through with its intentions to transfer major facilities to Contra Costa County, it may well be willing voluntarily to move off this site.)

We recognize that the Department of Motor Vehicles has recently upgraded its facility on one of these parcels; we do not propose an immediate change of use. A binding commitment by the State to vacate this facility at the end of its useful life, a maximum of 40 years, and transfer it for recreational use, would still represent the form of meaningful and visible enhancement to parallel the Cypress Freeway relocation that has so improved, beyond freeway project "requirements," the West Oakland community. The EIR should propose as part of the Fourth Bore Project the acquisition and transfer of the Safeway site by 2016, and transfer of the DMV site by 2316, to the City of Oakland for active outdoor recreational use. 1

Respectfully submitted,

Michael Greening
President, Rockridge Soccer Club

cc: Council Member Jane Brunner
Rockridge Community Planning Council

1-Please see the essays on "Cumulative Impacts/Enhancements" and "Scope of the Project" in Chapter 1.

San Francisco Chamber of Commerce

SAN FRANCISCO
CHAMBER OF COMMERCE *Where smart business starts.*

June 22, 2006

Gregory C. McConnell
Senior Environmental Planner
Department of Transportation
District 4, Environmental Analysis, MS 8B
P.O. Box 23660
Oakland, CA 94623-0660

Dear Mr. McConnell

As Sr. Vice President of Public Policy of the San Francisco Chamber of Commerce, I am writing to express the Chamber's support for the 4th Bore Project at the Caldecott Tunnel. Completion of this project will reduce traffic congestion, facilitate the flow of people and commerce and improve the quality of life for Bay Area residents.

It is essential that the tunnel project proceed through the approval process as quickly as possible since the will of the voters overwhelmingly supported the project when they voted in favor of Regional Measure 2 in March of 2004.

The Chamber especially commends Caltrans for the development of the comprehensive Draft EA/EIR that includes a complete comprehensive analysis of the project and its potential impacts to the surrounding community. The draft documents includes an appropriate list of project mitigations we believe are adequate to alleviate and mitigate the impacts the project may have on the community

Finally, it is in the best interest of the employers who expect their workers to reach their jobs safely and on-time, and for Bay Area business, who expect commerce to be moved efficiently via the Caldecott Tunnel, for Caltrans to approve the Draft EA/EIR, complete the design, and began construction on the project as soon as possible.

Sincerely,

Jim Lazarus
Sr. Vice President Public Policy
San Francisco Chamber of Commerce

235 Montgomery St., 12th Flr., San Francisco, CA 94104 • tel 415 392 4520 / fax 415 392 0485

Thank you for your comments.

Sierra Club-Northern Alameda County Group

Sierra Club
Northern Alameda County Group
2530 San Pablo Avenue, Suite I
Berkeley, CA 94702-2000
(510) 848-0800

July 28, 2006

Gregory C. McConnell, Senior Environmental Planner
Attention: Sheryl Dorado, Associate Environmental Planner
Dept. of Transportation, District 4, Environmental Analysis
Mail Station 8B
P.O. Box 23660
Oakland, CA 94623-0660

Re: Comments, Draft Environmental Impact Report, Caldecott Improvement Project on State Route 24

Dear Mr. McConnell:

I am writing on behalf of the Northern Alameda County Group of the Sierra Club to offer our comments in relation to the Draft Environmental Assessment/Environmental Impact Report. After reviewing the Draft Environmental Assessment/Environmental Impact report prepared for the Caldecott Improvement Project on State Route 24 in Alameda and Contra Costa Counties, the Conservation Committee of the Northern Alameda County Group of the Sierra Club has a number of concerns.

The Northern Alameda Group found the Draft Environmental Assessment/Environmental Impact Report contained misleading claims, false assumptions and incorrect statements, and draws inappropriate conclusions regarding the environmental impacts of the construction of the 4th Bore. For example:

In summary, this EA/EIR fails to meet even the most minimal NEPA and CEQA requirements for disclosure, analysis, and mitigation. It is deficient in failing to:

- respond to and address detailed comments submitted during the scoping period; 1
- accurately describe the project's purpose and need; 2
- fully describe the project for the purposes of environmental impact assessment; 3
- provide an adequate environmental baseline for comparison with project impacts; 4
- analyze an adequate range of alternatives; 5
- use appropriate criteria of significance protective of the environment; for example, the noise criteria of significance of 12 dBA leq is more than twice the increase considered significant in City of Oakland or City of Berkeley CEQA documents. It represents a 2.5-time increase in noise over background conditions, even with the freeway in full operation. 6
- adequately analyze project impacts; this was evident in areas such as noise, where it failed to do noise studies and to properly evaluate the project impacts on residences (Hiller Highlands homes and planned residences on the south side of Highway 24); it was also evident in relation to their being no analysis of the cumulative impacts of adding 7

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more freeway lanes in terms of the "heat island" effect that helps to contribute to rising temperatures in our community.

- correctly report the number of trees and species of trees that will be impacted by the project, and to accurately report in the Appendix A that the project will conflict with local policies or ordinances protecting biological resources, such as a tree preservation ordinance; 8
- adequately address with clearly specified and funded mitigation the long-term impacts of the clear cutting of trees and shrubs, based on the years for the small 5-gallon trees proposed as replacements to mature trees and to replace the wildlife habitat value of the present trees and shrubs; 9
- correctly report the findings of the Metropolitan Transportation Commission's "Caldecott Tunnel Corridor Study", which were cited in this report as a basis for rejecting the "Mass Transit" alternative; 10
- adequately address mitigation measures needed to prevent the introduction of noxious weeds into wildland areas and replanted areas as part of the project; 11
- identify adequate, enforceable, monitorable mitigation measures; and, 12
- fully consider cumulative projects and their impacts. 13

These failures result in a document that fails to serve CEQA's and NEPA's purposes of full public disclosure and reducing potential impacts of the project. The document should be substantially revised and recirculated for public review as an EIS/EIR. Specific comments on selected topics are presented below. 14

Tree Impacts

The report is filled with misleading claims, false assumptions and incorrect statements, and draws inappropriate conclusions regarding the environmental impacts of the construction of the 4th Bore, particularly in regard to its discussion of trees and impacts on trees. 15

- The report inaccurately states and undercounts the number of trees that will be impacted, by clear cutting west of the Caldecott Tunnel; for example it claims only 3 redwoods would be cut down, while 15 redwoods were found in a recent survey.
- The report also inaccurately states the number of different species of trees that will be affected, failing to recognize at least 3 species (maple, cedar, and acacia).
- The report also falsely claims in Appendix A that the project will not conflict with any local policies or ordinances protecting biological resources such as local tree preservation ordinances, and will have "no impact" on protected trees – when Caltrans' own technical study indicated the project will in fact affect trees protected by Oakland's Tree Protection Ordinance. In a recent survey on the Oakland site, at least 19 protected trees were identified, including redwood trees, oaks, cedars, and sycamores, and an acacia would be cut down under the proposed project, potentially in violation of Oakland's Ordinance.
- The Draft report, contrary to the claim in Appendix A that there will be "No Impact", indicates: "Even with mitigation, tree removal will result in

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long-term impacts because it will take years for the new trees to mature and replace the wildlife habitat value of the present trees."

Invasives Impact 16

The Northern Alameda County Group of the Sierra Club is also concerned that the Draft report does not satisfy the obligations outlined on page 180 under Executive Order 13112 (building on the National Environmental Policy Act of 1969, the Federal Noxious Weed Act of 1974, and the Endangered Species Act of 1973) to "prevent the introduction of invasive species; provide for their control; and take measures to minimize economic, ecological, and human health effects". The report notes in Table 2.3.4-1 the "Noxious Weeds Noted in the Project Area During May 2004 Surveys". There are substantial numbers and species of noxious weeds in the area that will be impacted by the project, and we find this Draft report is clearly inadequate in clarifying the mitigation measures that will effectively "prevent the introduction of invasives; provide for their control". Among our concerns are the following:

- While the report provides a series of pictures on pages 107-120 that purport to show what the condition of the area might be either "immediately following construction" or "showing re-establishment of vegetation at 10-15 years" these simulations don't account for the continuing existence and spread of invasives in the project area from many of the poorly landscaped and poorly maintained California Department of Transportation properties in the project area. We note that the California Department of Transportation has historically done very little to control invasives or the spread of invasives on its properties in the Highway 24 corridor project area west of the Caldecott Tunnel, and sometimes has refused to maintain its properties even denying that the properties were owned by the State or Caltrans. The invasives on some of the Caltrans' properties represent an on-going, serious fire hazard in the area, threatening if a fire got started not only other sensitive plant communities and many native plant species, but also the lives and properties of local residents in Oakland, Berkeley, and Orinda. 17

- It is noteworthy that the Draft report acknowledged on page 180 that "Construction activities associated with the proposed project have the potential to introduce noxious weeds from the project area into uninfested areas. Uninfested areas that are potentially at risk include neighboring wildland areas and other areas where machinery used on the project may be used subsequently".

- One of the findings of our Conservation Committee in reviewing the Draft report and the "Caldecott Improvement Project Mitigation Memorandum" that was developed by the partners in this project was that while it claims on page 180 of the report that "through the successful implementation of avoidance and minimization efforts, as described

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below, the project will have no adverse impact of noxious weeds on the sensitive communities" that it lacks enough specificity when it comes to clarifying how, when and where it is going to successfully mitigate. Review of page 8 of the "Caldecott Improvement Project Mitigation Memorandum" revealed that there is a discussion of approximately six Caltrans' properties that are listed as "potential mitigation areas for invasive species removal, fire management and restoration through planting of native species", but it is unclear if any of the "potential mitigation areas" that are listed in the Mitigation Memorandum are ones where an actual mitigation project or projects will be undertaken to help in preventing the spread of invasives or preventing invasives on these sites from spreading and overtaking new tree planting areas identified in the proposed project. 18

- The project partners will have to do more to prevent the introduction of invasives into wildland areas or the areas west of the Caldecott Tunnel it is proposing to clear cut all trees and shrubs and subsequently replant. Recent observations for example of efforts by Caltrans in the Highway 24 corridor on the south side of the freeway indicated that instead of treating with herbicide the stumps of thousands of French broom plants that were cut down with or hand pulling broom plants during the rainy season, that the stumps were left to resprout and the large populations of flammable French broom plants were left substantially intact to continue spreading to other public and/or private properties in the Highway 24 corridor or the larger project area. The seeds from the "forest" of French broom on Caltrans' properties in the corridor have a viable life of nearly 40 years, and it is going to take more than the very limited mitigation proposal lacking in specificity contained in this Draft report to make even a small reduction in the large population of French broom or other noxious weeds identified.

- The Draft report makes claims on pages 191-194 that "to identify any potential impacts of the Caldecott Improvement Project" on natural and man-made resources and values that were the focus of the "Resource Management Plan for the Caldecott Wildlife Corridor" that it evaluated the consistency of the proposed project with the Plan's goals. The Draft report further claimed on page 194 that the project will be "removing non-native vegetation and replacing removed plants with only native species will reduce fuel loads and flammability of the vegetated areas" but the Draft report is noticeably silent or lacking in specificity on what will be done west of the Caldecott Tunnel in the project area in the many specific locations owned by Caltrans to remove "non-native vegetation" and to replace these removed plants with only native species. We believe that these claims and some of the conclusions in this section of the report are misleading, as discussed below.

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- There is a claim on page 193 under the heading of "Minimizing the threat of fire" that "replacement planting would consist of fire resistant native vegetation" and that replacement areas will be selected to avoid increasing fire risk to private property as well as wildlife". However, there is not adequate clarification on how Caltrans and the partners will ensure the principal area west of the Caldecott Tunnel located adjacent to private properties will not be overtaken by the large populations of "noxious weeds" that its Table 2.3.4-1 indicates are contained on "Grasslands throughout the study area". 19

- The Caldecott Improvement Project Mitigation Memorandum that accompanies the Draft report only talks about a half dozen "potential mitigation areas" for "invasive species removal, fire management and restoration through planting of native species" without providing more concrete landscaping plans and maps showing the "other adjacent areas of the project" where it will be carrying out "near-term mitigation" programs. We feel this language and some of the representations in the Draft report are misleading and inaccurate and present a false picture of the mitigation projects that will be actually carried out. To "successfully" prevent the introduction of invasives and to control the spread of invasives as legally mandated will require Caltrans and the Project partners to provide more clarification of mitigation measures and funding for actual native plant restoration and on-going maintenance programs that will address the significant negative impacts of this project. 20

- There has also been a similar lack of specificity in the June 2006 public meetings where Caltrans' staff were questioned as to what areas (other than the area just west of the Tunnel where the clear cutting of all of the trees and shrubs was proposed) that Caltrans intended to do any landscaping or to carry out mitigation programs. The picture that emerged more clearly from conversations with Caldecott Improvement Project staff in several recent meetings was that there are really no firm mitigation plans to prevent the introduction of invasives to the wildland areas or the clear cut area west of the Caldecott Tunnel, or to successfully control the spread of invasives from other adjacent Caltrans properties that have substantial populations of invasives. Caltrans has lacked an adequate program for years in areas west and east of the Tunnel to control invasives or to landscape with native vegetation, as evidenced on page 181 of the Draft report which summarizes in Table 2.3.4-1 "Noxious Weeds noted in the Project Area During May 2004 Surveys". 21

Conclusions

The above comments clearly indicate that this EA/EIR is a substandard document that fails to meet CEQA and NEPA's purposes of disclosure and environmental protection. It does not

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provide the neighbors or decision-makers with adequate information upon which to make and informed decision on the project while considering environmental impacts. Caltrans' failure to adequately clarify mitigation measures further exacerbates this problem. Further, there appear to be a number of significant environmental impacts associated with the project that will materially adversely affect local residents and businesses. Therefore the document should be revised and a draft EIS/EIR prepared and recirculated for a full public review period. 22

Mitigation Recommendations

We believe the project should set aside at least $30 million for mitigation regarding the many negative impacts of the proposed project in areas such as: 23

Tree Replacement, Noxious Weed Controls, Native Plant Restoration, Wildlife Habitat Restoration: The environmental impacts of this project on natural resources are certainly significant, and Caltrans' technical report notes the project has the potential to affect protected trees and native bunch grasses. In view of the significant adverse impacts of the project – particularly on protected trees and wildlife habitat-- which were not properly assessed in the Draft EIR, there needs to be appropriate mitigation with at least $3 million for mitigation efforts in funding utilized with input from the City of Oakland to implement as the "Project Mitigation Memorandum" proposes a series of mitigation recommendations that would be embodied in a "Final Tree Replacement and Planting Plan". The mitigation should include funding and implementing programs for tree planting, invasive species removal, fire management and restoration through planting of native species on multiple sites in the larger project area on both sides of the freeway/tunnel. 24

Tree protection in relation to these protected trees in Oakland needs to be taken very seriously, it's the law. Caltrans and its partners in this proposed project need to make more effort to comply with the Tree Protection laws, and to preserve some or all of these trees, including studying alternatives such as doing construction and all staging from the east side of the Tunnel that might save most of the trees/shrubs on the west side of the Tunnel on the frontage property now proposed for clear cutting. The Draft EIS/EIR needs to explain why these protected trees cannot be saved and what analysis was done to explore the possibilities for protecting these trees that provide wildlife habitat, visual screening that benefits many residents. It also needs to clearly indicate how many protected trees of different species will be impacted in the City of Oakland. 25

Caltrans/its partners might be able to get the maximum benefit in implementing a program for tree planting, invasive species removal, fire management and restoration by partnering effectively and even utilizing some volunteers. Partners might include: the California Department of Forestry, the California Department of Corrections and its convict crews, the California Conservation Corps, East Bay Conservation Corps, City of Oakland, Keep Oakland Beautiful Advisory Board of the the City of Oakland's Public Works Agency, California Native Plant Society, Waste Management, North Hills Landscape Committee, Cal Corps Service Center, Volunteer Center of Alameda County, wholesale nurseries, wholesale tree companies, native plant nurseries, California Landscape Contractors Association local chapter, volunteers from local high schools and community colleges.

Your "Project Mitigation Memorandum" identified on page 8 approximately five areas west of the Tunnels for "invasive species removal, fire management, and restoration through planting of native species, including: the Caltrans property adjacent to the Kaiser Elementary School and homes in Hiller Highlands bordered by Caldecott Lane and Hiller Drive; Caltrans property along the south side of State Route 24 right-of-way, west of the tunnel at the end of Broadway where

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the driveway to the Tunnel Operations Building is located, including the area east of Broadway described as urban scrub with a large component of French broom; the Caltrans hillside property northeast of the North Oakland Sports Center; the urban forest areas located near the Tunnel Operations Center on the north side of the tunnel; and the urban forest area east of Broadway. These are not the only Caltrans properties in the Highway 24 corridor containing substantial quantities of invasives or non-native vegetation that need to be included for "invasive species removal, fire management, and restoration through planting of native species". There are additional Caltrans properties such as: the frontage property on the south side of the freeway and just north of Broadway and east of the bridge/overpass that extends down to and also beyond the Old Tunnel Road off ramp; the frontage property on the south side of the freeway just east of the bridge/overpass; the Caltrans' properties surrounding the Highway 24/13 interchange; Caltrans frontage properties on both sides of Highway 24 between the Highway 24/13 interchange and the Broadway off ramp, including the hillside between State Route 24 and Chabot Road; the center median area in State Route 24 near the Broadway off ramp; the Caltrans frontage property on the north side of State Route 24 between the first and second off ramps west of the Tunnel, where there are many weeds and also eucalyptus and Monterrey Pine trees that add to fire dangers. We would like to see more Monterrey pine trees and eucalyptus trees removed on these Caltrans properties along with the many noxious weeds to help in reducing fire dangers to local residents and wildlife. 26

Noise Mitigation: To mitigate effectively the significant noise impacts on existing and planned residences in the project area, we feel that Caltrans and partners in the project should implement a series of mitigation measures such as:

- The "reasonableness" criteria for considering sound walls (see p. 157) is not in compliance with CEQA and should be eliminated or revised, and an explanation provided on how the criteria conforms to CEQA's mandate for all feasible mitigations to be considered in an EIR; single-event noise should also be addressed in a revised, recirculated Environment Impact Statement/Environmental Impact Report; 27

- On page 202, with respect to construction noise, the document states that standard industry practice for construction noise "may be used to minimize impacts." The document should clearly state which measure will be used and which will not be used. Absent this information, it is impossible to tell if the impacts would be mitigated; 28

- The project should include mitigation measures that eliminate most of the five years of 24-hour per day construction noise in the residential North Hills area of Oakland; 29

- Doing construction work during daylight hours consistent with the policies of the City of Oakland; 30

- Installing rubberized asphalt on the asphalt freeway lanes in the early in the construction project from the Caldecott Tunnel to the State Route 24/580 maze; 31

- Having Caltrans place their noise receptors in all areas along the State Route 24 corridor from the west entrance to the Interstate 580 junction to more fully determine noise impacts of the project and to be able to appropriately develop mitigation measures to address the noise impacts; 32

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- Consider a wide variety of sound abatement measures that include, but are not limited to different kinds of pavement including rubberized pavement, rubberized structural columns, extensive planting, imposing restrictions on mufflers and Jake brakes for vehicles utilizing the tunnels; enforcement of noise emissions from motorcycles and modified behicles particularly muffler noise; these noise abatements measures should include the arterial strees used for freeway access and egress; 33

- Replacing the proposed soundwall or soundwall/berm proposal for the north side of the freeway with a more effective proposal that would more effectively mitigate noise impacts; 34

Mitigation of Impacts on Non-Motorized Travel and Barriers Posed To Evacuation of Residents In the Event of Major Fire or Earthquake: The proposals set forth in the Draft Environmental Assessment/Environmental Impact Report fail to adequately plan for and address the impacts on non-motorized travel that are caused by the construction of additional freeway lanes and proposed soundwalls. Similarly, the proposed project creates barriers that might threaten the lives of local residents by creating new barriers to prompt evacuation by non-motorized travelers in the event of a major fire or earthquake. Pursuant to the California Department of Transportation's internal directive on "Accommodating Non-Motorized Travel", we understand that Caltrans is supposed to fully consider "the needs of non-motorized travelers (including pedestrians, bicyclists, and persons with disabilities) in all programming, planning, maintenance, construction, operations and project development activities and products". However, even though there are many bicycle riders and pedestrians that travel regularly along frontage roads in the SR24 corridor, Caltrans in this project largely ignores their needs to travel through the Tunnel or across freeway lanes/sound barriers. The Draft report ignores the needs of and the impacts of this project on "Non-Motorized" travelers as though they don't exist or that the partners don't care about the potential risks to their lives in an emergency evacuation situation. The project and Draft report also don't adequately address the needs or rights of the physically disabled in relation to travel through the Tunnel or across the freeway lanes/proposed soundwall. It appears that it might almost take a lawsuit under the American with Disabilities Act (ADA) against the partners including the State of California and Federal Highway Administration to get effective mitigation for the physically disabled or physically disable bicyclists with respect to the new and continuing barriers that impact the physically disabled and their rights. There might be a potential ADA violation here and possibly violation of State or Federal laws impacting wildlife. The Northern Alameda Group recommends as part of the mitigation for the impacts of the project: 35 36

- New sidewalks should be constructed along the frontage roads on both sides of the freeway between the Tunnel area, the intersections with the Warren Freeway/State Route 13, and the intersections with Hiller Drive. 37

- Bicycle and pedestrian access be provided for through the Tunnel; At the recent public hearing at Claremont Middle School a photograph was shown of a tunnel in Europe that accommodated non-motorized travel, and we believe that State and Federal policies mandate that provision be made for non-motorized travel

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through the 4th Bore; the partners in the project should have analyzed and presented information on their consideration of this tunnel project in Europe that found space in a 3rd lane for non-motorized travel through a tunnel, and this should be done in the development of a new Environment Impact Statement/Environmental Impact Report fully evaluating a Bikeway/Pedestrian Lane Alternative; 38

- Consistent with the Caltrans policy for accommodating non-motorized travel, another appropriate mitigation for the project's impacts would be to add a pedestrian and bicycle crossing from Tunnel Road to Lake Temescal in the north/south direction; I understand that an engineer has already evaluated the costs for Caltrans to construct such a crossing and this mitigation option should be implemented; 39

- The revised EIS/EIR should analyze carefully and completely the impact on non-motorized travelers and there should be specific mitigations included in the project proposal with funding designated, which would help in eliminating existing barriers and accommodating those with physical disabilities or who may wish to travel through the project area on a bicycle, by foot, with a walker or in a wheel chair; Caltrans, the United States government, and the other local transportation agency partners need to give more than lip service to accommodating "Non-Motorized Travel" in the project area and to eliminating existing barriers and any new barriers to "Non-Motorized Travel" and to stop discriminating against those with physical disabilities in planning and implementing major transportation projects such as the Caldecott Improvement Project. 40

- A consultant with expertise in accommodation for those with physical disabilities should be employed to ensure the project if it goes forward fully and adequately accommodates the needs of residents/visitors to our community with physical dsiabiilities and removes barriers impacting or preventing their travel and also their ability to evacuate in an emergency situation. 41

- A consultant with expertise regarding bicycle and pedestrian travel and accommodating bicyclists and pedestrians should also be employed to ensure the project if it goes forward fully and adequately accommodates bicyclists and pedestrians and removes barriers impacting or preventing their travel through the tunnel and areas in the Caldecott Improvement project. 42

The Northern Alameda Group of the Sierra Club asks that careful consideration be given to these comments and to funding and/or implementation of the mitigation recommendations.

Sincerely,

Afton E Crooks

Afton Crooks, Member Executive Committee, and
For the Northern Alameda Group, Sierra Club

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1 to 11- Comments 1 to 11 of the Sierra Club-Northern Alameda County Group are identical to comments 1 to 11 in the letter from Mayer Luce Development. Please see Mayer Luce Development responses 1 to 11.

12- Comment 12 of the Sierra Club-Northern Alameda County Group is identical to comment 13 in the letter from Mayer Luce Development. Please see Mayer Luce Development response 13.

13- Comment 13 of the Sierra Club-Northern Alameda County Group is identical to comment 14 in the letter from Mayer Luce Development. Please see Mayer Luce Development response 14.

14- Comment 14 of the Sierra Club-Northern Alameda County Group is identical to comment 15 in the letter from Mayer Luce Development. Please see Mayer Luce Development response 15.

15- Trees within the western portal staging area initially were incorrectly counted; an additional survey subsequently was conducted in this area. All other areas checked were correctly counted. These trees were added to the previous tree count for a realistic count of trees to be impacted by the project. The updated tree information can be found in the final environmental document. Furthermore, during the additional survey in the potential staging area adjacent to Parkwoods, tree species including maples and acacias not originally identified in the tree survey were identified. These additional trees have been included in the impact assessment and have been accounted for in the proposed mitigation. Replacement landscaping would be completed as a separate contract to commence immediately following completion of the tunnel and traffic lanes. Replacement planting would include 15-gallon size up to 24-inch box trees.

The tree count has been revised such that tree species from additional tree surveys have been added to the previous data.

With regards to Appendix A of the DEA/EIR, please refer to the essay on "Methodologies Used for the Impact Assessments/Local Ordinances" in Chapter 1.

16- As described in Section 2.3.4.4 of the DEA/EIR, measures such as worker training, avoidance of sensitive communities, and cleaning of construction machinery before use on subsequent projects in sensitive communities would reduce the likelihood that noxious weeds would be spread by the proposed project. Furthermore, as part of future invasive species control, only native or non-invasive plant species appropriate for the project area will be used in any restoration or revegetation seed mix or stock. Identified invasives will be mechanically or chemically removed during the three-year plant establishment period (PEP), as necessary; this treatment will ensure that invasive populations do not become established. The frequency and type of treatment will be site specific and will be determined during project construction and/or completion. Since this DEA/EIR focuses on the Caldecott Improvement Project and not other lands, the status of other nearby lands is not considered for the analysis; however, project-specific measures to control the spread of noxious weeds on site would also help to minimize the spread of non-native species in areas adjacent to the project corridor.

17- Tree removal may result in temporary impacts to wildlife habitat within the project corridor. Insofar as trees to be removed generally are less than 20 years old and provide only low quality wildlife habitat, this impact would be less than significant. The wildlife habitat value is low since the habitat consists mainly of non-native eucalyptus and Monterey pines trees, is adjacent to State Route 24, has a low density, and in some areas is flanked by development on both sides. Furthermore, Caltrans is replacing removed vegetation with native or non-invasive species. Caltrans has allocated funding for replacement landscaping to mitigate for tree removal within the immediate freeway corridor. This will be implemented immediately following completion of roadwork and will include a three-year plant establishment period.

Whereas off-site mitigation will occur concurrent with the tunnel project, Caltrans is proactive in protecting and preserving existing vegetation on all of its projects. In addition to Caltrans' own policy, the intent of the City of Oakland's Tree Protection Ordinance is and will continue to be considered during all stages of project development. However, the ordinance does not preclude State jurisdiction regarding tree removal. Please see the essay on "Methodologies Used for the Impact assessments/Local Ordinances" in Chapter 1.

Funding has been allocated for mitigation and replacement planting within the immediate freeway corridor. Presently, a cost estimate has not been developed for mitigation planting, invasive species, and fire control work that will occur outside (offsite) of the project study area boundaries. Funding for the landscaping contract will provide replacement planting and additional mitigation planting within plantable areas contiguous with the paved freeway shoulder. Invasive weed removal will be limited to these locations (onsite) and will include offsite areas where mitigation will occur with the tunnel project. Funding for the landscaping project will be split from the tunnel project. The landscaping project will be programmed to commence immediately following the completion of the tunnel and roadway work.

18- Please see response #16, above.

19- Please see response #16, above.

Areas identified for potential mitigation will be planted with native trees and shrubs; native or non-invasive species will be planted. Invasive species removal functions as a near term mitigation measure to improve habitat in adjacent areas during the approximate eight-year lag during regrowth.

20- At this early stage of project development, mitigation site locations are only generally defined and occur both inside and outside the immediate project study area boundaries. Mitigation sites outside of the project area will be planted with native oak trees and shrubs to reestablish habitat values and would include invasive weed control and fire management for a maximum period of three years. Additional highway planting, which would occur inside of the project study area boundaries, will include both mitigation planting and replacement planting to 1) mitigate visual impacts, i.e. buffer objectionable views from adjacentresidences, motorists, recreational use,., 2) mitigate impacts to habitat values, and 3) for aesthetics, i.e. visually integrate the proposed project with the adjacent community and natural environment. Mitigation tree planting and invasive weed removal/control at sites located outside of the project will be performed under a separate contract concurrently with the tunnel contract. and would include an additional three years of plant establishment and invasive weed control/fire management. Additional highway planting within the immediate freeway corridor, including three years of plant establishment and invasive weed control within specific areas would be completed under a separate contract and implemented following the completion of this project. The total estimated cost for landscape work to be completed under a landscaping contract is $2.5 million dollars.

Identified invasives will be mechanically or chemically removed during the three-year plant establishment period (PEP), as necessary; this treatment will ensure that invasive populations do not become established. General invasive-only control in areas of project disturbance will reduce the threat of invasives spreading to non-disturbed areas. The frequency and type of treatment will be site-specific and will be determined during project construction.

21- Mitigation for invasive species removal, fire management, and restoration will occur both inside and outside the immediate project study area boundaries, and will be finalized per consultation with resource agencies and project partners. Mitigation sites outside of the project area will be planted with native or non-invasive trees and shrubs to reestablish habitat values and would include invasive weed control and fire management for a maximum period of three years. Additional highway planting, which would occur inside of the project study area boundaries, will include both mitigation planting and replacement planting to integrate the proposed facility with the adjacent community and natural environment. Mitigation tree planting and invasive weed removal/control at sites located outside of the project will be performed under a separate contract concurrent with this project's contract and would include an additional three years of plant establishment and invasive weed control/fire management. Additional highway planting within the immediate freeway corridor, including three years of plant establishment and invasive weed control within specific areas, would be completed under a separate contract and implemented immediately following the completion of all roadwork.

22- Many mitigation measures have been clarified in the final Environmental Assessment/Environmental Impact Report. Please see the essay on "The Environmental Process; Environmental Impact Statement/Environmental Impact Report (EIS/EIR) versus an Environmental Assessment/Environmental Impact Report (EA/EIR); and Criteria for Significance" in Chapter 1.

23- There are no plans to set aside $30 million for mitigation. All the impacts listed in the DEA/EIR will be mitigated, and there are costs associated with the proposed mitigation. These costs are included in the proposed project.

24- Caltrans is proactive in protecting and preserving existing vegetation on all of its projects. In addition to Caltrans' own policy, the intent of the City of Oakland's Tree Protection Ordinance is and will continue to be considered during all stages of project development. However, the ordinance does not preclude State jurisdiction regarding tree removal occurring inside State right-of-way. No tree removal will occur outside State right-of-way. Caltrans will work closely with the cities of Orinda and Oakland during the conceptual plan development for replacement and mitigation planting. Preliminary project costs for mitigation and replacement planting within the immediate freeway corridor is currently estimated to be $2.5 million dollars. A cost estimate for off-site mitigation planting work, will be developed per further consultation with resource agencies and project partners. Funding for the mitigation contracts will be split from the tunnel project funding and programmed into the State Transportation Improvement Plan (STIP). These secondary contracts will provide replacement planting and mitigation planting, invasive weed removal/fire control work and three years of plant establishment for both onsite and offsite locations. The off-site mitigation project will be programmed to commence concurrent with the tunnel project, whereas, the on-site mitigation and replacement planting project will commence immediately following the completion of the tunnel project.

Precise staging operations cannot be clearly defined until later stages of project design. For purposes of the environmental document, an assumption is made that all trees within the staging areas will be removed Every effort will be made to avoid impacts to trees within the identified staging locations during project development and construction phases.

Originally, the 4.8-m (16-ft) high sound wall at shoulder alternative (Option A) and the berm with 2.4-m (8-ft) high sound wall (Option B) were the only options considered and evaluated. A variant of sound wall Option B was developed to save approximately 16 trees located adjacent to the Parkwoods Condominiums entrance. Of the three options presented to the Parkwoods Board meeting on January 19, 2007, sound wall Option B was subsequently selected as being the most aesthetically pleasing and beneficial to the Parkwoods residents. Caltrans has selected Option B for the following reasons: 1) The sound wall would be 2.4-m (8-ft) in height and less of a visual encroachment than the 4.8-m (16-ft) high sound wall options; 2) For adjacent residents, a fully landscaped berm would provide an attractive and pleasant buffer from the visual influence of freeway traffic. Caldecott Lane would appear more secluded and private while the visual influence of the freeway traffic would be immediately screened from much of the ground-plane and to some extent second story views; 3) In terms of mitigation, landscaping would provide immediate benefits under Option B. When planted, typical 15-gallon-size trees would exceed the height of the sound wall and would mitigate the perceived surface plane of the sound wall structure. Shrub plantings could obscure the 2.4-m (8-ft) sound wall within 5-8 years. Trees planted on top of the berm would begin to screen freeway views from the upper Parkwood residences in 10-12 years as opposed to 18-20 years under the other two options.

25 and 26- When constructing a tunnel, construction work can proceed only in limited areas. For example, tunnel excavation can occur at only one location for each portal. Unlike surface projects, the duration cannot be shortened by assigning more equipment or manpower to the job. Because of this limitation, the cost and schedule of a tunnel project will increase dramatically if the excavation of the tunnel were only performed from the east portal. The preliminary evaluations indicate that the project duration would be lengthened by approximately by approximately 14 months if tunnel construction were performed only from the east portal. And the majority of this added schedule would be 24 hour per day tunnel excavation. The cost of the project would also increase by approximately $45 million. Further, the staging area adjacent to the east portal is small and narrow which would also hamper the construction activities and result in added cost and schedule. Studies were done and there are no special status plants species in the area. Please see responses to comments #17 and #24 above.

27- The noise criteria for consideration of noise abatement are established for abatement measures considered under Code of Federal Regulations 23CFR772.

On State Route 24 the highest single event noise producers (with the exception of the sirens of police and emergency vehicles) are heavy-duty trucks. Though they may produce noise at higher levels than the peak averaged hourly noise level, their frequency of passbys is irregular and unpredictable, and, unlike the sound of a jet flying by, the sound level is not much higher than the peak hourly level of the traffic that it is mixed with. Since freeway traffic noise is continuous, with irregular peaks, it would not be an accurate representation of the noise environment to describe the freeway only by the peaks caused by these individual truck passbys so Caltrans and the FHWA use a time averaged noise descriptor. When Caltrans performs its noise studies the percentage of heavy-duty trucks is factored into the model, though the volume of heavy-duty truck traffic is not expected to increase.

28- Many mitigation measures have been clarified in the final Environmental Assessment/Environmental Impact Report. Please see the essay on “Construction Impacts” in Chapter 1.

29- Please see the essay on “Construction Impacts” in Chapter 1.

30- The nature of tunnel construction necessitates around the clock construction activity to control cost and schedule. When constructing a tunnel, construction work can proceed only in limited areas. For example, tunnel excavation can occur at only one location for each portal. Because of this limitation, the cost and schedule of a tunnel project will increase dramatically if the hours of construction are limited. In addition when the advance of a tunnel is delayed, additional support measures are required to assure that the face of the tunnel remains stable. Under the current plan, which involves tunnel construction 5 days per week, 24 hours per day, these additional support measures will only be required over the weekend. However, if tunnel construction were limited to one shift per day, these additional support measures would have to be installed every day, which

would have significant cost implications. In addition, please see the essays "Methodologies Used for the Impact Assessments/Local Ordinances" and "Construction Impacts" in Chapter 1.

31- Installing asphalt concrete (AC) overlay to the existing concrete pavement is undesirable due to the following reasons: Based on the soil samples recently taken from various locations on the westbound route within the project study area boundaries, and the subsequent laboratory soil tests, the majority of the basement soil appears to be of sedimentary rock having high levels of R-values. This is the basement condition favorable for concrete pavement, which would perform the expected long life service with low maintenance cost. In order to overlay the roadway, existing concrete pavement needs to be cracked and seated, which will transform the existing rigid concrete pavement into a flexible AC pavement thus requiring more frequent maintenance and more disruptions to the public. Furthermore, the existing concrete pavement is generally in good condition and is not a qualified candidate for a crack and seat rehabilitation.

32- Noise abatements are considered only at locations where noise impacts are identified within the project study area boundaries. Caltrans has no program to provide noise abatements for areas currently subject to freeway traffic noise, or where there is no new freeway or reconstruction of an existing freeway.

33- Comment 33 of the Sierra Club - Northern Alameda County Group is identical to comment 26 in the letter from Mayer Luce Development. Please see Mayer Luce Development response 26.

34- The sound barriers are the most effective abatement measures available.

35-Please see the essay on "Bicycle and Pedestrian Access/Improvements" in Chapter 1.

36- All Bicycle/Pedestrian improvement studied by ACCMA meet ADA regulations. Please see the essay on "Bicycle and Pedestrian Access/Improvements" in Chapter 1.

37- Comment 37 of the Sierra Club - Northern Alameda County Group is identical to comment 34 in the letter from Mayer Luce Development. Please see Mayer Luce Development response 34.

38- Comment 38 of the Sierra Club - Northern Alameda County Group is identical to comment 35 in the letter from Mayer Luce Development. Please see Mayer Luce Development response 35.

39- Comment 39 of the Sierra Club - Northern Alameda County Group is identical to comment 36 in the letter from Mayer Luce Development. Please see Mayer Luce Development response 36.

40- Comment 40 of the Sierra Club - Northern Alameda County Group is identical to comment 37 in the letter from Mayer Luce Development. Please see Mayer Luce Development response 37.

41- Comment 41 of the Sierra Club - Northern Alameda County Group is identical to comment 38 in the letter from Mayer Luce Development. Please see Mayer Luce Development response 38.

42- Comment 42 of the Sierra Club - Northern Alameda County Group is identical to comment 39 in the letter from Mayer Luce Development. Please see Mayer Luce Development response 39.

Sunset Development Company

Sunset
DEVELOPMENT COMPANY
1951

One Annabel Lane Post Office Box 640 San Ramon, California 94583 Tel 925/866-0100 Fax 925/866-1330

26 June, 2006

Mr. Gene Fong
Division Administrator, HAD-CA
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Mr. Gregory C. McConnell, Senior Environmental Planner
Attn: Sheryl, Associate Environmental Planner
Department of Transportation, District 4, Environmental Analysis
Mail Station 88
P.O. Box 23660
Oakland, CA, 94623-0660

Dear Sirs:

I am writing on behalf of Sunset Development Company and the Bishop Ranch Business Park Transportation Association. Sunset owns and manages a majority of Bishop Ranch, and the Transportation Association provides a Transportation Demand Management System for the employers and employees within the Business Park.

Bishop Ranch is in the I-680 corridor of the East Bay in San Ramon, California. We are the largest single employment site in Contra Costa County, currently employing nearly 30,000 workers daily. Some of these workers live in Oakland and cities south, some in the Berkeley corridor, the Peninsula, and San Francisco. Many of these workers, whether they are single occupant drivers, or in a carpool or vanpool, have to come through the Caldecott Tunnel in order for them to get to Bishop Ranch, their workplace. And, conversely to go back through the Caldecott to get home. This is why we have a vested interest in supporting the Fourth Bore of the Caldecott Tunnel.

We believe the Fourth Bore of the Caldecott Tunnel will:

- Reduce delays and improve travel times,
- Enhance safety for the traveling motorist (and Caltrans maintenance workers)
- Eliminate the daily, and confusing, lane reversals and mergers.

50 years EXCELLENCE

Developing A Better Way Of Life Since Nineteen Fifty-One.

Sunset
DEVELOPMENT COMPANY

We have studied the environmental documents and believe that Caltrans has provided more than the adequate level of analysis of the required environmental review. They have done an outstanding job of identifying both short and long-term environmental impacts, and they have identified the necessary mitigations.

Finally, we urge that the Federal Highway Administration, expeditiously grant environmental approval, and issue a "Record of Decision, on the Fourth Bore of the Caldecott Tunnel.

Sincerely,

Peter Oswald
Senior Vice President, Director of Governmental Affairs
Former Deputy Secretary, CA State Business, Transportation, and Housing Agency

Thank you for your comments.

The Caldecott Tunnel Fourth Bore Coalition

THE CALDECOTT TUNNEL FOURTH BORE COALITION
5425 College Avenue, PMB 311, Oakland, CA 94618

July 12, 2006

Mr. Gregory McConnell, Senior Environmental Planner
Ms. Sheryl Dorado, Associate Environmental Planner
California Department of Transportation, District 4
Environmental Analysis
Mail Station 8B
P.O. Box 23660
Oakland, CA 94623-0660

HAND DELIVERED

Subject: Comments on the Draft Environmental Assessment/Environmental Impact Report for the Caldecott Improvement Project on State Route 24 released May 12, 2006

Dear Mr. McConnell and Ms. Dorado:

We are submitting comments to the *Draft Environmental Assessment/Environmental Impact Report for the Caldecott Improvement Project on State Route 24* (D-EA/EIR) on behalf of the Caldecott Tunnel Fourth Bore Coalition (FBC), an organization of neighborhood associations and individuals who live on the western side of the Caldecott Tunnel along the Highway 24 corridor. Participating organizations include the North Hills Phoenix Association, Parkwoods Condominium Homeowners' Association, Vicente Canyon Neighborhood Association, Rockridge Community Planning Council, Montclair Safety Improvement Council, and Claremont-Elmwood Neighborhood Association. Our purpose is to ensure that well-informed decisions are made regarding the construction of a fourth bore at the Caldecott Tunnel and that any resulting project is socially, economically, and environmentally responsible. We advocate for those who will be most affected by its construction and ongoing operation.

We have found that significant analyses and data have been omitted from or given superficial treatment in the draft environmental document. Ultimately, we have concluded that the D-EA/EIR fails to meet federal and state legal requirements for full public disclosure, analysis, and mitigation of potential project impacts and we believe it will distort the decisions to be made. We request that it be withdrawn and that in its place Caltrans and the Federal Highway Administration (FHWA) prepare and circulate a full draft Environmental Impact Statement / Environmental Impact Report (EIS/EIR) that addresses the comments in this letter. 1

Three attachments are included with this letter. The first provides an outline of shortcomings we have identified in the D-EA/EIR, focusing on the global issues that

concern our Coalition members as a group. Also attached are comment letters, which we incorporate by reference into the Coalition's comments, written by advisors to our group: Richard Grassetti, Antonio Rossmann, and Stuart Flashman. Each of our member groups will submit comments in addition to those contained in this letter. We support their goals of ensuring that the localized, project-specific impacts that will affect their environments are properly studied and mitigated.

We realize solving traffic congestion problems is a complex endeavor that involves the negotiation of values of each stakeholder group. We look forward to discussions with Caltrans and other public agencies to find mutually acceptable solutions. In the meantime, please feel free to contact us for clarification of any items in this letter.

Sincerely,

CALDECOTT TUNNEL FOURTH BORE COALITION

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cc: Ms. Jean G. Hart, Deputy Director of Planning, ACCMA
Mr. Frank Furger, Deputy Director, Programming and Projects, ACCMA
The Honorable Jerry Brown, Mayor of Oakland
The Honorable Jane Brunner, Oakland City Council
The Honorable Jean Quan, Oakland City Council
The Honorable Ignacio de la Fuente, Oakland City Council
Ms. Claudia Cappio, Deputy Director of Planning, City of Oakland
Mr. Raul Godinez II, Director, City of Oakland Public Works Agency
The Honorable Tom Bates, Mayor of Berkeley
The Honorable Kriss Worthington, Berkeley City Council
The Honorable Gordon Wozniak, Berkeley City Council
Mr. Peter Hillier, Assistant City Manager for Transportation, Berkeley
The Honorable Don Perata, California State Senate President Pro Tem
The Honorable Dianne Feinstein, United States Senate
The Honorable Barbara Boxer, United States Senate
The Honorable Barbara Lee, United States Congress, California 9th District
The Honorable Loni Hancock, California State Assembly

Attachment 1.

I. PROJECT PURPOSE

A. **The project does not improve mobility where it is most needed.**

Section 1.1.3 of the D-EA/EIR recognizes the importance of SR-24 and the Caldecott Tunnel as a connector for the movement of goods and people. One of the purposes is to "reduce delay within the vicinity of the tunnels, through the year 2032." The document describes a project that will relieve the existing 0.5 mile backup in the eastbound morning and westbound evening commute hours. The funds invested in this project will do nothing to relieve the more severe congestion in the peak commute directions, which Caltrans predicts will grow from the current 3- to 4- mile long queues to 9- to 13-mile long queues around the tunnel portals by the year 2032.

B. **The D-EA/EIR fails to provide information on congestion-related accidents.**

Another stated project purpose is to reduce the potential for congestion-related accidents at the queues that form at the tunnel. Section 1.1.4.1 discusses total number of accidents during the period 2001-2004 but it omits data on the details of those accidents. Accident data provided in the Technical Appendix to the *Route 24/Caldecott Tunnel Corridor Study* published by the Metropolitan Transportation Commission (MTC) in 2001, show that, "Common causes of accidents in the eastbound direction include speeding, improper turns, and vehicles following too closely. The largest percentage of accidents occurred in the 1.5 mile section of Route 24 between the Pleasant Hill Road interchange and the I-680 interchange." In the westbound direction, the primary cause of accidents included "speeding (53%), improper turns, following too closely, and drivers under the influence of alcohol." It further states that "The largest percentage of accidents occurred in the section between 580/980 and Telegraph/Claremont Avenues."[1] It appears from the MTC report that speeding and winter weather, not tunnel queues, are the major causes of accidents in this corridor.

[1] Technical Appendix, Existing Conditions Report, p. 24, in the *Route 24/Caldecott Tunnel Corridor Study*

We request that the environmental documents

- Provide data on accidents in the vicinity of the tunnel 2
- Analyze how reduction and enforcement of the speed limit would contribute to reducing accidents in this corridor. 3

C. **The project fails to accommodate pedestrian/bicycle access.**

The document states that one of the project's purposes is to improve mobility for the traveling public. "Traveling public" should include bicyclists and pedestrians. SR-24 and previous bores were built with a focus on motorized transport with no consideration for a network for pedestrians and bicyclists. We expect our public agencies to be more forward-looking with public works projects today than in years past. The proposed project, which will spend between $350 – $480 million of public money, provides an opportunity to include a facility for non-motorized travel through a major east-west corridor.

- Caltrans, ACCMA, and CCTA should be responsible for a fully multi-modal transportation solution. 4

II. PROJECT ALTERNATIVES

A. **The D-EA/EIR studies an inadequate range of alternatives to the project.**

The study limited alternatives to 2- and 3-lane tunnels and a No-build situation. The document refers to approaches studied in MTC's *Route 24/Caldecott Tunnel Corridor Study* in 2001, but the conclusions of that study are based on data from 1999-2000 which do not reflect existing traffic levels or conditions, such as gasoline prices,[2] affecting travel behavior in 2012 or 2032.

[2] For example, on July 3, 2000, around the time the MTC study was done, the average price per gallon of mid-grade gasoline was $1.81 compared to $3.292 on July 3, 2006, according to U.S. Department of Energy statistics (Energy Information Administration, file no PSWRGVWSCA.xls updated 7/3/2006).

We request that the environmental documents include

- An alternatives analysis that studies a comprehensive mix of alternatives, such as transit incentives and demand management techniques, that combined as a whole could achieve the project's objectives to a greater degree than a simple 2- or 3-lane bore. 5
- Consideration of future scenarios for the cost and constraints on driving 6

III. IMPACT ANALYSIS

The project's boundary extends only as far west as the Broadway exit on SR-24, but we believe the project's areas of potential effect, which would vary from impact to impact, are not so limited.

A. **The geographic boundaries of the traffic impact analysis are too limited.**

The report provides no current data on the origins and destinations of tunnel traffic. However, 1999-2000 data from the "Existing Conditions Report" in the Technical Appendix to MTC's *Route 24/Caldecott Tunnel Corridor Study* show a sizeable percentage of the non-peak direction traffic on SR-24 originates at points beyond the SR-24/I-580/I-980 interchange:

Tunnel Traffic Origin, Eastbound, Weekday AM Peak Period (December 1999)

Marin/Richmond/Berkeley	14%
San Francisco/Peninsula	25%
Alameda/Hayward/Fremont	18%
Oakland/Emeryville	43%

Tunnel Traffic Destination, Eastbound, Weekday AM Peak Period (December 1999)

Benicia/Suisun City and northeast	4%
Pittsburg/Antioch/Brentwood and east	7%
Concord/Pleasant Hill/Walnut Creek	61%
Alamo/Danville/San Ramon	11%
Orinda/Lafayett/Moraga	17%

Improving the flow of traffic at the tunnel in the non-peak commute direction is likely to change travel patterns and travel modes, thereby impacting the community along

the entire corridor. Increases in traffic and in travel speeds will affect highway noise levels and air quality.

We request that Caltrans

- Redefine the area of impact 7
- Analyze how induced demand stimulated by decreased travel time through the tunnel could change traffic volumes, associated traffic speeds, noise generation and air quality 8
- Analyze how changes in traffic volumes may impact sensitive receptors such as schools, above-ground BART stations (e.g. Rockridge and MacArthur stations), and parks along the SR-24 corridor and identify appropriate mitigations to shield them from air and noise pollution. 9
- Analyze traffic impacts of the project as far west as the I-80/I-580/I-880 interchange and as far south as the SR-13/I-580 interchange 10
- Analyze how the free flow speed with no delay in the off-peak direction might impact the use of BART and other public transit services 11

B. **Arterial streets located between the tunnel and the junction of SR-24/I-580 are not identified.**

- We request that the environmental document list the specific routes and intersections, identified with input from City staff. 12
- Include an assessment of the impact on connecting streets that lead to the tunnel and of mitigations that would facilitate safe travel for motorists, pedestrians, and bicyclists. The assessment should include, in particular, Caldecott Lane, Miles and Keith Streets, Patton, Claremont Ave., the northernmost section of Broadway, Tunnel Road, and Ashby Ave. 13

C. **The document does not address pedestrian and bicyclist safety.**

Section 2.1.5 states that ACCMA is developing a feasibility study to address various ways to improve bicycle and pedestrian circulation in the vicinity of the Caldecott Tunnel, however the document neglects to analyze the impact of the speed of free

flowing traffic on arterials leading to the tunnel on pedestrian and bicyclist safety. Under existing conditions, it already is dangerous for pedestrians and bicyclists to cross at many of the intersections along this corridor.

We request the study to:

- Include an assessment of the impact on connecting streets that lead to the tunnel and of mitigations that would facilitate safe travel for pedestrians and bicyclists, such as a pedestrian-friendly crossing at the intersection of the Warren Freeway and Tunnel Rd., the completion of sidewalks on both sides of Tunnel Rd., a pedestrian-operated traffic light at Uplands and Tunnel Rd., and a pedestrian walkway between Chabot Rd. and the traffic light at the intersection of Tunnel Rd. and the Warren Freeway. 14

- Include a description of Safe Routes to Schools in the environmental documents. Elementary school students walking or riding their bikes to school should not be forced to compete with motorized traffic near Chabot Elementary, Rock La Fleche, Claremont Middle, Kaiser Elementary, and Bentley schools. 15

D. **The D-EA/EIR does not provide any data on or analyze weekend travel.**
One of the stated needs of the project is to relieve the tunnel bottlenecks that persist during weekends, yet Caltrans neglected to obtain weekend information for its forecast model (p. 87). Section 1.3.4 of the *Final Community Impact Assessment* states, "Increased mobility through the tunnel will likely cause slight increases in trip making, which could cause some increase in congestion on connecting streets such as Ashby Ave."

We request that

- Caltrans quantify and analyze the impacts of improved flow through the tunnel on weekend traffic 16

- Include an assessment of the impact on connecting streets that lead to the tunnel and of mitigations that would facilitate safe travel. The assessment should 17

include, in particular, Caldecott Lane, Miles, Keith and Patton Streets, the northernmost section of Broadway, Claremont Ave., Tunnel Road and Ashby Ave.

E. **The D-EA/EIR assumes there will be no changes in the mix of trucks and autos.**
On p. 146 in Section 2.2.6 of the document, it is stated that "the number of heavy duty diesel trucks using the facility will not be increased by the project." No data are provided to support this assumption. Considering the importance of this corridor for commerce, it seems unreasonable to assume there will be no change in the mix of trucks and autos resulting from this project, either at the time construction is completed or in 2032. A change in this mix would affect the accuracy of the air quality and noise analysis. 18

We request that Caltrans

- Analyze separately the effects of the project on automotive and truck traffic 19
- Analyze induced demand related to trucks (i.e. from the Port of Oakland) 20
- Analyze how changes in this mix may impact sensitive receptors such as schools, above-ground BART stations, and parks along the SR-24 corridor and identify appropriate mitigations to shield them from air and noise pollution. 21

F. **There is inadequate analysis of post-construction operational noise.**
Members of the community can attest to the intrusion of noise from single events and at levels lower than Caltrans' thresholds. Simple, inexpensive, and effective means to abate noise are available. The environmental documents must

- Look at the effects of the project on noise levels resulting from induced demand 22
- Use benchmarks for the significance of noise that agree with the city standards of Oakland and Berkeley 23
- Include a provision for community input to determine feasible, context sensitive noise abatement solutions. 24

- Provide a comprehensive plan for the reduction of freeway noise, including an evaluation of inexpensive measures that could be used for noise abatement, such as a lower speed limit, the deactivation of Jake brakes, restrictions on an increase in truck traffic, use of suitable sound-absorbing construction and roadway materials, sound absorbing materials for columns and understructure, tree plantings, and restrictions on mufflers. 25

G. **The D-EA/EIR does not analyze construction noise.**

Construction will occur 24x5 for five years, but the document simply states that "noise generated during construction could at times reach levels higher than existing traffic noise." We request that Caltrans

- Analyze the potential severity of that noise and specify appropriate mitigation measures 26
- Address repeated, single-event noise impacts related to construction. 27
- Include a provision for community input to determine feasible, context sensitive noise abatement solutions. 28

H. **The D-EA/EIR does not comply with Bay Area Air Quality Management standards and mitigations.**

- We request that the revised document include and comply with BAAQM standards and mitigations. 29

I. **The document does not adequately address landscape and vegetation management.**

The environmental documents are imprecise. We request they be revised to 30

- Include defined commitments for tree planting, invasive species removal, restoration, and a vegetation management system including fire prevention.

Attachments:

1. Law offices of Stuart M. Flashman, Caldecott Improvement Project Draft EA/EIR Comment Letter, July 12, 2006;

2. Grassetti Environmental Consulting, Caldecott Improvement Project Draft EA/EIR Comment Letter, July 10, 2006;

3. Excerpt from Wikipedia article on Induced Demand, http://en.wikipedia.org/wiki/Induced_Demand;

4. Impacts of Highway Facility Improvements on Travel & Regional Planning, Wisconsin Translinks, January 1994;

5. More Roads, More Traffic: The Failure of Road-Building to Alleviate Traffic Congestion in Maryland, Dutzik, Tony, MaryPIRG Foundation, April 2002;

6. Relationships between highway capacity and induced vehicle travel, Transportation Research Part A 35 (2001) Noland, Robert B., July 6, 1999;

7. California Life-Cycle Benefit/Cost Analysis Model (Cal-B/C), Systems Metrics Group, Inc. in Association with Cambridge Systematics, Inc. for California Department of Transportation, June 2004; and

8. Route 710 Tunnel Technical Feasibility Assessment Report, Parsons Brinckerhoff for Los Angeles County Metropolitan Transportation Authority, June 7, 2006

Attachments #3-8 were voluminous publications and are not reproduced here.

1- The FHWA and the Department believe that the DEA/EIR and the FEA/EIR provide an adequate analysis of both potential impacts and potential mitigation measures as discussed in Chapter 2, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures and fully meets state and federal requirements. The FEA/EIR will not be withdrawn. Please see the essay on "The Environmental Process; Environmental Impact Statement/Environmental Impact Report ((EIS/EIR) versus and Environmental Assessment/Environmental Impact Report (EA/EIR); and Criteria for Significance" in Chapter 1.

2 and 3- Following are the accident data for State Route 24 within the project study area boundaries (Ala-24-PM R5.3 to CC-24-PM 1.3, including ramps), obtained from Caltrans Accident Surveillance and Analysis System (TASAS) for the three-year period between January 1, 2003 and December 31, 2005.

		Actual Number			Actual Rates			Average Rate	
Year	Total	Fatal	Injury	Fat.	F+I	Total	Fat.	F+I	Total
01/01/03-12/31/05	649	0	168	.000	.43	1.66	.008	.34	1.04

The accident collision types are as follows:

A. Head-on (0.0%)	B. Sideswipe (27.7%)
C. Rear End (55.9%)	D. Broadside (1.5%)
E. Hit Object (16.6%)	F. Overturn (1.7%)
G. Auto Pedestrian (0.0%)	H. Other (0.8%)

The primary collision factors are as follows:

1. Influence Alcohol (3.2%)	2. Follow Too Close (7.4%)
3. Failure To Yield (0.0%)	4. Improper Turn (10.9%)
5. Speeding (51.2%)	6. Other Violation (21.7%)
7. Other Than Driver (1.4%)	

There were a total 649 accidents in the vicinity of Caldecott tunnel. 65.9% of the accidents (428) occurred outside tunnel and 34.1% (221) occurred inside tunnel.

43.8% (284) of the accidents occurred going eastbound and 56.2% (365) occurred going westbound.

Rear-enders and sideswipe type collisions, which generally are due to driver's inattention, unsafe speeds, and lane changing in recurring traffic congestion, account for 83.6% of all the accidents.

The accident rate in this section of State Route 24 (1.66) is equal to 160% of the average for the similar highway facilities (1.04).

The accident data shown above indicate that a significant factor causing the higher than average accident rate on State Route 24 within project study area boundaries is congestion. The proposed tunnel project will reduce congestion within the vicinity of the tunnel, and as a result, will reduce the number of congestion type of accidents.

4 and 5- Please see the essays on "Alternatives Considered in the Draft Environmental Assessment/Environmental Impact Report (DEA/EIR)" and "Bicycle and Pedestrian Access/Improvements" in Chapter 1.

6- Recognizing the importance of the State Route 24 Caldecott Tunnel, the Department and the Federal Highway Administration proposed a project with the purpose of reducing delays within the vicinity of the tunnel, increasing mobility, reducing the potential for congestion-related accidents within the project study area, eliminating the need for daily tunnel reversal, and that would respond both to Regional Measure 2 and Contra Costa County Measure J. The Department cannot predict how gas prices will rise or fall, and what, if any, effect such changes will have on the public's driving behavior. Consideration of future scenarios for the cost and constraint of driving are beyond the scope of the project.

Please also see response #6 in the essay on "Traffic Modeling/Forecasting" in Chapter 1.

7- Please see the essay on "Project Study Area Boundaries" in Chapter 1.

8- The noise study assumed the traffic volume for each alternative that would yield the highest possible predicted noise level. In regards to air quality, air pollution is a regional issue, and must be considered in conjunction with all other projects in the region. The Preferred Alternative (Alternative 2N) of this project is included in the 2007 Transportation Improvement Program (TIP) (which conforms to the State Implementation Plan (SIP)) and the 2005 Regional Transportation Plan (RTP), and thus is in conformance with all related federal air quality requirements. The SIP is designed to be protective of human health.

Please see response #2 in the essay on "Traffic Modeling/Forecasting" in Chapter 1.

9- Noise abatements are considered only at locations where noise impacts are identified within the project study area boundaries. The two BART stations referenced are both outside of the project study area boundaries and no school within the project study area boundaries met the noise abatement criteria. Caltrans has no program to provide noise abatements for areas currently subject to freeway traffic noise, or where there is no new freeway or reconstruction of an existing freeway.

In regards to air pollution, the Preferred Alternative (Alternative 2N) of this project is included in the 2007 Transportation Improvement Program (TIP) (which conforms to the State Implementation Plan (SIP)) and the 2005 Regional Transportation Plan (RTP), and thus is in conformance with all related federal air quality requirements. The SIP is designed to be protective of human health.

Please also see the essay on "Scope of the Project" in Chapter 1.

10- Please see the essay on "Project Study Area Boundaries" in Chapter 1.

11- Please see response #3 in the essay on "Traffic Modeling/Forecasting" in Chapter 1.

12- A number of intersections along local arterial streets in Berkeley/ Oakland area-- Ashby Ave., Broadway, Claremont Ave., College Ave., Martin Luther King Jr. Way, Telegraph, Ave., and Tunnel Road, were included in the intersection study to assess the impact of a fourth bore. Table 2.1.5-17 lists 31 intersections of concern that were identified with the help of the Cities of Oakland, Berkeley, Orinda Lafayette and Walnut Creek.

13- Please see response #2 in the essay on "Traffic Operations" in Chapter 1.

14- Accident data for the past three years indicate that there were no pedestrian- or bicyclist- related accidents at the Kay Overcrossing intersections. There was only one pedestrian related accident on Tunnel Road, which was caused by the motorist not yielding to the pedestrian in the crosswalk.

Caltrans will take the following actions to improve pedestrian and bicyclist safety on the connecting street that lead to the tunnel:

- A traffic count will be performed for the Kay Overcrossing intersections to study the possibility of signalizing these intersections. If the results of traffic counts show that signal warrants are satisfied, installation of traffic signals will be included in this project;
- A traffic count for the Tunnel Road/State Route 13 on-ramp intersection has recently been completed. The traffic data obtained in the traffic count will be studied to determine if a pedestrian crosswalk at this intersection is warranted; and
- A landslide blocked the sidewalk on northbound Tunnel Road before Vicente Road. Caltrans will initiate a project to clear the soil on the sidewalk, re-install the sidewalk and build a retaining wall at that location to prevent another landslide. This separate project will improve the safety for pedestrian and bicyclists on Tunnel Road.

Caltrans recently studied the possibility of installing a pedestrian crosswalk with a self-activated flashing beacon at the intersection of Tunnel Road and Alvarado St. Based on the traffic data, accident history, vehicular approaching speed and pedestrian volume at this location, we concluded that installing crosswalk at this location is not desirable. We believe the installation of a crosswalk at this location would provide a false sense of security for the pedestrian and would actually increase accidents.

Please see the essay on “Bicycle and Pedestrian Access/Improvements” in Chapter 1. Also ACCMA's Feasibility Study (Option F) concluded that provisions for an ADA compliant walkway and bike path from Chabot Road to the intersection would cost in the range of $4-$5 million. The steep grades in this area combined with a 150-ft elevation differential, renders this option undesirable. This option was dropped from further study. Please see Option F in the essay on “Bicycle and Pedestrian Access/Improvements” in Chapter 1.

15- Chabot Elementary, Rock La Fleche Community Day School and Claremont Middle are located outside the limits of this project.

The sidewalk near Kaiser and Bentley School on northbound Tunnel Road before Vicente Road was blocked by a landslide. Caltrans will initiate a project to clear the soil on the sidewalk, re-install the sidewalk and build a retaining wall at that location to prevent future landslide. This separate project will improve the safety for students and bicyclists on Tunnel Road.

16- Please see response #3 in the essay on “Traffic Operations” and response #1 in the essay on “Traffic Modeling/Forecasting” in Chapter 1.

17- Please see response #2 in the essay on “Traffic Operations” in Chapter 1.

18 and 19-Please see response #4 in the essay on “Traffic Modeling/Forecasting” in Chapter 1.

20- The Port of Oakland has done trucking studies in the past that investigate the routes taken by trucks carrying goods to and from the port. These studies show that a very small proportion of these trucks use State Route 24. This truck traffic is concentrated either taking Route 880 northbound to 80 then eastward or Route 880 southbound to Route 238 to Route 580 then on east. (Phone conversation between Phillip Cox Caltrans Traffic Modeling and Forecasting Branch Chief and Steve Gregory of Port of Oakland, 10/2/06)

21- The changes in vehicle mix have been accounted for in the noise study. There are no BART stations within the project study area boundaries. All parks within the study limits have been analyzed for noise impacts. Currently no technologies exist to shield a single receptor from regional pollutants. See also the essay on “Project Study Area Boundaries” in Chapter 1.

22- The noise study assumed the highest possible traffic volume for each alternative that would yield the highest possible predicted noise level.

23- Local thresholds of significance do not apply to Caltrans projects. The project is predicted to increase traffic noise by 2 dBA, which would not be considered significant regardless of the threshold used. See also the essay on "Methodologies Used for the Impact Assessments/Local Ordinances" in Chapter 1.

24- There will be extensive public outreach during construction. In order to communicate with those in close proximity to the project site, Caltrans will implement a construction phase information/community outreach program. There will be a public information phone number for community members to call to ask questions, voice concerns or to make a comment. A project website with construction information will also be updated on a regular basis. The Caltrans construction Resident Engineer (RE) will coordinate closely with the Contractor to ensure there are responses to comments/concerns, and to make sure that the Contractor is following contract requirements to mitigate and/or abate and minimize construction impacts. The Contractor will be required to implement abatement procedures and to work closely with the RE to minimize disturbance to the community.

25- New approaches to and from the fourth bore tunnel will be constructed with rubberized asphalt concrete (RAC), open graded asphalt concrete (OGAC), or grooved portland cement concrete.

The setting of speed limits is a joint decision of the local entities within the State Route 24 corridor and the California Highway Patrol. Caltrans does not have the authority to unilaterally set limits and cannot commit to them within this environmental document.

Restriction of jake brakes is a joint decision of the local entities within the State Route 24 corridor and the California Highway Patrol. Caltrans does not have the authority to unilaterally set restrictions and cannot commit to them within this environmental document. Likewise, the regulation of vehicle equipment involves several agencies and likely a legislative process and is outside the scope of this environmental document. Caltrans will provide landscaping to the extent possible.

Enforcing regulations on muffler noise is the responsibility of the California Highway Patrol, and outside the scope of a state highway operational improvements project.

Traffic noise is at its highest when vehicles are moving at relatively high speed. On arterial streets that are currently experiencing congestions on a daily basis, future growth in traffic may heighten the level of congestion, but would not raise traffic noise to above the highest level already in existence.

In regards to the noise abatement of structural columns, the contribution of noise reflecting off of the columns is negligible and would not warrant abatement. For noise abatement on arterial streets, Caltrans is required by federal regulation to consider noise abatement from projects on streets and freeways within its jurisdiction. Caltrans does not have the authority or the federal funding to commit to abatement of noise from streets that are within the jurisdiction of the local agencies.

26- Please see essay on "Construction Impacts" in Chapter 1.

27- In regards to construction noise impact, hourly (Leq(h)), as well as maximum (Lmax), noise level descriptors were used to analyze impact. Measurements of existing ambient noise levels have been made at several locations adjacent to the Caldecott Tunnel. The locations were chosen based on their exposure to the construction noise. These measurements included both daytime and nighttime noise. Ambient noise levels vary throughout the day. Peak noise levels were recorded from single events (as measured by the descriptor Lmax) such as vehicular back firing (e.g., trucks, motorcycles). The ambient noise levels were then compared to expected noise levels from construction activities.

For the construction staging area the west portal, the analysis indicates that if noise from construction activities (including single events) does not exceed 86 dBA at a distance of 50 feet and a temporary noise barrier is constructed, construction noise at the measurement locations is expected to be no louder than existing ambient noise. Put another way, no single construction noise event will create noise higher than the single noise events that are occurring now, hence there will be no significant impact due to construction noise. For this project the contract will require that noise from equipment be kept under the noise level of 86 dBA at 50 feet. This is a standard currently being used on other state projects and has been shown to be consistently attainable.

For the analysis of construction noise at the east portal, ambient noise readings were taken on Grizzly Terrace Drive, the neighborhood with the most exposure to the construction noise. The construction noise limit of 86 dBA at 50 feet will also apply to this staging area. The analysis indicates that with normal dissipation in noise over distance (with no temporary soundwall), construction noise, whether continuous or single event, will not reach levels higher than those that are now occurring.

28- See response to #24, above.

29- The project will implement to the extent possible, control measures specified in the BAAQMD CEQA guidelines (1999) that will make pollutant emissions from construction activities less than significant. Air district thresholds are not enforceable on Caltrans unless adopted as a regulation.

30- Precise plans for replacement planting, mitigation, invasive weed species control and fire management are not prepared during the environmental phase of the project. However, Caltrans has allocated funding for replacement landscaping to mitigate for tree removal within the immediate freeway corridor. This will be implemented immediately following completion of roadwork and will include a three-year plant establishment period. Off-site mitigation will occur concurrent with the tunnel project. Mitigation measures provide for the replacement of oaks at a 5:1 ratio. All other native trees with a diameter breast height of 6 inches will be replaced at a ratio of 3:1. Trees will be replaced at a higher ratio to compensate for the temporal loss of habitat; more trees planted will result in better species establishment and higher quality habitat in the future.

Generally, where water is available, replacement trees are usually 5-gallon size but can be upsized to 15-gallon and 24-inch box trees to accelerate the re-establishment of aesthetic and habitat values. In off-site mitigation areas, water is generally unavailable and is usually provided through more labor-intensive means. Vegetation planted in these areas is planted as seedlings with an intact taproot and will rely mostly on seasonal rains. Depending upon the tree species, 5-gallon size trees range in height from 5-8 feet, 15-gallon trees are generally 8-10 feet, and 24-inch box trees are 10-12 feet or more in height. Areas adjacent to the Caldecott lane will have the appearance of being newly landscaped and in addition to trees will include lower-story shrubs and woody ground covers. Planted areas would be mulched to provide a neat appearance, conserve water and to control weeds. Re-establishment of the habitat quality comparable to existing conditions would take approximately 8-10 years.

Mitigation for invasive species removal, fire management, and restoration will occur both inside and outside the immediate project study area boundaries, and will be finalized per consultation with resource agencies and project partners. Mitigation sites outside of the project area will be planted with native or non-invasive trees and shrubs to reestablish habitat values and would include invasive weed control and fire management for a maximum period of three years. Additional highway planting, which would occur inside of the project study area boundaries, will include both mitigation planting and replacement planting to integrate the proposed facility with the adjacent community and natural environment. Mitigation tree planting and invasive weed removal/control at sites located outside of the project will be performed concurrent with the roadway contract. Additional highway planting within the immediate freeway corridor, including three years of plant establishment and invasive weed control within specific areas, would be completed under separate contract and implemented immediately following the completion of all roadwork.

Caltrans is proactive in protecting and preserving existing vegetation on all of its projects. In addition to Caltrans' own policy, the intent of the City of Oakland's Tree Protection Ordinance is and will continue to be considered during all stages of project development. However, the ordinance does not preclude State jurisdiction regarding tree removal. Please see the essay on "Methodologies Used for the Impact Assessments/Local Ordinances" in Chapter 1.

Presently, a cost estimate has not been developed for mitigation planting, invasive species, and fire control work that will occur outside (offsite) of the project study area boundaries. Funding for the landscaping contract will provide replacement planting and additional mitigation planting within plantable areas contiguous with the paved freeway shoulder. Invasive weed removal will be limited to these locations (onsite) and will include offsite areas where mitigation will occur with the tunnel project. Funding for the landscaping project will be split from the tunnel project. The landscaping project will be programmed to commence immediately following the completion of the Tunnel Project.

Precise staging operations cannot be clearly defined until later stages of project design. It cannot be assumed that all existing trees within the staging locations (Figure 2.4.2-1 - 2.4.2-3) will be "clear cut" as noted in public comment. Every effort will be made to avoid impacts to trees within the identified staging locations during project development and construction phases to ensure that tree removal is minimized.