

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: October 14-15, 2009

Reference No.: 2.2c.(6)
Action Item

From: NORMA ORTEGA
Chief Financial Officer (Interim)

Prepared by: Jay Norvell
Division Chief
Environmental Analysis

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING
07-LA-47, PM 2.8/5.3
RESOLUTION E-09-79**

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the California Transportation Commission (Commission), as a responsible agency, approve the attached Resolution E-09-79.

ISSUE:

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

- Route 47 in Los Angeles County. Replace Schuyler Heim Bridge, and extend and construct improvements to Route 47 in the city of Los Angeles. (PPNO 0444E)

This project in Los Angeles County would replace an existing bridge and construct roadway improvements along a portion of State Route 47 near Long Beach. The project is programmed in the Trade Corridors Improvement Fund (TCIF), and includes federal and local funds, and port fees. The project is also programmed in the Non-Toll Seismic Retrofit Program and is proposed for State Highway Operation and Protection Program Grant Anticipation Revenue Vehicle funding in Fiscal Year (FY) 2009-10. Total estimated project cost is \$687,000,000 capital and support. Construction is estimated to begin in FY 2010-11. The scope as described for the preferred alternative is consistent with the project scope set forth in the approved project baseline agreement.

A copy of the FEIR has been provided to Commission staff. Construction activities will impact visual, aquatic, and community resources. The project will also cause permanent impacts to cultural resources. As a result, an FEIR was completed, Findings were made, and a Statement of Overriding Considerations was adopted.

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

Attachments

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding

07-LA-47, PM 2.8/5.3

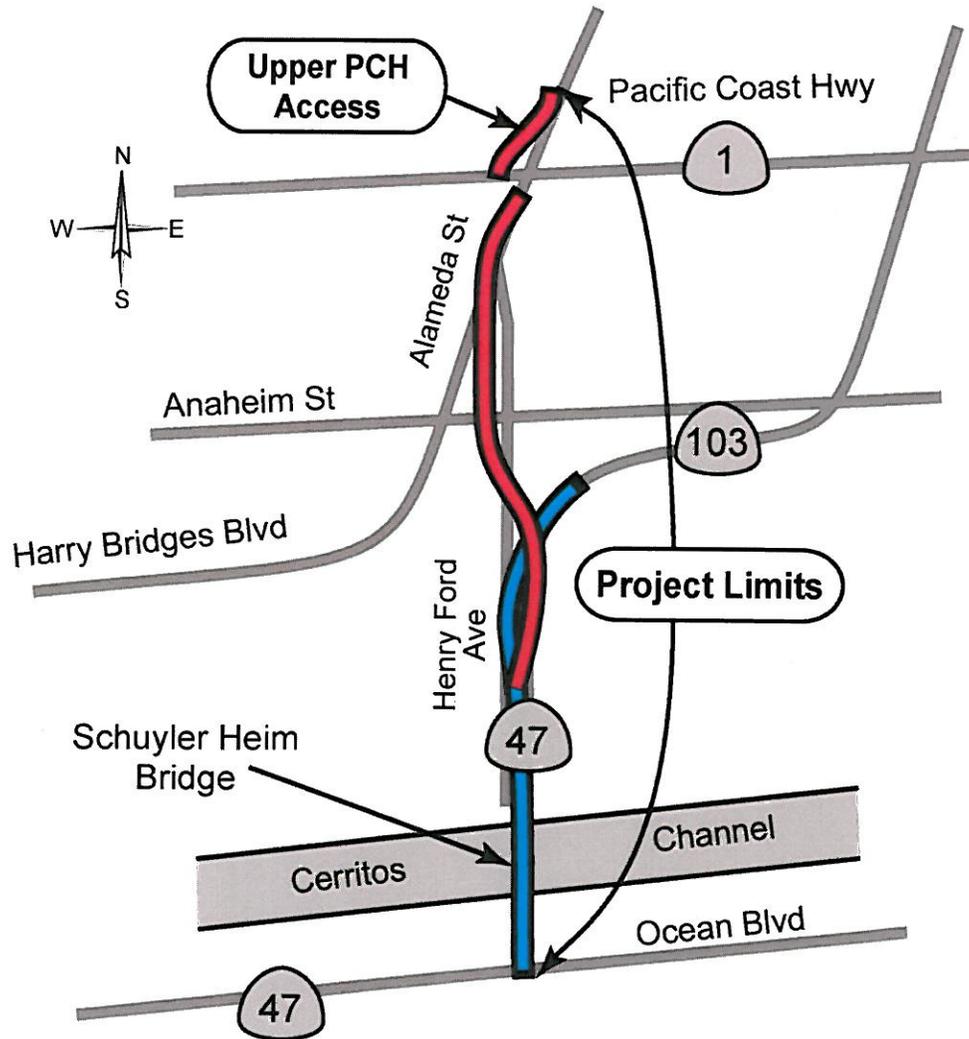
Resolution E-09-79

- 1.1** **WHEREAS**, the California Department of Transportation (Department) has completed a Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
- Route 47 in Los Angeles County. Replace Schuyler Heim Bridge, and extend and construct improvements to Route 47 in the city of Los Angeles. (PPNO 0444E)
- 1.2** **WHEREAS**, the Department has certified that the Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3** **WHEREAS**, the California Transportation Commission, as a responsible agency, has considered the information contained in the Environmental Impact Report; and
- 1.4** **WHEREAS**, the Environmental Impact Report did identify significant effects after mitigation; and
- 1.5** **WHEREAS**, Findings were made and a Statement of Overriding Considerations was adopted pursuant to the State CEQA Guidelines.
- 2.1** **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby adopt the Findings of Fact and Statement of Overriding Considerations that support approval of the above referenced project to allow for future consideration of funding.



Project Location Map

State Route 47 from Ocean Blvd to Pacific Coast Highway



Project Location Map

-  Expressway Portion
-  Heim Bridge Portion

FINDINGS OF FACT

CALIFORNIA DEPARTMENT OF TRANSPORTATION FINDINGS FOR

SCHUYLER HEIM BRIDGE REPLACEMENT AND

SR-47 EXPRESSWAY PROJECT

COMMODORE SCHUYLER HEIM BRIDGE (BR. NO. 53-2618) AND SR-47 IN

THE PORTS OF LONG BEACH AND LOS ANGELES,

LOS ANGELES COUNTY, CALIFORNIA

I. Introduction

These Findings of Fact have been prepared by the California Department of Transportation (Caltrans). The following information is presented to comply with the California Environmental Quality Act (CEQA)(Public Resources Code Section 2100 et seq. and Title 14 California Code of Regulations, Chapter 3, Section 15091) and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21, California Code of Regulations, Chapter 11, Section 1501).

These Findings are based on the entire record before Caltrans, including the Final Environmental Impact Report (FEIR). Reference is made to the FEIR, which is the basic source for the information. However, information contained in the administrative record including, but not limited to, agency policy documents, project staff reports, project public hearing records, public notices, written comments on the project and responses to those comments, these proposed Findings of Fact and other documents relating to the agency's decision on the project were also considered by Caltrans in making its decision. Hereinafter, the entire administrative record will be referred to as the FEIR. All FEIR documents are in the care of Division of Environmental Planning, California Department of Transportation District 7, 100 S. Main Street, Los Angeles, CA 90012.

II. Project Description

Alternative 1, the selected project alternative (hereinafter referred to as the "Project") would create a grade-separated expressway that would be a high-capacity alternate route between Terminal Island and Alameda Street/Pacific Coast Highway. The Project involves replacement of the Schuyler Heim Bridge with a fixed-span bridge along and east of the existing bridge alignment; construction of a limited-access expressway that begins at Ocean Boulevard, crosses the bridge, and extends northward for a distance of approximately 2.7 km (1.7 mi); and construction of the proposed 1,550-m (5,084-ft) flyover. The flyover would divert eastbound Ocean Boulevard traffic directly onto northbound SR-47, which would provide direct access to the replacement bridge over the Cerritos Channel and enable traffic on this route to avoid the congested Ocean

Boulevard/SR-47 intersection. The SR-47 Expressway would be designed to specific Caltrans geometric standards for expressways, with limited access and a posted speed limit of 80 km (50 mi) per hour. The completed expressway would relieve traffic congestion to and from Terminal Island, become part of SR-47, and be owned, operated, and maintained by Caltrans.

Construction of the expressway portion of the selected alternative would proceed in one general construction sequence. Construction of the flyover would proceed in the same manner. Construction of the Schuyler Heim Bridge replacement would occur prior to, or concurrently with, construction of the SR-47 Expressway. An overall construction period of approximately 2 to 3 years has been estimated for the bridge and expressway components of the Project. The construction period was scheduled to begin in 2009 but is currently projected to begin in 2010.

III. Project Objectives

Specific Project objectives include:

- Provide a structurally and seismically safe vehicular connection along the critical north-south corridor between Terminal Island and the mainland that can remain in service following a major earthquake to ensure that ground and vessel transportation are maintained.
- Improve operational and safety design features of the crossing to facilitate the movement of people, freight, and goods, while meeting current design standards to the maximum extent feasible.
- Reduce traffic congestion on local surface streets (between Terminal Island and Pacific Coast Highway), as well as on I-110 and I-710.
- Improve safety by providing a limited-access route between Terminal Island and I-405 that would:
 - By-pass at-grade railroad crossings and signalized intersections; and
 - Connect the Schuyler Heim Bridge with an emergency service route that would facilitate movement to and from the ports following a major earthquake.
- Allow traffic to continue northward along Alameda Street, or SR-103, and provide essential north-south connectivity with the regional freeway system (I-405 and SR-91) for the movement of people and goods to and from the ports.

IV. Environmental Impacts and Findings

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Chapters 3.0 and 4.0 of the FEIR. Responses to comments from the public and from other government agencies on the DEIR and SEIR are provided in Chapter 6.0.

The FEIR evaluated thirteen major environmental categories for potential impacts including: Land Use, Recreation and Coastal Zone; Growth; Utilities and Public Services; Traffic and Transportation; Visual Resources/Aesthetics; Cultural Resources; Hydrology, Floodplains and Oceanography; Water Quality and Stormwater Runoff; Geology, Soils, Seismicity, Paleontology, Topography and Mineral Resources; Hazardous Waste/Hazardous Materials; Air Quality; Noise and Biological Resources. With respect to these thirteen major environmental categories, Caltrans concurs with the conclusions in the EIR that the issues and sub issues discussed in IV.A, IV. B below either are less than significant without mitigation or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section IV.C, overriding considerations exist which make these potential impacts acceptable.

A. Less-Than-Significant Impacts

The FEIR evaluated impacts in each of the thirteen major environmental categories discussed above and concluded that impacts in each of the following issue areas would be less than significant without imposition of mitigation. For this reason, these issue areas are not discussed in depth.

1. Land Use, Recreation and Coastal Zone

- a. The Project would not physically divide an established community.
- b. The Project would not conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for purpose of avoiding or mitigating an environmental effect.
- c. The Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.
- d. The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of a park or recreation facility would occur or be accelerated.
- e. The Project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.
- f. When considered together with other reasonably foreseeable past, present and future projects, the Project would not result in cumulative land use or recreation impacts.

2. Growth

- a. The Project will not induce substantial population growth in the Project area, either directly or indirectly.
- b. The Project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- c. The Project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.
- d. Because the Project is intended to help accommodate planned growth in the study area, it is not anticipated to contribute to cumulative growth impacts when considered together with other reasonably foreseeable past, present and future projects.

3. Utilities and Public Services

- a. The Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- b. The Project would not require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- c. The Project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- d. The Project would not impact water supplies in the Project vicinity or require new or expanded entitlements.
- e. The Project would be served by a landfill with sufficient permitted capacity to accommodate its solid waste disposal needs.
- f. The Project will comply with federal, state, and local statutes and regulations related to solid waste.
- g. The Project would not result in the need for new or the alteration of existing fire, police protection, schools, parks or other public facilities, the construction of which could cause significant environmental impacts.
- h. When considered together with other reasonably foreseeable past, present and future projects, the Project is not anticipated to result in cumulative utilities or public services impacts.

4. Traffic and Transportation

- a. The Project will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.

b. The Project will not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

c. The Project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in safety risks.

d. The Project will not substantially increase hazards due to a design feature or incompatible uses.

e. The Project will not result in inadequate emergency access.

f. The Project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

5. Visual Resources/Aesthetics

a. The Project will not have a substantial adverse effect on a scenic vista.

b. The Project will not substantially damage scenic resources, including trees, rock outcroppings and historic buildings within a state scenic highway.

c. With incorporation of proposed Project design features and minimization measures, the Project is not anticipated to substantially degrade the existing visual character or quality of the site and its surroundings.

d. With incorporation of proposed Project features and minimization measures, the Project is not anticipated to create a new source of substantial light or glare which would adversely affect the day or nighttime views in the area.

e. With incorporation of proposed Project design features and minimization measures, the Project is not anticipated to result in cumulative visual resources/aesthetics impacts when considered together with other reasonably foreseeable past, present and future projects.

6. Cultural Resources

a. With incorporation of proposed Project avoidance and minimization measures, the Project has no potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5.

b. With incorporation of proposed Project avoidance and minimization measures, the Project has no potential to disturb any human remains, including those interred outside of formal cemeteries.

c. With incorporation of proposed avoidance and minimization measures, the Project has no potential to result in cumulatively significant cultural resource impacts.

7. Hydrology, Floodplains and Oceanography

a. With incorporation of proposed Project features and minimization measures including compliance with a SWPPP and NPDES permits and implementation of standard BMPs, the Project will not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site.

b. With incorporation of proposed Project features and minimization measures, the Project will not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site.

c. With incorporation of proposed Project features and minimization measures, the Project will not create or contribute to runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

d. The Project will not place housing within a 100-year flood hazard area.

e. The Project will not place structures which would impede or redirect flood flows within a 100-year hazard area.

f. The Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

g. The Project would not expose people or structures to inundation by seiche, tsunami, or mudflow.

h. Because impacts in this issue area are site specific and all projects in the study area are subject to similar regulatory standards that must be achieved during construction and operation, cumulative hydrology, floodplains and Oceanography impacts are anticipated to be less than significant.

8. Water Quality and Stormwater Runoff

a. With incorporation of proposed Project features and minimization measures including compliance with a SWPPP and NPDES permits and implementation of BMPs, the Project will not violate any water quality standards or waste discharge requirements.

b. The Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

c. With incorporation of proposed Project features and minimization measures, the Project will not otherwise substantially degrade water quality.

d. The Project is not anticipated to result in cumulative impacts relating to water quality and stormwater runoff.

9. Geology/Soils/Seismicity/Paleontology/Topography/Mineral Resources

a. With incorporation of proposed Project features and minimization measures, engineering practices and standard design and construction requirements, the Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction or landslides.

b. With incorporation of proposed Project features and minimization measures, the Project would not result in substantial soil erosion or the loss of topsoil.

c. The Project will not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project potentially resulting in landslides, lateral spreading, subsidence, liquefaction or collapse.

d. The Project would not be located on expansive soil, creating substantial risks to life or property.

e. The Project does not include the use of a septic tank or alternative wastewater disposal system.

f. With implementation of proposed Project avoidance and minimization measures, the Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

g. The Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

h. The Project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

i. With incorporation of proposed Project avoidance and minimization measures, the Project is not anticipated to result in cumulative geology, soils, seismicity, paleontology topography or mineral resources impacts.

10. Hazardous Waste/Hazardous Materials

a. The Project has no potential to create a significant hazard to the public or environment through the routine transport, use or disposal of hazardous materials.

b. The Project has no potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

c. The Project has no potential to cause significant impacts related to hazardous emissions or the handling of hazardous materials, substances, or waste within one-quarter mile of a school.

d. The Project will not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

e. The Project is not located within an airport land use plan or within two miles of a public airport. Therefore, it would not result in a safety hazard for people residing or working in the Project area.

f. The Project is not located within the vicinity of a private airstrip. Therefore, it would not result in a safety hazard for people residing or working in the Project area.

g. With incorporation of proposed Project minimization measures, the Project has no potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

h. The Project has no potential to expose people to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands.

i. Because the Project and other reasonably foreseeable past, present and future projects in the study area will incorporate measures to reduce potential impacts, cumulative hazards and hazardous materials impacts are anticipated to be less than significant.

11. Air Quality

a. The Project will not conflict with or obstruct implementation of the applicable air quality plan.

b. The Project will not create objectionable odors affecting a substantial number of people.

c. Because the Project will relieve congestion by enhancing operations and improving travel times in high congestion travel corridors, leading to an overall reduction in CO₂ emissions, the Project will not generate enough greenhouse gas (GHG) emissions on its own to significantly influence global climate change.

12. Noise

a. The Project will not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels during construction or operation.

b. The Project is not located within an airport land use plan or within two miles of a public airport. Therefore, the Project has no potential to expose people residing or working in the Project area to excessive noise levels.

c. The closest private airstrip is located approximately 2.5 miles from the Project site. Accordingly, there is no potential to expose people residing or working in the Project area to excessive noise levels.

13. Biological Resources

a. With incorporation of proposed avoidance and minimization measures, the Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.

b. With incorporation of proposed avoidance and minimization measures, the Project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means.

c. With incorporation of proposed avoidance and minimization measures, the Project has no potential to interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

d. The Project has no potential to conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

e. The Project has no potential to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

B. Impacts that can be Mitigated to a Less Than Significant Level

The FEIR concluded that the following impacts are potentially significant. However, with implementation of proposed mitigation, each of the following impacts would be reduced to a less than significant level.

1. Traffic and Transportation

a. The Project has the potential to result in inadequate parking access.

Finding: Based on the entire record before us, Caltrans finds that the Project has the potential to result in impacts related to parking capacity. However, as identified in Chapters 3.5 and 4.5.5 of the FEIR, changes or alterations have

been incorporated into the Project that will ensure this environmental effect is reduced to a less-than significant level.

Facts in Support of Finding: Based on the entire record before us, Caltrans finds that during project construction, there could be temporary impacts to 820 off-street employee parking spaces and 54 marine terminal equipment parking spaces at the Port of Long Beach Pier A East and Pier S terminals. Furthermore, during Project operation, it is anticipated that there will be permanent impacts to approximately 15 employee parking spaces at the Port of Long Beach Pier S Terminal.

Pursuant to Public Resources Code section 21081(a)(1), Caltrans finds that the Project's adherence to the following mitigation measures (Mitigation Measures T-1, T-2 and T-3) will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure T-1: *Prior to construction, temporary parking spaces will be provided to replace existing parking capacity that will not be available during project construction. Caltrans will coordinate with the Port of Long Beach and Port of Los Angeles to identify replacement parking for the Pier A East and Pier S Terminals. Exact locations will be determined after consultation with responsible parties, including property owners. Considerations of feasibility will include, but not be limited to, vehicle capacity, time of availability, distance from terminal(s), and the need for employee shuttles.*

Mitigation Measure T-2: *The Transportation Management Plan (TMP) will be implemented to enhance vehicular and pedestrian traffic.*

Mitigation Measure T-3: *Compensation for the permanent loss of an estimated 15 employee parking spaces at the Port of Long Beach Pier S Terminal will be provided. Compensation will be based on an agreement between Caltrans and the Port of Long Beach.*

b. The Project has the potential to result in cumulative parking impacts.

Finding: Based on the entire record before us, Caltrans finds that the Project has the potential to result in cumulative impacts related to parking capacity. However, as identified in Chapters 3.5 and 4.5.5 of the FEIR, changes or alterations have been incorporated into the Project that will ensure this environmental effect is reduced to a less-than significant level.

Facts in Support of Finding: The Project is not anticipated to result in any cumulative impacts relating to increased traffic, air traffic, emergency access or alternative transportation. However, as discussed above, the Project has the

potential to impact parking capacity. When coupled with other projects in the study area, these impacts would be potentially significant before implementation of mitigation.

Pursuant to Public Resources Code section 21081(a)(1), Caltrans finds that the Project's adherence to Mitigation Measures T-1, T-2 and T-3, discussed above, will reduce this potentially significant cumulative impact to a less-than-significant level.

2. Air Quality

a. ACTA has determined that the Project has the potential to expose sensitive receptors to substantial pollutant concentrations.

Finding: Based on the entire record before us, Caltrans finds that there is not adequate or satisfactory evidence to support a determination of significance with respect to exposure of sensitive receptors to substantial pollutant concentrations because of the lack of a standardized methodology for analyzing potential impacts caused by mobile sources. However, ACTA as the major funding partner for the Expressway, has conducted a Health Risk Assessment (HRA) and determined that the Project has the potential to expose sensitive receptors to substantial pollutant concentrations. Based on ACTA's conclusions and as identified in Chapters 3.13 and 4.5.1 of the FEIR, changes or alterations have been incorporated into the Project that will ensure this environmental effect is reduced to a less-than significant level.

Facts in Support of Finding: Cancer, chronic and acute risk thresholds are typically applied to stationary sources of emissions rather than linear mobile sources such as the proposed project. Based on the HRA evaluation, Caltrans does not believe that there is adequate or satisfactory evidence to support a determination of a significant impact due to exposure to air toxics. Nevertheless, it has included the results and recommendations of ACTA's HRA in the FEIR and these proposed Findings of Fact.

ACTA's HRA concluded, based on the South Coast Air Quality Management District's (SCAQMD's) significance threshold, that the Project could have a significant impact due to exposure to air toxics on a small number of residential receptors in the Project vicinity. Specifically, the HRA concluded that in localized areas along Alameda Street and the new SR-47 Expressway increases in cancer risk above the SCAQMD significance threshold would result from the Project. Based on this conclusion, mitigation has been proposed and ACTA has agreed to implement it as part of the Project. Since the HRA was conducted, the Ports of Los Angeles and Long Beach have significantly revised their growth projections. The revised projections indicate that container traffic in 2015, the year analyzed in the HRA, is anticipated to be 38% less than what was anticipated at the time the HRA was prepared. Based on these new growth projections, impacts at the small number of residences in question will likely be substantially smaller than the HRA predicted and may no longer be significant. Nevertheless, ACTA has agreed to implement the mitigation imposed in the FEIR despite the fact the mitigation was based on the much higher growth projections.

While Caltrans does not agree that the HRA is sufficient evidence to support a finding of significance under CEQA because of the lack of a standardized methodology for analyzing potential impacts cause by mobile sources, Pursuant to Public Resources Code section 21081(a)(1), ACTA has determined that the Project's adherence to the following mitigation measure (Mitigation Measure AQ-13) will reduce this potentially significant impact to a less-than-significant level.

Mitigation Measure AQ-13: New heating, ventilating, and air conditioning (HVAC) units, or retrofit of existing HVAC units will be installed in schools and residences that have a significant increase in cancer risk as demonstrated by the HRA.

3. Noise

a. The Project has the potential to result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Finding: Based on the entire record before us, Caltrans finds that the Project has the potential to result in exposure to or generation of noise levels in excess of relevant standards. However, as identified in Chapters 3.14 and 4.5.4 of the FEIR, changes or alterations have been incorporated into the Project that will ensure this environmental effect is reduced to a less-than significant level.

Facts in Support of Finding: Both the Cerritos Channel and Consolidated Slip marinas would be subject to substantial noise effects from pile driving construction activities. Pile driving activities for the Cerritos Channel are expected to last approximately 2 weeks (10 days) for each of the two stages of falsework pile driving. Falsework pile driving for the Consolidated Slip is expected to last less than 2 weeks (10 days).

The Project would require pile driving for installing vertical support structures in the Cerritos Channel and Consolidated Slip. The nearest receptors at the Anchorage Way Marinas are approximately 174 m (570 ft) from potential pile driving at the north end of the new bridge across the Cerritos Channel. Maximum noise levels from pile driving at such distances are expected to be in the 79 to 80 dBA range. The nearest receptors at the Leeward Bay Marina are approximately 60 m (200 ft) from potential pile driving at the north side of the Consolidated Slip. At these receptors, estimated pile-driving maximum noise levels would be 88 dBA.

During operation of the Project, in the Leeward Bay Marina, the peak-hour traffic noise levels would increase by 1 to 10 dBA over existing conditions. Without abatement, the predicted loudest hourly noise levels would range from 61 to 67 dBA Leq(h). Accordingly, the Project would result in noise levels at some locations that would approach the Noise Abatement Criteria (NAC) for residential areas during

operations. The Leeward Bay Marina includes residential boat live-aboards, which are noise sensitive receivers.

During operation of the Project, within the Wilmington Neighborhood, the peak-hour traffic noise levels would increase from 5 to 13 dBA over existing conditions. Without abatement, the predicted loudest hourly noise levels would range from 61 to 69 dBA Leq(h). Accordingly, the Project would result in noise levels at some locations that would exceed the NAC for residential areas. The Wilmington Neighborhood includes residences, which are noise sensitive receivers.

Pursuant to Public Resources Code section 21081(a)(1), Caltrans finds that the Project's adherence to the following minimization and mitigation measures (Measures N-1 through N-5) will reduce the potential impact of this significant effect to a less-than-significant level.

Minimization Measure N-1: *Construction noise monitoring and control plans consistent with local noise ordinances will be prepared by a qualified acoustical engineer who is a current member of the Institute of Noise Control Engineering (INCE), and has 5 years of experience performing construction noise analyses. If mitigation is warranted, potential measures, such as screening, noise blankets, etc., would be evaluated for their effectiveness, and appropriate measures would be implemented.*

Mitigation Measure N-2: *During project construction, pile driving will occur during daylight hours only.*

Mitigation Measure N-3: *Residents identified as being impacted by noise from pile driving in Cerritos Channel or Consolidated Slip may obtain hotel vouchers for a local hotel so they can temporarily move. This mitigation measure would apply only during the time that pile driving is being conducted in the Cerritos Channel or Consolidated Slip. Some residents may, however, choose to stay and tolerate the noise. No other mitigation or compensation measure would be provided to residents.*

Mitigation Measure N-4: *Caltrans and FHWA¹ will incorporate noise abatement in the form of a barrier along the SR-47 Expressway, with an approximate length of 239 m (785 ft) and an average height of 2.44 m (8 ft). The barrier will abate future traffic noise levels by 5 to 7 dBA at 65 benefited noise-sensitive receivers. Preliminary reasonableness calculations indicate the estimated barrier cost would be approximately \$23,400 per benefited residence, which is within the allowance per residence of \$50,000 to \$54,000.*

Mitigation Measure N-5: *For the Wilmington neighborhood, a barrier along the SR-47 Expressway and another on ground level along Alameda Street, with an approximate combined length of 1,405 m (4,610 ft) and height of 3.66 m (12 ft) to*

¹ Since this mitigation measure was drafted, FHWA has delegated its authority to Caltrans. Accordingly, Caltrans will incorporate the required noise abatement on its own.

5.49 m (18 ft) would be constructed to abate future traffic noise levels by 5 to 7 dBA at 56 benefited noise-sensitive receivers. Preliminary reasonableness calculations indicate that the estimated barrier cost would be approximately \$37,500 per benefited residence, which is within the allowance per residence of \$48,000.

b. The Project has the potential to result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Finding: Based on the entire record before us, Caltrans finds that the Project has the potential to result in a substantial permanent increase in ambient noise levels in the Project vicinity. However, as identified in Chapters 3.14 and 4.5.4 of the FEIR, changes or alterations have been incorporated into the Project that will ensure this environmental effect is reduced to a less-than significant level.

Facts in Support of Finding: As discussed above, the Project has the potential to increase peak-hour traffic noise at Leeward Bay Marina and in the Wilmington Neighborhood to levels that would exceed applicable noise standards. Accordingly, this impact is considered potentially significant.

Pursuant to Public Resources Code section 21081(a)(1), Caltrans finds that the Project's adherence to Mitigation Measures N-4 and N-5, discussed above, will reduce this potentially significant impact to a less-than-significant level.

c. The Project has the potential to result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity.

Finding: Based on the entire record before us, Caltrans finds that the Project has the potential to result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity. However, as identified in Chapters 3.14 and 4.5.4 of the FEIR, changes or alterations have been incorporated into the Project that will ensure this environmental effect is reduced to a less-than significant level.

Facts in Support of Finding: As discussed above, pile driving activities have the potential to result in significant impacts at the Anchorage Way Marinas and Leeward Bay Marina during Project construction.

Pursuant to Public Resources Code section 21081(a)(1), Caltrans finds that the Project's adherence to Mitigation Measures N-1, N-2 and N-3, discussed above, will reduce this potentially significant impact to a less-than-significant level.

d. The Project has the potential to result in cumulatively significant noise impacts.

Finding: Based on the entire record before us, Caltrans finds that the Project has the potential to result in cumulative noise impacts. However, as identified in Chapters 3.14 and 4.5.4 of the FEIR, changes or alterations have been

incorporated into the Project that will ensure this environmental effect is reduced to a less-than significant level.

Facts in Support of Finding: The Project has the potential to result in cumulative noise impacts during construction. Additionally, the Project has the potential to result in cumulative impacts related to increased traffic noise. However, construction noise is not additive. Thus, if construction were to occur simultaneously with other projects, the potential cumulative impact would be minor. Moreover, the analysis of traffic noise was based on a future traffic forecast for the year 2030. Accordingly, it already included foreseeable development and cumulative impacts would be no greater than analyzed above.

Based on the foregoing and Pursuant to Public Resources Code section 21081 (a)(1), Caltrans finds that the Project's adherence to Minimization and Mitigation Measures N-1 through N-5, discussed above, will reduce this potentially significant cumulative impact to a less than significant level.

4. Biological Resources

a. The Project has the potential to have a substantial adverse effect, either directly or through habitat modifications on species identified as candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Finding: Based on the entire record before us, Caltrans finds that the Project has the potential to result in substantial adverse effects, either directly or through habitat modifications on species identified as candidate sensitive, or special status in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife. However, as identified in Chapters 3.16 and 4.5.2 of the FEIR, changes or alterations have been incorporated into the Project that will ensure this environmental effect is reduced to a less-than significant level.

Facts in Support of Finding: The Project would result in the removal of one known peregrine falcon nesting location on the Schuyler Heim Bridge, in a territory that typically supports one pair but contains two alternate nesting locations. The peregrine falcon is designated as "fully protected" by California Department of Fish and Game. The peregrine falcon is also protected as a migratory bird under the federal Migratory Bird Treaty Act (MBTA). The California Fish and Game Commission received a petition to delist the American peregrine falcon under provisions of the California Endangered Species Act (CESA); the petition was accepted October 11, 2007.

The Project could result in removal of Southern Tarplant and other special-status plant species. Southern tarplant is a federal species of concern and a California Native Plant Society rare, threatened, or endangered plant species. There is potential for individuals of southern tarplant or other special-status plant species to be

present at the site. If individuals are present, and cannot be avoided, they would be removed permanently as a result of project construction.

In addition to the above, the Project has the potential to impact several other special-status species. The Project could result in the loss of active roosts for several species of bats including the: pallid bat; long-legged myotis; long-eared myotis; Yuma myotis; western mastiff bat; pocketed free-tailed bat; and big free tailed bat as a result of bridge removal. Additionally, Project construction and operation have the potential to impact Burrowing Owl and California Least Tern nesting colonies. The same activities will have the potential to impact both species breeding activities if they are present at the time of construction. More generally, the Project construction and operation have the potential to affect the nests of any bird protected under the MBTA.

Finally, the Project has the potential to result in impacts by introducing non-native invasive species. Construction trucks and heavy equipment utilized during Project construction may introduce or transport seeds from non-native terrestrial vegetation, resulting in colonization of existing or newly created vacant spaces with exotic vegetation.

Pursuant to Public Resources Code section 21081(a)(1), Caltrans finds that the Project's adherence to the following minimization and mitigation measures (Measures B-3 through B-15) will reduce this potentially significant impact to a less-than-significant level.

Minimization Measure B-3: Preconstruction surveys for southern tarplant would be conducted prior to construction. Surveys would be conducted during the blooming period for this plant, between June and October. If identified on site:

- *The feasibility of avoiding areas that support the species would be evaluated and, if feasible, the area would be avoided during construction*
- *If avoidance is infeasible, then mitigation would be required (see Mitigation Measure B-13).*

Minimization Measure B-4: Avoidance and minimization measures apply to the following species: pallid bat; long-legged myotis; long-eared myotis; Yuma myotis; western mastiff bat; pocketed free-tailed bat; big free-tailed bat.

To avoid or minimize effects to these species, the following measures would be employed by ACTA (or their designee) relative to bridge or highway deconstruction:

- *Four quarterly bat surveys would be conducted in the 12 months prior to start of construction to determine the presence or absence of the species, as determined appropriate by a qualified biologist. Surveys may include, but are not limited to the following:*

- *Exit surveys of potential roost sites conducted by survey biologists stationed around the bridge or highway with binoculars and echolocation meters at nightfall*
- *Surveys of all accessible potential roost sites on the bridge conducted by biologists permitted by CDFG for bat survey and handling*
- *In the event any of the above special-status bat species are identified during field surveys, the following would be conducted:*
 - *Exclusion of active roost sites by appropriate barriers, installed during the nonbreeding season from September to March*
 - *Taking appropriate steps to exclude roosts when vacant during nighttime foraging periods when identified during construction*
 - *If the exclusion measures above fail, delay of construction where maternity roosts are encountered, until after the young have weaned and are in flight*
- *Education of construction workers to identify potential roost sites, to avoid activity when identified, and to advise biological monitors when roosts are encountered.*

Minimization Measure B-5: *Preconstruction surveys to identify potential nest sites for birds will be conducted by ACTA (or their designee) within all construction areas on the bridge prior to the nesting season. Potential nest sites will be passively excluded with bird spikes, plywood, or other means, as necessary. An onsite biological monitor will be present during construction activities to ensure that nests are not established within the construction zone, and to implement passive exclusion as necessary.*

Minimization Measure B-6: *Preconstruction survey of potential California least tern breeding site (which may include any area of bare ground in the vicinity of the proposed project) will be conducted within 456 meters (m) (1,500 feet) of construction activities. If breeding special status birds are present then construction activities within 456m (1500 ft.) of the nest sites will be delayed until after the February to July breeding season.*

Minimization Measure B-7:

Protecting American Peregrine Falcon

Historical nesting sites on the Schuyler Heim Bridge would be made unsuitable prior to the nesting season (January 15 to July 30) to avoid direct effects to individuals or an active nest site during construction. This may include positioning exclusion materials, such as plywood, on these nest sites prior to the nesting season to render the sites unsuitable.

Site monitoring during the construction period would be conducted to observe the pair's movements and document its activities. This may assist in identifying nesting attempts by the pair on adjacent structures or within the construction zone. If this occurs, and the nest site is at risk or could be at risk during the nesting season, the site can be excluded. This includes risk from egg loss which may occur on a less than optimal nest site. If the nesting attempt site is not anticipated to be at direct risk from construction disturbance during the upcoming nesting season, then the pair will be allowed to nest, and nesting success will be monitored.

Efforts will be made to coordinate the construction schedule of the Schuyler Heim Bridge with the construction schedule of the future Gerald Desmond Bridge replacement project. If these two schedules do not overlap, then the Gerald Desmond Bridge may provide a nesting location for one peregrine pair to breed at the Schuyler Heim/Desmond bridge complex, which has generally been the case in past years. Coordination meetings with the Gerald Desmond Bridge project team are ongoing.

Minimization Measure B-8: *To avoid effects on burrowing owls, preconstruction surveys of potential breeding sites would be conducted onsite within 152 m (500 ft) of construction activities. Burrowing owl individuals present within the construction area would be flushed from active burrows during the non-nesting season (August to January) and burrows excluded. These activities would be conducted in a manner consistent with the Burrowing Owl Survey Protocol and Mitigation Guidelines, prepared by The California Burrowing Owl Consortium in 1997. Exclusions would require maintenance and monitoring to assure that individuals do not return. If breeding birds are present, then mitigation would be implemented (see Mitigation Measure B-14).*

Minimization Measure B-9: *Caltrans and/or its contractors will implement the following measures to avoid the introduction or spread of noxious weeds into previously uninfested areas:*

- Educate construction supervisors and managers on weed identification and the importance of controlling and preventing the spread of noxious weed infestations.*
- Clean construction equipment at designated wash stations before entering the construction area.*
- Landscaping and erosion control included in the project would not use species listed as noxious weeds.*
- Seed all disturbed areas with certified weed-free native mixes. Use only certified weed-free straw or rice mulch in uplands only.*
- Conduct a follow-up inventory of the construction area during the first spring following the completion of construction to verify that construction activities have not resulted in the introduction of new noxious weed infestations.*

If new noxious weed infestations are located during the follow-up inventory, the appropriate resource agency will be contacted to determine the appropriate species-specific treatment methods.

Minimization Measure B-10: *To protect against operational impacts to birds moving about or utilizing new transmission towers, construction design standards for avian protection will be followed, including use of visual line enhancers and adequate spacing between energized parts. No lighting will be associated with new transmission towers. Design standards for avian protection will be developed from the Edison Electric Institute's Avian Power Line Interaction Committee (APLIC) and USFWS Avian Protection Plan Guidelines (APLIC and USFWS, 2005), APLIC's Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996 (APLIC, 1996), or APLIC's Mitigating Bird Collisions with Power Lines: The State of the Art in 1994 (APLIC, 1994).*

Mitigation Measure B-12:

Mitigating for Loss of Peregrine Falcon Nest

This measure may include the following, as appropriate, pending coordination with CDFG:

- Create a new nest site by placing a nesting box (and potential additional support material) on a tower of the Badger Avenue Bridge or other elevated structure, as determined by a qualified biologist. Because the Badger Avenue Bridge is located adjacent to the Schuyler Heim Bridge, and is approximately the same height, there is the potential that it could provide a suitable vantage point and nesting location to peregrine falcons. The peregrine pair has never nested on this bridge in the past but this may be due to an absence of suitable nesting platforms and substrate. Further evaluation of any design changes or nesting ledge installations by a qualified peregrine expert would be conducted.*
- Offsite mitigation. The goal of the offsite mitigation would be to augment existing peregrine populations. This could be accomplished by purchasing approximately 10 nestling peregrines from a captive breeding facility and have those young released (hacked) in an area of California where, when they disperse, they will possibly create a new nesting pair.*
- The local peregrine falcon population (approximately five pairs) would be monitored for 2 years. The pair located on the Schuyler Heim Bridge would be monitored to determine if they nest on the Badger Bridge, or if they integrate into other territories by filling a vacancy in another pair, or by usurping existing individuals in a pair. If offsite mitigation is conducted, hacked peregrine falcons would be monitored to determine their fate and if a new nesting pair is established. An experienced peregrine falcon biologist would conduct monitoring of the hacked peregrine falcons.*

Mitigation Measure B-13: *Surveys for special-status plant species shall be conducted during flowering season prior to construction, at the PS&E stage. If special-status plant species are found and cannot be avoided during project construction, then seed and/or propagules of the species would be collected and replanted at an alternative location. These activities will be conducted in coordination with the resource agencies.*

- *Mitigation measures would be refined in coordination with the resource agencies and standard practices for this species. Measures may include the following: Areas determined to have appropriate hydrology and soil chemistry (salinity) shall be reseeded with seed collected from populations of southern tarplant. Southern tarplant is restricted to saline, vernal mesic areas, often along the margins of estuaries or areas of high salinity.*
- *Prior to construction, southern tarplant and/or other special-status plant seed shall be collected by personnel experienced in collection of native seeds. Seed collection shall be conducted during successive years from September through December. One-half of the first year's collected seed shall be hand-broadcast at the reintroduction site with the remaining one-half stored in appropriate conditions for introduction the following year. Seed collected during the second season shall be stored for potential later use in the event that success standards are not met following the seeding during years one and two.*
- *Because southern tarplant is an annual species, population numbers are expected to naturally fluctuate from year to year depending upon environmental conditions. Reseeded areas shall be monitored for three years following the initial seeding. Establishment shall be considered successful if plant densities during any of the three years of monitoring are comparable to densities of the impacted populations based on sampling quadrants. If established populations do not achieve comparable densities of impacted populations, additional reintroduction sites shall be identified and stored seed, obtained during the collection period, shall be introduced into additional sites over a two-year period (as in the initial reintroduction program described above).*

Mitigation Measure B-14:

Mitigating for Burrowing Owl

If flushing of individual birds and exclusions of burrows fail, construction activities would be delayed within 152 m (500 ft) of nest sites until after the breeding season for these species (February to July).

Minimization Measure B-16: *To avoid and minimize vehicle caused bird mortality, a fence will be incorporated on both sides of the new Schuyler Heim bridge with a height of 4.27m (14 ft.).*

b. The Project has the potential to result in cumulatively significant impacts to biological resources.

Finding: Based on the entire record before us, Caltrans finds that the Project has the potential to result in cumulative biological resources impacts. However, as identified in Chapters 3.16 and 4.5.2 of the FEIR, changes or alterations have been incorporated into the Project that will ensure this environmental effect is reduced to a less-than significant level.

Facts in Support of Finding: The Project has the potential to result in cumulative biological resources impacts. The Project has the potential to result in impacts to species identified as candidate, sensitive, or special status, riparian habitat, and wetlands as defined by Section 404 of the Clean Water Act. When considered along with impacts from other projects in the study area, these impacts have the potential to be cumulatively significant. However, avoidance, minimization and mitigation measures have been proposed that will reduce Project specific impacts to a less than significant level. Moreover, it is reasonable to assume that similar mitigation will be required of other projects in the study area.

Based on the foregoing and Pursuant to Public Resources Code section 21081 (a)(1), Caltrans finds that the Project's adherence to Mitigation Measures B-3 through B-15, discussed above, and implementation of other proposed minimization measures will reduce this potentially significant cumulative impact to a less than significant level.

C. Significant and Unavoidable Impacts

The following impacts have been identified as significant and unavoidable in the FEIR. While all feasible mitigation will be implemented in order to reduce these impacts to the extent feasible, impacts will remain significant and unavoidable after implementation of mitigation.

1. Air Quality

a. The Project will generate emissions of CO, NO_x, ROG, PM₁₀ and PM_{2.5} during construction and NO_x during operations that will violate an existing air quality standard or contribute substantially to an existing or projected air quality violation.

Finding: Based on the entire record before us, Caltrans finds that construction of the Project will generate significant emissions of CO, NO_x, ROG, PM₁₀ and PM_{2.5} during construction and indirect emissions of NO_x during operations. While changes or alterations have been incorporated into the Project that substantially lessen these potentially significant environmental effects as identified in Chapters 3.13 and 4.5.1 of the FEIR, mitigated construction and operation emissions for these criteria pollutants will exceed South Coast Air Quality Management District

(SCAQMD) significance thresholds and, thus, environmental effects after mitigation remain significant and unavoidable.

Facts in Support of Finding: Construction of the Project would require the use of heavy equipment for demolition, grading/excavation, foundation construction, and bridge and expressway construction. The primary source of construction emissions would be construction equipment exhaust and fugitive dust. These air pollutant emissions are predicted to exceed SCAQMD daily significance thresholds for CO, NO_x, ROG, PM₁₀, and PM_{2.5}. Mitigation has been proposed to reduce construction emissions to the extent feasible. However, emissions are expected to remain in excess of daily significance thresholds. While SCAQMD proposed additional construction mitigation measures in its June 12, 2009 comment letter, Caltrans has determined that the proposed additional measures are not legally, practically or economically feasible.

In addition to emissions generated by construction equipment, the Project has the potential to indirectly generate construction emissions when marine vessels have to detour around Terminal Island during construction. This detour will be required during periods of new bridge construction where the Cerritos Channel would have to be closed. The indirect marine vessel emissions will exceed the SCAQMD NO_x threshold. While Caltrans has no direct control over marine vessels utilizing the Cerritos Channel, Caltrans will implement mitigation intended to offset these emissions, which will indirectly be generated by the Project. Specifically, Caltrans will implement a Heavy Duty Truck Buyback Program intended to mitigate this effect. The mitigation would reduce the indirect marine vessel emissions to a level that is below the SCAQMD significance threshold for construction emissions. However, combined emissions from construction emissions and indirect marine vessel emissions would still exceed applicable SCAQMD thresholds.

During operation, the Project will generate indirect NO_x emissions from marine vessel detours that are predicted to exceed SCAMD significance thresholds. Replacement of the existing Schuyler Heim Bridge with a fixed-span bridge would have indirect effects on local air quality by affecting marine traffic. Replacing the lift-span bridge with the lower fixed-span bridge would force taller marine vessels to take a longer route around Terminal Island and would delay vessels with adjustable mast heights. The increased trip times for the marine vessels would result in increased emissions of criteria pollutants. These indirect air pollutant emissions are predicted to exceed daily significance thresholds for NO_x, during Project operation. The FEIR recommended implementation of a Heavy Duty Truck Buyback Program (see above) to mitigate construction impacts. Since these trucks would remain in service for some period of Project operation, with implementation of the Heavy Duty Truck Buyback Program this effect would be partially mitigated. However, the FEIR concludes that during operation total peak daily direct and indirect emissions would be less than existing conditions. See FEIR Table 3.13-13.

Pursuant to Public Resources Code section 21081(a)(1), Caltrans finds that implementation of the following Mitigation Measures (Mitigation Measures AQ-1 through AQ-12) will reduce these construction and operation impacts to the extent feasible. However, impacts are

considered significant and unavoidable, even after implementation of these feasible mitigation measures.

Mitigation Measure AQ-1: Apply nontoxic soil stabilizers to all inactive construction areas (previously graded areas inactive for 10 days).

Mitigation Measure AQ-2: Replace ground cover in disturbed areas as quickly as possible.

Mitigation Measure AQ-3: Reduce traffic speed on all unpaved roads to 15 mph or less.

Mitigation Measure AQ-4: Develop and implement a trip reduction plan to achieve a 1.5 average vehicle ridership for construction employees.

Mitigation Measure AQ-5: Implement a shuttle service for construction workers to and from retail services and food establishments during lunch hours.

Mitigation Measure AQ-6: Prohibit truck idling in excess of 2 minutes.

Mitigation Measure AQ-7: Suspend use of all construction equipment operations during second-stage smog alerts.

Mitigation Measure AQ-8: Use electricity, if feasible, from power poles rather than temporary diesel- or gasoline-powered generators.

Mitigation Measure AQ-9:

Truck Buyback Program

The purpose of the buyback program would be to accelerate the modernizing of the heavy duty engine fleet operating in the South Coast Air Basin. By removing the older engines in the fleet and requiring replacement with newer, cleaner vehicles, a net reduction of NO_x emissions (and other combustion pollutants) would occur. This reduction would help offset marine vessel detour emissions.

The protocols to be used would be consistent with the Carl Moyer Program, which is already being administered by the SCAQMD. However, this program is not available to projects such as Schuyler Heim Bridge Replacement and could not be used to actually implement this project's buy-back program. The Gateway Cities Diesel Fleet Modernization Program would be an example of a buyback program with similar reduction goals. Also, the POLA/POLB Clean Air Action Plan has a heavy duty truck buy back component. While participating in already existing programs might be preferable (and possible), it would not be necessary in order to accomplish heavy duty truck buy back. The heavy duty truck buy back could be done independently, though it would have to adhere to already accepted protocols (SCAQMD).

The construction phase of this project is where the greatest impact of increased emission levels occurs. Therefore, the buyback program would be designed to mitigate the NO_x

emissions during that time. Based on recent buyback programs, the program for the proposed project would cost from \$25,000 to \$50,000 /ton of NO_x reduced. This cost can vary significantly and will increase as time passes. The number of tons mitigated would be based on marine vessel detour NO_x emissions during construction. The rerouting of shipping vessels during project construction would amount to 132.8 lbs NO_x per day, which is equivalent to 24.2 tons NO_x per year. The indirect marine vessel emissions would be mitigated to a level that is below the SCAQMD significance threshold for construction emissions.

It is estimated that each truck replacement would reduce an average of 0.55 tons per year of NO_x and 0.12 tons per year of PM. This is based on emission factors representative of current buyback programs such as the Gateway Cities Diesel Fleet Modernization Program.

These emission reductions would continue for 3 to 5 years, depending on the year of the truck updated. This timeframe would exceed the duration of the project construction phase.

Mitigation Measure AQ-10: *To the extent feasible, utilize construction equipment equipped with Tier 2 or newer engines.*

Mitigation Measure AQ-11: *Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to ensure that construction equipment is properly maintained, tuned, and modified to established specifications.*

Mitigation Measure AQ-12: *Prohibit tampering with engines and require continuing adherence to manufacturer's recommendations.*

b. The Project will generate construction and operations emissions that are cumulatively significant.

Finding: Based on the entire record before us, Caltrans finds that construction and operation of the Project will generate cumulatively significant air quality emissions. While changes or alterations have been incorporated into the Project that will substantially lessen this cumulatively significant impact as identified in Chapters 3.13 and 4.5.1 of the FEIR, mitigated construction and operations emissions will exceed SCAQMD significance thresholds and, thus, environmental effects after mitigation remain cumulatively significant and unavoidable.

Facts in Support of Finding: In general, the Project is anticipated to improve regional air quality through improving the efficiency of truck movement through potentially affected communities, such as Wilmington, Carson, and Long Beach. This increased efficiency coupled with adopted San Pedro Ports Clean Air Action Plan and California Air Resources Board (CARB) regulations are expected to decrease risk from exposure to air toxics on a regional basis in the future. Accordingly,

the Project is not anticipated to have a significant adverse cumulative effect with respect to cumulative health risk.

Additionally, the Project is not anticipated to result in cumulatively significant increases in greenhouse gas (GHG) emissions. The Project will relieve congestion by enhancing operations and improving travel times in high congestion travel corridors, leading to an overall reduction in CO₂ emissions. Furthermore, voluntary measures being implemented by Caltrans as part of the Project and measures and regulations being adopted by other agencies including the United States Environmental Protection Agency, CARB and the Port of Los Angeles will further reduce GHG emissions from the mobile sources that will utilize the Project.

However, as discussed above, the Project will result in significant emissions of CO, NO_x, ROG, PM₁₀ and PM_{2.5} during construction and NO_x during operation. These impacts are considered cumulatively significant as a result of air quality in the South Coast Air Basin. Impacts associated with these emissions would remain significant and unavoidable even with imposition of all feasible mitigation.

Pursuant to Public Resources Code section 21081(a)(1), Caltrans finds that the Project's adherence to Mitigation Measures AQ-1 through AQ-12, discussed above, will reduce the potential cumulative impacts of Project construction and operation. However, these impacts will remain significant and unavoidable, even after implementation of these mitigation measures.

2. Cultural Resources

a. The Project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.

Finding: Based on the entire record before us, Caltrans finds that construction of the Project will cause a substantial adverse change in the significance of a historical resource. While changes or alterations proposed by SHPO have been incorporated into the Project that substantially lessen this potentially significant environmental effects as identified in Chapters 3.8 and 4.5.3 of the FEIR, the Project would demolish a historical resource, thus, environmental effects after mitigation remain significant and unavoidable.

Facts in Support of Finding: The Project would demolish the existing Schuyler Heim Bridge, and replace it with a new span. This would be considered a significant impact under Significance Criterion 2(A), Section 15064.5 of the CEQA Guidelines because the bridge has been determined to be a historic resource.

The Schuyler Heim Bridge was determined to be eligible for listing on the NRHP under Criterion C in engineering as the highest vertical lift bridge in the western United States and one of the most significant vertical bridges in the state of California. As the Schuyler Heim Bridge is considered to be a historic property and

eligible for the NRHP, the bridge is therefore eligible for inclusion in the CRHR under Criterion 3 and is considered a historic resource for the purposes of CEQA.

Pursuant to Public Resources Code section 21081(a)(1), Caltrans finds that implementation of the following Mitigation Measures (Mitigation Measures CR-3 through CR-11) will reduce this impact to the extent feasible. However, impacts are considered significant and unavoidable, even after implementation of these feasible mitigation measures.

Mitigation Measure CR-3: *The bridge shall be offered for sale for reuse in an alternate location to interested public agencies and non-profits. A marketing plan shall be prepared for the sale of the bridge including: a notification letter, fact sheet, list of intended recipients, as well as provisions for the salvage of smaller components in the case that there is no interest in re-use of the bridge. Advertisements shall be placed in appropriate newspapers of record. The offer shall run for 6 months. If no acceptable bids are received after 6 months this stipulation shall be deemed to have been met. The above shall be done in accordance with the U.S. Department of Transportation Historic Bridge Program 23USC144(o)(4)(A) and (B).*

Mitigation Measure CR-4: *Informative permanent metal plaques shall be installed at both ends of the new bridge at public locations that provide a brief history of the original bridge, its engineering features and characteristics, the reasons for its demolition, and a statement of the characteristics of the replacement structure.*

Mitigation Measure CR-5: *Pursuant to Section 110(b) of the NHPA, before the Bridge is demolished, the Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) shall be contacted to determine what level and kind of recordation is required for the property. All documentation shall be completed and accepted by HABS/HAER before the Bridge is demolished.*

Mitigation Measure CR-6: *Copies of the HABS/HAER report shall be disseminated to the City of Los Angeles Public Library and the City of Long Beach Public Library.*

Mitigation Measure CR-7: *Information from the HABS/HAER report shall be available to the public for 10 years on an appropriate internet website.*

Mitigation Measure CR-8: *A documentary (motion picture or video) shall be produced and shall address the history of the Bridge, its importance and use within the history of the Port of Long Beach and Port of Los Angeles, and demonstrate its operation and function. The motion picture or video will be of broadcast quality, of sufficient length for a standard 30-minute time period and will be made available for local broadcast stations to public access channels in local cable systems and to schools/libraries.*

Mitigation Measure CR-9: *Traveling museum exhibits shall be prepared and shall address the history of the Bridge, its importance and use within the*

history of the Port of Long Beach and the Port of Los Angeles, and demonstrate its operation and function, appropriate for display in small museums, or for use in schools.

***Mitigation Measure CR-10:** Artifacts removed from the Bridge during preliminary stages of the demolition process shall be offered to local museums, and provide for their delivery to accepting institutions. Examples of such artifacts may include, but not be limited to, control panels, instruments, structural members, railings, signage, plaques or other identifying ornamentation, street lights, navigation lights, etc.*

***Mitigation Measure CR-11:** Measures CR-3, CR-5, CR-8, and CR-10, above, shall be completed prior to demolition of the Bridge. All stipulations shall be completed within 1 year of demolition, unless an extension of time is agreed upon.*

V. Alternatives

CEQA requires evaluation of the alternatives that can reduce the significance of identified impacts and “feasibly attain most of the basic objectives of the proposed project.” Thus, the overall Project objectives discussed in Section III of these findings were considered by Caltrans in evaluating alternatives. The FEIR analyzes in detail the Project as originally proposed as well as six alternatives, including the “No-Build Alternative” (Alternatives 1A through 6). Accordingly, if Caltrans were to approve one of the alternatives analyzed in the FEIR no further environmental review would be required. The analysis includes evaluation of potential environmental impacts and the ability of the alternatives to meet the objectives described above.

The FEIR also describes the rationale of selection and rejection of alternatives. Several additional alternatives were initially considered, but failed to meet the overall objectives or were deemed infeasible and thus not considered further in the FEIR. Following is a summary of each alternative analyzed in the FEIR:

A. Alternative 1A

Under Alternative 1A the structure of the proposed replacement bridge would change. The main purpose of the alternative would be to improve the aesthetic appearance of the replacement bridge over the Cerritos Channel by increasing span lengths and arching the superstructure soffits. The SR-47 Expressway and Flyover would remain the same as the Project.

Finding: Alternative 1A would result in significant and unavoidable air quality and cultural resources impacts, similar to the Project, and would not reduce any other environmental impacts as compared to the Project. Additionally, it would create constructability issues that would not otherwise occur if the Project were constructed and would cost \$7 to \$12 million dollars more than the Project. Accordingly, Caltrans finds that Alternative 1A is less desirable than the Project and hereby rejects Alternative 1A.

B. Alternative 2

Under Alternative 2, the Schuyler Heim Bridge would be replaced, and the flyover would be constructed as in the Project. However, the right lane of the flyover would join SR-47 on the bridge then it would continue to SR-103. SR-103 would be extended as a four lane expressway.

Finding: Alternative 2 would result in significant and unavoidable air quality and cultural resources impacts, similar to the Project. Additionally, it would increase hazardous waste impacts as compared to the Project because it would include excavation of an inactive landfill and the potential to unearth hazardous waste. Because it would result in increased environmental impacts, Caltrans finds that Alternative 2 is less desirable than the Project and hereby rejects Alternative 2.

C. Alternative 3

Under Alternative 3 a new bridge would be constructed over the Cerritos Channel and the existing Schuyler Heim Bridge would be preserved for historic purposes. Under this alternative, the existing bridge would be retrofitted and left in place, but would not be used. Under Alternative 3, elements of the SR-47 Expressway and Flyover would remain the same as the Project.

Finding: Alternative 3 would result in significant and unavoidable air quality and cultural resources impacts, similar to the Project. Additionally, it would increase biological resource impacts as compared to the Project because it would involve destruction of a wetland adjacent to the Cerritos Channel. Additionally, the U.S. Coast Guard has indicated that when a bridge is no longer used for its permitted purpose of providing land transportation, the bridge shall be removed from the waterway. Thus, regardless of the intent behind this alternative, removal of the existing Schuyler Heim Bridge would be included as a condition of the federal permit for the replacement bridge and this alternative would not ultimately achieve the goal of preserving the existing bridge. Because it would result in increased environmental impacts when compared to the Project and would not achieve the goal of preserving the existing Schuyler Heim Bridge, Caltrans finds that the alternative is less desirable than the Project and hereby rejects Alternative 3.

D. Alternative 4

Under Alternative 4, the Schuyler Heim Bridge would be replaced with a fixed-span bridge like the Project. The SR-47 Expressway and Flyover would not be constructed as part of this alternative.

Finding: Alternative 4 would result in fewer and less extensive impacts than the Project, Alternative 2 and Alternative 3 as there would be no air quality, noise and visual resources impacts associated with a new expressway and flyover.

However, mitigation measures and design features that are imposed as part of the Project will substantially reduce the impacts associated the Project. Moreover, Alternative 4 would not satisfy project objectives by addressing traffic congestion on local streets and at intersections, which will likely result in worsened air quality over the long term. Therefore, Caltrans finds that the Alternative is less desirable than the Project and hereby rejects Alternative 4.

E. Alternative 5

Under Alternative 5, easily implementable improvements to transportation in the area would be implemented in lieu of the Bridge replacement, SR-47 Expressway and Flyover. Additionally, transportation demand management techniques would be employed to reduce travel demand in the corridor and potentially lessen the need for further improvements.

Finding: Alternative 5 would reduce environmental impacts insofar as it would avoid construction of the Project and associated significant and unavoidable air quality and cultural resources impacts. However, it would result in maintaining the seismically unstable Schuyler Heim Bridge and would not fulfill the Project purpose and need or provide the other benefits of the build alternatives. Additionally, the alternative's failure to address traffic congestion on local streets and intersections is likely to result in worsened air quality over the long term. Therefore, Caltrans finds that the Alternative is less desirable than the Project and hereby rejects Alternative 5.

F. Alternative 6

Alternative 6 is the No Build alternative. Under the No build alternative, replacement of the Schuyler Heim Bridge, construction of the flyover and construction of either the SR-47 Expressway or SR-103 Extension would not occur.

Finding: Similar to Alternative 5, Alternative 6 would reduce environmental impacts insofar as it would avoid construction of the Project and associated significant and unavoidable air quality and cultural resources impacts. However, it would not address the seismic stability issues currently plaguing the Schuyler Heim Bridge, fulfill the Project purpose and need or provide the other benefits of the build alternatives. Because, Alternative 6 does not encompass the additional transportation improvements envisioned in Alternative 5, it would likely result in the worst long term air quality impacts of any alternative. Therefore, Caltrans finds that the Alternative is less desirable than the Project and hereby rejects Alternative 6.

VI. Environmentally Superior Alternative

Section 15126.6 of the CEQA Guidelines requires an EIR to identify the "Environmentally Superior Alternative" among the alternatives considered. If, the No-

Build alternative does not meet project objectives, an Environmentally Superior Alternative is to be identified from the build alternatives.

Finding: Caltrans evaluated in detail the Project and Alternatives 1A through 6, and finds that the Project is the Environmentally Superior Alternative. The Project will result in the greatest traffic improvements, the least air quality impacts and the least impacts to water quality/runoff. Moreover, it would meet all Project objectives.

Facts in Support of Finding: Chapter 4.0 of the FEIR contains facts and analyses that support the finding, some of which are set forth here. Although the No Build Alternative (Alternative 6) and the Transportation System Management Alternative (Alternative 5) would generally result in the least environmental impacts, they would be associated with the greatest long-term traffic impacts and, therefore, accompanying noise and air quality impacts. Additionally, they would result in geology impacts associated with the seismic instability of the existing Schuyler Heim Bridge. Most importantly, they would not meet Project objectives. Alternative 4 would only involve replacement of the Schuyler Heim Bridge. Thus, it would result in fewer impacts than the Project and Alternatives 1A, 2 and 3 by eliminating impacts associated with the expressway and flyover. However, it would not include the roadway improvements that are anticipated to relieve traffic congestion, and therefore it would result in increased long-term traffic impacts and associated noise and air quality impacts. Moreover, it would not meet Project objectives. As between the Project and Alternatives 1A, 2 and 3, the greatest traffic improvements would occur with the Project and Alternative 1A. Moreover, the Project would eliminate constructibility and cost issues associated with Alternative 1A, potentially significant hazardous waste impacts that would result from Alternative 2 and wetland impacts that would occur with implementation of Alternative 3. Therefore, Alternative 1 is the Environmentally Superior build alternative.

STATEMENT OF OVERRIDING CONSIDERATIONS
CALIFORNIA DEPARTMENT OF TRANSPORTATION
STATEMENT OF OVERRIDING CONSIDERATIONS FOR
SCHUYLER HEIM BRIDGE REPLACEMENT AND
SR-47 EXPRESSWAY PROJECT

COMMODORE SCHUYLER HEIM BRIDGE (BR. NO. 53-2618) AND SR-47 IN
THE PORTS OF LONG BEACH AND LOS ANGELES,
LOS ANGELES COUNTY, CALIFORNIA

The following Statement of Overriding Considerations is presented to comply with the California Environmental Quality Act (CEQA)(Public Resources Code Section 21002 and Title 14 California Code of Regulations, Chapter 3, Section 15093), and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21 California Code of Regulations, Chapter 11, Section 1501). Reference is made to the Final Environmental Impact Report (EIR) for the project, as well as information contained in the administrative record. The administrative record includes, but is not limited to, agency policy documents, project staff reports, project public hearing records, public notices, written comments on the project and responses to those comments, the proposed CEQA Findings of Fact and other documents relating to the agency's decision on the project. Hereinafter, the entire administrative record will be referred to as the FEIR.

CEQA allows a public agency to balance the benefits of a proposed project against its significant unavoidable adverse impacts in determining whether to approve the project. Section 15093 of the CEQA Guidelines states:

CEQA requires the decision making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'

As discussed in more detail in the FEIR and CEQA Findings of Fact, Alternative 1 (the "Project") will result in environmental impacts related to air quality and cultural resources which, although mitigated to the extent feasible by the implementation of mitigation measures required for the Project, will remain significant and unavoidable adverse impacts. These significant unavoidable impacts are summarized below and constitute those impacts for which this Statement of Overriding Considerations is made.

Significant Unavoidable Impacts

Based on the Final EIR and other information in the record, The California Department of Transportation (Caltrans) has determined that implementation of the Project may result in the following significant, unavoidable environmental impacts:

1. **Construction Air Quality Impacts.** Despite implementation of all feasible mitigation, significant and unavoidable air quality impacts associated with heavy construction equipment and vessel detours would occur during short-term construction activities. Even with implementation of all feasible mitigation measures, and compliance with applicable rules and regulations, emissions will exceed the South Coast Air Quality Management District (“SCAQMD”) thresholds for criteria pollutants ROG, NO_x, CO, PM₁₀ and PM_{2.5} during construction.

2. **Operations Air Quality Impacts.** Despite implementation of all feasible mitigation, significant air quality impacts associated with marine detours would occur during Project operation. Even with implementation of all feasible mitigation measures, and compliance with applicable rules and regulations, emissions will exceed the SCAQMD thresholds for criteria pollutant NO_x.

3. **Cumulative Construction and Operations Air Quality Impacts.** Even with implementation of mitigation measures and compliance with applicable rules and regulations, construction emissions will exceed SCAQMD thresholds for criteria pollutants ROG, NO_x, CO, PM₁₀ and PM_{2.5}. Similarly, emissions from vessel detours during operations will exceed SCAQMD NO_x thresholds. Both of these Project specific impacts would contribute to cumulatively significant impacts given the problematic air quality in the South Coast Air Basin.

4. **Cultural Resources.** Even with implementation of all feasible mitigation, cultural resources impacts associated with the demolition of the existing Schuyler Heim Bridge would remain significant and unavoidable. The Schuyler Heim Bridge has been determined to be a historical resource and is eligible for listing on the NRHP and in the CRHR; therefore, its destruction constitutes a significant and unavoidable impact.

Caltrans has further determined that while mitigation measures identified in the FEIR will substantially lessen the impacts described above, the impacts would not be reduced to less than significant levels, and the Project will still generate significant unavoidable environmental impacts. Additionally, Caltrans has determined that certain proposed mitigation measures are infeasible in light of specific economic, legal, social, technological, public safety and other considerations and, therefore, have not been incorporated into the Project. All mitigation measures proposed during the FEIR process were either incorporated into the Project or determined to be infeasible for the reasons set forth in the FEIR and Responses to Comments.

Overriding Considerations

The Project offers several important and substantial benefits that outweigh its significant and unavoidable impacts. Accordingly, Caltrans adopts the following Statement of Overriding Considerations. Caltrans recognizes that significant and unavoidable impacts will result from implementation of the Project, as discussed above. However, having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the Project discussed in the FEIR, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, Caltrans hereby finds that such impacts are acceptable in light of the social, legal, economic, technological and other benefits discussed below, and that such benefits outweigh and override the significant unavoidable impacts of the Project for the reasons stated below. See CEQA Guidelines Section 15092(b).

The following safety and mobility problems were identified in the Purpose and Need section of the FEIR:

Seismic Deficiency. The existing Schuyler Heim Bridge is seismically deficient. Currently, the approaches of the bridge are being retrofitted to address seismic deficiencies. However this is not a full seismic retrofit of the bridge; it is limited to the bridge approaches to bring the approaches to the same seismic level as the main span, reducing their chance of collapse. Even after the approaches are retrofitted, the entire bridge extent would still be deficient.

Structural Deficiency. The existing Schuyler Heim Bridge is classified as structurally obsolete, which means that it is narrow, has inadequate under-clearances, has insufficient load-carrying capacity, is poorly aligned with the roadway, and/or can no longer adequately service modern traffic.

Operational and Safety Design Standards. The existing Schuyler Heim Bridge needs standard lane widths that can better accommodate larger vehicles and standard shoulders in each direction so that disabled vehicles (due to accident or mechanical failure) can more easily be removed from the travel lanes. Additionally, traffic approaching the bridge must stop when the bridge is raised to allow boats to pass underneath, which creates the potential for accidents and results in a need to improve safety for vehicles as they approach the bridge.

Delays to the Movement of People, Freight, and Goods. Currently, truck and other vehicular traffic utilizing the Schuyler Heim Bridge are subject to delays when tall marine vessels request passage and the vertical-lift span is raised to accommodate their movement under the bridge. At such times, traffic backups occur on both the bridge and at the on-ramps on either side of the Cerritos Channel (at New Dock Street and Henry Ford Avenue). There is a need to minimize or eliminate such delays and backups associated with the existing bridge crossing in order to facilitate the efficient movement of people, freight, and goods to and from Terminal Island.

Bridge Life Cycle and Maintenance/Repair. The Schuyler Heim Bridge was built in 1948 and was designed and constructed based on the existing and projected needs at

that time. Since then, however, Terminal Island and the surrounding area have developed considerably; and, port-related traffic is expected to increase substantially over the next several years. The existing bridge has essentially exhausted its useful and functional life span. There is a need for a reliable, low-maintenance structure that can withstand the heavy use resulting from port-related traffic and remain operational in future years.

Insufficient Freeway Capacity. The existing transportation system within and adjacent to the ports is becoming increasingly constrained with cargo traffic and other vehicular traffic. Between 2010 and 2020, the amount of port-related truck traffic is expected to increase. This increase in truck volume has the potential to seriously compromise essential north-south connectivity between the ports and the regional freeway system, thereby slowing and/or otherwise limiting the movement of people, freight, and goods.

Local Surface Street Congestion. Level of service (LOS) at 10 intersections to the freeway system (ramp merge/diverge areas and weaving sections) are forecast to operate at LOS E (poor) or LOS F (failure) during one or more peak hours in the year 2030. Part of the problem leading to surface street congestion is that there is poor connectivity between Terminal Island and Alameda Street. The use of surface streets and interference from the signalized intersections and railroad crossings lead to traffic congestion and delays.

Safety at Intersections and Railroad Crossings. Based on the ongoing growth of the ports of Long Beach and Los Angeles and associated increases in rail and vehicular traffic, the local street and at-grade rail crossings will experience increased traffic. This will increase the likelihood for grade-crossing incidents. Hence, there is a need to reduce the potential for conflicts/incidents between vehicles and trains to improve the safety of this part of the transportation network.

Inability to Provide for Uninterrupted Transport of People, Freight, and Goods Following a Major Earthquake. Vehicles must now travel on surface streets, pass through signalized intersections and over railroad tracks while traveling between the Schuyler Heim Bridge and Alameda Street. In the event of a major earthquake, it is likely that this path would be littered with debris and blocked from use for an extended period of time. This would present a problem in terms of providing emergency access to and from Terminal Island, as well as in providing for the continued movement of people, freight and goods, all of which would be essential during any emergency recovery effort.

The below stated reasons summarize the benefits, goals and objectives of the Project, provide the rationale for the benefits of the Project and explain how the Project addresses the safety and mobility issues identified in the FEIR and discussed above. These benefits and overriding considerations justify adoption of the Project and certification of the FEIR. Many of these overriding considerations individually would be sufficient to outweigh the adverse environmental impacts of the Project. These benefits and overriding considerations include, but are not limited to, the following:

1. **Seismic and Structural Deficiency** - The Project will address the seismic deficiency and structural deficiency of the Schuyler Heim Bridge by constructing a new

bridge that meets existing seismic and structural standards. It will provide a structurally and seismically safe vehicular connection along the critical north-south corridor between Terminal Island and the mainland that can remain in service following a major earthquake to ensure that ground and vessel transportation are maintained. Due to the seismic and structural deficiencies, maintaining the current historical resource would pose an unacceptable safety risk.

2. **Traffic Congestion and Goods Movement** - The Project would significantly reduce traffic congestion in the Project area, allowing for increased efficiency in the movement of people freight and goods. More specifically, the Project will reduce traffic congestion on local surface streets (between Terminal Island and Pacific Coast Highway, as well as on I-110 and I-710). The Project will also improve safety by providing a limited-access route between Terminal Island and I-405 that will: (1) by-pass at-grade railroad crossing and signalized intersections; and (2) connect the Schuyler Heim Bridge with an emergency service route that would facilitate movement to and from the ports following a major earthquake.

3. **Construction Jobs** - The Project will create new construction jobs. Construction of the Project would generate a total of approximately 11,600 full time equivalent one-year construction jobs during the 2-3 years of Project construction and \$476 million in wages. The aggregate wages and salaries generated as a result of these jobs would provide a benefit to the economy. This benefit is especially important considering the current state of the local, state and national economies. Absent construction contract approvals associated with the Project, there would be minimal construction, and therefore minimal jobs.

4. **Tax Revenue** - The locally spent construction costs of the Project would generate tax revenue to state and local governments further stimulating state and local economies. It is estimated that the Project will generate approximately \$39.75 million in state tax revenue and \$7.4 million in local tax revenue.⁵ **Health Benefits** - The Project will reduce the existing regional health risks from emissions of air toxics due to port-related traffic. By improving the efficiency of truck traffic flow, the Project will contribute to reducing mobile source air toxics (MSAT) emissions in the vicinity of the Project and as shown in the ACTA HRA decrease human health risks, including regional cancer risk and non-cancer acute and chronic risks.

As the CEQA Lead Agency for the proposed action, Caltrans has reviewed the Project description and fully understands the Project proposed. Based on the entire record before it, and having considered the unavoidable adverse impacts of the Project, Caltrans hereby determines that all feasible mitigation has been adopted to reduce the potentially significant impacts identified in the FEIR, and that no additional feasible mitigation is available to further reduce significant impacts. Furthermore, Caltrans concludes, based upon the whole record, that the economic, legal, social, technical and public safety benefits of the Project outweigh the unavoidable environmental impacts associated with its construction and operation and determines that these benefits override the significance of their associated adverse impacts. In making this finding, Caltrans has balanced the benefits of the Project against its unavoidable environmental impacts and has indicated its willingness to accept those risks.