

RESOLUTION NO. 2015 – 04

**BOARD OF DIRECTORS, PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA**

**ADOPTING CEQA FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS AND
MITIGATION MONITORING AND REPORTING PLAN AND APPROVAL OF
THE PENINSULA CORRIDOR ELECTRIFICATION PROJECT**

WHEREAS, pursuant to Resolution No. 2015-03, the Peninsula Corridor Joint Powers Board (JPB) has certified, in conformance with the California Environmental Quality Act (CEQA), the Final Environmental Impact Report (FEIR) for the Peninsula Corridor Electrification Project (Project) and hereby incorporates by reference the defined terms and statements contained in that Resolution.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby takes the following actions:

1. The JPB Board has reviewed and considered the information contained in the FEIR and in the CEQA Findings of Fact attached hereto as Exhibit "A" and supporting documentation. The JPB determines that the CEQA Findings of Fact document identifies the significant environmental impacts and mitigation measures associated with the Project. The JPB further finds that the CEQA Findings of Fact have been completed in compliance with CEQA and the State CEQA Guidelines. The JPB hereby approves and adopts the CEQA Findings of Fact attached hereto as Exhibit "A."
2. The JPB hereby finds that the Statement of Overriding Considerations was completed in accordance with Public Resources Code section 21081 and State CEQA Guidelines Section 15093, subdivision (a), which state that CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. The Statement of Overriding Considerations is included in the Findings of Fact attached hereto as Exhibit "A" and sets forth significant environmental effects that are found to be unavoidable but are acceptable due to the overriding considerations and benefits expected to result from implementing the Project. The JPB hereby approves and adopts the Statement of Overriding Considerations included in the Findings of Fact attached hereto as Exhibit "A."

3. Pursuant to Public Resources Code section 21081.6, and State CEQA Guidelines Section 15091, subdivision (d), the JPB hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit "B," which ensures that required mitigation is implemented for the Project.
4. Based on and in consideration of all of the foregoing, the JPB hereby approves the Project as described in more detail in the FEIR (incorporated herein), along with the project design features which have been incorporated into the project and the mitigation measures described in the Findings of Fact attached hereto as Exhibit A and reflected in the Mitigation Monitoring and Reporting Program (MMRP) attached hereto as Exhibit B, and which MMRP shall be a condition of the approved project.
5. By making the findings and taking the actions in this resolution, the Board does not waive its rights regarding application of the Interstate Commerce Commission Termination Act of 1995 (ICCTA) (for the reasons explained in Resolution No. 2015- 3), including the defense that ICCTA and the Surface Transportation Board's jurisdiction preempt CEQA's application to the Project. Regardless of potential jurisdictional pre-emption of CEQA's application to the Project, the mitigation measures included in the MMRP shall be a condition of the approved project.
6. The Board hereby directs staff to file a CEQA Notice of Determination with the State Clearinghouse and appropriate County Clerks and to take any other necessary steps to obtain all additional permits, approvals and rights that would allow construction and operation of the Project.

Regularly passed and adopted this 8th day of January, 2015 by the following

vote:


AYES: CISNEROS, GEE, GUILBAULT, NOLAN
WOODWARD, YEAGER, TISSIER

NOES: NONE

ABSENT: COHEN, KALRA



Chair, Peninsula Corridor Joint Powers Board

ATTEST:


JPB Secretary