

protective of California's unique natural resources. The Authority has selected the HSR Build Alternative with the Burbank Station and a modified Los Angeles Union Station, as identified in the Final Environmental Impact Statement (Final EIS) and Record of Decision (ROD), for the Burbank to Los Angeles Project because the Selected Alternative (1) best satisfies the Purpose, Need, and Objectives for the Project and (2) minimizes impacts on the natural and human environment by utilizing an existing transportation corridor where practicable and incorporating mitigation measures where practicable. The actions by the Authority, and the laws under which such actions were taken, are described in the Project's Final EIS and ROD, approved on March 7, 2022. The ROD, Final EIS, and other documents will be available online in PDF at the Authority's website ([www.hsr.ca.gov](http://www.hsr.ca.gov)) and via CD-ROM by calling (916) 324-1541.

This notice applies to the ROD, Final EIS, and all other Federal agency decisions with respect to the Project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. NEPA;
2. Council on Environmental Quality regulations (1978);<sup>2</sup>
3. Fixing America's Surface Transportation Act (FAST Act);
4. Department of Transportation Act of 1966, Section 4(f);
5. Land and Water Conservation Fund (LWCF) Act of 1965, Section 6(f);
6. Clean Air Act Amendments of 1990;
7. Clean Water Act of 1977 and 1987;
8. Endangered Species Act of 1973;
9. Migratory Bird Treaty Act;
10. National Historic Preservation Act of 1966, as amended;
11. Executive Order 11990, Protection of Wetlands;
12. Executive Order 11988, Floodplain Management;
13. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;
14. Executive Order 13112, Invasive Species.

<sup>2</sup> The Council on Environmental Quality (CEQ) issued new regulations on July 14, 2020, effective September 14, 2020, updating the NEPA implementing procedures at 40 CFR 1500 through 1508. However, this project initiated NEPA before the effective date and relies on the CEQ regulations as they existed prior to September 14, 2020. All subsequent citations to the CEQ regulations in the ROD and Final EIS refer to the 1978 regulations, consistent with 40 CFR 1506.13 (2020) and the preamble at 85 FR 43340.

Issued in Washington, DC.

**Jamie P. Rennert,**

*Director, Office of Infrastructure Investment.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2021-0100]

#### Notice of Availability of a Final General Conformity Determination for the California High-Speed Rail System, San Jose to Merced Section

**AGENCY:** Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** FRA is providing this notice to advise the public that it is issuing a Final General Conformity Determination (FCD) for the San Jose to Merced Section of the California High-Speed Rail (HSR) System.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:** Pursuant to 23 U.S.C. 327 (Section 327), the California High-Speed Rail Authority (CHSRA or Authority) has assumed FRA's environmental review responsibilities under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*). However, under Section 327, FRA remains responsible for compliance with the Clean Air Act General Conformity requirements. In compliance with NEPA and the California Environmental Quality Act (CEQA), the Authority published a Final Environmental Impact Record/Final Environmental Impact Statement (EIR/EIS) for the San Jose to Merced Section of the California High-Speed Rail (HSR) System on February 25, 2022.

FRA prepared a Draft General Conformity Determination, pursuant to 40 CFR part 93, subpart B, which establishes the process for complying with the General Conformity requirements of the Clean Air Act. FRA published a notice in the **Federal Register** on November 26, 2021 advising the public of the availability of the Draft Conformity Determination for a 30-day review and comment period. The Draft

Conformity Determination was published at <http://www.regulations.gov>, Docket No. FRA-2021-0100. The comment period of the Draft Conformity Determination closed on December 30, 2021. FRA received two comments expressing support for the project and Draft General Conformity Determination.

FRA prepared the Final General Conformity Determination pursuant to 40 CFR part 93 Subpart B, and based on the Authority's coordination with the U.S. Environmental Protection Agency (EPA), Bay Area Air Quality Management District (BAAQMD), San Joaquin Valley Air Pollution Control District (SJVAPCD), and the California Air Resources Board (CARB). The analysis found that construction period emissions would exceed the General Conformity *de minimis* threshold for Nitrogen Oxides (NO<sub>x</sub>). However, operation of the Project would result in an overall reduction of regional emissions of all applicable air pollutants and would not cause a localized exceedance of an air quality standard. Consistent with the General Conformity Rule, the Authority will ensure all remaining emissions that exceed the *de minimis* thresholds, after implementation of the impact avoidance and minimization features and onsite mitigation measures, will be completely mitigated to zero through agreements with the applicable air districts. Based on this commitment, FRA determined the Project will conform to the requirements in the approved State Implementation Plan.

The Final General Conformity Determination is available at <http://www.regulations.gov>, Docket No. FRA-2021-0100, and FRA's website at <https://railroads.dot.gov/environmental-reviews/clean-air-act-california-general-conformity-determinations>.

Issued in Washington, DC.

**Jamie P. Rennert,**

*Director, Office of Infrastructure Investment.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number MARAD-2022-0057]

#### Every Mariner Builds a Respectful Culture (EMBARC)—Procedure and Sexual Assault and Sexual Harassment Prevention Standards

**AGENCY:** Maritime Administration, Department of Transportation