

# **FINAL MITIGATED NEGATIVE DECLARATION**

**LATHROP ROAD / UNION PACIFIC RAILROAD WESTERLY GRADE  
SEPARATION PROJECT**

**LATHROP, CALIFORNIA**

Submitted to:

City of Lathrop  
Public Works Department  
390 Towne Centre Drive  
Lathrop, California 95330  
(209) 941-7200

Prepared by:

LSA Associates, Inc.  
4200 Rocklin Road, Suite 11B  
Rocklin, California 95677  
(916) 630-4600

LSA Project No. MKT0603

# **LSA**

August 2009

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## **1.0 ENVIRONMENTAL DOCUMENTATION**

### **1.1 INTRODUCTION**

This Final Mitigated Negative Declaration (FMND) for the Lathrop Road/UPRR Westerly Grade Separation Project has been completed for the City of Lathrop. These materials are intended for the use by the City and other agencies in their assessment of the project as it pertains to the California Environmental Quality Act (CEQA). The CEQA lead agency for the proposed project is the City of Lathrop (City).

The City is proposing to approve widening Lathrop Road from two to four lanes and construct a grade separated crossing over the Union Pacific Railroad tracks on 31 parcels from Harlan Road to east of McKinley Avenue. The project would widen the right-of-way along Lathrop Road on both sides of the UPRR tracks and construct an overpass over the UPRR tracks. The approximately 2,200 foot long overpass over the UPRR tracks will be north of the current at-grade crossing intersection and will require an easement from the UPRR. The overpass and eastern approach will be partly built on Sharpe Army Depot property. The City's previously obtained easement through the Sharpe Army Depot varies in width from 80 to 242 feet north from the centerline of Lathrop Road, and expires in 2052.

### **1.2 ENVIRONMENTAL REVIEW DOCUMENTATION**

The proposed Lathrop Road/UPRR Grade Separation Project constitutes a "project" in accordance with CEQA. Prior to approving the project, the City is proposing to adopt the Mitigated Negative Declaration to complete the environmental review process.

This Mitigated Negative Declaration (SCH#2009062045) was prepared as the environmental documentation in anticipation of determining that all potentially significant impacts from implementing the project improvements can be mitigated to levels less than significant. Accordingly, a Mitigated Negative Declaration has been prepared to provide environmental review and clearance for the project. Information included in this document is intended to clarify the areas of potential environmental concern, while estimating the potential impacts of the project on the environment.

A Draft Initial Study/Mitigated Negative Declaration (IS/MND) dated June 2009 was distributed for public review on June 10, 2009 for a 30-day review period ending on July 8, 2009, and was extended by the City until July 24, 2009. Also, the City of Lathrop conducted a public meeting on July 16, 2009 to inform the public of the project features and actions, answer questions regarding the project, and outline the process for completing the project through construction. Map displays of the project and a slide show presentation comprised the format for the public meeting.

Comments received during the review period and from the public meeting are addressed in this document. Therefore, this Final Mitigated Negative Declaration reflects the final environmental documentation for the Lathrop Road/UPRR Grade Separation Project.

### **1.3 PUBLIC COMMENTS**

The City circulated the Draft IS/MND for review to relevant local, County, State, and federal agencies; the distribution list is attached. A letter from the State Office of Planning and Research (July 13, 2009) was sent to the City of Lathrop indicating that the City has complied with the State Clearinghouse requirements for public review. Four public agency letters were received, as well as three letters/comment cards from local citizens commenting on the June 2009 Draft IS/MND and/or from the July 16, 2009 public meeting and are attached. Correspondence for this project follows:

1. San Joaquin Valley Air Pollution Control District
2. California Department of Transportation (Caltrans)
3. California Public Utilities Commission
4. FEMA/U.S. Department of Homeland Security
5. Kenneth V. Lamm
6. Long Barn Associates, LP
7. Anita and Anthony Silva

Responses to these comment letters are provided in Section 2.0 Response to Comments.

### **1.4 ADDITIONAL DOCUMENTATION**

This Final Mitigated Negative Declaration includes additional documentation that is relevant to the public record. This documentation includes a Proof of Publication, a Notice of Completion, and a Notice of Intent to Adopt a Mitigated Negative Declaration.

## **2.0 RESPONSE TO COMMENTS**



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

July 13, 2009

Charles Mullen  
City of Lathrop  
Community Development Dept.  
390 Towne Centre Drive  
Lathrop, CA 95330

Subject: Lathrop Road/UPRR Westerly Railroad Grade Separation  
SCH#: 2009062045

Dear Charles Mullen:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 9, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2009062045  
**Project Title** Lathrop Road/UPRR Westerly Railroad Grade Separation  
**Lead Agency** Lathrop, City of

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**Type** MND Mitigated Negative Declaration  
**Description** The proposed project consists of 2 related improvements. The first improvement proposes to widen Lathrop Road from 2 to 4 lanes between Harlan Road (on the west) and at a point ~1,200 ft east of McKinley Avenue. The second improvement involves constructing a grade separated crossing (overcrossing) on Lathrop road over the Union Pacific RR tracks. The roadway section is consistent with the existing easterly grade separation on Lathrop Road. The section consists of a modified version of the City of Lathrop's Arterial Section.

---

**Lead Agency Contact**

**Name** Charles Mullen  
**Agency** City of Lathrop  
**Phone** 209-941-7200 **Fax**  
**email**  
**Address** Community Development Dept.  
390 Towne Centre Drive  
**City** Lathrop **State** CA **Zip** 95330

---

**Project Location**

**County** San Joaquin  
**City** Lathrop  
**Region**  
**Lat / Long**  
**Cross Streets** I-5/Lathrop Rd  
**Parcel No.**  
**Township**

**Range**

**Section**

**Base**

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**Proximity to:**

**Highways** I-5  
**Airports**  
**Railways** UPRR  
**Waterways**  
**Schools**  
**Land Use** Lathrop Road

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**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Noise; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Landuse

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**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 2; Office of Historic Preservation; Department of Parks and Recreation; Central Valley Flood Protection Board; California Highway Patrol; Caltrans, District 10; Caltrans, Division of Transportation Planning; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; Public Utilities Commission

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**Date Received** 06/10/2009 **Start of Review** 06/10/2009 **End of Review** 07/09/2009



# San Joaquin Valley

## AIR POLLUTION CONTROL DISTRICT

July 6, 2009

RECEIVED  
JUL 09 2009  
COMMUNITY DEVELOPMENT DEPT.

Charles Mullen  
City of Lathrop  
Community Development Dept.  
390 Towne Centre Drive  
Lathrop, CA 95330

**Project: Lathrop Road / Union Pacific Railroad Westerly Grade Separation**  
**District Reference No: 20090365**

Dear Mr. Mullen:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Mitigated Negative Declaration (MND) for the grade separation project that consists of widening Lathrop Road and the construction of a grade separated crossing over the Union Pacific Railroad tracks. The District offers the following comments:

1. The MND does not include the quantification of project related emissions. To validate the conclusion that the project will have a less-than-significant impact on air quality, the District recommends the MND be amended to include an air impact assessment (AIA) identifying and quantifying the project's construction-related emissions, including fugitive dust, off-road construction equipment exhaust, and on-road vehicle emissions. **APCD-1**
2. District Rule 9510 (Indirect Source Review) Section 2.2 states that transportation projects whose construction emissions would equal or exceed 2.0 tons of NOx or 2.0 tons of PM10 would be subject to the rule. Based on the information provided in the MND, the project related construction emissions may exceed 2.0 tons per year. The District recommends the project proponent prepare an AIA to determine if construction emissions exceed the thresholds identified in the rule. If the AIA indicates project emissions do exceed the 2.0 ton threshold, the project would be subject to the rule and an AIA application would be required to be submitted to the District. For more information on District Rule 9510 and how to comply with its requirements please visit the District's website at: <http://www.valleyair.org/ISR/ISRHome.htm>. **APCD-2**

**Seyed Sadredin**

Executive Director/Air Pollution Control Officer

**Northern Region**

4800 Enterprise Way  
Modesto, CA 95356-8718

Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**

1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244

Tel: (559) 230-6000 FAX: (559) 230-6061

[www.valleyair.org](http://www.valleyair.org)

**Southern Region**

34946 Flyover Court  
Bakersfield, CA 93308-9725

Tel: (661) 392-5500 FAX: (661) 392-5585



3. District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an AIA application to the District no later than seeking final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees, be made a condition of the project's approval.

APCD-3

4. The proposed project may be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

APCD-4

If you have any questions or require further information, please call Jessica Willis at (559) 230-5818.

Sincerely,

David Warner  
Director of Permit Services



for Arnaud Marjollet  
Permit Services Manager

DW:jw

Cc: File

## Response to Comments

### San Joaquin Valley Air Pollution Control District (July 6, 2009)

**APCD-1:** According to the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), the San Joaquin Valley Air Pollution Control District's (APCD) approach to CEQA analyses of construction PM<sub>10</sub> impacts is "to require implementation of effective and comprehensive control measures rather than to require detailed quantification of emissions." Emissions emitted during construction can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors, making quantification difficult. However, personal communication with APCD staff indicates that the GAMAQI is outdated, and project-related construction emissions should be estimated.<sup>1</sup> The recommended thresholds of significance for CEQA analysis of construction emissions should be 10 tons per year of ROG and NO<sub>x</sub>, and 15 tons per year of PM<sub>10</sub>.<sup>2</sup>

While not required by the currently adopted version of the GAMAQI for CEQA documents, construction emissions were estimated for the project using the Sacramento Metropolitan Air Quality Management District's Road Construction Emissions Model, Version 6.3.2. The emissions presented below are based on the best information available at the time of calculations and assume that the schedule for all improvements is anticipated to begin in 2012. Default equipment assumptions for the Road Construction Emissions Model were used in developing the emissions estimates; these estimates can be refined once final engineering has been completed for the project.

#### Construction Emissions

Year	ROG (tons)	CO (tons)	NO <sub>x</sub> (tons)	Total PM <sub>10</sub> (tons)	Exhaust PM <sub>10</sub> (tons)	Fugitive Dust PM <sub>10</sub> (tons)
2012	0.3	1.1	1.9	0.4	0.1	0.3
2013	0.4	1.6	2.9	0.6	0.1	0.4
<b>Total (tons/construction project)</b>	0.7	2.7	4.8	1.0	0.2	0.7

Source: LSA Associates, 2009.

As noted in the table, construction emissions for ROG, NO<sub>x</sub> and PM<sub>10</sub> would not exceed the tons per year thresholds as recommended by APCD staff. The GAMAQI also indicates that compliance with Regulation VIII will constitute sufficient mitigation to reduce PM<sub>10</sub> impacts to a level considered less-than-significant. As the recommended CEQA thresholds of significance are not exceeded and Mitigation Measure AIR-1 in the MND would ensure compliance with Regulation VIII, the finding of less than significant is supported.

**APCD-2:** Response APCD-1 includes the project's construction-related emissions. While initial estimates indicate that the Rule 9510 threshold of 2 tons per year for NO<sub>x</sub> may be exceeded in 2013, detailed construction schedules and equipment use are not available at this time. Therefore, precise calculations cannot be conducted at this time, and it is uncertain if the project will exceed the thresholds established in Rule 9510. As more detailed information becomes available, the project sponsor will reevaluate the estimates of construction-related emissions, and if necessary, submit an application to the APCD to comply with Rule 9510. Should it be determined that the project must comply with Rule 9510, the project

<sup>1</sup> Barber, Dan. July 29, 2009. Personal communication with LSA Associates.

<sup>2</sup> Ibid.

may be required to utilize special provisions during construction, such as use of reduced emission construction vehicles as a condition of the permit.

**APCD-3:** Comment noted. The City intends to comply with District Rule 9510. Please note that this project is not a development project, and building permits will not be issued. The City will pay fees as determined applicable to the proposed project.

**APCD-4:** Comment noted. The City intends to comply with all District rules. When advertising for the project bids, it is the City's intent to require the contractor to implement the District Rules.

**DEPARTMENT OF TRANSPORTATION**

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



*Flex your power!  
Be energy efficient!*

July 8, 2009

10-SJ-5-PM17.7  
SCH #2009062045  
Lathrop Road/UPRR  
Westerly Railroad Grade  
Separation

Mr. Charles Mullen  
City of Lathrop  
Community Development Department  
390 Towne Centre Drive  
Lathrop, CA 95330

Dear Mr. Mullen:

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Lathrop Road/Union Pacific Railroad westerly grade separation project. The project is located in San Joaquin County in the City of Lathrop. This proposed project consists of two related improvements. The first improvement proposes to widen Lathrop Road from two to four lanes between Harlan Road (on the west) and at a point approximately 1,200 feet east of McKinley Avenue. The second improvement involves constructing a grade separated crossing (over crossing) on Lathrop road over the Union Pacific Railroad tracks. The roadway section is consistent with the existing easterly grade separation on Lathrop Road. The section consists of a modified version of the City of Lathrop's Arterial Section.

The Department has the following comments:

**Environmental Comments**

The general vicinity of Interstate 5 and the San Joaquin River is known to have sensitivity for archaeological resources. This sensitivity is known to the City of Lathrop and is currently being addressed as part of the City's Harlan Road Rehabilitation Project [Federal Aid No. ESPL 5456(010)], which is in the midst of an environmental review pursuant to the National Environmental Policy Act (NEPA) in conjunction with Caltrans District 10. Advance coordination with local Native American representative Katherine Perez was required for the Harlan Road Rehabilitation Project, and it is highly recommended for this project, the Lathrop Road/UPRR project as well, even though appropriate "late discovery" and "buried remains" clauses have been included as mitigation measures in the IS/MND. We encourage

CT-1

Mr. Charles Mullen  
July 8, 2009  
Page 2.

contacting the Native American Heritage Commission: 915 Capitol Mall, Room 364, Sacramento, California, 95814, telephone (916) 653-4082, Fax (916) 657-5390 for advice on consulting with Native Americans regarding any cultural concerns within the project area.

Residential/commercial/industrial development in the Lathrop area has been very rapid in recent years. Page 68 of the IS/MND states: "Project improvements are required to accommodate future traffic forecasts; rather than create additional vehicular capacity to serve new growth." Page 75 states "The project will enhance Lathrop Road and extend the four-lane configuration westward toward Interstate 5 (I-5). The project configuration will allow Lathrop Road to accommodate future traffic ... Under long-range cumulative conditions, levels of service will continue to decline to unacceptable levels due to General Plan build-out." Although this individual project will not directly lead to an increase in traffic accessing I-5, the City of Lathrop must demonstrate and document coordination with Caltrans regarding potential traffic impacts and proposed mitigation for any impacts that new development will have upon operation of State highway facilities.

CT-2

Presently, project improvements do not currently extend into Caltrans right of way; however, if the project scope later changes to include work in Caltrans right of way, an Encroachment Permit will be required. This work is subject to the California Environmental Quality Act. See the website link below for more information.

CT-3

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

### Traffic Operations

The IS/MND, Section 15 "Transportation/Traffic" and the subsequent results showing "Less than Significant Impact" for subsections A and B states the information is based on the Lathrop Road/Union Pacific Railroad Westerly Grade Separation - Traffic Engineering Evaluation dated May 2, 2008, by Fehr & Peers provided in Appendix C. It should be noted the Fehr & Peers technical memorandum was limited to specifically the grade separation, thus it did not evaluate the larger project limits of the proposed Lathrop Road 4-lane widening. The technical memorandum evaluated several intersections immediately adjacent to the grade separation, but as an example, it did not analyze the Harlan Road/Lathrop Road intersection, which is the westerly limit where the 4-lane widening ties in. Therefore, the IS/MND should not base the Project's entire impacts (4-lane widening and grade separation) on the Fehr & Peers technical memorandum which does not cover the full limits of the project.

CT-4

As the Lathrop Road/Union Pacific Railroad Westerly Grade Separation - Traffic Engineering Evaluation states (page 2, paragraph 1) the transportation analysis assumed the "No Project" scenario with Lathrop Road as 4-lanes between I-5 and State Route 99, except for in the Project boundaries. This assumes the Lathrop Road interchange Reconstruction is constructed prior to the Lathrop Road 4-lane widening. Currently, the Lathrop Road Interchange Reconstruction is listed as a San Joaquin Council of Governments Tier 1 project.

CT-5

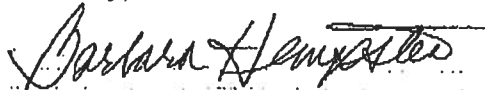
Mr. Charles Mullen  
July 8, 2009  
Page 2

If the 4-lane widening of Lathrop Road precedes the interchange reconstruction, the westerly tie-in of the Lathrop Road widening may have potential significant impacts due to congestion at the Harlan Road/Lathrop Road intersection where Lathrop Road reduces from 4-lanes to 2-lanes.

Please forward a copy of all Final Conditions of Approval including any mitigation measures that are being proposed as well as any other documents and reports (i.e. all forms of environmental documents, Traffic Impact Study Reports, site and location maps, etc.) on this proposed project for our review, comment and records. If you have any questions or would like to discuss our comments in more detail, please contact Barbara Hempstead at (209) 948-3909 (e-mail: [Barbara\\_hempstead@dot.ca.gov](mailto:Barbara_hempstead@dot.ca.gov)) or me at (209) 948-1921.

CT-6

Sincerely,



for TOM DUMAS  
Office of Intermodal Planning

## Response to Comments

### California Department of Transportation/Caltrans (July 8, 2009)

**CT-1:** Comment noted. A complete Cultural Resources Study was prepared for the proposed project and is located in Appendix A (on compact disc). As a component of the study, the City's consultant (LSA) contacted the Native American Heritage Commission. In response, Debbie Pilas-Treadway, NAHC Environmental Specialist III responded in a faxed letter on December 7, 2007, that a record search of the Sacred Lands File did not "indicate Native American cultural resources in the immediate project area."

Ms. Pilas-Treadway also provided a list of Native American contacts relevant to the project area. On December 12, 2007, LSA sent a letter describing the project and maps depicting the project area to the Native American contact on the list provided by the NAHC, asking for any information or concerns about the project area. No response to the letter was received within two weeks and LSA made a follow-up telephone call. A summary of this call is presented below:

*Katherine Erolinda Perez, Ohlone,/Costanoan, North Valley Yokuts, Bay Miwok:* On February 6, 2008, a follow-up phone call was made and a voicemail message was left requesting Ms. Perez to contact LSA if she had any concerns regarding the project area. No response has been received to date.

LSA conducted both pre-historic and historic assessments of the potential resources within the study area boundaries. The study identified two historic-period cultural resources consisting a portion of the Sharpe Army Depot and a segment of the Union Pacific Railroad. Conclusions of the study are provided below.

A review of environmental, historical, and archaeological information indicates a low sensitivity for buried resources. No archaeological artifacts or deposits were identified at the location of buildings, structures and features depicted on historical maps; nor were any cultural resources identified elsewhere in the project area. No evidence of the cultural resources identified in the background research was noted during the field survey.

**Sharpe Army Depot.** The portion of the Sharpe Army Depot within the project area is not part of the developed portions of the Sharpe Army Depot and consists of barren grassy fields and a modern asphalt pad. The Sharpe Army Depot does not contain any properties eligible for the National Register nor does it contains any known archaeological sites.

**Union Pacific Railroad.** While the UPRR may have historical values, such values of that portion of the railroad in and immediately adjacent to the project area have been compromised by significant alteration to the railroad and its setting. The current Lathrop Road/UPRR crossing is modern and does not convey any historical feelings. The general setting, much of which contains new subdivisions and a recently constructed manufacturing center, also lacks historical feeling. In consideration of these alterations to the railroad and its setting, in and adjacent to the project area, the railroad is not able to convey any historical values it may have.

**CT-2:** The City has been working closely with Caltrans on a number of projects along Interstate 5, including potential improvements to the Lathrop Road Interchange, and is currently proceeding with project initiation documentation. Accordingly, traffic forecasts and preliminary geometric plans for the interchange have been coordinated with the proposed project to ensure effective transition with the project conform.

The City also has been coordinating various land development projects with Caltrans as they as proposed by land developers. When environmental documents are prepared for new land development projects, the City sends the environmental documents to Caltrans for review and comment (usually through the State Clearinghouse) to ensure that traffic impacts have been appropriately addressed for State Highway facilities.

**CT-3:** Comment noted. As mentioned in Response CT-2, the City is working with Caltrans on upgrading the Lathrop Road/I-5 Interchange with future improvements. A project development team has previously been assembled and will be providing input on the strategies and direction needed to complete the various processes and procedures for the interchange improvements.

**CT-4:** Comment noted. The City's General Plan has identified Lathrop Road as a four lane facility. As noted on page 56 of the Draft MND, "the General Plan specifically recommends 'Improve Lathrop Road and Louise Avenue to 4 traffic lanes between Interstate 5 and the Manteca city limits; provide railroad separation structures along Lathrop Road.' The proposed project is designed to implement these transportation improvements for Lathrop Road (in part) and is therefore, consistent with the General Plan program." Previous environmental evaluations conducted in conjunction with General Plan updates have considered the potential effects on traffic operations due to widening the roadway to four lanes. The proposed project MND (biology, water quality, noise, etc.) was prepared to evaluate the project level impacts on specific environmental issue areas from implementing the project. For traffic issues, the City's primary concern involved the proposed grade separation segment and, therefore, evaluated the traffic intersection levels of service for that segment. The City was not concerned with other intersections associated with widening the roadway in light of the four lane roadway designation from the General Plan.

**CT-5:** As a Tier 1 project, for CEQA purposes, the Interchange Reconstruction is funded and can be included in the project assumptions that it will be constructed. If the roadway improvements occur prior to Interchange Reconstruction, the City would provide an appropriate lane transition on Lathrop Road to match the two lane section at Harlan Road. Since this project is not traffic generating, the amount of traffic should remain essentially unchanged, and the congestion should, likewise, remain unchanged.

**CT-6:** Comment noted. A copy of the Final MND will be provided to Caltrans. Other relevant documents will be forwarded to Caltrans as they become available.



## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



July 7, 2009

Charles Mullen  
City of Lathrop  
390 Towne Centre Drive  
Lathrop, CA 95330

R  
JUL 08 2009  
C  
JES  
T.

Re: Notice of Completion, Mitigated Negative Declaration (MND)  
Lathrop road/UPRR Westerly Railroad Grade Separation  
SCH# 2009062045

Dear Mr. Mullen:

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. 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.

PUC-1

The MND indicates that the at-grade railroad crossing located at Lathrop Road (CPUC #001D-82.10) will be grade separated. Please note that if the proposed project involves construction or alteration of a railroad crossing, approval by the CPUC is required. Modification of an existing crossing, where all interested parties are in agreement, may be authorized by Commission staff pursuant to General Order 88-B "Rules for Altering Public Highway-Rail Crossings."<sup>1</sup>

Thank you for your consideration of these comments. If you have any questions in this matter, please contact David Stewart, Utilities Engineer at (916) 324-8325 or email at [ATM@cpuc.ca.gov](mailto:ATM@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

<sup>1</sup> See <http://www.cpuc.ca.gov/PUC/Transportation/crossings/Filing+Procedures/go88B.htm>.

**Response to Comments**  
**California Public Utilities Commission (July 7, 2009)**

**PUC-1:** Comments noted. The City has initiated discussions with Union Pacific Railroad and the PUC on the grade separation portion of the project. All permits and approvals required by the Public Utilities Commission will be followed and implemented.

Public Works

JUL 29 2009

RECEIVED

U.S. Department of Homeland Security  
FEMA Region IX  
1111 Broadway, Suite 1200  
Oakland, CA. 94607-4052



FEMA

July 23, 2009

Ryan Bouley, Senior Civil Engineer  
City of Lathrop Public Works Department  
390 Towne Centre Drive  
Lathrop, CA 95330

Dear Mr. Bouley:

This is in response to your request for comments on Public Notice regarding the Lathrop Road/Union Pacific Railroad Westerly Grade Separation Project.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the City of Lathrop (Community Number 060738), Maps revised December 16, 2005. Please note that the City of Lathrop, San Joaquin County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map. FEMA-1
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed prior to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways. FEMA-2

Ryan Bouley, Senior Civil Engineer  
Page 2  
July 23, 2009

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

FEMA-3

**Please Note:**

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The City of Lathrop floodplain manager can be reached by calling Marilyn Ponton, Director, Community Development Department, at (209) 941-7292.

If you have any questions or concerns, please do not hesitate to call Michael Hornick of the Mitigation staff at (510) 627-7260.

Sincerely,

Gregor Blackburn, CFM, Branch Chief  
Floodplain Management and Insurance Branch

cc:

Marilyn Ponton, Director, Community Development Department, City of Lathrop  
Thomas R. Flinn, Director, Department of Public Works, San Joaquin County  
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources,  
Southern District  
Michael Hornick, Floodplanner, CFM, DHS/FEMA Region IX  
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

**Response to Comments**

**FEMA/U.S. Department of Homeland Security (July 23, 2009)**

**FEMA-1:** The project does not involve the construction of any habitable buildings.

**FEMA-2:** The project is not located with a Regulatory Floodway. The proposed project will not increase base flood elevations.

**FEMA-3:** Comment noted. The project will not involve changes to the existing Special Flood Hazard Areas.

Grade separation at old Southern Tracks Lathrop Rd.

Meeting July 17 2009 at Senior Community Center.

The only thing that was decided was the cul-de-sac will be the turnaround area.

Everything is yet to be determined. Such as:

**Drainage:**

**Sidewalks:**

**Curbs:**

**Landscaping:**

**Plants:** acceptable to the eye and mind.

**Utilities:**

**Materials used:**

**Trash and dirt:**

With wind blowing, out of north and west direction one gets dirt and trash from one a mile away. With the overpass elevated, it (dirt and trash) will be blown farther into surrounded neighborhood.

**Sound:** Traffic is elevated and sound is not suppressed.

**View of Mountains and open space** lost to overpass.

Submitted by Kenneth V. Lamm

## **Response to Comments**

**Kenneth V. Lamm (July 17, 2009)**

**KL-1:** The engineering concepts and strategies for implementation have been determined and form the basis for the project as described and evaluated in the Mitigated Negative Declaration. In that regard, the drainage, sidewalks, curbs, landscaping/planting, utilities and materials used in the bridge and roadway construction have been determined. Only the specific engineering and other precise design related details have not been determined. These finer details are not important to the findings contained in the Mitigated Negative Declaration.

**KL-2:** The commentor has indicated that dirt and trash will be blown farther into the surrounding neighborhood if the elevated grade separation structure is constructed. However, the commentor has not provided evidence to validate this opinion. Perhaps to the contrary, the elevated structure may block and trap dirt and trash blown in from outside the project area.

**KL-3:** The noise analysis conducted for the project found that noise levels will increase primarily due to roadway widening and to accommodate the forecast traffic volumes. However, none of the locations will exceed 70 dBA  $L_{dn}$  which is the "conditionally acceptable" noise standard included in the City's General Plan. As a result, the project does not require noise attenuation to address long-term operational improvements.

**KL-4:** In isolated locations, some long-range views beyond the immediate foreground will be impaired by the elevated structure. As these views/viewshed have no official visual distinction or designation, the change in view is not considered significant.

*Law Offices Of*  
**HAKEEM, ELLIS & MARENGO**  
*A Professional Law Corporation*

*Michael D. Hakeem  
Albert M. Ellis  
Renee M. Marengo  
Peter W. Manion  
Catherine L. Huston  
Kenneth R. Hedberg  
Adam A. Ramirez*

July 21, 2009

*3414 Brookside Road  
Suite 100  
Stockton, CA 95219-1751  
TEL 209 474-2800  
FAX 209 474-3654*

**Public Works**

**JUL 23 2009**

**RECEIVED**

**RYAN BOULEY, P.E.  
CITY OF LATHROP  
390 Towne Centre Drive  
Lathrop, CA 95330**

**RE: LONG BARN ASSOCIATES, LP**

Dear Ryan:

I have enclosed my comment card in connection with the above matter. Thank you.

Very truly yours,

**HAKEEM, ELLIS & MARENGO  
A Professional Corporation**

By: 

MICHAEL D. HAKEEM

MDH:em

Enclosure

cc: Tom Ruark  
390 Towne Centre Drive  
Lathrop, CA 95330





## Comment Card

(Please note that this document will be part of the public record.)

**Date:** July 16, 2009  
**Location:** Lathrop Senior Center  
**Project:** Lathrop Road/Union Pacific Railroad Westerly Grade Separation Project  
**Meeting:** Public Comment Meeting

**Name (Please Print):** Michael D. Hakeem

**Mailing Address:** 3414 Brookside Road, Stockton, CA 95219

**Phone Number:** (209) 474-2800

**Resident, Business, Organization, etc.:** Attorney for Long Barn Associates, LP

**Comments:** See attached

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please submit comments by July 24, 2009 to Ryan Bouley at the City of  
Lathrop, 390 Towne Centre Drive, Lathrop, CA 95330

Completing and signing this document is voluntary. This information for statistical purposes, to notify you of any future hearings, or to assist in providing you with further information. This document is a public record and may be subject to inspection and copying by other members of the public.

My client owns APN 196-040-11 (4.80 ac.) and APN 196-040-13 (1.35 ac.). We have been attempting to develop both properties consistent with their existing zoning of neighborhood commercial for a number of years. The City has consistently rejected our proposed designs for multiple projects given the City's intent to acquire all or significant portions of both properties. At the present time, given the City's inability to determine the size of the proposed retention basin, our properties have been held hostage to the grade separation project. We respectfully request that the City accelerate and expedite the CEQA and Public Hearing process to result in an approved project which will then determine our property's future and its availability for development or acquisition by the City.

LB-1



Public Works

JUL 28 2009

RECEIVED

## Comment Card

(Please note that this document will be part of the public record.)

**Date:** July 16, 2009  
**Location:** Lathrop Senior Center  
**Project:** Lathrop Road/Union Pacific Railroad Westerly Grade Separation Project  
**Meeting:** Public Comment Meeting

**Name (Please Print):** ANITA & ANTHONY SILVA

**Mailing Address:** 970 E. LATHROP RD, LATHROP

**Phone Number:** 209/858-2082

**Resident, Business, Organization, etc.:** RESIDENT

**Comments:** OUR CONCERNS ARE THAT WE DO

PROVIDED WITH STREET LIGHTING, SIDEWALKS,  
STORM DRAINS, ADEQUATELY HIGH ENOUGH SOUND  
WALL.

AAS-1

Please submit comments by July 24, 2009 to Ryan Bouley at the City of  
Lathrop, 390 Towne Centre Drive, Lathrop, CA 95330

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the public.

RECEIVED  
CITY OF LATHROP

JUL 28 2009

FINANCE DEPARTMENT

## **Response to Comments**

**Anita and Anthony Silva (July 16, 2009)**

**AAS-1:** Comment noted. The project will provide street lighting, sidewalks and storm drain improvements in accordance with City and other industry standards. However, the noise analysis conducted for the project found that noise levels will increase primarily due to roadway widening and to accommodate the forecast traffic volumes. None of the locations will exceed 70 dBA  $L_{dn}$  which is the “conditionally acceptable” noise standard included in the City’s General Plan. As a result, the project does not require noise attenuation to address long-term operational improvements.

# San Joaquin Herald

c/o Bay Area News Group-East Bay, Legal Advertising  
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Lathrop, City of,  
Accounts Payable, 390 Towne Center Drive  
Lathrop CA 95330

## PROOF OF PUBLICATION

FILE NO. Public Notice

In the matter of

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the SAN JOAQUIN HERALD, a newspaper of general circulation as defined by Government Code Section 6000, adjudicated as such by the Superior Court of the State of California, County of San Joaquin (Order No. CV008693), which is published and circulated daily in said county and state.

The PUBLIC NOTICE

was published in every issue of the SAN JOAQUIN HERALD on the following date(s):

6/18/2009

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Colin Davis*

Public Notice Advertising Clerk

Legal No.

0003183640

### -PUBLIC NOTICE- NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

A Mitigated Negative Declaration has been prepared on the following project:

The proposed project consists of two related improvements. The first improvement proposes to widen Lathrop Road from two to four lanes between Harlan Road (on the west) and at a point approximately 1,200-feet east of McKinley Avenue. The second improvement involves constructing a grade separated crossing (overcrossing) on Lathrop road over the Union Pacific Railroad tracks. The roadway section is consistent with the existing easterly grade separation on Lathrop Road. The section consists of a modified version of the City of Lathrop's Arterial Section.

The project proposes 2:1 side slopes along the north side of the roadway while a combination of 2:1 side slopes and a retaining wall are proposed along the south side of Lathrop Road. This combination of 2:1 side slopes and retaining walls are needed to accommodate local access needs for residents. McKinley Avenue is slightly elevated along the current alignment while the 7th Street connection is severed from Lathrop Road. 7th Street traffic will be rerouted to 5th Street via H Street.

The overcrossing will be a three span, closed abutment, cast-in-place structure with a minimum vertical clearance of 23'-4". To construct the overcrossing structure, falsework will be erected and the vertical clearance is temporarily reduced to 21 feet. The falsework will be required at 2 different time periods (two stages) for approximately 4 months each.

Stormwater from the proposed project will be diverted and treated (for water quality) in a proposed retention basin located on a vacant property in the north-west intersection of Woodfield Drive and Lathrop Road. Treatment will consist of retaining runoff for percolation and/or evaporation. Landscaping will be provided throughout the roadway corridor to enhance the project image. While the type of landscape materials has not been determined, it is anticipated that a minimal, low maintenance plan will be implemented.

Notice is hereby given that the City of Lathrop has prepared a Draft Initial Study/Mitigated Negative Declaration pursuant to the require-

ments of CEQA, for the above-described project. For more information about the project and to review and/or obtain a copy of the Initial Study/Mitigated Negative Declaration, please contact Charles Mullen of the Lathrop Community Development Department, 390 Towne Center Drive, Lathrop, California 95330. Telephone Number (209) 941-7200. The public review period begins on June 10, 2009 and ends on July 8, 2009 @ 5:00 p.m. All comments on the Initial Study/Mitigated Negative Declaration should be received by the end of the public review period. A public workshop will be held during the public review period on July 16, 2009, at 6:00 PM. This workshop will take place at the Lathrop Senior Center, located at 15707 5th Street, in Lathrop, CA. The City will consider the project at a public hearing later this summer.

MITZI ORTIZ - CITY  
CLERK  
Tracy Edition of the  
Tri-Valley Herald  
#3183640  
June 18, 2009

**-PUBLIC NOTICE-**

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