

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 22-23, 2011

Reference No.: 2.2c.(13)  
Action Item

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Subject: **APPROVAL OF PROJECT FOR CONSIDERATION OF FUNDING**  
**04-SCL-9, PM 2.5/7.0**  
**RESOLUTION E-11-47**

## **RECOMMENDATION:**

The California Department of Transportation (Department) recommends that the California Transportation Commission (Commission), as a responsible agency, approve the attached Resolution E-11-47.

## **ISSUE:**

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

- Route 9 in Santa Clara County. Construction of roadway improvements to address safety issues on a portion of Route 9 in and near the city of Saratoga. (PPNO 0385F)

This project in Santa Clara County will make safety upgrades on State Route 9 from 2.5 miles north of State Route 35 to 6<sup>th</sup> Street, near Saratoga. The project is not fully funded. The project is programmed in the 2010 State Highway Operation and Protection Program. Total estimated project cost is \$13,427,000 for capital and support. The scope as described for the preferred alternative is consistent with the project scope programmed by the Commission in the 2010 State Highway Operation and Protection Program.

A copy of the FEIR has been provided to Commission staff. Resources that may be impacted by the project include; cultural resources, biological resources, geology and soils, visual resources, and hazardous waste. Potential impacts associated with the project can all be mitigated to below significance through proposed mitigation measures with the exception of visual resources. The proposed retaining walls, with all recommended mitigation measures, would still have significant adverse impacts to the visual character and quality of the State Route 9 scenic highway corridor. As a result, a Final Environmental Impact Report was prepared for the project.

Attachments

## **CALIFORNIA TRANSPORTATION COMMISSION**

### **Resolution for Future Consideration of Funding**

**04-SCL-9, PM 2.5/7.0**

**Resolution E-11-47**

- 1.1** **WHEREAS**, the California Department of Transportation (Department) has completed an Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
- Route 9 in Santa Clara County. Construction of roadway improvements to address safety issues on a portion of Route 9 in and near the city of Saratoga. (PPNO 0385F)
- 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**, a Statement of Overriding Considerations was prepared; and
- 1.6** **WHEREAS**, Findings were made pursuant to the State CEQA Guidelines.
- 2.1** **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby support approval of the above referenced project to allow for consideration of funding.

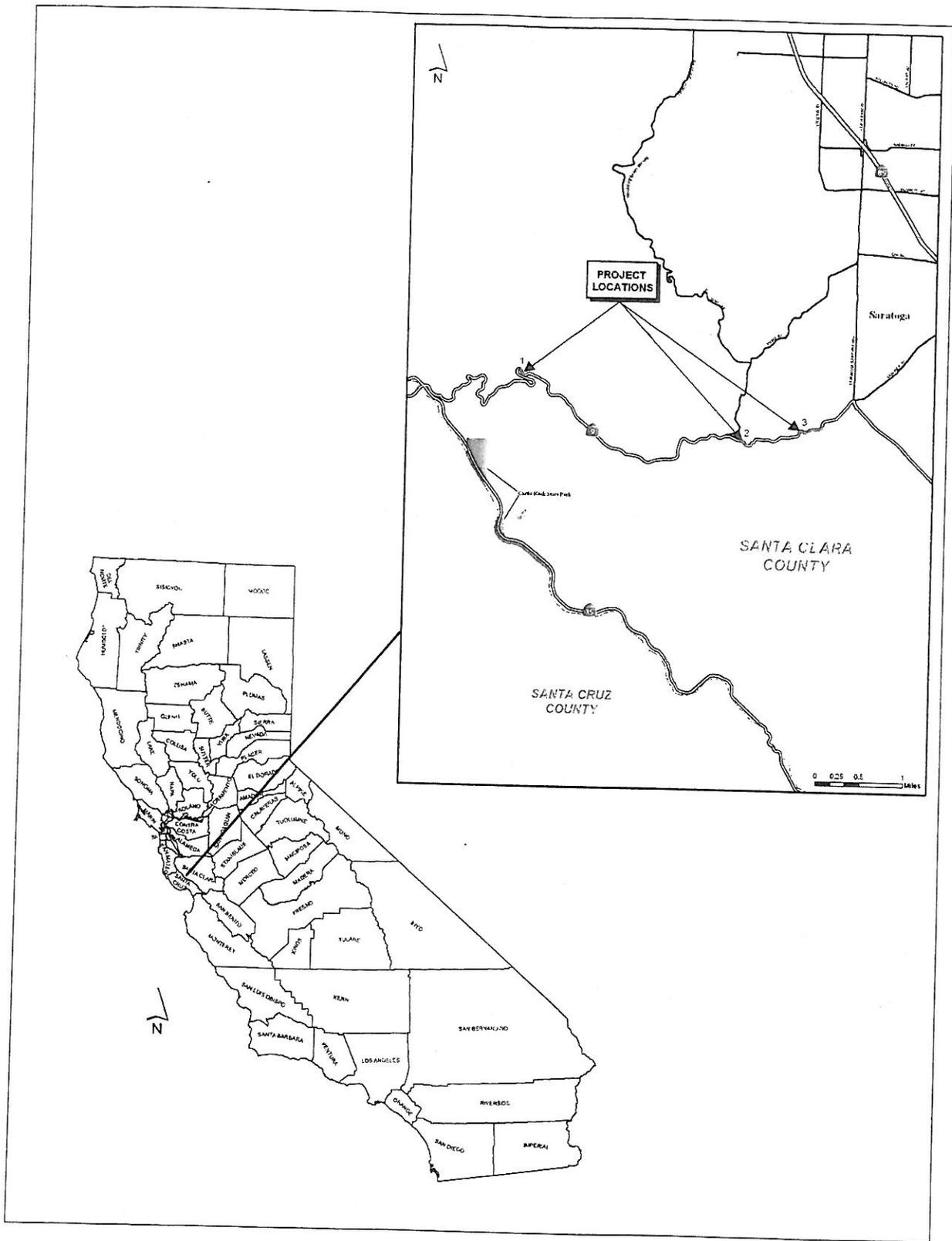


Figure 1.1: Project Location Map

## FINDINGS

### CALIFORNIA DEPARTMENT OF TRANSPORTATION FINDINGS FOR STATE ROUTE 9 SAFETY IMPROVMENTS PROJECT

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

The following effects have been identified in the EIR as resulting from the project. Effects found not to be significant have not been included.

#### Visual/Aesthetics

##### **Adverse Environmental Effects**

The introduction of the proposed retaining walls, with all the recommended mitigation measures, would still have significant adverse impacts to the visual character and quality of the SR 9 scenic highway corridor. The proposed upslope soil-nail retaining walls of up to 40 feet in height, and the associated tree/vegetation removal required for roadway widening will have visual impacts. In all, approximately 1,225 feet or 0.23 mile will be impacted from the construction of the soil-nail retaining walls and removal of trees and vegetation.

##### **Findings**

Changes or alterations are incorporated into the project, which will minimize, mitigate or avoid impacts environmentally sensitive areas that are identified in the final EIR.

##### **Statement of Facts**

The following mitigation measures are recommended to address the visual impacts from removing trees and vegetation and constructing the retaining walls:

##### Tree and Vegetation Removal Measures:

- Minimization or avoidance of tree/vegetation removal due to construction to the greatest possible extent;

- Minimization of existing tree and shrub removal to the greatest possible extent. The limit of work shall be kept to the minimum possible footprint, not to exceed five feet from the edge of the retaining wall;
- Clearing and grubbing is to occur no farther than five feet from the edge of the retaining wall;
- Existing vegetation outside of the clearing and grubbing limits shall be protected from the contractor's operations, equipment, and materials storage;
- Tree trimming by the contractor shall be limited to that required in order to provide a clear work area;
- High visibility temporary fencing, if feasible, shall be placed around the area where significant trees or other desirable vegetation are to be protected prior to the commencement of wall construction;
- All trees to be removed shall be marked in the field by the Contractor and approved by the Resident Engineer prior to removal; and
- Design exceptions shall be implemented, as practicable, to avoid the removal of any significant existing vegetation.

#### Highway Planting:

- Replacement of trees and shrubs at location 2 shall be in place, where feasible;
- Tree replacement planting, may be implemented in other locations if appropriate to mitigate for the major loss of tree canopy, as determined by the project landscape architect;
- All the disturbed areas of native vegetation shall be replaced with similar locally-native vegetation at a minimum replacement ratio as stated in the environmental impact report; and
- Required mitigation planting shall be funded through the parent roadway contract, programmed and completed as a separate contract within two years of completing all roadwork.

#### Retaining Wall Measures:

- Appropriate context-sensitive wall texture and color treatments shall be used to minimize contrast with the existing natural and/or historic setting. All walls will be treated with color and texture to reduce the reflection from the retaining walls, which may be visible from to the valley floor viewshed;
- Employ integral coloring near the bottom barrier portion of the upslope retaining walls shall be incorporated to reduce the overall color contrast of the walls; and
- Wall and barrier texture treatments shall be coordinated and carry consistent themes throughout the corridor.

## STATEMENT OF OVERRIDING CONSIDERATIONS

### CALIFORNIA DEPARTMENT OF TRANSPORTATION STATEMENT OF OVERRIDING CONSIDERATIONS FOR STATE ROUTE 9 SAFETY IMPROVEMENTS PROJECT

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

The following impacts have been identified as significant and not fully mitigable: The proposed retaining walls, with all recommended mitigation measures, would still have significant adverse impacts to the visual character and quality of the State Route 9 scenic highway corridor.

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

The Department of Transportation (Department) proposes to reduce the number of cross-centerline accidents at three spot locations on a stretch of 4.25 miles on State Route (SR) 9 from 2.5 miles north of the State Route 35 junction to the 6th Street intersection (PM 2.5 to 7.0) in the City of Saratoga, Santa Clara County. SR 9 is a winding two-lane undivided conventional highway that runs north/south through the Santa Cruz Mountains connecting SR 17 with the Saratoga Gap Open Space Preserve and Santa Cruz County. Within the project limits, SR 9 is officially designated a State Scenic Highway and is generally bordered by hills on one side and valleys on the other side. The existing facility within the project limits consists of two approximately 11-foot lanes, separated by a solid double-yellow stripe, and outside paved shoulders that vary from less than one foot to more than eight feet in width. At many locations, there are steep hills where the toe slope abuts the existing edge of shoulder leaving little space to construct shoulders with standard widths. Safety issues regarding this roadway are addressed through this project.

The project segment was identified as needing improvements in a statewide "Two- and Three-Lane Safety Monitoring" program conducted by the Department's Office of Traffic Safety. The Safety Improvements Category (201.010) of the State Highway Operational Protection Program (SHOPP), which is part of the State Highway Account, will fund the proposed project. The SHOPP is a multi-year capital improvement program of transportation projects on the State Highway System. The main objective of the SHOPP is to preserve and protect the highway system and not to add capacity to the state highway system.

The cost of the project is estimated to be approximately ten million dollars. The funding was reserved for this project on March 30, 2007. The segment of SR 9 at the three spot locations has almost double the number of accidents than similar facilities statewide. An eight-year study period between October 1, 2000, and September 30, 2008, determined the accident rates, per million vehicle miles, along this segment of SR 9. A detailed investigation determined that 45 of these 109 accidents involved vehicles that crossed the centerline. Further details show that of the 45 accidents two of them were fatalities; 24 head-on collisions; 10 sideswipe collisions; 4 overturned vehicles; 5 broadside collisions; and 2 hit-object collisions. Further study revealed that these accidents were caused by speeding, improper turns, the influence of alcohol/drugs, or other violations. Constructing the improvements proposed in this project will create an upgraded facility that will better assist out-of-control motorists from crossing the centerline, thereby, reducing the number of these types of accidents in the future.

While the construction of the retaining walls creates significant adverse visual impacts the proposed improvements will improve safety along SR9. Improving safety at the three locations of SR9 cannot be achieved without removal of vegetation, side slope grading and construction of retaining walls and other slope stability measures.

This project has two alternatives, a Build and No Build. The Build Alternative is the preferred alternative because it meets the project's purpose and need. There was no public controversy and the Department received comments regarding the Build alternative. There were no supporting comments regarding the No Build alternative.