

RESOLUTION NO. 14-034

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 APPROVING THE
REDLANDS PASSENGER RAIL PROJECT WITH THE LOCALLY PREFERRED
ALTERNATIVE

(State Clearinghouse Number 2012041012)

WHEREAS, the San Bernardino Associated Governments (SANBAG) acting in its capacity as the San Bernardino County Transportation Commission (Commission) is proposing the implementation of the Redlands Passenger Rail Project (RPRP or project); and

WHEREAS, SANBAG acting on behalf of the Commission as the lead agency has prepared a Final Environmental Impact Report (FEIR), State Clearinghouse Number 2012041012, that analyzes the potentially significant environmental effects of the Project, and

WHEREAS, a Notice of Preparation ("NOP") of the Draft EIR was filed with the State Clearinghouse on April 10, 2012 and was circulated for public comments from April 10, 2012 and May 12, 2012. Notices for the NOP were mailed to other agencies (local and Federal) and to adjacent property owners. Notices for the NOP were posted on April, 1, 2012 at the San Bernardino County Clerk, at City Hall, the Community Center, Senior Center, and the City website. Comments were received on the NOP and were subsequently incorporated into the Draft EIR; and

WHEREAS, two public scoping meetings were held during NOP review period on April 24, 2012, at the ESRI Café, 380 New York Street, Redlands, CA, and on May 2, 2012, at the San Bernardino Hilton, 285 East Hospitality Lane, San Bernardino, CA; and

WHEREAS, a Notice of Completion ("NOC") and copies of the Draft EIR (DEIR) were distributed to the State Clearinghouse on August 6, 2014 as well as local and State responsible and trustee agencies. The comments of such persons and agencies were sought, including by direct communication to agency staff; and

Whereas, two public meetings were held during the DEIR public comment period on September 4, 2014, at the ESRI Café, 380 New York Street, Redlands, and on September 9, 2014, at the Hotel, 285 East Hospitality Lane, San Bernardino, CA;

WHEREAS, the FEIR was made available and distributed to commenters on the DEIR on February 20, 2015, incorporating the 67 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 Commission has selected the Preferred Project Alternative combined with Design Options 2 (Use of Existing Layover Facilities) and 3 (Waterman Avenue Rail Station) as the Locally Preferred Alternative (LPA);

WHEREAS, the Commission has selected the integration of a diesel multiple unit (DMU) as the preferred vehicle option for inclusion in the LPA;

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 permanent increases in ambient noise levels, temporary construction-related noise, physical division of established communities (with sound barriers), degradation of the visual character of the corridor (from sound barriers) and the placement of project infrastructure within a 100-year flood zone that cannot be feasibly mitigated to less-than-significant levels; and

WHEREAS, the Commission has executed a Memorandum of Understanding (MOU), dated February 4, 2015, with the Cities of Redlands and San Bernardino to facilitate the implementation of quiet zones thereby avoiding significant, unmitigable environmental effects of the Project related to the division of established communities and degradation of the visual character of the study; and

WHEREAS, the Commission has balanced the benefits of the Project against the remaining 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 DEIR would be prepared for the Project. The following environmental impacts were not considered potentially significant as described in Section 5.4 of the DEIR, and were not addressed in detail in the FEIR: agriculture and forest resources, mineral resources, and utilities and service systems.

- (b) Consistent with Sections 15091 and 15092 of the State CEQA Guidelines, and as detailed in the FEIR, the Commission finds that there are no significant impacts for air quality and global climate change and energy as described in Sections 3.5.3 and 3.11.3 of the FEIR.

SECTION 3. Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines, the Commission finds that 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 complete mitigation measures as set forth in the applicable sections of Chapter 3 of the FEIR are described in the corresponding subsections of this Section 3 of this resolution and are cross-referenced, as appropriate, for other resources areas. The remaining unavoidable significant effects cannot be fully mitigated but are nevertheless found to be acceptable due to overriding considerations, discussed in Section 6.

- (a) The FEIR determined that without mitigation the Project could result in significant adverse impacts on related to incompatibilities of the Project adjacent land uses and zoning 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 3.2, 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 resulting from land use incompatibilities during construction and operation of the Project.

TR-1: Prepare a Traffic Management Plan

VQA-1: Screening of Construction Staging Areas

VQA-2: Enhance Exterior Appearance of Structural Facilities

VQA-3: Tree Replacement

VQA-4: Sound Barrier Screening and Surface Treatments

VQA-5: Minimize Exterior Lighting in Adjacent Uses

NV-1: Employ Noise-Reducing Measures during Construction

NV-2: Prepare a Community Notification Plan for Project Construction

NV-3: Establish Quiet Zones

NV-4: Construct Sound Barriers

NV-6: Use Ballast Mats, Resiliently Supported Ties, or Measures of Comparable Effectiveness on Portions of the Rail near Sensitive Receivers

- (b) The FEIR determined that without mitigation the Project could degrade the social or physical character of the community or quality of life of nearby neighborhoods 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 the degradation of the

social or physical character of the community or quality of life of nearby neighborhoods during Project construction and operation.

TR-1: Prepare a Traffic Management Plan

VQA-1: Screening of Construction Staging Areas

NV-2: Prepare a Community Notification Plan for Project Construction

NV-3: Establish Quiet Zones

- (c) The FEIR determined that without mitigation the Project could result in displacement of residences and businesses and related structures 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 resulting from displacement of residences and businesses.

LU-1: Minimize Project Land Requirements and Comply with Federal and State Relocation Laws. As part of final design, SANBAG shall maximize opportunities to minimize the Project's land requirements and associated property acquisition. In instances where avoidance is not feasible, SANBAG shall provide just compensation consistent with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act and California Relocation Act. If the acquisition of one or more properties requires relocation of existing residences or businesses, SANBAG shall provide relocation assistance to residential and business tenants prior to the start of construction.

- (d) The FEIR determined that without mitigation the Project could result in significant adverse impacts on traffic and circulation 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 traffic and circulation during construction and operation.

TR-1: Prepare a Traffic Management Plan. SANBAG shall prepare a Traffic Management Plan prior to the start of construction, and the provisions of the Traffic Management Plan shall be implemented prior to, and during construction, as appropriate, to address traffic considerations of pedestrian and bicycle access and safety, and vehicular flow. The objective of the Traffic Management Plan will be to reduce construction related effects to traffic, non-motorized forms of transportation (e.g., bicycle and pedestrians), and existing public transit (e.g., buses) and will include the following:

- Construction detour plans and designated construction truck access routes for each phase of construction;
- Maintain maximum travel lane capacity to the greatest extent possible during construction periods and provide advanced notice to drivers of roadway changes or closures;
- Signage indicating the construction limits, access routes, and entrances to individual business sites and community facilities that may be affected by construction activities. In addition, the construction contractor would supply “open for business” signs to encourage normal business activity during construction;
- Pre-planning, outreach, and signage indicating pedestrian and bicycle routes detours;
- Coordination with public transit service providers, as necessary;
- Heavy trucks and other construction transport vehicles shall avoid the busiest commute hours to the greatest extent possible (weekdays 7 a.m. to 8 a.m. and 5 p.m. to 6 p.m.) and high traffic intersections ((Greater than 10,000 ADT) – 6:30 a.m. to 8:30 a.m. and 4:30 p.m. to 6:30 p.m.);
- Early notification to emergency service providers and area drivers of any road closures or detours and the timeframes of the closures or detours. This information will be posted in a local newspaper, via SANBAG’s web site and will be updated on a monthly basis;
- Coordination with the Cities of San Bernardino, Loma Linda, and Redlands for community events in the area to accommodate crowds and road closures;
- Pavement damage resulting from project construction will be repaired prior to the completion of construction; and
- SANBAG shall maximize opportunities for coordinated construction and installation of improvements that occurs outside the SANBAG ROW with the Cities of San Bernardino, Loma Linda, and Redlands to the greatest extent practicable.

TR-2: Existing LOS and V/C Year 2018 and 2038 Impact Roadway

Improvements. As part of the Project construction, SANBAG shall coordinate with the appropriate agency in which the intersection improvement is located (Cities of San Bernardino, Loma Linda, Redlands, or Caltrans) to pay SANBAG’s “fair share” of the identified roadway improvements prior to the start of operations of the Project in 2018:

- California Street and I-10 Eastbound Off-Ramp – SANBAG shall coordinate with Caltrans to fund its fair share of construction for a ramp improvement to include a right-turn pocket. The existing right-turn lane will become a shared right-turn lane to accommodate the high number of right turns. The improvements will include replacing existing pedestrian and bicycle facilities, where present.

SANBAG shall provide its fair share for the funding of the following improvements prior to the year 2038:

- California Street and I-10 West On-Ramp – SANBAG shall coordinate with Caltrans to fund its fair share to the construction of a dual southbound right and a dual northbound left turn pocket. The improvements will include replacing existing pedestrian and bicycle facilities, where present.
 - Alabama Street and Industrial Avenue – SANBAG shall coordinate with the City of Redlands to stripe an exclusive westbound right turn lane with 50-feet of storage to accommodate a high number of right turns. The improvements will include replacing existing pedestrian and bicycle facilities, where present.
- (e) The FEIR determined that without mitigation the Project could conflict with the County Congestion Management Plan (CMP) 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 related to conflicts with the CMP during construction.

TR-1: Prepare a Traffic Management Plan

- (f) The FEIR determined that without mitigation the Project could result in significant adverse impacts related to new or increased hazards on local roadways 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 new or increased hazards on local roadways.

TR-1: Prepare a Traffic Management Plan

TR-3: Approval from CPUC for Grade Crossings and Safety Measures.

SANBAG shall coordinate with the CPUC prior to the start of construction for re-design and/or closure of all grade crossings to ensure that all grade crossings and safety improvements comply with CPUC standards. SANBAG shall provide verification to the CPUC that all rail safety measures identified in the hazard analysis as part of the "formal application" or "GO 88-B" authorization" from CPUC have been installed.

TR-4: Recommended Pre-Signals for Queuing. Prior to the start of operations (as determined through reevaluation in 5-year increments, pre-signals shall be implemented at the following grade crossing locations and shall be operational prior to the start of 2018:

- Eastbound I-10 Ramps and California Street crossing;

- Industrial Park Avenue and Alabama Street crossing; and
- Redlands Boulevard and Tennessee Street crossing.

Prior to 2038 and if warranted based on future intersection operations (as determined through reevaluation in 5-year increments by SANBAG following procedures in the Los Angeles Metropolitan Transportation Authority (MTA) Grade Crossing Policy for Light Rail Transit), pre-signals will be implemented at the following grade crossing locations:

- Waterman Avenue and Orange Show Road Crossing (Northbound Approach);
- Orange Show Road and Waterman Avenue Crossing (Eastbound Approach);
- Redlands Boulevard and California Street Crossing; and
- Redlands Boulevard and Alabama Street Crossing.

- (g) The FEIR determined that without mitigation the Project could result in significant adverse impacts on emergency response 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.

TR-1: Prepare a Traffic Management Plan

TR-2: Existing LOS and V/C Year 2018 and 2038 Impact Roadway Improvements

TR-3: Approval from CPUC for Grade Crossings and Safety Measures

TR-4: Recommended Pre-Signals for Queuing

- (h) The FEIR determined that without mitigation the Project could result in significant adverse impacts on alternative transportation, including non-motorized transportation, 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 alternative transportation, including non-motorized transportation, during construction and operation of the Project.

TR-1: Prepare a Traffic Management Plan

TR-5: Transit Operations Realignment. SANBAG will work with affected transit service providers as part of their service realignment process (or major service change) to maximize transit efficiencies offered by interfacing existing transit service

with Project operations. SANBAG shall develop a transit integration plan in coordination with local transit service providers to establish a framework for service integration. The plan shall, at a minimum, include an approach or strategy for coordinating existing transit scheduling with proposed train operations, maximizing route interfaces with the proposed station locations, and optimizing existing transit routes to minimize duplication in service.

PCS-1: Coordinate Trail Planning with Local Jurisdictions. SANBAG will implement the following activities to minimize Project-related conflicts with proposed trails:

- Santa Ana River Trail - SANBAG shall coordinate final design and construction of Bridge 3.4 with the San Bernardino County Department of Public Works, Transportation Design Division, and Parks and Recreation Department to integrate the trail as contemplated in SANBAG's Non-Motorized Transportation Plan (2011) (NMTP), so as to maintain its planned future continuity along the Santa Ana River. If the trail is constructed and operational in advance of the bridge structure, SANBAG will maintain trail access during the course of construction, to the extent feasible. In instances, where trail closures are required the construction contractor will be required to minimize the duration of the closure and support the County with any noticing, outreach, or implementation of temporary detours.
- Orange Blossom Trail - SANBAG shall update the NMTP (2011) as part of its next cycle update, to include the realignment of the trail segment of the Orange Blossom Trail that is currently shown as being located within the railroad right-of-way, so as to not conflict with the proposed project. SANBAG will coordinate with the City of Redlands and the County Flood Control District to determine available rights-of-way for the placement of the trail and, if necessary, realign the trail to take advantage of connections via existing roadway and other public right-of-ways.

- (i) The FEIR determined that without mitigation the Project could result in significant adverse impacts on the visual character of the study area 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 the visual character of the study area.

VQA-1: Screening of Construction Staging Areas. For construction staging areas within 500 feet of a residence, park, or educational facility, the contractor will be required to shield the staging area to the extent feasible and coordinate with the local jurisdiction regarding the type and method of screening, which may include but is not limited to, the use of fence slats, netting, or mesh or tarps. SANBAG shall limit construction to daylight hours to the extent possible. If nighttime lighting or

construction is necessary, the SANBAG shall ensure that unshielded lights, reflectors, or spotlights are not located and directed to shine toward or be directly visible from adjacent properties or streets. To the extent possible, SANBAG shall minimize the use of nighttime construction lighting within 500 feet of existing residences. This measure shall be identified on grading plans and in construction contracts.

VQA-2: Enhance Exterior Appearance of Structural Facilities. The external appearance of the stations and layover facility, including the choice of color and materials, shall seek to reduce the visual impact of these facilities on adjacent land uses. Bright reflective materials and colors shall be avoided. As appropriate, the exterior design of these facilities should follow design guidelines provided in applicable land use plans. Minimum exterior design requirements shall include, but are not limited to, the following:

- Painting (with earth-colored tones) of structural façades to blend with surrounding land uses;
- Maximize the use of textured or other non-reflective exterior surfaces and non-reflective glass to prevent glare;
- Use of fencing or structural materials, shall be similar to those used by nearby land uses and compatible with surrounding architecture;
- Development of a landscaping plan for each station and layover facility site that uses a combination of locally derived native vegetation, earthen features (e.g., boulders), and, if appropriate, topographical separations (e.g., berms) to maximize site appearance and shield the new facilities from nearby sensitive receptors to the extent feasible; and
- Clustering of structural facilities to maximize open space buffering.

SANBAG shall coordinate final design plans with the Cities of San Bernardino and Redlands prior to final approval.

VQA-3: Tree Replacement. Prior to construction, SANBAG shall have a registered arborist conduct a tree survey to identify native and ornamental trees requiring removal outside SANBAG's ROW. The arborist will identify measures to avoid and minimize indirect impacts on trees, where feasible, and develop a plan for the replacement of trees that cannot be avoided. The plan will include planting and irrigation design details and a weaning schedule for the establishment period. Trees with a diameter at breast height of 6 inches or greater will be replaced at a minimum ratios of 1:1 and consistent with City of Redlands and San Bernardino standards.

VQA-4: Sound Barrier Screening and Surface Treatments. To reduce effects associated with the sound walls, where SANBAG ROW widths allow, drought tolerant landscaping (i.e., trees, vines, and/or shrubs) shall be provided. If the SANBAG ROW width is insufficient to permit landscaping or if landscaping cannot adequately reduce visual impacts, surface treatments that are compatible with

surrounding architecture shall be applied to the outside of the sound walls (residential or school facing side). Architectural detailing such as pilasters, wall caps, interesting block patterns, and offset wall layouts shall be used to add visual interest and reduce apparent height of the walls. SANBAG shall coordinate the final design plans with the Cities of San Bernardino and Redlands, as applicable, prior to final approval.

- (j) The FEIR determined that without mitigation the Project could result in significant adverse impacts as result of nighttime lighting and daytime glare 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 nighttime lighting and daytime glare during construction and operation of the Project.

VQA-1: Screening of Construction Staging Areas

VQA-3: Tree Replacement

VQA-5: Minimize Exterior Lighting in Adjacent Uses. To prevent unintended spillover of lighting, lighting fixtures constructed or relocated as part of the Project shall be oriented and focused onto the specific on-site location intended for illumination (e.g., parking lots) and shielded away from adjacent sensitive uses (e.g., schools, residential properties) and public rights of way to minimize light spillover onto off-site areas. New driveways shall be located and oriented into parking lots, to the extent feasible, in a manner that will not result in headlights from vehicles entering or exiting the parking areas oriented directly at off-site sensitive uses. SANBAG shall coordinate the final design plans with the Cities of San Bernardino and Redlands, as applicable, prior to final approval.

- (k) The FEIR determined that without mitigation the Project could result in significant adverse vibration impacts 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 vibration impacts on noise sensitive land uses during construction and operation of the Project.

NV-1: Employ Noise-Reducing Measures during Construction

NV-2: Prepare a Community Notification Plan for Project Construction

CUL-1: Structural Evaluations

NV-6: Use Ballast Mats, Resiliently Supported Ties, or Measures of Comparable Effectiveness on Portions of the Rail near Sensitive Receivers.

SANBAG shall install track design specifications as part of project design to include the use of ballast mats or resiliently supported ties on portions of the track near sensitive receivers to minimize project-related ground-borne vibration and wheel rail noise generated when the trains pass sensitive receivers. The actual measures and their corresponding placement will be determined following more detailed vibration testing and analysis during final engineering design.

- (l) 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, federally and state listed wildlife species, during construction.

BIO-1: Pre-Construction Survey - Conduct Preconstruction Survey for Special Status Plants and Wildlife and, if Found, Implement Avoidance and Compensation Measures. Prior to construction, a qualified biologist retained by SANBAG shall conduct pre-construction surveys for special status plant species including woolly star, slender-horned spineflower, smooth tarplant, and salt spring checkerbloom. Pre-construction surveys will also be required for special status wildlife species including least Bell's vireo, southwestern willow flycatcher, San Bernardino kangaroo rat, yellow-billed cuckoo, burrowing owl, and western spadefoot toad to verify presence or absence in the Project area. If one or more species are detected, then SANBAG shall consult with the USFWS (or CDFW if appropriate) to develop additional minimization measures prior to project construction (if necessary). These additional measures may include construction timing restrictions and/or construction monitoring.

BIO-2: Least Bells Vireo (LBV). The following measures will be implemented to minimize direct and indirect impacts to LBV during construction:

- a. Impacts associated with clearing and grubbing of Southern Cottonwood Willow Riparian Forest (SCWRF) and Southern Willow Scrub (SWS) will be timed to avoid the breeding season of the least Bell's vireo (March 15 to September 15), unless SANBAG provides survey documentation to USFWS that confirms the riparian habitat is not occupied by LBV.
- b. Temporary impact areas will be restored to pre-grade contours following bridge construction. Natural recruitment is anticipated to occur rapidly due to the large amount of intact native riparian habitat that will remain as a seed source. Additionally, the riparian habitat being impacted is adapted to frequent disturbance. The individual species making up the community tend to have large quantities of seeds and very rapid growth that promote rapid re-

establishment. Container planting and seeding has not been proposed due to potential conflicts with County Flood Control Maintenance requirements, high risk of plant material being washed out during subsequent storm events and potential conflicts with future Santa Ana River Trail construction. For erosion control purposes, temporarily impacted areas outside of the active floodplain will be hydroseeded with native grasses and shrubs.

- i. The temporarily impacted SCWRF and SWS habitat will be monitored annually for five years, until LBV is documented using the re-established habitat or until habitat attains 80 percent cover including both shrub and overstory stratum. If recruitment of SCWRF and SWS species is not evident within two years of project construction or habitat has not attained 60 percent cover within three years, impacts will be treated as permanent and additional mitigation for areas not meeting success criteria shall be provided through in-lieu fee payment to an appropriate mitigation bank for enhancement, restoration or establishment of LBV habitat at a ratio of 1:1.
- ii. Temporary direct impacts to potentially suitable LBV habitat will be mitigated as follows: The temporal loss of occupied LBV habitat resulting from temporary removal of SCWRF associated with the Mission Zanja Channel shall be mitigated through in-lieu fee payment to an appropriate mitigation bank for enhancement, restoration or establishment of LBV habitat at a ratio of 3:1. The temporal loss of suitable unoccupied LBV habitat resulting from temporary removal of SCWRF and SWS shall be mitigated through in-lieu fee payment to an appropriate mitigation bank for enhancement, restoration or establishment of LBV habitat at a ratio of 2:1.
- c. Permanent direct impacts to occupied LBV habitat (SCWRF) shall be mitigated at a ratio of 3:1 through in-lieu fee payment to an appropriate mitigation bank for enhancement, restoration and/or creation of LBV habitat within the Santa Ana River watershed.
- d. If active LBV nests are identified during pre-construction surveys and noise levels at the nest exceed 60 dBA Leq, noise attenuation structures will be placed or other noise attenuation measures (e.g., reducing the number of construction vehicles or using different types of construction vehicles) will be implemented to reduce noise levels at the nest to 60 dBA Leq (or ambient noise level if greater than 60 dBA Leq). During construction adjacent to these areas, noise monitoring shall occur during the LBV breeding season and be reported daily to USFWS. Construction activities that create noise in excess of the aforementioned levels will cease operation until effective noise attenuation measures are in place to the extent practicable.

BIO-3: MBTA Covered Species. Prior to habitat removal during the avian breeding season (February 15-August 31), a qualified biologist shall conduct a pre-construction nest survey (in suitable areas) no more than 3 days prior to ground

disturbing activities for migratory birds. Pre-construction surveys will be performed year-round between MP 3.3 and 4.0 with the timing and implementation done in coordination with the CDFW and USFWS. Should an active nest of any MBTA covered species occur within or adjacent to the project impact area, a 100-foot buffer (300 feet for raptors) shall be established around the nest and no construction shall occur within this area until a qualified biologist determines the nest is no longer active or the young have fledged.

BIO-4: Protection of Sensitive Plants and Habitats. SANBAG shall require the construction contractor to implement the following measures to protect sensitive plants and habitats during project-related construction.

- SANBAG shall designate an approved biologist (project biologist) who will be responsible for overseeing compliance with protective measures for the biological resources during clearing and work activities within and adjacent to areas of native habitat. The project biologist will be familiar with the local habitats, plants, and wildlife and maintain communications with the contractor to ensure that issues relating to biological resources are appropriately and lawfully managed. The project biologist will review final plans, designate areas that need temporary fencing, and monitor construction. The biologist will monitor activities within designated areas during critical times such as vegetation removal, the installation of Best Management Practices (BMPs) and fencing to protect native species, and ensure that all avoidance and minimization measures are properly constructed and followed.
- Project employees and contractors that will be on-site shall complete environmental worker-awareness training conducted by the project biologist. The training will advise workers of potential impacts to the sensitive habitat and listed species and the potential penalties for impacts to such habitat and species. At a minimum, the program will include the following topics: occurrences of the listed species and sensitive vegetation communities in the area, a physical description and their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of Federal and State laws, reporting requirements, and work features designed to reduce the impacts to these species; and to the extent practicable, promote continued successful occupation of areas adjacent to the work footprint. Included in this program will be color photos of the listed species, which will be shown to the employees. Following the education program, the photos will be posted in the contractor and resident engineer's office, where they will remain through the duration of the work. Photos of the habitat in which sensitive species are found will also be posted on-site. The contractor will be required to provide SANBAG with evidence of the employee training (e.g., sign in sheet or stickers) upon request. Employees and contractors will be instructed to immediately notify the project biologist of any incidents, such as construction vehicles that move outside of the work area boundary. The project biologist will be responsible for notifying the USFWS within 72 hours of any similar incident.

- Prior to construction, SANBAG shall delineate the construction area (including staging and laydown areas) between Mile Posts 3.3 and 4.0 and erect exclusionary construction fencing along the perimeter of the identified construction area to protect adjacent sensitive habitats (SWS, SCWRF, RAFSS, and Santa Ana woolly star). Limits of the exclusionary fencing shall be confirmed by the project biologist prior to habitat clearing. Exclusionary fencing shall be maintained throughout the duration of construction work from Mile Posts 3.3 to 4.0. Exclusionary fencing can be removed at the conclusion of construction work as approved by the project biologist.

All construction-related vehicles and equipment storage shall occur in the construction area and/or previously disturbed areas as approved by the project biologist. Project-related vehicle traffic shall be restricted to established access roads, construction areas, storage areas, and staging and parking areas.

If construction activity extends beyond the exclusionary fencing into sensitive vegetation communities, areas of disturbance shall be quantified and an appropriate restoration approach shall be developed in consultation with USFWS and CDFW. For example, if construction extends beyond the limits of the exclusionary fencing, temporarily disturbed areas shall be restored to the natural (preconstruction) conditions, which may include the following: salvage and stockpiling of topsoil, re-grading of disturbed sites with salvaged topsoil, and re-vegetation with native locally available species.

BIO-5: Burrowing Owl. SANBAG will conduct take avoidance (pre-construction) surveys for burrowing owl within 30 days prior to initiating ground disturbance activities. These surveys will be completed in no less than 14 days prior to construction. If burrowing owl is identified, the following shall apply:

- If burrowing owl is identified during the breeding season (February 1 through August 31) then an appropriate buffer will be established by the biological monitor in accordance with the 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012). Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until young have fledged and a CDFW-approved exclusion plan has been implemented. In addition to avoidance of the occupied habitat, off-site mitigation will be provided as described below:
 - Replacement of occupied habitat with occupied habitat: 1.5 times 6.5 (9.75) acres per pair or single bird.
 - Replacement of occupied habitat with habitat contiguous to currently occupied habitat: 2 times 6.5 (13.0) acres per pair or single bird.
 - Replacement of occupied habitat with suitable unoccupied habitat: 3 times 6.5 (19.5) acres per pair or single bird.
- If burrowing owl is identified during the non-breeding season (September 1 through January 31), then a 50 meter buffer will be established by the biological

monitor. Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until a CDFW-approved exclusion plan has been implemented.

- (m) 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, federally and state listed plant species, during construction.

(n)

BIO-1: Pre-Construction Survey - Conduct Preconstruction Survey for Special Status Plants and Wildlife and, if Found, Implement Avoidance and Compensation Measures

BIO-4: Protection of Sensitive Plants and Habitats

BIO-7: Reseeding for Woolly Star. Seeds from the closest known occurrences of woolly-star plants found both upstream and downstream of Bridge 3.4 shall be collected in the fall prior to construction of the SAR crossing. If construction activities require the loss of the single woolly-star at the SAR crossing, the collected seeds will be broadcast in the temporary impact areas, near the impacted woolly-star plant, after construction activities are complete and soils have been restored to pre-Project contours.

1. Seed collection and broadcast methodologies will be proposed by a qualified seed collector approved by the Service prior to seed collection in a Santa Ana Woolly-Star Management Plan.
2. Seed harvest shall be from a minimum of three plants per collection location, limited to no more than 50 percent of the available seeds from any one woolly-star plant.
3. Seeds shall be held at the appropriate temperature and humidity for the shortest length of time necessary prior to planting.
4. Planting of seeds shall be coordinated to occur prior to the first rains of the season, typically during early fall.
5. If the woolly-star plant known in the Project area is avoided, collected seeds will be hand broadcast near the parental plants where they were collected.

If SANBAG confirms that removal of an individual is required during final design, SANBAG will purchase ILF or mitigation credits from a qualified mitigation program to address the Project's temporal affect on woolly-star during the up to three-year construction period. Credits will be purchased to cover affects to the on-site individual and off-site parental plants.

- (o) The FEIR determined that without mitigation the Project could result in significant adverse impacts on wetlands and waters of the U. S. and State 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 wetlands and waters of the U. S. and State during construction.

HWQ-2: Prepare and Implement a SWPPP

HWQ-3: Prepare and Implement a Flow Diversion Plan for Construction

BIO-6: Secure Clean Water Act (CWA) Section 404 Permit and Implement All Permit Conditions to Ensure No Net Loss of Functions of Wetlands, Other Waters of the U.S., and Waters of the State). Before the approval of grading or other ground disturbing activities within 50 feet of jurisdictional areas, SANBAG shall obtain a CWA Section 404 permit, Section 401 water quality certification, and CDFW 1602 Streambed Alteration Agreement.

As part of the Section 404 permitting process, if the USACE (and/or CDFW) requires compensatory mitigation, a draft wetland mitigation and monitoring plan (MMP) shall be developed for the selected Build Alternative. The MMP shall be consistent with USACE's and EPA's April 10, 2008 Final Rule for Comp Compensatory Mitigation for Losses of Aquatic Resources (33 CFR Parts 325 and 332 and 40 CFR Part 230).

Potential mitigation for impacts to federal and state jurisdictional areas may occur at the following ratios:

- USACE Wetland
 - Permanent: 3:1
 - Temporary: restoration (in-kind)
- USACE Waters
 - Permanent: 1:1
 - Temporary: restoration (in-kind)
- CDFW Riparian
 - Permanent: 3:1 (SWS and SCWRF)
 - Permanent: 1:1 (unvegetated stream bank)
 - Temporary: restoration (in-kind)

- (p) The FEIR determined that without mitigation the Project could result in significant adverse impacts on sensitive natural communities 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 sensitive natural communities during construction.

BIO-4: Protection of Sensitive Plants and Habitats

BIO-7. Reseeding for Woolly Star

HWQ-2: Prepare and Implement a SWPPP

- (g) The FEIR determined that without mitigation the Project could result in significant adverse impacts on 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 3.4, 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 water quality from construction and operation of the Project.

HWQ-1: Prepare Drainage Plan(s) for Structural Facilities. SANBAG shall prepare a site specific Drainage Plan for all major structural facilities constructed in conjunction with the Project, including stations and parking areas, track improvements, and the proposed layover facility. The Final Drainage Plan shall incorporate measures to maintain on-site runoff during peak conditions to pre-construction discharge levels. Design specifications for the detention and/or infiltration facilities shall provide sufficient temporary storage capacity to attenuate runoff to pre-Project conditions. These improvements will be coordinated with the applicable jurisdictions, including the Cities of Redlands and San Bernardino and the SBCFCD, as appropriate.

HWQ-2: Prepare and Implement a SWPPP. The construction contractor will develop a SWPPP that complies with the requirements of the NPDES General Construction Permit (Order 2009-0009-DWQ as amended by Order No. 2010-0014-DWQ and 2012-0006-DWQ) for Risk Level 2 projects and implement the BMPs described in the SWPPP. The SWPPP shall identify specific actions and BMPs relating to the prevention of stormwater pollution from project-related construction sources by identifying a practical sequence for site restoration, BMP implementation, contingency measures, responsible parties, and agency contacts. The SWPPP shall reflect localized surface hydrological conditions and shall be reviewed and approved by SANBAG prior to commencement of work and shall be made conditions of the contract with the contractor.

The SWPPP shall be prepared by a qualified SWPPP developer with BMPs selected to achieve maximum pollutant removal and that represent the best available technology that is economically achievable. Emphasis for BMPs shall be placed on controlling discharges of oxygen-depleting substances, floating material, oil and grease, acidic or caustic substances or compounds, and turbidity. BMPs for soil

stabilization and erosion control practices and sediment control practices will also be required. Performance and effectiveness of these BMPs shall be determined either by visual means where applicable (i.e., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination, (inadvertent petroleum release) is required to determine adequacy of the measure.

Following construction, SANBAG 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 station and parking areas.

HWQ-6: Incorporate Post-Construction Runoff BMPs into Project Drainage Plan, Final WQMP, and Industrial SWPPP. The Project Drainage Plan, Final WQMP, and the NPDES Industrial SWPPP shall demonstrate treatment, control, and management of the on- and off-site discharge of stormwater to existing drainage systems or drainage features. The final Drainage Plan shall provide both short- and long-term drainage solutions to ensure the proper sequencing of drainage facilities and the final WQMP will ensure sufficient treatment of runoff generated from Project impervious surfaces prior to off-site discharge.

SANBAG shall ensure the provision of sufficient outlet protection through the use of energy dissipaters, vegetated rip-rap, soil protection, and/or other appropriate BMPs to slow runoff velocities and prevent erosion at discharge locations for the station platforms, parking areas, and layover facility. A long-term maintenance plan shall be developed and implemented to support the functionality of drainage control devices. The layover facility layout(s) shall also include sufficient container storage and on-site containment and pollution-control devices for drainage facilities to avoid the off-site release of water quality pollutants, including, but not limited to oil and grease, fertilizers, treatment chemicals, and sediment. These measures shall be reflected in the final Industrial SWPPP and WQMP for applicable facilities. The NPDES Industrial SWPPP shall incorporate required maintenance practices and housekeeping to maximize the long-term effectiveness of post-construction BMPs.

- (r) The FEIR determined that without mitigation the Project could result in significant adverse impacts on hydrology and drainage 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 drainage and hydrology during construction.

HWQ-1: Prepare Drainage Plan(s) for Structural Facilities

HWQ-3: Prepare and Implement a Flow Diversion Plan for Construction.

SANBAG or SANBAG's construction contractor shall develop a Flow Diversion

Plan(s) for in-channel construction activities proposed within Warm Creek (Historic)(Bridge 1.1); Twin Creek (Bridge 2.2), SAR (Bridge 3.4), Zanja Channel (Bridges 3.9, and 5.8, and bank improvements), and Mill Creek Zanja (Bridge 9.4). SANBAG's contractor shall incorporate measures to minimize changes to flood flow elevation(s) during construction, address accumulation of floating debris, provide measures that minimize sedimentation to surface waters, and include contingency measures in the event of substantial rainfall.

- (s) The FEIR determined that without mitigation the Project could result in significant adverse impacts related to geology and soils at 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 resulting from geologic and soils hazards.

(t)

GEO-1: Prepare Final Geotechnical Report for the Project and Implement Recommended Measures. A Final Geotechnical Report shall be prepared to verify conditions identified in the Preliminary Geotechnical Evaluation prepared for the Project and to support the refinement of the Project's final design. Facility design for all Project components along the alignment shall comply with the site-specific design recommendations as provided by a licensed geotechnical or civil engineer to be retained by SANBAG. The final geotechnical and/or civil engineering report shall address and make recommendations on the following:

- Site preparation;
- Soil bearing capacity;
- Appropriate sources and types of fill;
- Liquefaction;
- Lateral spreading;
- Settlement;
- Landslides (with emphasis on improvements that border the Mission Zanja Flood Control Channel);
- Hydroconsolidation;
- Compressible/Collapsible soils;
- Corrosive soils;
- Structural foundations; and
- Grading practices.

In addition to the recommendations for the conditions listed above, the geotechnical report shall include subsurface testing of soil and groundwater conditions, and shall determine appropriate foundation designs that are consistent with the latest version of the CBC, as applicable at the time building and grading permits are pursued. All recommendations contained in the final geotechnical engineering report shall be implemented by SANBAG.

- (u) The FEIR determined that without mitigation the Project could result in significant adverse impacts on through the routine transport of 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 3.4, 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 through the routine transport of hazardous materials during construction and operation.

HAZ-1: Prepare and Implement a Construction Hazardous Materials Management Plan and Operational Hazardous Materials Business Plan. Prior to operation, SANBAG shall prepare and implement a Hazardous Materials Management Plan (HMMP) and Hazardous Materials Business Plan (HMBP) for the Project. The HMMP shall provide for safe storage, containment, and disposal of chemicals and hazardous materials related to Project construction, including the proper disposal of waste materials. The HMBP will provide for safe storage, containment, and disposal of chemicals and hazardous materials related to Project operations. The HMMP and HMBP shall include, but shall not be limited to, the following:

- A description of hazardous materials and hazardous wastes used;
- A description of handling, transport, treatment, and disposal procedures, as relevant for each hazardous material or hazardous waste;
- Preparedness, prevention, contingency, and emergency procedures, including emergency contact information;
- A description of personnel training including, but not limited to: (1) recognition of existing or potential hazards resulting from accidental spills or other releases; (2) implementation of evacuation, notification, and other emergency response procedures; (3) management, awareness, and handling of hazardous materials and hazardous wastes, as required by their level of responsibility;
- Instructions on keeping Materials Safety and Data Sheets (MSDS) on-site for each on-site hazardous chemical; and
- Identification of the locations of hazardous material storage areas, including temporary storage areas, which shall be equipped with secondary containment sufficient in size to contain the volume of the largest container or tank.

- (v) The FEIR determined that without mitigation the Project could result in significant adverse impacts related to the accidental release of 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 3.4, 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 resulting from a accidental release of hazardous materials, including within a quarter mile of schools, during construction.

HAZ-1: Prepare and Implement a Construction Hazardous Materials Management Plan and Operational Hazardous Materials Business Plan

HAZ-2: Pre-Demolition Investigation. Prior to the demolition of any structures within the Project footprint, 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 SANBAG and the City of San Bernardino's Department of Environmental Health or City of Redlands Department of Environmental Health, as applicable. 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 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 their subcontractor will be required to possess a California Contractor License (ASB) 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.

- (w) The FEIR determined that without mitigation the Project could result in significant adverse impacts resulting from disturbance to identified hazardous materials sites 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 resulting from disturbance to identified hazardous materials sites during construction.

HAZ-3: Prepare Phase I and/or Phase II ESA for Indeterminate or High-Risk Sites. Prior to grading, further investigation at any of the identified sites of concern with an indeterminate or high risk-ranking shall be conducted, if it is known that ground disturbance at those sites would exceed 18 inches within 50 feet of the site of concern. The additional investigation shall be in the form of a site-specific ASTM-compliant Phase I ESA investigation. The Phase I ESA recommendation would determine if a Phase II Preliminary Site Investigation (drilling and sampling) would be required, as appropriate. Both the Phase I and Phase II ESA investigations would be completed prior to parcel acquisition (therefore, prior to any construction activity). The Project shall comply with recommendations provided in the Phase I ESA and/or Phase II ESA(s).

HAZ-4: Halt Construction Work if Potentially Hazardous Materials are Encountered. All construction contractors shall immediately stop all subsurface activities in the event that potentially hazardous materials are encountered, an odor is identified, or considerably stained soil is visible. Contractors shall follow all applicable local, state, and federal regulations regarding discovery, response, disposal, and remediation for hazardous materials encountered during the construction process.

- (x) The FEIR determined that without mitigation the Project could result in significant adverse impacts related to wildfire hazards 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 from wildfires during construction.

HAZ-5: Keep Construction Area Clear of Combustible Materials. SANBAG shall ensure, through the enforcement of contractual obligations that during construction, staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. The contractor shall keep these areas clear of combustible materials in order to maintain a firebreak. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.

HAZ-6: Provide Accessible Fire Suppression Equipment. Work crews shall be required to have sufficient fire suppression equipment readily available to ensure that any fire resulting from construction activities is immediately extinguished. All off-road equipment using internal combustion engines shall be equipped with spark arrestors.

- (y) The FEIR determined that without mitigation the Project could result in significant adverse impacts on historical 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 historical resources, including impacts to historic properties listed in the National and California Register of Historic Places, during construction.

CUL-1: Structural Evaluations. In order to determine the structural stability of the Redlands Depot, Cope Commercial Company Warehouse, Haight Packing House,

Redlands City Transfer, and the brick warehouse at 440 Oriental Avenue, structural evaluations shall be prepared by a qualified engineer for these four buildings prior to the commencement of construction. The structural evaluations will also address maximum allowable levels of vibration during construction and, if appropriate, will recommend reduced levels of stabilization in conjunction with vibration monitoring. Qualified recommendations within the structural evaluation shall be adhered to, as appropriate. Permanent stabilization will follow the Secretary of the Interior's guidelines for the treatment of historic properties; if the buildings are temporarily stabilized for the duration of construction activities, when removed, the buildings will be restored to their pre-construction condition when the stabilization measures are removed.

CUL-2a: Minimize Indirect Visual Effects of Potential Sound Barriers. Visual surface treatments and drought-tolerant landscaping will be implemented as necessary to minimize indirect effects on the setting and feeling of the Redlands Lawn Bowling Club portion of Sylvan Park and the Second Baptist Church from introduction of sound barriers (if constructed). The surface treatments and landscaping for the sound barrier at the Redlands Lawn Bowling Club will be designed and implemented to harmonize the barrier with the surrounding pastoral park landscape. If a sound barrier is necessary at the Second Baptist Church, surface treatments will be designed and implemented to harmonize the barrier with the Spanish Colonial Revival architecture of the church building. Drought tolerant landscaping will be incorporated into the design of the barrier at the church as needed.

CUL-2b: Conduct Potential Noise Insulation Work at Second Baptist Church in Accordance with Secretary of Interior Standards and Guidelines and Applicable Preservation Briefs. Sound-attenuating insulation may be necessary for the Second Baptist Church building. If sound-attenuating insulation measures are implemented at the church building, the work will be conducted in accordance with the Secretary of the Interior's Standards for Rehabilitation with Guidelines for Applying the Standards (Hume et al. 1990) and applicable National Park Service preservation briefs, including #3 (Improving Energy Efficiency in Historic Buildings); #22 (The Preservation and Repair of Historic Stucco); #24 (Heating, Ventilating, and Cooling Historic Buildings: Problems and Recommended Approaches); and # 30 (The Preservation and Repair of Historic Clay Tile Roofs). SANBAG will select and implement the recommended insulation measures in coordination with the property owner and SHPO.

CUL-3: Off-Site Replacement of Citrus Trees Removed from California/I10-Grove. SANBAG shall coordinate with the City of Redlands, including the Citrus Preservation Commission, to provide for the planting of citrus trees at properties within the Redlands Historical Preserve of Citrus to compensate for the trees removed from the California/I-10 Grove in association with the Preferred Project

Alternative. The number of citrus trees planted will be equal to the number of trees removed from the California/I-10 Grove. The types of trees to be planted will be determined through consultation between SANBAG and the City of Redlands, including the Citrus Preservation Commission.

- (z) The FEIR determined that without mitigation the Project could result in significant adverse impacts on archaeological 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 archaeological resources during construction.

CUL-4: Construction Monitoring. Full-time monitoring for archaeological deposits will be conducted in the Project APE in the vicinity of the Redlands Chinatown site (and a 50-foot buffer on each side of the site boundary) during ground disturbing construction activities. Monitoring will be conducted in accordance with a Construction Monitoring and Discovery Plan to be prepared for the project. Monitoring will occur under the supervision of an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards.

Unanticipated Discoveries. In the event an unanticipated discovery of archaeological resources occurs during construction, the following measures will be implemented immediately following the discovery:

- All construction within a 50-foot radius of the resource will be halted until a qualified archaeologist can evaluate the resource.
- FTA and SHPO will be notified in the event of an unanticipated discovery.
- If the discovery is determined to be significant or potentially significant by the qualified archaeologist, the adverse effects under Section 106 to portions of archeological resources determined to be eligible for the NRHP would be resolved in consultation with SHPO through the following tasks:
 - Discussion with project engineers to determine if impacts can be avoided/minimized, including consideration of preservation in place
 - Recovery and analysis of archaeological material and associated data
 - Preparation of a data recovery report or other reports
 - Recovered archaeological material shall be provided to an accredited archaeological repository.

Archaeological monitor qualification requirements, detailed approaches to archaeological monitoring of various project elements, and the procedures to follow in the event that unanticipated archaeological resources or human remains are discovered will be defined in the Construction Monitoring and Discovery Plan.

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 PRC 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.

- (aa) The FEIR determined that without mitigation the Project could result in significant adverse impacts related to safety conditions resulting 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 including station accidents, boarding and disembarking accidents, right-of-way accidents, collisions, fires, and major structural failures during construction and operation of the Project.

TR-1: Prepare a Traffic Management Plan

TR-3: Approval from CPUC for Grade Crossings and Safety Measures

SS-1: Develop Safety and Security Management Plan. Prior to construction, SANBAG shall coordinate and consult with local safety and crime prevention authorities to develop a Safety and Security Management Plan (SSMP) for the track alignment, bridges, parking facilities, and station areas. The SSMP shall include a station surveillance element to be developed in coordination with the local jurisdiction and private properties owners, as applicable. If a non-FRA compliant DMU vehicle type is selected for the Project, the SSMP shall include a plan element that includes appropriate levels of safety as may be necessary to facilitate a shared-use operation.

SS-2: Fencing. SANBAG's contractor shall erect temporary fencing and visual screening for staging areas and provide security personnel during construction to minimize trespassing and vandalism throughout the duration of construction.

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 noise and flooding 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 as a result of construction and operational noise 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 noise.

NV-1: Employ Noise-Reducing Measures during Construction. SANBAG shall require its construction contractors to employ measures to minimize and reduce construction noise. Noise reduction measures that shall be implemented to reduce construction noise to acceptable levels may include but are not limited to the following:

- 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 when sensitive receivers adjoin or are near the construction Project APE.
 - 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 decibel reduction possible).
 - Ensuring that project-related public address or music systems are not audible at any adjacent receiver.
 - Notifying adjacent residents in advance of construction work.

NV-2: Prepare a Community Notification Plan for Project Construction. The construction contractor shall prepare and maintain a community notification plan to address project construction issues the community may have during construction. Components of the plan may include construction phasing to minimize the duration of noise or vibration at any one location. Initial information packets shall 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 shall be identified who will be available to respond to questions from the community or other interested groups.

NV-3: Establish Quiet Zones. At-grade crossings shall be designed and constructed to be compatible with the formation of Quiet Zones. Prior to the operation, SANBAG shall

coordinate with the City of San Bernardino, City of Loma Linda, and the City of Redlands, to construct and establish quiet zones at the following grade crossings

- South Arrowhead Avenue;
- South Sierra Way;
- West Central Avenue;
- East Orange Show Road;
- South Waterman Avenue;
- South Tippecanoe Avenue;
- South Richardson Street;
- Mountain View Avenue;
- West Colton Avenue;
- Alabama Street
- Tennessee Street;
- Church Street; and
- North University Street

NV-4: Construct Sound Barriers. SANBAG shall install up to 12-foot in height sound barriers at priority locations along portions of the rail corridor to reduce noise levels at receivers identified with severe noise impacts following the application of quiet zones.

NV-5: Wayside Rail Lubrication. SANBAG shall install wayside applicators for all tight-radius curves on the project alignment prior to the start of Project operations. If the wayside applicators are not sufficient to reduce squeal to an acceptable level, additional reduction may be required through customized profiling of the rail to reduce the forces required for trains to negotiate the curve.

NV-7: Provide Building Noise Insulation to Severe- and Moderate-Impact Residences. For the ten residential structures represented by Receivers 3, 22, and 41, SANBAG will offer to install sound insulation. Treatments may include sealing and relocating vents, caulking and sealing gaps in the building façade and installing new doors and windows that are specially designed to meet acoustical transmission-loss requirements. 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.

Nevertheless, implementation of Mitigation Measures NV-1, NV-2, NV-3, NV-4, NV-5, and NV-7 would ensure that noise reduction measures would be implemented at noise sensitive land uses even though impacts are significant and unmitigable.

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 replaced to the placement of transportation infrastructure within a 100-year flood zone 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 noise.

HWQ-4: Prepare a Natural Hazard Management Plan. SANBAG shall develop a Natural Hazard Management Plan for the Project. The Natural Hazard Management Plan will include a flood monitoring and evacuation plan for all Project infrastructure located within a delineated 100-year flood zone based on the most recent FEMA mapping. The Plan shall include protocols and procedures for emergency response in the event of a flood, the investigation and repair of track, station, and bridge facilities following inundation, and the provision of interim transit until Project operations resume.

HWQ-5: Flood-Proofing of Critical Infrastructure. Where feasible, stations and building pads for the proposed train layover facility shall be designed such that the finished floor elevation will be one-foot above the base 100-year flood elevation, where established.

Nevertheless, implementation of Mitigation Measures HWQ-4 and HWQ-5 would ensure that flood hazards are minimized even though impacts are significant and unmitigable.

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.

SECTION 5. Consistent with Sections 15091, 15092, and 15093 of the State CEQA Guidelines, and as detailed in FEIR Chapter 2, 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) Alternative 1 – No Build would avoid or lessen many of the construction and operational impacts identified for the Build Alternatives and Design Options. However, under the No Build Alternative, SANBAG would be unable to take advantage of its ownership of the railroad ROW by installing the necessary infrastructure to accommodate passenger rail service. Additionally, under the No Build Alternative, SANBAG would still be required to perform regularly scheduled maintenance of the existing track and corresponding improvements at grade crossings and Bridges 1.1 and 3.4 to facilitate continued freight service per SANBAG's obligations with BNSF. For this reason, construction-related adverse effects would not be eliminated. Further, the implementation of the No Build Alternative would be in conflict with SCAG's RTP/SCS and , which would be a significant and unmitigable adverse effect. Based on these considerations, including the fact that the No Build Alternative would result in adverse effects in of itself, the No Build

Alternative was determined not to be environmentally superior. For these reasons, the Commission rejects this alternative as infeasible.

- (b) Alternative 3 – Reduced Project Footprint would minimize adverse effects to biological and cultural resources. First, Alternative 3 would reduce both temporary and permanent impacts to USACE and CDFW jurisdictional areas by reducing the extent of bank improvements along the Mission Zanja Channel and including an alternate bridge design at Bridge 3.4. Alternative 3 would also avoid a majority of the direct impacts to the I-10/California Orange Grove, which is eligible for the CRHR. Based on these considerations, Alternative 3, Reduced Project Footprint was identified as environmentally superior alternative.

However, following the modification of the construction footprint for the Preferred Project Alternative at the western end of the Mission Zanja Channel as part of the FEIR, the differences in environmental effects to biological resources, included listed species, would be similar and slightly reduced, and not appreciably different from the Project. Mitigation proposed in Section 3.12.3 of the FEIR for impacts to the I-10/Citrus Grove resulting from the Preferred Project would reduce these impacts to a less than significant level. For these reasons, the Commission chooses not to select this alternative.

- (c) Design Option 1 – Train Layover Facility (Waterman Avenue) would result in similar impacts to the Preferred Project Alternative and would not avoid the placement of new layover facilities within a 100-year flood zone. As the environmental effects would be similar as it related to the placement of the layover facility, this design option does not avoid or lessen any of the significant impacts identified for the Preferred Project. For these reasons, the Commission chooses not to select this alternative.
- (d) Design Option 2 – Use of Existing Train Layover Facilities would result in the least amount of impact as it relates to the Project's layover facility, due to its integration with existing train layover facilities. Additionally, Design Option 2 would avoid the need for full property acquisitions to house the layover facility, extensive grading and drainage improvements to enable for the operation of new layover site, and a new source of nighttime lighting. Additionally, Design Option 2 would avoid the placement of a new layover facility with a 100-year flood zone. Based on these circumstances, the Commission chooses to integrate Design Option 2 into the Preferred Project in place of a new layover facility at California Street.
- (e) Design Option 3 – Waterman Avenue Rail Station would result in similar impacts to the Preferred Project Alternative. However, this design option does not avoid or lessen any of the significant impacts identified for the Preferred Project. Given that new development is progressing more rapidly in the vicinity of the Waterman Avenue Rail Station and the proximity of the Regional Center, the ridership potential for this station stop is more favorable than the Tippecanoe Avenue Rail Station. For these reasons, the

Commission chooses to integrate Design Option 3 into the Preferred Project in place of the Tippecanoe Avenue Rail Station.

- (f) Vehicle Options considered in the FEIR included two types of locomotives (MP-83 or F-59) or a DMU. With Tier 4 emission technology, both vehicle options would be capable of meeting air quality requirements as provided in Section 3.5.3 of the FEIS. However, in relation to operational noise, even with the implementation of quiet zones, the locomotive vehicle type would continue to result in severe noise impacts to noise sensitive land uses. In contrast, with the implementation of quiet zones, the DMU vehicle type would be capable of eliminating severe noise impacts to noise sensitive land uses. For these reasons, the Commission chooses to integrate the DMU vehicle option into the Preferred Project,
- (g) Additional alternatives to the Project were considered by the Commission, including Light Rail Transit (LRT), Battery Powered Locomotives, Bus Rapid Transit (BRT), and New Rail Alignment Alternatives. However, as described in Section 2.5 of the FEIR, these alternatives were unable to either accomplish project objectives or avoid significant environmental effects of the Project and were rejected from further consideration in 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 noise and flooding. 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 in and of itself. 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 Chapter 1.0, incorporated herein by reference. The benefits of the Project outweigh its unavoidable environmental impacts because the Project would meet the following objectives:

- (a) Implement new local transit service consistent with the Measure I Strategic Plan and the RTP to reduce travel time between residential areas, employment centers, and major activity centers.
- (b) Develop necessary rail infrastructure to facilitate passenger service between the cities of San Bernardino and Redlands and maximize opportunities to accommodate track build-out in the future.
- (c) Implement a transit project capable of helping to achieve regional and state goals to reduce greenhouse gases while supporting opportunities for future compact development as required under AB 32 and SB 375.
- (d) Maximize opportunities for revitalization of the Redlands Corridor by linking transit service along the railroad corridor to intermodal hubs, such as the San Bernardino Transit Center in the City of San Bernardino and Transit Villages planned by the City of Redlands and University of Redlands.
- (e) Implement safety improvements that will benefit both existing freight and proposed passenger operations per Federal Railroad Administration (FRA) safety guidelines and SANBAG's purchase agreement with BNSF.
- (f) Utilize the existing railroad corridor and right of way to the extent feasible, thereby minimizing potential impacts to sensitive resources, as well as minimizing potential adverse effects to the surrounding communities.

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 revisions and/or minor corrections 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 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 Design Option 2 and Design Option 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 March 4, 2015, by the following vote:

Ayes: 27

Noes: 0

Abstain: 0

Absent: 2



L. Dennis Michael, Chairperson
San Bernardino County Transportation Commission

Attest:



Vicki Watson, Commission Clerk