

4.0 FINAL PROGRAMMATIC SECTION 4(F)/6(F) EVALUATION

4.1 INTRODUCTION

The Coast Corridor Program EIS/EIR is the first phase of a tiered environmental review process. As discussed in the ROD, FRA is selecting the Preferred Alternative for further evaluation and consideration in future project-level environmental reviews to be prepared subsequent to this Program EIS/EIR.¹

Section 4(f) properties are publicly owned parks, recreation areas, or wildlife and waterfowl refuges or properties of a historical site of national, state, or local significance as determined by the federal, state, regional, or local officials having jurisdiction over the resource. Under Section 4(f), an operating administration of the U.S. Department of Transportation (DOT) may not approve a project that uses protected properties unless there are no prudent or feasible alternatives and the project includes all possible planning to minimize harm to such properties.

Section 6(f) properties are recreation resources funded by the Land and Water Conservation Fund Act of 1965 (LWCFA). Land purchased with these funds cannot be converted to a non-recreation use without coordination with the National Park Service (NPS) and mitigation that includes replacement of the quality and quantity of land used.

This chapter describes the existing Section 4(f) and 6(f) resources within the study area, and identifies the potential uses of and potential impacts on these resources for Preferred Alternative.

Chapter 5.0, Comments and Coordination, includes all comments on the Draft Program EIS/EIR and provides responses to each comment. The City of King provided several comments about the Build Alternative components discussed in this Programmatic Section 4(f)/6(f) Evaluation (see comments A-3.80 and A-3.81).

¹ This section was included in the Public Draft Program EIS/EIR, but has been updated and tailored for the Preferred Alternative. Therefore, the section is not presented in a strikethrough/underline format.

Since the Build Alternative was not modified between the Draft and this Final Program EIS/EIR, none of the City of King's comments result in the need for text revisions. However, this Final Section 4(f) Evaluation includes an assessment of the Preferred Alternative identified in the ROD; the Preferred Alternative incorporates features noted by the City of King in its above-referenced comments.

4.1.1 STUDY AREA

The study area as defined below identifies the Section 4(f) and Section 6(f) properties considered in this evaluation. To identify potential Section 4(f) and 6(f) resources in the study areas, a review of the California Protected Areas Database from the GreenInfo Network (calands.org) was completed.² Potential resources were further identified through review of aerial maps and adopted local plans, including city and county general plans and coordination with responsible federal and local agencies. Potential historic resources that might qualify as Section 4(f) properties were identified using the same methods described in **Section 3.10.2** to identify resources that are listed or eligible for listing on the National Register of Historic Places (NRHP). Potential Section 4(f) resources include those that are listed or eligible for listing on the NRHP.

Historic Sites

FRA and SLOCOG initiated consultation with the State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act (NHPA) in June 2013 and requested SHPO confirm an appropriate study area, or Area of Potential Effect (APE), for identification of cultural resources. SHPO concurred with the APE used in this Program EIS/EIR.

The APE for historic resources reflects the potential for direct and constructive use as set forth by Section 4(f) and Section 6(f) implementing legislation. Study areas were developed around each of the physical components of the Preferred Alternative that would adequately capture the potential for direct use, as well as noise, vibration, or visual effects, that could result in a constructive use. Screening distances for potential direct use were defined as follows:

- New Sidings and Siding Extensions: entire projected length and width.

² The California Protected Areas Database (CPAD) contains data about lands that are owned outright ("in fee") and protected for open space purposes by over 900 public agencies or non-profit organizations. CPAD lands range from the smallest urban parks all the way to the largest wilderness areas – all told, CPAD inventories just over 49 million acres in 13,500 "parks."

- Second mainline: entire projected ROW.
- Curve realignments: entire projected length and 100 feet wide.
- Powered switches, track and signal upgrades: assumed to be within existing rail alignment.
- New Stations: footprints of sites as noted in previously adopted local documents.

Screening distances for potential constructive use were defined as follows:

- Siding extensions: entire projected length and width plus 50 feet on either side of existing ROW.
- Second mainline: entire projected length and width plus 100 feet on either side of existing ROW.
- Curve realignments: entire projected length and 200 feet on either side of the existing ROW, for a total of 500 feet.
- Powered switches, track and signal upgrades: assumed to be within existing rail ROW, so no constructive use anticipated.
- New Stations: Footprints for proposed sites and public parks within one mile.

Public Park and Recreation Lands; Wildlife and Waterfowl Refuges

The study area for public park and recreation lands and wildlife and waterfowl refuges includes lands within 400 feet of the existing rail corridor and the outer edges of the buffer area for each physical component. This area was intended to capture potential indirect impacts to park and recreation areas from the Preferred Alternative components.

Clean Air Act Class I Areas

In addition, in accordance with the Clean Air Act, all designated Class I Areas located within 100 kilometers of the existing rail corridor were identified and assessed for potential visibility impacts from air pollutant emissions.

4.1.2 LAWS, REGULATIONS, AND ORDERS

This section includes the federal laws and regulations that pertain to Section 4(f) and 6(f) properties in the study area.

U.S. Department of Transportation Act 49 U.S.C. 303(c) [Section 4(f)]

Section 4(f) prohibits DOT, or any of its operating administrations, to approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site) unless:

1. There is no prudent or feasible avoidance alternative to the use of the land from the Section 4(f) property; and,
2. The program or project includes all possible planning to minimize harm to the Section 4(f) property resulting from the use.

Even where there is a use of a protected resource, FRA may also determine that the impacts are *de minimis*. See **Section 4.1.1.3** for a discussion of the requirements of a *de minimis* impact determination.

Certain historic or archaeological sites or properties are also protected by Section 4(f). For historic properties, Section 106 of the NHPA is used to identify properties potentially protected under Section 4(f) and to identify the potential impacts to such properties. FRA uses Federal Highway Administration (FHWA) regulations 23 CFR 771.774 as guidance in applying Section 4(f), as described below.

This is a Programmatic 4(f)/6(f) Evaluation and is based on the information and analysis available at Tier 1. It is anticipated that final 4(f)/6(f) evaluations and, if necessary, accompanying 4(f) approvals will occur as part of future Tier 2 environmental analysis and documentation.

Section 4(f) and Section 106

Section 4(f) is applicable to programs and projects undertaken by DOT that may entail the use of publicly-owned parks, recreation areas, and wildlife refuges, or to historic sites.

Section 106, in contrast, applies to any federal agency and is meant to address both direct and indirect effects of an undertaking on historic properties, including archaeological resources.

In general, archaeological sites on or eligible for inclusion on the NRHP are covered under Section 4(f). The NHPA provides specific criteria to assist in making this determination. An archaeological resource that is eligible only under NHPA "Criterion D" is considered valuable only in terms of the data that can be recovered from it. For these resources (such as pottery scatters and refuse deposits), it is generally assumed that there is minimal value attributed to preserving the

resources in place. Where a resource is only eligible under Criterion D, it is generally not protected by Section 4(f).

Section 106 evaluates “effects” on cultural resources sites, whereas Section 4(f) evaluates whether the project or program results in a “use” of the site. Under these regulations, an “adverse effect” under Section 106 may not constitute a Section 4(f) use (permanent, temporary occupancy, or constructive). While the statutory requirements of Section 106 and Section 4(f) are similar, even if an undertaking results in an adverse effect under Section 106, there will not automatically be a Section 4(f) use absent a separate analysis and determination by FRA.

Section 6(f)

The LWCFR provides grants to state and local governments for the acquisition or improvement of parks and recreation areas.³ LWCFR Section 6(f) restricts any federal, state, or local agency from converting land acquired or developed under these grants to a non-recreational purpose without prior approval from the Department of the Interior (DOI). Under Section 6(f), replacement lands of equal value (monetary), location, and usefulness must typically be provided to obtain DOI approval of a conversion of Section 6(f) lands for transportation projects.

4.1.3 SECTION 4(F) USE DEFINITION

A use of a Section 4(f) resource occurs in the following circumstances:

Permanent Use

A permanent use of a Section 4(f) resource occurs when property is permanently incorporated into a proposed transportation facility. This might occur as a result of partial or full acquisition, permanent easements, or temporary easements that exceed limits for temporary occupancy, as noted below.

Temporary Use

A temporary use of a Section 4(f) resource occurs when there is a temporary occupancy of property that is considered adverse in terms of the preservationist purposes of the Section 4(f) statute. A temporary occupancy of property does not constitute a use of a Section 4(f) resource when the following conditions are satisfied:

³ 16 U.S.C. §§ 460-4 through 460-11, September 3, 1964, as amended 1965, 1968, 1970, 1972–1974, 1976–1981, 1983, 1986, 1987, 1990, 1991, 1993–1996

- The occupancy must be of temporary duration (e.g., shorter than the period of construction) and must not involve a change in ownership of the property,
- The scope of work must be minor, with only minimal changes to the protected resource,
- There must be no permanent adverse physical impacts on the protected resource or temporary or permanent interference with activities or purpose of the resource,
- The property being used must be fully restored to a condition that is at least as good as existed prior to the proposed project, and
- There must be documented agreement of the appropriate officials having jurisdiction over the resource regarding the foregoing requirements.

Constructive Use

A constructive use of a Section 4(f) resource occurs when a transportation project does not permanently incorporate land from the resource, but the proximity of the project results in impacts (e.g., noise, vibration, visual, access, ecological) that are so severe that the protected activities, features, or attributes that qualify the resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only if the protected activities, features, or attributes of the resource are substantially diminished. FRA makes this determination by considering the following:

- Identifying the current activities, features, or attributes of the resource that may be sensitive to proximity impacts.
- Analyzing the potential proximity impacts on the resource.
- Consulting with the appropriate officials having jurisdiction over the resource.

De Minimis Impact

According to 49 U.S.C. 303(d), the following criteria must be met to reach a *de minimis* impact determination:

- For parks, recreation areas, and wildlife and waterfowl refuges, a *de minimis* impact determination may be made if a transportation project will not adversely affect the activities, features, and attributes qualifying the property for protection under Section 4(f) after mitigation. In addition, to make a *de minimis* impact determination, there must be:

- Public notice and opportunity for public review and comment.
- Written concurrence received from the officials with jurisdiction over the property.

For a historic site, a *de minimis* impact determination may be made only if, in accordance with the Section 106 process of the NHPA and written concurrence from the SHPO, FRA determines that the transportation program or project will have no adverse effect on historic properties or that there are no historic properties affected. In addition, FRA will inform these officials of its intent to make a *de minimis* impact determination based on their concurrence in the finding of “no adverse effect” or “no historic properties affected.”

Section 4(f) Applicability

A park qualifies for protection under Section 4(f) if: (1) the property is publicly owned, (2) the park is open to the general public, (3) it is being used for outdoor recreation, and (4) it is considered significant by the authority with jurisdiction. The park must be publicly-owned at the point at which use occurs.

A historic site on or eligible for the NRHP qualifies for protection under Section 4(f) and a use may occur if land from the site is permanently or temporarily incorporated into the project. If a project does not physically take (permanently incorporate) historic property but causes an adverse effect, FRA must evaluate the proximity impacts to determine if the proximity impacts will substantially impair the features or attributes that contribute to the NRHP eligibility of the historic site.

4.2 COORDINATION

49 U.S.C. 303(b) requires cooperation and consultation with the Secretary of the Interior (and the Secretaries of Housing and Urban Development and Agriculture, if appropriate) and the states in development of transportation plans. Throughout the Program EIS/EIR process, FRA and SLOCOG consulted with the SHPO, the Native American Heritage Commission (NAHC) and interested tribes. Section 4(f) determinations may be aided by coordination with the SHPO, pursuant to 36 CFR Part 800, and agencies of jurisdiction in identifying Section 4(f) properties and assessing impacts on the properties. **Table 4-1** lists the FRA and SLOCOG coordination to date with these agencies.

Table 4-1 Section 4(f) and 6(f) Evaluation Consultation Summary

Date	Form	Participants	General Topics
June 27, 2013	Telephone	Project team, SHPO	Background, purpose and need, the environmental document, and key stakeholders of the project, parameters for the cultural records search, NAHC consultation
July 1, 2013	Letter	NAHC to project team	Results of record search, coordination with tribal governments
September 17, 2013	Letter	FRA to tribal governments and individuals	Initial consultation to determine potential impacts to cultural places
October 3, 2013	Email	Project consultants and SHPO	SHPO acknowledged receipt of FRA letter initiating Section 106 consultation

Source: Circlepoint, 2014

The project team performed a Sacred Lands File and Native American Contacts List Request through the NAHC. On July 1, 2013, the NAHC responded to the records search, noting that the search indicated the possible presence of Native American traditional cultural place(s) in the study area. The NAHC recommended that tribal governments and individuals be contacted to determine the potential impact of any cultural place(s), and follow up within two weeks of initial contact via telephone call. The NAHC provided contact information for 25 individuals from several tribal organizations traditionally affiliated with lands in the study area.

In response to the NAHC's request, and pursuant to Section 106 of the NHPA (36 CFR 800.2(c)(2)(ii)) FRA reached out to the identified individuals to advise about the project.

Initial contact was made via letter, sent by certified mail on September 17, 2013. As recommended by the NAHC, the project team made follow-up phone calls to the tribal government contacts on September 24, 2013. All answered calls indicated receipt of FRA's letter.

Further coordination will occur during Tier 2 analysis as necessary to complete final 4(f) evaluations. If necessary, at Tier 2, FRA will consult with the appropriate agencies and tribal representatives regarding the effects of the project components on the features and attributes of Section 4(f) properties and provide opportunity for public comment.

4.3 PURPOSE AND NEED

The project purpose is to increase the frequency, speed, and reliability of passenger rail while fostering greater passenger connectivity to the proposed California High-Speed Rail (CA HSR) System and enhancing safety with minimal disruption to existing and proposed freight rail operations. Implementation of the action alternatives would help to create an interconnected, multimodal solution allowing for better mobility throughout the Coast Corridor region, providing added capacity in response to increased travel demand between Los Angeles and San Francisco.

The Coast Corridor region is faced with transportation challenges associated with projected population growth, constrained travel options, aging rail infrastructure, safety issues, and a need for increased travel capacity without impacting air quality and natural resources. These challenges are likely to continue in the future as continued growth in population, employment, and tourism activity is expected to generate increased travel demand.

4.4 ALTERNATIVES

The Draft Program EIS/EIR, including its Section 4(f) evaluation, considered two alternatives: a Build Alternative and a No Build Alternative. This Final EIS/EIR identifies FRA's Preferred Alternative, which modifies certain components of the Build Alternative in response to public comments FRA received on the Draft Program EIS/EIR. As discussed in **Section 4.1** above and stated in the ROD, FRA is selecting the Preferred Alternative for further evaluation and consideration in project-level environmental reviews to be prepared in the future. The following subsections describe the No Build and Build Alternatives. However, the Preferred Alternative is the subject of the evaluation contained herein.

The Build and Preferred Alternatives each include lists of physical components to the railway and the addition of the Coast Daylight passenger rail service. Some, all, or none of these components may eventually be constructed in order to facilitate the addition of up to 2 round trip Coast Daylight trains per day (4 train trips in all) between San Francisco and Los Angeles.

4.4.1 NO BUILD ALTERNATIVE

The No Build Alternative represents the continuation of existing rail operations and physical components, and assumes the perpetuation of existing freight and passenger service between Salinas and San Luis Obispo. The only physical component expected under the No Build Alternative would be the installation of positive train control (PTC) along the Corridor, which would provide increased safety

for freight and passenger trains. For the purposes of this Program EIS/EIR whose purpose and need is limited to potential physical rail system improvements and expansion of passenger rail service, the No Build Alternative includes other planned and programmed rail improvement projects for the Coast Corridor in the vicinity of the Salinas to San Luis Obispo region.

4.4.2 BUILD ALTERNATIVE

The Build Alternative includes the restoration of “Coast Daylight” passenger service, which would initially consist of 2 trains per day traveling between Salinas and San Luis Obispo, increasing to 4 trains per day by the year 2040. The Build Alternative also includes a list of physical components between Salinas and San Luis Obispo, some number of which may be necessary to accommodate Coast Daylight service. The extent of needed physical components has not been determined at this time and will likely occur through negotiations with the affected parties including Amtrak, Caltrans DOR, and UPRR. The Build Alternative looks broadly at each physical component to provide decision-makers with an understanding of the potential impacts of the improvements to help identify which, if any, conceptual physical improvements should be carried forward.

- **Corridor-wide Track Upgrades:** Track improvements intended to improve performance are proposed along the entire rail alignment between Salinas and San Luis Obispo. Proposed corridor-wide track upgrades include replacement of existing rail with continuous welded rail (CWR), track structure realignment, track resurfacing, tie replacement, replacing or upgrading ballasting, rehabilitation of existing sidings, and replacement of existing turnouts. CWR reduces the number of joints and would enable trains to move more quickly and with less friction and noise.
- **Signal System Upgrades:** Introduction of centralized traffic control (CTC) in two locations: 1) from Salinas to Soledad, via the extension of an existing CTC system to the north and 2) an “island” CTC over 27 miles of the railroad between San Lucas and Bradley (both unincorporated communities in southern Monterey County).
- **New powered switches:** Powered switches are mechanical devices within a railroad track that guide trains from one track to another - such as a siding, or a second mainline. Switching mechanisms include sensors placed on rails/ties and control boxes placed immediately alongside the railroad within the railroad

ROW. Powered switches are generally considered an upgrade over manually thrown switches insofar as they facilitate the speed of transition from one track to another.

- **Siding extensions/new siding:** A siding is a short section of track adjacent to a main track used for passing and dwelling purposes in single track systems. At present, the sidings in the Salinas to San Luis Obispo portion of the Corridor are generally one mile in length or shorter. Freight trains often exceed one mile in length and sometimes cannot be accommodated in the existing sidings. The proposed siding extensions are generally located within the railroad ROW and would lengthen existing sidings so that each would be at least 10,000 feet in length. **Figure 2-5** shows a diagram of a typical siding extension.

In addition to several siding extensions, the Build Alternative includes entirely new sidings at Chalone Creek near Soledad (MP 147 to MP 149), San Lucas (MP 167.2 to MP 190.4), and Wellsona (MP 205 to MP 207.6).

- **New second mainline:** A second main track is contemplated from South Santa Margarita toward the Cuesta Grade (MP 233 to MP 235), terminating just north of the first tunnel between Cuesta Grade and San Luis Obispo. At present, train speeds through this portion of the Corridor are some of the slowest for the entire alignment - ranging between 25 and 35 mph. Slow speeds here are the result of track curvature and deficient train control systems. A second mainline at this location would significantly expand mobility.
- **Curve or other track realignments:** The existing Coast Corridor alignment includes some sharp curves that require trains to slow down to reduce the risk of derailment. The Build Alternative contemplates several curve realignments intended to reduce track curvature. If constructed, curve realignments would allow for increased speeds, enhance safety, and reduce trip times. Realignments typically result in less wear and tear to tracks, reducing the frequency of repair or maintenance.
- **New passenger stations:** There are currently three passenger train stations between Salinas and San Luis Obispo: 1) Salinas, 2) Paso Robles, and 3) San Luis Obispo. The Build Alternative contemplates two new passenger stations in Soledad and King City. The existing Coast Corridor alignment passes through the downtowns of each city. The proposed Coast Daylight train service may include stops in one or both of these cities.
- **Grade Crossing and Mobility Improvements:** A curve realignment at MP 172 has the potential to create a single new at-grade crossing of an existing public,

paved road at Cattlemen Road, approximately 10 miles south of King City. The Build Alternative would install as-yet undefined signal, signage, and other related improvements at as-yet unspecified existing at-grade crossings.

- **Coast Daylight Service and new rolling stock:** The SDP contemplates the reinstatement of Coast Daylight passenger rail service, which was discontinued in 1971. The SDP proposes initial service of one daily southbound and one daily northbound train between San Francisco and Los Angeles. Preliminary proposed schedules have trains leaving San Francisco and Los Angeles in the early morning (approximately 7 a.m.), and arriving at their respective destinations between 6:30 p.m. and 7 p.m. Future expanded service would see include one additional daily southbound and northbound departure. This expanded service would be overnight, leaving San Francisco or Los Angeles in the early evening and arriving at the respective destination early the following morning.

Coast Daylight trains would stop at existing Amtrak stations in the Coast Corridor and potentially also at proposed new stations identified in the SDP (Soledad and King City). The proposed Coast Daylight service would require the acquisition of locomotives and passenger railcars.

4.4.3 PREFERRED PROGRAM ALTERNATIVE - MODIFIED BUILD ALTERNATIVE

Based upon the analysis in this Program EIS/EIR and public comments on the Draft Program EIS/EIR, FRA, SLOCOG, and Caltrans DOR have identified the Build Alternative (with modifications) as the Preferred Alternative for potential future implementation on the Coast Corridor between Salinas and San Luis Obispo. The Preferred Alternative would result in safety and transportation capacity improvements that would not be accomplished under the No Build Alternative. In addition to better meeting the purpose and need, the Preferred Alternative would also provide environmental benefits in the form of improved travel conditions, including mobility, safety, reliability, travel times, and connectivity and accessibility; and reduced air pollutant emissions along the existing rail corridor.

The Preferred Alternative modifies the Build Alternative as follows:

- Modifications requested by the City of King to siding extension and station area
- Exclusion of four curve realignments in San Luis Obispo County
- Inclusion of “island” CTC between McKay and Santa Margarita

4.4.3.1 Modifications Requested by City of King

The City of King provided extensive written comments on the Draft Program EIS/EIR, advising that the City had updated its draft plans for the City of King siding extension and passenger station. These updates were not known to FRA, SLOCOG, Caltrans, or TAMC until the City of King provided its comments on the Draft Program EIS/EIR.

Siding Extension

Precise plans for new sidings or siding extensions were not available prior to publication of the Draft Program EIS/EIR. Accordingly, the analysis in the Draft Program EIS/EIR made reasonable assumptions regarding the extension of the existing sidings. It was assumed that the sidings extensions would result in sidings of about 10,000 feet in length (generally, enough to accommodate a typical freight train) and that this length could potentially be achieved by adding all additional track to either the northern or southern end of each siding. As a result, the Draft Program EIS/EIR examined a larger total area for the sidings than would have been necessary to achieve the desired 10,000 foot length.

The existing City of King siding extends from MP 159.19 to MP 160.64 and is about 1.45 miles in length (7,650 feet). The Draft Program EIS/EIR analyzed two siding extensions (between MP 158.5 and 159.19 to the north and MP 160.64 and 161.19 to the south). Either the northern or southern extension would have been sufficient to provide a 10,000 foot long siding.

Since publication of the Draft Program EIS/EIR and as noted in the City's comments, the City of King engaged a railroad engineer (RailPros) to consider modifications to rail facilities in the area. The RailPros study (prepared for and endorsed by the City of King in its comment letter) proposed that the siding extension be greater than 10,000 feet in length and that the extension would most feasibly be achieved by extending the siding on the north side exclusively. The RailPros study considered extending the siding from MP 156.38 to 159.19, resulting in a siding 2.81 miles or about 14,800 feet in length. According to the Railpros study, the updated siding extension design is intended to allow passenger rail and freight rail trains to pass each other along the King City siding without limiting or disrupting the service operations for either party. The larger proposed siding length outside of the downtown area is anticipated to better accommodate freight trains.

After review, FRA, SLOCOG, and Caltrans DOR concur that the City's proposed revision to the siding extension would avoid or reduce the intensity of several potential environmental effects of the previously identified siding extension discussed in the Draft Program EIS/EIR. The revised siding extension would avoid the need for a new creek crossing and would also avoid including any portion of the

siding extension within a 100-year flood plain. The revised siding would also be located outside of populated areas, so would have reduced potential for any community effects compared to the previously identified siding extension. Because the City's proposed modification to the siding extension is reasonable and is likely to reduce the impacts of the project, FRA, SLOCOG, and Caltrans DOR agree that it should be included and analyzed in the Final Program EIS/EIR.

Passenger Station

The analysis in the Draft Program EIS/EIR used conceptual plans from adopted City documents that proposed a station site near the intersection of First Street and Broadway. Operating details were assumed to include a station building, parking, and bus pullout areas.

However, as noted in the City's comments, the RailPros plan shows a slightly smaller passenger station in generally the same part of downtown, with similar features, plus an area set aside for military personnel transfers. The RailPros plan also calls for the relocation of an existing at-grade crossing (at Pearl Street) to move about one block northwest to Broadway Street.⁴ Such plans reflect the most detailed layout and design of the station and are included in this Program EIS/EIR as the best available data.

4.4.3.2 Exclusion of Curve Realignment in San Luis Obispo County

During the public hearing on the Coast Corridor Draft Program EIS/EIR at SLOCOG's board meeting on January 7, 2015, many comments from members of the public focused on several of curve realignments proposed for various locations in San Luis Obispo County. Commenters stated that the curve realignments had the potential to result in property acquisitions, split of parcels, and have other adverse environmental and socioeconomic effects.

In response to the public comments, the SLOCOG Board adopted a motion requesting SLOCOG staff drop from further consideration the following curve realignments in San Luis Obispo County:

1. McKay/Wellsona
2. Wellsona/Paso Robles
3. Templeton/Henry
4. Henry/Santa Margarita

⁴ Such a relocation would be subject to an approval by the California Public Utilities Commission.

Excluding these curve realignments would not substantially compromise future on-time performance of passenger and freight trains and would reduce the potential impacts identified by the public. As documented in the SDP, an acceptably high rate of on-time performance in near and long-term horizon years was shown to be achievable with the inclusion of island CTC between McKay and Santa Margarita -- which corresponds roughly to the same area in which the excluded curve realignments were contemplated.

Excluding the curve realignments would also eliminate or substantially reduce several potential adverse environmental effects, including:

- **Land Use:** Without these curve realignments, the Preferred Alternative would require fewer property acquisitions than the Build Alternative.
- **Agricultural Lands:** Without the curve realignments, the Preferred Alternative would require substantially less conversion of agricultural lands than the Build Alternative.
- **Air Quality:** By foregoing the construction of these curve realignments, construction-related emissions (fugitive dust, diesel equipment) would be lower in the Preferred Alternative than in the Build Alternative.
- **Noise and Vibration:** By foregoing the construction of these curve realignments, the Preferred Alternative would generally retain the existing railroad alignment through San Luis Obispo County. In the Build Alternative, the curve realignments would have altered the railroad alignment relative to the location of sensitive receptors.

4.4.3.3 Inclusion of “Island” CTC between McKay and Santa Margarita

In the Draft Program EIS/EIR, Build Alternative components were carried forward from the SDP. As noted above, the Build Alternative specified the extension of CTC from Salinas to Soledad, as well as installation of an “island” of CTC from San Lucas to Bradley in southern Monterey County. Analysis in the SDP contemplated an additional “island” of CTC between McKay and Santa Margarita (between MP 202.3 and MP 229.6). The SDP noted that this 27-mile section of the corridor currently uses TWC, a non-automated signaling system. The four sidings in this section of the corridor using TWC were presumed to contribute substantially to delays that impair overall on time performance of both passenger and freight trains.

However, this particular island CTC was not explicitly referenced in the SDP’s list of Build Alternative components. Notwithstanding, SLOCOG and Caltrans DOR have clarified that it was each agency’s intent that this island CTC area be included in the

Build Alternative. Since the Draft Program EIS/EIR did not specifically include this component, this Final Program EIS/EIR incorporates the island CTC as part of the Preferred Alternative.

4.5 SECTION 4(F)/6(F) PROPERTIES (PARKS, WILDLIFE REFUGES, AND HISTORIC SITES)

This section identifies the park, recreation, open space, and wildlife refuge properties eligible for protection as Section 4(f) resources. It also identifies where project components may impact those properties eligible for protection. Because this is a Program EIS/EIR, detailed design and the exact location of project components is not available at this stage of project development. Therefore, the discussion below identifies potential impacts and a preliminary assessment of the potential uses of Section 4(f) properties with the expectation that further design will occur to avoid impacts to all Section 4(f) properties during Tier 2 (project-level review).

Section 4(f) is applicable only to actions of DOT and its operating administrations, including FRA. In the event that any one or more components move forward but would not require any DOT approval or funding no Section 4(f) evaluation would be required. **Section 4.2.6, Preliminary Section 4(f) Finding**, includes a summary of this preliminary Section 4(f) program-level analysis and outlines the process for future evaluations, as needed.

4.5.1 PUBLIC PARKS/RECREATION AREAS

Figure 4-2 shows potential Section 4(f) resources based on the study areas defined above. These potential 4(f) resources are described below from north to south.

City of Salinas

Bataan Memorial Park is an urban park less than 1 acre in area located on West Market Street. The park honors the 105 Salinas and Pajaro Valley military members deployed to the Philippines in 1941. The park includes grassy areas, trees, and a soldiers' memorial. The City of Salinas owns and maintains this park, which was renovated in 2012.⁵

⁵ City of Salinas, 2002c

City of Gonzales

Gonzales Cemetery is not recognized as a park by the City of Gonzales in which it is located. However, the cemetery is included in the California Protected Areas Database and for the purposes of this analysis is considered a potential Section 4(f) resource. The cemetery is managed by a local Cemetery District.⁶

City of Soledad

Bill Ramus Park is a 0.5 acre urban park near the proposed Soledad passenger station. It is a popular neighborhood picnic spot, equipped with barbecues and picnic tables. The City of Soledad owns and maintains this park.⁷

Vosti Park is a 6.4 acre urban park owned and maintained by the City of Soledad. It is the largest park facility in the city, with several recreational facilities including soccer and baseball fields, volleyball courts, a playground and picnic areas.

Cesar Chavez Park is a 0.1 acre green space in Soledad in between Front Street and the existing Coast Corridor railroad. It offers benches and serves as an attractive green buffer between downtown Soledad and the train tracks. The City of Soledad owns and maintains this park.

San Miguel (Unincorporated San Luis Obispo County)

Rios Caledonia Adobe is a unit of the San Luis Obispo County Parks Department that includes historic buildings, gardens, and a visitors' center.⁸

City of El Paso de Robles (Paso Robles)

Pioneer Park is a 6.8-acre park owned and maintained by the City of Paso Robles. The park includes a skate park, softball and basketball facilities, a playground, and picnic area.⁹

Paso Robles City Park is a 4.8-acre park in downtown Paso Robles, owned by the City. The park is a popular gathering place for community events. It has a picnic area, small playground, gazebo, and horseshoe pits.¹⁰

⁶ City of Gonzales, 2010

⁷ City of Soledad, 2014

⁸ Rios-Caledonia Adobe, 2013

⁹ City of Paso Robles, 2013b

¹⁰ City of Paso Robles, 2013a

Robbins Field is a 2.4 acre park owned and maintained by the City of Paso Robles that includes baseball facilities.¹¹

Lawrence Moore Park is a neighborhood park owned and maintained by the City of Paso Robles on the east bank of the Salinas River. It has a small recreation area, including barbecue facilities, a playground, and a playing field. The park includes sections of the city's trail network.¹²

Templeton Area (Unincorporated San Luis Obispo County)

Evers Sports Park is a park managed by the Templeton Community Services District. The park offers baseball and soccer fields.

Templeton Skate Park is a skateboarding facility managed by the Templeton Community Services District.

City of Atascadero Area

Heilmann Regional Park is a 15 acre park located within the City of Atascadero, but owned and maintained by the County of San Luis Obispo. The park has hiking trails, picnic areas, a disc-golf course, and tennis courts.

Paloma Creek Park is a small park owned and maintained by the City of Atascadero with sports fields and a playground.¹³

Santa Margarita Area

Santa Margarita Community Park is located in Santa Margarita and owned and maintained by the County of San Luis Obispo. The park has a playground and several picnic areas.¹⁴

City of San Luis Obispo

Ellsford Park is a 1 acre park owned and maintained by the City of San Luis Obispo, adjacent to San Luis Obispo High School. The park has two small grassy areas separated by a stand of trees.¹⁵

¹¹ City of Paso Robles, 2013c

¹² City of Paso Robles, 2013d

¹³ City of Atascadero, 2013

¹⁴ San Luis Obispo County Parks, 2002

¹⁵ City of San Luis Obispo, 2001, p. 16

Santa Rosa Park is an 11-acre park owned and maintained by the City of San Luis Obispo. The park offers horseshoe pits, softball/baseball facilities, playgrounds, basketball courts, a skate park, and picnic areas.¹⁶

Stenner Springs Open Space is a 363-acre protected area owned and maintained by the City of San Luis Obispo. The area is composed of four distinct parcels, three of which have typically been used for hiking, biking, outdoor education, and research opportunities. There are multiple trails used for hiking and mountain biking in this open space, and one popular mountain biking trail in close proximity to a portion of the existing railway that is considered Section 4(f) resources.¹⁷

4.5.2 CULTURAL RESOURCES

Archaeological Sites

There are a total of 27 known archaeological sites within the study area, as described in **Section 3.10, Cultural Resources**, and summarized in **Table 3.10-2**. The NRHP eligibility status of these resources has not been evaluated or determined. Resources potentially affected by various components of the Preferred Alternative may require evaluation under the NRHP criteria, and one or more of these may be found to qualify for protection under Section 4(f).

Historic Resources

As described in **Section 3.10, Cultural Resources**, the Bradley Road Bridge over the Salinas River is the only historic resource within the entire Coast Corridor study area that was previously determined eligible for the NRHP. Additionally, over 50 recorded historic resources potentially affected by various components of the Preferred Alternative may require evaluation under the NRHP criteria. One or more of these may be found to qualify for protection under Section 4(f).

4.5.3 CLASS 1 AREAS

As shown in **Figure 4-1**, within 100 kilometers of the Coast Corridor study area, there are three Class 1 Areas: Pinnacles National Park, and two wilderness areas of the Los Padres National Forest – the Ventana Wilderness and the San Rafael Wilderness.

¹⁶ City of San Luis Obispo, 2001, p. 20

¹⁷ City of San Luis Obispo, 2009, pp. 5-6

4.5.4 WILDLIFE AND WATERFOWL REFUGES

Big Sandy Wildlife Area is composed of two parcels, together comprising 850 acres of grasslands, streams, and riparian habitats. The California Department of Fish and Wildlife administers the wildlife area, which is adjacent to the Camp Roberts Military Reservation.¹⁸

4.5.5 SECTION 6(F) RESOURCES

No Section 6(f) resources were identified in the study areas. A full review of the California State Parks Land and Water Conservation Fund grants list for Monterey and San Luis Obispo counties did not find that any of the parks affected by the proposed improvements had been improved using funds from the Land and Water Conservation Fund.

4.6 PRELIMINARY 4(F) USE ASSESSMENT

The estimated acreages in **Table 4-2** represent *potential* impacts to Section 4(f) resources based on a review of aerial mapping of project features, study areas, and known Section 4(f) resources for the Preferred Alternative. These potential acreages are considered in the text evaluations below.

Public Parks/Recreation Areas

The existing alignment extends through a portion of the Los Padres National Forest and another portion of the alignment is located in close proximity to federally-owned land under of control of BLM. However, neither the affected portion of the Los Padres National Forest nor the BLM lands are used for recreational purposes. Therefore, neither the affected Los Padres National Forest lands nor the BLM land are considered Section 4(f) resources.

Bataan Park: The only physical components contemplated in close proximity to this park are upgrades to the existing alignment, which would occur within the existing railroad ROW. Thus, no permanent or temporary uses of this park would occur. Furthermore, track upgrades in this area included in the Preferred Alternative would have minimal potential to significantly increase the noise beyond current levels, as it is located in an urban area less than 500 feet from the existing rail alignment and is exposed to existing traffic noise. If this component moves forward for construction,

¹⁸ California Department of Fish and Wildlife, 2014

a project-level constructive use analysis will be conducted but a use is unlikely as the majority of impacts would be temporary and occur during the construction period and because the proximity the components would be installed within the existing railroad ROW.

City of Soledad Parks (Vosti, Cesar Chavez, Bill Ramus): Because the Preferred Alternative components proposed for the existing alignment in Soledad would occur within the existing railroad ROW, they would not result in any permanent or temporary impacts to any of the parks in the City of Soledad. However, due to the proximity of the components to the park resources, before any construction activities, a project-level constructive use analysis would be conducted but a use is unlikely. Both passenger and freight trains currently travel through Soledad in proximity to these parks on the existing rail alignment. The Preferred Alternative would bring additional train activity through Soledad, but passenger trains would likely be moving at lower speeds because they would be approaching/departing the new proposed Soledad station. Therefore, a constructive use of any existing Soledad park is unlikely.

Gonzales Cemetery: No temporary or permanent uses would result as the proposed upgrades in this area would occur within the existing railroad ROW. Due to the proximity of the components to this resource, before any construction activities, a project-level constructive use analysis would be conducted but a use is unlikely. Since the Preferred Alternative would add new passenger service on the railway, there is the possibility that noise would increase slightly above existing levels. However, the cemetery is exposed to substantial existing noise due to its location between US 101 and Old US 101 and less than 500 feet from the existing rail alignment. Because of the high levels of existing noise, the addition of 2 more trains by 2020 and 4 trains total by 2040 makes it highly unlikely that a constructive use would occur.

Big Sandy Wildlife Area: The existing railroad ROW passes directly through this resource, which appears to have been designated a wildlife refuge well after construction of the railroad. As described in the Draft EIS/EIR, under the Build Alternative, a portion of the McKay/Wellsona curve realignment would have potentially required the acquisition and conversion of portions of the Big Sandy Wildlife Area for a transportation use. However, because the Preferred Alternative excludes the McKay/Wellsona curve realignment this potential Section 4(f) use of the Big Sandy Wildlife Area would not occur.

Track upgrade work would be completed entirely within the existing railroad ROW and would not result in any new permanent intrusion within Big Sandy. There is potential for the track upgrade work to result in some temporary use of Big Sandy if

property is needed for construction staging, but most construction work associated with the track upgrade can be completed within the footprint of the existing railroad ROW. Even if there is a need to use a small amount of property for construction purposes, it is likely that the temporary occupancy requirements would be met so as to avoid any temporary use under Section 4(f). Track upgrade work and increased passenger rail service through this area would have some potential to increase the noise above current levels. Since this area is not urban or developed, the noise increase could potentially result in a constructive use. If this component moves forward for construction, a project-level constructive use analysis would be conducted. Therefore, project components would be unlikely to result in any Section 4(f) use - permanent, temporary, or constructive.

Rios Caledonia Adobe: The existing railroad ROW is located directly adjacent to Rios Caledonia Adobe. No temporary or permanent impacts to Rios Caledonia Adobe would result from implementation of the Preferred Alternative as the track and signal upgrades would occur entirely within the existing railroad ROW. However, due to the proximity of components to the park resources, before this component moves forward for construction, a project-level constructive use analysis would be conducted at that time. The Preferred Alternative would add new passenger service on the railway, adding up to four new train passings per day, which could increase noise above existing levels. Given the high noise levels to which this resource is already exposed as a result of the proximity to US 101 and the existing railroad ROW, additional trains are unlikely to result in a new constructive use of this resource.

Parks in Paso Robles: All involved Paso Robles parks are within 500 feet of the existing railroad ROW. However, the existing railroad ROW does not directly traverse any Paso Robles parks and the existing tracks are not located immediately adjacent to any Paso Robles parks.

Through Paso Robles, the Preferred Alternative contemplates track upgrades that would not be expected to result in a permanent use because the upgrades would take place entirely within the existing railroad ROW. The Preferred Alternative would also increase passenger rail service throughout the entire corridor with up to four new train passings per day, which could increase noise at Paso Robles parks above existing levels. Given the high noise levels to which this resource is already exposed as a result of the proximity to US 101 and existing rail use (both freight and passenger trains travel through Paso Robles), the additional passenger rail service is unlikely to result in a new constructive use of Section 4(f) resources in Paso Robles.

Templeton Parks, Heilmann Park and Paloma Park, Atascadero; and Santa Margarita Community Park: The existing rail alignment is directly adjacent to two parks each in Templeton and Atascadero, and one park in Santa Margarita.

As shown in **Table 4-2**, desktop analysis had indicated potential permanent use of 0.5 acres of the Evers Sports Park in Templeton from the Templeton Siding. However, a review of aerial photography shows that the sports fields within Evers Park are separated from the existing railroad (double-tracked in this vicinity) by extensive fencing and trees. Notably, the existing siding runs along the mainline track for the length of the park. The potential siding extension would be located approximately 600 feet to the north and/or about 3,000 feet to the south. Therefore, the Templeton siding has no potential to result in a permanent use of Evers Sports Park. Given the distance between Evers Sports Park and the existing northern and southern ends of the siding (at which any extension would be located), the potential for temporary or constructive use of Evers Sports Park would be negligible.

Proposed components for all other Templeton, Atascadero, and Santa Margarita parks would include track upgrades within the existing railroad ROW and the addition of passenger service. These proposed components would not require relocating or expanding the railroad ROW. Moreover, track improvements would be unlikely to require temporary use of adjacent lands, as most of the work can be completed entirely within the existing footprint of the tracks. Therefore, corridor-wide track and signal upgrades would have virtually no potential for permanent or temporary use of parks in Templeton, Atascadero, and Santa Margarita.

City of San Luis Obispo Parks: Trains currently travel through San Luis Obispo on the existing rail alignment, passing within a quarter-mile or less of two City-owned parks protected by Section 4(f). No temporary or permanent impacts would result as the proposed track upgrades would occur entirely within existing railroad ROW. Within an urbanized area, these parks are exposed to existing traffic noise. Track upgrades and increased passenger rail service through this area would have some potential to increase the noise above current levels, but given the current urban environment, the noise increase would be unlikely to result in a constructive use.

Stenner Springs Natural Reserve: The existing alignment skirts the southern edge of the Stenner Springs Natural Reserve. Track upgrade work proposed to occur near Stenner Springs would occur within the existing alignment and would not result in any temporary or permanent Section 4(f) use. Increased passenger rail service would potentially result in somewhat higher noise levels here, but given the existing presence of the railroad and proximity to urbanized areas, the noise increase would be unlikely to result in a constructive use.

Table 4-2 Summary of Potential Impacts to Section 4(f) Resources - Preferred Alternative

Proposed Components	Preferred Alternative Type of Use (acres)		
	Permanent	Temporary	Resources Requiring Additional Constructive Use Analysis at Tier 2
Salinas Powered Switch	0	0	0
Upgrades to Existing Alignment Section #1	0	0	Bataan Memorial Park
Spence Siding Extension	0	0	0
Upgrades to Existing Alignment Section #2	0	0	Bill Ramus Park Cesar Chavez Park Gonzales Cemetery Vosti Park
Gonzales Powered Switch	0	0	0
Soledad Powered Switch	0	0	0
Soledad New Passenger Station	0	0	Cesar Chavez Park
Harlem/Metz Curve Realignments	0	0	0
Chalone Creek New Siding	0	0	0
Upgrades to Existing Alignment Section #3	0	0	0
Coburn Curve Realignments	0	0	0
King City Siding Extension	0	0	0
King City New Passenger Station	0	0	0
King City Powered Switch	0	0	0
Upgrades to Existing Alignment Section #4	0	0	0
MP 165 Curve Realignment	0	0	0
San Lucas New Siding	0	0	0
Upgrades to Existing Alignment Section #5	0	0	0

Proposed Components	Preferred Alternative Type of Use (acres)		
	Permanent	Temporary	Resources Requiring Additional Constructive Use Analysis at Tier 2
MP 172 Track Realignment	0	0	0
San Ardo Powered Switch	0	0	0
Getty/Bradley Curve Realignments	0	0	0
Bradley Siding Extension	0	0	0
Bradley Powered Switch	0	0	0
Upgrades to Existing Alignment Section #6	0	Big Sandy Wildlife Area: 2.30	Big Sandy Wildlife Area
Upgrades to Existing Alignment Section #7	0	Big Sandy Wildlife Area: 0.30	Big Sandy Wildlife Area Rios Caledonia Adobe
McKay/Wellsona Curve Realignments	0	0	0
McKay Powered Switches	0	0	0
Wellsona New Siding	0	0	0
Upgrades to Existing Alignment Section #8	0	0	Lawrence Moore Park Paso Robles City Park Pioneer Park Robbins Field
Wellsona/Paso Robles Curve Realignments	0	0	0
Templeton Siding	0	0	Evers Sports Park Templeton Skate Park
Templeton/Henry Curve Realignments	0	0	0
Upgrades to Existing Alignment Section #9^a	0	0	Heilmann Park Paloma Creek Park Open Space Santa Margarita Community Park
Henry/Santa Margarita Curve Realignment ^b	0	0	0
Santa Margarita Powered Switch	0	0	0
Cuesta Second Main Track ^c	0	0	0

Proposed Components	Preferred Alternative Type of Use (acres)		
	Permanent	Temporary	Resources Requiring Additional Constructive Use Analysis at Tier 2
Upgrades to Existing Alignment Section #10	0	0	Elsford Park Los Padres National Forest Santa Rosa Park Stenner Springs Open Space

Source: ICF 2013, Circlepoint 2015.

Notes: a) In a review of aerial maps, BLM land was identified for potential constructive use impacts at Upgrades to Existing Alignment Section #9. Since there are no recreation facilities on this land, the lands are likely not protected by Section 4(f), so no constructive use under Section 4(f) could occur. (Personal Communication between Lily Gilbert and Harrison Friedman, August 14, 2014).

b) In a review of aerial maps, BLM land was identified for potential permanent use by a portion of the Henry/Santa Margarita Curve Realignment. There are no recreation facilities in this property owned by BLM, so the lands are likely not protected by Section 4(f). (Personal Communication between Lily Gilbert and Harrison Friedman, August 14, 2014).

c) In a review of aerial maps, the proposed second mainline was identified as traversing a portion of the Los Padres National Forest (LPNF) near Cuesta Grade. The affected portion of the LPNF is used for utilities and transportation purposes (including the existing railroad ROW and US 101) and is not identified or used for recreational purposes. As this portion of the LPNF is not used for recreational purposes, the lands would not be covered by Section 4(f).

d) The Draft Program EIS/EIR previously noted potential Section 4(f) uses from Upgrades to Existing Alignment Sections # 6 and 7 as a “permanent” use. As discussed, no permanent Section 4(f) uses would occur in these areas because components only constitute track and signaling upgrades within the railroad ROW. The Final Program EIS/EIR was modified to show only a potential “temporary” Section 4(f) use. Proposed components under the Preferred Alternative and Build Alternative for Upgrades to Existing Alignment Sections #6 and EA 7 are the same, thus the temporary Section 4(f) use is carried forward as well.

e) The City of King has plans to eventually carry the Juan Bautista de Anza National Historic Trail near the proposed station area. However, the existing trail corridor is located more than a mile away from the station area and does not constitute a Section 4(f) resource at this time. Therefore, any prospective Section 4(f) use would be unlikely. Both passenger and freight trains currently travel through Soledad in proximity to these parks on the existing rail alignment. The Preferred Alternative would bring additional train activity through Soledad, but passenger trains would likely be moving at lower speeds because they would be approaching/departing the new proposed Soledad station. Therefore, a constructive use of any existing Soledad park is unlikely.

Island CTC: The Preferred Alternative would include the installation of a 27-mile “island” CTC between McKay and Santa Margarita (between MP 202.3 and MP 229.6). As described for the Build Alternative, CTC requires the installation of railway signaling poles of about 10-12 feet in height at periodic intervals within the railroad ROW. Section 4(f) properties in this stretch of the alignment include: the Rios Caledonia Adobe, Pioneer Park, Paso Robles City Park, Robbins Field, Lawrence Moore Park, Evers Park, Templeton Skate Park, Heilmann Park/Chalk Mountain Golf Course, and Paloma Creek Park. Because island CTC would consist of physical improvements (signals) limited to the railroad ROW, no Section 4(f) use would occur of any of these rail-adjacent properties. Because the improvements would occur within an active and existing railroad, the CTC equipment within this area would be unlikely to result in any constructive use of the Section 4(f) properties.

Cultural Resources

Archaeological Sites

Archaeologically sensitive areas have been identified within the study area; these areas are described in **Section 3.10, Cultural Resources**. Given the programmatic nature of this evaluation, FRA has not conducted intensive archaeological surveys of the study area. Consequently, FRA has not identified properties eligible for listing on the NRHP or determined potential effects on eligible properties. However, previously undocumented archaeological materials may be present on documented significant sites and sensitive landforms, and could be inadvertently discovered or damaged during ground-disturbing activities. **Section 3.10, Cultural Resources**, describes measures to address unidentified archaeological resources.

In Monterey County, four archaeological sites were recorded within existing alignment section #6, but the eligibility status has not been evaluated or determined.¹⁹ Preferred Alternative components in this area include upgrades to the existing tracks. Improvements to the existing alignment would occur within the railroad ROW and would be limited to already disturbed areas. Therefore, the Preferred Alternative would be unlikely to affect recorded archaeological sites within section #6 of the existing alignment in Monterey County.

¹⁹ Resources at these four archaeological sites are considered to be highly disturbed prehistoric lithic scatter along the Salinas River floodplain. Lithic scatters in these areas include pieces of eroded cryptocrystalline debitage, core tools, chert flakes, and one fragment of burned bone.

Three archaeological sites were recorded within the Getty/Bradley curve realignment areas.²⁰ Proposed curve realignments would have a larger potential impact because the footprint of the required work would require conversion of land outside the existing railroad ROW. Therefore, construction of this curve realignment would have a high potential to disturb and/or uncover archaeological sites.

In San Luis Obispo County, archaeological sites were recorded in various locations within the existing alignment and in physical improvement areas. There are a total of 12 archaeological sites located within existing alignments section #7, section #8, section #9, and section #10 in San Luis Obispo County.²¹ Both of these sites were recorded, but eligibility for the NRHP and CRHR was not determined. In section #10 of the existing alignment, two concrete foundations were recorded and evaluated in 2006, but deemed not eligible for the NRHP and CRHR.

Most notably, the Mission San Miguel Arcangel is located within the study area in the northern portions of San Luis Obispo County and is considered a California Historical Landmark, but eligibility for the NRHP and CRHR was not determined. The Rios-Caledonia Adobe is located near the Mission San Miguel Arcangel and is listed on the NRHP and is also a California Historical Landmark. No physical components outside of the railroad ROW would occur in these areas because the Preferred Alternative only entails system-wide components including track tie and ballast upgrades. As a result, these historic archaeological resources would not likely be affected. However, appropriate measures consistent with Section 106 may be required to avoid, minimize, or mitigate potential adverse effects to such resources.

A total of two archaeological sites were recorded within the buffer areas of the new Wellsona siding and the Templeton siding extension.²² These sites were recorded but their eligibility was not determined. Both of these proposed sidings would occur within the existing railroad ROW and would be limited to already disturbed areas. Therefore, the Preferred Alternative would not likely affect recorded archaeological sites within these sidings' permanent and temporary impact areas.

²⁰ These recorded sites are also prehistoric lithic scatters and chert flakes along the Salinas River.

²¹ The cultural resources found at these sites include mostly lithic scatters and chipped stone debris, similar to archaeological sites recorded in Monterey County. An isolated burial site was recorded as well as a temporary village (recorded three times between 1971 and 1999).

²² The Wellsona siding site was recorded as a lithic scatter and the Templeton siding was recorded as bedrock mortar.²²

In the event any one or more components move forward for further design, funding, and implementation, appropriate surveys would be conducted to determine NRHP eligibility.

Any final Section 4(f) use determinations that would be included in subsequent, project-level NEPA review will be dependent upon the results of NRHP eligibility determinations and an analysis of the potential effects of the components to eligible resources. FRA will evaluate design modifications to avoid ground disturbance at the location of any archaeologically sensitive areas. If the areas cannot be avoided, FRA will conduct archaeological data recovery for the purposes of site identification and significance evaluation. If they are determined eligible for the NRHP, FRA will determine, in consultation with the appropriate parties, whether the component will adversely affect an eligible resource. If FRA determines that an adverse effect would result from the component, FRA will mitigate impacts as appropriate including through archaeological data recovery as described in **Section 3.10, Cultural Resources**.

If archaeological resources are encountered inadvertently during construction and are determined to be eligible for the NRHP and warrant preservation in place, FRA will expedite preparation of separate Section 4(f) evaluations for such resources in any project-level NEPA review that may be required.

Historic Resources

Based on the analysis conducted for Cultural Resources (see **Section 3.10**), there is only one historic architectural resource that has been determined eligible for NRHP listing, the Bradley Road Bridge. The Bradley Road Bridge is located west of the existing alignment in southern Monterey County. The only physical component potentially occurring outside the railroad ROW near the Bradley Road Bridge is the proposed Bradley siding extension. The siding currently ends about 0.75 miles the southeast of the Bradley Road Bridge. If the siding is extended to the south, the siding extension would be about 0.8 miles to the southeast of the Bradley Road Bridge - in other words, farther away from the Bradley Road Bridge than the current siding. Therefore, it is unlikely that a use of the Bradley Road Bridge would occur.

If the Bradley Siding moves forward into construction, project-level of review would be conducted to formally determine the potential for the Preferred Alternative component to affect the bridge's previously established eligibility.

Additionally, over 50 recorded historic resources potentially affected by various components of the Preferred Alternative may require evaluation under the NRHP criteria. One or more of these may be found to qualify for protection under Section

4(f). If such resources are determined to be eligible for the NRHP and warrant protection, FRA would prepare Section 4(f) evaluations.

The Preferred Alternative reflects the City of King's revised draft station area plans, which retain the general downtown location assumed for the Build Alternative in the Draft Program EIS/EIR. The Preferred Alternative more specifically encompasses the parcels envisioned by the City for its future passenger station.

Two structures are located within the footprint of the City of King passenger station analyzed as part of the Preferred Alternative. While the structures appear to be older than 45 years in age, the actual year of their construction is not recorded in County or City records. The structures appear to be utilitarian storage buildings, with metal exteriors and are located within the railroad ROW. In its preliminary design work for the proposed station, the City of King did not call out these structures as potentially historic resources. While it is highly unlikely that these structures possess historic value, without a more formal evaluation, there is not enough evidence to conclusively determine in this Program EIS/EIR whether one or both are eligible for listing on the National Register of Historic Places and also protected by Section 4(f). Therefore, any future project-level environmental review of the proposed City of King station would require a site-specific analysis of potential cultural resources. If any federal approval or funding were to be involved, this environmental review would need to include an evaluation of potential Section 4(f) uses.

Regarding the siding extension, the Draft Program EIS/EIR found no Section 4(f) resources within the study area of the Build Alternative siding extension. However, as discussed in the **Section 3.10, Cultural Resources**, the revised siding extension buffer assumptions included under the Preferred Alternative would extend to be within proximity of a portion of the Southern Pacific Railroad, which was identified as potentially historic resource within Existing Alignment #3 of the Build Alternative, but was not evaluated. Physical components would be unlikely to alter historical values or eligibility as the components would be consistent with existing railroad use. However, future project-level environmental review would be necessary to formally determine the potential to affect cultural resources in this location.

Class I Areas

The Preferred Alternative would add up to four new train trips each day; therefore, it is possible that a slight increase in pollutant emissions could affect visibility in the identified areas. However, as detailed in **Section 3.2, Air Quality and Greenhouse Gases**, the Preferred Alternative could have a minor positive effect on regional air

pollutant emissions. Given these factors, the Preferred Alternative would not be expected to cause substantial degradation in visibility in Class I areas.

4.7 PRELIMINARY SECTION 4(F) FINDING

Based on this program-level analysis and as described above, certain components of the Preferred Alternative could result in impacts to resources protected by Section 4(f). Further analysis will be completed during project-level environmental process(es) to make final determinations regarding a resource's eligibility for protection under Section 4(f) (e.g., two potentially historic properties near the passenger station in the City of King), as well as whether the project component(s) would result in a use of any of those resources eligible for protection. If the project-level environmental analysis finds a use of a 4(f) property, it would also include the identification of all feasible and prudent avoidance alternatives and all possible measures to minimize harm.

As discussed above, at this stage in the environmental review process, design is still at a conceptual level. Furthermore, final Section 106 eligibility and effects determinations have not been completed. However, all components of the Preferred Alternative would include the following avoidance, minimization and mitigation strategies.

Future evaluations could include the following analyses:

- Detailed physical descriptions of the plan area for the component (including plans and profiles).

Complete descriptions of the potential impacts on Section 4(f) resources in light of refined designs. Specific potential impacts on each resource would be identified, including any impacts that could affect ambient noise, air quality, transportation, and visual resources. In particular, a reevaluation of the potential noise effects of the proposed curve realignments and second mainline on Section 4(f) resources would be completed.

Applicability of the *de minimis* finding would be evaluated for proposed uses and potential impacts on Section 4(f) resources.

- If necessary, the identification of feasible and prudent alternatives that avoid the use of a Section 4(f) property.
- Identification and evaluation of strategies to avoid or minimize proposed use of and impacts on Section 4(f) resources by narrowing ROW/disturbance limits, realigning/relocating project features, and developing other alignment

adjustments. The accompanying analysis would evaluate the technical feasibility of each mitigation measure, including cost estimates with figures showing percentage differences in total project costs, possibility of community or ecosystem disruption, and other potential significant adverse environmental impacts of each alternative. The financial, social, or ecological costs or potential adverse environmental impacts of each alternative would also be addressed, as well as unique problems and extraordinary magnitudes of impacts.

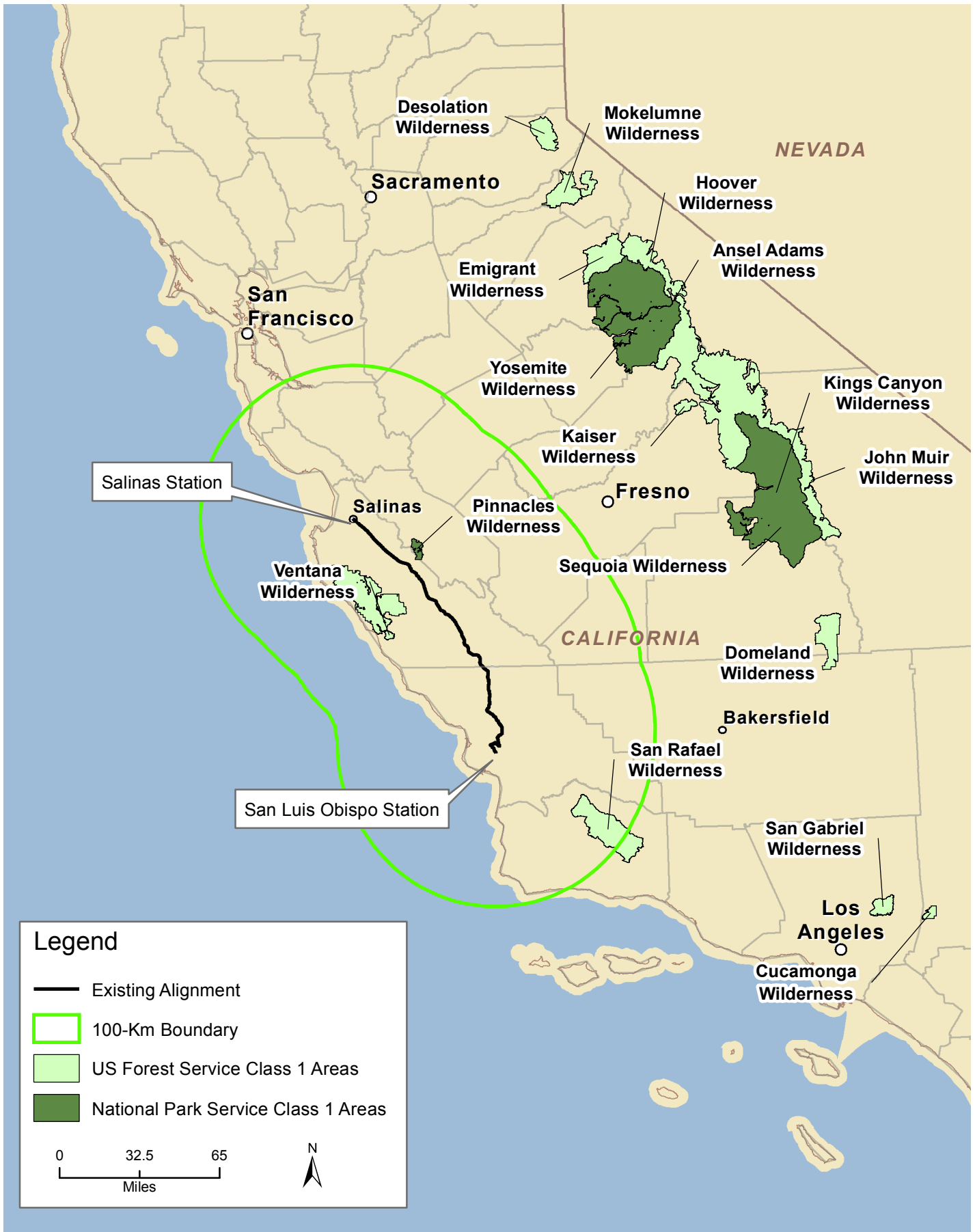
- Documentation of consultation with the affected local jurisdictions and owners/operators of each of the identified Section 4(f) resources. Required documentation includes proof of concurrence or efforts to obtain concurrence from the public official or officials having jurisdiction over the Section 4(f) resources and documentation of the planning that took place to minimize harm to the affected resources. Input from the public, or documentation of efforts to obtain input from the public, must be included. The public would be consulted on proposed effects to recreational or wildlife refuge resources and historic resources.

In addition to these analyses, mitigation measures would be identified. Mitigation measures for natural, cultural, aesthetic and recreational impacts could include, but would not be limited to, the following:

- Compensation for temporary and loss of park and recreation use.
- Where necessary, provide alternative transit service to park visitors.
- Restore directly impacted park lands to a natural state after construction.
- Planning studies for relocated facilities, including measures for design and appropriate replacement with minimal impact on park use.
- Inventory and document affected historic structures. Identify appropriate mitigation to address adverse effects to historic structures.
- Use local native plants for revegetation.
- Employ best management practices during construction and maintenance to protect wetland resources.
- Construct wildlife under- or over-crossings as necessary.
- Incorporate construction best practices to protect critical wildlife corridors and visitor use areas within any impacted public park.

4.8 PRELIMINARY SECTION 6(F) FINDING

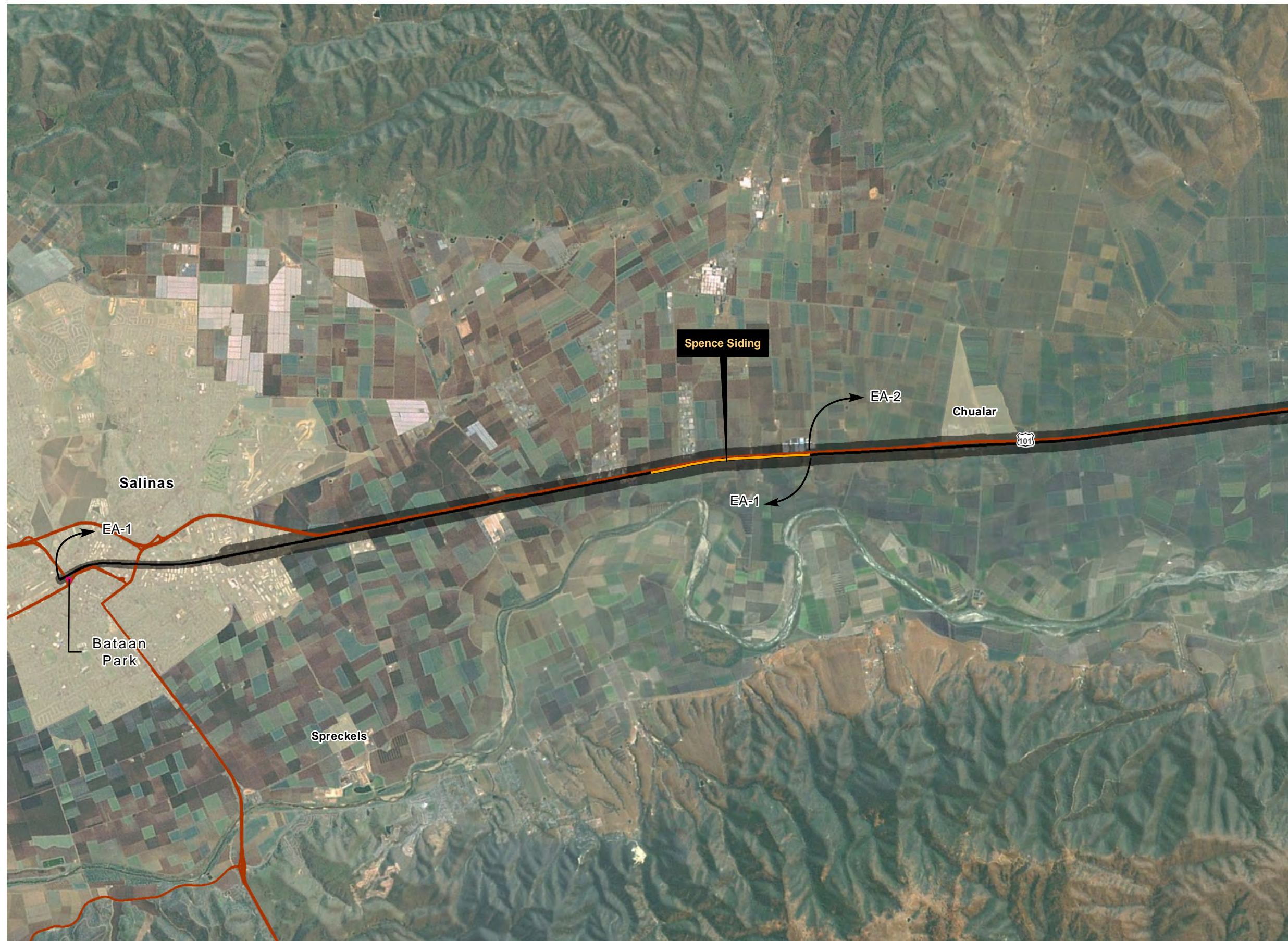
The Program EIS/EIR analyzed the California State Parks Land and Water Conservation Fund grants list for Monterey and San Luis Obispo counties and did not identify any Section 6(f) resources that would be affected by the Selected Alternative. Like Section 4(f), to the extent any individual components of the Selected Alternative advance toward construction, project-level evaluations and findings under Section 6(f) would be prepared as part of project-level environmental reviews.



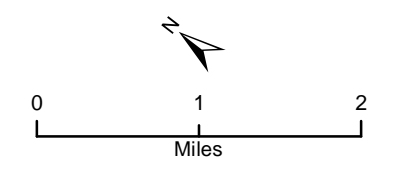
Clean Air Act Designated Class 1 Areas

Figure 4-1

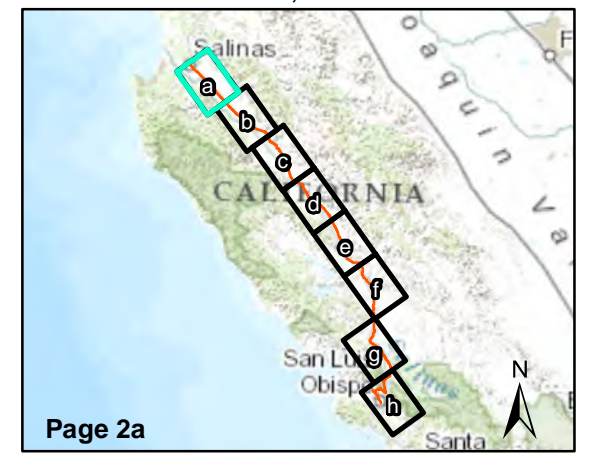
Source: TCF International, 2013



- Legend**
- Section 4(f) Study Area
 - 4(f) Property
 - Potential 4(f) Property
- Project Components**
- Existing Alignment
 - Sidings
 - Realignments



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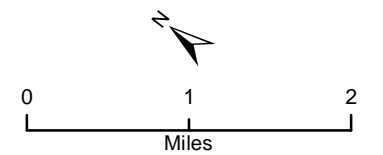
Section 4(f) Properties **Figure 4-2a**

Source: ICF International, 2013; Greeninfo Network, 2013

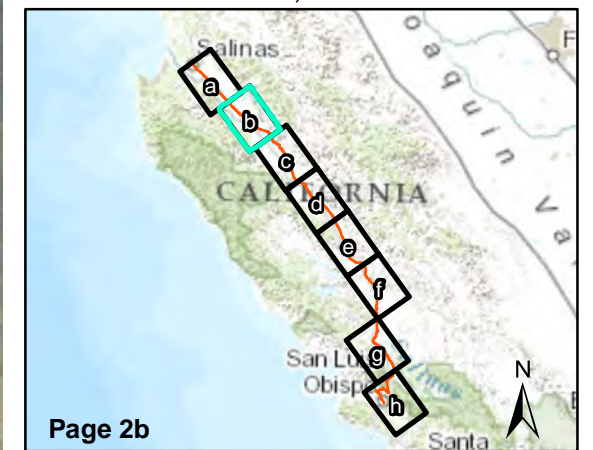


Legend

- Section 4(f) Study Area
 - 4(f) Property
 - Potential 4(f) Property
- Project Components**
- Existing Alignment
 - Sidings
 - Realignments

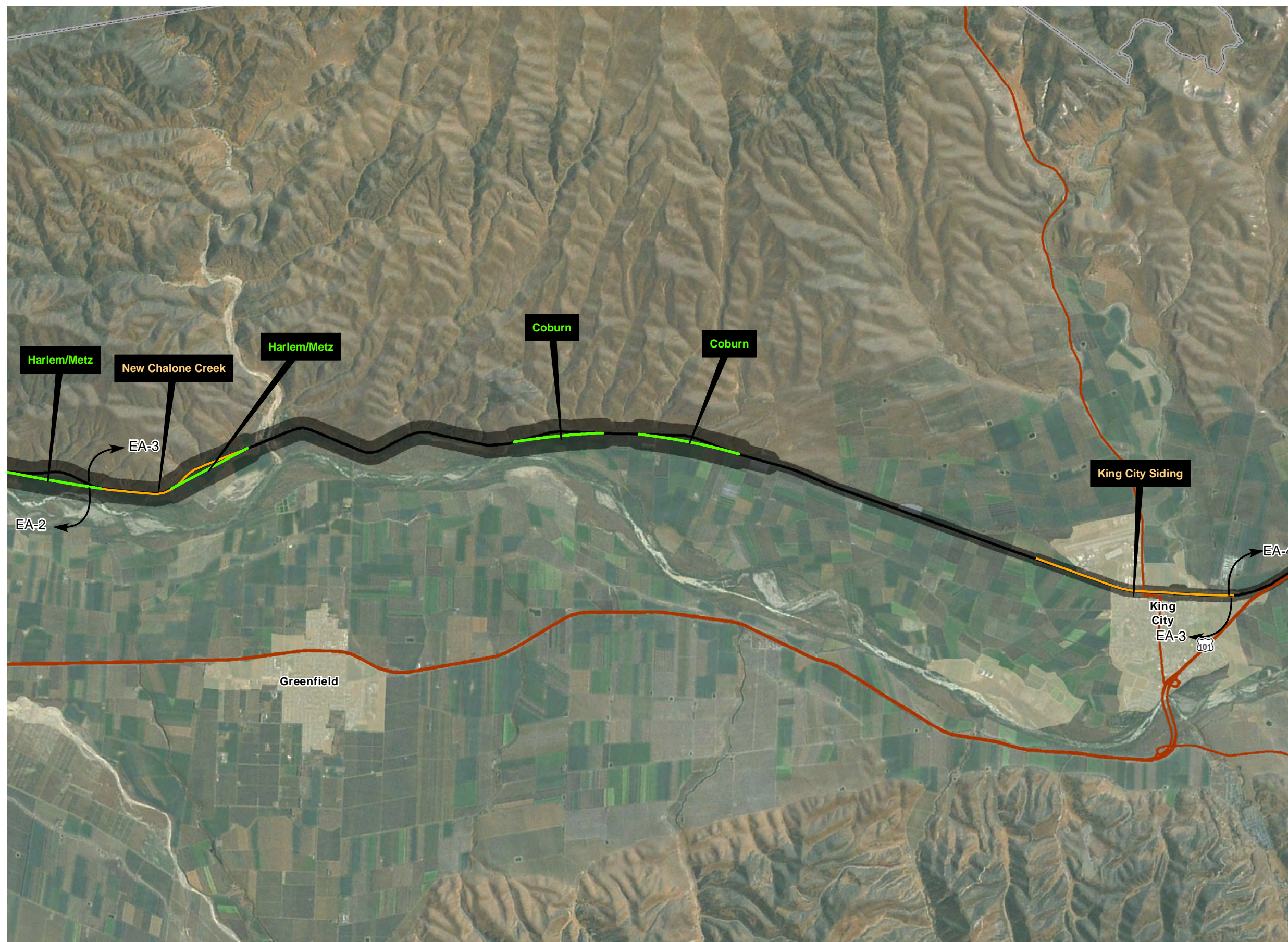


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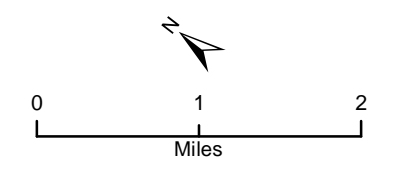


Page 2b

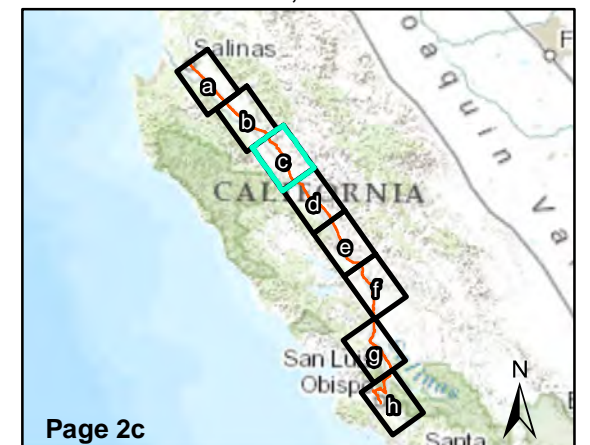
Section 4(f) Properties **Figure 4-2b**



- Legend**
- Section 4(f) Study Area
 - 4(f) Property
 - Potential 4(f) Property
- Project Components**
- Existing Alignment
 - Sidings
 - Realignments

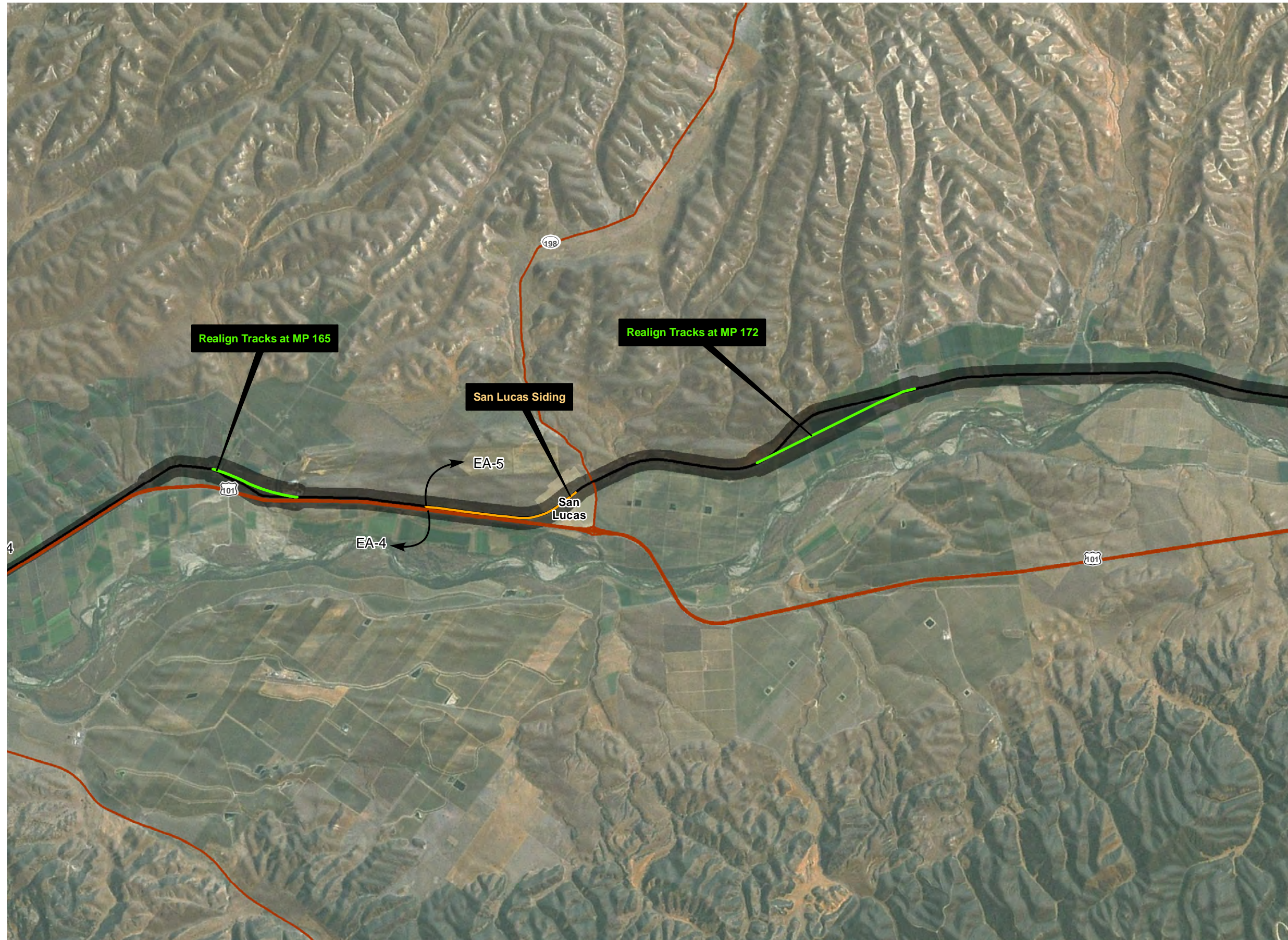


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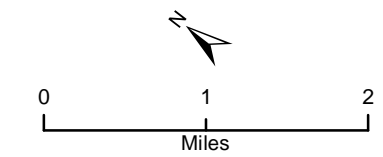
Section 4(f) Properties **Figure 4-2c**

Source: ICF International, 2013; Greeninfo Network, 2013

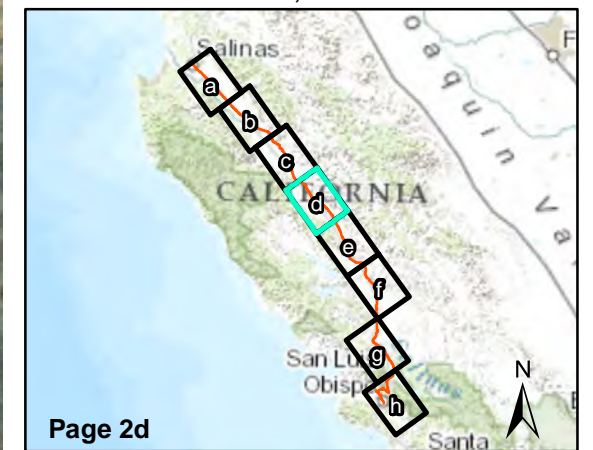


Legend

- Section 4(f) Study Area
 - 4(f) Property
 - Potential 4(f) Property
- Project Components**
- Existing Alignment
 - Sidings
 - Realignments

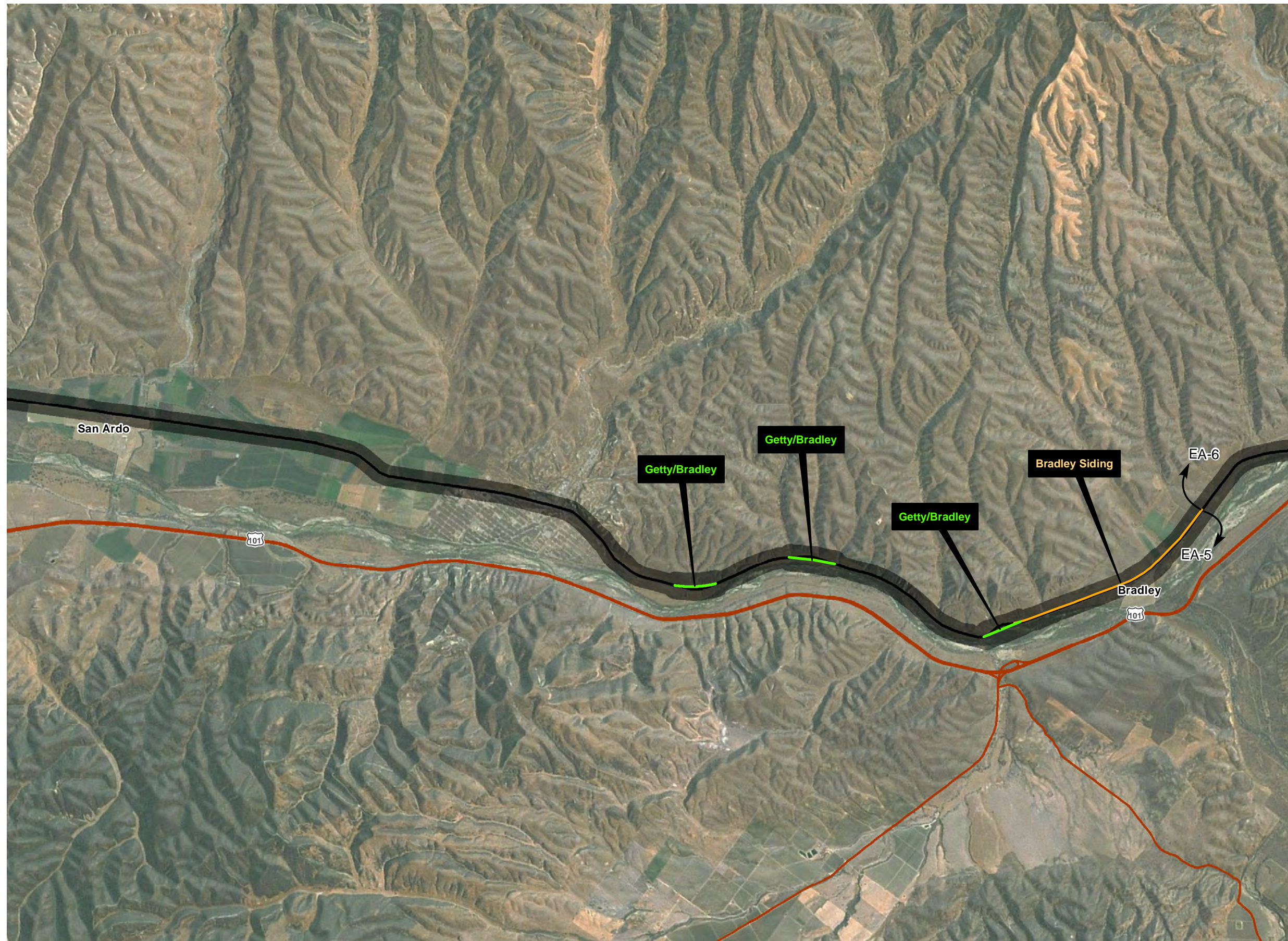


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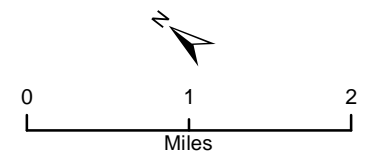
Page 2d

Section 4(f) Properties **Figure 4-2d**

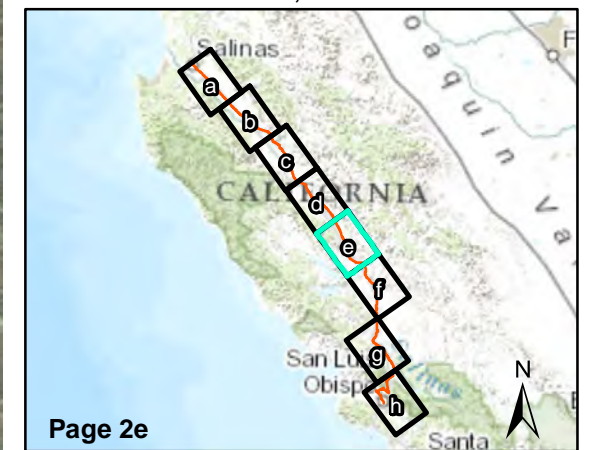


Legend

- Section 4(f) Study Area
 - 4(f) Property
 - Potential 4(f) Property
- Project Components**
- Existing Alignment
 - Sidings
 - Realignments

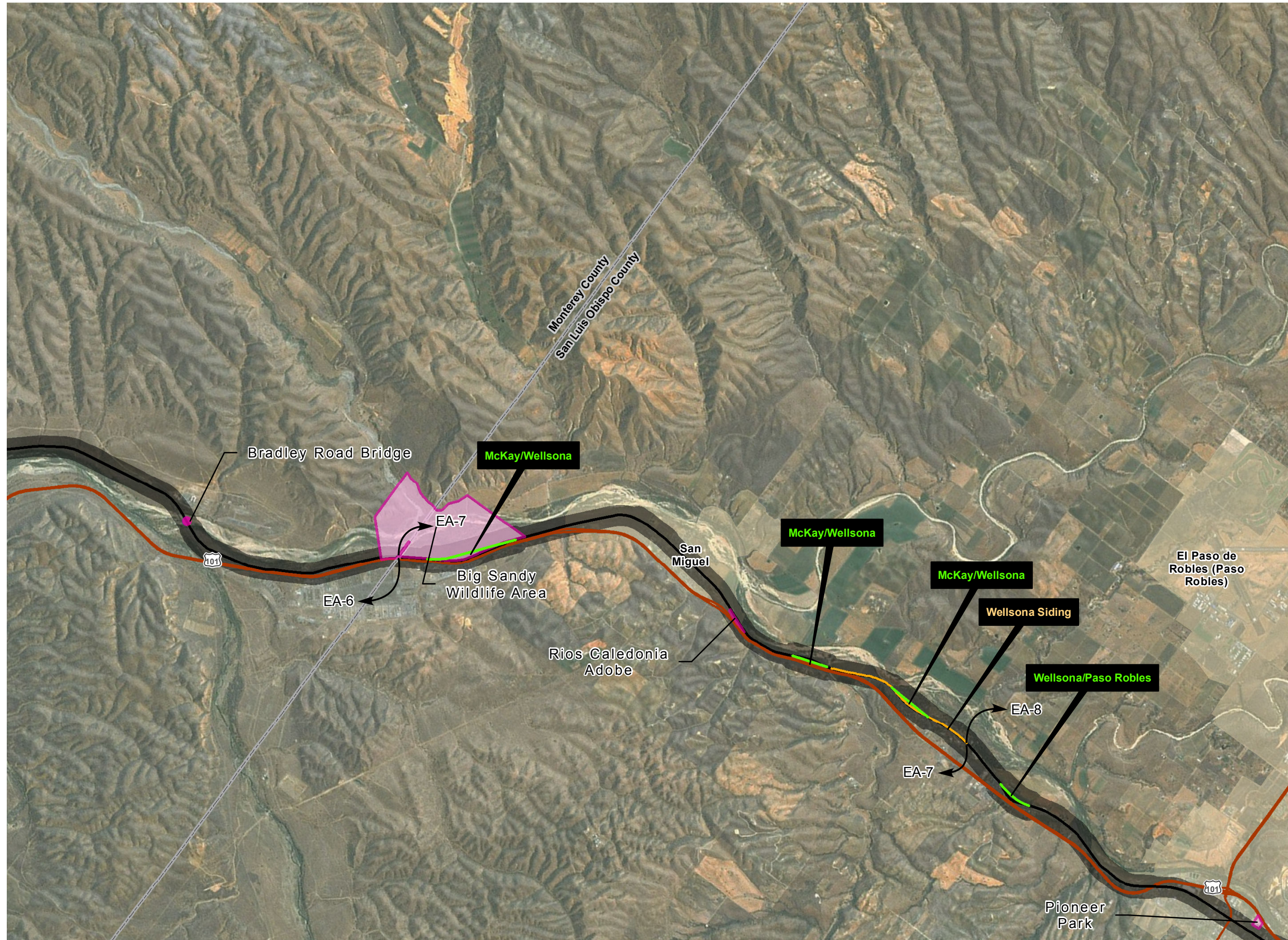


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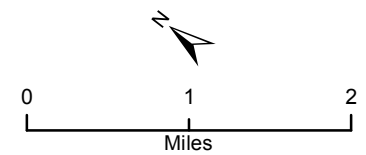
Page 2e

Section 4(f) Properties **Figure 4-2e**

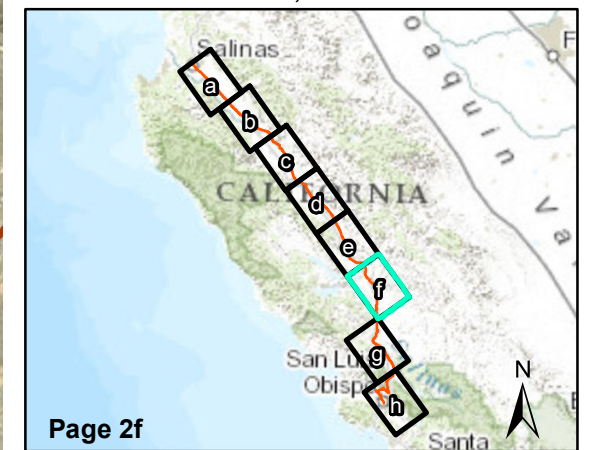


Legend

- Section 4(f) Study Area
 - 4(f) Property
 - Potential 4(f) Property
- Project Components**
- Existing Alignment
 - Sidings
 - Realignments

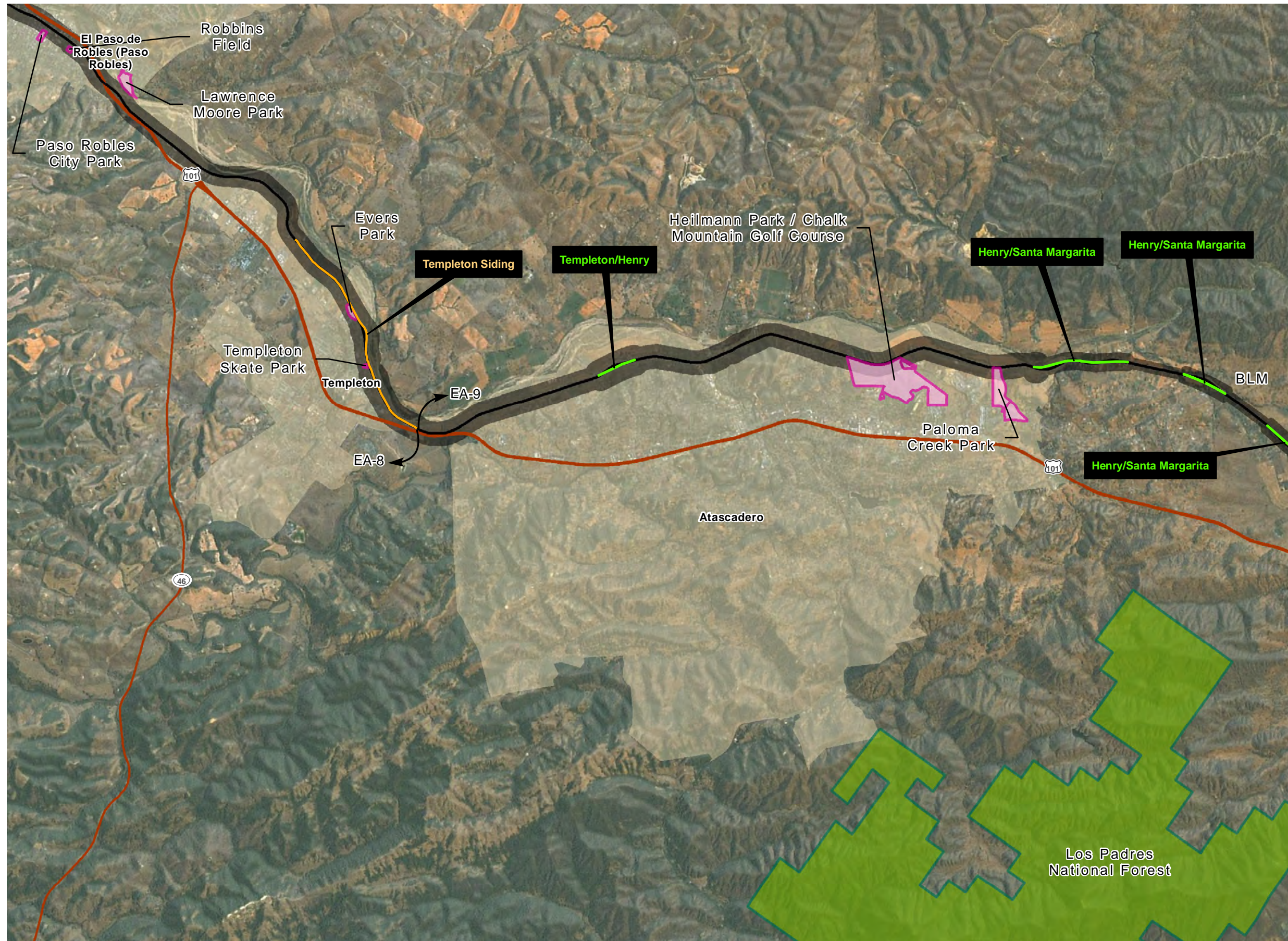


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Page 2f

Section 4(f) Properties **Figure 4-2f**

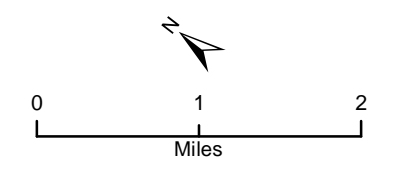


Legend

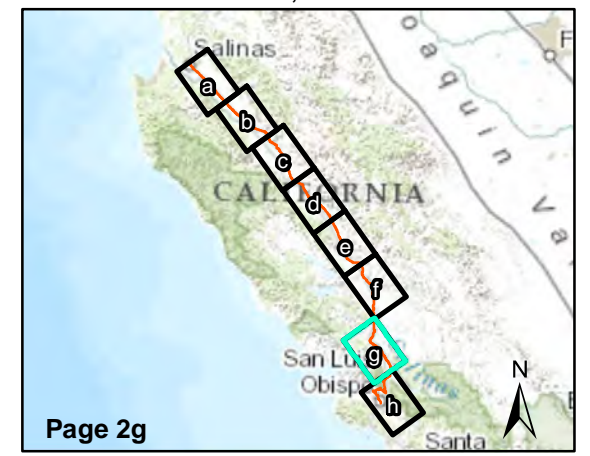
- Section 4(f) Study Area
- 4(f) Property
- Potential 4(f) Property

Project Components

- Existing Alignment
- Sidings
- Realignments



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Section 4(f) Properties **Figure 4-2g**

Source: ICF International, 2013; Greeninfo Network, 2013

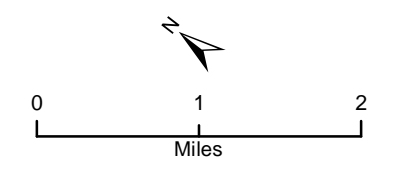


Legend

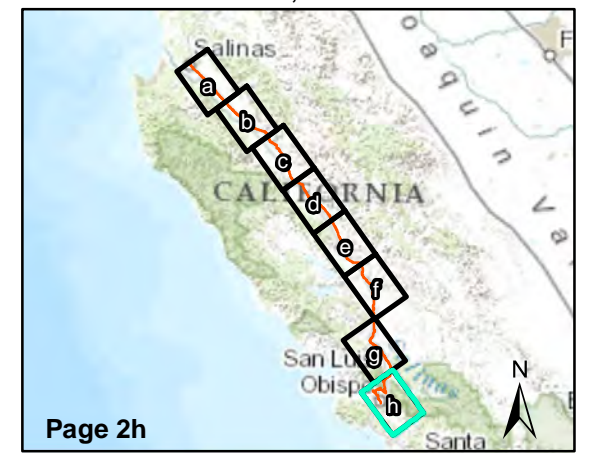
- Section 4(f) Study Area
- 4(f) Property
- Potential 4(f) Property

Project Components

- Existing Alignment
- Sidings
- Realignments



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Section 4(f) Properties **Figure 4-2h**

Source: ICF International, 2013; Greeninfo Network, 2013