage the integration of current and future passenger rail operations with other forms of transit in the region by providing a Metrolink passenger rail connection to downtown San Bernardino.

(c) Accommodate forecasted ridership between the Depot and downtown San Bernardino by providing a convenient and efficient transit alternative to automobile travel.

(d) Improve the mobility opportunities for transit-dependent populations in the City of San Bernardino to employment centers in Los Angeles and Orange Counties and support local and regional planning goals of SANBAG and the Commission for the development of transit corridors in the Inland Empire.

(e) Improve safety and accessibility at the existing Depot by constructing a pedestrian bridge that will connect the station's two reconstructed platforms, thereby eliminating existing at-grade pedestrian crossings.

(f) Facilitate intermodal transit opportunities by constructing the Omnitrans Bus Facility close to Metrolink passenger rail service.

SECTION 8. Consistent with CEQA Section 15088.5, the Commission has determined that no significant new information requiring recirculation of the EIR has occurred. Specifically, the Commission has determined, based on the substantial evidence presented to it, that (1) no new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented; (2) no substantial increase in the severity of an environmental impact would result from the Project; (3) no feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project; and (4) the DEIR is not so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. Specifically, the Commission finds that the changes in response to comments and to changes to the project description after public notice was given of the availability of the DEIR for public review do not constitute significant new information under Section 15088.5(a).

SECTION 9. Consistent with CEQA Section 21081.6(a), the documents that constitute the record of proceedings for approving this Project are located in the SANBAG office, 1170 West 3rd Street, 2nd

Floor, San Bernardino, California. The custodian of these documents is Mr. Mitchell A. Alderman, P.E., Director of Transit and Rail Programs.

SECTION 10. Consistent with Public Resources Code Section 21081.6, the Commission approves the FEIR and adopts the Mitigation Monitoring and Reporting Program (see Chapter 9 of the FEIR for the Mitigation Monitoring and Reporting Program) to mitigate or avoid significant effects of the Project on the environment, as detailed in Section 3 of this Resolution, and to ensure compliance during Project implementation.

SECTION 11. The Commission approves the Proposed Project and the selection of Optional Detention Basin #3, as more fully described in the FEIR.

SECTION 12. This Resolution is effective upon its adoption.

Adopted by the San Bernardino County Transportation Commission on September 5, 2012, by the following vote:

Ayes: 18

Noes: 0

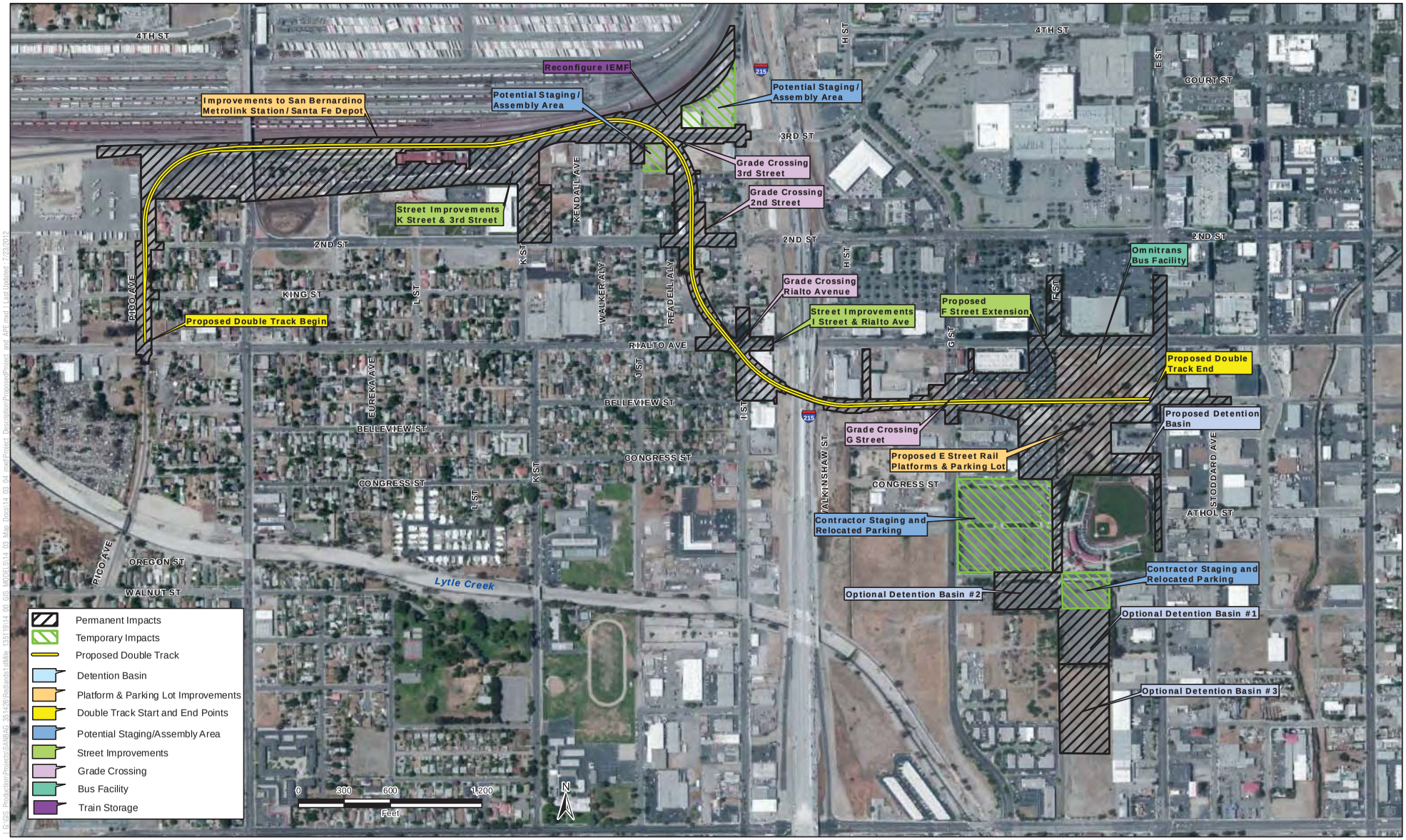
Abstain: 1

Absent: 10

Janice Rutherford, Chairperson
San Bernardino County Transportation Commission

Attest:

Vicki Watson, Commission Clerk



Source: HDR (2012), Bing (2012)

Figure ES-1
Project Study Area and Primary Project Components
Downtown San Bernardino Passenger Rail Project