

RESOLUTION NO. 22-005

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY MAKING FINDINGS NECESSARY TO APPROVE THE MITIGATION MONITORING AND REPORTING PROGRAM, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, AND APPROVING THE ARROW MAINTENANCE FACILITY HYDROGEN UPGRADE PROJECT

(State Clearinghouse Number 2021030063)

WHEREAS, the San Bernardino County Transportation Authority (SBCTA) is proposing the Arrow Maintenance Facility (AMF) Upgrade Project (Project) to facilitate the augmentation of the planned Arrow Services with a hydrogen (H₂) powered, zero emission multiple unit (ZEMU) rail vehicle; and

WHEREAS, SBCTA acting as the California Environmental Quality Act (CEQA) lead agency has prepared a Final Environmental Impact Report (FEIR), State Clearinghouse Number 2021030063, that analyzes the potentially significant environmental effects of the project, and

WHEREAS, a Notice of Preparation (“NOP”) of the Draft EIR was filed with the State Clearinghouse on March 1, 2021 and was circulated for public comments from March 1, 2021 through March 31, 2021. The NOP was distributed to the public by canvassing and providing flyers to residents and property owners within one-quarter mile of the Project. Additionally, the NOP was made available in both English and Spanish on the Project website; and

WHEREAS, a Notice of Availability (NOA) and Notice of Completion (NOC) and the Draft EIR were distributed to the State Clearinghouse on May 7, 2021; the NOA was also distributed to residents and property owners within a one-quarter mile radius of the Project by canvassing; and the NOA was posted with the San Bernardino County Clerk of the Board on May 7, 2021; and

WHEREAS, the public comment period for the Draft EIR was for 45 days, from May 7 to June 21, 2021, during which the Draft EIR was made available for public review and comment on the SBCTA website and hard copies were provided at the SBCTA office, Norman F. Feldheim Public Library, and Paul Villasenor Branch Library; and

WHEREAS, one public meeting was held during the Draft EIR public comment period on June 2, 2021, from 10:00am to 12:00pm, during the regularly scheduled SBCTA Board of Director’s meeting; due to the COVID-19 pandemic the meeting was hosted virtually and made accessible to the public via Zoom; links were provided on the SBCTA Project website as well as a phone number to dial into the meeting; verbal comments were invited during the public meeting, but none were made; and

WHEREAS, zero (0) comment letters were received during the public comment period for the Draft EIR and no changes are required to the Draft EIR. The Draft EIR by default now becomes the Final EIR (or FEIR); and

WHEREAS, the SBCTA Board of Directors has carefully reviewed the FEIR and all other relevant information contained in the record for the project; and

WHEREAS, the FEIR evaluated the significant or potentially significant environmental impacts associated with the project and addresses appropriate and feasible mitigation measures and alternatives that would mitigate or eliminate those impacts; and

WHEREAS, the FEIR identified no significant and unavoidable environmental impacts as a result of the Project; and

WHEREAS, all other legal prerequisites to the adoption of this resolution have occurred,

NOW, THEREFORE, THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY BOARD OF DIRECTORS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Board hereby certifies the FEIR was completed in compliance with CEQA, that the Board has reviewed and considered the information in the FEIR, and that the FEIR reflects the independent judgment of the Board as the CEQA lead agency.

SECTION 2. Consistent with Section 15082 of the State CEQA Guidelines, SBCTA circulated a NOP informing agencies and the general public that an EIR would be prepared for the project. The following environmental impacts were not considered potentially significant and were not addressed in the FEIR: agriculture and forest resources, biological resources, geology and soils, hydrology and water quality, mineral resources, noise and vibration, population and housing, public services, recreation, transportation and traffic, and wildfire.

SECTION 3. Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines, the Board finds that the significant environmental effects as identified below can feasibly be avoided, eliminated, or substantially lessened through the adoption of proposed mitigation measures recommended in the FEIR as described below. The complete set of mitigation measures as set forth in the applicable sections of Chapter 3 and Chapter 4 of the FEIR and presented in Attachment A to this RESOLUTION.

1. Aesthetics and Visual Resources

The FEIR determined that the Project would modify the existing Arrow Maintenance Facility (AMF) building, incorporate additional utility needs, construct new fueling pads, new or reconfigured lighting, and other permanent visual elements. In addition, the Project would alter the current visual setting during construction, however, these impacts would cease after six months, upon Project operation. The Project may result in a wall or screening feature to obstruct neighborhood views into the Project site. Impacts would be mitigated by mitigation measure AES-1, which includes maintaining consistency of Project elements with the City of San Bernardino's (City) General Plan.

Additionally, the Project may modify or relocate existing lighting within the AMF site. Mitigation measure AES-2 will reduce potential lighting impacts during construction and operation by preparing a lighting plan to minimize light and glare on adjacent properties.

AES-1: Comply with Aesthetic Guidelines in the San Bernardino General Plan
AES-2: Prepare a Lighting Plan

Mitigation measures AES-1 and AES-2 have been made conditions of approval and are included in the Mitigation Monitoring and Reporting Program (MMRP). Implementation of these measures will reduce aesthetic and visual impacts to less than significant levels.

Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines and as detailed in the FEIR in Sections 3.2 and 4.3.1, incorporated herein by reference, the Board finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

2. Air Quality and Greenhouse Gas Emissions

The FEIR determined that operation of a ZEMU train, when compared to a standard DMU, would result in a 100 percent reduction in the localized exhaust emissions resulting from the current DMU operation and would result in a net reduction of emissions. Therefore, the Project is not expected to cause permanent significant impacts on air quality or greenhouse gas emissions. However, during construction, short-term degradation of air quality may occur due to pollutant emissions generated by construction-related activities. As discussed in the FEIR, maximum daily emissions would not exceed the regional emissions thresholds set forth by South Coast Air Quality Management District (SCAQMD). Construction activities would involve removal of asphalt which would not require extensive grading, cut and fill, or import or export of soils. The Project would not exceed SCAQMD's localized significance thresholds for particulate matter (PM10 and PM2.5). However, the Project will incorporate Standard Condition AQ-1 to reduce potential air quality impacts during construction. Therefore, the Project would result in a less than significant impact for air quality and greenhouse gases, and will incorporate the following Standard Condition:

AQ-1: Implement Air Quality Best Management Practices (BMPs) during Construction

Standard Condition AQ-1 has been made a condition of approval and is included in the MMRP.

Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines and as detailed in the FEIR in Sections 3.3 and 4.3.2, incorporated herein by reference, the Board finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

3. Cultural Resources

The FEIR determined that ground-disturbing construction activities has a low potential to directly or indirectly destroy a unique paleontological resource or site or unique geological feature. Two historical resources were identified within the area of potential effects (APE): the AT&SF Railroad Depot and 981 West 3rd Street. However, the Project is not anticipated to have physical impacts on these two historic resources as impacts will be limited to the existing AMF site. The modifications to the AMF site as a result of the Project will not result in visual impacts to the historic resources.

The Project would result in ground disturbing activities which may inadvertently impact previously unrecorded subsurface archaeological resources and tribal cultural resources. Monitoring is not required as a part of this Project. During construction, the Project will implement mitigation measure CUL-1 that would reduce impacts if unanticipated archeological resources are encountered. Similarly, the Project will also require mitigation measure TCR-1 that would reduce potential impacts if cultural resources or human remains are encountered.

CUL-1: Stop work if unanticipated archaeological resources are encountered.

TCR-1: Stop Work and Consult the Tribes consulted under AB 52 if Cultural Resources or Human Remains are Encountered.

Mitigation measures CUL-1 and TCR-1 have been made conditions of approval and are included in the Mitigation Monitoring and Reporting Program (MMRP). Implementation of these measures will reduce archeological resources, cultural resources, and tribal cultural resources impacts to less than significant levels.

Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines and as detailed in the FEIR in Sections 3.4 and 4.3.3, incorporated herein by reference, the Board finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

4. Energy, Utilities, and Service Systems

Short term energy consumption would be required to construct the Project; however, it is anticipated that construction activities would not result in a significant, permanent, nor involve an unnecessary commitment of energy. The construction contractor will implement 2016 CalGreen Building Standard Codes to reduce energy consumption during operations of the proposed Project. Modifications may occur to existing drainage, electricity, and natural gas facilities. The required modifications will be limited to onsite modifications to accommodate the new hydrogen fueling station. No additional lines or connections impacting City resources would occur. Energy sources for construction vehicles and equipment are not in short supply and use of construction equipment would not have a significant impact on the availability of these resources. Impacts would be less than significant.

Permanent impacts as a result of the Project would reduce fuel and energy consumption by improving the rail/transit service and connectivity between the different modes of transportation and encouraging more individuals to use public transit services, directly reducing the number of personal vehicles on the roads.

No significant impacts are anticipated for this issue area, and no mitigation is required. No mitigation is required for energy, utilities, and service systems.

5. Hazards and Hazardous Materials

Construction activities may include the use of commercially available hazardous materials, such as fuels, brake fluids, coolants, and paints. These activities would be temporary or one-time events. The Project would be required to comply with federal, state, and local regulations for the routine transport, use, and disposal of any hazardous materials, including the RCRA; U.S. Department of Transportation Hazardous Materials Regulations (CFR Title 29); and the California Health and Safety Code. In addition, SBCTA will require the construction contractor to comply with mitigation requirements from the DSBPRP EIR: HM-1 (Comply with Hazards and Hazardous Materials Recommendations) and HM-2 (Plan and Monitor for Hazardous Materials), and to prepare a stormwater pollution prevention plan (SWPPP), if required for project construction.

During operation, the Project will utilize and store hazardous materials. The Project would facilitate the integration of a ZEMU train vehicle into the Arrow service through the incorporation of a H₂ fueling pad, battery chargers, and a H₂ fuel storage tank. As currently approved, the refueling of DMUs at AMF would occur daily and these operations would be conducted according to the safety plan for AMF. The Project evaluated two forms of hydrogen fuel, as the kind of fuel to be stored is undetermined at this time. The storage of gas or liquid H₂ is considered a hazardous risk due to the explosive (or unstable) nature of the fuel in a gas or liquid state. During operation, storage of H₂ would be approximately 265 kilograms of gaseous H₂ fuel for a single day of complete ZEMU rail vehicle service. It was assumed that either 500 kilograms of gaseous H₂ would be delivered to the Project site every 2-3 days or 4000 kilograms of liquid H₂ fuel every 10-15 days.

As discussed in the FEIR, three low-probability/high-consequence accidental explosion scenarios were evaluated: (1) gas vapor cloud explosion (GVCE), (2) liquid vapor cloud explosion (LVCE), and (3) boiling liquid expanding vapor explosion (BLEVE). The potential hazards of a VCE and BLEVE are considered significant in the absence of mitigation. Detonation of a liquid H₂ VCE (upper bound LVCE) would result in the most catastrophic damages to buildings and roadways, while the BLEVE for liquid H₂ generates additional damages from flying debris, which could cause both lethal and non-lethal injuries. The Project will implement Mitigation Measure HM-3 (Prepare a Hazards Operations and Emergency Response Plan) as part of the Project's final design to develop and implement a Hazardous Material Operations Plan. In addition to precautions taken against VCE scenario, additional precautions to reduce likelihood of loss of containment and rupture of the storage tank would be considered as part of the mitigation strategy for the BLEVE scenario.

The following mitigation measures will be implemented as a part of the Project:

HM-1 Comply with Hazards and Hazardous Materials Recommendations.

HM-2 Plan and Monitor for Hazardous Materials.

HM-3 Prepare a hazards operations and emergency response plan.

Mitigation measures HM-1 through HM-3 would mitigate impacts related to hazardous materials and hazardous wastes during construction of the project to a less than significant impact. These mitigation measures have been made conditions of approval and are included in the MMRP.

Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines and as detailed in the FEIR in Sections 3.6 and 4.3.4, incorporated herein by reference, the Board finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

6. Land Use and Planning

The FEIR determined that the Project would be consistent with the City's General Plan and would not require temporary construction easements or acquisitions as a part of the Project. The Project is entirely contained within the existing AMF site and will not physically divide an established community. However, the Project would be constructed and operated within a disadvantaged community, located immediately to the south of the Project site.

During construction, temporary disruptions to traffic, increased noise from equipment, and localized construction emissions would result. The Project would carry forward Mitigation Measure T-1, transportation management plan, from the previously certified DSBPRP EIR to reduce any temporary disruptions to circulation. The transportation management plan (T-1) would involve public notification of the upcoming construction work and traffic management during construction activities. Additional temporary impacts may occur during construction relating to noise and air quality and, therefore, the Project would implement Mitigation Measures NOI-1 (Employ Noise Reducing Measures during Construction) and AQ-1 (Implement Air Quality BMPs during Construction) from the previous DSBPRP EIR. The implementation of these measures would mitigate these potential construction impacts for the disadvantaged community to a less than significant level.

During operation, no nuisance impacts to disadvantaged communities are anticipated to result from the Project additions to AMF. Operation of the ZEMU vehicle is anticipated to result in a net reduction in emissions as the ZEMU vehicle is brought into service. Post-construction views from residences to the south would be required to comply with Mitigation Measure AES-1, Comply with Aesthetic Guidelines in the San Bernardino General Plan, and the Project would prepare a lighting plan as outlined in mitigation measure AES-2 to reduce light and glare to adjacent properties. As previously discussed, the Project would prepare a Hazards Operations Plan (Mitigation Measure HM-3), which would be implemented to minimize the risks associated with the use and storage of H2 on site and comply with federal and state regulations typical with the use of this technology.

T-1 Prepare and Implement a Traffic Management Plan.
NOI-1 Employ Noise-Reducing Measures during Construction.
AQ-1 Implement Air Quality BMPs during Construction

Mitigation measures T-1, NOI-1, and AQ-1 would mitigate potential impacts to disadvantaged communities, consistent with applicable land use and planning policies and guidance. These mitigation measures have been made conditions of approval and are included in the MMRP. Implementation of these measures will reduce impacts to less than significant levels.

Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines and as detailed in the FEIR in Sections 3.7 and 4.3.6, incorporated herein by reference, the Board finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

7. Tribal Cultural Resources

The FEIR determined that based on the negative results of the NAHC Sacred Lands File search along with the absence of prehistoric and/or ethnohistoric related cultural resources based on records search and archaeological survey of the Project study area, no tribal cultural resources (TCR) have been identified within the boundaries of the Project footprint or in the immediate vicinity of the Project. The Project contacted tribes based on the NAHC list of recommended Native American individuals and/or tribes indigenous to the area. One tribe, the San Manuel Band of Mission Indians (SMBMI) responded, requesting to be notified if any cultural resources were identified or encountered during any phase of the Project, as well as providing suggested mitigation measures. The Project implemented the proposed mitigation measures into mitigation measure TCR-1, Stop Work and Consult the Tribes consulted under AB 52 if Cultural Resources or Human Remains are Encountered. Additionally, the Project will implement mitigation measure CUL-1 to reduce any unanticipated potential impacts to archeology resources during construction. Impacts would be less than significant with the following mitigation incorporated:

CUL-1: Stop work if unanticipated archaeological resources are encountered.

TCR-1: Stop Work and Consult the Tribes consulted under AB 52 if Cultural Resources or Human Remains are Encountered.

Mitigation measures CUL-1 and TCR-1 have been made conditions of approval and are included in the MMRP. CUL-1 and TCR-1 would reduce potential impacts to tribal cultural resources to less than significant levels.

Consistent with Sections 15091(a)(1) and 15092 of the State CEQA Guidelines and as detailed in the FEIR in Sections 3.8 and 4.3.7, incorporated herein by reference, the Board finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

SECTION 4. Consistent with Sections 15091, 15092, and 15093 of the State CEQA Guidelines, and as detailed in FEIR Chapter 2, incorporated herein by reference, the Board finds that, based on the impacts of the proposed project and the range of alternatives considered:

(a) No Project Alternative – The No Project Alternative proposes no improvements to the existing AMF. Under the No Build Alternative, the planned Arrow service would not be able to incorporate a ZEMU vehicle. The No Build Alternative would not result in any environmental impacts and would be considered environmentally superior; however, it would not meet any of the project objectives. For these reasons, the Board rejects this alternative from consideration.

(b) Proposed Project – The proposed Project would facilitate the integration of a H2-powered, ZEMU rail vehicle into SBCTA’s planned Arrow service. SBCTA is currently constructing the AMF to service and maintain SBCTA’s DMU rail vehicle fleet for the Arrow service. The SCRRA will operate and dispatch the Arrow service in coordination with SCRRA’s existing Metrolink service and start operations in 2021. The proposed Project includes integration of the ZEMU rail vehicle into the Arrow service in 2024, and associated modifications and upgrades to the AMF. The modifications and upgrades to the AMF would facilitate H2 storage and refueling and ensure compliance with required safety improvements. The Project would include multiple improvements to the AMF site, including additional insulation and venting at the maintenance building (or shed) to facilitate the use of H2 fuel, construction of a hydrogen refueling pad for the refueling of ZEMU train vehicles, and fuel storage. Environmental impacts are anticipated as a result of the Project; however, the mitigation measures discussed in Section 3 of this resolution will mitigate potentially significant impacts to a less than significant level.

SECTION 5. The preceding Findings, although based primarily on conclusions in the FEIR, have not attempted to describe the full analysis of each environmental impact contained in the FEIR. Instead, the Findings incorporate by reference the discussions and analyses in the FEIR and supporting reference documents for the FEIR’s determinations regarding the nature and severity of the impacts of the project and mitigation measures designed to address those impacts. In making these Findings, the Board ratifies, adopts, and incorporates into these Findings the analysis and explanation in the FEIR and ratifies, adopts, and incorporates in these Findings the determinations and conclusions of the FEIR.

SECTION 6. Consistent with CEQA Section 15088.5, the Board has determined that no significant new information requiring recirculation of the EIR has occurred. Specifically, the Board has determined, based on the substantial evidence presented to it, that (1) no new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; (2) no substantial increase in the severity of an environmental impact would result from the project; (3) no feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project; and (4) the DEIR is not so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. Specifically, the Board finds that no changes in response to comments and revisions and/or minor corrections to the Draft EIR were required that constitute significant new information under Section 15088.5(a).

SECTION 7. Consistent with CEQA Section 21081.6(a), the documents that constitute the record of proceedings for approving this project are located in the SBCTA office, 1170 West 3rd Street, 2nd Floor, San Bernardino, California. The custodian of these documents is Ms. Carrie Schindler, P.E., Director of Transit and Rail Programs.

SECTION 8. Consistent with Public Resources Code Section 21081.6, the Board approves the FEIR and adopts the Mitigation Monitoring and Reporting Program to mitigate or avoid significant effects of the project on the environment, as detailed in Section 3 of this Resolution, and to ensure compliance during project implementation.

SECTION 9. The Board approves the proposed project as more fully described in the FEIR.

SECTION 10. This Resolution is effective upon its adoption.

ATTACHMENT A: Mitigation Monitoring and Reporting Program

PASSED AND ADOPTED at a meeting of the San Bernardino County Transportation Authority held on September 1, 2021.

Ayes: 25
Nays: 0
Abstained: 0
Absent: 4



Curt Hagman, Board President
San Bernardino County Transportation Authority

Attest:



Marlena Roman, Clerk of the Board
San Bernardino County Transportation Authority