



Alameda County Transportation Commission

MITIGATED NEGATIVE DECLARATION

Alameda CTC Rail Safety Enhancement Project

Project Location: Virginia Street, Hearst Avenue, Berkeley, California, 94710 (APN: Virginia Street - 57-2112-5 / 57-2111-4, Hearst Avenue - 57-2104-3 / 57-2104-2)

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

Project Description: The project proposes safety improvements to two existing at-grade rail crossings on Virginia Street and Hearst Avenue in the City of Berkeley in Alameda County. The improvements are designed to increase safety for motorists and pedestrians. Currently the two crossings consist of two-lane roadways with parking on both sides, paved medians, sidewalks, and landscaping within the UPRR right-of-way. Single-arm gates are present in each direction of traffic. Safety improvements at both crossings include installation new security gates/fencing, medians, pavement markings, and roadside signals. Additional improvements include Americans with Disabilities Act (ADA) detectable pavers, warning devices, "No Trespassing" signs, replacement of signal arms, and installation of new sidewalks.

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

**Virginia Street, Hearst Avenue
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

1 Project Description

The project site consists of two existing at-grade rail crossings in the City of Berkeley in California. Crossings are in the same general area of western Berkeley in predominantly business, commercial, and light industrial areas. Alameda County Transportation Commission (Alameda CTC) is the Lead Agency under the California Environmental Quality Act (CEQA). The crossings are along Union Pacific Railroad (UPRR) tracks where UPRR tracks intersect with local streets.

Within Berkeley, General Plan land use designations include Manufacturing, Manufacturing Mixed-Use, and Avenue Commercial. Zoning includes Mixed Use/Light Industrial (MULI), Manufacturing, and West Berkeley Commercial (C-W). Existing development immediately surrounding the crossing locations is predominantly warehouse, aggregate distribution, parking lots, and manufacturing interspersed with commercial and business/office park uses. The Hearst Avenue crossing is within a quarter mile of Fusion Academy, which is approximately 1,000 feet to the east.

Both crossings consist of developed areas. The project site is predominantly covered in impervious surfaces except for the gravel shoulder next to the UPRR tracks. Both local streets are two-lane streets with existing railroad gates (one in each direction) with lights and street painting at the crossing locations.

The project consists of rail safety improvements to existing at-grade rail crossings. The improvements are designed to increase safety for motorists and pedestrians. This includes restricting access to UPRR tracks, improving signage, accessibility improvements, and other safety features.

2 Determination

A Mitigated Negative Declaration (MND), City File No. ND-599-P, is proposed by the Alameda CTC for the project. An Initial Study (IS) 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 six mitigation measures identified in this IS/MND, is included as Exhibit B. The public review period occurred from Wednesday March 15 to Thursday April 13, 2023 and no comment letters were received. 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 94607.1500 Warburton Avenue, Santa Clara, CA 95050, 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	<p>Mitigation Measure AQ-1: <u>BAAQMD’s Basic Construction Measures Recommended for All Projects</u></p> <p>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.</p>	Less than Significant with Mitigation Incorporated
Biological Resources	<p>Mitigation Measure BIO-1: <u>Mitigation Measures for Waters and Wetlands</u></p> <p>At a minimum, the following BMPs will be implemented on-site during and following construction to prevent any indirect impacts to downstream waters and wetlands.</p> <ol style="list-style-type: none"> 1. 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. 2. 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 will be used for erosion control. 	Less than Significant with Mitigation Incorporated
Cultural Resources	<p>Mitigation Measure CUL-1: <u>Unanticipated Discovery of Archaeological Resources</u></p> <p>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.</p> <p>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</p>	Less than Significant with Mitigation Incorporated

Environmental Factor	Mitigation Measures	Level of Environmental Impact
	<p>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.</p> <p>Due to the heightened sensitivity for buried resources, and nearby intact buried resources, and Extended Phase I (XPI) subsurface investigation, would be required under Mitigation Measure CUL-2 for the Hearst Avenue crossing.</p>	
Cultural Resources	<p>Mitigation Measure CUL-2: <u>XPI Testing</u></p> <p>For the Hearst Avenue crossing, archaeological testing program will determine how the project will affect CA-ALA-307 (West Berkeley Shell Mound). XPI testing shall comprise a series of shovel test pits and/or hand augured units or other excavation methods to establish the presence or absence of CA-ALA-307 in areas of proposed project disturbance. Consultation with local Native American tribes will be required during XPI testing. Work shall be conducted under the supervision of an archaeologist meeting the Secretary of the Interior’s professional qualification standards for archaeology, and a Native American Monitor.</p> <p>Upon completion of the XPI testing program, if archaeological deposits and/or human remains are identified, additional mitigation measures may be necessary, if avoidance is not possible. If avoidance is not possible, any mitigation measures developed would need to be completed with consultation from the local tribes.</p>	Less than Significant with Mitigation Incorporated
Geology and Soils	<p>Mitigation Measure GEO-1: <u>Discovery of Paleontological Resources</u></p> <p>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.</p>	Less than Significant with Mitigation Incorporated
Hazards and Hazardous Materials	<p>Mitigation Measure HAZ-1: <u>Prepare a Site-specific HASP for Construction Activities</u></p> <p>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 govern the protection of worker safety at potential hazardous material sites:</p> <ul style="list-style-type: none"> • Worker education and training (Hazard Communication Standard) 29 CFR 1910.1200, 1915.1200, 1917.28, 1918.90, and 1926.59, 1910.1018 (inorganic arsenic) 	Less than Significant with Mitigation Incorporated

Environmental Factor	Mitigation Measures	Level of Environmental Impact
	<ul style="list-style-type: none"> •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 <p>Upon operation of the project, no hazardous materials would be used at the crossings, and no hazardous materials would be released into the public.</p>	