2020060464

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: SACRAMENTO

From: (Public Agency): BAY AREA RAPID TRANSIT
300 LAKESIDE DRIVE
OAKLAND, CA 94607
(Address)

Project Title: MEASURE RR PROGRAM TRACTION POWER SYSTEM IMPROVEMENT PROGRAM

Project Applicant: STEVE SIMS, PROJECT MANAGER, SAN FRANCISCO BAY AREA RAPID TRANSIT

Project Location - Specific:

Northeast quadrant of the Northgate Avenue and 23rd Street intersection

Project Location - City: OAKLAND Project Location - County: ALAMEDA

Description of Nature, Purpose and Beneficiaries of Project:

The San Francisco Bay Area Rapid Transit District (BART) is an electricity-powered commuter transit line. Electrification is provided by "traction power" substations located along the transit line right-of-way. BART proposes improvements to one of its existing traction power substations, 23rd Street Traction Power Substation, referred herein as "KTT". KTT is an outdoor, at-grade traction power substation station located at the northeast quadrant of the Northgate Avenue and 23rd Street intersection, at an elevation below the surrounding roadways but above the BART trackway, in the City of Oakland, CA 94612. The project will require facility upgrades, procurement, and installation of replacement equipment for the existing traction power substation which currently supplies power for BART rail operations.

Name of Public Agency Approving Project: SAN FRANCISCO BAY AREA RAPID TRANSIT

Name of Person or Agency Carrying Out Project: STEVE SIMS, PROJECT MANAGER

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☒ Statutory Exemptions. State code number: CEQA Guidelines Article 18, Section 15275(a)

Reasons why project is exempt:

The proposed replacement of the traction power substation equipment qualifies for a statutory exemption from CEQA, as the project fits into the context of the exemption language and no other significant effects on the environment will result due to unusual circumstances. Statutory exemptions from CEQA are granted by legislature. A statutory exemption from CEQA is provided under Section 21080(b)(10) of the California Public Resources Code (also found in the CEQA Guidelines Article 18 Section 15275(a)). This statutory exemption applies to mass transit projects that involve the institution or increase of passenger or commuter service on rail lines already in use. This project proposes removing aging train control equipment and upgrading to a new system, which will support increased capacity and higher service frequencies.

Lead Agency Contact Person: BART, STEVE SIMS Area Code/Telephone/Extension: 510-464-6417

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: 6/5/2020 Title: PROJECT MANAGER

☐ Signed by Lead Agency ☐ Signed by Applicant

Governor's Office of Planning & Research

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: Jun 22 2020

STATE CLEARINGHOUSE

*ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

LEAD AGENCY NAME AND ADDRESS

SAN FRANCISCO BAY AREA RAPID TRANSIT
MAINTENANCE & ENGINEERING DEPARTMENT
300 LAKESIDE DRIVE
OAKLAND, CA 94607

FOR COUNTY CLERK USE ONLY

ENDORSED
FILED
ALAMEDA COUNTY

MAY 14 2020

MELISSA WILK, County Clerk
By _____ Deputy

FILE NO: 20-184

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

(PLEASE MARK ONLY ONE CLASSIFICATION)

1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

[x] A - STATUTORILY OR CATEGORICALLY EXEMPT

$ 50.00 - COUNTY CLERK HANDLING FEE

2. NOTICE OF DETERMINATION (NOD)

[ ] A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

$ 2,406.75 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

[ ] B - ENVIRONMENTAL IMPACT REPORT (EIR)

$ 3,343.25 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

3. OTHER: _____

*****A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.*****

BY MAIL FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

IN PERSON FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPES.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.

FEES ARE EFFECTIVE JANUARY 1, 2020

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

NOTICE OF EXEMPTION

TO: ☐ Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

FROM: San Francisco Bay Area Rapid Transit District
Maintenance & Engineering Department
300 Lakeside Drive
Oakland, CA 94607

☒ Alameda County Clerk-Recorder's Office
1106 Madison Street
Oakland, CA 94607

ENDORSED
FILED
ALAMEDA COUNTY

MAY 14 2020

MELISSA WILK, County Clerk
By _____ Deputy

Project Title: Measure RR Program Traction Power System Improvements Project

Project Location (Specific): Northeast quadrant of the Northgate Avenue and 23rd Street intersection

Project Location (City): Oakland **Project Location (County):** Alameda

Project Description: The San Francisco Bay Area Rapid Transit District (BART) is an electricity-powered commuter transit line. Electrification is provided by "traction power" substations located along the transit line right-of-way. BART proposes improvements to one of its existing traction power substations, 23rd Street Traction Power Substation, referred herein as "KTT". KTT is an outdoor, at-grade traction power substation station located at the northeast quadrant of the Northgate Avenue and 23rd Street intersection, at an elevation below the surrounding roadways but above the BART trackway, in the City of Oakland, CA 94612. The project will require facility upgrades, procurement, and installation of replacement equipment for the existing traction power substation which currently supplies power for BART rail operations. Please see Attachment A for additional information.

This Notice of Exemption from the California Environmental Quality Act (CEQA) was prepared based on the content contained in BART's TPF Transformer PCB Level Report prepared by BART dated February 15, 2019; the 95% Geotechnical Exploration Memorandum for BART KTT Site dated November 1, 2019; and the engineering drawings contained in BART's Traction Power Facilities Replacement 95% level of design submittal package, dated November 1, 2019.

Specific engineering drawings reviewed include:

- Existing Site and Demolition Plan (C1001-KTT), dated: 11/01/2019 (95%)
- Construction Staging Plan (C1002-KTT), dated: 11/01/2019 (95%)
- Site Plan (C120-KTT), dated: 11/01/2019 (95%)
- Grading and Drainage Plan (C1021-KTT), dated: 11/01/2019 (95%)
- Maintenance of Traffic Plans (C1041-KTT), dated: 11/01/2019 (95%)
- Utility Plan (U1001-KTT), dated: 11/01/2019 (95%)

Name of Public Agency Approving Project: San Francisco Bay Area Rapid Transit District

Name of Person or Agency Carrying Out Project: Steve Sims, Traction Power Project Manager, San Francisco Bay Area Rapid Transit District

Exempt Status: (*check one*)

☐ Ministerial (Sec. 21080(b)(1); 158268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269 (a));

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☐ Categorical Exemption State type and section number:

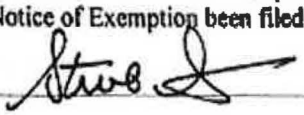
☒ Statutory Exemptions State Code number: CEQA Guidelines Article 18, Section 15275(a)

Reasons why project is exempt: The proposed replacement of the traction power substation equipment qualifies for a statutory exemption from CEQA, as the project fits into the context of the exemption language and no other significant effects on the environment will result due to unusual circumstances. Statutory exemptions from CEQA are granted by legislature. A statutory exemption from CEQA is provided under Section 21080(b)(10) of the California Public Resources Code (also found in the CEQA Guidelines Article 18 Section 15275(a)). This statutory exemption applies to mass transit projects that involve the institution or increase of passenger or commuter service on rail lines already in use. This project proposes removing aging train control equipment and upgrading to a new system, which will support increased capacity and higher service frequencies. Please see Attachment A for additional information.

Lead Agency Contact Person: Steve Sims **Area Code/Telephone/Extension:** (510) 464-6417

If filed by applicant:

1. Attach certified document of exemption filing.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☒ No

Signature:  Date: 5/8/2020 Title: Project Manager

☒ Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR: _____

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
MEASURE RR PROGRAM:
TRACTION POWER SYSTEM IMPROVEMENTS
KTT – 23RD STREET SUBSTATION
CEQA STATUTORY EXEMPTION

ATTACHMENT A

APRIL 2020

PROJECT DESCRIPTION

PROJECT SUMMARY

1. **Project Title:**
   Bay Area Rapid Transit (BART) Measure RR Program Traction Power System Improvements Project
   KTT – 23rd Street Traction Power Substation

2. **Lead Agency Name and Address:**
   San Francisco Bay Area Rapid Transit District
   Maintenance & Engineering Department
   300 Lakeside Drive
   Oakland, CA 94607

3. **Contact Person and Phone Number:**
   Steve Sims
   Traction Power Project Manager
   (510) 464-6417

INTRODUCTION

This Notice of Exemption from the California Environmental Quality Act (CEQA) was prepared based on the content contained in BART's TPF Transformer PCB Level Report prepared by BART dated February 15, 2019; the 95% Geotechnical Exploration Memorandum for BART KTT Site dated November 1, 2019; and the engineering drawings contained in BART's Traction Power Facilities Replacement 95% level of design submittal package dated November 1, 2019.

Specific engineering drawings reviewed include:

- Existing Site and Demolition Plan (C1001-KTT), dated: 11/01/2019 (95%)
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- Grading and Drainage Plan (C1021-KTT), dated: 11/01/2019 (95%)
- Maintenance of Traffic Plans (C1041-KTT), dated: 11/01/2019 (95%)
- Utility Plan (U1001-KTT), dated: 11/01/2019 (95%)

PROJECT LOCATION

The project site is currently occupied by the existing 23rd Street traction power substation, which is located at the northeast quadrant of the Northgate Avenue and 23rd Street intersection. The Northgate Avenue roadway is slightly elevated and the BART trackway goes under Northgate Avenue in a trench below grade. The project site is located at-grade at an elevation below Northgate Avenue but above the BART trackway in the City of Oakland, CA 94612 (see Figures 1 and 2). The existing traction power substation is located in APN 8-664-48.

Construction of KTT will require redevelopment of the existing substation within this same APN, as well as expansion of this redevelopment into the adjacent APN 8-664-49 on BART owned, operated, and maintained property.

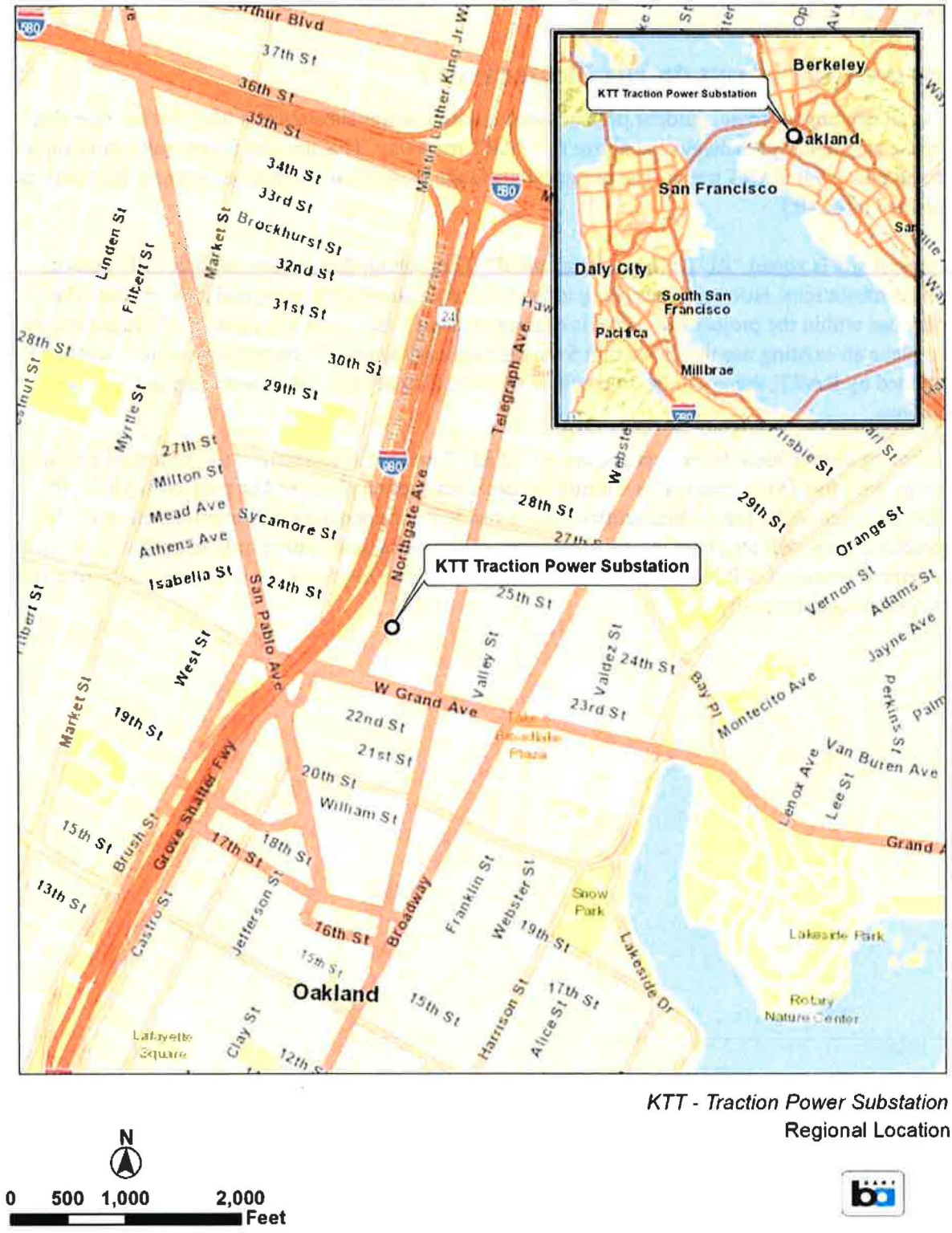
A systemwide map of BART stations and routes is provided in Figure 3 for reference to the regional passenger rail system.

EXISTING CONDITIONS ON THE PROJECT SITE

KTT is an existing at-grade, outdoor prefabricated traction power substation, situated at an elevation below the surrounding roadways but above the BART trackway. This traction power substation supplies electrical power for BART trains. The project site and the facilities it contains are owned, operated, and maintained by BART.

The project site is zoned "RU-3, Urban Residential". This zoning designation conditionally permits electrical substations. However, according to the City of Oakland's Planning and Zoning Map, the primary use within the project site parcel is characterized as "exempt public agency". Because the project will replace an existing use that is exempt from discretionary approvals on property owned, operated, and maintained by BART, there will be no conflicts with the City of Oakland's land use plans, policies, or regulations.

Neighboring uses around the project site are zoned RU-3 and are characterized as residential apartment buildings with five (5) or more units. During the pre-construction phase of this project, BART will conduct outreach to the local community to notify residents of upcoming construction activities. The outreach activities will also help inform BART and the construction contractor to identify which best management practices will be implemented during construction to prevent or reduce any disruptions to the neighboring community.



KTT - Traction Power Substation
Regional Location

Figure 1. Regional Location

Project site boundaries depict approximate project area and are not exact.

Figure 2. Project Location (Aerial Photo)

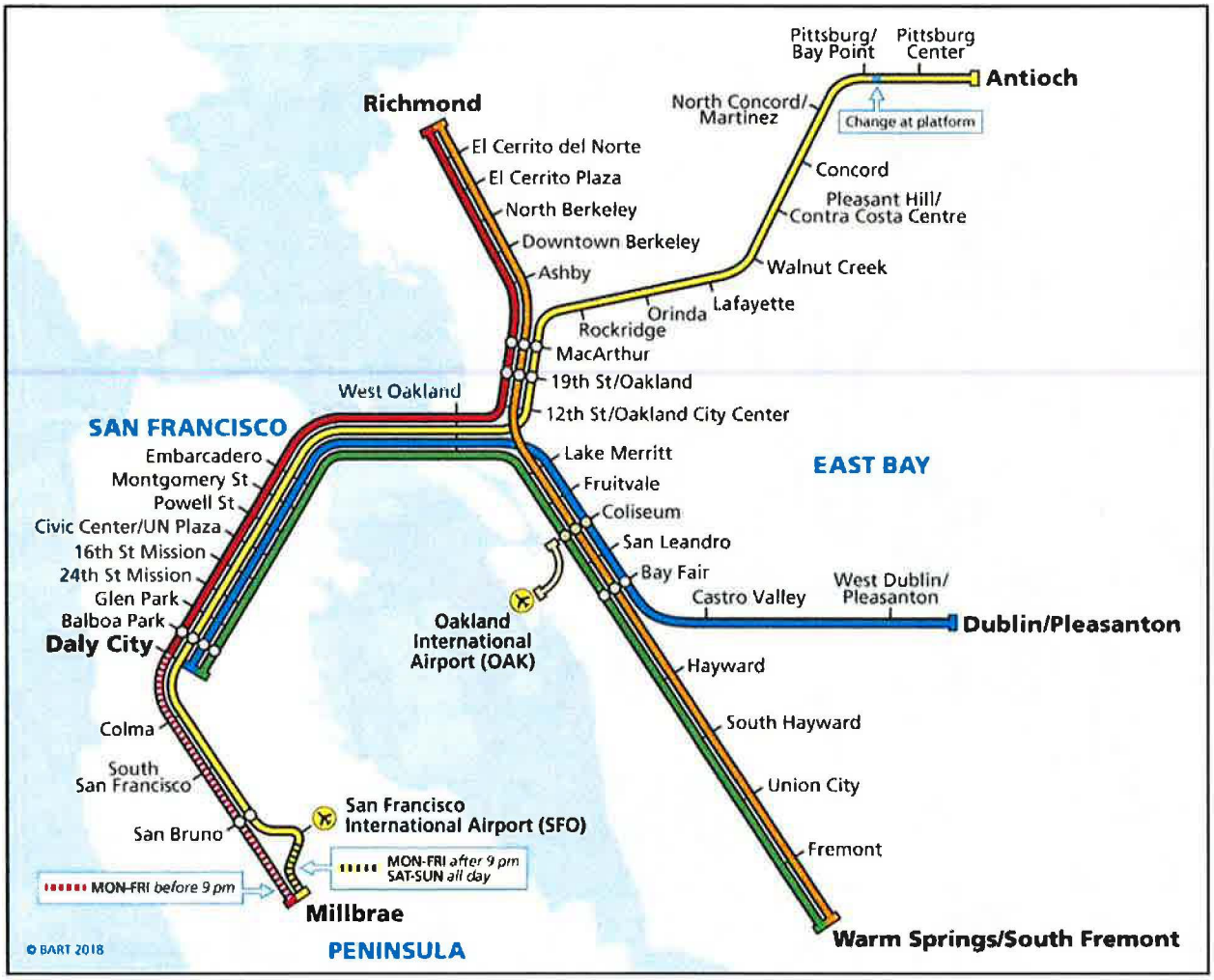


Figure 3. BART Systemwide Map

PROPOSED PROJECT AND CONSTRUCTION ELEMENTS

This project includes demolition of the existing traction power station equipment and construction of a new traction power substation facility on property owned by BART. During the design process, it was determined that a new water service permit is required from the East Bay Municipal Utility District for water connection to the project site. Additionally, multiple permits will be required from the City of Oakland, including, but not limited to: building permit; grading permit; curb, gutter, sidewalk and driveway permit; p-job ("privately construction public improvement") permit; and an obstruction permit. The construction contractor will be responsible to verify and obtain all the necessary permits for the construction of the project's facilities.

The new traction power substation will continue to help serve the feeding point for third rail. The associated equipment upgrades are necessary to continue the conversion of electricity to be utilized by the BART trains for propulsion and auxiliary power supply need.

Given the scope of this project, key environmental considerations pertaining to construction and operation of the project is provided below.

PROPERTY NEEDS

Site visits conducted by BART during the design stage determined that the existing KTT footprint will be utilized and no new permanent property acquisitions outside of BART owned, operated, or maintained right-of-way are required.

The proposed construction equipment staging and laydown area will be located along 23rd Street outside of BART right-of-way, above the tracks. Based on the current level of design, the construction staging area will be secured behind an existing fence that will preclude interference or disruption to the adjacent sidewalk and roadway. Temporary detour routes for pedestrians and vehicles will be required during construction. A traffic mantainence plan has been prepared for the City of Oakland's review and approval.

BIOLOGICAL RESOURCES

The project will require tree removal to the north of the existing substation site on 24th Street and west of the existing substation site on Northgate Avenue. Tree removal will be avoided from February 1 through August 31, the bird nesting period, to the extent feasible. If no tree removal is proposed during the nesting period, no further mitigation measures are required.

If any project construction activities occur during the active nesting period, a pre-construction survey for nesting birds within the immediate project footprint will be conducted by a qualified biologist hired by the construction contractor. Nesting bird surveys will be conducted within one week before initiation of construction activities. If no active nests are found, no further surveys and no furher mitigation will be required.

If two weeks lapse during construction within the active nesting period (i.e., if no work takes place on site for two continuous weeks during the bird nesting period), then the survey will be repeated to ensure that any nests have not been occupied or created during the work stoppage. The survey is required each year prior to any project construction activities occurring during the active nesting period. The survey will not be required if construction does not occur during the active nesting period. With implementation of this mitigation, potential effects to biological resources associated with tree removal activities will be less than significant.

UTILITIES

New water and sanitary sewer line connections will be required to supply water to the project site to support an emergency eye wash and other plumbing facilities for maintenance personnel (requirement of BART facility standards). Based on the current level of design, the proposed utility connections will not result in the relocation of an existing water or sanitary sewer line and potential utility conflicts will not occur. BART will coordinate with the East Bay Municipal Utility District and other utility service providers as needed to receive the necessary permits/approvals prior to construction.

GRADING, DEMOLITION, AND TREE REMOVAL

Activities that will occur prior to construction include demolition of the existing KTT traction power substation equipment, site clearing, and grading. As mentioned above, tree removal will also be required. The project will comply with tree preservation policies and ordinances, and BART will work with the City of Oakland to obtain the necessary permits/approvals prior to the start of construction.

GEOLOGICAL HAZARDS

Geological hazards consist of fault rupturing, landslide, subsidence, expansive soils, flooding, scouring, liquefaction, lateral spreading, and inundation. The project site does not intersect with the Hayward Fault,

it's fault zone, or any other known faultline; the Hayward Fault is located approximately 3 miles east of the project site. The California Geological Survey does not map this site within a landslide-prone region.

According to the Draft Geotechnical Report prepared for this project, no significant land subsidence is known to have occurred at the project site in the past and the risk associated with land subsidence is considered low. In addition, the Draft Geotechnical Report states that the project site has low risks associated with flooding, scouring, and expansive soils.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map identifies this site located in an area of minimal flood hazard and outside of the California Geologic Survey Tsunami Inundation Zone. The proposed traction power substation is not located directly at a river, stream or creek crossing and therefore susceptibility to scour is low. The California Geological Survey maps the project site within a liquefaction zone and may be subject to lateral spreading. KTT will be built in compliance with BART facility standards based on its seismic zone and the class level of the project site.

HAZARDS AND HAZARDOUS MATERIALS

Recent tests have confirmed that existing traction power substation transformers may contain elevated levels of carbon monoxide, methane, ethylene, and ethane gases or a PCB level (ppm) > = 50, which are considered hazardous. For KTT, elevated levels of hazardous materials were not detected according to the TPF Transformer PCB Level Report prepared by BART dated February 15, 2019.

According to the Preliminary 95% Geotechnical Report prepared for BART KTT Site, the Department of Toxic Substance Control (DTSC) reports that this site has undergone remediation for diesel from a leaky underground storage tank and contaminants may be present in subsurface material. The project will comply with all applicable local, state, and federal regulations governing the routine transport, use, or disposal of hazardous materials during construction.

The project will comply with all applicable local, state, and federal regulations governing the routine transport, use, or disposal of hazardous materials during construction. Operation of the project will involve the occasional use, storage, and disposal of hazardous materials that could include limited quantities of battery acid, vehicle fuels, oils, transmission fluids, paints, solvents, cleaners, and pesticides. No industrial uses or activities are proposed that will result in the use or discharge of unregulated hazardous materials and/or substances, or create a public hazard through transport, use, or disposal, and the project will not generate large amounts of hazardous materials that will require routine transport, use, or disposal. Use and transport of hazardous materials will be regulated by the California Division of Occupational Safety and Health, local fire codes, and all other federal, state, and local regulations. All hazardous materials will be required to be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations.

HYDROLOGY AND WATER QUALITY

The project will incorporate design features to address water quality impacts. Stormwater runoff from impervious surfaces will be routed through one bioretention basin on-site. Biorention is characterized by a depressed planted area designed to collect stormwater runoff from a contributing area, while utilizing the physical and chemical processes of plants, soils, and microbes to slow, store and/or convey, filter, and infiltrate stormwater runoff. The bioretention basin constructed as part of KTT will filter stormwater runoff from the project site prior to discharge into the stormwater drainage system. The project may result in an increase in impervious surface but this increase will be minor (less than 1 acre in size). The project will not rise to the level of causing or contributing runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

TRAFFIC MANAGEMENT AND PARKING

A conceptual traffic maintenance plan has been prepared during the final design phase of this project. The purpose of the traffic maintenance plan is to incorporate mitigation to avoid potentially short-term significant impacts associated with traffic circulation during construction. Based on review of this plan, potentially significant traffic impacts will not occur because vehicle and pedestrian access will be maintained during construction and restored to pre-existing conditions after construction.

During construction, the temporary removal of on-street parking stalls on the south side of 23rd Street, between the hours of 8:30 am to 5:30 pm, will be required. The eastbound traffic lane on 23rd Street will be temporarily blocked off from vehicles and pedestrians to support construction activities. Traffic guards will be present on 23rd Street to direct vehicle and pedestrain travel around the construction work site. Because the traffic maintenance plan is conceptual, the construction contractor is ultimately responsible for preparing and submitting traffic control plans and getting permits from the City of Oakland for approval. Any parking stalls to be utilized during construction will be coordinated with the City of Oakland by the construction contractor.

PUBLIC TRANSIT CONSIDERATIONS

Based on the current level of design, disruptions to BART rail operations will not occur during construction and traction power will be supported to keep the third rail energized during the replacement of the existing traction power substation. Additionally, potential bus stop relocations or detours to the local bus provider, AC Transit, are not anticipated during construction because activities will be generally isolated within the existing KTT footprint area or on 23rd Street which does not provide bus service.

After construction, the rehabilitated traction power substation equipment will support increased capacity and higher service frequencies on the BART system. Therefore, there will be no impacts related to public transit during construction or operation of this project.

SPECIAL DISTRICT PARAMETERS

BART was formed as a county-based special district in 1957 by the California State Legislature. The special district formation was made in response to identifying the transit needs in the San Francisco Bay Area Region. Special districts are defined as local government agencies that provide public infrastructure and other essential services, including transportation, water, and recreation and parks. Special districts operate within a defined boundary that can include areas as small as neighborhoods to areas as large as multi-county regions, depending on the demand of services being provided.

California Government Code Section 53090 states that local agencies that provide governmental or proprietary function within limited boundaries, such as rapid transit districts like BART, are exempt from complying with local land use plans, policies, zoning ordinances and building ordinances (including building permits).

Although BART's transportation facilities may be exempt from some local regulations, the District will comply with the overall intent of the local regulations to the extent feasible and will work closely with the local jurisdictions to ensure that they are included in the overall project development process.

STATUTORY EXEMPTION APPLICABILITY

Article 18 of CEQA (CEQA Guidelines Sections 15260 to 15285), includes a list of classes of projects that have been determined by the California Legislature to be statutorily exempt from environmental review under CEQA. Due to the nature of the proposed project, the proposed replacement of the traction

power substation equipment qualifies for a statutory exemption pursuant to CEQA Guidelines Article 18 Section 15275(a) - Specified Mass Transit Projects.

CEQA Guidelines Article 18 Section 15275(a) states that CEQA does not apply to mass transit projects that involve the institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities[1].

The analysis contained in this document provides substantial evidence that the proposed project qualifies for an exemption pursuant to CEQA Guidelines Section 15275(a) as a Specified Mass Transit project as it will involve the institution or increase of passenger or commuter service on rail lines already in use. Modernizing BART's 45+ year old train control is an important component in addressing critical capacity, reliability and safety needs as BART places 775 new train cars into service. This project entails removing aging train control equipment from the BART system and upgrading to a new system.

[1] Authority cited: Section 21083, Public Resources Code; Reference: Section 21080(b)(11), (12), and (13), Public Resources Code.