

RESOLUTION NO. 19-005

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY, ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM UNDER CEQA FOR THE LILAC TO RANCHO DOUBLE TRACKING PROJECT, AND APPROVING THE LILAC TO RANCHO DOUBLE TRACKING PROJECT

WHEREAS, the San Bernardino Line is a 55-mile rail corridor operated by Metrolink (SCRRA) to provide commuter rail service between Los Angeles Union Station and the San Bernardino Transit Center and is the busiest commuter rail line in Southern California; and

WHEREAS, the Burlington Northern Santa Fe Railway and Union Pacific Railroad also use the San Bernardino Line;

WHEREAS, the San Bernardino County Transportation Authority (SBCTA) and Los Angeles County Metropolitan Transportation Authority (LACMTA) conducted the Metrolink San Bernardino Line Infrastructure Improvement Strategic Study (Study), which was completed in September 2014; and

WHEREAS, the Study identified the Lilac to Rancho Double Tracking Project (Project) as one of two second mainline traffic segments that, if constructed, would lead to increased average commuter train speeds, reduced travel times, and enhanced overall capacity of the Metrolink San Bernardino Line; and

WHEREAS, the Project would add approximately three miles of second mainline track along the San Bernardino Line railroad corridor between CP Lilac Milepost 52.4 in the City of Rialto to approximately CP Rancho, near Milepost 55.1 in the City of San Bernardino; and

WHEREAS, other components of the Project include improvements to ten at-grade crossings, improvements to implement a quiet zone, and a second passenger platform at the Rialto Metrolink Station; and

WHEREAS, the objectives of the Project are to increase average commuter train speeds, reduce travel times, and enhance overall capacity of the Metrolink San Bernardino Line;

WHEREAS, SBCTA is the lead agency for purposes of conducting environmental review and clearance of the Project under the California Environmental Quality Act (CEQA); and

WHEREAS, as the CEQA lead agency, SBCTA prepared an Initial Study/Mitigated Negative Declaration (State Clearinghouse Number: 2018041037) (IS/MND) as required by CEQA to assess potential environmental impacts of the Lilac to Rancho Double Tracking Project; and

WHEREAS, SBCTA published notice of a public review period of April 16 to May 16, 2018, to solicit comments from the public and/or other agencies on the IS/MND; and

WHEREAS, after the close of the public review period, SBCTA reviewed all comments on the IS/MND and prepared written responses to those comments, and all issues identified in the comments were appropriately addressed in the IS/MND; and

WHEREAS, SBCTA conducted a properly-noticed public hearing on the IS/MND on April 30, 2018, at which time all those desiring to be heard were given an opportunity to comment on the IS/MND;

WHEREAS, the SBCTA Board has considered, without limitation:

1. Lilac to Rancho Double Tracking Project Final Initial Study/Mitigated Negative Declaration dated June 2018;
2. All comments received during the Lilac to Rancho Double Tracking Project Initial Study /Mitigated Negative Declaration public review process;
3. The Lilac to Rancho Double Tracking Project Initial Study/Mitigated Negative Declaration Response to Comments and Mitigation Monitoring and Reporting Program;
4. The Staff Report to the San Bernardino County Transportation Authority Board with attachments; and
5. All oral comments submitted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Bernardino County Transportation Authority, as follows:

Section 1. **Recitals.** The foregoing recitals are true and correct and made a part of this Resolution.

Section 2. **IS/MND Adequacy.** The Board of Directors has independently reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration and adopts the IS/MND.

Section 3. **Findings.** The Board of Directors makes the following findings:

1. There is no substantial evidence that the Project will have a significant effect on the environment;

2. The Initial Study/Mitigated Negative Declaration reflects SBCTA's independent judgment and analysis; and
3. The custodian of the documents and other material which constitute the record of proceedings upon which this decision is based is the Clerk of the SBCTA Board. Such record of proceedings is located at San Bernardino County Transportation Authority, 1170 West 3rd Street, San Bernardino, California 92410.

Section 4. Mitigation and Monitoring Program. The Board of Directors adopts the Mitigation Monitoring and Reporting Program attached as Attachment B.


Section 5. Lilac to Rancho Double Tracking Project. The Board of Directors approves the Lilac to Rancho Double Tracking Project.

Section 6. Notice Of Determination. The Board of Directors directs staff to file a Notice of Determination (NOD) attached as Attachment A stating that the SBCTA Board has considered and adopted the IS/MND and has approved the Lilac to Rancho Double Tracking Project.

Section 7. Attachments. Attachments A and B are incorporated herein by reference, all in compliance with the requirements of CEQA.

Section 8. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Directors of the San Bernardino County Transportation Authority held on this 3 day of October, 2018.



James C. Ramos, Board President
San Bernardino County Transportation Authority

ATTEST:



Vicki Watson, Clerk of the Board
San Bernardino County Transportation Authority

Attachment A

Print Form

Notice of Determination

Appendix D

To:
 Office of Planning and Research
U.S. Mail: _____ *Street Address:* _____
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

From:
 Public Agency: SBCTA
 Address: 1170 W. 3rd Street, 2nd Floor
 San Bernardino, CA _____
 Contact: Victor Lopez
 Phone: 908-884-8276

County Clerk
 County of: San Bernardino
 Address: 222 W. Hospitality Lane
 San Bernardino, CA 92415

Lead Agency (if different from above): _____
 Address: _____
 Contact: _____
 Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2018041037

Project Title: Lilac to Rancho Double Tracking

Project Applicant: SBCTA

Project Location (include county): Rialto, San Bernardino County, CA

Project Description:
 The San Bernardino County Transportation Authority (SBCTA), as the Project proponent, is proposing to construct approximately three (3) miles of a second main line track along the San Gabriel Subdivision, San Bernardino Line (SBL) railroad corridor between Control Point (CP) Lilac Milepost 52.4 to approximately CP Rancho, near MP 55.1 in the cities of Rialto and San Bernardino. This second track would improve average train speed, travel times, reliability, and overall capacity of the SBL.

This is to advise that the SBCTA _____ has approved the above
 Lead Agency or Responsible Agency

described project on _____ and has made the following determinations regarding the above
 (date)
 described project.

1. The project will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not] adopted for this project.
5. A statement of Overriding Considerations was was not] adopted for this project.
6. Findings were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
 San Bernardino County Transportation Authority 1170 W. 3rd Street, 2nd Floor San Bernardino, CA 92410-1715

Signature (Public Agency): _____ Title: _____

Date: _____ Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
 Reference Section 21000-21174, Public Resources Code.

Revised 2011

Attachment: Attachment_A_SBCTA_Rancho_Lilac_NOD (5162 : Lilac to Rancho Double Track - Approve Environmental Document (IS/MND))

Attachment B - Environmental Commitments Matrix, Rancho to Lilac Double Track Project, SBCTA

Responsible Party	Section	Environmental Resource Category	Environmental Commitment Description	Timing Requirements of Environmental Commitments (Seasonal Restrictions, Month, Year)	Environmental Commitments Completed (Date) and Sign-Off Signatures (Responsible Party)
Contractor and SBCTA	3.2	Noise	<p><u>NOI-1:</u> Complete the Work Permit preparation, submittal and approval process with the City of Rialto to allow weekend construction activities. The approved Work Permit, issued by the City Manager, will allow anticipated weekend construction that would extend beyond the authorized timelines and days according to the City’s Municipal Code (Title 9, Chapter 9.50.070). The specific timelines that will be permitted according to this mitigation measures include the following: *Construction activities will be allowed beginning on Friday from 5:31 pm through to Saturday at 7:59 am *Construction activities will be allowed beginning on Saturday’s from 5:01 pm through to Monday at 6:59 am Consistent with the City of Rialto’s Work Permit requirements to demonstrate sufficient need and justifications, the construction activities necessary during the above defined work windows are associated with the proposed at-grade roadway crossing improvements. These roadway crossings must be modified and the prescribed improvements implemented (Project Description, Section 2.0). To avoid any potential for secondary impacts to north-south access across the railroad corridor and to also avoid undue detours, each roadway crossing and its corresponding improvements will occur over a single weekend with only one crossing being closed and improvements being constructed at a time. No concurrent roadway closure or construction will occur.</p>	Prior to Construction/Ground-Breaking	
Contractor and SBCTA	3.2	Noise	<p><u>NOI-2:</u> The necessary environmental commitments of Mitigation Measure NOI-2, will be completed prior to potential implementation of Mitigation Measure NOI-3 in attempt to avoid the potential for a full acquisition of the residential structure at 2422 W Rialto Ave. Implementation of NOI-2 will include the following three (3) steps: *Step 1 – Complete a property line/SBCTA ROW survey to delineate the corresponding parcel boundaries associated with the impacted property located at 2422 W Rialto Ave, and the SBCTA ROW boundary. This delineation will establish the ROW limits in relation the improvements located on the property located at 2422W Rialto Ave. The survey and the corresponding results will also confirm if the improvements currently in place at 2422W Rialto Ave are encroaching into SBCTA ROW. Depending on the results of the above described delineation the second step as part of this mitigation measure may require partial financial responsibility of the current owner of the property at 2422W Rialto Ave. Property owner approval may be necessary of access onto the property at 2422 W Rialto Ave is required to complete the survey. *Step 2 – Conduct the necessary vibration measurements, evaluation, modeling (if deemed necessary), and document the results. The results will provide a determination on the minimum separation distance from the proposed second main-line railroad track alignment to address the currently predicted vibration impact. If the vibration measurement results determine that the separation from tracks is not sufficient to address the predicted vibration impact then an additional evaluation of a double layer of ballast mats will be included to supplement the evaluation and determine if the combined action will address the predicted vibration impact. *Step 3 – Based on the results from Step 1 and 2, assuming the results of Step 2 present a viable mitigation for the predicted vibration impact then proceeding with Step 3 will be undertaken. Initiate the relocation of the existing residential structure, according to the minimum separation distance required. The relocation will include an evaluation the existing improvements needed on-site and determination on the preferred location within the limits of the parcel boundaries at 2422 W Rialto Ave. The on-site evaluation of the property located at 2422 W Rialto Ave will include the spatial requirements, supplemental improvements needed (foundation and relocated utility connections), City of San Bernardino development standards and building permit requirements, and any potential secondary modifications or removals of other on-site improvements that would also be required. Step 2 may also include the inclusion of a double layer of ballast mats with the second main-line track alignment. The limits of the double layer ballast mat, if deemed necessary, will be provided as part of the Step 2 documentation results. If the results from Step 2 determine that relocation of the existing residential structure at 2422 W Rialto Ave, alone or in concert with a double layer ballast mat is not a viable mitigation for the predicted vibration impact at this property then Mitigation Measure NOI-3 will be implemented.</p>	During Final Design/PS&E Stage	
Contractor and SBCTA	3.2	Noise	<p><u>NOI-3:</u> This environmental commitment will only be considered for implementation after the stepped process associated with Mitigation Measure NOI-2 have been completed and determine to be a non-viable mitigation option. Mitigation Measure NOI-3 will involve the preparation of a relocation impact technical memorandum that will document the necessary steps and provisions associated with the full acquisition of the property located at 2422 W Rialto Ave. This full acquisition will also include a comprehensive evaluation of comparable replacement property resources. The replacement resources will be evaluated based on current and fair market value, including size (parcel and building square footage (primary structure) and configuration (number of bedrooms/bathrooms). Any secondary improvements currently on-site at 2422 W Rialto Ave will be considered in concert with the property appraisal conducted. The evaluation of costs associated with this option in comparison to the on-site relocation and ballast mats will also be evaluated to determine the best option and most viable solution</p>	During Final Design/PS&E Stage	

Attachment: Attachment_B_Environmental_Committments_SBCTA_Rancho_Lilac (5162 : Lilac to Rancho Double Track - Approve

Attachment B - Environmental Commitments Matrix, Rancho to Lilac Double Track Project, SBCTA

Responsible Party	Section	Environmental Resource Category	Environmental Commitment Description	Timing Requirements of Environmental Commitments (Seasonal Restrictions, Month, Year)	Environmental Commitments Completed (Date) and Sign-Off Signatures (Responsible Party)
Contractor and SBCTA	3.2	Noise	<p>In concert with the noise analysis the local municipal codes from the City of Rialto were reviewed. The City of Rialto Municipal Code and noise ordinances, Title 9, Chapter 9.50.070, covers noise due to construction. It states that it is unlawful for any person to perform construction work except between the hours given in Table 3-3.</p> <p><i>City of Rialto Municipal Code</i> <i>October 1 through April 30 May 1 through September 30</i> <i>Monday-Friday 7:00 am to 5:30 pm 6:00 am to 7:00 pm</i> <i>Saturday 8:00 am to 5:00 pm 8:00 am to 5:00 pm</i> <i>Sunday No permissible hours No permissible hours</i> <i>State Holidays No permissible hours No permissible hours</i></p> <p>The City of San Bernardino Municipal Code and noise ordinances, Title 8, Chapter 8.54.070, also covers noise due to construction. It states that it is unlawful for any person to perform construction work except between the hours of 7:00 am and 8:00 pm (daily).</p> <p>The Proposed Project would require construction activities during select weekends, including improvements at each of the eight at-grade crossings (1 weekend per crossing; total of 8 select weekends) and additional weekend work along and within the SBCTA ROW tracks to bring the second mainline track into service. These activities will be coordinated with the cities of Rialto and San Bernardino, including the necessary permit from the City of Rialto (Municipal Code, Title 9, Chapter 9.50.070) thereby allowing construction activities to occur outside of the permissible days of the week. The referenced coordination and City of Rialto and the required permit represents Mitigation Measure NOI-1.</p>	Prior to Construction/Ground-Breaking	
Contractor and SBCTA	3.2	Noise	<p>In concert with the noise analysis the local municipal codes from the City of San Bernardino were reviewed. The City of San Bernardino Municipal Code and noise ordinances, Title 8, Chapter 8.54.070, also covers noise due to construction. It states that it is unlawful for any person to perform construction work except between the hours of 7:00 am and 8:00 pm (daily).</p> <p>The Proposed Project would require construction activities during select weekends, including improvements at each of the eight at-grade crossings (1 weekend per crossing; total of 8 select weekends) and additional weekend work along and within the SBCTA ROW tracks to bring the second mainline track into service. These activities will be coordinated with the cities of Rialto and San Bernardino, including the necessary permit from the City of Rialto (Municipal Code, Title 9, Chapter 9.50.070) thereby allowing construction activities to occur outside of the permissible days of the week. The referenced coordination and City of Rialto and the required permit represents Mitigation Measure NOI-1.</p>	Prior to Construction/Ground-Breaking	
SBCTA	1.3	Permits and Approvals	Section 404 Nationwide 14 Permit, United States Army Corps of Engineers	During Final Design/PS&E Stage	
SBCTA	1.3	Permits and Approvals	National Pollutant Discharge Elimination System General Construction stormwater permit, including Stormwater Pollution Prevention Plan, California Regional Water Quality Control Board	During Final Design/PS&E Stage	
SBCTA	1.3	Permits and Approvals	Section 401 permit, California Regional Water Quality Control Board	During Final Design/PS&E Stage	
SBCTA	1.3	Permits and Approvals	Streambed Alteration Agreement, California Department of Fish and Wildlife	During Final Design/PS&E Stage	
SBCTA	1.3	Permits and Approvals	Compliance with applicable rules and regulations, South Coast Air Quality Management District	During Final Design/PS&E Stage	
SBCTA	1.3	Permits and Approvals	Noise permit for construction activities during select weekend work, City of Rialto	Prior to Construction/Ground-Breaking	
SBCTA	1.3	Permits and Approvals	Encroachment Permit, City of Rialto	Prior to Construction/Ground-Breaking	
SBCTA	1.3	Permits and Approvals	Transportation Permit for hauling oversized material, City of San Bernardino	Prior to Construction/Ground-Breaking	
SBCTA	1.3	Permits and Approvals	Noise permit for construction activities during select weekend work, City of San Bernardino	Prior to Construction/Ground-Breaking	

Attachment: Attachment_B_Environmental_Committments_SBCTA_Rancho_Lilac (5162 : Lilac to Rancho Double Track - Approve