



Alameda County Transportation Commission

MITIGATED NEGATIVE DECLARATION

Alameda CTC Rail Safety Enhancement Project

Project Location: City of San Leandro, Unincorporated Alameda County, City of Hayward, California (APN: Marina Boulevard – 75-105-35, 75-93-6, Washington Avenue – 77C-1315-6, 77B-1163- 13, 77B-1163-12, 77C-1315-5, Hesperian Boulevard – 77D-1487-32, 77D-1490-9, 77D-1490-17, Lewelling – 414-1-68, 414-31-78, Leidig Court – 453-0095-030-00, 453-0095-031-00, 078C-0418-033-00, Tennyson High School Pedestrian Crossing – 452-40-6, Tennyson Road – 453-95-31, 78C-418-33, Industrial Parkway – 83-460-10-2, 83-460-8, 78G-2651-4, 78G-2651-6-2)

General Plan Designation: City of San Leandro (Marina Boulevard – General Commercial, Washington Avenue – Light Industrial, Industrial Transition, Low-Medium Density Residential, General Commercial, Hesperian Boulevard – Medium Density Residential, General Commercial, Medium-High Density Residential), Unincorporated Alameda County (Lewelling Boulevard – Public, Commercial District, Neighborhood Corridor), City of Hayward (Leidig Court – Neighborhood Commercial, Tennyson High School Pedestrian Crossing – Public, Medium Density Residential, Tennyson Road – Public, Mixed Use Land Use, Suburban Density Residential Use, Industrial Parkway – Industrial, Low Density Residential Land Use)

Project Description: The project proposes safety improvements to several existing at-grade rail crossings: three in the City of San Leandro, one in unincorporated Alameda County, and four in the City of Hayward, California. The improvements are designed to increase safety for motorists and pedestrians. Site conditions vary between crossings. The Hesperian Boulevard, Lewelling Boulevard, Industrial Parkway crossings take place on major arterials while the rest of the crossings are located on one- or two-lane streets. Each crossing location is paved and surrounded by walls or fencing. Safety improvements at the crossings include installation of new security gates/fencing, medians, pavement markings, and roadside signals. Additional improvements include Americans with Disabilities Act (ADA) detectable pavers, “No Trespassing” signs, and installation of new sidewalks.

June 2023



Alameda County Transportation Commission

PREPARED FOR:

Alameda County Transportation Commission

PREPARED BY:

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San Leandro, Hayward, and Alameda County

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 several existing at-grade rail crossings: three in the City of San Leandro, one in unincorporated Alameda County, and four in the City of Hayward, California. The crossings are fairly spread out, extending from the central and southern portions of San Leandro to the southern portion of Hayward. Alameda CTC is the Lead Agency under the California Environmental Quality Act (CEQA). The crossings are along Union Pacific Railroad (UPRR) tracks where they intersect with local streets.

The crossings are generally in or near residential areas. Notable exceptions are the Washington Avenue crossing in San Leandro and the Industrial Parkway crossing in Hayward, both of which are in areas characterized by a mix of industrial and commercial uses. Additionally, the Lewelling Boulevard, Tennyson Road, and Tennyson High School crossings are all adjacent to schools (Tennyson High School (100 feet), San Lorenzo High School (150 feet), and Cesar Chavez Middle School (500 feet), respectively). Within San Leandro, the Hesperian Boulevard and Washington Avenue crossings are surrounded by Medium-Density Residential, Single-Family Residential, General Industrial, and General Commercial. Zoning for these areas include Residential Multifamily, Residential Single-family, Industrial General, and Commercial Community. By contrast, the Marina Boulevard crossing is surrounded by land designated and zoned as Industrial Transition, Industrial General, and Commercial Neighborhood. Development immediately surrounding each of the crossings comprises a mix of residential buildings and industrial uses including warehouses, offices, and associated parking lots.

Within unincorporated Alameda County, land uses and zoning surrounding the Lewelling Boulevard crossing include Commercial Community District to the northeast, Commercial District to the west and south, and Corridor Neighborhood to the southeast.

Within Hayward, each crossing is adjacent to residential areas designated as Limited Medium Density Residential, Low Density Residential, and/or Medium Density Residential. These areas are zoned Planned Development, Single-family Residential, and Medium-Density Residential, respectively. The Tennyson Road crossing abuts an area designated Public/Quasi Public and zoned for Agriculture to the north. However, this site currently includes Cesar Chavez Middle School. Similarly, the Tennyson High School pedestrian crossing abuts an area designated Public Quasi Public and zoned for Agriculture, and currently includes Tennyson High School. Other uses present at these crossings include Light Industrial and Retail, and Office Commercial.

Site conditions vary between crossings. The Hesperian Boulevard, Lewelling Boulevard, and Industrial Parkway crossings take place on major arterials while the rest of the crossings are located on one- or two-lane streets. Each crossing location is paved and surrounded by walls or fencing. The existing railroad crossings include single-arm gates (one in each direction of traffic), a warning device, concrete crossing panels, and street lighting.

2 Determination

A Mitigated Negative Declaration (MND) is proposed by 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 10 mitigation measures identified in this IS/MND, is included as Exhibit B. The public review period occurred from Tuesday April 25 to Thursday May 25, 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 identified in the draft IS (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 online at <https://www.alamedactc.org/programs-projects/transit-and-rail/rail-safety-enhancement-program> and 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	<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>Worker Environmental Awareness Program (WEAP)</u></p> <p>Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction should attend a WEAP training, conducted by a qualified biologist, to aid workers in recognizing special-status species, native birds and other biological resources that may occur in the construction area. The specifics of this program should include identification and habitats of special-status species with potential to occur at the existing crossings, a description of the regulatory status and general ecological characteristics of sensitive resources, a review of the limits of construction, and an explanation of the mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information should also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees should sign a form provided by the trainer indicating they have attended the WEAP and understand the information presented to them.</p>	Less than Significant with Mitigation Incorporated
Biological Resources	<p>Mitigation Measure BIO-2: <u>Pre-Construction Survey for Raptors and Nesting Birds</u></p> <p>Ground disturbance and vegetation removal activities should be restricted to the non-breeding season (September 16 to January 31) when feasible. If construction activities occur during the nesting bird season (February 1 to September 15), the following mitigation measures are recommended to reduce impacts to nesting special-status avian species, and other nesting birds protected by CFGC and the MBTA:</p> <ul style="list-style-type: none"> • 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 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. 	Less than Significant with Mitigation Incorporated

	<ul style="list-style-type: none"> • If nests are found, an appropriate avoidance buffer will be determined and demarcated by the qualified biologist with high visibility material. Avoidance buffers of up to 500 feet 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 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	<p>Mitigation Measure BIO-3: <u>Roosting Bats Avoidance and Minimization Measures</u></p> <p>If construction requires removal of trees, a qualified biologist shall conduct a focused survey of all trees to be removed or impacted by construction activities to determine whether active roosts of special-status bats are present on site. If tree removal is planned for the fall, the survey shall be conducted in September to ensure tree removal will have adequate time to occur during seasonal periods of bat activity (March 1 to April 15, September 1 to October 15, or when evening temperatures rise above 45 degrees Fahrenheit and/or no more than 0.5 inch of rainfall within 24 hours occurs, as described below). If tree removal is planned for the spring, then the survey shall be conducted during the earliest possible time in March, to allow for suitable conditions for both the detection of bats and subsequent tree removal. Trees containing suitable potential bat roost habitat features shall be clearly marked or identified. If day roosts are found to be potentially present, the biologist shall prepare a site-specific roosting bat protection plan to be implemented by the contractor following the Alameda County Transit Commission’s approval. The plan shall incorporate the following guidance as appropriate:</p> <ul style="list-style-type: none"> • When possible, removal of trees identified as suitable roosting habitat should be conducted during seasonal periods of bat activity, including the following: <ul style="list-style-type: none"> o Between September 1 and about October 15, or before evening temperatures fall below 45 degrees Fahrenheit and/or more than 0.5 inch of rainfall within 24 hours occurs. o Between March 1 and April 15, or after evening temperatures rise above 45 degrees Fahrenheit and/or no more than 0.5 inch of rainfall within 24 hours occurs. • If a tree must be removed during the breeding season and is identified as potentially containing a colonial maternity roost, then a qualified biologist shall conduct acoustic emergence surveys or implement other appropriate methods to further evaluate if the roost is an active maternity roost. Under the biologist’s guidance, the contractor shall implement measures similar to or better than the following: 	Less than Significant with Mitigation Incorporated

	<ul style="list-style-type: none"> o If it is determined that the roost is not an active maternity roost, then the roost may be removed in accordance with the other requirements of this measure. o If it is found that an active maternity roost of a colonial roosting species is present, the roost shall not be disturbed during the breeding season (April 15 to August 31). • Potential non-colonial hibernation roosts shall only be removed during seasonal periods of bat activity. Potential non-colonial roosts that cannot be avoided shall be removed on warm days in late morning to afternoon when any bats present are likely to be warm and able to fly. Appropriate methods shall be used to minimize the potential harm to bats during tree removal. Such methods may include using a two-step tree removal process. This method is conducted over two consecutive days and works by creating noise and vibration by cutting non-habitat branches and limbs from habitat trees using chainsaws only (no excavators or other heavy machinery) on day one. The noise and vibration disturbance, together with the visible alteration of the tree, is very effective in causing bats that emerge nightly to feed to not return to the roost that night. The remainder of the tree is removed on day two. 	
Biological Resources	<p>Mitigation Measure BIO-4: <u>Steelhead Habitat Protection and Wetland Best Management Practices</u></p> <p>BMPs shall be implemented during all construction activities that take place in or adjacent to the drainage ditches, freshwater emergent wetland, perennial stream or channel at Lewelling Boulevard, Industrial Parkway crossing or Tennyson Road crossing locations to prevent erosion and sedimentation into the stream and to prevent the spill of contaminants in or around the stream.</p> <p>At minimum, the following BMPs will be implemented on-site during construction to prevent any indirect impacts to waters and wetlands:</p> <ul style="list-style-type: none"> • 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. <p>Sediment and erosion control measures (e.g., sand or gravel bags, hay bales, check dams) should be implemented and maintained throughout the existing crossings 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.</p>	Less than Significant with Mitigation Incorporated
Cultural Resources	<p>Mitigation Measure CUL-1: <u>Unanticipated Discovery of Archaeological Resources</u></p> <p>If archaeological resources are encountered during ground-disturbing activities, work in the immediate area should be halted and an archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards for archaeology (National Park Service 1983) should be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a</p>	Less than Significant with Mitigation Incorporated

	<p>treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate any significant impacts to historical resources.</p>	
Cultural Resources	<p>Mitigation Measure CUL-2: <u>Unanticipated Discovery of Human Remains</u></p> <p>The discovery of human remains is always a possibility during ground-disturbing activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. In the event of an unanticipated discovery of human remains, the Alameda County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the NAHC, which will determine and notify a Most Likely Descendant. The Most Likely Descendant shall complete the inspection of the site and provide recommendations for treatment to the landowner within 48 hours of being granted access.</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) • 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 • Upon operation of the project, no hazardous materials would be used at the crossings, and no hazardous materials would be released into the public. 	Less than Significant with Mitigation Incorporated

<p>Noise and Vibration</p>	<p>Mitigation Measure NOI-1: <u>The project contractor shall implement the following measures during construction of the project:</u></p> <ul style="list-style-type: none"> • Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers’ standards. • Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active crossing. • Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active crossing during all project construction. • Construction haul trucks and materials delivery traffic shall avoid residential areas whenever feasible. • Prohibit extended idling time of internal combustion engines by either shutting equipment off when not in use or reducing the maximum idling time to 5 minutes. • Ensure that all general construction related activities are restricted to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays. • Designate a “disturbance coordinator” at the City of Hayward who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem, and ensure noise levels do not exceed noise ordinances standards. 	<p>Less than Significant with Mitigation Incorporated</p>
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