

Item No. 19 Supplemental Material # 3

For
City of Sacramento
City Council
Housing Authority
Redevelopment Agency
Economic Development Commission
Sacramento City Financing Authority

Agenda Packet

Submitted: June 2, 2009

For the Meeting of: June 2, 2009

- Additional Material
- Revised Material

Subject: Reports and Agreements for Sacramento Intermodal Transportation Facility Project

Attached are a summary evaluation sheet of alternatives and comments and brief responses regarding the Mitigated Negative Declaration

Contact Information: Hinda Chandler (808-8422)

Please include this supplemental material in your agenda packet. This material will also be published to the City's Intranet. For additional information, contact the City Clerk Department at Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814-2604 B (916) 808-7200.

Intermodal Alternatives Evaluation Summary (Check indicates superior evaluation)		Don't Move Depot	Move Depot
Transportation Functions	Programmed space	✓	
	Accommodate high speed rail and new modes	✓	
	Baggage handling	✓	
	Local bus berths	✓	
Circulation and Connectivity	Walking distances-depot to rail		✓
	Walking distances-local bus, rail and LRT	✓	
	Intercity buses	✓	
	Links with adjacent development and communities	✓	
Joint Development	Freestanding pads on-site	✓	✓
	Lease space in terminal	✓	✓
	Ability to Proceed Soon	✓	
Cost	Rough order of magnitude	✓	✓
	Costs due to move	✓	
	Temporary facility costs	✓	
Impacts on Historic Resources	Integrity of historic setting of Depot District	✓	
	Impact on Depot	✓	
Deliverability	Ease of implementing alternative	✓	
	Ease of phasing	✓	
	Affects on other projects	✓	
	Retains federal participation	✓	



**CITY OF SACRAMENTO
CALIFORNIA**

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MEMORANDUM

Date: June 2, 2009

To: Honorable Mayor Kevin Johnson and Members of the City Council

From: Ellie Buford, Principal Planner

Re: Agenda Item #19; Meeting of June 2, 2009, Mitigated Negative Declaration for Realignment of Existing Mainline Rail Tracks and Improvements to the Existing Southern Pacific Railroad Depot Projects

The City has prepared a Mitigated Negative Declaration (MND) for the subject project in accordance with the California Environmental Quality Act. The MND has been provided under separate cover. The MND has been circulated for public comment. The public comment period ended on June 1, 2009. The MND evaluates the track realignment and station improvements.

As noted in the MND, the Federal Highway Administration (FHWA) is the lead agency in the federal review process, with Caltrans assistance, and has issued an Environmental Assessment for Phases I, II and III. Phase III includes eventual intermodal improvements to convert the existing station into a large, multimodal regional transportation facility, and includes options for moving the existing depot or leaving it in its current location.

Paul Hammond, Director of the California State Railroad Museum and Taylor and Wiley, a law firm representing the California State Railroad Museum Foundation submitted comment letters on the MND. Copies are attached and brief responses are provided below.

Lack of Track Inclusion for Museum Track Access Needs

As described in the MND Project Description (page 4) the project would accommodate the California State Railroad Museum's need for a continued rail connection between its sites in Old Sacramento and the Central Shops. The City has been actively coordinating with the museum throughout the preliminary design process to design the track realignment on the west side to accommodate the museum's needs.

Coordination with Union Pacific Railroad and operators signing July 2006 Track Relocation Agreement (including the California State Railroad Museum, as well as Amtrak and the Capitol

Corridor) for approval of track design is ongoing. The City will continue working with the railroad and operators to ensure that their needs and requirements for viable and feasible rail connections are fully provided for during final design. The project description provides an adequate description of the project to support the analysis in the MND and no changes to the MND are necessary.

Potential for Significant Vibration Impacts

The City concurs with the need to protect historic structures within the Central Shops District from damage due to ground borne vibration. The potential for impacts from vibration during construction and operation is identified in MND on page 61. The City concurs with the need to monitor these historic structures during construction. The following mitigations are included in the Mitigation Monitoring and Reporting Plan and have been added to the Final MND for clarification:

- a) To the extent feasible, the historic buildings shall be stabilized and reinforced prior to trenching or other construction activities adjacent to the buildings.
- 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.
- 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.

Study Area Clarification-Purple Martin and Bat Mitigation Measures

Please refer to Figure 2.3-1, Biological Study Area, in section 2.3, Biological Environment, of the EA for (incorporated by reference and included as an Appendix to the MND) an aerial map of the project area showing the location of this colony. Please refer to the Mitigation Measures d), e), and f) on page 41 of the MND for a description of the measures proposed to reduce effects from the MND project.

Need for City Entitlements

The City does not agree that special entitlements are required for this City project. Regardless, this does not raise additional environmental issues.

The following text is added to page 63 of the Final Mitigated Negative Declaration for Realignment of Existing Mainline Rail Tracks and Improvements to the Existing Southern Pacific Railroad Depot Projects for impacts to cultural resources:

- f) To the extent feasible, the historic buildings shall be stabilized and reinforced prior to trenching or other construction activities adjacent to the buildings.
- g) 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.
- h) 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.

Findings

The proposed project could result in a potentially significant impact for discovery of undocumented archaeological resources or human remains which can be mitigated to less-than-significant. The project would result in a less-than-significant impact for historic resources, paleontological resources, or religious or sacred sites with the implementation of the identified mitigation measures.



June 1, 2009

VIA E-MAIL AND U.S. MAIL

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Re: Comments to Draft Mitigated Negative Declaration for Realignment of Existing Mainline Rail Tracks and Improvements to the Existing Southern Pacific Railroad Depot

Dear Mr. Way and Ms. Buford:

We have reviewed the above-referenced Draft Mitigated Negative Declaration for the first phase of the Sacramento Intermodal Transportation Facility. Our comments relate to three issues: (1) The lack of inclusion for a Railroad Museum track access alignment within the Draft Mitigated Negative Declaration; (2) the potential for significant vibration impacts on the historic Central Shops structures; and (3) clarification of the Project Study Area as it relates to proposed mitigation measures for purple martins and roosting bats.

Lack of Study Inclusion for Museum Track Access Needs

The paragraph "Track Work" within Section II – Project Description sets forth that "... 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." This description is accurate, however this Project Description nowhere describes exactly where this rail connection would be located or how it will function.

The Project Description additionally does not mention the fact that the Museum has a Federal right of rail access to and from the Union Pacific Railroad mainline and the North American General Railroad System, and a Federally mandated requirement to provide continued freight service to on-line freight customers south of Old Sacramento. Due to this oversight, the Draft Mitigated Negative Declaration fails to assess impacts to this legally required access, nor does it examine any impacts stemming from the realignment of such access. The Declaration in turn does not address any mitigation that may be necessitated due to these potential impacts.

In addition to the Federal right of rail access as noted above, the Museum's track access and related easements are essential conditions of 1) the Track Relocation Agreement of July 13, 2006; 2) the Principles of Agreement dated December 11, 2007 between Thomas Enterprises, California State Parks and the California State Railroad Museum Foundation; and 3) conditions found in the final Railyards Development Agreement, adopted December 11, 2007 by the Sacramento City Council. We have stated previously, and will reiterate here, that this access must be engineered in context with and during development of the final Track Relocation plans to ensure feasibility and viability.

As project lead for the Track Relocation, the City of Sacramento must ensure that the Museum's needs and requirements for viable and feasible rail connections, as noted above, are fully provided for. The environmental review process, as it relates to the Track Relocation Project, must incorporate and address possible environmental impacts for a specific track alignment satisfying the Museum's needs as outlined above. There is no other way to ensure that the Track Relocation Project achieves the desired outcomes which were agreed to in writing with the 2006 Track Relocation Agreement. This is a serious and significant oversight which must be remedied before the Draft Mitigated Negative Declaration is finalized and adopted.

Potential for Significant Vibration Impacts

Item #14 "Cultural Resources" under Section III, Environmental Checklist and Discussion, notes that "The proposed undertaking could result in vibration damage...[to] the Central Shops Historic District. Impacts to this cultural resource would be *potentially significant*." However, we were unable to find any associated mitigation measures contained within the Draft Mitigated Negative Declaration document.

The recent Sacramento Intermodal Transportation Facility Tier 1 and Tier 2 Environmental Assessment and Section 4(f) Evaluation detailed the likely levels of groundborne vibration that would be generated by construction activities as well as by ongoing rail operations once the tracks are relocated. Of great concern to us is the potential for groundborne vibration generated by construction equipment to cause damage to the historic structures located within the Central Shops Historic District.

Pile driving activities especially must be carefully prescribed and monitored, and we believe that driven piles should be excluded from consideration in all areas where the groundborne vibrations could lead to settling and cracking of structures and foundations. Instead, the use of drilled piles (such as auger cast displacement piles) and other methods which would result in significantly lessened vibration impacts should be employed.

Ongoing monitoring of the structures within the Central Shops should, we believe, be required throughout the construction phase. Benchmarks should be established and recorded prior to the commencement of construction, with regular measurement and recordkeeping performed to monitor any and all displacement which might occur during the construction phase. Should movement be detected, additional mitigation measures can then be devised before these buildings are subjected to potentially devastating impacts.

Given the historical significance of the structures within the Central Shops Historic District, and the fact that structural stabilization and rehabilitation has not yet begun on any of the structures, this last would be a prudent, reasonable and valuable mitigation measure. We request that specific mitigation measures be detailed prior to this Draft Mitigated Negative Declaration being finalized and adopted.

Study Area Clarification – Purple Martin and Bat Mitigation Measures

Item #7 “Biological Resources” under Section III, Environmental Checklist and Discussion, references two bird species which currently are known to occupy habitat located within the east approach structures to the I Street Bridge. This habitat falls within an employee parking area owned and used by the California State Railroad Museum and California State Parks, and located underneath the east approaches to the I Street Bridge.

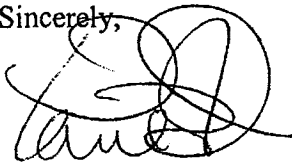
From the information contained in the Draft Mitigated Negative Declaration, it is unclear to us whether the “Purple Martin Colony” area described is within or outside the overall Project Study Area. This is of concern to us because the specific Mitigation Measures proposed for both bird species could impact State-owned facilities, depending on the Study Area assumptions that were employed.

To our knowledge, the California State Railroad Museum and California State Parks have not been consulted in the preparation of this portion of the Draft Mitigated Negative Declaration. Thus, we are not certain of the exact Study Area and related discussions as to impacts of the proposed mitigation measures. We therefore request that the Study Area boundaries be clarified, and that the California State Railroad Museum be advised directly of potential impacts (such as landscaping and netting additions) that could directly affect State Parks property.

Conclusion

We thank you for the opportunity to submit these comments to the Draft Mitigated Negative Declaration for Realignment of Existing Mainline Rail Tracks and Improvements to the Existing Southern Pacific Railroad Depot. I would be happy to personally discuss these matters with you and/or to clarify any questions you might have. Please feel free to contact me at (916) 849-0679, or via e-mail at phammond@parks.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Hammond", written over a circular scribble.

Paul Hammond
Museum Director
California State Railroad Museum

Cc: Mayor Kevin Johnson
Councilmember Ray Tretheway
Councilmember Sandy Sheedy
Councilmember Steve Cohn
Councilmember Robert K. Fong
Councilmember Lauren Hammond
Councilmember Kevin McCarty
Councilmember Robbie Waters
Councilmember Bonnie Pannell
Catherine A. Taylor, District Superintendent, Capital District
Pam Horan, Executive Director, California State Railroad Museum Foundation

TAYLOR & WILEY

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June 1, 2009

Via E-mail and U.S. Mail

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RE: Comments on Mitigated Negative Declaration for Phase I of
The Sacramento Intermodal Transportation Facility.

Dear Mr. Way and Ms. Buford:

We are writing to you on behalf of the California State Railroad Museum Foundation (CSRMF) to provide comments on the Mitigated Negative Declaration (MND) for the first phase of the Sacramento Intermodal Transportation Facility. The CSRMF did submit comments on the Environmental Assessment (EA) for the same project and those comments are appropriate for this document as well and are discussed below. The MND is not adequate in that the proposed project has significant impacts on the rail access for the existing California State Rail Museum which involve a Federal right of service to the Union Pacific Railroad mainline. The proposed project also has reasonably foreseeable impacts on the rail access to the Rail Technology Museum project that is included in the Railyards Specific Plan. Without mitigation addressing these impacts, a MND is inappropriate and legally insufficient. Our specific comments on the MND are as follows: