



CALIFORNIA HIGH-SPEED RAIL DRAFT RESOLUTION #HSRA 21-07

Bakersfield to Palmdale Project Section

Direct Authority Chief Executive Officer to Issue the Record of Decision for the Bakersfield to Palmdale Project Section Selecting Alternative 2 with Refined César E. Chávez National Monument Design Option, Avenue M Maintenance Site and Maintenance-of-Way Facility, and Palmdale Station and Complying with Other Federal Laws

Whereas, pursuant to the California High-Speed Rail Act, Public Utilities Code Section 185000, et seq., the California High-Speed Rail Authority (“Authority”) was created in 1996 to direct the development and implementation of intercity high-speed rail (“HSR”) service that is fully integrated with the state’s existing intercity rail and bus network;

Whereas, the Authority has chosen to use a tiered environmental review and decision-making process to select alignments and station locations for the HSR system;

Whereas, the Authority and the FRA completed two first-tier, programmatic environmental documents pursuant to the California Environmental Quality Act (“CEQA”) and the National Environmental Policy Act (“NEPA”) for the statewide HSR system and approved general alignments and station locations for further study in second-tier, project-level environmental documents;

Whereas, the Authority and FRA divided the statewide HSR system into individual project sections for second-tier environmental analysis, one of which is the Bakersfield to Palmdale Project Section;

Whereas, the Authority and FRA commenced preparation of a second-tier Bakersfield to Palmdale Project Section EIR/EIS in 2009;

Whereas, the Authority engaged in a public scoping process, development and screening of potential alternatives, and public and agency outreach efforts during the preparation of project-level technical studies and the Draft EIR/EIS, including the preparation of Alternatives Analysis reports to explore alignment alternatives in 2010, 2012, and 2016 and the continued refinement of alternatives and development of design options;

Whereas, on October 16, 2018, the Authority Board concurred with the staff recommendation to designate Alternative 2 with the César E. Chávez National Monument (“CCNM”) Design Option as the Authority’s Preferred Alternative for the Bakersfield to Palmdale Project Section and directed staff to continue to work with key stakeholders, including the Cesar Chavez Foundation, as reflected in Resolution # HSRA 18-18;

Whereas, consistent with Board direction in Resolutions # HSRA 18-18 and 19-09, Authority staff developed the Refined CCNM Design Option and included it in the Preferred Alternative because it avoids adverse effects at CCNM;

Whereas, under 23 U.S. Code section 327, the FRA and the State of California executed a NEPA Assignment Memorandum of Understanding (“MOU”), dated July 23, 2019, pursuant to which the State of California, acting through the California State Transportation Agency and the Authority, assumed FRA’s responsibilities under NEPA and other federal environmental laws, for projects necessary for the design, construction, and operation of the California HSR System; **Whereas**, on September 17, 2019, through Resolution #HSRA 19-09, the Board delegated to the Chief Executive Officer the authority to include in a Draft EIS the preferred alternative the Board had previously designated for purposes of a Draft EIR prior to NEPA Assignment;

Whereas, pursuant to the NEPA Assignment MOU, the Authority circulated the Bakersfield to Palmdale Project Section Draft EIR/EIS for a public review and comment period between February 28, 2020 and April 13, 2020;

Whereas, due to the uncertainty caused by the outbreak of COVID-19, the Authority extended the public review period for the Bakersfield to Palmdale Project Section Draft EIR/EIS for 15 days, to April 28, 2020;

Whereas, pursuant to the NEPA Assignment MOU, the Authority circulated a Revised Draft EIR/Supplemental Draft EIS limited to biological resources between February 26, 2021 and April 12, 2021;

Whereas, the Authority completed and issued on June 25, 2021, the Bakersfield to Palmdale Project Section Final EIR/EIS;

Whereas, the Final EIR/EIS evaluates the impacts and benefits of implementing four end-to-end alternatives, two CCNM design options, maintenance sites and facilities, and a proposed station in Palmdale (“Palmdale Station”);

Whereas, the Final EIR/EIS identifies Alternative 2 with the Refined CCNM Design Option, the Avenue M Maintenance Site and Maintenance-of-Way Facility, and Palmdale Station as the Preferred Alternative for the Bakersfield to Palmdale Project Section, which is depicted on the maps included in the Draft Record of Decision for the Bakersfield to Palmdale Project Section, attached hereto as Exhibit “A”; and

Whereas, the Authority has adopted Resolution # HSRA 21-06 selecting Alternative 2 with the Refined CCNM Design Option, the Avenue M Maintenance Site and Maintenance-of-Way Facility, and Palmdale Station, and making related decisions as required by CEQA.

Therefore, it is resolved:

- a. The Board approves the Draft Record of Decision for the Bakersfield to Palmdale Project Section selecting Alternative 2 with the Refined CCNM Design Option, Avenue M Maintenance Site and Maintenance-of-Way Facility, and the Palmdale Station and complying with other federal laws;
- b. The Board directs the Chief Executive Officer as follows:
 - To sign the Draft Record of Decision for the Bakersfield to Palmdale Project Section and issue it as a Final Record of Decision reflecting the final decision of the Authority Board, including any required notices pursuant to NEPA or other federal laws;
 - To take any other necessary steps to obtain all permits, approvals, agreements, interests, and rights that would allow for construction and operation, when funding becomes available;
 - To continue outreach to potentially affected communities, and no later than two years after funding has been approved for this Project Section’s right-of-way acquisitions, report to the Board on measures taken and measures proposed to avoid or address potential disproportionate effects, if any, related to property acquisitions in environmental justice communities, as these communities are defined in the NEPA Record of Decision;
 - To continue outreach to interested stakeholders on wildlife protection, as project design advances, and to explore the feasibility of advance mitigation, to the extent legally permissible; and
 - To continue to work in partnership with the City of Bakersfield, City of Tehachapi, City of Lancaster, City of Palmdale, the County of Kern, the County of Los Angeles, and other regional stakeholders and affected communities as the Bakersfield to Palmdale Project Section of the high-speed rail project is implemented.

Vote:

Yes:

No:

Absent:

Date:

**Exhibit A: Draft Record of Decision for the Bakersfield to Palmdale Project
Section**