July 11, 2014

Community Advisory Committee Members
via e-mail

Subject: Follow-up to June 19 CAC discussion on Community Alternative 7

Dear CAC Members,

During the June 19, 2014 Community Advisory Committee meeting the Committee discussed specific elements of Community Alternative 7 that Caltrans is not studying in the RDEIR/SDEIS. In response to four main points that members of the Committee discussed at length, Caltrans has prepared this letter. I expect that this will help in clarifying the reasoning behind some of the elements that differ between Community Alternative 7 and the proposed Alternative 7. There appear to be four main issues of contention regarding elements of Community Alternative 7 that are not “fully included” within the proposed Alternative 7.

Aggressive transit improvement strategy. Section CA7.2 of the CEHAJ CA7 Community Alternative proposal advocates for “an aggressive strategy to improve public transportation via bus and rail in the I-710 corridor”, including considerations for “building additional light rail capacity or expanding bus routes and service”. Additionally, section CCA7.2 (Free Public Transit program) of Appendix 1 of the proposal calls for Caltrans, by way of Metro, to “provide free rides on the Metro Blue Line and make additional Metro Bus Lines free when the I-710 will be closed for demolition and construction work.”

Transit improvements are the domain of Metro, rather than Caltrans. As a component of the I-710 Corridor Project, Metro is proposing significant light rail and bus transit increases in the corridor as part of the I-710 Corridor Project. This commitment was originally made in Chapter 2 of the June 2012 Draft EIR/EIS and will be re-affirmed in the Recirculated Draft EIR/Supplemental Draft EIS.

This commitment was made in spite of technical analyses that show that these proposed increases in transit service have very limited effect on addressing key elements of purpose and need. Within the I-710 corridor, even with higher transit shares of person-travel than most of Los Angeles County, it would require a 20-25% increase in transit services to reduce auto trips by one to two percent. It is the belief of the project sponsors, however, that this investment in increased transit services, along with other proposed project trip reduction strategies such as transit demand management and active transportation, will have a measurable benefit on corridor mobility. That is why these elements have been included in all of the build alternatives since early in this environmental study.
The project team has previously studied the potential for transit usage in the corridor (Final Report, Technical Memorandum – Multimodal Review, March 2009; available on Metro’s website) and, for example, found that decreasing the Blue Line’s headways to the greatest extent feasible (approximately 5 minutes in peak hours) while still operating under system restrictions, would result in a boarding increase of approximately 8 percent. Assuming every new boarding is a single-occupant driver, this increase in Blue Line ridership would decrease study area auto trips by less than one-half percent (approximately 3,350 auto trips).

With regard to the free transit program proposed during construction, the project team will consider options such as transit vouchers or other measures similar to what is currently being implemented on the I-5 reconstruction project.

**Revitalization and restoration of the Los Angeles River.** Section CA7.5 of the CEHAJ proposal discusses river improvements, specifically “restoration of the natural river functions, including recreational trails, restored wetlands, continuous fish migration corridors, and native landscaping.” A follow-up document provided by CEHAJ in summer 2013 titled “Draft: The Coalition for Environmental Health and Justice (CEHAJ) LA River Improvements of Community Alternative 7 (CA7)” set forth guidelines for design elements and enhancements of river-centric connections.

Improvements to the Los Angeles River are solely the domain of the United States Army Corps of Engineers (USACOE). If any of the proposed project alternatives would impact the River, those impacts will be quantified and appropriate mitigation measures will be proposed that would contribute to the revitalization and restoration of the River. The appropriate level of funding for the mitigation will be negotiated with USACOE. Per the Executive Office’s Council on Environmental Quality, “Memorandum for Heads of Federal Departments and Agencies: Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact” (dated January 14, 2011, accessed at http://ceq.hhs.doc.gov/current_developments/docs Mitigation_and_Monitoring_Guidance_14Jan2011.pdf), “Agencies should not commit to mitigation, however, unless they have sufficient legal authorities and expect there will be necessary resources available to perform or ensure the performance of the mitigation.” Similarly, per the Federal Highway Administration’s Environmental Review Toolkit section on NEPA and Transportation Decisionmaking: Mitigation of Environment Impacts (http://environment.fhwa.dot.gov/projdev/tdmmitig2.asp), “FHWA’s mitigation policy states: Measures necessary to mitigate adverse impacts will be incorporated into the action and are eligible for Federal funding when the Administration determines that: 1. The impacts for which the mitigation are proposed actually result from the Administration action; and 2. The proposed mitigation represents a reasonable public expenditure after considering the impacts of the action and the benefits of the proposed mitigation measures. In making this determination, the Administration will consider, among other factors, the extent to which the proposed measures would assist in complying with a Federal statute, Executive Order, or Administration regulation or policy.”

CEQA grants public agencies the authority to mitigate in section 15041 of the CEQA guidelines. “(a) A lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the
environment, consistent with applicable constitutional requirements such as the “nexus” and “rough proportionality” standards established by case law”.

River enhancements as a proposed project feature are inappropriate uses of federal, state, and local transportation dollars from which Metro and Caltrans projects are funded. Recently, USACE recommended approval of a comprehensive, stand-alone proposal (Los Angeles River Ecosystem Restoration Alternative 20) to restore habitat, widen the river, create wetlands and provide access points and bike trails for an 11-mile stretch of the river north of downtown Los Angeles, at a cost of approximately $1 billion to be shared between federal, state and city sources. Caltrans commends this decision by USACOE and looks forward to the development of a restoration project south of downtown.

**Targeted hiring measures to environmental justice populations.** Section CCA7.5 of Appendix 1 to the CEHAJ proposal discusses Community Benefits. Specifically, “Targeted workers means an individual whose primary place of residence is within an Economically Disadvantaged Area or an Extremely Economically Disadvantaged Area in the United States, or a Disadvantaged Worker...a minimum of 40% of all hours of Project Work shall be performed by Targeted Workers, with priority given to residents of Extremely Economically Disadvantaged Areas.”

The Caltrans Office of Business and Economic Opportunity (http://www.dot.ca.gov/hq/bep/) is dedicated to increasing the participation of small businesses, disadvantaged business enterprises, and disabled veteran business enterprises in both State and Federal contracting and procurement. Caltrans is acutely aware of and committed to having parity in all projects. Caltrans identifies underrepresented groups in contracting on federally funded highway projects through data from the U.S. Department of Labor, U.S. Census, and the Federal-Aid Highway Construction Contractors Annual EEO Reports for California. Caltrans utilizes this information to increase the pool of qualified minorities, women, and disadvantaged persons in the highway construction industry. The On-The-Job Training/Supportive Services (OJT/SS) Program is the vessel Caltrans utilizes pursuant to Code of Federal Regulations (CFR), Title 23, Part 230, Subpart A. The OJT/SS program’s purpose is to increase the participation and competencies of Equal Employment Opportunity groups that have been significantly underrepresented, to fulfill highway construction workforce needs. The goal of the OJT/SS program is to provide skills training for transportation workers that will lead to permanent journey-level careers in the highway construction industry. Caltrans solicits qualified contractors to submit proposals to conduct skilled trades training programs to increase competencies for inclusion in enhanced training programs. By increasing competencies, participants are prepared for inclusion into a U.S. Department of Labor recognized apprentice program. CFR, Title 23, §230.111 provides direction to Caltrans on determining which Federal-aid highway construction contracts shall include the “Training Provisions” and the minimum number of trainees to be specified therein after giving appropriate consideration to the guidelines set forth in §230.111(c). Caltrans feels that these ongoing training programs are the most effective way to support economically disadvantaged workers and prepare them for careers in the highway construction industry.

Additionally, Caltrans realizes the importance of ensuring the benefits of construction jobs are seen by the local communities impacted by such projects, especially when such communities are
economically disadvantaged. However, state and federal statutes prevent Caltrans from mandating location-based hiring on any contracts using state or federal funds (see 23 United States Code (USC) 112; 23 CFR 635.117(b)). Additionally, Proposition 209 precludes the State from implementing race- and gender-conscious programs related to non-federally-funded contracts. Currently, Metro is actively pursuing legislation that would allow transportation agencies “to prioritize hiring local residents for highway and transit projects” (http://bass.house.gov/press-release/rep-bass-introduces-legislation-benefit-local-workers).

Comprehensive pedestrian and bicycle element. Section CA7.6 of the CEHAJ proposal calls for Caltrans to, among other things, “support through planning and implementation grants all communities in the corridor study area in drafting and adopting pedestrian and bicycle master plans that reflect local conditions and priorities, and that facilitate regional connectivity.” Caltrans is also called to “connect the communities on either side of the I-710 with a series of pedestrian- and bicycle-only bridges or lids every 1/2 to 1 mile, especially where there is a particularly long gap between existing street crossings.”

While the planning and implementation of pedestrian and bicycle master plans are not an eligible use of project related funds, Caltrans currently offers three different transportation planning grant programs for the upcoming fiscal year (FY) 2014-2015: Partnership Planning for Sustainable Transportation, Transit Planning for Sustainable Communities, and Transit Planning for Rural Communities. Additionally, it is anticipated that the Environmental Justice and Community-Based Transportation Planning grants will return for the FY 2015-16 grant cycle. All corridor communities are encouraged to apply for this grant funding. Forty applications statewide, totaling $5.3 million in funding, were selected for funding in FY 2014-15.

Constructing bridges over the I-710 at an interval of every 1/2 mile for the length of the project (approximately 20 miles) would represent an additional 40 structures that would be built in close proximity to, and potentially impacting, homes and neighborhoods. At an individual cost of $2-3 million the full array of pedestrian and bike-only bridges would add $40 to 60 million to the total project cost. When the project team made the decision to revise and recirculate the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS), it pledged to incorporate more flexibility into the new alternatives with regards to the future funding landscape and availability thereof. This additional cost to fund 40 new overcrossings does not appear feasible at this time, but as noted in the next section, several new structures are proposed to provide critical bicycle/pedestrian linkages within the I-710 Corridor.

In closing, I would like to remind you of the steps Caltrans and the project team is taking to ensure that the community’s voice is being heard. The following elements of Community Alternative 7 are being incorporated into Alternative 7, which is being proposed for inclusion in the RDEIR/SDEIS.

Under Alternative 7, there would be no widening of general purpose lanes, and modernization of existing interchanges is being designed to minimize right-of-way impacts to the fullest extent possible. It is not physically possible to modernize the design of existing interchanges and improve traffic safety with no impacts to adjacent properties. The proposed freight corridor in Alternative 7
would be restricted to use by zero and near zero-emission trucks, and Alternative 7 also proposes additional programmatic air quality improvement strategies.

The feasibility of a Public/Private Partnership (PPP) to design, operate and maintain the proposed improvements to I-710 will be studied and discussed in the RDEIR/SDEIS.

Significant increases in both light rail and bus transit services within the corridor are being proposed, as described in more detail above.

Stormwater treatment and Best Management Practices are an integral part of every Caltrans project, in line with the stringent requirements of our 2012 Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit.

The design of pedestrian and bicyclist infrastructure is being guided by Caltrans’ Complete Streets Implementation, which provides for “a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, truckers, and motorists, appropriate to the function and context of the facility” (Complete Streets Implementation Action Plan, 2010). Additionally, a Class I bikeway between LARIO and the LA River bike path will be provided.

During the project development process, the project team has worked to ensure any impacts to community facilities and services, as well as residential, commercial, and industrial buildings and facilities, will be minimized to the fullest extent possible. The project team has also proposed a Community Health Grants program be funded as an element of the proposed build alternatives, modeled after the Port of Long Beach’s Port Mitigation Grant Programs. Further specific mitigation measures will be identified and disclosed in the RDEIR/SDEIS, but only after impact determination is complete.

I expect that this will help in clarifying some of the questions raised by committee members regarding the some of the elements proposed by the authors of CA 7. We look forward to further providing additional information during the CAC Workshop scheduled for July 17. We appreciate your ongoing involvement and commitment to the process.

Very truly yours,

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cc: CEHAJ