

C-11

September 7, 2021

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager, or designee, to grant easement deeds and temporary construction easements to the Department of Transportation and enter into Temporary Construction Easement (TCE) Agreements, for portions of the properties located at 998 and 941 East Pacific Coast Highway to facilitate improvements of a State highway project on Pacific Coast Highway;

Authorize the City Manager, or designee, to execute quitclaim deeds to terminate the temporary Construction Easements for portions of the properties located at 998 and 941 East Pacific Coast Highway after expiration; and,

Accept Categorical Exemption No. CE-201903012. (District 6)

DISCUSSION

The Department of Transportation requests a grant of easement for portions of City-owned property located at 998 and 941 East Pacific Coast Highway (PCH) for a State highway improvement project. The Department of Transportation's State highway project consists of pedestrian safety and monitoring improvements, including upgrading signals, installing protected left turn signals for northbound and southbound PCH, installing pedestrian push buttons, audible pedestrian signals, bicycle detection systems, and upgrading all the curb ramps to comply with current American with Disabilities Act standards.

The TCE is required to provide the Department of Transportation with sufficient access to construct this State highway improvement project. The proposed TCE Agreements grant the Department of Transportation, its authorized agents, employees and contractors the non-exclusive right-of-entry over the TCE areas for purposes of construction during implementation of the project. The term of the TCE Agreements will begin upon commencement of construction within the TCE areas and expire on June 1, 2026, with full restoration of the TCE areas by the Department of Transportation.

In addition to the grant easement deeds and temporary construction easements, the Department of Public Works seeks City Council approval to execute quitclaim deeds to terminate the temporary Construction Easements upon their expiration no later than June 1, 2026 (Attachment A).

The necessary City departments, including Economic Development, have reviewed the proposed easements and have no objections to the action. In conformance with the California Environmental Quality Act, Categorical Exemption No. 201903012 was issued on July 1, 2019 (Attachment B).

This matter was reviewed by Deputy City Attorney Erin Weesner-McKinley on August 6, 2021 and by Budget Management Officer Rhutu Amin Gharib on August 17, 2021.

TIMING CONSIDERATIONS

City Council action is requested on September 7, 2021, to execute the necessary TCE Agreements in a timely manner.

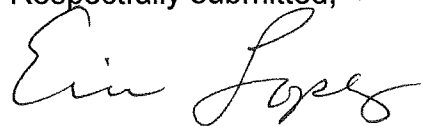
FISCAL IMPACT

A Grant of Easement processing fee in the amount of \$6,627 was deposited in the General Fund Group in the Public Works Department and a consideration for this easement value was provided at \$10,000 and was deposited in the General Fund Group in the Economic Development Department. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

APPROVED:



THOMAS B. MODICA
CITY MANAGER

EL:JH:MS:BP

ATTACHMENTS: A – EASEMENT MAP
B – CATEGORICAL EXEMPTION


ATTACHMENT A

SKETCH NO. 212 (EG)

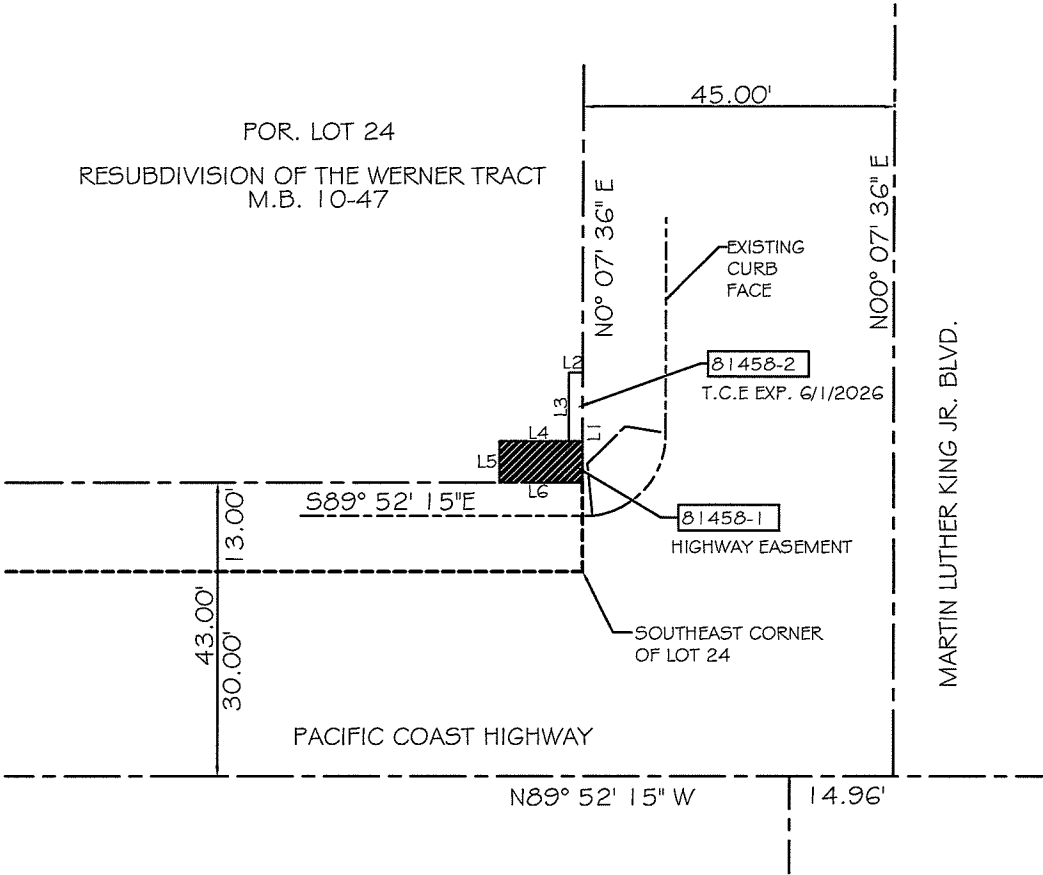
SKETCH SHOWING EASEMENT OVER A PORTION OF LOT 24.

NOTE: BLACK HATCHED AREA SHOWS PORTION OF HIGHWAY EASEMENT REQUESTED.

 HIGHWAY EASEMENT = 72 SQ. FT

 T.C.E. = 20 SQ. FT.

LINE DATA		
LINE	BEARING	DISTANCE
L1	N00°07'36"E	16.00'
L2	N89°52'15"W	2.00'
L3	S00°07'36"W	10.00'
L4	N89°52'15"W	10.00'
L5	S00°07'36"W	6.00'
L6	N89°52'15"W	12.00'



NORTH

NO SCALE

ENGINEERING BUREAU
CITY OF LONG BEACH, CALIFORNIA

ATTACHMENT A

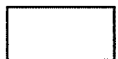
SKETCH NO. 213 (EG)

SKETCH SHOWING EASEMENT OVER A PORTION OF LOT 4.

NOTE: BLACK HATCHED AREA SHOWS PORTION OF HIGHWAY EASEMENT REQUESTED.

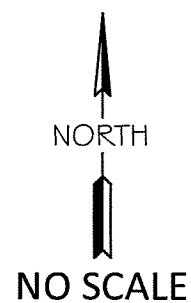
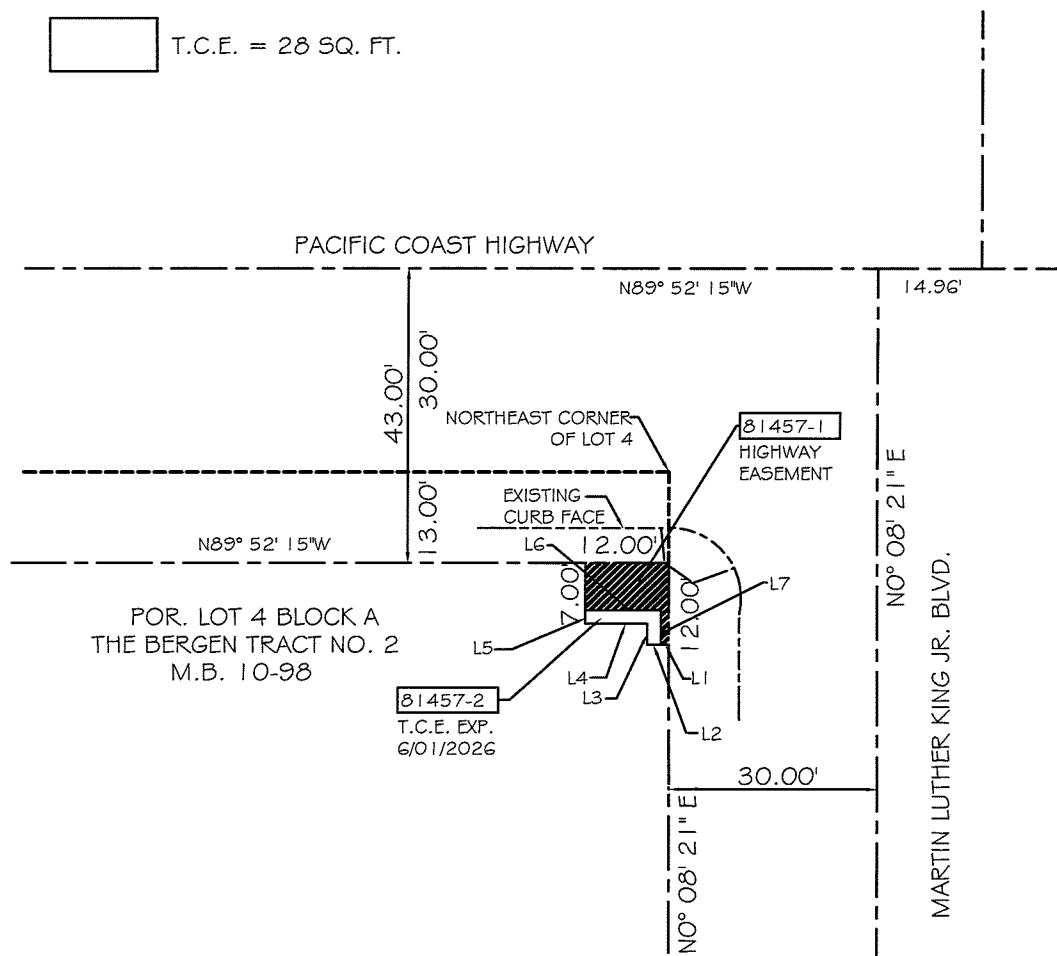


HIGHWAY EASEMENT = 65 SQ. FT



T.C.E. = 28 SQ. FT.

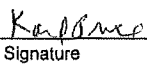
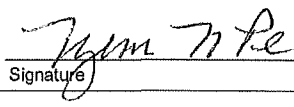
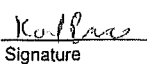
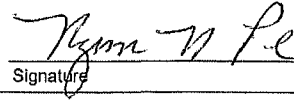
LINE DATA		
LINE	BEARING	DISTANCE
L1	N89°52'15"W	1.00'
L2	N89°52'15"W	2.00'
L3	N00°08'12"E	3.00'
L4	S89°52'15"W	9.00'
L5	N00°08'12"E	2.00'
L6	S89°52'15"E	11.00'
L7	S00°08'12"W	05.00'



ENGINEERING BUREAU
CITY OF LONG BEACH, CALIFORNIA

Attachment B

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

07-LA-001	PM 4.7/PM 6.6	35200	EFIS# 0718000212	CE# 201903012
Dist.-Co.-Rte. (or Local Agency)	P.M./P.M.	E.A/Project No.	Federal-Aid Project No. (Local Project)/Project No.	
PROJECT DESCRIPTION: (Briefly describe project including need, purpose, location, limits, right-of-way requirements, and activities involved in this box. Use <i>Continuation Sheet</i> , if necessary.)				
This project involves implementation of Pedestrian Safety Improvement Monitoring strategies at four intersections on PCH in Long Beach, which are located at Junipero Ave (PM 4.771), Walnut Ave (PM 5.261), Martin Luther King Jr. Ave (PM 5.761), and Cedar Ave (PM 6.591). These upgrades will help reduce or eliminate collisions at "High Collision Concentration Locations" (HCCLs) on PCH. Further description of these upgrades at each intersection is included on the continuation sheet.				
CALTRANS CEQA DETERMINATION (Check one)				
<input type="checkbox"/> Not Applicable – Caltrans is not the CEQA Lead Agency		<input type="checkbox"/> Not Applicable – Caltrans has prepared an Initial Study or Environmental Impact Report under CEQA		
Based on an examination of this proposal, supporting information, and the above statements, the project is:				
<input type="checkbox"/> Exempt by Statute. (PRC 21080[b]; 14 CCR 15260 et seq.)				
<input checked="" type="checkbox"/> Categorically Exempt. Class 1(c). (PRC 21084; 14 CCR 15300 et seq.)				
Based on an examination of this proposal and supporting information, the following statements are true and exceptions do not apply:				
<ul style="list-style-type: none"> • If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law. • There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time. • There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances. • This project does not damage a scenic resource within an officially designated state scenic highway. • This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List"). • This project does not cause a substantial adverse change in the significance of a historical resource. 				
<input type="checkbox"/> Common Sense Exemption. [This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (14 CCR 15061[b][3].)]				
Karl Price		John Vassiliades		
Print Name: Senior Environmental Planner or Environmental Branch Chief		Print Name: Project Manager		
	7/1/19		7/1/2019	
Signature	Date	Signature	Date	
NEPA COMPLIANCE				
In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:				
<ul style="list-style-type: none"> • does not individually or cumulatively have a significant impact on the environment as defined by NEPA, and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and • has considered unusual circumstances pursuant to 23 CFR 771.117(b). 				
CALTRANS NEPA DETERMINATION (Check one)				
<input checked="" type="checkbox"/> 23 USC 326: The State has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an EA or EIS under the National Environmental Policy Act. The State has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding dated May 31, 2016, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:				
<input checked="" type="checkbox"/> 23 CFR 771.117(c): activity (c)(<u>27</u>) <input type="checkbox"/> 23 CFR 771.117(d): activity (d)(<u> </u>) <input type="checkbox"/> Activity <u> </u> listed in Appendix A of the MOU between FHWA and the State				
<input type="checkbox"/> 23 USC 327: Based on an examination of this proposal and supporting information, the State has determined that the project is a Categorical Exclusion under 23 USC 327. The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated December 23, 2016 and executed by FHWA and Caltrans.				
Karl Price		for John Vassiliades		
Print Name: Senior Environmental Planner or Environmental Branch Chief		Print Name: Project Manager/DLA Engineer		
	7/1/19		7/1/2019	
Signature	Date	Signature	Date	
Date of Categorical Exclusion Checklist completion:		Date of ECR or equivalent :		

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., CE checklist, additional studies and design conditions).

**CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet**

Continued from page 1:

Intersection	Post Mile	Description of Work
1 (PCH at Junipero Avenue)	4.771	Upgrade signals, install protected left turn phases signals for Northbound and Southbound PCH, upgrade access curb ramps, install Pedestrian Push Buttons, APSs (Audible Pedestrian Signal), Bicycle Detection, and upgrade all the curb ramps to current the American with Disabilities Act (ADA) standards.
2 (PCH at Walnut Avenue)	5.261	Upgrade signals, install protected left turn phases for Northbound and Southbound PCH, install Pedestrian Push Buttons, Pedestrian Signals, APS, Bicycle Detection, and upgrade all curb ramps to current ADA standards.
3 (PCH at Martin Luther King Jr)	5.671	Upgrade signals, install protected left turn phases for Northbound and Southbound PCH & Eastbound and Westbound Martin Luther King, install Pedestrian Push Buttons, Pedestrian Signals, APS and Bicycle Detection, and upgrade all curb ramps to current ADA standards.
4 (PCH at Cedar Avenue)	6.591	Upgrade signals, install protected left turn phases for Northbound and Southbound PCH, install Push Buttons, Pedestrian Signals, APS, Bicycle detections, and upgrade all curb ramps to current ADA standards.

Cultural Resources

This project has no potential to affect historic properties and is exempt from further cultural resources review; this assessment could change if there are any changes to the proposed activities or if additional locations are added. If there are any such changes to the proposed undertaking, an additional review by the cultural resources unit will be required. If previously unidentified cultural materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist can assess the significance of the find.

Biological Resources

The following measures must be followed to avoid impacts to biological resources:

- The Biological Resources Unit must be provided the Project Specifications & Expenditures Review Package for review and comments.
- The Project Biologist must be invited to the pre-construction meeting, with one week prior notice.
- No mature trees shall be removed.
- At no point will any construction equipment enter any drainages, creeks, or other waterways.
- Prior to the start of construction, all drain inlets must be protected with BMPs to prevent paint, cleaning materials, and other debris from entering drainage courses. Furthermore, all appropriate Stormwater and Erosion Control Best Management Practices (BMPs) shall be implemented as necessary to prevent any discharge to adjacent areas. All appropriate BMPs shall be incorporated into the project specifications.
- No asphalt grindings shall be used within 100 feet of any watercourse. Watercourse, for this purpose, is defined as any feature, either natural or man-made, which conveys water during any time of year. The limitation on asphalt use near waterways is restricted to shoulder backing.
- All pollution and litter laws and regulations will be followed by the Contractor and all personnel on site.
- If this project scope should change for any reason, this Division will be notified to determine whether current environmental documentation is adequate.

Hazardous Waste

Groundwater

Due to shallow depth of groundwater table, the project will encounter groundwater during utility pole installation. Dewatering during construction will be required. Site investigation shall be conducted in PS&E phase to evaluate groundwater condition and to recommend special waste management/handling in construction. Additionally, the investigation data will assist the General Contractor (GC) to prepare task-specific health and safety plan for worker safety and implement the necessary training prior to start construction. For the purpose of project planning, it is recommended to assume all extracted groundwater is contaminated and required disposal at a permitted California Class II disposal facility.

Electronic Waste

Electronic wastes will be generated by the Project. Electronic waste would include sensors, switches, mercury vapor lamps, ballasts, CRT's etc. Disposal of electronic waste shall adhere to local, State, and Federal regulations and Caltrans Standard Specifications.

Yellow Traffic Striping and Pavement Markings

The GC is required to properly manage removed stripe and pavement marking as a hazardous waste and to have and implement a Lead Compliance Plan (LCP) prepared by a Certified Industrial Hygienist (CIH). The LCP shall be prepared in conformance with 8CCR, Section 1532.1, Cal-OSHA Construction Safety Order, and Caltrans Standard Specifications. The GC is also required to submit a Work Plan (WP) for the removal, containment, storage, and disposal of yellow painted traffic stripe and pavement markings.

Traffic Striping and Pavement Markings (non-hazardous)

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

07-LA-001	PM 4.7/PM 6.6	35200	EFIS# 0718000212	CE# 201903012
Dist.-Co.-Rte. (or Local Agency)	P.M./P.M.	E.A/Project No.	Federal-Aid Project No. (Local Project)/Project No.	

The GC is required to develop a task-specific LCP as required in 8CCR, Section 1532.1, Cal-OSHA Construction Safety Order, Caltrans Standard Specifications and lead awareness training program to ensure worker safety at the construction site prior to commencement of work.

Categorical Exclusion Checklist

Dist/Co/Rte/PM: 07/LA/001/PM 4.7/6.6	Fed. Aid No. (Local Project): 0718000212	EA/Project No.: 35200
SECTION A: TYPE OF CE: Use the information in this section to determine the applicable CE and corresponding activity for this project.		
1. Project is a CE under CE Assignment 23 USC 326. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If "yes", check applicable activity in one of the three tables below (activity must be listed in 23 CFR 771.117 (c) or (d) list or included in activities listed in Appendix A of the CE Assignment MOU to be eligible for 23 USC 326).</i>		
Activity Listed in 23 CFR 771.117(c)		
1 <input type="checkbox"/>	Activities that do not involve or lead directly to construction, such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions that establish classes of highways on the Federal-aid highway system.	
2 <input type="checkbox"/>	Approval of utility installations along or across a transportation facility.	
3 <input type="checkbox"/>	Construction of bicycle and pedestrian lanes, paths, and facilities.	
4 <input type="checkbox"/>	Activities included in the State's <i>highway safety plan</i> under <u>23 U.S.C 402</u> .	
5 <input type="checkbox"/>	Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.	
6 <input type="checkbox"/>	The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.	
7 <input type="checkbox"/>	Landscaping.	
8 <input type="checkbox"/>	Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.	
9 ¹	<p>The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C 5121):²</p> <p><input type="checkbox"/> (i) Emergency repairs under 23 U.S.C 125;</p> <p><input type="checkbox"/> (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:</p> <p style="margin-left: 20px;">(A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and</p> <p style="margin-left: 20px;">(B) Is commenced within a 2-year period beginning on the date of the declaration.</p>	
10 <input type="checkbox"/>	Acquisition of scenic easements.	
11 <input type="checkbox"/>	Determination of payback under 23 U.S.C 156 for property previously acquired with Federal-aid participation.	
12 <input type="checkbox"/>	Improvements to existing rest areas and truck weigh stations.	
13 <input type="checkbox"/>	Ridesharing activities.	
14 <input type="checkbox"/>	Bus and rail car rehabilitation.	
15 <input type="checkbox"/>	Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.	
16 <input type="checkbox"/>	Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.	
17 <input type="checkbox"/>	The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities that themselves are within a CE.	
18 <input type="checkbox"/>	Track and railbed maintenance and improvements when carried out within the existing right-of-way.	
19 <input type="checkbox"/>	Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.	

¹ On the CE form, distinguish between c9i or c9ii

² Include copy of the emergency declaration in the file

Categorical Exclusion Checklist

Dist/Co/Rte/PM:	07/LA/001/PM 4.7/6.6	Fed. Aid No. (Local Project):	0718000212	EA/Project No.:	35200
20	<input type="checkbox"/>	Promulgation of rules, regulations, and directives.			
21	<input type="checkbox"/>	Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.			
22 ³	<input type="checkbox"/>	<p>Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way means all real property interests acquired for the construction, operation, or mitigation of a project. This area includes the features associated with the physical footprint of the project including but not limited to the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway. This also includes fixed guideways, mitigation areas, areas maintained or used for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transportation power substations, transportation venting structures, and transportation maintenance facilities.</p> <p>Note: As a clarifying example, if title 23 (or certain title 49) funds were authorized for the acquisition of the real property, then that property was acquired for an eligible purpose, which was construction, operation, or mitigation, and thus is part of the operational right-of-way. Real property interests acquired with title 23 funds, or otherwise conveyed for title 23 purposes, are eligible for this categorical exclusion as long as the interests are devoted exclusively to the purposes of that facility and the facility is preserved free of all other public or private alternative uses, unless such non-highway alternative uses are permitted by Federal law (including regulations) or the FHWA (23 CFR 710.403(b)).</p>			
23 ⁴	<input type="checkbox"/>	<p>Federally-funded projects: Enter project cost \$ _____ and Federal funds \$ _____</p> <p><input type="checkbox"/> (i) That receive less than \$5,500,515.05 of Federal funds; or</p> <p><input type="checkbox"/> (ii) With a total estimated cost of not more than \$33,003,090.30 and Federal funds comprising less than 15 percent of the total estimated project cost.</p>			
24	<input type="checkbox"/>	Localized geotechnical and other investigation to provide information for preliminary design and for environmental analysis and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.			
25	<input type="checkbox"/>	Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation.			
26	<input type="checkbox"/>	Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section [771.117(e)]. Note: In order to use this CE, certain constraints must be met. Complete Section A, Item 2 below.			
27	<input checked="" type="checkbox"/>	Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section [771.117(e)]. Note: In order to use this CE, certain constraints must be met. Complete Section A, Item 2 below.			
28	<input type="checkbox"/>	Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section [771.117(e)]. Note: In order to use this CE, certain constraints must be met. Complete Section A, Item 2 below.			
29	<input type="checkbox"/>	Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities that themselves are within a CE.			
30	<input type="checkbox"/>	Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.			
Activity Listed in Examples in 23 CFR 771.117(d)					
1	<i>Reserved.</i>				
2	<i>Reserved.</i>				
3	<i>Reserved.</i>				
4	<input type="checkbox"/>	Transportation corridor fringe parking facilities.			
5	<input type="checkbox"/>	Construction of new truck weigh stations or rest areas.			

³ On the CE form, identify in the project description that all work is within operation right-of-way.

⁴ On the CE form, distinguish between c23i or c23ii.

Categorical Exclusion Checklist

Dist/Co/Rte/PM: 07/LA/001/PM 4.7/6.6 Fed. Aid No. (Local Project): 0718000212 EA/Project No.: 35200	
6	<input type="checkbox"/> Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.
7	<input type="checkbox"/> Approvals for changes in access control.
8	<input type="checkbox"/> Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
9	<input type="checkbox"/> Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required, and there is not a substantial increase in the number of users.
10	<input type="checkbox"/> Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
11	<input type="checkbox"/> Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning, and where there is no significant noise impact on the surrounding community.
12	<input type="checkbox"/> Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed. (i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others. (ii) Protective acquisition is done to prevent imminent development of a parcel that may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.
13	<input type="checkbox"/> Actions described in paragraphs (c)(26), (c)(27), and (c)(28) of this section that do not meet the constraints in paragraph (e) of this section.
Activity Listed in Appendix A of the CE Assignment MOU for State Assumption of Responsibilities for Categorical Exclusions	
1	<input type="checkbox"/> Construction, modification, or repair of storm water treatment devices (e.g., detention basins, bioswales, media filters, infiltration basins), protection measures such as slope stabilization and other erosion control measures throughout California.
2	<input type="checkbox"/> Replacement, modification, or repair of culverts or other drainage facilities.
3	<input type="checkbox"/> Projects undertaken to assure the creation, maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife (e.g., revegetation of disturbed areas with native plant species; stream or river bank revegetation; construction of new, or maintenances of existing fish passage conveyances or structures; restoration or creation of wetlands).
4	<input type="checkbox"/> Routine repair of facilities due to storm damage, including permanent repair, to return the facility to operational condition that meets current standards of design and public health and safety without expanding capacity (e.g., slide repairs, construction or repair of retaining walls).
5	<input type="checkbox"/> Routine seismic retrofit of facilities to meet current seismic standards and public health and safety standards without expansion of capacity.
6	<input type="checkbox"/> Air space leases that are subject to Subpart D, Part 710, title 23, Code of Federal Regulations.
7	<input type="checkbox"/> Drilling of test bores/soil sampling to provide information for preliminary design and for environmental analyses and permitting purposes.

Categorical Exclusion Checklist

Dist/Co/Rte/PM: 07/LA/001/PM Fed. Aid No. (Local Project): 0718000212 EA/Project No.: 35200
 4.7/6.6

2. This section must be completed in order to use a CE under 23 CFR 771.117(c)(26), (c)(27), or (c)(28).

- The action **DOES NOT** include any of the following constraints found in 23 CFR 771.117(e):
- A. • An acquisition of more than a minor amount of right-of-way or that would result in any residential or nonresidential displacements
 - B. • A bridge permit from the U.S. Coast Guard; OR
 - An action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act (i.e., does the project require a Standard 404 permit [Individual Permit or Letter of Permission]?) AND/OR
 - A permit required under Section 10 of the Rivers and Harbors Act of 1899
 - C. • A finding of "adverse effect" to historic properties under the National Historic Preservation Act; OR
 - The use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in *de minimis* impacts; OR
 - A finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act
 - D. • Construction of temporary access or the closure of existing road, bridge, or ramps that would result in major traffic disruptions
 - E. • Changes in access control
 - F. • A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths); OR
 - Construction activities in, across, or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers

If the action includes any of the constraints listed above, it **MAY NOT** be processed under 23 CFR 771.117(c)(26), (c)(27), or (c)(28), however, the project may qualify for a CE under 23 CFR 771.117(d)(13).

3. Project is a CE for a highway project under NEPA Assignment 23 USC 327. Yes No

(Use only if project does not qualify under CE Assignment 23 USC 326 [activities not included in three previous lists above].)

4. Independent Utility and Logical Termini

- The project complies with NEPA requirements related to connected actions and segmentation (i.e. the project must have independent utility, connect logical termini when applicable, be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made and not restrict further consideration of alternatives for other reasonably foreseeable transportation improvements). (FHWA Final Rule, "Background," *Federal Register* Vol. 79, No. 8, January 13, 2014.)

5. Categorical Exclusions Defined (23 CFR 771.117[a]).

FHWA regulation 23 CFR 771.117(a) defines categorical exclusions as actions which:

- do not induce significant impacts to planned growth or land use for the area;
- do not require the relocation of significant numbers of people;
- do not have a significant impact on any natural, cultural, recreational, historic or other resources;
- do not involve significant air, noise, or water quality impacts;
- do not have significant impacts on travel patterns; or
- do not otherwise, either individually or cumulatively, have any significant environmental impacts.

- Checking this box certifies that project meets the above definition for a Categorical Exclusion.

6. Exceptions to Categorical Exclusions/Unusual Circumstances (23 CFR 771.117[b]).

FHWA regulation 23 CFR 771.117(b) provides that any action which normally would be classified as a CE but could involve *unusual circumstances* requires the Department to conduct appropriate environmental studies to determine if the CE classification is proper. Unusual circumstances include actions that involve:

- Significant environmental impacts;
- Substantial controversy on environmental grounds;
- Significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or
- Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

All of the above unusual circumstances have been considered in conjunction with this project. (Please select one.)


- Checking this box certifies that **none of the above conditions apply** and that the project qualifies for a Categorical Exclusion.
- Checking this box certifies that **unusual circumstances are involved**. However, the appropriate studies/analysis have been completed, and it has been determined that the CE classification is still appropriate.

Categorical Exclusion Checklist

<p>SECTION B: Compliance with FHWA NEPA policy to complete all other applicable environmental requirements⁵ prior to making the NEPA determination:</p> <p>During the environmental review process for which this CE was prepared, all applicable environmental requirements were evaluated. Outcomes for the following requirements are identified below and fully documented in the project file. [NOTE: EVERY SECTION BELOW MUST BE COMPLETED, DO NOT SKIP ANY SECTIONS.]</p>
<p>FSTIP</p> <p><input checked="" type="checkbox"/> The project description on the Categorical Exemption/Categorical Exclusion Form matches the project description in the FSTIP and RTP, and the appropriate page of the FSTIP is in the project file.</p>
<p>Air Quality</p> <p><input checked="" type="checkbox"/> <u>Air Quality Conformity Findings Checklist</u> has been completed and project meets all applicable AQ requirements.</p> <p><input type="checkbox"/> For 23 USC 326 projects which require an air quality conformity determination (this will apply to certain projects under 23 CFR 771.117(c)(22), (c)(23), (c)(26), (c)(27), and (c)(28)), list the date of the Caltrans conformity determination: _____</p> <p><input type="checkbox"/> For 23 USC 327 projects, list date of FHWA concurrence on conformity determination: _____</p>
<p>Cultural Resources</p> <p><input type="checkbox"/> Section 106 compliance is complete. <input checked="" type="checkbox"/> Screened Undertaking</p> <p>Select appropriate finding: <input checked="" type="checkbox"/> No Historic Properties Affected <input type="checkbox"/> No Adverse Effect with Standard Conditions</p> <p><input type="checkbox"/> No Adverse Effect without Standard Conditions <input type="checkbox"/> Adverse Effect/MOA <input type="checkbox"/> Phasing/Project PA</p>
<p>Noise</p> <p>23 CFR 772</p> <p><input type="checkbox"/> Is this a Type 1 project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (skip this section.)</p> <p><input type="checkbox"/> Future noise levels with project either approach or exceed NAC or result in a substantial increase.</p> <p>If yes, <input type="checkbox"/> Abatement is reasonable and feasible <input type="checkbox"/> Abatement is not reasonable or feasible</p>
<p>Waters, Wetlands</p> <ul style="list-style-type: none"> • Section 404 of the Clean Water Act Impacts to Waters of the U.S.: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No; If yes, approval anticipated: <input type="checkbox"/> Nationwide Permit <input type="checkbox"/> Individual Permit <input type="checkbox"/> Regional General Permit <input type="checkbox"/> Letter of Permission • Section 401 of the Clean Water Act <input type="checkbox"/> Exemption <input type="checkbox"/> Certification <input checked="" type="checkbox"/> Not Applicable • Wetland Protection (Executive Order #11990) <input checked="" type="checkbox"/> No Wetland Impact <input type="checkbox"/> Permanent Wetland Impact; Only Practicable Alternative Finding is included in a separate document in the project file
<p>Biology</p> <ul style="list-style-type: none"> • USFWS, Species List Date: 04/05/2019 (must be < 180 days old) <input checked="" type="checkbox"/> No Effect Section 7 (Federal Endangered Species Act) <i>Consultation with USFWS Findings (Effect determination):</i> <input type="checkbox"/> Not Likely to Adversely Affect with USFWS Concurrence. Date: _____ <input type="checkbox"/> Likely to Adversely Affect with Biological Opinion Date: _____ • NOAA Fisheries, Species List Date: 04/05/2019 (must be < 180 days old) <input type="checkbox"/> N/A: Project outside of NOAA jurisdiction <input checked="" type="checkbox"/> No Effect Section 7 (Federal Endangered Species Act) <i>Consultation with NOAA Fisheries Findings (Effect determination):</i> <input type="checkbox"/> Not Likely to Adversely Affect with NOAA Fisheries Concurrence. Date: _____ <input type="checkbox"/> Likely to Adversely Affect with Biological Opinion Date: _____ • Essential Fish Habitat (Magnuson-Stevens Act) Findings (Effect determination): <input checked="" type="checkbox"/> Magnuson-Stevens Fishery Conservation and Management Act does not apply <input type="checkbox"/> No Adverse Effect <input type="checkbox"/> Adverse Effect and consultation with NOAA Fisheries

⁵ Please consult the SER for a complete list of applicable laws, statutes, regulations, and executive orders that must be considered before completing the CE.

Categorical Exclusion Checklist

Floodplains	
Floodplains (Executive Order #11988) <input checked="" type="checkbox"/> No Floodplains <input type="checkbox"/> No Significant Encroachment <input type="checkbox"/> Significant Encroachment	
Section 4(f) Transportation Act (23 CFR 774)	
Section 4(f) regulation was considered as a part of the review for this project and a determination was made: <input checked="" type="checkbox"/> Section 4(f) does not apply <i>(Project file includes documentation that property is not a Section 4(f) property, that project does not use a Section 4(f) property, or that the project meets the criteria for the temporary occupancy exception.)</i> <input type="checkbox"/> Section 4(f) applies <input type="checkbox"/> De Minimis <input type="checkbox"/> Programmatic: Type _____ (List one of the five appropriate categories as defined in 23 CFR 774.3) <input type="checkbox"/> Individual: <input type="checkbox"/> Legal Sufficiency Review complete <input type="checkbox"/> HQ Coordinator Review Complete	
Section 6(f) – Properties Acquired with Land and Water Conservation Fund grants	
Was the above property purchased with grant funds from the Land and Water Conservation Fund? <input checked="" type="checkbox"/> No, Section 6(f) does not apply. No additional documentation required. <input type="checkbox"/> Yes <input type="checkbox"/> Documentation of approval from National Park Service Director (through California State Parks) has been received for the conversion/and replacement of 6(f) property.	
Coastal Zone	
Coastal Zone Management Act of 1972 <input checked="" type="checkbox"/> Not in Coastal Zone <input type="checkbox"/> Qualifies for Exemptions <input type="checkbox"/> Qualifies for Waiver <input type="checkbox"/> Coastal Permit Required <input type="checkbox"/> Consistent with Federal State and Local Coastal Plans <input type="checkbox"/> Federal Consistency	
Coast Guard – Bridge Over Navigable Waters of the U.S.	
<input checked="" type="checkbox"/> Not applicable <input type="checkbox"/> 23 USC 144(c) USCG Bridge Permit Exception <input type="checkbox"/> 33 CFR 115.70 Advance Approval <input type="checkbox"/> USCG Bridge Permit	
Relocation and Right of Way	
• Relocations <input checked="" type="checkbox"/> No Relocations <input type="checkbox"/> Project involves _____ (#) relocations and will follow the provisions of the Uniform Relocation Act. • Right of Way Acquisitions/Easements <input checked="" type="checkbox"/> No right of way acquisitions or easements <input type="checkbox"/> Project involves _____ (#) acquisitions and _____ (#) easements.	
Hazardous Waste and Materials	
<ul style="list-style-type: none"> • Are hazardous materials or contamination exceeding regulatory thresholds (as set by U.S. EPA, Cal EPA, County Environmental Health, etc.) present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • If yes, is the nature and extent of the hazardous materials or contamination fully known? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, briefly discuss the plan for securing information:	
SECTION C: Certification	
Based on the information obtained during environmental review process and included in this checklist, the project is determined to be a Categorical Exclusion pursuant to the National Environmental Policy Act and is in compliance with all other applicable environmental laws, regulations, and Executive Orders.	
Prepared by (print name):	Audrey Riddell
Title:	Environmental Planner
Signature:	
Date:	07-01-2019