

Memorandum

To: CHAIR AND COMMISSIONERS

Date: April 27, 2009

From: BIMLA RHINEHART
Executive Director

File: Book Item 2.2c (2)
Action

Ref: Final Environmental Impact Report – South Sacramento Corridor Phase 2 Light Rail Extension Project (Resolution E-09-27)

ISSUE: Should the Commission, as a Responsible Agency, accept the Supplemental Final Environmental Impact Report (SFEIR), Findings of Fact and Statement of Overriding Considerations to allow the South Sacramento Corridor Phase 2 Light Rail Extension Project to be considered for funding?

RECOMMENDATION: Staff recommends that the Commission accept the SFEIR, Findings of Fact and Statement of Overriding Considerations for the South Sacramento Corridor Phase 2 Light Rail Extension Project (project) and approve the project to allow for consideration of funding.

BACKGROUND: On March 29, 1995, the Sacramento Regional Transit (RT) Board of Directors adopted a Locally Preferred Alternative (LPA) for long term development of light rail transit (LRT) improvements in the South Sacramento Corridor based on a Final EIR/EIS certified by the RT Board on May 8, 1995. At this time, in response to capital and operations funding constraints, the RT Board stated its intention to implement the South Corridor project in two phases. The Sacramento Corridor Phase 1 project, extending from the 16th street LRT station in downtown Sacramento to Meadowview Road in South Sacramento, was completed in September 2003.

This SFEIR/Supplemental Environmental Impact Statement (SFEIS) focuses on the environmental impacts of the second phase of the LPA adopted by the RT Board of Directors in 1995 and supplements the environmental evaluation contained in the 1994 Final EIR/EIS. The project will extend light rail transit service 4.3 miles from the South Sacramento Corridor Phase 1 terminus at Meadowview Road southward along the Union Pacific Railroad (UPRR) right of way, turning east crossing the UPRR and Union House Creek, continuing east of the proposed extension of Cosumnes River Blvd to Bruceville Road where it turns south to the terminus at Cosumnes River College. The project includes four new stations and three new park and ride lots. The project will improve public transit services in the South Sacramento Corridor to provide faster, more convenient access between South Sacramento and downtown Sacramento as well as to other corridor activity centers.

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RT was the Lead Agency for CEQA compliance of the SFEIR for the project. On October 27, 2008, the Sacramento RT Board certified the SFEIR and approved CEQA Findings of Fact and a Statement of Overriding Considerations for the project. RT also adopted a mitigation monitoring and reporting program regarding changes in the project or mitigation measures imposed to mitigate or avoid significant effects on the environment.

The project's one significant and unavoidable impact relates to the impact on the intersection of Franklin Boulevard and Cosumnes River Boulevard in 2012. It is projected that during the AM and PM peak hours, the intersection operating condition deteriorates by more than 5 seconds of delay. RT determined that there are no feasible mitigation measures available to reduce this impact to a less than significant level due to the physical constraints of the location. RT balanced the individual benefits of the project to travel and mobility, land use, financial, environmental, and community against the one remaining unavoidable environmental impact and concluded the benefits of the project outweigh the environmental impacts.

The project is estimated to cost \$270,000,000 and is funded with STIP (\$4,307,000), TCRP (\$66,000,000), Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (\$17,928,000), STA (\$157,000), Federal (\$142,100,000) and Local (\$39,508,000). Construction is estimated to begin in fiscal year 2009/2010.

Attachments

- Resolution No. 09-27
- Project Location
- Board Resolution – Overriding Considerations

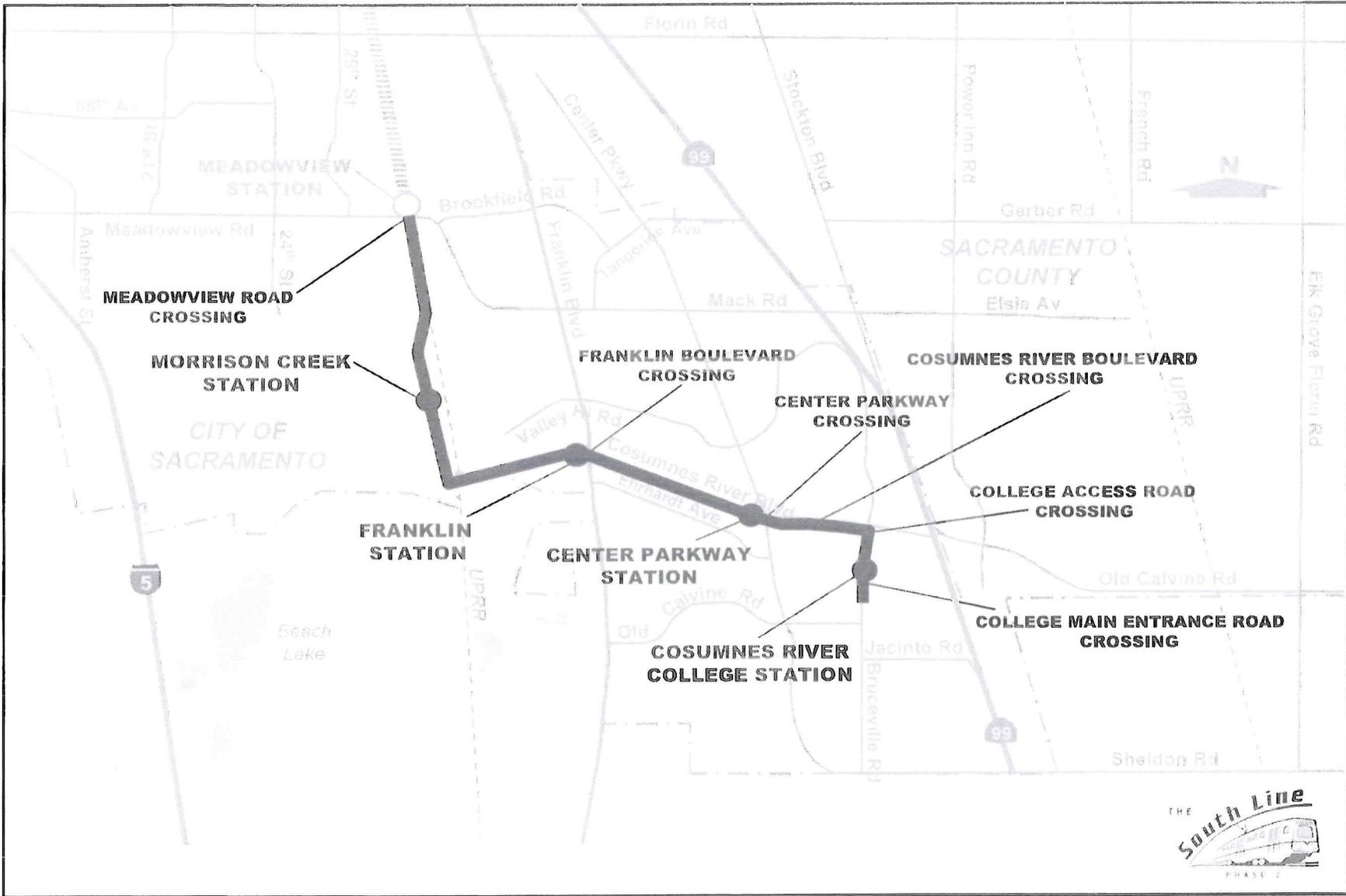
CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Consideration of Funding

03-SAC

Resolution E-09-27

- 1.1 **WHEREAS**, the Sacramento Regional Transit District has completed a Supplemental Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
 - South Sacramento Corridor Phase 2
- 1.2 **WHEREAS**, the Sacramento Regional Transit District has certified that the Supplemental Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 **WHEREAS**, the project will improve public transit services to provide faster, more convenient access between the South Corridor and downtown Sacramento; and
- 1.4 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Supplemental Final Environmental Impact Report; and
- 1.5 **WHEREAS**, written findings indicate that a specific unavoidable significant impact related to transportation make it infeasible to avoid or fully mitigate to a level less than significant the effects associated as a result of the project; and
- 1.6 **WHEREAS**, a statement of overriding considerations was adopted and findings were made pursuant to CEQA guidelines; and
- 1.7 **WHEREAS**, a mitigation, monitoring and reporting program was adopted for this project; and
- 1.8 **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the statement of overriding considerations.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the findings and statement of overriding considerations and approve the above referenced project to allow for consideration of funding.



SOUTH SACRAMENTO CORRIDOR PHASE 2 PROJECT

RESOLUTION NO. 08-10 - _____

Adopted by the Board of Directors of the Sacramento Regional Transit District on the date of:

October 27, 2008

**CERTIFYING THE SUBSEQUENT FINAL ENVIRONMENTAL IMPACT REPORT,
MAKING FINDINGS OF OVERRIDING CONSIDERATIONS,
APPROVING THE PROJECT, AND DIRECTING FILING OF
THE NOTICE OF DETERMINATION FOR
THE SOUTH SACRAMENTO CORRIDOR PHASE 2 PROJECT**

The Board of Directors of the Sacramento Regional Transit District does resolve as follows:

Section 1. Procedures. The Board of Directors of the Sacramento Regional Transit District finds as follows:

A. A Draft and Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report ("SDEIS/R" and "SFEIS/R") were prepared by and for the Sacramento Regional Transit District ("Regional Transit") for the South Sacramento Corridor Project (the "Project") pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code §21000 et seq.); the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. §15000 et seq.) ("Guidelines"); and the local procedures adopted by Regional Transit pursuant thereto.

B. The Notice of Preparation for the SDEIS/R was sent to each Responsible Agency, Trustee Agency, and federal agency in compliance with Section 15082 of the Guidelines.

C. The Notice of Completion for the SDEIS/R was forwarded to the Office of Planning and Research pursuant to Section 15085 of the Guidelines.

D. Regional Transit consulted with and requested comments on the SDEIS/R from Responsible Agencies, Trustee Agencies, and other federal, state and local agencies in compliance with Section 15086 of the Guidelines.

E. A Notice of Availability of the SDEIS/R was published in a newspaper of general circulation in the area affected by the Project. Copies of the SDEIS/R were furnished to federal, state, regional and local agencies and to all libraries in the affected area. A public hearing was properly noticed and held on March 12, 2007 to solicit comments on the SDEIS/R during a 45 day review period in compliance with Section 15087 of the Guidelines.

F. The SDEIS/R was thereafter revised, responses to comments received on the SDEIS/R were addressed, and a list of persons, organizations and public agencies

commenting on the SDEIS/R was prepared pursuant to Sections 15088 and 15089 of the Guidelines.

G. The SDEIS/R, the revisions to the SDEIS/R, the comments on the SDEIS/R, the list of persons, organizations and public agencies commenting on the SDEIS/R, and the responses to comments on the SDEIS/R together comprise the SFEIS/R pursuant to Section 15132 of the Guidelines.

Section 2. Administrative Record. The Regional Transit Board of Directors finds as follows:

A. On March 12, 2007, the Regional Transit Board of Directors conducted a noticed public hearing on the SFEIS/R in conjunction with its hearing on the Project. The record of this hearing includes only the following as submitted to and considered by the Board of Directors:

(1) The SFEIS/R, which includes the addendum/errata to the SFEIS/R, changes to the SDEIS/R, the SDEIS/R and written comments received during the public comment period and responses thereto;

(2) All staff reports, memoranda, maps, letters, minutes of meetings, and other documents prepared by Regional Transit staff relating to the Project and presented to the Board of Directors at its hearing on the SDEIS/R;

(3) The proceedings before the Regional Transit Board of Directors relating to the Project and SDEIS/R and SFEIS/R, including testimony and documentary evidence introduced at the public hearings, the transcript of all hearings of the Regional Transit Board of Directors related to this matter, and the official minutes of such meetings;

(4) This Regional Transit Resolution.

(5) The Mitigation Monitoring Program for the Project.

B. The SFEIS/R reflects the independent judgment of the Regional Transit Board of Directors.

Section 3. Certification of the Final EIR. Pursuant to Section 15090 of the Guidelines, the Regional Transit Board of Directors hereby certifies that the SFEIS/R for the Project has been completed in compliance with CEQA, the Guidelines, and local procedures adopted by the Regional Transit pursuant thereto, and that the Board of Directors has reviewed and considered the information contained in the SFEIS/R prior to making a determination on the Project.

Section 4. Mitigation of Significant or Potentially Significant Impacts. The significant and potentially significant environmental impacts, including cumulative impacts, and the

mitigation measures for the Project which will mitigate the impacts to a less than significant level are set out in Exhibit A, attached hereto and by this reference incorporated herein. These impacts are identified in the SFEIS/R or have otherwise been identified by the Regional Transit Board of Directors. Pursuant to Section 21081(a) of CEQA and Section 15091 of the Guidelines, as to each such impact, the Regional Transit Board of Directors, based on the evidence in the record before it, finds that changes or alterations incorporated into the Project mitigate, avoid or substantially lessen to a level of insignificance these significant or potentially significant environmental impacts of the Project. The basis for the finding for each identified impact is set out in Exhibit A.

Section 5. Mitigation Measures Found to Be Infeasible. Certain other significant and potentially significant environmental impacts, including cumulative impacts, which may be mitigated, avoided or substantially lessened by proposed mitigation measures are set out in Exhibit A. Pursuant to Section 21081(c) of CEQA and Section 15091(a)(3) of the Guidelines, as to each such impact and mitigation measure, the Regional Transit Board of Directors, based on the evidence in the record before it, specifically finds that the mitigation measures are infeasible. Each impact and mitigation measure and the facts supporting the finding of infeasibility of each mitigation measure are set out in Exhibit A. Notwithstanding these impacts and the finding of infeasibility, the Regional Transit Board of Directors elects to approve the Project due to the overriding considerations set forth in the Statement of Overriding Considerations attached as Exhibit B and by this reference incorporated herein, and referenced below in Section 8.

Section 6. Significant and Unavoidable Impacts. Certain other significant and potentially significant environmental impacts, including cumulative impacts, of the Project are unavoidable, and cannot be mitigated in a manner that would substantially lessen the significant impact. These impacts are set out in Exhibit A. Notwithstanding these impacts, the Regional Transit Board of Directors elects to approve the Project due to overriding considerations as set forth in the Statement of Overriding Considerations attached as Exhibit B, and referenced below in Section 8.

Section 7. Project Alternatives. The Regional Transit Board of Directors has considered the Project alternatives discussed in the SFEIS/R and presented during the comment period and public hearing process. Some of these alternatives have the potential to avoid or reduce certain significant or potentially significant environmental impacts, as set out in Exhibit A. The Regional Transit Board of Directors specifically finds these alternatives to be infeasible. Each alternative and the facts supporting the finding of infeasibility of each alternative, are set out in Exhibit A.

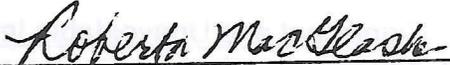
Section 8. Statement of Overriding Considerations. The Regional Transit Board of Directors, pursuant to Guidelines Section 15092, finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible, as shown in Sections 4 through 7 of this Resolution. The Regional Transit Board of Directors further finds that the remaining unavoidable significant and potentially significant impacts are acceptable, and makes this Statement of Overriding Considerations in accordance with Section 15093 of the

Guidelines. For the reasons set out in Exhibit B, the Regional Transit Board of Directors finds that the benefits of the Project outweigh the unavoidable adverse impacts which may result from the Project, and the overriding considerations set out in Exhibit B support approval of the Project.

Section 9. Mitigation Monitoring Program. The Mitigation Monitoring Program for this Project as set out in Exhibit C, attached hereto and incorporated herein by this reference, is hereby approved and adopted. Staff is hereby authorized and directed to implement the Mitigation Monitoring Program pursuant to its provisions.

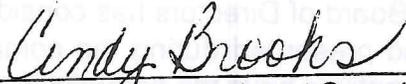
Section 10. Project Approval. The Project is hereby approved and staff is hereby directed to file a Notice of Determination with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of Section 21152 of the Public Resources Code and the Guidelines.

Section 11. Custodian of Records. The documents and other materials that constitute the record of proceedings upon which the Board of Directors has based its decision are located in the office of the Clerk to the Board, 1400 29th Street, Sacramento, California 95816. The custodian of these documents and other materials is the Regional Transit Clerk of the Board.


ROBERTA MACGLASHAN, Chair

ATTEST:

MICHAEL R. WILEY, Secretary

By: 
Cindy Brooks, Assistant Secretary