

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, San Leandro

Project Applicant: Alameda County Transportation Commission

Project Location - Specific:

Davis, Alvarado, Williams, Williams(Coast), Castro Strts; Marina Bld(Niles),HalcyonDr

Project Location - City: San Leandro Project Location - County: Alameda

Description of Nature, Purpose and Beneficiaries of Project:

The project consists of rail safety improvements to several at-grade rail crossings at in the City of San Leandro. The improvements will improve safety for motorists and pedestrians. This includes restricting access to UPR 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 - San Leandro 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 – San Leandro

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 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 have 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 seven existing at-grade rail crossings in the City of San Leandro in Alameda County, California. Alameda CTC is the lead agency under CEQA. They are located on Davis Street, Alvarado Street, Williams Street, Williams Street (Coast), Castro Street, Marina Boulevard (Niles), and Halcyon Drive in the western portion of San Leandro. 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
San Leandro	Davis Street	1
San Leandro	Alvarado Street	2
San Leandro	Williams Street	3
San Leandro	Williams Street (Coast)	4
San Leandro	Castro Street	5
San Leandro	Marina Boulevard (Niles)	6
San Leandro	Halcyon Drive	7

Source: Alameda CTC, 2021

Site Conditions

In San Leandro, General Plan designations surrounding the seven crossings consists of Transit-Oriented Development; Low, Medium, and Medium-High Density Residential; Parks and Recreation; Industrial Transition; and General Commercial. Zoning reflects the same wide variety of uses. Development immediately surrounding the crossing locations includes industrial warehouse uses, commercial, outdoor recreation, and residential of varying densities and types. The Saint Leander School is located approximately 1,000 feet south from the Davis Street crossing.

Rail Safety Enhancement Program

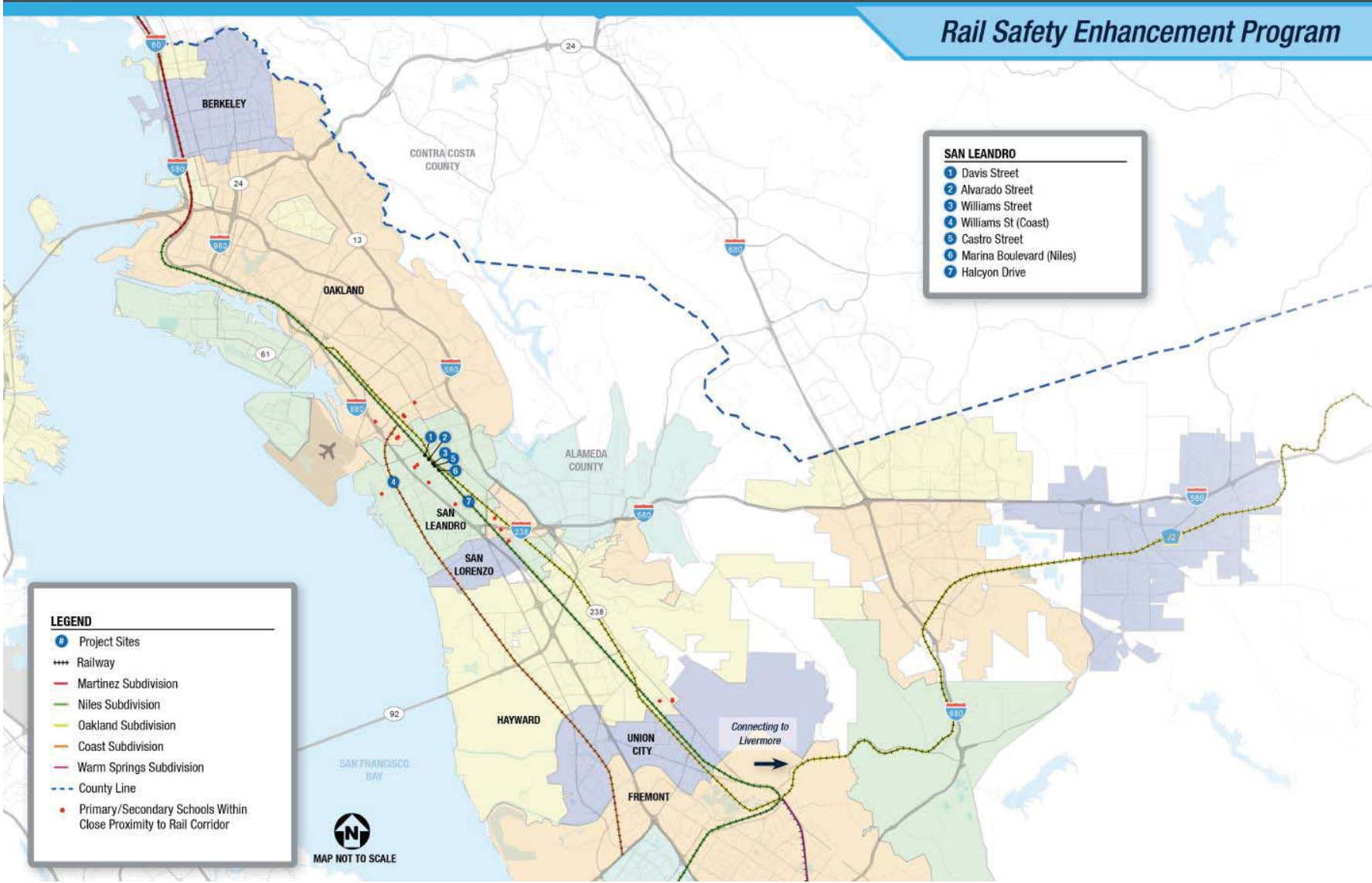


Figure 1 Project Site Map



The seven crossings are in developed areas where there is mostly paved impervious surface with some landscaping, fencing, and in some cases medians and sidewalks. All the crossings have single-arm gates for each direction of traffic and railroad crossing indicators. The existing conditions at each crossing location are described in detail in Table 2.

Table 2 Existing Conditions

Intersection	Description	Map ID
Davis Street	Davis Street is a four-lane arterial with landscaped median, bike lanes, sidewalks, fencing, trees, and landscaping on all corners. Single-arm gates in each direction of traffic. Some pervious surface associated with landscaping and UPRR gravel shoulder. Adjacent to Thrasher Park and very close to Alvarado Street and Davis Street intersection.	1
Alvarado Street	Alvarado Street is a two-lane side street with paved median and sidewalks, and landscaping. Very little pervious surface except at landscaped areas and UPRR gravel shoulder. Single-arm gates in each direction of traffic.	2
Williams Street	Williams Street is a two-lane side street, painted median with on-street bike lanes. Trees and landscaping on southwest corner, little pervious surface except for gravel UPRR shoulder. Single-arm gates in each direction of traffic.	3
Williams Street (Coast)(3-track)	Williams Street is a two-lane side street, painted median with on-street bike lanes. Pervious area around tracks in right-of-way. Fencing, landscaping and sidewalks. Single-arm gates in each direction of traffic.	4
Castro Street	Castro Street is a two-lane side street with a railroad gate (one in each direction) with lights and street painting. Developed area with little pervious surface except gravel shoulder of UPRR tracks	5
Marina Boulevard (Niles)	Marina Boulevard is a Four-lane arterial with landscaped/paved median, sidewalks, fencing, trees and landscaping. Single-arm gates in each direction of traffic. Some pervious surface associated with landscaping and UPRR gravel shoulder and landscaped areas.	6
Halcyon Drive	Halcyon Drive is a four-lane arterial plus two left-turn lanes and paved median, near Washington Avenue intersection. Sidewalks, landscaping and non-functioning spur on east side. Single-arm gates in each direction.	7

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
Davis Street	<p>The following improvements are proposed:</p> <ul style="list-style-type: none"> Remove portions of existing pavement/concrete Install new sidewalk (within City ROW), roadway striping/pavement marking, roadside signs, curb and gutter, security access gates/fencing, pavement, and ADA detectable pavers 	Minor excavation would be required to replace old pavement and sidewalks on the existing crossing.	1
Alvarado Street	<p>The following improvements are proposed:</p> <ul style="list-style-type: none"> Remove portions of existing pavement/concrete Install new sidewalk (within portions of UPRR and City ROW), roadway striping/pavement marking, roadside signs, curb and gutter, security access gates/fencing, pavement, and ADA detectable pavers Extend existing median 	Minor excavation would be required to replace old pavement and sidewalks on the existing crossing.	2
Williams Street	<p>The following improvements are proposed:</p> <ul style="list-style-type: none"> Remove portions of existing pavement/concrete Install new sidewalk, roadway striping/pavement marking, roadside signs, medians, curb and gutter, security access gates/fencing, pavement, and ADA detectable pavers 	Minor excavation would be required to replace old pavement and sidewalks on the existing crossing and create new medians.	3
Williams Street (Coast Subdivision)	<p>The following improvements are proposed:</p> <ul style="list-style-type: none"> Remove portions of existing pavement/concrete Install new sidewalk, roadway striping/pavement marking, medians, 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 existing crossing and create new medians.	4

Castro Street	<p>The following improvements are proposed:</p> <ul style="list-style-type: none"> Remove portions of existing pavement/concrete Install new sidewalk, roadway striping/pavement marking, roadside signs, medians, curb and gutter, security access gates/fencing, pavement, and ADA detectable pavers 	<p>Minor excavation would be required to replace old pavement and sidewalks on the existing crossing and create new medians.</p>	5
Marina Boulevard (Niles)	<p>The following improvements are proposed:</p> <ul style="list-style-type: none"> Remove portions of existing pavement/concrete New roadway striping/pavement marking, roadside signs, security access gates/fencing, pavement, and “No Trespassing” signs 	<p>Minor excavation would be required to replace old pavement and sidewalks on the existing crossing and create new medians.</p>	6
Halcyon Drive	<p>The following improvements are proposed:</p> <ul style="list-style-type: none"> Remove portions of existing pavement/concrete, remove existing vehicle gates and cantilever Install new crossing panels, sidewalk (portions of which are outside of UPRR and City ROW), roadway striping/pavement marking, security access gates/fencing, “No Trespassing” signs, pavement, and ADA detectable pavers Extend existing median 	<p>Minor excavation would be required to replace old pavement and sidewalks on the existing crossing and extend the median.</p>	7

Source: Alameda CTC, 2021

Construction

Construction of the project is anticipated to take approximately 12 months, beginning in 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 for vehicles and cyclists
- 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 following crossings have unique elements or requirements for their construction:

- Alvarado Street: Due to the skewed angle of the roadway to the railroad tracks and the presence of the raised median, there may be a need to close the roadway and possibly the sidewalk during construction.
- Marina Boulevard: This crossing is a four-lane arterial and has a raised median that could require temporary lane closures during construction.
- Halcyon Drive: This crossing is a four-lane arterial and is located very near the intersection of Halcyon Drive and Washington Avenue providing a very constrained area with which to work safely. Very likely avoidance or partial road closures will be required during construction of this crossing.

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” ROW acquisitions would be required for the Halcyon Drive, Williams Street, and Marina Boulevard crossings. Such acquisitions would occur outside of the UPRR ROW and would not affect the existing use of private property. The project does not involve the acquisitions 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 Locations	Approximate ROW Take (SF)
Halcyon Drive	365
Williams Street (Coast)	20
Marina Boulevard	325

Source: Circlepoint, 2022

Note: 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. 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.

Permits and Approvals

Required permits and approvals are listed in Table 5 below.

Table 5 Permits and Approvals

Permitting Agency	Permit/Approval	Timing
San Leandro	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 (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.

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.



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 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 UPRR 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 Materials Technical Memorandum was prepared in July 2021 for the existing crossings. There are no properties located within the existing crossings that are listed pursuant to Section 65962.5 of the Government Code.

There are three listed sites located near the Halcyon Drive, Davis Street, and Alvarado Street crossings San Leandro. The sites pose environmental concern due to groundwater contamination. However, the project would involve only 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

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



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 - 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 existing crossings.

A field survey was conducted to identify any archaeological or historical resources within the crossings. The field survey did not identify any previously recorded archaeological resources within the existing crossings. Results of the Sacred Lands File Search were negative for the presence of Native American cultural resources within the existing crossings. Therefore, the project will not cause a substantial adverse change in the significance of a historical resource.

SUMMARY OF FINDINGS

As documented above, the proposed RSEP improvements fall within the description of a Class 1 Existing Facilities 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.