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STATE ROUTE 37 POLICY COMMITTEE

9:30 a.m., Thursday, October 1, 2020

PLEASE NOTE: This meeting will be conducted entirely by teleconference pursuant to the provisions of the Governor's Executive Orders N-29-20 and N-35-20, suspending certain requirements of the Ralph M. Brown Act.

State Route 37 Policy Committee members will be video-conferencing into the meeting via Zoom. Members of the public who wish to listen to the State Route 37 Policy Committee meeting may do so via the following platform:

Please click the link below to join the webinar:
https://us02web.zoom.us/j/83976181895

Webinar ID: 839 7618 1895
Call in: 1 (669) 900-9128

Or iPhone one-tap :
+16699009128,,83976181895#

PUBLIC COMMENT: Public comment on specific agenda items will be allowed during the meeting via Zoom by using the raise hand function. Verbal comments from call-in participants not using the Zoom Video platform may do by pressing *9 (star 9), or by notifying Drew Nichols at drew.nichols@scta.ca.gov and identifying the item number, your name and phone number from which you will be calling. Please include "Public Comment" in the email subject line. The moderator will then ask for your comment.

Public comment will be limited to three (3) minutes. Public comment on items not on the regular agenda must be submitted in electronic written format as provided under Item 2 below.

MEETING AGENDA

ITEM

1. CALL TO ORDER AND INTRODUCTIONS **Chair David Rabbitt**

2. OPPORTUNITES FOR PUBLIC COMMENT

As authorized by Executive Orders N-29-20 and N-35-20, all public comment must be submitted in electronic written format. Please submit public comment by email before 8:00AM on 10/1/2020. Include

"Public Comment" and the meeting name in the subject line of your email and limit written comments to three hundred (300) words.

Send comments to Drew.Nichols@scta.ca.gov and they will be shared with all Board members and identified by the Clerk verbally at the meeting.

3. CONSENT CALENDAR

3.1. Minutes of the June 4, 2020 SR 37 Policy Committee Meeting* **Drew Nichols, SCTA**
Recommendation:
Approve June 4, 2020 SR37 Policy Committee Meeting Minutes

4. DISCUSSION/INFORMATION ITEMS

4.1. Plan Bay Area 2050 – SR 37 Project Status **Adam Noelting, MTC**
4.2. Funding Update – Regional Measure 3 Litigation Status **Andrew Fremier, MTC**
4.3. Corridor Maps **James Cameron, SCTA**
4.3.1. Advanced Planning Map*
4.3.2. Near Term Project Map*
4.4. Corridor Planning and Environmental Linkages (PEL) **Stefan Galvez, CT**
4.5. Segment A – Design Alternative Analysis **Stefanie Hom, MTC**
4.6. Interim B - Congestion Relief Sears Point to Mare Island **Kevin Chen, MTC**
4.6.1. EIR Scoping meeting comment summary*
4.7. Interim A - Flooding US 101 to SR 121 **Kelly Hirschberg, CT**
4.8. Caltrans Web update: http://www.SR37CorridorProjects.com **Kelly Hirschberg, CT**

5. ACTION ITEMS

5.1. SR37 Policy Committee Future Meeting Schedule **Suzanne Smith, SCTA**
9:30 AM, January 7, 2021
9:30 AM, March 4, 2021
9:30 AM, June 3, 2021
9:30 AM, October 7, 2021

6. COMMITTEE MEMBER COMMENTS / STAFF UPDATES **All**

7. FUTURE TOPICS
Tolling Legislation and Expenditure Plan
AA for the Bay – restoration projects in San Pablo Bay
MTC/Caltrans – Ultimate Environmental Phase Discussion
Comprehensive Multimodal Corridor Plan (CMCP)
Alternative Modes and TDM – Implementation including a ridesharing program.

8. ADJOURNMENT

* Materials included

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SR 37 Policy Committee Members:

SCTA

David Rabbitt, Sonoma County Board of Supervisors

Jake Mackenzie, MTC Commissioner

Susan Gorin, Sonoma County Board of Supervisors

NVTA

Alfredo Pedroza, MTC Commissioner

Belia Ramos, Napa County Board of Supervisors

Leon Garcia, Mayor City of American Canyon

TAM

Damon Connolly, MTC Commissioner

Judy Arnold, Marin County Board of Supervisor s

Eric Lucan, Councilmember, City of Novato

STA

Erin Hannigan, Solano County Board of Supervisors

Bob Sampayan, Mayor, City of Vallejo

Jim Spering, MTC Commissioner

MTC

Therese McMillan, Executive Director

Caltrans

Tony Tavares, District 4 Director

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State Route (SR) 37 Policy Committee Meeting Minutes
9:30 a.m., Thursday, June 4, 2020
Zoom

1. Call to Order/Introductions

Chairman David Rabbitt called to order the State Route 37 Policy Committee at 9:40 a.m.

Policy Committee Members Present:

David Rabbitt, Chair	Supervisor, County of Sonoma
Erin Hannigan, Vice Chair	Supervisor, County of Solano
Judy Arnold	Supervisor, County of Marin
Damon Connolly	MTC Commissioner, Supervisor, County of Marin
Leon Garcia	Mayor, City of American Canyon
Susan Gorin	Supervisor, County of Sonoma
Eric Lucan	Mayor, City of Novato
Jake Mackenzie	MTC Commissioner, Councilmember, City of Rohnert Park
Bob Sampayan	Mayor, City of Vallejo
Jim Spering	MTC Commissioner, Supervisor, County of Solano

Policy Committee Members Absent:

Alfredo Pedroza	MTC Commissioner, Supervisor, County of Napa
Belia Ramos	Supervisor, County of Napa

Executive Directors Present:

Daryl Halls, Solano Transportation Authority
Kate Miller, Napa Valley Transportation Authority
Anne Richman, Transportation Authority of Marin
Suzanne Smith, Sonoma County Transportation Authority

2. Opportunities for Public Comment

N/A

3. Consent Calendar

3.1. Minutes of the March 5, 2020 SR 37 Policy Committee Meeting

The minutes for the December 5, 2019 State Route 37 Policy Committee were recommended, and approved unanimously, following a motion by Jake Mackenzie, and a second by Supervisor Erin Hannigan.

4. Discussion/Information Items

4.1. Sonoma Creek Baylands Strategy

Kendall Webster, Sonoma Land Trust (SLT), presented to the committee on the Sonoma Creek Baylands Strategy.

Ms. Webster displayed a map illustrating the change in the wetlands from 1850 to 1990. Following the passage of the Swamp Land Act (1850), over 150,000 acres of wetlands were drained to accommodate agricultural and other uses. That is a loss of 90% of tidal marsh and 70% loss of freshwater wetlands.

Wetlands are important due to the fact they provide habitat, recreation opportunity, improves water quality, offers carbon sequestration, and acts as a buffer against sea level rise.

Background and goals

In 2018, SLT and partners initiated the Sonoma Creek Baylands Strategy. The first step in implementing the bay habitat goals calls for a continuous band of tidal marshes from Novato to Vallejo.

The process of the strategy includes four alternatives: no action, maximum tidal, business as usual, and habitat restoration. These alternatives were studied in the context of sea level rise.

Ms. Webster highlighted and explained the four restoration alternatives considered.

No Action:

For this alternative, the cost was not calculated. Sea level rise is relatively predictable and there is an ability to plan for the effects of sea level rise and a managed approached is much cheaper in the long-term.

Maximum Tidal:

This alternative considers removing levees that cause prolonged flooding that allow the water to flow efficient, and create transitions between the tides and freshwater runoff.

Avoid the Railroad:

This alternate is to implement as much restoration as possible without impacting the railroad. Both highway bridges would be kept at their current length.

Enhanced Maximum Tidal:

This can be regarded as the inverse of alternative 1, in that rather than routing the increased tidal volume of the existing challenge, it routes channels through the central diked properties. This is the alternative supported by SLT.

During the development of this plan, SLT and partners continued to participate in developments of the Grand Bayways public access. Ms. Webster explained the potential benefits for greater public access in this area.

SLT is committed to providing public access to much larger number of people while balancing habitat protection goals.

Chair Rabbitt opened for questions from the Policy Committee.

Supervisor Gorin commented that one of the outcomes was to develop “sponges” to soak up additional flooding, and asked how will these alternatives alleviate flooding.

Ms. Webster responded a model was developed to look at the properties where flooding is occurring and see if reducing the depth of the “pools” will offer the ability to drain the water quickly.

Chair Rabbitt opened for public comment:

Maureen Gaffney commented on closing the gap between the end of the Elliot Trail (Sears Point Trail) to address the gaps between the trail and the existing trailhead at Tubbs Island to create a nine mile continuous trail.

Fraser Shilling commented on the bridge location, asking what kind of strategy was considered as feasible to be enough for sea level rise.

Ms. Webster responded the design considered routing water volume to take pressure off the Sonoma and Tolay creeks. In response to the specific bridge measurements, they were included in the study, however the exact numbers were not available and can be provided.

Francesca Demgen announced the Friends of San Pablo Bay National Wildlife Refuge will be hosting a Skaggs Island Bike Ride on September 12th.

Jessica Davenport commented on the opportunity to have a conversation amongst the transportation leaders to engage in this study as an input to planning integrating a resilient program in this area.

Ed Schultz commented on extra sediment to be removed on the Corte Madera Creek.

4.2. Funding Update – Bridge Tolls to Sales Tax

Andrew Fremier updated the committee on the impacts to the bridge toll revenue stream.

There was an immediate drop in traffic, about 50%, in the bridge corridors since the Shelter in Place orders were issued.

On March 21, the Governor removed all toll takers from the toll booths. Since the cashless environment began, roughly two million notices were sent to drivers for transactions that were intended to be cash; about 55-60% of these notices were paid. Penalty escalations and DMV holds have been suspended for nonpayment at this time.

BATA has been working on an electronic payment system for all the bridges, originally slated for transition over the next five to six years.

Mr. Fremier further spoke on the traffic impacts and its effect on sales tax revenues. Sales tax revenues are expected to be down 25-20% over the year; bridge toll revenue is estimated to lose $100 million that wil not come be back.

The bridge traffic is back to considerable degree, such as the Bay Bridge is 70% of normal compared to last year. The system has been 65% comparison to last year's numbers.

BATA estimates the need for 80% of normal to stabilize the effect of lost revenue.

The effects on the budget are significant and Mr. Fremier announced BATA will revisit the budget mid-year to understand fully the SIP effects. The return is not to transit, however, and there is an anticipation of increased congestion on the bridge corridors.

Mr. Fremier outlined the three buckets of funding that BATA manages: BATA Bridge Rehabilitation, RM2, and RM3 (although remains held up in litigation).

The importance of the revenue streams is the pooling of the money, plus a large liquid reserve, is what allowed BATA to borrow money at good rates to further deliver projects.

Mr. Fremier further spoke on the funding for SR37. There is funding available to complete the Project Approval and Environmental Document for the interim work on Segment B.

Supervisor Jim Spering asked, in reference to electronic toll collection, how much of the tolls on the Golden Gate Bridge have not been able to collect, and is there an agreement on the displacement of the toll takers.

Mr. Fremier responded the first notice is comparable to the system used by Golden Gate, however as mentioned earlier penalty's and DMV holds will not be issued on unpaid tolls at this time.

In reference to the toll collectors, Mr. Fremier reported tolling staff has been reassigned while the toll booths are closed. These employees are positioned to help with the work related to "back of office" until BATA/Caltrans can develop a plan to reopen the toll booths.

Councilmember Eric Lucan asked if there is going to be any physical changes on the bridges in regard to infrastructure.

Mr. Fremier answered a program as established for electronic tolling and the capacity was already in place to allow for the transition to all electronic tolling.

One idea would be to remove the booths and there is an ability to modernize the toll collection system. The idea of converting the toll plaza to a smaller footprint is an interest of BATA in the long term.

Executive Director Anne Richman commented on the good news for the $8 million for environmental work along Segment B and asked about the impact of not having available $12 million of the total $20 million in funding.

Mr. Fremier responded that is not known at this time. BATA will likely revisit the budget mid-year to see how things take place and see how reestablished BATA is at collecting revenue.

4.3. 2020 SHOPP Programming – Funding Confirmed

Tony Tavares presented to the committee an update on the 2020 SHOPP Programming.

The SHOPP program is a four year cycle that comprises of $20 billion of projects – in the Bay Area, projects total around $3 billion.

The CTC approved the 2020 SHOPP at their May 13th meeting. The projects programmed in the SHOPP are estimated at $100 million.

In Segment A, Caltrans is working on "long lead" project doing the environmental studies. The project is still moving forward and currently has $10 million to work on the environmental phase. The interim and ultimate solutions will come from these studies.

Mr. Tavares further spoke on the shortfall of funding and the potential funding from State and federal sources.

Chair Rabbitt opened for public comment.

Rick Coates asked about Caltrans' involvement with rail, if any, and if there funding in this project for updating the rails. This segment of SR37 is paralleled by the SMART line which will need upgraded if SMART decides to run commuter service east.

Mr. Tavares responded that the SHOPP does not have rail projects, however there is a location along SR37 where SMART crosses highway. In those types of instances, Caltrans coordinates with the rail agency who owns the crossing.

Caltrans also helps to facilitate grants and funding from various funding sources.

Fraser Shilling asked how the major funding protected the public dollars from what could be gouging given the high costs estimates and avoid being priced out of building these projects.

Mr. Tavares responded on the process, procedures, and policies that in place as State agency. A majority of design, for example on Segment A, is being done in-house by Caltrans staff, however when an architectural and/or engineering contractor are brought on, they are typically precluded from bidding on the design work if doing initial studies to avoid any unfair advantages.

4.4. Project Specific Updates

4.4.1. Interim Improvements Update

4.4.1.1. Congestion Relief Sears Point to Mare Island

Kevin Chen presented on the interim congestion relief project from Sears Point to Mare Island.

The environmental and engineering work began last year.

One of the key steps for the environmental work is conduction public scoping meetings to inform the public on the work, to go over the project's purpose and needs, the alternatives evaluated, and review the project schedule.

This public scoping meeting offers the public an opportunity to voice their comments on this project. This meeting will be conducted virtually and to be held on July 22.

The interim work is aimed to relieve congestion along this stretch of the highway.

Mayor Bob Sampayan asked if there is conversations about the interchange from SR 37 to Mare Island in the scoping discussions.

Mr. Chen responded the Mare Island interchange is not part of the interim relief project.

4.4.1.2. Flooding US 101 to SR 121

Kelly Hirschberg presented updates on the flood protection on Segment A.

$10 million was received by the CTC to develop and clear the environmental document along the SR 37 corridor from Highway 101 to Highway 121. The length of the work is about 9 miles long.

Caltrans has completed the field survey work and have started the technical work. This will allow Caltrans to evaluate the foundation design to better determine the appropriate design level.

Caltrans is also working on the interim scope. This will allow Caltrans to have a range of design alternatives to keep the highway operational prior to the implementation of the ultimate SR 37 project.

A preliminary draft of the range of alternatives are poised to be completed and released this fall.

Supervisor Judy Arnold asked if Marin County/Novato will be part of the ultimate corridor project.

Ms. Hirschberg responded in the affirmation and added that Caltrans has met with TAM and the County of Marin over the study to determine the best way to continue collaboration.

Jessica Davenport asked what kind of document – EIR, etc. - will be released in the fall.

Ms. Hirschberg responded the study is to come up with interim, preliminary draft alternatives to provide the range of design scenarios to protect SR 37 from flooding and to keep the highway operational.

Ms. Davenport further asked if this is coordinated with the SB-1 planning grant process.

Ms. Hirschberg responded the SB-1 planning grant is directed more for the ultimate project.

4.4.2. Ultimate Improvements Update

Dave Vautin, Stephanie Hom, and Melanie Brent presented on the ultimate project status and on Plan Bay Area (PBA) 2050.

Dave Vautin, MTC, briefly updated on PBA and its relationship to SR37 projects. PBA 2050 is the next regional plan for transportation, housing, the economy, and the environment.

In February, the MTC/ABAG Board has approved the list of strategies for the draft blue print phase and is set to be released this summer. The next phase will integrate additional strategies and projects. The final plan is set for adoption in 2021.

The Plan is fiscally constrained and cannot be a wish list of strategies or projects.

Mr. Vautin explained the next steps in assessing projects that will be included in the final plan and the request of commitment letters.

Mr. Vautin noted the interim SR 37 project has been rated "include" for its cost and is well positioned to be been included in the first half of PBA 2050 which will enable continued work on the corridor.

The ultimate project had some performance challenges in regards to social equity. The commitment letter provided by the SR37 policy Committee addressed these concerns by identifying a means-based tolling system.

One major challenge for this projects inclusion in the Plan is due to its cost. This project has

received a "consider" rating to determine if it will fit within the fiscally constrained envelope of PBA 2050. The current analysis of the funding gap after a tolling and funding from the counties totals $3 bn, meaning 80% of the project is seeking regional, discretionary monies.

Mr. Vautin spoke on the potential options to bridge to funding gap.

Stephanie Hom, MTC, further presented on Segment A working that is being funding by SB-1 Climate Adaption grant. $600,000 was awarded focus on Segment A to bring the work to the level of Segment B while focusing on the long-range vision.

Melanie Brent, Caltrans, presented on the Planning and Environmental Linkages (PEL) Study for the SR37 corridor.

PEL is a federal process to bridge to gap between the general information at the planning stage and the detailed project specific information that's developed during the EIR phase. This will consider transportation issues and environmental concerns.

The ultimate goal is to develop a project vision for the corridor to assist project delivery efforts currently underway. The PEL also streamlines efforts as it documents processes and gives greater legal standing.

PEL is beneficial since it provides benefits to the individual project EIR that will be prepared and gives validity to the document as public and stakeholder input is sought and included.

PEL also offers greater priority and certainty of future projects.

Chair Rabbitt opened for public comment.

Jessica Davenport asked if this study is for the entire corridor and if will it lead to a formal EIR process for the corridor.

Ms. Brent responded the study is for the entire corridor and the hope to document the process such as we do not need to produce a corridor document; instead look at the individual project (programmatic) documents.

Barbara Salzman asked if there is any other place in the Bay Area where this process has been used.

Ms. Brent responded this process has not yet been used in the State of California, and is something Caltrans plan to use in this corridor. This is a federal process that other states have used – e.g. Colorado, Texas, Florida –that led its way to project development.

Francesca Demgen asked to clarify more about the budget certainty and schedule.

Ms. Brent responded the development of the project purpose and needs, and with the input from the public and stakeholders, offers the ability to not revisit the work that is already documented; this work shortens the process.

Fraser Shilling commented that this process seems that instead of treating the whole corridor as a single analysis, it may result in fragmentation amongst the segments and asked whether that is the case or whether to keep the environmental analysis as an integrated view.

Melanie Brent acknowledged this is a concern Caltrans has heard of and is working to address these concerns especially in regard to sea level rise and resiliency.

Mr. Shilling further asked about decisions that are made at this stage of the process, wondering how set in concrete are these decisions given the potential future understanding of sea level and adaption.

Ms. Brent responded the environmental process is a snapshot in time and is something that is reviewed moving forward. The decisions are not necessarily set in stone, just allows Caltrans to document the process and remains open to new developments as they arise.

Rick Coates asked if this will include other alternatives such as bus lanes, bicycle pathways, and the SMART rail.

Ms. Brent responded Caltrans is looking at other alignments and alternatives within the existing alignment.

Steve Birdlebough asked when will the public be inform on the public review process.

Ms. Brent responded Caltrans is looking at a year to a year and a half process for this study, so public meetings to involve all stakeholder to be held later this year and a draft document available next calendar year.

Kate Powers asked how to define and build consensus amongst the different, competing goals of congestion relief, sea level rise, and resiliency in moving forward with this process.

Ms. Brent responded options in defining and building consensus will be explored and is often dependent on the feedback received. Caltrans has been working with US EPA on this PEL process for assistance.

5. Committee Member Comments/Staff Updates

N/A

6. Future Topics

- BATA Expenditure Plan
- FASTER expenditure Plan
- Plan Bay Area 2050 Project Performance
- AA for the Bay – restoration projects in San Pablo Bay
- MTC/Caltrans – Ultimate Environmental Phase Discussion and Segmentation
- Caltrans SHOPP Project Updates
- SB1 Planning and Adaption Grant work underway
- Alternative Modes and TDM - Implementation

Included for the committee's interest.

7. Adjournment

The committee adjourned at 11:36 a.m.

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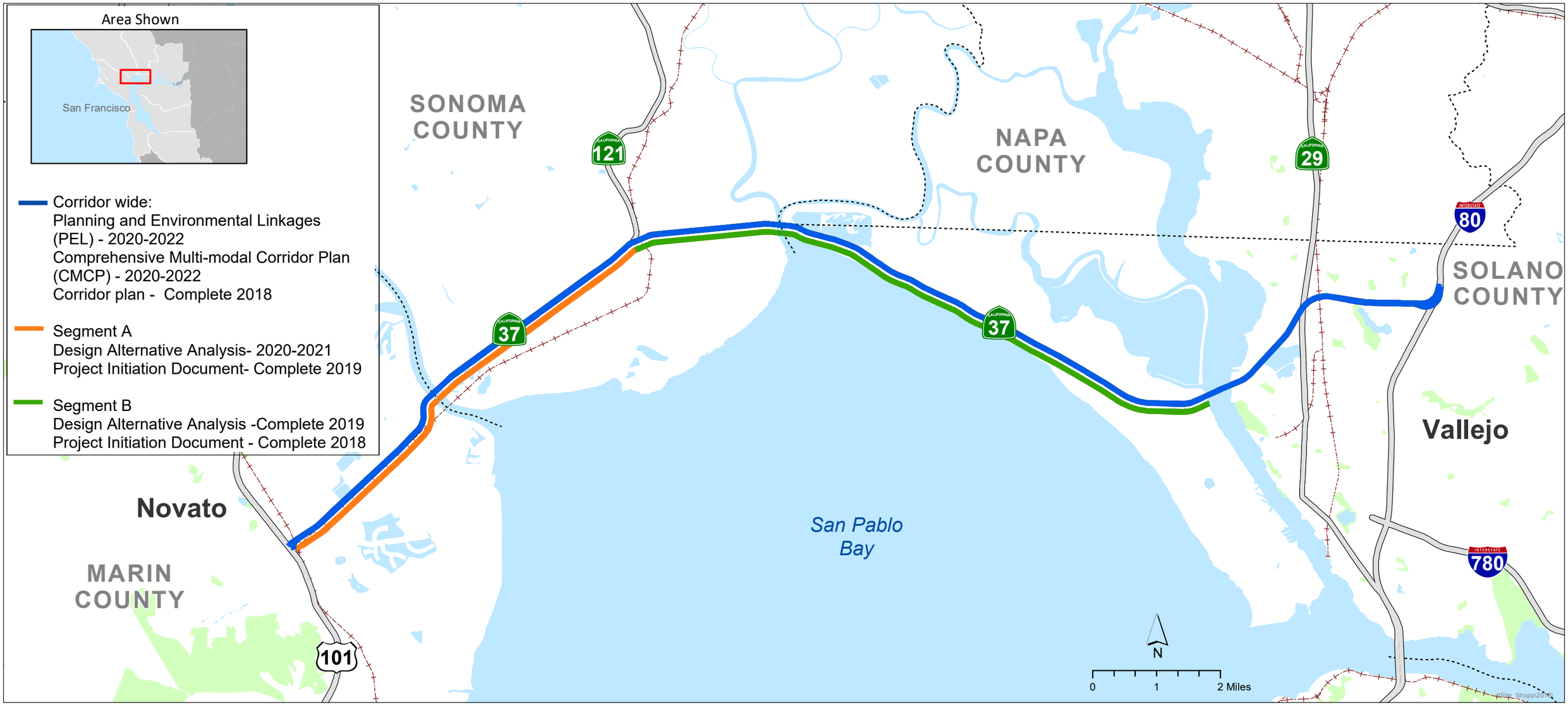
State Route 37 Advanced Planning - Ultimate Project

DRAFT
September 2020

- Corridor wide:
  Planning and Environmental Linkages (PEL) - 2020-2022
  Comprehensive Multi-modal Corridor Plan (CMCP) - 2020-2022
  Corridor plan - Complete 2018
- Segment A
  Design Alternative Analysis- 2020-2021
  Project Initiation Document- Complete 2019
- Segment B
  Design Alternative Analysis -Complete 2019
  Project Initiation Document - Complete 2018



SONOMA COUNTY TRANSPORTATION AUTHORITY

NAPA VALLEY TRANSPORTATION AUTHORITY

Transportation Authority of Marin

METROPOLITAN TRANSPORTATION COMMISSION

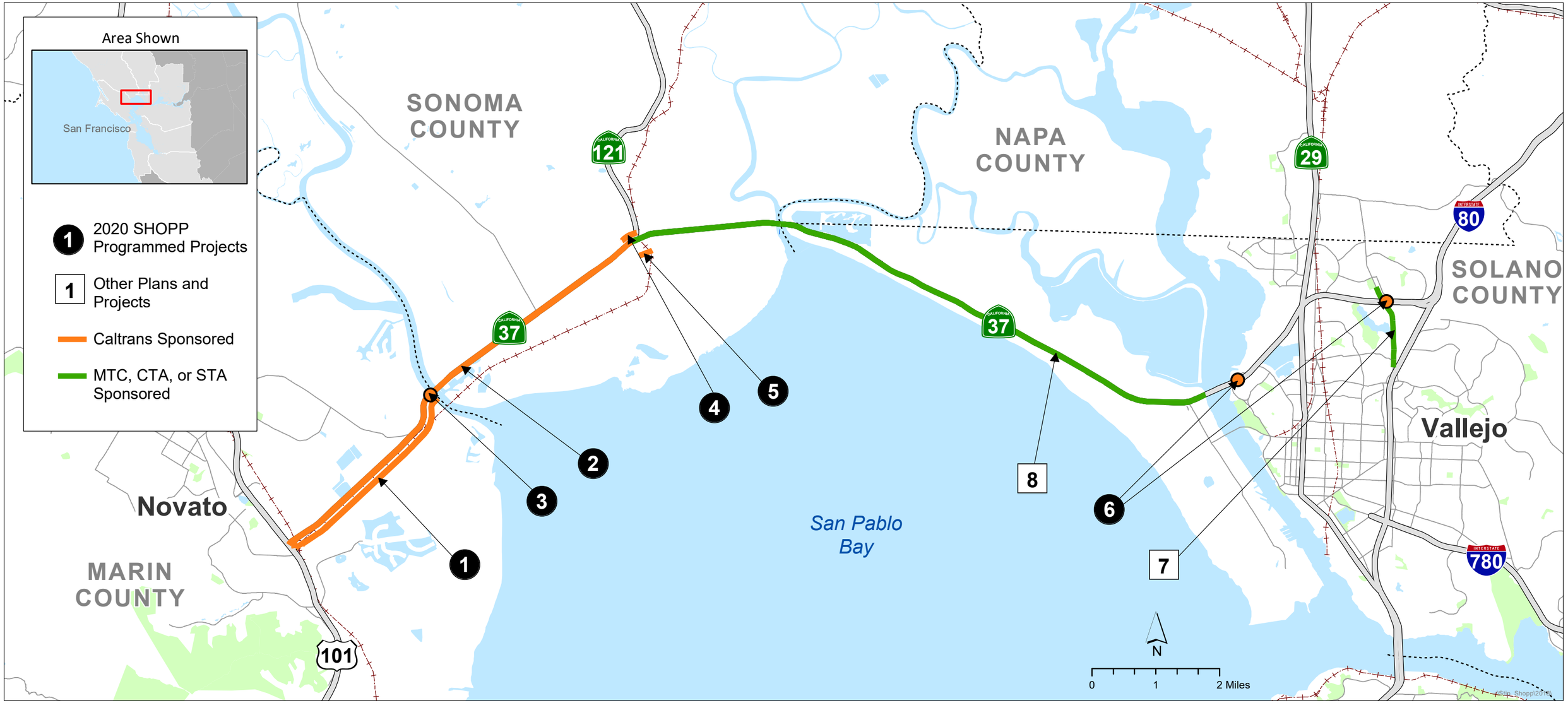
Caltrans

Solano Transportation Authority
. . . working for you!

Previous studies to be utilized (partial list):
Sonoma Creek Baylands Strategy
Sonoma Marin Area Rail Transit District - Passenger Rail Service Novato to Suisun City Study
SR 37 Travel Behavior & Transit Feasibility Study
Water Transit Study
Segment A1 - Corridor Adaptation Study
Grand Bayway SR 37 Public Access Study
Resilient By Design: Grand Bayway
BCDC: Adapting to Rising Tides

Near-Term Programmed Projects

DRAFT
September 2020



Map ID	SHOPP Tool ID	EA	CO	PM	Descriptions	Sponsors	Estimated Capital Cost
1	13658	2K740	MRN	11.2/14.6	Pavement from Route 101 to Sonoma County Line.	Caltrans	$ 18.9M
2	20694	4Q320	MRN/SON	11.2/14.6; 0.0/3.9	Improvement to address Sea Level Rise and reoccurring flooding (Interim and Ultimate).	Caltrans	TBD
3	20749	2Q500	MRN	14.5/15.0	Resurface deck and replace fender system at Petaluma River Bridge.	Caltrans	$ 32.0M
4	20581	1Q480	SON	3.8/4.0	Reconstruct intersection of SR 37 and SR 121.	Caltrans	$ 6.0M
5	20471	2Q200	SON	3.9/4.1	Extend 2 lane section on eastbound SR 37 and improve railroad crossing.	Caltrans	$ 11.7M
6	17969	0P760	SOL	VAR	Install Rectangular Rapid Flashing Beacons on Route 37, 80 & 780 at various locations.	Caltrans	$ 6.0M
7		4A441	SOL	10.94	Fairgrounds Drive Interchange Improvements Diverging Diamond.	STA	$ 25.0M
8		1Q761	SON/SOL	3.9/6.2; 0.0/7.4	Traffic Operation Improvements - Interim Project (From SR 121 Junction to Mare Island I/C)	MTC/CTAs	TBD

PROPOSED SR 37 TRAFFIC CONGESTION RELIEF PROJECT

PRELIMINARY SUMMARY OF SCOPING COMMENTS RECEIVED AND SCOPING MEETING QUESTIONS

The following tables are a preliminary summary of the scoping comments received during the State Route (SR) 37 Notice of Preparation (NOP) review period. The NOP was released on July 9, 2020 for a 45-day review period ending on August 24, 2020. A "virtual" open house meeting was held on July 22, 2020 during which a presentation was made, followed by a question and answer session.

Table 1 is a list of the written comments received during the scoping review period. Table 2 is a brief summary of the issues raised in the written comments received during the scoping review period. Table 3 is a listing of the questions received during the July 22 virtual open house.

Table 1. Written Comments Received During Public Scoping Period

Date	Commenter
FEDERAL	
8/24/2020	U.S. Environmental Protection Agency (EPA)
STATE	
7/29/2020	California Highway Patrol (CHP)
8/20/2020	California Department of Fish and Wildlife (CDFW)
7/13/2020	Native American Heritage Commission (NAHC)
8/24/2020	San Francisco Bay Conservation and Development Commission (BCDC)
LOCAL	
8/24/2020	Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) on behalf of the SF Bay Trail
8/17/2020	Transportation Authority of Marin (TAM)
ORGANIZATIONS	
8/24/2020	Sierra Club
8/24/2020	Train Riders Association of California (TRAC)
8/24/2020	Transportation Solutions Defense and Education Fund (TRANSDEF)
6/14/2020	Transportation Solutions Defense and Education Fund (TRANSDEF)
INDIVIDUALS	
8/18/2020	Nadya Clark
8/15/2020	John Arciniega

Table 2 is a summary based upon written comments received during the NOP public scoping period and questions submitted during the virtual open house held on July 22, 2020. A total of 64 questions/comments were submitted at the virtual open house.

Table 2. Summary of Public Scoping Comments (primary points as summarized from formal comments submitted in writing or email during the 45-day review period)

General
• Simplify the NOP, reduce it to the Mitigated Alternative 1 and a No Project Alternative (TRANSDEF)

• Include analysis of No Project Alternative
• Provide full project description of project features to select preferred alternative
• Include light impact analysis and discussion
• Importance of developing and implementing a concerted corridor plan that recognizes SR 37 as an interconnected system
• Address Environmental Justice
• Address climate change and safety of fills
• How will proposed fill meet McAteer-Petris Act fill requirements and Bay Plan policies
• Shoreline protection components of project and consistency with BCDC policies
• Integrate the analysis for the Traffic Congestion Relief Project EA with the PEL study
• Project EA should describe impacts that could occur later in time or at a distance from the project site and which would not occur without the project
• Consider the potential for growth-related impacts from this project
• Highway alternatives will induce demand, including increasing VMT and GHG emissions, contrary to Executive Order N-19-19 and current State climate policy
• Consider Tolay Creek Bridge toll
Project Design/Operations
• Lack of shoulder is problematic for emergency response
• Intermittent hours of use of the shoulder could cause confusion to drivers and have the potential for drivers to use the shoulder during off-peak hours
• Non-standard location of the HOV lane could cause confusion, as most HOV lanes are in the #1 lane
Project Coordination
• NAHC provided recommendations for Cultural Resources Assessments
• Permit from BCDC will be required for this project
• Coordinate with BCDC to confirm whether any components of the project fall within San Pablo Bay Wildlife Refuge Priority Use Areas
• Work with the Regional Water Quality Control Board and other relevant resource agencies to protect against impacts to the water quality of the creeks and tidal marshes
• Work with TAM to determine an appropriate methodology for assessment of traffic on the Marin County Congestion Management Network
• Coordinate with all regulatory agencies that have jurisdiction to determine whether mitigation may be needed for the potential impacts
• Recommend that Caltrans host early coordination meetings at key milestones
• Opportunity for collaboration between the Bay Trail and Sonoma County Regional Parks
Mitigation
• Retain the designation of HOV for the third lane as a central element of the Project Description to reduce or avoid the impact of an increase in VMT
• Determine whether Alternative 1 can be safely constructed under a design exception that eliminates additional fill to reduce or avoid the wetlands impact of filling the bay to widen the roadway approximately four feet
• Caltrans funding for an Express Bus serving the East Bay origins and North Bay destinations of the SR 37 Corridor to reduce or avoid the impact of an increase in VMT
Biological Resources
• Analyze fish and wildlife resources
• Include in-water and seasonal avoidance windows
• Project implementation outside of bird nesting season and include mitigation/avoidance measures
• Include Swainson’s Hawk surveys and mitigation/avoidance measures
• Include Western Burrowing Owl mitigation/avoidance measures
• Include bat assessment and mitigation/avoidance measures
• Include fish passage assessment and mitigation/avoidance measures

• Include wildlife connectivity assessment and mitigation measures
• Analyze threatened, endangered, rare and native plant species and include mitigation/avoidance measures
• Include tidal marsh species assessment and avoidance
• Address Bay Plan policies on fish, other aquatic organisms, and wildlife; tidal marshes and tidal flats; and subtidal areas
• Describe possible noise and vibration impacts to wildlife
• Protect sensitive wetland habitats
Transportation
• Concern with traffic backup on SR 116, SR 12, and SR 121 from SR 37 and encourage getting drivers back on SR 37
• Analyze project alternatives' consistency with Bay Plan transportation policies
• Address how project maintains public access and views consistent with BCDC law and Bay Plan policies
• In order to accommodate both cyclists and pedestrians, a minimum width of 10' shoulder could be required
• Bay Trail should be incorporated and should dovetail with adjacent efforts to close the overall Sears Point—Tubbs/Tolay Bay Trail gap
• Provide public access mitigation for Alternatives 2 and 3
• Provide safe public access to the wetlands via bicycle paths, trails and boat landings
• Restrict obstruction to pedestrian and bicycle pathways
• Traffic demand and delay studies should estimate long-term effects of the current pandemic
• Include evaluation of alternatives related to VMT
• Assess how alternatives positively or negatively affect the ultimate corridor configuration
Water Quality
• Include analysis of potential water quality impacts associated with the project
• Encourage Caltrans to integrate Clean Water Act Section 404 regulatory requirements into the NEPA process for both regulatory and planning programs
• Examine opportunities to improve the free tidal flow of water into and out of all areas adjacent to the highway

Table 3 is a summary of the questions asked during the July 22 virtual open house.

Table 3. Virtual Open House Questions (asked during the discussion session regarding the materials presented or available on-line. These comments were addressed briefly during the on-line session or follow-up afterwards)

• What existing plans are addressing the flooding of SR 37?
• How does this project relate to the PEL (Planning and Environmental Linkages)?
• How would the bike shuttle function?
• How much additional pavement is required for each alternative?
• How much construction staging area is needed?
• What are the roadway widths of each alternative? (how much wider than existing?)
• What is the rationale for not focusing on 4 permanent lanes?
• Will the road be raised to address the sea level rise issue?
• Commenter is not in favor of a shared lane concept (high maintenance required); has an elevated roadway been considered?
• Has tribal consultation begun?
• Do any alternatives include bridge or viaduct design?
• Will the environmental document look at the potential use of the rail line for passenger service?

• Is a five-year timeline satisfactory? Why not proceed to the long term project that addresses sea level rise?
• Would bikes be allowed to travel in the shoulder in all the alternatives? Or prohibited?
• How are you going to get around Caltrans' bicycle standards as listed in the Highway Design Manual, and especially Deputy Directive 64?
• "Add vehicle lanes while incentivizing increased vehicle occupancy" sounds like an impossibility based on past efforts.
• Participant noted that eastbound congestion begins quite a distance before the SR 121 intersection (as shown on the presentation slides). How will the project address that congestion?
• During the construction period would SR 37 between Sears Point and Mare Island be completely closed to traffic, or is the plan for cars to still be able to travel East and West on SR 37?
• For the short-term project, can federal funding (through an infrastructure aid program) shorten the project schedule to, for example, two years?
• Zipper trucks seem like a nonstarter due to the length of the project.
• If Alternative 2 does not include a movable barrier, how will two lanes in peak direction be accommodated/enforced?
• An SR 37 Grand Byway Scoping Report was previously prepared by MTC. The project presented does not address bicycle and pedestrian access. How is this consistent with Complete Streets?
• What assumptions will you make about passenger rail service in the corridor, in view of the State Rail Plan?
• Plan to update preliminary cost analysis done in late 2018 for alternatives 1 & 2?
• Are the emissions of a 100 minute delayed trip less than or equal to a 20 minute trip? Will traffic diverting on Lakeville Rd up to Stage Gulch Rd over into the Sonoma Valley be considered in the analysis (of emissions)?
• How will marsh species be protected from impacts from lighting improvements proposed in this project?
• Will detailed design cross sections for each of the alternatives be available to the public before the DEIR is complete?
• How will the alternatives consider sensitivity/flexibility for the ultimate corridor project?
• What are the plans for Tolay Creek Bridge? Will one or both sides be widened? Why not widen both sides of Tolay Creek Bridge since that will be needed eventually?
• Has a raised highway been considered to address sea level rise, along with traffic congestion relief?
• The 6 and 7 hour congestion levels (from the presentation) seem exceptional, and a 2 to 4 hour congestion period in the eastbound direction and 0 to 2 hour congestion period in westbound direction (more representative). Can congestion delay data be provided for AM and PM periods, by day?
• Won't a permanent solution take into account sea level rise? Alternative 3 does not address sea level rise and is therefore not a permanent solution. What are the barriers to starting the elevated road or some other solution that addresses sea level rise?
• What evidence do you have that adding lanes will result in less congestion rather than inducing more VMT?
• Has a crash analysis been done on the alternatives, and do the build alternatives reduce the probability of crashes?
• What federal agencies are involved and approvals are required?
• Concern regarding range of alternatives studied. Why consider a 3-lane alternative requiring a zipper truck (Alternative 1). Why consider a reversible lane (Alternative 1 or 2)? Why expend funds on Alts 1 and 2? Four lanes have been brought up in previous meetings.
• Four lanes are not a long term solution given impending redevelopment of Mare Island. What is the reasoning behind the belief that this is a viable long-term solution?

• Will electric vehicles be considered to use HOV lanes?
• Concern regarding cost of project if it does not address sea level rise, if the roadway will have to be rebuilt again for the ultimate improvements.
• What is the Legislative approval required to authorize tolling? What is the toll cost to drivers required to satisfy near-term goals?
• Will the short-term traffic improvements include an interchange at the 37/121 intersection?
• What portion of this project is funded and what are the funding sources?
• When will the next public meeting be on this project?
• How would the selection of the preferred plan interface with the CEQA process?
• A four-foot shoulder is insufficient for bicycles. Please create a design option that includes Caltrans-standard protected bicycle lanes throughout the entire corridor including on the bridge that you do not currently plan to widen.
• Is there interest from transit agencies to run bus routes on SR 37 if these improvements are made?
• Why not prevent trucks and slow vehicles from crossing SR 37 during peak traffic times?
• Is closure of the 3,600' gap in the San Francisco Bay Trail between SR 37/121 and the Tubbs/Tolay trailhead on the shoulder of SR 37 a part of this project?
• By spending money now and widening the roadway and bridges within the next 5 years, won't that threaten to delay the Ultimate Project even more?
• Will the environmental work done during PEL process streamline the environmental review reports, data analysis or review process in any way for long range solution to corridor which will likely happen much further in the future?
• There is no east-west highway north of the Bay. With risk of an earthquake, has consideration been given to the public safety/national security need for improved access to the northwest part of California?
• Does the EIR address the toll option causing a subsequent impact to surrounding routes?
• Are facilities to encourage carpooling, such as parking and meeting areas, being considered?
• Are there fish passage issues that the project is required to address?
• Include a roundabout at SR 37 and SR 121 into proposed improvements to make a difference in the flow of traffic.
• Can we subscribe to get links to SR 37 on-line meetings? Commenter had difficulty with website and finding a link to this meeting. Would like to get an alert to future meetings.
• Will you plan a bike shuttle into the project so that no bike facilities have to be built? There is a risk the shuttle would get eliminated due to funding.
• To obtain a bike shuttle ride, should not require a cell phone and not have to wait more than 10 minutes.

US Environmental Protection Agency

Carolyn Mulvihill, Environmental Review Branch

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

August 24, 2020

Yolanda Rivas
Caltrans District 4
P.O. Box 23660
Oakland, California 94623-0660

Subject: Scoping Comments for the Environmental Assessment for the State Route 37 Traffic Congestion Relief Project, Sonoma, Napa, and Solano Counties, California

Dear Ms. Rivas:

The U.S. Environmental Protection Agency has reviewed the July 16, 2020 notice requesting comments on the California Department of Transportation decision to prepare an Environmental Assessment/Environmental Impact Report for the proposed State Route 37 Traffic Congestion Relief Project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act. Our detailed comments are attached.

The EPA has coordinated with Caltrans and the Metropolitan Transportation Commission on planning for improvements to the State Route 37 corridor from US 101 to I-80. We understand that Caltrans and MTC are initiating a Planning and Environmental Linkages study for the corridor. We encourage Caltrans to integrate the analysis for the Traffic Congestion Relief Project EA with the PEL study. This recommendation is discussed further in the attached comments.

The EPA appreciates the opportunity to comment on preparation of the EA. Once the EA is released for public review, please notify me of where it is available online, or provide an electronic copy to mulvihill.carolyn@epa.gov. If you have any questions, please feel free to contact me at my email address or at (415) 947-3554.

Sincerely,

Carolyn Mulvihill
Environmental Review Branch

Enclosures: EPA's Detailed Comments

cc via email:
Brenda Powell-Jones, Caltrans
Katerina Galacatos, U.S. Army Corps of Engineers
Melisa Amato, U.S. Fish and Wildlife Service
Mandy Morrison, National Oceanic and Atmospheric Administration Fisheries
Greg Martinelli, California Department of Fish and Wildlife
Derek Beauduy, Regional Water Quality Control Board
Erik Buehmann, San Francisco Bay Conservation and Development Commission
Ashley Nguyen, Metropolitan Transportation Commission

EPA SCOPING COMMENTS ON THE STATE ROUTE 37 TRAFFIC CONGESTION RELIEF PROJECT, SONOMA, NAPA, AND SOLANO COUNTIES, CALIFORNIA, AUGUST 24, 2020

State Route 37 Corridor Context

The Traffic Congestion Relief Project is proposed on a portion of the corridor where Caltrans and the Metropolitan Transportation Commission may ultimately implement improvements to address flooding, climate change impacts, and surrounding habitat improvement. The EPA recommends that Caltrans confirm in the Draft EA that the improvements proposed as part of this project will not preclude any of the potential alternatives for the overall corridor. Due to State Route 37's proximity to the baylands, including a diversity of creeks, marshes, and wetlands, the EPA has previously recommended that Caltrans consider alternatives for the overall corridor that maximize opportunities to:

- Incorporate appropriate floodplain design;
- Incorporate sea level rise models that further long-term resiliency of the project;
- Facilitate connectivity between inner, non-tidal aquatic habitats and tidal margins;
- Incorporate stormwater treatment planning into project design;
- Consider sediment transport processes; and
- Provide adequate transitional zone to accommodate wildlife species in and around the project area.

These issues should be considered in planning for the Traffic Congestion Relief Project.

State Route 37 Coordination

The EPA understands that Caltrans and the Metropolitan Transportation Commission are initiating a Planning and Environmental Linkages study for the State Route 37 Corridor from US-101 to I-80. We encourage Caltrans to integrate the analysis for the Traffic Congestion Relief Project EA with the PEL study. The EPA continues to support Caltrans and MTC in coordinating a strong stakeholder and community coalition engagement process to facilitate planning for the overall corridor. We continue to recommend that Caltrans host early coordination meetings at key milestones for the project with a goal of participation by all permitting/authorization entities including the EPA, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration Fisheries, Bay Conservation and Development Commission, California Department of Fish and Wildlife, and the Regional Water Quality Control Board. Early regulatory coordination on anticipated authorization and permitting issues can improve the documentation of the alternatives analysis and prepare the agencies for future permitting and design decisions, including future NEPA analysis. It is important that all relevant permitting agencies have an opportunity to review and provide comments on any aspects of the Traffic Congestion Relief Project that could impact future improvements for the overall corridor.

Clean Water Act Section 404

The Traffic Congestion Relief Project, as well as other projects along the State Route 37 corridor, may be subject to Clean Water Act Section 404 requirements. The EPA and the Corps have jurisdictional authority over CWA Section 404 permitting. If the project proposes to place fill or dredged material into Waters of the United States, it may require a CWA Section 404 permit from the Corps. If an individual permit is required, Caltrans will submit a CWA Section 404 application, 404(b)(1) Alternatives Analysis, and information to support a determination of the appropriate NEPA process before a permit decision could be made.

The EPA encourages Caltrans to integrate CWA Section 404 regulatory requirements into the NEPA process for both regulatory and planning programs to streamline environmental review by using NEPA documents for multiple permitting processes. Alternatives Analysis for a CWA Section 404 permit

action must comply with the EPA's CWA Section 404(b)(1) Guidelines, including detailed evaluation of all practicable and reasonable alternatives that would fulfill the project's purpose and need. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics considering overall project purposes. The CWA Section 404(b)(1) analysis must provide a clear discussion of the reasons for the elimination of alternatives which are not evaluated in detail, and clearly demonstrate that the preferred alternative for a proposed action is the Least Environmentally Damaging Practicable Alternative that achieves the overall project purpose.

The LEDPA is the alternative with the fewest direct, secondary, and cumulative impacts to aquatic resources, so long as it does not have other significant adverse environmental consequences (40 CFR Section 230.10(a)). To identify the LEDPA, present both the beneficial and adverse environmental impacts of the proposal and alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public (40 CFR 1502.14). Quantify the potential environmental impacts of each alternative to the greatest extent possible (e.g. acres of wetlands impacted; change to water quality).

Analysis of Environmental Impacts
The EA should describe impacts that could occur later in time or at a distance from the project site and which would not occur without the project, such as any long-term impacts to ecological resources in the project area. Discuss trends and other reasonably foreseeable impacts to resources and values that would potentially be affected by the project and analyze and disclose the potential for declining trends or other impacts to be exacerbated by effects from the project. Describe their significance.

The EPA offers the following recommendations for analyzing and disclosing impacts:

- Include a description of the affected environment that focuses on each affected resource or ecosystem. Identify the affected environment through perception of meaningful impacts and natural boundaries rather than predetermined geographic areas;
- Focus on resources of concern, i.e., those resources that are "at risk" and/or are significantly affected by the proposed project, before mitigation. Identify which resources are analyzed, which ones are not, and why;
- Identify all other on-going, planned, and reasonably foreseeable projects in the study area. Where studies exist on the environmental impacts of these other projects, use these studies as a source for quantifying impacts;
- Include appropriate baselines for the resources of concern with an explanation as to why those baselines were selected; and
- When impacts occur in combination with other trends and reasonably foreseeable effects, discuss what mitigation may be implemented. Clearly state who would be responsible for mitigation measures and how mitigation implementation would be ensured.

Include an analysis of impacts that may have a cumulative effect to resources, including both transportation and non-transportation activities. The impact analysis should consider non-transportation activities that are reasonably foreseeable and are identified within city and county planning documents. The impact analysis for the project provides an opportunity to identify potential large, landscape-level regional impacts, as well as potential large-scale mitigation measures. The analysis should examine landscape-level impacts to all sensitive resources on a regional scale and guide potential avoidance and minimization measures, while focusing design and mitigation efforts. The EPA recommends use of Caltrans' guidance at http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm.

Growth-Related Impacts
The EPA encourages Caltrans to consider the potential for growth-related impacts from this project. Improved access may induce growth on surrounding lands. A growth-related impact analysis assists with compliance requirements of NEPA by considering environmental consequences as early as possible and providing a well-documented and sound basis for decision making.

The *Guidance for Preparers of Growth-related, Indirect Impact Analyses* (http://www.dot.ca.gov/ser/Growth-related_IndirectImpactAnalysis/gri_guidance.htm), developed jointly by Caltrans, the FHWA, and the EPA, provides an approach to developing a growth-related impact analysis. After the potential for growth is identified, the Guidance recommends assessing if growth-related impacts affect resources of concern.

***Recommendations*:**

- Identify if the project will affect the location and/or timing of planned growth in the area. Specifically, the analysis should identify the potential resources that may be affected by the increased "zone of influence" associated with interchanges and impacts on resources outside of the right-of-way.
- Identify the types of resources that are likely to occur in geographic areas that may be affected by growth. If it is determined that there will be no or insignificant impacts to resources of concern, then document the process and report the results. The EPA recommends following the step-by-step approach for conducting the analysis in Chapter 6 of the Guidance.
- Include a discussion of mitigation strategies to reduce impacts if adverse impacts cannot be avoided or minimized. Section 6.3 Mitigation of the Guidance provides an approach to address mitigation for growth-related impacts.

California Highway Patrol – Solano and Marin Area

Mark Headrick, Captain and Robert Mota, Captain

From:	CHP-EIR
To:	Dobson, Denise@CHP
Subject:	FW: State Route 37 Traffic Congestion Relief Project SCH# 2020070226
Date:	Wednesday, July 29, 2020 10:12:00 AM

From: Headrick, Mark@CHP <MHeadrick@chp.ca.gov>
Sent: Wednesday, July 29, 2020 10:11 AM
To: state.clearinghouse@opr.ca.go
Cc: State Route 37@DOT <stateroute37@dot.ca.gov>; CHP-EIR <EIR@chp.ca.gov>
Subject: State Route 37 Traffic Congestion Relief Project SCH# 2020070226

Good morning,

I have reviewed the EIR for the State Route 37 Traffic Congestion Relief Project. My primary concerns are as follows:

- The lack of shoulder on this stretch of roadway is problematic for emergency response with no other alternatives to access emergency incidents. The shoulder is the primary method of response when the roadway is closed. A four-foot shoulder would be inadequate for emergency vehicle response. Additionally, the shoulder is utilized by CHP to investigate traffic collisions, to conduct traffic stops, conduct arrests, as well as monitoring of traffic (even though there will be monitoring locations - these are limited). Additionally, the shoulder is utilized for disabled vehicles. Both public safety and officer safety would be jeopardized without a sufficiently wide shoulder.
- The intermittent hours of use of the shoulder could cause confusion to drivers and have the potential for drivers to use the shoulder during off-peak hours. This could cause conflict if CHP is utilizing the shoulder for enforcement actions, collisions investigations, etc. The CHP currently struggles to keep drivers from using the shoulder to pass other vehicles during heavy traffic congestion. If the shoulder were to be allowed to be used as a lane at certain times this would embolden people to use the lane during off time hours as a lane and create a significant safety hazard.
- The non-standard location of the HOV lane could further cause confusion, as most HOV lanes are in the #1 lane. This could further compound confusion with a part-time shoulder.

Thank you,

Mark Headrick, Captain
Solano Area

From:	CHP-EIR
To:	Dobson, Denise@CHP
Subject:	FW: State Route 37 Traffic Congestion Relief Project
Date:	Wednesday, July 29, 2020 10:05:23 AM

From: Mota, Robert D@CHP <RMota@chp.ca.gov>
Sent: Wednesday, July 29, 2020 8:38 AM
To: state.clearinghouse@opr.ca.go
Cc: CHP-EIR <EIR@chp.ca.gov>; State Route 37@DOT <stateroute37@dot.ca.gov>; Headrick, Mark@CHP <MHeadrick@chp.ca.gov>
Subject: State Route 37 Traffic Congestion Relief Project

Good Afternoon,
I have reviewed the EIR for the State Route 37 Traffic Congestion Relief Project. I have concerns with Alternatives #2 and #3. The primary concerns are as follows:

- The lack of shoulder on this stretch of roadway is problematic for emergency response with no other alternatives to access emergency incidents. The shoulder is the primary method of response when the roadway is closed. A four-foot shoulder would be inadequate for emergency vehicle response. Additionally, the shoulder is utilized by CHP to investigate traffic collisions, to conduct traffic stops, conduct arrests, as well as monitoring of traffic (even though there will be monitoring locations - these are limited). Additionally, the shoulder is utilized for disabled vehicles.
- The intermittent hours of use of the shoulder could cause confusion to drivers and have the potential for drivers to use the shoulder during off-peak hours. This could cause conflict if CHP is utilizing the shoulder for enforcement actions, collisions investigations, etc.
- The non-standard location of the HOV lane could further cause confusion, as most HOV lanes are in the #1 lane. This could further compound confusion with a part-time shoulder.

Thank you,

Robert D. Mota, Captain
California Highway Patrol, Marin Area
53 San Clemente Drive
Corte Madera, CA 94925
O: (415) 924-1100
F: (415) 924-4074

California Department of Fish and Wildlife

Greg Erickson, Regional Manager

State of California
Department of Fish and Wildlife

Memorandum

Date: August 20, 2020

To: Ms. Yolanda Rivas
California Department of Transportation, District 4
Post Office Box 23660, MS-8B
Oakland, CA 94623
Yolanda.Rivas@dot.ca.gov

DocuSigned by:
Stacy Sherman for
692B021D81CA4F7...

From: Mr. Gregg Erickson, Regional Manager
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: State Route – 37 Traffic Congestion Relief Project, Notice of Preparation, SCH No. 2020070226, Napa and Sonoma County

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) for the proposed State Route – 37 Traffic Congestion Relief Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] Pursuant to our jurisdiction, CDFW is submitting comments on the NOP as a means to inform the California Department of Transportation (Caltrans) as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

PROJECT LOCATION AND DESCRIPTION SUMMARY

Caltrans proposes improvements to address traffic congestion relief on State Route (SR)-37 by improving traffic flow at peak travel times, as well as, increasing vehicle occupancy within the travel corridor between Mare Island and SR-121. SR-37 narrows from two lanes in each direction to one lane in each direction between Mare Island and SR-121. The NOP proposes three alternatives to reconfigure the existing SR-37 highway lanes from west of the SR-121 intersection to the Walnut Avenue overcrossing at Mare Island. Each alternative would involve widening at Tolay Creek Bridge, but Alternative 1 involves a movable center median barrier while Alternatives 2 and 3 propose four lanes open for travel either part-time or full-time. These alternatives would also involve installation of advance signs to alert drivers approaching the proposed lanes. To allow for advance signs, the overall project limits extend on SR-37 from approximately Lakeville Highway in Sonoma County to the Sacramento Street overhead in the City of Vallejo and on SR-121 approximately 1,000 feet north of SR-37.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

LAKE AND STREAMBED ALTERATION AGREEMENT

The Project has the potential to impact resources including mainstems, tributaries, floodplains as well as marsh complexes associated with three major systems known to occur within the identified limits of the Project including; Sonoma Creek, Tolay Creek and the Napa River. If work is proposed that will impact the bed, bank channel or upland riparian habitat, including the trimming or removal of trees and riparian vegetation, please be advised that the proposed Project may be subject to LSA Notification for impacts to drainage systems that connect to tributaries of main stem creeks and tributaries that occur within the Project Biological Study Area (BSA). CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for or any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements.

CALIFORNIA ENDANGERED SPECIES ACT

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if a project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, take is defined as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill." Issuance of an ITP is subject to CEQA documentation. If the Project will impact CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

The Project has the potential to result in take of the following species listed under CESA; Swainson's hawk (*Buteo* swainsoni) State Threatened, salt-marsh harvest mouse (*Reithrodontomys raviventris*), State Endangered; Delta smelt (*Hypomesus transpacificus*), State Endangered, Chinook-salmon – Central Valley/late fall-run (*Oncorhynchus.tshawytscha*), State Threatened.

ENVIRONMENTAL SETTING

The state special-status species that have the potential to occur in or near the Project site, include, but are not limited to:

- Salt-marsh harvest mouse (*Reithrodontomys raviventris*), State Endangered and Fully Protected
- Swainson's hawk (*Buteo swainsoni)*, State Threatened
- California black rail (*Laterallus jamaicensis coturniculus*), State Fully Protected
- California's Ridgeway's rail (*Rallus obsoletus obsoletus*), State Fully Protected
- Delta smelt (*Hypomesus transpacificus*), State Endangered
- Chinook salmon – Central Valley/late fall-run (*Oncorhynchus.tshawytscha*), State Threatened
- Steelhead – Central California Coast distinct population segment (*Oncorhynchus mykiss*), Federally Endangered
- White tailed kite (*Elanus leucurus*), State Fully Protected
- Western burrowing owl (*Athene cunicularia*), State Species of Special Concern
- Delta tule pea (*Lathyrus jepsonii var. jepsonii*), Rare Plant Rank 1B
- Saline clover (*Trifolium hydrophilum*), Rare Plant Rank 1B
- Roosting bats
- Nesting birds

COMMENTS AND RECOMMENDATIONS

CDFW acting as a Responsible Agency, has discretionary approval under CESA through issuance of a CESA ITP and the LSA Agreement as well as other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. CDFW would like to thank you for preparing the NOP and CDFW recommends the following updates, avoidance and minimization measures be imposed as conditions of Project approval by the lead agency, Caltrans, to ensure all Project-related impacts are mitigated to below a level of significance under CEQA:

COMMENT 1: Full Project Description of Project Features to Select Preferred Alternative

The CEQA Guidelines (§§15124 and 15378) require that the environmental document incorporate a full Project description, including reasonably foreseeable future phases of the Project, and require that it contain sufficient information to evaluate and review the Project's potentially significant impacts.

To fully address the Project's potentially significant impacts to fish and wildlife resources and allow CDFW adequate information to identify a preferred alternative the draft Environmental Impact Report (EIR) must include a comprehensive comparison analysis of the potentially significant impacts from each of the three

alternatives. Please include the following information within the updated environmental document, as applicable:

- A full description of the proposed lane improvements, barrier installations, bridge and lane expansion areas, light installations or replacement locations, signage placements and toll station installation, California Highway Patrol (CHP) observational areas, vehicle pullouts locations, slope protection/reinforcement areas, train crossing signal locations, and intersection improvements that include post mile references and map figures to fully illustrate the construction areas of each project element for each of the alternatives.

- A full description of the proposed improvements noted in the previous bullet that includes quantities of material to be employed and a detailed description of how the proposed work will be completed, as well as a construction schedule for each proposed alternative.

- A full description of the proposed areas of impact for the Project elements noted in bullet one for each alternative described in acres and linear feet as well as an analysis of the vegetation type and number of trees to be trimmed or removed. A table that compares the acres of impacts to each applicable habitat type for each of the four alternatives should also be included in the draft EIR.

- A full description of the proposed locations for staging area and access routes for each alternative.

- A preliminary design plan set for each alternative.

COMMENT 2: Fish and Wildlife Resources

CDFW recommends that a full list or table is included in the Biological Resources Section of the draft EIR that notes species common name, scientific name, State and federal listing status (as applicable), habitat type preference and determination on presence for all special-status species with the potential to occur within the Project. CDFW offers the following list of species that have the potential to occur within the Project limits including but not limited to the species noted above in the environmental setting section of this comment letter. A full and complete of fish and wildlife resources should be developed using wildlife databases such as the California Natural Diversity Database (CNDDB), scientific studies or species inventories from nearby locations, focused survey results or findings associated with the current Project and focused survey results or findings from previous projects within the vicinity of the currently proposed Project.

COMMENT 3: In Water Work Windows and Seasonal Avoidance

The draft EIR Should include the appropriate in-water and seasonal avoidance windows for any proposed in-water work to avoid impacts to state threatened, endangered, rare

and native aquatic species. Due to the high number of species known to occur within the vicinity of the Project it is recommended that the lead agency confers with the various wildlife and natural resource agencies to determine the most appropriate in water work window to avoid impacts to aquatic species. A general in water work window for most creek systems in Napa and Sonoma County is June 15 to October 31. Recommended in water work windows for fisheries resources in the Napa River and Sonoma Creek systems are identified as August 1 to October 15 for species such as steelhead and August 1 to January 31 for species such as Delta smelt.

COMMENT 4: Nesting Birds

CDFW encourages Project implementation outside of the bird nesting season, which extends from February through early September. However, if anthropogenic structure work activities, ground-disturbing or vegetation-disturbing activities must occur during the nesting season, the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or Fish and Game Code. To evaluate and avoid for potential impacts to nesting bird species, CDFW recommends incorporating the following mitigation measures, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 1: Nesting Bird Surveys

A qualified biologist conduct pre-activity surveys for active nests no more than seven (7) days prior to the start of ground or vegetation disturbance and every fourteen (14) days during Project activities to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. Prior to initiation of ground or vegetation disturbance, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once Project activities begins, CDFW recommends having the qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

Recommended Mitigation Measure 2: Nesting Bird Buffers

CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers.

COMMENT 5: Swainson's Hawk

The Project is located within and adjacent to grassland habitat that may be suitable foraging, and suitable nesting habitat for Swainson's hawk, a State Threatened species, also protected under Fish and Game Code section 3503, 3503.5 and the federal Migratory Bird Treaty Act (MBTA). CDFW recommends surveys should be conducted according to the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline). CDFW strongly recommends that the TAC survey method be strictly followed by starting early in the nesting season (late March to early April) in order to maximize the likelihood of detecting an active nest. Surveys should be conducted within a minimum 0.25-mile radius of the proposed Project area, and should be completed for at least the two survey periods immediately prior to initiating any Project-related construction work. Raptor nests may be very difficult to locate during egg-laying or incubation, or chick brooding periods (late April to early June) if earlier surveys have not been conducted. These full-season surveys may assist with Project planning, development of appropriate avoidance, minimization and mitigation measures, and may help avoid any Project delays.

In order to avoid "take" or adverse impacts to Swainson's hawk in the event that an active nest is found during surveys, CDFW recommends avoiding all Project-related disturbance within a minimum of 0.25 miles (and up to 0.5 miles depending on site-specific conditions) of a nesting Swainson's hawk during the nesting season. Please refer to the CDFW guidance document on Swainson's hawk, which is available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83992&inline, on take avoidance, minimization and mitigation measures. Early consultation with CDFW and other natural resource agencies on Swainson's hawk take avoidance, minimization measures and mitigation measures is strongly recommended.

COMMENT 6: Western Burrowing Owl

The Project is located within and adjacent to grassland habitat that may be suitable foraging, overwintering, and nesting habitat for burrowing owls (*Athene cunicularia*), a California Species of Special Concern and also protected under Fish and Game Code section 3503, 3503.5, and the federal MBTA. The Project may result in burrowing owl nest or wintering burrow abandonment, loss of young, and reduced health and vigor of adults or young from audio and visual disturbances caused by construction activities. Therefore, Project impacts to burrowing owl would be potentially significant.

> **Recommended Mitigation Measure 1 Western Burrowing Owl:** For an adequate environmental setting and impact analysis, and to reduce impacts to less-than-significant, CDFW recommends that the draft EIR include a mitigation measure requiring a qualified biologist to conduct surveys following the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation survey methodology (see https://wildlife.ca.gov/Conservation/Survey-

Protocols#377281284-birds). Surveys shall encompass the Project area and a sufficient buffer zone to detect owls nearby that may be impacted. Time lapses between surveys or project activities shall trigger subsequent surveys including but not limited to a final survey within 24 hours prior to ground disturbance before construction equipment mobilizes to the Project area. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 survey methodology resulting in detections.

COMMENT 7: Bat Assessment and Avoidance

The draft EIR should include an assessment and analysis section on special-status bat species known to occur within the vicinity of the Project location. According to CNDDB, which has a positive finding for pallid bat within three miles of the SR-37 segment and due to the fact that is widely accepted that bats utilize anthropogenic structures for day and night roosts such as bridges and culverts, the potentially significant impacts should be discussed. To evaluate and avoid potentially significant impacts to bat species, CDFW recommends incorporating the following mitigation measures and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 1: Bat Habitat Assessment

A qualified biologist should conduct a habitat assessment for all locations within the Project limits with the potential to provide suitable roosting habitats for bats. The habitat assessment shall include a visual inspection of features within 200 feet of the work area for potential roosting features (bats need not be present). The draft EIR should include a section with tables and map figures of the potential roosting locations and discuss the results of focused surveys. The table should include information on species discovered, number of individuals observed, type of roost (day or night roost) and describe how each alternative could have the potential to significantly impact roosting bats at each potential roost site.

Recommended Mitigation Measure 2: Bat Habitat Monitoring

A Qualified Biologist will conduct a habitat assessment for potentially suitable bat roosting habitat, including within open expansion joints of the bridge and trees from March 1 to April 1 or August 31 to October 15 prior to construction activities. If the habitat assessment reveals suitable roosting habitat for bats, then the appropriate exclusionary measures will be implemented prior to construction during the period between March 1 to April 15 or August 31 to October 15. Potential avoidance may include exclusionary blocking or filling potential cavities with foam, visual monitoring and staging Project work to avoid bats, exclusion netting will not be used. If the habitat assessment reveals suitable bat habitat in trees and tree removal is scheduled from April 16 through August 30 and/or October 16 through February 28, then presence/absence surveys will be conducted two to three days prior to any tree removal or trimming.

If presence/absence surveys are negative, then tree removal may be conducted by following a two phased tree removal system. If presence/absence surveys indicate bat occupancy, then the occupied trees will only be removed from March 1 through April 15 and/or August 31 through October 15 by following the two phased tree removal system. The two-phase system will be conducted over 2 consecutive days. On the first day, (in the afternoon) limbs and branches are removed by a tree cutter using chainsaws or other hand tools. Limbs with cavities, crevices, or deep bark fissures are avoided and only branches or limbs without those features are removed. On the second day the entire tree will be removed. The phased removal system should also apply to any anthropogenic structure removal, removing parts of the structure and allowing other to persist that maximizes the use of potential roosting habitat over the course of the Project as safety will allow.

Recommended Mitigation Measure 3: Bat Project Avoidance

If bat colonies are observed at the Project site, at any time, all Project activities should stop until the qualified biologist develops a bat avoidance plan to implement at the Project site. Once the plan is implemented, Project activities may recommence. The bat avoidance plan should utilize phased construction, temporary and permanent bat housing and seasonal avoidance developed in coordination with wildlife agencies.

COMMENT 8: Fish Passage Assessment

Senate Bill 857 (SB-857), which amended Fish and Game Code 5901 and added section 156 to the Streets and Highways Code states in section 156.3, “For any project using state or federal transportation funds programmed after January 1, 2006, [Caltrans] shall insure that, if the project affects a stream crossing on a stream where anadromous fish are, or historically were, found, an assessment of potential barriers to fish passage is done prior to commencing project design. [Caltrans] shall submit the assessment to the [CDFW] and add it to the CALFISH database. If any structural barrier to passage exists, remediation of the problem shall be designed into the project by the implementing agency. New projects shall be constructed so that they do not present a barrier to fish passage. When barriers to fish passage are being addressed, plans and projects shall be developed in consultation with the [CDFW].

CDFW recommends discussing and incorporating measures to address significant cumulative impacts to fish passage created by the SR-37 corridor. The fish passage assessment section in the draft EIR should be based on the language noted in the previous paragraph, as well as, in terms of identifying this segment of the SR-37 corridor as presenting a significant barrier to fish passage under Fish and Game Code 5901. The project should identify, analyze and incorporate construction elements that upgrade and improve stream crossings and drainage structures to accommodate the passing of flood waters, sea level rise, tidal action, as well as biological processes, such as restorative access to tidal flows and wildlife connectivity (see section below for wildlife connectivity). The following are specific water conveyance locations as it pertains to SB-857: Location

1, an unnamed tributary (PM 1.9, Sonoma County), Fish Passage Assessment Database ID# 732818, fish barrier status: unknown; Location 2, water tank cattle pass (PM 3.2, Sonoma County), Fish Passage Assessment Database ID# 761446, fish barrier status: unassessed. The fish passage section should discuss the current status of the crossing locations noted in the California Fish Passage Assessment Database, conduct first pass and or second pass fish assessments, as necessary, as well as, provide images of the upstream and downstream ends of water conveyance structures. CDFW requests a fish passage discussion section be included to address these potentially significant impacts through the following avoidance and minimization measure, which should be made a condition of approval by the lead agency:

Recommended Mitigation Measure 1: Fish Passage Assessment

To evaluate potential impacts to native fish species and fisheries resources, Caltrans shall submit the assessment to the [CDFW] and add it to the CALFISH database. If any structural barrier to passage exists, remediation of the problem shall be designed into the Project by the implementing agency. New projects shall be constructed so that they do not present a barrier to fish passage. When barriers to fish passage are being addressed, plans and projects shall be developed in consultation with CDFW.

COMMENT 9: Wildlife Connectivity

CDFW recommends that the lead agency include a discussion section on wildlife connectivity as it pertains to the SR-37 corridor because SR-37 presents a significant barrier to terrestrial and aquatic wildlife movement. All of the Project alternatives propose to install new or replacement median barriers and replace or extend previously existing culverts without significant modification. The existing median barriers and culverts represent a known significant barrier to rare, threatened and endangered species of fish and wildlife that constitutes a cumulatively significant impact to wildlife connectivity. Section 15355 of the CEQA guidelines states that cumulative impacts refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects, of which this Project is and can therefore be regarded as a significant cumulative impact as it pertains to wildlife connectivity. The Project should identify, analyze and incorporate construction elements that upgrade and improve stream crossings and drainage structures to accommodate the passing of flood waters, sea level rise, tidal action, as well as biological processes, such as restorative access to tidal flows and wildlife connectivity.

Recommended Mitigation Measure 1: Wildlife Connectivity

The Permittee shall develop a wildlife movement study to occur prior to Project initiation of construction within the limits of the proposed Project to develop a baseline understanding of the areas where wildlife crossing is most prevalent and to

identify areas where wildlife crossing structure(s) installation(s) or culvert improvements would result in the largest benefit to rare, threatened and endangered species as well as to non-special-status species for wildlife connectivity. Analysis during the pre-construction study shall be utilized to determine the type, size and number of structures that would be most beneficial to facilitate wildlife connectivity (new wildlife crossing culverts, modification of existing culverts, elevated causeways, wildlife crossing bridges, etc.). Upon completion of the Project the wildlife connectivity structures should be studied for an additional timeframe, to determine the effectiveness of utilization by wildlife of the structures. The protocol for the baseline survey, post-construction surveys, site selection criteria and design criteria for the development of the wildlife connectivity structures should be conducted in coordination with natural resources agencies and follow the protocols outlined in *The California Department of Transportation (Caltrans), Wildlife Crossings Design Manual, Meese et.al., University of California Davis, March, 2009*[2] and the *Wildlife Crossing Structure Handbook – Design and Evaluation in North America, Publication No. FHWA-CFL/TD-11-003, March, 2011*[3].

COMMENT 10: Light Impact Analysis and Discussion

The draft EIR should describe the type, quantity, location and specification outputs (in kelvin-scale) of all proposed new and replacement lighting installations for all proposed alternatives and a comparison analysis amongst those alternatives as it pertains to potential light pollution. To accomplish this the draft EIR should provide an analysis of the current lighting regime known to be present on site as well as an analysis of the proposed changes in the lighting regime that will occur as a result of new or replacement lighting installations through the development and comparison of Isolux diagrams described in measure 1 below. The Isolux diagrams should illustrate the area and intensity over which artificial lighting will create additional light impacts over the natural landscape. Artificial lighting has the potential to create a significant impact because unlike the natural brightness created by the monthly cycle of the moon, the permanent and continuously powered lighting fixtures create an unnatural light regime that produces a constant light output, 365 days a year that can have a cumulatively significant impact on fish and wildlife populations. The draft EIR should include a discussion in the Biological Resources section of the potentially significant impacts that could be created by increased permanent light installations or replacements or new installations to determine the extent of the impacts to rare, threatened, endangered, nocturnal and migratory bird species known to occur within the Project vicinity. CDFW recommends the following avoidance and minimization measures are incorporated:

[2] Caltrans Wildlife Crossing Design Manual;
https://roadecology.ucdavis.edu/files/content/projects/CA_Wildlife%20Crossings%20Guidance_Manual.pdf
[3] FHWA Wildlife Crossing Structure Handbook;
https://roadecology.ucdavis.edu/files/content/projects/DOT-FHWA_Wildlife_Crossing_Structures_Handbook.pdf

Recommended Mitigation Measure 1: Light Impact Assessment and Avoidance

The lead agency shall be required to submit to natural resource agencies, 30 days prior to the initiation of construction Isolux diagrams that note current light levels present during pre-Project conditions and the predicted Project light levels that will be created upon completion of the Project. Within 60 days of Project completion, the lead agency shall conduct a ground survey that compares predicated light levels with actual light levels achieved upon completion of the Project through comparison of Isolux diagrams. If an increase from the projected levels to the actual levels is discovered, additional avoidance, minimization or mitigation measures may be required in coordination with the natural resource agencies.

Recommended Mitigation Measure 2: Light Output Limits

All LEDs or bulbs installed as a result of the Project shall be rated to emit or produce light at or under 2,700 kelvin that results in the output of a warm white color spectrum.

Recommended Mitigation Measure 3: Vehicle Light Barriers

Solid concrete barriers at a minimum height of 3.5 feet should be installed in areas where they have the potential to reduce illumination from overhead lights and from vehicle lights into areas outside of the roadway. Barriers should only be utilized as a light pollution minimization measure if they do not create a significant barrier to wildlife movement. Additional barrier types should be employed when feasible, such as plastic inserts (privacy slats) into the spacing of cyclone fencing to create light barriers into areas outside the roadway.

Recommended Mitigation Measure 4: Reflective Signs and Road Striping

Retro-reflectivity of signs and road stripping should be implemented throughout the Project to increase visibility of roads to drivers and reduce the need for electrical lighting. Reflective highway markers have also been proven effective to reduce raptor collisions on highways in California's Central Valley if installed along highway verges and medians.

COMMENT 11: Threatened, Endangered, Rare and Native Plant Species

CDFW recommends that the Project area be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities," which can be found online at https://wildlife.ca.gov/Conservation/Survey-Protocols. This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys

may be necessary. Rare plants known to occur within the vicinity of the Project include but are not limited to saline clover and Delta tule pea.

Recommended Mitigation Measure 1: Threatened, Endangered, Rare and Native Plants

A Qualified Biologist shall conduct a survey during the appropriate blooming period for all special-status plants that have the potential to occur within the Project site prior to the start of construction. Surveys should be conducted following the *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities*, prepared by CDFW, dated March 20, 2018[4]. If special-status plants are found, the Project will be re-designed to avoid impacts to special-status plants to the greatest extent feasible. If impacts to special-status plants cannot be avoided completely during construction, compensatory mitigation and onsite restoration will be implemented and the plan provided for CDFW review and approval. A Qualified Biologist in this context should be knowledgeable about plant taxonomy, familiar with plants of the region, and have experience conducting botanical field surveys according to vetted protocols. If take of any species listed under CESA cannot be avoided either during Project activities or over the life of the Project, a CESA ITP is warranted (pursuant to Fish and Game Code Section 2080 *et seq*.).

COMMENT 12: Tidal Marsh Species Assessment and Avoidance

According to multiple records in the CNNDB, the Project is located within and adjacent to habitat that may be suitable foraging and nesting habitat for tidal marsh species including California black rail (CBR) and California clapper rail (CCR), California Fully Protected species also protected under and the federal MBTA. The Project is also located within and adjacent to suitable habitat for the salt marsh harvest mouse (SMHM), a California Fully Protected species and state listed Endangered species, according to multiple records in CNDDB. CDFW recommends the following avoidance and minimization measures are included in the draft EIR to reduce impacts below a level of significant.

Recommended Mitigation Measure 1: Tidal Marsh Species CBR and CCR

Work may not be conducted in CCR or CBR habitat between February 1 and August 31 unless surveys indicate the species is not present. If Project activities within 700 feet of CBR/CCR habitat will be conducted during the nesting season (February 1 to August 31), then multiple pre-construction call back surveys shall be required prior to initiation of Project activities. A minimum of four surveys must be conducted between January and April, a minimum of two to three weeks apart. The listening stations will be established at 150-meter intervals along road, trails, and levees that will be affected by Project implementation. CBR and CCR vocalization recordings will be

[4] https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants

played at each station. For CBR, each listening station will be occupied for one minute of passive listening, one minute of “grr” calls followed by 30 seconds of “ki-ki-krrr” calls, then followed by another 3.5 minutes or passive listening.

For CCR, each listening station will be occupied for a period of 10 minutes, followed by one minute of playing CCR vocalization recordings, then followed by one additional minute of listening. Sunrise surveys will begin 60 minutes before sunrise and conclude 75 minutes after sunrise (or until presence is detected). Sunset surveys will begin 75 minutes before sunset and conclude 60 minutes after sunset (or until presence is detected). Surveys will not be conducted when tides are greater than 4.5 NGVD. A GPS receiver will be used to identify call location and distance. The call type, location, distance, and time will be recorded on a data sheet. CDFW reserves the right to provide additional measures to this agreement in the event rail species are detected. If CBR/CCR are detected through surveys then Project activities will not occur within 700 feet of an identified calling center. If the activity occurs where the Project site is across a major channel or slough from the Project site greater than 700 feet in distance the activity may continue. If bird activity is surveyed or discovered within the buffer limits immediate consultation with CDFW is required.

If a CCR or CBR is observed within the Project area at any time work shall be stopped immediately by a qualified biologist and the rail species will be allowed to leave the area on its own. If the rail species does not leave the area, then no work shall commence until CDFW has made a determination on how to proceed with work activities. Daily monitoring surveys of Project sites shall occur for CCR and CBR until the Project is complete. If an injured or dead CCR or CBR is discovered at the Project sites, consultation with CDFW is required immediately.

Recommended Mitigation Measure 2: Tidal Marsh Species

In Project locations where suitable or potentially suitable tidal marsh and pickle weed habitat is present, a qualified biologist shall conduct pre-construction for SMHM in any areas designated for vegetation disturbance, sediment removal, bank protection, vegetation management, operation of large equipment, staging, or access within seven days prior to commencing work and immediately preceding equipment mobilization in an area where Project activities will occur. The qualified biologist shall have previous SMHM experience and shall be approved by CDFW to conduct the surveys. If SMHM activity is detected or a SMHM is discovered, immediate consultation with CDFW is required before work may continue.

If a mouse of any species is observed within the Project area, work shall be halted immediately by the qualified biologist within 300 feet of discovery and the mouse shall be allowed to leave the work area on its own. If the mouse does not leave the area, no work shall commence until CDFW can reasonably conclude that no take shall occur. Temporary, exclusionary fencing shall be installed around the work area defined in the Project description and at access roads for each site immediately following vegetation removal, and before excavation activities begin. The fence

should be made of non-woven material (i.e., heavy gauge plastic) that does not allow SMHM to pass through or over. The biologist/biological monitor must ensure the fence remains an effective barrier to prevent entry of SMHM into work area. Alternative PVC exclusion systems may also be employed. Daily inspection and monitoring of the areas with the potential for SMHM shall occur by the qualified biologist throughout the course of the Project. Upon completion of fence installation, a biological monitor may begin monitoring all work within 250 feet of tidal or pickle weed habitats as determined by the CDFW approved biologist. The biologist shall inspect the work area and adjacent habitats to determine if SMHM are present for a minimum of once per week for the duration of the Project. The biologist/biological monitor shall ensure the exclusionary fence has no holes and the base remains buried. The fenced area will be inspected daily to ensure that no mice are trapped. If any mice are found along or inside the fence work shall be stopped and the mice will be closely monitored until they move away from the construction area of their own accord. The qualified biologist/biological monitor shall remain on-site while work activities are occurring.

SMHM may not be handled or captured at any time during site preparation or Project activities. If an injured or dead SMHM is discovered at the Project site, consultation with CDFW is required immediately before work can proceed.

CONCLUSION

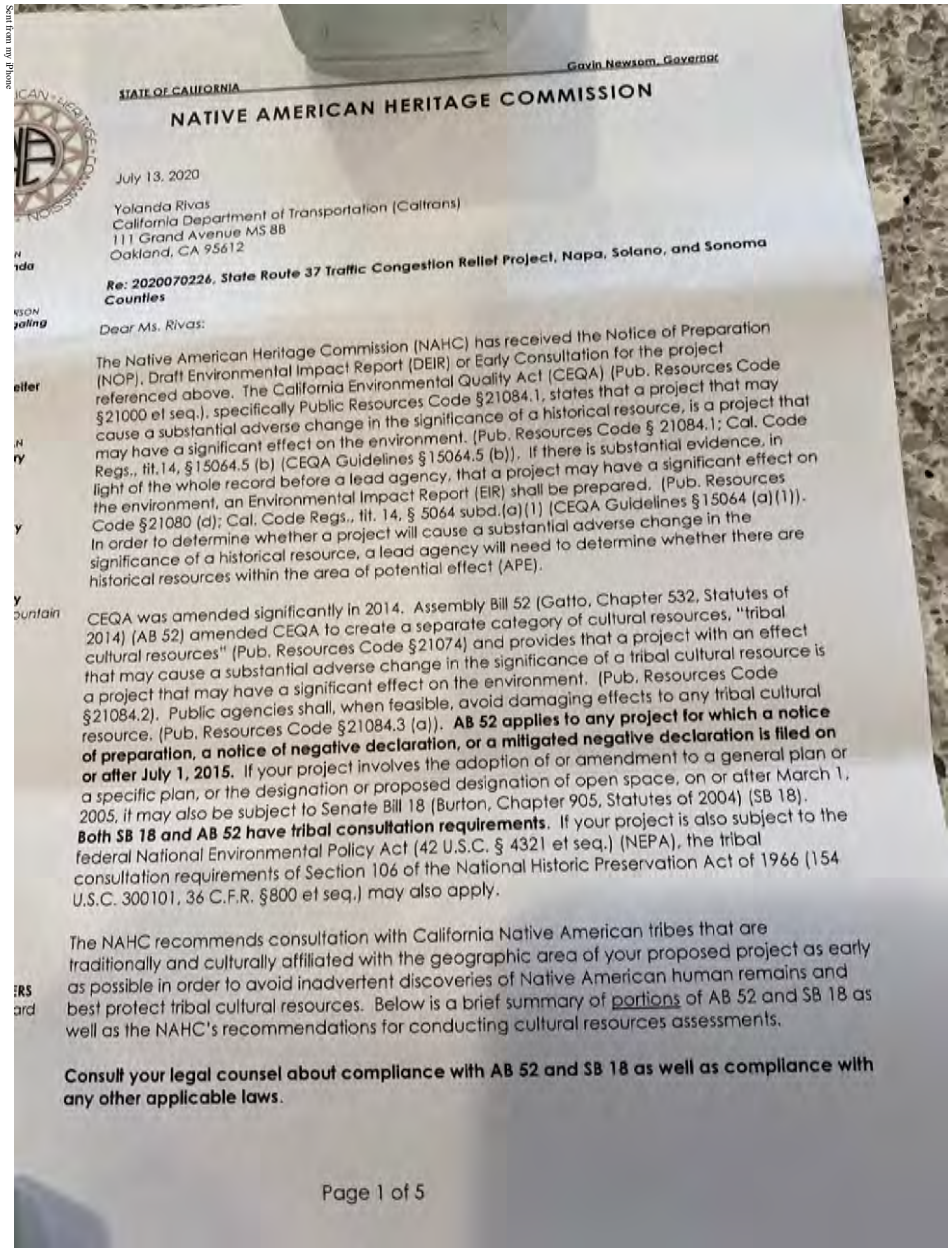
Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California's fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

Questions regarding this letter or further coordination should be directed to Mr. Robert Stanley, Senior Environmental Scientist (Specialist), at (707) 428-2093 or Robert.Stanley@wildlife.ca.gov; or Mr. Craig Weightman, Environmental Program Manager, at (707) 944-5577 or Craig.Weightman@wildlife.ca.gov.

cc: State Clearinghouse #2020070226

California Native American Heritage Commission

Nancy Gonzalez-Lopez, Cultural Resources Analyst



Sent from my iPhone

STATE OF CALIFORNIA

Gavin Newsom, Governor

NATIVE AMERICAN HERITAGE COMMISSION

July 13, 2020

Yolanda Rivas
California Department of Transportation (Caltrans)
111 Grand Avenue MS 8B
Oakland, CA 95612

Re: 2020070226, State Route 37 Traffic Congestion Relief Project, Napa, Solano, and Sonoma Counties

Dear Ms. Rivas:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

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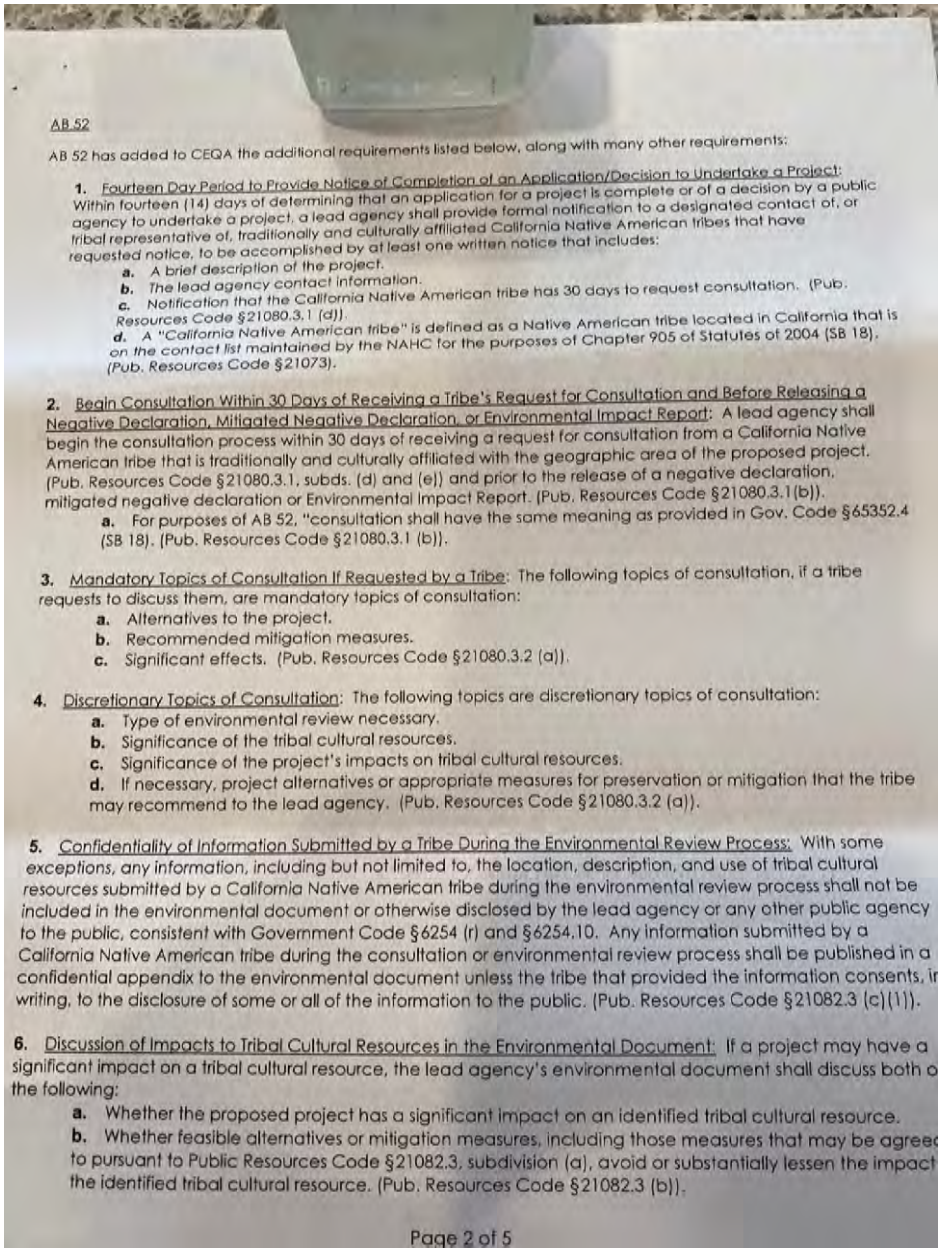

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- **a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact to the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

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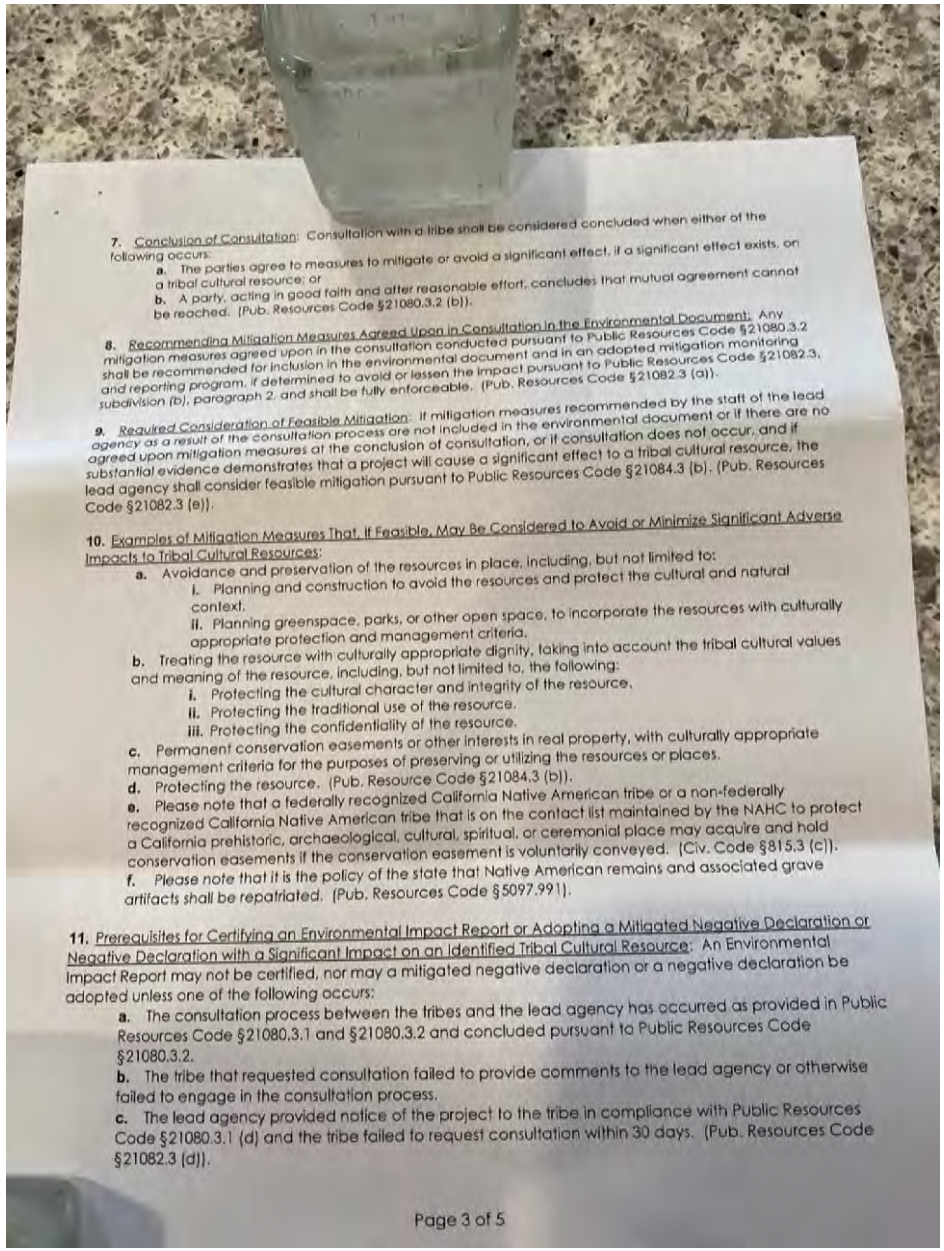


7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
   a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
   b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

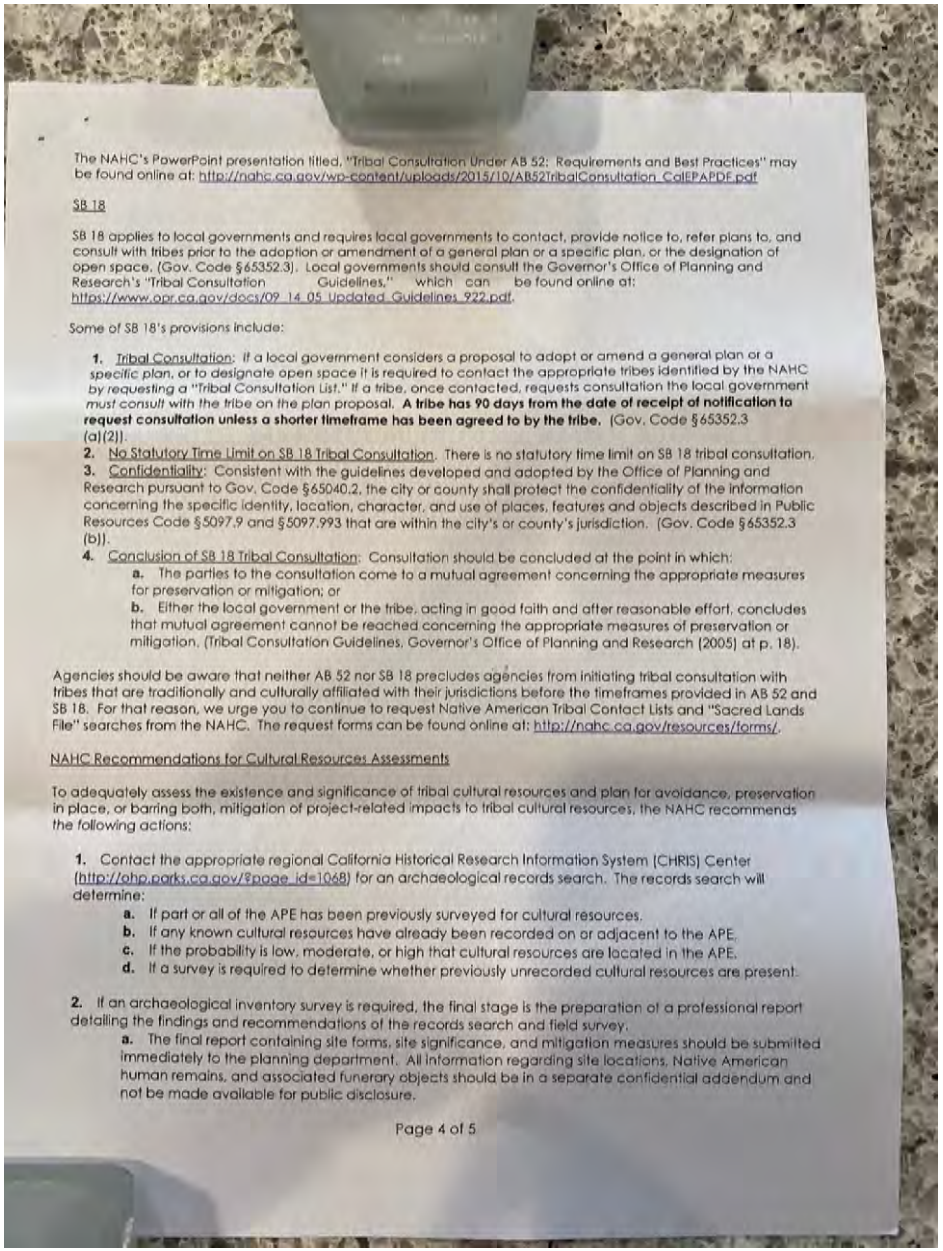
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
   a. Avoidance and preservation of the resources in place, including, but not limited to:
      i. Planning and construction to avoid the resources and protect the cultural and natural context.
      ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
   b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
      i. Protecting the cultural character and integrity of the resource.
      ii. Protecting the traditional use of the resource.
      iii. Protecting the confidentiality of the resource.
   c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
   d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
   e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
   f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
   a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
   b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
   c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

Page 3 of 5



The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
   a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
   b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

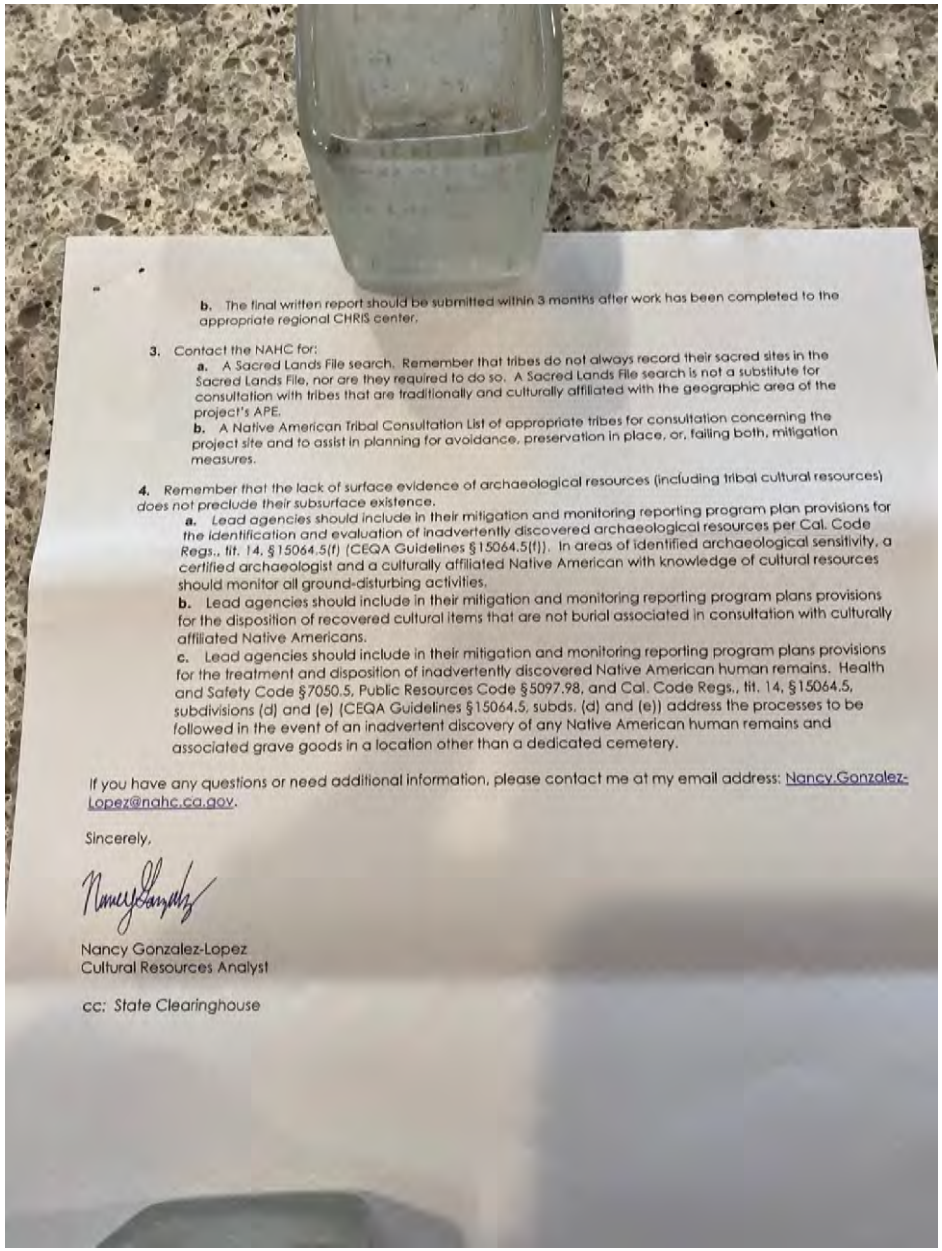
To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
   a. If part or all of the APE has been previously surveyed for cultural resources.
   b. If any known cultural resources have already been recorded on or adjacent to the APE.
   c. If the probability is low, moderate, or high that cultural resources are located in the APE.
   d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
   a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

From: [redacted]
To: [redacted]
Subject: [redacted]
Date: [redacted]

I'm attaching the letter from NAHC on this SR 37 Congestion Relief Project that I sent the other day under high resolution, since I understand the previous attachment was not legible.



b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. *Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.*
   a. *Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.*
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,

Nancy Gonzalez-Lopez
Cultural Resources Analyst

cc: State Clearinghouse

San Francisco Bay Conservation and Development Commission

Shannon Fiala, Planning Manager

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

August 24, 2020

Yolanda Rivas
California Department of Transportation (Caltrans)West Bay Sanitary District
111 Grand Avenue, MS 8B
Oakland, CA 94612

SUBJECT: NOP Scoping Comments – State Route 37 Traffic Congestion Relief Project

Dear Ms. Rivas:

Thank you for the opportunity to comment on Caltrans' Notice of Preparation (NOP) for the State Route 37 Traffic Congestion Relief Project (Project), State Clearinghouse Number 2020070226, distributed on July 10, 2020. The San Francisco Bay Conservation and Development Commission (BCDC or Commission) itself has not reviewed the NOP, but the following comments provided by BCDC staff are based on the *San Francisco Bay Plan* (Bay Plan) as amended through May 2020 and the McAteer-Petris Act. When evaluating projects, BCDC considers all applicable policies. The goal of this letter is to highlight some policies that are relevant to the project, and to encourage you to meet with BCDC staff well before submitting your permit application to ensure that the proposed project design is consistent with BCDC policies. In reviewing of your permit application, BCDC staff may raise additional relevant policies.

Commission Jurisdiction. BCDC is responsible for granting or denying permits for any proposed fill (e.g., earth or any other substance or material, including pilings or structures placed on pilings, and floating structures moored for extended periods of time); extraction of materials; or change in use of any water, land, or structure within the Commission's jurisdiction. Generally, BCDC's jurisdiction over San Francisco Bay extends from the Golden Gate to the confluence of the San Joaquin and Sacramento Rivers and includes tidal areas up to mean high tide, including all sloughs, and in marshlands up to five feet above mean sea level; a shoreline band consisting of territory located between the shoreline of the Bay and 100 feet landward and parallel to the shoreline; salt ponds; managed wetlands; and certain waterways that are tributaries to the Bay. The Commission can grant a permit for a project if it finds that the project is either (1) necessary to the health, safety, and welfare of the public in the entire Bay Area, or (2) is consistent with the provisions of the McAteer-Petris Act and the Bay Plan. The Commission has jurisdiction over the Bay waters and shoreline areas on or around several parts of the project site and a permit from the Commission will be required for this project. There are numerous existing BCDC permits associated with this site, including M1966.016.00; M1992.061.01; M1995.046.00; and M1996.012.00, as well as others where Caltrans was not the permittee. Caltrans should be aware of the requirements of these permits and discuss the implications of these permits on the proposed project with BCDC.

Bay Plan Map Policies and Priority Use Areas. Section 66602 of the McAteer-Petris Act states, in part, that certain water-oriented land uses along the bay shoreline are essential to the public

welfare of the Bay Area, and that these uses include wildlife refuges and water-oriented recreation and public assembly, and, as such, the San Francisco Bay Plan should make provision for adequate and suitable locations for all these uses. In Section 66611, the Legislature declares "that the Commission shall adopt and file with the Governor and the Legislature a resolution fixing and establishing within the shoreline band the boundaries of the water-oriented priority land uses, as referred to in Section 66602," and that "the Commission may change such boundaries in the manner provided by Section 66652 for San Francisco Bay Plan maps."

From examination of the boundaries of the project outlined in the NOP, the project would be located almost entirely within the San Pablo Bay Wildlife Refuge Priority Use Area, shown on Bay Plan Map 1. Any proposals for placing fill, extracting materials, or changing the use of any land, water, or structure within those areas that are designated for Priority Uses in the Bay Plan must be developed and managed in a manner consistent with applicable policies of the McAteer-Petris Act and the Bay Plan. Caltrans should coordinate with BCDC to confirm whether any components of the project fall within these Priority Use Areas, and if so, the EIR should describe the consistency of the project with the relevant sections of the Bay Plan.

Bay Plan Maps also include Plan Map Policies that are enforceable policies and have the same authority as the policies in the text of the Bay Plan. Plan Map 1 includes Plan Map Policy 12, which states for Route 37: Evaluate design options if and when travel demand warrants. Provide public access in a manner protective of sensitive wildlife. Provide opportunities for wildlife compatible activities, such as wildlife observation and fishing."

Commission Law and Bay Plan Policies Relevant to the Project

1. **Bay Fill.** Section 66605 of the McAteer-Petris Act (MPA) sets forth the criteria necessary to authorize placing fill in the Bay and certain waterways. It states, among other things, that further filling of the Bay should only be authorized if it is the minimum necessary to achieve the purpose of the fill and if harmful effects associated with its placement are minimized. According to the MPA, fill should be limited to water-oriented or minor fill for improving shoreline appearance or public access and should be authorized only when no alternative upland location is available for such purpose. Some of these activities described in the NOP may involve Bay fill. In the draft EIR (DEIR), please describe how the proposed fill meets MPA fill requirements. Depending on the amount of net total fill proposed, the Commission may require that fill be removed elsewhere on the Bay shoreline to mitigate the amount of new fill proposed.

2. **Biological Impacts**. Protection of biological resources, including wildlife and habitat, is addressed through several sections of the Bay Plan. Fish, Other Aquatic Organisms, and Wildlife Policy No. 1 states "To assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased." Furthermore, Tidal

Marshes and Tidal Flats Policy No. 2 states that "Any proposed fill, diking, or dredging project should be thoroughly evaluated to determine the effect of the project on tidal marshes and tidal flats, and designed to minimize, and if feasible, avoid any harmful effects." Additional policies in these Bay Plan sections, and policies in the Subtidal Areas section, provide further requirements on protection of the Bay's natural resources.

The NOP describes several activities that may impact tidal marshes and tidal flats, and the organisms that rely on these habitats. The DEIR should address Bay Plan policies on Fish, Other Aquatic Organisms, and Wildlife; Tidal Marshes and Tidal Flats; and Subtidal Areas, to describe how potential impacts to wildlife, tidal marsh, and tidal flats, and subtidal areas will be consistent with these policies. The DEIR should describe any possible noise and vibration impacts to wildlife, particularly marine mammals.

3. **Water Quality**. The policies in the Water Quality section of the Bay Plan address water quality and require Bay water pollution to be prevented to the greatest extent feasible. New projects are required to be sited, designed, constructed and maintained to prevent or minimize the discharge of pollutants in the Bay by controlling pollutant sources at the project site, using appropriate construction materials, and applying best management practices. More specifically, Bay Plan policies on water quality state, in part, that "water quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the San Francisco Bay Regional Water Quality Control Board's *Water Quality Control Plan, San Francisco Basin* and should be protected from all harmful or potentially harmful pollutants." The construction impacts described in the NOP could affect water quality around the site and beyond. The DEIR should include an analysis of potential water quality impacts associated with the project. Caltrans should also work with the Regional Water Quality Control Board and other relevant resource agencies to protect against impacts to the water quality of the creeks and tidal marshes in the project area and to surrounding natural communities.

4. **Fill for Habitat.** Please be advised that BCDC recently approved several new Bay Plan policies addressing Bay fill for habitat projects. Most of these policies are focused on projects for which the primary purpose is habitat restoration, enhancement, or creation. The DEIR should address whether and how any fill proposed meets these criteria.

5. **Environmental Justice**. Please be advised that BCDC recently approved a new section of the Bay Plan regarding Environmental Justice and Social Equity, as well as amendments to Bay Plan Public Access, Shoreline Protection and Mitigation policies to incorporate environmental justice and social equity. Policy No. 2 of the new Bay Plan Environmental Justice and Social Equity chapter states "…the Commission should support, encourage, and request local governments to include environmental justice and social equity in their general plans, zoning ordinances, and in their discretionary approval processes." Policy No. 3 says "[e]quitable, culturally-relevant community outreach and engagement should be

conducted by local governments and project applicants to meaningfully involve potentially impacted communities for major projects and appropriate minor projects in underrepresented and/or identified vulnerable and/or disadvantaged communities… Evidence of how community concerns were addressed should be provided." Policy No. 4 states "[i]f a project is proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community, potential disproportionate impacts should be identified in collaboration with the potentially impacted communities." Revised Public Access Policy No. 5 states "[p]ublic access that substantially changes the use or character of the site should be sited, designed, and managed based on meaningful community involvement to create public access that is inclusive and welcoming to all and embraces local multicultural and indigenous history and presence…" The updated policies go further to state that public access improvements should not only be consistent with the project, but also incorporate the culture(s) of the local community, and provide "…barrier free access for persons with disabilities, for people of all income levels, and for people of all cultures."

The DEIR should specify the culturally-relevant community outreach and engagement efforts that will be conducted for the project, identify whether the project is in a vulnerable community, and if so, should identify potential disproportionate impacts. The DEIR should also discuss how any public access and shoreline protection provided as part of the project will be sited, designed, and managed based on community involvement, and how the public access is inclusive and welcoming to all. The DEIR should also include an analysis of the potential social equity implications of converting State Route 37 into a toll-based facility.

6. **Climate Change and Safety of Fills.** Climate Change Policy No. 2 states that, "When planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared…based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection…for the proposed project or shoreline area."

   In addition, Bay Plan Safety of Fills Policy No. 4 states that structures on fill or near the shoreline should have adequate flood protection including consideration of future relative sea level rise as determined by qualified engineers. The policy states that, "[a]dequate measure should be provided to prevent damage from sea level rise and storm activity that may occur on fill or near the shoreline over the expected life of a project…. New projects on fill or near the shoreline should either be set back from the edge of the shore so that the project will not be subject to dynamic wave energy, be built so the bottom floor level of structures will be above a 100-year flood elevation that takes future sea level rise into account for the expected life of the project, be specifically designed to tolerate periodic flooding, or employ other effective means of addressing the impacts of future sea level rise and storm activity." These policies should be read in combination with Public Access Policy No. 6, which states in part that public access areas "should be sited, designed, managed and

maintained to avoid significant adverse impacts from sea level rise and shoreline flooding" and with policies on biological resource protection described below.

In the DEIR, as required by Bay Plan Climate Change policies, the Caltrans should analyze the impacts of mean higher high water level, the 100-year flood elevation, anticipated site-specific storm surge effects, and sea level projections relevant to the expected life of this interim project, if applicable (preferably using projections based on the best-available science found in the State's SLR guidance, available here: http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf), in a preliminary assessment of the project's vulnerability to future flooding and sea level rise. The DEIR should include a discussion of how the project has been designed to adapt to, tolerate, and/or manage sea level rise and shoreline flooding at the site to ensure the project is resilient to sea level rise projections over the life of the interim project. The DEIR could also include an analysis of whether the interim project alternatives could impact the ultimate project and which alternative would be most compatible with long-term plans for the corridor.

7. **Shoreline Protection.** The Bay Plan establishes criteria by which new shoreline protection projects may be authorized and by which existing shoreline protection may be maintained or reconstructed. Shoreline Protection Policy No. 5 requires that "all shoreline protection projects should evaluate the use of natural and nature-based features such as marsh vegetation, levees with transitional ecotone habitat, mudflats, beaches, and oyster reefs, and should incorporate these features to the greatest extent practicable. Ecosystem benefits, including habitat and water quality improvement, should be considered in determining the amount of fill necessary for the project purpose. Suitability and sustainability of proposed shoreline protection and restoration strategies at the project site should be determined using the best available science on shoreline adaptation and restoration." Shoreline Protection Policy No. 7 states that "the Commission should encourage pilot and demonstration project to research and demonstrate the benefits of incorporating natural and nature-based techniques in San Francisco Bay." Shoreline Protection Policy 2 states equitable and culturally-relevant community outreach and engagement should be conducted to meaningfully involve nearby communities for all shoreline protection project planning and design processes – other than maintenance and in-kind repairs to existing protection structures or small shoreline protection projects – in order to supplement technical analysis with local expertise and traditional knowledge and reduce unintended consequences. In particular, vulnerable, disadvantaged, and/or underrepresented communities should be involved. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action. Finally, Water Quality Policy No. 7 requires that, whenever practicable, native vegetation buffer areas should be used in place of hard shoreline and bank erosion control methods (e.g., rock riprap) where appropriate and practicable. New shoreline protection projects are also to avoid adverse impacts to natural resources and public access,

and mitigation or alternative public access must be provided when avoidance is not possible.

The DEIR should describe how any shoreline protection components of the proposed project would be consistent with BCDC's shoreline protection policies, including how natural and nature-based features are incorporated to the greatest extent practicable. The DEIR should also catalog existing shoreline protection structures at the project site and identify where maintenance or reconstruction is required. The DEIR should also include a discussion of outreach and engagement that has been or will be conducted regarding this aspect of the project.

8. **Transportation.** Bay Plan Transportation Policy 1 states that "[b]ecause of the continuing vulnerability of the Bay to filling for transportation projects, the Commission should continue to take an active role in Bay Area regional transportation and related land use planning affecting the Bay, particularly to encourage alternative methods of transportation and land use planning efforts that support transit and that do not require fill. The Metropolitan Transportation Commission, the California Department of Transportation, the California Transportation Commission, the Federal Highway Administration, county congestion management agencies and other public and private transportation authorities should avoid planning or funding roads that would require fill in the Bay and certain waterways." Transportation Policy 3 states "[i]f a route must be located across the Bay or a certain waterway, the following provisions should apply... (c) Toll plazas, service yards, or similar facilities should not be located on new fill and should be located far enough from the Bay shoreline to provide adequate space for maximum feasible public access along the shoreline." Finally, Transportation Policy 4 states that "[t]ransportation projects on the Bay shoreline and bridges over the Bay or certain waterways should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails. Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline." The DEIR should analyze the proposed project alternatives' consistency with Bay Plan transportation policies.

9. **Public Access / Appearance, Design, and Scenic Views**. Section 66602 of the McAteer-Petris Act states, in part, "that maximum feasible public access, consistent with a proposed project, should be provided." The Commission can only approve a project within its jurisdiction if it provides maximum feasible public access, consistent with the project. The Bay Plan policies on public access state, in part, that "in addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline...Public access to some natural areas should be provided to permit study and enjoyment of these areas…Public access should be sited, designed, managed and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding. Whenever public access to the Bay is

provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed…Diverse and interesting public access experiences should be provided which would encourage users to remain in the designated access areas to avoid or minimize potential adverse effects on wildlife and their habitat." Additionally, the Bay Plan policies on Appearance, Design, and Scenic Views state, in part, that: "Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas…"

The NOP states that two of the three proposed project alternatives cannot accommodate bicycles because the Sonoma Creek bridge would be too narrow to maintain an adequate shoulder for safe passage. The DEIR should discuss how the project will maintain public access and views of the Bay, and how the project will provide maximum feasible public access and views that are consistent with the Commission's law and Bay Plan policies. BCDC staff are also supportive of Bay Trail staff's suggestion to close the gap in an otherwise eight continuous miles of Bay Trail from the end of the Sears Point Bay Trail (near the intersection of SR 37/SR 121 on Tolay Creek Road) to the Tubbs/Tolay trailhead to the east.

10. **Mitigation**. Bay Plan policies on Mitigation require projects to "compensate for unavoidable adverse impacts to the natural resources of the Bay…" The policies provide specific criteria for how compensatory mitigation projects should be sited and designed, community involvement in providing compensatory mitigation, when compensatory mitigation should occur relative to the impacts, and how to determine whether banking or in-lieu fee programs are acceptable. The policies also state that "Mitigation programs should be coordinated with all affected local, state, and federal agencies having jurisdiction or mitigation expertise to ensure, to the maximum practicable extent, a single mitigation program that satisfies the policies of all the affected agencies." Caltrans should coordinate with all regulatory agencies that have jurisdiction to determine whether mitigation may be needed for the potential impacts associated with the interim project and to develop a mitigation program that is agreeable to all of these agencies, if needed.

Thank you for your consideration of these comments. Again, we encourage Caltrans to discuss project plans with BCDC during the pre-application phase of the process. If you have any questions regarding this letter, please do not hesitate to contact me at (415) 352-3665 or via email at shannon.fiala@bcdc.ca.gov

Sincerely,
SHANNON FIALA
Planning Manager

cc: State Clearinghouse, 1400 10th Street, #12, Sacramento, CA 95814

SF Bay Trail

Maureen Gaffney, Principal Planner

August 24, 2020

Yolanda Rivas
Caltrans District 4P.O. Box 23660
Oakland, CA 94623-0660

Subject: State Route 37 Traffic Congestion Relief NOP

Thank you for the opportunity to provide comment on the SR 37 Interim Project.

Bay Trail Project Background

The San Francisco Bay Trail is a planned 500-mile walking and cycling path encircling the entire San Francisco Bay, running through all nine Bay Area Counties and 47 cities. The mission and goal of the Bay Trail is to provide a multi-use path fully separated from traffic located adjacent to the shoreline. 350 miles of trail are in place today serving millions of Bay Area residents and visitors and their recreation and transportation needs. The Bay Trail serves as the backbone of the alternative/active transportation corridor for the nine-county Bay Area.

The Bay Trail and SR 37

The Bay Trail alignment in the North Bay parallels State Route 37 to varying degrees from Novato to Vallejo. A significant gap in an otherwise eight continuous miles of trail exists from the end of the Sears Point Bay Trail (near the intersection of SR 37/SR 121 on Tolay Creek Road) to the Tubbs/Tolay trailhead 4,600 feet to the east. The long-term project to address congestion and raise SR 37 to address flooding related to sea level rise—the "Ultimate Project"— appears to include a Class I Bay Trail along its entire length.

However, the Ultimate Project may be as many as two decades away. As part of the Interim Project, the Bay Trail seeks construction of a separated and safe 3,600 foot facility for bicycles and pedestrians on the shoulder of SR37 that will largely close the gap between the existing Sears Point Bay Trail to the west and the existing Tubbs/Tolay Bay Trail to the east. Existing bicycle access on SR 37 would be eliminated under Alternatives 2 and 3, and a bike shuttle is contemplated as mitigation for the loss of this access. While a bike shuttle may accommodate a small number of users, the provision of eight continuous miles of shoreline Bay Trail via closure of this gap will provide real and meaningful public access in an area sorely lacking such opportunities.

Project # 359 in the Caltrans D4 Bicycle Plan is the larger Class I Bay Trail along the entirety of the SR 37 Corridor. Other plans supporting completion of this trail gap include the Sonoma County Bicycle and Pedestrian Master Plan, The Bay Trail Plan and Caltrans Deputy Directive 64. While Caltrans D4 Pedestrian Plan is a work in progress, this gap has been highlighted for inclusion.

With the construction of 3,600 feet of interim trail to accompany the interim vehicle improvements, eight continuous miles of Bay Trail will result. The additional 1,000 feet of Bay Trail in need of gap

closure along Tolay Creek Road could be constructed by Sonoma County Regional Parks and the San Francisco Bay Trail Project in collaboration with Caltrans and MTC's efforts on the 3,600 feet paralleling 37.

Type of Facility Requested

In order to accommodate both cyclists and pedestrians, a minimum width of 10' could be required, though with a design exception, a narrower path may be possible. Barrier protection in these 3,600' adjacent to the roadway would the best option to ensure the safety of this interim facility. Under Alternative 1 where an 8' shoulder would remain to accommodate cyclists, only a minor amount of additional widening would be required to accommodate pedestrians and a physical barrier. While the addition of +/- 10' of pavement for 3,600' under Alternatives 2 & 3 would require added widening for cyclists and pedestrians, the amount is negligible (36,000 square feet) in comparison to the overall widening proposed for use by vehicles (4' of additional pavement over nine miles—190,080 square feet).

SHOPP Project(s)

Bay Trail staff have met with Caltrans project managers regarding the proposed SHOPP Projects at SR 37/121 and have requested that a trail alignment be included in any and all configurations. In particular, if the Tolay Creek Bridge is replaced, it should be lengthened and widened to accommodate both enhanced flow for desired restoration efforts, and to accommodate bicycle and pedestrian access via the SF Bay Trail. It is unclear whether the Tolay Creek Bridge project is part of the proposed Interim Project, the SHOPP projects, or both. In all cases, the Bay Trail should be incorporated and should dovetail with adjacent efforts to close the overall Sears Point—Tubbs/Tolay Bay Trail gap.

Public Access Mitigation

As mitigation for the loss of bicycle access is required under Alternatives 2 & 3, closure of this small but important gap in the nine-county San Francisco Bay Trail—a regional priority—can help turn this loss into an overall gain. If Alternative 1 is chosen, it will still be important to provide the interim bike/ped facility between 37/121 and the Tubbs/Tolay trailhead. Bicycle use on SR37 is currently a harrowing proposition and for that reason use is low. Adding a contra flow lane for vehicles and making no improvements for cyclists (not to mention pedestrians) except for continued use of a dangerous and uninviting shoulder adjacent to 55+ mph traffic is not an outcome worthy of Caltrans District 4 and their new focus on active transportation, GHG and VMT reduction.

Collaboration and Multiple Benefits

The opportunity for collaboration between the Bay Trail and Sonoma County Regional Parks who have committed to the concurrent closure of the 1,000' Tolay Creek Road gap can serve as a model for the region. As both trail and highway projects become ever more expensive and complicated by sea level rise among other challenges, working together to achieve multiple benefits has never been more important.

Conclusion

As the ambitious regional effort known as the San Francisco Bay Trail Project edges toward its goal of a connected, 500-mile walking, cycling, active transportation and recreation path around the entire nine-county Bay Area, it is increasingly small but critical gaps like this one that move the effort forward most significantly. By closing this 4,600 foot gap in cooperation with other partners committed to the same result, eight miles of freely accessible shoreline trail will result—a public benefit that all can be proud of. If you have questions about these comments or about the San Francisco Bay Trail Project, please contact me at mgaffney@bayareametro.gov or by phone at (415) 820-7909. Please see Figure 1 below/in the attachment.

Sincerely,

Maureen Gaffney
Principal Planner
SF Bay Trail
ABAG/MTC

Figure 1: SF Bay Trail in SR 37 Corridor

Cc: Susan Gorin, Sonoma County Supervisor
David Rabbitt, Sonoma County Supervisor
Steve Ehret, Sonoma County Regional Parks
Ken Tam, Sonoma County Regional Parks

James Cameron, Sonoma County Transportation Authority
Eris Weaver, Sonoma County Bicycle Coalition
Bjorn Griepenberg, Marin County Bicycle Coalition
Patrick Band, Napa County Bicycle Coalition
Dave Campbell, Bike East Bay
Sergio Ruiz, Caltrans District 4
Andrew Fremier, MTC
Kevin Chen, MTC
Laura Thompson, SF Bay Trail
Brad Paul, ABAG
Jessica Davenport, State Coastal Conservancy
Moira McEnespy, State Coastal Conservancy
Shannon Fiala, Bay Conservation and Development Commission

TAM Transportation Authority of Marin

Ann Richman, Executive Director

Transportation Authority of Marin

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San Rafael
California 94901

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August 17, 2020

Ms. Yolanda Rivas
Environmental District Branch Chief – District 4
California Department of Transportation
111 Grand Ave
Oakland, CA 94612

Subject: ***State Route 37, SR 121 intersection to Mare Island, Notice of Preparation Scoping Meeting***

Dear Ms. Rivas:

The Transportation Authority of Marin (TAM) would like to thank the California Department of Transportation's (Caltrans) for recently conducting the environmental scoping meeting for the above-referenced project. We appreciate this rapid mobilization of resources to accelerate additional improvements for State Route 37 (SR 37).

As you know, SR 37 is a key transportation corridor linking, not only Marin, Sonoma, Napa, and Solano counties, but all of the Bay Area as our freeway system is inevitably linked. Due to its strategic transportation role, the temporary closure of SR 37 in recent years due to flooding, and significant daily traffic congestion are immediately felt locally and regionally by residents and commuters alike. TAM supports the current multi-agency efforts to relieve and address these constraints.

As Caltrans moves forward with this phase of the work, we would like to reiterate a couple of points we submitted to the SR 37 Policy Committee in the past. We would like to emphasize the importance of developing and, ultimately, implementing a concerted corridor plan that recognizes SR 37 as an interconnected system. Specific elements we hope can be addressed include traffic impacts, such as the portions of SR 37 included in the Marin County Congestion Management Program, signalization at Lakeville Highway and the interchange at US 101, as well as any opportunities related to decreasing flooding and sea-level rise risks in the vicinity of Novato Creek and US 101 in Marin. TAM would like to work with Caltrans to determine an appropriate methodology for assessment of traffic on the Marin County Congestion Management Network.

On behalf of TAM, allow me to convey our special thanks for your efforts. Please count on our cooperation in the future.

Sincerely,

Anne Richman
Executive Director

cc: Tony Tavares, Caltrans
Dina A. El-Tawansy, Caltrans

Sierra Club

Victoria Brandon, Chair, Redwood Chapter

and

Olga Bolotina, Chair, San Francisco Chapter

Sierra Club, Redwood Chapter
P.O. Box 466
Santa Rosa, CA 95402

Sierra Club, San Francisco Bay Chapter
2530 San Pablo Ave, Ste. I
Berkeley, CA 94702

August 20, 2020

California Department of Transportation (Caltrans) District 4
Attn: Yolanda Rivas
P.O. Box 23660
Oakland, CA 94623-0660

Via Email: StateRoute37@dot.ca.gov

RE: SCH #2020070226, State Route 37 Traffic Congestion Relief Project

Dear Ms. Rivas:

The Sierra Club appreciates this opportunity to comment regarding the Environmental Impact Study of the State Route 37 Traffic Congestion Relief Project. Our members have reviewed the NOP, virtual scoping open-house, and regularly attend meetings of the SR37 Policy Committee. The Sierra Club seeks to assure that the Project is consistent with improved wetlands habitat, improved access for visitors, and reduced greenhouse gas (GHG) emissions.

This interim Project's purpose is to reduce peak-period traffic delays, while limiting GHG emissions in the corridor, by establishing one or more diamond lanes to incentivize car-pooling, van-pools, or the use of public transportation. It is expected that the interim lanes would be used from the first quarter of 2025 until the fourth quarter of 2036, at which time an elevated roadway would replace the

existing road. Our requests regarding the environmental study follow:

1. Please examine opportunities to improve the free tidal flow of water into and out of all areas adjacent to the highway. In particular, assess the increase in damage to wetland habitat and other hydrology issues due to the present constraints on water flow at the Tolay Creek bridge. Consider lengthening the bridge or placing culverts under the bridge approaches to improve tidal flows at that location.

2. In addition to providing funding to widen and possibly lengthen the Tolay Creek Bridge, a bridge toll can incentivize mode-shifts, thereby reducing VMT/GHG in compliance with Executive Order N-19-19. Because legislation is needed to authorize tolls, please publish information by January, 2021, regarding the various tolling options and their effects, for use by policy-makers and the public.

3. Sensitive wetland habitats must be protected. Please examine the amounts of fill required to construct each alternative, as well as the environmental effects (and costs) of removing pavement and fill when the existing right of way is abandoned due to rising sea levels.

4. Please assure that plans adequately provide safe public access to the wetlands via bicycle paths, trails and boat landings. Access to pedestrian and bicycle pathways must not be obstructed and should be improved and made safer.

5. The traffic demand and delay studies to be used in evaluating the three alternatives must be updated to estimate long-term effects of the current pandemic. It is reported that the pandemic has caused many businesses to modify their schedules and many may continue to rely on employees that work mostly from home. Such changes may affect the economic justification for the interim Project. These updated studies should also seek to predict the number of SOVs and trucks expected to travel in each direction during peak hours of each day during the years 2025-2036, so that all strategies can be considered to minimize delays.

6. Please use the most recent "Big Data" studies of origins and destinations to determine the extent to which an additional lane between Mare Island and SR 121 would simply move the morning traffic "bottleneck" west to the intersection of SR-37 and Highway 101. Determine the effects that mode-shifts by east-bound highway users during the morning commute have on the mode-shift of westbound travel in the afternoon. Assess the extent to which mode-shifts in this corridor as well as the I-80 and Hwy-101 corridors will provide more lasting reductions in traffic delay and greenhouse gas emissions than road-widening.

7. Evaluation of transportation impacts among the three alternatives must include their effects on vehicle miles traveled (VMT), and must demonstrate VMT reductions, based on traffic management and Project design that will bring about the steady reductions in fuel consumption and greenhouse gas emissions called for by SB 375 and Executive Order N-19-19. Consider the following actions for implementation:

a. Because travel habits usually change gradually; begin immediately to steadily increase opportunities and incentives to ride-share (such as creation of park-and-ride lots) with emphasis on west-bound morning traffic.

b. Establish diamond lanes and signage to favor car pools in the lanes approaching the west-bound lane-drop near Mare Island.

c. Adopt strategies to steadily reduce SOV and truck traffic during peak hours, such as subsidized van-pools and multi-modal freight operations; consider the possibilities and impacts of evolving automated vehicle technologies.

d. Establish a publicly funded express bus service from Vallejo, and other Solano County locations to Marin County destinations.

e. Establish an advisory panel of local residents and advocates to increase public involvement and assist in efforts to reduce VMT, SOVs and truck traffic.

8. Assessment of the three identified interim Project Alternatives must describe how they positively or negatively affect each element of the ultimate corridor configuration, including railroad passenger and freight activity, the Bay Trail, wetland restoration, and other environmental recreational features.

9. The environmental study must also include an analysis of the No Action Alternative. A non-structural program could rely upon financial or other incentives to reduce VMT, GHGs, and shift peak commute patterns by encouraging flexible work scheduling, car/van pool incentives, free employer bus passes, remote work incentives, etc. Evolving automated vehicle technologies may also present important opportunities

Because this “interim” Project is part of a suite of near-term, medium-term, and longer term (ultimate) projects we expect the process to provide useful information for many of the related projects. We expect the Planning & Environment Linkages (PEL) study process, to inform planning and environmental documentation for the overall Resilient SR-37 Program.

Because the PEL process is being used for the first time in California, the connections between the EIR for this Project and the overall Resilient SR-37 Program and other component projects would benefit from additional clarification:

A. Please include a clearly-articulated vision for public transportation networks to better connect the communities between the I-80 and US-101 corridors in a way that is (1) less vulnerable to sea-level rise, while (2) restoring the environment in the northern reaches of San Francisco Bay and (3) reducing VMT to reduce GHGs.

B. Please identify the connections between this EIR and the overall PEL process that seeks to encompasses all transportation elements in the corridor. In particular, identify key dependencies or exclusions between projects and topic areas with shared assumptions and analyses, and identify any interim Project assumptions and analyses that would need to be updated for subsequent projects. Because various projects overlap, how will changes in transportation demand assumptions or sea-level rise projections be accommodated? For example, if the railroad tracks between Tolay Creek and the SR-121 intersection are likely to be elevated at some future date, when should planning for that activity be started in order to accommodate other design and CEQA processes?

C. Are schedules for the interim Project EIR and the completion of the PEL process compatible, and will these processes include the same key stakeholders? The Draft EIR and PEL process statements should clarify the extent to which roles of the lead/sponsor/partner agencies and other key stakeholders may change between projects.

D. How will any required mitigation for the Project be coordinated and integrated with overall mitigations that may be required under the entire Resilient SR37 Program?

We look forward to participating in upcoming stakeholder meetings and reviewing the Draft EIR for this Project as well as those related to the PEL and combined Resilient SR-37 Programs. Should you have questions or concerns, please contact Steve Birdlebough at (707) 576-6632 scbaffirm@gmail.com or Joe Green-Heffern (510) 912-7679 jm.greenheffern@gmail.com.

Sincerely,

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Olga Bolotina
Chair, Sierra Club, San Francisco Bay Chapter

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P.O. Box 466
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Sincerely,

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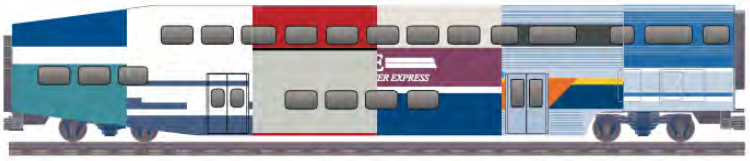
Olga Bolotina
Chair, Sierra Club, San Francisco Bay Chapter

TRAC Train Riders Association of California

David Schonbrunn, President, TRAC

TRAC
Train Riders Association of California



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(916) 557-1667
www.calrailnews.org
president@calrailnews.org

August 24, 2020
By E-Mail to:
StateRoute37
@dot.ca.gov

California Department of Transportation District 4
Attn: Yolanda Rivas
P.O. Box 23660
Oakland, CA 94623-0660

RE: Comments on State Route 37 Traffic Congestion Relief Project NOP and Long-term Planning

Dear Ms. Rivas:

TRAC, the Train Riders Association of California has long served as the visionary rail planner for California. We were early supporters of Proposition 116, which enabled the start of a statewide intercity rail program now run by Amtrak. We write to you in the context of the NOP for the State Route 37 Traffic Congestion Relief Project.

We fully support the NOP comments of our sister organization, TRANSDEF. In this letter, however, we seek to convey our profound disagreements with the current state of long-range planning for the State Route 37 Corridor (Project).

The only alternatives in the *Alternatives Assessment Report for the Ultimate Project*, April 2019, are highway alternatives. TRAC asserts that they will all cause induced demand, resulting in increased VMT and increased accompanying GHG emissions. This is directly contrary to the thrust of Executive Order N-19-19 and current State climate policy, as indicated in the Department's recent *Transportation Impacts Analysis Under CEQA* document.
TRAC finds it disturbing that the leading transportation agency in the most climate-sophisticated State in the country fails to grasp **its own role in creating** the very climate impact—sea level rise—that the Project is intended to remedy.

The Air Resources Board acknowledges that transportation accounts for roughly half of all GHG emissions in its inventory, when the production and distribution of motor vehicle fuel is included. Recent reports indicate that GHG emissions from motor vehicles are increasing, at the same time that emissions from other source categories are decreasing, as a result of other State agencies having applied significant effort.

Caltrans is unique in the roster of state agencies in blithely heading into the future as if emissions directly attributable to its activities were not implicated as the leading California source of climate change impacts, including wildfire, drought and sea level rise. Even though the world of transportation has been turned upside down by climate change, that has not resulted in any modification to Caltrans' view of itself as highway builder.

TRAC contends that mobility needs to change, not only in California, but across the globe. The world that Caltrans is planning for no longer exists. A useful step in getting used to the changes that are needed would be to implement the mitigated Alternative 1 described by TRANSDEF. That quick and cheap alternative would offer a real-world test of drivers' willingness to shift to higher-occupancy modes to avoid being stuck in traffic.

When it comes to the provision of mobility in the SR 37 Corridor over the longer term, Caltrans would do well to seriously consider the attachments to this letter, which propose a low-cost passenger rail system connecting SMART with the Capitol Corridor station in Suisun City and with Napa and Vallejo. A project like this could be implemented relatively quickly by a private-sector operator.

Note our claim that "Typically, upgrading existing tracks to 60 mph standards costs less than $1 million/mile, and less than $2 million per mile including PTC. Contrary to recent Highway 37 studies, initial hourly rail service between Novato and the Suisun-Fairfield Capitol Corridor station would cost substantially less than $100 million, exclusive of rolling stock." Protecting rail from sea level rise can be done incrementally at modest cost, unlike the need to protect highway travel with a multibillion-dollar viaduct. This cost analysis radically changes the stakes in longer-term planning.

Disregarding the unreasonable engineering standards promulgated by SMART, which led to ~1 billion cost estimates, would allow the near-term implementation of a starter system that could begin to change modal choices in the Corridor. Keeping the cost low minimizes the consequences if the project draws disappointing patronage. If successful, however, it would be easy and efficient to upgrade the track and roadbed either while remaining in operation, or with a brief service outage and bus bridge.

Thank you for considering these comments. TRAC would be pleased to discuss our proposal with any and all interested parties.

Sincerely yours,

David Schonbrunn, President, TRAC

Attachments:
TRAC's A Vision for Passenger Rail in The North Bay and Sacramento Region
TRAC's North Bay Rail Forum presentation

A VISION FOR PASSENGER RAIL IN THI

By Michael D. Setty
Editor, California Rail News

In addition to ideas for improving the Altamont Commuter Express (ACE) and San Joaquins proposed by TRAC in the previous California Rail News, passage of the SB-1 transportation funding measure opens up many options for improving and expanding rail passenger service throughout California.

SB-1 raised gas taxes and registration fees for improved highway and street maintenance, as well as more funding for transit capital and operations, intercity rail, pedestrian and bicycle projects.

With SMART service beginning in August 2017 between San Rafael and Santa Rosa, this is an opportune time to examine potential future improvements in the North Bay.

The Sacramento Area Council of Governments (SACOG) also recently began a study of proposed light rail transit (LRT) parallel to I-80 between Sacramento and Davis at the behest of Yolo County interests. With the proposed increase of San Joaquin service to the Sacramento region, looking at additional improvements in the Sacramento region is also warranted.

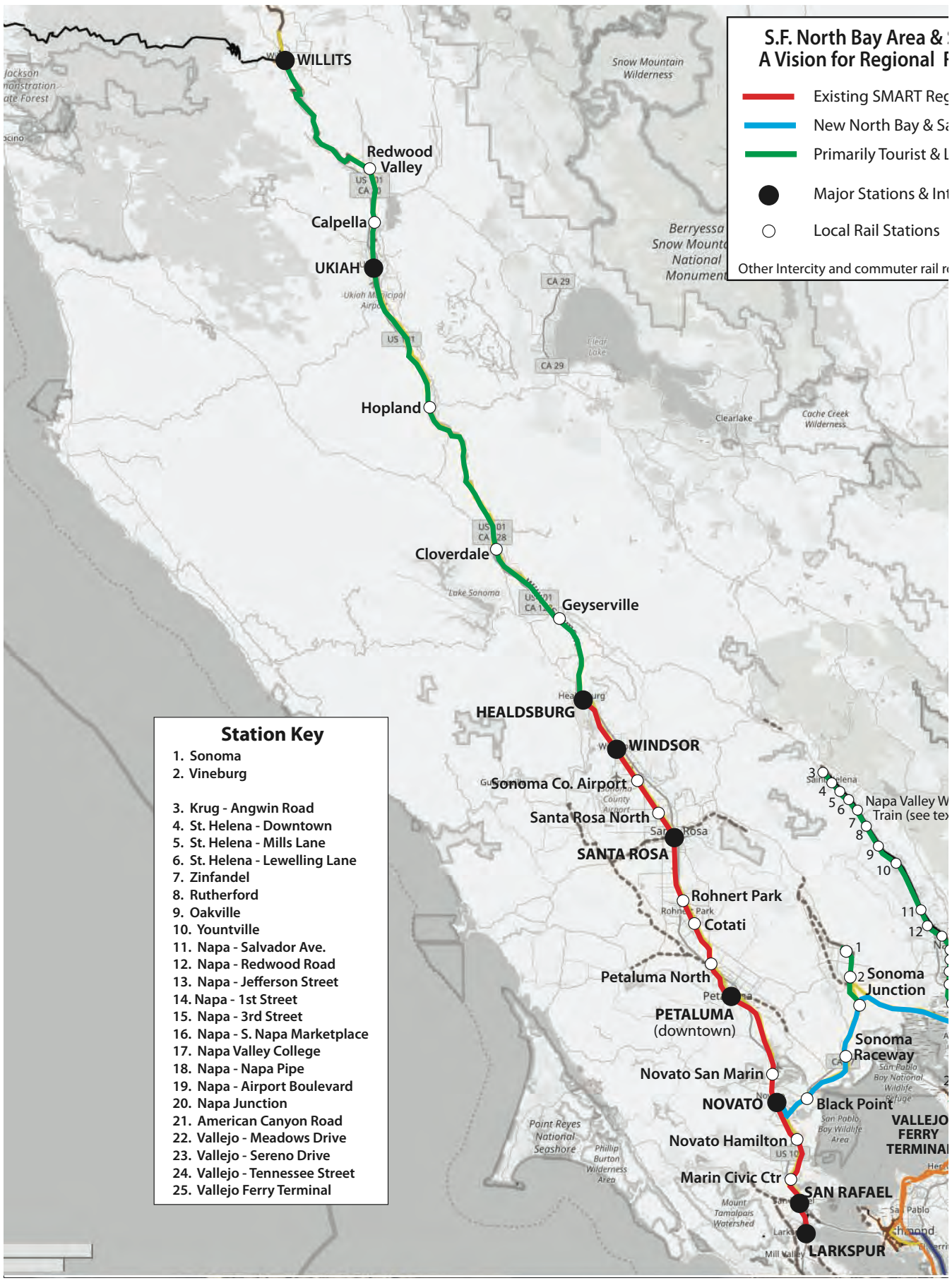
Upgrading & Extending SMART

Now that SMART service has successfully launched, its startup experience can be evaluated and viable improvements identified. In our view, SMART's current shortcomings include the following:

- An inability to hire enough operating personnel has left significant gaps in its peak hour service, harming both its usefulness and its ridership.
- No significant midday service between 10:00 a.m. and 3:00 p.m. or evening service. The unexpected weekend ridership success with only four round trips demonstrates a strong market for midday, evening and additional weekend service.
- Full trains on selected peak period schedules demonstrate the need for obtaining full 3-car trains within a few years. However, even with 4 additional cars, the total fleet of 18 cars will quickly limit capacity and ridership within a few years.
- Poor schedule coordination, and a lack of connections between SMART and existing bus services. For example, Golden Gate Transit buses leave San Rafael Transit Center too soon to allow convenient connections from arriving SMART trains. Similarly, while the SMART station platform is only a block from the Petaluma Transit Center, a 3-block walk around a large fenced area is required to make bus–train connections.

SMART should commit to the following short term service goals:

- Providing consistent peak period service every 30 minutes in each direction between 5:00 a.m. and 9:00 a.m., and 3:00 p.m. to 8:00 p.m.



- Provide hourly service in the early morning, midday, evenings after 8:00 p.m. and hourly frequencies on weekends and holidays.
- In cooperation with Golden Gate Transit (GGT), fix the schedules to make timed transfers between SMART trains and buses to San Francisco and the East Bay in San Rafael work better.
- Once SMART is able to provide consistent 60-minute all-day service (every 30 minutes during weekday peaks) seven days per week, redundant GGT transit service can be reduced or eliminated with major cost savings.
- Extend SMART service to Windsor and Healdsburg using the existing mix of welded and jointed rail. The diminished ride quality and possibly lowered speeds for this section of track are an acceptable tradeoff for getting this service into operation as soon as possible. TRAC believes that attracting drivers to rail is far more important than eliminating the clickety-clack. Welded rail can be installed later.

As ridership grows, SMART should start planning for peak period service every 15 minutes, and midday service every 30 minutes Monday-Friday.

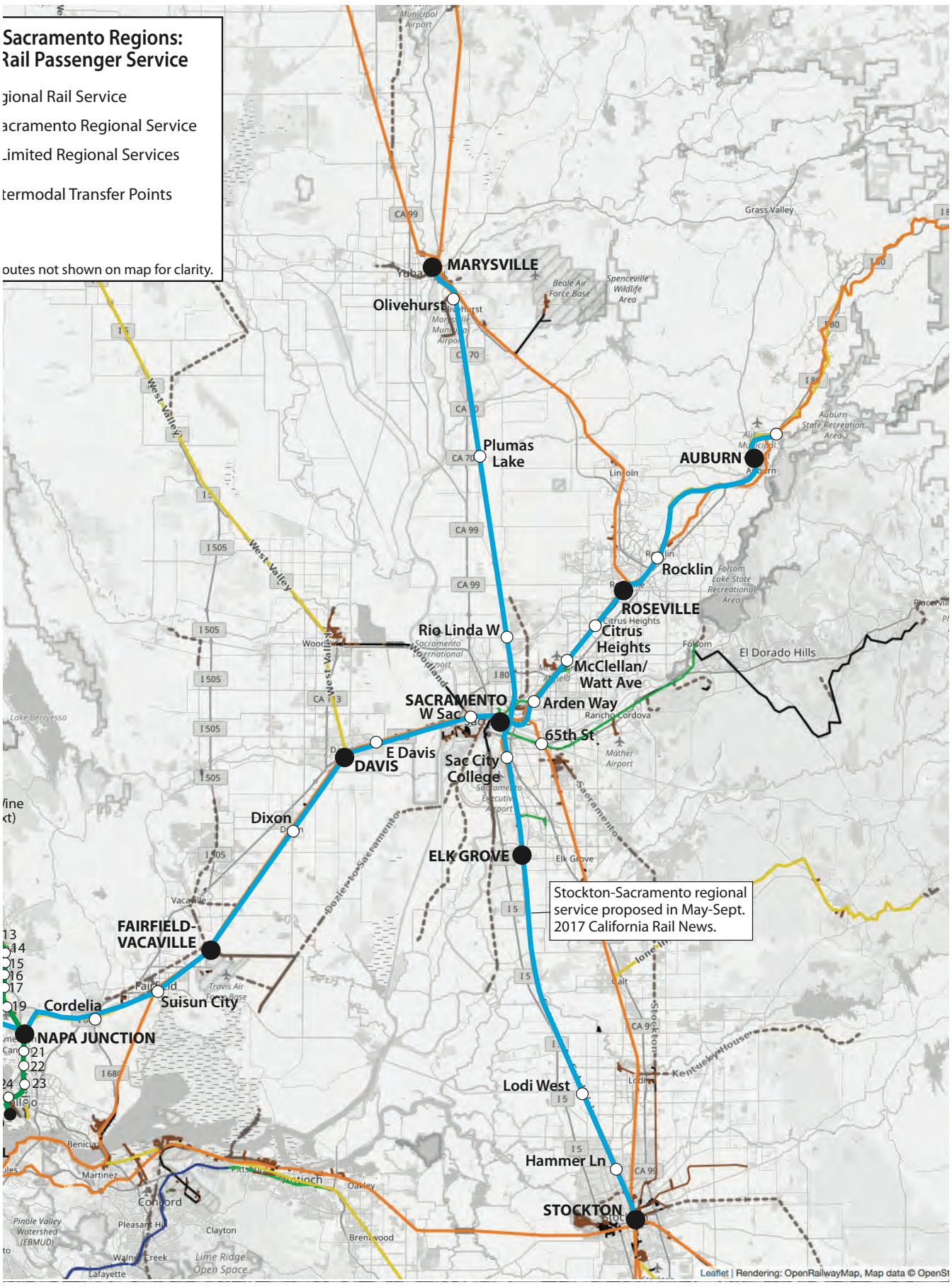
SMART will require significant capital expenditures for an expanded fleet and double track or new sidings in key areas. Study should begin on extending SMART to a location closer to the GGT ferries in Larkspur, including the possibility of a cross-platform transfer.

Other 101 Corridor Rail Services

While the original SMART plan included a 15-mile extension beyond Healdsburg to Cloverdale, this proposal is not cost-effective for less than 500 projected daily riders. However, a low-cost approach could make it feasible to extend passenger service to Cloverdale, Ukiah and Willits. For the anticipated volumes, upgrading existing tracks to 60 mph standards and adding modern signals would cost less than $150 million (excluding rolling stock).

The volume of Mendocino County tourists appears sufficient to support

E NORTH BAY & SACRAMENTO REGION



robust weekend and holiday service from the Bay Area, possibly via a public-private partnership. While weekday ridership potential is modest, it appears 5-6 daily round trips can be supported. This should be operated by modern lightweight Diesel Multiple Units (DMUs) that meet the latest Federal safety standards. These trains would make a cross-platform timed transfer to SMART's heavy DMUs at Healdsburg.

North Bay–Sacramento Rail Corridor

Typically, upgrading existing tracks to 60 mph standards costs less than $1 million/mile, and less than $2 million per mile including PTC. Contrary to recent Highway 37 studies, initial hourly rail service between Novato and the Suisun-Fairfield Capitol Corridor station would cost substantially less than $100 million, exclusive of rolling stock. This figure includes upgrading existing jointed track to 60 mph standards, PTC, more sidings simple stations with 17"-18" high platforms and allowances for bridge repairs. For another $200 million, new railroad bridges over the Petaluma and Napa Rivers could be included since their replacement is ultimately required.

Novato-Suisun service should also be extended to downtown Sacramento along the existing Capitol Corridor, to provide regional service covering the local stops not served by the Capitol Corridor, including East Vacaville (Elmira), Dixon, East Davis, and West Sacramento. Service could be further extended to Yuba City and Marysville, because light DMUs are cheap to run.

Davis to Sacramento light rail (LRT) is currently being studied, as noted above. This would require new tracks across the Yolo Bypass, because standard LRT cars cannot share mainline freight tracks as can the Capitol Corridor and DMU trains. In our view, there is not enough potential demand to justify the $500 million+ cost of LRT between Davis and downtown Sacramento. However, the Davis-Sacramento idea would fit nicely with Novato-Suisun service, and potentially provide some of the funding.

If additional Solano County rail capacity is needed to support this service, a 3rd exclusive passenger track–from the west end of the existing Yolo Bypass rail bridge to the Suisun/ Fairfield station–would allow passenger service independent of Union Pacific (UP) freight trains and Capitol Corridor intercity trains. With careful scheduling, the Yolo Bypass railroad bridge has a capacity of more than 100 trains day, vs. 20-25 freight and 34 passenger trains operated at present. This project should be relatively cheap to build since few structures are needed. In the longer run, an exclusive passenger track across the Bypass is desirable but it will not be cost-effective in the next decade or so.

As demonstrated by Austin's Metro-rail, light DMUs can operate "in-street" over short distances. On-street operations from West Sacramento over the Tower Bridge, and along the L Street corridor connecting to proposed service along the UP Sacramento Subdivision through Midtown should be explored.

Light DMUs could also connect downtown Sacramento with Placer County along the 3rd Capitol Corridor track proposed to Roseville (with 4th track/passing sidings). This track could also be extended to Auburn, allowing frequent all-day regional rail service independent of UP freights along the I-80 corridor northeast of Sacramento. This plan would not preclude UP's usage of the 3rd track at night as a freight lead to its Roseville Yard.

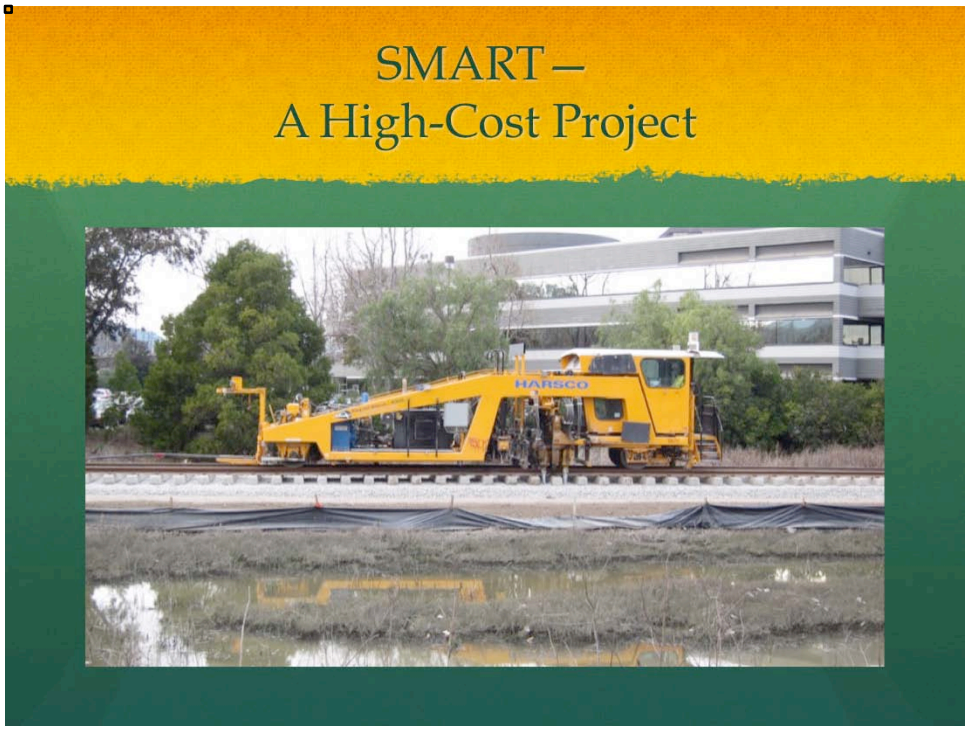
Vallejo-Napa (Wine Train) Corridor

A large fraction of Napa Valley tourists also visit San Francisco in their Bay Area stays. While it is doubtful that ridership between Napa and Vallejo by local residents would cover operating costs, potentially large volumes of visitors accessing the Napa Valley via the San Francisco-Vallejo Ferry connection would put such service well into profitability assuming the low operating costs of lightweight DMUs. In Vallejo, there are tantalizing real estate opportunities that could offset rail capital costs. Timed transfers at an American Canyon station connecting the Napa Valley and the North Bay to Sacramento routes could generate heavy ridership and revenues. These are exciting possibilities for private investment.

Light DMUs get 2 mpg for 160 seats, vs. 1 mpg for SMART trains, and can operate "in street' over 1-2 miles. Wikipedia. By Michlaovic - Own work, Public Domain

I'm David Schonbrunn, TRAC's Vice President for Policy. This all started with my participation in the Highway 37 Policy Committee, which wants to build a multibillion dollar widened highway across protected wetlands. Building more lanes will trap more people in driving, adding to the greenhouse gas emissions. I'm an environmentalist working to reduce the levels of GHG emissions from transportation, so that project concept was a non-starter for me.

TRAC wanted to create a viable transit alternative to give options to commuters that would otherwise be stuck in Highway 37 traffic. That way, we could protect the environment and start building a greener future. We propose to put passenger service on the existing rail line that parallels Highway 37. We call it the East-West train.



We see the Highway 37 corridor as having different needs than the SMART corridor. That's why the project we're proposing is not a simple extension of SMART. I worked for nearly 30 years to bring passenger service back to the historic NWP corridor in Marin and Sonoma counties.

I believe SMART cost far more than was necessary, due to high-cost design decisions. Public rail projects typically cost too much because the business is driven by consultants whose fees are based on the size of the project. It is in their interest to have the public spend as much as possible. We've come up with a much less expensive project.

The Highway 37 corridor needs to prove itself as a transit corridor. We need to get past the many that claim the North Bay has too low a density for transit. For this reason, we've adopted a strategy of "build it as cheaply as possible, as quickly as possible, to get service into operation now." We firmly believe there's a demand out there—but we need to prove it.

This line is in freight use now, so we know passenger service can work technically. To keep capital costs way down, we propose to make use of the existing jointed rail and the existing roadbed. The major expense we foresee is replacing some ties to enable the trains to be cleared for 60 mph operation. Tracks and roadbed can easily be improved later, after ridership has grown enough to warrant a larger investment.

SMART's high-platforms are a vestige of the history of the Northeast Corridor. They are very expensive to build, and quite ugly in urban settings. While they do provide level boarding to comply with ADA, TRAC believes they do not belong in California.

Low platforms are much cheaper to build, and are inconspicuous. We propose the train would terminate on the Capitol Corridor, which uses low platforms, like the other California intercity services. The platform is on the far right of this photo.

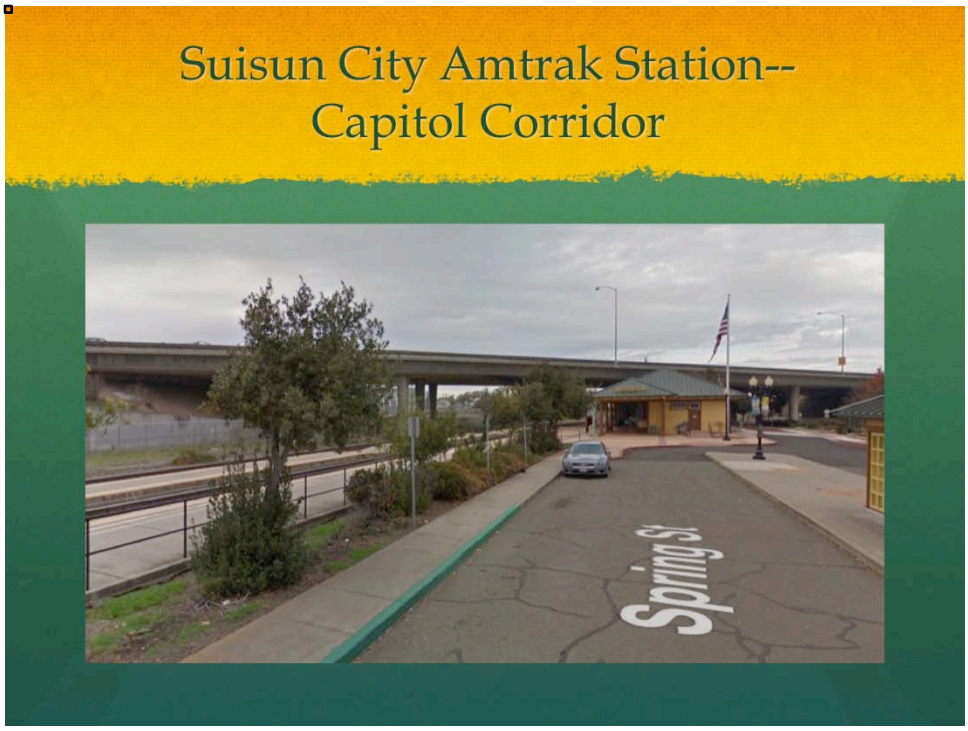
Dealing with ADA is much cheaper too. This is called a mini-high platform. It provides level boarding for wheelchair users, moms with strollers and bicyclists. The one pictured gives access to the first door of the train. Some stations could have more than one of these mini-highs.

Low-floor cars are the leading trend in Europe now. That is where the future of railcars seems to be heading. TRAC sees the regulatory environment changing to enable 24 inch platforms to be built next to rail lines. Note the platform in the photo. Right now, that's not allowed in California on lines that carry freight. Regulations are still in place to protect brakemen from hitting a trackside obstacle like a platform. Until regulators wake up to the fact that there aren't brakemen anymore in these settings, the existing 8" low platforms will remain adequate. Access to these cars is only one step up.

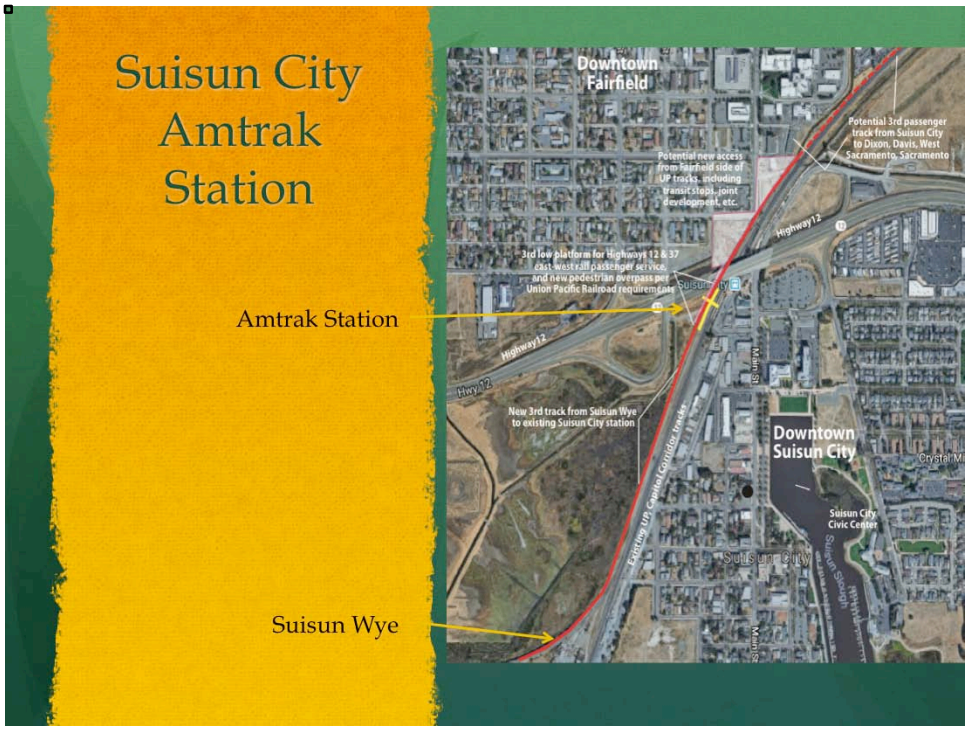
These low-floor DMUs are much lighter than the cars SMART bought. That makes them significantly less expensive to operate, which makes a very big difference on a rail line that has no identified revenue source. These cars are FRA-certified to operate on tracks alongside freight trains. They are designed with Crash Energy Management — a crumple zone that absorb crash energy. This enables the car to be much lighter than the brute strength American approach to safety, which is now pretty obsolete.

This map is in the current issue of California Rail News, along with a full description of the proposal. In the first phase of our proposal, the train would start in Novato and terminate at the Suisun City Amtrak station. This is where the NWP line from Marin connects to the Capitol Corridor, which goes from San Jose to Sacramento.

At some point in the future, we see gaining access to the UP track to Sacramento. This may take some additional capital investments. Extending this train to Sacramento makes much more sense than a concept currently under consideration, namely building a new light rail line from Sacramento from Davis. In our proposal, the East-West train would become a local on the Capitol Corridor, allowing stops at stations not currently served by rail, such as Dixon and East Davis.

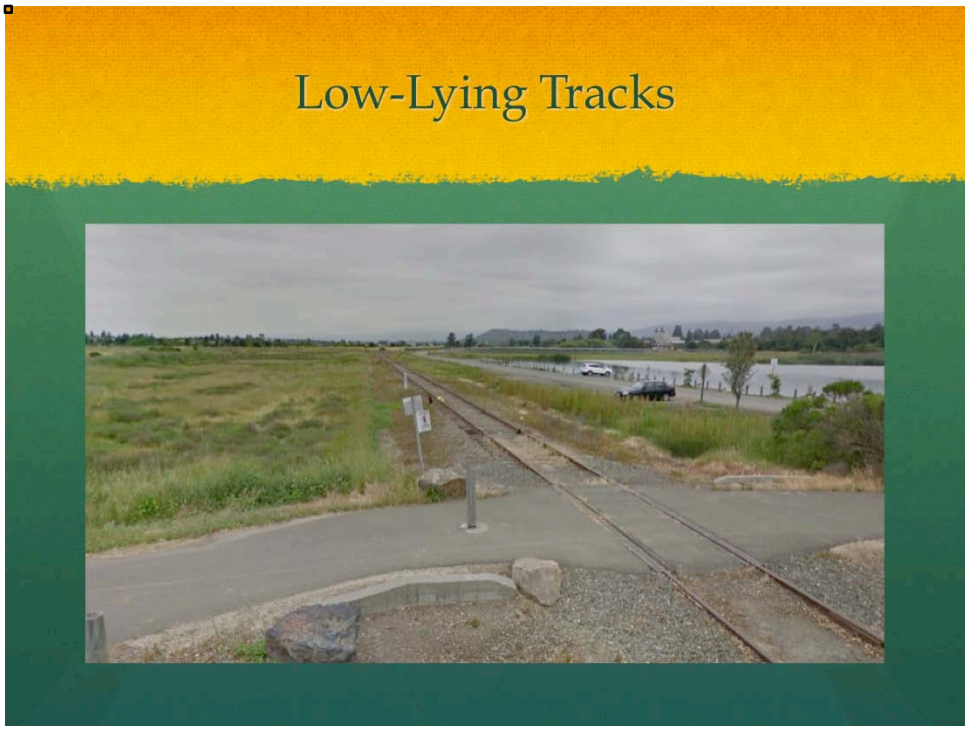


This is where the line would start. In the area between the tracks and the chain link fence in the distance, we're suggesting a third track and a low platform similar to the existing platforms.

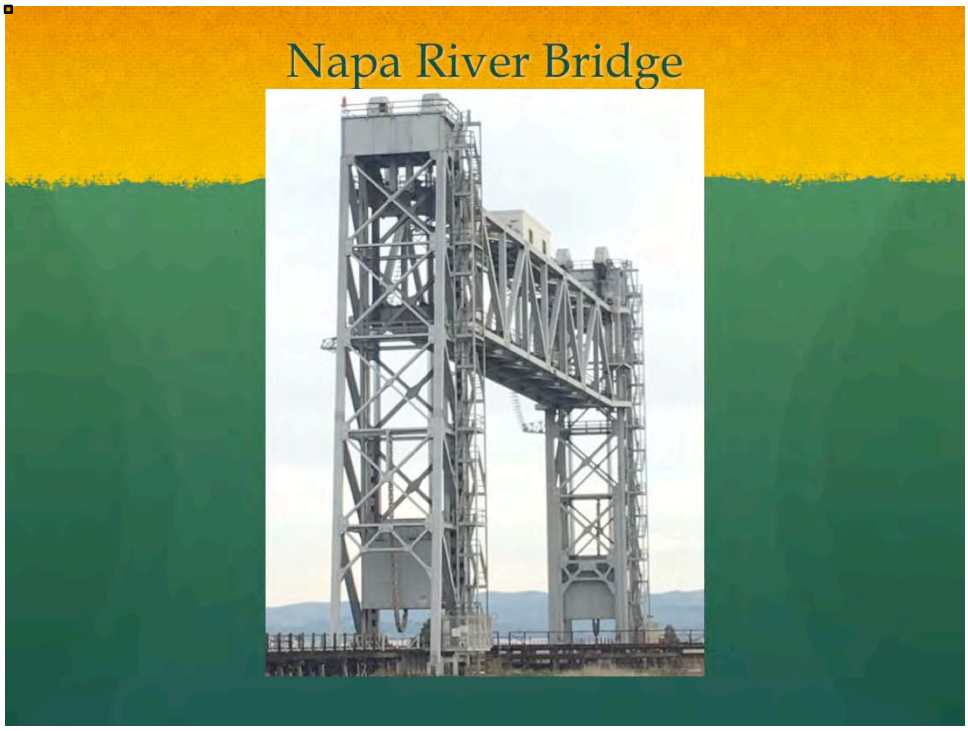


The Suisun Wye connects the NWP to the Capitol Corridor. A short section of track from the Suisun Wye to the Suisun station would keep the DMU entirely separate from Capitol Corridor and UP freight trains, greatly simplifying regulatory approvals.

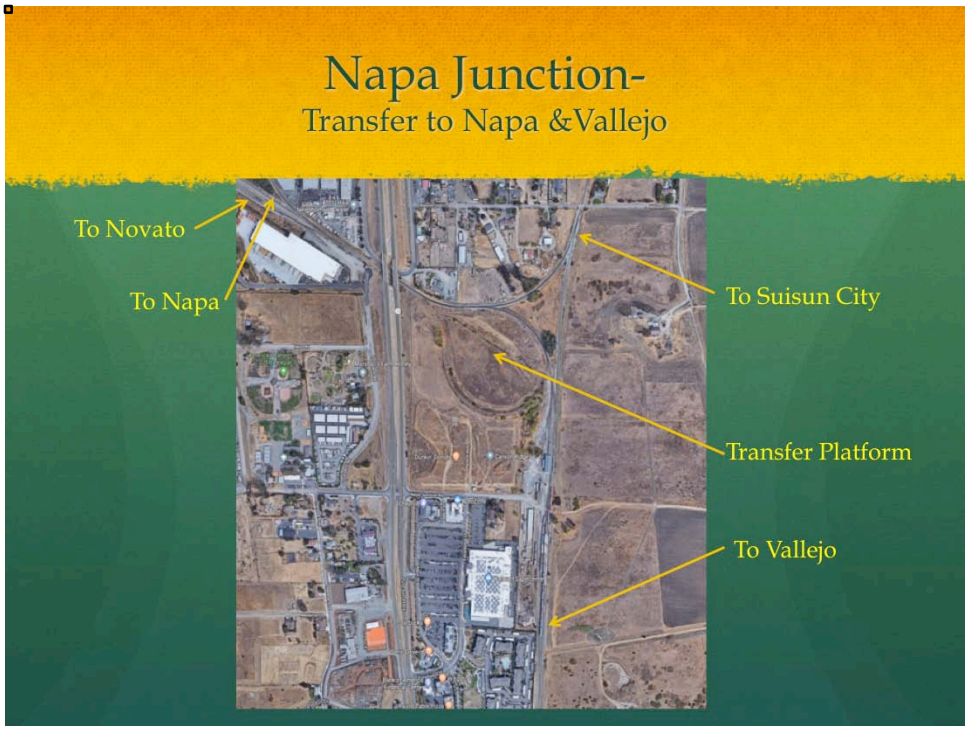
The station area could be improved by transit-oriented development, building on land on the west side of the tracks that is poorly utilized now. A pedestrian overcrossing of the tracks would connect this development and the adjacent Solano County Government Center to the existing Capitol Corridor station.



Unlike Highway 37, it is relatively easy to build up the height of the rails, when needed in response to sea level rise. An embankment can be gradually created at night by placing gravel under the tracks, while trains continue to operate in the daytime.

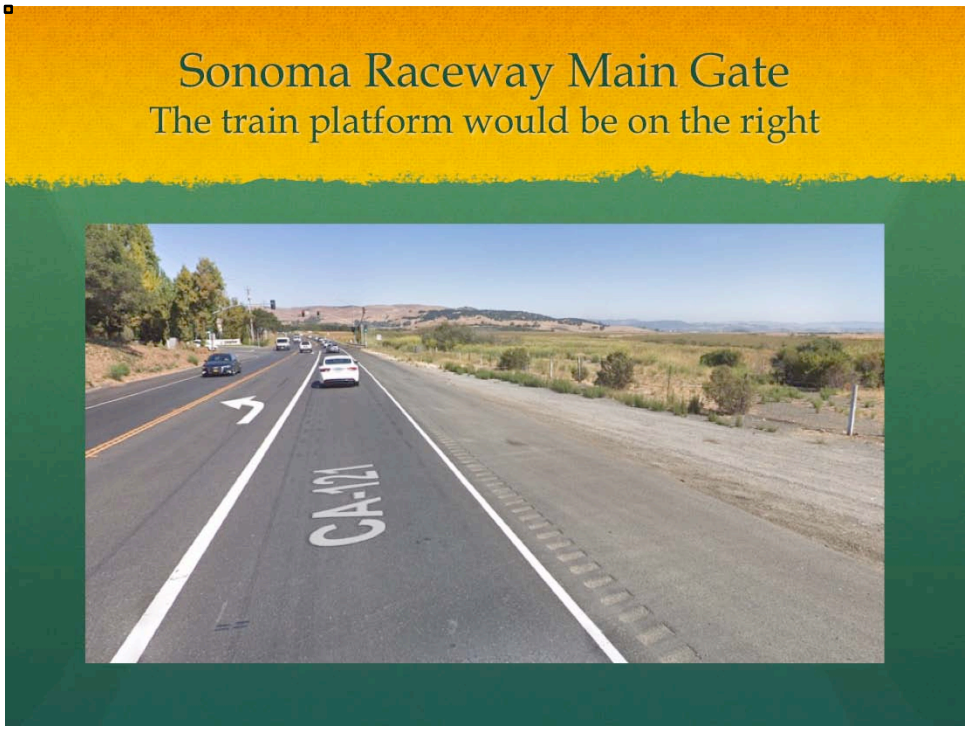


There are two bridges on the East-West alignment. This one seems to be in pretty good condition.

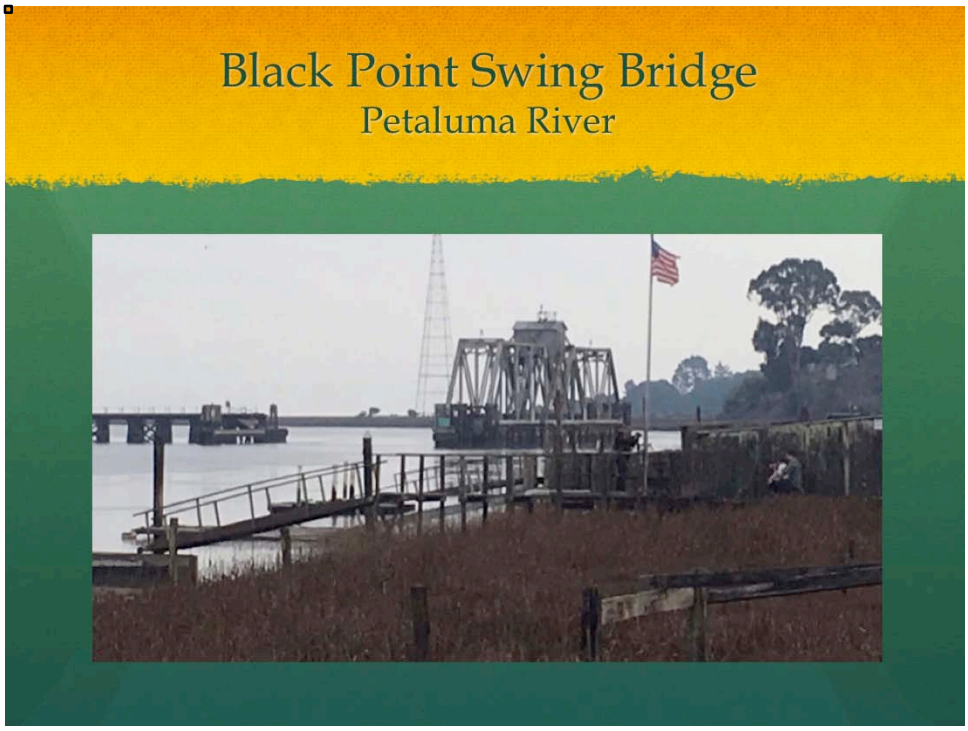


Napa Junction is where the tracks connect to rail lines going north to St. Helena and south to Vallejo. We foresee a transfer platform, enabling east-west passengers to go north-south, or vice versa.

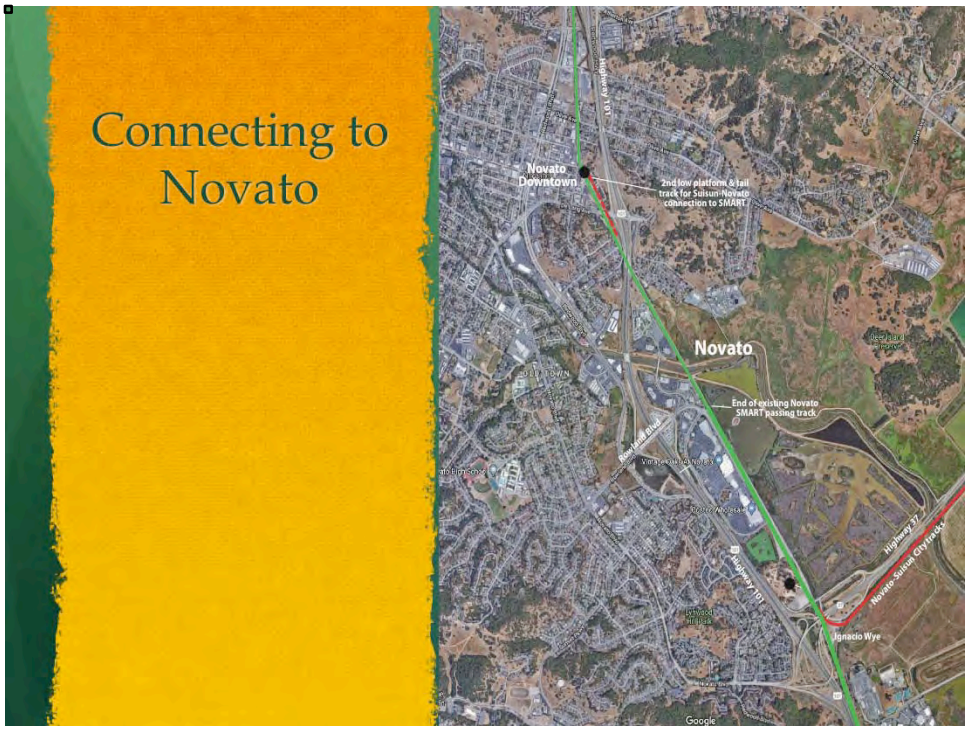
After Napa Junction, a special event stop would be built at the Sonoma Raceway. The Capitol Corridor has already provided train service to a few NASCAR races. We see this as a regular feature. The tracks go right past the Main Gate.



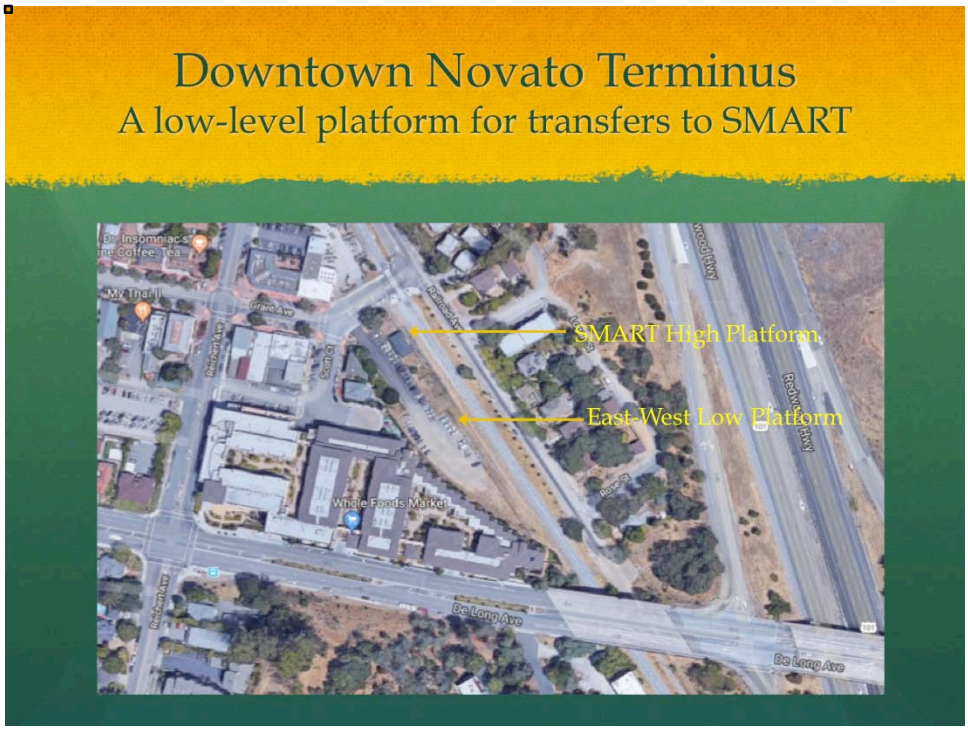
Here's a ground-level view, with the main gate on the left, and the train tracks to the right of Highway 121.



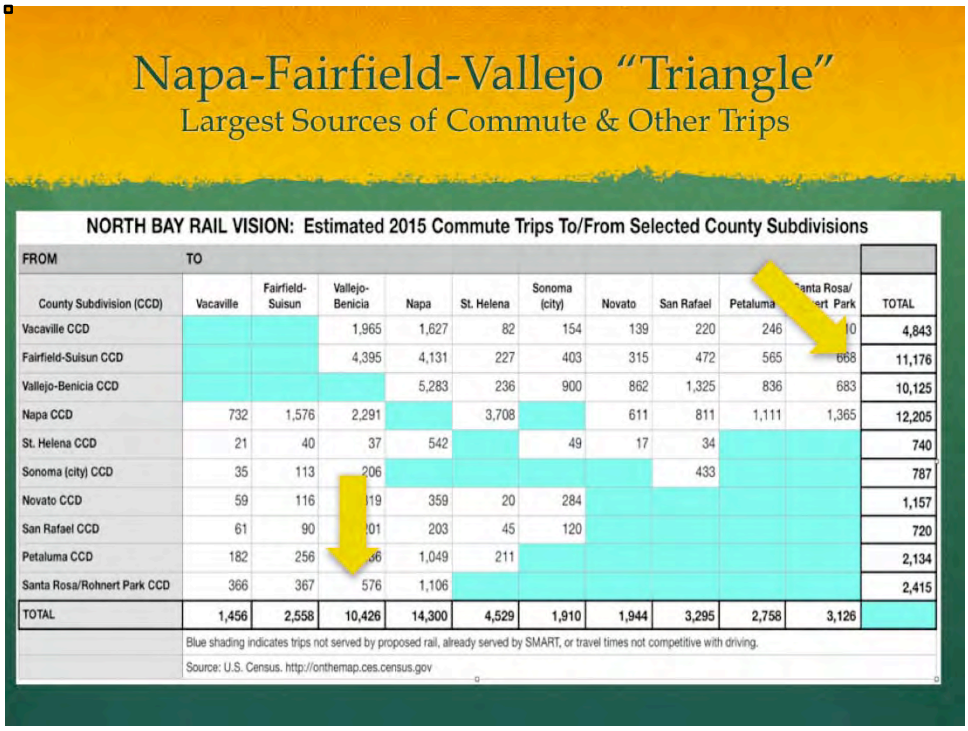
The Black Point bridge is a serviceable swing bridge, but is probably not optimal long-term. This is an investment to consider down the road…



We picked downtown Novato as an appropriate terminus for this East West train, because it would not require any capital improvements to the SMART line. A stretch of passing siding is located on both sides of the Ignacio Wye. This should make it much easier to fit East-West trains into slots in SMART's schedule.



We see a low-level platform being built, along with a pocket track, to enable the East West trains to get off the SMART mainline. Passengers would wait here for a SMART train going north or south, as needed. Schedules would be coordinated to minimize waits.



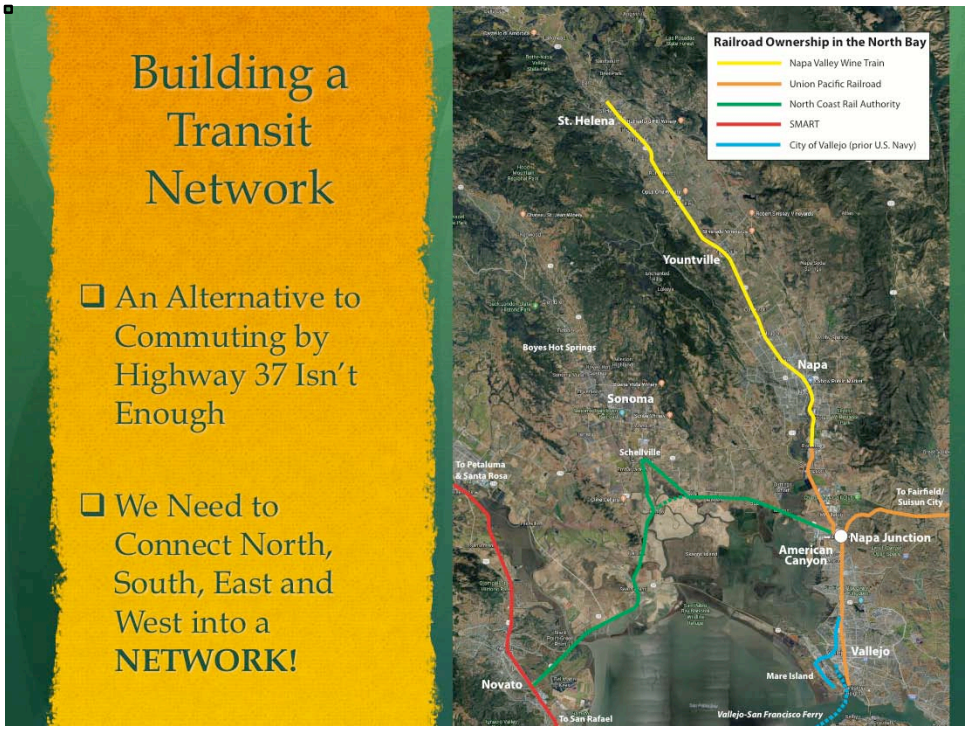
NORTH BAY RAIL VISION: Estimated 2015 Commute Trips To/From Selected County Subdivisions

FROM	TO										
County Subdivision (CCD)	Vacaville	Fairfield-Suisun	Vallejo-Benicia	Napa	St. Helena	Sonoma (city)	Novato	San Rafael	Petaluma	Santa Rosa/ Rohnert Park	TOTAL
Vacaville CCD			1,965	1,627	82	154	139	220	246	10	4,843
Fairfield-Suisun CCD			4,395	4,131	227	403	315	472	565	668	11,176
Vallejo-Benicia CCD				5,283	236	900	862	1,325	836	683	10,125
Napa CCD	732	1,576	2,291		3,708		611	811	1,111	1,365	12,205
St. Helena CCD	21	40	37	542		49	17	34			740
Sonoma (city) CCD	35	113	206					433			787
Novato CCD	59	116	119	359	20	284					1,157
San Rafael CCD	61	90	101	203	45	120					720
Petaluma CCD	182	256	36	1,049	211						2,134
Santa Rosa/Rohnert Park CCD	366	367	576	1,106							2,415
TOTAL	1,456	2,558	10,426	14,300	4,529	1,910	1,944	3,295	2,758	3,126	

Blue shading indicates trips not served by proposed rail, already served by SMART, or travel times not competitive with driving.

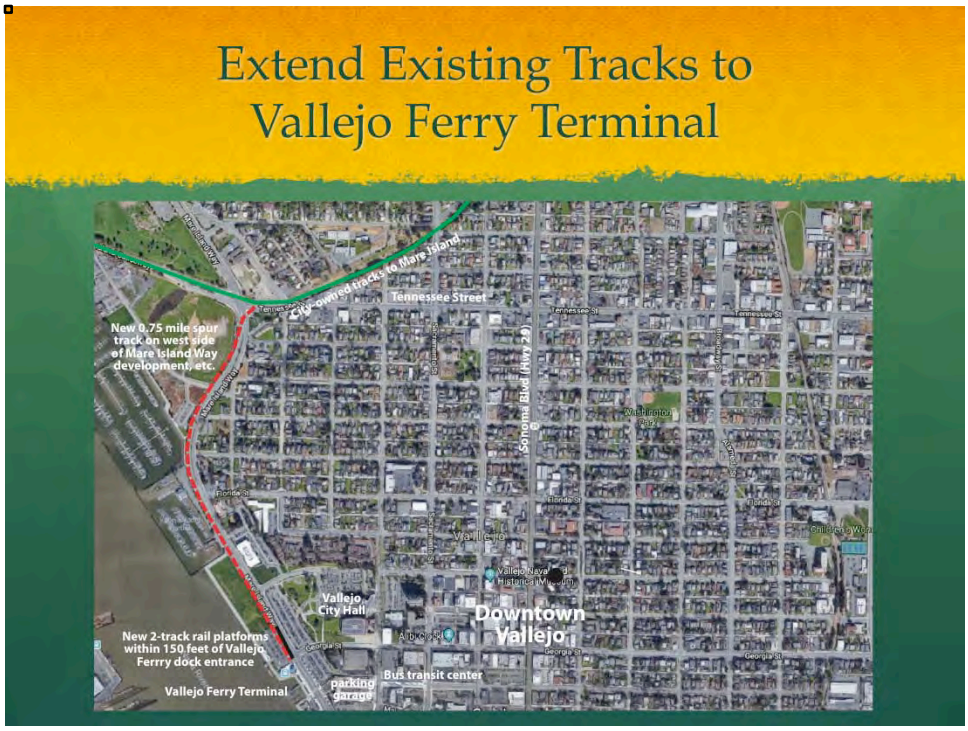
Source: U.S. Census. http://onthemap.ces.census.gov

We started out thinking only about a transit alternative to commuting over Highway 37. That went out the window, however, when we saw the census data for commute trips. It's clear from this table that the largest numbers of North Bay commuters by far are coming from the Napa-Fairfield-Vallejo triangle, and going to the triangle. See the first four columns of numbers and the first four rows. The numbers for Triangle to Triangle commutes are an order of magnitude higher than the Highway 37 numbers. There's definitely a market for connecting Napa and Vallejo to Fairfield/Suisun and SMART.



What that table tells us is that the North Bay has been a missed opportunity for transit. Napa's very high level of tourism is an opportunity that would appeal to a private-sector rail operator. Tourists connecting by the Vallejo ferry from San Francisco would love to be able to take the train to tastings at various wineries. No more designated drivers! Wineries would promote themselves by providing van service from their local station.

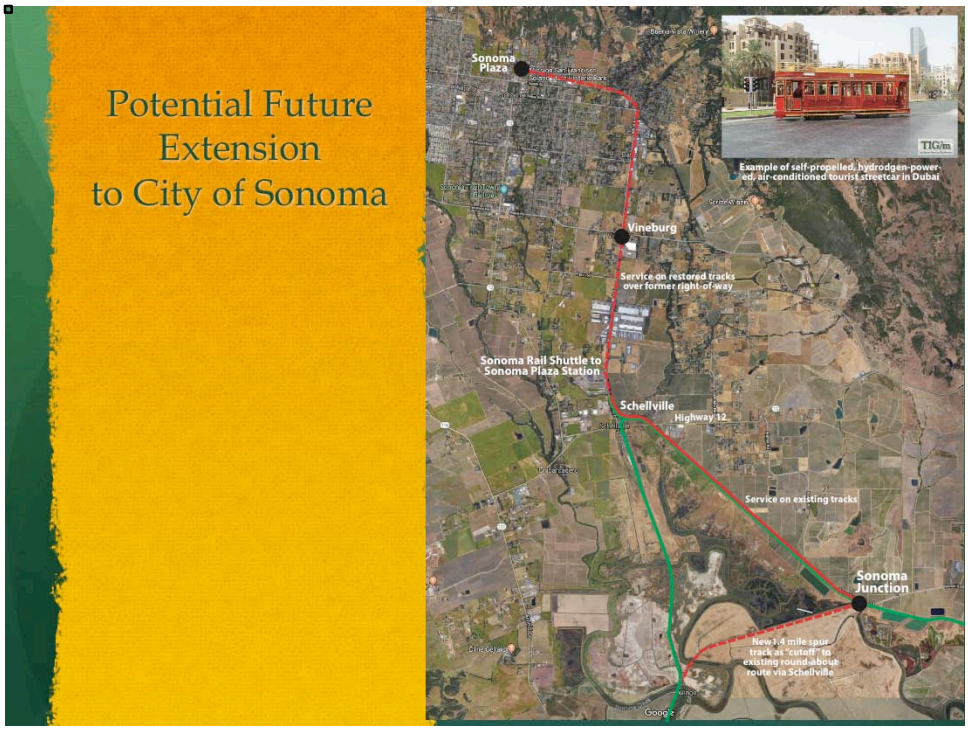
It's possible the private-sector operator would be interested in implementing the entire network, if sweetened by the public sector in a public private partnership. The key to maximizing ridership is to schedule easy and fast transfers between the trains, and between trains and connecting local buses. We'd like to see a government agency either buy or secure operating rights on the remaining tracks owned by Union Pacific.



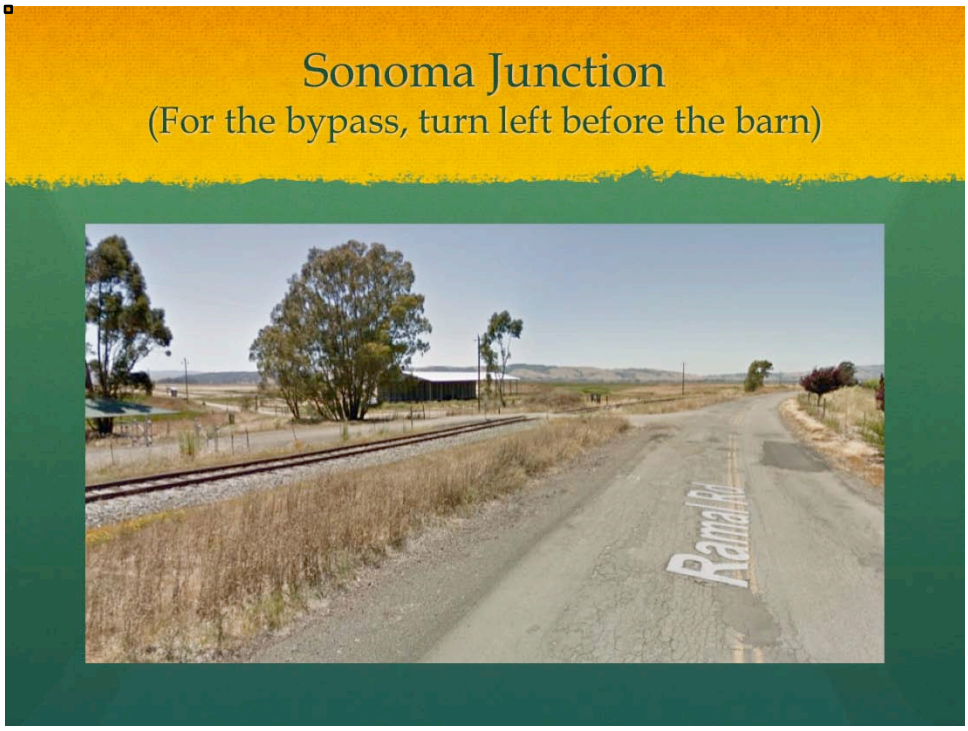
While existing tracks connect to the City of Vallejo, they don't currently go all the way to the ferry terminal. A ferry connection is needed to make the line to the Napa Valley economically feasible. The City of Vallejo already owns the tracks that used to serve the Mare Island Naval Base. These could be extended to the ferry.

This is the Vallejo Ferry Terminal. City Hall is nearby, as is the bus transit station. A train stop could be located right here.

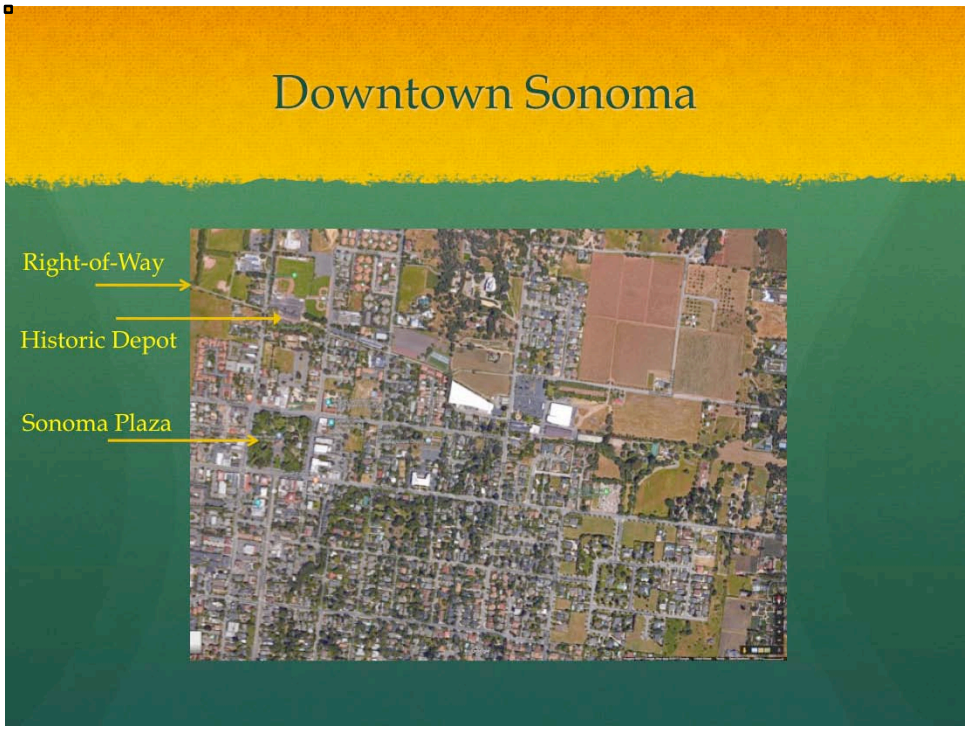
If permission for a short stretch of new track can be secured, TRAC believes it is feasible to provide interim rail service to the ferry dock on Mare Island, using the existing City-owned tracks that go over the Mare Island Causeway. This would enable a low-cost “testing of the waters” to gauge the passenger demand, before committing to the investment in the track extension to the Vallejo Ferry Terminal.



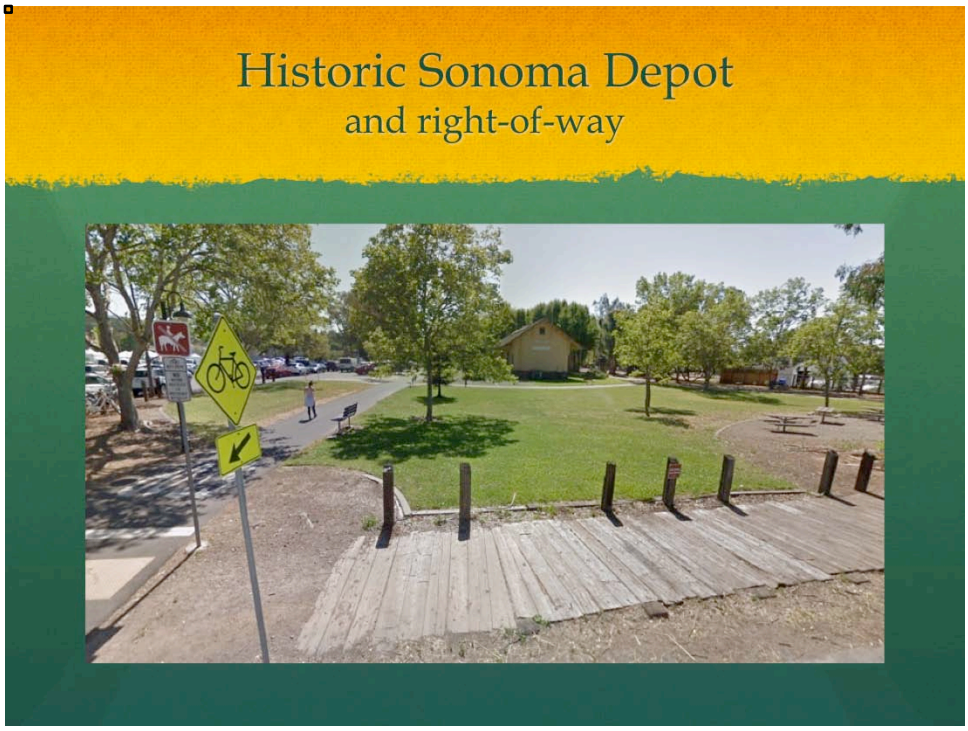
A future possibility is restoring rail service to the City of Sonoma. Much of the right of way is still owned by the public. For the initial service, however, we suggest reestablishing the historic bypass at Sonoma Junction, to shorten the circuitous route via Schellville. The historic embankment across the wetlands still exists, and is apparently in State ownership. A rail shuttle could connect downtown Sonoma to Sonoma Junction, to transfer to the East-West train. Note the photo of the hydrogen powered streetcar, a fun idea for this service. Battery-powered trams are now common, as well.



Here's Sonoma Junction! The historic embankment is on the left, between the two trees. It is marked by a telephone pole.



The Sonoma Plaza is a big tourist attraction.



Tracks would have to be laid where there are currently walking paths, but that's all part of the fun of restoring railbanked lines.

Other TRAC Activities

PAGE 4: TRAC'S PLAN TO INTEGRATE SAN JOAQUINS & ACE

California Rail News

Volume 27 Number 3 May-September 2017

Metro: Transit Provider or Developer? -- LA Union Station Quandary

By Susan MacAdams
TRAC Board Member

Los Angeles Union Station, one of the great train stations in America, is undergoing a hugely ambitious redevelopment scheme called "LINK US," formerly known as "The Union Station Master Plan" and the "Southern California Regional Interconnector Project" or SCRIP. This project is intended to expand station capacity to handle much larger passenger volumes. First, to improve passenger access to the tracks, it would reconfigure access, adding a large amount of retail development under the tracks; second, it would incorporate run-through tracks for Amtrak, Metrolink and high speed rail.

The Proposal

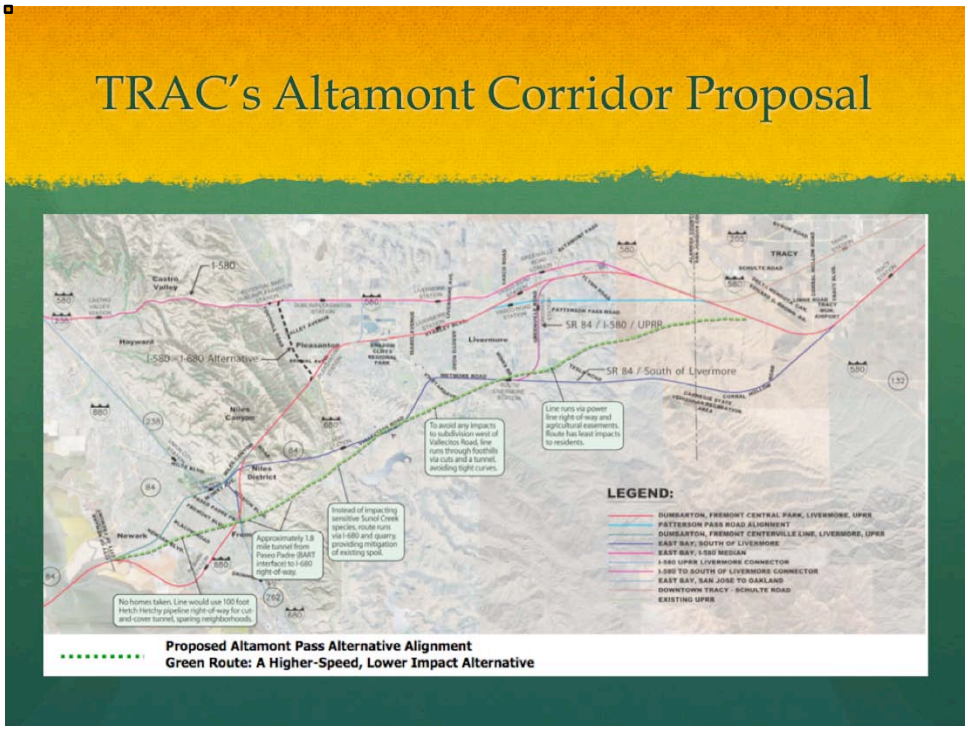
Currently the station is stub-ended; trains enter the station area to pick up and drop off passengers, then exit in the reverse direction. Run-

Los Angeles Union Station, view through Main Waiting Room to train boarding area.

Photo By Alan Weeks. Used with permission.

In addition to working on proposals like this one, TRAC also produces a newspaper. See links to our archive.

We're also working on other proposals, including this one to provide service to Willets, using low-floor DMUs to keep costs down. With a much lower population density, keeping costs low for this service area is crucial.



We're making a presentation soon to the JPA that runs the San Joaquin intercity service. This proposal would create a new fast corridor connecting Tracy and Fremont, leading to all-day service between the Central Valley and the Bay Area.

We'd like your help in making this all happen.

Transportation Solutions Defense and Education Fund

David Schonbrunn, President

Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

August 24, 2020
By E-Mail to:
StateRoute37
@dot.ca.gov

California Department of Transportation District 4
Attn: Yolanda Rivas
P.O. Box 23660
Oakland, CA 94623-0660

RE: Comments on State Route 37 Traffic Congestion Relief Project NOP

Dear Ms. Rivas:

TRANSDEF, the Transportation Solutions Defense and Education Fund, has been focused on reducing the growth in Vehicle Miles Travelled (VMT) for 26 years. Our mission is closely tied to why TRANSDEF has participated in the SR 37 Policy Committee for years now. We are strongly opposed to the long-term proposal to build a 4-lane viaduct in this Corridor. That would induce single-occupant vehicle demand, thereby increasing GHG emissions, when State climate policy calls for reducing VMT and GHGs. (See the attached letter from the Train Riders Association of California for a more complete critique of the long-term plans for the Corridor.)

TRANSDEF proposed what the Notice of Preparation (NOP) identifies as Alternative 1 more than 12 months ago: The movable median barrier that creates an HOV lane. This idea is a quickly implementable response to the severe highway congestion faced in the SR 37 Corridor. Unfortunately, Caltrans has taken many months to translate this into an NOP, and even then, it has complicated the project to the point where the environmental review will take possibly upwards of a year. This was all unnecessary.

As initially proposed, this project (like the Richmond-San Rafael Bridge Third Lane, which ultimately received an exemption after an interminable environmental review) was a candidate for a CEQA exemption. SR-37 had been a three-lane highway a decade ago, and the movable median barrier has an equivalent safety performance to the median barrier currently in place. Hence, there would be no physical changes to the environment. CEQA Guidelines section 15061(b)(3): "The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

Simplify and Speed Up the Project

In the interests of delivering congestion relief expediently, TRANSDEF urges Caltrans to simplify the NOP, reducing it to the stripped-down Mitigated Alternative 1 discussed below and a No Project Alternative. We believe that necessary project signage can be included in this NOP under the CEQA existing facilities exemptions: 15301(f). Tolling could be exempted under CEQA Guidelines 15273: "CEQA does not apply to the establishment …of … tolls … by public agencies … for the purpose of: (1) meeting operating expenses…" As discussed below under Mitigation #3, a toll could fund the operations costs of an express bus network.

The only project element with possible environmental impacts is the widening of the Tolay Creek Bridge. Those impacts could be made *de minimus* if it were feasible to hoist a new wider bridge onto the same support structure, thereby eliminating the disturbance to the wetlands. (While we aren't formally suggesting this as a mitigation, because we are not familiar with the engineering constraints, it would clearly serve as a mitigation if implemented.)

All other items, including widening the cross-section of the roadway (including pull-out areas), should be deferred to a later project. The installation of sheet piles should be done under the standard CEQA exemption for maintenance of facilities. This approach to environmental review can be successfully defended against a claim of segmentation because the individual impacts are not cumulative.

By coincidence, the former manager of the Golden Gate Bridge happened to attend an SR 37 Policy Committee meeting where this alternative was being discussed. He opined that it would cost about $35 million to implement a movable median barrier. The low cost of the most important element of the Alternative makes this project very feasible to fund and implement quickly.

Mitigation #1

To reduce or avoid the impact of an increase in VMT resulting from the project, retain the designation of HOV for the third lane as a central element of the Project Description. We strongly agree with "The additional lane is intended to a High Occupancy Vehicle (HOV) lane to provide an incentive for mode shift from single occupant vehicles." This is precisely why we were insistent that the additional lane become an HOV lane rather than a "managed lane"—the latter would offer no incentive for mode shift. Mode shift to higher vehicle occupancies, whether by carpooling or transit, is critical to successfully minimizing any increase in VMT and GHG emissions.

Mitigation #2

To reduce or avoid the wetlands impact of filling the bay to widen the roadway approximately four feet, TRANSDEF proposes the following mitigation: Determine whether Alternative 1 can be safely constructed under a design exception that eliminates additional fill. Please include in the considerations the far more rapid delivery of the project if fill is not needed. Contrast what would be gained by using a standard cross-section with the environmental impacts during the time needed to complete review and construction of the fill proposal.

Mitigation #3

To reduce or avoid the impact of an increase in VMT resulting from the project, with an accompanying increase in GHG emissions, TRANSDEF proposes the following reasonably available mitigation: Caltrans funding for an Express Bus serving the East Bay origins and North Bay destinations of the SR 37 Corridor. We suggest requesting a briefing from the Division of Rail Mass Transportation on how that agency plans the bus network that connects to Amtrak. Their knowledge should help define the optimal points (transit nodes and park-and-ride lots) to be connected by a bus network.

As mentioned above, a toll could be set that generates enough revenue to pay for the operation of a bus network. The model for the toll would be the Golden Gate Highway, Bridge and Transportation District tolls, half of which fund the bus and ferry systems. Here, we are proposing that, after setting a reasonable passenger fare, all net revenue be used to provide the subsidy needed to achieve optimal bus ridership, adjusted to keep VMT from increasing. Operations could be contracted out to Golden Gate, Solano Transit or AC Transit. It seems unlikely that more than one tolling gantry would be needed, as every vehicle travelling the Corridor has to pass through Segment B. The least visibly intrusive location would minimize the visual impacts.

Conclusion

TRANSDEF hopes that Caltrans will recognize the proposals contained herein as a win-win-win for Caltrans, for the environment and for drivers suffering from congestion.

Thank you for considering these comments. We are available to assist in the refinement of the Project Definition and Alternative(s) if the Department issues a revised NOP.

Sincerely,

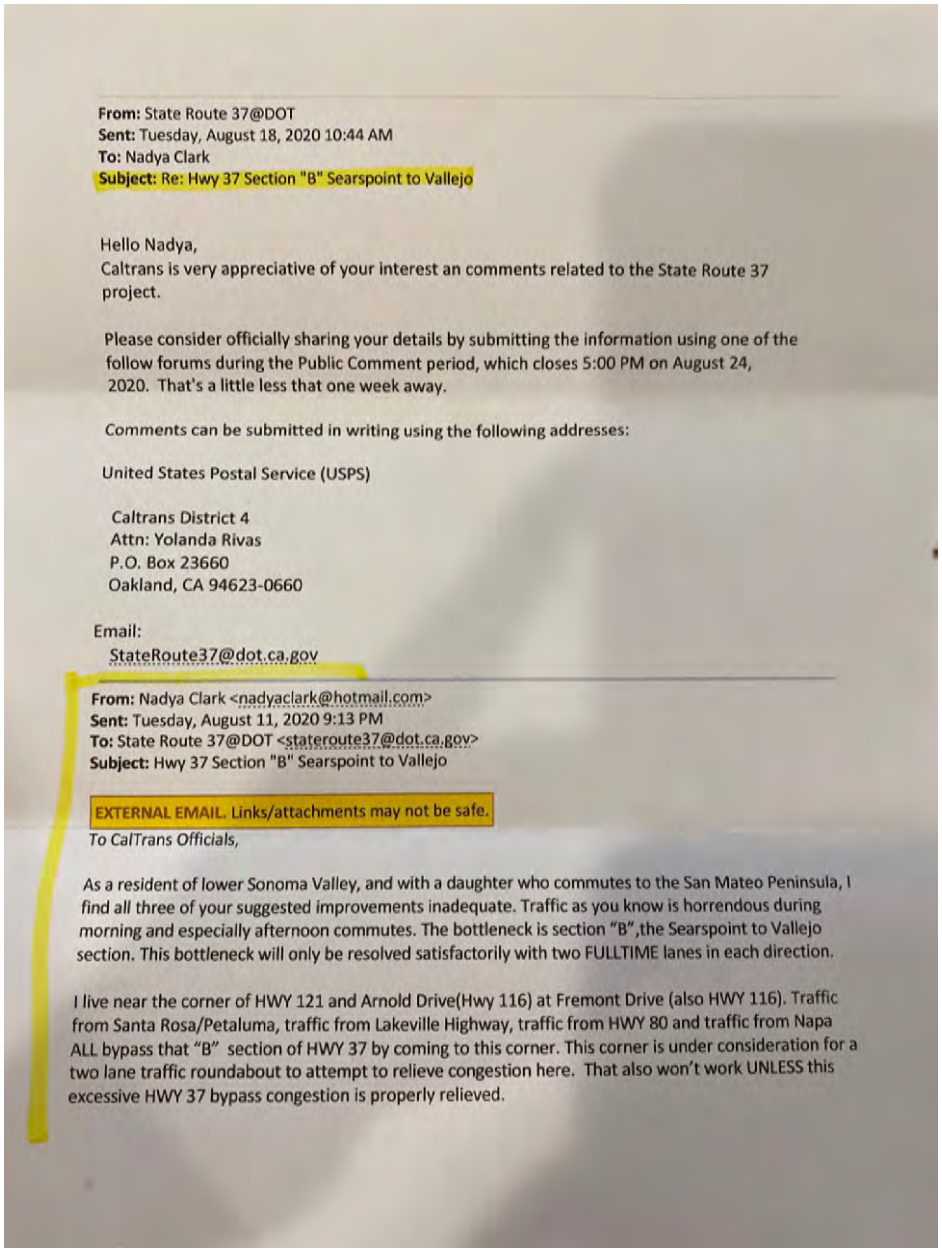
/s/ DAVID SCHONBRUNN

David Schonbrunn,
President

Emails Received:

Nadya Clark

John Arciniega



From: State Route 37@DOT
Sent: Tuesday, August 18, 2020 10:44 AM
To: Nadya Clark
Subject: Re: Hwy 37 Section "B" Searspoint to Vallejo

Hello Nadya,
Caltrans is very appreciative of your interest an comments related to the State Route 37 project.

Please consider officially sharing your details by submitting the information using one of the follow forums during the Public Comment period, which closes 5:00 PM on August 24, 2020. That's a little less that one week away.

Comments can be submitted in writing using the following addresses:

United States Postal Service (USPS)

Caltrans District 4
Attn: Yolanda Rivas
P.O. Box 23660
Oakland, CA 94623-0660

Email:
StateRoute37@dot.ca.gov

From: Nadya Clark <nadyaclark@hotmail.com>
Sent: Tuesday, August 11, 2020 9:13 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Hwy 37 Section "B" Searspoint to Vallejo

EXTERNAL EMAIL. Links/attachments may not be safe.

To CalTrans Officials,

As a resident of lower Sonoma Valley, and with a daughter who commutes to the San Mateo Peninsula, I find all three of your suggested improvements inadequate. Traffic as you know is horrendous during morning and especially afternoon commutes. The bottleneck is section "B",the Searspoint to Vallejo section. This bottleneck will only be resolved satisfactorily with two FULLTIME lanes in each direction.

I live near the corner of HWY 121 and Arnold Drive(Hwy 116) at Fremont Drive (also HWY 116). Traffic from Santa Rosa/Petaluma, traffic from Lakeville Highway, traffic from HWY 80 and traffic from Napa ALL bypass that "B" section of HWY 37 by coming to this corner. This corner is under consideration for a two lane traffic roundabout to attempt to relieve congestion here. That also won't work UNLESS this excessive HWY 37 bypass congestion is properly relieved.

Afternoon traffic routinely backs up along southbound Arnold Drive(HWY 116) for two miles. At the same time west bound traffic can back up past Sonoma Creek to the Schellville fire station at Broadway (HWY 12) and Fremont Drive HWY 116). The section of HWY 121 from Searspoint, which ends at this corner, has one of the highest traffic accident statistics in the state. PLEASE get most of this through traffic back on HWY 37 where it belongs, and off our country roads.

Nadya Clark
131 Bonneau Road, Sonoma

Nadya E. Clark

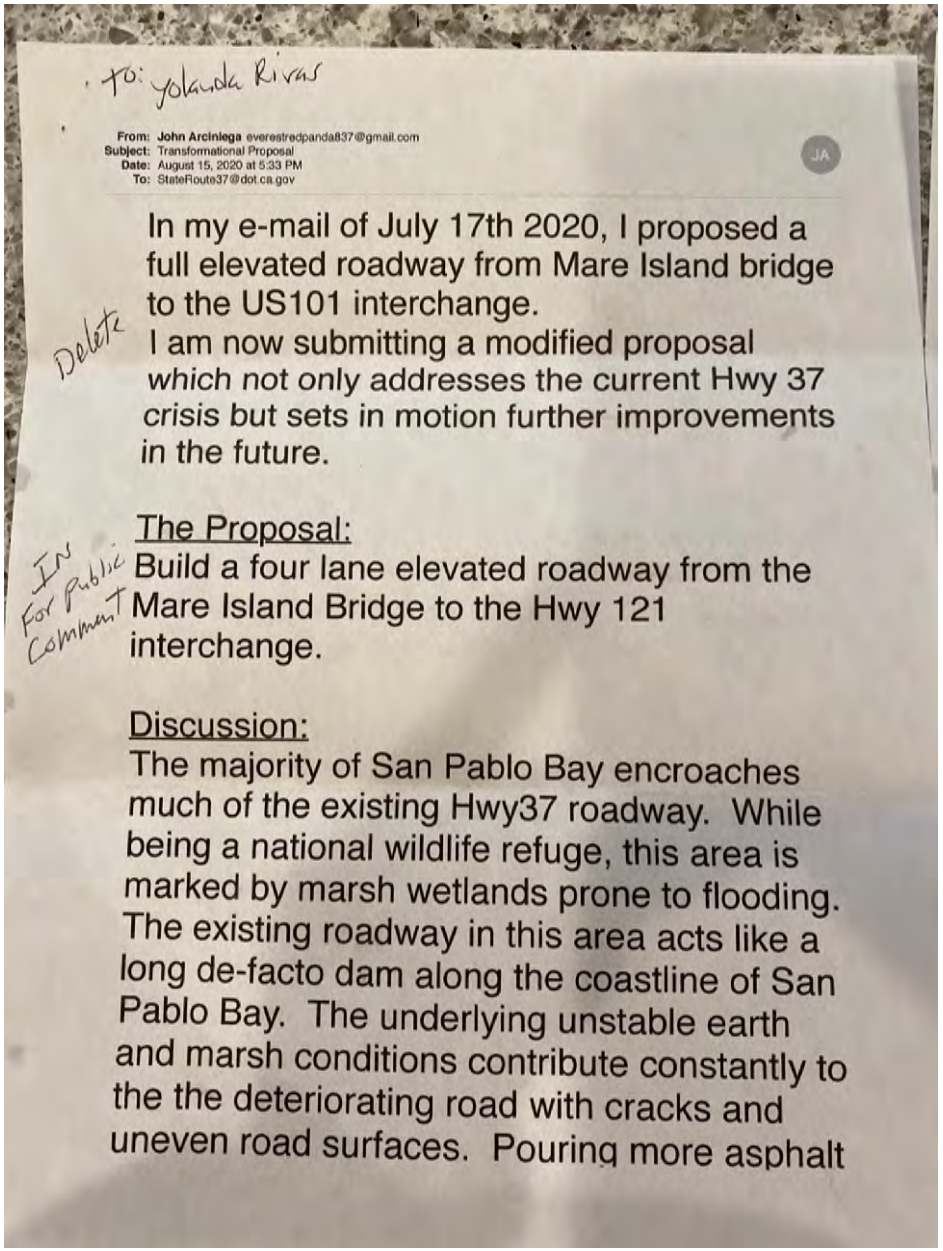
Sent from Mail for Windows 10

When your mailer suggests sending comments to EITHER the E-mail or Snail Mail, I would expect not to have to send it to BOTH.

Sent from my iPhone

From:
To:
Subject:
Date:

[redacted]
[redacted]
[redacted]
[redacted]



to: Yolanda Rivas

From: John Arciniega everestredpanda837@gmail.com
Subject: Transformational Proposal
Date: August 15, 2020 at 5:33 PM
To: StateRoute37@dot.ca.gov

JA

In my e-mail of July 17th 2020, I proposed a full elevated roadway from Mare Island bridge to the US101 interchange.

Delete

I am now submitting a modified proposal *which not only* addresses the current Hwy 37 *crisis but sets in motion further improvements in the future.*

In For Public Comment

The Proposal:

Build a four lane elevated roadway from the Mare Island Bridge to the Hwy 121 interchange.

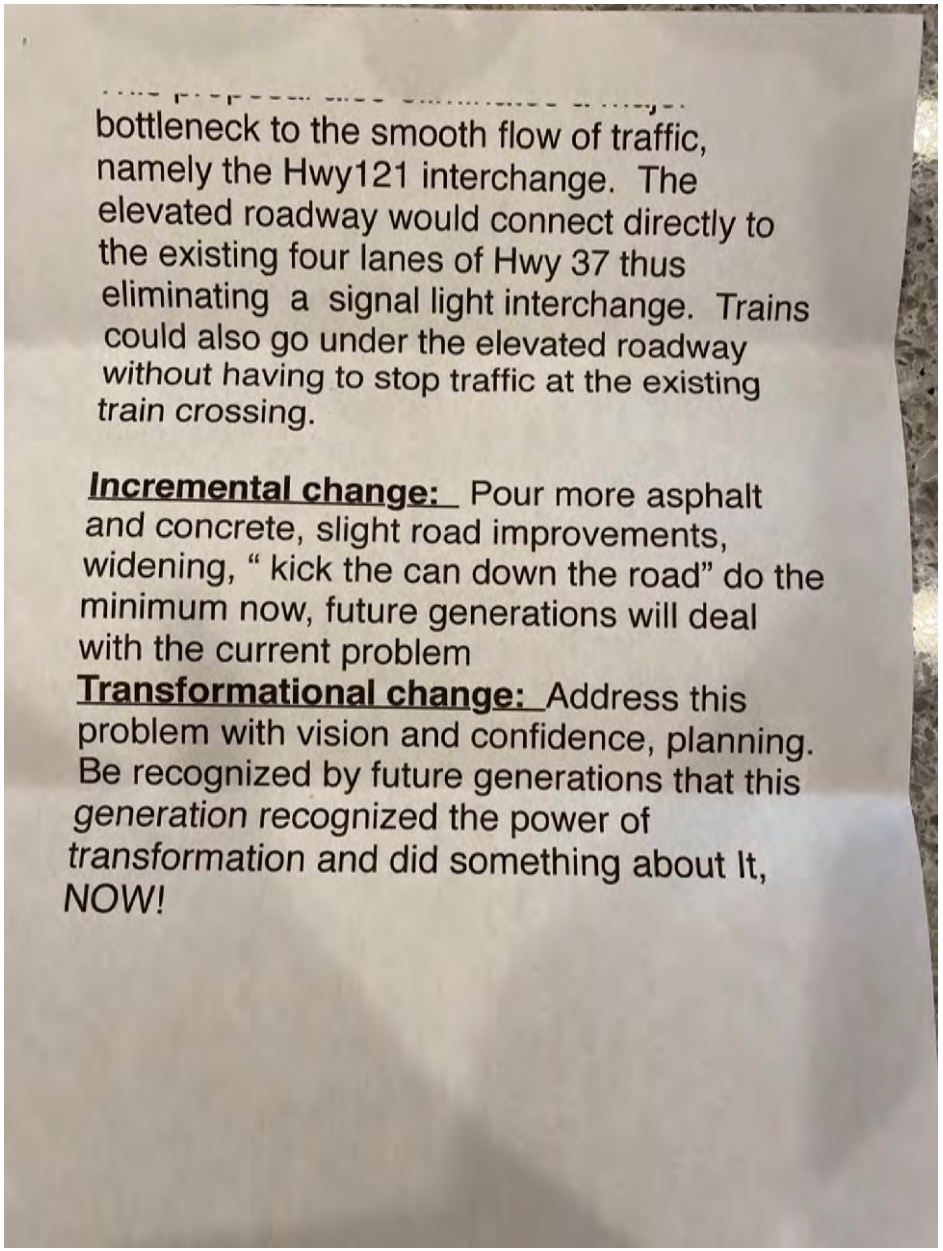
Discussion:

The majority of San Pablo Bay encroaches much of the existing Hwy37 roadway. While being a national wildlife refuge, this area is marked by marsh wetlands prone to flooding. The existing roadway in this area acts like a long de-facto dam along the coastline of San Pablo Bay. The underlying unstable earth and marsh conditions contribute constantly to the the deteriorating road with cracks and uneven road surfaces. Pouring more asphalt

does not come close to addressing the underlying conditions of this section of roadway and is only incremental change lining the pockets of the asphalt companies. An elevated roadway is essentially an extended bridge allowing for secure pilings while respecting the wildlife refuge.

The bridge construction should follow existing best practices and methods. I note that any large State construction project attracts politicians in droves. I comment on the needless and costly delays caused by the bickering of Willie Brown and Jerry Brown over the "look" of the new Bay Bridge span. For once, keep the politicians out of this project! Instead, invite exiting bridge designs that can be constructed with minimum impact and less visibility to the residents of this areas, namely birds and other wildlife who call this area their home. A well designed bridge does not have to look slap-dash utilitarian, either. The toll road approach should be considered.

This proposal also eliminates a maior



bottleneck to the smooth flow of traffic, namely the Hwy121 interchange. The elevated roadway would connect directly to the existing four lanes of Hwy 37 thus eliminating a signal light interchange. *Trains could also go under the elevated roadway without having to stop traffic at the existing train crossing.*

Incremental change: Pour more asphalt and concrete, slight road improvements, widening, " kick the can down the road" do the minimum now, future generations will deal with the current problem

Transformational change: Address this problem with vision and confidence, planning. Be recognized by future generations that this *generation recognized* the power of *transformation* and did something about It, *NOW!*

Other Transmittal Received:

TransDef letter received July 17, 2020 but does not appear to address this project specifically

Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

June 14, 2020
By E-Mail to:
ellen.greenberg
@dot.ca.gov

Ellen Greenberg, Deputy Director
Caltrans Headquarters
1120 N Street
Sacramento, CA 95814

Re: SB 743 TAF and TAC Comments

Dear Ms. Greenberg,

TRANSDEF, the Transportation Solutions Defense and Education Fund, has been focused on reducing the growth in Vehicle Miles Travelled (VMT) for 26 years. We have provided detailed critiques of three decades of RTPs, and participated in the CTC Working Group that revised the RTP Guidelines in response to AB 32 (2008), SB 375 (2010) and the attempt by MPOs to disavow responsibility for climate change (2016).

TRANSDEF is pleased that the Department is finally bringing Induced Demand into its transportation planning process. In our comments below on the draft Transportation Analysis Framework (TAF) and the draft Transportation Analysis under CEQA (TAC), we seek to raise the following principal points:

- If the Department keeps building highways, it will not be implementing SB 743.
- The Department's responsibility to stop promoting VMT growth will require profound changes in its attitudes, culture, procedures, policies and plans.
- The draft TAF and TAC do not provide adequate guidance for staff and MPOs.
- Mitigations must reduce the net GHG emissions from a project to zero or less.
- Given the intent of State climate policy to avoid climate catastrophe, Statements of Overriding Considerations must not be used to avoid project cancellation or selection of non-highway alternatives.
- COVID-19 may change transportation forever. Caltrans needs to be fluid.

Introduction

TRANSDEF has advocated in three decades of transportation planning processes for the reduction of VMT in order to foster a shift towards sustainable transportation, protect the climate and reduce congestion. We struggled against tremendous resistance from

MPOs, ARB and Caltrans. Caltrans created an especially bad example for the transportation sector by rejecting its SB 391 mandate to plan for climate change in the State Transportation Plan.

Caltrans' efforts to implement SB 743 mark an historic change in policy. We look forward to constructive collaboration now, as the legal requirement to include induced demand in transportation planning has ended that contested chapter.

The legislative adoption of SB 743 and the regulatory actions to implement it have invalidated the foundational assumptions that have guided transportation agencies for decades. As a result, these agencies need to rethink their missions, and in particular, understand the linkage between the suburban form of development and the dual challenges of highway congestion and increasing GHG emissions. This comment letter will attempt to articulate these larger issues, while addressing the TAF and the TAC.

Do the TAF and TAC Really Need to be Separate Documents?
Is it really necessary to have two documents? Review of the two documents, which present some of the same materials, suggests they could be combined, with a CEQA section at the end of the TAF. Planners uninvolved in environmental review could simply skip reading that section.

Caltrans' mission and how it affects the TAC
From Caltrans' beginnings as the California Highway Commission, the agency's mission has never wavered. The 2014 SSTI Assessment and Recommendations identified that mission as obsolete, and called for the transition to a new mission. However, the text of the TAC makes it clear that highway building is still the mission. Just compare the level of detail of the alternatives section (p. 8) to the CEQA analysis of capacity-increasing projects (pp. 13-22). That difference suggests little has changed except for the rhetoric:

> Caltrans supports these changes, which aim to reduce automobile use while increasing use of more sustainable modes that are essential to supporting our growing population and economy, while also meeting climate goals. (p. 3. Emphasis added.)

That statement does not ring true. The emphasis on mitigation and Statements of Overriding Considerations for capacity-increasing projects is contrary to the direction the Legislature gave Caltrans. Questions must be asked: If the priority is to stop the upward trend of statewide VMT and GHGs, why is Caltrans still concerned about capacity-increasing projects? How is mitigation consistent with State climate goals if it results in increased GHG emissions? What consideration could possibly override the State's goal to avoid a global temperature rise of 2° C, which has been judged incompatible with the continuation of human civilization as we know it? How could that significant environmental impact be considered "acceptable"? (p. 23.) In TRANSDEF's view, the TAC does not faithfully implement SB 743.

Recognizing that Caltrans' typical projects of the past have been capacity-increasing, the scoping section (p. 8) should have had a far more expansive discussion of alternatives to vehicular capacity increases. TRANSDEF participated in the editing of the Smart Mobility Framework (2010), a neglected Department resource whose time has finally come. Promoting a document like that would be valuable to MPOs that need to completely retool their RTP strategies, because their excessive projected VMT growth is inconsistent with State climate policy and SB 743.

Critical to future transportation planning at the local, regional and state levels is the full integration of land use planning into the process. Transportation and Land Use have always been intimately linked: The latter generates the demand served by the former. SB 743 implies a systemic reorientation away from the suburb/freeway model of development that has dominated the State ever since the 1950s—unless COVID-19 completely changes how society functions.

If that massive change weren't enough, the picture is made far more complex after the world's adaptation to the COVID-19 pandemic. The future of travel demand may be very different from what it was just last year. The state's favorable experience of telework could result in a permanent reduction in commute travel, which would change the fundamental assumptions of highway, transit and possibly even land use planning. Cities around the world are making dramatic changes in response to the pandemic, including installing bike lanes to allow travellers to feel safer than using transit. Caltrans will be challenged to emerge from its institutional rigidity and discover a more fluid way of responding to uncertainty and change.

If VMT returns to its pre-pandemic levels, reducing the growth in VMT will require shifting future land use away from greenfield suburban development and towards infill and TOD. It would require transit that is time-competitive with the automobile, connecting new communities clustered around transit stops. These profound cultural changes would require a significant public education campaign, coupled with proper incentives and disincentives to secure cooperation from local land use authorities. On the other hand, if VMT stays down post-pandemic as a result of a shift from a commute to a work-from-home model, the State will need to reevaluate its Strategic Growth Plan, and recalibrate its strategies.

Cumulative Impact of Induced Demand on Transportation Planning

Acknowledgement of induced demand calls for nothing short of a revolutionary shift in the goals and means of transportation and land use planning. Had induced demand been understood in the 1950s, transportation planning would have taken an entirely different direction. It would have resulted in the decision to modernize existing interurban trolley lines instead of scrapping them, along with the continued expansion of streetcar suburbs. In particular, the counterintuitive recognition that adding highway capacity cannot solve congestion would have indicated to early planners that building freeways would end up as a dead end, incapable of serving more than a fraction of a metropolitan population.

TRANSDEF firmly believes that contemporary suburban development and commute patterns have reached their natural limits: it is not feasible to add enough roadway capacity to accommodate the growth that has occurred, or that which is planned. That means that residents of existing suburban development, who are dependent on the automobile for mobility, will inevitably be stuck in gridlock if that development paradigm isn't stopped soon. (A rigorous application of SB 743 might just accomplish that...)

Managed Lanes

TAC Section 5.5.a(i) (p. 10) should include "HOV-to-managed lane conversions" in its list of Project Types Likely to Lead to a Measurable and Substantial Increase in Vehicle Travel. Even though these projects do not add new pavement, these conversions must be recognized as capacity enhancing with regards to single-occupant vehicles (SOVs). While TAC Figure 2 is silent on the induced demand analysis for managed (HOT) lanes, it is obvious they will lead to additional VMT.

Given that managed lanes are central to Caltrans' strategy going forward, managed lanes cannot be allowed to become a covert means of increasing SOV capacity. That would be totally contrary to the intent of State climate policy to "reduce vehicle miles traveled and contribute to the reductions in greenhouse gas emissions..." (p. 2.) Furthermore, managed lanes are known to decrease the use of carpools, which TRANSDEF sees as the only feasible way to reduce congestion. (See Mitigations, below.) TRANSDEF's comments on Caltrans' San Mateo Hwy. 101 Managed Lanes project point to the refusal to consider environmentalist-proposed alternatives, and to Caltrans' attitude to environmental review. The conclusion from that letter:

> Perhaps what's most offensive about this DEIR process is the deliberate way Caltrans is closing its eyes and ears to comments from the public, so that it can maintain Business as Usual. Public comment is the very heart of CEQA. Listening could help shift the agency in the direction of sustainable transportation, so that Caltrans can stop playing the role of dinosaur, about to be made extinct by history.

TRANSDEF has long argued that HOT lanes are a counterproductive strategy for addressing congestion and climate change. Congestion is caused by excessive numbers of SOVs. The only rationale for creating HOT lanes is to facilitate more SOV travel. Encouraging SOV travel, however, just makes congestion and GHG emissions worse. It delays for a generation the inevitable shift to alternative modes, as SOVs overwhelm the roadways. In addition, the induced demand from easier SOV travel results in more GHG emissions, which now constitutes a significant CEQA impact.

Mitigation

The section on mitigation needs to identify quantitative tools for establishing substantial evidence of the sufficiency of the mitigation. Mitigation in the context of SB 743 means that the net effect of the project on GHG emissions is either zero or negative. Most of

the mitigations listed on p. 22 of the TAC are likely to result in quantitatively de minimus GHG emissions reductions (the bicycle-pedestrian ones, in particular).

Stepping back for a moment, it should be clear that mitigating the impacts of a VMT-increasing project will not contribute to the State's VMT and GHG reduction goals. A mitigated VMT-increasing project would merely not make GHG emissions worse. Transportation funding should be directed instead towards those projects that don't need mitigation, especially transit.

Let's remember too that mitigations, under CEQA, must be enforceable and effective. TRANSDEF takes that to mean that the mitigation must actually produce the claimed GHG reduction assigned to it in the EIR over the long term. Going through the motions of adding a few mitigations from a list to sweeten a project package will not be sufficient.

We have seen such tokenism before. We complained bitterly, for example, that MTC's Climate Initiatives could not substitute for actual VMT reduction. They were unfunded and made up the vast majority of the GHG reductions claimed in the 2017 RTP:

> Climate Initiatives from the 2013 RTP have not been funded. Why should these Initiatives get credit, especially when 62% of the 2035 claimed emissions reductions come from these Initiatives? If they are not credible, the RTP fails to achieve the 2035 target.

In that situation, ARB at least evaluated the credibility of the emissions reductions. No process has been set forth in the TAC to keep agencies honest.

As mitigation on the SHS, TRANSDEF has long advocated for Caltrans to operate its HOV lanes to offer a consistent travel time advantage to carpools. Because this incentive to carpool has been lacking for decades, carpool utilization has been poor. Caltrans has long resisted making carpool lanes operational whenever General Purpose lanes are typically congested. Caltrans has thus favored SOVs over HOVs, which is not a sustainable policy. TRANSDEF is unaware of any evidence that Caltrans has ever operated HOV lanes for the purpose of encouraging mode shift from SOV to HOV.[1]

The other elements of TRANSDEF's HOV-based strategy to increase average auto occupancies are (2) enforcement of occupancy rules, preferably by automated cameras; (3) heavy promotion of smartphone-based ridematching, with a participant security check similar to Uber/Lyft; and (4) retention of the 2+ occupancy standard, to encourage carpooling (3+ is dramatically more difficult to implement). This is the most feasible way to expand the person-trip capacity of existing infrastructure, without any capital costs.

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[1] It appears to us that Caltrans built its HOV lanes solely to open up capacity by diverting HOVs from General Purpose lanes. (The Clean Air Act prohibited the construction of General Purpose lanes in non-attainment areas.)

CEQA Baseline

TRANSDEF has experience with bogus CEQA baselines created to evade the proper disclosure of impacts. The TAC directive that "the CEQA baseline for VMT should be the future no-build condition" (p. 14), while clever, is a stunning departure from decades of CEQA practice. In effect, Caltrans is saying that decades of EIRs using existing conditions baselines were "misleading." It is richly ironic that Caltrans' approach to implementing VMT as the key CEQA metric would seek to separate the VMT "attributable" to a highway widening from the increased VMT from the growth and development induced by the project at the very time it is required to evaluate induced demand.

The directive appears to be based on an intentional misquoting of the CEQA Guidelines. The actual language of the Guideline places "only" in a critically different location in the sentence:

> A lead agency may use projected future conditions (beyond the date of project operations) baseline as the sole baseline for analysis only if it demonstrates with substantial evidence that use of existing conditions would be either misleading or without informative value to decision-makers and the public. (CEQA Guidelines §15125(a)(2). Emphasis added.)

TRANSDEF does not see how that evidentiary burden can possibly be met as standard practice, when case law in this area has been very fact-driven. TRANSDEF is unaware of the TAC's approach ever having passed judicial scrutiny. We demand correction of the quotation, and either the retraction of the directive, or confirmation that it has survived legal challenge. Nevertheless, an existing conditions baseline is needed for evaluating cumulative impacts, including "other variables not caused by the project, such as the projected future regional transportation system, population growth, economic growth and land use changes" (p. 14) that are reasonably foreseeable.

Reliance on Deeply Flawed ARB Documents

The attached critique of *CARB 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals* explains in detail why practitioners will not be able to rely on its prescription for demonstrating consistency with State climate goals. (p. 13.)

The text on p. 13 is unacceptably imprecise. It is unclear whether the 25% reduction needed to reach the State's climate goals (line 24) is in light-duty or all on-road vehicles. The source material clearly refers to light-duty vehicles.

The reduction percentages on p. 7: 22-28 appear to have been superseded by the percentages in the document critiqued in the Attachment. As explained therein, however, those numbers cannot be used for project compliance purposes.

The List of Non-Capacity Increasing Projects

TRANSDEF finds the inclusion of:

> • Addition of tolled lanes, where tolls are sufficient to mitigate VMT increase (TAF p. 10; TAC p. 12.)

to be inadequate and misleading without a discussion of the evidentiary burden required to demonstrate sufficiency. Since this document is directed towards practitioners, more needs to be stated than was included in the OPR Technical Advisory.
We are similarly concerned about the absence of a brightline test here:

> • Addition of passing lanes, truck climbing lanes, or truck brake-check lanes in rural areas that do not increase overall vehicle capacity along the corridor. (TAF p. 10; TAC p. 12.)

TRANSDEF is aware of several gateways to urbanized areas, where truck climbing lanes are proposed or have been built. We believe these projects clearly increase vehicle capacity. Please identify the characteristics that distinguish those that do not.

Conclusion
This is a time of profound change for the Department. TRANSDEF would be happy to lend assistance. Please let us know if you would like to discuss any of these issues.

BTW, There is a typo in the TAF Table of Contents. "Transportation" was misspelled. Capitalization was quite irregular on that page. In addition TAF p. 9:5-11 seems to be a repeat of the previous paragraph.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President

Attachment: A Technical Critique of a TAC foundational paper

CC: Toks Omishakin, Caltrans
David Kim, CalSTA
Mary Nichols, ARB
Kate Gordon, OPR
Susan Branson, CTC
Jim Frazier, Assembly Transportation Committee
Jim Beall, Senate Transportation Committee
Therese McMillan, MTC
Sammy Roth, LA Times
Inside Climate News
ACLU-California
Sierra Club California

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A Technical Critique of a TAC foundational paper

CARB 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals

The above-referenced document is deeply flawed:

1. SB 375 never mandated the use of per capita metrics. That decision was totally ARB's. (p. 3.)
2. It is untrue that the Final EA for the 2018 Regional Targets Update found the "SB 375 targets at the level necessary to attain state climate goals ... would be infeasible for MPOs to achieve with currently available resources." (p. 3. Emphasis added.) See the cursory analysis in the Final EA, p. 153-155. TRANSDEF commented at that time on the EA and on the Update itself.
3. The statement that "An RTP/SCS that meets the applicable SB 375 targets alone will not produce the GHG emissions reductions necessary to meet state climate goals in 2030 nor in 2050" (p. 4) is purely the result of ARB's cowardice to undertake the culturally and politically difficult decisions required to carry out its SB 375 mandate.
4. From a policy standpoint, this is a ridiculous state of affairs. Worse yet, the permit streamlining built into SB 375 is being abused, because it is not possible to find that the streamlined project is consistent with State climate goals.
5. Comparing Figure 2 (p. 9) to the sp_mss_vmt_calculations spreadsheet ARB created to go along with the document shows disturbing assumptions and an unclear presentation.
    a. The text surrounding Figure 2 did not define total VMT. It failed to inform the reader that total VMT included Heavy Duty Vehicles (HDVs).
    b. A discussion of VMT for SB 375 purposes should only involve Light Duty Vehicles.
    c. It is bogus to include HDV VMT in a per capita metric.
    d. The Baseline VMT grew by 21.7% in the 2015-2050 period, while the CTF VMT grew by 3.5%. Distorting this entire picture, however, is the 54% increase in VMT for HDVs.
    e. Massive amounts of shipping could be shifted to freight rail, if appropriate economic incentives were implemented. That would change the Mobile Source Strategy significantly.

f. The analytic frame ignores the impact of a 24% increase in total VMT on actual travel in the year 2050. Do the planners really think that all those vehicles can be accommodated on existing, already-congested roadways?

g. Note that the Baseline VMT/capita barely changes from 2015-2050. That indicates a tiny mode shift, indicating a massive policy failure.

h. The analytic frame ignores what happens after 2050. It should be obvious that VMT and GHG emissions can't keep growing beyond that year. Yet ARB is not creating the foundation for a low-GHG, low-congestion future. Simply replacing fossil fuel cars with EVs does nothing about congestion, which will turn into gridlock if suburbs keep sprawling.

6. This paper leads to a conclusion so egregious that questions must be asked about the ability of ARB staff to do basic arithmetic:

> Certain land use development projects located in areas that would produce rates of **total** VMT per capita that are approximately 14.3 percent lower than existing conditions, or rates of **light-duty** VMT per capita that are approximately 16.8 percent lower than existing conditions ... could be ... interpreted to be consistent with the transportation assumptions embedded in the 2017 Scoping Plan and with 2050 State climate goals. (p. 11. Emphasis in original.)

Apart from the unnecessary confusion caused by using a per capita metric (which complicates the analysis), this conclusion confuses the impact of a single project with the cumulative impact of the entire population during the plan period. Remember that in development, only a tiny fraction of the existing land base undergoes change in any given period. The residents of existing development will continue with their prior patterns of auto usage, absent some major policy implementation or economic intervention.

What this means is the opposite of the paper's conclusion is true: If a project proposes to reduce VMT/capita by 14.3% re: 2050, that is dispositive evidence that the project is inconsistent with State climate goals. The only way a 14.3% reduction is consistent with State climate goals is if it characteristic of the entire population.