

# REEVALUATION SUMMARY AND CONCLUSION FOR THE XPRESSWEST HIGH-SPEED TRAIN PROJECT

## 1.0 INTRODUCTION

This memorandum documents the Federal Railroad Administration's (FRA) conclusion that a supplemental Environmental Impact Statement (EIS) is not required for the XpressWest High-Speed Train Project (Project).

In March 2011, FRA issued the *Final EIS and Final Section 4(f) Evaluation for the Proposed DesertXpress High-Speed Passenger Train Victorville, California to Las Vegas, Nevada* (DesertXpress FEIS). FRA subsequently issued a Record of Decision (ROD) for the Project in July 2011. However, the Project did not proceed to construction. In 2018, DesertXpress Enterprises, LLC proposed certain design modifications to the Project. While FRA did not have any approvals relating to the Project, FRA agreed to work with other Federal and State agencies and DesertXpress Enterprises, LLC to prepare a written reevaluation. The purpose of the reevaluation was to provide the agencies with the information necessary to determine whether a supplemental EIS is needed under the National Environmental Policy Act (NEPA).

In accordance with FRA's *Procedures for Considering Environmental Impacts* (64 Fed. Reg. 28545, May 26, 1999), if major steps toward implementation of the proposed action have not occurred within the time frame, if any, set forth in the final EIS, or within five years from the date of approval of the final EIS, a written reevaluation of the adequacy, accuracy, and validity of the final EIS shall be prepared, and a new or supplemental EIS prepared, if necessary. The attached written reevaluation evaluates whether new information, changes in circumstances, or design refinements to the proposed action (collectively referred to as Project Modifications) require the preparation of a supplemental EIS.

## 2.0 Summary of Findings

Generally, a supplemental EIS is necessary if:

- (1) Changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS; or
- (2) New information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS.<sup>1</sup>

FRA assessed the Project Modifications against the proposed action described in the DesertXpress FEIS and ROD. FRA determined the Project Modifications would result in similar impacts to those evaluated in the DesertXpress FEIS, and concluded the Project Modifications would reduce the overall impacts from the proposed action. Based on the analysis and findings in the attached written reevaluation, FRA finds that the Project Modifications do not constitute changes in the proposed action that would result in significant environmental impacts that were not evaluated in the DesertXpress FEIS.

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<sup>1</sup> See 40 C.F.R. § 1502.9(c).

In addition, FRA did not identify new information or circumstances relevant to environmental concerns regarding the proposed action that would result in new significant impacts. As described in the written reevaluation, FRA identified any regulatory changes since the issuance of the DesertXpress FEIS and ROD, and analyzed the affected environment to ensure the conclusions of the DesertXpress FEIS and ROD remained valid given the passage of time and updates to the regulatory setting. FRA concludes the DesertXpress FEIS and ROD remains adequate, accurate, and valid.

### 3.0 Mitigation Commitments

As stated in the reevaluation, DesertXpress Enterprises, LLC will implement the mitigation measures listed Attachment I, Mitigation Measure Summary, which were refined to account for the Project Modifications.

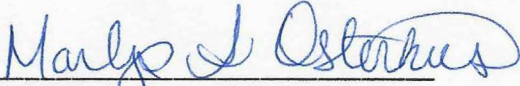
### 4.0 Related Environmental Laws

The purpose of the reevaluation is to provide sufficient information to determine whether a supplemental EIS is required under NEPA. However, FRA continues to work with relevant Federal and State agencies to complete reviews required by other environmental laws. For example, concurrently with the preparation of this written reevaluation, FRA is working with the appropriate consulting parties to complete the Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108).<sup>2</sup> FRA will also work with the Federal Highway Administration and the State Departments of Transportation to conduct an evaluation under Section 4(f) of the Department of Transportation Act (49 U.S.C. § 303), as necessary. DesertXpress Enterprises, LLC must secure all other approvals necessary to commence construction activities.

### 5.0 Conclusion

Based on the foregoing and the analysis in the written reevaluation, FRA concludes that a supplemental EIS is not required, and the Project Modifications are consistent with the proposed action described in FRA's 2011 FEIS and ROD.

Approved by:

  
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Division Chief  
Environment and Project Engineering, FRA

9/9/2020  
Date:

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<sup>2</sup> The Programmatic Agreement for the proposed action, executed in 2011, expired prior to initiation of this reevaluation. As a result, FRA reinitiated consultation under Section 106 of the NHPA, and will develop an agreement document memorializing the completion of the Section 106 consultation.