# CEQA FINDINGS OF FACT

**for the**

# STOCKTON DIAMOND GRADE SEPARATION PROJECT

**Prepared for the San Joaquin Regional Rail Commission**


**Prepared by HDR Engineering, Inc.**


June 2021

# Contents

# Acronyms

| | |
|---|---|
| ACE | Altamont Corridor Express |
| ACM | asbestos-containing materials |
| AIA | Airport Influence Area |
| ALUCP | Airport Land Use Compatibility Plan |
| APE | Area of Potential Effects |
| ARB | Air Resources Board |
| BCA | Benefit-Cost Analysis |
| BMP | best management practices |
| BNSF | BNSF Railway |
| BSA | Biological Study Area |
| Cal Water | California Water Service Company |
| CCR | California Code of Regulations |
| CDFW | California Department of Fish and Wildlife |
| CEQA | California Environmental Quality Act |
| City | City of Stockton |
| CMP | Construction Management Plan |
| $CO_2e$ | carbon dioxide equivalent |
| CPUC | California Public Utilities Commission |
| CWA | Clean Water Act |
| dBA | A-weighted decibel |
| DSA | disturbed soil area |
| EFH | Essential Fish Habitat |
| EIR | environmental impact report |
| EPA | Environmental Protection Agency |
| ESA | Environmental Site Assessment |
| GHG | greenhouse gas |
| GO | General Order |
| HASP | Health and Safety Plan |
| HMMP | Hazardous Materials Management Plan |
| ITMM | Incidental Take Mitigation Measures |
| LBP | lead-based paint |
| LUST | Leaking underground storage tank |
| MT | metric ton |
| NOA | Notice of Availability |
| NOAA | National Oceanic and Atmospheric Administration |
| NOP | Notice of Preparation |
| NPDES | National Pollutant Discharge Elimination System |
| PA | Programmatic Agreement |
| PM | particulate matter |
| PPV | peak particle velocity |
| PRC | Public Resources Code |
| Project | Stockton Diamond Grade Separation Project |
| ROW | right-of-way |
| RSA | Resource Study Area |
| RWQCB | Regional Water Quality Control Board |
| SCH | State Clearinghouse |
| SCK | Stockton Metropolitan Airport |
| SJJPA | San Joaquin Joint Powers Authority |
| SJMSCP | San Joaquin Multiple Species Conservation Plan |
| SJRRC | San Joaquin Regional Rail Commission |
| SJVAPCD | San Joaquin Valley Air Pollution Control District |

| | |
|---|---|
| SR | State Route |
| SWPPP | Stormwater Pollution Prevention Plan |
| SWRCB | State Water Resources Control Board |
| TCE | temporary construction easement |
| TMP | Transportation Management Plan |
| UP | Union Pacific Railroad |
| U.S. | United States |
| USACE | U.S. Army Corps of Engineers |
| USFWS | United States Fish and Wildlife Service |
| Vrba | vibration decibel |
| VMT | vehicle miles traveled |

# 1 Background

The following information is presented to comply with California Environmental Quality Act (CEQA) Guidelines (Title 14 California Code of Regulations, Division 6, Chapter 3, Section 15091). Reference is made to the Final Environmental Impact Report (EIR), including Appendices A through M of the Final EIR, for the project, which is the basic source for the information.

The following Findings are made for the Final EIR (State Clearinghouse [SCH] No. 2020080321) for the Stockton Diamond Grade Separation (Project). The Final EIR analyzes the significant and potentially significant environmental impacts, which may occur as a result of the Project.

The San Joaquin Regional Rail Commission (SJRRC) is proposing to construct a grade separation of two principal railroad lines (BNSF Railway and Union Pacific Railroad) at the at-grade crossing located near South Aurora Street, known as the Stockton Diamond, in the City of Stockton, California.

The northern limit of the proposed Project includes East Weber Avenue, a major east-to-west arterial in Downtown Stockton. Just north of East Weber Avenue is the Robert J. Cabral Station. The southern Project limit is the Union Pacific Railroad (UP) Stockton Yard, located approximately at East Fourth Street. The eastern and western limits of the Project are generally South Pilgrim Street and South Grant Street, respectively.

The Stockton Diamond is generally located in the middle of the Project Study Area. Substantial freight movements between the Port of Stockton and points east, north, and south must pass through the Diamond. The existing at-grade nature of the Diamond provides an operational constraint that results in delays to the regional rail network where these two principal rail lines intersect.

At several locations, the existing north-to-south UP Fresno Subdivision tracks at and near the Diamond are raised above grade by approximately 3 feet, requiring any vehicular or pedestrian traffic to go up and over the hump to cross the tracks at roadway-rail grade crossings. Additionally, the Mormon Slough is crossed by existing road and railway tracks in several locations within the proposed Project Study Area.

The CEQA lead agency is responsible for ensuring their independent review and the adequacy and objectivity of the EIR. SJRRC, as CEQA lead agency, has subjected the Draft EIR and Final EIR to the agency's own review and analysis process.

## 1.1 Project Summary

SJRRC proposes to construct a grade separation of two principal railroad lines at the Stockton Diamond in Stockton, California. This Final EIR was prepared in conformance with CEQA. SJRRC, as the project sponsor, is the CEQA lead agency.

The Project is a critical passenger and freight mobility project. The current Altamont Corridor Express (ACE) and Amtrak San Joaquins passenger rail services are constrained by the Stockton Diamond Interlock at-grade crossing, which can reduce reliability and on-time performance for both passenger and freight rail. The grade separation would help improve the operational performance for SJRRC and the San Joaquin Joint Powers Authority (SJJPA) as they provide service between the Central Valley, Sacramento, and the San Francisco Bay Area.

Currently, the BNSF Railway (BNSF) Stockton Subdivision and the UP Fresno Subdivision consist of two main tracks each, and they intersect each other at a level, at-grade crossing known as the Stockton Diamond. This rail intersection, located just south of Downtown Stockton near South Aurora Street and East Scotts Avenue, is the busiest at-grade railway junction in California. The at-grade crossing experiences substantial congestion and delays service for people and freight throughout the Central Valley—and for freight on the broader national network. The current, at-grade configuration of the tracks results in critical delays to passenger and freight trains in the area, including those serving the Port of Stockton. Train congestion also causes vehicle delays at roadway-rail crossings and creates potential motor vehicle, rail, bicycle, and pedestrian conflicts.

The proposed Project would construct a grade separation of the BNSF and UP rail lines to reduce rail congestion and allow passenger and freight rail traffic to flow uninterrupted through the crossing. The reduction in rail congestion would reduce delays for passenger and freight rail providers and improve freight mobility, which may lead to lower costs for freight shipping and reduce travel times for motor vehicle, bicyclist, and pedestrian traffic. The reduction in train congestion and motor vehicle wait times at these roadway-rail grade crossings would reduce locomotive and automobile idling and air emissions. The proposed Project's public benefits would extend to motorists, pedestrians, rail passengers, freight shippers, and residents throughout the region. Additional benefits would include reduced fuel consumption, lower freight rail transportation costs, and improved travel times and reliability.

Passenger and commuter rail reliability is essential for those residing and working in the region, especially those in rural communities who need improved access to essential services and economic centers. The proposed Project is aligned with San Joaquin County's goals to enhance existing rail infrastructure and to improve the rail network efficiency and capacity—including safe, reliable transportation choices—while also improving the local economy through economic growth, job retention, and job creation.

Specifically, the proposed Project will address the following operational issues:

- High levels of freight and passenger rail activity cause train congestion. Stockton Diamond is the busiest, most congested at-grade railway junction in California.
- Congestion and freight maintenance activities cause delays and poor reliability. The Stockton Diamond's current at-grade configuration results in significant delays and poor reliability for BNSF and UP freight trains and for ACE and Amtrak San Joaquins passenger trains. Local road traffic also experiences delays and poor reliability because of the amount of time the road crossings are occupied by trains.
- Multiple roadway-rail grade crossings and the BNSF-UP main line track at-grade crossing create conflict points, resulting in increased safety risks.

## 1.2 Project Objectives

1.2The Project goals and objectives are to:

- Reduce passenger and freight rail delays and associated congestion;
- Maintain key community connections;
- Improve multimodal access;

- Provide local and regional environmental and economic benefits; and
- Address safety by closures and enhancements at key roadway-rail grade crossings.

In achieving the proposed Project, SJRRC anticipates the following benefits**:**

1. **Stimulate Mobility**: Improve regional passenger and freight rail efficiency and travel reliability by reducing conflicting train movements.
2. **Enhance Safety**: Improve Stockton residents' access, safety, and mobility across rail lines through enhancements or closures at roadway-rail grade crossings.
3. **Improve Economic Vitality**: Reducing delays will result in increased throughput and efficient goods movement. This decreases fuel consumption and leads to cost savings.
4. **Inspire Connections**: Support faster, more reliable passenger rail service linking residents to family, jobs, and recreational destinations throughout Northern California.
5. **Improve Sustainability**: Improve air quality through reduction of greenhouse gas (GHG) emissions from trains and vehicles that idle because of congestion and delays.

## 1.3 Alternatives

Potential alternatives to the Project were evaluated with respect to the objectives of the Project as discussed in Chapter 4, Alternatives of the Draft EIR and this section of the Findings. A concept development and screening analysis was completed, and the No Project Alternative and the proposed Project were carried forward in this EIR for full analysis. Refer to Section 4.2, Alternatives Carried Forward for Analysis in Chapter 4, Alternatives of the Final EIR for additional information regarding the concept development and screening process.

Design variations of four concepts were developed during the concept screening process and presented to the host railroads. The concepts and their variations are in included in Appendix G, Preferred Alternative and Concepts Eliminated from Further Consideration, in the Final EIR.

This section provides an overview of the No Project Alternative and proposed Project that were carried forward from the concept screening process into this EIR. All components of the Build Alternative have been evaluated on the effects to the social, natural, and built environment.

### No Project Alternative

CEQA requires that an EIR include the evaluation of a "no project" alternative [CEQA Guidelines Section 15126.6(e)]. The No Project Alternative considers the impacts of conditions forecast by current plans for land use and transportation in the vicinity of the Project Area, including planned improvements to future passenger rail infrastructure through the 2045 planning horizon, without the addition of the project.

The No Project Alternative proposes no improvements that would solve the congestion, delay, and safety issues related to rail activity through the Stockton Diamond. With the exception of the Stockton Wye, which is planned to be constructed by UP as a separate project in 2021, all existing

connections between the BNSF Stockton Subdivision and UP Fresno Subdivision would remain and function as they currently do, and no alignments would be modified.

As a result, operating conflicts between trains on various routes through the Stockton Diamond would continue to exist. Additionally, under the No Project Alternative, UP main tracks would remain across the BNSF main tracks at-grade. Therefore, traffic conflicts and train staging that currently occur as trains wait on one railroad's main track for trains using the other railroad's main track to pass through the Stockton Diamond would persist. Wait times at public roadway rail grade crossings in the study area are currently influenced by their location in a congested urban area and in close proximity to the Stockton Diamond. There would be no reductions in wait times along these roadways under the No Project Alternative. In general, average roadway-rail grade crossing occupancy times and roadway vehicle delays would increase in the Project Study Area over time with the projected increase in population and anticipated increases in rail traffic. These delays would not only impact vehicles but would also impact the efficiency of pedestrian and bicycle travel.

## Proposed Project (Alternative 1A) – Preferred Alternative

The proposed Project involves raising the UP Fresno Subdivision main tracks to provide the vertical clearance required to grade separate the existing crossing of the UP and BNSF tracks at the Diamond. The grade separation would be constructed by elevating the UP Fresno Subdivision main tracks under three design options: a soil embankment, walled embankment, or viaduct structure, to bridge over the BNSF main tracks while maintaining the BNSF Stockton Subdivision tracks at their current grade.

This proposed approach and bridge over the BNSF main tracks is identified in this document as a "flyover structure." The UP approach/flyover structure is proposed to be shifted east of the existing UP Fresno Subdivision main tracks so that construction of the new flyover would minimize impacts to existing rail operations. Once the main tracks are shifted onto the flyover, the existing tracks would be removed, thereby removing the current at grade connection between the UP and BNSF main tracks.

There are several wye connection tracks at the Diamond that would remain and/or be modified with the proposed Project. These wye tracks provide connectivity between the UP Fresno Subdivision and the BNSF Stockton Subdivision, as well as to the UP Stockton yard immediately south of East Charter Way (Dr. MLK Jr. Blvd.). It is anticipated that current ACE rail services and the majority of UP trains would use the new flyover tracks during operations. Amtrak San Joaquins service, future Valley Rail service, and freight trains would continue to use the at-grade Wye connection tracks.

The northern terminus of the proposed Project connects to the existing UP Fresno Subdivision tracks between East Main Street and East Weber Avenue. The new track alignment would remain at grade as it continues south under the Crosstown Freeway. Between East Main Street and East Market Street, an at-grade turnout would be constructed to provide trains using the proposed new UP Fresno Subdivision tracks an at-grade connection to transfer to the BNSF Stockton Subdivision heading east, or west to take them to the Port of Stockton. Once past the Crosstown Freeway viaduct, and just south of East Lafayette Street, the new main track flyover would begin to elevate. The flyover would reach its highest point of approximately 32 feet above the existing tracks as it crosses the BNSF Stockton Subdivision tracks within the Diamond.

As it continues south, the flyover would begin to descend so that it conforms back to the existing track elevation south of the existing East Charter Way underpass and continues into the UP Stockton Yard. For rail services traveling north from the UP Stockton Yard, a turnout is proposed on the flyover beginning just north of East Charter Way to bring rail services needing to connect to the BNSF Stockton Subdivision at grade before reaching the Diamond. Once returning to grade, a new wye is proposed to allow these rail services to select between traveling east or west on the BNSF line.

With the implementation of the proposed Project (Alternative 1A), rail congestion would be reduced, which would allow passenger and freight rail traffic to flow uninterrupted through the crossing. The reduction in rail congestion would also reduce delays for passenger and freight rail providers and improve freight mobility, which may lead to lower costs for freight shipping and reduce travel times for motor vehicle, bicyclist, and pedestrian traffic.

The reduction in train congestion and motor vehicle wait times at these roadway-rail grade crossings would reduce locomotive and automobile idling and air emissions and would provide benefits to motorists, pedestrians, rail passengers, freight shippers, and residents throughout the region. Additional benefits would include reduced fuel consumption, lower freight rail transportation costs, and improved travel times and reliability. As such, the proposed Project (Alternative 1A) meets the Project Objectives and was selected as the Preferred Alternative, or the Environmentally Superior Alternative.

## 1.4 Environmental Review Process

On August 19, 2020, SJRRC officially launched the environmental review process for the proposed Project with a Notice of Preparation (NOP) for an EIR. The NOP was filed with the State Clearinghouse (SCH#2020080321) and circulated to public agencies and other interested parties in compliance with Section 15082(a) of the CEQA Guidelines. The NOP formally initiated the CEQA environmental review processes and informed the public that this Draft EIR was being prepared, identified public scoping meeting information, and established methods for how to provide comments on the Project during the 45-day public comment period (August 19 to October 3, 2020). A copy of the Scoping Report is included in Appendix I of the Final EIR. As required by the CEQA Guidelines Section 15087, a public Notice of Availability (NOA) of the Draft EIR for the proposed Project was published as a display ad in the Stockton Record newspaper on Monday, March 15, 2021 and in Vida En El Valle newspaper on Wednesday, March 17, 2021.

The Draft EIR was circulated for public review for a period of 45 days, from March 15, 2021 to April 29, 2021. The Project team utilized several promotional tactics in order to build awareness of the Project, the Draft EIR availability, and the public review and comment period. Public Notices of Availability for the Draft EIR public review and comment period were published in the Stockton Record on March 15, 2021 and in the Vida En El Valle on March 17, 2021. Availability of the Draft EIR was announced via a press release to media outlets, eight standard posts on three social media platforms, email blasts, and mailers. All communications were in both English and Spanish.

The Project website (stocktondiamond.com) was updated regularly throughout the Draft EIR public review and comment period. The Draft EIR document was made available on the project website. Copies of the Draft EIR were also provided to federal, state, and local agencies, regional transportation agencies, and organizations and persons who had expressed an interest in the proposed Project.

A total of 26 comment letters were received throughout the public review period of the Draft EIR, which closed on April 29, 2021. 13 comment letters were received via email, four via web comment, four via comment card, four via telephone/hotline, and one comment during the formal comment period of the virtual public meeting.

Comments received during the public circulation period consisted of requests for additional information, expressions of support for the proposed Project, as and questions on Project impacts related to traffic, pedestrian and bicycle circulation and access, temporary and permanent street closures, environmental justice, air quality, GHG, as well as temporary and permanent impacts related to noise and vibration, permanent acquisitions and relocation of businesses, permanent impacts to the Mormon Slough, and impacts to transient populations currently present in the Mormon Slough area.

## 1.5 Absence of Significant New Information; Recirculation Not Required

These examples are now reflected in §15088.5 of the CEQA Guidelines. In this case, the "new" information reflecting the Project, as revised in the manner described in the Final EIR, does not show a new substantial environmental impact or a substantial increase in the severity of an environmental impact previously identified.

Section 15088.5(a) of the CEQA Guidelines requires recirculation of a Draft EIR when new significant information identifies:

1. A new, significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation of a Draft EIR is not required where the new information merely clarifies, amplifies, or makes minor modifications to an adequate EIR (CEQA Guidelines Section 15088.5(b)). After considering all comments received on the Draft EIR summarized above, and included in Appendix M of the Final EIR, the lead agency has determined that the text revisions included in the Final EIR do not result in a need to recirculate the Draft EIR.

## 1.6 Selection of the Preferred Alternative

After the public circulation period, all comments were considered and addressed prior to the, SJRRC selecting the Preferred Alternative. Alternative 1B, the Build Alternative. Alternative 1B, the Build Alternative has been selected as the Preferred Alternative because it best satisfies the objectives of the Project and has the least environmental impacts, excluding the No Project Alternative.

## 1.7 Record of Proceedings

For all purposes of CEQA compliance, including these Findings of Fact, the administrative record of all SJRRC proceedings and decisions regarding the environmental analysis of the Project include but are not limited to:

- The Draft and Final EIR for the Project, together with all appendices and technical reports referred to therein, whether separately bound or not, or made available electronically on the Project website: http://stocktondiamond.com.

The documents constituting the record of proceedings upon which these Findings are made are made are available for review by responsible agencies and interested members of the public during normal business hours at the SJRRC office, located at 949 East Channel Street, Stockton, California 95202. The custodian of these documents is the Director of Capital Projects.

# 2 Findings and Facts

SJRRC, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the Draft EIR and Final EIR. Specifically, regarding findings, CEQA Guidelines Section 15091 provides:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers,

make infeasible the mitigation measures or project alternatives identified in the Final EIR.

(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The "changes or alterations" referred to in Section 15091(a)(1) may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

## 2.1 Format

This section summarizes the significant environmental impacts of the Project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed Project, which were developed in an effort to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

This remainder of this section is divided into the following subsections:

- Section 2.2, Summary of Environmental Impacts, presents the overview of impacts of the proposed project.
- Section 2.3, Findings on Impacts Determined to be Less than Significant, presents the impacts of the proposed project that were determined in the Draft EIR to be

less than significant without the addition of mitigation measures and presents the rationales for these determinations.

- Section 2.4, Findings on Impacts Determined to be Less than Significant with Mitigation Incorporated, presents significant impacts of the proposed Project that were identified in the Final EIR, the Best Management Practices (BMP) measures and mitigation measures identified in the Mitigation Monitoring and Reporting Program reducing the impacts to less than significant, and the rationales for the findings.
- Section 2.5, Findings on Significant and Unavoidable Impacts. No impacts were determined to be significant and unavoidable.

## 2.2 Overview of Environmental Impacts

Based on the NOP and Draft EIR, the following is an overview of the environmental topics considered to have no impact, a less than significant impact, a less than significant impact with mitigation incorporated, and a significant and unavoidable impact. Some sections may be discussed under more than one category since the impact determination may vary by threshold.

### 2.2.1 No Impact

The following topics were determined to have no impact as a result of the Project and will not be discussed further within this document:

- Agriculture and Forestry Resources
- Mineral Resources
- Wildfire

### 2.2.2 Less Than Significant Impact

The following environmental topics were determined to have no impact as a result of the Project:

- Aesthetics
- Air Quality (Beneficial)
- Cultural Resources
- Energy (Beneficial)
- Geology, Soils, and Paleontology
- Greenhouse Gas Emissions (Beneficial)
- Hydrology and Water Quality
- Population and Housing
- Public Services
- Recreation

- Transportation
- Tribal Cultural Resources
- Utilities and Emergency Services

### 2.2.3 Less Than Significant Impact with Mitigation Incorporated

The following topics were determined to have no impact as a result of the Project:

- Biological Resources
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise and Vibration

### 2.2.4 Significant and Unavoidable Impacts

There are no environmental topics that were determined to have a significant and unavoidable impact as a result of the Project.

## 2.3 Findings on Impacts Determined to be Less than Significant

### 2.3.1 Aesthetics

No State scenic highways, or regional or local scenic routes are present within the aesthetics resource study area (RSA). As a result, the proposed Project would not cause a substantial adverse effect on scenic vista, substantially damage scenic resources within a state scenic highway and no short-term impacts are anticipated.

The existing visual quality in the aesthetics RSA is poor. Project construction would introduce construction equipment, materials storage and stockpiles, and dust, all of which could affect the sense of cultural order. In addition, road closures and construction-related visual elements would be temporary, and some visual elements introduced during construction would contribute to slightly lower visual quality from the existing condition. However, all impacts related to construction activities are considered temporary and would cease upon completion of construction. Therefore, the proposed Project would not substantially degrade the existing visual character or quality of the site and its surroundings. Short-term impacts are considered less than significant, and no mitigation is required.

During construction, additional lighting may be required, such as lights required for nighttime construction activities. With the implementation of Measure BMP AES-3, short-term impacts during construction would be minimized through the selection and utilization of lighting fixtures that would minimize additional light and glare for traveling motorists, bicyclists, and pedestrians within the construction limits. Therefore, with the implementation of Measure BMP AES-3, the proposed Project would not create a new source of substantial light or glare that could temporarily

impact daytime or nighttime views within the aesthetic RSA. Thus, short-term impacts would be considered less than significant, and no mitigation is required.

As stated above, no state scenic highways, or regional or local scenic routes are present within the aesthetics RSA. As a result, the proposed Project would not cause a substantial adverse effect on a scenic vista or substantially damage scenic resources within a state scenic highway and no long-term impacts are anticipated.

With the implementation of the proposed Project, the primary potential impact on visual character is the construction of the proposed-UP flyover, which would affect the visual character of the aesthetic RSA. The proposed Project would not alter the current level of visual quality and would be consistent with the visual quality of the aesthetic RSA. In general, impacts to the visual quality of the area as a result of the proposed Project would be beneficial with the removal of railroad and industrial materials along the railroad corridor that currently degrade the visual quality of the area. With the implementation of Measures BMP-1 and BMP-2, long-term impacts associated with the proposed Project would not substantially degrade the existing visual character or quality of the site and its surroundings; thus, impacts are considered less than significant, and no mitigation is required.

During operation, additional lighting may be required throughout the Project limits, including but not limited to new permanent lighting above the sidewalks located along the undercrossing beneath the grade separation flyover. However, with the implementation of Measure BMP AES-3, requiring a lighting plan for operation consistent with the City of Stockton Municipal Code and General Plan goals and policies, operation of the proposed Project would not create a new source of substantial light or glare. Thus, long-term impacts would be less than significant, and no mitigation is required.

### 2.3.2 Air Quality

Project construction activities have the potential to generate emissions from equipment used during construction, as well as to generate dust. Likely air pollutants from construction include particulate matter (PM), dust, and criteria pollutants from fuel combustion. The emission of odors as a result of construction equipment could also result from construction activities.

Prior to minimization, the annual emissions associated with construction of all three design options would exceed the San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds for NOX. However, with the implementation of Measures BMP AQ-1 and BMP AQ-2, the annual construction emissions associated with all three design options would be reduced to below the SJVAPCD significance thresholds. Therefore, with the implementation of Measures BMP AQ-13 and AQ-24, the proposed Project would not conflict with or obstruct implementation of the applicable air quality plan, nor would it result in a cumulatively considerable net increase of any nonattainment criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Further, with the implementation of Measures BMP AQ-13 and BMP AQ-24, the proposed Project would not expose sensitive receptors to substantial pollutant concentrations or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Therefore, short-term impacts are considered less than significant, and no mitigation is required.

The proposed Project, in and of itself, would not increase the projected number of freight and passenger trains or change the regional vehicle miles traveled (VMT) during operation. The improved freight mobility would reduce the total daily occupancy of the roadway crossings by approximately 30 percent in 2045. The reduction in crossing occupancy would improve on-road traffic flow and reduce vehicle idling in the Project Study Area.

The Project would need to comply with Assembly Bill 617, which focuses on the development of a new community focused program to reduce exposure to air pollution more effectively and preserve public health. It also directs California ARB and all local air districts to develop and implement CERPs to protect communities disproportionally impacted by air pollution. Stockton was nominated by SJVAPCD and selected by California ARB as a monitoring community in 2019. The Stockton CERP was adopted by SJVAPCD in March 2021 and has been forwarded to ARB for adoption consideration. The Stockton CERP identified a wide range of measures designed to reduce air pollution and exposure, including several partnership strategies to be implemented between agencies and local organizations. With the implementation of Measure BMP AQ-1, which will incorporate feasible emission reduction strategies into the Project, as feasible, the proposed Project would not conflict with or obstruct CERP implementation.

Further, the proposed Project will evaluate the feasibility of incorporating vegetative barriers and urban greening during final design, as identified in Measure BMP AQ-2. Measure BMP AQ-2 specifies that SJRRC will evaluate the feasibility of incorporating vegetative barriers and urban greening as a measure to potentially reduce air pollution exposure on sensitive receptors in the Project Study Area. Examples of vegetative barriers include, but are not limited to, trees, bushes, shrubs, or a mix of these types of vegetation.

A Benefit-Cost Analysis (BCA) was conducted in 2019 for a grade separation of the Stockton Diamond (HDR 2019). This BCA calculated the 30-year reduction in train idling and on-road vehicle idling emissions associated with the elimination of the existing at-grade crossing. Although the project design considered in the BCA is different from what is currently proposed, the emission reductions associated with the elimination of the existing at-grade crossing are still applicable. The proposed Project would result in long-term reductions in criteria pollutant emissions. Reductions in air pollutant emissions can lead to long-term health benefits for residents and employees along the existing rail corridors, addressing health problems associated with air pollution such as lung irritation, inflammation, asthma, heart and lung disease, and worsening of existing chronic health conditions.

Based on the information above, operation of the proposed Project would not conflict with or obstruct implementation of the applicable quality plan, result in cumulatively considerable net increase of any nonattainment criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient quality standard, would not expose sensitive receptors to substantial pollutant concentrations, or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Therefore, long-impacts are considered beneficial and less than significant, and no mitigation is required

### 2.3.3 Cultural Resources

The proposed Project proposes to construct new tracks and at-grade rail crossings, remove some existing tracks, and protect-in-place, relocate, and/or remove various utilities near the following historic resources. Protection-in-place, relocation and/or removal of utilities, such as storm drains, underground water, sewer, and gas lines and overhead electrical lines and fiber optic cable, may be required near each historical resource. Additionally, vibration levels from impact pile driving during Project construction of all historic structures discussed below are anticipated to exceed the FTA threshold for damage to fragile historic structures located within 75 feet of this type of construction.

Historical resources identified within the cultural RSA include: Oranges Bros. Garage/Stockton Rollatorium (910 East Weber Avenue); Imperial Hotel (904) East Main Street; New York Hotel (34 South Aurora Street); a building at 915 East Market Street; Waldermar Apartments (920 East Market Street); Williams & Moore/Berberian Bros (142 South Aurora Street); Victory Soda Works (1144 East Lafayette Street); New Cavour Hotel (302 South Union Street); a building at 1104 East Sonora Street; and a building at 520 South Union Street. Based on the review of each historical resource the proposed Project would not cause a substantial change in the historical resource as defined in Section 15064.5. Therefore, short-term and long-term direct or indirect impacts would be considered less than significant, and no mitigation is required.

Two archaeological resources were identified within or immediately adjacent to the area of potential effect (APE) during the records search and literature review, Native American outreach and consultation, and pedestrian survey. The historic-age burial place of John Brown (Juan Flaco: P-39-000532) is adjacent to the APE, and one historic-age refuse deposit is within the APE (P-39-005114/CA-SJO-000338H). Resource P-39-005114/CA-SJO-000338H (historic-age refuse deposit) lacks specific associations and is, therefore, exempt from documentation and evaluation per Attachment D of the Section 106 Programmatic Agreement (PA). In addition, no evidence of the resource was observed during the field survey. Site P-39-000532 (historic-age burial place of John Brown) is located outside of, but immediately adjacent to, the northern portion of the archaeological APE. The resource has been designated CHL-513 and a marker was erected September 13, 1969 at 1100 East Weber Avenue.

The proposed Project is located within an area that has been subject to disruption by railroad and commercial development activities. As a result of previous development activities, archaeological resources that may have existed at the ground surface have likely been displaced or destroyed. There is, however, the possibility that ground-disturbing activities could impact previously undiscovered subsurface prehistoric or archaeological resources. However, with the implementation of Measures BMP CUL-1 and BMP CUL-2, short-term and long-term impacts to archaeological and subsurface prehistoric archaeological resources would be considered less than significant.

No human remains have been identified within the archaeological APE. However, although the previous Citizen's Cemetery is not mapped within the archaeological APE, subsurface, undocumented remnants of the cemetery or associated features may exist within the boundaries of the archaeological APE. There is the possibility that previously undiscovered and undocumented human remains could be disturbed by ground disturbing activities during

construction of the proposed Project. Implementation of Measure BMP CUL-3 would ensure that unknown human remains that could be discovered during construction are properly treated and would avoid or minimize the potential for direct adverse effects. With the implementation of Measure BMP CUL-3, impacts would be considered less than significant.

### 2.3.4 Energy

The temporary increase in energy demand during construction would be minimized by compliance with the Environmental Protection Agency's (EPA) and Air Resources Board's (ARB) regulations. As a result, the proposed Project would not result in wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources during construction. Thus, short-term impacts would be less than significant, and no mitigation is required.

The Project would provide an overall benefit as a result of a reduction of GHG emissions in the energy RSA. Therefore, the proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. As a result, no short-term impacts would occur, and no mitigation is required.

During operations, the proposed Project would result in improved regional passenger and freight rail efficiency, fewer delays, and reduced fuel consumption (resulting in a reduction of GHG emissions), resulting in a beneficial effect on energy resources. As a result, the proposed Project would not result in wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources during operation. Thus, the proposed Project would create an overall beneficial impact, long-term impacts would be less than significant, and no mitigation is required.

The Project would provide an overall benefit as a result of a reduction of GHG emissions in the energy RSA. Therefore, the proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. As a result, no long-term impacts would occur, and no mitigation is required.

### 2.3.5 Geology, Soils, and Paleontology

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone. The nearest active fault to the City of Stockton is the Greenville Fault, which is located approximately 22 miles west-southwest of Stockton. No active faults have been mapped on the Project site. The City of Stockton is close enough to major earthquake faults to be vulnerable to seismic activity and could be affected by ground shaking in the event of a major earthquake. Ground shaking and ground failure can result in structural failure and collapse, local damage to underground utilities, and paved areas cracking, presenting a hazard to structures and people. There is also a possibility for earthquake-induced liquefaction to occur at the Project site.

However, with the implementation of Measures BMP GEO-1 through and BMP GEO-3, seismic hazards would be reduced by addressing geologic and seismic constraints during construction and incorporating seismic guidelines and standards into facility design and construction. Compliance with existing State and local laws and regulations would further reduce the potential impacts associated with the seismic hazards. Therefore, with the implementation of Measures BMP GEO-1 through BMP GEO-3, the proposed Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving a rupture

of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, strong seismic ground shaking, and seismic-related ground failure, including liquefaction. As a result, short-term impacts are considered less than significant, and no mitigation is required.

Due to the gentle topography and lack of steep slopes in the Stockton area, the probability of earthquake-induced landslides is very low. Further, the Project site is not located within a landslide zone. Therefore, the proposed Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. As a result, no short-term impact would occur, and no mitigation is required.

Construction activities often increase a disturbed area's runoff potential. Clearing, grubbing, and grading activities during construction would remove ground cover and expose and disturb soil. Exposed and disturbed soils are vulnerable to erosion from runoff during construction. Altered drainage patterns resulting from construction could also cause redirection and concentration of runoff, potentially further exacerbating erosion. As part of the proposed Project, coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit would be obtained from the State Water Resources Control Board (SWRCB). This permit requires Stormwater Pollution and Prevention Plan (SWPPP) implementation to control stormwater runoff within the geology and soils RSA, thus minimizing soil erosion to the extent possible. BMPs for erosion and runoff, as outlined in the SWPPP and Construction General Permit, would be implemented during construction to minimize erosion and sediment migration from the construction and staging areas. These erosion and storm water pollution control measures would be consistent with NPDES requirements and would be included in the site specific SWPPP. With the implementation of Measure BMP GEO-1 and compliance with the requirements of the NPDES Construction General Permit and City of Stockton Municipal Code Chapter 15.48, soil erosion impacts and topsoil loss would be reduced. Therefore, the proposed Project would not result in short-term substantial soil erosion or topsoil loss. As a result, short-term impacts would be less than significant, and no mitigation is required.

The Project site is anticipated to contain collapsible soils that would undergo settlement when loaded by fill placement and/or structure pressure. However, with the implementation of Measure BMP GEO-4, impacts associated with unstable soils, on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse would be minimized. Therefore, short-term impacts would be considered less than significant, and no mitigation is required.

The Project site is anticipated to consist of expansive clay. Therefore, the proposed Project could create a substantial direct or indirect risk to life or property due to expansive soils. However, with the implementation of Measure BMP GEO-3 impacts associated with expansive soils would be minimized. Therefore, short-term impacts would be considered less than significant, and no mitigation is required.

The Project does not propose the installation of, or connection to, a septic system or alternative wastewater disposal system. Therefore, no short-term impacts would occur as a result of soils providing inadequate support to septic tanks or alternative wastewater systems, and no mitigation is required.

Based on available excavation information, the Project has the potential to encounter native early Holocene- to late Pleistocene-age Modesto Formation beneath the artificial fill and disturbed sediment during excavations starting at depths as shallow as 2 to 15 feet below the current grade and may result in adverse direct impacts to paleontological resources. Based on the analysis of geologic maps, literature, museum records and online databases, as well as the current Project description and excavation descriptions, construction activities for the proposed Project may result in significant impacts to paleontological resources if the early Holocene- to late Pleistocene-age Modesto Formation is encountered during excavations. Ground disturbance and excavations associated with the proposed Project have the potential to encounter and disturb paleontological resources. However, with the implementation of Measure BMP GEO-4, impacts associated with the potential to destroy a unique paleontological resources, site, or unique geological feature would be minimized. Therefore, short-term impacts would be considered less than significant, and no mitigation is required.

As previously noted, there is a possibility for earthquake-induced liquefaction to occur at the Project site. Therefore, the proposed Project may potentially directly or indirectly cause potential substantial adverse long-term effect, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. However, with the implementation of Measure BMP GEO-3, long-term impacts would be considered less than significant, and no mitigation is required.

Also, as previously noted, the proposed Project could create a substantial direct or indirect risk to life or property due to expansive soils. However, with the implementation of Measure BMP GEO-3 impacts associated with expansive soils would be minimized. Therefore, long-term impacts would be considered less than significant, and no mitigation is required.

As stated earlier, the Project does not propose the installation of, or connection to, a septic system or alternative wastewater disposal system. Therefore, no long-term impacts would occur as a result of soils providing inadequate support to septic tanks or alternative wastewater systems, and no mitigation is required.

Based on available excavation information, the Project has the potential to encounter native early Holocene- to late Pleistocene-age Modesto Formation beneath the artificial fill and disturbed sediment during excavations starting at depths as shallow as 2 to 15 feet below the current grade and may result in adverse direct impacts to paleontological resources. Based on the analysis of geologic maps, literature, museum records and online databases, as well as the current Project description and excavation descriptions, construction activities for the proposed Project may result in significant impacts to paleontological resources if the early Holocene- to late Pleistocene-age Modesto Formation is encountered during excavations. Ground disturbance and excavations associated with the proposed Project have the potential to encounter and disturb paleontological resources. However, with the implementation of Measure BMP GEO-4, impacts associated with the potential to destroy a unique paleontological resources, site, or unique geological feature would be minimized. Therefore, long-term impacts would be considered less than significant, and no mitigation is required.

### 2.3.6 Greenhouse Gas Emissions

Demolition, construction, and clearing activities would generate 7,480 to 12,913 metric tons (MT) of $CO_2e$. Amortized over a 30-year period, the approximate life of the proposed Project, the yearly contribution to GHG from the construction of the proposed Project would be 249 to 430 MT of $CO_2e$. Therefore, the GHG emissions from construction would not exceed the 900 MT of $CO_2e$ per year screening threshold, short-term impacts would be considered less than significant, and no mitigation is required.

The current rail activity through the Stockton Diamond results in substantial delays and inefficiencies in operations. The proposed Project is intended to improve regional passenger and freight rail efficiency and travel reliability by reducing conflicting train movements. By grade separating and providing an uninterrupted flow for the freight main line and shared passenger rail traffic, which accounts for the majority of the total projected train volumes through the Diamond, the proposed Project would improve freight and passenger movements and lead to lower costs for freight shipping, reduced delays, and a decrease in fuel consumption for idling locomotives. The proposed Project would provide an overall benefit, by reducing GHG emissions caused by trains and vehicles that sit idling due to congestion and delays.

The proposed Project would result in long-term reductions in GHG emissions of up to 3,220 tons per year. The reduction in GHG emissions would help California meet its 2030 goals under SB 32. Therefore, the proposed Project's long-term impacts would be considered less than significant, and no mitigation measures would be required.

As stated above, the proposed Project would reduce the total daily occupancy of the roadway crossings by approximately 30 percent in 2045. The reduction of GHG emissions would help California meet its GHG reduction goals. Therefore, the proposed Project would not conflict with a plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Thus, long-term impacts would be less than significant, and no mitigation is required.

### 2.3.7 Hydrology and Water Quality

During construction activities, the proposed Project would implement Measure BMP HYD-1, for Stormwater Management; Measures BMP HYD-2 and BMP HYD-3, requiring the preparation and compliance with a Construction SWPPP and Industrial SWPPP, respectively; and other standard applicable construction site project feature, design prevention and pollution, and treatment BMPs. The Project would also require regulatory permits from the U.S. Army Corps of Engineers (USACE) (Section 404), Regional Water Quality Control Board (RWQCB) (Section 401), and CDFW (Streambed Alteration Agreement). With the implementation of requirements within the required Section 404, 401, and Streambed Alteration Agreement, and Measures BMP HYD-1 through HYD-3 and other standard treatment BMPs, the proposed Project would comply with applicable permitting requirements during construction. Therefore, short-term impacts on water quality would be considered less than significant, and no mitigation is required.

The Project would not involve the use of groundwater, which could otherwise carry the potential for interference with current groundwater recharge, possible depletion of groundwater supplies, or interference with adjacent wells. Although groundwater dewatering may be necessary during

construction in localized areas, these activities would result in only temporary reductions in groundwater levels within and directly adjacent to construction areas. Any localized lowering of the groundwater table would be anticipated to recover quickly following pumping and would not cause a net deficit in aquifer volume or a lowering of the groundwater table. Further, the addition of impervious surfaces associated with the proposed Project would have the potential to reduce groundwater recharge. However, impacts would be localized and would not have substantial implications for the greater groundwater basin. Therefore, short-term impacts are considered less than significant, and no mitigation is required.

Temporary water quality impacts could result from sediment discharge from disturbed soil areas (DSA) and construction near water resources or drainage facilities that discharge to water bodies and construction activities would alter drainage and runoff patterns. Proposed Project activities would not result in the alteration of a stream or river, as the construction of the proposed Project would require either a clear span flyover bridge or a bridge with piers to span the Mormon Slough and associated floodplain. Existing drainage structures along the Mormon Slough would remain in place after construction of the proposed bridge. Pipe culverts under the existing UP main line immediately downstream (west) of the flyover alignment would also be left in place to support the remaining at-grade connection track to BNSF. New drainage structures for passing flows beneath the railroad flyover may be pipe culverts, box culverts, or a bridge. Pipe and box culverts would require fill within the existing channel. In addition, during construction, construction flows to existing drainage systems may occur, as well as potential sources of polluted runoff. Implementation of Measures BMP HYD-1 through BMP HYD-4 and mandates set forth in the CGP and MS4 Permit would help prevent runoff from entering nearby existing drainage systems. If necessary, clear water diversions would be implemented to work in the Mormon Slough for the construction of new structures.

Therefore, with the implementation Measures BMP HYD-1 through BMP HYD-4, and mandates set forth in the Construction General Permit and MS4 Permit, the proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or impede or redirect flood flows. Thus, short-term impacts would be considered less than significant, and no mitigation is required.

According to the California Department of Conservation (2020), the Project study area is not located in a tsunami inundation area. Further, given the flat topography of the Project study area and inland location of the proposed Project, away from oceans or other large bodies of water, the occurrence of a seiche is unlikely. FEMA FIRMs were researched for the proposed Project; the FIRM at the proposed Project site is FIRM Number 06077C0460F, effective on October 16, 2009. The railroad intersection is in Zone X (levee protection). The Project study area crosses the Zone A region along Mormon Slough and into the Zone X region on either side of the channel. Zone A represents areas subject to inundation by the 100-year or 1 percent annual chance flood event generally determined using approximate methods. Zone X represents areas protected from the 1

percent annual chance flood by levees. The proposed Project would be designed in accordance with USACE standards. Therefore, the proposed Project would not result in a flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation. Thus, short-term impacts would be considered less than significant, and no mitigation is required.

The proposed Project would not require the use of groundwater. Dewatering activities associated with construction would be temporary and localized. The proposed Project would comply with federal, state, and local regulations and policies related to water quality and implement BMPs to protect water quality and comply with applicable permitting requirements. Therefore, the proposed Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Thus, short-term impacts are considered less than significant, and no mitigation is required.

Compliance with standard federal, state, and local regulations and policies related to water quality would occur during operation of the proposed Project. Therefore, long-term impacts on water quality would be considered less than significant and no mitigation is required.

As stated above, the Project would not involve the use of groundwater, which could otherwise carry the potential for interference with current groundwater recharge, possible depletion of groundwater supplies, or interference with adjacent wells. The addition of impervious surfaces associated with the proposed Project would have the potential to reduce groundwater recharge. However, impacts would be localized and would not have substantial implications for the greater groundwater basin. Therefore, long-term impacts are considered less than significant, and no mitigation is required.

Permanent impacts on water quality could result from the addition of new impervious area; this additional impervious area prevents runoff from naturally dispersing and infiltrating into the ground, resulting in increased concentrated flow.

The Mormon Slough crosses the proposed alignment just north of Anderson Street. A drainage structure would be constructed to span the Mormon Slough. Existing drainage structures along Mormon Slough would remain in place after construction of the proposed slough structure. Further, pipe culverts under the existing UP main tracks immediately downstream (west) of the flyover alignment would be left in place to support the remaining at-grade connection track to BNSF.

SJAFCA modeling of future flows noted an additional culvert is required under the Fresno Subdivision tracks, and SJAFCA was planning to add two more pipe openings under the tracks at this location to accommodate future flows. These new pipe openings are not part of the proposed Project.

Hydraulic analyses within the slough would be conducted prior to determining the final design of the proposed drainage structure using three separate criteria: (1) Union Pacific Railroad current 50- and 100-year flood flows, (2) a projected future flow of 1,550 cubic feet per second (according to SJAFCA's Strategic/Capital Plan) and (3) City of Stockton Specific Plan future flow of 3,000 cubic feet per second (City of Stockton 1989) through the Mormon Slough for the existing and proposed crossings. The proposed Project would be designed to allow for current and both projected future flow cases but would leave the existing Fresno Subdivision culverts in place.

Drainage structures for passing flows beneath the railroad flyover may be box culverts, arch openings or a bridge. Any structure designed for this location would be designed for both existing conditions and proposed future conditions, provided by SJAFCA and the City of Stockton. Box culverts or arch openings would require fill within the existing dry channel, but since it is a dry channel this may not be a concern.

The Project would install treatment BMPs, including trash control devices such as a trash capture rack. A trash capture rack is proposed on both the upstream and downstream ends of the proposed new crossing over the Mormon Channel for the box culvert and arch crossing design options. The trash capture rack will help to prevent trash and debris from entering the channel. This treatment BMP has been modeled and accounted for in the hydraulic analysis of the crossing over the channel.

Based on informal consultation with National Oceanic and Atmospheric Administration (NOAA) Fisheries, drainage structures associated with the proposed Project must preserve fish passage and important habitat characteristics for future Mormon Slough restoration efforts. Therefore, the drainage structures associated with the proposed Project at this location would be constructed by maintaining a natural substrate channel free of rip-rap.

The permanent increase in impervious surface is not anticipated to cause exceedance to planned stormwater drainage systems, nor would it provide substantial sources of polluted runoff during operation of the proposed Project. The proposed Project currently plans to drain the added impervious surfaces to proposed BMPs that would treat the runoff and promote infiltration, to the extent practicable, before discharging to nearby drainage systems. These BMPs would also increase the time of concentration for the flows to reduce the peak flows and minimize any increases in flows the downstream drainage systems would take. During final design, the Project team will develop a Project specific drainage report, consistent with the standards set by the City of Stockton, including those found in the City's Mormon Channel Specific Plan, as identified in Measure BMP HYD-5.

Therefore, with the implementation of Measures BMP HYD-1 through BMP HYD-5, and mandates set forth in CGP and MS4 Permit, short-term impacts and long-term impacts to existing or planned drainage systems would be considered less than significant, and no mitigation is required.

As stated above, the Project study area is not located in a tsunami inundation area. Further, the occurrence of a seiche is unlikely. The proposed Project would be designed in accordance with USACE standards. Therefore, the proposed Project would not result in a flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation. Thus, long-term impacts would be considered less than significant, and no mitigation is required.

As stated previously, the proposed Project would not require the use of groundwater. The proposed Project would comply with federal, state, and local regulations and policies related to water quality and implement BMPs to protect water quality and comply with applicable permitting requirements. Therefore, the proposed Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Thus, long-term impacts are considered less than significant, and no mitigation is required.

### 2.3.8 Population and Housing

Under the proposed Project, temporary construction jobs would be created on a short-term basis and could be filled by the current workforce in the region. However, construction jobs would cease upon completion of Project construction. Therefore, permanent jobs that could cause substantial or unplanned growth within the population and housing RSA; and thereby necessitate the construction of additional housing and/or business services to serve substantial or unplanned growth, would not occur as a result of the proposed Project.

Prior to and during construction, transient populations currently occupying part of the Mormon Slough would need to be temporarily relocated. With the implementation of Measure BMP PH-1, preparation of an Outreach and Engagement Plan, SJRRC would pro-actively coordinate with the City, County, as well as local community stakeholder groups, to assist these populations in finding alternative housing options consistent with the strategies, goals, and policies of the San Joaquin County Community Response to Homelessness Strategic Plan, and San Joaquin County policies related to homelessness described above. In addition, the Outreach and Engagement Plan will include input on goals and policies from stakeholder groups familiar with the issues and challenges related to the transient populations currently occupying a portion of the Mormon Sough. With the implementation of Measure BMP PH-1, short-term impacts would be considered less than significant.

The proposed Project would involve the grade separation of two principal railroad lines at the Stockton Diamond that would reduce rail congestion and allow for an uninterrupted flow of passenger and freight rail traffic though the crossing; improve freight mobility, leading to lower costs for freight shipping; reduce delays for passenger and rail providers; and result in an overall decrease in fuel consumption. Although the proposed Project would permanently convert 10.87 acres of industrial land use to transportation land uses, which is less than 1 percent of the City's industrial zoned land use, it would not result in substantial amounts of unplanned growth that would require the need for additional housing units. No residential properties would be partially or fully acquired as part of the proposed Project. Therefore, the proposed Project would not displace any existing residences which could potentially trigger the construction of replacement residential housing within the population and housing RSA.

While the benefits of the proposed Project would include improving passenger and freight rail operations and making transit a more attractive mode choice for those utilizing the current transportation system, it would not result in changes to the volume of the overall commuters in the City of Stockton or larger region. Further, because the proposed Project is limited to track improvements which would not provide any direct opportunities for people to board or alight trains within the community, substantial or unplanned growth in population would not occur; and as a result, the proposed Project would not substantially increase housing demand in the population and housing RSA, or trigger the need for the construction of additional infrastructure or the implementation of additional infrastructure improvements.

Based on the discussion above, the proposed Project would not result in substantial unplanned population growth in an area, either directly through the need for the construction of new homes and businesses, or indirectly through extension of roads or other infrastructure. As a result, no long-term growth impacts related to the proposed Project are anticipated.

### 2.3.9 Public Services

The nearest fire station, Fire Station 3, is located south of East Charter Way, outside of the Project construction limits. Although Fire Station 3 would not be directly impacted during construction, indirect impacts may occur related to emergency vehicle access that may be impeded during construction due to nearby temporary road closures. There are no police stations in the public services RSA; therefore, no police stations would be directly impacted with the proposed Project. However, indirect impacts may occur related to emergency vehicle access that may be impeded during construction due to nearby temporary road closures. Four schools are identified in the public services RSA, Jane Frederick High School, TEAM Charter School, Creative Child Care at TEAM Charter, and Gleason Park head start. Construction of the proposed Project would not result in any direct physical impacts on schools, nor an increased demand for school facilities. However, indirect impacts may occur related to emergency vehicle access that may be impeded during construction due to nearby temporary road closures.

the Stockton-San Joaquin County Public Library currently operates five facilities in the city; however, none of these facilities are located in the public services RSA. The nearest library to the proposed Project site is the Cesar Chavez Central Library, approximately 0.7 miles to the northwest. In addition, public health care in San Joaquin County is available through the San Joaquin General Hospital, approximately 3.5 miles south of the Project site. Additional private hospitals in the City include Dameron Hospital and Saint Joseph's Medical Center, each over a mile away from the Project site. There are no hospital facilities in the public services RSA.

With the implementation of a Transportation Management Plan (TMP) identified in Measure BMP TRA-7, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services related to fire protection, police protection, schools, or other public facility. Thus, short-term impacts would be considered less than significant, and no mitigation is required.

The proposed Project is limited to operational improvements to an existing transportation facility and would not be considered growth inducing. Access in and around the new grade separation would be improved upon completion of the proposed Project. During operation of the proposed Project, emergency vehicles would benefit from improved local mobility. With the proposed flyover, there would be fewer delays at crossings since there would be substantially less "gate down" time for trains to travel through the rail corridor. Therefore, the proposed Project would not result in the need for new or physically altered fire protection facilities, police faciliites or other public facilities in the long-term. Access to the school facilities located within the public services RSA would not be directly impacted with the proposed Project and there would be no need for new or physically altered school facilities in the long-term. Therefore, no long-term impacts would occur.

### 2.3.10 Recreation

The proposed Project improves passenger rail reliability by implementing infrastructure improvements to allow for better rail operations. These improvements would also improve safety and mobility in the local area and would not create greater demand for recreational opportunities. In addition, the proposed Project would not increase the use of the existing parks and recreational facilities in the area or cause substantial or accelerate physical deterioration of these facilities. Therefore, no short-term impacts would occur as a result of the proposed Project.

The proposed Project does not include recreational facilities, nor does it include any features that would require construction of new recreation facilities or expand existing recreational facilities. However, the proposed Project will require 0.03-acre of temporary construction easement (TCE) in the northwest corner of Union Park, located in the southeast quadrant of the intersection between East Hazelton Avenue and South Union Street. The TCE is considered a short-term direct impact and would be used for the storage of construction materials and serve as construction access to East Hazelton Avenue during the construction of the proposed underpass. The TCE would not directly impact access to the existing facilities at Union Park in the short term, as multiple access locations are available along the perimeter of the unfenced park and also would not directly impact any of the features of the park that currently provide recreational opportunities.

Temporary indirect impacts to Union Park would occur over a 2 to 3-month period due to the full street closures of East Hazelton Avenue and East Scotts Avenue during proposed Project construction. These temporary street closures may indirectly impact local access to Union Park. However, in order to maintain traffic flow and park access throughout proposed Project construction, closures on East Hazelton Avenue and East Scotts Avenue would not occur at the same time.

Similarly, access to Independence Park, located in the southwest quadrant of South Aurora Street and East Market Street, may be indirectly impacted by the temporary closure of South Market Street during construction. However, indirect short-term impacts related to access during construction would be reduced with the implementation of the proposed Project Construction Transportation Plan, that aims to minimize impacts of construction traffic on nearby roadways (Measure BMP TRA-2), a Construction Management Plan (CMP) that aims to address maintenance and pedestrian access during the construction period (Measure BMP TRA-4), a CMP for the maintenance of bicycle access during construction (Measure BMP TRA-5), and a TMP which requires alternate access or detour plans be available early and continuously throughout the proposed Project construction as part of ongoing public outreach (Measure BMP TRA-7).

Additionally, due to the proximity of several parks (Union Park, Independence Park, and Liberty Park), noise and dust generated during construction may cause indirect short-term impacts on park users. However, indirect short-term impacts related to noise and dust during construction would be reduced with the implementation of Measures BMP AQ-1 and BMP AQ-2. Therefore, with the implementation of Measures BMP TRA-2, BMP TRA-4, BMP TRA-5, BMP TRA-7, BMP AQ 1, BMP AQ-2, MM NV-1 and MM NV-2, the proposed Project would not require the construction or expansion of recreational facilities which might have an adverse physical effect

on the environment. Thus, short-term direct and indirect impacts would be considered less than significant, and no mitigation is required.

As stated, above, the proposed Project improves passenger rail reliability by implementing infrastructure improvements to allow for better rail operations. These improvements would also improve safety and mobility in the local area and would not create greater demand for recreational opportunities. In addition, after construction of the proposed Project is completed, the affected area of the park property would be returned to its prior condition, and no permanent modifications to Union Park's recreational features would occur. Therefore, the proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, nor would it require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Thus, no long-term impacts on parks and recreation would occur as a result of the proposed Project, and no mitigation is required.

### 2.3.11 Transportation

Construction of the proposed Project would not result in any direct impacts on an applicable program, plan, ordinance or policy. However, indirect impacts may occur related to transportation and circulation during construction due to nearby temporary road closures. In order to reduce potential temporary transportation and circulation impacts, a Construction Transportation Plan (Measure BMP TRA-2), and a TMP (Measure BMP TRA-7) would be drafted, approved, and filed with the City of Stockton Engineering and Transportation Department, or other agency with jurisdiction over the road, prior to any road closures. With the implementation of Measures BMP TRA-2 and BMP TRA-7, short term impacts would be considered less than significant, and no mitigation measures are required.

VMT is now the metric used to evaluate significant transportation impacts under CEQA. The proposed Project is subject to CEQA Guidelines Section 15064.3, subsection (b)(2), Criteria for Analyzing Transportation Impacts, Transportation Projects, which states "Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact."

The "Technical Advisory on Evaluating Transportation Impacts in CEQA," prepared by the State of California Office of Planning and Research in December 2018 identifies transportation project types that are, and are not, likely to lead to measurable or significant increases in VMT. According to the Technical Advisory, "Projects that would not likely lead to a substantial or measurable increase in vehicle travel, and therefore generally should not require an induced travel analysis [i.e., VMT analysis], include:

- Grade separation to separate vehicles from rail, transit, pedestrians, or bicycles, or to replace a lane in order to separate preferential vehicles (for example, HOV, HOT, or trucks) from general vehicles (OPR 2018:20-21)

Because the proposed Project is primarily a grade separation project to partially grade separate passenger rail from freight rail, and to separate rail from roadway traffic, the proposed Project is not likely to lead to measurable or significant increases in VMT. As such, VMT analysis is not required for analyzing the proposed Project's transportation impacts. Therefore, the proposed

project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), no short-term VMT impact would occur, and no mitigation is required.

The proposed Project would have no impacts on existing transit routes except on Charter Way (Route 49). In the long term, Route 49 will remain on Charter Way. During construction, however, the proposed Project will construct two new bridges across Charter Way and will demolish a portion of an existing bridge. Temporary closures, detours, or narrowing to two lanes on Charter Way may be necessary during construction. Measure BMP TRA-6, which stipulates the protection of freight and passenger rail during construction, would ensure that any structural damage to freight or public railways that may occur during the construction period would be repaired and any damaged sections be returned to their original structural condition. Measure BMP TRA-6 would reduce potential short-term impacts related to transit resources.

During construction, impacts may occur to existing pedestrian access within the transportation RSA. However, with the implementation of Measure BMP TRA-4, which specifies that a Construction Management Plan (CMP) address maintenance of pedestrian access during the construction period, short-term impacts related to pedestrian access would be considered less than significant and no mitigation is required.

There are no existing bicycle facilities in the Traffic Study Area. During construction, impacts may occur to existing bicycle access within the transportation RSA. However, with the implementation of Measure BMP TRA-5, which specifies that a CMP address the maintenance of bicycle and pedestrian access during construction, short-term impacts related to bicycle access would be considered less than significant and no mitigation is required.

During construction, impacts may occur to existing parking and loading within the transportation RSA. However, with the implementation of Measure BMP TRA-3, which specifies that adequate off-street parking for all construction-related vehicles be provided throughout the construction period, impacts to public on-street parking areas would be minimized. Therefore, with the implementation of Measure BMP TRA-3, short-term impacts related to parking and loading would be considered less than significant and no mitigation is required.

The Traffic Study Area is served by two fire stations of the City of Stockton Fire Department. Fire Station 3 (1116 E. First Street) is the fire station nearest the proposed Project and accesses the Traffic Study Area via South Airport Way. Fire Station 2 (110 W. Sonora Street) currently uses State Route (SR) 4 and East Lafayette Street as primary routes for emergency response.

Roads that would require temporary closures during construction of the at-grade crossings and/or grade separations include: East Weber Avenue; East Main Street; East Market Street; East Hazelton Avenue; East Scotts Avenue; and East Charter Way. During construction, the contractor would likely start at one end of the proposed Project and work in one direction, closing one street at a time for the minimal amount of time possible to allow for safe working conditions and to minimize traffic interruptions. If the work is along existing tracks and work is minor, then a full roadway closure could potentially last one week in duration. Alternatively, depending on the extent of the work, work could also be accomplished with lane closures and flagging. Restrictions would be placed on the contractor to close every other crossing and no detours would be allowed to overlap. Further, Variable Message Signs would be required to be posted two weeks in advance of closures and through the duration of closure.

During construction, truck routes on the State Highway system and major arterial streets within the City would be used heavily, including portions of East Charter Way, South Airport Way, East Hazelton Avenue, East Lafayette Street, East Market Street, East Weber Street, South Aurora Street, South Union Street, South Wilson Way, and South Stanislaus Street. With the implementation of Measure BMP TRA-1, which requires a photographic survey documenting the condition of the public roadways along truck routes providing access to the proposed Project site, temporary increases in truck traffic along these routes would be reduced, short-term impacts related to truck traffic would be considered less than significant, and no mitigation is required.

The proposed Project is being developed using UP, BNSF, and City of Stockton railroad design standards for safe horizontal and vertical engineering elements, including track alignment, elevations, clearances, and curvature. Automobiles, trucks, buses, and other anticipated roadway traffic would have sufficient clearance with the East Hazelton Avenue, East Scotts Avenue, and East Charter Way underpasses for safe passage. Therefore, the project would not increase hazards due to geometric design or incompatible uses, and no short-term or long-term impacts are anticipated.

In order to reduce emergency response impacts during construction activities, all emergency response and emergency evacuation routes would be maintained, and alternate emergency routes would be identified through coordination with appropriate agencies and local departments. With implementation of an approved TMP (Measure BMP TRA-7), alternative routing plans and methods, and details for early public outreach would be provided before and throughout construction. To further limit temporary impacts to traffic circulation during construction, the contractor would likely start at one end of the proposed Project and work in one direction, closing one street at a time for the minimal amount of time possible to allow for safe working conditions and to minimize traffic interruptions. If the work is along existing tracks and work is minor, then a full roadway closure could potentially last one week in duration.

Alternatively, depending on the extent of the work, work could also be accomplished with lane closures and flagging. Restrictions would be placed on the contractor to close every other crossing and no detours would be allowed to overlap. Further, Variable Message Signs would be required to be posted two weeks in advance of closures and through the duration of closure. Therefore, with the implementation of Measure BMP TRA-7, the proposed Project would not result in inadequate emergency access. Thus, short-term impacts would be considered less than significant, and no mitigation is required.

During operation of the proposed Project, emergency vehicles would benefit from improved local mobility. With the proposed grade separation, there would be fewer delays at crossings since there would be substantially less “gate down” time for trains to travel through the rail corridor. Therefore, the proposed Project would be consistent with applicable programs, plans, ordinances, and policies. No long-term impacts would occur, and no mitigation is required.

As stated above, the proposed Project is a transportation project and is subject to CEQA Guidelines Section 15064.3, subsection (b)(2), Criteria for Analyzing Transportation Impacts, Transportation Projects, which states “*Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact* (Emphasis added). According to the Technical Advisory, “Projects that would not likely lead to a

substantial or measurable increase in vehicle travel, and therefore generally should not require an induced travel analysis [i.e., VMT analysis], include:

- Grade separation to separate vehicles from rail, transit, pedestrians, or bicycles, or to replace a lane in order to separate preferential vehicles (for example, HOV, HOT, or trucks) from general vehicles (OPR 2018:20-21)

Therefore, the proposed project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), no long-term impacts would occur, and no mitigation is required.

After the completion of the proposed Project, transit operations would be improved from the existing condition and no long-term impacts would occur. The proposed Project would construct roadway-rail at-grade crossing infrastructure and sidewalk improvements on Weber Avenue, Main Street, Market Street, Hazelton Avenue, Scotts Avenue, and Charter Way, including ADA compliant ramps. After the completion of the proposed Project, safer pedestrian access would be provided within the transportation RSA compared to the existing condition and no long-term impacts would occur.

Bicycle facilities in the Traffic Study Area are proposed as part of a separate project on East Weber Avenue, East Main Street, East Market Street, East Hazelton Avenue, and South Aurora Street. However, the proposed Project would not preclude implementation of the future bicycle facilities identified. Therefore, long-term impacts are considered less than significant, and no mitigation is required.

No parking spaces would be removed on Weber Avenue, Main Street, Market Street, and Scotts Avenue. The rail crossing at Church Street is proposed to be closed and existing on-street parking to be removed. As the businesses along Church Street from the proposed tracks to Union Street would be closed, there would be minimal parking impacts. There is existing parking on Hazelton Avenue near Union Street and Aurora Street. The proposed Project design lengthens the existing median at Hazelton Avenue and therefore reduces the available parking spaces. The businesses adjacent to the parking spaces would be acquired by the proposed Project; and thus, there would be minimal impacts to needed parking at this location.

Given the proposed closure of East Lafayette Street and East Church Street to through traffic, alternative routes for Fire Station 2 emergency response were evaluated to identify routes that could provide similar response times in the event of an emergency. Based on this high-level review, two routes were identified that could provide response times similar to the use of East Lafayette Street. These are East Hazelton Avenue and SR 4. Fire Station 3 response times would not be affected by the closure of East Lafayette Street and East Church Street, as Station 3's primary response route is South Airport Way, which is east of the proposed closure.

In order to further reduce impacts to traffic, emergency response and emergency evacuation routes would be maintained, and alternate emergency routes would be identified through coordination with appropriate agencies and local departments. The plan would include alternative routing plans and methods, and details for early public outreach. Further, with implementation of an approved TMP, described in Measure BMP TRA-7, short-term impacts on an emergency response plan or emergency evacuation plan are considered less than significant, and no mitigation is required.

East Lafayette Street and East Church Street will be permanently closed as part of the proposed Project. East Lafayette Street would be closed due to the multiple at-grade rail crossings of the at-grade main tracks and wye connection tracks (that is, four crossings within two blocks). However, with the implementation of Measure BMP TRA-8, SJRRC will ensure that all proposed Project road closures will be formalized as part of the California Public Utilities Commission (CPUC) General Order (GO) 88B Diagnostic review process. The CPUC GO 88B Diagnostic review process will include the evaluation of circulation for all modes of travel in coordination with the City of Stockton, CPUC, and UP, including pedestrians, bicycles, automobiles, and trucks. In addition, after the completion of the proposed Project, overall transportation, circulation, and access would be improved within the transportation RSA, when compared to the existing condition. Therefore, with the implementation of Measure BMP TRA-8, no long-term impacts would be considered less than significant, and no mitigation is required.

Further, operation of the proposed Project would not contribute to truck traffic within the transportation RSA. Therefore, no long-term impacts related to truck traffic are anticipated.

The proposed Project is being developed using UP, BNSF, and City of Stockton railroad design standards for safe horizontal and vertical engineering elements, including track alignment, elevations, clearances, and curvature. Automobiles, trucks, buses, and other anticipated roadway traffic would have sufficient clearance with the East Hazelton Avenue, East Scotts Avenue, and East Charter Way underpasses for safe passage. Therefore, the project would not increase hazards due to geometric design or incompatible uses or result in inadequate emergency access. Thus, long-term impacts are considered less than significant, and no mitigation is required.

### 2.3.12 Tribal Cultural Resources

As discussed in Section 3.4, Cultural Resources, the proposed Project is located within an area that has been subject to disruption by railroad and commercial development activities. As a result of previous development activities, archaeological resources and tribal cultural resources that may have existed at the ground surface have likely been displaced or destroyed. There is, however, the possibility that ground-disturbing activities could impact previously undiscovered subsurface prehistoric archaeological resources or tribal cultural resources. However, with the implementation of Measures BMP CUL-1 and BMP CUL-2, the proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code (PRC) 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 that is listed or eligible for listing in the California Register of Historic Resources, or in the local register of historical resources as defined in PRC Section 5020.1(k). Thus, short-term and long-term impacts to archaeological and tribal archaeological resources would be considered less than significant.

Based on the background research, field efforts, and SJRRC's consultation with the North Valley Yokuts Tribe and the Confederated Villages of Lisian, no known tribal cultural resources were identified in the project area. However, project construction would involve ground disturbing activities that may result in the discovery or damage of as-yet undiscovered tribal cultural resources. With the implementation of Measures BMP CUL-1 through BMP CUL-3, the proposed Project would not cause a substantial adverse change in the significance of a tribal cultural

resource. Thus, short-term and long-term impacts would be considered less than significant, and no mitigation is required.

### 2.3.13 Utilities and Service Systems

Project construction would affect existing overhead and underground utilities due to the construction of new tracks, structures, or upgrades to existing tracks that involves ground-disturbing work. These activities would affect existing utility line placements. There is also the potential that ground disturbing activities could damage existing utility infrastructure and lead to temporary service interruptions. Utility relocations, rerouting, removals, and utility line replacements, including electrical, gas, fiber optic cable, sewer, and storm drains, would be required as a part of the proposed Project. Potential utility conflicts have been identified. During the proposed Project's final design phase, utility potholing would be conducted to identify utility conflicts definitively, and measures to minimize conflicts would be proposed. Project construction would require new flyover bridges, which would necessitate the raising and rerouting of overhead utility lines. Utility upgrades and relocations would occur on previously disturbed land or on existing infrastructure.

The proposed Project would be designed in coordination with Stockton Fire Department for water supply access points (hydrants) along the flyover. With the implementation of Measure BMP UTIL-1, the proposed Project would not require, or result in, relocating or constructing new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Thus, short-term impacts would be considered less than significant, and no mitigation is required.

Construction would not result in substantial increases in demand for water such that existing resources would be insufficient to serve such proposed Project activities. California Water Service Company (Cal Water) owns and operates the domestic water lines located within the Project limits. Construction of the proposed Project would require water use for concrete work, earthwork compaction, and dust control. Although some underground water lines would be relocated or rerouted between East Lafayette Street and East Hazelton Avenue, proposed improvements for track work would not require a substantial amount of water for construction purposes, and local water providers have sufficient capacity to serve the proposed Project's temporary and minimal needs. Cal Water, as documented in the 2015 Urban Water Management Plan, is expected to have sufficient capacity to accommodate growth in its service area through future development during normal, dry, and multiple dry years. Therefore, short-term impacts are considered less than significant, and no mitigation is required.

During construction, sewer lines would be removed and relocated, including the relocation of City owned sanitary sewer lines. In addition, there would be a temporary increase in need for wastewater treatment from cleaning equipment, controlling dust, or other construction related activities. However, with the implementation of Measure BMP UTIL-2, the proposed Project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Thus, short-term impacts would be considered less than significant, and no mitigation measures are required.

Construction of the proposed Project would generate solid waste from clearing vegetation, grading, demolishing existing track and structures, relocating and removing utility lines, and other general construction activities. Some of the solid waste generated may not be reusable or recyclable and would need to be disposed of in local solid waste landfills. The three local landfills (Forward Landfill in Manteca, the North County Landfill and Recycling Center in Lodi, and the Foothill Sanitary Landfill in Linden) would have sufficient capacity to accommodate the solid waste generated from the proposed Project. Therefore, the proposed Project would not generate solid waste in excess of state or local infrastructure, or otherwise impair the attainment of solid waste reduction goals. The proposed Project would be served by a landfill with sufficient permitted capacity to accommodate proposed Project solid waste disposal needs. Thus, short-term impacts would be considered less than significant.

Project construction would comply with regulations including CALGreen Section 5.408 and Stockton Municipal Code Section 8.28.060. As part of the proposed Project, the Project team would maximize recycling and reuse, in compliance with the Integrated Waste Management Act, in order to reduce waste being transferred to landfills. The proposed Project would follow the policies and goals in the City of Stockton's 2040 General Plan to expand opportunities for recycling, material reuse, and waste reduction. Therefore, the proposed Project would comply with federal, state, or local management and regulations related to solid waste. Thus, no short-term impacts are anticipated.

The proposed Project would result in permanent relocation of utilities. However, with the implementation of Measure UTIL-2, all utility relocations will be coordinated with each utility owner to ensure that the existing utility is protected in place in its current location, as feasible, or access maintained to these existing utility facilities. Measure BMP UTIL-2 also specifies that the Project would not preclude future potential replacement of utilities within the Project Study Area.

In addition, the Project will evaluate existing and proposed utility protection and relocation in areas located within the proposed railroad corridor. Empty sleeves and/or conduits will be provided to maintain existing utilities or to provide access for future planned utility installation. With the implementation of Measure BMP UTIL-2,

Project operations would not require or result in the demand for water supply. Operation of the proposed Project would not generate solid waste, as the proposed improvements are limited to operational improvements to an existing rail facility, or violate applicable statutes and regulations related to solid waste. Therefore, no long-term impacts to utility facilities, water supply, or the generation of solid waste would occur. The proposed Project would comply with federal, state, or local management and regulations related to solid waste. Thus, no long-term impacts are anticipated.

## 2.4 Findings on Impacts Determined to be Less than Significant with Mitigation Incorporated

This section describes the impacts as a result of the Project that, without mitigation, would result in significant impacts. With the implementation of the mitigation measures provided in the Final EIR, these impacts would be reduced to less than significant.

### 2.4.1 Biological Resources

Construction and demolition of existing and new tracks would require ground disturbance, grading, construction traffic (both vehicular and foot), possible removal of vegetation, relocation of existing utilities, and staging of equipment and materials. Additionally, indirect impacts in the form of noise and dust may occur as a result of construction activities within the Biological Study Area (BSA). Although the BSA is highly urbanized and disturbed in nature, direct impacts to special-status species, such as burrowing owl, Swainson's hawk, white-tailed kite, and bats covered under the San Joaquin Multiple Species Conservation Plan (SJMSCP) could occur.

However, with the implementation of Measure BMP BIO-1, Measure BMP BIO-2, Measure BMP BIO-4; Measure BMP BIO-5, and Measure MM BIO-6, short-term impacts to species, such as burrowing owl, Swainson's hawk, white-tailed kite, and bats, would be avoided, minimized, and/or mitigated.

Further, birds that nest within the Project limits and vicinity are likely acclimated to a high level of ongoing disturbance. Construction of new structures, demolition of existing structures, ground disturbance, and any vegetation removal (including trees) during the nesting season could result in temporary direct and indirect impacts on nesting birds, should they be present in or adjacent to construction or staging areas. Increased noise from construction activity, increased use of open areas for staging, construction of new facilities, tree removal, ground disturbance, and other human activity could result in nest abandonment if nesting birds are present near the Project limits during construction activities. However, with the implementation of Measures BMP BIO-1 and BMP BIO-3, these short-term impacts would be avoided and/or minimized.

Additionally, construction activities would temporarily impact SJMSCP-identified habitat for giant garter snake and pond turtles, associated with the Mormon Slough. However, with the implementation of Measure MM BIO-6, temporary impacts to areas identified in the SJMSCP as giant garter snake and pond turtle habitat would be mitigated. Therefore, with the implementation of Measures BMP-1 through BMP-6, the proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species; thus, short-term impacts would be considered less than significant with mitigation incorporated.

The Project would not result in direct temporary impacts on green sturgeon critical habitat or groundfish essential fish habitat (EFH), both of which occur downstream of the BSA. Although the Project could affect downstream water quality within the Mormon Slough, which could temporarily impact these habitat areas, with implementation of Measures BMP BIO-8 and BMP BIO-9, Project impacts on downstream water quality would be avoided.

The Project would also result in temporary impacts on up to 0.39 acre of Central Valley steelhead critical habitat and Chinook salmon EFH as a result of construction access during construction of the Mormon Slough crossing structure. However, with implementation of Measure MM BIO-7, these temporary impacts would be minimized by limiting areas available for construction.

The construction of the flyover for the proposed Project would cause direct or indirect impacts on potential jurisdictional resources in the BSA. Based on aerial mapping, Mormon Slough supports an estimated 1.41 acres of potential non-wetland waters of the United States (U.S.) and 2.47

acres of potential unvegetated California Department of Fish and Wildlife (CDFW) streambed. The proposed Project would result in temporary impacts of approximately 0.17 acre to 0.33 acre of potential non-wetland waters of the U.S dependent on the design option (single-span bridge, multi-cell culvert, precast arch culvert) selected during final design. In addition, the Project would result in temporary impacts of approximately 0.25 acre of potential unvegetated CDFW streambed within Mormon Slough. Additional temporary impacts to these resources could occur to allow for construction access. However, with the implementation of Measure BMP BIO-9, requiring minimization of construction access areas and fencing around all permitted work areas within the Mormon Slough, and Measure MM BIO-10, requiring all temporary impacts to aquatic resources as a result of the proposed Project be restored to pre-Project contours, short-term impacts would be considered less than significant with mitigation incorporated.

A review of aerial and street view imagery indicates that there are no federally protected wetlands as defined by Clean Water Act (CWA) Section 404 within the BSA. During construction, the proposed Project would result in temporary impacts between 0.17-acre to 0.33-acre of potential non-wetland waters of the U.S as defined by CWA Section 404. However, with the implementation of Measures BMP BIO-9 and MM BIO-13, temporary impacts on federally protected waters of the U.S., as defined by CWA Section 404, would be avoided, minimized, and/or mitigated. Therefore, the proposed Project would not have a substantial adverse effect on federally protected wetlands as defined by CWQ Section 404 through direct removal, filling, hydrological interruption, or other means, and short-term impacts would be considered less than significant with mitigation incorporated.

The proposed Project is located within a developed, disturbed area that provides little use for wildlife movement. The Mormon Slough does not likely provide habitat, act as a nursery, or function as a migratory route for fish and other aquatic species because of its dry and disturbed condition. However, there is potential that Mormon Slough serves as a migratory corridor and movement area for common terrestrial wildlife species within the BSA.

While some reduction of wildlife movement within the Mormon Slough is expected during Project construction, all design options being considered would allow for continued movement of terrestrial species within Mormon Slough following Project completion. With the implementation of Measure BMP BIO-9, which requires fencing around all permitted work areas within the Mormon Slough to minimize the potential impact area, short-term impacts of the proposed Project on wildlife movement would be minimized to the greatest extent possible. With implementation of Measure BMP BIO-9, the proposed Project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. Therefore, short-term impacts would be considered less than significant, and no mitigation is required.

The proposed Project would comply with the standards and regulations set forth in the SJMSCP and all applicable Incidental Take Mitigation Measures (ITMMs) identified in the SJMSCP as identified in Measure MM BIO-6. In addition, with the implementation of Measure BMP-16, the proposed Project would be consistent with the Envision Stockton 2040 General Plan (City of Stockton 2018a), which identifies the City's tree ordinance that prohibits the removal of street trees and heritage oak trees without a permit (City of Stockton 2018c). With the implementation of Measures MM BIO-6 and BMP BIO-16, the proposed Project would not conflict with the

provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved conservation plan and local policies. Therefore, short-term impacts are considered less than significant with mitigation incorporated.

Permanent impacts to special-status species and/or SJMSCP-identified habitat for special status species would occur as a result of the proposed Project. The proposed Project would result in permanent impacts to up to 70.16 acres of Urban and Urban Park areas that contain scattered trees suitable to support white-tailed kite nests and Swainson's hawk nests. However, with the implementation of Measures BMP BIO-1 and BMP BIO-3, no direct take of white-tailed kite or Swainson's hawk nests would occur and any potential project impacts on white-tailed kite as a result of permanent habitat loss would be mitigated through participation in the SJMSCP and payment of required mitigation fees consistent with Measure MM BIO-6.

In addition, the proposed Project would result in permanent impacts to up to 34.84 acres of suitable burrowing owl habitat. However, with the implementation of Measure BMP BIO-4, no direct take of Burrowing owl would occur. Any potential project impacts on Burrowing owl as a result of permanent habitat loss would be mitigated through participation in the SJMSCP and payment of required mitigation fees consistent with Measure MM BIO-6.

Nesting birds have the potential to occur throughout the Project limits. However, long-term operation and maintenance of the proposed Project is not expected to differ substantially from existing operations. With the implementation of Measure BMP BIO-3, no direct take of active migratory bird nests would occur. Any potential project impacts on migratory nesting birds as a result of permanent habitat loss would be mitigated through participation in the SJMSCP and payment of required mitigation fees consistent with Measure MM BIO-6.

All habitats within the Project limits have the potential to support roosting bats. Project implementation would result in up to 105 acres of permanent impacts to suitable bat roosting habitat. With implementation of Measure MM BIO-6, any potential Project impacts on roosting bats as a result of permanent habitat loss would be mitigated through participation in the SJMSCP and payment of required mitigation fees.

Although the BSA does not currently support suitable habitat for giant garter snake or pond turtles, the SJMSCP identifies the Mormon Slough as suitable habitat for these species based on its prior condition as a perennial waterway. The proposed Project would result in permanent impacts to up to 1.35 acres of land associated with the Mormon Slough. However, with the implementation of Measure MM BIO-6, any potential project impacts on giant garter snake or pond turtle as a result of permanent habitat loss would be mitigated through participation in the SJMSCP and payment of the required mitigation fee.

While the proposed Project would not result in any direct impacts on Central Valley steelhead, Chinook salmon, green sturgeon, or groundfish, due to the lack of perennial flows in Mormon Slough within the BSA, the proposed Project would result in direct impacts on designated critical habitat for Central Valley steelhead and EFH for Chinook salmon. Although Mormon Slough does not currently support suitable habitat for either of these species, Project activities in Mormon Slough have potential to affect its long-term restoration potential for use by these species.

Three design options (single-span bridge, multi-cell culvert, precast arch culvert) have been developed for the structure spanning Mormon Slough. To avoid permanent loss of Mormon Slough for fish passage, the structure spanning Mormon Slough will retain a natural substrate stream channel bottom, as specified in Measure MM BIO-7. Additionally, SJRRC will avoid any riprap armor within Central Valley steelhead critical habitat or Chinook salmon EFH.

Measure MM BIO-7 states that SJRRC will implement all commitments and avoidance measures identified in the Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response issued by NMFS on May 17, 2021 for the Project. As part of the NMFS consultation, SJRRC will select a structure design that would maintain the potential for future restoration of fish passage within the Mormon Slough. With the implementation of Measure MM BIO-7, impacts on steelhead critical habitat and Chinook salmon EFH would be minimal, and the area would maintain its potential use for fish passage should future restoration of the Mormon Slough occur.

The multi-cell box culvert design option would result in the greatest amount of permanent impacts on critical habitat and EFH. This option includes five pile foundations within the Mormon Slough, resulting in permanent loss of up to 0.05 acre of earthen areas within Mormon Slough. This impact would result in the loss of a very small amount of potential habitat that in the future, if restored, could provide elements identified in PCEs 1 and 2 for Central Valley steelhead and PCEs 1 and 2 for Chinook salmon. However, the Project would not preclude the potential for the portion of the Mormon Slough within the BSA, to support these PCEs in the future.

In addition, with the implementation of Measures BMP BIO-8, which identifies construction BMPs for work in Mormon Slough, BMP BIO-9, which requires Environmentally Sensitive Area fencing around construction limits in Mormon Slough, BMP BIO-10, which requires re-contouring and restoration of temporary impact areas, BMP BIO-11, which addresses project-related vehicle access, and BMP BIO-12, which addresses storage and disposal of excavated materials the project would not result in substantial impacts on Central Valley steelhead critical habitat for Chinook salmon EFH. Since the Project would not result in direct impacts on Central Valley steelhead or Chinook salmon individuals and would maintain fish passage viability within the Project limits in the case of future restoration of the Mormon Slough as a perennial water source, the Project is anticipated to result in a “may affect, but not likely to adversely affect” determination with respect to Project impacts on designated critical habitat for Central Valley steelhead and EFH for Chinook salmon.

On May 17, 2021, NMFS issued a “not likely to adversely affect” determination for the Project with regards to Central Coastal valley steelhead and its critical habitat and southern distinct population segment of North American green sturgeon and its critical habitat. It also determined that the Project would have “no adverse effect” on EFH for chinook salmon or groundfish. All avoidance and minimization measures identified for the Project in the NMFS Determination Letter will be implemented, as required, as stated in Measure MM BIO-7. The NMFS Determination Letter is provided in Appendix C if the Final EIR.

Based on the discussion above, with the implementation of Measures MM BIO-7 and BMP BIO-8 through BMP BIO-12, long-term direct and indirect impacts would be considered less than significant with mitigation incorporated.

Therefore, with the implementation of Measures BMP BIO-1, BMP BIO-3, BMP BIO-4, MM BIO-6, MM BIO-7, and BMP BIO-1- through BMP BIO-12, the proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species; thus, long-term impacts would be considered less than significant with mitigation incorporated.

The proposed Project would permanently impact up to 0.04 acre of potential jurisdictional waters of the US and 0.05 acre of unvegetated CDFW streambed. However, with the implementation of Measure MM BIO-13, requiring all permanent impacts to aquatic resources as a result of the proposed Project be mitigated at a minimum 1:1 ratio, and Measure MM-BIO-14, requiring the proposed Project to comply with all mitigation measures identified in regulatory permits issued by CDFW, USACE, and/or RWQCB, long-term impacts would be mitigated. In addition, as stipulated in Measure MM BIO-15, the proposed Project would conduct a formal field-delineation of aquatic resources during final design to be verified by the regulatory agencies, in order to accurately confirm the extent of jurisdictional resources within the BSA. Therefore, with the implementation of Measures MM BIO-13 through MM BIO-15, long-term impacts would be considered less than significant with mitigation incorporated.

Any permanent structure incorporated into the Mormon Slough constructed as part of the proposed Project, would be designed to allow for continued wildlife movement. As such, the proposed Project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. Therefore, long-term impacts would be considered less than significant, and no mitigation is required.

The proposed Project would comply with the standards and regulations set forth in the SJMSCP and all applicable ITMMs identified in the SJMSCP as identified in Measure MM BIO-6. In addition, with the implementation of Measure BMP-16, the proposed Project would be consistent with the Envision Stockton 2040 General Plan (City of Stockton 2018a), which identifies the City's tree ordinance that prohibits the removal of street trees and heritage oak trees without a permit (City of Stockton 2018c). With the implementation of Measures MM BIO-6 and BMP BIO-16, the proposed Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved conservation plan and local policies. Therefore, long-term impacts are considered less than significant with mitigation incorporated.

**Mitigation Measures**

**MM BIO-6:** **Compliance with SJMSCP.** Prior to and during construction, SJRRC will ensure compliance of the proposed Project with all applicable standards and regulations set forth in the SJMSCP, as well as all applicable Incidental Take Mitigation Measures identified within the SJMSCP.

**MM BIO-7:** **National Marine Fisheries Service Consultation.** SJRRC will implement all commitments and avoidance and minimization measures identified in the National Marine Fisheries Service Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response issued for the Project on May 17, 2021 (Appendix C). As part

of this consultation, SJRRC will implement a crossing type for the structure spanning the Mormon Slough that will retain a natural substrate stream channel bottom. In addition, SJRRC will avoid the use of rip-rap to armor the channel at this location.

**MM BIO-13: Mitigation for Aquatic Resources.** During final design, SJRRC will ensure that temporary Project impacts on aquatic resources associated with Mormon Slough will be restored in-place and permanent Project impacts on aquatic resources to Mormon Slough will be mitigated at a minimum 1:1 ratio. Mitigation can include on-site restoration, in-lieu fee payment, or purchase of mitigation credits at an agency-approved mitigation bank.

**MM BIO-14: Compliance with Permitted Mitigation Measures.** Prior to construction, SJRRC will obtain all required permits and authorizations for Project impacts to Mormon Slough, which may include the preparation and submittal of the following applications:

- Pre-Construction Notification to USACE to use a Nationwide Permit for any Project impacts to Waters of the US subject to Section 404 of the federal Clean Water Act;
- Water Quality Certification Application to Central Valley Regional Water Quality Control Board (RWQCB) for any Project impacts to Waters of the US subject to Section 401 of the federal Clean Water Act;
- Request for Waste Discharge Requirements from the Central Valley RWQCB for dredge or fill discharges to waters deemed by USACE to be outside of federal jurisdiction for any aquatic features that would otherwise qualify as Waters of the U.S.; and
- Streambed Alteration Agreement Application to CDFW.

**MM BIO-15: Preparation of Formal Jurisdictional Delineation.** During final design, SJRRC will ensure that a formal field-delineation of aquatic resources the proposed Project, to be verified by the regulatory agencies, will be conducted in order to confirm the exact extent of jurisdictional resources impacted by the proposed Project.

### 2.4.2 Hazards and Hazardous Waste

Construction would involve the handling, storage, transport, and disposal of hazardous materials. During construction, the use of hazardous materials and substances would be required, and hazardous wastes would be generated during operation of construction equipment. Equipment fueling would likely occur using temporary aboveground storage tanks at specified staging and laydown areas. Other potentially hazardous materials used in smaller quantities (for example, paints, asphalt, etc.) would be stored using specialized containment, such as sheds or trailers. If a spill of these materials were to occur, the accidental release could pose a hazard to construction employees, the public, and the environment, depending on the magnitude of the spill and relative hazard of the material released. Although typical construction management practices limit and often eliminate the risk of such accidental releases, the extent and duration of Project construction presents a possible risk to the environment through the routine transport of hazardous materials.

In addition to the use of construction-related hazardous materials, contaminated soil and groundwater are also expected to be encountered during soil excavations and dewatering activities, which would require specialized handling, treatment, and potentially off-site transport and disposal. Multiple hazardous materials listings exist within the hazards and hazardous materials RSA. For this reason, excavation, handling, transport, and disposal must be conducted by a licensed hazardous waste transporter, per California Code of Regulations (CCR) Title 22, Division 4.5 regulations. Depending on the contaminant and concentrations encountered, contaminated soils would be disposed at an approved facility in accordance with all applicable local, state, and federal laws and regulations. Handling such materials would occur during short-term construction activities and would be subject to federal regulations, state, and local health and safety requirements (those specified by SJRRC, railroad operators, or property owners on a case-by-case basis). Typical requirements include temporary storage BMPs, containment in closed containers, characterization of waste material for disposal, and disposal at facilities that are equipped and licensed to handle waste with specified characteristics.

The potential hazards generated by the routine transport, use, and disposal of hazardous materials, contaminated soils, and/or contaminated groundwater during construction are not anticipated have a significant impact, if adequately managed according to applicable laws and regulations and industry BMPs. With the implementation of Measure MM HAZ-1, the proposed Project would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials. Therefore, short-term impacts would be considered less than significant with mitigation incorporated.

Under the proposed Project, ground disturbing activities, such as excavations, the removal and addition of tracks, modification of tracks, utility relocations, and installation of new structures may have the potential to disturb contaminated soil or groundwater and result in hazardous materials and wastes impacts. 36 total sites in the Project study area (30 of which are moderate or high risk) have been listed on various hazardous materials databases for two main reasons. First, because they contain documented hazardous materials contamination such as gasoline or diesel leaking underground storage tanks (LUST) or removed LUSTs. Secondarily, some sites are listed based on historical land uses, which have, or may have, resulted in localized contaminated soil and groundwater. Ground disturbance and structure demolition at identified hazardous materials sites could result in a hazardous materials release into the environment. Due to the close proximity of the Project construction limits to existing hazardous materials listings, potential exposure to contaminated soil and/or groundwater or contaminant migration could result. Construction of bridge foundations or other below ground elements could encounter soils contaminated with petroleum and petroleum products, which could release volatile contaminant vapors during excavations or tunneling.

In addition, based on the age (pre-1970s) of many of the buildings within the area, it is possible that these buildings were constructed when asbestos-containing materials (ACM) and lead-based paints (LBP) were readily used in exterior coatings. Human exposure to lead has been determined by EPA and OSHA to be an adverse health risk, particularly to young children. Demolition of structures containing LBP requires specific remediation activities regulated by federal (40 CFR 745), state (17 CCR 35001-36100), and local laws and regulations. As a result, the Project could result in the accidental release of ACMs or lead into the environment. However, with the

implementation of Measures MM HAZ-2 through MM HAZ-7, these short-term impacts would be avoided or minimized. With the implementation of Mitigation Measures MM HAZ-1 through MM HAZ-7, any reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment during construction would be considered less than significant with mitigation incorporated.

The nearest school to the Project site is Jane Frederick Continuation High School, which is approximately 0.04 miles to the northeast of the Project construction limits. Other educational facilities in the hazards and hazardous materials RSA, all located east of Stanislaus Street, include: TEAM Charter School and Academy, Creative Child Care at TEAM Charter, and Gleason Park Head Start. Construction activities could potentially cause exposure from hazardous releases near schools within 0.25 mile of the proposed Project. However, with the implementation of Measures MM HAZ-1 through MM HAZ-7, short-term impacts would be considered less than significant with mitigation incorporated.

Further, the proposed Project would require multiple construction vehicles to be operated within the Project construction limits over the construction duration, which could result in emissions in the vicinity of an existing school. However, with the implementation of Measures BMP AQ-1 and BMP AQ-2 (as referenced in earlier in under Air Quality), impacts would be considered less than significant, and no mitigation is required.

As noted above, 36 sites have been listed on various hazardous materials databases in the Project hazards and hazardous materials RSA and have been identified with a low- to high-risk ranking based on their potential to affect the environment as a result of excavation activities on acquired parcels where Project-related construction activities would occur. Some of the parcels would either be acquired or used for temporary construction activities and staging where no ground disturbance would occur. The close proximity of these existing hazardous materials listings to Project related construction activities would carry the potential for encountering contaminated soil and/or groundwater. Construction activities could also cause contaminants to migrate through changes in groundwater flow. Additionally, there is the potential to encounter undocumented contamination sources, and deep ground disturbing activities such as construction of bridge foundations, could encounter soils contaminated with petroleum and petroleum products, which could release volatile contaminant vapors during excavations. Further, construction activities associated with the proposed Project could occur on or near sites included on hazardous materials database listings and have the potential to disturb contaminated soil or groundwater. However, with the implementation of Measures MM HAZ-1, MM HAZ-3 though MM HAZ-6, short-term impacts would be considered less than significant with mitigation incorporated.

The proposed Project is located within the Stockton Metropolitan Airport (SCK) Airport Influence Area (AIA) of the SCK Airport Land Use Compatibility Plan (ALUCP). Properties within AIA are routinely subject to over-flights by aircraft. However, this would not result in a safety hazard for people residing or working in the hazards and hazardous materials RSA during construction. Therefore, short-term impacts associated with the proposed Project are considered less than significant, and no mitigation is required.

There are no private airstrips within the vicinity of the proposed Project. Therefore, the proposed Project would not result in a safety hazard for people residing or working in the Project area. Therefore, no short-term impacts as a result of the proposed Project are anticipated.

Roads that would require temporary closures during construction of the at-grade crossings and/or grade separations include: East Weber Avenue; East Main Street; East Market Street; East Hazelton Avenue; East Scotts Avenue; and East Charter Way. However, with the implementation of Measures BMP TRA-2 and BMP TRA-7, impacts to traffic and emergency evacuation routes, including the primary emergency route for City of Stockton Fire Department Fire Station 2, would be minimized. Therefore, short-term impacts would be considered less than significant, and no mitigation measures are required.

The proposed Project is located in a highly developed area, and no wildlands are located within or adjacent to the proposed Project. Therefore, there would be no risk from wildland fires and no short-term impacts are anticipated.

Longer term operational activities and practices involving routine transport, use, and storage of potentially hazardous materials for railroad maintenance, including shipments in tankers on the railroads, would remain similar to existing conditions. Future operations within the Project study area would involve routine transport of hazardous materials and wastes, such as gasoline, brake fluids, and coolants. Heavy maintenance activities would continue off site at existing maintenance facilities. As discussed, the proposed Project would comply with standard regulations and policies regarding the routine transport, use, storage, handling, and disposal of potentially hazardous materials during operations in order to protect human health and the environment. Therefore, long-term impacts would be considered less than significant with mitigation incorporated.

Future operations at the Stockton Diamond would involve the use of hazardous materials and wastes, such as gasoline, brake fluids, and coolants, that could be subject to accidental releases. The handling of such materials would be subject to federal regulations, state, and local health and safety requirements. In general, they require that these materials not be released to the environment or disposed of as general refuse. Collection in proper containers and disposal at approved facilities is required. Therefore, long-term impacts would be considered less than significant, and no mitigation measures are required.

As discussed above, future operations within the Project study area would involve routine transport of hazardous materials and wastes near schools. However, the proposed Project would comply with standard regulations and policies regarding the routine transport, use, storage, handling, and disposal of potentially hazardous materials during operations in order to protect human health and the environment. In addition, once the proposed Project is operational, it would result in a net reduction in local and regional air quality emissions. Therefore, the proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of existing or proposed school. Thus, long-term impacts are considered less than significant, and no mitigation measures are required.

As stated above, the proposed Project is located within the SCK AIA of the SCK ALUCP. The proposed Project would not create additional flight hazards or create additional hazards for people residing in the Project study area. The proposed Project does not include new permanent sources of light or glare that could create flight hazards. Tall structures are prohibited at properties within

Stockton AIA and ALUCP. The proposed Project involves the construction of a flyover structure at approximately 40 feet would not be great enough to create additional hazards to aircraft given how far away the airport is from the apex of the grade separation. Over-flights by aircraft would occur intermittently throughout the day and would therefore not result in increased noise hazards over an extended period of time. Therefore, long-term impacts associated with the proposed Project are considered less than significant, and no mitigation is required.

There are no private airstrips within the vicinity of the proposed Project. Therefore, the proposed Project would not result in a safety hazard for people residing or working in the Project area. Therefore, no long-term impacts as a result of the proposed Project are anticipated.

During operations, permanent closure of East Lafayette Street and East Church Street could impact a primary emergency response route for City of Stockton Fire Department Fire Station 2. Given the proposed closures of East Lafayette Street and East Church Street to through traffic, alternative routes for Fire Station 2 emergency response were considered to identify routes that could provide similar response times in the event of an emergency. Based on this high-level review, two routes were identified that could provide response times similar to using East Lafayette Street. These include predominantly East Hazelton Avenue and SR 4. Fire Station 3 response times would not be affected by closure of East Lafayette Street, as Station 3's primary response route is South Airport Way, which is east of the proposed closure. Measure MM HAZ-8 stipulates that prior to construction and closure of East Church Street and East Lafayette Street, SJRRC would consult with applicable agencies and departments providing emergency response to ensure that acceptable response times are maintained during proposed Project operations. With the implementation of Measure MM HAZ-8, long-term impacts would be considered less than significant with mitigation incorporated.

The proposed Project is located in a highly developed area, and no wildlands are located within or adjacent to the proposed Project. Therefore, there would be no risk from wildland fires and no long-term impacts are anticipated.

**Mitigation Measures**

**MM HAZ-1: Prepare a Construction Hazardous Materials Management Plan (HMMP).** Prior to construction, SJRRC will ensure that an HMMP be prepared, which will outline provisions for safe storage, containment, and disposal of chemicals and hazardous materials, contaminated soils, and contaminated groundwater used or exposed during construction, including the proper locations for disposal. The HMMP shall be prepared to address Project construction limits, and include, but not be limited to, the following:

- A description of hazardous materials and hazardous wastes used (29 C.F.R. 1910.1200)
- A description of handling, transport, treatment, and disposal procedures, as relevant for each hazardous material or hazardous waste (29 C.F.R. 1910.120)
- Preparedness, prevention, contingency, and emergency procedures, including emergency contact information (29 C.F.R. 1910.38)

- A description of personnel training including, but not limited to: (1) recognition of existing or potential hazards resulting from accidental spills or other releases; (2) implementation of evacuation, notification, and other emergency response procedures; (3) management, awareness, and handling of hazardous materials and hazardous wastes, as required by their level of responsibility (29 C.F.R. 1910)
- Instructions on keeping Safety Data Sheets on site for each on-site hazardous chemical (29 C.F.R. 1910.1200)
- Identification of the locations of hazardous material storage areas, including temporary storage areas, which shall be equipped with secondary containment sufficient in size to contain the volume of the largest container or tank (29 C.F.R. 1910.120)

**MM HAZ-2: Property Acquisition Phase 1 and Phase 2 Environmental Site Assessments.** Prior to or during the right-of-way acquisition phase, SJRRC will ensure that Phase 1 Environmental Site Assessments (ESA) would be conducted in accordance with standard ASTM methodologies to characterize each parcel. The determination of parcels that require a Phase 2 ESA (for example, soil, groundwater, soil vapor subsurface investigations) would be informed by a Phase 1 ESA and may require coordination with state and local agency officials.

**MM HAZ-3: Prepare a General Construction Soil Management Plan.** Prior to construction, SJRRC will ensure that a General Construction Soil Management Plan be prepared, which will include general provisions for how soils will be managed within the Project construction limits for the duration of construction. General soil management controls to be implemented by the contractor, and the following topics, shall be addressed within the Soil Management Plan:

- General worker health and safety procedures
- Dust control
- Management of soil stockpiles
- Traffic control
- Stormwater erosion control using BMPs

**MM HAZ-4: Prepare Parcel-Specific Soil Management Plans and Health and Safety Plans (HASP).** Prior to construction, SJRRC will ensure that parcel-specific Soil Management Plans be prepared for known contaminated sites and LUST-adjudicated sites for submittal and approval by DTSC. The plans shall include specific hazards and provisions for how soils will be managed for known contaminated sites and LUST-adjudicated sites. The nature and extent of contamination varies widely across the Project construction limits, and the parcel-specific Soil Management Plan shall provide parcel-specific requirements addressing the following:

- Soil disposal protocols
- Protocols governing the discovery of unknown contaminants
- Soil management on properties within the Project construction limits with LUSTs or known contaminants

Prior to construction on individual properties with LUSTs or known contaminants, a parcel-specific HASP shall also be prepared for submittal and approval by DTSC. The HASP shall be prepared to meet OSHA requirements, Title 29 of the C.F.R. 1910.120 and CCR Title 8, Section 5192, and all applicable federal, state, and local regulations and agency ordinances related to the proposed management, transport, and disposal of contaminated media during implementation of work and field activities. The HASP shall be signed and sealed by a Certified Industrial Hygienist, who is licensed by the American Board of Industrial Hygiene. In addition to general construction soil management plan provisions, the following parcel-specific HASP provisions shall also be implemented:

- Training requirements for site workers who may be handling contaminated material
- Chemical exposure hazards in soil, groundwater, or soil vapor that are known to be present on a property
- Mitigation and monitoring measures that are protective of site worker and public health and safety

Prior to construction, SJRRC shall coordinate proposed soil management measures and reporting activities with stakeholders and regulatory agencies with jurisdiction in order to establish an appropriate monitoring and reporting program that meets all federal, state, and local laws for the Project and each of the contaminated sites.

**MM HAZ-5: LUST Sites and Coordination with DTSC.** Prior to construction on properties with a LUST, SJRRC will ensure that coordination be required with DTSC regarding any plans specified, construction activities, and/or public outreach activities needed to verify that construction activities on properties with LUSTs would be managed in a manner protective of public health.

**MM HAZ-6: Halt Construction Work if Potentially Hazardous Materials/Abandoned Oil Wells are Encountered.** During construction, SJRRC will ensure that contractors will follow all applicable local, state, and federal regulations regarding discovery, notification, response, disposal, and remediation for hazardous materials and/or abandoned oil wells encountered during the construction process.

**MM HAZ-7: Pre-Demolition Investigation.** Prior to the demolition of any structures constructed prior to the 1970s, SJRRC will ensure that a survey be conducted for the presence of hazardous building materials, such as ACMs, LBPs, and other materials falling under the Universal Waste requirements. The results of this survey shall be submitted to SJRRC and applicable stakeholders as deemed appropriate by SJRRC. If any hazardous building materials are discovered, prior to demolition of any structures, a plan for proper removal shall be prepared in accordance with

applicable OSHA and San Joaquin County Environmental Health Department requirements. The contractor performing the work shall be required to implement the removal plan, shall be required to have a C-21 license in the State of California, and possess an A or B classification. If asbestos-related work is required, the contractor or their subcontractor shall be required to possess a California Contractor License (Asbestos Certification). Prior to any demolition activities, the contractor shall be required to secure the site and ensure utilities are disconnected.

**MM HAZ-8: Maintenance of Emergency Response Times.** Prior to construction and closure of East Church Street and East Lafayette Street, SJRRC will consult with applicable agencies and departments providing emergency response to ensure that acceptable response times are maintained during proposed Project operation.

### 2.4.1 Land Use and Planning

Temporary road closures during construction would occur as a result of the proposed Project. However, with the implementation of Measure BMP TRA-7 these impacts would be minimized. During construction, no more than one road would be closed at a time to minimize traffic interruptions, and where sidewalks need to be closed only one side of the street would be closed at a time to maintain access along the street. As a result, the proposed Project would not physically divide the neighborhoods, or cause short-term land use impacts within the land use and planning RSA. During construction, staging areas would be established throughout the land use and planning RSA to provide work areas and construction access, as well as a location to store Project equipment and materials. A few vacant industrial parcels, as well as railroad-owned property adjacent to the Stockton Diamond, would be used for staging areas and these properties would be restored to previous conditions after Project construction. Temporary construction easements (TCE) would also be required as part of the proposed Project. Similar to the temporary staging areas, all TCE areas would be restored to previous conditions once Project construction is completed. Therefore, with the implementation of Measure BMP TRA-7, the proposed Project would not physically divide an established community. Thus, short-term impacts would be considered less than significant, and no mitigation is required.

The proposed Project is consistent with applicable land use and planning goals and policies identified in the San Joaquin County General Plan and City of Stockton General Plan. Therefore, the proposed Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation for the purpose of avoiding or mitigating an environmental effect. Thus, short-term impacts are considered less than significant, and no mitigation is required.

The proposed Project would permanently convert several industrial parcels (all are zoned General Industrial) to a transportation use, reducing the available industrial land use in the area by 10.87 acres. The proposed Project would not acquire any residential properties; therefore, there would be no impacts to residents nor residential land uses in the land use and planning RSA. The proposed Project will result in 12 full acquisitions and two partial acquisitions, as well as two TCEs required for the construction of the proposed Project. Parcels impacted by the proposed Project are a mix of partially vacant parcels used for the purpose of truck and RV parking and five active businesses.

Remnant portions of existing parcels may result from the permanent acquisition of existing parcels as part of the Project. However, with the implementation of Measure MM LU-2, SJRRC will coordinate with the City and UP to determine appropriate property ownership and establish agreements prior to the right-of-way (ROW) acquisition process for these parcel remnants to avoid the potential for large open space areas to become voids in the Downtown area fabric and these impacts would be mitigated.

Six businesses, five of which are active businesses, would require relocation. The City has identified available industrial zoned properties elsewhere in the City that are suitable for relocation of these five displaced active businesses. All relocation impacts of these displaced businesses would be mitigated through the implementation of the Measure MM LU-3. The affected businesses are not unique—generally auto- and truck-related services—and would not have relocation challenges. Moreover, these businesses serve larger areas and their relocation would not affect the local neighborhoods. The partial property acquisitions would not affect any existing business. Further, the full and partial acquisitions would result in minimal conversion of existing land use, amounting to approximately 0.37 percent, less than 1 percent of the City's industrial zoned land use. The proposed Project would require minor changes to zoning and/ or land use designations in the City of Stockton. However, with the implementation of Measure BMP LU-1, these impacts would be minimized. Therefore, with the implementation of Measures BMP LU-1, MM LU-2, and MM LU-3, the proposed Project would not divide an established community. Thus, long-term impacts would be considered less than significant, and no mitigation is required.

The proposed Project is consistent with applicable land use and planning goals and policies identified in the San Joaquin County General Plan and City of Stockton General Plan. Therefore, the proposed Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation for the purpose of avoiding or mitigating an environmental effect. Thus, long-term impacts are considered less than significant, and no mitigation is required.

**Mitigation Measures**

**MM LU-2:** **Property Ownership and Agreement Coordination Efforts.** SJRRC will ensure coordination with the City and UP during final design to determine appropriate property ownership and establish agreements prior to the ROW acquisition process. Options to address property ownership may include, but not be limited to:

- Continuing City ownership and maintenance of the street corridors with permanent easements required for the railroad corridor; or
- SJRRC and/or railroad company ownership and maintenance of the properties within the railroad corridor with either SJRRC or private ownership of adjacent remnant parcels. Public Utility easements would be necessary for this option.

**MM LU-3:** **Relocation Assistance.** During final design, SJRRC will ensure that the loss of private industrial property be mitigated by payment of fair market compensation and provision of relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act. For these non-residential displacements, the following would be provided to business operators:

- Relocation advisory services
- Minimum 90 days written notice to vacate prior to requiring possession
- Reimbursement for moving and reestablishment expenses

### 2.4.2 Noise and Vibration

The City of Stockton does not have specific ordinances regarding the regulation of construction noise. However, the City's General Plan does reference that a project may use other agencies' applicable standards. San Joaquin County has limits on daytime and nighttime noise, the daytime noise limits are waived for construction activities. Thus, the FTA construction noise criteria were used for the basis of the short-term noise impact analysis.

The track alignment east of the existing active rail line would be shifted east, allowing for a majority of the necessary construction along the railroad and structures to be completed during daytime hours. Sensitive land uses located within the approximate impact distance would be exposed to noise levels exceeding the FTA's daytime criterion. With the exception of the viaduct structure design option, which may require pile driving along the entire length of the flyover, bridge construction that requires extensive pile driving would not occur adjacent to sensitive receptors. For the embankment and retaining wall structure design options, sections of bridge construction requiring pile driving would be at the center of the flyover and at East Charter Way.

To minimize impacts to passenger and freight rail operations, some construction work would be required during the nighttime hours. Nighttime construction near sensitive receptors would have greater impacts than daytime construction. The greatest noise impact is associated with impact pile driving, which is less intense near these receptors due to the type of structural work that is necessary near the residential neighborhoods. However, nighttime construction activities would be limited to track work and other construction necessary to connect the existing and relocated tracks, and noise intensive pile driving would not be conducted during nighttime hours thus short-term impacts related to nighttime noise work would be considered less than significant.

In addition, with the implementation of Measure MM NV-1, short-term noise impacts would be considered less than significant with mitigation incorporated. Measure MM NV-1 requires that mitigation be implemented to reduce planned construction noise in the form of a Noise Control Plan. The Noise Control Plan will be prepared in coordination with the City to ensure that City standards will not be violated during construction of the proposed Project. Components of this Noise Control Plan include avoiding the use of impact pile drivers at night, and, where possible, if construction activities were to occur near noise-sensitive areas, use quieter alternatives (for example, drilled piles) where geological conditions permit.

Based on the discussion above, with the implementation of Measures MM NV-1 and MM NV-2, the proposed Project would not generate a substantial temporary 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. Thus, short-term noise impacts would be considered less than significant with mitigation incorporated.

When measured at a distance of 25 feet, construction of the proposed Project can be expected to generate vibration levels as high as 94 vibration decibel (VdB) due to compactors during site work, 87 VdB due to bulldozers during rail work, and 104 VdB due to impact pile drivers during structures work. The peak particle velocity (PPV) associated with the construction activities would be as high as 0.21 inches/second (in/sec) for vibratory rollers during site work, 0.089 in/sec due to bulldozers during rail work, and 0.644 in/sec due to impact pile drivers during structures work. For pile driving activities, it is anticipated that the potential for damage effects will be limited to structures located at distances in the range of 30 to 75 feet from the pile driving operations, depending on the building category.

Construction activities involving pile drivers occurring at the edge of or slightly outside of the current right-of-way could result in vibration impacts to nearby properties. However, with the implementation of Measure MM NV-2, any generation of groundborne vibration and noise levels would be mitigated and not considered excessive in nature. Therefore, with the implementation of Measure MM NV-2, short-term impacts related to groundborne noise and vibration would be considered less than significant with mitigation incorporated.

The proposed Project is not located within a vicinity of a private airstrip and the nearest public airport or public use airport is SCK, located beyond 2 miles from the noise and vibration RSA, approximately 4 miles south of the Study Area. Therefore, no short-term impacts related to excessive noise levels from airport use would occur under the proposed Project.

San Joaquin County and the City of Stockton do not have specific ordinances regarding thresholds for rail noise; Therefore, the operational noise as a result of the proposed Project would not violate or be in excess of any standards established by the local general plan or noise ordinance. As a result, the long-term noise impact analysis was based on applicable standards of other agencies, such as FRA and FTA.

Four residences located along the northbound side of the proposed tracks between East Lafayette Street and East Hazelton Avenue would experience moderate noise impacts (one single-family and one multi-family residence comprised of three residences). These impacts are due to the main line tracks moving closer to the residences and the elevated height of the main line flyover. In addition, there are five residences with moderate noise impacts (three single-family homes and one multi-family residence comprised of two residences) located south of the Stockton Diamond, between East Anderson Street and East Charter Way. These moderate noise impacts would occur as a result of the operation of new, elevated connecting tracks (approximately 2 to 4 feet above grade) shifted closer to sensitive receptors at the eastern side of the railroad corridor and the new, elevated main track flyover as it approaches its highest elevation point at the Diamond.

Two institutional receivers – Faith Tabernacle Assembly located on East Anderson Street and the Islamic Center of Stockton located on South Pilgrim Street would experience moderate noise impacts. There are no noise impacts at Union Park.

Twelve single-family homes located between East Jefferson Street and East Clay Street, and between the railroad corridor and South Pilgrim Street would experience severe noise impacts and require noise mitigation. Because of engineering and operational limitations of the proposed Project, including the multiple levels of the proposed tracks, track turnouts and clearance issues, noise barriers would not be a feasible option for noise mitigation. Therefore, sound insulation is

recommended for the twelve residences with severe noise impacts. Sound insulation programs are developed to reduce the interior noise levels in sleeping and living quarters in residential land uses or in noise-sensitive areas such as schools and other institutional uses to within the guidelines set by the U.S. Department of Housing and Urban Development. Under these guidelines, interior noise levels for residential land uses should not exceed a Ldn of 45 dBA, and a form of fresh air exchange must be maintained.

The air exchange can be achieved by installing an air conditioning unit for the residence. Sound insulation is normally only used on older dwellings with single-paned windows or in buildings with double-paned windows that are no longer effective because of leakage. Sound insulation testing would be conducted to determine the appropriate measures to improve the outdoor to indoor sound level reduction, such as improved windows, doors or vents. Sound insulation would not reduce exterior noise levels.

With the implementation of Measure MM NV-3, requiring sound insulation improvements be installed at the 12 residences that would be exposed to severe noise impacts, the interior noise levels at these residences would be mitigated. Therefore, the proposed Project would not generate a substantial 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. Thus, long-term noise impacts would be considered less than significant with mitigation incorporated.

Because there are no vibration sensitive receivers within the screening distances for potential impact, there are no vibration impacts from operation projected for the proposed Project, and no long-term vibration impacts are anticipated.

Because there are no vibration sensitive receivers within the screening distances for potential impact, there would be no excessive groundborne noise or vibration impacts from operations projected for the proposed Project Therefore, no long-term groundborne noise or vibration impacts are anticipated.

**Mitigation Measures**

**MM NV-1:** **Noise Control Plan.** Prior to construction SJRRC will ensure that a noise control plan be prepared that will incorporate, at a minimum, the following best practices into the construction scope of work and specifications to reduce the impact of temporary construction-related noise on nearby noise-sensitive receptors. The Noise Control Plan will be developed in coordination with the City of Stockton in compliance with City standards. Components of the Noise Control Plan will include, but not be limited to, the following:

- Install temporary construction site sound barriers near noise sources.
- Use moveable sound barriers at the source of the construction activity.
- Avoid the use of impact pile drivers at night and, where possible, near noise-sensitive areas or use quieter alternatives (for example, drilled piles) where geological conditions permit.

- Locate stationary construction equipment as far as possible from noise-sensitive sites.
- Re-route construction-related truck traffic along roadways that will cause the least disturbance to residents.
- Use low-noise emission equipment.
- Implement noise-deadening measures for truck loading and operations.
- Line or cover storage bins, conveyors, and chutes with sound-deadening material.
- Use acoustic enclosures, shields, or shrouds for equipment and facilities.
- Use high-grade engine exhaust silencers and engine-casing sound insulation.
- Minimize the use of generators to power equipment.
- Limit use of public address systems.
- Grade surface irregularities on construction sites.
- Monitor and maintain equipment to meet noise limits.
- Implement noise monitoring during construction to ensure noise limits are met.
- Maintain active coordination with the City to identify potential options to retrofit residences closest to the construction with noise reduction window technology.
- Establish an active community liaison program to keep residents informed about construction and to provide a procedure for addressing complaints.

**MM NV-2:** **Vibration Control Plan.** Prior to construction, SJRRC will ensure that a vibration control plan is prepared and will incorporate, at a minimum, the following best practices into the construction scope of work and specifications to reduce the impact of temporary construction-related vibration on nearby vibration-sensitive land uses will be prepared and implemented.

- Avoid the use of impact pile drivers where possible near vibration-sensitive areas or use alternative construction methods (for example, drilled piles) where geological conditions permit.
- Avoid vibratory compacting/rolling in close proximity to structures.
- Require vibration monitoring during vibration-intensive activities.
- In the event building damage occurs due to construction, repairs would be made, or compensation would be provided by SJRRC.

**MM NV-3:** **Reductions for Severe Noise Impacts.** Prior to construction, SJRRC will ensure that sound insulation improvements will be installed in the residential properties that would be exposed to severe noise impacts. The goal of these improvements is to reduce the interior noise levels to below the 45 dBA Ldn noise threshold set by the U.S. Department of Housing and Urban Development. In addition to the sound

insulation improvements a form of fresh air exchange must be maintained. The air exchange can be achieved by installing an air conditioning unit for the residence. Sound insulation is normally only used on older dwellings with single-paned windows or in buildings with double-paned windows that are no longer effective because of leakage. Sound insulation testing would be conducted to determine the appropriate measures to improve the outdoor to indoor sound level reduction, such as improved windows, doors or vents.

## 2.5 Significant and Unavoidable Impacts

Based on the analysis, above, there are no environmental topics that were determined to have a significant and unavoidable impact as a result of the Project.

# 3 Conclusion

Having received, reviewed and considered the Final EIR and other information in the record of proceedings, SJRRC hereby adopts the foregoing Findings in compliance with CEQA and the CEQA Guidelines. SJRRC certifies that these Findings are based upon full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings that concern the environmental issues identified and discussed in the Final EIR. SJRRC hereby certifies as follows:

- That it has been presented with the Final EIR and that it has reviewed and considered the information in the Final EIR prior to making the foregoing Findings;
- That, pursuant to CEQA Guidelines §15090, the Final EIR has been completed in compliance with CEQA; and
- That the Final EIR reflects the independent judgment and analysis of SJRRC.

Based on the foregoing Findings and the information contained in the record, SJRRC has made one or more of the following Findings with respect to each of the significant environmental effects of the proposed Project:

- Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects identified in the EIR. CEQA Guidelines §15091(a)(1);
- To the extent that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the City, those changes or alterations have been, or can and should be, adopted by that other agency. CEQA Guidelines §15091(a)(2); and
- SJRRC, having reviewed and considered the information contained in the EIR, including but not limited to the expert opinions of the SJRRC's professional planning staff and independent consultants familiar with the environmental conditions of the Project Study Area and the facts and circumstances of the Project who prepared the EIR, finds pursuant to Public Resources Code §21081(a)(1) and Guidelines §15091(a)(1) that changes or alterations have been required in, or incorporated into, the Project which would mitigate, avoid, or substantially lessen to below a level of significance the following potential significant environmental effects identified in the EIR.