

RESOLUTION NO. 2009-356

Adopted by the Sacramento City Council

June 2, 2009

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.

Adopted by the City of Sacramento City Council on June 2, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

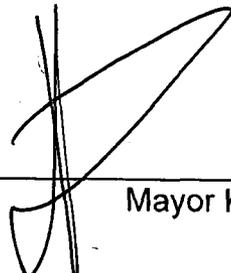
Noes: None.

Abstain: None.

Absent: Councilmember Hammond.

Attest:


Shirley Concolino, City Clerk



Mayor Kevin Johnson