

**Attachment C**  
**Response to Comments**



## **Attachment C: Summary of and Responses to Comments Received on the Environmental Assessment**

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### **1.1 INTRODUCTION**

This document summarizes and responds to substantive<sup>1</sup> comments received during the public comment period for the Environmental Assessment (EA) for the Brightline West Cajon Pass High-Speed Rail Project (the Project).

The Federal Railroad Administration (FRA) made the EA available for review and comment by agencies and the public for a 30-day period between October 28, 2022 and November 28, 2022. A notice of availability of the EA was distributed via email and postcard to the Project mailing list and local residents in the Project area. The Project area consists of the cities along the rail alignment, beginning in Victor Valley and terminating in Rancho Cucamonga. The EA was available on FRA's website<sup>2</sup> and Regulations.gov<sup>3</sup> and its availability was advertised in the Rancho Cucamonga Daily Bulletin, The San Bernardino Sun, and Victor Valley News. Public informational meetings on the EA were held virtually on November 12, 2022 and November 15, 2022. The comment period remained open until 5:00 PM on November 28, 2022.

Section 1.2 lists the organizations and individuals providing comments substantive to the EA. The full text of all oral and written comments is included as **Attachment D** to the Finding of No Significant Impact (FONSI).

Section 1.3 contains a summary of substantive comments on the EA, with a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the section and subsection structure of the EA. Where more than one commenter expressed similar views, those comments have been grouped and addressed together.

Where relevant, in response to comments on the EA, changes have been made and are noted in an Errata Memorandum for the EA, which is included as **Attachment B** to the FONSI. These changes are noted in the applicable response to comments.

### **1.2 LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE ENVIRONMENTAL ASSESSMENT**

#### **1.2.1 GENERAL PUBLIC**

- Doug Sawyer, written testimony delivered November 27, 2022 (*Sawyer*).
- Elizabeth Lopez, written testimony delivered November 16, 2022 (*E. Lopez*)

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<sup>1</sup> Substantive comments are those made in regard to the context of the project and the EA.

<sup>2</sup> <https://railroads.dot.gov/rail-network-development/environment/environmental-reviews/brightline-west-cajon-pass-high-speed>

<sup>3</sup> <https://www.regulations.gov/docket/FRA-2022-0090/comments>

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- Robert Lovingood, written testimony delivered November 13, 2022 (*Lovingood*)
- James Mauge, written testimony delivered November 14, 2022 (*Mauge*)
- John Husing, written testimony delivered November 16, 2022 (*Husing*)
- Anthony Titolo, written testimony delivered November 15, 2022 (*Titolo*).
- Anonymous, written testimony delivered November 27, 2022 (*Anonymous 1*)
- Anonymous, written testimony delivered November 13, 2022 (*Anonymous 2*)
- Paul Tecson, verbal testimony delivered November 12, 2022 (*Tecson*)
- Marcus Nelson, verbal testimony delivered November 15, 2022 (*Nelson*)
- Tricia Almiron, verbal testimony delivered November 15, 2022 (*Almiron*)
- Andy Kunz, verbal testimony delivered November 15, 2022 (*Kunz*)
- Otis Greer, verbal testimony delivered November 15, 2022 (*Greer*)

### **1.2.2 ELECTED OFFICIALS**

- Paul Cook, First District Supervisor, San Bernardino County, written testimony delivered November 17, 2022. (*Cook*)
- Debra Jones, Victorville Mayor, written testimony delivered November 15, 2022. (*Jones*)
- Art Bishop, Apple Valley Pro Tem Mayor, verbal testimony delivered November 12, 2022. (*Bishop*)

### **1.2.3 GOVERNMENT AGENCIES**

- Daniel Little, Chief Intergovernmental Affairs Officer, San Manuel Band of Mission Indians, written testimony delivered November 28, 2022 (*San Manuel-Little*).
- Curtis Yakimow, Town Manager, Town of Yucca, written testimony delivered November 17, 2022 (*Yucca-Yakimow*).
- Town of Yucca Valley, written testimony delivered November 17, 2022. (*Yucca*)
- John Gillison, City Manager, City of Rancho Cucamonga, written testimony delivered November 28, 2022 (*Cucamonga-Gillison*).
- Sean Carlson, Team Manager, Environmental Planning Section, Metropolitan Water District of Southern California, written testimony delivered November 21, 2022 (*MWD-Carlson*).
- General Manager, Victor Valley Wastewater Reclamation Authority, written testimony delivered November 21, 2022 (*VVWRA*).
- Joseph Jordan, District Wildlife Biologist, San Bernardino National Forest, Front Country Ranger District, written testimony delivered December 7, 2022 (*SBNF-Jordan*).
- N. Jamahl Butler, Acting Forest Supervisor, San Bernardino National Forest, Front Country Ranger District, written testimony delivered after the close of the comment period on December 14, 2022 (*SBNF- Butler*).
- Nancy Sansonetti, Supervising Planner, San Bernardino Department of Public Works written testimony delivered on November 28, 2022 (*SBPW-Sansonetti*).

### **1.2.4 BUSINESSES AND ORGANIZATIONS**

- Benjamin G. Lopez, Director of Public Policy and Advocacy, Inland Empire Economic Partnership, written testimony delivered November 15, 2022 (*B. Lopez*).
- Steve Roberts, President, Rail Passenger Association of California and Nevada, written testimony delivered November 25, 2022 (*Roberts*).
- Inland Action Inc. written testimony delivered November 27, 2022 (*Inland Action*).
- Inland Empire Biking Alliance, written testimony delivered November 28, 2022 (*Inland Empire*).

## 1.3 COMMENTS AND RESPONSES

### 1.3.1 GENERAL

**Comment G-1:** Commenters expressed support for the Project overall. Commenters noted the benefits of the Project, such as improved connectivity throughout the region for commuters, reduced carbon emissions, less air pollution, and positive economic impacts. Commenters also noted that because there would be fewer vehicles on I-15, the Project would reduce vehicle miles traveled, alleviate traffic congestion including reduced spillover traffic, and as a result enhance safety. Additionally, commenters noted that the Project would enhance transit-oriented development by providing a new travel option for commuters and residents throughout the region, improve travel times, and create more jobs and spur economic activity. (*B. Lopez, Cook, Roberts, Sawyer, Lovingood, Inland Action, Yucca-Yakimow, Mauge, Husing, VVWRA, Jones, Titolo, Anonymous 1, Anonymous 2, Yucca, Tecson, Bishop, Nelson, Almiron, Kunz, Greer*)

**Response G-1:** Thank you for your comments. Your support for the Project has been recorded as part of the record.

**Comment G-2:** Two commenters asked for an extension to make comments because the 30-day public comment period included the Thanksgiving holiday. (*E. Lopez, San Manuel-Little*)

**Response G-2:** FRA considered this request to extend the established comment period. While FRA ultimately decided not to officially extend the comment period, comments received after the official close of the period were still considered and responses are provided within this document.

**Comment G-3:** The commenter inquires whether the EA has been completed and whether the Project can break ground following issuance of a Record of Decision (*Tecson*).

**Response G-3:** A Record of Decision (ROD) represents the conclusion of the Environmental Impact Statement (EIS) process. For this Project, the relevant decision document is the FONSI, which represents the conclusion of the EA process. Further federal actions and approvals required prior to breaking ground are presented in Exhibit 1 of the FONSI.

**Comment G-4:** The commenter noted that the Project includes areas designated as zones D, A, AE, X-shaded, and the Regulatory Floodway based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map and noted that impacts and proposed mitigation associated with work in these floodplains should be included in the EA. The commenter also recommended the continuous use of Comprehensive Storm Drains/Master Plans of Drainage to identify the potential alignments of future drainage and flood control facilities. The commenter recommended

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U.S. Department of Transportation enforce the most current FEMA regulations for construction within a Special Flood Hazard Area (SFHA) and floodplain. Lastly, the commenter requested that FRA continue to coordinate with the San Bernardino County of Flood Control District (District) if there are new activities or impacts to during the on-going review process and noted that District facilities built by the Army Corps of Engineers (ACOE) will require the District to obtain approval (408-Permit) from the ACOE (*SBPW-Sansonetti*).

**Response G-4:** Impacts to floodplains are discussed in Section 4.4 of the EA and in the Floodplains Technical Report prepared by HNTB (included as Attachment E to the EA). The analysis in these documents focuses on impacts to Zones A and AE as these have the highest potential for flooding (1-percent annual chance flood). Zone X (shaded) (minimal flood hazards) and Zone D (undetermined flood hazards) were not included in the analysis because they are not considered high-risk flood zones. As discussed in Section 4.4.6 of the EA, Brightline West will implement BMPs prior to construction to minimize the temporary effects on floodplains, and Brightline West will not store construction equipment or materials within the floodplain. Brightline West will return any temporary effects on floodplains to preconstruction conditions and no permanent effects to floodplains would occur. Brightline West will coordinate with the District on the alignment of future drainage and flood control facilities and will obtain all required permits prior to construction.

### 1.3.2 SECTION 4.1 AIR QUALITY

**Comment AQ-1** The EA states that the Project will result in emissions of criteria pollutants and- GHGs and identifies several mitigation measures to address such impacts. Mitigation Measure AQ-1 is focused on controlling fugitive dust during construction. One element of Mitigation Measure AQ-1 to prevent Project-related track-out onto paved surfaces is to “[r]educe nonessential earth-moving activity under high wind conditions.” This measure may not fully mitigate dust originating from disturbed areas. The commenter requested that Mitigation Measure AQ-2 be improved to ensure the same regulatory requirements are applicable to dust mitigation according to the South Coast Air Quality Management District requirements and local ordinances. (*Cucamonga-Gillison*)

**Response AQ-1** The Errata Memorandum (**Attachment B** to the FONSI) includes revisions to Mitigation Measure AQ-2 to ensure that all regulatory requirements applicable to fugitive dust mitigation are included according to the South Coast Air Quality Management District requirements and local ordinances. These include but are not limited to submittal of a Fugitive Dust Control Plan and permits required by the South Coast Air Quality Management District and the City of Rancho Cucamonga.

### **1.3.3 SECTION 4.2 NOISE AND VIBRATION**

**Comment NV-1** The EA identifies nine single-family homes along the northbound side of the proposed alignment that are projected to have moderate noise impacts, not significant enough to require mitigation for noise or vibration. The City of Rancho Cucamonga has been contacted by these residents who are concerned about the potential impacts on their quality of life and property values. The commenter requests that FRA consider requiring Brightline West to pay for upgraded windows and insulation in these homes to offset any potential, even below the level of significance, that vibration or noise may have to these residences.

The EA also assumes minimal impacts due to vibration because the work will be at least 100 feet from existing development due to the location in the median of I-15. However, Final EA should acknowledge that the alignment of the Project corridor south of Church Street will move to the west and closer to existing development. This realignment should also be incorporated into the FRA's final determination during final design. *(Cucamonga-Gillison)*

**Response NV-1** The City's concern regarding noise and vibration impacts on the nearby residents' quality of life and property value is noted and is recorded as part of the record. As discussed in Section 4.2.5.3 of the EA, at all locations, the impacts due to traffic noise from lanes being shifted closer to sensitive receptors would result in a noise increase at nearby sensitive receptors that would be noticeable, but would not rise to the level of community annoyance. This finding conservatively assumes that existing traffic trends would persist with implementation of the Project. Given that traffic-related noise levels during operation of the Project would be lowered due to the reduction in VMT, the actual change in traffic noise at these locations is expected to be negligible. Therefore, additional noise attenuation measures in the form of upgraded windows and insulation to nearby homes would not be required. No impacts from construction or operation of the trains themselves were identified in this location.

As discussed in Section 4.2.5.2 of the EA, vibration associated with construction would not result in impacts to existing development because the Project footprint is at least 100 feet from the development. The footprint includes the realignment of the Project corridor south of Church Street, where construction activities would occur at least 100 feet away from existing development. At this distance, vibration from construction activities would not impact the development.

### **1.3.4 SECTION 4.3 WETLANDS AND STREAM AREAS**

**Comment WS-1** A commenter noted that the EA mentions that the Project crosses the Day Creek channel but does not discuss any potential impacts due to any such crossing. The EA notes that proposed bridges over Day Creek and East Etiwanda Creek would fully span the channels of those features, that is,

bridge piers would not be placed in the channels. No construction work is proposed in the channels of Day Creek and East Etiwanda Creek. Oro Grande Wash is culverted at the Project crossing, so no construction work is expected at this crossing. No construction impacts are expected for these crossings. The commenter recommends this detail be included in the EA to make it clear that the Day Creek crossing was analyzed. (*Cucamonga-Gillison*)

**Response WS-1** The Errata Memorandum (**Attachment B** to the FONSI) includes revisions to the Day Creek discussion to clarify that proposed bridges over Day Creek East Etiwanda Creek would fully span the channels and that no construction work is proposed within the creek channels.

### **1.3.5 SECTION 4.5 BIOLOGICAL RESOURCES**

**Comment BIO-1** One commenter noted that existing undercrossings are used for wildlife crossings and there may be some threatened and endangered species (TES) wildlife species close to the Project area. The commenter suggested that surveys be conducted in the area. (*SBNF-Jordan*)

**Response BIO-1** The commenter's suggestion is noted. As described in Section 4.5.6 of the EA, preconstruction surveys will be conducted for special status species that have potential to occur in the Biological Study Area to determine the presence/absence of these species.

**Comment BIO-2** Section 4.5, Biological Resources: General Measure (GM) 25- Maintain Existing Wildlife Crossings indicates existing wildlife crossings will be modified or redesigned to ensure crossings are functional. Modified wildlife crossings should maintain pre-existing characteristics, such as terrain and natural light, to the maximum extent practicable. (*SBNF-Butler*)

**Response BIO-2** As described in under Section 4.5.5 of the EA, Mitigation Measure BIO-25, new culverts, bridges, and viaducts will align with all existing culverts, bridges and viaducts along I-15 to maintain these wildlife crossing corridors. For example, the Project would lengthen the existing I-15 culverts in the same locations, allowing the culverts to continue to function as wildlife crossings. The Errata Memorandum (**Attachment B** to the FONSI) includes revisions to Mitigation Measure BIO-25 to reflect that modified wildlife crossing would be designed to maintain pre-existing characteristics to the extent feasible.

**Comment BIO-3** One commenter questioned how FRA has concluded that there will be no significant impacts to resources such as plant and desert tortoise prior to conducting their review/assessment, if the EA states that review/assessment of these resources has yet to be conducted. (*San Manuel-Little*)

**Response BIO-3** FRA consulted with USFWS throughout the development of the EA for all threatened and endangered species. The conclusion in the EA is based on consultation with the USFWS and their determination that the desert tortoise



is “exceedingly unlikely” to occur in the Project area. As documented in the Biological Opinion issued on April 6, 2023 (**Attachment C** to the FONSI), USFWS concurred that the Project “is not likely to adversely affect desert tortoise, Southwestern willow flycatcher and its designated critical habitat, yellow-billed cuckoo, coastal California gnatcatcher, Santa Ana River woolly-star, and the slender-horned spineflower.” According to USFWS, surveys are not warranted.

### **1.3.6 SECTION 4.7 AESTHETICS AND DESIGN QUALITY**

**Comment AES-1** The Rancho Cucamonga Station will be elevated on a structure and will detract from partial views of the San Gabriel Mountains from nearby office buildings. In addition to the avoidance and minimization measures already identified, the commenter recommends that Brightline West be required to include a modest open space on the roof of the Rancho Cucamonga Station which would create a space for users of the station to take their dogs, stretch their legs, and potentially provide some modest habitat for migrating birds. Placing this open space on top of the station would also allow for views of the mountains that are being diminished from other vantage points and thereby mitigate aesthetic impacts from the Project. (*Cucamonga-Gillison*)

**Response AES-1** Given Brightline West’s train station design, it is not feasible to have park or open space on the roof of the Rancho Cucamonga Station. The mitigation measures described in Section 4.7.6 of the EA require the station area to be developed with architecture that complements the surrounding urban landscape character with flowing lines, form, and muted colors to address adverse aesthetic impacts from the station. The station and its associated surface parking lot will be landscaped with ornamental and native vegetation to soften the appearance of structures and hard surfaces. The landscaping will include drought-tolerant trees, shrubs, and groundcovers, as well as rock and stone. Pedestrian elements such as pathways, structures, and signage will be developed to pedestrian scale and will incorporate patterns, colors, and symbols that represent and complement the surrounding landscape.

**Comment AES-2** The EA states, “Disturbed areas within Caltrans right-of-way will be regraded to soften their contours and will be replanted as directed by Caltrans and within six months of the completion of construction.” The commenter recommends this requirement should also apply to areas outside of Caltrans’ right-of-way, such as City-owned property or privately owned property, to be regraded and replanted where disturbed. (*Cucamonga-Gillison*)

**Response AES-2** The Errata Memorandum (**Attachment B** to the FONSI) includes revisions to Section 4.7.6 to clarify that city-owned and private property used for TCAs would also be regraded where disturbed.

**1.3.7 SECTION 4.8 LAND USE AND COMMUNITY FACILITIES**

**Comment LU-1** A commenter requested revisions to the EA to reflect the terms negotiated between the City of Rancho Cucamonga and Brightline West and to reflect the City's plans for certain property near the station. (*Cucamonga-Gillison*)

**Response LU-1** Brightline West may enter into agreements with other parties; however, these agreements are generally outside the scope of FRA's NEPA analysis, which is based on the environmental effects of the federal action. FRA acknowledges ongoing coordination between Brightline West and the City and, where relevant for the environmental analysis, has reflected this coordination in the EA. Section 4.8 of the EA, Land Use and Community Facilities, includes an evaluation of the Project for compatibility with future development envisioned in the Rancho Cucamonga General Plan and Empire Lakes Specific Plan.

**Comment LU-2** One commenter opposed the proposed location of the Traction Power Substation. The station is proposed to be on City-owned property adjacent to I-15 off Jack Benny Drive in the City of Rancho Cucamonga. The commenter states that the proposed property for the substation in the EA is not a part of the development and disposition agreement between the City and Brightline West and that the City has never offered this property for a traction power substation for the Project. Based on conversations between Brightline West and the City of Rancho Cucamonga, the City believes that the EA's reference to the substation being located on the City-owned property is incorrect and that it will be located on non-City owned property elsewhere within the Project limits. The commenter stated that Brightline West has represented that it will not take City-owned property for Project-related use and requested the text to be deleted. (*Cucamonga-Gillison*)

**Response LU-2** FRA received clarification from the Brightline West that this substation and City property will not be needed to construct or operate the Project. The facility anticipated in this area is a paralleling station which will be located within the Caltrans I-15 right of way. The Errata Memorandum (**Attachment B** to the FONSI) includes revisions to read "Two traction power paralleling stations, one in Hesperia and one in Rancho Cucamonga, will be sited in the Caltrans right-of-way within the limits of disturbance between the northbound and southbound lanes of I-15." No traction power substation or paralleling station will be placed on City-owned property.

**Comment LU-3** A commenter noted that multiple utilities, easements, and an existing SBNF communication site also exist within the Cajon Pass and cross I-15. Vehicle access to the SBNF communication site will need to be maintained. Coordination with the utility companies that manage this infrastructure will be needed. (*SBNF-Butler*)

**Response LU-3** The Project will maintain access on local roads, including those providing access to the SBNF communication site, during construction. Where

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necessary, detours will be provided. During operation, access will be the same as existing conditions. Additionally, Brightline West will coordinate with the relevant utility companies in areas where construction of the Project would temporarily disrupt existing utility operations.

### **1.3.8 SECTION 4.10 HAZARDOUS MATERIALS**

**Comment HAZ-1** A commenter requested that the EA be updated to include more detail regarding the anticipated demolition and/or removal of buildings near the Rancho Cucamonga station. The commenter stated that the City of Rancho Cucamonga is unaware of demolition required near the station and thus cannot fully comment on whether there are additional impacts from this statement. Additionally, reference is made to a property with hazardous materials located at 8886 Vincent Avenue in Rancho Cucamonga. The City of is also unaware of a property with this address. The commenter requested that the address be confirmed, and the EA updated as appropriate. (*Cucamonga-Gillison*)

**Response HAZ-1** The Errata Memorandum (**Attachment B** to the FONSI) includes a revision to the second sentence under Section 4.10.5.2 of the EA clarifying that demolition and/or removal of buildings is not anticipated under the Build Alternative. The information on properties with hazardous materials is based on historic records search. Although the records search indicates that 8886 Vincent Avenue is the address, the property is located at the southern end of White Oak Avenue. Therefore, the correct address appears to be 8886 White Oak Avenue and will be updated in the Errata Memorandum.

### **1.3.9 SECTION 4.11 CULTURAL RESOURCES**

**Comment CUL-1** A commenter stated that the following is inaccurate: “FRA did not identify any archeological resources or tribal cultural resources within 200 feet of the rail alignment”. The commenter also claimed that several statements about potential impacts lack of awareness of cultural activities that would occur within 200 feet of the alignment. (*San Manuel-Little*)

**Response CUL-1** To date, FRA has not identified any cultural resources within 200 feet of the Project centerline where the railway has been proposed.

Regarding cultural activities, FRA has consulted with the Yuhaaviatam of San Manuel Nation throughout the development of this EA, and consulted with the appropriate parties, including with federally-recognized tribes, regarding cultural activities consistent with Section 106 of the National Historic Preservation Act (Section 106). Section 4.8 of the EA focuses on impacts to existing and planned land uses, including traditional tribal uses. Elsewhere (such as in Section 4.5, Biological Resources, and Section 4.11, Cultural Resources) FRA evaluated impacts to important resources that are intrinsically valuable regardless of whether an existing use of that resource has been identified. In addition, FRA has identified several resources that

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convey Traditional Cultural Landscape (TCL)-type of significance. Consistent with Section 106, FRA addressed the TCL in the Finding of Effects report and in the Finding of No Adverse Effect for the Project. FRA received no objection from the State Historic Preservation Officer on its finding (SHPO).

**Comment CUL-2** A commenter recommended that the noise and vibration study should also look at the impacts of noise and vibration on archaeological sites and cultural landscapes, which should include assessment for each of the NRHP-eligible sites and/or districts noted within the Project area. (*San Manuel-Little*)

**Response CUL-2** FRA has noted the Yuhaaviatam of San Manuel Nation's comments and continued to consult with the tribe through the Section 106 and NEPA process. Although the Noise and Vibration technical study did not specifically target "each of the NRHP-eligible sites and/or districts" in the APE, the study consists of hundreds of observation/measurement points along the alignment. Based on this data, FRA determined that there will be no noise impact to any resource beyond 200 feet of the proposed railway and no vibration impact to any physical structure or entity beyond 25 feet of the proposed railway. Vibration produced by this kind of project will not affect organisms in the open air. In addition to the analysis provided in the EA, FRA's findings are documented in the Finding of Effects report and in the Finding of No Adverse Effect. FRA received no objection from the SHPO on its finding. .

**Comment CUL-3** A commenter asserts that FRA continues to focus on impacts to Tribal activities and practices in their assessment for certain resource categories, such as noise. Cultural setting is about the overall sensitivity of the landscape, from sacred areas to ancestors, that require additional consideration beyond "activities." (*San Manuel-Little*)

**Response CUL-3** FRA acknowledges this comment. The focus on impacts to activities and practices reflects the FRA noise evaluation criteria that evaluate noise and vibration impacts to people. As part of the Section 106 consultation, FRA consulted with federally-recognized tribes regarding cultural setting to inform its evaluation of potential impacts to cultural resources. FRA identified several resources that convey TCL-type of significance and considered whether the Project would result in impacts to these resources, including impacts to the cultural setting. However, FRA found the Project would not result in significant impacts to these resources. This finding is consistent with FRA's Finding of No Adverse Effect for the Project, prepared in compliance with Section 106.

**Comment CUL-4** A commentor indicates they continue to be concerned by the premature assessment concluding that the Project will not have a significant impact to cultural resources given:

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- FRA continues to struggle with the inclusivity of cultural landscapes in their delineation of the Area of Potential Effect (APE)
- Archaeological due diligence for the Project continues to be a problem.
- Tribal consultation to both identify and minimize impacts to cultural resources is still ongoing.
- Lack of specific information prevents FRA from properly identifying potential impacts to identified resources as a result of the Project, specifically those of concern and cultural importance to the Tribe. (*San Manuel-Little*)

**Response CUL-4** FRA has noted The Yuhaaviatam of San Manuel Nation's comments. Regarding APE delineation, FRA incorporated the APE, developed through the Section 106 process and consultation with, the SHPO, and Consulting Parties, including the Yuhaaviatam of San Manuel Nation into the EA. The APE was defined based on consulting party input and reflects the magnitude and nature of the Project, the potential historic properties present, and potential effects caused by the Project. FRA acknowledges that at the time the Draft EA was published the Section 106 consultation was ongoing. However, since publication of the Draft EA, the APE has not changed. FRA continued to consult with the Consulting Parties and completed the Section 106 consultation on June 30, 2023 with a Finding of No Adverse Effect. FRA received no objection from SHPO on its finding.

### **1.3.10 SECTION 4.12 TRANSPORTATION**

**Comment TR-1** A commenter noted corrections in Section 6.1.1.4 Active Transportation, 6.1.2.4 Active Transportation, and 6.2.4 Active Transportation of the Traffic and Transportation Technical Report. These sections state that the Project is not anticipated to affect active transportation because it is along rights-of-way not believed to be intended for bicycle or pedestrian use. The commenter noted that this is not correct since Caltrans allows bicycles the use of freeway shoulders in areas where there are no other alternatives options for travel and the Project encompasses one such portion of Interstate 15 (I-15). (*Inland Empire*)

**Response TR-1** Bicycle access on I-15 will be maintained during operation and detours will be included where necessary during construction to maintain access. This has been specified in the Errata Memorandum (**Attachment B** to the FONSI).

**Comment TR-2** A commenter noted that per the Caltrans District 8 State Highway System Bicycle Access Map<sup>1</sup>, bicycles are allowed to use I-15 in the Project area from Cleghorn Road to Oakhill Road in both directions. Thus, the Project should be sure to mitigate any impacts that would be incurred on bicyclists for that area to ensure that bicycle travel remains available both during

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- construction and in the after condition once the Project is complete. (*Inland Empire*)
- Response TR-2** Existing bicycle and pedestrian access will be maintained during both construction and operation. This point has been specified in the Errata Memorandum (**Attachment B** to the FONSI).
- Comment TR-3** A commenter expressed that it seems unrealistic that forecast mode split to either the Rancho Cucamonga or Hesperia stations would not include anyone arriving by bicycling or walking. While the commenter agrees that many potential customers and employees would arrive by driving, TNC, or transit, the planned development adjacent the Project which would include housing is certain to include some individuals who would choose to not drive to the Rancho Cucamonga station. Furthermore, both bicycling and walking are not uncommon modes of transportation used to access Amtrak and Metrolink services in the region, including at Rancho Cucamonga.
- Although it is often understood to be “conservative” to assume a lower use of alternative transportation options than actual to prepare for a “worst case scenario” of drivers, it still is problematic to assume that there would not be anyone accessing any of the stations via active means, particularly if that results in failing to make efforts to change that. As has been demonstrated by a number of studies, the bike and train combination can be time-competitive with driving even on regional trains and given that the Project will be faster, it would greatly increase the range over which the service is seen as a viable option. (*Inland Empire*)
- Response TR-3** The commenter’s concern regarding the mode split forecast is noted. As described in Section 4.3 of the Transportation Technical Report (Attachment I), the ridership forecast was developed to analyze a worst-case scenario in order to allow a conservative analysis of the environmental impacts of the Project. This method accounts for impacts from other modes of transportation including bicycling. Any additional riders that would arrive to the stations by walking or bicycling would reduce impacts as compared to those disclosed in the EA.
- Comment TR-4** A commenter noted that overpasses and interchanges often present barriers to active travelers and wants to ensure that rebuilding and modifying these structures would incorporate the guidance from the FHWA and Caltrans to ensure that the deficient conditions are not perpetuated even after major construction occurs that could correct those issues. (*Inland Empire*)
- Response TR-4** The Project will comply with FHWA and Caltrans guidance to ensure overpasses and interchanges would not obstruct access of active travelers after rebuilding and modification.
- Comment TR-5** The commenter noted that National Forest System Roads exist in the Project area and include 3N21, 3N24, 3N53, and 3N55. Long-term access of these

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- roads will need to be maintained. Coordination of short-term impacts with the SBNF will also be needed. *(SBNF-Butler)*
- Response TR-5** The Project will maintain access to National Forest System roads both during construction and operation.
- Comment TR-6** A commenter opposed the proposed parking mitigation measures for the Rancho Cucamonga Station, citing that there is no City-owned property available for the expansion of existing parking facilities or construction of additional parking facilities. The referenced City property is being considered for development for housing, hospitality, and restaurant uses and is specifically not available according to agreements with Brightline West for long-term parking. The commenter recommends this mitigation be removed. *(Cucamonga-Gillison)*
- Response TR-6** FRA's analysis assumes that a proposed parking structure with 4,100 parking spaces will be constructed at the Rancho Cucamonga station to provide shared parking for MetroLink and Project passengers. FRA's analysis shows that this amount of parking is sufficient for passenger needs through 2025, but that by 2045 additional parking may be needed. As discussed in Section 4.12.6.4 of the EA, FRA included mitigation for this potential future impact which includes multiple measures to be taken by Brightline West which would be documented in a parking demand management plan to be prepared prior to opening for service. The plan would include many measures intended to reduce parking demand and/or spread demand beyond peak periods. The very last measure listed is expanding existing parking facilities or constructing additional parking facilities on City-owned property adjacent to the station is one of the many optional measures of parking mitigation. This last measure would require City approval prior to implementing. As such, FRA has removed this as reflected in the Errata Memorandum (**Attachment B** to the FONSI) as the other measures listed should adequately reduce and avoid this impact.
- Comment TR-7** A commenter requested that Brightline West coordinate and develop agreements with existing users that have large off-site parking facilities so that those large facilities' often unused parking structures may be partially repurposed for greater districtwide parking. *(Cucamonga-Gillison)*
- Response TR-7** Section 4.12.6.4 of the EA indicates the following as an avoidance/minimization option if needed for future parking needs: Providing off-site parking at existing underutilized parking facilities within 5 miles of the station, including a free shuttle for passengers who park at an off-site parking facility, and identifying any additional off-site parking facilities that are anticipated to be required within the next five years based on ridership forecasts. This avoidance/minimization measure has been revised to require that Brightline West enter into voluntary parking agreements with public and private property owners within the 5-mile radius. This revision is shown in the Errata Memorandum (**Attachment B** to the FONSI).

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**Comment TR-8** A commenter noted that the EA states “Reconstruction and I-15 freeway and interchange ramp modifications will also occur within the Caltrans right-of-way within the City of Rancho Cucamonga at SR-210, Beech Avenue, Duncan Canyon Road, and Glen Helen Parkway.” The commenter stated that the Beech Avenue, Duncan Canyon Road, and Glen Helen Parkway interchanges are not in the City of Rancho Cucamonga and recommended that the EA be updated to state that fact. *(Cucamonga-Gillison)*

**Response TR-8** Thank you for your correction. The Errata Memorandum (**Attachment B** to the FONSI) reflects that Beech Avenue, Duncan Canyon Road, and Glen Helen Parkway interchanges are not in the City of Rancho Cucamonga.

**Comment TR-9** A commenter was concerned with potential impacts of the Project to facilities and rights-of-way that belong to the Metropolitan Water District of Southern California (MWDSC). The commenter noted that the proposed Project would be located in the median of I-15 where it would cross MWDSC fee-owned property and the Rialto Pipeline. After reviewing the memorandum dated July 18, 2022 from HNTB Corporation, Metropolitan’s Substructures Team has the following comments on HNTB’s memorandum: The proposed single-track high-speed rail crossing over our Rialto Pipeline and fee-property right-of-way as described in the memorandum, is conceptually acceptable to Metropolitan. However, the developer must submit plans and specifications for Metropolitan’s review and written approval at least 60 days prior to beginning construction. Additional supporting calculations, including a 3D analysis, will be required to show that the proposed rail crossing will not adversely affect Metropolitan’s Rialto Pipeline. *(MWD-Carlson)*

**Response TR-9** The commenter’s concern regarding potential impacts of the Project to facilities and rights-of-way that belong to the Metropolitan Water District of Southern California (MWDSC) has been noted. Brightline West will submit plans and specification for MWDSC’s review at least 60 days prior construction. Additionally, Brightline West will conduct a 3D analysis to support the plans during the final design phase.

**Comment TR-10** A commenter opposed the proposed mitigation measures for the Milliken Avenue/7th Street intersection, in which level of service will be degraded as a result of Project implementation. To address the impact to the intersection of Milliken Avenue/ 7th street, the EA states that Brightline West will modify the intersection at Milliken Avenue/Azusa Court to permit unprotected left turns into Azusa Court from northbound Milliken Avenue. The commenter stated that this mitigation measure is inconsistent with Brightline West’s commitment to both the City and SBCTA to install a full access traffic signal at this location. The commenter requested the mitigation measure be modified to correspond to Brightline West’s commitment and to require a full access traffic signal at intersection of Milliken Avenue/Azusa Court. *(Cucamonga-Gillison)*

**Response TR-10** As described in Section 5.1.1.2 of the Transportation Technical Report, the traffic analysis included twelve intersections surrounding the Rancho



Cucamonga station area, including the intersections cited in the City's comment. Of the intersections studied only one intersection would be impacted by the Project (Milliken Avenue/7th Street). Brightline West will install a full-access traffic signal at the intersection of Milliken Avenue/Azusa Court per the commenter's request. This change has been reflected in the Errata Memorandum (**Attachment B** to the FONSI).

**Comment TR-11** Section 4.12.6.1 of the EA also requires that Brightline West "Complete a focused engineering study to assess the intersection geometrics and ensure a safe ingress to the proposed station via the Milliken Avenue/Azusa Court." This study would allow a more detailed evaluation of this intersection operation. If the engineering study concludes that a traffic signal is required for safety, a traffic signal would be required as part of the mitigation measure.

The EA also acknowledges that the Project will contribute traffic to three intersections (namely Milliken Avenue/Foothill Boulevard, Milliken Avenue/4th Street, and Milliken Avenue/1-10 WB ramps) that are projected to operate at unacceptable levels of service during the 2045 No Build conditions. However, the City's initial estimates for Milliken Avenue indicate that at some point between opening year and horizon year, the traffic on the segment of Milliken Avenue between 4th Street and Foothill Boulevard will exceed the existing capacity only under Project build conditions. The commenter requested that Brightline West prepare a traffic study in cooperation with the City to determine the timing of any potential exceedance in capacity and to fund Brightline West's fair share costs of capacity enhancement needs identified in the study. This study is also needed to better evaluate certain assumptions made in the EA analysis. The commenter noted that the assumption in Attachment I is optimistic given the timeline for related projects and the time required to induce a mode shift from a primarily auto-centric public to using the high-speed rail. Furthermore, the commenter requests that the impacts to the three intersections projected to operate at an unacceptable level of service be mitigated by requiring Brightline West to provide a fair share contribution to upgrade these intersections. (*Cucamonga-Gillison*)

**Response TR-11** Section 4.12 of the EA identifies that the Project would contribute traffic to intersections that experience unsatisfactory conditions. However, as these intersections would operate at unsatisfactory conditions with or without the Project, FRA concluded the Project would not result in a significant impact. However, to address adverse impacts from the Project, Brightline West will comply with the San Bernardino County CMP policies to make fair-share contributions to regional traffic improvements identified in the latest Nexus Study (2018), as described in Section 4.12.6. In addition, the Project's fair-share contribution may be offset by the value of improvements that the Project will make at locations at which it is only partially responsible for the increased delay.

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**Comment TR-12** The EA states that Brightline West will coordinate with SBCTA, Caltrans, Rancho Cucamonga, and Hesperia to incorporate intersection improvements to lessen or avoid impacts under the 2045 Horizon Year to the extent feasible with signal timing optimization. The commenter noted that signal timing optimization alone may not be sufficient and that modifications to the intersections, traffic signals and other measure(s), should also be required to fully mitigate any impacts from the Project on intersections. (*Cucamonga-Gillison*)

**Response TR-12** To address adverse impacts from the Project, Brightline West will mitigate modify and study the intersection of Milliken Avenue/7th Street as documented in Section 4.12.6.1 in the EA. In addition, for the three intersections that the Project contributes to the unsatisfactory conditions, Brightline West will coordinate with the City of Rancho Cucamonga regarding the improvements and contribute through a fair share arrangement. Improvements may include signal optimizations and/or physical improvements.

**Comment TR-13** A commenter stated that traffic counts in the EA are inaccurate as they were based on existing traffic counts conducted in August 2020 during the COVID-19 pandemic when most California counties were under “stay-at-home” orders which resulted in drastic reductions in traffic volumes across the nation as well as locally in the City of Rancho Cucamonga. The commenter recommended that the EA be amended to account for the impacts of the COVID-19 pandemic on the traffic counts and incorporate historical traffic data into the traffic analysis as appropriate to enable accurate assessment of traffic impacts. (*Cucamonga-Gillison*)

**Response TR-13** The commenter is correct that the existing conditions in EA are based on counts conducted in August 2020. However, the impact analysis and subsequent mitigations are based on opening year 2025 and horizon year 2045 traffic volumes. Opening year 2025 No Build intersection traffic volumes were estimated by applying annual growth rates to the 2020 counts, then balanced along adjacent intersections within study corridors. These growth rates have been applied to each turning movement at every study intersection and are generally in the range of 4-8 percent per year, with some even higher, which is much more than the historical annual growth rate in the years leading up to the pandemic. The effect of these growth rates is to restore traffic volumes roughly to their levels prior to the pandemic. At the time the forecasts were developed, the rate of recovery from the pandemic was unknown, so this approach resulted in a reasonable set of forecast traffic volumes.

Year 2045 traffic volumes were developed by adding 25 years of growth (based on the SBCTA travel demand model) to year 2020 traffic volumes. At the time the forecasts were prepared, and even now, the long-term change in travel behavior resulting from increased work-from-home activity was unknown. It is reasonable to expect that actual 2045 traffic volumes may be

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slightly lower than they would have been without the broad changes in work patterns brought on by the pandemic. In addition, since the fair share calculations are calculated by dividing Project trips by total growth, this methodology results in a larger fair-share calculation than would be calculated using the assumption of higher 2045 traffic volumes.

**Comment TR-14** A commenter stated that the Transportation Attachment to the EA also requires correction as the Attachment incorrectly states the City's General Plan only requires a Level of Service D for segments and intersections in the City are not included in the City's Congestion Management Plan. The General Plan requires a Level of Service D or better except at locations determined to be acceptable at a worse level of service. No such locations have been identified. Therefore, a level of service D or better is required at all locations in the City. The commenter requested Attachment I to the EA be amended to correctly reflect the City's level of service standards in the General Plan. *(Cucamonga-Gillison)*

**Response TR-14** Thank you for your correction. The Errata Memorandum (**Attachment B** to the FONSI) reflects changes to Section 4.1. As reflected in the comment, Level of Service D is required at all locations in the City of Rancho Cucamonga. Since all study intersections were held to the standard of LOS D or better, the analysis remains unchanged.

**Comment TR-15** Section 4.3.1.2 Analysis Time Periods of Attachment I lists the Sunday peak time period from 1:00 – 3:00 p.m., but in Section 4.3.1.4 Existing and Forecast Traffic Volumes, the traffic counts for the Sunday "peak period" were conducted between 4:00 – 6:00 p.m. This inconsistency should be reconciled *(Cucamonga-Gillison)*.

**Response TR-15** Section 4.3.1.2 has been revised to state the correct time period of the counts, which is 4:00 – 6:00 p.m. This correction is reflected in the Errata Memorandum (**Attachment B** to the FONSI).

**Comment TR-16** A commenter recommended that the parking management plan for the Rancho Cucamonga Station should be done in conjunction and in cooperation with adjacent public and private property owners, including the City, and to ensure the parking management plan is a districtwide solution with greater efficacy. *(Cucamonga-Gillison)*

**Response TR-16** By its nature, the parking demand management plan described in Section 4.12.6.4 of the EA will require coordination with the City and other property owners.

**Comment TR-17** A commenter also recommended that the neighborhood parking protection plan for neighborhoods near the Rancho Cucamonga station should include additional parking enforcement officers and be expanded to apply to The Resort, 6th and 7th Street, Milliken Avenue, Azusa Court, Anaheim Place and any new residential subdivision streets. *(Cucamonga-Gillison)*

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**Response TR-17** Brightline West will coordinate with the appropriate parties, including the City to develop and implement the parking demand management plan. .

**Comment TR-18** The EA states that Brightline West will coordinate with SBCTA and Omnitrans to provide sufficient bus service to serve passengers at the Rancho Cucamonga Station on Sundays and to provide additional service during applicable time periods. The commenter requested that Brightline West fund either more frequent service for Omnitrans' West Valley Connector and/or help fund a local City circulator using the City's offsite parking structures as it would better mitigate local transit impacts. (Cucamonga-Gillison)

**Response TR-18** The City's suggestions have been added to Section 4.12.6.4 of the EA, as further mitigation options to meet future parking needs. This change is reflected in the Errata Memorandum (**Attachment B** to the FONSI).

**Comment TR-19** The EA states that the rail alignment will require I-15 highway and interchange ramp modifications at Baseline Avenue. This road is misnamed and is actually called "Base Line Road." Additionally, there is no discussion in the rest of the EA as to the extent, detail or impact of the modification at this interchange. The EA should be updated to either add such discussion, or, if the reference was included in error, remove the language from the EA. (Cucamonga-Gillison)

**Response TR-19** This sentence has been revised to read "Base Line Road". This correction is reflected in the Errata Memorandum (**Attachment B** to the FONSI). The improvements here are described at a level of detail similar to that used for the rest of the Project. As the design progresses and further details about these improvements are known, further environmental analysis may be required if it is determined that construction or operation of the improved ramps have not been adequately covered by this EA.

### **1.3.11 SECTION 4.13 WATER QUALITY**

**Comment WQ-1** A commenter is requesting the following amendments to the EA:

Mitigation Measure WQ-1 states, "BMPs will be selected to achieve maximum sediment removal and represent the best available technology that is economically achievable." The EA should be amended to clearly state which regulatory authority will determine whether BMPs represent the economically achievable best available technology. Mitigation Measure WQ-4 identifies a list of agencies that are to be contacted in case of a spill during construction. This list should be amended to include the Rancho Cucamonga Fire Protection District ("RCFPD"). RCFPD is the emergency response agency for hazardous materials in the City of Rancho Cucamonga. Mitigation Measure WQ-7 requires BMPs to be sized and designed to "not allow untreated stormwater runoff to reach to Mojave River, the California Aqueduct, or any washes along the alignment." This mitigation measure

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should be expanded to specifically reference the station sites as well as the longitudinal rail alignment. (*Cucamonga-Gillison*)

**Response WQ-1** Mitigation Measure WQ-1 has been revised to state which regulatory authority will determine whether BMPs represent the economically achievable best available technology. Mitigation Measure WQ-4 has been revised to include RCFPD. Mitigation Measure WQ-7 has been revised to include both Hesperia station and the Rancho Cucamonga station as well as longitudinal rail alignment. These changes are documented in the Errata Memorandum (**Attachment B** to the FONSI).

### **1.3.12 SECTION 4.14 SAFETY**

**Comment S-1** A commenter requested that the City of Rancho Cucamonga technical development codes and the Rancho Cucamonga Fire Protection District's Fire Standards be listed in the Regulatory Setting section for Section 4.14 Safety, as the Project will have to abide by City development standards and fire protection codes. (*Cucamonga-Gillison*)

**Response S-1** Brightline West would be expected to comply with all relevant City building, development and fire codes pertaining to facilities and structure constructed with the city limits. The Errata Memorandum (**Attachment B** to the FONSI) reflects the addition of the City of Rancho Cucamonga technical development codes and the Rancho Cucamonga Fire Protection District's Fire Standards in the Regulatory Setting section for Section 4.14, Safety of the EA.

**Comment S-2** A commenter referred to the EA where it says Brightline West will "design, construct, operate and maintain the Project in accordance with all relevant Caltrans requirements" because the Project will be constructed in the Caltrans right-of-way. To the extent that the Project will impact or have to rebuild City owned assets in the City's right-of-way, the commenter requested that Rancho Cucamonga receive similar treatment as Caltrans. (*Cucamonga-Gillison*)

**Response S-2** Brightline West would be expected to comply with all relevant City building, development and fire codes pertaining to facilities and structure constructed with the City limits. City of Rancho Cucamonga technical development codes and the Rancho Cucamonga Fire Protection District's Fire Standards has been listed in the Regulatory Setting section for Section 4.14, Safety of the EA. This change is reflected in the Errata Memorandum (**Attachment B** to the FONSI).

**Comment S-3** The commenter noted that the SBNF signed a decision in 2018 for an ignition reduction project along I-15 through the Cajon Pass, in coordination with Caltrans. This project will reduce hazardous fuels along the I-15 corridor with the objective to reduce wildfire starts and risk. (*SBNF-Butler*)

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**Response S-3** Section 4.14.5 of the EA describes wildfire risks associated with construction and operation of the Project. This SBNF ignition reduction project has been added to that section. This change is reflected in the Errata Memorandum (**Attachment B** to the FONSI).

### 1.3.13 SECTION 4.15 GEOLOGY

**Comment GEO-1** The commenter expressed concerns regarding the specified loading standard (Cooper E-70) which does not fully encompass the high-speed rail's impact to MWDSC's facilities. The commenter requested the provision of the following:

- a. Maximum free surface horizontal/vertical displacements at the crossing.
- b. Profile of free surface horizontal/vertical displacements along the pipeline alignment at the crossing, following Metropolitan Geotechnical Guidelines.
- c. Shear wave velocity in the foundation.
- d. Dominant frequency (period) of the ground vibration
- e. Dominant wavelength.
- f. Dynamic load factor for the HST. (*MWD-Carlson*)

**Response GEO-1** The commenter's request has been noted. Items a and b would be prepared concurrent with the 3D analysis. Items c through f were provided to MWDSC by Brightline West on December 5, 2022. The shear wave velocity in the foundation is 600 to 800 ft/sec. The dominant frequency of the ground vibration is 20 to 40 Hz. The dominant wavelength is 6 to 11 ft based on a speed of 130 mph-latest per BLW and the above frequency. There are no dynamic load factors.

**Comment GEO-2** The commenter requested the provision of at least three experimental/case study historical data from analysis of similar high speed rail crossings with three-component ground acceleration at multiple distances to 100 feet perpendicular from the railroad. These examples should include soil properties and have similar rail properties (loading and maximum speed) as the proposed railway. (*MWD-Carlson*)

**Response GEO-2** The commenter's request has been noted. Brightline West will provide case studies to MWDSC during final design. \

**Comment GEO-3** The commenter asked for the provision of a site-specific geotechnical report which should include the shear wave velocity profile and shear strength of the soil. (*MWD-Carlson*)

**Response GEO-3** The commenter's request has been noted. Brightline West will perform the required site geophysical assessment and provide the shear wave and Rayleigh wave velocity during the final design phase.

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- Comment GEO-4** Provide a 3D analysis of Metropolitan's pipeline. Per Metropolitan's Geotechnical Guidelines, the three-dimensional alignment of the pipeline should be considered in calculating the vertical and lateral deformations and in computing the fiber, hoops, and shear stresses along the pipeline. The 3D analysis should be performed separately for both the three axles of the locomotive and the two axles of the passenger cars and see which one provides the maximum displacements and stresses. *(MWD-Carlson)*
- Response GEO-4** HNTB will perform a 3D analysis during final design for both the three axles of the locomotive and the two axles of the passenger cars to determine which one provides the maximum displacement and stresses.
- Comment GEO-5** The commenter requested that a stipulation is included in the plans and/or specifications to notify Metropolitan at least two working days prior to starting any work on the subject property. The commenter recommended that Jesse Franco of our Water System Operations Team, telephone (818) 468-5188, be the primary contact. *(MWD-Carlson)*
- Response GEO-5** The commenter's request has been noted. Brightline West will include the stipulation in the plans/specifications to notify Metropolitan Water District of Southern California at least two working days prior to starting any work on the subject property. Brightline West will coordinate with the recommended primary contact.
- Comment GEO-6** A commenter noted that the Final Programmatic Environmental Impact Report for the Prestressed Concrete Cylinder Pipe Rehabilitation Program (PCCP) has been certified in January 2017. The commenter stated that inspections and repairs to the Rialto Pipeline under the PCCP Program have not started and may coincide with construction of the proposed Project. Additionally, the commenter stated that FRA will need to consider Metropolitan's Rialto Pipeline in its project planning, and that FRA must obtain appropriate property rights from MWDSC for any project activities within MWDSC property. *(MWD-Carlson)*
- Response GEO-6** Brightline West will submit plans and specification for MWDSC's review at least 60 days prior construction to ensure that the Project does not conflict with the approved PCCP. Brightline West will continue to coordinate with the MWDSC throughout the Project planning process.