

Memorandum

To: CHAIR AND COMMISSIONERS

Date: July 17, 2009

From: BIMLA G. RHINEHART
Executive Director

File: Book Item 2.2c (1)
Action

Ref: Final Supplemental Environmental Impact Report for the Sonoma-Marín Area Rail Transit Project (Resolution E-09-56)

ISSUE: Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR) and Final Supplemental Environmental Impact Report (FSEIR), Findings, and Statement of Overriding Considerations for the Sonoma-Marín Area Rail Transit (SMART) Project (project) and approve the project for consideration of funding?

RECOMMENDATION: Staff recommends that the Commission accept the FEIR, FSEIR, Findings and Statement of Overriding Considerations and approve the project for consideration of funding.

BACKGROUND: The SMART District approved a Final Environmental Impact Report (FEIR) for the project in July 2006 and a FSEIR in July 2008. The project scope addressed in the FEIR included passenger rail service along approximately 70 miles of the existing Northwestern Pacific (NWP) rail corridor from Cloverdale in Sonoma County to Larkspur in Marin County, with 14 rail stations, several passing sidings, a rail maintenance facility and shuttle service at select locations. The project also included the implementation of a bicycle/pedestrian pathway generally within or adjacent to the rail corridor. The proposed bicycle/pedestrian pathway includes a combination of Class I and Class II facilities. Implementation of the project would occur generally within the existing railroad right of way.

The FSEIR was prepared to analyze project components and conditions that have changed since certification of the FEIR in 2006. Specifically, the FSEIR was prepared to analyze the environmental impacts associated with adding weekend service; using light Diesel Multiple Unit (DMU) for passenger service rather than the heavy DMU; adding three alternative sites for the Novato South rail station; and an update of the cumulative analysis associated with potential changes in the future North Coast Railroad Authority freight service.

In general, impacts of the revised project are the same or less severe than impacts identified for the proposed project as analyzed in the 2006 certified FEIR. No new significant unavoidable or more severe impacts were identified for the project as a result of the supplemental environmental analysis.

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All feasible mitigation measures have been required in or incorporated into the proposed project to lessen or avoid the significant environmental effects identified. Nevertheless, there are environmental impacts that may not be reduced to less than significant levels even with the proposed mitigation measures. These impacts include the susceptibility of the rail alignment, including station sites, to severe ground shaking from a large magnitude earthquake; increased delay at some intersections near rail stations; increased potential for traffic hazards on the freeway ramps to the Ignacio Wye Station site alternative (if the Ignacio Wye Station site alternative were the selected Novato South station); project-level and cumulative noise impacts from train horns at at-grade crossings; and increased cumulative noise levels from passenger and freight train operations for sensitive receptors near the tracks at some locations between the Ignacio Wye (Highway 37) and Cloverdale.

The SMART District Board of Directors (Board) balanced the benefits of the proposed project against its unavoidable environmental risks and determined that the benefits of the proposed project outweigh the unavoidable adverse environmental effects. The Board determined that the unavoidable adverse environmental effects of the proposed project are acceptable and that there are overriding considerations which support the Board's approval of the proposed project. The Board also adopted a mitigation monitoring plan that includes both the environmental compliance measures proposed as part of the project and the measures the Board imposed to mitigate or avoid the project's significant environmental effects.

The project is estimated to cost \$589,676,000. The project is anticipated to be funded with TCRP (\$37,000,000), Proposition 116 (\$28,000,000), Federal (\$5,000,000), and Local (\$519,676,000) funds. Vehicle procurement will begin in FY 2009/10, with construction starting in fiscal year 2010/11.

Attachments

- Resolution E-09-56
- Project Location
- Exhibit B - Significant Unavoidable Impacts
- Exhibit C - Statement of Overriding Considerations

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Consideration of Funding

04-SON/MRN

Resolution E-09-56

- 1.1 **WHEREAS**, the Sonoma-Marín Area Rail Transit (SMART) District has completed a Final Environmental Impact Report (FEIR) and a Final Supplemental Environmental Impact Report (FSEIR) pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
 - Sonoma-Marín Area Rail Transit Project
- 1.2 **WHEREAS**, the SMART District Board of Directors has certified that both the FEIR and FSEIR have been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 **WHEREAS**, the project would implement a passenger rail system from Cloverdale in the County of Sonoma to Larkspur in the County of Marin; and
- 1.4 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the FEIR and FSEIR; and
- 1.5 **WHEREAS**, Findings made pursuant to CEQA guidelines indicate that specific unavoidable significant impacts related to the susceptibility of the rail alignment, including station sites, to severe ground shaking from a large magnitude earthquake; increased delay at some intersections near rail stations; traffic hazards on the freeway ramps to the Ignacio Wye Station site alternative (if the Ignacio Wye Station site alternative were the selected Novato South station); project-level and cumulative noise impacts from train horns at at-grade crossings; and increased cumulative noise levels from passenger and freight train operations for sensitive receptors near the tracks at some locations between the Ignacio Wye (Highway 37) and Cloverdale make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and
- 1.6 **WHEREAS**, the SMART District Board of Directors adopted a Statement of Overriding Considerations for the project; and
- 1.7 **WHEREAS**, the SMART District Board of Directors adopted a Mitigation Monitoring Program for the 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 FEIR and FSEIR, Findings and Statement of Overriding Considerations and approve the above referenced project to allow for consideration of funding.

Figure ES-1. Project Location

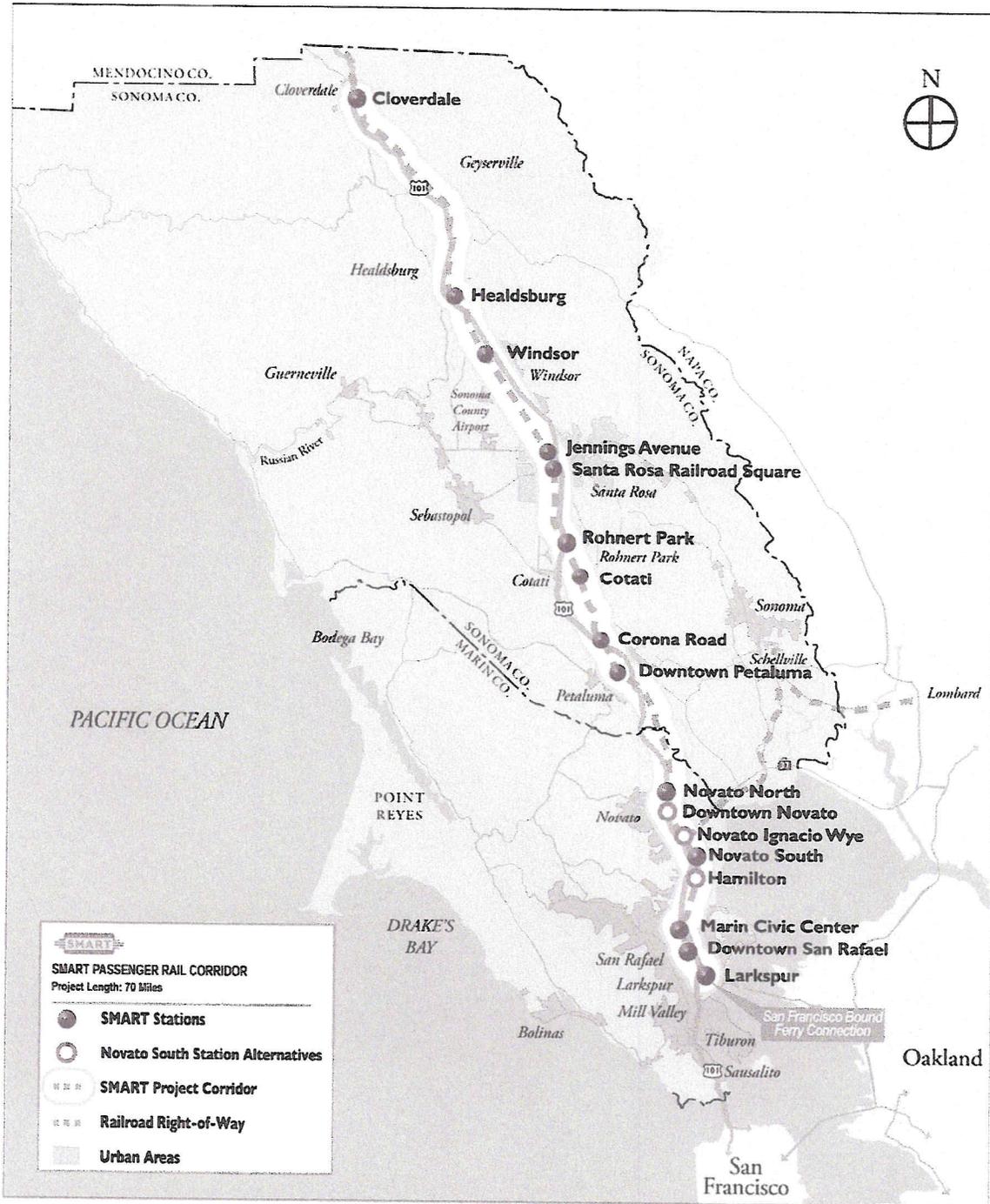


EXHIBIT "B"
**SIGNIFICANT IMPACTS THAT
CANNOT BE FULLY MITIGATED**

The Final SEIR identifies the following significant or potentially significant adverse environmental impacts of the Proposed Project that cannot or may not be mitigated to an insignificant level and are, therefore, significant unavoidable impacts:

TRANSPORTATION

Impact T-11: The Ignacio Wye Station site alternative would increase potential traffic hazards by adding traffic to freeway ramps that do not meet current design standards.

Facts

In Section C.5.2.1 (Transportation, Ignacio Wye Station site alternative), the Draft SEIR found that the Marsh Road/Hanna Ranch Road ramps to Highway 37 do not meet current Caltrans design standards and that adding traffic accessing the Ignacio Wye Station site alternative to the ramps would increase potential traffic hazards. This would be a significant impact if the Ignacio Wye Station site alternative were selected as the Novato South Station.

Finding

Based on the Final SEIR and the entire record, the Board finds the increased traffic hazard resulting from adding Proposed Project traffic to the Marsh Road/Hanna Ranch Road freeway ramps to Highway 37 would be significant and unavoidable if the Ignacio Wye Station site alternative were selected as the Novato South Station site. No feasible mitigation has been identified to mitigate this impact. This impact is overridden by project benefits as set forth in the Statement of Overriding Considerations.

Rationale

If the Ignacio Wye Station site alternative were selected as the Novato South Station, the Proposed Project would add traffic to the Marsh Road/Hanna Ranch Road ramps to Highway 37. These ramps do not meet current Caltrans design standards because they are located less than a half-mile from the Highway 101/37 interchange, while current standards call for a two-mile spacing between a street/freeway interchange and a freeway/freeway interchange. As a result, the existing freeway ramps provide inadequate "weaving" distance. The Proposed Project would add additional traffic to these ramps if the Ignacio Wye Station site alternative were selected, resulting in a potential increase in

traffic hazards. Mitigation would require reconstructing existing ramps and/or relocating the existing ramps farther to the east on Highway 37, ideally at least 1.5 miles, to meet the two-mile spacing standard. This would be costly (likely several million dollars), would make the ramps far less convenient, and may not be feasible due to potential impacts on wetlands. Given the low traffic volumes that use these ramps, it is unlikely Caltrans would consider expending significant funds to relocate the ramps to accommodate the SMART project. The impact would therefore remain significant and unavoidable if the Ignacio Wye Station site alternative is selected as the Novato South Station. If the Ignacio Wye Station site alternative is not selected as the Novato South Station for the Proposed Project, the impact would be avoided.

GEOLOGY, SOILS, SEISMICITY, AND HYRDODOLOGY

Impact G-4: The Novato South Station site alternatives would be susceptible to significant groundshaking from earthquakes.

Facts

In Sections C.5.1.5, C.5.2.5, and C.5.3.5 (Geology and Hydrology), the Draft SEIR found that construction of any of the three Novato South Station site alternatives could expose people and structures to a significant impact due to severe groundshaking from a large magnitude earthquake. This impact is the same as identified for the entire project corridor in the 2006 Final EIR.

Finding

Based upon the Final SEIR and the entire record, the Board finds the risk to people and structures from the impacts of severe groundshaking due to a large magnitude earthquake would be significant and unavoidable. All feasible mitigation measures to reduce the risk have been incorporated into or required for the Proposed Project and would be applicable to the station site selected for the Novato South Station. However, it is not possible to completely avoid or fully mitigate the risk of damage from a large magnitude earthquake in the region. Accordingly, the Board concludes this impact would not be reduced to a level of less-than-significant. This impact is overridden by project benefits as set forth in the Statement of Overriding Considerations.

Rationale

The Proposed Project would be constructed and operated in a region that is prone to seismic activity. Because the entire region is in a seismically active zone, implementation of transportation facilities anywhere in the region would expose users of the facilities to risks from earthquake-induced groundshaking. Station site development,

including at the three alternative sites for the Novato South Station, is limited in most cases to platforms and surface parking lots. Structures associated with the Proposed Project would be designed to meet all applicable seismic requirements, thereby reducing the potential for damage in the event of an earthquake. Mitigation Measure G-4 in the 2006 Final EIR requires a site-specific geotechnical investigation report to be prepared as part of final project design and its recommendations for seismic design parameters per the Uniform Building Code incorporated into project design. The report will include an in-depth study of regional seismicity and site-specific geologic conditions, including a probabilistic seismic hazard analysis that incorporates risk-based evaluations of exceedance of certain peak ground accelerations. Site-specific measures to reduce impacts would include ground improvement such as soil mixing, jet grouting, and soil densification, as well as the use of pile-supported structures. Mitigation Measures G-5 and G-6 in the 2006 Final EIR also require subsurface investigations and the incorporation of appropriate design criteria to further ensure that structures and facilities can withstand ground-moving forces from an earthquake. However, for the foregoing reasons, it is concluded that this impact cannot be mitigated to a less-than-significant level.

NOISE AND VIBRATION

Impact N-5: Train horns would cause a substantial increase in ambient noise levels in the project vicinity on weekends.

Facts

In Section C.3.4, the Draft SEIR found that train horns would cause a significant increase in ambient noise levels near at-grade crossings on weekends if the Proposed Project is expanded to include weekend service. This impact is the same as identified in the 2006 Final EIR for the Proposed Project's weekday service.

Finding

Based on the Final SEIR and the entire record, the Board finds that the noise from train horns being sounded at at-grade crossings on weekends would exceed applicable noise criteria at some at-grade crossings. This will be a significant and unavoidable impact unless specified mitigations are employed. Mitigation Measure N-5 in the 2006 Final EIR proposes the implementation of Quiet Zones, which would allow trains to pass through at-grade crossings without sounding a horn. SMART has committed to assisting local jurisdictions in implementing Quiet Zones and has included funding in the project expenditure plan for supplementary safety measures required for Quiet Zones. Although implementation of these improvements would reduce the identified impact to less than

significant, the application for Quiet Zone designation is within the control of the local municipalities and not the SMART District. Therefore, the Board cannot fully guarantee that the mitigation measure will be implemented. Accordingly, the Board concludes this impact may not be reduced to a level of less-than-significant. This impact is overridden by project benefits as set forth in the Statement of Overriding Considerations.

Rationale

Train horn noise would occur on weekend days along with the weekdays that were considered in the 2006 Final EIR if the Proposed Project is expanded to include weekend service. Weekend train horn noise would be limited to the daytime/early evening hours of passenger service and to eight pass-bys per weekend day, which is substantially less than the number of weekday pass-bys at most locations. However, horn noise from each pass-by would have the potential to affect residents and other sensitive land uses, including churches or parks, near at-grade crossings. Despite the lower frequency of weekend train horn noise compared to weekday service, the impact of the substantial noise increase caused by train horns would be significant and unavoidable with weekend service in a manner similar to the original SMART project. Mitigation Measure N-5, which would eliminate the use of train horns in Quiet Zones, would avoid the impact if implemented. SMART has committed to assisting local jurisdictions in implementing Quiet Zones and has included funding in the project expenditure plan for supplementary safety measures required for Quiet Zones. However, because the implementation of the proposed mitigation measure cannot be guaranteed by SMART, this impact is considered significant and unavoidable.

Impact N-6: Future combined passenger and freight operations would result in a permanent cumulative increase in ambient noise levels for sensitive receptors in some segments of the rail corridor between Cloverdale and the Ignacio Wye.

Facts

In Section C.6.4.1, the Draft SEIR found that the significant noise impact created by freight trains passing nearby sensitive receptors (e.g., homes) would result in a significant cumulative impact when combined with passenger train operations in portions of the shared rail corridor between Cloverdale and the Ignacio Wye at Highway 37 in Novato. Although noise from SMART train pass-bys would not exceed the significance criteria at any sensitive receptors along the track, with the addition of freight service, the cumulative noise impact would be significant in some locations.

Finding

Based on the Final SEIR and the entire record, the Board finds that freight train operations would cause the cumulative noise from passenger and freight operations to exceed the significance criteria in some locations. SMART's environmental compliance measures include the use of timber crossties and switchties and continuous welded rail to reduce noise and vibrations from all train operations. However, no additional feasible mitigation measures have been identified that would avoid or lessen this cumulative impact. Accordingly, the Board concludes this impact may not be reduced to a level of less-than-significant. This impact is overridden by project benefits as set forth in the Statement of Overriding Considerations.

Rationale

As shown in the 2005 Draft EIR, the SMART project alone would not cause a significant noise impact at any sensitive receptors along the track. However, independent of SMART's passenger operations, the NCRA proposed freight service with six pass-bys per day would exceed the significance criteria at some sensitive receptors due to heavier and longer trains that create more noise than passenger rail vehicles. Accordingly, NCRA's proposed freight operations would cause the cumulative impact to become significant for some residences and other noise-sensitive land uses along the tracks. In the more densely populated areas where residential uses and other noise-sensitive uses are more likely to be encountered, freight train speeds would be lower, but noise could still be over the significance threshold. Freight train idling on freight sidings could add to these noise levels if sidings are located in close proximity to sensitive receptors such as homes, parks, or schools. The actual noise level would depend on distance of sensitive receptor, length of idling, and number of times per day idling occurred.

This cumulative impact would only occur in some portions of the shared rail corridor between Cloverdale and the Ignacio Wye at Highway 37 in Novato. Although SMART's passenger service would not individually result in a significant impact, it would make a cumulatively considerable contribution to the impact because the impact criteria require combining and averaging noise levels over a 24-hour period. Implementation of the Proposed Project would include the use of timber crossties and switchties and continuous welded rail, which would reduce noise and vibrations from all train operations. However, no additional feasible mitigation measures have been identified that would avoid or lessen this cumulative impact and it would remain significant and unavoidable.

Conclusion

With respect to all of the significant impacts referenced above and those impacts discussed in Exhibit "A", the Board finds that all feasible mitigation measures and alternatives have been adopted to avoid or substantially lessen the environmental impacts of the Proposed Project. Accordingly, changes or alterations have been required in, or

incorporated into, the Proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR to the extent feasible. Some changes or alterations that would avoid or lessen a significant environmental effect of the Proposed Project are within the responsibility and jurisdiction of another public agency; such changes can and should be adopted by the other public agency. The changes or alterations that would avoid or lessen the significant effects of the Proposed Project are discussed in this Exhibit B, in the main body of the Resolution and in other Exhibits appended thereto.

EXHIBIT "C"
STATEMENT OF
OVERRIDING CONSIDERATIONS

I. Introduction

1.01 In approving the submission of a retail transactions and use tax ordinance (the "Sales Tax Ordinance") to the voters of the District to provide funding for the Proposed Project evaluated in the 2006 Final EIR and the 2008 Final SEIR (collectively, the "Final EIRs"), the Board makes the following Statement of Overriding Considerations pursuant to Public Resources Code section 21081 and State CEQA Guidelines section 15093 in support of its findings on the Final EIRs. The Board has considered the information contained in the Final EIRs and has fully reviewed and considered all of the public testimony, documentation, exhibits, reports, and presentations included in the record of these proceedings. The Board specifically finds and determines that this Statement of Overriding Considerations is based upon and supported by substantial evidence in the record.

1.02 The Board has carefully weighed the benefits of the Proposed Project against any adverse impacts identified in the Final EIRs that could not be feasibly mitigated to a level of insignificance. As more fully set forth in the Final EIRs, the significant impacts of the Proposed Project that arguably cannot be mitigated to levels of insignificance include susceptibility of the rail alignment, including station sites, to severe groundshaking from a large magnitude earthquake; increased delay at some intersections near rail stations; traffic hazards on the freeway ramps to the Ignacio Wye Station site alternative (if the Ignacio Wye Station site alternative were the selected Novato South station); project-level and cumulative noise impacts from train horns at at-grade crossings; and increased cumulative noise levels from passenger and freight train operations for sensitive receptors near the tracks at some locations between the Ignacio Wye (Highway 37) and Cloverdale. These impacts are specifically identified in Exhibit "B" to this resolution and Exhibit "B" to Resolution 2006-06. While the Board has required all feasible mitigation measures, such impacts remain significant for purposes of adopting this Statement of Overriding Considerations.

1.03 Notwithstanding the identification and analysis of the impacts that are identified in the Final EIRs as being significant and potentially significant which arguably may not be avoided, lessened, or mitigated to a level of insignificance, the Board, acting pursuant to Public Resources Code Section 21081 and Section 15093 of the State CEQA Guidelines, hereby determines that specific economic, social, environmental, land use, public policy, and other benefits of the Proposed Project outweigh any unavoidable, adverse impacts of the Proposed Project and

that submission of the Sales Tax Ordinance to the voters for purposes of providing funding for the Proposed Project should be approved.

1.04 This Statement of Overriding Considerations applies specifically to those impacts found to be significant and unavoidable as set forth in the Final EIRs and the record of these proceedings. In addition, this Statement of Overriding Considerations applies to those impacts that have been substantially lessened but not necessarily lessened to a level of insignificance.

1.05 Based upon the objectives identified in the Proposed Project and the Final EIRs, the detailed environmental compliance measures proposed as part of the Proposed Project, as well as additional mitigation measures imposed upon the Proposed Project, and following extensive public participation and testimony, the Board has determined that the Sales Tax Ordinance should be submitted to the voters of the District for their approval and that any remaining unmitigated environmental impacts attributable to the Proposed Project are outweighed by the following specific economic, social, environmental, land use, public policy, and other overriding considerations.

II. Benefits of the Proposed Project

2.01 The 2006 Final EIR found that the Proposed Project is the environmentally superior alternative; that is, among the alternatives considered in the 2006 Final EIR, the Proposed Project would result in the least adverse environmental impacts. This conclusion did not change in the 2008 Final SEIR. Specifically, even with the modifications proposed for inclusion in the Project and considering the change in the cumulative freight scenario analyzed in the Final SEIR, the Proposed Project would continue to offer environmental advantages over both the Express Bus and No-Project Alternatives with respect to transportation, air quality, energy use, land use, and recreation.

With respect to transportation, the Proposed Project provides a benefit in terms of lower vehicle miles traveled (VMT) and vehicle hours traveled (VHT) within Sonoma and Marin Counties. Changes in VMT and VHT within the region are a principal gauge for measuring the effectiveness of a transit project such as the Proposed Project, indicating whether the proposed transit improvement will result in fewer total vehicle miles and vehicle hours on the region's roadways. Changes in VMT and VHT for all alternatives were first calculated based on the model output; however, the modeled VMT/VHT for the Express Bus Alternative were counter-intuitive and showed increases in VMT and VHT over no-project conditions in 2025. Accordingly, as described in Master Response E.1 in the 2006 Final EIR, SMART's traffic consultant prepared an "off-model" analysis of VMT/VHT for the year 2025. The "off-model" analysis showed that VMT and

VHT for all three “build” alternatives were improved over future no-project conditions, with the Proposed Project performing the best of all alternatives. The addition of weekend passenger rail service would enhance this beneficial impact by also reducing VMT and VHT on weekends.

In addition to VMT/VHT benefits, the Proposed Project, which will operate on a dedicated right-of-way, offers an alternative that does not depend on use of the congested Highway 101, unlike either the Express Bus or No-Project Alternatives, and will generally have faster in-vehicle travel times between the cities and towns served by the Proposed Project.

The Proposed Project would also have higher average speeds along Highway 101 than the Express Bus Alternative. By taking over 5,000 trips off of Highway 101 each weekday, there will be a redistribution of trips that will provide additional capacity on Highway 101 feeder and parallel routes. In addition, the Proposed Project’s reduction in total VHT results in lower vehicle hours of delay (VHD) along the two-county length of Highway 101, thereby reducing the overall length of the peak period on Highway 101. This is a benefit for those Highway 101 users who can shift their roadway travel to the peak period.

The North Bay has demonstrated a commitment to upgrading Highway 101 with the addition of HOV lanes, ramp metering and other transportation management techniques. There are no plans to build new parallel highway facilities to add additional capacity to the system. The provision of rail service provides an opportunity to add capacity to the 101 Corridor to meet future demand without new freeway construction.

Implementation of the proposed bicycle/pedestrian pathway along the right-of-way with direct access to the rail stations would also provide an alternative mode of transportation that could help ease traffic demands on local streets and roads.

With respect to air quality, the Proposed Project would contribute to a reduction in the amount of motor vehicle use in the region, which in turn would result in a reduction in carbon dioxide (CO₂) emissions, the major component of greenhouse gases, compared to the No-Project Alternative as well as the Express Bus and Minimum Operable Segment (MOS) Alternatives. By introducing a new transit system that will lower greenhouse gas emissions from transportation sources in the District relative to the No-Project condition, the Proposed Project will further the goals of local jurisdictions to achieve the greenhouse gas reductions mandated by AB 32. In addition, implementation of the Proposed Project would result in the reduction of other air pollutant emissions, including carbon monoxide (CO), reactive organic gases (ROG), and particulate matter (PM₁₀), compared to future no-project conditions as well as the Express Bus and MOS Alternatives. If light

DMUs are selected as the passenger rail vehicle, even greater reductions in greenhouse gases and other air pollutant emissions will be realized.

Regarding energy use, implementation of the Proposed Project would reduce both direct and indirect energy consumption compared to all alternatives. The use of bio-diesel fuels to power rail vehicles was also analyzed in the 2006 Final EIR; if these fuels are used, they would further reduce the Project's demand for domestic and international oil. The use of light DMUs would increase the Proposed Project's energy benefits compared to the No-Project condition by achieving even greater fuel efficiency.

The Proposed Project would be supportive of existing commercial uses and employment centers within walking distance (i.e., a ½ mile radius) of proposed rail stations. The Santa Rosa – Jennings Avenue, Santa Rosa – Railroad Square, Downtown Petaluma, Novato North, Downtown Novato or Hamilton (if either is selected as the Novato South station), Marin Civic Center, and San Rafael stations all have substantial portions of commercial/retail/office uses within a ½ mile; the Proposed Project would bring people to these areas without additional vehicular traffic. Increasing the transit accessibility of these commercial and employment areas would be a positive benefit of the Proposed Project.

With respect to recreation, the proposed bicycle/pedestrian pathway would provide a major increase in the amount of recreational facilities available in the region, by constructing approximately 54 miles of dedicated pathway on the SMART right-of-way. This facility would also link existing local pathways to the regional pathway system. Other benefits of the proposed pathway include providing linkages between transit facilities and between the two counties, as well as providing implementation of portions of numerous county and local bicycle trail plans.

Although both the Express Bus and No-Project Alternatives (and the MOS Alternative to a lesser extent) would avoid the construction impacts associated with implementing the Proposed Project, including impacts on sensitive biological resources, these construction impacts are either short-term effects that are not significant or effects that can be mitigated to levels that are not significant through required construction best management practices and protective measures.

2.02 The NWP rail right-of-way has been preserved over the last 30 years specifically for the implementation of multi-modal transportation. The NWP right-of-way is a resource that currently lies unused at a time when most public institutions are seeking to maximize all available resources in the provision of multi-modal transportation alternatives to freeway congestion. By making use of the existing NWP right-of-way to implement passenger rail service in the two

counties, the Proposed Project would further the goals of the general plans of most of the local jurisdictions along the right-of-way in Marin and Sonoma Counties. Many of these general plans also encourage mixed-use development adjacent to public transportation facilities, which the Proposed Project would support. The investment in a rail system contributes to a jurisdiction's ability to implement transit-oriented development (TOD) and pedestrian-friendly development at designated city center stations. The implementation of this type of development can reduce reliance on the automobile, which in turn would further reduce vehicle miles traveled, traffic congestion, parking demand, air emissions including greenhouse gases, and household transportation costs. Overall, it would permit more efficient land utilization, thereby reducing the cumulative effects of less compact development and generally implementing general plan recommendations along the corridor, and thus benefit both existing and future residents as well as the communities at large. Transit-oriented development and city-centered development, coupled with SMART's legislative prohibition against locating stations in undeveloped areas, helps ensure the realization of general plan goals to preserve open space and inhibit sprawl development.

2.03 The Proposed Project would improve water quality and stormwater management, by reestablishing hydrologic zones along the right-of-way. As part of the Proposed Project, culverts would be cleared, resized, or reconstructed, as necessary; these improvements would reduce sediment delivery to nearby water bodies and would reduce the risk of flooding.

2.04 Total daily ridership would be higher for the Proposed Project compared to the Express Bus Alternative. The Proposed Project would also increase the number of boarding passengers on Sonoma County and Golden Gate Transit lines.

2.05 The Proposed Project provides numerous benefits not achieved by other modes of travel. Rail service is a more reliable mode of travel relative to highway travel. Rail travel is not subject to highway congestion and rail breakdowns are less frequent than bus service, contributing to a user's ability to get to work on a reliable schedule. The provision of shuttle services to major employment centers further enhances a user's ability to rely on the train for getting to work.

Passenger rail provides a smooth ride for users. The lack of sharp turns, the use of continuous welded rail tracks and gradual deceleration and acceleration at station stops contributes to the comfort of this mode of travel. Rail passengers can avail themselves of amenities often associated with Bay Area ferry services, including morning coffee and newspaper services, afternoon refreshments, social interaction with other rail patrons, reading, sleeping and connections to the wireless Internet system provided on board passenger rail cars. Rail patrons can utilize the time

they travel on rail productively; unlike congested freeway driving time, the time spent on a train can be used for work or leisure.

Rail patrons receive the health benefits of a less stressful commute than driving in congested traffic, coupled with the advantages of walking at one or both trip ends. The health benefits of the bicycle/pedestrian pathway extend these benefits both for commuters biking or walking to stations and to recreational users who will receive health benefits far beyond the normal commute hours.

Over \$132 million in authorized rail construction funding has been set aside for SMART. Implementation of the Proposed Project will allow the North Bay to access these regional, state and federal funds that otherwise may be allocated to rail projects in other regions. By utilizing the funds in the two-county area, the area will benefit from positive effects on employment and other indirect beneficial economic effects related to local expenditures.

III. Conclusion

3.01 The Board finds that the Proposed Project has been carefully reviewed and that the environmental compliance measures and mitigation measures identified in the Final EIRs have been included in the Mitigation Monitoring Plan adopted by the Board pursuant to this Resolution. Nonetheless, the Proposed Project may have certain environmental effects that cannot be avoided or substantially lessened. The Board has carefully considered all of the environmental impacts that have not been mitigated to an insignificant level. The Board has carefully considered the specific economic, social, environmental, land use, public policy, and other benefits of the Proposed Project. The Board has balanced the economic, social, environmental, land use, public policy, and other benefits of the Proposed Project against its unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the Proposed Project outweigh the adverse environmental effects.

3.02 Based on the foregoing and pursuant to Public Resources Code section 21081 and State CEQA Guidelines section 15093, the Board finds that the remaining significant unavoidable impacts of the Proposed Project are acceptable in light of the economic, social, environmental, land use, public policy, and other benefits of the Proposed Project. Such benefits outweigh such significant and unavoidable impacts of the Proposed Project and provide the substantive and legal basis for this Statement of Overriding Considerations.