



**CALIFORNIA  
HIGH-SPEED RAIL  
AUTHORITY**

**BRIEFING: MARCH 2012 BOARD MEETING AGENDA ITEM # 10**

**TO: Chairman Richard and Members of the Board**

**FROM: Mark McLoughlin, Interim Deputy Director, Environmental Planning**

**DATE: March 1, 2012**

**RE: Update on Partially Revised Draft Program EIR**

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**Background:**

The purpose of this agenda item is to provide the Board with an update regarding the Partially Revised Draft Program EIR.

The Program EIR for the Bay Area to Central Valley High-Speed Train has been the subject of California Environmental Quality Act (CEQA) challenges since the Authority initially certified the document in July 2008. The Authority prepared a Revised Program EIR to address topics identified in a 2009 Court ruling, and certified the Revised Program EIR in 2010. In November 2011, following additional litigation, additional Court rulings upheld portions of Authority's 2010 Revised Program EIR. The Court concluded, however, that the Revised Program EIR did not fully comply with CEQA on issues related to Monterey Highway traffic, noise, and construction impacts. The Court also concluded that the Revised Program EIR did not adequately address the traffic impacts from potential lane loss on the Peninsula, or the noise impacts of potentially having freight trains closer to adjacent land uses.

Staff issued a document called a Partially Revised Draft Program EIR on January 6, 2012, for a 45-day public comment period, which concluded on February 21, 2012. This document addresses the issues identified by the Court as requiring additional analysis prior to the Board making new decisions, as well as new information included in the Authority's Draft 2012 Business Plan. By the close of the public comment period, the Authority had received approximately 50 comment letters from public agencies, organizations, and individuals. Additional letters postmarked by February 21, 2012, may come in over the next few days via regular US mail.

During the comment period, staff along with Board member Tom Richards hosted a public comment meeting on February 9, 2012, in San Jose. Six individuals provided public comments at this meeting.

Staff is in the process of reviewing the comment letters and developing responses to comments. Once the responses are completed, staff will issue a Partially Revised Final Program EIR. At an upcoming meeting, the Board will also be asked to consider a resolution de-certifying the 2010 Revised Final Program EIR and rescinding its 2010 decisions, a step which is required by the final court papers that were served on the Authority on February 13, 2012. The Board will also be asked to consider making new decisions in light of the whole record before it.

**Recommendations:**

This is an informational item only. No board decisions are required.