

**Notice of Exemption**

**Appendix E**

**TO:** Office of Land Use and Climate Innovation  
 State Clearinghouse  
 P.O. Box 3044, Room 113  
 Sacramento, CA 95812-3044

**FROM:** Central Valley Flood Protection Board  
 3310 El Camino Avenue, Suite 170  
 Sacramento, CA 95821  
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**Project Title:** Permit No. 19671- Union Pacific Railroad Bridge Bear Creek Bridge Replacement

**Project Applicant:** Union Pacific Railroad Company

**Project Location:** The project is located at Milepost (MP) 149.41 on the existing Fresno Subdivision, where it spans Bear Creek, approximately 400 feet downstream from the West 16th bridge in the City of Merced, Merced County.

**Project Description:** To remove the existing 14-span, 200-foot-long timber-stringer-trestle, single track railroad bridge spanning Bear Creek and replace with a 5-span, 222-foot-long prestressed concrete box bridge on driven steel piles with riprap at the abutments. Two temporary work bridges will be utilized for construction.

**Public Agency Approving Project:** Central Valley Flood Protection Board (Board)

**Agency/Person Carrying Out Project:** Union Pacific Railroad Company

**Exempt Status:**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Common Sense Exemption (CEQA Sec. 15061(b)(3))
- Categorical Exemption. State type and section number: Sec. 15302 Replacement or Reconstruction
- Statutory Exemption. State code number: Section 21080(b)(10), Section 152759(a)

**Reasons Why Project is Exempt:**

The project is statutorily exempt under the provisions of CEQA and the State CEQA Guidelines. The Board’s approval involves issuing an encroachment permit for replacement of an existing railroad bridge that is related to the institution or increase of passenger or commuter service of rail lines already in use, which is exempt under the statutory exemption of the CEQA Public Resources Code Section 21080(b)(10) and CEQA California Code of Regulations, Title 14, Section 15275(a). The project is also exempt from CEQA under the Class 2, Replacement or Reconstruction (CEQA California Code of Regulations, Title 14, 15302), because the activity consists of replacement and reconstruction of an existing structure in the same site and will have substantially the same purpose and capacity as the replaced structure. Further, none of the exceptions to the exemption in CEQA California Code of Regulations, Title 14, Section 15300.2 apply.

*Chris Lief*

1/27/2025

Signature

Chris Lief, Executive Officer

Date

- Signed by Public Agency
- Signed by Responsible Agency

**Date Received for filing at the Office of Land Use and Climate Innovation:**

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.