

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 7-8, 2022

From: MITCH WEISS, Executive Director

Reference Number: 2.2c.(3), Action

Prepared By: Jose Oseguera
Assistant Deputy Director

Published Date: November 23, 2022

Subject: Approval of Project for Future Funding Consideration – Mitigated Negative Declaration for the Western Extension of Tracks – Brea Rail Trail Project, Resolution E-22-103

Recommendation:

Staff recommends the California Transportation Commission (Commission), as a Responsible Agency, accept the Mitigated Negative Declaration for the Western Extension of Tracks – Brea Rail Trail Project (Project) in Orange County and approve the Project for future funding consideration.

Issue:

The City of Brea (City) is the California Environmental Quality Act lead agency for the Project. The Project will construct a Class I multi-use path, including lighting, fencing, and landscaping. The Project is located along the Union Pacific Railroad property between Palm Street and Berry Street in the City of Brea, in Orange County.

For all projects that are anticipated to be funded through a program under the purview of the Commission, full compliance with the California Environmental Quality Act is required. The Commission will not allocate funds to projects for design, right-of-way, or construction until the environmental document is complete, and the Commission has approved the environmentally cleared project for future funding consideration.

Background:

On May 3, 2018, the Brea City Council adopted the Mitigated Negative Declaration for the Project and found that the Project would not have a significant effect on the environment after mitigation.

Impacts that require mitigation measures to be reduced to less than significant levels relate to aesthetics, geology, hazardous materials, and water quality. Mitigation measures include the following: provide adequate fencing to maintain the area free of graffiti, contract with a registered professional engineer to address potential expansive soil impacts, comply with the

requirements established by the Hazardous Material Assessment and Limited Phase II Environmental Site Assessment, and prepare a Storm Water Pollution Prevention Plan.

On October 13, 2022, the City confirmed that the Mitigated Negative Declaration remains valid and that there are no new identified impacts requiring mitigation. The City also confirmed that the preferred alternative set forth in the final environmental document is consistent with the Project scope of work programmed by the Commission.

The Project is fully funded through design with Active Transportation Program Funds – Cycle V (\$1,787,000) and Local Funds (\$1,000,000).

Construction is estimated to begin in Fiscal Year 2025-26.

Attachments:

- Attachment A: Resolution E-22-103
- Attachment B: Notice of Determination
- Attachment C: Project Location Map

**CALIFORNIA TRANSPORTATION COMMISSION
Resolution for Future Funding Consideration**

**12 – Orange County
Resolution E-22-103**

- 1.1 WHEREAS, the City of Brea (City) has completed a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the Western Extension of Tracks – Brea Rail Trail Project (Project) in Orange County; and
- 1.2 WHEREAS, the City has certified that the Mitigated Negative Declaration has been completed pursuant to CEQA and the CEQA Guidelines; and
- 1.3 WHEREAS, the Project is located along the Union Pacific Railroad property between Palm Street and Berry Street in the City of Brea, in Orange County; and
- 1.4 WHEREAS, the Project will construct a Class I multi-use path, including lighting, fencing, and landscaping; and
- 1.5 WHEREAS, the California Transportation Commission (Commission), as a Responsible Agency, has considered the information contained in the Mitigated Negative Declaration; and
- 1.6 WHEREAS, on May 3, 2018, the Brea City Council found that the proposed Project would not have a significant effect on the environment after mitigation and adopted the Mitigated Negative Declaration; and
- 1.7 WHEREAS, on October 13, 2022, the City confirmed that the Mitigated Negative Declaration remains valid and that there are no new identified impacts requiring mitigation; and
- 1.8 WHEREAS, on October 13, 2022, the City also confirmed that the preferred alternative set forth in the Mitigated Negative Declaration is consistent with the Project scope of work programmed by the Commission; and
- 1.9 WHEREAS, the Commission, as a Responsible Agency, has considered the information contained in the Mitigated Negative Declaration.
- 2.1 NOW, THEREFORE, BE IT RESOLVED that the Commission does hereby accept the Mitigated Negative Declaration and approves the above-referenced Project for future funding consideration.

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: California Transportation Commission
Attn: Jose Oseguera
1120 N Street, MS 52
Sacramento, CA 95814
(916) 653-2094

Subject: Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code.

Project Title: Western Extension of Tracks – Brea Rail Trail Project

| | | |
|-----------------------------------|-----------------------------------|----------------------------|
| N/A | Michael Ho | (714) 990-7968 |
| State Clearinghouse Number | Lead Agency Contact Person | Area Code/Telephone |

Project Location (include county): The project is located along the Union Pacific Railroad property between Palm Street and Berry Street in the City of Brea, in Orange County.

Project Description: The project will construct a Class I multi-use path, including lighting, fencing, and landscaping.

This is to advise that the California Transportation Commission has approved the above-described project on:

(☐ Lead Agency/ ☒ Responsible Agency)

December 7-8, 2022, and has made the following determinations regarding the above-described project:

1. The project (☐ will/ ☒ will not) have a significant effect on the environment.
2. ☐ A Final Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (☒ were/ ☐ were not) made a condition of the approval of the project.
4. Mitigation reporting or monitoring plan (☒ was / ☐ was not) adopted for this project.
5. A Statement of Overriding Considerations (☐ was / ☒ was not) adopted for this project.
6. Findings (☒ were/ ☐ were not) made pursuant to the provisions of CEQA.

The above identified document with comments and responses and record of project approval is available to the General Public at: 545 North Berry Street, Brea, CA 92821

MITCH WEISS

Signature (Public Agency)

Date

Executive Director

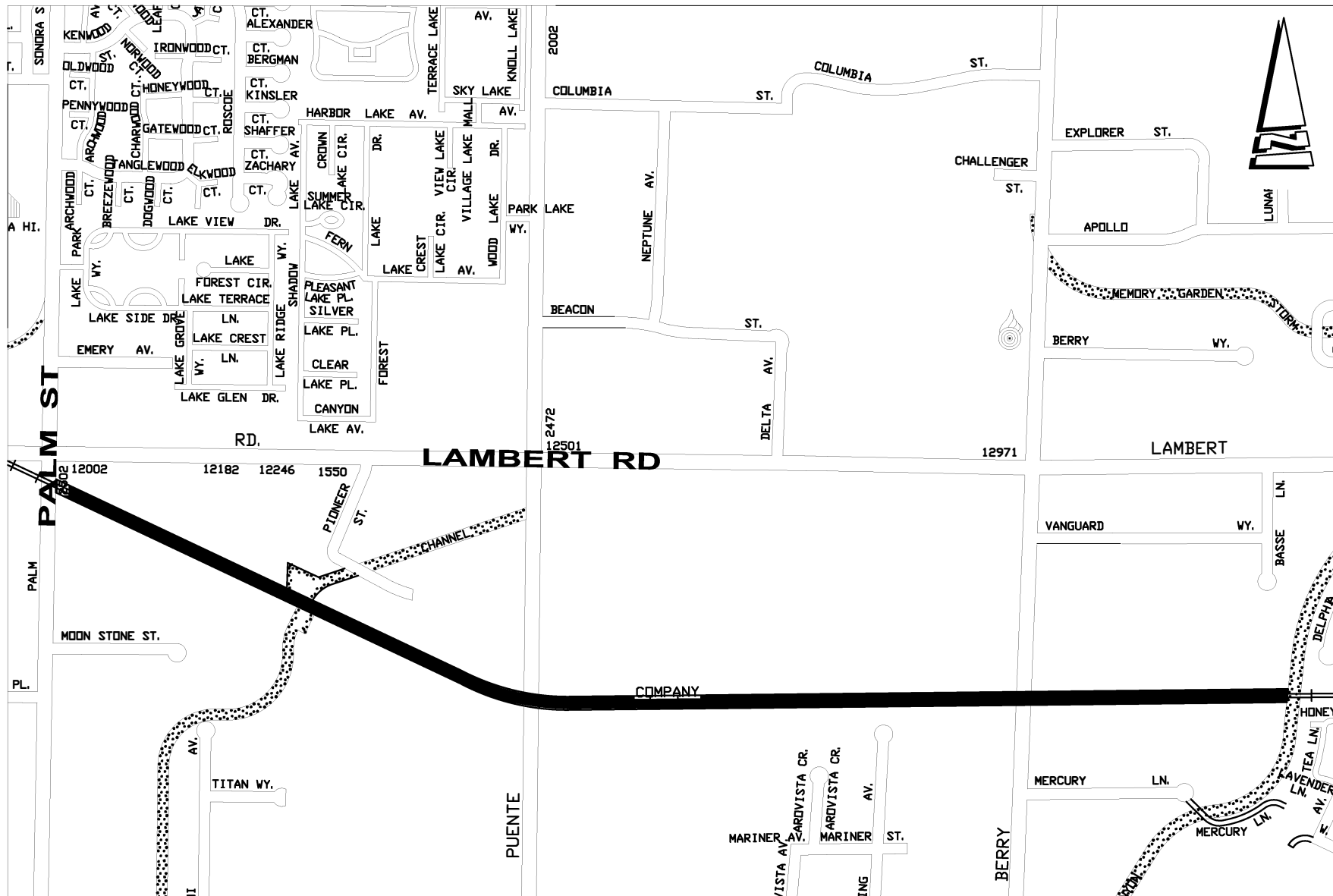
California Transportation Commission

Title

Date received for filing at OPR:

Western Extension of Tracks -- Brea Rail Trail Project

Attachment C
Reference No.: 2.2c.(3)
December 7-8, 2022



VICINITY MAP
NOT TO SCALE