



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2671
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STAFF REPORT
June 2, 2009

**Honorable Mayor and
Members of the City Council**

**Title: Reports and Agreements for Sacramento Intermodal Transportation Facility
Project (T15029000 and T15029005)**

Location/Council District: Downtown between I Street Bridge and Seventh Street.
Location Map – Exhibit A of Resolution (District 1)

Recommendation: Adopt: 1) a **Resolution** Adopting the Mitigated Negative Declaration and the Mitigation Monitoring Program for the Track Relocation and Sacramento Valley Station Improvements Project; 2) a **Resolution** Receive and File the Environmental Assessment and Section 4(f) Evaluation Report for the Sacramento Intermodal Transportation Facility Project and Approving the Programmatic Agreement Regarding Final Identification and Evaluation of Historic Properties; 3) a **Resolution** Rescinding Resolution 2004-853 and Approving the "Don't Move the Depot" Alternative; 4) a **Resolution** Authorizing the Agreement with Union Pacific Railroad for Track Design; 5) a **Resolution** Authorizing the Transportation Director to Apply to the California Utilities Commission for an Order Authorizing Construction of Grade Separated Crossings of the Union Pacific Railroad Tracks; and 6) a **Resolution** Authorizing the Execution of a Possession and Use Agreement for Parcel B and an Easement Agreement for Pedestrian Tunnel Access with S. Thomas Enterprises of Sacramento, LLC.

Contact: Hinda Chandler, Senior Architect, (916) 808-8422; Jon Blank, Supervising Engineer, (916) 808-7914;

Presenters: Hinda Chandler

Department: Transportation

Division: Office of the Director

Organization No: 15001141

Description/ Analysis

Issue: During the past year, the Sacramento Intermodal Transportation Facility (SITF) project has been undergoing two major study efforts that are precedents for project implementation – development of site plans for the eventual

transformation of the existing Sacramento Valley Station into the regional Intermodal Facility, the "Intermodal Alternatives Study" (Alternatives Study); and preparation of preliminary design and studies in compliance with federal environmental laws to assess the impacts of the three phases of development of the Intermodal Facility – (1) Track Relocation, (2) Sacramento Valley Station Improvements, and (3) the ultimate transformation of the Station into an Intermodal Facility based on "Move the Depot" or "Don't Move the Depot" alternatives.

At this time, several actions are needed to advance implementation of the first two phases of the SITF, which have independent utility and are consistent with either of the Phase 3 alternatives regarding the Depot location. The SITF is a federal, state and local funded project which requires environmental evaluation under the National Environmental Policy Act (NEPA) and other federal environmental laws regarding historic resources and determinations by federal agencies before the City can proceed with implementation of Phases 1 and 2 and further planning and design of Phase 3 of the project.

The Federal Highways Administration (FHWA) is the lead agency in the federal review process, with Caltrans assistance, and has issued the "SITF Environmental Assessment and 4(f) Evaluation" (EA). FHWA and other federal agencies will need to issue an environmental determination, anticipated to be a Finding of No Significant Impacts (FONSI), and a determination regarding treatment of historic properties in reliance on the EA, the Section 4(f) Evaluation Report and the Programmatic Agreement. These are required before the City can proceed with final design and right of way/utility agreements needed to implement Track Relocation (Phase 1) and the Sacramento Valley Station Improvements (Phase 2).

In addition, the City has prepared a Mitigated Negative Declaration (MND) for Phases 1 and 2 of the project in accordance with the California Environmental Quality Act. The Intermodal project was evaluated at a program-level in the Railyards Specific Plan EIR and the MND tiers from this EIR and relies on the subsequent EA analysis to provide project-level environmental review for the initial two phases. Phase 3 is a planning activity and the selection of an alternative, regarding whether to move the Depot building for purposes of future design and environmental studies, is exempt from subsequent CEQA environmental review.

City Council actions required at this time include:

- Making a determination on the Phase 3 site plan in regards to whether the Depot should be moved or retained in place to allow for subsequent planning activities;
- Approving participation in a Programmatic Agreement (PA) with federal and state agencies that proposes measures to mitigate or minimize effects

to historic properties and archeological resources prepared in consultation with the State Office of Historic Preservation (SHPO) as required under Section 106 of the National Historic Preservation Act (NHPA);

- Approving a Mitigated Negative Declaration and the Mitigation Monitoring Program for Phases 1 and 2 of the Intermodal Project in compliance with CEQA; and
- Approving three agreements and authorizations needed to implement the Phase 1 Track Relocation project once the federal environmental determination is received, as follows: An agreement with Union Pacific Railroad (UPRR) for design of the new UPRR freight tracks and signals for an amount not to exceed \$300,000; authorization to file an application with the Public Utilities Commission (PUC) for the UPRR grade-separated crossings, and a possession and use and easement agreements with Thomas Enterprises to provide the required property interests. The City needs control of Parcel B to submit the PUC application. Valuation of Parcel B through arbitration and close of escrow for this property is anticipated to be completed by August. The easements for pedestrian access to the West and Passenger tunnels which open into two plazas in the Central Shops District would be consistent with the Railyards tentative map conditions and is required by Caltrans for funding of the tunnel improvements.

In this report, City Council will first be briefed on the EA and Alternatives Study, on public comments received at the April 22, 2009 community meeting related to the EA and Alternatives Study and on the Preservation Commission's recommendation regarding the "Move Depot" or "Don't Move the Depot" Phase 3 alternatives. The significant decision to be made regarding the Phase 3 Intermodal concept alternative is the culmination of Council direction in 2004 to further study the facility site design. Making the decision at this point is timely and appropriate because feasibility and environmental studies have been recently completed at a programmatic level for this future phase. Once an alternative is selected, it will enable staff to proceed with further Phase 3 planning and design activities. It also will facilitate implementation of other City projects involving the Depot, such as the structural retrofit and electrical system replacement.

Policy Considerations: The proposed City Council action is consistent with the City's Strategic Plan goals of achieving sustainability, and enhancing livability, and expanding economic development throughout the city. Similarly, it is consistent with the City's 2030 General Plan Historic & Cultural Resources Element policies of maintaining City-owned historic resources in a manner consistent with the US Secretary of the Interior's Standards for the Treatment of Historic Properties, and for consideration in new development projects of the compatibility with the historic context.

Environmental Considerations:

California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA): The project is subject to NEPA and CEQA review. Under NEPA, FHWA is the lead agency for the project with Federal Transit Administration (FTA) and Federal Railroad Administration (FRA) as cooperating agencies. The EA prepared for the project addresses all project phases at a Tier 1 or programmatic level, while also addressing Phase 1-Track Relocation and Phase 2-Sacramento Valley Station Improvements at a Tier 2 or project level. The City is the CEQA lead agency and must approve the Mitigated Negative Declaration (MND) which provides project level analysis for the Intermodal Project Phases 1 and 2. The MND tiers from the Railyards Specific Plan EIR, which evaluated the SITF at a program level and included more detailed impact analysis of the Phase 1 Track Relocation project involving relocation of the existing UPRR tracks. The MND also was prepared in reliance on the EA and its technical studies.

Sustainability Considerations: The SITF project will provide facilities to accommodate freight rail and heavy rail passenger trains, light rail transit, intercity and local buses, taxis, as well as bicycle and pedestrian transportation modes. The improvements are consistent with the City sustainability goals to provide better accessibility to public transportation.

Other: The site contains eligible historic and cultural resources, including the Southern Pacific Railroad Sacramento Depot, which is listed in the National Register of Historic Places, the California Register of Historical Resources and the Sacramento Register of Historic and Cultural Resources.

Commission/Committee Action: The Preservation Commission considered the project at its May 21, 2009 meeting.

Rationale for Recommendation: Completion of the federal environmental review process is necessary to move forward with the implementation of the Intermodal project, particularly the final design of Phases 1 and 2 and further planning and design of Phase 3. The Council will have to take subsequent action to proceed with construction of Phases 1 and 2. Selection of a prudent and feasible alternative for Phase 3 also supports the federal environmental clearance process and treatment of historic properties and archaeological resources. For the Track Relocation project, Phase 1 component, the City must submit a Request for Construction Authorization to Caltrans by December 1, 2009 in order to receive \$20 million in federal stimulus funding. Approval of the proposed actions would allow for continued engineering design efforts to meet this schedule.

Financial Considerations: The current balance in the Intermodal and Track Relocation Capital Improvements Projects (T15029000 and T15029005) is approximately \$3.95 million as of February 18, 2009. The current project budget

(excluding right-of-way/utility relocation) is approximately \$8 million for planning and design and \$56 million for construction, which is funded by local, state and federal transportation funds that have been allocated to the project. Sources of federal funds include FHWA, FTA and FRA programs and the American Recovery and Reinvestment Act (ARRA) stimulus funds. State funds are from Proposition 1B programs, while local sources include funding from Sacramento County Measure A Sales Tax, City Community Reinvestment bonds, redevelopment programs and developer contributions. The City is in the process of securing the allocated funding.

Emerging Small Business Development (ESBD): The agreements and contracts for this project will be funded mainly through federal funds. Federal funding rules require voluntary Disadvantaged Business Enterprise (DBE) participation and will be applied to the project. ESBE rules would be held in abeyance.

Respectfully Submitted by: *Francesca L. Halbakken*
Francesca L. Halbakken
Operations Manager

Approved by: *Jerry Way*
Jerry Way
Director of Transportation

Recommendation Approved:

for *Ray Kerridge*
RAY KERRIDGE
City Manager

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Attachment 1**Background Information****The Intermodal Project**

The Intermodal Project (T15029000 and T15029005) will create a state-of-the-art regional transportation facility in downtown Sacramento (shown in Exhibit A – Location Map) served by a multitude of modes with high service levels. It would be implemented in three phases, as noted below and shown in Attachment 3:

- Phase 1 - Track Relocation: Realigning the UPRR tracks and constructing new passenger platforms, connections to the Depot and cross-corridor tunnels;
- Phase 2 - Sacramento Valley Station Improvements: Functional improvements to the existing station site, including electrical system replacement in the Depot, relocation of the light rail and bus areas, and additional parking; and,
- Phase 3 – Intermodal Transportation Center: Transformation of the facility into a regional transportation hub, including added modes, passenger amenities, support areas, public spaces and joint development.

The Intermodal is envisioned as a project of great regional significance as a destination and gateway. Modes of transportation at the facility will include long distance passenger rail, regional rail, light rail transit, intercity bus, local bus, trolleys, charters, rental services, bicycles, pedestrians, automobiles, and potentially a connection to future high speed rail. Joint development and a major parking component will also be part of the future facility. Freight rail will continue service on mainline tracks parallel to the passenger rail platforms and tracks. The facility's components will improve reliability and safety for both passenger and freight service, encourage transit use and activity at the site, and facilitate the development of the Railyards. The track relocation, in particular, will enable 5th and 6th Streets to be extended north into the Railyards development linking communities.

Environmental Review

Since the project is being funded with federal transportation funds, it is subject to federal environmental review with FHWA serving as the lead agency in the process. FHWA has issued the EA, which examines the potential environmental impacts of the proposed project and alternatives being considered. Although Phase 3 has a no-build alternative and two different build alternatives (Alternative 1, "Don't Move the Depot" and Alternative 2, "Move the Depot"), the Phase 1 and 2 projects are the same regardless of the Phase 3 build alternatives. Also, they have independent utility with respect to each other and to the Phase 3 alternatives in that each phase would serve an important function to improve current operations, accommodate passenger growth and provide enhanced passenger amenities, as well as improve the historic Depot building as the centerpiece of this transportation facility.

The EA prepared for the project addresses all project phases at a Tier 1 or programmatic level, while also addressing Phase 1-Track Relocation and Phase 2-Sacramento Valley Station Improvements at a Tier 2 or project level. Project level analysis of Phase 3-Intermodal Transportation Center will be undertaken as part of the future design and engineering work.

Since the project involves the use of, and possible impacts to, historic properties, the EA contains a Section 4(f) Evaluation. This section, prepared in compliance to the Department of Transportation Act of 1966, specifies that a transportation project that uses historic sites may be approved "only if: 1) there is no prudent and feasible alternative to using that land; and 2) the program or project includes all possible planning to minimize harm to the ...historic site resulting from the use."

The findings of the EA are provided in Attachment 4, Table S-1. "Summary of Major Potential Impacts from the Project". Adverse impacts to the Depot can be avoided under the "Don't Move the Depot" alternative. Other environmental impacts can be avoided, are minor or can be minimized. Short-term impacts, such as construction noise, construction equipment emissions, and vibration impacts can be reduced through design measures, construction practices and by purchasing emission reduction offsets for the possible exceedance of NOx emissions.

Public comments received on the EA will be summarized and presented at the Council meeting. The EA and its technical reports also have been provided to Council prior to the Council meeting. In addition, the project was presented to the Preservation Commission on May 21, 2009. The Commission's comments and recommendations on the project involving the Depot, which is a landmark listed on the National, State and Local historic registers, will be summarized for Council.

With respect to local and state environmental guidelines, the approval of the Mitigated Negative Declaration and its Mitigation Monitoring Program provides project level CEQA clearance for Phases 1 and 2. It has been determined by the City Environmental Planning Services Manager that potentially significant impacts could be avoided or reduced to less than significant levels. The Mitigation Monitoring Program is provided as an exhibit to the Mitigated Negative Declaration resolution.

Further environmental review for Phase 3 would be required under both CEQA and NEPA, as well and other federal requirements regarding historic properties after this phase of the Intermodal project undergoes preliminary engineering design. Those studies will address the impacts of the expanded transportation services to be provided in the future, including expanded bus and passenger rail services, double tracking of the light rail project within the station as part of the DNA extension, and the high speed rail project.

Programmatic Agreement

Preparation of a PA, which describes further identification and mitigation treatments, is a means through which impacts to known and newly discovered historic properties during final design and construction can be addressed and resolved. Its development and use complies with NHPA Section 106 which requires federal agencies to take in to account and consult on the effects of their undertakings involving historic properties. For the Intermodal project, it has been determined in the Section 4(f) Evaluation and EA studies, and agreed to by SHPO, that there are four historic resources in the area immediately affected by the project. These include: Southern Pacific Railroad Sacramento Depot (Depot), the Sacramento Southern Pacific Railroad Station District (Station District), which includes the Railway Express Agency (REA) building, the Central Shops Historic District (CSHD) and the 6th Street Levee (Levee). As a result of the Track Relocation (Phase 1), unavoidable adverse effects would result to the Levee (due to removal of a significant portion of its length) and to the Station District (due to loss of contributing elements including the existing tracks, platforms, canopies and railings). As a result of additional technical studies, one impact area initially identified, noise and vibration exposure of the CSHD buildings due to train operations, has been determined to not adversely affect the integrity of these historic structures.

In Phase 2, the improvements to the existing Sacramento Valley Station would result in no adverse project level impacts. In Phase 3 under Alternative 1-Don't Move the Depot, the programmatic level effects are anticipated to not be adverse. However, under Alternative 2-Move the Depot, unavoidable adverse effects are anticipated to the Depot and Station District caused by the move separating the historic Depot from its context with the REA building and I Street and the resulting changes in the setting of the site.

Mitigation of the unavoidable adverse effects is to be addressed through further studies and activities as outlined in the PA. This agreement is entered into by FHWA, FTA, FRA and SHPO, with California Department of Transportation (Caltrans) and the City of Sacramento as concurring parties. It allows construction to proceed for a project phase based on implementation of a historic properties treatment plan. It also describes potential measures that would be acceptable for inclusion in the treatment plan. For the Intermodal project, measures may include: quality documentation and studies of the resource prior to being impacted by construction; protective measures during construction to avoid impacts, and preparing interpretive materials of the impacted historic or archaeological resources for public display and interpretation. The draft PA is provided in Attachment 5 and Council approval is requested at this time. All parties noted above must sign the agreement in order for FHWA to make an environmental determination and issue the FONSI so that Phases 1 and 2 of the project can proceed with future construction.

Intermodal Alternatives Study

During 2003-2004, the City embarked on efforts to make the long-awaited Sacramento Intermodal Transportation Facility a reality. Concept design studies were conducted with extensive public outreach. On November 4, 2004, the City Council approved continuing

more detailed work and feasibility studies on an ultimate multi-modal concept design (corresponding to the current Phase 3) that relocated the historic Depot adjacent to the tracks (then known as the Sacramento Northern design and now known as the "Move the Depot" alternative) and endorsed continued use of the Depot as a transportation facility. A copy of this resolution is provided as Exhibit A to the Intermodal Alternatives resolution (Attachment 9).

Since environmental reviews require consideration of project alternatives, the "Don't Move the Depot" option was formulated based on another alternative also generated in the earlier concept design process. Both alternatives have been assessed in the EA as well as in associated technical studies.

The Intermodal Alternatives Study (Alternatives Study), summarized in Exhibit B - Executive Summary to the Intermodal Alternatives resolution (Attachment 9), compares how the two alternatives for the SITF facility would function to serve transportation needs and how their respective design and layout would fit in the urban setting. In the site plans (Attachment 3) both options are illustrated. The "Don't Move the Depot" option continues to use the Depot at its current location and provides a terminal extension to the north connecting to the rail platforms. The "Move the Depot" option relocates the existing Depot approximately 300 feet to the north and adds a new terminal building across a plaza. The Alternatives Study also contains a report describing the steps and the feasibility of moving the Depot and rough order of magnitude cost estimates. It has been provided to Council prior to the Council meeting and comments received on it will be summarized.

The Alternatives Study recognizes that both site plan concepts are similar in that they tap the historic Depot to be the cornerstone of the expanded Intermodal, respond to the project's program needs and objectives, provide joint development opportunities, present dynamic architectural concepts and have relatively similar magnitudes of cost. It acknowledges differences in form and scale, ease and flexibility of implementation and risk factors.

For example, the strengths of the "Move the Depot Alternative" include:

- The facility is compact and scaled for modest growth;
- It retains many of the station functions (ticketing and waiting areas) in the Historic Depot in a traditional station form; and
- It provides shorter passenger walking distances.

Alternately, the strengths of the "Don't Move the Depot" Alternative are:

- The building remains in its historic location and context;
- The facility is scaled for large growth in transit use and would better accommodate High Speed Rail;
- The facility is easier to phase and requires minimal investment of temporary facilities;

- The joint development areas are considered versatile and well-positioned and can be developed independently of the Intermodal facility;
- It offers multiple access points throughout and better connections to adjacent development; and
- Functional operations would provide separation of passenger and baggage, more flexible movements for intercity buses and more places to ticket, wait and park.

The technical study of moving the historic Depot concludes that the building is physically a good candidate to be moved because of the straight, level move path and its robust structural system. It estimates the cost of the move at approximately \$17 million. However, it notes that the decision of whether it should be moved should be based on comparisons of function, cost and historic resource impacts, not merely whether the building can be lifted and moved.

As a result of these analyses that focus on how the facility would function and fit in the environment, the Alternatives Study's recommendation is that the City should proceed with the "Don't Move the Depot" as the concept for the Phase 3-Intermodal Transportation Facility. Also, this option was evaluated as lessening the effects on historic properties. The full report should be referenced for additional rationales regarding this conclusion.

The recommendation represents a change from Council's action in 2004. In addition, there is a conclusion in the EA's Section 4(f) Evaluation (as noted above in the PA section) that the "Move the Depot" Alternative results in unavoidable adverse effects for the historic resources of the Station District and the Depot itself. As noted previously in this report, under federal Department of Transportation regulations, if there is a prudent and feasible alternative that does not impact or minimizes impacts to a historic resource, that alternative must be selected for the proposed project. Otherwise, the project cannot be approved for federal participation nor would it receive federal funding without some other justification why the "Don't Move the Depot" is not a prudent and feasible alternative in light of the project objectives of the SITF as a transportation facility. Therefore, the Council is requested to adopt a resolution that rescinds its prior 2004 Resolution, and directs staff to proceed with further planning and design for the future Phase 3 of the SITF project based on the "Don't Move the Depot" Alternative. As a result of such action, the "Move the Depot" Alternative would no longer be subject to further study.

Track Design Agreement

In the Track Relocation Agreement approved by Council on December 13, 2006 (Agreement No. 2006-1406), it was stipulated that Union Pacific Railroad (UPRR) would prepare the design of the tracks and switches with reimbursement by the City. UPRR wants to do the track design because it is essential to their operations, however the City will design the site preparation, passenger facilities and other elements. Therefore, the Council is requested to authorize the City Manager to enter into an agreement with UPRR for a not-to-exceed amount of \$300,000 for track design after federal and state environmental determinations have been made.

Application with the California Public Utilities Commission (PUC)

The Track Relocation Project involves several overcrossing and undercrossings of the rail corridor. The City will construct three grade separated tunnels as part of the Track Relocation Project: the West Tunnel, Service Tunnel and Passenger Tunnel, while Thomas Enterprises will construct the 5th and 6th Street grade crossings of the relocated UPRR tracks. Since only government agencies may apply to the PUC to construct public road crossings of a railroad, the City will prepare the applications to the PUC to allow for the grade separated crossings as noted in the resolution in Attachment 13.

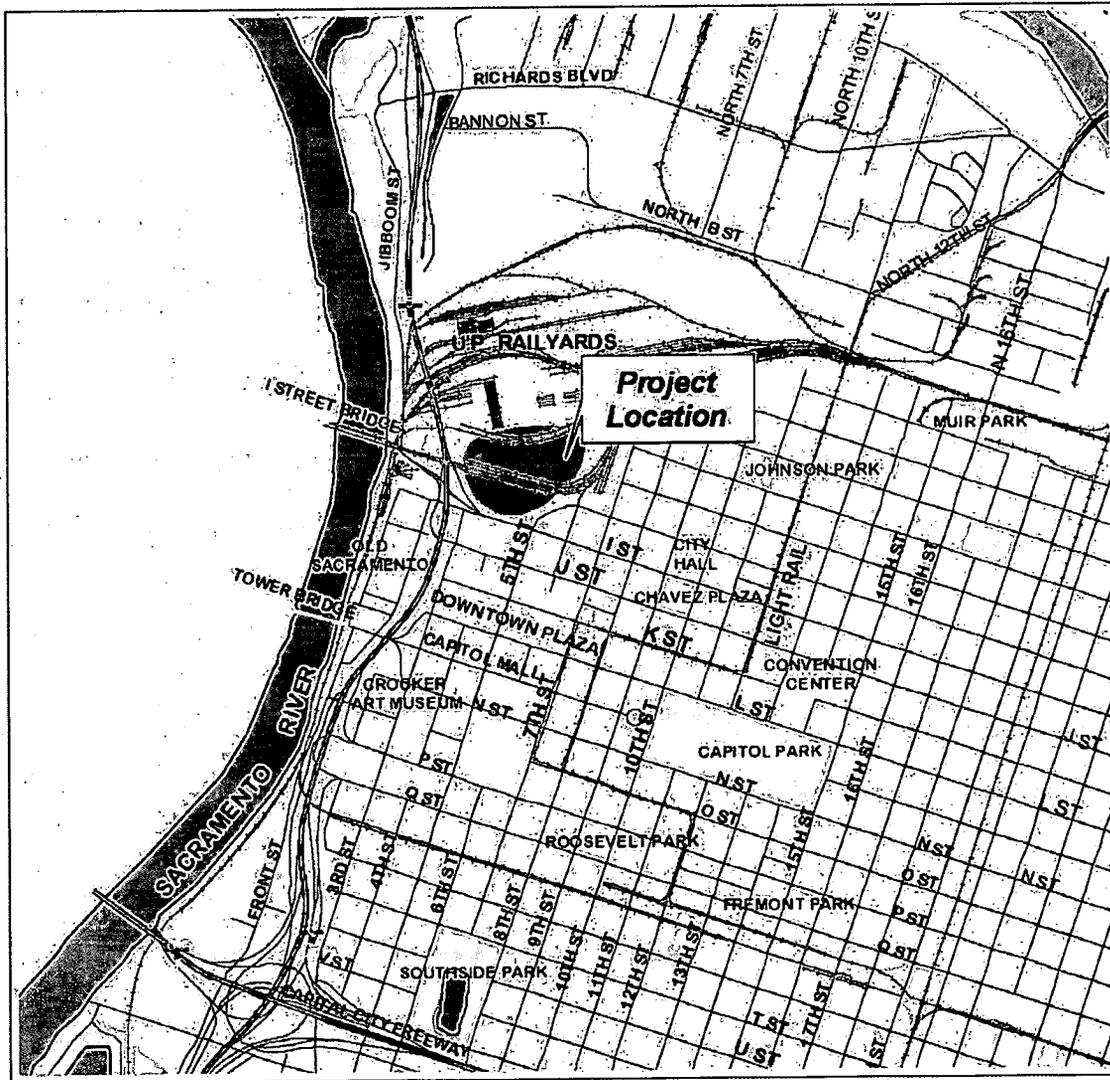
Possession and Use and Easement Agreements with Thomas Enterprises

Since the site acquisition process as provided for in the City-Thomas Enterprises Purchase and Sale Agreement dated December 13, 2006 (City Agreement No. 2006-1405) is not anticipated to be concluded by the time when the City needs demonstrate control of the site to undertake testing required for final engineering, to submit applications to the PUC, to enter into utility relocation agreements and to execute UPRR construction and maintenance agreements, a Possession and Use Agreement is proposed as the means to obtain control of Parcel B. Therefore, this agreement with Thomas Enterprises to provide the required property interests is proposed for execution in the Resolution provided in Attachment 14.

The resolution also includes easement agreements that are proposed to provide for access on the north side of the rail corridor to two pedestrian tunnels, the West Tunnel and the Passenger Tunnel. The City needs Thomas Enterprises to grant the City public access easements for these two tunnels, in accordance with the requirements set out in the Railyards Tentative Map conditions and the Development Agreement, in order for the City to obtain approval for construction of the Track Relocation Project by the state and federal government which are providing funding for this project.

Attachment 2

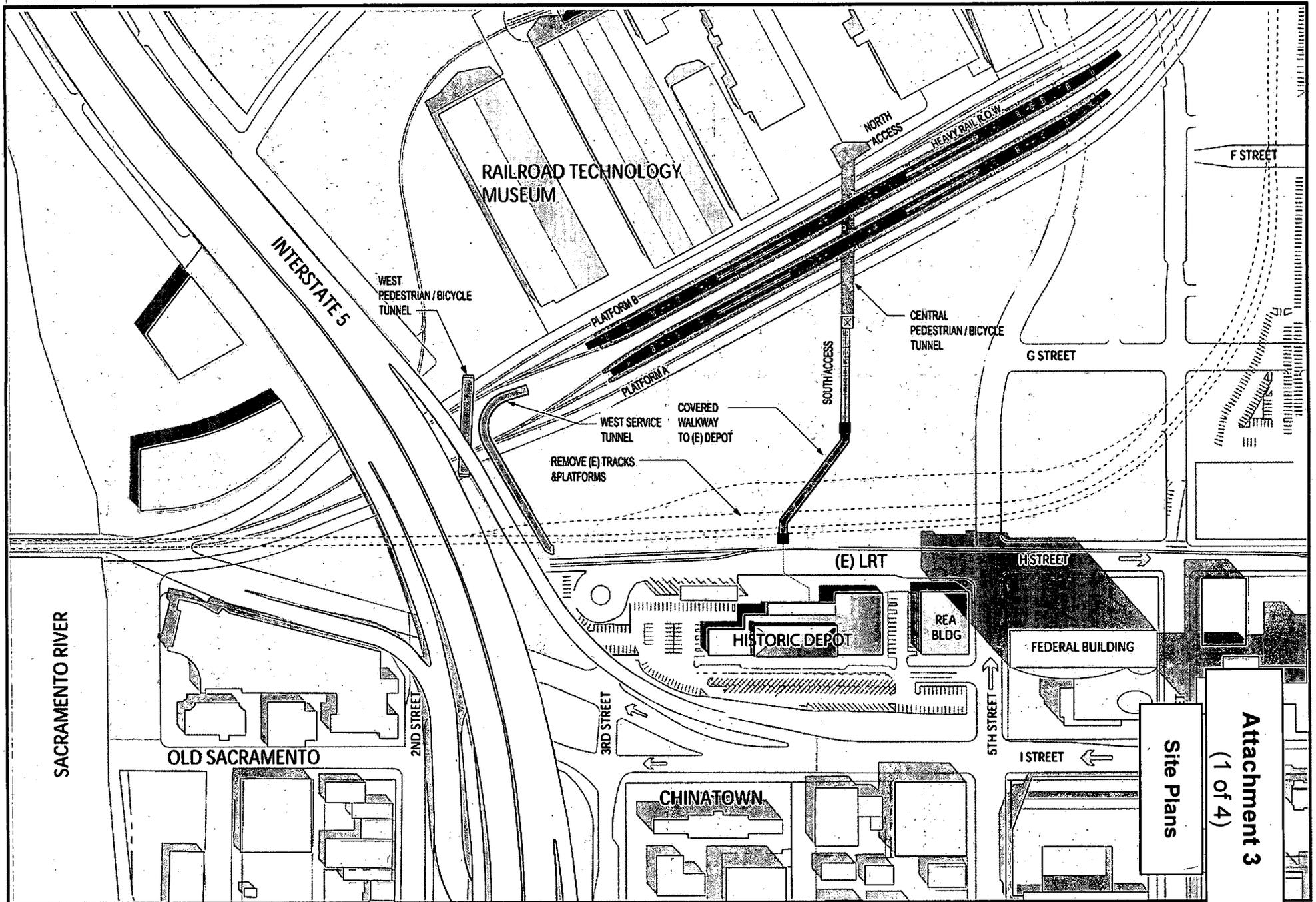
Location Map for
**SACRAMENTO INTERMODAL
TRANSPORTATION FACILITY (SITF)**
(PN:CF41)



Map Contact: S. Tobin
Date: October, 2003

1000 0 1000 2000 Feet



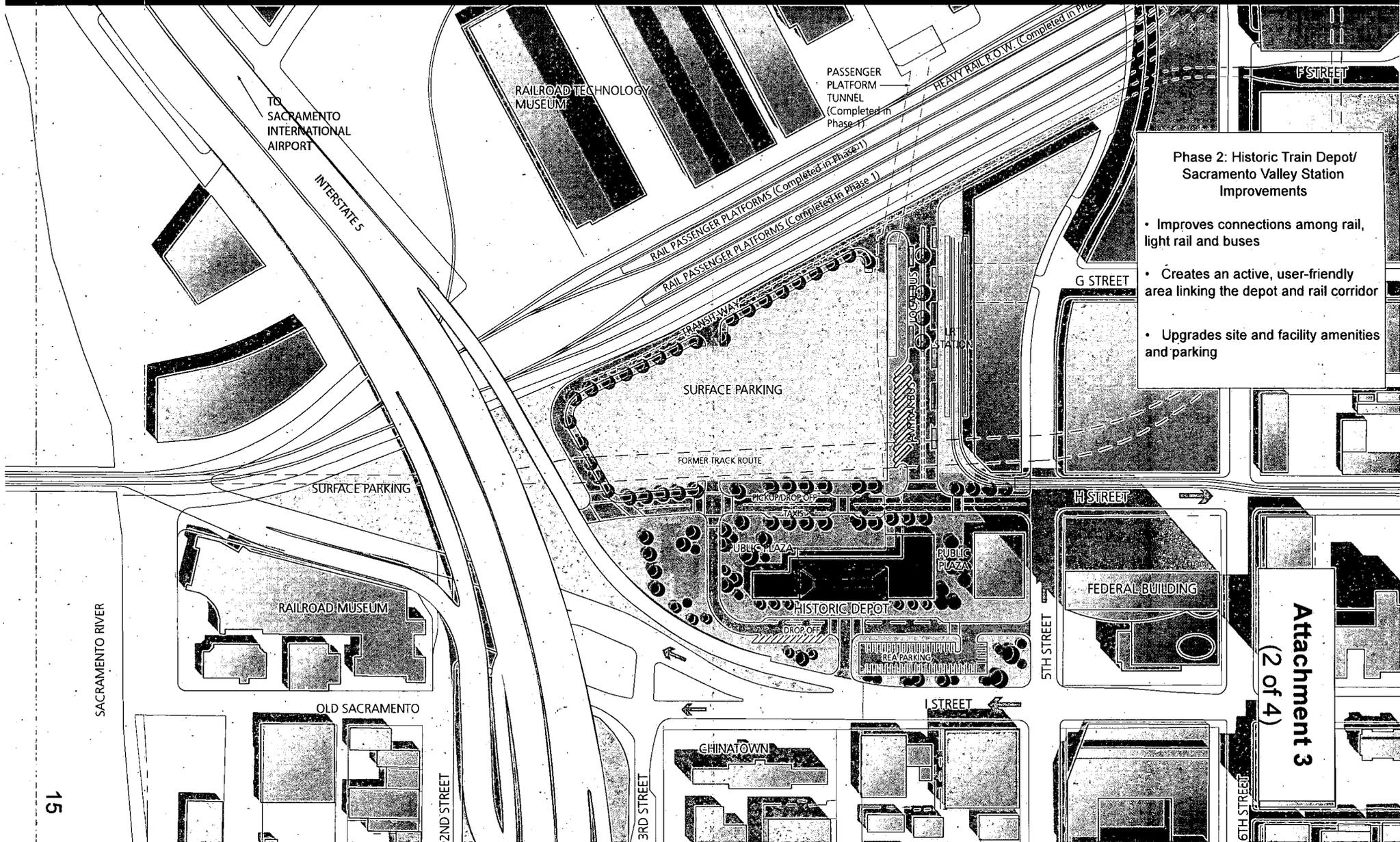


Site Plans
Attachment 3
(1 of 4)

Figure 1-3
Phase 1 Track Relocation

Sacramento Intermodal Transit Facility

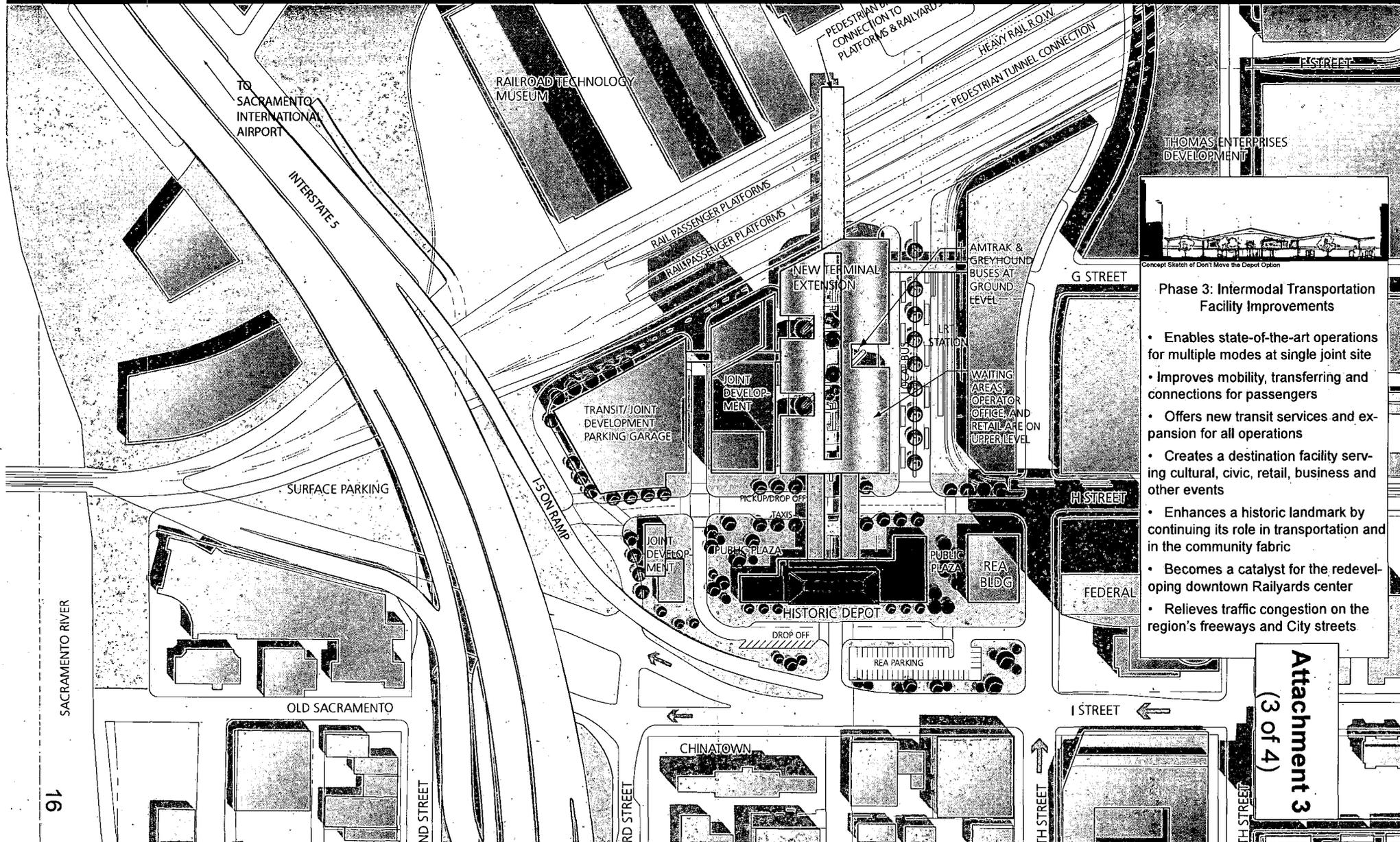
Phase 2 Sacramento Valley Station Improvements



- Phase 2: Historic Train Depot/ Sacramento Valley Station Improvements**
- Improves connections among rail, light rail and buses
 - Creates an active, user-friendly area linking the depot and rail corridor
 - Upgrades site and facility amenities and parking

Attachment 3
(2 of 4)

Sacramento Intermodal Transit Facility Phase 3 Don't Move the Depot Option Conceptual Site Plan



Concept Sketch of Don't Move the Depot Option

Phase 3: Intermodal Transportation Facility Improvements

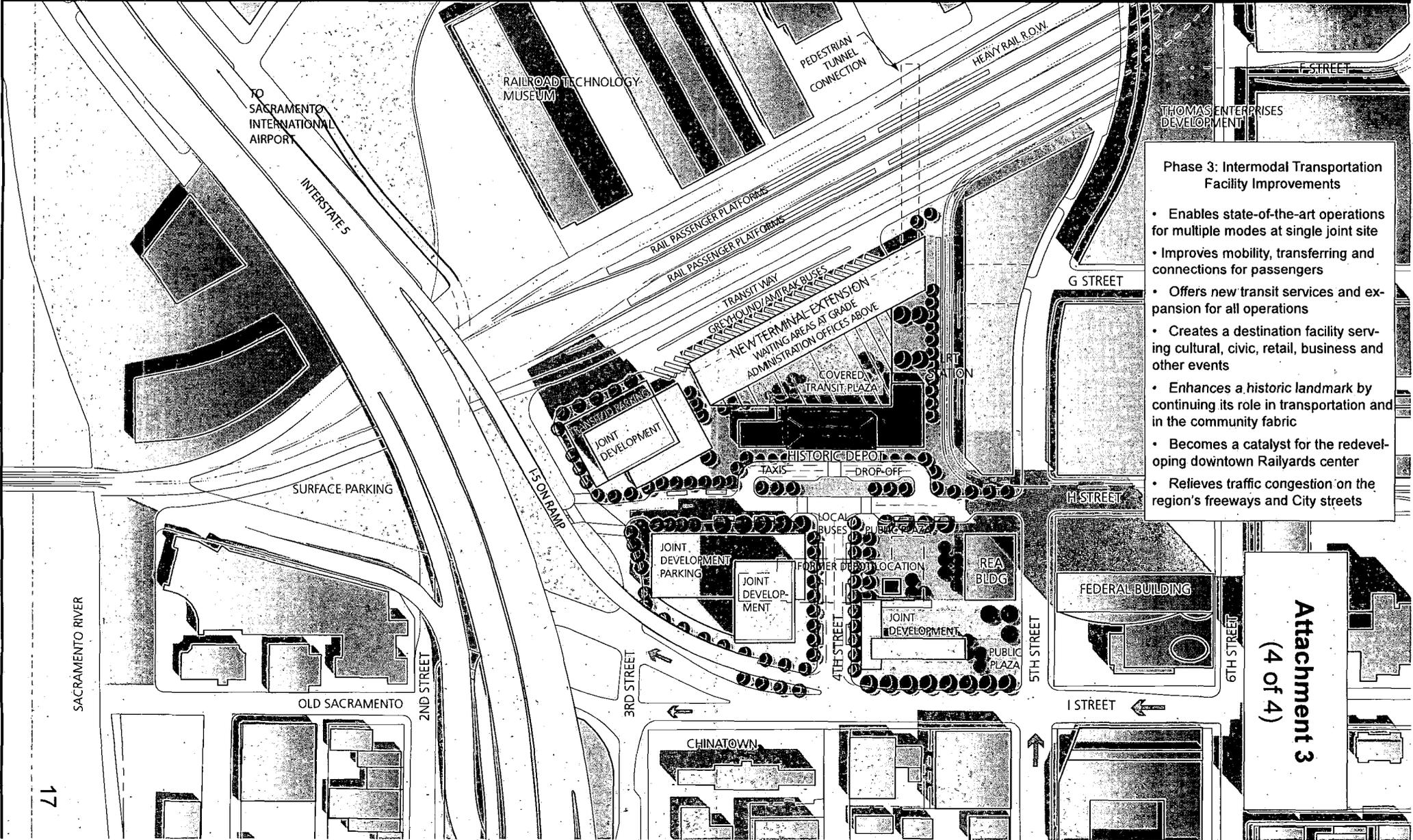
- Enables state-of-the-art operations for multiple modes at single joint site
- Improves mobility, transferring and connections for passengers
- Offers new transit services and expansion for all operations
- Creates a destination facility serving cultural, civic, retail, business and other events
- Enhances a historic landmark by continuing its role in transportation and in the community fabric
- Becomes a catalyst for the redeveloping downtown Railyards center
- Relieves traffic congestion on the region's freeways and City streets

Attachment 3
(3 of 4)

Sacramento Intermodal Transit Facility

Phase 3 Move the Depot Option

Conceptual Site Plan



Phase 3: Intermodal Transportation Facility Improvements

- Enables state-of-the-art operations for multiple modes at single joint site
- Improves mobility, transferring and connections for passengers
- Offers new transit services and expansion for all operations
- Creates a destination facility serving cultural, civic, retail, business and other events
- Enhances a historic landmark by continuing its role in transportation and in the community fabric
- Becomes a catalyst for the redeveloping downtown Railyards center
- Relieves traffic congestion on the region's freeways and City streets

Attachment 3
(4 of 4)

Table S-1. Summary of Major Potential Impacts from the Project

Potential Impact	Tier 1 (Program-Level) Impacts				No-Build Alternative
	Tier 2 (Project-Level) Impacts		Future Phase 3 (includes Cumulative)		
	Phase 1	Phase 2	Build Alternative 1	Build Alternative 2	
Utilities/Emergency Services					
UES-1: Potential for construction to interfere with utility services in the project area	Minor	Minor	Minor	Minor	No program- or project-related effects
UES-2: Potential increased demand for utility services	Minor	Minor	Minor	Minor	No program- or project-related effects
Impact UES-3: Increased need for emergency services	None	None	Minor with RSP planned service expansions	Minor with RSP planned service expansions	No program- or project-related effects
Traffic and Transportation/Pedestrian and Bicycle Facilities					
TRANS-1: Potential increase in traffic volumes at study area intersections and deterioration of LOS	None	Increased delay at 2 intersections (minimized with stop controls and optimized signal timing)	Increased delay at up to 8 intersections (minimized with stop controls and optimized signal timing)	Same as Alternative 1	No program- or project-related effects
TRANS-2: Potential increase in traffic volumes at freeway mainline segments and deterioration of LOS	None	No perceptible effects	Increased delay at 3 I-5 ramp locations	Same as Alternative 1	No program- or project-related effects
TRANS-3: Potential increase in traffic volumes that would affect freeway interchange operations and deterioration of LOS	None	No perceptible effects	Increased delay at 2 I-5 ramp locations	Same as Alternative 1	No program- or project-related effects
TRANS-4: Other adverse transportation effects in the project area, such as freeway ramp operations, bus or light rail system services, or pedestrian facilities	Minor during construction	Minor with traffic controls during construction	Storage capacity exceeded at 1 I-5 ramp location; cumulative contribution to substandard levels of service in study area; minor effects on pedestrian, bicycle, and parking facilities with adherence to City code.	Same as Alternative 1	No program- or project-related effects
Visual/Aesthetics					
VIS-1: Potential for adverse temporary visual effects caused by construction activities	Minor with shielded lighting if nighttime construction	Minor with shielded lighting if nighttime construction	Minor with shielded lighting if nighttime construction	Same as Alternative 1	No program- or project-related effects

Table S-1. Continued

Potential Impact	Tier 1 (Program-Level) Impacts				No-Build Alternative
	Tier 2 (Project-Level) Impacts		Future Phase 3 (includes Cumulative)		
	Phase 1	Phase 2	Build Alternative 1	Build Alternative 2	
VIS-2: Permanent changes to the existing visual character or quality of the site and its surroundings	None	None	Beneficial with the addition of open space, landscaping, and other planned aesthetics treatments	Larger change than Alternative 1, but also beneficial	No program- or project-related effects, including no improvements
VIS-3: Potential for a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area	Minor with compliance with City code	Minor with compliance with City code	Substantial change in exposure of residents to ambient light, minimized by adherence to City code	Same as Alternative 1	No program- or project-related effects
Cultural Resources					
CUL-1: Damage to portions of the 6th Street Levee resulting from removal of existing tracks	Adverse under Section 106	None	None	None	No program- or project-related effects
CUL-2: Physical disruption of the Sacramento SPRR Station District	Adverse under Section 106 due to loss of contributing elements	Not adverse under Section 106 with adherence to Secretary of the Interior treatment standards	Not adverse under Section 106 related to new buildings blocking views	Adverse under Section 106 due to separation from context and alteration of landscape	No program- or project-related effects
CUL-3: Damage to the Central Shops Historic District	Non adverse under Section 106 with track design incorporating vibration minimization elements (see Noise and Vibration)	None	Not adverse under Section 106	Similar to Alternative 1	No program- or project-related effects
Hydrology and Floodplain					
HYD-1: Alteration of existing drainage patterns that would cause flooding either on site or off site	None with adherence to City and County design standards	None with adherence to City and County design standards	None with adherence to City and County design standards	Same as Alternative 1	No program- or project-related effects

Table S-1. Continued

Potential Impact	Tier 1 (Program-Level) Impacts				No-Build Alternative
	Tier 2 (Project-Level) Impacts		Future Phase 3 (includes Cumulative)		
	Phase 1	Phase 2	Build Alternative 1	Build Alternative 2	
Water Quality and Storm Water Runoff					
WQ-1: Potential to violate water quality standards, waste discharge requirements, or substantially degrade water quality	None with compliance with SQIP and NPDES permit requirements	None with compliance with SQIP and NPDES permit requirements	None with compliance with SQIP and NPDES permit requirements	Same as Alternative 1	No program- or project-related effects
WQ-2: Substantial alteration of existing drainage patterns in a manner that would result in increasing the amount of pollution to the CSS	None with compliance with SQIP and NPDES permit requirements	None with compliance with SQIP and NPDES permit requirements	None with compliance with SQIP and NPDES permit requirements	Same as Alternative 1	No program- or project-related effects
WQ-3: Creation or contribution of runoff water that would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff that could affect the beneficial uses of the Sacramento or American Rivers	Minor, beneficial with landscaping	Minor, beneficial with landscaping	Moderate with cumulative development	Same as Alternative 1	No program- or project-related effects
WQ-4: Reduction in the amount of groundwater recharge potential from the impervious surfaces	None	None	None	None	No program- or project-related effects
Geology/Soils/Seismic/Topography					
GEO-1: Potential seismic hazards due to ground rupture, ground shaking, and liquefaction and settlement	Minor with conformance to building codes and geotech report recommendations	None with conformance to building codes and geotech report recommendations	Minor with conformance to building codes and geotech report recommendations	Same as Alternative 1	No program- or project-related effects
GEO-2: Potential seismic hazards due to soil compression, corrosion, erosion, and other geologic conditions	Minor with conformance to NPDES requirements	Minor with conformance to NPDES requirements	Minor with conformance to NPDES requirements	Same as Alternative 1	No program- or project-related effects
Paleontology					
PALEO-1: Minimal potential disturbance or destruction of paleontological resources	Minor, deposits unlikely to be present	Minor, deposits unlikely to be present	Minor, deposits unlikely to be present	Same as Alternative 1	No program- or project-related effects

Table S-1. Continued

Potential Impact	Tier 1 (Program-Level) Impacts				No-Build Alternative
	Tier 2 (Project-Level) Impacts		Future Phase 3 (includes Cumulative)		
	Phase 1	Phase 2	Build Alternative 1	Build Alternative 2	
Hazardous Waste/Materials					
HAZ-1: Potential to create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials during construction	Minor with measures to minimize exposure	Minor with measures to minimize exposure.	Minor with measures to minimize exposure	Same as Alternative 1	No program- or project-related effects
HAZ-2: Potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during operation	Minor	None	None	Same as Alternative 1	No program- or project-related effects
HAZ-3: Potential of contaminated soils in unremediated areas to present a hazard to workers and the general public during construction	Moderate with measures to minimize exposure	Minor with measures to minimize exposure	Minor with measures to minimize exposure	Same as Alternative 1	No program- or project-related effects
HAZ-4: Potential to expose visitors to the project site to hazardous materials through the concurrent activities of project construction and soil remediation	Moderate with measures to minimize exposure	Minor with measures to minimize exposure	Minor with measures to minimize exposure	Same as Alternative 1	No program- or project-related effects
HAZ-5: Potential of the construction of project components to interfere with remediation efforts for remaining unremediated soils in or to compromise previous remediation efforts	Moderate with measures to minimize exposure	Minor with measures to minimize exposure	Minor with measures to minimize exposure	Same as Alternative 1	No program- or project-related effects.
HAZ-6: Exposure of construction workers and residents to potentially hazardous materials in the historic Depot building	None	Moderate with abatement measures	Moderate with abatement measures	Same as Alternative 1	No program- or project-related effects

Table S-1. Continued

Potential Impact	Tier 1 (Program-Level) Impacts				No-Build Alternative
	Tier 2 (Project-Level) Impacts		Future Phase 3 (includes Cumulative)		
	Phase 1	Phase 2	Build Alternative 1	Build Alternative 2	
Air Quality					
AQ-1: Violation of PM 10 Standards	No exceedance because maximum area of disturbed acreage is under established SMAQMD threshold.	No exceedance because maximum area of disturbed acreage is under established SMAQMD threshold	No exceedance because maximum area of disturbed acreage is under established SMAQMD threshold	No exceedance because maximum area of disturbed acreage is under established SMAQMD threshold	No program- or project-related effects
AQ-2: Construction emissions of NOx	Emissions exceed the SMAQMD threshold	Emissions exceed the SMAQMD threshold	Emissions exceed the SMAQMD threshold	Higher exceedance of SMAQMD threshold, because of construction effort to move Depot	No program- or project-related effects
AQ-3: Generation of Criteria Pollutant Emissions during Project Operation	Beneficial decrease due to elimination of hold out rule	Emissions below established SMAQMD threshold	Emissions below established SMAQMD threshold	Same as Alternative 1	No program- or project-related effects
AQ-4: Creation of Carbon Monoxide Hot Spots during Project Operation	None	No violation of CO standards	No violation of CO standards	Same as Alternative 1	No program- or project-related effects
AQ-5: Creation of PM10/PM2.5 Hot Spots during Project Operation	Beneficial reduction of PM10/PM2.5 emissions due to reduced idling time	None	Negligible	Same as Alternative 1	No program- or project-related effects
AQ-6: Generate and Increase in Toxic Air Contaminants during Project Operation	Minor	Minor	Minor	Same as Alternative 1	No program- or project-related effects
AQ-7: Increase in Greenhouse Gas Emissions during Project Operation	No operational increase in CO2 emissions	Increase in CO2 emissions of 433 metric tons per year	Increase in CO2 emissions of 167 metric tons per year	Same as Alternative 1	No program- or project-related effects
AQ-8: Potential for project not to meet conformity requirements	Meets conformity requirements	Meets conformity requirements	Meets conformity requirements	Same as Alternative 1	No program- or project-related effects
Noise and Vibration					
N-1: Exposure of noise-sensitive land uses to increased noise	Exceeds FTA criteria for moderate impact, minimized with design options to reduce rail noise	Imperceptible	Barely perceptible	Same as Alternative 1	No program- or project-related effects

Table S-1. Continued

Potential Impact	Tier 1 (Program-Level) Impacts				No-Build Alternative
	Tier 2 (Project-Level) Impacts		Future Phase 3 (includes Cumulative)		
	Phase 1	Phase 2	Build Alternative 1	Build Alternative 2	
N-2: Exposure of noise-sensitive land uses and structures to vibration	Exposure at 91 VdB exceeds impact FTA threshold of 90 VdB, minimized with design options to limit vibration from train operations	None	None	Same as Alternative 1	No program- or project-related effects
Exposure of noise-sensitive land uses and structures to construction noise and vibration	Substantial, minimized with construction treatment measures	Substantial, minimized with construction treatment measures	Substantial, minimized with construction treatment measures	Same as Alternative 1	No program- or project-related effects
Animal Species					
BIO-1: Potential disturbance to nesting migratory birds during project construction	Minor disturbance with avoidance and minimization measures	Minor disturbance with avoidance and minimization measures	Minor disturbance with avoidance and minimization measures	Same as Alternative 1.	No program- or project-related effects
BIO-2: Potential disturbance to roosting bats during construction	Minor disturbance with avoidance and minimization measures	Minor disturbance with avoidance and minimization measures	Minor disturbance with avoidance and minimization measures	Same as Alternative 1	No program- or project-related effects
Threatened and Endangered Species					
BIO-3: Potential disturbance to Valley Elderberry Longhorn Beetle	Disturbance minimized with project appended Programmatic Biological Opinion	None	None	Same as Alternative 1	No program- or program- or project-related effects
Invasive Species					
BIO-6: Prevent the introduction or spread of noxious weeds	Minor	Minor	Minor	Same as Alternative 1	No project-related effects

Attachment 5

**PROGRAMMATIC AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE FEDERAL TRANSIT ADMINISTRATION,
THE FEDERAL RAILROAD ADMINISTRATION,
THE CALIFORNIA DEPARTMENT OF TRANSPORTATION,
AND THE
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE
SACRAMENTO INTERMODAL TRANSPORTATION FACILITY PROJECT,
SACRAMENTO COUNTY, CALIFORNIA**

WHEREAS, the Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans), and the City of Sacramento (City) propose to implement the Sacramento Intermodal Transportation Facility Project (Undertaking), located in the City and County of Sacramento; and,

WHEREAS, the Undertaking consists of three phases, (as described in Attachment 1 of this document) with Phase 1 involving relocating the existing passenger and freight rail tracks and providing new tunnel connections; Phase 2 implementing operational improvements at the site and electrical upgrades to the Southern Pacific Railroad (SPRR) Sacramento Depot; and Phase 3 will be the eventual rehabilitation of the Depot and construction of additional facilities to meet future needs of rail and bus transit passengers and service operators.; and,

WHEREAS, FHWA will be the lead federal agency for the Undertaking, with the Federal Transit Administration (FTA) and Federal Railroad Administration (FRA) acting as cooperating agencies; and,

WHEREAS, FHWA has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the January 2004 *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation regarding compliance with Section 106 of the National Historic Preservation Act (NHPA), as it Pertains to the Administration of the Federal-Aid Highway Program in California* (Section 106 PA) and, where the Section 106 PA so directs, in accordance with 36 CFR Part 800, the regulation implementing Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), as amended (NHPA), regarding the Undertaking's potential to affect historic properties, has decided to prepare a programmatic agreement (PA) pursuant to 36 CFR §800.4(b)(2) and 800.14(b), and has notified the Advisory Council on Historic Preservation (ACHP) that a Programmatic Agreement (PA) will be prepared, pursuant to 36 CFR § 800.6(a)(1)(i)(C); and,

WHEREAS, FHWA has chosen to prepare this PA to ensure completion of the final identification and evaluation of potential historic properties which may be affected by the Undertaking, and to provide for the resolution of any adverse effects on historic properties within the Undertaking's Area of Potential Effects (APE) subsequent to its approval for construction of each phase of the Undertaking; and,

WHEREAS, this Undertaking, as currently proposed, has the potential to affect historic properties, including properties listed in or eligible for listing in the National Register of Historic Places (NRHP), including the Southern Pacific Railroad (SPRR) Company's Sacramento Station District, the SPRR Sacramento Depot and Railway Express Agency (REA) buildings, the SPRR Central Shops Historic District, and the 6th Street Levee, and may affect archaeological properties and resources including those of importance to Native Americans that have not yet been identified; and,

WHEREAS, the City and/or Caltrans have participated in the consultation with FHWA and SHPO and have been invited to be signatories to this PA; and,

NOW, THEREFORE, FHWA, FTA, FRA, and SHPO agree that, upon FHWA's decision to allow the City to proceed with final design and construction of each phase of the Undertaking, FHWA shall ensure that each phase of the Undertaking is implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties; and further agree that these stipulations shall govern the Undertaking and all of its parts until this PA expires or is terminated.

STIPULATIONS

FHWA shall ensure that the following measures are carried out for the Undertaking:

I. PHASED IDENTIFICATION, EVALUATION, AND APPLICATION OF CRITERIA OF ADVERSE EFFECTS

FHWA shall, upon its decision to allow the City to proceed with construction of a phase of the Undertaking and prior to implementation of that phase of the Undertaking, ensure that City has completed its effort to identify, evaluate, and apply the criteria of adverse effect to historic properties within the APE for that phase of the Undertaking in accordance with 36 CFR §800.4(b)(1), §800.4(c)-(d), and §800.5(a)(1) as follows:

A. Archaeological Resources

1. All work under Section 106 of the NHPA regarding the identification, evaluation, assessment of effects of the Undertaking, and mitigation of adverse effects on archaeological resources shall be completed for each phase in consultation with Caltrans Professional Qualifications Standards (PQS) in the appropriate discipline and in accordance with the Section 106 PA and the terms of this PA.
2. Caltrans approved the Area of Potential Effects (APE) Map for the Undertaking on November 18 and 19, 2008, which depicts the maximum horizontal extent of potential impacts, and FHWA and SHPO have concurred with the APE Map boundaries. Following FHWA's decision to allow the City to proceed with design of each phase of the Undertaking, the City or its agent, in consultation with Caltrans, shall establish a horizontal and vertical Area of Direct Impact (ADI) based on 30% design drawings depicting construction activities for that phase. The ADI

has been completed and approved by Caltrans, FHWA and SHPO for Phases 1 and 2 of the Undertaking.

3. Due to a potential for subsurface archaeological resources listed or eligible to be listed in the NRHP within the ADI for Phases 1 and 2 of the Undertaking based on geotechnical borings and archival research, as set out in the Historical Resources Evaluation Report (HRER) and the Archaeological Survey Report (ASR), the City or its agent shall prepare a proposal to conduct Extended Phase I (XPI) investigations (XPI Work) in accordance with Stipulation VIII.B of the Section 106 PA and Caltrans policies and guidelines prior to construction of each phase. Upon approval of the XPI proposal by Caltrans, the City or its agent will conduct the XPI Work and report its findings to Caltrans.
4. If archaeological resources are identified as a result of XPI Work for Phase 1, 2, and/or 3, those resources can be protected from any potential effects during construction by the establishment and effective enforcement of an Environmentally Sensitive Area (ESA), and those resources may be considered eligible for listing in the NRHP; for the purposes of the Undertaking, no further subsurface testing or surface collecting in accordance with Stipulation VII.C.3 of the Section 106 PA or this PA will be required.
5. If archaeological resources eligible for listing in the NRHP are identified as a result of XPI Work for Phase 1, 2, and/or 3, and those resources cannot be protected from any potential effects during construction of the Undertaking by the establishment of an ESA, Caltrans shall ensure that the City or its agents prepare a Historic Resources Treatment Plan (HPTP) for those resources prior to construction of each phase of the Undertaking in accordance with Stipulation VIII.C.2 of the Section 106 PA and Caltrans policies and guidelines. The HPTP shall include a Research Design, which shall be used to evaluate such resources for their potential eligibility to the NRHP. An administrative draft of the HPTP shall be submitted to Caltrans for a review and comment period of not more than 30 days. Once approved by Caltrans, the final draft HPTP shall be submitted to SHPO for a review and comment period of not more than 30 days. Following SHPO review and approval of the HPTP, the City or its agents will conduct the Phase II archaeological site evaluation work in accordance with the schedule specified in the HPTP.

B. Built Environment Resources

1. Identification of Character Defining Features.

- a. In order to adequately assess potential impacts of the Undertaking to NRHP listed or eligible built environment properties, the City or its agent shall identify the Character Defining Features (CDFs) of the historic properties within the Undertaking's APE following the guidance provided in *Preservation Brief 17* and *Preservation Brief 18* (United States Department of the Interior, National Park Service, Technical Preservation Services). The City has completed the Historic Property Survey Report (HPSR) for the Undertaking and the CDFs are

included in the 4(f) Evaluation report. The CDF's have been approved by Caltrans' Principal Architectural Historian and by SHPO.

2. Secretary of the Interior's Standards.
 - a. To the extent possible, the City shall design each Phase of the Undertaking which may affect the historic properties which are listed or eligible for listing in the NRHP in adherence to *Secretary of the Interior's Standards (SOIS) for the Rehabilitation of Historic Properties* (United States Department of the Interior, National Park Service 1997). Designs should ensure the preservation of the CDFs of the built environment historic properties to the extent feasible in light of the Project Description for the Undertaking (Attachment 1).
 - b. For each phase of the Undertaking that will potentially affect NRHP eligible or listed built environment historic properties, the City shall submit plans to Caltrans at the 30%, 60%, and 90% design stages for review by a Principal Architectural Historian. Caltrans shall provide comments on the plans and coordinate with SHPO for concurrence with such comments no later than 30 days after Caltrans receipt of each set of plans. The 30% design for Phases 1 and 2 of the Undertaking, which have been submitted to Caltrans and SHPO for review, identify the CDF's of the built environment that will not be able to be preserved.

C. Assessment of Effects

- 1 The City or its agent will determine the effects of the Undertaking on any NRHP eligible or listed properties within the APE for each Phase in accordance with Stipulation X of the Section 106 PA and Caltrans policies and guidelines. If the City, in consultation with Caltrans, concludes that Phases 1, 2, and/or 3 of the Undertaking meet the conditions described in Stipulation X.B.2 of the Section 106 PA, Caltrans will propose a finding of No Adverse Effect with Standard Conditions to FHWA.
- 2 If the City or its agent, in consultation with Caltrans, determines that any phase of the Undertaking will have an adverse effect on properties listed, eligible, or considered eligible for the NRHP, Caltrans shall propose a finding of Adverse Effect to FHWA in accordance with Stipulation X.C of the Section 106 PA. The City has completed this assessment of the Undertaking and proposed a finding of Adverse Effects for Phases 1 and 3 as set out in the draft 4(f) Evaluation report. The purpose of this PA is address mitigation of such effects as set out in Stipulation II, below.

II. TREATMENT OF HISTORIC PROPERTIES

FHWA shall, upon its decision to allow the City to proceed with construction of a phase of the Undertaking and prior to implementation of that phase of the Undertaking, ensure that City has resolved adverse effect to historic properties within the APE for that phase of the Undertaking in accordance with 36 CFR §800.6 as follows:

A. Archaeological Resources

1. FHWA may, as a result of consultation to resolve adverse effects for each phase of the Undertaking, direct Caltrans and the City to conduct data recovery work on historic properties determined to be significant exclusively under Criterion D of the NRHP pursuant to Stipulation X.C.2 of the Section 106 PA. The City or its agent, in consultation with Caltrans, shall then prepare a draft Phase III Data Recovery Plan (DRP) to describe the procedures proposed to recover the important information from the eligible resource deposit(s). The content of the DRP should present information specific to the nature of the deposit(s) and research issues relevant to the find, the impacts from construction, and the constraints of location. The administrative draft DRP shall be submitted to Caltrans for a review and comment period of not more than 30 days. Once approved by Caltrans, the draft HPTP shall be submitted to SHPO for a review and comment period of not more than 30 days. Following approval by SHPO, the City or its agent will perform the work described in the DRP in accordance with Attachment 6 of the Section 106 PA.
2. In order to avoid adverse effects of the Undertaking to historic properties determined to be significant exclusively under Criterion D of the NRHP pursuant to Stipulation X.C.2 of the Section 106 PA, the contributing deposits of archaeological sites where data recovery work is not prescribed by FHWA, the City will protect those properties from any potential effects during construction of the Undertaking, if feasible, by the establishment and effective enforcement of an ESA. Provisions for the protection of the properties by an ESA(s) will be described, and the locations depicted, in information included in the final construction plans for that phase of the Undertaking. The ESA provisions will indicate that no work associated with the Undertaking will take place within the ESA(s), either horizontally or to a depth that may impact the deposits, and that temporary fencing will be placed between the ADI and the location of the contributing deposits of the archaeological sites. The City shall further ensure that a professional archaeologist will monitor the installation of the fence and that the City will thereafter ensure its integrity is maintained for the duration of Undertaking construction activities in the vicinity of the resource site.

B. Built Environment Resources

1. In the event that FHWA makes a finding that the Undertaking will result in an unavoidable Adverse Effect to built environment properties, as noted in Section IC, *infra*, FHWA, with the assistance of Caltrans, shall ensure that the City implements one or more of the mitigation measures in the Built Environment Treatment Plan (BETP), which is included as Attachment 2 of this document, for each phase of the Undertaking. The BETP contains a range of mitigation measures that may be used by the City during implementation of the Undertaking to ensure the resolution of adverse effects in accordance with Stipulation XI.A of the Section 106 PA and 36 CFR 800.6(a) and 800.6(b)(1).
2. The BETP, included as Attachment 2 of this document, may be amended through further consultation with Caltrans and SHPO without the need for amending this

PA. Any PA party may propose an amendment of the BETP, whereupon the PA parties will consult for no more than 30 days to consider such amendment.

III. REPORTING REQUIREMENTS AND RELATED REVIEWS

- A. In the event that XPI Work is necessary for the Undertaking, reporting will follow the guidance found in Volume 2, Chapter 5, and Section 5 of the Caltrans Environmental Handbook.
- B. Regarding Phase II evaluation of archaeological resources for potential eligibility to the NRHP reporting will follow the guidance in Volume 2, Chapter 5, Section 6 of the Caltrans Environmental Handbook.
- C. In terms of the Phase III data recovery of archaeological resource deposits found eligible for the NRHP pursuant to Stipulation X.C.2 of the Section 106 PA, where the construction of a phase of the Undertaking will result in an adverse effect to such resource, the DRP reporting will follow the guidance in Volume 2, Chapter 5, Section 8 of the Caltrans Environmental Handbook as follows:
 1. Within thirty (30) days after the City has informed Caltrans, and Caltrans has agreed that all fieldwork required by the Data Recovery Plan (DRP) has been completed, the City will provide Caltrans with a brief letter report that summarizes the field efforts and the preliminary findings that result from them. FHWA will ensure concurrent distribution of the report to the other PA parties, for review and comment.
 2. Within three (3) months after Caltrans has determined that all fieldwork required by the DRP is complete, the City will ensure preparation and subsequent concurrent distribution to FHWA and the other PA parties for review and comment, a draft technical report that documents the results of the completed fieldwork. The other PA parties will be afforded 30 days following receipt of the draft technical report to submit any written comments to FHWA. Failure of these PA parties to respond within this time frame shall not preclude FHWA from authorizing revisions to the draft technical report, as FHWA may deem appropriate. FHWA will provide the other PA parties with written documentation indicating whether and how the draft technical report will be modified in accordance with any comments received from the other PA parties. Unless any PA party objects to this documentation in writing to FHWA within 30 days following receipt, Caltrans may direct the City to modify the draft technical report as Caltrans may deem appropriate. Thereafter, FHWA may issue the technical report in final form and distribute this document in accordance with the following paragraph III. D of this PA.
- D. Copies of the final technical report documenting the results of the completed fieldwork under the DRP will be distributed by FHWA to the other PA parties, and to the North Central Information Center of the California Historical Resources Information System housed at California State University, Sacramento.

IV. NATIVE AMERICAN CONSULTATION

FHWA has consulted with the Tribes regarding the proposed Undertaking, will continue to consult with the Tribes, and will afford the Tribes, should the Tribes so desire, the further opportunity to more directly and actively participate in the implementation of each phase of the Undertaking. Should any specific Tribe desire to participate in this PA as herein set forth, FHWA shall consult with them to reach consensus regarding the manner in which the Tribe may participate in the implementation of this PA and each phase of the Undertaking, and regarding any time frames or other matters that may govern the nature, scope, and frequency of such participation.

V. TREATMENT OF HUMAN REMAINS OF NATIVE AMERICAN ORIGIN

Human burials and related items discovered during implementation of the terms of this PA during construction of each phase of the Undertaking will be treated in accordance with the requirements of § 7050.5(b) of the California Health and Safety Code. If, pursuant to §7050.5(c) of the Code, the county coroner or medical examiner determines that the human remains are or may be of Native American origin, then the discovery shall be treated in accordance with the provisions of §§ 5097.98(a)-(d) of the California Public Resources Code.

VI. DISCOVERIES AND UNANTICIPATED EFFECTS

If FHWA determines, after commencement of any construction of any phase of the Undertaking, that implementation of that phase will affect a previously unidentified property that may be eligible for inclusion in the National Register, or affect a known historic property in an unanticipated manner, FHWA will address the discovery or unanticipated effect in accordance with 36 CFR § 800.13(b)(3). FHWA at its discretion may hereunder, and pursuant to 36 CFR §800.13(c), assume any unanticipated discovered property to be eligible for inclusion in the National Register.

VII. ADMINISTRATIVE PROVISIONS

A. Standards

1. **Definitions.** The definitions set forth at 36 CFR § 800.16 are applicable throughout this PA.
2. **Professional Qualifications.** All activities prescribed by stipulations I, II, III, IV, V, and VI of this PA shall be carried out under the authority of FHWA by or under the direct supervision of a person or persons meeting at a minimum the Secretary of Interior's *Professional Qualifications Standards* (48 FR 44738-39) (PQS) in the appropriate disciplines. Nothing in this stipulation, however, may be interpreted to preclude FHWA or any agent or contractor thereof from using the properly supervised services of persons who do not meet the PQS.
3. **Documentation Standards.** Written documentation of activities prescribed by stipulations II, III, IV, V, and VI of this PA shall conform to *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48

FR 44716-44740) as well as to applicable standards and guidelines established by the SHPO.

4. **Curation and Curation Standards.** FHWA shall ensure that, to the extent permitted under §§ 5097.98 and 5097.991 of the California Public Resources Code, the materials and records resulting from the activities prescribed by this PA are curated in accordance with 36 CFR Part 79. FHWA will ensure that, to the extent permitted by applicable law and regulation, the views of the Most Likely Descendant(s) are taken into consideration when decisions are made about the disposition of other Native American archaeological materials and records.

B. Confidentiality. The parties to this PA acknowledge that historic properties covered by this PA are subject to the provisions of section 304 of the NHPA, and section 6254.10 of the California Government Code (Public Records Act), relating to the disclosure of archaeological site information and, having so acknowledged, will ensure that all actions and documentation prescribed by this agreement are consistent with said sections.

C. Resolving Objections

1. Should any party to this PA object to the manner in which the terms of this PA are implemented, to any action carried out or proposed with respect to the implementation of the PA, or to any documentation prepared in accordance with and subject to the terms of this PA, FHWA shall immediately notify the other parties to this PA of those objections, and shall consult with the objecting party and with the other parties for no more than 14 days to resolve the objection. FHWA shall reasonably determine when this consultation will commence. If the objection is resolved through such consultation, the action subject to dispute may proceed in accordance with the terms of that resolution. If, after initiating such consultation, FHWA determines that the objection cannot be resolved through consultation, FHWA shall forward all documentation relevant to the objection, including FHWA's proposed response to the objection, to the Advisory Council on Historic Preservation (ACHP), with the expectation that the ACHP will, within thirty (30) days after receipt of such documentation, do one of the following:
 - a. advise FHWA that the ACHP concurs in FHWA's proposed response to the objection, whereupon FHWA will respond to the objection accordingly. The objection shall thereby be resolved; or,
 - b. provide FHWA with recommendations, which FHWA will take into account in reaching a final decision regarding its response to the objection. The objection shall thereby be resolved; or,
 - c. notify FHWA that the objection will be referred for comment, pursuant to 36 CFR § 800.7(c), and proceed to refer the objection and comment. FHWA shall take the resulting comment into account, in accordance with 36 CFR § 800.7(c)(4) and section 110(1) of the NHPA. The objection shall thereby be resolved.

2. Should the ACHP not exercise one of the foregoing options within 30 days after receipt of all pertinent documentation, FHWA may assume the ACHP's concurrence in its proposed response to the objection and proceed to implement that response. The objection shall thereby be resolved.
 3. FHWA shall take into account any ACHP recommendation or comment provided in accordance with section C of this stipulation, with reference only to the subject of the objection. FHWA's responsibility to carry out all actions under this PA that are not otherwise the subject of the objection will remain unchanged.
 4. At any time during the implementation of the measures stipulated in this PA, should an objection pertaining to such implementation be raised by a member of the public, FHWA shall notify the PA parties in writing of the objection and take the objection into consideration. FHWA shall consult with the objecting party and, if the objecting party so requests, with the other PA parties for no more than fifteen (15) days. Within ten (10) days following closure of this consultation period, FHWA will render a decision regarding the objection and notify all consulting parties hereunder of its decision in writing. The objection will thereby be resolved. In reaching its decision, FHWA will take into account any comments from the consulting parties regarding the objection, including the objecting party. FHWA's decision regarding the resolution will be final.
 5. FHWA shall provide all PA parties, the ACHP when the ACHP has issued comments hereunder, and any parties that have objected pursuant to section C.4 of this stipulation, with a copy of its final written decision regarding any objection addressed pursuant to this stipulation.
 6. FHWA may authorize any action subject to objection under section C.4 of this stipulation to proceed after the objection has been resolved in accordance with the terms of section C.5, above.
- D. AMENDMENTS:** Any PA party may propose that this PA be amended, whereupon the PA parties will consult for no more than 30 days to consider such amendment. FHWA may extend this consultation period. The amendment process shall comply with 36 CFR §§ 800.6(c)(1) and 800.6(c)(7). This PA may be amended only upon the written agreement of the signatory parties. If it is not amended, this PA may be terminated by any of the signatory parties in accordance with section E of this stipulation, below.

E. TERMINATION

1. If this PA is not amended as provided for in section D of this stipulation, above, or if either signatory party proposes termination of this PA for other reasons, the signatory party proposing termination shall, in writing, notify the other PA parties, explain the reasons for proposing termination, and consult with the other PA parties for at least 30 days to seek alternatives to termination. Such consultation shall not be required if FHWA proposes termination because the Undertaking no longer meets the definition set forth at 36 CFR § 800.16(y).
2. Should such consultation result in an agreement on an alternative to termination, then the PA parties shall proceed in accordance with the terms of that agreement.
3. Should such consultation fail, the signatory party proposing termination may terminate this PA by promptly notifying the other PA parties in writing. Termination hereunder shall render this PA without further force or effect.
4. If this PA is terminated hereunder, and if FHWA determines that the Undertaking will nonetheless proceed, then FHWA shall either consult in accordance with 36 CFR §800.6 to develop a new PA, or request the comments of the ACHP, pursuant to 36 CFR Part 800.

F. DURATION OF THE PA

1. Unless terminated pursuant to section D of this stipulation above, or unless superseded by an amended PA, this PA will be in effect following execution by the signatory parties until FHWA, in consultation with the other PA parties, determines that all of its stipulations in this PA have been satisfactorily fulfilled. This PA will terminate and have no further force or effect on the day that FHWA notifies the other PA parties in writing of its determination that all stipulations of this PA have been satisfactorily fulfilled.
2. The terms of this PA shall be satisfactorily fulfilled within twenty (20) years following the date of execution by the signatory parties or upon completion of construction of all phases of the Undertaking, whichever event occurs sooner. If FHWA determines that this requirement cannot be met, the PA parties will consult to reconsider its terms. Reconsideration may include the continuation of the PA as originally executed, amendment of the PA, or termination. In the event of termination, FHWA will comply with section D.4 of this stipulation, above, if it determines that the Undertaking will proceed notwithstanding termination of this PA.
3. If the Undertaking has not been implemented within twenty (20) years following execution of this PA by the signatory parties, this PA shall automatically terminate and have no further force or effect. In such event, FHWA shall notify the other PA parties in writing and, if it chooses to continue with the Undertaking, shall reinitiate review of the Undertaking in accordance with 36 CFR Part 800.

G. EFFECTIVE DATE. This PA will take effect on the date that it has been fully executed by FHWA, FTA, FRA, SHPO, Caltrans and City.

EXECUTION of this PA by FHWA, FTA, FRA, and SHPO, its transmittal by FHWA to the ACHP in accordance with 36 CFR § 800.6(b)(1)(iv), and subsequent implementation of its terms, shall evidence, pursuant to 36 CFR § 800.6(c), that this PA is an agreement with the ACHP for purposes of section 110(1) of the NHPA, and shall further evidence that FHWA has taken into account the effects of the Undertaking on historic properties and has afforded the ACHP an opportunity to comment on the Undertaking and its effects on historic properties.

SIGNATORY PARTIES:

Federal Highway Administration

By _____ Date _____
XXXXXX
Division Administrator

Federal Railroad Administration

By _____ Date _____
XXXXXX
XXXXXXXX

Federal Transit Administration

By _____ Date _____
XXXXXX
XXXXXXXX

California State Office of Historic Preservation

By _____ Date _____
M. Wayne Donaldson, FAIA
State Historic Preservation Officer

CONCURRING PARTIES:

California Department of Transportation

By _____ Date _____
Jody Jones, District 3 Director

City of Sacramento

By

Ray Kerridge, City Manager

Date

ATTACHMENT 1

**Sacramento Intermodal Transportation Facility
Project Description**

**ATTACHMENT 1
PROJECT DESCRIPTION**

The following project description project and the design alternatives that were developed by a multidisciplinary team to achieve the project purpose and need while avoiding or minimizing environmental impacts.

For all project phases, construction staging, equipment lay down, and access and material storage for all work would occur within the "footprint" of the project site (the area of ground disturbance) or on existing access roads. Track installation materials would be brought in by rail. Traffic control plans specifying signage, detours, flagmen, and other traffic control measures will be implemented to the satisfaction of the City of Sacramento's (City) Development Engineering Division to maintain access and safety for all modes of travel during construction of all phases.

If the Federal Highway Administration (FHWA), as the lead agency under NEPA, approves and authorizes construction of Phases 1 and 2 following completion of this environmental document, Phase 1 would be constructed and fully operational in 2010. Construction would begin on Phase 2 in the first quarter of 2011, after the completion of Phase 1, and would be completed in approximately 3 years.

The timing of future Phase 3 is uncertain and depends on the build alternative selected and the availability of funding. FHWA will not authorize construction of, or Federal funding for any right-of-way acquisition for, future Phase 3 until more detailed design information becomes available and it has completed a subsequent environmental review.

Phase 1—Track Relocation

Phase 1 consists of the following components (Figure 1):

- Preparing the new alignment for relocation of the existing mainline freight and passenger tracks.
- Installing new freight tracks, new passenger tracks, and associated equipment within the platform area.
- Constructing new double-sided passenger platforms.
- Constructing a new passenger platform tunnel (the Central Tunnel), service tunnel (West Service Tunnel), and pedestrian/bicycle tunnel (West Pedestrian/Bicycle Tunnel) under the relocated tracks.
- Constructing a pedestrian walkway from the passenger platform tunnel (Central Tunnel) to the Depot building on the south side of the rail corridor.
- Constructing a pedestrian connection from the passenger platform tunnel (Central Tunnel) to the north side of the rail corridor.
- Constructing a service access pathway from the Sacramento Southern Pacific Railroad (SPRR) Depot to the proposed new passenger tracks, consisting of a crossing of the tracks on

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Attachment 1 –Project Description**

the west side of the platforms (West Service Tunnel), the service roadway between the platforms, and the paved drive between the SPRR Depot and the crossing.

- Removing the existing mainline tracks and passenger platforms behind the SPRR Depot once the new track alignment was operational. The ramps to the platform that are part of the existing pedestrian tunnel at the SPRR Depot would be subsequently connected to the new walkway.

Track Work

New tracks, switches, and equipment would be installed within the relocated Union Pacific Railroad (UPRR) alignment for a distance of approximately 0.75 mile. Freight tracks would be installed on the outer north and south sides of the alignment, while the passenger tracks would be located within the interior of the track corridor. After the new tracks were operational, the existing tracks would be removed, soil remediation would be undertaken pursuant to the 1988 Enforceable Agreement between the California Department of Toxic Substances Control (DTSC) and UPRR, and the ground level would be restored to grade. The realigned tracks on the west portion of the corridor would be designed to accommodate the California State Railroad Museum's need for a continued rail connection between its sites in Old Sacramento and the Central Shops buildings that are used for locomotive maintenance and repair currently, but would be developed with a railroad technology museum. Excavation would not exceed 3 feet below present grade for track removal or new track construction.

Utilities

An existing underground utility easement is located on the north side of the track realignment within the UPRR right-of-way. The existing storm drain and water systems would be upgraded and relocated to this utility corridor. The project is expected to possibly include some relocation of wet and dry utilities that serve the existing buildings within the SPRR Central Shops Historic District and the existing SPRR Depot building in order for these facilities to remain in use.

Where possible, existing utilities would be left in place until new replacement facilities could be built. New wet and dry utilities to serve the relocated platforms are included as part of this project. The project also would include provisions for utility corridors for utilities that need to pass through the project area. New utilities associated with this project are envisioned as underground utilities. Excavation to install new utilities or remove buried utilities would not exceed 3 feet below current grade. Utilities buried deeper than 3 feet would be abandoned in place.

New Platforms and Tunnel Connections

Two new, straight, double-sided passenger platforms would be constructed adjacent to the relocated passenger tracks. The platforms would be approximately 1,200 feet in length and would be approximately 25 feet in width, to accommodate more passengers and baggage and to improve accessibility for disabled passengers. In comparison, the existing platforms vary in length and width; the longest is about 960 feet long, and the width ranges from approximately 10 to 15 feet. On the north side of the corridor, the new passenger tunnel (Central Tunnel) would connect to grade in the adjacent Railyards development with stairs, an elevator, and possibly a future escalator. On the south side, a ramp would connect to grade and to a pedestrian walkway leading to the SPRR Depot. The tunnel, ramps, and pedestrian walkway would comply with the

***Sacramento Intermodal Transportation Project Programmatic Agreement Page 2 of 9
Attachment 1--Project Description***

Americans with Disabilities Act (ADA). The asphalt walkway is not planned to have landscaping as part of Phase 1.

Baggage service between the SPRR Depot and the new platforms would be by carts that travel a grade from the Depot and cross the tracks using the West Service Tunnel along the west side of the site. Baggage carts also may use the pedestrian tunnel. Amtrak prefers to have both options for its baggage service; therefore, the new passenger platform tunnel (Central Tunnel) ramps may be configured to accommodate baggage carts. This baggage access from the Central Tunnel to the ramps would be equivalent to the existing tunnel and could only accommodate carts with a maximum of two trailers. Consistent with current operations, similar carts, providing what is known as Red-Cap Service, would also carry disabled passengers who are unable to walk to the passenger platforms, using either the west side West Service Tunnel or the Central Tunnel.

The Central Tunnel would extend from its northern terminus at the Central Shops to a point approximately 323 feet south, at which point the tunnel would merge to a ramp extending to the existing ground service, about approximately 200 feet from the end of the tunnel. The Central Tunnel ramp will comply with ADA requirements, which include intermittent landings and handrails. The West Pedestrian/Bicycle Tunnel will be located under Interstate 5 (I-5) and the I-5 ramp and will extend under the proposed railroad right-of-way. It will accommodate trolleys. The West Service Tunnel will be constructed along the outer edge of Caltrans' I-5 right-of-way, cross under the tracks, and tie into a proposed vehicle service road located between the tracks. Excavation for all tunnel construction will be limited to 25 feet below present grade within 80-foot-wide corridors.

Phase 2—Sacramento Valley Station Improvements

Phase 2 would consist of improvements to the existing SPRR Station that would upgrade its facilities and relocate transportation uses for more efficient operations, including electrical improvements to the existing SPRR Depot (Figure 2). Phase 2 consists of the following components:

- Relocating, reconfiguring, and repaving/restriping the existing Sacramento Regional Transit (RT) and Amtrak bus berths.
- Relocating the existing Sacramento Light Rail Transit (LRT) station to a north-south alignment on the eastern edge of the site as planned by RT, which would create better rail service from LRT trains.
- Providing enhanced passenger connections, including walkway upgrades (e.g., street Furniture, a shade/weather covering, and landscaping/lighting) from the new passenger platforms to the SPRR Depot and a tunnel extension that connects the existing SPRR Depot tunnel and the Central Tunnel constructed in Phase 1.
- Relocating and reconfiguring passenger vehicle and bicycle parking to accommodate existing parking demand and improve the drop-off area in front of the SPRR Depot.
- Upgrading the electrical system at the station and within the SPRR Depot to meet functional needs and requirements.

***Sacramento Intermodal Transportation Project Programmatic Agreement Page 3 of 9
Attachment 1 –Project Description***

- Providing a transit way along the north side of the site connecting the west side of the facility to the extension of F Street to facilitate bus circulation on site and provide shortcuts separate from congested city streets.

The Phase 2 improvements would be constructed after the tracks have been relocated.

RT and Amtrak Bus Berths

The existing RT and Amtrak bus berths would be relocated and reconfigured from their current east-west orientation on the north side of the SPRR Depot to a north-south orientation west of the relocated LRT station to improve passenger access from the passenger rail platforms, the at grade walkway, and the LRT station. The bus area would be a combination of front-in and platform-sided berths and would provide a similar number of spaces as are currently available. Permanent structures providing weather protection for the buses, passenger benches and shade structures, lighting, and similar enhancements would be incorporated into the relocated bus loading area. The bus berths would consist of paving and striping.

LRT Station Relocation

The existing LRT station would be relocated as planned by RT to improve internal circulation and proximity to the bus berths and the rail platforms. Currently, the LRT Gold Line terminates at a station located immediately north of the SPRR Depot along the H Street alignment. RT has long planned to relocate this existing station to accommodate its planned Downtown-Natomas-Airport (DNA) project. (RT's locally preferred alternative for the DNA project would be routed through the proposed project area.) The tracks and shelters at the LRT station were designed to be relocated. RT's draft program environmental impact report (EIR) for the DNA project assumed relocation of the tracks and LRT station as necessary for the DNA project's viability (Sacramento Regional Transit 2007), and the City and RT have already entered into an agreement to provide for such relocation.

This LRT station would be a major station and transfer point along the DNA line. In this area, from south to north, its ultimate routing would extend generally from H Street north along an alignment west of 5th Street to the future extension of F Street planned for in the RSP. Then LRT trains would travel east on F Street to 7th Street. To accommodate RT's future project, the existing LRT station would be rebuilt to orient in a north-south alignment through the project site. The Phase 2 improvements would consist of construction of a single LRT side platform and a single track and removal of the existing station and tracks after the relocation of LRT operations to the new station. The project would accommodate RT's plans to construct a second track and platform at this LRT station in the future as part of RT's DNA project.

Enhanced Passenger Connections

Enhancements, such as benches, street furniture, a shade/weather covering, landscaping, and lighting, would be provided to serve the at-grade walkway and provide a bus waiting area to the relocated bus berths. The existing tunnel that extends north out of the SPRR Depot and currently connects to the existing passenger platforms would be extended to the new passenger platform tunnel constructed during Phase 1 to provide all-weather access for passengers; baggage carts; and Red-Cap Service, which provides passenger carts to transport mobility-challenged passengers to the trains, consistent with ADA requirements. The access to the north from the

***Sacramento Intermodal Transportation Project Programmatic Agreement Page 4 of 9
Attachment 1 - Project Description***

central tunnel would not handle baggage carts, but the access to the south toward the SPRR Depot would. In Phase 2, the walking distances between the SPRR Depot and the bus/LRT area would be approximately 645 feet and the distance from the SPRR Depot to the passenger rail platforms would be 965 and 1,035 feet, respectively.

Passenger Parking and Site Access

The existing vehicle and bicycle parking facilities would be relocated and reconfigured to accommodate existing parking demand and to expand the size of the drop-off area in front of the SPRR Depot, including the work described below.

- Reconfiguration of the existing parking lot under I-5 and creation of new parking between the former track alignment and the relocated tracks to provide approximately 180 parking spaces.
- Provision of temporary access from 2nd Street for this reconfigured parking lot under the freeway.
- Construction of an interim surface parking lot in the area north of the existing SPRR Depot and the new rail corridor to provide approximately 400–450 spaces. This parking would replace the spaces currently located in front of the SPRR Depot and the two lots along H Street and along 7th Street next to the existing tracks, which are privately owned and Scheduled for redevelopment in the Railyard Specific Plan (RSP), after implementation of Phase 1 of the proposed project
- Provision of a bicycle service area on the site, such as a bicycle station, offering services and secured bicycle storage for cyclists.

SPRR Depot Rehabilitation

During Phase 2, the SPRR Depot building would be rehabilitated to upgrade core building systems and infrastructure. Rehabilitation would focus on replacing the station's existing electrical system, which is worn, outdated, beyond repair, and cannot accommodate any additional loads. The proposed work is listed below.

- Providing an electrical room with new transformers, switchboards, panels, and related equipment in accordance with codes and recommended practices.
- Providing subpanels, conduits, and distribution systems throughout the station to supply localized power and lighting.

Future Phase 3—Intermodal Improvements

Two build alternatives, in addition to the no-build alternative, are currently under consideration: Alternative 1, "Don't Move the Depot", and Alternative 2, "Move the Depot." Implementation of future Phase 3 would depend on the availability of funding allocations.

Under both Build Alternatives, future Phase 3 would consist of the following components:

- Converting the existing Station into a large, multimodal regional transportation facility that integrates a classic transportation building and a new terminal.

- Expanding bus bays.
- Expanding baggage facilities.
- Constructing multiple waiting areas.
- Expanding site features that serve passengers and providers.
- Meeting sustainable design objectives.

The ultimate SITF in future Phase 3 would include a new terminal building to accommodate projected service providers and passengers.

Components Common to Both Build Alternatives in Future Phase 3

- Both build alternatives would include a new terminal building with passenger waiting areas, baggage drop-off and pickup, ticketing, and other passenger services to accommodate and/or connect to additional service providers (such as local and regional bus operators, Greyhound, trolley service, regional rail service, and high-speed rail). The new terminal also would provide for unmet travel-related passenger needs (such as food and services purveyors) and the needs of service providers (office lessees). Additional passenger ticketing and waiting areas would be needed to serve expansion and transit ridership growth for current operators (such as increased Capitol Corridor service), as well as new operators (such as regional rail).
- Upgraded connections, including a possible pedestrian overcrossing linking the new terminal building, passenger platforms, and Central Shops area, to supplement the tunnel connections constructed in earlier phases.
- State-of-the-art baggage services and ticketing for passenger rail and regional bus operators.
- Improved site access points and circulation, including west side access, an extension on the H Street alignment, and other on-site roadways and walkways.
- Renovation of the historic SPRR Depot, which may include, for example, relocating the ticket counter to its original location, restoring openings and building features, and other measures to enable areas to be functional.
- Upgraded bicycle access and storage facilities and passenger drop-off areas.
- On-site parking structures to meet future needs for additional parking, particularly for long-distance travelers and those who need to park close to their destinations.
- Passenger amenities focusing on Amtrak, RT, and possibly Greyhound customers (such as Restrooms, telephones, food and vending services, custodial service, and an internal circulation system).
- Expanded local bus berths and waiting areas.
- Administrative operations and employee office areas.
- Plazas, public open spaces, passenger amenities, landscaping, and pedestrian connections.
- Way-finding, signage, and information systems.
- Public services and infrastructure as required for the facility.

***Sacramento Intermodal Transportation Project Programmatic Agreement Page 6 of 9
Attachment 1 –Project Description***

Access to and from the surface parking areas for users and to and from the bus area for transit would be reconfigured to match future Phase 3 site development.

Build Alternative 1—"Don't Move the Depot"

Under Alternative 1, the historic SPRR Depot would not be moved (Figure 3). The SPRR Depot would remain the grand entry portal to the transit facility and continue to serve transportation uses in conjunction with a new terminal expansion built extending toward the rail platforms that would accommodate space needed for operators and users. The extension would be a multilevel linear concourse that links the historic SPRR Depot with the realigned tracks. It would be similar to an airport concourse, with the second level consisting of boarding gates and passenger waiting areas interspersed with food and drink purveyors, shops, and other amenities, while the ground level would contain berths and staging areas for regional and intercity buses, passenger connections, and other transportation users. The roof of the concourse may be designed to recall the "great train shed" of major train stations or to echo the rooflines of the Central Shops to the north.

Although the historic SPRR Depot would be approximately 800 feet from the realigned heavy rail tracks, which is roughly two to three city blocks, the new extension would physically connect to all modes of transit, as well as adjacent joint development, city streets, and neighborhoods on multiple levels. A bridge is proposed to connect the concourse to the rail platforms and to the Railyards' Market Plaza to the north, offering an alternative to the passenger tunnel. As a result, there would be multiple access points at the facility, and the actual distances passengers walk to transit services, to make connections, or to reach their destinations would vary. In some respects, this concept recalls the form of train stations built at the turn of the 20th century, with a main station, or "headhouse," and multiple rail lines ending at its back. In this case, however, the regional buses are in the traditional place of the rails while the tracks are located perpendicular to the concourse along the mainline.

The SPRR Depot would retain its historic function as a transit terminal and be integrated with the new facility. It also would be at the center of several public plazas that incorporate the REA building and extensive joint development opportunities. The massing concept used under this alternative would have smaller scale structures close to the SPRR Depot to complement the scale of the SPRR Depot and REA building. Higher density mixed-use joint development would be located northwest of the terminal and would link the new terminal extension to joint development. Access to the primary public parking garage is via linkages through the joint development. Jointly, the new concourse and the historic SPRR Depot set the stage for an important architectural project that would establish the tone for a new transit-oriented district.

Components Relevant Only to Alternative 1—"Don't Move the Depot"

Under Alternative 1, the following additional major features would be constructed in future Phase 3:

- Expanded regional bus (Greyhound) and Amtrak bus facilities in a multilevel concourse north of the existing SPRR Depot that would contain ticketing, administrative and waiting areas, leased support areas, and direct vertical connections to the bus boarding. In future Phase 3 under Alternative 1, the walking distances between the SPRR Depot and the

bus/LRT area would be approximately 655 feet and the distance from the Depot to the passenger rail platforms would be 765 and 835 feet, respectively.

- A concourse with skywalk (upper level) connections to the second floor of the existing SPRR Depot, to commercial development to the east, and to future joint development and parking structures to the west.
- A bridge overcrossing extending from the concourse level across the rail corridor to the passenger platforms and to the Central Shops.
- Multilevel terminal areas with overlooks, open and enclosed roof areas, landscape planters extending through levels, passenger walkways, way-finding measures, and user-friendly features. Connections between levels would be by means of stairs, elevators, and escalators.
- Modifications to the local bus area developed in Phase 2 to accommodate increased berths.
- Upgrades and adjustments to the location of the passenger walkway between the Depot and the passenger rail platforms immediately to the west of its existing location, including improved cover, landscaping, and urban design features.
- On-site building pads for a parking structure used for transit passenger parking.

Build Alternative 2—“Move the Depot”

Under Alternative 2, future Phase 3 consists of the following components similar to those described for Alternative 1, but in a different design (Figure 4).

- Converting the existing Station into a large, multimodal regional transportation facility that integrates a classic transportation building and a new terminal
- Expanding bus bays.
- Expanding baggage facilities.
- Constructing multiple waiting areas.
- Expanding site features that serve passengers and providers
- Meeting sustainable design objectives.

The ultimate SITF in future Phase 3 would include a new terminal building to accommodate projected service providers and passengers. Under Alternative 2 in future Phase 3, the SPRR Depot would be relocated approximately 650 feet to the north adjacent to the realigned tracks, convenient to multiple modes of transportation. In future Phase 3 under Alternative 2, the walking distances between the SPRR Depot and the bus/LRT area would be approximately 300 feet and the distance from the SPRR Depot to the passenger rail platforms would be 605 and 675 feet, respectively.

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The new transit facility would be composed of two distinct building elements: the rehabilitated SPRR Depot and a new terminal extension. A covered, open-air, landscaped plaza would connect the terminal extension and the historic SPRR Depot. Although the majority of the operator-requested program would be retained inside the SPRR Depot building, the terminal

extension would provide pre-boarding waiting rooms for bus and rail passengers and other transit-related program elements, as well as spaces for joint development. The passenger tunnel constructed in Phase 1 would be connected to the terminal extension to provide direct passenger access to the rail platforms.

At the facility, the multiple modes of transit would be grouped based on general concepts that facilitate connections for passenger and efficiency for operators: Local service, such as LRT and transit buses, would be adjacent to pedestrian plazas and streets while regional transit, such as intercity (Greyhound) bus and passenger rail (Amtrak), would be adjacent and close to the rail tracks. The arrangement of transit operations allows for convenient transfers among all operators within minimal walking distance.

Components Specific to Alternative 2—"Move the Depot"

In the "Move the Depot" Alternative, additional major features constructed in Future Phase 3 would consist of the following.

- Construction of a new terminal building for Amtrak and Greyhound buses, baggage, and administrative and leased support areas situated across a plaza from the newly relocated historic SPRR Depot.
- Relocation of the existing SPRR Depot building approximately 300 feet to the north; the building would be jacked and rolled onto a new foundation.
- Modified passenger/baggage tunnel between the terminal/SPRR Depot and the passenger platform tunnel.
- Joint development and public open space on the former Depot site.
- Modification of certain Phase 2 improvements, such as in the parking on the site and areas south of the original station location and between the old and new station sites, as required.
- Relocation of the local bus area to on-street bus berths south of the terminal area.

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ATTACHMENT 2

Built Environment Treatment Plan

ATTACHMENT 2**BUILT ENVIRONMENT TREATMENT PLAN (BETP)**

In the event that the Sacramento Intermodal Transportation Facility (SITF) project (Undertaking) results in an unavoidable adverse effect to built environment properties, the Federal Highway Administration (FHWA) shall ensure implementation of one or more of the following mitigation measures to resolve the adverse effect resulting from the Undertaking in accordance with 36 CFR Part 800.6(a) and 800.6(b)(1) and Stipulation XI of the Section 106 Programmatic Agreement. For purposes of this Built Environment Treatment Plan, all references to, "new construction" refer to construction activities associated with the Undertaking as further defined and described in Attachment 1 to the Programmatic Agreement Regarding the Sacramento Intermodal Transportation Facility Project.

I. Architectural Criteria

- A. The City of Sacramento (City) or its agent shall develop a list of architectural criteria that will be utilized by the City, where feasible, to guide the design process for new construction associated with each phase of the Undertaking within the Area of Potential Effect for the Undertaking. The criteria will identify design elements that are essential to the character of the affected built environment properties and should be incorporated into any designs for each phase of the Undertaking's new construction within the project area.
- B. The City or its agent shall submit a report detailing the architectural criteria identification process and results to the California Department of Transportation (Caltrans) for review by a Principal Architectural Historian.
- C. Upon approval, Caltrans, on behalf of FHWA, shall submit the report to the State Historic Preservation Officer (SHPO) for a 30-day review and comment period. If no response is received within 30 days, FHWA may assume agreement with the contents of the report.
- D. The City or its agent shall submit 30%, 60%, and 90% complete design plans for each phase of the Undertaking's new construction to Caltrans for review and comment on the application of the identified design criteria.

II. HABS/HAER Documentation

- A. As directed by FHWA, the City or its agent shall complete recordation documentation of resources affected by the Undertaking in accordance with the Historic American Building Survey/Historic American Engineering Record (HABS/HAER).
- B. Caltrans, on behalf of the FHWA, shall consult with the National Park Services' (NPS) HABS/HAER program in the Pacific West Regional Office to determine the level and kind of recordation appropriate for each affected resource.
- C. The City or its agent shall submit the draft HABS/HAER documentation to Caltrans for a 30-day review and approval period.
- D. Caltrans, on behalf of the FHWA, must obtain approval from the NPS of, at minimum, the HABS/HAER photographs before construction may begin on that portion of a phase of the Undertaking which involves destruction of the resource.

- E. Once approved by the NPS, the City or its agent shall provide the requisite copies of the HABS/HAER documentation for final submission to Caltrans. In addition, the City or its agent shall make archival, digital and/or bound library-quality copies of this documentation available, as appropriate, to the SHPO, the California State Railroad Museum and the Sacramento Archives and Museum Collection Center.

III. Conduct Vibration Studies

- A. Construction and operation of the relocated Union Pacific Railroad freight tracks adjacent to the Southern Pacific Railroad (SPRR) Central Shops Historic District has the potential to cause vibration impacts to contributing buildings. The City has engaged a structural engineer with experience working with historic buildings to assess and evaluate the stability of contributing buildings within the Central Shops District that would be subject to potential vibration impacts (Vibration Study). Caltrans must approve the Vibration Study's conclusions and recommended protective measures prior to the commencement of Phase 1 construction.
- B. Caltrans, on behalf of FHWA and in consultation with SHPO, will use the resulting vibration analysis to establish the level of protective measures (e.g., building shoring and/or stabilization), if required for Phase 1 and for each subsequent phase of the Undertaking, and determine the number and placement of receptors and their monitoring requirements.

IV. Pre-construction Condition Assessment (Historic Structure Reports)

- A. As directed by FHWA, and in consultation with Caltrans, the City shall engage a qualified consultant to prepare a Historic Structure Report (HSR) for each historic property or contributing building within the Area of Direct Impact (ADI) for the Undertaking that may be adversely affected by construction or operation of the Undertaking as determined in the Finding of Effects document prepared for the Undertaking. The HSRs will be written in accordance with the standards established in *Preservation Brief 43: The Preparation and Use of Historic Structure Reports* (National Park Service, 2005). The HSRs shall include a history of the property/building, construction history, archaeology, architectural evaluation, conditions assessment, copies of original drawings and specifications, if available, current drawings if different from the original, and historic and current photographs.
- B. The HSRs shall be prepared as a precautionary measure and to provide a baseline for a post-construction assessment of each phase of the Undertaking as outlined in Stipulation VI.A. The assessment procedures will focus on conditions of exterior and interior elements, character-defining features in particular, and overall structural conditions of the historic resources within the ADI. Written assessments will be accompanied by digital photo documentation and field drawings.
- C. Upon completion, the draft HSRs shall be submitted to Caltrans for review and comment not later than 30 days after receipt.
- D. Upon approval by, and on behalf of FHWA, Caltrans shall submit the HSRs to the SHPO for a 30-day review period. If no comments are received within 30 days, FHWA may assume that SHPO agrees with the content of the HSRs.

- E. FHWA and Caltrans, in consultation with SHPO, shall use the HSRs and the Vibration Study to determine best protection practices for City to implement during construction of each phase of the Undertaking, resulting in the preparation of a field document for the architectural monitor to review the efficacy of the Environmentally Sensitive Area and other protective measures during construction activities in proximity of the buildings.

V. Protection Measures During Construction

- A. Caltrans, on behalf of FHWA and in consultation with SHPO, shall determine what level of protection measures, if any, will be used by the City to protect known resources as set out in the Vibration Study and HSR during construction of each phase of the Undertaking. Protection measures outlined may include, but are not limited to, shoring and other stabilization methods, fencing, scaffolding and debris netting and fire protection protocols such as no-smoking zones and other stabilization measures for structures as determined necessary to protect historic resources as set out in the HPTP for each phase of the Undertaking during construction.
- B. The City or its agent shall implement the protective measures set out in the HPTP as the first order of business prior to the beginning of any construction in the vicinity of known resources identified in the Findings of Effects report for each phase of the Undertaking.
- C. The City or its agent shall monitor the condition of the protective measure(s) set out in the HPTP for the duration of construction of that phase of the Undertaking in the vicinity of the known resource, and City shall immediately notify Caltrans of any violation of the protective measures.

VI. Post-Construction Condition Assessment

- A. Following completion of construction of each phase of the Undertaking in the vicinity of each building or structure that is to be preserved as set out in the HPTP or documented in an HSR prior to construction, the City or its agent, in consultation with Caltrans, shall conduct a post-construction conditions assessment of that building or structure. The results of the assessment shall be documented in a letter report prepared by the City or its agent for each building or structure, and should include a careful comparison with pre-construction conditions. The purpose of the document is to record the extent of damage, if any, resulting from construction activities associated with the Undertaking.
- B. The City shall submit the post-construction assessment reports to Caltrans for a review and comment period not later than 30 days after receipt.
- C. As directed by FHWA, and in consultation with Caltrans and SHPO, the City or its agent shall repair any construction-related damage to buildings or structures that were to be protected from damage pursuant to the approved HPTP in accordance with the Secretary of the Interior's Standards.

VII. Interpretation

- A. The City or its agent, in consultation with Caltrans and SHPO, shall develop public interpretive material commensurate with the historic significance of the resource(s) adversely affected by the Undertaking in accordance with the approved HPTP before completion of construction of each phase of the Undertaking. Interpretive products may include brochures, signage and panels, and other appropriate media for interpretation.
- B. The City or its agents shall submit the draft interpretation plan for each phase of the Undertaking to Caltrans for a review and comment not later than 30 days after receipt. The plans will describe the recommended media and the recommended locations for such interpretation.
- C. Interpretive material shall in part be informed by the findings of fieldwork such as HABS/HAER recordation and archaeological monitoring.
- D. As directed by FHWA, and in consultation with Caltrans and SHPO, the City or its agent shall install all interpretive displays within the area identified in the interpretation plan as soon as feasible after completion of construction of each Phase of the Undertaking which adversely affected the resource for which it was created.

VIII. Mitigation Implementation

- A. The City or its agent, in consultation with Caltrans and SHPO, shall prepare a Mitigation Implementation Plan (MIP) for each phase of the Undertaking as part of the HPTP to be used as a communication tool for coordinating construction work with the prescribed protection and treatment measures. The MIP will combine requirements of this BETP with design/construction information to provide detailed guidance for the temporal and geographical phasing of treatment measures in the field as required in the HPTP. The MIP will elaborate upon the HPTP schedule for pre-construction phase of treatment, treatment that will be implemented during construction, and post-construction treatment for each phase of the Undertaking.
- B. Over the course of the implementation of this BETP, Caltrans and the City will meet regularly to review progress on the City's efforts to prepare the HPTP, Vibration Study, HSR and interpretative materials for mitigation of the adverse effects of the Undertaking. Participants at the mitigation implementation meetings shall include professionally qualified representatives from Caltrans, the City and/or its agent, and others as deemed appropriate by FHWA. Caltrans, on behalf of FHWA, shall be responsible for scheduling and convening the meetings, and shall submit minutes of each meeting to the FHWA.

Attachment 6

RESOLUTION NO. 2009-

Adopted by the Sacramento City Council

ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PROGRAM FOR THE TRACK RELOCATION AND SACRAMENTO VALLEY STATION IMPROVEMENTS PROJECT

BACKGROUND

A. On June 2, 2009, the City Council received and considered evidence concerning the Sacramento Intermodal Transportation Facility (SITF) project, which included the Environmental Assessment and the Section 4(f) Evaluation Report, the Mitigated Negative Declaration for the first two phases of the SITF - Track Relocation and Sacramento Valley Station Improvements Project, and technical studies regarding the site plan alternatives for planning for Phase 3 of the SITF involving moving or not moving the historic Depot building.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Council finds as follows:

A. The Track Relocation and Sacramento Valley Station Improvements Project (Project) initial study identified potentially significant effects of the Project. Revisions to the Project before the proposed mitigated negative declaration and initial study were released for public review were determined by City's Environmental Planning Services Manager to avoid or reduce the potentially significant effects to a less than significant level, and, therefore, there was no substantial evidence that the Project as revised and conditioned would have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the Project was then completed, noticed and circulated in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures as follows:

1. On May 12, 2009 a Notice of Intent to Adopt the MND (NOI) dated May 12, 2009 was circulated for public comments for 20 days. The NOI was sent to those public agencies that have jurisdiction by law with respect to the proposed project and to other interested parties and agencies, including property owners within 500 feet of the boundaries of the proposed Project. The comments of such persons and agencies were sought.

2. On May 12, 2009 the Project site was posted with the NOI, the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.

Section 2. The City Council has reviewed and considered the information contained in the MND, including the initial study, the revisions and conditions incorporated into the Project, and the comments received during the public review process on the Project. The City Council has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed Project.

Section 3. Based on its review of the MND and on the basis of the whole record, the City Council finds that the MND reflects the City Council's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment.

Section 4. The City Council adopts the MND for the Project.

Section 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program.

Section 6. Upon approval of the Project, the City's Environmental Planning Services Department shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and section 15075 of the State EIR Guidelines adopted pursuant thereto.

Section 7. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

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Exhibit A - Mitigation Monitoring Program

MITIGATION MONITORING AND REPORTING PLAN

INTRODUCTION

CEQA requires review of any project that could have significant adverse effects on the environment. CEQA also requires reporting on and monitoring of mitigation measures (MMRP) adopted as part of the environmental review process (Public Resources Code Section 21081.6). This MMRP is designed to aid the City of Sacramento in its implementation and monitoring of measures adopted from the **Mitigated Negative Declaration (MND) for Realignment Of Existing Mainline Rail Tracks And Improvements To The Existing Southern Pacific Railroad Depot Projects (project)**.

MMRP COMPONENTS

The components of the MMRP table are summarized below.

Mitigation Measure: All mitigation measures identified in the MND for the project are presented.

Action: Identifies the action that must be completed in order for the mitigation measure to be considered implemented. For every mitigation measure, one or more action is described.

Implementing Party: Identifies the entity that will be responsible for implementing the action.

Timing: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

Monitoring Party: Identifies the entity that will be responsible for monitoring implementation of the required action. The City of Sacramento is responsible for ensuring that most mitigation measures are successfully implemented. Within the City, a number of departments and divisions will have responsibility for monitoring some aspect of the overall project. Occasionally, monitoring parties outside the City are identified; these parties are referred to as "Responsible Agencies" by CEQA.

Verification of Compliance: Identifies verification of compliance for each identified mitigation measure.

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
Air Quality					
The following measures are required by the SMAQMD for level one mitigation, and shall be implemented during grading at all project sites:					
a) Water all soil with sufficient frequency as to maintain soil moistness.	Verify that exposed soils are moist.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services.	
b) Maintain two feet of freeboard space on haul trucks.	Verify two feet of freeboard space on haul trucks.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services.	
In addition, the following measures shall be implemented to further reduce the PM ₁₀ impact during construction activity:					
c) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry brushes is expressly prohibited except where preceded or accompanied by sufficient water or chemical stabilizer/suppressant.)	Verify the removal of accumulated mud and dirt from public streets.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services.	
d) Wheel washers for all exiting trucks shall be installed, or all trucks and equipment leaving the site shall be washed off.	Verify that trucks and wheels are washed prior to leaving the site.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services.	
e) Excavation and grading activity shall be suspended when winds exceed 20 mph.	Verify that grading activities are halted during when windy.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services.	
f) During clearing, grading, earth-moving, or excavation operations, fugitive dust emissions shall be controlled by watering exposed surfaces two times per day, watering haul roads three times per day or paving of construction roads, or dust-preventative measures. All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or a chemical stabilizer or suppressant.	Verify that watering occurs twice a day.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services.	
g) Onsite vehicle speeds on unpaved roads shall be limited to 15 mph.	Verify that speed limit is observed.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services.	
The following measures shall be incorporated into construction contracts and included on all construction plans:					

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a) The project shall provide a plan, for approval by the lead agency and the SMAQMD, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, would achieve a project wide fleet-average 20% NO _x reduction and 45% particulate reduction compared to the most recent CARB fleet average at time of construction. The SMAQMD shall make the final decision on the emission control technologies to be used by the project construction equipment; however, acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.	Verify that construction bid documents include required measures to minimize ozone precursor emissions.	Project Applicant.	Prior to issuance of grading permits or building permits.	Development Services.	
b) The project applicant and/or contractor shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used an aggregate of 40 or more hours during any phase of the construction project. The inventory shall include the horsepower rating, engine production year, projected hours of use or fuel throughput for each piece of equipment, and its compliance status with respect to CARB emission reduction regulations for off-road diesel equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project applicant and/or contractor shall provide SMAQMD with the anticipated construction timeline, including start date and name and phone number of the project manager and on-site foreman.	Verify that an off-road construction equipment inventory is submitted to the SMAQMD.	Project Applicant and/or contractor.	Prior to construction activities. Monthly reports ongoing during construction.	Development Services.	

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c) The project applicant and/or contractor shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40% opacity (or Ringelmann 2.0) shall be repaired immediately and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly by contractor personnel certified to perform opacity readings, and a monthly summary of the visual survey results shall be submitted to the SMAQMD throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.	Verify that visual surveys of all in-operation equipment are completed weekly by certified personnel and that a monthly summary report is submitted to the SMAQMD.	Project Applicant and/or contractor.	Weekly surveys and monthly reports ongoing during construction.	Development Services.	
d) Limit vehicle idling time to five minutes or less.	Verify that all construction equipment does not idle for longer than 5 minutes.	Project Applicant and/or contractor.	Daily, ongoing during construction.	Development Services.	
e) The project applicant shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NO _x that exceed SMAQMD's daily emission threshold of 85 lbs/day. The project applicant shall coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce construction related emissions within the region. Fees shall be paid based upon the applicable current SMAQMD Fee. The applicant shall keep track of actual equipment use and their NO _x emissions so that mitigation fees can be adjusted accordingly for payment to the SMAQMD.	Verify SMAQMD's construction mitigation fund fees have been paid.	Project Applicant.	Prior to issuance of grading permit/building permit.	Development Services.	
f) Construction equipment shall be kept in optimum running condition at all times.	Verify that construction equipment is kept in optimum running condition.	Project Applicant and/or contractor.	Daily, ongoing during construction.	Development Services.	
g) When appropriate, use alternative fueled (such as aqueous diesel fuel) or catalyst equipped diesel construction equipment.	Verify that alternative is used when appropriate.	Project Applicant and/or contractor.	Daily, ongoing during construction.	Development Services.	

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h) When appropriate, replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).	Verify that electrical equipment replaces fossil-fueled equipment when appropriate.	Project Applicant and/or contractor.	Daily, ongoing during construction.	Development Services.		
Biological Resources						
a) Nesting Swainson's Hawk Habitat: If construction occurs during the breeding season (February 1-August 31), the project applicant shall conduct CDFG-recommended protocol-level surveys prior to construction as required by the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley or as required by the CDFG in the future. If active nests are found in the construction area, mitigation measures consistent with the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (<i>Buteo swainsoni</i>) in the Central Valley of California shall be incorporated in the following manner or as directed by CDFG: 1) If an active nest is found no intensive new disturbances (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that may cause nest abandonment or forced fledging, can be initiated within 200 yards (buffer zone) of an active nest between March 1 and September 15. The size of the buffer area may be adjusted if a qualified biologist and CDFG determine it would not be likely to have adverse effects on the hawks. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active. 2) Nest trees shall not be removed unless there is no feasible way of avoiding removal of the tree. If a nest tree must be removed, a Management Authorization (including conditions to offset the loss of the nest tree) must be obtained from CDFG with the tree removal period specified in the management Authorization, generally between October 1 and February 1.	Verify that a qualified biologist has conducted pre-construction surveys for the presence of Swainson's hawk. If nests are present, verify appropriate measures are included in construction contracts to protect nesting raptors.	Project Applicant.	Prior to issuing of demolition or grading permits every calendar year that construction occurs and ongoing during construction.	Development Services/Public Works/CDFG.		

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<p>3) If construction or other project-related activities that may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the project proponent) by a qualified biologist will be required to determine if the nest is abandoned. If the nest is abandoned and if the nestlings are still alive, the project proponent shall fund the recovery and hacking (controlled release of captive reared young) of the nestling(s).</p> <p>4) Routine disturbances, such as routine maintenance activities within 0.25 mile of an active nest, shall not be prohibited.</p>					
<p>b) Nesting habitat for other protected or sensitive avian species:</p> <p>1) Vegetation removal and construction shall occur after between September 1 and January 31 whenever feasible.</p> <p>2) Prior to any construction or vegetation removal between February 1 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitat within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with CDFG protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. This survey can be carried out concurrently with surveys for other species provided it does not conflict with any established survey protocols. A copy of the pre-construction survey shall be submitted to the City of Sacramento. If an active nest of a sensitive species is identified onsite (per established thresholds), specific mitigation measures shall be developed in consultation with CDFG and USFWS. At a minimum, these measures shall include a 500-foot no-work buffer that shall be maintained between the nest and construction activity until CDFG and/or USFWS approves of any other mitigation measures.</p> <p>3) Completion of the nesting cycle shall be determined by qualified ornithologist or biologist.</p>	<p>Verify that a qualified biologist has conducted a nesting survey for protected or sensitive species and submitted the survey to the City of Sacramento.</p>	<p>Project Applicant.</p>	<p>Prior to issuing demolition or grading permits every calendar year that such activities occur.</p>	<p>Development Services/ CDFG/ USFWS.</p>	

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<p>c) Burrowing Owl Nesting Habitat:</p> <p>1) Prior to construction activity, focused pre-construction surveys shall be conducted for burrowing owls where suitable habitat is present within the construction areas. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys shall be conducted in accordance with CDFG burrowing owl survey protocol.</p>	<p>Verify that a qualified biologist has conducted a pre-construction survey for burrowing owls. If present, verify appropriate measures have been incorporated in construction contracts to protect owls.</p>	<p>Project Applicant.</p>	<p>Prior to issuing demolition, grading, or building permits every calendar year that such activities occur.</p>	<p>Development Services/ CDFG/ USFWS.</p>	
<p>2) If unoccupied burrows are found during the non-breeding season, the project applicant may collapse the unoccupied burrows, or otherwise obstruct their entrances to prevent owls from entering and nesting in the burrows. This measure would prevent inadvertent impacts during construction activities.</p> <p>3) If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to the City and CDFG, and no further mitigation is necessary.</p> <p>If occupied burrows are found, impacts on the burrows shall be avoided by providing a buffer of 165 feet during the non-breeding season (September 1 through January 31) or 250 feet during the breeding season (February 1 through August 31). The size of the buffer area may be adjusted if a qualified biologist and CDFG determine it would not be likely to have adverse effects on the owls. No project activity shall commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied. If the burrow is occupied by a nesting pair, a minimum of 7.5 acres of foraging habitat contiguous to the burrow shall be maintained until the breeding season is over.</p> <p>4) If impacts on occupied burrows are unavoidable, onsite passive relocation techniques approved by CDFG shall be used to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through non-invasive methods that juveniles from the occupied</p>					

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>burrows are foraging independently and are capable of independent survival. Mitigation for foraging habitat for relocated pairs shall follow guidelines provided in the California Burrowing Owl Consortium's April 1995 Burrowing Owl Survey Protocol and Mitigation Guidelines,¹ which ranges from 7.5 to 19.5 acres per pair.</p>					
<p>Prior to construction within 100 feet of the I-5 and I Street Bridge, the project applicant shall conduct a pre-construction survey during the time when bats would be expected to be present and active to determine the presence of roosting bats. This survey shall be conducted by a wildlife biologist qualified to identify the species of bats using these roosts. If no special status species bats are roosting, then no further mitigation is required.</p> <p>If special status bat species, e.g. roosting bats, are present, prior to construction within 100 feet of the I-5 and I Street Bridge, the project proponent shall provide for a replacement roosting facility in the form of either a bat house or several bat boxes, immediately adjacent to the I-5 and I Street Bridge. The wildlife biologist who conducted the pre-construction surveys shall recommend appropriate bat exclusion devices (i.e., light weight polypropylene netting (<1/6" mesh), plastic sheeting, tube-type excluders, etc.) that shall be installed at the bridge to prevent roosting bats from being on the bridge when demolition or construction occurs, but located such that they would not interfere with nesting purple martins (which shall take priority due to their tendency permanently abandon nesting sites that have been subject to artificial exclusion devices). The exclusion devices can be designed to serve multiple purposes if the exclusion of other species (i.e., purple martins) is also required.</p>	<p>Verify that a qualified biologist conducts a bat survey and that a letter report confirming absence is submitted to the City of Sacramento.</p> <p>Verify that proper procedures are followed as outlined in the mitigation measure to ensure if any bats are identified on-site they are removed according to BCI standards.</p>	<p>Project Applicant.</p> <p>Project Applicant.</p>	<p>Prior to issuing grading or building permits.</p> <p>Prior to issuing grading or building permits.</p>	<p>Development Services/Public Works.</p> <p>Development Services/Public Works/CDFG.</p>	
<p>a) Prior to the realignment of the Union Pacific Railroad tracks and/or removal of the existing overhead utility lines, the following measures shall be implemented to reduce impacts to the purple martins.</p> <p>1. To offset loss the loss of nesting material gathering site sand and reduce potential predation from feral cats using tall vegetation as</p>	<p>Verify that appropriate measures to prevent nest establishment are implemented. If</p>	<p>Project Applicant.</p>	<p>Prior to issuing grading or building permits.</p>	<p>Development Services/Public Works/CDFG.</p>	

¹ California Department of Fish and Game, 1995. Staff report on burrowing owl mitigation, Sacramento, CA.

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<p>ambush points, during railroad track realignment the project applicant shall conduct weed abatement measures (e.g., weed whacking) bi weekly from March 15th to May 15th. The area to be maintained is the area that extends out 600 feet north of the existing railroad, as detailed on Figure 5.5-1. The plant waste shall be left in place from March 15th to May 15th to allow the purple martins to use the "waste" for nest building material. This measure is temporary and shall only occur while the existing railroad tracks are being realigned.</p> <p>2. To offset the potential impacts from loss of perching wires the project applicant shall erect permanent perching structures, in close proximity to the colony but within the footprint of the project, before the removal of the existing utility lines and poles (wires for perching should be 3/8-3/4 inch in diameter and shall be at least 19.5 feet off the ground. Pole mounted structures could be mounted on light poles or fencing for stability). In the event that the perching structures are not a feasible alternative within the project footprint, the project applicant shall consult with the California State Railroad Museum as to the possibility of the perches being erected within state lands.</p> <p>3. Landscaping within 120 feet of the colony shall be planned as to not disrupt the flight access to the colony, small and medium size non fruit-bearing trees shall be incorporated to the landscaping plans. Landscaping plans shall also consider the option of prohibiting fruit-bearing trees within 500 feet of the site and not removing all the clippings from the area during maintenance specifically at the beginning of the nesting season (March 15th to May 15th) as to allow the purple martins to use the clippings as nesting materials.</p>	<p>nest establishment occurs, then verify that a qualified biologist inspects nests prior to removal.</p>				

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>i) Until the proposed open space that is adjacent to the I Street Colony is landscaped, the project applicant shall, from March 15th to May 15th, supply nesting material (straw, pine needles, etc.) in designated areas close to the colony for use by the purple martins while the planted trees and shrubs develop. The areas should be no further than 200 feet from perching wires.</p> <p>4. So long as the I Street Colony is active, landscaping trees adjacent to the purple martin colony shall include pine species (<i>Pinus</i> spp.) to provide a permanent source of nesting material. The pine needles shall not be removed during landscape maintenance from January 1st to May 15th.</p>					
<p>b) Although purple martins are tolerant of human activities, if active nests are present no construction shall be conducted within 100 feet of the edge of the purple martin colony (as demarcated by the active nest hole closest to the construction activity) during the beginning of the purple martin breeding season from March 15th to May 15th. The buffer area shall be avoided to prevent destruction or disturbance to the nest(s) until it is no longer active. The size of the buffer area may be adjusted if a qualified biologist and CDFG determine it would not be likely to have adverse effects on the martins. The site characteristics used to determine the size of the modified buffer should include; a) topographic screening; b) distance from disturbance to nest; c) the size and quality of foraging habitat surrounding the nest; and d) sensitivity of the species to nest disturbances. No project activity shall commence within the buffer area until a qualified biologist confirms that any nests are no longer active. In addition, no equipment shall be parked or stored beneath the I Street on-ramp or the I-5 overpass at the I Street on-ramp during the breeding season (April 15 to August 1).</p>	<p>Verify that appropriate buffers around purple martin nests are implemented.</p>	<p>Project Applicant.</p>	<p>Ongoing during construction April 15 to August 15 in proximity to I-5.</p>	<p>Development Services/Public Works/CDFG.</p>	
<p>c) All fixtures on elevated light standards west of I-5 within the project boundaries, such as in parking lots or along roadways, shall be shielded to reduce glare.</p>	<p>Verify that light fixtures west of I-5 are shielded.</p>	<p>Project Applicant.</p>	<p>Prior to occupancy of area between I-5 and the river.</p>	<p>Development Services.</p>	

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
All native oaks greater than 6 inches in diameter at 48 inches above grade that are approved for removal or are critically damaged during construction shall be replaced by a greater number of the same species. At a minimum, one tree shall be planted for each inch in the diameter of the removed tree at 48 inches above grade. The exact size and number of replacement trees shall be determined by the City of Sacramento Urban Forest Services. A qualified biologist shall monitor trees during construction and the following spring and monitor the growth and survival of the newly planted trees. All revegetation plans shall require monitoring the newly transplanted trees for at least 5 years and the replacement of all transplanted trees that die during that period.	Provide a tree mitigation plan to the City and evidence of a contractual agreement with a qualified biologist for monitoring of replacement trees for 5 years.	Project Applicant.	Prior to approval of Design Review.	Development Services/Urban Forests Division	
Cultural Resources					
a) Prior to any ground-disturbing activity in Archaeologically Sensitive Areas (ASAs), a focused Archaeological Testing Plan (ATP) shall be prepared and implemented to determine the presence/absence of archaeological resources and to assess their eligibility to the CRHR. The ATP shall be reviewed and approved by the Preservation Director prior to implementation.	Verify that an ATP is prepared.	Project Applicant.	Prior to issuing grading permits in ASAs requiring an ATP.	Development Services/City Preservation Director.	
b) If the testing program identifies CRHR-eligible archaeological resources, an Archaeological Mitigation Plan shall be prepared and implemented.	Verify that an Archaeological Mitigation Plan is prepared if necessary.	Project Applicant.	Prior to issuing of grading permits.	Development Services/City Preservation Director.	
c) With respect to portions of ASAs where ground-disturbing activities would take place but that are not subject to the archaeological test investigation referred to above, a Construction Monitoring Plan shall be prepared and implemented to ensure appropriate identification and treatment of unanticipated archaeological resources, if any are discovered during grading or construction activities.	Verify that a Construction Monitoring Plan is prepared and implemented.	Project Applicant.	Prior to issuing of grading permits and during construction activities in areas not subject to archaeological testing.	Development Services/City Preservation Director.	

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MITIGATION MONITORING AND REPORTING PLAN					
Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
d) Prior the commencement of any ground disturbance in the 6th-7th Street Corridor ASA, consultation shall be initiated between the landowner or his representative and the appropriate Native American group having traditional authority over the Initial Phase Area. The goal of the consultation shall be to formulate procedures for the treatment of Native American human remains, should any be uncovered during project activities.	Verify that consultation occurs between the landowner and the appropriate Native American group.	Project Applicant.	Prior to issuing grading permits in the 6 th /7 th Street Corridor ASA.	Development Services/City Preservation Director.	
e) All earth-moving activities within the project Area shall be monitored by a person approved by the City of Sacramento Preservation Director. Prior to any earth-moving activities, for each phase of the project a focused Monitoring and Unanticipated Discovery Plan shall be written by a qualified archaeologist and submitted to the City of Sacramento Preservation Director for approval. In the event that unanticipated archaeological resources or human remains are encountered, compliance with federal and state regulations and guidelines regarding the treatment of cultural resources and human remains shall be required. The following details the procedures to be followed in the event that new cultural resource sites or human remains are discovered.	Provide for monitoring of earth-moving activities by an archaeologist.	Project Applicant and/or project contractors.	Ongoing during construction.	Development Services/City Preservation Director.	
i. If the monitoring results in the identification of an archaeological resource, all work adjacent to the discovery shall cease, and the appropriate steps shall be taken, as directed by the Preservation Director in consultation with the archaeologist, to protect the discovery site. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the archaeological resources in accordance with Federal and State Law. At a minimum the area will be secured to a distance of 50 feet from the discovery. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. The archaeologist will conduct a field investigation and assess the significance of the find. Impacts to cultural resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. All identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the North Central Information Center.	If an unknown archaeological resource is discovered, halt construction within 50 feet of the resource and conduct a field investigation to determine the significance of the resource.	Project Applicant and/or project contractors.	Ongoing during construction.	Development Services/City Preservation Director.	

Sacramento Intermodal Transportation Facility

June 2, 2009

REALIGNMENT OF EXISTING MAINLINE RAIL TRACKS AND IMPROVEMENTS TO THE EXISTING SOUTHERN PACIFIC RAILROAD DEPOT					
MITIGATION MONITORING AND REPORTING PLAN					
Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>ii. If human remains are discovered at the project construction site during any phase of construction, all ground-disturbing activity within 50 feet of the resources shall be halted and the County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. If the remains are determined to be Chinese, or any other ethnic group, the appropriate local organization affiliated with that group shall be contacted and all reasonable effort shall be made to identify the remains and determine and contact the most likely descendant. The approved mitigation shall be implemented before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.</p>	<p>If human remains are discovered, halt construction within 50 feet of the discovery and notify the Sacramento County Coroner immediately. If remains are determined to be Native American, contact NAHC. If remains are determined to be Chinese or other ethnic group, contact most likely descendant.</p>	<p>Project Applicant and/or project contractors.</p>	<p>Ongoing during construction.</p>	<p>Development Services/City Preservation Director.</p>	
<p>If the remains are of Native American origin, the landowner or his representative shall contact the Native American Heritage Commission to identify the Most Likely Descendant. That individual shall be asked to make a recommendation to the landowner for treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.983.</p> <p>If the Most Likely Descendant fails to make a recommendation or the landowner or his authorized representative rejects the recommendation of the descendant, and if mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner, then the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p>					

Sacramento Intermodal Transportation Facility

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REALIGNMENT OF EXISTING MAINLINE RAIL TRACKS AND IMPROVEMENTS TO THE EXISTING SOUTHERN PACIFIC RAILROAD DEPOT					
MITIGATION MONITORING AND REPORTING PLAN					
Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
Seismicity, Soils, and Geology					
a) To the extent feasible, the historic buildings shall be stabilized and reinforced prior to trenching or other construction activities adjacent to the buildings.	Verify that historic buildings are stabilized and reinforced.	Project Applicant.	Prior to issuing grading permits for activities adjacent to Central Shops.	Development Services/City Preservation Director.	
b) The project applicant shall take reasonable precautions to protect historic structures from damage, such as settlement, caused by excavation, trenching, dewatering, or other construction activities that could affect the integrity of the buildings or expose workers to physical hazards.	Verify that all appropriate measures are taken to prevent damage to historic structures.	Project Applicant.	Ongoing during construction.	Development Services/City Preservation Director.	
c) Measures shall be taken to reduce or eliminate potential ground settlement of the areas surrounding the historic buildings due dewatering, excavation, or adjacent construction. A pre-excavation settlement-damage survey shall be prepared that shall include, at a minimum, visual inspection of existing vulnerable structures for cracks and other settlement defects, and establishment of horizontal and vertical control points on the buildings. A monitoring program of surveying horizontal and vertical control points on structures and shoring shall be followed to determine the effects of dewatering, excavation, and construction on the particular building site. If it is determined by the engineer that the existing buildings could be subject to damage, work shall cease until appropriate remedies to prevent damage are identified.	Verify that a pre-excavation settlement damage survey is prepared and implement a monitoring program, if determined to be necessary.	Project Applicant.	Prior to excavation activities adjacent to the Central Shops.	Development Services/City Preservation Director.	
Hazards and Hazardous Substances					
The City shall enforce the following requirements for construction on the Specific Plan Area:					
a) The City recognizes that DTSC has ultimate authority regarding approval of health risk assessments. However, through a new Tri-Party MOU, the City may provide input to DTSC if any assumptions employed appear to be inaccurate or differ from those previously prepared.	Provide input to DTSC as appropriate.	Project Applicant.	Ongoing	Development Services/DTSC	
b) The general contractor shall prepare a site-specific construction worker health and safety plan containing construction worker health and safety requirements based on the levels of remediation already performed in each project area.	Verify that each a construction worker health and safety plan is prepared for each project area.	Project Applicant and project contractors.	Prior to issuing building permits within each project area.	Development Services/DTSC.	

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REALIGNMENT OF EXISTING MAINLINE RAIL TRACKS AND IMPROVEMENTS TO THE EXISTING SOUTHERN PACIFIC RAILROAD DEPOT					
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c) Contractors shall be given a worker health and safety guidance document at the time of grading or building permit application to assist them in preparing site-specific worker health and safety plans. Pursuant to the requirements of state and federal law, the site-specific health and safety plan may require the use of personal protective equipment, onsite continuous air quality monitoring during construction, and other precautions.	Verify that contractors receive health and safety documents.	Project Applicant.	At the time of grading or building permit applications.	Development Services/DTSC.	
d) During construction, except in imported clean fill areas, all excavation, soil handling, and dewatering activities shall be observed for signs of apparent contamination by the developer under DTSC oversight.	Verify that excavation, soil handling, and dewatering activities are observed for signs of contamination.	Project Applicant and/or project contractors.	Ongoing during grading and construction activities.	Development Services/DTSC.	
e) In addition to these steps, DTSC, through the new Tri-Party MOU, shall provide for environmental oversight, including site inspection during construction and procedures for detecting previously undiscovered contamination during site excavation as well as contingency plans for investigation, remediation and disposal of such contamination.	Provide for site inspections, procedures for detecting contamination, and contingency plans.	Project Applicant and DTSC.	Ongoing during grading and construction activities.	Development Services/DTSC.	
f) In areas where the groundwater contamination has the potential to reach water, sewer or storm drainage pipelines due to fluctuations in the elevation of the groundwater table, or where volatile contaminants in soil vapor could enter porous utility lines, measures such as concrete trenches, membrane barriers and venting will be used to prevent infiltration in accordance with DTSC requirements	Identify and implement all necessary measures to prevent infiltration into water, sewer, or storm drainage pipelines.	Project Applicant and/or project contractors.	Prior to approval of Improvement Plans.	Development Services/Public Works/DTSC.	
g) Prior to approval of any grading permit, developers shall demonstrate access to a nearby secure holding area for interim storage of contaminated soil that could be uncovered during construction, and provide a plan for transport of soil to the holding area.	Verify that a secure area for interim storage of contaminated soil is accessible and provide a transport plan.	Project Applicant.	Prior to issuing grading permits.	Development Services/DTSC.	
h) Developers shall be required to employ construction dewatering techniques, should they become necessary, that minimize potential for pulling groundwater contaminants to the surface. Contingency plans for	Verify that construction dewatering	Project Applicant.	Prior to construction.	Development Services/ DTSC/ RWQCB.	

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pretreatment of contaminated groundwater, if necessary, shall be in place prior to the start of construction in the event that extracted water cannot be sent to the regional wastewater treatment plant.	techniques are implemented and that contingency plans for pretreatment of groundwater are in place, if necessary.				
i) Project developers and their contractors shall coordinate with the City of Sacramento, DTSC, and other involved agencies, as appropriate, to assure that project construction shall not interfere with any adjacent and/or on-site existing and/or planned remediation activities or unduly delay of existing and/or planned site remediation activities.	Verify that construction activities do not interfere with or other remediation activities.	Project Applicant and/or project contractors.	Ongoing during remediation and construction activities.	Development Services/DTSC.	
j) The project developers and their contractors shall comply with all applicable site controls established for site remediation activities through the approved RAPs and RDIP and shall ensure that project construction does not prevent such compliance.	Verify that all project construction does prevent compliance with RAPs and RDIP.	Project Applicant and/or project contractors.	Ongoing during remediation and construction activities.	Development Services/DTSC.	
Noise and Vibration					
a) The contractor shall ensure that the following measures are implemented during all phases of project construction: Whenever construction occurs adjacent to occupied residences (on or offsite), temporary barriers shall be constructed around the construction sites to shield the ground floor of the noise-sensitive uses. These barriers shall be of ¾-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test Method E90 or as approved by the City of Sacramento Building Official.	Verify that temporary noise barriers are erected as specified when construction activities occur adjacent to residential uses.	Project Applicant and/or project contractors.	Prior to ground disturbance and construction activities adjacent to occupied residences.	Development Services.	
b) Construction activities shall comply with the City of Sacramento Noise Ordinance, which limits such activity to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday, the hours of 9:00 a.m. to 6:00 p.m. on Sunday, prohibits nighttime construction, and requires the use of exhaust and intake silencers for construction equipment engines. Exceptions to these regulations may be granted by the building inspector, consistent with the Noise Ordinance.	Verify that all construction activities comply with the Noise Ordinance.	Project Applicant and/or project contractors.	Ongoing during grading and construction activities.	Development Services.	

REALIGNMENT OF EXISTING MAINLINE RAIL TRACKS AND IMPROVEMENTS TO THE EXISTING SOUTHERN PACIFIC RAILROAD DEPOT					
MITIGATION MONITORING AND REPORTING PLAN					
Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
c) Construction equipment staging areas shall be located as far as feasible from residential areas while still serving the needs of construction contractors.	Verify that construction equipment storage areas are as far as possible from residential areas.	Project Applicant and/or project contractors.	Ongoing during grading and construction activities.	Development Services.	
d) Quieter "sonic" pile-drivers shall be used, unless engineering studies are submitted to the City that show this is not feasible and cost-effective, based on geotechnical considerations; and	Verify that "sonic" pile drivers are used, if feasible.	Project Applicant and/or project contractors.	Prior to issuance of a building permit; implement measures during ground disturbing and construction activities.	Development Services.	
e) Activities that generate high noise levels, such as pile driving and the use of jackhammers, drills, and impact wrenches, shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, unless it can be proved to the satisfaction of the City that the allowance of Saturday work on certain onsite parcels (i.e., those as far from noise-sensitive uses as possible) would not have an adverse noise impact.	Ensure that construction activities that generate high noise levels are restricted to the hours of 7:00 am to 6:00 pm Monday through Friday.	Project Applicant and/or project contractors.	Ongoing during grading and construction activities.	Development Services.	
f) During construction, should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid further structural damage.	See MM 6.8-1.	See MM 6.8-1.	See MM 6.8-1.	See MM 6.8-1.	

REALIGNMENT OF EXISTING MAINLINE RAIL TRACKS AND IMPROVEMENTS TO THE EXISTING SOUTHERN PACIFIC RAILROAD DEPOT					
MITIGATION MONITORING AND REPORTING PLAN					
Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
g) The City shall work with UPRR and RT to identify methods of vibration reduction that could be implemented during UPRR track relocation and LRT track construction. Such methods could include, but would not be limited to: <ul style="list-style-type: none"> ▪ soil densification under the tracks; ▪ use of deep piles under the track bed; ▪ use of tire derived aggregate below the track bed; ▪ floating slab tracks; ▪ for light rail, use of a resiliently supported fastener system; and ▪ for light rail, installation of a ballast mat beneath the track. 	Document discussions with RT and UPRR regarding use of applicable measures to reduce vibration.	City.	Prior to relocation of the tracks.	Development Services/RT/UPRR.	
h) Prior to use of the relocated tracks, the historic structures to be retained in the Central Shops Historic District shall be stabilized using methods that would protect against vibration levels identified in the screening analysis.	Stabilize historical structures within the Central Shops Districts against vibration impacts.	Project Applicant.	Prior to use of the relocated UPRR tracks.	Development Services/Preservation Director.	

Sacramento Intermodal Transportation Facility

June 2, 2009

Attachment 8

RESOLUTION NO.

Adopted by the Sacramento City Council

**RECEIVE AND FILE THE ENVIRONMENTAL ASSESSMENT AND
SECTION 4(F) EVALUATION REPORT FOR THE SACRAMENTO
INTERMODAL TRANSPORTATION FACILITY PROJECT AND APPROVING
THE PROGRAMMATIC AGREEMENT REGARDING FINAL
IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES**

BACKGROUND

- A. The City, in consultation with the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans), has prepared an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) for the Sacramento Intermodal Transportation Facility project (SITF). The EA was released after approval by FHWA and Caltrans on April 1, 2009 for a 45 day review period, ending on May 15, 2009. The Federal Transit Administration (FTA) and the Federal Railroad Administration (FRA) are acting as cooperating federal agencies under FHWA's lead.
- B. The EA included the Section 4(f) Evaluation report (the "4(f) Report"), which analyzed the effects of the three phased SITF project and the two alternatives for Phase 3, "Move Depot" or "Don't Move Depot," on historic properties, including the built environment and subsurface archaeological resources. Section 4(f) is a federal requirement under the 1966 Department of Transportation Act that the effects of transportation projects on historic properties be evaluated with the goal of preserving historic sites and ensuring that there are no prudent and feasible alternatives to avoid adverse effects on such sites.
- C. A public meeting was held on April 22, 2009 to solicit comments on the EA and the 4(f) Report. After completion of the EA and 4(f) Report review period and consideration of the comments and review of the related technical studies, FHWA, FTA and FRA may issue a Finding of No Significant Impacts (FONSI) under NEPA and a 4(f) determination, which would allow the City to proceed with implementation of Phases 1 and 2 and continued planning and design for Phase 3 of the SITF project.
- D. Caltrans, on behalf of FHWA, initiated consultation under Section 106 of the National Historic Preservation Act with the State Historic Preservation Officer (SHPO) regarding the SITF project and the existing historic properties that are

eligible for listing on the National Register of Historic Places (Register). On February 2, 2009, SHPO issued a concurrence letter regarding the properties that are listed or eligible for listing in the Register.

- E. A draft Programmatic Agreement (PA) between FHWA and SHPO has been prepared to specify the efforts needed to complete the identification of historic properties and to address mitigation of the adverse effects to such properties under Section 106. The City and Caltrans are required to enter into this agreement as cooperating agencies, since the City will be responsible for implementation of the requirements in the PA under Caltrans oversight. The PA is also to be executed by the Federal Transit Administration (FTA) and the Federal Railroad Administration (FRA) because these agencies also will provide federal funding for the SITF project.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. After consideration of the public comments, the City of Sacramento finds that the Environmental Assessment and the 4(f) Evaluation report comprehensively analyzed the environmental impacts and the potential adverse effects on historic properties associated with implementation of the SITF project and the City hereby receives and files these documents.
- Section 2. The City Manager is hereby authorized to execute the Programmatic Agreement (PA), to resolve adverse effects of the SITF project on historic properties, on behalf of the City of Sacramento substantially in the form attached to the staff report. The City Manager is authorized to approve changes and amendments to the PA which do not substantially alter the obligations of the City of Sacramento and which are consistent with the other City Council actions for the SITF project.

Attachment 9

RESOLUTION NO.

Adopted by the Sacramento City Council

RESCINDING RESOLUTION 2004-853 AND APPROVING THE "DON'T MOVE THE DEPOT" ALTERNATIVE FOR PHASE 3 OF THE SACRAMENTO INTERMODAL TRANSPORTATION FACILITY PROJECT

BACKGROUND

- A. On November 14, 2000, the City Council adopted Resolution No. 2000-658 to initiate conceptual design studies for the future Sacramento Intermodal Transportation Facility (SITF) in cooperation with the Union Pacific Railroad, transportation providers known as the Sacramento Intermodal, Transportation Alliance, and the community group, and the Save Our Rail Depot Coalition.
- B. Thereafter, the City prepared various studies regarding transportation, land use, historic preservation and economic issues and developed alternative site plans for the future intermodal facility.
- C. On November, 2004, the City Council adopted Resolution No. 2004-853, directing staff to proceed with planning for an Intermodal site plan that would involve moving the historic Sacramento Depot closer to the planned alignment of the relocated Union Pacific Railroad freight tracks and passenger platforms.
- D. In December of 2006, the City acquired the historic Sacramento Depot, which was previously owned by the Union Pacific Railroad and was in disrepair. The City has undertaken improvements to the Depot and maintained its primary function as a transportation facility.
- E. The City, in coordination with the Federal Highway Administration and Caltrans, has undertaken additional design studies and environmental analysis for two site plan alternatives, the "Move Depot" and "Don't Move Depot," as required under NEPA, Section 4(f) and Section 106, which are federal statutes requiring evaluation of prudent and feasible alternatives for transportation projects which have the potential to adversely affect historic properties.
- F. As a result the subsequent design studies and environmental analysis, staff is recommending that the Council change its preferred site plan option and select the "Don't Move Depot" alternative for the reasons stated in the staff report. In

particular, the "Don't Move the Depot" alternative would result in lesser adverse effects to historic resources while meeting the need and purpose of the SITF project; the Depot would continue to serve as a transportation facility; and passenger comfort and convenience can be enhanced without moving this building.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Resolution 2004-853 is hereby rescinded.

Section 2. City staff are hereby directed to proceed with Phase 3 planning and design of the SITF project based on the "Don't Move the Depot" alternative.

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Exhibit A – Resolution No. 2004-853

Exhibit B – Intermodal Alternatives Study Executive Summary

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Sacramento City Clerk

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RESOLUTION NO. 2004-853

ADOPTED BY THE SACRAMENTO CITY COUNCIL
ON DATE OF NOV 4 2004

SACRAMENTO INTERMODAL TRANSPORTATION FACILITY (PN:CF41) APPROVAL

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

- Approval is given to the proposed Sacramento Northern design developed in the concept planning phase;
- Staff is given authority to move the project forward into the planning and environmental review phase and proceed on the five-phase strategy that would move the historic depot ahead of the permanent terminal extension;
- Staff is given authority to continue with project development, including working with the Sacramento Regional Transit District (RT) on design, phasing, financing, governance and other areas as required;
- The City will work with RT and other local entities to generate regional support for the project as a regional transportation facility;
- The City will develop public and private partnerships to implement the project; and
- Staff is given authority to investigate the feasibility and funding of west side access to the rail station as a short range project.

Keith J. Jorgensen
MAYOR

ATTEST:

D. Concedino
CITY CLERK

(HC/CS)

FOR CITY CLERK USE ONLY

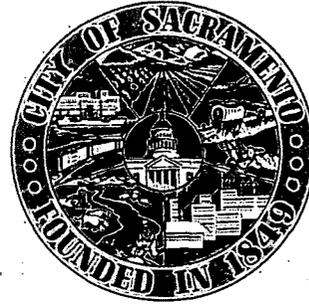
2004-853

RESOLUTION NO.:

DATE ADOPTED:

NOV 4 2004

Exhibit B



City of Sacramento

**Sacramento Intermodal
Transportation Facility**

Technical Report #13
Intermodal Alternatives Study

Executive Summary Excerpt

January 14, 2009

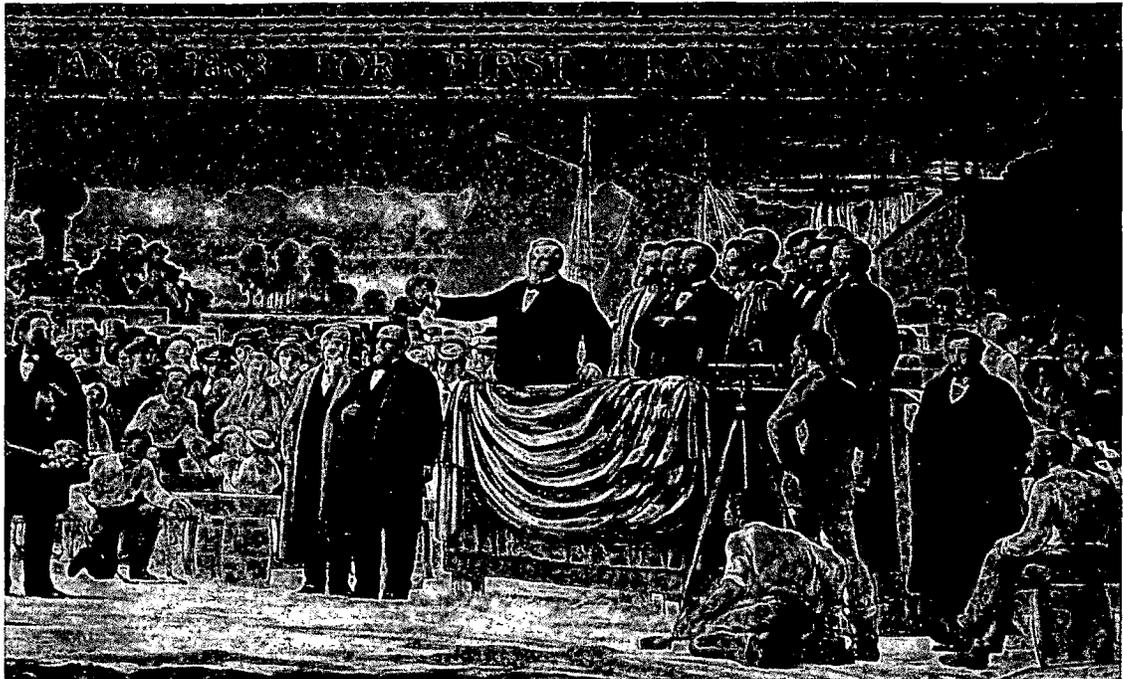


Figure 1.1 Mural in Grand Waiting Room of Historic Depot

1 Executive Summary

The development of the Railyards area and the Sacramento Intermodal Transportation Facility (SITF) presents a tremendous opportunity for Sacramento and the region, including the residents, transit agencies, stakeholders, property developers, and neighbors. It is envisioned as a regional transportation hub that incorporates as many transit services as possible to cater to both intercity and commuter passengers, and includes a major parking component to allow park and ride access. This vision seeks to maximize transit service, connectivity, and patronage. Successful completion of the project depends on establishing mutually beneficial public/private partnerships and partnerships among local and regional agencies, governments and private parties.

Since 2002, the project team has explored a wide range of alternatives for the SITF. A range of alternative schemes was developed and documented in a series of Working Papers and Technical Reports (See page 3 for document list). Through a highly interactive public process, a preferred scheme was selected by the Sacramento City Council in March 2004. Technical Report #11 produced in October 2004, was a more detailed investigation and conceptual design of the preferred concept terminal master plan which proposed relocating the Historic Sacramento Valley Station Depot adjacent to the future realignment of the tracks.

As this project enters the environmental review phase, an evaluation of alternative schemes is required to ensure a balanced analysis of the comparable issues. There has been considerable debate on the subject of moving the Depot. The key concerns from both the public and the City of Sacramento can be summarized as follows:

- The importance of the Historic Depot maintaining its role as the transportation facility and gateway
- The practicality and convenience for passengers with the increased distance between the Historic Depot's current location and the newly realigned tracks if the Historic Depot remains in its existing location.
- The implications to the historic status of the Historic Depot if it is moved
- The feasibility and cost effectiveness of physically relocating the Historic Depot
- Potential impacts on Federal participation in the project, particularly regarding funding

Consequently, the project team was charged with developing a master plan scheme that considered retaining the Historic Depot in its current location as well as updating the previous *Move the Depot* option to the new Railyards Specific Plan. These two alternatives will be assessed during the environmental process. Though all of the public and City of Sacramento concerns are still relevant, they are not all addressed within this report. This report studies the Move and Don't Move options focusing on transportation functions, proposed operator needs, architecture and urban design. In depth discussion on Federal Funding and implications to the historic status are not within this report's scope.

The project is continuing to progress and has been divided up into 3 distinct phases to allow the different aspects of the project to continue to move forward in-line with funding and local development commitments. The first of these distinct phases will be the relocation of the heavy rail tracks and passenger platforms (Phase 1 - Track Relocation Project). As of the time of writing this report (subject to change), this phase of work is expected to begin construction in early 2010 and is expected to be completed mid 2011. Upon completion of Phase 1, work will immediately (subject to funding) begin on Phase 2 of the project. Phase 2 (Sacramento Valley Station Improvements) will proceed with the aim of reconfiguring the space around the Historic Depot to improve transit and passenger access. Phase 2 work includes the relocation of the LRT Extension, bus area, extension of H Street, parking and site improvements, and electrical system upgrades to the Historic Depot. Further information on the Phase 2 project can be found in Section 3. The final phase of this work is Phase 3 (Intermodal Improvements). This technical report outlines the two alternatives that are currently being considered for Phase 3.

The purpose of this report is to present two alternative options - one that relocates the Historic Depot and one where it remains in its current location. Both options respond to the established program and project goals, maximize joint development opportunities, and are exciting and dynamic concepts for the SITF. The project team has explored and evaluated the implementation of both options and a rough order of magnitude cost model based on the conceptual phasing plans has been completed.

Additionally, this report includes an in-depth analysis and costing of the means and methods of physically relocating the Historic Depot. The findings of the technical study concluded

that the Depot is a good candidate for relocation due to the simplicity of the move path and its straightforward and robust structural system. The report further notes that the decision of whether to move the Depot or not, should not be based on whether the move is physically feasible; it should be based on comparisons of functionality, costs, and historical resource impacts. The Technical Issues Study prepared by Simpson Gumpertz and Heger can be found in the Appendix Section 9.2 of this report.

Upon considerable study of the two options, the City of Sacramento has requested the team to put forth a recommendation for the better option. The team determined that the "Don't Move the Depot" option, though a larger and longer terminal, presented better joint development parcels, flexibility in phasing the project, and did not bring undue risk to integrity of the historic setting of the Depot. The viability of this option relies heavily on the successful integration of joint development within the new terminal extension, Depot, and the adjacent land parcels and requires further study beyond the scope of this report.

1.1 Alternative Schemes

Both alternatives were developed on the basis of the program outlined in Working Paper #5 and Technical Report #11. The program assumptions were verified and updated by the project team with the transit operators and project stakeholders for this scope of work. Many of the project's parameters are the same for both schemes, including:

- The rail tracks will be realigned for increased rail capacity, safety, and to extend the City's street network into the Railyards
- The Historic Depot will be seismically retrofitted and rehabilitated and will be a key element of the project
- The operator program for the future SITF is greater than the capacity of the Historic Depot and requires the construction of a terminal extension
- The "West Side Access" project will be completed and if determined to be feasible, will provide additional roadway access to the western side of the station site via the extension of 3rd Street north of I Street
- A traffic signal will be installed on I Street at 4th Street to provide pedestrian and vehicular access to the station site
- A pedestrian connection at G street will be made through the future Thomas Development from the Intermodal to the Railyards area being developed south of the rail corridor
- A pedestrian connection may be made to the Railyards Development Market Plaza
- On site circulation will be extended into the Intermodal site along the H Street alignment
- On the west side of the site a transitway will extend from H Street parallel to the tracks to the east

- The final design and location of the pedestrian and bicycle tunnels under the realigned heavy rail tracks are to be determined as part of the Phase 1 Rail Relocation project

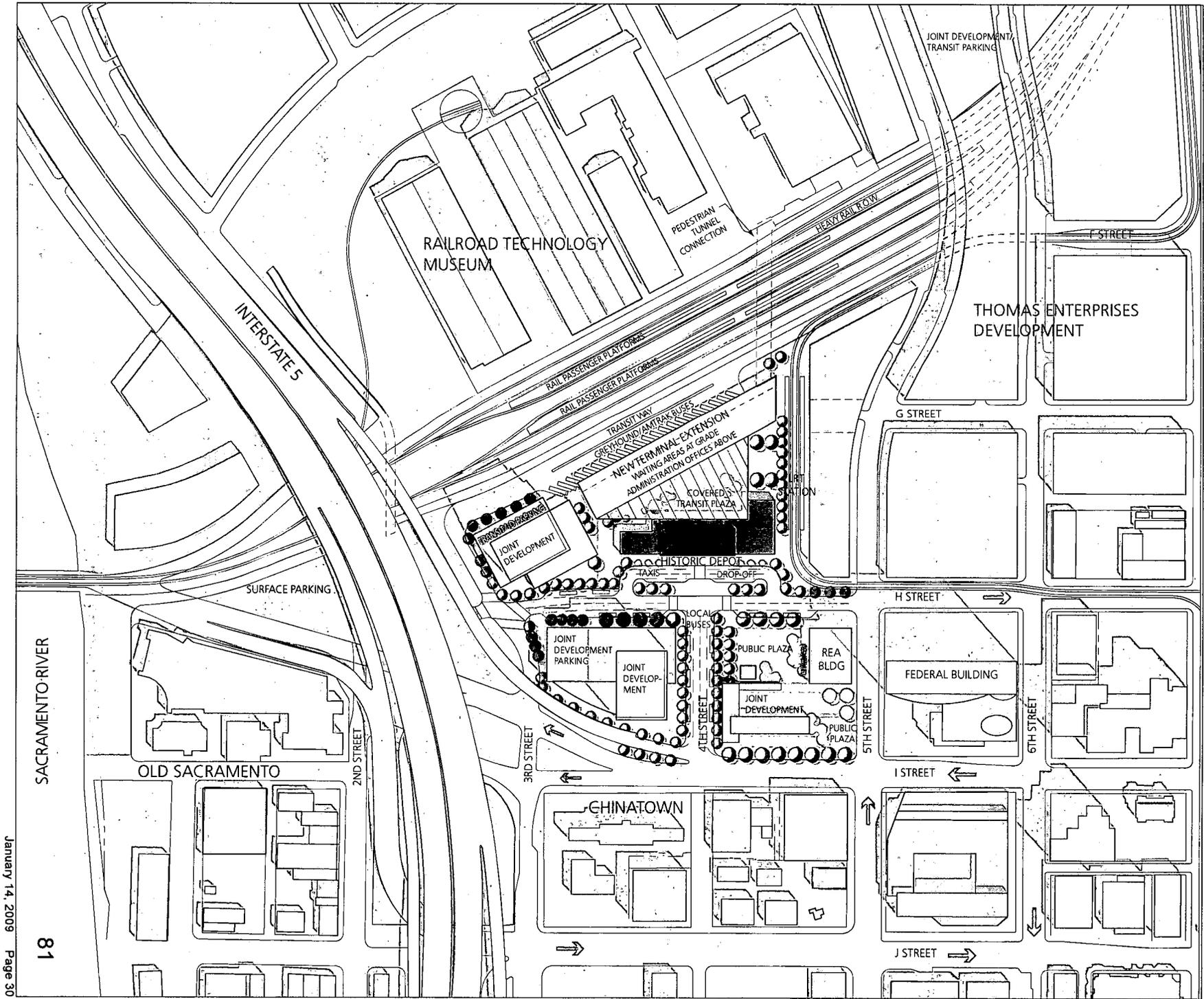
The following provides a brief comparison between the two alternatives.

Move the Depot

In this concept, the Historic Depot is physically moved north by approximately 300 feet, placing it approximately 500 feet from the new passenger platforms (see Figure 4.1.1). This action ensures the Historic Depot's role as the anchor for the new SITF and shortens the passenger connections between transit modes. The Historic Depot will retain the majority of the transit ticketing operations with additional program housed in a new terminal extension. Between these two major transit anchors there will be a semi-open pedestrian plaza. Multiple modes of transit will be located and organized per two broad categories: local city level connections such as light rail and local buses adjacent to the new covered pedestrian plaza and regional transit such as Greyhound and Amtrak will be grouped together for ease of connection.

Don't Move the Depot

In this concept, the Historic Depot will remain in its current location approximately 800 feet from the new passenger platform (see Figure 5.1.1). A new terminal extension will be constructed north of the H Street alignment between the relocated tracks and the Historic Depot. This will include a generously scaled upper concourse over a ground level bus facility immediately adjacent to the local bus facility and the LRT platforms. The Historic Depot will retain transit operations but the majority of transit related functions will be located on the concourse level of the new terminal extension. Elevators and escalators will connect the concourse to the ground level bus facility, and to the Historic Depot. The elevated concourse scheme "bridges" over H Street from the Historic Depot and continues on to a bridge crossing over the tracks to the Railyards development to the north, with access to the platforms made directly down from the Concourse level via escalators and elevators. Ideally, this bridge will connect to the Railyards development on the north side of the rail corridor.



SACRAMENTO INTERMODAL TRANSPORTATION FACILITY

Move the Depot Rendered Site Plan

Figure No. 4.1.1

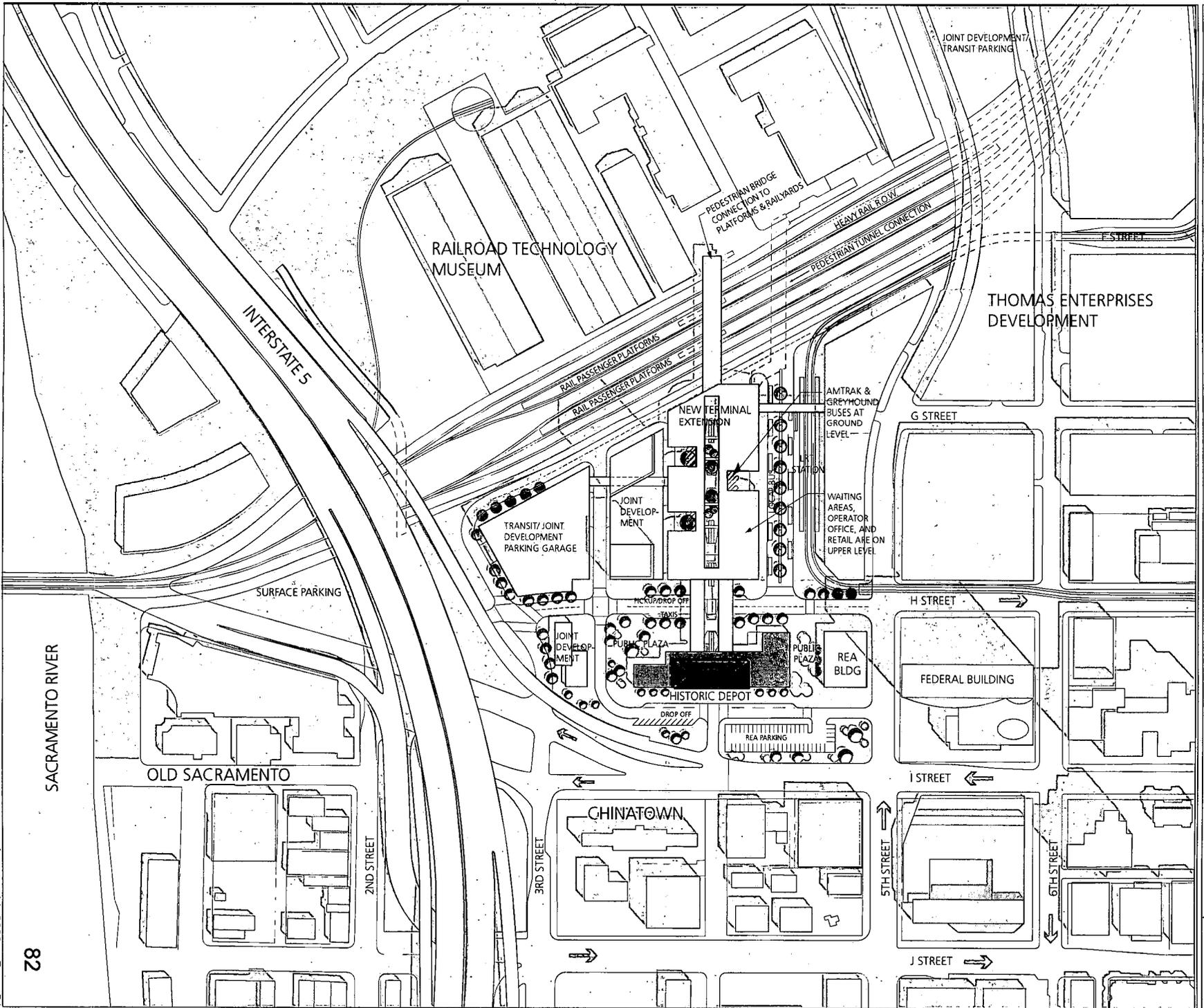
Scale: 1" = 300'

Client
City of Sacramento

Consultant Team
Perkins+W|A|RUP
Faithful & Gould
Simpson Gumpertz & Heger, Inc.



ARUP
PERKINS
+WILL



SACRAMENTO INTERMODAL TRANSPORTATION FACILITY

Don't Move the Depot - Rendered Site Plan
 Figure No. 5.1.1
 Scale: 1" = 300'

Client
 City of Sacramento

Consultant Team
 Perkins+WILL/ARUP
 Faithful & Gould
 Simpson Gumpertz & Heger, Inc.

NORTH



**ARUP
 PERKINS
 + WILL**

Attachment 12

RESOLUTION NO.

Adopted by the Sacramento City Council

**AUTHORIZING EXECUTION OF THE TRACK DESIGN AGREEMENT WITH UNION
PACIFIC RAILROAD FOR THE TRACK RELOCATION PROJECT**

BACKGROUND

- A. The City of Sacramento has prepared conceptual design plans for the Track Relocation Project, which is the first phase of the Sacramento Intermodal Transportation Facility Project.
- B. The Track Relocation Project involves relocating the Union Pacific Railroad freight tracks and passenger platforms to the north to allow for expansion of the existing Sacramento Valley Station and to provide rail safety improvements and enhance the comfort and convenience for rail and intercity bus passengers.
- C. As set out in the Track Relocation Agreement approved on December 13, 2006 (Agreement No. 2006-1406), the City was to fund UPRR's costs to design and construct its tracks and switches.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY
COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. The City Manager is authorized to enter into an agreement with Union Pacific Railroad for a not-to-exceed amount of \$300,000 for UPRR's design of the UPRR track and switches needed for implementation of the City's Track Relocation project. This authorization is contingent on the prior issuance by FHWA of the environmental determination under NEPA to allow for final design for the Track Relocation Project to commence.

Attachment 13

RESOLUTION NO.

Adopted by the Sacramento City Council

AUTHORIZING THE TRANSPORTATION DIRECTOR TO APPLY TO THE CALIFORNIA UTILITIES COMMISSION FOR AN ORDER AUTHORIZING CONSTRUCTION OF GRADE SEPARATED CROSSINGS OF THE UNION PACIFIC RAILROAD TRACKS

BACKGROUND

- A. The City of Sacramento has prepared conceptual design plans for the Track Relocation Project, which is the first phase of the Sacramento Intermodal Transportation Facility Project.
- B. The Track Relocation Project involves relocating the existing Union Pacific Railroad (UPRR) freight tracks between 7th Street and the I Street bridge in the City of Sacramento to the north to provide rail safety improvements and to enhance the comfort and convenience for rail and intercity bus passengers.
- C. The Track Relocation Project includes grade separated street and pedestrian crossings of the relocated freight tracks and UPRR requires these crossings to be constructed prior to commencing operations on the new tracks.
- D. New railroad crossings require an Order authorizing construction from the California Public Utilities Commission (PUC).
- E. The City will construct three grade separated tunnels as part of the Track Relocation Project: the West Tunnel, Service Tunnel and Passenger Tunnel.
- F. Thomas Enterprises will construct the 5th and 6th Street grade crossings of the relocated UPRR tracks; however, only government agencies may make an application of the PUC to construct a public road crossing of a railroad.
- G. Thomas Enterprises has prepared the design plans and will pay for the construction of the 5th and 6th Street overcrossings along with any associated permitting and plan review charges with State Proposition 1B and 1C funds, but the City will prepare the application to the PUC for the Order to allow for such construction.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The Transportation Director is hereby authorized to apply to the California Public Utilities Commission for an Order authorizing construction of grade-separated railroad crossings under and over the relocated Union Pacific Railroad Company tracks located between 7th Street and the I Street Bridge in the City of Sacramento. This authorization is contingent on the prior issuance by FHWA of the environmental determination under NEPA to allow for final design for the Track Relocation Project to commence.

Attachment 14

RESOLUTION NO.

Adopted by the Sacramento City Council

**AUTHORIZING THE EXECUTION OF A POSSESSION AND USE AGREEMENT FOR
PARCEL B AND AN EASEMENT AGREEMENT FOR PEDESTRIAN TUNNEL
ACCESS WITH S. THOMAS ENTERPRISES OF SACRAMENTO, LLC**

BACKGROUND

- A. The City of Sacramento has prepared conceptual design plans for the Track Relocation Project, which is the first phase of the Sacramento Intermodal Transportation Facility Project and involved relocating the Union Pacific Railroad (UPRR) freight tracks and passenger platforms.
- B. The Track Relocation Project is to be located on Parcel B, which is currently owned by S. Thomas Enterprises of Sacramento, LLC (Thomas Enterprises). City and Thomas Enterprises entered into a Purchase and Sale Agreement (PSA) dated December 13, 2006 (City Agreement No. 2006-1405), which included an option for the City to purchase Parcel B.
- C. The PSA provides for the value of Parcel B to be determined through arbitration, which has not yet commenced. The City needs to obtain control of Parcel B by means of a Possession and Use Agreement to undertake testing required for final engineering, to submit applications to the PUC, to enter into utility relocation agreements, and to execute UPRR construction and maintenance agreements.
- D. Part of the Track Relocation Project includes the construction of two pedestrian access tunnels underneath the relocated UPRR tracks. The West Tunnel would provide access between Old Sacramento and the planned Rail Technology Museum. The Passenger Tunnel allows for Intermodal customers and the public to connect between the Depot building and the Central Shops District.
- E. The tunnel ramps on the north for the West and Passenger Tunnels would be located on property owned by Thomas Enterprises which is planned to be public plazas that provide connections to the planned street system and parking lots. The City needs Thomas Enterprises to grant to the City public access easements for these two tunnels, in accordance with the requirements set out in the Railyards Tentative Map conditions and the Development Agreement, in order for the City to obtain approval for construction of the Track Relocation Project by the

state and federal government which are providing funding for this project.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Manager is hereby authorized to execute a Possession and Use Agreement for Parcel B with S. Thomas Enterprises of Sacramento, LLC which is consistent with the terms of the PSA, contingent on the prior issuance by FHWA of the environmental determination under NEPA to allow for final design for the Track Relocation Project to commence.
- Section 2. The City Manager is hereby authorized to execute an Easement Agreement for Pedestrian Tunnel Access with S. Thomas Enterprises of Sacramento, LLC which is consistent with the terms of the Railyards Tentative Map conditions and Development Agreement, contingent on the prior issuance by FHWA of the environmental determination under NEPA to allow for final design for the Track Relocation Project to commence.