



RESPONSE TO COMMENTS

Alameda CTC Rail Safety Enhancement Project

Project Location: Intersections at 29th Avenue, Fruitvale Avenue, 37th Avenue, and 50th Avenue (APN: 29th Avenue - 25-680-1-6, Fruitvale Avenue - 25-680-6-1/ 33-2186-6/ 33-2186-5-1, 37th Avenue - 33-2180-2-1/ 33-2169-17/ 33-2179-18/ 33-2179-17/ 33-2169-16-1, 50th Avenue - 34-2341-10/ 34-2287-22/ 34-2293-8-3/ 34-2293-2-5/ 34-2293-2-9), Oakland, California.

General Plan Designation: Mixed Housing Type Residential, Community Commercial, Regional Commercial, Housing and Business Mix, General Industrial, General Industry and Transportation

Project Description: The project consists of rail safety improvements to existing at-grade rail crossings in the City of Oakland in Alameda County. The improvements are designed to increase safety for motorists and pedestrians. Currently the four crossings consist of signal arms and railroad crossing signs, and no other safety features. Safety improvements would include restricting access to UPRR tracks, improving signage, accessibility improvements, installation new security gates/fencing, medians, pavement markings, roadside signs, ADA detectable pavers, warning devices, and "No Trespassing" signs.

August 2023



Alameda County Transportation Commission

PREPARED FOR:

Alameda County Transportation Commission

PREPARED BY:

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Response to Comments (RTC)

Pursuant to the California Environmental Quality Act (CEQA)
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Response to Comments

The key purpose of circulating an Initial Study/Proposed Mitigated Negative Declaration (IS/MND) is to collect comments on the accuracy of the information, to detect omissions and discover public concerns (California Environmental Quality Act [CEQA] Guidelines § 15073).

Alameda CTC provided a 30-day public comment period for the Oakland 29th Avenue, Fruitvale Avenue, 37th Avenue, and 50th Avenue Crossings IS/MND beginning on Tuesday May 2, 2023, and ending on Wednesday May 31, 2023. This document lists individuals who submitted comments on the IS/MND, provides the verbal comments received during the public meeting, and responses to those comments. As required by CEQA, these responses address comments received during the public review period (Pub. Res. Code § 21091(d); CEQA Guidelines § 15073) and provide responses to the comments prior to consideration of adopting the final MND (Pub. Res. Code § 21092.5 (b)).

One comment was received in response to the IS/MND from the Bay Area Rapid Transit (BART) Director during the May 17 public hearing. Alameda CTC acknowledges receipt of this comment and provides a response below. The comment has been assigned a number (Comment 1). A copy of the full comment is provided before the response to the individual comment.

Comment 1 - Robert Raburn, BART Director

- 1 Removal of a catenary at 29th Ave represents a loss of a electric railroad technological artifact that should be acknowledged in Section 4.5, a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

Response to Comment 1 - Robert Raburn, BART Director

- 1 After receiving this comment, Rincon Consultants evaluated the segment of the Union Pacific Railroad located at the 29th Avenue Crossing, of which the catenary pole is a feature, for eligibility for listing on the California Register of Historical Resources (CRHR) and National Register of Historic Places (NRHP). According to this evaluation:

The railroad segment [of which the catenary is an element] is characterized by three sets of tracks and two steel catenary poles on both sides of 29th Avenue. Based on visual observations of the surveying cultural resources specialist (Foster and Blind 2022), the grade crossing at 29th Avenue is of recent construction. The evaluation concluded that the wider SPRR alignment with which the subject segment associated may be historically significant due to associations with the development of the Transcontinental Railroad. However, because the segment and its immediate surroundings have been subject to a history of continual change, including surrounding commercial development and ongoing and regular maintenance to segment elements, the segment no longer retains its original appearance to the degree that it can no longer convey any significant associations with the Transcontinental Railroad. Archival research also found that the rail corridor's associations with the Oakland, Alameda, & Berkeley Lines; Amtrak; and the Union Pacific Railroad are not historically significant. Based on these conclusions, the subject rail segment and catenary poles would not contribute to the eligibility of the wider SPRR under National Register of Historic Places (NRHP) Criterion A or California Register of Historical Resources (CRHR) Criterion 1. In addition, the railroad segment and catenary poles lacked significant, direct associations with any individual known to have made significant historical contributions (NRHP Criterion B/CRHR Criterion 2), does not have significant qualities related to its design (NRHP Criterion C/CRHR Criterion 3), and is unable to yield important information related to prehistory or history (NRHP Criterion D/CRHR Criterion 4). For the reasons listed above, the subject rail segment, including catenary poles, also would not contribute to the eligibility of the wider SPRR rail corridor for the local register under any eligibility criteria. As such, the subject segment does not qualify as historical resource pursuant to CEQA, and its demolition or alteration would not result in an impact to a historical resource pursuant to CEQA.

Therefore, all potential impacts resulting from the [project] are fully described in the IS-MND with appropriate mitigation measures, and no substantial revision of the IS-MND

published on May 2, 2023 is required. As a result, no further analysis nor recirculation of the IS-MND is required pursuant to CEQA Guidelines section 10573.5.

This analysis is included in the Errata Memorandum and additional Department of Parks and Recreation (DPR) 523 forms appended to the Cultural Resources Study prepared for the project, and is incorporated in the Initial Study (IS) via the Errata Memorandum included as **Exhibit D** of the Mitigated Negative Declaration (MND). Given that the resource is not eligible for listing in the CRHR or NRHP, no impacts related to a change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5 would occur, and no new mitigation measures would be required.