

CALIFORNIA HIGH-SPEED RAIL AUTHORITY

BOARD OF DIRECTORS MEETING

REMOTE WEBINAR

THURSDAY, AUGUST 18, 2022
12:00 PM

REMOTE WEBINAR

Pursuant to Government Code section 11133, the California High-Speed Rail Authority's August 17-18, 2022 board meeting will be conducted via webinar. Board Members will participate in the meeting from individual remote locations. Members of the public can view the board meeting online at www.hsr.ca.gov.

PUBLIC COMMENT

An opportunity for public comment on all August 17-18, 2022 agenda and non-agenda items other than agenda items 3,12,13, 14, and 15 will be provided at the outset of the meeting. An opportunity for public comment on agenda items 3,12,13, 14, and 15 will be offered after agenda item #3 has been presented. Public comment will be offered by Zoom: <https://hsr-ca-gov.zoom.us/j/89305048777> or telephone by dialing: 888-273-3658, conference code: 685296. Pre-registration is no longer required for public comment. Typically, public comment will be limited to two minutes per person, however, the Chair may decide to shorten or lengthen the public comment periods, at his or her discretion. Agenda Items may be taken out of order.

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APPEARANCESBOARD MEMBERS

Tom Richards, Chair

Nancy Miller, Vice Chair

Lynn Schenk

Ernest Camacho

Martha M. Escutia

Anthony Williams

Henry R. Perea, Sr.

James C. Ghielmetti

Margaret Pena

EX OFFICIO BOARD MEMBERS

Assembly Member, Dr. Joaquin Arambula (Absent.)

Senator Lena A. Gonzalez

STAFF

Brian P. Kelly, Chief Executive Officer

Alicia Fowler, Chief Counsel

Minming Wu Morri, Counsel

Moe Ramadan, Acting Board Secretary

Brittany Cardenas, Spanish Interpreter

Amy Meng, Mandarin Interpreter

APPEARANCES (Cont.)

STAFF (Cont.)

Boris Lipkin, Northern California Regional Director

Serge Stanich, Director of Environmental Services

Gary Kennerley, Northern California Director of Projects

Minming Wu Morri, Counsel

PRESENTERS:

Tom Richards, Chair, Board and Finance & Audit Committee

Boris Lipkin, Northern California Regional Director

Serge Stanich, Director of Environmental Services

Gary Kennerley, Northern California Director of Projects

Minming Wu Morri, Counsel

Christopher Stiles, Remy Moose Manley, LLP

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P R O C E E D I N G S

12:00 p.m.

PROCEEDINGS BEGIN AT 12:00 P.M.

CALIFORNIA, THURSDAY, AUGUST 18, 2022

CHAIR RICHARDS: Good morning, ladies and gentlemen, this is the continuation of the California High-Speed Rail Authority's Board of Directors Meeting from yesterday, August 17th. Welcome, and thank you for joining us.

I'm going to ask our Board Secretary Moe to advise the people and the public how they can take advantage of our interpreter program. Moe?

MR. RAMADAN: Thank you, Mr. Chairman.

Good afternoon. I'd like to go over some important technical aspects of this meeting for listening in the appropriate language.

First, to ensure that you hear this meeting in the correct language everyone please go to the bottom of your screen and click on the globe icon labeled "Interpretation." From there you need to select either "English," or "Spanish" or "Chinese or Mandarin." After you select your language if you hear both languages at the same time please click the "Mute original audio." If you hear everything clearly there is no need to click the "Mute original audio" button.

1 Now I'd ask our Spanish interpreter to provide
2 those instructions. And then after that our Mandarin
3 interpreter to provide these instructions.

4 MS. CARDENAS: Hello everyone, good afternoon.
5 Thank you for being a part of this meeting. My name is
6 Brittany. I will be one of the Spanish interpreters that
7 will be assisting in this meeting.

8 (Interpreter Cardenas provides instructions in
9 Spanish.)

10 MS. MENG: Hello, everyone. My name is Amy Meng.
11 I'm one of the Mandarin interpreters. Okay.

12 (Interpreter Meng provides instructions in
13 Mandarin)

14 MR. RAMADAN: Thank you.

15 Mr. Chairman, we can move forward.

16 CHAIR RICHARDS: All right. Thank you, Moe.

17 Ladies and gentlemen, as noted a few moments ago
18 our meeting has reconvened. This is the second day of a
19 two-day Board Meeting this month, the 17th and 18th of
20 August 2022.

21 I'd like the record to reflect that the Board has
22 reconvened with all members present who were here in
23 attendance yesterday, with the exception of our Ad Hoc
24 Member, Assemblymember Juan Arambula, or excuse me, Joaquin
25 Arambula.

1 We'll now move on to Agenda Item Number 11, which
2 is the Finance and Audit Committee Report. For those of
3 you who joined us at 10:00 o'clock, thank you. I'll give
4 you just a short reflection on today's meeting.

5 You heard a little bit about cash management
6 yesterday from our Chief Financial Officer. And as all of
7 our Board Members know on June 30th, Governor Newsom signed
8 Assembly Bill 180, which appropriated the remainder of the
9 remaining \$4.2 billion in Proposition 1A funds for work in
10 the Central Valley. The Treasurer will sell bonds and we
11 would have access to cash as early as November.

12 Total cash currently available to the Authority
13 in all funds is about \$2.2 billion as of today. Of that,
14 \$2.1 billion is in Cap-and-Trade funds, about \$11 million
15 in our Rail Property fund, and Proposition 1A has about \$72
16 million.

17 In the month of June, and all of these numbers
18 reflect June, the total Design-Build expenditures in June
19 were about \$53 million. The Authority ended the '21-'22
20 Fiscal Year with Expenditures of about \$1.2 billion, which
21 is similar to the results of the '20-'21 Fiscal Year.

22 Contracts and the Expenditures Report, the
23 Authority has 219 active contracts, with a total value of
24 \$9.8 billion. This is up by about \$450 million from the
25 previous month, which would have been May. That is a

1 reflection on the agreement and the funding, or on the
2 contract that we now have with LA Union Station, or for LA
3 Union Station with LA Metro.

4 With regards to the Contingency that the
5 Authority has available right now, it's at \$2.2 billion.

6 With regards to the Central Valley Construction
7 Report, I'm happy to report that as of the end of June that
8 all 163 of our structures and guideways and CP1 through 4
9 have been fully designed and are ready for construction.

10 Utility Relocation status, 862 of out 100 -- or
11 excuse me 1,862, or 42 percent are completed; another 370
12 are in process.

13 (Audio Feedback.)

14 CHAIR RICHARDS: I'm sorry? I just got some
15 feedback.

16 Okay, 81 or 4 percent have been approved to
17 start. And 540, that's 30 percent have not started.

18 There were 19 relocations that were completed in
19 the month of June.

20 With regards to Labor on our job sites, it was
21 down slightly by about 38 from the month before, with the
22 average being at 1,119 a day on site.

23 With regards to Right-of-Way, 8 parcels were
24 delivered in the month of June. The total parcels
25 delivered now in CP1 through 4, that is 119 miles of 2,112

1 with a total requirement of 2,309.

2 And with regards to Construction Progress, of
3 those structures of which we have 67 of 93, that's 72
4 percent underway or substantially complete. And that's now
5 changed from the previous month.

6 And that's the short update for you from Finance
7 and Audit. If there are any questions I'm happy to answer
8 them. Otherwise, we will move on to our next agenda item,
9 Item 11. Excuse me for a moment.

10 All right, then we'll move to Agenda Item Number
11 11. [sic]

12 We'll move on to the business at hand for the
13 balance of this meeting, with that is that we have multiple
14 agenda items today related to the San Francisco to San Jose
15 section of the Final EIR/EIS.

16 We will start with Agenda Item Number 12, which
17 is providing staff an opportunity to address any of the
18 issues they believed were important in the public comments
19 and any questions the Board asked about yesterday.

20 For that I'll ask the same team to step forward.
21 Mr. Lipkin, Mr. Stanich, and Mr. Kennerley. And the floor
22 is yours.

23 MR. STANICH: Thank you, Chairman Richard. Good
24 afternoon Board Members.

25 After the staff presentation yesterday, we heard

1 comments from the public expressing both support for the
2 project and concerns regarding how the project would
3 potentially affect community planning in Millbrae and
4 Brisbane.

5 After hearing comments from the public and
6 questions from the Board, the staff convened several times
7 yesterday with our team of experts, including planners,
8 engineers, outside hazardous materials, air quality,
9 transportation experts, and other environmental
10 professionals to assess whether comments raised new
11 environmental issues or feasible alternatives and
12 mitigation measures as required by CEQA and NEPA.

13 Based on that review, we prepared the following
14 presentation to clarify how these issues have been
15 addressed in the Final EIR/EIS, and our path forward on key
16 items that the Board identified yesterday. Can we go to
17 the next slide, please?

18 The topics that we plan to cover are: Intermodal
19 connections and development at the Millbrae-SFO station,
20 design of the Brisbane LMF and the landfill at that
21 location, and grade separations.

22 At this point, I'd like to pass the presentation
23 to my colleagues, beginning with Boris Lipkin.

24 MR. LIPKIN: Thank you, Serge. And good
25 afternoon, Chairman Richards and Board Members, if we can

1 go to the next slide.

2 And starting on the Millbrae-SFO Station topic,
3 we wanted to give, in kind of response to both the comments
4 that we heard and the questions from the Board, we want to
5 give the Board a sense of the intermodal connections that
6 exist at the station today. As well as what we're
7 proposing and how our facilities fit into that existing
8 state intermodal connection framework at the station. And
9 how it all works together as one integrated hub.

10 This is a station that I actually used to use on
11 my daily commute, so I'm intimately familiar with it. And
12 want to give you a sense of what it's like to use the
13 station. And so those photographs here are on the
14 northbound Caltrain platform, looking north. Over to the
15 left side you can see the southbound Caltrain platforms.

16 And then the image on the left under those
17 canopies are the two sets of escalators that go up to the
18 concourse level, which is how you connect to the rest of
19 the station.

20 On the image on the right, you can see a cross-
21 platform transfer between that northbound Caltrain platform
22 and the BART system. It's a little bit dark, but in the
23 back you can see a BART train right across the fare gates
24 in the image on the right.

25 The project's cross section on the bottom just

1 shows that the two Caltrain platforms and tracks starting
2 on the west side, the location of where we're kind of
3 looking on the northbound platform, and then the BART
4 tracks and platforms on the right side on the east side of
5 the station.

6 There are entrances and exits on both sides. And
7 there are various ways to get up and down to the concourse;
8 of course escalators, stairs and also elevators for those
9 who might need some mobility assistance. If we go to the
10 next slide.

11 Just to again give you a sense of the existing
12 station, this is taken on top of that concourse level for
13 those intermodal connections between the two systems. And
14 so that escalator on the right, that's the escalator down
15 to the southbound Caltrain platform. And then across the
16 concourse and where you see the next set of signs that's
17 where the BART part of the station is.

18 It's all one big building with two entrances and
19 connections, again on both sides of the of the of the
20 station. And the various functions that are up on the
21 concourse level, including some of the ticketing that you
22 see somebody using here in the photo. So that's the
23 existing station.

24 And just to give you a sense of how we fit into
25 this existing facility, if you go to the next slide,

1 please.

2 This is something out of our environmental
3 document. And zooming in from some of the kind of bigger
4 pictures that we had shown, but really focusing on those
5 intermodal connections, what you see in this graphic -- and
6 again, trying to kind of walk you through this similarly to
7 what we showed on the previous ones -- the top of the
8 graphic shows those existing three BART tracks and
9 platforms. That shared cross-platform transfer that I
10 mentioned in the first slide is that where that blue goes
11 with the orange for the Caltrain platform. And all of that
12 stays, all of that is part of the existing station.

13 Where we start to make modifications is by adding
14 the high-speed rail platform and tracks between the two
15 sets of Caltrain tracks to make sure that both sets of
16 northbound trains are going together and both sets of
17 southbound trains are going together on the blended system.
18 And then we tie into that overhead concourse with our
19 vertical circulation. Again, including all the
20 requirements for the Americans with Disabilities Act,
21 making sure that it's all accessible for different ways to
22 get up and down.

23 And of course, focus very much on making sure
24 that any possible combination of how people might need to
25 use the station, connecting between the modes would be as

1 easy as possible and as convenient for the user. So that
2 we do have that integrated hub with all of the platforms
3 lined up, everybody using the concourse to get between
4 them.

5 The section on the bottom just depicts the cross-
6 section, this one's looking south, but how the two high-
7 speed rail platform tracks and the middle island platform
8 fit into the station.

9 We maintain access on the station from both the
10 east and the west. And again, make sure that it's
11 connected to the surrounding community as well.

12 BOARD MEMBER ESCUTIA: So Boris, this is Martha
13 Escutia.

14 MR. LIPKIN: Yes, ma'am.

15 BOARD MEMBER ESCUTIA: Just to summarize, I see
16 how you've added the high-speed rail in purple, the little
17 tracks right next to Caltrain, but you're still using the
18 same existing intermodal facility, correct?

19 MR. LIPKIN: Well yeah, we're modifying the
20 facility to add our facilities, but yes it's the same
21 build, it's the same station (indiscernible).

22 BOARD MEMBER ESCUTIA: (Overlapping colloquy.)
23 Right, you're not going to have a separate high-speed rail
24 station. It's all going to be on the same existing
25 facility as modified.

1 MR. LIPKIN: Correct.

2 BOARD MEMBER ESCUTIA: All right. Thank you.

3 MR. LIPKIN: Okay. And then I see Director
4 Williams, were you jumping on with a question or should I
5 move on to the last slide on Millbrae I have?

6 BOARD MEMBER WILLIAMS: No, I think that answered
7 it, thank you.

8 MR. LIPKIN: Okay.

9 BOARD MEMBER SCHENK: Yeah, that answered my
10 question, too.

11 MR. LIPKIN: Okay. And then I'll just close out,
12 just one more slide on Millbrae, if we could go to the next
13 one?

14 We talked a little bit about this yesterday, in
15 terms of our efforts in looking at how our station can be
16 integrated with surrounding development. Transitory
17 development is very important to the Authority and it
18 supports many of our goals at the station. We talked about
19 in the graphic on the right that we're certainly not
20 recruiting and very much willing to work with the city on
21 how development and our station can all fit together and be
22 integrated.

23 And so we talked about this briefly, but we did
24 have a mitigation measure specifically talking about -- and
25 it's listed here -- commitments that we would make towards

1 working jointly with the city to refine the preliminary
2 station design into a final station design. And making
3 good faith efforts to incorporate the city's feedback and
4 maximizing opportunities for the property interest
5 available for the city's TOD, while still meeting our
6 operational requirements.

7 Similarly, we've included language in the
8 resolution that's before you for your consideration, where
9 the Board would direct staff to explore the joint design
10 and planning opportunities with the city of Millbrae when
11 we advance from preliminary to final station design. And
12 in order to concurrently advance the two important
13 statewide priorities of high-speed rail and transit-
14 oriented development in the San Francisco to San Jose
15 project section broadly, and around the Millbrae station
16 specifically.

17 So we see this as what we've done so far has been
18 important work to get to this point. But these are our
19 clear commitments to continue to work with the city on
20 these really important topics around TOD as we move
21 forward.

22 And with that, I was going to turn it to Gary to
23 talk a little bit more about some of the Brisbane topics.

24 MR. KENNERLEY: Thank you, Boris. And welcome to
25 Chair Richards, Board Members. So just going to cover

1 three areas: the landfill design issues; and also again,
2 the mitigation measures we have to continue working with
3 the city of Brisbane.

4 But starting with the Brisbane landfill. And
5 this is shown in the picture there on the right. Just know
6 that any development on the east of the Baylands site will
7 need to address the landfill.

8 We have consulted with our hazardous material
9 experts to verify that our Final EIR/EIS does analyze all
10 the impacts of investigating, characterizing, excavating.
11 And when we're excavating that also includes measures to
12 minimize a fugitive dust that can be created during
13 excavation, containerizing which is literally putting the
14 material in containers so it is sealed during
15 transportation, the transportation and disposal of the
16 landfill material.

17 We also heard yesterday from the Bay Area Air
18 Quality Management District voicing their support for the
19 project. So again, in support of the measures that we're
20 taking, especially during transportation of this material.

21 And as many are aware, construction in and around
22 a landfill is heavily regulated. The Authority will be
23 working with the City of Brisbane and also the regulatory
24 agencies, the San Mateo County Environmental Health
25 Division, CalRecycle, and also the Regional Water Quality

1 Control Board during the design, construction, and
2 ultimately the landfill closure.

3 And we see this as an opportunity for partnership
4 to address all the landfill issues together with the City
5 of Brisbane and the development. Next slide.

6 So moving on to consider the actual light
7 maintenance facility design, a point to note is I mean our
8 design has been focused, the design we have in the
9 environmental document, is to ensure that we have a
10 feasible project. And we have appropriately evaluated all
11 the project's environmental impacts.

12 As we heard yesterday, and we do recognize there
13 are specific areas of focus for continued design refinement
14 during final design, as we heard yesterday these include
15 the lead tracks the at north and south; access points to
16 the development, including Geneva Avenue and Tunnel Avenue;
17 the Brisbane fire station; and just the overall facility
18 footprint as well.

19 We have developed a proposed mitigation and
20 monitoring enforcement plan measure that includes
21 commitments for the continued collaborative design efforts
22 with the City of Bisbee as we advance from preliminary to
23 final design. And if we could go to the next slide,
24 (indiscernible) like review that measure.

25 So this is contained. There's all these

1 commitments to collaborate with the city in advance in the
2 final design is incorporated in the mitigation measure, LL-
3 UM4, which is displayed here. The mitigation measure
4 recognizes the importance of housing and TOD to the city.
5 And also commits the Authority to work with the city to
6 advance a final design that both maximizes property
7 interest available first in Baylands adjacent to the LMF
8 and also meets the Authority's operational requirements.

9 Now these commitments are also stated in the
10 Draft Board Resolution, which directs staff to explore
11 joint design and planning opportunities with the City of
12 Brisbane when advancing from preliminary design for the
13 light maintenance facility to final design. And in order
14 to concurrently advance the two important statewide
15 priorities of high-speed rail and transit-oriented
16 development in the San Francisco to San Jose project
17 section broadly, and at the Baylands site specifically.

18 And I believe as we move this project forward, we
19 will certainly be ready and able. And we heard yesterday
20 as well as the city to work collaboratively to advance our
21 design for a successful project.

22 And with that, I would like to hand it back to
23 Boris Lipkin to discuss some additional elements of grade
24 separations.

25 MR. LIPKIN: Thank you, Gary.

1 And this is the last of the three main topics
2 that we wanted to cover. I think this is in follow-up to
3 Director Schenk some of your comments yesterday around sort
4 of the funding and opportunities with funding, how we can
5 support some of the local efforts around grade separations,
6 and what's been happening with that.

7 And so just to give a sense, grade separations
8 have been a key topic in the Caltrain Corridor for a very
9 long time. The corridor is 150 years old. There were plans
10 talking about fully grade-separating the corridor, going
11 back to at least the 1930s that I'm aware of. And over
12 time over the decades, what we've seen is this incremental
13 path of these grade-separation projects, slowly upgrading
14 the corridor right now between San Francisco and San Jose,
15 about two thirds of the crossings have been grade-
16 separated.

17 But just to give a sense of sort of the magnitude
18 of how much interest and demand is out there for these
19 grade-separation projects, in their business plan work
20 Caltrain estimated that if we took all the plans that
21 already in the works, that's between 30 and 32 grade
22 separations between San Francisco and Gilroy at a cost of
23 \$9 to \$10 billion altogether.

24 And again, just for grounding purposes to give a
25 couple of the last few that had been done in the corridor

1 there were three grade separations that were -- three roads
2 that were separated by raising up the rail tracks in San
3 Bruno in 2014. That added up to about \$165 million.

4 And then that we talked yesterday about the 25th
5 Avenue grade separation project, which was roughly \$206
6 million that was completed last year. That's the rebuilt
7 Hillsdale station that you can see on the image on the
8 right that was part of that project.

9 But how we've seen these projects generally come
10 about is by the leveraging of sources, usually the cities
11 have been the ones doing the planning and the effort to
12 really pursue these grade separation projects. But then
13 the funding has come from all levels of government, so of
14 course local, regional, state and sometimes even federal.
15 And if we go to the next slide I do think that the advocacy
16 and the push about grade crossings and grade separations is
17 hitting maybe an inflection point where new funding
18 opportunities have come online just in the last couple --
19 you know, a year or two even.

20 And so to give a few examples, on the federal
21 side we saw in the Bipartisan Infrastructure Law, the
22 Federal Railroad crossing elimination program is
23 specifically for grade separations. And that's a \$5.5
24 billion federal investment, which is the largest investment
25 of grade separations that at least I'm aware of, I'll say

1 it that way.

2 Similarly, in the CRISI program, which is has
3 been substantially increased in the Bipartisan
4 Infrastructure Law, that's another one. That's where
5 great, grade separations are eligible projects. That one
6 has about \$10 billion there. And we actually do have some
7 success in that one. The City of San Jose recently applied
8 for a CRISI grant to advance the planning and design work
9 for some of their grade separations that we were supportive
10 of. And we wrote letters and helped advocate for that
11 particular application. And they were awarded a grant by
12 the FRA in the last year.

13 Similarly, on the state side as part of the FY-
14 2223 budget, the Legislature and the Governor agreed on a
15 \$350 million general fund appropriation to support grade
16 separation projects across the state. That's the normal
17 kind of level of investment. And there's a Section 190
18 program, which has about 15 million a year. So this is a
19 big new investment from the state towards grade
20 separations, again I think acknowledging the need that's
21 out there.

22 And then, just to give you a little bit of the
23 regional context, there's been work both at the MTC level
24 in order to -- they've identified several crossings on the
25 Caltrain corridor as regional priority grade separation

1 projects and looking to pursue a variety of funding sources
2 for those.

3 And Caltrain's just beginning to undertake a
4 great crossing study to really help answer many of the
5 questions of with so many different projects what's the
6 right sequencing? What's the right prioritization? How do
7 all of these things align in the corridor or as these
8 projects move forward?

9 And I guess just the last thought is we've been
10 very supportive of all the grade separation efforts that
11 have been undertaken. We're certainly advocates and
12 partners in those efforts. And, you know, the big
13 questions are of course the dollar signs that are
14 associated with these projects. And we really see that
15 leveraging of funds and those key partnerships at all
16 levels of government as what's been successful to this
17 point. And what will likely be needed as these things move
18 forward.

19 So I think that's just to give a sense of maybe a
20 little bit more meat on the bones from what you're asking
21 about yesterday, Director Schenk?

22 BOARD MEMBER SCHENK: Yeah. Thanks, Boris.
23 Mainly, I'm glad to hear about the partnerships. That my
24 concern and look, it's going to cost a lot more money than
25 we or the Feds or anybody either have or are willing to

1 invest. But jointly, you know, I think the lead should be
2 at the local level for the most important grade crossings.
3 And we can be supportive as you described. So that's what
4 I'm looking for and glad to know that you're doing that.

5 MR. LIPKIN: That's exactly right.

6 BOARD MEMBER SCHENK: Yeah. As I say, they have
7 a lot more political clout than we do.

8 MR. LIPKIN: Definitely. And I think that's the
9 recap on the grade sub question. So I'll turn it back to
10 Serge for a summary and close out from yesterday's
11 conversation and then for this presentation.

12 MR. STANOVICH: Thanks, Boris, if we can just
13 advance to the last line?

14 Before closing, I want to spend a moment to
15 acknowledge that in the last few days, we received comments
16 from the public presenting information for consideration
17 before the board makes a final decision. We've been
18 working closely with our team of experts, both at the
19 Authority and outside environmental experts to closely
20 consider comments raised in the information presented.

21 As described yesterday, the Final EIR/EIS found
22 that this project would result in certain significant
23 environmental effects including conflicts with prior plans.
24 However, the project would also lead to significant
25 environmental benefits, to communities that many commenters

1 note as outweighing impacts. We believe the finally EIR/EIS
2 is served its function of identifying key stakeholders with
3 whom we must partner to refine design and develop the
4 project to minimize and avoid identified effects.

5 We have not identified any new information that
6 would warrant the staff to revise the environmental effects
7 were identified in our recommendation for the Board
8 approval. The Final EIR/EIS is a thorough analysis and
9 disclosure of the project that identifies alternatives to
10 the project and the potential environment. It identifies
11 all feasible mitigations to reduce these effects, and has
12 been prepared after extensive stakeholder coordination
13 going back to 2008, to find an appropriate balance to
14 deliver high-speed rail between San Francisco and San Jose.

15 While we did hear concerns, and the Authority
16 takes these concerns very seriously, we also heard from
17 many representatives supporting the project including San
18 Francisco Mayor, London Breed; State Senator Scott Wiener;
19 Caltrain Acting Executive Director Michelle Bouchard;
20 Senior Deputy Executive Officer for the Bay Area Air
21 Quality Management District, Damian Breen; the Bay Area
22 Council Silicon Valley Leadership Group; SPUR; and a
23 variety of other cities, transit agencies and labor,
24 business community, and transit advocacy organizations.

25 In closing, I'd like to restate to the Board that

1 the certification and approval completes a major milestone
2 began with Prop 1A begun in 2008. This project will be
3 transformative for the State of California and provide many
4 benefits for transportation, the economy, and the
5 environment. And provides leadership for the nation as we
6 continue to advance high-speed rail.

7 We recommend the Board certify the environmental
8 document, approve the project, and adopt the Findings of
9 Fact and Statement of Overriding Considerations, and the
10 Mitigation Monitoring and Enforcement Plan. And direct to
11 CEO to finalize and sign the Record of Decision. And that
12 concludes our presentation.

13 CHAIR RICHARDS: Thank you, gentlemen.

14 CEO Kelly, do you have any additional comments or
15 remarks? I'm not sure if he heard that or not.

16 MR. KELLY: I did, Tom, and I apologize. I do
17 not. I just had trouble getting back on. I do not have
18 any comment.

19 CHAIR RICHARDS: All right. Thank you.

20 All right, then with that do any Board Members
21 have questions for staff or management regarding what we've
22 been told today? (No audible response.) All right, I see
23 none.

24 BOARD MEMBER PEREA: Tom, the only thing I'd like
25 to say is just to thank staff for the work they did between

1 yesterday's meeting and today. I think they presented some
2 very thorough and clear information to us today to make our
3 decision.

4 CHAIR RICHARDS: Thank you, Director Perea.

5 Ladies and gentlemen, we're now going to move on
6 to the three agenda items that involve Board decisions.
7 The first two agenda Items 13 and 14 involve the Board in
8 its role as the California Environmental Quality Act. And
9 the third, Item 15, involves the Board in its role under
10 the National Environmental Policy Act. Since these are all
11 Board actions that have legal compliance elements to them
12 we'll have Counsel assist us in walking us through each one
13 of these.

14 I'll now turn this over to Chief Counsel Alicia
15 Fowler.

16 MS. FOWLER: Thank you, Chair Richards.

17 As the Board knows, the Authority has the benefit
18 of working with attorneys that have subject matter
19 expertise in the compliance with both state and federal
20 environmental laws. Our Authority Environmental Counsel,
21 who is within the Authority, is Minming Wu Morri who you
22 guys have had the opportunity to work with over the last
23 months. And we also have available today for your
24 questions, outside counsel Chris Stiles from the law firm
25 of Remy, Moose and Manley.

1 You are familiar with Ms. Wu Morri, who has
2 advised on the past on a number of our HSR projects
3 recently. But also comes to us with pretty extensive
4 experience from BART and from the USDOT and projects all
5 over the Bay Area. She will be walking us through the
6 Agenda Items 13, 14, and 15 today.

7 But Chris Stiles from Remy Moose Manley is also
8 available to answer questions on any of these items. He
9 has advised the High-Speed Rail along with his firm for
10 over a decade. And he also brings deep experience working
11 with cities and developers and is available to answer any
12 Board questions.

13 With that, and with Minming and Chris both
14 available, I will turn this over to Ms. Wu Morri. Thank
15 you.

16 MS. WU MORRI: Great, thank you Chief Counsel
17 Fowler.

18 Good afternoon members of the Board. I'm here to
19 walk you through the last three items. The first item,
20 agenda item is Number 13, which proposes approval of
21 Resolution Number 22-19, which proposes that the Board
22 certify the San Francisco to San Jose Project Section
23 Environmental Impact Report.

24 Before I go into that I just want to say a note
25 of an acknowledgement and thanks to our legal team, which

1 has really been superb in helping us develop this document
2 and the process. In particular, I'd just like to recognize
3 Christina Morkner Brown who was not able to be here today
4 from the Attorney General's Office. She was the Deputy
5 Attorney General that served on this particular project
6 section, Environmental Document. She's a former General
7 Counsel of the California Environmental Protection Agency,
8 CalEPA, as well as former counsel for the California Air
9 Resources Board.

10 So, in addition to Remy Moose Manley we have
11 Christopher Stiles here today. Christina and the Attorney
12 General's Office, really they've been superb in helping us
13 develop these documents.

14 So with that, this resolution proposes that the
15 Board find that the Final EIR is adequate as an
16 informational document on the project's potential
17 environmental effects.

18 The Board as you may remember, you've been
19 previously asked to undertake similar approvals for other
20 HSR project sections three other times in the past year in
21 April 2022, and January 2022, and in August of 2021.

22 This two-page resolution includes a number of
23 "whereas" recitals, which provide a summary of the history
24 of the development of the document and consideration of
25 stakeholder input. And then it is followed by three

1 findings proposed for your adoption.

2 The first finding is that the Final EIR/EIS has
3 been completed in compliance with CEQA, the California
4 Environmental Quality Act.

5 The second finding is that the Board has
6 considered the information in the Final EIR/EIS, as it has
7 been presented previously, both today as well as yesterday.
8 This document was made available to the Board two months
9 before this Board Meeting.

10 And then finally, the third finding is that
11 certification of the Final EIR/EIS represents your
12 independent judgments and analysis.

13 So with that introduction, and given the Board's
14 prior experience this year with EIR certification and what
15 it entails, I'll keep my remarks brief and defer to Chair
16 Richards for any further questions from members of the
17 Board.

18 CHAIR RICHARDS: Thank you, Ms. Wu Morri.

19 Do any members of the Board have questions for
20 Counsel? (No audible response.) Seeing none, we will move
21 on to the vote for Item 13.

22 BOARD MEMBER PEREA: I'd like to make a motion to
23 approve, Mr. Chairman, Item 13.

24 BOARD MEMBER GHIELMETTI: Second.

25 CHAIR RICHARDS: Okay, we have a motion by

1 Director Perea, a second by Director Ghielmetti.
2 Would the Secretary please read the roll.
3 MR. RAMADAN: Director Schenk?
4 BOARD MEMBER SCHENK: Yes.
5 MR. RAMADAN: Chair Richards?
6 CHAIR RICHARDS: Yes.
7 MR. RAMADAN: Director Camacho?
8 BOARD MEMBER CAMACHO: Yes.
9 MR. RAMADAN: Vice Chair Miller? (No audible
10 response.) Vice Chair Miller?
11 VICE CHAIR MILLER: (No audible response.)
12 MR. RAMADAN: Director Perea?
13 BOARD MEMBER PEREA: Yes.
14 MR. RAMADAN: Director Ghielmetti?
15 BOARD MEMBER GHIELMETTI: Yes.
16 MR. RAMADAN: Director Escutia?
17 BOARD MEMBER ESCUTIA: Yes.
18 MR. RAMADAN: Director Williams?
19 BOARD MEMBER WILLIAMS: Aye.
20 MR. RAMADAN: Director Pena?
21 BOARD MEMBER PENA: Yes.
22 MR. RAMADAN: Mr. Chairman, the motion carries.
23 Thank you, Mr. Secretary.
24 Moving on, colleagues, to Item Number 14. Ms. Wu
25 Morri, can you please briefly walk the Board through this

1 item and the proposed resolution?

2 MS. WU MORRI: Thank you, Chair Richards.

3 So the Board has voted to certify the
4 Environmental Impact Report as a document that adequately
5 informs the public of the project's environmental effects.
6 Certification is a prerequisite to project approval, but
7 it's not the project approval itself.

8 This second resolution, if adopted would approve
9 the Preferred Alternative, the alternative that was
10 identified as preferred by this Board in 2019, between 4th
11 and King Streets in San Francisco, and Scott Boulevard in
12 Santa Clara, as the San Francisco-San Jose project section.

13 Approval would involve Board approval of related
14 documents, which are attached to the resolution and
15 identified in Section 1. And these are three documents.

16 First, the CEQA Findings of Fact, which describes
17 all feasible mitigation measures that have been identified
18 to reduce potential effects, significant effects that have
19 also been identified in the Findings of Fact that might
20 result in the project. And then also any residual,
21 significant effects that might remain after application of
22 the mitigation measures.

23 The second is the statement of overriding
24 considerations, which while it recognizes that the project
25 may lead to some environmental effects as identified, it

1 also identifies the policy benefits of the project that
2 you've heard about these from staff over the past -- over
3 to yesterday in the past, and today over the past two days.
4 And this statement states that the project, that these
5 policy benefits if implemented, would outweigh the
6 project's residual significant environmental effects.

7 And finally, the last document is the Mitigation
8 Plan. The Board would adopt proposed mitigations
9 identified in order to reduce, avoid, and minimize the
10 significant effects that have been identified.

11 Section 2 approves a portion of the Preferred
12 Alternative that's identified in the map attached in the
13 resolution. And then also described by staff in their
14 prior presentations.

15 And finally, Section 3 directs the staff to
16 undertake a number of next steps if the Board were to
17 approve this project. These steps largely direct staff to
18 continue working with corridor stakeholders to advance the
19 project. And there are two specific directions that are
20 proposed to continue working with the cities of Millbrae
21 and the cities of Brisbane to ensure that staff explore all
22 joint design and planning opportunities that might be
23 available and of interest to these cities in order to
24 advance the project.

25 And with that, I defer to Chair Richards if there

1 any questions from the Board regarding this proposed
2 resolution.

3 CHAIR RICHARDS: Thank you, Ms. Wu Morri for the
4 explanation.

5 For Item 14, Members of the Board are there any
6 questions for Agenda Item 14?

7 BOARD MEMBER GHIELMETTI: Move.

8 CHAIR RICHARDS: All right. Do we have a --

9 BOARD MEMBER ESCUTIA: I second.

10 CHAIR RICHARDS: Do we have a motion for
11 approval?

12 BOARD MEMBER GHIELMETTI: Move approval.

13 BOARD MEMBER ESCUTIA: Second.

14 CHAIR RICHARDS: Okay, we have a motion from
15 Director Ghielmetti, a second I believe from Director
16 Escutia.

17 Mr. Secretary, please call the roll.

18 MR. RAMADAN: Thank you, Mr. Chairman.

19 Director Schenk?

20 BOARD MEMBER SCHENK: Yes.

21 MR. RAMADAN: Chair Richards?

22 CHAIR RICHARDS: Yes.

23 MR. RAMADAN: Director Camacho?

24 BOARD MEMBER CAMACHO: Yes.

25 MR. RAMADAN: Vice Chair Miller?

1 VICE CHAIR MILLER: (No audible response.)

2 MR. RAMADAN: Director Perea?

3 BOARD MEMBER PEREA: Yes.

4 MR. RAMADAN: Director Ghielmetti?

5 BOARD MEMBER GHIELMETTI: Yes.

6 MR. RAMADAN: Director Escutia?

7 BOARD MEMBER ESCUTIA: Yes.

8 MR. RAMADAN: Director Williams?

9 BOARD MEMBER WILLIAMS: Aye.

10 MR. RAMADAN: Director Pena?

11 BOARD MEMBER PENA: Yes.

12 MR. RAMADAN: Mr. Chairman, the motion carries.

13 CHAIR RICHARDS: Thank you, Mr. Secretary.

14 And we will now move on to our last agenda item
15 colleagues, Number 15. And this involves NEPA, the
16 National Environmental Policy Act. And Ms. Wu Morri, can
17 you walk us through Item 15?

18 MS. WU MORRI: Thank you, Chair Richards. Item
19 15 proposes adoption of Resolution 22-21, which proposes
20 and which would direct the CEO to execute a Record of
21 Decision consistent with the National Environmental Policy
22 Act of 1969.

23 So, as the Board knows the Authority was assigned
24 the federal responsibilities of serving as lead agency
25 pursuant to NEPA, the National Environmental Policy Act, in

1 2019. And so with those assigned responsibilities we have
2 the responsibility to ensure NEPA compliance. And once
3 issued, issue a Record of Decision reflecting our decisions
4 regarding the NEPA environmental decision document.

5 So this NEPA Record of Decision, the proposed
6 draft is attached to the resolution. And the draft
7 includes a number of NEPA-specific findings with respect to
8 environmental justice, the protection of historic cultural
9 legal tribal resources, Clean Air Act conformity.

10 It also describes alternatives considered.
11 You've heard about those from staff. And the state's the
12 proposed decision, which would be to adopt the project
13 section, which you've adopted under CEQA.

14 Finally, this resolution directs the staff to
15 undertake the same series of next steps identified in the
16 CEQA Resolution.

17 So with those remarks, I defer to the Chair for
18 any questions from the Board on this Final Proposed
19 Environmental Resolution for the San Francisco to San Jose
20 project section.

21 CHAIR RICHARDS: Thank you again, Ms. Wu Morri.
22 Any questions for Counsel from any of our
23 members?

24 BOARD MEMBER SCHENK: No. Move approval.

25 BOARD MEMBER CAMACHO: Second.

1 CHAIR RICHARDS: Okay, we have a motion by
2 Director Schenk, a second by Director Camacho.
3 Secretary, please call the roll.
4 MR. RAMADAN: Thank you, Mr. Chairman.
5 Director Schenk?
6 BOARD MEMBER SCHENK: (Indiscernible) vote yes.
7 MR. RAMADAN: Chair Richards?
8 CHAIR RICHARDS: Yes.
9 MR. RAMADAN: Director Camacho?
10 BOARD MEMBER CAMACHO: Yes.
11 MR. RAMADAN: Vice Chair Miller?
12 VICE CHAIR MILLER: (indiscernible)
13 MR. RAMADAN: Director Perea?
14 BOARD MEMBER PEREA: Yes.
15 MR. RAMADAN: Director Ghielmetti?
16 BOARD MEMBER GHIELMETTI: Yes.
17 MR. RAMADAN: Director Escutia?
18 BOARD MEMBER ESCUTIA: Yes.
19 MR. RAMADAN: Director Williams?
20 BOARD MEMBER WILLIAMS: Aye.
21 MR. RAMADAN: Director Pena?
22 BOARD MEMBER PENA: Yes.
23 MR. RAMADAN: Mr. Chairman, the motion carries.
24 CHAIR RICHARDS: Thank you, Mr. Secretary.
25 Ladies and gentlemen this concludes the three

1 actions, items that we have for the San Francisco to San
2 Jose project section.

3 I'd like to thank the public for the provision,
4 or providing their comments. Thanks to staff and
5 management for the work. Thank my colleagues on this Board
6 for the inordinate amount of time it takes to go through
7 the documents, and to provide the thought and consideration
8 necessary to come to a conclusion on the items. I think,
9 beyond anything else I'm very, very proud to be associated
10 with all of you.

11 BOARD MEMBER SCHENK: And we thank you, Tom, for
12 your leadership. For all the many countless hours you have
13 volunteered to shepherd this, to work with our staff and
14 the public. So I know I speak for all of our colleagues
15 when I say thank you, thank you, thank you.

16 CHAIR RICHARDS: You're very kind, but as you all
17 know I've only been following you. (Laughter.) I think
18 you've got about twice as much time on this than as I do,
19 maybe more. But anyway, thank you, Lynn.

20 I would like to just also for a moment, I believe
21 that Director Perea would like to make a comment.

22 BOARD MEMBER PEREA: Yes. Thank you, Mr.
23 Chairman. And also too I wanted to thank you for your
24 leadership and, of course, staff for all the great work
25 they've done to get us where we are today on that segment.

1 So I think it was two big days.

2 But I did want to just briefly mention last night
3 it came to my attention, and I spoke with Counsel this
4 morning about it, about one of the items that we dealt with
5 yesterday. So I just wanted to read something into the
6 record.

7 We voted yesterday on Item 6 to award a design
8 services contract for the Merced to Madera project. I
9 learned last night that a family member worked for one of
10 the subconsultants proposed to work on this design services
11 contract, a company called Chi-K (phonetic). My family
12 member is an adult and not a dependent and so I do not have
13 a financial interest with this member's employment, so
14 therefore there is no conflict.

15 But to avoid even the perception of conflict, I
16 wanted to mention this in today's meeting and put it on the
17 record. Thank you.

18 CHAIR RICHARDS: Thank you, Director Perea.

19 I guess just again, I mean this is really a
20 momentous amount of event and work behind it to get to
21 where we are today with an environmentally cleared project
22 from the Bay Area through to the Central Valley.

23 If nothing else, what it does is it really
24 prepares and moves this entire project forward towards
25 construction, with of course a very important component of

1 generating the amount of capital that's necessary to get
2 the job done. But for the State of California it really
3 provides the basis for a project that's ready to do just
4 that.

5 And so I know this has been a massive undertaking
6 with regards to the environmental by our CEO, both when he
7 more or less was beating us on the head a little bit when
8 he was still a secretary, but certainly for these last
9 four-plus years. Walking into this job in and recognizing
10 the absolute importance of clearing this project
11 environmentally.

12 So Brian, you deserve a great amount of respect
13 and accommodation for having done that. And you brought a
14 team that made it happen, and it's not lost on any of us on
15 this Board. We thank you. And we thank all of those who
16 worked so hard to get us to where we are. This day is
17 massively important for the project.

18 And from those of us down in the Central Valley,
19 and those up in the Bay Area, we would only say to Southern
20 California, "We're on our way." Here we go.

21 With that, if we have nothing else thank you all
22 very much for your hard work for the last two days. We'll
23 see you on September the 15th, so probably talk to some of
24 you before.

25 All of that being said the meeting is adjourned,

1 and thank you again.

2 BOARD MEMBERS: Thank you, Tom. Thank you.

3 (The California High-Speed Rail Authority

4 adjourned at 12:49 p.m.)

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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of August, 2022.



MARTHA L. NELSON, CERT**367

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Myra Severtson
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