

EXHIBIT B
MITIGATION MONITORING AND REPORTING PROGRAM

Alameda CTC Rail Safety Enhancement Project
San Leandro, Unincorporated Alameda County, and Hayward

June 2023





P R E F A C E

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study/Mitigated Negative Declaration prepared for the Alameda CTC Rail Safety Enhancement Project in the City of San Leandro, Unincorporated Alameda County, and the City of Hayward concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does not discuss those subjects for which the Initial Study/Mitigated Negative Declaration concluded that the impacts from implementation of the project would be less than significant.

I, _____, the applicant, on the behalf of _____, hereby agree to fully implement the mitigation measures described below, which have been developed in conjunction with the preparation of an Initial Study/Mitigated Negative Declaration for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less-than-significant level.

Project Applicant's Signature _____

Date _____



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	Level of Impact After Mitigation	Responsible Party	Monitoring Timing or Schedule
Air Quality			
The project could potentially result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard.			
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	Construction Contractor	During Construction
Biological Resources			
The project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.			
Mitigation Measure BIO-1: Worker Environmental Awareness Program (WEAP) 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	Less than Significant	Contractor / Qualified Biologist	Before Construction



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<p>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>			
<p>Mitigation Measure BIO-2: Pre-construction Survey and Impact Avoidance for Raptors and Other Nesting Birds.</p> <p>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</p>	<p>Less than Significant</p>	<p>Contractor / Qualified Biologist</p>	<p>Before Construction</p>



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<p>birds protected by the California Fish and Game Code 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 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 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 			



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nest. Encroachment into the buffer should occur only at the discretion of the qualified biologist.			
<p>Mitigation Measure BIO-3: Roosting Bats Avoidance and Minimization Measures</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</p>	Less than Significant	Construction Contractor / Qualified Biologist	Before Construction



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<p>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"> ○ 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. ○ 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: <ul style="list-style-type: none"> ○ 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. 			



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<ul style="list-style-type: none"> ○ 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. 			
<p>The project could have a substantial adverse effect on state or federally protected wetlands (including but not limited to: marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?.</p>			



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<p>Mitigation Measure BIO-4: Steelhead Habitat Protection and Wetland Best Management Practices</p> <p>Best management practices (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. • 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 	Less than Significant	Construction Contractor	During Construction



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monofilament plastic will be used for erosion control.			
The project could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.			
See Mitigation Measure BIO-4 above.	Less than Significant	Construction Contractor	During Construction
Cultural Resources			
The project could cause adverse change in the significance of a historical resource as defined in Section 15064.5.			
<p>Mitigation Measure CUL-1: Unanticipated Discovery of Archaeological Resources</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 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>	Less than Significant	Construction Contractor / Qualified Archaeologist	During Construction
The project could disturb any human remains, including those interred outside of dedicated cemeteries.			
<p>Mitigation Measure CUL-2: Unanticipated Discovery of Human Remains</p> <p>The discovery of human remains is always a possibility during ground-disturbing activities. If</p>	Less than Significant	Construction Contractor	During Construction



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<p>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>			
<p>Geology and Soils</p>			
<p>The project could directly or indirectly destroy a unique paleontological resource or site or unique paleontological feature.</p>			
<p>Mitigation Measure GEO-1: Discovery of Paleontological Resources</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>	<p>Less than Significant</p>	<p>Construction Contractor</p>	<p>During Construction</p>



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Hazardous Materials			
The project could be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would it create a significant hazard to the public or the environment.			
<p>Mitigation Measure HAZ-1: Prepare a Site-specific HASP for Construction Activities</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 	Less than Significant	Construction Contractor	Before Construction / During Construction



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Noise and Vibration			
The project could result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			
<p>Mitigation Measure NOI-1: The project contractor shall implement the following measures during construction of the project:</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. 	Less than Significant	Construction Contractor	During Construction



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<ul style="list-style-type: none"> 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. 			
Tribal Cultural Resources			
<p>The project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>			
See Mitigation Measure CUL-1 above.	Less than Significant	Construction Contractor / Qualified Archaeologist	During Construction
See Mitigation Measure CUL-2 above.	Less than Significant	Construction Contractor	During Construction

Source: Alameda CTC, 2023. Alameda CTC Rail Safety Enhancement Project: San Leandro, Unincorporated Alameda County, and Hayward Initial Study.