



**MEMORANDUM**

DATE: July 27, 2022

TO: Rosanna Russell, Real Estate Services Director

FROM: Karen E. Frye, Acting Manager *KF*

SUBJECT: Responsible Agency Findings for Use and Sale of SFPUC Right-of-Way for the Niles Canyon Safety Improvements Project

cc: Tony Bardo, Real Estate Services  
 Whitney Broeking, Environmental Project Manager

The California Department of Transportation (Caltrans) proposes the Niles Canyon Safety Improvements Project (Project) in Alameda County, California. The Project would improve safety at spot locations along State Route (SR) 84 on Niles Canyon Road and Paloma Way between SR-238 and Interstate 680 (I-680). Project improvements include: a) roadway widening and signaling the intersection of SR-84 at Pleasanton-Sunol Road and Main Street; b) upgrading barriers and widening road shoulders; c) installing rockfall protection; d) installing lighting, speed feedback systems, and dynamic warning systems; e) relocating flashing beacons near the Palomares undercrossing; f) replacing the Stonybrook concrete box culvert with a clear span bridge; and g) removing the existing fence surrounding a Pacific Gas and Electric Company (PG&E) utility pole and installing a new field fence. Work would be conducted on SR-84 in the City of Fremont, the unincorporated Town of Sunol, and other portions of unincorporated Alameda County. To construct and operate the Project, Caltrans requires use of portions of property owned by the SFPUC (SFPUC Parcel Nos. 57 and 65) located adjacent to SR-84.

Acting as Lead Agency under the California Environmental Quality Act (CEQA) and National Environmental Policy Act NEPA), Caltrans prepared the Niles Canyon Safety Improvements Project Environmental Impact

**London N. Breed**  
 Mayor

**Anson Moran**  
 President

**Newsha Ajami**  
 Vice President

**Sophie Maxwell**  
 Commissioner

**Tim Paulson**  
 Commissioner

**Dennis J. Herrera**  
 General Manager



Report/Environmental Assessment with Finding of No Significant Impact (EIR/FONSI) for the proposed action, pursuant to the provisions of CEQA and NEPA. Caltrans certified the EIR/FONSI and the mitigation measures set forth in the EIR/FONSI on January 18, 2018 (State Clearinghouse Number 2015092075). Caltrans prepared a NEPA/CEQA Re-Validation Form for the EIR/FONSI to address the need for additional temporary construction easement and purchase of additional land in fee. Caltrans studied and permitted the additional area prior and concluded that this change in scope would not result in any new environmental impacts not addressed by the EIR/FONSI (Caltrans, June 30, 2022).

The SFPUC is a Responsible Agency for the proposed action under CEQA because the proposed action requires SFPUC consent for Caltrans temporary use of and purchase of SFPUC ROW and for issuance of an electrical utility easement to implement the proposed action. Issuance of the agreement for sale of real estate, temporary construction easement, and utility easement (Sale Agreement) is a discretionary action by the SFPUC that is subject to compliance with the CEQA. These Findings address SFPUC's action in issuing the Sale Agreement for the proposed action.

As a Responsible Agency, the SFPUC has reviewed the EIR/FONSI and NEPA/CEQA Re-Validation Form and finds that:

- 1) SFPUC's issuance of the Sale Agreement for SFPUC Parcel No. 65 is within the scope of the proposed action's CEQA approval and that these documents are adequate for SFPUC's use in issuing the Sale Agreement for the proposed action. Caltrans' approval of the action, the EIR/FONSI, the NEPA/CEQA Re-Validation Form, CEQA Findings, and other materials related to the proposed action are part of the record of this approval and are available for public review at the SFPUC offices, Real Estate Services Division, 525 Golden Gate Avenue, 10th Floor, San Francisco, CA.
- 2) Since Caltrans approved the proposed action and completed the Re-Validation of the EIR/FONSI, there have been no substantial changes to the proposed action or changes in circumstances related to the proposed action that would result in new significant environmental effects or an increase in the severity of previously identified significant impacts, and

there is no new information of substantial importance that would change the conclusions set forth in the EIR/FONSI.

- 3) Caltrans has adopted the mitigation measures included in the EIR/FONSI and has assumed responsibility for their implementation. The SFPUC has no direct authority or responsibility with respect to the proposed action other than to enable the Project Sponsor through issuance of the Sale Agreement to carry out the proposed action.