

September 28, 2012

Mr. Ronald Kosinski
Caltrans District 7, Division of Environmental Planning
100 South Main Street, MS 16A
Los Angeles, CA 90012

File: 07-LA-710-PM 4.9/24.89
Interstate-710 Corridor Project

Dear Mr. Kosinski:

Comments on the Interstate-710 Corridor Project Draft EIR/EIS and Its Process

Enclosed are comments on the Interstate 710 Corridor Project Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS). These comments are submitted to your agency as part of the public review process mandated by the National Environmental Policy Act (NEPA), the Council on Environmental Quality's Regulations on Implementing NEPA, the California Environmental Quality Act (CEQA) and the *State CEQA Guidelines*. As appropriate, case law and studies are cited in Attachment No 1.

In accordance with §15200 of the *State CEQA Guidelines*, these comments fit within the purpose of the public review process through: "(a) sharing expertise, (b) disclosing agency analyses, (c) checking for accuracy, (d) detecting omissions, (e) discovering public concerns, and (f) soliciting counter proposals."

The issues raised in this letter are noted here and are further detailed in Attachment No. 1:

- Piecemealing and segmenting proposed project.
- Induced travel/generated traffic.
- Non-compliance with the CEQA/NEPA process.

My comments are based on my experiences and knowledge of CEQA and NEPA from over 30 years as an environmental planning professional in both the private and public sectors in Southern California. I have prepared numerous EIRs and negative declarations since 1981. My purpose here is to underscore the deficiency of the documentation and to recommend a new programmatic EIR/EIS approach that includes as part of the project, and only identified as the related project, the SR-710 Project. Only then, can the public, other agencies and decision-makers understand the full spectrum of impacts, alternatives, and mitigation for the overall improvements to the Long Beach Freeway.

Thank you for this opportunity to comment on the proposed project. Please send to me your agency's responses to my comments on the subject Draft EIR/EIS, along with further information on the environmental planning phase of this project.

Sincerely,



Mrs. Delaine W. Shane
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1. PIECEMEALING/SEGMENTING OF PROPOSED PROJECT

A definite linkage exists between what Caltrans separately identifies as the I-710 Corridor and the SR-710 projects. The discussion below presents the rationale as to why these two “separate” projects should actually be treated as one project for the purpose of conducting a comprehensive environmental analysis.

Alignment of the 710: Per the California Streets and Highways Code, Chapter 2, Article 3, §622, the 710 has a defined legal alignment that traverses from Route 1 in Long Beach to Interstate 210 in Pasadena. Historically, the planning of the Long Beach Freeway dates back to the 1940s¹ and 1950s. Today’s Route 710 was once Route 7 and also once identified as Route 15 with the extension to the Foothill Freeway [I-210] planned back in 1955.² Its approximate length (with the unconstructed portion included) is roughly 27 miles.

There has indeed been major public controversy about the unconstructed “Missing Link” of the Long Beach Freeway over the many decades, but from the perspective of the State of California, the unconstructed portion has always been part of the entire 710 corridor.

In a *Los Angeles Times* newspaper article³ dated November 8, 1955, then State Senator Randolph Collier and then State Assemblyman Lee Backstrand as chairmen of the State Legislature’s Joint Interim Committee on Public Transportation accepted proposals for construction of 16 major freeway links between existing and projected freeway arteries in Los Angeles County. The senator was quoted by the newspaper article that “...the program as ‘definite,’ pointing out that while actual rights of way will vary from those indicated, the over-all capacity of the entire freeway system ‘must reach to these drawings and beyond as populations swell.’” The newspaper article then goes on to list the 16 freeway segments that includes: “...Long Beach Freeway from Long Beach to Pasadena....”

On April 25, 1957, the State Assembly unanimously passed a bill accepting a recommended proposed 187 miles of southern California highways into the state highway system, thereby qualifying for state and federal highway funds⁴. As noted in the newspaper article, “the new Los Angeles mileage written into the highway system includes: ... Long Beach Freeway from Huntington Drive to Foothill Freeway, 2.8 miles;”

Purpose of the 710: Caltrans states that the Long Beach Freeway is to provide “an interstate, interregional commute corridor that provides access to the Los Angeles Central Business District (CBD) from Long Beach to the south and from Pasadena to the north.”⁵ Caltrans has also

¹ Transportation planning in those years was not limited to state or county planning; even the Automobile Club of Southern California proposed an extensive network of parkways. The Concord Parkway was proposed to comprise sections that today correspond to the I-210, north of Pasadena, and to the south that correspond to the I-710, i.e., the Long Beach Freeway including the unconstructed I-710 portion between the I-10 and the I-210. From: <http://www.cahighways.org/maps-sc-fwy.html>.

² <http://www.cahighways.org/maps-sc-fwy-pt2.html>

³ *Los Angeles Times*, November 8, 1955, page A1: “16 Freeway Links Urged at Hearing: Interim Committee Cochairmen Accept plan for New Highways.”

⁴ *Los Angeles Times*, April 26, 1957, page 12: “Southland Voted New Road Routes: Assembly Passes Bill for 187 Miles of Highways to Be Added to State System.”

⁵ California Department of Transportation 2000. *Interstate 710 Transportation Concept Report*. Page IV-2.

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indicated that the purpose of the Long Beach Freeway is for: “international, interstate, interregional, intraregional (commute and non-commute), and goods movement.”⁶

In preparing its 2000 Interstate 710 Transportation Concept Report, Caltrans divided the Long Beach Freeway into nine segments to be studied based on the “presence or lack of deficiencies, major changes in average daily traffic, changes in the number of freeway lanes, and interchanges with other freeway and state highways.”⁷ Segment 8 is identified as the unconstructed portion of the freeway (i.e., the 710 Gap) with Segment 9 being the freeway stub located in Pasadena that connects to Interstate 210. In addition, Caltrans has an I-710 Fact Sheet on Segment 8 dated December 2011 that notes under the category of Corridor Strategies: “Unconstructed. Gap Closure. A Tunnel has been studied and is being considered. Tunnel will be tolled for maintenance and upkeep of tunnel (\$4.5 - \$9 billion). IGR/CEQA strategies: I-710 Corridor Project EIR/EIS, POLB, POLA, MTA + Caltrans contributed \$30 million.”

From Long Beach to Pasadena, the entire interstate has collectively been studied, planned, and incrementally built (when funding was available). This regional transportation corridor is dedicated to commuter vehicle traffic and the movement of goods via trucks, and has been so for many years. Clearly, the history, planning, geographic placement, and the function of the entire length of the Long Beach Freeway are tied together as one complete unit, even with a portion not constructed but for which an existing surface right-of-way has been held by Caltrans for several decades.

Separation of CEQA/NEPA analyses between Proposed Project and SR-710 Project: The *State CEQA Guidelines* (§15378[a]) defines an activity or project that may trigger CEQA requirements as the “whole” of an action that has potential for resulting in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. In presenting the whole of an action in an EIR, the lead agency must prepare “an accurate, stable and finite project description ... [that] is the *sine qua non* of an informative and legally sufficient EIR.” (*County of Inyo v City of Los Angeles* (3d Dist. 1977) 71 Cal. App. 3d 185, 193 [139 Cal. Rptr. 396]) Furthermore, in the same legal opinion for the County of Inyo (*Ibid*, pages 192-193): “A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the “no project” alternative) and weigh other alternatives in the balance.”

In *Laurel Heights Improvement Association v Regents of the University of California* (1988) 47 Cal. 3d 376 [253 Cal. Rptr. 426], the opinion of the California Supreme Court stated: “an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” Additionally, the *State CEQA Guidelines* (§15358[a][2]) identifies

⁶ California Department of Transportation. Fact Sheet on I-710, Segment 8. December 2011.

⁷ California Department of Transportation 2000. *Interstate 710 Transportation Concept Report*. Page IV-3.

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effects as also “indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.”

From the NEPA perspective, a federal rule on segmentation specifically for highways is laid out in *Daly v. Volpe* (1975) 514 F.2d 1106, 1109-1110: First, “piecemealing proposed highway improvements in separate environmental statements should be avoided” (*Ibid*, page 1109). The Court of Appeals relied on federal regulations that stated that a highway section that could be entitled to separate environmental review would be one which is (a) of substantial length and (b) between logical terminal points (termini) (defined as major crossroads, population centers, major traffic generators, or similar major highway control elements) (*Ibid*). Secondly, the court stated that case law has required a separately reviewable highway section to have “independent utility.” This means that the action must be separate and apart from the broader action analyzed in the EIS⁸. Third, “another criterion for determining the reasonableness of a proposed highway segment ‘is whether the length selected assures adequate opportunity for the consideration of alternatives...’” (*Ibid*, page 1110). Fourth, it must be determined whether the segment under consideration seems to fulfill important state and local needs, such as relieving particular traffic congestion (*Ibid*).

Given the geographic, physical, and functional aspects of the entire Long Beach Freeway as a complete unit, it is not clear then why the Interstate-710 Corridor Study Project (project) Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) arbitrary restricts the location of the project (i.e., study area) between the two ports (Ports of Long Beach and Los Angeles) to the south and Route 60 to the north. According to the Draft EIR/EIS on page 1-8: “The I-710 Corridor Project proposes to address the needs described below in Sections 1.2.1.1 through 1.2.1.5,” which are: improve air quality and public health; improve traffic safety; address the need for modern design on the I-710; address projected traffic volumes; and address projected growth in population, employment, and activities related to goods movement. These project objectives (i.e., needs) are intrinsically tied to all of the Long Beach Freeway. The logical terminal points, as required in the *Daly v. Volpe* case, are from Long Beach (i.e., the ports) to Pasadena (i.e., I-210), because the whole corridor has been planned, designed, and built in various segments through the years as a regional corridor with an interconnectedness usage by both commuting vehicles and trucks. To limit the north to Route 60 does not consider the whole of the action and underestimates both project-specific and cumulative impacts to traffic, air quality, and other critical resources.

⁸The use of the federal term “independent utility” is essentially determinative of whether a project is “connected” to another action in such a way that a collective environmental impact assessment is required under NEPA. From various federal court cases, “the hallmarks of segmentation are where the proposed component action has little or no independent utility or involves such a large and irretrievable commitment of resources that it may virtually force a larger or related project to go forward notwithstanding the environmental consequences”; *North Carolina v. City of Virginia Beach*, 951 F.2d 596 (4th Cir. 1991). Furthermore, in determining whether segmentation has occurred, federal courts ask whether the completion of the first action has “direct and substantial probability of influencing [the] decision” of the second).

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However, Caltrans chooses to treat these two phases of one project as two distinct projects. On page 3.25-5 of the proposed project's Draft EIR/EIS (Table 3.25-1), it states that the SR-710 Project (i.e., the 710 Gap Closure or Extension, in earlier years) is a "new" project that will consider a full range of alternatives. It is not a "new" project. It has been focus of controversy for Caltrans and concerned stakeholders for about 60 years.

Caltrans assumes that the trucks will go no further than the SR-60 on their way to the Inland Empire. However, trucks coming from Kern County, Central Valley, or further north could use the I-5/I-210 to reach the Gap Closure and then traverse the remainder of the Long Beach Freeway to get to the Los Angeles CBD or to the ports. Likewise, vehicles from outside the Los Angeles area from the north could also access the Gap Closure.

As announced in the *Federal Register* notice for the 710 Gap Closure (Volume 76, Number 46, Pages 13017-13018, March 9, 2011), which is being presented in the project's Draft EIR/EIS as a related and separate project:

The proposed project [710 Gap Closure], depending on the results of a thorough environmental analysis of all possible transportation improvements during the NEPA/CEQA process, may include, but not be limited to: surface and subsurface highway/freeway construction, heavy rail and bus/light rail systems, local street upgrades, traffic management systems and a no build alternative. There currently is a gap in the I-710 corridor, for a distance of approximately 4.5 miles (7.2 km), which extends between Valley Boulevard to the south and Del Mar Boulevard to the north. As originally identified in the April 13, 1998 Record of Decision for the Meridian Variation alignment, this gap contributes to congestion on local streets and the regional freeway system. The objective of this project is to relieve congestion and improve mobility within the study area.

As of the date of this letter, five alternatives are being proposed for the 710 Gap Closure. The one most likely of interest to Caltrans, i.e., the tunnel alternative, would be funded through a private/public partnership with assessed tolls. Such an arrangement would most certainly encourage or enable trucks coming and going to the ports to traverse the entire Long Beach Freeway. In fact, the tunnel would permit trucks to avoid downtown Los Angeles altogether for trips to and from the Central Valley region and beyond. Any toll charges would simply be added as a cost of doing business by the trucking industry and ultimately be passed down to the consumer. While there has been a lack of transparency by Caltrans over whether trucks would access the Gap Closure to go directly to or from the I-210, current planning efforts presented by Metro have indicated twin tunnels with a capacity for conveying both trucks and cars; such information is not addressed in the project's Draft EIR/EIS. In the above cited notice for the 710 Gap Closure, one possible alternative mentioned under consideration, i.e., "heavy rail" would indeed be useful to transport shipping containers that otherwise would be transported by trucks on freeways. Conversely, with the Gap Closure, additional vehicles would traverse south on the I-710 and would be confronted with the increased numbers of freight trucks. The project's Draft EIR/EIS is silent on the matter. In fact, the cumulative impact analysis does not identify this traffic increase as an issue and vaguely states: "Cumulative impacts not identified at this time... (Draft EIR/EIS, page 3.25-5, Table 3.25-1)"

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Additionally, the possibility of having a public-private partnership in the financing, constructing and operating of the tunnel for the 710 Gap Closure has been discussed (albeit without explicitly stating whether trucks would be permitted to use the tunnel) in a fairly recent presentation by the Los Angeles County Metropolitan Transportation Authority (Metro)⁹. In that same presentation, the tolling of freight and trucks is openly discussed for the proposed project as well. Overall, Metro anticipates the Final EIR/EIS for the proposed project to be completed in spring 2013 with a reliance of \$590 million from Measure R. For the 710 Gap Closure (i.e., what Caltrans now terms as the SR 710 North Project or just simply SR 710 Project), Metro anticipates that Draft EIR/EIS to be completed in fall 2013 with a reliance of \$780 million from Measure R. “Both” projects cannot move forward with state/federal funding only. They need private funds too.

The construction phasing of both “projects” are also documented in the Draft EIR/EIS on page 3.25-32, with the proposed project having a timeframe from 2020 to 2027 and the 710 Gap Closure from 2025 to 2030. Clearly, these are really phases one and two of the same overall, comprehensive modification of the entire I-710 Corridor. Except, in the Draft EIR/EIS, these two phases are deemed as distinct projects.

Returning to *Daly v. Volpe* (1975), this federal ruling has been accepted in California courts as defining whether or not an environmental analysis of a highway is being segmented or piecemealed:

- a. *Piecemealing proposed highway improvements in separate environmental statements should be avoided.* Both “projects” involve profoundly major improvements (i.e., multi-lanes expansion with resultant massive excavation and grading activities) and, in terms of cost (in the billions of dollars), time (a combined 10-year construction period), and geographic connectivity (within the L.A. County and contained within about roughly 27 miles), for the entire I-710 corridor (both north and south ends). The I-710 Project and the SR-710 Project are inherently interlocked. Also, the environmental processes for these elements are very close in time. The 710 Gap Closure design is not merely in the abstract and deemed speculative in nature. Quite the contrary, Caltrans has spared no expense to have consultants prepare highly technical tunnel studies and present preliminary routes at recent public meetings on the 710 Gap Closure. Caltrans in its environmental document has stated that the SR-710 is a reasonably foreseeable project. Yet, the Draft EIR/EIS does not deal with the SR-710 in a meaningful way in its cumulative impact analysis. It is silent regarding where the freight and long-haul trucks will traverse once they enter the northern section, and what will happen to the commuter traffic that would traverse the gap once it approaches the southern portion of the Long Beach Freeway. Not all the trucks would go on the SR-60 as revealed by a survey for the Southern California Association of Governments who has chosen not to finalize that report, which was

⁹ Power Point presentation by Douglas R. Failing, P.E., Metro Executive Director, Highway Program on January 24, 2012: Public Private Partnerships, CTF Transportation Forum. See: www.transportationfoundation.org/documents/Doug_Failing.ppt.

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done in 2009¹⁰. Although this report is not finalized, the data and methodology is still relevant and provides factual information on truck movement through the Gap Closure.

Hence, these two activities need to be combined into one programmatic EIR/EIS to address the full suite of impacts, alternatives, and mitigations, which after all is the intent and spirit of both CEQA and NEPA. A programmatic EIR is prepared "...on a series of actions that can be characterized as one large project and are related either: (1) geographically, (2) a logical parts in the chain of contemplated actions..." (*State CEQA Guidelines*, §15168(a)).

- b. *A highway section could be entitled to separate environmental review in which it is (a) of substantial length and (b) between logical terminal points (termini).* The proposed project (I-710 Corridor) is almost the entire length of the Long Beach Freeway at about 18 miles. This portion of the freeway is between the ports to the south and the SR-60 to the north. The "related" project (SR-710) with an approximate distance of 7 miles (including the stub connection to I-210) is within close proximity to the I-710 Corridor Project due to an extremely large 100-square mile study area, between a southern area below the I-10 to the south (difficult to discern on the map where the southern portion ends) and the I-210 to the north as noted in its Notice of Preparation. Together, both construction phases would serve the regional movement of trucks and vehicles along the entire Long Beach Freeway¹¹. To separate the two is arbitrary and avoids looking at the system-wide, cumulative transportation and air quality impacts to other freeways, especially the I-210 and the I-5, and the surrounding communities. The Draft EIR/EIS does not carry out such environmental analyses.
- c. *A separately reviewable highway section must have "independent utility."* Given the tremendous cost and resources involved over a ten-year period, upgrading the Long Beach Freeway needs to be carried out in phases to assure a maximum return of investment to private corporations willing to fund this endeavor. Thus, Caltrans has scheduled the project to begin at the south end of the freeway and then work up to the north end of the freeway. The movement of imported goods is the key to funding opportunities via the private-public partnership at the south end of the freeway and thereby to "kick start" construction and thereby attract private investors for the construction at the north end. So, having the Long Beach Freeway split into two arbitrary sections in this circumstance does not present "independent utility."

¹⁰ ¹⁰ *I-710 Missing Link Truck Study: Traffic Analysis for the Arroyo Verdugo Subregion With and Without the I-710 Gap Closure.* Preliminary Draft Final Report. Submitted to the Southern California Association of Governments. KOA Corporation. May 2009. Refer to http://www.no710.com/_critical-issues-links/2-concerns/2-tunnel_info/3-710scag-missinglink-tr-st.pdf. Within the study area, and based on the responses from fleet operator survey, 50 percent of the operators would use the I-710 if it connected to I-210, 44 percent of the operators would not use the I-710 if it is connected to I-210, and 6 percent of the responses were not sure.

¹¹ *Ibid.*

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- d. *Does the highway segment length selected assure adequate opportunity for the consideration of alternatives?* By ending the analysis at the SR-60 junction, the proposed project does not assure that the entire corridor (from the ports to I-210) and reasonable alternatives relating to truck traffic, commuting traffic and movement of goods from beyond the “study area” are properly examined and disclosed in the Draft EIR/EIS, including those indirect impacts to the I-210 and I-5 and the surrounding communities north of the SR-60.
- e. *Does the segment under consideration seem to fulfill important state and local needs, such as relieving particular traffic congestion?* The answer is no. From a local perspective in the south, the levels of service (LOS) at four intersections would remain at LOS E or F in the post-construction phase: Pico Ave./9th St., Pacific Coast Hwy./Atlantic Ave., I-710 northbound ramps/Long Beach Blvd., and Wilmington Ave./223rd St. Furthermore, studies have indicated that within a short period of time, added lanes will become congested again due to induced travel and generated traffic. The topic of induced travel and generated traffic is not analyzed in the Draft EIR/EIS. The Draft EIR/EIS also “punts” the “cumulative impacts” from SR-710 in the north, even though this phase of the project has been studied off and on by Caltrans for decades as a surface segment and more recently by Metro via a tunnel analysis.

To sum up, the proposed project has been piecemealed and segmented, thereby minimizing the full disclosure of the project’s full extent, intensity, and frequency with respect to its project-specific and cumulative impacts and effects.

2. INDUCED TRAVEL/GENERATED TRAFFIC

The transportation analysis and modeling effort fail to consider generated traffic/induced travel that can reduce efficiencies and effectiveness anticipated with the expansion of lanes.

Induced Traffic: On page 3.5-85, the Draft EIR/EIS states: “As capacity is added, additional drivers may choose to use the I-710 Corridor.” That is the extent to which the Draft EIR/EIS discusses generated traffic or induced travel. There is a great deal of information on this phenomenon. I am providing quotes from three reports to underscore the lack of discussion of this subject in the Draft EIR/EIS:

- a. **Victoria Transport Policy Institute:** November 6, 2011, By Todd Litman: “Generated Traffic and Induced Travel: Implications for Transport Planning.”

“Traffic congestion tends to maintain equilibrium. Congestion reaches a point at which it constrains further growth in peak-period trips. If road capacity increases, the number of peak-period trips also increases until congestion again limits further traffic growth. The additional travel is called “generated traffic.” Generated traffic consists of diverted traffic (trips shifted in time, route and destination), and induced vehicle travel (shifts from other modes, longer trips and new vehicle trips). Research indicates that generated traffic often fills a significant portion of capacity added to congested urban road.

Generated traffic has three implications for transport planning. First, it reduces the congestion reduction benefits of road capacity expansion. Second, it increases many external costs. Third, it provides relatively small user benefits because it consists of vehicle travel that consumers are most willing to forego when their costs increase. It is important to account for these factors in analysis.’

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b. **Texas Transportation Institute (TTI): 1998: “An Analysis of the Relationship between Highway Expansion and Congestion in Metropolitan Areas: Lessons from the 15-Year Texas Transportation Institute Study.”**

“By analyzing TTI’s data for 70 metro areas over 15 years, [Surface Transportation Policy Project] STPP determined that metro areas that invested heavily in road capacity expansion fared no better in easing congestion than metro areas that did not. Trends in congestion show that areas that exhibited greater growth in lane capacity spent roughly \$22 billion more on road construction than those that didn’t, yet ended up with slightly higher congestion costs per person, wasted fuel, and travel delay. The STPP study shows that on average the cost to relieve the congestion reported by TTI just by building roads could be thousands of dollars per family per year. The metro area with the highest estimated road building cost was Nashville, Tennessee with a price tag of \$3,243 per family per year, followed by Austin, Orlando, and Indianapolis.”

“There is substantial evidence that demonstrates that building new roads often increases congestion. A well-established body of research shows that new lanes tend to get filled up with new traffic within a few years, particularly if surrounding routes are also congested. This phenomenon—often called “induced traffic”—occurs when road capacity is expanded near congested routes and drivers flock to the new facility hoping to save time, even if they have to travel a great deal farther to achieve it. Also, the new roadways tend to draw people who would otherwise avoid congested conditions or take alternative modes to their destinations. The result is an overall increase in the total amount of driving and the total number of automobile trips in the region—not just the redistribution of traffic from surrounding areas.

This theory has been strongly supported by empirical evidence. Since the 1940s, dozens of traffic studies have found that traffic inducement does indeed occur. New studies continue to support this hypothesis. The most notable of these covers 30 urban counties in California from 1973 to 1990. The authors, UC Berkeley researchers Mark Hansen and Yuanlin Huang, found that at the metropolitan level, every 1% increase in new lane-miles generated a 0.9% increase in traffic in less than five years, which led them to conclude that “With so much induced demand, adding road capacity does little to reduce congestion.”

In spite of these findings, many transportation agencies still insist that highway construction and road widenings are a viable means of relieving congestion. One such road, a segment of I-287 in northern New Jersey, filled up with traffic (especially trucks) just two years after construction, prompting Princeton University Professor David Bernstein to complain that “It’s as if we hadn’t learned anything in the last 50 years.”

“The time has come for transportation officials to stop making congestion relief claims to bolster highway proposals. Not only has road construction proven to be an ineffective congestion relief strategy, but it is an expensive one as well. According to researchers at the U.S. Department of Transportation, the construction of one ordinary lane-mile of urban highway commonly costs between \$3.4 million and \$7.8 million. For special projects involving major engineering, costs can exceed \$100 million per lane-mile. Using a conservative estimate of \$5 million per lane-mile, we estimate that over the 15 year period included in the TTI data, metro areas that invested heavily in road expansion projects spent \$22 billion more than areas that built fewer new lane-miles, yet failed to produce lower congestion levels.”

c. **Victoria Transport Policy Institute: February 2, 2010, By Todd Litman: “Smart Congestion Reductions: Reevaluating The Role Of Highway Expansion For Improving Urban Transportation.”**

“Modern transportation planning considers a wider range of impacts and options than was previously common, which supports policies and programs that improve transport options, encourage more efficient travel patterns, and increase land use accessibility. These provide multiple benefits. Some people want to return to traditional planning practices that favor automobile travel and ignore other planning objectives. They advocate highway expansion to reduce congestion. Their analysis tends to:

- Exaggerate highway expansion congestion reduction impacts and economic benefits.
- Ignore or understate generated traffic and induced travel effects.
- Overlook many economic, social and environmental costs of wider highways, increased vehicle traffic and sprawled land use.
- Underestimate the true costs of expanding major urban highways.
- Fail to compare highway expansion with other transportation improvement options.

Some of these errors are subtle, technical, and even counter-intuitive. It is therefore important that decision makers and the general public become informed about issues such as the implications of different congestion indicators, the impacts of generated traffic and induced travel, the economic returns on roadway capacity expansion, and more comprehensive planning techniques.

Such projects are only cost effective if they can be funded by peak-period users. Even based on proponents’ optimistic projections, highway expansion projects would cost \$200 to \$400 annually per urban commuter. When faced with such

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tolls motorists often prefer to shift route, mode or destination, so such projects cannot recover their costs. As a result, they would require funding from people who do not directly benefit, which is inefficient and inequitable. Described differently, traffic congestion results from market distortions that underprice driving and stimulate sprawl, resulting in economically excessive motor vehicle travel ("Market Principles," VTPI, 2006). Under such circumstances, expanding highways cannot reduce long term congestion, and would increase other transport problems such as downstream congestion, parking demand, accidents, pollution emissions, sprawl, and inadequate mobility for non-drivers."

There are many, many studies like these illustrating the importance in considering induced travel/generated traffic. However, the Draft EIR/EIS does not discuss this important issue in any meaningful way. As stated in the *State CEQA Guidelines* (§15151): "...disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure." This has not happened regarding induced travel or generated traffic. This discussion is not raised in the Executive Summary of the Draft EIR/EIS as required by §15123(b)(3) of the *State CEQA Guidelines*, i.e., to state areas of controversy known to the Lead Agency including issues raised by agencies and the public. The Draft EIR/EIS does not discuss this issue in the traffic chapter either. This phenomenon could have significant ramifications throughout the entire Long Beach Freeway alignment and adjacent communities, both environmentally and economically (the latter being of concern under NEPA); however, there is no meaningful analysis and so full disclosure of these impacts are not available for public review. This is a serious deficiency of the Draft EIR/EIS in terms of disclosure and technical analysis.

3. NON-COMPLIANCE WITH THE CEQA/NEPA PROCESS

This last issue provides a "catch all" for items found lacking or not clarified in the project's Draft EIR/EIS. As stated in the above discussion, the Draft EIR/EIS is deficient through piecemealing/segmenting the project into two separate projects, i.e., the I-710 Corridor Study and the SR-710 Project (formerly the 710 Gap Closure and before that the 710 Extension Project). The Draft EIR/EIS underestimates the project-specific and cumulative impacts (both direct and indirect) for several of the environmental categories, including traffic, air quality, hazards, public health, growth inducing, and socioeconomics (per NEPA). And, the Draft EIR/EIS is not balanced by providing an analysis on induced travel/generated growth.

Here are some additional items:

Environmentally Superior Alternative: Please clarify which of the alternatives presented in the Draft EIR/EIS is the overall environmentally superior alternative. I was unable to find it in the summary, project description, or alternatives chapters. §15126.6(e)(2) of the *State CEQA Guidelines* details how the No Project Alternative should be evaluated: "...If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." From the NEPA perspective, the Council on Environmental Quality (CEQ) encourages identifying the environmentally preferable alternative in the Draft EIS to allow for meaningful discussion.¹²

¹² Questions 6a and 6b from "Forty Most Asked Questions Concerning CEQ's NEPA Guidelines." 46 *Federal Register* 18026 (March 23, 1981), as amended, 51 *Federal Register* 15618 (April 25, 1986).

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Construction Footprint: Please clarify where the locations are for the temporary construction easements, construction staging areas, and storage site for supplies and equipment. I was unable to find them in the Draft EIR/EIS. Were these areas assessed as well for impacts to the physical environment?

Appendix J: Comments and Coordination #17: SHPO Concurrence: This section is one page only with notes from Caltrans. By law, Caltrans must coordinate with the State Historic Preservation Office (SHPO) on historic resources that could be impacted by the project. But, consultation is more than just passing along historic reports. According to this page, Caltrans provided to SHPO the Historic Property Survey Report, Historic Resource Evaluation Report, and the Archaeological Survey Report for the project on May 2, 2012. Caltrans then stated that after 30 days and not receiving comments from SHPO, "...Caltrans is hereby informing all concerned that we are proceeding forward per stipulation VIII.C.5.a of the 106 PA (to keep the project on schedule)." The notes also indicate that a Caltrans representative contacted a SHPO staff on June 6, 2012, to discuss the project. This brief exchange is clearly deficient in terms of CEQA, NEPA, and the National Historic Preservation Act (NHPA). As noted on SHPO's website¹³: "All federal and federally-sponsored programs and projects, are reviewed pursuant to Sections 106 and 110 of the [NHPA]. Section 106 requires federal agencies to consider the effects of proposed federal undertakings on historic properties. NHPA's implementing regulations found in 36 CFR Part 800, require federal agencies (and their designees, permittees, licensees, or grantees) to initiate consultation with the State Historic Preservation Officer (SHPO) as part of the Section 106 review process. SHPO consultations should be initiated early in the project planning process, BEFORE the project is begun." Meaningful consultation and coordination is also encouraged in the *State CEQA Guidelines* (§15083). Sending a report and giving a 30-calendar day deadline before "moving on" is not consultation. Subtracting for the weekends and Memorial Day, SHPO staff would have a maximum of 22 days to review, check their records, and consult with their experts. Assuming that the assigned SHPO staff person has already other tasks, it is unrealistic for Caltrans to expect comments from SHPO examining several hundreds of possible historic resources and review all three technical reports in that timeframe. Since the two reports made available to the public were dated February 2012 and March 2012, why weren't all of the reports provided sooner to SHPO? Additionally, there is no SHPO concurrence at this time with the title of this appendix section being misleading.

Lastly, this is not a CEQA issue, but why is the quote by Horace Mann in a CEQA/NEPA document? The quote is: "Be ashamed to die until you have won some victory for humanity." While Horace Mann was an educator, this statement is out of context with documenting a SHPO transmittal. It is inappropriate here. In the future, please ensure that such quotes are left off your legal documents. The public doesn't know what to make of it.

Length of CEQA/NEPA Documentation: At over 10,000 pages, this documentation is a "poster child" for CEQA reform. It does little to convey succinctly the areas of concern. The *State CEQA Guidelines* (§15141) encourage page limits: "The text of draft EIRs should normally

¹³California State Historic Preservation Office website: <http://ohp.parks.ca.gov/>.

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be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages.” The same page limitation is expressed in the CEQ NEPA Regulations (§1502.7) as well. Presumably, Caltrans will no longer prepare voluminous and highly repetitious environmental documents in which much of it is boiler-plated, once the State Legislature takes on CEQA reform in the next legislative session. For your consideration, your agency should consider the use of Master Environmental Assessments and Programmatic EIR/EISs to comply with CEQA and NEPA.

Behavior of Drivers: Another issue that is not factored in your traffic analysis is that of driver behavior. They do impact efficiency and flow of traffic. We have all seen what happens when an aggressive driver is moving in and out of traffic, forcing others—including truck drivers—to put on the brakes.

Another aspect of driver responsibility is failing to keep the vehicle or truck in good working order. Imagine how many more lanes will be affected with motorists changing or exiting lanes when a vehicle or truck has broken down in the lane. At the very least, there should be some discussion on this particular issue because it does contribute to reduced efficiencies to the identified benefits of this project in terms of air quality and greenhouse gas emissions.

Greenhouse Gas (GHG) Emissions: Lane expansion of urban highways will actually increase GHG emissions in the long term. This is not dealt with in the Draft EIR/EIS and is of real concern to all affected communities that are adjacent to the Long Beach Freeway.

According to the Sightline Institute¹⁴:

“Road-building proponents often suggest that adding lanes to a highway will reduce greenhouse gas emissions. By easing congestion, they argue, new lanes will reduce the amount of fuel that vehicles waste in stop-and-go traffic, leading to lower releases of climate-warming gases from cars and trucks.

Over the short term—perhaps 5 to 10 years after new lanes are opened to traffic—this argument may hold some slim merit. But considering the increased emissions from highway construction and additional vehicle travel, adding one mile of new highway lane will increase CO₂ emissions by more than 100,000 tons over 50 years.

Carbon dioxide emissions from building one lane-mile of urban highway, over 50 years	
Construction, building materials, and maintenance	3,500 tons
Net congestion relief	-7,000 tons
Additional vehicle travel on the facility	90,000 tons
Induced vehicle travel off the facility	30,000-100,000 tons
TOTAL	116,500-186,500 tons

At current rates of emissions, 100,000 tons of CO₂ equals the 50-year climate footprint of about 100 typical US residents. Because future traffic volumes, vehicle technologies, and land use patterns are inherently uncertain, these estimates should be taken as rough approximations. Yet under almost any set of plausible assumptions, widening a highway in a congested urban area will substantially increase long-term greenhouse gas emissions.”

¹⁴ Sightline Institute. 2007. “Increases in green-house gas emissions from highway-widening projects” by Clark Williams-Derry, Research Director. October 2007. Seattle, WA.

DEPARTMENT OF TRANSPORTATION

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August 8, 2012

Agencies, Organizations, and
Individuals Interested in the
Interstate 710 Corridor Project

File: 07-LA-710-PM 4.9/24.89
I-710 Corridor Project

Notice of Availability of Environmental Impact Report/Statement

Due to the complexity of I-710 Corridor Project, the California Department of Transportation, in cooperation with the Los Angeles County Metropolitan Transportation Authority, the Gateway Cities Council of Governments, the Southern California Association of Governments, the Ports of Los Angeles and Long Beach, and the I-5 Joint Powers Authority have extended the comment period for an additional 30 days.

The Draft Environmental Impact Report/Statement may be viewed on the following website:
<http://www.dot.ca.gov/dist07/resources/envdocs/docs/710corridor/>

Written comments on the Draft Environmental Impact Report/Statement must be submitted by **September 28, 2012**.

Please send your comments to:

Ronald Kosinski
Caltrans District 7, Division of Environmental Planning
100 South Main Street, MS 16A
Los Angeles, CA 90012

If you have any questions, please contact Garrett Damrath at (213) 897-9016. Thank you for your interest in this important transportation study.

Sincerely,

A handwritten signature in cursive script that reads "Ronald Kosinski".

RONALD KOSINSKI

Deputy District Director, Environmental Planning
Caltrans District 7