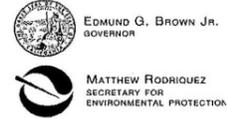


H.3 Comments from Regional Agencies

Comment R-1 Derek Beauduy, San Francisco Bay Regional Water Quality Control Board



San Francisco Bay Regional Water Quality Control Board

January 28, 2014
CIWQS Place No.: 803245

Sent via electronic mail – a hard copy will not follow

California Department of Transportation
Attn: Ms. Cristin Hallissy
cristin.hallissy@dot.ca.gov
P.O. Box 23660
Oakland, CA 94623-0660

Subject: Comments on the State Route 85 Express Lanes Project - Initial Study with Proposed Negative Declaration/Environmental Assessment (SCH No. 2013122065)

Dear Ms. Hallissy:

Thank you for giving San Francisco Regional Water Quality Control Board (Water Board) staff the opportunity to review the Initial Study with Proposed Negative Declaration/Environmental Assessment (IS/EA) for the State Route 85 Express Lanes Project (Project). The Project proposed by the California Department of Transportation (Department), in cooperation with the Santa Clara Valley Transportation Authority, involves the conversion of existing High-Occupancy Vehicle lanes on State Route 85 to express lanes, between the cities of San Jose and Palo Alto in Santa Clara County.

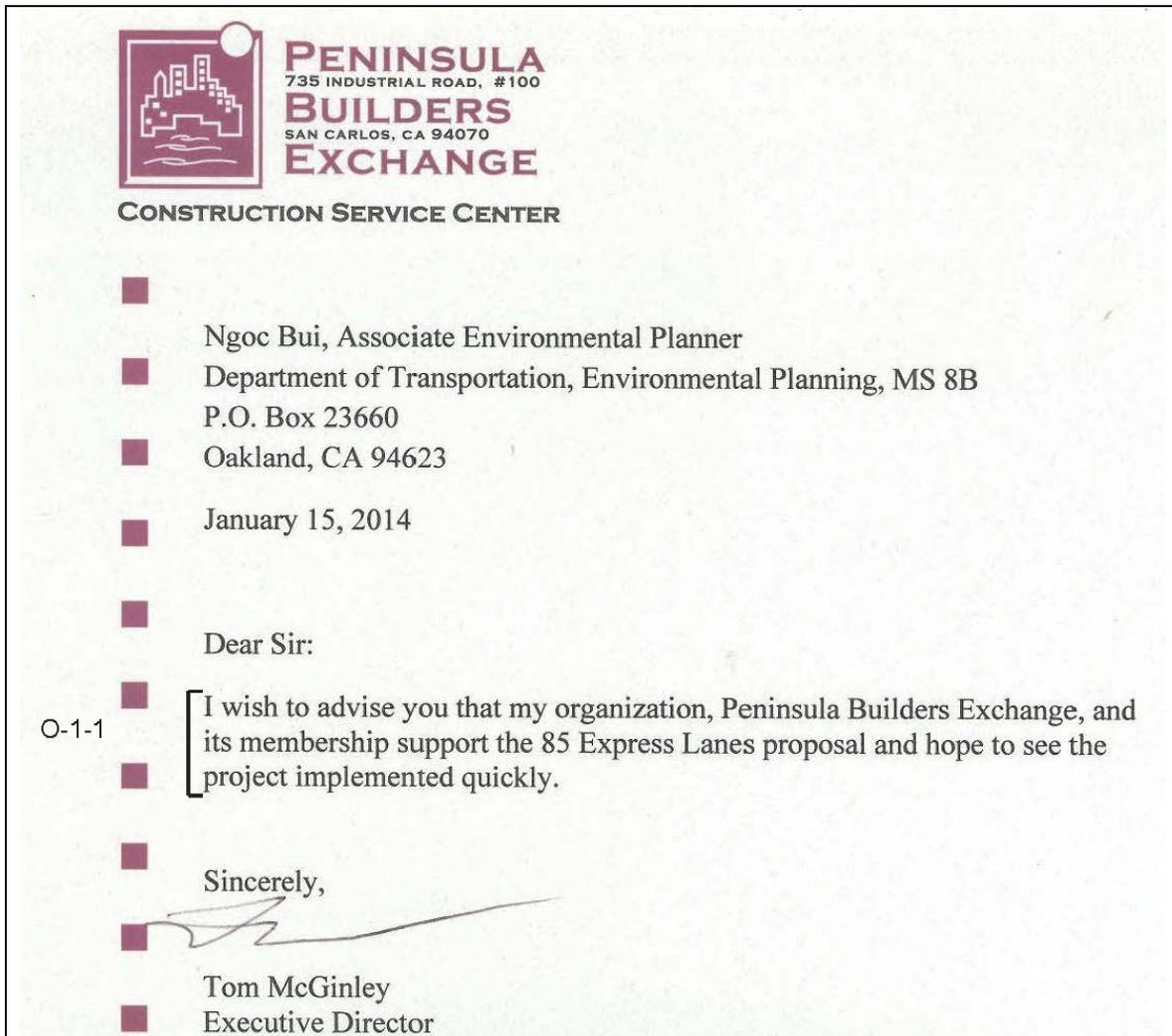
The following comments are to advise the Department of our concerns so they may be incorporated into the planning and design process at an early date.

R-1-1 **Potential Impacts to Aquatic Resources**

The IS/EA suggests there may be a potential for impacts to aquatic resources including wetland habitat, streams or tributaries, or other waters of the State. The IS/EA notes that work will occur along the banks and riparian corridors of Saratoga Creek and San Tomas Aquino Creek for bridge widening. Also noted is minimal grading which may occur at Rodeo, Vasona, and Ross creek culverts. Please be aware that bridge widening may result in shading impacts to aquatic resources. Both a Clean Water Act (CWA) Section 401 water quality certification and a CWA Section 404 Permit from the U.S. Army Corps of Engineers may be necessary for projects involving impacts to waters of the U.S. Additionally, the Department may need to file a Report of Waste Discharge if the project may result in a discharge of pollutants to waters of the State.

H.5 Comments from Organizations

Comment O-1 Tom McGinley Peninsula Builders Exchange



Responses to Comment O-1

O-1-1

The Peninsula Builders Exchange's support for the project is noted.

H.6 Comments from Individuals

Comment I-1 Neelam Agarwal

From: [neelam.agarwal](#)
To: [85expresslanes](#)
Subject: stop 85 expansion
Date: Friday, February 28, 2014 3:15:21 PM

I-1-1 [As a resident of Saratoga, I oppose this change and resent California / CALTRAN making local residents and taxpayers bear the brunt in time and frustration for passers-through our area. Our taxes are already exorbitant and rising and what we seem to be getting for it is to be locked out of our own streets so that others can pass through more easily.

Neelam

Responses to Comment I-1

I-1-1

The commenter's opposition to the project is noted.

Comment I-2 Lance Agee

From: [Lance Agee](#)
To: [85expresslanes](#)
Subject: Strongly Oppose Expansion
Date: Friday, February 28, 2014 11:20:09 AM

I-2-1 [This is directly opposite what was promised when 85 was constructed. I am strongly opposed to it
Lance Agee
19294 De Havilland Dr
Saratoga

Responses to Comment I-2

I-2-1

The commenter's opposition to the project is noted. See the response to Comment L-3-4 in regard to the agreement cited in the comment.

Comment I-3 Olga Agee

From: [Olga](#)
To: [85expresslanes](#)
Subject: Don't do it
Date: Friday, February 28, 2014 11:15:26 AM

I-3-1 [Strongly oppose changing 85 into a toll road
Olga Agee
19294 De Havilland Dr.
Saratoga

Responses to Comment I-3

I-3-1

The proposed project would not change SR 85 to a toll road. The project would convert the existing HOV lanes on SR 85 to express lanes and add a second express lane in the median in both directions between SR 87 and I-280. Use of the HOV lanes is currently restricted to vehicles with two or more occupants, motorcycles, and certain alternative fuel vehicles. The conversion of the HOV lanes to express lanes would allow solo drivers to pay a toll to use the lanes, while the existing HOV occupancy requirement would remain in place and continue to use the lanes for free. The project would maintain priority use of the express lanes for HOVs, as described in Master Response GEN-1.

Comment I-4 Ellen Anderson (1)

From: [Ellen Anderson](#)
To: [85expresslanes](#)
Subject: Objection to expanding 85 with another Lane
Date: Thursday, February 27, 2014 8:27:47 AM

I-4-1 I oppose this expansion:
- Adds more noise
- Adds more pollution/bad air/dust/dirt
- Loses the center median so no future light rail/BART mass transit option
- Adds lights down the center of the freeway.. we will see the lights
- May lose the truck ban... If the project takes federal funds then we'll get big rigs on the freeway
- May lower property values
- Blatantly dishonors the performance agreements signed by Los Gatos, Saratoga, and Cupertino prior to construction
- Is revenue generation from tolls. Will divide residents as rich people will pay and poor folk won't
- Won't relieve the bottlenecks... may make traffic worse as Hwy 85 can't have an additional lane between Hwy 280 and Hwy 101... there's no room for a lane. That means a bigger bottleneck at Hwy 280 where we'd lose a lane!
Thank you
Ellen Anderson

Responses to Comment I-4

I-4-1

The commenter's opposition to the project is noted.

In regard to the issues listed in the comment:

- Noise level increases were evaluated in detail and found not to result in a significant impact, as described in Master Response N-1.
- The project would meet applicable air quality standards, as described in Master Responses AQ-1.
- The extension of light rail in the median of SR 85 is discussed in Master Response GEN-2.
- Freeway lighting would be restricted to the SR 85 roadway and would not adversely affect surrounding residences, as discussed in IS/EA Section 2.1.4.3.
- The project would not change the existing truck restrictions on SR 85. The use of federal funds will not have any effect on the truck restrictions, as described in Master Response GEN-9.
- No evidence has been presented that the project would lower property values.
- See the responses to Comments L-1-2 (Cupertino), L-3-4 (Saratoga), and L-4-2 (Los Gatos) in regard to the agreements cited in the comment.

- Studies in California and elsewhere show that express lanes provide time and convenience benefits to drivers of all income levels. See Master Response EJ-1 for more information.
- The project would improve average travel times and speeds on SR 85, as discussed in Master Response TR-1, and provide incremental improvements to bottlenecks at major system interchanges, as discussed in Master Response TR-2.

Comment I-5 Ellen Anderson (2)

From: Ellen Anderson [ellen.anderson07@gmail.com]
Sent: Thursday, February 27, 2014 8:33 AM
To: Steven Leonardis; Marcia Jensen; Diane McNutt; Joe Pirzynski; BSpector
Subject: Opposed to widening of 85

I-5-1 [Please defend our Town! I urge the you to be proactive like Saratoga and challenge this development.

No widening!

Ellen Anderson
Los Gatos Woods

Responses to Comment I-5

I-5-1

This comment was forwarded to Caltrans and VTA by the Town of Los Gatos. The commenter's opposition to the project is noted.

Comment I-6 Eric Anderson

From: [Eric Anderson](#)
To: [85expresslanes](#)
Subject: questions
Date: Friday, February 28, 2014 9:34:45 AM

Please provide answers to the following questions:

I-6-1 Will you use Federal funds to build the project?
How will you fund the project?
What are your revenue projections for tolls for the first 5 years of operation?
How long will it take to build the project?
What is the total project cost? What is the breakdown of costs?

I-6-2 What is the level of service on Highway 85 at onramps today and what will the service level be after the project is complete?
What is the projected impact on traffic with the inclusion of this project?
Will this extra lane attract more traffic to 85?
Who will operate the "express buses"?

I-6-3 What will be the express buses route?
Where will the riders of the express bus park?

Responses to Comment I-6

I-6-1

Project funding sources include federal funds. Note that the use of federal funds will not have any effect on the existing truck restrictions on SR 85, as noted in Master Response GEN-9.

Refer to Master Response GEN-10 regarding funding, revenue projections, and costs.

Project construction would take approximately 1.5 years.

I-6-2

The project's traffic analysis included all SR 85 ramps. The levels of service for SR 85 on-ramps were not individually assessed but rather aggregated as part of the network performance measures listed in the IS/EA in Tables 2.1.3-8 and 2.1.3-12. Overall, the project is not expected to worsen on-ramp levels of service because of the improvement to peak period freeway mainline travel times and speeds within the corridor. See Master Response TR-1 regarding traffic improvements and IS/EA Section 2.1.3.2 regarding levels of service on the SR 85 mainline. Appendices D through F of the project's Traffic Operations Analysis Report (URS and DKS 2013) include peak volume for SR 85 ramps, with and without the project. A supplemental assessment of project-related traffic impacts was conducted for 19 intersections in the Cities of Saratoga and Cupertino, including several intersections of local roadways with SR 85 ramps (DKS 2014a, 2014b, 2015). The assessment showed that none of the studied intersections would be significantly impacted by the proposed project (DKS 2015).

The project is expected to attract trips to SR 85, resulting in an increase in vehicle miles traveled (VMT) on SR 85 compared with the No Build condition. However, traffic modeling for the project shows that the total VMT increase on a systemwide basis would be 0.1 percent or less. This indicates that any increase in VMT on SR 85 would be offset by decreases elsewhere, either on arterial roadways or other freeways.

I-6-3

VTA currently operates three express buses that use SR 85 (routes 102, 168, and 182). Information about bus routes, stops and Park and Ride lots for those and other routes is available at [http://www.vta.org/Getting-Around/Schedules/By-Type#Express Bus Service](http://www.vta.org/Getting-Around/Schedules/By-Type#Express%20Bus%20Service). Additional express bus service on SR 85 is not included as part of the project but can be considered as part of reinvestment of toll revenue in the project corridor.

Comment I-7 Holly Anderson

Highway 85 express lanes

Holly Anderson [hollyanderson2@comcast.net]

Sent: Monday, February 24, 2014 12:51 PM

To: 85expresslanes

Cc: jhunter@saratoga.ca.us; elo@saratoga.ca.us; hmiller@saratoga.ca.us; mcappello@saratoga.ca.us; cpage@saratoga.ca.us; davea@saratoga.ca.us; ctclerk@saratoga.ca.us

To Whom It May Concern,

I-7-1

We have lived on Montrose Street in Saratoga about 500 yards from the highway 85 intersection of Saratoga Ave since before 85 was built. We have experienced an enormous increase in background noise, automotive residue like smells, black dust, dirt, and even crime as a result of Hwy 85 coming through our previously quiet neighborhood. We would like you to disapprove any additional lanes or additional traffic on Hwy 85, and follow through with the promises made when Hwy 85 was planned and built. We were promised that the noise impact would be below prescribed levels and the quantity of traffic lanes going through our residential neighborhoods would be limited.

I-7-2

The noise levels were promised to be within state prescribed limits for residential uses. This promise was broken immediately and still has not been properly remedied by Caltrans. Although Caltrans did grin grooves in the concrete road to reduce the noise level it was not enough. The highway noise is always loud and especially egregious in the early morning and on foggy days. The colder denser air conducts the noise better and traps it closer to the ground instead of letting it echo upward and away from us. When you do sound level studies on how 85 impacts neighborhoods like mine, please also do them on cold foggy days, we think you'll be horrified at the severely over prescribed noise levels.

I-7-3

The tall majestic trees that some of our neighbors have who are right next to the sound wall have turned into noise receptacles, catching noise high up that would have passed over us and reflecting it back down toward our houses. It's sad when a beautiful tree turns into a negative because it adds to the apparent sound levels.

The smells are subtle but we can tell the difference when the wind is blowing from the south (from 85) instead of the north. There is a smell of rubber and oil that is a noticeable "car smell". We assume that is a proxy for pollution levels being higher when we're downwind of 85.

I-7-4

A layer of fine dust accumulates on everything outside our house now that doesn't accumulate on our friend's houses further (1.5 miles) away from 85. We park our cars in the driveway and most morning there are dirty damp streaks on the windshields from the dust mixed into the condensation. Also, the extra dusty auto residue reduces the electric output from our Solar PV panels on our roof. In order to mitigate our losses we'll need to wash the dusty auto residue off of them every month so we can get 5% more electricity out of them. By allowing and inviting more traffic through our neighborhood we'll lose more effectiveness of our solar panels due to higher level of dusty auto residue. This will be true for all solar producing families along highway 85. Allowing more lanes of traffic turns in to an enormous loss of money for all of us which is just wrong

I-7-5

We have been robbed three times in the last eight years and houses within three doors of us have been robbed an additional three times and other neighbors in our neighborhood have been robbed time and time again since 85 went in. The Sherriff's Department tells us that the biggest reason for targeting our neighborhood is easy access from highway 85, or more specifically, the easy getaway onto 85 afterward.

I-7-6

Please do the right thing and choose to reduce the impact on our neighborhood instead of increasing it. Disapprove any additional lanes or additional traffic and fund a noise abatement projects that will bring highway 85 back down to the noise levels that you promised us.

Regards,

Curtis and Holly Anderson
13074 Montrose Street
Saratoga, CA, 95070
hollyanderson2@comcast.net
408-464-6124 cell

Responses to Comment I-7

I-7-1

The commenter's concerns are noted. Refer to Master Responses N-1 regarding noise and AQ-1 regarding air quality.

I-7-2

The comment refers to promised noise levels from SR 85 at the time the freeway was constructed. Master Response N-3 discusses existing noise levels in Saratoga, future noise levels with and without the proposed project, and future noise levels that were predicted in the 1987 Final Environmental Impact Statement (EIS) for the construction of SR 85. VTA is aware that officials and residents of Saratoga have expressed concerns about noise from SR 85, including after pavement grinding was conducted.

The commenter is correct that certain types of weather conditions can affect how sound travels and is attenuated. Wind can influence noise levels within approximately 500 feet, while vertical air temperature gradients such as inversions can affect noise levels over longer distances. Noise measurement data for the proposed project was collected under specific weather conditions in accordance with FHWA standards. These conditions are in place to ensure that the data represent worst-hour traffic noise levels in typical weather conditions. During the cold conditions noted in this comment, the atmospheric inversions can "reflect" or carry noise over longer distances than non-inversion conditions. These noise levels can be audible, but due to increased distance from the freeway, the levels are substantially lower than the peak-hour conditions at receptors in the first row of structures along a freeway. This type of noise is usually noticed in early morning periods when background noise from other sources is very low. Noise levels at distant receptors, where certain meteorological conditions such as inversions may result in increased noise levels, would continue to be well below the NAC due to distance alone. These conditions will occur with or without the project, and the conclusions of the noise study would still apply (the project would increase noise levels by 0 to 3 dBA, depending on location; a less than significant difference).

The comment regarding trees is noted. The project's noise analysis accounted for potential sound refraction from trees, which is minimal.

I-7-3

The commenter's description of smells and dust in the vicinity of SR 85 are noted. The project would meet applicable air quality standards, as described in Master Response AQ-1.

I-7-4

Refer to Master Response AQ-1 regarding air quality.

The project is not expected to allow or invite more traffic through the commenter's neighborhood. As described in Master Response TR-1, the project would improve traffic on SR 85, which can reasonably be expected to reduce the number of vehicles that divert to local roadways to avoid peak period congestion on SR 85.

I-7-5

The comment, which pertains to the proximity of SR 85 but not the proposed project, is noted.

I-7-6

Refer to Master Responses N-1 through N-5 regarding noise impacts.

Comment I-8 Robert Anderson

| |
|--|
| <p>Robert Anderson [robert_7@comcast.net] Sent: Wednesday, January 15, 2014 4:55 PM To: 85expresslanes</p> <p>I-8-1 [I would not be opposed if the VTA granted every address within 2 miles (a long the complete length of) 85 2 free passes for 20 years! This is the only acceptable compromise for what amounts to extortion. My tax dollars paid for that freeway and I don't think it appropriate to charge me or anyone to drive on it.</p> |
|--|

Responses to Comment I-8

I-8-1

The express lane toll for solo drivers is a user fee, as described in Master Response GEN-5. SR 85 will continue to have two general purpose lanes in each direction that do not have tolls or vehicle occupancy requirements.

Comment I-9 Torri Anderson

A Big Mistake

Torri Anderson [torbaby@icloud.com]

Sent: Wednesday, January 15, 2014 11:52 PM

To: 85expresslanes

To whom it may concern,

I am strongly against the changes that are about to take place on CA85. I drive this freeway nearly everyday, and changes like this will add nearly 1 hour of additional driving time to my commute. These changes would add an extra 2 hours onto my work day.

This seems like nothing more than another excuse to get at our hard earned money.

The move to charge people to use express lanes, on top of the money it already costs for us to register, insure, and maintain our cars by the state and federal laws, is utterly unmoral. Not to mention the gallons upon gallons of gasoline we buy and get taxed through. Now we are being additionally charged to use a lane that is typically restricted to single drivers during busy times of the day as it is?

I-9-1

Not only that, but you want to charge us even when traffic is minimal? At any time of the day?

Is this a joke?

Please consider that these changes would create longer, and messier traffic jams.

The road rage and amount of impatient drivers would increase, leading to potential danger for other drivers.

The downfalls far out way the benefits of this movement. I pray you make the right decision for the people, which would be not charging them more ridiculous fines.

Thank you for your time,
Torri Anderson

Responses to Comment I-9

I-9-1

The comment does not clarify how the project would increase commute time. The project would improve average travel times and speeds on SR 85, as described in Master Response TR-1. A detailed traffic analysis was conducted for the proposed project.

The express lane toll for solo drivers is a user fee, as described in Master Response GEN-5. SR 85 will continue to have two general purpose lanes in each direction that do not have tolls or vehicle occupancy requirements.

The express lane toll for solo drivers is not a fine. Refer to Master Response GEN-5 regarding express lane tolls.

Comment I-10 Tiffany Argueta

From: [Tiffany Argueta](#)
To: [85expresslanes](#)
Subject: Against Purposed HWY 85 ExpressLane
Date: Thursday, February 27, 2014 1:44:04 PM
Importance: High

To Whom it May Concern,

I live in South San Jose can commute on this HWY quite often. As someone who uses this HWY often, I want to express my opinion on the purposed HWY 85 ExpressLane. I am strongly against the purposed HWY 85 ExpressLane for several reasons. The traffic on HWY 85 can be quite heavy at times, but we need more lanes and/or alternate transportation methods – VTA for instance.

I-10-1 My major concerns are that the enter/exit access points are not beneficial to all commuters, the high costs for the construction of the purposed ExpressLanes and t use them. I have used Freeway 680 Southbound on numerous occasions, and can tell you firsthand that Toll/ExpressLane did not relieve traffic but instead was poorly planned and in my opinion a waste of money.

I do not want to fund this project, and I especially don't want to pay to use that HWY. That is not fair. There is an alternate solution. There should be a petition to poll the users of this HWY..

Count my vote as a definitive NO, I do not support a HWY 85 ExpressLane.

Tiffany Argueta

Responses to Comment I-10

I-10-1

The project proposes to add a second express lane in the median in both directions of SR 85 between SR 87 and I-280. The project would improve average travel times and speeds on SR 85, as described in Master Response TR-1. Master Response GEN-7 discusses the potential for alternate transportation methods on SR 85.

The comments about access points and the construction and toll costs are noted. Continuous access—like the existing SR 85 HOV lane, with no buffer separation—will be considered during detailed project design, as discussed in Master Response GEN-4.

The express lane toll for solo drivers is a user fee, as described in Master Response GEN-5. SR 85 will continue to have two general purpose lanes in each direction that do not have tolls or vehicle occupancy requirements.

Comment I-11 Jennifer Austin

Highway 85 extension
Jennifer [jlaustin64@gmail.com]
Sent: Wednesday, February 26, 2014 1:06 PM
To: 85expresslanes

I-11-1 I have a few questions regarding the proposal.
1. How can VTA override previous signed agreement about lane restriction and shoulders?
I-11-2 2. If Cupertino and Saratoga voted against it how does that impact project?
I-11-3 3. Since there is already a light rail in center of VTA, why can't there be one on this section?
I-11-4 4. This is not a way to control amount of cars on the road. Wouldn't VTA alleviate cars and traffic from the corridor?
I-11-5 5. How much money would be generated from tolls and what would the administrative cost be?
6. Would the tolls generated be enough to cover upkeep and salaries to operate lanes? By when and how much?

Thank you for addressing our concerns
Jennifer and David Austin

Sent from my iPhone

Responses to Comment I-11

I-11-1

The comment does not specify which agreement is cited. See the responses to Comments L-1-2 (Cupertino), L-3-4 (Saratoga), and L-4-2 (Los Gatos) in regard to the specific performance agreements.

I-11-2

After the public circulation period, all comments were considered, along with potential votes or other actions by the cities of Cupertino and Saratoga opposing the project. Caltrans selected the Build Alternative as the preferred alternative and made the final determination of the project's effect on the environment. Under CEQA, no unmitigable significant adverse impacts were identified, and Caltrans prepared a Negative Declaration (ND). Similarly, Caltrans determined the action did not significantly impact the environment, and Caltrans, as assigned by FHWA, issued a Finding of No Significant Impact (FONSI) in accordance with NEPA.

I-11-3

Extending light rail in the median of SR 85 northward from the existing rail facilities in southern San Jose would be a multiyear planning effort and could cost well over \$280 million, not including operation and maintenance costs and acquisition of additional right-of-way. See Master Response GEN-2 for additional information. The proposed project can be constructed in less than two years within existing right-of-way and provide immediate congestion relief.

I-11-4

The comment appears to refer to VTA light rail. See the response to Comment I-11-3.

I-11-5

Refer to Master Response GEN-10 regarding funding, cost and return.

Comment I-12 **Jeff Barco**

From: [Jeff Barco](#)
To: [85expresslanes](#)
Cc: [Emily Lo](#)
Subject: SR 85 Express Lanes -- COMMENTS
Date: Thursday, February 27, 2014 2:09:43 PM

Caltrans/VTA Leadership:

I closely reviewed the State Route 85 Express Lane Project Initial Study with Proposed Declaration/Environment Assessment document. My view is, the proposal is too narrowly focused--and incomplete in its scope.

The current proposal does little to seriously mitigate the problems in this corridor. Rather -- I see far more negative implications for the cities---as proposed.

Who at Caltrans/VTA decided to isolate this one section of highway (27 miles) without addressing the REAL issue of the constraint of HYW85/280 North to HWY 101, and continuing light rail?

How can the VTA responsibly submit a report that does not address these two absolutely critical components?

At this stage, it is difficult if not impossible to consider this proposal seriously.

Go back to the beginning --- and develop a plan and strategy that addresses the most critical issues. Solve the bottleneck issue that is one of the most critical constraints to the congestion during peak periods -- now and in the future. Even IF this approach takes more time and more money, its crucial to the health of this area to solve the problem--the first time.

Design in light rail. Why not continue the investment that has already been made? Knowing the population/vehicle density issue, its baffling why Caltrans/VTA would not LEAD with this solution. Adding more lanes is temporary at best.

Third, it should mandated that investment in highways REQUIRE multi passenger vehicles. This is the focus. This proposal actually motivates single passenger vehicles. Why in the world with the transportation leaders of this area---even suggest this approach? Talk about mixed messages to the citizens!

As a business executive and long time resident of Saratoga, I am just appalled that this project was funded and that the cities and city leaders must invest their limited time and energy dealing with this blatantly flawed strategy. Talk about a misuse of tax paying funds!

1. Terminate this project immediately. If I were a city leader, I would not hesitate to use legal action to stop this project in its tracks.
- 2) Reorganize the current Caltran/VTA project team leaders. Start fresh.

I-12-1, cont. 3) Form a citizen task force comprised of members of the community --- including Mountain View, Sunnyvale, Cupertino, Saratoga, Los Gatos, and San Jose AND INCLUDE THEM FROM THE NEW BEGINNING of the process.

Thank you.

Jeff
--

Barco Partners LLC
CEO & Founding Partner
Strategy | Business Development |Genius Summit
San Francisco Bay Area
408.858.4665
jeff@barcoconsulting.com
<http://www.linkedin.com/in/barcopartners>

Responses to Comment I-12

I-12-1

The proposed project can be constructed in less than two years within existing right-of-way and provide immediate congestion relief. Reconstructing the SR 85/I-280 interchange or other bottlenecks is not within the scope of the project. See Master Response TR-2 for additional information about other planned improvements that, together with the SR 85 Express Lanes Project, would provide incremental improvements to bottlenecks at major system interchanges. Master Response GEN-2 explains why the project does not include light rail.

The comment states that investment in highways should require multipassenger vehicles. It should be noted that the express lanes would maintain priority use for HOVs, as explained in Master Response GEN-1, and that it would generate revenue that would be allocated to HOV, transportation, and transit service improvements within the SR 85 corridor; see Master Response GEN-7. In addition, VTA had a 2008 program to poll and interview citizens that included 681 SR 85 users about express lanes. As mentioned in Master Response GEN-6, this effort included four focus groups of HOV users and solo drivers who use SR 85, 13 one-on-one interviews with community stakeholders, and 10 one-on-one interviews with VTA managers and staff.

The commenter's opposition to the project is noted.

Comment I-13 Peter Barelka

From: [Peter Barelka](#)
To: [85expresslanes](#)
Subject: Concerns With Current I-85 Expansion Project
Date: Thursday, February 27, 2014 9:48:43 AM

I-13-1 VTA,
I am writing to voice significant concerns over the proposed I-85 expansion. The current proposals admitted noise increase possesses a unique challenge to the already insufficient sound walls in Los Gatos between Winchester and Pollard. The current design of tapering the west side wall as northerly I-85 traffic rises out from being buried at Winchester to crest as it passes over Pollard already allows for excessively high noise. These levels have been confirmed by professional readings in this area. Currently there is a diminutive earthen wall which makes up the last several hundred yards of the westerly side of I- 85 just south of Pollard. This wall is already insufficient.

Those of us who live along the corridor are very concerned. If the issues of sound continue to go unaddressed as the current proposal develops we would be prevented from being able to support it. We do see benefit in the proposal and appreciate the opportunity afforded us to comment on the project. We hope to work with a planning committee in the future and be allowed input in the final design which would include significant fortifications to the current walls and possible resurfacing of I-85.

Sincerely,
Peter Barelka
(Los Gatos resident)

Responses to Comment I-13

I-13-1

The commenter’s concerns about noise from SR 85 and existing noise barriers are noted. Existing and future No Build and Build noise levels were evaluated for approximately 10 locations along SR 85 within the Town of Los Gatos.

Most of SR 85 between Pollard Road and Winchester Boulevard has existing noise barriers that shield single family and multi-family residences (shown in IS/EA Appendix A, Sheets 12 and 13). As the commenter points out, there is an area with an earthen berm along southbound SR 85 just south of Pollard Road, closest to Calle Marguerita. The residences that are most exposed to freeway noise in the Calle Marguerita area are shielded by a combination of sound walls and earthen berms. The berms are the same height as the sound walls in the area and provide equal or greater acoustical attenuation as compared to the noise barriers. Receptors ST-66 and ST-68 (shown in IS/EA Appendix A, Sheets 11 and 12) were acoustically equivalent receptors used to represent the Calle Marguerita area. As documented in the *Noise Study Report* (Illingworth and Rodkin 2012) for the proposed project, future noise levels at those locations are projected to range from 59 to 62 dBA $L_{eq(h)}$, and the project-related noise increase would be 1 to 2 dBA. As described in Master Response N-1, noise level changes from 1 to 2 dB are generally not noticeable. Neither the predicted future noise levels nor the project-related

increase along southbound SR 85 between Pollard Road and Winchester Boulevard would meet Caltrans and FHWA thresholds for consideration of additional noise abatement.

Based on the existing and predicted future noise levels along southbound SR 85 north of the SR 17 interchange in Los Gatos, a new sound wall (SW12, listed in Table 2.2.7-1 under Segment 8 and shown in IS/EA Appendix A, Sheet 14) was evaluated but did not meet the Caltrans and FHWA thresholds for abatement, described in IS/EA Section 2.2.7.4. Refer to Master Response N-2 regarding noise abatement.

Comment I-14 Pat Beadles

From: patb116
To: 85expresslanes
Subject: highway 85 express lanes project
Date: Friday, February 28, 2014 2:13:23 PM

Dear VTA,

I-14-1 My husband attended a meeting at the Saratoga City Library February 25, 2014 to listen to your representative John Wistow explain your plan to expand highway 85 with Express Lanes. At a high level it seems VTA wants to turn the HOV lane into a toll lane that single occupant cars could use during commute times for a variable fee (basically fastrac). I also heard that there would be commuter busses using these lanes, all of this is suppose to some relieve congestion along the highway 85 corridor. Many of the residents wanted to know where these busses would be coming from and who would be using them. Your representative stated that the busses could get off the highway and pick people up and then return to the highway. Everyone wanted to know where the parking for the people being picked up would be as people would have to drive their car and park in order to board the bus.

I-14-2 Like many of the people at the meeting that has driven this highway we all know (and your representative admitted) that the real problem is not along highway 85 but where highway 85 and highway 280 intersect. The interchange is one giant bottleneck and adding lanes along highway 85 so you can get more traffic to interchange will not relieve congestion but cause more of it.

I-14-3 The issues that this proposal bring to the residents that live along highway 85 is more pollution , more noise and more traffic on local street as the on ramps back up. I would like a copy of all the environmental studies that have been conducted that show adding more traffic to highway 85 will relieve congestion without causing environmental harm to habitat around the freeway. I am very interested in the study that would show this will not have a harmful effect on the human population from airborne pollution.

I-14-4 By now you have received responses from the cities and know they do not support this proposal, private citizens are forming a group to start collecting funds to mount a citizens challenge to this proposal. This project is going to generate a lot of press if it goes forward and you should be in the position to explain how it makes sense when everyone can see the problem is with the 85/280 interchange.

I-14-5 I am opposed to this project because it will not solve the real problem which is the highway 85/highway 280 interchange. As you know there is an existing performance agreement in place that spells out that highway 85 is to be a 6 lane facility with a 46 foot wide median. It also states that the median was to be reserved for mass transportation. Your representative stated you consider the busses as mass transportation to which everyone in the audience laughed (busses are a 1960's solution to mass transit).

I-14-6 Today mass transportation is light rail, which we all expected would be put down the center (just like what has been done with highway 85 further south) not busses with more pollution. Some folks in the audience think this is just a way for Google to have more of their private busses on the road.

I-14-7 The idea that you can float some bonds and then pay them off with money collected from tolls is wishful thinking in an extreme state of denial. This project makes no sense and it is very sad that an agency charged with transportation is favoring a proposal that would put more cars and busses polluting rather than pursue a project to install light rail. I think you may find that hard to defend when interviewed.

I have raised many issues here which I am sure you have investigated and have answers for and I look forward to reading the solution to each of the issues raised. For the record I am totally against the highway 85 express lanes project.

Pat Beadles
116 Montclair Rd.
Los Gatos, CA 95032
patb116@me.com

Responses to Comment I-14

I-14-1

VTA currently operates three express buses that use SR 85 (routes 102, 168, and 182). Information about bus stops and Park and Ride lots for those and other routes is available at [http://www.vta.org/Getting-Around/Schedules/By-Type#Express Bus Service](http://www.vta.org/Getting-Around/Schedules/By-Type#Express%20Bus%20Service). Additional express bus service on SR 85 is not included as part of the project but can be considered as part of reinvestment of toll revenue in the project corridor.

I-14-2

Reconstructing the SR 85/I-280 interchange is not within the scope of the project. Refer to Master Response TR-2 regarding about other planned improvements that, together with the SR 85 Express Lanes Project, would provide incremental improvements to bottlenecks at major system interchanges.

I-14-3

The comment expresses concerns that the project will create more pollution, noise, and traffic in residential areas along SR 85. These and other environmental issues have been studied in detail, and potential effects to air quality and noise are described in more detail in Master Responses AQ-1 and N-1. The project would improve average travel times and speeds on SR 85, as discussed in Master Response TR-1, and would not significantly affect vehicle delay times or levels of service at local intersections near SR 85, as discussed in Master Response TR-3.

The studies conducted for the proposed project are available on the Caltrans District 4 Environmental Document website at <http://www.dot.ca.gov/dist4/envdocs.htm#santaclara>, under “State Route 85 Express Lanes Project, Initial Study with Proposed Negative Declaration/Environmental Assessment.” The *Natural Environment Study* (URS 2013d) addresses habitat along the project corridor, and the *Air Quality Impact Assessment* (URS 2013l) and *Mobile Source Air Toxics* (URS 2013m) discuss airborne pollutants. The *Traffic Operations Analysis Report* (URS and DKS 2013) and addenda (DKS 2014a, 2014b, 2015) analyze project-related traffic changes.

I-14-4

The commenter’s opposition to the project is noted. Refer to Master Response TR-2 regarding the SR 85/I-280 interchange.

I-14-5

The comment concerning terms of the Performance Agreement is noted. The comment does not specify which agreement is cited. See the responses to Comments L-1-2 (Cupertino), L-3-4 (Saratoga), and L-4-2 (Los Gatos) regarding the specific performance agreements.

I-14-6

The Performance Agreement does not specify that the median must be reserved for light rail or define mass transportation as rail instead of transit buses. Buses that use clean air technology are an affordable and flexible mass transportation solution that support local and regional air quality goals.

I-14-7

The commenter's opposition to the project is noted. Refer to Master Response GEN-2 regarding light rail in the median of SR 85. Also refer to Master Response GEN-10 regarding funding, cost and return.

Comment I-15 Patricia Belotti (1)

STRONGLY OBJECT TO HWY 85 EXPRESS LANE EXPANSION
pat belotti [patricia_m_belotti@yahoo.com]
Sent: Saturday, February 22, 2014 11:31 AM
To: 85expresslanes

I-15-1 I have been a resident of Saratoga for over 40 years.
When this Hwy was approved in the late 80's the size and scope of this highway was agreed by voters: 6 lanes max, no trucks, low sound.
Now, with this Express Lane Expansion you are proposing making thing worse. Not just for Saratoga but for all 85 commuters. **I believe your motivations are purely financial and have nothing to do with traffic reduction.**

I-15-2 There will be NO traffic reduction. If anything this proposal will make things worse as more cars from outside of the area jam onto 85 and SIT.

I-15-3 Sure a few folks who are prepared to pay the fees will benefit and VTA will have a new revenue source but the communities along this route will all face additional noise and pollution. In addition our surface streets will face new congestion as drivers exit the Express Lanes and double back on the Hwy or on surface streets to get to their destinations.

I-15-4 I do not understand how the VTA has the authority to go back on the commitments it made to Saratoga and neighboring communities. I would like to register my strong objection.

Patricia Belotti
191040 Portos Dr.
Saratoga, CA 95070

Responses to Comment I-15

I-15-1, I-15-2

The project would improve average travel times and speeds on SR 85, as described in Master Response TR-1, by utilizing the available space in the roadway. It should be noted that the express lanes will maintain priority use for HOVs, which would continue to use the lanes for free, as described in Master Response GEN-1. Revenue from the express lanes would be allocated to HOV, transportation, and transit service improvements within the SR 85 corridor, see Master Response GEN-7.

I-15-3

The comment states that the project will create more pollution, noise, and traffic in residential areas along SR 85. The project would meet applicable air quality standards and not have a significant noise impact, as described in Master Responses AQ-1, N-1, and (for Saratoga noise) N-3. The project would improve average travel times and speeds on SR 85, as discussed in Master Response TR-1, and traffic improvements would benefit the corridor as a whole. Refer to Master Response TR-3 regarding traffic on surface streets.

I-15-4

The comment does not specify which commitments are cited. See the responses to Comments L-1-2 (Cupertino), L-3-4 (Saratoga), and L-4-2 (Los Gatos) in regard to the performance agreements with those cities.

Comment I-16 Patricia Belotti (2)

Objections to hwy 85 express lane project
Pat Belotti [patricia_m_belotti@yahoo.com]
Sent: Tuesday, February 25, 2014 9:44 PM
To: 85expresslanes

I-16-1 [I object to the addition of 2 lanes to the existing 6 lanes in Saratoga. The basis of my objection is the 1989 agreement between the City of Saratoga and the transportation authorities which stipulates 6 lanes only.

How can the VTA breach this agreement?

Pat Belotti

Responses to Comment I-16

I-16-1

The commenter's opposition to the project is noted. See the response to Comment L-3-4 in regard to the agreement cited in the comment.

Comment I-17 Patricia Belotti (3)

Notice of meetings on hwy 85 express lanes
Pat Belotti [patricia_m_belotti@yahoo.com]
Sent: Tuesday, February 25, 2014 10:04 PM
To: 85expresslanes

I-17-1 [I do not recall ever seeing notices in the local Saratoga news regarding public meetings on the highway 85 express lanes.

Can you please advise when and where the notices were given and what the wording of the notices was.

Thank you

Pat Belotti

Responses to Comment I-17

I-17-1

IS/EA Sections 3.1, 3.2 and 3.3 and Master Response GEN-6 provide detailed information about public outreach for the proposed project.

Comment I-18 Paul Belotti

From: [paul.belotti](#)
To: [85expresslanes](#)
Cc: [paul.Belotti](#); [patricia.belotti](#)
Subject: SR-85 Express Lane study
Date: Thursday, February 27, 2014 6:12:48 PM

Dept. of Transportation, District 4
Mr. Ngoc Bui
po box 23660, ms-8b
Oakland Ca 94623

Greetings,

I am very concerned with the VTA's proposal for the expansion of the 85 freeway. Particularly between freeways 17 and 280

I have several questions I would like answered:

- I-18-1 1) Will there be an Environmental Impact Report done on the proposed project? I can understand that the possibility of changing an existing car pool lane into a toll lane would not make much difference with respect to the number of vehicles, but an extra lane sure would! If not, please explain in detail why an EIR is not required.
- I-18-2 2) The citizens of the West Valley were promised a freeway that had a max of 6 lanes with a median reserved for mass transit. This is not what has been proposed. Why has this contract been overlooked?
- I-18-3 3) There should be a study done on the future potential of a light rail for the 85 corridor. I assume this was done in conjunction with this study. Particularly since this freeway expansion would not be completed for many years from now. Has one been done?
- I-18-4 4) Since 85 will not be expanded north of 280, does that not just exacerbate the existing bottleneck? What studies were done to determine this issue?

Thank you for your consideration,

Paul Belotti

Responses to Comment I-18

I-18-1

California Public Resources Code Sections 21080(d) and 21082.2(d) require the preparation of an EIR for projects with significant environmental effects. The determination that the proposed project would not have significant environmental effects was based on a detailed and comprehensive review of each technical study area. The technical studies included the additional express lane in each direction between SR 87 and I-280. See Master Response GEN-3 for a detailed discussion.

I-18-2

The comment does not specify which contract is cited. The performance agreements are discussed in the responses to Comments L-1-2 (for Cupertino), L-3-4 (for Saratoga), and L-4-2 (for Los Gatos).

I-18-3

The potential extension of light rail in the median of SR 85 is discussed in Master Response GEN-2.

I-18-4

See Master Response GEN-8 in regard to a second express lane in the median in each direction of SR 85 north of I-280, and Master Response TR-2 regarding bottlenecks at I-280 and other interchanges.

Comment I-19 Teah Benzur

| |
|--|
| <p>STOP HWY 85 expansion Now! teah benzur [2tbenzur@gmail.com] Sent: Tuesday, February 11, 2014 1:59 PM To: 85expresslanes</p> <p>VTA, Caltrans</p> <p>I-19-1 [Please do NOT waste my tax \$, stop plans to expend HWY 85 ! Please do NOT breach your 1988-1989 contract agreement with Campbell (amongst other cities) - & do Not expend HWY 85. Please do NOT hinder future Light rail installation plans, Stop HWY expansion Now!.</p> <p>TBZ, Campbell resident.</p> |
|--|

Responses to Comment I-19

I-19-1

The commenter's comment about wasting tax dollars is noted. The comment does not specify which contract is cited. The performance agreements are discussed in the responses to Comments L-1-2 (for Cupertino), L-3-4 (for Saratoga), and L-4-2 (for Los Gatos). The potential extension of light rail in the median of SR 85 is discussed in Master Response GEN-2. See the responses to Comments L-1-2 (Cupertino), L-3-4 (Saratoga), and L-4-2 (Los Gatos) regarding the specific performance agreements. VTA is not aware of any additional requirements from a City of Campbell Performance Agreement.

Comment I-20 Beth Berger

From: [Beth Berger](#)
To: [85expresslanes](#)
Subject: Highway 85 Expansion
Date: Thursday, February 27, 2014 8:31:23 AM

To VTA,

I-20-1 I am a concerned citizen living near highway 85.
Why is the VTA not following the agreement it signed when Highway 85 was opened?

I-20-2 How much will the bonds be that VTA is going to propose?

I-20-3 Where is the parking for people riding Express Buses?

I-20-4 What noise abatement measures will be taken to protect neighborhoods?

I-20-5 The median was set aside for Rapid Transit how can VTA use this space for more traffic lanes? There is Rapid Transit on 85 in the Almaden area of 85. Why is VTA not continuing those trains along the 85 corridor?

I-20-6 What paper did the VTA use to publish these changes to the public?
I look forward to you answers to my questions.
Perhaps the VTA will reconsider its plans for 85.

Sincerely,
Beth Bereger

Responses to Comment I-20

I-20-1

The comment does not specify which agreement is in question. The performance agreements are discussed in the responses to Comments L-1-2 (Cupertino), L-3-4 (Saratoga), and L-4-2 (Los Gatos).

I-20-2

Refer to Master Response GEN-10 regarding funding, cost and return.

I-20-3

VTA currently operates three express buses that use SR 85 (routes 102, 168, and 182). Information about bus stops and Park and Ride lots for those and other routes is available at [http://www.vta.org/Getting-Around/Schedules/By-Type#Express Bus Service](http://www.vta.org/Getting-Around/Schedules/By-Type#Express%20Bus%20Service). Additional express bus service on SR 85 is not included as part of the project but can be considered as part of reinvestment of toll revenue in the project corridor.

I-20-4

Refer to Master Response N-2 regarding noise abatement.

I-20-5

The comment appears to refer to light rail. The history and status of the proposed extension of light rail in the SR 85 median is discussed in Master Response GEN-2.

I-20-6

See IS/EA Sections 3.2 and 3.3 for detailed information about public outreach for the project and Master Response GEN-6 regarding public notices.

Comment I-21 Adam Berkan

Public Comment

Adam Berkan [adam.berkan@gmail.com]

Sent: Tuesday, January 14, 2014 7:22 PM

To: 85expresslanes

I've been reading the express lane initial study.

I've seen a few different maps showing possible entrance/exit points. I'm concerned that won't be enough entrances to the 101/85 SB express lanes. In particular some maps show there being no entrance between before San Antonio on 101 SB and after El Camino on 85 SB.

I-21-1

There's a lot of traffic coming from Google, Nasa, Microsoft, Symantec, Intuit, etc... This traffic joins the freeways at San Antonio, Rengstorff, Shoreline or Moffet. It looks like none of that SB traffic will be able to get into the express lane until after the 237 interchange, and until after El Camino. There's often at least a 10 minute delay to get past 237 and El Camino.

If there was another entrance in between Moffet and 237 then express lane users would get to avoid that traffic jam. It seems there's lots of space on that section of freeway for constructing an entrance.

I-21-2

Have the access points been finalized yet? Is there a map showing the current plan?

Thanks,
Adam Berkan

Responses to Comment I-21

I-21-1

New Figure 1.3-2 has been added to the IS/EA to show the conceptual express lane access zones. The southbound access zone between Moffett Boulevard and Central Expressway would serve traffic from the areas described in the comment.

Design modifications to revise the proposed express lane configuration to continuous access—like the current HOV lane—will be considered during detailed project design, as described in Master Response GEN-4.

I-21-2

See the response to Comment I-121-1. The express lane access zones will be finalized during detailed project design.

Comment I-22 Paul Besser

From: [Besser, Paul](#)
To: [85expresslanes](#)
Subject: SR 85 Express Lanes
Date: Thursday, February 27, 2014 9:40:31 AM

Hello,

I would like to comment on the proposed SR 85 Express Lanes Project.

I-22-1

I do not support it for 2 reasons:

- 1) this carpool lane is already busy enough.
- 2) Letting people pay to access the carpool lane does not encourage carpooling.

Thanks and best regards,

Paul Besser

Responses to Comment I-22

I-22-1

The commenter's opposition to the proposed project is noted. The second express lane would improve operations within the congested segments. Priority use for carpools, transit buses, and other HOVs, which would continue to use the lanes for free, would be maintained. See Master Response GEN-1 for additional information.

Comment I-23 Swastik Bihani

Highway 85 (6 to 8 lane) project
Swastik Bihani [swastik@gmail.com]
Sent: Friday, January 31, 2014 8:52 AM
To: 85expresslanes

Hi,

I'm a resident of Saratoga, CA (20021 Knollwood Drive) and want you to take specific actions with regards to the Highway 85 project (changing from 6 to 8 lane highway) which has impact on multiple cities.

I-23-1

- Perform a full Environmental Impact Report (EIR) for this \$170M project that has major impact on the area. If there is no EIR then there is no mitigation for
 - + Noise from additional cars
 - + Air Quality
 - + Light pollution with 40 ft high structures

I-23-2

- It is not appropriate to charge on a public funded freeway paid for by Local Sales taxes

I-23-3

- FIX the bottleneck at 85N at 280

Best,,
Swastik
(415,385.3090)

Responses to Comment I-23

I-23-1

California Public Resources Code Sections 21080(d) and 21082.2(d) require the preparation of an EIR for projects with significant environmental effects. The determination that the proposed project would not have significant environmental effects was based on a detailed and comprehensive review of each technical study area, including noise, air quality, and visual resources. Also refer to Master Response GEN-3 for additional discussion of an EIR, Master Response N-1 regarding noise and Master Response AQ-1 regarding air quality.

Additional information about the visual effects of the signs and toll structures has been added to the Final IS/EA. These effects are fully evaluated in IS/EA Section 2.1.4.3 (under “Project Impacts,” then “Signs, Toll Structures, and Lighting”). For the reasons described in the IS/EA, these features are not expected to substantially degrade views from nearby residences or SR 85.

I-23-2

Tolls charged for solo drivers in the express lanes are use fees, as described in Master Response GEN-5.

I-23-3

The proposed project, together with other planned projects, would provide incremental improvements at the SR 85/I-280 interchange and other bottlenecks along the project corridor, as described in Master Response TR-2.

Comment I-24 Lloyd Binen

Express lane on 85
Lloyd Binen [lbinen@gmail.com]
Sent: Monday, January 06, 2014 3:16 PM
To: 85expresslanes

I-24-1 I'm a Saratoga resident.
All lanes of the freeway should be open to all drivers who paid the cost of construction and the maintenance of the freeway.

I-24-2 Alternatively, in the unlikely event that all the funds raised from an Express Lane can somehow be refunded to the taxpayers who paid for the freeway construction and maintenance, then I'd support an Express Lane.

--
Lloyd Binen
19200 Shubert Drive
Saratoga, CA 95070
408-373-4411

Responses to Comment I-24

I-24-1

The commenter's opinions about SR 85 and the project are noted.

I-24-2

The commenter's opinion about refunds is noted.

Comment I-25 Laura Bishop

SR 85 Express Lanes
Laurie Bishop [Lhbkihei@aol.com]
Sent: Monday, February 24, 2014 7:03 PM
To: 85expresslanes

To whom it may concern;

I-25-1 [I am a 36 year resident of Saratoga and I believe the plan to add toll lanes to HWY 85 would be detrimental to the residents and environment of our city and the entire West Valley corridor. Having lived here before the freeway was built, I am well aware of the increase in noise and traffic the freeway has brought, as well as a decrease in air quality.

I-25-2 [I do not want toll lanes in my city which we can not access. I do not want trucks on Hwy. 85. Leave it as it is, and fix the noise problem.

Sincerely,
Laurie Bishop

Responses to Comment I-25

I-25-1

The commenter’s opposition to the project is noted. Refer to Master Responses N-1 regarding noise, TR-1 regarding traffic, and AQ-1 regarding air quality impacts.

I-25-2

The development of the current access points is described in Master Response GEN-4. Design modifications to revise the proposed express lane configuration to continuous access—like the current HOV lane—will be considered during detailed project design, as described in Master Response GEN-4.

The project would not change the existing truck restrictions on SR 85.

Comments I-26 Cynthia Bitner

From: [Cynthia Bitner](mailto:Cynthia_Bitner)
To: 85expresslanes
Cc: ctclerk@saratoga.ca.us; elo@saratoga.ca.us; ihunter@saratoga.ca.us; hmliller@saratoga.ca.us; mcappello@saratoga.ca.us; cpace@saratoga.ca.us; supervisor.simitian@bos.sccgov.org; assemblymember.fong@ca.gov
Subject: 85 Express Lane concerns. I say NO to the current proposal
Date: Thursday, February 27, 2014 5:49:58 PM

I am a resident of Saratoga, CA and oppose the proposed changes to Highway 85. My concerns are listed below, and I would appreciate a response, in writing.

- I-26-1 1. The proposal violates the contract signed between The Santa Clara County Traffic Authority and the City of Saratoga, dated 2/6/1989. This contract was an important part of our decision to purchase property in Saratoga, after living close to Highway 280 for several years. I feel this is a breach of contract and of good faith.
- I-26-2 2. Other aspects of the 1989 contract have also not been implemented, including the required landscaping that was supposed to help mitigate noise levels
- I-26-2 3. Although the Santa Clara County Traffic Authority has been replaced by the Valley Transportation Authority, it should be held to the same agreement.
- I-26-2 4. We were told in 1991 that the noise level of 85 would be below state and federal standards, but the noise levels were higher. This resulted in a costly repaving project that reduced the noises, but to levels that are still too high. We are now being told that the increase in noise levels under this proposal will still be within standards. But, it is hard to trust that response given the history. In addition, I believe that there are two separate noise studies that contradict each other. The current noise level in my neighborhood is unacceptable, especially at night and during the winter.
- I-26-3 5. The noise level study conducted by the VTA was done in at one of the highest levels of unemployment in the areas history, which means that traffic levels were unusually low. New studies at current employment levels need to be conducted and need to be conducted by an objective third party.
- I-26-4 6. The plan calls for additional signage and lighting, that will also negatively impact the quality of life in Saratoga.
- I-26-4 7. The dust and other particulates from the construction plus the increase in traffic flow will be unacceptable. Air pollution in Saratoga and elsewhere in the area is already frequently at dangerous levels.
- I-26-5 8. The original contract said that there would be no more than 6 lanes, and the the wide central median strip would be used specifically for light rail. I disagree with the VTA personnel who say that Express Buses and toll lanes is the same thing as light rail in terms of congestion, noise, light, particulate and air pollution
- I-26-6 9. The proposal claims that the \$175 million to be spent will be paid by tolls. I would like to see the financial models on which this is based, and that the findings be translated at a level an ordinary citizen can understand. How will any cost overruns be financed?
- I-26-7 10. The idea of toll lanes will benefit only two groups--those that commute from South San Jose, and those that are wealthy enough to pay the toll. For people in lower-paying jobs and for those on fixed incomes, it may not be possible for them to afford to pay the tolls for a highway that they are already paying for through taxes. People living in Saratoga will have limited use of the express lanes because they won't be able to even enter the toll lanes for most of the distance between Saratoga and 101.

| | |
|---------|--|
| I-26-8 | 11. Most importantly, the proposal has no plans to re-construct the choke points that occur at the intersections of 85/87, 85/Almaden Expressway, 85/17 and the SIGNIFICANT bottleneck at 85/280. Choke points at 85/237 and 85/101 have also not been addressed. It is impossible to conceive how congestion will be mitigated without first solving these problem intersections. |
| I-26-9 | 12. It is not clear to me know that there have been other alternatives studied, including the addition of light rail, BART, or the elimination of the current HOV lanes. |
| I-26-10 | 13. What is the projected usage of the Express Buses--what are the demographics? Where will the stations be located? How will people access the stations? Where and how will parking be provided for bus users? Who will benefit? |
| I-26-11 | 14. We have been told that the truck limits will remain for Highway 85, but we see little or no enforcement right now. Will that be changed? |
| | There are clearly large gaps in important information about this proposal. As it stands now, I see only negative impacts on the residents of Saratoga, Monte Sereno, Los Gatos, and Cupertino, as well as other local communities. |
| | I look forward to your response. |
| | Sincerely, |
| | Cynthia A. Bitner 12998 Cumberland Drive Saratoga, CA 95070 408-761-9329 |

Responses to Comment I-26

I-26-1

See the response to Comment L-3-4 for information about the contract cited in the comment. Regarding landscaping, Caltrans installed landscaping all along SR 85 as part of the original project.

I-26-2

The comment is noted regarding statements about noise levels from SR 85 at the time the freeway was constructed. VTA is aware that officials and residents of Saratoga have expressed concerns about noise from SR 85, including after pavement grinding was conducted. Master Response N-3 discusses existing noise levels in Saratoga, future noise levels with and without the proposed project, and future noise levels that were predicted in the 1987 Final Environmental Impact Statement (EIS) for the construction of SR 85.

The comment appears to refer to SR 85 noise data in the City of Saratoga's 2013 Draft Noise Element compared with that in the 2012 *Noise Study Report* prepared for the proposed project. See Master Response N-4 for a discussion of these noise data.

Noise measurements for the 2012 *Noise Study Report* were collected in October and November 2011 and in March 2012. Based on unemployment data for Santa Clara County, the highest unemployment rates in recent years were for 2009 and 2010, before the noise study was conducted.

Although employment levels have increased since the *Noise Study Report* was prepared, it is important to note that the noise measurements and predicted future levels (assuming

growth in the area through 2035) reflect the worst hour for traffic noise, when traffic is heavy but still moving at or close to the speed limit. Adding vehicles to the freeway due to an assumption of higher employment would result in congestion and slower speeds, which would decrease, not increase, traffic noise levels. Therefore, a new noise study to capture the effects of higher employment levels would not result in different conclusions.

The comment states that a new noise study should be conducted by an objective third party. The *Noise Study Report*, the other technical studies, and the IS/EA were prepared in accordance with CEQA and NEPA requirements and under the same process that would apply to any other proposed project. In this case, all studies prepared by consultants were subject to the review of the Lead Agency, Caltrans. Other members of the Project Development Team also reviewed the reports. As with any other project, the technical studies for this project are available for public review, and any substantive project issues or concerns have been addressed in this Final IS/EA.

I-26-3

The project is expected to add one new overhead sign structure within Saratoga city limits, as shown in Final IS/EA Table 2.1.4-2. Approximately 14 new luminaires may be added in the Saratoga vicinity; however, as described in the response to Comment L-3-21, it is not yet known exactly how many would ultimately fall within the city limits. The new luminaires would be in the median and would be focused to restrict light to the freeway corridor. These project components are not expected to impact the quality of life in Saratoga. Refer to Final IS/EA Section 2.1.4.3 regarding project signs and the response to Comment L-3-21 regarding project lighting in Saratoga.

I-26-4

Refer to Master Response AQ-1 regarding air quality construction impacts and Master Response TR-1 regarding traffic.

The project is not expected to increase air pollution, as discussed in Master Response AQ-1, and the improvement in congestion would reduce exhaust emissions from vehicle idling.

I-26-5

See the response to Comment L-3-4.

I-26-6

Refer to Master Response GEN-10 regarding funding, cost and return.

I-26-7

Studies in California and elsewhere show that express lanes provide time and convenience benefits to drivers of all income levels. Refer to Master Response EJ-1 regarding express lane users.

The development of the current access points is described in Master Response GEN-4. Continuous access—like the existing SR 85 HOV lane, with no buffer separation—will be considered during detailed project design, as discussed in Master Response GEN-4.

I-26-8

Refer to Master Response TR-2 regarding why the project does not include addressing choke points at major system interchanges. An express lane project on SR 87 between SR 85 and US 101 is programmed in the RTP. Improvements at the SR 85 interchanges with SR 87 and Almaden Expressway are not currently programmed in the RTP.

I-26-9

Refer to Master Response GEN-8 regarding other alternatives studied for the project. The reasons that mass transportation options were not considered as project alternatives are described in Master Responses GEN-7 and GEN-2.

I-26-10

Additional express bus service on SR 85 is not included as part of the project but can be considered as part of reinvestment of toll revenue in the project corridor. Ridership, routing, and the addition of stations and other new features would be studied and environmentally evaluated as a separate project.

I-26-11

The project does not include additional enforcement of the truck weight restrictions on SR 85; however, the California Highway Patrol will continue to be present along the corridor to continue to enforce all applicable laws, including the truck restrictions. The environmental document addresses all of the topical areas with potential environmental impacts.

Comment I-27 Marc W. Blakeney

| |
|---|
| <p>85 Express Lane Conversion - bad idea Marc W. Blakeney [marc.blakeney@yahoo.com] Sent: Wednesday, January 15, 2014 12:52 PM To: 85expresslanes</p> <p>I-27-1 [</p> <p>Converting the HOV lane on highway 85 to an Express Lane is a bad idea. It will not improve traffic congestion. In fact, the HOV lane on 85 during peak traffic hours barely moves faster than the non-HOV lanes. adding more cars to the HOV lane will slow it even more. The solution that should be considered is adding a forth lane on each side from 280 south and 101. The forth lane could then be made into the desired express lane.</p> <p>Please do not convert the existing HOV lane to an express lane.</p> <p>Thanks, Marc Los Gatos, CA</p> |
|---|

Responses to Comment I-27

I-27-1

A detailed traffic analysis was conducted for the proposed project. The analysis shows that the project would improve average travel times and speeds on SR 85, as described in Master Response TR-1.

Note that the project proposes to add a second express lane in the median between SR 87 and I-280.

Comment I-28 Stan Bogosian

From: sbogolian@aol.com
To: [85expresslanes](#)
Subject: Express Lanes on SR 85
Date: Thursday, February 27, 2014 7:37:42 PM

Ladies and Gentlemen,

- I-28-1 I am a Saratoga resident who is strongly opposed to the creation of toll lanes on Highway 85. Here are my reasons:
- I-28-2 1. Proposal does nothing to address the primary causes of congestion on HWY 85, which are the choke points at 85/280 and just before 85/17.
- I-28-3 2. Proposal of additional lanes will result in additional traffic noise within Saratoga.
- I-28-4 3. Proposal will add cars to the freeway and cause additional air pollution within Saratoga.
- I-28-4 4. Saratoga residents will be paying for the freeway through taxes, but will be unable to access express lanes at Saratoga Av., Saratoga's only interchange. Express busses will not be stopping in Saratoga, making it necessary for Saratoga residents to drive to neighboring cities to catch the bus, which causes even more air pollution.
- I-28-5 5. This proposal is in direct violation of the agreement signed between the predecessor to VTA and the west valley cities, which reserved the extra lane space for mass transit.
- I-28-6 6. Should federal funds be used to complete this project, the truck ban would have to be lifted. This is in violation of the original agreement. It would add serious noise and pollution to the freeway corridor, and would constitute a safety risk on the freeway itself because all of US 101's through trucking would be using Hwy 85 (a much narrower freeway).
- I look forward to your response. Thank you for your consideration.

Stan Bogosian
20630 Lomita Av.
Saratoga, CA 95070

Responses to Comment I-28

I-28-1

The commenter's opposition to the project is noted.

The proposed project, together with other planned projects, would provide incremental improvements at the SR 85/I-280 and SR 85/SR 17 interchanges, as described in Master Response TR-2.

I-28-2

The noise technical studies show that the project would result in a 0 to 1 decibel increase in traffic noise along the Saratoga portion of SR 85. Refer to Master Response N-3 for a detailed discussion of project-related noise in Saratoga.

I-28-3

The project is not expected to increase air pollution, as discussed in Master Response AQ-1, and the improvement in congestion would reduce exhaust emissions from vehicle idling.

I-28-4

The development of the current access points is described in Master Response GEN-4. Continuous access—like the existing SR 85 HOV lane, with no buffer separation—will be considered during detailed project design, as discussed in Master Response GEN-4. If sufficient demand develops in Saratoga, VTA would consider providing express bus service.

I-28-5

See the responses to Comments L-1-2 (Cupertino), L-3-4 (Saratoga), and L-4-2 (Los Gatos) regarding the agreements cited in the comment.

I-28-6

The project would not change the existing truck restrictions on SR 85. The use of federal funds will not have any effect on the truck restrictions.

Comment I-29 Anna and Eran Borenstein

From: [Anna Borenstein](#)
To: [85expresslanes](#)
Date: Friday, February 28, 2014 3:44:50 PM

Anna and Eran Borenstein
14343 Mulberry Dr.
Los Gatos, CA 95032

2/28/2014

Dear Ngoc Bui,
Office of Environmental Analysis

I-29-1

We are writing to express our deep concern regarding the proposed expansion of the I-85. As residents of Los Gatos, we purchased our home under the understanding that there is an existing contract with the VTA detailing its commitment **that Highway 85 be limited to six lanes with the 46-foot median reserved for mass transportation, such as light rail.**

The proposed plan of converting the existing high occupancy vehicles (HOV) lanes to express lanes, allowing single occupancy vehicles to pay for using this lane, as well as expanding the median to include a second express lane in both directions is in violation of the 1989 agreement.

I-29-2

We are deeply concerned that this usage will significantly increase the noise levels in our neighborhood as well as adversely affecting the air quality. As parents of three young children, this is an unacceptable scenario.

We expect the VTA to uphold their signed commitment to residents and to weigh these issues in a thorough and responsible manner.

Sincerely,

Anna and Eran Borenstein

Responses to Comment I-29

I-29-1

See the response to Comment L-4-2 in regard to the contract cited in the comment.

I-29-2

The project’s potential effects on noise and air quality were studied in detail, and no significant increases were found. Refer to Master Responses N-1 regarding noise and Master Response AQ-1 regarding air quality.

Comment I-30 Gary Brandenburg

From: [Gary Brandenburg](#)
To: [85expresslanes](#)
Subject: Highway 85
Date: Friday, February 28, 2014 1:45:13 PM

VTA:

- I-30-1 As President of the Greenbriar Homeowners and Taxpayers Association, I am writing with the questions of gravest concern to our members. No neighborhood in Saratoga has been more adversely affected by Highway 85 than Greenbriar. This means that any additional negative impact by the expansion of the number of lanes on 85 will be felt here the most.
- I-30-2 What environmental reports have been done on the expansion and what were the findings?"
- I-30-3 What is the current decibel level on 85 and what is the anticipated decibel level with the proposed expansion?
What noise abatement measures are planned?
- I-30-4 What is planned to ease the choke points that are creating the traffic jams we currently have, i.e mergers from and onto highways 17, 280 and 101?>
- I-30-5 How much additional traffic is anticipated on surface streets to avoid traffic on 85?
Will trucks be allowed on an expanded 85?
- I-30-6 Who will benefit from this expansion? Certainly not the communities that will be most negatively impacted, but do not have access to the express lanes.
- I-30-6 I look forward to sharing the answers to these questions with our neighborhood. Our property values plummeted with the opening of 85 due to the noise and pollution. With the promises then of abatement measures largely ignored, it is not hard to understand why our members are not in favor of this proposed expansion.

Gary Brandenburg
President, GHTA

Responses to Comment I-30

I-30-1

The commenter's concerns regarding impacts to the neighborhood are noted. The environmental document addresses all of the topical areas with potential environmental impacts.

I-30-2

Environmental studies for the proposed project began in 2010–2011 and included preparation of the 27 technical reports listed in Appendix G of the Initial Study/Environmental Assessment (IS/EA).

The technical reports addressed noise, traffic, air quality, cultural resources, paleontological resources, biological resources, community impacts, hydraulics and water quality, hazardous waste, geology, and visual impacts. The IS/EA is the environmental document that summarizes the findings of the technical reports.

An overview of the findings of these reports is presented in the IS/EA Summary.

I-30-3

Existing noise levels at measured receptors along SR 85 in Saratoga range from 51 to 67 dBA $L_{eq(h)}$, as shown in Master Response N-3. Refer to Master Response N-2 regarding noise abatement.

I-30-4

The proposed project, together with other planned projects, would provide incremental improvements at choke points along the project corridor. Refer to Master Response TR-2 for additional information regarding other projects. As described in Master Response TR-1, the project would improve traffic on SR 85, which can reasonably be expected to reduce the number of vehicles that divert to local roadways to avoid peak period congestion on SR 85. Also refer to Master Response TR-3 regarding local traffic.

I-30-5

The project would not change the truck restrictions on SR 85.

I-30-6

The project would improve average travel times and speeds, as discussed in Master Response TR-1, which would benefit all travelers on SR 85.

The development of the current access points is described in Master Response GEN-4. Note that continuous access—like the existing SR 85 HOV lane, with no buffer separation—will be considered during detailed project design, as discussed in Master Response GEN-4. Refer to Master Responses N-1 regarding noise, N-2 regarding noise abatement, N-3 regarding noise in Saratoga, and AQ-1 regarding pollution.

Comment I-31 Bob Brasher

| |
|--|
| <p>*** Future Design *** bbrasher@sbcglobal.net Sent: Monday, February 10, 2014 10:39 AM To: 85expresslanes Cc: bbrasher@sbcglobal.net</p> <p>Dear Sir,</p> <p>I-31-1 [After adding the proposed SR 85 Express Lanes, given limited space, what is the future design for SR 85?</p> <p>Sincerely, Bob Brasher</p> |
|--|

Responses to Comment I-31

I-31-1

Refer to Master Response TR-2 regarding other planned projects in the area.

Comment I-32 Stefanie Bray

From: [Stefanie Bray](#)
To: [85expresslanes](#)
Subject: No new express lanes, please
Date: Friday, February 28, 2014 4:40:27 PM

I-32-1

To whom it may concern: We live on De Havilland Drive, the noise level from 85 is at times unbearable, and we are absolutely opposed to an expansion of the highway.
Regards,
Stefanie Bray

Responses to Comment I-32

I-32-1

The commenter's opposition to the project is noted. The *Noise Study Report* (Illingworth and Rodkin 2012) evaluated existing and future noise levels at a location that is acoustically equivalent to De Havilland Drive in Saratoga. Receptor ST-54, 13149 Anza Court, is off of De Havilland Drive and directly adjacent to SR 85. The project would increase future noise levels at ST-54 by 1 dBA $L_{eq(h)}$, which would be less than significant. Refer to Master Responses N-1 regarding noise and N-4 regarding noise levels in Saratoga, and IS/EA Section 2.2.7.3 (under "Noise Level Predictions"; see Segment 6) for specific noise data.

Comment I-33 Dana Brinkerhoff

Route 85 Express Lane
brinkerdana@aol.com
Sent: Wednesday, January 15, 2014 11:00 AM
To: 85expresslanes

I-33-1

Route 85 does not need an Express Lane. Route 85 does not need a diamond lane!
The diamond lane is what causes the traffic to back up in the other two lanes and on ramps. Give a try with 3 open lanes and see if I'm wrong BEFORE you commit millions of tax payer's dollars to another expensive boondoggle!
Dana Brinkerhoff
95120

Responses to Comment I-33

I-33-1

The commenter's opposition is noted. The HOV lane cannot be changed to a general purpose lane without modification of MTC's Bay Area HOV Master Plan, FHWA approval, and environmental review. Such a change would not be consistent with regional plans.

Comment I-34 Pat Brogan

SR 85 Express Lanes

Pat Brogan [pbrogan@yahoo-inc.com]

Sent: Tuesday, January 14, 2014 9:41 AM

To: 85expresslanes

I-34-1

I oppose the change proposed to allow people to pay to go in the HOV lane. My opposition is based on a few issues:

1. Democracy—the rich go faster?
2. I bought a CNG car to be able to do it AND to be green. I pay a price in that there are no fuel locations along the way. You will just render this decision expensive—the carpool lane won't be faster. Sometimes now it isn't.
3. If you want to equalize traffic (vs. make money), allow diesel cars to get stickers. They are clean burning and get 50 MPG. It is unfair now that they don't qualify. As more EV cars come out, you can raise the limit from the 4k to incentivize more and balance the traffic.

Pat Brogan, PhD
Manager, Mobile Academy
Yahoo

Responses to Comment I-34

I-34-1

The commenter's opposition to the project is noted.

Studies in California and elsewhere show that express lanes provide time and convenience benefits to drivers of all income levels. Refer to Master Response EJ-1 regarding express lane users.

Automobiles with California Department of Motor Vehicles-issued green or white stickers can use HOV lanes for free until January 1, 2019. The project would create additional capacity and maintain priority use for these vehicles and other HOVs, as described in Master Response GEN-1.

The recommendations are noted but cannot be implemented within the scope of this project.

Comment I-35 Scott Brunson

no single drivers in express lanes
Scott Brunson [scott.brunson@wvm.edu]
Sent: Friday, January 10, 2014 11:03 AM
To: 85expresslanes

Hello Ngoc Bui and committee members,

I-35-1 I strongly oppose allowing paid single person vehicles in commuter lanes on SR 85 in Santa Clara County. The idea behind these lanes is to encourage carpooling which great reduces carbon loading and air pollution from vehicles. When single drivers are allowed to pay for use of these lanes then the intent and benefit of these lanes is decreased. Having paid lanes makes it difficult for low income families to take advantage of this

I-35-2 option putting additional pressure our their limited budgets. These lanes are also very confusing to normal carpool lane drivers. I notice that the lanes on 680 coming over the Sunol grade are usually empty even though

I-35-3 there are many drivers with more than one driver in their cars. The signage is not clear that these lanes are open to multiple passenger vehicles. This makes for extra congestion in the remaining lanes making an already bad commute even worse.

Thank You,
Scott Brunson
3000 Mission College Blvd.
Santa Clara, CA 95054

Responses to Comment I-35

I-35-1

The project would create additional capacity for carpools and maintain priority use for carpools and other HOVs, as described in Master Response GEN-1. Refer to Master Response AQ-1 regarding air quality.

I-35-2

Studies in California and elsewhere show that express lanes provide time and convenience benefits to drivers of all income levels. Refer to Master Response EJ-1 regarding express lane users.

I-35-3

The commenter’s observations about the express lanes on I-680 are noted. Signage for the SR 85 express lanes has been developed based on established guidance and is described in IS/EA Sections 1.3.1.1 and 2.1.4.3 (under “Project Signs and Tolling Equipment”).

Comment I-37 Karen Burley

From:
Karen Burley
19789 Solana Drive
Saratoga, CA 95070
kmburley@gmail.com
408-973-8642

To:
VTA
85expresslanes@urs.com

CC to:
ctclerk@saratoga.ca.us; elo@saratoga.ca.us; jhunter@saratoga.ca.us; hmillers@saratoga.ca.us; mcappello@saratoga.ca.us; cpage@saratoga.ca.us; supervisor.simitian@bos.sccgov.org; assemblymember.fong@ca.gov;

Subject: Objection to the "State Route 85 Express Lane Project" to increase the number of lanes on 85.

Dear Sir/Madam,

I object to the "State Route 85 Express Lane Project" to increase the number of lanes on Highway 85, for the following reasons:

- I-37-1
1. The expanded lanes will do nothing to address the problem of traffic congestion in this area. I have driven Highway 85 since 1995; the choke point is where 280 and Stevens Creek Boulevard feed into 85. This proposal does not address the problem, in fact it will make it worse as there will be another lane that needs transitioning at the same choke point.

| | |
|--------|--|
| I-37-2 | <p>2. This project that increases the number of lanes on 85 will cause a significant increase in noise to the residents who live near the freeway. I live near the freeway and I am already concerned about the noise level. This noise level is such that we can never open a window due to the excessive noise. I request that an environmental study be done especially in the backyards and 2nd floor of houses close to the freeway. There is NO mitigation of the noise levels which are already ABOVE Federal standards of 67 dBA. I request quiet pavement technology to fix this issue first before any further planning is done to build additional lanes.</p> |
| I-37-3 | <p>3. The air quality has also significantly deteriorated based on the amount of dust and pollution observed near my house, due to increase in traffic over the last several years. For this reason as well, I request an environmental study to be done, especially in the backyards of the homes next to the freeway. The previous study was done at the time of peak unemployment, which is not representative of the traffic and environmental condition today. It needs to be done now, in 2014.</p> |
| I-37-4 | <p>4. This proposal does not honor the agreement with the City of Saratoga at the time that Highway 85 was built. The agreement was only for 6 lanes, with the median reserved for light rail/mass transportation, which is NOT express buses. This opens up many legal issues.</p> <p>5. The space in the center divider of 85 was reserved for future light rail expansion. This will not be possible once the lanes are expanded.</p> <p>I request the cancellation of the project until an environmental study is done and all the points indicated above are adequately addressed.</p> <p>Sincerely, Karen Burley</p> |

Responses to Comment I-37

I-37-1

The project would provide incremental improvements to traffic congestion on SR 85, as described in Master Responses TR-1 and other future planned projects are discussed in Master Response TR-2.

I-37-2

A *Noise Study Report* for the project was prepared to evaluate conditions at residences and other land uses along SR 85 (Illingworth and Rodkin 2012). Noise measurements were taken in more than 140 locations, including in the backyards of several dozen homes that back onto the project corridor.

Noise levels are not evaluated at second-story or higher elevations unless there are exterior areas of frequent human use at the higher elevations that would benefit from noise reduction. Examples include large patios or decks that are the primary outdoor use area in an apartment complex. Multi-family and residential community common areas may include pools, ball courts, or other formal outdoor activity areas. The monitoring survey for the project's noise analysis did not identify any large patios or decks on the second floor or higher of buildings that are the primary outdoor use areas for a multi-

family structure, and therefore no noise attenuation was studied or warranted for the upper stories, in accordance with Caltrans noise analysis guidelines.

The comment refers to federal noise standards of 67 dBA. The noise abatement criteria (NAC) for residential settings is 67 dBA $L_{eq(h)}$, as shown in IS/EA Table 2.2.7-1. Where the future noise level with the project is predicted to approach (within 1 decibel) or exceed the NAC an impact has been identified, and potential noise abatement has been evaluated in the IS/EA as required by Caltrans and FHWA. It is important to note that the NAC values are used to determine whether noise abatement must be considered, and do not represent levels to which noise must be abated.

The request for quieter pavement technology is noted. Refer to Master Response N-2 regarding noise abatement.

I-37-3

Detailed technical studies for air quality were conducted in accordance with Caltrans and FHWA standards. The project is not expected to increase air pollution, as discussed in Master Response AQ-1, and the improvement in congestion would reduce exhaust emissions from vehicle idling.

The studies were conducted for the worst-case traffic scenario, which is constrained by the capacity of the freeway and is not affected by economic factors such as unemployment.

I-37-4

See the response to Comment L-3-4 regarding the agreement cited in the comment.

An environmental study has been done for the project and further evaluation is not warranted, as described in Master Response GEN-3.

Comment I-38 Lori Burns

| | |
|---|---|
| Retain light rail lane on Hwy 85 | |
| Lori Burns [burnslh@gmail.com] | |
| Sent: Thursday, February 06, 2014 2:09 PM | |
| To: 85expresslanes | |
| I-38-1 | I would like to comment that I strongly disagree with the proposal to convert the Hwy 85 light rail designated land to express lanes. There is a much stronger need to make mass transit more practical. Use the funds to implement light rail -- and make connections to BART and/or Caltrain. Additional lanes for cars will just encourage more cars, less carpooling, more congestion and more pollution. |
| I-38-2 | |
| Lori Burns Saratoga resident. | |

Responses to Comment I-38

I-38-1

The commenter's opposition to the proposed project is noted. Master Response GEN-2 provides detailed information about why light rail was not analyzed as an alternative to the proposed project.

I-38-2

The project would create additional capacity for carpools and maintain priority use for carpools and other HOVs, as described in Master Response GEN-1. Refer to Master Responses TR-1 and AQ-1 regarding traffic and air quality with the project.

Comment I-39 Robert Burns

| |
|--|
| <p>Public comment Bob [burnsre@gmail.com] Sent: Thursday, January 30, 2014 6:34 PM To: 85expresslanes Cc: Lori Burns [burnslh@gmail.com]</p> <p>I-39-1 [The 85 express lanes project proposal should be stopped. It does not solve any current problem. Instead, it makes things worse by eliminating the possibility of light rail through this corridor. It will degrade the environment, slow all transit, reduce safety and waste taxpayer money.</p> <p>Robert Burns Saratoga</p> |
|--|

Responses to Comment I-39

I-39-1

The commenter's opposition to the proposed project is noted. Refer to Master Response GEN-2 regarding the comment about light rail in the median. Environmental effects of the project were studied in detail and no significant environmental effects were found, as described in Master Response GEN-3.

Comment I-40 Erica Caleca

| |
|---|
| <p>85 Express Lanes Erica Isaacson [caleca@sbcglobal.net] Sent: Wednesday, January 15, 2014 12:42 PM To: 85expresslanes</p> <p>Dear Who Ever it May Concern,</p> <p>I-40-1 [The traffic in the HOV Lan on highway 85 is already congested and I feel that the approval to make it a pay to use Express Lane would defeat the purpose of having an HOV lane at all on the highway. I think that the money should go to other ways to ease traffic congestion such as widdening the highway if possible, building additional highways, etc.</p> <p>Sincerely, Erica Caleca</p> |
|---|

Responses to Comment I-40

I-40-1

The commenter's opinion about the proposed project is noted. The express lanes would create additional capacity and maintain priority use for carpools, transit buses, and other HOVs, which would continue to use the lanes for free. Refer to Master Response GEN-1 for additional information.

As described in Master Response GEN-7, the express lanes would offer immediate congestion relief during a time when funding to advance major projects such as highway widening or new highway construction is limited.

Comment I-41 Carmel Campos

| | |
|--|---|
| AGAINST SR 85 Express Lanes | |
| Carmel Campos [carmel@looporganic.com] | |
| Sent: Wednesday, February 19, 2014 1:03 PM | |
| To: 85expresslanes | |
| I-41-1 | It has come to my attention that the VTA is planning on expanding Highway 85, even though it goes against signed Performance Agreements signed in 1988-1989. I am writing to voice my opinion, and that of my neighbors, who live near the highway. We do not want to see 85 adding express lanes. It would only encourage more single-driver cars, and increase noise and pollution, which are already a problem. If traffic levels are increasing so drastically, that is ever more reason to be thinking long-term, and planning for a light rail instead. Putting in express lanes now will only be a temporary solution, and it will hinder future plans for light rail... this is something the VTA has already admitted. |
| I-41-2 | |
| We are strongly voicing our opinions that the project needs to have an independent environmental review before any further plans are moved forward for the expansion. And it should be evaluated against plans for a light rail system, which we believe would be much better for all involved – commuters and citizens alike. VTA should keep its promises, and do what's right, for the present and the long-term! | |
| Carmel Campos, Citizen of Campbell | |
| <hr/> | |
| Carmel Campos tel: 917.620.1297 | |

Responses to Comment I-41

I-41-1

The comment does not specify which Performance Agreement is cited. See the responses to Comments L-1-2 (Cupertino), L-3-4 (Saratoga), and L-4-2 (Los Gatos).

I-41-2

The express lanes would maintain priority use for carpools, transit buses, and other HOVs, which would continue to use the lanes for free. In addition, express lane tolls would provide a revenue source for HOV, transportation, and transit service improvements within the SR 85 corridor. Refer to Master Responses GEN-1 and GEN-7 for additional information.

The detailed traffic studies for the project show that it would improve travel times and speeds through 2035, as described in Master Response TR-1.

Master Response GEN-2 provides detailed information about why light rail was not analyzed as an alternative to the proposed project.

The environmental impacts of the proposed project, including noise and air quality effects, have been fully evaluated in the IS/EA and appropriate measures have been included to avoid or minimize impacts. Refer to Master Response GEN-3 for a detailed discussion.

Comment I-42 Sondra Campos

AGAINST 85 EXPRESS LANES

Sondra Campos [sondra.campos@gmail.com]

Sent: Thursday, February 20, 2014 11:06 PM

To: richw@cityofcampbell.com; jefferyc@cityofcampbell.com; jasonb@cityofcampbell.com; michaelk@cityofcampbell.com; evanl@cityofcampbell.com; community.outreach@vta.org; 85expresslanes

Categories: Blue Category

I-42-1 [Against 85 Express Lanes!
It has come to my attention that the VTA is planning on expanding Highway 85, even though it goes against signed Performance Agreements signed in 1988-1989. I am writing to voice my opinion, and that of my neighbors, who live near the highway. We do not want to see 85 adding express lanes. It would only encourage more single-driver cars, and increase noise and pollution, which are already a problem. If traffic levels are increasing so drastically, that is ever more reason to be thinking long-term, and planning for a light rail instead. Putting in express lanes now will only be a temporary solution, and it will hinder future plans for light rail...this is something the VTA has already admitted.

I-42-2 [We are strongly voicing our opinions that the project needs to have an independent environmental review before any further plans are moved forward for the expansion. And it should be evaluated against plans for a light rail system, which we believe would be much better for all involved – commuters and citizens alike.
VTA should keep its promises, and do what's right, for the present and the long-term!
Sondra Campos, Citizen of Campbell

Responses to Comment I-42

I-42-1

This comment is addressed in the response to Comment I-41-1.

I-42-2

This comment is addressed in the response to Comment I-41-2.

Comment I-43 Brian Cao

From: brian cao <bcao.us@gmail.com>
Sent: Thursday, January 30, 2014 6:37 PM
To: Luke
Cc: 85expresslanes; abbottnet@juno.com; Liang Cao; alice gmail account
Subject: Re: Concern about VTA Plan of Changing Highway 85 from 6 Lanes to 8 Lanes

I-43-1

Yes, I also agreed with Luke on every point that he raised here. And our family has lived next to Luke and KMP park for almost 10 years in Saratoga. Please reconsider the 8 lanes expansion before creating a disaster on our neighborhood.

Regards,
Brian Cao
12301 Saraglen Dr.
Saratoga, CA 95070
(408)9730388 

On Thu, Jan 30, 2014 at 1:24 PM, Luke <luke95070@aol.com> wrote:

Hello

As a 25 years resident of the City of Saratoga, I'm very concern about the California VTA's proposed plan to expand from 6 lanes to 8 lanes of Highway 85, that is passing adjacent to my backyard. Ever since the completion of Highway 85, I have noticed frequently rumbling/vibration of my house from time to time during morning traffic, in addition to the heavier dusts inside the house as well as outside, which were not mentioned in the VTA environmental report.

I am **strongly object** to the expansion plan, for the following reasons:

1. I am deeply concern of what may have done to the house structure integrity by the rumbling/vibration of the house due to the traffic.
The expansion plan will aggravate the situations.
2. It will worsen noise and air quality (pollution) due to increased number of cars.
3. It violates the Performance Agreement of 6 Lanes

Sincerely Yours,

Luke Jen
12285 Saratoga, CA 95070
(408) 255-7119

Responses to Comment I-43

I-43-1

The commenter's opposition to the project is noted.

Comment I-44 Rui Cao

From: [Rui Cao](#)
To: [85expresslanes](#)
Subject: No HWY85 expansion!
Date: Friday, February 28, 2014 3:31:07 PM

Hi there,

I-44-1 [I am strongly against 85 expansion for VTA. No, Never!

Thanks for your listening!

Rui Cao
13417 Christie Dr.
Saratoga, CA 95070

Responses to Comment I-44

I-44-1

The commenter's opposition to the project is noted.

Comment I-45 Doug Carothers

Express Lane on CA 85

W D Carothers Jr [dougcarothersjr@comcast.net]

Sent: Wednesday, January 15, 2014 12:56 PM

To: 85expresslanes

Cc: Doug Carothers [dougcarothersjr@comcast.net]; Assemblymember.Fong@assembly.ca.gov

I-45-1

[I use this corridor at least once a week during rush hour (around 6 PM) south and I generally believe this is good idea. Last night the diamond lane was particularly crowded. The diamond lane came to a stop for a few seconds at least once. we in the other 2 lanes were passing the drivers in the diamond lane. With additional traffic on the diamond lane, this may be more of the norm, i.e., stoppage. However, it is better to try it and see how it goes. Can always change back or modify the conditions of diamond lane entry.

Doug Carothers
dougcarothersjr@comcast.net
Mobile: 408-206-4776

Responses to Comment I-45

I-45-1

The commenter's support for the project is noted. The project would maintain priority use for carpools and other HOVs, as described in Master Response GEN-1, as well as increase capacity for HOVs by adding a second express lane in the median in both directions of SR 85 between SR 87 and I-280.

Comment I-46 Lee and Linda Casentini

January 29, 2014

Department of Transportation, District 4
Ngoc Bui
P.O. Box 23660, MS 8B
Oakland, CA 94623-0660

To the VTA and Caltrans,

I-46-1

We were very distressed to learn today of the plans of VTA/Caltrans to add two additional lanes to Freeway 85 through the city of Saratoga, California without first performing a full Environmental Impact Report (EIR). It is not only irresponsible to consider such a project without investigating its impact thoroughly on the communities involved but it also breaks a Performance Agreement between VTA/Caltrans and the cities bordering the 85 corridor guaranteeing only 6 lanes and Light Rail.

We ask that a decision to proceed with this expansion project be delayed until you have done a full Environmental Impact Report, and have met with our community to share your findings. Thank you for your attention.

Sincerely,



Lee and Linda Casentini
12648 Indio Court
Saratoga, CA 95070
408 996-0795
lcasentini@comcast.net

Responses to Comment I-46

I-46-1

California Public Resources Code Sections 21080(d) and 21082.2(d) require the preparation of an EIR for projects with significant environmental effects. The determination that the proposed project would not have significant environmental effects was based on a detailed and comprehensive review of each technical study area. Refer to Master Response GEN-3 regarding preparation of an EIR.

Community meetings and other outreach for the project are described in Master Response GEN-6.

The responses to Comments L-1-2 (Cupertino), L-3-4 (Saratoga), and L-4-2 (Los Gatos) address the agreements cited in the comment.

Comment I-47 Elaine Chan

From: [Elaine Chan](#)
To: [85expresslanes](#)
Subject: Comments on the SR 85 Express Lanes Project <http://www.vta.org/85expresslanes>
Date: Friday, February 28, 2014 10:00:54 AM

Dear CalTrans and VTA Board,

I-47-1 As a resident fo the Saratoga, I am opposed to the SR 85 Express Lanes Project.
This proposal does not solve the congestion problem at 280 /85. It will just amplified the congestion as there will be more lanes merging to exiting 3 lanes.

I-47-2 I am concerned aout the noise level that it will increase. The will have significant impact to the schools, Blue Hill Elementary, that is located adjacent to the freeway. Even in our neighborhood, the current noise level is quite bad already. The project may allow trucks that will worsen the noise level for all the residents living close to the freeway.

I-47-3 Please reconsider this project and work on the real traffic congestion area instead.

Thank you.
Regards,
[Elaine Chan](#)
[Knollwood Drive, Saratoga](#)

Responses to Comment I-47

I-47-1

The commenter’s opposition is noted. Refer to Master Response TR-1 regarding general traffic improvements from the project and Master Response TR-2 regarding bottlenecks at the I-280 interchange and other locations along SR 85.

I-47-2

The noise technical studies show that the project would result in a 0 to 1 decibel increase in traffic noise along the Saratoga portion of SR 85, as described in Master Response N-3. This increase would typically not be perceptible, as discussed further in Master Response N-1.

Blue Hills Elementary School, located at 12300 De Sanka Avenue, Saratoga, was evaluated in the NSR. Receptors ST-51 and ST-53, located at 20159 Marilla Court and at 19899 Sea Gull Way, respectively, were selected as acoustically equivalent receptors for land uses west of SR 85 between Prospect Road on the north and Cox Avenue on the south. Receptors in this area, including Blue Hills Elementary School and Azule Park, are currently shielded by a 12-foot sound wall (identified in the IS/EA as SW10; see Appendix A, Sheet 9). Predicted future noise levels at first-row receptor ST-51 were 62 dBA L_{eq} , below the NAC for Category B residential land uses. Predicted future noise levels at first-row receptor ST-53 approached the NAC (66 dBA L_{eq}) for Category B residential land uses, thereby requiring the consideration of noise abatement. Both 14-foot and 16-foot replacement noise barriers were evaluated and both were found not to be

feasible. Noise levels at the facades of school buildings located over 600 feet from the SR 85 centerline are estimated to be 59 dBA L_{eq} or less. Interior noise levels within school buildings are estimated to be at least 15 dBA less than exterior noise levels and well below the Activity Category D NAC of 52 dBA $L_{eq(h)}$.

The proposed project would not change the current truck restrictions on SR 85, so noise levels from additional truck traffic are not expected to increase.

I-47-3

See the response to Comment I-47-1.

Comment I-48 Ken Chan

From: [Ken Chan](#)
To: [85expresslanes](#)
Cc: [Ken Chan](#); [Jennie Tsang](#)
Subject: Comments on the SR 85 Express Lanes Project
Date: Friday, February 28, 2014 7:42:52 AM

Dear CalTrans and VTA Board,

As a resident of Saratoga, I am opposed to the current proposal to the SR 85 Express Lanes Project as described in www.vta.org/85expresslanes.

I-48-1 This proposal does not add capacity to relieve congestion in the section between 280-Cupertino and 101-Mountain View. Adding a second HOV lane on 85 from San Jose to Cupertino will only add to the problem at the 280-Cupertino choke point.

I-48-2 Second, the proposal would eliminate the possibility extending light rail to Saratoga. As i understand the situation, light rail needs to be routed in the center of the freeway. Adding an extra HOV lane in both directions without widening Hwy 85 will leave no room to implement public light rail transport in the foreseeable future.

I-48-3 Third, the proposal puts HOV access points in Cupertino and Los Gatos. Saratoga residents in carpool situations will have to drive longer distances in slower non-HOV lanes before being able get onto HOV lanes. People may choose to drive thru our neighborhoods to get more direct HOV lane access at Cupertino or Los Gatos entrances.

I-48-4 Finally, i understand trucks will be allowed onto this section of Hwy85 if federal funds are used in this project. The existing noise level from Hwy85 is already high. Adding a projected 3db to sound levels doubles freeway noise for residents

I-48-5 living in close proximity.

I-48-6 I urge you to reconsider this project. Address the real traffic choke points first before attempting to fix secondary areas which doesn't need fixing.

Thank you.

Ken Chan
15068 El Camino Senda,
Saratoga CA 95070

Responses to Comment I-48

I-48-1

The commenter's opposition is noted. Refer to Master Response TR-1 regarding general traffic improvements from the project and Master Response TR-2 regarding bottlenecks along SR 85.

I-48-2

Refer to Master Response GEN-2 regarding light rail in the median and Master Response GEN-7 regarding why transit options are not being implemented instead of the proposed project.

I-48-3

The development of the current access points is described in Master Response GEN-4. Continuous access—like the existing SR 85 HOV lane, with no buffer separation—will be considered during detailed project design, as discussed in Master Response GEN-4. Refer to Master Response TR-3 regarding local traffic impacts.

I-48-4

The project would not change the existing truck restrictions on SR 85, regardless of funding source.

I-48-5

Refer to Master Response N-1 regarding noise impacts.

I-48-6

Refer to Master Response TR-1 regarding general traffic improvements from the project and Master Response TR-2 regarding bottlenecks along SR 85.

Comment I-49 *Starry Chan*

CA85 changing from 6-lane to 8-lane FWY

Starry Chan [sschan12675@gmail.com]

Sent: Tuesday, January 28, 2014 3:21 PM

To: 85expresslanes

I-49-1

I am a long time Saratoga resident. I am writing you to request a Full Environmental Impact Report to be performed for this \$170 million project affecting the city of Saratoga. I would also like to point out that it is not appropriate to generate revenue from a public funded FWY paid for by local sales taxes.

As far as I am concern, the \$170 million should be spent to fix the bottleneck at CA85 and I280. The addition of two toll lanes will likely make this bottleneck even worse.

Starry Chan
12675 Kinman CT
Saratoga, CA 95070
408-446-4132

Responses to Comment I-49

I-49-1

California Public Resources Code Sections 21080(d) and 21082.2(d) require the preparation of an EIR for projects with significant environmental effects. The determination that the proposed project would not have significant environmental effects

was based on a detailed and comprehensive review of each technical study area. Also refer to Master Response GEN-3 regarding preparation of an EIR.

Refer to Master Response GEN-5 regarding tolls, which are use fees, charged for solo drivers in the express lanes.

Refer to Master Response TR-2 regarding traffic congestion at the SR 85/I-280 interchange.

Comment I-50 Barry Chang (1)

| |
|---|
| <p>Comments on Highway 85 Express Lanes Project Barry Chang [barry4ca@gmail.com] Sent: Sunday, January 19, 2014 12:10 PM To: 85expresslanes</p> <p>Dear VTA and Caltrans,</p> <p>I-50-1 [Have you done ridership study for this project or the alternatives? Also have you done the costs and benefits analysis for this project and the alternatives? Thanks.</p> <p>Barry Chang</p> |
|---|

Responses to Comment I-50

I-50-1

The studies that have been conducted to gauge public interest in using express lanes on SR 85 are described in IS/EA Section 3.1. Refer to response to Comment L-1-4 regarding the cost-benefit analysis and Master Response GEN-10 regarding funding, cost, and return.

R-1-1,
cont.

The Water Board adopted U.S. EPA's Section 404(b)(1), "Guidelines for Specification of Disposal Sites for Dredge or Fill Material," dated December 24, 1980, in its Basin Plan for determining the circumstance under which filling of wetlands, streams or other waters of the

State may be permitted. Section 404(b)(1) Guidelines prohibit all discharges of fill material into regulated waters of the United States, unless a discharge, as proposed, constitutes the least environmentally damaging practicable alternative that will achieve the basic project purpose.

The Guidelines sequence the order in which proposals shall be approached: 1) Avoid - avoid impacts to waters; 2) Minimize - modify project to minimize impacts to waters; and, 3) Mitigate - once impacts have been fully minimized, compensate for unavoidable impacts to waters. When it is not possible to avoid impacts to water bodies, disturbance should be minimized. Mitigation for lost water body acreage and functions through restoration or creation should only be considered after disturbance has been minimized. Where impacts cannot be avoided, the creation of adequate mitigation habitat to compensate for the loss of water body acreage and linear feet, and functions and values must be provided. Mitigation should be preferably in-kind and on-site, with no net destruction of habitat value. A proportionately greater amount of mitigation is required for projects that are out-of-kind and/or off-site. Mitigation should be completed prior to, or at least simultaneous to, the filling or other loss of existing wetlands.

Post Construction Stormwater Runoff Impacts

Project implementation will result in a net increase of impervious area.

R-1-2

Added impervious areas may result in alterations to existing hydrologic regimes, resulting in erosion and/or changes of sediment transport in receiving waters (hydromodification). As noted in the IS/EA, there are receiving waters in the project area that are susceptible to hydromodification. It is also noted that the project would incorporate BMPs to maintain or restore pre-project hydrology to the levels that would satisfy Santa Clara Valley Urban Runoff Pollution Prevention Program hydromodification requirements. We appreciate the Department's commitment to meet hydromodification impact requirements.

In order to obtain 401 water quality certification (certification) or waste discharge requirements from the Water Board, the Department will be required to treat stormwater runoff from a Project area equivalent to all added and reworked impervious surfaces. The IS/EA notes that 40.1 acres of impervious surface would be added as a result of project implementation, but does not specify how many acres of impervious surface would be reworked. The Water Board will not issue Clean Water Act section 401 water quality certification (certification) for this Project unless post-construction stormwater is treated from a Project area equivalent to all added and reworked impervious surfaces.

Planning for Provision of Mitigation Areas

R-1-3

As noted in this letter, the Department may be subject to hydromodification and post-construction stormwater treatment mitigation which require the provision of Department right-of-way. The Department must plan for provision of these mitigation lands as soon as possible; should provision and/or acquisition of these on-site lands prove infeasible, the Department must provide the accompanying rationale of infeasibility in its 401 certification application and provide an off-site mitigation proposal to compensate for the foregone on-site mitigation.

Ms. Cristin Hallissy
SCH No. 2013122065

- 3 -

SR 85 Express Lanes EA/Neg. Dec.
CIWQS No.: 803245

R-1-3, | If you have any questions, comments, or concerns, please contact me at (510) 622-2348, or via
cont. | email to derek.beauduy@waterboards.ca.gov.

Sincerely,



Derek Beauduy
Environmental Specialist

cc: State Clearinghouse
Mr. Hardeep Takhar, Caltrans
Mr. Dale Bowyer, Water Board

Responses to Comment R-1

R-1-1

Bridge widening at Saratoga Creek and San Tomas Aquino Creek would take place above the ordinary high water mark, as determined in the wetland delineation that was done in 2012. Therefore, a Section 404 permit will not be needed.

Rodeo, Ross, and Vasona Creeks cross under SR 85 in box culverts. SR 85 at these culvert crossings is a single structure, rather than separate northbound and southbound bridges as it is at Saratoga Creek and San Tomas Aquino Creek. The work on SR 85 over Rodeo, Ross, and Vasona Creeks consists of paving the existing dirt median, placing concrete median barriers, and replacing the existing inside shoulder with a new structural section. These activities would not affect the box culverts or creeks. No overhead signs, toll structures, or light poles, would be installed at the culvert crossings. The IS/EA has been revised to clarify this information.

Because the project would result in more than 1 acre of ground disturbance, a General Construction Permit will be required. A 401 Certification is not expected to be required but a RWQCB joint application for 401 Water Quality Certification and/or Report of Waste Discharge will be submitted because the project is subject to waste discharge requirements under the Porter-Cologne Water Quality Control Act.

R-1-2

As noted in the comment, the IS/EA states that 40.1 acres of impervious surface would be added as part of the project. The reworked impervious area would be 27.4 acres. The project would provide permanent storm water treatment for 100 percent of the net added and reworked impervious area, equal to 67.5 acres. The detailed evaluation of best management practices (BMPs), selection of BMP types, and BMP locations and treatment areas will be further refined during detailed project design. This information has been added to IS/EA Section 2.2.1.3.

R-1-3

Preliminary treatment areas have been identified within the existing right-of-way to provide permanent storm water treatment for 100 percent of the net added and reworked impervious area. The proposed treatment areas are along SR 85 within the Cottle Road, Blossom Hill Road, Santa Teresa Boulevard, Almaden Expressway, Camden Avenue, Union Avenue, SR 17, South De Anza Boulevard, and I-280 interchanges. The need for additional right-of-way is not anticipated.

Comment R-2 Kathrin A. Turner, Santa Clara Valley Water District

5750 Almaden Expressway, San Jose, CA 95118-3614 | (408) 265-2600 | www.valleywater.org

Santa Clara Valley Water District 

File: 32336
Various

January 31, 2014

Mr. Ngoc Bui
California Department of Transportation
Environmental Planning, MS 8B
P. O. Box 23660
Oakland, CA 94623

Subject: Initial Study with Proposed Negative Declaration/Environmental Assessment – State Route 85 Express Lanes Project

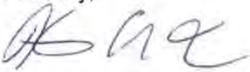
Dear Mr. Bui:

R-2-1 [Santa Clara Valley Water District (District) staff has reviewed the Initial Study with Proposed Negative Declaration/Environmental Assessment for the State Route 85 Express Lanes Project, received on December 30, 2013.

The proposed project crosses 18 waterways, including Matadero Creek, Adobe Creek, Permanente Creek, Stevens Creek, Permanente Creek Diversion, Regnart Creek, Calabazas Creek, Rodeo Creek, Saratoga Creek, Vasona Creek, San Tomas Aquino Creek, Smith Creek, Smith Creek East, Los Gatos Creek, Ross Creek, Guadalupe River, Canoas Creek, and Coyote Creek. The proposed project also crosses 4 pipelines, including West Pipeline, Rinconada Force Main, Almaden Valley Pipeline, and Snell Pipeline.

It appears that several facilities, including Guadalupe River, San Tomas Aquino Creek, Vasona Creek, Rodeo Creek, and Ross Creek, may be impacted by the proposed project. The District has either fee title or easement right way in the project area and a District permit will be required.

Please provide site plans at your earliest convenience. If you have any questions, I can be reached at (408) 630-2586 or at kturner@valleywater.org. Please reference District File No. 32336 on any future correspondence regarding this project.

Sincerely,

Kathrin A. Turner
Assistant Engineer
Community Projects Review Unit

Responses to Comment R-2

R-2-1

The proposed project does not include activities that would affect Guadalupe River. See IS/EA Section 2.1.4.3 (under “SR 85 Bridge Widening”) in regard to proposed work at San Tomas Aquino Creek. The response to Comment R-1-1 describes project work in the vicinity of Vasona Creek, Rodeo Creek, and Ross Creek. Final IS/EA Section 1.3.7 has been revised to include a reference to a Santa Clara Valley Water District permit.

Project plans will be provided to the District during the project design phase.

Comment R-3 Stacie Feng, San Francisco Water Department

Route 85 Express Lane project...
Feng, Stacie [SFeng@sfgwater.org]
Sent: Monday, February 03, 2014 10:38 AM
To: 85expresslanes
Attachments: google map.jpg (324 KB)

R-3-1 [The SFPUC has two large underground transmission mains cross Route 85; see map attached. We would like to understand how your project impact our pipelines and the right of way.

Thank you.
Stacie

Stacie Feng, PE
San Francisco Water Department
1000 El Camino Real
Millbrae Ca 94030
Ph 650-871-2037
Fax 650-872-5941

Responses to Comment R-3

R-3-1

Detailed mapping of the SFPUC transmission mains has been requested and the information will be incorporated into the project design. Utility coordination will be conducted during the project design phase. Caltrans and VTA will confirm during the next design phase that major utilities will be avoided.

H.4 Comments from Local Agencies

Comment L-1 David Brandt, City Of Cupertino



OFFICE OF THE CITY MANAGER

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3212 • FAX: (408) 777-3366
davidb@cupertino.org

February 27, 2014

Via E-mail and FedEx

Ngoc Bui
Department of Transportation, District 4
PO Box 23660, MS 8B
Oakland, CA 94623-0660
85expresslanes@urs.com

Re: State Route 85 Express Lanes Project Initial Study with Proposed Negative Declaration/Environmental Assessment

Dear Mr. Bui :

L-1-1

The City of Cupertino appreciates the opportunity to submit comments on the proposed State Route (“SR”) 85 Express Lanes Project (“Project”) and the Initial Study with Proposed Negative Declaration/Environmental Assessment (“IS/EA”). The proposed Project would convert the existing High-Occupancy Vehicle (“HOV”) lanes on SR 85 to express lanes, allowing single-occupant vehicles (“SOV”) to pay a toll to use the lanes, while HOVs would continue to use the lanes at no cost. The express lanes would extend along the entire 24.1-mile length of SR 85 and 1.5 miles of US 101 from the southern end of SR 85 to Metcalf Road in San Jose. In addition, the Project includes: (1) paving the existing 46-foot median to construct a second express lane, which would be added in both directions on SR 85 between I-280 and SR 87; (2) an auxiliary lane, which would be added along a 1.1-mile segment of northbound SR 85 between South De Anza Boulevard and Stevens Creek Boulevard; and (3) widening of numerous bridges along SR 85.

I. Overview of City’s Concerns

The City has several fundamental concerns with the Project and its environmental review. First, the Project has the potential to hinder or preclude altogether light rail transit along the SR 85 corridor. Second, widening highways is an antiquated approach to

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| L-1-1, cont. | <p>meeting travel demand yet Caltrans fails to consider a single transit-based alternative. The Project, as currently designed is socially inequitable and fails to achieve its own goals. Third, the IS/EA fails to adequately evaluate the Project’s environmental impacts or to propose effective mitigation measures, rendering the document inadequate under both the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 <i>et seq.</i> and the National Environmental Policy Act (“NEPA”), 42 U.S.C. section 4321 <i>et seq.</i> Finally, the City is concerned that federal funding for the Project will require the existing truck weight limit on SR 85 to be removed, which would create a significant environmental effect that must be analyzed.</p> <p>This letter, along with the transportation report prepared by MRO Engineers (“MRO Report”), attached as Exhibit A, constitute the City’s comments on the IS/EA.¹ The City respectfully refers Caltrans to the MRO Report both here and throughout these comments, for further detail and discussion of the IS/EA’s inadequacies.</p> |
| L-1-2 | <p>A. The Project Would Preclude the Development of Light Rail Within the SR 85 Median.</p> <p>The median of SR 85 has long been considered a possible route for mass transit throughout southern Santa Clara County. To this end, in 1989, the predecessor to the Santa Clara Valley Transportation Authority (“VTA”)² entered into a Performance Agreement with several cities, including the City of Cupertino, to ensure that no improvements would be undertaken to SR 85 that would preclude future mass transit development within the highway’s median. <i>See</i> Performance Agreement between City of Cupertino and the Santa Clara County Traffic Authority (January 24, 1989), attached as Exhibit B, (paragraph 4 stating that Route 85 through the City will be a 6 through-lane facility with a median width of 46’... “, and paragraph 8 stating that “... Bridges will be designed and constructed in a manner not to preclude future mass transit development in the freeway median.”</p> <p>As recently as 2000, VTA still contemplated the development of a light rail system in Cupertino/Sunnyvale. Measure A, a retail transaction and use tax ordinance sponsored by VTA, was approved by the electorate on November 7, 2000. <i>See</i>, Official Ballot, County of Santa Clara, General Election, November 7, 2000, attached as Exhibit C. The tax receipts from this measure were specifically earmarked for various mass transit projects. Sunnyvale/Cupertino is one of the locations that Measure A contemplated providing capital funds for the development of a light rail system.</p> <p>In addition to being inconsistent with the 1989 Performance Agreement and Measure A, the Project would not comply with Federal Highway Administration</p> |

¹ All exhibits are provided in the enclosed CD.

² The Santa Clara County Traffic Authority was the predecessor agency to the VTA.

| | |
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| L-1-2, cont. | <p>(“FHWA”) regulations, which mandate that transportation projects may “not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.” IS/EA, p. I-7. Although the IS/EA states that the Project “will not prevent consideration of alternatives for other foreseeable transportation improvements on SR 85” (<i>id.</i>), a 22-foot median may preclude the development of light rail transit in certain locations within the median of the highway and will certainly make any future light rail project much more difficult and expensive. That is because the proposed Project would substantially reduce the size of the median. In many locations, including the segments of the highway within Cupertino, the existing 46-foot median would be reduced to approximately 22 feet. MRO Report, p. 8. Indeed, VTA staff member John Ristow publicly confirmed that the proposed Project would require light rail within the SR 85 median to be elevated.</p> |
| L-1-3 | <p>As discussed below, Caltrans must evaluate other alternatives that would meet future travel demand while not precluding or making infeasible light rail transit within the SR 85 median. One obvious alternative is the development of light rail transit along the SR 85 corridor.</p> <p>B. Caltrans Must Consider Alternatives That Do Not Require Widening the Highway.</p> <p>The IS/EA acknowledges only one real alternative to the proposed Project. This alternative, which would convert the existing northbound and southbound HOV lanes into an express lane, was rejected during the early stage of Project development because it would preclude the future construction of a second express lane in the SR 85 corridor. IS/EA, p. I-14, 15. The IS/EA therefore fails to include <i>any</i> alternative that would not, ultimately, result in the widening of the highway.</p> <p>While highway widening might be appropriate for some transportation purposes, Caltrans and VTA should also analyze project alternatives that do not rely exclusively on increasing highway capacity. Increases in highway capacity facilitate increased travel. The reduction in traffic congestion results in increases in vehicle speeds, which in turn results in “induced” travel. Induced travel occurs when the cost of travel is reduced (<i>i.e.</i>, travel time reduction due to additional capacity), causing an increase in demand (<i>i.e.</i>, more travelers using the improved facility). The reduction in travel time causes various responses by travelers, including diversion from other routes, changes in destinations, changes in mode, departure time shifts, and possibly the creation of new trips all together. Increasing highway capacity also results in increased air pollution and greenhouse gas emissions and discourages alternative forms of transportation.</p> <p>The IS/EA confirms that the additional highway capacity will draw traffic toward the SR 85 corridor. IS/EA Traffic Appendix OA, p. 28 (#8). This Appendix also shows that the Project will result in additional traffic in Cupertino in 2035. <i>Id.</i> Consistent with these findings, the IS/EA states that the Project will result in a sizeable increase in vehicle miles traveled -- 14 percent in the northbound AM peak and 7 percent in the southbound</p> |

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| L-1-3 cont. | <p>PM peak compared to No Build. IS/EA, p. 2-27. In fact, even with this highway widening, some segments of the express lanes would operate at level of service E or F and /or would have a decrease in level of service compared with the No Build Alternative. IS/EA, p. 2-28.</p> |
| L-1-4 | <p>With this Project, Caltrans has an opportunity to change the trajectory of increased traffic and increased travel and move the region in a more sustainable direction. Widening highways will not move the region toward sustainability. Put simply, transit is sustainable, highways are not. Yet, because Caltrans fails to consider even one transit-based alternative it provides no information about the role that transit could play in meeting the County’s long-term transportation needs. Alternatively, Caltrans could evaluate the feasibility of meeting future travel demand using reversible lanes.</p> <p>C. Significant Concerns And Questions Exist Regarding The Project’s Social Inequality and its Failure To Achieve Its Own Goals.</p> <p>Not surprisingly, the City’s elected officials have taken a keen interest in this Project, and have strong concerns about the role that express lanes play in meeting the region’s transportation needs. While recognizing that there may be some benefit to traffic flow in an express lane, this approach is socially inequitable in that it unfairly allows the use of the express lanes to those with sufficient income to receive this benefit. It is unacceptable that only those who can afford to pay will have a special privilege on a publicly-funded roadway. In other words, poor people should not be required to travel more slowly than those with more money. Inasmuch as everyone’s taxes paid for freeways, everyone should have access to all lanes of the freeway without being charged extra.</p> <p>The Project may also have unintended environmental consequences. For example, the Project will discourage carpooling since certain individuals, who had been carpooling to gain access to the HOV lanes, will now simply opt to pay the toll rather than seek other riders. Other individuals will forego purchasing alternative energy vehicles since the cost of tolls is comparatively much less.</p> <p>Equally important, the City’s officials question the necessity of a project that is not expected to achieve its own goals. The IS/EA explains that the purpose of the Project is to ensure consistency with AB 2032. IS/EA, p. i. AB 2032 established certain operational parameters for the “high-occupancy toll” (“HOT”) lane system authorized by the bill. In particular, it requires that Level of Service (“LOS”) be maintained at all times in the HOT lanes. The Project would not, however, ensure LOS C and/or D in the HOV lanes. As the IS/EA concludes, in 2035 some segments of the HOV lanes would operate at LOS E or F. IS/EA, p. 2-26. At best, therefore, the Project is a short term solution to the region’s traffic congestion problems. Indeed, as VTA’s <i>Murali Ramanujam</i> has explained, the Project is intended to be a mere adjustment to the level of congestion on</p> |

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| <p>L-1-4, cont.</p> | <p>SR 85, not a solution to it. As such, Caltrans must explore options that would result in more sustainable transportation solutions.</p> <p>In addition, although this Project has been in the planning stages for decades, a number of crucial questions remain unanswered. First, neither Caltrans nor VTA have identified the source(s) of funding for the Project. A detailed list of the sources and the amount of funding from each source should be disclosed, including any funding restrictions. This information is pertinent to the discussion of alternative approaches.</p> <p>Furthermore, neither Caltrans nor VTA have identified the dollar value of the projected traffic congestion reduction, if any. VTA representatives, including URS Corporation official Lynn McIntyre, have acknowledged that the VTA did not consider the financial implications associated with a reduction in traffic congestion. Inasmuch as the Project's value has not been quantified, the City questions how VTA intends to justify the Project's costs to the taxpayer? Because VTA does not know how much, if any, net economic benefit the Project will bring, how does VTA expect to demonstrate that the Project will not be a waste of taxpayer money?</p> <p>The City respectfully requests that Caltrans and VTA address these issues and concerns before taking further action on the Project.</p> |
| <p>L-1-5</p> | <p>II. The IS/EA Is Legally Inadequate and Does Not Provide the Evidentiary Basis That the Project's Impacts Will Be Less Than Significant.</p> <p>A. Legal Standard</p> <p>It is well settled that CEQA establishes a "low threshold" for initial preparation of an EIR. <i>The Pocket Protectors v. City of Sacramento</i>, 124 Cal. App. 4th 903, 928 (2005). CEQA provides that a lead agency may issue a negative declaration and avoid preparing an EIR only if "[t]here is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment." Pub. Res. Code § 21080(c)(1). An initial study must provide the factual basis, with analysis included, for making the determination that no significant impact will result from the project. Guidelines § 15063(c), (d). In making this determination, the agency must consider the direct and indirect impacts of the project as a whole (Guidelines § 15064(d)), as well as the project's growth-inducing and cumulative impacts. <i>See City of Antioch v. City Council of Pittsburg</i>, 187 Cal. App. 3d 1325, 1333 (1986).</p> <p>An agency must prepare an EIR whenever it is presented with a "fair argument" that a project may have a significant effect on the environment. Guidelines § 15064(f)(1). Where there are conflicting opinions regarding the significance of an impact, the agency must treat the impact as significant and prepare an EIR. Guidelines §§ 15064(a)(1) and (f)(1); <i>Stanislaus Audubon Soc'y v. County of Stanislaus</i>, 33 Cal. App.</p> |

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| <p>L-1-5, cont.</p> | <p>4th 144, 150-51 (1995). Further, where the agency fails to study an entire area of environmental impacts, deficiencies in the record “enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” <i>Sundstrom v. County of Mendocino</i>, 202 Cal. App. 3d 296, 311 (1988).</p> <p>As discussed below, the IS/EA fails to adequately evaluate the Project’s environmental impacts or to propose effective mitigation measures. Because the Project as described in the IS/EA will have potentially significant environmental impacts, Caltrans must analyze these impacts in an environmental impact report/statement (“EIR/EIS”) and adopt enforceable mitigation.</p> <p>B. The IS/EA’s Description of the Project Is Inadequate and Does Not Permit Meaningful Public Review of the Project.</p> <p>In order for an environmental document to adequately evaluate the adverse impacts of a project, it must first provide a comprehensive description of the proposed project. “An accurate, stable and finite project description is the <i>sine qua non</i> of an informative and legally sufficient EIR.” <i>San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus</i>, 27 Cal.App.4th 713, 732 (1994), quoting <i>County of Inyo v. City of Los Angeles</i>, 71 Cal.App.3d 185, 193 (1977). Courts have found that, even if an EIR is adequate in all other respects, the use of a “truncated project concept” mandates the conclusion that the lead agency did not proceed in a manner required by law. <i>San Joaquin Raptor</i>, 27 Cal.App.4th at 730. NEPA similarly requires an accurate and consistent project description in order to fulfill its purpose of facilitating informed decision-making. 42 U.S.C. § 4332(2)(C).</p> |
| <p>L-1-6</p> | <p>Accordingly, “[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” <i>McQueen v. Bd. of Directors of the Mid-Peninsula Regional Open Space Dist.</i> (1988) 202 Cal.App.3d 1136, 1143 (citation omitted). While extensive detail is not necessary, the law requires that environmental documents describe proposed projects with sufficient detail and accuracy to permit informed decision making. See CEQA Guidelines, §15124. The IS/EA here fails to meet this basic threshold.</p> <p>The IS/EA’s description of the Project fails to describe numerous, essential aspects of the Project that have the potential to result in significant environmental impacts. This omitted information includes, but is not limited to:</p> <ul style="list-style-type: none"> • Project Specifications. The IS/EA provides no map that accurately portrays the precise locations where the widening to provide the second express lane would begin and end. All of the Project’s graphics are conceptual and/or schematic. The document does not include detailed (preliminary) design drawings that would show median widths, etc. For example, MRO Engineers was forced to rely on Google Earth to determine existing median widths. |

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| <p>L-1-6, cont.</p> | <ul style="list-style-type: none"> • Location of the Project staging areas. • Amount of cut and fill, if any, associated with the Project. • Location of spoils and soil importation sites, and haul routes. • Number of truck trips associated with all grading and other construction-related activities. • Description of construction-related activities (including timeline, location, number of construction employees, types of equipment, etc.). |
| <p>L-1-7</p> | <p>Without this information about the Project, the public and decision-makers will not be able to balance the Project’s benefits against its environmental cost and evaluate feasible alternatives and mitigation measures.</p> <p style="text-align: center;">C. Caltrans Must Prepare An EIR/EIS that Analyzes the Potentially Significant Effects Of The Proposed Project.</p> <p>As stated above, an agency must prepare an EIR for a proposed project whenever substantial evidence in the administrative record supports a “fair argument” that the project may have significant effects on the environment. A fair argument clearly can be made that the Project, which will add travel lanes to SR 85, will have potentially significant impacts on transportation, noise, air quality, climate change and visual resources. For all of these reasons, as discussed below, an EIR/EIS is required.</p> <p style="text-align: center;">1. The IS/EA Fails to Adequately Analyze the Project’s Transportation Impacts, Which Are Expected to Be Significant.</p> <p>The IS/EA’s evaluation of the Project’s transportation impacts is inadequate because: (a) it lacks the required evidentiary basis for its significance thresholds; (b) certain of its analyses are inaccurate, illogical and misleading; (c) it omits any analysis of impacts to the local and regional transportation network; (d) it fails to evaluate the Project’s impacts on transit, bicycle and pedestrian systems; and (e) it does not disclose how construction of the Project would affect the local street system.</p> <p style="text-align: center;">(a) The IS/EA Lacks the Evidentiary Basis for its Level of Service Standards.</p> <p>The IS/EA never clearly identifies thresholds of significance for the Project’s transportation impacts. The document explains that the express lanes are required to operate at level of service (“LOS”) C unless there is a written agreement between Caltrans and VTA that permits LOS D. MRO Engineers Report, p. 4. The IS/EA implies such an agreement exists – and uses LOS D as the standard of significance for express lanes -- but it provides no evidence that Caltrans and VTA have agreed to use this more</p> |

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| <p>L-1-7, cont.</p> | <p>lenient LOS threshold. Consequently, Caltrans’ reliance on the LOS D threshold allows it to conclude that the Project would result in relatively few impacts on SR 85’s express lanes. As the MRO report explains, there would be a “substantial number of additional locations that would have high vehicle densities and impaired traffic flow if LOS C is the correct level of service standard, rather than LOS D.” MRO Report, p. 4, 5. In other words, if LOS C is, in fact, the appropriate threshold for express lanes, the IS/EA substantially underestimates the Project’s impact on these lanes.</p> <p>With regard to general purpose lanes, the IS/EA also relies on the LOS D standard. As the MRO Report explains, the Caltrans Guide for the Preparation of Traffic Impact Studies (December 2002) identifies LOS C as the appropriate standard for general purpose/mixed-flow lanes. MRO Report, p. 5. In 2015 and 2035; however, the IS/EA identifies numerous locations where general purpose lanes would operate at LOS D. See IS/EA, p. 2-16 through 2-24, Tables 2.1.3-5, 2.1.3-6, 2.1.3-9, and 2.1.3-10. Had Caltrans used the correct LOS standard, it would have identified myriad additional locations where the general purpose lanes would operate at deficient levels of service.</p> <p>Regardless of which LOS standard Caltrans relies on, there is clear evidence that numerous segments of SR 85 – both express and general purpose lanes -- would operate at deficient levels of service, i.e., LOS E or LOS F upon completion of the proposed Project. See IS/EA Table 2.1.3-10, p. 2-24. These are significant effects caused by the Project for which the IS/EA identifies no mitigation. Consequently, Caltrans must prepare an EIR/EIS.</p> |
| <p>L-1-8</p> | <p style="text-align: center;">(b) The Analysis of Traffic Impacts on SR 85 is Deficient Because Caltrans’ Consultants Artificially Limits the Travel Demand Forecasts to Ensure a Successful Outcome.</p> <p>Rather than model the actual travel demand on the express lanes in 2015 and 2035, Caltrans’ traffic consultants structured the travel demand forecasts so as to preclude the express lanes from carrying more than 1,650 vehicles per hour. The consultants artificially constrained the express lanes to 1,650 vehicles per hour per lane to ensure compliance with the statutory requirements established in AB 2032. The DKS/URS traffic operations report prepared for VTA³ states:</p> <p style="padding-left: 40px;">It is important to note mandated performance requirements that must be taken into consideration when designing an express lane project. At the state level, AB 2032 mandated that express lanes operate at a Level of Service (LOS) of “C” or better (LOS “D” may be used if Caltrans and the operator</p> <p>³ DKS and URS, <i>SR 85 Express Lanes EA #04-4A7900 Traffic Operations Analysis Report Final</i> (November 6, 2013) (“DKS/URS report”).</p> |

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| <p>L-1-8, cont.</p> | <p>agree). This corresponds to a target threshold of approximately 1,650 vph [vehicles per hour] per HOV lane. DKS/URS Report , p. 1.</p> <p>Later, the DKS/URS report states:</p> <p>The volumes presented in the following tables [Tables 5-1 through 5-4] assume that the maximum volume will be limited to 1,650 vehicles per hour per lane on the express lanes. <i>Id.</i> p. 28.</p> <p>This report confirms that Caltrans’ consultants artificially limited the travel demand forecasts to ensure a successful outcome. The actual volumes that can be realistically expected in the express lanes are unknown, due to the lack of an unconstrained traffic projection. The actual traffic volumes in the express lanes could be substantially higher than the IS/EA indicates, which would lead to levels of service in those lanes that are much worse than disclosed in the IS/EA.</p> |
| <p>L-1-9</p> | <p style="text-align: center;">(c) The IS/EA’s Level of Service Analysis Results Are Illogical and, Therefore, Are Likely Inaccurate</p> <p>As the MRO Report explains, the IS/EA’s conclusions as to how SR 85 would operate upon completion of the Project are questionable. For example, under 2015 Southbound conditions, the IS/EA indicates that the HOV/express lanes on three segments of southbound SR 85 would have substantially improved levels of service under Build conditions in the PM peak hour, even though they are in the portion of SR 85 that currently has one HOV lane and will continue to have only one express lane. This is illogical, because implementation of the SR 85 express lanes project will allow additional motorists (i.e., toll-paying SOVs) to use this single lane, which should result in higher lane density and, therefore, equal or lower level of service. This illogical result raises questions as to the credibility of all of the level of service analysis results. The inaccuracies could stem from the flawed travel demand forecasts (as addressed below) or from the LOS calculation process. In either event, the results must be reviewed and corrected.</p> <p style="text-align: center;">(d) The IS/EA Overstates the Project’s Benefit With Regard To Travel Speeds on SR 85.</p> <p>The IS/EA identifies SR 85 travel time and speed through the study area under No Build and Build conditions for the express lanes and general purpose lanes. As MRO Engineers determined, when the travel time results are compared to the travel speed results, inconsistencies are apparent that call into question the accuracy and validity of the IS/EA’s analysis.</p> |

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The MRO Report explains that *peak-period* travel speeds should be somewhat higher than *peak-hour* speeds, because the former includes two or three hours of lower traffic volumes (and higher speeds) in addition to the “worst-case” peak hour. Yet, in numerous instances, the IS/EA’s data are illogical and misleading because the *peak-period* speed is less than either of the *peak-hour* values, which defies logic. Travel speed data for the AM peak in 2015, the northbound (peak direction), for example, are particularly questionable. Under No Build conditions, the *peak-hour* travel speed is shown as 35.0 MPH in the general purpose lanes and 56.2 MPH in the HOV lanes. In contrast, the *peak-period* speed is shown as 37 MPH, which is approximately the same as the *peak-hour* general purpose lane value. The same is generally true under Build conditions. MRO Report, pages 8-11.

The IS/EA’s travel speed results are inaccurate and, therefore, misleading. Until the speed estimates can be corrected so that they provide rational results, they are of no value in demonstrating the value of the proposed Project.

(e) The IS/EA Omits Any Analysis of the Project’s Impacts to the Local and Regional Transportation Network.

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In violation of CEQA’s core requirements, the IS/EA ignores the Project’s impacts on the local and regional transportation network. The basic purpose of CEQA is to inform governmental decision-makers and the public about the potential significant environmental effects of proposed activities. *See* CEQA Guidelines § 15002(a)(1). Instead of providing such a comprehensive impact analysis of the proposed Project’s impacts on the transportation network, the IS/EA only describes how SR 85 would be affected. The *only* level of service information in the IS/EA is for those segments of the freeway proposed to be widened. *See e.g.*, Table 2.1.3-5 beginning on page 2-16. While it is necessary to know how SR 85 would operate upon completion of the Project, this is no substitute for an evaluation of the Project’s environmental impacts on the affected local and regional traffic network as well.

According to the MRO Engineers’ Report, Caltrans’ travel demand forecasts reveal that the Project would result in substantial changes in traffic patterns at many SR 85 access locations, yet the IS/EA fails to analyze how these changes will affect local traffic patterns.⁴ MRO Report, p. 4. For example, the Project will result in the addition of

⁴ It is important to note that the travel demand forecasts are not included in the IS/EA itself. They can only be found by searching through the sizable quantity of ancillary material on the Caltrans District 4 website. CEQA requires that the analysis be presented in the EIR. *See Santa Clarita Organization for Planning the Environment v. County of L.A. (“SCOPE”)* (2003) 106 Cal. App. 4th 715, 722 (agency’s analysis must be contained in the EIR, not “scattered here and there in EIR appendices”). Even worse, the critical DKS/URS traffic operations analysis document is not attached to the IS/EA as an appendix.

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| L-1-10 cont. | <p>hundreds of vehicles to various freeway ramps and street segments in and near Cupertino in 2015 and 2035. <i>Id.</i> The IS/EA completely ignores both this substantial increase in traffic and the potential for significantly increased congestion and delay at these locations.</p> <p>Many of these ramps and intersections likely carry very high traffic volumes and are integral components of the local and regional circulation system. Therefore, to evaluate the Project’s traffic impacts, the IS/EA should have studied the “before” and “after” travel patterns on local street intersections, street segments, freeway ramp terminal intersections, freeway ramps, and freeway mainline segments throughout the region. “An EIR may not ignore the regional impacts of a project approval, including those impacts that occur outside of its borders; on the contrary, a regional perspective is required.” <i>Citizens of Goleta Valley v. Board of Supervisors</i> (1990)52 Cal.3d 553, 575 . Indeed, an EIR must analyze environmental impacts over the entire area where one might reasonably expect these impacts to occur. <i>See Kings County Farm Bureau v. City of Hanford</i> (1990) 221 Cal.App.3d 692, 721-724. This principle stems directly from the requirement that an EIR analyze all significant or potentially significant environmental impacts. Pub. Res. Code §§ 21061, 21068.</p> <p>Certainly the potential exists for some of these ramps to operate at deficient levels of service as a result of the Project. Caltrans should prepare an EIR/EIS that fully analyzes these potential impacts and identifies feasible mitigation if these impacts are determined to be significant.</p> |
| L-1-11 | <p style="text-align: center;">(f) The IS/EA Inaccurately Characterizes Existing Traffic Operations at the SR 85/I-280 Interchange.</p> <p>The IS/EA incorrectly characterizes SR 85 traffic operations in the vicinity of I-280 as being at an acceptable level of service. This finding differs significantly from the experience of motorists who drive through this area on a daily basis. SR 85 near Stevens Creek Boulevard and the I-280/SR 85 interchange is already a major bottleneck. The typical delay traveling north on SR 85 to northbound I-280 is about 15 minutes. Widening SR 85 south of this interchange will encourage additional traffic on SR 85 and, therefore, intensify congestion at the I-280/SR 85 interchange. The IS/EA does not acknowledge the potential for this adverse impact, let alone evaluate methods for alleviating this congestion.</p> |
| L-1-12 | <p style="text-align: center;">(g) The IS/EA Fails to Analyze the Project’s Impact on Public Transit, Bicycles or Pedestrians.</p> <p>According to CEQA, a project would have a significant effect on the environment if it would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. CEQA Appendix G, § XVI.f). The IS/EA contains no analysis whatsoever of impacts to public transit, bicycle, or pedestrian facilities, however.</p> |

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| L-1-12 cont. | <p>The proposed Project would impact public transit both directly and indirectly. First, as discussed above, the City has long anticipated the development of a light rail transit system within the SR 85 median. By substantially reducing the width of the highway's median, the proposed Project would likely preclude the development of light rail within the highway's median. Moreover, according to the City's General Plan, VTA's Transportation Plan 2020 includes a study of light rail transit in the Sunnyvale/Cupertino Corridor. See City of Cupertino General Plan Circulation Element, p. 4-3. Caltrans must disclose whether the Project would preclude development of a light rail system within the SR 85 median and analyze the Project's consistency with the Sunnyvale/Cupertino Corridor light rail transit study.</p> <p>Second, the Project would use funding to widen the highway that could otherwise be invested in public transportation. This is especially important because a substantial amount of funding is necessary to compensate for the region's long-term dependence on the automobile. Consequently, the region has an extensive highway system but an incomplete transit system. Without a comprehensive, well-integrated transit system, public transportation will never be able to become a truly viable alternative to the automobile in meeting the region's transportation mobility needs. The IS/EA fails to acknowledge, let alone analyze, this impact.</p> <p>Third, increasing highway capacity at the same time as the region is trying to increase transit ridership is an inherently flawed approach to regional transportation mobility. As discussed above, increases in highway infrastructure undercut transit ridership. Traffic congestion provides a significant incentive to seek alternative modes of transportation. High-quality public transportation tends to attract travelers who might otherwise drive. Once highways are widened, however, traffic congestion eases, travel speeds increase (at least for some period of time), and travelers again begin to drive. Moreover, if transit ridership continues to decline because travelers are taking advantage of freed-up capacity on freeway lanes, regional transportation agencies will invest even less funding in transit systems and transit service. With less funding, transit agencies cut, or eliminate altogether, routes and transit headways, which in turn reduces transit ridership further. Once again, the IS/EA fails to acknowledge or analyze this effect on public transit.</p> <p>Fourth, investing in highways perpetuates development patterns that are inherently unsuited to alternative modes of transportation. Typical suburban development – characterized by low-density cul-de-sacs, wide, high-speed arterials, and massive intersections – makes it less cost-effective for transit to serve scattered destinations. Investing in transit capital and operational improvements, on the other hand, creates transit certainty which in turn is a critical factor for supporting the growth of compact communities. This will result in a <i>virtuous</i> cycle whereby transit investments encourage transit-oriented development, boosting transit ridership, and encouraging more transit investments. Here too, the IS/EA fails to account for this phenomenon or to analyze the effect that continuing highway expansion has on this cycle.</p> |
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| L-1-12, cont. | <p>The Project also has the potential to adversely affect pedestrian and bicycle use and to be inconsistent with the City of Cupertino’s Pedestrian Transportation Guidelines and the Cupertino Bicycle Transportation Plan. <i>See</i> Cupertino General Plan, Circulation Element, p. 4-7. Caltrans must evaluate these adverse environmental impacts in an EIR/EIS.</p> |
| | <p style="text-align: center;">(h) The IS/EA Fails to Analyze or Mitigate the Project’s Construction-Related Transportation Impacts.</p> <p>According to the IS/EA, construction of the proposed Project would span two years. IS/EA, p. 1-14. One would expect that, given the massive scale and prolonged duration of such a construction project, the IS/EA would have comprehensively analyzed what are certain to be extensive local and regional traffic impacts. Traffic patterns will be impacted from lane closures, rerouting of traffic, delivery of materials, hauling of excavated material, and construction employees commuting to/from the job site.</p> |
| L-1-13 | <p>Unfortunately, the IS/EA provides no analysis of the Project’s construction-related impacts. Instead, the IS/EA looks to a future “Traffic Management Plan” to minimize the expected traffic delays and closures — a Plan that will be developed after Project approval. IS/EA, p. 2-28. But this deferral of mitigation violates CEQA. <i>See</i> CEQA Guidelines § 15126.4(a)(1)(B) (“Formulation of mitigation measures should not be deferred until some future time.”); <i>Communities for a Better Environment v. City of Richmond</i> (2010) 184 Cal.App.4th 70, 93.</p> <p>Caltrans should prepare an EIR/EIS that (1) provides a complete analysis of the Project’s construction-related impacts, and (2) includes the agency’s actual mitigation plan. The public and decision-makers must be apprised of the magnitude of these impacts, and the actions that will be necessary to mitigate them, prior to the Project’s approval.</p> |
| L-1-14 | <p style="text-align: center;">2. The IS/EA Fails to Adequately Analyze the Project’s Noise Impacts, Which Are Expected to Be Significant.</p> <p>Widening SR 85 will, without question, increase noise levels throughout the Project area, yet the IS/EA fails to adequately analyze or mitigate these significant impacts. The most serious deficiencies are discussed below.</p> <p style="text-align: center;">(a) The IS/EA Fails to Mitigate For the Project’s Significant Noise Impacts.</p> <p>The threshold of significance for noise impacts used by the IS/EA appears to be “when the future noise level with the project results in a substantial increase in noise level (defined as a 12 dBA or more increase) or when the future noise level with the project approaches or exceeds the Noise Abatement Criteria (“NAC”).” IS/EA, p. 2-88. Approaching the NAC is defined as “coming within 1 dBA of the NAC.” <i>Id.</i> Applying</p> |

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| <p>L-1-14, cont.</p> | <p>this threshold of significance, the IS/EA identifies segments all along the stretch of SR 85 to be widened where the long-term noise impacts associated with the Project will be significant. <i>Id.</i> p. 2-93 through 2-96. Two of these segments -- (Segment 4: Fremont to I-280 and Segment 5: I-280 to South De Anza Boulevard) -- are located within Cupertino.</p> <p>Despite the significant increase in noise levels at these locations, the IS/EA fails to mitigate these impacts. The IS/EA selects only one noise abatement type for the Project (sound walls) and then rejects each and every one of the sound walls, stating that none of the walls meet Caltrans' feasibility and reasonableness criteria. <i>Id.</i> p. 2-97.</p> <p>The City can find no logical explanation as to why Caltrans does not consider other feasible mitigation measures. Indeed, the IS/EA acknowledges that Caltrans has several potential noise abatement measures available to mitigate noise impacts. These include: avoiding the impact by using design alternatives, using traffic management measures to regulate types of vehicles and speeds, and acoustically insulating land uses such as auditoriums, day care centers, hospitals and libraries. <i>Id.</i> p. 2-97. Yet the IS/EA fails to evaluate the feasibility of such measures.</p> <p>Moreover, other feasible approaches exist for reducing traffic noise impacts. The IS/EA fails to evaluate, for example, the use of pavement options such as open graded asphaltic concrete or rubberized asphalt materials. These alternative pavement options have been proven to be quite effective to attenuation noise. Rubberized asphalt, for example, can result in an average of a four dBA reduction in traffic noise levels as compared to conventional asphalt. <i>See</i> "Report on the Status of Rubberized Asphalt Traffic Noise Reduction in Sacramento County, Bollard & Brennan, Inc., November 1999, attached as Exhibit D. The fact that other feasible mitigation exists to reduce or eliminate potentially significant impacts demands review and analysis in an EIR/EIS.</p> |
| <p>L-1-15</p> | <p style="text-align: center;">(b) The IS/EA's Analysis of the Project's Operational Noise Impacts is Deficient.</p> <p>The flaws in the IS/EA's noise analysis extend beyond its failure to mitigate the Project's significant noise impacts. Indeed, the document fails to adequately analyze the Project's noise impacts altogether. One of the first steps required to analyze environmental impacts is to describe the existing environmental setting. An EIR's description of a project's environmental setting plays a critical part in all of the subsequent parts of the EIR because it provides "the baseline physical conditions by which a lead agency determines whether an impact is significant." CEQA Guidelines § 15125(a). Similarly, under NEPA, an EIS must "describe the environment of the area(s) to be affected or created by the alternatives under consideration." 40 C.F.R. § 1502.15. Here, the IS/EA omits essential information about the existing sensitive receptors in the vicinity of SR 85.</p> <p>For purposes of noise analyses, Caltrans categorizes land uses based on the type and level of human use. <i>See</i> Caltrans Traffic Noise Analysis Protocol ("Noise Protocol")</p> |

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| <p>L-1-15 cont.</p> | <p>at 6 through 12, attached as Exhibit E. According to the Noise Protocol, noise impacts vary depending on how humans use a site. As an example, the parking lot for a place of worship is not considered to be an area of frequent use that would benefit from a lowered noise level because people only spend a few minutes there getting in and out of their cars and there would be no benefit to a lowered noise level. However, if outdoor worship services are held at this location, this would be an area where people are exposed to noise for an extended period of time and where the ability to hear is important. This then would be considered an area of frequent human use that would benefit from a lowered noise level. Caltrans Protocol, pp. 7, 8. The Noise Protocol thus specifically acknowledges types of land uses that warrant comparatively low interior noise levels. These uses, referred to as “Category D”, which includes auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recordings studios, schools and television studios, should have interior noise levels of 52 dBA. <i>Id.</i>, p. 7.</p> <p>Although the IS/EA acknowledges generally that residences, schools, churches, and hospitals are located along the Project corridor (at 2-90), it does not identify the specific receptors. It does not tell the public and decisionmakers, for example, how many schools are located along the corridor or the proximity of the schools to the freeway. Are these schools already protected by sound walls? Do they have noise attenuation features such as double-paned windows? The IS/EA omits this important information.</p> <p>Detailed information about existing land uses is all the more important because Caltrans’ requires additional analysis of Category D land uses “after a determination has been made that exterior abatement measures will not be feasible and reasonable.” <i>Id.</i> p. 10. The IS/EA concludes that there is no feasible mitigation for the Project’s significant noise impacts but fails to take the necessary next step ; i.e., examination of interior noise levels in Category D land uses. An EIR/EIS must evaluate the Project’s effect on interior noise levels and identify appropriate mitigation if noise levels exceed the required thresholds.</p> <p>Second, the IS/EA fails to include an evaluation of noise impacts beyond the highway’s immediate right-of way (“ROW”). By focusing only on noise receptors located immediately adjacent to the ROW, the IS/EA fails to take into consideration phenomena such as reflective noise. Reflective noise results from sound waves reflecting off of nearby buildings and structures. <i>See Sound Walls: Absorptive Versus Reflective Design and Effectiveness, Sound Fighter Systems</i>, attached as Exhibit F.</p> <p>As studies show, the sound waves that travel around the ends and over the tops of sound walls in particular can be significant. <i>Id.</i> Reflection is a critical factor when a vehicle (such as a truck) is almost as tall as the wall or, as in many cases, taller than the wall. The sound levels at the receiver can be easily increased perhaps 3 to 5 dB, and sometimes up to 10 dB because of reflective noise. <i>Id.</i> In addition, these reflections can be directed uphill causing impacts to residences located at higher elevations on the slopes</p> |
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| <p>L-1-15 cont.</p> | <p>surrounding the ROW. Because of this phenomenon, noise conditions at receptor locations uphill from the ROW may differ substantially from those receptors within the ROW. Caltrans must expand its study area to include all receptors that are likely to experience increased noise levels resulting from the proposed Project.</p> <p>Third, the IS/EA does not evaluate single noise events. Motor vehicle noise is characterized by a high number of individual events, which often create a higher sustained noise level in proximity to areas sensitive to noise exposure. Buses and motorcycles, in particular, generate significantly more single noise events than other vehicle types, especially along hills where engine brakes are applied or acceleration is needed. Yet, rather than analyze how these single-noise events will impact receptors, the IS/EA focuses only on average noise</p> <p>Analyzing only average noise impacts has been rejected by California courts because impacted residents do not hear noise averages, but single events. <i>See Berkeley Keep Jets Over the Bay v. Port of Oakland</i> (2001) 91 Cal. App. 4th 1344, 1382. Single event noise levels have been shown to be likely to result in sleep disruption and speech interference, and heightened levels of stress and annoyance. Noting that “sound exposure level [SEL] has been found to be the most appropriate and useful descriptor for most types of single event sounds,” the court in <i>Berkeley Keep Jets</i> held that the Port was required to prepare a supplementary noise analysis. Accordingly, the EIR/EIS must analyze the impacts of single event noise on sleep, speech, stress and annoyance levels, and analyze adequate measures to mitigate those impacts.</p> <p>Fourth, the IS/EA does not differentiate between daytime and nighttime noise. Noise can be far more intrusive during the evening and nighttime hours when ambient noise levels are at their lowest and when residents are sleeping. Since the surrounding area is quieter at these times, the masking effect of other noise does not screen the freeway noise. Caltrans should have taken into account this higher sensitivity to noise and evaluated how the increase in noise from the Project would affect receptors during these time periods. The EIR/EIS must include such an analysis.</p> |
| <p>L-1-16</p> | <p style="text-align: center;">(c) The IS/EA Fails to Adequately Analyze the Project’s Construction-Related Noise Impacts.</p> <p>Although construction of the Project would occur over two years, and would apparently occur near residences, schools, hospitals and businesses, the IS/EA fails to provide any analysis of this massive construction project. Instead, the document merely concludes that noise generated by project-related construction activities would be temporary and that noise levels would not be substantially higher than existing hourly average traffic noise levels on SR 85 (53 to 71 dBA). IS/EA, p. 2-103. Members of the public are given no specific information as to the type, severity or even the duration of the construction-related noise impacts at their specific locations. Nor does the IS/EA provide any assurance that sensitive receptors would be sufficiently protected during the Project’s protracted construction process.</p> |

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A conclusion regarding the significance of an environmental impact that is not based on an analysis of the relevant facts fails to fulfill CEQA's informational goal. *See Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 191, 196; *Citizens of Goleta Valley*, 52 Cal.3d at 568. The IS/EA fails to fulfill this paramount CEQA purpose both because it neglects to present all relevant facts relating to the Project's construction noise impacts upon sensitive receptors and because its cursory conclusions are based upon no analysis. Without a detailed quantitative analysis of construction-related noise, it is not possible to determine the severity of these impacts or whether the proposed mitigation measures would effectively reduce such effects. Similarly, "NEPA places upon an agency the obligation to consider every significant aspect of the environmental impact of a proposed action." *Baltimore Gas & Elec. Co. v. Natural Res. Def. Council*, 462 U.S. 87, 97 (1983) (internal quotation omitted).

According to a recent EIS/EIR prepared for another Caltrans' Project (I-5/SR-56 Interchange Project), noise levels from construction can be as high as 101 dBA at 50 feet.⁵ A noise level of 110 dBA is as loud as the sound of a jet fly-over at 300 meters or a rock band. *Id.* p. 3.16-2. Given the potential for the ear-splitting noise levels associated with the SR 85 Project construction, the proximity of sensitive receptors, and the protracted construction schedule, the IS/EA should have made at least some attempt to evaluate the Project's construction-related noise impacts.

Omission of this analysis is particularly egregious given that the FHWA *requires* that construction noise be considered during the development of any transportation facility, and identifies the specific FHWA model that agencies should use to predict noise levels for highway construction projects. *See* FHWA, Highway Traffic Noise Handbook available at: http://www.fhwa.dot.gov/environment/noise/construction_noise/rcnm/index.

An EIR/EIS should be prepared, which should include an analysis of construction-related noise impacts. An adequate analysis would include a description of existing ambient noise levels at receptor locations, predicted noise levels during each phase of construction at each sensitive receiver location, a comparison of noise levels during construction to the existing ambient noise levels, the establishment of appropriate significance thresholds to assess whether the increase would be substantial, and a finding as to whether noise levels would substantially increase. This type of evaluation is necessarily complex, requiring a thorough description of the type, duration, amplitude, topological conditions, relationship of sensitive receptors to construction areas, construction techniques, construction phasing, and construction durations for each highway segment.

The deficiencies in the IS/EA extend beyond Caltrans' failure to analyze construction-related noise impacts. The document also ignores construction-related vibration impacts. In addition to contributing to high levels of annoyance, construction-

⁵ I-5/SR-56 Interchange Project DEIR/S, May 2012 at 3.16-28.

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| <p>L-1-16, cont.</p> | <p>related vibration also can cause substantial property damage. Caltrans' EIR/EIS must undertake a comprehensive assessment of construction-related vibration impacts.</p> <p>Notwithstanding the IS/EA's failure to analyze the Project's construction-related noise impacts, the document identifies a few measures to minimize construction noise. The IS/EA calls for the preparation of a construction plan to identify the schedule for major noise-generating construction activities. IS/EA, p. 2-103. However, the IS/EA provides no performance criteria that will ensure that construction-related noise does not adversely impact nearby sensitive receptors. Courts have allowed deferral of mitigation only in very limited circumstances. "[F]or kinds of impacts for which mitigation is known to be feasible, but where practical considerations prohibit devising such measures early in the planning process . . . , the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval." <i>Sacramento Old City Ass'n v. City Council</i> (1991) 229 Cal. App. 3d 1011, 1028-29 (emphases added).</p> <p>Another measure calls for avoiding the staging of construction equipment within 200 feet of residences and as far as practical from noise sensitive receptors. <i>Id.</i> This measure is unlikely to be effective inasmuch as Caltrans has not even identified the specific affected sensitive receptors. Moreover, the use of language "as far as practical" is vague and unenforceable. The CEQA Guidelines state that "mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments." CEQA Guidelines 15126.4(a)(2).</p> <p>In sum, the Project's operational noise impacts would be significant. The IS/EA concludes that there are no feasible mitigation measures to reduce these impacts. In addition, the IS/EA lacks the evidentiary support that the construction-related measures will reduce construction noise impacts to a less-than-significant level. Inasmuch as the IS/EA offers no effective mitigation for these significant noise impacts, Caltrans must analyze these traffic impacts in an EIR/EIS.</p> |
| <p>L-1-17</p> | <p style="text-align: center;">3. The IS/EA Fails to Adequately Analyze the Project's Air Quality, Which Are Expected to Be Significant.</p> <p>The Project area does not attain federal standards for ozone and fine particulate matter (PM_{2.5}). For the state standards, which are more stringent than the federal, the region does not attain the ozone, PM_{2.5}, or inhalable particulate matter (PM₁₀) standards. <i>Id.</i> p. 2-77. Given the region's serious air pollution problem, one would expect that Caltrans would have extensively studied the Project's contribution to this problem. Unfortunately, this is not the case. Although the Project has the potential to result in a significant increase in air pollution, the IS/EA's analysis of air quality impacts is grossly inadequate. The most serious flaws in the air quality analysis are described below.</p> |

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| <p>L-1-17, cont.</p> | <p style="text-align: center;">(a) The IS/EA Lacks Thresholds of Significance to Evaluate the Project’s Air Quality Impacts.</p> <p>CEQA and NEPA’s most basic purpose is to inform governmental decision-makers and the public about the potential significant environmental effects of a proposed project. CEQA Guidelines § 15002 (a) (1); 40 C.F.R. § 1500.1(b). Determining whether a project may result in a significant adverse environmental effect is one of the key aspects of CEQA. Guidelines § 15064(a) (determination of significant effects “plays a critical role in the CEQA process”). CEQA specifically anticipates that agencies will use thresholds of significance as an analytical tool for judging the significance of a Project’s impacts. <i>Id.</i> § 15064.7.</p> <p>Thus, one of the first steps in any analysis of an environmental impact is to select a threshold of significance. Here, the IS/EA contains no thresholds of significance for the Project’s air quality impacts. This flaw leads to a cascade of other failures: without a threshold, the IS/EA cannot do its job. For example, although the IS/EA concludes that the Project would not violate any air quality standards, the document provides no standard by which to evaluate this impact’s significance. Caltrans’ EIR/EIS must include these thresholds and evaluate the Project’s impacts against these thresholds.</p> |
| <p>L-1-18</p> | <p style="text-align: center;">(b) The IS/EA Fails To Adequately Describe The Project’s Environmental Setting.</p> <p>The IS/EA contains no information regarding the number of people who live within the SR 85 study area, or more importantly, who live within a mile of the freeway. Studies indicate that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. <i>See California Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective</i> (excerpts), attached as Exhibit G.</p> <p>Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. The Bay Area Air Quality Management District (“BAAQMD”) includes in its list of sensitive receptors, residences, schools, playgrounds, childcare centers, convalescent homes, retirement homes, rehabilitation centers, and athletic facilities. BAAQMD CEQA Guidelines at D-4, Updated May 2011. Sensitive population groups include children, the elderly, and the acutely and chronically ill, especially those with cardio-respiratory diseases. Residential areas are also considered to be sensitive to air pollution because residents tend to be home for extended periods of time, resulting in sustained exposure to any pollutant present. Although Caltrans would widen SR 85 and bring the highway even closer to established neighborhoods, the IS/EA fails to quantitatively, or even qualitatively, identify the number and type of sensitive receptors that would be affected by this proposed Project. Such information must be provided so that the public and decision-</p> |

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| <p>L-1-18 cont</p> | <p>makers can understand who will be at particular risk due to poor air quality caused by the Project.</p> |
| | <p style="text-align: center;">(c) The IS/EA Does Not Analyze Whether The Project Would Conflict With Or Obstruct Implementation Of The Applicable Air Quality Plan Or Whether It Would Violate Any Air Quality Standard.</p> |
| <p>L-1-19</p> | <p>Caltrans cites two reasons for its lack of an evaluation as to whether the Project would conflict with the applicable air quality plan or violate any air quality standard. First, it asserts, absent any evidence, that the Project will not interfere with the adoption of the BAAQMD's 2010 Clean Air Plan. IS/EA, p. 2-82. Second, it states the Project is included in the Bay Area's Regional Transportation Plan ("RTP") and that since the RTP has undergone regional evaluation for conformity with federal air quality standards, including ozone, the Project would result in no ozone impacts. <i>Id.</i> The document makes no attempt to provide the necessary facts and analysis to support its conclusions and thus falls far short of satisfying CEQA and NEPA's mandates. <i>Citizens of Goleta Valley v. Board of Supervisors</i> (1990)52 Cal.3d 553, 568 ; <i>Maryland-Nat'l Capital Park & Planning Comm'n v. U.S. Postal Serv.</i>, 487 F.2d 1029, 1040 (D.C. Cir 1973) (requiring agencies to take a "hard look" at the environmental impacts of a project, and not merely rest on "bald conclusions").</p> <p>If Caltrans intends to rely on the Project's inclusion in the RTP and that Plan's federal conformity evaluation, the IS/EA must discuss this evaluation and explain how the Project fits in with the evaluation. Moreover, it is important to note that no less than three lawsuits have been filed challenging the adequacy of the environmental analysis for the RTP. ⁶ See Alameda County Superior Court "Domain Web"</p> |
| | <p>⁶ Lawsuit 1 Name: <i>Bay Area Citizens v. Association of Bay Area Governments</i> Court: Alameda Superior Court Case No: RG13690631 Status: Writ Petition (CEQA) filed on 8/06/13; case pending. https://www.pacificlegal.org/Release/Lawsuit-says-Plan-Bay-Areas-drafters-wore-blinders</p> <p>Lawsuit 2 Name: <i>Building Industry Association v. Association of Bay Area Governments</i> Court: Alameda Superior Court Case No: RG13692098 Status: Writ Petition (CEQA) filed on 8/16/13; case pending. The Building Industry Association's press release regarding the filing is available at: http://www.biabayarea.org/bay-area-builders-sue-regional-agencies-over-failure-to-comply-with-landmark-state-housing-law/</p> |

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| L-1-19, cont. | <p>(http://www.alameda.courts.ca.gov/pages.aspx/domainweb) and search by case number. Caltrans should disclose whether any of these suits address the adequacy of the RTP EIR's air quality analysis. Finally, the IS/EA must evaluate whether the Project's federal conformity determination is sufficient to demonstrate that the Project would not violate any state air quality standard. As discussed above, the state air quality standards are more stringent than the federal standards.</p> |
| L-1-20 | <p>An EIR/EIS should be prepared and should include an accurate assessment of the Project's contribution to regional air pollution. Once this assessment is undertaken, mitigation measures and/or Project alternatives should be identified if the impacts are determined to be significant.</p> <p style="text-align: center;">(d) The IS/EA Erroneously Concludes That The Project Will Not Have Any Significant Impacts Due To Emissions Of Mobile Source Air Toxics.</p> <p>The IS/EA states that the Project will cause emissions of mobile source air toxics ("MSAT") to increase over existing conditions. IS/EA, p. 2-83. The IS/EA ignores the data, though, and summarily concludes that the Project would not have an adverse impact on MSAT emissions. <i>Id.</i> p. 2-84. The question is not whether the Project would have an adverse impact on MSAT emissions but whether it would have an adverse impact on nearby sensitive receptors. Unfortunately, the IS/EA does not evaluate this potential impact, claiming that there are no available tools to enable prediction of the project-specific health impacts of the emissions changes associated with the Project. <i>Id.</i> p. 2-83.</p> <p>Caltrans is wrong that it cannot conduct an analysis of health impacts. Agencies regularly conduct health risk assessments for road projects. The American Association of State Highway and Transportation Officials ("AASHTO") has prepared guidelines on available analytical models and techniques to assess MSAT impacts. <i>See AASHTO, Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process</i> (March 2007), attached as Exhibit H. These AASHTO Guidelines include over 200 pages of detailed procedures, and were designed specifically to assist transportation agencies in the evaluation of the potential health impacts caused by exposure to toxic air pollutants emitted from surface transportation sources. <i>Id.</i> p. 6,14. The AASHTO Guidelines explain that modeling tools are widely available that are</p> |
| <hr/> <p>Lawsuit 3 Name: <i>Communities for a Better Environment v. Metropolitan Planning Commission</i> Court: Alameda Superior Court Case No: RG13692189 Status: Writ Petition filed on 8/19/13.</p> | |

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| <p>L-1-20, cont.</p> | <p>capable of predicting MSAT impacts from transportation projects and that there are a variety of air quality dispersion models applicable to transportation projects. <i>Id.</i> p. 2,3 and Appendix B. Caltrans could use AASHTO’s Guidelines as a starting point for preparing its own analysis of the health impacts of the Project. <i>See also</i> http://www.dot.ca.gov/hq/env/air/pages/msat.htm (Caltrans acknowledging that health risk assessments can be done for road projects and that some air districts emphasize doing it). Moreover, even if a health risk assessment were not feasible, Caltrans must use some method to quantify and analyze MSAT risks to sensitive receptors to the best of its ability.</p> <p>A fair argument exists that the Project would result in significant air quality impacts. Consequently, Caltrans must prepare an EIR/EIS that comprehensively evaluates these impacts and identifies feasible mitigation and/or alternatives if the impacts are determined to be significant.</p> |
| <p>L-1-21</p> | <p style="text-align: center;">4. The IS/EA Fails to Adequately Analyze the Project’s Impact on Climate Change, Which Is Expected to Be Significant.</p> <p>While the IS/EA includes a discussion of the Project’s impacts on climate change, the analysis is essentially perfunctory. The analysis focuses its efforts on a lengthy discussion about the Project’s potential to increase average vehicle speeds and thereby reduce carbon emissions. The IS/EA calculates only a portion of the carbon emissions for which the Project will be responsible and then ignores its obligation to determine whether the impact is significant. The document thus fails at the most basic purpose of an EIR, which is to disclose to the public a project’s significant environmental impacts and mitigation for these impacts or alternatives to the proposed project that will avoid or substantially reduce the project’s significant impacts.</p> <p style="text-align: center;">(a) The IS/EA Incorrectly Focuses on Increased Travel Speeds to Reduce the Project’s Carbon Emissions.</p> <p>The IS/EA includes a lengthy discussion on the Project’s potential to increase average vehicle speeds as a way to reduce carbon emissions. IS/EA, p. 2-137. It downplays the role that the Project’s increase in vehicle miles traveled (“VMT”) will play in increasing greenhouse gas (“GHG”) emissions. As AASHTO recognizes, the only way that California will be able to achieve sustained reductions in GHG emissions is by reducing VMT. Recognizing the unsustainable growth in driving, AASHTO, which represents state departments of transportation throughout the country, is urging that the growth of vehicle miles traveled <i>be cut in half</i>. <i>See</i> “Growing Cooler: Evidence on Urban Development and Climate Change,” Urban Land Institute, attached as Exhibit 1 (emphasis added).</p> <p>Focusing on vehicle speeds is an unrealistic approach to controlling GHG emissions. As discussed above, the increased speeds that accompany highway expansion are short-lived since increased capacity attracts additional motorists, resulting in even</p> |

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| L-1-21, cont. | <p>greater levels of congestion. In any event, Caltrans cannot rely on the travel speed data identified in the IS/EA since, as the MRO Report explains, this data is inaccurate.</p> |
| | <p style="text-align: center;">(b) The IS/EA Fails to Properly Quantify the Project’s Emissions Contributing to Climate Change.</p> <p>The IS/EA’s estimate of the Project’s carbon emissions only tells a small part of the story of the Project’s contribution to climate change. The document includes calculations of the amount of emissions attributable to peak hour speeds and VMT, and then apparently uses these figures to develop only a rough estimate of total emissions. As discussed below, the IS/EA errs in its failure to identify all of the Project-related emissions.</p> |
| L-1-22 | <p>The IS/EA’s explains that it did not include in its emission calculation life-cycle emissions associated with manufacturing and lifecycle of its building materials, the production and distribution of the fuel, and fuel additives like ethanol prior to combustion in the vehicle. IS/EA, p. 2-138. Nor does the IS/EA’s emission calculation include gases other than carbon dioxide in its calculation of GHG emissions. Greenhouse gases that were not considered include, but are not limited to, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. <i>Id.</i>, p. 2-134. The document also does not include black carbon emissions, which are produced by burning fossil fuels such as diesel fuel. Black carbon has significant global and regional effects and its contribution to climate change is second only to carbon dioxide.⁷ Caltrans must inventory all of the Project’s emissions, including life-cycle emissions, other gases, and black carbon.</p> <p>An agency’s first duty under CEQA is to disclose accurately a project’s impacts. The IS/EA does not do so. Because it skips over several potentially significant sources of GHG emissions, it fails to accurately quantify the Project’s increase in GHG emissions. Until GHG emissions are properly quantified, the IS/EA will remain inadequate.</p> |
| L-1-23 | <p style="text-align: center;">(c) The IS/EA Fails to Arrive at a Conclusion as to Whether the Project’s Contributions to Climate Change Would Be Significant.</p> <p>Although the IS/EA acknowledges that the “Build” emissions would be higher than the “No Build” emissions in 2015 (p. 2-137), the document stops short of identifying the Project’s impact on climate change as significant. Caltrans has a clear statutory obligation under CEQA to determine whether or not this Project’s impacts are significant. The first step in any discussion of an environmental impact is to select a threshold of</p> |
| | <p>⁷ See, U.S. House of Representatives Committee on Oversight and Government Reform Hearing, October 18, 2007; Science and Development Network “Black Carbon Climate Danger Underestimated” April 3, 2008.</p> |

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| <p>L-1-23, cont.</p> | <p>significance. The IS/EA does not choose such a threshold. Under CEQA, a determination of the significance of an environment impact calls for “careful judgment ... based to the extent possible on scientific and factual data.” CEQA Guideline § 15064(b). Accordingly, a significance threshold for GHG emissions must reflect the grave threats posed by the cumulative impact of additional new sources of emissions into an environment where deep reductions from existing emission levels are necessary to avert the worst consequences of global warming. <i>See Communities for Better Env’t v. California Resources Agency</i> (2002) 103 Cal. App. 4th 98, 120 (“[T]he greater the existing environmental problems are, the lower the threshold for treating a project’s contribution to cumulative impacts as significant. <i>See, e.g., Berkeley Jets</i>, 91 Cal. App. 4th at 1370. The lack of published standards and thresholds of significance alone cannot justify Caltrans’ failure to analyze the potentially significant climate change impacts of the Project.</p> <p>The California Air Pollution Control Officers Association’s (“CAPCOA”)⁸ “CEQA & Climate Change” white paper assists lead agencies in analyzing greenhouse gas impacts under CEQA. <i>See Exhibit J.</i> Noting that “the absence of an adopted threshold does not relieve the agency from the obligation to determine significance” of a project’s impacts on climate change, CAPCOA explored various approaches to determining significance and then evaluated the effectiveness of each approach. In doing so, CAPCOA determined that only thresholds of zero emissions or of 900 tons of CO2 equivalent (“CO2e”)⁹ emissions had “high” effectiveness in reducing GHG emissions and “high” consistency with the emission reduction targets set forth in AB 32 and Executive Order S-3-05. <i>Id.</i></p> <p>NEPA also requires Caltrans to analyze the Project’s GHG emissions. <i>Ctr. for Biological Diversity</i>, 538 F.3d 1172, 1217 (9th Cir. 2008) (NEPA requires agencies to assess impacts of project on GHG emissions); <i>Earth Island Institute v. U.S. Forest Service</i>, 351 F.3d 1291, 1300 (9th Cir. 2003) (NEPA requires that federal agencies “consider every significant aspect of the environmental impact of a proposed action . . .”) (emphasis added) (citations omitted). The President’s Council on Environmental Quality issued draft guidance on analyzing this issue under NEPA. <i>See</i> February 18, 2010, Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions, attached as Exhibit K. This document recognizes that “the NEPA process should incorporate consideration of both the impact of an agency action on the</p> <p>⁸ CAPCOA is an association of air pollution control officers representing all local air quality agencies and air districts in California.</p> <p>⁹ Carbon dioxide equivalents (CO2e) provide a universal standard of measurement against which the impacts of releasing different greenhouse gases can be evaluated. As the base unit, carbon dioxide’s numeric value is 1.0 while other more potent greenhouse gases have a higher numeric value.</p> |
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environment through the mechanism of GHG emissions and the impact of changing climate on that agency action.” *Id.* at p. 11.

In any event, the Project, with its yearly emissions of more than 2,500 tons per year of CO₂e (p. 2-138), is well above either of the two potential thresholds of significance.¹⁰ Its contribution to global warming must therefore be considered significant. With this significance determination comes CEQA’s mandate to identify and adopt feasible mitigation measures that would reduce or avoid the impact. CEQA Guidelines § 15126.4(a)(1); *see also Woodward Park Homeowners Ass’n, Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 724 (“The EIR also must describe feasible measures that could minimize significant impacts.”).

While the IS/EA points to a handful of measures to reduce impacts, these measures are vague, undefined and unenforceable. In many instances, the IS/EA simply lists strategies such as “Portland Cement,” “non-vehicular conservation measures,” “education & information program,” and “Goods Movement,” but never defines these strategies, explains how they would be employed or how the CO₂ cost savings were calculated. Dozens of potential mitigation measures, at least, are available to reduce the Project’s greenhouse gas emissions. A small sampling includes:

- Require all aspects of the Project to be “carbon neutral” through a combination of on-site and off-site measures. An important aspect of this mitigation could be the adoption of an off-set requirement for any reductions that could not be achieved directly. Emissions could be offset either through contributing to the financing of sustainable energy projects or through the purchase of carbon credits. The programs are increasingly common and thus raise no issue of infeasibility.
- Require that off-road diesel-powered vehicles used for construction be new low-emission vehicles, or use retrofit emission control devices such as diesel oxidation catalysts and diesel particulate filters verified by the California Air Resources Board.

In addition to the mitigation measures identified above, Caltrans should also consider the mitigation measures proposed in CAPCOA’s publication.

In short, the IS/EA clearly states the Project would result in an increase in GHG emissions yet fails to identify feasible mitigation measures capable of offsetting these impacts. Caltrans must prepare an EIR/EIS to examine these impacts.

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5. The IS/EA Fails to Adequately Analyze the Project’s Impact on Visual Resources, Which Are Expected to Be Significant.

¹⁰ This amount was calculated by comparing 2015 “Build” and “No Build” emissions.

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| L-1-24 cont. | <p>Under CEQA, it is the state’s policy to “[t]ake all action necessary to provide the people of this state with . . . enjoyment of <i>aesthetic</i>, natural, scenic, and historic environmental qualities.” Pub. Res. Code § 21001(b) (emphasis added). Thus, courts have recognized that aesthetic issues “are properly studied in an EIR to assess the impacts of a project.” <i>The Pocket Protectors</i>, 124 Cal.App.4th at 937 (overturning a mitigated negative declaration and requiring an EIR where proposed project potentially affected street-level aesthetics).</p> <p>The accepted approach to analyzing visual and aesthetic impacts is as follows:</p> <ol style="list-style-type: none">a. Describe the criteria for significance thresholds.b. Characterize the existing conditions of the project site and the surrounding area by photograph and description, and select key viewpoints within the area, including scenic corridors and landscapes.c. Use photomontages or visual simulations, to illustrate the change in character of the project site before and after project implementation.d. Identify feasible mitigation measures and alternatives to reduce or eliminate significant impacts.e. Where mitigation measures are proposed, use the simulations to illustrate the change in character before and after project mitigation measures are imposed (e.g., landscaping at various stages of growth, setbacks, clustering, reduced scale and height, building color modification). <p>The IS/EA lacks much of the aforementioned information, making it nearly impossible to evaluate the Project’s aesthetic impacts. The document contains no thresholds of significance and, therefore, provides no standard by which to judge the significance of the Project’s impact on visual resources. It does not adequately characterize the existing setting because it omits photographs of SR 85 within Cupertino, focusing primarily on locations within and adjacent to San Jose. The IS/EA does not include any before/after simulations; therefore, neither the public nor decision makers have sufficient information about how the character of the setting will be altered upon completion of the Project. Thus, while the IS/EA acknowledges that the appearance of SR 85 will change, through pavement widening, bridge widening, installation of project signs, toll structures and lighting, the IS/EA lacks a visual representation of any of these features. Consequently, when the IS/EA concludes that the Project is expected to have little, if any, effect on visual quality, it lacks the evidentiary support to reach this conclusion.</p> |
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The Project would pave the SR 85 median through Cupertino yet there is no information about trees or ornamental landscaping in this location. In addition, an auxiliary lane would be added, the highway would be widened outside the current lanes, existing abutments would be removed and new retaining walls would be constructed. *Id.* p. 2-34. Rather than graphically show these changes, the IS/EA simply concludes that these changes would be visually compatible with the existing freeway corridor and that there would be “a low level of change” to the existing corridor. *Id.* But what the term “low level of change” means as a practical matter is not explained. Low compared to what benchmark? The information in the IS/EA is not “presented in a manner calculated to adequately inform the public and decision makers” of real environmental consequences of approving the Plan, in violation of CEQA. See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442.

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In addition, the IS/EA fails to inform the public of the effect that the new signs (including dynamic message signs) and toll structures would have on existing views. The Project would add 15 sets of overhead signs and toll structures. These would be installed in the median on cantilever structures and the tops of the signs and toll structures would be approximately 26 feet in height. *Id.* p. 2-36 through 2-39, 37. Here too, the document simply states that the “signs would introduce a low to moderate level of change to the existing environment” and that views of these project features would not “be highly conspicuous.” *Id.* p. 2-36. But because the IS/EA does not include any criteria for assessing a change in visual character or show “before and after” photographs, the phrases “low to moderate” and “not highly conspicuous” have no context.¹¹ This is very important, because SR 85 is below grade by as much as 25 feet, in many segments between I-280 and SR 87. *Id.* p. 2-30. Upon completion of the Project, the signs and toll structures may starkly interfere with existing views or abruptly change the character of the community.

The IS/EA’s analysis of light and glare impacts is particularly deficient. Mast-arm luminaires would be mounted on the median barrier along each of the 15 express lane access zones on SR 85. IS/EA, p. 2-39. At each access zone, approximately seven luminaires would be placed in the median over a distance of 2,000 feet (one luminaire every 250 to 400 feet). The number of luminaires would increase if the access zone is longer than 2,000 feet, to maintain a spacing of one luminaire every 250 to 400 feet. *Id.* The luminaires would be 35 to 40 feet tall. *Id.* p. 2-40. Although this Project would result in a substantial increase in light sources, the IS/EA provides no reasoned analysis of how these light sources would affect light and glare. The IS/EA never attempts to describe how this increase in lighting would compare with existing lighting or whether it would adversely affect nighttime views in the area as CEQA requires. CEQA Guidelines,

¹¹ The IS/EA does include “representative” photographs of signs and toll structures from another Bay Area freeway. IS/EA, p. 2-37. While it is helpful to see the design of these structures, such representative photographs cannot replace an analysis of how these structures would appear throughout Cupertino.

Appendix G, § I.d). Here too, the IS/EA simply concludes that light and glare on the surrounding uses would be “minimal.” *Id.* p. 2-44. Such non-specific statements provide little meaningful information to the public or local decision-makers. What the label “minimal” means, as a practical matter, is not explained. Minimal compared to what benchmark? Because the highway is below grade in Cupertino, the 40-foot-tall light structures could flood surrounding properties with light and glare.

L-1-24
cont.

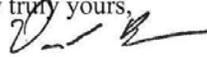
Because the IS/EA contains insufficient analysis to support its sweeping conclusions that the Project’s visual impacts will be less than significant, and because there is a fair argument that impacts would be significant, an EIR/EIS must be prepared.

III. Conclusion

L-1-25

As set forth above, the IS/EA does not adequately identify the Project’s potentially significant impacts and thus does not satisfy the requirements of CEQA or NEPA. To correct these inadequacies, Caltrans must prepare an EIR/EIS for the Project and adopt enforceable mitigation and or/alternatives to address the Project’s significant impacts.

Very truly yours,



David Brandt
City Manager
City of Cupertino

Exhibits:

- Exhibit A: MRO Engineers Report
- Exhibit B: Performance Agreement between City of Cupertino and the Santa Clara County Traffic Authority, January 24, 1989.
- Exhibit C: Measure A Official Ballot, County of Santa Clara, General Election, November 7, 2000.
- Exhibit D: Report on the Status of Rubberized Asphalt Traffic Noise Reduction in Sacramento County, Bollard & Brennan, Inc.
- Exhibit E: Caltrans Traffic Noise Analysis Protocol.

- Exhibit F: Sound Walls: Absorptive Versus Reflective Design and Effectiveness, Sound Fighter Systems.
- Exhibit G: California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective* Excerpts.
- Exhibit H: AASHTO, *Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process* (March 2007).
- Exhibit I: Growing Cooler: Evidence on Urban Development and Climate Change,” Urban Land Institute.
- Exhibit J: CEQA & Climate Change, CAPCOA (Introduction and Appendix G).
- Exhibit K: February 18, 2010, Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions.

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Note: Exhibit A of the City of Cupertino letter contains comments on the proposed project and is presented below. The remaining exhibits are not comments on the project and are therefore not included in this appendix; however, they are part of the administrative record and are available upon request.

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February 25, 2014

Mr. David Brandt, City Manager
City of Cupertino
10300 Torre Avenue
Cupertino, California 95014

Subject: ***State Route 85 Express Lanes Project
Initial Study with Proposed Negative Declaration/Environmental Assessment
Traffic and Transportation/Pedestrian and Bicycle Facilities Analysis***

Dear Mr. Brandt:

As requested, MRO Engineers, Inc., has completed a review of the "Traffic and Transportation/Pedestrian and Bicycle Facilities" analysis completed with respect to the proposed State Route 85 Express Lanes Project in Santa Clara County, California. The proposed project is the subject of an *Initial Study with Proposed Negative Declaration/Environmental Assessment (IS/EA)*, which was prepared by the State of California Department of Transportation (Caltrans) in cooperation with the Santa Clara Valley Transportation Authority (VTA) in December 2013. The IS/EA incorporates the results of the final *Traffic Operations Analysis Report* completed by DKS in association with URS in November 2013.

This letter report documents the results of our detailed review of the traffic and transportation analysis presented in the IS/EA.

PROJECT DESCRIPTION

The proposed project extends the entire length of State Route 85 (SR 85), as well as including short segments of US 101 at the north and south ends of SR 85. Along the 24.1-mile length of SR 85, the proposed project would convert the existing high-occupancy vehicle (HOV) lanes (one in each direction) to express lanes, which would accommodate toll-paying single-occupant vehicles (SOV) in addition to HOVs. A second express lane would be added in each direction between SR 87 and I-280, including almost the entire stretch of SR 85 through the City of Cupertino. The precise locations where the widening to provide the second express lane would begin and end are not known, as this information is not provided in the IS/EA. The entire project would be constructed within the existing freeway right-of-way.

L-1-26

The project includes provision of a 2-foot buffer between the general purpose lanes and the express lanes. In areas where a single express lane would be located, that buffer zone would be provided by narrowing the adjacent lanes (i.e., one general purpose lane and one HOV lane) to 11 feet (from the typical 12 feet). Thus, no median width reduction would occur in the SR 85 segments with a single express lane. The IS/EA is not clear as to whether the same approach would be used in the areas with two express lanes, or if an additional two feet of widening would be undertaken to provide the buffer.

L-1-27

The express lanes would be located in the freeway median, which would become narrower where a second express lane is provided. (No change in median width would occur where a single express lane is provided.) Assuming the added express lanes are 12-foot wide, the existing 46-foot median

would be reduced to 22 feet in the section with two express lanes each way, assuming the two-foot buffer is provided through narrowing of the adjacent lanes, as described above. If that narrowing does not occur (i.e., a two-foot buffer strip is constructed), the median width would be reduced even further, to about 20 feet.

In addition, an auxiliary lane (1.1 miles long) would be constructed along northbound SR 85 within the City of Cupertino. It would connect the existing South De Anza Boulevard on-ramp and the Stevens Creek Boulevard off-ramp. That lane would be constructed along the outer (i.e., right-hand) edge of the road, including widening of up to 14 feet. No auxiliary lanes are proposed in the southbound direction.

Attachment A contains a schematic diagram of the proposed project, illustrating the number of express lanes and the locations of the access zones serving those lanes.

REVIEW OF TRAFFIC AND TRANSPORTATION / PEDESTRIAN AND BICYCLE FACILITIES ANALYSIS

The traffic and transportation system impacts associated with the proposed State Route 85 Express Lanes project are addressed in “Section 2.1.3 Traffic and Transportation/Pedestrian and Bicycle Facilities” of the IS/EA. Our review of that analysis revealed several issues that must be addressed prior to approval by Caltrans of the proposed project and its environmental documentation. These issues are presented below.

1. **Failure to Identify Significant Impacts** – Review of the level of service tables presented in the IS/EA revealed multiple examples of significant impacts that were ignored. In each case, the freeway segment level of service is shown to degrade from an acceptable level of service (i.e., LOS D or better) to LOS E or F, or from LOS E to LOS F. Specific examples include the following:

Table 2.1.3-5 – 2015 Northbound

- AM Peak Hour – General Purpose Lanes
 - Between Blossom Hill Eastbound On-ramp and Westbound On-ramp: LOS D (No Build) to LOS E (Build)
 - Between I-280 Northbound On-ramp and Homestead On-ramp: LOS E (No Build) to LOS F (Build)
- PM Peak Hour – General Purpose Lanes
 - Between Blossom Hill Eastbound On-ramp and Westbound On-ramp: LOS D (No Build) to LOS E (Build)
 - Between Almaden Expressway Northbound and Southbound On-ramps: LOS E (No Build) to LOS F (Build)
 - Between Southbound Almaden Expressway On-ramp and Camden Off-ramp: LOS D (No Build) to LOS E (Build)
 - Between Winchester On-ramp and Lane Drop: LOS D (No Build) to LOS F (Build)
 - Between Lane Drop and Saratoga Off-ramp: LOS D (No Build) to LOS E (Build)

L-1-28

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| <p>L-1-28, cont.</p> | <p><u>Table 2.1.3-6 – 2015 Southbound</u></p> <ul style="list-style-type: none"> • PM Peak Hour – General Purpose Lanes <ul style="list-style-type: none"> ○ Between Saratoga On-ramp and Winchester Off-ramp: LOS E (No Build) to LOS F (Build) <p><u>Table 2.1.3-9 – 2035 Northbound</u></p> <ul style="list-style-type: none"> • AM Peak Hour – General Purpose Lanes <ul style="list-style-type: none"> ○ Between Santa Teresa On-ramp and SR 87 On-ramp: LOS D (No Build) to LOS E (Build) • PM Peak Hour – General Purpose Lanes <ul style="list-style-type: none"> ○ Between Almaden Expressway Northbound and Southbound On-ramps: LOS E (No Build) to LOS F (Build) ○ Between I-280 Northbound On-ramp and Homestead On-ramp: LOS C (No Build) to LOS F (Build) <p><u>Table 2.1.3-10 – 2035 Southbound</u></p> <ul style="list-style-type: none"> • AM Peak Hour – General Purpose Lanes <ul style="list-style-type: none"> ○ Between Blossom Hill Westbound and Eastbound On-ramps: LOS D (No Build) to LOS E (Build) • PM Peak Hour – General Purpose Lanes <ul style="list-style-type: none"> ○ Between SR 82 On-ramp and Fremont Off-ramp: LOS E (No Build) to LOS F (Build) ○ Between Blossom Hill Off-ramp and Westbound Blossom Hill On-ramp: LOS D (No Build) to LOS F (Build) ○ Between Blossom Hill Westbound and Eastbound On-ramps: LOS E (No Build) to LOS F (Build) <p>Mitigation measures for these impacts or a project alternative that would avoid the impacts must be identified. The results of the modified analysis should be documented in an environmental impact report/environmental impact statement (EIR/EIS), which must then be circulated for public review and comment.</p> |
| <p>L-1-29</p> | <p>2. Failure to Analyze Project Impacts on Non-Freeway Roadways – The IS/EA and the supporting DKS/URS documentation present an in-depth analysis of traffic operations on SR 85 and the affected segments of US 101. However, absolutely no analysis is presented with respect to the proposed project’s impacts on non-freeway facilities. This is clearly insufficient, as review of the travel demand forecasts presented as Tables 5-1 through 5-4 in the DKS/URS document reveals substantial changes in traffic patterns at the many SR 85 access locations. (This traffic volume information is not included in the IS/EA itself. It can only be found by searching through the sizable quantity of ancillary material on the Caltrans District 4 website. We note that the critical DKS/URS traffic operations analysis document is not even attached to the IS/EA as an appendix.)</p> |

L-1-29,
cont

A number of examples can be cited to demonstrate the substantial effect of the proposed project on local street operations in and near Cupertino, including the following:

- AM peak period – Northbound (IS/EA, Table 5-1)
 - SR 85 off-ramp to Saratoga-Sunnyvale Road: 683 added peak-period vehicles in 2015 and 746 added in 2035; and
 - SR 85 off-ramp to Stevens Creek Boulevard: 171 additional peak-period vehicles in 2015 and 2035.
- PM peak period – Northbound (IS/EA, Table 5-2)
 - SR 85 off-ramp to Saratoga-Sunnyvale Road: 341 added peak-period vehicles in 2015 and 672 added in 2035.
- AM peak period – Southbound (IS/EA, Table 5-3)
 - SR 85 on-ramp from Saratoga-Sunnyvale Road: 55 added peak-period vehicles in 2015 and 139 added in 2035.
- PM peak period – Southbound (IS/EA, Table 5-5)
 - SR 85 on-ramp from Saratoga-Sunnyvale Road: 317 added peak-period vehicles in 2015 and 291 added in 2035; and
 - SR 85 on-ramp from Stevens Creek Boulevard: 149 additional peak-period vehicles in 2015 and 34 added in 2035.

In each of these cases, this added on- or off-ramp traffic represents additional vehicles at the intersections where the freeway ramps meet the local street system, as well as on the nearby local street segments. The IS/EA completely ignores this substantial additional traffic, and the potential for significantly increased congestion and delay.

At a minimum, the environmental document must be amended to included detailed level of service analyses (weekday AM and PM hours) at the following locations in and near Cupertino:

- SR 85 Northbound Ramps/De Anza Boulevard,
- SR 85 Southbound Ramps/De Anza Boulevard,
- De Anza Boulevard/Prospect Road,
- De Anza Boulevard/Stevens Creek Boulevard,
- SR 85 Northbound Ramps/Stevens Creek Boulevard,
- SR 85 Southbound Ramps/Stevens Creek Boulevard,
- SR 85 Northbound On-ramp/Homestead Road, and
- SR 85 Southbound Off-ramp/Homestead Road.

The results of these analyses should be documented in an EIR/EIS, and circulated for further public review and comment.

L-1-30

3. **Failure to Consider Pedestrian and Bicycle System Impacts** – As noted above, Section 2.1.3 of the IS/EA is labeled, “Traffic and Transportation/Pedestrian and Bicycle Facilities.” However, a

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| <p>L-1-30, cont.</p> | <p>search of the IS/EA for the words “pedestrian” and “bicycle” finds practically no results. Neither of those words appears in Section 2.1.3, which purports to describe the project’s impacts on the pedestrian and bicycle transportation systems. Moreover, the words “pedestrian” and “bicycle” do not appear anywhere in the DKS/URS document that provides the basis for the material presented in Section 2.1.3 of the IS/EA.</p> <p>In fact, other than section headings and Table of Contents listings, the only instances in which these words are used in connection with the transportation analysis is in IS/EA Table S-1: Summary of Impacts and Avoidance, Minimization, and/or Mitigation Measures (IS/EA, p. ii), where it states that:</p> <p style="padding-left: 40px;"><i>The project would not affect any pedestrian or bicycle facilities.</i></p> <p>Unfortunately, there is no basis for this conclusion as, clearly, no analysis of any sort was conducted to establish whether the proposed project would have significant impacts on the pedestrian and bicycle transportation systems. As described above, the travel demand forecasts prepared for the IS/EA indicate that substantial redistribution of traffic will occur on the local street system in the vicinity of SR 85. It is not unreasonable to suggest that additional traffic might occur in locations that represent hazards to pedestrians or bicyclists. The IS/EA completely ignores this possibility.</p> <p>Such analyses must be conducted and incorporated into an EIR/EIS, which fully addresses the impacts of the proposed project.</p> |
| <p>L-1-31</p> | <p>4. Assembly Bill No. 2032 Level of Service Standard – IS/EA page 1-4 states that one of the two purposes of the proposed project is to:</p> <p style="padding-left: 40px;"><i>Maintain consistency with provisions defined in AB 2032 (2004) and AB 574 (2007) to implement express lanes in an HOV [high-occupancy vehicle] lane system in Santa Clara County.</i></p> <p>AB 2032 established certain operational parameters for the “high-occupancy toll” (HOT) lane system authorized by the bill. In particular, it states:</p> |
| <p>L-1-32</p> | <p style="padding-left: 40px;"><i>Implementation of the [HOT lanes] program shall ensure that Level of Service C, as measured by the most recent issue of the Highway Capacity Manual, as adopted by the Transportation Research Board, is maintained at all times in the high-occupancy vehicle lanes, except that subject to a written agreement between [Caltrans] and VTA that is based on operating conditions of the high-occupancy vehicle lanes, Level of Service D shall be permitted on the high-occupancy vehicle lanes.</i></p> <p>No evidence is provided in either the IS/EA or the DKS/URS document with respect to whether the written agreement allowing LOS D exists. In lieu of documented proof of the agreement referenced above, it is inappropriate to use LOS D as the significance criterion; LOS C should be used.</p> <p>The IS/EA text reflects uncertainty with regard to the applicable level of service standard. Several instances can be found where the IS/EA refers to the “statutory requirement of LOS C/D” or similar wording. (IS/EA, pp. 1-13, 2-18, 2-20, 2-22, 2-26, and 2-28) With these</p> |

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| <p>L-1-32, cont.</p> | <p>references to “LOS C/D,” the authors seem unsure as to whether the standard is LOS C, LOS D, or perhaps the boundary between LOS C and LOS D.</p> <p>Unfortunately, neither the IS/EA nor the DKS/URS report presents a specific set of significance criteria for traffic operations, although the analysis approach suggests that LOS D has been considered to be the minimum acceptable level of service. Specifically, the level of service tables use bold font to indicate “high vehicle densities and impaired traffic flow,” and only locations at LOS E or F are designated as such. Locations operating at LOS D or better are not highlighted using bold font.</p> <p>For comparison, Attachment B contains copies of the level of service tables for 2015 and 2035 (IS/EA, Table 2.1.3-5, Table 2.1.3-6, Table 2.1.3-9, and Table 2.1.3-10) on which we have manually highlighted locations operating at LOS D. These tables illustrate the substantial number of additional locations that would “have high vehicle densities and impaired traffic flow” if LOS C is the correct level of service standard, rather than LOS D.</p> <p>In 2015 (Tables 2.1.3-5 and 2.1.3-6), general purpose lanes at numerous locations are projected to operate at LOS D under “Build” conditions, as well as two HOV lane locations in the PM peak hour. Tables 2.1.3-9 and 2.1.3-10 show that LOS D operations are prevalent in both the general purpose and HOV lanes in 2035 under “Build” conditions. Obviously, clarification is required with respect to whether the applicable level of service standard is LOS C or LOS D.</p> <p>We also note that the AB 2032 LOS C or D standard applies only to the HOV/HOT/express lanes, not to the general purpose/mixed-flow lanes. Despite this, the IS/EA and DKS/URS documents treat all lanes the same, with LOS D as the apparent minimum acceptable operation.</p> <p>The level of service standard for the general purpose/mixed-flow lanes is presented in the <i>Guide for the Preparation of Traffic Impact Studies</i> (Caltrans, December 2002). As presented in that document:</p> |
| <p>L-1-33</p> | <p style="padding-left: 40px;"><i>Caltrans endeavors to maintain a target LOS at the transition between LOS “C” and LOS “D” . . . on State highway facilities . . .</i></p> <p>This means that LOS C is acceptable and LOS D is not. The approach taken in the IS/EA, where LOS D was considered to be acceptable in the general purpose/mixed-flow lanes, is incorrect.</p> <p>In summary, the level of service results presented in the IS/EA for both the express lanes and the general purpose lanes are misleading, as they incorrectly indicate that segments operating at LOS D are acceptable under the adopted criteria. At a minimum, proof must be provided that LOS D in the express lanes is acceptable based on a written agreement between Caltrans and VTA. Absent such an agreement, LOS C is the legal standard, and the documents must be revised to reflect this. The revised documents must then be recirculated for additional public review and comment, preferably in the form of an EIR/EIS.</p> |
| <p>L-1-34</p> | <p>5. Invalid Travel Demand Forecasts – The travel demand forecasting process employed in the IS/EA is described extensively in that document and the associated DKS/URS documents. One aspect of that process, particularly with regard to the volume of traffic in the express lanes, raises significant questions as to the validity of the traffic projections for the years 2015 and 2035.</p> |

Related to this issue are several statements in the DKS/URS traffic operations analysis report. Page 1 of that document says:

It is important to note mandated performance requirements that must be taken into consideration when designing an express lane project. At the state level, AB 2032 mandated that express lanes operate at a Level of Service (LOS) of "C" or better (LOS "D" may be used if Caltrans and the operator agree). This corresponds to a target threshold of approximately 1,650 vph [vehicles per hour] per HOV lane.

Page 28 of the DKS/URS report specifically addresses the travel demand forecasting process. Four tables (Tables 5-1 through 5-4) are presented to show the forecasted No Build and Build traffic volumes throughout the study area for the years 2015 and 2035. As part of that description, the report states:

The volumes presented in the following tables [Tables 5-1 through 5-4] assume that the maximum volume will be limited to 1,650 vehicles per hour per lane on the express lanes.

More detail about the traffic forecasting process is presented in a technical memorandum titled, "SR 85 Express Lanes Travel Demand Forecasts" (Wilbur Smith Associates, January 21, 2011). Figure 1 in that memorandum lays out the "Forecast Modeling Methodology." Step 7 in that process includes a process to "Set tolls to achieve maximum 1,650 vehicles per lane per hour" for both 2015 and 2035. The detailed description of step 7 (page 4 of the technical memorandum) says:

The volumes presented in the [traffic forecast] tables in this memo assume that the maximum volume will be limited to 1,650 vehicles per hour per lane on the express lanes.

All of the above goes to show that the travel demand forecasts, which purport to demonstrate that the express lanes will operate well within the statutory requirement of 1,650 vehicles per hour per lane and at highly-acceptable levels of service, have been skewed to ensure a successful outcome. In fact, the traffic forecasting process was structured so as to preclude the express lanes from carrying more than 1,650 vehicles per hour per lane.

Page 7 of the same technical memorandum describes another way in which the travel demand forecasting process has been biased to ensure that the analysis results will reflect favorable express lane operations. As stated there:

A basic assumption of the analysis was that some proportion of express lanes traffic demand will never be eligible to use the express lanes. This is to account for the fact that some motorists will not participate in such a program under any circumstances. They may just be opposed to the technology or simply be infrequent users who are unaware of the express lanes and its [sic] potential benefits. These values typically range from 5 to 20 percent. The higher the proportion of motorists assumed to be ineligible for express lanes usage, the more conservative the revenue forecasts will be. For this study, we assumed the more conservative 20 percent value.

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| <p>L-1-35, cont.</p> | <p>While the 20 percent value might be more conservative from a revenue analysis perspective, it serves to artificially reduce the volume of traffic projected to use the express lanes, thereby improving the results of the traffic operations analysis for those lanes.</p> <p>In summary, the traffic forecasts for the express lanes were artificially constrained to 1,650 vehicles per hour per lane to ensure that the statutory requirements established in AB 2032 appear to be met. The actual volumes that can be realistically expected in the express lanes are unknown, due to the lack of an unconstrained traffic projection. The actual traffic volumes in the express lanes could be substantially higher than the IS/EA indicates, which would lead to levels of service in those lanes that are much worse than the IS/EA states.</p> <p>Revised traffic volume forecasts are needed that provide a better, more realistic estimation of traffic demand in the express lanes. These should be documented in an EIR/EIS and circulated for public review.</p> |
| <p>L-1-36</p> | <p>6. Failure to Consider A Reasonable Range of Project Alternatives – The IS/EA evaluates two project alternatives: Build and No Build. Two additional build alternatives are briefly addressed (IS/EA, pp. 1-14 – 1-15), both of which were rejected because they included only a single HOV/express lane. The DKS/URS report (page 24) states that three build alternatives were discussed in a project study report (PSR) that was approved by Caltrans on October 26, 2010, but no description or discussion of those alternatives is provided. It is not clear whether the project alternatives rejected in the Caltrans PSR included a full range of potential solutions, or were simply variations on the express lane configuration included in the proposed project.</p> <p>The failure to address a reasonable range of feasible alternatives in the IS/EA is a substantial shortcoming, in that it deprives the reviewing public of the ability to consider and comment on the relative merits of a variety of potential solutions to the traffic congestion issues addressed by the proposed project. At a minimum, the IS/EA should include a substantially more detailed summary of the previously-considered alternatives, including descriptions of their physical characteristics, their advantages and disadvantages, and the specific reasons for rejection.</p> <p>Furthermore, we believe it is unacceptable that the IS/EA fails to address a mass transit alternative. A logical alternative would be an extension of the existing VTA light rail system. Other possible alternatives include provision of bus-only lanes or the use of reversible express lanes (which would reflect the high directionality of peak-hour traffic flow on SR 85).</p> |
| <p>L-1-37</p> | <p>7. Proposed Project Effectively Precludes Future Light Rail Transit – As noted above, implementation of the proposed project would reduce the median width along a substantial portion of SR 85 to approximately 22 feet. A cursory review of existing VTA light rail lines in freeway medians using Google Earth indicates that the corridor width for those facilities generally ranges from approximately 30-to-50 feet. The narrowest section we found was on an overpass structure, where approximately a 28-foot-wide LRT corridor exists. This suggests that, if the proposed project is completed, the only way to implement LRT would be in an elevated configuration (i.e., on an above-ground structure), which is almost certainly excessively costly. In effect, implementation of the proposed project would preclude the future provision of light rail transit along the SR 85 corridor. This is unacceptable to the City of Cupertino.</p> |
| <p>L-1-38</p> | <p>8. Inconsistent Travel Speed Analysis Results – The IS/EA includes several tables addressing travel time and speed through the study area in 2015 and 2035 under both No Build and Build</p> |

L-1-38,
cont.

conditions. When the travel time results are compared to the travel speed results, though, inconsistencies are apparent that raise questions as to the accuracy and validity of the information. The specific IS/EA tables are as follows:

- Table 2.1.3-7: Peak Hour Travel Times (Minutes), 2015 No Build and Build,
- Table 2.1.3-8: 2015 Peak Period Network Performance Measure Comparison,
- Table 2.1.3-11: Peak Hour Travel Times (Minutes), 2035 No Build and Build, and
- Table 2.1.3-12: 2035 Peak Period Network Performance Measure Comparison.

The peak-hour travel times (in minutes) in Table 2.1.3-7 and Table 2.1.3-11 were converted to travel speeds (in miles per hour) and those results were compared to the peak-period results presented in Table 2.1.3-8 and Table 2.1.3-12. Tables 1 and 2 below illustrate the results of this comparison process. The conversion from travel time to travel speed employed a segment length of 23.6 miles, as that resulted in a free-flow speed of 65 MPH, which was specified in the footnotes to Tables 2.1.3-7 and 2.1.3-11. Note that several of the travel times presented in Table 2.1.3-11 resulted in a free-flow speed of 64.7 MPH; this is likely due to round-off error on the part of the DKS/URS analyst.

Because of the manner in which the information is presented in the IS/EA, direct comparison of the travel speed results is difficult. For example, the travel time tables distinguish between the general purpose lanes and HOV lanes, while the travel speed tables do not. Also, the travel time tables reflect peak hour conditions (i.e., 7:00 – 8:00 AM and 5:00 – 6:00 PM), as opposed to the peak period information in the travel speed tables (i.e., 6:00 – 9:00 AM and 3:00 – 7:00 PM). Peak period travel speeds, though, should be somewhat higher than peak hour speeds, as they include two or three hours of lower traffic volumes (and higher speeds) in addition to the “worst-case” peak hour.

As shown in Table 1, in the AM peak in 2015, the northbound (peak direction) speeds are particularly questionable. Under No Build conditions, the peak hour travel speed is shown as 35.0 MPH in the general purpose lanes and 56.2 MPH in the HOV lanes. In contrast, the peak period speed is shown as 37 MPH, which is approximately the same as the peak-hour general purpose lane value. The same is generally true under Build conditions. As noted above, the overall peak period speed (for both lane types combined) should be higher than the peak-hour general purpose lane value.

A generally similar pattern exists for the PM peak in the southbound (i.e., peak) direction in 2015. Under No Build conditions, the peak period speed (40 MPH) is approximately equal to the peak hour speed in the general purpose lanes (39.8 MPH), while the HOV peak-hour speed (59.7 MPH) is about 50 percent higher. In several cases, the peak-period speed presented in the IS/EA is less than either of the peak-hour values, which defies logic. For example, in the PM peak under Build conditions, the southbound direction has a peak-hour speed of 46.4 MPH for the general purpose lanes and 64.1 MPH for the HOV lanes. The peak-period speed (both lane types combined) is 42 MPH, which is simply not logical.

| TABLE 1 2015 Travel Speed Comparison | | | | | | | | | |
|---|-----------|---------------------------------|--------------------------|---------------------------------|--------------------------|--------------------------------------|---------------------------------|--------------------------|--------------------------------------|
| | Lane Type | Free Flow | | No Build | | | Build | | |
| | | Peak Hour | | Peak Hour | | Peak Period Speed (MPH) ³ | Peak Hour | | Peak Period Speed (MPH) ³ |
| | | Travel Time (Min.) ¹ | Speed (MPH) ² | Travel Time (Min.) ¹ | Speed (MPH) ² | | Travel Time (Min.) ¹ | Speed (MPH) ² | |
| AM Peak | | | | | | | | | |
| North-bound | GP | 21.8 | 65.0 | 40.5 | 35.0 | 37 | 26.3 | 53.8 | 53 |
| | HOV | 21.8 | 65.0 | 25.2 | 56.2 | | 21.8 | 65.0 | |
| South-bound | GP | 21.8 | 65.0 | 22.4 | 63.2 | 62 | 22.3 | 63.5 | 62 |
| | HOV | 21.8 | 65.0 | 21.9 | 64.7 | | 21.9 | 64.7 | |
| PM Peak | | | | | | | | | |
| North-bound | GP | 21.8 | 65.0 | 23.4 | 60.5 | 59 | 23.5 | 60.3 | 60 |
| | HOV | 21.8 | 65.0 | 21.1 | 67.1 | | 21.1 | 67.1 | |
| South-bound | GP | 21.8 | 65.0 | 35.6 | 39.8 | 40 | 30.5 | 46.4 | 42 |
| | HOV | 21.8 | 65.0 | 23.7 | 59.7 | | 22.1 | 64.1 | |
| NOTES: | | | | | | | | | |
| ¹ Source: IS/EA, Table 2.1.3-7: Peak Hour Travel Times (Minutes), 2015 No Build and Build, p. 2-19. | | | | | | | | | |
| ² Derived from the travel time values using a segment length of 23.6 miles, which provided a 65.0 MPH free-flow speed. | | | | | | | | | |
| ³ Source: IS/EA, Table 2.1.3-8: 2015 Peak Period Network Performance Measure Comparison, p. 2-21. | | | | | | | | | |

L-1-38, cont.

Table 2, which summarizes the year 2035 travel speed comparison, shows that, in every case, the peak-period speed presented in the IS/EA is less than either the general purpose or HOV lane speed in the peak hour. Again, these results are illogical, as the peak-period speed (for both lane types combined) will not be lower than the peak-hour speeds for the two individual lane types. As noted above, the peak-period speeds would generally be expected to be higher than the peak-hour speeds because they include two or three hours of lower traffic volumes (with higher speeds), in addition to the peak-hour volumes.

This demonstrates that the travel speed results documented in the IS/EA are inaccurate and, therefore, misleading. Until the speed estimates can be corrected so that they provide rational results, they are of no value in demonstrating the value of the proposed project. The travel time and speed analyses must be corrected and recirculated for additional public review and comment. The new analyses must include travel speed tables that distinguish between the general purpose lanes and HOV lanes and the travel time tables must be presented for peak period and peak hour.

| TABLE 2 2035 Travel Speed Comparison | | | | | | | | | |
|---|-----------|---------------------------------|--------------------------|---------------------------------|--------------------------|--------------------------------------|---------------------------------|--------------------------|--------------------------------------|
| | Lane Type | Free Flow | | No Build | | | Build | | |
| | | Peak Hour | | Peak Hour | | Peak Period Speed (MPH) ³ | Peak Hour | | Peak Period Speed (MPH) ³ |
| | | Travel Time (Min.) ¹ | Speed (MPH) ² | Travel Time (Min.) ¹ | Speed (MPH) ² | | Travel Time (Min.) ¹ | Speed (MPH) ² | |
| AM Peak | | | | | | | | | |
| North-bound | GP | 21.9 | 64.7 | 39.7 | 35.7 | 30 | 27.8 | 50.9 | 45 |
| | HOV | 21.9 | 64.7 | 26.5 | 53.4 | | 22.2 | 63.8 | |
| South-bound | GP | 21.9 | 64.7 | 23.1 | 61.3 | 58 | 23.0 | 61.6 | 60 |
| | HOV | 21.9 | 64.7 | 20.4 | 69.4 | | 21.2 | 66.8 | |
| PM Peak | | | | | | | | | |
| North-bound | GP | 21.8 | 65.0 | 24.5 | 57.8 | 51 | 24.4 | 58.0 | 52 |
| | HOV | 21.8 | 65.0 | 21.9 | 64.7 | | 22.6 | 62.7 | |
| South-bound | GP | 21.8 | 65.0 | 45.9 | 30.8 | 24 | 36.5 | 38.8 | 31 |
| | HOV | 21.8 | 65.0 | 24.8 | 57.1 | | 23.3 | 60.8 | |
| NOTES: ¹ Source: IS/EA, Table 2.1.3-11: Peak Hour Travel Times (Minutes), 2035 No Build and Build, p. 2-25. ² Derived from the travel time values using a segment length of 23.6 miles, which provided a 65.0 MPH free-flow speed. ³ Source: IS/EA, Table 2.1.3-12: 2015 Peak Period Network Performance Measure Comparison, p. 2-27. | | | | | | | | | |

L-1-39

9. **Inaccurate Characterization of Traffic Operations at SR 85/I-280** – The IS/EA incorrectly characterizes SR 85 traffic operations in the vicinity of I-280 as being at an acceptable level of service. Specifically, IS/EA Tables 2.1.3-2 and 2.1.3-3, which present peak-hour level of service results for the peak travel directions under existing conditions, indicate that both general purpose and HOV lanes in the vicinity of the SR 85/I-280 interchange operate at acceptable levels of service. In addition, the listing of congested bottleneck locations in the DKS/URS report (pages 18 – 20) fails to include this critical area.

These findings differ from the experience of motorists who drive through this area on a daily basis, which raises questions as to the validity of the traffic operations analysis for existing conditions. The possibility exists that the traffic volumes used in the analysis are artificially low, simply because the slow speeds associated with traffic congestion reduces the number of vehicles passing by the count locations. In short, the existing conditions traffic analysis must be revisited to ensure that it accurately represents operating conditions throughout the study area.

In addition, the IS/EA fails to address the likelihood that implementation of the proposed project will intensify or relocate this congestion to the segments where the two-lane express lane cross sections terminate, forcing motorists to merge into a single express lane (i.e., northbound in the

L-1-39,
cont.

vicinity of I-280 and southbound near SR 87). Although the environmental documentation does not illustrate the exact location and configuration of the transition zones between the single-lane and the two-lane express lane segments, Table 2.1.3-9 shows, for example, that the northbound general purpose lanes between the I-280 on-ramp and the Homestead Road on-ramp will decline from LOS C to LOS F in the PM peak hour upon completion of the project. Similarly, Table 2.1.3-10 shows that in the vicinity of SR 87 numerous southbound general purpose lane segments will operate at LOS F under Build conditions in the year 2035 PM peak hour.

10. **HOV/Express Lane Access** – The DKS/URS report describes the results of “travel time tach run data and field observations,” which were used to identify existing congestion locations in the general purpose and HOV lanes. In both the AM and PM peak hours, that effort revealed the presence of congestion in certain HOV lane segments. According to the report (pp. 19 -20):

Field observations indicated that congestion in the HOV lane is not due to the demand exceeding the capacity in these segments, but is due to traffic exiting the HOV lane trying to merge in the general purpose lanes which are congested.

Unfortunately, implementation of the proposed project will not remedy this situation. IS/EA Table 2.1.3-5 (p. 2-16) shows that the following northbound express lane access zones will operate at LOS E or F in the AM peak hour:

- Between the Union Avenue off-ramp and on-ramp,
- Between the Winchester Boulevard on-ramp and the Saratoga Avenue off-ramp,
- Between the Homestead Road on-ramp and the Fremont Avenue off-ramp.

Deficient express lane access zones in the southbound direction in the year 2015 PM peak hour include:

- Between the Moffett Boulevard on-ramp and the Central Expressway off-ramp,
- Between the southbound State Route 82 on-ramp and the Fremont Avenue off-ramp,
- Between the Saratoga Avenue on-ramp and the Winchester Boulevard off-ramp,
- Between the Camden Avenue on-ramp and the Almaden Expressway off-ramp, and
- Between the eastbound Blossom Hill Road on-ramp and the Cottle Road off-ramp.

The year 2035 results are even worse, with an additional deficient location in the northbound direction in the AM peak hour and two additional problem areas in the northbound PM peak hour. Additional deficiencies were also revealed in the southbound direction in the year 2035.

The feasibility of providing additional express lane access zones should be investigated, as a means to disperse the demand entering and exiting those zones. One candidate location for additional access in both directions would be between the Saratoga Avenue interchange and the Saratoga-Sunnyvale Road/De Anza Boulevard interchange. Express lane access zones in this segment of SR 85 would reduce the distance that Saratoga residents, for example, would need to travel in the general purpose lanes before entering the northbound express lanes or after exiting the southbound express lanes.

L-1-40

| | |
|--------|--|
| L-1-41 | <p>11. Questionable Level of Service Analysis Results – Review of the level of service tables raised several questions regarding specific analysis results.</p> <ul style="list-style-type: none"> • Table 2.1.3-6 – 2015 Southbound: HOV/express lanes on three segments of southbound SR 85 are shown to have substantially improved levels of service under Build conditions in the PM peak hour, even though they are in the portion of SR 85 that currently has one HOV lane and will continue to have only one express lane. This is illogical, as implementation of the SR 85 express lanes project will allow additional motorists (i.e., toll-paying SOVs) to use this single lane, which should result in higher lane density and, therefore, equal or lower level of service. Specific locations include: <ul style="list-style-type: none"> ○ Between Moffett On-ramp and Central Expressway Off-ramp: LOS E (No Build) to LOS C (Build) ○ Between Evelyn On-ramp and SR 237 Off-ramp: LOS D (No Build) to LOS C (Build) ○ Between Northbound SR 82 On-ramp and Southbound SR 82 Off-ramp: LOS D (No Build) to LOS C (Build) |
| L-1-42 | <ul style="list-style-type: none"> • Table 2.1.3-10 – 2035 Southbound: Again, HOV/express lanes on several segments of southbound SR 85 are shown to have better “Build” level of service results in the PM peak hour, even though they will not have any additional lanes. As noted above, implementation of the proposed project will result in additional motorists using this single express lane. The correct result would reflect higher lane density and equal or lower level of service. Specific locations on this table include: <ul style="list-style-type: none"> ○ Between Moffett On-ramp and Central Expressway Off-ramp: LOS D (No Build) to LOS C (Build) ○ Between Central Expressway Off-ramp and Evelyn On-ramp: LOS D (No Build) to LOS C (Build) ○ Between Evelyn On-ramp and SR 237 Off-ramp: LOS F (No Build) to LOS C (Build) ○ Between SR 237 On-ramp and SR 82 Off-ramp: LOS E (No Build) to LOS C (Build) <p>These illogical results raise questions as to the credibility of all of the level of service analysis results. The inaccuracies could stem from the flawed travel demand forecasts (as addressed above) or from the LOS calculation process. In either event, the results must be reviewed and corrected. The corrected analysis must then be recirculated for further public review.</p> |
| L-1-43 | <p>CONCLUSION</p> <p>Our review of the “Traffic and Transportation/Pedestrian and Bicycle Facilities” analysis incorporated into the Initial Study/Environmental Assessment for the proposed State Route 85 Express Lanes project revealed several issues potentially affecting the validity of the conclusions and recommendations presented in that document. Of particular concern is the failure to identify a number of significant impacts in the general purpose lanes on SR 85 in both 2015 and 2035.</p> |
| L-1-44 | <p>Also of concern is the failure of the IS/EA to address the impacts of the proposed project on local streets and intersections in Cupertino and throughout the length of the project. The IS/EA’s short-sighted approach, in which only freeway operations were evaluated, is unacceptable.</p> |

L-1-45

We are also highly concerned about the travel demand forecasts developed as part of the analysis. The documentation of those projections clearly states that the traffic estimates for the HOV/express lanes were artificially constrained in a way that ensured that they would appear to operate at acceptable levels of service and relatively high speeds.

L-1-46

In addition, inconsistencies in the travel time and speed estimates presented in the IS/EA potentially provides a misleading and overly-optimistic view of the impacts of the proposed project. Similarly, we find many of the level of service results to be questionable and potentially distorted, requiring that they be reviewed and corrected.

L-1-47

Furthermore, we believe that the preparation of an environmental impact report/environmental impact statement (EIR/EIS) is called for, including analyses of an appropriate range of reasonable alternatives to the proposed project. Those alternatives should include at least one mass transit option.

These issues and the others described above must be addressed prior to approval by Caltrans of the proposed project and the related environmental documentation.

We hope this information is useful. If you have questions concerning any of the items presented here or would like to discuss them further, please feel free to contact me at (916) 783-3838.

Sincerely,

MRO ENGINEERS, INC.



Neal K. Liddicoat, P.E.
Traffic Engineering Manager

Responses to Comment L-1

L-1-1

This comment summarizes more detailed comments that follow. Responses are provided for the detailed comments below. Specifically, refer to:

- Response to Comment L-1-2 and Master Response GEN-2 regarding light rail in the median of SR 85;
- Response to Comment L-1-3 and Master Response GEN-7 regarding alternatives that do not involve widening the highway and transit-based alternatives;
- Response to Comment L-1-4 and Master Response EJ-1 regarding social equity and project goals; and
- Response to Comment L-1-5 and Master Response GEN-3 regarding project impacts and mitigation.

The response to the concern regarding federal funds and existing truck weight limit, which is only noted here, is as follows: The project would not change the existing truck restrictions on SR 85. The use of federal funds would not have any effect on the truck restrictions, as discussed in Master Response GEN-9.

L-1-2

The potential development of light rail in the median was considered in planning for the extension of SR 85 from I-280 to US 101 in the 1980s. The light rail component was not carried forward because it was determined not to be reasonable or practicable, as described in Master Response GEN-2.

The 1989 Performance Agreement that the City of Cupertino entered into with VTA's predecessor, the Santa Clara County Traffic Authority, did not commit to the construction of light rail in the median (SCCTA and City of Cupertino 1989). As shown in Exhibit B, Item 4, the freeway was described as "a 6 through-lane facility with a median width of 46'." Item 4 does not identify a specific use for the median. Exhibit B, Item 8 states: "Bridges will be designed and constructed in a manner not to preclude future mass transit development in the freeway median." The reference to future mass transit development in Item 8 is not specific to light rail and does not distinguish between bus and rail service. SR 85 in the City of Cupertino was constructed as described in Items 4 and 8.

The comment on Measure A, attached as Exhibit C, does not provide evidence that the proposed project would be inconsistent with the intent of the measure, as Measure A did not include extending light rail in the median of SR 85.

FHWA guidance states: "[i]f an alternative does not satisfy the purpose and need for the action, it should not be included in the analysis as an apparent and reasonable alternative. There are times when an alternative that is not reasonable is included, such as when another agency requests inclusion due to public expectation. In such cases, it should be clearly explained why the alternative is not reasonable (or prudent or practicable), why it is being analyzed in detail, and why it will not be selected."

(<http://www.environment.fhwa.dot.gov/projdev/tdmalts.asp>.) The extension of light rail in the median of SR 85 does not satisfy the purpose and need of the project as it does not

represent a reasonable or practicable project alternative, as described in Master Response GEN-2.

L-1-3

The comment states the IS/EA does not include any alternative that would not result in widening of SR 85. Additional information about the project development history, including the analysis of other express lane configurations and why the proposed project includes a second express lane between SR 87 and I-280, is included in Master Response GEN-8.

The comment states that increasing highway capacity facilitates increased travel, induces additional travel, increases air pollution and greenhouse gas emissions, and discourages alternative forms of transportation. The proposed project would increase capacity by adding a second express lane in each direction between SR 87 and I-280, and would better use available capacity by allowing SOVs to pay a toll to use the express lanes if the lanes are not fully utilized by HOVs. Restricting express lane use to HOVs if the express lanes become congested inherently prioritizes travel by carpools, transit buses, and other HOVs. HOVs would continue to use the lanes for free. Rather than discouraging alternative forms of transportation, data show that express lanes tend to increase HOV use (see Master Response GEN-1).

As discussed in IS/EA Section 1.2.2.1, SR 85 already has congestion in both the general purpose lanes and some HOV lane segments. The project would improve travel times and speeds (see Master Response TR-1), which would allow a greater number of vehicles to complete trips on SR 85 during the peak period, as opposed to using alternative routes that would shift air and GHG emissions elsewhere in the transportation system, or deferring trips outside of the nonpeak periods. The project would increase the efficiency of SR 85 without forfeiting the congestion mitigation and air quality benefits provided by HOV lanes. Rather than inducing travel, the express lanes will be most attractive to drivers who already use SR 85 and need an additional option to travel to their destination in a predictable time frame. Buses, carpools, and other HOVs will still be cost-effective and viable modes of travel.

Although VMT on SR 85 would increase, traffic modeling for the project shows that the total VMT increase on a systemwide basis would be 0.1 percent or less. This indicates that any increase in VMT on SR 85 would be offset by decreases elsewhere, either on arterial roadways or other freeways. Furthermore, the project would improve average travel times and speeds on SR 85 compared to the No Build condition in 2015 and 2035.

It should be noted that only three express lane segments would operate at LOS E or F. Those conditions would occur in 2035 in the southbound PM peak hour (5 to 6 PM) at the express lane access zones between the SR 82 on-ramp and Fremont off-ramp, the Saratoga on-ramp and Winchester off-ramp, and the Blossom Hill eastbound on-ramp and Cottle off-ramp (Table 2.1.3-10). The three access zones range from approximately 1 mile to 1.25 miles in length. The reason for these decreases in level of service is heavy congestion in the adjacent general purpose lanes (LOS E or F) that would occur under both the No Build and Build conditions (Table 2.1.3-10). Overall, the express lanes would meet the statutory requirements of LOS C/D and 45 mph, and provide an improvement over HOV lane operations with the No Build Alternative. In 2015, three

segments of the single HOV lane would operate at LOS E or F in the northbound AM and southbound PM peaks (Tables 2.1.3-5 and 2.1.3-6), and in 2035, seven segments in the northbound AM peak and two segments in the southbound PM peak would operate at LOS E or F (Tables 2.1.3-10 and 2.1.3-11).

See Master Response GEN-7 in regard to the comment that the IS/EA does not consider a transit-based alternative. In addition, Section 1.3.1.10 describes how traffic systems management and traffic demand management measures would benefit transit. Reversible lanes have been used on freeways where physical constraints prevent the consideration of any practicable alternative. In the Bay Area, they are used on the Golden Gate Bridge, and were previously used at the Caldecott Tunnel. Reversible lanes require a movable median, or a means to allow traffic to safely cross a median that is normally protected by a safety barrier. It requires maintenance staff to move the barrier at least twice per day and introduces significant safety concerns to the maintenance crews and highway drivers. For safety issues alone, a reversible lane alternative is not considered practicable or reasonable, and this approach is typically only used on California freeways in exceptional circumstances, such as at the Golden Gate Bridge.

L-1-4

As described in detail in Section 2.1.1 and discussed further in Master Response EJ-1, the social equity aspect of express lanes has been the subject of study by VTA and other agencies for the past decade, and information from other express lanes in California and elsewhere in the U.S. demonstrates that low-income drivers use express lanes and may particularly benefit from the travel time savings that express lanes offer. Also see Master Response GEN-5 in regard to the issue of taxation and express lane tolls.

Research about managed lane use also shows that express lanes do not discourage carpooling, as described in detail in Master Response GEN-1. No evidence is presented that a voluntary choice to pay for a travel mode results in disproportional use. For example, tolls are charged for all major Bay Area bridge crossings and fares are charged for public transit, and a wide range of commuters continue to pay to drive across bridges and ride transit. On SR 85, drivers will continue to be able to use the existing general purpose lanes for no charge, and carpoolers will continue to be able to use the HOV/express lanes for no charge.

It is expected that other factors in addition to the ability to use HOV lanes for free will influence decisions about purchasing alternative fuel vehicles, including vehicle cost, capacity, and range between charges. Furthermore, vehicles with California Department of Motor Vehicles-issued green or white stickers only will be able to use HOV lanes for free until January 1, 2019, unless the sticker expiration date is extended (<http://www.arb.ca.gov/msprog/carpool/carpool.htm>). The SR 85 express lanes are expected to begin operation no earlier than 2017, so the benefit of free express lane use for alternative fuel vehicles would be for two years or less.

See the response to Comment L-1-3 in regard to the project's consistency with requirements for HOV lane operating speeds. Note that the statutory authority for HOV lane speeds is 23 USC 166(d)(2), not AB 2032.

Available project funding is discussed in IS/EA Section 1.3.3. VTA is working with local, state, and federal agencies to identify funding sources for design, right-of-way and

construction. VTA studied the financial value and cost implications of the proposed project in detail during the preliminary project analysis and most recently in June 2013 (VTA 2013). The most current benefit-cost analysis was conducted using the corridor version of the California Lifecycle Benefit/Cost Analysis Model (Cal-B/C v5.1 Corridor).

The analysis excluded the following benefits because they are difficult to measure or value:

- Improving safety on the corridor;
- Providing travel time reliability for automobiles, transit vehicles, and emergency services;
- Funding additional transit service;
- Bringing the pavement to a state of good repair; and
- Offering transportation options for travelers.

The project would have a benefit-cost ratio of 4.2 at a 3 percent discount rate⁴ and 3.1 at a 7 percent discount rate. In general, projects with a benefit-cost ratio greater than 1.0, when costs and benefits are discounted at the opportunity cost of capital, are considered to have greater benefits than costs. VTA expects the SR 85 Express Lanes Project to produce benefits beyond those captured by simple benefit-cost ratios and calculations of net present value since not all of the benefits of the project can be modeled or quantified (VTA 2013).

L-1-5

CEQA requires a lead agency to prepare an EIR if there is substantial evidence, in light of the whole record, that the project may have a significant effect on the environment (California Public Resources Code Sections 21080(d), 21082.2(d); CEQA Guidelines Section 15064). The existence of public controversy over the environmental effects of a project does not require the preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment (CEQA Guidelines Section 15064[f][4]). Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15064[f][4]). A significant effect under CEQA is “a substantial, or potentially substantial, adverse change” in physical conditions (CEQA Guidelines Section 15382).

The IS/EA studied a number of environmental topical areas. The determination that the proposed project would not have significant environmental effects was based on a detailed and comprehensive review of each technical study area. Environmental studies

⁴ A discount rate in a benefit-cost analysis is used to place a value on future costs and benefits compared to current costs and benefits. The term discounting refers to the fact that a dollar in the future is worth less than a dollar now. The Cal-B/C Corridor typically uses a rate of 4 percent to discount future benefits and costs to present value. This rate was increased to 7 percent in accordance with Federal guidance from the Office of Management and Budget in Circulars A-4 Regulatory Analysis (09/17/2003) and A-94 Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs. An alternative analysis was conducted using a 3 percent discount rate, which places a higher value on long-term benefits than short-term benefits.

for the project included preparation of the 27 technical reports listed in IS/EA Appendix G. The technical reports addressed noise, traffic, air quality, cultural resources, paleontological resources, biological resources, community impacts, hydraulics and water quality, hazardous waste, geology, and visual impacts.

These studies were prepared by qualified professionals in each subject and were reviewed by experienced Caltrans environmental or engineering staff before the studies could be approved for inclusion in the IS/EA. The decision to complete an IS/EA was based on the technical studies' findings that no significant impacts would result, or that impacts would be avoided or minimized. The reasons that effects of the project would be avoided or minimized are summarized in IS/EA Chapter 2.

It is important to note that the same technical studies must be prepared whether the ultimate environmental document is an IS/EA or an EIS/EIR. Thus, preparing an EIS/EIR would not change the content or nature of any of the technical studies, or the determination of the project's impacts on the environment.

Additional detailed information from the technical studies and other sources has been added to the IS/EA as a result of public comments, as described in Master Response GEN-3. This information is included to clarify the basis for conclusions about project-related impacts. The additional information does not change the conclusion that no significant effects would result from project implementation.

L-1-6

The project design was developed in sufficient detail to evaluate environmental impacts. The project description (IS/EA Section 1.3) and Figure 1.1-2 identify where the proposed lanes would start and end, including where the second express lane would be added (creating two express lanes in each direction), as well as a new auxiliary lane for 1.1 miles of northbound SR 85. Project components including new signs, toll structures, and lighting are fully identified, and potential impacts are evaluated in IS/EA Chapter 2.

Detailed preliminary project plans would not be considered useful to most readers. In response to this comment, a detailed schematic showing the access zone locations and the number of express lanes in each segment has been added as IS/EA Figure 1.3-2. This schematic is for the currently proposed express lane access configuration, which is described in IS/EA Section 1.3.1.1. As stated in Section 1.3.1, a different access configuration will be considered during the project design phase. If the express lane access configuration is revised, any changes will undergo the required environmental review.

It should be noted that the Draft Project Report including preliminary project plans and the technical studies in support of the IS/EA were available to the public for review during the public comment period via the Caltrans website (<http://www.dot.ca.gov/dist4/envdocs.htm#santaclara>). These documents contained technical information that was used to evaluate environmental impacts.

Project staging would occur within the right-of-way. Information about construction staging has been added to IS/EA Section 1.3.1.9. This information does not change the conclusions of the environmental analysis.

IS/EA Section 1.3.1.9 has also been revised to state that because of the relatively flat topography of the study area and the limited amount of proposed widening (in the median and for the new auxiliary lane), there would be minimal cut and fill. No spoils or import sites are anticipated, or associated hauling of earth material except within the existing right-of-way.

Construction activities will take place adjacent to the freeway for installation of the elements of the project included in the project description: the additional lane between SR 87 and I-280, signage, the auxiliary lane, utility trenching, lighting, and concrete barriers.

Truck trips and the construction timeline, locations, number of construction employees, and specific types of equipment were estimated as needed to analyze construction impacts to air quality. As described in IS/EA Section 2.2.6.3 (under “Construction Impacts”), the daily average emissions of construction-related criteria air pollutants or precursors would not exceed any applicable threshold of significance.

Refer to Master Response GEN-6 regarding efforts to involve the public and decision-makers in the project. It should be noted that representatives from Campbell, Cupertino, Los Altos, Los Gatos, Mountain View, San Jose, Saratoga, Sunnyvale, and the County of Santa Clara were invited to monthly project meetings beginning in October 2012.

L-1-7

This and other comments from the City of Cupertino state that the IS/EA never clearly identifies thresholds of significance. To clarify, CEQA does not establish specific thresholds for significance. Instead, CEQA Guidelines Section 15064(b) states that "the determination . . . calls for careful judgment on the part of the public agency involved" and that "an ironclad definition of significant effect is not possible because the significance of an activity may vary with the setting." CEQA encourages lead agencies to establish their own thresholds of significance to determine the significant effects of their projects.

For Caltrans, a “significant effect on the environment” under CEQA means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including but not limited to land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Project Development Team, based to the extent possible on the results of field surveys and technical studies. Because the significance of an effect may vary depending on the environmental setting, set rules for determining significance in every case have not been established. Some public agencies have established threshold of significance for CEQA. Because Caltrans has statewide jurisdiction and the setting for projects varies so extensively across the state, Caltrans has not and has no intention to develop thresholds of significance for CEQA. The determination of significance under CEQA is left to the internal project development team, with particular deference paid to the expertise of environmental staff and other specialists.

According to the CEQA Guidelines, an economic or social change by itself is not to be considered a significant effect on the environment. However, if a social or economic change is related to a physical change, that social or economic change may be considered in determining whether the physical change is significant. Since nearly all Caltrans projects result in physical change, the consideration of social or economic changes is almost always appropriate in assessing the significance of project effects.

Lastly, the existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence that the project may have a significant effect on the environment.

IS/EA Chapter 2 discussed the impacts of the proposed project and the No Project Alternative including permanent, temporary, direct and indirect impacts and whether or not there were significant impacts. It also discussed avoidance and minimization measures. These discussions were summarized from the technical studies performed for the IS/EA, which are listed in Appendix G.

Given the existing congestion levels, Caltrans has identified LOS D as an acceptable threshold for the SR 85 HOV/express lanes, and LOS E for the SR 85 general purpose lanes.

It should also be noted that while these thresholds were applied to individual segments to identify areas of concern, given the corridor-wide nature of the proposed project, the assessment of impacts emphasized overall changes in corridor operations. For example, while the LOS on a few individual links may degrade with the project, many more improve as do other measures of corridor performance (i.e. hours of delay, average speed, throughput, travel time, etc.).

L-1-8

The 1,650 vph per lane cited in the comment is the approximate flow rate for an HOV lane to operate at LOS C/D. As part of this project, a central monitoring system and pricing algorithm will be implemented that will dynamically adjust the toll rate based on traffic conditions to maintain the flow at or below this threshold volume. Toll rates will be increased when the system senses a drop in speeds or when the volume approaches 1,650 vehicles per hour per lane (vphpl). The express lane will operate in HOV-only mode when speeds fall below the acceptable thresholds or volumes exceed 1,650 vphpl. The existing tolled express connectors on SR 237/I-880 function under similar principles.

The traffic forecasts were therefore developed to be consistent with these actual operating assumptions.

L-1-9

Regarding item (c) of the comment:

No corrections are required to the LOS results. There appears to be some misunderstanding regarding the relationship of volume and speed to density, and the potential effects of the express lane buffer separation.

Density is a function of both volume and speed (density = volume/speed). Under the No Build scenario, with no buffer separating the HOV lane from the general purpose lanes, congestion in the HOV lane is due not only to the high demand in the HOV lanes, but

also due to the friction caused by vehicles moving between the HOV lanes and the heavily-congested general purpose lanes. The merging of HOVs into and out of the HOV lane influences the speed in the HOV lane, causing higher density. This can occur even when the HOV demands are below capacity.

Under the Build Alternative, the introduction of the buffer eliminates the friction between the general purpose lanes and the express lane, thus allowing the express lane to operate at higher speeds and lower densities with the same volume.

In addition, with the proposed limited-access design, some shorter trips may no longer use the express lane thus reducing the number of movements into and out of the express lane compared to the No Build HOV lane.

Regarding item (d) of the comment:

No corrections to the analysis are required. There appears to be misunderstanding regarding the nature of the travel time and average travel speed results.

As described in the *Traffic Operations Analysis Report* (TOAR; URS and DKS 2013), the reported freeway travel time results reflect the average time for a “through” vehicle to traverse a given segment of the freeway mainline using either the general purpose lanes or the HOV/express lanes for the entire segment. This includes travel time only on the freeway mainline and does not include travel time on the ramps.

The average network speed results reflect the average speed for all users (general purpose and HOV/express), and include travel on the both freeway mainline AND lower-speed ramps (including delays at ramp meters).

As such, a direct comparison should not be made between these two measures. Travel speed results for the freeway only are included in the appendices to the TOAR. These results correspond to the freeway travel time results and are broken down by hour and between the general purpose and HOV/express lanes.

L-1-10

As described in Master Response TR-3, a supplemental assessment of project-related traffic impacts was conducted for 19 intersections in the Cities of Saratoga and Cupertino, including the intersections of local roadways with SR 85 ramps (DKS 2014a, 2014b, 2015). The assessment showed that none of the studied intersections would be significantly impacted by the proposed project (DKS 2015).

L-1-11

While the proposed project does not modify the interchange locations cited in the comment, the conversion of the current HOV lane into an HOV/express lane will help to alleviate congestion by shifting some of the current single-occupant vehicles (solo drivers) into the express lane, thus better utilizing the available roadway capacity. This, in turn, reduces the traffic volume in the general purpose lanes and can increase the maximum volume able to pass through a bottleneck location thereby reducing the level of congestion. A detailed traffic operational analysis was conducted that accounted for existing bottlenecks and the specific design elements of the proposed project. Summary of this detailed traffic analysis is documented in IS/EA Section 2.1.3.2.

Refer to Master Response TR-2 regarding other planned improvements that could improve the traffic operations along the SR 85 corridor.

L-1-12

There are no pedestrian and bicycle facilities on SR 85 or US 101 in the project limits, and the proposed project would not affect any pedestrian and bicycle facilities that cross over SR 85 or US 101. IS/EA Section 2.1.3.1 has been revised to include this information.

The project would benefit public transit through the provision of a second HOV/express lane in the median of SR 85 between SR 87 and I-280 and through the reinvestment of toll revenues in transit within the corridor. VTA currently operates three express buses that use SR 85 (routes 102, 168, and 182). The project would improve HOV/express lane travel times for buses and other lane users during peak hours, as shown in IS/EA Tables 2.1.3-7 and 2.1.3-11.

Master Response GEN-2 provides detailed information about why light rail was not analyzed as an alternative to the proposed project.

The comment and the Cupertino General Plan Circulation Element refer to VTA's Valley Transportation Plan 2020 (VTA 2000). The 2020 plan was published in December 2000 and has been updated several times since then. The current plan is Transportation 2035 (VTA 2009), and the Transportation 2040 Plan is in development.

The Valley Transportation Plan 2020 prepared in 2000 does not identify light rail in the median of SR 85 as a proposed project. An earlier plan, the Santa Clara County Transportation Plan T2010 (Santa Clara County Transportation Authority 1992), included the "De Anza" intra-county rail corridor along SR 85 as a potential future project. Subsequent versions of the Valley Transportation Plan did not identify the De Anza rail corridor as a potential project.

The project would not wholly preclude the development of a light rail system within the SR 85 median. The addition of a second express lane in the median along northbound and southbound SR 85 between SR 87 and I-280 would take up approximately 24 feet of the 46-foot median, and signs, toll structures, and lighting would be installed in the median as described in IS/EA Section 1.3. It should be noted that express lane project components, like most transportation facilities, are assumed to have an effective life span of approximately 20 years. In the future, if widening SR 85 became necessary or the express lanes were found to no longer provide the intended travel benefits, the express lane facilities could be shifted or removed to accommodate at-grade light rail tracks. If a light rail system were constructed at that time, additional right-of-way would likely have to be acquired for parking and bus transfer facilities adjacent to stations along SR 85.

The comment states that the project would use funding to widen the highway that could otherwise be invested in public transportation. As stated in Master Response GEN-2, programmed TIP funding for express lanes on SR 85 cannot be transferred to a future light rail project on SR 85. Moreover, net revenue generated from the SR 85 express lanes would be used for HOV, transportation, and transit service improvements within the SR 85 corridor.

VTA is committed to public transit, and that commitment is demonstrated through the allocation of funds in the Valley Transportation Plan 2040 (in development). As shown in the most recent project list for the plan, approximately \$7.9 million is slated for transit projects and improvements including light rail and bus rapid transit, and less than half of that amount (approximately \$3.4 million) is slated for highway projects and improvements (VTA 2011).

The comment on development patterns is noted but does not provide evidence that the project would change development patterns along SR 85, which is already bordered by urban and suburban development.

The comment does not clarify how the project has the potential to adversely affect pedestrian and bicycle use or to be inconsistent with the City of Cupertino's Pedestrian Transportation Guidelines, the Cupertino Bicycle Transportation Plan, or the Cupertino General Plan Circulation Element p. 4-7. The project does not involve any construction on local streets and therefore would not impact pedestrian or bicycle use.

L-1-13

The Transportation Management Plan (TMP) and other measures that are implemented as part of standard Caltrans procedures, such as the implementation of the water quality best management practices in IS/EA Section 2.2.2.4 and construction dust control practices in IS/EA Section 2.2.6.4, are not considered mitigation because they are required to be a part of the project. These standard procedures are implemented on every Caltrans project and are fully enforceable through construction contract documents. The TMP is included in IS/EA Sections 2.1.2.2 (under “Emergency Services”) and 2.1.3.2 (under “Impact Summary”).

The TMP is developed conceptually during the environmental phase and finalized during detailed project design to minimize delay and inconvenience to the traveling public. It will address traffic impacts from staged construction, detours, and specific traffic handling concerns and will be supported by detailed traffic studies to evaluate traffic operations during construction. The TMP has elements such as public outreach, construction message signs, and incident management. The public outreach element will include preparation of press releases and other documents necessary to adequately inform the public of traffic delays associated with the project. Advance notification of construction activity will be given to local newspaper, television and radio stations, and emergency response providers. Weekly information updates will also be given to the Caltrans District 4 Public Information Office for use in Caltrans Weekly Traffic Updates.

Although the overall project construction duration is estimated at 1.5 years, construction activities would be temporary, concentrated in specific areas within the right-of-way over a period of several days to a few weeks. In other words, the entire length of the project corridor would not be under construction for the entire 1.5-year period. The staged construction and traffic handling plans that will be developed during detailed project design will ensure that the project will be built in a logical and reasonable manner and that adequate consideration is given for safety and convenience of the general public and workers during construction. Local agency representatives within the project limits will be invited to attend the project development team meetings during detailed project design in order to provide their comments and input.

The same technical studies must be prepared whether the ultimate environmental document is an IS/EA or an EIS/EIR. Thus, preparing an EIS/EIR would not change the content or nature of any of the technical studies, or the determination of the project's impacts on the environment.

L-1-14

The comment that the IS/EA fails to analyze or mitigate for project-related noise changes is an introductory statement and is addressed in more detail in the Responses to Comments L-1-15 and L-1-16.

For highway transportation projects with Federal Highway Administration (FHWA) involvement, the Federal-Aid Highway Act of 1970 and the associated implementing regulations (Title 23, Part 772 of the Code of Federal Regulations [23 CFR 772]) govern the analysis and abatement of traffic noise impacts. This project has federal funds; therefore, these regulations apply. Determining when the future noise level with the project is predicted to approach or exceed the noise abatement criteria (NAC) is part of the process used to apply FHWA regulations for analyzing highway traffic noise (23 CFR 772). It is not the same as the processes used to assess the significance of project-related noise changes for CEQA and NEPA purposes, which are documented in Section 7 of the Caltrans Traffic Noise Analysis Protocol for New Highway Construction, Reconstruction, and Retrofit Barrier Projects (Protocol or TNAP; Caltrans 2011d). In summary:

- For CEQA, the determination of noise impacts is based on the project-related increase in noise and other project-specific conditions. In the past, Caltrans defined a substantial increase in noise as a 12 decibel increase between existing conditions and design year (in this case, 2035) with-project conditions. No single numerical threshold is currently used on all projects. Instead, the Project Development Team considers the level of the project's noise increase and the absolute future noise level in making the determination of significance. As described in IS/EA Section 2.2.7.5, the difference in noise between existing conditions and 2035 with-project conditions would range from 0 to 3 dBA, depending on location. An increase of 3 dBA is considered barely detectable to the human ear. For this project, the Project Development Team determined that a 3 dBA increase is not substantial and would be less than significant under CEQA.
- For NEPA, the determination of noise impacts is based on a comparison of design year (in this case, 2035) conditions with and without the project. There are no specific thresholds for assessing this incremental project-related noise increase under NEPA; however, due to federal involvement, 23 CFR 772 regulations apply. As stated in IS/EA Section 2.2.7.1 (under "National Environmental Policy Act and 23 CFR 772"), the threshold for a noise impact is when the future noise level with the project is predicted to substantially exceed the existing noise level (defined as a 12 dBA or more increase), or approach or exceed the NAC. Approaching the NAC is defined as coming within 1 dBA of the NAC.

The change in noise levels was evaluated at each study location through comparison of existing, No Project, and project conditions. The methods, procedures, and results of the analysis are documented in the project's *Noise Study Report* (Illingworth and Rodkin

2012). The technical report was available to the public for review during the public comment period for the IS/EA.

As stated in IS/EA Section 2.2.7, the project would result in noise level increases of 0 to 3 dBA over both existing and No Project conditions, depending on location. Under CEQA, this change in noise level would not result in significant impacts, and no mitigation would be required.

Some locations within the project limits would experience noise levels that approach (within 1 dBA) or exceed the NAC. Therefore, in accordance with 23 CFR 772, potential noise abatement was evaluated where frequent human use occurs and where a lowered noise level would be of benefit.

It should be noted that the NAC values are for impact determination only and are not design standards for noise abatement measures (IS/EA Table 2.2.7-1, footnote 2). In other words, the NAC values are used to determine whether noise abatement must be considered, but do not represent levels to which noise must be abated.

The abatement considered for this project was construction of new sound walls or higher walls where existing walls have been built. The wall heights considered were 8, 10, 12, 14, and 16 feet. Final IS/EA Table 2.2.7-19⁵ lists the predicted noise level with the potential abatement for the locations with noise levels that approach (within 1 dBA) or exceed the NAC. Twenty four walls—8 new walls and 16 replacement walls—were analyzed. All the replacement walls and one new wall did not meet the 7 dBA noise reduction design goal for at least one benefited receptor; therefore, these walls were considered not acoustically feasible and removed from further analysis. Six walls had at least one wall height that would meet the 7 dBA noise reduction design goal. These walls would be located along:

- Southbound US 101 south of Oregon Expressway by Greer Park
- Southbound US 101 south of Amphitheatre Parkway by Leghorn Street
- Southbound SR 85 south of El Camino Real by Kings Row and Franklin Avenue
- Northbound SR 85 north of Fremont Avenue by Bernardo Avenue
- Northbound SR 85 south of Stevens Creek Boulevard by Campus Drive
- Northbound SR 85 south of Santa Teresa Boulevard by Gunderson High

A benefit-cost analysis was performed to determine the preliminary reasonableness for constructing the six potential walls using the criteria set forth in the Protocol. This analysis was documented in the Noise Abatement Decision Report prepared for the project. The technical report was available to the public for review during the public comment period.

The comment is correct that the sound wall evaluation included in Section 2.2.7.4 (under “Traffic Noise Abatement Evaluation”) found that none of the evaluated sound wall locations met the feasibility and reasonableness criteria.

⁵ Formerly Table 2.2.7-3 in the Draft IS/EA.

The other potential noise abatement measures listed in Section 2.2.7.4 (under “Traffic Noise Abatement Evaluation”) were not considered practicable or feasible for the reasons described below:

- Avoiding the project impact by using design alternatives, such as altering the horizontal and vertical alignment of the project, is not considered practicable because the project is on an already-constructed roadway, and parts of SR 85 are already below the grade of surrounding development.
- Using traffic management measures to regulate types of vehicles and speeds is not considered practicable because the greatest generator of highway noise is trucks, and trucks are already restricted on much of SR 85. Unless restrictions were imposed on the part of SR 85 where trucks are allowed, there would be no noticeable change in truck traffic noise. The current speed limit is 65 mph, and lowering it is only practicable if a traffic study by the State determines that the speed limit is not safe or reasonable to maintain.
- Acquiring property to serve as a buffer zone would greatly increase the environmental impacts and implementation costs for the project, as most of the project corridor is bordered on both sides by residential and other development.
- Acoustically insulating Activity Category D land uses (such as auditoriums, day care centers, hospitals, and libraries) has been considered. Category D land uses along the project corridor were evaluated in accordance with Caltrans and FHWA standards. At each of the Category D land uses, interior noise levels were either measured, or, if permission to enter to take measurements was denied, estimated based on construction methods, ventilation system type, and window type. No Category D land uses were identified that would have future noise levels with the project that would approach or exceed the interior noise abatement criteria (NAC) of 52 dBA $L_{eq[h]}$. Therefore, providing additional acoustical insulation for Category D land uses is not warranted.

The comment states that pavement options such as open graded asphalt concrete or rubberized asphalt materials can attenuate noise. The use of “quieter pavement” for roadway noise abatement has received attention in recent years, and the effectiveness and application of quieter pavement has been studied by Caltrans and others.

There are two major types of pavement: flexible asphalt concrete (AC), which is black in color, and rigid Portland cement concrete (PCC), which is white in color. Historically, new AC generally tends to be quieter than new PCC, but aggregate size, surface texture, and age/condition can cause wide variations in tire pavement noise levels. The differences in noise reducing characteristics between AC and PCC are narrowing as new quieter pavement designs are being implemented. Open-graded AC, particularly when it is porous, has been shown to produce less tire noise than dense-graded AC. Longitudinal (parallel to direction of travel) texturing, tining, or grooving in PCC has been shown to be much less noisy than transverse (perpendicular to direction of travel) texturing, tining, or grooving. Grinding of existing surfaces has also been found to be effective in reducing noise for all types of PCC textures. The longevity of the lower noise benefits associated with quieter pavement is not as well understood. There are many regional variables that can affect pavement performance, such as road base condition, environment, traffic loads,

mix design, and quality of construction material and methods. In general, as any pavement ages and wears, the acoustic characteristics change and tire/pavement noise becomes louder (Caltrans 2013).

At this time, FHWA policy does not allow quieter pavement to be considered as a noise abatement measure (Caltrans 2013). Quieter pavement is not currently listed in 23 CFR 772 as a noise abatement measure for which Federal funding may be used (Caltrans 2011d, p. 20).

L-1-15

The comment states that the IS/EA does not adequately describe the existing noise setting. The IS/EA summarizes the findings of the *Noise Study Report* (NSR) for the proposed project (Illingworth and Rodkin 2012), which was prepared in accordance with FHWA and Caltrans policies to address traffic noise impacts and noise abatement. This includes FHWA regulations (Title 23, Part 772 of the Code of Federal Regulations [23 CFR 772]) and the Caltrans Protocol [Caltrans 2011d]). The Protocol addresses both Federal and State environmental statutes with regard to noise.

The NSR evaluated the existing land use categories along the freeway in each of the 15 study segments (including specific locations such as schools, churches, and parks), collected noise measurements, and described existing sound walls and noise barriers (NSR Chapter 6). Noise measurements were taken in more than 140 locations (NSR Tables 6-1 and 6-2) to represent the noise environment at individual receptors and, where appropriate, at groups of receptors that are considered acoustically equivalent to one another. Measurement locations were chosen that represent each type of land use activity category within each study segment. Measurements were taken at locations expected to be most affected by freeway noise based on proximity, geometry, elevation, and sensitivity. Measurements were also taken at locations beyond first-row receptors (meaning the first row of structures from the freeway) to document the decrease in noise levels with distance from the noise source. The comprehensive noise survey completed as part of the NSR adequately established existing noise levels at all potentially impacted land uses near the project corridor.

As stated in the response to Comment L-1-14, Category D land uses along the project corridor were evaluated in accordance with Caltrans and FHWA standards for existing and future No Build and Build interior noise levels. At each of the Category D land uses, interior noise levels were either measured, or, if permission to enter to take measurements was denied, estimated based on construction methods, ventilation system type, and window type. No Category D land uses were identified that would have future noise levels with the project that would approach or exceed the interior noise abatement criteria (NAC) of 52 dBA $L_{eq[h]}$.

The NSR contains detailed information about Category D land uses including specific locations, whether sound walls are in place, window type, and evaluation of interior noise levels. Additional information about the existing noise setting has been added to IS/EA Section 2.2.7 from the NSR. This is information that was made available during the public review period, does not constitute significant new information, and does not change the results of the analysis.

Noise Measurement Locations and Reflective Noise

All noise measurement locations collected for the NSR were at various distances outside of the freeway right-of-way. As noted above, measurement locations were selected based on their potential to be most affected by freeway noise based on proximity, geometry, elevation, and sensitivity. The locations ranged from about 15 to 400 feet from SR 85.

The results of the measurements indicated that in the majority of cases, noise levels only approached or exceed the NAC at first-row receptors. Measurements made at distances beyond first-row receptors showed that existing noise levels were typically 62 dBA L_{eq} or less and at least 5 dBA below the NAC. Multiple noise measurements were collected at the majority of locations (NSR Tables 6-1 and 6-2). The noise measurement locations were selected in accordance with Caltrans and FHWA standards that would have the highest ambient traffic noise, and collection of measurements from additional receptor locations is not warranted. These distances were selected because at distances greater than 500 feet, the ambient noise levels associated with freeways are not substantially different with or without sound walls (Caltrans 2002).

The comment states that reflective noise can cause noise levels uphill or at some distance from the right-of-way to be substantially different from locations within the right-of-way. Note that no noise measurements were collected within the State right-of-way, which generally coincides with the sound walls that enclose SR 85, because there are no residences, schools, or other noise-sensitive land uses within the right-of-way. All measurement locations were selected based on their potential to be affected by project-related noise, as described above.

Differences in noise levels from possible reflection have been studied using measurements at various locations from a freeway before and after sound walls were constructed. The distances ranged from 300 feet to 3,000 feet away and accounted for traffic levels and meteorological conditions (to make sure the measurements before and after the construction of the walls were performed under similar conditions). Measurements included late night, early morning, and day time periods representing a wide range of conditions throughout the day and night. The monitored locations included hillsides with a clear view of the sound wall location in line with any potential reflective path. Maximum differences ranged from 1 to 2 dBA under similar meteorological conditions, which is considered barely detectable. These studies showed that the noise environment in the vicinity of a freeway is dominated by the sound that a receiver hears directly from the freeway, and any reflective noise, if it occurs, does not contribute to a detectable change (Woodward-Clyde and Illingworth and Rodkin 1994; Woodward-Clyde and Illingworth and Rodkin 1999; URS Greiner Woodward Clyde, Illingworth and Rodkin, and Haygood and Associates 1999a; URS Greiner Woodward Clyde, Illingworth and Rodkin, and Haygood and Associates 1999b).

Noise Measurement Metrics

The comment states that the IS/EA must evaluate single noise events and differentiate between daytime and nighttime noise.

As described in the Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol (TeNS; Caltrans 2013), the proper noise descriptor to use in any given situation depends on the nature of the noise source. A noise such as a gunshot requires a different descriptor than traffic noise. The metric of sound exposure level (SEL) is mainly used for

aircraft noise because it captures the acoustical energy during a single noise event, compressed into a period of 1 second and expressed in decibels. Noise studies prepared for local agency projects often are evaluated in terms of 24-hour metrics such as the DNL/Ldn (Day-Night Average Sound Level, the 24-hour sound level with a 10 dB “penalty” for noise occurring at night) or the community noise equivalent level (CNEL, a similar daily average noise level metric that penalizes evening noise by 5 dB and nighttime noise by 10 dB).

This project was required by 23 CFR 772 to be done in terms of the worst noise hour ($L_{eq[h]}$) for traffic. Along a freeway, noise is generated by traffic, consisting of automobiles and trucks. Noise from a freeway, particularly during the worst-hour, is rather constant with occasional maximum instantaneous noise levels from trucks or motorcycles. There can also be brief lulls in traffic yielding reduced traffic noise levels. The acoustical descriptor used to characterize freeway noise is the equivalent noise level (L_{eq}). The L_{eq} is the equivalent steady-state noise level in a stated period of time that would contain the same acoustic energy as the time-varying noise level during the same period. A single noise event associated with a highway would consist of a single vehicle or a very short period of measurement instead of a longer average. These single events are captured during the measurement and reflected in the L_{eq} . Shorter-duration measurements such as SEL provide the acoustical energy during a single noise event compressed into a period of 1 second, and enable the comparison of the acoustical energy of different events involving different source characteristics. Freeway noise does not have different source characteristics. The study’s worst-case noise conditions represent the maximum number of vehicles traveling at the speed limit. Mitigation or abatement is evaluated to reduce these worst-hour noise levels to the greatest feasible or practicable amount with sound walls in place.

Nighttime Noise Levels

During evening until early morning, the sound levels near a freeway will be substantially lower because of the relatively lower level of traffic compared to other periods of the day. During the quietest nighttime periods, equivalent noise levels are typically 10 dBA or more below the worst-hour traffic noise level. The commenter is correct that the “masking effect” of the freeway is less, and other background sounds can sometimes be heard that would not be detected during the noisier daytime periods. This is already occurring along SR 85 as well as other freeways. The project would not have any effect on ambient noise levels during the late evening through early morning because there is very little traffic during these times. A motorist can travel at the speed limit with little or no congestion.

The project involves installation of express lanes to enable travelers to avoid congestion during the peak periods of the day and early evening. The express lanes will open to all during non-peak periods because congestion management is not needed. Evaluation of the noise levels at night, representing more sensitive periods of time for nearby residents, would yield no difference with and without project conditions because the same number of vehicles would be traveling the same speed under both scenarios, resulting in no long-term effect on nighttime noise levels.

The same technical studies must be prepared whether the ultimate environmental document is an IS/EA or an EIS/EIR. Thus, preparing an EIS/EIR would not change the

content or nature of any of the technical studies, or the determination of the project's impacts on the environment.

L-1-16

Although the overall project construction duration is estimated at 1.5 years, noise generated by project-related construction activities would be temporary, concentrated in specific areas over a period of several days to a few weeks. The IS/EA provided a summary of the evaluation of construction noise from the NSR. The technical report was available to the public for review during the public comment period. Additional construction noise information from the NSR has been added to IS/EA Section 2.2.7.4 to provide further details about the analysis, including the types of equipment and activities expected to produce construction noise, maximum and average noise levels, and proximity of construction activities to residential receptors along SR 85. The additional information does not change the finding that construction noise levels at receptors nearest the project alignment would not be substantially higher than existing hourly average traffic noise levels on SR 85, except in the case of temporary construction techniques such as pile driving.

The comment refers to construction noise information for the I-5/SR 56 Interchange Project in San Diego and states that noise levels can be as high as 101 dBA at 50 feet. The I-5/SR 56 Interchange Project is a major infrastructure project that, depending on the alternative selected, may include construction of structures for two new freeway connector ramps and potentially involve extensive pile driving and other activities that could result in noise levels as high as 101 dBA at 50 feet.

The proposed SR 85 Express Lanes Project does not include any construction activities that are expected to result in noise levels that would be as high as 101 dBA at 50 feet. The geotechnical analysis conducted for the project indicates that cast-in-drilled-hole (CIDH) piles can be used to support overhead signs and toll structures. Installing CIDH piles typically results in noise levels of 84 dBA L_{eq} at a distance of 50 feet (or 78 dBA L_{eq} at a distance of 100 feet when accounting for additional distance from the noise source). Either driven or CIDH piles can be used for bridge widening supports except at Pollard Road, which would have spread footings that do not require piles. Concerns about construction noise expressed during the public review period for this project will be considered during the design phase in selecting pile types for the bridge widening locations.

The Protocol (Caltrans 2011d) states that 23 CFR 772 does not specify specific methods or abatement criteria for evaluating construction noise, but a reasonable analysis method such as the FHWA Roadway Construction Noise Model (Federal Highway Administration 2006) must be used to determine whether construction would result in adverse construction noise impacts on land uses or activities in the project area. As part of the NSR, FHWA's Roadway Construction Noise Model was used to calculate the maximum and average noise levels anticipated during each phase of construction, including possible structure work with pile driving. The NSR accounted for existing hourly average traffic noise levels at receptor locations, predicted noise levels from different construction phases, and the estimated range of resulting construction noise levels at receptor locations. This information is summarized in IS/EA Sections 2.2.7.3

(noise levels at each receptor location) and 2.2.7.4 (construction noise levels by construction stage and range of levels at receptor locations).

Neither the Protocol nor 23 CFR 772 establishes significance thresholds for construction noise. Rather, when construction noise impacts are anticipated, project plans and specifications must identify abatement measures that would minimize or eliminate adverse construction noise impacts on the community. IS/EA Section 2.2.7.4 provides measures to minimize or reduce the potential for noise impacts resulting from project construction.

Refer to Master Response GEN-3 in regard to preparation of an EIS/EIR. The same technical studies must be prepared whether the ultimate environmental document is an IS/EA or an EIS/EIR. Thus, preparing an EIS/EIR would not change the content or nature of any of the technical studies, or the determination of the project's impacts on the environment.

Construction-related vibration levels would be very low because of the distance separating the primary work area from adjacent land uses and because of the limited potential for substantial vibration events such as impact pile driving. Construction activities using heavy equipment, such as the use of a vibratory roller or the dropping of heavy objects, would typically occur at distances greater than 125 feet from structures adjoining the highway since the majority of the work is within the SR 85 median. At such distances, vibration levels from proposed construction equipment would be less than 0.036 inches per second, peak particle velocity (PPV; a measure of vibration), well below the 0.3 inches per second PPV vibration threshold recommended by Caltrans to avoid cosmetic damage (minor cracking in plaster walls or ceilings) to older residential buildings. Construction vibration levels at the nearest land uses would also be well below ambient vibration levels from occupants inside buildings (such as vibration resulting from footsteps or slamming doors shut).

The comment states that the construction plan for noise-generating construction activities does not provide performance criteria that ensure that construction-related noise does not adversely impact nearby sensitive receptors. This requirement is one of many listed under the Construction Noise Measures in Section 2.2.7.4. The construction plan is in addition to all other construction measures listed. Its intent is to provide information for nearby residents and land owners, is not a substitute for any other mitigation measures, and does not defer mitigation. It would require the contractor to develop a schedule of activities. The public outreach to the traveling public as well as adjacent landowners during construction will be undertaken by VTA's Public Affairs Division.

The comment also states that the measure to avoid the staging of construction equipment within 200 feet of residences and as far as practical from noise sensitive receptors is unlikely to be effective because Caltrans has not identified the specific affected sensitive receptors and because the use of "as far as practical" is vague and unenforceable. This project involves over 33 miles of highway, and sensitive receptors that were identified in the NSR are located outside of the State right-of-way and away from the construction areas, which are in the median and along shoulders of the existing SR 85 and US 101. The project already limits the contractor to working largely within the median and along the outside edge of pavement; however, this measure allows for the Caltrans Resident

Engineer to respond to complaints from residents or others regarding the location of equipment. The 200 feet is based on a reasonable distance at which noise levels from the majority of construction equipment would decline to levels equivalent to the existing traffic noise, while still allowing the contractor to access the work locations within the freeway corridor. The 200-foot limit ensures that temporary staging areas are located away from sensitive receptors. The comment does not provide evidence that project operation or construction would result in significant noise impacts that require mitigation.

As described above, preparation of an EIR/EIS is not warranted.

L-1-17

The project's potential effects on air quality were studied in accordance with the requirements set forth in Chapter 11 of the Caltrans Standard Environmental Reference (SER). It is important to understand that:

- Some pollutants, which include ozone, nitrogen oxides, and volatile organic compounds (VOCs), are regional in nature and cannot be readily associated with individual transportation projects. These pollutants are therefore analyzed on a regional level as part of the conformity process.
- Other pollutants, such as carbon monoxide (CO), particulate matter (PM_{2.5}), and mobile source air toxics, are analyzed at the project level as required by Chapter 11 of the SER.

All air quality regulations and analyses are based on the goal of achieving ambient air quality standards, which are established to protect public health and welfare with a margin of safety. As noted in IS/EA Section 2.2.6.1, the Federal Clean Air Act, as amended, is the primary federal law that governs air quality, and the California Clean Air Act (CAA) is its companion state law.

The U.S. EPA, in conjunction with the Department of Transportation, has established the Transportation Conformity Rule (40 CFR Parts 93 and 51) to implement the CAA conformity provisions. The CAA Amendments of 1990 require transportation plans, programs, and projects that need federal funding or approval to conform to state or federal air quality plans for achieving national ambient air quality standards (NAAQS). The NAAQS and other federal regulations provide the basis for air quality analyses under NEPA.

Conformity is a parallel process under the CAA. Conformity is defined by Section 176(c) of the CAA (42 USC 7506[c]) as conforming to the purpose of the State Implementation Plan (SIP) to ensure that transportation plans, programs, and projects do not: 1) produce new air quality violations, 2) worsen existing violations, or 3) delay timely attainment of NAAQS. According to the CAA, federally supported activities must conform to the SIP's purpose of attaining and maintaining the NAAQS. Efforts to attain and maintain the NAAQS include the BAAQMD's Clean Air Plan 2010, which provides an integrated control strategy to reduce ozone, particulate matter, toxic air contaminants, and greenhouse gases.

In determining whether a project conforms with an approved air quality plan, agencies must use current emission estimates based on the most recent population, employment,

travel, and congestion estimates determined by an area's metropolitan planning organization (MPO). The MPO for the Bay Area is the Metropolitan Transportation Commission (MTC). MPOs are required to develop and maintain long-range plans and programs, such as 20-year Regional Transportation Plans (RTPs) and 4-year (or longer) Regional Transportation Improvement Programs (TIPs) that set forth transportation policies and programs for the region. MTC's RTP is a blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the nine-county Bay Area through 2040. As part of the RTP and TIP, regional air quality analyses are conducted of emissions from planned transportation projects in combination with other planned growth and development. The analyses compare net emissions of pollutants on a regional basis by modeling total emissions for the region with and without the planned transportation projects.

A conformity determination indicates that the total emissions projected for all transportation projects in an RTP or TIP are within the emissions limits (budgets) established by the SIP, and that transportation control measures (TCMs) in approved SIPs are implemented in a timely fashion to achieve the NAAQS.

The CEQA checklist in IS/EA Appendix B includes similar criteria to the conformity process, in particular, whether a project would conflict or obstruct implementation of an air quality plan, violate an air quality standard, or contribute to a violation of a standard. Additional CEQA criteria include whether the project would result in a cumulatively considerable net increase of a nonattainment pollutant, expose populations to substantial pollutant concentrations, or create objectionable odors.

IS/EA Section 2.2.6.3 (under "Regional Air Quality Conformity") includes a summary of the project's conformity process and conclusion. The project was included in MTC's regional analysis of transportation projects and was determined to conform with the SIP. The air quality analyses demonstrated that the Bay Area region can meet air quality goals, and therefore it does not conflict with implementation of an air quality plan.

IS/EA Section 2.2.6.3 describes the evaluation of project effects on carbon monoxide (CO), particulate matter (PM_{2.5}), and mobile source air toxics (MSATs).

- The Bay Area is in attainment of the federal and state CO standards. Carbon monoxide emissions modeling for the Build and No Build conditions in 2015 and 2035 was performed and showed that the project would not exceed a CO standard.
- The Bay Area is in nonattainment of the state and federal PM_{2.5} standards. PM_{2.5} was addressed through consultation with the Bay Area Air Quality Conformity Task Force, which includes representatives from federal (U.S. Environmental Protection Agency Region 9, Federal Highway Administration, Federal Transit Administration), state (California Air Resources Board, Caltrans), regional (MTC, Bay Area Air Quality Management District, and Association of Bay Area Governments), and sub-regional (Congestion Management Agencies, transit operators, local jurisdictions, etc.) agencies. The project was determined to not be a project of air quality concern, which means it would not result in an air quality violation of PM_{2.5}.

- MSATs were analyzed as described in the response to Comment L-1-20. The modeling shows that the project would not result in a substantial increase in MSAT emissions.

The Bay Area is unclassified for the federal but in nonattainment of the state PM₁₀ standards, and in nonattainment of the federal and state ozone standards. The current federal process does not require hot spot analyses for PM₁₀.

Ozone is among the criteria pollutants analyzed in the regional conformity process conducted for the RTP and TIP. The conformity process must show a long-term benefit between no project and project conditions. As a project included in these conformity evaluations, the SR 85 project would not result in a considerable net increase in ozone and would not result in an exceedance of an air quality standard.

The project would not expose populations to substantial pollutant concentrations because it would meet regional conformity requirements for all criteria pollutants.

See the response to Comment L-1-5 and Master Response GEN-3 in regard to preparation of an EIR/EIS.

L-1-18

As the proposed project is included in the 2013 RTP and TIP, which conform to the SIP, it is in conformance with all related federal air quality requirements. These requirements are designed to be protective of human health, so identification of any specific sensitive groups is not required.

The air quality analysis accounted for the fact that SR 85 is bordered by residential areas by modeling CO emissions at a range of locations adjacent to SR 85, including where homes back onto SR 85, peripheral roads, a pedestrian overcrossing of SR 85, and within 25 feet of the roadway (see Appendix A of the *Air Quality Impact Assessment* [URS 2013]). The technical report was available for review during the public comment period. As CO and PM concentrations diminish rapidly with distance from the source, concentrations at potential sensitive receptor locations would be much lower than in close proximity to the roadway.

It should be noted that the project would not bring SR 85 closer to established neighborhoods in the manner described in the comment. The project would convert the single HOV lane into a single express lane on SR 85 between US 101 in Mountain View/Palo Alto and I-280, on SR 85 between SR 87 and the US 101 interchange in southern San Jose, and on US 101 between the SR 85 interchange in southern San Jose and Metcalf Road. On SR 85 between SR 87 and I-280, a second express lane would be added in the median—along the centerline. The traffic lanes would not be shifted toward the outer shoulders. The only location where any lane would be shifted toward the outer shoulders and nearby residences is the 1.1-mile segment of northbound SR 85 between South De Anza Boulevard and Stevens Creek Boulevard, where an auxiliary lane would be added. This project feature would not result in additional air quality impacts.

L-1-19

See the response to Comment L-1-17. The current RTP and TIP included the proposed project in the modeling for regional air quality conformity. Because the RTP and TIP

were found to conform with the SIP, the project is inherently consistent with BAAQMD's Clean Air Plan 2010, which provides an integrated control strategy to reduce ozone, particulate matter, toxic air contaminants, and greenhouse gases.

It is not within the scope of this project to address legal actions against the 2013 RTP. See the response to Comment L-1-5 and Master Response GEN-3 in regard to preparation of an EIR/EIS.

State standards are shown in IS/EA Table 2.2.6-1, and total emissions and concentrations, as applicable, were compared to state standards in the same manner as federal standards. The project would not result in or contribute to a violation of either state or federal air quality standards.

L-1-20

The comment that the project will cause emissions of mobile source air toxics (MSATs) to increase over existing conditions is incorrect. As stated in Section 2.2.6.3 ("Mobile Source Air Toxics"), emissions in 2015 and 2035 for both the No Build and Build conditions would be lower than for existing conditions. MSAT emissions modeling shows that the proposed project would increase emissions of certain MSATs by 2 to 4 percent in 2015 and by 5 to 7 percent in 2035 compared to the No Build Alternative. However, compared to existing conditions, MSAT emissions with the Build Alternative would be 47 to 69 percent lower in 2015, and 52 to 77 percent lower in 2035. Therefore, the project would not affect sensitive receptors near the SR 85 corridor. IS/EA Section 2.2.6.3 (under "Mobile Source Air Toxics") has been revised to include this information.

It should be noted that MSAT analysis was performed in accordance with the federal procedure as included (and required) in the latest EPA and FHWA Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA Documents. The model used for this effort, CT-EMFAC5, is an updated, Caltrans-specific version of the EMFAC model discussed in the AASHTO guidelines presented in Exhibit H of the comment.

The modeling indicates that future Build emissions would be slightly higher than No Build during the peak period because the project would allow for an increase in vehicle miles traveled (VMT). However, the project would not accommodate an increase in truck traffic or truck emissions because large trucks are prohibited on SR 85 between US 101 in San Jose and I-280—more than 18 miles of the 24.1-mile SR 85 corridor—and the project would not change the truck restrictions. Large trucks are the primary source of diesel particulate matter (DPM), which is noted in the AASHTO report as the "primary cancer risk factor out of all MSATs." Because of these truck restrictions in most of project corridor, slight DPM increases with the Build Alternative compared to No Build (2 percent in 2015 and 5 percent in 2035) are attributable to the overall increase in VMT rather than an increase in large trucks. This increase and minor increases in the other priority MSATs compared with the No Build scenario are not considered substantial.

Although the project would allow for an increase in VMT on SR 85, the travel demand model—which is regional in nature and accounts for travel on local streets—indicates that the increase would be offset by decreases in VMT on local streets or other freeways.

The project would allow for a limited number of solo drivers to pay a toll to use the existing and proposed additional HOV/express lanes. If high demand occurs, the express lanes will be

restricted as described in Master Response GEN-1. This is not a substantial increase or change in the use of the SR 85 corridor, which already has HOV lanes in each direction. The project is expected to serve drivers who already use SR 85. This would not result in a substantial change in air quality emissions, including MSAT or criteria pollutants.

As the project would decrease MSAT emissions compared with existing conditions, it would not have a detrimental effect on sensitive receptors along the project corridor, and a health risk assessment is not warranted. See the response to Comment L-1-5 and Master Response GEN-3 in regard to preparation of an EIR/EIS.

L-1-21

The first paragraph of this comment is introductory. Responses to detailed comments follow below and in the response to Comment L-1-22.

The comment states that focusing on vehicle speeds is an unrealistic approach to controlling GHG emissions. The IS/EA discusses vehicle speeds with respect to CO₂ emissions because speed has a strong correlation to emission levels, as shown in IS/EA Figure 2.5.1-2.

The project would increase peak period VMT, as shown in IS/EA Tables 2.1.3-8 and 2.1.3-12. The increase can be attributed to two factors:

- The additional capacity for HOVs and toll-paying SOVs in the second express lane in the median between SR 87 and I-280. Note that, as explained in Master Response GEN-1, the express lanes would maintain priority use for HOVs.
- The subsequent improvement in congestion would allow a greater number of vehicles to complete trips on SR 85 during the peak period, as opposed to using alternative routes that would move emissions elsewhere in the transportation system, or deferring trips outside of the nonpeak periods.

The comment states that AASHTO urges VMT growth to be cut in half. It should be noted that VMT would continue to increase in the opening year and horizon year with the No Project Alternative. In addition, in 2035, the No Project Alternative would have lower VMT but higher CO₂ emissions than the proposed project (IS/EA Table 2.5.1-1).

See the response to Comment L-1-3 in regard to the statements about increased capacity resulting in increased congestion, and the response to Comment L-1-9 in regard to traffic speed data.

L-1-22

Calculating emissions based on peak hour speeds and annual VMT (which was estimated from peak period VMT) is a conservative approach to estimating the emissions from a transportation facility because it uses data for the worst-case traffic scenario. In addition, the latest emission models and methodology have been used to estimate GHG emissions for all appropriate years and scenarios (i.e., existing or base year; opening year, with and without project; and horizon year with and without project).

The main source of direct GHG emissions from a transportation facility is vehicle emissions from traffic within the corridor. The life-cycle emissions associated with production of building materials have already been regulated and analyzed as part of the

permitting requirements for the manufacturers of the building materials and for the fuel production and distribution processes. As such, these emissions are not required to be considered for individual projects.

The IS/EA analysis of GHGs is focused on CO₂, which is the dominant GHG from vehicle emissions, mostly from fossil fuel combustion (IS/EA Section 2.5). IS/EA Table 2.5.1-1 in the Draft IS/EA presented carbon dioxide equivalent (CO₂e) emissions as CO₂ emissions; however, the data in Table 2.5.1-1 actually include emissions of methane (CH₄) and nitrogen oxide (NO₂) as well as CO₂, as shown below (URS 2013l, Appendix C).

Table 2.5.1-1: Daily and Annual GHG Emissions

| Scenario | Peak Hour Speeds (mph) | Annual VMT | Annual Emissions (Metric Tons per Year) | | | |
|-----------------|------------------------|---------------|---|-----------------|-----------------|-------------------|
| | | | CO ₂ | NO ₂ | CH ₄ | CO ₂ e |
| Existing (2007) | 43 | 836,973,758 | 325,788 | 30 | 181 | 338,873 |
| No Build (2015) | 38.5 | 933,055,022 | 336,103 | 33 | 198 | 350,586 |
| Build (2015) | 47.5 | 995,888,663 | 337,700 | 36 | 211 | 353,158 |
| No Build (2035) | 29.5 | 999,656,046 | 336,059 | 35 | 218 | 351,624 |
| Build (2035) | 37.5 | 1,101,694,727 | 318,866 | 39 | 240 | 336,021 |

Final IS/EA Table 2.5.1-1 has been revised for clarification.

Black carbon emissions, as the comment notes, are caused by the burning of fossil fuels such as diesel fuel. Black carbon levels have decreased by about 90 percent over a 45-year period, beginning with the establishment of the California Air Resources Board in 1967, mostly as a result of state regulations for diesel engine emissions (CARB 2013). Although black carbon is linked with global warming, the project’s black carbon contribution to global warming would be negligible. The IS/EA provided sufficient quantitative analysis of the GHGs that contribute the vast majority of the global warming potential associated with the project. In addition, the California Low Carbon Fuel Standard is intended to reduce the overall carbon intensity of California’s transportation fuel pool by 10 percent by 2020.

L-1-23

As noted in IS/EA Appendix B, Item VII, Caltrans has included an assessment of the GHG emissions and climate change as a good faith effort to provide the public and decision-makers as much information as possible about the project. It is Caltrans’ determination that in the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is too speculative to make a significance determination regarding the project’s direct and indirect impact with respect to climate change. Caltrans remains firmly committed to implementing measures to help reduce the potential effects of the project. The measures are outlined in IS/EA Sections 2.5.1.2 and 2.5.1.3.

The comment advocates zero emissions or 900 tons of CO₂-equivalent (CO₂e) as potential thresholds of significance, based on Exhibit J of the comment. It should be noted that Exhibit J does not establish these as state or federal thresholds of significance. As described in Exhibit J, a lead agency may find that any increase in GHG emissions is potentially significant under CEQA (page 17), although all projects subject to CEQA would then be required to quantify and mitigate their GHG emissions, regardless of the size of the project or the availability of GHG reduction measures to reduce the project’s

emissions (page 27). As noted above, Caltrans has not adopted GHG thresholds of significance. Exhibit J also states the 900-ton threshold is for developments including residential and office projects, non-office commercial, and industrial projects (pages 42 and 43). Exhibit J does not recommend either threshold for transportation projects.

Moreover, Table 16 of Exhibit J includes “MM RTP-2: Implement toll/user fee programs prior to adding capacity to existing highways,” which is described as being feasible from a cost, technical, and logistic standpoint for reduce a project’s GHG emissions. Therefore, it is reasonable to assume that the project is not in and of itself contrary to GHG reduction goals described in Exhibit J.

The IS/EA analyzed the project’s GHG emissions in accordance with NEPA and the guidance presented in Exhibit K of the comment. Exhibit K states that if a proposed action is anticipated to cause emissions of 25,000 metric tons or more of CO₂e GHG emissions on an annual basis, agencies should consider performing a quantitative and qualitative assessment. Exhibit K notes that this does not constitute a threshold of significant effects. The recommended assessment is provided in IS/EA Section 2.5.

The comment states that the IS/EA strategies to reduce GHG emissions are vague, undefined and unenforceable. IS/EA Section 2.5.1.2 describes a number of ongoing initiatives as well as specific project components intended to achieve GHG reductions. These initiatives and project components are expected to provide incremental improvements in GHG emissions. As shown in IS/EA Table 2.5.1-2, some emissions reductions cannot be readily quantified, but that does not render them undefined and unenforceable. Each strategy listed in Table 2.5.1-2 is described in more detail in the Climate Action Program at Caltrans (http://www.dot.ca.gov/hq/tpp/offices/ogm/key_reports_files/State_Wide_Strategy/Caltrans_Climate_Action_Program.pdf), as noted in the sentence above the table.

The comment includes the recommendations to require all aspects of the Project to be "carbon neutral" through a combination of on-site and off-site measures, and to require that off-road diesel-powered vehicles used for construction be new low-emission vehicles or use retrofit emission control devices.

IS/EA Table 2.5.1-1 shows that in the opening year (2015), the project would have higher CO₂ emissions than the No Project Alternative. The project-related increase would be less than 1 percent (0.73 percent) over the No Project condition. Both alternatives would have higher emissions than the existing condition (2007). In 2035, the project would have lower CO₂ emissions than the No Project Alternative.

As noted previously, Caltrans will refrain from making a CEQA significance determination on project-related GHGs. See the response to Comment L-1-5 and Master Response GEN-3 in regard to preparation of an EIR/EIS.

L-1-24, L-1-25

The approach for assessing visual and aesthetic impacts on the State Highway System is based on NEPA and CEQA requirements and FHWA Visual Impact Assessment for Highway Projects guidance and methodology (FHWA 1981). The evaluation of visual impacts and their significance for this project included describing the existing setting and scenic quality, and then describing the project-related changes for each project

component: lane restriping, pavement widening, bridge widening, and installation of signs, tolling facilities, and lighting. For each of these components, the impact of the change was addressed by describing the compatibility of the project with the existing setting or landscape, and describing the change in the visual quality of existing resources after the project is completed.

IS/EA Section 2.1.4.3 has been revised to clarify potential project impacts to different viewer groups; however, this information is mainly a reorganization of existing text and does not provide significant new information that would change the outcome of the analysis.

The level of impact was determined for each project component based on the degree of the change and its potential for incompatibility with the existing setting. In general the determination was a low level of change, which is considered less than significant. See the response to Comment L-1-7 in regard to significance thresholds.

The comment states that the IS/EA does not adequately characterize the existing setting because it omits photographs of SR 85 within Cupertino. Additional exhibits with photos of the existing setting in Cupertino have been added to IS/EA Section 2.1.4.2. This section of SR 85 includes sound walls or retaining walls outside of the edge of shoulders (similar to Exhibit C in IS/EA Section 2.1.4.2) or vegetated/landscaped slopes with sound walls at the top. At the north end of Cupertino on SR 85, the freeway is generally at grade, with sound walls on vegetated berms.

The comment is correct that the project would pave the remainder of the median of SR 85 through Cupertino. Approximately half of the median within Cupertino (between just north of South Stelling Road and south of I-280) already has a paved median with a concrete barrier. The remaining half (between South De Anza Boulevard and just north of South Stelling Road) has an unpaved median with a metal beam guard rail. There is no existing vegetation in the median. A northbound auxiliary lane would also be added between the South De Anza Boulevard on-ramp and the Stevens Creek Boulevard off-ramp, which will widen the existing pavement by up to 14 feet. Additional information about visual changes from the auxiliary lane has been added to IS/EA Section 2.1.4.3 (under “Pavement, Retaining Wall, and Barrier Work”).

The project would add two express lanes to part of the SR 85 corridor within Cupertino, in addition to the new auxiliary lane for part of that corridor (see Figure 1.1-2). However, the width of the freeway right-of-way and the location of the sound walls will not change.

In Cupertino, a southbound express lane entrance will be located just south of Stevens Creek Boulevard, and overhead signs will be added to identify the entrance and toll rate information. Similarly, signs identifying the northbound express lane entrances will be located north of South De Anza Boulevard and near South Stelling Road. There are currently 11 sets of overhead signs (meaning one or more overhead signs on a freestanding sign structure) along SR 85 in Cupertino. The project would add four new sets of overhead signs on existing poles, and four sets on new poles. The tops of the signs would be approximately the same height as existing freeway directional signs. Exhibits R through U in the Final IS/EA show representative views of the signs and tolling structures.

Mast-arm luminaires would be mounted on the concrete median barrier in the vicinity of the express lane entrances. Exhibit R in the Final IS/EA includes a view of a representative mast-arm luminaire. The arm on which the light fixture would be mounted would extend across the inside lanes (nearest the median). If needed, the fixtures would be outfitted with shields to prevent light trespass to surrounding properties. This design focuses illumination on the freeway, and direct “spillage” of light outside of the right-of-way will not occur.

There are 66 existing luminaires on SR 85 within Cupertino, inside and just outside of the sound walls along the corridor and on overcrossings of SR 85. In Cupertino, the project would add approximately 16 luminaires in both directions from approximately McClellan Road to 4,000 feet (0.75 mile) to the south. As noted in the IS/EA, mast-arm luminaires would also be mounted on the median barrier every 200 to 400 feet between approximately De Anza Boulevard and Fremont Avenue. As stated previously, these luminaires would be focused on the inside lanes (nearest the median).

The comment that the new luminaires will create a substantial change does not take into account the location of the luminaires, or their purpose to better illuminate the freeway for driver safety. Unlike the existing luminaires along the freeway that light the outside lanes and freeway entrances and exits, the new luminaires will be in the median and will be focused on the inside lanes. The finding that the change would not be significant was based on the existing context of the freeway (with tall sound walls bordering the most sensitive residential land uses along the freeway), and the location of the new lighting (in the median and focused on inside lanes), farthest from any light-sensitive land uses outside of the right-of-way.

See the response to Comment L-1-5 and Master Response GEN-3 in regard to preparation of an EIR/EIS.

L-1-26

See the response to Comment L-1-6.

L-1-27

In areas with double express lanes, the buffer zone would be provided by narrowing the adjacent lanes (i.e., both proposed express lanes, meaning the one existing HOV lane and the one new express lane added to the median) to 11 feet (from the typical 12 feet) as well. There would be no additional 2 feet of widening to provide the buffer.

L-1-28

See the response to Comment L-1-5 and Master Response GEN-3 in regard to preparation of an EIR/EIS.

No corrections are required to the analysis. There appears to be misunderstanding regarding the applicable LOS thresholds.

VTA has worked closely with Caltrans District 4 staff regarding the LOS threshold for the carpool/express lanes. There is consensus with the Caltrans District 4 staff that LOS D is acceptable.

Caltrans has a performance target of LOS E for the SR 85 general purpose lanes, given the existing congestion levels. This is consistent with VTA's Congestion Management Plan (CMP) guidelines.

It should also be noted that while these thresholds were applied to individual segments to identify areas of concern, given the corridor-wide nature of the proposed project, the assessment of impacts emphasized overall changes in corridor operations. For example, while the LOS on a few individual links may degrade with the project, many more improve as do other measures of corridor performance (i.e. hours of delay, average speed, throughput, travel time, etc.).

L-1-29

See the response to Comment L-1-5 and Master Response GEN-3 in regard to preparation of an EIR/EIS.

As described in Master Response TR-3, a supplemental assessment of project-related traffic impacts was conducted for 19 intersections in the Cities of Saratoga and Cupertino, including the intersections of local roadways with SR 85 ramps (DKS 2014a, 2014b, 2015). The assessment showed that none of the studied intersections would be significantly impacted by the proposed project (DKS 2015).

L-1-30

See the response to Comment L-1-12 in regard to pedestrian and bicycle impacts. The response to Comment L-1-5 and Master Response GEN-3 address preparation of an EIR/EIS.

L-1-31

VTA has worked closely with Caltrans District 4 staff regarding the LOS threshold for the carpool/express lanes. There is consensus with the Caltrans District 4 staff that LOS D is acceptable given the intermittent congestion currently observed in the HOV lanes.

L-1-32

See the response to Comment L-1-28.

L-1-33

See the response to Comment L-1-5 and Master Response GEN-3 in regard to preparation of an EIR/EIS.

No corrections are required to the analysis. There appears to be misunderstanding regarding the applicable LOS thresholds.

With respect to the general purpose lanes on the freeway, the established threshold, per VTA's Congestion Management Plan (CMP) guidelines, is LOS E.

L-1-34

No corrections are required to the analysis. There appears to be misunderstanding regarding the proposed operation of the express lanes and the forecasting procedures.

The 1,650 vph per lane is the approximate flow rate for LOS C/D. As part of this project, a central monitoring system and pricing algorithm will be implemented that will dynamically adjust the toll rate based on traffic conditions to maintain the flow at or

below this threshold volume. Toll rates will be increased when the system senses a drop in speeds or when the volume approaches 1,650 vphpl. The express lane will operate in HOV-only mode when speeds fall below the acceptable thresholds or volumes exceed 1,650 vphpl. The existing tolled express connectors on SR 237/I-880 function under similar principles.

The traffic forecasts were therefore developed to be consistent with these actual operating assumptions.

L-1-35

See the response to Comment L-1-5 and Master Response GEN-3 in regard to preparation of an EIR/EIS.

The reduction factor is necessary because all single-occupant vehicles must have an electronic transponder to use the express lanes. This restriction will reduce the proportion of traffic that can use the express lanes. A 20 percent reduction in traffic due to drivers unwilling to pre-purchase a transponder is a reasonable assumption based on previous surveys in regions that do not have that extensive presence of toll facilities, such as Santa Clara County. This is an estimate for toll revenue estimation purposes only. Should a higher share of the driving population have a transponder, tolls would be set higher to manage demand to desired operating conditions. As noted earlier, it is still assumed that the pricing algorithm that will be implemented will sense when speeds decrease below acceptable thresholds and will raise tolls to manage the amount of traffic that can use the express lanes.

L-1-36

See the responses to Comments L-1-2 and L-1-3, as well as Master Responses GEN-2, GEN-7, and GEN-8.

L-1-37

See the response to Comment L-1-2.

L-1-38

No corrections are required to the analysis. There appears to be misunderstanding regarding the nature of the travel time and average travel speed results.

As described in the TOAR, the reported freeway travel time results reflect the average time for a “through” vehicle to traverse a given segment of the freeway mainline using either the general purpose lanes or the HOV/express lanes for the entire segment. This includes travel time only on the freeway mainline and does not include travel time on the ramps.

The average network speed results reflect the average speed for all users (general purpose and HOV/express), and include travel on the both freeway mainline AND lower-speed ramps (including delays at ramp meters).

As such, a direct comparison should not be made between these two measures. Travel speed results for the freeway only are included in the appendices to the TOAR. These results correspond to the freeway travel time results and are broken down by hour and between the general purpose and HOV/express lanes.

L-1-39

The analysis of potential future year conditions utilizes a VISSIM micro-simulation model that was calibrated to reasonably replicate actual observed conditions based on accepted calibration criteria and thresholds.

There is a certain amount of random variability inherent to a microscopic simulation model such as VISSIM. This is very similar to the random variability from one day to the next observed in the field. For example, traffic volumes measured in the field can vary by approximately 10 percent on any given day. Good field data is therefore collected over several days and averaged. Similarly, the simulation model is run multiple times with different random number seeds. Due to this variability, in the model and in the field, it may not be possible to exactly replicate average or perceived field conditions. Established calibration procedures require that the model results fall within a specified range of the observed value.

In consultation with Caltrans staff, the primary calibration criteria used for the SR 85 model were bottleneck locations and flows. The calibrated SR 85 model replicates the downstream bottleneck between Fremont and SR 82 to within 50 vph of the observed flows in the general purpose lanes.

These potential impacts have been evaluated and are identified within the TOAR. As noted in the comment, there are a few spot locations where the operating conditions worsen in Build alternative compared to No Build alternative.

However, consistent with the corridor-wide nature of the proposed project, the assessment of impacts emphasized overall changes in corridor operations. For example, while the LOS on a few individual links may degrade with the project, many more improve as do other measures of corridor performance (i.e. hours of delay, average speed, throughput, travel time, etc.). The overall peak period total delay decreases as high as 25 percent in comparison to the No Build for both the 2015 and 2035 horizon year.

L-1-40

First, to clarify, the LOS results cited in this comment refer to conditions in the general purpose lanes, not the express lanes. In all of these cases, the express lane operates at LOS D or better.

As noted in the comment, there are a few spot locations where the operating conditions worsen in Build alternative compared to No Build alternative.

However, consistent with the corridor-wide nature of the proposed project, the assessment of impacts emphasized overall changes in corridor operations. For example, while the LOS on a few individual links may degrade with the project, many more improve. Overall, the LOS improves in both the general purpose and HOV/express lanes under the Build alternative compared to the No Build.

Other measures of corridor performance (i.e. hours of delay, average speed, throughput, travel time, etc.) also improve. The overall peak period total delay decreases as high as 25 percent in comparison to the No Build for both the 2015 and 2035 horizon year.

Access zones, including the continuous or open access design, will be evaluated further in the design phase to optimize express lane accessibility and operations.

L-1-41, L-1-42

See the response to Comment L-1-9.

L-1-43

This is a summary of Comment L-1-28 and is addressed in the response to that comment.

L-1-44

This is a summary of Comment L-1-29 and is addressed in the response to that comment.

L-1-45

This is a summary of Comments L-1-34 and L-1-35 and is addressed in the responses to those comments.

L-1-46

This is a summary of Comment L-1-38 and is addressed in the response to that comment.

L-1-47

See the responses to Comments L-1-2 and L-1-3, as well as Master Responses GEN-2, GEN-3, GEN-7, and GEN-8.

Comment L-2 Michael A. Fuller, City of Mountain View



CITY OF MOUNTAIN VIEW

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February 27, 2014

MR NGOC BUI
DEPARTMENT OF TRANSPORTATION—DISTRICT 4
PO BOX 23660—MS-8B
OAKLAND CA 94623

INITIAL STUDY WITH PROPOSED NEGATIVE DECLARATION/
ENVIRONMENTAL ASSESSMENT FOR THE STATE ROUTE 85 EXPRESS LANES
PROJECT

Dear Mr. Bui:

The City of Mountain View appreciates the opportunity to provide comments to the California Department of Transportation (Caltrans) regarding the December 2013 Initial Study with Proposed Negative Declaration/Environmental Assessment that has been prepared for the State Route 85 Express Lanes Project.

The Proposed Negative Declaration states that “the proposed project would have no effect on agricultural and forest resources, land use and planning, mineral resources, public services, and recreation. In addition, the proposed project would have less than significant effects on aesthetics, air quality, biological resources, cultural resources, geology and soils, paleontology, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, population and housing, transportation/traffic, and utilities and service systems.”

L-2-1

Although there are no significant impacts to the City of Mountain View, its residents, and its business community as a result of the implementation of the proposed project, the City recommends the following be considered in the Environmental Assessment:

- **Hazardous Waste/Materials:** The document states that the assessment did not identify any potential hazardous materials sites within the project area and five potential hazardous materials sites have been reported outside, but within one mile of the project area.

There are four potential hazardous materials sites within Mountain View listed in Table 2-2.5-1 of the Hazardous Waste/Materials section of the Initial

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February 27, 2014
Page 2

L-2-1,
cont.

Study/Environmental Assessment. The City of Mountain View maintains a record of contaminated sites and the sites listed below were not included in Table 2-2.5-1 of the Initial Study, and are within one mile of the project area:

1. Valley Oil Company
Address: 785 Yuba Drive, Mountain View
RWQCB Case ID: 14-439
2. Siemens/Sobrato
Address: 455 East Middlefield Road, Mountain View
EPA Case ID: CAD982463812
Part of the Middlefield-Ellis-Whisman Study Area.
3. Raytheon Company
Address: 350 Ellis Street, Mountain View
EPA Case ID: CAD982463812
Part of the Middlefield-Ellis-Whisman Study Area.
4. NEC Electronics
Address: 501 Ellis Street, Mountain View
EPA Case ID: CAD982463812
Part of the Middlefield-Ellis-Whisman Study Area.
5. General Semiconductor/Mitsubishi Silicon America, formerly Siltec
Address: 405 National Avenue, Mountain View
EPA Case ID: CAD982463812
Part of the Middlefield-Ellis-Whisman Study Area.
6. Fairchild Semiconductor
Address: 464 Ellis Street, Mountain View
EPA Case ID: CAD095989778
Part of the Middlefield-Ellis-Whisman Study Area.
7. Montwood Corporation
Address: 1615 Plymouth Street, Mountain View
RWQCB Case ID: 43S0217
8. Printex Facility (CTS Printex)
Address: 1911 Plymouth Street, Mountain View
EPA Case ID: CAD009212838

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L-2-1,
cont.

9. Peery & Arrillaga
Address: 1098 Alta Avenue, Mountain View
RWQCB Case ID: 43S0281/43-1832

Further investigation of the sites above is recommended due to the potential presence of petroleum hydrocarbons and solvents in the soil and/or groundwater.

L-2-2

- Noise: Noise levels were predicted for all measurement locations within the 15 study segments of the project. The Stevens Creek Trail (ST-12a) and residences (ST-12, ST12b, and ST 14) adjacent to Segment 3 (State Route 85—El Camino Real to Fremont Avenue) are predicted to have no change in noise levels with the project. Even though the existing noise level exceeds the noise abatement criteria (NAC), the evaluated noise abatement (new noise barrier) is not considered reasonable and feasible in the Initial Study.

Many residents of Mountain View have raised concerns regarding noise coming from State Route 85 where there is no existing noise barrier on southbound State Route 85 from El Camino Real to approximately 0.5 mile south of El Camino Real where an existing noise barrier is in place. The City is encouraging the project to include or reconsider including installation of a noise barrier in Mountain View.

L-2-3

- Animal Species: Burrowing owls are considered a California bird species of special concern and have been recorded to occur at the Shoreline Golf Links, less than one-half mile from the project site. The City is concerned that this species of special concern is not noted in the Initial Study/Environmental Assessment and no mitigation measures are provided.

In the event that burrowing owls are discovered within the project area, the project needs to avoid or minimize the impacts to burrowing owls through implementation of mitigation measures.

Mr. Ngoc Bui
February 27, 2014
Page 4

L-2-3,
cont.

Again, the City appreciates the opportunity to provide comments on the Initial Study with Proposed Negative Declaration/Environmental Assessment.

If you have any questions or require additional clarification regarding these comments, please contact Assistant Civil Engineer Joy Houghton at (650) 903-6311 or e-mail her at joy.houghton@mountainview.gov.

Sincerely,


for Michael A. Fuller
Public Works Director

Responses to Comment L-2

L-2-1

Information about these potential hazardous materials sites has been added to Table 2.2.5-1 in IS/EA Section 2.2.5.

L-2-2

The comment is correct that the project is not expected to result in future noise increases at receptor locations ST-12, ST-12a, ST-12b, and ST-14. A new sound wall was evaluated to shield this area because the noise level at ST-12a, the Stevens Creek Trail, currently exceeds the applicable noise abatement criteria of 67 dBA $L_{eq[h]}$ (NAC; IS/EA Table 2.2.7-3, under Segment 3). Existing and future No Build and Build noise levels at residential receptors ST-12, ST-12b, and ST-14 would not approach or exceed the applicable NAC but would benefit from the same sound wall that would provide noise attenuation to the Stevens Creek Trail. The sound wall evaluated for this location would meet the “feasibility criteria” (5 decibel reduction for benefited receptors plus a 7 decibel reduction for at least one receptor), but would not meet the “reasonableness criteria” (construction cost allowance per benefited receptor compared with estimated construction cost) described in IS/EA Section 2.2.7.4.

The feasibility and reasonableness criteria are used to determine whether the cost of project-related noise abatement can be covered using federal highway noise abatement funds. However, a sound wall or other potential noise abatement can be considered in this location if non-federal funds are available.

L-2-3

The current project design no longer includes construction activities on US 101 north of the SR 85 interchange in Mountain View. The closest construction activities to the Shoreline Golf Links facility are expected to be approximately midway between the US 101/SR 85 interchange in Mountain View and the SR 85/Moffett Boulevard interchange. At this distance, no construction-related impacts to burrowing owls at the Shoreline Golf Links would occur.

Comment L-3 Emily Lo, City Of Saratoga



Incorporated October 22, 1956

CITY OF SARATOGA

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Chuck Page

February 25, 2014

Ngoc Bui
Department of Transportation, District 4
PO Box 23660, MS 8B
Oakland, CA 94623-0660
85expresslanes@urs.com

Re: City of Saratoga Comments on the State Route 85 Express Lanes
Project Initial Study

Dear Mr. Bui:

L-3-1

The City of Saratoga appreciates the opportunity to submit comments on the Initial Study with Proposed Negative Declaration/Environmental Assessment (“IS”) for the proposed State Route (“SR”) 85 Express Lanes Project (“Project”) proposed by State of California Department of Transportation (“Caltrans”) in cooperation with the Santa Clara Valley Transportation Authority (“VTA”). The Project would convert the existing High-Occupancy Vehicle (“HOV”) lanes on SR 85 to express lanes, allowing single-occupant vehicles (“SOV”) to pay a toll to use the lanes, while HOVs would continue to use the lanes at no cost. The Project also includes paving the existing 46-foot median to construct a second express lane, which would be added in both directions on SR 85 between I-280 and SR 87 including the entire stretch of SR 85 through Saratoga, adding a new auxiliary lane along a 1.1-mile segment of northbound SR 85 in Cupertino between South De Anza Boulevard and Stevens Creek Boulevard, and widening a number of bridges along SR 85.

These comments focus on information presented in the IS and additional information that is needed for the City, its residents, VTA, and Caltrans to have a full understanding of the Project and its potential effects. We understand that the IS is one part of the process and that Caltrans and VTA will continue to work with Saratoga, other cities, and the public to review the Project and determine whether it is the most effective use of public resources at this time and if so how best to move forward.

The IS concludes that the Project will have no significant adverse effects on the environment. The City agrees that if Caltrans and the VTA decide to move forward with the Project they should do so in a manner that avoids all impacts. The IS, however, does not contain sufficient information to assure the City and concerned members of the public that this will be the case. These comments discuss portions of the IS that require further

information and analysis, and possibly additional project design work, to demonstrate that the Project will not have adverse impacts on our community.

I have attached detailed comments and questions regarding the IS. The City is particularly concerned with potential noise impacts and the Project's possible effects on traffic. In addition, the IS analysis of visual impacts and impacts to air quality do not demonstrate with sufficient certainty that the Project will not have adverse effects in these areas.

Noise from SR 85 already far exceeds that expected at the time it was approved. Widening SR 85 will increase these noise levels throughout the Project area. The Project presents an opportunity to include measures to reduce existing noise levels or, at a minimum, ensure that the Project does not result in any increase beyond existing noise levels. The IS, however, does not properly analyze either existing conditions or the noise impacts associated with either Project operations or construction. It also fails to consider a wide range of mitigation techniques that could be used to avoid the noise impacts altogether. Further analysis is needed to ensure that we have a complete understanding of the full range of potential noise impacts and that the Project includes an aggressive program to reduce noise impacts from SR 85.

L-3-1,
cont.

The City is also concerned with the potential traffic impacts associated with the Project. It appears that the Project could have the effect of increasing, rather than reducing, traffic delays. For example, the IS does not address the significant traffic congestion at the SR 85/Highway 280 interchange. Without improvements there, the express lane project could serve simply to deliver more traffic to an already unacceptable bottleneck. Before further evaluating the policy merits of the Project, the evaluation of the Project's traffic impacts should be revised to: (a) use correct and clearly established significance thresholds; (b) correct those analyses that are inaccurate, illogical and potentially misleading; (c) add analysis of impacts (and associated mitigation) to the local and regional transportation network including the transit, bicycle and pedestrian systems; and (d) describe how construction of the Project would affect Saratoga's local streets and how those effects would be mitigated.

SR 85 cuts through the heart of the Saratoga community. For this reason the design of the proposed Project are critical elements to the quality of life of Saratoga residents. Accordingly, a thorough assessment of the Project's potential visual impacts as described in the attached comments is essential. In addition, Saratoga is concerned that the Project be designed to improve rather than worsen air quality. The region does not attain state standards for ozone, PM_{2.5}, or inhalable particulate matter (PM₁₀) standards. Accordingly it is critical that the public, as well as VTA and Caltrans have sufficient information to fully understand the Project's impacts and design strategies to avoid those impacts.

L-3-2 Finally, there have been conflicting reports regarding various aspects of the Project's design and relationship to other VTA and Caltrans plans. Please clarify the following:

1. Will the Project require or otherwise allow a change to the current ban on heavy trucks using SR 85?

L-3-3 2. Can the Project be revised to allow immediate access from Saratoga Avenue to the express lanes for carpools (as is currently the case) and drivers wishing to pay the express lane use fee?

L-3-4 3. How does VTA plan to move forward with the Project consistent with its 1989 commitment to (i) limit SR 85 to 6 lanes and (ii) reserve the 46 foot median for mass transportation?

Thank you for your attention to these comments. We look forward to your response.

Very Truly Yours,



Emily Lo
Mayor, City of Saratoga

**CITY OF SARATOGA DETAILED COMMENTS ON THE STATE ROUTE 85
EXPRESS LANES PROJECT INITIAL STUDY**

FEBRUARY 25, 2014

I. Introduction

L-3-5

The following are the City of Saratoga's comments and questions regarding the Initial Study with Proposed Negative Declaration/Environmental Assessment ("IS") for the proposed State Route ("SR") 85 Express Lanes Project ("Project") proposed by State of California Department of Transportation ("Caltrans") in cooperation with the Santa Clara Valley Transportation Authority ("VTA"). The IS concludes that the Project will have no significant adverse effects on the environment. The City agrees that if Caltrans and the Valley Transportation Authority decide to move forward with the Project they should do so in a manner that avoids all such impacts. The IS, however, does not contain sufficient information to assure the City and concerned members of the public that this will be the case. These comments discuss portions of the IS that require further information and analysis, and possibly additional project design work, to demonstrate that the Project will not have adverse impacts on our community.

II. Understanding the Project

L-3-6

The City and public's ability to understand and carefully review the Project has been constrained by the lack of important information about the project and its design. The description of the Project in the IS omits numerous essential aspects of the Project that have the potential to result in impacts to the community. Examples of the omitted information are:

- Project Specifications. The IS provides no map that accurately portrays the precise locations where the widening to provide the second express lane would begin and end. All of the Project's graphics are conceptual and/or schematic. The document does not include detailed (preliminary) design drawings that would show median widths, etc.
- Location of the Project staging areas.
- Amount of cut and fill, if any, associated with the Project.
- Location of spoils and soil importation sites, and haul routes.
- Number of truck trips associated with all grading and other construction-related activities.

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| <p>L-3-6, cont.</p> | <ul style="list-style-type: none"> • Description of construction-related activities (including timeline, location, number of construction employees, types of equipment, etc.). <p>Without this information about the Project, the City and its residents cannot understand its potential impacts and Caltrans and VTA will not be able to balance the Project's benefits against its environmental cost and evaluate feasible alternatives and mitigation measures.</p> <p>III. <u>Noise Impacts</u></p> <p>Noise from SR 85 already far exceeds that expected at the time it was approved. Widening SR 85 will increase these noise levels throughout the Project area. The IS does not fully analyze and the Project does not fully mitigate these impacts. Please conduct the studies necessary to fully understand the scope of the Project's noise impacts and revise the Project to include measures to reduce existing noise levels or, at a minimum, ensure that the Project does not result in any increase beyond existing noise levels. Key elements of the analysis necessary are discussed below.</p> <p>A. The Project Does Not Mitigate its Significant Noise Impacts.</p> <p>The threshold of significance for noise impacts used by the IS appears to be "when the future noise level with the project results in a substantial increase in noise level (defined as a 12 dBA or more increase) or when the future noise level with the project approaches or exceeds the Noise Abatement Criteria ("NAC")." Approaching the NAC is defined as "coming within 1 dBA of the NAC." Applying this threshold of significance, the IS identifies segments all along the stretch of SR 85 to be widened where the long-term noise impacts associated with the Project will be significant. One of these segments (Segment 6; the IS does not present information regarding noise levels on SR 85 south of Saratoga Avenue) is located within Saratoga.</p> |
| <p>L-3-7</p> | <p>Despite the significant increase in noise levels at these locations, the Project does not mitigate these impacts. The IS selects only one noise abatement type for the Project (sound walls) and then rejects each and every one of the sound walls, stating that none of the walls meet Caltrans' feasibility and reasonableness criteria.</p> <p>Caltrans and VTA should consider other feasible mitigation measures. The IS acknowledges that Caltrans has several potential noise abatement measures available to mitigate noise impacts. These include: avoiding the impact by using design alternatives, using traffic management measures to regulate types of vehicles and speeds, and acoustically insulating land uses such as auditoriums, day care centers, hospitals and libraries.</p> <p>Moreover, other feasible approaches exist for reducing traffic noise impacts such as open graded asphaltic concrete or rubberized asphalt materials. These alternative</p> |

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| L-3-7, cont. | <p>pavement options have been proven to be quite effective to attenuation noise. Rubberized asphalt, for example, can result in an average of a four dBA reduction in traffic noise levels as compared to conventional asphalt. (See "Report on the Status of Rubberized Asphalt Traffic Noise Reduction in Sacramento County, Bollard & Brennan, Inc., November 1999, attached as Exhibit A.)</p> |
| | <p style="text-align: center;">B. The Analysis of the Project's Operational Noise Impacts is Deficient.</p> <p>While mitigation of noise impacts is essential, the mitigation must be designed based on a comprehensive analysis of noise impacts. The work in the IS must be supplemented with a comprehensive noise assessment as a first step towards identifying necessary mitigation.</p> |
| L-3-8 | <p style="text-align: center;">I. The Noise Assessment Must Describe the Existing Environmental Setting.</p> <p>The IS does not appear to have properly analyzed the existing noise environment. The City is in the process of updating its noise element and has taken sound measurements throughout the City. In July, 2013, noise in the SR 85 corridor (100 feet away with barrier shielding) was measured in the range of 67-71dB. (See City of Saratoga Draft Noise Element at p. 9, attached as Exhibit B.) The IS, however, reports existing noise levels between 61 and 67 db along Project segment 6 between South DeAnza Blvd. and Saratoga Avenue.¹ Because even a 3 dB difference is a doubling of noise effect, this is a significant difference and one with considerable implications for the remainder of the noise analysis. In addition, the IS neglects to even identify existing or projected noise levels for segment 7 between Saratoga Avenue and Winchester Blvd. Please update the noise analysis to address these issues.</p> <p>For purposes of noise analyses, Caltrans categorizes land uses based on the type and level of human use. (See Caltrans Traffic Noise Analysis Protocol ("Noise Protocol") at 6 through 12, attached as Exhibit C.) According to the Noise Protocol, noise impacts vary depending on how humans use a site. As an example, the parking lot for a place of worship is not considered to be an area of frequent use that would benefit from a lowered noise level because people only spend a few minutes there getting in and out of their cars and there would be no benefit to a lowered noise level. However, if outdoor worship services are held at this location, this would be an area where people are exposed to noise for an extended period of time and where the ability to hear is important. This then would be considered an area of frequent human use that would benefit from a lowered noise level. The Noise Protocol thus specifically acknowledges types of land uses that warrant comparatively low interior noise levels. These uses, referred to as</p> <p>¹ Note that even these numbers exceed the 60dB noise level used as a design standard for SR 85 when it was approved. (See City of Saratoga General Plan, Noise Element, p. 8 (1988).)</p> |

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| L-3-8, cont. | <p>“Category D”, which includes auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recordings studios, schools and television studios, should have interior noise levels of 52 dBA.</p> <p>Although the IS acknowledges generally that residences, schools, churches, and hospitals are located along the Project corridor, it does not identify the specific receptors. It does not tell the public and decisionmakers, for example, how many schools are located along the corridor or the proximity of the schools to the freeway. Are these schools already protected by sound walls? Do they have noise attenuation features such as double-paned windows? This information is essential to moving forward in developing an effective mitigation plan.</p> <p>Detailed information about existing land uses is all the more important because Caltrans’ requires additional analysis of Category D land uses “after a determination has been made that exterior abatement measures will not be feasible and reasonable.” The IS concludes that there is no feasible mitigation for the Project’s significant noise impacts but fails to take the necessary next step ; i.e., examination of interior noise levels in Category D land uses. The noise impact assessment must evaluate the Project’s effect on interior noise levels and identify appropriate mitigation if noise levels exceed the required thresholds.</p> |
| L-3-9 | <p style="text-align: center;">2. The Noise Assessment Must Consider Areas Beyond the SR 85 Right of Way</p> <p>The IS omits any evaluation of noise impacts beyond the highway’s immediate right-of way. By focusing only on noise receptors located immediately adjacent to the ROW, the IS fails to take into consideration phenomena such as reflective noise. Reflective noise results from sound waves reflecting off of nearby buildings and structures. (See Sound Walls: Absorptive Versus Reflective Design and Effectiveness, Sound Fighter Systems, attached as Exhibit D.)</p> <p>As studies show, the sound waves that travel around the ends and over the tops of sound walls in particular can be significant. Reflection is a critical factor when a vehicle (such as a bus) is almost as tall as the wall or, as in many cases, taller than the wall. The sound levels at the receiver can be easily increased perhaps 3 to 5 dB, and sometimes up to 10 dB because of reflective noise. In addition, these reflections can be directed uphill causing impacts to residences located at higher elevations on the slopes surrounding the ROW. Because of this phenomenon, noise conditions at receptor locations uphill from the ROW may differ substantially from those receptors within the ROW. The noise assessment must all receptors that are likely to experience increased noise levels resulting from the proposed Project including consideration of all new Project features such as the proposed concrete median dividers.</p> |

3. The Noise Assessment Must Consider Single Noise Events

The IS does not evaluate single noise events. Motor vehicle noise is characterized by a high number of individual events, which often create a higher sustained noise level in proximity to areas sensitive to noise exposure. Buses and motorcycles, in particular, generate significantly more single noise events than other vehicle types, especially along hills where engine brakes are applied or acceleration is needed. Yet, rather than analyze how these single-noise events will impact receptors, the IS focuses only on average noise

L-3-10

Analyzing only average noise impacts is not meaningful because impacted residents do not hear only noise averages, but also single events. Single event noise levels have been shown to be likely to result in sleep disruption and speech interference, and heightened levels of stress and annoyance. The noise assessment must analyze these impacts together with measures to mitigate those impacts.

Finally, the noise assessment must differentiate between daytime and nighttime noise. Noise can be far more intrusive during the evening and nighttime hours when ambient noise levels are at their lowest and when residents are sleeping. Since the surrounding area is quieter at these times, the masking effect of other noise does not screen the freeway noise. This higher sensitivity to noise must be considered in the noise assessment together with an evaluation of how the increase in noise from the Project would affect receptors during these time periods.

C. The Analysis of the Project's Construction-Related Noise Impacts Must be Improved.

L-3-11

Construction of the Project would occur over two years, and would apparently occur near residences, schools, hospitals and businesses. The IS does not analyze the noise impacts of construction other than to conclude that noise generated by project-related construction activities would be temporary and that noise levels would not be substantially higher than its (likely understated) projections of existing hourly average traffic noise levels on SR 85. Neither residents, the City Council nor VTA or Caltrans are given specific information as to the type, severity or even the duration of the construction-related noise impacts at their specific locations. This lack of information precludes any assurance that sensitive receptors would be sufficiently protected during the Project's construction process.

According to a recent EIS/EIR prepared for another Caltrans' Project (I-5/SR-56 Interchange Project), noise levels from construction can be as high as 101 dBA at 50 feet.² A noise level of 110 dBA is as loud as the sound of a jet fly-over at 300 meters or a rock band. *Id.* p. 3.16-2. Given the potential for the ear-splitting noise levels associated

² I-5/SR-56 Interchange Project DEIR/S, May 2012 at 3.16-28.

with the SR 85 Project construction, the proximity of sensitive receptors, and the protracted construction schedule, the IS should have made at least some attempt to evaluate the Project's construction-related noise impacts.

We note that the Federal Highway Administration ("FHWA") requires that construction noise must be considered during the development of any transportation facility, and identifies the specific FHWA model that agencies should use to predict noise levels for highway construction projects.³ The noise assessment must analyze construction-related noise impacts including a description of existing ambient noise levels at receptor locations, predicted noise levels during each phase of construction at each sensitive receiver location, a comparison of noise levels during construction to the existing ambient noise levels, the establishment of appropriate significance thresholds to assess whether the increase would be substantial, and a finding as to whether noise levels would substantially increase. This type of evaluation is necessarily complex, requiring a thorough description of the type, duration, amplitude, topological conditions, relationship of sensitive receptors to construction areas, construction techniques, construction phasing, and construction durations for each highway segment.

L-3-11
cont.

The deficiencies in the IS extend beyond construction-related noise impacts. The document also ignores construction-related vibration impacts. In addition to contributing to high levels of annoyance, construction-related vibration also can cause substantial property damage. The noise assessment must include a comprehensive assessment of construction-related vibration impacts.

Finally, the noise assessment must include mitigation measures that will avoid all impacts associated with construction noise. The IS calls for the preparation of a construction plan to identify the schedule for major noise-generating construction activities but does not include performance criteria that will ensure that construction-related noise does not adversely impact nearby sensitive receptors. Another measure calls for avoiding the staging of construction equipment within 200 feet of residences and as far as practical from noise sensitive receptors. Yet this measure will not be effective unless the assessment identifies the specific affected sensitive receptors. Moreover, the use of language "as far as practical" is vague and unenforceable. The public requires a clear and meaningful program to avoid noise impacts from the Project.

IV. **Traffic Impacts**

The evaluation of the Project's traffic impacts should be revised to: (a) use correct and clearly established significance thresholds; (b) correct those analyses that are inaccurate, illogical and potentially misleading; (c) add analysis of impacts (and

L-3-12

³ See FHWA, Highway Traffic Noise Handbook available at: http://www.fhwa.dot.gov/environment/noise/construction_noise/rcnm/index.

L-3-12
cont.

associated mitigation) to the local and regional transportation network including the transit, bicycle and pedestrian systems; and (d) describe how construction of the Project would affect Saratoga's local streets and how those effects would be mitigated. In addition, the evaluation should address the issues identified in the attached February 25, 2014 comments of MRO Engineers ("MRO Letter", Exhibit E).

A. Significance Thresholds.

The IS never clearly identifies thresholds of significance for the Project's transportation impacts. The document explains that the express lanes are required to operate at level of service ("LOS") C unless there is a written agreement between Caltrans and VTA that permits LOS D. The IS suggests that such an agreement exists but does not include a copy of the terms and conditions of the agreement or explanation of the reasoning used by Caltrans and the VTA governing Board in reaching the agreement.

By relying on the LOS D threshold, the IS concludes that the Project would result in relatively few impacts on SR 85's express lanes. However, if the LOS C standard were used there would be numerous additional locations that would have high vehicle densities and impaired traffic flow. From a practical perspective, it seems that the significant investment required for the project should allow operations at LOS C. If this is not the Project design, the IS should provide a clear explanation of why this is not the case and how the Project will achieve its intended benefits if LOS C is not the level of service standard.⁴

L-3-13

With regard to general purpose lanes, the IS also relies on the LOS D standard. Yet the Caltrans Guide for the Preparation of Traffic Impact Studies (December 2002) identifies LOS C as the appropriate standard for general purpose/mixed-flow lanes. In 2015 and 2035; however, the IS identifies numerous locations where general purpose lanes would operate at LOS D. (See IS, p. 2-16 through 2-24, Tables 2.1.3-5, 2.1.3-6, 2.1.3-9, and 2.1.3-10.)

⁴ This should be done based projections of actual use patterns, not artificial design constraints. It appears that instead of modeling the actual travel demand on the express lanes in 2015 and 2035, the travel demand forecasts were structured so as to preclude the express lanes from carrying more than 1,650 vehicles per hour, apparently to ensure compliance with the statutory requirements established in AB 2032. (See DKS/URS Report, p. 28 assuming without explanation that the maximum volume will be limited to 1,650 vehicles per hour per lane on the express lanes.) Instead of artificially limiting travel demand forecasts the IS should include an unconstrained traffic projection. The actual traffic volumes in the express lanes could be substantially higher than the IS indicates, which would lead to levels of service in those lanes that are much worse than disclosed in the IS.

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| L-3-13 cont. | <p>Regardless of the LOS standard that is used, there is clear evidence that numerous segments of SR 85 – both express and general purpose lanes – would operate at deficient levels of service, i.e., LOS E or LOS F upon completion of the proposed Project. See IS Table 2.1.3-10, p. 2-24. These are significant effects caused by the Project for which the IS identifies no mitigation. If Caltrans and VTA move forward with the Project it should be only after it has been redesigned to avoid these significant impacts.</p> |
| L-3-14 | <p>B. Improved Analysis</p> <p>In several instances the traffic impact analysis in the IS is incomplete or illogical. This raises questions in the public’s mind regarding the accuracy of those parts of the analysis in particular and of the analysis in the document as a whole in general. Several examples are listed below.</p> <ol style="list-style-type: none"> 1. The IS Does Not Properly Address Existing Traffic Operations at the SR 85/I-280 Interchange. |
| L-3-15 | <p>The IS incorrectly characterizes SR 85 traffic operations near I-280 as being at an acceptable level of service. This finding differs significantly from the experience of motorists who drive through this area on a daily basis. SR 85 near Stevens Creek Boulevard and the I-280/SR 85 interchange is already a major bottleneck. The typical delay traveling north on SR 85 to northbound I-280 is about 15 minutes. Widening SR 85 south of this interchange will encourage additional traffic on SR 85 and, therefore, intensify congestion at the I-280/SR 85 interchange. The IS does not acknowledge the potential for this adverse impact, let alone evaluate methods for alleviating this congestion on and approaching the interchange as well as in the proposed express lanes south of the interchange.</p> <ol style="list-style-type: none"> 2. The IS Overstates the Project’s Benefit With Regard To Travel Speeds on SR 85. <p>The IS identifies SR 85 travel time and speed through the study area under No Build and Build conditions for the express lanes and general purpose lanes. As discussed in the MRO Letter, when the travel time results are compared to the travel speed results, inconsistencies are apparent that call into question the accuracy and validity of the IS analysis.</p> <p>Peak-period travel speeds should be somewhat higher than peak-hour speeds, because the former includes two or three hours of lower traffic volumes (and higher speeds) in addition to the “worst-case” peak hour. In many cases, however, the data in the IS are illogical and misleading because the peak-period speed is less than either of the peak-hour values. This does not make sense. Travel speed data for the AM peak in 2015, the northbound (peak direction), for example, are particularly questionable. Under No Build conditions, the peak- hour travel speed is shown as 35.0 MPH in the general</p> |

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| L-3-15, cont. | <p>purpose lanes and 56.2 MPH in the HOV lanes. In contrast, the peak-period speed is shown as 37 MPH, which is approximately the same as the peak-hour general purpose lane value. The same is generally true under Build conditions.</p> |
| L-3-16 | <p style="text-align: center;">3. The Level of Service Analysis Results Are Illogical and, Therefore, Are Likely Inaccurate.</p> <p>The conclusions of the IS as to how SR 85 would operate upon completion of the Project are questionable. As discussed in the MRO Letter, under 2015 Southbound conditions, the IS indicates that the HOV/express lanes on three segments of southbound SR 85 would have substantially improved levels of service under Build conditions in the PM peak hour, even though they are in the portion of SR 85 that currently has one HOV lane and will continue to have only one express lane. This is illogical, because implementation of the SR 85 express lanes project will allow additional motorists (i.e., toll-paying SOVs) to use this single lane, which should result in higher lane density and, therefore, equal or lower level of service. This illogical result raises questions as to the credibility of all of the level of service analysis results. The inaccuracies could stem from the flawed travel demand forecasts or from the LOS calculation process. In either event, the results must be reviewed and corrected.</p> |
| L-3-17 | <p style="text-align: center;">C. The IS Does Not Analyze the Project's Impacts to the Local and Regional Transportation Network including Bicycle and Pedestrian Systems.</p> <p>Saratoga and its residents are concerned not only with the impacts of the project to the operation of SR 85 but also of the project's effects on traffic and transportation on Saratoga streets, bike paths, and trails. The only level of service information in the IS is for those segments of the freeway proposed to be widened, there is no discussion of the transportation impacts of the Project outside the narrowly defined SR 85 corridor.</p> <p style="text-align: center;">1. Impacts to Local Streets.</p> <p>The MRO Letter shows travel demand forecasts revealing substantial changes in traffic patterns at many SR 85 access locations, yet the IS fails to analyze how these changes will affect local traffic patterns.⁵ For example, the Project will result in the addition of hundreds of vehicles to various freeway ramps and street segments in and near Saratoga in 2015 and 2035. The IS completely ignores both this substantial increase in traffic and the potential for significantly increased congestion and delay at these</p> <hr style="width: 20%; margin-left: 0;"/> <p>⁵ The travel demand forecasts are not included in the IS itself. They can only be found by searching through the sizable quantity of ancillary material on the Caltrans District 4 website. The DKS/URS traffic operations analysis document is not even attached to the IS as an appendix.</p> |

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| <p>L-3-17 cont.</p> | <p>locations. Even under current conditions, the City’s General Plan notes that “increased congestion on some of the major roadways, especially near the SR 85/Saratoga Avenue interchange, has led to increased diversion through neighborhoods.” (City of Saratoga General Plan, Circulation Element, p. 4 (2010).)</p> <p>These ramps and intersections are integral components of the local and regional circulation system. Therefore, to evaluate the Project’s traffic impacts, the public, City, Caltrans and VTA need information on the “before” and “after” travel patterns on local street intersections, street segments, freeway ramp terminal intersections, freeway ramps, and freeway mainline segments throughout the region. It appears that there is a real potential exists for some of these ramps and intersections to operate at deficient levels of service as a result of the Project. For example, there is no discussion in the IS of the likely impacts of limiting access to the existing carpool lane for HOVs entering from Saratoga. By requiring carpools to wait to enter the express lane until reaching an authorized entry point, the Project could reduce the level of carpooling in Saratoga, thereby increasing traffic on City streets as well as on SR 85 and its approach ramps. The City requests a full analysis of these potential impacts including design of feasible mitigation for impacts identified.</p> |
| <p>L-3-18</p> | <p style="text-align: center;">2. Impacts to Public Transit, Bicycle, and Pedestrian facilities.</p> <p>Just as it omits discussion of impacts to City streets, the IS does not consider impacts to public transit, bicycle, and pedestrian facilities. The Project would impact public transit both directly and indirectly. Based on assurances when SR 85 was approved, the City has long anticipated the development of a light rail transit system within the SR 85 median. By substantially reducing the width of the highway’s median, the proposed Project would likely preclude the development of light rail within the highway’s median Caltrans must disclose whether the Project would preclude development of a light rail system within the SR 85 median.</p> <p>The Project would use funding to widen the highway that could otherwise be invested in public transportation. A substantial amount of funding is necessary to compensate for the region’s long-term dependence on the automobile. Consequently, the region has an extensive highway system but an incomplete transit system. Without a comprehensive, well-integrated transit system, public transportation will never be able to become a truly viable alternative to the automobile in meeting the region’s transportation mobility needs. Please analyze how the Project will affect VTA’s ability to expand and improve its public transit system.</p> <p>In performing this analysis, please consider whether increases in highway infrastructure will undercut transit ridership. Generally speaking, traffic congestion provides a significant incentive to seek alternative modes of transportation. High-quality public transportation tends to attract travelers who might otherwise drive. Once highways</p> |

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| <p>L-3-18 cont.</p> | <p>are widened, however, traffic congestion eases, travel speeds increase (at least for some period of time), and travelers again begin to drive.</p> <p>The Project also has the potential to adversely affect pedestrian and bicycle use. The City of Saratoga’s Circulation Element calls on the City to improve the transportation system by balancing the needs of bicyclists, pedestrians, and transit users with considerations for safe vehicular travel and to promote a healthy and active community by providing transportation opportunities for bicyclist and pedestrians. Please review the Project in light of these policies and include measures to offset any adverse impacts.</p> |
| <p>L-3-19</p> | <p>D. The IS Does Not Analyze or Mitigate the Project’s Construction-Related Transportation Impacts.</p> <p>Construction of the proposed Project is expected to span at least two years. In light of the massive scale and prolonged duration of such a construction project, the City, its residents, VTA and Caltrans must have a clear and comprehensive analysis of what are certain to be extensive local and regional traffic impacts during construction. Traffic patterns will be impacted from lane closures, rerouting of traffic, delivery of materials, hauling of excavated material, and construction employees commuting to/from the job site.</p> <p>The IS does not include this information and instead references a future “Traffic Management Plan” to minimize the expected traffic delays and closures. This plan should not be deferred but should be developed as a part of the Project to ensure that the project is designed in a manner that will allow construction to proceed without any significant impacts.</p> |
| <p>L-3-20</p> | <p>V. <u>Visual Impacts.</u></p> <p>SR 85 cuts through the heart of the Saratoga community. The design of the freeway and the proposed Project are critical elements to the quality of life of Saratoga residents. Accordingly, a thorough assessment of the Project’s potential impacts is essential. The accepted approach to analyzing visual and aesthetic impacts is as follows:</p> <ul style="list-style-type: none"> • Describe the criteria for significance thresholds. • Characterize the existing conditions of the project site and the surrounding area by photograph and description, and select key viewpoints within the area, including scenic corridors and landscapes. • Use photomontages or visual simulations, to illustrate the change in character of the project site before and after project implementation. |

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| <p>L-3-20 cont.</p> | <ul style="list-style-type: none"> • Identify feasible mitigation measures and alternatives to reduce or eliminate significant impacts. • Where mitigation measures are proposed, use the simulations to illustrate the change in character before and after project mitigation measures are imposed (e.g., landscaping at various stages of growth, setbacks, clustering, reduced scale and height, building color modification). <p>The IS lacks much of this information, making it nearly impossible to evaluate the Project’s visual impacts. The document contains no thresholds of significance and, therefore, provides no standard by which to judge the significance of the Project’s impact on visual resources. It does not adequately characterize the existing setting because it omits photographs of SR 85 within Saratoga, focusing primarily on locations within and adjacent to San Jose. The IS does not include any before/after simulations; therefore, neither the public nor decision makers have sufficient information about how the character of the setting will be altered upon completion of the Project. Thus, while the IS acknowledges that the appearance of SR 85 will change, through pavement widening, bridge widening, installation of project signs, toll structures and lighting, the IS lacks a visual representation of any of these features. Consequently, when the IS concludes that the Project is expected to have little, if any, effect on visual quality, it lacks the evidentiary support to reach this conclusion.</p> <p>The Project would pave the SR 85 median through Saratoga yet there is no information about trees or ornamental landscaping in this location. In addition, an auxiliary lane would be added, the highway would be widened outside the current lanes, existing abutments would be removed and new retaining walls would be constructed. Rather than graphically show these changes, the IS simply concludes that these changes would be visually compatible with the existing freeway corridor and that there would be “a low level of change” to the existing corridor. But what the term “low level of change” means as a practical matter is not explained.</p> <p>In addition, the IS fails to inform the public of the effect that the new signs (including dynamic message signs) and toll structures would have on existing views. The Project would add 15 sets of overhead signs and toll structures. These would be installed in the median on cantilever structures and the tops of the signs and toll structures would be approximately 26 feet in height. Here too, the document simply states that the “signs would introduce a low to moderate level of change to the existing environment” and that views of these project features would not “be highly conspicuous.” But because the IS does not include any criteria for assessing a change in visual character or show “before and after” photographs, the phrases “low to moderate” and “not highly conspicuous”</p> |
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| L-3-20 cont. | <p>have no context.⁶ This is very important, because SR 85 is below grade by as much as 25 feet, in many segments between I-280 and SR 87. Upon completion of the Project, the signs and toll structures may starkly interfere with existing views or abruptly change the character of the community.</p> |
| L-3-21 | <p>The analysis of light and glare impacts needs considerably more information to be useful in gauging the effects of the Project. Mast-arm luminaires would be mounted on the median barrier along each of the 15 express lane access zones on SR 85. At each access zone, approximately seven luminaires would be placed in the median over a distance of 2,000 feet (one luminaire every 250 to 400 feet). The number of luminaires would increase if the access zone is longer than 2,000 feet, to maintain a spacing of one luminaire every 250 to 400 feet. The luminaires would be 35 to 40 feet tall. Although this Project would result in a substantial increase in light sources, the IS provides no reasoned analysis of how these light sources would affect light and glare. The IS never attempts to describe how this increase in lighting would compare with existing lighting or whether it would adversely affect nighttime views in the area. Here too, the IS simply concludes that light and glare on the surrounding uses would be “minimal.” These broad statements provide little meaningful information to the public or to VTA and Caltrans to assist in developing effective mitigation. What the label “minimal” means, as a practical matter, is not explained. Minimal compared to what benchmark? Because the highway is below grade in Saratoga, the 40-foot-tall light structures could flood surrounding properties with light and glare.</p> |
| L-3-22 | <p>VI. <u>Air Quality Impacts</u></p> <p>Given the region’s serious air pollution problem, Saratoga is concerned that the Project be designed to improve rather than worsen air quality. The Project area does not attain federal standards for ozone and fine particulate matter (PM_{2.5}). For the state standards, which are more stringent than the federal, the region does not attain the ozone, PM_{2.5}, or inhalable particulate matter (PM₁₀) standards. The analysis is insufficient to fully understand the Project’s impacts and design strategies to avoid those impacts. The most serious issues with the air quality analysis are described below.</p> <p>A. <u>The IS Does Not Describe The Project’s Environmental Setting.</u></p> <p>The IS contains no information regarding the number of people who live within the SR 85 study area, or more importantly, who live within a mile of the freeway. Studies</p> |
| | <p>⁶ The IS does include “representative” photographs of signs and toll structures from another Bay Area freeway. While it is helpful to see the design of these structures, such representative photographs cannot replace an analysis of how these structures would appear throughout Saratoga.</p> |

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| L-3-22 cont. | <p>indicate that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas.</p> <p>Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. The Bay Area Air Quality Management District (“BAAQMD”) includes in its list of sensitive receptors, residences, schools, playgrounds, childcare centers, convalescent homes, retirement homes, rehabilitation centers, and athletic facilities. Sensitive population groups include children, the elderly, and the acutely and chronically ill, especially those with cardio-respiratory diseases. Residential areas are also considered to be sensitive to air pollution because residents tend to be home for extended periods of time, resulting in sustained exposure to any pollutant present. Although Caltrans would widen SR 85 and bring the highway even closer to established neighborhoods, the IS does not quantitatively, or even qualitatively, identify the number and type of sensitive receptors that would be affected by this proposed Project. Such information must be provided so that the public and decision-makers can understand who will be at particular risk due to poor air quality caused by the Project.</p> |
| L-3-23 | <p>B. The IS Does Not Analyze Whether The Project Would Conflict With Or Obstruct Implementation Of The Applicable Air Quality Plan Or Whether It Would Violate Any Air Quality Standard.</p> <p>The IS cites two reasons for its lack of an evaluation as to whether the Project would conflict with the applicable air quality plan or violate any air quality standard. First, it asserts that the Project will not interfere with the adoption of the BAAQMD’s 2010 Clean Air Plan. Second, it states the Project is included in the Bay Area’s Regional Transportation Plan (“RTP”) and that since the RTP has undergone regional evaluation for conformity with federal air quality standards, including ozone, the Project would result in no ozone impacts. The document makes no attempt to provide the necessary facts and analysis to support its conclusions. It presents no evidence, for example, to support its claim that the Project will not interfere with the 2010 Clean Air Plan.</p> <p>If Caltrans intends to rely on the Project’s inclusion in the RTP and that Plan’s federal conformity evaluation, the IS must discuss this evaluation and explain how the Project fits in with the evaluation. The RTP, a part of the “Plan Bay Area” adopted by the Metropolitan Transportation Commission and Association of Bay Area Governments, is the subject of at least three lawsuits challenging the adequacy of the environmental analysis for the RTP.⁷ The IS should disclose whether any of these suits address the</p> <p>⁷ See Alameda County Superior Court “Domain Web” (http://www.alameda.courts.ca.gov/pages.aspx/domainweb) and search for case numbers RG13690631, RG13692098, and RG13692189.</p> |

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| L-3-23 cont. | <p>adequacy of the RTP EIR's air quality analysis. Finally, the IS must evaluate whether the Project's federal conformity determination is sufficient to demonstrate that the Project would not violate any state air quality standard since those standards are more stringent than the federal standards.</p> |
| L-3-24 | <p style="text-align: center;">C. The IS Erroneously Concludes that the Project Will Not Have Any Significant Impacts Due to Emissions of Mobile Source Air Toxics.</p> <p>The IS states that the Project will cause emissions of mobile source air toxics ("MSAT") to increase over existing conditions. The IS then summarily concludes that the Project would not have an adverse impact on MSAT emissions. However, the question is not whether the Project would have an adverse impact on MSAT emissions but whether it would have an adverse impact on nearby sensitive receptors. The IS does not evaluate this potential impact, claiming that there are no available tools to enable prediction of the project-specific health impacts of the emissions changes associated with the Project.</p> <p>This is not the case. Agencies regularly conduct health risk assessments for road projects. The American Association of State Highway and Transportation Officials ("AASHTO") has prepared guidelines on available analytical models and techniques to assess MSAT impacts. <i>See AASHTO, Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process</i> (March 2007), attached as Exhibit F. These AASHTO Guidelines include over 200 pages of detailed procedures, and were designed specifically to assist transportation agencies in the evaluation of the potential health impacts caused by exposure to toxic air pollutants emitted from surface transportation sources. The AASHTO Guidelines explain that modeling tools are widely available that are capable of predicting MSAT impacts from transportation projects and that there are a variety of air quality dispersion models applicable to transportation projects. Caltrans could use AASHTO's Guidelines as a starting point for preparing its own analysis of the health impacts of the Project. In fact, Caltrans has acknowledged that health risk assessments are feasible for road projects: http://www.dot.ca.gov/hq/env/air/pages/msat.htm.</p> |
| L-3-25 | <p style="text-align: center;">D. The IS Fails to Adequately Analyze the Project's Impact on Climate Change.</p> <p>While the IS includes a discussion of the Project's impacts on climate change, the analysis is perfunctory and potentially misleading. The analysis focuses its efforts on a lengthy discussion about the Project's potential to increase average vehicle speeds and thereby reduce carbon emissions. The IS calculates only a portion of the carbon emissions for which the Project will be responsible, however, leaving open the possibility that the project will actually lead to an increase in carbon emissions.</p> <p style="text-align: center;">1. The IS Incorrectly Focuses on Increased Travel Speeds.</p> |

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| <p>L-3-25, cont.</p> | <p>The IS includes a lengthy discussion on the Project’s potential to increase average vehicle speeds as a way to reduce carbon emissions. It downplays the role that the Project’s increase in vehicle miles traveled (“VMT”) will play in increasing greenhouse gas (“GHG”) emissions. As AASHTO recognizes, the only way that California will be able to achieve sustained reductions in GHG emissions is by reducing VMT. Recognizing the unsustainable growth in driving, AASHTO, which represents state departments of transportation throughout the country, is urging that the growth of vehicle miles traveled be cut in half. (See “Growing Cooler: Evidence on Urban Development and Climate Change,” Urban Land Institute (2007).)</p> |
| <p>L-3-26</p> | <p>Focusing on vehicle speeds is an unrealistic approach to controlling GHG emissions. The increased speeds that accompany highway expansion are short-lived since increased capacity attracts additional motorists, resulting in even greater levels of congestion. In any event, Caltrans cannot rely on the travel speed data identified in the IS since, as the MRO Letter explains, this data is inaccurate.</p> <p style="text-align: center;">2. The IS Fails to Properly Quantify the Project’s Emissions Contributing to Climate Change.</p> <p>The estimate of the Project’s carbon emissions in the IS only tells a small part of the story of the Project’s contribution to climate change. The document includes calculations of the amount of emissions attributable to peak hour speeds and VMT, and then apparently uses these figures to develop a rough estimate of total emissions. This approach omits a number of the Project-related emissions thereby understating its effects on climate change.</p> |
| <p>L-3-27</p> | <p>The IS explains that it did not include in its emission calculation life-cycle emissions associated with manufacturing and lifecycle of its building materials, the production and distribution of the fuel, and fuel additives like ethanol prior to combustion in the vehicle. Nor does the IS emission calculation include gases other than carbon dioxide in its calculation of GHG emissions. Greenhouse gases that were not considered include, but are not limited to, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. The IS also does not include black carbon emissions, which are produced by burning fossil fuels such as diesel fuel. Caltrans must inventory all of the Project’s emissions, including life-cycle emissions, other gases, and black carbon.</p> <p style="text-align: center;">3. The IS Fails to Arrive at a Conclusion as to Whether the Project’s Contributions to Climate Change Would Be Significant.</p> <p>Although the IS acknowledges that the “Build” emissions would be higher than the “No Build” emissions in 2015 (p. 2-137), the document stops short of identifying the</p> |

L-3-27
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Project's impact on climate change as significant. This undermines the IS conclusion that the Project has no significant impacts. For this assertion to be supported, the IS must determine whether or not this Project's climate change impacts are significant. The first step in any discussion of an environmental impact is to select a threshold of significance. The IS does not include a threshold.

The California Air Pollution Control Officers Association's ("CAPCOA")⁸ has determined that only thresholds of zero emissions or of 900 tons of CO₂ equivalent ("CO₂e")⁹ emissions had "high" effectiveness in reducing GHG emissions and "high" consistency with the emission reduction targets set forth in AB 32 and Executive Order S-3-05. The Project, with its yearly emissions of more than 2,500 tons per year of CO₂e (p. 2-138), is well above the CAPCOA threshold.¹⁰ This indicates its contribution to global warming should be considered significant and the Project revised to include mitigation to avoid that impact.

The IS includes some measures to reduce climate-related impacts, these measures are vague, undefined and unenforceable. Dozens of potential mitigation measures, at least, are available to reduce the Project's greenhouse gas emissions. A small sampling includes:

- Require all aspects of the Project to be "carbon neutral" through a combination of on-site and off-site measures. An important aspect of this mitigation could be the adoption of an off-set requirement for any reductions that could not be achieved directly. Emissions could be offset either through contributing to the financing of sustainable energy projects or through the purchase of carbon credits. The programs are increasingly common and thus raise no issue of infeasibility.
- Require that off-road diesel-powered vehicles used for construction be new low-emission vehicles, or use retrofit emission control devices such as diesel oxidation catalysts and diesel particulate filters verified by the California Air Resources Board.

In addition to the mitigation measures identified above, Caltrans should also consider the mitigation measures proposed in CAPCOA's publication.

⁸ CAPCOA is an association of air pollution control officers representing all local air quality agencies and air districts in California.

⁹ Carbon dioxide equivalents (CO₂e) provide a universal standard of measurement against which the impacts of releasing different greenhouse gases can be evaluated. As the base unit, carbon dioxide's numeric value is 1.0 while other more potent greenhouse gases have a higher numeric value.

¹⁰ This figure was arrived at by comparing 2015 "Build" and "No Build" emissions.

| List of Exhibits | |
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| Exhibit A: | Report on the Status of Rubberized Asphalt Traffic Noise Reduction in Sacramento County, Bollard & Brennan, Inc. |
| Exhibit B: | City of Saratoga Draft Noise Element (December 22, 2013) |
| Exhibit C: | Caltrans Traffic Noise Analysis Protocol (2011). |
| Exhibit D: | Sound Walls: Absorptive Versus Reflective Design and Effectiveness, Sound Fighter Systems. |
| Exhibit E: | February 25, 2014 comments of MRO Engineers. |
| Exhibit F: | AASHTO, <i>Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process</i> (March 2007). |

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Note: Exhibits A through D and Exhibit F of the City of Saratoga letter are not comments on the project and are therefore not included in this appendix; however, they are part of the administrative record and are available upon request.

Exhibit E of the City of Saratoga letter is a report entitled *State Route 85 Express Lanes Project Initial Study with Proposed Negative Declaration/Environmental Assessment Traffic and Transportation/Pedestrian and Bicycle Facilities Analysis* by MRO Engineers Inc., dated February 25, 2014. Exhibit E contains comments on the proposed project that are substantially the same as those in Exhibit A of the City of Cupertino letter. These comments are included as Comments L-1-26 through L-1-47 and are addressed in the corresponding comment responses. Only the items in City of Saratoga Exhibit E that are not included in City of Cupertino Exhibit A are included below.

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| L-3-28 | <p>2. Proposed Project Violates Performance Agreement – According to the statement of “Vision, Mission, and Goals” on the VTA website, VTA is the successor organization to the Santa Clara County Traffic Authority. On February 6, 1989, the City of Saratoga entered into a “Performance Agreement” with the Santa Clara County Traffic Authority. Section 4 of that agreement states that:</p> <p style="padding-left: 40px;"><i>Route 85 through the CITY will be a 6-lane facility with a median width of 46’ reserved for mass transportation . . .</i></p> <p>The proposed State Route 85 Express Lanes project violates this agreement in two respects.</p> <ul style="list-style-type: none"> • It would reduce the median width substantially below 46 feet through Saratoga. Although detailed preliminary design drawings were not made available as part of the environmental documentation, the Project Description makes clear that an additional express lane would be added in the freeway median through the city. Specifically, IS/EA page 1-8 states that: |
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The express lanes would be ... two lanes in each direction between SR 87 and I-280 ...

L-3-28,
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Only a single HOV lane exists in the section today (combined with two general purpose/mixed-flow lanes); the existing HOV lane would be converted to an express lane, so that the freeway section through the entire City of Saratoga would consist of two general purpose/mixed-flow lanes and two express lanes. Assuming that the width of the added express lane would conform to the Caltrans standard of 12 feet, the freeway median would be reduced by 24 feet (i.e., one 12-foot express lane in each direction). Thus, the existing 46-foot median would be reduced to approximately 22 feet in width.

- The freeway median would not be reserved for mass transportation. In fact, the proposed project does just the opposite, as it facilitates use of the freeway median by toll-paying single-occupant vehicles rather than mass transportation. The average vehicle occupancy in the proposed median/express lanes would be lower than currently exists, with the addition of single-occupant vehicles to the two-or-more-occupant carpools (in combination with six AM peak-period and six PM peak-period weekday runs of Express Bus Route 102).

3. **Failure to Analyze Project Impacts on Non-Freeway Roadways** – The IS/EA and the supporting DKS/URS documentation present an in-depth analysis of traffic operations on SR 85 and the affected segments of US 101. However, absolutely no analysis is presented with respect to the proposed project's impacts on non-freeway facilities. This is clearly insufficient, as review of the travel demand forecasts presented as Tables 5-1 through 5-4 in the DKS/URS document reveals substantial changes in traffic patterns at the many SR 85 access locations. (This traffic volume information is not included in the IS/EA itself. It can only be found by searching through the sizable quantity of ancillary material on the Caltrans District 4 website. We note that the critical DKS/URS traffic operations analysis document is not even attached to the IS/EA as an appendix.)

L-3-29

Numerous examples can be cited to demonstrate the substantial effect of the proposed project on local street operations in and near Saratoga, including the following:

- AM peak period – Northbound (IS/EA, Table 5-1)
 - SR 85 off-ramp to Saratoga Avenue: 756 added peak-period vehicles in 2015 and 762 added in 2035;
 - SR 85 on-ramp from Saratoga Avenue: 291 added peak-period vehicles in 2015 and 2035; and
 - SR 85 off-ramp to Saratoga-Sunnyvale Road: 683 added peak-period vehicles in 2015 and 746 added in 2035.
- PM peak period – Northbound (IS/EA, Table 5-2)
 - SR 85 off-ramp to Saratoga Avenue: 454 added peak-period vehicles in 2035;
 - SR 85 on-ramp from Saratoga Avenue: 102 added peak-period vehicles in 2015 and 280 added in 2035; and
 - SR 85 off-ramp to Saratoga-Sunnyvale Road: 341 added peak-period vehicles in 2015 and 672 added in 2035.

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| <p>L-3-29, cont.</p> | <ul style="list-style-type: none"> • AM peak period – Southbound (IS/EA, Table 5-3) <ul style="list-style-type: none"> ○ SR 85 on-ramp from Saratoga-Sunnyvale Road: 55 added peak-period vehicles in 2015 and 139 added in 2035; and ○ SR 85 on-ramp from Saratoga Avenue: 46 added peak-period vehicles in 2015 and 294 added in 2035. • PM peak period – Southbound (IS/EA, Table 5-5) <ul style="list-style-type: none"> ○ SR 85 on-ramp from Saratoga-Sunnyvale Road: 317 added peak-period vehicles in 2015 and 291 added in 2035; ○ SR 85 off-ramp to Saratoga Avenue: 400 added peak-period vehicles in 2015 and 202 added in 2035; and ○ SR 85 on-ramp from Saratoga Avenue: 815 added peak-period vehicles in 2015 and 649 added in 2035. <p>In each of these cases, this added on- or off-ramp traffic represents additional vehicles at the intersections where the freeway ramps meet the local street system, as well as on the nearby local street segments. The IS/EA completely ignores this substantial additional traffic, and the potential for significantly increased congestion and delay.</p> <p>At a minimum, the environmental document must be amended to included detailed level of service analyses (weekday AM and PM hours) at the following locations in and near Saratoga:</p> <ul style="list-style-type: none"> • SR 85 Northbound Ramps/De Anza Boulevard, • SR 85 Southbound Ramps/De Anza Boulevard, • De Anza Boulevard/Prospect Road, • De Anza Boulevard/Stevens Creek Boulevard, • SR 85 Northbound Ramps/Saratoga Avenue, • SR 85 Southbound Ramps/Saratoga Avenue, • Saratoga Avenue/Fruitvale Avenue, • Saratoga Avenue/Cox Avenue, and • Saratoga Avenue/Quito Road. |
| <p>L-3-30</p> | <p>7. Failure to Consider A Reasonable Range of Project Alternatives – The IS/EA evaluates two project alternatives: Build and No Build. Two additional build alternatives are briefly addressed (IS/EA, pp. 1-14 – 1-15), both of which were rejected because they included only a single HOV/express lane. The DKS/URS report (page 24) states that three build alternatives were discussed in a project study report (PSR) that was approved by Caltrans on October 26, 2010, but no description or discussion of those alternatives is provided. It is not clear whether the project alternatives rejected in the Caltrans PSR included a full range of potential solutions, or were simply variations on the express lane configuration included in the proposed project.</p> <p>The failure to address a reasonable range of feasible alternatives in the IS/EA is a substantial shortcoming, in that it deprives the reviewing public of the ability to consider and comment on the relative merits of a variety of potential solutions to the traffic congestion issues addressed by the proposed project. At a minimum, the IS/EA should include a substantially more detailed summary of the previously-considered alternatives, including descriptions of their physical characteristics, their advantages and disadvantages, and the specific reasons for rejection.</p> <p>As we noted above, in February 1989, the City of Saratoga entered into an agreement with the Santa Clara County Traffic Authority (the predecessor agency to VTA), which mandated that the 46-foot-wide median on SR 85 is to be reserved for “mass transportation.” It is unacceptable, therefore, that the IS/EA fails to address a mass transit alternative. A logical alternative would be an extension of the existing VTA light rail system, although other alternatives might exist that would conform to the terms of the February 1989 agreement. Other possibilities include provision of bus-only lanes or the use of reversible express lanes (which would reflect the high directionality of peak-hour traffic flow on SR 85).</p> |

Responses to Comment L-3

L-3-1

This comment summarizes more detailed comments that follow. Responses are provided for the detailed comments below.

L-3-2

The project would not change the existing truck restrictions on SR 85. Refer to Master Response GEN-9 regarding the truck restrictions.

L-3-3

Design modifications to revise the proposed express lane configuration to continuous access—like the current HOV lane—will be considered during detailed project design, as described in Master Response GEN-4. If implemented, this would allow immediate access from Saratoga Avenue.

L-3-4

The 1989 Performance Agreement that the City of Saratoga entered into with VTA's predecessor, the Santa Clara County Traffic Authority, stated that SR 85 would be "a 6-lane facility with a median width of 46' reserved for mass transportation" (SCCTA and City of Saratoga 1989, Item 4). The Performance Agreement does not specify that the median must be reserved for light rail or define mass transportation as rail instead of transit buses. SR 85 in the City of Saratoga was constructed as described in Item 4 of the Performance Agreement.

The potential development of light rail in the median was considered in planning for the extension of SR 85 from I-280 to US 101 in the 1980s. The light rail component was not carried forward because it was determined not to be reasonable or practicable, as described in Master Response GEN-2.

It should be noted that the City of Saratoga General Plan Circulation Element states that VTA does not have plans to extend light rail in the SR 85 corridor through Saratoga in the foreseeable future, and the City "will continue to implement policies and actions that support local and regional transit access" (City of Saratoga 2010, p. 31).

VTA General Counsel is of the opinion that the provisions cited in the comment are unenforceable to the extent that they restrict VTA's ability to independently exercise its legislative authority.

L-3-5

This is an introductory comment that summarizes more detailed comments that follow. Responses are provided for the detailed comments below.

L-3-6

This comment is addressed in the response to Comment L-1-6.

L-3-7

See Master Response N-3 in regard to the comment that noise from SR 85 already far exceeds that expected at the time it was approved.

The comment states that the IS/EA does not fully analyze, and the project does not fully mitigate, project-related noise impacts. The IS/EA summarizes the findings of the *Noise Study Report* (NSR) for the proposed project (Illingworth and Rodkin 2012), which was prepared in accordance with Federal Highway Administration (FHWA) and Caltrans policies to address traffic noise impacts and noise abatement. This includes FHWA regulations (Title 23, Part 772 of the Code of Federal Regulations [23 CFR 772]) and the Caltrans Traffic Noise Analysis Protocol for New Highway Construction, Reconstruction, and Retrofit Barrier Projects (Protocol or TNAP; Caltrans 2011d). The Protocol addresses both Federal and State environmental statutes with regard to noise.

The NSR evaluated the existing land use categories along the freeway in each of the 15 study segments (including specific locations such as schools, churches, and parks), collected noise measurements, and described existing sound walls and noise barriers (NSR Chapter 6). Noise measurements were taken in more than 140 locations (NSR Tables 6-1 and 6-2), including 15 in the City of Saratoga. Measurement locations were chosen that represent each type of land use activity category within each study segment. Measurements were taken at locations expected to be most affected by freeway noise based on proximity, geometry, elevation, and sensitivity.

The NSR provides sufficient information to fully understand the scope of the project's noise impacts. In some areas, additional information has been added to the IS/EA from the NSR, as discussed further in Master Response GEN-3. This does not constitute significant new information and does not change the results of the analysis.

See the response to Comment L-1-14 in regard to the assessment of significance of project-related noise impacts and the evaluation of noise abatement.

L-3-8

A comprehensive noise assessment was conducted for the proposed project, as described in the response to Comment L-3-7.

For Exhibit B of the comment, the City of Saratoga Draft Noise Element, one noise measurement was collected along SR 85. As stated in Exhibit B, the results were reported as "At nominal 100-foot distance: 67 to 71 dB with barrier shielding." The metric used, DNL, is a different metric than that used in the IS/EA and NSR. Noise studies prepared for local agency projects and planning purposes often use DNL, the Day-Night Average Sound Level, which is the 24-hour sound level with a 10 dB "penalty" for noise occurring at night. All Caltrans highway traffic noise analyses are required under 23 CFR 772 to be done in terms of the worst noise hour for traffic (expressed in the metric dBA Leq[h]).

Master Response N-4 discusses how DNL relates to dBA $L_{eq[h]}$ and provides the NSR noise measurements for Saratoga in the DNL metric to facilitate comparison with the City of Saratoga Draft Noise Element. Eight of the 15 NSR measurements, located primarily in areas closer to SR 85, were within 1 dB of the Noise Element update 67 to 71 dB DNL range when adjusted for a distance of 100 feet from SR 85. The other seven NSR noise measurement locations were below the Noise Element update 67 to 71 dB DNL range when adjusted for distance. This comparison shows that there is not a substantial difference between the noise data in the NSR and the Saratoga Noise Element update. Therefore, the noise data presented in the NSR and summarized in the IS/EA remain applicable and do not conflict with the City of Saratoga Draft Noise Element.

The comment is incorrect that a 3 dB difference is a doubling of noise. A 3 dB increase in noise level represents a doubling of acoustic energy, rather than a doubling in perceived loudness. As stated in the City of Saratoga Draft Noise Element, a 3 dB change is considered a just-noticeable difference in noise level, and a 10 dB change is subjectively heard as approximately a doubling in loudness (City of Saratoga Noise Element, p. 5).

Existing and future noise levels for Segment 7 and all other segments and receptors evaluated are presented and discussed in detail in the NSR. Master Response N-3 provides detailed information about noise level measurements and predictions for locations in the City of Saratoga.

See the response to Comment L-1-15 in regard to the evaluation of project-related noise levels at Category D land uses.

L-3-9

See the response to Comment L-1-15 in regard to noise measurement locations and reflective noise. The concrete median barriers would not result in typically perceptible noise level increases from reflected noise.

L-3-10

See the response to Comment L-1-15 in regard to single noise events and daytime/nighttime noise.

L-3-11

This comment is addressed in the response to Comment L-1-16.

L-3-12

See the response to Comment L-1-7.

L-3-13

See the response to Comment L-1-7 in regard to significance thresholds.

L-3-14

The first paragraph is introductory. Responses to more specific comments follow.

See the response to Comment L-1-11 in regard to traffic operations at the SR 85/I-280 interchange.

L-3-15

See the response to Comment L-1-9 in regard to the project's travel speed data.

L-3-16

See the response to Comment L-1-9 in regard to the project's level of service results.

L-3-17

The first paragraph is introductory. Responses to more specific comments follow.

See the response to Comment L-1-10 in regard to impacts to local streets.

L-3-18

See the response to Comment L-1-12 in regard to pedestrian and bicycle facilities, transit (including light rail), and funding priorities.

The project would not adversely affect pedestrian and bicycle use, as no such facilities exist on SR 85 and no barriers to pedestrian and bicycle use would be added as part of the project.

The City of Saratoga's Circulation Element was reviewed, and no conflicts were identified between the proposed project and policies for pedestrian and bicycle use. As noted previously, the Circulation Element states that VTA does not have plans to extend light rail in the SR 85 corridor through Saratoga in the foreseeable future, and the City "will continue to implement policies and actions that support local and regional transit access" (City of Saratoga 2010, p. 31). Goal CI.4a of the Circulation Element and its policies are intended to "promote local and regional transit as a viable alternative to automobile travel for destinations within and outside the City" (City of Saratoga 2010, p. 42). The proposed project is consistent with this goal because express lane tolls would provide a revenue source for additional transit investments within the SR 85 corridor.

L-3-19

See the response to Comment L-1-13 in regard to construction-related transportation impacts.

L-3-20

The response to Comment L-1-24 discusses how the visual assessment was performed and the level of impact determined.

The comment states that the IS/EA does not adequately characterize the existing setting because it omits photographs of SR 85 within Saratoga. Additional exhibits with photos of the existing setting in Saratoga have been added to IS/EA Section 2.1.4.2. The additional exhibits do not provide significant new information that would change the outcome of the analysis.

Within Saratoga, the elevation of SR 85 ranges from at grade to below grade by up to 25 feet in relation to surrounding development. Most of SR 85 in Saratoga has sound walls on berms or embankments on both sides. From outside of the freeway, existing overhead directional signs are visible above the tops of sound walls in some locations.

There are no trees or other vegetation in the median of SR 85 in Saratoga. The median is gravel or paved and has a metal beam guardrail or concrete barrier. The project would add bridge decking in the median at three locations in Saratoga: at Saratoga Creek, Saratoga Avenue, and San Tomas Aquino Creek.

It should be noted that the proposed auxiliary lane is to the north of Saratoga's northern border (at Prospect Avenue), and is therefore outside city limits. No existing abutments would be removed and no new retaining walls would be constructed in Saratoga.

There are currently seven sets of overhead signs (meaning one or more overhead signs on a freestanding sign structure) along SR 85 in Saratoga. The project would add one new overhead sign on southbound SR 85 approaching Saratoga Avenue, in the vicinity of San

Tomas Creek. Exhibits R through U in the Final IS/EA show representative views of the signs and tolling structures.

Mast-arm luminaires would be mounted on the concrete median barrier in the vicinity of the express lane entrances. Exhibit R in the Final IS/EA includes a view of a representative mast-arm luminaire. The arm on which the light fixture would be mounted would extend across the inside lanes (nearest the median). This design focuses illumination on the freeway, and direct “spillage” of light outside of the right-of-way will not occur.

L-3-21

There are 24 existing luminaires along SR 85 within Saratoga inside and just outside of the sound walls along the corridor and on overcrossings of SR 85, as described in the response to Comment L-3-20. The project would add approximately seven luminaires in the median for each of the two access zones (one northbound, one southbound) that are proposed between Saratoga Avenue and Winchester Boulevard. The exact locations of these access zones would be determined during the project design phase, so it is unclear how many, or if any, of the luminaires would be in Saratoga city limits.

Unlike the existing lighting along the freeway that illuminates the outside lanes and freeway entrances and exits, the new luminaires would be in the median and focused on the inside lanes (nearest the median). The proposed luminaires and other light fixtures would have LEDs configured at the minimum necessary illumination level and optimal angle to restrict light to the freeway right-of-way. Shields on the fixtures to prevent light trespass to surrounding properties would be considered during the detailed design phase.

As stated in IS/EA Section 2.1.4.3 (under “Light and Glare”), the proposed luminaires would be the same or similar to those used by the Department on Dumbarton Bridge and approved for use on other roadways. LED fixtures minimize light trespass, uplighting (i.e., urban sky glow), and reflected light from the roadway compared with high-pressure sodium fixtures. The distance of the light spread by an LED fixture similar to the type proposed for this project ranges from 50 to 80 feet in front of the fixture and from 20 to 50 feet behind the fixture, depending on configuration and shielding. The extent of the light spread by the LED fixtures would remain primarily within the freeway right-of-way. In addition, the distance and pattern of the light distribution would be controlled by the number of LED bulbs, mounting height, mast-arm length, shielding, and angle of the fixture as part of project design.

To viewers from a distance and in a location with an elevated view of SR 85, the freeway may appear more illuminated than before. Because the use of LEDs would minimize light trespass, uplighting/urban sky glow), and reflected light from the roadway, the difference from existing conditions would not be substantial.

To viewers closer to SR 85, the lighting will have a minimal effect because it will be focused on inside lanes, nearest the median, and will not be as visible because of sound walls and tall trees between residential development and SR 85.

Additional information about the lighting is included in the responses to Comments L-1-24 and L-3-20.

L-3-22

See the responses to Comments L-1-17 and L-1-18 in regard to the project's air quality assessment.

L-3-23

See the responses to Comments L-1-17 and L-1-19 in regard to whether the project would conflict with or obstruct implementation of the applicable air quality plan or whether it would violate any air quality standard.

L-3-24

See the response to Comment L-1-20 in regard to the project's MSAT analysis.

L-3-25

See the response to Comment L-1-21 in regard to the project's climate change analysis and use of vehicle speeds to estimate GHG emissions.

L-3-26

See the response to Comment L-1-22 in regard to the project's GHG emissions analysis.

L-3-27

See the response to Comment L-1-23 in regard to whether the project's GHG emissions would be significant.

L-3-28

The City of Saratoga comments include Exhibit E, a letter report entitled *State Route 85 Express Lanes Project Initial Study with Proposed Negative Declaration/Environmental Assessment Traffic and Transportation/Pedestrian and Bicycle Facilities Analysis* by MRO Engineers Inc., dated February 25, 2014. The comments in Exhibit E are substantially the same as those in Exhibit A of the City of Cupertino letter (included as Comments L-1-26 through L-1-47). Only the items in Saratoga Exhibit E that are not included in Cupertino Exhibit A are addressed here. The remaining comments in Saratoga Exhibit E are addressed in the responses to Comments L-1-26 through L-1-47.

The comments about the Performance Agreement are addressed in the response to Comment L-3-4. It should be noted that the express lanes would create additional capacity for carpools, transit buses, and other HOVs, which would continue to use the lanes for free. Moreover, the express lanes would maintain priority use for HOVs, as discussed in Master Response GEN-1.

L-3-29

In response to comments from the Cities of Saratoga and Cupertino, a supplemental assessment of project-related traffic impacts was conducted for 19 intersections in the Cities of Saratoga and Cupertino, including the intersections of local roadways with SR 85 ramps (DKS 2014a, 2014b, 2015). The assessment showed that none of the studied intersections would be significantly impacted by the proposed project (DKS 2015).

L-3-30

Refer to Master Response GEN-8 regarding the other alternatives studied for the project. The reasons that mass transportation options were not considered as project alternatives are described in Master Responses GEN-7 and GEN-2.

See the response to Comment L-3-4 in regard to the performance agreement. See the response to Comment L-1-3 in regard to consideration of reversible lanes.

Comment L-4 Matt Morley, Town of Los Gatos



Town of Los Gatos

Parks & Public Works
41 Miles Avenue
Los Gatos, CA 95030
(408) 399-5770

February 20, 2014

RE: SR 85 Express Lane Project

To Whom It May Concern,

Staff from the Town of Los Gatos has reviewed the project information and has the following comments:

L-4-1

- The proposed addition of second express lane is not noted in the Caltrans "Notice of Intent to Adopt a Negative Declaration" dated December 27, 2013. See attached.
- In the initial study for the negative declaration, the addition of second express lane is not noted in the "Project Description" on the front page under "Proposed Negative Declaration", on page i under "Summary", nor on page 1 of the report under "Introduction". One can only find the project includes adding a second express lane in the detailed discussion in the report.

L-4-2

- Under the "Route 85 Performance Agreement signed in 1990 between Traffic Authority (former VTA), and the Town of Los Gatos, it was agreed that "Route 85 through the TOWN will be a 6-lane facility with a median width of 46' from Winchester Boulevard to Pollard Road, and 48' from Bascom Avenue to Winchester Boulevard; and a vertical profile as shown in Attachment "A"." This agreement would need to be resolved.
- Also under the same agreement, "The Traffic Authority agrees that no new freeway lanes shall be constructed in the Route 85 median or in the shoulders of Route 85 within the geographical limits of TOWN without prior written approval by the Town Council of the TOWN."

The Town will continue to participate in the planning and design process for the future of Route 85. If you have any questions or if you may need any assistance from Town staff, please feel free to contact me or call Jessy Pu, Town Traffic Engineer, at 408-395-2859.

Sincerely,

Matt Morley
Director of Parks and Public Works

Responses to Comment L-4

L-4-1

The IS/EA included and described the proposed addition of a second express lane. Additional newspaper ads in the following newspapers were run on the following days to clarify that the project would include this second express lane in each direction of SR 85 between SR 87 and I-280: local English-language newspapers (*Mercury News*, February

14, 2014 and *Philippines Today*, February 12, 2014); and foreign-language newspapers (*El Observador*, February 14, 2014—Spanish, *Sing Tao*, February 14, 2014—Chinese, *Korea Times*, February 14, 2014—Korean, and *Viet Nam*, February 14, 2014—Vietnamese). The second express lane was fully disclosed in the IS/EA, and is shown in Figures 1.1-2 and 1.3-1 of the IS/EA and discussed in Sections 1.2.2.3, 1.3.1, 1.3.1.9, 1.3.1.10, 1.3.5.1, 1.3.5.2, 2.1.1.3, 2.1.2.2, 2.1.3.2, 2.1.4.3, 2.2.6.3, 2.2.7.3, 2.2.7.4, 2.5.1.1, and 2.5.1.2, as well as in Appendix C. The second express lane was also fully analyzed in all of the technical studies for the project. The IS/EA has been revised to identify the second express lane on the title page, Negative Declaration, Summary, and beginning of Chapter 1.

L-4-2

The references to SR 85 in a 1990 Performance Agreement are noted. The 1990 Agreement was entered into by the Town of Los Gatos and VTA's predecessor, the Santa Clara County Traffic Authority, and SR 85 in the Town of Los Gatos was constructed as described in the Agreement.