



Tri-Valley ▲ San Joaquin Valley
REGIONAL RAIL AUTHORITY

Board of Directors Meeting Packet

October 23, 2024 at 2 p.m.

Dublin City Council Chambers

100 Civic Plaza Dublin, CA 94568



AGENDA FOR REGULAR BOARD MEETING
Wednesday, October 23, 2024 at 2:00 p.m.
Dublin City Council Chambers
100 Civic Plaza Dublin, CA 94568

TELECONFERENCE LOCATIONS

Heritage House
4501 Pleasanton Ave.
Pleasanton CA

City of Lathrop
Conference Room 1
390 Towne Centre Drive

MEETING PROCEDURE

This Board of Directors meeting will be conducted in person.

Public comments will be accepted via email and in person. Emailed public comments will be accepted until 5:00 p.m. on the day before the meeting at comments@valleylinkrail.com. Please include "Public Comment", the meeting date and the agenda item to which your comment applies in the subject line. In the body of the email please include your name. A list of the public comments submitted by the deadline will be read during public comment and copies of correspondence will be posted on the Authority's website along with other meeting material.

In-person public comment speakers must submit a "Speaker/Comment Card" to the secretary prior to the Public Comment portion of the agenda. No speaker cards will be accepted after the close of Public Comment.

Public comments will be subject to the regular two-minute time restriction.

There will be zero tolerance for any person addressing the Board making profane, offensive, and disruptive remarks, or engaging in loud, boisterous, or other disorderly conduct, that disrupts the orderly conduct of the public meeting.

Upon request, the Tri-Valley-San Joaquin Valley Regional Rail Authority will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. A speech-to-text option (live transcription) is now available on all Zoom meetings. Live transcription currently only supports English, and the accuracy of the feature depends on many variables, such as but not limited to background noise, volume and clarity of the speaker's voice, lexicons and dialects. Requests for any other reasonable accommodation should be submitted in writing, and must include your name, mailing address, phone number and brief description of the requested materials and the preferred alternative format or auxiliary aid or service at least 2 working days before the meeting. Requests should be sent to: comments@valleylinkrail.com.

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Listen and view meeting online:

- Live on Zoom from a PC, Mac, iPad, iPhone or Android device click the link below:
<https://zoom.us/j/93548110883>
Password: **ValleyLink**

Please note there is no option to make public comment by video conference. Please see instructions below on making public comments.

Listen via telephone to the meeting:

- For audio access to the meeting by telephone, use the dial-in information below:
Dial: 1 (669) 900-6833
Webinar ID: 935-4811-0883
Password: **898381**

Please note there is no option to make public comment by telephone access. Please see instructions below on making public comments.

Written comments:

- Send public comments prior to the meeting by email, to comments@valleylinkrail.com

If you are submitting public comment via email, please do so by 5:00 p.m. the day before the meeting to comments@valleylinkrail.com.

Please include “Public Comment – October 23, 2024” and the agenda item to which your comment applies in the subject line. In the body of the email please include your full name. A list of the public comments received by the deadline will be read during public comment, and letters will be posted on the Authority’s website along with other meeting material.

In-Person Comments:

Speakers must submit a “Speaker/Comment Card” to the secretary prior to the Public Comment portion of the agenda. No speaker cards will be accepted after the close of Public Comment. Speakers are limited to 2 minutes at the discretion of the board chair.

TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

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Wednesday, October 23, 2024 at 2:00 p.m.

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1. Call to Order and Pledge of Allegiance
2. Roll Call of Members and Confirmation of Quorum
3. **Adjourn to CLOSED SESSION**

Closed Session pursuant to Government Code Section 54956.9(a) (Existing Litigation):
Alameda County Taxpayers' Association et al. v. Tri-Valley–San Joaquin Valley Regional
Rail Authority et al., Alameda County Superior Court Case No. RG2111026
4. **Reconvene to OPEN SESSION**
5. Public Comments:

Members of the public may address the Board on any issues not listed on the agenda that are within the purview of the Authority. Comments on matters that are listed on the agenda may be made at the time the Board is considering each item. Time limits on public comments may be established by the Chair.
6. Consent Agenda – **ACTION**

Recommend approval of all items on Consent Agenda as follows:

 - a. Minutes of September 18, 2024 Board of Directors Meeting
 - b. Preliminary Treasurer’s Report for June 2024
7. Adoption of Resolutions Regarding Certification of the Final Subsequent Environmental Impact Report for and Project Approval of the Valley Link Rail Project with Findings of Fact and Mitigation Monitoring and Reporting Program required by the California Environmental Quality Act
8. Executive Director’s Report – **INFORMATION**
9. Directors’ Discussion – Comments, Questions and Agenda Requests
10. Upcoming Meeting Details – The next regular meeting is scheduled for 2 p.m. on December 11, 2024 at Mountain House Chambers, 251 East Main Street, Mountain House, CA 95391
11. Adjourn

AGENDA

ITEM 6 A



Tri-Valley San Joaquin Valley Regional Rail Authority
Minutes of Board Meeting on September 18, 2024

Tracy City Hall, Council Chambers
333 Civic Center Plaza, Tracy, CA 95376

1. **Call to Order and Pledge of Allegiance**

The meeting of the Board of Directors was called to order by Chair Melissa Hernandez at 10:36 a.m. Chair Melissa Hernandez led the Pledge of Allegiance.

a. Oaths of Office

The following board members were sworn in by Alameda County Supervisor Nate Miley

- Melissa Hernandez, BART
- Michael McCorrison, City of Dublin

2. **Roll Call of Members and Confirmation of Quorum**

Members Present - In-Person

Director Paul Akinjo, City of Lathrop
Director Mateo Bedolla, City of Tracy
Director David Hudson, San Ramon
Director Bernice King-Tingle, Mountain House
Director John Marchand, City of Livermore
Director Michael McCorrison, City of Dublin
Director Jose Nuño, City of Manteca (*joined during item #3*)
Director Karen Stepper, Town of Danville
Director Julie Testa, LAVTA (*joined during item #3*)
Director Leo Zuber, ACE
Vice Chair Dan Wright, City of Stockton (*joined during item #3*)
Chair Melissa Hernandez, BART

Members Present – Remote

None

Members Absent

Director David Haubert, Alameda County
Director Jeff Nibert, City of Pleasanton
Director Robert Rickman, San Joaquin

3. **Public Comments**

Public comment was made by Roland Lebrun, Dale Brandes, Vannie Dart, Wendy Tocchini, Tatiana Brif, Alice English and Pat Brandes.

4. **Consent Agenda – ACTION**

Motion to approve all items on Consent as follows:

- Minutes of June 12, 2024 Board of Directors Meeting
- Treasurer's Reports for March to May 2024
- Reschedule remaining 2024 Board of Directors Meetings

Directors discussed these items. There was no public comment.

Motion: Marchand/Hudson

Aye : Akinjo, Bedolla, Hernandez, Hudson, King-Tingle, Marchand, McCorrison, Nuño, Stepper, Testa, Wright, Zuber

Nay: None

Tri-Valley San Joaquin Valley Regional Rail Authority
Minutes of Board Meeting on September 18, 2024

Tracy City Hall, Council Chambers
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Abstain: None

Absent: Haubert, Nibert, Rickman

Motion Passed

5. **Approve Amended resolution R07-2024 authorizing the Executive Director/CEO to execute and submit an allocation request to the Metropolitan Transportation Commission (MTC) for Bridge Toll funding to support ongoing project development activities – ACTION**

Deputy Director, Wil Ridder requested that the board approve Resolution R07-2024, Initial Project Report, and Allocation Request to access an additional \$3 million in MTC Bridge Toll funds to support ongoing project development activities. Once approved staff will transmit the allocation request package to MTC for approval at its upcoming commission meetings in October 2024. Directors discussed this item. There was no public comment.

Motion: Marchand/Stepper

Aye: Akinjo, Bedolla, Hernandez, Hudson, King-Tingle, Marchand, McCorriston, Nuño, Stepper, Testa, Wright, Zuber

Nay: None

Abstain: None

Absent: Haubert, Nibert, Rickman

Motion Passed

6. **Right of Way Update – INFORMATION**

Executive Director/CEO Kevin Sheridan discussed the upcoming right of way activities in late 2024 and 2025. Rickey Rodriguez from Monument was introduced and was available. This process is regulated by several Federal and State laws and guidelines. It can be broken into the following phases: Survey, Design, Appraisal, Acquisition, Relocation Assistance and Eminent Domain.

As recipients of federal funds, the Authority's real estate acquisition and relocation activities must adhere to all applicable federal, state and local regulations.

At a future board meeting, staff will present overview of the right of way acquisitions necessary for the project and request the board delegate authority to the Executive Director to approve and sign all necessary right of way and utility documents up to the approved budget. Directors discussed item. Public comment was made by Roland LeBrun.

Executive Director's Report – INFORMATION

Sheridan gave an oral report advising that SB1068 sponsored by Senator Eggman was signed by Governor Newsom. This bill gives the Authority the ability to use the Construction Manager/General Contractor project delivery method when contracting for the construction of project.

On July 24 staff held an Industry Outreach workshop to discuss construction of the Valley Link project, in Pleasanton where 48 vendors attended to learn more and ask questions about Valley Link and the future construction on Interstate 580.

Tri-Valley San Joaquin Valley Regional Rail Authority
Minutes of Board Meeting on September 18, 2024

Tracy City Hall, Council Chambers
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7. **Directors' Discussion – Comments, Questions and Agenda Requests**

Director Bedolla thanked staff for putting together the luncheon in Tracy. Director Akinjo stated that he has been reassuring interested parties in the project's progress that Valley Link is on track. Director King-Tingle thanked staff for consistently providing project updates when requested by the Mountain House Community.

8. **Upcoming Meeting Details**

The next regular meeting is scheduled for October 23, 2024 at 2 p.m. at a location to be determined.

9. **Meeting Adjourn** to Luncheon

The meeting adjourned without any objections at 11:44 a.m.

- LUNCHEON: Advancing Hydrogen Electrification and Deployment (AHEAD)
Tracy Community Center
950 East St, Tracy, CA 95376

AGENDA

ITEM 6 B





Tri-Valley  San Joaquin Valley
REGIONAL RAIL AUTHORITY

STAFF REPORT

SUBJECT: Preliminary Treasurer's Report for June 2024

FROM: Tamara Edwards, Director of Finance

DATE: October 23, 2024

Action Requested

Staff requests that the Tri-Valley – San Joaquin Valley Regional Rail Authority Board accept the Treasurer's Report for June 2024.

Background/Discussion

The Treasurer's Report shows all expenses and revenues for the month of June as well as the year-to-date totals. This report is preliminary, as the final report for June, and fiscal year (FY) 2024 will be presented in the form of the Audited Financial Statements that will be brought to the Board at a future meeting.

The 120 account reflects the revenues we have billed for but have not been received for FY 2024. This amount will go down as payments come in.

Attachments:

1. Preliminary June 2024 Treasurer's Report

ATTACHMENT 1



Tri-Valley San Joaquin Regional Rail Authority
BALANCE SHEET
FOR THE PERIOD ENDING:
June 30, 2024

ASSETS:

106 MONEY MARKET ACCOUNT	170,983
107 CD	3,000,000
108 CASH-GENERAL CHECKING	116,192
120 ACCOUNTS RECEIVABLE	7,971,926
150 PREPAID EXPENSES	0
111 NET PROPERTY COSTS	6,610

TOTAL ASSETS**11,265,711****LIABILITIES:**

205 ACCOUNTS PAYABLE	4,380,021
20501 DUE TO LAVTA	2,929,055
22110 PAYROLL CLEARING	0
211 PRE-PAID REVENUE	3,944,565
22000 FIT	(1,257)
22010 SIT	(3,592)
22020 FICA	(3,912)
22030 SDI	0
22090 Worker's Comp	21,112
22100 457	404

TOTAL LIABILITIES**11,266,397****FUND BALANCE:**

301 FUND RESERVE	0
304 GRANTS, DONATIONS, PAID-IN CAPITAL	0
30401 SALE OF BUSES & EQUIPMENT	0
FUND BALANCE	(686)

TOTAL FUND BALANCE**-686****TOTAL LIABILITIES & FUND BALANCE****11,265,711**

**Tri-Valley San Joaquin Regional Rail Authority
REVENUE REPORT
FOR THE PERIOD ENDING:
June 30, 2024**

ACCOUNT	DESCRIPTION	BUDGET	CURRENT MONTH	YEAR TO DATE	BALANCE AVAILABLE	PERCENT BUDGET EXPENDED
	MTC-Bridge Tolls	22,401,750	8,659,657	12,674,559	9,727,191	56.6%
	State Budget Act of 2022	5,000,000	1,167,194	1,167,194	3,832,806	23.3%
	TIRCP	270,422	269,495	269,495	928	99.7%
	Interest	-	(121,237)	75	(75)	
	Alameda County/Strategic Development	0	0	0		
	Depreciations		(1,653)	(1,653)		
	TOTAL REVENUE	27,672,172	9,973,456	14,109,670	13,560,850	51.0%

PRELIMINARY

Tri-Valley San Joaquin Regional Rail Authority
EXPENDITURE REPORT
 June 30, 2024

ACCOUNT	DESCRIPTION	BUDGET	CURRENT MONTH	YEAR TO DATE	BALANCE AVAILABLE	PERCENT BUDGET EXPENDED
Direct Labor and Benefits						
	Executive Director	255,000	26,640	346,135	(91,135)	135.74%
	Deputy Executive Director	250,000	20,875	267,995	(17,995)	107.20%
	Administrative Assistant	90,000	9,449	131,717	(41,717)	146.35%
	Finance Director	42,609	10,500	38,500	4,109	90.36%
	Manager of Policy, Planning, and Environmental	235,000	18,553	240,626	(5,626)	102.39%
	Rail Engineering, and Construction Project Manager	240,000	19,946	257,068	(17,068)	107.11%
	Employee Benefits	185,641	4,814	56,473	129,168	30.42%
	TOTAL - Direct Labor	1,298,250	110,775	1,338,514	(40,264)	103.10%
Consultants/seconded staff						
	General Engineering Consultants	20,000,000	2,916,593	8,174,130	11,825,870	40.87%
	AECOM	3,500,000	2,017,782	3,020,207	479,793	86.29%
	Program Management Support Services	1,000,000	272,066	871,291	128,709	87.13%
	Hydrogen Proof of Concept	-	0	0	0	#DIV/0!
	Temporary Clerical Help	50,000	0	27,352	22,648	54.70%
	Financial Advisory Services	150,000	0	0	150,000	0.00%
	Government Relations/Community Engagement	450,000	133,577	352,546	97,454	78.34%
	TOTAL - Consultants	25,150,000	5,340,018	12,445,526	12,704,474	49.49%
Other Direct Costs						
	Legal	270,000	73,462	153,745	116,255	56.94%
	Insurance	50,000	0	12,299	37,701	24.60%
	Audits	25,000	0	8,315	16,685	33.26%
	HR	-	0	293	(293)	#DIV/0!
	Line of Credit	125,000	0	0	125,000	0.00%
	Bank Fees	-	0	214	(214)	#DIV/0!
	Travel/Mileage/Mis	15,000	3,617	24,164	(9,164)	161.09%
	Office space/furnishings	137,500	5,572	66,553	70,947	48.40%
	Professional Development	2,500	0	0	2,500	0.00%
	Memberships	8,500	0	7,500	1,000	88.24%
	Information Technology/Software	20,000	0	21,035	(1,035)	105.18%
	ACTC	100,000	0	0	100,000	0.00%
	SJRRRC	50,000	5,042	5,042	44,958	10.08%
	BART	100,000	1,833	26,934	73,066	26.93%
	Caltrans Reimbursement	-	0	0	0	#DIV/0!
	ACE	-	0	0	0	0.00%
	Union Pacific Reimbursement	50,000	0	0	50,000	0.00%
	TOTAL OTHER DIRECT COSTS	953,500.00	89,525.92	326,094.27	627,406	34.20%
	TOTAL OPERATING EXPENDITURES	27,401,750	5,540,319	14,110,134	13,291,616	51.49%
	LAVTA Expense		0	0		
	FUND BALANCE (OPERATING)		4,433,137	(464)		

AGENDA

ITEM 7





Tri-Valley San Joaquin Valley REGIONAL RAIL AUTHORITY

STAFF REPORT

SUBJECT: Adoption of Resolutions Regarding Certification of the Final Subsequent Environmental Impact Report for and Project Approval of the Valley Link Rail Project with Findings of Fact and Mitigation Monitoring and Reporting Program Required by the California Environmental Quality Act

FROM: Marianne Payne, Director of Policy, Planning & Environmental

DATE: October 23, 2024

ACTION REQUESTED

Staff recommends that the Board adopt resolutions to:

1. Certify the Final Subsequent Environmental Impact Report (SEIR); and
2. Adopt the California Environmental Quality Act (CEQA) Findings of Fact and Mitigation Monitoring and Reporting Program (MMRP) documents and approve the Locally Preferred Alternative for the Valley Link Rail Project.

Adoption of the resolutions and the Locally Preferred Alternative will allow the Authority to continue preliminary engineering work while seeking funding for the construction and implementation of the Proposed Project.

BACKGROUND/DISCUSSION

Environmental Review Process

The Final SEIR has been prepared in compliance with CEQA and consists of the Draft SEIR; textual revisions following circulation, appendices; comments received during public review; response to comments; a list of persons, organizations, and public agencies that commented on the Draft SEIR; revisions to the Draft SEIR; and the MMRP. The following actions were taken by the Tri-Valley – San Joaquin Valley Regional Rail Authority (Authority) in the preparation of this Final SEIR:

- The Authority published a Notice of Preparation for a Draft SEIR for the Valley Link Rail Project on November 14, 2022, and the public scoping period was open until December 14, 2022.
- Two virtual public scoping meetings were held: one on December 5, 2022; and one on December 6, 2022.
- A Draft SEIR for the Valley Link Rail Project was issued on April 22, 2024, for a 45-day public review period to receive written comments, which concluded June 6, 2024.
- Two in-person open forum public hearings and one virtual public hearing were held on the dates listed below:
 - May 8, 2024 (Livermore)
 - May 9, 2024 (Mountain House)
 - May 15, 2024 (Virtual)

- The Final SEIR was completed on October 11, 2024, and posted to the Project website: www.getvalleylinked.com

2021 Final Environmental Impact Report

In 2021, the Authority, acting as lead agency under CEQA, prepared a Draft Environmental Impact Report (EIR) for the Valley Link Project. The Authority Board certified the Final EIR and approved the staff recommended CEQA-Certified Alternative on May 12, 2021.

The 2021 CEQA-Certified Alternative was a 42-mile, seven-station passenger rail project that would connect the existing Dublin/Pleasanton Bay Area Rapid Transit (BART) Station in Alameda County to the approved Altamont Corridor Express (ACE) North Lathrop Station in San Joaquin County. This alternative was anticipated to utilize existing transportation corridors: the existing Interstate 580 (I-580) corridor in the Tri-Valley, the Alameda County–owned former Southern Pacific Railroad corridor through the Altamont Pass, and the existing Union Pacific Railroad Corridor in Northern San Joaquin County.

The CEQA-Certified Alternative also included two initial operating segments (IOS). The IOS would establish initial service from the Dublin/Pleasanton BART Station to either the Southfront Road Station Alternative or the Mountain House Station Alternative. The Mountain House Station Alternative IOS is the basis of the Locally Preferred Alternative that was evaluated in the SEIR.

The 2021 Final EIR also evaluated four vehicle technology variants (Diesel Multiple Unit, Hybrid Multiple Unit, Battery Electric Multiple Unit, and Diesel Locomotive Haul); however, the CEQA-Certified Alternative did not include a preferred vehicle technology.

Subsequent Environmental Impact Report

Following the Authority’s Board certification of the Final EIR in 2021, the San Joaquin Council of Governments (SJCOG) began CEQA review of improvements to Interstate 205 (I-205) with plans to accommodate rail transit in the freeway median. The widened I-205 freeway median could potentially be utilized as an option by the Authority to extend Valley Link service beyond the IOS from the Mountain House Station to the North Lathrop Station. Concurrent with the SJCOG plans, the Authority advanced design and analysis on a revision to the Mountain House Station IOS from the existing Dublin/Pleasanton BART Station to include a new alignment segment that would align with the longer term I-205 rail corridor and that also responded to requests by the community of Mountain House for a relocated station. This new segment would enable improved station access and facilitate the advancement of transit-oriented development. This segment also includes a new Layover Facility (LF) at the east end of the alignment. These revisions to the CEQA-Certified Alternative are now part of the Authority’s Locally Preferred Alternative (as described in the following section) that is the subject of the SEIR. Extension of service beyond Mountain House would be the subject of a future environmental documentation process. The Locally Preferred Alternative therefore represents the first phase of the Valley Link Rail Project, with the development of future phases being dependent on the availability of funding, the outcome of the SJCOG planning process, and the availability of the Union Pacific rail corridor for passenger use.

Final SEIR and the Locally Preferred Alternative

The Final SEIR identifies the Locally Preferred Alternative, as well as an alternative – the No-Project Alternative. Based on the evaluation in the Draft SEIR, as supplemented by the information in the Final SEIR, the Authority staff has decided to pursue the Locally Preferred Alternative considered in

the Final SEIR instead of the No-Project Alternative. As such, this document uses the term “Locally Preferred Alternative” to identify the proposed project.

The Locally Preferred Alternative includes the construction and operation of four stations, listed from west to east:

- Dublin/Pleasanton (BART Intermodal)
- Isabel (Livermore)
- Southfront Road Station (Livermore)
- Mountain House Community Station

In addition to these stations, the Locally Preferred Alternative includes facilities to support operations and maintenance and ancillary project activities. They are planned at three locations:

- Altamont Maintenance of Way (MOW) Staging Area
- Mountain House Layover Facility (LF)
- Tracy Operations and Maintenance Facility/Operations Support Site (OMF/OSS)

Implementation of the Locally Preferred Alternative would be subject to available funding as well as design and construction considerations.

Legislative Background

The Locally Preferred Alternative analyzed in the Draft SEIR consists of the establishment of a new passenger rail service along a 22-mile corridor between the existing Dublin/Pleasanton Bay Area Rapid Transit (BART) Station and the relocated Mountain House Community Station. The Locally Preferred Alternative is consistent with the Project Feasibility Report (Feasibility Report), adopted in 2019 in compliance with Public Utilities Code Section 132661. The Report, which described the early plans for the development of the project, contemplated the potential need for the adoption of an "early phase option" to Mountain House if funding was not obtained for the full project or if construction could be expedited. The Locally Preferred Alternative was selected, in part, as it was the longest segment that could be reasonably funded through identified sources of funding.

The Authority's enabling legislation, at Public Utilities Code Section 132651, contemplates that the Authority will undertake "one or more" projects to achieve "transit connectivity" between the BART system and ACE, and will provide "quality, seamless service to riders" between the Tri-Valley and San Joaquin Valley. The Locally Preferred Alternative, as studied in the SEIR, will provide more seamless transit connectivity in the region by bringing a significant volume of transit users from San Joaquin County to the Tri-Valley, particularly to the Dublin/Pleasanton BART Station (avoiding the need for riders to transfer from ACE to local transit to access the BART station) and will allow residents of Livermore to connect more directly to the Dublin/Pleasanton BART Station from new parking facilities located in Livermore. The Locally Preferred Alternative contemplates future phases of the Valley Link Rail Project that extend to North Lathrop, either through a right-of-way developed by SJCOG in the I-580 freeway median or via a connection to Union Pacific's tracks in downtown Tracy, which extend to North Lathrop and beyond. The Locally Preferred Alternative would also allow for a potential transit shuttle between the Southfront Station and the ACE Vasco Road

Station, and for a potential rail transfer station in the Altamont Pass area, although neither of these options are included in the Locally Preferred Alternative evaluated in the SEIR.

Key Findings of Environmental Review

The Locally Preferred Alternative would have beneficial impacts to resources as identified below:

Overall, the Locally Preferred Alternative will provide an environmental benefit to the Northern California Megaregion and San Joaquin and Alameda Counties by providing improved rail service as an alternative to vehicle travel that will support air quality improvement and greenhouse gas (GHG) reduction goals (as expressed in the air quality standards of the San Francisco Bay Area Air Quality Management District, San Joaquin Valley Air Pollution Control District, and the Air Resources Board's SB 32 Scoping Plan), as well as regional objectives for reducing traffic congestion and improving transportation sustainability (as expressed in the Regional Transportation Plans/Sustainable Communities Strategies adopted by the San Joaquin and Bay Area Metropolitan Planning Organizations).

The Locally Preferred Alternative would advance achievement of the following goals:

- Improve connectivity within the Northern California Megaregion: connecting housing, people, and jobs.
- Establish rail connectivity between BART's rapid transit system and the San Joaquin Valley
- Pursue project implementation that is fast, cost-effective, and responsive to the goals and objectives of the communities it will serve
- Be a model of sustainability in the design, construction, and operation of the system
- Support the vision of the California State Rail Plan to connect the Northern California Megaregion to the State rail system.

With mitigation measures identified in the Final SEIR, the Locally Preferred Alternative would have less than significant impacts to the following resources:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources (including Tribal Cultural Resources)
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning

- Noise and Vibration
- Population and Housing
- Public Services
- Recreation
- Safety and Security
- Transportation and Traffic
- Utilities and Service Systems

Alternatives

As required by CEQA, a discussion of a No-Project Alternative was included in the Draft SEIR and Final SEIR. The SEIR also included a summary of the alternatives evaluated in the 2021 CEQA EIR. The No-Project Alternative was evaluated in the SEIR and was found to be environmentally inferior to the Locally Preferred Alternative for the reasons discussed in Section 5.2 of the Draft SEIR.

A wide range of other alternatives was considered in the 2021 CEQA EIR, as discussed in Chapter 5 of the Draft SEIR, but were dismissed from further evaluation (as discussed in Section 5.3) because they either did not meet most of the Project objectives, were infeasible (from a technical, logistical, or financial perspective), did not avoid or substantially reduce one or more significant impacts of the Proposed Project (or the Locally Preferred Alternative), or was beyond the scope of the Valley Link project and the responsibilities of the Authority. Alternatives considered in 2021, but dismissed from further evaluation are discussed in Chapter 5 of the 2021 EIR, including other operating technologies, other modal options, other alignment options (including the Iron Horse Alternative among others), and other station options.

The 2021 Final EIR fully disclosed potential environmental effects of four evaluated vehicle technology variants (Diesel Multiple Unit, Hybrid Multiple Unit, Battery Electric Multiple Unit, and Diesel Locomotive Haul) and has also disclosed potential environmental effects of several potential IOS phasing options including an IOS to Southfront Road and an IOS to Mountain House (which is the basis for this SEIR, as noted in the SEIR section). The selection of vehicle technology will be made at a later date as part of detailed engineering design and project delivery. However, the SEIR assumed the use of hydrogen vehicles for environmental documentation given recent State procurement activities and consistency with the State Rail Plan.

Proposed CEQA Findings

Section 15091 of the CEQA Guidelines states that no public agency shall approve or carry out a project for which an SEIR has been certified that identifies one or more significant environmental effects of the project, unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. For each significant effect identified in the Final SEIR, the enclosed Findings provide one of the following conclusions and describe the supporting substantial evidence in the record:

- 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 Final SEIR.

- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR.

Proposed Mitigation Monitoring and Reporting Program

CEQA also requires that a Lead Agency establish a program to monitor and report on mitigation measures that it has adopted as part of the environmental review process, and that this program must be adopted at the time that the agency determines to carry out a project for which the environmental review process has been conducted (Public Resources Code Section 21081.6 (a) (1)). The proposed MMRP is recommended for adoption to ensure that mitigation measures identified in the Final SEIR are fully implemented during project implementation.

National Environmental Policy Act Environmental Assessment

Consistent with the requirements of the National Environmental Policy Act (NEPA), the Authority has also concurrently advanced environmental review of the Valley Link Rail Project with the Federal Transit Administration (FTA) as the NEPA Lead Agency. Authority staff is working collaboratively with FTA Region IX staff to complete an Environmental Assessment (EA). Distribution of this EA to the public for review and comment is targeted for late Fall with completion of the EA in January 2025. The NEPA EA is separate from the CEQA SEIR and not a part of the requested Board action at this meeting.

NEXT STEPS

If the Board certifies the SEIR and approves the Locally Preferred Alternative, within five days a Notice of Determination will be filed with the State Clearinghouse and the County Clerks of Alameda and San Joaquin Counties. Adoption of the resolutions and the Locally Preferred Alternative will allow the Authority to proceed with preliminary engineering work while seeking funding for the construction and implementation of the Project once the NEPA Environmental Assessment is also complete.

There is no immediate fiscal impact from this action. If the Authority proceeds with the construction of the Project, the costs for the mitigation measures included as part of the MMRP will be included in the overall Project cost.

RECOMMENDED ACTION

Adoption of the following attached resolutions:

- Resolution of the Board of Directors of the Tri-Valley – San Joaquin Valley Regional Rail Authority Certifying the Final Subsequent Environmental Impact Report for the Valley Link Rail Project

- Resolution of the Board of Directors of the Tri-Valley – San Joaquin Valley Regional Rail Authority Adopting CEQA Findings of Fact and the Mitigation Monitoring and Reporting Program and Approving the Locally Preferred Alternative for the Valley Link Rail Project

ATTACHMENTS

1. Resolution R08-2024 Certifying the Final SEIR for the Valley Link Rail Project
2. Valley Link Final Subsequent Environmental Impact Report (not attached: this document is available online in the www.getvalleylinked.com [Document Library](#) and the 2021 CEQA EIR is available online at www.valleylinkrail.com/deir)
3. Resolution R09-2024 Adopting CEQA Findings, MMRP and Approving the Locally Preferred Alternative for the Valley Link Rail Project
4. Findings of Fact - Exhibit A to Resolution R08-2024 (not attached: this document is available online in the www.getvalleylinked.com [Document Library](#))
5. Mitigation Monitoring and Reporting Program (MMRP) (Exhibit B to Resolution R08-2024) (not attached: this document is available online in the www.getvalleylinked.com [Document Library](#))

ATTACHMENT 1





RESOLUTION NO. R08-2024

* * *

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
TRI-VALLEY-SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY
CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
FOR THE VALLEY LINK RAIL PROJECT**

WHEREAS, in 2018, the Legislature adopted AB 758, establishing the Tri-Valley-San Joaquin Valley Regional Rail Authority (Authority) under California Public Utilities Code Section 132651 *et seq.*, to plan, develop and deliver cost-effective and responsive transit connectivity between the Bay Area Rapid Transit District's rapid transit system in the Tri-Valley and the Altamont Corridor Express commuter rail service; and

WHEREAS, as required by AB 758, the Authority prepared and delivered an initial Project Feasibility Report (Feasibility Report) to the Legislature on June 30, 2019 to explore the improvement of transit connectivity between the Tri-Valley and San Joaquin Valley and adopted a final Feasibility Report on October 9, 2019; and

WHEREAS, pursuant to the final Feasibility Report, the Authority has been engaged in the design and environmental activities to advance the Valley Link Rail Project (Project) towards construction and eventual operation; and

WHEREAS, the Authority circulated and subsequently certified, on May 12, 2021, by means of adoption of Resolution 07-2021 as being in compliance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) for the Valley Link Rail Project (the "2021 EIR") a 42-mile, seven-station passenger rail project that would connect the existing Dublin/Pleasanton BART Station to the approved Altamont Corridor Express (ACE) North Lathrop Station in San Joaquin County (the "CEQA-Certified Project"), and included two potential Initial Operating Segments (IOSs) to Southfront Road in Livermore and to Mountain House; and

WHEREAS, following the certification of the 2021 EIR by the Authority Board of Directors (Board), the San Joaquin Council of Governments (SJCOG) began CEQA review of improvements to Interstate 205 (I-205) with plans to accommodate rail transit in the freeway median. The widened I-205 freeway median could potentially be utilized as an option by the Valley Link Rail Project to extend service beyond the IOS from the Mountain House Station to the North Lathrop Station; and

WHEREAS, concurrent with the SJCOG planning effort, the Authority advanced design and analysis on the IOS from the existing Dublin/Pleasanton BART Station to Mountain House, including a new segment that would align with the longer term I-205 rail corridor and was responsive to requests by the Mountain House community for a relocated station (the "Locally Preferred Alternative"); and

WHEREAS, Section 15162 of the CEQA Guidelines provides direction as to the circumstances under which a subsequent EIR shall be prepared, including when, based on substantial evidence in light of the whole record, the lead agency determines that substantial changes are proposed in the project or program described or addressed in the prior EIR, that could involve new significant environmental effects or more severe effects that previously identified, such that major revisions in the prior EIR are required; and

WHEREAS, the Locally Preferred Alternative has been reviewed in accordance with the provisions of CEQA and it was determined that, while the general scope of the Locally Preferred Alternative was described in the 2021 EIR, the changes to the project analyzed in the 2021 EIR are substantial enough that the preparation of a subsequent EIR was required; and

WHEREAS, the Tri-Valley-San Joaquin Valley Regional Rail Authority (Authority) has prepared, in conformance with CEQA, a Subsequent Environmental Impact Report (SEIR) for the Valley Link Rail Project; and

WHEREAS, the Locally Preferred Alternative analyzed in the SEIR consists of the establishment of a new passenger rail service along a 22-mile corridor between the existing Dublin/Pleasanton Bay Area Rapid Transit (BART) Station and the relocated Mountain House Community Station; and

WHEREAS, the Locally Preferred Alternative is consistent with the Feasibility Report, which contemplated the potential need for the adoption of an "early phase option" to Mountain House if funding was not obtained for the full project or if construction could be expedited; and

WHEREAS, the Authority's enabling legislation, at Public Utilities Code Section 132651, contemplates that the Authority will undertake "one or more" projects to achieve "transit connectivity" between the BART system and ACE, and will provide "quality, seamless service to riders" between the Tri-Valley and San Joaquin Valley; and

WHEREAS, the Locally Preferred Alternative, as studied in the SEIR, will provide more seamless transit connectivity in the region by bringing a significant volume of transit users from San Joaquin County to the Tri-Valley, particularly to the Dublin/Pleasanton BART Station (avoiding the need for riders to transfer from ACE to local transit to access the BART station) and

will allow residents of Livermore to connect more directly to the Dublin/Pleasanton BART Station from new parking facilities located in Livermore; and

WHEREAS, the Locally Preferred Alternative ^{(b) (5) - DPP} is not inconsistent with options for the future extension of the Valley Link Rail Project to North Lathrop, either through as right-of-way developed by SJCOG in the I-205 ^{(b) (5) - DPP} Union Pacific Railroad ^{(b) (5) - DPP} tracks in downtown Tracy, which extend to North Lathrop and beyond; and

WHEREAS, the Locally Preferred Alternative Project would also allow for a transit shuttle between the Southfront Station and the ACE Vasco Road Station, and for a potential rail transfer station in the Altamont Pass area, although neither of these options are included in the project evaluated in the SEIR; and.

WHEREAS, the Locally Preferred Alternative will provide cost-effective transit service, given that the estimate for constructing the initial IOS to Mountain House was estimated to cost \$1.9 billion in Appendix G to the 2021 EIR (\$86 million/mile), compared to the estimated cost of the five-mile BART extension to Isabel Road in Livermore, which was estimated at \$1.635 billion in the BART EIR (approximately \$327 million/mile); and ^{(b) (5) - DPP}

WHEREAS, a Notice of Preparation for the SEIR was issued on November 14, 2022, soliciting public input regarding the environmental analysis of the Locally Preferred Alternative; and

WHEREAS, the two virtual public scoping meetings were held on December 5 and 6, 2022; and

WHEREAS, the Draft SEIR was released on April 22, 2024 for a 45-day public review and comment period, which concluded on June 6, 2024; and

WHEREAS, the Draft SEIR describes the effects of the Locally Preferred Alternative on the environment at a detailed level and identifies mitigation measures applicable to the project that will reduce each potential significant impact to a less than significant level; and

WHEREAS, the Authority held two in-person open forum public hearings on May 8 and 9, 2024, and one virtual public hearing on May 15, 2024; and

WHEREAS, the Authority received comments from interested individuals, organizations and agencies on the Draft SEIR; and

WHEREAS, responses to comments on the Draft SEIR made by public agencies were prepared and released to the commenting agencies on October 11, 2024; and

WHEREAS, the Draft SEIR, as revised, together with the responses to comments, constitute the Final SEIR on the Project; and

WHEREAS, the Board has reviewed and considered the Final SEIR for the Locally

Preferred Alternative and desires to certify the Final SEIR for the Project in conformance with CEQA and the CEQA Guidelines as outlined below.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors (Board) of the Tri-Valley-San Joaquin Valley Regional Rail Authority hereby certifies the Final Subsequent Environmental Impact Report (SEIR) for the Valley Link Rail Project (hereinafter “Project”) based upon the following findings and the foregoing recitals, which are incorporated herein by reference:

- 1) All information contained in the recitals is true and correct.
- 2) The Tri-Valley-San Joaquin Valley Regional Rail Authority has complied with the requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 et seq., hereinafter “CEQA”) and the State CEQA Guidelines (Cal. Admin. Code Title 14, Sections 15000 et. seq., (hereinafter “CEQA Guidelines”).
- 3) Two in-person and one virtual open forum public hearings were held on said Draft EIR in May, 2024. The period for acceptance of written comments ended on June 6, 2024.
- 4) The Authority prepared responses to comments on environmental issues received in writing during the 45-day public review period for the Draft EIR, prepared revisions to the text of the Draft EIR in response to comments received or based on additional information, and corrected errors in the Draft EIR. This material was presented in a Final SEIR document, published on October 11, 2024, which was distributed to the Board and to all agencies who commented on the Draft SEIR, and was made available to others upon request at the Valley Link offices, 2600 Kitty Hawk Rd, Suite 103, Livermore, CA 94551.
- 5) The Final SEIR has been prepared by the Authority, as the lead agency, and consists of the materials identified in Guidelines § 15132, including the Draft SEIR, any comments received during the review process, any additional information that became available, the responses to comments, a list of persons, organizations, and public agencies commenting on the Draft SEIR, and revisions to the text of the Draft SEIR, all as required by law.
- 6) The SEIR and technical references relied upon in preparing the environmental impact report have been made available for review by the Board and the public. These files are available for public review at the Valley Link Offices, 2600 Kitty Hawk Rd, Suite 103 Livermore, California and are part of the record before the Board.
- 7) At its meeting of October 23, 2024, the Board has reviewed and considered the Final SEIR and hereby finds that the contents of said report and the procedures through which

the Final SEIR was prepared, publicized and reviewed are consistent with the provisions of CEQA and the CEQA Guidelines.

- 8) The Final SEIR did not include any additional significant new information or identify any new significant environmental impacts, a substantial increase in the severity of an environmental impact, or any other factors under CEQA Guidelines 15088.5 that would require recirculation of the SEIR.
- 9) The Board has reviewed and considered the contents of the Final SEIR and hereby does find that the Final SEIR reflects the independent judgment and analysis of the Authority, is adequate, accurate and objective, and that the Final SEIR documents contain no significant new information to the Draft SEIR that would require recirculation under CEQA Guideline Section 15088.5, and hereby does certify the completion of said Final SEIR in compliance with CEQA and the CEQA Guidelines.
- 10) The Board, in approving the Locally Preferred Alternative, certifies that the Project reflects a regional consensus and meets the goals of the San Joaquin Valley and Tri-Valley communities.

Regularly passed and adopted this 23rd day of October 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Melissa Hernandez, Chair

ATTEST:

Kevin Sheridan, Executive Director/CEO

CERTIFICATION

The undersigned duly qualified Executive Director, acting on behalf of Tri-Valley-San Joaquin Valley Regional Rail Authority, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Tri-Valley-San Joaquin Valley Regional Rail Authority Board of Directors held on October 23, 2024.

Kevin Sheridan, Executive Director/CEO

Date

ATTACHMENT 3





RESOLUTION NO. R09-2024

* * *

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
TRI-VALLEY-SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY
ADOPTING CEQA FINDINGS OF FACT AND MITIGATION MONITORING AND REPORTING
PROGRAM AND APPROVING THE LOCALLY PREFERRED ALTERNATIVE FOR THE
VALLEY LINK RAIL PROJECT**

WHEREAS, pursuant to Resolution 08-2024, the Tri-Valley-San Joaquin Valley Regional Rail Authority (Authority) has certified, in conformance with the California Environmental Quality Act (CEQA), the Final Subsequent Environmental Impact Report (SEIR) for the Valley Link Rail Project and hereby incorporates by reference the defined terms and statements contained in that Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors (Board) of the Tri-Valley-San Joaquin Valley Regional Rail Authority hereby takes the following actions:

- a) The recitals and findings in Resolution R08-2024 are incorporated by reference and are found to be true and correct.
- b) The Board has reviewed and considered the information contained in the Final SEIR and in the CEQA Findings of Fact attached hereto as Exhibit "A" and supporting documentation. The Board determines that the CEQA Findings of Fact document identifies the significant environmental impacts and mitigation measures associated with the Locally Preferred Alternative. The Board further finds that the CEQA Findings of Fact have been completed in compliance with CEQA and the State CEQA Guidelines. The Board hereby approves and adopts the CEQA Findings of Fact attached hereto as Exhibit "A."
- c) Pursuant to Public Resources Code section 21081.6, and State CEQA Guidelines Section 15091, subdivision (d), the Board hereby adopts the Mitigation Monitoring and Reporting Program (MMRP) attached hereto as Exhibit "B," which ensures that required mitigation is implemented for the Project.

- d) Based on and in consideration of all of the foregoing, the Board hereby approves the Locally Preferred Alternative as described in more detail in the Final SEIR (incorporated herein), along with the project design features which have been incorporated into the project and the mitigation measures described in the Findings of Fact attached hereto as Exhibit A and reflected in the MMRP attached hereto as Exhibit B, and which MMRP shall be a condition of the approved project.

- e) The Board hereby directs staff to file a CEQA Notice of Determination with the State Clearinghouse and appropriate County Clerks and to take any other necessary steps to obtain all additional permits, approvals and rights that would allow construction and operation of the Locally Preferred Alternative.

Regularly passed and adopted this 23rd day of October 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Melissa Hernandez, Chair

ATTEST:

Kevin Sheridan, Executive Director/CEO

CERTIFICATION

The undersigned duly qualified Executive Director, acting on behalf of Tri-Valley-San Joaquin Valley Regional Rail Authority, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Tri-Valley-San Joaquin Valley Regional Rail Authority Board of Directors held on October 23, 2024.

Kevin Sheridan, Executive Director/CEO

Date