

# **Altamont Commuter Express Maintenance Facility Project**



**San Joaquin Regional Rail Commission**

**September 3, 2008**

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**ADDENDUM**  
**ALTAMONT COMMUTER EXPRESS MAINTENANCE FACILITY PROJECT**  
**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**  
**(SCH # 2007102091)**

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# **ADDENDUM TO THE ALTAMONT COMMUTER EXPRESS MAINTENANCE FACILITY PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (SCH # 2007102091)**

## **STATUTORY BACKGROUND**

Under the California Environmental Quality Act (CEQA), an Addendum to a certified Environmental Impact Report (EIR) or Negative Declaration is needed if minor technical changes or modifications to the proposed project occur (CEQA Guidelines § 15164). An addendum is appropriate only if these minor technical changes or modifications do not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. The Addendum need not be circulated for public review (CEQA Guidelines § 15164[c]); however, an addendum is to be considered along by the decision making body prior to making a decision on the project (CEQA Guidelines § 15164[d]).

This Mitigated Negative Declaration Addendum demonstrates that the environmental analysis, impacts, and mitigation requirements identified in the Altamont Commuter Express Maintenance Facility Mitigated Negative Declaration remain substantively unchanged by the situation described herein, and supports the finding that the proposed project does not raise any new issues and does not exceed the level of impacts identified in the previous Mitigated Negative Declaration.

CEQA Guidelines, California Code of Regulations Title 14 Section 15164 provides as follows:

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

## **INTRODUCTION**

The San Joaquin Regional Rail Commission (project applicant) has submitted applications to the City of Stockton to Annex and Prezone its parcels for the proposed Altamont Commuter Express (ACE) Maintenance Facility. On November 7, 2008, the San Joaquin Regional Rail Commission adopted the ACE Maintenance Facility Initial Study/Mitigated Negative Declaration (SCH #2007102091) to execute all required documents and agreements necessary to close escrow on the property. Because this project is requesting to annex and prezone into the city of Stockton, the City is a responsible agency. The main changes in this addendum result in the clarification of the project description, as well as the addition of some comments prepared by the City's various departments. The environmental impacts of the proposed changes are adequately addressed in the ACE Maintenance Facility Mitigated Negative Declaration and in this addendum.

In preparing this Addendum, all of the potential impacts identified on the CEQA "Environmental Checklist Form" were considered. For all impact areas, a preliminary review indicated that the proposed changes would have no new impact(s) not already identified in the ACE Maintenance Facility Mitigated Negative Declaration.

### **Project Description Clarification**

The project description contained in the Adopted Mitigated Negative Declaration (SCH # 2007102091) identified two options for the project site and surrounding parcels: (1) pursue annexation of certain identified parcels to the City of Stockton; or (2) pursue development of the proposed project within San Joaquin County. Due to the Regional Rail Commission's ongoing discussions with the City of Stockton and San Joaquin Local Agency Formation Commission (LAFCO), it has now been determined that the project site and surrounding parcels will be annexed and rezoned to the City of Stockton. This addendum also incorporates comments from various City Departments for this document. These minor technical changes make it necessary to modify the project description with respect to the "Proposed Annexation."

In this Addendum, there is a distinction made between the proposed Altamont Community Express Maintenance Facility Site ("Project Site") and Altamont Commuter Express Annexation Area ("ACE Annexation Area). The Project Site solely refers to the parcels owned by the San Joaquin Regional Rail Commission (SJRRRC) and Union Pacific Railroad parcel (APN 117-090-23) that is affected by the ACE Maintenance Facility. The ACE Annexation area refers to the entire area that is being annexed and rezoned to the City of Stockton. See modifications below.

#### **Page 4: Third paragraph down that begins with "SJRRRC proposes to annex and rezone...."**

Replace this paragraph with the following language:

The San Joaquin Regional Rail Commission (SJRRRC) is proposing to construct a new maintenance facility on 64 acres of its property. The 64 acre site is located in the central portion of a larger 230-acre unincorporated area that is surrounded by City limits. The San Joaquin Regional Rail Commission, et al is proposing to annex and rezone 37 parcels consisting of approximately 230 acres to the City of Stockton. A discussion of the Project's proposed annexation efforts are discussed below. The Project Site is in the Stockton General Plan 2035 and City's Sphere of Influence and is designated Industrial, Institutional, and Low Density Residential by the City's General Plan. SJRRRC also proposes to make modifications to the rail line within a 9-acre UPRR parcel. Construction and operation of the ACE Maintenance Facility would affect approximately 73 acres.

#### **Page 5: "Existing Conditions" Reword first sentence on first paragraph to state:**

The Altamont Commuter Express Maintenance Facility site ("Project Site") consists of five adjacent and adjoining parcels of land located in a "pocket" area, or island of San Joaquin County on land surrounded by the City of Stockton.

#### **Page 5: Replace Table 1**

Replace Table 1 with the following table to indicate City General Plan land use designations and proposed rezoning instead of County land use and zoning designations.

**Table 1**  
**Existing Land Uses at the Altamont Commuter Express Maintenance Facility**  
**Project Site**

APN	Owner	General Use	General Plan Land Use Designation	Proposed Prezoning	Approximate Acreage
117-090-01	SJRRRC	Undeveloped <sup>1</sup>	Industrial	IG	45.87
117-090-13	SJRRRC	Undeveloped <sup>1</sup>	Industrial	IG	7.65
117-090-14	SJRRRC	Undeveloped <sup>1</sup>	Institutional	PF	6.75
127-280-34	SJRRRC	Undeveloped <sup>1</sup>	LDR	RL	3.39
125-360-04	SJRRRC	Undeveloped <sup>1</sup>	Institutional	PF	0.39
<b>Total Acreage for Maintenance Facility</b>					<b>64.05</b>
<b>UPRR Parcel</b>					
117-090-23 <sup>2</sup>	Union Pacific	Transportation (active rail line)	Industrial	None	9.3
<b>Total Acreage affected by Maintenance Facility Operations</b>					<b>73.35</b>

Sources: City of Stockton, 2010

Notes:

1. Parcels were previously occupied by American Moulding and Millworks and are currently undergoing site clean up.
2. Modifications to the rail line during project construction would occur on this parcel.

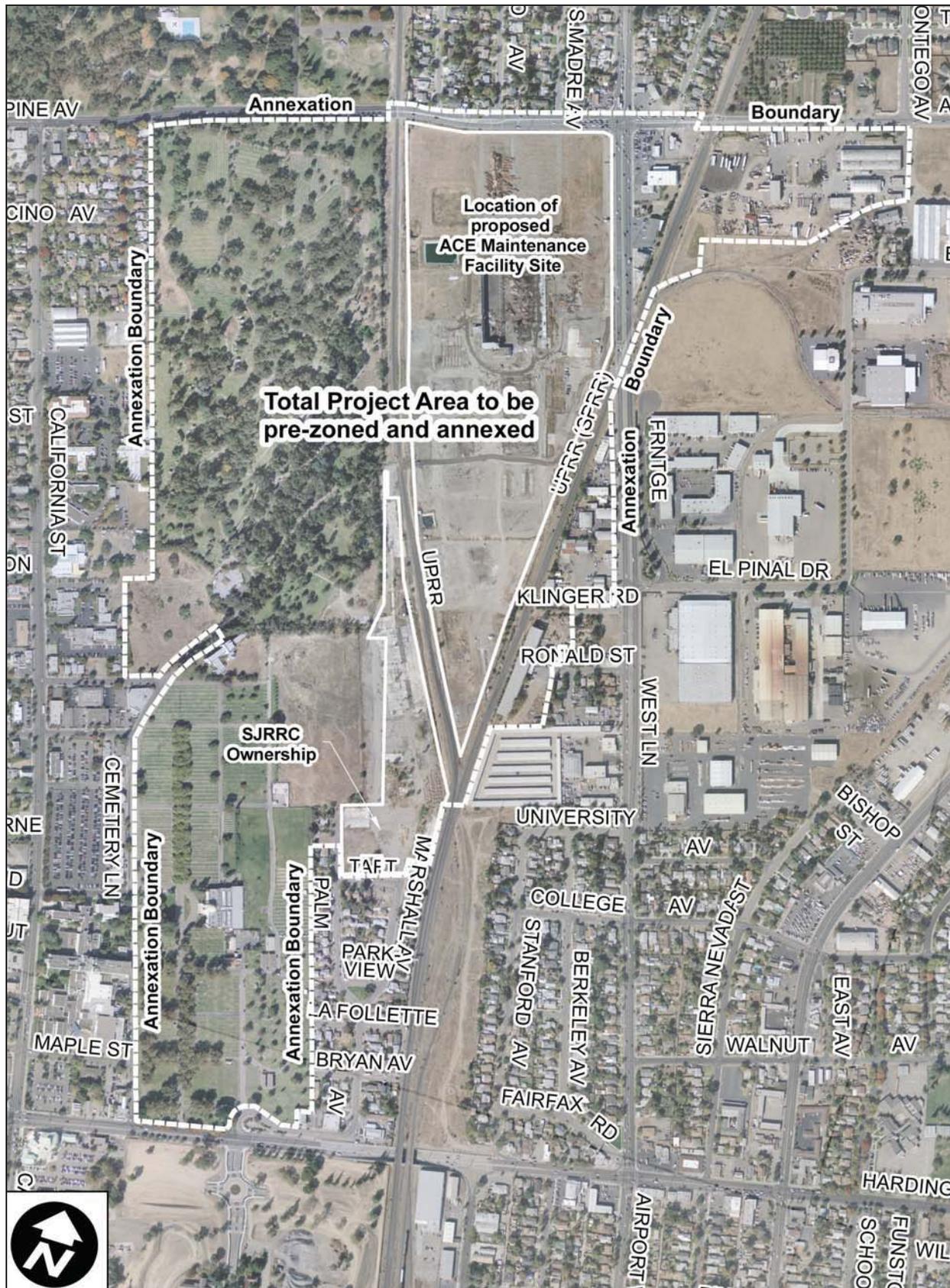
**Page 5: Add the following paragraph at the end of this section (below Table 1) to describe existing conditions of annexation area:**

Existing uses surrounding the Altamont Commuter Express Maintenance Facility site, and within the Altamont Commuter Express Annexation area includes: Catholic and Stockton Rural cemeteries to the west; vacant land designated as Low Density Residential to the south; Union Pacific Railroad line, West Lane and commercial, industrial, and institutional uses to the east; and Alpine Avenue to the north.

**Pages 5 and 8: Proposed Annexation - Replace both paragraphs in this section with the following text:**

The 64-acre site for the proposed maintenance facility is comprised of five parcels that are central to a larger 230-acre unincorporated pocket, or island of San Joaquin County. This unincorporated island is located in eastern Stockton and is surrounded by the City of Stockton. The annexation area is generally bounded by Cemetery Lane on the west, Alpine Avenue on the north, West Lane and industrial and vacant land uses on the east, and Harding Way on the south (see Figure 1: Project Location). A majority of the project area is surrounded by City limits.

Table 2 provides a list of 37 parcels within the unincorporated island area excluding the residential areas to north and south of the Project Site, five of which are owned by SJRRRC and part of the proposed maintenance facility and two of which contain the adjacent former Western Pacific and Southern Pacific rail lines owned by Union Pacific. As part of this project, SJRRRC, et al are proposing to annex all 37 parcels listed in Table 2. Table 2 highlights which parcels are included as part of the proposed ACE Maintenance Facility.



<b>Table 2</b>				
<b>Parcels Proposed for Annexation</b>				
<b>APN</b>	<b>Owner Name</b>	<b>Address</b>	<b>Existing GP Designation</b>	<b>Proposed Prezoning</b>
117-090-01	SJRRRC	2801 West Lane	Industrial	IG
117-090-13	SJRRRC	2813 West Lane	Industrial	IG
117-090-14	SJRRRC	2000 Marshall Avenue	Institutional	IG
127-280-34	SJRRRC	1811 Marshall Avenue	LDR	RL
125-360-04	SJRRRC	None	Institutional	IG
117-080-26	Union Pacific Railroad	None	Industrial	--
117-090-23	Union Pacific, Corporation	East Alpine Avenue	Industrial	--
117-090-24	Union Pacific Railroad	None	Industrial	--
127-200-02	Catholic Dioceses Stockton	719 East Harding Way	Institutional	PF
127-280-02	Catholic Dioceses Stockton	1841 Palm Avenue	LDR	RL
127-280-01	Catholic Dioceses Stockton	1849 Palm Avenue	LDR	RL
125-360-31	Catholic Dioceses Stockton	1850 Cemetery Lane	Institutional	PF
125-360-32	Catholic Dioceses Stockton	None	Institutional	PF
125-360-03	Stockton Woodland Mausoleum Assoc	2365 Cemetery Lane	Institutional	PF
125-360-29	Stockton Rural Cemetery	2350 Cemetery Lane	Institutional	PF
117-080-18	Sandra Baker in care of Lee Baker Tr	3200 West Lane	Industrial	IL
117-090-09	Pamela and Roger Valentine	2307 West Lane	Industrial	IL
117-100-21	Leroy Minatre	None	Industrial	IL
117-100-22	Leroy Minatre	None	Industrial	IL
117-100-24	Leroy Minatre	1230 Klinger Rd.	Industrial	IL
125-360-05	Casa Bonita Inc.	2330 Cemetery Lane	Institutional	PF
117-080-17	Dalbir Johal	3230 West Lane	Industrial	IL
117-080-05	Craig C Gilmore	1360 East Alpine Avenue	Industrial	IL
117-080-22	Lucy L. Tobias	3150 West Lane	Industrial	IL
117-080-23	California Water Service Co.	West Lane	Industrial	IL
117-080-02	American Legion Post No. 803	3110 West Lane	Industrial	IL
117-080-01	Felix and Michelle Gallegos	3000 West Lane	Industrial	IL
117-080-06	Alpine Builders Inc.	1648 East Alpine Avenue	Industrial	IL
117-090-02	Fabian Ceballos et al.	2615 West Lane	Industrial	IL
117-090-32	Mark Dwayne Rodden Tr	2521 West Lane	Industrial	IL
117-090-15	Alfonso and Maria Jimenez	2517 West Lane	Industrial	IL
117-090-06	Leonard F Borello F Tr et al	2509 West Lane	Industrial	IL
117-090-08	Joseph N. Rokoszewski	2413 West Lane	Industrial	IL
117-090-07	Joseph N. Rokoszewski	2417 West Lane	Industrial	IL
117-090-27	Randall and Kathleen Thomas	2303 West Lane	Industrial	IL
127-280-35	Richard Marshall	917 Taft Street	LDR	RL
127-280-36	Thomas and Jane Kriss	925 Taft Street	LDR	RL

## Page 17: Street Improvements Section

Add in language at the end of this paragraph to state “Right-of-way easement dedication will be required for the planned West Lane grade separation at UPRR in accordance with the City of Stockton Precise Road Plan, and 2035 General Plan. All off-site improvements, including improvements to project access and turn lanes, shall conform to City of Stockton Standard Plans and specifications and any improvement plans should be referred to the City of Stockton Community Development Department for review.”

## Page 18: Second and third bullet items are replaced with the following:

- Approval ~~of a General Plan amendment and approval of rezoning of~~ **to prezone** the Project Site by the City of Stockton.
- Building permit for the maintenance facility from the City of Stockton Building Division ~~or the San Joaquin County Building Inspection Division.~~

## PROJECT ELEMENTS ANALYZED IN THE ORIGINAL NEGATIVE DECLARATION

The original Mitigated Negative Declaration analyzed potential impacts resulting from the construction of the Altamont Express Maintenance facility and annexation and rezoning of the parcels owned by the San Joaquin Regional Rail Commission. The potential impacts identified in the original analysis are included as follows:

- Aesthetics (No impact, less than significant impact)
- Agricultural Resources (No impact)
- Air Quality (Less than significant impact)
- Biological Resources (No impact, less than significant impact, less than significant with mitigation incorporated)
- Cultural Resources (Less than significant with mitigation incorporated)
- Geology and Soils (No impact, less than significant impact)
- Hazards and Hazardous Materials (No impact, less than significant impact, less than significant with mitigation incorporated)
- Hydrology and Water Quality (No impact, less than significant impact, less than significant with mitigation incorporated)
- Land Use and Planning (No impact, less than significant impact)
- Mineral Resources (No impact)
- Noise (No impact and less than significant impact)
- Population and Housing (No impact)
- Public Services (No impact and less than significant impact)
- Recreation (No impact)
- Transportation/Traffic (No impact, less than significant with mitigation incorporated)
- Utilities and Service Systems (Less than significant impact, less than significant with mitigation incorporated)
- Other Issue(s)
- Mandatory Findings of Significance

The City’s review of the project has concluded that the project will not result in new impacts beyond those analyzed in the Altamont Commuter Express Maintenance Facility Project Mitigated Negative Declaration. The clarification of the boundaries of the annexation and rezoning of parcels in the approximately 230 acre Altamont Commuter Express Annexation area has no impact in all areas of the Environmental Checklist because there is no development being approved as a part of the annexation and rezoning of the parcels surrounding the Altamont Commuter Express Maintenance Facility project site; therefore, there are no direct impacts associated with the delineation of the annexation and rezoning boundary.

## **Cultural Resources, (Executive Summary pages 3, 4, and pages 34, 35, 36)**

Mitigation Measure CR-1 (Executive Summary page 3, page 34) – Approximately halfway through the paragraph, it should state that the “San Joaquin Regional Rail Commission and City of Stockton be notified if anything is discovered.”

Mitigation Measure CR -2 (Executive Summary page 3, page 35) – The end of the paragraph should include that “San Joaquin Regional Rail Commission and City of Stockton determine what is feasible.”

Mitigation Measure CR-3 (Executive Summary page 3, 4, page 36) – Near the end of the paragraph, it should include that the “San Joaquin Regional Rail Commission and City of Stockton be notified in anything is discovered.”

## **Hydrology and Water Quality, page 45**

HYD-3 Revise mitigation measure HYD-3 to state: *“The use of a retention basin is prohibited by the City of Stockton Municipal Code and Standard Plans and Specifications. The project will be required to connect to the public storm drainage system. The point of connection to the City public system will be at the intersection of West Lane and Fulton Street. (The storm drainage at West Lane, between Alpine Avenue and Fulton Street, is owned and maintained by the County of San Joaquin, and is unavailable).”*

## **Hydrology and Water Quality, Add the following mitigation measures to the Hydrology and Water quality section to Executive Summary page 5 and page 45:**

HYD-4 *“The property owner is required to file a Notice of Intent with the State Water Resources Control Board prior to commencement of construction activity. Upon receipt of the completed Notice of Intent, the property owner will be sent a receipt letter containing the Waste Discharger’s Identification Number. The City requires the Waste Discharger’s Identification Number from the State of California Water Resources Control Board to be submitted prior to issuance of a Grading Permit or plan approval. An Erosion Control Plan is also required to be incorporated in the project plans and/or grading plans prior to approval. In addition, the State Water Pollution Prevention Plan is required to be available on site.”*

HYD-5 *“The project must comply with the Storm Water Quality Control Criteria Plan, as outlined in the City’s Phase 1 Storm Water NPDES permit issued by the California Water Quality Control Board, Central Valley Region (Order No. R5-2007-0173).”*

HYD-6 *“The property owners, developers, and/or successors-in-interest shall comply with any and all requirements and pay all associated fees, as required by the City’s Storm Water Pollution Prevention Program as set forth in its NPDES Storm Water Permit.”*

HYD-7 *“The City’s Stormwater Quality Control Criteria Plan requires that the owners, developers, and/or successors-in-interest execute a Maintenance Agreement with the City prior to receiving a Certificate of Occupancy. The owners, developers, and/or successors-in-interest must remain the responsible party and provide funding for the operation, maintenance, and replacement costs of the proposed treatment devices built for the subject project.”*

## **Land Use and Planning, page 47**

As identified in the Adopted Mitigated Negative Declaration (SCH # 2007102091) page 47 - 48, although the Project Site is not currently within the City of Stockton limits, the Project Site is included in the Stockton General Plan and the City's Sphere of Influence, which designates the majority of the Project Site as Industrial, Institutional, and Low Density Residential. The Project with the modification identifying annexation to the City of Stockton will not impact land use and planning.

The minor change is not substantial and will create no new impacts based upon the determination that the Project Site and surrounding parcels will be annexed to the City of Stockton. The proposed rezoning corresponds with the City's General Plan land use designations; therefore, a General Plan Amendment is not proposed.

Replace discussion 9(b) on page 47 with the following text:

- b. No impact. The Project Site is located within a "pocket" area, or island of San Joaquin County on land that is surrounded by the City of Stockton. The City of Stockton General Plan designates the portion of the Project Site in which the Altamont Commuter Express Maintenance Facility will be located as Industrial, which allows "a wide variety of industrial uses including uses with nuisance or hazardous characteristics, warehousing, construction contractors, light manufacturing, offices, retail sales, service businesses, public and quasi-public uses, and other similar and compatible uses." In the southwest portion of the Project Site, there are two parcels (approximately 7 acres total) adjacent to the cemetery that are designated as "Institutional," and one parcel (approximately 3 acres) designated as "Low Density Residential." The Institutional land use designation allows public and quasi-public land uses. These three parcels are undeveloped and serves as a buffer area between the industrial uses and cemetery uses to the west and residential uses to the south. No development is proposed on these parcels.

The San Joaquin Regional Rail Commission, et al is proposing to annex and rezone the parcels within the ACE Annexation area. The proposed maintenance buildings, shops, offices, and tracks would be developed on the areas designated by the City as Industrial, and would not conflict with the land use designations for the area. All parcels are being rezoned to be consistent with their General Plan land use designations. No other facilities are being proposed outside of the Project site. For a summary of the existing General Plan land use designations and proposed rezoning, please see Table 2 in this Addendum.

## **Utilities and Service Systems, page 61**

Revise discussions (b) and (d) of Utilities and Service Systems regarding sanitary sewer to include the following: The point of connection for the subject project is Alpine Avenue. Recent wastewater hydraulic modeling has concluded that the 15-inch sanitary sewer on Alpine Avenue is over-capacity. The owners, developers, and/or successors-in-interest will be required to submit additional information and data regarding the sewer discharge from employee facilities and toilets from trains. In addition, the project will be required to participate in a Sewer Replacement Program to upsize the sewer line from West Lane to approximately American Street (connection to the existing 24-inch sanitary sewer).

## **SUMMARY AND CEQA FINDINGS**

In summary, the analysis concludes that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Negative Declaration have occurred, and thus an Addendum to the Altamont Commuter Express Maintenance Facility Project Mitigated Negative Declaration is appropriate to satisfy CEQA requirements for the proposed project.

The following findings are provided in accordance with CEQA Section 15164 (e) concerning the decision not to prepare a subsequent Negative Declaration pursuant to Section 15162.

(1) The modification to the project description that the Project Site and surrounding parcels will be annexed to the City of Stockton and the addition of City comments/mitigation measures in the checklist are minor technical changes and none of the following conditions calling for preparation of a subsequent Negative Declaration have occurred:

(a) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(b) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(c) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous mitigated negative declaration was certified as complete or the negative declaration was adopted.

2. Only minor technical changes or additions are necessary to make the Negative Declaration under consideration adequate under CEQA. The change in the project description identifying that the project site and surrounding parcels will be annexed to the City of Stockton instead of remaining in San Joaquin County is a minor change and not substantial. The minor changes have no new or substantial impacts as identified in the Adopted Mitigated Negative Declaration (SCH # 2007102091) and discussed above, and therefore under CEQA Section 15162 a subsequent negative declaration is not warranted.

3. The changes to the Negative Declaration made by the addendum do not raise important new issues about the significant effects on the environment.

This addendum to the Altamont Commuter Express Maintenance Facility Mitigated Negative Declaration finds that actions under the proposed project (as identified in this addendum) will not result in any new significant environmental effects or result in the substantial increase of any previously identified impacts in the previous Mitigated Negative Declaration.

## **APPLICABLE REPORTS IN CIRCULATION**

This addendum is written as an addition to the Altamont Commuter Express Maintenance Facility Mitigated Negative Declaration. A copy of this document is available for review at the City of Stockton Permit Center, 345 N. El Dorado Street, Stockton, CA 95202.

## **REFERENCES**

San Joaquin Regional Rail Commission, September 3, 2008. Altamont Commuter Express Maintenance Facility Project Initial Study/Mitigated Negative Declaration.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**Altamont Commuter Express  
Maintenance Facility Project**

**San Joaquin Regional Rail Commission**

**September 3, 2008**

*Prepared for:*

San Joaquin Regional Rail Commission  
949 E. Channel Street  
Stockton, CA 95202

*Prepared by:*

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Sacramento, CA 95814

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## MITIGATED NEGATIVE DECLARATION

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**Date of Publication of Draft Mitigated Negative Declaration: September 3, 2008**

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**Lead Agency:** San Joaquin Regional Rail Commission

**Agency Contact Person:** Gregg Baxter

**Telephone:** (209) 944-6250

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**Project Title:** Altamont Commuter Express Maintenance Facility

**Project Sponsor:** San Joaquin Regional Rail Commission

**Project Contact Person:** Gregg Baxter

**Telephone:** (209) 944-6250

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**Project Location:** Adjacent to the former Western Pacific (WP) and former Southern Pacific (SP) rail lines, west of West Lane, and south of East Alpine Avenue.

**City and County:** Unincorporated San Joaquin County, surrounded by the City of Stockton

**Project Description:** The San Joaquin Regional Rail Commission (SJRRRC) maintains, and operates the Altamont Commuter Express (ACE) system, which provides commuter rail passenger service between the City of Stockton and the City of San Jose. In order to provide public transportation services, SJRRRC maintains its current ACE passenger rail fleet in the Union Pacific Railroad (UPRR) Stockton Rail Yard, which is considered a temporary facility. The proposed ACE Maintenance Facility Project (Project) includes the development of a new maintenance facility for ACE's commuter rail passenger train. The Project provides for daily inspection, maintenance, and cleaning of SJRRRC rolling stock, as well as progressive maintenance, including light and heavy repairs of passenger coaches and locomotives. SJRRRC proposes to annex and prezone the Project Site into the City of Stockton under the Industrial General (IG) zoning district and to construct a new maintenance facility on the 64-acre site previously used for industrial uses. The Project Site is currently in the County and the five parcels are zoned General Industrial (I-G) and Public Facilities (P-F). The Project Site is in the City's Sphere of Influence and has an Industrial, Institutional, and Low Density Residential General Plan land use designation. SJRRRC also proposes to make modifications to the rail line within a 9-acre UPRR parcel, which traverses the southern portion of the Project Site.

**THIS PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.** This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative Declaration), and the reasons documented in the Environmental Evaluation (Initial Study) for the Project, which is attached. Mitigation measures are included in this project to avoid potentially significant effects. They are identified on the attached Initial Study, pages 30, 31, 34, 35, 36, 42, 45, 45 and 59 and summarized below.

*BIO-1 The project applicant shall ensure that mitigation for loss of Swainson's hawk foraging habitat within San Joaquin County occurs through one of the following measures. Should measures b, c, or d be implemented, the project applicant shall ensure that an appropriate number of acres (as approved by CDFG) or agricultural land, annual grasslands, or other suitable raptor foraging habitat are preserved off site at a habitat preservation bank within San Joaquin County at a 1 to 0.5 (habitat lost to preserved) ratio.*

- a) *The Project Site is located within the boundaries of the San Joaquin County Multi-species Habitat Conservation and Open Space Plan. As such, the project applicant could seek coverage under the Plan. The site is located in a “no-pay” zone but additional fees may be required through consultation with the Plan managers and the USFWS and CDFG. Additionally, the project applicant would be required to conduct “Incidental Take Minimization Measures,” that for this site would likely include preconstruction surveys for nesting birds.*
- b) *Purchase of mitigation credits at an approved CDFG mitigation bank that is within San Joaquin County.*
- c) *Payment of a mitigation fee to a habitat development and management company, through a negotiated agreement between said company, the project applicant, and CDFG. The lands must be within 10 miles of the nearest Swainson’s hawk nest (consistent with CDFG guidelines).*
- d) *Purchase of conservation easements or fee title in San Joaquin County. This mitigation must occur within 10 miles of the nearest Swainson’s hawk nest, unless otherwise approved by CDFG (consistent with CDFG Guidelines).*

*BIO-2 Between March 1 and September 15, the project applicant shall have a qualified biologist conduct nest surveys no more than 30 days prior to any demolition/construction or ground disturbing activities that are within 500 feet of potential nest trees or suitable nesting habitat (i.e., trees, grassland). A pre-construction survey shall be submitted to CDFG that includes, at a minimum: (1) a description of the methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited and persons contacted; and (2) a map showing the location(s) of any bird nests observed on the Project Site. If no active nests of Migratory Bird Treaty Act (MBTA) covered species are identified, then no further mitigation is required.*

*If active nests of protected bird species are identified in the focused nest surveys, the project applicant shall take the following steps.*

- a) *The project applicant, in consultation with San Joaquin County and CDFG, shall delay construction in the vicinity of active nest sites during the breeding season (March 1 through September 15) while the nest is occupied with adults and/or young. A qualified biologist shall monitor any occupied nest to determine when the nest is no longer used. If the construction cannot be delayed, avoidance measures shall include the establishment of a non-disturbance buffer zone around the nest site. The size of the buffer zone shall be determined in consultation with the CDFG, but will be a minimum of 100 feet. The buffer zone shall be delineated with highly visible temporary construction fencing.*
- b) *No intensive disturbance (e.g., heavy equipment operation associated with construction, or use of cranes) or other project-related activities that could cause nest abandonment or forced fledging, shall be initiated within the established buffer zone of an active nest between March 1 and September 15.*

c) *If construction activities are unavoidable within the buffer zone, the project applicant shall retain a qualified biologist to monitor the nest site to determine if construction activities are disturbing the adult or young birds. If abandonment occurs, the biologist shall consult with CDFG or USFWS (who monitor compliance with the MBTA) for the appropriate salvage measures. The project applicant will be required to fund the full costs of the salvage measures.*

CR-1 *Research has determined that the site is highly sensitive for historic resources, therefore all construction-related earth-moving activities shall be monitored by a qualified archaeologist, with experience in subsurface historic resources. The archaeologist shall have the authority to temporarily halt construction activities. If evidence of an historical or archaeological site or other suspected cultural resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, historic glass, metal, or ceramics) are discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and SJRRC shall be notified. The monitoring archaeologist shall conduct a field investigation. SJRRC shall consult with the archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist. All data recovery or other methods shall be consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the Central California Information Center (CCIC).*

CR-2 *Should paleontological resources be identified at a particular site, the project contractor shall cease operation until a qualified geologist can examine the find and provide an evaluation. The geologist will identify and evaluate paleontological resources by intense field survey where impacts are considered high, assess effects on identified sites, consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted, obtain comments from the researchers, and comply with researchers' recommendations to address any significant adverse effects where determined by SJRRC to be feasible.*

CR-3 *If human remains (including disarticulated or cremated human remains) are discovered at any project construction sites during any phase of construction, all ground-disturbing activity 100 feet of the resources shall be halted and SJRRC and the County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the*

*specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. SJRRC shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project applicant shall implement approved mitigation, to be verified by SJRRC, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.*

*HAZ-1 Any site-disturbing and construction activities at the Project Site that occur in advance of a certificate or completion or No Further Action issued by DTSC shall proceed in accordance with a Soil and Groundwater Management Plan developed in conjunction and consultation with the DTSC. The Soil and Groundwater Management Plan, which shall be prepared by a qualified professional, shall identify specific methods for testing and evaluation of soils that may be encountered in areas not yet remediated, and for any on-site soil movement (excavation, stockpiling) or off-site transport or disposal. Extraction of contaminated groundwater (e.g., during temporary dewatering) shall also be addressed in the plan. The Soil and Groundwater Management Plan shall identify controls that will be used to ensure that grading and/or construction activities do not interfere with ongoing soil or groundwater remediation and/or long-term groundwater monitoring. A contingency plan that outlines steps that will be taken in the event previously unknown contamination is encountered shall also be included in the Soil and Groundwater Management Plan.*

*HYD-1 For all project construction elements, all reserve fuel supplies and hazardous materials shall be stored within the confines of a designated construction staging area. Use and storage of hazardous materials shall be in compliance with applicable regulations and codes, including, but not limited to, Titles 8, 22, and 26 of the Code of California Regulations, Uniform Fire Code, and Chapter 6.95 of the California Health and Safety Code. Equipment refueling and/or maintenance shall take place only within the designated staging areas, and construction vehicles shall be inspected daily for leaks.*

*HYD-2 The project applicant shall prepare a Spill Prevention Control and Countermeasures (SPCC) Plan pursuant to Title 40 of the Code of Federal Regulations Part 112 for the storage of petroleum products. The SPCC Plan shall be certified by a licensed professional engineer registered in California. The project applicant shall implement the SPCC Plan including carrying out the spill prevention and control measures established for the type of facility or operations, such as measures for containing a spill (e.g., berms). In the event that the project applicant cannot implement containment measures, the project applicant shall demonstrate that secondary containment is impracticable; conduct periodic integrity and leak testing of bulk containers and associated valves and piping; develop and incorporate a strong spill contingency plan into the SPCC Plan; and provide a written commitment of manpower, equipment, and materials required to quickly remove any quantity of oil discharged that may be harmful. In addition, the project applicant shall conduct employee training on the contents*

*of the SPCC Plan. The project applicant shall prepare and implement the SPCC Plan before beginning operations.*

*HYD-3 Prior to approval of the Project, the project applicant shall hire a licensed professional engineer registered in California to design a stormwater quality system that contains all stormwater runoff from impervious surfaces and treats the stormwater to State discharge standards for industrial operations. The system shall be designed to detain stormwater flows and volumes to meet the current flow limits in the City of Stockton's stormwater sewer system. In addition, the Project shall incorporate the BMPs suggested in the State NPDES Industrial Permit or current BATs, whichever is more effective and reliable to meet the water quality criteria to the maximum extent practicable. The system shall be designed and approved prior to approval of the construction permits.*

*TR-1 The project contractor, in coordination with the City of Stockton, the San Joaquin County Traffic Engineering Division, and local emergency services, shall develop and implement a traffic control plan for project-specific off-site improvement construction activities to reduce effects of construction on East Alpine Avenue and West Lane during utility installation and street improvement activities. Proposed lane closures during the AM and PM commuting hours shall be minimized. Lane closures shall be limited in the vicinity of the open trench. Pedestrian and bicyclists access shall be re-routed around the project area at all times. During construction, the construction area shall be secured to prevent pedestrian and bicyclists from entering the work area.*

*TR-2 In order to reduce potential roadway damage impacts, the project contractor shall implement the following measures:*

- a) Videotape the roadway and access roads prior to and following off-site improvement construction to document the existing and restored roadways;*
- b) Make temporary repairs from roadway damage as necessary during project off-site improvement construction;*
- c) Repair any damaged roadway to its original condition immediately after off-site improvement construction has been completed;*
- d) Coordinate with the City of Stockton and the San Joaquin County Traffic Engineering Division to determine appropriate routes for truck travel before beginning off-site improvement construction; and*
- e) Coordinate with the City of Stockton and the San Joaquin County Traffic Engineering Division regarding planned improvements near the maintenance facility to limit interference with the implementation of roadway improvements or trenching and other planned improvements in the project vicinity before beginning off-site improvement construction.*

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**APPENDICES**

A: Biological Resources Technical Report

## **I. BACKGROUND**

1. Project Title: Altamont Commuter Express (ACE) Maintenance Facility
2. Lead Agency Name and Address: San Joaquin Regional Rail Commission (SJRRC)  
949 E. Channel Street  
Stockton, CA 95202
3. Contact Person and Phone Number: Gregg Baxter, Director of Operations  
(209) 944-6250
4. Project Location: Adjacent to the former Western Pacific (WP) and former Southern Pacific (SP) rail lines, west of West Lane, and south of East Alpine Avenue.
5. Project Sponsor's Name and Address: SJRRC  
Gregg Baxter  
949 E. Channel Street  
Stockton, CA 95202
6. General Plan Designation: General Industrial and Limited Industrial under San Joaquin County; and Industrial, Institutional, and Low Density Residential under the City of Stockton
7. Zoning: General Industrial (I-G) and Public Facilities (P-F) under San Joaquin County
8. Description of Project: See Section V, Project Description.
9. Surrounding Land Uses and Setting: See Section V, Project Description.
10. Other Public Agencies Whose Approval is Required: See Section V, Project Description.

## II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |                                                        |                                                             |                                                 |
|--------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Services Systems    | <input type="checkbox"/> Mandatory Findings of Significance |                                                 |

## III. DETERMINATION

On the basis of this initial evaluation:

- I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the Proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR OR NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.

  
Signature

STACEY MORTENSEN  
Printed Name

09-03-2008  
Date

SAN JUAN REGIONAL RAIL COMMISSION  
For

## **IV. PURPOSE AND NEED**

The San Joaquin Regional Rail Commission (SJRRRC) manages, maintains, and operates the Altamont Commuter Express (ACE) system, which provides commuter rail passenger service between the City of Stockton and the City of San Jose. In order to provide public transportation services, SJRRRC maintains its current ACE passenger rail fleet in the UPRR Stockton Rail Yard, which is considered a temporary facility. The proposed ACE Maintenance Facility Project (Proposed Project) includes the development of a new maintenance facility for ACE commuter rail passenger trains. In February 2001, UPRR signed a Memorandum of Understanding (MOU) formally requesting SJRRRC to find an alternate site and demonstrate a good faith effort to relocate the temporary maintenance facility by securing the funds to develop a permanent maintenance facility and begin the process of right-of-way acquisition.

The construction of a new maintenance facility and the relocation of the maintenance activities from the current site are necessary because: (a) UPRR agreed to a two-year temporary lease during the start-up and the lease is now on a month-to-month basis; (b) ACE trains require complex duplicate movements between the current temporary facility and the Stockton ACE passenger station, which is extremely disruptive to UPRR and Burlington Northern Santa Fe (BNSF) mainline operations; (c) the existing UPRR shop is an antiquated freight shop that was not designed for passenger units; and (d) the current site is already over capacity with no land for expansion to accommodate additional trains.

SJRRRC's primary purpose in constructing the proposed maintenance facility is to accommodate maintenance, storage, and support services for SJRRRC's current and future fleet of passenger rail cars and locomotives. The maintenance facility will enable SJRRRC to: (a) perform routine service for the trains (inspection, fueling, sanding, replenishing water, disposal, interior and exterior cleaning); (b) perform progressive maintenance on the trains (regulatory safety requirements, scheduled inspections and preventative maintenance servicing); (c) perform running repairs (light repairs from inspection reports); and (d) perform heavy repairs (light and heavy repairs outside the normal progressive maintenance cycle). The proposed facility size and components are described below in the project description.

## **V. PROJECT DESCRIPTION**

### **PROJECT BACKGROUND**

For the past 10 years, UPRR has leased a portion of its existing maintenance facility in the Stockton Rail Yard to SJRRRC on a temporary basis. UPRR agreed to the temporary lease to allow SJRRRC time to evaluate the success and continuation of the ACE service, prior to investing in a permanent facility. UPRR approved an initial two-year lease in 1998, which coincided with the start of ACE service. Currently, SJRRRC leases the maintenance facility on a month-to-month basis.

In 2001, SJRRRC proposed a new site within the existing Stockton Rail Yard, contiguous to the land occupied by the temporary facility. The Federal Transit Administration (FTA) and SJRRRC prepared and approved a Categorical Exclusion/Notice of Exemption for the proposed relocation. On February 1, 2006, UPRR sent SJRRRC a letter formally stating that the proposed site at the Stockton Rail Yard was no longer available for development and advised SJRRRC that they would work with them to identify other potential locations. At that time, SJRRRC began looking for an alternate site location for their facility. In April 2006, SJRRRC selected a

site, located in the City of Stockton adjacent to the existing UPRR main line west of Union Street, between Park Street on the south, and East Harding Way on the north (Union Street site). This site was selected as a joint effort between UPRR and SJRRC to identify a location that was operationally acceptable to both organizations.

The Union Street site is approximately 14 acres and is located in a mixed neighborhood of existing commercial, industrial, and residential uses with the UPRR right-of-way on the west. Two buildings, the Albert Paper Company and Mid Cal Body Shop, and associated surface parking, undeveloped land, railroad tracks, concrete, and debris are present on the Union Street site. Prior to selection of the Union Street Site, SJRRC considered alternative sites, initially choosing another site approximately one half mile north at East Alpine Avenue and West Lane as the preferred site for the maintenance facility. The East Alpine Avenue/West Lane site provides improved access between the maintenance facility and the Stockton ACE Station reducing conflicts with mainline railroad operations, improved rail yard layout resulting in reduced train movements within the yard, elimination of conflicts with short line railroad operations, and improved ability to buffer maintenance operations from residential and public uses. At the time, the SJRRC was unable to acquire the site because the East Alpine Avenue/West Lane site was in bankruptcy. The Union Street site was chosen as the next best alternative site. CEQA and NEPA environmental clearance were approved for the Union Street site in April 2008. After environmental clearance was completed for the Union Street site, the East Alpine Avenue/West Lane site became available. SJRRC is pursuing the East Alpine Avenue/West Lane site (Project Site) as its preferred site.

SJRRC proposes to annex and prezone the Project Site into the City of Stockton under the Industrial General (IG) zoning district and to construct a new maintenance facility on the 64-acre site previously used for industrial uses. A discussion of the Project's proposed annexation efforts are discussed below. The Project Site is currently in the County and the five parcels are zoned General Industrial (I-G) and Public Facilities (P-F). The Project Site is in the City's Sphere of Influence and has an Industrial, Institutional, and Low Density Residential General Plan Designation. SJRRC also proposes to make modifications to the rail line within a 9-acre UPRR parcel, which traverses the southern portion of the Project Site. Construction and operation of the Project would affect approximately 73 acres.

## **PROJECT OBJECTIVES**

The objectives for the proposed SJRRC maintenance facility are presented below.

- Continue to provide maintenance of existing SJRRC rolling stock and accommodate enhanced maintenance for future projected expansion of the fleet;
- Provide for a permanent and functional SJRRC maintenance facility, replacing the temporary facility which currently operates within the Stockton Rail Yard on a month-to-month lease with UPRR;
- Provide a new maintenance facility designed to be compatible with existing surrounding uses; and
- Improve the surrounding community by redeveloping the vacant Project Site with an active site compatible with land use in the area.

## EXISTING CONDITIONS

The Project Site consists of five adjacent and adjoining parcels of land located in a “pocket” area, or island of San Joaquin County on land surrounded by the City of Stockton. The Project Site is adjacent to the former WP rail line on the west, the former SP rail line and West Lane on the east, and is south of East Alpine Avenue (see Figure 1). An at-grade crossing is at the northwest corner of the Project Site at East Alpine Avenue and the former WP rail line. The site encompasses approximately 64 acres and is vacant. (Figure 1 shows buildings on the Project Site that have been demolished). The site was historically used for agricultural and industrial uses. The majority of the Project Site was most recently used by American Moulding and Millworks (American Millworks), and the present owners have demolished the remains of the prior operation and are working on clean up of environmental contamination. Table 1 provides a summary of existing uses at the site.

**Table 1**  
**Existing Land Uses at the Project Site**

APN	Owner	General Use	Land Use Designation	Zoning	Acres
<b>Parcels East of the former WP Rail Line</b>					
117-090-01	MCD-Lazares Stockton, LLC	Undeveloped <sup>1</sup>	General Industrial (I/G)	General Industrial (I-G)	45.87
117-090-13	MCD-Lazares Stockton, LLC	Undeveloped <sup>1</sup>	General Industrial (I/G)	General Industrial (I-G)	7.65
<b>Parcels West of the former WP Rail Line</b>					
117-090-14	MCD-Lazares Stockton, LLC	Undeveloped <sup>1</sup>	General Industrial (I/G)	General Industrial (I-G)	6.75
125-360-04	MCD-Lazares Stockton, LLC	Undeveloped <sup>1</sup>	Other Open Space (OS/O)	Public Facilities (P-F)	0.39
127-212-15	MCD-Lazares Stockton, LLC	Undeveloped <sup>1</sup>	Low Density Residential <sup>3</sup>	Limited Industrial (I-L)	3.39
<b>Total Acreage for Maintenance Facility</b>					<b>64.05</b>
<b>UPRR Parcel</b>					
117-09-023 <sup>2</sup>	Union Pacific	Transportation (active rail line)	None	None	9.3
<b>Total Acreage affected by Maintenance Facility Operations</b>					<b>73.35</b>

*Sources:* County of San Joaquin and City of Stockton, 2008.

*Notes:*

1. Parcels were previously occupied by American Moulding and Millworks and are currently undergoing site clean up.
2. Modifications to the rail line during project construction would occur on this parcel.
3. According to the City of Stockton Land Use/Circulation Diagram.

The Proposed Project Site is located adjacent to a mix of uses including railroad lines, roadways, and institutional, commercial, industrial, and residential uses. Existing uses north of the Project Site include single-family residential, and Oak Park further to the northwest, which is a community park maintained by the City of Stockton.

## PROPOSED ANNEXATION

The 64-acre Project Site is comprised of five parcels that are part of larger unincorporated pocket, or island of San Joaquin County. Generally, this unincorporated island is in eastern Stockton and is surrounded by the City



Source: Google Earth Pro, basemap, 2008; PBS&J, 2008.



**FIGURE 1**  
**Project Location**



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**Table 2  
Parcels Proposed for Annexation**

<b>APN</b>	<b>Owner</b>	<b>Address</b>
<b>East Parcels</b>		
117-090-02	Ceballos, Fabian et al.	2615 West Lane
117-090-06	Borello, Leonard F. TR et al.	2509 West Lane
117-090-07	Rokoszewski, Joseph N. TR	2417 West Lane
117-090-08	Rokoszewski, Joseph TR	2413 West Lane
117-090-09	Valentine, Roger A.	2307 West Lane
117-090-15	Jimenez, Alfonso & Maria Herlinda	2517 West Lane
117-090-27	Thomas, Randall F. & Kathleen M. TR	2303 West Lane
117-090-32	Rodden, Murl R. & B J	2521 West Lane
117-100-21	Minatre, H. Leroy TR	None
117-100-22	Minatre, H. Leroy TR	None
117-100-24	Minatre, Harold Leroy TR	1233 East Ronald Street
<b>North East Parcels</b>		
117-080-01	Gallegos, Felix F. Sr. & Michelle	3000 West Lane
117-080-02	American Legion Post No 803 Inc.	3000 West Lane
117-080-05	Gilmore, Craig C.	3110 West Lane
117-080-06	Alpine Builders Inc.	1360 East Alpine Avenue
117-080-17	Johal, Dalbir	1624 East Alpine Avenue
117-080-18	Baker, Sandra Y. TR et al.	3230 West Lane
117-080-22	Tobias, Lucy L. TR	3200 West Lane
117-080-23	Calif. Water, Service Co.	3150 West Lane
<b>Cemetery Parcels</b>		
125-360-03	Stockton Woodland Maus Assn.	2365 Cemetery Lane
125-360-04	MCD-Lazares Stockton LLC	1811 Marshall Avenue
125-360-05	Casa Bonita Inc.	2330 Cemetery Lane
125-360-29	Stockton Rural, Cemetery	2350 Cemetery Lane
125-360-31	Catholic Dioceses Stockton Cemetery	None
125-360-32	Catholic Dioceses Stockton Cemetery	None
117-090-14	MCD-Lazares Stockton LLC	2000 Marshall Avenue
127-200-02	Catholic Dioceses Stockton Cemetery	719 East Harding Way
<b>Project Annexation Parcels</b>		
117-090-01	MCD-Lazares Stockton LLC	2801 West Lane
117-090-13	MCD-Lazares Stockton LLC	1240 Klinger Road
117-090-23	Union Pacific, Corporation	East Alpine Avenue
117-090-24	Union Pacific Railroad Company	Weber Grant 30
127-212-15	MCD-Lazares Stockton LLC	1811 Marshall Avenue

Sources: San Joaquin County and SJRRC, 2008.

Note: Shading indicates parcels within the 64-acre Project Site to be developed for maintenance facility operations.

of Stockton. Table 2 provides a list of 32 parcels within the unincorporated island area excluding the residential areas to north and south of the Project Site, five of which are part of the Project Site and two of which contain the adjacent former WP and SP rail lines owned by Union Pacific. These parcels are classified according to their location within the unincorporated island. As part of this project, SJRRC is pursuing annexation of the Project Site to include the remaining 27 parcels. Under this scenario, the Project proposes only to prezone parcels within the “Project Annexation” area to Industrial General (I-G), three of which will be purchased by SJRRC for the Proposed Project, and two that contain the adjacent railroad tracks. Table 2 highlights which parcels are included as part of the Project Site (“Project Annexation Parcels”).

If annexation of the entire 32-parcel island area cannot be achieved, SJRRC could pursue two options: (1) annexation of the East, Northeast, and Project Annexation parcels; or (2) pursue development of the Proposed Project within San Joaquin County and request an out of service agreement for the maintenance facility. The second option includes the City of Stockton and the San Joaquin Local Agency Formation Commission (LAFCO) requirement to subsequently annex to the City. These potential annexation efforts would all result in services to the Project Site either by the City of Stockton or by utility providers that already serve the local area and therefore, these actions would not result in additional environmental impacts. Each environmental topic under the Environmental Checklist will describe any differences that could result from either of the above actions that are pursued.

## PROJECT CHARACTERISTICS

The proposed maintenance facility (Proposed Project) provides for daily inspection, maintenance, and cleaning of SJRRC rolling stock, as well as progressive maintenance, including light and heavy repairs of passenger coaches and locomotives. Figure 2 shows the proposed site plan. There are currently 36 employees at the existing facility that work in five shifts. Shifts overlap from one to six hours, resulting in a maximum of 30 employees on site at a given time.

Table 3 presents the current employee schedule. The proposed maintenance facility will ultimately employ as many as 122 people; however, only 30 to 50 employees would be on the site at any given time.

Shift	Number of Employees on Duty
12:00 a.m. – 9:00 a.m.	1
2:30 a.m. – 11:30 a.m.	9
8:00 a.m. – 5:00 p.m.	6
11:00 a.m. – 8:00 p.m.	9
6:30 p.m. – 3:00 a.m.	20

*Source:* Herzog Transit Services, Inc., 2008.

The proposed maintenance facility includes the following major elements/areas:

- Three track outdoor service and inspection areas with pits
- Train washer – approximately 1,840 sf (equipment building only)



- Storage tracks with capacity for twelve trainsets<sup>1</sup>
- Two-track locomotive shop (two tracks to the yard and one release track within the shop) – approximately 28,550 sf
- Two-track coach shop – approximately 32,760 sf
- Two-track progressive shop/inspection area – approximately 14,180 sf
- Office and employee welfare areas – approximately 15,566 sf, two-story structure with an 8,358 sf footprint
- Stores and support shops (located between the locomotive and coach shops) – approximately 5,996 sf
- Ancillary support areas (prefabricated service island office, compressed gas storage area, fuel pump house and aboveground tank storage, dumpster area, and oil/water separator)
- Parking and internal roadway system – Parking will be located in two areas on site. The main entrance for employees and trucks and visitors will be off East Alpine Avenue. The internal roadway will accommodate trucks for the purposes of delivery and removal of material from the reclamation system.
- Fire Department access roads – access for emergency vehicles will be provided off East Alpine Avenue and on the site per the internal roadway system described above.

An 8-foot-high chain link fence is proposed to secure the site and provide controlled employee access. Modification to the existing signaling along the former WP rail line to accommodate vehicles entering or exiting the Project Site may be required. Existing access in and out of the Project Site would be upgraded. ACE's current rail fleet includes four trainsets. A standard ACE trainset is comprised of one locomotive and up to six cars. Provisions would be made to accommodate future trainsets with eight cars. The proposed maintenance facility will accommodate potential future growth of up to twelve trainsets. The Project provides the facilities for ACE to perform the following major functions: dispatching of trains (including provision for locker rooms, lounge areas, and reporting areas for train crews; storage of railcar equipment and locomotives); daily servicing of equipment (including fueling, sanding, daily Federal Railroad Administration (FRA) inspection, layover cleaning, and toilet servicing); periodic inspection work; running repairs; and unscheduled repairs.

## **Building Design**

The basic building configuration and massing proposed for the maintenance facility is dictated by the type of activity that would occur in the building. Generally, the buildings will be pre-engineered steel with concrete or masonry panels approximately 10 feet in height with non-reflective metal wall panels above. Total building height will be approximately 40 to 45 feet.

Artificial lighting will be required to perform the proposed activities. The Project includes interior lighting and exterior lighting in employee parking areas and in the fueling and sanding track area. Low-level lighting will

---

<sup>1</sup> A trainset is a group of rolling stock rail vehicles that is permanently or semi-permanently coupled together to form a unified set of equipment. Trainsets are also known as consists.

also be located near the storage tracks and in switching areas. The fueling and sanding track will have 30-foot-high light poles with enclosed 1,000-watt metal halide fixtures providing 20 foot-candles of lighting intensity. The access roadway and parking areas will have similar lighting fixtures, but will emit an average of 1.5 foot-candles of lighting intensity. All lighting would be designed to prevent spillover lighting into adjacent areas to ensure that project operations do not create nuisance.

## Overview of ACE Service

ACE currently operates eight revenue trains Monday through Friday. Trainsets are dispatched from the yard from 3:10 a.m. to 9:00 a.m. and return to the yard from 2:30 p.m. to 8:15 p.m. ACE operates 19 Bi-Level Trailers, 9 Bi-Level Cab Cars (including one spare), and 6 Diesel-Electric Locomotives (including one rotational maintenance unit and one protect unit). Table 4 presents additional information on ACE’s fleet specifications.

Model Year	Manufacturer	Total Vehicles
1998	Bombardier	8 Rail Cars
2000	Bombardier	12 Rail Cars
2003	Bombardier	4 Rail Cars
1998	Motive Power Industries	3 Locomotives
2001	Motive Power Industries	2 Locomotives
2007	Motive Power Industries	1 Locomotive
2008	Bombardier	4 Rail Cars

*Source: SJRRC, 2008.*

ACE’s weekday service operates with four trainsets:

- One trainset with one locomotive, two trailers, and one cab car;
- One trainset with one locomotive, four trailers, and two cab cars; and
- Two trainsets with one locomotive, three to four trailers, and one to two cab cars.

The remaining equipment provides rotational maintenance units which are available for daily protection to the service. The equipment servicing, maintenance, repair, and primary cleaning activities are performed at the ACE maintenance facility between 8:00 p.m. and 4:00 a.m. during revenue service (i.e., at night).

## Proposed Operations

The design of the Project is based on the following operating scenario:

- Trains in the evening will enter the yard from the south and proceed to one of the two exterior service and inspection tracks or go through the train washer prior to servicing. Contractors will fuel trains

twice per week, top off fluids, dump toilets, and replenish water levels on passenger cars, locomotives, and cab cars.

- The typical trainset will consist of one locomotive and six bi-level coaches operated as push pull trainsets with the locomotive positioned on the south end.
- If a locomotive change out is programmed to occur, the locomotive will be cut out at the service island and swapped with a replacement unit.
- The Progressive Maintenance Track will be used to perform preventative programmed maintenance on the equipment, including the daily inspections. Equipment on the Progressive Maintenance Track is assumed to remain for one shift.
- The Inspection Tracks will be used for daily inspections, interior cleaning and light repairs. Equipment will remain on the track until inspections are completed, which generally takes less than two hours.
- Based on the amount of equipment required, the trainsets will be moved off the Inspection Tracks to the South Lead Track and reversed into the Storage Yard for morning dispatch. The last trains received and the equipment spotted on the Progressive Maintenance Track will be dispatched from the Progressive Maintenance and Inspection Tracks.

## **Maintenance Plan**

**Daily Inspection and Servicing.** Upon completion of each service day, each trainset will be cycled into the proposed maintenance facility where initial servicing is performed. Trains run through the train wash up to several times per week, or as required for any special event trains. Regular train service includes fueling, filling of sand boxes, emptying of toilet tanks, and replenishing of fluids, supplies, and consumables (including train crew supplies) as needed. These activities will be performed at the Service and Inspection and Progressive Maintenance tracks, from 6:30 p.m. through 4:00 a.m.

Trainset movement and equipment switching is performed using either train crews and/or qualified maintenance personnel. Prior to performing any work, blue flag protection is provided for the safety of the personnel working on, about, or under the equipment.

Daily inspection activities include:

- Engine audio/visual inspection for abnormal noises or leaks;
- Bottom deck inspections of wheels, trucks, brake shoes, running gear, and safety appliances;
- Inspections of car body exterior, exterior mounted system components and trainlines;
- Cleaning of locomotive windows and cab;
- Cleaning of control car cab windows and cab;
- System operational integrity checks of doors, lighting, communications, HVAC, control functions, restroom facilities and handicap ramp and accommodations;

- Daily repair items;
- Initial terminal brake tests; and
- Testing and downloading of data as required.

Daily cleaning activities include:

- Sweeping aisles and bagging refuse;
- Wiping windows with window cleaner;
- Cleaning window sills, arm rests, and heater boxes;
- Removing gum and other adhesives from upholstery and floor;
- Mopping floors;
- Replacing seat cushions as required;
- Brushing seats and seat backs;
- Removal of graffiti from interior panels, fittings, ceiling, and seats;
- Cleaning drinking fountains;
- Cleaning door tracks;
- Cleaning stairs;
- Cleaning control cab area;
- Vacuuming;
- Picking up newspapers and all litter;
- Removal of torn advertising placards, damaged or expired public notices, unauthorized stickers/posters (including tapes and adhesives) and other unsightly items; and
- Removal of handprints, footprints, and other indications of maintenance personnel activities.

Restrooms are serviced nightly to ensure that the facilities are clean, hygienic, and free of odors. Specific restroom servicing activities include:

- Inspecting and necessary repairs of fixtures, including drinking fountains;
- Cleaning, buffing, and waxing floor covering;
- Evacuating and flushing of the retention tanks;
- Providing biocide to the system;
- Cleaning and sanitizing all surfaces, including mirrors;

- Replenishing supplies in restroom and at drinking fountain; and
- Filling storage tanks with potable water.

Daily repairs, adjustments, and renewals are promptly accomplished to minimize the time that coaches, control cars, and locomotives are unavailable for service.

**Preventative and Periodic Maintenance.** Preventative/periodic maintenance work is scheduled to maximize equipment availability. These activities are performed with the trainset intact to the greatest extent possible primarily on the progressive maintenance and repair tracks. Preventative and periodic inspections include:

- Scheduled preventative maintenance programs for cars and locomotives to identify potential component defects prior to actual failure. Preventative maintenance activities are performed on the following schedule:
  - Monthly cycle for cars, numbered inspections 1-12 at six hours per car per month; and
  - 46 day cycle for locomotive and control car preventive maintenance at 43 hours for locomotives and four hours for cars.
- Scheduled periodic maintenance programs for cars and locomotives that meet or exceed all regulatory requirements. These regulatory maintenance activities include:
  - 49 Code of Federal Regulations (CFR) required 92 (8 hours), 184 (12 hours), 368 (24 hours) and 1104 (122 hours) day periodic maintenance for control cars, including the air brake;
  - Cars requiring quadrennial air brake maintenance (122 hours);
  - Modifications and/or minor overhaul of cars;
  - 49 CFR required 92 (64 hours), 184 (88 hours), 368 (114 hours) and 1104 (172 hours) day periodic maintenance for locomotives, including the air brake. This includes detailed engine, rotating electrical, primary and ancillary systems inspections with performance testing and adjustment;
  - Interior and exterior cleaning and detail of entire locomotive, including locomotive car bodies, fuel tanks, engine rooms and trucks, to be performed prior to periodic maintenance inspections (8 hours); and
  - Modification and/or minor overhauls of locomotives.

ACE anticipates that as much repair work as possible will be performed on site, as permitted by facility capabilities and other maintenance duties. This includes minor touch-up painting of the equipment. However, ACE will perform most major repairs related to structural/body damage and major engine damage at an alternate facility.

**Periodic Coach and Control Car Cleaning.** The list below outlines the various levels of cleaning, how often actions are performed, and how long these activities take as a group. For example, the quarterly cleaning includes the two activities listed below, and takes approximately nine hours to complete.

#### Quarterly Periodic Cleaning (9 hours)

- Pressure wash locomotive trucks and undercarriages
- Clean engine air box and compartments

#### Bi-annual Periodic Cleaning (126 hours)

- Pressure wash car trucks and undercarriages
- Hand detail of locomotive and car exterior car bodies, including ends, stepwells, door pockets, side skirts, under car boxes, and safety appliances
- Wash ceilings, sidewalls, bulkheads, seat frames, heater boxes and light fixtures using approved cleaning fluid and/or detergent
- Shampoo carpets to ensure the removal of all stains, spots, absorbent and foreign material
- Clean upholstery, fabrics, and textiles, including removal of stains, grease, absorbent, and foreign material on seat headrests
- Clean all rubber and tile flooring
- Vacuum and clean car body interior compartments, equipment lockers, and door pockets

#### Annual Periodic Cleaning (18 hours)

- Drop ceiling panels and blow out car thoroughly, including heater boxes
- Wash and polish interior stainless steel, chrome, and aluminum surfaces
- Clean HVAC ducts

### **Unscheduled Repairs**

ACE performs unscheduled repairs as required in the most efficient manner possible. Unscheduled repairs will be performed primarily on the progressive maintenance and repair tracks. At the proposed maintenance facility, ACE will perform as many of the repairs as possible with the trainset intact. This increases equipment availability and decreases unproductive switching of equipment. ACE determines the need for unscheduled repairs from inspections, crew reports, internal audits, oil analyses, regulatory audits, and road failures. Unscheduled repairs often include the following:

- Car repairs that include wheel set change outs, overhauls, mechanical and electrical repairs, interior work, body work, repair or replacement of couplers, doors, brakes, and air conditioning units.
- Locomotive repairs that include wheel traction motor change outs, truck repairs, mechanical and electrical repairs, replacement of couplers, brakes, engine, or electrical components including turbochargers, power assemblies, and Head-End Power packages.
- Car body restorative painting.

## Types of Activities by Area

**Train Washer.** ACE will use the proposed train washer area for the exterior cleaning of the trains.

**Runaround Track.** The runaround track will allow trains that do not need maintenance to bypass the service areas and continue on the track uninterrupted.

**Progressive Maintenance Track.** The Progressive Maintenance Track will be used for preventative, regularly scheduled maintenance, unscheduled running repairs, heavy duty interior cleaning, collision repairs, and wheel reprofiling work (i.e., wheel truing). All equipment will be serviced at night.

**Coach and Locomotive Shops.** The coach shop will be used for all heavy duty interior cleaning, preventative maintenance, three-year air brake change-out work, required inspections, and repairs that could not be accomplished during the normal service interval on the progressive service track. The area includes four coach spots.

The locomotive shop will be used for all preventative maintenance, unscheduled running repairs, major repairs, collision repairs, and component change-out work on the locomotives. The area includes three locomotive spots.

The coach and locomotive shops area will also accommodate sub-component maintenance and repair functions, such as minor truck repair work, component cleaning, assembly of sub-components, minor parts painting, and sheet metal/machine shop activities.

**Offices.** The first floor of the future office area will be the employee area. The second floor will contain office areas, which will also provide clerical spaces and a file room for repair records and FRA-mandated inspection records.

**Chemical Use.** Acid/alkaline bulk chemicals will be used for the train wash system. These bulk chemicals will be replenished two times per year and treated through the train washer reclamation system, which will be part of the train washer area. ACE also uses a parts cleaning solution service, which disposes of old solutions when needed. The service includes a parts cleaning station. When new chemicals are needed, the service provider removes the used chemicals, replenishes with new fluids, and disposes of waste.

In addition, biocide is used for the train toilets. The biocide is emptied into the sewer system and a new supply is provided quarterly. ACE uses bulk lubricants, which are supplied quarterly and recycled after use. The remaining chemicals used at the maintenance facility will include aerosol cleaners, lubes, and bulk cleaning solutions similar to common household cleaning agents. These products are supplied at least monthly.

## OFF-SITE IMPROVEMENTS

Some off-site improvements would be required to accommodate the Proposed Project, including water supply and sewer system tie-ins, utility relocations, and street improvements. These off-site improvements are discussed below.

**Water and Sewer Improvements.** The Project Site would be served by the California Water Service Company-Stockton District, which provides water supply to the City of Stockton. The water tie in for the Project will be on an existing 24-inch water supply line located on East Alpine Avenue, just to the north of the Project Site. The Proposed Project will also be connected to the City of Stockton's sanitary system. Depending on the location of these tie-ins along the adjacent roadways, these water and sewer system improvements may require excavation and land closures due to trenches and construction activities within the roadways.

**Utility Relocations.** The Proposed Project may require relocation of electricity poles at the northern boundary of the Project Site where the Project proposes to construct a "free" right-hand turn lane on to south-bound West Lane from east-bound East Alpine Avenue. The proposed relocations will be along the northeast boundary of the Project Site and could be completed without disruption to traffic flows.

**Street Improvements.** The Project will include the addition of a "free" right-hand turn lane onto to south-bound West Lane from east-bound East Alpine Avenue. In order to access the Project Site from East Alpine Avenue, the Proposed Project will be required to lengthen the left hand (inbound) turn lane from west-bound East Alpine Avenue to the Project Site. Improvements to West Lane are unknown at this time, since a grade separation is planned along the eastern Project Site boundary and West Lane, and this improvement will be coordinated between the City of Stockton and SJRRC.

## **CONSTRUCTION SCHEDULE**

Construction of the Project is expected to last approximately 24 months. Construction is expected to begin in September 2009. Construction activities will begin with clearing the existing site, rough grade of the site, and any required drainage improvements. Concurrently, excavation and foundation work will be completed for the locomotive shop, preventative maintenance area, track installation, and the service and inspection areas. Following completion of the foundation work, the framing, roof, and siding would be erected. Final stages of construction will include the interior building work, and landscaping.

## **REQUIRED PERMITS AND COORDINATION**

The Project is subject to the California Environmental Quality Act (CEQA), and the SJRRC is the lead agency for the project. As such, SJRRC must oversee environmental review of the project under CEQA, prior to approving the project. SJRRC recognizes the need for a close relationship with the San Joaquin County (County) and the City of Stockton (City) and wishes to pursue the planning and environmental review of the project in such a way that SJRRC, the County and the City can agree that the project would be of overall community benefit and that all reasonable efforts to avoid significant environmental effects have been made. Towards this end, SJRRC would comply with regulations regarding site planning and constructions, observing such ordinances as the County and City's noise regulations and provisions of the County and City's stormwater sewer system discharge permit.

The Project also requires funding support from the FTA and the Federal Railroad Administration (FRA), which require compliance with the National Environmental Policy Act (NEPA). FTA is preparing a Categorical Exclusion, in compliance with the requirements of NEPA.

The following approvals and permits would be required by other public agencies:

- Approval of annexation of the Project Site into the City of Stockton by the San Joaquin County LAFCO.
- Approval of a General Plan amendment and approval of pre-zoning of the Project Site by the City of Stockton.
- Building permit for the maintenance facility from the City of Stockton Building Division or the San Joaquin County Building Inspection Division.
- National Pollution Discharge Elimination System permit from the Regional Water Quality Control Board.
- Incidental Take permit if the Project chooses to participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP).

## VI. ENVIRONMENTAL CHECKLIST

### INTRODUCTION

The following Checklist contains the environmental checklist form from Appendix G of the CEQA Guidelines. The checklist form is used to identify the impacts of the Project. A discussion follows each environmental issue identified in the checklist to provide an explanation for how the checklist was filled out. Included in each discussion are project-specific mitigation measures, where appropriate, to reduce potentially significant impacts to less than significant.

For this checklist, the following designations are used:

**Potentially Significant Impact:** An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

**Less than Significant With Mitigation Incorporated:** An impact that requires mitigation to reduce the impact to a less-than-significant level.

**Less-Than-Significant Impact:** Any impact that would not be considered significant under CEQA based on established significance thresholds.

**No Impact:** The project would not have any impact.

### 1. AESTHETICS

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion

**a, b. No Impact.** There are no identified scenic vistas, resources, or scenic highways in the project area.<sup>2</sup> The Project Site is currently within an urbanized and built-up area along the former WP and former SP rail lines in an unincorporated island within the jurisdiction of San Joaquin County but completely

<sup>2</sup> California Department of Transportation, Officially Designated Scenic Highways, [www.dot.ca.gov/hq/LandArch/scenic/schwy.htm](http://www.dot.ca.gov/hq/LandArch/scenic/schwy.htm), accessed July 17, 2008.

surrounded by the City of Stockton. The views in the project area are limited, because of the flat terrain and the number of service commercial, industrial, and residential buildings that preclude long-range views. The views are largely close-up and typically reflect the urban character of the surroundings, which do not include visual resources, such as significant landforms, rock outcroppings, historic resources, or architecturally or visually distinctive buildings. There are no scenic vistas in the project vicinity. There are no highways or freeways adjacent to the Project Site, only local roadways. No roadways adjacent to the Project Site or in the vicinity are designated scenic routes or state scenic highways. Therefore, the Project would have no impact on scenic vistas or scenic resources.

- c. **Less-than-Significant Impact.** Observations of the Project Site were made during a site visit by PBS&J staff on July 2, 2008. The project area is characterized by flat topography and is surrounded by urbanized land along two railroad tracks, located to the west and east. Surrounding uses include some industrial areas including warehouses and a car maintenance business to the east, residential to the south and north, and a cemetery to the west. Some warehouses are approximately two to three stories in height and are located directly adjacent to the Project Site, also west of West Lane near the southern portion of the site. Views from the Project Site beyond the warehouses are blocked. Several other one to two-story warehouses and a car maintenance business are located on the opposite side of West Lane. Many of these structures are surrounded by chain link fencing and parking lots. Since the area is generally flat, these structures on the east side of West Lane block views beyond from the Project Site. The residential structures located to the north and south of the Project Site are all one-story single-family residences with front yards and mature trees. Again, the flat nature of the surrounding area does not allow views from the Project Site beyond these structures with the exception of some tree tops and a water tower to the south. Oak Park, a community park maintained by the City of Stockton, is also located near the northwest corner of the Project Site on the opposite side of the former WP tracks. The Project Site itself is currently undeveloped with no structures located onsite. The Project Site contains ruderal (weedy) vegetation, several gravel and concrete pads, and gravel roads, which are likely associated with former milling activities that occurred at the site previously. The site also contains two large basin areas that were used as holding ponds during milling activities; these areas were observed both during the July 2, 2008 site visit and in aerial photographs of the Project Site, which show that these basins were present prior to the demolition of the American Millworks structures. In addition to these large basin areas, several deep pits that were not present in the aerial photographs were observed on the Project Site during the July 2, 2008 site visit. Site observations indicate that these pits were probably dug during the demolition of the former American Millworks structures that were located on the site, and according to the project applicant, these pits were used as detention basins. One of the pits in the southern portion of the Project Site is filled with large quantities of debris, including burned areas, indicating that this pit has been used for burning debris in the past.

The cemetery located to the west of the Project Site contains large mature trees, some of which screen many of the views into the cemetery from the Project Site; however, the cemetery grounds are visible from certain areas of the Project Site. The park located across from the northwest corner of the Project Site also contains mature trees, but only the tops of trees are visible from the Project Site. The Project Site is not visible from the park due to the raised grade of the former WP tracks located between the Project Site and the park.

Figure 3 represents the general visual character of the Project Site and vicinity. The area around the Project Site is generally built out and precludes medium- and long-range views except along the Project boundaries that align with East Alpine Avenue, West Lane, and the former WP and former SP rail lines. These views include typical views from within the Project Site, including a view of the area that would be developed with the majority of the structures and uses associated with the Project. Surrounding features are primarily low rise buildings, street trees, and roadways.

Temporary construction activities associated with the Project would involve the use of heavy equipment. Construction activities would be visible from public roadways and surrounding commercial and industrial establishments and residences. Views of the project construction would be temporary. Project construction is expected to take approximately 24 months. Due to the short-term, temporary nature of construction activities, potential visual effects associated with project construction are considered less than significant.

Permanent changes in the appearance of the Project Site and vicinity would result from the construction of maintenance/office buildings and shops and the installation of additional freight and storage tracks on the Project Site. As described above, existing views of the area around the Project Site include some warehouses, a car maintenance business across West Lane, some residential to the south and north, and mature trees located within the cemetery. Views beyond these uses are precluded due to the flat nature of the Project Site.

The Project would add new buildings typical of the existing urban landscape in this area. Generally, the buildings would be pre-engineered steel with concrete or masonry panels approximately 10 feet in height with non-reflective metal wall panels above. Total building height would be approximately 40 to 45 feet. The mass and heights of these buildings would be similar to those of the surrounding light industrial and service commercial buildings. Views onto the Project Site would be consistent with the surrounding industrial areas and would not really be very distinguishable from the warehouses and industrial businesses. The more developed portions of the Project Site would be located closer to the southern central portion of the Project Site, near the adjacent warehouses located west of West Lane, so they would be separated from the residential uses. In general, the Project would improve the visual character of the site by eliminating the vacant area that is currently littered with debris and weedy vegetation. The addition of more rail tracks would not alter the visual appearance substantially since the site already contains rail lines. Therefore, the Project's impact on the visual character of the area would be less than significant.

- d. Less-than-Significant Impact.** The Project Site is currently undeveloped, although active railroad tracks traverse the southwest portion of the Project Site as well as some areas of impervious surface in the form of concrete and gravel pads are within the Project Site. Existing nightlight and glare on the Project Site is minimal and is primarily cast by trains passing through the site on the existing tracks. Existing nightlight and glare in the surrounding area is cast by roadway light fixtures, vehicle headlights, and other outdoor lighting from the surrounding commercial and industrial businesses.

The proposed ACE maintenance facility would introduce new overhead lights, safety lighting at new surface parking areas, and buildings that would be occupied and lit at night. Specifically, the Project would require interior lighting and exterior lighting in employee parking areas and the fueling and



**Photo 1** Faces south from the northern boundary of the Project Site near East Alpine Avenue. Both the east and west train tracks are visible at the edges of the Project Site. The large stand of trees to the right shows the location of the cemetery.



**Photo 2** Faces south from the area where the majority of the maintenance facility structures would be located, with a warehouse located to the east.

Source: PBS&J, 2008.



FIGURE 3  
**Views of the Project Site**

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sanding track area. Low-level lighting would also be located near the storage tracks and in switching areas. The fueling and sanding track would have 30-foot light poles with enclosed 1,000-watt metal halide fixtures providing 20 foot-candles<sup>3</sup> of lighting intensity. The access roadway and parking areas would have similar lighting fixtures, but would emit an average of 1.5 foot-candles of lighting intensity. Existing nighttime views in the project vicinity are limited, so that introduction of new lighting from the Project would not significantly detract from existing nighttime views. Moreover, facilities that would require the most lighting would be located near the interior of the Project Site and directed away from residential neighbors so residences in the surrounding area would be separated by approximately 1,200 feet to the north and 1,000 feet to the south. In addition, the existing residential neighborhoods currently have nighttime lighting from street lights, the addition of new light sources from the Project, which would be from a considerable distance from the residences, would not add a substantial amount of new light to the nighttime views. The Project would not be considered to significantly affect the day or nighttime views in the project area. The introduction of new buildings and surface parking areas could cause glare from reflected sunlight off building surfaces, primarily windows, and windshields of parked automobiles. However, such reflection would not be adverse because of the relatively small amount of potential glare from the new maintenance facility would likely be similar to other commercial and industrial uses in this area, which are not known to affect motorists or other public viewers. Accordingly, the Project would have a less-than-significant light and glare impact.

## 2. AGRICULTURE RESOURCES

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non- Agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

**a-c. No Impact.** Based on a review of maps and aerial photographs of the project area and site visits by PBS&J, the Project Site is not on or in the vicinity of farmland or agriculturally active land.

<sup>3</sup> A foot-candle is a unit of high intensity that represents the illumination given off by a single candle at a distance of one foot; therefore, 20 foot-candles would be equivalent to the intensity of light given off by 20 candles at a distance of one foot from a surface or object.

According to the Farmland Mapping and Monitoring Program map,<sup>4</sup> the Project Site is designated as Urban/Built-Up land. The Project Site is zoned for industrial uses, which do not provide for agricultural-related activities. The Project Site is not on land that is currently under a Williamson Act contract.<sup>5</sup> Therefore, the Project would have no impact on agricultural resources.

### 3. AIR QUALITY

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable Air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a non- attainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Discussion

- a. **Less-than-Significant Impact.** Within the project area, air quality is monitored, evaluated, and regulated by federal, state, regional, and local regulatory agencies and jurisdictions, including the United States Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and the San Joaquin Valley Air Pollution Control District (SJVAPCD). EPA, CARB, and SJVAPCD develop rules and/or regulations to attain the goals or directives imposed by legislation. Both state and regional regulations may be more, but not less, stringent than federal regulations. The CARB establishes state ambient air quality standards and motor vehicle emission standards, conducts research, and oversees the activities of regional Air Pollution Control Districts and Air Quality Management Districts. Ambient air quality standards are established for criteria pollutants, which include ozone, carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter, and lead. Reactive organic gases (ROG) and nitrogen oxides (NO<sub>x</sub>) are also regulated as criteria air pollutants because they are precursors to ozone formation. With regard to particulate matter, air quality standards have been adopted for suspended particulate matter less than ten microns in diameter (PM<sub>10</sub>) as well as for smaller respirable particles that are 2.5 microns in diameter or less (PM<sub>2.5</sub>). The San Joaquin Valley Air Basin, which includes the City of Stockton, is designated as nonattainment for

<sup>4</sup> California Department of Conservation, Farmland Mapping and Monitoring Program, 2006 data.

<sup>5</sup> San Joaquin County, San Joaquin County District Viewer, [sjmap.org/website/DistrictViewer/MapFram.htm](http://sjmap.org/website/DistrictViewer/MapFram.htm), accessed June 12, 2008.

federal and state 8-hour ozone, state 1-hour ozone, state and federal PM<sub>10</sub>, and the federal and state PM<sub>2.5</sub> standards.

To comply with the California and federal Clean Air Acts, SJVAPCD prepared the *PM<sub>10</sub> Attainment Demonstration Plan*, which is intended to bring the Air Basin into compliance with PM<sub>10</sub> standards. CARB has developed the *1-hour Extreme Ozone Attainment Demonstration Plan* to bring the region into attainment for the federal 1-hour ozone standard and is in the process of developing a plan to bring the region into compliance with the federal 8-hour ozone standard.

Construction activities associated with the Project would include construction of buildings, construction/relocation of tracks, grading, and paving. These construction activities would result in temporary emissions of fugitive dust (measured as PM<sub>10</sub>). The Project would be required to comply with the SJVAPCD Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions, which include implementation of PM<sub>10</sub> control measures. Refer to the description under Item b, below, for control measures.

The Project would also result in temporary emissions of NO<sub>x</sub> and ROG from diesel fumes associated with operation of construction equipment during the construction phase. As discussed under Item b, below, because construction activities associated with the Project would not be expected to exceed the SJVAPCD's annual emission threshold for NO<sub>x</sub> and ROG, the Project would result in a less-than-significant construction air quality impact.

As discussed under Item b, below, the Project may result in new trip generation as the Project would be able to accommodate up to 122 employees on site. Trips generated by the Project would be below the SJVAPCD thresholds for a significant air quality impact. Therefore, no significant air quality impacts due to vehicular emissions are anticipated. The new maintenance facility would also relocate idling trains from the previous maintenance facility to the Project Site. Because the project replaces an existing facility, it would not substantially increase the number of idling trains in the region. As a result, the new maintenance facility would not substantially increase regional emissions such that it conflicts with implementation of the particulate matter and ozone attainment plans.

As summarized above and discussed under Item b, below, the Project would not be expected to result in significant emissions of ozone or ozone precursors, or particulate matter. Therefore, the Project would not conflict with or obstruct implementation of the air quality plans to bring the Air Basin into attainment with state and federal standards.

- b. Less-than-Significant Impact.** The Project would generate short-term air emissions associated with demolition and construction activities. Fugitive dust (measured as PM<sub>10</sub>) emissions resulting from the Project would be generated during construction activities. Dust and equipment exhaust generated by construction activities can pose a nuisance to nearby receptors. Therefore, dust emission would be a potentially significant impact on a localized level. However, the Project would be required to comply with SJVAPCD Regulation VIII which calls for implementation of dust control measures during construction activities, such that the visible dust emissions (VDE) are reduced to 20 percent opacity. SJVAPCD Regulation VIII also requires the Project to comply with the conditions for a stabilized surface area when applicable. The Project would implement the following requirements of SJVAPCD Regulation VIII:

- All disturbed areas, including storage piles, which are not being actively used for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp, or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions using application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

Compliance with the above regulations would minimize emissions of PM<sub>10</sub> associated with the proposed construction activities to a less-than-significant level.

Emissions of NO<sub>x</sub> and ROG from diesel fumes associated with operation of construction equipment would also be generated during the construction phase. The SJVAPCD has determined that construction emissions from diesel fumes may cause a significant air quality impact if they would exceed the SJVAPCD thresholds for NO<sub>x</sub> and ROG of 10 tons per year. The SJVAPCD indicates that this would only occur in cases of very large or very intense construction projects. The Project would be within the limits of the SJVAPCD's Small Project Analysis Level (SPAL), which means the Project is not considered to be very large or very intense. Accordingly, the Project would not be expected to exceed the SJVAPCD's annual emissions thresholds of 10 tons per year for NO<sub>x</sub> and ROG, and this impact would be considered less than significant.

The Project is a replacement facility for an existing maintenance facility in Stockton. ACE would continue to perform similar maintenance activities on the existing trains in the new location. Existing operational emissions associated with the maintenance of the trains, such as idling of the train engines

during service and repair, would continue under the Project. Therefore, the project would not increase the regional emissions from trains. The Project would also allow for future expansion of services at the new location that are not available at the current location. The Project would be sized to accommodate a maximum of 122 employees compared to the 36 existing employees. This additional capacity would potentially generate new auto trips associated with increased employment. There would be an increase in the emissions of NO<sub>x</sub>, ROG, and CO in the project vicinity due to increased on-site vehicle activity and diverted trips within the project area. However, this project would not exceed the SJVAPCD's SPAL trip generation threshold of 1,506 vehicle trips for industrial land uses. Therefore, the project-related increase in vehicle trips would not be expected to result in a significant increase in regional emissions such that the Project would result in emissions in excess of the SJVAPCD's annual emissions thresholds for NO<sub>x</sub> and ROG. As a result, air quality impacts from construction and operational activities at the proposed ACE maintenance facility would not be expected to violate air quality standards or substantially contribute to an existing or projected air quality violation.

- c. **Less-than-Significant Impact.** Construction of the Project would temporarily increase air emissions in the San Joaquin Valley Air Basin, which is designated as non-attainment for federal and state 8-hour ozone, state 1-hour ozone, federal and state PM<sub>10</sub>, and the federal and state PM<sub>2.5</sub> standards. For the purposes of this analysis, the cumulative context is San Joaquin Valley Air Basin. Projects proposed for construction from 2009 to 2011, combined with the Project, could have cumulatively significant impacts. Individually, however, the Project would temporarily increase PM<sub>10</sub> emissions during construction activities. These dust emissions would be a potentially significant impact; however, the project would comply with SJVAPCD Regulation VIII, which would reduce the project construction dust emissions to less than significant. Emissions of NO<sub>x</sub> and ROG from diesel fumes associated with operation of construction equipment would also be generated during the construction phase. As described under Item b, above, the Project would not result in significant NO<sub>x</sub> and ROG emissions during construction or operation. Therefore, compliance with SJVAPCD regulations on dust control would reduce the project's contribution to less than cumulatively considerable, resulting in a less-than-significant cumulative air quality impact.

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated as a driving force for global climate change. Climate change is commonly used interchangeably with "global warming" and the "greenhouse effect." Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere. Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

It is expected that the Proposed Project would result in short-term GHG emissions from the combustion of fuel during construction and long-term GHG emissions from local traffic increases (mobile sources). However, the Proposed Project is transit maintenance facility that is intended to reduce regional vehicle trips associated with passenger cars along freeways and surrounding roadways. The Proposed Project would also replace existing maintenance activities at the Stockton Rail Yard; therefore, the Project's

incremental increase associated with increased traffic in the project vicinity would not contribute to regional and global GHG emissions and associated climate change effects. The Proposed Project would also accommodate trainsets with up to eight cars and accommodate growth of up to twelve trainsets, which would increase transit capacity and would contribute to a reduction in GHG emissions associated with vehicles. Because of this, the Proposed Project would not be expected to result in a net increase in GHG emissions on a regional level. Neither the SJVAPCD nor any other agency has adopted significance criteria or methodologies for estimating a project's contribution of GHGs or evaluating its significance. However, no individual development project, such as the Proposed Project, could, by itself, generate sufficient emissions of GHGs to result in a significant impact in the context of the cumulative effects of GHG emissions. Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, requires CARB to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions). It is also important to note that future state actions taken pursuant to AB 32, including requirements for lower carbon-content in motor vehicle fuels, improved vehicle mileage standards, and increased share of renewable energy in electricity generation will also serve, in time, to further reduce GHG emissions related to the Proposed Project. Therefore, project effects on GHG emissions would be less than significant.

- d. **Less-than-Significant Impact.** The Project Site is within a primarily industrial area; however, there are residential uses north and south of the Project Site. Because the Project is a train maintenance facility, the project would result in the idling of diesel engines at the Project Site for service and repair of the engines. This would result in an increase in diesel particulate matter emissions in the project vicinity. The CARB has released its *Air Quality and Land Use Handbook: A Community Health Perspective* (April 2005) as an "informational guide" to prioritize the important sources of toxic air contaminants and reduce exposures to proximate populations. Among the important sources of diesel particulate emissions identified in the report are major service and maintenance rail yards, and it recommends that no new residential uses be located within 1,000 feet of such facilities. The CARB handbook recommendation is based on an evaluation of a major rail yard in Roseville with over 30,000 locomotives visiting annually. ACE currently operates four locomotives; therefore, in light of the limited train activity that would be expected under the Project, the effects of the diesel particulate emissions from future operations on the Project Site are not expected to significantly affect proximate sensitive land uses, such as the residential areas to the north and south of the Project Site.
- e. **Less-than-Significant Impact.** While the Project Site is in a primarily industrial area, businesses, residents, and other receptors close to the Project Site may experience occasional odors from diesel equipment exhaust during construction. Operation of the Project would also generate occasional odors from diesel engine exhaust during maintenance activities. This effect would be intermittent and contingent on prevailing wind conditions. The generation of diesel exhaust is not generally considered to be a prime source of odor. Also, the generation of diesel odors would be short-term and periodic. Therefore, this impact is considered to be less than significant.

#### 4. BIOLOGICAL RESOURCES

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially 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 native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion

- a. **Less Than Significant with Mitigation Incorporated.** A survey of the Project Site by PBS&J biologists on July 2, 2008 was conducted to identify biological species and habitats, the results of which are provided in Appendix A. The survey was based on a query of the California Natural Diversity Data Base (CNDDDB) within five miles of the survey area, and the U.S. Fish and Wildlife Service (USFWS) Endangered and Threatened Species list and the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants for the Stockton East and Stockton West USGS 7.5-minute topographic quadrangles. CNDDDB occurrence locations for special-status species can be seen in Figure 2 in Appendix A.

There are no elderberry shrubs (*Sambucus* spp.), aquatic habitats (including vernal pools and seasonal wetlands), annual grassland, riparian, or oak woodland habitats which could provide potentially suitable habitat for listed special-status plant or wildlife species. The site and adjacent lands are highly

disturbed from urban development over the past several decades, which reduces the suitability of existing habitat for nesting or denning of special-status wildlife species.

Although the CNDDDB reports occurrences of special-status raptor species (i.e., Swainson's hawk, burrowing owl, white-tailed kite) within three miles of the Project Site, none were seen during the field survey. The highly disturbed ruderal vegetative communities on site could provide very low quality foraging habitat for raptors. However, there are recorded occurrences of three Swainson's hawk nests within one mile of the site. The loss of 64 acres of potential foraging habitat within one mile of three nests is a potentially significant impact.

The few trees within the site could provide nesting habitat for common birds in the area, including American crow and mockingbirds. The majority of California ground squirrel burrows were observed at the base of the raised gravel railbed along the western boundary of the Project Site. These burrows were examined for the potential presence of burrowing owl, a subterranean nesting species which uses small mammal burrows for dens; no owls, or evidence of their presence were observed. Loss of active nests would be a violation of the Migratory Bird Treaty Act (MBTA).

**MITIGATION MEASURES.** The impacts for the loss of Swainson's hawk foraging habitat would be reduced to a less-than-significant level with implementation of Mitigation Measure BIO-1, which would ensure that an appropriate acreage of suitable foraging habitat is preserved to compensate for the loss of foraging habitat due to construction of the Project by one of the following measures: 1) participating in the SJMSCP; 2) the purchase of mitigation credits; 3) payment of a mitigation fee at an approved California Department of Fish & Game (CDFG) mitigation bank; or 4) the purchase of conservation easements or fee titles in San Joaquin County or an area within 10 miles of the nearest Swainson's hawk nest to the Project. While CDFG guidelines recommend a mitigation ratio of 1 to 1 for the loss of foraging habitat within one mile of active Swainson's hawk nest sites, due to the very low quality foraging habitat, the mitigation ratio for the Proposed Project has been reduced to 1 to 0.5 (habitat lost to preserved). The impacts to species protected under the Migratory Bird Treaty Act would be reduced to a less-than-significant level with implementation of Mitigation Measure BIO-2, which requires identification and avoidance if active nests are present prior to construction.

*BIO-1 The project applicant shall ensure that mitigation for loss of Swainson's hawk foraging habitat within San Joaquin County occurs through one of the following measures. Should measures b, c, or d be implemented, the project applicant shall ensure that an appropriate number of acres (as approved by CDFG) or agricultural land, annual grasslands, or other suitable raptor foraging habitat are preserved off site at a habitat preservation bank within San Joaquin County at a 1 to 0.5 (habitat lost to preserved) ratio.*

- a) *The Project Site is located within the boundaries of the San Joaquin County Multi-species Habitat Conservation and Open Space Plan. As such, the project applicant could seek coverage under the Plan. The site is located in a "no-pay" zone but additional fees may be required through consultation with the Plan managers and the USFWS and CDFG. Additionally, the project applicant would be required to conduct "Incidental Take Minimization Measures," that for this site would likely include preconstruction surveys for nesting birds.*

- b) *Purchase of mitigation credits at an approved CDFG mitigation bank that is within San Joaquin County.*
- c) *Payment of a mitigation fee to a habitat development and management company, through a negotiated agreement between said company, the project applicant, and CDFG. The lands must be within 10 miles of the nearest Swainson's hawk nest (consistent with CDFG guidelines).*
- d) *Purchase of conservation easements or fee title in San Joaquin County. This mitigation must occur within 10 miles of the nearest Swainson's hawk nest, unless otherwise approved by CDFG (consistent with CDFG Guidelines).*

*BIO-2 Between March 1 and September 15, the project applicant shall have a qualified biologist conduct nest surveys no more than 30 days prior to any demolition/construction or ground disturbing activities that are within 500 feet of potential nest trees or suitable nesting habitat (i.e., trees, grassland). A pre-construction survey shall be submitted to CDFG that includes, at a minimum: (1) a description of the methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited and persons contacted; and (2) a map showing the location(s) of any bird nests observed on the Project Site. If no active nests of Migratory Bird Treaty Act (MBTA) covered species are identified, then no further mitigation is required.*

*If active nests of protected bird species are identified in the focused nest surveys, the project applicant shall take the following steps.*

- a) *The project applicant, in consultation with San Joaquin County and CDFG, shall delay construction in the vicinity of active nest sites during the breeding season (March 1 through September 15) while the nest is occupied with adults and/or young. A qualified biologist shall monitor any occupied nest to determine when the nest is no longer used. If the construction cannot be delayed, avoidance measures shall include the establishment of a non-disturbance buffer zone around the nest site. The size of the buffer zone shall be determined in consultation with the CDFG, but will be a minimum of 100 feet. The buffer zone shall be delineated with highly visible temporary construction fencing.*
- b) *No intensive disturbance (e.g., heavy equipment operation associated with construction, or use of cranes) or other project-related activities that could cause nest abandonment or forced fledging, shall be initiated within the established buffer zone of an active nest between March 1 and September 15.*
- c) *If construction activities are unavoidable within the buffer zone, the project applicant shall retain a qualified biologist to monitor the nest site to determine if construction activities are disturbing the adult or young birds. If abandonment occurs, the biologist shall consult with CDFG or USFWS (who monitor compliance with the MBTA) for the appropriate salvage measures. The project applicant will be required to fund the full costs of the salvage measures.*

- b. **No Impact.** There are no riparian habitats or other sensitive natural communities on the Project Site or its surroundings. As described above, the Project Site and the surrounding area is highly disturbed. Therefore, the project would have no impact on riparian habitat or any other sensitive natural community.
- c. **No Impact.** There are no aquatic habitats (including vernal pools and seasonal wetlands) on the Project Site. Therefore, the project would have no impact on federally protected wetlands.
- d. **Less than Significant Impact.** The Project Site and the surrounding area are largely developed and are part of an urban area. The vegetation communities on the site contain limited and marginally suitable habitat for wildlife. The limited habitat on site does not connect to other habitat areas to form migratory wildlife corridors. Therefore, the project would have no impact on the movement of species.

A pair of red foxes was observed together on the Project Site during the survey which is an indication of a potential fox den location. However, one den would not be considered a native wildlife nursery site and the loss of this den would not be considered a significant impact. Therefore the project would have a less-than-significant impact on the loss of native wildlife nursery sites.

- e. **No Impact.** The City of Stockton Tree Preservation Ordinance protects “heritage trees” or trees with a diameter at breast height (dbh) of 16 inches or greater. There are no trees on the Project Site that would qualify as a heritage tree. Therefore, no impact would occur.
- f. **No Impact.** The Project Site is identified on Stockton’s Compensation Map for the San Joaquin County Habitat Conservation and Open Space Plan. However, the Project Site is located in a No Pay Zone. As a result, the proposed maintenance facility would not conflict with any habitat conservation plan.

## 5. CULTURAL RESOURCES

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Background

The following analysis was prepared using background information obtained from *Cultural Resources Survey Report For The Proposed Altamont Commuter Express Maintenance Facility West of West Lane, Stockton, California*.

## Discussion

- a. **Less than Significant With Mitigation Incorporated.** Research performed by the Central California Information Center (CCIC) and the Native American Heritage Commission (NAHC) did not indicate the presence of known archaeological resources, sacred lands, or historic resources recorded within the project area.

The project area is within the historic Mexican land grant of Rancho del campo de los Franceses. The historic ranches of G. West and J. Barrett within the O'Neil Township are in or near the project area. In the northern portion of the Project Site, two railroads, the Central California Traction and the Union Pacific/Southern Pacific (former WP and SP rail lines) border the east and west boundaries. Neither has been formally documented within the Project Site.

Portions of the Project Site that are now vacant were previously built out. In addition, several historical resources are known to occur in the immediate vicinity, indicating the area was inhabited during historic times. The presence of known historical resources increases the likelihood that subsurface historic resources are present in the project area, such as privies, wells, basements, or other subterranean features commonly associated with historical resources.

Historic archaeological site ACE-1H was discovered during the pedestrian survey. The resource is a moderately sized debris scatter. The ACE-1H site is located in the southwestern portion of the Project Site, with the San Joaquin Catholic Cemetery boundary fence located 60 feet to the west and the former WP tracks 50 feet to the east. A concrete rubble pile and a 20 by 15 foot oval shaped pit, 4 feet in depth, are located 15 feet from the southwestern boundary of the ACE-1H site. Some 20 feet to the southeast of the ACE 1-H site a pile of dirt, fill, and concrete fragments is located adjacent to a shallow 10 by 8 foot pit. The ACE-1H site is predominantly located atop what appears to be a low pad consisting mostly of imported material. The ACE-1H site area has much less vegetation growing within its central portion than the surrounding area. The ACE-1H site is 160 feet in length, aligned north to south, and 120 feet in width, east to west, and encompassing 15944 square feet. A variety of glass and ceramic types were encountered. Glass fragments found include 29 fragments of blue colored glass of various thicknesses, 30 pieces of clear bottle glass, 12 pieces of olive glass likely representing wine bottles, 6 pieces of brown bottle glass, 3 pieces of turquoise glass, 6 fragments of milk glass (including one piece that includes the screw-top portion of a bottle) and 21 fragments of amethyst glass. The several types of ceramics that were identified include 3 sherds of Double Happiness bowls, 6 fragments of Four Flowers bowls, 9 sherds of Japanese transfer ware, and 11 fragments of yellow-ware. Also encountered, but unidentified, were 8 sherds of porcelain bowls likely of Chinese manufacture, and 11 fragments of delicate porcelain bowls likely of European make.

Notable artifacts include two Four Flowers bowl sherds, two sherds of transfer ware, a single Double Happiness bowl base fragment, a sherd of yellow-ware, a milk glass sherd, a sherd of an unidentified Chinese ceramic bowl, a sherd of a European ceramic bowl fragment, and an amethyst glass sherd. Noteworthy artifacts that were collected include the spout of a Chinese Simple Flower wine pot, the neck of an olive green wine bottle, and the base of a plate with a maker's mark. The ACE-1H site appears to be a historic refuse scatter, and does not appear to meet the criteria for listing on the California Register of Historical Resources (CRHR) or National Register of Historic Places (NRHP).

Due to the long occupation and historic uses of the Project Site, there is a possibility that subsurface historical resources exist that could be uncovered during construction of the Project, including grading, excavation, and other earth-moving activities. If subsurface historical resources are encountered during construction, such resources could be damaged or destroyed, resulting in a significant impact.

**MITIGATION MEASURES.** The impacts to any discovered resources would be reduced to a less-than-significant level with implementation of Mitigation Measure CR-1. Mitigation Measure CR-1 ensures that any discovered resources are examined by qualified professionals and appropriate action is taken.

*CR-1 Research has determined that the site is highly sensitive for historic resources, therefore all construction-related earth-moving activities shall be monitored by a qualified archaeologist, with experience in subsurface historic resources. The archaeologist shall have the authority to temporarily halt construction activities. If evidence of an historical or archaeological site or other suspected cultural resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, historic glass, metal, or ceramics) are discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and SJRRC shall be notified. The monitoring archaeologist shall conduct a field investigation. SJRRC shall consult with the archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist. All data recovery or other methods shall be consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the Central California Information Center (CCIC).*

- b. Less than Significant With Mitigation Incorporated.** Research performed by the CCIC and the NAHC did not indicate the presence of known archaeological resources recorded within the project area. Historic archaeological site ACE-1H was discovered during the pedestrian survey but the site does not appear to meet the criteria for listing on the CRHR or NRHP. A cultural study prepared for the majority of the Project Site by, LSA Associates<sup>6</sup> concluded that given the long history of the Project Site, there is the possibility that historical archaeological deposits could be encountered during

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<sup>6</sup> Historical Resources Study and Constraints Analysis for the Renaissance Residential Project, Stockton, San Joaquin County, California, prepared by LSA Associates, April 2007.

construction activities. In addition, the project area lies within the ethnographic territory of the Yokuts people.

Due to the prehistoric uses of the region, there is a possibility that subsurface unique archaeological resources exist that could be uncovered during grading, excavation, and other earth-moving activities during construction. If encountered during construction, such resources could be damaged or destroyed resulting in a significant impact.

MITIGATION MEASURES. The impacts to any discovered resources would be reduced to a less-than-significant level with implementation of Mitigation Measure CR-1. Mitigation Measure CR-1 ensures that any discovered resources are examined by qualified professionals and appropriate action is taken.

- c. **Less than Significant With Mitigation Incorporated.** A literature survey of the study area indicated a low potential for a fossiliferous geological formation.<sup>7</sup> No fossils and no evidence of exposed geomorphological features that typically contain fossils were observed during the pedestrian survey of the study area, but that does not preclude the possibility of their existence at greater depth below the ground surface. Construction at the Project Site has the potential to unearth undiscovered paleontological resources. If construction activities did unearth such resources, they could be damaged or destroyed, resulting in a significant impact.

MITIGATION MEASURES. The impacts to any paleontological resources would be reduced to a less-than-significant level with implementation of Mitigation Measure CR-2. Mitigation Measure CR-2 ensures that any discovered paleontological resources are examined by qualified professionals and appropriate action is taken.

*CR-2 Should paleontological resources be identified at a particular site, the project contractor shall cease operation until a qualified geologist can examine the find and provide an evaluation. The geologist will identify and evaluate paleontological resources by intense field survey where impacts are considered high, assess effects on identified sites, consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted, obtain comments from the researchers, and comply with researchers' recommendations to address any significant adverse effects where determined by SJRRC to be feasible.*

- d. **Less than Significant With Mitigation Incorporated.** Research performed by the CCIC and the NAHC indicate that there were no known burials or cemeteries in the Project Site however two historic cemeteries are adjacent to the Project Site. To the north, the Stockton Rural Cemetery was established in 1862. This cemetery was to replace the Citizen's Cemetery, which could not be expanded. Located immediately south of the Stockton Rural Cemetery, the San Joaquin Catholic Cemetery was established in 1879. Currently the cemeteries' property lines are to the west of the railroad right-of-way. However, a number of graves are situated along the project boundary. It is not known if the cemeteries once extended east into the Project Site. Both cemeteries are still in use. Mitigation Measure CR-3 would ensure that any human remains encountered during project construction are

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<sup>7</sup> Jennings, C. W., 1977, *Geologic Map of California, 1:750,000*, California Division of Mines and Geology, Sacramento.

examined by qualified professionals and that appropriate action is taken. This would reduce the impact to a less-than-significant level.

**MITIGATION MEASURES.** The impacts due to the discovery of human remains would be reduced to a less-than-significant level with implementation of Mitigation Measure CR-3. Mitigation Measure CR-3 ensures that the NAHC be notified, that potential human remains are examined by qualified professionals and appropriate action is taken.

*CR-3 If human remains (including disarticulated or cremated human remains) are discovered at any project construction sites during any phase of construction, all ground-disturbing activity 100 feet of the resources shall be halted and SJRRC and the County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. SJRRC shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project applicant shall implement approved mitigation, to be verified by SJRRC, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.*

## 6. GEOLOGY AND SOILS

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. 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? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic groundshaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (1998), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

**a.(i) No Impact.** There are no Alquist-Priolo Earthquake Fault Zones within San Joaquin County or the City of Stockton.<sup>8</sup> The closest historically active fault is the Greenville fault, approximately 21 miles west of the City of Stockton, parallel to the Coast Range.<sup>9</sup> Consequently, the proposed ACE maintenance facility is not expected to expose people or structures to adverse effects caused by the rupture of a known fault. There would be no impact associated with fault rupture.

**a.(ii) Less-than-Significant Impact.** The Project Site is more than 60 miles east of the San Andreas Fault System in the San Francisco Bay Area and is in Seismic Risk Zone 3, as defined by the California Building Code. Seismic groundshaking in this zone is generally lower than in Zone 4, primarily because of the distance to causative faults.<sup>10</sup> Recent studies by the United States Geological Survey (USGS) indicate that there is a 62 percent probability of a major, damaging earthquake occurring in the Bay Area between 2002 and 2031.<sup>11</sup> Although the Project Site is not located near any active faults, it is possible that the area could be affected by a regionally occurring earthquake, although the effects would be less than those that would be experienced in the Bay Area.<sup>12</sup> Depending on the strength of groundshaking, it is possible that structures in the area could be damaged during such an event. All new structures proposed for the Project Site would be required to comply with construction standards and seismic design criteria contained in the most updated California Building Code.

Although the potential for seismic groundshaking (and possible ground failure – see Item a.(iii) below) to occur at the site is unavoidable, the risk of excessive permanent damage is minor because facilities would comply with building standards for seismic safety as required by the California Building Code

<sup>8</sup> California Department of Conservation, California Geological Survey, Alquist-Priolo Earthquake Fault Zones, *Table 4, Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1999*, updated from the 1997 edition of Special Publication 42 (*Fault Rupture Hazard Zones in California*, by Earl W. Hart and William A. Bryant), [www.conservation.ca.gov/cgs/rghm/ap/Pages/affected.aspx](http://www.conservation.ca.gov/cgs/rghm/ap/Pages/affected.aspx), accessed June 13, 2008.

<sup>9</sup> City of Stockton, Stockton General Plan 2035 Background Report, December 2007, page 11-39.

<sup>10</sup> City of Stockton, Stockton General Plan 2035 Background Report, December 2007, page 11-37.

<sup>11</sup> Working Group on California Earthquake Probabilities, *Earthquake Probabilities in the San Francisco Bay Region: 2002 to 2031*, United States Geological Survey Open File Report 03-214, 2003, Chapter 1, page 1.

<sup>12</sup> City of Stockton, Stockton General Plan 2035 Background Report, December 2007, page 11-37.

and the City of Stockton Department of Public Works. Consequently, the Project is not expected to expose people or structures to strong groundshaking and the hazard would be less than significant.

- a.(iii) Less-than-Significant Impact.** Because the Project Site is in a moderately active seismic region, some potential for seismic-related ground failure exists. The probability of soil liquefaction in the area is considered a low to moderate hazard because of the substantial distance from active fault zones and the intensity of groundshaking expected (see Item a.(ii), above). However, prior to final design of maintenance buildings and shops, a site-specific geotechnical study would be prepared, as required by the California Building Code (Title 24 of the California Code of Regulations). The geotechnical study would be used to determine the appropriate design features and construction measures that would be necessary to minimize potential adverse effects associated with seismic-related ground failure, including liquefaction, lurching, or lateral spreading. In addition, new structures would be constructed to meet all Title 24 seismic safety regulations. Consequently, the Project is not expected to expose people or structures to seismic-related ground failure and the hazard would be less than significant.
- a.(iv) No Impact.** The Project Site is located in a flat area; there is no risk of landslides in such terrain. Consequently, the Project would not expose people or structures to landslides and there would be no impact associated with landslide risk.
- b. Less-than-Significant Impact.** The proposed maintenance facility is not expected to create erosion or loss of topsoil during the operational phase. The Project Site is located atop soil units with poor topsoil quality. Consequently, development of the site would not result in the loss of a significant topsoil resource.<sup>13</sup> During the construction phases (demolition, excavation, filling), the project would be required to comply with the safety and grading standards contained in the Building Code (see Item a.(ii), above), and with any additional County-imposed standards. The project would also be required to comply with the provisions of the National Pollutant Discharge Elimination System (NPDES) permit to control runoff from the site and prevent erosion and sedimentation in the storm drain system. Compliance with these existing regulations would ensure that erosion would be controlled during construction of the proposed maintenance facility and result in a less-than-significant effect.
- c, d. Less-than-Significant Impact.** See Item a.(iii), above, regarding lateral spreading and liquefaction. The Project Site is located on two soil units: the northern portion of the Project Site is located on the Stockton silty clay loam, 0 to 2 percent slopes, overwashed complex, while the southern portion of the Project Site is located on the Jacktone-Urban land complex, 0 to 2 percent slopes soil unit.<sup>14</sup> The Stockton silty clay loam soil unit is composed of 85 percent Stockton soils, with the remainder of a variety of minor soil types. Stockton soils are characterized by poor drainage, moderately slow water movement, moderate water availability to a depth of 60 inches, and high shrink-swell potential.<sup>15</sup> The

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<sup>13</sup> U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey 2.0, National Cooperative Soil Survey, Soil Map-San Joaquin County, California, <http://websoilsurvey.nrcs.usda.gov/app/>, accessed June 13, 2008.

<sup>14</sup> U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey 2.0, National Cooperative Soil Survey, Soil Map-San Joaquin County, California, <http://websoilsurvey.nrcs.usda.gov/app/>, accessed June 13, 2008.

<sup>15</sup> U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey 2.0, National Cooperative Soil Survey, Soil Map-San Joaquin County, California, Map Unit Description, (Brief, Generated)-San Joaquin County, California, <http://websoilsurvey.nrcs.usda.gov/app/>, accessed June 13, 2008.

Jacktone-Urban land complex unit is composed of 50 percent Jacktone clay and 35 percent Urban land. Jacktone soils are characterized by slow permeability, moderate available water capacity, high shrink-swell potential, slow runoff, slight hazard of water erosion, and moderately deep hardpan. Urban land consists of areas covered by roads, driveways, sidewalks, parking lots, buildings, and other structures. The soil material under the impervious surface is similar to that of Jacktone clay.<sup>16</sup>

Because soils at the Project Site contain clay and have a high shrink-swell potential, the Project could be subject to unstable soil conditions such as settlement or expansion. Sandy portions of the subsurface materials (alluvium, fill) could be subject to compression causing settlement. When weak soils are re-engineered specifically for stability prior to use, these potential effects can be reduced or eliminated. To meet the County’s design standards for grading and to comply with the California Building Code (Title 24 of the California Code of Regulations), a site-specific evaluation of soil conditions would be required by the County. This evaluation would identify recommendations for ground preparation and earthwork specific to the Project Site and would become an integral part of the project design. An acceptable degree of soil stability could be achieved for expansive or compressible soils through routine soil treatment programs (replacement, grouting, compaction, drainage control, etc.). In addition, properly designing foundations and footings and diverting runoff away from buildings would help to prevent the structural damage caused by shrinking and swelling. Properly designing buildings and roads can offset the limited ability of the soil to support a load. Because the Project would not involve groundwater withdrawal, land subsidence is not expected to occur. Compliance with building regulations and site-specific recommendations to address the on-site soil conditions would result in a less-than-significant impact associated with subsidence, soil collapse, or expansive soils.

## 7. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>16</sup> U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey 2.0, National Cooperative Soil Survey, Soil Map-San Joaquin County, California, Map Unit Description, (Brief, Generated)-San Joaquin County, California, <http://websoilsurvey.nrcs.usda.gov/app/>, accessed June 13, 2008.

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
d. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

**a, b. Less-than-Significant Impact.** Day-to-day operations, such as train washing and refueling, equipment cleaning, and deposition of fuel oils may result in accidental spills of hazardous materials. These accidental spills could adversely affect the health and safety of individuals working at the facility and individuals at adjacent land uses. However, hazardous wastes resulting from day-to-day operations would be contained, recycled, and disposed of properly, in compliance with federal, state, and local regulations. These procedures would be similar to the procedures that ACE already follows at its existing train maintenance facility at the Stockton Rail Yard. The Project does not include plans for the transport of significant hazardous materials. ACE is a commuter rail service and it is not used to transport hazardous materials.

Acid/alkaline bulk chemicals would be used for the train wash system. These bulk chemicals will be replenished two times per year and treated through the train washer reclamation system, which will be part of the train washer area. Operation of the maintenance facility also includes a parts cleaning solution service, which disposes of old solutions when needed. The service includes a parts cleaning station. When new chemicals are needed, the service provider removes the used chemicals, replenishes with new fluids, and disposes of waste. In addition, biocide is used for the train toilets. The biocide is emptied into the sewer system and a new supply is provided quarterly. Operations would require the use of bulk lubricants, which are supplied quarterly and recycled after use. The remaining chemicals used at the maintenance facility would include aerosol cleaners, lubes, and bulk cleaning solutions similar to common household cleaning agents. These products are supplied at least monthly.

If the maintenance facility stores hazardous materials summarized above in excess of threshold quantities (500 pounds of solids, 55 gallons of liquids, or 200 cubic feet of compressed gases), this would require the SJRRC to prepare a Hazardous Materials Management Plan, or Business Plan, in compliance with California Health and Safety Code, Section 25503.5. The plan would include an inventory statement, a site map showing the location of hazardous materials, an emergency response and contingency plan, an employee training plan, and general facility information. The plan would be kept in an accessible location on site and be reviewed every 24 months. Therefore, although day-to-day activities would not likely create a threat to the public or the environment through the transport, use, or disposal of hazardous materials, the Hazardous Materials Management Plan would ensure that potential impacts resulting from accidental spills would be contained and minimized. Therefore, this would be a less-than-significant impact.

- c. **No Impact.** There are no schools located within ¼ mile of the Project Site. The closest school to the Project Site is Grunsky Elementary, located on School Street near East Harding Way approximately ½ mile southeast of the site. Because there are no schools located within ¼ mile of the Project Site, there would be no impact associated with emissions or the handling of hazardous materials or wastes within ¼ mile of a school.
  
- d. **Less than Significant with Mitigation Incorporated.** A Phase I Environmental Site Assessment (ESA) was prepared in 2006 for the Project Site.<sup>17</sup> Since then, all of the structures that were located at the site have been demolished. The Project Site was formerly occupied by the American Moulding and Millwork Company, which used the site for wood moulding manufacturing, furniture manufacturing, and fruit box production from 1987 to 2005. Prior to that, the site had been used for manufacturing wood products by American Forest Products Compact from 1921 to 1987. Potentially hazardous operational features that were once located onsite include storage buildings, a maintenance shop, underground storage tanks (USTs), steam cleaning areas, septic tanks, sumps, a teepee-burner structure, detention basins, and burn pits. These activities resulted in releases of hazardous materials into the soil and groundwater beneath the Project Site, including concentrations of pentachlorophenol (PCP), volatile organic compounds (VOCs), heavy metals, and dioxins that, if not remediated, could present a human health risk.<sup>18</sup> The Project Site is currently being remediated and investigated under the state Voluntary Cleanup Program, administered by the California Environmental Protection Agency (Cal EPA) and the California Department of Toxic Substances Control (DTSC). The American Moulding and Millwork Company entered into a Voluntary Cleanup Agreement (VCA) in 2004, which was assumed by the current owner of the property. A Remedial Investigation Workplan was completed in 2007.<sup>19</sup> Cleanup activities are ongoing. Once remediation activities are completed, DTSC will issue a certification identifying that the Project Site is remediated to site-specific cleanup levels appropriate for the anticipated Industrial land use or issue the equivalent of a “No Further Action”. Upon receipt,

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<sup>17</sup> MACTEC Engineering and Consulting, Inc., Report of Investigations, Former American Moulding and Millwork Company Site, 2801 North West Lane, Stockton, California, prepared for Mill Creek-Lazares, LLC, October 12, 2006.

<sup>18</sup> California Department of Toxic Substances Control, EnviroStor Database, American Moulding and Millwork, [www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=39240003](http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=39240003), accessed July 8, 2008.

<sup>19</sup> California Department of Toxic Substances Control, EnviroStor Database, American Moulding and Millwork, [www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=39240003](http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=39240003), accessed July 8, 2008.

the SJRRC will file the letter with the San Joaquin County Environmental Health Department. A Removal Action Completion Report documenting the cleanup is expected in 2010.<sup>20</sup>

Although the cleanup activities are currently underway and under the oversight of the DTSC, this analysis assumes that they would be completed concurrent with construction of the Project. If the Project is approved, and SJRRC proceeds with development in 2009 as described in the Project Description, there may be areas within the Project Site (soil and/or groundwater) still being remediated. If such areas are disturbed during grading, and proper controls are not in place to manage the contaminants, construction workers and the public could be inadvertently exposed to levels of contaminants that could be a health risk, which would be a significant impact. However, implementation of a site-specific Soil and Groundwater Management Plan developed in consultation and coordination with DTSC, would ensure construction activities at the Project Site proceed in conjunction with the consultation with DTSC.

**MITIGATION MEASURE.** The following mitigation measure, which would be required if grading occurs in advance of completion of the cleanup to the satisfaction of DTSC, establishes mechanisms to protect employees, the public, and the environment from potential hazards on the Project Site associated with soil and groundwater contamination. This mitigation measures would reduce this potentially significant impact to a less-than-significant level.

*HAZ-1 Any site-disturbing and construction activities at the Project Site that occur in advance of a certificate or completion or No Further Action issued by DTSC shall proceed in accordance with a Soil and Groundwater Management Plan developed in conjunction and consultation with the DTSC. The Soil and Groundwater Management Plan, which shall be prepared by a qualified professional, shall identify specific methods for testing and evaluation of soils that may be encountered in areas not yet remediated, and for any on-site soil movement (excavation, stockpiling) or off-site transport or disposal. Extraction of contaminated groundwater (e.g., during temporary dewatering) shall also be addressed in the plan. The Soil and Groundwater Management Plan shall identify controls that will be used to ensure that grading and/or construction activities do not interfere with ongoing soil or groundwater remediation and/or long-term groundwater monitoring. A contingency plan that outlines steps that will be taken in the event previously unknown contamination is encountered shall also be included in the Soil and Groundwater Management Plan.*

- e, f. No Impact.** The Project Site is not in the vicinity of a public or private airport or an airport land use plan. Therefore, there would be no safety hazard from airport uses and no effect on airport activities that could endanger residents or employees nearby.
- g. Less-than-Significant Impact.** The proposed maintenance facility does not include design features that would impede the provision of emergency access to or from the site. Fire and other emergency access for the structures would be provided by the proposed access road. The existing exterior streets that would be used to access the Project Site are built to City or County standards, and the new interior

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<sup>20</sup> California Department of Toxic Substances Control, EnviroStor Database, American Moulding and Millwork, [www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=39240003](http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=39240003), accessed July 8, 2008.

roads would be constructed to appropriate standards, thereby ensuring that emergency vehicles can readily and easily access the Project Site. Therefore, the Project would not impair the implementation of, or interfere with, an adopted emergency response plan or emergency evacuation plan, and the impact would be less than significant.

- h. No Impact.** The Project Site is in an urbanized area of Stockton that is not adjacent to wildlands, and as such, would not be subject to wildland fire risks.

## 8. HYDROLOGY AND WATER QUALITY

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage Systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place structures within a 100-year flood hazard area that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
j. Contribute to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

- a, f. Less than Significant With Mitigation.** Construction of the Project would result in earthmoving activities exposing soil and increasing the potential of erosion and siltation into existing stormwater drainages, both natural and engineered. Because the Project would disturb an area larger than one acre, it is subject to the existing requirements of the State Water Resources Control Board’s (SWRCB) National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Storm Water Runoff Associated with Construction Activity Order Number 99-08 (General Construction Permit). The Central Valley Regional Water Quality Control Board (CVRWQCB) is the state agency with primary responsibility for regulating the discharge of stormwater through the NPDES permit program in the Central Valley. The General Construction Permit mandates the use of Best Available Technology Economically Feasible (BATs), Best Conventional Pollutant Control Technology (BCTs), and Best Management Practices (BMPs) to reduce or eliminate stormwater pollution. Therefore, SJRRC must apply for the permit and implement the structural and non-structural control requirements of the existing General Construction Permit. Compliance with permit provisions would reduce or prevent the potential for erosion, sedimentation, and pollution of stormwater runoff.

Construction and site preparation for the Project would involve the use of heavy equipment and vehicles containing fuel, oil, and grease, as well as materials such as cements, asphalt, and paints and solvents. Fluids such as oil or grease could leak from construction vehicles or be inadvertently released in the event of an accident, potentially releasing petroleum compounds laden with metals and other pollutants. Further, the Project would result in the storage and use of petroleum compounds, corrosives, metals, adhesives, and solvents used in the train washer and shops. Release of these types of substances from construction and operation could enter the stormwater sewer system or local drainages in the event of a spill or leaking container. Unless properly managed, such releases could result in adverse human health or environmental effects.

As described above, the Project would be required to comply with the General Construction Permit and implement BMPs through a Storm Water Pollution Prevention Plan to prevent stormwater pollution. SJRRC is also required to apply for a permit to discharge stormwater to the City of Stockton’s stormwater sewer system. In spite of these regulations, potential water quality impacts could occur from release of pollutants to surface waters or the City’s stormwater sewer system in areas where excavated or graded soils would be exposed to wind and rain after construction activities are complete. Further, operation of the Project could result in the release of materials in stormwater runoff leaving the Project Site.

**MITIGATION MEASURES.** Implementation of the following mitigation measures, which require SJRRC to retain and/or treat stormwater prior to releasing it to the stormwater sewer system, would prevent impacts to water quality. These mitigation measures would reduce this impact to a less-than-significant level.

*HYD-1 For all project construction elements, all reserve fuel supplies and hazardous materials shall be stored within the confines of a designated construction staging area. Use and storage of hazardous materials shall be in compliance with applicable regulations and codes, including, but not limited to, Titles 8, 22, and 26 of the Code of California Regulations, Uniform Fire Code, and Chapter 6.95 of the California Health and Safety Code. Equipment refueling and/or maintenance shall take place only within the designated staging areas, and construction vehicles shall be inspected daily for leaks.*

*HYD-2 The project applicant shall prepare a Spill Prevention Control and Countermeasures (SPCC) Plan pursuant to Title 40 of the Code of Federal Regulations Part 112 for the storage of petroleum products. The SPCC Plan shall be certified by a licensed professional engineer registered in California. The project applicant shall implement the SPCC Plan including carrying out the spill prevention and control measures established for the type of facility or operations, such as measures for containing a spill (e.g., berms). In the event that the project applicant cannot implement containment measures, the project applicant shall demonstrate that secondary containment is impracticable; conduct periodic integrity and leak testing of bulk containers and associated valves and piping; develop and incorporate a strong spill contingency plan into the SPCC Plan; and provide a written commitment of manpower, equipment, and materials required to quickly remove any quantity of oil discharged that may be harmful. In addition, the project applicant shall conduct employee training on the contents of the SPCC Plan. The project applicant shall prepare and implement the SPCC Plan before beginning operations.*

*HYD-3 Prior to approval of the Project, the project applicant shall hire a licensed professional engineer registered in California to design a stormwater quality system that contains all stormwater runoff from impervious surfaces and treats the stormwater to State discharge standards for industrial operations. The system shall be designed to detain stormwater flows and volumes to meet the current flow limits in the City of Stockton's stormwater sewer system. In addition, the Project shall incorporate the BMPs suggested in the State NPDES Industrial Permit or current BATs, whichever is more effective and reliable to meet the water quality criteria to the maximum extent practicable. The system shall be designed and approved prior to approval of the construction permits.*

**b. No Impact.** The San Joaquin Valley Groundwater Basin, which is a sub-basin of the Greater Central Valley Basin, underlies the project area. The Project would not involve construction practices or facilities that would substantially prevent or otherwise redirect groundwater resources in the Project Site. In addition, the Project would not involve groundwater injections. Consequently, there would be no change in surface infiltration characteristics affecting groundwater recharge. The proposed maintenance facility would receive water from a combination of local groundwater and surface water purchased from the Stockton East Water District, which is imported from the Stanislaus and Calaveras Rivers, and distributed by the California Water Service Company. Therefore, no impacts to groundwater recharge would occur.

**c, d, e. Less than Significant With Mitigation Incorporated.** The Project would result in the construction of impervious surface that would change existing runoff characteristics on the Project Site. The increase

in impervious surfaces (i.e., buildings, parking lots, etc.) would increase the flow and volume of stormwater. This could result in on- or off-site increases in the rate and amount of stormwater entering local drainages and the stormwater sewer system, increases in siltation or erosion entering local drainages and/or the stormwater sewer system, and/or result in on- or off-site flooding by exceeding the existing stormwater drainage system capacity.

**MITIGATION MEASURES.** Implementation of Mitigation Measure HYD-3 would require SJRRC to design a stormwater system that contains runoff and conforms to the capacity and standards of the City's stormwater sewer system. This mitigation measure would reduce this impact to a less-than-significant level.

- g. No Impact.** The Project Site is within the San Joaquin River Basin Watershed at the eastern boundary of the San Francisco Bay Delta. The Federal Emergency Management Agency (FEMA) determines flood elevations and floodplain boundaries through their floodplain mapping system. These maps identify the locations of special flood hazard areas, including the 100-year floodplain. According to the FEMA Flood Hazards map, issued for the project area in 2002, the Project Site is not within a FEMA-designated 100-year floodplain.<sup>21</sup> In addition, the Project does not include housing. Therefore, the Project would have no impact related to housing in flood hazard areas.
- h. No Impact.** As discussed above, the Project Site is not in a FEMA-designated floodplain; however, the Project Site is in proximity to the low-lying San Joaquin Delta, which could put the Project Site at risk for flooding during large flood events in the San Joaquin River and from Delta flooding accompanied by high tides, as well as failures of levees and upstream water control dams. The Project does not include construction of barriers to potential floodwaters and would not place structures which would impede or redirect flood flows within this hazard area, resulting in no impact.
- i. Less-than-Significant Impact.** According to FEMA, the Project Site is not within a 100-year floodplain. The Project Site is, however, located in proximity to the low-lying San Joaquin Delta and is within the inundation zones of four nearby dams (New Melones Dam, San Luis Dam, Camanche Dam, and New Hogan Dam), placing the Project Site at risk for flooding during large flood events in the San Joaquin River and from flooding of the San Joaquin Delta accompanied by high tides. These include structural failures of levees and upstream water control dams. Periodic levee reconstruction and active levee maintenance programs help to control the risk of levee failure. FEMA has certified and accepted most of the levees within the City of Stockton and surrounding areas as meeting minimum standards. Nonetheless, levees are always subject to site-specific structural failure, erosion, damage from vegetation and rodents, and failure due to earthquakes. Each of these potential levee failures has a relatively small likelihood, but the occurrence of levee failure in the vicinity of the project is possible.

The Project does not include construction of any residential structures and the project itself would not alter or contribute to the existing conditions regarding regional flooding due to dam or levee failure in the surrounding area. Additionally, a dam failure plan is integrated into the City of Stockton or San Joaquin County's Emergency Operations Plan, which would cover the Project Site. Based on this

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<sup>21</sup> Federal Emergency Management Agency, National Flood Insurance Program, Flood Insurance Rate Map (FIRM), San Joaquin County, California (Unincorporated Areas), Panel 435 of 925, Map revised April 2, 2002.

information, development at the Project Site would have a less-than-significant impact related to flooding due to dam or levee failure.

- j. **No Impact.** The Project Site is not located near an ocean coast and would not be affected by a tsunami. The Project Site is not located near areas having steep slopes that would create mudflows. The Project Site is not located near an enclosed body of water that could produce a seiche. Therefore, there would be no impact related to these hazards.

## 9. LAND USE AND PLANNING

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in land use/operational conflicts between existing and proposed on-site or off-site land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion

- a. **No Impact.** Existing land uses in the project vicinity are commercial, light industrial, some areas of residential, a park to the northwest, and a cemetery to the west. The Project Site is adjacent to the former SP rail line, and includes, the former WP rail lines. The western portion of the Project Site has been used for train operations since the late 1800s. The construction of a maintenance facility and installation of additional tracks would not introduce a new physical or visual barrier that would divide a neighborhood or business community with established physical and visual connectivity and social/business interactions. Therefore, the Project would have no impact in terms of physically dividing an established community.
- b. **No Impact.** The Project Site is located within a “pocket” area, or island of San Joaquin County on land that is surrounded by the City of Stockton. The San Joaquin County General Plan designates most of the Project Site as General Industrial (I/G), which allows “a wide range of industrial activities whose location and operational characteristics [that] typically involve moderate to high nuisances for surrounding uses if not mitigated. Typical uses include lumber yards, heavy processing and manufacturing operations, and extensive food processing operations.”<sup>22</sup> The Project Site includes one 0.39-acre parcel in the southwest portion of the Project Site adjacent to the cemetery that is designated

<sup>22</sup> San Joaquin County Community Development Department, *San Joaquin County General Plan 2010*, July 1992, Volume III, page II.A-16.

as Other Open Space (OS/O). The OS/O land use designation is used for golf courses, private open space areas, and cemeteries; however, this parcel is undeveloped and serves as a buffer area between the cemetery and the adjacent industrial lands. No development is proposed on this parcel.

The Project includes annexation into the City. Although the Project Site is not currently within the City limits, the Project Site is included in the Stockton General Plan 2035, which designates the majority of the Project Site as Industrial, Institutional, and Low Density Residential.<sup>23</sup> These land use designations for the Project site are mostly consistent with the site's current County land use designations, with the exception of the residential designation. The proposed maintenance buildings, shops, offices, and tracks would be developed on the areas designated by the County for industrial uses, and would not conflict with these land use designations for the area.

The County's Development Title contains the County's various regulations and standards for the development of property in the County and zoning maps. The Development Title's purpose is to serve the public health, safety, and general welfare, to implement the General Plan, and to achieve the County's objectives.<sup>24</sup> The Project Site is primarily currently zoned General Industrial (I-G), and the 0.39-acre parcel described above is zoned Public Facilities (P-F). SJRRC proposes to annex and prezone three parcels within the Project Site (APNs 117-090-01, 117-090-13, and 127-212-15) and two adjacent parcels (APNs 117-090-23 and 117-090-24), which contain the adjacent former WP and SP rail lines into the City of Stockton under the Industrial General (IG) zoning district and to construct a new maintenance facility on the 64-acre site previously used for industrial uses. The Project Site is in the City's Sphere of Influence and has an Industrial, Institutional, and Low Density Residential General Plan land use designation. The project applicant and the City of Stockton shall determine the most appropriate zoning for the Project Site to ensure that planned uses are consistent with the zoning. No other facilities would be developed in that area, so the Project would not conflict with any plans, policies, or regulations of an agency with jurisdiction over the project that was adopted for the purpose of avoiding or mitigating an environmental effect. There would be no impact.

- c. **No Impact.** The Project Site and surrounding lands are included in the San Joaquin County Habitat Conservation and Open Space Plan. The Project Site, however, is in a No Pay Zone, as identified on the Stockton Compensation Map.<sup>25</sup> Because the project would not conflict with the plan, there would be no impact.
- d. **Less-than-Significant Impact.** The Project Site is in an area with a variety of uses including commercial, industrial, some residential, a park, and a cemetery. The Project Site itself currently contains two railroad tracks, both of which are active. This existing use does not currently cause land use/operational conflicts. The Project would result in greater activity on the site; impacts related to this increased activity are addressed in other parts of this checklist, such as Item 1, Aesthetics; Item 3, Air Quality; Item 11, Noise; and Item 15, Transportation. Based on the discussion under these items,

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<sup>23</sup> City of Stockton, 2035 General Plan Land Use/Circulation Diagram, December 11, 2007.

<sup>24</sup> San Joaquin County, Title 9, Development Title of San Joaquin County, 1995, Division 1, General Provisions, Chapter 9-100.

<sup>25</sup> San Joaquin Council of Governments, San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, Stockton Habitat Area map, June 2, 2004.

the project is not expected to cause land use/operational conflicts and would result in a less-than-significant impact.

## 10. MINERAL RESOURCES

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

**a, b. No Impact.** The Project Site is not located on or in the vicinity of valuable regional or state mineral resources; therefore, the proposed ACE maintenance facility would have no impact related to mineral resources.<sup>26</sup>

## 11. NOISE

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>26</sup> California Department of Conservation, Division of Mines and Geology Mineral Land Classification of Portland Cement Concrete Aggregate in the Stockton-Lodi Production-Consumption Region, Special Report 160, 1988, Plate 9.

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Background

Sound is created when objects vibrate, resulting in air pressure variations characterized by their amplitude (loudness) and frequency (pitch). The standard unit of sound amplitude is the decibel (dB). The decibel scale is logarithmic; it describes the physical intensity of the pressure variations. The pitch of the sound is related to the frequency of the pressure variation. The human ear’s sensitivity to sound is frequency-dependent. The A-weighted decibel scale (dBA) measures sound intensity while discriminating against frequencies in a manner approximating that of the human ear.

Noise is “unwanted” sound. A typical noise environment consists of a base of steady “background” noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background is the noise from individual distinguishable local sources, such as aircraft overflights, train passbys, or traffic on an adjacent roadway.

Vibration is sound radiated through the ground. The rumbling sound caused by the vibration of room surfaces is called groundborne noise. The ground motion caused by vibration is measured as particle velocity in inches per second and is referenced as vibration decibels (VdB). Groundborne vibration levels vary from approximately 50 VdB, which is the typical background vibration velocity level that is barely perceptible by humans, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

The discussion below is based on the *Altamont Commuter Express Maintenance Facility Project Noise Technical Report* prepared by PBS&J.

## Discussion

- a. **Less-than-Significant Impact.** The Project Site is within the unincorporated San Joaquin County, but could be annexed into the City of Stockton or remain in unincorporated San Joaquin County as part of the Project. Therefore, the Project would be subject to the City or County’s noise regulations. The City of Stockton Municipal Code (Division 16-340) provides land use compatibility standards for land uses within the City. Commercial, industrial, or other land use-related noise sources must not exceed the standards. For noise-generating land uses, the maximum outdoor activity area sound level must not exceed 75 dBA during the hours of 7:00 a.m. and 10:00 p.m., and 65 dBA during the hours of 10:00 p.m. and 7:00 a.m. However, the City exempts railroad activities from these noise standards. Accordingly, the proposed operation of the maintenance facility and railroad activities would be exempt from City noise standards and would not result in an impact.

The San Joaquin County noise regulations are contained in Chapter 9-1025.9 of the County’s Development Title. Noise associated with construction activities that occur between 6:00 a.m. and 9:00 p.m., Sunday through Saturday, are exempted from the provisions of the County’s noise

ordinance. Further, noise associated with work performed by private or public utilities in the maintenance or modification of its facilities is also exempt from the provisions of the County's noise ordinance.

Implementation of the Project would result in intermittent short-term noise impacts resulting from construction-related activities. Construction-related activities associated with the Project would include grading, construction/relocation of tracks, and paving. Construction of the tracks would occur within 250 feet of the closest residential use. Typical construction noise levels for construction equipment and activities are shown in Table 5 and Table 6. According to Table 5 and Table 6, project-related construction noise activities could create peak noise levels in excess of 80 dBA in the project vicinity. As shown in Table 6, the Project would result in noise levels more than 71 dBA for residents within 250 feet of the Project Site. As stated previously, the County's noise ordinance exempts construction activities from the standards during the hours of 6:00 a.m. and 9:00 p.m. The City's Municipal Code limits construction activities to the hours of 7:00 a.m. to 10:00 p.m. Because construction of the Project would comply with the City and County's allowable construction hours, construction activities would be exempt from the City and County noise ordinances. The impact would be considered less than significant.

**Table 5**  
**Construction Equipment Noise Emission Levels**

Construction Equipment	Noise Levels in dBA $L_{eq}$ at 50 feet <sup>1</sup>
Air Compressor	81
Backhoe	80
Compactor	82
Concrete Mixer	85
Concrete Pump	82
Concrete Vibrator	76
Crane, Derrick	88
Crane, Mobile	83
Dozer	85
Generator	81
Grader	85
Impact Wrench	85
Jackhammer	88
Loader	85
Paver	89
Pneumatic Tool	85
Pump	76
Rail Saw	90
Roller	74
Saw	76
Scraper	89
Truck	88

*Source:* U.S. EPA 1971, FTA 2006.

*Notes:*

1. Machinery equipped with noise control devices or other noise-reducing design features does not generate the same level of noise emissions as that shown in this table.

**Table 6**  
**Typical Outdoor Construction Noise Levels**

<b>Construction Phase</b>	<b>Noise Level at 50 Feet with Mufflers (dBA Leq)</b>	<b>Noise Level at 100 Feet with Mufflers (dBA Leq)</b>	<b>Noise Level at 200 Feet with Mufflers (dBA Leq)</b>	<b>Noise Level at 300 Feet with Mufflers (dBA Leq)</b>
Ground Clearing	82	76	70	67
Excavation/Grading	86	80	74	71

*Source:* U.S. EPA 1971.

- b. Less-than-Significant Impact.** Groundborne vibration would occur during project construction as a result of demolition and construction. Activities that typically cause the most substantial ground vibration, such as pile driving or blasting, are not proposed for this project. Of the construction equipment likely to be used on site, grading equipment and loaded trucks are the most likely to produce vibration in areas close to the adjacent uses. Vibration intensity is measured in VdB.

According to FTA guidance, vibration damage to fragile buildings can be avoided by keeping their exposures at or below 100 VdB, and sleep disturbance in residential areas can be avoided by keeping exposures to residential structures at or below 80 VdB, if the vibration events are infrequent (i.e., fewer than 30 per day).

Construction activities that would occur under the Project have the potential to generate groundborne vibration on the Project Site. Typical vibration levels for select construction equipment are shown in Table 7. Vibration events would be infrequent. Based on the vibration levels shown in the Table 7, the Project would not result in significant impacts because vibration levels would be below the 80 VdB threshold at distances of 50 feet or more. This impact is less than significant.

**Table 7**  
**Vibration Source Levels for Construction Equipment**

<b>Construction Equipment</b>	<b>Approximate VdB</b>			
	<b>50 feet</b>	<b>100 Feet</b>	<b>200 Feet</b>	<b>300 Feet</b>
Large Bulldozer	78	69	60	55
Loaded Trucks	77	68	59	54
Jackhammer	70	61	52	47
Small Bulldozer	49	40	31	26

*Source:* Federal Transit Administration, 2006; and PBS&J, 2008.

- c. Less-than-Significant Impact.** The Project Site is in an urban environment with a relatively high ambient noise environment. The existing noise environment includes noise from local streets and train noise associated with the former WP tracks that run adjacent to the Project Site. The Project would increase noise levels within the project vicinity by adding noise from the proposed maintenance activities and vehicular traffic from employees traveling to the Project Site. Noise associated with the maintenance activities would include engine idling, horn testing, and occasional train movements.

Short-term measurements were conducted near the Project Site near the adjacent residential neighborhoods along Taft Avenue and East Alpine Avenue. During the short-term measurement taken along Taft Ave to the south of the Project Site, there was both an Amtrak train passby and a freight train passby along the nearby former WP rail line. Due to the proximity to the rail line, train activities, including horn use at nearby at-grade crossings, represented a significant component of the noise environment. The results of the measurement indicated that the area had an average daytime noise level of 65.2 dBA  $L_{eq}$ , with single-event noise levels (SEL) from freight and passenger train passbys of 83.9 dBA and 93.1 dBA, respectively.

Based on the short-term measurement, noise levels along East Alpine Avenue during the daytime hours were influenced primarily by traffic, with some train passby noise from freight trains along the former SP tracks. The measurement indicated that the area along Alpine had an average daytime noise level of 68.1 dBA  $L_{eq}$ .

No freight train passbys were observed along the former WP rail line during the short-term measurement along East Alpine Avenue. However, long term noise measurements were also taken on the Project Site by j.c. brennan & associates in January 2007 as part of a proposed residential project. These measurements included noise from train use along both the former WP and SP rail lines.<sup>27</sup> These measurements indicated that the typical train operation resulted in an SEL of 111 DB at 60 feet from the eastern rail line and an SEL of 105 dBA at 50 feet from the western rail line.

Using methodology contained in the FTA *Transit Noise and Vibration Impact Assessment* (2006) for predicting noise levels for a rail yard, the proposed maintenance facility would have a noise level of approximately 77.2 dBA  $L_{eq}$  at a distance of 50 feet (assumes six train movements in peak activity hour). Based on standard noise attenuation rates, this level at 50 feet would drop to about 54 dBA  $L_{eq}$  along Taft Avenue and East Alpine Avenue (about 700 feet as measured from the closest train storage areas). The predicted nighttime hourly noise levels of 54 dBA from the proposed maintenance facility would be below the measured daytime noise levels of 65.2 dBA and 68.1 dBA along Taft Avenue and East Alpine Avenue, respectively. While the nighttime noise levels from traffic along Taft and East Alpine would be expected to be lower during nighttime hours, based on 24-hour measurements taken in the area, the daytime and nighttime hourly noise levels in the area do not differ substantially because of the nighttime train activity. Therefore, the contribution of the proposed maintenance facility would not contribute to a significant increase in the ambient noise levels.

The FTA guidance is used as a general assessment for the peak hour of operation of a typical rail yard. However, based on maintenance activities that occur at the existing facility, additional short-term activities at the Project Site could result in increased noise levels at the site. Additional activities would include train horn and warning bell testing, and train engine revving. Measurements taken at the existing facility indicated that noise levels of between 118 dBA and 121 dBA at 50 feet would be expected for emergency horn testing and 87 dBA at 50 feet for a train engine at full throttle. These activities would not be expected to occur frequently and would not contribute substantially to the overall noise levels, but would result in periodic peak noise levels. Especially in the case of the train

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<sup>27</sup> j.c. brennan & associates, Inc., Environmental Noise Assessment, Renaissance Residential, Stockton, CA, October 16, 2007.

horn testing, these activities could result in sleep disturbance for nearby residents. However, the occurrence of peak noise levels from train horns would not be substantially different from the peak noise levels existing in the project vicinity, as train horns are currently being used for the adjacent rail lines and the at-grade crossings.

The Project would generate vehicle trips from employees traveling to the site and would result in an increase in traffic noise levels within the project area. As discussed under Item 15, Transportation/Traffic, the Project would accommodate up to 122 employees at the site with approximately 30 to 50 people on each shift. Therefore, the maximum number of employee trips would be 50 trips per shift. The closest residential use has an existing daily traffic volume of 15,100 vehicles in the vicinity of the Project. The addition of 50 vehicles during the peak hour on East Alpine Avenue would represent about 0.3 percent of the peak hour trips along these streets. Daytime noise levels measured along East Alpine Avenue were approximately 68 dBA. Using FTA guidance, a significant traffic noise impact would occur in this area if the project would result in a noise level increase of 1 dBA or more. An increase of 3 percent of the traffic along this roadway would result in approximately a 0.1 dBA increase. Because the project would not exceed the FTA standard, the project would not cause a substantial noise level increase. This impact is less than significant.

- d. **Less-than-Significant Impact.** As discussed under Item a, above, the Project would result in intermittent, short-term noise impacts from construction-related activities, including construction of buildings and tracks, grading, and paving. Construction activities would be phased, and construction activities would occur at various times over a two-year period. Noise from construction activities would result in noise levels of up to 86 dBA at 50 feet. This would be considered a substantial temporary noise level increase for nearby residential receptors. However, as noted in Item a, project construction would be expected to occur primarily during the daytime hours when residents are less likely to be disturbed by construction noise. Because construction activities would be short-term and would occur during the daytime hours, this impact would be less than significant.
- e, f. **No Impact.** The Project Site is not located within two miles of a public airport, private airstrip, or airport land use plan. Thus, there would be no impact from air traffic noise.

## 12. POPULATION AND HOUSING

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

- a. No Impact.** The Project does not include the construction of residential units, and thus would not directly induce population growth. The Project would relocate the existing maintenance facility operations from the Stockton Rail Yard to the Project Site. However, the new maintenance facility site could accommodate some future expansion of ACE service. The existing facility currently employs 36 people, whereas the proposed shops and offices would be sized to accommodate a maximum of 122 employees. The City of Stockton<sup>28</sup> is expected to add approximately 8,900 jobs between 2005 and 2015.<sup>29</sup> The potential increase of 86 employees from the Project would constitute a minor increase in the context of projected job growth in Stockton. If the 86 new employees at the Project Site are considered new residents to Stockton, they would not constitute a substantial increase in the population of the area. Stockton's population is anticipated to increase by approximately 63,000 between 2005 and 2015.<sup>30</sup> The increase in employees is small relative to the growth projected for the regional economy, and as such, the proposed ACE maintenance facility would not indirectly induce substantial population growth.
- b, c. No Impact.** The proposed maintenance facility would include various buildings and additional train tracks on a site that currently contains railroad tracks. The project would not remove any existing housing units and therefore would not displace existing housing units or people. As a result, the Project would have no impact on population and housing.

## 13. PUBLIC SERVICES

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a 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 following public services:				
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>28</sup> Although the Project Site is not located within the City of Stockton, it is in an unincorporated island completely surrounded by the City, so it is more appropriate to use City employment and population projections for the analysis of potential change in employment and population, rather than projections for the unincorporated area of San Joaquin County.

<sup>29</sup> San Joaquin Council of Governments, Employment Projections, <http://www.sjcog.org/docs/pdf/RFC%20Projections.pdf>, accessed June 13, 2008.

<sup>30</sup> San Joaquin Council of Governments, Population Projections, <http://www.sjcog.org/docs/pdf/RFC%20Projections.pdf>, accessed June 13, 2008.

## Discussion

- a. Less-than-Significant Impact.** The Project does not include residential units. However, certain types of non-residential projects can create an additional demand for fire protection services. The Project Site is located within the Lincoln Fire District, which is served by the City of Stockton Fire Department for fire protection and emergency medical services. Station 9, at 550 East Harding Way, less than 1/2 mile southwest of the Project Site, is the closest fire station and would provide first response emergency services. The Stockton Fire Department has indicated the Project would not increase demand for fire services at the Project Site because the site is adequately served by Station 9. In addition, the Stockton Fire Department would have the opportunity during the building permit process to make any recommendations and enforce requirements to decrease the risk of fire events at the Project Site, including, but not limited to, the installation of sprinkler systems and fire hydrants.<sup>31</sup> This would ensure that the Project would have a less-than-significant impact on fire protection services in the City of Stockton.
- b. Less-than-Significant Impact.** Currently, police protection services at the Project Site are provided by the San Joaquin County Sheriff’s Department. Because the Project Site would be annexed in to the City of Stockton police protection services would be provided to the Project by the Stockton Police Department. The Project could require police services from the Stockton Police Department on occasion, but it is not anticipated that the project would result in the need for additional staffing.<sup>32</sup> As a result, the Project would not increase response times or result in the need for new police facilities. Furthermore, proposed measures such as security lighting, security cameras, perimeter fencing, controlled access gates and access points, and security guards would minimize the need for police services at the Project Site. The project would have a less-than-significant impact on police services.
- c-e. No Impact.** As described above under Item 12, Population and Housing, the Project would not increase the number of residents in the City, as the project does not include residential units and the induced demand for housing would be negligible compared to existing growth forecasts of the San Joaquin Council of Governments. Because the demand for schools, park services, and other public facilities is driven by population, the Project would not increase demand for those services. As a result, the Project would result in no impact to these services.

## 14. RECREATION

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>31</sup> Dave Hafey, Deputy Chief/Fire Marshall, Stockton Fire Department, personal communication, January 29, 2007.  
<sup>32</sup> Bob Marconi, Program Manager III, Planning & Research Section, Stockton Police Department, written communication, January 30, 2007.

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

- a, b. No Impact.** There is an existing park, Oak Park, located adjacent to the northwest corner of the Project Site. Because the project would not increase the number of residents in the City, the project would not generate any demand for recreational facilities. Thus, the Project would not affect use of the facility, nor would it require the construction or expansion of existing recreational facilities. Therefore, the Project would have no impact on recreational facilities.

## 15. TRANSPORTATION/TRAFFIC

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

- a, b. Less-than-Significant Impact with Mitigation Incorporated.** Major highways in the vicinity of Stockton include State Route 4, approximately two miles south of the Project Site's southern boundary;

Interstate 5, approximately three miles to the west; and State Route 99, approximately two miles to the east. Within the project area, East Alpine Avenue, which is the Project Site's northern boundary, is a major arterial roadway with an approximate daily traffic volume of 15,100 vehicles in the vicinity of the Project. West Lane, just east of the Project Site, has a daily traffic volume of 25,700 vehicles in the vicinity of the Project. East Harding Way, approximately ¼ mile south of the southern portion of the Project Site, is a major arterial with a daily traffic volume of approximately 20,500 in the vicinity of the Project. California Street, approximately ½ mile west of the Project Site, has a daily traffic volume of 16,700 vehicles per day.<sup>33</sup>

Construction activities would take place on the Project Site and along East Alpine Avenue and West Lane at locations where underground utility installation and street improvements, or also referred to as off-site improvements, are proposed. These construction activities that would directly affect roads and/or traffic would occur during construction of the access road onto the Project Site at East Alpine Avenue and at off-site improvement locations along East Alpine Avenue and West Lane. Off-site improvements would require lane closures and/or construction within the roadways. Other construction impacts would result from the movement of construction equipment and construction workers' vehicles on and off the Project Site. The only effects of construction of the maintenance facility on traffic around the Project Site would be from the entry and exit of construction vehicles on and off of the site, which would not be a daily occurrence. It is likely that construction equipment would be transported to the site and be stored on-site until it is no longer needed. Since equipment would primarily remain on-site, it would be unlikely to interfere with traffic. Because on-site construction activities that would affect traffic would be minor and temporary, on-site construction-related impacts would be less than significant. Although construction activities associated with off-site improvements would also be temporary, construction-related traffic impacts due to lane closures, detours, and temporary disturbance to roadways would be significant.

During operation, the Project would employ as many as 122 people at project buildout, with approximately 30 to 50 people on each shift. The maximum number of employee trips made would be 50 trips per shift. East Alpine Avenue, which would provide access to the Project Site, carries approximately 15,100 vehicles per day in the vicinity of the Project. The addition of 50 vehicles during peak hours on East Alpine Avenue would not be a substantial increase above the existing traffic volumes. Since the Project Site would be accessed via any number of roads in the area, employee-generated trips would not likely result in a substantial change in the existing traffic loads in the area. Similarly, the addition of 50 vehicles at one time accessing the Project Site from different locations would not affect current levels of service at area intersections. Also, the Proposed Project is a passenger rail maintenance facility and would accommodate future trainsets with eight cars and growth of up to twelve trainsets, which would increase transit capacity, result in fewer vehicles along roadways and highways. Therefore, operation of the Project would not cause a substantial increase in existing traffic loads or result in changes to current levels of service, making this a less-than-significant impact.

**MITIGATION MEASURES.** Implementation of the following mitigation measures, which require the project contractor to develop and implement a traffic control plan and implement measures to reduce

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<sup>33</sup> City of Stockton, Department of Public Works, *2007 Traffic Volume Flow Map*, March 2008.

potential damage to roadways, would reduce traffic impacts during project construction. These mitigation measures would reduce this impact to a less-than-significant level.

*TR-1 The project contractor, in coordination with the City of Stockton, the San Joaquin County Traffic Engineering Division, and local emergency services, shall develop and implement a traffic control plan for project-specific off-site improvement construction activities to reduce effects of construction on East Alpine Avenue and West Lane during utility installation and street improvement activities. Proposed lane closures during the AM and PM commuting hours shall be minimized. Lane closures shall be limited in the vicinity of the open trench. Pedestrian and bicyclists access shall be re-routed around the project area at all times. During construction, the construction area shall be secured to prevent pedestrian and bicyclists from entering the work area.*

*TR-2 In order to reduce potential roadway damage impacts, the project contractor shall implement the following measures:*

- a) Videotape the roadway and access roads prior to and following off-site improvement construction to document the existing and restored roadways;*
- b) Make temporary repairs from roadway damage as necessary during project off-site improvement construction;*
- c) Repair any damaged roadway to its original condition immediately after off-site improvement construction has been completed;*
- d) Coordinate with the City of Stockton and the San Joaquin County Traffic Engineering Division to determine appropriate routes for truck travel before beginning off-site improvement construction; and*
- e) Coordinate with the City of Stockton and the San Joaquin County Traffic Engineering Division regarding planned improvements near the maintenance facility to limit interference with the implementation of roadway improvements or trenching and other planned improvements in the project vicinity before beginning off-site improvement construction.*

**c. No Impact.** The nearest airport (Stockton Metropolitan Airport) is approximately six miles from the Project Site. The proposed maintenance facility would include low-rise structures. These buildings would be approximately 40 to 45 feet high and would not interfere with air traffic patterns. As a result, there would be no impact on air safety.

**d. No Impact.** The Project would include new street access to the Project Site for vehicles. The design of this access would meet all applicable regulations and requirements for such an access. The Project does not include any design features that would create a hazard, such as sharp turns in the access road. The Project would not contain any uses that would be incompatible with surrounding uses, so it would not create a substantial hazard. Therefore, the project would have no impact.

- e. **No Impact.** The Project includes vehicle access to the site. A fence is proposed as a part of the project in order to secure the site; however, adequate emergency access would be provided as required by the Building Code. Therefore, the Project would not affect emergency access to the Project Site, resulting in no impact.
- f. **No Impact.** The project would include 67 standard parking stalls, two accessible parking stalls, and one van accessible parking stall. The Project would have as many as 122 employees, but they would work in three shifts with 30 to 50 people working in each shift. Since the maximum number of employees that would be present at the Project Site simultaneously would be 50, and the Project would provide a total of 70 parking spaces, the Project would provide adequate on-site parking for all employees. Therefore, the Project would not result in inadequate parking capacity and there would be no impact.
- g. **No Impact.** The City of Stockton General Plan includes policies supportive of non-motorized (pedestrian and bicycle) and public transportation. Specific policies include using land use planning methods that promote transportation alternatives to automobiles and place high density and commercial development near inter-modal transit facilities, to provide for mass public transit systems such as buses and trains, and to provide safe bicycle access and facilities throughout the County. Although the specific policies are not relevant to the Project, the project would allow the future expansion of the ACE train service; which would support public transportation in the County and within the City of Stockton. The Project would not conflict with any policies, plans, or programs supporting alternative transportation; as such, there would be no impact.

## 16. UTILITIES AND SERVICE SYSTEMS

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider that 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

a. **Less-than-Significant Impact.** Please refer to Items 8a and 8f under the Hydrology and Water Quality section of this checklist for a discussion of issues related to waste discharge requirements. The Project would comply with the requirement of the CVRWQCB, resulting in a less-than-significant impact.

b, d. **Less-than-Significant Impact.** The existing maintenance facility currently consumes water for the routine maintenance activities and to support the on-site staff. The facility practices water conservation measures by recycling most of the water used. This practice is expected to continue should the facility be relocated to the Project Site. Upon relocation of the existing facility, the existing rate of water use is expected to continue in the near term and possibly increase upon project buildout as SJRRC adds more trains and employees to the Project Site. The Project would be consistent with the proposed zoning district and general plan designation for the Project Site. As such, the project would be consistent with the development scenario for which water supply is planned. The Project would be served by the California Water Service Company—Stockton District, which provides water supply to the City of Stockton. The City of Stockton 2035 General Plan determined that water supply sources could accommodate City service with no new water supply entitlements.<sup>34</sup> Since the Project would be supplied with water from the same source as the rest of the City, it is assumed that water supplies are adequate for the Project. This would be a less-than-significant impact.

Sanitary waste would be generated by the employee facilities as well as the discharge from the toilets on the trains. The waste would be discharged into the City of Stockton's existing sanitary system. The Project would replace an existing facility currently located in the City of Stockton that would be shutdown; therefore, there would be no significant increase in waste going into the system and no need for additional treatment facilities.

c. **Less than Significant with Mitigation Incorporated.** Please refer to Item 8e under the Hydrology and Water Quality section of this checklist for a discussion of stormwater drainage and associated facilities.

e. **Less-than-Significant Impact.** As described under Item b, the project would generate wastewater from employee areas and discharge from the toilets on the trains. The Project would replace the existing maintenance facility at the Stockton Rail Yard in the City of Stockton and the Project would

<sup>34</sup> City of Stockton, General Plan Update EIR, prepared by ESA, December 2006, page 9-12.

still be serviced by the City of Stockton for wastewater collection and treatment services. As such, the project would not significantly increase the amount of wastewater requiring conveyance and treatment. Therefore, the project would not exceed the capacity of the wastewater service provider. This impact would be less than significant.

- f, g. Less-than-Significant Impact.** Solid waste collected at the Project Site would be sent to either Foothill Landfill or North County Landfill, both of which are located within San Joaquin County. North County Landfill is owned and operated by San Joaquin County. Foothill Landfill is also owned by San Joaquin County, but this facility is operated by Foothill, Inc. under an agreement with San Joaquin County. Foothill Landfill had 96 percent remaining capacity in 2000 and is not expected to reach its capacity until 2054.<sup>35</sup> A new 16-acre module at the North County Landfill became operational in 2003, and the most current capacity information from the California Integrated Waste Management Board has not yet been updated to reflect this information. The facility collected 178,634 tons of waste in 2004. The estimated closure date is in 2035.<sup>36</sup>

During project operations, re-contouring of the wheels would generate scrap metal that would be recycled through a licensed handler. The Project would generate solid waste from normal shop operations, including primarily paper products and waste packaging from deliveries. Trash would also be collected at the train servicing islands as the trains are cleaned. Waste would be disposed of by using bins for both recycling and waste material and would be disposed of through a commercial collector. The Project would also be required to divert (recycle) 50 percent of the solid waste generated by both construction and operation to comply with the 50 percent solid waste diversion rate mandated by the California Integrated Waste Management Act of 1989 (AB 939). This would help to lessen the Project's impact on landfill capacity. For this reason, along with adequate capacity at the landfills within San Joaquin County, the Project would have a less-than-significant impact on solid waste generation, and the expansion of existing or construction of new solid waste facilities would not be necessary.

## 17. OTHER ISSUE(S)

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### Would the project:

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- a. Result in, contribute to, or substantially affect other environmental issues(s)? If so, specify below and evaluate:
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### Discussion

- a. The Project would not substantially affect any other environmental issues not addressed in Item 1 through Item 16, above.

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<sup>35</sup> California Integrated Waste Management Board, Active Landfills Profile for Foothill Sanitary Landfill (39-AA-0004), [www.ciwmb.ca.gov/Profiles/Facility/Landfill/LFProfile1.asp?COID=39&FACID=39-AA-0004](http://www.ciwmb.ca.gov/Profiles/Facility/Landfill/LFProfile1.asp?COID=39&FACID=39-AA-0004), accessed June 17, 2008.

<sup>36</sup> San Joaquin County, Department of Public Works, Solid Waste Division, North County Recycling Center & Sanitary Landfill, [www.sjgov.org/soildwaste/North%20County.htm](http://www.sjgov.org/soildwaste/North%20County.htm), accessed June 17, 2008.

## 18. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

- a. Less than Significant with Mitigation Incorporated.** As described in Item 4, Biological Resources, the Project Site does not provide habitat for any fish or wildlife species, nor does it support special-status plant types. Item 5, Cultural Resources, describes the historic resources that may be present on the Project Site. The Project Site may contain subsurface historical resources or unique archaeological resources. Mitigation has been proposed that would reduce potential impacts to these historic resources to a less-than-significant level.
- b. Less-than-Significant Impact.** The Project has the potential to contribute to the cumulative air quality issues related to dust and particulate matter during construction. Through compliance with the SJVAPCD requirements, the Project would not have considerable contributions to cumulative air quality impacts. Other cumulative impacts are expected to be less than significant.
- c. Less than Significant with Mitigation Incorporated.** The Project’s potential to impact human beings is addressed in various topics included in the checklist. As identified in Item 7, Hazards and Hazardous Materials, the Project Site contains contaminated soil and possibly contaminated building components that could be disturbed during construction activities. Mitigation has been proposed to ensure that human beings are not adversely affected. In addition, impacts to human beings resulting in changes in air quality or the noise environment would be less than significant.

# **Appendix A**

## **Biological Resources Technical Report**

**Biological Resources Technical Report**  
**for the**  
**Altamont Commuter Express**  
**Maintenance Facility Project**

**Septmeber 2008**

*Prepared for:*

**San Joaquin Regional Rail Commission**

*Prepared by:*

**PBS&J**  
1200 2<sup>nd</sup> Street  
Sacramento, CA 95814

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## INTRODUCTION

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This report describes the biological resources within the proposed Altamont Commuter Express (ACE) Maintenance Facility (Proposed Project) survey area. The 73-acre survey area is located northeast of downtown Stockton, along the former Western Pacific (WP) and former Southern Pacific (SP) rail lines, west of West Lane and south of East Alpine Avenue (see Figure 1). The survey area is located in a “pocket” area of San Joaquin County on land surrounded by the City of Stockton and includes approximately 64 acres to be developed for the maintenance facility (Project Site) and nine acres for the existing Union Pacific Rail Road right-of-way (former WP rail line), which traverses the southwest portion of the survey area. An at-grade railroad crossing is at the northwest corner of the survey area at East Alpine Avenue and the former WP rail line. The survey area was historically used for agricultural and industrial uses. The majority of the survey area was most recently used by American Moulding and Millworks, and the present owners are in the process of demolishing the remains of the prior operation as well as clean up of environmental contamination. There are currently no buildings on the survey area (Figure 1 shows buildings that have been demolished).

The survey area is surrounded by railroad lines, roadways, and institutional, commercial, industrial, and residential uses. Existing uses north of the survey area include single-family residential, and Oak Park further to the northwest, which is a community park maintained by the City of Stockton.

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## METHODS

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Vegetation communities, special status plants and wildlife, and wildlife habitats were evaluated for the survey area. This evaluation was based on a query of the California Natural Diversity Data Base (CNDDB) within five miles of the survey area, and the U.S. Fish and Wildlife Service (USFWS) Endangered and Threatened Species list and the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants for the Stockton East and Stockton West USGS 7.5-minute topographic quadrangles (see Appendix A). CNDDB occurrence locations for special-status species can be seen in Figure 2.

A biological field survey was conducted on July 2, 2008 to identify any special-status plant and wildlife species (or signs of their activity) and habitat that could occur in the survey area. Random transects were walked within the survey area and field notes taken of existing biological resources. Due to the relatively small size of the survey area, the entire area was surveyed.

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## RESULTS

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### Vegetation Communities in the Survey Area

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The survey area only supports one vegetation type: ruderal (weedy) vegetation. Ruderal habitats often contain a high percentage of non-native annual and biennial vascular plant species that thrive on periodic disturbance (e.g., mowing, spraying, discing). The topography of the survey area is nearly level throughout, broken only by pits that are a result of the environmental clean up activities. Dominant herbaceous plant species observed included yellow star-thistle (*Centaurea solstitialis*), milk



FIGURE 1  
Project Location

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Altamont Commuter Express Maintenance Facility Project



thistle (*Silybum marianum*), artichoke thistle (*Cynara cardunculus*), filaree (*Erodium cicutarium* and *E. botrys*), Russian thistle (*Salsola tragus*), field bindweed (*Convolvulus arvensis*), black mustard (*Brassica nigra*), telegraph weed (*Heterotheca grandiflora*) prickly lettuce (*Lactuca serriola*), wild oat (*Avena fatua*), Italian ryegrass (*Lolium multiflorum*) Italian thistle (*Carduus pycnocephalus*), common mallow (*Malva neglecta*), tarweed (*Hemizonia fitchii*), hare barley (*Hordeum murinum ssp. leporinum*), rabbit's foot grass (*Polypogon monspeliensis*), Bermuda grass (*Cynodon dactylon*), bur clover (*Medicago polymorpha*) and rip-gut brome (*Bromus diandrus*). Woody vegetation consisted of a few small almond (*Prunus dulcis*), valley oak (*Quercus lobata*), and tree-of-heaven (*Ailanthus altissima*). Most of the woody vegetation was found along the boundary of the survey area and in a detention basin in the northern portion of the survey area.

There was no evidence of wetland habitat present on the survey area. Special attention was given to the area along the railroad tracks; no wetlands were found along the tracks.

### **Wildlife Resources in the Survey Area**

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Wildlife species observed in the survey area were few, but included western fence lizard (*Sceloporus occidentalis*), black-tailed jack rabbit (*Lepus californicus*) and red fox (*Vulpes vulpes*). California ground squirrel (*Spermophilus beecheyi*) burrows were also observed, primarily along the railroad tracks.

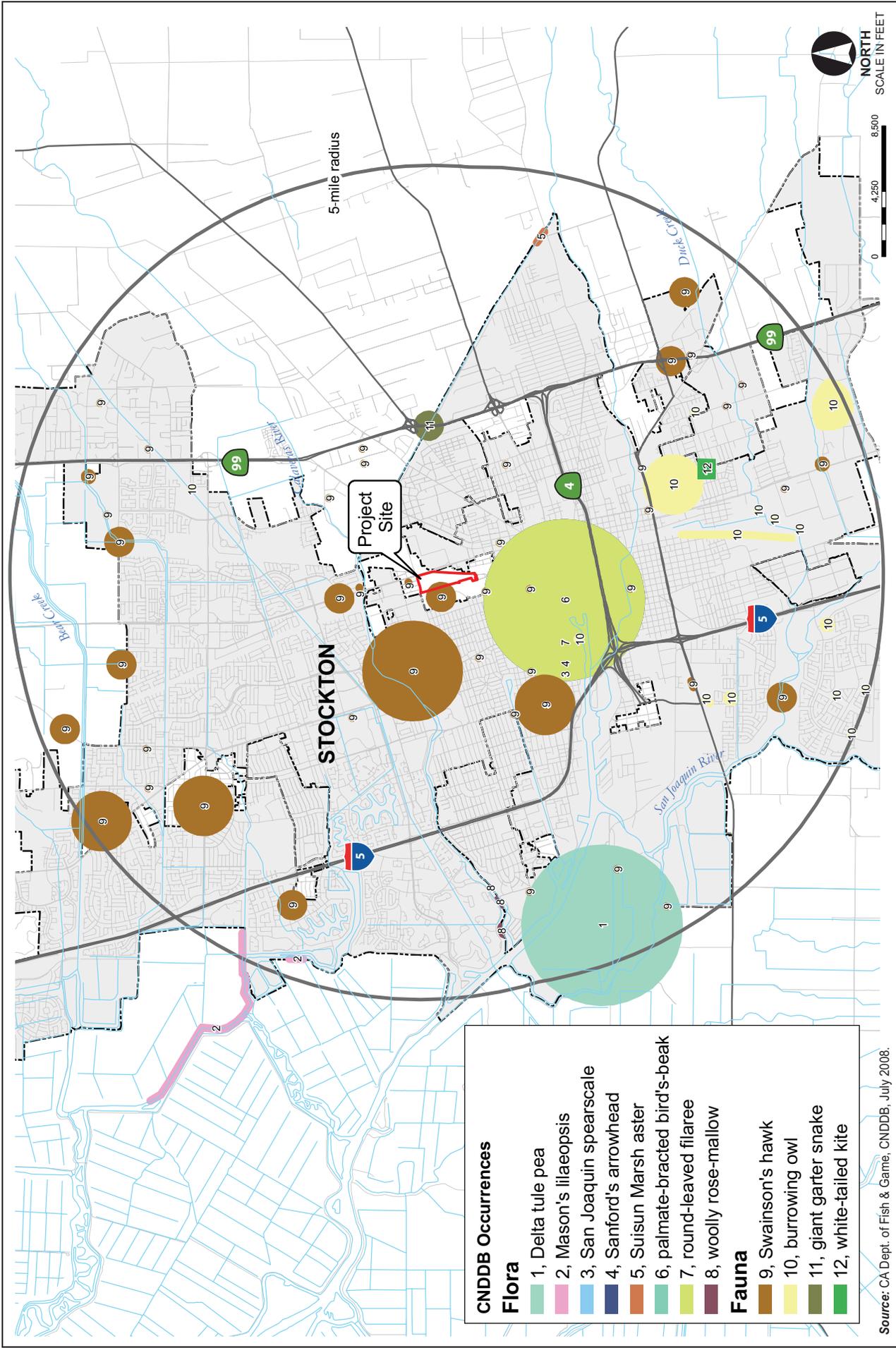
Because the survey area and surrounding areas are largely developed, the vegetation communities contain limited and marginally suitable habitat for wildlife. The few trees within the survey area could provide nesting habitat for common birds in the area, including American crow and mockingbirds. Two red foxes were observed coming out of one of the pits; the pit may serve as a denning site. The majority of California ground squirrel burrows were observed at the base of the raised gravel rail bed along the western boundary of the survey area. These burrows were examined for the potential presence of burrowing owl (*Athene cunicularia*), a subterranean nesting species which utilizes small mammal burrows for dens; no owls or evidence of their presence was observed.

Although no raptors were observed during the field survey, the highly disturbed ruderal vegetative communities could provide potential foraging habitat for raptors, but overall habitat values appear to be marginal at best. There are CNDDDB occurrences of special-status raptor species (i.e., Swainson's hawk, burrowing owl, white-tailed kite) within five miles of the survey area (see Figure 2).

### **Special Status Plant and Wildlife Species Potentially Occurring in the Region**

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Special-status plant and wildlife species that have been recorded within a five-mile radius of the survey area include species listed under the state and federal Endangered Species Acts (ESA); species that are proposed for those listings; California Species of Special Concern; Fully Protected Species under the California Fish and Game Code; and plant species listed in the CNPS *Inventory of Rare and Endangered Plants of California*. Table 1 lists the special-status species recorded within five miles of the survey area and an assessment of potential project effects on these species. Any species with a potential to occur on or near the Project Site is discussed below.



Source: CA Dept. of Fish & Game, CNDDB, July 2008.

FIGURE 2  
Sensitive Species Occurrences within 5 Mile Radius



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**Burrowing Owl** (*Athene cunicularia*) is a California Species of Special Concern that is found in open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Burrowing owls are subterranean nesters, dependent on burrowing mammals (e.g., California ground squirrels and jackrabbits) to create their burrows. The closest recorded CNDDDB occurrence (Occurrence Number #329) is approximately two miles southwest of the survey area (see Figure 2). No burrowing owls (or evidence of their presence, i.e. white wash or feathers) were observed during the biological field survey. However, ground squirrel burrows were present, primarily along the UPRR tracks that could provide suitable nesting habitat. Additionally, the survey area could provide low quality foraging habitat for this species.

**White-tailed kite** (*Elanus leucurus*) is a “fully protected” raptor in California that feeds on rodents, small reptiles, and large insects in fresh emergent wetlands, annual grasslands, pastures, and ruderal vegetation. Unlike other raptors, kites often roost and occasionally nest communally. Therefore, disturbance of a relatively small roost or nesting area could affect a large number of birds. Although the survey area does not contain suitable nesting habitat, it does provide low quality foraging habitat. The closest recorded CNDDDB occurrence (Occurrence Number #110) is approximately 3.5 miles south of the survey area (see Figure 2).

**Swainson’s hawk** (*Buteo swainsoni*) is a State threatened open-country raptor in California that forages over grasslands and agricultural fields, especially after discing or harvest. Swainson’s hawk can forage as far as 20 miles from the nest and observations of Swainson’s hawk in the Stockton area are common. Although the survey area does not contain suitable nesting habitat, it does provide potentially very low-quality foraging habitat. There are a number of recorded nest sites in CNDDDB within one mile of the survey area (see Figure 2).

### **Special-Status Plant Species Potentially Occurring In the Survey Area**

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No known occurrences of special-status plant species in the survey area are recorded in the CNDDDB, CNPS, or USFWS databases and none were observed during the biological field survey. The highly disturbed ruderal plant communities occurring within the survey area do not provide suitable habitat for any listed vernal pool, valley grassland, or freshwater marsh special-status plant species (see Figure 2).

### **Special-Status Wildlife Species Potentially Occurring In the Survey Area**

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No known occurrences of special-status wildlife in the survey area are recorded in the CNDDDB or USFWS databases and none were observed during the biological field survey. There are no elderberry shrubs (*Sambucus* spp.), aquatic habitats (including vernal pools and seasonal wetlands), annual grassland, riparian, or oak woodland habitats which could provide potentially suitable habitat for listed special-status wildlife species. The survey area and adjacent lands are highly disturbed from urban development over the past several decades, which reduces the suitability of existing habitat for nesting or denning of special-status wildlife species. The three special-status bird species discussed above could potentially use the survey area for foraging, but it is unlikely given its poor quality.

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## CONCLUSION

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It is unlikely that the ruderal habitats present in the survey area are used by special status species given the surrounding land uses and its low habitat values. However, given the proximity of the survey area to several Swainson's hawk nests, the survey area could be used as foraging habitat by Swainson's hawk. The CDFG recommends the purchase of mitigation credits at a 1 to 1 ratio for the loss of foraging habitat within one mile of an active Swainson's hawk nest site. Also, given the very low quality of the Project Site, the ratio could be reduced in consultation with the CDFG. While not currently found in the survey area, burrowing owls could use the ground squirrel burrows as nesting sites in the future. Additionally, trees in the survey area could support nesting birds protected under the Migratory Bird Treaty Act; the trees are too small to support nesting white-tailed kites or Swainson's hawk. If construction is to occur during the nesting season (generally March 1 through September 1), pre-construction surveys would be required.

### **San Joaquin County Multi-species Habitat Conservation and Open Space Plan**

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The survey area is located within the boundaries of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (HCP). Through participation in the HCP process, mitigation for the loss of habitat for Swainson's hawk is greatly simplified by allowing a payment of fees to cover all mitigation and permitting requirements. The survey area is located in a "no-pay" zone that is pre-approved for participation in the HCP. If the Proposed Project participates in the HCP, there are standard "take avoidance" measures outlined in the HCP for Swainson's hawk and burrowing owl that would be required.

**Table 1**  
**Special Status<sup>1</sup> Wildlife Species Known to Occur Within Five Miles of the Proposed Maintenance Facility**

Species Name	Status <sup>2</sup>			Habitat	Observed in the Survey Area	Potential Project Effect
	Federal	State	Other			
<i>Aster lentus</i> Suisun Marsh aster	None	None	CNPS List 1B.2	Marshes and swamps (brackish and freshwater)	No	None.
<i>Astragalus tener</i> var. <i>tener</i> Alkali milk-vetch	None	None	CNPS List 1B.2	Playas; foothill and valley grasslands (in adobe clay substrates); vernal pools (alkaline soil substrates)	No	None.
<i>Atriplex joaquiniana</i> San Joaquin spearscale	None	None	CNPS List 1B.2	Chenopod scrub; meadows and seeps; playas; valley and foothill grassland (alkaline soil substrates)	No	None.
<i>Californina macrophyllum</i> Round-leaved filaree	None	None	CNPS List 1B.1	Cismontane woodland; valley and foothill grassland (clay soil substrates)	No	None.
<i>Cordylanthus palmatus</i> Palmate-bracted bird's-beak	FE	SE	CNPS List 1B.1	Chenopod scrub; valley and foothill grassland (alkaline soil substrates)	No	None.
<i>Delphinium recurvatum</i> Recurved larkspur	None	None	CNPS List 1B.2	Chenopod scrub; cismontane woodland; valley and foothill grassland (alkaline soil substrates)	No	None.
<i>Hibiscus lasiocarpus</i> Rose-mallow	None	None	CNPS List 2.2	Freshwater marshes and swamps	No	None.
<i>Lathyrus jepsonii</i> var. <i>jepsonii</i> Delta tulle pea	None	None	CNPS List 1B.2	Freshwater and brackish marshes and swamps	No	None.
<i>Limosella subulata</i> Delta mudwort	None	None	CNPS List 2.1	Marshes and swamps	No	None.
<i>Sagittaria sanfordii</i> Sanford's arrowhead	None	None	CNPS List 1B.2	Assorted shallow freshwater marshes and swamps	No	None.
<i>Symphyotrichum lentum</i> Suisun Marsh aster	None	None	CPMS List 1B.2	marshes and swamps (brackish and freshwater)	No	None.

**Table 1 (continued)**  
**Special Status<sup>1</sup> Wildlife Species Known to Occur Within Five Miles of the Proposed Maintenance Facility**

Species Name	Status <sup>2</sup>			Habitat	Habitat Present	Observed in the Survey Area	Potential Project Effect
	Federal	State	Other				
<b>Invertebrates</b>							
<i>Branchinecta lynchi</i> Vernal pool fairy shrimp	FT	None	None	Endemic to grasslands of the Central Valley, central coast mountains and south coast mountains in small, clear water sandstone-depression pools and grassed swale, earth slump or basalt-flow depression rain-filled pools	No	No	<b>None.</b>
<i>Desmocerus californicus dimorphus</i> Valley elderberry longhorn beetle	FT	None	None	Specific host plant is blue elderberry ( <i>Sambucus mexicana</i> ) 2-8 inches in diameter	No	No	<b>None.</b>
<i>Lepidurus packardii</i> Vernal pool tadpole shrimp	FE	None	None	Vernal pools and swales in the Sacramento Valley containing clear to turbid water	No	No	<b>None.</b>
<b>Fish</b>							
<i>Acipenser medirostris</i> <i>Green sturgeon</i>	FT	CSC	None	Spawns in the Sacramento and Klamath rivers.	No	No	<b>None.</b>
<i>Hypomesus transpacificus</i> Delta smelt	FT	ST	AFS <sup>1</sup> - Threatened	Sacramento-San Joaquin Delta; generally found at salinities between 2 and 10 parts per thousand.	No	No	<b>None.</b>
<i>Oncorhynchus mykiss</i> Central Valley steelhead	FT	None	None	Sacramento and San Joaquin Rivers, along with all of their tributaries	No	No	<b>None.</b>
<i>Oncorhynchus tshawytscha</i> Central Valley spring-run Chinook salmon	FT	ST	None	Central Valley rivers and their tributaries west to the Pacific Ocean	No	No	<b>None.</b>
<i>Oncorhynchus tshawytscha</i> Winter-run Chinook salmon, Sacramento River	FE	SE	None	Central Valley rivers and their tributaries west to the Pacific Ocean	No	No	<b>None.</b>

<sup>1</sup> ASF - American Fisheries Society.

**Table 1 (continued)**  
**Special Status<sup>1</sup> Wildlife Species Known to Occur Within Five Miles of the Proposed Maintenance Facility**

Species Name	Status <sup>2</sup>			Habitat	Habitat Present	Observed in the Survey Area	Potential Project Effect
	Federal	State	Other				
<b>Amphibians</b>							
<i>Ambystoma californiense</i> California tiger salamander	FT	CSC	None	Needs underground refuges, especially ground squirrel burrows and vernal pools or other seasonal water sources for breeding.	No	No	None.
<i>Rana aurora draytonii</i> California red-legged frog	FT	CSC	None	Lowlands and foothills in or near permanent sources of deep water with dense shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to aestivation habitat.	No	No	None.
<b>Reptiles</b>							
<i>Thamnophis gigas</i> Giant garter snake	FT	ST	None	Prefers freshwater marsh and low gradient streams; has adapted to drainage canals and irrigation ditches.	No	No	None.
<b>Birds</b>							
<i>Agelaius tricolor</i> Tricolored blackbird	None	CSC	None	Most numerous in the Central Valley and vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few kilometers of the colony; species has displayed increasing tendencies toward nesting in patches of blackberry, willow, mustard, thistle, nettle, and even grasses.	No	No	None.
<i>Athene cunicularia</i> Burrowing owl	None	CSC	None	Subterranean nester, dependant upon burrowing mammals, most notably the California ground squirrel.	Yes	No	<b>Potential impacts to foraging habitat.</b>

**Table 1 (continued)**  
**Special Status<sup>1</sup> Wildlife Species Known to Occur Within Five Miles of the Proposed Maintenance Facility**

Species Name	Status <sup>2</sup>			Habitat	Habitat Present	Observed in the Survey Area	Potential Project Effect
	Federal	State	Other				
<i>Buteo swainsoni</i> Swainson's hawk	None	ST	None	Burrow sites typically in open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. Nearest CNDDDB Occurrence is approximately 2 miles south of survey area.	No	No	<b>Potential impacts to foraging habitat.</b>
<i>Elanus leucurus</i> White-tailed kite	None	CFP	None	Nests in trees in juniper-sage flats, riparian areas and oak savannahs near suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations. Numerous CNDDDB occurrences within one mile of survey area.	No	No	<b>Potential impacts to foraging habitat.</b>
<b>Mammals</b> <i>Vulpes macrotis mutica</i> San Joaquin kit fox	FE	ST	None	Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching. General nesting habitat is rolling foothill/valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Nearest CNDDDB Occurrence approximately 3.5 miles south of survey area in valley oak riparian habitat.	No	No	<b>None.</b>
				Species inhabits suitable grassland, scrubland, alkali meadows and playas, and agricultural landscapes in the San Joaquin Valley and in surrounding foothill areas of the Coast Ranges, Sierra Nevada, and Tehachapi Mountains.			

**Table 1 (continued)  
Special Status<sup>1</sup> Wildlife Species Known to Occur Within Five Miles of the Proposed Maintenance Facility**

Species Name	Status <sup>2</sup>		Habitat	Habitat Present	Observed in the Survey Area	Potential Project Effect
	Federal	State				
<i>Source:</i> California Natural Diversity Database, 2008.						
<i>Notes:</i>						
<b>1-Special Status Species:</b> Animals that were included in this table have a ranking of CSC or higher. Special-status plants that were included in this table have a ranking of List 2 or higher.						
<b>2-Status:</b>						
<b>Federal</b>						
FE	Federally listed as Endangered					
FT	Federally listed as Threatened					
<b>State</b>						
SE	State listed as Endangered					
ST	State listed as Threatened					
CFP	California Department of Fish and Game designated "Fully Protected" – Permit required for "take."					
CSC	California Department of Fish and Game designated "Species of Special Concern"					
<b>Other</b>						
CNPS 1B	California Native Plant Society (CNPS) Ranking. Defined as plants that are rare, threatened, or endangered in California and elsewhere.					
CNPS 2	California Native Plant Society (CNPS) Ranking. Defined as plants that are rare, threatened, or endangered in California, but more common elsewhere.					
<b>CNPS Threat Code Extension</b>						
1.	Species seriously endangered in California					
2.	Species fairly endangered in California					

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# **Appendix A**

## **California Natural Diversity Data Base Query**

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California Department of Fish and Game  
 Natural Diversity Database  
 CNDDB Wide Tabular Report  
 ACE - Stockton East and Stockton West

Name (Scientific/Common)	CNDDB Ranks	Other Lists	Listing Status	Total EO's	Element Occ Ranks										Population Status			Presence	
					A	B	C	D	X	U	Historic >20 yr	Recent <=20 yr	Pres. Extant	Poss. Extirp.					
<i>Agelaius tricolor</i> tricolored blackbird	G2G3 S2	CDFG: SC	Fed: None Cal: None	424 S:1	0	0	0	0	0	0	1	0	0	0	1	0	0	0	
<i>Ambystoma californiense</i> California tiger salamander	G2G3 S2S3	CDFG: SC	Fed: Threatened Cal: None	963 S:1	0	0	0	0	1	0	1	0	0	0	0	0	0	1	
<i>Astragalus tener</i> var. <i>tener</i> alkali milk-vetch	G1T1 S1.1	CNPS: 1B.2	Fed: None Cal: None	66 S:1	0	0	0	0	1	0	1	0	0	0	0	0	0	1	
<i>Athene cunicularia</i> burrowing owl	G4 S2	CDFG: SC	Fed: None Cal: None	1010 S:21	1	8	8	2	0	2	1	20	0	0	21	0	0	0	
<i>Atriplex joaquiniana</i> San Joaquin spearscale	G2 S2.1	CNPS: 1B.2	Fed: None Cal: None	91 S:1	0	0	0	0	0	1	1	0	0	1	0	0	0	0	
<i>Buteo swainsoni</i> Swainson's hawk	G5 S2	CDFG:	Fed: None Cal: Threatened	1675 S:59	2	13	11	2	3	28	2	57	0	0	56	1	2	0	
<i>California macrophylla</i> round-leaved filaree	G3 S3.1	CNPS: 1B.1	Fed: None Cal: None	93 S:1	0	0	0	0	0	1	1	0	0	1	0	0	0	0	
<i>Cordylanthus palmatus</i> palmate-bracted bird's-beak	G1 S1.1	CNPS: 1B.1	Fed: Endangered Cal: Endangered	24 S:1	0	0	0	0	1	0	1	0	0	0	0	1	0	0	
<i>Delphinium recurvatum</i> recurved larkspur	G2 S2.2	CNPS: 1B.2	Fed: None Cal: None	79 S:1	0	0	0	0	0	1	1	0	0	1	0	0	0	0	
<i>Elanus leucurus</i> white-tailed kite	G5 S3	CDFG:	Fed: None Cal: None	111 S:1	0	0	0	0	0	1	0	1	0	1	0	0	0	0	
<i>Hibiscus lasiocarpus</i> woolly rose-mallow	G4 S2.2	CNPS: 2.2	Fed: None Cal: None	132 S:1	0	0	1	0	0	0	0	1	0	1	0	0	0	0	
<i>Lathyrus jepsonii</i> var. <i>jepsonii</i> Delta tulle pea	G5T2 S2.2	CNPS: 1B.2	Fed: None Cal: None	128 S:1	0	0	0	0	0	1	1	0	0	1	0	0	0	0	
<i>Sagittaria sanfordii</i> Sanford's arrowhead	G3 S3.2	CNPS: 1B.2	Fed: None Cal: None	62 S:1	0	0	0	0	0	1	1	0	0	1	0	0	0	0	
<i>Symphotrichum lentum</i> Suisun Marsh aster	G2 S2.2	CNPS: 1B.2	Fed: None Cal: None	126 S:1	0	0	0	0	0	1	1	0	0	1	0	0	0	0	
<i>Thamnophis gigas</i> giant garter snake	G2G3 S2S3	CDFG:	Fed: Threatened Cal: Threatened	221 S:1	0	0	0	0	0	1	1	0	0	1	0	0	0	0	

**Federal Endangered and Threatened Species that Occur in  
or may be Affected by Projects in the Counties and/or  
U.S.G.S. 7 1/2 Minute Quads you requested**

Document Number: 080714040719

Database Last Updated: January 31, 2008

---

Quad Lists

Listed Species

Invertebrates

*Branchinecta lynchi*

vernal pool fairy shrimp (T)

*Desmocerus californicus dimorphus*

valley elderberry longhorn beetle (T)

*Lepidurus packardii*

vernal pool tadpole shrimp (E)

Fish

*Acipenser medirostris*

green sturgeon (T) (NMFS)

*Hypomesus transpacificus*

Critical habitat, delta smelt (X)

delta smelt (T)

*Oncorhynchus mykiss*

Central Valley steelhead (T) (NMFS)

Critical habitat, Central Valley steelhead (X) (NMFS)

*Oncorhynchus tshawytscha*

Central Valley spring-run chinook salmon (T) (NMFS)

winter-run chinook salmon, Sacramento River (E) (NMFS)

Amphibians

*Ambystoma californiense*

California tiger salamander, central population (T)

*Rana aurora draytonii*

California red-legged frog (T)

Reptiles

*Thamnophis gigas*

giant garter snake (T)

Mammals

*Vulpes macrotis mutica*

San Joaquin kit fox (E)

Quads Containing Listed, Proposed or Candidate Species:

STOCKTON EAST (461B)

STOCKTON WEST (462A)

---

## County Lists

No county species lists requested.

### Key:

(E) *Endangered* - Listed as being in danger of extinction.

(T) *Threatened* - Listed as likely to become endangered within the foreseeable future.

(P) *Proposed* - Officially proposed in the Federal Register for listing as endangered or threatened.

(NMFS) Species under the Jurisdiction of the [National Oceanic & Atmospheric Administration Fisheries Service](#). Consult with them directly about these species.

*Critical Habitat* - Area essential to the conservation of a species.

(PX) *Proposed Critical Habitat* - The species is already listed. Critical habitat is being proposed for it.

(C) *Candidate* - Candidate to become a proposed species.

(V) Vacated by a court order. Not currently in effect. Being reviewed by the Service.

(X) *Critical Habitat* designated for this species

## Important Information About Your Species List

### How We Make Species Lists

We store information about endangered and threatened species lists by U.S. Geological Survey 7½ minute quads. The United States is divided into these quads, which are about size of San Francisco.

The animals on your species list are ones that occur within, **or may be affected by** projects within, the quads covered by the list.

- Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them.
- Amphibians will be on the list for a quad or county if pesticides applied in that area may be carried to their habitat by air currents.
- Birds are shown regardless of whether they are resident or migratory. Relevant birds on the county list should be considered regardless of whether they appear on a quad list.

### Plants

Any plants on your list are ones that have actually been observed in the area covered by the list. Plants may exist in an area without ever having been detected there. You can find out what's in the surrounding quads through the California Native Plant Society's online [Inventory of Rare and Endangered Plants](#).

### Surveying

Some of the species on your list may not be affected by your project. A trained biologist or botanist, familiar with the habitat requirements of the species on your list, should determine whether they or habitats suitable for them may be affected by your project. We recommend that your surveys include any proposed and candidate species on your list.

For plant surveys, we recommend using the [Guidelines for Conducting and Reporting Botanical Inventories](#). The results of your surveys should be published in any environment documents prepared for your project.

## Your Responsibilities Under the Endangered Species Act

All animals identified as listed above are fully protected under the Endangered Species Act 1973, as amended. Section 9 of the Act and its implementing regulations prohibit the take of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal.

Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

- If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a formal [consultation](#) with the Service.

During formal consultation, the Federal agency, the applicant and the Service work together to avoid or minimize the impact on listed species and their habitat. Such consultation would result in a biological opinion by the Service addressing the anticipated effect of the project on listed proposed species. The opinion may authorize a limited level of incidental take.

- If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an incidental take permit. The Service may issue such a permit if you submit a satisfactory conservation plan for the species that would be affected by your project.

Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop a plan that minimizes the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. You should include the plan in any environmental documents you file.

## Critical Habitat

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as [critical habitat](#). These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal.

Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, there will be a separate line for this on the species list. Boundary descriptions of the critical habitat may be found in the Federal Register. The information is also reprinted in the Code of Federal Regulations (50 CFR 17.95). See our [critical habitat page](#) for maps.

## Candidate Species

We recommend that you address impacts to candidate species. We put plants and animals on our candidate list when we have enough scientific information to eventually propose them for listing as threatened or endangered. By considering these species early in your planning process you may be able to avoid the problems that could develop if one of these candidates was listed before the end of your project.

## Species of Concern

The Sacramento Fish & Wildlife Office no longer maintains a list of species of concern. However, various other agencies and organizations maintain lists of at-risk species. These lists provide essential information for land management planning and conservation efforts [More info](#)

## Wetlands

If your project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act, you will need to obtain a permit from the U.S. Army Corps of Engineers. Impacts to wetland habitats require site specific mitigation and monitoring. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 414-6580.

## Updates

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed and candidate species in your planning, this should not be a problem. However, we recommend that you get an updated list every 90 days. That would be October 12, 2008.



## Inventory of Rare and Endangered Plants

v7-08c 7-09-08

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**Status:** search results for "+Stockton East (461B) 3712182" - Mon, Jul. 14, 2008 15:05 c

Tip: Terms prefixed by "+" are required, and by "-" excluded.[\[all tips and help.\]](#)[\[search history\]](#)

**Hits 1 to 2 of 2**  
**Requests that specify topo quads will return only Lists 1-3.**

To save selected records for later study, click the ADD button.

Selections will appear in a new window.

open	save	hits	scientific	common	family	CNPS
	<input type="checkbox"/>	1	<b><u>Delphinium recurvatum</u></b> 	recurved larkspur	Ranunculaceae	List 1B.2
	<input type="checkbox"/>	1	<b><u>Symphotrichum lentum</u></b>	Suisun Marsh aster	Asteraceae	List 1B.2

No more hits.










## Inventory of Rare and Endangered Plants

v7-08c 7-09-08

**Status:** search results for "+Stockton West (462A) 3712183" - Mon, Jul. 14, 2008 15:05 c

+"Stockton West (462A) 3712183"

[Tip:](#) Want to search by habitat? Try the **Checkbox and Preset** search page.[\[all tips and help.\]](#)  
[\[search history\]](#)

**Hits 1 to 5 of 5**

**Requests that specify topo quads will return only Lists 1-3.**

To save selected records for later study, click the ADD button.

Selections will appear in a new window.

open	save	hits	scientific	common	family	CNPS
	<input type="checkbox"/>	1	<b><u>California macrophylla</u></b> 	round-leaved filaree	Geraniaceae	List 1B.1
	<input type="checkbox"/>	1	<b><u>Hibiscus lasiocarpus</u></b>	woolly rose- mallow	Malvaceae	List 2.2
	<input type="checkbox"/>	1	<b><u>Lathyrus jepsonii</u></b> var. <b><u>jepsonii</u></b>	Delta tulle pea	Fabaceae	List 1B.2
	<input type="checkbox"/>	1	<b><u>Limosella subulata</u></b>	Delta mudwort	Scrophulariaceae	List 2.1
	<input type="checkbox"/>	1	<b><u>Sagittaria sanfordii</u></b>	Sanford's arrowhead	Alismataceae	List 1B.2

No more hits.



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**FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**Altamont Commuter Express  
Maintenance Facility Project**

**San Joaquin Regional Rail Commission**

**November 4, 2008**

*Prepared for:*

San Joaquin Regional Rail Commission  
949 E. Channel Street  
Stockton, CA 95202

*Prepared by:*

PBS&J  
1200 2<sup>nd</sup> Street  
Sacramento, CA 95814

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**APPENDICES**

A: Letter from the SJRRC to the CPUC, October 28, 2008

# I. INTRODUCTION

## Background

A Draft Initial Study/Mitigated Negative Declaration (IS/MND) was prepared by the San Joaquin Regional Rail Commission (SJRRRC) to disclose potential environmental effects of the proposed Altamont Commuter Express (ACE) Maintenance Facility Project (Proposed Project) (State Clearinghouse # 2007102091). The Proposed Project includes the development of a new maintenance facility for ACE's commuter rail passenger train. The Project provides for daily inspection, maintenance, and cleaning of SJRRRC rolling stock, as well as progressive maintenance, including light and heavy repairs of passenger coaches and locomotives. SJRRRC proposes to annex and prezone the Project Site into the City of Stockton under the Industrial General (IG) zoning district and to construct a new maintenance facility on the 64-acre site previously used for industrial uses. The Project Site is currently in the County and the five parcels are zoned General Industrial (I-G) and Public Facilities (P-F). The Project Site is in the City's Sphere of Influence and has an Industrial, Institutional, and Low Density Residential General Plan land use designation. SJRRRC also proposes to make modifications to the rail line within a 9-acre UPRR parcel, which traverses the southern portion of the Project Site. The Draft IS/MND includes a description of the Proposed Project, an assessment of its potential effects and potential effects of the maintenance facility at the Project Site, and mitigation measures to reduce potentially significant effects of the Project that were identified in the Draft IS/MND. This Draft and Final Initial Study and Mitigated Negative Declaration will assist the SJRRRC in determining if the site is appropriate for the maintenance facility.

The 30-day public review period for the Draft IS/ND began September 3, 2008 and ended October 2, 2008. During this time frame, the document was reviewed by various public agencies, as well as by interested individuals. Written comments were received from two public agencies (California Public Utilities Commission, and California Department of Transportation).

This document responds to comments on the Draft IS/MND that were raised during the public review period, and contains revisions intended to correct, clarify, and amplify the Draft IS/MND. The responses and revisions in this document substantiate and confirm the analyses contained in the Draft IS/MND. No new substantial environmental impact and no increase in the severity of an earlier identified impact have surfaced in responding to the comments. Together, the previously released Draft IS/MND and this document constitute the Final IS/MND. As the lead agency, the SJRRRC must certify the Final IS/MND before action can be taken on the Proposed Project. Certification requires that the lead agency make findings that the Final IS/MND complies with CEQA as well as adopt a Mitigation Monitoring and Reporting Plan (MMRP).

## How to Use This Report

This document consists of three sections: (1) Introduction, (2) Individual Responses to Written Comments of the Draft IS/MND, and (3) Staff-initiated Text Changes to the Draft IS/MND. Section I reviews the purpose and contents of the Final IS/MND and lists the public agencies and individuals who submitted comments letters on the Draft IS/MND. Section II contains written comments received on the Draft IS/MND and individual responses to comments. Finally, Section III consists of text changes to the Draft IS/MND requested by SJRRRC staff to update information and mitigation based on further research and surveys conducted.

Specific comments from each comment letter have been enumerated in the margin of the letter, which is reproduced in Section II of this document. Comments are denoted using a numbering system that identifies the comment letter and the comment number within the comment letter. Thus, Comment 1.2 refers to the second comment in Comment Letter #1. Responses to each of these comments follow each comment letter and follow the same numbering scheme. Thus, Response 1.2 addresses Comment 1.2. For the most part, the responses provide explanation or additional discussion of text in the Draft IS/MND. In some instances, the response supersedes or supplements the text of the Draft IS/MND for accuracy or clarification. New text that has been added to the Draft IS/MND is indicated with underlining. Text that has been deleted is indicated with ~~strikethrough~~.

## List of Commentors

Comment letters on the Draft IS/MND were received from two public agencies and no individuals, as listed below.

### Public Agencies

1. California Public Utilities Commission (letter dated October 2, 2008)
2. California Department of Transportation (letter dated September 5, 2008)

## II RESPONSES TO WRITTEN COMMENTS ON THE DRAFT INITIAL STUDY/NEGATIVE DECLARATION

Written comment letters on the Draft IS/MND are reproduced in this section, followed immediately by responses. Discrete comments from each letter are denoted in the left margin by a vertical line and numbered.

Responses follow each comment letter and are enumerated to correspond with the comment number. Response 2.1 for example, refers to the response for the first comment in Comment Letter #2.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



October 2, 2008

Gregg Baxter  
San Joaquin Rail Commission  
949 E. Channel Street  
Stockton, CA 95202

Re: Notice of Preparation, Initial study/Mitigated Negative Declaration  
Altamont Commuter Express Maintenance Facility Project  
SCH #2007102091

Dear Mr. Baxter:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The Commission recommends that the SJRRC include potential project-related rail safety impacts and measures to reduce adverse impacts of the proposed project.

In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. Changes in land use should not be allowed that would permit housing adjacent to existing rail yards. Similarly, where a need for grade-separated crossings is identified, new development should not be placed adjacent to at-grade highway rail crossings, within the footprint of land needed for future grade-separation structures.

General categories of measures to reduce potential adverse impacts on rail safety include:

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption



- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Where soundwalls, landscaping, buildings, etc. would be installed near crossings, maintaining the visibility of warning devices and approaching trains
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization
- Installation of additional traffic lanes through the crossing to accommodate additional traffic
- Construction of pull-out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

↑  
1-3  
(con't.)

CPUC also encourages localities to set up mechanisms whereby new developments pay a fair share of their impact costs to fund the above measures if not already in an existing Fee program by the City or a Regional Fee program.

1-4

Of concern are the at grade rail crossings on West Lane ( CPUC #001D-92.80) and Alpine Avenue (CPUC# 001D-93.00) due to the proximity of the proposed project. The environmental document does not provide any traffic analysis beyond the proposed turning lanes on Alpine Avenue onto the project site.

1-5

There is brief discussion about a grade separation planned along the eastern Project Site boundary and West Lane, and this improvement will be coordinated between the City of Stockton and SJRRC, therefore improvements to West Lane are unknown at this time. Although not discussed in the document, how is the future right of way dedication being addressed to accommodate the footprint for the grade separation by the City and SJRRC as this is a critical element to the future construction of the grade separation? The right of way discussion needs to be a part of this environmental document with proposed set back requirements of permanent structures to minimize future relocation costs if and when the grade separation is funded.

1-6

Gregg Baxter, SJRRC  
SCH #2007102091  
October 2, 2008  
Page 3 of 3

The Commission could be a responsible agency under CEQA section 15381 with the review of this project and needs to be referenced accordingly in the environmental documents depending on the impacts and or improvements to the Rail Corridor and at grade rail crossings.

1-7

Thank you for your consideration of these comments and we look forward to working with you on this project. If you have any questions in this matter, please call me at (415) 713-0092 or email @ [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov).

Sincerely,

Moses Stites  
Rail Corridor Safety Specialist  
Consumer Protection and Safety Division  
Rail Transit and crossings Branch  
515 L Street, Suite 1119  
Sacramento, CA 95814

**1. Moses Stites, Rail Corridor Safety Specialist, California Public Utilities Commission, Consumer Protection and Safety Division, Rail Transit and Crossing Branch**

In response to comments raised by the California Public Utilities Commission (CPUC), the SJRRC sent a letter to the CPUC on October 28, 2008 acknowledging their concerns about the project and responding to their comments. A copy of the SJRRC letter to the CPUC is provided in Appendix A of this document.

- 1.1 The commentor asks that the project consider potential safety issues related to trains and vehicles, and trains and pedestrians, and consider the type of land use proposed adjacent to existing railyards. The Project Site is bound by two active rail lines to the southeast and west, East Alpine Avenue to the north, West Lane to the East, and Taft Avenue and a residence to the south. No development or track realignment activities would occur near the residence. Since the maintenance facility would be sited further to the northeast of the residence and west of the existing Union Pacific Railroad (UPRR) tracks, no housing would be located adjacent to the maintenance facility.
- 1.2 The commentor recommends that no new development should be placed adjacent to at-grade rail crossings. The project would not introduce new railroad crossings at grade and under normal operations ACE trains would not utilize the current crossings located on West Lane and Alpine Avenue. Also, the maintenance facility would be sited approximately 500 feet the southwest of the West Lane/Alpine Avenue crossing.
- 1.3 The commentor provides a list of recommended measures to reduce potential adverse impact on rail safety. The SJRRC agrees with the CPUC's recommended measures and invites the CPUC to review more formalized design and operation plans when they are available.
- 1.4 The commentor encourages the local governments to set up mechanisms for new developments to participate in fair share programs to fund measures listed under Comment 1.3. The SJRRC is a public transit agency that owns and operates the Altamont Commuter Express (ACE). ACE service was initially funded by Measure K, the half-cent sales tax for transportation improvements approved by San Joaquin County voters in 1990. In 2003, a Cooperative Services Agreement was entered into between the SJRRC, the Alameda County Congestion Management Agency, and the Santa Clara Valley Transportation Authority. Currently, ACE service is funded by the three agencies.<sup>1</sup> Funding for the maintenance facility and improvements would come from the local funding sources as well as federal funding from the Federal Transit Administration and the Federal Railroad Administration.
- 1.5 The commentor raises concerns that no traffic analysis was provided to address at grade crossings on West Lane and Alpine Avenue. As discussed on page 58 of the Draft IS/MND, approximately 30 to 50 people per shift would be present at the site during project operations. Alpine Avenue already carries approximately 15,100 vehicles per day and West Lane carries approximately 25,700 vehicles in the vicinity of the Project Site. Therefore, the addition of up to 50 vehicles during peak times would

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<sup>1</sup> San Joaquin Regional Rail Commission, Altamont Commuter Express website, History of ACE, <http://www.acerail.com/about-ace/history-of-ace/history-of-ace.htm>, accessed October 30, 2008.

not be a substantial increase over traffic volumes along those roadways, including at the at-grade crossings.

- 1.6 The commentor mentions that the Draft IS/MND provides a discussion of a grade separation planned along the eastern boundary of the Project Site at West Lane. The SJRRC has discussed this project with the City of Stockton and will be support and accommodating once the maintenance facility project progresses into a more detail level of design. Currently, the proposed maintenance facility footprint nor track realignment areas would occur where potential right of way for the grade separation might be required.
- 1.7 The commentor states that the CPUC could be a responsible agency under CEQA Guidelines Section 15381 with review of the Proposed Project and needs to be referenced accordingly in the environmental documents based on the type of impacts identified for the rail corridor or at grade crossings. The CPUC is referenced in this Final IS/MND. As discussed under Response 1.3, the SJRRC invites the CPUC to further review and comment on future formalized design and operation plans.

## DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 STOCKTON, CA 95201  
(1976 E. CHARTER WAY/1976 E. DR. MARTIN  
LUTHER KING JR. BLVD. 95205)  
TTY: California Relay Service (800) 735-2929  
PHONE (209) 941-1921  
FAX (209) 948-7194



*Flex your power!  
Be energy efficient!*

September 5, 2008

**10-SJ-Various  
Draft Mitigated  
Negative Declaration  
Altamont Commuter**

Gregg Baxter  
San Joaquin Regional Rail Commission  
949 East Channel Street  
Stockton, CA 95202

Dear Mr. Baxter:

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the above referenced proposed project (SCH# 2007102091).

We have no comments at this time.

If you have any questions or would like to discuss our comments in more detail, please contact Kathy Selsor at (209) 948-7190 (e-mail: [kathy\\_selsor@dot.ca.gov](mailto:kathy_selsor@dot.ca.gov)) or me at (209) 941-1921.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Selsor for".

TOM DUMAS, CHIEF  
OFFICE OF METROPOLITAN PLANNING

c: SMorgan CA Office of Planning and Research

2-1

**2. Tom Dumas, Chief, Office of Metropolitan Planning, California Department of Transportation**

- 2.1 The commentor acknowledges receipt of the Draft IS/MND and notes that the Department has no comments on the Project or its effects.

### III. STAFF-INITIATED TEXT CHANGES TO THE DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Following circulation of the Draft IS/MND, subsurface testing of the site was initiated on September 24, 2008 to further study the sensitivity of potential archaeological and historic resources at locations within the Project Site where excavation and ground disturbance could occur.

The follow text changes to Mitigation Measure CR-1, which can be found on page 3 of the Mitigated Negative Declaration, are meant to update mitigation measure requirements based on the subsurface testing results.

*CR-1 ~~Previous Research has determined suggested~~ that the site is highly sensitive for historic resources however subsurface testing did not find any evidence of buried historic or archaeological resources. , therefore all construction-related earth-moving activities shall be monitored by a qualified archaeologist, with experience in subsurface historic resources. The archaeologist shall have the authority to temporarily halt construction activities. If evidence of an historical or archaeological site or other suspected cultural resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, historic glass, metal, or ceramics) are discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and SJRRC shall be notified. SJRRC shall hire a qualified ~~The monitoring~~ archaeologist who shall conduct a field investigation. SJRRC shall consult with the archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified the archaeologist. All data recovery or other methods shall be consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the Central California Information Center (CCIC).*

The follow text changes to Items 5.a and 5.b and Mitigation Measure CR-1 of the Cultural Resources discussion, which can be found on pages 33 to 35 of the Initial Study, are meant to update the information provided in the analysis and the mitigation measure based on the subsurface testing results.

- a. **Less than Significant With Mitigation Incorporated.** Research performed by the Central California Information Center (CCIC) and the Native American Heritage Commission (NAHC) did not indicate the presence of known archaeological resources, sacred lands, or historic resources recorded within the project area.

The project area is within the historic Mexican land grant of Rancho del campo de los Franceses. The historic ranches of G. West and J. Barrett within the O'Neil Township are in or near the project area. In the northern portion of the Project Site, two railroads, the Central California Traction and the Union Pacific/Southern Pacific (former WP and SP rail lines) border the east and west boundaries. Neither has been formally documented within the Project Site.

Portions of the Project Site that are now vacant were previously built out. In addition, several historical resources are known to occur in the immediate vicinity, indicating the area was inhabited during historic times. The presence of known historical resources increases the likelihood that subsurface historic resources are present in the project area, such as privies, wells, basements, or other subterranean features commonly associated with historical resources.

Historic archaeological site ACE-1H was discovered during the pedestrian survey. The resource is a moderately sized debris scatter. The ACE-1H site is located in the southwestern portion of the Project Site, with the San Joaquin Catholic Cemetery boundary fence located 60 feet to the west and the former WP tracks 50 feet to the east. ~~A concrete rubble pile and a 20 by 15 foot oval shaped pit, 4 feet in depth, are located 15 feet from the southwestern boundary of the ACE-1H site. Some 20 feet to the southeast of the ACE-1H site a pile of dirt, fill, and concrete fragments is located adjacent to a shallow 10 by 8 foot pit. The ACE-1H site is predominantly located atop what appears to be a low pad consisting mostly of imported material. The ACE-1H site area has much less vegetation growing within its central portion than the surrounding area. The ACE-1H site is 160 feet in length, aligned north to south, and 120 feet in width, east to west, and encompassing 15944 square feet. A variety of glass and ceramic types were encountered. Glass fragments found include 29 fragments of blue colored glass of various thicknesses, 30 pieces of clear bottle glass, 12 pieces of olive glass likely representing wine bottles, 6 pieces of brown bottle glass, 3 pieces of turquoise glass, 6 fragments of milk glass (including one piece that includes the screw-top portion of a bottle) and 21 fragments of amethyst glass. The several types of ceramics that were identified include 3 sherds of Double Happiness bowls, 6 fragments of Four Flowers bowls, 9 sherds of Japanese transfer ware, and 11 fragments of yellow-ware. Also encountered, but unidentified, were 8 sherds of porcelain bowls likely of Chinese manufacture, and 11 fragments of delicate porcelain bowls likely of European make.~~

~~Notable artifacts include two Four Flowers bowl sherds, two sherds of transfer ware, a single Double Happiness bowl base fragment, a sherd of yellow ware, a milk glass sherd, a sherd of an unidentified Chinese ceramic bowl, a sherd of a European ceramic bowl fragment, and an amethyst glass sherd. Noteworthy artifacts that were collected include the spout of a Chinese Simple Flower wine pot, the neck of an olive green wine bottle, and the base of a plate with a maker's mark. The ACE-1H site appears to be a historic refuse scatter, and does not appear to meet the criteria for listing on the California Register of Historical Resources (CRHR) or National Register of Historic Places (NRHP).~~

Due to the presence of a historic debris scatter and LSA Associates' recommendation that the area was sensitive for subsurface historic resources, an Extended Phase 1 testing program was conducted on September 24, 2008 by PBS&J archaeologists. Mechanical trenching was conducted in areas that likely will require excavation during construction of the facilities and at archaeological site ACE-1H. Trenching was accomplished using a backhoe with a 40-inch bucket, fitted with a smooth blade. A soil sample from each trench was processed through ¼" mesh screen to check for artifacts and ecofacts.

Seven trenches were placed east of the California Traction Railroad line. Each trench was 3 feet wide and 5 feet deep, unless specifically noted otherwise. Length ranged from 16 to 23 feet. Trenches were oriented north to south or east to west along its long axis. Trench sidewalls and spoils piles were examined for cultural resources; in addition 0.328 cubic yards were processed through ¼" mesh screen

to check for artifacts and ecofacts. A total of 43.21 cubic yards was excavated in the non-site locations.

Two trenches yielded cultural materials; other trenches were devoid of artifacts, ecofacts, or features. A rusted metal band was encountered in the spoils pile of the Trench 5 but was not collected. A nail and a small, chert core tool were recovered from processed soils of Trench 5. Trench 7 contained metal pipes, bricks, a mylar balloon, and other modern debris noted in the side walls and spoils pile. The lower 2 feet 6 inches of soil consisted of a reddish-brown silt loam with few rocks or pebbles. Three shards of glass, two wire-cut nails, four pieces of slag, and one chalk-like item were recovered from the processed soils of Trench 7.

Four trenches were allocated to archaeological site ACE-1H. A total of 21.9 cubic yards was excavated at site ACE-1H. Mechanical trenching at the site revealed that all of the artifacts recovered occurred in the upper foot of disturbed soils. A total of 49 artifacts were recovered from the three trenches that were excavated in 12 inch increments to a depth of 36 inches below ground surface. Of these, 46 items were collected from the upper 12 inches of deposit. Three artifacts came from the 12-24 inch level, and no artifacts were recovered from the lower levels. A few specimens are complete, instead most of the collection consists of small glass shards from bottles, ceramic sherds, sanitary cans, a few machine cut nails, and a saw-cut bone. Only limited information can be derived from this collection, and the lack of an intact undisturbed cultural deposit compromises any associations or interpretations that could be inferred from the assemblage.

Due to the long occupation and historic uses of the Project Site, there is a possibility that subsurface historical resources exist that could be uncovered during construction of the Project, including grading, excavation, and other earth-moving activities. If subsurface historical resources are encountered during construction, such resources could be damaged or destroyed, resulting in a significant impact.

MITIGATION MEASURES. The impacts to any discovered resources would be reduced to a less-than-significant level with implementation of Mitigation Measure CR-1. Mitigation Measure CR-1 ensures that any discovered resources are examined by qualified professionals and appropriate action is taken.

*CR-1 ~~Previous Research has determined suggested that the site is highly sensitive for historic resources however subsurface testing did not find any evidence of buried historic or archaeological resources. ,therefore all construction related earth moving activities shall be monitored by a qualified archaeologist, with experience in subsurface historic resources. The archaeologist shall have the authority to temporarily halt construction activities. If evidence of an historical or archaeological site or other suspected cultural resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, historic glass, metal, or ceramics) are discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and SJRRC shall be notified. SJRRC shall hire a qualified The monitoring archaeologist who shall conduct a field investigation. SJRRC shall consult with the archeologist to assess the significance of the find. Impacts to any significant resources~~*

shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified the archaeologist. All data recovery or other methods shall be consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the Central California Information Center (CCIC).

- b. **Less than Significant With Mitigation Incorporated.** Research performed by the CCIC and the NAHC did not indicate the presence of known archaeological resources recorded within the project area. A cultural study prepared for the majority of the Project Site by LSA Associates concluded that given the long history of the Project Site it is possible that historical archaeological deposits could be encountered during construction activities. Historic archaeological site ACE-1H was discovered during the pedestrian survey but subsurface testing at the site led to the conclusion that the site does not to meet the criteria for listing on the CRHR or NRHP and is therefore recommended as not eligible for the National and California Register. ~~A cultural study prepared for the majority of the Project Site by LSA Associates concluded that given the long history of the Project Site, there is the possibility that historical archaeological deposits could be encountered during construction activities.~~ In addition, the project area lies within the ethnographic territory of the Yokuts people. Subsurface testing at several locations in the Project Site did not reveal any evidence of prehistoric occupation. However, Due to the prehistoric uses of the region, there is a possibility that subsurface unique archaeological resources exist that could be uncovered during grading, excavation, and other earth-moving activities during construction. If encountered during construction, such resources could be damaged or destroyed resulting in a significant impact.

MITIGATION MEASURES. The impacts to any discovered resources would be reduced to a less-than-significant level with implementation of Mitigation Measure CR-1. Mitigation Measure CR-1 ensures that any discovered resources are examined by qualified professionals and appropriate action is taken.

# Appendix A

Letter from the SJRRC to the CPUC, October 28, 2008



SAN JOAQUIN  
REGIONAL  
RAIL COMMISSION

October 28, 2008

Dedicated to  
passengers  
Responsive  
to change  
Committed  
to growth

Moses Stites  
Rail Corridor Safety Specialist  
California Public Utilities Commission  
Consumer Protection and Safety Division  
Rail Transit and Crossing Branch  
515 L Street, Suite 1119  
Sacramento, CA 95814

Re: Comments to the Notice of Preparation, Initial Study/Mitigated Negative  
Declaration Altamont Commuter Express Maintenance Facility Project  
SCH #2007102091

Dear Mr. Stites:

The San Joaquin Regional Rail Commission (SJRRC) appreciates the comments from the California Public Utilities Commission (CPUC) concerning the Altamont Commuter Express Maintenance Facility Project. This project is vital to future success and growth of the ACE service.

The SJRRC agrees with the general comments in the letter concerning potential project-related safety impacts and measures to reduce adverse impacts of the proposed project. This project will not introduce any new railroad crossing at grades, and under normal operations ACE trains will not utilize the current crossings located on West Lane and Alpine Avenue. If future development requires new or upgraded crossings the SJRRC will work in conjunction with the CPUC to ensure all the latest technologies and safety measures are included in the design of the crossings.

ACE is a relatively small operation with only 20-30 employees on the current maintenance facility property at any given time. Due to the limited number of employees the Initial Study/Mitigated Negative Declaration determined that there will be no significant traffic increase on West Lane or Alpine Avenue associated with operations of the project. Construction equipment will be staged on site and would not require regular crossings at Alpine Avenue and West Lane.

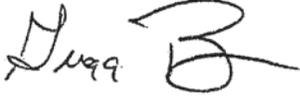
The SJRRC is aware of a future grade separation project at West Lane. At this time there are limited design details concerning the project; however, the environmental document captures potential impacts of the project as required by the California Environmental Quality Act (CEQA) and provides mitigation if warranted. We have discussed this project with the City of Stockton and will be supportive and accommodating once this important project progresses into a more detailed level. Our

Commissioners  
Ruhstaller  
San Joaquin County  
Supervisors  
Estolarrides  
of Stockton  
John Harris  
City of Manteca  
Robert H. Ives  
City of Tracy  
J. Restuccia  
City of Ripon  
Mary Sayles  
City of Lathrop  
Viveka Director  
Mortensen

current design of the facility provides ample room in the vicinity of West Lane to provide for a future grade separation project.

Thank you for your time and consideration of this project. Once design gets more formalized I would like to invite the CPUC to review the facility plan and provide comments concerning the design and proposed operations.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregg B", with a stylized flourish at the end.

Gregg Baxter  
Director of Operations  
San Joaquin Regional Rail Commission