

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: September 9-10, 2009

Reference No.: 2.2c.(2)
Action Item

From: CINDY McKIM
Chief Financial Officer

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Environmental Analysis

Subject: **APPROVAL OF PROJECT FOR CONSIDERATION OF FUNDING
04-MRN-101, PM 18.6/R27.7, 04-SON-101, PM 0.0/7.1
RESOLUTION E-09-70**

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the California Transportation Commission (Commission), as a responsible agency, approve the attached Resolution E-09-70.

ISSUE:

The attached resolution proposes to approve for consideration of funding the following project for which a Final Environmental Impact Report (FEIR) has been completed:

- Route 101 in Marin and Sonoma County. Construct new interchange, frontage roads, high occupancy vehicle lanes (HOV), and operational improvements in and near Petaluma and Novato. (PPNO 0360F, 0360G, 0360H, 0360J)

This project in Marin and Sonoma Counties will construct a northbound high occupancy vehicle lane from Route 37 to Atherton Avenue and a southbound HOV lane from Route 37 to Rowland Boulevard; construct a southerly interchange at San Antonio Road and Route 101, including frontage roads with pedestrian/bicycle facility; replace the bridge over San Antonio Creek and realign the roadway curve; construct an interchange at Petaluma Boulevard including frontage roads with pedestrian/bicycle facility; and construct roadway improvements in the cities of Novato and Petaluma. The project is fully funded using Corridor Mobility Improvement Account, Traffic Congestion Relief Program, State Transportation Improvement Program, federal and local funds for \$274,000,000, capital and support. The scope as described for the preferred alternative is consistent with the project scope set forth in the approved project baseline agreement. Construction is estimated to begin in Fiscal Year 2010-11.

A copy of the FEIR has been provided to Commission staff. Construction activities will occur in habitat areas of several endangered or threatened plant and animal species. The project will also cause permanent impacts to visual, cultural, and water resources. As a result, an FEIR was completed and a Statement of Overriding Considerations was adopted.

The Department has approved this project for construction. This approval and the filing of the Notice of Determination with the Office of Planning and Research will satisfy the environmental requirements for this stage of the project planning process.

Attachments

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Consideration of Funding 04-Mrn-101, PM 18.6/R27.7, 04-Son-101, PM 0.0/7.1 Resolution E-09-70

- 1.1** **WHEREAS**, the California Department of Transportation (Department) has completed an Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
- Route 101 in Marin and Sonoma County. Construct new interchange, frontage roads, high occupancy vehicle lanes, and operational improvements in and near Petaluma and Novato. (PPNO 0360F, 0360G, 0360H, 0360J)
- 1.2** **WHEREAS**, the Department has certified that the Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3** **WHEREAS**, the Environmental Impact Report did identify significant effects after mitigation; and
- 1.4** **WHEREAS**, Findings were made and a Statement of Overriding Considerations was adopted pursuant to the State CEQA Guidelines.
- 2.1** **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby adopt the Findings and Statement of Overriding Considerations that support approval of the above referenced project to allow for consideration of funding.

FINDINGS

CALIFORNIA DEPARTMENT OF TRANSPORTATION FINDINGS FOR THE MARIN-SONOMA NARROWS HOV WIDENING PROJECT (MSN PROJECT)

THE MARIN-SONOMA NARROWS HOV WIDENING PROJECT PROPOSES TO WIDEN US 101 THROUGH A 16-MILE CORRIDOR THAT BEGINS SOUTH OF THE STATE ROUTE 37 INTERCHANGE IN THE CITY OF NOVATO (MARIN COUNTY) AND ENDS NORTH OF THE CORONA ROAD OVERCROSSING IN THE CITY OF PETALUMA (SONOMA COUNTY).

The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Chapter 3, Section 15901) and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21, California Code of Regulations, Chapter 11, Section 1501). Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The following effects have been identified in the EIR as resulting from the project. Effects found not to be significant have not been included. Mitigation monitoring plans regarding the effects discussed below will be developed and adopted.

Visual/ Aesthetics

Adverse Environmental Effects:

The project will result in visual changes to the environment. Motorists, business owners, residents and recreational users will be affected by changes in the visual setting including: vegetation/tree removal, new major structures, noise barriers, retaining walls, median barriers, light and glare, new access roads and bike paths, and bridge widening,

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

To lessen visual effects, the following mitigation measures are proposed:

- Replacement planting in combination with standard project landscaping;
- Tree and shrub plantings in areas between the mainline and proposed access roads and bike paths;
- Architectural Design Measures shall be applied to major structures;
- Clinging vines and/or shrub planting to cover walls on highway and community sides;
- Center median design treatments;
- Right-of-way fencing;
- Adjust slope lines wherever feasible to avoid tree removal;
- Design Exceptions shall be implemented where feasible to avoid removal of significant existing vegetation;
- Concrete side-median barriers shall be installed at the roadway shoulder, and replacement trees and tall shrubs planted behind the barrier;
- Additional new Redwood and other tree plantings shall be installed near earth embankments within the interchange;
- All disturbed areas shall be provided with permanent erosion control grasses and appropriate locally native annual shrub and tree species;
- Areas of disturbed native vegetation shall be replaced at a 5-to-1 ratio whenever feasible;
- Plantings and revegetation to screen slope transitions;
- Lighting shall be provided beneath the under-crossings;
- Structure design features such as bridge parapet and slope paving color or texture shall be implemented as developed under the corridor design concepts;
- Landscaping shall be provided at undercrossing entrances;
- Design enhancements will be considered;
- Contour grading and contour rounding shall be employed at slope transitions to all major grading activities;
- Grading shall utilize techniques to approximate the appearance of natural topography;
- Landscape screening to block headlight glare; and
- Hardscape surfaces shall avoid highly reflective materials and colors, and surface texture shall be employed to minimize reflectivity.

Agriculture Resources

Adverse Environmental Effects:

The project will result in impacts to farmland, including the conversion of agriculture land to transportation use. Approximately 63.22 ha (156.23 ac) to 73.52 ha (181.67 ac) of farmland will be converted to transportation use. Between 8.53 ha (21.09 ac) and 16.18 ha (39.98 ac) of converted agriculture land will be from Williamson Act use, affecting four parcels in Marin County and two parcels in Sonoma County.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

To minimize the projects impacts on agricultural land, right-of-way impacts will be reduced wherever feasible. Where farm impacts cannot be avoided and farmlands need to be acquired, Caltrans would comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act summarized in Appendix E of the EIR. Compensation for loss of direct access to US 101 for property owners who currently have direct-access rights would be determined after the selection of a preferred alternative and project approval.

Biological Resources

Adverse Environmental Effects:

The project will result in the loss of 0.02 ha (0.05 ac) of potential salt marsh harvest mouse habitat near Petaluma River. Construction within the project area will permanently impact approximately 82.47 ha (203.78 ac) of California red-legged frog habitat and has the potential to disturb 0.46 ha (1.14 ac) and 0.20 ha (0.49 ac) of salmonid habitat and green sturgeon habitat, respectively, due to improvements around Novato Creek, Lynch Creek, San Antonio Creek and the Petaluma River. Additionally, disturbance to Sacramento Splittail habitat will total 0.257 ha (0.63 ac) in Novato Creek, Lynch Creek, and Petaluma River. The project also has the potential to temporarily impact bat roosting habitat under the San Antonio Bridge and to disturb nesting birds.

The project will result in the removal of about 1,343 to 1,706 native and non-native trees, including about 804 to 1,164 native trees, 439 to 569 of which would be native oaks, depending on the Access Option.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

To minimize impacts to Biological Resources, the following minimization and mitigation measures are proposed:

- Restricting construction zones using exclusionary fencing;
- Maintenance and enhancement of tidal influence through channel realignment and channel construction to improve habitat;
- Potential mitigation sites along the Petaluma River;
- Restriction of work during migrating season;
- Installation of silt fences;
- Proper maintenance of construction site;
- Potential off-site mitigation through private conservation covenants;
- Demolition of bridge when bats are not present, or using exclusionary netting to prevent bat roosting;
- Installation of bat structure in new bridge;
- Replacement based on mitigation ratios to be determined with California Department of Fish and Game; and
- Potential off-site mitigation at California State Parks and Burdell Ranch.

Cultural Resources

Adverse Environmental Effects:

The project will result in the loss of five archaeological sites considered eligible for inclusion in the National Register of Historic Places, as well as the loss of two additional sites that might be eligible pending further investigation. Additionally, the project will result in adverse effects on Olomapali and San Antonio complexes.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

To minimize the projects impacts on cultural resources, a Memorandum of Agreement will be entered into that will include the following components:

- Provide mechanisms to recover significant data that will be destroyed; and
- Archaeological monitoring during construction.

Hazardous Materials

Adverse Environmental Effects:

The project has the potential to encounter the following hazardous materials during construction:

- Contaminated soil and/or groundwater;
- Naturally occurring asbestos;
- Asbestos containing materials;
- Mercury in mine tailings; and the
- Release of lead contaminated materials during the transport and disposal of yellow traffic striping and soils with aerially deposited lead.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

To minimize the potential impacts of hazardous materials, the following minimization measures will be followed:

- Avoid acquisition of contaminated soils;
- Prepare Phase I Environmental Site Assessments, if unable to avoid acquisition of contaminated soils;
- Prepare Phase II Environmental Site Assessments to determine extent of contamination and clean-up, if necessary;
- Include provisions to comply with regulations governing the transport and disposal of hazardous wastes, including a Waste Management and Disposal Plan, a Health and Safety Plan, and a Stormwater Pollution Prevention Plan, in construction contracts;
- Sampling and testing for naturally occurring asbestos and, if detected, compliance with Asbestos Airborne Toxic Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations;
- Sampling and testing for asbestos and, if detected, compliance with the Bay Area Air Quality Management District's regulations for removal and disposal of materials with asbestos;
- Testing and sampling for mercury and, if detected, compliance with state special handling and disposal requirements; and
- Testing and sampling for lead and, if detected, compliance with state special handling and disposal requirements.

Hydrology and Water Quality

Adverse Environmental Effects:

The project will have hydrology impacts caused by increased runoff contributing additional storm waters to areas historically affected by flooding. Additionally, the project impacts water quality through increased pollutant loading from the

addition of 83 hectares (205 acres) of impervious surface area, and approximately 216.44 ha (534.83 ac) of soil disturbance during construction.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

Best Management Practices (BMPs) will be incorporated to reduce the discharge of pollutants to the Maximum Extent Practicable. These BMPs fall into three categories, Temporary Construction Site BMPs, Design Pollution Prevention BMPs, and Permanent Treatment BMPs.

(a) Temporary Construction BMPs

Construction Site BMPs will be implemented to reduce pollutants in storm water discharges throughout construction. Dewatering will be necessary. Excess groundwater will be treated and discharged into an existing sanitary sewer inlet. Dewatering BMPs and temporary holding devices will be included to meet the dewatering requirements. Grading of existing slopes will be required. Temporary silt fences, stockpile cover, stabilized construction entrance/exit and temporary soil stabilizers are some of the temporary erosion and water pollution control measures that will be utilized. A Storm Water Pollution Prevention Plan (SWPPP) will be developed during construction. Treatment of the groundwater and non-storm-water from the construction site may include use of the following technologies: sediment tanks, pH adjustment using carbon dioxide gas, weir tanks, sand filtration, coagulating/flocculating using polymers, cartridge filters and procedural Best Management Practices (BMPs) for pollution preventions.

(b) Permanent Design Pollution Prevention BMPs

Design Pollution Prevention BMPs are permanent measures to improve storm water quality by reducing erosion, stabilizing disturbed soil areas, and maximizing vegetated surfaces. Erosion control measures will employ landscaping and drainage elements to reduce runoff and erosion.

(c) Permanent Treatment BMPs

Treatment BMPs are permanent devices and facilities, which treat storm water runoff. Caltrans approved Treatment BMPs include: Biofiltration Systems, Infiltration Systems, Infiltration Basins, Detention Basins, Dry Weather Flow Diversions, Media Filters, Multi-Chamber Treatment Trains, and Wet Basins.

Additional minimization measures include:

- Resizing and upgrading culverts;
- Consideration of ditches above significant cut faces, perforated underdrains, horizontal pipe drains, and detention ditches;
- Design and implementation of detention facilities; and
- Comply with NPDES permit that requires implementation of a Stormwater Pollution Prevention Plan that identifies an applicable list of Construction Site Best Management Practices.

Noise

Adverse Environmental Effects:

Existing noise levels in some of the residential areas in the project area already exceed statutory levels, and demolition and construction equipment will result in temporary noise impacts.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

The project includes construction of soundwalls to abate existing excessive noise exposure. The construction contractor will employ noise abatement measures, such as:

- Locating equipment as far as practical from noise-sensitive uses;
- Using sound-control devices, such as mufflers, on equipment;
- Turning off idling equipment;
- Using equipment that is quieter than standard equipment;
- Selecting construction-access routes that affect the fewest number of people;
- Using noise-reducing enclosures around noise-generating equipment;
- Constructing barriers between noise sources and noise-sensitive land uses or taking advantage of existing barrier features (terrain, structures) to block sound transmission;
- Temporarily relocating residents during periods of high construction noise that cannot be reduced effectively by other means;
- Prepare a detailed noise control plan based on the construction methods proposed;
- Notify residences within 152.4 m (500 ft) in writing of the construction areas of the construction schedule; and

- Designate a noise disturbance coordinator who will be responsible for responding to complaints regarding construction noise.

Recreation

Adverse Environmental Effects:

The project will result in temporary impacts to the Olompali State Historic Park entrance and require the permanent use of a small area of the park at the entryway.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

In order to minimize project impacts, Caltrans shall plan construction activities and staging with state park officials to ensure public access and park operations are not disrupted.

Transportation/ Traffic

Adverse Environmental Effects:

The project will result in temporary delays and restricted mobility during construction, which could interfere with and delay emergency vehicle access and response. Additionally, the project will result in the temporary closure of some parking and park and ride facilities during construction.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

In order to minimize impacts from transportation delays, Caltrans will coordinate with transit providers to determine detour routes, post flyers and signs, and inform the media to notify commuters. The parking at Plaza North Shopping Center will be reconfigured for no net loss of parking. A Traffic Management Plan (TMP) will be developed for the project in consultation with the local emergency services providers.

Wetlands and Other Waters of the US

Adverse Environmental Effects:

The project will result in permanent wetland impacts to 0.037 hectares (0.17 acres) in Segment A and to 2.75-2.94 ha (6.8-7.32 ac) in Segment B, depending on Access Option. The permanent impacts to other waters of the U.S. will total around 0.04 ha (0.1 ac) in Segment A, 1.07-1.2 ha (2.66-2.96 ac) in Segment B depending on the Access Option, and 0.03 ha (0.07 ac) in Segment C.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

The minimize impacts to wetlands and other waters, the project footprint was reduced during project development to avoid large areas of wetlands and the following permits and agreements will be obtained: an Individual Permit from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act and a 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Game. Potential off-site mitigation is proposed through private conservation covenants, at Skaggs Island, and along the Petaluma River.

STATEMENT OF OVERRIDING CONSIDERATIONS

CALIFORNIA DEPARTMENT OF TRANSPORTATION STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE MARIN-SONOMA NARROWS HOV WIDENING PROJECT THAT BEGINS SOUTH OF THE STATE ROUTE 37 INTERCHANGE IN THE CITY OF NOVATO (MARIN COUNTY) AND ENDS NORTH OF THE CORONA ROAD OVERCROSSING IN THE CITY OF PETALUMA (SONOMA COUNTY).

The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Chapter 3, Section 15903), and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21 California Code of Regulations, Chapter 11, Section 1501). Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The following impacts have been identified as significant and not fully mitigable:

- The construction of roadway improvements and soundwalls within the Northern Segment will result in the removal of several hundred mature Redwood and Eucalyptus trees, which will substantially degrade the visual quality within the Northern Segment Landscape Unit.
- Various project features, including the construction of interchanges, access roads, and soundwalls, will result in degradation of the visual character and quality of the highway corridor. Tree removal in the highway foreground, major landform alterations due to grading and roadway re-alignments, increase roadway visual dominance, and other effects will result in a decline in the overall visual quality.
- Significant temporary visual quality impacts will exist in the Central Segment until vegetation and tree replantings reach maturity (10-20 years).

Overriding considerations that support approval of this recommended project are as follows:

The need to make improvements to US 101 has been documented in many transportation plans and studies by Marin and Sonoma counties individually, and by regional and state agencies such as the Metropolitan Transportation Commission (MTC) and Caltrans. In establishing the project boundaries, Caltrans defined rational, logical starting and ending points and ensured that the improvements will stand on their own and provide benefits to the public.

US 101 is a crucial link for commuters and commerce, connecting the vital business centers of San Francisco and the East Bay with Marin, Sonoma, and the North Coast. As the only continuous north/south roadway serving Marin and Sonoma Counties and their main cities and towns, US 101 serves long-distance

interregional travelers, as well as shorter, inter- and intra-city travelers. Recent monitoring by Caltrans reveals travel delays experienced by daily commuters along the MSN stretch of the US 101. Over the last 15 years, significant commercial and residential growth, along with expansion of the tourism industry, has led to a dramatic increase in travel demand along the corridor. According to MTC's *Transportation 2030 Plan for the San Francisco Bay Area* (2005), the narrow segment between Marin and Sonoma Counties is one of the longest, continuously congested bottlenecks for truck traffic in the entire Bay Area. In contrast to the Bay Area experience, both Marin and Sonoma Counties experienced substantial increases in hours of delay on the freeways in the counties. For Marin County, over the past five years, hours of delay increased by about 25 percent; for Sonoma County, the increase was over 60 percent. Examining the most recent year of data, the largest percentage increases in freeway congestion between 2004 and 2005 for the entire Bay Area occurred in Sonoma and Marin Counties. Vehicle hours of delay jumped by more than a third in Sonoma County, from 5,300 in 2004 to 7,100 in 2005. Marin County showed a 32 percent surge in congestion, from 7,400 in 2004 to 9,800 in 2005 (Metropolitan Transportation Commission and Caltrans District 4, December 2005).

With congestion and hours of vehicle delay already substantial, future conditions are projected to become worse. According to Caltrans, vehicle delays on US 101 in the southbound direction during the A.M. peak period are projected to increase about 50 percent between 2010 and 2030. In the northbound direction during the P.M. peak period, vehicle delays are projected to increase similarly over the same period (Caltrans, 2005).

Similar to the Southern and Northern Segments, the Central Segment is also congested during peak travel demand periods. However, existing operational deficiencies along this expressway facility worsen congested conditions. Examples include:

- Local traffic movements compete with mainline commuter traffic to cross US 101 along Segment B to access residential postal boxes or other low-density land uses. Existing at-grade intersections and driveways with direct access on either side of US 101 result in merging and exiting local traffic during peak demand periods. The current expressway makes it difficult to serve both mainline and local circulation needs:
- Shoulder widths do not meet current design standards and thus do not provide adequate pull-out areas for disabled vehicles;
- Upgrading roadway features, such as horizontal curves (turning radii) and vertical curves (rate of incline and decline) would increase distant visibility of upcoming hazards or changing traffic conditions; and
- Portions of US 101 historically flood, because existing culverts are undersized to handle current and predicted runoff during large storms.

A number of actions by public agencies have signaled support for the MSN Project. Sonoma County elected to direct local funds, including portions of its local sales tax measure (Measure M) passed in 2004, to support the project. A chief directive by the local voters in the passage of these tax initiatives was to improve mobility and reduce local congestion for everyone who lives or works in the counties by providing a variety of high quality transportation options designed to meet local needs. The support shown by each of these counties, in part, resulted in the recommendation by the MTC to include this project as one of the improvements that would enhance connectivity and safety. As a result, the MSN Project was awarded funding through the Corridor Mobility Improvement Account (CMIA) of the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) that was passed by the California voters in the November 2006 election.

FIGURE 1-1
Vicinity Map

