Complying with NEPA/CEQA: ARRA Deadlines and the Race to the Finish Line for California High-Speed Rail

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Background:

**Statewide Program (CAP), 2008:** Identified preferred alternative alignment corridors for the 800-mile HST system.
- Bay Area to Central Valley
- San Diego to Sacramento
- Los Angeles to San Jose

**ARRA Funding:**
- CA Proposition 1A Nov 2004: Makes available $7.7 billion for the statewide HST system planning, engineering, and construction. To-decision plan, design, and construct, CALTRANS divides the 800 mile system into nine geographic sections.
- Proposition 1A allocates funding to support engineering and environmental analysis.
- Develop Section 106 Programmatic Agreement (PAA) with CHAP and USACE.
- Proposes Section 106 Programmatic Agreement with PAA, CHAP, and USACE.

**Environmental Process:**
- Preparing and implementing a Section 106 Programmatic Agreement (PAA).
- Provides clear agreement or analysis and reductions required for historical architecture, anthropological, and paleontological resources.
- PAA also requires future preparation of a Memorandum of Agreement for implementing Section 106 mitigation measures for each HST section.

Section 106:

**Preparation and implementation of a Section 106 Programmatic Agreement (PAA):**
- Provides clear agreement or analysis and reductions required for historical architecture, anthropological, and paleontological resources.
- PAA also requires future preparation of a Memorandum of Agreement for implementing Section 106 mitigation measures for each HST section.

**Recent Activities:**
- Preliminary engineering and environmental studies.
- Ongoing for all HST sections.
- Level of effort varies based on funding and construction phase, where the San Francisco to Los Angeles/Modesto portion of the system is planned to open by 2030 and the Los Angeles to San Diego and from San Diego to Sacramento HST sections by 2027.

ARRA Funding:
- CALTRANS expects ARRA funding to fall 2009.
- Revisions to funding commitments January 2010: $2.05 billion; actual commitments: received in October 2014: $472 million.
- Funding requires construction to be completed by September 2017.
- To keep this schedule, environmental process needs to be completed in Fall 2011 for the HST sections receiving the funding.

**Statute Agency Coordination:**
- Extensive and regular coordination with environmental regulatory agencies.
- Understanding & agreement on basis for future environmental approvals & permits.
- Supported by the parallel coordination process within each of the nine HST sections, geographical areas.

**Lessons Learned:**
- The complexity and challenges steadily rise throughout the process.
- All are concurrent and multifaceted.
- Must use long lead times and attention to detail higher than initially anticipated.
- The environmental process subject to regulatory oversight with unique regulatory challenges.
- Agency agreements for environmental approvals needed long lead times.
- Important to maintain flexibility at all times.
- Critical to keep the process moving to meet the challenge.
- Needing “good partners” as a compass for day-to-day challenges.
- To ensure effective resolution, decisions must be made from all perspectives.
- Concentrating on one environmental document as an example template for the others.

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