

# Appendix K Other CEQA Considerations

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## Memo

<b>Date:</b>	April 27, 2024
<b>Project:</b>	Capitol Corridor South Bay Connect Environmental Impact Report (EIR)
<b>To:</b>	Kelly Czechowski, HDR
<b>From:</b>	Harrison Qui and Emily Barone, HDR
<b>RE:</b>	Environmental Justice Technical Memorandum

# Environmental Impact Analysis

## Environmental Justice

### INTRODUCTION

This section describes the proposed Project’s impacts on communities with environmental justice (EJ) concerns (low-income and people of color communities). While EJ is a requirement by federal law<sup>1</sup>, there is no explicit California Environmental Quality Act (CEQA) requirement at this time. However, in February 2018, the California Attorney General established the Bureau of Environmental Justice. Its mission is “to protect people and communities that endure a disproportionate share of environmental pollution and public health hazards.” Under state law, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.<sup>2</sup>

The Bureau of Environmental Justice recommends that CEQA be used to study the potential additional burdens on communities with EJ concerns. This section includes a review of the regulatory context and methodology, identification of low-income and people of color communities, assessment of impacts that would affect low-income and people of color communities, and the preliminary results of the Project’s EJ analysis.

<sup>1</sup> Federal Actions to Address Environmental Justice in Minority Populations (Executive Order 12898)

<sup>2</sup> Gov. Code, § 65040.12, subd (e)

## REGULATORY SETTING

Federal, state, regional, and local regulations provide guidance for conducting EJ analyses. The following discussion focuses primarily on state, regional, and local laws, regulations, and orders that are relevant to the proposed Project.

### Federal Plans, Policies, and Regulations

#### *Executive Order 12898*

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, was issued in 1994 in response to growing concerns that minority and/or low-income populations bear a disproportionate amount of adverse health and environmental effects. The Executive Order contains a general directive that states that “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” While the proposed Project is not subject to Executive Order 12898, the guidance of Executive Order 12898 has been followed for this analysis where appropriate, as Executive Order 12898 is considered the basis of most federal, state, and local EJ initiatives.

#### *Executive Order 14096*

Executive Order 14096, Revitalizing Our Nation’s Commitment to Environmental Justice for All, issued April 21, 2023, defines EJ as “[t]he just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other federal activities, that affect human health and the environment so that people:

- Are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structure or systemic barriers; and
- Have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.”

The EO also emphasizes the importance of engaging and collaborating with underserved communities to address adverse conditions and ensure that they do not face any additional disproportionate burdens or underinvestment.

#### *United States Department of Transportation Order 5610.2C*

USDOT Order 5610.2C on EJ defines a “disproportionately high and adverse impact on minority and/or low-income populations” as an adverse impact that is predominantly borne by a minority population and/or a low-income population, or will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse impact that will be suffered by the

nonminority population and/or non-low-income population. To implement Executive Order 12898, USDOT relies on USDOT Order 5610.2C, which applies to actions undertaken by the USDOT operating administrations. The order states that the USDOT will not carry out any programs, policies, or activities that will have a disproportionately high and adverse impact on minority populations or low-income populations unless “further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse impacts are not practicable.”

### State Plans, Policies, and Regulations

#### *California Government Code 65040.12(E)*

California Government Code 65040.12(e) states that EJ is the “fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respects to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.”

#### *California Government Code 11135(A)*

California Government Code 11135(a) states no one shall be discriminated to receive full and equal access to the benefits of any programs or activities conducted, operated, or administered by the state of by any state agency.

#### *Senate Bill 1000*

California legislation, and guidance issued in recent years aim to comprehensively address EJ issues, including the implementation of Senate Bill 1000. Senate Bill 1000 requires that general plans include an EJ element, or related goals, policies, and objectives in other general plan elements, with the goal of reducing the disproportionate health risks in disadvantaged communities, promote community engagement, and prioritize improvements that address the needs of at-risk communities. In June 2020, OPR published updated General Plan Guidelines that include revised guidance in response to Senate Bill 1000.

### Local Plans, Policies, and Regulations

#### *County of Alameda General Plan*

The *County of Alameda General Plan Ashland and Cherryland Community Health and Wellness Element* (County of Alameda 2015) address how land use and building policies may support health, social equity, and EJ within the Ashland and Cherryland communities. The following goals and policies are relevant to the proposed Project:

- **Goal H – Encourage access to safe and convenient public transit and active mobility options for all.**
  - **Policy H.1.** –Support improvements in access, reliability and affordability of the public transit system to improve mobility options for all Ashland and Cherryland residents and visitors.

- **Policy H.3.** – Enhance safety and accessibility for pedestrians, bicyclists and public transit riders.
- **Policy H.6.** – Support improvements in transportation access and mobility for persons with disabilities.
- **Action H.1.** – Continue to advocate for funding and fund transportation infrastructure, which may include street improvements, sidewalk improvements, public parking, public transportation, bike and pedestrian circulation.

*City of Oakland General Plan*

The *Oakland 2045 General Plan Environmental Justice Element* (City of Oakland 2023) serves as the foundation for achieving equity and environmental justice when planning for future growth and development in Oakland. The *Oakland 2045 General Plan Environmental Justice Element* identifies communities that are disproportionately impacted by inequitable environmental harms and proposes goals, policies, and objectives to reduce the unique or compounded health risks in these communities, referred to as EJ communities. The following goals and policies are relevant to the proposed Project:

- **Goal EJ-1** – Reduce pollution, mitigate the impacts of pollution on existing sensitive land uses, and eliminate associated public health disparities.
  - **Policy EJ-1.1 Toxic Air Contaminants.** Reduce the public’s exposure to toxic air contaminants through appropriate land use and transportation strategies, identified through the LUTE update in Phase 2 of the GPU process, particularly in Environmental Justice Communities and other areas most burdened by air pollution, as identified in Figure EJ-12.
  - **Policy EJ-1.13 Emissions from Construction Activities.** Require projects to implement construction air pollution and greenhouse gas emissions controls and applicable mitigation strategies for all construction sites to the maximum extent feasible. Refer to Best Construction Practices and Best Available Retrofit Control Technology (BARCT) recommended by BAAQMD.
  - **Policy EJ-1.19 Regional Coordination.** Support air quality planning efforts led by other local, regional, and State agencies while simultaneously leveraging City authority and resources to focus on reducing air pollution burden in EJ Communities.
- **Goal EJ-7** – Create environments that support physical activity, recreation, and healthy lifestyles through safe, comfortable and ADA-compliant walkable, bikeable neighborhoods, with access to transit, green space, trees, paths, and parks.

- **Policy EJ-7.2 Accessible Neighborhoods.** Encourage active modes of transportation and transit accessibility by supporting neighborhoods that provide access to a range of daily goods, services, and recreational resources within comfortable walking or biking distance. Encourage transit providers to prioritize, establish, and maintain routes to jobs, shopping, schools, parks and healthcare facilities that are convenient to EJ Communities.

#### *City of San Leandro General Plan*

The City of San Leandro is currently preparing a new EJ Element as mandated by Senate Bill 1000. The Draft EJ Element is not yet available to the public but will focus on reducing health risks in disadvantaged communities through the following topics: pollution exposure and air quality; public facilities; food access; safe and sanitary homes, physical activity, and civic/community engagement (City of San Leandro 2024).

#### *City of Hayward General Plan*

The City of Hayward is currently updating its General Plan which includes the development of a new EJ Element as mandated by Senate Bill 1000. The intent of the EJ Element will be to identify and address issues such as fair and equitable access to healthy food, affordable housing, and meaningful participation in actions and decisions made by governments. The City of Hayward is currently soliciting feedback from the public on its Existing Conditions Assessment which will provide details on the following EJ topics: pollution exposure, access to clean air and water, access to healthy food, access to safe and sanitary housing, and access to physical activity and recreation (City of Hayward 2024).

#### *City of Union City General Plan*

The *Union City 2040 General Plan Health and Quality of Life Element* (City of Union City 2019) provides a policy framework to better support traditionally underrepresented and underserved populations living within Union City, address potential EJ issues with the community consistent with SB 1000, build social capital, and support efforts that assist in improving the quality of life for all residents. The following goals and policies are relevant to the proposed Project:

- **Goal HQL-9** – Ensure all members of the community have equal access to a clean and healthy environment.
  - **Policy HQL 9.4 Increase Access for Underserved Communities** – The City shall strive to increase access to transit, shopping, jobs, parks and open space, and healthcare facilities for traditionally underserved communities.

#### *City of Fremont General Plan*

The current *City of Fremont General Plan* does not contain an EJ Element or goals pertinent to the proposed Project.

### *City of Newark General Plan*

The City of Newark is currently updating its General Plan which includes the development of a new EJ Element. The intent of the EJ Element will address the following EJ goals, policies, and objectives, including reduction of pollution exposure and improvement of air quality, promotion of public facility access and to healthy foods, and promotion of safe sanitary homes, physical activity, and civic engagement (City of Newark 2024).

### **Consistency with Plans, Policies, and Regulations**

Section 15125(d) of the CEQA Guidelines requires an EIR to discuss “any inconsistencies between the proposed Project and applicable general plans, specific plans, and regional plans.” Applicable plans, policies, and regulations were considered during the preparation of this analysis and were reviewed to assess whether the proposed Project would be consistent with the plans of relevant jurisdictions. The proposed Project would be consistent with the applicable goals, policies, and objectives related to EJ identified in state and local planning documents.

### **METHODS FOR EVALUATING IMPACTS**

This section defines and describes the methods used to identify communities with EJ concerns within the RSA and to address the potential for the proposed Project to cause disproportionately high and adverse human health and environmental effects on low-income and people of color communities. Although CEQA does not require analysis of EJ effects, an EJ analysis for the proposed Project is provided for informational purposes. The communities with EJ concerns were identified in accordance with Federal Transit Administration (FTA) methodology, as described in the August 15, 2012, *FTA Circular 4703.1* which is standard across all USDOT divisions, including the Federal Railroad Administration.

### *Definition of Resource Study Area*

RSAs are the geographic boundaries within which the environmental analyses specific to each resource topic were conducted. As shown in Figure 1, EJ RSA is located in the jurisdictions of Alameda County and the cities of Fremont, Newark, Union City, Hayward, San Leandro, and Oakland.

As shown in Figure 2, the EJ RSA for direct, indirect, and cumulative effects on low-income and people of color communities is defined as all U.S. Census Bureau block groups that fall partially or completely within a 0.5 mile radius of the Project Construction Limits (PCL). The PCL is inclusive of temporary and permanent improvements associated with the proposed Project under the proposed Project. A 0.5 mile radius is in alignment with the service availability standard in FTA Circular 4702.1B, which denotes that passengers will generally walk up to 0.5 mile to a light or heavy rail station.

Figure 1: Environmental Justice Resource Study Area

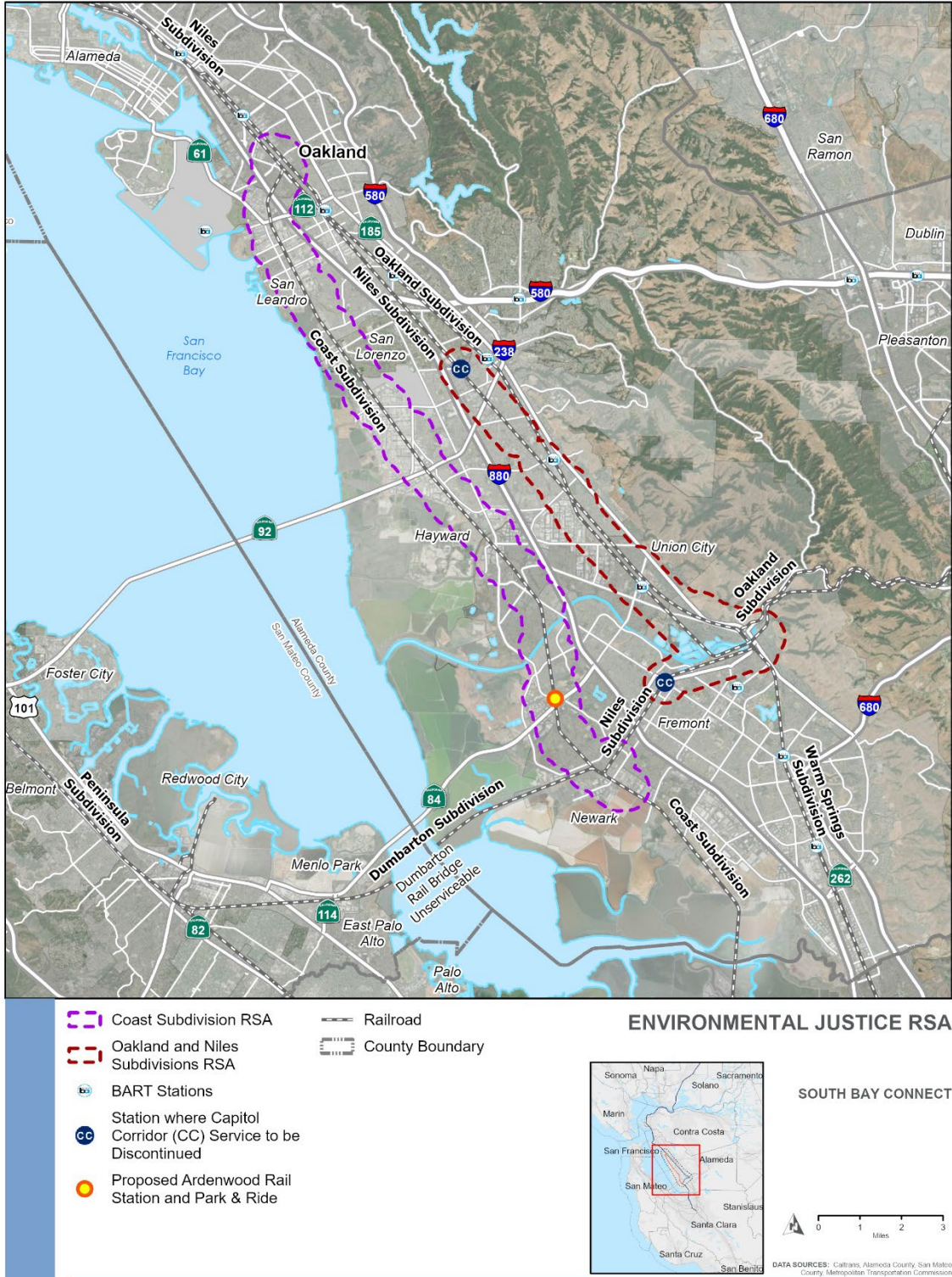




Figure 2: Environmental Justice Resource Study Area Block Groups (page 1 of 6)

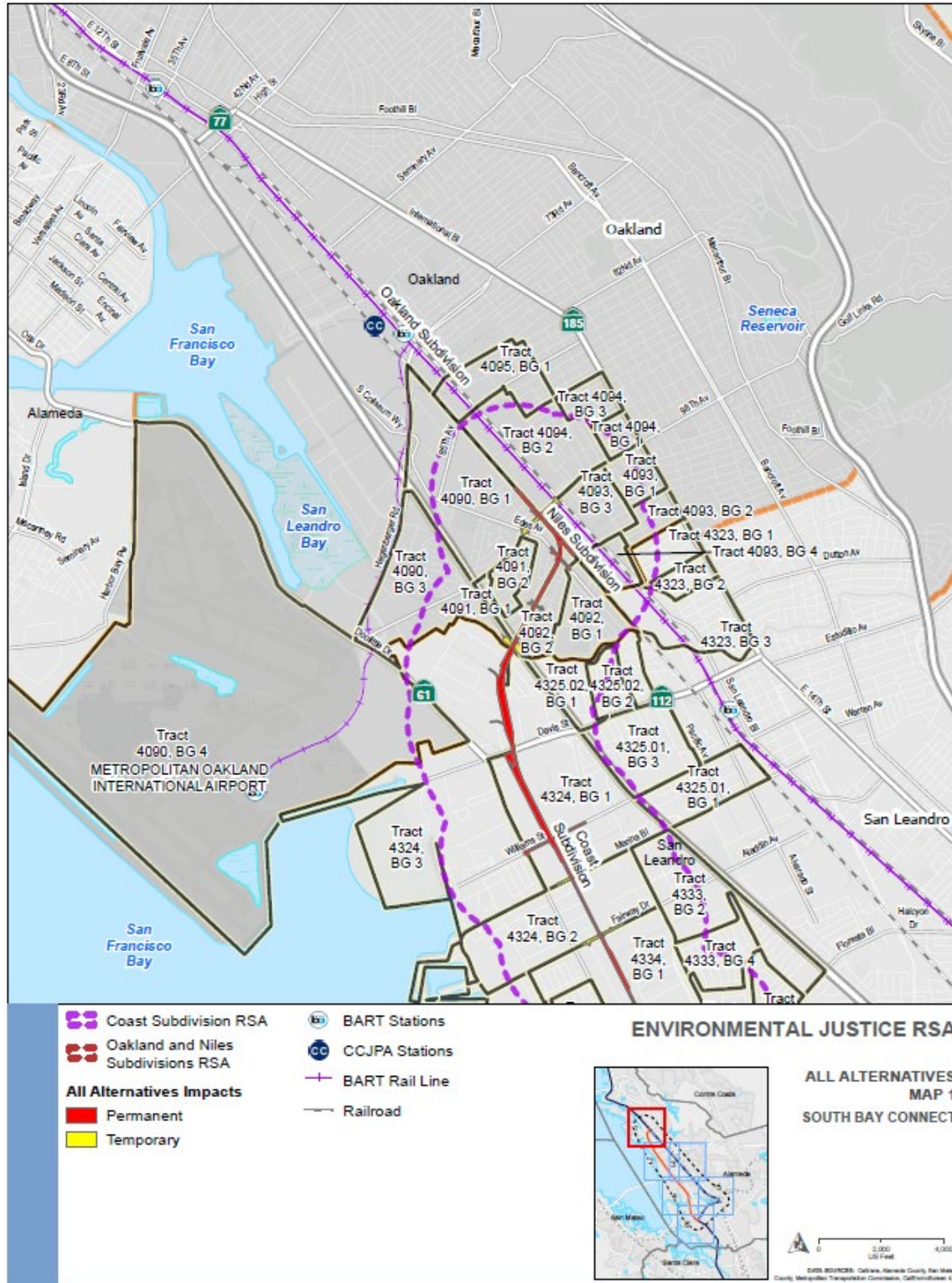


Figure 2: Environmental Justice Resource Study Area Block Groups (page 2 of 6)

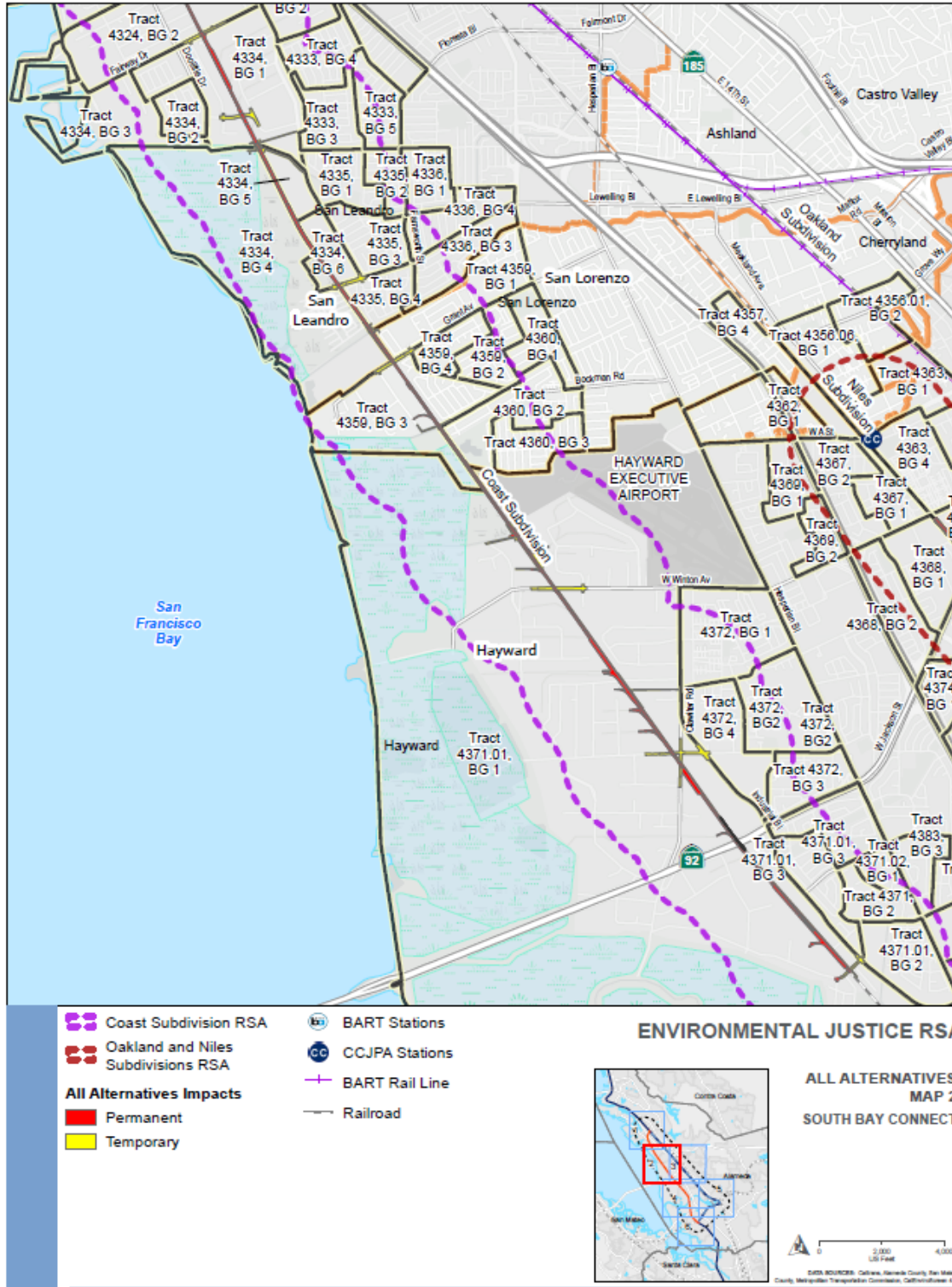


Figure 2: Environmental Justice Resource Study Area Block Groups (page 3 of 6)

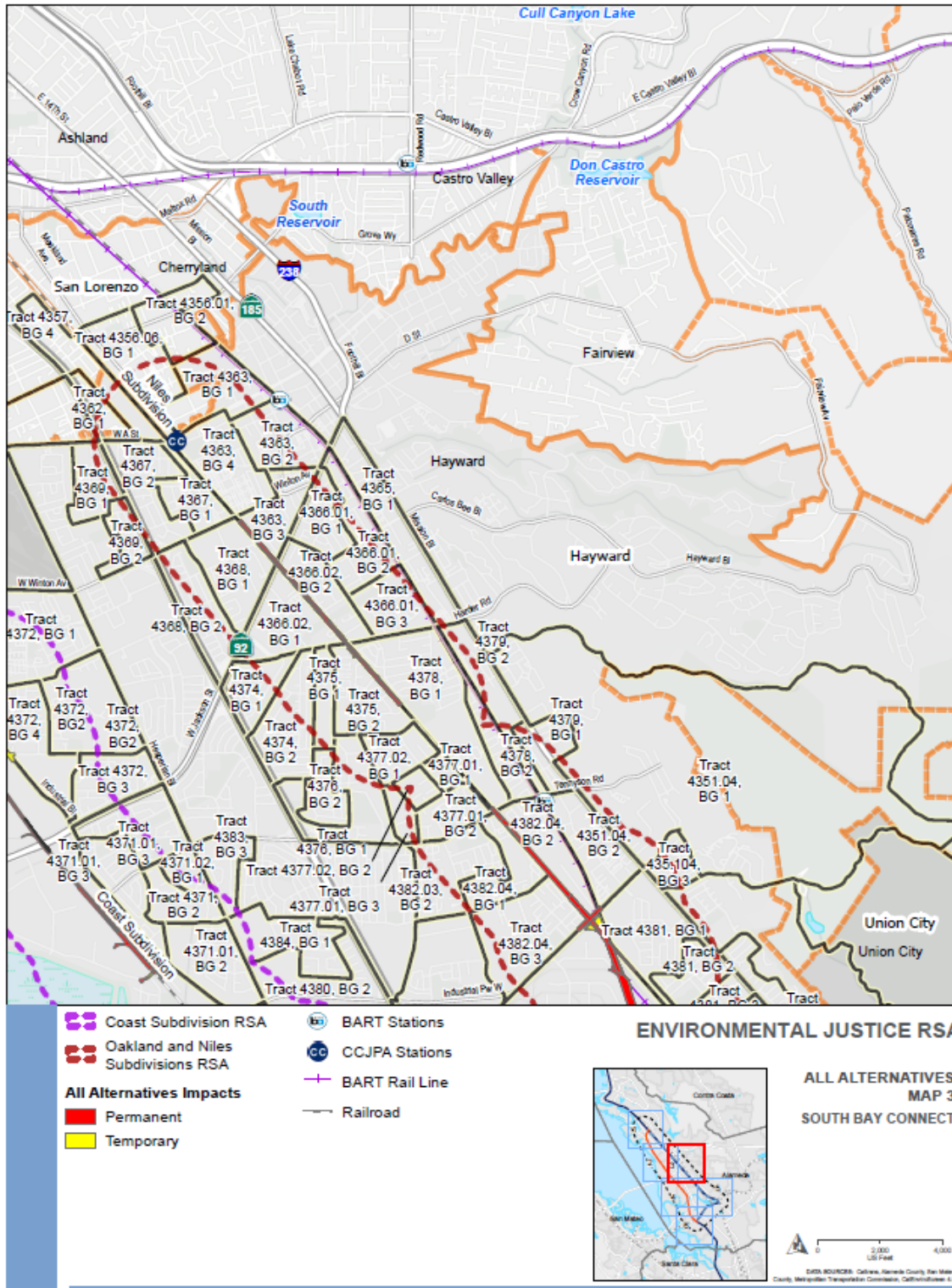


Figure 2: Environmental Justice Resource Study Area Block Groups (page 4 of 6)

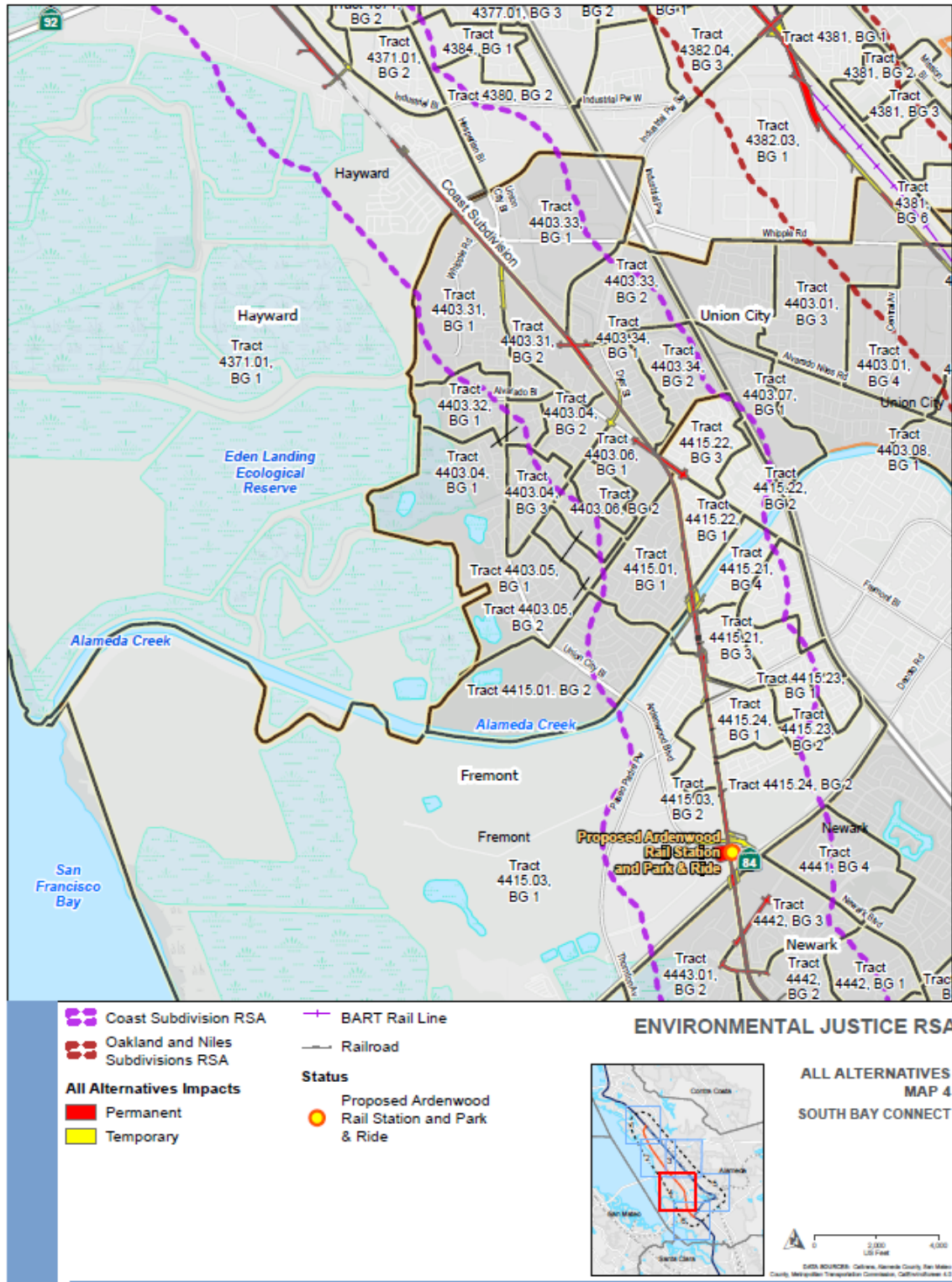


Figure 2: Environmental Justice Resource Study Area Block Groups (page 5 of 6)

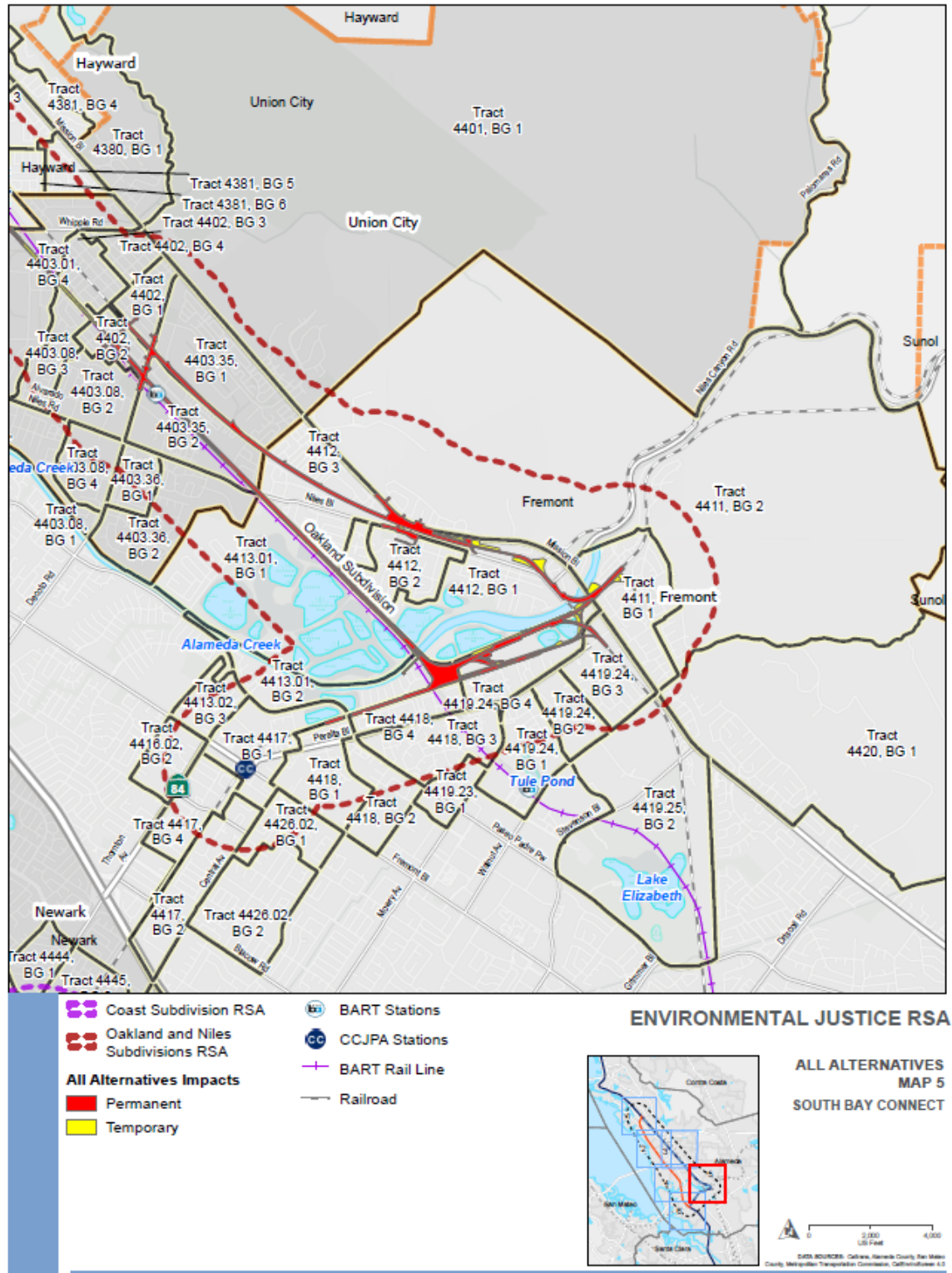
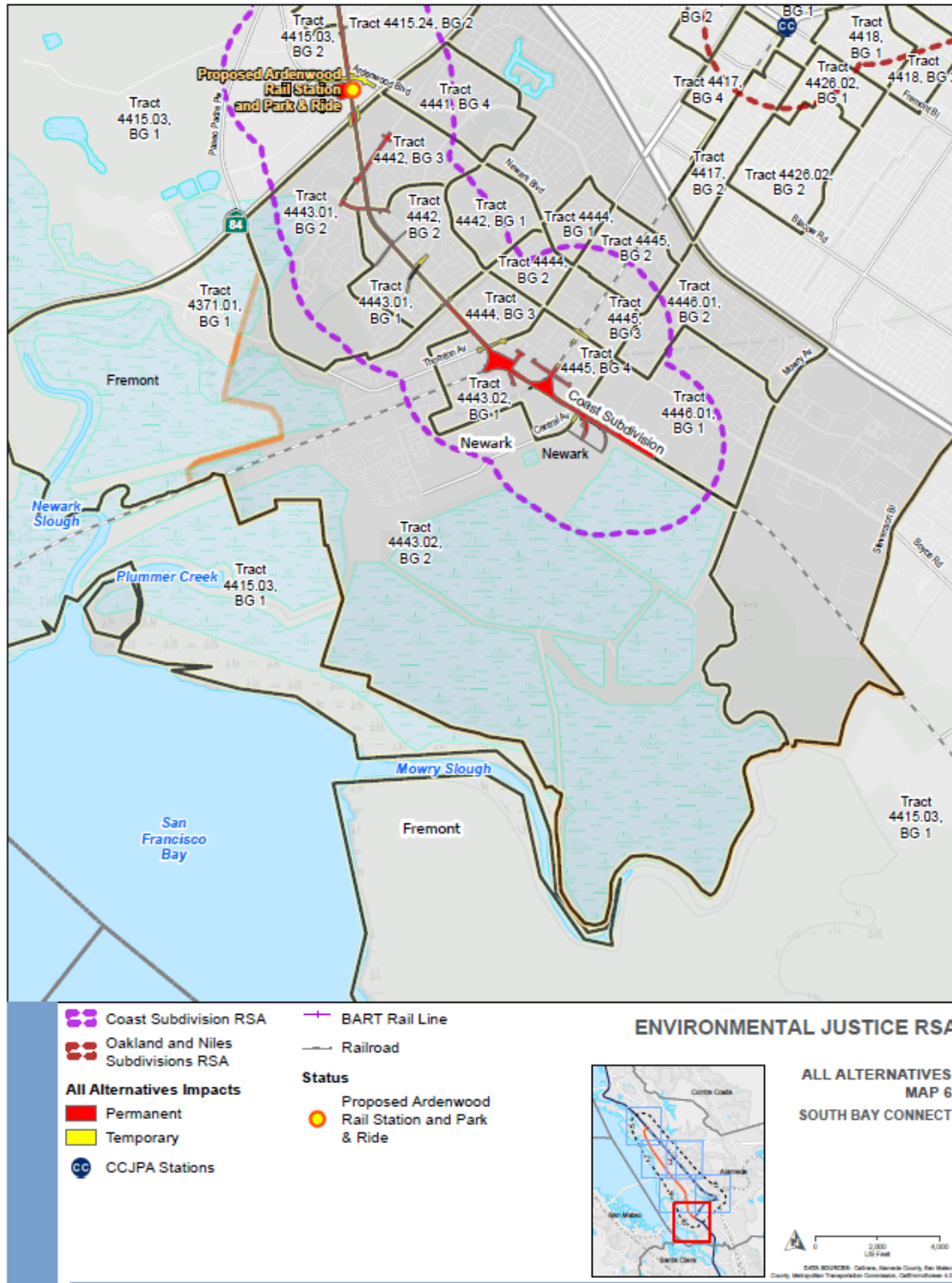


Figure 2: Environmental Justice Resource Study Area Block Groups (page 6 of 6)



### *Identification of Minority / People of Color<sup>3</sup> Communities*

To identify people of color, per FTA, “minority” includes persons who are American Indian and Alaska Native, Asian, Black or African American, Hispanic or Latino, and Native Hawaiian and other Pacific Islander. Inclusive of those identifying as “some other race” and “2 or more races”, this analysis includes all persons who are not non-Hispanic/Latino, white, one-race only.

To identify block groups that qualify as “communities with EJ concerns”, the FTA Circular encourages the use of local thresholds. This analysis uses the threshold developed by the Bay Area’s Metropolitan Planning Organization (MPO), the Metropolitan Transportation Commission (MTC), consistent with their definition of Equity Priority Communities – if 70% or greater of the block group consists of people of color, it is considered a minority / people of color community.

### *Identification of Low-income Communities*

To identify households that are considered low-income, per FTA, if a household has an annual income at or below 150% of the federal poverty level, it is considered low-income. FTA encourages the use of a locally developed threshold, provided that the threshold is at least inclusive as that federal threshold (FTA Circular C 4703.1). Considering FTA’s encouragement of the use of local thresholds, this analysis defines low-income households as those at or below 200% of the federal poverty level for their household size, consistent with MTC’s definition of Equity Priority Communities.

To identify block groups that qualify as “communities with EJ concerns”, considering FTA’s encouragement of the use of local thresholds, this analysis uses the threshold developed by MTC, consistent with their definition of Equity Priority Communities, that states if 28% or greater of the block group consists of low-income households, it is considered a low-income community.

### **Methodology for Impact Analysis**

To determine the potential for the proposed Project to result in disproportionate health or environmental effects on communities with EJ concerns, the Project effects on each resource under study were reviewed, and the likelihood of any of these impacts to affect the communities with EJ concerns was assessed. The EJ impact analysis considers the USDOT Order 5610(c) definition of adverse effects, which are the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, and the denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities.

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<sup>3</sup> The term “People of Color” is commonly used instead of the traditional term, “minority” to be more inclusive, and is used by the MTC because the 9-county Bay Area region was over 60% minority in 2020, which means the region is officially a majority-minority area.

A review of the temporary construction and permanent operational effects of the proposed Project was conducted, and the magnitude of the effects, whether effects are adverse or beneficial, the duration of effects (temporary or permanent), and the geographic location of the effects on the communities with EJ concerns within the RSA were identified. Determination of potential disproportionately adverse effects on communities with EJ concerns was based on the following considerations:

- Identification of adverse effects:
  - Effects that were minimized through mitigation were evaluated to determine whether the mitigation measures were proportionately applied to communities with EJ concerns and non-EJ communities, and if they addressed the concerns of the communities with EJ concerns. If both of these conditions applied, the effects were not considered adverse.
  - Effects that were not substantially reduced through mitigation were considered adverse
- Identification of disproportionate adverse effects:
  - Would the adverse effects be predominantly borne by communities with EJ concerns?
  - Would adverse effects be suffered by communities with EJ concerns and would those adverse effects be appreciably more severe or greater in magnitude than the adverse effect suffered by the non-EJ communities?
- Would the project provide offsetting benefits to communities with EJ concerns?

## AFFECTED ENVIRONMENT

### People of Color Communities

For purposes of this analysis, people of color communities are defined as block groups where 70 percent or more of the population identify as non-white and/or Hispanic, which includes Asian Pacific Islander, African American, Hispanic, Native American, or other non-white ethnic groups. Table 1 provides a summary of the percent of the population who identify as non-white and/or Hispanic in each block group in the EJ RSA while Attachment A provides a breakdown for each race/ethnicity population for each geographic location within the EJ RSA.

On a county level, 72.1% of the total population identify as a person of color. Within the majority of reference cities located within the RSA the total population that identify as a person of color is higher than the county level at 83.1% (City of Fremont), 88.4% (City of Hayward), 80.5% (City of Newark), 79.5% (City of San Leandro), 78.6% (San Lorenzo CDP), and 86.5% (City of Union City). The total population that identify as a person of color within the City of Oakland is 70.4%, which is lower than the county level of 72.1%.



Based on data available from the U.S. Census Bureau and as shown on Figure 3, the northern section of the EJ RSA has a smaller share of people of color communities compared to the rest of the EJ RSA. The northern section in the cities of Oakland and San Leandro has a substantially larger percentage of Black or African American populations when compared to the County overall, and the areas in the southern portion of the EJ RSA has a significantly larger share of Asian populations in comparison to the County as a whole. Hispanic or Latino populations are mostly concentrated in the Northern portion (City of Oakland) and Central portion (City of Hayward) of the RSA, with pockets of higher Hispanic populations scattered in the cities of Union City and Newark. Overall, the highest concentration of all people of color communities are located in the City of Oakland near the start of proposed Project, City of San Leandro on the Coast Subdivision, City of Hayward near the start of the proposed Project on the Niles Subdivision, Union City BART, Fremont BART, the proposed Ardenwood station, and the City of Union City north of the proposed Ardenwood station.

Figure 3: People of Color Communities within the Environmental Justice RSA (page 1 of 6)

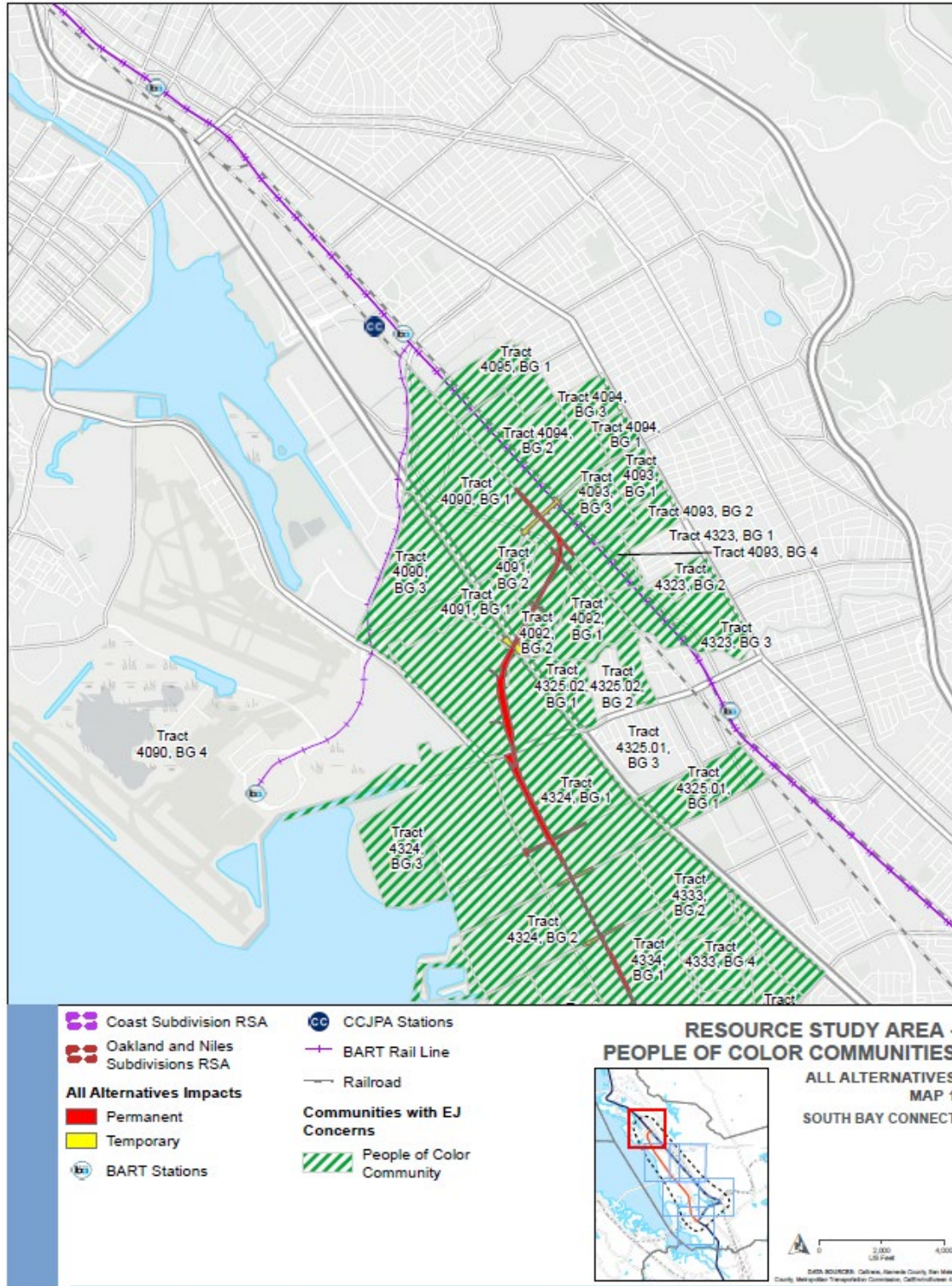


Figure 3: People of Color Communities within the Environmental Justice RSA (page 2 of 6)

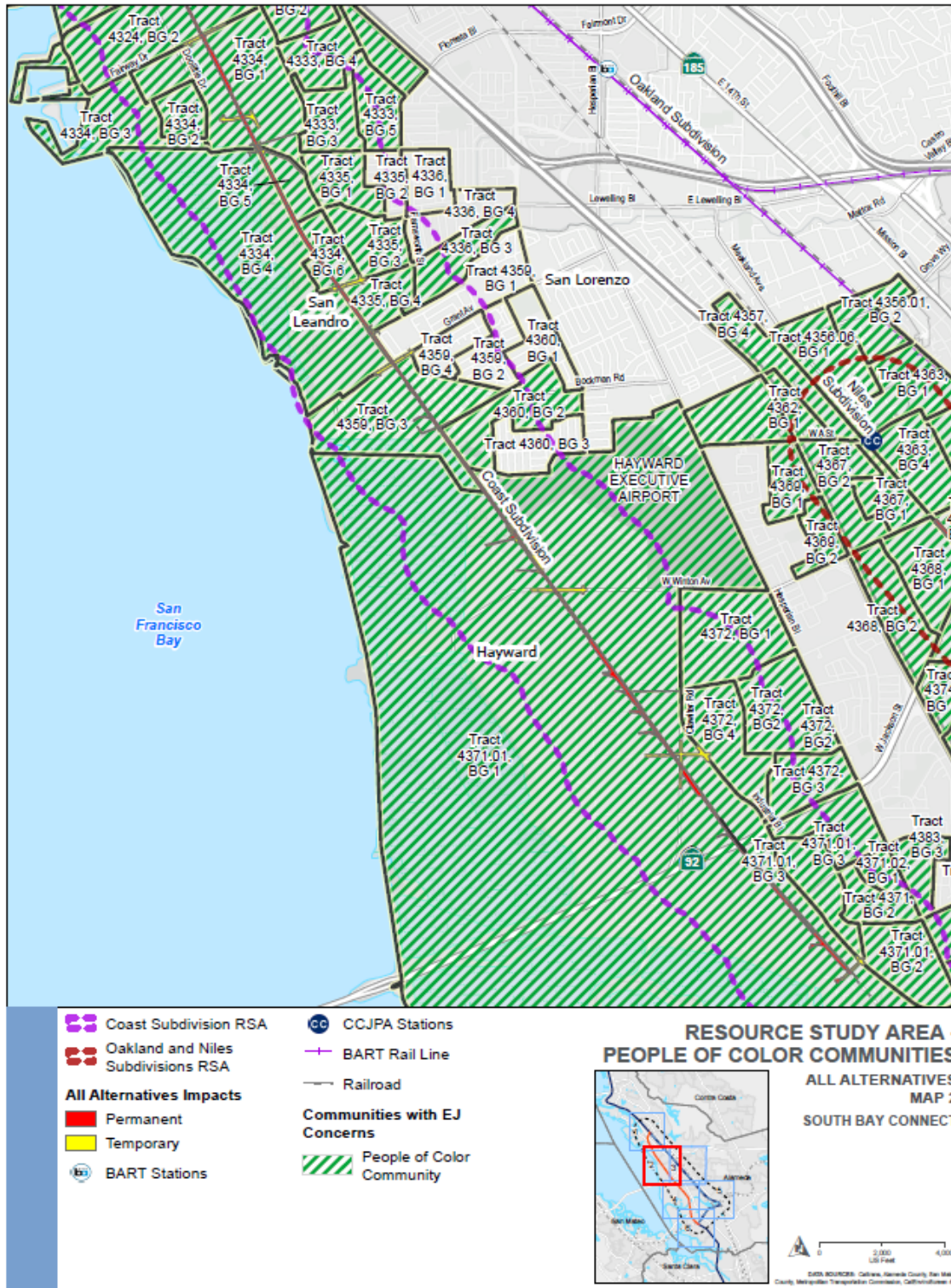


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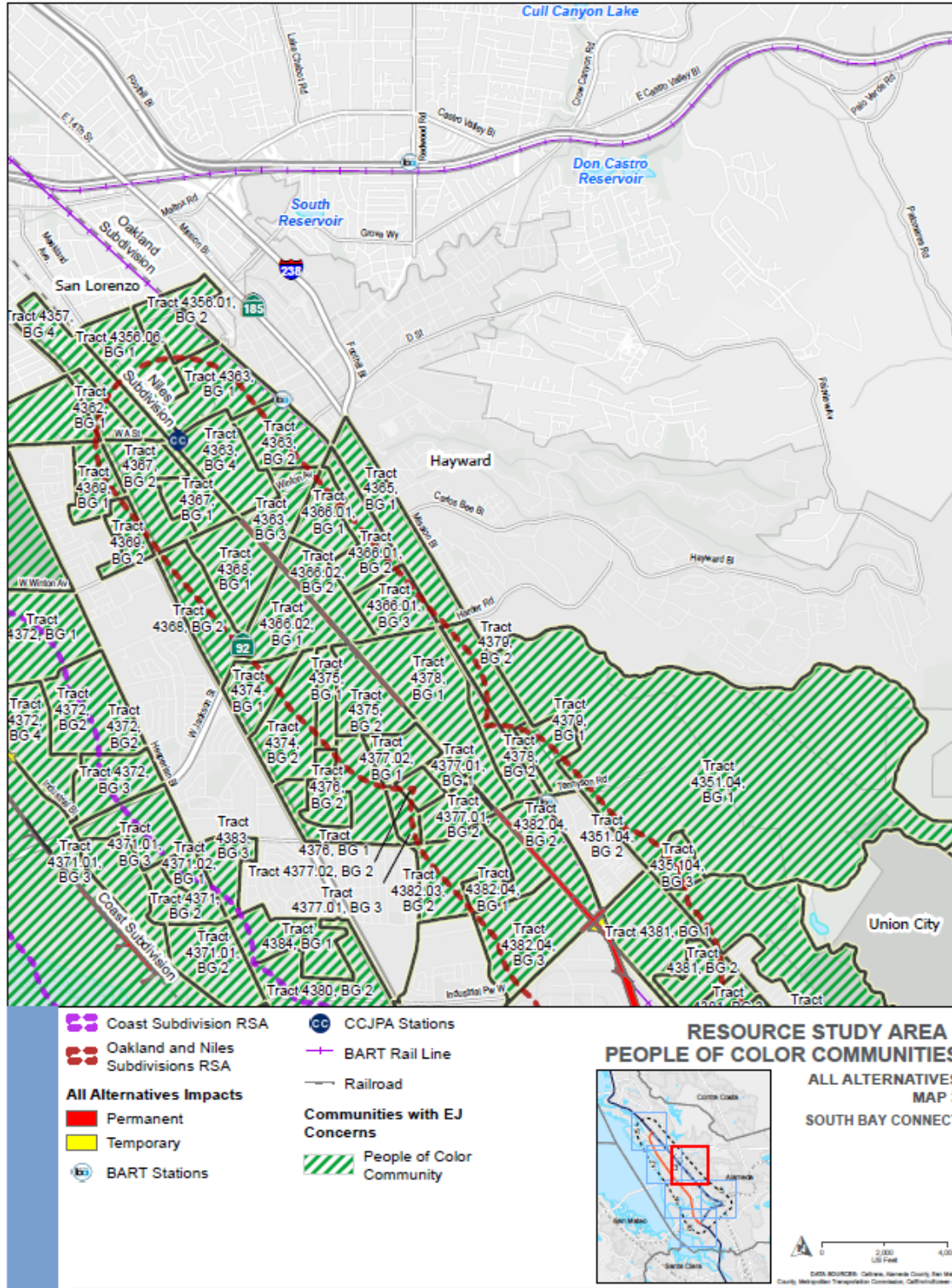


Figure 3: People of Color Communities within the Environmental Justice RSA (page 4 of 6)

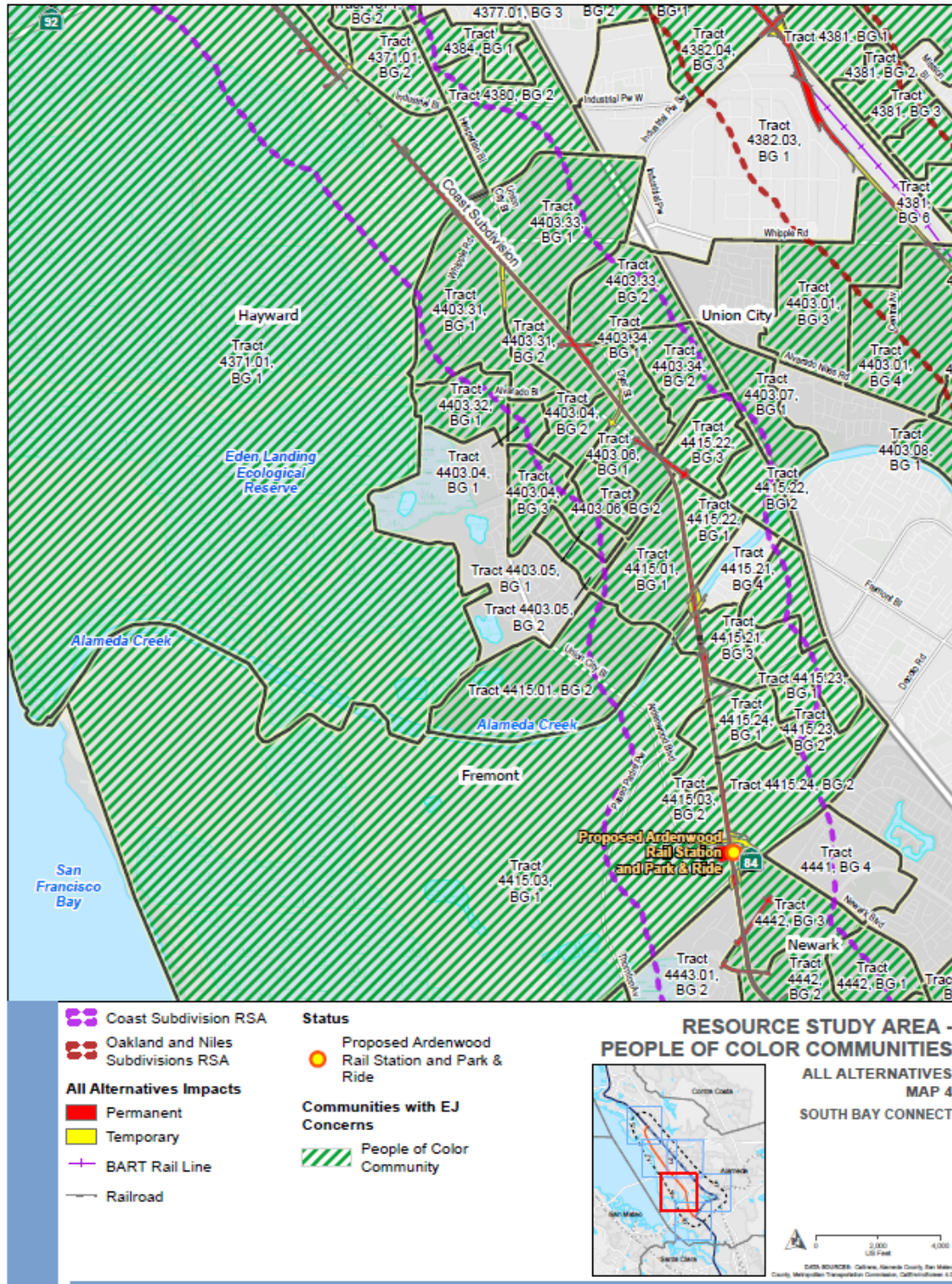


Figure 3: People of Color Communities within the Environmental Justice RSA (page 5 of 6)

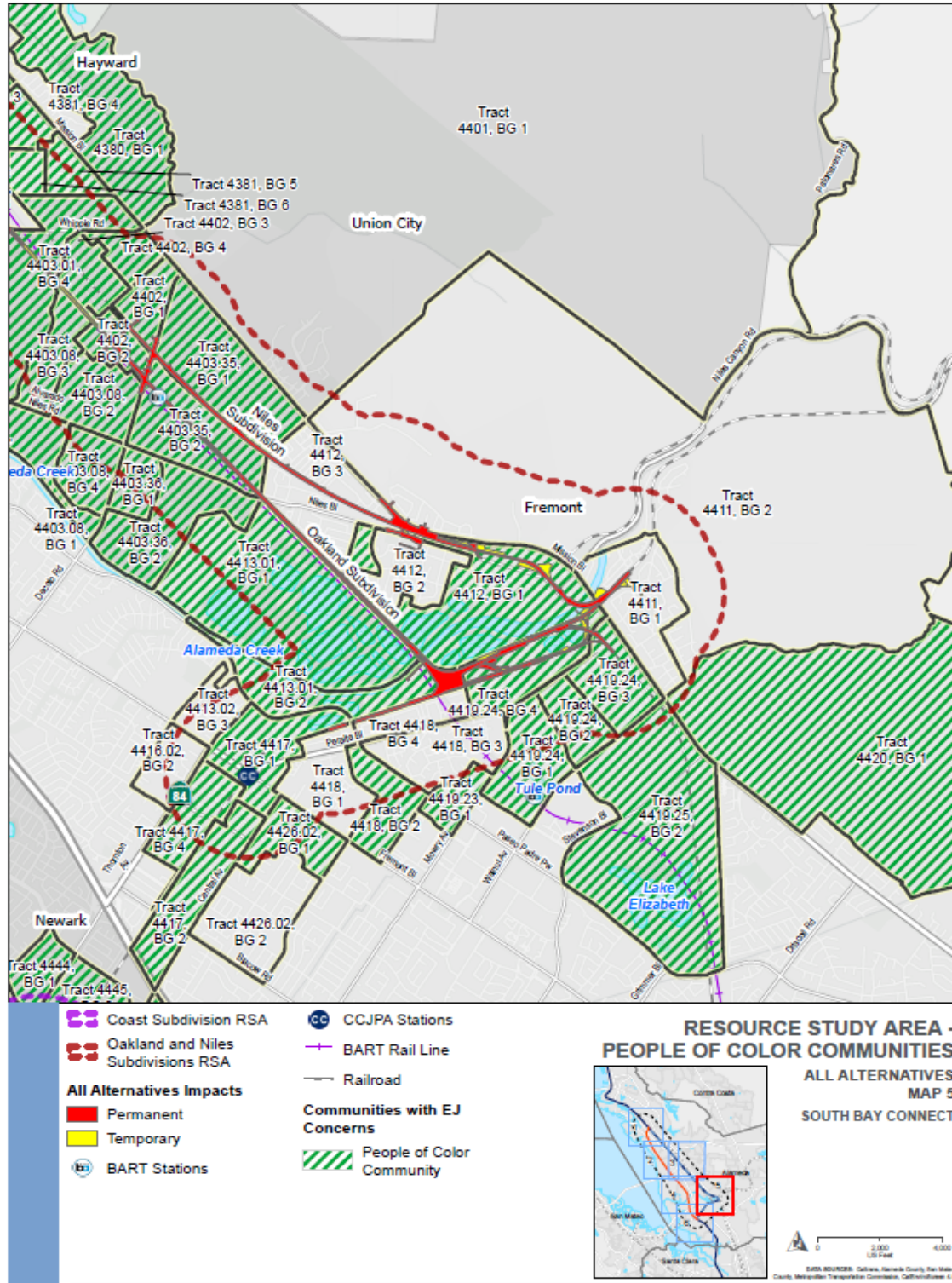
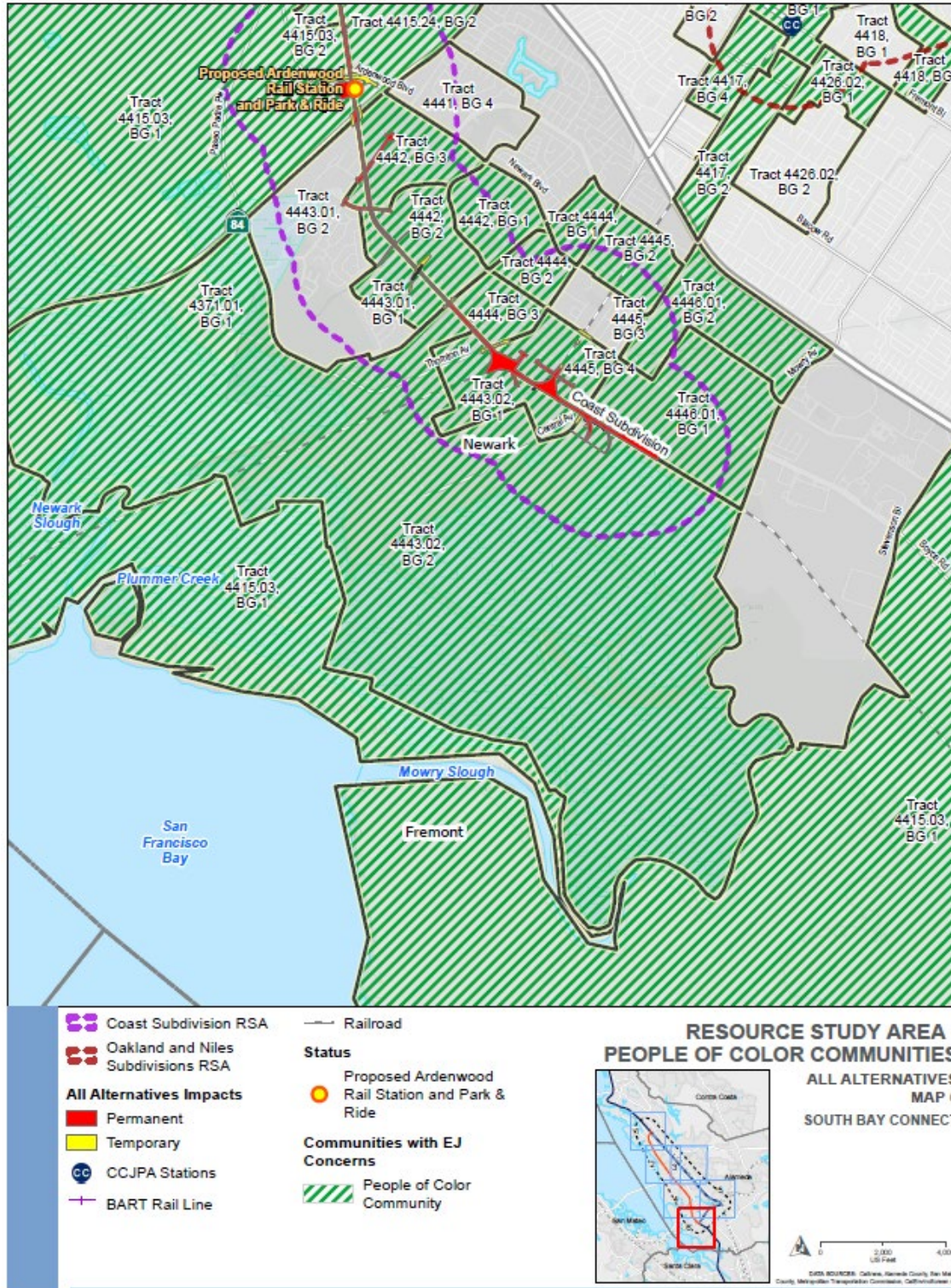


Figure 3: People of Color Communities within the Environmental Justice RSA (page 6 of 6)



### Low-Income Populations

For purposes of this analysis, low-income communities are defined as block groups where 28 percent or more of households earns 200 percent or less of the federal poverty level.- Table 1 provides a summary of the percent of the population in each block group who are considered to be low-income while Attachment A provides detailed income information for each geographic location within the EJ RSA.

Based on the data available from the U.S. Census Bureau and as shown on Figure 4, the northern section of the EJ RSA has a larger share of low-income communities compared to the rest of the EJ RSA. Overall, the highest concentration of low-income communities are clustered in the City of Oakland near the start of the proposed Project. There are pockets of higher low-income communities scattered in the cities of Fremont, Hayward, Newark, San Leandro, and Union City.

### Communities with EJ Concerns

As summarized in Table 1 and shown in Figure 3, the majority of the RSA block groups have been identified as having relatively high concentrations of either people of color communities and/or low-income communities, with a higher potential for these communities to be impacted by all of the proposed Project.



Figure 4: Low Income Communities within the Environmental Justice RSA (page 1 of 6)

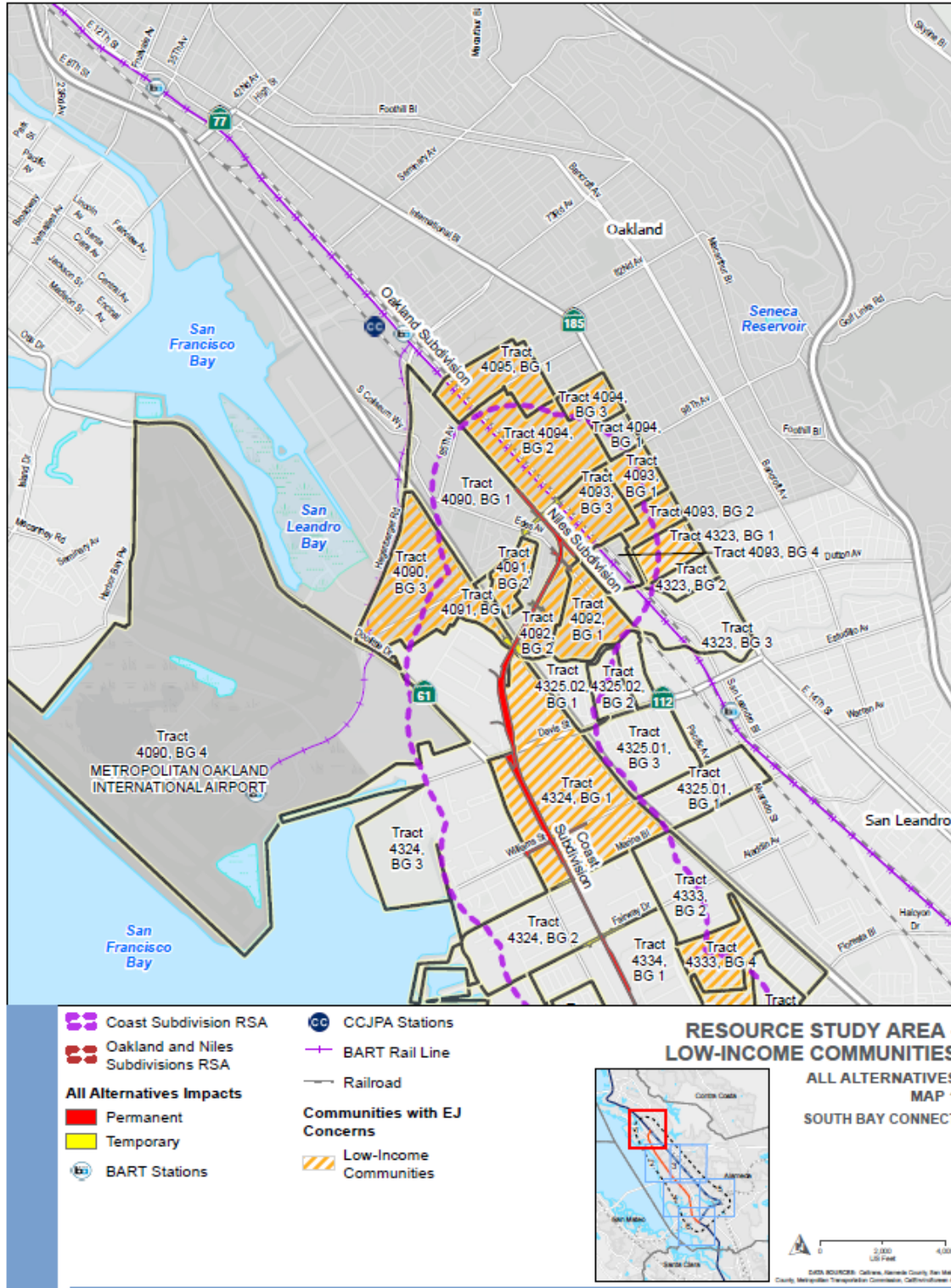


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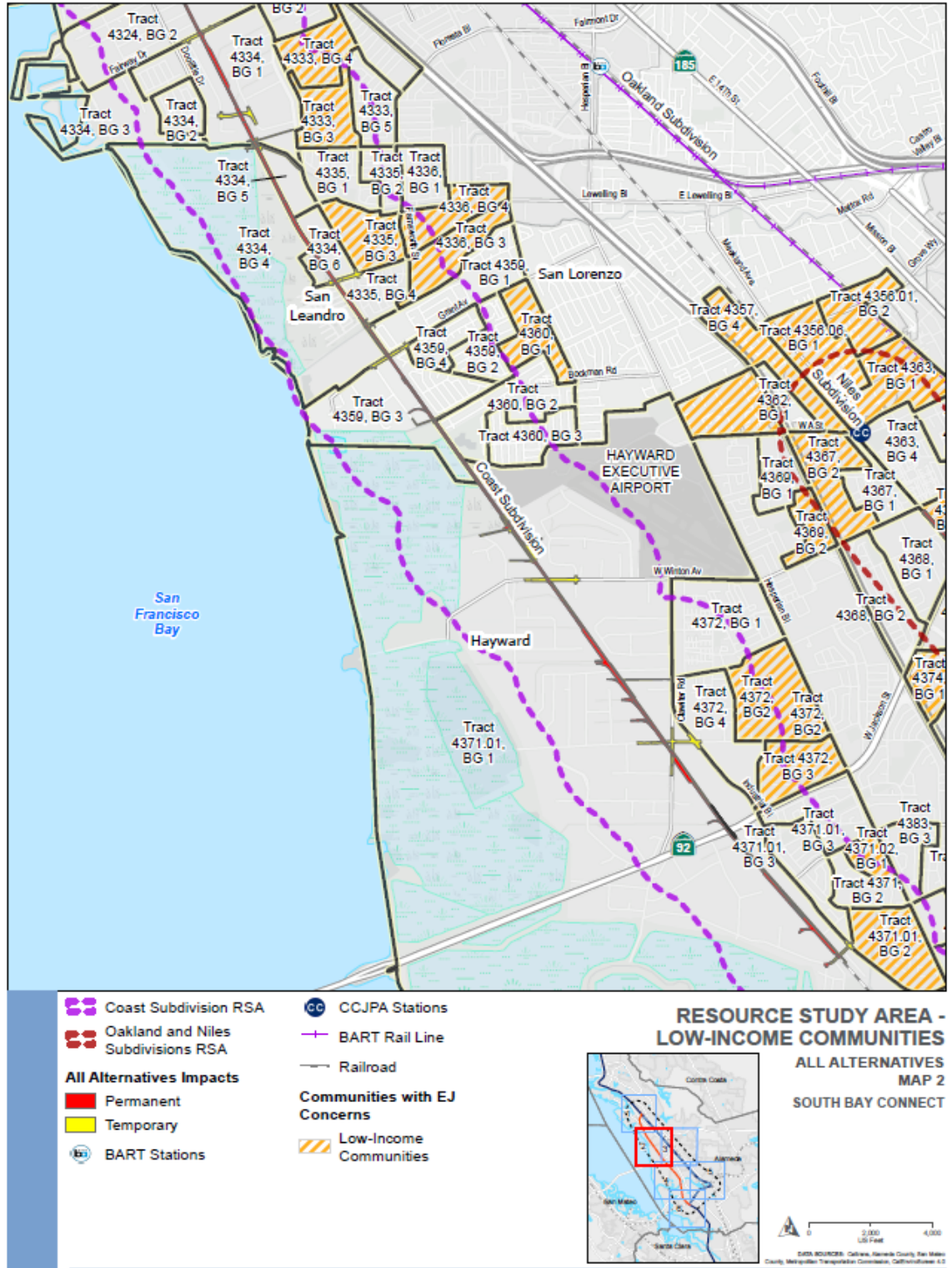


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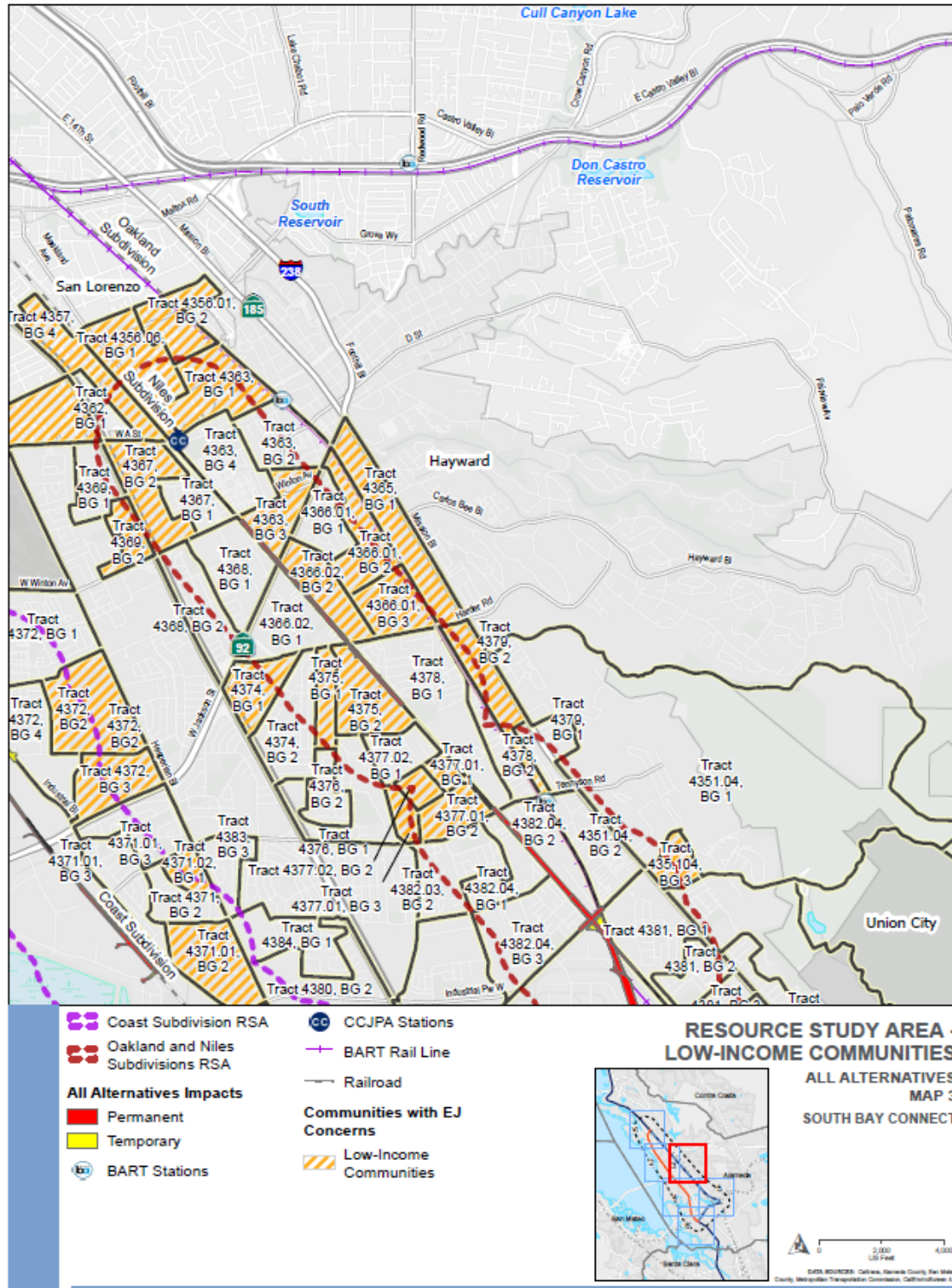


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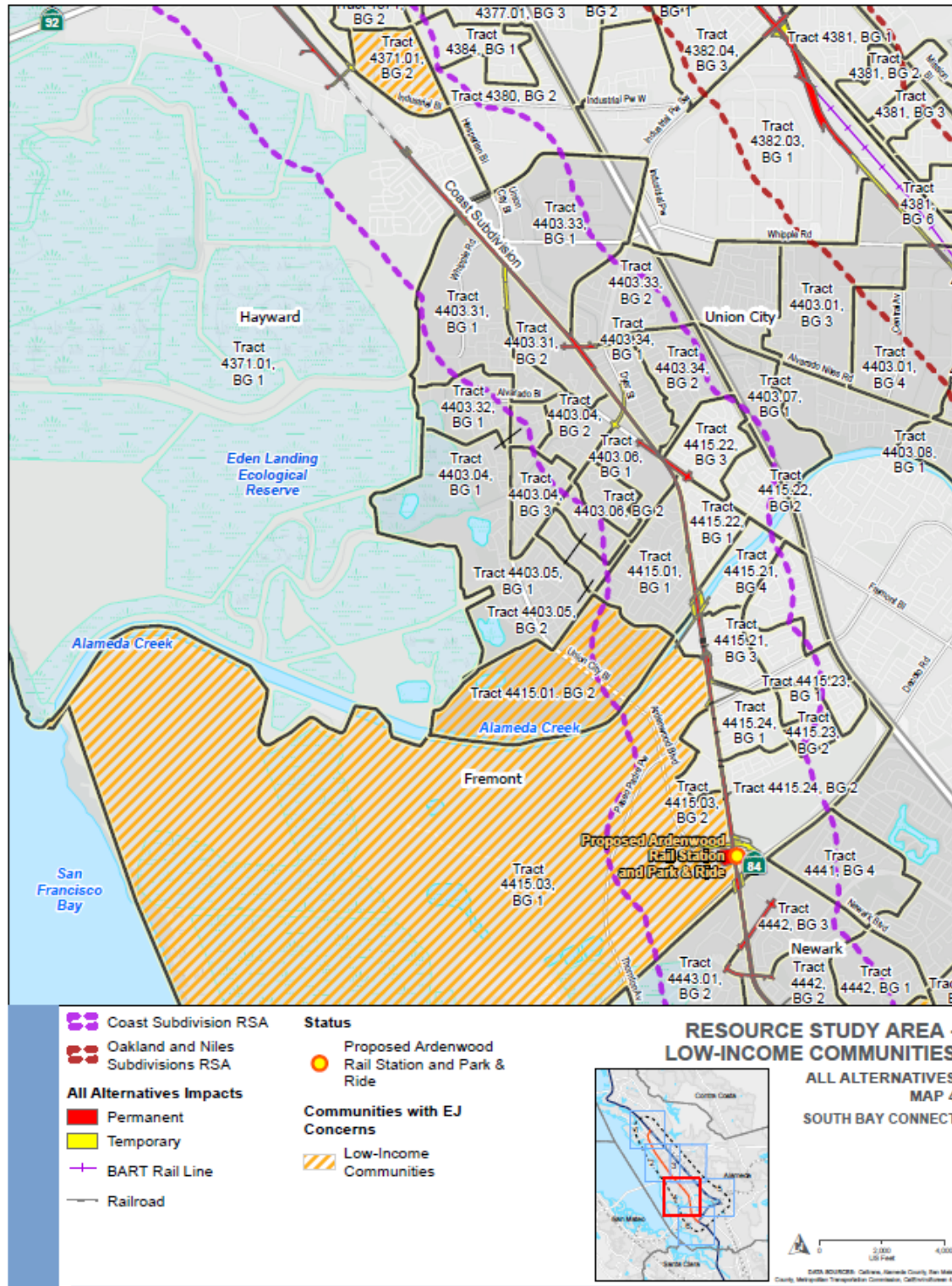


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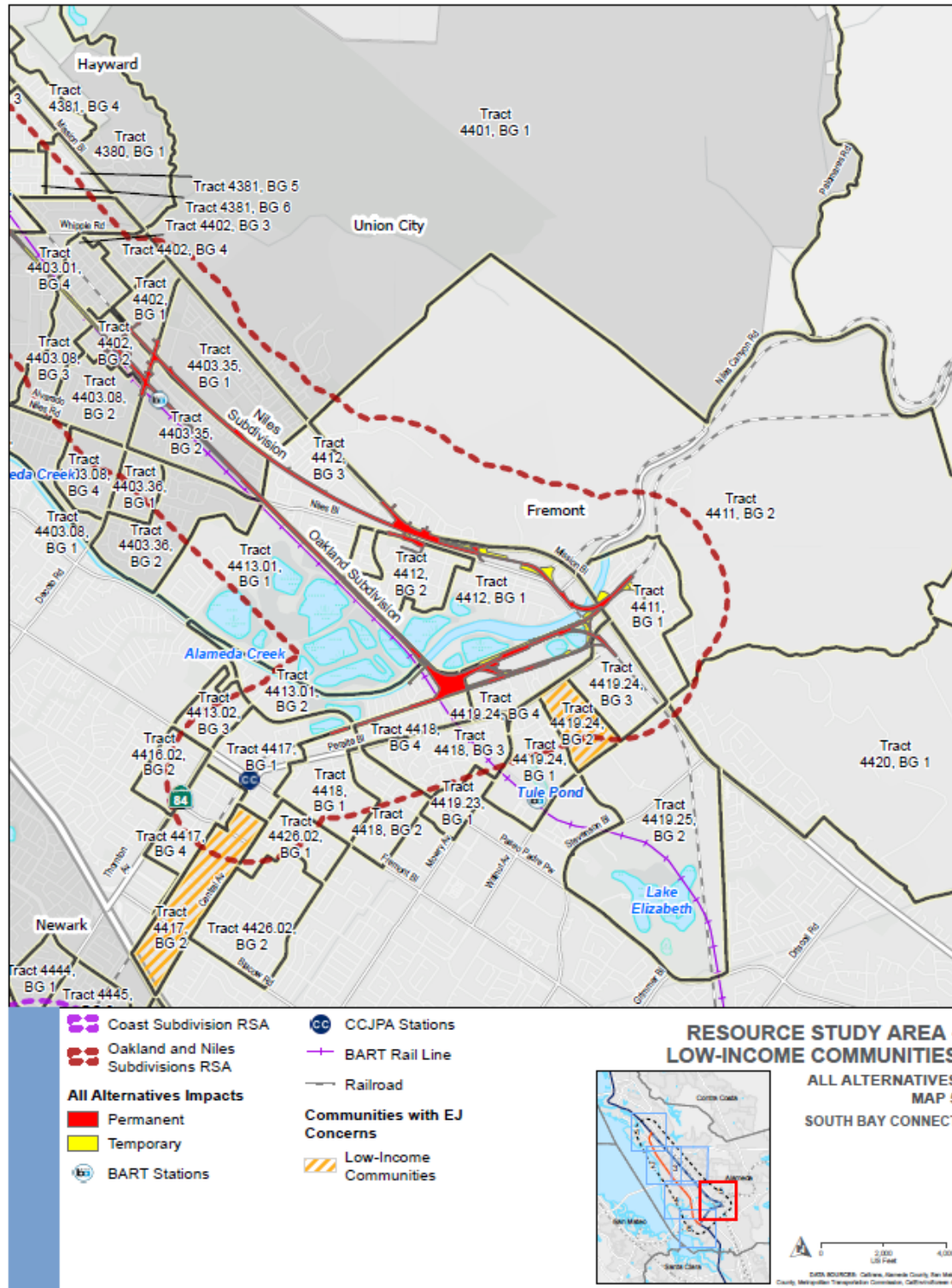
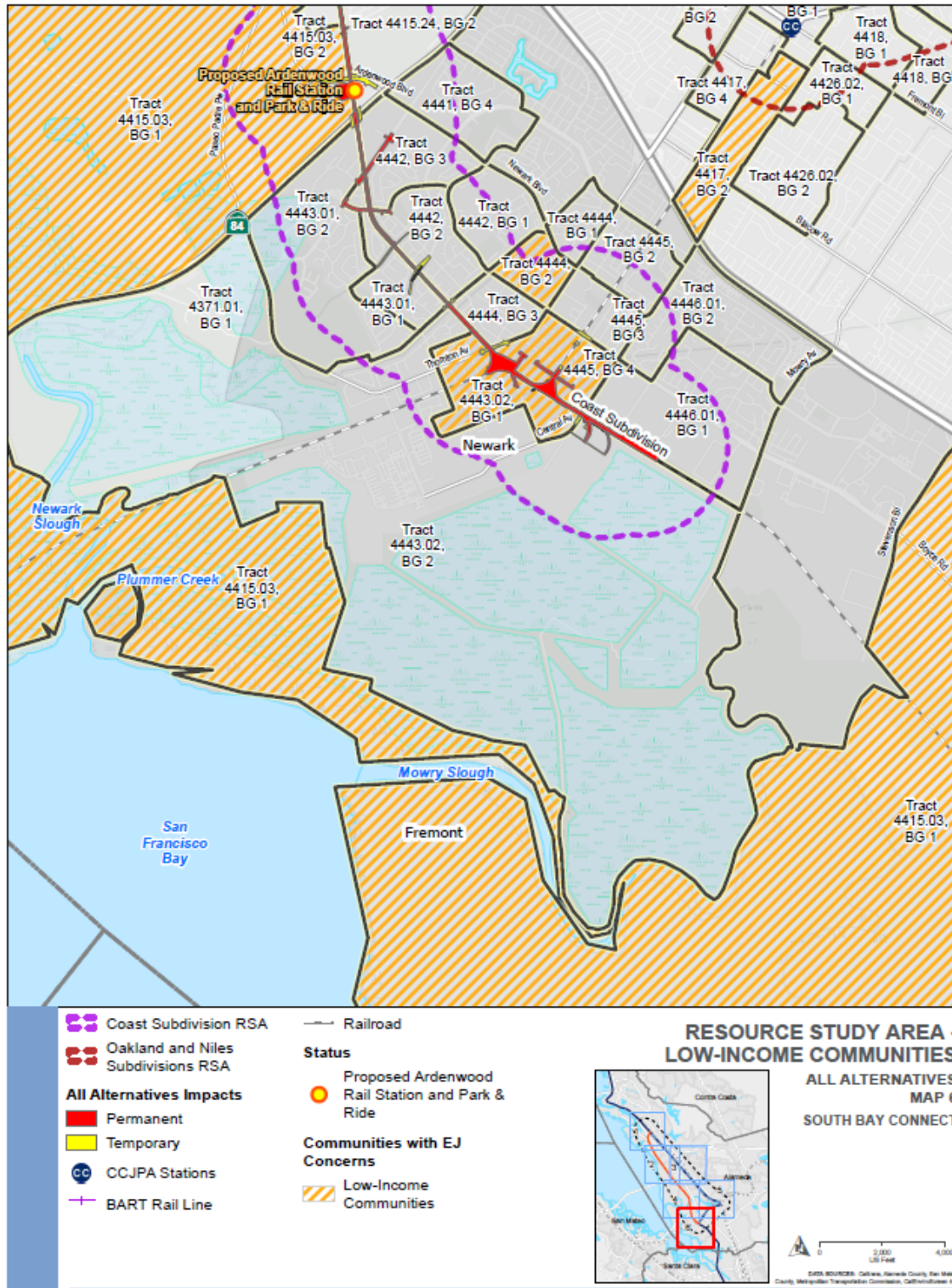


Figure 4: Low Income Communities within the Environmental Justice RSA (page 6 of 6)



**Table 1: Communities with Environmental Justice Concerns**

Geographic Location	Population	Low-Income Community <sup>1</sup>	People of Color Community <sup>2</sup>	Community with Environmental Justice Concerns?
<b>Alameda County</b>	1,628,997	No – 20.5%	<b>Yes – 72.1%</b>	N/A <sup>3</sup>
<b>City of Fremont</b>	223,859	No – 13.4%	<b>Yes – 83.1%</b>	N/A <sup>3</sup>
<i>Census Tract 4415.03, Block Group 1</i>	144	<b>Yes – 44.4%</b>	<b>Yes – 100.0%</b>	<b>Yes</b>
<i>Census Tract 4415.03, Block Group 2</i>	2,160	No – 7.3%	<b>Yes – 88.3%</b>	<b>Yes</b>
<i>Census Tract 4415.23, Block Group 1</i>	1,930	No – 3.5%	<b>Yes – 89.3%</b>	<b>Yes</b>
<i>Census Tract 4415.23, Block Group 2</i>	1,184	No – 5.2%	<b>Yes – 89.6%</b>	<b>Yes</b>
<i>Census Tract 4415.23, Block Group 3</i>	1,150	No – 6.8%	<b>Yes – 86.4%</b>	<b>Yes</b>
<i>Census Tract 4415.24, Block Group 1</i>	2,492	No – 2.0%	<b>Yes – 93.5%</b>	<b>Yes</b>
<i>Census Tract 4415.24, Block Group 2</i>	1,619	No – 0.9%	<b>Yes – 96.7%</b>	<b>Yes</b>
<b>City of Hayward</b>	156,773	No – 24.2%	<b>Yes – 88.4%</b>	N/A <sup>3</sup>
<i>Census Tract 4334, Block Group 3</i>	703	No – 8.0%	<b>Yes – 74.3%</b>	<b>Yes</b>
<i>Census Tract 4359, Block Group 3</i>	1,519	No – 14.7%	<b>Yes – 89.6%</b>	<b>Yes</b>
<i>Census Tract 4360, Block Group 2</i>	2,221	No – 11.7%	<b>Yes – 78.4%</b>	<b>Yes</b>
<i>Census Tract 4360, Block Group 3</i>	2,162	No – 12.3%	No – 69.3%	<b>No</b>
<i>Census Tract 4371.01, Block Group 1</i>	4,308	No – 2.9%	<b>Yes – 92.1%</b>	<b>Yes</b>
<i>Census Tract 4371.01, Block Group 2</i>	1,415	<b>Yes – 33.5%</b>	<b>Yes – 88.6%</b>	<b>Yes</b>
<i>Census Tract 4371.01, Block Group 3</i>	1,821	No – 26.6%	<b>Yes – 95.7%</b>	<b>Yes</b>
<i>Census Tract 4371.02, Block Group 1</i>	1,210	<b>Yes – 51.1%</b>	<b>Yes – 84.8%</b>	<b>Yes</b>
<i>Census Tract 4371.02, Block Group 2</i>	2,141	No – 23.2%	<b>Yes – 97.3%</b>	<b>Yes</b>
<i>Census Tract 4371.02, Block Group 3</i>	1,106	No – 14.5%	<b>Yes – 82.3%</b>	<b>Yes</b>
<i>Census Tract 4372, Block Group 1</i>	1,460	No – 17.6%	<b>Yes – 89.6%</b>	<b>Yes</b>
<i>Census Tract 4372, Block Group 2</i>	1,123	<b>Yes – 28.5%</b>	<b>Yes – 92.1%</b>	<b>Yes</b>
<i>Census Tract 4372, Block Group 3</i>	1,431	<b>Yes – 29.4%</b>	<b>Yes – 77.4%</b>	<b>Yes</b>
<i>Census Tract 4380, Block Group 2</i>	1,497	No – 18.3%	<b>Yes – 87.1%</b>	<b>Yes</b>
<i>Census Tract 4383, Block Group 3</i>	1,080	No – 25.6%	<b>Yes – 87.3%</b>	<b>Yes</b>
<i>Census Tract 4384, Block Group 1</i>	1,385	No – 9.2%	<b>Yes – 92.1%</b>	<b>Yes</b>
<i>Census Tract 4403.31, Block Group 1</i>	2,017	No – 20.6%	<b>Yes – 86.6%</b>	<b>Yes</b>

Geographic Location	Population	Low-Income Community <sup>1</sup>	People of Color Community <sup>2</sup>	Community with Environmental Justice Concerns?
<i>Census Tract 4403.32, Block Group 1</i>	1,669	No – 9.5%	Yes – 93.3%	Yes
<i>Census Tract 4403.33, Block Group 1</i>	1,213	No – 2.7%	Yes – 85.7%	Yes
<i>Census Tract 4403.33, Block Group 2</i>	1,519	No – 11.8%	Yes – 98.7%	Yes
<i>Census Tract 4415.01, Block Group 2</i>	2,411	Yes – 32.5%	Yes – 89.0%	Yes
<b>City of Newark</b>	47,470	No – 11.9%	Yes – 80.5%	N/A <sup>3</sup>
<i>Census Tract 4441, Block Group 4</i>	1,337	No – 24.8%	No – 67.5%	No
<i>Census Tract 4442, Block Group 1</i>	1,483	No – 23.2%	Yes – 81.4%	Yes
<i>Census Tract 4442, Block Group 2</i>	2,350	No – 8.6%	Yes – 80.2%	Yes
<i>Census Tract 4442, Block Group 3</i>	2,949	No – 14.2%	Yes – 76.0%	Yes
<i>Census Tract 4443.01, Block Group 1</i>	1,899	No – 8.6%	Yes – 79.2%	Yes
<i>Census Tract 4443.01, Block Group 2</i>	1,799	No – 3.6%	No – 61.6%	No
<i>Census Tract 4443.02, Block Group 1<sup>4</sup></i>	2,356	Yes – 28.5%	Yes – 88.5%	Yes
<i>Census Tract 4443.02, Block Group 2<sup>4</sup></i>	2,829	No – 13.6%	Yes – 83.6%	Yes
<i>Census Tract 4444, Block Group 1</i>	1,055	No – 10.1%	Yes – 83.6%	Yes
<i>Census Tract 4444, Block Group 2</i>	2,518	Yes – 29.9%	Yes – 84.2%	Yes
<i>Census Tract 4444, Block Group 3</i>	1,794	No – 9.5%	Yes – 87.8%	Yes
<i>Census Tract 4445, Block Group 2</i>	1,401	No – 15.3%	Yes – 88.4%	Yes
<i>Census Tract 4445, Block Group 3</i>	2,027	No – 14.7%	No – 69.6%	No
<i>Census Tract 4445, Block Group 4</i>	2,636	Yes – 32.8%	Yes – 88.9%	Yes
<i>Census Tract 4446.01, Block Group 1</i>	2,684	No – 6.2%	Yes – 79.6%	Yes
<i>Census Tract 4446.01, Block Group 2</i>	3,397	No – 2.3%	Yes – 86.2%	Yes
<b>City of Oakland</b>	430,531	Yes – 29.7%	Yes – 70.4%	N/A <sup>3</sup>
<i>Census Tract 4090, Block Group 1</i>	2,924	No – 26.2%	Yes – 96.4%	Yes
<i>Census Tract 4090, Block Group 3</i>	2,115	Yes – 51.3%	Yes – 96.4%	Yes
<i>Census Tract 4091, Block Group 1</i>	1,329	No – 24.5%	Yes – 82.0%	Yes
<i>Census Tract 4091, Block Group 2</i>	1,203	Yes – 42.4%	Yes – 98.6%	Yes
<i>Census Tract 4092, Block Group 1</i>	2,062	Yes – 38.9%	Yes – 98.4%	Yes
<i>Census Tract 4092, Block Group 2</i>	1,553	Yes – 31.9%	Yes – 99.3%	Yes
<i>Census Tract 4093, Block Group 1</i>	2,204	Yes – 54.9%	Yes – 97.7%	Yes



Geographic Location	Population	Low-Income Community <sup>1</sup>	People of Color Community <sup>2</sup>	Community with Environmental Justice Concerns?
<i>Census Tract 4093, Block Group 2</i>	1,014	Yes – 49.6%	Yes – 98.4%	Yes
<i>Census Tract 4093, Block Group 3</i>	1,758	Yes – 43.2%	Yes – 96.6%	Yes
<i>Census Tract 4093, Block Group 4</i>	767	No – 7.4%	Yes – 99.5%	Yes
<i>Census Tract 4094, Block Group 2</i>	2,370	Yes – 34.4%	Yes – 91.9%	Yes
<i>Census Tract 4095, Block Group 1</i>	1,563	Yes – 53.7%	Yes – 82.3%	Yes
<i>Census Tract 4323, Block Group 1</i>	1,338	Yes – 28.4%	No – 69.0%	Yes
<i>Census Tract 4324, Block Group 1</i>	2,484	Yes – 46.1%	Yes – 93.7%	Yes
<i>Census Tract 4324, Block Group 3</i>	1,639	No – 13.0%	Yes – 87.9%	Yes
<i>Census Tract 4325.02, Block Group 1</i>	2,520	No – 25.5%	Yes – 89.6%	Yes
<i>Census Tract 4325.02, Block Group 2</i>	1,002	No – 9.0%	Yes – 91.2%	Yes
<b>City of San Leandro</b>	86,761	No – 19.7%	Yes – 79.5%	N/A <sup>3</sup>
<i>Census Tract 4323, Block Group 2</i>	709	No – 14.0%	Yes – 83.2%	Yes
<i>Census Tract 4323, Block Group 3</i>	2,827	No – 13.7%	Yes – 75.9%	Yes
<i>Census Tract 4324, Block Group 2</i>	2,223	No – 25.2%	Yes – 79.9%	Yes
<i>Census Tract 4325.01, Block Group 1</i>	1,118	No – 5.8%	Yes – 87.0%	Yes
<i>Census Tract 4325.01, Block Group 3</i>	2,160	No – 8.1%	No – 69.5%	No
<i>Census Tract 4333, Block Group 2</i>	916	No – 8.8%	Yes – 74.7%	Yes
<i>Census Tract 4333, Block Group 3</i>	1,374	Yes – 30.1%	Yes – 75.1%	Yes
<i>Census Tract 4333, Block Group 4</i>	1,162	Yes – 28.9%	Yes – 78.0%	Yes
<i>Census Tract 4334, Block Group 1</i>	1,587	No – 0.7%	Yes – 96.3%	Yes
<i>Census Tract 4334, Block Group 2</i>	984	No – 5.3%	Yes – 70.5%	Yes
<i>Census Tract 4334, Block Group 4</i>	1,099	No – 9.7%	Yes – 94.4%	Yes
<i>Census Tract 4334, Block Group 5</i>	818	No – 15.8%	Yes – 92.8%	Yes
<i>Census Tract 4334, Block Group 6</i>	849	No – 12.8%	Yes – 81.2%	Yes
<i>Census Tract 4335, Block Group 1</i>	1,240	No – 17.6%	Yes – 71.9%	Yes
<i>Census Tract 4335, Block Group 2</i>	398	No – 6.8%	No – 59.8%	No
<i>Census Tract 4335, Block Group 3</i>	1,442	Yes – 39.5%	Yes – 75.5%	Yes
<i>Census Tract 4335, Block Group 4</i>	1,231	No – 24.1%	Yes – 82.5%	Yes
<i>Census Tract, Block Group 3</i>	1,217	Yes – 45.0%	Yes – 72.3%	Yes

Geographic Location	Population	Low-Income Community <sup>1</sup>	People of Color Community <sup>2</sup>	Community with Environmental Justice Concerns?
<i>Census Tract 4336, Block Group 4</i>	1,688	<b>Yes – 34.1%</b>	No – 69.8%	<b>Yes</b>
<i>Census Tract 4359, Block Group 1</i>	2,147	No – 14.5%	No – 64.9%	No
<b>San Lorenzo CDP</b>	29,759	No – 19.0%	<b>Yes – 78.6%</b>	N/A <sup>3</sup>
<i>Census Tract 4359, Block Group 2</i>	1,033	No – 16.0%	No – 67.3%	No
<i>Census Tract 4359, Block Group 4</i>	591	No – 12.4%	No – 53.3%	No
<b>City of Union City</b>	67,049	No – 15.1%	<b>Yes – 86.5%</b>	N/A <sup>3</sup>
<i>Census Tract 4403.04, Block Group 1</i>	1,183	No – 18.6%	<b>Yes – 79.2%</b>	<b>Yes</b>
<i>Census Tract 4403.04, Block Group 2</i>	1,898	No – 7.6%	<b>Yes – 92.8%</b>	<b>Yes</b>
<i>Census Tract 4403.04, Block Group 3</i>	1,581	No – 3.9%	<b>Yes – 93.7%</b>	<b>Yes</b>
<i>Census Tract 4403.05, Block Group 1</i>	1,238	No – 10.6%	<b>Yes – 76.3%</b>	<b>Yes</b>
<i>Census Tract 4403.05, Block Group 2</i>	842	No – 7.0%	<b>Yes – 82.7%</b>	<b>Yes</b>
<i>Census Tract 4403.06, Block Group 1</i>	2,171	No – 11.2%	<b>Yes – 91.3%</b>	<b>Yes</b>
<i>Census Tract 4403.06, Block Group 2</i>	1,616	No – 22.2%	<b>Yes – 90.2%</b>	<b>Yes</b>
<i>Census Tract 4403.07, Block Group 1</i>	1,881	No – 20.5%	<b>Yes – 79.8%</b>	<b>Yes</b>
<i>Census Tract 4403.31, Block Group 2</i>	1,259	No – 14.4%	<b>Yes - 91.5%</b>	<b>Yes</b>
<i>Census Tract 4403.34, Block Group 1</i>	2,226	No – 12.5%	<b>Yes – 88.5%</b>	<b>Yes</b>
<i>Census Tract 4403.34, Block Group 2</i>	1,815	No – 7.5%	<b>Yes – 90.4%</b>	<b>Yes</b>
<i>Census Tract 4415.01, Block Group 1</i>	1,149	No – 4.1%	<b>Yes – 96.3%</b>	<b>Yes</b>
<i>Census Tract 4415.21, Block Group 3</i>	1,415	No – 7.9%	<b>Yes – 87.0%</b>	<b>Yes</b>
<i>Census Tract 4415.21, Block Group 4</i>	539	No – 13.5%	No – 66.0%	No
<i>Census Tract 4415.22, Block Group 1</i>	1,254	No – 5.7%	<b>Yes – 73.9%</b>	<b>Yes</b>
<i>Census Tract 4415.22, Block Group 2</i>	1,950	No – 7.3%	<b>Yes – 84.0%</b>	<b>Yes</b>
<i>Census Tract 4415.22, Block Group 3</i>	2,071	No – 7.6%	<b>Yes – 84.6%</b>	<b>Yes</b>

<sup>1</sup> Low-income Community = 28 percent or more of the population in geographic location earns 200 percent or less of the federal poverty level

<sup>2</sup> People of Color Community = 70 percent or more of the population that identify as non-white and/or Hispanic

<sup>3</sup> N/A = Not Applicable, geographic location is included as reference community or community of comparison.

<sup>4</sup> Data is from the 2019 ACS 5 Year Estimates. Source: U.S. Census Bureau, 2019 and 2022

Figure 5: Communities with Environmental Justice Concerns (page 1 of 6)

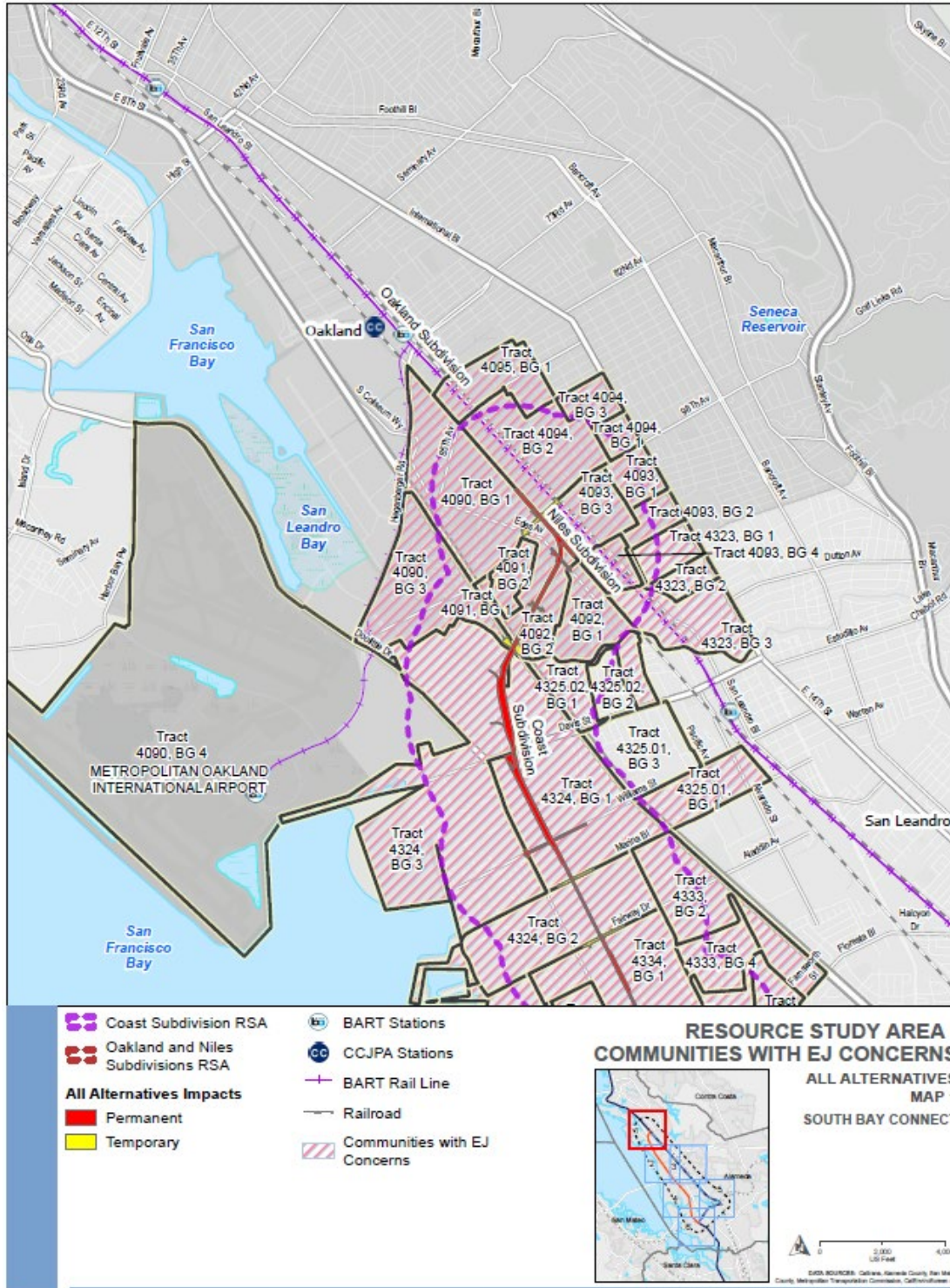


Figure 5: Communities with Environmental Justice Concerns (page 2 of 6)

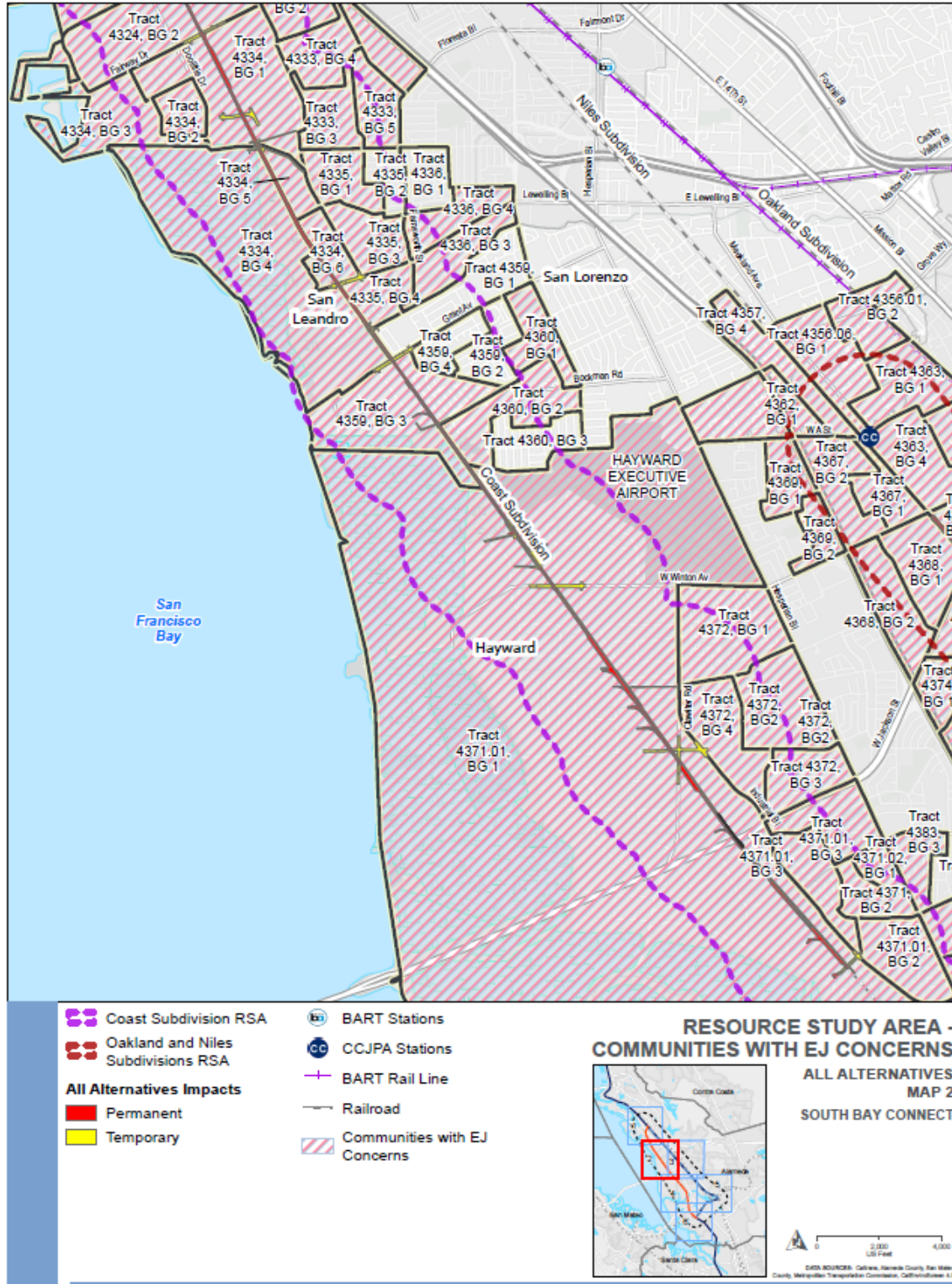


Figure 5: Communities with Environmental Justice Concerns (page 3 of 6)

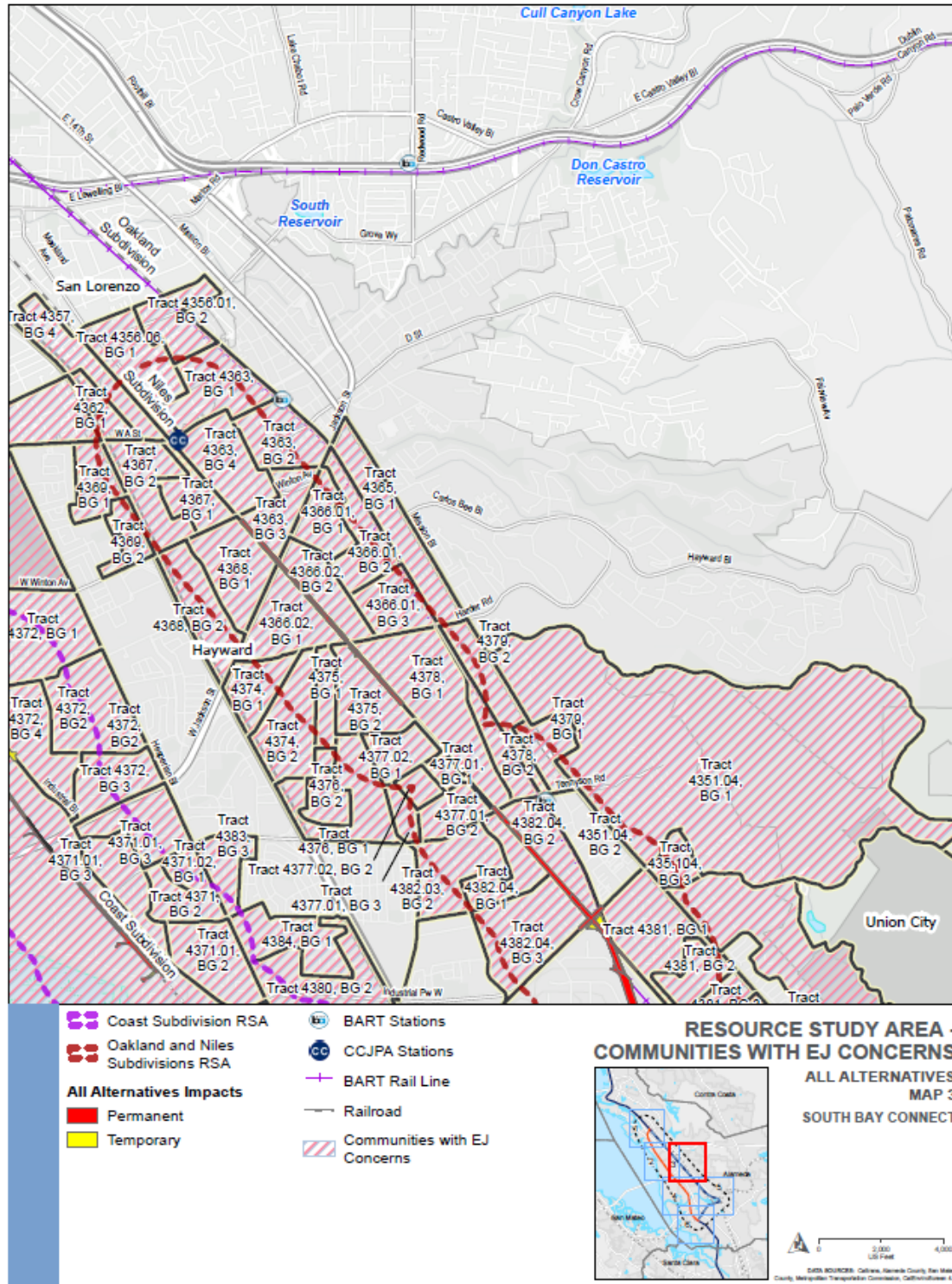
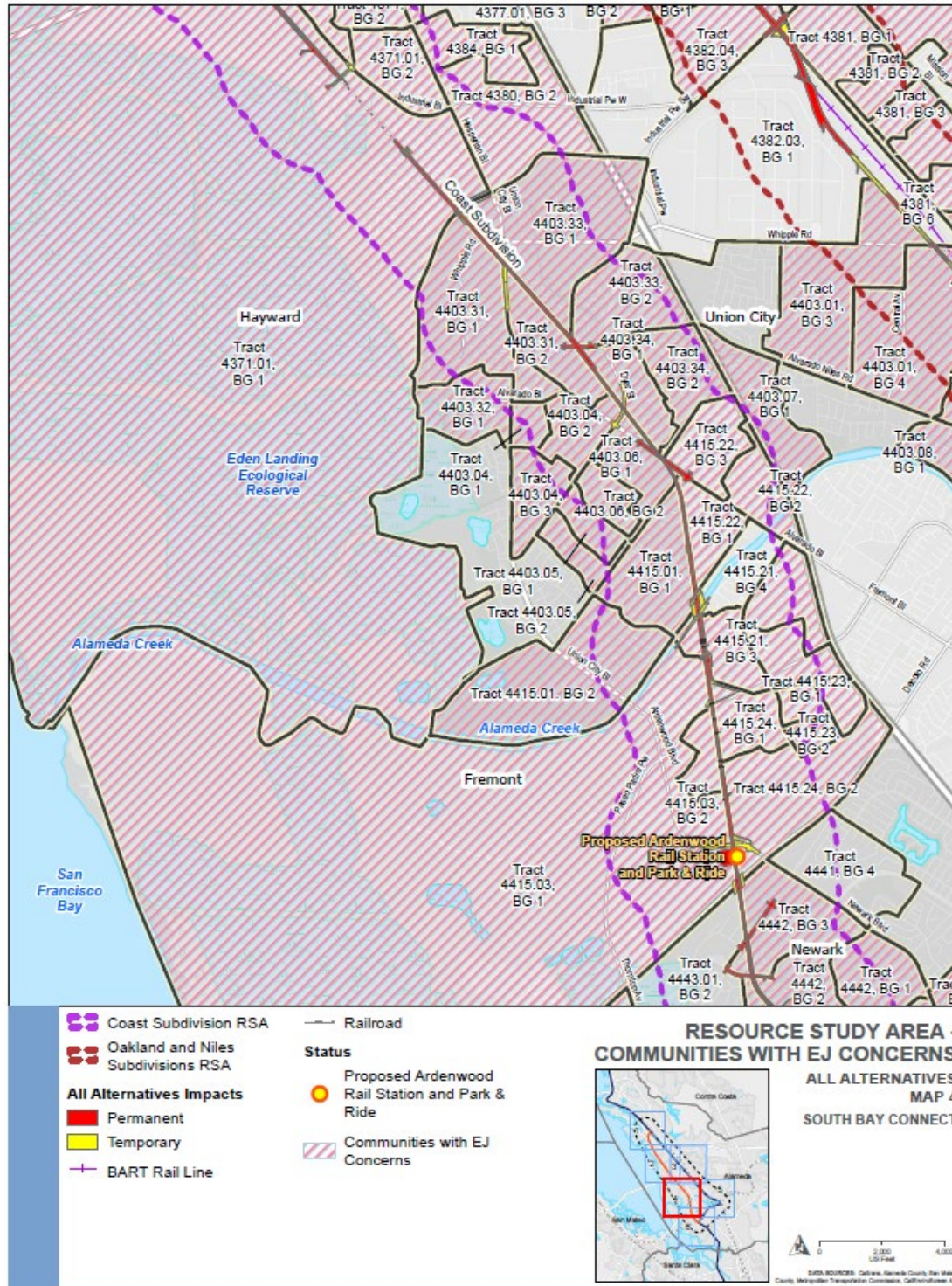


Figure 5: Communities with Environmental Justice Concerns (page 4 of 6)









## ENVIRONMENTAL ANALYSIS

As noted earlier, currently there are no formal requirements or procedures to evaluate potential environmental justice impacts under CEQA. CEQA is an informational statutory process that addresses impacts of a project that can or will potentially cause a physical change to the environment. However, the following assessment of potential disproportionate environmental effects to communities with EJ concerns is consistent with FTA EJ methodology guidelines. The criterion below is used to determine if the proposed Project would result in a potentially adverse effect to communities with EJ concerns:

*Would the Project result in adverse impacts being predominately borne by communities with EJ concerns and would those impacts be appreciably more severe or greater in magnitude than adverse impacts borne by communities without EJ concerns in the affected area?*

Table 2 provides a summary of whether the effects from applicable environmental resource topic areas are potentially adverse and whether the impact is carried forward for EJ analysis.

**Table 2: Summary of Environmental Resource Topic Areas Considered for Environmental Justice Analysis**

Resource Topic Area	Summary of Impacts	Carried Forward for EJ Analysis?
<b>Air Quality (Construction)</b>	<p>Construction of the proposed Project has the potential to create air quality impacts through the use of heavy-duty construction equipment, worker vehicle trips, truck hauling trips, and locomotive trips. Unmitigated construction emissions would exceed BAAQMD’s daily NOx threshold in multiple years of construction and for the proposed Project. Mitigation Measure AQ-1 reduces emissions from off-road equipment and requires engines greater than 25 horsepower to meet Tier 4 emission standards. Mitigation Measure AQ-2 would reduce emissions from locomotives that would be used during construction to deliver materials, because it requires advanced emissions controls for locomotives used to deliver materials to the proposed Project site. BMP AQ-1 would require implementation of BAAQMD Basic Construction measures/practices. With these mitigation measures and best management practices, the emissions to construct the proposed Project would be less than the pollutant thresholds for the proposed Project and for all years of construction.</p>	<p><b>No.</b> Potentially significant impacts are reduced to a less than significant level after application of identified mitigation measures.</p>
<b>Air Quality (Operation)</b>	<p>Operation of proposed Project has the potential to create air quality impacts through operation of the new Ardenwood Station. However, proposed Project operations would also improve existing passenger rail, which would reduce single-occupancy VMT and related air quality impacts in the region. The overall net effect in 2025 would be an emissions decrease, or benefit, for all pollutants. Overall, the net effect in 2040 would be a reduction in all pollutants except for ROG, which would be a minor increase. In both years and for all pollutants, the net operational emissions do not exceed the BAAQMD thresholds, because emissions would be net negative except for one pollutant (ROG) in 2040.</p>	<p><b>No.</b> Impacts are less than significant.</p>
<b>Displacements – Residential and Business</b>	<p>The majority of the improvements proposed under the proposed Project would occur within or adjacent to the existing UP right-of-way. However, the proposed Project would require a partial parcel acquisition of industrial zoned land adjacent to the Coast Subdivision, which may impact an existing building on site.</p>	<p><b>No.</b> Impacts are less than significant.</p>
<b>Hazardous Waste (Construction)</b>	<p>During construction, the use of hazardous materials and substances would be required, and hazardous wastes would be generated during operation of construction equipment including but not limited to, vehicle fuels, asphalt/concrete, lubricants, drilling fluids, and paints. The handling of such materials during short-term construction activities would be subject to federal and state regulations and local health and safety requirements. The potential hazards generated by the routine transport, use, and</p>	<p><b>No.</b> Impacts are less than significant.</p>

Resource Topic Area	Summary of Impacts	Carried Forward for EJ Analysis?
<b>Hazardous Waste (Operation)</b>	<p>disposal of hazardous materials, contaminated soils, and/or contaminated groundwater during construction are not anticipated to have a significant impact, if adequately managed according to applicable laws, regulations, and industry BMPs. With the implementation of BMP HAZ-1, which specifies the preparation of a Hazardous Materials Management Plan (HMMP), construction impacts would be considered less than significant.</p> <p>Long-term operational activities and practices involving routine transport, use, and storage of potentially hazardous materials for railroad maintenance, including shipments in tankers on the railroads, would remain similar to existing conditions. The proposed Project under the proposed Project would comply with standard regulations and policies regarding the routine transport, use, storage, handling, and disposal of potentially hazardous materials during operations in order to protect human health and the environment. Therefore, long-term impacts would be considered less than significant.</p>	<p><b>No.</b> Impacts are less than significant.</p>
<b>Light and Glare (Construction)</b>	<p>The proposed Project would create new sources of both temporary light and glare. Temporary sources of light and glare would include construction vehicles and lighting for nighttime construction. Mitigation Measure AES-2 would be implemented during construction to minimize fugitive light from portable sources used for construction.</p>	<p><b>No.</b> Potentially significant impacts are reduced to a less than significant level after application of identified mitigation measures.</p>
<b>Light and Glare (Operation)</b>	<p>Permanent sources of light and glare would include lights at the new Ardenwood Station and pedestrian overcrossing, new rail crossing signals, and train lights during nighttime operating schedules. However, the existing visual environment in urbanized areas of the proposed Project already contains many sources of light and glare including vehicle headlights, streetlights, traffic signals, parking lot lighting, storefront and signage lighting, and other lighting on buildings. In the non-urbanized areas such as Quarry Lakes within the RSA, the light and glare from passing trains during nighttime would be slightly reduced from current conditions because all passenger rail service from the Niles and Oakland Subdivisions passing through these natural areas would be relocated to the urban rail corridor of the Coast Subdivision as part of the proposed Project. In both urbanized and non-urbanized areas of the proposed Project, Mitigation Measure AES-8 would be applied to further minimize light trespassing and glare, resulting in a less than significant impact.</p>	<p><b>No.</b> Potentially significant impacts are reduced to a less than significant level after application of identified mitigation measures.</p>
<b>Noise (Construction)</b>	<p>There are multiple areas along the rail corridor where construction activities would generate noise levels in excess of FTA noise criteria at adjacent residential receptors located within 135 to 270 feet from the</p>	<p><b>No.</b></p>

Resource Topic Area	Summary of Impacts	Carried Forward for EJ Analysis?
	<p>construction site. This is a significant impact that would require mitigation. Mitigation Measure NOI-1 requires the preparation and implementation of a construction noise control plan to reduce the impacts of construction noise on nearby noise-sensitive receptors that could be exposed to noise in excess of FTA thresholds. With implementation of Mitigation Measure NOI-1, temporary construction-related noise impacts on nearby noise-sensitive receptors would be reduced to a less than significant impact.</p>	<p>Potentially significant impacts are reduced to a less than significant level after application of identified mitigation measures.</p>
<b>Noise (Operation)</b>	<p>There are multiple Category 2 noise receptors (consisting of single-family and multi-family residents) located adjacent to the existing railroad ROW along the Coast, Niles, and Oakland subdivisions that would be subject to increases in noise levels above FTA noise criteria. Mitigation Measure NOI-2 requires implementation of a phased program to establish noise quiet zones along certain portions of the rail corridor. The establishment of noise quiet zones would result in the elimination of many of the noise impacts identified within the rail corridor. If noise quiet zones are not feasible, Mitigation Measure NOI-2 would implement building sound insulation at the affected severely impacted residences. The application of either noise quiet zones or the implementation of building sound insulation would result in noise levels at severely impacted residences to be reduced below FTA noise criteria level. Implementation of Mitigation Measure NOI-02 would reduce operational noise impacts to a less than significant impact.</p>	<p><b>Yes.</b></p> <p>Potentially significant impacts are reduced to a less than significant level after application of identified mitigation measures. Although impacts are identified as less than significant, analysis has been carried forward for comparison to determine if impacts would impact communities with EJ concerns.</p>
<b>Public Services – Police and Fire Response Time</b>	<p>Under the proposed Project, no areas within the RSA would result in an increase of emergency vehicle response time by a significant amount (30 seconds or more). Impacts are considered to be less than significant.</p>	<p><b>No.</b></p> <p>Impacts are less than significant.</p>
<b>Transportation – Access Effects (Construction)</b>	<p>Although construction staging areas would be located primarily within UP right-of-way and within identified construction limits throughout the RSA, construction activities associated with the proposed Project may result in temporary traffic delays for local residents, businesses, and commuters due to temporary lane closures, road detours, and access restrictions. The preparation and adoption of a construction road traffic control plan would include strategies to reduce potential impacts from street or lane closures and detours during construction activities. It would also include strategies that would maintain local circulation and traffic flow and limit any pedestrian and bicycle transit access closures.</p>	<p><b>No.</b></p> <p>Impacts are less than significant.</p>

Resource Topic Area	Summary of Impacts	Carried Forward for EJ Analysis?
<b>Transit – Access Effects</b>	<p>With the implementation of BMP TR-1, the proposed Project would not result in permanent or temporary impacts to public access that would create a barrier or permanent disruption in connectivity within the RSA. Impacts would be considered less than significant and no mitigation is required.</p> <p>The proposed Project proposes to shift Capitol Corridor passenger rail service from the Niles Subdivision (between Elmhurst Junction and Newark Junction) to the Coast Subdivision. With the shift in the Capitol Corridor route, the existing Hayward and Fremont-Centerville stations on the Niles Subdivision would no longer be served by Capitol Corridor passenger trains; instead, a new station in the Coast Subdivision at the Ardenwood Park and Ride in western Fremont would be constructed to accommodate riders in southwestern Alameda County.</p>	<p><b>Yes.</b></p> <p>Analysis has been carried forward for comparison to determine if the discontinuation of rail service at the Hayward and Fremont Centerville stations would impact communities with EJ concerns.</p>
<b>Vibration (Construction)</b>	<p>It is expected that ground-borne vibration from construction activities would cause only intermittent localized disturbance along the rail corridor. Although processes such as earthmoving with bulldozers or the use of vibratory compaction rollers can create annoying vibration, there should be only isolated cases where it is necessary to use this type of equipment in close proximity to residential buildings. It is possible that construction activities involving pile drivers occurring at the edge of or slightly outside of the current rail ROW could result in vibration damage, and damage from construction vibration would be a potentially significant impact. To mitigate for these potential impacts, Mitigation Measure NOI-3 would require the preparation and implementation of a construction vibration control plan to reduce the impacts of construction vibration on nearby vibration-sensitive land uses that could be exposed to vibration levels in excess of thresholds. With implementation of Mitigation Measure NOI-3, impacts would be reduced to a less than significant level.</p>	<p><b>No.</b></p> <p>Potentially significant impacts are reduced to a less than significant level after application of identified mitigation measures.</p>
<b>Vibration (Operation)</b>	<p>Existing conditions in the rail corridor include vibration generated by the current volume of passenger and freight trains passing through the RSA. As a result, there are no new vibration impacts that would be generated as a result of Project implementation for the identified sensitive receptors along the rail subdivisions. Therefore, operational vibration impacts are anticipated to be less than significant.</p>	<p><b>No.</b></p> <p>Impacts are less than significant.</p>
<b>Visual (Construction)</b>	<p>Construction activities would introduce heavy equipment, associated vehicles, soil and material transport, and land clearing within and outside of UP right-of-way into the viewshed of all user groups. Visual impacts resulting from these construction activities and equipment would be temporary, and with</p>	<p><b>No.</b></p> <p>Potentially significant impacts are reduced to a</p>

Resource Topic Area	Summary of Impacts	Carried Forward for EJ Analysis?
<p><b>Visual (Operation)</b></p>	<p>implementation of Mitigation Measures AES-1 and AES-2, construction impacts are anticipated to be less than significant.</p> <p>The proposed Project includes track improvements, at-grade crossings, grade-separated crossings, water crossings, a new siding, and the proposed Ardenwood Station, all of which would be visible from one or more visual receptors. Because passenger and freight trains already run on both the Niles and Coast Subdivision, and the proposed Project does not include any increase in the number of daily Capitol Corridor passenger trains, the quality of views for pedestrians, bicyclists, and recreational viewers would not greatly change from existing conditions for the proposed Project. There are certain infrastructure features (such as grade-separated crossings and water crossings) where Mitigation Measure AES-5 and AES-6 would be implemented to ensure that scenic vista viewsheds would not be significantly impacted.</p>	<p>less than significant level after application of identified mitigation measures.</p> <p><b>No.</b></p> <p>Potentially significant impacts are reduced to a less than significant level after application of identified mitigation measures.</p>

Source: CSA 2024, HDR 2023a, HDR 2024a, HNTB 2024a, HNTB 2024b, ICF 2024

- a) **Would the Project result in adverse impacts being predominately borne by communities with EJ concerns and would those impacts be appreciably more severe or greater in magnitude than adverse impacts borne by communities without EJ concerns in the affected area?**

***No Build Alternative***

Under the No Build Alternative, the Capitol Corridor passenger rail service between Oakland and San Jose would not be relocated from the Niles Subdivision to the Coast Subdivision as proposed with the proposed Project. Improvements proposed for the Niles, Oakland, and Coast Subdivisions associated with the proposed Project would not occur. Capitol Corridor passenger trains would continue to operate based on current routes with no changes. There would be no changes to rail connectivity or operational efficiency. Therefore, the No Build Alternative would not result in impacts to communities with EJ concerns within the RSA.

***Proposed Project***

As identified in Table 2, two resource topic area, Noise (Operation) and Transit – Access Effects, were carried forward for EJ analysis to determine if implementation of the proposed Project as envisioned under the proposed Project would disproportionately affect or be predominantly borne by communities with EJ concerns compared to communities without EJ concerns within the RSA.

*Noise - Operation.* Category 2 noise receptors, consisting of single-family and multi-family residences, are located adjacent to the existing railroad ROW along the Coast, Niles, and Oakland Subdivisions. Implementation of the proposed Project would result in moderate noise impacts to 451 Category 2 noise receptors and severe noise impacts to 21 Category 2 noise receptors. Noise impacts are projected to occur at these noise receptors due to the proximity to the existing rail corridor as well as the continuation of train horn use in the area. At the majority of these receptors, Project noise levels would be lower than or equal to existing noise levels in area but would still exceed the FTA impact criteria. Therefore, mitigation measures are required at these locations where FTA impact criteria is exceeded. Noise impacts to Category 2 noise receptors occur throughout the rail corridor block groups regardless of being identified as communities with EJ concerns.

Mitigation Measure NOI-2 requires implementation of a phased program to establish quiet zones along certain portions of the rail corridor. The establishment of quiet zones would eliminate horn sounding for existing trains, which would result in a net noise benefit near grade crossings for all noise receptors.

The lead agency for a quiet zone designation is the local public authority which is the only authority that can implement a quiet zone. CCJPA or the other rail operators cannot on their own designate the quiet zone. However, only with the implementation of the quiet zone can CCJPA, other tenant railroads, and freight operators be relieved of the requirement to sound their horns when crossing at-grade crossings. One key

aspect of local jurisdiction acceptance of a quiet zone is acceptance of potential liability in the event of accidents related to not sounding a horn at an at-grade crossing after the installation of any required supplemental safety measures (SSMs). Therefore, if a local city does not accept the quiet zone, then even if the required SSMs are present, CCJPA, freight, and other rail operators would continue to use train horns as a safety device in compliance with FRA requirements.

If quiet zones are not feasible, another mitigation option would be the implementation of building sound insulation at the affected severely impacted residences. Sound insulation of residences and institutional buildings to improve the outdoor-to-indoor noise reduction has been widely applied around airports and has seen limited application for rail and transit projects. Although this approach has no effect on noise in exterior areas, it may be the best choice for sites where noise barriers are not feasible or desirable and for buildings where indoor sensitivity is of most concern. Substantial improvements in building sound insulation (on the order of 5 to 10 dB) can often be achieved by adding an extra layer of glazing to the windows, window replacement, by sealing holes in exterior surfaces that act as sound leaks, and by providing forced ventilation and air-conditioning so that windows do not need to be opened.

Noise abatement is considered where noise impacts are predicted in areas of frequent human use that would benefit from a lowered noise level. The final decision to pursue noise quiet zones would consider reasonableness factors, such as cost-effectiveness, as well as other feasibility considerations including topography, access requirements, other noise sources, safety, and information developed during the design and public review process. Mitigation Measure NOI-2 requires the creation of quiet zones at identified grade crossings along certain portions of the rail corridor or implementation of building sound insulation where feasible. The establishment of quiet zones would eliminate horn sounding for existing trains, which would result in a net noise benefit near grade crossings for all noise receptors. The implementation of Mitigation Measure NOI-2 would apply to all Category 2 noise receptors regardless of where these impacts within the corridor would occur. Therefore, the proposed Project would not result in disproportionately high, adverse effects on communities with EJ concerns.

*Transit – Access Effects.* Environmental justice in transportation encompasses the equitable distribution of transportation infrastructure, services, and benefits, regardless of socioeconomic status, race, or ethnicity. Many low-income communities, especially those in suburban and rural areas, face limited access to affordable and reliable transportation options. This lack of access can hinder individuals from accessing employment opportunities, education, healthcare services, and other essential resources, perpetuating economic and social inequities.

The proposed Project proposes to shift existing Capitol Corridor passenger rail service from the Niles Subdivision (between Elmhurst Junction and Newark Junction) to the Coast Subdivision. With the shift in the Capitol Corridor route, the existing Hayward and Fremont-Centerville Stations would no longer be serviced by Capitol Corridor passenger trains. Figures 6 through 8 provide an overview of the existing CCJPA Capitol



Corridor, Bay Area Rapid Transit (BART), and Altamont Corridor Express (ACE) commuter rail routes. As the figures illustrate, BART currently serves the Hayward area and ACE currently serves Fremont- Centerville area, providing opportunities for redundancy in enhanced transit services for those that rely on Capitol Corridor in these locations.

**Figure 6: Existing Capitol Corridor Routes**



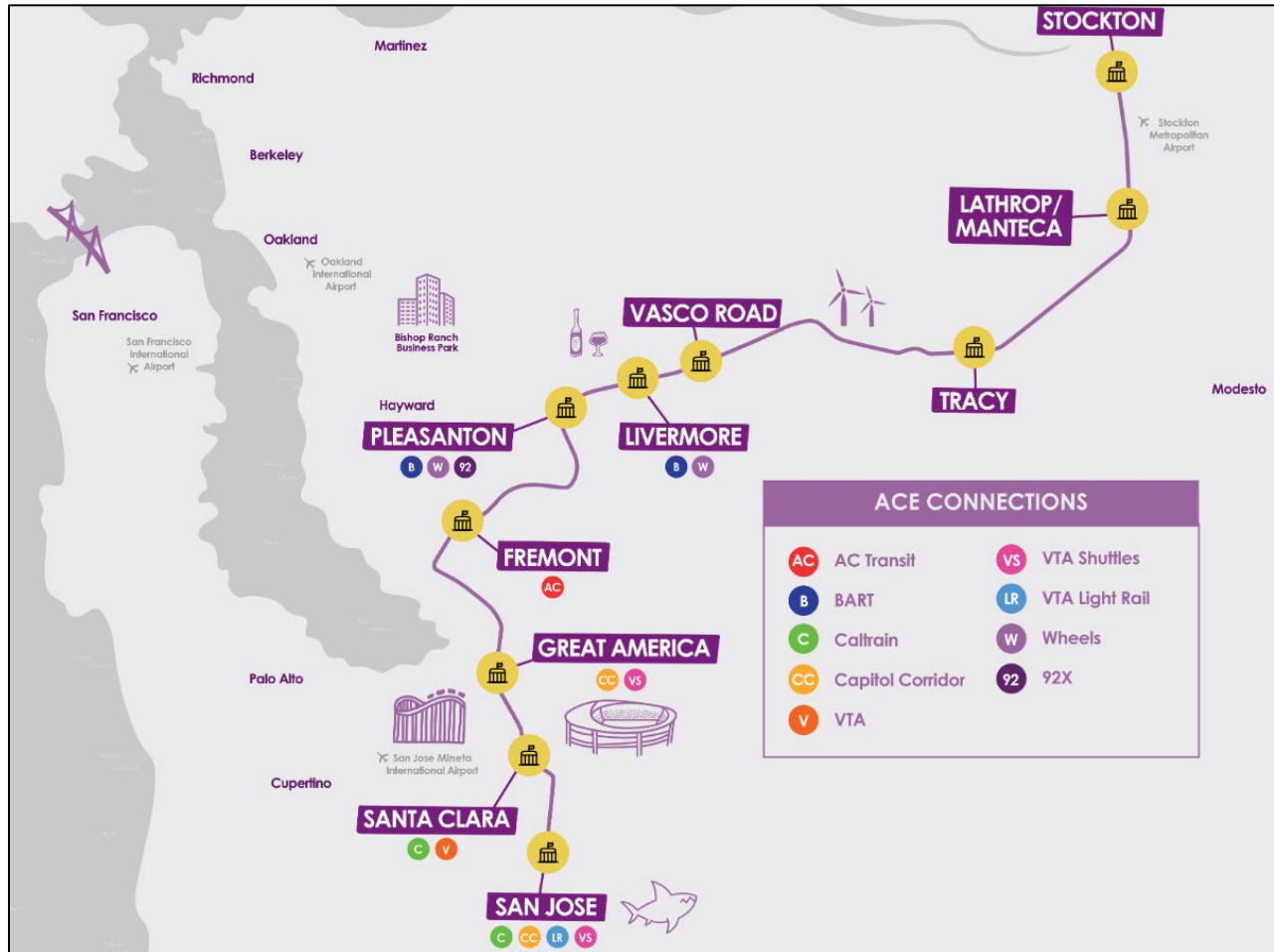
Source: Capitol Corridor Joint Powers Authority, 2024

Figure 7: Existing BART Routes



Source: Bay Area Rapid Transit, 2024

Figure 8: Existing ACE Routes



Source: Altamont Corridor Express, 2024

The discontinuation of Capitol Corridor services within this portion of the corridor has been disclosed and is part of the on-going public outreach program for the proposed Project. Since 2014, CCJPA has provided the public and stakeholders multiple engagement opportunities associated with the proposed Project with over 50 meetings including large public forums, city council/elected official briefings, community presentations, community working group meetings, and partner agency meetings. In addition to these meetings, an extensive virtual engagement program for the proposed Project has been implemented and includes the implementation of a Project website, social media and email campaigns and various press releases. Additional public and stakeholder engagement opportunities would continue through the CEQA process.

As previously identified, a 0.5-mile radius was utilized in determining transit access impacts associated with the discontinuation of rail service at the Hayward and Fremont-Centerville Stations. The 0.5-mile radius is in

alignment with the service availability standard in FTA Circular 4702.1B, which denotes that passengers will generally walk up to 0.5 mile to a light or heavy rail station.

**Hayward Station.** As shown in Figure 9, the 0.5 mile radius around the Hayward Station encompasses portions of following census block groups:

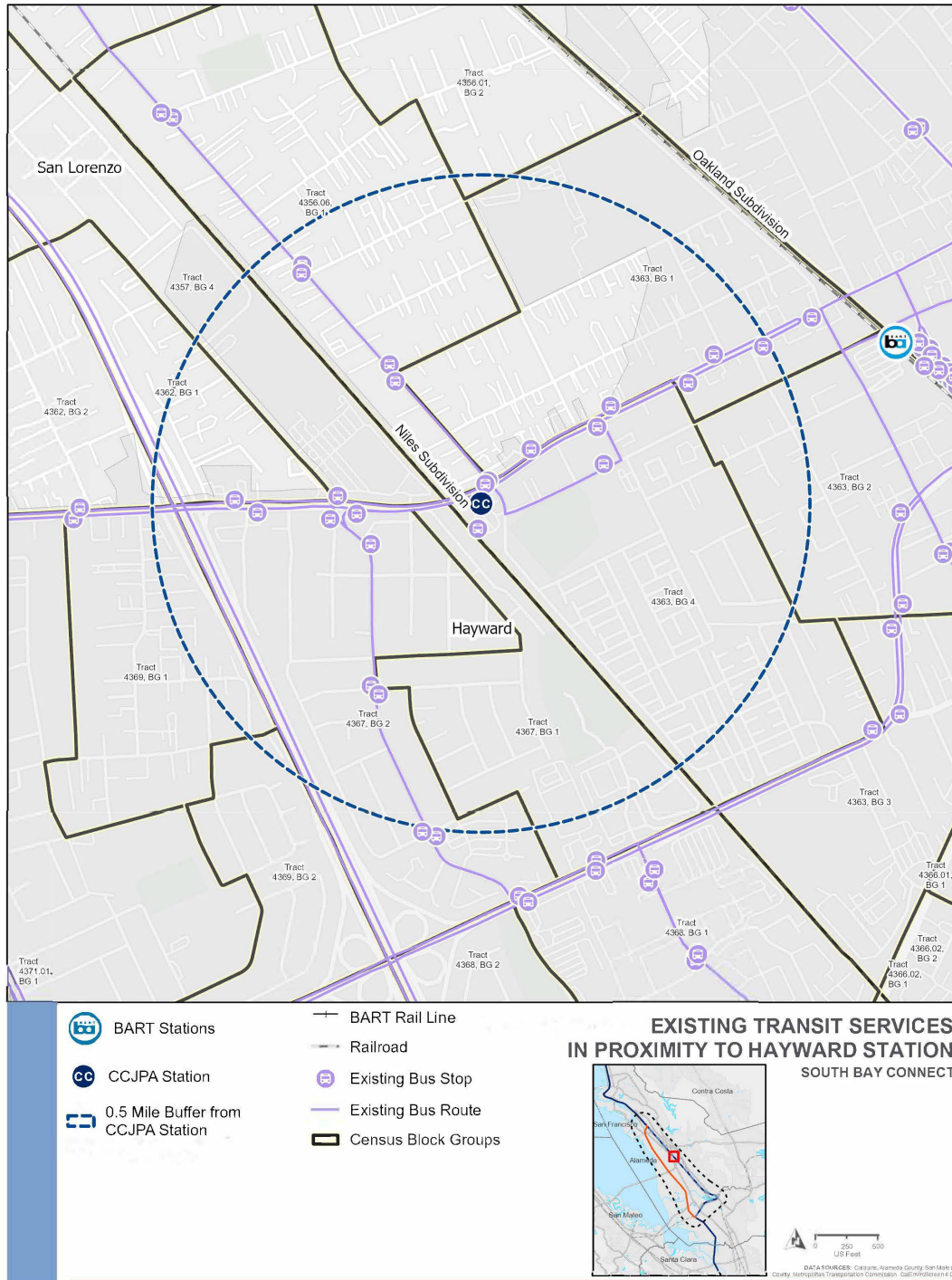
- Census Tract 4356.01 Block Group 2
- Census Tract 4356.06 Block Group 1
- Census Tract 4357 Block Group 4
- Census Tract 4362 Block Group 1
- Census Tract 4362 Block Group 2
- Census Tract 4363 Block Group 1
- Census Tract 4363 Block Group 2
- Census Tract 4363 Block Group 4
- Census Tract 4367 Block Group 1
- Census Tract 4367 Block Group 2
- Census Tract 4369 Block Group 2
- Census Tract 4369 Block Group 1

Based on U.S. Census data, all of the block groups within the 0.5-mile radius for the Hayward Station are identified as a person of color community while 5 block groups are identified as a low income community.

Although implementation of the proposed Project would result in the removal of passenger rail service through this portion of the Capitol Corridor route, other existing transit options in the area would still be available to those looking to travel northward towards Oakland or southward towards San Jose. At the Hayward Station, the existing concrete passenger rail platform would be removed but the parking lot would remain, which could support future transit opportunities on site. There currently are no other transit connections at the Hayward Station; however, the area surrounding the Hayward Station is serviced by the Alameda-Contra Costa Transit District (AC Transit), BART, and Greyhound.

As shown on Figure 9, existing AC Transit bus service is available throughout the area surrounding the existing Hayward Station. The nearest transit option available to the Hayward Station is an existing bus stop located at Meekland Avenue and A Street which is part of AC Transit Route 34. AC Transit Route 34 operates 7 days a week from 6:00 a.m. to 10:00 p.m. with a service frequency of 60 minutes at 57 stops. This bus route connects riders from Estudillo to Davis to Meekland with the route covering Foothill Square to Hayward BART. Other AC Transit bus routes within the area include Route 56 (Santa Clara-Weekes-Huntwood) and 93 (Ashland - San Lorenzo - A Street) which also connect to the Hayward BART Station. The Hayward BART station (located 0.8 mile from the Hayward Station) provides additional AC Transit bus connections through local bus lines, all night bus lines (which operate 1 a.m. to 5 a.m.), and transbay bus lines as well as BART connections to Richmond, San Jose, and Daly City.

Figure 9: Existing Transit Services in Proximity to Hayward Station



As shown on Figure 6, transit riders traveling on the current Capitol Corridor route are able to reach destinations to the north (e.g., Oakland, Berkeley, Richmond, Davis, Sacramento, Roseville, Rockin, and Auburn) and destinations to the south (e.g., Fremont, Santa Clara, and San Jose) from the Hayward Station. While implementation of the proposed Project would result in the elimination of Capitol Corridor service at the Hayward Station, Figure 7 shows that transit riders would still be able to make regional northward and southward destination connections via existing BART services at the Hayward BART Station.

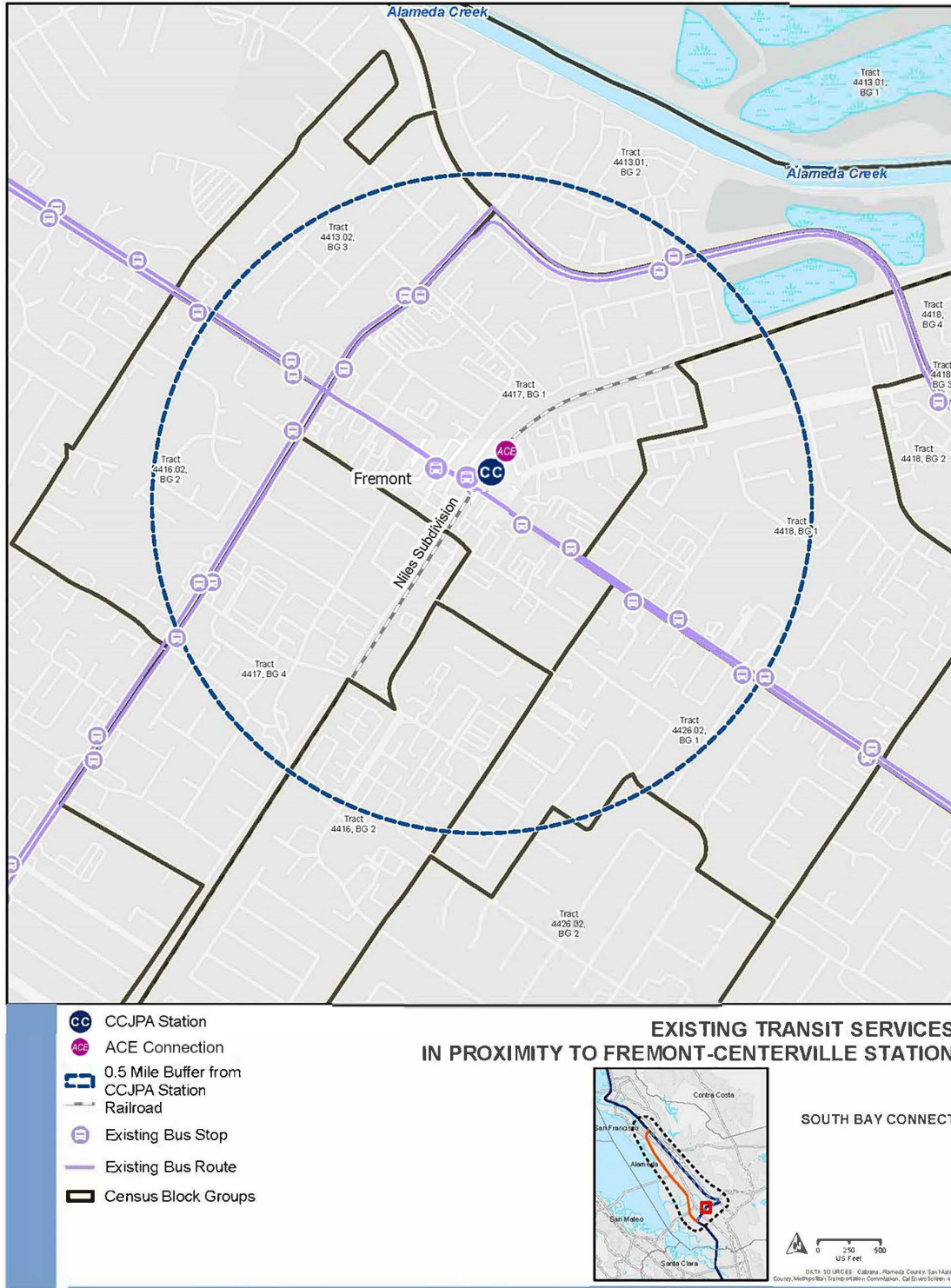
Transit riders looking to reach northward destination connections could embark at the Hayward BART Station and continue northward with the option to disembark at the Oakland Coliseum Station. The Oakland Coliseum Station is a transfer station for Capitol Corridor and BART riders. Transit riders looking to reach southward destination connections could embark at the Hayward BART Station and continue southward with the option to disembark at the San Jose Station. The San Jose Station is a transfer station for Capitol Corridor, BART, ACE, and Caltrain riders.

The proposed Project would not change the existing bus routes that currently serve the area and access to regional transportation options would still be available at the Hayward BART Station. Therefore, the removal of Capitol Corridor rail services at the Hayward Station is not anticipated to result in adverse effects on the provision of affordable and reliable transportation options within the area on communities with EJ concerns.

**Fremont-Centerville Station.** As shown in Figure 10, the 0.5 mile radius around the Fremont-Centerville Station encompasses portions of following census block groups:

- Census Tract 4413.01 Block Group 2
- Census Tract 4413.02 Block Group 3
- Census Tract 4416 Block Group 2
- Census Tract 4416.02 Block Group 2
- Census Tract 4417 Block Group 1
- Census Tract 4417 Block Group 4
- Census Tract 4418 Block Group 1
- Census Tract 4426.02 Block Group 1
- Census Tract 4426.02 Block Group 2

Figure 10: Existing Transit Services in Proximity to Fremont-Centerville Station



Based on U.S. Census data, 4 block groups within the 0.5-mile radius for the Hayward Station are identified as a person of color community while 1 block group is identified as a low-income community.

Although implementation of the proposed Project would result in the removal of passenger rail service through this portion of the Capitol Corridor route, other existing transit options would still be available to those looking to travel northward towards Oakland or southward towards San Jose. At the Fremont-Centerville Station, ACE commuter rail service would continue to serve the station, with ACE services connecting riders from the Tri-Valley and Central Valley to San Jose.

As shown on Figure 6, transit riders traveling on the current Capitol Corridor route are able to reach destinations to the north (e.g., Oakland, Berkeley, Richmond, Davis, Sacramento, Roseville, Rockin, and Auburn) and destinations to the south (e.g., Santa Clara and San Jose) from the Fremont-Centerville Station. While implementation of the proposed Project would result in the elimination of Capitol Corridor service at the Fremont-Centerville Station, Figure 8 shows that transit riders utilizing the Fremont-Centerville Station would still be able to make regional southward destination connections via existing ACE service, which stops at the same stations south of the Fremont-Centerville Station as Capitol Corridor currently does.

Transit riders looking to reach northward destinations have options to utilize BART service, at the Fremont BART Station located approximately 2 miles east of the Fremont-Centerville Station. BART riders would be able to access all BART destinations and connect to Capitol Corridor trains at the Oakland Coliseum Station, which is a transfer station for BART and Capitol Corridor riders. Alternatively, these travelers could utilize bus service connections to the new Ardenwood Station that would be constructed as part of all Build Alternatives.

Other transit options at the Fremont-Centerville Station include bus service. As shown on Figure 10, the nearest bus transit option available to the Fremont-Centerville Station are existing bus stops located along Fremont Boulevard at Bonde Way and Peralta Court. These bus stops are part of AC Transit Routes 99, 210, and 801.

AC Transit Route 99 provides connections to the Fremont-Centerville Station and BART stations located in Fremont, Hayward, South Hayward, and Union City. The route operates 7 days a week from 5:00 a.m. to midnight on weekdays and 6:00 a.m. to midnight on weekends with a service frequency of 20 to 30 minutes at 10 stops. AC Transit Route 210 provides connects between Ohlone College and Union Landing Transit Center and operates 7 days a week from 5:00 a.m. to 10:30 p.m. on weekdays and 7:00 a.m. to 8:00 p.m. on weekends with a service frequency of 30 minutes at 7 stops. AC Transit Route 801 provides connections to BART stations located in Fremont, Union City, Hayward, South Hayward, Bay Fair, and San Leandro. The route is an all-nighter route that operates 7 days a week from midnight to 6:00 a.m. with a service frequency of 30 minutes at 10 stops.



The removal of Capitol Corridor rail services at the Fremont-Centerville Station is not anticipated to result in adverse effects on the provision of affordable and reliable transportation options within the area on communities with EJ concerns. The proposed Project would not change the existing bus routes that currently serve the area and access to regional transportation options would still be available at the Fremont-Centerville Station through ACE commuter rail services.

### CUMULATIVE IMPACT ANALYSIS

Cumulative impacts can result from individually minor but collectively substantial impacts from past, present, and reasonably foreseeable future projects. A cumulatively considerable impact to communities with EJ concerns would occur if the proposed Project when combined with past, present, and reasonably foreseeable projects, results in cumulatively considerable impact to communities with EJ concerns in the project area. The cumulative impact study area for EJ is defined by the proposed Project's RSA. The cumulative study area would capture impacts generated from the proposed Project's construction and potential regional impacts on communities with EJ concerns. As provided in Attachment B, multiple past, present, and reasonably foreseeable projects were considered for the purpose of this cumulative impact analysis. These cumulative projects include infrastructure projects, transportation and transit projects, recreational and community facility projects, and other private development projects within the proposed Project's RSA. Based on a review of environmental documents available for these cumulative projects, none of the projects identifies an impact on communities with EJ concerns.

### Conclusion

Based on the discussion above, the proposed Project would not contribute to cumulative impacts to communities with EJ concerns. The overall benefits of the proposed Project would enhance ridership and mobility, strengthen economic vitality, support sustainability, integrate transit services, and improve safety and accessibility within the region. These benefits would be experienced by all communities within the EJ RSA, including communities with EJ concerns. Therefore, the proposed Project would not cause cumulative disproportionately high and adverse effects on any communities with EJ concerns in accordance with the provisions of Executive Order 12898.

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ATTACHMENT A

UNITED STATES CENSUS DATA

(Refer to Table 5-2 for Census Data)

# ATTACHMENT B

## CUMULATIVE PROJECTS LIST

Project ID	Project Title	Project Location	Project Description	Project Status
I-1	Washington Avenue/ UPRR Crossing Improvement	San Leandro	Railroad Crossing Improvements at Washington Avenue near Chapman.	Constructed
I-2	Centerville Complete Streets	Fremont, Newark	Pilot project focuses on Centerville's business district along Fremont Boulevard from Thornton Avenue to Parish Avenue. Project improvements include lane reduction from four lanes to three lanes (2 southbound lanes and 1 northbound lane), additional on-street parking on both sides of the street, pop-up patios for outdoor dining and seating in on-street parking spaces at key locations, and enhanced bike facilities with separation from both pedestrians and vehicles	Final Design
I-3	Centerville Railroad Safety Improvements	Fremont	Safety improvements at six at-grade crossings (Blacow Road, Dusterberry Way, Maple Avenue, Fremont Boulevard, Shinn Street, Clarke Drive) in coordination with Union Pacific Railroad (UPRR), the California Public Utilities Commission (CPUC) and the Federal Railroad Administration (FRA).	Preliminary Design and Review Planning – Summer 2021 through Summer 2023
I-4	Station East Residential/Mixed Use Project	Union City	Demolition of existing buildings and surface parking lots and development of up to 1.8 million square feet (including 974 new residential units and approximately 30,800 square feet of commercial uses). The project site would include 11 planning areas (PAs) with 33 residential buildings and one community building.	Construction to begin in mid-2021 with anticipated completion in late 2025.
I-5	4150 Point Eden Way Industrial Development Project	Hayward	Construction of a new industrial building and creation of an open space/wetland preserve.	Environmental Review Complete February 2022
I-6	Niles Gateway Mixed Use	Fremont	Construction of a proposed residential development in the Niles Historical Overlay District (HOD) that would include 75 attached residential units on approximately 6.08 acres.	Environmental Review Complete March 2021
I-7	Division 4 (D4) Modifications to Accommodate	Oakland	Construction of charging infrastructure for zero-emission buses, including electrical service, transformers, switchgear, charging equipment, and additional emergency power units.	Environmental Review Complete August 2020

Project ID	Project Title	Project Location	Project Description	Project Status
	Battery Electric Buses as part of the 45 Zero Emission Bus Purchase			
<b>I-8</b>	2075 Williams Street Industrial Project	San Leandro	Modifications to existing facility to increase the maximum tonnage of materials that could be received and processed from 174 tons per day to 350 tons per day.	Environmental Review Complete May 2020
<b>O-3</b>	General Electric Site Remediation and Redevelopment Project	Oakland	Demolition of existing buildings, remediate the site, and construction of a 535,000-square foot industrial building on the site previously owned by General Electric.	Planned
<b>P-1</b>	Fairmont Terrace Renovation and Expansion	Fairmont	Design and construction of park improvements and expansion of an existing 1.67-acre park to 5 acres. Improvements include on-site ADA parking, new restroom building, renovated playground and basketball, pathways, etc.	Under construction – estimated construction completion by fall 2022
<b>P-2</b>	Ashland-Mateo Street Neighborhood Park	Ashland	Construction of new 1.43-acre neighborhood park in Ashland.	Currently in environmental review
<b>P-3</b>	Ashland-East 14th Street Park	Ashland	Extension of the Mateo Street Park to E 14th Street to create a large, through-block park for the Ashland neighborhood. This future park will also front the new Ashland community center, part of the Madrone Terrace housing project.	Preliminary design
<b>P-4</b>	Community Center at Madrone Terrace	Ashland	Development of a new 7-story affordable housing facility, at East 14th Street and 162nd Avenue with creation of a new community center.	Design development
<b>P-5</b>	Ashland Common	Ashland	Construction of recreational facilities at the 1-acre site at the corner of 166th Avenue and E 14th Street in San Leandro.	Design development – estimated construction completion by winter 2023
<b>P-6</b>	Mission and Mattox Acquisition	Ashland	Acquisition of the vacated Coca Cola Bottling facility and its 2.6 acres of land at the northeast corner of Mission Boulevard and Mattox Road in Ashland for future park and recreational facilities	Design development – estimated construction completion by winter 2022

Project ID	Project Title	Project Location	Project Description	Project Status
<b>P-7</b>	Sunset Futsal Courts	Hayward	Development of a new futsal court facility.	Reasonable and Foreseeable
<b>P-8</b>	Kennedy Park Renovation	Hayward	Construction of improvements to Kennedy Park including renovated picnic areas, group picnic shelters, new central play areas, new teacup amusement ride, new concession building and public restrooms, improved pathways with seating, and informal lawn areas.	In construction – estimated construction completion by winter 2022
<b>P-9</b>	San Lorenzo Community Park Phase 2	San Lorenzo	Construction of Phase 2 improvements to existing 31-acre community park. Phase 2 improvements include a multi-purpose field, two soccer fields, a concessions building, a dog park, community green, a neighborhood play area, additional picnic facilities, and exercise stations and parking.	In construction – estimated construction completion by winter 2022
<b>P-10</b>	Hayward Plunge Renovation	Hayward	Evaluation of the Hayward Plunge Aquatic Center.	Preliminary planning review
<b>P-12</b>	Eden Greenway Improvements	Hayward	Renovation of greenways to provide new recreational features, improve pathways, planting and irrigation, fencing, and signage as needed.	Preliminary planning review
<b>P-13</b>	Weekes Community Center Renovation	Hayward	Renovation of an existing 10,092-square foot community center.	Preliminary planning review
<b>P-14</b>	Weekes Community Park Renovation	Hayward	Construction of improvements to the 16.6-acre Weekes Community Park including open lawn areas, restrooms, concession building, playground, half-court basketball, bocce courts, fitness plaza, central plaza, group picnic areas, pavilion, shade structure, bandstand, promenade, and walking loop.	Preliminary planning review
<b>P-15</b>	Mia's Dream All-Access Playground	Hayward	Construction of a 1-acre all-access playground for inclusive play opportunities for child developmental needs. It replaces an existing playground in Tennyson Park in Hayward.	Constructed
<b>P-16</b>	El Rancho Verde Park	Hayward	Construction of park improvements at an existing park site including renovated sports fields and planting/irrigation upgrades.	Preliminary Planning



Project ID	Project Title	Project Location	Project Description	Project Status
<b>P-17</b>	Family Aquatics Center Competition Pool	San Leandro	Construction of a competition pool and additional parking.	Preliminary Planning
<b>P-18</b>	Marina Mulford Branch Library Construction	San Leandro	Construction of a new 2,500-square foot library.	Under construction
<b>P-19</b>	Bidwell Park Master Plan	Hayward	Expansion of the existing Bidwell Park to include the former Bidwell Elementary School campus and improve the existing park facilities.	Design Development
<b>P-20</b>	MLK Regional Shoreline Bay Trail Gap (Doolittle Drive South) and Improvements Project	Regional	Construction of 2,300 linear feet of new Bay Trail to close an existing gap, including resurfacing, trail widening modifications, park facility upgrades, and a boat launch.	Environmental Review Complete December 2020
<b>T-2</b>	Oakland Alameda Access Project	Alameda, Oakland (Countywide)	Construction of roadway improvements to increase mobility for travelers between I-880, the Posey and Webster Tubes, and the Cities of Oakland and Alameda. Existing interstate ramps would be reconstructed, local streets in downtown Oakland would be reconfigured, and bicycle and pedestrian connectivity would be improved within and between both cities.	Environmental Review Complete February 2022
<b>T-3</b>	Morrison Canyon Road Traffic Safety Project	Fremont	Project includes the permanent closure of 0.8 mile of Morrison Canyon Road to automobiles, from the intersection of Morrison Canyon Road and Ridge Terrace to where Morrison Canyon Road intersects Vargas Road.	Current/Past
<b>T-4</b>	Quarry Lakes Parkway Project (Also known as East-West Connector)	Fremont Union City	Construction of a new roadway from Paseo Padre Parkway to Mission Boulevard and improving Mission Boulevard where it intersects with the new roadway in 5 phases.	Reasonable and Foreseeable

Project ID	Project Title	Project Location	Project Description	Project Status
<b>T-5</b>	Bayside Newark (Formerly Dumbarton Transit-Oriented Development)	Newark	Proposed new neighborhood that will provide a broad range of new housing, retail, and business opportunities in Western Newark.	Reasonable and Foreseeable
<b>T-7</b>	Interstate 880 (I-880) Interchange Improvements Project (Whipple Road/Industrial Parkway Southwest and Industrial Parkway West)	Hayward, Union City	Interchange and local roadway improvements along I-880 from 0.6 mile south of the I-880/Whipple Road-Industrial Parkway Southwest Interchange to 0.3 mile north of the I-880/Industrial Parkway West Interchange. Improvements would include interchange on- and off-ramp reconfigurations, modifications and/or replacement of bridge structures, local roadway realignments and restriping, and bicycle and pedestrian improvements.	Current/Past
<b>T-8</b>	Tennyson Road Grade Separation	Hayward	Proposed grade-separation project and associated safety infrastructure improvements at the existing at-grade Tennyson Road railroad crossing.	Current/Past