

# Notice of Exemption

## Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**From:** (Public Agency): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Address)

Project Title: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Location - Specific:

Project Location - City: \_\_\_\_\_ Project Location - County: \_\_\_\_\_

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: \_\_\_\_\_

Name of Person or Agency Carrying Out Project: \_\_\_\_\_

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

Lead Agency

Contact Person: \_\_\_\_\_ Area Code/Telephone/Extension: \_\_\_\_\_

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

Signed by Lead Agency  Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

**Governor's Office of Planning & Research**

Date Received for filing at OPR: \_\_\_\_\_

**Jul 30 2020**

**STATE CLEARINGHOUSE**

**CITY OF FRESNO  
STATUTORY EXEMPTION  
ENVIRONMENTAL ASSESSMENT NO. PW00850 BLACKSTONE/MCKINLEY BNSF GS**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE STATUTORILY  
EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS  
PURSUANT TO ARTICLE 18 OF THE STATE CEQA GUIDELINES AND SECTION 21080.13 OF  
THE CALIFORNIA PUBLIC RESOURCES CODE.

**APPLICANT:** Jesus Avitia, P.E.  
City of Fresno  
2600 Fresno Street, Office 4036  
Fresno, CA 93721

**PROJECT LOCATION:** N. Blackstone Avenue/BNSF Mainline USDOT Crossing No. 028573P, CPUC Crossing No. 002-1000.00

E. McKinley Avenue/BNSF Mainline USDOT Crossing No. 028574W,  
CPUC Crossing No. 002-1000.10

**PROJECT DESCRIPTION:** The project will eliminate 2 existing at grade crossings by grade separating N. Blackstone Avenue and E. McKinley Avenue under the BNSF Mainline Track. The project will require Right of Way acquisitions, utility relocations, will be compatible and complementary to the “Better Blackstone” Initiative and the South Blackstone Smart Mobility Strategy. The project will improve on-time service performance for the City’s Bus Rapid Transit Service and remedy traffic for Fresno City College located at the northwest quadrant of the Blackstone and McKinley intersection.

**This project is statutorily exempt under Sections 21080.13(a) of the California Public Resources Code, and 15282(g) of the California Environmental Quality Act (CEQA) Guidelines.**

**EXPLANATION:** Chapter 26 of the Public Resources Code articulates when the division of the PRC requiring assessment pursuant to the CEQA Guidelines shall apply to discretionary projects. In so doing, it sets forth a number of statutory and categorical exemptions for certain projects that by their nature are not required to be subject to the division. Public Resources Code Section 21080.13 specifically identifies a statutory exemption for railroad grade separation projects and states as follows:

- (a) This division shall not apply to any railroad grade separation project that eliminates an existing grade crossing or that reconstructs an existing grade separation.

- (b) (2) Whenever a local agency determines that a project is not subject to this division pursuant to this section, and it approves or determines to carry out the project, the local agency shall file a notice with the Office of Planning and Research and with the county clerk in each county in which the project will be located in the manner specified in subdivisions (b) and (c) of Section 21152.

In addition, CEQA Guidelines Section 15282 sets forth a list of various statutory exemptions and specifically identifies certain railroad grade separation projects as statutorily exempt as follows:

- (g) Any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation as set forth in Section 21080.13 of the Public Resources Code.

This approval clearly meets the requirements of Public Resources Code Section 21080.13 and CEQA Guidelines Section 15282 because it will eliminate two existing at grade crossings with the construction of the Blackstone/McKinley Grade Separation. As such, this project is statutorily exempt from the requirements of CEQA.

Date: May 12, 2020

Prepared By: Jesus Avitia, P.E.

Submitted By: 

Jesus Avitia, P.E.  
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City of Fresno  
Public Works  
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