

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: Alameda

1106 Madison Street

Oakland, CA 94607

From: (Public Agency): Alameda County Transportation Commission
1111 Broadway #800
Oakland, CA 94607

(Address)

Project Title: Alameda CTC Rail Safety Enhancement Program - Phase A, Unincorporated Alameda County

Project Applicant: Alameda County Transportation Commission

Project Location - Specific:

Paseo Grande Avenue (San Lorenzo), and Blossom Way (Cherryland)

Project Location - City: San Lorenzo, and Cherryland Project Location - County: Alameda

Description of Nature, Purpose and Beneficiaries of Project:

The project consists of rail safety improvements to at-grade rail crossings at Paseo Grande Avenue and Blossom Way. The improvements will improve safety for motorists and pedestrians. This includes restricting access to UPRR tracks, improving signage, accessibility improvements, and other safety features.

Name of Public Agency Approving Project: Alameda County Transportation Commission

Name of Person or Agency Carrying Out Project: Alameda County Transportation Commission

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: Class 1 Exemption: Pursuant to Section 15301(c)
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The proposed Alameda County Transportation Commission Rail Safety Enhancement Program - Unincorporated Alameda County project falls within the description of a Class 1 Existing Facilities Exemption under Cal. Code Regs. tit. 14 § 15301(c). These improvements meet a Class 1 Existing Facilities Exemption because the improvements involve the repair and maintenance of new sidewalks, pedestrian paths, roadway striping/pavement markings, roadside signs, medians, security access gates/fencing, pavement, ADA detectable pavers, and "No Trespassing" signs. The proposed improvements and construction activities are limited to the crossings and have no offsite or considerable cumulative effects.

Lead Agency

Contact Person: Gary Huisingh 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: 2/1/2023 Title: Deputy Executive Director of Projects

▪ 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.

Date Received for filing at OPR: _____

MEMORANDUM

Date: January 6, 2023
To: Marcy Kamerath, Project Manager
From: Brianna Bohonok, Principal-in-Charge
Subject: Alameda County Transportation Commission Rail Safety Enhancement Program
Categorical Exemption Determination – Unincorporated Alameda County

INTRODUCTION

The Alameda County Transportation Commission (Alameda CTC) is undertaking safety improvements along at-grade railroad crossings on the Union Pacific Railroad line throughout Alameda County, known as the Rail Safety Enhancement Program (RSEP). These safety improvements are intended to reduce conflicts at the existing at-grade crossings. This memorandum evaluates the applicability of categorical exemption(s) for the project improvements in accordance with the California Environmental Quality Act (CEQA).

CATEGORICAL EXEMPTION OVERVIEW

Section 21084 of the California Public Resources Code specifically requires the CEQA Guidelines to include a list of classes (or categories) of projects that have been determined not to have a significant effect on the environment and are therefore exempt from the provisions of CEQA. The CEQA Guidelines Cal. Code Regs. tit. 14 Sections 15301 through 15333 constitute the list of categorically exempt projects and contain specific criteria that must be met in order for a project to be found categorically exempt. Additionally, Section 15300.2 of the CEQA Guidelines includes a list of exceptions to the use of categorical exemptions, none of which may apply to a project for it to qualify for a categorical exemption.

LIMITED SCOPE OF PROJECT

While the RSEP is a more comprehensive program throughout Alameda County, this project is limited to the specified area discussed in the Project Description. CEQA prohibits the consideration of parts of a project called “piece-mealing” in order to reduce the analysis of an overall effect and in violation of consideration of the “whole of an action.” However, there are notable exceptions to this prohibition and they generally apply to larger programs or implementation of linear projects like rail improvements. These exceptions are the concept of “independent utility” and “reasonably foreseeable consequences” of the activity under review. These concepts are related and they state that if implementation of the project does not necessitate other aspects of the project, or that one could reasonably assume that a subsequent part of the project would or wouldn’t be implemented regardless of the project under review, the CEQA analysis can be limited to the project under review. Each of the RSEP projects has their own independent utility and are easily separated from other railroad safety improvements without any connection to reasonably foreseeable safety improvement projects.



PROJECT DESCRIPTION

Project Location

The project site consists of two existing at-grade rail crossings in unincorporated Alameda County between the City of San Lorenzo to the west and Cherryland to the east. Alameda CTC is the lead agency under CEQA. The crossings are along Union Pacific Railroad (UPRR) tracks where UPRR tracks intersect with local streets. Each of the crossings is listed in Table 1 below, noting the jurisdiction and local street intersections. The Map ID number corresponds to crossing locations shown on Figure 1. Detailed drawings of each crossing are attached.

Table 1 Crossing Locations

Jurisdiction	Intersection	Map ID
Unincorporated Alameda County	Paseo Grande Avenue	1
Unincorporated Alameda County	Blossom Way	2

Source: Alameda CTC, 2021

Site Conditions

Within unincorporated Alameda County, the Paseo Grande Avenue crossing is in a residential neighborhood with a mix of densities, at the northwest corner of Colonial Acres Elementary School. All parcels surrounding the Paseo Grande Avenue crossing are zoned R-1, Single Family Residence District. The Blossom Way crossing is in a single-family residential neighborhood with a small shopping center containing retail and commercial uses. Parcels surrounding the Blossom Way crossing are zone R-1, Single Family Residence District to the southwest and CN, Neighborhood Business District to the northeast. Development immediately surrounding both crossing locations predominantly comprises single family homes with Colonial Acres Elementary School to the east of the Paseo Grande Avenue crossing. A mix of commercial uses including a restaurant, liquor store, and car wash are located northeast of the Blossom Way crossing.

Rail Safety Enhancement Program

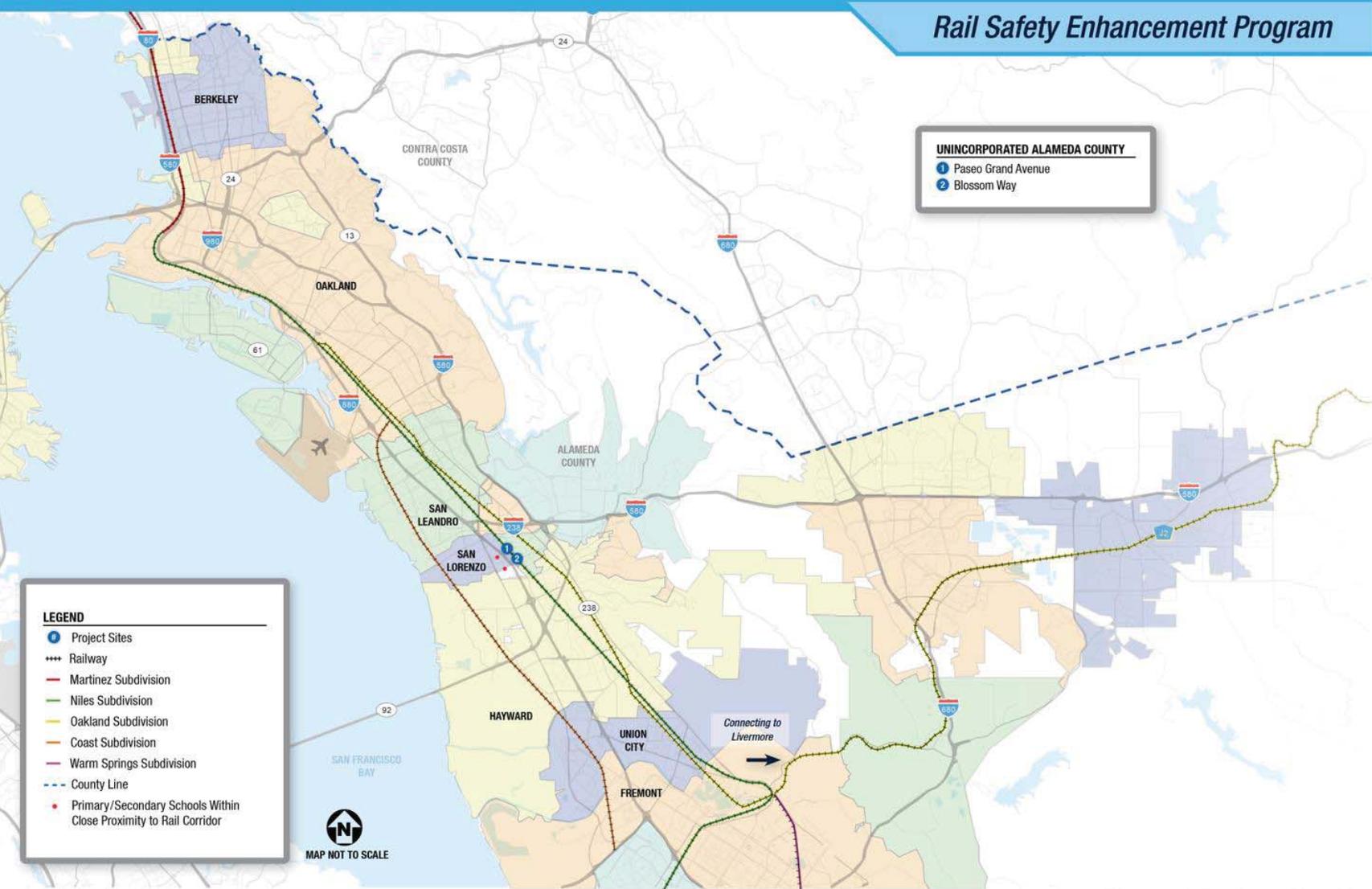


Figure 1 Project Site Map

Both crossings contain overhead and street-level warning lights, crossbucks, and automated arms to stop traffic while trains pass. Both crossings have predominately impervious surfaces with limited landscaping associated with nearby residences. The Blossom Way crossing takes place on a residential street, while the Paseo Grande Boulevard crossing is located on a larger arterial. The existing conditions at each crossing location are described in detail in Table 2.

Table 2 Existing Conditions

Intersection	Description	Map ID
Paseo Grande Avenue	Paseo Grand Avenue is a two-lane side street. The existing rail crossing is surrounded to the north, west, and south by single family residences, with Colonial Acres Elementary School located to the east and separated from the crossing and roadway by a chain link fence. Residential properties are separated from the rail crossing by wooden fencing and vegetation. Additionally, an earthen buffer zone of approximately 35 feet separates all properties from the rail and track ballast.	1
West Blossom Way	West Blossom Way is a two-lane side street, with sidewalks, and a painted median. West Blossom Way contains Class III bike lanes and sidewalks on either side of the existing at-grade crossing. Both directions of travel are separated by a plastic median with pylons on either side of the crossing. Residential uses to the southwest are separated from the rail line by wooden fencing and an approximately 35-foot earthen buffer. The car wash located to the east is separated by a concrete wall, while the restaurant to the north has no additional barrier. Landscaping is limited to street trees associated with commercial uses to the northeast of the crossing.	2

Source: Circlepoint, 2021

Project Components

The project consists of rail safety improvements to existing at-grade rail crossings. The improvements are designed to increase safety for all motorists and pedestrians. This includes restricting access to UPRR tracks, improving signage, accessibility improvements, and other safety features. The proposed safety improvements at each crossing are listed in Table 3.

Table 3 Proposed Safety Improvements

Intersection	Description	Excavation/Grading	Map ID
Paseo Grande Avenue	The following improvements are proposed: <ul style="list-style-type: none"> Remove portions of existing 	Some excavation would be required for the installation of new pavement and ADA-detectable pavers and would mainly occur within UPRR	1

Intersection	Description	Excavation/Grading	Map ID
	pavement/concrete <ul style="list-style-type: none"> Install new sidewalks, pedestrian path, roadway striping/pavement marking, roadside signs, median, security access gates/fencing, pavement, ADA detectable pavers, and “No Trespassing” signs 	ROW. However, connections to existing pedestrian facilities would occur within County ROW.	
Blossom Way	The following improvements are proposed: <ul style="list-style-type: none"> Remove portions of existing pavement/concrete Install new sidewalk, roadway striping/pavement marking, security access gates/fencing, pavement, ADA detectable pavers, “No Trespassing” signs, and pedestrian barrier 	Some excavation would be required for the installation of new pavement and ADA-detectable pavers and would mainly occur within UPRR ROW. However, the conformation of new facilities to existing pedestrian facilities at the southeast corner of the crossing would occur within County ROW.	2

Source: Alameda CTC, 2021

Construction

Construction of the project is anticipated to take approximately 12 months, beginning in the third quarter of 2022, and concluding in the third quarter of 2023.

Construction at each crossing will generally include:

- Temporary closure of the crossing with an appropriate detour
- Removal of outdated or non-functioning crossing control equipment, fencing, signage, pavement, and other materials
- Installation of new fencing, crossing control equipment, signage, sidewalks and pavement, and other safety features

The project would not require shoulder backing, culverts, or utility relocations. All construction activities, including excavation and staging, would be contained within the permanent project footprint. No property or right-of-way acquisitions would be required.

Operation

During operation, the improved crossings will function similar to existing conditions. Vehicular traffic and pedestrians will be able to use the crossings as they do under existing conditions, but with improved safety. Operation of the project would require electricity for crossing arms but would otherwise not require the use of utilities. Operation of the project would not change the frequency or speed of existing trains along UPRR tracks or effect the volume of vehicles using the crossing. The improvements may provide the groundwork for local agencies to pursue a Federal “quiet zone” designation, but this would



be completed by the local agencies as a separate project. Therefore, operation of the project would not alter existing train noise levels.

CATEGORICAL EXEMPTION STATUS

The proposed RSEP improvements qualify for a Class 1 Exemption: Pursuant to Section 15301(c) (CEQA Guidelines), the project is categorically exempt from CEQA, as it meets the criteria for a Class 1 Existing Facility project.

Section 15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1(c). The key consideration is whether the project involves negligible or no expansion of use. Examples include but are not limited to:

Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street leads, and other similar alterations that do not create additional automobile lanes.

CEQA GUIDELINES SECTION 15300.2 - EXCEPTIONS

This section documents that none of the exceptions in CEQA Guidelines Section 15300.2(b) through (f) would disqualify the project from being found categorically exempt.¹ As described below, use of a categorical exemption Class 1 Subsection 15301(c) to cover the Paseo Grande Avenue and Blossom Way RSEP improvements would not meet any of the exception criteria. This section includes a discussion of the in consideration of 15300.2 (b) through (f). The findings in this section were informed by a Hazardous Materials Technical Memorandum and a Cultural Resources Study prepared for the project. These documents are available upon request.

(b) Cumulative Impact - All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

All aspects of the proposed safety improvements would occur within the existing crossings and would not generate offsite impacts. The improvements would be constructed and once completed, no other improvements would be necessary or occur at the crossings. As a result, there would be no potential cumulative impacts because there would be no successive projects at these locations.

¹ Section 15300.2 (a) relates specifically to location if invoking Categorical Exemption Classes 3, 4, 5, 6, and 11, which are not relevant to the project.

(c) Significant Effect - A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances

All aspects of the proposed safety improvements would occur within the existing crossings which are areas that have been previously disturbed by construction of the existing railroad and roadways, as well as adjacent development in some areas. Construction activities would include minor excavation to replace old pavement and sidewalks, installation of roadside signs, fencing and security gates, medians, curb and gutter, and ADA detectable pavers. These construction activities because they will occur in already disturbed areas and replace existing facilities would not negatively impact the environment. The improved crossings would operate similar to existing conditions. Therefore, the project would not result in a significant effect on the environment nor involve an unusual circumstance.

(d) Scenic Highways - A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

There are no state-designated Scenic Highways within 0.5 mile of either of the existing crossings.² This area does not include any significant trees, rock outcroppings or other potentially scenic resources. As such, it is not anticipated that the project would adversely affect any designated scenic resource, such as trees, historic buildings, rock outcroppings, or similar resources, as defined by CEQA statutes or guidelines, or by Caltrans' policy. The project would replace the existing crossings and would not substantially alter the existing aesthetic setting of surrounding structures. In addition, all aspects of the proposed safety improvements would occur within the existing crossings, which consist of at-grade rail crossings where UPPR tracks intersect with local streets. As such, there would be no impact to Scenic Highways or other scenic resources.

(e) Hazardous Waste Sites - A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

A hazardous resources assessment was prepared for the existing crossings. Based on a preliminary search, no sites were identified that presented a potential environmental risk or were included in a list compiled pursuant to Section 65962.5 of the Government Code. Prior to construction, a health and safety plan will be prepared for construction activities to ensure worker safety and compliance with existing State and federal laws regarding exposure to hazardous materials. Therefore, potential impacts from hazardous materials are less than significant.

(f) Historical Resources - A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

A Cultural Resources Technical Report was prepared for the existing crossings. A California Historical Resources Information System (CHRIS) search was conducted as well as a review of the National Register of Historic Place (NRHP), the California Register of Historical Resources (CRHR), the Office of Historic Preservation Historic Properties Directory, the California Built Environment Resources Directory, and the

² Caltrans. 2018. *California Scenic Highway System Map*. Accessed: August 24, 2021. Available: <https://www.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983>.



Archaeological Determinations of Eligibility List. The results found a previously recorded cultural resource, the San Lorenzo Village Historic District, within the Paseo Grande crossing. This resource is recommended eligible for listing in NRHP. The field survey confirmed that the eastern half of the Paseo Grande Avenue crossing lies within the San Lorenzo Village Historic District but that no contributing features of the district exist within the existing crossing. The project would not impair or alter the San Lorenzo Village Historic District because the proposed project activities include only minor excavation and grading within this area, and the proposed safety improvements are generally consistent with the existing conditions of the crossings. As such, the project would have no impact to historical resources.

SUMMARY OF FINDINGS

As documented above, the proposed RSEP improvements fall within the description of a Class 1, Existing Facility Exemption(s). Under Cal. Code Regs. tit. 14 § 15301(c). These improvements meet a Class 1, Existing Facility Exemption because the improvements involve the repair and maintenance of new sidewalks, pedestrian paths, roadway striping/pavement markings, roadside signs, medians, security access gates/fencing, pavement, ADA detectable pavers, and "No Trespassing" signs. Additionally, the improvements are only for repair and maintenance of the existing infrastructure, and all work will occur within existing UPRR right of way.

None of the exceptions noted in CEQA Guidelines Section 15300.2 were triggered. The proposed improvements and construction activities are limited to the existing crossings and have no offsite or considerable contributions to cumulative effects. Given this, additional analysis is not warranted.

CONCLUSION

The project has been reviewed in compliance with CEQA. Pursuant to CEQA Guidelines Section 15300.2, the project is categorically exempt from CEQA as Class 1 Existing Facilities.