State Route 37 Sears Point to Mare Island Improvement Project

State Route 37 from State Route 121 to Mare Island
Napa, Sonoma, and Solano Counties, California

04-SON-SR 37 (PM 2.9/6.2); 04-SOL-SR 37 (PM 0.0/R7.4);
04-Son-121 (PM 0.0/0.2)

EA – 04-1Q761; EFIS – 0419000255

Final Environmental Impact Report/Environmental Assessment with Finding of No Significant Impact
VOLUME 3 – Comments and Responses (Appendix K)

Prepared by the State of California, Department of Transportation

The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated May 27, 2022, and executed by FHWA and Caltrans.

Caltrans

February 2023

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Comments Received on the Draft EIR/EA

1. Comments from Agencies

Comment Letter A-1: U.S. Coast Guard, Carl T. Hausner

U.S. Department of Homeland Security
United States Coast Guard

Commander
Eleventh Coast Guard District

Coast Guard Island, Bldg. 50-2
Alameda, CA 94501-5100
Staff Symbol: (dpw)
Phone: (510) 437-3514
Fax: (510) 437-5836
Email: Carl.T.Hausner@uscg.mil

16591
Sonoma Creek (0.1)
February 3, 2022

Caltrans District 4
Attn: Yolanda Rivas
P. O. Box 23660, MS: 8B
Oakland, CA 94623-0660

Dear Ms. Rivas:

We have completed our review of the California Department of Transportation's (Caltrans) draft Environmental Assessment, dated January 2022, for the State Route (SR) 37 Sears Point to Mare Island Improvement Project which includes alternative 3B, the proposed widening of the SR 37 bridge over Sonoma Creek at mile 0.1, on the Sonoma/Solano County line, California. LAT 38.155695; LONG -122.407164.

The General Bridge Act of 1946 requires the location and plans for bridges over navigable waters of the United States be approved by the Commandant, U. S. Coast Guard prior to commencing construction. Sonoma Creek is considered to be a navigable waterway of the United States for bridge administration purposes at the bridge site.

A-1-1

Applications for bridge permits should be addressed to Commander (dpw), Eleventh Coast Guard District, 50-2, Coast Guard Island, Alameda, CA 94501-5100, Attention: Bridge Section. The application must be supported by sufficient information to permit a thorough assessment of the impact of the bridge and its immediate approaches on the environment. We recommend the impacts of constructing cofferdams, sand islands, trestles, temporary construction access bridges and falsework bents, etc., proposed for the modification of the bridge be discussed.

When invited, we will agree to serve as a Cooperating Agency for the project from a navigational standpoint. Our review and determination on any proposed changes to the existing vertical and horizontal navigational clearance of the bridge will be coordinated with your office.

We appreciate the opportunity to comment on the project in this early stage. Please contact me at (510) 437-3516 if you have questions regarding our comments or requirements.

Sincerely,

CARL T. HAUSNER
Chief, Bridge Section
Eleventh Coast Guard District
By direction of the District Commander

Encl:

Copy: U.S. Coast Guard Sector San Francisco, Waterways Management
U.S. Army Corps of Engineers, San Francisco District, Regulatory Division

Response to Comment Letter A-1: U.S. Coast Guard

A-1-1.

Your comment is regarding Alternative 3B, which proposes to widen Sonoma Creek Bridge, requiring a Bridge Permit from the U.S. Coast Guard. Caltrans has identified Alternative 3B as the preferred alternative, but has made changes that minimize in-water work and no longer requires installation of new piles or other work within Sonoma Creek at the State Route 37 (SR 37) bridge. The bridge will be widened by approximately 4 feet on each side, with work performed from the existing bridge structure. It is anticipated that existing clearances below the bridge can be maintained. Due to these changes, a Bridge Permit is not anticipated for permanent changes. However, Caltrans will consult with the U.S. Coast Guard during final design to discuss and verify U.S. Coast Guard requirements and for any agreements needed for temporary construction activities.

The Final EIR/EA project description (Section 1.3) and list of anticipated permits (Section 1.6) have been edited consistent with the above changes.

Comment Letter A-2: California Highway Patrol, Golden Gate Division, Lieutenant Kevin White.

From: CHP-30AAdesk <30AAdesk@chp.ca.gov>
Sent: Thursday, February 24, 2022 4:49 PM
To: state.clearinghouse@opr.ca.gov; Rivas, Yolanda@DOT <yolanda.rivas@dot.ca.gov>
Cc: Lange, Kristen@CHP <Kristen.Lange@chp.ca.gov>; CHP-EIR <EIR@chp.ca.gov>
Subject: Environmental Document Review – SCH # 2020070226 (Response)

EXTERNAL EMAIL. Links/attachments may not be safe.

Greetings,

California Highway Patrol (CHP), Golden Gate Division (GGD) received the Notice of Completion, Environmental Impact Document Review for State Clearinghouse project # 2020070226. Upon review of the proposed State Route 37 Sears Point, to Mare Island Improvement Project, GGD has the following concerns:

A-2-1
- There is concern for the safety of the motoring public for each option that reduces, eliminates, or designates the shoulder for intermittent use for travel on State Route 37.
- Reducing or completely eliminating the shoulder will result in blocked traffic lanes when vehicles become disabled or involved in crashes, substantially increasing traffic congestion and creating unnecessary safety hazards. In addition, the abovementioned options would hinder CHP's ability to make enforcement stops, monitor traffic, investigate crashes, or respond to emergencies.

A-2-2
- The lengthy setup and removal times for the Moveable Median Barrier would cause unnecessary risk to Caltrans personnel or contractors. Emergency response times would increase during hours of setup/takedown.

A-2-3
- When pedestrians and bicyclists accessing the San Francisco Bay Trail are on the roadway, the margin for error would be reduced, placing an already at-risk segment of the motoring public in greater danger.

A-2-4
- Designating the outside lane as an High Occupancy Vehicle lane is not consistent with Caltrans' standards and would likely confuse the public.

A-2-5
- The project option increasing the lanes of travel and maintaining at least an eight-foot shoulder is the safest option for reducing congestion and maintaining the highest level of safety for the motoring public and all other users.

Thanks,
Lieutenant Kevin White, 30AA
CHP – Golden Gate Division

Response to Comment Letter A-2: California Highway Patrol, Golden Gate Division

A-2-1.

This comment is regarding safety hazards of reduced or eliminated shoulders. The Caltrans Project Development Team has selected Alternative 3B as the preferred alternative, which maintains 8-foot outside shoulders. Sections 1.4.1 and 1.4.2.5 in the Final EIR/EA describes the improvements under Alternative 3B in further detail. Section 1.4.3 of the Final EIR/EA discusses the selection of the preferred alternative, with the Project Development Team noting that Alternative 3B would provide the most safety benefits for roadway users.

A-2-2.

This comment deals with risk and impacts to CHP response times and the risk to Caltrans personnel or contractors as a result of the barrier transfer operations for the removable barrier in Alternative 1. Caltrans has identified several challenges associated with Alternative 1, as described in Section 1.4.2.2. The Caltrans Project Development Team has selected Alternative 3B as the preferred alternative because it best meets the purpose and need of the project of reducing traffic congestion and offered the most safety. Section 1.4.3 in the Final EIR/EA discusses the selection of the preferred alternative.

A-2-3.

This comment is regarding safety hazards of reduced or eliminated shoulders. See response to comment A-2-1 above.

A-2-4.

The Caltrans Project Development Team has identified Alternative 3B as the preferred alternative. The HOV Lane will placed on the inside lane in each direction.

A-2-5.

This comment is regarding providing at least 8-foot outside shoulders for safety. See response to comment A-2-1 above.

Comment Letter A-3: San Francisco Regional Water Quality Control Board, Keith Lichten.

CALIFORNIA
Water Boards

GAVIN NEWSON
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

Sent via email – no hard copy to follow

February 28, 2022

California Department of Transportation, District 4
Attn: Yolanda Rivas
P.O. Box 23660, MS-8B
Oakland, CA 94623-0660
stateroute37@dot.ca.gov

Subject: **Comments on Draft Environmental Impact Report / Environmental Assessment for the proposed State Route 37 Sears Point to Mare Island Improvement Project**

Dear Ms. Rivas:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciate the opportunity to comment the Draft Environmental Impact Report /Environmental Assessment (DEIR/EA) for the proposed State Route 37 Sears Point to Mare Island Improvement Project (Project). We are encouraged that the California Department of Transportation (Caltrans), Metropolitan Transportation Commission (MTC), Sonoma County Transportation Authority (SCTA), Solano Transportation Authority (STA), and Napa Valley Transportation Authority (NVTA) (collectively referred to herein as the Project Team) are seeking input on the potential environmental impacts associated with proposed improvements to SR 37 from west of the SR 121 intersection to Mare Island, where traffic congestion exists due to the highway narrowing to one lane in each direction. The Project is focused on relieving traffic congestion by improving traffic flow during peak travel times and increasing vehicle occupancy within the travel corridor.

A-3-1 As directed by 14 CCR §15096, the Water Board is a Responsible Agency under the California Environmental Quality Act (CEQA) that must determine the adequacy of environmental review. We commented on the Notice of Preparation for the Project on August 24, 2020; those comments are attached and incorporated by reference. Based on the information provided in the DEIR/EA and at the meeting held by the Project Team on February 2, 2022, we offer the following comments.

Relationship of This Project to Other SR 37 Planning Processes

We are an active participant in multiple SR 37 planning processes, including the Ultimate Sea Level Rise Resilience Project (US 101 to I-80) Planning and Environmental Linkages (PEL) Study and Design Alternatives Assessment (DAA) (referred to here as the Ultimate PEL-DAA process), and recently commented on the Notice of Preparation for the SR 37 Flood Reduction

Project between US 101 and SR 121. In our informal "homework" and formal comments on the Ultimate PEL-DAA Process, our scoping comments on the Flood Reduction Project, and our scoping comments on this Project, we have repeatedly emphasized to Caltrans the importance of planning and implementing a "phased adaptation" approach to SR 37 improvements. This phased approach should minimize the amount of near-term earthwork placed to construct interim improvements, to minimize direct, indirect, and cumulative impacts to waters of the state (including wetlands), and minimize the effort needed to decommission the existing SR 37 facility in order to construct a long-term solution (see attached Water Board comments to Caltrans dated August 9, 2021, and December 17, 2021, expressing a preference for a causeway as the Ultimate PEL-DAA solution).

Alternatives

The DEIR/EA presents the following alternatives:

Alternative 1 would convert the existing two-lane highway to a three-lane highway with a Movable Median Barrier (MMB) separating the two directions of traffic. The MMB would provide for two lanes (one will be a High Occupancy Vehicle (HOV) lane) during the peak period in the peak direction and a single lane in the non-peak direction. This alternative widens the corridor from roughly 51 ft to 54 ft, and could include widening of the Sonoma Creek Bridge unless a variance is granted.

- Direct, permanent impacts to wetlands and other waters: 2.03 ac
- Temporary impacts to wetlands and other waters: 6.34 ac
- Soil disturbance: 44.86 ac
- New impervious area: 12.17 ac
- Replaced impervious area: 11.57 ac

A-3-1 Cont.

Alternative 2 would also have three lanes by allowing the use of the highway's existing shoulders as an HOV traffic lane during peak periods in the peak direction, with a fixed median barrier. This alternative widens the corridor from roughly 51 ft to 60 ft and does not include widening of the Sonoma Creek Bridge.

- Direct, permanent impacts to wetlands and other waters: 3.49 ac
- Temporary impacts to wetlands and other waters: 10.02 ac
- Soil disturbance: 44.86 ac
- New impervious area: 19.75 ac
- Replaced impervious area: 20.42 ac

Alternatives 3A and 3B would have four lanes, with two full-time lanes in each direction. Alternative 3A would have non-standard 4-foot outside shoulders between Mare Island and SR 121, except at the Sonoma Creek Bridge, where there would be minimal shoulders to avoid the need to widen the bridge. This alternative widens the corridor from roughly 51 ft to 60 ft.

- Direct, permanent impacts to wetlands and other waters: 4.28 ac
- Temporary impacts to wetlands and other waters: 10.35 ac
- Soil disturbance: 79.88 ac
- New impervious area: 21.19 ac
- Replaced impervious area: 21.11 ac

Alternative 3B is similar to Alternative 3A, except it would have standard 8-foot shoulders and would require widening of the Sonoma Creek Bridge. This alternative

A-3-1 Cont.

widens the corridor from roughly 51 ft to 68 ft and requires the permanent acquisition of approximately 1.65 acres of right-of-way from San Pablo Bay National Wildlife Refuge south of Cullinan Ranch.

- Direct, permanent impacts to wetlands and other waters: 9.02 ac
- Indirect (shading), permanent impacts to wetlands and other waters: 0.7 ac
- Temporary impacts to wetlands and other waters: 7.02 ac
- Indirect (shading), temporary impacts to wetlands and other waters: 1.76 ac
- Soil disturbance: 87.42 ac
- New impervious area: 28.25 ac
- Replaced impervious area: 21.27 ac

A-3-2

Preferred Alternative. Without additional information about how impacts to waters of the state (including wetlands) would be mitigated (see comments on Mitigation Measures, below), we do not have enough information to identify a preferred alternative at this time. Consistent with our previous comments to Caltrans regarding the need for a phased adaptation approach along the SR 37 corridor, Alternative 3B is not a preferred alternative due to the significant fill needed for construction and the magnitude of its direct, indirect, and cumulative impacts to waters of the state.

A-3-3

Tolay Creek Bridge Lengthening. Caltrans should include in the Final EIR/EA at least one alternative that includes lengthening of the Tolay Creek Bridge, and improves physical and ecological connectivity between aquatic habitats upstream and downstream of the bridge. All of the alternatives in the DEIR/EA include the widening of the Tolay Creek Bridge, but none propose lengthening it. In our previous comments to Caltrans, we emphasized the importance of watershed-estuarine connectivity in the Sonoma Baylands to provide freshwater and sediment to support accretion and resilience to rising sea levels in the region's tidal wetlands, and to reduce the risk of levee overtopping and related flood damages upstream of estuarine waters (note that climate change is increasing the frequency and severity of extreme storm events). In its existing configuration, supported by a large embankment across most of the creek's historic width, the Tolay Creek Bridge effectively isolates much of the creek's upstream watershed habitats from its downstream estuarine habitats. This significant hydraulic constriction obstructs the free movement of water, sediment, and wildlife between the two systems, impedes the restoration of floodplain and diked baylands habitats upstream of the bridge, and limits beneficial uses in the Tolay Creek corridor. In recognition of the creek's significant cultural and natural resource values, the region's public and private stakeholders have made significant investments to protect and restore almost the entire creek corridor, from its headwaters to San Pablo Bay.

Mitigation Measures

A-3-4

The EIR/EA must consider the reasonably foreseeable potential impacts of project alternatives on the current and anticipated future beneficial uses of waters of the State, which include estuarine habitat, cold freshwater habitat, fish migration, fish spawning, warm freshwater habitat, wildlife habitat, preservation of rare and endangered species.

A-3-5

BIO-1: Wetlands Protection – Invasive Plants. We appreciate the attention given to invasive wetland species in the DEIR/EA, and request to be included in discussions with the California Dept. of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS) regarding long-term vegetation monitoring.

BIO-7: Wetlands and Other Waters Compensation. Mitigation measure BIO-7 proposes to mitigate for the "permanent loss and habitat degradation" of wetlands and waters in the Project area at a ratio of 3:1 (restoration/enhancement to impact) via in-lieu funding to local restoration projects determined in coordination with regulatory and resource agencies. It also proposes to mitigate for temporary impacts to wetlands and waters by restoring disturbed areas to pre-project conditions at a 1:1 ratio.

A-3-6

Mitigation measure BIO-7 does not address how advance mitigation efforts could help minimize and compensate for the direct (both permanent/temporary), indirect, and cumulative impacts of the Project in the near-term and long-term at both the site- and landscape-scales. The Water Board is one of multiple resource and regulatory agencies that participate in the Baylands Working Group organized by the California Coastal Conservancy. This group was among a suite of stakeholders that contributed to the Sonoma Creek Baylands Strategy, published by the Sonoma Land Trust and San Francisco Bay Restoration Authority in May 2020. We appreciate that the DEIR/EA mentions this report, which proposes a suite of targeted land acquisitions/easements, restoration actions, and management activities to support climate resilience, fish and wildlife habitat, flood management, and public access in the region. This document can help Caltrans identify compensatory mitigation opportunities, including for advance mitigation, that are likely to be broadly acceptable to the region's stakeholders and help further the objectives of not only this Project, but other SR 37 planning initiatives. Given that the geographic boundaries of many of these opportunities are established by land ownership and levee configurations, it is unlikely that the footprint of the resulting mitigation will precisely resolve to a 3:1 ratio of impacted acres:compensatory acres; we therefore recommend that in the Final EIR/EA, this ratio be revised to "3:1 or greater."

Mitigation Measures: Special Status Species

The alternatives described in the DEIR/EA could result in impacts to habitat for rare and special-status plant and animal species, including, but not limited to, California red-legged frog, chinook salmon, steelhead, longfin smelt (*Spirinchus thaleichthys*), Ridgway's rail (*Rallus obsoletus*), and salt marsh harvest mouse (*Reithrodontomys raviventris*). Disturbance to habitats of special-status species should be avoided and minimized to the maximum extent practicable. Mitigation for lost species habitat through restoration or creation should only be considered after disturbance has been minimized. The creation, restoration, enhancement of adequate mitigation habitat to compensate for the loss of habitat acreage and linear feet, and functions and values must be provided for any anticipated adverse impacts.

A-3-7

The DEIR/EA notes that Caltrans will offset temporary impacts by restoring disturbed areas to pre-project conditions at a 1:1 ratio and offset permanent loss of species habitat in the Project area through the purchase of credits from an approved conservation bank in the project's service area at a ratio of 2:1 or 3:1 (e.g., BIO-23 and BIO-26). When there are no conservation banks with credits available in the project's service area or approved in-lieu fee program to compensate for impacts to the species habitat, a project-specific compensation plan (e.g., BIO-30 and BIO-35) would be implemented to fund nearby tidal restoration and enhancement efforts within the project's watershed(s). The EIR also notes that Caltrans has identified several potential projects that could be funded to offset and compensate for loss of salt marsh habitat and special status anadromous fish habitat from the selected alternative. We appreciate that the efforts being conducted through the Sonoma Creek Baylands Strategy (Sonoma Creek Restoration at Detjen and West End) are included in the project development process. Caltrans' plan to coordinate with restoration project owners, resource agencies such as USFWS, and

A-3-7 Cont.

CDFW to develop an in-lieu-fee program specific to the project could be a reasonable approach to mitigate impacts. The EIR/EA's framing of a mitigation proposal should incorporate the following, which are set forth in the Water Board's San Francisco Bay Basin Water Quality Control Plan (Basin Plan): Mitigation is preferably in-kind and on-site, with no net destruction of habitat value. A proportionately greater amount of mitigation is required for projects that are out-of-kind and/or off-site. Mitigation should be completed prior to, or at least simultaneous to, the filling or other loss of existing waters or wetlands.

We look forward to working with Caltrans, the Baylands Working Group, and related stakeholders in developing a plan for the Project's compensatory mitigation that supports the long-term health, diversity, and resilience of the region's bayland habitats.

Stormwater mitigation measures

DEIR/EA Table 2-19 notes that the new added and reworked impervious surfaces from the four Alternatives range from 23.74 to 49.52 acres. Stormwater runoff from impervious areas may contain hydrocarbons, metals, volatile organic compounds, trash, sediment, and other pollutants that may significantly impacts water quality. Added impervious areas may result in alterations to existing hydrologic regimes, resulting in erosion and/or changes of sediment transport in receiving waters (hydromodification).

A-3-8

As required by Caltrans' Statewide Stormwater NPDES Permit provision E.2.d.2, the Department must implement Low Impact Development (LID)-based stormwater treatment controls for all new development and/or redevelopment projects. Also, in order to obtain 401 water quality certification or waste discharge requirements from the Water Board, the Department will be required to provide appropriate stormwater treatment and hydromodification mitigation on-site, or if impracticable on-site, at an off-site location that treats an equivalent area of impervious surface with similar pollutant loading to the Project site. The off-site projects must be constructed no later than the current project. Due to Caltrans' challenges of finding off-site stormwater treatment mitigations, we encourage the Project Team to move toward an alternative that minimizes mitigation needs by reducing the footprint of new and reworked impervious surfaces.

Trash Control

A-3-9

The Project is required to control trash from significant trash generating areas within the Project limits, as required by Cease and Desist Order No. R2-2019-0007, issued to the Department on February 13, 2019. Structural trash controls must be installed within the Project's proposed storm drain system and/or stormwater treatment BMPs to the extent practicable to prevent trash from discharging to San Francisco Bay or other receiving waters through existing or proposed storm drain outfalls. While the DEIR/EA notes trash capture devices will be installed at the ramps with moderate trash generation or higher ratings, it does not show the locations of the devices and areas that will be controlled for trash. Caltrans is also required to provide trash controls to any additional significant generating areas identified by updated visual trash generation assessments required by the trash Cease and Desist Order.

Closing

We are available to meet to discuss the above comments. We encourage Caltrans, MTC, SCTA, STA, and NVTA to continue stakeholder outreach efforts and provide regular updates as

A-3-9 Cont.

project planning and design progresses. If you have any questions or comments, please contact Qi Yan of my staff at (510) 622-2499 or via email to qi.yan@waterboards.ca.gov.

Sincerely,

Digitally signed by Keith H. Lichten
Date: 2022.02.28 18:33:25 -08'00'

Keith H. Lichten, Chief
Watershed Management Division

Attachments: May 18, 2018, Letter: Water Board Design Alternatives Guidance and Permitting Requirements for Highway 37 Between U.S. 101 and Interstate 80

August 24, 2020, Letter: Water Board Comments on Notice of Preparation of an EIR/EA for the Highway 37 Traffic Congestion Relief Project

August 9, 2021, Letter: Water Board Comments on Purpose Statement and Design Alternatives from the SR 37 Corridor Ultimate Project PEL Study Stakeholder Working Group Meeting

December 17, 2021, Letter: Water Board Comments on Notice of Preparation of an EIR/EA for the State Route 37 Flood Reduction Project

cc: Corps, Katerina Galacatos, Katerina.Galacatos@usace.army.mil
CDFW, Karen Taylor, karen.taylor@wildlife.ca.gov
Greg Martinelli, Greg.Martinelli@wildlife.ca.gov
BCDC, Anniken Lydon, anniken.lydon@bcdc.ca.gov
Eric Buehmann, erik.buehmann@bcdc.ca.gov
USFWS, Melisa Amato, melisa_amato@fws.gov
U.S. EPA, Carolyn Mulvihill, Mulvihill.Carolyn@epa.gov
State Coastal Conservancy, Jessica Davenport, Jessica.Davenport@scc.ca.gov
NMFS, Gary Stern, Gary.Stern@noaa.gov
Brian Meux, brian.meux@noaa.gov
Caltrans, Tammy Massengale, tammy.massengale@dot.ca.gov
Hardeep Takhar, hardeep.s.takhar@dot.ca.gov

Response to Comment Letter A-3: San Francisco Regional Water Quality Board

A-3-1.

This comment is related to incorporating a phased approached for project construction and operation to minimize impacts to waters of the State, including wetlands. The project team has included measures to avoid and minimize impacts to wetlands and waters in and adjacent to the project to the greatest extent feasible while still meeting the project's purpose and need, maintaining safety on SR 37 for all users, and within achievable design standards. Caltrans has identified Alternative 3B as the preferred alternative, as described in Section 1.4.3.1, Identification of the Preferred Alternative. The Caltrans Project Development Team considered the benefits and disadvantages of each of the four project alternatives. Alternative 3B was identified as the preferred alternative because it best met the project's purpose and need of relieving traffic congestion and was the safest alternative. The investment required in the corridor for the proposed Alternative 3B will not prevent future improvements that have been identified that would meet long term goals, such as raising and/or realigning the highway to address sea level rise and provide additional hydrologic connectivity.

A-3-2.

As discussed above in Comment Response A-3-1, Alternative 3B was identified as the preferred alternative. Alternative 3B was refined from the Draft EIR/EA to avoid impacts to Sonoma Creek during widening, as described in Sections 1.4.2.5 and 1.4.3 of the Final EIR/EA, by removing potential impacts in wetlands and waters associated with bridge widening at this environmentally sensitive location. Caltrans will also develop specific and appropriate mitigation measures for Alternative 3B in coordination with the Regional Water Quality Control Board (RWQCB) and other State and federal natural resources regulatory agencies during the project's final design phase. Based on the potential impacts considered during the conceptual design phase for the alternatives considered, Caltrans believes that it has reasonably assessed potential impacts to natural resources within the project area and has developed specific environmental commitments to address project impacts. Additionally, Caltrans will obtain all required permits; implement project features, avoidance and minimization measures, and best management practices proposed for the project; and complete mitigation for stormwater treatment as described in Section 2.3.2.4.

A-3-3.

The Caltrans project team understands the RWQCB's interest in and sees the benefits of lengthening the Tolay Creek Bridge. The Tolay Creek Bridge is part of the existing condition and the project is not longitudinally encroaching on the flood plain. The project

has considered sea level rise concerns to mid-century that are within the proposed life of the project.

The project team understands that an effort to replace the Tolay Creek Bridge would provide direct benefits to the waterway directly in the project area and efforts by others to restore and enhance this channel upstream from the SR 37 crossing. Caltrans and MTC are currently coordinating with stakeholders on the replacement of the existing Tolay Creek Bridge with a longer bridge through separate and concurrent communications. However, bridge replacement at Tolay Creek has considerable design feasibility concerns that would need to be closely examined before it could be proposed as a separate project or included as part of this project in a future analysis. The project team looks forward to coordinating with the RWQCB and other stakeholders to further consider and potentially advance this effort.

A-3-4.

This comment is regarding project impacts to waters of the State. See response to comment A-3-2 above.

A-3-5.

Caltrans will continue to coordinate with the RWQCB, and other state and federal regulatory agencies with jurisdiction as the project progresses and refines its design to develop appropriate measures related to invasive plants.

A-3-6.

Caltrans has reviewed the Sonoma Creek Baylands Strategy document and has initiated coordination with stakeholder groups to determine appropriate off-site opportunities to offset and compensate for permanent project impacts. Caltrans will work with State and federal regulatory agencies to determine an appropriate compensatory mitigation approach and final commitment. Caltrans coordinates with state and federal regulatory partners on efforts to provide advanced mitigation on a state and region wide level to facilitate project delivery. The project has considered multiple alternatives with different impacts that would be challenging to include into an advanced mitigation program. However, Caltrans will pursue a plan that will work towards implementation as early as possible.

Caltrans understands that the footprint of resulting mitigation at potential nearby restoration efforts may not precisely meet the proposed ratio. Additionally, some of the impacts analyzed during the conceptual phase may result in impacts greater than or less than what is considered, and a general commitment to 3:1 ratio may be too great or too little for appropriate compensation. In Section 2.4.2, Caltrans updated BIO-07:

Wetlands and Other Waters Compensation to state that the ratio will be “3:1 or at a ratio determined appropriate in coordination with regulatory agencies with jurisdiction.”

A-3-7.

Caltrans understands that disturbance and loss of special status species should be avoided and minimized to the maximum extent practicable. The final design for the preferred build alternative will continue to identify design approaches to best avoid and minimize such impacts to the greatest extent feasible. The specific context of the project area limits the ability for Caltrans to effectively implement on-site restoration for habitat loss caused by the project. Caltrans looks forward to working with the project’s regulatory and stakeholder agencies to identify an appropriate mitigation strategy.

A-3-8.

This comment is related to stormwater mitigation and reducing the project footprint to minimize reworking and adding new impervious surfaces. Caltrans has chosen Alternative 3B as the preferred alternative, which will require the new and reworked earthwork and new impervious surface. Caltrans weighed the benefits and disadvantages of each of the four project alternatives and chose Alternative 3B as noted in the response to comment A-3-1. Efforts to minimize widening included maintaining the highway alignment as much as possible within the existing paved and disturbed area, identifying construction staging within a previously disturbed area or along the highway, and use of driven sheet pile to stabilize the roadway structure and provide a contained area for the roadway and shoulders. Alternative 3B adds an additional full time lane in each direction along the same alignment, within previously disturbed roadside areas along SR 37. The widening is necessary to reduce the existing and future traffic congestion that continues to increase in both travel directions of SR 37.

Section 1.4.3 in the Final EIR/EA discusses the selection of the preferred alternative. As discussed in the Final EIR/EA in Section 2.3.2.3, Caltrans will be required to implement stormwater treatment best management practices to limit impacts to water quality. WQ-01: Offsite Stormwater Treatment mitigation, described in Section 2.3.2 of the Final EIR/EA, will be coordinated with the RWQCB in the project’s final design stage with the understanding that it must be implemented prior to construction of this project.

A-3-9.

This comment is related to trash device locations. Caltrans continues to coordinate with the RWQCB on the appropriate implementation of trash capture on its projects. As stated in Section 2.3.2.3 of the Final EIR/EA, trash capture devices are proposed at the low and high trash density ramp locations. Additional trash capture device locations may be required due to the project’s CWA Section 401 Water Quality Certification criteria. The final design, selection, and location of trash capture devices, and determination of

impervious area treated would be refined during the project's final design and permitting phase in coordination with RWQCB staff.

Comment Letter A-4: City of Vallejo, City Council District 6, Cristina Arriola.

From: Tina Arriola <Tina.Arriola@cityofvallejo.net>
Sent: Tuesday, February 15, 2022 7:37:00 AM
To: Rivas, Yolanda@DOT <yolanda.rivas@dot.ca.gov>
Subject: HWY 37

EXTERNAL EMAIL. Links/attachments may not be safe.

To: Yolanda Rivas
PO Box 23660
Oakland, CA 94623-0660
Yolanda.rivas@dot.ca.gov

RE: Caltrans DEIR Comment Means Testing for HWY 37 Tolls

Dear Ms. Rivas,

A-4-1

I am writing in support of "means testing", a discount for low-income travelers, for any tolls to be levied on Highway 37 to jobs in Marin and Sonoma Counties.

Those counties' zoning practices exclude our workers from living closer to their place of

Employment. 70% of Solano County voters voted "No" to the current round of bridge toll increases
And low-wage Vallejo workers should not have to pay full fare on yet another toll travelling
Westward.

Sincere regards,

Cristina "Tina" Arriola
City Council, District 6
City of Vallejo
415-328-4833 tina.arriola@cityofvallejo.net

Response to Comment Letter A-4: City of Vallejo, City Council District 6

A-4-1.

Caltrans has noted your comment in support of tolling discounts for low-income individuals. As mentioned in Sections 1.4.2.5, 2.2.9, and 3.3.17 of the Final EIR/EA, means-based toll discounts would be implemented for the general purpose lanes as part of the project. The details of the discount tolling program will be further refined during the next phase of the project development process. HOV lanes that will be implemented under the identified preferred alternative (Alternative 3B) will not be tolled.

Comment Letter A-5: California Department of Fish and Wildlife, Bay-Delta Region, Erin Chappell.

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State of California
Department of Fish and Wildlife

Memorandum

Governor's Office of Planning & Research

Feb 28 2022

STATE CLEARINGHOUSE

Date: February 28, 2022

To: Yolanda Rivas
California Department of Transportation
District 4; Environmental Planning
111 Grand Avenue
Oakland, CA 94612
Yolanda.Rivas@dot.ca.gov

DocuSigned by:
Erin Chappell
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From: Erin Chappell, Regional Manager
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: State Route – 37 Sears Point to Mare Island Improvement Project, Draft Environmental Impact Report, SCH No. 2020070226, Napa, Sonoma and Solano County

The California Department of Fish and Wildlife (CDFW) has reviewed the draft Environmental Impact Report (EIR) for State Route – 37 (SR-37) Sears Point to Mare Island Improvement Project (Project), pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] CDFW is submitting comments on the draft EIR 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.

A-5-1

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 the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act Permit, the Lake and Streambed Alteration (LSA) Agreement and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT LOCATION AND DESCRIPTION

Caltrans, as the lead agency proposes improvements from Post Mile (PM) 2.3 in Sonoma County to PM 8.4 in Solano County along SR-37. The proposal includes four build alternatives and one no-build alternative. The Project occurs in Sonoma, Napa and Solano Counties continuously along 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.

Build Alternative 1 proposes to convert the existing two-lane highway into a three-lane highway with a movable median barrier separating the two directions of traffic. The movable median barrier will provide two lanes during the peak traffic period in the peak direction and a single lane in the nonpeak direction. The additional lane will be a High-Occupancy-Vehicle Lane (HOV) lane. Illuminated advanced warning signs will be installed to notify drivers of the lane shifts. Widening of the Sonoma Creek Bridge is proposed for this alternative.

Build Alternative 2 proposes to use the existing highway shoulders to provide a traffic lane during the peak periods in the peak direction. During peak hours in the peak direction, the outside shoulder will act as an HOV lane, in the nonpeak direction the lane will act as a shoulder. The outside lane will be for HOV use during peak periods. No widening of the Sonoma Creek bridge and no bike lanes are proposed for this alternative.

Build Alternative 3A proposes to widen the highway to provide four lanes, two in each direction. All four lanes will be general-purpose lanes during nonpeak periods. The inside lane (left-side lane) will be changed for HOV use during peak periods. Twenty-five (25) vehicle pullouts will be constructed in this alternative and no bike lanes are proposed. Sonoma Creek Bridge will not be widened in this alternative.

A-5-1 Cont.

Build Alternative 3B is similar to Build Alternative 3A with the following exceptions: The highway will be widened with 8-foot shoulders between SR-121 and Mare Island. The Sonoma Creek Bridge will be widened to accommodate an additional lane in each direction. The bridge will be widened on the south side, and the median and lanes shifted to align with the widened structure. A Type 85 barrier will be installed on the Sonoma Creek Bridge in the eastbound direction as bridge railing, and a tubular railing will be added to the existing bridge barrier in the westbound direction. Equipment and temporary staging roads will be necessary within the Project footprint at the bridge and pile install is necessary for the bridge abutments. New piles will be placed alongside Sonoma Creek, but outside of the navigable channel. A temporary trestle structure will be constructed alongside the existing bridge. The temporary trestle will be supported by driven steel piles. The temporary trestle will be removed after Sonoma Creek Bridge widening work is complete. Bicycle lanes are incorporated into this alternative.

Build Alternatives 3A and 3B also include additional infrastructure that would not be included in Build Alternatives 1 and 2. These include but are not limited to permanent high occupancy vehicle lanes, permanent signs as well as overhead lighting and informational lighting. Smart railroad upgrades and California Highway Patrol (CHP) observational and pullout areas are also included in these alternatives.

The estimated total cost is $250 to $400 million. The proposed schedule is to start construction in 2024 and complete construction in 2025.

All alternatives include widening of the bridge over Tolay Creek, impacts to the San Pablo Bay National Wildlife Refuge (Refuge) and the Napa-Sonoma Marshes Wildlife

Area (Wildlife Area), tolling stations, outside safety barriers, various drainage and culvert improvements and slope reinforcement actions along the existing roadway with the exception of the no build alternative.

Lake and Streambed Alteration Agreement

The Project has the potential to impact stream resources including mainstems, tributaries, drainages and floodplains associated with varied aquatic resource types within the Biological Study Area (BSA) including but not limited to Sonoma Creek, Tolay Creek, the Mare Island Straight and the Napa-Sonoma Marsh Complex. If work is proposed that will impact the bed, bank, channel or 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. CDFW requires an LSA notification, pursuant to Fish and Game Code § 1600 et. seq., for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, bank or channel 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 generally subject to notification requirements.

Fish and Game Code § 5901

A-5-1 Cont.

Except as otherwise provided in this code, it is unlawful to construct or maintain in any stream in Districts 1, $1^{3}/_{8}$, $1^{1}/_{2}$, $1^{7}/_{8}$, 2, $2^{1}/_{4}$, $2^{1}/_{2}$, $2^{3}/_{4}$, 3, $3^{1}/_{2}$, 4, $4^{1}/_{8}$, $4^{1}/_{2}$, $4^{3}/_{4}$, 11, 12, 13, 23, and 25, any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and down stream. Fish are defined as a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals (Fish and Game Code § 45).

California Endangered Species Act

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. 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. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA Guidelines §§ 21001 subd. (c), 21083, 15380, 15064 and15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code, § 2080. More information on the CESA permitting process can be found on the CDFW website at https://www.wildlife.ca.gov/Conservation/CESA.

Fully Protected Species

A-5-1 Cont.

Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take, except for collecting these species for necessary scientific research and relocation of a fully protected bird species for the protection of livestock. Take of any fully protected species is prohibited, and CDFW cannot authorize their take in association with a general project except under the provisions of a Natural Communities Conservation Plan (NCCP), 2081.7 or a Memorandum of Understanding for scientific research purposes. "Scientific Research" does not include an action taken as part of specified mitigation for a project, as defined in Section 21065 of the Public Resources Code.

COMMENTS AND RECOMMENDATIONS

CDFW would like to thank Caltrans for preparing the draft EIR. 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 reduced below a level of significance under CEQA.

COMMENT 1: Tidal Marsh Habitat, Sensitive Species and Natural Processes

A-5-2

Issue: The proposed draft EIR does not include a potential design alternative to allow natural sediment deposition, natural flooding and sea-level rise (SLR) adaptation mechanisms to occur within sensitive tidal-marsh habitat. The currently proposed alternatives are likely to affect wetlands, intertidal habitats and their vital wildlife and fisheries values. Species supported by the habitat are referenced in the Biological Resources section of the draft EIR and include species like Delta smelt (State Endangered, Federally Threatened), salt marsh harvest mouse (State Endangered, State Fully Protected and Federally Endangered) and California Ridgeway's rail (State Fully Protected, State Endangered and Federally Endangered). Furthermore, the draft EIR does not sufficiently evaluate or seek to reduce the cumulatively significant impacts to fish and wildlife resources associated with this Project and future projects for tidal marsh habitat migration and SLR considerations into the Project design.

Evidence the Impact Would be Significant: Section 15355 of the CEQA Guidelines states that cumulative impacts refer 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. This Project represents a single Project that will be proceeded by additional projects surrounding the SR-37 corridor. Table 1-1 of the draft EIR (Page 1-7) indicates twelve (12) additional projects occurring within the SR-37 corridor. Page 1-6 and 1-13 of the draft EIR indicates the lead agency will rely on future projects not currently funded or programmed to address SLR within the SR-37. These continued actions without addressing SLR will further diminish fish and wildlife habitat values for State listed species habitat, State Fully Protected species habitat and

other fish and wildlife resources. To assure adequate tidal circulation and sediment transport actions persist, setbacks in estuaries, tide gate removals and levee removals are all recommended management actions for North Coast estuaries (Titus, 1991).

In addition, the National Oceanographic and Atmospheric Administration (NOAA) *Coastal Species Multi-Species Plan* (NOAA, 2016) recommends the restoration of tidal marsh in diked and muted tidal marsh areas throughout the San Francisco Bay as actions vital to salmonid recovery. The continued fill and compaction of materials as proposed by the Project within the Napa-Sonoma complex does not align with this recovery strategy or align with policies focused on improving natural tidal and sediment transport processes. Consideration of an alternative design that incorporates elevated structures should be included to address these potential significant impacts.

The University of California, Berkeley, *Sea Level Rise Inundation Model* indicates a minimum SLR of 1.9 feet by 2050 and a minimum rise of 6.9 feet by 2100 throughout San Francisco Bay (CEC, 2018). *The State of California Sea-Level Rise Guidance/2018 Update* (COPC, 2018) provides a science-based methodology for state and local governments to analyze and assess the risks associated with SLR and incorporate sea-level rise into their planning, permitting and investment decisions. The *Caltrans Guidance on Incorporating Sea Level Rise* (2011) indicate the following key conditions for whether a project or project site should consider SLR:

A-5-2 Cont.

- Is projected to be exposed or affected by future SLR and coastal hazards
- Has been or could be within or adjacent to an identified floodplain
- Has been or could be exposed to flooding or erosion from waves, tides, or rivers/creeks/streams
- Is currently in a location protected by constructed dikes, levees, bulkheads or other flood-control or shoreline protective structures
- Is on or close to a beach, estuary, lagoon or wetland
- Is on a coastal bluff susceptible to erosion
- Is reliant upon shallow wells for water supply

The proposed Project for SR-37 is exposed to future SLR; occurs within an identified floodplain, exposed to flooding or erosion from waves, tides, or rivers/creeks/streams; occurs in a location protected by constructed dikes, levees and is close to a lagoon, estuary and wetland. The proposed location already experiences significant flooding due to heavy storms at Mare Island, and Tubbs Island. The natural processes of intermittent flooding and tidal inland migration are critical strategies to promote tidal marsh SLR adaptation and tidal marsh expansion (Gailbraith, et. al., 2002) that will only increase over time if SLR models are accurate. Expansion of this highway without

elevation of the structures will lead to future inundation by those natural processes and additional impacts to sensitive habitat from the need to place armored banks and scour protections. Based upon current SLR data modeling (COPC, 2018), reasonably foreseeable and State-adopted SLR scenarios (CEC, 2009), CDFW provides a fair argument supported by substantial evidence that this Project is likely to have cumulatively significant environmental impacts to fish and wildlife resources that are not adequately analyzed or reduced below a level of significance. Incorporation of the currently proposed avoidance and minimization measures does not adequately address those potentially significant impacts and may result in potentially immitigable significant impacts to fish and wildlife resources if other design alternatives are not proposed that incorporate elevated structures and causeways.

Recommendation: CDFW recommends the following considerations and information be incorporated into the Project EIR:

A-5-2 Cont.

Recommendation 1 - Design Coordination: Early and continued coordination with Habitat Conservation and the CDFW Conservation Engineering Branch is recommended to provide review and analysis of any proposed structures or Project elements with the potential to impact fish and wildlife resources. CDFW Conservation Engineering Branch should be provided engineered drawings and design specification planning sheets during the initial design process and prior to design selection. Re-initiation of design consultation should be at 30% design at minimum and throughout the permitting process for review and comment.

Recommendation 2 - Bridge and Stream Crossing References: CDFW recommends utilizing the design principles outlined in the California Salmonid Stream Habitat Restoration Manual, Part XII (CDFW, 2009) and NOAA Fisheries Service Guidelines for Salmonid Passage at Stream Crossings (NMFS, 2001) into stream crossing designs. CDFW strongly recommends incorporation of free-span bridge designs that are at minimum 1.25 times greater than the channel width. Such designs allow natural stream flow and sedimentation processes to continue for long term dynamic channel stability.

Recommendation 3 - Tidal Migration Design Analysis: CDFW recommends that bridges, roadway prisms, culverts and other drainage facilities should be designed to provide adequate channel or flow capacity based upon calculations using the most current and up to date SLR data (COPC, 2018). The analysis should also incorporate land subsidence and bathometric change factors for sediment chain supply and demand and SLR. In addition, the EIR should also analyze the potential for the roadway prism in its current state and future state to block the landward migration of tidal marsh habitat and intertidal habitat that special-status fish and wildlife species utilize.

COMMENT 2: Wildlife Connectivity

A-5-3

Issue: California wildlife is losing the ability to move and migrate as habitat conversion and built infrastructure disrupt species habitat and cut off migration corridors (Senate

Bill 790; SB-790). This Project location occurs within an irreplaceable and essential connectivity corridor (BIOS; DS-2374). The current baseline condition of the SR-37 corridor represents a semi-permeable to permeable location for terrestrial wildlife connectivity. The proposal to construct alternatives that result in highway lane expansions have the potential to create a non-permeable barrier to terrestrial wildlife connectivity. The proposed increase in the number of travel lanes, proposal for extensive median barriers, edge of pavement barriers, vehicle pullouts and access roads will all significantly expand the width and complexity of the corridor. CDFW recommends the lead agency utilize terrestrial connectivity elements such as wildlife friendly culverts, directional fencing, strategically placed median barriers, under-crossings, over-crossings and elevated causeways into the Project as design features or conditions of approval.

Recommendation: CDFW recommends the following considerations and information be incorporated into the Project EIR:

A-5-3 Cont.

Recommendation 1 - Wildlife Connectivity: The EIR should include the results of a wildlife movement study. CDFW recommends the study occur over a period of at least 12 months prior to the development of designs so terrestrial connectivity structures can be programed into the Project. The study should occur within the limits of the proposed Project to develop a baseline understanding of the areas where wildlife movement, crossings and mortalities are most prevalent. The study should also be utilized to develop Project design to identify areas where wildlife crossing structure(s) installation(s) would result in the largest benefit to rare, threatened and endangered species as well as special-status species and non-special-status species for wildlife connectivity. Analysis during the 12-month study should 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, etc.). Upon completion of the Project, wildlife connectivity structures and movement corridors should be studied for an additional 6 to12 month period, at minimum, to determine the effectiveness of the designs. The protocol for the baseline survey, post-construction surveys, site selection criteria and design criteria for the development of the wildlife connectivity structures should follow the protocols outlined in; *The California Department of Transportation (Caltrans), Wildlife Crossings Design Manual* (Caltrans, 2009) and the *Federal Highway Administration Wildlife Crossing Structure Handbook – Design and Evaluation in North America, Publication No. FHWA-CFL/TD-11-003* (FHWA, 2011).

COMMENT 3: Bat Assessment and Avoidance

A-5-4

Issue: Page 2-177 notes the Tolay Creek and Sonoma Creek bridges have a moderate to high potential for bat roosting and that staining from bats is present. Page 2-182 of the draft EIR indicates no compensatory action will be conducted under any alternative for bats and the lead agency indicates bridge widening for all potential alternatives at Sonoma and Tolay Creek bridges.

Recommendation: In order to avoid a potentially significant impacts to bats, new permanent roosting habitat within the bridges for Tolay and Sonoma Creek should be incorporated as design elements of the bridge itself. Temporary bat housing should also be provided to ensure displaced bats have adequate roosting habitat during construction. The design and placement of the bat structures should follow the guidance outlined in *Caltrans Bat Mitigation: A Guide to Developing Feasible and Effective Solutions Manual* (H.T. Harvey, 2019). The structures should be designed properly for each species known to occur within the area and in coordination with CDFW and other natural resource agencies.

A-5-4 Cont.

Recommended Measure - Permanent and Temporary Bat Housing Design: The lead agency should design and construct permanent bat roost structures that can be incorporated into any elevated roadways, bridges, causeways or overpasses to avoid potentially significant impacts from permanent habitat loss to bat roosts. The structures should be designed in coordination with CDFW and include the appropriate baffle spacing or features to accommodate multiple species of bats as specified in the *Caltrans Bat Mitigation: A Guide to Developing Feasible and Effective Solutions Manual* (H.T. Harvey, 2019). The Project should achieve a no net loss in bat habitat as a result of Project completion and include design structures that can accommodate future population growth. The future growth should be based on the reproductive rates and estimated population growth rates of species known to persist within the Project limits based on peer reviewed scientific literature. Temporary bat boxes shall also be required during construction to provide displaced bats suitable roosting habitat. The temporary structures and monitoring plans for bat occupancy of the structures should also be designed in coordination with CDFW and other natural resource agencies.

COMMENT 4: California Clapper Rail/California Black Rail

Issue: The Project has the potential to result in potentially significant impacts to fish and wildlife resources that support California clapper rail also known as Ridgway's Rail (CCR), a State Endangered, Federally Endangered, and Fully Protected species and California black rail (CBR) a State Threatened and Fully Protected species. As lead agency, Caltrans must adopt the appropriate avoidance and minimization measures as conditions of approval to avoid take of a fully protected species in the EIR. If permanent impacts are proposed within CCR/CBR habitat it may not be feasible to incorporate conditions of approval that can reduce the impacts below a level of significance.

A-5-5

Evidence the impact would be significant: The Project proposes to conduct work within suitable habitat and within the predicted range of the CCR and CBR habitat (BIOS; DS-928, DS-2108, DS-2107). Multiple occurrences of the species are also present within the Project limits in the CNDDB (BIOS; DS-45) that are considered extant.

Recommendation: CDFW recommends the following measures are incorporated into the Project EIR:

Recommended Measure 1 - CCR/CBR Protocol Level Surveys: Protocol level surveys within and surrounding the Project area shall be conducted beginning between January 15 and February 1. A minimum of four surveys are required, each survey shall be 2 to 3 weeks apart and the final survey shall be completed by March or mid-April to ensure that no CCR/CBR are present during construction. Surveys shall be completed prior to the initiation of construction with three weeks remaining after completion of surveys and before Project initiation to submit results to CDFW for review. Protocol survey requirements shall be followed as recommended in the *U.S. Fish and Wildlife Service Clapper Rail Survey Protocol* (USFWS, 2015), *Secretive Marsh Bird Survey Protocol Comparison in San Francisco Bay* (Wood, 2014) and *USFWS Site-Specific Protocol for Monitoring Marsh Birds* (Wood et al., 2017).

A-5-5 Cont.

Recommended Measure 2 - CCR/CBR Avoidance and Minimization: If CCR/CBR is detected during protocol surveys, no work activity shall occur from February 1 to August 31 during the CCR/CBR nesting season, within suitable CCR/CBR habitat. Suitable CCR/CBR habitat includes but is not limited to marshes, wetlands, streams and waterways, as well as associated upland habitat capable of providing upland refugia habitat as determined by a qualified biologist experienced with CCR/CBR.

Recommended Measure 3 - CCR/CBR Avoidance Buffers: If breeding CCR/CBR are determined to be present, activities will not occur within 700 feet of an identified calling center. If the intervening distance across a major slough channel or across a substantial barrier between the CCR/CBR calling center and any activity area is greater than 200 feet, work may proceed at that location within the breeding season in consultation with CDFW.

Recommended Measure 4 - CCR/CBR High Tide Restriction: To avoid the loss of individual CCR/CBR's, activities within or adjacent to CCR/CBR suitable habitat will not occur within 2 hours before or after extreme high tides (6.5 feet or above, as measured at the Golden Gate Bridge). This is when the marsh plain is inundated and protective cover for CCR/CBR is limited. Project activities could prevent CCR/CBR from reaching available cover.

COMMENT 5: Salt Marsh Harvest Mouse

A-5-6

Issue: The Project has the potential to result in potentially significant impacts to fish and wildlife resources that support salt marsh harvest mouse (SMHM) a State Fully Protected species and State and Federal Endangered species. As lead agency, Caltrans must adopt the appropriate avoidance and minimization measures as conditions of approval to avoid take of a fully protected species in the draft EIR.

Evidence the impact would be significant: The Project proposes to conduct work within suitable habitat and within the predicted range of SMHM (BIOS; DS-943, DS-2568). An occurrence of the species is also present within the Project limits in the California Natural Diversity Database (CNDDB) (BIOS; DS-45) that is considered

extant. If permanent impacts are proposed within SMHM habitat, it may not be feasible to incorporate conditions of approval that can reduce the impacts below a level of significance.

Recommendation: CDFW recommends incorporation of the following measures into the EIR:

Recommended Measure 1 - SMHM Suitable Habitat Analysis and Survey: A qualified biologist, experienced with SMHM shall conduct a suitable habitat analysis and focused surveys a minimum of one season prior to the initiation of construction. Focused surveys shall occur in areas proposed for work within three-hundred feet of tidal marsh habitat. Maps of suitable habitat and any detections of SMHM should be included in the draft EIR.

A-5-6 Cont.

Recommended Measure 2 - Construction Monitoring and Survey: A qualified biologist, experienced with SMHM shall conduct focused surveys a minimum of seven days prior to the initiation of construction including the creation of staging and access roads within three-hundred feet of tidal marsh habitat. Any vegetation within suitable habitat shall be cleared with hand-tools under supervision of a qualified biologist. Heavy equipment such as tractors or excavators working in SMHM habitat may proceed after the initial hand clearing has occurred and the biologist has given approval to proceed. A biologist shall be present on-site at all times when work is occurring in SMHM habitat. If a mouse of any species is observed within the Project area, work within the vicinity should be halted immediately by the qualified biologist and the mouse should be allowed to leave the work area. 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 sites, consultation with CDFW is required immediately.

COMMENT 6: Western Monarch Butterfly Roosting and Over-Wintering Sites

Issue: The Project is proposed to occur within known overwintering sites for western monarch butterfly populations according to findings in CNDDB (BIOS; DS-45) and The Western Monarch Count Organization. An overwintering site has specifically been identified at latitude 38.153405, longitude -122.446464 (Site ID 3137, https://www.westernmonarchcount.org/find-an-overwintering-site-near-you/). Monarch butterfly modeling habitat mapping also indicates potential habitat from Reclamation Road east to the Project limit at Sears Point (BIOS; DS-2861). The draft EIR did not discuss western monarch butterfly or the potential roosting and overwintering site.

A-5-7

Evidence the Impact would be Significant: The western monarch has been identified in the California's State Wildlife Action Plan as a Species of Greatest Conservation Need. Western monarch butterfly populations declined by more than 99 percent since the 1980s. An estimated 4.5 million monarchs overwintered on the California coast in the 1980s, whereas in 2020, the population estimate for migratory overwintering monarchs was less than 2,000 butterflies. This extreme population decline is due to

multiple stressors across the monarch's range, including the loss and degradation of overwintering groves; pesticide use, loss of breeding and migratory habitat; climate change; parasites and disease. In recent years, monarchs have not clustered in the southern-most part of their overwintering range, and they are likely year-round residents in some areas of the coast (Xerxes, 2021; https://xerces.org/monarchs). This drastic decline of the species makes each known roosting or overwintering site critical to the recovery of the species. Assembly Bill-559 (AB-559) promotes initiatives to protect and restore monarch habitat within transportation corridors, such as SR-37 and encourage public entities such as Caltrans to create, enhance and restore monarch butterfly habitat throughout its native range in cooperation with CDFW.

Recommendations: CDFW recommends a monarch butterfly conservation plan be developed as part of the Project. The EIR should incorporate the following protective measures for western monarch butterflies incorporation into a monarch butterfly conservation plan:

Recommendations - Protect, Manage, Enhance and Restore Monarch Butterfly Overwintering Sites:

A-5-7 Cont.

- Conduct overwintering grove habitat assessment(s) and develop and implement long-term grove management plans (https://www.westernmonarchcount.org/). Management plan actions for groves may include, but are not limited to:
- Enhance roosting trees within overwintering groves and within 1/2 mile of groves by planting native insecticide-free trees (e.g., Monterey pine (*Pinus radiata*), Monterey cypress (*Cupressus macrocarpa*), coast redwood (*Sequoia sempervirens*), coast live oak (*Quercus agrifolia*), Douglas-fir (*Pseudotsuga menzesii*), Torrey pine (*Pinus torreyana*), western sycamore (*Platanus racemosa*), Bishop pine (*Pinus radiata*) and others, as appropriate for location).
- Avoid the removal of trees or shrubs within 1/2 mile of overwintering groves, except for specific grove management purposes, and/or for human health and safety concerns. The maintenance of trees and shrubs within a 1/2 mile of these sites provides a buffer to preserve the microclimate conditions of the winter habitat.
- Conduct management activities in groves from March 16 to September 14, in coordination with a monarch biologist, such as tree trimming, mowing, burning and grazing in monarch overwintering habitat outside of the estimated timeframe when monarchs are likely present.
- Enhance native, insecticide-free nectar sources by planting fall/winter blooming forbs or shrubs within overwintering groves and within one mile of the groves (https://xerces.org/sites/default/files/publications/18-003_02_Monarch-Nectar-Plant-Lists-FS_web%20-%20Jessa%20Kay%20Cruz.pdf).

- Avoid the use pesticides within one mile of overwintering groves, particularly when monarchs may be present. If pesticides are used, then conduct applications from March 16 to September 14, when possible. Avoid the use of neonicotinoids or other systemic insecticides, including coated seeds, any time of the year in monarch habitat due to their ecosystem persistence, systemic nature, and toxicity. Avoid the use of soil fumigants.
- Consider non-chemical weed control techniques, when possible (https://www.cal-ipc.org/resources/library/publications/non-chem/).

A-5-7 Cont.

- Remove tropical milkweed that is detected, and replace it with native, insecticide-free nectar plants suitable for the location (https://xerces.org/sites/default/files/publications/18-003_02_Monarch-Nectar-Plant-Lists-FS_web%20-%20Jessa%20Kay%20Cruz.pdf).
- To assist in maintaining normal migration behavior, do not plant any type of milkweed within five miles of the coast from Mendocino County south through Santa Barbara County, and within one mile of the coast south of Santa Barbara County, unless the species of milkweed is native to the local area.
- Conduct grove monitoring for butterflies during the Western Monarch Counts each fall and winter. When possible, report when monarchs arrive and depart the groves each year (https://www.westernmonarchcount.org/).

COMMENT 7: Light Impact Analysis and Discussion

A-5-8

Issue: A significant portion of the proposed Project within the SR-37 corridor does not contain any overhead or artificial light sources. The various alternatives propose different types and levels of artificial light installation. CDFW strongly recommends that no new or replacement artificial lighting is installed. Artificial light spillage beyond the prism of the roadway into natural areas may result in a potentially significant impacts through substantial degradation of the quality of the environment. Artificial light pollution also has the potential to significantly and adversely affect biological resources and the habitat that supports them. 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. Continuous light output for 365 days a year can also have cumulatively significant impacts on fish and wildlife populations.

Evidence the impact would be significant: Artificial night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Artificial night lighting has also been found to impact juvenile salmonid overwintering success by delaying the emergence of salmonids from benthic refugia and reducing their ability to feed during the winter (Contor and Griffith 1995). For

nocturnally migrating birds, direct mortality as a result of collisions with anthropogenic structures due to attraction to light (Gauthreux, 2006) is another direct effect of artificial light pollution. There are also more subtle effects, such as disrupted orientation (Poot et al. 2008) and changes in habitat selection (McLaren et al. 2018). There is also growing evidence that light pollution alters behavior at regional scales, with migrants occupying urban centers at higher-than-expected rates as a function of urban illumination (La Sorte et al. 2021). While artificial light pollution can act as an attractant at both regional (La Sorte et al. 2021) and local (Van Doren et al. 2017) scales, there is also evidence of migrating birds avoiding strongly lit areas when selecting critical resting sites needed to rebuild energy stores (McLaren et al. 2018).

Recommendation: Due to the high potential for songbirds, marsh-birds, migratory birds, salmonids and nocturnally active State listed and special-status species, CDFW recommends no lighting is installed as part of or as a result of Project in order to avoid potentially significant impacts to biological resources from artificial lighting.

CDFW recommends the following measures be included in the EIR to avoid potentially significant impacts to fish and wildlife resources including migratory birds, marsh birds, state listed species and fully protected species and the habitat that sustains them:

A-5-8 Cont.

Recommended Measure 1 – Habitat Compensation: For Project elements that require artificial lighting, compensatory mitigation is provided for all areas of new or increased light output.

Recommended Measure 2 – Light Output Analysis: 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 shall be included in the EIR. If an increase in light output from current levels to the projected future levels is evident additional avoidance, minimization or mitigation shall be developed in coordination with the natural resource agencies to offset indirect impacts to special-status species. Within 60 days of Project completion, the lead agency shall conduct a ground survey that compares projected future 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 also be required in coordination with the natural resource agencies. This analysis should be conducted across all potential alternatives and compared in table and map format.

Recommended Measure 3 – Light Output Limits: All LED's or bulbs installed as a result of the Project shall be rated to emit or produce light at or under 2700 kelvin that results in the output of a warm white color spectrum.

Recommended Measure 4 – Vehicle Light Barriers: Solid 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 privacy slats into the spacing of cyclone fencing to create light barriers for areas outside the roadway.

Recommended Measure 5 – Reflective Signs and Road Striping: Retro-reflectivity of signs and road striping should be implemented throughout the Project to reduce the need for electrical lighting.

A-5-8 Cont.

Recommended Measure 6 – Light Pole Modifications and Shielding: All new or replacement light poles or sources of illumination shall be installed with the appropriate shielding to avoid excessive light pollution into natural landscapes or aquatic habitat within the Project corridor in coordination with CDFW. In addition, the light pole arm length and mast heights should be modified to site-specific conditions to reduce excessive light spillage into natural landscapes or aquatic habitat within the Project corridor. In areas with sensitive natural landscapes or aquatic habitat the lead agency should also analyze and determine if placing the light poles at non-standard intervals has the potential to further reduce the potential for excessive light pollution caused by decreasing the number of light output sources in sensitive areas.

COMMENT 8: Advanced Mitigation Program

Issue: The EIR should specify if the Project will take advantage of long-range, advanced mitigation strategies. The EIR should be updated to incorporate facets of the CDFW and Caltrans Advanced Mitigation Program. This Project as proposed has the potential to impact up to 7.55 acres of habitat for fish and wildlife resources, add up to 12.17 acres of impervious surface, permanently impact 4.28 permanent wetlands and other waters and temporarily impact 10.35 acres of wetlands and other waters.

A-5-9

Recommendation: Advanced mitigation strategies should be incorporated to ensure timely acquisition of any required mitigation. The Legislative Report from Assembly Bill 1282 Transportation Permitting Task Force (https://calsta.ca.gov/-/media/calsta-media/documents/ab-1282-task-force-2019-report-remediated-101320-with-appendices.pdf) states: "Historically, transportation agencies have implemented mitigation on a project-by-project basis once funding is approved for the final stages of a project and environmental permits are obtained. Advance mitigation presents an innovative opportunity for many transportation projects, with potentially significant reductions of time and costs associated with providing necessary mitigation. It can be applied in highway, rail, and transit projects in both urban and rural areas." In addition, the Statewide Advanced Mitigation Initiative(https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/ser/sami-a11y.pdf) 2016 Memorandum of Understanding between Caltrans, CDFW, the California State Water Resources Control Board, the U.S. Army Corps, the U.S. Environmental Protection Agency, USFWS, and National Oceanic and Atmospheric Administration states:

- Considering biological conservation and mitigation needs early in a project's timeline, prior to project design and development, can reduce costs and allow natural resources conservation and mitigation to enhance the sustainability of those natural resource systems.

- Long-range advance mitigation and conservation planning would allow transportation agencies to anticipate potential mitigation and conservation needs for planned transportation projects and to meet those needs in a more timely and cost-efficient way.

- Advance mitigation and conservation planning would allow mitigation funding for transportation projects to be directed to agreed-upon conservation priorities and would allow for the establishment, enhancement, preservation, and/or restoration, as appropriate, of habitat that enhance the sustainability of natural systems by protecting or restoring connectivity of natural communities consistent with, but not limited to the Endangered Species Act § 7(a)(l), California Fish and Game Code §2055, Rivers and Harbors Act §10, and Clean Water Act §404 and §401.

A-5-9 Cont.

Advanced Mitigation Program: CDFW currently has three programs that can accommodate advance mitigation planning: Conservation and Mitigation Banking, Natural Community Conservation Planning (NCCP), and Regional Conservation Investment Strategies (RCIS). CDFW staff are available to discuss these programs.

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 resources. 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 Robert Stanley, Senior Environmental Scientist (Specialist), at (707) 339-6534 or Robert.Stanley@wildlife.ca.gov; or Wesley Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 or Wesley.Stokes@wildlife.ca.gov.

cc: State Clearinghouse #2020070226

REFERENCES

Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of Bufo americanus, in relation to light and temperature. Ecology 58:98–108.

California Department of Fish and Wildlife. July 2009. California Salmonid Stream Habitat Restoration Manual, Part XII.

Response to Comment Letter A-5: California Department of Fish and Wildlife

A-5-1.

Thank you for submitting your comments related to regulatory requirements for the project. The project will be implemented in accordance with these regulatory requirements. As noted in Table 1-5 of the Final EIR/EA, a California Fish and Game Code (CFGC) Section 1602 Lake and Streambed Alteration Agreement and Section 2081 Incidental Take Permit would be submitted during the project design phase, if required.

A-5-2.

Response to CDFW Comment 1: Although the purpose of the project is not addressing natural sediment, flooding and sea level rise issues, the Draft EIR/EA appropriately discloses the project effects in relation to these topics. Caltrans has considered the potential project impacts on adjacent natural resources and has analyzed potential sea level rise scenarios that would impact the project area. Please see Section 3.4.5.3 for the project's summary of adaptation efforts, and vulnerability assessments regarding sea level rise, floodplains, and precipitation. Caltrans has also analyzed cumulative impacts described in Section 2.5.2. The environmental mitigation that Caltrans would approve as part of the project have been disclosed in the Draft EIR/EA and are consistent in this Final EIR/FONSI (see Sections 2.3.1.4; 2.3.2.4; 2.4.2.5; 2.4.6.4, and 3.4.5.3 for further details). Caltrans is unaware of conflicts between project mitigation measures and tidal restoration efforts being developed by state and local agencies.

The proposed alternatives all would be constructed within the footprint of the originally constructed levee that supports SR 37. Though there would be new impacts to wetlands and waters that existed or have established since the supporting levee was originally constructed, the project would primarily be built within existing levees. Tidal restoration is also not part of the purpose and need, and project work limited to the levee footprint would not warrant tidal restoration. Tidal restoration efforts outside of the Caltrans right of way are being developed by state and local agencies (including CDFW) to address the issues identified within the surrounding sensitive tidal marsh habitat. Caltrans is coordinating with stakeholders to identify efforts that could be targeted for in-lieu off-site funding to restore or enhance these areas to offset potential project impacts within the project limits.

Additionally, the efforts suggested in this comment incorrectly assumes the project would pursue work on levees, tide gates, and other remnant structures in the managed wetlands, wildlife refuges, and former salt production ponds outside of and surrounding the project in locations are that are not owned, operated, or controlled by Caltrans. The

project would not impact infrastructure or tides enough to warrant mitigation or restoration of these features. Caltrans continues to work with stakeholder groups to help identify appropriate off-site compensation to ensure the project does not conflict with state and local tidal restoration efforts.

Caltrans understands that a solution to SLR under year 2130 conditions, which is being studied under a Planning and Environmental Linkages Study,[1] would encompass studying habitat and SLR concerns commensurate with the scope of similar or alternative alignments. Caltrans' design in this phase of the project is preliminary, and conceptual development is adequate to disclose the environmental impacts of the project. The design will address SLR up to mid-century within the project limits. Refer to Table 2-55 in Section 2.5.2 where other projects in the corridor are discussed.

A-5-3.

Response to CDFW Comment 2. Caltrans has considered the potential impacts from the project on wildlife connectivity. Results from a wildlife movement study would be incorporated in the design of the ultimate project. This project's purpose and need is to address congestion relief while the ultimate project still in development as part of the PEL process will address large-scale environmental concerns for the corridor such as wildlife connectivity.

The existing SR 37 median barrier provides some permeability for small terrestrial species to pass through the median barrier that would be lost through the implementation of the project. However, this baseline condition may be considered less than semi-permeable or impermeable for species that cannot fly, fit through the small openings at the base of the existing median barrier, or jump over it. The addition of taller median barriers and more lanes of traffic would reduce the minimal amount of existing permeability through the median barriers for some species. The suggested measures by CDFW (directional fencing, culvert replacement, elevated causeways, strategically placed median barriers, undercrossings, overcrossings) all would have substantial impacts on the existing surrounding habitat, wetlands, and waters that would provide unknown benefits to species in the project area.

A-5-4.

Response to CDFW Comment 3: Caltrans identified pallid bat (*Antrozous pallidus*; state species of special concern) as a species with potential to occur within the project's biological study area. A single occurrent of pallid bat is recorded in the CNDDB within 5 miles of the project. This occurrence was in a barn. Other occurrences within 10 miles occur in bridges and structures. Pallid bat was not directly observed during biological

[1] https://dot.ca.gov/caltrans-near-me/district-4/d4-projects/d4-37-corridor-projects/37-planning-environmental-linkages/

surveys within the project's biological study area. However, bat urine stains were observed at the Tolay Creek Bridge. Bats do not have potential to occur within the remaining study area.

Because the pallid bat has potential to occur at the Tolay Creek Bridge in the project area, Caltrans has proposed specific measures to conduct pre-construction surveys and avoidance measures, and bat survey monitoring protocols (see measures BIO-11 and BIO-12 in Section 2.4.4.4 in the Final EIR/EA). The project may have temporary impacts to any potential bats that could be roosting within the Tolay Creek Bridge structure during construction that would be addressed by these measures. Caltrans will coordinate with CDFW during the project's final design and permitting phase to determine what, if any, appropriate additional specific measures to further avoid and minimize impacts to bats during construction are necessary.

A-5-5.

Response to CDFW Comment 4: Caltrans concurs that the protocol level surveys proposed are consistent with the intent of Measure BIO-25 and the measures provided by CDFW in its recommendations are anticipated conditions of formal consultation with USFWS and/or CDFW. As such, they would be conditions of approval as described in this EIR/EA and regulatory permitting approvals. Measure BIO-25 has appropriately been revised to include this more specific language (see Section 2.4.5.7 in the Final EIR/EA).

A-5-6.

Response to CDFW Comment 5. Caltrans has reviewed potential salt marsh harvest mouse habitat in the project's biological study area as part of its analysis. Caltrans has proposed four measures BIO-26; BIO-27; BIO-28; and BIO-29 to address potential impacts to this species and habitat. Caltrans has revised these measures to appropriately incorporate the recommendations provided by CDFW (see Sections 2.4.5.7 and 2. 4.5.11 in the Final EIR/EA).

A-5-7.

Response to CDFW Comment 6: Caltrans has considered the potential impacts from the project on adjacent natural resources including potential habitat for the Western monarch butterfly. No suitable overwintering habitat is present in the project's biological study area. A single overlapping CNDDB occurrence from 1986 near Noble Road notes in the comment that this was "an unusual site in the Delta region and likely a one-time bivouac location." This analysis led Caltrans to conclude that Western monarchs are unlikely to overwinter anywhere in the project area. Therefore, a voluntary monarch butterfly conservation plan for the project as described by CDFW in this comment would not be warranted or appropriate for the project location and is not proposed.

A-5-8.

Response to CDFW Comment 7. Caltrans appreciates CDFW's attention on this subject on projects across the state. Caltrans would like to clarify that there is existing lighting on SR 37 at local intersections, and the project proposes lighting at four selected horizontal curve locations to provide improved visibility for motorist safety. The project would include installation of new lighting along the corridor in advance of the tolling gantries and at proposed California Highway Patrol (CHP) enforcement areas. Because specific lighting design is not complete during the conceptual design phase, the specific analysis requested by CDFW is not feasible at this stage of the project. However, proposed project elements would effectively reduce impacts from baseline conditions such as the construction of new shoulder barriers along the corridor. These barriers would be consistent with CDFW recommended measure 4, would reduce existing traffic light and intersection light impacts, and are integrated into the project design. The shoulder barriers being considered are Midwest Guardrail Railing and Concrete Barrier Type 85. Locations and type will be determined during the final design phase.

A-5-9.

Response to CDFW Comment 8. The proposed mitigation plan for this project was designed to implement mitigation in advance of construction. There is not currently a Regional Conservation Investment Strategies (RCIS) or Natural Community Conservation Planning (NCCP) for the project area to take advantage of.

Comment Letter A-6: San Francisco Bay Conservation and Development Commission, Rafael Montes.

San Francisco Bay Conservation and Development Commission
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March 14, 2022

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SUBJECT: Draft EIR/EA State Route (SR) 37 Sears Point to Mare Island Improvement Project, Sonoma, Napa, and Solano County (SCH# 2020070226); BCDC Inquiry File No. MC.MC.7415.026

Dear Ms. Rivas:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR)/ Environmental Assessment (EA)for the State Route 37 (SR 37) Sears Point to Mare Island Improvement Project. The DEIR/EA was received by our office on February 8, 2022.

The San Francisco Bay Conservation and Development Commission (BCDC) is a responsible agency under CEQA and will rely on the Environmental Impact Report (EIR) when considering approvals related to the project. The Commission itself has not reviewed the DEIR/EA; the following comments are based on BCDC staff review of the DEIR/EA and the McAteer-Petris Act, and the *San Francisco Bay Plan* (Bay Plan). BCDC strongly recommends that the project proponents continue to meet with BCDC regulatory staff to discuss the project and identify potential issues raised by the project prior to submitting permit applications. The goal of this letter is to highlight policy issues that may be raised by certain project elements or alternatives and to ensure that the project design is consistent with BCDC policies. In reviewing the permit application, BCDC may raise additional relevant questions or policies.

A-6-1

Based on information provided in the DEIR/EA, the project involves modifications to the existing SR 37 to improve traffic flow and peak travel times and increase vehicle occupancy for the segment between the SR 121 intersection and the Walnut Avenue Overcrossing at Mare Island Interchange (approximately 9 miles of roadway). Within the project limits, Highway 37 is a single lane highway in both directions and experiences heavy traffic congestion especially during commuting hours. The roadway is currently 50.75 feet wide with 8.75-foot-wide shoulders on either side. Other segments of Highway 37 are relatively low lying and frequently flood in the winter leading to travel delays and closures. However, this segment of SR 37 is being addressed the interim SR 37 Flood Reduction Project. Sea level rise is anticipated to make these conditions along the SR 37 corridor worse in the future, and the SR 37 Ultimate SLR Resilience Design Project looks to address these issues in the long-term.

This project is a collaboration with the Metropolitan Transportation Commission, Sonoma County Transportation Authority, Solano Transportation Authority, and Napa Valley Transportation Authority. The DEIR/EA evaluated four potential build alternatives along this stretch of SR37 and a no-build alternative. All build alternatives include reconfiguring the existing lanes, widening both sides of Tolay Creek Bridge, widening the segment of roadway from SR 121 to Noble Road to two lanes in each direction with solid median barrier and 4-6-foot-wide shoulders, and adding a high-occupancy vehicle (HOV) lane. The build alternatives differ in the specific ways that congestion is addressed between Noble Road and the Mare Island Interchange:

1. **Alternative 1** - Moveable center median barrier from Noble Road intersection to west of Mare Island interchange to accommodate two lanes in the peak period flow direction during peak traffic periods. The roadway would be 54 feet wide with 8-foot-wide shoulders on either side. If the Sonoma Creek Bridge is not widened, then there would be a 4-foot outside shoulder in the peak flow direction and an 8-foot outside shoulder on the other side of Sonoma Creek Bridge. The highway would remain one lane in each direction during non-peak periods. This alternative will accommodate bicycle access across Sonoma Creek Bridge.
2. **Alternative 2** - Three lanes during peak flow by allowing the shoulder in the peak flow direction to be used as a HOV traffic lane during peak periods. There would be a fixed barrier separating eastbound and westbound traffic. The roadway would be 60 feet wide with 4-foot-wide shoulders on either side, except at Sonoma Creek Bridge where there would be no shoulder. During non-peak periods, the highway would be one lane in each direction with 16-foot-wide shoulders. This alternative requires 25 vehicle pullouts for disabled vehicles, due to lack of enough shoulder width. This alternative does not accommodate bicycles during peak periods because the Sonoma Creek Bridge would be too narrow to maintain safe passage.

A-6-1 Cont.

3. **Alternative 3A** – Two permanent lanes in each direction between SR 121 and Mare Island, with additional construction of a 4-foot-shoulder on each side of the roadway, except at Sonoma Creek Bridge where shoulders would not exist in order to avoid bridge widening and additional fill. The roadway would be 60 feet wide with 4-foot-wide shoulders on either side, except at Sonoma Creek Bridge. This alternative requires 25 vehicle pullouts for disabled vehicles, due to lack of enough shoulder width. This alternative does not accommodate bicycles because the Sonoma Creek Bridge would be too narrow to maintain safe passage.
4. **Alternative 3B** - Two lanes in each direction between SR 121 and Mare Island with a solid median barrier and 8-foot-shoulder along the roadway. The roadway would be 68 feet wide with 8-foot-wide shoulders. The Sonoma Creek Bridge would be widened to accommodate the 8-foot shoulders. This alternative will accommodate bicycle access across Sonoma Creek Bridge.

All alternatives also include the potential installation and operation of Open Road Tolling (ORT) subject to approval.

After review of the DEIR/EA, the BCDC staff recommends that Caltrans look at selecting a modified Alternative 1 as the preferred build alternative for the project, due to the fact that this alternative preserves public access (bicycle and pedestrian) along the corridor and also includes the minimum amount of fill that seems to still achieve the traffic congestion goals. Modifications should ensure that it provides for safe pedestrian and bicycle access along the segment as well as any other modifications to ensure maximum public access consistent with the project. BCDC staff would likely not be able to support Alternatives 2 and 3A due to the suggested prohibition of public access along this stretch of corridor that is suggested with these two alternatives due to a lack of shoulder present at the Sonoma Creek Bridge. Additionally, we have the following comments below regarding the analysis provided in the DEIR/EA.

Jurisdiction

A-6-1 Cont.

The project site indicated in the DEIR/EA is partially within BCDC permitting jurisdiction. Per the McAteer-Petris Act, BCDC is responsible for granting or denying permits for any proposed fill; extraction of materials; or substantial changes in use of any water, land, or structure within the Commission's jurisdiction (California Government Code [CGC] Section 66632). As defined in CGC Section 66632, "fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. For the purposes of this section "materials" means items exceeding twenty dollars ($20) in value. Fill also includes structures cantilevered over the Bay.

Based on the DEIR/EA project description, relevant areas of BCDC jurisdiction for the project may include the following:

1. San Francisco Bay, being all areas subject to tidal action, including tidelands (land lyingbetween mean high tide and mean low tide), submerged lands, and tidal marsh. (CGC Section 66610[a]). BCDC's Bay jurisdiction includes areas of tidal marsh up to, but not exceeding, five feet above Mean Sea Level.
2. A shoreline band consisting of all territory located between the shoreline of the Bay and100 feet landward of and parallel with the shoreline (CGC Section 66610[b]).
3. Certain waterways, consisting of the areas subject to tidal action, including submerged lands, tidelands, and marshlands up to five feet above Mean Sea Level, on, or tributary to, the listed portions of the Tolay Creek, Sonoma Creek, and Napa River.

As the proposed project includes four build alternatives in areas in the Bay, certain waterways, and 100-foot shoreline band, the project will require a permit from the Commission. In addition, the project site is located partially in a few areas designated by the Bay Plan as wildlife refuge areas, including the San Pablo Bay Wildlife Area and Lower Tubbs Island.

Note that per California Code of Regulations Section 10710, any "areas once subject to Commission jurisdiction remain subject to that same jurisdiction," including areas that may have been "filled or otherwise artificially altered." The Commission's Bay jurisdiction along the Sonoma Creek extends to the bayward side of the Highway 37 Bridge, and any areas of Bay jurisdiction will remain within the Bay even if some of the alternatives may include fill in or over the Bay. The same principal applies for the Tolay Creek Bridge which will be widened as part of all alternatives and includes new fill into the Commission's certain waterways jurisdiction. The DEIR mentions that the Sonoma Creek Bridge was previously widened for seismic strengthening and placement of the concrete median. Please clarify if the widening occurred on the downstream side of the bridge, on the upstream side, or both. Depending upon when the widening occurred (prior to or after 1965), it may dictate where the upstream extent of the Commission's Bay jurisdiction is.

Commission Law and Bay Plan Policies Relevant to the Project

Bay Fill. Section 66605 of the McAteer-Petris Act sets forth the criteria necessary to authorize placing fill in the Bay and certain waterways. It states, among other things, that further filling ofthe 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 of the fill are minimized. According to the McAteer-Petris Act, fill is 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.

A-6-1 Cont.

The DEIR describes the purpose of the project as addressing existing traffic congestion caused by a bottle neck between SR 121 and Mare Island Interchange by increasing the highway capacity and encouraging carpooling via HOV lanes. Some build alternatives appear to include more fill within the Commission's jurisdiction than others and more potential habitat impacts. At the time of permitting, the Commission will need to make findings that the project includes the minimum amount of fill necessary for the project and that the project minimizes or mitigates harmful effects associated with the fill. The Commission will also need to find that the fill is for a water-oriented purpose and has no alternative upland location.

There will be fill associated with each of the build alternatives, including the following:

1. **Alternative 1** – An additional 4 feet of widening along the corridor for total roadway width of 54 feet, widening both sides of Tolay Creek Bridge, and widening the Sonoma Creek Bridge on the westbound side by 4-5 feet. Additional fill could include pilings or abutments necessary for bridge widening, shoreline protection, and other project elements.

2. **Alternative 2** –An additional 9 feet of roadway widening for a minimum width of 60 feet, constructing 25 vehicle pullout areas for disabled and enforcement vehicles because the peak flow direction shoulder would only be 4 feet wide during the peak period, and widening both sides of Tolay Creek Bridge. Additional fill could include pilings or abutments necessary for bridge widening, shoreline protection, and other project elements. Please clarify where the 25 vehicle pullouts would be located.

3. **Alternative 3A** – An additional 9 feet of roadway for a width of 60 feet that accommodates four lanes with 4-foot shoulders and guard rails at the edge of the outside shoulder in each direction, constructing 25 vehicle pullout areas for disabled and enforcement vehicles because the peak flow direction shoulder would only be 4 feet wide during the peak period, and widening both sides of Tolay Creek Bridge. Additional fill could include pilings or abutments necessary for bridge widening, shoreline protection, and other project elements. Please clarify where the 25 vehicle pullouts would be located.

4. **Alternative 3B** – An additional 18 feet of roadway for a width of 68 feet that accommodates four lanes with 8-foot shoulders and guard rails at the edge of the outside shoulder in each direction, widening both sides of Tolay Creek Bridge, and widening Sonoma Creek Bridge. The Sonoma Creek Bridge would be widened to the downstream side, which will include fill in the Bay. This alternative also includes new piles and bridge abutments, a temporary trestle structure, and equipment staging.

All build alternatives include fill or excavation within the Commission's jurisdiction, and the DEIR/EA should map and describe the elements of the project that would occur within BCDC jurisdiction, distinguishing between the Bay, certain waterways, and shoreline band jurisdictions, and note the presence of the Wildlife Refuge designation. The DEIR/EA should also evaluate the approximate volume, type of fill, and surface area of the Bay to be filled. For the Tolay Creek Bridge widening associated with all build alternatives, please provide additional details on where the bridge abutment widening would occur. While bridges and causeways are considered water-oriented uses, solid fill (such as a levee or embankment) to accommodate a roadway is generally not considered a water-oriented use consistent with the McAteer-Petris Act. The Commission may not be able to approve fill in the Bay for expansion of the roadway sections on embankments. However, it is not clear from the DEIR/EA which portions of the fill for the different build alternatives are in which of the Commission's jurisdictions and a map may help clarify this.

A-6-1 Cont.

At the time of application, Caltrans will be required to show how the fill associated with the project is the minimum necessary for the project, and how it meets the requirements of the McAteer-Petris Act and the Bay Plan. Roads constructed on solid fill may have an alternative upland location, and therefore may not be consistent with the McAteer-Petris Act requirement for no alternative upland location.

The DEIR/EA says the following quote related to Section 66654 of the McAteer-Petris Act:

> *"allows for the continuation of existing use in the shoreline band, salt ponds, and managed wetland jurisdictions. Because the existing SR 37 and SR 121 roadways are existing uses where they intersect those jurisdictions, work in the existing developed roadway does not require a BCDC permit. However, expansion of the existing roadway into undeveloped areas would be new development and would require that a permit from BCDC be obtained prior to construction."*

BCDC staff would like to clarify that Section 66654 is intended to apply to areas within the shoreline band, salt ponds, and managed wetlands, and that the uses can continue so long as there is no substantial change made in use, including frequency of use. This section of the law applies to certain non-conforming uses with the idea that if there are substantial

changes, such as continued maintenance that extends the life of a structure, then the area would then be subject to full compliance with the McAteer-Petris act and come into compliance with the law over time. Both maintenance work within the existing roadway in the Commission's jurisdiction and expansion of the roadway are subject to permitting under the McAteer-Petris Act. Please also note that this section of the law does not apply to the Commission's Bay and certain waterways jurisdictions.

A-6-1 Cont.

As a partner agency engaged in the Planning and Environmental Linkages (PEL) and Design Alternatives Assessment (DAA) processes to identify long-term solutions for the SR 37 Ultimate Sea level Rise Resilience Design Project, BCDC staff have provided comments to the long-term alternatives for the overall SR 37 corridor studies. This process is ongoing, and a preferred design alternative has not yet been selected. Currently, all build alternatives in this DEIR/EA incorporate road widening through the proposed project site along the existing corridor. These interim design solution to address and reduce congestion at SR 37 should be compatible with the PEL and DAA process and any alternatives identified through that process, rather than limit the development of alternative alignments or designs for SR 37 in the future.

San Francisco Bay Plan. As Caltrans notes in the DEIR/EA, the Bay Plan establishes policies for development and resource conservation within the Commission's jurisdictions. Policies cover the protection of Bay resources,including fish, other aquatic organisms, and wildlife; tidal marshes and tidal flats; subtidal areas; water quality; and others, as well as issues related to development, such as climate change; fills; shoreline protection; water-related uses; appearance, design, and scenic views; public access; transportation; and mitigation. The DIER/EA does not include much analysis for consistency with these policy sections of the Bay Plan but does provide a little detail on consistency with the transportation policies. Caltrans will need to demonstrate that the project is fully consistent with the policies of the Bay Plan during the permitting phase of the project. The points below highlight some policy areas that Caltrans should consider in the final EIR/EA and for consistency with the Commission's laws and policies.

A-6-2

Mitigation. The Bay Plan Mitigation policies state, in part, that projects should be designed to avoid adverse environmental impacts to Bay resources, and if adverse impacts cannot be avoided, they should be minimized to the greatest extent possible. The policies also include requirements that unavoidable impacts to tidal marshes, tidal flats, and subtidal areas be mitigated. The DEIR/EA mentions that Caltrans is proposing to mitigate for permanent loss of wetlands and waters for the selected alternative at a 3:1 restoration/enhancement to impact ratio through a project specific compensation plan, which could include use of a conservation/mitigation bank and support of off-site restoration projects and programs. The DEIR/EA mentions that the temporary impacts from construction will be mitigated by restoring resources onsite.

The Bay Plan Mitigation polices say that mitigation should be sited as close to the impact site as practicable. If such mitigation is not available, then offsite mitigation can be considered. If compensatory mitigation measures are infeasible either onsite or offsite, then in-lieu fee-based mitigation may be considered. The Commission currently does not have any recognized mitigation banks. The DEIR/EA jumps directly to discussion of providing in-lieu

mitigation or buying conservation bank credits, but should include more analysis of whether onsite or offsite mitigation options are available to Caltrans. These policies also say that mitigation should be provided prior to or concurrent with projects.

For major projects, such as this one, these policies also say that for projects requiring compensatory mitigation that the communities surrounding the project site and the mitigation site should be meaningfully involved in the discussions on the identification and prioritization of potential mitigation projects and in the development of the monitoring program for the site. If this outreach was not conducted, further outreach and engagement may be required prior to the Commission permitting on the project. BCDC encourage you to conduct outreach to the communities and residents around the project site to identify if there are local projects that can be restored as part of this project or that the mitigation funds can contribute to. These policies also suggest that the identification of appropriate compensatory mitigation should consider the benefits, including economic and social benefits, to humans from having natural resources nearby and that these natural resource benefits be distributed equitable around the Bay.

A-6-2 Cont.

The DEIR/EA does identify that the Burdell Ranch Wetland Mitigation Bank is near the project area and may be used for purchasing mitigation credits for non-tidal wetland impacts. The DEIR/EA mentions that there are no available conservation banks for tidal wetlands and other tidal waters near the project area. Caltrans is proposing the specific compensation plan to fund nearby tidal restoration enhancement efforts within the projects watersheds and developing an in-lieu fee program specific to this SR 37 project. The in-lieu fee program could include funding contributions to nearby Mare Island, Cullinan Ranch, Strip Marsh, Skaggs Island, or Tolay Lagoon, or other efforts identified in the Sonoma Creek Bayland Strategy. There is mention that the funding could be provided through co-operative agreements with the California State Coastal Conservancy. The DEIR/EA includes a number of estimated fill impacts for species. Please specify which Commission jurisdictions these impacts correspond to. There is a mention that some impacts to fish species may be mitigated by buying credits at Liberty Island Conservation Bank, however BCDC has heard that this bank no longer has credits available for purchase. Please clarify if there were new credits released at Liberty Island. BCDC will need to review the monitoring and mitigation plan for this project during the application process, but we encourage you to discuss the details of the plans with us prior to applying for permits.

A-6-3

Public Access. 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 say that public access associated with the project should be "sited, designed and managed to prevent significant adverse effects on wildlife" These policies also 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, these policies say that public access should be "designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should provide barrier free access for persons with disabilities, for people of all income levels, and for people of all cultures to the maximum feasible extent" and 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. 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."

The DEIR/EA discusses public access, but only the impacts of the alternatives on existing public access and recreational opportunities along the corridor. The DEIR/EA did not appear to include a proposal for new public access associated with the interim project. As noted above, the Commission would not be able to approve a project that does not provide maximum feasible public access associated with the project. There are a number of different public access issues raised by the alternatives. Please address these issues in the final EIR/EA:

A-6-3 Cont.

1. **Bicycles.** There are currently no bicycle or pedestrian facilities on SR 37 within the project limits, but bicyclists are permitted on the shoulders of SR 37 along the existing 8.75-foot shoulder on either side of the road. All alternatives will result in reduced shoulders compared to the current condition that exists for bicycles on SR 37 today and some alternatives propose to prohibit bicycle use along the corridor as part of the interim project. Regarding impacts to existing public access along this corridor, The Bay Trail commented in their August 24, 2020 comment letter on the NOP for this project, that Alternatives 2 and 3 would eliminate existing bicycle access on SR37 and that the proposed bike shuttle was not preferred to mitigate for the loss of this access. The letter recommended that completing the Bay Trail gap closure from the end of the Sears Point Bay Trail (near the intersection of SR37/121 on Tolay Creek Road) to the Tubbs/Tolay trailhead approximately 4,600 feet to the east would provide eight continuous miles of shoreline Bay Trail that could provide real and meaningful public access associated with the Congestion Relief Project while the longer-term Class I Bay Trail is developed along the entire SR37 corridor in association with the "Ultimate" sea level rise project. This letter also mentions that the gap closure is supported by the Sonoma County Bicycle and Pedestrian Master Plan, Bay Trail Plan, and the Caltrans Deputy Directive 64. The Bay Trail recommendation was for 3,600 feet of this gap closure/interim trail to be associated with the interim vehicle improvement project and provided by Caltrans, and that the additional 1,000 feet of trail along Tolay Creek Road could be constructed by the Sonoma County Regional Parks and Bay Trail in collaboration with Caltrans and MTC.

Bay Trail specifically requested that this interim trail be a minimum width of 10 feet and that barrier protection be provided along the 3,600 feet adjacent to the SR37 roadway. For Alternative 1, this would mean adding an additional couple feet along the 3,600 linear feet to accommodate cyclists, pedestrians, and the physical barrier. Additionally, the letter suggested that Alternatives 2 and 3 could also include widening along the 3,600-linear-foot section of roadway for pedestrians and cyclists and would result in negligible (36,000 square feet) of additional fill in comparison to the overall widening (190,080 square feet) to accommodate vehicles along the entire nine miles of roadway. The Bay Trail recommended that if the Tolay Creek Bridge is replaced, then it should be lengthened and widened to accommodate both enhanced stream flow for restoration efforts and to accommodate bicycle and pedestrian access via the Bay Trail. These suggested project modifications should have been evaluated in the DEIR/EA. Please evaluate these possibilities in the final EIR.

Additionally, the DEIR mentions that because Alternative 2 and 3A will lack shoulder space available for bicycles during the peak travel period on the Sonoma Creek Bridge, there will be legislation that is proposed to prohibit bicycle and pedestrian use along this portion of the corridor. This legislation would be in conflict with the laws and policies of BCDC and with the Bay Trail plan. BCDC does not think that the Commission would be able to find that these alternatives provide maximum feasible public access, because they would prohibit bicycle and pedestrian use on the corridor. Additionally, none of the alternative appears to be providing public access improvements above what exists today. Please further evaluate potential public access opportunities in the final EIR. Our staff believes that the existing bicycle access needs to be maintained and provided in a safe manner along the project segment.

A-6-3 Cont.

2. **Outreach.** The Public Access policies require that any public 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. 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." The DEIR/EA does not appear to contain a discussion of the particular outreach that was conducted with different stakeholder groups related to this project and the specific public access impacts and if the outreach included individuals or groups from vulnerable, disadvantaged, and/or underrepresented communities. Please provide further details in the DEIR/EA on the outreach that was conducted related to this project, the groups that were involved, and any project updates that were made in response to community concerns.
3. **Tolling.** There are existing public access facilities located along this corridor, as further discussed in the recreation section below. All alternatives propose to include tolling. Please evaluate in the final EIR/EA how this tolling may impact the use of these facilities, and how the different alternatives are providing barrier free access to people of all income levels.

The project may require review by BCDC's Design Review Board.

Environmental Justice and Equity. Bay Plan policies on Environmental Justice and Social Equityare intended to address environmental justice and social equity issues at appropriate points in the BCDC permitting process. These policies require that projects address issues related to environmental justice and social equity as early as possible in the planning process and that measures should be taken through environmental review and permitting to require mitigation for disproportionate adverse project impacts identified on vulnerable or disadvantaged communities in which the project is proposed. The DEIR mentions that SR37 connects job markets and housing in Marin, Sonoma, Napa, and Solano counties, as well as freight movement, and providing access to other recreational opportunities throughout this area.

The DEIR/EA includes an analysis of the environmental justice impacts of the project but uses a national definition of low-income as a household with a family of four that made less than $24,600 in 2017. This analysis found that none of the census block groups around the project area met the criteria for being classified as an environmental justice community of concern because there were not more than 25 percent of the census block group or tract that made less than $24,600 in 2017. The analysis did identify eight census blocks as environmental justice communities of concern based on more than 50 percent of the residents being in a minority population and found that the construction impacts associated with the project are not more likely to disproportionate impact environmental justice communities more than non-environmental-justice communities. Incomes and housing prices within the nine-county Bay Area tend to be higher than national averages and a household may make more than $24,600 annually, but still have high rent prices and cost of living and may be low-income in the Bay area. Please consider whether a definition of low-income that is more appropriate to the Bay Area can be used to evaluate the census blocks around the project. BCDC also encourages Caltrans to take a look at the Commission's Community Vulnerability Mapping web application, which evaluates a number of different community criteria to determine if a particular census block group is a vulnerable community or not.

A-6-4

It appears that the proposed open road tolling that is associated with each of the alternatives could have the potential to disproportionately impact vulnerable or disadvantaged communities that are present in Vallejo and other nearby communities. The Community Vulnerability Mapping web application shows there are a number of census blocks in nearby Vallejo that have very low income and it is reasonable to assume that they may be impacted by the proposed tolling. BCDC appreciates the inclusion of the means-based tolling discount, but we encourage you to reassess the census block definition used for classifying low-income communities of concern to something that is more appropriate for the Bay Area and to rerun this analysis. It seems there may be larger groups of people that qualify as low-income in the Bay Area that were not captured by this analysis and that daily tolling may still burden these low-income individuals that may have to commute through this area for work. The final EIR should provide additional details regarding the income-based tolling and how individuals qualify for the program. Please clarify whether low-income individuals that are in a single occupancy vehicle would be eligible for the income-based fees or if this is only intended to apply to high occupancy vehicles.

A-6-4 Cont.

The Environmental Justice and Social Equity policies also require that outreach and engagement efforts should "meaningfully involve potentially impacted communities for major projects and appropriate minor projects in underrepresented and/or identified vulnerable and/or disadvantaged communities and such outreach and engagement should continue throughout the Commission review and permitting process." As mentioned above, the DEIR/EA should include a discussion of the particular outreach that was conducted with different stakeholder groups related to this project and if the outreach included individuals or groups from vulnerable, disadvantaged, and/or underrepresented communities. Please provide further details in the DEIR/EA on the outreach that was conducted related to this project, the groups that were involved, and any project updates that were made in response to community concerns.

A-6-5

Recreation. Section 66602 of the McAteer-Petris Act states, in part, "that maximum feasible public access, consistent with a proposed project, should be provided." Additionally, the public access policies say that improvements provided as a condition of any approval should be consistent with the project, the culture(s) of the local community, and the physical environment, including protection of Bay natural resources, such as aquatic life, wildlife and plant communities, and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should provide barrier free access for persons with disabilities, for people of all income levels, and for people of all cultures to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs, including using appropriate languages or culturally relevant icon-based signage. The construction of different build alternatives has the potential to temporarily limit access to nearby recreational facilities, such as the Cullinan Ranch Public Access Area, the Napa-Sonoma Marshes Wildlife Area (NSMWA), the USFWS Refuge, the San Francisco Bay Trail, and the vista point nears Sears Point Road. All build alternatives would have some impact on recreational areas around the project site during construction activities, such as using parking lots for staging, but partial access will still be provided. Some build alternatives may permanently impact the NSMWA and the Refuge as this land is required for widening the roadways under the various alternatives.

Alternatives 1 and 2 include expansion within the existing Caltrans right-of-way in these recreational facilities and would not impact additional land beyond the right-of-way. The DEIR/EA mentions that these alternatives also would not preclude or substantially impede the use of any parks or recreational facilities during construction and would not have long-term impacts on the parks or recreational facilities. However, Alternative 2 includes a proposal for legislation to prohibit bicycle and pedestrian use along this section of the corridor and this should be evaluated in the DEIR/EA as an impact to the Bay Trail mentioned in the Recreation section. Alternatives 3A and 3B would also have permanent long-term effects, but the DEIR/EA found that it would not have long-term impacts on the recreational activities in the Refuge, due to minimal use in the Refuge and that the area of impact in the Refuge provides "limited recreational value (e.g., boating, fishing, etc.) along the highway."

There are a few recreational/public access points along and adjacent to the SR 37 corridor and the DEIR/EA should evaluate potential impacts of tolling on public access areas along the corridor, including those required at Cullinan Ranch, the kayak launches along highway 37,

and access routes around the Sonoma Creek Bridge. The DEIR/EA does not appear to address how the project provides "barrier free access" for persons with all income levels or analyze potential impacts of tolling on the use of these areas. The proposed tolling may create a potential barrier for people that want to use the existing public access areas along the corridor. Please assess this in the final EIR.

In addition to mitigating adverse impacts to existing public access areas and use at the site, maximum feasible public access consistent with the project is to be provided. The design of any new and improved public access should be described in more detail in the DEIR/EA to allow the Commission to evaluate the public access proposed with the project. The Bay Plan Public Access policies also provide that "[p]ublic access to some natural areas should be provided to permit study and enjoyment of these areas," recognizing that "some wildlife are sensitive to human intrusion… [and, f]or this reason, projects in such areas should be carefully evaluated in consultation with appropriate agencies to determine the appropriate location and type of access to be provided." Any new proposed public access should be described in the DEIR/EA and include an analysis of potential effects of public access on wildlife, including the potential for significant adverse effects (such as impacts on endangered species, impacts on breeding and foraging areas, or fragmentation of wildlife corridors). Please provide this information both in the site- specific context and within a regional context, identifying any siting, design, or management strategies that could be employed to avoid or minimize adverse effects on wildlife, and how the effects of public access on wildlife will be monitored over time to determine whether revisions of management strategies are needed.

A-6-5 Cont.

The DEIR/EA should discuss how public access associated with this project will impact the future SR 37 projects associated with the ultimate PEL planning process. Any discussion on proposed public access areas should also provide detail on anticipated public transit use and connections to the project site and the shoreline, as well as the siting and availability of parking for those arriving by car to visit the shoreline.

Fish, Other Aquatic Organisms and Wildlife. The policies in this Bay Plan section address the benefits of fish, other aquatic organisms and wildlife, and the importance of protecting the Bay's habitats, native, threatened, or endangered species, and species that are candidates for listing as endangered or threatened. Policy No. 1 requires that the Bay's tidal marshes, tidal flats and subtidal habitats are conserved, restored, and increased "to thegreatest extent feasible." The project area supports federally and state-listed species, including Ridgway's rail, salt marsh harvest mouse, Chinook salmon, steelhead, North American green sturgeon, Delta smelt, soft bird's-beak, longfin smelt, California black rail, and others, as well as many other native species. In addition, the salt marsh harvest mouse, Ridgway's rail, and California black rail are fully protected species for which an incidental take statement cannot be issued by the state.

A-6-6

Please provide the following clarifications in the DEIR/EA:

1. The DEIR/EA notes that the inclusion of tolling in the project may require the construction of tolling gantries and CHP observation areas that will require lighting. The DEIR should clarity whether the lighting would impact any tidal marshes, tidal flats, or subtidal areas and the species that inhabit them.

2. The DEIR/EA mentions that dewatering activities will occur between June 1 and November 30, but then mentions that other work occurring below Mean Higher High Water, except for impact pile driving, would occur year-round. Please indicate what other types of activities would be occurring year-round, and if they would occur within the dewatered areas year-round, or within aquatic habitats year-round.
3. The DEIR/EA in Section 2.4.4.3 mentions that vibratory pile driving would be used for the installation of steel piles at Tolay Creek and Sonoma Creek Bridges. However, this section also mentions that an impact hammer would potentially be used for placing piles in Sonoma Creek and that this could result in injury or mortality to some fish species that may be in the area. There are some sections that mention vibratory hammer and others that mention impact hammer. Please clarify which technique is likely to be used and when to make this more clear in the document.

A-6-6 Cont.

4. There is mention that there may be some habitat impacts from shading of the bridge widening at Sonoma Creek, but there does not appear to be discussion about the impacts of widening Tolay Creek Bridge, which is an activity associated with all project alternatives. Please include these impacts in the analysis for impacts to species and their habitats.
5. For marine mammals, only Alternative 3B, is mentioned as having potential impacts on marine mammals from vibratory and/or impact pile driving, however this same activity for pile driving also seems to apply to the Tolay Creek Bridge for all project alternatives and should be considered in the DEIR/EA.

The DEIR should address how the construction and uses of the proposed project would meet these policies and avoid or minimize impacts to special-status species and habitat in the Bay.

Tidal Marshes and Tidal Flats. Bay Plan policies for this section limit filling, diking, and dredging projects that would substantially harm tidal marshes or tidal flats. Policy No. 1 in this section requires that such projects "be allowed only for purposes that provide substantial public benefits and only if there is no feasible alternative." Policy No. 2 requires that "[a]ny proposed filling, 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." Policy No. 3 establishes the same test for the transition zone present betweentidal and upland habitats, and that "[w]here a transition zone does not exist and it is feasible and ecologically appropriate, shoreline projects should be designed to provide a transition zonebetween tidal and upland habitats." Policy No. 8 allows "a minor amount of fill...to enhance or restore, fish, other aquatic organisms or wildlife habitat if the Commission finds that no other method of enhancement or restoration except filling is feasible."

A-6-7

The DEIR/EA mentions that the entire project area contains about 75.17 acres of tidal wetlands, other tidal waters, nontidal wetlands, and other nontidal waters. The project also crosses Tolay Creek and the Sonoma Creek. All build alternatives include temporary impacts, such as vegetation clearing, construction access, dewatering activities, piling installation,

staging areas, construction noise, and air quality impacts, as well as others. Additionally, there will be permanent habitat impacts for all build alternatives related to placement of sheet pile walls adjacent to the roadway, roadway expansion, in-water and upland fill, shading from the Tolay Creek Bridge expansion, rock slope protection, and guard rails. Alternatives 3B also includes permanent impacts related to new pilings and additional shading associated with the Sonoma Creek Bridge expansion, and Alternative 1 may have some similar impacts if the Sonoma Creek Bridge is expanded as part of that alternative. Please clarify the details of the Tolay Creek Bridge widening and how much of the temporary and permanent habitat impacts are associated with this project element. This does not appear to have been included in the DEIR/EA.

The DEIR/EA mentions that current estimates of impacts within the Commission's jurisdictions are preliminary. Table 2-4 estimates the following permanent impacts within the Commissions jurisdiction: Alternative 1 (0.03 acres of tidal waters, 1.52 acres of tidal wetlands), Alternative 2 (0.16 acres of tidal waters, 3.2 acres of tidal wetlands), Alternative 3A (0.24 acres of tidal waters, 3.75 acres of tidal wetlands), Alternative 3B (1.23 acres of tidal waters, and 7.33 acres of tidal wetlands). The Commission appears to have certain waterways jurisdiction on both Tolay Creek and Sonoma Creek, and it is unclear if the quantities provided in this section also include fill within the Commission's certain waterways jurisdiction over the project site. It would also be helpful to have a map showing the impact areas within the Commission's jurisdictions for the alternatives. Most impacts appear to occur in narrow strips adjacent to the existing roadways or along the edges of the bridges. These impacts will require mitigation, as noted in the DEIR/EA. The Commission will need to make findings that impacts to habitat are minimized and mitigated.

A-6-7 Cont.

Project elements that incorporate habitat, such as tidal marsh, transition zones, and upland habitat should also be considered in the different alternatives. Please evaluate whether nature-based shoreline solutions are feasible rather than placing additional rip rap in the Commission's jurisdiction, especially near creeks. Please also analyze whether it is feasible to lengthen the Tolay Creek Bridge to allow for less restricted flows through the creek and to move fill associated with this bridge farther out of the creek. Furthermore, habitat connectivity should be incorporated in the analysis and in consideration of alternatives.

Section 2.4.2.1 does not address that BCDC also has regulatory authority over any fill or extraction of materials from wetlands and waters within BCDC's jurisdiction and regulates placement and manner of fill in these areas. Please add BCDC's authority to this section.

Subtidal Areas. Policy No. 1 in this Bay Plan section establishes the method of evaluating proposed filling or dredging of subtidal areas and establishes that "[p]rojects in subtidal areas should be designed to minimize and, if feasible, avoid any harmful effects." However, there arestricter standards for projects in scarce subtidal areas, and subtidal areas with an abundance and diversity of fish, other aquatic organisms and wildlife, including eelgrass beds. Policy No. 2 states in part that "[f]illing, change in use and dredging in these areas should therefore be allowed only if: (a) there is no feasible alternative; and (b) the project provides substantial public benefits." All build alternatives appear to have permanent impacts within subtidal areas of the Commission's jurisdiction. The DEIR/EA estimated the quantities of fill in the tidal waters in the Commission's jurisdiction. As mentioned in the Bay fill section

above, please clarify in the DEIR/EA whether you will be using vibratory or impact hammer installation methods for pile driving, and when and where these activities would occur. It is unclear which method will be used when and in which areas. The Commission will need to make findings that impacts to subtidal habitats are minimized and mitigated.

A-6-7 Cont.

Water Surface Area and Volume. This Bay Plan section provides, in part, that the surface area of the Bay and the total volume of water should be kept as large as possible, and that filling thatreduces area and water volume should be allowed only for purposes providing substantial public benefits and only if there is no reasonable alternative. The DEIR should discuss how the proposed project would maintain or improve open water areas in the Bay, and how the increase in Bay fill from new pilings and bridge abutments can be offset. Please also address whether the Tolay Creek Bridge could be lengthened to remove the restrictions along the creek and within the Commission's jurisdiction.

A-6-8

Water Quality. Water Quality policies in the Bay Plan include requirements that water pollutionbe "prevented to the greatest extent feasible" (Policy 1); that water quality "should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the Regional Water Quality Control Board's Water Quality Control Plan" and "should be protected from all harmful or potentially harmful pollutants" (Policy 2); that "new projects should be sited, designed, constructed, and maintained to prevent or minimize the discharge ofpollutants into the Bay" (Policy 3); that projects in an area polluted with toxic or hazardous substances "will not cause harm to the public, to Bay resources, or to the beneficial uses of the Bay" (Policy 4); and, to protect the Bay from nonpoint source pollution, that "new developmentshould be sited and designed consistent with standards in municipal stormwater permits and State and regional stormwater management guidelines," and "to offset impacts from increasedimpervious areas and land disturbances" (Policy 6). All build alternatives include adding additional impervious areas to the roadway, which the DEIR/EA acknowledges will increase stormwater flows going into existing waterways. The DEIR mentions that some treatment along the roadway may be incorporated in areas where there is space but there will likely be offsite treatment required due to space limitations. The DEIR should include additional information on how the different alternatives can prevent runoff impacts on adjacent tidal marshes or waterways or propose the inclusion of bioswales along these areas if possible. Please indicate if any exposed soils will be hydroseeded or not to prevent erosion into adjacent ditches and waterways.

A-6-9

Climate Change and Flood Hazards. Climate Change policies in the Bay Plan include requirements that planning for shoreline areas or larger shoreline projects should include preparation of a risk assessment by a qualified engineer that takes into account "the best estimates of future sea level rise" and current and planned flood protection (Policy 2); that within areas determined through a risk assessment to be "vulnerable to future shoreline flooding that threatens public safety, all projects… should be designed to be resilient to a mid- century sea level rise projection" (Policy 3); and that if a proposed project is likely to remain in place longer than mid-century, "an adaptive management plan should be developed to addresslong-term impacts… using the best available science-based projection for sea level rise at the end of the century" (Policy 3).Climate Change policy 4 states, in part, "[t]o address the regional adverse impacts of climate change, undeveloped areas that are both vulnerable to future flooding and currently sustain significant habitats or species or

possess conditions that make the areas especially suitable for ecosystem enhancement, should be given special consideration for preservation and habitat enhancement and should be encouraged to be used for those purposes."

The DEIR states that the proposed project does not address sea level rise (SLR), and that the SR 37 congestion relief project will not conflict or restrict the consideration of future projects that address SLR because those projects would likely require evaluation of alternative alignments that accommodate multi-year construction of a raised highway while maintaining access on the existing SR 37 during construction of such project. The DEIR, under section 3.4.5.3 "SR 37 Sea-Level Rise Planning Efforts", states that upon completion in 2025, the project would be protected from frequent tidal inundation by the existing levees and roadway, and that in isolation, SLR would have a limited impact on the project. The expected life of the project is approximately 20 years and is anticipated to be followed by the long-term sea level rise project. However, it also states that in combination with extreme tides (1-, 10-, 50- and 100-year storm events) SLR, under a likely scenario in the relatively near future (2018 OPC 0.5 percent probability by 2040), would increase 1.3 feet in the daily high tide, which could lead to permanent inundation of about 600 feet of the roadway near Mare Island if no adaption measures are taken. It also states that in combination with extreme tides, SLR would increase the frequency and magnitude of temporary flooding of the project that could translate into flood exposures of up to 2.7 miles of the SR 37 during 100-year storm events. The project includes several design features that would make it more resilient to SLR that include among them, small-scale raising of the road elevation for two segments of SR 37 and sheet pile walls along the edge of shoulders that would help minimize floodwater seepage into the side slopes of the roadway embankment. In addition, the sheet pile walls heights may be increased above the finished grade to provide some flood protection.

A-6-9 Cont.

The DEIR should address consistency with the Commission's climate change policies and specifically how the project will be resilient to rising sea level for the design life of the project. The raising of the roadway could increase its embankment footprint within BCDC's jurisdiction, and the sheet pile walls along the edge of the shoulders could impair views of the Bay if raised too high above the finished grade. Therefore, the final ERI should identify any future fill due to the raised roads and increased embankment footprint and mitigation measures and any impacts of Bay views. In addition, the final EIR should analyze how the safety of bicycles and pedestrians that may be impacted by traffic sound reverberating over the walls.

Hazards and Hazardous Materials. The Bay Plan's Water Quality policies also have relevance tothe EIR's hazards and hazardous materials discussion. Given potential changes to truck transportation patterns in response to the project, the final EIR should address the potential for hazardous substances such as fuels to be released into the environment due to routine use or transportation along the corridor, or potential upset or accident conditions.

A-6-10

Safety of Fills. If new fill is proposed as part of the project or if portions of the project will be sited on existing fill, the EIR should include a description of the Bay Plan's Safety of Fills policies,which include provisions that "no fill or building... be constructed if hazards cannot be overcome adequately for the intended use in accordance with criteria prescribed by the [Commission's] Engineering Criteria Review Board" (Policy 2); "strong-motion

A-6-10 Cont.

seismographs... be required on all future major land fills" (Policy 3); and "adequate measures... 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" (Policy 4). The EIR should discuss the proposed project's consistency with these Bay Plan policies. The project or portions of the project may require review by BCDC's Engineering Criteria Review Board.

A-6-11

Shoreline Protection. The SR 37 corridor lies adjacent to the margins of the San Pablo Bay. The DEIR identifies three low-lying segments of SR 37 that are the most vulnerable to existing and future flooding from SLR and storm surge. In addition, the document includes potential design features that would make the roadway more resilient to flooding from SLR that include small-scale raising of the road elevation for two segments and sheet pile walls along the edge of shoulders to minimize floodwater intrusion into the road. The sheet pile walls may be increased above finished grade to provide some flood protection. Therefore, the DEIR should include a description of the Bay Plan's Shoreline Protection policies in relation to the highway corridor. These shoreline protection provisions state that "the type of the protective structures be appropriate for the site, the uses to be protected, and the causes and conditions of erosion and flooding at the site..., be properly engineered to provide erosion control and flood protection for the expected life of the project based on a 100-year flood event that takes into account SLR,... the project be properly designed and constructed to prevent significant impediments to physical and visual public access,...the protection be integrated with current and planned adjacent shoreline protection measures, and take into account adverse impacts to adjacent or nearby areas" (Policy 1); "equitable and culturally-relevant community outreach and engagement should be conducted to...involve nearby communities for all shoreline protection project planning and design processes and that if previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action" (Policy 2); "all shoreline protection projects should evaluate the use of natural and nature-based features" (Policy 5); "adverse impacts to natural resources and public access from new shoreline protection should be avoided...when feasible, shoreline protection projects should include components to retain safe and convenient water access...where significant impacts cannot be avoided, mitigation or alternative public access should be provided" (Policy 6).

A-6-12

Transportation. The Bay Plan policies on transportation say that transportation 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. As the proposed project has the potential to alter transportation patterns to and from the site, the final EIR should discuss the potential increase in trips and any related impacts on safety and environmental quality on the site and in the surrounding area. Additionally, the final EIR should address whether transportation impacts would affect users of other roadways in the area, including residents of adjacent neighborhoods. The air quality and noise discussions of the final EIR should also discuss related impacts to those neighborhoods. Such an analysis would serve to inform BCDC of potential environmental justice concerns.

A-6-12 Cont.

The project site is located near a segment of the Bay Trail and Water Trail, which runs along SR 37. The segment can be viewed at https://baytrail.org/baytrailmap.html. The final EIR should discussthe potential for construction vehicles and operational truck traffic to impact users of the Bay Trail segment. If the project's site access improvements would affect the configuration of SR 37,the final EIR should discuss whether those improvements would pose a safety hazard for users of both trail segments or not. If analysis shows that an increase in truck congestion is possible as a result of the roadway construction operations, the final EIR should discuss whether the increase in congestion would pose a safety hazard for users of the Bay Trail or otherwise affect the usabilityof the trail.

A-6-13

Aesthetics. The Bay Plan policies on Appearance, Design and Scenic Views require that development around the Bay should take advantage of the attractive setting it provides, and that "Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas..." These policies also say that access routes, including highways and mass transit routes, should be designed to orient the traveler to the Bay and that guardrails, fences, landscaping, and other structures related to such routes should be "designed and located so as to maintain and to take advantage of Bay views. New or rebuilt roads in the hills above the Bay and in areas along the shores of the Bay should be constructed as scenic parkways in order to take full advantage of the commanding views of the Bay." The policies say the views from vista points or roads should be maintained during the considerations of the heights for portions of development, that bridges and other structures near the Bay "should be low enough to assure the continued visual dominance of the hills around the Bay," and that "structures and facilities that do not take advantage of or visually complement the Bay should be located and designed so as not to impact visually on the Bay and shoreline." Please note that consideration should be given to the materials used for solid barrier between the eastbound and westbound lanes, as well as the guard rails, and how this may impact the scenic views of San Pablo Bay from the westbound roadway. The DIER/EA mentions that the barrier will be raised from 36 inches to 42 inches and may impact views of the surrounding areas. Materials that limit impacts to views are not recommended and should not be used in the design, if possible. It also appears that the scenic vista at Sears Point may be impacted during the project. Additionally, any infrastructure associated with tolling or road maintenance should be designed and located so as not to impact the views of the Bay.

A-6-14

Recommendations

After review of the DEIR/EA, BCDC recommends that Caltrans look at selecting a modified Alternative 1 as the preferred alternative for the project, due to the fact that this alternative would minimize Bay fill and preserve public access (bicycle and pedestrian) along the corridor, while achieving the congestion relief goals of the project with the smallest habitat impacts. This alternative should be modified to ensure provision of safe bicycle and pedestrian access along the roadway. The Commission likely would not support Alternatives 2 and 3A if these alternatives would not provide for, and actually prohibit (through the proposed legislation), public access along this stretch of SR 37 corridor where there is existing bicycle access today. Alternative 3B would maintain the public access along the corridor with 8-foot shoulders, which is consistent with the access existing today, but this alternative also includes the highest amount of fill, ground disturbance, habitat impacts, and impervious

A-6-14 Cont.

surface in the Commission's jurisdiction. We also recommend that Caltrans include the closure of the Bay Trail gap between Sears Point and Tolay/Tubbs trailhead as part of the interim project. Any alternative selected for this interim project should not limit or impact the alternatives evaluated and eventually selected for the PEL process and long-term planning for SR 37.

We appreciate your attention to the topics discussed above and for the opportunity to make the above comments on the DEIR/EA. We also look forward to continuing to meet with you to discuss this project prior to the permit applications being submitted. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (415)352-3670 or by email at rafael.montes@bcdc.ca.gov.

Sincerely,

DocuSigned by:
Rafael Montes
CEE1C05F9400494...

RAFAEL MONTES
Senior Engineer

cc: State Clearinghouse

RM/gg

Response to Comment Letter A-6: Bay Conservation and Development Commission

A-6-1.

This comment is related to the project adding fill in BCDC jurisdiction. Caltrans is aware that a permit will be required from BCDC as indicated in Table 1-5 in Section 1.6 of the Final EIR/EA.

Caltrans and the project team presented the project to BCDC staff on February 17, 2021. Caltrans notes that the project has identified Alternative 3B as the preferred alternative and is making commitments to maintain bicycle access along the corridor, but the Alternative 3B design has been modified to achieve some widening but minimize in-water work along Sonoma Creek. Shoulders in both directions over Sonoma Creek Bridge would be narrowed, but bicycle access would be maintained. The remainder of the route would have 8-foot outside shoulders in both directions.

Caltrans understands the jurisdictional areas as defined in the McAteer Petris Act and will work with BCDC as the project design develops and through BCDC's permitting process for the project.

BCDC requested clarification on where its jurisdiction would occur for the previously completed widening at Sonoma Creek Bridge. BCDC issued BCDC Permit No. 9-98 for that project and should have a copy in its files for reference when reviewing the project during the permit application process.

BCDC has requested specific jurisdictional mapping and quantification of design impacts within BCDC jurisdictions. Delineation of BCDC's jurisdictions will be completed in coordination with BCDC staff during the project's permitting stage and appropriate impact analysis and quantification will be provided to BCDC as part of the project's permit application.

Caltrans notes that the fill proposed for road widening in areas subject to BCDC jurisdiction mostly would occur in the footprint of the existing roadway, road shoulders, and unpaved areas adjacent to shoulders. Caltrans looks forward to working with BCDC during the permitting process to appropriately detail jurisdictions and potential impacts.

Regarding BCDC's request to include a summary of its regulatory authority within the project area, this is provided in Section 2.2.3.1 and Section 2.2.3.2.

Regarding BCDC's request for detailed mapping of its jurisdiction areas and quantification of impacts within them, Caltrans understands that this is a requirement in all BCDC permits and will work with staff to confirm BCDC jurisdictions and determine impacts in the final design phase.

Regarding BCDC's comment on McAteer Petris Act Section 66654, text has been edited in Section 2.2.3.2 to address BCDC's feedback and clarifications.

A-6-2.

Caltrans understands that the project will need to be reviewed for consistency with BCDC laws and policies as part of the permit application process with BCDC for the project. The BCDC jurisdictional area has been preliminarily identified for this phase of environmental review, and will be verified with BCDC during permitting.

In-lieu funding to offsite mitigation projects to offset permanent impacts to wetlands, waters, and special status species habitat was determined to be the most efficient use of Caltrans mitigation funds. Caltrans is coordinating with project proponents to identify and prioritize projects that are shovel-ready, are immediately adjacent to the proposed project area, and the main factor delaying implementation is funding. During this process, Caltrans will also engage in meaningful public outreach efforts to the surrounding communities. The currently identified projects targeted for further review as mitigation opportunities are conceived looking holistically at the San Pablo Baylands and would thus provide ecological lift to a large area around the proposed project. In response to your comment on whether Liberty Island Conservation Bank has credits available to offset impacts to listed fish species, Fremont Landing Conservation Bank appears to be available. Caltrans and MTC are currently coordinating with stakeholders to determine appropriate mitigation targets for the project and will continue to coordinate with BCDC as the project defines its final mitigation strategy.

Caltrans has identified Alternative 3B as the preferred alternative for the project. BCDC makes mention of Burdell Ranch as a potential mitigation target for purchase of credits. This bank was considered as a potential mechanism to mitigate for wetland impacts for Alternative 2 only and is not a viable pathway to provide compensation to offset permanent impacts associated with the identified preferred alternative. Caltrans will coordinate with all state and federal agencies requiring compensatory mitigation as part of the project's permitting phase. Caltrans will coordinate with BCDC on review of the monitoring and mitigation plan during the application process.

A-6-3.

Caltrans is aware that the McAteer Petris Act authorizes BCDC to deny a permit application for projects which require a BCDC permit for development in the 100-foot shoreline band that do not provide maximum feasible access consistent with the proposed project. The project team has already initiated coordination with BCDC staff on this subject prior to circulation of the draft environmental document through meetings, discussions, public scoping meetings, and letters that included the San Francisco Bay Trail staff. Caltrans will continue to work with BCDC to determine an

appropriate proposal to meet BCDC's public access mandate for the project prior to and through the project's submittal of a permit application to BCDC. Public access will be determined in the final design stage of the project.

Regarding bicycles, Caltrans has identified Alternative 3B as the preferred alternative. This alternative maintains existing access for cyclists along the SR 37 corridor.

Regarding public access and Bay Trail gap closures. These are potential public access components that the project is considering in coordination with BCDC and Bay Trail staff to meet BCDC's public access mandate during the permitting phase of the project.

Regarding the lengthening of Tolay Creek Bridge, please see the response to comment number A-3-3. The identified preferred alternative would widen Tolay Creek Bridge to accommodate cyclists across the bridge. Efforts to replace Tolay Creek Bridge would be considered in a separate future analysis.

Regarding outreach, the project has provided many opportunities for stakeholder input as discussed in Chapter 4 of the Environmental Document. Caltrans reviews and presents the project as a whole and the public access component is a requirement specific to BCDC's permitting process that will be developed and evaluated in the project's final design and permitting phase. Caltrans does not anticipate that a public access proposal for the project would substantially change the use or character of the SR 37 corridor.

Regarding tolling, HOV lanes will be converted in the existing lane in each direction and will not be subject to tolls. Tolling is only being proposed on the new general purpose lane in each direction, and tolling will be applied in either one or both directions. This statement is revised in Section 1.4.1.3 of the Final EIR/EA. Sections 2.2.9 and 3.3.17 of the Final EIR/EA also includes the statement that a discounted means-based (income based) toll is proposed for the proposed general purpose lane in each direction that will be tolled. The proposed discounted means based tolling approach would address the potential barrier issue noted by BCDC in this comment.

A-6-4.

The review of Environmental Justice followed the criteria and procedures that Caltrans has adopted for Community Impact Assessments of transportation projects on the State Highway System.

The BCDC Community Vulnerability map viewer noted in this comment was reviewed (https://bcdc.maps.arcgis.com/apps/webappviewer/index.html?id=526ca82e85eb403489de768498f605f30). Within the project limits, the community vulnerability is mapped as low social vulnerability except between Tolay and Sonoma Creeks, which is mapped as moderate social vulnerability. These areas along the route are not populated with

housing or businesses. To the east of the project limits and east of Napa River, the communities are mapped moderate to high social vulnerability. This information is consistent with the description of the community populations in the EIR/EA.

The open road tolling rates have not been established at this phase of project development, but the toll rates would likely be similar to Bay Area bridges. The means based discount has also not been defined, but is intended to qualify vehicles a discount applied through the electronic tolling system. Tolling is only being proposed on the new general purpose lane, in either one or both directions. The existing general purpose lanes will be converted to HOV lanes, which would not be tolled. This statement has been revised in Section 1.4.1.3.

Outreach activities have included stakeholder groups and individuals who engaged in the corridor planning activities conducted through 2019, leading up to initiation of the environmental review process. During environmental review a scoping meeting was held and a public comment meeting during review of the Draft EIR/EA. Mailings and notifications included an extensive outreach area as described in the Draft EIR/EA, Chapter 4.

A-6-5.

This comment is related to public access. Please refer to Comment Response A-6-3 above.

A-6-6.

This comment asks Caltrans to clarify several potential impacts to adjacent habitats.

BCDC Comment 1 is related to light impacts, please refer to Comment Response A-5-8 and avoidance and minimization measure. VIS-01 Limit Light Pollution in Section 2.2.12.4.

In response to BCDC Comment 2, Measure BIO-04 *Estuarine Dewatering Work Window* states, “In-water work requiring dewatering in tidal waters will be scheduled to occur between June 1 and November 30. Other work below MHHW (excluding impact pile driving) may be done year-round.” The intent of this measure is to restrict work within de-watered areas to the proposed work window. In- or over-water work that does not require de-watering (i.e., work from temporary construction access structures, boats, barges, and vibratory pile driving) are not restricted to this work window. In-water impact pile driving measures and restrictions are summarized in Measures BIO-36; BIO-37; and BIO-38 in Section 2.4.5.14 of the Final EIR/EA. In-water impact pile driving is not anticipated to occur at Sonoma Creek Bridge.

In response to BCDC Comment 3, Alternative 3B has been refined to eliminate the construction of temporary and permanent structures in Sonoma Creek. The refinement is described in Section 1.4.3.1 of the Final EIR/EA. For widening of Tolay Creek Bridge, vibratory pile driving, impact pile driving, or cast-in-drilled-hole pile installation methods may be used to install piles for support of the enlarged bridge abutments, as discussed in Section 2.4.5.12. Pile installation methods at Tolay Creek Bridge and associated impacts will be estimated during the project's final design and permitting phase. All pile driving for the project would be implemented within the measures proposed in Section 2.4.5.13 (as described in measures BIO-36; BIO-37; and BIO-38) to avoid and minimize potential in-water impacts to marine wildlife potentially present in during pile driving activities.

In response to BCDC Comment 4, shading impacts were considered for the entire project area for each build alternative, this includes potential permanent shading impacts at both Sonoma Creek and Tolay Creek. Shading impacts from bridge widening at Tolay Creek Bridge would not result in the loss of any existing wetlands or waters, but could result in a relatively small area of habitat conversion from pickleweed coverage to mudflat coverage directly under widened areas of the bridge. Though these impacts at Tolay Creek were not explicitly discussed in the draft environmental document, like they were at Sonoma Creek Bridge, they were considered in the project's overall analysis and Section 2.4 has been updated under appropriate resource subsections to provide some discussion on shade impacts at Tolay Creek Bridge.

In response to BCDC Comment 5, no listed marine mammals under the federal Endangered Species Act, regulated by USFWS, are anticipated to occur in the project area. Marine mammals protected under the Marine Mammal Protection Act, as regulated by NOAA Fisheries Office of Protected Resources, with potential to occur in the San Pablo Bay include California sea lion, Northern elephant seal, and Pacific harbor seal. These species have potential to occur in Sonoma Creek. None of these species are anticipated to occur in Tolay Creek or the Tolay Creek Lagoon because the extremely shallow water depths make these locations unsuitable for these marine mammals. Thus, only Alternative 3B with proposed pile driving in Sonoma Creek considered potential impacts to marine mammals. Alternative 3B has been modified to remove construction of temporary and permanent in-water structures that would have required in-water pile driving. Impacts considered for that action on marine mammals are no longer part of the project. Therefore, impacts to marine mammals for the preferred alternative, including at Tolay Creek, are not anticipated and an Incidental Harassment Authorization for in-water work is not expected to be required for the project at this time. Should any project changes occur that could require Caltrans to obtain an Incidental Harassment Authorization, Caltrans will coordinate directly with

NOAA Office of Protected Resources and obtain any necessary authorizations necessary for the project.

Regarding the project's consistency with BCDC's Bay Plan Policies, the proposed project has provided all appropriate analysis for state and federal special status species and their habitat that could be impacted in the project area under Section 2.4. Caltrans expects BCDC to review the project for consistency with Bay Plan policies as part of the BCDC permit process.

A-6-7.

This comment is regarding impacts to tidal wetlands. Caltrans recognizes the surrounding sensitive environments and has proposed specific measures to avoid, minimize, and mitigate for potential impacts to adjacent water resources, as discussed in Section 2.4.2 of the Final EIR/EA. Alternative 3B (preferred alternative) has been refined to eliminate the need for work in Sonoma Creek during widening; thus, reducing impacts to waterways (see Section 1.4.3.1 of the Final EIR/EA). Section 2.4.2.4 of the Final EIR/EA discusses wetlands only practicable alternative finding.

As noted in Comment Response A-6-1, delineation of BCDC's jurisdictions will be completed in coordination with BCDC staff during the project's permitting stage and appropriate impact analysis and quantification will be provided to BCDC as part of the project's permit application. Caltrans looks forward to working with BCDC during the permitting process to appropriately detail jurisdictions and potential impacts.

Regarding the Tolay Creek Bridge lengthening, please refer to Comment Response A-3-3.

A-6-8.

This question is related to measures that would be implemented during construction activities to prevent runoff impacts to adjacent tidal marshes. As described in the Final EIR/EA in Table 1-4 Other Project Features, PF-WQ-01 would be implemented to prevent soil run-off, including:

Coir rolls or straw wattles will be installed along or at the base of slopes during construction to capture sediment.

Graded areas will be protected from erosion using a combination of silt fences, fiber rolls, and erosion control netting (jute or coir), as appropriate.

Additionally, Caltrans will coordinate directly with RWQCB staff during the final design and permitting process to obtain a Clean Water Act Section 401 Water Quality Certification and any Waste Discharge Requirements the RWQCB elects to issue in its Board Order. Caltrans' contractor during construction will prepare a stormwater pollution

prevention plan in accordance with the requirements of the State Water Board's Construction General Permit during construction to address stormwater impacts during work.

A-6-9.

This interim project is expected to be completed by 2025 and deigned for a traffic future forecast year of 2045. It would be replaced by an ultimate project that would address long-term issues along this corridor (including sea level rise resilience). The goal of this project is to address the immediate need of traffic relief while concurrently developing an ultimate project, which would be designed to be resilient to longer projections of sea level rise. Sea level rise has been studied and modeled in the Final EIR/EA in Section 3.4.5.3. Figures 3-9 through 3-12 illustrate the potential flood or inundation impacts on SR 37 from sea level rise and storm events.

Project design elements that would make it more resilient to sea level rise include small-scale raising of the road elevation; adding sheet pile walls along the edge of shoulders; and installing corrosion resistant utility line materials. The sheet piles are metal plates that are pushed or driven vertically down into the existing roadway levee and outside the edge of the road shoulders. To raise the roadway, the top portion of the sheet pile can be left above the existing surface, allowing it to be filled and marginally raise the roadway at its lowest elevation points. From the roadway, the top edge of the sheet pile, after fill is placed, would be approximately flush with the shoulder and would not appear visible and would not be an obstruction. From a viewpoint away from the roadway, the top portion of the sheet pile would be slightly exposed. A cross section of this raised profile is shown as a schematic in Figure 1-4. Views from the highway, from a motorist looking towards the Bay, would not be impaired because the sheet pile edge is not visible from the vehicle looking toward the Bay. The height of any raising of the roadway profile to address sea level rise resilience would be defined during final design, and would be subject to review by BCDC during the permitting phase of the project.

Traffic noise heard by bicyclists would not change associated with the sheet pile. There are no proposed walls or exposed sheet pile that would reflect or reverberate noise, including bicyclists using the SR 37 shoulder.

The comment on Shoreline Protection noted by BCDC includes the following provisions:

Properly engineered to provide erosion control and flood protection for the life of the project based on a 100-year flood event that takes into account SLR. The SLR estimates were used to identify the various inundation scenarios reported in the EIR/EA. The proposed minor raising of the roadbed is designed to enhance the adaptation of SR 37 over the next 20 years or more.

Community outreach and engagement should be conducted prior to Commission action. Community notification and public meetings were held for scoping and review of the EIR/EA, as documented in this report. The project has also been a subject of stakeholder outreach prior to the current the design process, and will have continued outreach events in the future.

A-6-10.

This comment is regarding the potential of an accidental spill from trucks related to changes in transportation patterns. Truck transportation patterns are not expected to change as a result of the project since HOV lanes would not be available to trucks, regardless of how many passengers there are. Therefore trucks would continue to use the existing non-HOV lane similar to existing conditions. The project would not create hazards that would result in an increased potential for hazardous spills. Fuel spills resulting from an accident or other upset condition would result in an emergency response, this is the same as done on any highway or roadway including the existing SR 37 highway. This emergency response would include, but not be limited to, CHP response and traffic control or temporary roadway closure, and Caltrans' containment and cleanup of a spill.

Regarding BCDC's comment on safety of fills, Caltrans is dedicated to roadway safety and the final designs for project will meet all applicable state and federal engineering standards and requirements. These engineering standards for final plans will meet BCDC's policies on safety of fills.

A-6-11.

BCDC notes that the project will be subject to Bay Plan policies, such as those related to shoreline protection, beyond the transportation policies assessed in the environmental document. Caltrans understands that the project will be coordinating with BCDC staff who are responsible for reviewing all project permit applications for consistency with BCDC laws and policies as part of the anticipated BCDC permit application process, and that BCDC staff will consider all appropriate Bay Plan policy findings in any permit issued to Caltrans for the project.

A-6-12.

This comment deals with impacts on public access, aesthetics, traffic, and air quality.

Public access will be included as part of the project and determined in the design phase. Caltrans and the project team has already initiated coordination with Bay Trail and BCDC staff to identify appropriate public access opportunities in the project area that can either be included as part of the final project's design, or can be funded in-lieu of being incorporated directly into the project. As discussed in Section 2.2.4.3,

Alternative 3B would require partial access restriction of a parking lot during construction. The parking lot provides access to recreational activities. Because portions of the parking lot would remain open during construction, recreational activities would not be impacted. None of the other Build Alternatives would impact recreational facilities during construction.

Regarding views of the Bay, see response below to Comment Number A-6-13.

Construction impacts would result in short-term and temporary impacts to air quality, noise and transportation and traffic impacts. Air quality impacts are discussed in Section 2.3.6; Noise impacts are discussed in Section 2.3.7 and Traffic and Transportation impacts are discussed in Section 2.2.11.

A-6-13.

Caltrans notes BCDC policies and recommendations on designing the project to maintain views of the Bay. Caltrans has made an effort to minimize visual impacts as much as feasible. In the Draft EIR/EA it was previously discussed that the current 36-inch median barriers would be raise to 42 inches. However, after further review Caltrans has determined that a concrete barrier type 60MS can be implemented instead, which would maintain the 36-inch height of the median barrier. This update is made in the Final EIR/EA in sections 2.2.12 and 3.3.1.

As discussed in Section 2.2.12, a Type 85 barrier or Midwest Guardrail on the outside of the highway (on the edge of shoulder) are being considered, which would be designed to be partially transparent and would allow partial views of the Bay. Locations and type of barrier railing will be determined during the final design phase. The proposed median barrier to replace the old barrier will be a Type 60MS, which has the same height as the existing barrier at 36 inches. Although the proposed gantry would be visible, it is not expected that any views of the bay would be blocked from it (see visual simulations in Final EIR/EA in Section 2.2.12.3). Furthermore, VIS-01 would be implemented to limit light pollution from the proposed lighting on new ramps, at intersections, tolling gantries, and CHP enforcement areas, as described in Section 2.2.12.4 of the Final EIR/EA.

A-6-14.

Caltrans has noted BCDC preference for Alternative 1 modified to provide safe bicycle and pedestrian access along the highway. Caltrans carefully weighed the benefits and drawbacks of each of the build project alternatives. Alternatives 1, 2, and 3A did not work for various reasons, which are described in Section 1.4.3.1 in the Final EIR/EA, Identification of the preferred alternative. Alternative 3B was chosen as the preferred alternative because it best met the purpose and need of the project for relieving traffic congestion and was the safest alternative. Alternative 3B has been refined to eliminate the need for work in Sonoma Creek during widening. See Section 1.4.3.1 for details.

Additionally, Alternative 3B would maintain access for bicyclists along the shoulder. Public shoreline access will be included as part of the project and determined in the final design stage of the project.

The project development team met with BCDC among other stakeholder groups on July 26, 2022, and BCDC noted their understanding of the limitations and concerns of Alternative 1.

Comment Letter A-7: U.S. Environmental Protection Agency, Region IX, Connell Dunning.

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

February 28, 2022

Yolanda Rivas
Caltrans District 4
P.O. Box 23660, MS: 8B
Oakland, Calfornia 94623-0660

Subject: Environmental Assessment/Draft Environmental Impact Report for the State Route 37 Sears Point to Mare Island Improvement Project

Dear Ms. Rivas:

Thank you for the opportunity to review the Environmental Assessment/Draft Environmental Impact Report for the proposed State Route 37 Sears Point to Mare Island Improvement Project. Our review was completed pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), Section 309 of the Clean Air Act, and Section 404 of the Clean Water Act.

The EPA has coordinated with Caltrans on planning for improvements to the State Route 37 corridor from US 101 to I-80 through participation in the Planning and Environmental Linkages study for the corridor. We encourage Caltrans to continue to integrate the planning and design for this project with the PEL study. The EPA supports the inclusion of HOV lanes and other efforts to address congestion through increasing vehicle occupancy in this project. We offer the following recommendations to avoid and minimize impacts through both the remainder of this environmental review process and continuing planning for the overall corridor.

A-7-1

State Route 37 Coordination

The State Route 37 Sears Point to Mare Island Improvement Project is proposed on a portion of the corridor where Caltrans will ultimately implement future improvements to address flooding, other climate change impacts, and surrounding habitat improvements. The EPA is participating in Caltrans' Planning and Environmental Linkages study for the State Route 37 Corridor from US-101 to I-80.

Recommendations:

- The EPA encourages Caltrans to continue to coordinate the interim improvements proposed in this project with the planning and analysis performed in the PEL study. In particular, we encourage Caltrans to minimize the addition of infrastructure, and resulting disturbance/impacts to aquatic and other resources, that may ultimately have to be removed in the future as part of an ultimate solution for the corridor.
- We encourage continued coordination with stakeholders, including those participating in the PEL study and any other interested parties, as this project is implemented.

Existing and Future Congestion and Transportation Demand
The analysis of existing and future congestion and transportation demand included in the EA is based on traffic observations performed in 2019, prior to the COVID-19 pandemic and resulting changes in commute patterns and travel behavior.

A-7-2

Recommendation:

- The determination of whether the proposed alternatives fulfill the project's purpose and need for NEPA and the Clean Water Act Section 404 process should consider current and future conditions in the corridor. The EPA recommends that Caltrans confirm whether the analysis considered changes in commute and traffic patterns that began in 2020 and whether potential changes impact the purpose and need for the project, and the design and timing of proposed project improvements.

Clean Water Act Section 404
Based on the information included in the EA, the project will require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers. If an individual permit is required, Caltrans will submit a CWA Section 404 application, including a 404(b)(1) Alternatives Analysis before a permit decision could be made. 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. 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.

A-7-3

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)). The alternatives identified in the EA include a range of impacts to aquatic resources and it is critical that Caltrans coordinate with the EPA and the Corps prior to determining which alternative to advance to ensure that the Preferred Alternative is the LEDPA. If an alternative with greater impacts to jurisdictional waters than other alternatives presented in the EA is proposed as the LEDPA, Caltrans must justify that this alternative is the LEDPA, considering other resource areas.

Recommendations:

- The EPA encourages Caltrans to select an alternative that minimizes impacts to aquatic resources and minimizes the proposed increase in impervious surface. We recommend that Caltrans host a resource agency meeting, including the EPA and the Corps, once the delineation of jurisdictional waters has been prepared.
- We note that Caltrans proposes to compensate for permanent losses to wetlands and waters for the selected alternative at a 3:1 restoration/enhancement to impact ratio through a project specific compensation plan. We encourage Caltrans to continue to coordinate with the EPA, the Corps, and other resource agencies in determining mitigation options for impacts to aquatic resources.

Climate Change

A-7-4

The EA discusses that this project will be designed to address some of the current impacts of climate change on the existing right of way. It states that although the primary goal of the project is to relieve traffic congestion, future impacts on the project related to sea level rise have been considered and the project includes several design features that would make it more resilient to flooding from sea level rise.

It states that upon completion in 2025, the project would be protected from frequent tidal inundation by the existing levees and elevated roadway, but that due to the elevation of the shoreline compared to extreme tides, it may still be exposed to temporary flooding during storm conditions or in the event of a levee breach at Tubbs Island.

A-7-4 Cont.

Recommendations:

- The EPA recommends that Caltrans implement additional design features, as discussed in the EA and others that may be recommended by other agencies and stakeholders, that would make the project more resilient to flooding from sea level rise in the interim period before ultimate improvements to fully address flooding can be implemented.
- We encourage Caltrans to continue to consult the most recent data and projections on sea level rise and other potential climate change impacts when designing this project and its associated mitigation measures, as well as the ultimate project that is being envisioned in the PEL study.

We appreciate the opportunity to review the EA/DEIR. When the final environmental document is available, please provide an electronic copy to Carolyn Mulvihill, the lead reviewer for this project. Ms. Mulvihill can be reached by phone at 415-947-3554 or by email at mulvihill.carolyn@epa.gov.

Sincerely,

CONNELL DUNNING Digitally signed by CONNELL DUNNING Date: 2022.02.28 13:15:27 -08'00'

for Jean Prijatel
Manager, Environmental Review Branch

cc via email:
Tammy Massengale, Caltrans
Brenda Powell-Jones, Caltrans
Katerina Galacatos, U.S. Army Corps of Engineers

Response to Comment Letter A-7: U.S. Environmental Protection Agency

A-7-1.

Caltrans has noted the EPA's recommendations for minimizing impacts to adjacent aquatic resources. Caltrans analyzed four different build alternatives.

Although three of the alternatives considered had lower impacts to aquatic and wetland resources (Alternatives 1, 2, and 3A), these alternatives were not carried forward for various reasons explained in Section 1.4.3.2 of the Final EIR/EA. These reasons included that these alternatives did not best meet the project's purpose and need (Alternatives 1 and 2); were not practicable with respect to long-term operational requirements (Alternative 1); did not provide adequate or maximize safety for disabled vehicles, CHP officers, and bicyclists (Alternatives 2 and 3A), and other factors described in Section 1.4.3.1, Identification of the Preferred Alternative.

Alternative 3B was chosen as the preferred alternative because it best met the purpose and need of the project of relieving traffic congestion and was the safest alternative. Alternative 3B has higher impacts to aquatic resources, and measures to minimize and mitigate these impacts were carefully considered during the review and identification of the preferred Alternative 3B. Alternative 3B was refined to minimize impacts at the Sonoma Creek Bridge, by eliminating the need for additional supporting piles while still widening the bridge by 4 feet to allow continued bicycle access and a minimal roadway shoulder.

A preliminary jurisdictional wetlands map has been prepared, and Caltrans will consult with EPA and the U.S. Army Corps of Engineers, and continue to consult with the state and federal agencies that have been involved in the project to date as the project moves into future phases of the project development process.

Please refer to the responses to Comments A-3-5 and A-5-2 regarding mitigation ratios and mitigation plans.

A-7-2.

The traffic operations analysis uses traffic counts, conducted in 2019, to calibrate the traffic model. This comment notes that these counts were pre-pandemic, and that traffic volumes may have reduced since that time. A reduction in traffic in the first year did occur across the Bay Area. However, traffic volumes have since increased and congestion along SR 37 has returned to pre-pandemic levels of service, but the peak periods have reduced slightly in duration. SR 37 is a route used not just by commuters between home and jobs, but is also used by commercial traffic. Review of the traffic modeling results also shows that trips are relatively regional, at approximately 40 or more miles average in distance. Travel demand remains high along SR 37, and it is

expected that it will continue to be a route of regional importance because of the relatively few number of optional routes (such as the Richmond-San Rafael Bridge connecting with US 101 and I-580, or routes to the north of SR 37 through Solano, Sonoma, Napa, and Marin Counties). Most alternative routes result in longer trip distances, and more vehicle miles traveled (VMT). The traffic analysis used relatively near term (2025) and horizon (2045) study years to capture travel conditions and demand over the long term. Although events such as the pandemic or economic retraction may occur, these events may not be representative of long-term conditions. Hence, the transportation planning process used by Caltrans is based on traffic projections that are linked to existing and future land use as identified in local and regional land use plans.

A-7-3.

Caltrans notes the EPA's recommendation to choose the alternative with the least amount of impacts to aquatic resources. The Final EIR/EA in Section 2.4.2.4 discusses the elimination process of alternatives and practicable measures to minimize impacts to wetlands. The Caltrans Project Development Team considered the benefits and disadvantages of each of the four project alternatives. As discussed in Section 1.4.3.1 and 1.4.3.2 of the Final EIR/EA in the discussion of the selection of the preferred alternative, Alternatives 1, 2, and 3A were determined to not be practicable and did not best achieve the project's purpose of addressing recurring traffic congestion along SR 37. Alternative 3B best met the project's purpose and need and also offered the highest safety (maintains the 8-foot outside shoulders along most of the route, with the exception of 4-foot-wide outside shoulders at the Sonoma Creek bridge), and it was selected as the preferred alternative.

The project team has included measures to avoid and minimize impacts to wetlands and waters in and adjacent to the project, including BIO-07: Wetlands and Other Waters Compensation discussed in Section 2.4.2.5 of the Final EIR/EA. Also, please refer to Comment Response A-3-1. Caltrans will obtain all the required permits before the implementation of the project. The project team will continue to coordinate the EPA, U.S. Army Corps of Engineers, and other resource agencies regarding mitigation of wetlands and other waters.

A-7-4.

This comment is related to implementing additional design features as part of this project to address flooding and sea-level rise. As noted in the Final EIR/EA in Section 3.4.5, Adaptation, this project does include design measures that will make the project more resilient to flooding and sea level rise. These identified measures include raising two low-lying segments that are subject to flooding in the near term and installing sheet pile walls to stabilize the roadbed from further settlement. The measures are

proposed to address specific areas in the corridor that are subject to the greatest sea level rise risks, and to extend the usability of the highway at its current alignment. These measures would allow for the project to meet its purpose and need of providing congestion relief in the near term, and allow time for further identification, evaluation, and refinement of long-term solutions that can be funded and implemented to address sea level rise risks at points further into the future. The evaluation of long-term resilience of SR 37 to sea level rise would require the majority of SR 37 to be raised, possibly via a series of elevated structures and fill, and/or through realignment of the highway. This larger corridor solution is being evaluated by Caltrans in consultation with other agencies through the PEL study, as noted in this comment.

The potential impacts to SR 37 with “extreme” flooding or sea level rise are addressed in the Final EIR/EA, in Section 3.4.5, Adaptation. Various scenarios of SLR increases were evaluated based on the likelihood of the event and the event’s associated SLR increase (see EIR/EA Table 3-7 and associated discussion). These various scenarios are translated into increases in feet of SLR. An extreme event, labeled as an “H++” scenario represents an unknown probability, but high consequence scenario. The SLR increase for an H++ scenario was reported in this section at an estimated 1-foot increase in 2030 ranging up to 10.2 feet in 2100. Lower consequence but higher probability is reported in the range of 0.5 foot of increase in 2030 ranging up to 4.4 feet in 2100. The proposed project has a travel forecast year of 2045. The range of SLR increase for 2040 to 2050 was predicted in Table 3-7 as ranging from a 0.8- to 1.1- foot increase for a 66 percent likelihood, and a 1.8- to 2.7-foot increase for an H++ scenario. Other increases between these low and high scenarios are listed in Table 3-7. The consequences of inundation during these increased water elevation events are illustrated in the Final EIR/EA in Figures 3-9 through 3-15.

The PEL study and planning for this corridor will continue to use the best available updated climate change data. The Final EIR/EA includes various projected scenarios for increased sea level rise, including sea level rise combined with high tide events to identify the portions of the corridor with the highest vulnerability. These will continue to be updated as needed in consultation with the agencies as corridor and project planning proceed.

Comment Letter A-8: City of Vallejo.

Comment Tracking Matrix

Report Title: *State Route 37 Sears Point to Mare Island Improvement Project*

Draft EIR/EA : Consolidated Comments from the City of Vallejo

Comments Due By: *28-Feb-22*

	Comment Number	Commenter	Chap. & Section	Page Number	Comment Description
A-8-1	1	mh	Summary	S-2	Document should further explain how this project will determine the configuration of the SR37/SR121 intersection/interchange. Provide additional information about how the SR37/SR121 interchange will not become or remain the next bottleneck.
A-8-2	2	mh	Summary	S-5	Your statement that the build alternatives would not "Encourage more people to move to the surrounding areas." seems unsubstantiated. Adding capacity to relieve congestion in the corridor likely reinforces the trend of constrained development in counties to the west with continued demand for workers who will live in further development in Solano County.
A-8-3	3	mh	Summary	S-6	Why aren't increasing volumes of vehicles and associated pollution considered an environmental justice impact for the communities living next to SR37?
A-8-4	4	mh	Summary	S-14	Why is fuel consumption projected to decrease for alternatives 3a and 3b despite them raising VMT?
A-8-5	5	mh	Summary	S-23	The climate change analysis should consider latent demand and a longer horizon where growth will eventually lead to demand exceeding the new capacity.
A-8-6	6	mh	Ch. 1	1-2	Please list where the analysis of the three eastbound HOV lane scenarios is located in the document. The document isn't clear about the pros/cons and impacts of these scenarios. The document isn't clear about how and why the SR37/SR121 intersection improvements are a separate project and why a full interchange there isn't being considered.
A-8-7	7	mh	Ch. 1	1-5	The top paragraph should provide information about the current vehicle occupancy within the corridor and indicate whether HOV2+ or HOV3+ are going to be proposed. Be clear about whether the discounted means-based toll would apply to the HOV lane, general purpose lane or both.
A-8-8	8	mh	Ch. 1	1-7	Table 1-1 lists the Reconstruct Intersection of SR37 and SR121 as a project to be delivered in/by 2024. As this document and project have options that extend through that intersection, details about that project and impact analysis should be provided in this document and clearly indicate how the projects are coordinated and decisions about that intersection will be made. That intersection should be elimineted and turned into a full interchenge including grede separation of the rail line.
A-8-9	9	mh	Ch. 1	1-8	The language in section 1.2.2.1 has some contradictions. You list the maximum westbound delay as 50 minutes, but then list the maximum travel time at the bottom of the page as 50 minutes. You indicate that 'existing roadway conditions' affect the operations of the highway, but you don't elaborate on what those conditions are and whether they could be addressed independently of highway widening and if addressed what that would do for existing carrying capacity.
A-8-10	10	mh	Ch. 1	1-9	Why is minimum travel time different between the directions? What speed is associated with this minimum travel time? Table 1-2 seems to indicate that minimum travel time can be as low as 21 minutes in both directions and this should be identified and the free flow conditions associated with it defined. The document lists that this highway doesn't carry as many vehicles as other conventional highways, please provide a reason for that reduced capacity analysis. Is this due to slow moving trucks?
A-8-11	11	mh	Ch. 1	1-11	Section 1.2.2.2 should provide information about how means based tolling could be allowed.
A-8-12	12	mh	Ch. 1	1-12	The Independent Utility section indicates that the project would provide time savings benefits to HOV drivers. Wouldn't it provide time savings for SOVs too?
A-8-13	13	mh	Ch. 1	1-19	The bottom paragraph indicates that the Sonoma Creek Bridge is the sole impediment to this alternative accomodating cyclists. If that's the case, then this alternative should be modified to include a widening of the bridge. If the alternative remains unchanged, be clear in the document that cyclists will be allowed to use the shoulders in the rest of the corridor for access to all other local destinations.
A-8-14	14	mh	Ch. 1	1-21	Statement at the top about accomodating bicycles shouldn't be caveated by mentioning the Sonoma Creek Bridge. Be definitive and indicate that this alternative will allow for cyclists and pedestrians to use the shoulders for the entire segment. Section 1.4.2.6 - For alternative 1, why are you choosing to close the HOV lane during non-peak hours? That choice skews the analysis between that alternative and alternatives 3a and 3b for no stated good reason. For the Tolling Section - please be clear whether the State is considering operating the HOV lane as a HOT lane and whether SOVs willing to pay will be allowed and/or whether alternative fuel, such as EVs, SOVs will be allowed.
A-8-15	15	mh	Ch. 1	1-24	HOV Lane Transition - in a merge situation, why mention vehicles 'entering' the right lane. The right lane is being dropped, so people need to exit that lane. Slope Protection and Reinforcement section - are the existing recurring deformations affecting SR37 from maximizing it's carrying capacity? If so, thet should be stated in this document and quantified as fixing those issues along with other operating solutions may be more cost-effective as a modified 'no-build' alternative.
A-8-16	16	mh	Ch. 1	1-25	Local Road intersections - this project should prioritize the throughput of the highway which carries the vast majority of the users. Local access should still be accomodated, but right in, right out should be the norm. Signalizing Noble Road appears to benefit the few to the detriment of the many.
A-8-17	17	mh	Ch. 1	1-28	Section 1.4.2.7 - document states that TSM measures alone cannot satisfy the purpose and need of the project, but that statement isn't substantiated. This seems like the part of the document to discuss possible truck restrictions and how those could improve operations and what the negative implications could be. Any intention to use cameras for enforcement of the HOV lane? If not, why not?
A-8-18	18	mh	Ch. 1	1-30	How do you intend to close the added HOV and why would you do that during non-peak hours?
A-8-19	19	mh	Ch. 1	1-33	The premise of Alternative 2, that it's ok to convert shoulders to travel lanes for certain parts of the day, seems flawed as it would need to be based upon operating values changing throughout the day (i.e. that safety is most important during non-peak hours, but congestion relief is most important during peak hours). Either shoulders are needed and required or they aren't. Section 1.4.3.4 - you appear to have contradictory statements in this paragraph indicating that the HOV lane would be 'open to all' during non-peak time and other statements that the new through lane is 'designated for HOV use' and available to 'qualified vehicles at all times'. Be clear about whether the HOV lane will be peak period only or at all times. Make sure your VMT analysis corresponds to your commitment on this.

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	Comment Number	Commenter	Chap. & Section	Page Number	Comment Description
A-8-20	20	mh	Ch. 1	1-34	This document should indicate why a 4' outside shoulder would be acceptable. Unclear what the benefit of a 4' shoulder is. The language ties approval of the 4' shoulders to a design exception, so do you have this exception approved because otherwise this isn't a viable alternative. This page again seems to indicate that the HOV lanes will convert to general purpose lanes during non-peak times. The bike language again points to the Sonoma Creek Bridge and if that is the only impediment to cycling with this alternative, then include bridge widening in the alternative. If there are other impediments to cycling for this
A-8-21	21	mh	Ch. 1	1-36	Alternatives Considered - There should be an alternative that maximizes throughput of the existing facility which would address fixing any physical items which are slowing down traffic, managing trucks, ramp-metering, tolls, etc. and include information about how many trips would need to be reduced to make the existing roadway function. How many peak period trips can the current facility handle considering the car/truck mix of traffic? If less than the theoretical capacity, why is it less and can those specific issues be addressed to increase capacity of the current facility? If not, why not? What tolling would be necessary in
A-8-22	22	mh	Ch. 2	2-6	Plans for SR37 access improvement to Mare Island addressing the LOS issues at the on-ramps and off-ramps and associated intersections should be listed and discussed here. All impacts of the proposed changes should be analyzed.
A-8-23	23	mh	Ch. 2	2-11	The language here for Alt. 3B indicates the HOV lanes would be 'full-time'. Be consistent about whether the HOV lanes become general purpose or not.
A-8-24	24	mh	Ch. 2	2-14	What does the CA State Bicycle and Pedestrian Plan (are bike lanes included on 37 in the Solano County Bike/Ped Plan? Is that mentioned in the EIR?)say about bike and ped access in the SR37 corridor. That should be listed here. Would the project proponents support a parallel bike/ped facility where providing bike/ped acces along the highway is considered infeasable?
A-8-25	25	mh	Ch. 2	2-15	Same comment about the County bike plans - what do they say about SR37 and bike access?
A-8-26	26	mh	Ch. 2	2-20	Listing all alternatives as partially consistent doesn't express the difference in impacts between alternatives, please analyze impacts overall for each alternative. Hard to see how 3B is partially consistent and is clearly the least consistent.
A-8-27	27	mh	Ch. 2	2-23	Hard to see that alts. 2 and 3A are partially consistent when they don't provide bicycle access along the corridor.
A-8-28	28	mh	Ch. 2	2-25	2.2.3.4 - project should commit to adding Bay Trail as part of final project.
A-8-29	29	mh	Ch. 2	2-27	2.2.4.4 - project should commit to mitigating impacts to public access by adding/improving public access to open spaces within nearby populated areas.
A-8-30	30	mh	Ch. 2	2-30	Top paragraph lists projected traffic travel times for 2022. It's now 2022 and these are no longer projections. Need to measure and update this.
A-8-31	31	mh	Ch. 2	2-31	Top paragraph's last line states the build alternatives would 'help alleviate traffic' and 'would not eliminate the traffic congestion completely'. So current traffic demand exceeds the carrying capacity of a 4 lane facility at certain times of the day, correct?
A-8-32	32	mh	Ch. 2	2-31	2.2.6.3 Build Alternative first paragraph - you make the statement 'Thus, no direct effect on the existing and planned uses would result from project implementation.' Why not? What is the nexus between the analysis/data in order to draw this conclusion. The 2nd paragraph includes the statement, "additional traffic lanes would be restricted to HOV use during peak travel periods",
A-8-33	33	mh	Ch. 2	2-41	The document would benefit from mapping the tracts listed in section 2.2.9.2 and in table 2-9 on the next page.
A-8-34	34	mh	Ch. 2	2-49	1st full paragraph projects that HOV use would rise from 21 percent of all vehicles to 25%. Why such a small percentage increase considering that these people will now all have a time savings advantage? This same paragraph goes on to indicate that 1,500 vph will remain in the general purpose lane, but that is below the hypothetical capacity of that lane (1,650 vph). Elsewhere in the document you indicate that the current general purpose lane is only carrying 1,100 or so vph, so seems like the comparison to a hypothetical capacity isn't particularly informative when we know this segment doesn't operate near that theoretical capacity and there's no information in this document to pointing to why it operates under capacity and what will be done to improve conditions so that it can operate closer to the theoretical capacity
A-8-35	35	mh	Ch. 2	2-49	Several statements on this page about the HOV lanes only operating during peak periods. Be consistent. Middle of the page, there is a statement, "The MTC model's projected VMT increase due to the proposed HOV lane demonstrated that the model is more sensitive and conversative (higher VMT) in estimating potential induced travel than the NCST Calculator." on the previous page, the NCST calculator estimated induced VMT at 40.1M and the MTC model projected induced VMT of 17.8M. Is your statement inaccurate?
A-8-36	36	mh	Ch. 2	2-50	Truck Volumes - There is insufficient information and analysis of trucks on the corridor to evaluate the impact to the flow of the general public. Document needs more analysis of truck speeds and impact on the free flow of traffic.
A-8-37	37	mh	Ch. 2	2-51	Top paragraph refers people to the Appendix H for the Intersection analysis and then indicates that a project decision was made to signalize the intersection of SR37/Noble. The intersection analysis in appendix H indicates that the level of service at the SR37/Walnut intersections is worse than Noble in the AM Peak period, but the project isn't commiting to signalize those intersections. What level of impact is necessary to trigger signalization. The walnut intersection signalization wouldn't impact mainline. What is the impact to mainline traffic to facilitate movements out of Noble? Why can't right turn only out of Noble work?
A-8-38	38	mh	Ch. 2	2-51	The intersection analysis is really hard to follow and aspects of it don't make intuitive sense. Why do the intersections of Walnut/SR 37 already fail at 5 am? Why do Alternatives 1 and 2 make it worse? Which leg of the intersection has the most delay and what traffic does it serve. What are the volumes for all legs? How does Alt 3 make things better and why would the scenarios all the way down at SR 121 have an impact (sometimes making is worse and sometimes making it better) on intersections 5 miles away?
A-8-39	39	mh	Ch. 2	2-52	Intersection LOS 2045 - you provide different analysis/evaluation of the impacts and conditions between AM and PM for Alts 1 and 2 which isn't helpful to compare.
A-8-40	40	mh	Ch. 2	2-53	2025 Traffic Operations EB PM Peak - 2nd and 3rd bullet the travel time savings should be caveated as 'max' travel time savings since you are comparing maximum travel times. Why is eastbound traffic still delayed significantly under alternatives 1 and 2 when the HOV lane is going with the eastbound direction (still almost 30 minutes delayed compared to freeflow condition of 22 minutes)? How much of the peak period is still congested (are these max's a momentary 15 minute period or does this last for several hours)?
A-8-41	41	mh	Ch. 2	2-53	Westbound AM Peak - Why is westbound traffic still delayed when the HOV lane is with them for all build scenarios? Why are Alts 1 and 2 just as effective in relieving congestion as Alts 3a and b for the westbound direction when they are less effective in the PM eestbound direction?

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	Comment Number	Commenter	Chap. & Section	Page Number	Comment Description
A-8-42	42	mh	Ch. 2	2-53	2045 Eastbound PM Peak - you don't provide any analysis/information for Alternatives 1 and 2.
A-8-43	43	mh	Ch. 2	2-54	Westbound AM Peak - Bullet 2 is caveated with 'due to limited HOV operational hours'. This is a choice and the HOV lane could operate from midnight to noon and then switch to eastbound for 12 hours rather than closing it somehow. Please be clear about why that State would choose to close the additional lane(s) provided in alternative 1 and 2.
A-8-44	44	mh	Ch. 2	2-55	The document would benefit from more corridor specific analysis of VMT and vehicle trips to better understand the local conditions. Using Bay Area wide statistics makes the change seem small and at the local level this is a doubling of capacity in Alts 3a and b and operationally may allow the lanes to carry more than double the traffic.
A-8-45	45	mh	Ch. 2	2-56	The forecast of 180 increased trips/day seems intuitively low. What are the current total trips on the corridor? List those here for comparison. Are these one-way trips? If so, your forecast is that adding two lanes and relieving congestion in the corridor will only induce 90 people to travel back and forth in the corridor each day? Relieving congestion might induce a significant number of truck trips to use this corridor daily. Why is two-way tolling projected to be less effective in reducing VMT than the one-way toll? For Table 2-14 it would help our understanding if daily trips could be listed too.
A-8-46	46	mh	Ch. 2	2-57	Effect Summary - document states. "During the peak period, the outside lane (right side lane) in each direction would be restricted to HOV use." This appears to be a statement about Alt. 2, but it's out of place here and not tied to Alt. 2. There is another statement, "The queues ... are improved in the eastbound direction compared to the no build alternative". Is that only for eastbound? Seemingly queues would improve in the westbound direction as well, no?
A-8-47	47	mh	Ch. 2	2-58	The top paragraph about bicycle access is misleading by not listing that Alt. 2 effectively eliminates bicycle access as well by using the shoulders for vehicles during the extended peak periods.
A-8-48	48	mh	Ch. 2	2-105	Project should include construction that stabilizes sections of the roadway which are prone to lateral spread, subsidence, liquefaction or other geologic hazards. The goal should be to have a stable roadway surface when project is complete that maintains its shape and horizontal/vertical alignments so that traffic operations are maximized and the lanes achieve their theoretical capacity.
A-8-49	49	mh	Ch. 2	2-118	The air quality conformity analysis is mostly taking advantage of trends in vehicle improvements over time including the conversion to electric vehicles as well as a temporary improvement in congestion relief until such time as demand exceeds capacity again or tolling is allowed to increase to control/manage demand and there isn't information in the document about what level of tolling that would take.
A-8-50	50	mh	Ch. 2	2-122	Please collect and report PM10 data at the Vallejo Station rather than citing air quality in Napa. That isn't an appropriate comparison. For Table 2-21, there needs to be some information to compare these results to. Is having any exceedances on this chart
A-8-51	51	mh	Ch. 2	2-123	Mobile Source Air Toxics - this section acknowledges that increasing traffic volumes along this corridor will increase MSATs. This project will add capacity which leads to increased vehicle trips overall. The growth of trips versus the speed of vehicle exhaust improvements will determine the level of impact to air pollution impacts on Vallejo.
A-8-52	52	mh	Ch. 2	2-124	Project Level Conformity - this section indicates that determinations by Caltrans and FHWA related to CO analysis and by the MPO's Air Quality Conformity Task Force regarding PM 2.5 will allow this project to move forward and Vallejo remains in non-attainment for these pollutants. Project should include mitigations to improve the highway contribution to air quality issues in the surrounding communities.
A-8-53	53	mh	Ch. 2	2-125	Short-term Construction Impacts - this section identifies that the project will also have air quality impacts from Construction. Considering the prevailing winds in this area, those will also impact Vallejo as we are in the 'immediate area'. The language goes on to state that these will 'not last for more than 5 years et one general location' which sounds like piece meeling the analysis. Table 2-22 on the next page lists the tons of emissions which don't seem insignificant when living nearby. You go on to use a term 'AMMs' which is undefined and make the statement that impacts would be minimal which seems unsubstantiated.
A-8-54	54	mh	Ch. 2	2-127	Table 2-23 - Please explain the substantial drop (38% in CO, 32% for ROG, 46% N0x) between 2019 (existing conditions) and 2025 under the No Build scenario?
A-8-55	55	mh	Ch. 2	2-129	Table 2-24 - Please explain the substantial drop (80% in Diesel PM, 60% in POM, 46% N0x) between 2020 (existing conditions) and 2025 under the No Build scenario? What happens over those 5 years to justify that level of reductions?
A-8-56	56	mh	Ch. 2	2-141	Please map the data in the tables and show where these receptors are located compared to the highway.
A-8-57	57	mh	Ch. 2	2-153	As the build alternatives increase access and mobility for drivers, the focus to address energy consumption needs to be on increasing average vehicle occupancy and providing successful transit alternatives providing mobility options to driving in order to prevent further impacts. Please analyze these impacts.
A-8-58	58	mh	Ch. 2	2-227	2.5.2 - This corridor serves a much bigger area for potential development and growth than 1 mile beyond. Document should acknowledge the historic impact of growth and that adding traffic lanes do not relieve congestion for long.
A-8-59	59	mh	Ch. 2	2-228	Table 2-54 - lists the SR37/SR121 project as separate and being delivered in 2024. Is that project fully funded? Considering that this project extends through that intersection, details of the upcoming project should be included in this document to help with reviewers understanding of how that project will improve conditions and all impacts should be analyzed. This table also lists that the Fairgrounds Drive project was delivered in 2021 and that's not the case.
A-8-60	60	mh	Ch. 2	2-232	As noted above, this project and the SR121 interchange project need to be analyzed and considered together.
A-8-61	61	mh	Ch.3	3-31	document should further explain how this project will determine the configuration of the SR37/SR121 intersection/interchange. Provide additional information and impact analysis about how the SR37/SR121 interchange will not become or remain the next bottleneck.
A-8-62	62	mh	Ch.3	3-32	Your conclusion cites what is likely to be a temporary reduction in traffic congestion which relies upon a to be determined tolling option. How can you analyze impacts and conclude tolling will mitigate on a conidtion that is not determined. If congestion relief is to last then tolling would have to rise to continue to discourage usage and encourage alternative modes. Project increases capacity which ultimately leads to higher VMT and continued GHG emissions and those impacts need to be analyzed in this document now.
A-8-63	63	mh	Ch.3	3-42	3.3.1.1 - By adding capacity to this corridor, this project will likely reinforce long standing trends in land use patterns of expanding land-use in Solano County for housing to support population growth and long-distance commuting to jobs, please add this analysis. Project doesn't address or analyze impacts and balance between jobs and housing which would provide opportunity to reduce/mitigate the level of long-distance commuting.

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	Comment Number	Commenter	Chap. & Section	Page Number	Comment Description
A-8-64	64	mh	Ch.3	3-46	3.3.14 - Similar comment to 63 above. Project will reinforce trend of building lower cost housing in Solano County to serve population growth of those unable to afford Marin, Sonoma, San Francisco, what are those impacts?
A-8-65	65	mh	Ch.3	3-49	3.3.16 - Remote recreation sites along the corridor don't serve large segments of the nearby urban population and are auto oriented. What alternatives are there to providing similar recreational opportunities within walking/biking distance?
A-8-66	66	mh	Ch.3	3-50	3.3.17.1a - indicates that 'bicyclists are permitted.', but cyclists are not permitted on option 2 during extended periods of the day or 3a. Choosing one of these alternatives wouldn't be less than significant for cycling/pedestrian access, please add analysis.
A-8-67	67	mh	Ch.3	3-51	As the long-term management of congestion on this corridor heavily relies upon tolling, the project should be pursuing this approval now rather than waiting for project approval with a TBD tolling solution. Please add vehicle trips to table 3-3 per the heading.
A-8-68	68	mh	Ch.3	3-52	Top paragraph states that tolling and other options are available to reduce VMT. Those options are also not contingent on widening the highway and could be applied to the current facility. The first sentence of Performance Measures states, "The performance criteria are the MVT metrics listed in Table 3-3." Table 3-3 on page 3-51 is a summary of VMT and Vehicle Trip Increases by Alternative (although the trips aren't listed). These are not performance criteria. These are outcomes. This section goes on state, "The objective would be to achieve or exceed these criteria." No the objective should be to reduce VMT and total trips and the impact analysis should be clear in determining if that objective can be met through tolling and other options-please describe and analyze these other options clearly. This whole section needs to be written in plain English.
A-8-69	69	mh	Ch.3	3-52	Implement Tolling - document states, "Charging a toll would result in a reduction in discretionary trips and charging a higher toll for SOVs would discourage SOV trips." While we agree, this statement can be applied broadly to the entire highway system and only this non-bridge segment is being considered for tolling. This statement also applies to all current facilities and if these outcomes (reducing discretionary and SOV trips) are desired, this option should be adopted more broadly within California to drive the desired outcomes. Specifically to this corridor, the Segment A project to raise the highway could be tolled and a lane converted to HOV. Otherwise, only part of the users of that segment are tolled. This document should definitely state whether HOT lanes will be allowed or not.
A-8-70	70	mh	Ch.3	3-53	Table 3-4 - explain why there is such a difference in impact of the two tolling scenarios. Document states that tolling the single lane facility would be ineffective at reducing congestion and would result in drivers diverting to other routes. Why and where is the analysis behind this determination?
A-8-71	71	mh	Ch.3	3-54	VMT-1 Bus Service - Would bus service be subsidized to attract riders and avoid project impacts? Tolls should be used to support the services.
A-8-72	72	mh	Ch.3	3-57	Ridesharing - This section needs editing. HOVs don't reduce trip lengths, so explain that. Time savings may be gained while travelling as an HOV, but those savings may be used up in formulating the carpool (going and picking people up, or meeting/waiting at the park n ride), and the HOV lanes really work in combination with the tolling proposed. The transportation analysis really should include more information about trucks and their impact on the operations of the highway and options for addressing these impacts including time restrictions, minimum speeds, etc.
A-8-73	73	mh	Ch.3	3-58	The 'graduated increase over time' statement near the top assumes no existing latent demand for the facility that will quickly fill up the added capacity. Bottom of the page lists 3a and 3b as losing wide shoulders, but 3b has shoulders. Believe you should list Alt. 2 which uses the shoulders during peak periods.
A-8-74	74	mh	Ch.3	3-61	Table 3-6 this chart again shows the precipitous drop in GHG between 2020 and 2025 which is unexplained and in opposition to Daily VMT going up by 6+M miles/day. This chart would be helped by converting the reduced VMT into reduced daily trips. Using the avg. trip length for trips along the corridor cited in the document, Alts 3a and 3B's increased VMT associated with adding lanes in both directions would be 209 additional trips per day. How many trips per day does the corridor carry?
A-8-75	75	mh	Ch.3	3-94 and 95	These maps document a low point on the highway just west of Mare Island. The project should commit to raising this segment of the highway and avoid flooding through the life of the project (2045) at least.
A-8-76	76	mh	App. E	75 of 135	The Task Description indicates that the performance measure is to reduce VMT by at least the projected VMT change by alternative, correct? So if busing became the mitigation measure, the project's buses would need to attract 209 passengers daily for alternatives 3a and 3b (9598 daily VMT increase/46 mile average vehicle trip lenght = 208.6), correct? And that increases to a service that would need to support 1,043 riders/day in 2045? Please describe further what funding commitments to support bus service means?
A-8-77	77	mh	App. H	106 of 135	Table H-1 - Please explain how Alts. 3A/B solve the congestion at the SR37 and Walnut Av./Main Gate intersections for the AM peak and why there is a difference in impact by scenario. Why do alts 1 and 2 make it worse and if those alternatives are selected, will the project mitigate this impact? How can Alts 1&2 make the intersection operations better at 7 am only?
A-8-78	78	mh	App. H	108 of 135	Tab;e H-3 - Please explain how Alts. 3A/B solve the congestion at the SR37 and Walnut Av./Main Gate intersections for the AM peak and why there is a difference in impact by scenario. Why do alts 1 and 2 make it worse and if those alternatives are selected, will the project mitigate this impact?
A-8-79	79	mh	App. H	109 of 135	Table H-4 - Please explain how Alts. 1&2 make the congestion at the WB SR37 and Walnut/Main Entrance intersection no much worse between 4 pm and 8 pm. Why do scenarios 2 and 3 of Alts. 3A/B make the intersection function worse between 4 pm and 6 pm when compared to scenario 1?
A-8-80	80	mh	General	General	What is the impact to the effectiveness of the added HOV lanes in Segment B if those lanes do not continue on Segment A. Alternatively, how much more effective would the added HOV lanes in Segment B operate if those lanes continued through Segment A to US101 in Novato. Please include information/analysis of this in the final report.
A-8-81	81	mh	General	General	Caltrans should not restrict tolling in this corridor to just Segment B. If Tolling of the SR 37 corridor is deemed necessary, then the toll should apply to Segment A users between US101 and SR121 too. This document should also be clear about how the toll revenue will be used with likely uses being subsidizing transit services, building out alternative bike/pedestrian routes, developing alternative recreactional opportunities, and consider these 'self-help funds' by the communities impacted. The tolls should be considered a means to manage operations rather than project capital or O&M funding.

Draft EIR/EA : Consolidated Comments from the City of Vallejo

Comments Due By: *28-Feb-22*

Comment Number	Commenter	Chap. & Section	Page Number	Comment Description
82	gh	Ch.2	2-63	The visual/aesthetics section should have analyzed additional views to and from Vallejo. The end of SR37 leading to the Mare Island Bridge is an entry point to the City which should have been analyzed for travelers heading east along with elevated views of the changes facility which would include travellers going over the bridge headed west and potentially from hillside residential and other uses that have views of this section of SR37.

A-8-82

Response to Comment Letter A-8: City of Vallejo

A-8-1.

Reconstruction of the SR 37 and SR 121 intersection, including a lane extension and turning lane improvement, was originally developed as part of the SR 37/SR 121 Intersection Improvement Project (EA 1Q480) and the Lane Extension and Railroad Crossing Project (EA 2Q200), which have presently been combined into one project (EA 2Q20U). These projects were incorporated into the SR 37 Sears Point to Mare Island project, and impacts are described in this Final EIR/EA. These intersection and lane extension improvements would only be constructed separately if the SR 37 Sears Point to Mare Island project is not constructed. This information is provided in Sections 1.1.1 and 2.5.4.3 and listed in Table 1-1 on page 1-7 of the Final EIR/EA. Therefore, these improvements may be constructed either as independent operational improvements or incorporated into this project. If either one or both of these projects proceed to construction independent of the SR 37 Sears Point to Mare Island project, they are considered covered by this Final EIR/EA, as noted in Section 2.5.4.3 of the Final EIR/EA.

A-8-2.

As discussed in Section 2.2.6.3 of the Final EIR/EA, although the project does increase capacity of SR 37 to address current and future traffic congestion, development would have to occur in accordance with those uses designated in the applicable general plan and subject to the zoning of the affected jurisdiction. Furthermore, the state has mandated that each jurisdiction provide a certain amount of affordable housing for low-income individuals, this includes jurisdictions west of SR 37. Therefore, the project is not expected to encourage unconstrained growth to the east of the project area, nor would the project prevent opportunities for unplanned job creation to the east.

New general purpose lanes would be added (one in each of SR 37), which would be subject to tolling in either one or both directions. The existing lane in each direction would be converted to a HOV lane. This would provide benefit primarily to transit/HOV users and is not expected to attract more traffic to this segment.

A-8-3.

As discussed in Section 2.3.6.3 of the Final EIR/EA, daily operation emissions associated with each build alternative were estimated to have similar emissions to No-Build conditions for each study year. Because this project addresses an existing bottleneck condition (lane reductions in each direction), it would be assumed that vehicle throughput would increase as a result. However, constraints to traffic throughput still exist at the major interchanges at US 101, SR 121, and I-80.

Emissions associated with large trucks, which are the highest contributors to mobile emissions, would not be changed, but the project would encourage ride-sharing by making HOV lanes available. The project would also create an incentive for effective bus services. Additionally, emissions in the future would decrease as older vehicles are replaced by newer vehicles with more stringent emissions and fuel economy standards. With tolling as part of the project, VMT are not expected to increase above no build conditions. For these reasons, pollution is not expected to increase with this project and would not significantly impact environmental justice communities living next to SR 37.

A-8-4.

As discussed in Comment Response A-8-3 (above), VMT was evaluated and would not increase with the existing lane restricted to full time HOV use and the proposed new lane subject to tolling. This project encourages ride-sharing and will implement bus services, so fuel consumption will decrease as a result. Furthermore, as older vehicles are replaced with new vehicles fuel consumption will be reduced since new technologies are more energy efficient.

A-8-5.

Caltrans has noted your comment related to the climate change analysis. The climate change analysis considers growth to the end of the project's lifespan or 2040.

This is an HOV lane project. With extended growth over a longer horizon time period, an HOV lane would provide a better service by continuing to support multi-occupant vehicles, compared to the long-term alternative of the No Build, which would result in continued lengthening of delay times and queueing due to the lane drops in each direction of SR 37.

A-8-6.

Section 1.4.1.2 describes the identified HOV preferred scenario (HOV Scenario 3), and Section 1.4.3.2 describes the other two options considered but rejected for the eastbound HOV lane options. These design options were identified by Caltrans to improve the connection to SR 121. There was negligible difference between the three options with respect to environmental impacts, as all three had a similar footprint or area. Additional explanation was added to this section in the Final EIR/EA to explain the rationale for selection of Scenario 3 for incorporation into the project.

A-8-7.

This is proposed as an HOV 2+ (two or more occupants) facility. Only the general purpose lane in each direction will be tolled, in either one or both directions. HOV lanes

will not be tolled. Discounted tolling would be applied and will be determined by the California Transportation Commission (CTC).

A-8-8.

As discussed in Comment Response A-8-1, the reconstruction of the SR 37 and SR 121 intersection could be implemented through this project or with the EA 1Q480 and 2Q200 projects, which have recently been combined into one project (EA 2Q20U), if the SR 37 Sears Point to Mare Island project should not advance. EAs 1Q480 and 2Q200 are described in this Final EIR/EA in Sections 1.1.1 and 2.5.4.3 and are listed in Table 1-1 on page 1-7. If either one or both of these projects proceed to construction independent of the SR 37 Sears Point to Mare Island project, they are considered covered by this Final EIR/EA, as noted in Section 2.5.4.3 of the Final EIR/EA.

A-8-9.

The maximum delay and maximum travel time described in Section 1.2.2.1 in the EIR/EA are one in the same. Therefore, they are both 50 minutes. Caltrans clarified this in the Final EIR/EA.

By “existing roadway conditions,” Caltrans is describing the capacity constraints affected by traffic and merging operations east of SR 121 and west of the Mare Island Interchange where the lane drops from two to one lane in each direction, as discussed in the follow sentence in Section 1.2.2.1 of the EIR/EA. Caltrans has clarified this connection in the Final EIR/EA.

A-8-10.

The minimum travel time is approximately 22 minutes in both directions during the non peak period. During the peak period (westbound AM and eastbound PM), the travel time varies based on congestion levels.

This is a highway (not a freeway), and the capacity varies between 1,200 to 1,500 vehicles per hour (vph) in general. The reduction in capacity for this facility is because of lane drops and high percentage of trucks.

A-8-11.

Details of means-based tolling will be defined by the CTC during the next phase of the project development process.

A-8-12.

Yes, the project provides benefit to both SOVs/HOVs. However, there is more benefit to the HOVs compared to SOVs.

A-8-13.

Your comment is related to widening Sonoma Creek Bridge under Alternative 3A to maintain access for bicyclist. Widening at Sonoma Creek Bridge was not considered for Alternative 3A because this alternative looked at a smaller footprint to minimize impacts to the creek and a more cost-effective option. Additionally, this option includes 4-foot shoulders along most of the project limits and no outside shoulders at Sonoma Creek Bridge, which is not safe for bicyclists. After carefully weighing benefits and drawbacks of each project alternative, the Caltrans Project Development Team decided to select Alternative 3B as the preferred alternative as discussed in Section 1.4.3.1, Identification of the Preferred Alternative of the Final EIR/EA. Alternative 3B will maintain access for bicyclists along the shoulders. Sonoma Creek bridge would be widened to allow bicyclists to use the 4-foot outside shoulders.

A-8-14.

The Final EIR/EA clarified that Alternative 3B will accommodate bicyclists across the entire segment of the project limits, including Sonoma Creek Bridge. It is highlighted that bicyclists are accommodated across Sonoma Bridge in Alternative 3B, because unlike Alternatives 2 and 3A, the bridge would be widened to include 4-foot outside shoulders.

The Final EIR/EA in Section 1.4.2.2 clarifies that the HOV lane will only be available in the peak direction, since Alternative 1 includes one extra lane that will be added in the peak direction via the movable barrier. That lane would be available except when the barrier transfer machine is moving the barrier (which would occur at least twice/day).

The following revisions regarding HOV and tolling from the Draft EIR/EA have been made: the existing lane in each direction will be converted to a HOV lane. The HOV lane in both directions will be open 24 hours a day, 7 days a week. The HOV lanes will not be subject to toll. The new added lane in each direction will be for general purpose use. General purpose lanes will be subject to a toll, in either one or both directions. The toll rates will be similar to that of existing tolled bridges in the Bay Area. See Section 1.4.1 in the Final EIR/EA for the full description. Vehicles that can use an HOV lane are established by the State, in consultation with local agencies. Motorcycles and clean air vehicles with a qualifying sticker are currently allowed to use many HOV lanes. The occupancy rate and types of qualifying vehicles will be determined by Caltrans and enforced by the CHP. A High Occupancy Toll (HOT) lane is not proposed, which is also referred to as an express lane, that allows single-occupant vehicles (SOVs) to pay a fee to use the lane. The proposed toll lane would allow all vehicles to enter and use it, subject to paying a toll. The proposed HOV lane would not allow SOVs to pay to enter the lane (only qualified HOVs can use the lane), and there would be no charge for use of the HOV lane lanes.

A-8-15.

The HOV Lane Transition section in Section 1.4.1.3 of the Final EIR/EA has been revised to clarify merging and lane drops.

Slope protection: the existing recurring deformations do not affect SR37's carrying capacity. Our purpose and need is not to fix the recurring deformations but the project will provide improvements to provide traffic congestion relief that include slope protection and reinforcement to minimize the maintenance costs.

A-8-16.

At the request of CHP, Skaggs Island Road will provide a left turn into and out of the local road similar to the existing condition. This has been revised from the Draft EIR to address concerns from the CHP and first responders for a turnaround needed at Skaggs Island road for timely incident response. See Section 1.4.1.3 of the Final EIR/EA.

Noble Road Intersection Signalization: Noble Road on the north side of SR 37 is being accessed by the Wing and Barrel ranch and farming crews. Noble Road on the south side is being accessed by delivery trucks for the Vallejo Flood and Wastewater District to transport biosolids to the City of Vallejo's property located on Tubbs island. There are considerable delays for Noble Road traffic especially given that the Noble Road traffic includes delivery trucks, large trucks and farming machinery, which take a longer time to complete a left turn than a car. As observed from accident analysis, there were two collisions that involved a vehicle making a left turn out of Noble Road, that where safety would be improved with the installation of a signal. Based on these findings, signalization of Noble Road was recommended.

A-8-17.

Closed-circuit television (CCTV) Enforcement Cameras will be placed.

Overland trucking is the primary means of moving goods in the United States. Commerce and trade have state and federal legal protection; therefore, restriction of commerce is difficult. It requires substantial supporting evidence such as accident data and a reasonable alternate route.

A-8-18.

This is a comment on Alternative 1, the Movable Barrier Alternative. To clarify, during peak hours in the peak direction, the extra lane would be open for HOV use only. There could be a time period when the additional lane created by the movable barrier remains open to all vehicles prior to the movable barrier being transferred, which would close the lane and open a second lane in the opposite direction. There would be time periods

during barrier transfer operation that only one lane is open in each direction while the barrier transfer machine is moving the barrier along the highway corridor.

Alternative 3B has been identified as the preferred alternative in the Final EIR/EA, as discussed in Section 1.4.3.1, Identification of the Preferred Alternative of the Final EIR/EA. Alternative 1 would not be constructed. As discussed in Comment Response A-8-14 and Section 1.4.1.1 of the Final EIR/EA, HOV operational hours has been changed to be 24 hours a day, 7 days a week.

A-8-19.

To clarify, during peak periods in the peak direction, the shoulder for Alternative 2 would only be open to HOV and/or qualified vehicles. During the nonpeak period in the nonpeak direction, the shoulder will closed to both SOVs and HOVs. This clarification is made in Section 1.4.2.3 in the Final EIR/EA. VMT analysis reflects the same.

Alternative 2 in the peak direction would maintain 4-foot-wide outside shoulder with intermittent vehicle pullout areas; thus outside shoulders would still be provided under this alternative. Please note that this alternative has been dropped from consideration.

A-8-20.

The Project Development Team has selected Alternative 3B as the preferred alternative which provides standard 8-foot-wide outside shoulders except at Sonoma Creek Bridge.

Under Alternative 3A, Sonoma Creek Bridge would not be widened which would result in no outside shoulders. The 4-foot outside shoulder requires design exception approval, which would have been requested prior to the Final EIR approval if Alternative 3A was the selected preferred alternative.

A-8-21.

The project is intended and will operate to emphasize more person throughput than vehicle throughput. The available options to address this are HOV lanes or tolling, which are proposed as part of this project. Maximizing throughput of vehicles would likely result in an increase in VMT compared to the no build alternative, which would be considered an adverse impact.

A-8-22.

The ramps were analyzed within the study limits. The delays at these intersections are because of the congestion on the highway. The project improves operations within the project limits, and therefore, the delays at the intersections improve (delays would decrease).

A-8-23.

Full time refers to the lanes being available, not closed during non-peak periods such as for Alternative 2. As discussed in Comment Response A-8-14 and Section 1.4.1 of the Final EIR/EA, HOV operational hours will be 24 hours a day, 7 days a week for Alternative 3B (preferred alternative).

A-8-24.

Dedicated bike lanes are not an existing condition along SR 37. Alternatives 2 and 3A restricted bicycle access due to safety hazards. However, the Caltrans Project Development Team has selected Alternative 3B as the preferred alternative, discussed in Section 1.4.3.1 of the Final EIR/EA. Alternative 3B will maintain bicycle access along the outside shoulders. Furthermore, public access will be part of this project and developed during the design phase, which may provide a trail for bikers.

By the “CA State Bicycle and Pedestrian Plan,” we believe you are referring to the Caltrans State Bicycle and Pedestrian Plan, which is included in Table 2-2 in Section 2.2.3.1. The Final EIR/EA has been revised to include what the Plan states about bicycle and pedestrian access.

A-8-25.

County policy related to bicycles are included in Table 2-2 in Section 2.2.3.1. Solano and Sonoma County policies goals are to improve and/or develop bicycle facilities.

A-8-26.

The project alternatives listed as partially consistent are appropriately reviewed and consistent determinations are made in Table 2-4 in the Final EIR/EA. The intent of this analysis is not to rank each alternative, but to assess them for consistency. The discussion goes into more detail and discusses differences and similarities among each alternative, including differences in tidal waters and wetland impacts, and visual impacts, and whether or not bicycle access would be permitted, etc. The project is almost entirely within Caltrans right-of-way and is not subject to local land use plans.

A-8-27.

Alternatives 2 and 3A were identified in the Draft EIR/EA as partially consistent, as they would include public access as part of the project, which would be developed during the design stage. These alternatives were not advanced, and Alternative 3B was identified as the preferred alternative, which includes bike access on the outside shoulders of SR 37.

A-8-28.

Public access will be included as part of the project and determined in the final design stage of the project. This will include consideration of public access options that connect to or provide a segment of the Bay Trail alignment.

A-8-29.

See Comment Response A-8-28 above regarding public access.

A-8-30.

Information related to project travel times has been corrected in Section 2.2.6.2.

A-8-31.

The purpose of this project is to relieve traffic by improving traffic flow and peak travel times. Alternative 3B, the preferred alternative, would create two lanes in each direction, matching the two or more lanes on the rest of SR 37. With respect to capacity, the physical lanes would not represent a constriction to traffic within the project limits, but there would be other constraints that slow traffic, primarily the existing signal and intersection at SR 121.

HOV operational hours will be 24 hours a day, 7 days a week for qualifying vehicles. There will be heavier traffic using the existing single occupant lane, and less traffic is expected in the HOV lane because of its restrictions on vehicle type. Therefore, it is expected that the HOV lane will provide a relatively faster trip with less congestion for an HOV vehicle, especially during peak travel periods.

A-8-32.

This statement has been deleted from the Final EIR/EA. Although the project would accommodate planned growth, it would not result in reasonably foreseeable changes to planned land uses both adjacent to and in the vicinity of the project study area. The project would not provide new access to previously undeveloped land. See revisions made in Section 2.2.6.3.

Alternative 3B (preferred alternative) would have HOV lanes in both directions that will operate 24 hours, 7 days a week. See revisions made in Section 1.4.1. This may have been confusing because of the other alternatives (1 and 2) that had the movable barrier or part-time lanes in the peak direction only. Those alternatives are no longer in consideration.

A-8-33.

A map was not added. However, these tracts listed in Section 2.2.9.2 are immediately adjacent to the project area from east of SR 29 and Broadway in Vallejo to the Sonoma/ Napa County line west of Lakeville Highway. This detail was added to the description of the tracts in Section 2.2.9.2 of the Final EIR/EA.

A-8-34.

Highway capacities (like SR 37) are lower compared to a freeway; the general purpose lane is 1,500 vph, and an HOV lane is approximately 1,200 vph.

The percent increase is small; however, the volume increase is approximately 300 vph which would be approximately 25 percent of the HOV capacity.

A-8-35.

Regarding HOV operating hours, please refer to Comment Responses A-8-14 and A-8-32.

Regarding the VMT question, the statement is accurate in the overall context of the section this is quoted from. The NCST calculator is being compared to the MTC Travel Demand Model. The NCST Calculator estimated a VMT value of 40.1 million using the lane miles affected by the project (5.4 miles in Sonoma County, and 13.4 miles in Solano County). The VMT calculator uses lane miles to calculate VMT. The MTC Travel Demand Model is a land use based forecast model. The MTC model estimated 48.7 million. Because the MTC model showed a higher (or more conservative, worst case result in this comparison), the MTC model was used to estimate VMT as reported in the EIR/EA.

The 17.8 million VMT value represents an HOV lane assumption. It was not possible to compare the NCST calculator for an HOV lane because it does not have that option, only general purpose, non HOV lanes, so it was not possible to compare on an equal basis.

A-8-36.

The traffic operations analysis conducted for this project and included in the Final EIR/EA analyzed traffic volumes from all vehicle types. With the limitations of the traffic operations analysis, truck volumes alone could not be separated out and quantified. However, the preferred alternative, Alternative 3B, proposes HOV lanes, which would not serve large truck traffic.

A-8-37.

The operations at the intersection of SR 37 and Walnut are projected to improve in 2025 conditions. In 2045, they would operate similar to No Build conditions. The traffic has to meet signal warrants to add a signal.

Noble Road on the north side of SR 37 is being accessed by the Wing and Barrel ranch and farming crews. Noble Road on the south side is being access by delivery trucks for Vallejo Flood and Wastewater District to transport biosolids to the City of Vallejo's property located on Tubbs island. There are considerable delays for the Noble Road traffic especially given that the Noble Road traffic includes delivery trucks, large trucks and farming machinery, which take a longer time to complete a left turn than a car. As observed from accident analysis, there were two collisions that involved a vehicle making a left turn out of Noble Road, a condition that can be improved with the installation of a signal. Based on these findings, signalization of Noble Road was recommended.

A-8-38.

For Alternative 1, the HOV lane would operate in one direction for the duration of time that the barrier is shifted in place. For Alternatives 2 and 3A the lane would not open until 6 a.m. Alternative 3B would have an HOV lane in each direction 24 hours/day. In addition, for Alternatives 3A and 3B, additional lanes (for all traffic) are available at all times in each direction. Because of the availability of the additional lanes with Alternatives 3A and 3B, these two alternatives result in less delay time and shorter queuing than Alternatives 1 and 2 (i.e., the time drivers and passengers spend in congested conditions is less or reduced for Alternatives 3A and 3B when compared to Alternatives 1 and 2).

A-8-39.

Alternatives 1 and 2 are the same in terms of operations. There is no change in results between these alternatives.

A-8-40.

The addition of a HOV under Alternatives 1 and 2 would not eliminate traffic congestion completely. However as stated in Section 2.2.11.3 of the Final EIR/EA, the travel time savings for SOVs and HOVs is 47 minutes and 54 minutes, respectively, compared to No Build Conditions for the eastbound PM period in 2025.

A-8-41.

As explained in the Final EIR/EA in Section 2.2.11.2, Alternatives 1 and 2 would improve traffic conditions compared to the No Build conditions but would not eliminate

the entire congestion. Alternative 1 would have an HOV lane available for the period of time that the barrier is shifted in place, but only one direction of travel is improved. For Alternative 2, no additional lane/shoulder is available before 6 a.m. Alternatives 3A and 3B would have four full-time lanes, two lanes in each direction. Because these lanes under Alternatives 3A and 3B are available at all times, they are more effective at relieving traffic than Alternatives 1 and 2. Alternative 3B would have an HOV lane in each direction 24 hours/day, and creates the highest availability for HOV users on a daily basis.

A-8-42.

The comment is correct, the PM peak period eastbound 2045 description did not include Alternative 1 and 2. A bulleted explanation has been added to Section 2.2.10.1 for eastbound 2045 queuing.

A-8-43.

Regarding HOV operating hours, please refer to Comment Responses A-8-14 and A-8-32.

A-8-44.

VMT estimation is based on Caltrans SB 743 guidelines. The SR 37 corridor was evaluated specifically for the proposed alternatives, and compared at a regional basis for VMT to understand the regional shifts in traffic. A smaller study area would not account for the VMT from longer regional trips. Also, the volume of traffic on SR 37 is limited to the main connector routes, primarily I-80 and US 101, and to a lesser extent other connecting routes such as SR 121 and Lakeville Highway.

A-8-45.

180 trips are based on total trip length, for 2025. The actual trips would be high as the trip lengths are shorter than total trip length.

One-way tolling with higher price discourages more people to use the facility. Two-way tolling with lower price would attract more traffic than one-way tolling.

A-8-46.

The statement related to HOV lanes in Section 2.2.11.3 has been removed. Queues would improve in both directions; eastbound queues improve (are reduced in length) significantly more than westbound.

A-8-47.

Clarifications were made to the Bicycle Access description in Section 2.2.11.3 about how Alternatives 2 and 3A would prohibit bicyclist on the outside shoulder.

A-8-48.

The comment is noted. The project proposes sheet pile walls and reinforced fill slopes for pavement confinement and stabilization of the roadway and slopes to minimize maintenance costs.

A-8-49.

Tolling would be implemented as part of the project. As discussed in Section 2.2.11 of the Final EIR/EA, two tolling strategies are being considered. Either one-way westbound tolling or two-way tolling at half the rate for each direction. The application of tolling was modeled and showed that tolling of the preferred alternative would result in reduced daily VMT in 2025 by 16,668 for one-way tolls, and by 11,166 when both directions are tolled. In 2045, the preferred alternative with tolling in the westbound direction would result in a net daily VMT reduction of approximately 83,340 from No Build conditions and a daily reduction of 55,831 with two-way tolling, compared to No Build conditions. This reduction in VMT would correlate to an expected reduction in air emissions on SR 37 compared to the No Build Alternative.

The reduction in emissions from drivers shifting to more clean air vehicles is a benefit in addition to the VMT reduction.

A-8-50.

The text on that page explains the use of data from Napa site versus Vallejo. Not all BAAQMD sites monitor all criteria pollutants, and the Vallejo site does not collect data on PM_{10}. Table 2-21 reports monitoring data for Vallejo, Napa, and San Rafael. Air quality and conformity is a regional issue, and the data from these three sites is relevant to conditions in the North Bay region.

Air quality standards are generally health based standards. By California Air Resources Board and EPA definitions, each pollutant presents different risks. Generally, long-term exposure is the concern, but shorter-term exposure to high pollutant events is also of concern such as during a regional fire event. Air quality conformity is the regional compliance to State and Federal pollutant standards for a region over a long term basis, and Table 2-21 and associated text identifies those pollutants that are not in conformity in the region: particulate matter, nitrogen dioxide, and sulfur dioxides.

A-8-51.

This comment is noted.

A-8-52.

Section 2.3.6.3, Project Level Conformity, describes that the project is within an attainment/conformity area for carbon monoxide (CO) and non-attainment for particulate matter ($PM_{2.5}$). The area and region comply with the state and federal CO standards; the region is also designated as a maintenance area for CO to ensure that it maintains CO levels below the standards.

The Bay Area, as well as other regions in California, does not yet meet the $PM_{2.5}$ standards, and the BAAQMD has required a number of measures to achieve compliance, such as dust control, no burn days, and many other requirements. For vehicle emissions, a focus is on reduction of truck trips and increased controls on diesel engines and diesel fuel requirements to reduce particulates. The proposed project does not allow trucks in an HOV lane, and hence it is not expected that this project would increase particulate pollutants that would affect the region's ability to meet $PM_{2.5}$ conformity. The consultation with the Bay Area Air Quality Conformity Task Force resulted in the finding that the project is in conformance with the region's goals to meet $PM_{2.5}$ conformity. Mitigation measures are therefore not proposed because no significant air quality impacts were identified specific to this project.

A-8-53.

The 5-year threshold mentioned in the evaluation of short-term construction impacts is only used to determine whether a regional or project-level conformity analysis is required, per federal guidelines. Construction would be less than 5 years.

An air quality construction impact analysis was performed by the project, as explained in Section 2.3.6.3 of the Final EIR/EA. It involved evaluating the emissions from construction equipment including particulate emissions from trucks and equipment, as well as construction disturbance of soils which can generate particulate emissions. Avoidance and Mitigation Measures (AMMs) referred to in this comment and described in the Final EIR/EA are the construction specifications and measures required of the construction contractor in the construction contract and enforced by the Caltrans construction Resident Engineer, who oversees the construction activities.

A-8-54.

The decline over years in emissions is explained in the text introducing Table 2-23, under the heading Long-Term Operational Impacts. Operational emissions are the tailpipe emissions from vehicles using SR 37 and regional roads. Total daily emissions

are calculated for the No Build and Build Alternatives, and the difference between these scenarios are the emissions associated with each alternative listed by pollutant. The difference between Baseline (existing, 2019 at the time studies were initiated), No Build, and Build are shown for the study years 2025 and 2045. The decline or drop in emissions is due to the more stringent emission rates required over future years and the conversion of older cars (high emissions) to newer cars (lower emissions). The emission rates that have to be used for this study are established by the California Air Resources Board (CARB), and applied to the VMT estimated for the project.

A-8-55.

Please see Comment Response A-8-54 above regarding the emissions reductions.

A-8-56.

Please see comment response A-8-33 regarding mapping receptors.

A-8-57.

The project is to make HOV lanes available, which can only be used by multi-occupant vehicles (carpools, vanpools, buses), and certain other allowable vehicles (electric, motorcycles). The HOV lanes will, for the first time on SR 37, provide a means for these vehicles to gain time savings in comparison to SOVs. Hence it provides increased mobility options to single occupant driving, which are also energy efficient in terms of people moved per energy expended. The use of these lanes is fully analyzed in the energy section of the EIR/EA, Section 2.3.8.

A-8-58.

The 1-mile study area used for evaluation of cumulative impacts was used to reasonably capture other developments in the area that might contribute to a cumulative impact. Table 2-54 lists the projects considered in the cumulative impact evaluation. Growth in the regional area is evaluated separately, in the evaluation of traffic modeling that compares existing, 2025, and 2045 study years. The growth considered in the EIR/EA evaluation was added to existing and project alternatives traffic to fully assess the impacts of each study year. Economic and population growth, is therefore, included in the future study years. The future years shows that congestion does gradually increase over time, but the important comparison is the No Build to Build differences. The No Build conditions in the future have greater impacts in terms of measures of performance such as delay and queuing than the Build Alternatives.

A-8-59.

Please refer to Comment Responses A-8-1 and A-8-8 related to the improvements of the SR 37/SR 121 intersection that were incorporated into the SR 37 Sears Point to Mare Island project. These improvements have not been fully funded at this time.

The SR 37 Sears Point to Mare Island project evaluated turning movement improvements identified as Options 1, 2, and 3 that would help address the queuing and delays that occur at this location; Option 3 is being included as part of this project.

The Fairgrounds Drive project is still in final design, as of 2022. This has been updated in the Final EIR/EA.

A-8-60.

See response to comment A-8-59.

A-8-61.

Various scenarios were analyzed as part of traffic analysis for this intersection under 2025/2045 conditions. The intersection options include right side HOV and left side HOV lanes on the west of the intersection, and HOV lane on the east side of the intersection. The results from the analysis indicated that the project would not create a bottleneck at this intersection with the SR 37 Sears Point to Mare Island proposed HOV/ toll lane.

A-8-62.

Tolling has been analyzed using the Travel Demand Model, and the results were presented in the Draft EIR/EA and in this Final EIR/EA in Section 2.2.11. The analysis shows that tolling and the availability of a multi-occupant HOV lane that supports bus service and ride sharing would reduce VMT and GHG. The proposal to toll SR 37 would be subject to approval by the CTC.

A-8-63.

The traffic model projections include land development until 2045, as identified by the counties and cities in their land use plans. This is based on the MTC Regional Model which includes all nine Bay Area counties. The impacts of the travel patterns are evaluated on a regional basis in Section 2.2.11.

A-8-64.

Refer to the response to comments A-8-32 and A-8-63.

A-8-65.

Public shoreline access is being considered as an element of this project; please refer to responses to comments. Please refer to the response to comment A-6-3.

A-8-66.

Yes, Alternative 2 (and 3A) included a proposed prohibition of bicycle access due to the narrow shoulders. This loss of access was identified in the Draft EIR/EA. These alternatives were not advanced and Alternative 3B is identified as the preferred alternative, and it includes maintaining outside shoulders that will be accessible to bicyclists.

A-8-67.

Legislative approval for tolling discussed in the Draft EIR/EA is no longer required with the currently proposed lane configuration of converting the existing lane to HOV use in both directions, and the added new lanes only would be subject to tolling. This tolling proposal can be approved by the CTC, and would be proposed to the CTC after approval of this EIR/EA. The EIR/EA identifies options for bus service, ridesharing, and other measures that would also reduce congestion and VMT (Section 3.3.17).

A-8-68.

Table 3-3 are the performance criteria. These are the VMT (miles traveled) reductions that are necessary to off-set the VMT increases associated with the four build alternatives evaluated in the EIR/EA. Achieving these VMT reductions reduces the identified impact to a less than significant impact, and therefore provides the metric that can be used to evaluate compliance. Exceeding these performance criteria would further reduce VMT below that caused by the No Build alternative. This section also provides an example of how traffic counts can be used to measure achieving this performance criteria.

Note that the availability of HOV lanes provides the option and encouragement to drivers to carpool or use transit, because the HOV lanes will provide a faster trip than driving alone. Implementing a toll and an HOV lane further encourages this mode shift. Providing the HOV lanes and tolling together therefore provides the maximum potential for VMT reduction.

A-8-69.

Your recommendation for implementing tolling elsewhere in California is noted. Implementing tolling on other public highways requires specific approvals, and that is not a consideration of this project or EIR/EA.

High Occupancy Toll (HOT) Lanes are not proposed for this project.

A-8-70.

Table 3-4 reports the difference in one-way tolling versus two-way tolling. The difference is that converting the existing facility to tolling could result in some diversion by drivers avoiding the toll (and diverting or not driving the route in one direction), but also a reduction in trips by drivers simply not taking the trip because of the toll. Tolling in both directions results in a greater reduction in trips than tolling in one direction only, based on total daily trips in the regional model. This may be associated with people taking trips in the "free" direction on SR 37 but using a different return route because a toll is charged in the opposite direction.

Having the HOV lanes plus tolling results in the greatest reduction in VMT, which considers the number of trips combined with the distance of those trips. Tolling only will reduce trips because of the price sensitivity of some drivers making discretionary trips that will not make their trip because of the higher cost. These drivers are only a portion of the users of SR 37, and there are many drivers that have to make the trip (non-discretionary trips). Without HOV lanes, tolling alone is not as effective at reducing VMT. The HOV lanes provide drivers that must make a non-discretionary trip an option to use a multi-occupant vehicle (e.g., carpool or bus) in the HOV lane and avoid using the toll lane.

A-8-71.

The proposed HOV lanes, in combination with the proposed tolling of vehicles in the general purpose lane, would encourage bus services and provide an incentive for ridesharing in this corridor. With the proposed HOV lanes, bus service on SR 37 will for the first time have a means to bypass peak period congestion in the general purpose toll lane, which will make using transit a more attractive option than the driving an SOV in the toll lane. As stated in Section 3.3.17, bus service, increased park-and-ride availability, and other ride-sharing options would be implemented over time as VMT increases and demand for these ridesharing services increases. In this sense this mitigation measure is transitional since more bus services, ridership and ridesharing is expected to increase overtime. The traffic modeling showed that VMT will decrease with the proposed project's tolling and HOV lanes compared to the No Build Alternative. The recommendation that the revenue from tolling be used to fund VMT-1 is a consideration, but is ultimately a decision determined following completion of environmental review. It is not a decision made during this phase of the project.

A-8-72.

Please see response to comment A-8-70. Yes, HOV's result in combined trips, but not a reduction in trip length. With respect to VMT (vehicle times miles traveled), the number

of vehicles are reduced but not the mileage. The modeling showed that tolling reduced the number of trips. Therefore, tolling and HOV lanes combined provide the greatest opportunity for VMT reduction.

The traffic analysis includes all traffic—cars, two-wheelers, buses, trucks, and others. The percentage of trucks using SR 37 is not expected to change because large trucks are not allowed in HOV lanes. Any restrictions on truck use of the SR 37 corridor would require separate evaluation and approvals, and currently there is no reason to restrict truck use on this highway that is different from any other highway. The proposed purpose of this project is to add an HOV lane to support and encourage multi-occupant use of the highway, and reduce congestion caused by the lane drops within the project limits.

A-8-73.

HOV lanes would not fill up quickly with latent demand. The tolling and HOV designation are designed to encourage drivers to use multi-occupant vehicles. There is no data indicating a latent demand for carpool lanes on SR 37. A latent demand is the assumption that there are drivers that would otherwise drive or shift to this route if it was less congested. Although this could happen, these latent demand drivers would have to be carpoolers who were otherwise not driving at all or not driving on SR 37. If a single driver is not currently driving on SR 37, but then uses this route because it now has an HOV lane, that driver would be joining into a multi-occupant vehicle and this would not be an additional or new trip.

Alternative 3A would reduce the shoulders while adding the HOV lane. Alternative 2 provides wide shoulders and would be open for HOV traffic only in the peak direction. The write up on this page was corrected to identify Alternatives 2 and 3A as resulting in the reduction of width or loss of the shoulders (and not Alternative 3B).

A-8-74.

The page introducing Table 3-6 notes that “mobile GHG emissions in the region would decrease from baseline levels due to improvements in vehicle technology with or without the project.” This is information is also included in the air quality and energy analysis, that emissions (and gas consumption/emissions) reduce over time with or without the project because of driver conversion to cleaner and more fuel-efficient vehicles (which will emit lower GHG associated emissions). This is based on California Air Resources Board emission factors, discussed in the air quality section.

The actual trips in the corridor would be high as the trip lengths are shorter than total trip length. The number of trips vary by the trip lengths. For this reason, VMT was used as the metric to identify and compare vehicle trips, because it measures both number of trips and their length of travel.

A-8-75.

Although the primary goal of the project is to relieve traffic congestion, future impacts on the project related to SLR have been considered. The project includes several design features that would make it more resilient to flooding from SLR. The following adaptive management measures are being considered to address SLR in the project:

- Equipment that may be vulnerable to inundation, such as communications and power equipment, would be relocated and placed on raised pads for its protection.
- Corrosion-resistant construction materials would be required, as appropriate, for utility, power-service connections, foundations, and drainage facilities.
- In consideration of planning responses for inundation or emergency events, an Incident Management Plan will be developed in cooperation with a multi-agency team. The plan will include emergency response procedures, alternative transportation communication protocols, response and enforcement, and recovery procedures.
- Small-scale raising of the road elevation for two segments of SR 37 near the Mare Island interchange and between Tolay Creek and the Tubbs Island Trailhead will be evaluated and addressed during the final design phase for the selected alternative.
- Sheet pile walls along the edge of shoulders would address roadway confinement, may help minimize floodwater percolating into the base and subgrade, and would reduce seepage into the side slopes of the roadway embankment. In addition, the heights of the sheet pile walls may be increased above finished grade to provide some flood protection.

See Section 3.4.5 of the Final EIR/EA for the discussion of these items.

A-8-76.

Yes, the performance criteria is to reduce VMT; see response to comment A-8-68. Tolling, bus service, and ride sharing would reduce VMT. Local bus service operators would provide bus service in the corridor; the project sponsors (county transportation authorities) have agreed to and would determine how to support the service providers, such as NVTA and SolTrans transit providers. Local agencies are currently sponsoring ride sharing apps.

A-8-77.

The HOV lane doesn't open until 6 a.m. In Alternatives 1 and 2, no additional lane/ shoulder is available before 6 a.m. In Table H-1, Alternatives 1 and 2 make delay times worse because the highway is only one lane until the median barrier is fully shifted (Alternative 1) or the shoulders are open to traffic (Alternative 2). Because of the continued congestion of only one lane in each direction, the backup queue lengths extend to the Walnut Avenue interchange and intersections, resulting in poor levels of service and congestion. It may be possible to adjust the assumption of timing of when the median barrier (Alternative 1) shifts location to reduce the early hour length of time of congestion, but there would be congestion with Alternative 1 whenever demand exceeds capacity and only one lane is available for use.

In comparison, Alternatives 3A and 3B have HOV lanes that can be made available all day in each direction. A revision from the Draft EIR/EA to the Final EIR/EA for Alternative 3B (preferred alternative) was made to provide HOV operational hours 24 hours a day, 7 days a week. Because of this additional capacity, Alternatives 3A and 3B perform better than the No Build and Alternatives 1 and 2.

A-8-78.

Please see response to comment A-8-77 above.

A-8-79.

As discussed in Comment Response A-8-77, the congestion is worse because no HOV lane is available in the westbound direction during the PM peak in Alternative 1 and 2.

In Alternative 3, Scenario 1, the HOV lane starts east of the on-ramp, and the HOV lane starts west of the on ramp in Scenarios 2 and 3.

The project limits, and proposed improvements, are limited to the Sears Point to Mare Island portion of SR 37. West of Sears Point is a two-lane section in each direction between SR 121 and US 101 which has a higher capacity. The Sears Point to Mare Island project was evaluated as a standalone project with no other corridor dependent improvements assumed, and it will not restrict future consideration of designation of HOV lanes beyond this project's limits. Other improvements in the corridor are being evaluated, including a corridor wide effort in the PEL study, but improvements outside of the project limits would be a separate project and was not evaluated for extended HOV lanes.

A-8-80.

The project limits, and proposed improvements, are limited to the Sears Point to Mare Island portion of SR 37. West of Sears Point is a two-lane section in each direction

between SR 121 and US 101 which, has a higher capacity. The Sears Point to Mare Island project was evaluated as a standalone project with no other corridor dependent improvements assumed, and it will not restrict future consideration of designation of HOV lanes beyond this project's limits. Other improvements in the corridor are being evaluated, including a corridor wide effort in the PEL study, but improvements outside of the project limits would be a separate project and was not evaluated for extended HOV lanes.

A-8-81.

Your recommendation on tolling other portions of the highway is noted. The use of the toll revenue will be determined by the CTC, and by Caltrans independent of approval of the EIR/EA and Project Report.

A-8-82.

Figure 2.3 on page 2-66 and Figure 2.4 on page 2-67 of the Draft EIR/EA provide views in the westbound direction of SR 37 just west of the Mare Island Interchange.

The eastern end of the project improvements would occur just west of the Napa River Bridge. No modifications to the Walnut Avenue Overcrossing are anticipated except for restriping to conform to the modifications at the westbound entrance ramp.

B. Comments from Organizations

Comment Letter O-1: Sonoma-Marin Area Rail Transit, Emily Betts

5401 Old Redwood Highway
Suite 200
Petaluma, CA 94954
Phone: 707-794-3330
Fax: 707-794-3037
www.sonomamarintrain.org

February 1, 2022

California Department of Transportation, District 4
ATTN: Yolanda Rivas P.O. Box 23660, MS-8B
Oakland, CA 94623-0660

Re: State Route 37 Sears Point to Mare Island Improvement Project
Comments on the Draft Environmental Impact Report/ Environmental Assessment (EIR/EA)

Dear Ms. Rivas:

Thank you for the opportunity to review the Draft Environmental Impact Report/ Environmental Assessment (EIR/EA) for the State Route 37 Sears Point to Mare Island Improvement Project. The Sonoma-Marin Area Rail Transit District (SMART) owns and operates the railroad tracks that State Route 37 crosses near State Route 121. SMART respectfully submits the following comments:

O-1-1

1. Table 1-5 Project Permits and Approvals – should include approval from the California Public Utilities Commission (CPUC) to alter a public grade crossing. This is covered under CPUC General Order No. 88-B Rules for Altering Public Highway-Rail Crossings.

2. Chapter 6 Distribution List – as a project stakeholder, SMART should be included as a Regional Agency.

We look forward to working with Caltrans on this project.

Thank you,

Emily Betts
Principal Planner
ebetts@sonomamarintrain.org

Response to Comment Letter O-1: Sonoma-Marin Area Rail Transit

O-1-1.

Your comment is related to adding omitted information to the EIR/EA. The General Order 88-B Approval for Modification of an Existing Rail Crossing has been added to the Final EIR/EA in Table 1-5 in Section 1.6.

The Distribution list was used by Caltrans to provide elected and non-elected officials with prior notice of the Draft EIR/EA. This list shows which official received letters directly from Caltrans. Because SMART was not part of the initial list receiving letters, it would be nonfactual to include them on the list now.

Comment Letter O-2: Marin County Bicycle Coalition, Warren Wells

From: Rivas, Yolanda@DOT
To: Ruiz, Sergio@DOT
Cc: Zimmerman, Jeff; Osby, Stephanie; Kevin Chen; Jeanette Weisman; Gao, Rui@DOT
Subject: [EXTERNAL] Re: SR 37 EIR VMT Issue
Date: Thursday, February 10, 2022 10:28:12 AM

Hi, Sergio. Thank you for forwarding this comment. We received similar comments/questions from others in writing and during the virtual public meeting. There has been a misunderstanding on the part of the public on the basis of the VMT numbers. The team did clarify the basis for the numbers during the meeting and we'll make an effort to strengthen this clarification in the FED.

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From: Ruiz, Sergio@DOT <sergio.ruiz@dot.ca.gov>
Sent: Thursday, February 10, 2022 9:43 AM
To: Rivas, Yolanda@DOT
Subject: FW: SR 37 EIR VMT Issue

Hi Yolanda,

I received this informal comment from Warren Wells. It looks like he was going to resubmit this as part of his formal comments, but given the discussion at the PDT right now, I thought I should send this to you anyway.

Sergio Ruiz
Complete Streets Coordinator
Caltrans District 4 (Bay Area)
Mobile: (510) 960-0778

From: Warren Wells <warren@marinbike.org>
Sent: Tuesday, January 25, 2022 1:40 PM
To: Ruiz, Sergio@DOT <sergio.ruiz@dot.ca.gov>
Cc: Currey, Gregory@DOT <Gregory.Currey@dot.ca.gov>
Subject: SR 37 EIR VMT Issue

EXTERNAL EMAIL. Links/attachments may not be safe.

Hi Sergio,

I was reviewing the EIR for the State Route 37 Sears Point to Mare Island project with a colleague and we came across a pretty significant error in the VMT section.

O-2-1

Starting on table 2-11, it's clear that the analysis mistakes *annual* VMT for *daily* VMT. At that point, adding the modeled daily increase in VMT appears to be a very small share of the total. But because of the mixing of annual and daily figures, the increase seems to be understated by a factor of ~365.

Obviously I can submit a comment on the EIR noting this error, along with my other

O-2-1 Cont.

recommendations, but I wanted to flag it for you since I saw your name on the List of Preparers.

Cheers!

--

Warren J. Wells, AICP
Policy and Planning Director
Marin County Bicycle Coalition
cell: (410) 703.9898 | marinbike.org
pronouns: he, him, his

We're creating a healthy, connected, and sustainable Marin by promoting bicycling for everyday transportation and recreation. Love to ride? Join us today.

Response to Comment Letter O-2: Marin County Bicycle Coalition

O-2-1.

Your comment is related to the daily VMT versus annual VMT, as reported in the Draft EIR/EA. To clarify, an error was not made in the Draft EIR/EA. The daily VMT numbers show a relatively high volume because the totals reflect daily regional VMT over all nine Bay Area counties. Daily VMT was evaluated over this Bay Area region to better capture total daily miles of vehicle travel on SR 37, since travelers that use this route tend to be on longer regional trips that are between counties, throughout the Bay Area. A brief explanation was added to the Final EIR/EA in Sections 2.2.11.3 and 3.3.17 that the VMT totals include trips within all nine counties of the Bay Area to capture the diversion or changes in routes and trips between alternatives.

Comment Letter O-3: Marin County Bicycle Coalition

February 28, 2022

SR 37 Project Team
California Department of Transportation, District 4
Attn: Yolanda Rivas
P.O. Box 23660, MS-8B
Oakland, CA 94623-0660

Re: SR 37 Sears Point to Mare Island Improvement Project - DEIR Comment

Dear Project Team:

SR 37 is one of the longest gaps for safe, zero-carbon travel in the San Francisco Bay Area. Despite serving as a vital transportation corridor connecting four counties and providing recreational access to some of the largest and most diverse open spaces and wildlife refuges in the region, there are no dedicated facilities for people to walk or ride bicycles along the corridor. Several long segments of the San Francisco Bay Trail parallel SR 37, but they are separated from one another and inaccessible outside of a private vehicle due to the lack of active transportation facilities.

While the long-term plan for the corridor, currently being developed by the Planning and Environmental Linkages (PEL) Study, is planned to include dedicated bicycle/pedestrian facilities, this is not contemplated in the near term. In fact, the Sears Point to Mare Island Improvement Project will, in some of the considered alternatives, eliminate bicycle access to this segment.

O-3-1

That said, the undersigned recognize that, due to the length of the corridor and the hazardous existing conditions currently experienced by those attempting to ride a bicycle between Sears Point and Mare Island, there is little bicycle use today. Additionally, the needs of current users must be balanced against the real need to provide transit service on the corridor, which is currently constrained by the lane configuration.

While accepting revocation of bicycle access to a state highway is not generally in line with our missions as bicycle advocacy organizations, the change of use may result in a better situation for all users if certain mitigation measures are undertaken.

Below are our comments on the DEIR, as well as other requests for improving public access:

Comments

O-3-2

2.2.2.1 Transportation Plans/Programs (p. 90)
This section describes the Complete Streets Program implemented pursuant to Caltrans Deputy Directive 64-R2 (2014). As of December 7th, 2021, this directive has been superseded by Director's Policy 37 (DP-37). The new controlling directive requires that, when decisions are made not to include complete streets elements in capital and maintenance projects (as is the case in Alternatives 2 and 3A), the justification will be documented with final approval by the responsible District Director.

Signed on February 15th, 2022, Director's Policy 36 (DP-36) institutes a Safe Systems approach for Caltrans, committing to a "safety first mindset prioritizing road safety." Alternatives 1 and 3A, which are highly dangerous for vulnerable road users, do not meet this standard.

O-3-3

3.3.17.1 CEQA Significance Determinations for Transportation
This section, in determining that there will be a "less than significant" impact on bicycle and pedestrian facilities, states that "bicyclists are permitted." While this is strictly true under current law, Alternatives 2 and 3A clearly state throughout that they would be paired with state legislation to prohibit bicyclist access. We believe that this loss of 9.5 miles of bicycle access on a state highway should be paired with mitigation.

O-3-4

VMT-1: Bus Service, Ride Sharing
The proposed express bus service along SR 37 describes a stop at the Solano County Fairgrounds Park & Ride, but no stop at the Vallejo Transit Center, a significant hub for regional travel. To best facilitate car-free travel along the corridor, we strongly recommend implementing transit service between Downtown Vallejo and Marin, rather than only serving a freeway adjacent parking lot at the Fairgrounds served by one local bus.

O-3-5

Figure 3-1: SR 37 Potential Express Bus Service
The labels for "Novato Hamilton SMART Station" and "Novato San Marin SMART Station" are transposed.

Additional Recommendations

O-3-6

Tolay Creek to Tubbs Island Connector
To partially mitigate the loss of bicycle access on the corridor, we recommend constructing a barrier-separated two-way bicycle and pedestrian facility between Tolay Creek Road and the Tubbs Island Trailhead. This ¾ mile gap closure would link two existing segments of San Francisco Bay Trail, bringing together 9 miles of off-street trail to offset the 9.5 miles of highway bike access lost through the project.

Transit Service

O-3-7 Transit provided on the corridor should be sufficient to provide reasonable accommodation to people traveling without a car, and not just those making a peak-hour, peak-direction commute. We know that much of the work people are traveling to from Solano to Marin County is in the service sector, which does not always provide a 9-5 schedule. The DEIR describes an express bus service stopping at park & ride lots between the two counties. While not explicitly mentioned, express bus service is typically run only in the peak hour with minimal mid-day service. We recommend that transit service be provided throughout the day (on one hour headways at the least) and that stops be provided in urban transit centers and not merely in suburban park & ride lots.

O-3-8 **Transit Vehicles**
When transit service is being developed, it is important that the vehicle be able to accommodate bicycles, either through front racks or undercarriage racks. This is often a problem on express bus vehicles (which are typically over-the-road coaches). The vehicles should be able to accommodate a three-position, greatly reducing the likelihood of a rider being passed up.

O-3-9 **Pass-Up Evaluation**
Due both to mismatched supply and demand (too many people trying to ride a bus line for the amount of rack space) or inadequate accommodation (people traveling with e-bikes or other bicycles incompatible with the provided racks), bicycle users are often passed up by express buses. As such, we recommend that any transit service provided on the route provide an evaluation of the number of bicycle users passed up in the first year, in order to determine whether a dedicated bicycle shuttle is necessary to provide adequate service for the corridor.

O-3-10 **Vehicle Tolling**
As we understand it, tolling is being considered for the corridor, and state legislation has been introduced to this effect. We are supportive of this, as it can help provide a revenue stream for transit service on the corridor.

Respectfully submitted,

Tarrell Kullaway
Executive Director
Marin County Bicycle Coalition

Eris Weaver
Executive Director
Sonoma County Bicycle Coalition

Kara Vernor
Executive Director
Napa County Bicycle Coalition

Response to Comment Letter O-3: Marin County Bicycle Coalition

O-3-1.

This comment is noted. Caltrans has chosen Alternative 3B as the preferred alternative, which maintains 8-foot outside shoulders and bicycle access, except at the Sonoma Creek Bridge where the outside shoulder will be 4 feet wide in both directions but will be accessible to bicycles. Bicycle access in both directions of SR 37 would continue to be available with the project. Refer to Section 1.4.3.1 in the Final EIR/EA for the rationale for selection of the preferred alternative.

O-3-2.

See response to comment O-3-1 above.

O-3-3.

Alternatives 2 and 3A have been dropped from consideration. Alternative 3B is Caltrans' preferred alternative and permits bicycle use along the outside shoulders. Please refer to Section 1.4.3.1 of the Final EIR/EA for selection of the preferred alternative discussion.

O-3-4.

Caltrans notes your recommendation to implement transit services between Downtown Vallejo and Marin. As mentioned in Section 3.3.17 of the Final EIR/EA, a study was conducted by Fehr & Peers that identified express bus service as feasible between Fairfield, Vallejo, and Novato. During the project design phase, Caltrans will work with local transportation authorities to identify bus route opportunities.

O-3-5.

This comment is noted and Figure 3-1 labels have been corrected.

O-3-6.

As noted in Comment Response O-3-3, Alternative 3B would maintain bicycle access along the outside shoulders. Additionally, the PEL process is separately looking at an ultimate project, which will include additional public access opportunities.

O-3-7.

Caltrans notes your recommendation to provide transit services throughout the day. During the project design phase, Caltrans will work with local transportation authorities and transit providers to identify appropriate transit hours.

O-3-8.

Your comment regarding mass transit being able to accommodate bicyclist is noted. During the project design phase, Caltrans will work with local transportation authorities and transit providers to identify appropriate amount of buses and bus services to accommodate passengers including bicyclist.

O-3-9.

Caltrans notes your comment regarding bicycles passed by bus services in the first year. During the project design phase, Caltrans will work with local transportation authorities and transit providers to identify appropriate amount of buses and bus services to accommodate passengers including bicyclist.

O-3-10.

Caltrans has noted your comment in support of tolling to provide a transit service revenue stream.

Comment Letter O-4: Solano Ecology Center, Richard Dale

SONOMA ECOLOGY CENTER
Beautiful. Sustainable. Sonoma.

February 28, 2022

Yolanda Rivas, Senior Environmental Planner Caltrans District 4 Environmental
P.O. Box 23660, MS: 8B
Oakland, CA 94623-0660
StateRoute37@dot.ca.gov

Subject: Draft Environmental Impact Report (EIR) / Environmental Assessment (EA) for the proposed State Route 37 Sears Point to Mare Island Improvement Project

Dear Ms Rivas,

O-4-1 All work in the SR-37 corridor, even congestion relief projects, should be integrated with current, planned, and envisioned ecological restoration, such as the Sonoma Creek Baylands Strategy, and with long-range transportation planning for all three segments. Please describe in the EIR how this project is consistent with these plans, and does not constitute piecemeal planning.

O-4-2 All work in this corridor, even congestion relief projects, should be designed to function under H++ sea level rise projections, as recommended by the Ocean Protection Council. This reduces public costs most over time. Please describe in the EIR how this project functions under H++ projections.

O-4-3 The project should stay within the existing project footprint. Widening the berm would irreparably harm protected habitats and wildlife, as well as connectivity. Please describe in the EIR how the project will enhance, not hinder, future restoration opportunities.

O-4-4 Please provide design details for the proposed sheet pile walls, including their length and depth, and evaluate their impacts on groundwater flow and adjacent habitat.

Please describe how the proposed lighting plan protects sensitive species and locations.

Thank you for your work.

Richard Dale, Executive Director
richard@sonomaecologycenter.org
(707) 888-1656

PO Box 1486, Eldridge, CA 95431 • (707) 996-0712 • EIN 94-3136500
info@sonomaecologycenter.org • www.sonomaecologycenter.org

Response to Comment Letter O-4: Solano Ecology Center

O-4-1.

This comment is related to including ecological restoration as part of this project. Ecological restoration is not part of the project's primary purpose and need. However, the project team developed a project mindful of reducing travel delays and providing a corridor that promotes multi-occupant vehicle use and transit, and provides mitigation strategies that off set impacts and contributes to planned ecological restoration. Mitigation is committed to in the Final EIR/EA, and will continue to be developed in consultation with resource agencies consistent with restoration planning including the Baylands Strategy. Mitigation measures are described in the Final EIR/EA in Section 2.4 under each of the Avoidance, Minimization and/or Mitigation Measures sections.

O-4-2.

Your comment is related to designing a project consistent with sea level rise projections under H++ assumptions. Please see Comment Response A-7-4.

O-4-3.

Your comment is related to minimizing impacts to adjacent wildlife habitats by keeping the project in the existing footprint. Please see Comment Response A-7-1.

O-4-4.

The sheet piles are proposed along the outside edge of the highway shoulders, and are shown in the schematic drawings in the project description in the Final EIR/EA, Figure 1-4 for the Alternative 3B. Preliminary geotechnical studies indicate that sheet piles might need to be embedded 30 to 40 feet below the existing ground/slope surface. Most of that embedment would be in the very low permeability young Bay Mud that underlies the embankment. Groundwater can flow around sheet piles at the tip, below the walls and flow through them at their connections. Where existing culverts or other known channels for water conveyance are present, openings in the sheet piles can be included in the design.

The preliminary geotechnical report for this project identified groundwater elevations from various sources of 4 to 10 feet below ground surface near Tolay Creek, and 2 to 5 feet below ground surface near Cullinan Ranch, and 4 feet below ground surface between Sonoma Creek and Napa River. Additional evaluation of groundwater depths and flow would be determined during the final design phase of the project.

Lighting is described in the Project Description section, and new lighting is proposed in advance of tolling gantries, at CHP enforcement areas, along four horizontal curves and

at local road intersections. New lighting would be designed to have minimal impact to the surrounding environment, as specified in measure VIS-01: Limit Light Pollution (Section 2.2.12.4). This includes the design and output of the lighting, and use of shielding to restrict new lighting to the roadway surface. Lighting during construction would also be minimized and used only where necessary, as specified in biological measure PF-BIO-15.

Comment Letter O-5: Resource Environmental Solutions, Katie Fedeli

1210 G Street
Sacramento, CA 95814

Corporate Headquarters
6575 West Loop South, Suite 300
Bellaire, TX 77401
Main: 713.520.5400

February 28, 2022

Caltrans District 4
Attn: Yolanda Rivas
PO Box 23660
MS: 8B
Oakland, CA 94623-0660

RE: State Route 37 Sears Point to Mare Island Improvement Project, Draft Environmental Impact Report / Environmental Assessment, Volume 1, dated January 2022

Dear Yolanda Rivas,

Resource Environmental Solutions, LLC (RES) has received and reviewed the Draft Environmental Impact Report Environmental Assessment (EIR/EA) for the Caltrans State Route 37 Sears Point to Mare Island Improvement Project (Caltrans Project) dated January 2022. On behalf of the Halo Ranch, LLC, RES would like to provide information about the pending Halo Ranch Mitigation Bank (Halo Ranch). The Caltrans Project lies within the primary service area (Figure 1 and Figure 2) of Halo Ranch and the wetland/waters credits anticipated to be released could provide compensatory mitigation for the Caltrans Project. This letter is to inform Caltrans about Halo Ranch and the adjacent parcel that could provide additional species mitigation which is not outlined in the EIR/EA. It should be highlighted that the owner of Halo Ranch and the adjacent parcel is a willing landowner who is interested in helping Caltrans meet their mitigation needs.

Specifically, Section 2.4.2.4. BIO-05 of the EIR/EA states that Caltrans "proposes to compensate for permanent losses to wetlands and waters through the use of an available conservation bank to the extent that credits are applicable and available". The EIR/EA further states that there is currently one approved conservation bank with limited credits and no approved in-lieu fee programs. The lack of available credit options would result in the need for Caltrans to offset impacts and losses to wetlands/waters through a project specific compensation plan.

O-5-1

However, RES has been actively working with the Interagency Review Team for Halo Ranch over the last two years, and final approval of the Bank Enabling Instrument (BEI) and initial credit release is estimated to occur in Fall/Winter 2022. The information below describes the credit types coming available at Halo Ranch, as well as the adjacent land that is available as a separate mitigation site.

Wetlands and Other Waters Mitigation

Halo Ranch will provide U.S. Army Corps of Engineers (Corps) and Regional Water Quality Control Board (RWQCB) tidal wetland, seasonal wetland, and non-perennial stream credits in addition to RWQCB non-wetland riparian credits.

Habitat Type	Credit Type	Waters of the U.S. Credits	Waters of the State Credits
Tidal Wetlands (Including tidal sloughs, tidal marsh, brackish marsh)	Rehabilitation	65.195	65.195
Nontidal Wetlands (Including seasonal wetlands)		0.03	0.03
Other Waters (Including non-perennial stream)		0.525 (1,148.25 linear feet)	0.525 (1,148.25 linear feet)

Habitat Type	Credit Type	Waters of the U.S. Credits	Waters of the State Credits
Tidal Wetlands (Including tidal sloughs, tidal marsh, brackish marsh)	Creation	9.20	9.20
Nontidal Wetlands (Including seasonal wetlands)		71.20	71.20
Non-wetland Riparian		--	4.55

Species Conservation Mitigation

Although Halo Ranch is nearing completion of the bank entitlement process, RES has multiple methods to generate potential species credits that may be needed for the Caltrans Project as well. For example, wetland restoration at Halo Ranch will enhance existing and create new habitat for species such as (but not limited to) California Ridgway's rail, California black rail, and salt marsh harvest mouse. We intend to amend the BEI after construction to add species credits that will create combined wetlands and species credits.

O-5-1 Cont.

This could minimize the total mitigation credits needed by Caltrans since each wetland/waters credit could also provide the necessary special-status species mitigation credits.

Permittee-responsible Mitigation Opportunity

There is an additional, approximately 51-acre parcel of land adjacent to Halo Ranch (Figure 3) which is appropriate for a PRM project. The parcel includes existing high-quality breeding and foraging habitat for California Ridgway's rail, California black rail, and salt marsh harvest mouse. As stated previously, the owner of the 51-acre parcel is a willing landowner who would be happy to work with RES to assist Caltrans in meeting their mitigation needs. The PRM site could be reserved by Caltrans to generate potential species mitigation separate from the wetlands and waters credits purchased at Halo Ranch.

RES regularly develops PRM projects for our clients and can work with Caltrans to process the regulatory approvals prior to construction of client projects. RES is also unique in that we can sever Caltrans' liability for meeting performance milestones and maintain the mitigation property similar to purchasing mitigation credits; thereby, relinquishing any further obligations of Caltrans such as monitoring, reporting, maintenance, or payment of additional fees due to unforeseen circumstances.

Questions about the status of the BEI can be addressed to Sarah Firestone at the San Francisco Corps District, who is the Halo Ranch Interagency Review Team lead. Contact information is provided below.

Sarah Firestone
Sarah.M.Firestone@usace.army.mil
415.503.6776

Please let us know of any additional information you may find beneficial at this time. Thank you for the opportunity to share information regarding future mitigation opportunities at Halo Ranch and the associated PRM parcel adjacent to Halo Ranch.

Sincerely,

Katie Fedeli
Senior Project Manager
RES | res.us
M: 617.785.6943
Restoring a resilient earth for a modern world

Response to Comment Letter O-5: Resource Environmental Solutions

O-5-1.

Caltrans notes your recommendation for Halo Ranch as a mitigation bank. As discussed in the Final EIR/EA in Section 2.4.2.5, Caltrans has identified several potential projects that could be funded to offset and compensate for loss of wetlands and other waters from the selected alternative. These include efforts in the Refuge (Mare Island, Cullinan Ranch, Strip Marsh, Skaggs Island, or Tolay Lagoon), or efforts being conducted through the Sonoma Creek Baylands Strategy (Sonoma Creek Restoration at Detjen and West End) sponsored by the Sonoma Land Trust. Other opportunities will be identified and further explored as the project design progresses and specific compensatory mitigation needs are better understood. Funding and transfers could be established through a co-operative agreement with the California State Coastal Conservancy. Conservation banks will be determined at the design phase of the project.

Comment Letter O-6: Inland Empire Biking Alliance, Marvin Norman

INLAND EMPIRE BIKING ALLIANCE

27 February 2022

Caltrans, District 4
Attn: Yolanda Rivas
PO Box 23660, MS 8B
Oakland, CA 94623-0660

Submitted via email to stateroute37@dot.ca.gov.

Re: State Route 37 Sears Point to Mare Island Improvement Project Draft EIR/EIS (SCH #2020070226)

Dear Ms. Rivas,

I am writing in response to the Draft EIR/EIS ("DEIR") for the State Route 37 Sears Point to Mare Island Improvement Project which has been prepared and made available for public review. After examining the documents, the following concerns and issues have been identified with what is proposed that an hopefully be addressed before the Project would move forward.

The biggest issue is that of several of the Alternatives which would restrict bicycle access at certain times or permanently. That is completely unacceptable for a Project being proposed in 2022. As noted in the document Caltrans has several policies such as the Complete Streets Policy and there are a number of local level plans for the corridor as well to provide an improved bicycling experience in the same general corridor as the Project, including policies requiring any projects to provide the infrastructure necessary to complete the Bay Trail as part of those projects.

O-6-1 Yet, the proposed Project fails to do that, potentially violating §887.8(b) of the State's Street and Highway Code which states that "where the…capacity of the highway would be increased, the department shall pay for the construction and maintenance of nonmotorized transportation facilities approximately paralleling the highway." As stated in the Project description, it would provide an increase in capacity in the corridor which appears to meet the requirements of §887.8(b). Therefore, the Project cannot proceed if it removes bicyclist access or does not replace that access.

As noted in the DEIR itself, there are uncompleted segments of the Bay Trail roughly parallel to much of the Project. If the Project moves forward with an Alternative that eliminates bike access to SR 37, then it is imperative that the portion of the Bay Trail be completed to provide a viable alternative because although it is stated that a shuttle bus service could be made available to help bicyclists across the gap, doing so is extremely limiting, particularly to individuals who are using something other than the traditional diamond frame bicycle. It also would be unacceptable for the

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completion of the Trail to be promised at some vague date in the future. It must be completed and made available at the same time as the Project (if not earlier).

O-6-1 Cont.

Related to that, it is imperative that adding a physically separate crossing for the Bay Trail to the Sonoma Creek Bridge be done as part of the Project. This is both required by various goals related to the Bay Trail itself by the agencies in the region and also is necessary to meet the requirements of §887.8(b). This crossing can either be constructed by adding 14 feet (at least, but 16 feet would be optimal along with an observation point/rest area) to the widening of the bridge as proposed in Alternative 3B or construct an entirely new exclusively bike/pedestrian bridge to carry the Bay Trail over Sonoma Creek.

O-6-2

In addition to the issues of not providing appropriate bike accommodation with the Project, there are other concerns to be raised. One is that the proposal is to add signals at Noble Road. However, as detailed in NCHRP 572 and NCHRP 672, traffic signals are not ass safe as roundabouts, with the latter providing substantial reduction of fatal and injury crashes. Caltrans is not unaware of these facts and include considerable discussion of their use in the Highway Design Manual. As such, it seems like a missed opportunity and safety hazard due to design to not include the use of a roundabout at this intersection instead of a traffic signal.

O-6-3

Also, there are several discussions of the potential for confusion on the part of drivers by having only part-time lanes. However, the use of dynamic signs e.g. https://www.google.com/maps/@52.3133733,5.1149697,3a,75y,323.51h,92.27t/data=!3m6!1e1!3m4!1sCRaACUijXxfRnOhLM6Jtbw!2e0!7i16384!8i8192 can supplement traditional signs to provide information about whether the lane is open or not. Additionally, this can be made to dynamically provide access and only open the lane when traffic conditions warrant it, not just based on a certain time of day. This would help control speeds and can also be paired with variable speed limits to continue to manage corridor capacity more efficiently.

O-6-4

Finally, the prospect of using tolling to control VMT is mentioned but predicated on passage of authorization in the Legislature. This seems problematic as all of the Project Alternatives would have an unmitigated significant impact of VMT without the implementation of the measure. Thus, it does not seem reasonable to allow the Project to progress until such authorization is approved because to do otherwise runs the risk of completing the Project without mitigating the impacts. Additionally, completing the Bay Trail through the Project area should be considered part of the VMT mitigation measures and the development of that reality be incorporated into the Project, particularly at the bridges.

In conclusion, the Project as proposed draws a lot of concerns as it appears to conflict with a number of existing goals and policies of the state, regional agencies, and Caltrans itself. It is important to

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INLAND EMPIRE BIKING ALLIANCE

O-6-4 Cont.

address these conflicts prior to continuing to develop the Project to construction to provide continued access to bicyclists, reduce VMT, and help address climate change impacts. We encourage the District to take the Project back to the drawing board to address the issues and ensure that it is able to do more than just expand space for cars.

Thank you for your time, please feel free to reach out with any questions or comments.

Sincerely,

Marven E. Norman, Executive Director

CC: Eris Weaver, Executive Director, Sonoma County Bicycle Coalition
Warren Wells, Policy & Planning Director, Maricon County Bicycle Coalition
Kara Vernor, Executive Director, Napa County Bicycle Coalition

About IEBA The Inland Empire Biking Alliance is advocating for making the Inland Empire a better place for people from all rolls of life. From the children just learning how to ride to the mountain bikers to those headed back and forth to work, school, or their preferred shopping center and beyond, we speak up to make sure they all have safe and convenient place to ride.

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Response to Comment Letter O-6: Inland Empire Biking Alliance

O-6-1.

Your comment is related to the fact that some of the project alternatives analyzed in the Draft EIR/EA restrict bicycle access along the project limits and do not offer bicycle access replacements. Caltrans puts the safety of its users at the forefront of its decision making, and the Build Alternatives that would restrict bicycle access (Alternatives 2 and 3A) were identified and considered to allow consideration of designs that might have a reduced footprint or other benefits. Nonetheless, after carefully weighing benefits and drawbacks of each project alternative, the Caltrans Project Development Team decided to select Alternative 3B as the preferred alternative. Alternative 3B will maintain shoulders for disabled vehicles and traffic enforcement by CHP, and bicyclists would continue to be able to use the shoulders. At Sonoma Creek, the outside shoulders would be 4 feet wide in both directions, but accessible to bicyclists.

SR 37 is a busy state highway, and public access for pedestrians that is separate from at least portions of the highway will be included as part of the project and determined in the final design stage of the project.

Additionally, the PEL process is separately looking at an ultimate project, which will include additional public access opportunities.

O-6-2.

A roundabout concept was studied and determined not viable at the location due to several factors.

Due to the high traffic volumes on SR 37, the roundabout would have to be a two-lane roundabout. The large footprint of the two-lane roundabout will require additional right-of-way in an environmentally sensitive area.

SR 37 is a high-speed roadway with traffic speed at approximately 55 mph. To reduce the speed from 55 mph to 25 or 15 mph at the entrance to the roundabout, traffic calming mitigations such as transition curves on the approaches, large deflection angles at entrances, lighting, warning signs with flashing beacons, pavement marking will be required. Some of these mitigations will cause additional environmental impacts.

All the traffic in both directions of SR 37 will need to reduce speed for the roundabout. Noble Road is about 1.5 miles east of SR 37/SR 121 intersection. During the afternoon peak period, eastbound traffic that slows down for the roundabout may cause a backup reaching the SR 37/SR 121 intersection; under such circumstances this would not meet the purpose and need of the Project.

The roundabout also presents a challenge for trucks making a left turn (potential for upset, or loss of control), because a quick lane change at the roundabout will be required.

O-6-3.

Caltrans has taken note of your comment related to using electronic signs to indicate lane status, speeds and other messaging information that can support Caltrans management of the corridor. The part-time lanes are only included in Alternatives 1 and 2, and not in the preferred Alternative 3B. Thus, the signs would not be needed with the preferred alternative because the proposed lanes in each direction would be available at all times.

O-6-4.

Your comment regards controlling VMT with tolling that is not yet approved by legislation. Tolling is included in the proposed project as a project feature. The project has been defined as a proposed HOV lane in each direction (not tolled) and a proposed general purpose lane in each direction, and the general purpose lane would be subject to tolling in either one or both directions. With this change in the designation of the proposed lanes, the legislation discussed in the Draft EIR/EA is no longer required but approval of the project by the CTC is required, and the CTC has the authority to implement tolling on state highways.

Additionally, because this project implements HOV lanes it makes it possible for bus services and ridesharing to gain a travel time advantage over SOVs, which would help reduce VMT. The project will provide HOV lanes that support and encourage bus service in the corridor. The HOV lanes will also support use of the park-and-ride lots surrounding the corridor, and more park and ride facilities are anticipated in the future as demand increases. As stated in Section 3.3.17, the implementation of bus service, increased park-and-ride availability, and other ride-sharing options would increase over time as traffic volumes and VMT increases; and the availability of traveling faster in the HOV lanes would become increasingly more attractive if the toll lane is more congested or if more drivers seek to avoid using the toll lane where a fee is collected (in contrast, the HOV lanes will not be tolled). The implementation of VMT-1 is included to allow for a means to increase vehicle occupancy and reduce VMT as necessary in this corridor.

Comment Letter O-7: Ducks Unlimited, Jeffrey McCreary

DUCKS UNLIMITED
1937-2022 85 YEARS of CONSERVATION

WESTERN REGIONAL OFFICE
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Rancho Cordova, CA 95670
Ph: 916-852-2000
www.ducks.org

February 28, 2022

Yolanda Rivas, Senior Environmental Planner
Caltrans District 4 Environmental
P.O. Box 23660, MS: 8B
Oakland, CA 94623-0660

VIA ELECTRONIC MAIL: StateRoute37@dot.ca.gov
Subject: Draft Environmental Impact Report (EIR) / Environmental Assessment (EA) for the proposed State Route 37 Sears Point to Mare Island Improvement Project
Dear Ms. Rivas:

Ducks Unlimited, Inc. (DU) is writing to provide comments on the Draft Environmental Impact Report (EIR)/ Environmental Assessment (EA) for the proposed State Route (SR) 37 Sears Point to Mare Island Improvement Project which is being prepared by Caltrans District 4 (Caltrans).

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, all the transportation work in this corridor should be integrated with current, planned, and envisioned ecological restoration, and short-term actions need to be complimentary to the long-term solutions being evaluated so we don't waste public dollars and invest in actions that ultimately need to be undone when the longer-term solution is implemented. We believe it is imperative that all highway projects are designed and constructed in a way that advances resilience of the San Pablo Bay shoreline from both a transportation and ecological perspective.

O-7-1

Our comments follow.

1. **Incorporation of sea level rise predictions in planning**

The State and other entities will invest considerable public funds in modifying SR 37 over time. DU recommends that each modification be planned in accordance with the long-range Ocean Protection Council recommendation of planning for H++ sea level rise projections. In this way SR 37 will provide protection against ongoing sea level rise and reduce the need for costly maintenance moving forward.

In addition, each modification should integrate and promote beneficial uses and nature-based climate adaptation strategies for San Pablo Bay, tidal creeks flowing under SR 37, and the marsh and wetland habitats along the corridor and in adjacent watersheds that support migratory and resident species.

2. **Avoid impacts to wetlands and hydrology**

The Project should avoid adverse impacts on wetland resources and maintain restoration options to the maximum extent possible. We recommend that the project stay within the existing project footprint. Building out two additional lanes plus either a 4-foot or 8-foot-wide shoulder adds a large amount of additional road base, which would have direct impacts to many acres of wetland and aquatic habitat and the species that rely on these habitats, myriad indirect impacts, and would further reduce overall ecosystem connectivity. This would be in direct conflict with regional conservation and resilience planning efforts and would not implement the core vision of the SR 37 Baylands group, 'integrate, don't mitigate'.

O-7-2

O-7-2 Cont.

All build alternatives include the use of sheet pile walls. Depending on the depth, sheet-pile walls driven along the sides of the highway embankment could affect groundwater flow dynamics, especially given the shallow groundwater conditions in the area. Changes in groundwater flow could affect levels of soil saturation and interrupt natural drainage patterns in adjacent habitats. We request that Caltrans provide design details of the sheet pile walls including length and depth, and that that Caltrans evaluate impacts to groundwater flow caused by sheet pile walls and resulting impacts to adjacent habitat.

3. **Integrate with other planning efforts**

O-7-3

This proposed modification is one of many along the SR 37 Corridor and it should align with long range planning for all three segments to ensure that the corridor-wide vision guides design and long-term climate adaptation planning. A piecemeal approach to planning the different improvements along the SR 37 Corridor will lead to higher costs as short-term solutions will have to be rebuilt repeatedly to keep pace with rising sea levels due to climate change.

4. **Tolay Creek Bridge lengthening and widening of the Tolay Creek channel**

O-7-4

Lengthening the Tolay Creek Bridge and widening the Tolay Creek channel would create additional restoration opportunities and would be respectful of both infrastructure objectives, and ecological objectives, consistent with the Planning and Environmental Linkages process being conducted for the longer-term SR 37 improvements. Currently, all alternatives include widening Tolay Creek Bridge, but do not include lengthening it, significantly reducing the opportunities for conservation and restoration.
The present Tolay Creek channel is silted in due to the lack of tidal prism. Removing the large amount of fill placed north of the existing bridge and widening the channel would open the channel, allow fish passage, and create new wetlands. This would allow restoration of tidal habitat north of the Tolay Creek Bridge. We recommend widening the channel and lengthening the Tolay Creek bridge to allow more restoration to occur and support the implementation of the Sonoma Creek Baylands Strategy.

5. **Lighting Impacts**

O-7-5

All build alternatives include the addition of lighting. We request that you evaluate how the proposed lighting will impact biologically sensitive areas.
Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (EIR) / Environmental Assessment (EA) for the proposed State Route 37 Sears Point to Mare Island Improvement Project. We look forward to working together, along with local stakeholders and regulatory agencies, to ensure that all SR 37 projects effectively address transportation issues and protect and restore habitat connectivity and wetlands.
Please contact Renee Spenst at rspenst@ducks.org for additional information.
Sincerely,

Jeffrey McCreary
Director of Operations

Response to Comment Letter O-7: Ducks Unlimited

O-7-1.

Regarding incorporating ecological restoration as part of the project, please refer to Comment Response O-4-1.

Regarding your comment related to designing a project consistent with sea level rise projections under H++ and making sure the project aligns with long range planning goals, please see Comment Response A-7-4.

O-7-2.

This comment recommends avoiding impacts to wetlands and hydrology to the maximum extent possible by staying within the existing SR 37 footprint. Please refer to Comment Response A-3-1.

The proposed sheet piles that will be installed to improve stability of the highway and reduce settlement would be on the edge of shoulders. Depths of the piles will be defined during final design. The sheet piles and the issue of groundwater impacts is addressed in Comment Response O-4-4.

O-7-3.

This comment is regarding climate adaption planning. Please see Comment Response A-7-4.

O-7-4.

This comment is related to Tolay Creek Bridge lengthening. Please refer to Comment Response A-3-3.

O-7-5.

This comment is related to light impacts from the project on biologically sensitive habitats. Please refer to Comment Response A-5-8.

Comment Letter O-8: Mare Island Heritage Trust, Myrna Hayes

Brian Collett, 2010

816 Branciforte St.
Vallejo, CA 94590

707-249-9633 cell

myrnahayes@mac.com

Federal Tax ID #
27-1493661

MISSION

The mission of the Mare Island Heritage Trust is to protect, preserve, restore, manage, interpret, promote as a destination and provide for an engaging visitor experience of the open space, historic, cultural and natural resources of Mare Island and its vicinity. Along with public and private sector partners the Mare Island Heritage Trust ensures adequate funding, maintenance and public support of its purposes. The Mare Island Heritage Trust engages in comprehensive planning and the implementation of initiatives and educational and recreational programming for the public experience and enjoyment of an array of unique natural and built areas of Mare Island and its vicinity.

O-8-1

February 28, 2022

California Department of Transportation, District 4
Attn: Yolanda Rivas
P.O. Box 23660, MS-8B
Oakland, CA 94623-0660

RE: SR 37 Sears Point to Mare Island Improvement Project Draft EIR/EA

Dear Ms. Rivas:

On behalf of the Mare Island Heritage Trust, a public interest nonprofit organization, we wish to submit the enclosed public scoping comments for the SR37 Sears Point to Mare Island Improvement Project (an interim project) - Draft EIR/EA. It is our understanding that this environmental review considers alternatives only for the existing/original alignment with the purpose of the project being to improve traffic flow and peak travel times and increase vehicle occupancy.

Comments within the PEL Process

Please be advised that comments attached for alternatives under consideration for the Interim Improvements, are also our first-round concerns within the PEL Study Comments, Screening Level 1.

Highway 37 In the Context of the San Pablo Baylands

Much like Highway 37, our priorities and concerns are inextricably linked to the unique juxtaposition of waters and wetlands that constitute the historic Delta/Baylands of the San Pablo Bay. We urge that the preferred alternative is an equitable and feasible remedy for improvements to the most critical transportation route on the "north shore" of San Francisco Bay.

Bay Area View SR37 as a Model for Complex Change of Course

We acknowledge that with little doubt, this stretch of SR37 poses, in its current configuration and all (interim) alternative scenarios under consideration, one of the most challenging roadway/ecological resource projects for Caltrans and its partner agencies in the Bay Area, if not the State. Yet, one thing is certain. We can't continue down the road of business as usual. Regardless of the outcome of this current round of decision-making, what is certain, is that factors greater than all of our collective expertise and interests, are pressing down upon this transportation and natural resource arena. The long and relatively short-term solutions impact the communities of the 4-counties of the "north shore" of San Francisco Bay and far beyond. We have no choice but to take effective action.

O-8-1 Cont.

Employ Eloquent Solution

We are confident that there is surely an eloquent solution for not only the (interim) considerations in this current environmental process, but over the longer planning and construction process. What we mean by this term, eloquent solution, is that if we determine beforehand, what the interests of each affected party are, we will be most likely to succeed at finding a solution which serves the broadest base of users for the highest collective purpose. It is clear that this eloquent solution will demand that ALL interests be brought to the table in sincere dialogue towards reaching both an equitable and feasible remedy for both this (interim) improvement plan and for the ultimate larger scale project. You will see that throughout our comments, we express concern for ecological resource protection and equity for travelers, stressing our strongly held beliefs that the project is much, much more than just a roadway improvement.

Our enclosed comment matrix asks the agencies to address our concerns in the following categories:

- Wetlands Protection and Enhancement Opportunities
- Climate Change and Sea Level Rise Adaptation
- Provision of Wildlife Corridors and ecological connectivity
- Equity and social justice including concerns of proposed toll road designation, air quality and commitment to inclusion recognizing the distinct disadvantage of transportation projects historically and continuing.
- Funding Sources/Strategies for Construction, Maintenance and Operations including the questions about what happened to BATA involvement as lead
- Traffic Capacity and Flow improvements, reduction in vehicle miles traveled, etc. Specifically, we are concerned about how this project will incorporate the announced plans for significant buildout over the next 20 years of Mare Island with both residential and job-based traffic? There is a likely significant impact of both through-trips for commute, business and pleasure by the new residents, as well as the impact of Mare Island development to the Easterly segment of SR37 as a local arterial.
- Public and Private Access for existing residents, agricultural operations and National Wildlife Refuges and State Recreation Areas, Regional parks and open space district and nonprofit land trust operated natural resource and public access areas.
- How is Transit woven in as a Solution to reduce vehicle use and increased vehicle occupancy?
- Safety improvements and Assurances

We appreciate the opportunity to contribute to the selection of the best possible alternatives for consideration in both the Sears Point to Mare Island (Interim) portion and the larger, long-term SR37 planning process.

Please feel free to follow up with any member of our team. Contact information listed below.

Sincerely,

Myrna Hayes, President
707-249-9633
myrnahayes@mac.com

Marcus Griswold
Lindsey Yuen
Darrick Servis
Michael D. Setty

Enclosure: PEL Study Comments Screening Level I and Public Scoping Comments SR37 Sears Point to Mare Island Improvement Project (Interim) From Mare Island Heritage Trust SR37 Review Team

Response to Comment Letter O-8: Mare Island Heritage Trust

O-8-1.

Your comment is related to Caltrans providing a project that considers a range of improvements that serves a broader purpose. This project is an interim project that will deal with the immediate needs of traffic congestion within the project limits. The Caltrans Project Development Team selected Alternative 3B as the preferred alternative. Section 1.4.3.1 of the Final EIR/EA discusses the selection of the preferred alternative. This alternative does include many of the elements you have listed such as traffic flow benefits; discounted tolling for low-income populations; safety measurements such as 8-foot outside shoulders; and public transit accessibility and support such as bus services and ride-sharing that are made possible by added HOV lanes. The project adds lanes in each direction, providing two lanes one of which will be HOV in each direction. The tolling and preferential accommodation of buses and carpool (through faster travel times and discounted tolls) will reduce VMT in comparison to the no build alternative.

The project will also maintain access for bicycle use along the shoulder and private access for existing residents, agricultural uses and public spaces. Public access will be included as part of the project and determined in the final design stage of the project.

Additionally, the PEL process is looking at an ultimate project, which will include other elements that you have listed such as additional public access opportunities; ecological improvements; and wildlife connections.

Comment Letter O-9: Sonoma Land Trust, Eamon O'Byrne

February 28, 2022

Yolanda Rivas, Senior Environmental Planner
Caltrans District 4 Environmental
P.O. Box 23660, MS: 8B
Oakland, CA 94623-0660

VIA ELECTRONIC MAIL: StateRoute37@dot.ca.gov

Subject: Draft Environmental Impact Report (EIR) / Environmental Assessment (EA) for the proposed State Route 37 Sears Point to Mare Island Improvement Project

Dear Ms. Rivas:

We are writing to provide comments on the Draft Environmental Impact Report (EIR)/ Environmental Assessment (EA) for the proposed State Route 37 Sears Point to Mare Island Improvement Project which is being prepared by Caltrans District 4 (Caltrans).

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. Congestion relief along the SR 37 corridor is an important priority for the communities of the North Bay and we support efforts to provide congestion relief. We believe it is imperative that highway projects are designed and constructed in a way that **advances climate resilience of the San Pablo Bay shoreline.**

O-9-1

Our comments follow.

1. **Incorporation of sea level rise predictions in planning**

The State and other entities will invest considerable public funds in modifying SR 37 over time. SLT recommends that each modification be planned in accordance with the long-range Ocean Protection Council recommendation of planning for H++ sea level rise projections. In this way SR 37 will provide protection against ongoing sea level rise and reduce the need for **costly maintenance moving forward.**

In addition, each modification should integrate and promote beneficial uses and nature-based climate adaptation strategies for San Pablo Bay, the tidal creeks flowing under SR 37, and

O-9-1 Cont. the marsh and wetland habitats along the corridor and in adjacent watersheds that support migratory and resident species.

2. **Avoid impacts to wetlands and hydrology**

O-9-2 All build alternatives include the use of sheet pile walls. Depending on the depth, sheet-pile walls driven along the sides of the highway embankment could affect groundwater flow dynamics, especially given the shallow groundwater conditions in the area. Changes in groundwater flow could affect levels of soil saturation and interrupt natural drainage patterns in adjacent habitats. Please provide design details of the sheet pile walls including length and depth. Please evaluate impacts to groundwater flow caused by sheet pile walls and resulting impacts to adjacent habitat.

3. **Tolay Creek Bridge lengthening and widening of the Tolay Creek channel**

O-9-3 Lengthening the Tolay Creek Bridge and widening the Tolay Creek channel would create additional restoration opportunities. Currently, all alternatives include widening Tolay Creek Bridge, but do not include lengthening it, significantly reducing the opportunities for conservation and restoration.

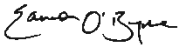
The present Tolay Creek channel is silted in due to the lack of tidal prism. Removing the large amount of fill placed north of the existing bridge and widening the channel would open the channel, allow fish passage, and create new wetlands. This would allow restoration of tidal habitat north of the Tolay Creek Bridge. We recommend widening the channel and lengthening the Tolay Creek bridge to allow more restoration to occur and support the implementation of the Sonoma Creek Baylands Strategy.

4. **Lighting impacts**

O-9-4 All build alternatives include the addition of lighting. Please elaborate on how the proposed lighting will impact biologically sensitive areas.

Thank you for the opportunity to provide comment on the Draft Environmental Impact Report (EIR) / Environmental Assessment (EA) for the proposed State Route 37 Sears Point to Mare Island Improvement Project. 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.

Sincerely,



Eamon O'Byrne
Executive Director

Response to Comment Letter O-9: Sonoma Land Trust

O-9-1.

Your comment is related to designing a project consistent with sea level rise projections under H++ and making sure the project aligns with long range planning goals. Please see Comment Response A-7-4.

O-9-2.

The proposed sheet piles that will be installed to improve stability of the highway and reduce settlement would be on the edge of shoulders. Depths of the piles will be defined during final design. The sheet piles and the issue of groundwater impacts is addressed in Comment Response O-4-4.

O-9-3.

This comment is related to light impacts from the project on biologically sensitive habitats. Please refer to Comment Response A-5-8.

O-9-4.

This comment is related to Tolay Creek Bridge lengthening. Please refer to Comment Response A-3-3.

Comment Letter O-10: Transportation Solutions Defense and Education Fund

Transportation Solutions Defense and Education Fund

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

February 28, 2022
By E-Mail to:
stateroute37
@dot.ca.gov

Yolanda Rivas
Caltrans District 4
P.O. Box 23660 MS 8B
Oakland, CA 94623-0660

Re: SR 37 Sears Point to Mare Island Improvement Project DEIR

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. We offer the following comments on the Draft Environmental Impact Report ("DEIR") for the SR 37 Sears Point to Mare Island Improvement Project ("Project"). All page references are to the DEIR, unless otherwise noted.

O-10-1

Project Scope
It is clear to TRANSDEF that achieving congestion relief for this Corridor will require carpooling, Express Bus, van pools, app-based ride-matching and other strategies for increasing auto occupancy. Given that, the implementation of HOV lane(s) in only one portion of SR 37 is a failed concept. The Project scope, as currently defined, fails to take a systems-level view of the Corridor. It makes no operational sense to have an HOV lane for one-third the length of the Corridor. If the Caltrans is actually interested in shifting travelers to higher-occupancy modes, it needs to make continuous HOV lanes for the entire length of the highway.

O-10-2

The DEIR needs to define the temporal dimension of the Project scope. It is widely understood that the highway will eventually be continuously submerged, due to sea level rise. This will probably first manifest as the highway being out of service for a month or two per year. Please define the current expectation of **when** SLR will result in the highway being unusable year around.

O-10-3

The section on induced demand disclosed the projection that the Project would increase HOV mode share from 21% to approximately 25%, which is likely within the model's margin of error. (p. 2-49.) That result would be a serious failure. While the operational suggestions below will help increase that number, TRANSDEF believes that a comprehensive congestion relief solution requires the full implementation of Mitigation Measure VMT-1, described in the *SR 37 Travel Behavior & Transit Feasibility Study*,

O-10-3 Cont.

2019 ("Transit Study"). We recognize that it is not common to include transit operations--and more broadly, Transportation Demand Management ("TDM")--in a highway facility project description. However, the constrained conditions in this Corridor require using new tools like TDM.

O-10-4

Improper Alternatives

The DEIR fails to explain why Alternative 3A and 3B, at 60 and 68 feet roadway width, respectively, are meaningfully different from the Four-Lane Standard Section Alternative, at 74 feet. What are the specific criteria that resulted in the latter Alternative being discarded, while the reduction of six feet in width made Alternative 3B environmentally acceptable? TRANSDEF is concerned that this distinction appears arbitrary.

O-10-5

Operational Details

"The project is focused on traffic congestion relief by improving traffic flow, reducing peak travel times, and **increasing vehicle occupancy** in the travel corridor…" (p. 1-14.) In order to incentivize carpooling, TRANSDEF has advocated in the past for changes to Caltrans' policy of HOV operational hours, which are rigidly fixed, and bear no relationship to actual traffic levels. For this Project, whose formal strategy is to alleviate congestion via mode shift, it is essential to incentivize carpooling by providing a travel time advantage to those willing to carpool.

Because their added lanes were operated full-time, Alternatives 3A and 3B had lower VHD, higher VMT, shorter queues and higher throughputs than Alternatives 1 and 2. "Alternatives 1 and 2 would improve traffic conditions compared to the No Build conditions but would not eliminate the entire congestion, due to limited hours of operations for HOV lane." (p. 2-57.) There is no justification for limiting the HOV hours to only the peak period. Expanding the hours could encourage peak-spreading, thereby reducing overall congestion.

Caltrans should **expand the HOV operational hours to include all hours other than the direction-switching period**. **The MTC model should be run again**, so as to capture the additional hours of operation. TRANSDEF is confident that Alternatives 1 and 2 will show similar traffic volumes to Alternatives 3A and 3B when the hours are adjusted appropriately.

We think the assumption that multiple barrier transfer machines and crews are needed (p. 1-31) to keep the highway functioning is wasteful. In the worst case, the failure of a machine would leave the highway temporarily in the same condition as it is now, in one peak-hour direction. If adequate spare parts are kept in storage, there should be no need to have the recommended level of redundancy.

O-10-6

Induced Demand

MTC made a May 2021 presentation on induced demand to the SR 37 Policy Committee. It showed a 0.02% increase in VMT for the Build Alternative over the No Build. See Attachment 2. TRANSDEF challenged those numbers as not being a realistic induced demand analysis and requested the model validation. MTC refused to provide

the validation, insisting that we wait until the release of the DEIR. The analysis on pp. 2-48 and 2-49 are no better. Had they provided this text when requested, we would have commented then on its inadequacy, and given MTC an opportunity to provide better input to the DEIR.

The NCST calculator produced an estimate (40.1 million) which is more than twice as large as MTC's model (17.8 million). (p. 2-48.) We see no way that "the MTC model results are within 20 percent of the value provided by the NCST Calculator." (*Id.*)

O-10-6 Cont.

While it may be a benchmarking, the discussion on pp. 2-48 and 2-49 is not a validation of the MTC model's ability to properly calculate induced demand. At a minimum, the TAF Table 4 Checklist must be completed and included in the recirculated DEIR. The model is not identified as having an iterative feedback loop with a land use model. If it doesn't use a land use model, how does it do the analysis?

The induced demand calculations need to recognize the additional VMT resulting from the HOV lanes in Alternative 3A and 3B being open to all vehicles during non-peak periods. (pp. 1-33 and 1-34.) **The model needs to be rerun to correct this.**

CEQA Analysis

O-10-7

TRANSDEF disagrees with the Less than Significant finding for 3.3.17(a), p. 3-50. The Project is not consistent with the California Transportation Plan 2050, page 93, because it does not demonstrate a reduction in VMT from Baseline (Existing Conditions). "… the growing population requires further VMT reductions if California is to achieve its 2030 emissions target and reach carbon neutrality by 2045." (*Id.*) It is inconsistent with the CARB Mobile Source Strategy, which calls for a 25% reduction in GHG through VMT reductions, above and beyond the reductions that result from cleaner vehicles and EV implementation. The DEIR did not demonstrate consistency with SB 32 by showing the Project's GHG emissions declining over time, consistent with a statewide target of a 40% reduction below 1990 levels.

A fundamental question that should be asked in every EIR is "Will this project impede the attainment of the State's climate targets?" The policy inconsistencies identified above suggest that the answer for this Project would be Yes. By implementing the feasible alternatives and mitigations proposed below, that answer could be changed to No.

Preferred Alternative

O-10-8

TRANSDEF suggests that Alternative 1 be selected as the Preferred Alternative, due to it having the smallest footprint, thereby lowering its environmental impacts and cost. We further suggest that Caltrans study **a sub-alternative with the following elements**, which are borrowed from the other Alternatives, making them valid choices. Because these elements enable the assembly of a sub-alternative that further avoids impacts, lowers costs, can be delivered sooner, and better reduces congestion, it must be studied in a recirculated DEIR:

O-10-8 Cont.

Lower-Impact Sub-Alternative of Alternative 1

1. Use design details from other Alternatives that enable the 7.6 mile segment to not be widened:
   a. 11-foot mixed flow lanes, as in Alternatives 2 and 3A
   b. 12-foot HOV lane
   c. No shared bicycle use, as in Alternatives 2 and 3A (pp. 1-33 and 1-34.)
   d. 7-foot outside shoulders, with design exception
   e. Design exception to eliminate widening the Sonoma Creek Bridge
   f. If a design exception would enable the elimination of widening the Tolay Creek Bridge, seek the exception.
2. Capitalize 20 years of operational costs, to provide a valid comparison between Alternatives.
3. Implement Hours of HOV Lane Operations as suggested above.

O-10-9

Mitigation Measure VMT-1

TRANSDEF requests the recirculated DEIR quantitatively evaluate the impacts of this mitigation, identified on pp. 3-54 through 3-58, as a refinement of the Lower-Impact Sub-Alternative.

> … the implementation of bus service, increased park-and-ride availability, or other viable options would be implemented over time as VMT increases and demand for these ridesharing services also increases. These are all viable options that without tolling would **fully offset** the increase in VMT and maintain the project as consistent with CEQA Guidelines Section 15064.3(b). (p. 3-58, emphasis added.)

Note that, as mentioned in the Errors section below, Project VMT must be compared to baseline (Existing Conditions) and not to the No Build Alternative, because that includes future growth in VMT. The recirculated DEIR should model the implementation of VMT-1 and produce quantitative outputs (not just the qualitative conclusion cited above) of VMT, using the proper baseline. VMT-1 would include:

1. The Proposed Express Bus routes on pp. 37-39 of the Transit Study.
2. Expansion of capacity and use of Park and Ride lots, as suggested on pp. 47-48 of the Transit Study. Add the over-capacity lots in Petaluma and Vallejo, which appear to have been left out of the text, possibly by mistake. Make TNC pick-up locations available at these sites.
3. Provide significant funding for promotion of mobility services, delivered through a single app-based ride-matching service, as suggested on pp. 50-51 of the Transit Study. The SaaS app should also promote vanpools.
4. Future implementation of minibus, once service has started and gaps in service can be quantified.

O-10-9 Cont.

If tolling is imposed, its proceeds should be used to fund VMT-1, thus mitigating the impacts of tolling on lower-income commuters. Using the toll to fund the bus system would be similar to how the Golden Gate Bridge District funds its buses.

Transportation Analysis

The text on pp. 2-53 through 2-56 do not adequately explain the operational differences between the mixed-flow and the HOV lanes that result in the travel times reported. Please report the vehicles per hour and average speeds for the mixed-flow and the HOV lanes for each hour of the peak periods, EB and WB, under the following scenarios: The Project scope as defined in the DEIR and the full-Corridor-length HOV lanes described above. This is needed to determine whether the Project throughput is reduced by a slow-down during the segregation of HOVs entering into their own lane. (TRANSDEF's hypothesis is that full-Corridor-length HOV lanes will achieve a higher throughput, thereby reducing VHD and queues.)

O-10-10

Note that Alternatives 1 and 2 provide the same travel times as Alternatives 3A and 3B in the Westbound AM Peak Period, indicating that they are not capacity-constrained in 2025. (p. 2-53.) Is it possible that the difference between these Alternative pairs in the Eastbound PM Peak Period is the result of longer hours of operation for Alternatives 3A and 3B, due to the peak period spreading more than in the AM? If so, that would justify the operational suggestion above to operate Alternatives 1 and 2 as full-time HOV, with the exception of the direction-switching period.

The Marin-Sonoma Narrows FEIR disclosed that that project's increased VMT would result in a lower level of service in Central Marin. That suggests that the analysis of the impact of the Project's increased VMT on U.S. 101 and its interchange is inadequate. Please run the model and provide quantitative data to support the statement "The freeway ramps at the SR 37/U.S. 101 interchange constrain traffic getting onto U.S. 101; therefore, freeway operations on U.S. 101 are not anticipated to worsen during the AM peak period." (p. 2-54.) Please describe the AM and PM peak period impacts in greater detail, using outputs from the model to document queue lengths.

Transportation Hazard

O-10-11

"The SR 37/Noble Road intersection was evaluated and reported in the TOAR without a signal, but a project decision was made to include a signal at this intersection." (p. 2-51.) This decision would appear to introduce an unnecessary hazard into the Project design. Traffic signals on high-speed highways are never a good idea. Warning flashers a long distance away from the signal would be needed to warn traffic to slow down. This mitigation was not identified in the DEIR. TRANSDEF believes this element should be be identified as a significant impact, creating a hazard (Checklist 3.3.17(c), p. 3-58) where there had been none.

Visual Impacts

O-10-12

"On the whole, Alternative 1 with the MGS outside barrier design option would largely preserve views of adjacent landscape on both sides of the highway…" (p. 2-71.) That is a reason to support the selection of Alternative 1 as Preferred Alternative. The taller median barriers of the other Alternatives are shockingly ugly, block beautiful views and

O-10-12 Cont.

are inappropriate for a corridor with high quality scenic values. TRANSDEF strongly disagrees with the evaluation: "Overall, the project would not result in a cumulatively considerable adverse effect to visual resources because it would blend in with similar elements along SR 37 and be consistent with existing roadway features." (p. 2-232.) On the contrary, the addition of the proposed outside barriers will result in a typical Caltrans project, one that is highly inappropriate for such a scenic location.

Please present the safety data for vehicles that ran off the road. That data is needed justify the installation of an outside barrier, due to its extreme intrusiveness. The highway has operated a very long time without them, and the simulations in the DEIR suggest that adding outside barriers will intrude into the experience of being out in the wetlands. If there isn't a compelling reason to install them, they should be deleted from the project design. This is a situation where context-sensitive design is needed. If there is a valid justification (other than being part of a design standard), the 85B barrier would be less out of place.

O-10-13

Biological Impacts

When it comes to mitigating the loss of tidal and non-tidal wetlands due to fill (p. 2-167), avoidance is clearly preferable to mitigation. Alternative 1, with the smallest permanent impacts to wetlands, should clearly be the Preferred Alternative.

O-10-14

Water Quality

The section on Water Quality did not evaluate the impacts of the roadway being temporarily flooded because of SLR and becoming fully submerged at some point in the not-distant future, releasing toxins into the water column. The recirculated DEIR should study the toxicity of paving and other Project construction materials, especially asphalt, and evaluate whether alternative materials would be less toxic.

O-10-15

Suggestions for Improving the DEIR

There is a striking absence of history about this route, starting with the failure to disclose that SR 37 had previously been a three-lane undivided highway. (pp. 1-5 and 2-30.) By fortuitous coincidence, a friend sent me a Facebook post by Susan A. Cluff, who had compiled a history of SR 37 from newspapers and other sources. It is an Attachment. While we are unable to vouch for the accuracy, the listings should serve as a useful source of information for this DEIR.

The DEIR is sadly lacking in graphical details. The map on p. 1-3--or some other map--needs to point out Noble Road, the SMART tracks, Sears Point, Mare Island and any other geographical locations mentioned in the text. The discussion of the Tolay Creek and Sonoma Creek bridges (example: pp. 1-16 to 1-21) desperately needs diagrams. The discussion of the HOV Lane Transition on p. 1-24 needs a diagram or detailed map.

O-10-16

Errors

Figure 1-2 on p. 1-15 is inaccurate: the barrier should be depicted as positioned differently for the AM and PM peak periods.

The descriptions of the Alternatives are inconsistent as to whether the proposed lanes are to be HOV or mixed-flow. They should all be as clear as this statement on p. 1-21: "Each of the Build Alternatives would include a new HOV lane." Alternatives 1 and 2 are not described as having added HOV lanes on pp. 1-1 and 1-2. The text on pp. 1-2 and 1-15 mentions "proposed HOV lanes," raising the question as whether the added lanes would actually be HOV. Alternatives 3A and 3B are mentioned on p. 1-14 without clarifying whether the new lanes are HOV. Please be consistent in describing the new lanes in the Alternatives.

Alternative 1 is badly named. It should be called the "Three-Lane Moveable Median Barrier with Reversible HOV Lane." Nothing about this Alternative is Contra-flow.

The following statement is incorrect: "Alternative 3A (and 3B) provide the maximum time savings advantage for HOVs of all alternatives considered, which is one of the primary elements of the project's purpose and need." (p. 1-34.) While the other Alternatives are part-time HOV, any difference from the full-time lanes would be slight. If operated as suggested above, HOVs would operate in uncongested traffic off-peak, which would not be materially slower.

According to the history in the Attachment, the median barrier was installed in 1995, not 2004 as stated on p. 2-30.

O-10-16 Cont.

Note that the 21% HOV mode share on p. 2-49 is inconsistent with the 19%/13% reported on p. 1-9. Please clarify which figure was used to validate the MTC model, and which one is actually correct.

The paragraph on p. 2-49 starting with "The MTC's model's" is muddled and incomprehensible to anyone that didn't do the modeling. Please rewrite it to clearly identify the base for each percentage. For example, 20% tolerance relative to what? It is clearly untrue that "it is expected that the induced travel from the proposed HOV lane on SR 37 would be significantly lower than the induced travel from a general purpose lane addition. This is because the project encourages a mode shift away from driving alone to carpooling." As noted above, the Project's mode shift is a dismal failure, only shifting from 21% mode share to a 25% mode share. (p. 2-49.)

There is no 2045 Traffic Operations Analysis for Alternatives 1 and 2 in the Eastbound Peak Period direction. (p. 2-53.)

The following statement on p. 2-58 is untrue: "Related to bicycle access, the Build Alternatives have varying widths of shoulders, and would not restrict or prevent bicycle access except for Alternative 3A at Sonoma Creek Bridge, where shoulders would be eliminated." Alternative 2 on p. 1-33 says "Because of the lack of shoulders during the peak travel period, legislation to prohibit bicycle and pedestrian use along this corridor will be proposed."

The word "transverses" on p. 3-50 should have been "traverses."

The four primary strategies for reducing GHG emissions on p. 3-78 are incomplete. Entirely missing is Increasing Vehicle Occupancy, a broad strategy that includes transit and carpooling.

O-10-16 Cont.

The evaluation of compliance with CEQA Guidelines Section 15064.3(b) has a fundamental error: VMT should be compared to baseline (existing conditions) and not to the No Build Alternative, which includes future growth in VMT. "… CEQA and the CEQA Guidelines remain focused on the comparison of future conditions with the project compared to existing conditions." (pp. 3-82 to 3-83.)

Recirculation

"The contiguous environmental setting of the corridor means that we cannot segment the environmental analysis based on the project limits of any one project, including the Highway 37 Sears Point to Mare Island Improvement Project, especially in light of trends toward SLR." (p. 2-230.) For that reason, the Full-Corridor-length HOV lane should be studied in a recirculated EIR, as discussed in Operational Details, above.

O-10-17

The Operational Details, Project Scope, and the Sub-Alternative for Alternative 1 sections of this letter qualify as " A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it." CEQA Guidelines § 15088.5(a)(3). In addition, the CEQA Policy Inconsistencies and Water Quality issue identified above are "A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented." CEQA Guidelines § 15088.5(a)(1). The DEIR must be recirculated.

Conclusion

Thank you for this opportunity to comment on the Project DEIR. We are available for further explanation and exploration of the ideas presented herein.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President
David@Schonbrunn.org

Attachment: SR 37 History

Response to Comment Letter O-10: Transportation Solutions Defense and Education Fund

O-10-1.

The portion of the highway that would be designated for HOV lanes is approximately 10 miles long. The savings time gained by an HOV driver or passenger was compared to SOVs using the non-HOV lane in Section 2.2.11 of the Draft EIR/EA (and in the Final EIR/EA). With all build scenarios, the HOV lanes provide time savings for an HOV versus a non-HOV. This section also describes the reduction in queue lengths (backup) that occurs, and the length of backup is substantially reduced in future years with the Build Alternatives. Alternative 3B results in the most substantial reduction in delays and queuing. For example, the worst case westbound backup of 19 miles in 2045 with No Build conditions is reduced to the equivalent of existing conditions. Therefore, although the HOV lanes would be designated on SR 37 only within the project limits, the benefits gained result in a substantial incentive for drivers to use multi occupant vehicles to take advantage of the time savings and avoidance of queuing in the single occupant (non HOV) lane.

O-10-2.

The EIR/EA identifies a range of SLR increases by height and probability in Section 3.4.5.3 of the Final EIR/EA; also refer to the response to Comment A-7-4. The Final EIR/EA includes mapping that shows where the inundation would occur within the project limits. The comment asks about year-round inundation, which is not as great of a threat as the scenarios identified in the Final EIR/EA for various storm events combined with SLR increases. Figures 3-9 and 3-13 show the isolated areas of inundation that occur with a 1-year storm scenario event (higher probability but lower consequences); this would be closest to the existing year-round conditions asked in this comment.

Its speculative to assume that SR 37 would remain in place after being fully submerged by sea level rise. Sea level rise of the magnitude necessary to fully submerge the highway would represent projected future conditions beyond the anticipated life of this interim congestion relief project. Long-term sea level rise risks along SR 37 are being planned for with the PEL study, where elevation of the highway is envisioned. When SR 37 is replaced by an ultimate facility, the existing road surface would be addressed as part of that effort.

O-10-3.

Your comment has been noted. The performance measures for VMT are designed to promote and increase HOV use as well as reduce overall VMT. An important element of this strategy is the creation of the HOV lane in each direction. Alternative 3B (preferred alternative) has been revised to make HOV operational hours available 24 hours a day,

7 days a week and no tolls would be applied to HOV lanes. Thus, this change will further incentivize HOV mode share. Furthermore, this project makes it possible for bus services that that have not been provided on this corridor because of the bottlenecks and availability of only a single lane in each direction. Buses will be able to use the HOV lanes and avoid the congestion in the general purpose toll lane. It is expected that HOVs will increase overtime with the time saving benefits.

O-10-4.

The difference is based on the width of the shoulders. In Alternative 3A a design exception would have to be approved to reduce shoulder widths to 4 feet on each side. In Alternative 3B the outside shoulders would be 8 feet in each direction. 4-foot outside shoulders in Alternative 3A would result in a reduction of 4.74 acres wetland and other water impacts compared to Alternative 3B. Therefore, this distinction is not arbitrary. The differences in number of lanes and widths of widening allowed for a full review of a range of scenarios, and their benefits and impacts for a project proposed within an area of sensitive environmental resources.

O-10-5.

Your comment is related to HOV operational hours. Alternative 3B (preferred alternative) was revised to established HOV operational hours in both directions of the highway 24 hours a day, 7 days a week. This change is reflected in Section 1.4.1 of the Final EIR/EA and in Comment Response A-8-14. Carpooling and bus ridership will be incentivized as no tolls will be applied to HOV lanes while tolls will only be associated with the general purpose lanes. The availability of HOV lanes incentivizes bus ridership, as the HOV lanes will, for the first time on SR 37, provide a means for these vehicles to gain time savings in comparison to SOVs, making the bus routes more viable on SR 37.

The traffic study evaluated peak periods on SR 37 for existing and future conditions, and the results were reported in a detailed Traffic Operations Analysis Report which is summarized in the Final EIR/EA. Appendix H of the EIR/EA shows the travel delay and levels of service for each hour of the daily periods studied between 5 a.m. to 10 a.m., and 2 p.m. and 8 p.m. Besides the levels of service and delay calculations reported hourly within these AM and p.m. periods, other traffic measures of effectiveness were analyzed for daily 24-hour periods, including VMT, vehicle hours of delay, and vehicle hours traveled. The traffic study and modeling was thus conducted and reported for peak hour, peak period, and daily conditions as requested in this comment. There is no need to rerun the traffic model or analysis.

Alternative 1 was not the chosen alternative. However, the barrier transfer machine, the assumptions on staffing and number of machines is based on input for other operating barriers, and consultation with barrier operators and Caltrans maintenance staff. The

basis for having redundancy in crews and machines was assumed to provide a realistic evaluation of needs and cost for facilities and improvements to SR 37, staffing, and maintenance. Caltrans would have to dedicate personnel and capital costs for Alternative 1 (movable barrier) as it would be unique to the corridor and District 4. If that alternative were in place, these costs have to be obligated or programmed for the duration of the life of the project and cannot be removed if state budget constraints occur in the future. Therefore, the commitment with this alternative is more than spare parts and equipment, it extends to long-term obligation of resources to support such an operation. If a barrier transfer machine were to break down within the median, the barrier is unmovable over the entire length of the barrier. A lane closure would be needed until the machine is operable or replaced and as this comment notes, there would be one lane in each direction similar to existing conditions. This would impact the predictability of availability of the lanes for commuters and commercial vehicles. Improving dependability of the transfer operation therefore requires redundancy in equipment and personnel, which is the basis for including this in the estimated obligation for staffing and cost over the long-term operation of Alternative 1.

O-10-6.

Your comment related to induced demand is noted. Please refer to Comment Response A-8-35.

O-10-7.

Your comment and opinion related to the VMT analysis is noted. Although the project would not result in reduced VMT to 2020 levels (existing conditions), it would improve VMT compared to No Build conditions in 2025 and 2045 with incorporated tolling as shown in Table 2-14 of the Final EIR/EA. Furthermore, with HOV and bus service incentives created by this project, VMT is expected to improve over time even with the population increases. Thus, the project results in VMT improvements and would have a beneficial impact. Therefore, the project is not expected to conflict with the California Transportation Plan 2050, but be consistent with it.

O-10-8.

Caltrans has noted your preference for Alternative 1 due to its smaller footprint and reduced impacts to adjacent habitats. Please see Response to Comment A-7-1.

There are some elements of this proposed Sub Alternative 1 that were determined infeasible or not acceptable during the review of Alternatives 2 and 3A, which contributed to these alternatives not being selected. Items C and E (as listed in this comment), the reduction of the outside shoulders to 4 feet wide along the entire route was undesirable by the CHP for motorist safety (would not safely accommodate disabled vehicle on a high volume highway), and would increase risks to CHP officers

needing to assist motorists or during enforcement or response activities. Having no shoulders on the Sonoma Creek Bridge (proposed for Alternatives 2 and 3A) was also determined unacceptable for these same safety reasons and was also a reason for not selecting these alternatives. The banning of bicyclist access along the route proposed with Alternatives 2 and 3A was viewed as undesirable by BCDC, and also opposed by many commenters.

Item F in this comment, the use of a design exception to eliminate widening of Sonoma Creek Bridge, was rejected in the decision to not carry forward Alternatives 2 and 3A which also eliminated shoulders on the bridge. The preferred alternative will still require a design exception for the reduced outside shoulders (4 feet wide over Sonoma Creek Bridge), but completely eliminating the shoulders was rejected. The 4-foot outside shoulders would require widening and a design exception, but completely eliminating the shoulders was not carried forward.

Item 2, capitalize the cost of the movable barrier, was considered in the decision of alternatives. A capitalized cost of the movable barrier was not a principle decision factor, but rather the long-term obligation of budget costs for operating personnel, maintenance, and staffing. One-time capital costs can be budgeted in a fiscal year, but long-term annual costs have to be obligated each fiscal year.

Item #3, extending the hours of HOV designation for the lanes is addressed in the response to Comment #O-10-3. Extending the hours of HOV availability would not address the congestion during the peak hours as well as the preferred Alternative 3B.

The Caltrans Project Development team selected Alternative 3B as the preferred alternative because it best met the purpose and need of the project of reducing traffic congestion and offered the most safety. Section 1.4.3.1 in the Final EIR/EA discusses the selection of the preferred alternative.

O-10-9.

The measures to reduce VMT that are suggested in this comment are discussed in the Final EIR/EA in Section 3.3.17, and would be applicable to the identified preferred Alternative 3B. Tolling and HOV lanes are elements of the proposed project's preferred Alternative 3B, and these operational features would reduce VMT compared to the No Build Alternative. The recommendation that the revenue from tolling be used to fund VMT-1 is a consideration, but is ultimately a decision determined when tolling is approved. It is not a decision made during this phase of the project.

O-10-10.

Alternative 1 would have operational hours that correspond with the movement of the barrier; once transferred, there would be two lanes in one direction (one of which would

be for HOV use), and one lane in the opposite direction. For Alternative 2, Lengthening of the HOV lane duration of time, beyond the typical 6 to 10 a.m. and 3 to 7 p.m. time frame would capture non-peak hours of operation, or periods at each end of peak period when demand for the HOV lane is diminished. This was considered but it did not change the VMT or delays as much as the preferred Alternative 3B. Lengthening of the HOV time periods for Alternative 1 would also only address one direction of travel; it would have no benefit of reduction of congestion or reduced travel time benefits in the non-peak period, and the traffic study showed that in the later forecast year (2045) travel demand and congestion are occurring in both directions of travel.

O-10-11.

Traffic signals are placed on conventional highways such as SR 37 where warranted, and the determination for placing a signal takes into account many factors including cross traffic demand, actual or potential safety requirements, and sight distance. There is already an existing signal on SR 37 within the project limits, at the SR 121 intersection. The signal was not identified in the project because of a significant CEQA based traffic impact but was included because of input provided during consultation and public review, as well as review of the project by Caltrans Traffic Safety Branch. The advance warning beacons would be evaluated during final design, but they are a typical feature on highways to notify drivers of an upcoming signal change that has been activated by cross traffic at the intersection. The signal would only be triggered when there is cross traffic that arrives at the Noble Road/SR 37 intersection and Noble Road is not a heavily traveled road.

Traffic safety devices such as advanced warning signs and flashers would be further evaluated during PS&E.

Noble Road Intersection Signalization: Noble Road on the north side of SR12 is being accessed by the Wing and Barrel ranch and farming crews. Noble Road on the south side is being access by delivery trucks for Vallejo Flood and Wastewater District to transport biosolids to the City of Vallejo’s property located on Tubbs island. There are considerable delays for the Noble Road traffic especially given that the Noble Road traffic includes delivery trucks, large trucks and farming machinery, which take a longer time to complete a left turn than a car. As observed from accident analysis, there were two collisions involved a vehicle making a left turn out of Noble Road, that are most likely be corrected with installation of a signal. Based on these findings, signalization of Noble Road was recommended.

O-10-12.

This comment is related to visual impacts of the project’s median and outside barriers. Please refer to Comment Response A-6-13.

The median barrier is proposed to be replaced, identified in the Draft EIR at a height of 42 inches compared to the existing barrier height of 36 inches. After additional design review, the median barrier is proposed for replacement by a Type 60 MS barrier design, that would be 36 inches high. Thus, the height of the median barrier would be approximately the same as existing.

The outside barriers are required to meet current design standards, related to the proximity of the highway to water, as well as other criteria for motorist safety. Even in the absence of roadway runoff statistics, the reason for these design criteria is to reduce fatalities and serious injuries. The State can also has liability exposure when design standards related to safety are not met. These are compelling reasons for including these barriers, as they do add cost to project and as the comment notes they reduce views compared to the No Build alternative. The Type 85 concrete barrier or Midwest Guardrail are being considered as the barrier options to include in the proposed project, for safety reasons. Both types have similar see-through features. Locations and type for outside barrier railing would be determined during final design.

O-10-13.

This comment is in regard to selecting Alternative 1 as the preferred alternative due to its smaller impacts on adjacent habitats. The Draft EIR/EA included analysis of 4 Build Alternatives, which included varying levels of fill within tidal and non-tidal wetlands. Caltrans has identified Alternative 3B as the preferred alternative, even though this alternative would include the most amount of fill. Alternative 3B best met the purpose and need of the project. Mitigation, avoidance and minimization measures have been identified in Section 2.4.2 of the Final EIR/EA to minimize impacts to these adjacent habitats. Please refer to Section 1.4.3 in the Final EIR/EA and Comment Response A-3-1 for a full explanation this selection process.

O-10-14.

Your comment is related to water quality impacts from chemicals being released during flooding events. The preferred Alternative does add 21.27 acres of impervious area, and thus, increases potential for runoff. The project would not result in flooding events being more frequent or severe; this is an effect of the environment on the facility. The implementation of the project would require project features to minimize runoff and would comply with federal, state and local requirements. Furthermore, Caltrans MS4 permits require this project to implement treatment BMPs in the Caltrans' right-of-way. Onsite and offsite treatment would be required. These requirements are described in Section 2.3.2.3 of the Final EIR/EA. The types of materials used will be defined during the design stage but would be in compliance with water quality laws.

O-10-15.

An Historical Resource Evaluation Report (HRER) is one of the many technical studies prepared for the project (the technical studies are listed in Appendix J). The HRER summarizes the history of the route. This level of detail was summarized but not entirely included in the EIR/EA because of the focus of the document on environmental impacts and mitigation; the technical studies serve as the detailed basis of information.

The more detailed maps of the route are shown in Volume II of the Final EIR/EA, in the Appendix A Map Book.

O-10-16.

Figure 1-2 shows the barrier in both the AM and PM peak period locations. Text was added in Section 1.4.2.2 of the Final EIR/EA to clarify that the figure is showing it in both peak periods but would only be in one location at a time. Related to the proposed lanes, a change to the Final EIR/EA has been made in respect to the preferred alternative, Alternative 3B, were the new lanes will be for general purpose use and existing lanes will be converted to HOV lanes. This statement is revised in Section 1.4.1.1. For the other three alternatives that were dropped from consideration, the new lanes would be HOV lanes.

Pages 1-1 and 1-2 are brief summary introductions, and not the full description of the alternatives. The Final EIR/EA has been revised regarding HOV lanes. Existing lanes would be converted to HOV lanes in each direction and would not be subject to toll.

Alternative 1 is referred to as the Three -Lane Contra-Flow with Moveable Barrier, and informally as Alternative 1 Movable Barrier.

The differences in time savings are considered meaningful for HOV users, and more importantly provide an incentive for more drivers to use multi-occupant vehicles or form carpools to take advantage of the time savings. The response to Comment O-10-1 and Section 2.2.11 quantify the time savings and more importantly the reduction in the backup in length. With the preferred alternative, there are no lane reductions and at least two lanes are available at all times within the entire length of SR 37 between Marin and Solano Counties. This is a substantial change compared to the backups and delays that currently occur with the reduction in lanes from two to one in each direction.

The existing median barrier was installed along most of the highway in the 1990s. The last remaining section at the Sonoma Creek Bridge was completed in the early 2000s.

The HOV percentages reported on page 1-9 had not been updated consistent with the project's final Traffic Operational Analysis Report (TOAR). The HOV share is 20 percent eastbound and 23 percent westbound in the AM peak period, and 23 percent eastbound

and 18 percent westbound in the PM peak period. The percentages are corrected in the Final EIR/EA. The HOV mode share in the TOAR were used in the traffic operational analysis, this correction in the Final EIR/EA does not change any traffic analysis modeling or results.

The paragraph starting with “The MTC’s model…” on page 2-50 is a comparison of the forecast model with the NCST calculator for induced travel demand. This comparison was made to explain how the MTC model was compared to the NCST calculator for the purpose of calculating VMT for the different project alternatives.

The paragraph on page 2-58 was incorrect in saying the build alternatives would not restrict access for bikes except at Sonoma Creek Bridge. This was edited to correctly state, consistent with this comment, that Alternatives 2 and 3A would not accommodate bikes on Sonoma Creek Bridge and bikes would be prohibited.

Transverses on page 3-50 was corrected to traverses.

O-10-17.

This comment reiterates the proposal for evaluation of 1) an HOV lane along the entirety of SR 37 (as opposed to the project limits only), and 2) a modified Alternative 1 that relies on several design concepts that have been considered but rejected in the selection of the preferred Alternative 3B. These are discussed in the response to Comments O-10-1, O-10-3, and O-10-8.

As noted in the response to Comment O-10-8, the proposed “Sub Alternative 1” has elements that Caltrans has decided not to implement in other alternatives.

The movable barrier proposed in Alternative 1 is not being advanced. The rationale for not selecting this alternative is explained in the Final EIR/EA in Section 1.4.3.1.

The commentor’s proposal for 4-foot outside shoulders and no shoulders on Sonoma Creek Bridge were deemed unacceptable by CHP and not acceptable for the safety of disabled motorists.

Widening of the Tolay Creek Bridge cannot be avoided as proposed by the comment. All build alternatives require widening at Tolay Creek Bridge.

The proposed elimination of shoulders usable by bicyclists originally considered in the Draft EIR/EA and included in the commentors proposed alternative was determined unacceptable.

The water quality concern raised by the commentor is not considered a new significant impact. This is addressed in the response to Comment O-10-9.

Comment Letter O-11: Sierra Club, Steve Middlesbrough

SIERRA CLUB

SR-37 WORK GROUP
P.O. Box 466
Santa Rosa, CA 95402
707-576-6632

February 28, 2022

Ms. Yolanda Rivas, Senior Environmental Planner
Caltrans District 4 Environmental
P.O. Box 23660, MS: 8B
Oakland, CA 94623-0660

Via E-mail: stateroute37@dot.ca.gov

Re: Draft Environmental Impact Report/Environmental Assessment for the proposed State Route SR 37 Sears Point to Mare Island Improvement Project

Dear Ms. Rivas:

The Sierra Club appreciates this opportunity to comment upon the Draft Environment Impact Report regarding the SR-37 interim project to address congestion between Sears Point and Mare Island. While it would be best to await the results of the PEL process before adopting plans for interim investments, we understand the importance of advance exploration of options.

O-11-1

We do question whether it is prudent to invest many millions of dollars, and destroy acres of wetlands, to widen a few miles of a road that already experiences some flooding during storms. Our understanding is that the interim project would be completed only about eleven years before being replaced in 2036 by projects now involved in the PEL process. In selecting the preferred alternative, we recommend that the planning horizon years be consistent with the planned completion date of the long range project, not 2045 or 2050. Baseline data should be updated at least to the year 2021.

Given predictions for more frequent "100-year floods" it may be preferable to address the flooding potential, and build the ultimate project earlier than its 2036 target year. Sea level rise impacts shown by "Our Coast Our Future" modeling, (Point Blue and others) for this segment, suggest parameters of .8 foot of SLR (as predicted by NOAA for 2050) We have seen one estimate that the "100 year flood" can now be expected every two years. Please consider the possibility that the existing roadway could be unreliable shortly after completion of an interim project.

Please consider ways to quickly establish queue-jumps and diamond lanes at both ends of the two-lane segment of road to advance the start of express bus service, and to encourage more car-pooling. Such a project would focus on reducing driving to cut greenhouse gas emissions and manage congestion at a much lower cost.

Significant changes in the jobs-housing balance over the next eight years are likely to occur in Marin County. The new Regional Housing Needs Assessment calls for construction of more than ten thousand new housing units at the western end of the Hwy 37 Corridor.

During the construction of these new housing units, construction worker traffic on Highway 37 may increase, and as new housing becomes available there are likely to be reductions in lengthy commutes by Solano County residents who will be able to relocate closer to jobs. The EIR should include the results of interviews with construction firms about anticipated hiring and the likely travel patterns of workers. It should also include results of surveys of present commuters to ascertain their interest in living closer to work, and avoiding tolls on Highway 37. These changes must be considered in selection of the preferred interim project.

O-11-2

If the interim project does go forward, we concur in the comments of the Sonoma Land Trust regarding protection of the Baylands habitat.

The EIR should describe the steady reductions in driving, land use, and commute patterns in the corridor that are required in order to address climate change. Although shifts to electric vehicles are likely to gradually reduce greenhouse gas emissions from vehicles over the next two decades, it has been clear since 2008 that driving must also be reduced through changes in land use and increased reliance on transit, in order to sufficiently cut greenhouse gas emissions from the transportation sector. See, Senate Bill 375 (Steinberg).

Rather than recognizing the annual reductions in driving and the changes in commuting habits that must occur in order to reduce greenhouse gas emissions, the Draft EIR assumes annual *increases* in vehicle miles traveled. Such increases do not further the goals of the Climate Plan for Transportation Infrastructure, nor California Transportation Plan 2050, which is "required to show how California can reduce transportation sector greenhouse gas (GHG) emissions to 80 percent below 1990 levels by 2050."

The study should describe design options, including the establishment of the transit services required to reduce the number of single-occupant automobiles on the route, from approximately 14 thousand in each direction today, to about seven thousand per day in 2035.

O-11-3

We support low income discounts of 25% to 50%, for tolls and transit services. Systems such as the MTC Clipper Card and the Virginia Department of Transportation already offer such a feature.

O-11-3 Cont.

Because many low income people from surrounding counties will continue to use this toll road, and, "...there still are low-income individuals represented in these census tracts who could be impacted," we ask that the following sentence be deleted from the EIR, Paragraph 2.2.9.3:

"Environmental Consequences:
"Based on the above discussion and analysis, the Build Alternatives would not cause disproportionately high and adverse effects on any minority or low-income populations, in accordance with the provisions of EO 12898."

O-11-4

The final Report should consider the following specific issues:

A — Required VMT reduction on the highway that can result from:
1 - Tolls
2 - Increased use of transit, car-pooling and van-pooling.
3- Additional housing to be constructed along the Highway 101 Corridor.
4- Telecommuting.

O-11-5

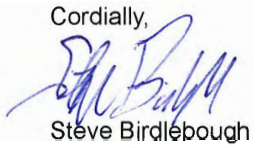
B — Removal of trucks from the highway during peak hours to significantly reduce congestion. Trucks that account for about 10% of the traffic in the mornings, and 5% in the afternoons could be required to use the road during non-congested hours, or to use a "rolling highway" on the tracks between Napa Junction and Lakeville Highway.

O-11-6

C — Design the Tolay Creek Bridge modifications to expand the width of the channel so that tidal wetlands can migrate northward across the SR-37 alignment. Avoid the drowning of outboard marshes due to sea level rise..

If you wish to discuss these issues with us or have questions, please contact me at scbaffirm@gmail.com 707-576-6632. We hope the above comments are of assistance.

Cordially,



Steve Birdlebough Chair,
Sierra Club SR-37 Work Group

cc: Tammy Massengale, Caltrans Headquarters
Jeanette Weisman, Metropolitan Transportation Commission
Ashley Nguyễn, Metropolitan Transportation Commission

Response to Comment Letter O-11: Sierra Club

O-11-1.

This interim project is expected to be completed by 2025 and last to at least 2045, before it is replaced by the ultimate project. These are design years selected to evaluate traffic conditions in an opening year (2025) and a 20-year horizon year (2045), which is typical of most transportation planning projects. The goal of this project is to address the immediate need of traffic relief while concurrently developing an ultimate project, which would be designed to be resilient to longer projections of sea level rise. Nonetheless, sea level rise has been studied and modeled in the EIR/EA in Section 3.4.5.3. Figures 3-9 through 3-12 to illustrate the potential flood impacts on SR 37 as a result of sea level rise and storm events. Thus, this interim project does incorporate some design features that would make it more resilient to short-term sea level rise within the anticipated life of the project such as small-scale raising of the road elevation at critical flood risk locations; adding sheet pile walls along the edge of shoulders; and installing corrosion resistant materials.

As stated in the Final EIR/EA in Section 3.4.5.3, This portion of SR 37 is part of a larger corridor, and SLR planning efforts are being addressed on a broader scale. Table 2-54 in Section 2.5.2 includes projects and studies related to SLR. Long-term resilience would require the majority of SR 37 to be raised, or relocated, either of which could be a solution for the ultimate project.

The Final EIR/EA identifies and discusses flood vulnerability of SR 37 within the project limits in Section 2.3.1.2. There have been flood protection measures added on SR 37 west of the project, in response to roadway inundation in 2019. Additional flood improvement and protection solutions are being evaluated as separate projects for the corridor, to address the more immediate risk of roadway inundation and flood protection.

O-11-2.

The analysis of traffic in future study years (2025 and 2045) are based on regional forecast modeling. This analysis uses land use and growth projections performed by the Association of Bay Area Governments and MTC for Plan Bay Area. This process uses a regional growth forecast, a land use model, and a travel model. This method incorporates the forecasted growth in industry, housing, and population in the Bay Area counties, and where that growth is predicted to occur based on each jurisdictions adopted plans. The travel model is used to generate and distribute the predicted trips based on the land uses.

This method therefore takes into account predicted hiring by employers, as well as the growth and distribution of the jobs and housing. The travel model applies creates the

trips that will occur in the future years. These trips are discussed and evaluated for travel impacts in Section 2.2.11 of the Final EIR/EA.

The growth in trips was made to evaluate the traffic impacts with and without the proposed alternatives, as required for an environmental document. One measure of traffic demand reported in the Final EIR/EA is vehicle miles traveled or VMT, which is the measure of number and distance of trips. As reported in the EIR/EA (Section 2.2.11 and 3.3.17), VMT will increase over future years as a result in expansion of housing and jobs in the Bay Area, with or without the project alternatives. However, VMT would also increase with the No Build Alternative, and the traffic analysis for this project identified that VMT with the preferred Alternative 3B would be lower than the No Build alternative in the future study years (2025 and 2045).

Climate change and greenhouse gas reduction is discussed in the Final EIR/EA in Sections 3.3.8 and 3.4.

O-11-3.

Caltrans has noted your comment in support of tolling discounts for low-income individuals. As mentioned in the Final EIR/EA means-based toll discounts would apply to the general purpose lanes as part of the project. Refer to Sections 1.4.1.3, 2.2.9.3, and 3.3.17. The HOV lanes would not be subject to tolls.

O-11-4.

These topics are included in the Final EIR/EA. Refer to Section 3.3.17 regarding the evaluation of VMT, for the No Build and preferred Alternative 3B. The project's proposed HOV lanes and tolling of the general purpose lane would increase use of transit and car/van pooling and shared rides. Refer to the previous response O-11-2 regarding housing and economic growth.

Telecommuting (or work from home) has increased in recent years as a result of the pandemic and its health-based restrictions and changes in commuting. It has been reflected in reductions in trips by individuals who have this work-life option. Not all workers have this option, and therefore trips have increased in 2022 as individuals either return to the work place in full or part-time roles, and/or economic activity results in overall growth in jobs and housing. The methods used to evaluate trip generation and distribution in future years reflect a reasonable and possibly worst-case traffic pattern that was used in the EIR/EA to evaluate the significance of impacts on the transportation system, as well as impacts related to emissions and climate change.

O-11-5.

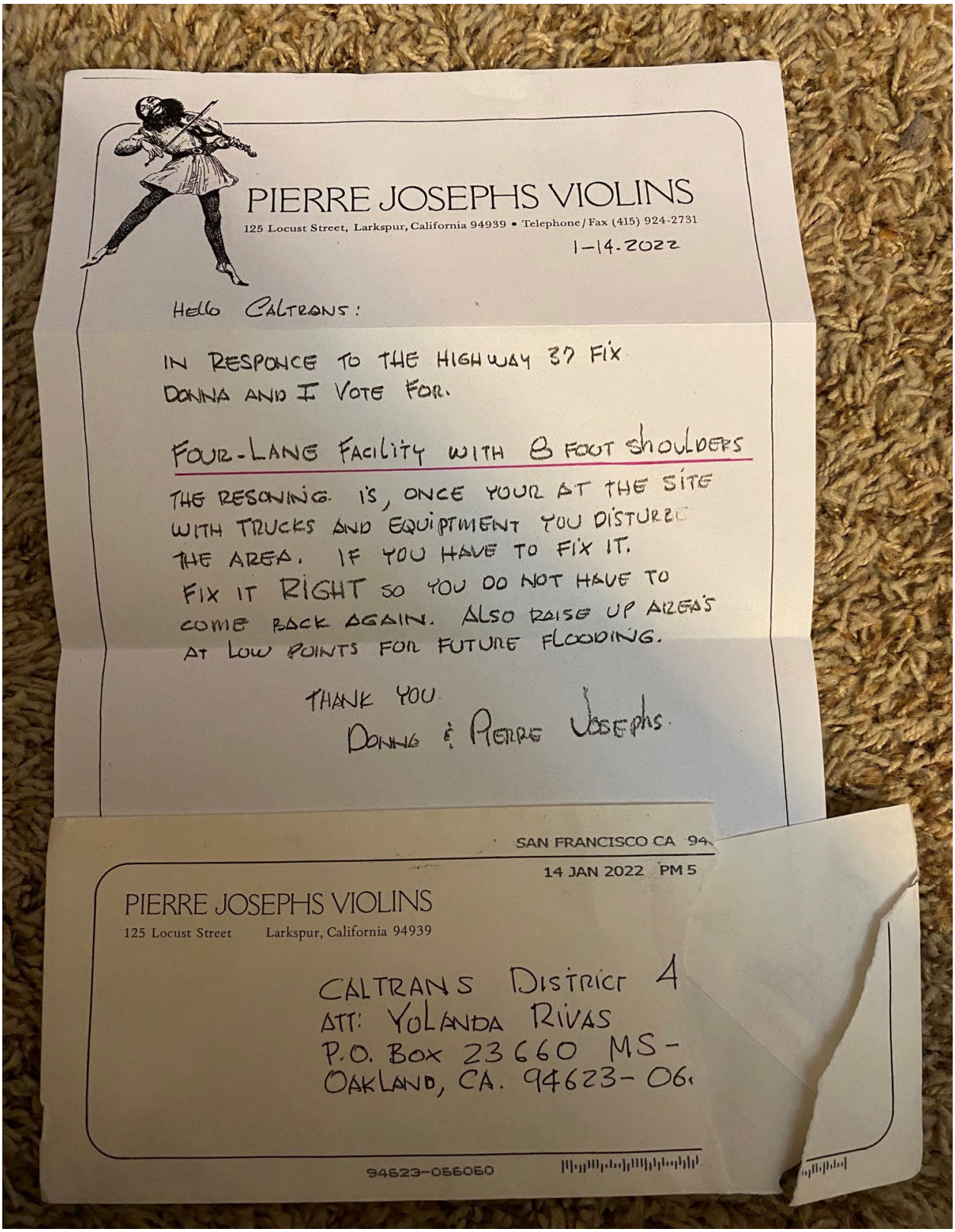
Truck use of SR 37, as well as any highway, is a reflection or outcome of moving goods within and through the Bay Area counties and cities. Commerce and trade have state and federal legal protection; therefore, restriction of commerce is not in the control of Caltrans or the regional county agencies.

Please note that the project is proposing HOV lanes. The CHP enforces the use of all HOV lanes. In California, “Any vehicle towing a trailer, large trucks, and other vehicles subject to a 55 mph speed limit cannot use an HOV lane regardless of the number of occupants.” Trucks not meeting this definition therefore would not be allowed in the proposed new HOV lanes but would be allowed to use the lanes during non-peak travel periods.

O-11-6.

The project is widening the Tolay Creek bridge for purposes of accommodating the proposed new lanes. The lengthening of Tolay Creek Bridge is not needed to address the transportation related aspects of the project’s purpose and need. The regional agency partners are considering options to potentially lengthen the bridge for ecological reasons, and if those improvements move forward they may be a separate project. Please also refer to the response to Comment A-3-3.

Comment Letter O-12: Pierre Josephs Violins, Donne and Pierre Josephs



PIERRE JOSEPHS VIOLINS
125 Locust Street, Larkspur, California 94939 • Telephone/Fax (415) 924-2731

1-14-2022

Hello CALTRANS:

IN RESPONCE TO THE HIGHWAY 37 FIX
DONNA AND I VOTE FOR.

FOUR-LANE FACILITY WITH 8 FOOT shoulders

THE RESONING IS, ONCE YOUR AT THE SITE
WITH TRUCKS AND EQUIPTMENT YOU DISTURB
THE AREA. IF YOU HAVE TO FIX IT.
FIX IT RIGHT SO YOU DO NOT HAVE TO
COME BACK AGAIN. ALSO RAISE UP AREAS
AT LOW POINTS FOR FUTURE FLOODING.

THANK YOU
DONNA & PIERRE Josephs.

SAN FRANCISCO CA 94
14 JAN 2022 PM 5

PIERRE JOSEPHS VIOLINS
125 Locust Street Larkspur, California 94939

CALTRANS District 4
ATT: YOLANDA RIVAS
P.O. Box 23660 MS-
OAKLAND, CA. 94623-06

94623-066060

O-1
2-1

Response to Comment Letter O-12: Pierre Josephs Violins

O-12-1.

Caltrans has noted your support for a four-lane highway with 8-foot outside shoulders. This is alternative is referred to as Alternative 3B in the Final EIR/EA and is Caltrans preferred alternative.

Comment Letter O-13: Lindsay Transportation Solutions, Paul Grant

From: Vivian, Lindsay@DOT on behalf of State Route 37@DOT
To: Gao, Rui@DOT; Zimmerman, Jeff; Gaitan, Lidia@DOT; Haas, Stephen D@DOT; Osby, Stephanie; Rivas, Yolanda@DOT; Jeanette Weisman; Rahid, Ahmed@DOT
Subject: [EXTERNAL] FW: Draft Environmental Document Public Scoping Comments
Date: Monday, February 28, 2022 3:44:00 PM

Lindsay Vivian
Office Chief
Environmental Analysis
Caltrans District 4 (Bay Area)
(510) 506-4310

From: Paul Grant <Paul.Grant@lindsay.com>
Sent: Monday, February 28, 2022 3:07 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Draft Environmental Document Public Scoping Comments

EXTERNAL EMAIL. Links/attachments may not be safe.

Hello Yolanda,

O-13-1 Lindsay Transportation Solutions, provider of the Road Zipper moveable barrier system, has reviewed the draft EIR and the various alternatives in detail, with a focus on information pertaining to Alternative 1 and the moveable barrier. We have new information to share with the SR-37 project team to address some of the concerns that were raised in the draft EIR and at the February 2, 2022 public meeting regarding this Alternative.

Thank you,
Paul Grant
Business Development Manager
Road Zipper™

Lindsay
180 River Road
Rio Vista, CA 94571 USA
lindsay.com
+1 (209) 625-5667

Response to Comment Letter O-12: Pierre Josephs Violins

O-13-1.

The project team coordinated with Lindsay Transportation Solutions, who provided information as to the operation of their movable barrier system. Information from that coordination was used by the project team to refine the description of Alternative 1 (the movable barrier alternative).

Comment Letter O-14: San Francisco Baykeeper, Ben Eichenberg

SAN FRANCISCO BAYKEEPER®

February 28, 2022

Yolanda Rivas, Senior Environmental Planner
Caltrans District 4 Environmental
P.O. Box 23660, MS: 8B
Oakland, CA 94623-0660
VIA ELECTRONIC MAIL: StateRoute37@dot.ca.gov

Subject: Draft Environmental Impact Report (EIR)/Environmental Assessment (EA) for the proposed State Route 37 Sears Point to Mare Island Improvement Project

Dear Ms. Rivas,

I write on behalf of San Francisco Baykeeper ("Baykeeper"). Baykeeper submits these comments on behalf of approximately 5,000 members and supporters who live and recreate in and around the San Francisco Bay Area. Together, our mission is to defend San Francisco Bay from the biggest threats and hold polluters and government agencies accountable to create healthy communities and help wildlife thrive. Our team of scientists and lawyers investigate pollution via aerial and water patrols, strengthen regulations through science and policy advocacy, and enforce environmental laws on behalf of the public.

We are writing to provide comments on the Draft EIR/EA for the proposed State Route 37 Sears Point to Mare Island Improvement Project ("Project") which is being prepared by Caltrans District 4 (Caltrans). While 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, we nevertheless believe the best solution involves incorporating future planning into projects to meet short-term needs. Baykeeper would like 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. O-14-1

1. Incorporation of sea level rise predictions in planning

In the coming decades, considerable public funds will be invested in current and future SR 37 modifications. Baykeeper recommends that each modification be planned in accordance with the long-range Ocean Protection Council recommendation of planning for H++ sea level rise projections. By doing so, SR 37 will provide protection against ongoing sea level rise and reduce the need for costly maintenance in the future.

In addition, each modification to SR 37 should integrate and promote beneficial uses and nature-based climate adaptation strategies for San Pablo Bay, the tidal creeks flowing under SR 37, and the marsh and wetland habitats along the corridor and in adjacent watersheds that support migratory and resident species.

2. Avoid impacts to wetlands and hydrology O-14-2

The Project should protect wetland resources and maintain restoration options to the maximum extent possible. We recommend that the project stay within the existing project footprint. Building out

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Oakland, CA 94612
(510) 735-9700

two additional lanes plus either 4 or 8 feet adds a large amount of additional road base and creates a new and much more impactful base to build upon for the future project. Either of these scenarios would have tremendous impacts to wetland and aquatic habitats and wildlife as well as to overall connectivity.

O-14-2 Cont.

Moreover, all build alternatives include the use of sheet pile walls. Depending on the depth, sheet-pile walls driven along the sides of the highway embankment could affect groundwater flow dynamics, especially given the shallow groundwater conditions in the area. Changes in groundwater flow could affect soil saturation and interrupt natural drainage patterns in adjacent habitats. Please provide the sheet pile walls' design details, including length and depth. And please evaluate impacts to groundwater flow caused by sheet pile walls and resulting impacts to adjacent habitat.

3. Integration with other planning efforts

O-14-3

This proposed modification is one of many along the SR 37 Corridor and we believe it must align with long range planning for all three SR 37 segments to ensure that the corridor-wide vision guides design and long-term climate adaptation planning. A piecemeal approach to planning the different improvements along the SR 37 Corridor will lead to higher costs as short-term solutions and will have to be rebuilt repeatedly to keep pace with rising sea levels due to climate change.

4. Lengthening the Tolay Creek Bridge and widening the Tolay Creek channel

O-14-4

Lengthening the Tolay Creek Bridge and widening the Tolay Creek channel would create additional restoration opportunities. Currently, all alternatives include widening Tolay Creek Bridge, but do not include lengthening it, significantly reducing the opportunities for conservation and restoration. The present Tolay Creek channel is silted in due to the lack of tidal prism. Removing the large amount of fill placed north of the existing bridge and widening the channel would open the channel, allow fish passage, and create new wetlands. This would allow restoration of tidal habitat north of the Tolay Creek Bridge. We recommend widening the channel and lengthening the Tolay Creek bridge to allow more restoration to occur and support the implementation of the Sonoma Creek Baylands Strategy.

5. Lighting impacts

O-14-5

All build alternatives include the addition of lighting. Please elaborate on how the proposed lighting will impact biologically sensitive areas.

Thank you for the opportunity to provide comment on the Draft EIR/EA for the proposed State Route 37 Sears Point to Mare Island Improvement Project. 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.

Sincerely,

Ben Eichenberg
Staff Attorney

Response to Comment Letter O-14: San Francisco Baykeeper

O-14-1.

The predictions and consequences of SLR were discussed in the Final EIR/EA. Please refer to the Response to Comment O-11-1 and EIR/EA Section 3.4.5.3.

O-14-2.

This comment is related to minimizing impacts to adjacent wetlands and aquatic habitats by staying within the existing SR 37 footprint and evaluating sheet pile walls on habitats. For your comment regarding staying in the existing footprint please refer to Comment Response A-3-1.

The design and impact of installing sheet pile walls is addressed in response to Comment O-4-4.

O-14-3.

The predictions and consequences of SLR were discussed in the Final EIR/EA. Please refer to the Response to Comment O-11-1 and EIR/EA Section 3.4.5.3.

O-14-4.

This comment is related to light impacts from the project on biologically sensitive habitats. Please refer to Comment Response A-5-8.

O-14-5.

This comment is related to Tolay Creek Bridge lengthening. The project is widening the Tolay Creek bridge for purposes of accommodating the proposed new lanes. The lengthening of Tolay Creek Bridge is not needed to address the transportation related aspects of the project's purpose and need. The regional agency partners are considering options to potentially lengthen the bridge for ecological reasons, and if those improvements move forward they may be a separate project. Please also refer to the response to Comment A-3-3.

C. Comments from Individuals

Comment Letter I-1: David Brouillette

-----Original Message-----
From: David Brouillette <dbrouillette@mac.com>
Sent: Thursday, January 13, 2022 5:13 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: EIR/EA Comments

EXTERNAL EMAIL. Links/attachments may not be safe.

I-1-1 I support a full-time four lane highway. Anything less will not meet vehicle traffic in the future. By the time this project is completed there will be a significant increase in vehicle traffic on route 37. I don't see how a three lane movable separation (such as the Golden Gate bridge) will be sustainable due to operational costa and maintenance requirements. Impacts could be limited with a four foot shoulder.

David Brouillette
1003 G St
Petaluma, CA

Sent from my iPhone

Response to Comment Letter I-1: David Brouillette

I-1-1.

Caltrans has taken note of your support for a full-time four-lane highway. Four-lane alternatives are referred to as Alternative 3A (4-foot outside shoulders) and Alternative 3B (8-foot outside shoulders, except at Sonoma Creek Bridge where they will be 4 feet wide) in the EIR/EA. Caltrans has chosen Alternative 3B as the preferred alternative. The Section 1.4.3.1 in the Final EIR/EA discusses the selection of the preferred alternative.

Comment Letter I-2: Greg Stone

From: Greg Stone <soniastone109@gmail.com>
Sent: Thursday, January 13, 2022 12:03 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Hwy 37

EXTERNAL EMAIL. Links/attachments may not be safe.

I-2-1

A full-time, four-lane, with 8 foot shoulders would be best in my opinion. If a vehicle breaks down, there is room to pull out of the traffic lanes. There is too much traffic most of the time to use the three lane option. There would be extra cost daily for personnel to zipper the median barrier. Do the best option now. It will only be more expensive later.
Thanks, Greg Stone

Response to Comment Letter I-2: Greg Stone

I-2-1.

Caltrans has taken note of your support for a full-time, four-lane highway and 8-foot outside shoulders. This alternative is referred to as Alternative and is Caltrans' identified preferred alternative in the Final EIR/EA. Section 1.4.3.1 in the Final EIR/EA discusses the selection of the preferred alternative.

Comment Letter I-3: Brenda Smith

From: Brenda Smith <bsmth44@msn.com>
Sent: Thursday, January 13, 2022 11:14 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Support: Full time-4lane/8ft Project

EXTERNAL EMAIL. Links/attachments may not be safe.

I-3-1

Hello Yolanda,
I wanted to support the proposal for the "full-time, four-lane facility w/8 ft. shoulders."
Thank you,
Brenda Smith

Response to Comment Letter I-3: Brenda Smith

I-3-1.

Caltrans has taken note of your support for a full-time, four-lane highway and 8-foot outside shoulders. This alternative is referred to as Alternative 3B in the EIR/EA and is Caltrans preferred alternative identified in the Final EIR/EA. Section 1.4.3.1 in the Final EIR/EA discusses the selection of the preferred alternative.

Comment Letter I-4: Brenda Smith

From: Brenda Smith <bsmth44@msn.com>
Sent: Thursday, January 13, 2022 11:07 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Traffic Improvement Plan-Hwy 37-YES!

EXTERNAL EMAIL. Links/attachments may not be safe.

Hello Yolonda Rivas,
My name is Brenda Smith and I am excited to read today in the Press Democrat about the plan to improve Hwy 37!!!!

I-4-1

This is great news! I am aware there will be environmental impacts, yet the mental stress and slow congestion that occurs "everytime" I commute on the 37 highway out ways my concerns. It is time for an upgrade and I whole-heartedly support this project!

I look forward to the approval, execution, completion, and enjoyment of using the 37 highway as a happy commuter!!!

Thank you,
Brenda Smith

Response to Comment Letter I-4: Brenda Smith

I-4-1.

Thank you for your general support of the project.

Comment Letter I-5: Christine Otakan

From: Chris <christinemt12@gmail.com>
Sent: Wednesday, January 19, 2022 1:16 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: State Route 37 Sears Point to Mare Island Improvement Project

EXTERNAL EMAIL. Links/attachments may not be safe.

I-5-1

Good afternoon, can you please tell me the current status of the State Route 37 Sears Point to Mare Island Improvement Project? When will the right of way acquisition begin?

Thank you,
Christine Otakan

Response to Comment Letter I-5: Christine Otakan

I-5-1.

Section 1.4.1.3 in the Final EIR/EA notes that detailed design is scheduled or anticipated for 2022 to 2024 (including right-of-way), and construction in 2025 and 2026.

Comment Letter I-6: Michael Skurtun

From: Michael Skurtun <mskurtun@sonic.net>
Sent: Monday, January 24, 2022 11:51 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Hwy. 37 widening

EXTERNAL EMAIL. Links/attachments may not be safe.

To whom it may concern at Caltrans,

I-6-1

I would encourage widening Hwy. 37 to 4 lanes including 8' shoulders. If you're are going to do it, do it right. Four foot shoulders don't offer the safety 8' shoulders do.

To widen it to only 3 lanes with a movable barrier seems to be only doing a partial job. It will not be as safe and in the long run having to operate and maintain it is short sighted from a cost stand point as well.

Sincerely,
Michael Skurtun

Response to Comment Letter I-6: Michael Skurtun

I-6-1.

Caltrans has taken note of your support for a full-time, four-lane highway and 8-foot outside shoulders. This is alternative is referred to as Alternative 3B in the EIR/EA and is Caltrans preferred alternative. Section 1.4.3.1 in the Final EIR/EA discusses the selection of the preferred alternative.

Comment Letter I-7: Jim Poulos

From: Jim Poulos <jpoulos520@aol.com>
Sent: Tuesday, January 25, 2022 11:57 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Suggestion from BCDC to widen Hwy 37

EXTERNAL EMAIL. Links/attachments may not be safe.

Back in the summer of 1992, BCDC wrote a letter to CalTrans suggesting that BCDC would be supportive of the following proposal to widen Hwy 37 from Sears Point to Mare Island:

1. Build a parallel levy to the existing levy, with 2 lanes of traffic on each levy.
2. Both lanes of traffic would run one-way on each levy, eliminating the need for barriers.
3. Each levy would have 3 single-span bridges over strategically placed "gaps" in each levy, so as to allow for proper tidal flows in and out of the wetlands. This eliminates the need for culverts through each levy and the associated maintenance costs of keeping those culverts free of debris.

BCDC indicated to me in 1993-96 that they would actively support and promote their plan (see above) with all the other environmental and government authorities and property owners who had a stake in that Hwy 37 corridor. After all, they emphasized that BCDC is the Bay Conservation and DEVELOPMENT Commission, not just an environmental protection organization.

Thanks to the active engagement of BCDC and CalTrans throughout 1994 with the myriad levels of government, property owners, and citizens groups, we were able to get the current barrier designed, approved, funded, and built in record time.

I-7-1

After we lost our 18-year old son Frankie on January 11, 1993 in a cross-over collision on Hwy 37 near Skaggs Island Rd., I was determined to get a barrier built to put a stop once and for all to the relatively high number of deaths and injuries caused by cross-over collisions in that 10-mile stretch of highway that had been dubbed "Blood Alley" for decades prior to Frankie's untimely death.

Even back then, we knew that the traffic demands would outgrow the 2-lane highway's capacity as the North Bay continued to grow and expand. So, in 1995-96 (I think) the various government agencies, environmental groups, property owners, politicians, *et al.*, met once per month for about a year to study and develop solutions for the North Bay's mounting transportation challenges.

The result of all those meetings and discussions from every stake holder in that multi-county stretch of road?

Adopt the parallel levy plan BCDC had proposed in their letter back in the summer of 1992.

Perhaps that remains the most viable solution even today?

I wish you well in your endeavors!

Best,

Jim Poulos
Santa Rosa CA
Cell: 415-577-4593

Response to Comment Letter I-7: Jim Poulos

I-7-1.

Your long-term support for a safety barrier in the median helped result in the existing median barrier that is present along SR 37 today, with gaps only for cross turning traffic at certain intersections. This median barrier will be reconstructed, and outside shoulder barriers will be added in some locations.

The BCDC concept for the parallel levy was not carried forward at the time it was considered, as noted in this comment. It would have value in separating the opposing lanes of travel on SR 37, but its cost would be high and environmental impacts would be high.

Comment Letter I-8: Susan Glover

From: Sue Glover <tsusioux@gmail.com>
Sent: Wednesday, January 26, 2022 5:22 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Cc: Max Hunter <max@drawer.com>
Subject: State Highway 37 Sears Point to Mare Island Improvement Project

EXTERNAL EMAIL. Links/attachments may not be safe.

Re: State Highway 37 Sears Point to Mare Island Improvement Project

To Whom It May Concern,

I live on Hwy 37 between Mare Island and Skaggs Island. Highway 37 is the only road access to our property, and our driveway leads directly onto the highway. Our gate and access road are also utilized by PG&E, USGS, US Fish and Wildlife, CA Fish and Wildlife, Mosquito Abatement, and various other authorized personnel. Our access road is not a public road.

I-8-1

It is imperative that our ability to travel east and west from our property be preserved. The current proposals that I have seen for this stretch of the highway could I fear block our access entirely, would remove the ability to turn around at Skaggs Island, and the concept of being forced to pay a toll to access our property is absolutely untenable.

I feel that the best path forward is to preserve the current highway as a frontage road.

I-8-2

In addition, I feel that the Napa Solano marshlands are a treasure that should be available for recreational access, and that any plans should be made with a mind to this aspect and should include hiking and bicycle trails.

I thank you for the opportunity to make myself heard on this subject. Please do keep me apprised of any pertinent developments.

Sincerely,

Susan Glover

Response to Comment Letter I-8: Susan Glover

I-8-1.

Private property access from SR 37 through driveways will be maintained. A median opening/left turn pocket will be provided at Skaggs Island Road.

I-8-2.

Your comment is related to creating recreational access to the marshlands. As noted in the project's purpose and need Final EIR/EA Section 1.2, this interim project is focused on addressing traffic congestion. Public access will be included as part of the project and determined in the final design stage of the project.

Additionally, the PEL process is defining the ultimate project which will include public access to marshland areas.

Comment Letter I-9: Paul Theiss

From: Paul Theiss <theiss.paul@gmail.com>
Sent: Wednesday, January 26, 2022 12:13 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Question about Tolls for Lower Income Users

EXTERNAL EMAIL. Links/attachments may not be safe.

I-9-1

Dear Ms. Rivas,
I missed last night's meeting on the Highway 37 project but would still like to register my concern about charging lower income workers tolls to reach their jobs. I have received your notice about the February 2 meeting, but I notice that it's about the EIR. Is the toll question relevant to that meeting? If not, how can I share my concern?
Thank you,
Paul Theiss
Vallejo

Response to Comment Letter I-9: Paul Theiss

I-9-1.

Caltrans has noted your concern about tolls being charged to low-income workers. As discussed in Sections 1.4.1.3, 2.2.9 and 3.3.17 of the Final EIR/EA, income or means-based toll discounts would be implemented for those that qualify. Qualifying vehicles can use the proposed HOV lanes, which will not be tolled.

Comment Letter I-10: Robert Raven

From: robert raven <robraven60@gmail.com>
Sent: Friday, January 14, 2022 12:23 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: my comment on SR 37

EXTERNAL EMAIL. Links/attachments may not be safe.

I'm writing this email for the public comment on the SR 37 expansion.
I commuted on SR 37 for 27 years, luckily with an opposite commute.

No matter what plan is adopted, I'd like you to include the following:

I-10-1

1. Wildlife corridors under the roadway every 100 yards or so. I've seen too many animals killed by vehicles while trying to get across SR 37. Most animals can't get over the barrier, which saves humans lives but not animals.

2. Access for and to the Bay Trail from Sears Point to Vallejo, including over the creeks.

3. Bicycle lanes in each direction from Novato to Vallejo to safely access the North Bay.

Thanks,
Robert Raven
Petaluma

Response to Comment Letter I-10: Robert Raven

I-10-1.

Your comment is related to Caltrans providing recreational access and wildlife corridors. As noted in the project's purpose and need Final EIR/EA Section 1.2, this interim project is focused on addressing traffic congestion. Caltrans has considered the potential impacts from the project on wildlife connectivity. Results from a wildlife movement study would be incorporated in the design of the ultimate project as part of the PEL process. This project's purpose and need is to address congestion relief while the ultimate project will address large-scale environmental concerns for the corridor such as wildlife connectivity.

Regarding public access, the Caltrans Project Development Team has identified Alternative 3B as the preferred alternative. The preferred alternative maintains bicycle access along the outside shoulders. Public access will be included as part of the project and determined in the final design stage of the project.

Comment Letter I-11: Marilyn Seibert

-----Original Message-----
From: Marilyn Poggensee <windsong11@icloud.com>
Sent: Sunday, January 16, 2022 3:59 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Highway 37 project

EXTERNAL EMAIL. Links/attachments may not be safe.

I-11-1

My opinion:
I've lived in Sonoma 25 years, and this highway restricts how I plan trips in and out of the area always. My advice is to do the maximum. The highway needs at least 2-3 lanes each direction permanently, and you might find that solution out of date and inadequate before the improvements are even finished. I know you have many wetland considerations to take into account, but there are no other routes that link these two areas, and you must make that fact a priority. Do the maximum, however that looks. Build separate bridges and overpasses, whatever. Plan as if the area's traffic is already diverting to avoid loss of time sitting in traffic and will return as soon as the situation improves, because that is probably true. Thank you and good luck.

Sincerely,
Marilyn Seibert

You are the Love and Light
that the world needs right now!

Response to Comment Letter I-11: Marilyn Seibert

I-11-1.

Caltrans has noted your support of the maximum widening of SR 37. Alternative 3B would provide a four-lane highway with 8-foot outside shoulders. Caltrans has chosen Alternative 3B as the preferred alternative. Section 1.4.3.1 in the Final EIR/EA discusses the selection of the preferred alternative.

Comment Letter I-12: Keshav Boddula

From: kikibo22 <kikibo22@gmail.com>
Sent: Thursday, January 20, 2022 10:30 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: General public comment on 37

EXTERNAL EMAIL. Links/attachments may not be safe.

Hello there from Orange County.

Interesting I'm age 37! :) but anyway...

I-12-1

I know there are complexities and it may not be as accurate as the irony of trying to generally solve the problem with the same cause of the problem! which I reflect here, but just a general consideration if you haven't already considered it, is the irony that CT and those SR 37 projects are trying to continue enabling car culture. One of the effects of this, human-induced climate change (which is largely due to environmentally unsustainable development such as enabling a misguided, less-in-touch-with-the-reality-of-the-natural-world, car culture and associated way of life dependent on such ecologically imbalanced energy/movement) has been sea-level rise, which you are trying solve by continuing the same car culture (or basic cause of the problem).

I could provide some more input/info, but not sure it's appropriate here/now.

Sincerely,
Keshav Boddula
A former OCTA bus driver too

Response to Comment Letter I-12: Keshav Boddula

I-12-1.

Caltrans has noted your comment related to enabling car culture by increasing highway capacity and its connection to human-induced climate change and sea-level rise. Please note that adding HOV lanes makes it possible for bus services and ridesharing on SR 37 that would not have otherwise be practical with the current bottlenecks that create substantial backups and delays. The project will create incentives for increase vehicle occupancy, which is also part of the projects purpose, as discussed in Section 1.2 of the Final EIR/EA.

Comment Letter I-13: Anne Shapiro

-----Original Message-----
From: Anne Shapiro <azshap@comcast.net>
Sent: Tuesday, January 18, 2022 12:51 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Moving Highway 37

EXTERNAL EMAIL. Links/attachments may not be safe.

I-13-1

Hello. My vote is for four lanes to Vallejo...with a shoulder for cars and a decent bike path. But my greatest wish is for overpasses and exit ramps to be installed at Lakeville Rd. and at Hwy 121 at Sears Point so there is non stop freeway from Hwy 101 to Hwy 80. THAT is why there is such a back up every day....and the only way to alleviate it.
Of course...if this new highway could be put on stilts to minimize the damage to the north Bay ecology...all would be well.
Thank you!
Anne Shapiro
Sonoma

Sent from my iPad

Response to Comment Letter I-13: Anne Shapiro

I-13-1.

Caltrans has noted your support of a four-lane highway with a bike path and desire for an overpass and exit ramps at Lakeville Road. The Caltrans Project Development Team has selected Alternative 3B as the preferred alternative, which includes four lanes and 8-foot outside shoulders that can be used by bicyclists. Constructing an overpass and exits at Lakeville Highway is not part of this interim scope, however this issue may be considered for the ultimate project or a separate improvement project.

Comment Letter I-14: Ed Schulze

2/01/2022

SR37 has two types of users.

1) People that want to get from one end to the other end and places beyond.
2) People that want to use SR37 as a destination.

I-14-1

If a causeway is built, the existing SR37 can be used during construction, then repurposed for destination use. It can be restriped for bicycle/pedestrian use along the corridor for ease of access to points of interest. With the reduction of through traffic, we could establish left turn lanes for access to private property, recreational areas, points of existing wildlife observation, and regional trails.
Ease of access to the above destinations will provide the ability for free recreational and educational experiences to our underserved communities.
In addition, two of the above destinations have elevated wheelchair ability wildlife viewing platforms.

Ed Schulze
H 415-897-8969, C 415-987-8952
Email edwardschulze@comcast.net

Response to Comment Letter I-14: Ed Schulze

I-14-1.

Your comment is related to Caltrans providing recreational access, and an ultimate project that would create an elevated causeway. Please see Response Comment I-8-2 regarding recreational access. An elevated causeway is not an element of any of the proposed alternatives for this project.

Comment Letter I-15: Ed Schulze

From: Rivas, Yolanda@DOT on behalf of State Route 37@DOT
To: Gao, Rui@DOT; Jeanette Weisman; Zimmerman, Jeff; Osby, Stephanie; Vivian, Lindsay@DOT
Subject: [EXTERNAL] FW: State Route 37
Date: Monday, February 7, 2022 11:57:57 AM
Attachments: SR 37 Has Two Types Of Users.docx

For your records.

From: Schulze <mmmschulze@comcast.net>
Sent: Tuesday, February 1, 2022 12:45 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: State Route 37

EXTERNAL EMAIL. Links/attachments may not be safe.

Attn: Yolanda Rivas

I-15-1

Also- My vision is to have a 3 lane (I HOV) each direction elevated causeway from 101 to Mare Island. We will need Intersections (on/off, under crossings) at Atherton, Lakeville, and 121.

In addition:
The only public "Boat Launching Facility" between San Rafael and Vallejo is under the Petaluma River Bridge on the Black Point side.

Response to Comment Letter I-15: Ed Schulze

I-15-1.

Caltrans has noted your preference for a six-lane elevated highway from US 101 to Mare Island; intersections at Atherton, Lakeville and SR 121; and boat launching facilities. These options are not part of the scope of this interim project. However, they may be considered for the ultimate project as part of the PEL process.

Comment Letter I-16: Jack Carbone

From: Jack Carbone <jack_carbone@comcast.net>
Sent: Saturday, January 22, 2022 11:56 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: HWY 37 alternative

EXTERNAL EMAIL. Links/attachments may not be safe.
State Route 37 - dot.ca

I-16-1

I read the planned alternatives being considered for HWY 37 and wonder if a plan with alternating shoulders on both sides was considered. Attached is a simple design, assuming 10 lanes (you can use whatever the standard is) and then a 4' shoulder on one side and an 8' shoulder on the other side....alternating every 1/4 of a mile or so.

Regards

Jack Carbone

Response to Comment Letter I-16: Jack Carbone

I-16-1.

Alternating widths along the shoulders was not considered. The Project Development Team has selected Alternative 3B as the preferred alternative because it provides congestion relief and safety features such as standard 8-foot-wide outside shoulders.

Comment Letter I-17: James Douglas

-----Original Message-----
From: James Douglas <JDD@8bells.com>
Sent: Monday, January 24, 2022 9:58 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: You are welcome to save the map image above (right click -> save picture as), print it out, mark-up it up and attach your input in an email to StateRoute37@dot.ca.gov

EXTERNAL EMAIL. Links/attachments may not be safe.

Dear CalTrans District Four,

As a former transportation planner and researcher I was not impressed with your survey on this subject. The questions were so front loaded as to set up a predetermined outcome from the survey. Shame on you.

As to the specifics of highway 37 between Sears Point and Mare Island.
You are thinking in way to a limited manner in your options.

All of the main issues can be addresses by a much bolder initiative. You should be looking at a comprehensive and yes very expensive solution.

The main issue are:

I-17-1

1. Auto throughput in the area to tie US 101 with I-80.
2. Opening up the man made levee that is the current highway 37 alignment to allow the natural tidal flow of San Pablo Bay.
3. The parallel project that is proposed to tie the main line railway at Cordelia Junction with the SMART junction at US 101.
4. A way to provide for safe nesting grounds for the migratory flocks of birds that use the area.
5. A direct bicycle and pedestrian path on the north end of San Francisco Bay.
6. Opportunities to access the bay at the bay marsh interface.

1

All the above can be accomplished by the following.

Propose to replace the existing alignment, near it, with a series of man made islands. Between the Islands, built out of concrete that looks like rock in a series of fake stone arch raised causeways. Build the project to handle three lanes traffic in each direction as well as three sets of mainline railroad track (for passing) and one pedestrian and one bicycle lane on each of the flanks of the project. Set aside some of the islands to allow zero human access for wildlife and some of the islands to sit and look at wildlife, picnic or launch a small boat. I am talking about long narrow islands.

Three auto traffic lanes each way would hold enough capacity for the next 50 years with luck.

I-17-1 Cont.

The existing rail aliment to the north would be worthless to make a dent in the commuter traffic, why they are looking into it with the extra travel time is a a mystery. A direct route from near the Napa Airport to the tip of Sears point is a no-brainier. A feeder coming down from Sonoma would make much more sense than router everything up there. A rail alignment parallel to a new roadway alignment would be within a few hundred feet to tie into the existing track and with the new higheway-rail bridge remove all the old bridges and track across the flats and open up that man made levee. The short line would run from Sears Point to Sonoma.

The arch raised causeways would allow the bay to connect properly with the marsh. The underside of the arches would provide if designed with cracks and crevices placed for birds to build nests away from predators.

If a TOTAL CONCEPT approach is taken the highway 37 project can be a world class project to show what can and should be done. Would it cost a lot of money? Yes. But it would also pay long term dividends in so many different ways.

Get you head out of you old way of approaching a problem CalTrans. I have watched for 40 years and you still problem solve problems the same old way and end up with the same old tired results. Try something different.

James Douglas
San Francisco.

Response to Comment Letter I-17: James Douglas

I-17-1.

Caltrans takes notes of your comments. Please note that the purpose of this interim project is to address the immediate need of traffic relief on SR 37 where it narrows down to one lane on each side of the highway. The project purpose and need is presented in Section 1.2 of the Final EIR/EA.

Comment Letter I-18: Joe Jacobson

January 26, 2022

Chris Caputo and Tammy Massengale of Caltrans;

Your presentation on Highway 37 left me with some observations and concerns. I, like many others, have endured the traffic on Highway 37. Improvements would be welcome. However, those improvements are limited by money as well as the impacts those changes would make on other communities.

My focus is on acknowledging the assets we have and making changes that help Highway 37 without adversely affecting other communities. The best way to do that is to widen Highway 37 to the south (mostly) at least enough to allow two lanes of traffic, in each direction between Highway 121 and Mare Island.

Caltrans said that they are working with BCDC. That level of cooperation seems lacking if BCDC's only recommendation is to move the traffic on Highway 37 north to Highway 121. As with other alternatives it does not seem realistic to abandon the Highway 37 segment between Highway 121 and Mare Island and shift that traffic to another area/community. Shifting Highway 37 traffic to Highway 121 and or Highway 29 seems irresponsible.

I-18-1

BCDC piled up millions of yards of soil when they reestablished marsh, north of Highway 37. Move that soil to the south side of Highway 37. Use that soil to widen Highway 37 and build a levee.

Adding lanes of traffic will reduce congestion, but it is only part of the transportation solution. Another part of the solution is effective public transportation. I think the most effective alternative would be to establish a Bus Rapid Transit (BRT) network. BRT can only be effective if it has its own roadway. As you know SMART owns the railroad across the North Bay. I propose that Caltrans utilize the railroad right-of-way as a place to run BRT busses. The right-of-way is wide enough to accommodate both the trains and busses. In the future trains could replace BRT if warranted. At Highway 121 BRT could run on a new levee road (mostly) on the south side of Highway 37. BRT can be expanded on the railroad right-of-way as outlined in the SMART rail proposal. The BRT could run all the way to Fairfield as well as Vallejo to St. Helena.

All of these proposals come with a cost. However, as compared to some of the other proposals, my proposal is not the most expensive and provides short term and long term improvements, does not adversely affect other communities, and in fact has the potential to greatly benefit adjacent communities.

I would greatly welcome further discussing this proposal/issue with you.

Sincerely,

Joe Jacobson

489 East F St.
Benicia, CA. 94S10

707-373-1302

fourjake@aol.com

Response to Comment Letter I-18: Joe Jacobson

I-18-1.

Caltrans has noted your comments related to adding public transportation to the SR 37 corridor. This is an interim project with a purpose to alleviate traffic congestion. Caltrans is conducting other studies, such as the PEL process, which are reviewing long-term solutions for an ultimate project.

This project does include support for public transit, that could use the proposed HOV lanes to provide faster service during peak periods than the general purpose tolled lanes. Supporting bus services on SR 37 is included as mitigation measure VMT-1, described in Section 3.3.17.1 of the Final EIR/EA.

Comment Letter I-19: Joe Jacobson

February 8, 2022

SR 37 @ DOT.CA.Gov and Caltrans District 4

Caltrans,

This letter contains, in part, a formal response to the SR 37 Sears Point to Mare Island Improvement Project.

I do not believe the Caltrans proposal includes and considers all the available alternatives that could improve traffic conditions on SR 37 between SR 121 and Mare Island and benefit more stakeholders.

Item One

At the 2-2-22 meeting Caltrans brushed over the mention of Bus Rapid transit (BRT). Caltrans, BCDC and other cooperating agencies have an obligation to explore and understand alternatives and changes to SR 37 and adjacent areas.

To date Caltrans refuses to seriously consider BRT. Serious consideration would include benefits, feasibility, effectiveness and cost.

Item Two

It is irresponsible, from the public's point of view, for Caltrans to present THREE (listed below) projects at the same time that all have overlapping objectives and deny ANY formal proposal considerations that does not have a dedicated resolution of those THREE projects within the planning process.

I-19-1

SR 37 Sears Point to Mare Island Improvement Project (Interim Project)
SR 37 Corridor Ultimate Project (US 101 – I-80)
Caltrans is proposing and planning for expanding passenger rail service in the North Bay in Marin, Napa, and Solano Counties as part of the California State Rail Plan Connecting California

The above THREE projects show the potential for major changes to the North Bay counties. So far it seems that there is a lack of coordination between the THREE projects, the stakeholder agencies, and the public.

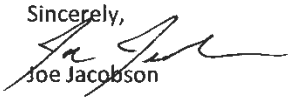
Item Three

Caltrans says that they coordinate their planning efforts with BCDC and other agencies. The 2-2-22 meeting lacked the changes BCDC would like to see in each of the alternatives. The meeting also lacked changes Caltrans could make to the project that would benefit BCDC's objectives. Is BCDC's lack of position based on BCDC's preference to abandon SR 37 between Sears Point and Mare Island?

If the public is going to have a meaningful participation in this project and the other TWO overlapping projects they will need to be included in the interaction process between stakeholder agencies.

Response requested. I would like to speak to these issued if given the opportunity.

Sincerely,



Joe Jacobson

489East F Street
Benicia, Ca. 94510
707-373-1302
fourjake@aol.com

Response to Comment Letter I-19: Joe Jacobson

I-19-1.

Caltrans studied four build alternatives for this interim project to make immediate improvements to traffic conditions in the project limits. As noted in Comment Response I-18-1, studies such as the PEL process are reviewing long-term strategies for the corridor. Related to public transit, this project makes it possible for bus services by adding the HOV lanes and will support bus services as part of its mitigation.

BCDC coordination is required as part of the approval of this project. Pre-coordination with BCDC has occurred and further coordination with BCDC will occur during the design phase of the project.

Comment Letter I-20: Mary Miller

From: Mary Holman <mmiller108@gmail.com>
Sent: Wednesday, February 2, 2022 9:14 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Feb. 2, 2022 Resilient Highway 37 Community update by CalTrans 5:30 PM Zoom

EXTERNAL EMAIL. Links/attachments may not be safe.

Hello,

I sat in on this meeting. I have 3 comments to submit:

I-20-1

1. If expanding the roadway, just make 4 lanes. The cost ($250M versus $325M) versus maintaining the zipper HOV barricade (will cost $40 million over 20 years) is minimal.

2. Considerable truck traffic enters and exits Hwy 37 at Lakeville Highway up to Hwy 116 all day. Commuters from Santa Rosa and Petaluma use 116/Lakeville Hwy to bypass 101 to Marin as it's backed up every AM and PM.. This traffic signal is dangerous. There should be a normal highway exit from 37 to Lakeville Hwy.

3. Long term, Hwy 116 should be expanded north of Hwy 37 to meet Hwy 121directly to Hwy 12 in Napa and Vallejo. All traffic to Petaluma & Santa Rosa doesn't need to be funneled through Novato and Lakeville Highway.

I-20-2

4. The 2050 Regional Transit Plan draft discussed last week suggested moving Hwy 37 to some kind of bridge (option 7) from Novato's 101 intersection across San Pablo Bay (over 20 miles). See attached map below. This seems ludicrous and I strongly oppose any such plan. It would be better to build an enormous levee from Sears Point to Vallejo.

Thank you for the update and link to the Hwy 37 Feasibility Study. It was very helpful. I've lived in Marin for 40 years and have seen the congestion on 37 and 101 go from horrible to intolerable. Thanks for this plan.

Mary Miller
Bel Marin Keys Neighborhood
Novato, CA

Map of Regional Transit Rail Plan 2050 -

1

Response to Comment Letter I-20: Mary Miller

I-20-1.

Caltrans has noted your support of a four-lane highway. Alternative 3B would provide a four-lane highway with 8-foot outside shoulders. Caltrans has chosen Alternative 3B as the preferred alternative.

I-20-2.

With reference to each of these comments, these are separate suggestions from resolving the existing bottlenecks on SR 37 that are being addressed by this project. These suggestions could, however, be considered separately or as part of the ultimate corridor improvements as part of the PEL process. Specifically:

2. Improvements at Lakeville Highway/SR 37 Intersection are not considered part of the scope of this project.
3. Long-term improvements of Highway 116 are not considered part of the scope of this project.
4. This Option 7 of the RTP is not considered part of the scope of this project.

Comment Letter I-21: Matthew Hartzell

From: Matthew Hartzell <mhartzell@wtb.com>
Sent: Monday, January 24, 2022 5:49 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: SR 37 Project Draft EIR — "Daily VMT" or "Annual VMT"

EXTERNAL EMAIL. Links/attachments may not be safe.

Caltrans District 4
Attn: Yolanda Rivas, Branch Chief
P.O. Box 23660 MS: 8B
Oakland, CA 94623

Director Rivas,

Section 2-55 of the State Route 37 Sears Point to Mare Island Improvement Project discusses the "Daily VMT" in the No Build and Build Alternatives.

The Daily VMT for the No Build Alternative (i.e. the existing condition) is given as 156,255,326.

My question for you is this:

I-21-1 **Is "Daily VMT" a typo? Is it supposed to be "Annual VMT" instead?**

I don't understand how the Daily VMT on a 9-mile segment of roadway could possibly be 156,255,326. That would result in an ADT of more than 17,000,000. But Caltrans' own data shows that the AADT on SR 37 at Sonoma Creek is just 33,800.

Please advise.

Thank you

Matthew Hartzell
Director of Planning and Research
WTB-TAM (Transportation Alternatives for Marin)

Response to Comment Letter I-21: Matthew Hartzell

I-21-1.

Your comment is related to there being an error in the Draft EIR/EA, related to daily VMT for annual VMT. The VMT reported in the Draft EIR/EA is correct, because it considers and compares trips within the entire Bay Area on a daily basis. Please refer to Comment Response O-2-1.

Comment Letter I-22: Jackson Hurst

From: Rivas, Yolanda@DOT on behalf of State Route 37@DOT
To: Gao, Rui@DOT; Haas, Stephen D@DOT; Jeanette Weisman; Zimmerman, Jeff; Kevin Chen; Rahid, Ahmed@DOT; Osby, Stephanie; Vivian, Lindsay@DOT
Subject: [EXTERNAL] FW: SR 37 Sears Point to Mare Island Improvement Project (an interim project) - Draft Environmental Document Public Comment
Date: Tuesday, February 15, 2022 10:21:23 AM

For your records.

From: Jackson Hurst <ghostlightmater@yahoo.com>
Sent: Monday, February 14, 2022 8:57 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: SR 37 Sears Point to Mare Island Improvement Project (an interim project) - Draft Environmental Document Public Comment

EXTERNAL EMAIL. Links/attachments may not be safe.
Name - Jackson Hurst

Address - 4216 Cornell Crossing, Kennesaw, Georgia 30144

I-22-1

Comment - I have reviewed the Draft Environmental Impact Report (DEIR)/Environmental Assessment (EA) Document for the SR 37 Sears Point to Mare Island Improvement Project (an interim project). I support the project. Regarding the alternatives proposed in the document the one that I support is Alternative 1 because Alternative 1 will improve congestion by adding a reversible HOV Lane to CA 37 from Sears Point to Mare Island.

sent from ghostlightmater@yahoo.com

Response to Comment Letter I-22: Jackson Hurst

I-22-1.

Caltrans has noted your support for the project and Alternative 1. Caltrans has identified several challenges associated with the movable barrier in Alternative 1, as described on pages 1-31 and 1-32 of the Draft EIR/EA. The Caltrans Project Development Team has selected Alternative 3B as the preferred alternative because it best met the purpose and need of the project of reducing traffic congestion and offered the most safety.
Section 1.4.3.1 in the Final EIR/EA discusses the selection of the preferred alternative.

Comment Letter I-23: Maureen Gaffney

From: Vivian, Lindsay@DOT on behalf of State Route 37@DOT
To: Gao, Rui@DOT; Zimmerman, Jeff; Gaitan, Lidia@DOT; Haas, Stephen D@DOT; Osby, Stephanie; Rivas, Yolanda@DOT; Jeanette Weisman; Rahid, Ahmed@DOT
Subject: [EXTERNAL] FW: SR 37 Interim Project Comments
Date: Monday, February 28, 2022 3:46:02 PM
Attachments: image001.png
image002.png

FYI

Lindsay Vivian
Office Chief
Environmental Analysis
Caltrans District 4 (Bay Area)
(510) 506-4310

From: Maureen Gaffney <moegaffney@gmail.com>
Sent: Monday, February 28, 2022 11:42 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Cc: Warren Wells <warren@marinbike.org>; Steve Ehret <SEHRET@sonoma-county.org>; Ken Tam <Ken.Tam@sonoma-county.org>; Eris Weaver <eris@bikesonoma.org>; Rrparmer <rrparmer@comcast.net>; Bill Long <wclo88@comcast.net>; Bill Keene <bill.keene@comcast.net>
Subject: SR 37 Interim Project Comments

EXTERNAL EMAIL. Links/attachments may not be safe.

Greetings Caltrans,

I-23-1

Thank you for accepting my comments on the above referenced project. As mitigation for the loss of public access in general and bicycle access in particular as related to ALL of the proposed alternatives, please construct a bike/ped path closing the gap in the SF Bay Trail between the end of the Elliot Trail and the Tubbs/Tolay trailhead on eastbound 37.

Even if Caltrans selects an interim option that does not *technically* prohibit bicycles, it is well understood that the current configuration is extremely dangerous and does not *in fact* provide acceptable accommodation for cyclists, not to mention pedestrians. Any interim project option that proposes to narrow the existing shoulder in an attempt to claim that bicycle access is not being prohibited (and therefore that no mitigation is required) would be disingenuous, and would further endanger any cyclist who might attempt to use the interim "facility."

I-23-2

37/121 Intersection: The project should construct a trailhead parking area and connection to Elliot Trailhead as well as connections north through the roundabout onto 121. This parking area could also serve as a transit stop and/or carpool parking.

The near term project should implement a ¾ mile Class I trail between Elliot and Tubbs/Tolay trailhead in the Caltrans ROW as mitigation for loss of 9.5 miles of bicycle access between 37/121 and Vallejo. This was an option in the Sears Point Bay Trail Connector study by Questa Engineering in 2017. Providing this connection would create 9 miles of continuous public access via the Bay Trail, starting at the Port Sonoma Marina, bookended by the Tubbs/Tolay trail until such time as the final,

ultimate project is constructed which MUST include a Class I bicycle and pedestrian path along the entire length of the newly reconfigured SR 37 corridor.

Construction of the ¾ mile trail gap circled in red can provide mitigation for the loss of public access on 9 miles of SR 37 from the 121 intersection to Vallejo.

I-23-2 Cont.

Respectfully Submitted,

Maureen Gaffney

Response to Comment Letter I-23: Maureen Gaffney

I-23-1.

Your comment is related to public access and providing or maintaining bicycle access along SR 37. The Caltrans Project Development Team has selected Alternative 3B as the preferred alternative. Section 1.4.3.1 in the Final EIR/EA discusses the selection of the preferred alternative. Bicyclist would continue to be permitted to use the 8-foot outside shoulders. Public access will be included as part of the project and determined in the final design stage of the project.

I-23-2.

Your comment is related to public access, specifically constructing trailhead parking area and connection to Elliot Trailhead. The proposed trail connection is one of the concepts being considered for public access improvements along this corridor. Public access will be included as part of the project and determined in the final design stage of the project.

Comment Letter I-24: Michael Howley

From: Vivian, Lindsay@DOT on behalf of State Route 37@DOT
To: Gao, Rui@DOT; Zimmerman, Jeff; Gaitan, Lidia@DOT; Haas, Stephen D@DOT; Osby, Stephanie; Rivas, Yolanda@DOT; Jeanette Weisman; Rahid, Ahmed@DOT
Subject: [EXTERNAL] FW: Public Comment on Draft EIR
Date: Monday, February 28, 2022 9:23:50 PM

Lindsay Vivian
Office Chief
Environmental Analysis
Caltrans District 4 (Bay Area)
(510) 506-4310

From: michael howley <howley.michaelj@gmail.com>
Sent: Monday, February 28, 2022 4:59 PM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Public Comment on Draft EIR

EXTERNAL EMAIL. Links/attachments may not be safe.

Hello,

I'm writing to provide comment on the Draft EIR for the SR 37 Sears Point to Mare Island Improvement Project (an interim project). My comment is as follows:

I-24-1 Table S-1, Summary of Impacts, discusses Climate Change by claiming that expanding the roadway will reduce GHG emissions by reducing queueing and idling time. This is counter to all established research on the subject of induced demand. The impact statement does not account for the increase in GHG emissions that will inevitably result from the increase in vehicle miles traveled on the road. Please revise the climate change impact to address the actual net change in traffic and emissions, accounting for both overall changes in aggregate vehicle speeds and total VMT.

Thanks,
Michael Howley
San Francisco resident

Response to Comment Letter I-24: Michael Howley

I-24-1.

Your comment is related to the relationship of GHG emissions and VMT. The Final EIR/EA evaluated VMT and GHG emissions, and concluded that, with the proposed HOV lane and tolled lane, VMT would be less with the preferred alternative compared to the No Build Alternative.

As discussed in Sections 2.2.11.3 and 3.3.17 in the Final EIR/EA, VMT is not expected to increase as a result of the project with the inclusion of tolling and HOV lanes as part

of the project. The addition of HOV lanes encourages bus services, carpools and essentially fewer vehicle trips. Because VMT would not increase as a result of the project (with tolling and HOV lanes as proposed), GHG emissions are not expected to increase either. Furthermore, improved traffic congestion would reduce idling times, which can further reduce GHG emissions.

Comment Letter I-25: Ed Schulze

February 28, 2022

Attn: Yolanda Rivas

Subject: Traffic Flow Improvements Between SR 121 and Mare Island.

This is a much needed "now" project. It is an interim fix for our long term objective to provide a permanent solution for traffic flow from SR 101 to SR 80. It does not take into consideration of future sea level rise, alternate routes, or intersection modifications. It is needed now to give us time for future planning, funding, and implementation.

At each end of this segment of SR37, it is now two lanes in each direction. I suggest the easiest is to meld into the two lanes in each direction alternatives.

I-25-1

- Of the four proposed alternatives, I favor the widening with 4 ft. shoulders, 2 lanes in each direction and it does not require Sonoma Creek Bridge replacement.
- The movable median will require $2 million annually for maintenance and operation. It could cause major traffic problems during a breakdown or settling of the existing unstable base fill.
- This three lane shoulder conversation is a hybrid of a passing lane concept that failed years ago, causing major accidents during foggy conditions.
- The two lanes in each direction with 8 ft. shoulders will require a new/modified Sonoma Creek Bridge and much more fill.

Ed Schulze
edwardschulze@comcast.net

Response to Comment Letter I-25: Ed Schulze

I-25-1.

Caltrans notes your support for a four-lane highway with 4-foot outside shoulders. This alternative is referred to as Alternative 3A. You note that the eight foot shoulder option (or Alternative 3B) will require a modified Sonoma Creek Bridge and more fill. Caltrans carefully weighed the benefits and drawbacks of each of the build project alternatives. Alternative 3B was chosen as the preferred alternative because it best met the purpose and need of the project of relieving traffic congestion and was the safest alternative. Alternative 3B has been refined to eliminate the need for work in Sonoma Creek during widening. Section 1.4.3.1 of the Final EIR/EA discusses the selection of the preferred alternative. Additionally, Alternative 3B would maintain access for bicyclists along the shoulder. Public access will be included as part of the project and determined in the final design stage of the project.

Comment Letter I-26: James Adams

From: Vivian, Lindsay@DOT on behalf of State Route 37@DOT
To: Gao, Rui@DOT; Zimmerman, Jeff; Kevin Chen; Osby, Stephanie; Rahid, Ahmed@DOT; Haas, Stephen D@DOT; Jeanette Weisman
Subject: [EXTERNAL] FW: Public comment - Sears Point to Mare Island Improvement Project - Draft Environmental Document
Date: Monday, February 28, 2022 9:17:21 AM

FYI

Lindsay Vivian
Office Chief
Environmental Analysis
Caltrans District 4 (Bay Area)
(510) 506-4310

From: J A <jjadamsj@gmail.com>
Sent: Sunday, February 27, 2022 12:32 AM
To: State Route 37@DOT <stateroute37@dot.ca.gov>
Subject: Public comment - Sears Point to Mare Island Improvement Project - Draft Environmental Document

Hello,

I-26-1

I have been participating in route 37 improvement discussions since 2013, and have consistently advocated against tolling. This feedback has been consistently ignored, despite regional consensus that it is completely unfair to charge those who can't live in Marin due to housing policy to get into the county.

Please remove the tolls from consideration, the environmental impact of tolling facilities is clearly described as detrimental. The state has a $42 billion, Billion, surplus, and it has to toll to afford this critical infrastructure upgrade???

I-26-2

The underlying Traffic Operations Analysis Report did not assess weekend traffic, and neither does the Draft EIR. This critical oversight misses key demand and extreme congestion. Clearly none of the analysts have driven the corridor on a Saturday or Sunday afternoon or evening from spring through fall, when it becomes a nightmare. This key information must be included in the final analysis.

I-26-3

From section 1-23, adding a parking lot for Observational areas for CHP vehicles:
This is a completely unneeded and highly environmentally impactful addition to the project. CHP can use many other areas without filling in wetlands. No compelling need for this addition is stated.

I-26-4

One option would institute tolling on weekends without any increase in capacity. This is completely unsupportable. Those who pay tolls must receive some benefit.

Thank you,
James Adams

Response to Comment Letter I-26: James Adams

I-26-1.

Caltrans has noted your opposition to tolls. Incorporating tolling as part of the project is necessary to not only pay for the project improvements, but also to reduce VMT.

As discussed in Sections 1.4.1.3 and 2.2.11 of the Final EIR/EA, income or means-based toll discounts for general purpose lanes would be implemented for those that qualify. The proposed HOV lanes would not be tolled.

I-26-2.

The traffic study evaluated daily traffic conditions as representative of the worst-case conditions. The project team is aware of the weekend congestion on SR 37, which forms at the lane reductions similarly to the weekday commute. The identified preferred alternative is Alternative 3B, which will make a HOV lane in each direction available 24 hours and day, 7 days a week and remove the bottleneck that forms because of the lane reductions at Sears Point and Mare Island. The improvement in traffic conditions during the week, as evaluated in the Final EIR/EA in Section 2.2.11 will also improve the weekend congestion.

I-26-3.

The Vehicle Pullout areas were considered for Alternative 3A. This alternative has been dropped from consideration, and thus, pullouts will not be implemented on this project. The Caltrans Project Development Team has selected Alternative 3B as the preferred alternative which provides 8-foot-wide standard outside shoulders. Section 1.4.3.1 in the Final EIR/EA discusses the selection of the preferred alternative.

I-26-4.

This comment is related to charging tolls on the weekends. Please see Comment Response I-26-1.

Comment Letter I-27: Paul Theiss

From: Rivas, Yolanda@DOT
To: Vivian, Lindsay@DOT; Jeanette Weisman; Zimmerman, Jeff; Osby, Stephanie; Kevin Chen; Gao, Rui@DOT
Subject: [EXTERNAL] Fwd: Comment on Highway 37 DEIR
Date: Tuesday, March 15, 2022 1:17:23 PM

In case you had not seen this comment.
Get Outlook for iOS

From: Paul Theiss <theiss.paul@gmail.com>
Sent: Monday, February 28, 2022 12:24 PM
To: Rivas, Yolanda@DOT
Subject: Comment on Highway 37 DEIR

EXTERNAL EMAIL. Links/attachments may not be safe.

Dear Ms. Rivas,

I support the addition of specific percentages of a low income discount for tolls, and ask that the following sentence be deleted from Paragraph 2.2.9.3:

"Environmental Consequences: Based on the above discussion and analysis, the Build Alternatives would not cause disproportionately high and adverse effects on any minority or low-income populations, in accordance with the provisions of EO 12898."

I-27-1

The imposition of tolls will cause disproportionally high and adverse effects on minority and low-income populations, and would require mitigation including means testing for a reduction in tolls of at least 25% and up to 50%. These percentages should be specified in the DEIR.

For decades low income people have been shut out of Marin County, the most segregated county in the Bay Area, and Sonoma County, the birthplace of NIMBY, by racist exclusionary zoning. Yet those same counties need low wage workers who must travel Highway 37 from areas where they can afford to live. This situation clearly requires mitigation under EO 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations."

Thank you for considering my views.

Sincerely yours,
the Rev. Paul G. Theiss
151 Hill Drive
Vallejo, CA 94590
510-909-5754

Response to Comment Letter I-27: Paul Theiss

I-27-1.

Caltrans has noted your comment in support of tolling discounts for low-income individuals. As mentioned in the Final EIR/EA in Sections 1.4.2.6 and 2.2.11, means-based toll discounts would be implemented for the general purpose lanes as part of the project. Qualifying vehicles using HOV lanes will not be tolled.