

CEQA EXEMPTION DETERMINATION FORM



**Project Information**

Project Name (if applicable): **SJPA Valley Rail - Task 5**

Name of Public Agency Approving Project: **San Joaquin Joint Powers Authority**

Name of Person or Agency Carrying Out Project: **BNSF Railway Company**

**Project Description**

Valley Rail Task 5. Second Mainline Track between East Escalon (MP1100.0) and Merced (1055.6). The proposed Valley Rail Project is intended to support San Joaquin Corridor efficiency improvements with construction of approximately 44.4 miles of second mainline track within the BNSF Right of Way between Mile Post 1100.0 and Mile Post 1055.6. The proposed second mainline track construction includes, but is not limited to, placement of approximately 44.4-miles of mainline track, approximately 44 at grade crossing improvements, eleven bridge/culvert crossings, relocation of existing sidings and industry tracks. All work to be performed in compliance with BNSF, CPUC, or Amtrak engineering standards, as applicable. All work, both permanent and temporary to be performed is on existing BNSF right of way.

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

**Exempt by Statute.** (PRC 21080[b]; 14 CCR 15260 et seq.)

The State has identified a list of projects that are exempt from CEQA by law (Article 18 of the State CEQA Guidelines). Statutory Exemption 15275(a) states: CEQA does not apply to the following mass transit projects: (a) The institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities. Based on my professional review of the proposed action, the proposed second mainline track clearly conforms to the requirements of the Statutory Exemption in 15275(a) (also para. 21080(b)(11) of the CEQA statute) and it will support passenger service on a rail line (corridor) already in use.

**Categorically Exempt. Class** Enter class. (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].)

Stacey Mortensen

Executive Director

Signature

April 17, 2024

Date

Has a Notice of Exemption been filed by the public agency approving the project? **Yes**

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR:  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

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## Continuation sheet:

### Revised Memorandum:

**Date** April 15, 2024

**To** BNSF Railway Company (BNSF)  
William Chavez, Manager Engineering Services  
2599 S Sunland Ave,  
Fresno, CA 93725

**From** Lisa Patterson, Program Manager,  
HDR National Freight Rail Environmental Lead  
PO Box 37  
O'Neals, CA 93645  
909-838-1333

**Subject** **CEQA Statutory Exemption supplemental information for the Second Mainline Track Construction between Mile Post 1100.0 and Mile Post 1055.6 in the San Joaquin Corridor**

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This memorandum has been prepared by HDR at the request of San Joaquin Joint Powers Authority (SJPA), in support of the California Environmental Quality Act (CEQA) Statutory Exemption (SE) being prepared for the SJPA's proposed project to install approximately 44.4 miles of second mainline track and associated siding/industry track relocation, signals, grade crossings, and bridge/culvert crossings between East Escalon (MP1100.0) and Merced (MP1055.6) along the San Joaquin Rail Corridor. In conjunction with the BNSF Railway Company, the SJPA is in the process of implementing infrastructure improvements along the Corridor that will support increased passenger rail operations and efficiencies.

### Environmental Analysis

Public Resources Code section 201080(b)(10) statutorily exempts from CEQA projects "for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities.

Similarly, California Code of Regulations, title 14 section 15275(a) entitled "Specified Mass Transit Projects," exempts from CEQA projects for "[t]he institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lants already in use, including the modernization of existing stations and parking facilities."

The project involves construction of a second mainline track along approximately 44.4-miles of existing BNSF track in the San Juaquin Rail Corridor between East Escalon and Merced. The line will be within existing BNSF right-of-way and could increase passenger/commuter service and will provide improved efficiency. As such the Project qualifies for the statutory and regulatory exemptions identified above.

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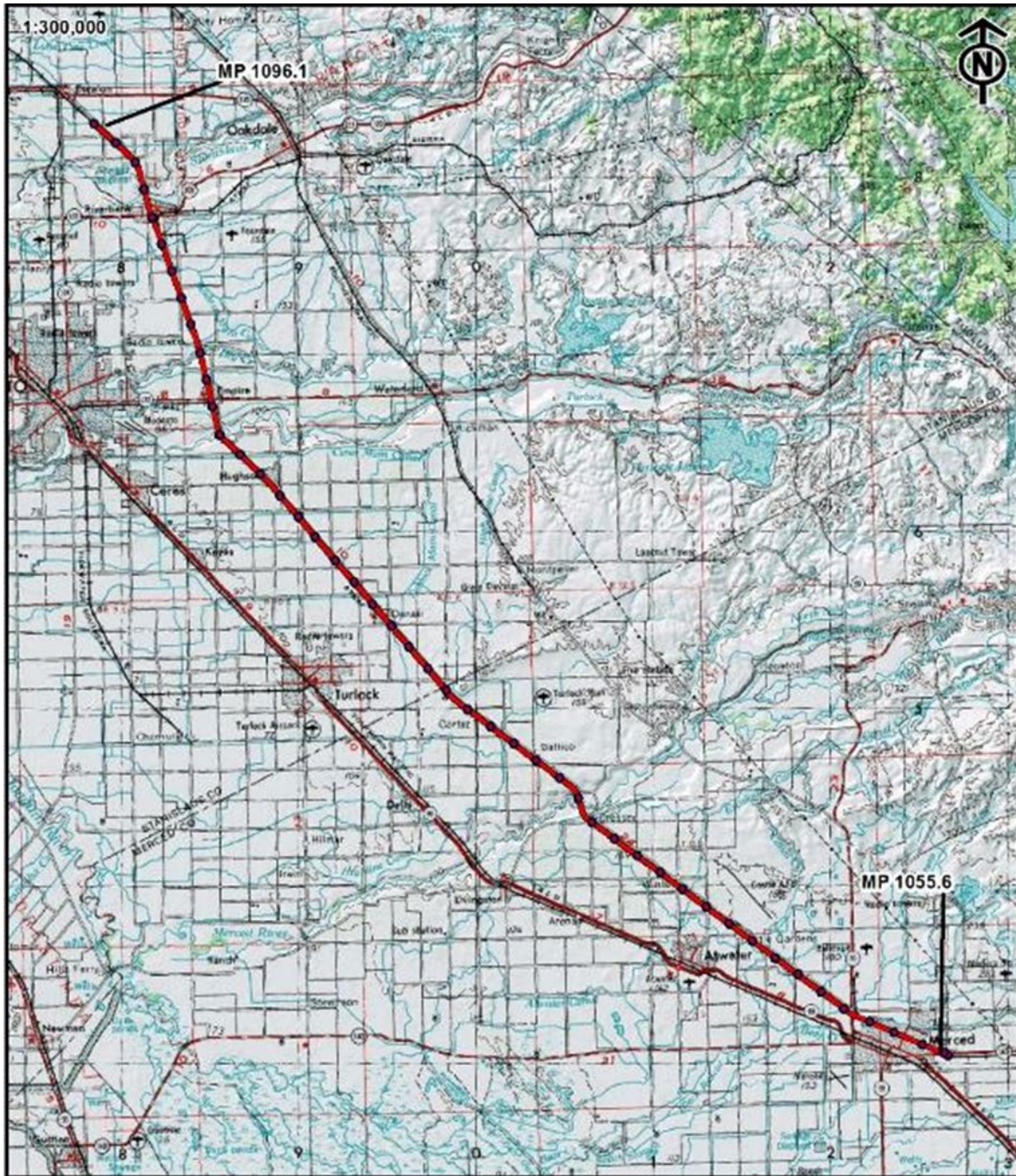
### **Conclusion**

This CEQA Statutory Exemption (15275(a)) has been utilized on similar projects by Caltrans, State Regional Water Quality Control Board, SCRRA/Metrolink, and California Department of Fish and Wildlife. Based on the evaluation presented above, it is my recommendation that the proposed installation of the second mainline track and supporting track infrastructure between Riverbank and Merced along the San Joaquin Corridor qualifies for a Statutory Exemption, as defined in Section 15275 of the State CEQA Guidelines.

Therefore, when the SJPPA is ready to approve this project for implementation, I recommend noticing it as Statutorily Exempt from CEQA for the reasons outlined above and then adopt and file the attached Notice of Exemption with the Office of Planning and Research department of the State Clearinghouse. This will initiate a 35-day statute of limitations for anyone seeking to challenge the project in court.



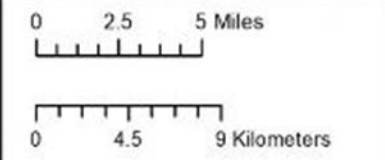
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**BNSF SJJPA  
Proposed Expansion Project  
MP 1055.6-1096.1**

**Location and Vicinity**

USGS: Merced, CA ; Oakdale, CA  
San Joaquin, Stanislaus, and  
Merced Counties, CA





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