Alameda County
Transportation Commission

MITIGATED NEGATIVE DECLARATION

Alameda CTC Rail Safety Enhancement Project

Project Location: Cedar Street, Addison Street, Bancroft Way, Berkeley, California, 94710 (APN: Cedar Street - 59-2318-4, Addison Street - 56-1954-11, Bancroft Way - 56-1950-5)

General Plan Designation: Manufacturing, Manufacturing Mixed-Use & Avenue Commercial

Project Description: The project proposes safety improvements to three existing at-grade rail crossings on Cedar Street, Addison Street, and Bancroft Way in the City of Berkeley in Alameda County. The improvements are designed to increase safety for motorists and pedestrians. Currently all three crossings consist of two-lane streets with paved median, sidewalks, and landscaping. Single-arm gates are present in each direction of traffic. Safety improvements include restricting access to Union Pacific Railroad (UPRR) tracks, improving signage, accessibility improvements, and other safety features. The safety improvements will require the construction of new driveway access to adjacent parcels. Additional improvements include new roadside signs, Americans with Disabilities Act (ADA) detectable pavers, “No Trespassing” signs, and security access gates/fencing.

May 2023

Alameda County Transportation Commission

PREPARED FOR:

Alameda County Transportation Commission

PREPARED BY:

Circlepoint
42 S First Street, Suite D
San José, CA 95113

Cedar Street, Addison Street, Bancroft Way

Berkeley, California, 94710

MITIGATED NEGATIVE DECLARATION (MND)

Pursuant to the California Environmental Quality Act (CEQA)
Division 13, Public Resources Code

Alameda County Transportation Commission
1111 Broadway #800
Oakland, CA 94607
(510)208-7400

Project Description

The project site consists of three existing at-grade rail crossings in the City of Berkeley ("City") in Alameda County, California. Crossings are in the western portion of Berkeley in predominantly business, commercial, and light industrial areas. Alameda CTC is the Lead Agency under CEQA. The crossings are along UPRR tracks where they intersect with local streets.

Land use and zoning surrounding the crossings consists of General Plan designations of Manufacturing, Manufacturing Mixed-Use, and Avenue Commercial. Zoning consists of Mixed Use/Light Industrial ("MULI"), Manufacturing, and West Berkeley Commercial ("C-W"). Development immediately surrounding the crossing locations is predominantly warehouse, aggregate distribution, parking lots, and manufacturing interspersed with commercial and business/office park uses.

The existing land within and around the crossings is predominantly impervious except for the gravel ballast associated with the UPRR tracks. All three local streets are two-lane streets. The existing railroad crossing consists of single-arm gates (one in each direction) with lights and street painting at the crossing location.

The project consists of rail safety improvements to existing at-grade rail crossings. The project will improve safety for motorists and pedestrians. This includes restricting access to UPRR tracks, improving signage, accessibility improvements, and other safety features. The safety improvements will require the construction of new driveway access to adjacent parcels.

Determination

A Mitigated Negative Declaration (MND), City File No. ND-599-P, is proposed by the Alameda CTC for the project. An Initial Study and supporting documents have been prepared to determine if the project would result in potentially significant or significant impacts to the environment (Exhibit A, Initial Study). A Mitigation Monitoring and Reporting Program for the mitigation measures identified in this IS/MND is included as Exhibit B. The public review period occurred from Monday April 3 to Tuesday May 2, 2023

and one comment letter was received from the East Bay Municipal Utility District (EBMUD). As discussed in Exhibit C, Response to Comments, this letter did not require changes to the Initial Study or the proposed mitigation measures that would require recirculation of the draft document. On the basis of the Initial Study and the whole record, it has been determined that the proposed action, with the incorporation of the mitigation measures (see Table 1), will not have a significant impact on the environment. The supporting technical reports that constitute the record of proceedings upon which a determination is made are available for public review at the Alameda County Transportation Commission at 1111 Broadway #800, Oakland, CA 94607 between 9:00 a.m. and 5:00 p.m., Monday through Friday.

Table 1 Summary of Mitigation Measures

Environmental Factor	Mitigation Measures	Level of Environmental Impact
Air Quality	**Mitigation Measure AQ-1:** BAAQMD's Basic Construction Measures Recommended for All Projects These conditions include the following: water exposed surfaces two times daily; cover haul trucks; clean track outs with wet powered vacuum street sweepers; limit speeds on unpaved roads to 15 miles per hour; complete paving as soon as possible after grading; limit idle times to 5 minutes; properly maintain mobile and other construction equipment; and post a publicly visible sign with contact information to register dust complaints and take corrective action within 48 hours.	Less than Significant with Mitigation Incorporated
Biological Resources	**Mitigation Measure BIO-1:** Pre-construction Survey and Impact Avoidance for Raptors and Other Nesting Birds Ground disturbing activities should be restricted to the non-breeding season (September 1 to January 31) when feasible. If construction activities occur during the nesting bird season (February 1 to August 31), the following mitigation measures are recommended to reduce impacts to nesting special-status avian species, and other nesting birds protected by the California Fish and Game Code and the MBTA: • A preconstruction nesting bird survey should be conducted by a qualified biologist no more than 14 days prior to initiation of ground disturbance and vegetation removal. The survey area should include all work areas and, at a minimum, a 150-foot buffer for passerines and a 500-foot buffer for raptors. The survey should be conducted by a biologist familiar with the identification of avian species known to occur in the region and should focus on trees, human-made structures, and vegetated areas. • If nests are found, an appropriate avoidance buffer will be determined and demarcated by the qualified biologist with high visibility material. Avoidance buffers should be established based on the nest location in relation to project activity, the line-of-sight from the nest to the project activity and observed behavior at the nest. • All construction personnel should be notified as to the existence of the buffer zones and to avoid entering buffer zones	Less than Significant with Mitigation Incorporated

Environmental Factor	Mitigation Measures	Level of Environmental Impact
	during the nesting season. No ground disturbing activities should occur within the buffer until the qualified biologist has confirmed that breeding/nesting is complete, and the young have fledged the nest. Encroachment into the buffer should occur only at the discretion of the qualified biologist	
Biological Resources	**Mitigation Measure BIO-2:** Mitigation Measures for Waters and Wetlands At a minimum, the following Best Management Practices ("BMPs") will be implemented on-site during and following construction to prevent any indirect impacts to downstream waters and wetlands: • Vehicles and equipment should be checked at least daily for leaks and maintained in good working order. Spill kits should be available on-site at all times and a spill response plan should be developed and implemented. • Sediment and erosion control measures (e.g., sand or gravel bags, hay bales, check dams) should be implemented and maintained throughout the project site to prevent the entry of sediment and/or pollutants into any waterways or jurisdictional areas. No monofilament plastic (i.e., sheets of single plastic threads woven together, which can easily fray and result in microplastic pollution) will be used for erosion control.	Less than Significant with Mitigation Incorporated
Cultural Resources	**Mitigation Measure CUL-1:** Unanticipated Discovery of Archaeological Resources In the event archaeological resources are encountered during construction, work shall be halted within 100 feet of the discovered materials and workers shall avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. If an archaeological resource is encountered in any stage of development, a qualified archaeologist will be consulted to determine whether the resources qualify as historical resources or unique archaeological resources. In the event that the encountered resources qualify, the archaeologist will prepare a research design and archaeological data recovery plan to be implemented prior to resuming construction at the affected area. The archaeologist shall also prepare a written report of the finding, file it with the appropriate agency, and arrange for curation of recovered materials.	Less than Significant with Mitigation Incorporated
Cultural Resources	**Mitigation Measure CUL-2**: Unanticipated Discovery of Human Remains In the event that human remains are discovered during project construction, all activity within a 50-foot radius of the discovery shall be halted. The Alameda County Coroner would be notified and would make a determination as to whether the remains are of Native American origin or whether an investigation into the cause	Less than Significant with Mitigation Incorporated

Environmental Factor	Mitigation Measures	Level of Environmental Impact
	of death is required. If the remains are determined to be Native American, the Coroner will notify the NAHC immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.	
Geology and Soils	**Mitigation Measure GEO-1:** Discovery of Paleontological Resources Discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact.	Less than Significant with Mitigation Incorporated
Hazards and Hazardous Materials	**Mitigation Measure HAZ-1:** Prepare a Site-specific HASP for Construction Activities The construction contract specifications shall provide that a licensed hazardous materials professional shall prepare a site-specific HASP for construction activities The HASP will establish protocols for preventing uncontrolled worker exposure to contaminated media during construction. The HASP will implement the following State and federal regulations to govern the protection of worker safety at potential hazardous material sites: •Worker education and training (Hazard Communication Standard) 29 CFR 1910.1200, 1915.1200, 1917.28, 1918.90, and 1926.59, 1910.1018 (inorganic arsenic) •Construction Safety Orders 8 CCR Division 1, Chapter 4 •Lead in Construction 8 CCR 1532.1 •General Industry Safety Orders 8 CCR 5214. Inorganic Arsenic. •Environmental Health Standards for Management of Hazardous Waste 22 CCR Division 4.5	Less than Significant with Mitigation Incorporated