



**CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION
DETERMINATION FORM (rev. 06/2022)**

Project Information

Project Name (if applicable): Merced 165 Intersection Control

DIST-CO-RTE: 10-Merced-165

PM/PM: 32.9

EA: 10-1L870/1020000086

Federal-Aid Project Number: N/A

Project Description

The California Department of Transportation (Caltrans) proposes a safety improvement project at the intersection of State Route 165 and Geer Avenue in the unincorporated City of Hilmar within Merced County. The project proposes to reduce the number and severity of broadside collisions at this location through intersection control improvement by installing a traffic signal with no protected left hand on Geer Avenue.
See continuation sheet.

Caltrans CEQA Determination (Check one)

- Not Applicable** – Caltrans is not the CEQA Lead Agency
- Not Applicable** – Caltrans has prepared an IS or EIR under CEQA

Based on an examination of this proposal and supporting information, the project is:

- Exempt by Statute.** (PRC 21080[b]; 14 CCR 15260 et seq.)
- Categorically Exempt. Class 1(c).** (PRC 21084; 14 CCR 15300 et seq.)
 - No exceptions apply that would bar the use of a categorical exemption (PRC 21084 and 14 CCR 15300.2). See the [SER Chapter 34](#) for exceptions.
- Covered by the Common Sense Exemption.** This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (14 CCR 15061[b][3].)

Senior Environmental Planner or Environmental Branch Chief

James P. Henke

12/11/2022

Print Name

Signature

Date

Project Manager

Vijay Talada

12/11/2022

Print Name

Signature

Date



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Caltrans NEPA Determination (Check one)

Not Applicable

Caltrans has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). See SER Chapter 30 for unusual circumstances. As such, the project is categorically excluded from the requirements to prepare an EA or EIS under NEPA and is included under the following:

23 USC 326: Caltrans has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to 23 USC 326 and the Memorandum of Understanding dated April 18, 2022, executed between FHWA and Caltrans. Caltrans has determined that the project is a Categorical Exclusion under:

- 23 CFR 771.117(c): activity (c)(Enter activity number)
23 CFR 771.117(d): activity (d)(13)
Activity Enter activity number listed in Appendix A of the MOU between FHWA and Caltrans

23 USC 327: Based on an examination of this proposal and supporting information, Caltrans has determined that the project is a Categorical Exclusion under 23 USC 327. The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated May 27, 2022, and executed by FHWA and Caltrans.

Senior Environmental Planner or Environmental Branch Chief

James P. Henke
Print Name
Signature
Date
12/1/2022

Project Manager/ DLA Engineer

Vijay Talada
Print Name
Signature
Date
12/1/2022

Date of Categorical Exclusion Checklist completion (if applicable): 12/01/2022
Date of Environmental Commitment Record or equivalent: 12/01/2022

Briefly list environmental commitments on continuation sheet if needed (i.e., not necessary if included on an attached ECR). Reference additional information, as appropriate (e.g., additional studies and design conditions).



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Continuation sheet:

Project activities would include pavement widening, Complete Streets standards, crosswalks, drainage improvements (retention basins, side ditches, and culverts), ground disturbance, utility relocation, and tree and vegetation removal. These activities would require right-of-way acquisition of one full parcel on the southeast corner and a partial parcel acquisition on the southwest corner of the intersection. A drainage basin is being considered on the southeast corner. No temporary construction easements are expected.

General

This project is Categorical Exempt under the California Environmental Quality Act (CEQA) and Categorical Excluded under the National Environmental Policy Act (NEPA) unless 1) the scope of the project changes to include additional activities or areas; or 2) there is an unforeseen discovery of sensitive or cultural resources.

Air Quality

This project was determined to not require a hot-spot analysis and is not a Project of Air Quality Concern (POAQC) as defined under 40 CFR 93.123.127 – “Intersection signalization projects at individual intersections”. Confirmation on this determination was received from the Environmental Protection Agency on June 10, 2022 and Caltrans on June 11, 2022 from Caltrans (FHWA delegation). The following measures would be included in the construction contract:

- Caltrans Standard Specification 14-9.02 *Air Pollution Control*
- Caltrans Standard Specification 10-5 *Dust Control*
- A Dust Control Plan (DCP) approved by the San Joaquin Air Pollution Control District is needed if at least 2,500 Cubic yards of materials are moved in a day for at least three days of the project, or five or more acres of land will be disturbed during construction.

Biology

A Biological Resource Evaluation (No Effect) Memo was completed for this project. Under Section 7 of the Federal Endangered Species Act and Under the California Endangered Species Act for Stat-listed species, *No Effect* and *No Take* determinations were made for the project. There is a low risk of impacts to migratory birds, raptors, and their habitats from this project, and the following avoidance and minimization measures will be included in the construction contract:

- Caltrans Standard Specification 14-6.03B *Bird Protection*
- Caltrans Standard Specification 14-6.03A *Species Protection*
- A preconstruction survey for migratory birds and raptors will be required no more than 14 days prior to construction, if construction activities occur within the migratory nesting season (February 1 to September 30). If migratory birds or raptors are found nesting within or adjacent to a work area during construction, the following Environmentally Sensitive Area (ESA) buffers would be required:



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- If any active migratory bird nest is observed, a 100-foot ESA buffer is required.
- If an active raptor nest is observed, a 300-foot ESA buffer is required.

All above Environmentally Sensitive Area buffers will be implemented and avoided until the young have fledged and/or a qualified biologist determines that construction may proceed.

- As the Environmental Sensitive Limits is relatively small and the expected number of working days is small (90 working days or less), then a Department-supplied biologist is recommended for preconstruction surveys and/or construction monitoring.

Cultural

The determination under National Historic Preservation Act (Section 106 PA Stipulation IX) of *No Historic Properties Affected* was made for this project. The determination under CEQA is *No Historical Resources* present as outlined in CEQA guidelines 15064.5(a).

Executive Order 11988 and 23 CFR 650.105 (Floodplains)

The project is not located within a 100-year base floodplain.

Executive Order 12898 (Environmental Justice)

For the purposes of this document and based on review of Census and CalEnviroScreen 4.0 data for the project area, this area could be considered low-income and/or containing minority populations as defined under Executive Order 12898 for Environmental Justice. The parcels immediately adjacent to the project area are all commercial buildings with residential housing on parcels further away, and schools, a fire department and a park are within a 0.5 mil radius of the project area.

Right-of-way requirements for the project are restricted to the parcels immediately adjacent to the intersection and are anticipated to only affect two parcels. There will be one full acquisition of the parcel (APN #017-160-001) on the southeast corner and one partial parcel (APN 017-090-009) acquisition of the southwest parcel. Relocation assistance will be offered to the owner(s) of the southeast parcel.

As the project scope will not affect or impact residential homes and is limited to the existing intersection, there would be no impact on any potential low-income or minority population. The project will not cause disproportionately high and adverse effects on any minority or low-income populations in accordance with the provisions of Executive Order 12898. No further Environmental Justice analysis is required.

Greenhouse Gas/Climate Change

A Greenhouse Gas/Climate Change Memorandum was prepared for this project, and it was determined the project will generate approximately 157 tons of carbon dioxide emissions during the estimated 60 working days (less than the 264 working days per 1 year) duration. The following items are included to minimize and reduce greenhouse gas emissions:



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- Install pedestrian crosswalks to address the needs of bicyclists, pedestrians and disabled and contribute to a “Complete Streets” environment.
- Limit idling to five minutes for delivery and dump trucks and other diesel-powered equipment.
- Schedule truck trips outside of peak morning and evening commute hours.
- Schedule longer-duration lane closures to reduce number of equipment mobilization efforts.
- For improved fuel efficiency from construction equipment:
 - Maintain equipment in proper tune and working condition
 - Use right sized equipment for the job
 - Use equipment with new technologies
- Use recycled water or reduce consumption of potable water for construction.

Hazardous Waste

A Hazardous Waste Initial Site Assessment was performed for this project. The following was determined regarding aurally deposited lead, asbestos-containing material, lead-based paint, striping, and treated wood waste. In addition, a Hazardous Waste Preliminary Site Investigation will be completed in the Plans, Specifications, and Estimates phase of the project.

Aerially Deposited Lead

Previous studies conducted in the project area indicate low levels of aurally deposited lead in the soil. To ensure proper handling of the soil in construction, a project-specific soil survey shall be conducted before the start of project construction.

Asbestos-Containing Material and Lead-Based Paint

There is potential to encounter asbestos-containing material and lead-based paint in older buildings. Because the project would acquire parcels with older buildings, a project-specific survey for asbestos-containing material and lead-based paint would be conducted on all buildings impacted by this project. Because the buildings within the project area are still in use and/or contain residents, Caltrans cannot test until occupants and premises have been vacated. Testing would take place after parcels have been acquired and before demolition and/or modification of the buildings occurs. In addition, the project area is within 0.25 mile of several schools, and there is a potential that hazardous materials would need to be handled or transported, depending on the results of the testing. Because the schools are within a quarter mile of the project area, additional avoidance and minimization measures would be added if asbestos-containing material and lead-based paint are discovered in the buildings. With the implementation of avoidance and minimization measures, there would be a less than significant impact on hazardous materials.

Striping

Yellow thermoplastic and/or painted striping and pavement markings are present in the project area and are assumed to contain high levels of lead. If project work requires striping to be removed before cold planing (scraping off), then Caltrans Standard Special Provisions may be required. With the implementation of avoidance and



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minimization measures, there would be a less than significant impact on hazardous materials.

Treated Wood Waste

Treated wood waste is expected for this project. With the implementation of avoidance and minimization measures, there would be no impact on hazardous materials.

Avoidance and Minimization Measures

Additional avoidance and minimization measures may be proposed after the completion of a Preliminary Site Investigation and project-specific surveys of the buildings that may be demolished or modified. The buildings will be sampled for lead and asbestos via Right-of-Way property management demolition contractors after the buildings are vacated and prior to demolition.

- If project work requires striping to be removed before cold planing, then Caltrans Standard Special Provisions Section 14-11.12 would be added to the construction contract, and the contractor shall manage the removed striping and pavement marking as hazardous waste.
- If project work cold planes the entire road surface, including any yellow thermoplastic and/or painted striping, and calculations show that the cold planing residue will not be hazardous waste, then Caltrans Standard Special Provisions Section 36-4 would be included in the construction contract, and waste would be managed as construction debris.
- Caltrans Standard Special Provisions Section 14-11.14 pertaining to treated wood waste would be included in the construction contract.

Noise Quality

Construction activities may intermittently dominate the noise environment in the immediate area of construction, but it is not anticipated to cause adverse noise impacts. To minimize potential temporary noise impacts during construction, the following measures will be included:

- Caltrans Standard Specification 14-8 *Noise Control*
- Do not exceed 86 dBA L_{max} at 50 feet from the job site activities from 9 p.m. to 6 a.m.
- Equip an internal combustion engine with the manufacturer-recommended muffler. Do not operate an internal combustion engine on the job site without the appropriate muffler.

Section 4(f)

A Section 4(f) No Use Memo was completed for the project. It was determined that the provisions of Section 4(f) do not apply.

Water Quality

There is potential for temporary impacts to water quality standards and/or waste discharge requirements during the construction phase. To avoid and minimize potential



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impacts, appropriate best management practices, erosion control procedures, and Caltrans Standard Specification 13-1 *Water Pollution* will be included in the construction contract.

If the project disturbs one acre or more of soil, the following is required:

- A Notification of Intent (NOI) is to be submitted to the appropriate Regional Water Quality Control Board at least 30 days prior to the start of construction.
- A Stormwater Pollution Prevention Plan (SWPPP) is to be prepared and implemented during construction to the satisfaction of the Resident Engineer.
- A Notice of Termination (NOT) shall be submitted to the Regional Board upon completion of construction and site stabilization. A project will be considered complete when the criteria for final stabilization in the Construction General Permit are met.

If the project disturbs less than one acre of soil, a Water Pollution Control Program (WPCP) is required to be prepared by the contractor per Caltrans Standard Specification 13-1.