

Campaign for Sustainable Transportation

Rick Longinotti, Chair CampaignforSustainableTransportation.org

June 2, 2023

Dear Ms. Bertaina,

Thank you for accepting these comments on the DRAFT EIR for Highway 1 State Park Dr to Freedom Blvd Aux Lanes, Bus-on-Shoulder & Coastal Rail Trail Segment 12 Project.

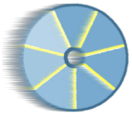
This highway expansion project, conceived in the 20th Century, perpetuates the misguided transportation policy of the past. It would move us farther from meeting our state's climate goals and increase auto-dependency.

This cost to our environment is not justified by the negligible benefits of this project. The DRAFT EIR estimates that congestion relief will be non-existent in the morning peak direction and short-lived in the afternoon peak direction. This insignificant benefit will come at a cost of:

- a 38%-42% increase in vehicles per hour with attendant increase in greenhouse gas emissions (although no estimated increase in throughput due to bottlenecks)
- the opportunity cost of failing to implement a genuine bus-on-shoulder system, in which buses operate in dedicated lanes instead of congested auxiliary lanes.

Our comments include pointing out the following significant deficiencies in the DRAFT:

1. The DRAFT EIR is not valid since it is tiered from a Tier I EIR that was invalidated in court.
2. The DRAFT falsely claims the Project is exempt from VMT analysis mandated by SB 743.
3. The DRAFT fails to substantiate claims of safety benefits of the auxiliary lanes.
4. The DRAFT's "partial" analysis of vehicle miles traveled is not compliant with SB 743.
5. The DRAFT fails to present a reasonable range of alternatives.
6. The DRAFT unjustifiably eliminates Bus-on-Shoulder Only from further study.
7. The Project Objectives are inadequately drawn.
8. The Project does not substantially meet the Project Objectives.
9. The DRAFT's conclusion that the Project would result in countywide reduction in VMT is invalid.
10. The Climate Change analysis is flawed and inadequate
11. The Project conflicts with state climate legislation
12. The DRAFT contains insufficient analysis of impacts on fish habitat in affected creeks.



Campaign for Sustainable Transportation

Rick Longinotti, Chair CampaignforSustainableTransportation.org

1. The DRAFT EIR is not valid since it is tiered from a Tier I EIR that was invalidated in court.

CEQA regulations define tiering:

(a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project. (Cal. Code Regs. tit. 14 § 15152)

In 2019, Caltrans certified the final EIR for the Tier I Corridor Analysis of High Occupancy Vehicle (HOV) Lanes and Transportation System Management (TSM) Alternatives. The central feature of the TSM Alternative is a series of auxiliary lanes along the 8.9 mile segment of Hwy 1, including the lanes analyzed by the current DRAFT EIR.

The Sacramento Superior Court ordered Caltrans to set aside its approval of the Tier I project in a decision filed on August 12, 2022. The DRAFT EIR cannot be valid if it is tiered from an EIR that is invalid.

The Tier I EIR is clear that it is a master plan EIR for the series of auxiliary lane projects on Highway 1:

The [Project Development] team decided to study the HOV Lane and TSM Alternatives in a Tier I or Master Plan environmental document. [The principle features of the TSM Alternative are a series of auxiliary lanes and ramp metering over the 8.9 mile segment of Hwy 1]

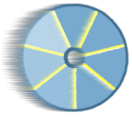
Several technical studies of this EIR acknowledge their reliance on the Tier I EIR:

A. The Traffic Operations Analysis Report (TOAR) names the Project a Tier II project: *The Santa Cruz County Regional Transportation Commission (SCCRTC), in a joint effort with Caltrans District 5, is developing the Tier II Highway 1 (State Park Drive to Freedom Boulevard) Auxiliary Lanes Project (also referred to as the "Project").*

The same document describes how the analysis in the DRAFT is tiered from the Tier I EIR:

Induced traffic volumes due to the addition of auxiliary lanes due to this Project and the background Tier II projects were estimated by scaling the induced traffic volume impacts of auxiliary lanes identified under the Tier I EIR/EA TSM Alternative on the basis of auxiliary lane-miles added.

B. The Community Impact Analysis is based on the Tier I EIR:



Campaign for Sustainable Transportation

Rick Longinotti, Chair CampaignforSustainableTransportation.org

This CIA is based on...technical documents prepared for the Santa Cruz Route 1 Tier I & Tier II Environmental Impact Report.

C. The Cumulative Impact Analysis is based on the Tier I EIR:

This CIA is based on...technical documents prepared for the Santa Cruz Route 1 Tier I & Tier II Environmental Impact Report....Analysis of impacts and resource area health was based primarily on information presented in the Cumulative Impact Analysis for the Tier I/Tier II Project (Caltrans 2018)

D. The Energy Analysis Report states:

The project is the second phase of the improvements described in the Tier I EIR/EA.

E. The Preliminary Geotechnical Design Report states:

The proposed project is the third phase of the improvements described in the Tier I EIR/FONSI.

The following statement of this Report shows that the Project intends to expand the width of the highway to accommodate the Tier I project, in spite of the fact that the Tier I project EIR is invalid.

Construction of the proposed project would allow for future outside highway widening to accommodate the future Tier I HOV lanes.

2. The DRAFT falsely claims the Project is exempt from VMT analysis mandated by SB 743

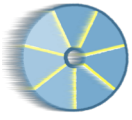
The DRAFT argues that the Project should be exempt from performing the VMT analysis required by CEQA:

The supplemental traffic analysis prepared for the project states that in terms of vehicle miles traveled, the Senate Bill 743 (Transportation Impact) guidelines have listed auxiliary lanes as a project type that is not likely to lead to measurable or substantial increase in vehicle travel.

This statement is not accurate. Public Resources Code section 21099 directed the Office of Planning and Research (OPR) to propose criteria for determining the significance of transportation impacts. The OPR published the *Technical Advisory on Evaluating Transportation Impacts in CEQA*. It includes auxiliary lanes as likely to lead to increases in vehicle travel:

If a project would likely lead to a measurable and substantial increase in vehicle travel, the lead agency should conduct an analysis assessing the amount of vehicle travel the project will induce. Project types that would likely lead to a measurable and substantial increase in vehicle travel generally include:

- *Addition of through lanes on existing or new highways, including general purpose lanes, HOV lanes, peak period lanes, **auxiliary lanes**, or lanes through grade-separated interchanges. [emphasis added]*



Campaign for Sustainable Transportation

Rick Longinotti, Chair CampaignforSustainableTransportation.org

The DRAFT's argument for exempting this project hinges on a misinterpretation of the OPR's Advisory. The OPR lists projects "not likely" to substantially increase vehicle travel, "Addition of an auxiliary lane of less than one mile in length designed to improve roadway safety." The DRAFT concludes:

The project would add auxiliary lane segments that are each less than one mile in length, which means that it is exempt from a vehicle miles traveled analysis under the Caltrans Traffic Analysis Framework and Traffic Analysis under CEQA guidelines.

The DRAFT's argument is specious. The auxiliary lanes northbound and southbound from State Park Drive to Rio Del Mar are listed in the *Additional Traffic Analysis Memorandum (2023)* as .99 miles and .98 miles. A measurement on Google Earth indicates that these auxiliary lanes are 1.1 miles long. However, the precise measurement is beside the point. The OPR Advisory is clear that projects that increase vehicle capacity need to be evaluated:

An accurate estimate of induced travel is needed to accurately weigh costs and benefits of a highway capacity expansion project....

Building new roadways, adding roadway capacity in congested areas, or adding roadway capacity to areas where congestion is expected in the future, typically induces additional vehicle travel.

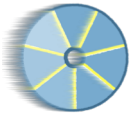
The auxiliary lanes in this project will increase highway capacity, according to the DRAFT's Traffic Operations Analysis Report:

The Project will add mainline segment capacity within the Project Limits on the SR 1 mainline segments increasing from a range of 3,950-4,400 vehicles/hour to a range of 5,600-6,100 vehicles/hour due to the added auxiliary lanes. [an increase of 39%-42%]

The only presumption of an exemption from VMT analysis allowed by CEQA is as follows:

Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. Section 15064.3 (b)(2)

If VMT is not properly analyzed, there is no possibility of meeting the mandate of California's 2017 Climate Change Scoping Plan which states, "VMT reductions are necessary to achieve the 2030 target and must be part of any strategy evaluated in this Plan." A lack of VMT analysis prevents the DRAFT from meeting the mandate of SB 743 to mitigate increases in VMT. Meaningful public participation involving an adequate analysis of a project's impacts, mitigation measures, and alternatives is impossible without a VMT analysis.



Campaign for Sustainable Transportation

Rick Longinotti, Chair CampaignforSustainableTransportation.org

3. The DRAFT fails to substantiate claims of safety benefits of the auxiliary lanes

Safety should not be used as a proxy for road capacity.

- Office of Planning & Research, *Technical Advisory on Evaluating Transportation Impacts in CEQA*

The Tier I Draft EIR for the HOV Lane Project and the TSM Alternative that the technical studies erroneously rely on for the DRAFT's conclusions analyzed the safety benefit of the TSM Alternative, which it defined as adding a series of auxiliary lanes and ramp metering over the 8.9 mile segment of Highway 1. The conclusion:

The total accident rates overall and by segment in 2035 under the Tier I Corridor TSM Alternative would be the same as the accident rates for the No Build Alternative. -page 2.1.5-17. The DRAFT conveniently relies on the decertified EIR when it suits it and ignores it when it does not. While the decertified EIR should not be relied on, it is clear the DRAFT takes liberties with the facts.

The DRAFT's claim of reduced injury collisions is suspect, since the increased speeds predicted by the DRAFT would tend to increase the severity of the collisions.

The Traffic Operations Analysis Report states:

Speeding is the primary reason for collisions (over 50 percent on average) on SR 1 mainline segments.

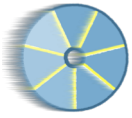
Auxiliary lanes would result in a significant increase in travel speed in the southbound State Route 1 during PM peak period from 32 miles per hour in the Existing Year (2019) to 58 miles per hour in the Opening Year (2025).

4. The DRAFT's partial analysis of vehicle miles traveled is not compliant with SB 743.

Although the DRAFT claims that it is exempt from analyzing vehicle miles traveled increases due to the project, the *Traffic Operations Analysis Report (2021)* presents a quantitative analysis of VMT. The DRAFT acknowledges that its analysis is not compliant with SB 743:

The project's senate bill 743 regulation-related CEQA determination (Section 3.2.17) cannot be completed using the vehicle miles traveled estimates included in the Traffic Operations Analysis Report, they are for informational use only.

The *Additional Traffic Analysis Memorandum (2023)* states that it added "qualitative" analysis of VMT for the auxiliary lanes. However, it did not add to a quantitative analysis of VMT.



Campaign for Sustainable Transportation

Rick Longinotti, Chair CampaignforSustainableTransportation.org

The DRAFT's analysis of VMT is inadequate because it relied on methodology for calculating VMT that is outdated. As quoted in #1 above, the Traffic Operations Analysis Report used the Tier I EIR to estimate traffic volume impacts of the auxiliary lanes. The Tier I EIR was based on the Traffic Operations Report (2012) and Traffic Analysis Update Technical Memorandum (2017). The methodology in these analyses pre-dates the methodology that is mandated by SB 743 and described in the Caltrans document, *Transportation Analysis Under CEQA* (2020). Moreover, the decertified EIR cannot be relied on for this Project.

One glaring deficiency in the Traffic Operations Analysis is that it measures only one component of induced travel. It states, "Induced demand in this study represents a VMT shift from local roads to SR 1 due to improved travel conditions on the freeway." The OPR's Advisory lists four additional contributors to induced travel. The initial lowering of congestion on an expanded highway leads to *Longer trips; Changes in mode choice; Newly generated trips; and Land use changes.*

Without examining induced travel according to state guidelines, the congestion benefit of the project is overstated. The DRAFT makes the claim that there are minor changes in VMT from building the project:

State Route 1 daily vehicle miles traveled under 2045 Build [are estimated] to be 2.7 percent higher than 2045 No-Build Alternative

How does this statement square with the claim that:

The Build Alternative would reduce delay within the project limits on the State Route 1 mainline segments with the addition of auxiliary lanes from a range of 3,950–4,400 vehicles per hour to a range of 5,600–6,100 vehicles per hour

Any reduction in delay results in induced travel, according to the studies cited by the OPR.

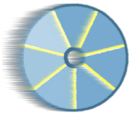
5. The DRAFT fails to present a reasonable range of alternatives.

The alternatives are the Build Alternative and the No-Build (No-Action) Alternative.

The project development team, which includes Caltrans and other relevant

stakeholders, has identified the Build Alternative as the preferred alternative, subject to public review.

15126.6 of Title 14 of the California Code of Regulations requires an EIR to "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives," not simply compare a project to a no project alternative. The DRAFT does not consider an alternative to the auxiliary lanes project.



Campaign for Sustainable Transportation

Rick Longinotti, Chair CampaignforSustainableTransportation.org

6. The DRAFT unjustifiably eliminates Bus-on-Shoulder Only from further study

Unfortunately, the DRAFT eliminates a transit alternative that would offer many travelers an alternative to being stuck in traffic: genuine bus-on-shoulder, defined as express buses operating in bus-only lanes on the shoulder of the highway, such as exists in Minneapolis-St. Paul; Cleveland; Atlanta; Chicago and Miami. In genuine bus-on-shoulder operations, buses can travel faster than the congested traffic on the highway. This advantage attracts bus riders.

In 2013 legislation passed in California authorizing Monterey and Santa Cruz Counties to build bus-only lanes on the shoulder of the highway. Instead of moving forward with bus-only lanes (instead of auxiliary lanes), the Project proposes to operate buses primarily in the auxiliary lanes. The sole bus-only lane portions of the Project are the short segments of highway at the two interchanges. The rest of the time buses would operate in the auxiliary lanes, mixed with other vehicles. We know from experience that the auxiliary lane from Morrissey to Soquel Ave, completed in 2011, is congested with traffic at the peak afternoon period.

The DRAFT states:

A Bus-on-Shoulder only alternative was considered, in which only Bus-on- Shoulder improvements would be implemented and auxiliary lanes would not be added...

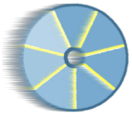
This alternative was reviewed and rejected because the construction cost is comparable to the construction cost of auxiliary lanes, but the improvement does not attain most of the basic objectives of the project because the improvement does not substantially reduce delay along the corridor.

The DRAFT perpetuates a deficiency of previous environmental studies in its failure to evaluate a genuine bus-on-shoulder option. There is no mention of bus-on-shoulder in the entire Tier I EIR. There is no mention of bus-on-shoulder in the Tier II EIR for the auxiliary lane from Soquel Dr. to 41st Ave. The EIR for the auxiliary lanes from Bay/Porter to State Park Dr. fails to analyze genuine bus-on-shoulder.

The rationale for eliminating genuine bus-on-shoulder from further analysis is that it does not substantially reduce delay along the corridor. This argument fails, because the DRAFT did not compare delay experienced by vehicles on the corridor, to delay experienced by bus riders in a genuine bus-on-shoulder alternative. The DRAFT should measure delay per traveler, rather than delay per vehicle. See the next section.

Genuine bus-on-shoulder would be superior to the Project in satisfying the project objectives of “improving transit operations” and “promote the use of alternative transportation modes... as well as to reduce vehicle miles of travel and vehicular emissions.”

Given the poor performance of the Build Alternative in achieving the project objective of reducing congestion (no improvement of congestion in the northbound



Campaign for Sustainable Transportation

Rick Longinotti, Chair CampaignforSustainableTransportation.org

morning peak direction and no improvement in the afternoon peak southbound direction in 2045) the Project should examine an alternative that affords travelers an alternative to the congested highway and to driving up greenhouse gas emissions. The California Court of Appeals in *Cleveland National Forest Foundation v. San Diego Association of Governments, et al.* (2017) referenced the failure of highway expansion to provide lasting congestion relief:

Given the acknowledged long-term drawbacks of congestion relief alternatives, there is not substantial evidence to support the EIR's exclusion of an alternative focused primarily on significantly reducing vehicle trips.

The failure to analyze dedicated bus lanes in lieu of auxiliary lanes severely impacts the “development of multimodal transportation networks” and this impact should be evaluated by the EIR (Pub. Resources Code 21099).

7. The Project Objectives are inadequately drawn.

The objectives are stated as the Project Purpose:

1. *Reduce delay and improve system reliability and safety along State Route 1.*

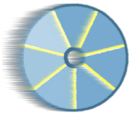
Objective 1 assumes that delay is vehicle delay. The Traffic Operations Analysis estimates only delay per vehicle. It does not measure delay per traveler that includes bus riders in a genuine bus-on-shoulder project. It is quite possible that delay per traveler in a genuine bus-on-shoulder project would compare favorably to delay per traveler in the auxiliary lanes Project. Nor does this objective allow for increased capacity on routes parallel to Highway 1. An objective that is more in alignment with state policy would be: *Reduce delay per traveler along the corridor between Santa Cruz and Watsonville.*

8. The Project does not substantially meet the Project Objectives.

The DRAFT estimates that Project auxiliary lanes do not substantially reduce delay. Table 2-19 estimates no difference in delay in the northbound morning peak period between the Build and No Build alternatives. According to Table 2-22, the Project would reduce delay in the peak afternoon period. However, this improvement is estimated to erode over time:

Compared to the No-Build Alternative, the level of service for the Build Alternative improves for the southbound PM peak direction in the year 2025 but no improvements were seen in the year 2045

The DRAFT's prediction for a reduction in delay in the afternoon period is suspect because it is inconsistent with earlier environmental studies. The Tier II EIR for



Campaign for Sustainable Transportation

Rick Longinotti, Chair CampaignforSustainableTransportation.org

the Soquel Dr. to 41st Ave auxiliary lanes predicts “the auxiliary lane alternative would slightly worsen traffic operations in the southbound peak commute hour”. The Tier I EIR estimates that building the TSM Alternative “would result in a very slight improvement in traffic congestion when compared to the No Build Alternative”.

The DRAFT’s estimate for a small reduction in delay resulting from auxiliary lanes is likely overstated, since the DRAFT did not calculate induced travel according to the OPR Advisory (See above). The OPR Advisory calls attention to “the most recent major study (Duranton and Turner, 2011), estimates an elasticity of 1.0, meaning that every percent change in lane miles results in a one percent increase in VMT.” What this means is that adding a lane in each direction to a two-lane highway (a 50% increase in lane miles) would result in a 50% increase in VMT. The takeaway from this study is that net congestion relief benefit from adding capacity to a highway is zero.

The DRAFT’s claim that the Project would improve local circulation, as drivers using area streets opt to drive on the highway, conflicts with the conclusions of the Tier I EIR:

The Tier I Corridor TSM Alternative would not achieve sufficient congestion relief to attract any substantial number of vehicles that had diverted to the local street system back to the freeway. Local access to, and circulation around, community facilities near these intersections would not improve relative to no-build conditions.

In summary, the DRAFT’s analysis that the Project achieves the objective to “reduce delay” and “improve local circulation” is invalid due to failure to measure VMT .

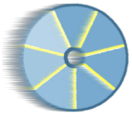
The DRAFT found that the auxiliary lanes in the northbound direction utterly fail to meet the project objectives for reducing delay:

Implementation of the Build Alternative is expected to increase daily Vehicle Hours Traveled and vehicle hours of delay in northbound direction and decrease daily Vehicle Hours Traveled and vehicle hours of delay in the southbound direction, compared to the No Build Alternative.

Wouldn’t it be logical to evaluate eliminating the northbound auxiliary lanes from the Project?

9. The DRAFT’s conclusion that the Project would result in countywide reduction in VMT is invalid.

As stated above, the DRAFT estimates that the auxiliary lanes portion of the project will increase VMT by 2.7% by 2045. The DRAFT calculates that the so-called “bus on shoulder” project and trail project will reduce VMT, offsetting the increase in VMT resulting from the auxiliary lanes. The net change in countywide VMT is estimated to be “zero or a small negative value”.



Campaign for Sustainable Transportation

Rick Longinotti, Chair CampaignforSustainableTransportation.org

By the DRAFT's admission (see above) its VMT analysis does not comply with state guidelines for measuring VMT. Therefore its VMT analysis cannot be used to justify claiming that "the Build Alternative would not have impacts related to vehicle miles traveled and no mitigation measures are necessary."

Moreover, it is not valid to combine the VMT reduction benefits of the trail project, an independent project which has been planned and funded for many years, with the highway expansion project for purposes of reporting changes in VMT.

Likewise, the DRAFT's proposed redesign of the 91X bus line, involving eliminating bus stops and more frequent service, is a project that is independent of whether the auxiliary lanes are built. The VMT reduction benefits of this project can be achieved independently of the auxiliary lanes project and should not be combined with the auxiliary lanes project in reporting VMT changes.

10. The Climate Change analysis is flawed and inadequate

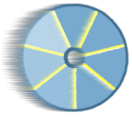
Since the VMT reductions claimed by the DRAFT are invalid (see #9), the greenhouse gas estimates are also invalid.

Further, the discussion of Climate Change makes the assumptions that "the project will not increase the vehicle capacity of the roadway," and "Because the project would not increase the number of travel lanes on State Route 1, no increase in vehicle miles traveled would occur." These assumptions cannot be supported. To our knowledge there is no research that supports the notion that building auxiliary lanes in between interchanges does not increase roadway capacity or vehicle miles traveled.

11. The Project conflicts with state climate legislation

In Section 2, we point out that the DRAFT's failure to analyze VMT is inconsistent with the mandate of SB 743. It is also inconsistent with the Court of Appeals ruling in *Covina Residents for Responsible Development v. City of Covina* (2018) which stated that pursuant to Section 21099, the criteria for determining the significance of transportation impacts must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses."

Senate Bill 32 (Pavley, 2016) requires California to reduce greenhouse gas emissions 40 percent below 1990 levels by 2030, and Executive Order B-16-12 provides a target of 80 percent below 1990 emissions levels for the transportation sector by 2050. The California Air Resources Board (CARB) determined that it will not be possible to achieve the State's 2030 and post-2030 emissions goals without reducing VMT growth.



Campaign for Sustainable Transportation

Rick Longinotti, Chair CampaignforSustainableTransportation.org

12. The DRAFT contains insufficient analysis of impacts on fish habitat in affected creeks.

The Draft's conclusion that impacts on fish habitat will not be significant is not substantiated. The Draft appears to contradict itself. In Chapter 2 it reads: "the project may affect, and is likely to adversely affect, Central California coast steelhead critical habitat." However, Chapter 3 reads: "no effects to steelhead critical habitat are anticipated. Therefore, the project may affect, but is not likely to adversely affect, Central California coast steelhead critical habitat."

This confusion aside, the Draft makes no mention of the times of the year that steelhead spawn and smolt or how the timing of construction may impact steelhead or construction would affect the steelhead life cycle. The Draft acknowledges that the project will de-water Aptos Creek and Valencia Creek and increase sedimentation of the creeks, without analyzing how that will impact spawning habitat. Construction of the project could result in extirpation of steelhead in the creeks, but this is not analyzed.