

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 27-28, 2018

Reference No.: 2.2c.(23)
Action Item

From: STEVEN KECK
Chief Financial Officer

Prepared by: Philip J. Stolarski, Chief
Division of Environmental
Analysis

Subject: **APPROVAL OF PROJECTS FOR FUTURE CONSIDERATION OF FUNDING**

ISSUE:

Should the California Transportation Commission (Commission), as a responsible agency, approve the attached Resolution E-18-85?

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the California Transportation Commission (Commission), as a responsible agency, approve the attached Resolution E-18-85.

BACKGROUND:

07-Ven-34, PM 6.27/6.77 **RESOLUTION E-18-85**

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

- State Route 34 (SR 34) in Ventura County. Construct a grade separation structure at an existing intersection of Rice Avenue and Fifth Street in the city of Oxnard. (PPNO 4961)

This project is located at the Rice Avenue Grade Separation in the city of Oxnard in Ventura County. The project proposes to construct a grade separation at the existing Rice Avenue and Fifth Street intersection. The project proposes to eliminate an existing at-grade railroad crossing. The purpose and need of the proposed project is to eliminate the conflict between vehicles and trains at the rail-highway crossing and to address future traffic and circulation issues forecasted for the project area. The proposed project is estimated to cost \$79.2 million. The project is currently programmed for \$81.2 million in the Senate Bill Trade Corridor Enhancement Program (TCEP), Regional Surface

Transportation Program, Federal and Local programs. This project is determined to be a Delegated Project under the Federal Highway Administration (FHWA) and to be administered per the Project Responsibilities List in the Joint Stewardship and Oversight Agreement between FHWA and the California State Department of Transportation. The project is estimated to begin construction in 2020. The scope, as described for the preferred alternative, is consistent with the project scope programmed by the Commission in the TCEP.

A copy of the FEIR has been provided to Commission staff. Resources that may be impacted by the project include land use, farmlands, community cohesion, relocations, traffic and transportation, pedestrian and bicycle facilities, cultural resources, and biological resources.

Potential impacts associated with the project can all be mitigated to below significance with the exception of impacts to farmlands. As a result, an FEIR and a Statement of Overriding Considerations was prepared for the project.

Attachment

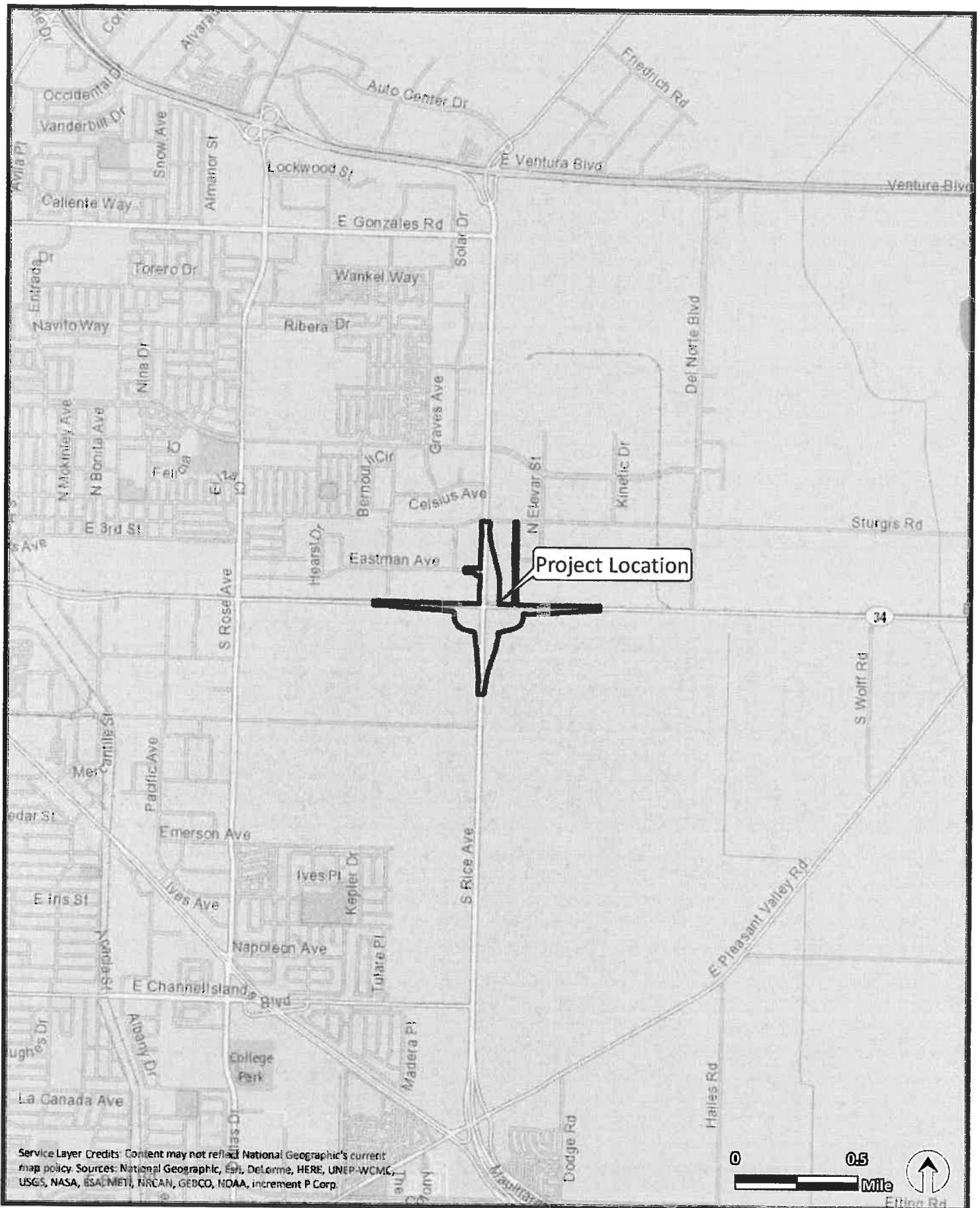
CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding

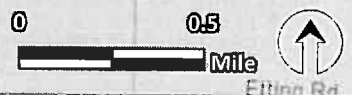
07-Ven-34, PM 6.27/6.77

Resolution E-18-85

- 1.1** **WHEREAS**, the California Department of Transportation (Department) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
- State Route 34 (SR 34) in Ventura County. Construct a grade separation structure at an existing intersection of Rice Avenue and Fifth Street in the city of Oxnard. (PPNO 4961)
- 1.2** **WHEREAS**, the Department has certified that a Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3** **WHEREAS**, the California Transportation Commission, as a responsible agency, has considered the information contained in the Final Environmental Impact Report.
- 1.4** **WHEREAS**, the project will have a significant effect on the environment.
- 1.5** **WHEREAS**, A Statement of Overriding Considerations was made pursuant to CEQA Guidelines.
- 1.6** **WHEREAS**, Findings were made pursuant to the State CEQA Guidelines.
- 2.1** **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby support approval of the above referenced project to allow for consideration of funding.



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Project Name: Rice Avenue Grade Separation Project
District/County/Route/Postmiles: District 07 – VEN – 34 PM 6.27 to 6.77
EA: 07-317800
EFIS ID: 0715000274

STATEMENT OF OVERRIDING CONSIDERATIONS

CALIFORNIA DEPARTMENT OF TRANSPORTATION STATEMENT OF OVERRIDING CONSIDERATIONS FOR RICE AVENUE GRADE SEPARATION PROJECT IN THE CITY OF OXNARD AND VENTURA COUNTY

The following information is presented to comply with State California Environmental Quality Act (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:

- **Agriculture and Forest Resources:** Project implementation would require acquisition of right of way from several parcels in the project area. Ventura County guidelines for assessing the significance of impacts on farmlands under CEQA specify that any project which would result in the direct or indirect loss of five acres of Prime Farmland and/or 15 acres of Farmland of Statewide Importance is considered a significant impact. Build Alternative 2A would result in permanent acquisition of 7.7 acres of Prime Farmland and 17.4 acres of Farmland of Statewide Importance. Therefore, the acquisition of Prime Farmland and Farmland of Statewide Importance under Alternative 2A would be considered significant.

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

Alternative 2A is considered a viable alternative because it would achieve the Project's purpose and need. The Project purpose and need are described below.

Purpose

The purpose of the Project is to:

- Reduce conflict between vehicles and trains; and
- Address future traffic and circulation issues forecasted for the project area.

Need

From 2010 to 2016, there have been sixty-one separate accidents combined at the Rice Avenue/SR-34 (Fifth Street) and Rice Avenue/UPRR tracks intersections, averaging 12 accidents per year in that area during that six-year period. Two of the sixty-one accidents occurred on June 3, 2014 and February 24, 2015; both accidents involved a Metrolink train hitting a vehicle at the at-grade railroad crossing at Rice Avenue, resulting in a total of three fatalities. Without implementation of the Project, projected increases in train and vehicular movements could increase the potential for future train and automobile collisions. Additionally, the intersection is currently operating at Level of Service (LOS) D for vehicle traffic and will continue to deteriorate without the Project build, eventually resulting in LOS F in 2040 PM Peak.

Benefits of Selected Alternative 2A

The Rice Avenue Grade Separation Project, Alternative 2A, would result in the following operational benefits:

- Traffic is expected to increase in the future under anticipated population growth in the City and County. Travel times are predicted to worsen in the study area as a result. However, Alternative 2A was predicted to help alleviate Total Intersection Vehicle Delay time increases for the study area, when compared to the No Build conditions. Alternative 2A would improve total travel time under opening year 2022 morning traffic conditions by 12.2 seconds compared to No Build conditions, and afternoon traffic conditions by 31.1 seconds compared to No Build conditions. Alternative 2A would improve total travel time under design year 2040 morning traffic conditions by 25.0 seconds compared to No Build conditions, and afternoon traffic conditions by 154.9 seconds compared to No Build conditions. By 2040, the congestion relief benefits of Alternative 2A are expected to surpass the benefits of Alternative 2B by 16.5 seconds during morning travel.
- Under the No Build Alternative, the Rice Avenue/SR-34 (Fifth Street) intersection would remain signalized; and under Alternative 2B, the East Connector Rd./SR-34 (Fifth St.) and Rice Ave./East Connector Rd. intersections would be signalized. Under Alternative 2A traffic would no longer be required to stop at a signalized intersection, and circulation between Rice Avenue and SR-34 (Fifth Street) would be improved via merging connector roadways. This configuration is more consistent with future plans to dedicate Rice Avenue as part of the U.S. Highway 1.
- The LOS for the Rice Avenue/SR-34 (Fifth Street) intersection is projected to worsen to peak peak AM LOS D and PM LOS F by design year 2040. LOS F is considered failing by standards of the City. Alternative 2A would provide

superior LOS over the No Build Alternative and Alternative 2B at the Rice Avenue/SR-34 (Fifth Street) intersection by design year 2040. Traffic commuting between Rice Avenue and SR-34 (Fifth Street) would be diverted to the unsignalized East Connector Road/SR-34 (Fifth St.) and West Connector Road/ SR-34 (Fifth St.) intersections. East Connector Road/SR-34 (Fifth St.) and West Connector Road/ SR-34 (Fifth St.) intersections are projected to operate at LOS B during peak traffic conditions under Alternative 2A by design year 2040. Under Alternative 2B, Rice Ave./East Connector Rd. and East Connector Rd./SR-34 (Fifth St.) intersections are expected to operate at LOS C and LOS B, during morning and afternoon conditions respectively, by design year 2040.


- Alternative 2A is consistent with the City's 2030 General Plan and would help improve safety for residents. Through grade separation of Rice Avenue and SR-34 (Fifth Street), collisions between trains and vehicles would no longer occur at the Rice Avenue/SR-34 (Fifth Street) intersection. The No Build Alternative would not accomplish the goals of such plans.
- The circulation of Rice Avenue is integral to its function as a designated truck route and freight movement corridor for the Port of Hueneme. Through the LOS and delay improvements noted above, Alternative 2A better meets the future circulation demands of the Rice Avenue/SR-34 (Fifth Street) intersection over the No Build Alternative and Alternative 2B.

Conclusion

Pursuant to §15093, decision makers must balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Caltrans identifies Build Alternative 2A as the Preferred Alternative. The Preferred Alternative better meets the Project purpose and need over other alternatives evaluated in the FEIR. Accordingly, Caltrans hereby concludes that the Preferred Alternative's benefits outweigh and override its unavoidable significant impacts for the reasons stated above.

May 16, 2018
Date


RONALD KOSINSKI
Deputy District Director
Division of Environmental Planning
Caltrans District 7

Project Name: Rice Avenue Grade Separation Project
District/County/Route/Postmiles: District 07 – VEN – 34 PM 6.27 to 6.77
EA: 07-317800
EFIS ID: 0715000274

FINDINGS

CALIFORNIA DEPARTMENT OF TRANSPORTATION FINDINGS FOR RICE AVENUE GRADE SEPARATION PROJECT IN THE CITY OF OXNARD AND VENTURA COUNTY

The following information is presented to comply with State California Environmental Quality Act (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 (EIR) 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.

Agriculture and Forest Resources

Significant Environmental Effects:

Ventura County guidelines for assessing the significance of impacts on farmlands under CEQA specify that any project which would result in the direct or indirect loss of five acres of Prime Farmland and/or 15 acres of Farmland of Statewide Importance is considered a significant impact. Build Alternative 2A would result in permanent acquisition of 7.7 acres of Prime Farmland and 17.4 acres of Farmland of Statewide Importance.

Findings:

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Statement of Facts:

Build Alternative 2A would result in significant impacts on Farmland that would not be lessened to a level of insignificance. Mitigation of impacts to agricultural resources proved to be infeasible.

Air Quality

Significant Environmental Effects:

Project construction is anticipated to begin in 2020 and would be completed over an approximate 18 to 24-month period. Construction of Alternative 2A would result in temporary impacts on local air quality, including an increase in fugitive dust, and engine exhaust from construction equipment. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site could deposit mud on local streets, which could be an added source of airborne dust after it dries.

Ventura County Air Pollution Control District (VCAPCD) does not identify quantitative CEQA significance thresholds for short-term construction-generated emissions; rather, the significance of impacts is determined on a project-by-project basis. However, in the event that construction-generated emissions of either ROG or NOX exceed 25 pounds per day (lbs/day), the VCAPCD recommends that control measures be included to reduce short-term emissions generated by mobile sources. Construction-generated emissions of NOx would be projected to exceed 25 lbs/day during initial construction of the detour road, as well as construction of Alternative 2A.

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:

Construction of the Project would be required to comply with Caltrans' Standard Specifications, Section 14-9 "Air Quality." Caltrans' specifications pertaining to dust control and dust palliative requirements are a required part of construction contracts and should effectively reduce and control emission impacts during construction. Additionally, Caltrans Standard Specifications, Section 14-9, specifically requires compliance with all applicable laws and regulations related to air quality, which would include applicable VCAPCD rules and regulations. The following measures will be implemented as part of the Project to avoid and minimize the short-term impacts resulting from Project construction per Caltrans and VCAPCD standards.

- AQ-1 Water or dust palliative will be applied to the site and equipment as frequently as necessary to control fugitive dust emissions. Fugitive emissions generally must meet a "no visible dust" criterion either at the

point of emission or at the right-of-way line depending on local regulations.

- AQ-2** Soil binder will be spread on any unpaved roads used for construction purposes, and all Project construction parking areas.
- AQ-3** Trucks will be washed off as they leave the right-of-way, as necessary, to control fugitive dust emissions.
- AQ-4** A dust control plan will be developed documenting sprinkling, temporary paving, speed limits, and expedited revegetation of disturbed slopes as needed to minimize construction impacts on existing communities.
- AQ-5** Equipment and materials storage sites will be located as far away from residential and park uses as practical. Keep construction areas clean and orderly.
- AQ-6** Track-out reduction measures, such as gravel pads, will be used at Project access points to minimize dust and mud deposits on roads affected by construction traffic.
- AQ-7** All transported loads of soils and wet materials will be covered prior to transport, or adequate freeboard (space from the top of the material to the top of the truck) will be provided to minimize emission of dust (particulate matter) during transportation.
- AQ-8** Dust and mud that are deposited on paved, public roads due to construction activity and traffic will be promptly and regularly removed to decrease particulate matter.
- AQ-9** Mulch or plant vegetation will be installed as soon as practical after grading to reduce windblown particulates in the area. The contractor will be made aware that certain methods of mulch placement, such as straw blowing, may themselves cause dust and visible emission issues and may need to include controls such as dampened straw.
- AQ-10** Construction equipment and vehicles will be properly tuned and maintained. Low-sulfur fuel will be used in all construction equipment as provided in California Code of Regulations (CCR) Title 17, Section 93114.
- AQ-11** Extended idling of diesel equipment will be prohibited, to the extent feasible.

AQ-12 Construction traffic will be routed and scheduled to avoid peak travel times as much as possible, to reduce congestion and related air quality impacts caused by idling vehicles along local roads.

Biological Resources

Significant Environmental Effects:

Vegetation within the BSA consists of ruderal weedy species along the road shoulders and adjacent to the railroad tracks, non-native grasses and forbs within an undeveloped parcel of land northeast of the intersection, landscaped ornamental trees and vegetation adjacent to the industrial buildings along Rice Avenue, and agricultural crops south of SR-34 (Fifth Street). The Biological Study Area (BSA) contains habitat that is suitable for migratory birds. Additionally, several special-status species were identified during site surveys in the BSA.

Nesting birds could be directly impacted by construction activities if they were to be nesting in trees or vegetation within the construction area. Noise, vibration, dust, and human activity could result in indirect impacts on migratory birds if they were to be nesting within 300 feet of the construction area during construction; or on raptors if they were to be nesting within 500 feet of construction. Construction activities could disturb birds and raptors to the extent that they abandon their nests, or the eggs or fledglings could fail to survive. In addition, these species could be indirectly impacted by loss of habitat resulting from tree or vegetation removal.

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:

If construction is scheduled to begin during bird nesting season (typically February 15 to September 15), the following minimization measures would be implemented:

- B-1** Construction in areas with trees or vegetation that may provide nesting habitat for birds and raptors would be reduced to the maximum extent feasible.

- B-2** Trimming and removal of vegetation and trees would be minimized and performed outside of the nesting season (typically February 15 to September 15) to the extent feasible.

- B-3** In the event that trimming or removal of vegetation and trees must be conducted during the nesting season, nesting bird surveys would be completed by a qualified biologist no more than 48 hours prior to trimming or clearing activities to determine if nesting birds are within the affected vegetation. Nesting bird surveys would be repeated if trimming or removal activities are suspended for five days or more.
- B-4** In the event construction is scheduled during bird nesting season, nesting bird surveys would be completed no more than 48 hours prior to construction to determine if nesting birds, raptors, or active nests are in or within 500 feet of the construction area. Surveys would be repeated if construction activities are suspended for five days or more.
- B-5** In the event nesting birds or raptors are found within 500 feet of the construction area, appropriate buffers (typically up to 300 feet for songbirds and up to 500 feet for raptors) would be implemented, in coordination with the CDFW, to ensure that nesting birds and active nests are not harmed. Buffers would include fencing or other barriers around the nests to prevent any access to these areas and would remain in place until birds have fledged and/or the nest is no longer active, as determined through coordination with the CDFW.

Cultural Resources

Significant Environmental Effects:

Record searches and site surveys were completed to identify potential cultural resources in the Area of Potential Effect (APE). Two archeological sites identified in the Project's APE were assumed eligible for the National and California Registers for the purposes of the Project. The two archaeological resources are important chiefly because of what can be learned by data recovery and have minimal value for preservation in place. Project construction activities have potential to damage the identified resources, and further, limit data recovery potential of the resources.

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:

An Environmentally Sensitive Area (ESA) Action Plan was prepared for the two assumed-eligible sites. Pending SHPO concurrence, implementation of the following avoidance measures would avoid the Project from resulting in adverse impacts on historical or archaeological resources in the study area:

- C-1 If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area would be diverted until a qualified archaeologist can assess the nature and significance of the find.
- C-2 If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall stop in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to CA PRC Section 5097.98, if the remains are thought to be Native American, the coroner will notify the NAHC, which will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains would contact Garrett Damrath, Office Chief of Environmental Planning, so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of CA PRC 5097.98 are to be followed as applicable.
- C-3 Two prehistoric archaeological sites within the APE are assumed eligible for the National and California Registers for this Project only, as allowed by Stipulation VIII.C.4. of the Section 106 Programmatic Agreement and ESAs will be established for these sites. In addition, an ESA Action Plan will be prepared for these sites.

Tribal Cultural Resources

Significant Environmental Effects:

The Native American Heritage Commission (NAHC) was contacted for a search of the Sacred Lands File (SLF) and a list of Native Americans to contact for the Project. The NAHC did not identify any Native American cultural resources within the APE. However, the NAHC recommended that 20 Native American groups/individuals be contacted for additional information and to confirm if there are any Native American cultural resources in the APE. Of the 20 Native American groups/individuals that were contacted, four expressed concern because of the high sensitivity of cultural resources, specifically the high sensitivity of Native American burials in the area.

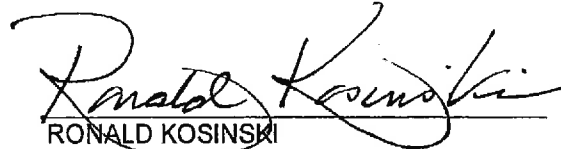
Findings:

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:

Measure C-2, which requires disturbances and activities to stop if Native American remains are discovered, and notification of the NAHC, would be implemented as part of the Project. The MLD will then be notified to discuss handling of the remains.

May 16, 2018
Date


RONALD KOSINSKI
Deputy District Director
Division of Environmental Planning
Caltrans District 7

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: California Transportation Commission
Attention: Jose Oseguera
1120 N Street, MS 52
Sacramento, CA 95814
(916) 653-2094

Project Title: Rice Avenue Grade Separation Project

<u>2017091040</u>	<u>Susan Tse</u>	<u>(213) 897-1821</u>
State Clearinghouse Number	Lead Agency Contact Person	Area Code/Telephone

Project Location (include county): State Route (SR) 34 in Ventura County.

Project Description: Construct a grade separation at Rice Avenue and Fifth Street in the city of Oxnard.

This is to advise that the California Transportation Commission has approved the above described project
(Lead Agency / Responsible Agency)
on June 27-28, 2018, and has made the following determinations regarding the above described project:

1. The project (will / will not) have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (were / were not) made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan (was / was not) made a condition of the approval of the project.
5. A Statement of Overriding Considerations (was / was not) adopted for this project.
6. Findings (were / were not) made pursuant to the provisions of CEQA.

The above identified document with comments and responses and record of project approval is available to the General Public at: Caltrans Dist. 7, 100 Main St., Los Angeles, CA 90012

<u>Susan Bransen</u>		<u>Executive Director</u>
Signature (Public Agency)	Date	Title
CALIFORNIA TRANSPORTATION COMMISSION		

Date received for filing at OPR: