



May 29, 2023

Lara Bertaina, Senior Environmental Scientist
California Department of Transportation
District 5, 50 Higuera Street
San Luis Obispo, California, 93401

SUBJECT: Comments on State Route 1 Auxiliary Lanes and Bus-on-Shoulder Improvements – Freedom Blvd to State Park Dr. – and Coastal Rail Trail Segment 12 Project DEIR

Dear Ms. Bertaina,

The Santa Cruz County Friends of the Rail and Trail is happy to see continued progress on the Rail and Trail project and would like to offer the following comments on the Highway 1 Auxiliary Lanes and Bus on Shoulder from State Park Drive to Freedom Boulevard and Coastal Rail Trail Segment 12 Draft Environmental Impact Report.

Interim trail is improperly treated as a distinct alternative: It is our understanding that the Optional First Phase Interim Trail is simply one portion of the entire plan for the Rail and Trail project and that impacts assigned to the Interim Trail should reflect the cumulative impact of all phases of the project. Therefore, any impact from the Ultimate Trail configuration should be common to the Interim Trail. However, there are a several places in the summary of impacts in which impacts are attributed to the Ultimate Trail but not to the Interim Trail:

1. Relocations and Property Acquisition: The Ultimate Trail shows the acquisition of temporary and permanent easements that are not attributed to the Interim Trail.
2. Utilities and Emergency Services: The Interim Trail impact is “Same as Build Alternative” but the Ultimate Trail shows “Temporary impacts to utilities,” which is the same as the build alternative. Is this impact distinct from the build alternative? If so, it should be common to the Interim Trail. If not, it should state “Similar to Build Alternative.”

Regulatory Requirements not noted in DEIR: Section S.7 lists all of the regulatory approvals required to begin construction. This section appears to be for only the Ultimate Trail without the Optional First Phase Interim Trail. The Interim Trail requires approval of abandonment by the Surface Transportation Board and a negotiated agreement with the freight carrier of record before a Certificate of Interim Trail Use can be issued. Additional approval by the California Public Utilities Commission is also likely to be required. These approvals and agreements should be noted as an additional requirement unique to the Optional First Phase Interim Trail.

The DEIR conclusions show parallels between Auxiliary Lane and Rail project: While reviewing the DEIR and related documentation provided by the Santa Cruz County RTC, we noted the following conclusions:

1. The Auxiliary Lane project has substantial environmental impacts, some with no chance of mitigation, including the removal of over 1000 trees over a 2.6 mile stretch of highway and permanent impacts to grasslands, live oak woodland, and coastal riparian zones.
2. The traffic operations report shows that the morning commute on Highway 1 will be made slightly worse by this project, and that, while the evening southbound commute will be improved in the near term. By 2045 the southbound commute will be just as bad as it is now.
3. The total cost of the highway widening project, including this project and related projects, is already known to be hundreds of millions of dollars, and may approach a billion dollars in total once construction is complete.

FORT raises these points to highlight that the common criticisms of rail transit in Santa Cruz County are really just general criticisms of infrastructure development and are in no way unique to the Zero-Emission Rail Transit and Trail project. However, it seems that sometimes the commission holds different projects to different standards.

We hope that our requested changes are reflected in the Final Environmental Impact Report and that members of the Regional Transportation Commission approach approval of future projects, whether for cars, bikes, or trains, with calm consistency.

Sincerely,

Matt Farrell
Board Chair
Santa Cruz County Friends of the Rail and Trail

Cc: Executive Director Guy Preston, Santa Cruz County Regional Transportation Commission

State Route 1 Auxiliary Lanes and Coastal Rail Trail Segment 12 Project DEIR/EA
Comments submitted by
Michael Lewis and Jean Brocklebank
31 May 2023

What's wrong with the DEIR?

Our concerns are centered on the lack of sufficient analysis of one very important component of the Proposed project; that is Segment 12 of the rail trail.

First and foremost, Segment 12 of the rail trail is **insufficiently analyzed**, being inappropriately incorporated in the greater State Route 1 Proposed Project that is the subject of the DEIR. Segment 12, including its two crossings over Highway 1 should have had its own DEIR.

Second, throughout the document, descriptions of the separate Rail Trail component and the Auxiliary Lanes component of the project are interspersed with **insufficient separation and identification**.

- All identified purposes do not apply to both projects.
- All identified needs do not apply to both projects.
- Federal Highway Administration 23 Code of Federal Regulations 771.111(f) do not apply to the Segment 12 component.
- The DEIR does not include objectives for the Segment 12 component consistent with objectives and policies in the adopted MBSST Network Master Plan.

Third, while the Purpose and Needs section (1.2) did include access for bicyclists and pedestrians "across State Route 1," the scope of the Proposed Project is clearly traffic congestion mitigation for State Route 1. Therefore, Segment 12 of the rail trail, including its two crossings over Highway 1 should have had its own DEIR. Segment 12 and its environmental impacts got lost in the shuffle.

Fourth, it is clear that there are **two separate projects** described in the DEIR, 1) "to widen State Route 1 to include auxiliary lanes, accommodate Bus-on-Shoulder operations between the Freedom Boulevard and State Park Drive interchanges," and, 2) "construct Coastal Rail Trail Segment 12." However, the only connections between the two projects are the two railroad crossings over Highway 1 which must be widened to accommodate the widening of the Highway, which will have to be accomplished regardless of the construction plans for Rail Trail Segment 12.

Fifth, we list the following **10 DEIR deficiencies** with regard to **Segment 12**:

- 1.** There are **no alternatives other than No Build identified or analyzed**, even though alternatives were suggested at the 2020 Scoping Sessions (DEIR/EA Summary, page S-11). Quoting from the Scoping Session summary:

"An online scoping open house was open from September 17, 2020 through October 18, 2020. The purpose of the online open house was to present to the public factors to be considered in the draft environmental document and to receive comments. The online scoping open house was announced in the Notice of Preparation. Sixty-two comment letters were received, and comments included:

"Recommendations for alternatives, including a trail-only project, bus-only lanes instead of auxiliary lanes, increased bus service, construction of a trail without rail service, and consider the project elements separately rather than combining them."

2. Throughout the DEIR, the project is improperly identified as the "Build Alternative," instead of the "Proposed Project." This makes it appear that there are two alternatives, when, in fact, there is only one alternative to the Proposed Project, the "No Build Alternative."

At the beginning of Chapter 1, the Proposed Project is correctly identified "to widen State Route 1 to include auxiliary lanes, accommodate Bus-on-Shoulder operations between the Freedom Boulevard and State Park Drive interchanges, and construct Coastal Rail Trail Segment 12." However, in the next paragraph, the Project is identified as the "Build Alternative." **A project cannot be an alternative to itself.** There is only one Alternative to the Proposed Project, the "No Build Alternative."

3. There is no alternative identified to reduce the number of trees that must be removed for the Proposed Project. Therefore, there is no basis for selection of an environmentally preferred Alternative to the Proposed Project.

4. There are **no plans or detailed descriptions** of the Segment 12 project, identifying extent of the railroad right of way, path widths, locations, height and length of retaining walls, and trees to be removed.

5. The Segment 12 "Optional First Phase" is in reality an Alternative to the Segment 12 component of the Proposed Project, but it does not apply to the Highway 1 component, yet another reason why the two projects should be addressed in separate EIRs.

6. The description of the "Optional First Phase" assumes an Optional Second Phase, which is not included in the Proposed Project and would require its own environmental assessment: the removal of the First Phase trail, rebuilding of the railroad tracks and building the Ultimate Trail beside the tracks. (DEIR, Chapter 1, page 11)

7. Under Biological Environment (Tree Removal) the only tree survey in the DEIR materials was conducted on the Highway 1 component of the Proposed Project (February and March of 2021).

8. There is no tree survey nor are there tree impact maps for the Segment 12 portion of the Proposed Project, yet the Tree Removal section states that 527 trees will be removed in the Segment 12 portion, without explaining how that number was determined. There are no plans or tree inventory for the Optional First Phase

Segment 12 component, therefore, there is no way to evaluate it as an environmentally preferred alternative to the Proposed Project.

9. The 3.2.4 Biological Resources section (p. 395-396) of the CEQA Evaluation does not address the County's Significant Tree Ordinance (County Code 16.34). Since this is a major component indicative of environmental impacts in an EIR, this is an unacceptable deficiency.

10. On page 22 of the Natural Environment Study there is a section called Limitations That May Influence Results ("*The biological survey efforts were limited by the lack of access to certain portions of the BSA*"). This is followed by an unsubstantiated conclusion that "*these limitations are not expected to have substantially affected the results of this document*" (page 24). Since this was a one day survey, **with limitations**, how can decision-makers or the public have confidence in the the opinion of the author(s) of the DEIR?

In conclusion, the DEIR is insufficient for the following reasons:

- There is a lack of rigorous analysis of Segment 12 of the rail trail.
- There are no reasonable alternatives to the Proposed Project other than the No Build alternative.
- The Biological Survey is limited in scope due to access and does not identify which part is for SR 1 and which part is for Segment 12.

Appendix - DEIR Citations

Section 1.2 Purpose and Need

- Reduce delay and improve system reliability and safety along State Route 1.
- Improve traffic operational movements, local circulation, and transit operations
- Enhance bicycle and pedestrian connectivity and safety, including access across State Route 1 within the project limits.
- Promote the use of alternative transportation modes to increase transportation system capacity and reliability, improve health and reduce mortality, as well as to reduce vehicle miles of travel and vehicular emissions." (DEIR, Chapter 1, Page 1-2

Tree Surveys (Chapter 2, page 288)

"Tree surveys were conducted in the project area in 2021 for both the highway component and the trail component.

- Approximately 1,112 trees would be removed along the highway alignment, including 182 county significant trees.

- Approximately 527 trees would be removed along the Coastal Rail Trail, including 121 county significant trees.

Tree removal estimates are conservative for the purposes of this analysis and will be further refined during the final design phase."

CEQA Significance Determinations for Biological Resources

Would the project:

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant With Mitigation Incorporated—The County of Santa Cruz has a Riparian Corridor and Wetlands Protection Ordinance that aims to minimize and eliminate any development activities in the riparian corridor. The project would be potentially inconsistent with this ordinance. Potentially jurisdictional U.S. Army Corps of Engineers waters of the U.S. (other waters), Regional Water Quality Control Board waters of the State (streambed and riparian non-wetlands), California Department of Fish and Wildlife streams and riparian areas, and Coastal Zone/California Coastal Commission streams and riparian non-wetlands were identified within the project corridor, associated with creeks or drainages. The project has the potential to result in temporary and permanent impacts on riparian and wetland resources and be inconsistent with buffers established by this ordinance. Implementation of avoidance and minimization measures AMM-BIO-1 through AMM-BIO-16 and Mitigation Measure BIO-17, identified in Section 2.3.1, Natural Communities, and implementation of Best Management Practices, would reduce this impact to less-than-significant?

Natural Environment Study

"A general wildlife survey of the BSA was conducted on February 10, 2021, by Eric Christensen and Ryan Johnson of Horizon. This survey was conducted on-foot in accessible areas and by vehicle in less-accessible areas (along SR 1 between on- and off-ramps). Wildlife and habitat types observed within the BSA were documented during the survey." (Natural Environment Study, page 22)

"Limitations That May Influence Results

The biological survey efforts were limited by the lack of access to certain portions of the BSA. Access to some roadside portions of SR 1 and the Coastal Rail Trail was restricted due to safety hazards (e.g., constant traffic and steep slopes) and physical barriers (e.g., fences, private property, and locked gates). In such situations, the field investigation was limited to visual (windshield and distant) observations for these areas from accessible locations. These limitations are not expected to have substantially affected the results of this document. (Natural Environment Study, page 24)