



## CALIFORNIA HIGH-SPEED RAIL RESOLUTION #HSRA 22-11

### San Jose to Merced Project Section

#### Adoption of CEQA Findings of Fact and Statement of Overriding Considerations

#### Adoption of Mitigation Monitoring and Enforcement Plan

#### Approval of the Preferred Alternative (Alternative 4, with a San Jose Diridon Station, downtown Gilroy Station, and South Gilroy Maintenance-of-Way Facility)

**Whereas**, the Authority has certified the San Jose to Merced Project Section Final Environmental Impact Report/Environmental Impact Statement (“Final EIR/EIS”) for compliance with the California Environmental Quality Act (“CEQA”) in Resolution #HSRA 22-10, and hereby incorporates by reference the defined terms and statements contained in that Resolution;

**Whereas**, the Final EIR/EIS certified by Resolution #HSRA 22-10 evaluates the impacts and the benefits of the No Project Alternative compared to implementing the four high-speed rail build alternatives for the San Jose to Merced Project Section, defined as starting at Scott Boulevard in Santa Clara and ending at Carlucci Road in Merced County, the western end of the approved Central Valley Wye high-speed rail segment;

**Whereas**, the Preferred Alternative begins with modifications to an existing San Jose Diridon Station, then continues through the existing Caltrain/Union Pacific Railroad corridor between San Jose and Gilroy by electrifying and modernizing that corridor for high-speed rail service, then continues on dedicated and new high-speed rail infrastructure from Gilroy through the Pacheco Pass, and dedicated and new high-speed rail infrastructure from Pacheco Pass through the San Joaquin Valley to connect to the Central Valley Wye; and

**Whereas**, the Final EIR/EIS certified by Resolution #HSRA 22-10 identifies the Preferred Alternative as Alternative 4, with a San Jose Diridon Station, downtown Gilroy station, South Gilroy maintenance-of-way facility, and associated facilities and refinements including the Diridon Design Variant and the Tunnel Design Variant, which alternative is generally depicted on the map attached hereto as Exhibit “A”.

**Therefore, it is resolved:**

#### Section 1. Adoption of CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Enforcement Plan

- a. As the decision-making body for the high-speed rail system, the Authority Board of Directors has reviewed and considered the information contained in the San Jose to Merced Project Section Final EIR/EIS and in the CEQA Findings of Fact attached hereto as Exhibit “B” and supporting documentation. The Authority determines that the CEQA Findings of Fact document identifies the significant environmental impacts and mitigation measures associated with the Preferred Alternative. The Authority further finds that the CEQA Findings of Fact have been completed in compliance with CEQA and the State CEQA Guidelines. The Authority hereby approves and adopts the CEQA Findings of Fact attached hereto as Exhibit “B”.
- b. The Authority hereby finds that the Statement of Overriding Considerations was completed in accordance with Public Resources Code section 21081 and State CEQA Guidelines section 15093, subdivision (a), which state that CEQA requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its

unavoidable environmental impacts when determining whether to approve the project. The Statement of Overriding Considerations is included in the Findings of Fact attached hereto as Exhibit "B" and sets forth significant environmental effects that are found to be unavoidable, but are acceptable due to the overriding considerations associated with, and benefits expected to result from, implementing the San Jose to Merced Project Section Preferred Alternative. The Authority hereby approves and adopts the Statement of Overriding Considerations included in the Findings of Fact attached hereto as Exhibit "B".

- c. Pursuant to Public Resources Code section 21081.6 and State CEQA Guidelines section 15091, subdivision (d), the Authority hereby adopts the Mitigation Monitoring and Enforcement Plan (MMEP) attached hereto as Exhibit "C", which describes the mitigation measures the Authority will implement, or will require to be implemented, as part of the Preferred Alternative.

## Section 2. Approval of the Preferred Alternative (Alternative 4, with a San Jose Diridon Station, downtown Gilroy station, South Gilroy maintenance-of-way facility, and associated facilities and refinements).

Based on and in consideration of all of the foregoing, the Authority hereby approves all HSR facilities and refinements described in the Final EIR/EIS associated with the Preferred Alternative, as generally depicted on the map attached hereto as Exhibit "A" and as described in more detail in the Final EIR/EIS, and as conditioned on the mitigation measures described in the Findings of Fact attached hereto as Exhibit "B" and reflected in the MMEP attached hereto as Exhibit "C", and which MMEP shall be a condition of the approved project. The Authority affirms that it is approving a Preferred Alternative which includes Alternative 4 and associated facilities, refinements, and variants as detailed in the Final EIR/EIS.

## Section 3. Next Steps.

The Authority hereby directs staff as follows:

- a. To promptly file a CEQA Notice of Determination with the State Clearinghouse;
- b. To take any other necessary steps to obtain permits, approvals, and rights that would allow for construction and approval, when funding becomes available, including working with the Peninsula Corridor Joint Powers Board (Caltrain), the Santa Clara Valley Transportation Authority, and Union Pacific Railroad to establish rights to introduce HSR into the existing corridor between San Jose and Gilroy;
- c. To continue outreach to potentially affected communities, and as soon as practicable but not less than annually after funding has been approved for this Project Section, report to the Board on measures taken to avoid or address potential disproportionate effects on environmental justice communities, as these communities are defined in the EIR/EIS, including reporting on development of implementation agreements for environmental justice offsetting mitigation measures, as defined in the NEPA Record of Decision;
- d. To continue to actively engage and coordinate with partners in the project section region with interfacing or adjacent projects or plans such as the Diridon Integrated Station Concept Plan, the Diridon Station Area Plan, the Google Downtown West Development, the VTA expansion of BART service to San Jose, plans for rail service to Monterey County, Caltrain's long-range service vision and business plan, and South Bay Rail Corridor Planning;
- e. To continue to support cities' (such as San Jose, Morgan Hill, and Gilroy) efforts to plan and advance grade separation projects in their communities, and to develop agreements, as appropriate, formalizing these collaborative efforts between the Authority and relevant cities;
- f. To continue to work in partnership with the City of Santa Clara, City of San Jose, City of Morgan

Hill, City of Gilroy, the County of Santa Clara, the County of San Benito, and the County of Merced and other regional stakeholders as the San Jose to Merced Project Section of the high-speed rail project is implemented;

- g. To continue outreach to interested stakeholders on wildlife protection as project design advances and the project is implemented, and to explore the feasibility of advanced mitigation, to the extent legally permissible, and joint planning and implementation agreements with stakeholders such as the Grasslands Water District, the Santa Clara Valley Habitat Agency, the Nature Conservancy, Peninsula Open Space Trust (POST), and/or the Santa Clara Valley Open Space Authority (OSA); and
- h. To update the Board and the public on the status of staff efforts to develop the partnerships and related agreements as reflected in (b)-(g) within one year of the project section's securing funding.

Vote: Richards; Miller; Pena; William; Camacho; Perea; Ghielmetti

Yes: 7

No:0

Absent:Escutia; Schenk

Date: April 28, 2022

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