## FIRST AMENDMENT <br> TO THE PROGRAMMATIC AGREEMENT <br> AMONG

THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, THE NEVADA STATE HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, REGARDING THE

## BRIGHTLINE WEST - LAS VEGAS TO VICTOR VALLEY PROJECT <br> IN BAKER, YERMO, AND BARSTOW, IN SAN BERNARDINO COUNTY, CALIFORNIA, AND IN LAS VEGAS AND PRIMM, IN CLARK COUNTY, NEVADA

WHEREAS, Federal Railroad Administration (FRA), the California State Historic Preservation Officer (CA SHPO), Nevada State Historic Preservation Officer (NV SHPO), and Advisory Council on Historic Preservation (ACHP), executed a Programmatic Agreement on August 15, 2023 (the "Agreement") for the Brightline West - Las Vegas to Victor Valley Project (Project) as FRA anticipates providing future financial assistance to DesertXpress Enterprises, LLC (Project Sponsor) to construct and operate the Project and FRA's actions for the Project would be considered an Undertaking under Section 106 of the National Historic Preservation Act of 1966 (54 United States Code (U.S.C.) § 306108) (NHPA), as amended, and its implementing regulations at 36 Code of Federal Regulations (CFR) § 800 (hereinafter collectively referred to as Section 106); and

WHEREAS, FRA, CA SHPO, NV SHPO, and ACHP are Signatories to the Agreement and the Federal Highway Administration (FHWA), the Surface Transportation Board (STB), the Bureau of Land Management (BLM), the U.S. Army Corps of Engineers Los Angeles District (USACE), the California Department of Transportation (Caltrans), the Nevada Department of Transportation (NDOT) and the Project Sponsor are Invited Signatories to the Agreement; and

WHEREAS, due to refinement in Project design, FRA, based on information provided by the Project Sponsor, has determined it is necessary to modify the area of potential effects (APE) for the Project; and

WHEREAS, in accordance with Stipulation XVI., the Agreement may be amended at the request of any Signatory or Invited Signatory; and

WHEREAS, pursuant to Stipulation XVI., FRA will notify the Signatories, Invited Signatories, Consulting Tribes, and Consulting Parties of any request to amend the Agreement, and consult for no more than thirty (30) calendar days (or another time period agreed upon by the Signatories and Invited Signatories) to consider such amendment; and

WHEREAS, this First Amendment to the Agreement may be executed in counterparts, with a separate page for each signature. This Agreement will become effective on the date of the final signature of the Signatories. FRA will ensure each Signatory and Invited Signatory is provided with a complete copy and FRA will send a copy of this executed amendment to the Signatories and Invited Signatories.

NOW, THEREFORE, in accordance with Stipulation XVI. of the Agreement, FRA, the CA SHPO, the NV SHPO, the ACHP, FHWA, STB, BLM, USACE, Caltrans, NDOT, and the Project Sponsor agree to amend the Agreement as follows:

1. "Attachment 1: Area of Potential Effects \& Project Description," including "Appendix A: Area of Potential Effects" is deleted in its entirety and replaced with the attached "Attachment 1: Area of Potential Effects \& Project Description," including "Appendix A: Area of Potential Effects."

All other sections of the PA remain unchanged.

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TO THE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL RAILROAD ADMINISTRATION, THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, THE NEVADA STATE HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, REGARDING THE
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SIGNATORY:
FEDERAL RAILROAD ADMINISTRATION


Marlys Osterhues
Director, Office of Environmental Program Management

FIRST AMENDMENT
TO THE PROGRAMMATIC AGREEMENT
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Rebecca Lynn Palmer


State Historic Preservation Officer

First Amendment to Programmatic Agreement Regarding the Brightline West - Las Vegas to Victor Valley Project, California and Nevada

# Attachment 1 <br> Area of Potential Effects \& Project Description 

PROGRAMMATIC AGREEMENT<br>AMONG

THE FEDERAL RAILROAD ADMINISTRATION, THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, THE NEVADA STATE HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, REGARDING THE
BRIGHTLINE WEST - LAS VEGAS TO VICTOR VALLEY PROJECT
IN BAKER, YERMO, AND BARSTOW IN SAN BERNARDINO COUNTY, CALIFORNIA AND LAS VEGAS AND PRIMM IN CLARK COUNTY, NEVADA

## Brightline West - Las Vegas to Victor Valley

## Project Location and Description, November 2023 (First Amendment)

## Summary

The Brightline West - Las Vegas to Victor Valley project (Project) seeks to construct an approximately 170-mile-long, high-speed, passenger train line connecting Victorville, California, to Las Vegas, Nevada. Much of the fully grade-separated, passenger-only railroad would be constructed within the Interstate-15 (I-15) highway corridor. Two passenger stations would be built, one in Victorville, California, and the other in Las Vegas, Nevada; both would be located next to the I-15 corridor. The Project also includes ancillary operations and maintenance facilities, as well as utility corridors to link proposed electrical substations to external sources of power to accommodate the preferred electrically powered technology option.

The total acreage of the Area of Potential Effect (APE) is 53,853 acres. The APE's Area of Direct Impact (APE-ADI) is a subset of the APE and covers approximately 5,971 acres and is measured at 171.1 miles long. The APE-ADI is also referred to as the Limits of Disturbance (LOD) on the figures in Appendix A. The California segment of the Project is located between Victorville, California, and the California/Nevada state line. In California, the Project APE encompasses 42,180 acres and is 138 miles long; the APE-ADI in California encompasses 3,808 acres and is 137.5 miles long. The Nevada segment of the Project is located between the California-Nevada state line near Primm, Nevada, and Las Vegas, Nevada. The Project APE in Nevada encompasses 11,672 acres and is 34.5 miles long; the APE-ADI in Nevada encompasses 2,162 acres and is 34 miles long. The APE is depicted in Appendix A. In January 2019, DesertXpress Enterprises, LLC, submitted proposed project modifications, including a refined alignment between Victor Valley and Las Vegas (with a greater proportion within the I-15 median), modified station sites in Apple Valley and the Las Vegas area, and changes to ancillary facilities (FRA 2020).

## Detailed Discussion

As the Project moves into final design and preparation to begin construction, additional Project modifications, occurring within the APE-ADI have been identified. Those modifications are described in Table 1. The total Project APE also requires revision to accommodate modifications to the APE-ADI in accordance with the APE delineation values as previously established for the Project.

In September 2023, additional project modifications were identified. The most significant changes include moving the Victor Valley Station (CA) and 14 miles of rail alignment from the east side of $\mathrm{I}-15$ into the median, moving 12 miles of rail alignment between Primm and Jean (NV) from the east side of I-15 into the median, and moving the maintenance facility from the Victor Valley Station area to Sloan, NV with tracks connecting to the existing Union Pacific Railroad mainline. Accommodating these changes requires approximately 6 freeway ramp adjustments, 2 new emergency crossovers, 3 revised and 4 added culverts, a viaduct structure over an existing industrial railroad track, and an additional 2 miles of track south of the Victor Valley Station (all within the Caltrans right-of-way).

Table 1. Project Modifications to the APE-ADI

| Project Feature | Description of Modification(s) |
| :--- | :--- |
| Alignment | $\begin{array}{l}\text { The project modifications involve relocating the rail alignment } \\ \text { between the Victor Valley Station (previously referred to as Dale } \\ \text { Evans Station) and Sidewinder Road from the east side of I-15 to } \\ \text { the I-15 median. As such, the entirety of the proposed Segment 1 } \\ \text { rail alignment would be within the I-15 median, which would } \\ \text { result in reduced impacts and would increase the efficiency of } \\ \text { train operations. This design change is also favorable with } \\ \text { Caltrans and FHWA because it would improve constructability } \\ \text { of potential future I-15 improvements in either the northbound or } \\ \text { southbound direction. } \\ \text { Additionally, the Segment 1 rail alignment would be extended }\end{array}$ |
| 1 mile south of the Victor Valley Station to access a |  |
| maintenance-of-way track that would be constructed to move |  |
| equipment from the median rail mainline to the maintenance-of- |  |
| way facility. Extension of the APE-ADI south of the Victor |  |
| Valley Station through the median of the I-15 to the existing |  |
| CEMEX rail track at Black Mountain Quarry Road, |  |
| Segment 1 Alignment |  |
| (Apple Valley to Lenwood) |  |
| expanimately 1-mile south of the previous APE required |  |
| of the APE-ADI (consistent with APE delineation values for at- |  |
| grade rural/desert alignments). |  |$\}$

## Table 1. Project Modifications to the APE-ADI

| Project Feature | Description of Modification(s) |
| :--- | :--- |
|  | $\begin{array}{l}\text { Project modifications would relocate the rail alignment between } \\ \text { Primm, Nevada, and north of Goodsprings Road near Jean, } \\ \text { Nevad, from the east side of I-15 to the I-15 median. As such, } \\ \text { the entirety of the Segment 5 rail alignment would be within the } \\ \text { I-15 median, which would result in reduced impacts, would } \\ \text { increase the safety and efficiency of train operations, and would } \\ \text { improve project constructability for future I-15 widening in this } \\ \text { portion of the alignment. }\end{array}$ |
| $\begin{array}{l}\text { Segment 5 Alignment } \\ \text { Additionally, the previously considered braid structures near } \\ \text { Primm and at the Union Pacific Railroad (UPRR) crossing are no } \\ \text { longer needed and have been removed from the Project. }\end{array}$ |  |
|  | $\begin{array}{l}\text { The prior project design evaluated in September 2020 considered } \\ \text { Sollocating an operations, maintenance, and storage facility } \\ \text { (OMSF) with the Victor Valley Station (previously referred to as } \\ \text { (he Dale Evans Station in the DesertXpress Final EIS and the } \\ \text { the } \\ \text { September 2020 reevaluation), with a permanent footprint of } \\ \text { approximately 300 acres. The project modifications include } \\ \text { relocation of the vehicle maintenance facility (VMF), previously } \\ \text { located as part of the Victor Valley Station, to a site on the west } \\ \text { side of I-15 in Sloan, Nevada (described further below). }\end{array}$ |
| The permanent footprint of the Victor Valley Station would |  |$\}$

Table 1. Project Modifications to the APE-ADI

| Project Feature | Description of Modification(s) |
| :---: | :---: |
| Ancillary Features |  |
| Freeway Ramp <br> Realignments/Modifications | The prior project design included realignment of portions of approximately 17 existing I- 15 on- and off- ramps to accommodate the rail line within the I-15 right-of-way. The project modifications include extending those on- and off-ramp realignments and ramp modifications and changing the location where those ramp realignments/reconstructions transition to the existing roadway/pavement. There are six locations where those proposed on- and off-ramp modifications would occur (from south to north): <br> - I-15 southbound ramps at Dale Evans Parkway <br> - I-15 northbound ramps at Main Street in Barstow <br> - I-15 northbound ramps and southbound ramps at East Primm Boulevard <br> - I-15 southbound ramps at Goodsprings Road <br> - I-15 southbound ramps at Sloan Road <br> The proposed modifications would be located primarily on previously evaluated project footprint within existing Caltrans, NDOT, and local rights-of-way along I-15. The modifications are the result of coordination with Caltrans and NDOT on final design details to update the modified median-running alignment to adhere to current safety design standards. |
| California Highway Patrol Emergency Crossovers | The prior project design included eight emergency crossovers along the alignment in California. The project modifications include two new emergency crossovers at Zzyzx Road and Halloran Springs. Additionally, five previously evaluated emergency crossovers in Segment 3 would be relocated; the crossovers near Coyote Lake Road, Basin Road, Baker, and both north and south of Halloran Springs. Emergency crossovers would be located mainly on the previously evaluated project footprint within existing Caltrans right-of-way. |

Table 1. Project Modifications to the APE-ADI
\(\left.$$
\begin{array}{l|l}\hline \text { Project Feature } & \text { Description of Modification(s) }\end{array}
$$ \begin{array}{l}The prior project design included roadwork at local interchanges <br>
and along the I-15 roadway at various locations. The project <br>
modifications include: <br>
- Realigning the I-15 northbound lane approximately 50 feet <br>
east and raising the lane approximately 25 feet to <br>
accommodate the passenger platforms in the I-15 median, <br>
tail track for train storage, a pedestrian underpass for access <br>
to/from the platforms, and a maintenance-of-way access <br>
track for trains. Those roadwork improvements would occur <br>
along an approximately 1-mile portion of the I-15 <br>

northbound lane adjacent to the Victor Valley Station.\end{array}\right\}\)| - Additional roadwork at the Dale Evans Parkway interchange |
| :--- |
| accessing the I-15 southbound ramps |

## Table 1. Project Modifications to the APE-ADI

$\left.\begin{array}{l|l}\hline \text { Project Feature } & \text { Description of Modification(s) } \\ \hline & \begin{array}{l}\text { A new connection to the existing CEMEX industrial rail track is } \\ \text { proposed on the north side of Apple Valley, California, near the } \\ \text { proposed Victor Valley Station. The connection would consist of } \\ \text { a turnout off the existing CEMEX track and approximately } \\ \text { 2 miles of new track along the east side of I-15 heading north, all } \\ \text { within the Caltrans right-of-way. The current design includes a } \\ \text { viaduct over the existing CEMEX bridge. Brightline West is } \\ \text { working to reach agreement with CEMEX to reconstruct the } \\ \text { existing CEMEX track railroad bridge over I-15 to allow the } \\ \text { project rail alignment to run at grade underneath the railroad } \\ \text { bridge. } \\ \text { CEMEX Facility and Rail } \\ \text { Connection }\end{array} \\ \begin{array}{l}\text { The proposed new connection would allow rail transport of } \\ \text { construction materials such as track ballast, rail, ties, catenary } \\ \text { poles, and other miscellaneous materials to the project site and } \\ \text { would reduce the need for trucking construction materials to the } \\ \text { project site. }\end{array} \\ \text { Ivanpah Traction Power } & \begin{array}{l}\text { The prior project design included a substation and two options } \\ \text { for utility line connections in the Ivanpah area. The current } \\ \text { design utilizes only the north utility line option with minor } \\ \text { adjustments that have been made in response to coordination } \\ \text { with BLM and Southern California Edison. }\end{array} \\ \text { Substation (TPSS) } & \begin{array}{l}\text { The prior project design considered the relocation of the } \\ \text { California maintenance-of-way facility from Baker, California, } \\ \text { to the I-15 median approximately 6 miles south of the California- } \\ \text { Nevada state line, adjacent to the existing California Agricultural }\end{array} \\ \hline \text { Las Vegas Vehicle } \\ \text { Inspection Station. The 25-acre facility was proposed to be }\end{array}\right\}$

Table 1. Project Modifications to the APE-ADI
\(\left.$$
\begin{array}{l|l}\hline \text { Project Feature } & \text { Description of Modification(s) } \\
\hline & \begin{array}{l}\text { Segment 6 west of I-15 and south of Sloan Road on land under } \\
\text { BLM jurisdiction in NV and required expansion of the APE by }\end{array}
$$ <br>
1,000 feet on either side of the VMF footprint. An additional <br>
freight track corridor would connect the VMF to the adjacent <br>
Union Pacific Railroad. <br>
- Brightline West has filed a connection request and is <br>
coordinating with UPRR regarding the connection design <br>
and operational concepts. UPRR has granted preliminary <br>
approval of the proposed rail connection, which would be <br>

subject to additional design development.\end{array}\right\}\)| The relocated VMF and adjacent UPRR connection would |
| :--- |
| require 239 acres of permanent footprint and 127 acres of |
| temporary footprint and include: |
| • Storage and staging tracks and overhead catenary system |
| from which trains would be mobilized for daily operations |
| - Appurtenances associated with the VMF, including but not |
| limited to a train car wash station, a train performance |
| monitoring station, an operations control center, a power |
| substation and distribution lines, utility connections, |
| circulation system, site control, fencing, and parking |

Temporary Construction Areas (TCAs)
TCAs are areas that would be utilized for construction staging and storage. No permanent project features would be installed in TCAs, and the TCAs would be restored/vacated upon completion of construction. The modified Project includes an additional 202 TCAs located along the alignment. The additional 202 TCAs would add approximately 1,492 acres of temporary footprint, which does not include the 127 acres of total temporary footprint required for constructing the Las Vegas VMF and UPRR connection. The additional TCAs would be located primarily within existing Caltrans or NDOT right-of-way adjoining permanent facilities to be constructed in the I-15 corridor.

## References

FRA (Federal Railroad Administration). 2020. Final National Environmental Policy Act Reevaluation for the DesertXpress Enterprises, LLC XpressWest High-Speed Passenger Train Victorville, California to Las Vegas, Nevada. U.S. Department of Transportation, Federal Railroad Administration, Washington, DC. July.

## Appendix A Area of Potential Effects


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## - Limits of Disturbance (LOD) <br> Area of Potential Effect (APE)



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