

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, Livermore

Project Applicant: Alameda County Transportation Commission

Project Location - Specific:

L Street and Junction Avenue in the City of Livermore

Project Location - City: Livermore Project Location - County: Alameda

Description of Nature, Purpose and Beneficiaries of Project:

The project consists of rail safety improvements to existing at-grade rail crossings at L Street and Junction Avenue. 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.

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 - Livermore 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 – Livermore

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 the City of Livermore, in Alameda County, California. The rail crossings are both in Downtown Livermore at the center of the city. 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 two crossings are listed in Table 1 below, noting the jurisdiction and local street intersections from north to south. 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
Livermore	L Street	1
Livermore	Junction Avenue	2

Source: Alameda CTC, 2021

Site Conditions

Both crossings are in the Livermore Downtown Specific Plan area which consists of commercial, service, retail, and residential uses. The L Street rail crossing is surrounded by properties featuring multifamily residential, commercial, retail, and service land uses. At the L Street crossing, two undeveloped parcels abut the Union Pacific Railroad (UPRR) tracks to the north, accompanied by a car wash facility on the northeast corner of the crossing. The Junction Avenue rail crossing is also surrounded by commercial, service, retail, and residential land uses. Properties abutting the UPRR tracks to the north include the Ladd School and multi and single-family residential units. The southern boundary of the UPRR tracks at this location are lined by a bus station, a recycling center, and an auto service center. Additional educational facilities within the area include the Junction Avenue K-8 School, which is approximately 340 feet north of the Junction Avenue rail crossing. The St. Michael School and Livermore High School are approximately 1,000 feet south of the Junction Avenue rail crossing.

Site conditions vary between crossings. The area surrounding the L Street rail crossing features a mix of developed and undeveloped parcels. Developed parcels in the area feature paved roadways, sidewalks, and landscaping surrounding residential buildings and along roadways. Undeveloped parcels in the area predominately consist of pervious surfaces with little to no paving. The parcels surrounding the Junction Avenue rail crossing predominately consist of impervious surfaces such as roadways, sidewalks, and surface parking lots. Pervious surfaces include the UPRR right-of-way which consists of gravel and dirt. Minimal landscaping exists in the area. The existing conditions at each crossing location are described in detail in Table 2.

Rail Safety Enhancement Program

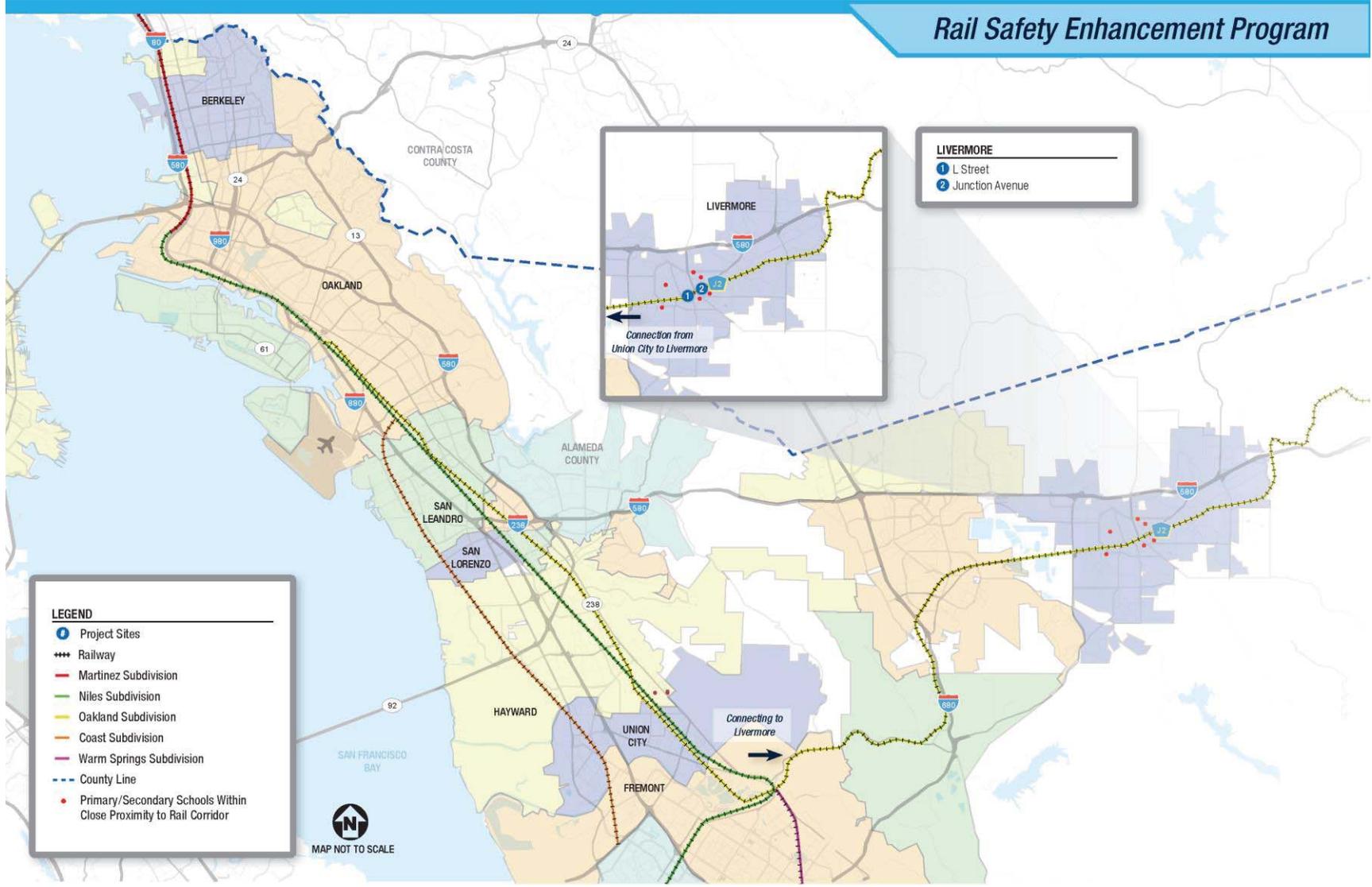


Figure 1 Project Site Map

Table 2 Existing Conditions

Intersection	Description	Map ID
L Street	<p>L Street is a two-lane side street with two traffic lanes in both directions upon crossing one set of UPRR tracks at-grade. Located in between Chestnut Street and Railroad Avenue and adjacent to Autotopia Car Wash. Sidewalks for pedestrian traveling along L Street are located on both sides of the rail crossing.</p> <p>The existing rail crossing currently features a fence along the UPRR ROW as well as a single-arm gate and warning device. The existing rail crossing also features concrete crossing panels and street lighting. An existing fire hydrant is positioned on the northeastern corner of the L Street rail crossing intersection, and a signal house and an existing building are located on the northwest corner.</p>	1
Junction Avenue	<p>Junction Avenue is a side street with one traffic lane and bike lane in both directions upon crossing one set of UPRR tracks at-grade. Located near Doolan Park and the Junction Avenue Old First Street intersection. Sidewalks for pedestrians traveling along Junction Ave are located on both sides of the rail crossing.</p> <p>The existing rail crossing currently features a fence along the UPRR ROW. The existing rail crossing is equipped with vehicular gates and warning devices on Junction Avenue on each side of the rail crossing. The rail crossing also features concrete crossing panels and street lighting. The signal house is positioned on the northwest corner.</p>	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
L Street	<p>The following improvements are proposed:</p> <ul style="list-style-type: none"> Install new sidewalk, single-arm gate and warning device, security access gates/fencing, pavement, ADA detectable pavers, and “No Trespassing” signs 	Minor excavation would be required to replace old pavement and sidewalks on the project site.	1
Junction Avenue	<p>The following improvements are proposed:</p> <ul style="list-style-type: none"> Remove portions of existing pavement/concrete Install new sidewalk (portions of which are outside of UPRR and City ROW), medians, curb and gutter, security access gates/fencing, pavement, ADA detectable pavers, and “No Trespassing” signs 	Minor excavation would be required to replace old pavement and sidewalks on the project site.	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. Minor “sliver” acquisitions would be required for the L Street and Junction Avenue crossings. Such acquisitions would occur outside the UPRR ROW and would not affect the existing use of private property. The project does not involve the acquisition or modification of structures or access. Table 4 shows the ROW acquisitions associated with each of the crossings.

Table 4 Right of Way Acquisitions

Crossing Location	Approximate ROW Take (SF)
L Street	250
Junction Avenue	455

ROW = right of way; SF = square feet

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 and new storm drain inlets may be required to connect to the existing storm drain. No other use of utilities is required. 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. Therefore, operation of the project would not alter existing train noise levels.

Permits and Approvals

Required permits and approvals are listed in Table 5 below.

Table 5 Permits and Approvals

Permitting Agency	Permit/Approval	Timing
Livermore	Encroachment Permits for construction in city street ROW	TBD

Source: Circlepoint, 2021

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 Alameda County CTC RSEP improvements would not meet any of the exception criteria. This section includes a discussion of the 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.

(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, and 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 near the existing crossings². 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

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.

² Caltrans. 2018. *California Scenic Highway System Map*. Accessed: June 18, 2021. Available: <https://www.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983>.



improvement would occur within the existing crossings, which consist of at-grade rail crossings where UPPR tracts 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 Materials Technical Memorandum was prepared in April 2021 for the existing crossings. Based on a preliminary search, there were no locations near Junction Avenue that presented a potential environmental risk. There were three locations near the L Street crossing site that could present a potential environmental risk to the property and warranted additional evaluation. The sites pose environmental concern due to groundwater contamination. However, the project would involve minor ground disturbance and would not disrupt or require the use of groundwater. 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 Study was prepared for the existing crossings. A California Historical Resources Information System search was conducted as well as a review of the National Register of Historic Places, the California Register of Historical Resources, the Office of Historic Preservation Historic Properties Directory, the California Built Environment Resources Directory, and the Archaeological Determinations of Eligibility List. No previously recorded cultural resources were identified within the project site.

Both the Junction Avenue and L Street sites contain portions of the Western Pacific Railroad, a resource that is recommended eligible for listing in the National Register of Historic Places and the California Register of Historical Resources. However, this resource would not be materially impaired, and the alignment and tracks would not be altered by current proposed project activities as only minor excavation and grading would occur, 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). None of the exceptions noted in CEQA Guidelines Section 15300.2 were triggered. 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. The proposed improvements and construction activities are limited to the crossings and have no offsite or considerable cumulative effects. Given this, additional analysis is not warranted.

CONCLUSION

The project has been reviewed in compliance with CEQA. Pursuant to Section 15301(c), the project is categorically exempt from CEQA as Class 1 Existing Facilities.