

SEP 22 2023

*MNda*by: Mariedyne Nadonza
Deputy County Clerk**Notice of Exemption**

To: Office of Planning and Research
P.O Box 3044, Room 113
Sacramento, CA 95812-3044
SCH# 2023080287

From: (Lead Agency)
San Francisco Bay Area Rapid Transit District
2150 Webster Street, Oakland, CA 94612

County Clerk, Counties of:

- Alameda
- Contra Costa
- San Francisco
- San Mateo
- Santa Clara

Project Title: BART Hazardous Tree Removal Program

Project Applicant: San Francisco Bay Area Rapid Transit District (BART)

Project Location - Specific: BART Right-of-Way throughout the BART system

Project Location – Counties: Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara

Project Location – Cities: Albany, Berkeley, Dublin, Fremont, Hayward, Oakland, Pleasanton, San Leandro, Union City; Antioch, Concord, El Cerrito, Lafayette, Orinda, Pittsburg, Pleasant Hill, Richmond, Walnut Creek; San Francisco, Daly City, Millbrae, San Bruno, South San Francisco, Milpitas, San Jose

Description of Nature, Purpose and Beneficiaries of Project:

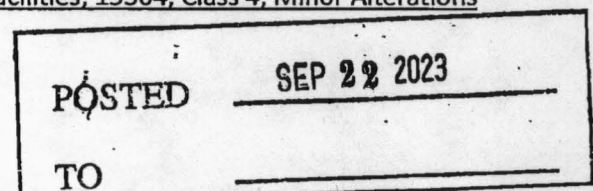
BART operates rail transit service along 131 miles of tracks in five counties. In many locations, trees have grown close to the tracks. Trees pose a hazard to BART operations if they are blown or fall on the tracks, drop debris on the tracks, or create a fire hazard near the tracks or other BART infrastructure. Trains have been derailed, service has been delayed, and private vehicles have been damaged due to tree failure. BART plans to prune or remove all trees on its property that are identified as a severe, high, or moderate risk to train operations. Ongoing identification and removal of hazardous trees will be required annually to reduce risk to train operations from tree failure. This will be an on-going maintenance operation and is considered necessary to maintain BART's right-of-way and facilities in a State of Good Repair.

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

Name of Person or Agency Carrying Out Project: Same

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption: 15301, Class 1, Existing Facilities; 15304, Class 4, Minor Alterations to Land



Statutory Exemptions. State code number:

Reasons why project is exempt:

None of the exemptions listed in CEQA Guidelines 15300.2, which would prohibit the use of a categorical exemption, apply to the project. The project does not involve the expansion of the current BART system. The project is necessary to meet current standards for the safe operation of a major transit system and to maintain a State of Good Repair. Tree removal activity would be of limited duration at any one location and largely within BART property.

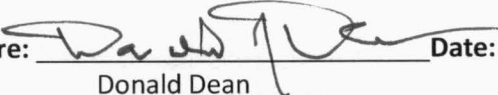
Lead Agency

Contact Person: Donald Dean

Phone/Email: 510-287-4844 / ddean@bart.gov

If filed by applicant:

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

Signature:  **Date:** 8/11/2023 **Title:** Mgr. of Environmental Review
Donald Dean

Signed by Lead Agency

Signed by Applicant

Authority cited: Sections 21083 and 21110. Public Resources Code.
Reference: Sections 21108, 21152, and 2112.1, Public Resources Code.

Date Received for filing at OPR: _____



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

2150 Webster Street, Oakland, CA 94612

NOTICE OF CEQA EXEMPTION

Project Name: Hazardous Tree Removal Program
Project Address: Multiple locations-BART System
Counties: Alameda, Contra Costa, San Francisco
San Mateo, Santa Clara
BART Project No.: 93GF001
Project Sponsor: BART Facilities
Project Contact: Rachel Russell
510-287-4709

Date of CE Determination: August 11, 2023

This CE will be filed internally [] This CE will be filed with the County Clerk: Alameda [X]
Contra Costa [X]
San Francisco [X]
San Mateo [X]
Santa Clara [X]

PROPOSED PROJECT

Project Location

The San Francisco Bay Area Rapid Transit District (BART) operates rail transit service along 131 miles of track in five counties. Figure 1 illustrates the extent of the system and station locations. The Hazardous Tree Removal Program would include all BART rail lines and facilities.

Project Background

BART operates rail transit service along 131 miles of tracks in five counties. The width of BART right-of-way varies along different segments of the alignment. In many locations, trees have grown close to the tracks. Trees can pose a hazard to BART operations if they are blown or fall on the tracks, drop debris on the tracks, or create a fire hazard near the tracks, communications equipment, or other BART infrastructure. As they age, or become diseased, these trees create an increasing hazard for train operations. High winds or heavy rainfall can bring a tree down.

In the past year, there has been an increase in delays to train service due to tree failure. Trains have been derailed, service has been delayed, and private vehicles have been damaged. Several trees that disrupted train service were previously considered a moderate risk. Therefore, BART plans to prune or remove all trees that are identified as a severe, high, or moderate risk to train

operations. Ongoing identification and removal of hazardous trees will be required annually to reduce risk to train operations from tree failure.

Project Description

BART employee work crews or BART contractors will trim or remove trees on BART property that are deemed a risk to its operations. This will be an on-going maintenance operation and is considered necessary to maintain BART's right-of-way and facilities in a State of Good Repair. Trees will be assessed by certified arborists and other qualified personnel to determine the health of the tree and potential risk of failure.

Prior to any tree removal, BART will alert the local community to the work and changes to train service, using mailers, public service announcements, ethnic media (including translations of materials), social media, and station flyers. Work crews typically would use chain saws, woodchippers, trucks, and occasionally a small crane to remove trees. All tree debris would be removed. Local traffic control would be provided as needed. To the extent possible, work will be conducted during the normal work hours of 7 a.m. to 7 p.m. Work would be conducted mostly on weekends (Saturdays and Sundays), with an occasional three-day work weekend required. In certain locations, tree removal will need to be coordinated with weekend system shutdowns, single-tracking, or other coordination with BART train operations to provide a safe window for tree removal. In addition, BART will coordinate with other property owners to get access to trees on BART property.

Tree removal will be conducted consistent with BART Facilities Standards (BFS),¹ which provide guidance on best practices and safeguarding the public. Consistent with the BFS, pre-work bird nesting surveys will be conducted during the nesting season.

Attachments

Figure 1: BART System map

ENVIRONMENTAL EVALUATION

The Hazardous Tree Removal Program was reviewed for potential environmental effects. The project would evaluate and remove trees with the potential to affect BART's transit operations, infrastructure, and possibly neighboring properties. There are numerous trees along most at-grade portions of BART's right-of-way. Generally, trees are esteemed for their aesthetic value, but the diseased and dead trees add little to the public viewshed. In most locations, a few of the standing trees will be removed, leaving healthy trees remaining. As relatively small numbers of trees will be removed at any one location, the aesthetic effect will not be significant. Tree

¹ BART Facilities Standards provide guidance and minimum standards for BART facilities and practices and for safeguarding patrons, the public, and employees, as well as safeguarding property and on-going operations. The Standards regulate and control the design, construction, quality of materials, equipment, and installation of facilities within the jurisdiction of the BART system.

removal would be dispersed over a number of locations at different times throughout the year; therefore, although the total number of trees removed annually might be substantial, the cumulative effect would not be significant.

BART's rail alignment runs adjacent to one scenic highway and two highways eligible for scenic status. State Route 24 (SR 24) in Contra Costa County, from the east portal of the Caldecott Tunnel to Interstate 680 (I-680) near Walnut Creek, is an Officially Designated State Scenic Highway. SR 24 is designated as a scenic highway, in part, because the 3,849-foot-tall Mount Diablo is a scenic focal point for motorists traveling eastward on the highway. Interstate 580 (I-580) from the I-580/State Route 238 interchange in Hayward eastward through Dublin is considered eligible for State Scenic Highway status. I-580 traverses Dublin Canyon, a scenic area of grassy knolls interspersed with woodlands. In the West Bay, Interstate 280 (I-280) is eligible for scenic status between San Francisco's China Basin Canal in the north to the South San Francisco-San Bruno city limits in the south (Caltrans, 2018).² I-280 is noted for its open views of the coastal ridgelines to the west.

Tree removal activities may be temporarily visible by motorists on SR 24, I-580, and I-280, but removal of the trees would not alter the existing landforms and would not introduce new visual elements that would substantially alter the visual landscape or visual character. Furthermore, although some work activity may be visible to motorists, generally tree removal would only be within the peripheral viewshed of the motorists. In the case of SR 24, views of Mount Diablo would be directly ahead and unobstructed for those traveling eastbound. For motorists traveling on any of the scenic routes, the duration of views of the tree work would be limited to passing glimpses. At typical travel speeds, motorists would pass the tree removal areas quickly. As a result, implementation of the tree removal program would not block or significantly interfere with views or attributes that contribute to the designation of SR 24 as a State Scenic Highway or I-580 and I-280 as eligible for scenic status.

In order to avoid impacts to nesting birds during the nesting season, and consistent with the BART BFS and federal and State requirements, bird nesting surveys would be conducted by a qualified biologist prior to the removal of any trees. Many local jurisdictions have policies related to tree preservation, retaining significant trees, and/or tree replacement. Although BART has, on a case-for-case basis, adhered to some of these local policies as a good neighbor, California Government Code 53090 exempts rapid transit districts such as BART from complying with local land use plans, policies, and zoning ordinances. More importantly, given the proximity of the trees identified for removal to critical BART infrastructure, tree replacement is not being considered.

² Caltrans, State Scenic Highway Map, 2018. Caltrans Website accessed August 1, 2023: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>.

Possible Exceptions to CE

If a project is ordinarily exempt under any of the potential categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. In these cases, the CEQA exemption would not apply to a project.

Yes	No	Would the project be precluded from a Categorical Exemption due to the following exception per Guidelines Section 15300.2?
	X	(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
	X	(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
	X	(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
	X	(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
	X	(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
	X	(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Relevant Exemptions

The project would meet the criteria of CEQA Guidelines Section 15301-Existing Facilities, a Class 1 exemption; and CEQA Guidelines Section 15304-Minor Alterations to Land, a Class 4 exemption.

	Statutory Exemption
	Ministerial Exemption
X	Categorical Exemption: 15301, Class 1, Existing Facilities
X	Categorical Exemption: 15304, Class 4, Minor Alterations to Land
	Emergency Exemption

Other Exemption

15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

In addition, Class 4 of the CEQA Guidelines Section would apply to the project:

15304. Minor Alterations to land

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

The project is determined to meet the qualifications for a Categorical Exemption for the following reasons among others:

1. None of the exceptions listed in CEQA Guidelines Section 15300.2, which would prohibit the use of a categorical exemption, apply to the project.
2. The project is necessary to meet current standards for the safe operation of a major transit system.
3. No expansion of current space or current use is proposed.
4. Work activity related to tree removal would be of limited duration and largely within BART property.
5. No disruption of existing transit service would take place.

DETERMINATION

No further environmental review is required. The project is categorically exempt under CEQA. An exemption from environmental review pursuant to the provisions of CEQA has been considered and approved:

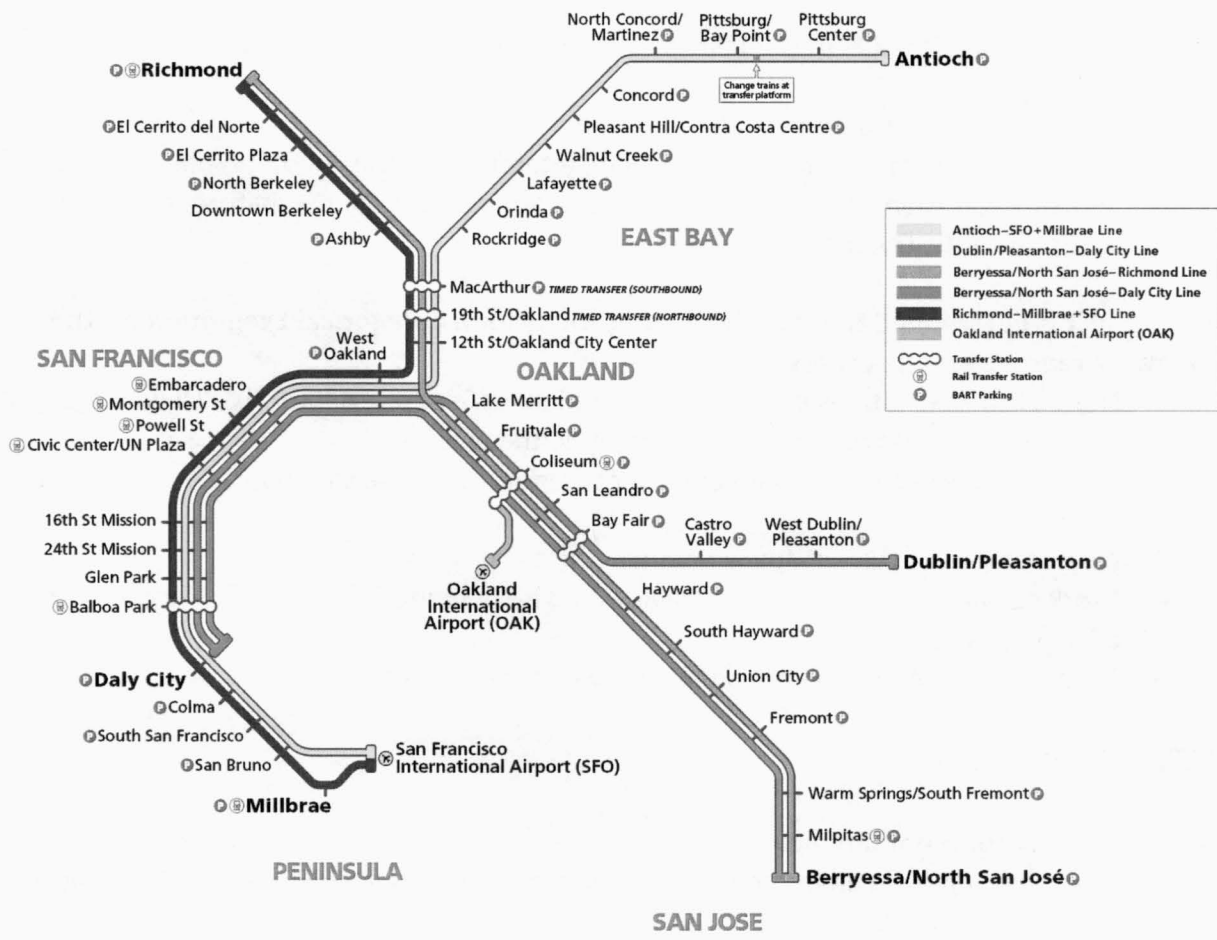


By Donald Dean
BART Manager of Environmental Review

8/11//2023

Date

Figure 1
BART System Map



© BART 2021



State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

Print



Finalize&Email

RECEIPT NUMBER:
 38-09/22/2023-102
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT	LEAD AGENCY EMAIL	DATE 09/22/2023
COUNTY/STATE AGENCY OF FILING SAN FRANCISCO COUNTY	DOCUMENT NUMBER 2023-0000060	

PROJECT TITLE
 BART HAZARDOUS TREE REMOVAL PROGRAM

PROJECT APPLICANT NAME DONALD DEAN	PROJECT APPLICANT EMAIL ddean@bart.gov	PHONE NUMBER (510) 287-4844
PROJECT APPLICANT ADDRESS 2150 WEBSTER STREET	CITY OAKLAND	STATE CA
		ZIP CODE 94612

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

Environmental Impact Report (EIR) \$ 3,839.25 \$ _____
 Mitigated/Negative Declaration (MND)(ND) \$ 2,764.00 \$ _____
 Certified Regulatory Program (CRP) document - payment due directly to CDFW \$ 1,305.25 \$ _____
 Exempt from fee
 Notice of Exemption (attach)
 CDFW No Effect Determination (attach)
 Fee previously paid (attach previously issued cash receipt copy)

Water Right Application or Petition Fee (State Water Resources Control Board only) \$ 850.00 \$ _____
 County documentary handling fee \$ 79.00 \$ 79.00
 Other \$ _____

PAYMENT METHOD:

Cash Credit Check Other **TOTAL RECEIVED \$ 79.00**

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE Mariedyne Nadonza Deputy Clerk
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