

From: [Ivie, Melissa \(FRA\)](#)
To: [Tabachnick, Alan](#)
Cc: [Gosselin, Danielle](#); Karolina.Chmiel@icf.com; [Zschomler, Kristen \(FRA\)](#); [Heisler, Lynn \(FRA\)](#)
Subject: FRA: High Desert Corridor High-Speed Rail Project, Los Angeles and San Bernardino Counties – Section 106 Re-initiation
Date: Thursday, September 28, 2023 9:18:17 AM
Attachments: [FRA HDC Section 106 Re-Initiation Letter STB 2023-09-27.pdf](#)

Good morning,

On behalf of FRA, I am transmitting the attached letter and enclosure in reference to the High Desert Corridor High-Speed Rail Project in Los Angeles and San Bernardino Counties, California. As part of this consultation FRA is soliciting interest from potential Consulting Parties in attending workshops in October to discuss the Section 106 compliance process for the project. Please see the information within the letter and contact me with any questions, concerns, or comments.

Sincerely,
Melissa Ivie (she/her/hers)
Deputy Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
279-977-2508 (Cell)
melissa.ivie@dot.gov



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

September 27, 2023

Alan Tabachnick
Federal Preservation Officer
Surface Transportation Board
395 E Street SW
Washington DC 20423

RE: High Desert Corridor High-Speed Rail Project, Los Angeles and San Bernardino Counties, California, Re-initiation of Invitation of Consultation Pursuant to Section 106 of the National Historic Preservation Act

Dear Mr. Tabachnick:

The Federal Railroad Administration (FRA) anticipates providing grant funding to the High Desert Corridor (HDC) Joint Powers Agency (JPA) for the proposed HDC high-speed rail (HSR) service. The HDC JPA proposes to construct a passenger HSR feeder service between Palmdale in Los Angeles County and Victorville in San Bernardino County, California (Project). The Project will connect the existing Metrolink station and future California High-Speed Rail (CHSR) station in Palmdale with the proposed Brightline West High-Speed Train Project (formerly XpressWest) in Victor Valley to provide rail connectivity from the Greater Los Angeles, California, area to Apple Valley, California. The Project is an undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800 (Section 106). FRA is expecting to be the lead federal agency for Section 106, and the HDC JPA is the Project sponsor.

Due to recent project updates, FRA is writing to 1) re-initiate Section 106 consultation for the Project, 2) provide the updated Project background and Project description, 3) determine your interest in continuing as a Consulting Party to the Project, and 4) invite Consulting Parties to consultation workshops proposed for October 2023.

Project Background

The Project, as evaluated in 2016 (2016 Project), included the construction of a four-lane freeway and HSR service between Palmdale and Victorville. Section 106 compliance efforts occurred for the 2016 Project between 2014 and 2016, with California Department of Transportation (Caltrans) District 7 as the lead federal agency, through assignment by the Federal Highway Administration (FHWA), for compliance with Section 106. Caltrans also prepared an Environmental Impact Report/Environmental Impact Statement (EIR/EIS). The draft EIR/EIS was published in September 2014, and a final EIR/EIS was issued in June 2016. FRA participated as a cooperating agency in the 2016 Project. On March 30, 2016, the *Programmatic Agreement Between the California Department of Transportation and the California State Historic Preservation Officer Regarding High Desert Corridor Project SR-14 to SR-18, Los Angeles and San Bernardino Counties, California* (Caltrans HDC PA) was executed, signifying compliance with Section 106 for the 2016 Project. FRA was not a party to the Caltrans HDC PA.

After the Caltrans HDC PA execution, Caltrans adopted the No-Build Alternative relative to the freeway component of the 2016 Project and executed an amendment to the Caltrans HDC PA on March 29, 2021, to allow for development of a Section 106 compliance approach for a rail project with FRA as lead federal agency.

Subsequently, FRA sent consultation letters to potential Section 106 Consulting Parties with an updated Project description and Project background on February 22, 2022. FRA received your email sent on March 8, 2022, regarding the February 2022 consultation letter indicating your interest in participating as a Section 106 Consulting Party. FRA appreciates your previous comments and is taking into consideration all comments received from the February 2022 letter. The Caltrans HDC PA Amendment expired on March 29, 2022.

Since FRA's February 2022 letter and expiration of the Caltrans HDC PA Amendment in March 2022, the HDC JPA progressed with Project design and prepared a service plan. Due to changes in the Project, the passage of time, and changes in agency roles and responsibilities, the HDC JPA determined it would move forward as Project sponsor. Due to the potential granting of federal funds, FRA continues to anticipate having an undertaking subject to compliance with Section 106 of the NHPA.

Project Description

The Project, which is advancing through the design process, is divided into three segments for analysis purposes, as summarized below and depicted in Figure 1 (enclosed).

Segment 1 – Antelope Valley

The Antelope Valley Segment consists of a 9-mile rail alignment with a western terminus in the city of Palmdale between the existing Metrolink railroad right-of-way (ROW) and 6th Street East, approximately 300 feet north of the 6th Street East/East Avenue Q-6 intersection. The rail alignment would travel north and at grade past the Palmdale station platform (to be constructed as part of the CHSR project) and transition to an elevated structure near the intersection of 6th Street East/East Avenue Q. This structure would continue north through the existing Palmdale Transit Center area and curve east over Sierra Highway, the Union Pacific Railroad ROW, and 8th Street East, then would transition back to at grade before crossing 10th Street East. From there, the rail alignment would continue southeast at grade.

Segment 2 – High Desert

The High Desert Segment consists of 26 miles of new rail alignment between 90th Street East in Los Angeles County and U.S. 395 in San Bernardino County. The primary rail alignment would be located north of State Route (SR) 138 and SR-18 and south of Saddleback Butte State Park and the El Mirage Dry Lake Off-Highway Recreation Area. The alignment would also pass through El Mirage Valley and continue to Adelanto.

Segment 3 – Victorville Valley

The Victor Valley Segment consists of 21 miles of new rail alignment from U.S. 395 in Adelanto to Victor Valley. The rail alignment would cross the Mojave River on a viaduct. As the rail alignment approaches Interstate (I-) 15, it would become elevated to cross over the I-15 southbound travel lanes, then return to at grade in the I-15 median about 0.5 mile north of the Stoddard Wells Road/I-15 interchange. The rail alignment would continue north in the I-15 median to connect with the proposed Brightline West passenger station at Dale Evans Parkway.

Horizontal and Vertical Description

The horizontal and vertical extent of the Project varies along the proposed 56-mile rail alignment. As engineering progresses, the horizontal and vertical limits will be refined to guide the Project Area of Potential Effects (APE) and historic property survey and identification efforts. The average Project width is 230 feet due to rail grading limits and access roads. The Project also includes reconstructing

12 roadways to cross over (grade separate) the rail alignment. These roadway improvements would be typically 100 to 300 feet wide and extend up to 1,800 feet north and south of the rail alignment. The Project's vertical extent varies and includes elements such as elevated embankments for the rail alignment constructed over existing infrastructure and natural features, high-speed railway catenary wires, new bridges to carry existing roads over the HSR alignment, and pilings for support structures. As vertical elements are defined through Project design, the maximum heights and depths will be identified to help define the Project APE.

Area of Potential Effects

The APE, as defined in 36 CFR § 800.16(d), is "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking."

FRA reviewed the APE for the 2016 Project and determined that, although the Project has the potential to cause effects on historic properties predominately within the 2016 Project APE, due to the recent Project changes, the delineation of the APE will be further refined. The refinements will incorporate these changes to adequately allow assessment of Project effects, including direct, indirect, and cumulative effects. As per guidance by the Advisory Council on Historic Preservation (ACHP), *direct effects* refer to those occurring at the time of the undertaking, whether physical, auditory, visual, or atmospheric, and resulting from construction and/or operation of the Project. *Indirect effects* are those occurring later in time but that are reasonably foreseeable as being caused by the Project. *Cumulative effects* are incremental effects of the undertaking that, when added together, become adverse.

FRA anticipates modifying the APE, based on Project design changes, and will seek initial Consulting Parties input on a draft APE during two October workshops (see the Consulting Party Outreach section below for further details). FRA anticipates providing the draft APE to Consulting Parties for review after the October workshops. Through consultation, FRA intends to delineate an overall APE for the Project and an area within the APE, defined as the Limits of Disturbance (LOD), where physical effects from construction are expected, including from ground disturbance and construction- and operations-related vibration.

Identification of Historic Properties

Caltrans and its Secretary of the Interior-qualified consultants conducted historical research, an archaeological Phase I survey and testing, archaeological Phase II testing, and built-environment surveys for the 2016 Project and summarized the survey results in a Caltrans Historic Property Survey Report (HPSR) dated August 2014 and Supplemental HPSR dated July 2015. The previous cultural studies were conducted under the *First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California*.

Although the revised Project LOD falls predominately within the area studied by Caltrans as part of the 2016 Project and Caltrans HDC PA and is substantially smaller, FRA is currently reviewing the adequacy and scope of previous cultural resources studies as they pertain to the Project as well as considering the nature of the environment in which the studies were conducted and the passage of time to determine what additional identification of efforts associated with historic properties may be warranted.

Consulting Party Outreach

FRA is committed to involving Consulting Parties throughout the Section 106 process. Because of your previous interest in the Project, FRA requests confirmation of your continued willingness to participate as a Consulting Party and provide comments, if any, as indicated below, within 30 calendar days from the date on this letter. If you request Consulting Party status, FRA further requests that you provide primary and secondary points of contact as well as any specific requests regarding the transmittal of documents, such as email contacts or hard copy needs.

FRA requests any information your agency is willing to share regarding cultural resources that may be affected by the Project. If the location and nature of these resources is sensitive or confidential, this information may be withheld from public disclosure, as outlined in the regulations at 36 CFR § 800.11(c).

For more information on the role of a Consulting Party see: <https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review>.

Next Steps

FRA proposes two workshops to present a draft APE, based on the revised Project description; provide additional Project information; and discuss next steps. The meetings will be held virtually via Microsoft Teams on October 18, 2023, at 10:30 a.m. PST and October 19, 2023, at 4:30 p.m. PST to allow for a variety of attendance opportunities. This letter constitutes a formal invitation for you to participate in one or both workshops. Please contact FRA at the email address noted below to indicate your desire to attend and points of contact to include. You will receive the workshop invitations via email.

Request for Comments

FRA requests indication of your continued interest in participating as a Consulting Party for the Project within 30 calendar days of the date of this letter and your interest in attending one or both APE workshops. Correspondence by email is preferred to ensure timely receipt. Please email your response to:

Contact: Melissa Ivie, FRA Deputy Federal Preservation Officer

Phone: 279-977-2508

Email: melissa.ivie@dot.gov

We look forward to working with you on this Project.

Sincerely,



Melissa Ivie
Deputy Federal Preservation Officer
Federal Railroad Administration

Enclosure:

Figure 1: Project Alignment

cc: Danielle Gosselin, Director, Office of Environmental Analysis

Figure 1: Project Alignment

