

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 commenters that submitted a comment letter or email 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 asked 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) Marin Area
7/29/2020	California Highway Patrol (CHP) Solano Area
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
8/24/2020	Sonoma County Regional Parks
8/17/2020	Transportation Authority of Marin (TAM)
ORGANIZATIONS	
7/22/2020	Bike Concord
8/14/2020	Bike East Bay
8/24/2020	Marin Audubon Society
8/24/2020	Marin County Bicycle Coalition (MCBC)
8/24/2020	Marin Conservation League
8/24/2020	Napa Solano Audubon Society
8/26/2020	Rails-to-Trails Conservancy
8/20/2020	Sierra Club
8/20/2020	Sonoma County Bicycle Coalition
8/24/2020	SR 37- Baylands Group (and other organizations)
8/24/2020	The Ocean Foundation
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	
7/23/2020	Allison McNeil

7/26/2020	Augusto Carrillo
7/23/2020	Dan Bell
8/12/2020	Daniel Boone
7/22/2020	David Yamaguchi
7/23/2020	Dick Anderson
8/23/2020	Ed Schulze
7/24/2020	Jane Dickel
8/24/2020	Jim Sherry
7/18/2020	John Arciniega
8/15/2020	John Arciniega
7/21/2020	John Nichols
7/23/2020	Kara Reyes
7/23/2020	Kim Achziger
7/31/2020	Max Kelley
7/21/2020	Michael Toschi
8/18/2020	Nadya Clark
7/24/2020	Patricia Lynch
8/5/2020	Rob Wiley
7/18/2020	Robert Schellenberg
7/21/2020	Robert Stuart
7/22/2020	Scott Bartlebaugh
7/16/2020	Steve Slack
7/23/2020	Tim Lang

Note: Table does not include voicemail (with no comments) received on 7/23/2020.

Table 1b is a summary of written submittals received, but the questions or comments were inquiries or other background materials provided by the commenter.

Table 1b. Written Inquiries Received, or Other Attached Materials for Consideration

Date	Commenter
8/10/2020	Bruce Ohlson
7/19/2020	Christian Kallen
7/10/2020	John Rice
7/23/2020	Train Riders Association of California (TRAC) (submittal attachment on vehicle miles traveled, induced travel growth)

Table 2 is a summary based upon written comments received during the NOP public scoping period.

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)

<i>General</i>
<ul style="list-style-type: none"> • Simplify the NOP, reduce it to the Mitigated Alternative 1 and a No Project Alternative • The project is not planned to include any provisions to deal with sea level rise. Discuss how project will accommodate sea level rise • Avoid foreclosing options for the long-term project that will address sea level rise • Include analysis of No Project Alternative • Avoid piecemealing under the California Environmental Quality Act (CEQA) • Provide full project description of project features to select preferred alternative

<ul style="list-style-type: none"> • Include light impact analysis and discussion
<ul style="list-style-type: none"> • Importance of developing and implementing a concerted corridor plan that recognizes SR 37 as an interconnected system
<ul style="list-style-type: none"> • Address environmental justice, including culturally-relevant community outreach and engagement efforts and identifying whether the project is in a vulnerable community
<ul style="list-style-type: none"> • Consider existing conditions and future climate change impacts
<ul style="list-style-type: none"> • What is total cumulative area of wetlands that would be filled, including any associated mitigation (Marin Audubon calls for two acres of restored acre for each acre filled as mitigation)
<ul style="list-style-type: none"> • How much fill of wetlands and bay will be needed (include a figure that shows the areas of fill)
<ul style="list-style-type: none"> • Address safety of fill and how proposed fill will meet McAteer-Petris Act fill requirements and Bay Plan policies
<ul style="list-style-type: none"> • Describe shoreline protection components of project and consistency with BCDC policies
<ul style="list-style-type: none"> • Address climate change and safety of fills, as required by Bay Plan climate change policies
<ul style="list-style-type: none"> • Integrate the analysis for the Traffic Congestion Relief Project EA with the PEL study
<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • Consider the potential for growth-related impacts from this project
<ul style="list-style-type: none"> • Highway alternatives will induce demand, including increasing VMT and GHG emissions, contrary to Executive Order N-19-19 and current State climate policy
<ul style="list-style-type: none"> • Air quality benefit of vehicle occupancy requirement, and anticipated occupancy (two or three) passengers per vehicle
<ul style="list-style-type: none"> • Cumulative impact analysis should consider the long-term project that includes the entire length of the roadway
<ul style="list-style-type: none"> • Present the criteria that will be used to select the preferred alternative
<ul style="list-style-type: none"> • What is safety record and safety differences of each of the alternatives?
<ul style="list-style-type: none"> • Include map showing access roads relevant to the project
<ul style="list-style-type: none"> • Include one or more well-thought-out landscape restoration components
<ul style="list-style-type: none"> • The environmental document needs to evaluate additional alternatives inclusive of landscape restoration (several alternatives provided by The Ocean Foundation)
<p><i>Project Design/Operations</i></p>
<ul style="list-style-type: none"> • Lack of shoulder is problematic for emergency response
<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • Non-standard location of the HOV lane could cause confusion, as most HOV lanes are in the #1 lane
<ul style="list-style-type: none"> • Long term solution for the area is a four lane, elevated, roadway running from Mare Island bridge to US 101 interchange
<ul style="list-style-type: none"> • Commenter suggests 4-lane expressway/highway between SR 121 and Mare Island
<ul style="list-style-type: none"> • Consider taking one of the westbound lanes at the creek (in the afternoon) and having Sonoma traffic cross over about 0.7 mile (near the barn) heading up the hill to the no. 1 westbound lane, putting the center divide on the right
<ul style="list-style-type: none"> • One lane road beyond Sears Point raceway needs to be modified to two lanes to allow for more traffic flow. If this is not possible, then install a protected turn lane to allow traffic to Sonoma
<ul style="list-style-type: none"> • For SR 121 intersections, raise interchange with capability for off and on ramps, high enough to accommodate railroad clearance, and extend eastbound 37 overhead ramp long enough to eliminate modification to Tolay Creek Bridge
<ul style="list-style-type: none"> • At Sonoma Creek Bridge, create an eastbound under-crossing loop with a return to the WB lane and consider cantilever outboard extensions for bicycle access
<ul style="list-style-type: none"> • Use "Right In-Right Out" at roadside accesses
<ul style="list-style-type: none"> • Consider adding an alternative which includes a 'flyover' at the SR37/Highway121 interchange,

<ul style="list-style-type: none"> • Will all three alternatives continue to maintain at least four areas to view wildlife and can they be enlarged for safety?
<ul style="list-style-type: none"> • Maintain size of pull-outs for safety
<ul style="list-style-type: none"> • Will barrier between east and west traffic continue to have slots on the bottom to allow for the rare and endangered salt marsh harvest mouse to move?
<ul style="list-style-type: none"> • Lengthening of the Tolay Creek Bridge by approximately 700 feet to accommodate increased tidal volume, adjacent fringing marsh, and the railroad, should be considered to allow implementation of the Sonoma Creek Baylands Strategy
<p><i>Project and Agency Coordination Recommendations</i></p>
<ul style="list-style-type: none"> • NAHC provided recommendations for Cultural Resources Assessments
<ul style="list-style-type: none"> • Permit from BCDC will be required for this project
<ul style="list-style-type: none"> • Coordinate with BCDC to confirm whether any components of the project fall within San Pablo Bay Wildlife Refuge Priority Use Areas
<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • Work with TAM to determine an appropriate methodology for assessment of traffic on the Marin County Congestion Management Network
<ul style="list-style-type: none"> • Coordinate with all regulatory agencies that have jurisdiction to determine whether mitigation may be needed for the potential impacts
<ul style="list-style-type: none"> • Recommend Caltrans host early coordination meetings at key milestones
<ul style="list-style-type: none"> • Opportunity for collaboration between the Bay Trail and Sonoma County Regional Parks
<p><i>Bicycle and Pedestrian Facilities</i></p>
<ul style="list-style-type: none"> • Bicycle shuttle across Highway 37 is not acceptable. If shuttle is provided, shuttle must be available 24/7 and 365 days a year
<ul style="list-style-type: none"> • The proposed road shoulder conversion into a travel lane in Alternatives 2 and 3 would eliminate any opportunity for bicyclists to ride in the road shoulder
<ul style="list-style-type: none"> • Alternatives 2 and 3 violate Caltrans' commitment to Complete Streets by eliminating bicycle access and putting HOV lanes on the outside lanes is counterintuitive and unsafe for vehicles entering from intersections and parking areas
<ul style="list-style-type: none"> • Include other transportation modes such as bike trail and public transit
<ul style="list-style-type: none"> • Include safe bicycle and pedestrian facilities including standard bicycle facilities that meet the standards of the Highway Design Manual
<ul style="list-style-type: none"> • Alternative 1 should include a slightly wider shoulder with a physical barrier protecting cyclists and pedestrians from faster vehicles
<ul style="list-style-type: none"> • Provide safe public access to the wetlands via bicycle paths, trails and boat landings
<ul style="list-style-type: none"> • Restrict obstruction to pedestrian and bicycle pathways
<ul style="list-style-type: none"> • Project does not adequately address the need for safe bicycle access on SR 37 or high bicycle traffic will be handled (under all three alternatives) or considerations for public bicycle shuttles
<ul style="list-style-type: none"> • Alternative to providing on-street bicycle facilities would be to build a bicycle path parallel to Highway 37
<ul style="list-style-type: none"> • Support inclusion of a safe, separated 3600' bicycle/pedestrian facility between the existing Sears Point Bay Trail and Tubbs/Tolay Bay Trail
<ul style="list-style-type: none"> • Project fails to provide bicycle/pedestrian provisions in keeping with Caltrans' ambitious policies and goals related to active transportation
<ul style="list-style-type: none"> • Include separated bikeway along SR 37 for the entire length of the project
<p><i>Mitigation</i></p>
<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • 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

<ul style="list-style-type: none"> • Bay Plan policies on mitigation require projects to “compensate for unavoidable adverse impacts to the natural resources of the Bay...”
<i>Biological Resources</i>
<ul style="list-style-type: none"> • Identify and discuss wildlife that could be impacted by construction, habitat loss and other impacts of each of the alternatives, including operation of the highway.
<ul style="list-style-type: none"> • Address lighting impacts to surrounding marshes and wildlife and include avoidance and minimization measures
<ul style="list-style-type: none"> • Include full list of all special-status species with the potential to occur within the project area
<ul style="list-style-type: none"> • How could impacts to wildlife be avoided and what mitigation is being provided for impacts that cannot be avoided? Discuss erecting a barrier to prevent wildlife from being run over and providing movement corridors to allow wildlife to move.
<ul style="list-style-type: none"> • Include in-water and seasonal avoidance windows to avoid impacts to state threatened, endangered, rare and native aquatic species
<ul style="list-style-type: none"> • Encourage project implementation outside of bird nesting season and include mitigation/avoidance measures
<ul style="list-style-type: none"> • Include Swainson’s Hawk surveys and mitigation/avoidance measures
<ul style="list-style-type: none"> • Include Western Burrowing Owl mitigation/avoidance measures
<ul style="list-style-type: none"> • Include bat assessment and mitigation/avoidance measures
<ul style="list-style-type: none"> • Include fish passage assessment and mitigation/avoidance measures
<ul style="list-style-type: none"> • Include wildlife connectivity assessment and mitigation measures
<ul style="list-style-type: none"> • Analyze threatened, endangered, rare and native plant species and include mitigation/avoidance measures
<ul style="list-style-type: none"> • Include tidal marsh species assessment and mitigation/avoidance measures
<ul style="list-style-type: none"> • Address Bay Plan policies on fish, other aquatic organisms, and wildlife; tidal marshes and tidal flats; and subtidal areas
<ul style="list-style-type: none"> • Describe possible noise and vibration impacts to wildlife
<ul style="list-style-type: none"> • Protect sensitive wetland habitats
<i>Hydrology/Water Quality</i>
<ul style="list-style-type: none"> • Include analysis of potential water quality impacts associated with the project, including treatment of runoff and where treatment would be located
<ul style="list-style-type: none"> • Encourage Caltrans to integrate Clean Water Act Section 404 regulatory requirements into the NEPA process for both regulatory and planning programs
<ul style="list-style-type: none"> • Examine opportunities to improve the free tidal flow of water into and out of all areas adjacent to the highway
<ul style="list-style-type: none"> • Identify sheet pile sites and address beneficial and adverse related impacts to hydrology, wildlife, and viability of the marsh on either side of the sheet piles, including associated mitigation measures
<ul style="list-style-type: none"> • Project should be designed to avoid placing infrastructure, such as sheet pile walls, that could be barriers to tidal exchange
<ul style="list-style-type: none"> • Mitigation should be provided for all wetland impacts resulting from road widening, trails, bridge, pullouts and culverts. All mitigation should be accomplished by supporting wetlands restoration in the San Pablo Baylands that is compatible with existing habitat goals for the area, not through offsite mitigation
<i>Noise</i>
<ul style="list-style-type: none"> • Road noise coming from Route 37 has increased over the years and is frequently “significant” and the project will increase road noise, impacting residential areas as well as affecting wildlife
<ul style="list-style-type: none"> • Include noise studies in the EIR comparing ambient sound levels to road noise events and specify mitigation efforts
<i>Transportation</i>
<ul style="list-style-type: none"> • Concern with traffic backup on SR 116, SR 12, and SR 121 from SR 37 and encourage getting drivers back on SR 37
<ul style="list-style-type: none"> • Analyze project alternatives’ consistency with Bay Plan transportation policies

<ul style="list-style-type: none"> • Address how project maintains public access and views consistent with BCDC law and Bay Plan policies
<ul style="list-style-type: none"> • Bay Trail should be incorporated and should dovetail with adjacent efforts to close the overall Sears Point—Tubbs/Tolay Bay Trail gap
<ul style="list-style-type: none"> • Provide public access mitigation for Alternatives 2 and 3
<ul style="list-style-type: none"> • Traffic demand and delay studies should estimate long-term effects of the current pandemic
<ul style="list-style-type: none"> • Include evaluation of alternatives related to VMT and include measures to reduce VMT through options that increase vehicle occupancy
<ul style="list-style-type: none"> • Assess how alternatives positively or negatively affect the ultimate corridor configuration
<ul style="list-style-type: none"> • Will there be parking lots and/or other facilities to encourage carpooling?
<ul style="list-style-type: none"> • Encourage nearby transit agencies to partner and provide shuttle service routes along the corridor's new HOV lanes to further relieve congestion
<i>Tolling</i>
<ul style="list-style-type: none"> • Consider Tolay Creek Bridge toll
<ul style="list-style-type: none"> • Suggest one toll gantry just west of the Mare Island intersection
<i>Miscellaneous</i>
<ul style="list-style-type: none"> • Include Light Rail or Bus Rapid Transit from Novato with two station stops in Novato, Sears Point, Mare Island, Sacramento Street, Sonoma Blvd, Discovery Kingdom, and the retail area near Costco
<ul style="list-style-type: none"> • The sooner the project will be completed the better; any vehicle/engine traveling at its designed speed produces far less emissions than when the same is sitting in stop and go traffic spewing out exhaust.
<ul style="list-style-type: none"> • Commenter supports an HOV lane in the Eastbound direction
<ul style="list-style-type: none"> • Commenter supports alternative with 2+ lanes in each direction open at all times with shoulders
<ul style="list-style-type: none"> • Commenter supports alternative 3 because of the four lane, HOV concept
<ul style="list-style-type: none"> • Focus on long-term solutions rather than “quick fixes” due to sea level rise and possible change in commute patterns as a result of COVID-19
<ul style="list-style-type: none"> • Extra lanes will be of no help as long as there is a stoplight at the intersection at Sears Point
<ul style="list-style-type: none"> • All traffic light locations should be replaced with an overpass/underpass off ramp that doesn't restrict the flow of traffic
<ul style="list-style-type: none"> • Widening SR 37 will induce more automobile usage and the congestion will remain the same

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)

<ul style="list-style-type: none"> • What existing plans are addressing the flooding of SR 37?
<ul style="list-style-type: none"> • How does this project relate to the PEL (Planning and Environmental Linkages)?
<ul style="list-style-type: none"> • How would the bike shuttle function?
<ul style="list-style-type: none"> • How much additional pavement is required for each alternative?
<ul style="list-style-type: none"> • How much construction staging area is needed?
<ul style="list-style-type: none"> • What are the roadway widths of each alternative? (how much wider than existing?)
<ul style="list-style-type: none"> • What is the rationale for not focusing on 4 permanent lanes?
<ul style="list-style-type: none"> • Will the road be raised to address the sea level rise issue?
<ul style="list-style-type: none"> • Commenter is not in favor of a shared lane concept (high maintenance required); has an elevated roadway been considered?
<ul style="list-style-type: none"> • Has tribal consultation begun?
<ul style="list-style-type: none"> • Do any alternatives include bridge or viaduct design?

<ul style="list-style-type: none"> • Will the environmental document look at the potential use of the rail line for passenger service?
<ul style="list-style-type: none"> • Is a five-year timeline satisfactory? Why not proceed to the long term project that addresses sea level rise?
<ul style="list-style-type: none"> • Would bikes be allowed to travel in the shoulder in all the alternatives? Or prohibited?
<ul style="list-style-type: none"> • How are you going to get around Caltrans' bicycle standards as listed in the Highway Design Manual, and especially Deputy Directive 64?
<ul style="list-style-type: none"> • "Add vehicle lanes while incentivizing increased vehicle occupancy" sounds like an impossibility based on past efforts.
<ul style="list-style-type: none"> • 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?
<ul style="list-style-type: none"> • 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?
<ul style="list-style-type: none"> • For the short-term project, can federal funding (through an infrastructure aid program) shorten the project schedule to, for example, two years?
<ul style="list-style-type: none"> • Zipper trucks seem like a nonstarter due to the length of the project.
<ul style="list-style-type: none"> • If Alternative 2 does not include a movable barrier, how will two lanes in peak direction be accommodated/enforced?
<ul style="list-style-type: none"> • 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?
<ul style="list-style-type: none"> • What assumptions will you make about passenger rail service in the corridor, in view of the State Rail Plan?
<ul style="list-style-type: none"> • Plan to update preliminary cost analysis done in late 2018 for alternatives 1 & 2?
<ul style="list-style-type: none"> • 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)?
<ul style="list-style-type: none"> • How will marsh species be protected from impacts from lighting improvements proposed in this project?
<ul style="list-style-type: none"> • Will detailed design cross sections for each of the alternatives be available to the public before the DEIR is complete?
<ul style="list-style-type: none"> • How will the alternatives consider sensitivity/flexibility for the ultimate corridor project?
<ul style="list-style-type: none"> • 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?
<ul style="list-style-type: none"> • Has a raised highway been considered to address sea level rise, along with traffic congestion relief?
<ul style="list-style-type: none"> • 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?
<ul style="list-style-type: none"> • 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?
<ul style="list-style-type: none"> • What evidence do you have that adding lanes will result in less congestion rather than inducing more VMT?
<ul style="list-style-type: none"> • Has a crash analysis been done on the alternatives, and do the build alternatives reduce the probability of crashes?
<ul style="list-style-type: none"> • What federal agencies are involved and approvals are required?
<ul style="list-style-type: none"> • 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.

<ul style="list-style-type: none"> • 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?
<ul style="list-style-type: none"> • Will electric vehicles be considered to use HOV lanes?
<ul style="list-style-type: none"> • 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.
<ul style="list-style-type: none"> • What is the Legislative approval required to authorize tolling? What is the toll cost to drivers required to satisfy near-term goals?
<ul style="list-style-type: none"> • Will the short-term traffic improvements include an interchange at the 37/121 intersection?
<ul style="list-style-type: none"> • What portion of this project is funded and what are the funding sources?
<ul style="list-style-type: none"> • When will the next public meeting be on this project?
<ul style="list-style-type: none"> • How would the selection of the preferred plan interface with the CEQA process?
<ul style="list-style-type: none"> • 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.
<ul style="list-style-type: none"> • Is there interest from transit agencies to run bus routes on SR 37 if these improvements are made?
<ul style="list-style-type: none"> • Why not prevent trucks and slow vehicles from crossing SR 37 during peak traffic times?
<ul style="list-style-type: none"> • 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?
<ul style="list-style-type: none"> • 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?
<ul style="list-style-type: none"> • 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?
<ul style="list-style-type: none"> • 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?
<ul style="list-style-type: none"> • Does the EIR address the toll option causing a subsequent impact to surrounding routes?
<ul style="list-style-type: none"> • Are facilities to encourage carpooling, such as parking and meeting areas, being considered?
<ul style="list-style-type: none"> • Are there fish passage issues that the project is required to address?
<ul style="list-style-type: none"> • Include a roundabout at SR 37 and SR 121 into proposed improvements to make a difference in the flow of traffic.
<ul style="list-style-type: none"> • 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.
<ul style="list-style-type: none"> • 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.
<ul style="list-style-type: none"> • 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](mailto: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](mailto: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.gov
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
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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
From: 6925021D81CA4F7 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 to 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.

Ms. Yolanda Rivas
California Department of Transportation

2

August 20, 2020

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

Ms. Yolanda Rivas
California Department of Transportation

4

August 20, 2020

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 (CNDDDB), 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.

Ms. Yolanda Rivas
California Department of Transportation

6

August 20, 2020

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 CNDDDB, 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

Ms. Yolanda Rivas
California Department of Transportation

9

August 20, 2020

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, 2009²* and the *Wildlife Crossing Structure Handbook – Design and Evaluation in North America, Publication No. FHWA-CFL/TD-11-003, March, 2011³*.

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 striping 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, 2018⁴. 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 CNNDDB, 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 CNDDDB. 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 of 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

Ms. Yolanda Rivas
California Department of Transportation

14

August 20, 2020

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

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_CalIFPADE.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.

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - 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 Mitigations: 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:

- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- 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:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
- 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.
- Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- 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)).
- 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:

- 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.
- The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- 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)).

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 of the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

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Govin Newsom, Governor

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION



July 13, 2020

Yolanda Rivas
California Department of Transportation (Caltrans)
111 Grand Avenue MS 88
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.

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 4 P.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 be 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
Moir McEnespy, State Coastal Conservancy
Shannon Fiala, Bay Conservation and Development Commission

Sonoma County Regional Parks

Kenneth Tam, Park Planner II



SONOMA
COUNTY
REGIONAL
PARKS

BERT WHITAKER
DIRECTOR

August 24, 2020

Yolanda Rivas, Senior Environmental Planner
Caltrans District 4
P.O Box 23660
Oakland, Ca 94623-0660
Emailed: StateRoute37@dot.ca.gov

Re: Notice of Preparation
State Route 37 Traffic Congestion Relief Project Plan

Dear Ms. Rivas:

Thank you for the opportunity to review and comment on the Notice of Preparation for the State Route 37 Traffic Congestion Relief Project Plan. The proposed traffic improvements are located within the planned Bay Trail corridor. The Bay Trail segment located within the State Route 37 corridor is identified as a Class I bike path providing pedestrian and bicycle access. Currently there are no safe pathway for pedestrians and bicyclists to use along the State Route 37.

It is our understanding that the current project scope for SR37 is to provide interim traffic relief. Per the project description, Caltrans is considering three alternatives to improve traffic flow. All three alternatives do not adequately accommodate pedestrian and bicycle access on SR37. Furthermore, the proposed road shoulder conversion into a travel lane in Alternatives 2 and 3 would eliminate any opportunity for an experienced and skilled bicyclist to ride in the road shoulder.

Although this is an interim project, we request Caltrans to accommodate pedestrian and bicycle access in the State Route 37 Traffic Congestion Relief Project Plan. There are examples of projects where pedestrians and bicycles have been accommodated adjacent to a roadway such as the Carquinez Bridge Bicycle and Pedestrian Path and the Bay Bridge Trail which is part of the San Francisco Bay Trail. In both projects, a safety barrier was constructed to separate the vehicle traffic from the pedestrian/bicycle traffic.

Please continue to consult and coordinate with Sonoma County Regional Parks on any near-term and mid-to long term solutions that include pedestrian and bicycle improvements on SR37. Thank you for the opportunity to comment on this project. If you have any questions, please contact me at 707-565-3348 or by email ken.tam@sonoma-county.org

Sincerely,

Kenneth Tam
Park Planner II

S:\Planning\Special Projects\Bay Trail\Hwy 37 Project\SR 37 Interim Project NOP SCRP response.docx
Page | 1 of 2

2300

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S O N O M A
C O U N T Y
R E G I O N A L
P A R K S

BERT WHITAKER
DIRECTOR

c: James Cameron, Sonoma County Transportation Authority (SCTA)
Maureen Gaffney, Association of Bay Area Governments (ABAG)/MTC
Steve Ehret, Sonoma County Regional Parks
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TAM Transportation Authority of Marin

Ann Richman, Executive Director



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Sausalito
Susan Cleveland-Knowles

Tiburon
Alice Fredericks

County of Marin
Damon Connolly
Katie Rice
Kathrin Sears
Dennis Rodoni
Judy Arnold

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

Bike Concord

S.M. Ardrey, Community Outreach and Bike Kitchen Coordinator

From: BikeConcord <Smitty@bikeconcord.org>
Sent: Wednesday, July 22, 2020 3:59 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Accommodate Bicycles

EXTERNAL EMAIL. Links/attachments may not be safe.

Please build into your plan accommodations for bicycles. Include standard bicycle facilities that meet the standards of the Highway Design Manual.

Best regards and Happy pedaling!

“Smitty” (S. M. Ardrey)
Community Outreach & Bike Kitchen Coordinator



a.k.a. The Instigator

[\(925\)285-1814](tel:(925)285-1814)

BikeConcord.org [Facebook: BikeConcord](#)

Bike Concord's nonprofit 501(c) 3 sponsor is Bike East Bay

BikeEastBay.org

Bike East Bay

Dave Campbell, Advocacy Director



August 14, 2020

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

Re: State Route 37 Traffic Congestion Relief Project

Dear Caltrans:

Bike East Bay has serious concerns about the State Route 37 Traffic Congestion Relief Project, starting with its name, and including almost every aspect of it after that. We object to the almost at times non-existent bicycle access and mitigations included in the project and specifically ask for a separated bikeway along SR 37, protected from high speed traffic, for the entire length of the project. This is what we mean by “complete streets.”

Last year, when thousands of California residents were supporting SB 127, the Complete Streets for Active Living Bill, Caltrans wrote a letter in opposition, stating essentially “we already do complete streets” and thus the bill was unnecessary. The bill died but not without a fight and a commitment from Caltrans Director Toks Omishakin to ensure that all projects include complete streets. As one of the first steps toward this, Caltrans District 4 now has a Complete Street Coordinator, Sergio Ruiz, cc here, and the start of a complete street funding mechanism statewide in the SHOPP. Both of these are needed steps forward, but they do not absolve projects such as this one from complying with complete street mandates, which have been on the books for years in this State.

Yesterday, I was on a call with the California Walk Bike Technical Advisory Committee and we got an update on a draft Complete Streets Decision Document (CSDD), which will be finalized this year and put into action soon thereafter to help project managers fulfill the State’s obligation to include active transportation improvements in their projects. Here are my comments on that draft document:

“Bike East Bay believes that Caltrans should no longer build any projects that do not include active transportation improvements in approved plans. The year is 2020 and there are many challenges facing Caltrans and the State of California, and we cannot continue to build, operate, maintain and rebuild the transportation system we have without adding approved active transportation improvements at every opportunity, which means every project, not simply most or hopefully more projects than we did before. Yes, we are moving in the right

direction, but that is not going to get us anywhere or meet our goals for safety, equity, active transportation and climate protection at the rate we are going. We are delighted Caltrans is now taking equity seriously with its projects and programs and look forward to contributing to the process of reform, but we hope Caltrans equity work does not result in a decision matrix such as this one (CSDD) where a potential outcome is that a project is not equitable, and “here is the rational.” Every project should be equitable. We need the same standard for walking and bicycling and we need it for equity reasons as well as to meet state goals for walking and bicycling. This document should be obsolete by the first day it is implemented. If a project does not advance active transportation, the project needs to go back to the drawing board and be refined. Or in other words, this Document should have one question and one question only: Does this project include all walking and bicycling improvements identified in approved plans? If not, please revise the project.”

On the issue of equity, we were joined on yesterday’s TAC call by Caltrans’ new Equity Director Rhiannah Gordon (may have her title incorrect), who works in Caltrans Headquarters Director’s Office of Sustainability. Ms. Gordon gave an inspiring look into Caltrans’ new perspective on equity. This project’s title and focus on traffic relief along a generally more affluent corridor of the Bay Area has no obvious equity component that I can see. The title and focus of the project also falls completely short of Caltrans Strategic Management Plan (2015) to improve safety and increase walking and bicycling. A bike shuttle will have minimal impact and won’t move the needle.

An equity look at this project may result in a much different project, or it may result in Caltrans deciding that the funding for this project can best be spent to lift up other communities in the Bay Area. Either way, should this project move forward, it needs to include a separated bikeway the whole way.

Thank you for allowing Bike East Bay to push you harder than we ever have to significantly change and reform the work you do to improve people’s mobility and safety and do so in a fair, balanced and equitably way. We love working with your engineers to refine projects, and look forward to the smiles on their faces when we find a way to make this project the right project.

Sincerely,



Dave Campbell
Advocacy Director
Bike East Bay
(510) 701-5971
dave@bikeeastbay.org

Cc: Maureen Gaffney, Bay Trail Project, ABAG
Eris Weaver, Sonoma County Bicycle Coalition
Bjorn Marin County Bicycle Coalition
Patrick Band, Napa County Bicycle Coalition
Sergio Ruiz, Caltrans District 4 Complete Streets Coordinator

Marin Audubon Society

Barbara Salzman, Co-chair

and

Phil Peterson, Co-chair



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

August 23, 2020

Caltrans District 4
ATT: Yolanda Rivas
P.O. Box 23660
Oakland CA 94623-0660
StateRoute37@dot.ca.gov

RE: SCOPING COMMENTMENTS ON STATE ROUTE 37 TRAFFIC CONGESTION RELIEF PROJECT DEIR

Dear Ms Rivas:

Thank you for the opportunity to submit scoping comments on the Draft Environmental Impact Report to be prepared for the State Route 37 Congestion Relief Project. This letter supplements the comments made in the Hwy 37 Baylands Group letter which we signed on to, emphasizes some issues, and makes a few additional ones about the moveable barrier Alternative 1 and the two additional alternatives 2 and 3.

1. What is the safety record of each of the three approaches? Have there been more or fewer accidents with a moveable barrier changing the lane for users during peak hours compared with the others? The approach for Alternative 3 is of concern. Providing "an incentive for shifting from single occupant vehicles," as is stated as motivation for Alternative 3, seems an uncertain approach for constructing a major transportation project.
2. The project includes many small areas of fill in wetlands; the Tolay Bridge, pull outs, and sections that need to be shored up to stabilize the roadway. How much area of bay and wetlands would need to be filled for each of the areas and what is the total amount of fill that would need to be placed? Show the areas of fill on a figure.
3. Fill also would need to be placed for culvert extensions and other culvert improvements. How much fill of wetlands will be needed for the culverts? Provide a figure that shows the areas of fill.
4. What is the total cumulative area of wetlands that would be filled for the project? Discuss the mitigation for this fill. Where would the mitigation take place? What is the proposed mitigation acreage and habitat type? Marin Audubon policy calls for two acres (or portion thereof) of restored wetlands

for each acre (or portion thereof) filled as mitigation and that these mitigation wetlands be located near the area of loss and be of the same type.

5. Describe the measures planned to address water quality impacts. If the measures include a structure, show where it (they) will be located, how would it operate, and what impacts it would have on the habitats, if any?
6. Sheetpiles can be beneficial because they are narrow and present less fill in the ecosystem, but their impact on waterflow is uncertain. Pile driving also can have disastrous impacts on wildlife, particularly fish, because the noise magnifies in water. Discuss the potential beneficial and adverse impacts of piles and pile driving on fish, other wildlife and their habitats. Discuss what measures could avoid or mitigate for these impacts.
7. Identify and discuss the wildlife that could be impacted by construction, habitat loss and other impacts of each of the alternatives, including operation of the highway. How could the impacts be avoided and what mitigation is being provided for impacts that cannot be avoided. Discuss erecting a barrier to prevent wildlife from being run over and providing movement corridors to allow wildlife to move from the wetlands on one side to the other?
8. Will there be parking lots and/or other facilities to encourage carpooling? If so, where would they be located and what impacts would they cause, if any?
9. Discuss how the project will accommodate the sea level rise that is projected to occur during the expected life of the project.
10. Present the criteria that will be used to select the preferred alternative. One criterion should be that the alternative has the least wetland fill and other ecosystem impacts. From the information provided so far, Alternative 1 has the least wetland fill and, therefore, fewer habitat impacts. It would require the less construction.
11. The cumulative impact analysis should consider the long-term project that includes the entire length of the roadway.

Thank you for responding to our questions and issues.

Sincerely,

Barbara Salzman, Co-chair
Conservation Committee

Phil Peterson, Co-chair
Conservation Committee

MCBC Marin County Bicycle Coalition

Bjorn Gripenburg, Policy and Planning Director



MARIN COUNTY BICYCLE COALITION

August 24, 2020

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

RE: State Route 37 Traffic Congestion Relief Project

Dear Ms. Rivas:

Thank you for the opportunity to provide comment on the SR 37 Traffic Congestion Relief Project. Marin County Bicycle Coalition (MCBC) is writing in support of the San Francisco Bay Trail's request for the inclusion of a safe 3600' bicycle/pedestrian facility between the existing Sears Point Bay Trail and Tubbs/Tolay Bay Trail.

While we appreciate the steps being taken to address the corridor's worsening traffic congestion, the Interim Project fails to provide bicycle/pedestrian provisions in keeping with Caltrans' ambitious policies and goals related to active transportation. Though the long-term "Ultimate Project" appears to include a Class I Bay Trail along its entire length, that project is likely decades away. Any investments made along the Highway 37 corridor in the interim present crucial opportunities to address bicycle/pedestrian needs and enable people to access and enjoy the North Bay's baylands.

We join the Bay Trail and other North Bay bicycle coalitions in urging you to seize this opportunity to link eight miles of continuous bicycle/pedestrian access along SR-37.

Respectfully Submitted,

Bjorn Gripenburg
Policy & Planning Director
Marin County Bicycle Coalition

Marin Conservation League

Robert Miller, President

and

Susan Stompe, Co-Chair, Land Use, Transportation and Water Committee

and

Kate Powers, Co-Chair, Land Use, Transportation and Water Committee

August 24th, 2020

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



Re: State Route 37 Traffic Congestion Relief Project

Dear Ms. Rivas:

The Marin Conservation League has been following the proceedings of the four-county SR 37 Policy Committee since its formation by a Memorandum of Understanding (MOU) in 2015. We recognize the significant congestion on SR-37 and the need for an interim approach to relieve congestion and address traffic delay while a long-term solution for the 21-mile corridor (Ultimate solution) is being designed and constructed. We encourage an interim approach with minimal environmental disturbance. What is constructed for this project must not hinder the priority that the Ultimate project must allow for a functional tidal marsh that adapts to ongoing sea level rise due to climate change.

Encouraging high occupancy vehicles (HOV) is a potential benefit for air quality (AQ). All three designs have HOV lanes. Will the high occupancy be for two or three occupants? What is the projected AQ benefit of each occupancy requirement?

Lights are proposed in all three alternatives. What can be done to reduce the light intrusion on the night sky? How will lights impact surrounding marshes and their wildlife? How can these impacts be reduced?

Sheet piles are proposed in multiple areas to reduce settlement of the roadway. Please identify these sites. Will the sheet piling reduce the subsurface flow of water in the marshes? How will the hydrology be affected? What impact would that have on the viability of the marsh on either side of the sheet piles?

Please consider adding an alternative which includes a 'flyover' at the SR37/Highway121 interchange, that would eliminate the need for a stop sign or an at-grade railroad crossing, as well as a new bridge on Tolay Creek. It would certainly help move traffic more smoothly through this current bottleneck.

Evaluate reducing the number of side roads to improve the safety of the highway, as elimination of these intersections should be considered for the Ultimate project and could improve the connection of the marshes.

Thank you for this opportunity to comment. We look forward to receiving the environmental document.

Sincerely,

Handwritten signature of Robert Miller in black ink.

Robert Miller
President

Handwritten signature of Susan Stompe in blue ink.

Susan Stompe
Co-Chair, Land Use, Transportation
and Water Committee

Handwritten signature of Kate Powers in blue ink.

Kate Powers
Co-Chair, Land Use, Transportation
and Water Committee

175 N. Redwood Dr., Ste. 135, San Rafael, CA 94903 | 415.485.6257 |
mcl@marinconservationleague.org

Marin Conservation League was founded in 1934 to preserve, protect and enhance the natural assets of Marin County.

Napa Solano Audubon Society

Mark Stephenson, President



August 24, 2020

Caltrans District 4
Attention: Yolanda Rivas
Via email: StateRoute37@dot.ca.gov

Dear Ms. Rivas:

I am writing to you today as President of the Napa-Solano Audubon Society (NSAS) representing 800+ members to provide comments from the State Route (SR) 37-Baylands Group on the Notice of Preparation of an Environmental Impact Report (EIR) for the State Route 37 Traffic Congestion Relief Project, filed on July 9, 2020.

While we have also signed on the SR 37-Baylands Group (Baylands Group) letter, I am providing additional questions during this scoping for the Draft EIR that pertain to our NSAS particular interest in birds and wildlife.

Between Vallejo and Sears Point Road on SR 37 there are a maximum of 4 places, and only 2 sizable pullouts with parking, to view wildlife and/or fish or put in motor less water craft. Will all three proposed options in this congestion relief project continue to have, at a minimum, these 4 places, and preferably more, and can they be enlarged for safety? Could the pullouts for CHP and/or disabled vehicles be the same to reduce the danger involved with access and egress? If there is a barrier between west and east going traffic, will they continue to have slots on the bottom to allow for the rare and endangered salt marsh harvest mouse to move from south to north and vice versa during high tides?

We support the development of a protected bike lane on Hwy 37 as part of this project. Will the proposed bike lane provide the opportunity for bikers to reach all of the public access sites to the protected tidal marshes that will be made available for visitors along this highway?

Thank you for the opportunity to comment on the Notice of Preparation of the EIR for the SR 37 Traffic Congestion Relief Project.

Sincerely,

Mark Stephenson

Mark Stephenson
President of the NSAS

P.O. Box 10006, Napa, CA 94581
napasolanoaudubon.com

Rails-to-Trails Conservancy

Laura Cohen, Director, Western Regional Office



Western Regional Office
1736 Franklin Street, Suite 550
Oakland, CA 94612
Tel 510.992.4662

www.railstotrails.org

August 26, 2020

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

RE: State Route 37 Traffic Congestion Relief Project

Dear Ms. Rivas:

I am writing you on behalf of the Rails-to-Trails Conservancy (RTC) to express our organization's strong support for the inclusion of a safe, separated 3600' bicycle/pedestrian facility between the existing Sears Point Bay Trail and Tubbs/Tolay Bay Trail as part of the SR 37 Traffic Congestion Relief Project.

RTC co-convenes the Bay Area Trail Collaborative (BATC), a regional coalition of over fifty organizations, agencies and businesses that support the common goal of developing and maintaining a 2,500+ mile regional trail network that connects the region's 8+ million residents to schools, transit, jobs, goods and services, friends and neighbors, open space, and outdoor recreation, to enhance the quality of life for all Bay Area residents and visitors. The network is about 60% complete, and the coalition is currently focused on closing several key gaps that have the potential to transform active transportation and micro-mobility throughout the Bay Area. Among these gaps is a multi-use trail along SR 37.

The Caltrans D4 Bicycle Plan, Sonoma County Bicycle and Pedestrian Master Plan, SF Bay Trail Plan and Caltrans Deputy Directive 64 all call for a Class I bikeway along Highway 37. We recognize that completing a Class I bikeway along the entire length of the highway may be many years away. Therefore, any interim investments made along the corridor must address bicycle/pedestrian needs in accordance with Caltrans' own complete streets policies. It is also more cost-effective to incorporate bicycle and pedestrian needs into roadway improvements, rather than trying to address them afterwards.

Accordingly, we encourage you to adjust Option 1 of the options proposed for the SR 37 Traffic Congestion Relief Project to include a wider shoulder to accommodate a physical barrier and a multi-use path which will protect cyclists and pedestrians from fast moving traffic.

We join the Bay Trail and North Bay bicycle coalitions in urging you to seize this opportunity to link eight miles of continuous bicycle/pedestrian access along SR-37.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Laura Cohen", with a long horizontal flourish extending to the right.

Laura Cohen
Director, Western Regional Office
Rails-to-Trails Conservancy

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 encompass 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,



Victoria Brandon
Chair Sierra Club, Redwood Chapter



Olga Bolotina
Chair, Sierra Club, San Francisco Bay Chapter

Sonoma County Bicycle Coalition

Eris Weaver, Executive Director

From: Maureen Gaffney <mgaffney@bayareametro.gov>
Sent: Tuesday, August 25, 2020 5:07 PM
To: Eris Weaver <eris@bikesonoma.org>; State Route 37@DOT <stateroute37@dot.ca.gov>
Cc: bjorn griepenberg <bjorn@marinbike.org>; DAVE CAMPBELL <dave@bikeeastbay.org>; Ruiz, Sergio@DOT <sergio.ruiz@dot.ca.gov>; Patrick Band <pband@napabike.org>
Subject: RE: State Route 37 Traffic Congestion Relief Project

EXTERNAL EMAIL. Links/attachments may not be safe.

Thank you Eris!

From: Eris Weaver [<mailto:eris@bikesonoma.org>]
Sent: Thursday, August 20, 2020 11:43 AM
To: StateRoute37@dot.ca.gov
Cc: bjorn griepenberg <bjorn@marinbike.org>; DAVE CAMPBELL <dave@bikeeastbay.org>; Ruiz, Sergio@DOT <sergio.ruiz@dot.ca.gov> <sergio.ruiz@dot.ca.gov>; Patrick Band <pband@napabike.org>; Maureen Gaffney <mgaffney@bayareametro.gov>
Subject: State Route 37 Traffic Congestion Relief Project

External Email

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

RE: State Route 37 Traffic Congestion Relief Project

Dear Ms. Rivas:

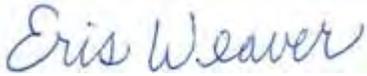
The Sonoma County Bicycle Coalition shares the concerns about this project expressed by Bike East Bay and the San Francisco Bay Trail Project.

Not only do options 2 and 3 completely violate Caltrans' supposed commitment to Complete Streets by eliminating any bicycle access, putting HOV lanes on the outside lanes is counterintuitive and unsafe for vehicles entering from intersections and parking areas.

The Caltrans D4 Bicycle Plan, the Sonoma County Bicycle and Pedestrian Master Plan, the SF Bay Trail Plan and Caltrans Deputy Directive 64 all call for a Class 1 path along Highway 37. Adjusting option 1 to include a slightly wider shoulder with a physical barrier protecting cyclists and pedestrians from faster vehicles would be the optimum solution.

Thank you.

Sincerely,



Eris Weaver, Executive Director



Eris Weaver, Executive Director
Sonoma County Bicycle Coalition
eris@bikesonoma.org
707-545-0153 office
707-338-8589 cell
www.bikesonoma.org



SR 37-Baylands Group

SR 37-Baylands Group and Other Organizations

SR 37-Baylands Group

August 24, 2020

Caltrans District 4
Attn: Yolanda Rivas
Via email: StateRoute37@dot.ca.gov

Dear Ms. Rivas:

We are writing to provide comments from the State Route (SR) 37-Baylands Group and other organizations on the Notice of Preparation of an Environmental Impact Report (EIR) for the State Route 37 Traffic Congestion Relief Project, filed on July 9, 2020.

The SR 37-Baylands Group (Baylands Group) is comprised of North Bay wetland land managers, ecological restoration practitioners, and other stakeholders with a long-term interest in the conservation and restoration of the San Pablo Baylands. Significant public investments have already been made along the length of the SR 37 corridor to protect and restore functional wetlands, ecosystem connectivity, climate resilience, and protect infrastructure, including SR 37. We recognize that the challenges of severe congestion and seasonal flooding that currently plague SR 37 and will be exacerbated by sea level rise and increasing population in the North Bay and call for a SR 37 redesign solution. The Baylands Group is committed to ensuring that redesign of SR 37 is compatible with and advances the ecological restoration and conservation goals for the San Pablo Baylands.

We recognize that the current congestion relief project is intended to meet short-term needs prior to the construction of a long-term transportation solution for the corridor that will address sea level rise. Nevertheless, we want to see all the transportation work in this corridor integrated with current, planned and envisioned ecological restoration. We believe it is imperative that all highway projects are designed and constructed in a way that advances climate resilience of the San Pablo Bay shoreline. We look forward to working together, along with local stakeholders and regulatory agencies, to ensure that all SR 37 projects protect and restore habitat connectivity and wetlands.

Our comments follow.

1. **Tolay Creek Bridge.** The State Route 37 Traffic Congestion Relief Project (the Project) should be integrated with implementation of existing habitat goals and the extensive ecological planning for this region that has already occurred to ensure ecosystem function and landscape resiliency into the future.

In May 2020, Sonoma Land Trust and other members of the SR 37-Baylands Group completed the [Sonoma Creek Baylands Strategy](#) (Strategy), which coordinates the protection, acquisition, restoration and enhancement of diverse baylands habitats, integrates natural processes to increase climate resilience, identifies opportunities for public access, and provides recommendations to the SR 37 redesign and SMART. The Strategy was funded by San Francisco Bay Restoration Authority and U.S. Fish and Wildlife Service.

The Strategy identifies three landscape-scale restoration alternatives. Full implementation of any of the three alternatives requires lengthening of the Tolay Creek Bridge by approximately 700 feet to accommodate increased tidal volume, adjacent fringing marsh, and the railroad. This lengthening of Tolay Creek Bridge should be considered in the Project alternatives in the EIR to allow implementation of the Sonoma Creek Baylands Strategy.

Currently, the Project includes widening Tolay Creek Bridge, but does not include lengthening it, significantly reducing the opportunities for conservation and restoration are significantly reduced. Lengthening the Tolay Creek Bridge cannot be delayed until the long-term project is constructed

because tidal marsh restoration must start immediately to ensure habitat resilience to sea level rise, as “tidal marshes that are established by 2030 are more likely to flourish and provide ongoing benefits when the sea-level rise accelerates in the middle of this century. To achieve this goal, the planning, permitting, and construction of restoration projects on currently available lands must be accelerated.”¹

2. **Avoid Impacts to Wetlands and Hydrology.** The Project should protect wetland resources and maintain restoration options to the maximum extent possible. It should be designed to avoid filling wetlands and the Bay and avoid placing infrastructure, such as sheet pile walls, that could be barriers to tidal exchange.

The NOP identifies the need for driving sheet pile walls to stabilize the roadway and slopes. Please provide precise specifications for these walls, including their length, depth, and location. Please evaluate the potential for sheet pile walls to disrupt groundwater flow and negatively affect the hydrology of the surrounding tidal marsh.

Based on the images shown at the Scoping Open House, it appears that there will be a loss of wetlands, which could be cumulatively significant. The NOP states, “Where settlement has occurred or minor widening of the existing cross section of the highway is needed to accommodate the proposed improvements, reinforcement of the highway section would be performed.” It is unlikely that there is sufficient space along the entire alignment for such widening without filling wetlands. The schematic designs for Alternatives 2 and 3 show the reinforced highway shoulder immediately adjacent to the wetlands. To determine the nature and scope of potential impacts, we request that the following comments and information requests be addressed in the EIR.

- a. The bank is not uniform and there will need to be fill in some sections, particularly for Alternatives 2 and 3 which are wider. Please provide a map showing the locations where fill would be required, note the amount of fill in each location, and state the total area to be filled. Please note cases in which filling will impact envisioned, planned, ongoing or completed restoration projects.
 - b. The NOP states that minor roadway widening would be needed where there has been subsidence. Where would widening need to occur and how much fill would need to be placed for each location and how much wetland area would need to be filled, if any?
 - c. What is the difference between the area needed to be filled between Alternative 1, in which the total roadway width would be 54 feet wide, and Alternatives 2 and 3, in which the total roadway width would be 58 to 60 feet wide?
 - d. Would the widening of abutments for Tolay Creek bridge require filling of wetlands? If so, how much?
 - e. Include a map showing the existing culverts and which ones would be extended. How much fill would need to be placed for extending the culverts?
 - f. Include a map showing where the locations of the roadside pullouts. Provide the dimensions of the pullouts. What is the space available in the proposed locations? How much fill, if any, would have to be placed for the pullouts?
3. **Avoid Impacts to Habitats and Wildlife.** The Project must avoid or minimize direct impacts to habitats and wildlife, including endangered species.

¹ Goals Project. 2015. The Baylands and Climate Change: What We Can Do. Baylands Ecosystem Habitat Goals Science Update 2015 prepared by the San Francisco Bay Area Wetlands Ecosystem Goals Project. California State Coastal Conservancy, Oakland, CA.

- a. Mitigation should be provided for all wetland impacts resulting from road widening, trails, bridge, pullouts and culverts. All mitigation should be accomplished by supporting wetlands restoration in the San Pablo Baylands that is compatible with existing habitat goals for the area, not through offsite mitigation.
 - b. Please be specific about which culverts would be maintained and/or extended. Culverts are used by wildlife and some drain into beaver habitat. All culverts should be modified and/or updated to accommodate safe passage of wildlife and enhance existing wildlife habitat.
 - c. Discuss the impact of noise from driving piles, to stabilize the shoreline, on fish and other wildlife and mitigation for this impact.
 - d. Discuss the impact of lights on wildlife and mitigation for this impact.
 - e. Discuss how the project components are the least environmentally damaging options.
4. **Protect Water Quality.** Explain the treatment for the runoff that would be used and where the treatment be located.
5. **Consider Existing Conditions and Future Climate Change Impacts.** To support conservation and restoration of the Baylands, the Project should include consideration of:
- a. Historical ecology;
 - b. Changes that have occurred since the land was diked and drained for agriculture, including subsidence;
 - c. Remaining historic habitats and other valuable existing habitats;
 - d. Habitat conservation and restoration projects that have been completed or are ongoing or planned;
 - e. The impacts of projected sea level rise and other climate impacts on the Baylands and surrounding watershed, including the need for marsh migration, as described in Baylands Ecosystem Habitat Goals Science Update (2015); and
 - f. The needs of specific wildlife populations, such as water birds, beavers, river otters, and federally protected species, such as salt marsh harvest mouse, California Ridgway's rail, black rail, chinook salmon, steelhead trout, longfin smelt, delta smelt, and green sturgeon.

Much of this information can be found in the Sonoma Creek Baylands Strategy, referenced in Comment #1 above.

6. **Avoid Foreclosing Options for the Long-Term Project.** The Project should avoid foreclosing design options for the long-term project that will address sea level rise. Pursuing structural near-term improvements could narrow the full range of design options and could result in foreclosure of options for tidal wetland restoration and negatively impact the connectivity discussed above. Discuss the potential impact of this project on the larger complete project. Would it be more likely to have a positive or a negative effect on the long-term project?
7. **Avoid Piecemealing under the California Environmental Quality Act (CEQA).** The EIR should address how the Project will avoid piecemealing under CEQA. Given the limited utility of addressing traffic congestion without addressing current and future flood risk on Segment B and other segments of the highway, pursuing road segment improvements as separate projects with their own environmental documents, rather than under a programmatic EIR for the whole corridor, could result piecemealing under CEQA. CEQA does not allow piecemealing because it can result in underestimating significant impacts and can hinder development of a comprehensive solution. We understand that Caltrans is initiating a Planning and Environmental Linkages (PEL) Study that is intended to address the need for a comprehensive approach. Will the Project EIR rely on the PEL Study to guide its final conclusions?

8. **Consider Cumulative Impacts.** Please consider the cumulative impacts of the long-term SR 37 project(s) to address sea level rise and the near-term State Highway Operation and Protection Program projects, as well as planned and envisioned restoration projects (such as those described in the Napa-Sonoma Marshes Wildlife Area Land Management Plan, San Pablo Bay National Wildlife Refuge Climate Adaptation Plan, Sonoma Creek Baylands Strategy and the forthcoming Adaptation and Resilience Plan for the Petaluma River Baylands) and flood risk management projects in the Project area.
9. **Reduce Vehicle Miles Traveled.** The Project should include measures to reduce vehicle miles traveled through options that increase vehicle occupancy, such as express bus service, park and ride lots, and organized carpools and vanpools. Please address this issue in the EIR.
10. **Consider Public Safety.** Are there any known safety differences between the alternatives? Have there been any studies of the accident rates using a moveable barrier, or four-lane alternatives? Please include this information in the EIR.
11. **Access.** Please include a map showing Noble Road and all other access roads relevant to the Project.

We look forward to further exploring these issues through the collaboration between the Baylands Group, Caltrans, and MTC's Environmental Working Group. Thank you for the opportunity to comment on the Notice of Preparation of the EIR for the SR 37 Traffic Congestion Relief Project. Feel free to contact Jessica Davenport, Deputy Program Manager, State Coastal Conservancy, at Jessica.Davenport@scc.ca.gov with any questions you may have.

Sincerely,

Ducks Unlimited Inc.
Madrone Audubon Society
Marin Audubon Society
Marin Conservation League
Napa-Solano Audubon Society
Sonoma Ecology Center
Sonoma Land Trust
State Coastal Conservancy
U.S. Fish and Wildlife Service

Attachment:

Sonoma Creek Baylands Strategy, Executive Summary



SAN FRANCISCO BAY
RESTORATION AUTHORITY

Sonoma Creek Baylands Strategy - Executive Summary

May 2020

Contact: kendall@sonomalandtrust.org

Introduction

Prior to the 1850s, the Sonoma Creek baylands were a vast mosaic of tidal and seasonal wetlands. Fresh water, sediment, and nutrients were delivered from the upper watershed to mix with the tidal waters of San Pablo Bay, creating a small estuary teeming with life. Floods along Sonoma Creek and Schell Creek spread out in an alluvial fan in the region south of present-day State Route (SR) 121, creating distributary channels and depositing sediment.

During the late 19th and early 20th centuries, the Sonoma Creek baylands, along with 80 percent of wetlands around San Francisco Bay, were diked and drained for agriculture and other purposes. This created discrete parcels and simplified creek networks. Flow of water and sediment across the alluvial fans was blocked and confined to the creek channels. As a result, portions of Schellville and surrounding areas in southern Sonoma County are frequently flooded during relatively small winter storm events, when flows overtop the banks of Sonoma and Schell creeks, resulting in road closures at the junction of SR 121 and SR 12 that affect travel and public safety.

Much of what used to be tidal marsh has been transformed into other habitat types including diked agricultural fields. Narrow strips of tidal marsh have developed adjacent to the tidal slough channels that run between the diked agricultural baylands.

Development within the Sonoma Creek baylands continues despite the chronic flooding that is caused by filling and fragmentation of the floodplain. Flooding, and loss of habitat, species, and ecological function will increase with climate change-driven sea level rise and increased storm intensity.

Project Purpose

The purpose of this strategy is to provide Sonoma Land Trust and partners with a clear and comprehensive plan that:

- Coordinates the protection, acquisition, restoration, and enhancement of diverse baylands habitats,
- Integrates natural processes to increase climate resilience,
- Identifies opportunities for public access, and
- Provides recommendations for SR 37 and the SMART rail line.

Implementation of this strategy is intended to benefit species including the following special status species: California Ridgway's Rail, California black rail, salt marsh harvest mouse, Chinook salmon, and steelhead.

Background

The study area falls entirely within Sonoma County and includes the Sonoma Creek and Tolay Creek baylands between SR 121 and the bay and adjacent wetland-to-upland transition zones (Figure 1).

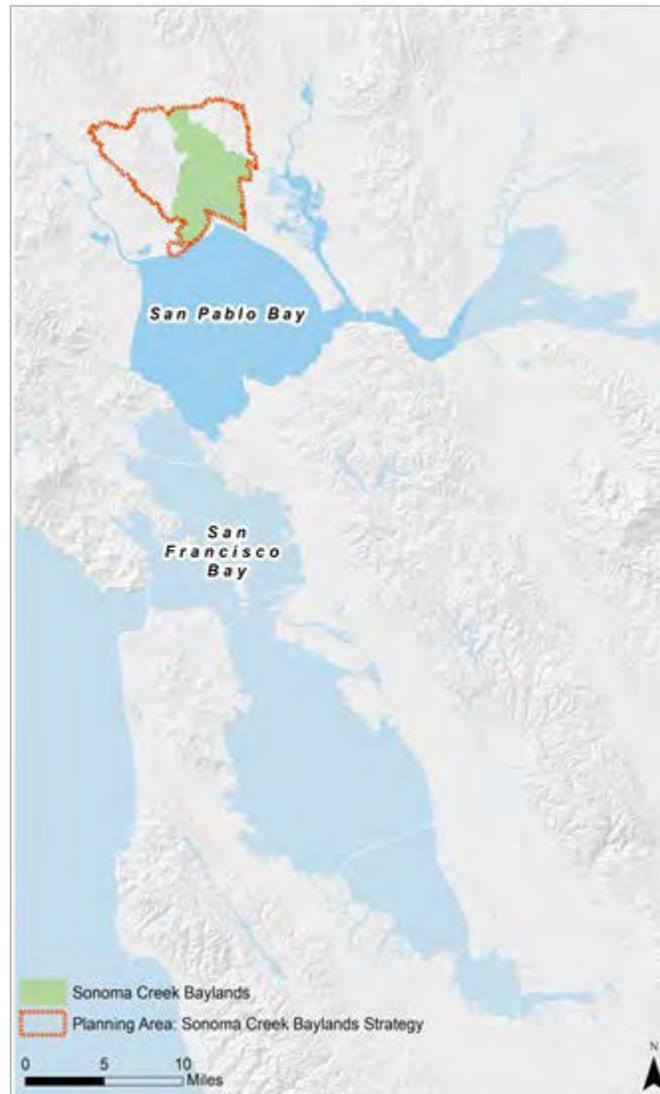


Figure 1. Study Area

This project was funded by San Francisco Bay Restoration Authority, U.S. Fish and Wildlife Service, Resources Legacy Fund, and the Dolby Family Fund. The project team included Sonoma Land Trust, San Francisco Estuary Institute, Environmental Science Associates, Ducks Unlimited, Point Blue Conservation Science, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and Sonoma Water. The project was guided by a Science Advisory Panel. Public and private landowners throughout the study area were interviewed as part of the development of the strategy. The project team consulted with

Sonoma Water, Caltrans, Metropolitan Transportation Commission, Sonoma County Transportation Authority, and SMART.

This document provides a summary of the Sonoma Creek Baylands Strategy including future scenarios, opportunities and constraints, alternatives evaluated, key findings, and implementation.

Future Scenarios

The strategy considers a planning horizon of 100 years and incorporates predicted changing conditions within the planning area over time. The projected sea level rise in San Francisco Bay is 1.9 feet by 2050, and 5.7 feet by 2100. This projection is recommended by the Ocean Protection Council for medium to high risk aversion planning purposes.

Opportunities for Tidal Marsh Restoration

- Public and private landowners have expressed interest in completing conservation and restoration projects on their land.
- Fringing marsh habitat along the tidal creek and slough channels could provide a nucleus from which to build restorations.
- The alluvial fans of Sonoma and Tolay creeks could provide connectivity to upland habitats.
- There is adequate water from multiple sources including fresh water from the Sonoma Creek watershed and the North Bay Water Reuse Program recycled water pipeline, and tidal flows from San Pablo Bay.
- The natural sediment supply could be reestablished by reconnecting with inputs from the watershed and San Pablo Bay, and elevations of subsided parcels could be augmented through beneficial reuse of dredged sediment.
- Woody debris collects in the study area following big storms. Restoring the currently diked parcels would open new areas where woody debris could collect and provide habitat complexity.
- Tidal marsh restoration would result in restoration of tidal action through the diked baylands, which could reduce the depth, extent, and duration of flooding in the Schellville area around SR 121 by reducing backwater effects and enhancing drainage.

Constraints to Tidal Marsh Restoration

- Transportation infrastructure, including SR 37 and SR 121 and the Sonoma-Marin Area Rail Transit (SMART) rail line, presents a major constraint to restoration. Larger planning efforts to address congestion and flooding along the SR 37 corridor are underway, and restoration in the Sonoma Creek Baylands will need to be coordinated with these efforts. The major constraints presented by SR 37 are the channel crossings at Tolay and Sonoma creeks, which limit the width of the channel and thus the amount of tidal volume that can be accommodated when diked baylands are restored. At Tolay Creek, the current channel crossing is too small to accommodate any additional tidal volume, so the bridge would have to be lengthened to allow restoration in the Tolay Creek watershed.
- The SMART rail line runs through many of the diked properties, limiting future restoration options. The tracks, projected to be inundated by rising seas, are vulnerable to flooding and dependent on the aging system of berms and pumps that will be under increasing pressure as sea level rises.
- Sonoma Valley Airport is a small municipal airport with a single runway located along SR 121. The airport is surrounded by various safety zones as identified in the Sonoma County General Plan,

which constrain uses in the vicinity of the airport. Due to potential bird strike hazards, large water features including wetlands, may be prohibited in airport safety zones.

- The FAA requires that the VORTAC navigational aid on the eastern side of Skaggs Island and its access be maintained during and after restoration.
- Vector control can place a constraint on the range of design options available because restoration should not increase mosquito populations that can adversely impact human health.
- PG&E electric transmission lines and gas pipelines and Sonoma Water's North Bay Water Reuse Program pipeline run through the project area. Access to these utilities will need to be maintained and incorporated into site-specific restoration designs.
- One logistical constraint may be the piecemeal acquisition of properties from willing sellers, which could limit the potential to complete restorations as envisioned in this document. Therefore, project designs will need to carefully consider changes to hydrodynamics and tidal prism to ensure that the levees of adjacent properties are not undermined by the restorations.

Alternatives Evaluated

Four landscape-scale restoration alternatives were created to provide a mosaic of functional and resilient habitats. The alternatives were hydrologically modeled under various combinations of tidal and streamflow conditions, for the present day and the year 2050. The alternatives were also evaluated using a landscape evolution model to understand how well each succeeds at achieving habitat resilience up to the year 2100, based on their initial designs and response to sea level rise.

The alternatives incorporate current and predicted conditions in the region. Most of the diked baylands properties are at or below low water. This means the tidal flow volume following levee breaching is the maximum it can be and will not increase with future sea level rise. Therefore, alternatives that can accommodate this present-day potential flow volume can accommodate much higher flows associated with sea level rise. The alternatives are designed to maximize the balance of cut and fill within each parcel, reducing the need to import or export fill between parcels. In recognition of the relative lack of sediment in the San Francisco Bay, likely accretion rates relative to projected sea level rise, and the desire to reduce dependence on imported fill, the alternatives include significant shallow subtidal and mudflat habitats, mimicking historical conditions in the San Pablo baylands. The alternatives are summarized below:

- *No Restoration* alternative reflects current conditions with assumed foreseeable climate change-caused changes in the absence of new, large-scale wetland restoration. (Figure 2)
- *Alternative 1: Maximum Tidal* represents a broad scale tidal restoration. It was assumed that the diked baylands parcels would include a mix of habitat elevations including mudflat and low to high tidal marsh. It was also assumed that tidal volume would be routed through the existing channel network, which would adjust to the additional tidal volume from the restored parcels. (Figure 3)
- *Alternative 2: Avoid the Railroad* represents the least extensive tidal restoration and least amount of fill in the restored parcels. The purpose of this alternative was to evaluate a condition that minimizes impacts to SMART infrastructure, therefore reducing the need for and cost to protect the railroad. (Figure 4)
- *Alternative 3: Enhanced Maximum Tidal* represents a modification of Alternative 1 with the primary conveyance for tidal and stream flows routed through the center of the diked parcels. Whether through planned tidal marsh restoration projects or unplanned erosion and breaching of dikes caused by sea level rise, flow volumes within the tidal channels of Sonoma Creek have the potential to increase. If flow volumes increase, then channel size will increase as well, which could result in

the erosion of the linear strips of tidal marsh that have developed in the creek and slough channels, and scouring around SR 37 bridge abutments. This alternative is configured to protect existing marsh habitat in the channel network by focusing flow and tidal volume in newly graded channels rather than scouring the existing channels. (Figure 5)

Key Findings

SR 37 & SMART

The present bridge crossings and embankments disrupt hydrologic and habitat connectivity between the baylands and the bay, and inhibit the ability to implement restoration projects. To achieve a fully integrated design for maximizing hydrologic and habitat connectivity, SMART and SR 37 should be collocated on an elevated causeway (similar to the Yolo Bypass in the Sacramento Valley) adjacent to the existing SR 37 alignment, reducing the length of track and minimizing ecological disruption. Alternatively, SMART and SR 37 should be raised on piled causeways along their existing alignments.

SR 37

As an alternative to elevating SR 37 and SMART tracks on a causeway, SR 37 design should accommodate reconnecting baylands and tributaries, allowing for the passage of water, sediment, and species. These reconnections should center around the Sonoma and Tolay creek bridge crossings and surrounding marshes. Tolay Creek bridge should be lengthened and elevated sufficiently to accommodate the increased tidal volume that would result from restoration in the Tolay Creek baylands. Tidal volume beneath the Sonoma Creek bridge increases in all the alternatives, including the no-action alternative. A more detailed analysis along with close coordination with Caltrans will be required to investigate the scour potential of the concrete piles to ensure the structural integrity of the bridges required by the increased tidal exchange.

SMART

All alternatives except the no-action alternative require protection of the SMART railroad from tidal waters to maintain the existing level of flood protection. Potential protection measures include relocating the railroad outside of tidally influenced areas, raising the railroad embankment above tidal and floodwaters, raising the railroad on a pile-supported causeway, and isolating the existing embankment with levees. Currently, both Railroad and Wingo slough bridges constrain floodwater and are proposed to be modified. The legal obligations of landowners to protect the railroad from flooding were not investigated and require further examination. A more detailed analysis will be required along with close coordination with SMART.

Public Access

Public access to open space is vital to public health and the wellbeing of our community and will be provided to the maximum extent feasible. Public access and recreation in the planning area is and will continue to be limited and access in the diked baylands should be considered temporary given the anticipated change over time as sea level rise and other ecological changes alter the landscape. The project team and Science Advisory Panel developed the following guiding principles for new public access:

1. Options for public access should be considered during every project phase.

2. Before access is included in site design, ensure that resources, including funding and the entity responsible for the design, construction, maintenance, law enforcement, and ownership of the access facility have been identified.
3. Build trails from natural, soft materials that may deteriorate with sea level rise, flooding, and inundation without harm to surrounding habitat.
4. Access should be adaptable to ensure on-going facility safety and maintenance. Facility safety and maintenance needs may change with anticipated changing landscape conditions.
5. Improve signage at existing access facilities (e.g. Eliot Trail) to increase awareness of existing public access opportunities.

Implementation

Alternative 3 emerged as the most feasible alternative overall, as it ranked the highest for meeting project goals, followed by Alternative 1 and Alternative 2. Alternatives 1 and 3 are similar in terms of infrastructure impacts, while Alternative 2 emerged as most feasible regarding infrastructure impacts because interactions with the railroad were avoided. Alternative 2 could be implemented on the shortest timeline due to infrastructure avoidance, smaller restoration area, and the need to acquire fewer properties.

It is likely that Alternative 2 will be implemented in the process of implementing Alternative 3. Alternative 3 provided the greatest level of resource protection and restoration, highest rate of carbon sequestration, greatest sea level rise adaptability, and maximized environmental benefits, mainly due to the protection of existing outboard marshes and the species that rely on them.

Feasibility level opinions of probable construction costs were developed for the three restoration alternatives (Table 1). The costs of acquisition were not included.

Table 1. Feasibility level opinion of probable cost

Alternative	Design & Permitting	Construction (includes admin and management)		
		Restoration	Infrastructure Protection	Total
1	\$23.6M	\$154.0M	\$171.8M	\$349.4M
2	\$18.5M	\$124.8M	\$82.6M	\$225.9M
3	\$23.6M	\$185.7M	\$171.8M	\$381.1M

Sonoma Land Trust and project partners will continue to coordinate with the SR 37 redesign and SMART to envision and implement an integrated transportation and restoration project. Simultaneously, Sonoma Land Trust and partners will continue to develop site-specific conservation and restoration projects moving toward implementation of Alternative 3. Sonoma Land Trust is committed to an accelerated implementation of the strategy, following guidance from the Bay Ecosystem Habitat Goals Project that wetland habitats restored and established prior to 2030 will be most resilient to and best able to buffer the impacts of sea level rise as it increases toward the middle of the century¹.

¹ Goals Project. 2015. The Baylands and Climate Change: What We Can Do. Baylands Ecosystem Habitat Goals Science Update 2015 prepared by the San Francisco Bay Area Wetlands Ecosystem Goals Project. California State Coastal Conservancy, Oakland, CA.

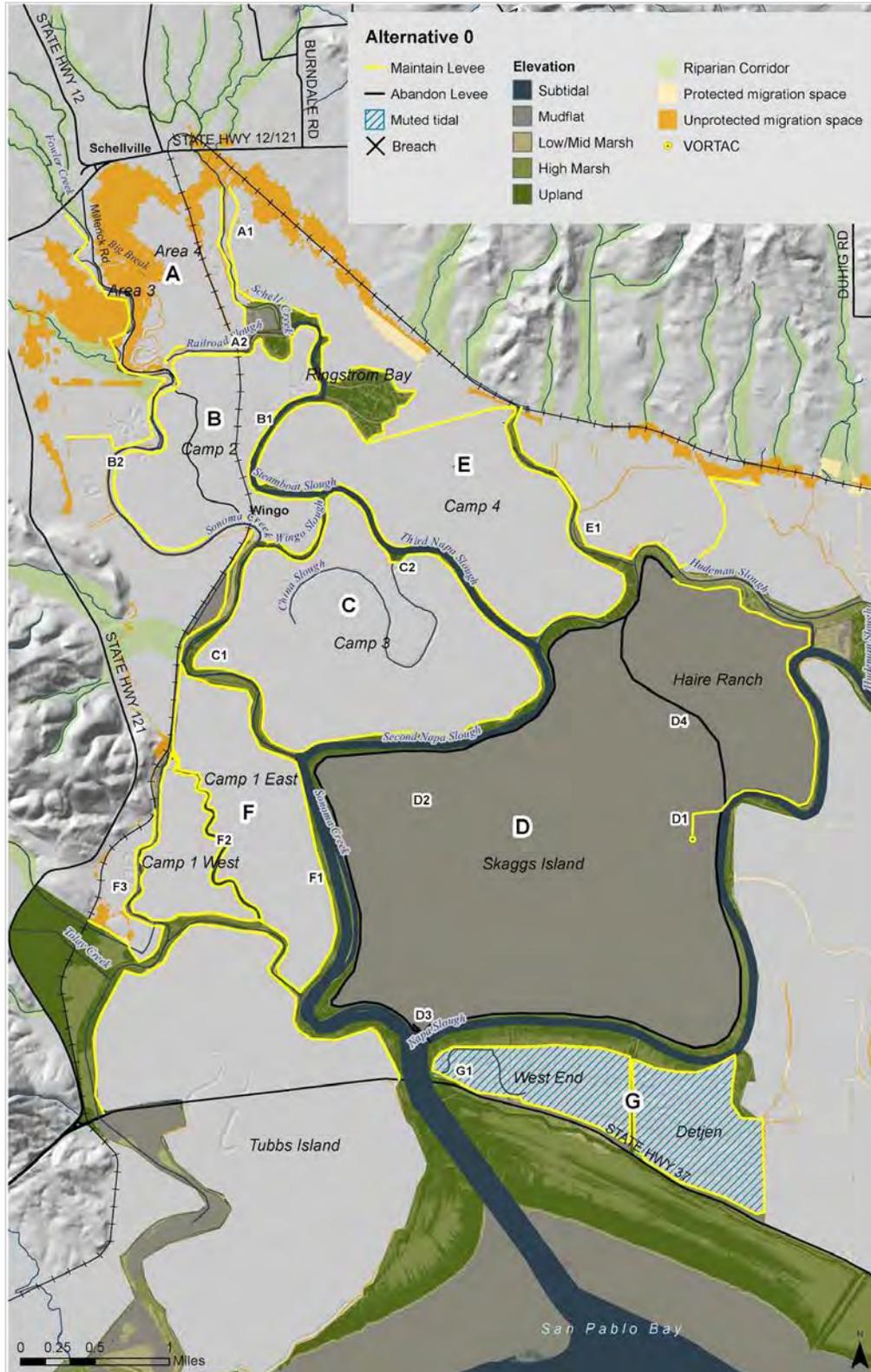


Figure 2. No Action

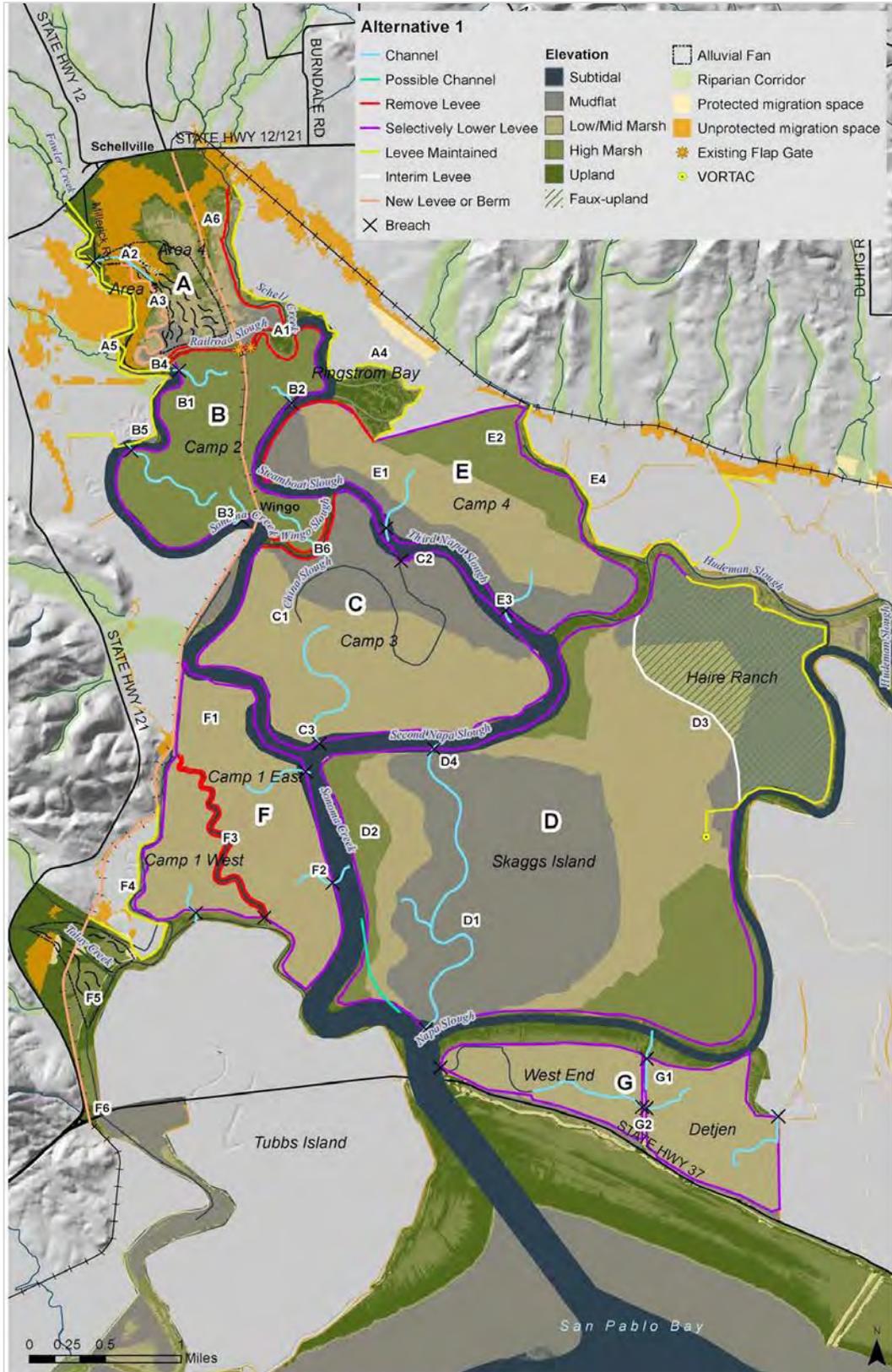


Figure 3. Alternative 1 Maximum Tidal

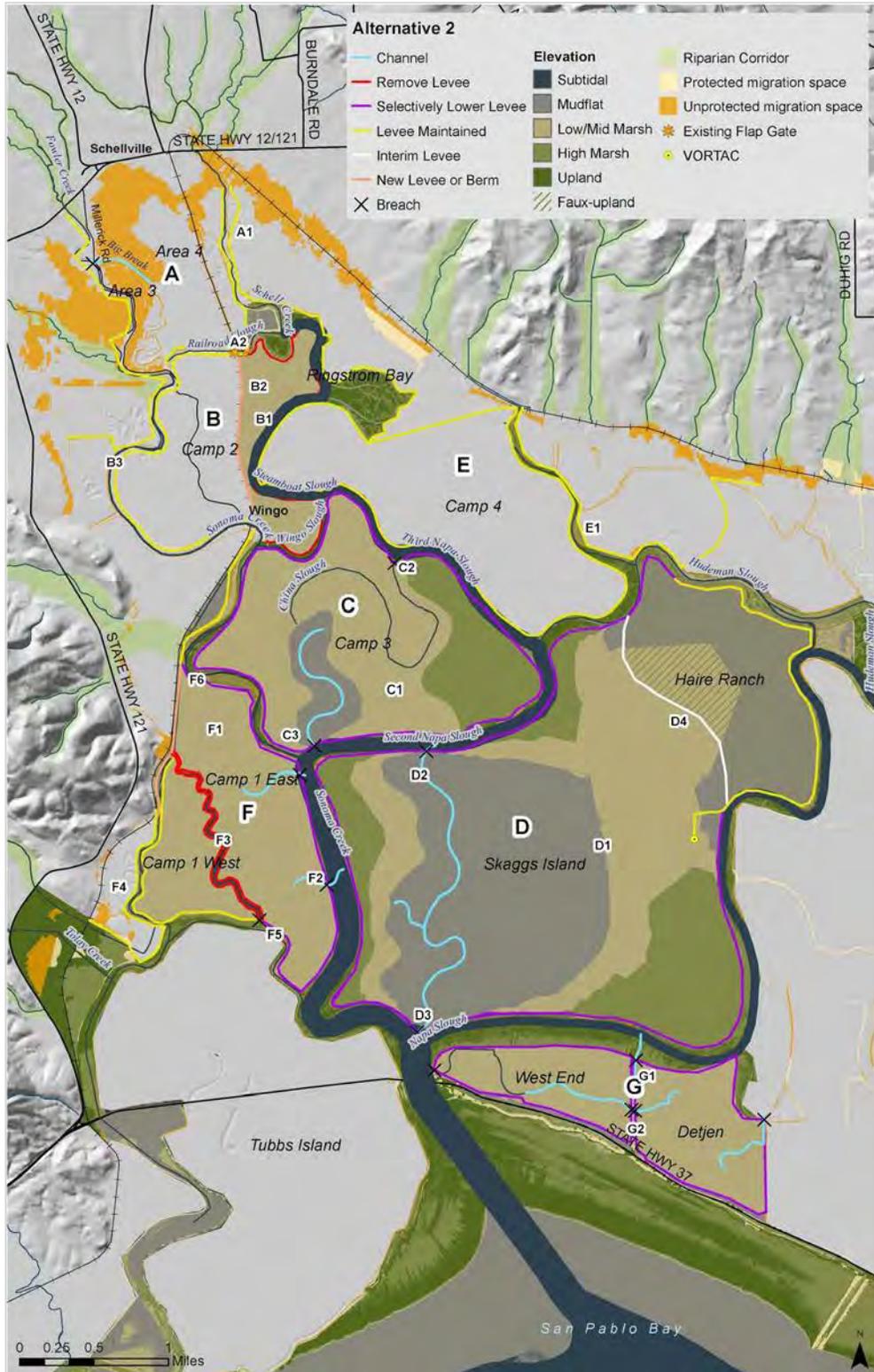


Figure 4. Alternative 2 Avoid the Railroad

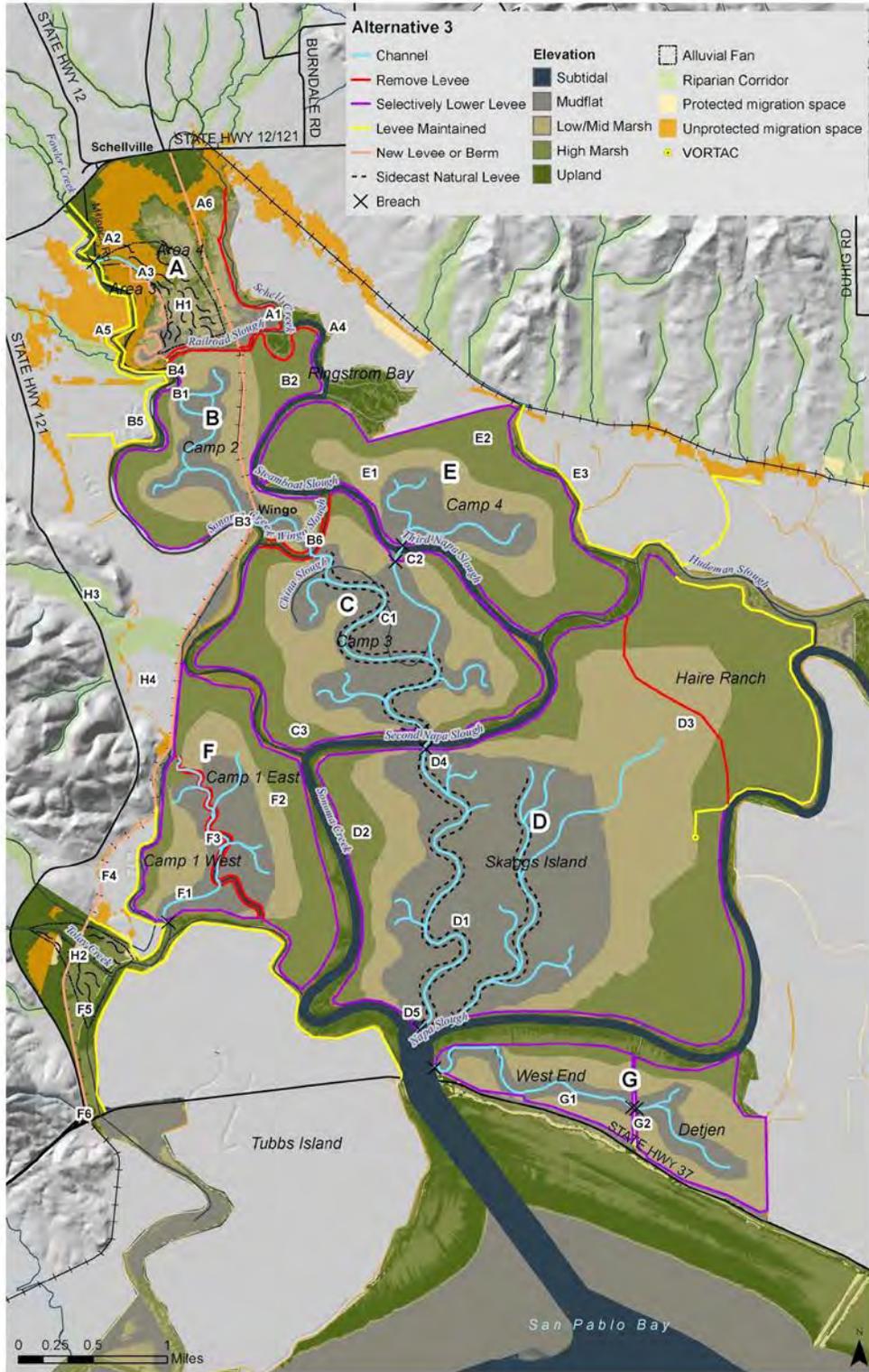


Figure 5. Alternative 3 Enhanced Maximum Tidal

The Ocean Foundation

Richard Charter, Coastal Coordination Program



Coastal Coordination Program

August 24, 2020

Caltrans
District 4
Attn: Yolanda Rivas
PO Box 23660
Oakland, CA 94623-0660
(email: stateroute37@dot.ca.gov)

Re: Comments on the Notice of Preparation/Environmental Scoping for a pending Draft Environmental Impact Report (EIR) / Environmental Assessment (EA) for the Proposed State Route 37 Traffic Congestion Relief Project

Dear Ms. Rivas:

Thank you for the opportunity to participate in your recent online scoping session and for the chance to provide these comments on the Notice of Preparation (NOP) for the Draft Environmental Impact Report (EIR) / Environmental Assessment (EA) for the Proposed State Route 37 Traffic Congestion Relief Project (*The Project*).

We are writing to request that the planning process for any project associated with this Caltrans NOP include one or more well-thought-out landscape restoration components as part of the available options.

Having been directly involved in the construction of the nearby Sonoma Baylands and Petaluma Marsh restoration projects, I appreciate both the challenges and complexities, as well as the opportunities, associated with an undertaking on the scale envisioned by *The Project*. The potential benefits are well worth the work of getting it right, however.

At the policy confluence of urban growth pressures, outmoded transportation capacity, and a societal priority for climate resilience, a win-win outcome for the Highway 37 transportation corridor will require a cooperative effort from all sectors. Once one of the most important intertidal portions of the San Francisco Bay ecosystem complex, this area offers unique opportunities for restoration of important natural values and functions. In the interest of advancing these goals, we offer the following comments to Caltrans, the Metropolitan Transportation Commission (MTC), the Sonoma County Transportation Authority (SCTA), the Solano Transportation Authority (STA), and Napa Valley Transportation Authority (NVTA).

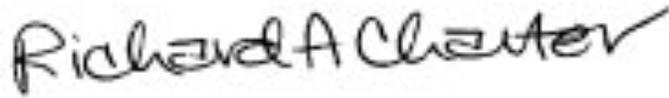
While *The Project* is initially proposing improvements to SR 37 from west of the SR 121 intersection to Mare Island and thus far is focused primarily on traffic congestion relief during peak travel times and on increasing vehicle occupancy within the travel corridor, more than the current three project alternatives should be under consideration.

The resulting EIS/EA also needs to evaluate additional alternatives inclusive of landscape restoration, including:

1. At least one alternative rerouting for Highway 37 should be presented that essentially circumvents at least part of the existing highway fill route in a manner that could enable restoration of much of the bayfront tidal wetlands in that part of San Francisco Bay without increasing travel time.
2. Each Highway 37 route alternative, including the present route alternative, should include the potential for inclusion of an eventual improved light rail corridor that could enable potential North Bay rail patrons to efficiently connect with both the existing Capitol Corridor rail service and the Vallejo marine terminal for the San Francisco Bay Ferry service.
3. In the event that the existing Highway 37 route becomes one alternative, a sequence of mitigation strategies should be developed and presented which open now-blocked tidal flow action and restore full ecosystem function along key portions of the highway embankment, based on appropriate hydrologic studies.
4. All alternatives presented should address anticipated sea level rise based on sound science.
5. Protection and enhancement of migratory opportunities and habitat values for salmonids, other fisheries, and all resident avian and mammalian species should be a goal of *The Project*.
6. Damaging flooding and unnecessary fragmentation of habitat could potentially be alleviated to some degree by a landscape restoration component of any proposed *Project*, and these factors should be a priority of any alternative considered. Such alternative(s) should be designed to benefit special status species such as the California Ridgway's Rail and the California black rail.
7. At least one alternative should consider *The Project's* long-term role in rewilding and/or redeveloping the Mare Island Naval Shipyard properties.
8. Fringing marsh habitat along tidal creek and slough channels offer ready opportunities from which to build restoration components, so particular attention should be paid to these natural features.
9. At least one alternative should consider that natural sediment supply could be reestablished by reconnecting with inputs from the watershed and San Pablo Bay, and that elevations of parcels subject to subsidence could be augmented through beneficial reuse of dredged sediment, as has been successfully accomplished at Sonoma Baylands.
10. Maximized opportunities for public access should be considered in each *Project* alternative proposed. Trail construction from natural, soft materials that may deteriorate with sea level rise, flooding, and inundation without harm to surrounding habitat should be evaluated
11. At least one *Project* alternative should be evaluated that would result in maximum tidal restoration as a result of a parallel highway route located primarily on elevated pylons, or based on a new inland re-routing of the corridor itself.

Thank you for this opportunity to provide these initial comments on *The Project*, and please keep us informed of any future public participation opportunities.

Sincerely,

A handwritten signature in black ink that reads "Richard A Charter". The signature is written in a cursive, slightly slanted style.

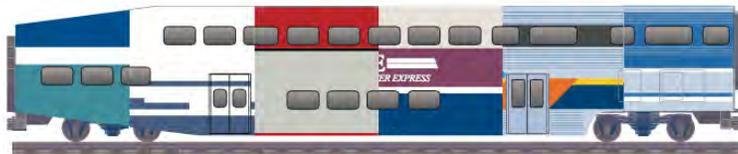
Richard Charter
Coastal Coordination Program
The Ocean Foundation
waterway@monitor.net

TRAC Train Riders Association of California

David Schonbrunn, President, TRAC

TRAC

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Association
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San Diego County

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William F. McGeehan III
Contra Contra County

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 THE

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.

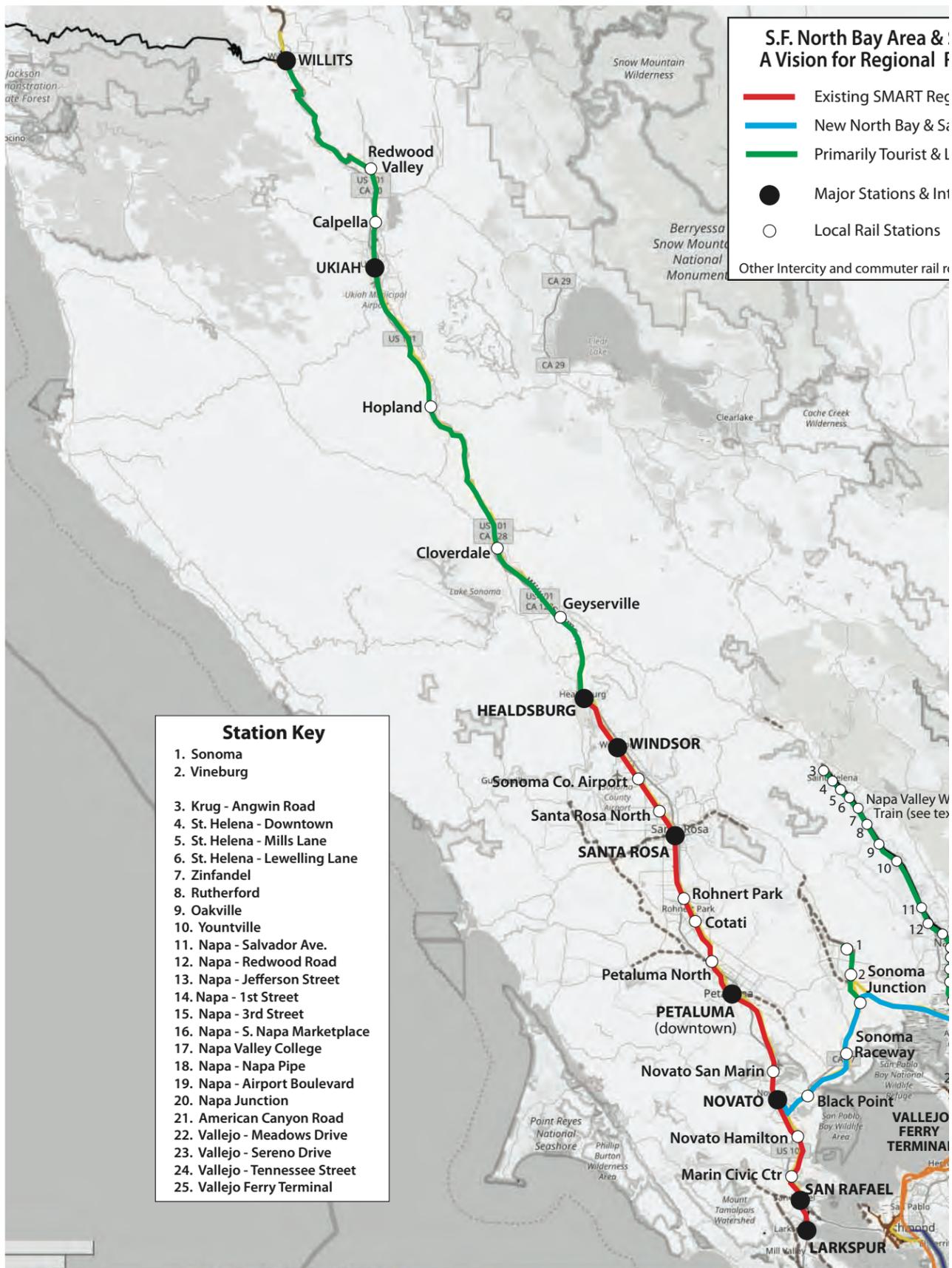
Upgrading & Extending SMART

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.

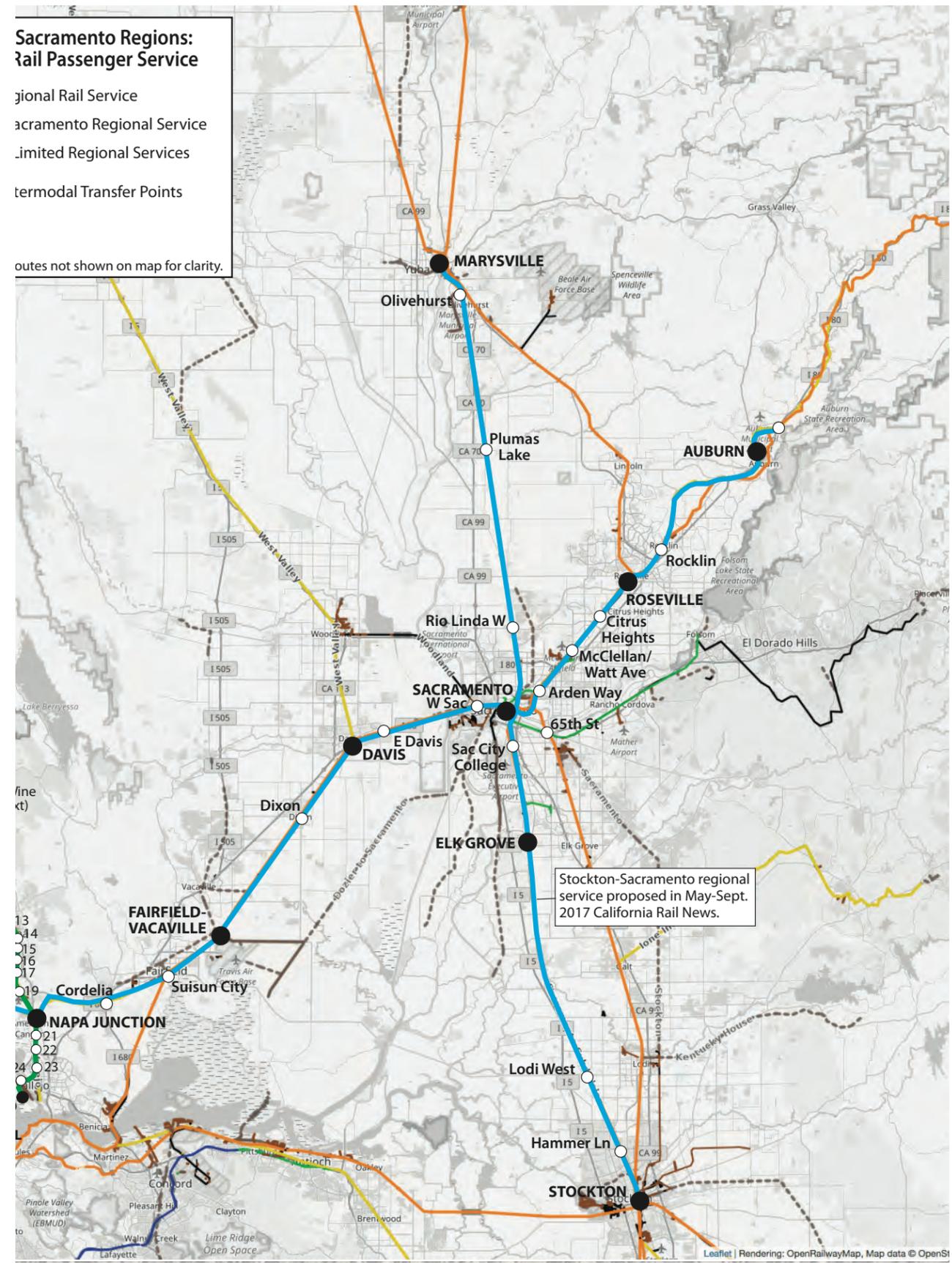
SMART will require significant capital expenditures for an expanded fleet and double track or new sidings in key areas. Study should begin on extending SMART to a location closer to the GGT ferries in Larkspur, including the possibility of a cross-platform transfer.

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

THE NORTH BAY & SACRAMENTO REGION



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.

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



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.

SMART – A High-Cost Project



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.

TRAC's Proposal – A Low-Cost 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 ADA Solution



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.

TRAC's ADA Solution



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 DMUs

Much less expensive to operate



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 sents, 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.

TRAC's East-West Proposal



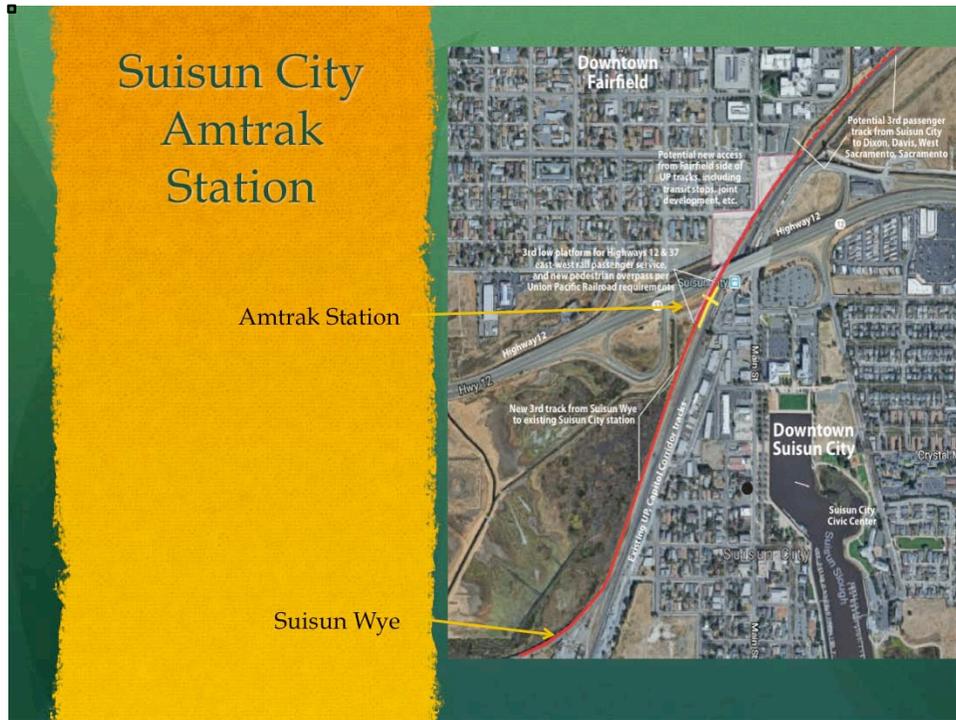
This map is in the current issue of California Rail News, along with a full description of the proposal. In the first phase of our proposal, the train would start in Novato and terminate at the Suisun City Amtrak station. This is where the NWP line from Marin connects to the Capitol Corridor, which goes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

Suisun City Amtrak Station-- Capitol Corridor



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.

Low-Lying Tracks

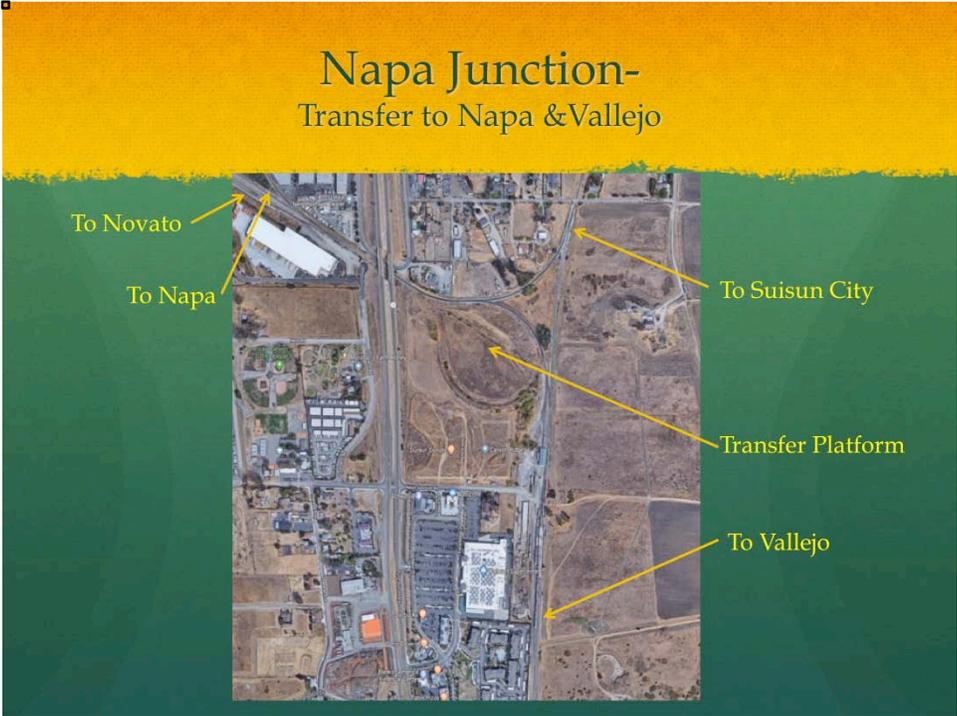


Unlike Highway 37, it is relatively easy to build up the height of the rails, when needed in response to sea level rise. An embankment can be gradually created at night by placing gravel under the tracks, while trains continue to operate in the daytime.

Napa River Bridge



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.

Sonoma Raceway



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.

Sonoma Raceway Main Gate

The train platform would be on the right

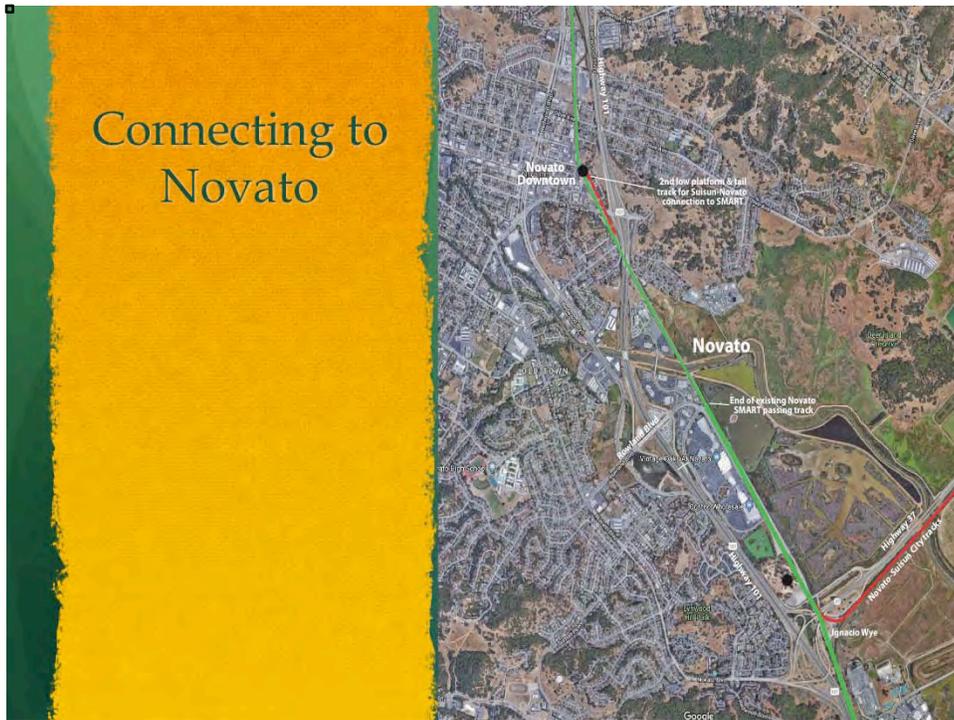


Here's a ground-level view, with the main gate on the left, and the train tracks to the right of Highway 121.

Black Point Swing Bridge Petaluma River



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.

Downtown Novato Terminus

A low-level platform for transfers to SMART



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.

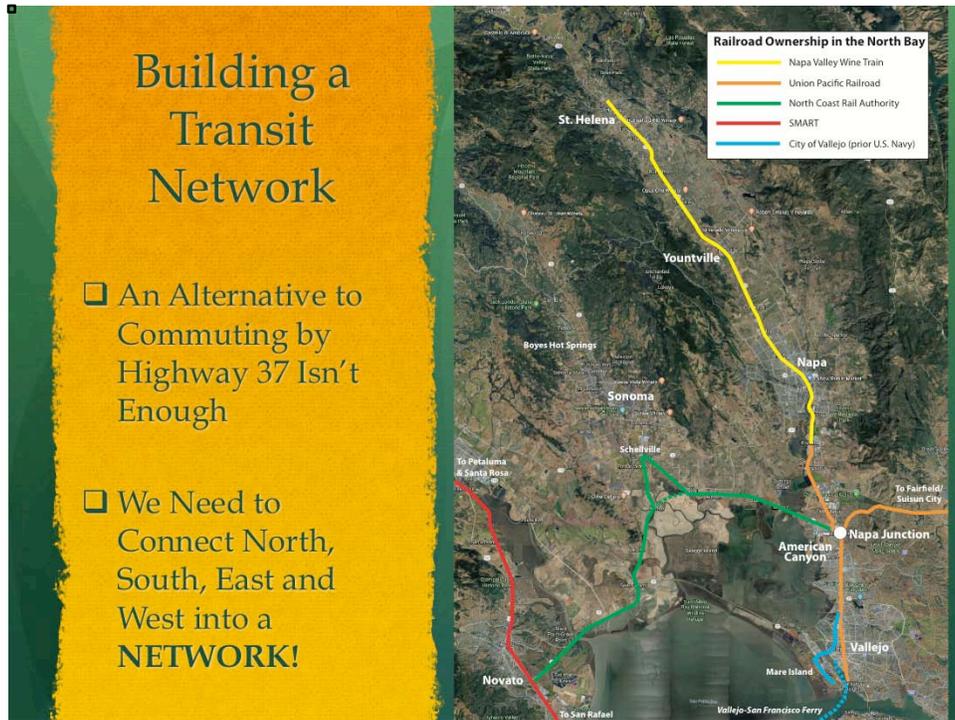
Napa-Fairfield-Vallejo “Triangle” Largest Sources of Commute & Other Trips

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://onthermap.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.

Extend Existing Tracks to Vallejo Ferry Terminal



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.

Possible Rail Terminus

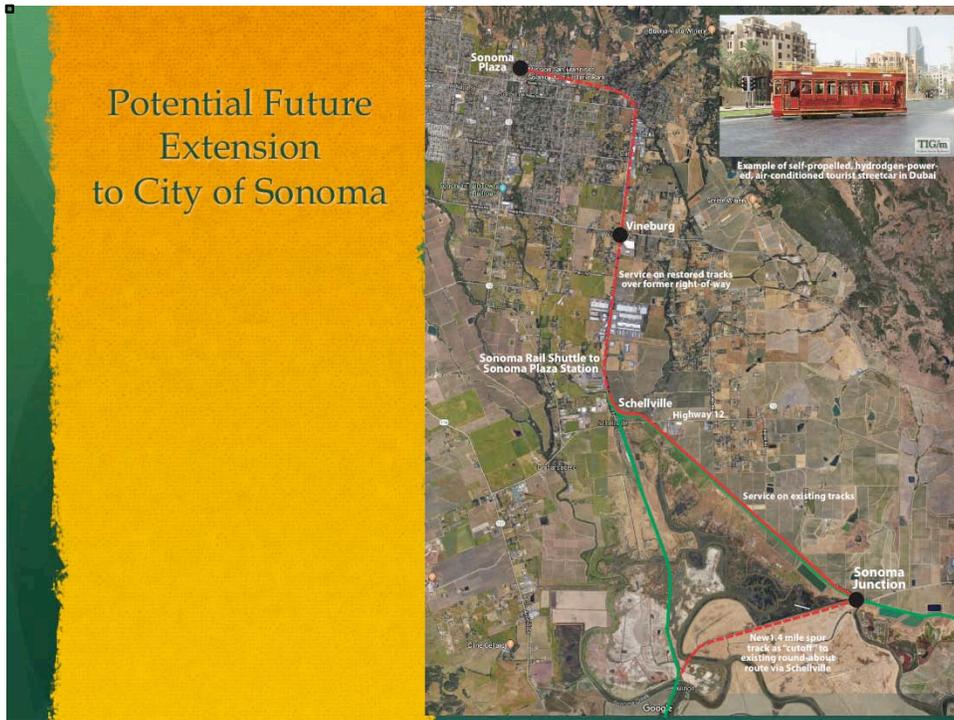


This is the Vallejo Ferry Terminal. City Hall is nearby, as is the bus transit station. A train stop could be located right here.

Interim Rail-Ferry Connection Mare Island



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.

Sonoma Junction

(For the bypass, turn left before the barn)



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

Downtown Sonoma



The Sonoma Plaza is a big tourist attraction.

Historic Sonoma Depot and right-of-way



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-

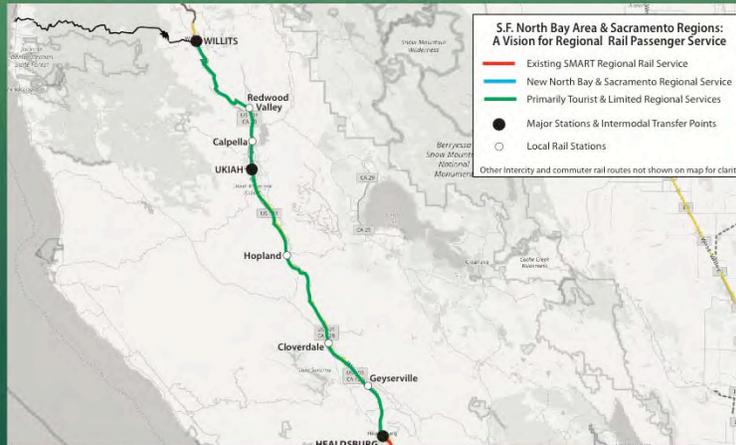


Los Angeles Union Station, view through Main Waiting Room to train boarding area.

Photo by Alan Weitz. Used with permission.

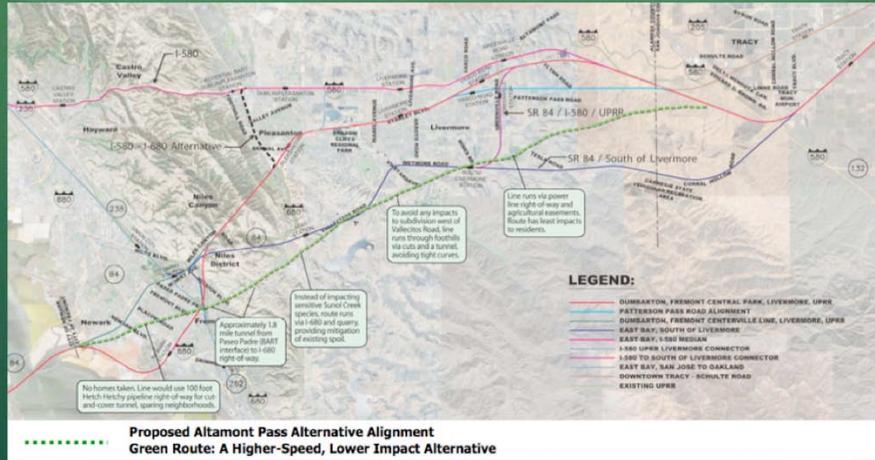
In addition to working on proposals like this one, TRAC also produces a newspaper. See links to our archive.

TRAC's Far North Proposal



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.

TRAC's Altamont Corridor Proposal



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.

Thank you for your interest.

Train Riders Association of California

www.CalRailNews.org

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:

Allison McNeil

Augusto Carrillo

Dan Bell

Daniel Boone

David Yamaguchi

Dick Anderson

Ed Schulze

Jane Dickel

Jim Sherfy

John Arciniega

John Nichols

Kara Reyes

Kim Achziger

Max Kelley

Michael Toschi

Nadya Clark

Patricia Lynch

Rob Wiley

Robert Schellenberg

Robert Stuart

Scott Bartlebaugh

Steve Slack

Tim Lang

From: Allison McNeil <allisonfries@gmail.com>
Sent: Thursday, July 23, 2020 5:07 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Comments on 37

EXTERNAL EMAIL. Links/attachments may not be safe.

Hello -

I commute to and from Sonoma/Marin each work day.

It appears to me that the bottleneck occurs right after Sears Point Raceway when the lanes go down to one lane. The bottleneck starts at about 2 pm on weekdays. Fridays are the worst because of weekend traveller traffic in addition to commuters.

By 4 pm traffic is backed up, sometimes to the Blackpoint exit.

In my opinion that one lane road beyond Sears Point raceway needs to be modified to two lanes to allow for more traffic flow. If this is not possible (it appears to be on a wetland), then installing a protected turn lane to allow traffic to Sonoma to avoid the slow down (back before the lakeville exist) would also help reduce congestion.

Right now people start going left on the dirt next to the roadway to access lakeville and it is an accident waiting to happen.

For people going to Sonoma, the next slow down (if we take the lakeville shortcut to avoid 37) occurs where 116 merges with Old Adobe. It appears two lanes here (to allow traffic turning right from 116 (coming over the hill from ernie's tin bar) would also reduce the slow down both for people coming from petaluma and those coming over the lakeville shortcut. I am imagining a protected turn lane so those going right from 116 to old adobe/116 could essentially start a new lane parallel to the old adobe traffic. That merge is very scary and people often don't wait their turns. I see a lot of near misses.

Thank you for your attention to this matter. The 37 slow down adds 45 min to my commute (already 35 min with no traffic) rendering it about an hour and 10 m on my way home.

Allison McNeil
707.322.8482

From: Augusto Carrillo <carrilorn@gmail.com>
Sent: Sunday, July 26, 2020 11:35 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Fixing 37

EXTERNAL EMAIL. Links/attachments may not be safe.

Hello, I am no public transportation planner, I am a humble Registered nurse, however it seems fairly obvious to me the best way to alleviate the congestion on highway 37 is to convert the traffic signals 🚦 at the 116 and 121 interchanges to overpass/underpass off ramps. 🙏
Problem solved,

Augusto Carrillo, RN

From: Dan Bell <dan.martin.bell@gmail.com>
Sent: Thursday, July 23, 2020 2:45 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Scoping for SR 37 Congestion Relief Project

EXTERNAL EMAIL. Links/attachments may not be safe.

Transit Agencies from Marin, Sonoma, Napa and Solano should be encouraged to partner to provide shuttle service routes along the corridor's new HOV lanes to further relieve congestion. Dan Bell, San Anselmo

From: Daniel Boone <danielbooneatty@hotmail.com>
Sent: Wednesday, August 12, 2020 6:15 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Proposed SR 37 Traffic Congestion Relief Project

EXTERNAL EMAIL. Links/attachments may not be safe.

Dear Ms. Rivas,

Thank you for the opportunity to comment on the three proposed methods of traffic relief on SR 37 From Mare Island to SR121. I live on Mare Island, so I am acutely aware of the "parking lot" that forms every weekday morning (and some weekend mornings, too) when SR 37 narrows from two lanes to one.

I have reviewed all three proposals. If I have read correctly, only Proposal No. 1, with changeable median dividers, would allow for bicycle traffic. If so, I favor No. 1. Roadways should allow for bicycle traffic whenever possible. I note that all three proposals include an HOV lane to promote car traffic reduction. Bicycle lanes also promote car traffic reduction.

Thank you.

Daniel Boone
1074 Flagship Drive
Vallejo, CA 94592
530-771-7261

From: David Yamaguchi <david.yamaguchi.roe@icloud.com>

Sent: Wednesday, July 22, 2020 1:40 PM

To: State Route 37@DOT <stateroute37@dot.ca.gov>

Subject: Suggestion Box

EXTERNAL EMAIL. Links/attachments may not be safe.

Instead of just pushing automobile centric planning; please include other transportation modes as bike trail and public transit. Please include Light Rail or Bus Rapid Transit from Novato with with two station stops in Novato, Sears Point, Mare Island, Sacramento Street, Sonoma Blvd, Discovery Kingdom, and the retail area near Costco. To go from Vallejo or Solano County to Marin County, there seems to be no transportation alternative to driving. Please include public transit options in the future Highway 37 project.

Very respectfully,

David Yamaguchi

From: Dick Anderson <mutagooska@gmail.com>
Sent: Thursday, July 23, 2020 12:05 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject:

EXTERNAL EMAIL. Links/attachments may not be safe.

I believe Highway 37 would be an excellent shortcut for Contra Costa cyclists to reach Marin and Sonoma Counties as well as many other North Coastal areas if it could be done safely. We wouldn't have to route our way through Oakland or San Francisco. Therefore I think any improvements to that highway should include safe bicycle access and routing.

Richard M. Anderson
Member of Delta Pedalers Bicycle Club

From: Schulze <mmmschulze@comcast.net>
Sent: Sunday, August 23, 2020 9:24 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Proposed SR37 Traffic Congestion Relief Project

EXTERNAL EMAIL. Links/attachments may not be safe.

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

Dear Ms. Rivas,

I commuted daily for 36 years (1960-1996) from Marin Co. to Mare Island. I currently use 37 two to four times a month to access Hwy 80. I viewed the scoping open house on 7/22/2020 and was impressed by the justified attention that this contested Section 37 is receiving (at last).

Last September I attended a public meeting hosted by Sen. Mike McGuire in Novato. Caltrans and most of their partners made presentations and solicited questions from the audience. It was very informative. Also earlier this year I attended a meeting in Vallejo with most of the transportation authorities and commissions giving updates.

I do favor alternative 3 because of the four lane, HOV concept. I have some suggestions to relieve traffic congestion and eliminate traffic flow restrictions, such as traffic lights, RR crossings, and left turn lanes. Ideally these would create uninterrupted four lane flow between Lakeville intersection to Hwy 80.

A. Suggestion for 121 Intersections:

.
Raised interchange with capability for off and on ramps to allow W.B. 37 to loop-around and become E.B. 37 at the intersection.

.
High enough to accommodate R.R. clearance- this would eliminate traffic signal lights and R.R. crossing signal and arms.

.
Extend E.B. 37 overhead ramp long enough to eliminate modification to Tolay Creek Bridge.

B. Sonoma Creek Bridge

.
Under the west end, create an E.B. under-crossing loop with a return to the W.B. lane. This will eliminate a need for a E.B. left turn lane into the Wing and Barrel Ranch. ("Right In-Right Out")

.
For bicycle access, cantilever outboard extensions on each side should be considered.

C. For all other roadside accesses, including the Bay side of Nobel Road, Vista Points, Trailheads, and Parking areas, use "Right In-Right

Out". The E.B. loop-around at Mare Island interchange and the suggested W.B. loop-around at the 121 Intersection would facilitate all

"Right In-Right Out" requirements on this section of 37.

D. Tolling

I suggest only one toll gantry, just west of the Mare Island intersection, monitoring only one direction. This would eliminate double charges

for "Loop-Around". This location is less congested when service of the gantry is required.

Thank you for considering and passing on my suggestions.

Ed Schulze

1 Tenaya Lane

Novato, CA 94947

Cell 415-987-8952

Email: edwardschulze@comcast.net

P.S. I am retired and am willing to serve on any subcommittee to help in the process of traffic congestion relief and environmental concerns.

From: Jane Dickel <jfdickel@icloud.com>
Sent: Friday, July 24, 2020 7:14 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Hwy 37

EXTERNAL EMAIL. Links/attachments may not be safe.

Extra lanes will be of no help as long as there is a stoplight at the intersection at Sears Point. East bound traffic on 37 should not have to stop. Eastbound traffic turning left onto 121 should be able to enter a flyover to the right off 37 and fly over the through bound traffic. Use your heads!

Sent from my iPhone

From: tri9devil@yahoo.com <tri9devil@yahoo.com>
Sent: Monday, August 24, 2020 11:56 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Proposed CA-37 Traffic Congestion Relief Project

EXTERNAL EMAIL. Links/attachments may not be safe.

Dear Yolonda,

These comments are concerning the proposed State Route 37 Traffic Congestion Relief Project.

Please follow all adopted Caltrans guidance regarding bicycle access to nonfreeway roadways that are part of the Caltrans network. These include but are not limited to Complete Streets and Deputy Directive 64.

A bicycle shuttle across the indicated segment of Highway 37 is not acceptable. Bicyclists want on-road access. That means that any work that Caltrans does must include a minimum of a five-foot shoulder in each direction over the entire length of the project. This includes all bridges as well as roadways. Note: A wider shoulder is better; the requested five-foot width is minimum according to the Caltrans Highway Design Manual.

If Caltrans decides to provide a bicycle shuttle and to not include a sufficient shoulder over the entire length of the segment of Highway 37 between Mare Island and just to the west of Highway 121, the shuttle must be available 24-7-365. Calling for the shuttle must not require the bicyclist to possess/use a cell phone. Once the signal is sent requesting the shuttle, there must be no more than a 15-minute wait.

The reason for not desiring a shuttle is that after a “reasonable” length of time, Caltrans will discontinue the shuttle claiming budgetary constraints or a perceived lack of use by bicyclists.

As part of the shoulder system, there must be solid barriers spaced a reasonable distance apart that prevent motor vehicles from using the shoulder as a traffic lane.

If Caltrans ends up building this “interim” project, the money spent on this project will be mostly wasted when the “ultimate” project is constructed.

The proposed project is not planned to include any provisions to deal with sea level rise. Where is the logic in that?

The use of fossil-fueled automobiles is one of the major contributors to climate change and sea level rise, yet we are planning to widen this roadway, which will encourage more traffic to use this route, thereby contributing to climate change and sea level rise.

We can reduce automobile usage by making it inconvenient to use an automobile for transportation. Widening this road will induce MORE automobile usage and the congestion will remain the same.

One acceptable alternative to providing on-street bicycle facilities would be to build a bicycle path parallel to Highway 37. If Caltrans decides to go this route, the path must be constructed and opened before any construction starts on the roadway. This bicycle path must be built such that it will survive any reasonably-predictable sea-level rise over the next century. Money used to construct this parallel bicycle and pedestrian path must be from "motorist funds" and not deplete the small amount of money currently available for bicycle projects.

Finally, does Caltrans have money set aside to defend against the inevitable lawsuit that will result if the project is constructed without bicycle facilities?

The bottom line is: Caltrans must follow its own policies and procedures.

Sincerely,

Jim Sherfy

From: John Arciniega <everestredpanda837@gmail.com>
Sent: Saturday, July 18, 2020 3:50 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: SR37 traffic relief project

EXTERNAL EMAIL. Links/attachments may not be safe.

This project is long overdue! However, I see how limited the proposed scope is. With waters rising along San Pablo Bay, creating even more marshland, the ONLY Long term solution is a four lane, ELEVATED roadway running from Mare Island bridge to US 101 interchange. An elevated roadway would also eliminate two intersections, 1. Highway 121 interchange and Lakeville highway interchange.

It is already noticeable how unstable the current Hwy 37 roadway is with numerous cracks and uneven pavement. Pouring more more asphalt does not deal with the underlying marsh and flood conditions.

Now is the time to upgrade poor, step-child Hwy 37 to full ELEVATED freeway status it finally deserves.

I know the naysayers always cry that funding is not available for such a visionary project. Consider making it a toll road with discounts to regular commuters.

Yours to the future,
John Arciniega

Sent from my iPad

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!

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

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.

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.

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

Delete

In
For Public
Comment

From: John Nichols <johnnichols3@outlook.com>
Sent: Tuesday, July 21, 2020 4:10 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: SR37 Corridor Projects Contact

EXTERNAL EMAIL. Links/attachments may not be safe.

So I work in San Rafael and live in Sonoma. I am able to go in about 9:30am, usually behind the 101 south traffic. BUT, heading home on HWY 37 any time after 4:00pm I have to plan on 45 to 65 minutes, even if I take Lakeville highway and Stage Gulch road (Hwy 116). I have asked the Sonoma Raceway to consider opening gate 9 off of Lakeville HWY and Gate 7 connecting to Arnold (121) and willing to pay \$5.00/day!!

Have you considered taking one of the westbound lanes at the creek (in the afternoon) and having Sonoma traffic cross over about 7/10 of a mile (near the barn) heading up the hill to the No. 1 westbound lane, putting the center divide on the right. Those going to Vallejo will still have to battle out the two lanes to one at the creek!!

This might only be in effect for the afternoon commute and in the morning, be the other way. Of course controlled by light, barriers, etc. I think that they do this a lot in the New York area(Lincoln Tunnel?)

I know that it wouldn't improve the Vallejo trip until another lane/toll road is added, but it would sure ease congestion for Sonoma bound commuters and a few who would now take the back road (121) to Napa.

I hope others have proposed this and I recognize that this may not be a priority; however, I see that you have identified the congestion at the raceway corner. If you need more input from me that would be helpful, let me know.

Be Well

John Nichols
johnnichols@jps.net
(415) 342-7839 mobile

Sent from [Mail](#) for Windows 10

From: Kara Reyes <karareyes@gmail.com>
Sent: Thursday, July 23, 2020 3:55 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: State route 37

EXTERNAL EMAIL. Links/attachments may not be safe.

I urge you to please create a lane for traveling to Sonoma. The light/lane changes made 2 years ago have exponentially negatively impacted our lives. Unless you live in Sonoma and drive 37 you might not know how horrible and dangerous it has become for us to take Lakeville to get home. I have seen so many accidents now and am so traumatized from being forced to take that route, I panic and have nightmares about it. Please please please do something for Sonomans and give us our lane back or come up with a safe solution to allow us to use 37 to connect to 121/12

Traffic is substantially worse in Pm going Eastbound than it is in morning going Westbound, therefore, I support an HOV lane in the Eastbound direction. The commuters traveling East bound to Vallejo are vast majority one person per vehicle. If they knew they'd get home faster, I'm positive people will look for a way to carpool.

Thank you,
Kara Reyes
Sonoma, CA

From: Kim Achziger <kimachziger@sbcglobal.net>
Sent: Thursday, July 23, 2020 12:21 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Please consider

EXTERNAL EMAIL. Links/attachments may not be safe.

Please provide safe routes for bicycles on all new projects. Yes we can travel that far on bikes and we do. Is it safe? No, not right now. Please make a difference and save lives.

Thank you,

Kim Achziger

Sent from my iPhone

From: Max Kelley <maxwk46@gmail.com>
Sent: Friday, July 31, 2020 7:39 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Route 37 EIR preparation

EXTERNAL EMAIL. Links/attachments may not be safe.

Attn: Yolanda Rivas

Dear Yolanda Rivas:

Thank you for the opportunity to submit comments regarding the State Route 37 Traffic Congestion Relief Project.

I am a resident of Bel Marin Keys and my house faces a span of Route 37 from 101 to 121 intersections. My main concerns from an environmental standpoint are primarily noise and light.

Road noise coming from Route 37 has increased over the years and is frequently “significant”, depending on atmospheric conditions and time of day. These relatively loud periods are common during the evening and early morning commutes; sometimes requiring us to close doors and windows to sleep past 5:00am. Additionally, unshaded lights used during road work (and now during the environmental study) are exceedingly bright during the night requiring us to close house shades that face Route 37.

The project of congestion relief will certainly bring more traffic on Route 37. This increase will substantially increase road noise (and potentially light) impacting residential areas on either side as well as affecting wildlife in the adjacent areas. Studies are showing that mating and hunting activities by birds and other wildlife are negatively affected by noise.

Any EIR for this project would need to include noise studies comparing ambient sound levels to road noise events and specify mitigation efforts. I am happy to allow qualified sound engineers to use my property for part of these sound studies.

Please acknowledge receipt of this email.

Thank you,
Max Kelley
263 Montego Key
Bel Marin Keys, CA 94949
Cell: 415-450-8809

From: Michael Toschi <michaelatoschi@gmail.com>
Sent: Wednesday, July 22, 2020 12:52 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Re: Question

EXTERNAL EMAIL. Links/attachments may not be safe.

We'll see. Has that idea ever been considered before?

Sent from my iPhone

On Jul 21, 2020, at 5:43 PM, State Route 37@DOT <stateroute37@dot.ca.gov> wrote:

Hi Mr. Toschi,
The full scope and purpose for the project will be laid out and explained at the scheduled Virtual Scoping Meeting. Please plan on attending:

<image.png>

<image.png>

From: Michael Toschi <michaelatoschi@gmail.com>
Sent: Tuesday, July 21, 2020 4:12 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Question

EXTERNAL EMAIL. Links/attachments may not be safe.

Hi,

Are there plans to convert the existing shoulder throughout Segment B of Highway 37 into a lane for

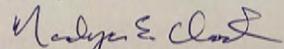
motorists similar to how it was done on the lower deck of the Richmond-San Rafael Bridge?

-Michael Toschi (Inquirer)

Sent from my iPhone

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



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.

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 and comments related to the State Route 37 project.

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

From: Patricia Lynch <lynch5761@gmail.com>
Sent: Friday, July 24, 2020 5:20 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Comments on Proposed Improvements to Route 37

EXTERNAL EMAIL. Links/attachments may not be safe.

My name is Patricia Lynch. I live in the city of Napa.

I urge California to focus on a permanent solution to improving Route 37 rather than the temporary "fixes" that are currently under consideration.

The rising sea level will become more severe for the Bay area over the next several decades. Route 37 will remain vulnerable, even with the changes being proposed. These changes are expensive to build and to implement. I urge California to begin planning and implementing a more permanent fix for that route immediately. Spending money on "fixes" that will work over the short term is a waste of resources and time.

In addition, commute patterns may change after our experience with Covid-19. Traffic on this route may be reduced if more people work from home or no longer have jobs requiring this commute.

I know first hand how frustrating the backup on Route 37 is, not only at rush hour but at other times of the day and weekends. So, I write this against my short term self interest. However, all agree that we will need a permanent solution to Route 37 as the sea continues to rise. We should focus our funds and energy on developing and implementing that solution. Even the temporary "fixes" are expected to take at least 5 years. That time would be better spent working towards a permanent solution.

From: Rob Wiley <goldengate1@gmail.com>
Sent: Wednesday, August 5, 2020 2:33 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Cc: Thomas Henthorne <thomas@thomashenthorne.com>; Marc Hand <handmarco@gmail.com>
Subject: Highway 37 Widening Project

EXTERNAL EMAIL. Links/attachments may not be safe.

I wanted to write in support of the Highway 37 widening project, ideally the scenario with 2+ lanes in each direction open at all times with shoulders. This is by far the worst bottleneck in the entire bay area, even worse than the interchange at the Bay Bridge, and the environmental impact of all those vehicles idling for hours along 37 is significant. To have a major freeway / highway in the bay area narrow to one lane in each direction is unconscionable and impacts lower-income residents more. The highway provides a vital link for workers in Vallejo, Fairfield and beyond to access jobs in Marin and Sonoma counties.

Thank you for working to expedite this project.

Regards,

Rob Wiley
San Rafael, California

From: Bob Schellenberg <bschell70@icloud.com>
Sent: Saturday, July 18, 2020 3:02 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: SR37 Corridor Projects Contact

EXTERNAL EMAIL. Links/attachments may not be safe.

Please build a 4-lane expressway/highway between SR121 and Mare Island! Thousands of man-hours are wasted every day by people sitting, idling through the corridor.

I live in Placer County and work in Novato. This 20 mile section often takes as long as the 75 miles from Vallejo to Auburn.

Thank you!
Robert Schellenberg

Sent from my iPhone

From: Robert Stuart <acmestuart@sbcglobal.net>
Sent: Tuesday, July 21, 2020 7:13 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Proposed SR 37 Traffic Congestion Relief Project

EXTERNAL EMAIL. Links/attachments may not be safe.

Greetings and thank you for this chance to provide input on this important issue.

I would like to point out that your postcard IDs traffic relief for Sonoma, Napa, and Solano counties. It seems that Marin county has been left out ...? Since SR 37 connects the counties of Solano with Marin immense traffic relief could be attained by adding lanes.

It is also important to keep in mind that SR 37 is the main artery for citizens on the west end of SR 37,, including Marin County, to gain access to Sacramento, the Sierras, and all places east for business and pleasure.

SR 37 is a major link between Eastern California and the Western regions. Big rigs are routinely traveling this route doing business and carrying their goods.

I currently live just blocks from SR 37. As the traffic builds up during commute hours I can hear the big rigs compression braking on the

approach west bound to the Napa bridge. During these hours hundreds of cars are backed up in this same area. A quick Google search unveils the following:

"A new study finds that as much as 20–30% of the number of vehicle engine exhaust particles larger than 3 nm may be formed during engine braking conditions—i.e., during decelerations and downhill driving while the engine is not fueled. However, the authors note, these particles have not been taken into account in emission regulations and in the assessment of associated health risks."

Most days of the week one can find this same situation occurring at the east end of SR 37 with hundreds of cars and trucks backed up from west of Lakeville Road, crawling along, stop and go east bound well past the 37 - 121 stop light.

I have spent countless hours stuck in this traffic breathing exhaust fumes from gasoline and diesel engines as they sit idling and then going and then stopping and then all over and over again.

I submit that if we all really care about our air, health, and the health of the wildlife along this corridor any vehicle/engine traveling at it's designed speed produces far less emissions than when the same is sitting in stop and go traffic spewing out exhaust. This is not rocket science.

Surely a state like California with its notorious worldwide economic standing can afford to widen this stretch of roadway without a toll just like so many other main routes in the state.

Thanks for your time and effort. The sooner this is done the better for all, humans and wildlife.

From: Scott Bartlebaugh <sbartlebaugh@sbcglobal.net>
Sent: Wednesday, July 22, 2020 3:16 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Comment on State Route 37 Traffic Congestion Relief Project

EXTERNAL EMAIL. Links/attachments may not be safe.

Yolanda Rivas,

I submit these public comments on the State Route 37 Traffic Congestion Relief Project. If you are not the correct person to submit these comments to please reply and let me know who the correct person is.

The project information at << <https://dot.ca.gov/-/media/dot-media/district-4/documents/37-corridor-projects/nopsr37congestionreliefproject71020.pdf> >> does not adequately address the need for safe bicycle access on route 37. Safe bicycle access should be part of all CalTrans projects. Safe bicycle access is a key element to managing transit issues which is one of the goals of this project and is needed across the state.

Alternative 1 indicates bicycle access would be on the unprotected shoulder. While this is better than nothing it is not a safe option considering the vehicle speeds and number of vehicles on route 37. Access and capability of the Sonoma Creek Bridge (Bridge 23-0063) to handle bicycle traffic is not addressed. Based on the description it appears this bridge can not handle vehicle and bicycle traffic. A means for bicycles to make the crossing this bridge makes must be included to provide bicycles a complete through way on route 37.

Alternative 2 does not mention bicycle access outside of noting that the Sonoma Creek Bridge (Bridge 23-0063) can not handle bicycle traffic. It does not address how bicycle traffic will be handled at this crossing and needs to do so.

Alternative 3 makes no mention of bikes.

The features common to all alternatives does not address bicycle access and needs to do so.

The project information describes how transportation impacts on this roadway negatively impact disadvantaged communities. Bicycles and now E-bikes provide a lower cost transportation option to automobiles. Excluding bicycle access eliminates the option for these lower cost transportation options. The distances to be covered along the entire corridor are challenging for bike or E-bike use for many people. E-bike technology continues to improve and can be expected to improve significantly over the route 37 life of this project and till the next route 37 project.

The project information states no considerations for public bicycle shuttles across the route 37 corridor. This could be an option to be considered which would also reduce the impact to disadvantaged communities, overall transit density, and recreation.

Regards,

Scott Bartlebaugh

Crockett, CA
925-813-0472

From: Hirschberg, Kelly@DOT <kelly.hirschberg@dot.ca.gov> **On Behalf Of** State Route 37@DOT
Sent: Friday, October 2, 2020 6:42 PM
To: Rivas, Yolanda@DOT <yolanda.rivas@dot.ca.gov>
Cc: Galvez-Abadia, Stefan@DOT <stefan.galvez@dot.ca.gov>; Hirschberg, Kelly@DOT <kelly.hirschberg@dot.ca.gov>
Subject: Fw: Proposed SR37 Traffic Congestion Relief Project

From: STEVE SLACK <pedefisk@astound.net>
Sent: Saturday, July 18, 2020 7:53 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Re: Proposed SR37 Traffic Congestion Relief Project

EXTERNAL EMAIL. Links/attachments may not be safe.

Dear Ms Hopes (?)

Please don't be offended. I don't mean to do this. I hear you too and as stated, have enjoyed CalTrans for years. I will attend and please call on me if I can help in any way. I am a CalTrans advocate. I mean this. We need it. The Bay Area needs it and the world needs it too.

Stay Safe,
Steve Slack
650 867 0229
1457 Montclair Street
Mare Island
Vallejo CA 94592

----- Original Message -----

From: State Route 37@DOT <stateroute37@dot.ca.gov>
To: STEVE SLACK <pedefisk@astound.net>
Sent: Fri, 17 Jul 2020 15:42:48 -0400 (EDT)
Subject: Re: Proposed SR37 Traffic Congestion Relief Project

Mr. Slack,

I want you to know, I hear you. More importantly, it is important for you know that Caltrans hears you as well.

Here is what I can offer at this time:

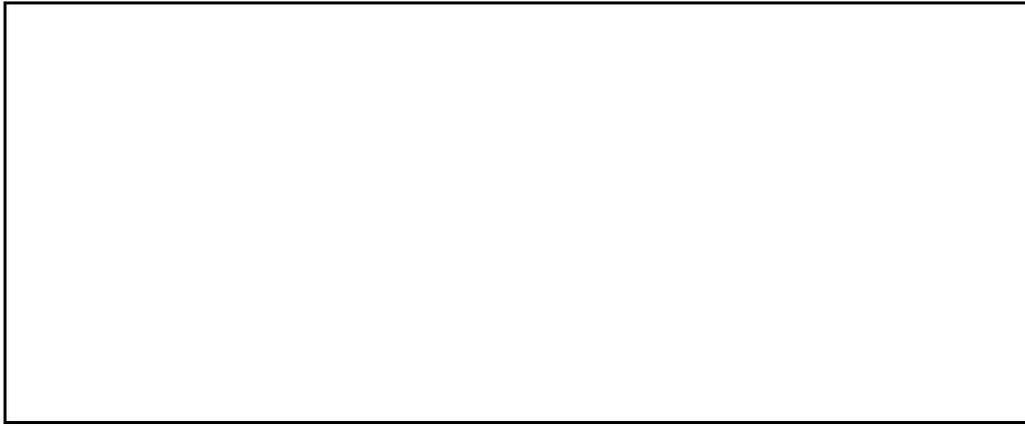
Please consider joining us for the Public Scoping meeting.

I am underscoring and reiterating this invitation because I believe the provided information may address what you say offends you.

However, I also want to make you keenly aware that fixing the SR 37 problem will not happen overnight. The work on SR37 is being referred to as a legacy project. Hence the name, ResilientSR37. The project is a major feat that pretty much pits man-against-nature. Caltrans believes this work can be done. Caltrans will also get the work done. Albeit, the process will require patience.

So, let's start here:

Tune in for the meeting. Then, follow-up here with me if you have more questions and/or concerns and I will seek to find the answers based on project research, planning and purposed resolution.



From: STEVE SLACK <pedefisk@astound.net>
Sent: Friday, July 17, 2020 5:45 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Re: Proposed SR37 Traffic Congestion Relief Project

EXTERNAL EMAIL.
Links/attachments may not be safe.

Hello Yolanda: Thank you for your message. I do have to chuckle as you detail how I can click the link and you point out that it "too is underlined in Blue". Touche!

I guess my real issue was the flyer that offered very little information. I'd start with Marketing if they indeed did this. But, you know how best to run your business.

BTW, I love Caltrans and have used your services for years. I have always felt they have tried the right things to make getting around the Bay Area a bit better. However, I must take offense at Highway 37. This has been allowed to remain a back-woods road in the ever growing Bay Area traffic that I'm sure you would have to say should have been addressed and "fixed" long ago.

Many thanks, and I shall attend.

Regards,
Steve Slack
650 867 0229
1457 Montclair Street
Mare Island
Vallejo CA 94592

----- Original Message -----

From: State Route 37@DOT <stateroute37@dot.ca.gov>

To: STEVE SLACK <pedefisk@astound.net>

Sent: Thu, 16 Jul 2020 19:30:57 -0400 (EDT)

Subject: Re: Proposed SR37 Traffic Congestion Relief Project

Hi Slack,

Let's start here:

Thank you for your interest and attentiveness on the project and recent announcement. Indeed, we do want you to attend.

Caltrans is a solution oriented agency, so how about I send your information along to the webmaster to see if it is at all possible to make accessibility more user-friendly. Also, information will soon follow with Zoom accessibility

information as well.

Meanwhile, if you have more comments regarding the project, simply click [Here](#).

The other option is to click on the link below following the Caltrans address. It too is colored and underlined in Blue.

How to Provide Comments

Please submit comments in writing by

5:00 PM on August 24, 2020 to:

Caltrans District 4

Attn: Yolanda Rivas

P.O. Box 23660

Oakland, CA 94623-0660

or via email to:

StateRoute37@dot.ca.gov

Thank you again for your time and information,

Error! Filename not specified.

From: STEVE SLACK <pedefisk@astound.net>
Sent: Thursday, July 16, 2020 3:56 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Proposed SR37 Traffic Congestion Relief Project

EXTERNAL EMAIL. Links/attachments may not be safe.

Hello: While the Proposed SR37 Traffic Congestion Relief Project is greatly needed and appreciated, the flyer I received in the mail regarding a Virtual Scoping Open House is a JOKE!

There is no link provided on the front or back of the flyer. Unacceptable. I had to type in the very long dot.ca.gov/caltrans-near-me/district-4-d4-projects-d4-37-corridor-projects to get to any information and then it asks me to "check back"!!!! So unacceptable

especially for older folks who we know will transpose this lengthy link! Why? Do you not want folks to attend?

Yes, there is so much going on out in the world that is GREATER concern today. But, one must focus on what's at hand to keep any sanity. This is why I read the flyer in it's entirety.

I would have hoped you would have given consideration to the ones maybe having cares about this project and would have reached far beyond your own department and individual needs or feel-good-attitudes. Others do care a lot about this long, long overdue project.

I'll probably be gone long before you ever break ground on improving this travesty of a major link between I-80 and Hwy 101 if this is only the start of the Environmental Studies section.

Best of luck, especially for the ones who have to traverse this piece of highway to their work and/or homes.

Regards,

William Slack

650 867 0229

1457 Montclair Street

Mare Island

Vallejo, CA 94592

From: Tim Lang <timothyclang@gmail.com>
Sent: Thursday, July 23, 2020 3:44 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Highway 37 needs more over passes .

EXTERNAL EMAIL. Links/attachments may not be safe.

Yolanda Rivas,

All traffic light locations should be replaced with an overpass that doesn't restrict the flow of traffic.
The traffic lights are the cause of the jams .

<https://imengine.prod.srp.navigacloud.com/?uuid=06638896-14ac-5b3d-acda-3aa3fdeaec7d&type=primary&q=72&width=816>

Thank you,
Tim Lang

Other Transmittals Received:

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

Bruce Ohlson email received August 10, 2020 but does not include comments

Christian Kallen email received July 19, 2020 but does not include comments

John Rice email received July 10, 2020 but does not include comments

Train Riders Associate of California TRAC email received July 23, 2020 but does not include comments

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.

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

Transportation Solutions Defense and Education Fund

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

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.

From: Bruce Ole Ohlson <bruceoleohlson@hotmail.com>
Sent: Monday, August 10, 2020 4:40 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Test

EXTERNAL EMAIL. Links/attachments may not be safe.

Yolanda, If this e-mail does not bounce back, I will assume it is good and send some comments regarding the Highway 37 traffic congestion relief project.

You need do nothing at this time.

Thank you for your concern.

~Ole

Bruce "Ole" Ohlson
Bike East Bay
Delta Pedalers Bicycle Club
Contra Costa Countywide Bicycle Advisory Committee
CCTA Bicycle & Pedestrian Advisory Committee
Caltrans District 4 Bicycle Advisory Committee
TRANSPLAN appointee to Highway 4 Integrated Corridor Management Study
Healthy and Livable Pittsburg Collaborative



Virus-free. www.avg.com

From: Kallen, Christian <christian.kallen@sonomanews.com>
Sent: Sunday, July 19, 2020 12:57 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Questions on State Route 37 Scoping OPen House

Hi, Yolanda? I'm doing an announcement about the July 22 Virtual Open House for the Sonoma Index-Tribune, and am a little unclear about the distinction between questions asked at the open house and "all comments must be submitted in writing."

Will the questions and their answers not be incorporated in the final study, or must participants submit their questions in writing as well?

Christian Kallen, Reporter
Sonoma Index-Tribune
www.sonomanews.com

(707) 933-2732

From: John Rice <jrice930@comcast.net>
Sent: Wednesday, July 29, 2020 8:02 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Re: request

EXTERNAL EMAIL. Links/attachments may not be safe.

Ms. Hopes,

Thank you for the information.

John Rice

On 7/29/2020 12:02 PM, State Route 37@DOT wrote:

Also, try this link Mr. Rice:
<https://ceqanet.opr.ca.gov/2020070226/2>

From: Hopes, Latanga@DOT on behalf of State Route 37@DOT <stateroute37@dot.ca.gov>
Sent: Wednesday, July 29, 2020 5:38 PM
To: john rice <jrice930@comcast.net>
Subject: Re: request

Hi Mr. Price,

Thank you for inquiry.

Standard information for the State Route 37 Traffic Congestion Relief project can be found [here](#). The link will take you to the State Route 37 website where other useful resources can also be found. Thank you, again.

La Tanga Hopes

Public Information Officer D4 (Marin)
(510) 715-8865 Cell
(510) 286-5445 Office



Mission

Provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability.

From: john rice <rice930@comcast.net>
Sent: Friday, July 10, 2020 4:28 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: request

EXTERNAL EMAIL. Links/attachments may not be safe.

Please send a written copy of your "Proposed State Route 37 Traffic Congestion Relief Project".

Thank you,

JohnR

John Rice

762 Catalina Circle

Vallejo,

CA 94589

From: David Schonbrunn <David@Schonbrunn.org>
Sent: Thursday, July 23, 2020 5:52 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: NOP not available on website

EXTERNAL EMAIL. Links/attachments may not be safe.

The NOP link on your project webpage <https://dot.ca.gov/caltrans-near-me/district-4/d4-news/2020-07-10-sr37-notice-of-preparation-environmental-scoping-and-virtual-open-house> does not point to the NOP, but instead to the SR 37 site.

I left a message for Yolanda Rivas last week stating the above, but this has still not been corrected. Please email me the NOP--and fix the website already.

--David

David Schonbrunn, President
Train Riders Association of California (TRAC)
P.O. Box 151439
San Rafael, CA 94915-1439

415-370-7250 cell & office

President@calrailnews.org
www.calrailnews.org