FINAL Environmental Impact Report

State Clearing House No. 2006121100

COFCG 2007 Regional Transportation Plan

May 31, 2007

Final Program Environmental Impact Report for the COFCG 2007 Regional Transportation Plan

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Prepared For:

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1.0 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Final Environmental Impact Report (FEIR) must be prepared, certified, and considered by decision-makers prior to taking action on a project. The Final EIR provides the local agency with an opportunity to respond to comments received on the Draft EIR and to incorporate any changes or additions necessary to clarify and/or supplement the information contained in that document. This Final EIR, therefore, represents the culmination of all environmentally related issues raised during the comment period on the Draft EIR for the Fresno County 2007 Regional Transportation Plan (RTP). In addition, this Final EIR contains a Mitigation Monitoring and Reporting Program that identifies the necessary processes that are required to ensure that the mitigation measures recommended in the Draft EIR are implemented. Finally, the FEIR contains the Statement of Overriding Considerations, which identifies the significant, adverse, and unavoidable impacts in the Draft EIR. The Fresno COG Board of Directors is required to balance the benefits of the proposed Project (2007 RTP) against its unavoidable environmental risks in determining whether to approve the Project.

1.1 FORMAT AND SCOPE

This document has been prepared by VRPA Technologies, Inc. (VRPA) to address the required components described above. The forty-five day Draft EIR review and comment period began on March 13, 2007 and ended on April 26, 2007. Comments received and staff responses to those comments are contained in Section 2 of this Final EIR. Section 3 provides a listing of changes, additions, and corrections to the Draft EIR recommended by VRPA. Such changes, additions, and corrections are necessary to address revisions resulting from written comments on the Draft EIR. In addition, this document also includes the Mitigation Monitoring and Reporting Program (reference Appendix A) and the Statement of Overriding Considerations (reference Appendix B).

The Final EIR is composed of the following documents:

- Fresno County 2007 Regional Transportation Plan, Draft Environmental Impact Report, March 13, 2007;
- Fresno County 2007 Regional Transportation Plan, March 2007; and
- Fresno County 2007 Regional Transportation Plan, Final Environmental Impact Report, May 31, 2007.

1.2 PROJECT DESCRIPTION

The project, as defined by CEQA Statutes, Section 21065, is the preparation of the Fresno County 2007 Regional Transportation Plan (RTP). The Fresno County Council of Governments (Fresno COG) has prepared the RTP as required by Section 65080 et seq., of Chapter 2.5 of the California Government Code as well as federal guidelines pursuant to the requirements of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The RTP must also meet Transportation Conformity for the Air Quality Attainment Plan per 40 CFR Part 51 and 40 CFR Part 93. The California Transportation Commission has prepared guidelines (most recently revised in October 2003) to assist in the preparation of RTPs pursuant to Section 14522 of the Government Code.

As the designated Regional Transportation Planning Agency (RTPA), Fresno COG is mandated by state and federal law (beginning with SAFETEA-LU) to update the Regional Transportation Plan every four (4) years. The last comprehensive EIR on the RTP was completed in June 2006, which addressed transportation improvement

projects, programs, and funding reflected in the 2004 RTP together with additional funding from the proposed ½ Cent Sales Tax Measure (Measure "C"). The proposed Measure was passed by 2/3rds voter approval it required in order to pass in the November 2006 election. The 2007 RTP must be prepared to address possible environmental impacts resulting from its implementation sources of funding that are available for programming including Measure "C" and other funding sources and programs.

The RTP is used to guide the development of the Regional Transportation Improvement Program (RTIP). The RTIP is the programming document used to plan the construction of regional transportation projects and requires State Department of Transportation (Caltrans) approval. The RTP is also used as a transportation planning document by each of the twelve member jurisdictions of Fresno COG.

The RTP identifies the region's transportation needs and issues, sets forth an action plan of projects and programs to address the needs consistent with the adopted policies, and documents the financial resources needed to implement the plan.

The 2007 RTP consists of required elements and is organized into various chapters. A description of each Chapter for the RTP follows.

- Chapter 1. San Joaquin Valley Regional Transportation Overview;
- Chapter 2. Regional Setting, State & Federal Issues;
- Chapter 3. Policy Element;
- Chapter 4. Needs Assessment & Action Element;
- Chapter 5. Financial Element;
- Chapter 6. Public Participation; and
- Appendices.

2.0 WRITTEN COMMENTS AND FINAL RESPONSES TO COMMENTS

(*Comments received are provided beginning on Page 2-27)*

FROM: Edmund G. Brown, Jr., Attorney General, State of California, Department of Justice.

DATED: April 26, 2007

RESPONSE #1: Comments related to this topic refer to the recent passage of California Assembly Bill (AB) 32 or the Global Warming Solutions Act of 2006, which was signed and passed into law by Governor Arnold Schwarzenegger on September 27, 2006. The Act codifies California's atmospheric greenhouse gas (GHG), which is composed of carbon dioxide (CO_2), methane, nitrous oxide (NO_X), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB 32 establishes GHG emissions targets by requiring that the State's global warming emissions be reduced to 1990 levels by 2020. The Act also directs the California Air Resources Board (CARB) to enforce the statewide cap and would initiate the first phase of program requirements in 2012. The bill makes no mention of local governments or how cities and counties may be affected by future regulations. The regulations developed by CARB in response to the Act will address point sources of greenhouse gas emissions.

Other legislation (AB 1493) requires that CARB develop and adopt the nation's first GHG emission standards for automobiles. These standards are not yet established and are not available as a tool in our GHG modeling process. AB 1493 states that global warming was a matter of increasing concern for the public health and environment in California. It cited several risks that California faces from climate change, including reductions in the State's water supply, increased air pollution caused by higher temperatures, harm to agriculture, an increase in wildfires, damage to the coastline, and economic losses caused by higher food costs, water and energy costs, and insurance prices. The California legislature believes that technological solutions to reduce GHG emissions would stimulate California's economy and provide jobs.

Status of Regulations to Implement the Global Warming Act

The Global Warming Solutions Act has three main parts: (1) emissions reporting requirements, (2) adoption of enforceable emission limits, and (3) development of the State scoping plan.

- Emissions Reporting: CARB is required to adopt regulations for reporting and verification of emissions by January 1, 2008. Under the Act (AB 32), any entity that has voluntarily participated in the emissions reporting program of the California Climate Action Registry by December 31, 2006, will be grandfathered under that program and will not be required to "significantly alter" its program when new or different requirements are later adopted by CARB. In addition, companies will receive "early action" credit for their efforts after specific emission reduction regulations are implemented.

- Enforceable Emissions Limits: By January 1, 2008, CARB is required to determine what California's statewide greenhouse gas emission level was in 1990, and to approve that level as the statewide limit that will be achieved by 2020. While the bill does not specify the 1990 level, lawmakers supporting the bill have claimed that this will result in a 25% reduction from current emissions. Before these levels are set, the Board must hold at least one public workshop and provide an "opportunity for all interested parties to comment."

  With respect to individual sources, by June 30, 2007, CARB will publish a list of discrete "early action" greenhouse gas emission reduction measures that can be implemented within the next three years. Formal regulations adopting those early action measures must be promulgated by January 1, 2010, and

must be enforceable as of that date. All of the Regional Transportation Plans (RTPs) in the San Joaquin Valley must be prepared and adopted by May 31, 2007 considering federal deadlines established by the Federal Highway Administration (FHWA). FHWA's deadlines were made in consultation with CARB and the U.S. Environmental Protection Agency (EPA). As a result, the ability to incorporate "early action" GHG reduction measures in the current RTP Update process is not possible.

- Development of the State Plan: Following the initial publication of the early action measures, the Act directs CARB to develop a "scoping plan" by January 1, 2009, to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions from specific sources or categories of sources by 2020. To develop the plan, CARB must consult with agencies with authority over greenhouse gas emissions (including the California Public Utilities Commission (PUC) and California Energy Commission (CEC), conduct public workshops, and consider economic and non-economic costs and benefits of any proposed programs. In addition, CARB must convene both an Environmental Justice Advisory Committee and an Economic and Technology Advancement Advisory Committee to assist in the development and implementation of the plan. The Economic and Technology Advancement Committee will be dedicated to identifying investment and funding opportunities for research and development of technologies that will help reduce greenhouse gases.

  The Act describes numerous other factors that must be considered in the development of the scoping plan, including national and international practices for greenhouse gas emissions reduction, effectiveness of voluntary reduction practices, relative emission contributions of various sources, and potential effects on small businesses.

After the scoping plan is published, CARB is directed to implement the identified emissions reduction measures through formal regulation before January 1, 2011; the regulations will go into effect one year later. Like the provision describing the various issues that must be considered in development of the scoping plan, the emissions reduction regulations must also consider a list of potential impacts on California's economy and the public health. Notably, the act permits the 2011 regulations to include market-based declining annual aggregate emissions limits beginning in 2012. In other words, CARB is authorized to create a regulatory mechanism for a cap-and-trade program. Any market-based program must be designed not to increase emissions of criteria air pollutants and must consider localized and cumulative emissions impacts.

Currently, there is no methodology to quantify GHG emissions or determine the significance of any project's contribution. There are no CARB-established mitigation measures. The commenter has offered various suggestions to further reduce GHG emissions. Some mitigation measures are already incorporated into the Plan and others are infeasible because they are beyond the capability of Fresno COG and they are discussed later in other responses to comments.

In response to industry's concern about the inflexibility of the reduction to 1990 levels, the bill includes an economic "safety valve," which allows the Governor to suspend the emission reduction measures for one year in the event of "extraordinary circumstances, catastrophic events or the threat of extreme economic disruption." The Act also explicitly states that the authority of the California PUC is not affected by the Act.

In summary, the Act will create a new regulatory program intended to reduce statewide greenhouse gas emissions to their 1990 level. It is not yet clear how, or if, these future regulations would affect local governments or how they might influence local land use planning decisions. From the background discussion above, it is clear that the issue of greenhouse gas reductions extends well beyond the scope of regional government actions incorporated in RTPs without the development of tools to assess GHG emissions, which will come at a later date. Nevertheless, Fresno COG recognizes the importance of this

issue. Goals and policies already incorporated into the RTP will serve to reduce vehicle trip generation. Global climate change is a problem caused by cumulative worldwide GHG emissions. Mitigating global climate change will require worldwide solutions. Combined gases in the earth's GHGs plays a critical role in the earth's radiation budget by trapping infrared radiation emitted from its surface, which otherwise could have escaped to space. Prominent GHGs contributing to this process include water vapor, carbon dioxide, methane, ozone, nitrous oxide, and certain fluorocarbons. This phenomenon, known as the "greenhouse effect", keeps the earth's atmosphere near the surface warmer than it would be under other circumstances. Increases in these gases leads to higher radiation absorption, thereby warming the lower atmosphere and increasing evaporation rates and temperatures near the surface.

Emissions of the GHGs in excess of natural ambient concentrations are thought to be responsible for enhancing the greenhouse effect and contribute to what is termed "global warming", or the unnatural warming of the earth's natural climate. Climate change is a global problem, and GHGs are global pollutants, unlike criteria air pollutants (such as ozone precursors). Worldwide, California is the 12th to 16th largest emitter of carbon dioxide (CO2), according to the CEC, and is responsible for approximately 2% of the world's CO2 emissions.

The Intergovernmental Panel on Climate Change (IPCC) was established by the World Meteorological Organization and United Nations Environment Programme to assess scientific, technical, and socioeconomic information to further understand climate change, its potential impacts, and options for adaptation and mitigation. The IPCC predicts substantial increases in temperatures globally of between 1.1 to 6.4 degrees Celsius, depending on the scenario studied. This may affect the natural environment in California in the following ways:

- Rising sea levels along the California coastline, particularly in the San Francisco Bay Area and within the San Joaquin Delta because of ocean expansion
- Extreme-heat conditions, such as heat waves and very high temperatures, which could last longer and become more frequent
- An increase in heat-related human deaths, infectious diseases, and a higher risk of respiratory problems caused by deteriorating air quality
- Reduced snow pack and stream flow in the Sierra Nevada mountains, affecting winter recreation and water supplies
- Potential increases in the severity of winter storms, affecting peak stream flows and flooding
- Changes in growing season conditions that could affect California agriculture, causing variations in crop quality and yield
- Changes in the distribution of plant and wildlife species because of changes in temperature, competition from colonizing species, changes in hydrologic cycles, changes in sea levels, and other climate-related effects

Changes in California's climate and ecosystems are occurring at a time when the State's population is expected to increase from 34 to 59 million by 2040, according to the CEC. As such, the number of people potentially affected by climate change, as well as the amount of anthropogenic GHG emissions expected under a "business as usual" scenario, is expected to increase.

Similar changes would also occur in other parts of the world with regional variations in resources affected and vulnerability to adverse effects. According to the CEC, GHG emissions in California are attributable to human activities associated with industrial/manufacturing, utilities, transportation, residential, and agricultural sectors, as well as natural processes. Transportation is responsible for 41% of the state's GHG emissions, followed by the industrial sector (23%), electricity generation (20%), agriculture and forestry (8%)

and other sources (8%). Emissions of carbon dioxide (CO_2) and nitrous oxide are byproducts of fossil fuel combustion, among other sources. Methane, a highly potent GHG, results from off-gassing associated with agricultural practices and landfills, among other sources. Sinks of CO_2 include uptake by vegetation and dissolution into the ocean.

Determining what the contribution of GHG emissions might be resulting from the Project is infeasible given the inability to specifically calculate emissions consistent with an accepted methodology. However, Fresno COG has compared the Project GHG emissions to emissions that would result from the No-Build Alternative. The No-Build Alternative includes the existing transportation system plus programmed improvements in the 2006 State Transportation Improvement Program (STIP) considering 2030 population and employment growth. The Air Quality Conformity Analysis for the 2006 STIP however, considered projects and population and employment growth expected to occur at the time of project construction. The results of the comparison between the Project and the No-Build Alternative are presented in Table 1 below and California Mobile Source Emission Inventory, the emission factors model (EMFAC) worksheets are incorporated into Draft EIR as Appendix A. EMFAC is a State-provided air emissions model, which provides estimates of criteria pollutants including CO_2 and NO_X. EMFAC does not provide emissions estimates for other GHG emissions such as fluorocarbons and methane. EMFAC is to be used to estimate emissions impacts related to regional plans and programs. Other emissions models are not geared to regional plans but are applied to analyze individual improvement or development projects. The results indicate that GHG emissions will be less with the Project vs. the No-Build Alternative. According to the Air Quality Conformity Analysis prepared for the Project and included as Table 3-6 in the Draft EIR, NO_X will be reduced between 2008 and 2030.

TABLE 1
Future Emissions (Tons Per Day)

Scenarios	CO_2	ROG	CO	NOX
Project Alternative (2030)	19.9	2.1	40.5	9.1
Project Alt. Lower than No Build Alt.?	Yes	Same	Yes	Same
No-Build Alternative	20.1	2.1	41.0	9.1
Difference	0.2	0.0	0.5	0.0
% Change	0.0	0.0	0.0	0.0

RESPONSE #2: Comment noted. The comment reiterates CEQA requirements for an EIR. The RTP EIR prepared by Fresno COG was prepared in accordance with CEQA requirements; however, an analysis of global warming or GHG emissions was not incorporated into the Draft EIR for a two reasons. First, the Attorney General's Office did not submit a comment letter to Fresno COG during its review of the EIR Notice of Preparation (NOP), which was provided to the State Clearinghouse on December 14, 2006. A letter from CARB was also not received. The Attorney General's Office and CARB had the opportunity to submit comments on the NOP, which is the scoping document for the Draft EIR. Second, AB 32 requires that CARB develop guidelines, an emissions inventory, thresholds of significance, and a methodology to calculate GHG emissions. Without the availability of those documents and tools, Fresno COG did not believe it was possible to evaluate the potential impact of global warming. In response to the comment, Fresno COG has estimated GHG emissions, with the only analytical tools available to it (EMFAC), which indicates that the Project will generate lower emissions than the No-Build Alternative (reference Table 1 above).

RESPONSE #3: Comment noted. The comment describes the purpose and components of an RTP. The RTP EIR prepared by Fresno COG was prepared in accordance with RTP requirements related to environmental protection and enhancement of the environment. An analysis of global warming or GHG emissions was not incorporated into the RTP because AB 32 requires that CARB develop guidelines, an emissions inventory, thresholds of significance, and a methodology to calculate GHG emissions. Without the availability of those documents and tools, Fresno COG did not believe it was possible to evaluate the potential impact of global warming. In response to the comment, Fresno COG has estimated GHG emissions using EMFAC, which indicates that the Project will generate lower emissions than the No-Build Alternative (reference Table 1 above).

RESPONSE #4: The ultimate sources of increased transportation emissions in Fresno County are population and employment growth, which will increase with or without projects referenced in the 2007 RTP. Fresno COG does not implement land use policy in Fresno County; rather, this is under the jurisdiction of the County and the various cities. Decisions about the place, pace, and scale of growth and development are reflected in the general plans and project approvals adopted by the local agencies. The 2007 RTP is designed to reflect, rather than change, the plans adopted by the local agencies. Thus, the ultimate effect of the 2007 RTP on transportation emissions is not to increase the amount of travel per se, but rather to influence where and how travel occurs within and through the County. As noted, the Plan does include $4.6 billion for the provision of a "multi-modal" system. One of the major transportation funding sources included in the 2007 RTP Update, but not included in the 2004 adopted RTP, is Measure "C" Extension funding, or the ½% sales tax increase for transportation purposes approved by Fresno County voters in November 2006. Measure "C" Extension funding will begin being collected on July 1, 2007. Passage of the Measure "C" Extension provided a significant increase in funding for public transit systems, specialized transit services, car and van pooling systems, and new transportation technologies (to mean fully automated, driverless transit such as personal rapid transit or similar systems), as well as other modes in addition to streets and highways. The Measure "C" Extension will provide approximately 39% of the its proceeds to transit, rail consolidation, car and van pools, new transportation technologies, Fresno airports, livable communities, and bicycle, pedestrian and trails programs. The Measure "C" Extension also includes funding (over $5 million) to study various transit corridors throughout the County. Phase 2 of the "Public Transportation Infrastructure Study" (PTIS) must be completed prior to commitment of additional funding for public transit services to determine the corridors where commuter ridership can be captured. All of these Measure "C" programs represent a significant increase in modes other than streets and highways, especially beyond the systems and funding allocated for those systems contained in the No Project Alternative or the current 2004 RTP. In addition, the voters of Fresno County, by their approval of the Measure, committed 75% of all STIP funds to Tier 1 and 2 improvement projects included in the Measure "C" Extension Expenditure Plan. Such funds together with Measure and development funding must be allocated to capacity increasing projects along the regional street and highway system. As a result, 75% of the STIP funding available to Fresno County over the next 20-years cannot be redirected to public transit projects. The Measure "C" expenditures are fixed by the Expenditure Plan approved by the voters.

The Global Warming Act requires that by January 1, 2008 CARB must:

- Determine what California's statewide greenhouse gas emission level was in 1990
- Approve that level as the statewide limit, which will be achieved by 2020
- Publish a list of discrete "early action" greenhouse gas emission reduction measures by June 30, 2007 that can be implemented within the next three years
- Develop a "scoping plan" by January 1, 2009 to achieve the maximum technologically feasible and cost-effective reductions in GHG emissions from specific sources or categories of sources by 2020

Fresno COG did not include an analysis of GHG in its Draft EIR. Furthermore, the Attorney General's comments were not raised in response to the Notice of Preparation (NOP) but have now been raised following the release of the Draft EIR. CARB also did not comment on the NOP and did not submit a comment letter regarding the Draft EIR. Fresno COG provided a copy of the NOP to the State Clearinghouse on December 14, 2006 after AB 32 and AB 1493 had already been passed by the California legislature. As a result, Fresno COG determined that, at this programmatic level of analysis and given the absence of any guidance or implementation from CARB on implementing AB 32 and AB 1493, the EIR includes sufficient general disclosure of the project's air quality impacts, including criteria pollutants that contribute to the formation of GHG. That disclosure is included in the EIR's analysis of air emission impacts and mitigation measures to reduce those impacts. Even though CARB and other agencies with jurisdiction have not yet formulated any specific GHG mitigation recommendations to be adopted through RTP processes, the EIR recommends, and the RTP includes numerous policies that will reduce criteria pollutants, including GHG emissions. Finally, Fresno COG and local agencies within the County will be subject to AB 32 and AB 1493 and the regulations that will be implemented by CARB to achieve the emissions reduction goals of AB 32 and AB 1493.

As of the writing of this Final EIR, the agencies with jurisdiction over air quality regulation and GHG emissions (CARB and the San Joaquin Valley Air Pollution Control District) have not established regulations, guidance, methodologies, significance thresholds, standards, CEQA protocols or mitigation measures that specify the type of analysis, or mitigation measures, that can be included in a program EIR, or other CEQA document. In addition, no emission inventories or emission baselines have been established that would allow for an appropriate analysis to evaluate an existing setting and impact analysis for the proposed implementation of the Fresno County RTP because of climate changes. Fresno COG adheres to the rules and guidelines currently in place at the local, State and federal level, and will adhere to any future regulations regarding global warming resulting from the legislative approval of AB 32 and AB 1493, when available.

The comment that "the Regional Plan will result in a significant cumulative contribution to the GHG load" is opinion. The street and highway projects contained in the RTP are required to address increased congestion over time consistent with land use plans prepared and adopted by the local agencies. RTP Guidelines require consistency with local general plans. Despite the lack of CARB Guidelines and requirements for analyzing impacts of the RTP, the projects were analyzed by Fresno COG to determine if they would reduce criteria emissions over time or for various years between 2008 and 2030. Referencing Table 1 and Draft EIR Section 3.3, results of the EMFAC analysis and Air Quality Conformity Analysis indicate that criteria pollutants will reduce over time with the Project. Other emissions models are not geared to regional plans but are applied to analyze individual improvement or development projects.

A number of mitigation measures are included in Section 3.3 of the Draft EIR to address criteria emissions. Public transit has been significantly enhanced in the 2007 RTP compared to the current RTP (adopted in 2004). Such improvements will help mitigate expected increases in emissions resulting from increased population and employment and the impact of planned growth and development on the regional transportation system. The RTP also references a major transportation study (Phase 2 of the PTIS), which will focus on the identification of major transit corridors within the County. Before committing additional revenues to other modes of transportation, the RTP envisions these studies to determine viable shifts of transportation revenues to transit or other modes to ensure that programs in such modes will be financially constrained in accordance with RTP requirements. Further, the RTP contains projects beyond those discussed under the Intelligent Transportation Systems (ITS) section. The Plan contains a number of projects and significant funding for various forms of transportation in addition to streets and highways. Fresno COG is in the process of developing a Regional Blueprint for the year 2050. Fresno COG is

coordinating development of the Blueprint with the other seven (7) counties within the San Joaquin Valley. All eight (8) counties are located in the same Air Basin (San Joaquin Valley Air Basin) and received the grant for Blueprint development from the State of California. According to Sunne Wright McPeak, former State Secretary of the Business, Housing, and Transportation Agency, the Blueprint programs in California are designed to address the three (3) "E"s of Regional Blueprint Planning including: Energy Efficiency, the Environment, and Economic Development. The Regional Blueprint will identify a preferred land use scenario and transportation system for Fresno County considering the application of alternative growth strategies. The Plan will identify a vision, values, goals, objectives, and implementing strategies that can be planned by Fresno COG and implemented by local agencies within the County to reduce vehicle trips, vehicle miles traveled (VMT), and support increased walkability, passenger rail, public transit systems, and bicycling. The Blueprint is expected to be completed in the fall of 2008.

RESPONSE #5: The reports referenced in the comment were developed in preparation for AB 32; however, GHG modeling tools have not been developed and RTP Guidelines do not presently require that an energy element be included in the 2007 RTP.

The RTP contains more than just Intelligent Transportation System (ITS) projects. The Plan contains a number of projects and significant funding for various forms of transportation in addition to streets and highways. As previously indicated, with the passage of Measure "C", several significant new programs will be funded including car and van pools, new transportation technologies, Fresno airport improvements, livable communities (funding for Transit Oriented Developments and other improvements that promote livable communities or Smart Growth practices), and bicycle, pedestrian and trails programs and projects that reduce commute trips. Fresno COG is also in the process of developing a Regional Blueprint for the year 2050. Fresno COG is coordinating development of the Blueprint with the other seven (7) counties within the San Joaquin Valley. All eight (8) counties are contained in the same Air Basin (San Joaquin Valley Air Basin) and received a grant for Blueprint development from the State of California. According to Sunne Wright McPeak, former State Secretary of the Business, Housing, and Transportation Agency, the Blueprint programs in California are designed to address the three (3) "E"s of Regional Blueprint Planning including: Energy Efficiency, the Environment, and Economic Development. The Regional Blueprint will identify a preferred land use scenario and transportation system for Fresno County considering the application of smart growth practices. The Plan will identify a vision, values, goals, objectives, and implementing strategies that can be planned by Fresno COG and implemented by local agencies within the County to reduce vehicle trips, vehicle miles traveled (VMT), and support increased walkability, passenger rail, public transit systems, and bicycling. The Blueprint is expected to be complete in the fall of 2008.

RESPONSE #6: The commenter assumes that expanded bus service will necessarily reduce VMT and GHG emissions. However, transit service as a means of reducing air emissions has been much debated over the years. Local and state analysis has indicated that NOx emissions may increase unless each bus carries a certain number of passengers that are not transit dependent. Specific analysis of individual routes is necessary to determine if there is an air quality benefit.

Quotes from the RTP are taken from sections entitled "Needs Assessment" and "Overview." They do not reflect the Planning Elements of the RTP. The comments reflect existing transit services in Fresno County, not services planned for implementation over the planning period or by the year 2030. Public transit over the next 20 years has been significantly enhanced in the 2007 RTP over existing conditions and even when compared to the current RTP (adopted in 2004). Such improvements will help mitigate expected increases in emissions resulting from increased population and employment and the impact of planned growth and development on the regional transportation system. Furthermore, the RTP includes a major transportation study (Phase 2 of the PTIS) to be funded through the Measure "C" Extension, which will focus on the

identification of major transit corridors within the County. In addition, the Measure "C" Extension will provide funds to study the consolidation and/or coordination of transit services within the County. Fresno COG has already commissioned a study to determine if consolidation of the various public transit agencies is viable. The Measure "C" Extension Expenditure Plan will provide funding to implement study recommendations should consolidation be warranted. Activities would include coordination with each transit agency to discuss the consolidation effort, development of a Joint Powers Agreement (JPA) or some other similar document to consolidate under one agency all transit service functions, and other required consolidation tasks that will result in implementation of Study recommendations.

The EIR contains an analysis of a reasonable range of alternatives including the VMT Reduction Alternative. The various suggestions in the comment that the EIR should identify feasible alternatives that would expand alternative forms of transportation appear to be a subpart of that alternative. The EIR is not required to consider alternatives to a component of a project but should instead focus on alternatives to the project as a whole.

As noted in the comment, Measure "C" has provided significant funding to Fresno Area Express, Clovis Transit and the Fresno County Rural Transit Agency (FCRTA) to implement feasible expanded and new transit services and programs over the next 20-years. Projects that are included in the 2007 RTP and are to be implemented using Measure "C" Extension funding and include the following:

City of Fresno

- *Primary Program*
  - Improve frequencies to every 15 minutes on the busiest routes on the public transportation system in Fresno
  - Enhance the delivery of paratransit to the disabled community consistent with federal and state law
  - Install and integrate a regional automated farebox system to enhance transit coordination and seamless passenger travel between transit systems
  - Complete fleet conversion to low emission buses
  - Expansion of service areas to all riders, as Fresno's Sphere of Influence changes

City of Clovis

- *Primary Program*
  - Improve frequencies to every 15 minutes on the busiest routes on the public transportation system in Clovis
  - Enhance the delivery of paratransit to the disabled community consistent with federal and state law
  - Install and integrate a regional automated farebox system to enhance transit coordination and seamless passenger travel between transit systems
  - Complete fleet conversion to low emission buses
  - Expand service areas to all riders, as Clovis's Sphere of Influence changes

Fresno County Rural Transit Agency

- *Primary Program*
  - Install and integrate a regional automated farebox system to enhance transit coordination and seamless passenger travel between transit systems
  - Expand intra-city services to improve demand responsive paratransit service frequencies to the elderly, disabled, low-income, and youth of rural Fresno County
  - Complete fleet conversion to low emission buses
  - Deploy other operational and infrastructure improvements such as construction of a dispatch terminal, utilizing intelligent transportation system technology such as safety surveillance cameras

and global positioning systems to provide better services within and between the rural incorporated cities and unincorporated communities

- Ø Expand inter-city service to improve scheduled fixed-route service frequencies to address trips for employment
- Ø Implement an unincorporated County area shuttle program
- Ø Implement escort medical transit service program
- Ø Expand transit services to the Eastside and Westside of Fresno County
- Ø Implement sub-regional Eastside and Westside transit terminal facilities with compressed natural gas and hydrogen refueling stations

The Project improvements identified above are expected to reduce VMT and vehicle trips and as a result, GHG emissions.

RESPONSE #7: The comment focuses on future specific projects that might be included in the VMT Reduction Alternative. The EIR is not required to consider a component of a project but instead consider the project as a whole. The analysis is therefore between project alternatives, not between components of projects. A quantitative analysis requires project specific details including route location, ridership levels, projects costs and detailed funding availability to meet the requirement of financial constraints. The viability or feasibility of any specific project whose goal is the reduction of VMT relies on results of major studies (such as Phase 2 of the PTIS) that have yet to be conducted or completed within the County. Study results are needed to identify the specific types of transit improvements and funding required to enhance public transit systems and major transit corridors. As noted previously, a significant amount of Measure "C" Extension funds over the next 20-years will be provided to enhance public transit use in the County, along with federal and State funds. A significant amount of additional local Measure "C" Extension proceeds will also be provided for other alternative modes. This commitment represents a significant shift from the purely street and highway program funded under the current Measure "C" Program, which was enacted by voters in 1986 and sunsets on June 30, 2007. The only funding that could be used for transit improvements under the current Measure "C" Program were funds that could be committed to such purposes using the local share of Measure "C" funding. Local agencies in the County received 25% of the existing Measure funds to apply to any transportation purpose. Most of the funding however was applied to address the deteriorating street and highway system. To ensure that more funding was available for transit improvements under the Measure "C" Extension Program, a dedicated percentage of funding to public transit and other alternative modes was identified by the Measure "C" Advisory Committee and approved by the voters. With this RTP, the Measure "C" Expenditure Plan with its funding of alternative modes will become part of the RTP.

Further, transit planning applied to evaluate new or enhanced systems, programs or projects was conducted differently in the past. In the past, planning studies focused on transportation and land use policies contained in the general plans of local agencies. Now public transit planning is conducted by Fresno COG and local transit agencies to determine the most viable and desirable transit systems. Studies such as Phase 2 of the PTIS will focus on what land use changes will be required to support enhanced transit use, including an assessment of costs and a financing program to implement study recommendations.

It is important to identify the costs of enhanced transit improvements and the funding programs that would be required because the RTP must be "financially constrained" in accordance with federal and State RTP Guidelines and requirements. As required by federal transportation legislation, the Financial Element of Fresno COG's 2007 Regional Transportation Plan (RTP) is intended to provide the costs and revenue assumptions necessary for decision makers to implement the RTP. These assumptions include revenue estimates for specific governmental funding programs, local contributions and tax initiatives. The intent of the financial assumptions is to provide a level of financial detail adequate for options to be exercised by

State and local decision makers. The following is a brief summation of the components of the Financial Element as noted in the RTP:

- Provides an estimation of the costs and a projection of the revenues available for transportation system improvements recommended in the Action Element of the RTP. In doing so, it contains financial assumptions and projections that set parameters for the Regional Transportation Improvement Program (RTIP).
- The incorporation of a Financial Element in the RTP allows the RTP to be financially constrained as required by federal legislation. Federal statutes state that a financial plan must be included that demonstrates how the projects can be implemented while the existing transportation system is being maintained.
- Serves as an inventory of existing and potential new transportation funding sources that can be used for transportation system improvements that are most appropriate for implementation in Fresno County. It also identifies potential funding shortfalls along with recommendations for the development of needed new sources of revenue.
- Includes a financially constrained list of projects for which funding has been identified or is reasonably expected to be available within the RTP planning horizon. Also included is a list of projects (financially unconstrained) which are both necessary and desirable should funding become reasonably available.

Furthermore, a shift in funding from other modes to enhanced transit services requires "buy-in" from the local agencies. If the local agencies do "buy-in" to enhanced transit systems and a shift in funding to such programs and improvements, then their general plans will need to be revised to support the land use patterns that can accommodate and sustain such services. This is important because the RTP Guidelines also require that the RTP plans and programs be consistent with local agency general plans. Referencing Page 9 of the RTP Guidelines (as amended in December 1999), "The RTPAs (Regional Transportation Planning Agencies) should be certain that the RTP and the circulation elements of the general plans within their region are consistent. The RTPs should also be consistent with Regional Transportation Plans in adjacent regions." Hence the EIR concludes that shifting to other modes will have impacts by requiring changes in land use adopted by the local agencies.

Air quality is a significant issue in Fresno County and in the San Joaquin Valley. The preferred Alternative or the 2007 RTP provides a positive Air Quality Conformity Finding indicating reduction in criteria emissions. Based upon results included in Table 1, GHG emissions are expected to improve when the Project is implemented vs. the No-Build Alternative. In addition, this table also supports the conclusion of the Draft EIR that the No-Build Alternative would result in worse air quality vs. the Project Alternative. Comparing Figures 3-8 through 3-11 in the Draft EIR indicates that the street and highway levels of service will significantly worsen with the No-Build Alternative since congestion will increase, vehicle speeds will decrease and result in higher running emissions. Furthermore, the RTP EIR is required to evaluate the impacts of the Project, not to hypothesize about what the benefits or impacts of a different set of transportation improvements might be; especially when specific transit projects are not known at this time. There is no established methodology available at this time to quantify the effects of any program on GHG emissions. Fresno COG believes that it has identified a reasonable range of project alternatives in the Draft EIR considering the constraints referenced.

RESPONSE #8: As referenced in Response #4, a number of mitigation measures are included in Section 3.3 of the Draft EIR to address criteria emissions. Further, public transit has been significantly enhanced in the 2007 RTP compared to the current RTP (adopted in 2004). Such improvements will help mitigate expected increases in emissions resulting from increased population and employment and the impact of planned growth and development on the regional transportation system. Furthermore, the RTP includes a

major transportation study (Phase 2 of the PTIS), which will focus on the identification of major transit corridors within the County. There is no established methodology available at this time to quantify the effects of any program on GHG emissions.

Local agencies, Caltrans, and the Air District or other agencies engaged in construction projects will be subject to additional environmental review and mitigation measures tailored for those specific construction projects. Without specific information about the construction projects, it is infeasible to formulate mitigation measures at this time.

RESPONSE #9: The RTP EIR is a Program EIR, not a Project EIR. It cannot be determined at this time, how many trees would be impacted by the multi-modal transportation projects and programs contained in the RTP. In order to quantify the amount of displacement and required mitigation replacement, the specific details and design of each improvement project would be required. Furthermore, the responsible or implementing agency or project sponsor would be responsible for developing subsequent environmental documents for specific projects in the RTP, including the cities, the County and Caltrans. Finally, Section 3.4.1 (Biotic Resources) of the RTP Draft EIR includes a mitigation measure stating that "Any disturbed natural areas will be replanted with appropriate native vegetation following the completion of construction activities." This mitigation measure will address impacts on sensitive species as well as lessen carbon sequestration capacity impacts potentially caused by new multi-modal project level improvements.

RESPONSE #10: The RTP or Project does contain a number of the measures listed in the Attorney General's comment letter. Some of these systems are planned or have been implemented already by local agencies within the County. Similar projects in Chapter 4 of the RTP include the following:

- Transportation Demand Management

  Transportation Demand Management (TDM) refers to strategies aimed at modifying people's travel behavior. TDM specifically targets the work force, which generates the majority of peak hour traffic. Education is an essential feature of demand management, as attempts to persuade people to consider their transportation choices in an effort to reduce SOV usage. Transportation alternatives must be available.

  Strategies and alternative transportation modes, which are included in TDM, are as follows:
  - Public transit
  - Rideshare programs
  - Use of flex hours
  - Vanpools
  - Cycling or walking
  - Telecommuting
  - Mixed use land development

  Similar to TCMs, Fresno County, the cities, private businesses, and governmental offices implement some of these programs.

- Transportation System Management

  Transportation System Management (TSM) is a program designed to identify short-range, low-cost capital improvements, which improve the operating efficiency of the existing transportation infrastructure. TSM, in coordination with the programs listed above, improves air quality and the level-

of-service of the existing roadways, reducing congestion and improving circulation. These strategies fall within the responsibility of member agencies and Caltrans and include the following:

- Ø Ramp metering
- Ø Traffic signal synchronization
- Ø Street widening
- Ø Removal or limitation of on street parking
- Ø Access limitations on arterial streets
- Ø Turning lanes and bus bays
- Ø Traffic engineering geometric improvements
- Ø Bikeway facilities
- Ø Bus terminals
- Ø Pedestrian malls

Transportation System Management strategies are implemented by cities, the county, transit operators, and Caltrans.

It should be noted that HOV lanes along SR 41 in the City of Fresno were once in place and severe congestion resulted during the peak hours. Studies were conducted to compare emissions produced with and without the HOV lanes. Based upon study results, implementation of the HOV lanes resulted in severe congestion in the non-HOV lanes and as a result, increased emissions in criteria pollutants. The HOV lanes were then removed because they contributed to increased air emissions. The addition of any new lanes along the freeway system in Fresno County will require an HOV study in accordance with FHWA requirements.

RESPONSE #11: Both Fresno COG and responsible agencies implementing projects outlined in the 2007 RTP will be required to adhere to any future applicable mandatory regulations regarding global warming resulting from the passage of AB 32 and AB 1493, but the exact character of such future implementing strategies is not known at this time. Fresno COG and the local agencies will quantify GHG emissions consistent with Guidelines and requirements developed by CARB. Once the Guidelines are available, Fresno COG will address GHG emissions and global warming impacts of projects contained in the 2007 RTP. Nonetheless, the analysis compared the Project to the No-Build and does show a reduction in CO_2 emissions. Further, the RTP does include measures to reduce GHG emissions including retrofit projects, transit enhancements, and other measures aimed at reducing vehicle trips and VMT.

APPENDIX A

Title : Fresno County Avg 2030 - Project
Version : Emfac2002 V2.2 Apr 23 2003 ** WIS Enabled **
Run Date : 02/06/07 11:22:08
Scen Year: 2030 -- Model Years: 1985 to 2030
Season : Annual
Area : Fresno County Average
I/M Stat : I and M program in effect
Emissions: Tons Per Day

	Light Duty Passenger Cars				Light Duty Trucks				Medium Duty Trucks				Heavy Duty Trucks - Gasoline Trucks			Heavy Duty Trucks - Diesel Trucks	Total HD Trucks	Urban Buses	Motor-cycles	All Vehicles
	Non-cat	Cat	Diesel	Total	Non-cat	Cat	Diesel	Total	Non-cat	Cat	Diesel	Total	Non-cat	Cat	Total					
Vehicles	0.	446931.	18.	446949.	0.	302093.	322.	302415.	0.	58486.	3773.	62259.	0.	13808.	13808.	21646.	35453.	982.	12081.	860139.
VMT/1000	0.	17122.	0.	17122.	0.	11237.	7.	11244.	0.	2251.	183.	2434.	0.	308.	308.	2291.	2599.	128.	103.	33630.
Trips	0.	2784390.	83.	2784470.	0.	1856430.	1438.	1857870.	0.	658179.	46307.	704486.	0.	122413.	122413.	314727.	437139.	3928.	24159.	5812050.
Reactive Organic Gas Emissions																				
Run Exh	0.00	0.15	0.00	0.15	0.00	0.19	0.00	0.19	0.00	0.06	0.03	0.08	0.00	0.02	0.02	0.46	0.48	0.06	0.31	1.27
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.01	0.00	0.01	0.01	0.09	0.10	0.00	0.00	0.11
Start Ex	0.00	0.19	0.00	0.19	0.00	0.22	0.00	0.22	0.00	0.14	0.00	0.14	0.00	0.07	0.07	0.00	0.07	0.01	0.06	0.69
Total Ex	0.00	0.34	0.00	0.34	0.00	0.41	0.00	0.42	0.00	0.21	0.03	0.24	0.00	0.09	0.09	0.55	0.64	0.06	0.37	2.07
Diurnal	0.00	0.13	0.00	0.13	0.00	0.17	0.00	0.17	0.00	0.04	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.03	0.37
Hot Soak	0.00	0.14	0.00	0.14	0.00	0.15	0.00	0.15	0.00	0.04	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.33
Running	0.00	0.62	0.00	0.62	0.00	0.97	0.00	0.97	0.00	0.54	0.00	0.54	0.00	0.16	0.16	0.00	0.16	0.01	0.03	2.32
Resting	0.00	0.07	0.00	0.07	0.00	0.10	0.00	0.10	0.00	0.02	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.21
Total	0.00	1.30	0.00	1.30	0.00	1.80	0.00	1.80	0.00	0.85	0.03	0.87	0.00	0.26	0.26	0.55	0.81	0.07	0.45	5.30
Carbon Monoxide Emissions																				
Run Exh	0.00	9.45	0.00	9.45	0.00	10.29	0.00	10.30	0.00	2.61	0.21	2.81	0.00	0.73	0.73	2.89	3.62	0.52	2.92	29.62
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.08	0.00	0.09	0.00	0.04	0.04	0.54	0.58	0.00	0.00	0.67
Start Ex	0.00	3.18	0.00	3.18	0.00	3.48	0.00	3.48	0.00	1.91	0.00	1.91	0.00	1.29	1.29	0.00	1.29	0.07	0.29	10.23
Total Ex	0.00	12.63	0.00	12.63	0.00	13.77	0.00	13.77	0.00	4.60	0.21	4.81	0.00	2.06	2.06	3.43	5.49	0.60	3.21	40.51
Oxides of Nitrogen Emissions																				
Run Exh	0.00	0.75	0.00	0.75	0.00	1.01	0.01	1.02	0.00	0.32	0.18	0.50	0.00	0.16	0.16	3.18	3.34	0.56	0.13	6.30
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.01	0.00	0.00	0.00	1.64	1.64	0.00	0.00	1.66
Start Ex	0.00	0.16	0.00	0.16	0.00	0.21	0.00	0.21	0.00	0.59	0.00	0.59	0.00	0.16	0.16	0.00	0.16	0.01	0.01	1.14
Total Ex	0.00	0.91	0.00	0.91	0.00	1.22	0.01	1.23	0.00	0.91	0.19	1.11	0.00	0.32	0.32	4.82	5.14	0.57	0.14	9.10
Carbon Dioxide Emissions (000)																				
Run Exh	0.00	6.55	0.00	6.55	0.00	5.46	0.00	5.47	0.00	1.71	0.10	1.81	0.00	0.23	0.23	5.06	5.29	0.21	0.02	19.35
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.08	0.08	0.00	0.00	0.09
Start Ex	0.00	0.21	0.00	0.21	0.00	0.18	0.00	0.18	0.00	0.06	0.00	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.46
Total Ex	0.00	6.77	0.00	6.77	0.00	5.65	0.00	5.65	0.00	1.77	0.10	1.88	0.00	0.24	0.24	5.14	5.38	0.21	0.02	19.90
PM10 Emissions																				
Run Exh	0.00	0.19	0.00	0.19	0.00	0.21	0.00	0.21	0.00	0.06	0.01	0.07	0.00	0.00	0.00	0.20	0.20	0.01	0.00	0.68
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.02	0.02	0.00	0.00	0.02
Start Ex	0.00	0.02	0.00	0.02	0.00	0.02	0.00	0.02	0.00	0.01	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.05
Total Ex	0.00	0.22	0.00	0.22	0.00	0.23	0.00	0.23	0.00	0.07	0.01	0.07	0.00	0.00	0.00	0.22	0.22	0.01	0.00	0.76
TireWear	0.00	0.15	0.00	0.15	0.00	0.10	0.00	0.10	0.00	0.02	0.00	0.02	0.00	0.00	0.00	0.07	0.08	0.00	0.00	0.36
BrakeWr	0.00	0.24	0.00	0.24	0.00	0.16	0.00	0.16	0.00	0.03	0.00	0.03	0.00	0.00	0.00	0.03	0.04	0.00	0.00	0.47
Total	0.00	0.60	0.00	0.60	0.00	0.49	0.00	0.49	0.00	0.12	0.01	0.13	0.00	0.01	0.01	0.32	0.33	0.01	0.00	1.58
Lead	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SOx	0.00	0.07	0.00	0.07	0.00	0.05	0.00	0.05	0.00	0.02	0.00	0.02	0.00	0.00	0.00	0.05	0.05	0.00	0.00	0.19
Fuel Consumption (000 gallons)																				
Gasoline	0.00	694.75	0.00	694.75	0.00	580.33	0.00	580.33	0.00	182.09	0.00	182.09	0.00	24.63	24.63	0.00	24.63	5.56	2.73	1490.09
Diesel	0.00	0.00	0.01	0.01	0.00	0.00	0.24	0.24	0.00	0.00	9.40	9.40	0.00	0.00	0.00	462.51	462.51	14.45	0.00	486.61

```
Title    : Fresno County Avg 2030 – No Build
Version  : Emfac2002 V2.2 Apr 23 2003 ** WIS Enabled **
Run Date : 05/10/07 10:19:12
Scen Year: 2030 -- Model Years: 1985 to 2030
Season   : Annual
Area     : Fresno County Average
I/M Stat : I and M program in effect
Emissions: Tons Per Day
```

	Light Duty Passenger Cars				Light Duty Trucks				Medium Duty Trucks				Heavy Duty Trucks - Gasoline Trucks			Heavy Duty Trucks - Diesel Trucks	Total HD Trucks	Urban Buses	Motor-cycles	All Vehicles
	Non-cat	Cat	Diesel	Total	Non-cat	Cat	Diesel	Total	Non-cat	Cat	Diesel	Total	Non-cat	Cat	Total					
Vehicles	0.	445491.	18.	445508.	0.	301120.	321.	301441.	0.	58297.	3761.	62058.	0.	13763.	13763.	21576.	35339.	979.	12042.	857367.
VMT/1000	0.	17066.	0.	17067.	0.	11201.	7.	11208.	0.	2244.	182.	2426.	0.	307.	307.	2284.	2590.	127.	103.	33521.
Trips	0.	2775410.	83.	2775500.	0.	1850440.	1434.	1851880.	0.	656058.	46157.	702215.	0.	122018.	122018.	313712.	435730.	3916.	24081.	5793320.
Reactive Organic Gas Emissions																				
Run Exh	0.00	0.16	0.00	0.16	0.00	0.21	0.00	0.21	0.00	0.06	0.03	0.09	0.00	0.02	0.02	0.46	0.48	0.06	0.30	1.29
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.01	0.00	0.01	0.01	0.09	0.10	0.00	0.00	0.11
Start Ex	0.00	0.19	0.00	0.19	0.00	0.22	0.00	0.22	0.00	0.14	0.00	0.14	0.00	0.07	0.07	0.00	0.07	0.01	0.06	0.68
Total Ex	0.00	0.35	0.00	0.35	0.00	0.43	0.00	0.43	0.00	0.22	0.03	0.24	0.00	0.09	0.09	0.55	0.64	0.06	0.36	2.08
Diurnal	0.00	0.13	0.00	0.13	0.00	0.17	0.00	0.17	0.00	0.03	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.03	0.37
Hot Soak	0.00	0.14	0.00	0.14	0.00	0.15	0.00	0.15	0.00	0.04	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.33
Running	0.00	0.62	0.00	0.62	0.00	0.97	0.00	0.97	0.00	0.54	0.00	0.54	0.00	0.16	0.16	0.00	0.16	0.01	0.03	2.31
Resting	0.00	0.07	0.00	0.07	0.00	0.10	0.00	0.10	0.00	0.02	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.20
Total	0.00	1.31	0.00	1.31	0.00	1.81	0.00	1.81	0.00	0.85	0.03	0.88	0.00	0.25	0.25	0.55	0.80	0.07	0.44	5.30
Carbon Monoxide Emissions																				
Run Exh	0.00	9.76	0.00	9.76	0.00	10.63	0.00	10.64	0.00	2.69	0.21	2.90	0.00	0.72	0.72	2.89	3.61	0.52	2.78	30.21
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.08	0.00	0.09	0.00	0.04	0.04	0.53	0.58	0.00	0.00	0.66
Start Ex	0.00	3.17	0.00	3.17	0.00	3.46	0.00	3.46	0.00	1.90	0.00	1.90	0.00	1.29	1.29	0.00	1.29	0.07	0.29	10.19
Total Ex	0.00	12.93	0.00	12.93	0.00	14.10	0.00	14.10	0.00	4.68	0.21	4.89	0.00	2.05	2.05	3.42	5.47	0.60	3.07	41.06
Oxides of Nitrogen Emissions																				
Run Exh	0.00	0.76	0.00	0.76	0.00	1.02	0.01	1.03	0.00	0.32	0.18	0.50	0.00	0.16	0.16	3.17	3.33	0.56	0.13	6.31
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.01	0.00	0.00	0.00	1.64	1.64	0.00	0.00	1.65
Start Ex	0.00	0.16	0.00	0.16	0.00	0.21	0.00	0.21	0.00	0.59	0.00	0.59	0.00	0.16	0.16	0.00	0.16	0.01	0.01	1.13
Total Ex	0.00	0.92	0.00	0.92	0.00	1.22	0.01	1.23	0.00	0.91	0.19	1.10	0.00	0.32	0.32	4.81	5.13	0.57	0.14	9.09
Carbon Dioxide Emissions (000)																				
Run Exh	0.00	6.68	0.00	6.68	0.00	5.57	0.00	5.57	0.00	1.73	0.10	1.84	0.00	0.23	0.23	5.04	5.27	0.21	0.02	19.59
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.08	0.08	0.00	0.00	0.09
Start Ex	0.00	0.21	0.00	0.21	0.00	0.18	0.00	0.18	0.00	0.06	0.00	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.46
Total Ex	0.00	6.89	0.00	6.89	0.00	5.75	0.00	5.75	0.00	1.79	0.10	1.90	0.00	0.24	0.24	5.12	5.36	0.21	0.02	20.14
PM10 Emissions																				
Run Exh	0.00	0.21	0.00	0.21	0.00	0.22	0.00	0.22	0.00	0.06	0.01	0.07	0.00	0.00	0.00	0.20	0.20	0.01	0.00	0.71
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.02	0.02	0.00	0.00	0.02
Start Ex	0.00	0.02	0.00	0.02	0.00	0.02	0.00	0.02	0.00	0.01	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.05
Total Ex	0.00	0.23	0.00	0.23	0.00	0.25	0.00	0.25	0.00	0.07	0.01	0.07	0.00	0.00	0.00	0.22	0.22	0.01	0.00	0.78
TireWear	0.00	0.15	0.00	0.15	0.00	0.10	0.00	0.10	0.00	0.02	0.00	0.02	0.00	0.00	0.00	0.07	0.08	0.00	0.00	0.35
BrakeWr	0.00	0.24	0.00	0.24	0.00	0.15	0.00	0.15	0.00	0.03	0.00	0.03	0.00	0.00	0.00	0.03	0.04	0.00	0.00	0.46
Total	0.00	0.61	0.00	0.61	0.00	0.50	0.00	0.50	0.00	0.12	0.01	0.13	0.00	0.01	0.01	0.32	0.33	0.01	0.00	1.60
Lead	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SOx	0.00	0.07	0.00	0.07	0.00	0.06	0.00	0.06	0.00	0.02	0.00	0.02	0.00	0.00	0.00	0.05	0.05	0.00	0.00	0.19
Fuel Consumption (000 gallons)																				
Gasoline	0.00	707.86	0.00	707.86	0.00	591.28	0.00	591.28	0.00	184.24	0.00	184.24	0.00	24.55	24.55	0.00	24.55	5.55	2.68	1516.17
Diesel	0.00	0.00	0.01	0.01	0.00	0.00	0.24	0.24	0.00	0.00	9.37	9.37	0.00	0.00	0.00	461.02	461.02	14.40	0.00	485.05

FROM: W.E. Loudermilk, Regional Manager, State of California, Department of Fish and Game.

DATED: April 25, 2007

RESPONSE: #12 Impact 3.4.2 on page 3-48 will be modified to reflect the possible threat to threatened or endangered species through construction activities and facility operation in non-native habitats, including agricultural and residential land.

RESPONSE: #13 Mitigation Measures for Impact 3.4.2 on page 3-48 will be modified to reflect mitigation of the possible threat to threatened or endangered species through construction activities and facility operation in non-native habitats, including agricultural and residential land.

RESPONSE: #14 The significance statement for Impact 3.4.2 on page 3-49 will be modified to reflect non-native habitats, including agricultural and residential land.

FROM: Dave Singleton, Program Analyst, Native American Heritage Commission.

DATED: April 18, 2007

RESPONSE: #15 Already included in the EIR. Reference Mitigation Measures on pages 3-62 through 3-66.

RESPONSE: #16 Already included in the EIR. Reference Mitigation Measures on pages 3-62 through 3-66.

RESPONSE: #17 Already included in the EIR. Reference Mitigation Measures on pages 3-62 through 3-66.

RESPONSE: #18 The EIR includes references to Federal Regulations, through the Native American Graves Protection and Repatriation Act, and State Regulations, through CEQA, which specify protocol should these circumstances occur.

RESPONSE: #19 The EIR includes references to Federal Regulations, through the Native American Graves Protection and Repatriation Act, and State Regulations, through CEQA, which specify protocol should these circumstances occur.

RESPONSE: #20 Comment noted.

FROM: Central Transit & Development Corporation (CTDC), Mr. JP Sweeney, CEO

DATED: Not dated.

RESPONSE #21: The California Environmental Quality Act (CEQA) requires that Fresno COG include in its EIR all feasible project alternatives. To this end, Fresno COG included the following Alternatives in the RTP EIR: No Project (current RTP adopted in 2004), the No-Build Alternative (future growth in the year-2030 vs. the 2008 transportation system or existing system plus programmed projects) and the VMT Reduction Alternative. The comment focuses on future specific projects that might be included in the VMT Reduction

Alternative. The EIR is not required to consider a component of a project but instead consider the project as a whole. The analysis is therefore between project alternatives, not between components of projects. A quantitative analysis requires project specific details including route location, ridership levels, projects costs and detailed funding availability to meet the requirement of financial constraints. The viability or feasibility of any specific project whose goal is the reduction of VMT relies on results of major studies (such as Phase 2 of the PTIS) that have yet to be conducted or completed within the County. Study results are needed to identify the specific types of transit improvements and funding required to enhance public transit systems and major transit corridors.

The RTP or Project must be financially constrained in accordance with RTP Guidelines and federal Air Quality Conformity requirements. As required by federal transportation legislation, the Financial Element of Fresno COG's 2007 Regional Transportation Plan (RTP) is intended to provide the costs and revenue assumptions necessary for decision makers to implement the RTP. These assumptions include revenue estimates for specific governmental funding programs, local contributions and tax initiatives. The intent of the financial assumptions is to provide a level of financial detail adequate for options to be exercised by State and local decision makers. The following is a brief summation of the components of the Financial Element as noted in the RTP:

- Provides an estimation of the costs and a projection of the revenues available for transportation system improvements recommended in the Action Element of the RTP. In doing so, it contains financial assumptions and projections that set parameters for the Regional Transportation Improvement Program (RTIP).
- The incorporation of a Financial Element in the RTP allows the RTP to be financially constrained as required by federal legislation. Federal statutes state that a financial plan must be included, which demonstrates how the projects can be implemented while the existing transportation system is being maintained.
- Serves as an inventory of existing and potential new transportation funding sources that can be used for transportation system improvements that are most appropriate for implementation in Fresno County. It also identifies potential funding shortfalls along with recommendations for the development of needed new sources of revenue.
- Includes a financially constrained list of projects for which funding has been identified or is reasonably expected to be available within the RTP planning horizon. Also included is a list of projects (financially unconstrained) which are both necessary and desirable should funding become reasonably available. The EIR considered the environmental impacts of the constrained list of multi-modal projects.

This means that Fresno COG must identify the specific types of multi-modal systems (public transit or otherwise), the exact location of the planned system(s), the estimated costs of the system(s) and the appropriate specific funding sources that will be applied over the planning period (next 23 years) to fund the system(s) before a specific project will be included in the RTP list of financially constrained projects. The RTP cannot identify alternative systems that are not specifically identified or financially constrained. It can reference studies either completed or underway that will be applied over time to help plan the multi-modal transportation system. Without the results of Phase 2 of the PTIS, it will not be possible for Fresno COG to know the types of system(s) that will be required to accommodate growth and development throughout the County over the next 23-years, nor will Fresno COG know how much the system(s) will cost or what funding sources (public or private) are available to finance the system(s). Phase 2 of the PTIS will not preclude Personal Rapid Transit (PRT) type systems from being considered. Recommendations resulting from an approved Phase 2 PTIS will be incorporated into future RTPs.

Furthermore, a shift in funding from other modes to enhanced transit services requires "buy-in" from the local agencies. If the local agencies do "buy-in" to enhanced transit systems and a shift in funding to such programs and improvements, then their general plans will need to be revised to support the land use patterns that can accommodate and sustain such services. This is important because the RTP Guidelines also require that the RTP plans and programs be consistent with local agency general plans. Referencing Page 9 of the RTP Guidelines (as amended in December 1999), "The RTPAs (Regional Transportation Planning Agencies) should be certain that the RTP and the circulation elements of the general plans within their region are consistent. The RTPs should also be consistent with Regional Transportation Plans in adjacent regions." Hence, the EIR concludes that shifting to other modes will have impacts by requiring changes in land use adopted by the local agencies.

In addition, there are a number of other studies underway by Fresno COG and its member agencies like the City of Fresno (including Fresno Area Express) that will provide insight into how best to plan for public transit systems throughout the County. These studies are looking at various alternative systems or strategies to address mobility needs in the County.

Further, a significant amount of Measure "C" Extension funds over the next 20-years will be provided to enhance public transit use and other alternative modes in the County, along with federal and State funds. This commitment represents a significant shift from the purely street and highway program funded under the current Measure "C" Program, which was enacted by voters in 1986 and sunsets on June 30, 2007. The only funding that could be used for transit improvements under the current Measure "C" Program were funds that could be committed to such purposes using the local share of Measure "C" funding. Local agencies in the County received 25% of the existing Measure funds to apply to any transportation purpose. Most of the funding however was applied to address the deteriorating street and highway system. To ensure that more funding was available for transit improvements under the Measure "C" Extension Program, a dedicated percentage of funding to public transit and other alternative modes was identified by the Measure "C" Advisory Committee and approved by the voters.

Section 3.3 of the Draft EIR references the Air Quality Conformity Findings related to the Project Alternative. Table 3-6 identifies results of the air quality conformity finding including the projected emissions of hydrocarbons, nitrogen oxides, carbon monoxide, volatile organic gases, and particulate emissions for the Project compared with the base (2002) or the emissions budgets for 2010 and 2018. The analysis shows that Project emissions do not exceed the base and budget thresholds established by EPA. Emissions (with the exception of PM_{10}, which is in attainment of federal standards) will be reduced between 2008 and 2030 as Project improvements are constructed.

Rising oil prices are beyond the control of Fresno COG or any of the local agencies within Fresno County. While oil prices are rising, the Project is not expected, "in and of itself" to cause further "physical" environmental impacts. The multi-modal system of improvement projects have been identified to accommodate mobility needs over a 23-year timeframe. This includes significant public transit improvements that will be funded with Measure "C" Extension proceeds, as well as other State and federal funding. Further, the annual "Unmet Transit Needs" process provides the opportunity for citizens and stakeholders within the County to identify their requests for new, enhanced, or expanded transit service that may result from increased oil prices, the need to access new job development opportunities within the County, or other unforeseen occurrences that may require the addition of transit services.

RESPONSE #22: Fresno COG has identified in the RTP Financial Element, other sources of funding that will be explored over time. Referencing Section 5.9 of the RTP, numerous new funding sources are being

explored (in addition to other local funding sources) and offer potential relief for the transportation revenue shortfall that currently faces Fresno County and the State of California.

Referencing Response #21, the RTP must be "financially constrained". This means that Fresno COG must identify the specific types of multi-modal systems (public transit or otherwise), the exact location of the planned system(s), the estimated costs of the system(s) and the appropriate specific funding sources that will be applied over the planning period (next 23 years) before a specific project will be included in the RTP list of financially constrained projects.. The RTP cannot identify alternative systems that are not specifically identified or financially constrained. It can reference studies either completed or underway that will be applied over time to help plan the multi-modal transportation system. Without specifying the exact transit improvement, the benefits and costs of the improvement, and the specific funding available to fully finance the improvement (whether private or public), a project cannot be identified in the RTP.

RESPONSE #23: Central Transit & Development Corporation (CTDC) is, according to Mr. Sweeney, owned and operated by him. The CTDC has not provided specifics regarding its "CyberTran" system to Fresno COG. Furthermore, when Mr. Sweeney was asked to provide specifics regarding his system to Fresno COG staff during the review period on the draft RTP or Draft EIR for the RTP, Mr. Sweeney told staff that specifics regarding the system were "proprietary and confidential." At no time prior to development of the RTP or during review of the Notice of Preparation (NOP) for the Project EIR, did CTDC provide any information, proposal for development of, or consideration of CyberTran in the regional planning process at Fresno COG. According to Mr. Sweeney, CyberTran is envisioned as a "personal rapid transit" (PRT) system. Mr. Sweeney has participated as a stakeholder on numerous planning activities and transit discussions.

Finally, Fresno COG cannot speculate about whether traditional funding for "new-start" transit systems such as light rail would be available from the federal government. According to information presented in the RTP and EIR, Fresno COG will explore the various types of transit improvements that may be possible, the required land use changes that will be required to support such systems, and the availability of funding to fully finance such a system(s) through development of Phase 2 of the PTIS and other on-going or proposed transit studies. These studies will not preclude systems such as CyberTran, but will explore all types of new start mass transportation systems, including PRT that may improve mobility within Fresno County.

RESPONSE #24: Comments regarding Fresno's historical past are noted. The RTP does reflect a multi-modal system of improvements to address mobility over the next 23-years or through the year 2030 as required by federal and state agencies. The RTP does meet Air Quality Conformity Finding requirements, the results of which indicate that the proposed system of multi-modal improvements will result in reductions of nonattainment pollutants over time or between 2008 and 2030. Multi-modal system improvements include significant enhancements to public transit systems and significant funding for New Transit Technologies given additional funding from the Measure "C" Extension Program, passed by the voters in November 2006.

RESPONSE #25: CTDC's opinion is noted. Section 5956.1. of the California Government Code reflects the following: "It is the intent of the Legislature that local governmental agencies have the authority and flexibility to utilize private investment capital to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate, or any combination thereof, fee-producing infrastructure facilities. Without the ability to utilize private sector investment capital to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate, or any combination thereof, fee-producing infrastructure facilities, the Legislature finds that some local governmental agencies will not be able to adequately, competently, or satisfactorily retrofit, reconstruct, repair, or replace existing infrastructure and

will not be able to adequately, competently, or satisfactorily design and construct new infrastructure." Fresno COG, through development of the RTP, understands the importance of utilizing private funding to finance the multi-modal transportation system and it will continue to explore such funding options. However, referencing Response #21, the RTP must be "financially constrained". This means that Fresno COG must identify the specific types of multi-modal systems (public transit or otherwise), the exact location of the planned system(s), the estimated costs of the system(s) and the appropriate specific funding sources that will be applied over the planning period (next 23 years) to fund the system(s). The Regional Transportation Plan (RTP) cannot identify alternative systems that are not specifically identified or financially constrained. It can reference studies either completed or underway that will be applied over time to help plan the multi-modal transportation system. Without specifying the exact transit improvement, the benefits and reasonable cost estimates of the improvement, and the specific funding available to fully finance the improvement (whether private or public), a project cannot be identified in the RTP.

Further, Fresno COG cannot change the parameters of the project description assessed by the RTP EIR. The project description includes plans and programs contained in the 2007 RTP as an entire package. Finally, the CTDC has not provided specifics regarding its "CyberTran" system to Fresno COG. Furthermore, when Mr. Sweeney was asked to provide specifics regarding his system to Fresno COG staff during the review period on the draft RTP or Draft EIR for the RTP, Mr. Sweeney told staff that specifics regarding the system were "proprietary and confidential." At no time prior to development of the RTP or during review of the Notice of Preparation (NOP) for the Project EIR, did CTDC provide any information, proposal for development of, or consideration of CyberTran in the regional planning process at Fresno COG. According to Mr. Sweeney, CyberTran is envisioned as a "personal rapid transit" (PRT) system. Referencing Response #23, according to information presented in the RTP and EIR, Fresno COG will explore the various types of transit improvements that may be possible, the required land use changes that will be required to support such systems, and the availability of funding to fully finance such a system(s) through development of Phase 2 of the PTIS and other on-going or proposed transit studies. These studies will not preclude systems such as CyberTran, but will explore all types of new start mass transportation systems, including PRT that would improve mobility within Fresno County.

The 1st bullet point referenced in the comments is not from the RTP, but from Section 1.3 on Page 1-1 of the Draft EIR. The 2007 RTP does include an assessment of existing conditions and the potential for new travel options within the region. The RTP includes a number of new or enhanced multi-modal programs and projects including new and expanding streets and highways, new and expanded transit services, new and expanded bikeway, trail and pedestrian systems, airport improvements, goods movement programs and projects, rail improvements, and other measures to improve mobility throughout the county.

The statement referencing the 2007 FTIP Regional Transportation Plan, Section 2.3 is not from the FTIP or RTP, but from the Draft RTP EIR, Section 2.3 – Project Characteristics. Alternative scenarios were addressed by the Draft RTP EIR including the No Project, No Build, and the VMT Reduction Alternatives. The RTP cannot assess alternatives because the RTP must be financially constrained as defined in Response #21 above. The statement referring to projects identified and described in the RTP that are desired or preferred but were not included in the RTP due to financial constraint, were identified as such based upon the availability of funding and because specific alternative mode projects will be identified in future studies such as Phase 2 of the PTIS. Funding to deliver a multi-modal project, whether it be a street or road or a proposed PRT system, must be identified and secured in order to identify the project as financially constrained. Furthermore, the project must be fully defined, evaluated for benefits to the transportation system, and the costs of the project must be reasonably accurate. To date, the commenter's CyberTran system has not been defined, the benefits cannot be evaluated, costs have not been developed and funding has not been secured.

RESPONSE #26: The comment citing legislation is noted. Fresno COG acknowledges the intent of the legislation.

RESPONSE #27: The VMT Reduction Alternative includes enhanced or new transit systems and other modal improvements to reduce VMT "in concept." Other transit studies have and will continue to address alternative systems to reduce VMT such as Phase 2 of the PTIS, the Fresno Downtown Infrastructure study (currently underway), and other long-range transit studies. CTDC's CyberTran system is, according to its CEO, is proprietary and confidential. Information on the system was not provided to Fresno COG staff when requested. Mr. Sweeney did refer Fresno COG staff to the firm's website, however, nothing was found regarding the CyberTran system.

Fresno COG, through development of the RTP, understands the importance of utilizing private funding to finance the multi-modal transportation system and it will continue to explore such funding options. However, referencing Response #21, the RTP must be "financially constrained". This means that Fresno COG must identify the specific types of multi-modal systems (public transit or otherwise), the exact location of the planned system(s), the estimated costs of the system(s) and the appropriate specific funding sources that will be applied over the planning period (next 23 years) to fund the system(s). The RTP cannot identify alternative systems that are not specifically identified or financially constrained. It can reference studies either completed or underway that will be applied over time to help plan the multi-modal transportation system. Without specifying the exact transit improvement, the benefits and costs of the improvement, and the specific funding available to fully finance the improvement (whether private or public), a project cannot be identified in the RTP.

Alternative scenarios were addressed by the Draft RTP EIR including the No Project, No Build, and the VMT Reduction Alternatives. The Reduced VMT Alternative is conceptual and programmatic and is therefore considered in the Draft RTP EIR. Any specific project will require further project details to fully assess.

RESPONSE #28: There are a number of other mitigation measures included in the Programmatic EIR that will address land use impacts over time including Measure 3.9.1, which states, "The impact on significant agricultural resources will be evaluated as part of the appropriate improvement project-specific environmental review. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Individual projects will be consistent with local land use plans and policies that designate areas for urban land use and preserve agricultural lands that support the economic viability of agricultural activities.
- Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of potential land use impacts."

Furthermore, it is not possible to determine what impact the CTDC CyberTran system would have on the environment since specifics regarding the system have not been proposed previously, nor have specific been provided during NOP review or during development of the RTP Draft EIR. Specifics were requested prior to the commenter filing the comments on the Draft EIR, but such specifics were not received or found on the CTDC's website.

Finally, according to Mr. Sweeney, CyberTran is envisioned as a "personal rapid transit" (PRT) system. Referencing Response #23, according to information presented in the RTP and EIR, Fresno COG will explore the various types of transit improvements that may be possible, the required land use changes that will be required to support such systems, and the availability of funding to fully finance such a system(s) through development of Phase 2 of the PTIS and other on-going or proposed transit studies. These studies will not preclude systems such as a PRT or CyberTran system, but will explore all types of new start mass transportation systems, including PRT that would improve mobility within Fresno County.

RESPONSE #29: The list of CyberTran benefits to quality of life in Fresno County is common to any other proposal for enhanced transit services with the exception of the private funding contribution. As previously mentioned in the responses above, specifics regarding the analysis of the system that would provide factual data and information to support the statements have not been provided. Such benefits can be determined during development of Phase 2 of the PTIS and other studies referenced in the RTP. Until such time as these systems are evaluated, costs and benefits have been determined, and funding sources have been secured, the RTP cannot include such projects in the financially-constrained plan and the Air Quality Conformity Finding.

RESPONSE #30: Table 2-1 is included in the Draft EIR, not in the RTP. There are a number of other regional projects and programs (other than streets and highways) that are planned in both the RTP and reiterated in Chapter 2 of the Draft EIR including the following:

- Multimodal: Section 4.2.3 of the RTP
- Highway, Streets, and Roads: Section 4.3 of the RTP
- Urban Mass Transportation: Section 4.4.5 of the RTP and Table
- Rural Area Public Transportation & Social Service Transportation: Section 4.5.4 of the RTP
- Aviation: Section 4.6.5 of the RTP
- Pedestrian and Bicycle Transportation: Section 4.7.5 of the RTP
- Rail, Rail Consolidation, and Goods Movement: Section 4.8.5 of the RTP
- Congestion Management: Section 4.9.5 of the RTP
- Air Quality: Section 4.10.5 of the RTP

Referencing Response #21, rising oil prices are beyond the control of Fresno COG or any of the local agencies within Fresno County. While oil prices are rising, the Project is not expected, "in and of itself" to cause further "physical" environmental impacts. The multi-modal system of improvement projects have been identified to accommodate mobility needs over a 23-year timeframe. This includes significant public transit improvements that will be funded with Measure "C" Extension proceeds, as well as other State and federal funding. Further, the annual "Unmet Transit Needs" process provides the opportunity for citizens and stakeholders within the County to identify their requests for new, enhanced, or expanded transit service that may result from increased oil prices, the need to access new job development opportunities within the County, or other unforeseen occurrences that may require the addition of transit services.

National security issues related to the consumption or reliance of Fresno drivers on oil products is not the responsibility of Fresno COG or an issue that must be addressed by the RTP or assessed by the Draft EIR.

RESPONSE #31: The commenter's opinion is noted, but a response to his opinion is not required. The RTP and Draft EIR reference results of the Air Quality Conformity Finding, which indicates that the proposed multi-modal improvements and programs will address air quality requirements. Referencing Response #30, there are a number of other regional projects and programs (other than streets and highways) that are planned in both the RTP and reiterated in Chapter 2 of the Draft EIR including the following:

- Multimodal: Section 4.2.3of the RTP
- Highway, Streets, and Roads: Section 4.3 of the RTP
- Urban Mass Transportation: Section 4.4.5 of the RTP and Table
- Rural Area Public Transportation & Social Service Transportation: Section 4.5.4 of the RTP
- Aviation: Section 4.6.5 of the RTP
- Pedestrian and Bicycle Transportation: Section 4.7.5 of the RTP
- Rail, Rail Consolidation, and Goods Movement: Section 4.8.5 of the RTP
- Congestion Management: Section 4.9.5 of the RTP
- Air Quality: Section 4.10.5 of the RTP

RESPONSE #32: The comment references the RTP not the Draft EIR. Further, the section referenced is Section 4.2.1 of the RTP, not Section 4.2.2. The quote used in the comment is one paragraph in Section 4.2.1 of the RTP. The remaining paragraphs of the Section include the following:

"In the Central Valley, where cities have experienced much of their growth since the invention of the automobile, residential densities tend to be comparatively low, with streets and land uses designed to facilitate the use and storage of the personal automobile.

During the hot summer days when upper temperatures can remain around the 100 degree mark, the attractiveness of the air-conditioned car is strong. It will require even stronger commitment to the goals of air quality and the quality of life in this County to make the changes needed to implement the "seamless" multimodal system. It involves people making conscious choices to use alternative transportation modes, and the provision of those alternate systems in a manner, which encourages their use. To succeed, those efforts would have to focus on long-term changes:

- Increasing land use intensity and residential densities, particularly along corridors used for transit or planned for future light rail systems;
- Facilitating the development of mixed land use districts which promote living, working, shopping and recreation accessible by foot or bicycle, and which are served by centrally located transit routes (the Tower District in Fresno, Clovis' Old Town, and many of the County's small cities serve as examples built more than 40 years ago);
- Expanding transit systems and the frequency of services;
- Developing connecting bikeway systems and facilitating and encouraging their use;
- Improving connectivity between transit and rail, transit and air travel, cycling and transit, etc.;
- Reservation of future "park and ride" opportunities;
- An organized public education effort; and
- Appropriate financing, including both operations and capital investment."

Since the RTP Section was referenced and not the Draft EIR, further response regarding Section 4.2.1 is not required.

In addition, the commenter references the CyberTran system as a "reasonable" system that should be analyzed by the EIR to justify the merits of its feasibility. In as much as the EIR seeks to analyze the impacts of the Project or 2007 RTP, the EIR is not intended to fully describe and scope a singular project proposed by the CTDC or CyberTran. A Programmatic EIR is intended to analyze the environmental impacts of a set of projects or programs. Further, the commenter is implying that public funds be allocated to assess the merits of the CyberTran system, which is the proprietary system of the CTDC and its CEO. PRT or other similar transit systems may be included in future RTPs and analyzed in the associated EIR

once they have been fully evaluated in terms of cost and benefit and funding sources have been identified to deliver the project. Such funding must be fully disclosed and determined to be available in accordance with RTP Guidelines and federal and State requirements. The CyberTran system has not been previously proposed, has not been fully evaluated in terms of cost and benefit, nor have funding sources been identified to fully finance the system, regardless of whether such funds are private or public or a combination of the two. The EIR did analyze the VMT Reduction Alternative, of which a PRT system could be a system considered to reduce vehicle trips and VMT.

RESPONSE #33: CEQA requires the EIR to analyze a reasonable range of alternatives and need not include every alternative suggested. The Draft RTP EIR analyzes a reasonable range of alternatives including the Reduced VMT Alternative. To the extent the comment suggests analysis of a particular project to reduce VMT without regard for the strength or weakness of the entity offering such a proposal, it should be noted that financial constraint analysis noted in Response #1 is done without regard to the identity of any proposer. We do not offer a response as to the commenter's standing.

RESPONSE #34: The commenter is citing Section 4.3.1 of the RTP, not Section 4.3. The citation is also reflected in Chapter 2 of the Draft EIR. The commenter's opinion is noted. It should be known however, that there are a number of additional modes included in the 2007 RTP. Those descriptions include specific plans or actions that will be taken by Fresno COG and other agencies over the 23 year period. These sections include:

- Multimodal: Section 4.2.3 of the RTP
- Highway, Streets, and Roads: Section 4.3 of the RTP
- Urban Mass Transportation: Section 4.4.5 of the RTP and Table
- Rural Area Public Transportation & Social Service Transportation: Section 4.5.4 of the RTP
- Aviation: Section 4.6.5 of the RTP
- Pedestrian and Bicycle Transportation: Section 4.7.5 of the RTP
- Rail, Rail Consolidation, and Goods Movement: Section 4.8.5 of the RTP
- Congestion Management: Section 4.9.5 of the RTP
- Air Quality: Section 4.10.5 of the RTP

The commenter also references section 4.3.4 of the RTP and in Chapter 2 of the Draft EIR regarding Transportation Corridor Needs. A portion of the citation is from Section 4.3.5 of the RTP and therefore taken out of context with the first citation. COG will continue to explore new modal options with the private sector during Phase 2 of the PTIS and during development of the New Technologies Program included in the Measure "C" Extension Expenditure Plan. The EIR and the RTP is not the forum in which to choose one type of transit system over another. Specific studies are needed to analyze the benefits and costs and funding needed to implement such a system. Results of the analysis will be included in a future RTP once specific studies are complete and Fresno COG and its member jurisdictions have agreed to implement study recommendations.

RESPONSE #35: The citation of Title 14, Section 15125 of the California Code, Rules and Regulations is noted. Referencing Page 9 of the RTP Guidelines (as amended in December 1999), "The RTPAs (Regional Transportation Planning Agencies) should be certain that the RTP and the circulation elements of the general plans within their region are consistent. The RTPs should also be consistent with Regional Transportation Plans in adjacent regions." The Fresno County 2007 RTP is consistent with the general plans of each of its local agencies including multi-modal transportation systems and land use designations.

Fresno COG has identified equitable solutions to the extent that it can in the 2007 RTP. In order to identify other viable improvements to the multi-modal system, COG must rely on results and recommendations of future studies such as Phase 2 of the PTIS. Further, the EIR is not required to consider a component of a project but instead consider the project as a whole. The analysis is therefore between project alternatives, not between components of projects. Finally, the merits of the commenter's CyberTran system have not been provided as required by Fresno COG and federal and State agencies for inclusion in the 2007 RTP. Much more detail and analytical data, costs and funding must be provided to Fresno COG before the proposed system can be considered by Fresno COG and its member agencies.

RESPONSE #36: Reference to the MTR model is noted and a further response is not required.

RESPONSE #37: The comment is the opinion of the commenter and no further response is required. However, it should be noted that the RTP does meet Air Quality Conformity Finding requirements, the results of which indicate that the proposed system of multi-modal improvements will result in the reduction of nonattainment pollutants over time or between 2008 and 2030.

RESPONSE #38: The citations are referenced in the Draft EIR as noted and require no further response. Further, the comment following the citations is the opinion of the commenter and no further response is required. However, the RTP list of multi-modal projects referenced in the various Sections of Chapter 4 of the RTP and in Chapter 2 of the EIR, have been evaluated considering land use designations and socioeconomic data developed for the year 2030 during development and application of the regional Transportation Model. Model output considering planned growth and development is then applied to analyze air quality emissions resulting from the planned transportation system. According to the results of the Air Quality Conformity Finding, the RTP does meet Air Quality Conformity Finding requirements, the results of which indicate that the proposed system of multi-modal improvements will result in the reduction of nonattainment pollutants over time or between 2008 and 2030.

RESPONSE #39: The citation is referenced in the EIR as noted and require no further response. The opinion following the citation is noted and also requires no further response. The commenter however, notes that "the proposed CTDC CyberTran, Fresno system should be analyzed and merit the claims of this system." It is not the responsibility of Fresno COG or for the use of public funds to analyze the merits of one proprietary PRT system over another. It is however, the responsibility of Fresno COG to consider a breadth of transit systems and programs that can result in lower VMT in Fresno County. Such an analysis is proposed through Phase 2 of the PTIS, which is funded using future Measure "C" Extension Program funding. Phase 2 of the PTIS is referenced as a future project in the 2007 RTP and in the Measure "C" Extension Expenditure Plan.

RESPONSE #40: The citations are referenced in Section 3.3 of the Draft EIR and requires no further response. The opinion of the commenter indicates, "the proposed CTDC transit system provides the most equitable solution to resolve the myriad of the regional environmental and economic concerns." It is not possible for Fresno COG to know the merits of the proposed CyberTran system without a full disclosure and a subsequent evaluation of the system consistent with RTP and Air Quality Conformity requirements.

RESPONSE #41: The synopsis of the Brookings Institute study is noted. The opinion following the synopsis is the opinion of the commenter and also requires no further response. However, referencing Response #21, rising oil prices are beyond the control of Fresno COG or any of the local agencies within Fresno County. While oil prices are rising, the Project is not expected, "in and of itself" to cause further "physical" environmental impacts. The multi-modal system of improvement projects have been identified to accommodate mobility needs over a 23-year timeframe. This includes significant public transit improvements that will be funded with Measure "C" Extension proceeds, as well as other State and federal funding. Further, the annual "Unmet Transit Needs" process provides the opportunity for citizens and stakeholders within the County to identify their requests for new, enhanced, or expanded transit service that may result from increased oil prices, the need to access new job development opportunities within the County, or other unforeseen occurrences that may require the addition of transit services.

RESPONSE #42: The opinion stated is the opinion of the commenter and requires no further response. However, it should be noted that street, road, and highway improvements are not the only form of transportation planned for implementation during the 23-year period of the 2007 RTP. Referencing response #30, the 2007 RTP includes specific plans or actions that will be taken by Fresno COG and other agencies including:

- Multimodal: Section 4.2.3of the RTP
- Highway, Streets, and Roads: Section 4.3 of the RTP
- Urban Mass Transportation: Section 4.4.5 of the RTP and Table
- Rural Area Public Transportation & Social Service Transportation: Section 4.5.4 of the RTP
- Aviation: Section 4.6.5 of the RTP
- Pedestrian and Bicycle Transportation: Section 4.7.5 of the RTP
- Rail, Rail Consolidation, and Goods Movement: Section 4.8.5 of the RTP
- Congestion Management: Section 4.9.5 of the RTP
- Air Quality: Section 4.10.5 of the RTP

RESPONSE #43: The opinion stated is noted. Referencing Response #21, rising oil prices are beyond the control of Fresno COG or any of the local agencies within Fresno County. While oil prices are rising, the Project is not expected, "in and of itself" to cause further "physical" environmental impacts. The multi-modal system of improvement projects have been identified to accommodate mobility needs over a 23-year timeframe. This includes significant public transit improvements that will be funded with Measure "C" Extension proceeds, as well as other State and federal funding. Further, the annual "Unmet Transit Needs" process provides the opportunity for citizens and stakeholders within the County to identify their requests for new, enhanced, or expanded transit service that may result from increased oil prices, the need to access new job development opportunities within the County, or other unforeseen occurrences that may require the addition of transit services.

RESPONSE #44: Fresno COG cannot consider the proposals of the commenter in either the EIR or the 2007 RTP without a considerable amount of additional information, analysis and supportive data. In as much as the EIR seeks to analyze the impacts of the Project or 2007 RTP, the EIR is not intended to fully describe and scope a singular project proposed by the CTDC or CyberTran. A Programmatic EIR is intended to analyze the environmental impacts of a set of projects or programs. Further, the commenter is implying that public funds be allocated to assess the merits of the CyberTran system, which is the proprietary system of the CTDC and its CEO. PRT or other similar transit systems may be included in future RTPs and analyzed in the associated EIR once they have been fully evaluated in terms of cost and benefit and funding sources have been identified to deliver the project. Such funding must be fully disclosed and

determined to be available in accordance with RTP Guidelines and federal and State requirements. The CyberTran system has not been previously proposed, has not been fully evaluated in terms of cost and benefit, not have funding sources been identified to fully finance the system, regardless of whether such funds are private or public or a combination of the two. The EIR did analyze the VMT Reduction Alternative, of which a PRT system could be a system considered to reduce vehicle trips and VMT.

EDMUND G. BROWN JR.
Attorney General

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April 26, 2007

By Telecopy and E-mail

Jason Paukovits
Council of Fresno County Governments
2035 Tulare Street, Suite 201
Fresno, CA

RE: Draft Environmental Impact Report For the 2007 Regional Transportation Plan (State Clearinghouse No. 2006121100)

Dear Mr. Paukovits:

The Attorney General submits these comments to the Council of Fresno County Governments ("Council") on the Draft Environmental Impact Report For the 2007 Regional Transportation Plan ("Regional Plan"). The Attorney General provides these comments pursuant to his independent power and duty to protect the natural resources of the State from pollution, impairment, or destruction in furtherance of the public interest. (*See* Cal. Const., art. V, § 13; Cal. Gov. Code, §§ 12511, 12600-12; *D'Amico v. Board of Medical Examiners*, 11 Cal.3d 1, 14-15 (1974)). These comments are made on behalf of the Attorney General and not on behalf of any other California agency or office.

1

Under the California Environmental Quality Act, Public Resources Code § 21000, et seq. ("CEQA"), the Council has an obligation to consider global warming impacts of the Regional Plan in the EIR. The projects and priorities identified in the Regional Plan could result in significant increases in emissions of greenhouse gases that cause global warming, and any increase in such emissions will make it more difficult for the state to achieve the greenhouse gas reductions required by Assembly Bill 32. The final EIR must evaluate the global warming impacts of the projects and priorities adopted in the Regional Plan and discuss feasible alternatives and mitigation measures to avoid or reduce those impacts.

Global Warming in California

The Intergovernmental Panel on Climate Change of the United Nations recently published its finding that overwhelming evidence establishes that global warming is

occurring and is caused by human activity.[1] With respect to impacts in the state, the California Climate Change Center reports that temperatures are expected to rise 4.7 to 10.5°F by the end of the century.[2] These increases would have serious consequences, including substantial loss of snow-pack, an increase of as much as 55% in the risk of large wildfires, and reductions in the quality and quantity of agricultural products.[3] Additionally, the report predicts increased stress on the state's vital resources and natural landscapes.[4] Global warming will also slow the progress toward attainment of the ozone air quality standard by increasing the number of days that are meteorologically conducive to the formation of ozone.[5]

In June 2005, the California Energy Commission reported that California produced 493 million metric tons of carbon dioxide-equivalent greenhouse gas ("GHG") emissions in 2002.[6] Of those emissions, 82% were emissions of carbon dioxide from fossil fuel combustion.[7] Fossil fuel consumption in the transportation sector was the single largest source of California's GHG emissions in 2002. According to the report, transportation, which includes emissions from vehicles and planes, accounted for 41.2% of GHG emissions in the state.[8]

California's Actions to Address Global Warming

On June 1, 2005, Governor Schwarzenegger issued Executive Order S-3-05. The Order recognized California's vulnerability to global warming and the need for

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1. "Climate Change 2007: The Physical Science Basis, Summary For Policymakers" (Fourth Assessment Report of the IPCC, February 2007).

2. Amy Lynd Luers, Daniel R. Cayan et. al, *Our Changing Climate: Assessing the Risks to California* (July 2006) at p. 2. The report was prepared by the Climate Change Center at the direction of CalEPA pursuant to its authority under Executive Order S-3-5.

3. *Id.* at pp.2, 10.

4. *Ibid.*

5. Climate Action Team Report, Executive Summary, p.xii (CalEPA March 2006).

6. "Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2002 Update."

7. Gerry Bemis and Jennifer Allen, *Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2002 Update* (June 2005) at p.5.

8. *Id.* at pp. 6-7.

implementation of mitigation measures to limit the impacts to the state. The Order specifically found that global warming results in increased temperatures that threaten to greatly reduce the Sierra snow-pack, one of the State's primary sources of water, threaten to further exacerbate California's air quality problems, and adversely impact human health by increasing heat stress and heat related deaths, and the risk of asthma, respiratory and other health problems.

To counteract the warming trend, the Governor set GHG emission reduction targets for California: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce emissions to 1990 levels; by 2050, reduce emissions to 80 percent below 1990 levels.

Assembly Bill 32, the California Global Warming Solutions Act of 2006, codified at Health and Safety Code Section 38500, et seq. ("AB 32"), was signed into law by the Governor on September 27, 2006. The bill demonstrates that the Legislature recognizes the serious threats that global warming poses to California.[9]

To combat these threats, AB 32 requires reduction of the state's GHG emissions to 1990 levels by 2020,[10] a time well within the 2030 planning horizon of the Regional Plan. This emissions cap is equal to a 25% reduction from current levels.[11] The bill directs that by June 30, 2007, the California Air Resources Board ("CARB") shall publish a list of discrete early action GHG emission reduction measures that will be implemented by 2010.[12] CARB must then adopt comprehensive regulations that will go into effect in 2012 to require the actions necessary to achieve the GHG emissions cap by 2020.[13] The legislation also encourages entities to voluntarily reduce GHG emissions prior to 2012 by offering credits for early voluntary reductions.[14]

California Environmental Quality Act

CEQA and its implementing Guidelines provide that in any of the following situations, a finding must be made that the project may have a significant effect on the environment:

(1) A proposed project has the potential to degrade the quality of the

9. Health & Safety Code § 38501.

10. Health & Safety Code § 38550.

11. 9/27/2006 Press Release from the Office of the Governor, available at http://gov.ca.gov/index.php?/print-version/press-release/4111.

12. Health & Safety Code § 38560.5.

13. Health & Safety Code § 38562.

14. Health & Safety Code §§ 38562(b)(3), 38563.

> environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals.
>
> (2) The possible effects of a project are individually limited but cumulatively considerable. As used in this paragraph, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
>
> (3) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.[15]

As part of the analysis carried out in an EIR, the agency must formulate mitigation measures and examine alternatives to the proposed project. CEQA mandates that public agencies refrain from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that can substantially lessen or avoid those effects .[16]

2

As the Court of Appeal concluded in *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720 [internal quotation omitted]):

"[o]ne of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant, assuming threatening dimensions only when considered in light of the other sources with which they interact. Perhaps the best example is air pollution, where thousands of relatively small sources of pollution cause a serious environmental health problem. CEQA has responded to this problem of incremental environmental degradation by requiring analysis of cumulative impacts."

The Regional Transportation Plan

The Regional Plan is a long-range regional transportation plan that includes policies and goals to guide transportation decisions and a list of proposed transportation projects needed through 2030. Transportation projects must be contained in, or consistent with, the Regional Plan to qualify for federal or state funding.

3

Federal law directs that the Regional Plan shall include projects and strategies that will, among other things: "protect and enhance the environment"; "promote energy

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15. Public Resources Code § 21083(b); see also Cal.Code Regs., tit. 14 § 15065.

16. Public Resources Code § 21081; see also, *Mountain Lion Foundation v. Fish and Game Commission,* 16 Cal.4th 105, 134 (1997).

conservation"; and "improve the quality of life. ...." (23 U.S.C.A. § 134(h)). The Regional Plan also "shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan." (23 U.S.C.A. § 134(i)(2)(B)(i)).

3

The County's population is expected to increase by more than 50% by 2030, the time-frame covered by the Regional Plan. Accordingly, large increases in vehicle miles traveled are also expected. The Regional Plan includes new road construction, road widening and other transportation improvements designed to accommodate these new drivers as well as increased truck traffic from growth in the agricultural industry. The Regional Plan authorizes expenditure of $4.6 billion, including $2.5 billion on "regionally significant" road construction and widening projects. However, the EIR contains no discussion of the impact of these projects on GHG emissions or the state's ability to achieve the 25% reduction in GHG emissions required by AB 32.

The EIR Must Consider Global Warming Impacts

The Governor's Executive Order and AB 32 inform agencies' obligations under CEQA. The existence of global warming is indisputable; it is causing significant environmental impacts in California and will cause future catastrophic impacts if emissions levels are not substantially reduced; and many incrementally small but cumulatively significant sources of emissions are being approved and permitted every day.

4

Construction of the $4.6 billion dollars worth of road construction and other projects authorized in the Regional Plan will result in a significant cumulative contribution to the GHG load. Once permitted, these projects will continue to have environmental implications for decades. To ensure that these projects do not conflict with or prevent compliance with AB 32's requirement to reduce GHG emissions to1990 levels, the Council must include feasible measures to avoid or reduce GHG emissions associated with the projects. If the proposed transportation projects are carried out without implementing such measures, it will be more difficult for the state to achieve the required statewide GHG reductions and will place a greater burden on other sources of emissions (and may result in greater cost to achieve the required reductions).

In light of the serious threat to the environment from existing GHG emissions, and the emission reduction requirements of AB 32, the Council has a current obligation under CEQA to address the potential environmental impacts from increased GHG emissions from the projects in the Regional Plan and adopt feasible mitigation measures. The EIR must describe the existing level of GHG emissions in the County, and the estimated increased GHG emissions associated with the transportation projects

included in the Regional Plan.[17] CEQA then requires that the Council evaluate the feasible alternatives and mitigation measures that would avoid or reduce GHG emissions associated with the actions included in the Regional Plan.[18] In addition to meeting CEQA requirements, these measures will help California meet its statutory requirements for GHG reductions. Moreover, AB 32 includes a provision to give credit for measures that are taken to reduce GHG emissions before the regulations implementing the statute are adopted (the first implementing regulations will be adopted in June 2007).

4

The Climate Action Team Report to Governor Schwarzenegger and the Legislature (CalEPA March 2006) identifies some possible strategies for regional transportation planning that could achieve significant GHG emission reductions. (Report at p.57.) The first strategy - Measures to Improve Transportation Energy Efficiency and Smart Land Use and Intelligent Transportation - includes: "[i]ncorporating energy efficiency and climate change emissions reduction measures into the policy framework governing land use and transportation, including framework for developing energy element in state transportation and regional planning documents." (*Id.* at p.58.) It also includes: "[d]iversifying transportation energy infrastructure and advancing measures to slow the rate of vehicle miles traveled growth and excessive reliance on petroleum." *Id.*[19]

5

The second strategy identified by the Climate Action Team is "Smart Land Use and Intelligent Transportation." (*Id.* at 57.)[20] Smart land use strategies "encourage

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17. This estimate should take into account the effect of "induced-demand" (i.e., increased number and/or distance of vehicle trips per household) that will result from the road improvements in the Plan that are designed to improve (or maintain) traffic flows and relieve congestion, during a period of large population growth. The draft EIR (p. 5-1) identifies "land use and growth [that] may occur in areas not previously envisioned" as a significant, unavoidable environmental impact of the Regional Plan. The EIR should also evaluate these impacts on GHG emissions.

18. There are several models or calculators that local governments can use to evaluate GHG reductions from various actions. See, Center for Clean Air Policy, Transportation Emissions Guidebook, Emissions Calculator (www.ccap.org/safe/guidebook.php); California Energy Commission, The Energy Yardstick: Using PLACE3S to Create More Sustainable Communities (www.energy.ca.gov/places/); and Clean Air and Climate Protection Software - A Joint Project of STAPPA/ALAPCO, ICLEI and the EPA (www.cacpsoftware.org/).

19. The Report predicts GHG reductions from these strategies of 1.8 million metric tons of CO2 by 2010 and 9 million metric tons by 2020. *(Id.)*

20. The Report predicts GHG reductions from these strategies of 5.5 million metric tons of CO2 by 2010 and 18 million metric tons by 2020. (*Id*).

jobs/housing proximity, promote transit oriented development, and encourage high-density residential/commercial development along transit corridors." (*Id.*) Intelligent Transportation Systems is "the application of advanced technology systems and management strategies to improve operational efficiency of transportation systems and movement of people, goods and services." (*Id.*)

While the Regional Plan includes projects to implement some of these strategies, such as Intelligent Transportation, the EIR should address the potential to reduce GHG emissions by increasing implementation of these and other strategies and, where appropriate, they should be added to the Regional Plan. Although the Plan includes numerous "smart land use" principles as goals, objectives and policies, the specific projects funded in the Plan to implement such actions appear quite limited. 5

The Council, of course, has the opportunity and responsibility to identify the specific alternatives and mitigation measures to reduce GHG emissions in the final EIR and in the Regional Plan, and adapt them to local conditions. We have identified some possibilities below for the Council's consideration.

The Council, for example, should consider in the EIR whether including additional public transit projects in the Regional Plan would reduce GHG emissions. The proposed Regional Plan includes total expenditures of $4.6 billion, but only about $422 million of this amount is for public transit.[21/] The Plan indicates that existing bus service in the county primarily serves transit-dependent residents, and is not designed to serve residents commuting to major employment centers in and around Fresno. The Plan states that "as those services exist today, public transit is little more than a safety net for transit dependent riders. In most cases, poor service frequency, short service hours, and multiple transfers create long travel times making public transit a distant last choice for travel." Regional Plan, p. 4-32. The critical need for improved public transit in the county is demonstrated by the fact that "growth in vehicle miles traveled (VMT) continues to outpace growth in population." Regional Plan, p. 4-106. The Plan indicates that the FAX Long-Range Transit Master Plan and the City of Fresno's Alternative Mass Transportation Pre-Major Investment Study have identified and evaluated corridors for high capacity transit that would be effective for reducing VMT. Regional Plan, p. 4-44. The Regional Plan includes $235 million of Measure C funding for the major urban public transportation provider, Fresno Area Express ("FAX"), but does not identify the projects these funds will be used for. Regional Plan, p. 5-40. Therefore, it is unclear whether these funds will be used to reduce VMT by expanding bus service to employment centers in and around Fresno. The EIR must identify feasible alternatives that would expand bus service to reduce growth in VMT and thereby reduce GHG emissions. 6

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21. This estimate includes $412 million in Measure C revenue (Exhibit 5-10) and approximately $9.7 million for new buses and vans included in Exhibit 5-5. Regional Plan, pp. 5-40, 5-19 and 5-22.

Although the draft EIR considers a "VMT Reduction Alternative," it does not adequately describe what projects this would include, and seems to cast it as an "all or nothing" option that forecloses planned street and highway projects needed to address existing congestion hotspots. Draft EIR, p. 4-3 to 4-5. The draft EIR recognizes the possibility of shifting funds from streets and highways to enhance alternative transportation modes to achieve VMT reductions, but then seems to ignore this possibility, by concluding that because the RTP must be financially constrained, enhancing the provision of alternative modes of transportation will not be possible. Draft EIR, p. 4-4. The Draft EIR concludes that this alternative is not necessary because CARB and the Air District do not require further VMT reductions in the County. *Id*. We do not believe this is an adequate basis for dismissing potential alternatives that would reduce ozone, carbon monoxide and/or particulate emissions. However, we also note that the draft EIR entirely omits consideration of the potential of this alternative to reduce GHG emissions and global warming impacts. The draft EIR also does not adequately support the conclusion that air quality is expected to worsen if planned streets and highway projects beyond the STIP period are not implemented, even with a major shift to enhanced alternative modes of transportation. Draft EIR, p. 4-4. These are serious deficiencies because "[t]he core of an EIR is the mitigation and alternatives sections" and one of its "major functions" is to ensure that all reasonable alternatives are "thoroughly assessed." *Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County*, 52 Cal.3d 553, 564-65 (1990).

7

The EIR should discuss, and the Plan should include, a policy to require mitigation of GHG emissions that result during both project construction and over the life of the project. The draft EIR includes a discussion of emissions of carbon monoxide and nitrogen dioxide during project construction and requires mitigation measures to reduce those emissions. Draft EIR, pp. 3-28 to 3-29. The final EIR should evaluate the cumulative GHG emissions from construction of the projects in the Plan and require feasible mitigation measures to reduce those emissions. This could include a requirement that off-road diesel-powered vehicles and equipment (unless it is new) use retrofit emission control devices, such as diesel oxidation catalysts and diesel particulate filters verified by CARB.[22] The draft EIR does not include this as a mitigation measure to reduce carbon monoxide and nitrogen dioxide emissions during project construction. Draft EIR, p. 3-29. Mitigation measures could also include a requirement to use the most energy-efficient building materials and lighting technology.

8

22. See, www.arb.ca.gov/diesel/verdev/verdev.htm and www.epa.gov/ispd/pdf/emission_0307.pdf This requirement was applied to construction at LAX and O'Hare International Airports. See, www.oharemodernization.org (Sustainable Design Manual, §8.5) and www.laxmasterplan.org/cb_CBA_Exhibits.cfm. (Section X. F.)

For example, alternative formulations of cement[23] and asphalt,[24] that have substantially lower GHG emissions, should be used if they are available. The U.S. Green Building Council publishes LEED standards that may be used to evaluate building materials. The Governor's Executive Order No. S-20-04 (issued July 27, 2004) requires state construction and renovation projects to obtain LEED Silver or higher certification.[25] 8

The EIR should consider the impact on GHG levels from loss of carbon sequestration capacity when trees (including those not part of a sensitive, threatened or endangered habitat) are destroyed during construction of the new road and road widening projects. This seems like a strong candidate to be the subject of mitigation, such as a replanting program designed to replace the lost carbon sequestration capacity. 9

The EIR should consider, as further examples, potential GHG reductions from other mitigation measures, such as high-occupancy vehicle lanes; transit vouchers; incentives for van pooling and ridesharing; parking fees[26], other transportation demand management measures; retrofitting traffic lights to use LED technology; purchase of additional hybrid electric or hydrogen fuel cell buses; planting trees; and adoption of additional funding priorities that target spending toward population and employment centers and withhold infrastructure funding from greenfield development at the urban edge. The website of the organization ICLEI/Local Governments for Sustainability (www.iclei.org) describes many actions taken by state and local governments to reduce GHG emissions that could also be appropriate mitigation measures for this project.[27] 10

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23. Cement manufacture ranks ninth among the sources of U.S. GHG emissions. EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks, 1990-2000 (Washington, D.C., April 2002, ES-4, 1-13 and 1-14). Alternative formulations may be available to reduce GHG emissions. Climate Action Report, p.54.

24. "Warm-mix" asphalt technology that significantly reduces GHG emissions is currently being evaluated and may prove to be a feasible alternative road paving material. See, "Warm-Mix Asphalt (WMA) Potentially Can Provide Important Benefits for Paving Contractors, Reduce Fuel Costs and Diminish Green-House Gases" in Construction Equipment, March 1, 2007 (www.constructionequipment.com/article/CA6421459.html).

25. For unavoidable GHG emissions, contribution to a GHG mitigation fund should be considered.

26. This is identified as an effective measure to reduce driving alone trips. Regional Plan, p. 5-48.

27. This website includes information about actions to address climate change underway in 30 California cities or counties. Several of these jurisdictions have adopted comprehensive plans to reduce GHG emissions, such as the Marin County

The EIR should also evaluate how the Regional Plan can incorporate the flexibility necessary to fund and promote new transportation alternatives, such as infrastructure for the California Hydrogen Highway Network, electric vehicle charging facilities, or solar energy applications, that are developed during the planning period. 10

Global warming presents California with one of its greatest challenges. The Council has the opportunity to begin addressing global warming in a constructive manner while educating the public and decision-makers. We urge the Council to begin meeting the challenge with this Regional Plan and environmental impact report. 11

Thank you for considering these comments.

Sincerely,

SANDRA GOLDBERG
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

Greenhouse Gas Reduction Plan (October 2006) and the Climate Action Plan for San Francisco (September 2004).

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ARNOLD SCHWARZENEGGER, Governor

April 25, 2007

Tony Boren
Fresno Council of Governments
2035 Tulare Street, Suite 201
Fresno, California 93721

Dear Mr. Boren:

Draft Environmental Impact Report (DEIR) for the
Fresno Council of Governments
2007 Regional Transportation Plan
SCH# 2006121100

The California Department of Fish and Game (Department) has reviewed the DEIR for the Fresno Council of Governments Regional Transportation Plan (RTP). The RTP is a planning guide containing transportation policy and projects through Fiscal Year 2029/30. The RTP includes programs and policies for transportation management, transit, bicycles and pedestrians, roadways, passenger rail, freight and finances. It also serves as a comprehensive, coordinated transportation plan for all governmental jurisdictions within the region.

The Department agrees with the mitigation measures presented in the DEIR. However we have the following recommendations for additional mitigation measures to be included in the EIR.

Trustee Agency Authority: The Department is a Trustee Agency with the responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities as those terms are used under CEQA.

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or

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endangered pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001{c}, 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

Biotic Resources Impact 3.4.2: The DEIR states that, "The RTP includes projects that may result in direct impacts to plant and wildlife species including rare, threatened and/or endangered species during construction and operation of the proposed transportation facilities through the removal of native habitat." This impact is overly specific and should be expanded to include construction activities and facility operation in non-native habitats as well. Non-native habitat, including agricultural and residential land, can also provide habitat for rare, threatened and/or endangered species and its removal can also result in significant impacts to sensitive species. 12

Impact 3.4.2 Mitigation Measures: The mitigation measures proposed require that focused plant and wildlife surveys be conducted within "suitable habitat." While "suitable habitat" is not defined, it is assumed that the document is referring to native habitat as mentioned in Impact 3.4.2. If this is the case, we would again recommend that the habitat designation be expanded to include all areas that could potentially be used by sensitive species, including non-native habitat. 13

The results of the proposed plant and wildlife surveys, along with the Biological Resource Management Plan developed as a result of those surveys, should be submitted to the Department for review in order to determine if additional surveys are needed and if the proposed mitigation measures are adequate to avoid take of listed species under CESA. If take of a listed species under CESA cannot be avoided, an Incidental Take Permit may be issued be the Department prior to individual project commencement.

A measure similar to the last measure presented under Impact 3.4.1 should be included in the mitigation measures for Impact 3.4.2. That mitigation measure states, "Project proponents will obtain and comply with appropriate regulatory requirements prior to construction." This would address the potential for a State Incidental Take Permit to be issued for projects where avoidance of State listed species is not possible. 14

Tony Boren
April 25, 2007
Page 3

If you have any questions regarding these comments, please contact Justin Sloan, Environmental Scientist, at the address or telephone number (extension 216) provided on this letterhead.

Sincerely,

W. E. Loudermilk
Regional Manager

cc: State Clearinghouse
Office of Planning and Research
1400 Tenth Street
Sacramento, California 95812-3044

STATE OF CALIFORNIA — Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

April 18, 2007

Mr. Tony Boren
FRESNO COUNCIL OF GOVERNMENTS
2035 Tulare Street, Suite 201
Fresno, CA 93721

Re: SCH#2006121100; CEQA Notice of Completion; Draft Environment Impact Report (DEIR) for **Fresno Council of Governments 2007 Regional Transportation Plan**; Fresno COG; Fresno County, California

Dear Mr. Boren:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

√ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf The record search will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.

√ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

√ Contact the Native American Heritage Commission (NAHC) for:

- A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section: .
- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE).

√ Lack of surface evidence of archeological resources does not preclude their subsurface existence.

- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked [illegible] in their mitigation plans.

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* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. 19

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. 20

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: List of Native American Contacts

Native American Contacts
Fresno County
April 18, 2007

Big Sandy Rancheria of Mono Indians
Connie Lewis, Chairperson
P.O. Box 337 / 7302 Rancheria Western Mono
Auberry , CA 93602
cl@bigsandyrancheria.com
(559) 855-4003
(559) 855-4129 Fax

Dunlap Band of Mono Indians
Benjamin Charley, Sr., Chairperson
Box 45 Mono
Dunlap , CA 93621
(559) 338-2545

Cold Springs Rancheria of Mono Indians
Travis Coleman, Chairperson
P.O. Box 209 Mono
Tollhouse , CA 93667
tcoleman@ca.ihs.gov
(559) 855-5043
559-855-4445 - FAX

Dumna Wo-Wah Tribal Goverment
Keith F. Turner, Tribal Contact
P.O. Box 306 Dumna/Foothill
Auberry , CA 93602 Mono
(559) 855-3128 Home
(559) 696-0191 (Cell)

North Fork Mono Tribe
Ron Goode, Chairperson
13396 Tollhouse Road Mono
Clovis , CA 93619
eagleye@cuip.net
(559) 299-3729 Home

Dumna Tribal Government
Karin Wilson Kirkendal, Chairperson
1003 S. 9th St. Dumna/Foothill
Fresno , CA 93702 Choinumni
559-681-7354

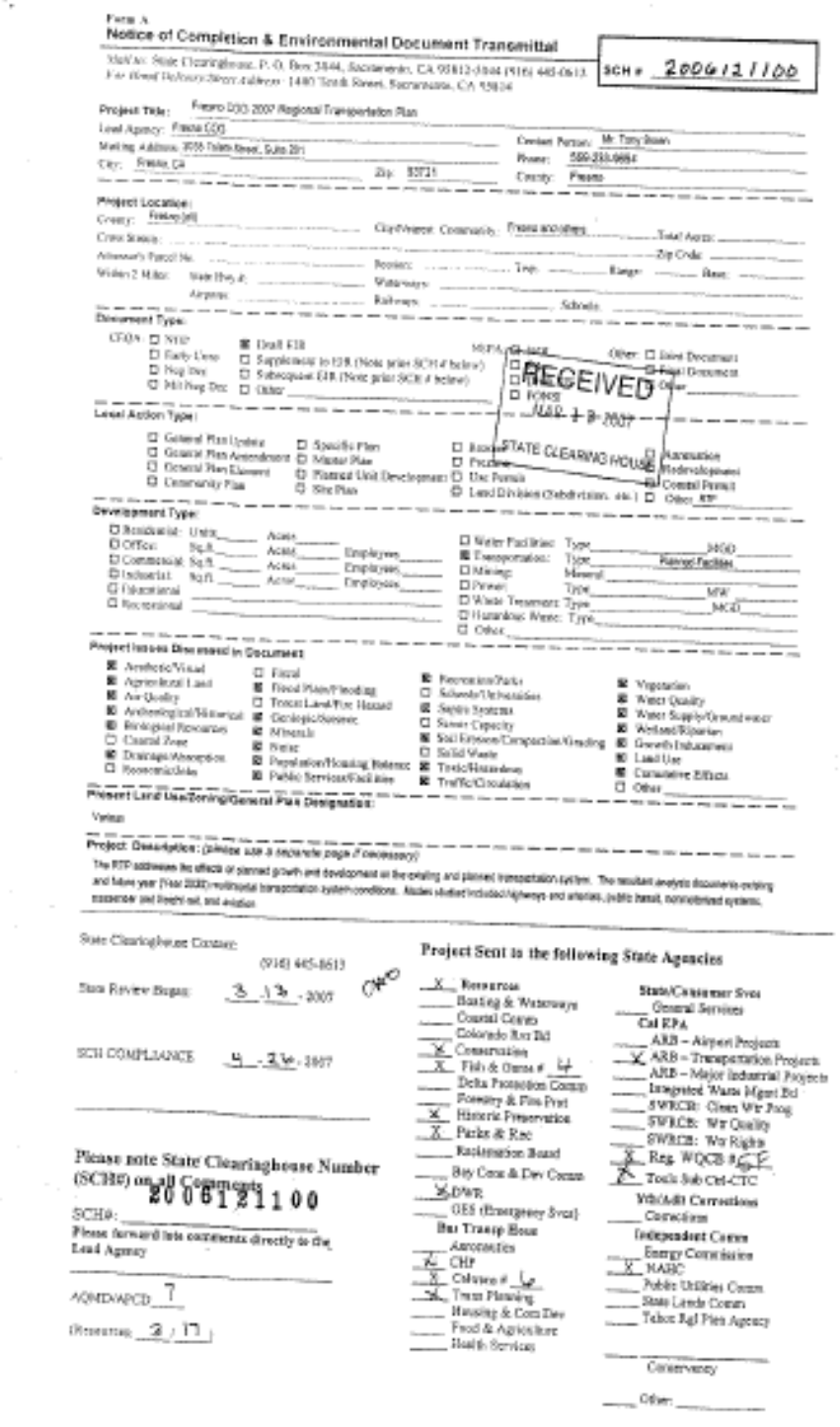
Table Mountain Rancheria
Lee Ann Walker Grant, Chairperson
P.O. Box 410 Yokuts
Friant , CA 93626-0177
(559) 822-2587
(559) 822-2693 FAX

Traditional Choinumni Tribe
Angie Osborne
2787 N Piedra Road Choinumni/Foothill
Sanger , CA 93657
(559) 787-2434

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2006121100; CEQA Notice of Completion; draft Environmental Impact Report for Fresno Council of Governments 2007 Regional Transsportation Plan; Fresno County, California.



Form A
Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2006121100

Project Title: Fresno COG 2007 Regional Transportation Plan
Lead Agency: Fresno COG
Contact Person: Mr. Tony Boren
Mailing Address: 2035 Tulare Street, Suite 201
Phone: 559-233-4148
City: Fresno, CA
Zip: 93721
County: Fresno

Project Location:
County: Fresno
City/Nearest Community: Fresno and others
Total Acres:
Cross Streets:
Assessor's Parcel No.:
Section:
Twp.:
Range:
Base:
Within 2 Miles: State Hwy #:
Waterways:
Airports:
Railways:
Schools:

Document Type:
CEQA: ☐ NOP ☒ Draft EIR
☐ Early Cons ☐ Supplement to EIR (Note prior SCH # below)
☐ Neg Dec ☐ Subsequent EIR (Note prior SCH # below)
☐ Mit Neg Dec ☐ Other
NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI
Other: ☐ Joint Document ☐ Final Document ☐ Other

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Local Action Type:
☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☐ Other: RTP

Development Type:
☐ Residential: Units Acres
☐ Office: Sq.ft. Acres Employees
☐ Commercial: Sq.ft. Acres Employees
☐ Industrial: Sq.ft. Acres Employees
☐ Educational
☐ Recreational
☐ Water Facilities: Type MGD
☒ Transportation: Type Various Facilities
☐ Mining: Mineral
☐ Power: Type MW
☐ Waste Treatment: Type MGD
☐ Hazardous Waste: Type
☐ Other:

Project Issues Discussed in Document:
☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☒ Vegetation
☒ Agricultural Land ☒ Flood Plain/Flooding ☐ Schools/Universities ☒ Water Quality
☒ Air Quality ☐ Forest Land/Fire Hazard ☒ Septic Systems ☒ Water Supply/Groundwater
☒ Archeological/Historical ☒ Geologic/Seismic ☐ Sewer Capacity ☒ Wetland/Riparian
☒ Biological Resources ☒ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Growth Inducement
☐ Coastal Zone ☒ Noise ☐ Solid Waste ☒ Land Use
☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Cumulative Effects
☐ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☐ Other

Present Land Use/Zoning/General Plan Designation:
Various

Project Description: (please use a separate page if necessary)
The RTP addresses the effects of planned growth and development on the existing and planned transportation system. The resultant analysis documents existing and future year (Year 2030) multimodal transportation system conditions. Modes studied included highways and arterials, public transit, nonmotorized systems, passenger and freight rail, and aviation.

State Clearinghouse Contact: (916) 445-0613
State Review Began: 3/13/2007
SCH COMPLIANCE 4-3-2007

Please note State Clearinghouse Number (SCH#) on all Comments
SCH#: 2006121100
Please forward late comments directly to the Lead Agency

AQMD/APCD: 7
(Resource: 3/17)

Project Sent to the following State Agencies

X Resources
___ Boating & Waterways
___ Coastal Comm
___ Colorado Rvr Bd
X Conservation
X Fish & Game # 4
___ Delta Protection Comm
___ Forestry & Fire Prot
X Historic Preservation
X Parks & Rec
___ Reclamation Board
___ Bay Cons & Dev Comm
X DWR
___ OES (Emergency Svcs)

Bus Transp Hous
___ Aeronautics
X CHP
X Caltrans # 6
X Trans Planning
___ Housing & Comm Dev
___ Food & Agriculture
___ Health Services

State/Consumer Svcs
___ General Services
Cal EPA
___ ARB – Airport Projects
X ARB – Transportation Projects
___ ARB – Major Industrial Projects
___ Integrated Waste Mgmt Bd
___ SWRCB: Clean Wtr Prog
___ SWRCB: Wtr Quality
___ SWRCB: Wtr Rights
X Reg. WQCB # 5F
X Toxic Sub Ctrl-CTC

Yth/Adlt Corrections
___ Corrections

Independent Comm
___ Energy Commission
X NAHC
___ Public Utilities Comm
___ State Lands Comm
___ Tahoe Rgl Plng Agency

___ Conservancy

___ Other:

Central Transit & Development Corp.

This document addresses the Draft Environmental Impact Report for the 2030 Fresno Council of Governments Regional Transportation Plan; this text contains a list of notable concerns.

It is the opinion of Central Transit & Development Corp that (1) the proposed Regional Transportation Plan draft EIR does not adequately investigate other modes of transportation alternatives (2) nor does it serve to present a 20 year solution to adequately address the needs of the community for air quality in relation to its transportation plan, (3) nor does it adequately address the ensuing negative physical effects resulting from the economic impacts forced upon the impoverished sector of the population due to increasing oil prices. 21

Central Transit & Development Corp (CTDC) also recommends as an item that should be considered in the 2030 RTP is to explore additional sources of transportation funding. Since this RTP has a limited amount of available funds, the lack of possible funding sources for a traditionally funded transit system in the San Joaquin Valley requires innovative thinking and creative funding mechanisms. It is understood that these additional funds are private and as such an available dollar amount can not be precisely determined. 22

Central Transit & Development Corp is a privately held corporation that offers an inundation of fresh thinking with new technology and unconventional transit system funding. The CyberTran, Fresno transit project physically engages land use and transportation environmental sustainability, addresses air quality compliance, and drives the economic generator. Traditional government transit funding methods are not possible for Central California due, in part, to the nature of its overall low population density. Additionally; with the local, regional, and state budgetary constraints a new-starts transit system is unlikely in the San Joaquin Valley. At the federal level; funding a new starts mass transit light-rail system for Fresno County is not within budgetary consideration of the current administration, nor expected for any administration in the foreseeable future. Fresno County can not expect to receive funding to build an integrated mass transit system with the current governmental funding methodology. 23

Fresno's history was built on agriculture and transportation; Leland Stanford designated a train stop in the center of the San Joaquin Valley to be called Fresno Station in the early 1870s. The area exploded in wealth and population which took Fresno to be the 4th largest county in the State of California during the 1920's; as well as being a very desirable place to live partially due to the convenience of mobility. Fresno's originally designed big city stature, today; does not compare with its counterparts of Los Angeles and San Francisco. And yet, Fresno continues to have an ideal location in the center of the State; doorway to three National Parks, half-way between LA and SF, close to the mountains and a couple hours away from the ocean. This is a call for the RTP to incorporate a revitalization of transportation to provide what Fresno had 100 years ago: not horses or its current dependency on the automobile. 24

Regarding the implementation of new transit technology as the means of providing the environmental answer to the needs of the Valley, it is the opinion of CTDC for this RTP to include the exploration of innovative solutions to Fresno's desperate environmental condition. CTDC recommends that this RTP include the legislative provisions provided by **CALIFORNIA LAW GOVERNMENT CODE, SECTION 5956-5956.10**; to allow Fresno COG and its membership entities to consider a Public Private Partnership with the transportation proposal of CTDC to be added to the parameters of this RTP.

25

In the introduction to the Regional Transportation Plan, Section 1.3, one of the bullet points indicates:
Assessment of current modes of transportation and the potential of new travel options within the region.

From the 2007 FTIP Regional Transportation Plan, Section 2.3:
Alternative scenarios are not addressed in RTP; they are, however addressed and analyzed for their feasibility in this EIR, as required by California Environmental Quality Act (15126(d), 15125.6(a)). From the Draft EIR, the alternatives are identified and described and projects that deliver the most benefit were selected... It calls for increased investments in alternative transportation modes, while accommodating a necessary amount of new highway capacity. Heavier emphasis on alternative modes, above and beyond those already incorporated in the RTP, may be desired or preferred but because of financial constraints, alternative mode additions are not financially feasible in the timeframe of the RTP.

In accordance to the Legislative intent expressed in Chapter 1 of the California Environmental Quality Act (CEQA) wherein the fundamental policy calls for the necessity of maintaining the capacity of our limited environment:

§ 21000. Legislative intent

(f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.

26

§ 21001. Additional legislative intent

(f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.

In accordance to CEQA provision Section 15126.6 (a), Central Transit & Development Corp (CTDC) maintains its proposed CyberTran, Fresno system is a reasonable alternative in the proposed RTP. Section 15126.6 (d) clearly specifies it is the responsibility of the EIR to include an analysis of CTDC's proposed transit system:
(d) Evaluation of alternatives. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

27

From Section 1,
Impact 3.2.1 - Changes in Land Use Patterns
While the RTP is likely to result in a positive outcome related to supportive land use conditions for alternative forms of transportation such as transit, other projects in the Plan could have significant impacts on land use patterns, potentially causing land use growth and development to occur in areas not previously

28

envisioned for growth and development. This impact could be especially significant on agricultural land uses within the County.

28

The proposed CTDC transit system design uses existing light-rail Rights-Of-Ways and its land use Transit Oriented Developments are reliant on infill real estate development.

CTDC's proposal will have a significant effect on several of the elements of concern regarding quality of life for the residents of Fresno County, herein is what its system offers:

- A well designed transportation system reaches beyond mobility solutions and determines land use as well as other vital issues that face Valley residents:
  - Improve air quality
  - Provide social equity
  - Mitigate mobility congestion
  - Allow for agricultural land protection
  - Maintain a self-sufficient power source
  - Reduce stress related health issues of driving
  - Improve and stimulate current economic development
  - Create new jobs and new manufacturing opportunities
- According to immediate demands of public debate:
  - An automobile alternative or mass transit system is needed to clean the air of particulate pollutants
  - Transportation is one of the San Joaquin Valley's most essential concerns and must be resolved
  - Public will ride rail transit system when a cost effective, convenient system offers convenient destination capability
- A well designed transit system can also provide affordable housing by increasing housing densities near the station locations
- It is the objective of Central Transit & Development Corp (CTDC) to provide the methodology to build such a transit system
- Model can be replicated throughout the San Joaquin Valley; and beyond
- Privatized CyberTran, Fresno system creates profitability for investors

29

According to the proposed RTP; Table 2-1, the Regionally Significant Projects are limited to Road Building projects. This RTP does not account for the possibility of Peak Oil concerns. There is also a question regarding a provision for alternative modes of transportation as a consequence to a national security issues regarding Fresno's disability for oil consumption.

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TABLE 2-1
REGIONALLY SIGNIFICANT PROJECTS

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It is CTDC's opinion that the proposed projects of this RTP do not significantly increase the regional economic condition or sufficiently mitigate reduction of air quality issues and yet the RTP represents a significant appropriation of transportation funds without significantly enriching the lives of the general population. These projects do not

represent an alternative transportation model in the slightest: more cars merely perpetuates the current transportation movement and exacerbates the economic and environmental dilemmas. 31

It states in Section 4.2.2: **Accomplishments**
Achievement of some ultimate state of multimodal transportation service would be a system in which a traveler could make a "seamless" journey, with connections between modes, taking minimum effort and involving little delay. Currently, such an ideal state can be reached only in the country's largest and most advanced cities. In these areas, land use densities and developed systems of commuter rail lines, subways, transit buses, trolleys, airport shuttles, and taxis offer a variety of choice and scheduling flexibility that make travel times and accessibility reliable. 32

This statement regarding "seamless" journey is the alternative system that CTDC proposes. The privatized CTDC system is more than an "ideal state": it is a reasonable system that needs to be analyzed by this EIR to justify its merit of feasibility.

Inasmuch that ignorance of the law does not exempt one from prosecution from its violation; ignorance of proposed land use alternatives that improve the Valley's air-quality by reducing automobile usage with more efficient mobility solutions and generate economic growth does not erase CEQA mandates, nor does that ignorance mean that these alterative opportunities don't exist; regardless of the strength or weakness of the entity offering such a proposal. As a general rule, standing requires a party to have a beneficial interest, a private or particular interest independent of the public at large. (http://www.ceres.ca.gov/ceqa/cases/2002/Burtec_v_Colton.html) 33

In accordance to the specifics of this RTP; roads are considered as an adequate form of transportation:
4.3 Highways, Streets, and Roads
Fresno County has an extensive planned system of streets and highways. The system is intended to provide an adequate level of traffic service within Fresno County in an effort to satisfy the transportation needs of the system users. The transportation system also plays an important role in the region's economy as it provides mobility for both people and goods within the region. As the number one agricultural county in the world, Fresno's economy is dependent upon efficient movement of agricultural goods from farm to market. In most cases, the first leg of the farm to market route is via the street and road network. In addition, while recognizing federal transportation legislation's shift to a more balanced multi-modal approach to transportation planning, the reality is that the majority of people and goods trips within Fresno County are made by trucks and the automobile and thus on the streets and highways network. Therefore while recognizing and embracing the multi-modal approach it is important that a focus on the improved efficiency of the streets and highways network be maintained. 34

CTDC maintains that roads promoting automobile traffic do not provide environmental sustainability and fail as an equitable solution for an adequate regional method of mobility.

In accordance to the following statement, found in Section 4.3.4, (Section 2, page 14) Needs Assessment:
"Transportation Corridor Needs
Pursuant to federal direction, all new regional transportation projects are required to take a "Multimodal

Transportation System Corridor" planning approach. In keeping with this federal direction, the COG is working in partnership with Caltrans, local jurisdictions and the private sector to identify transportation corridors and projects, which will provide maximum utilization of a multimodal system for the citizens of Fresno County... Thorough consultation is anticipated to resolve any of the scoping inconsistencies currently noted between the two agency's plans.": it appears it is the responsibility of these State agencies to explore new methods of "Multimodal" options with the private sector: CTDC has presented its new transit method proposal.

34

Within the discussion of California Code, Rules and Regulations Title 14 Section 15125 it is noted:

Discussion: Because the concept of a significant effect on the environment focuses on changes in the environment, this section requires an EIR to describe the environmental setting of the project so that the changes can be seen in context. The description of the pre-existing environment also helps reviewers to check the Lead Agency's identification of significant effects. A number of agencies have been required to spend large amounts of public funds to develop regional plans as a way of dealing with large-scale environmental problems involving air and water pollution, solid waste, and transportation. Where individual projects would run counter to the efforts identified as desirable or approved by agencies in the regional plans, the Lead Agency should address the inconsistency between the project plans and the regional plans. As a result of this analysis, Lead Agencies may be able to find ways to modify the project to reduce the inconsistency.

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Since the Fresno COG is the Lead Agency to present this RTP, it is incumbent upon this agency to clearly define equitable solutions to all residents in the community. CTDC proposes a regional transportation system that accommodates both the physical regional growth and mitigates pressing environmental issues that face the area. The importance of this EIR for Fresno COG's RTP is for it to address the environmental concerns of the area: to extend a RTP with existing methods that fail to address environmental objectives is not a formula which provides solutions.

Regarding CTDC's ability in relation to the feasibility of building a privatized transit system, a model can be found with the MTR Corporation in Hong Kong wherein no government subsidies were used in the building of its 29 station light rail transit system. This privatized method of building a public transportation system has proven itself as financially successful.

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About MTR Corporation Carrying an average 2.3 million passengers each weekday, the MTR has been confirmed by recent benchmarking studies as one of the world's finest railways for reliability, customer service and cost efficiency. Besides railway operations, the Corporation is also actively involved in the development of key residential and commercial projects above existing stations and along new line extensions as well as many other commercial activities associated with the railway including rental of retail and advertising space, ATM banking facilities and personal telecommunication services. It also provides consultancy services to organizations worldwide. (http://www.mtr.com.hk/eng/home/index.html)

In regards to air quality; it is the opinion of Central Transit & Development Corp that this RTP causes to add to the continuation of; and encourages additional pollution with the waste of burnt fuel from automobile travel.

37

Working to obtain the current status of "NON ATTAINMENT" for Federal air quality standards: it means this EIR is irrelevant and makes a mockery of CEQA mandates for

Fresno. To purposely ignore the Valley's worsening air quality with a continuation of building bigger roads, which serves the purpose of increasing the convenience of sprawl development, only proliferates automobile usage and intensifies poor air quality.

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AIR QUALITY
Section 2, page 57

4. Land Use Strategies

Research done by the Air District and the Air Resources Board indicates that land use and transportation strategies can reduce vehicle trips and vehicle miles traveled, thus reducing the air pollution produced by automobiles. Within California, and the Central Valley in particular, design of residential neighborhoods still assumes reliance upon the automobile for the majority of trips. Land use decisions in the next twenty-five years will have an important impact upon future air quality. Alternative transportation modes must be available in order for residents to have a choice. Communities can be designed to be more conducive to walking, biking, and transit use. In that process, "livable" environments are created with reduced congestion, healthier air, and increased mobility for all groups. Strategies used effectively in other communities have resulted in urban areas that have improved air quality, are viable economically, and are hospitable to their residents. Available approaches include the following:

- Compact development
- Focused infill and renewal
- Transit oriented development
- Concentration of employment densities (50 to 60 employees per acre)
- Enhanced downtown districts
- Focusing expected new growth into compact, walkable, mixed-use configurations
- Clustered activity centers- nodes, urban villages, or suburban activity centers
- Integrated street patterns which allow travel choices to neighborhood destinations
- Traditional neighborhood development (Neo-Traditional Design Movement)

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Additionally on page 2-58 the RTP continues:

4.9.2 Existing Requirements

The transportation conformity rule is codified in Title 40 Code of Federal Regulations Part 93. The conformity rule requires that transportation plans, programs, and projects conform to state, air quality implementation plans, known as the State Implementation Plan (SIP). Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The cumulative effect of small piece by piece incremental project allowances of the SIP are deceptive in that the combined total of the separately approved future projects are not quantitatively measured. When a freeway is built there is no accounting for all the housing, commercial and industrial development that said roadway would create. To account for all of the automobile exhaust, economic and social impacts that will be produced by the installation of such a freeway is an unknown but, must be assumed. The incremental small project EIRs on a local level only measures the significance of a small piece of the overall regional impacts. A new method of non-polluting environmentally sustainable transportation must be implemented to reach stringent air quality standards. To simply maintain implementation of current transportation methodology will produce the continuation of sub-standard air quality measurements and a status-quo economic environment.

Title 14 Section 15355; "Cumulative Impacts" "Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

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4.9.4 Needs Assessment

Fresno COG has worked with the Air District on development of the local control measure section of the 8-hour ozone plan. No new measures are proposed in this RTP; however, Fresno COG continues to review and improve the programs that impact air quality, such as the Congestion Mitigation and Air Quality (CMAQ) program.

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For this RTP to offer anything less than a growth in the regional environmental degeneration: the proposed CTDC CyberTran, Fresno system needs to be analyzed and merit the claims of this system. Fresno and the San Joaquin Valley have too many health and economic issues at stake for the CTDC proposal to continued to be ignored.

Section 3, page 25

Other Air Quality Determinants

In addition to climatic conditions (wind, lack of rain, etc.), air pollution can be caused by human/socioeconomic conditions. Air pollution in the SJVAB can be directly attributed to human activities, which cause air pollutant emissions. Human causes of air pollution in the Valley consist of population growth, urbanization (gas-fired appliances, residential wood heaters, etc.), mobile sources (i.e., cars, trucks, airplanes, trains, etc.), oil production, and agriculture. These are called anthropogenic, or human-caused, sources of emissions. *The most significant factors, which are accelerating the decline of air quality in the SJVAB, are the Valley's rapid population growth and its associated increases in traffic, urbanization, and industrial activity.*

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Carbon monoxide emissions overwhelmingly come from mobile sources in the San Joaquin Valley; on-road vehicles contribute 65 percent, while other mobile vehicles, such as trains, planes, and off-road vehicles, contribute another 17 percent. The Air District is the agency empowered to regulate air pollutant emissions. The Air District regulates air quality through its permit authority for most types of stationary emission sources and through its planning and review activities for other sources.

The proposed CTDC transit system provides the most equitable solution to resolve the myriad of the regional environmental and economic concerns.

An October 2005 Brookings Institution study ranked Fresno as the number one large city in the Nation on Concentrated Poverty. Using 2000 Census data, it found that 43.5 percent of Fresno's poor live in extremely poor neighborhoods (where more than 40 percent of the residents live below the federal poverty line -- $17,600 a year for a family of four).

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The ability of poor Fresno area residents to pay an increasingly higher price for oil reliant transportation causes additional burden upon this entire group of area residents. This EIR, or RTP, should address this issue for a possible resolution.

Also see: http://www.brookings.edu/Metro/speeches/20060906_Fresno.pdf

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With roads providing the only available form of transportation with Fresno's poor economic condition wherein 67% of its population cannot qualify for a median priced home, the continuation of the increasing gasoline prices for this road only RTP is economically problematic. With the only proposed transportation mode being road dependence, this RTP falls short of being an acceptable method for the area's only form of mobility. 42

To increase road building and accommodating sprawl type urbanization housing development on the outlying areas of the city centers, this RTP fails to improve the poor economic condition of the community. The increase in fuel costs is a clear economic impact to the region and could be viewed as a scoping inconsistency due to this damaging economic impact. Again, this RTP does not properly adhere to the environmental and economic needs that are resolved in the CTDC proposal.

At what price per gallon for gasoline will the community decide that more consideration needs to be paid attention towards building a mobility alternative from the automobile? Does a $2.50 per gallon for gasoline justify consideration to begin looking at alternatives to the automobile? Is the number $3.50 per gallon, or is it $5.50 per gallon, or is it $10.50 per gallon or more before the community decides it is necessary to consider alternative forms of transportation? This is purely an economic issue; however, this economic issue is a tremendous concern during this EIR phase of the RTP in relationship to the cost of a heavily depleted oil supply by the year 2030. 43

In conclusion: it is the opinion of CTDC for Fresno COG to consider these recommendations. 44

These recommendations are sent in the spirit of providing a better quality of life for all of Fresno County area residents.

JP Sweeney, CEO
Central Transit & Development Corp

3.0 CHANGES, ADDITIONS AND CORRECTIONS TO THE DRAFT EIR

3.1 INTRODUCTION

The following changes, additions and corrections to the Draft EIR are recommended. Such changes, additions and corrections have been identified to address written comments received on the Draft EIR.

1. Add the following section at the end of the Regulatory section, Page 3-27 of the Draft RTP EIR:

   California Assembly Bill (AB) 32 or the Global Warming Solutions Act of 2006 was signed and passed into law by Governor Arnold Schwarzenegger on September 27, 2006. The Act codifies California's atmospheric greenhouse gas (GHG), which is composed of carbon dioxide (CO_2), methane, nitrous oxide (NO_X), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB 32 establishes GHG emissions targets by requiring that the State's global warming emissions be reduced to 1990 levels by 2020. The Act also directs the California Air Resources Board (CARB) to enforce the statewide cap and would initiate the first phase of program requirements in 2012. The bill makes no mention of local governments or how cities and counties may be affected by future regulations. The regulations developed by CARB in response to the Act will address point sources of greenhouse gas emissions.

   Other legislation (AB 1493) requires that CARB develop and adopt the nation's first GHG emission standards for automobiles. These standards are not yet established and are not available as a tool in our GHG modeling process. AB 1493 states that global warming was a matter of increasing concern for the public health and environment in California. It cited several risks that California faces from climate change, including reductions in the State's water supply, increased air pollution caused by higher temperatures, harm to agriculture, an increase in wildfires, damage to the coastline, and economic losses caused by higher food costs, water and energy costs, and insurance prices. The California legislature believes that technological solutions to reduce GHG emissions would stimulate California's economy and provide jobs.

   Status of Regulations to Implement the Global Warming Act

   The Global Warming Solutions Act has three main parts: (1) emissions reporting requirements, (2) adoption of enforceable emission limits, and (3) development of the State scoping plan.

   - Emissions Reporting: CARB is required to adopt regulations for reporting and verification of emissions by January 1, 2008. Under the Act (AB 32), any entity that has voluntarily participated in the emissions reporting program of the California Climate Action Registry by December 31, 2006, will be grandfathered under that program and will not be required to "significantly alter" its program when new or different requirements are later adopted by CARB. In addition, companies will receive "early action" credit for their efforts after specific emission reduction regulations are implemented.

   - Enforceable Emissions Limits: By January 1, 2008, CARB is required to determine what California's statewide greenhouse gas emission level was in 1990, and to approve that level as the statewide limit that will be achieved by 2020. While the bill does not specify the 1990 level, lawmakers supporting the bill have claimed that this will result in a 25% reduction from current emissions. Before these levels are set, the Board must hold at least one public workshop and provide an "opportunity for all interested parties to comment."

With respect to individual sources, by June 30, 2007, CARB will publish a list of discrete "early action" greenhouse gas emission reduction measures that can be implemented within the next three years. Formal regulations adopting those early action measures must be promulgated by January 1, 2010, and must be enforceable as of that date. All of the Regional Transportation Plans (RTPs) in the San Joaquin Valley must be prepared and adopted by May 31, 2007 considering federal deadlines established by the Federal Highway Administration (FHWA). FHWA's deadlines were made in consultation with CARB and the U.S. Environmental Protection Agency (EPA). As a result, the ability to incorporate "early action" GHG reduction measures in the current RTP Update process is not possible.

- Development of the State Plan: Following the initial publication of the early action measures, the Act directs CARB to develop a "scoping plan" by January 1, 2009, to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions from specific sources or categories of sources by 2020. To develop the plan, CARB must consult with agencies with authority over greenhouse gas emissions (including the California Public Utilities Commission (PUC) and California Energy Commission (CEC), conduct public workshops, and consider economic and non-economic costs and benefits of any proposed programs. In addition, CARB must convene both an Environmental Justice Advisory Committee and an Economic and Technology Advancement Advisory Committee to assist in the development and implementation of the plan. The Economic and Technology Advancement Committee will be dedicated to identifying investment and funding opportunities for research and development of technologies that will help reduce greenhouse gases.

  The Act describes numerous other factors that must be considered in the development of the scoping plan, including national and international practices for greenhouse gas emissions reduction, effectiveness of voluntary reduction practices, relative emission contributions of various sources, and potential effects on small businesses.

After the scoping plan is published, CARB is directed to implement the identified emissions reduction measures through formal regulation before January 1, 2011; the regulations will go into effect one year later. Like the provision describing the various issues that must be considered in development of the scoping plan, the emissions reduction regulations must also consider a list of potential impacts on California's economy and the public health. Notably, the act permits the 2011 regulations to include market-based declining annual aggregate emissions limits beginning in 2012. In other words, CARB is authorized to create a regulatory mechanism for a cap-and-trade program. Any market-based program must be designed not to increase emissions of criteria air pollutants and must consider localized and cumulative emissions impacts.

Currently, there is no methodology to quantify GHG emissions or determine the significance of any project's contribution. There are no CARB-established mitigation measures. Some mitigation measures are already incorporated into the Plan and others are infeasible because they are beyond the capability of Fresno COG.

In response to industry's concern about the inflexibility of the reduction to 1990 levels, the bill includes an economic "safety valve," which allows the Governor to suspend the emission reduction measures for one year in the event of "extraordinary circumstances, catastrophic events or the threat of extreme economic disruption." The Act also explicitly states that the authority of the California PUC is not affected by the Act.

In summary, the Act will create a new regulatory program intended to reduce statewide greenhouse gas emissions to their 1990 level. It is not yet clear how, or if, these future regulations would affect local governments or how they might influence local land use planning decisions. From the background discussion above, it is clear that the issue of greenhouse gas reductions extends well beyond the scope of

regional government actions incorporated in RTPs without the development of tools to assess GHG emissions, which will come at a later date. Nevertheless, Fresno COG recognizes the importance of this issue. Goals and policies already incorporated into the RTP will serve to reduce vehicle trip generation. Global climate change is a problem caused by cumulative worldwide GHG emissions. Mitigating global climate change will require worldwide solutions. Combined gases in the earth's GHGs plays a critical role in the earth's radiation budget by trapping infrared radiation emitted from its surface, which otherwise could have escaped to space. Prominent GHGs contributing to this process include water vapor, carbon dioxide, methane, ozone, nitrous oxide, and certain fluorocarbons. This phenomenon, known as the "greenhouse effect", keeps the earth's atmosphere near the surface warmer than it would be under other circumstances. Increases in these gases leads to higher radiation absorption, thereby warming the lower atmosphere and increasing evaporation rates and temperatures near the surface.

Emissions of the GHGs in excess of natural ambient concentrations are thought to be responsible for enhancing the greenhouse effect and contribute to what is termed "global warming", or the unnatural warming of the earth's natural climate. Climate change is a global problem, and GHGs are global pollutants, unlike criteria air pollutants (such as ozone precursors). Worldwide, California is the 12th to 16th largest emitter of carbon dioxide (CO2), according to the CEC, and is responsible for approximately 2% of the world's CO2 emissions.

The Intergovernmental Panel on Climate Change (IPCC) was established by the World Meteorological Organization and United Nations Environment Programme to assess scientific, technical, and socioeconomic information to further understand climate change, its potential impacts, and options for adaptation and mitigation. The IPCC predicts substantial increases in temperatures globally of between 1.1 to 6.4 degrees Celsius, depending on the scenario studied. This may affect the natural environment in California in the following ways:

- Rising sea levels along the California coastline, particularly in the San Francisco Bay Area and within the San Joaquin Delta because of ocean expansion
- Extreme-heat conditions, such as heat waves and very high temperatures, which could last longer and become more frequent
- An increase in heat-related human deaths, infectious diseases, and a higher risk of respiratory problems caused by deteriorating air quality
- Reduced snow pack and stream flow in the Sierra Nevada mountains, affecting winter recreation and water supplies
- Potential increases in the severity of winter storms, affecting peak stream flows and flooding
- Changes in growing season conditions that could affect California agriculture, causing variations in crop quality and yield
- Changes in the distribution of plant and wildlife species because of changes in temperature, competition from colonizing species, changes in hydrologic cycles, changes in sea levels, and other climate-related effects

Changes in California's climate and ecosystems are occurring at a time when the State's population is expected to increase from 34 to 59 million by 2040, according to the CEC. As such, the number of people potentially affected by climate change, as well as the amount of anthropogenic GHG emissions expected under a "business as usual" scenario, is expected to increase.

Similar changes would also occur in other parts of the world with regional variations in resources affected and vulnerability to adverse effects. According to the CEC, GHG emissions in California are attributable to human activities associated with industrial/manufacturing, utilities, transportation, residential, and

agricultural sectors, as well as natural processes. Transportation is responsible for 41% of the state's GHG emissions, followed by the industrial sector (23%), electricity generation (20%), agriculture and forestry (8%) and other sources (8%). Emissions of carbon dioxide (CO_2) and nitrous oxide are byproducts of fossil fuel combustion, among other sources. Methane, a highly potent GHG, results from off-gassing associated with agricultural practices and landfills, among other sources. Sinks of CO_2 include uptake by vegetation and dissolution into the ocean.

The Global Warming Act requires that by January 1, 2008 CARB must:

- Determine what California's statewide greenhouse gas emission level was in 1990
- Approve that level as the statewide limit, which will be achieved by 2020
- Publish a list of discrete "early action" greenhouse gas emission reduction measures by June 30, 2007 that can be implemented within the next three years
- Develop a "scoping plan" by January 1, 2009 to achieve the maximum technologically feasible and cost-effective reductions in GHG emissions from specific sources or categories of sources by 2020

2. Add the following section following the last paragraph on Page 3-32:

Impact 3.3.4 – Global Warming

Determining what the contribution of GHG emissions might be resulting from the Project is infeasible given the inability to specifically calculate emissions consistent with an accepted methodology. However, Fresno COG has compared the Project GHG emissions to emissions that would result from the No-Build Alternative. The No-Build Alternative includes the existing transportation system plus programmed improvements in the 2006 State Transportation Improvement Program (STIP) considering 2030 population and employment growth. The Air Quality Conformity Analysis for the 2006 STIP however, considered projects and population and employment growth expected to occur at the time of project construction. The results of the comparison between the Project and the No-Build Alternative are presented in Table 3-6A below and California Mobile Source Emission Inventory, the emission factors model (EMFAC) worksheets are incorporated into the Draft EIR as Appendix D. EMFAC is a State-provided air emissions model, which provides estimates of criteria pollutants including CO_2 and NO_X. EMFAC does not provide emissions estimates for other GHG emissions such as fluorocarbons and methane. EMFAC is to be used to estimate emissions impacts related to regional plans and programs. Other emissions models are not geared to regional plans but are applied to analyze individual improvement or development projects. The results indicate that GHG emissions will be less with the Project vs. the No-Build Alternative. According to the Air Quality Conformity Analysis prepared for the Project and included as Table 3-6 in the Draft EIR (Page 3-31), NO_X will be reduced between 2008 and 2030.

TABLE 3-6A
Future Emissions (Tons Per Day)

Scenarios	CO_2	ROG	CO	NOX
Project Alternative (2030)	19.9	2.1	40.5	9.1
Project Alt. Lower than No Build Alt.?	Yes	Same	Yes	Same
No-Build Alternative	20.1	2.1	41.0	9.1
Difference	0.2	0.0	0.5	0.0
% Change	0.0	0.0	0.0	0.0

The street and highway projects contained in the RTP are required to address increased congestion over time consistent with land use plans prepared and adopted by the local agencies. RTP Guidelines require consistency with local general plans. Despite the lack of CARB Guidelines and requirements for analyzing impacts of the RTP, the projects were analyzed by Fresno COG to determine if they would reduce criteria emissions over time or for various years between 2008 and 2030. Referencing Table 3-6A and Table 3-6 in Section 3.3.3 of the Draft EIR, results of the GHG EMFAC analysis and Air Quality Conformity Analysis indicate that criteria pollutants will reduce over time with the Project. Other emissions models are not geared to regional plans but are applied to analyze individual improvement or development projects.

Mitigation Measures

- A number of mitigation measures are included in Section 3.3 of the Draft EIR to address criteria emissions.
- Public transit has been significantly enhanced in the 2007 RTP compared to the current RTP (adopted in 2004). Such improvements will help mitigate expected increases in emissions resulting from increased population and employment and the impact of planned growth and development on the regional transportation system.
- The RTP also references a major transportation study (Phase 2 of the PTIS), which will focus on the identification of major transit corridors within the County. Before committing additional revenues to other modes of transportation, the RTP envisions these studies to determine viable shifts of transportation revenues to transit or other modes to ensure that programs in such modes will be financially constrained in accordance with RTP requirements.
- Further, the RTP contains projects beyond those discussed under the Intelligent Transportation Systems (ITS) section. The RTP also contains a number of projects and significant funding for various forms of transportation in addition to streets and highways.
- Fresno COG is in the process of developing a Regional Blueprint for the year 2050. Fresno COG is coordinating development of the Blueprint with the other seven (7) counties within the San Joaquin Valley. All eight (8) counties are located in the same Air Basin (San Joaquin Valley Air Basin) and received the grant for Blueprint development from the State of California. According to Sunne Wright McPeak, former State Secretary of the Business, Housing, and Transportation Agency, the Blueprint programs in California are designed to address the three (3) "E"s of Regional Blueprint Planning including: Energy Efficiency, the Environment, and Economic Development. The Regional Blueprint will identify a preferred land use scenario and transportation system for Fresno County considering the application of alternative growth strategies. The Plan will identify a vision, values, goals, objectives, and implementing strategies that can be planned by Fresno COG and implemented by local agencies within the County to reduce vehicle trips, vehicle miles traveled (VMT), and support increased walkability, passenger rail, public transit systems, and bicycling. The Blueprint is expected to be completed in the fall of 2008.
- Various TCMs that have been incorporated into the Air District AQAP, ROP Plans, and the SJVAPCD TCM Program, or have been identified as necessary to provide for positive air quality conformity findings, as referenced in the latest Air Quality Conformity Finding for the 2007 RTP and Federal Transportation Improvement Program (FTIP) are incorporated by reference.
- All applicable rules and regulations adopted by the Air District are incorporated by reference and will be followed by responsible and implementing agencies as individual improvement projects are designed, constructed and maintained. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.
- Diesel Anti-Idling: In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling. Local agencies should post signs that restrict idling and provide education materials to truck drivers regarding diesel health impacts.

Significance After Mitigation

The Project will result in beneficial effects of system-wide improvement in traffic flows and reduced congestion and vehicle trips and vehicle miles traveled, which would reduce the potential for increased GHG emissions. The mitigation measures listed above will further reduce GHG emissions. Implementation and monitoring of the above mitigation measure will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts to a less than significant level.

3. Revise Impact 3.4.2 and associated mitigation measures and significance statement beginning on Page 3-49 of the Draft EIR to read as follows:

Impact 3.4.2 – Direct Impacts on Rare, Threatened, or Endangered Plant & Wildlife Species Implementation of the individual improvement projects in the DEIR could contribute to the overall impacts to threatened or endangered species through construction activities and facility operation in non-native habitats, including agricultural and residential land due to construction activities in preparation of the sites, and ongoing traffic and other operational emissions.

Mitigation Measures

All mitigation measures will be included in subsequent project-level environmental analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Each proposed individual improvement project will consider the displacement of sensitive habitat, sensitive species, and non-native habitat during the individual improvement project design phase.

- Focused sensitive plant and wildlife species and non-native habitat surveys will be conducted within suitable habitat to determine the distribution of sensitive species within the biological impact area of the proposed transportation improvement project. Sensitive plant and non-native habitat surveys will be conducted during the appropriate flowering season for sensitive plant species with the potential to occur within the individual improvement project area.

- If sensitive plant or wildlife species and non-native habitat are identified within the biological impact area, a Biological Resource Management Plan (BRMP) will be developed to address appropriate avoidance and minimization measures. These measures may include seed collection and salvage measures for sensitive plant species and non-native habitat, silt fencing, exclusion fencing and/or appropriate compensation where impacts cannot be fully avoided.

- Locations of sensitive species, sensitive habitat, and non-native habitat will be mapped and shown on construction drawings and identified as Environmentally Sensitive Areas (ESAs). Prior to construction, these areas will be flagged and/or fenced to prevent unnecessary impacts from machinery and foot traffic.

- Temporary access roads and staging areas will not be located within areas containing sensitive plant, sensitive wildlife species or non-native habitat wherever feasible, so as to avoid or minimize impacts to these species.

- Construction activities will be scheduled, as appropriate and feasible, to avoid sensitive times that have a greater likelihood to affect significant resources such as spawning periods for fish, nesting season for birds and/or the rainy season for riparian habitat and sediment/erosion control.

- All vegetation (including tall grasses) will be removed between August 16 and February 14, if possible, to avoid potential conflicts with nesting birds. If it is not possible to remove vegetation during that time frame, a nest clearance survey will be completed prior to vegetation clearing. Any detected nests will be mapped and provided with an appropriate buffer as recommended by a qualified biologist. Construction activities within the buffer area will not be allowed until after September 15 or until fledglings have abandoned the nest.

Significance After Mitigation

This impact would likely be significant if the proposed individual improvement project occurs within or near known populations of sensitive plant species, sensitive wildlife species, within designated critical habitat for federal or state listed species, or within non-native habitat. These mitigation measures would require individual improvement project proponents to avoid or mitigate impacts to sensitive plant and wildlife species and non-native habitat. However, due to the size and potentially large number of resources that could be disturbed as a result of the Individual improvement project, impacts to these resources would remain a potentially significant impact at a regional level.

4. Add the following level of significance statement to Page 3-75 Impact 3.6.3 - Subsidence and the Presence of Expansive Soils:

Significance After Mitigation

Implementation and monitoring of the above mitigation measure will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts to a less than significant level.

APPENDIX D

Title : Fresno County Avg 2030 - Project
Version : Emfac2002 V2.2 Apr 23 2003 ** WIS Enabled **
Run Date : 02/06/07 11:22:08
Scen Year: 2030 -- Model Years: 1985 to 2030
Season : Annual
Area : Fresno County Average
I/M Stat : I and M program in effect
Emissions: Tons Per Day

	Light Duty Passenger Cars				Light Duty Trucks				Medium Duty Trucks				Heavy Duty Trucks: Gasoline Trucks			Heavy Duty Trucks: Diesel Trucks	Heavy Duty Trucks: Total HD Trucks	Urban Buses	Motor-cycles	All Vehicles
	Non-cat	Cat	Diesel	Total	Non-cat	Cat	Diesel	Total	Non-cat	Cat	Diesel	Total	Non-cat	Cat	Total					
Vehicles	0.	446931.	18.	446949.	0.	302093.	322.	302415.	0.	58486.	3773.	62259.	0.	13808.	13808.	21646.	35453.	982.	12081.	860139.
VMT/1000	0.	17122.	0.	17122.	0.	11237.	7.	11244.	0.	2251.	183.	2434.	0.	308.	308.	2291.	2599.	128.	103.	33630.
Trips	0.	2784390.	83.	2784470.	0.	1856430.	1438.	1857870.	0.	658179.	46307.	704486.	0.	122413.	122413.	314727.	437139.	3928.	24159.	5812050.
Reactive Organic Gas Emissions																				
Run Exh	0.00	0.15	0.00	0.15	0.00	0.19	0.00	0.19	0.00	0.06	0.03	0.08	0.00	0.02	0.02	0.46	0.48	0.06	0.31	1.27
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.01	0.00	0.01	0.01	0.09	0.10	0.00	0.00	0.11
Start Ex	0.00	0.19	0.00	0.19	0.00	0.22	0.00	0.22	0.00	0.14	0.00	0.14	0.00	0.07	0.07	0.00	0.07	0.01	0.06	0.69
Total Ex	0.00	0.34	0.00	0.34	0.00	0.41	0.00	0.42	0.00	0.21	0.03	0.24	0.00	0.09	0.09	0.55	0.64	0.06	0.37	2.07
Diurnal	0.00	0.13	0.00	0.13	0.00	0.17	0.00	0.17	0.00	0.04	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.03	0.37
Hot Soak	0.00	0.14	0.00	0.14	0.00	0.15	0.00	0.15	0.00	0.04	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.33
Running	0.00	0.62	0.00	0.62	0.00	0.97	0.00	0.97	0.00	0.54	0.00	0.54	0.00	0.16	0.16	0.00	0.16	0.01	0.03	2.32
Resting	0.00	0.07	0.00	0.07	0.00	0.10	0.00	0.10	0.00	0.02	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.21
Total	0.00	1.30	0.00	1.30	0.00	1.80	0.00	1.80	0.00	0.85	0.03	0.87	0.00	0.26	0.26	0.55	0.81	0.07	0.45	5.30
Carbon Monoxide Emissions																				
Run Exh	0.00	9.45	0.00	9.45	0.00	10.29	0.00	10.30	0.00	2.61	0.21	2.81	0.00	0.73	0.73	2.89	3.62	0.52	2.92	29.62
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.08	0.00	0.09	0.00	0.04	0.04	0.54	0.58	0.00	0.00	0.67
Start Ex	0.00	3.18	0.00	3.18	0.00	3.48	0.00	3.48	0.00	1.91	0.00	1.91	0.00	1.29	1.29	0.00	1.29	0.07	0.29	10.23
Total Ex	0.00	12.63	0.00	12.63	0.00	13.77	0.00	13.77	0.00	4.60	0.21	4.81	0.00	2.06	2.06	3.43	5.49	0.60	3.21	40.51
Oxides of Nitrogen Emissions																				
Run Exh	0.00	0.75	0.00	0.75	0.00	1.01	0.01	1.02	0.00	0.32	0.18	0.50	0.00	0.16	0.16	3.18	3.34	0.56	0.13	6.30
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.01	0.00	0.00	0.00	1.64	1.64	0.00	0.00	1.66
Start Ex	0.00	0.16	0.00	0.16	0.00	0.21	0.00	0.21	0.00	0.59	0.00	0.59	0.00	0.16	0.16	0.00	0.16	0.01	0.01	1.14
Total Ex	0.00	0.91	0.00	0.91	0.00	1.22	0.01	1.23	0.00	0.91	0.19	1.11	0.00	0.32	0.32	4.82	5.14	0.57	0.14	9.10
Carbon Dioxide Emissions (000)																				
Run Exh	0.00	6.55	0.00	6.55	0.00	5.46	0.00	5.47	0.00	1.71	0.10	1.81	0.00	0.23	0.23	5.06	5.29	0.21	0.02	19.35
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.08	0.08	0.00	0.00	0.09
Start Ex	0.00	0.21	0.00	0.21	0.00	0.18	0.00	0.18	0.00	0.06	0.00	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.46
Total Ex	0.00	6.77	0.00	6.77	0.00	5.65	0.00	5.65	0.00	1.77	0.10	1.88	0.00	0.24	0.24	5.14	5.38	0.21	0.02	19.90
PM10 Emissions																				
Run Exh	0.00	0.19	0.00	0.19	0.00	0.21	0.00	0.21	0.00	0.06	0.01	0.07	0.00	0.00	0.00	0.20	0.20	0.01	0.00	0.68
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.02	0.02	0.00	0.00	0.02
Start Ex	0.00	0.02	0.00	0.02	0.00	0.02	0.00	0.02	0.00	0.01	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.05
Total Ex	0.00	0.22	0.00	0.22	0.00	0.23	0.00	0.23	0.00	0.07	0.01	0.07	0.00	0.00	0.00	0.22	0.22	0.01	0.00	0.76
TireWear	0.00	0.15	0.00	0.15	0.00	0.10	0.00	0.10	0.00	0.02	0.00	0.02	0.00	0.00	0.00	0.07	0.08	0.00	0.00	0.36
BrakeWr	0.00	0.24	0.00	0.24	0.00	0.16	0.00	0.16	0.00	0.03	0.00	0.03	0.00	0.00	0.00	0.03	0.04	0.00	0.00	0.47
Total	0.00	0.60	0.00	0.60	0.00	0.49	0.00	0.49	0.00	0.12	0.01	0.13	0.00	0.01	0.01	0.32	0.33	0.01	0.00	1.58
Lead	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SOx	0.00	0.07	0.00	0.07	0.00	0.05	0.00	0.05	0.00	0.02	0.00	0.02	0.00	0.00	0.00	0.05	0.05	0.00	0.00	0.19
Fuel Consumption (000 gallons)																				
Gasoline	0.00	694.75	0.00	694.75	0.00	580.33	0.00	580.33	0.00	182.09	0.00	182.09	0.00	24.63	24.63	0.00	24.63	5.56	2.73	1490.09
Diesel	0.00	0.00	0.01	0.01	0.00	0.00	0.24	0.24	0.00	0.00	9.40	9.40	0.00	0.00	0.00	462.51	462.51	14.45	0.00	486.61

Title : Fresno County Avg 2030 – No Build
Version : Emfac2002 V2.2 Apr 23 2003 ** WIS Enabled **
Run Date : 05/10/07 10:19:12
Scen Year: 2030 -- Model Years: 1985 to 2030
Season : Annual
Area : Fresno County Average
I/M Stat : I and M program in effect
Emissions: Tons Per Day

	Light Duty Passenger Cars				Light Duty Trucks				Medium Duty Trucks				Heavy Duty Trucks – Gasoline Trucks			Diesel	Total HD	Urban	Motor-	All
	Non-cat	Cat	Diesel	Total	Non-cat	Cat	Diesel	Total	Non-cat	Cat	Diesel	Total	Non-cat	Cat	Total	Trucks	Trucks	Buses	cycles	Vehicles
Vehicles	0.	445491.	18.	445508.	0.	301120.	321.	301441.	0.	58297.	3761.	62058.	0.	13763.	13763.	21576.	35339.	979.	12042.	857367.
VMT/1000	0.	17066.	0.	17067.	0.	11201.	7.	11208.	0.	2244.	182.	2426.	0.	307.	307.	2284.	2590.	127.	103.	33521.
Trips	0.	2775410.	83.	2775500.	0.	1850440.	1434.	1851880.	0.	656058.	46157.	702215.	0.	122018.	122018.	313712.	435730.	3916.	24081.	5793320.
Reactive Organic Gas Emissions																				
Run Exh	0.00	0.16	0.00	0.16	0.00	0.21	0.00	0.21	0.00	0.06	0.03	0.09	0.00	0.02	0.02	0.46	0.48	0.06	0.30	1.29
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.01	0.00	0.01	0.01	0.09	0.10	0.00	0.00	0.11
Start Ex	0.00	0.19	0.00	0.19	0.00	0.22	0.00	0.22	0.00	0.14	0.00	0.14	0.00	0.07	0.07	0.00	0.07	0.01	0.06	0.68
Total Ex	0.00	0.35	0.00	0.35	0.00	0.43	0.00	0.43	0.00	0.22	0.03	0.24	0.00	0.09	0.09	0.55	0.64	0.06	0.36	2.08
Diurnal	0.00	0.13	0.00	0.13	0.00	0.17	0.00	0.17	0.00	0.03	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.03	0.37
Hot Soak	0.00	0.14	0.00	0.14	0.00	0.15	0.00	0.15	0.00	0.04	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.33
Running	0.00	0.62	0.00	0.62	0.00	0.97	0.00	0.97	0.00	0.54	0.00	0.54	0.00	0.16	0.16	0.00	0.16	0.01	0.03	2.31
Resting	0.00	0.07	0.00	0.07	0.00	0.10	0.00	0.10	0.00	0.02	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.20
Total	0.00	1.31	0.00	1.31	0.00	1.81	0.00	1.81	0.00	0.85	0.03	0.88	0.00	0.25	0.25	0.55	0.80	0.07	0.44	5.30
Carbon Monoxide Emissions																				
Run Exh	0.00	9.76	0.00	9.76	0.00	10.63	0.00	10.64	0.00	2.69	0.21	2.90	0.00	0.72	0.72	2.89	3.61	0.52	2.78	30.21
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.08	0.00	0.09	0.00	0.04	0.04	0.53	0.58	0.00	0.00	0.66
Start Ex	0.00	3.17	0.00	3.17	0.00	3.46	0.00	3.46	0.00	1.90	0.00	1.90	0.00	1.29	1.29	0.00	1.29	0.07	0.29	10.19
Total Ex	0.00	12.93	0.00	12.93	0.00	14.10	0.00	14.10	0.00	4.68	0.21	4.89	0.00	2.05	2.05	3.42	5.47	0.60	3.07	41.06
Oxides of Nitrogen Emissions																				
Run Exh	0.00	0.76	0.00	0.76	0.00	1.02	0.01	1.03	0.00	0.32	0.18	0.50	0.00	0.16	0.16	3.17	3.33	0.56	0.13	6.31
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.01	0.00	0.00	0.00	1.64	1.64	0.00	0.00	1.65
Start Ex	0.00	0.16	0.00	0.16	0.00	0.21	0.00	0.21	0.00	0.59	0.00	0.59	0.00	0.16	0.16	0.00	0.16	0.01	0.01	1.13
Total Ex	0.00	0.92	0.00	0.92	0.00	1.22	0.01	1.23	0.00	0.91	0.19	1.10	0.00	0.32	0.32	4.81	5.13	0.57	0.14	9.09
Carbon Dioxide Emissions (000)																				
Run Exh	0.00	6.68	0.00	6.68	0.00	5.57	0.00	5.57	0.00	1.73	0.10	1.84	0.00	0.23	0.23	5.04	5.27	0.21	0.02	19.59
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.08	0.08	0.00	0.00	0.09
Start Ex	0.00	0.21	0.00	0.21	0.00	0.18	0.00	0.18	0.00	0.06	0.00	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.46
Total Ex	0.00	6.89	0.00	6.89	0.00	5.75	0.00	5.75	0.00	1.79	0.10	1.90	0.00	0.24	0.24	5.12	5.36	0.21	0.02	20.14
PM10 Emissions																				
Run Exh	0.00	0.21	0.00	0.21	0.00	0.22	0.00	0.22	0.00	0.06	0.01	0.07	0.00	0.00	0.00	0.20	0.20	0.01	0.00	0.71
Idle Exh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.02	0.02	0.00	0.00	0.02
Start Ex	0.00	0.02	0.00	0.02	0.00	0.02	0.00	0.02	0.00	0.01	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.05
Total Ex	0.00	0.23	0.00	0.23	0.00	0.25	0.00	0.25	0.00	0.07	0.01	0.07	0.00	0.00	0.00	0.22	0.22	0.01	0.00	0.78
TireWear	0.00	0.15	0.00	0.15	0.00	0.10	0.00	0.10	0.00	0.02	0.00	0.02	0.00	0.00	0.00	0.07	0.08	0.00	0.00	0.35
BrakeWr	0.00	0.24	0.00	0.24	0.00	0.15	0.00	0.15	0.00	0.03	0.00	0.03	0.00	0.00	0.00	0.03	0.04	0.00	0.00	0.46
Total	0.00	0.61	0.00	0.61	0.00	0.50	0.00	0.50	0.00	0.12	0.01	0.13	0.00	0.01	0.01	0.32	0.33	0.01	0.00	1.60
Lead	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SOx	0.00	0.07	0.00	0.07	0.00	0.06	0.00	0.06	0.00	0.02	0.00	0.02	0.00	0.00	0.00	0.05	0.05	0.00	0.00	0.19
Fuel Consumption (000 gallons)																				
Gasoline	0.00	707.86	0.00	707.86	0.00	591.28	0.00	591.28	0.00	184.24	0.00	184.24	0.00	24.55	24.55	0.00	24.55	5.55	2.68	1516.17
Diesel	0.00	0.00	0.01	0.01	0.00	0.00	0.24	0.24	0.00	0.00	9.37	9.37	0.00	0.00	0.00	461.02	461.02	14.40	0.00	485.05

APPENDIX A
MITIGATION MONITORING PROGRAM

1.1 STATUTORY REQUIREMENT

This Mitigation Monitoring Program for the Council of Fresno County Governments 2007 Regional Transportation Plan EIR has been developed in accordance with Section 21081.6 of the Public Resources Code, which requires a Lead Agency that approves or carries out a project, where an EIR has identified significant environmental effects, to adopt a reporting or monitoring program. The purpose of this program is to identify the changes to the project, which the Lead Agency has adopted or made a condition of a project approval in order to mitigate or avoid significant effects on the environment. The Council of Fresno County Governments (Fresno COG) is the Lead Agency that must adopt the mitigation monitoring program.

Section 21069 of the CEQA statute defines Responsible Agency as a public agency, other than the Lead Agency, which has the responsibility for carrying out or approving a project. Fresno COG finds that the implementation of some mitigation measures listed on the following pages of the Final EIR are not within its jurisdiction, and can and should be implemented and monitored by agencies responsible for implementing the projects, including but not limited to the following: cities, Counties, Caltrans, transit districts, and other responsible agencies.

CEQA statutes and Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency (Fresno COG) and other agencies with respect to implementing and monitoring mitigation measures. In accordance with CEQA Guidelines Section 15097.d, "each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise." This discretion will be exercised by implementing agencies at the time they undertake any of the individual improvement projects identified in the Draft and Final EIRs.

Regular review and update of the 2007 Regional Transportation Plan will be conducted by Fresno COG, as appropriate. These updates involve a determination of regional transportation and air quality impacts and require air quality conformity pursuant to the federal Clean Air Act.

1.2 ADMINISTRATION OF THE MITIGATION MONITORING PROGRAM

Mitigation measures listed in this Mitigation Monitoring Program will be implemented by one or more responsible or implementing agencies at the time they undertake individual improvement projects identified in the Draft and Final EIRs.

The Mitigation Monitoring Program consists of the following components:

- Mitigation measures contained in the Final EIR
- Identification of Responsible Party
- Description of mitigation measure timing
- Identification of monitoring agency

This Mitigation Monitoring Program shall be maintained in the Council of Fresno County Governments files for the Council of Fresno County Governments 2007 Regional Transportation Plan.

1.3 MITIGATION MEASURES

Aesthetics

Mitigation 3.1.1 – Obstruction of Views

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Implement design guidelines, local policies, and programs aimed at protecting views of scenic corridors and avoiding visual intrusions.
- To the extent feasible, noise barriers that will not degrade or obstruct a scenic view will be constructed. Noise barriers will be well landscaped, complement the natural landscape and be graffiti-resistant.

Mitigation 3.1.2 – Altered Appearance of Scenic Resources

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Avoid construction of transportation facilities in state and locally designated scenic highways and vista points.
- If transportation facilities are constructed in state and locally designated scenic highways and/or vista points, design, construction, and operation of the transportation facility will be consistent with applicable guidelines and regulations for the preservation of scenic resources along the designated scenic highway.

Mitigation 3.1.3 – Development of Previously Undeveloped Sites with Visual Qualities

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Develop design guidelines for each type of transportation facility that make elements of proposed facilities visually compatible with surrounding areas. Visual guidelines will, at a minimum, include setback buffers, landscaping, color, texture, signage, and lighting criteria. The following methods will be employed whenever possible:

  - Transportation systems will be designed in a manner where the surrounding landscape dominates.
  - Transportation systems will be developed to be compatible with the surrounding environment (i.e., colors and materials of construction material).
  - If exotic vegetation is used, it will be used as screening and landscaping that blends in and complements the natural landscape.
  - Trees bordering highways will remain or be replaced so that clear cutting is not evident.
  - Grading will blend with the adjacent landforms and topography.

Mitigation 3.1.4 – New Sources of Light and Glare

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Develop design guidelines for each type of transportation facility that make light elements of proposed facilities visually compatible with surrounding areas. The following methods will be employed whenever possible:

  - Transportation systems will be designed in a manner where the surrounding landscape dominates.
  - Transportation systems will be developed to be compatible with the surrounding environment.
  - Lighting devices will be employed such as downward facing light, light shields, and amber lumens.

  Responsibility for Implementation of Mitigation Measures:

  Implementing Agencies. (Caltrans and local agencies).

  When Mitigation Measure is to be Implemented:

  During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

  Responsibility for Monitoring Implementation:

  Caltrans and local agencies.

Agricultural Resources

Mitigation 3.2.1 - Changes in Land Use Patterns

The impact on significant agricultural resources will be evaluated as part of the appropriate improvement project-specific environmental review. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Individual projects will be consistent with local land use plans and policies that designate areas for urban land use and preserve agricultural lands that support the economic viability of agricultural activities.
- Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of potential land use impacts.

Mitigation 3.2.2 – Loss of Agricultural Land

The impact on significant agricultural resources will be evaluated as part of the appropriate improvement project-specific environmental review. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Individual projects will be consistent with federal, state, and local policies that preserve agricultural lands and support the economic viability of agricultural activities, as well as policies that provide compensation for property owners if preservation is not feasible.
- For projects in agricultural areas, project implementation agencies will contact the California Department of Conservation and the Agricultural Commissioner's office to identify the location of prime farmlands and lands that support crops considered valuable to the local or regional economy.
- Prior to final approval of each individual improvement project, the implementing agency will establish conservation easement programs to mitigate impacts to prime farmland.
- Prior to final approval of each individual improvement project, the implementing agency will avoid impacts to prime farmlands or farmlands that support crops considered valuable to the local or regional economy.
- Prior to final approval of each individual improvement project, the implementing agency will encourage enrollments of agricultural lands for counties that have Williamson Act programs.

Responsibility for Implementation of Mitigation Measures:

Implementing Agencies. (Caltrans and local agencies).

When Mitigation Measure is to be Implemented:

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

Responsibility for Monitoring Implementation:

Caltrans and local agencies.

Air Quality

Mitigation 3.3.2 – Point Source Impacts

At those facilities or intersections near sensitive receptors where carbon monoxide concentrations may exist, the implementing agency will reduce or alleviate these concentrations by improving traffic flows through improved signalization, restriping, addition of traffic lanes, and other improvements identified as part of the environmental review of an individual improvement project.

Mitigation 3.3.3 – Long-Term Regional Impacts

- The various TCMs that have been incorporated into the Air District AQAP, ROP Plans, and the SJVAPCD TCM Program, or have been identified as necessary to provide for positive air quality conformity findings, as referenced in the latest Air Quality Conformity Finding for the 2004 RTP and Federal Transportation Improvement Program (FTIP), dated October 2005 (reference Appendix C).

- All applicable rules and regulations adopted by the Air District will be followed by responsible and implementing agencies as individual improvement projects are designed, constructed and maintained. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

Mitigation 3.3.3 – Long-Term Regional Impacts (cont'd)

Implementation of the individual improvement projects in the DEIR will contribute to the overall decline in air quality due to construction activities in preparation of the sites, and ongoing traffic and other operational emissions.

Mitigation 3.3.4 – Global Warming Impacts

- A number of mitigation measures are included in Section 3.3 of the Draft EIR to address criteria emissions.
- Public transit has been significantly enhanced in the 2007 RTP compared to the current RTP (adopted in 2004). Such improvements will help mitigate expected increases in emissions resulting from increased population and employment and the impact of planned growth and development on the regional transportation system.
- The RTP also references a major transportation study (Phase 2 of the PTIS), which will focus on the identification of major transit corridors within the County. Before committing additional revenues to other modes of transportation, the RTP envisions these studies to determine viable shifts of transportation revenues to transit or other modes to ensure that programs in such modes will be financially constrained in accordance with RTP requirements.
- Further, the RTP contains projects beyond those discussed under the Intelligent Transportation Systems (ITS) section. The RTP also contains a number of projects and significant funding for various forms of transportation in addition to streets and highways.
- Fresno COG is in the process of developing a Regional Blueprint for the year 2050. Fresno COG is coordinating development of the Blueprint with the other seven (7) counties within the San Joaquin Valley. All eight (8) counties are located in the same Air Basin (San Joaquin Valley Air Basin) and received the grant for Blueprint development from the State of California. According to Sunne Wright McPeak, former State Secretary of the Business, Housing, and Transportation Agency, the Blueprint programs in California are designed to address the three (3) "E"s of Regional Blueprint Planning including: Energy Efficiency, the Environment, and Economic Development. The Regional Blueprint will identify a preferred land use scenario and transportation system for Fresno County considering the application of alternative growth strategies. The Plan will identify a vision, values, goals, objectives, and implementing strategies that can be planned by Fresno COG and implemented by local agencies within the County to reduce vehicle trips, vehicle miles traveled (VMT), and support increased walkability, passenger rail, public transit systems, and bicycling. The Blueprint is expected to be completed in the fall of 2008.
- Various TCMs that have been incorporated into the Air District AQAP, ROP Plans, and the SJVAPCD TCM Program, or have been identified as necessary to provide for positive air quality conformity findings, as referenced in the latest Air Quality Conformity Finding for the 2007 RTP and Federal Transportation Improvement Program (FTIP) are incorporated by reference.
- All applicable rules and regulations adopted by the Air District are incorporated by reference and will be followed by responsible and implementing agencies as individual improvement projects are designed, constructed and maintained. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.
- Diesel Anti-Idling: In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling. Local agencies should post signs that restrict idling and provide education materials to truck drivers regarding diesel health impacts.

Biotic Resources

Mitigation 3.4.1 – Removal or Degradation of Sensitive Natural Communities

All mitigation measures will be included in subsequent project-level environmental analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation

measures during all phases of construction, as appropriate. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- When applicable to federally funded projects, Fresno COG and responsible agencies should commit to improved interagency coordination and integration of the National Environmental Policy Act (NEPA) and the Clean Water Act Section 404 procedures during three stages: transportation planning, project programming, and project implementation. Fresno COG and affected state and local agencies should commit to ensuring the earliest possible consideration of environmental concerns pertaining to U.S. water bodies, including wetlands, at each of the three stages identified above. In addition, the agencies should place a high priority on the avoidance of adverse impacts to waters of the U.S. and associated sensitive species, including threatened and endangered species. Implementation of NEPA-404 requirements will expedite construction of necessary transportation projects, with benefits to mobility and the economy at large. The process will also enable more street and highway projects to proceed on budget and on schedule. Finally, the process will improve cooperation and efficiency of governmental operations at all levels, thereby better serving the public.

- Construction and operational Best Management Practices (BMPs) will be identified, installed and maintained in order to prevent silt and other pollutants from entering jurisdictional waters and wetlands thereby degrading or destroying wildlife and/or natural habitat. BMPs may include straw bales and/or mats, temporary sedimentation basins, silt fence, sand bag check dams, dry season construction, etc.

- Native soils in construction areas will be removed, stockpiled separately, and replaced in those areas where onsite revegetation of the native habitat is planned.

- Any disturbed natural areas will be replanted with appropriate native vegetation following the completion of construction activities.

- During the individual improvement project design phase, impacts to jurisdictional waters and wetlands will be minimized to the greatest extent feasible.

- Project proponents will obtain and comply with appropriate regulatory requirements prior to construction.

Mitigation 3.4.2 – Direct Impacts on Rare, Threatened, or Endangered Plant & Wildlife Species

All mitigation measures will be included in subsequent project-level environmental analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. Fresno COG will be provided with documentation indicating compliance with mitigation measures. Each proposed individual improvement project will consider the displacement of sensitive habitat and sensitive species during the individual improvement project design phase.

- Each proposed individual improvement project will consider the displacement of sensitive habitat, sensitive species, and non-native habitat during the individual improvement project design phase.

- Focused sensitive plant and wildlife species and non-native habitat surveys will be conducted within suitable habitat to determine the distribution of sensitive species within the biological impact area of the proposed transportation improvement project. Sensitive plant and non-native habitat surveys will be conducted during the appropriate flowering season for sensitive plant species with the potential to occur within the individual improvement project area.

- If sensitive plant or wildlife species and non-native habitat are identified within the biological impact area, a Biological Resource Management Plan (BRMP) will be developed to address appropriate avoidance and minimization measures. These measures may include seed collection and salvage measures for sensitive plant species and non-native habitat, silt fencing, exclusion fencing and/or appropriate compensation where impacts cannot be fully avoided.

- Locations of sensitive species, sensitive habitat, and non-native habitat will be mapped and shown on construction drawings and identified as Environmentally Sensitive Areas (ESAs). Prior to construction, these areas will be flagged and/or fenced to prevent unnecessary impacts from machinery and foot traffic.

- Temporary access roads and staging areas will not be located within areas containing sensitive plant, sensitive wildlife species or non-native habitat wherever feasible, so as to avoid or minimize impacts to these species.

- Construction activities will be scheduled, as appropriate and feasible, to avoid sensitive times that have a greater likelihood to affect significant resources such as spawning periods for fish, nesting season for birds and/or the rainy season for riparian habitat and sediment/erosion control.

- All vegetation (including tall grasses) will be removed between August 16 and February 14, if possible, to avoid potential conflicts with nesting birds. If it is not possible to remove vegetation during that time frame, a nest clearance survey will be completed prior to vegetation clearing. Any detected nests will be mapped and provided with an appropriate buffer as recommended by a qualified biologist. Construction activities within the buffer area will not be allowed until after September 15 or until fledglings have abandoned the nest.

Mitigation 3.4.3 – Impacts on Rare, Threatened, or Endangered Species from Project Noise, Lighting and Deterrents

All mitigation measures will be included in subsequent project-level environmental analysis as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- The height, spacing, number and type of light fixtures will be selected and installed to minimize intrusive light escaping from the physical boundaries of the site.
- Road noise minimization methods such as native brush and tree planting adjacent to heavy noise producing transportation facilities or will be incorporated where feasible.

Mitigation 3.4.4 - Temporary and Permanent Impacts to Terrestrial and Aquatic Wildlife Movement

All mitigation measures will be included in subsequent project-level environmental analysis as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- During final design, implementing agencies will design, construct, and maintain terrestrial wildlife crossings in order to minimize barrier effects and habitat fragmentation created by the individual improvement project.
- During final design, implementing agencies will design, construct, and maintain any structure/culvert placed within a stream where endangered or threatened fish occur/may occur. The structure/culvert will not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish that

impedes their upstream or downstream movement. This includes, but is not limited to, the supply of water at an appropriate depth for fish migration.

Mitigation 3.4.5 – Conflicts with an Adopted Habitat Conservation Plan

All mitigation measures will be included in subsequent project-level environmental analysis as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Construction and operation of the proposed individual improvement project will comply with the requirements of all adopted HCPs and other preserved areas.

  Responsibility for Implementation of Mitigation Measures:

  Implementing Agencies. (Caltrans and local agencies).

  When Mitigation Measure is to be Implemented:

  During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

  Responsibility for Monitoring Implementation:

  Caltrans and local agencies.

Cultural Resources

Mitigation 3.5.1 – Impacts on Historic Resources

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- As part of the appropriate environmental review of individual projects, the project implementation agencies will identify potential impacts to historic resources. A record search at the appropriate Information Center will be conducted to determine whether the individual improvement project area has been previously surveyed and whether resources were identified.

- As necessary, prior to construction activities, the project implementation agencies will obtain a qualified architectural historian to conduct historic architectural surveys as recommended by the Archaeological Information Center. In the event the records indicate that no previous survey has been conducted, the Information Center will make a recommendation on whether a survey is warranted based on the sensitivity of the individual improvement project area for cultural resources.

- The project implementation agencies will comply with Section 106 of the National Historic Preservation Act if federal funding or approval is required. This law requires federal agencies to evaluate the impact of their actions on resources included in or eligible for listing in the National Register of Historic Places. Federal agencies must

coordinate with the State Historic Preservation Officer in evaluating impacts and developing mitigation. These mitigation measure may include, but are not limited to the following:

- Ø The project implementation agencies will carry out the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, relocation, or reconstruction of any impacted historic resource, which will be conducted in a manner consistent with the Secretary of the Interior's Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

- ♦ In some instances, the following mitigation measure may be appropriate in lieu of the previous mitigation measure:

  - Ø The project implementation agencies will secure a qualified environmental agency and/or architectural historian, or other such qualified person to document any significant historical resource(s), by way of historic narrative, photographs, or architectural drawings, as mitigation for the effects of demolition of a resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.

Mitigation 3.5.2 – Construction Impacts on Archaeological Resources

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

Implementation of the following mitigation measures for archaeological resources is recommended to reduce impacts to a less-than-significant level. Project proponents will implement the following measures as part of the individual improvement project review process for proposed transportation projects:

- ♦ As part of the appropriate environmental review of individual projects, the project implementation agencies will consult with the Native American Heritage Commission to determine whether known sacred sites are in the project area, and identify the Native American(s) to contact to obtain information about the individual improvement project site.

- ♦ Prior to construction activities, the project implementation agencies will obtain a qualified archaeologist to conduct a record search at the appropriate Information Center of the California Archaeological Inventory to determine whether the individual improvement project area has been previously surveyed and whether resources were identified.

- ♦ As necessary prior to construction activities, the project implementation agencies will obtain a qualified archaeologist or architectural historian (depending on applicability) to conduct archaeological and/or historic architectural surveys as recommended by the Information Center. In the event the records indicate that no previous survey has been conducted, the Information Center will make a recommendation on whether a survey is warranted based on the sensitivity of the individual improvement project area for cultural resources.

- ♦ If the record search indicates that the individual improvement project is located in an area rich with cultural materials, the individual improvement project proponent will retain a qualified archaeologist to monitor any subsurface operations, including but not limited to grading, excavation, trenching, or removal of existing features of the subject property.

- ♦ Construction activities and excavation will be conducted to avoid cultural resources (if found). If avoidance is not feasible, further work may need to be done to determine the importance of a resource. The project

implementation agencies will obtain a qualified archaeologist familiar with the local archaeology, and/or an architectural historian should make recommendations regarding the work necessary to determine importance. If the cultural resource is determined to be important under state or federal guidelines, impacts on the cultural resource will be mitigated.

- The project implementation agencies will stop construction activities and excavation in the area where cultural resources are found until a qualified archaeologist can determine the importance of these resources.

Mitigation 3.5.3 – Construction Impacts on Paleontological Resources

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures. Project proponents in the Fresno region will implement the following measures as part of the review process for proposed transportation projects:

- As part of the appropriate environmental review of individual projects, the project implementation agencies will obtain a qualified paleontologist to identify and evaluate paleontological resources where potential impacts are considered high; the paleontologist will also conduct a field survey in these areas.

- Construction activities will avoid known paleontological resources, especially if the resources in a particular lithic unit formation have been determined through detailed investigation to be unique. If avoidance is not feasible, paleontological resources will be excavated by the qualified paleontologist and given to a local agency, State University, or other applicable institution, where they can be displayed.

Mitigation 3.5.4 – Impacts on Human Remains

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

As part of the appropriate environmental review of individual projects, the project implementation agencies, in the event of discovery or recognition of any human remains, during construction or excavation activities associated with the individual improvement project, in any location other than a dedicated cemetery, will cease further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered has been informed and has determined that no investigation of the cause of death is required

- If the remains are of Native American origin, the coroner will contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner will make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.

- If the Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission, in which case:

  - The landowner or his authorized representative will obtain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any

associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance where the following conditions occur:

- The Native American Heritage Commission is unable to identify a descendent.
- The descendant identified fails to make a recommendation.
- The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Responsibility for Implementation of Mitigation Measures:

Implementing Agencies. (Caltrans and local agencies).

When Mitigation Measure is to be Implemented:

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

Responsibility for Monitoring Implementation:

Caltrans and local agencies.

Geology/Soils

Mitigation 3.6.1 – Damaged transportation Infrastructure from Seismic Activity

- Project structures will be built by responsible agencies to the seismic standards contained in the most recent edition of the Uniform Building Code (UBC).
- Implementing agencies will ensure that improvement projects located within or across active fault zones comply with design requirements, published by the CGS, as well as local, regional, state, and federal design criteria for construction of projects in seismic areas.
- The project implementing agencies will guarantee that geotechnical analysis is conducted within construction areas to establish soil types and local faulting prior to individual improvement project design preparation.

Mitigation 3.6.2 – Slope Failure and Erosion Due to Project Construction

- The project implementing agencies will ensure that individual improvement project designs provide adequate slope drainage and appropriate landscaping to minimize the occurrence of slope instability and erosion.
- Design features will include measures to reduce erosion from storm water.
- Road cuts will be designed to maximize the potential for revegetation.
- Implementing agencies will ensure that projects avoid landslide areas and potentially unstable slopes wherever feasible.

- Where practicable, routes and individual improvement project designs that would permanently alter unique geologic features will be avoided.

Mitigation 3.6.3 - Subsidence and the Presence of Expansive Soils

- Implementing agencies will ensure that geotechnical investigations are conducted by a qualified geologist to identify the potential for subsidence and expansive soils.

- Recommended corrective measures, such as structural reinforcement and replacing soil with engineered fill, will be implemented in individual improvement project designs.

- Implementing agencies will ensure that, prior to preparing individual improvement project designs, new and abandoned wells are identified within construction areas to ensure the stability of nearby soils.

Mitigation 3.6.4 – Susceptibility to Seismic Action

- Project structures will be constructed by responsible agencies to the seismic standards contained in the most recent edition of the Uniform Building Code (UBC).

Mitigation 3.6.5 – Geotechnical Impacts

- Improvement projects with significant cuts or fill should include a geotechnical investigation to identify adverse soil conditions and develop recommendations for design and construction that would limit the effects of adverse soil and bedrock conditions.

- Cut and fill plans will be prepared for all improvement projects where cut and fill will be reburied, so that all fill materials are properly designed, placed, and compacted.

- Preparation of a detailed erosion control plan will be prepared to limit the effects of soil erosion and water degradation during improvement project construction, in accordance with permit conditions and requirements of the State Water Resources Control Board's Best Management Practices (BMPs), or equally effective measures will be employed.

Mitigation 3.6.6 – Impacts on State-Owned and State Minerals Reserved Lands

- Where possible, improvement projects will be designed by responsible agencies to limit potential impacts on State-owned or State mineral-reserved lands.

  Responsibility for Implementation of Mitigation Measures:

  Implementing Agencies. (Caltrans and local agencies).

  When Mitigation Measure is to be Implemented:

  During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

  Responsibility for Monitoring Implementation:

  Caltrans and local agencies.

Hydrology/Water Quality

Mitigation 3.8.1 – Impacts on Water Quality

- Improvement projects along existing facilities will include upgrades to storm water drainage facilities to accommodate increased runoff volumes. These upgrades may include the construction of detention basins or structures that will delay peak flows and reduce velocity.

Mitigation 3.8.2 – Impacts on Groundwater

- Transportation network improvements will comply with local, state and federal floodplain regulations. Proposed transportation improvements will be engineered by responsible agencies to accommodate storm drainage flow.

- Responsible agencies should ensure that operational best management practices for street cleaning, litter control, and catch basin cleaning are provided to prevent water quality degradation. Responsible agencies implementing projects requiring continual water removal facilities should provide monitoring systems including long-term administrative procedures to ensure proper operations for the life of the Project.

Mitigation 3.8.3 – Increased Flood Hazards

- Prior to construction, and when a potential drainage issue is known, a drainage study should be conducted by responsible agencies for new capacity-increasing projects. Drainage systems should be designed to maximize the use of detention basins, vegetated areas, and velocity dissipaters to reduce peak flows where possible. Transportation improvements will comply with federal, state and local regulations regarding storm water management. State-owned freeways must comply with Storm Water Discharge NPDES permit for Caltrans facilities.

- Responsible agencies should ensure that new facilities include water quality control features such as drainage channels, detention basins, and vegetated buffers to prevent pollution of adjacent water resources by runoff.

- Letters of Map Revision (LOMR) will be prepared and submitted to FEMA (when applicable) by responsible agencies where construction would occur within 100-year floodplains. The LOMR will include revised local base flood elevations for projects constructed within flood-prone areas.

Mitigation 3.8.4 - Impacts from Construction Runoff

- Improvement projects along existing facilities will include upgrades to storm water drainage facilities to accommodate increased runoff volumes. These upgrades may include the construction of detention basins or structures that will delay peak flows and reduce velocity.

Responsibility for Implementation of Mitigation Measures:

Implementing Agencies. (Caltrans and local agencies).

When Mitigation Measure is to be Implemented:

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

Responsibility for Monitoring Implementation:

Caltrans and local agencies.

Land Use/Planning

Mitigation 3.9.1 - Land Use Impacts

The impact on significant agricultural resources will be evaluated as part of the appropriate improvement project-specific environmental review. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Individual projects will be consistent with local land use plans and policies that designate areas for urban land use and preserve agricultural lands that support the economic viability of agricultural activities.

- Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of potential land use impacts.

Mitigation 3.9.2 – Impacts on Sensitive Receptors

Impacts to sensitive receptors will be evaluated as part of the appropriate project-specific environmental review, and mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Prior to commencing construction activities on individual projects, project implementation agencies will comply with applicable federal, state and applicable city and county land use plans, policies, and regulations.

- Prior to commencing construction activities with individual projects, project implementation agencies will obtain necessary local permits and meet conditions for approval from applicable cities and counties.

- Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of potential land use impacts.

- Potential significant impacts to land uses will be mitigated.

Mitigation 3.9.3 – Loss of Open Space and Community Recreation Areas

The impact on open space and community recreation areas will be evaluated as part of the appropriate project-specific environmental review and mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Project implementation agencies will ensure that projects are consistent with federal, state, and local plans that preserve open space and recreation.

- Project implementation agencies will identify open space and recreation areas that could be preserved and will include mitigation measures (such as dedication or payment of in-lieu fees) for the loss of open space.
- Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of loss of open space and recreation.
- Potential significant impacts to open space will be mitigated.
- For projects that require approval or funding by the U.S. Department of Transportation, project implementation agencies will comply with Section 4(f) of the U.S. Department of Transportation Act.

Mitigation 3.9.4 – Loss of Agricultural Resources

The impact on significant agricultural resources will be evaluated as part of the appropriate project-specific environmental review, and mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Individual projects will be consistent with federal, state, and local policies that preserve agricultural lands and support the economic viability of agricultural activities, as well as policies that provide compensation for property owners if preservation is not feasible.
- For projects in agricultural areas, project implementation agencies will contact the California Department of Conservation and the County Agricultural Commissioner's office to identify the location of prime farmlands and lands that support crops considered valuable to the local or regional economy.
- Prior to final approval of each individual improvement project, the implementing agency will establish conservation easement programs to mitigate impacts to prime farmland.
- Prior to final approval of each individual improvement project, the implementing agency will avoid impacts to prime farmlands or farmlands that support crops considered valuable to the local or regional economy.
- Prior to final approval of each individual improvement project, the implementing agency will encourage enrollments of agricultural lands in the Williamson Act.

Responsibility for Implementation of Mitigation Measures:

Implementing Agencies. (Caltrans and local agencies).

When Mitigation Measure is to be Implemented:

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

Responsibility for Monitoring Implementation:

Caltrans and local agencies.

Noise

Mitigation 3.10.1 – Transportation Noise Impacts

As part of project-specific environmental review, a detailed evaluation of noise impacts will be undertaken. Project-specific mitigation measures will be identified, as necessary. All mitigation measures will be included in project-level analysis, as appropriate. The project implementing agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Project implementing agencies will comply with all local sound control and noise level rules, regulations, and ordinances.

- Project implementing agencies will limit the hours of construction to between 6:00 a.m. and 8:00 p.m. on Monday through Friday and between 7:00 a.m. and 8:00 p.m. on weekends.

- Equipment and trucks used for construction will utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) in order to minimize construction noise impacts.

- Impact equipment (e.g., jackhammers, pavement breakers, and rock drills) used for individual improvement project construction will be hydraulically or electrical powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves will be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures will be used such as drilling rather than impact equipment whenever feasible.

- Project implementing agencies will ensure that stationary noise sources will be located as far from sensitive receptors as possible. If they must be located near existing receptors, they will be adequately muffled.

- The Project implementing agencies will designate a complaint coordinator responsible for responding to noise complaints received during the construction phase. The name and phone number of the complaint coordinator will be conspicuously posted at construction areas and on all advanced notifications. This person will be responsible for taking steps required to resolve complaints, including periodic noise monitoring, if necessary.

- Noise generated from any rock-crushing or screening operations performed within 3,000 feet of any occupied residence will be mitigated by the individual improvement project proponent by strategic placement of material stockpiles between the operation and the affected dwelling or by other means approved by the local jurisdiction.

- Project implementing agencies will direct contractors to implement appropriate additional noise mitigation measures including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources to comply with local noise control requirements.

- Project implementing agencies will implement use of portable barriers during construction of subsurface barriers, debris basins, and storm water drainage facilities.

- No pile-driving or blasting operations will be performed within 3,000 feet of an occupied residence on Sundays, legal holidays, or between the hours of 8:00 p.m. and 8:00 a.m. on other days. Any variance from this condition will be obtained from the individual improvement project proponent and must be approved by the local jurisdiction.

- Wherever possible, sonic or vibratory pile drivers will be used instead of impact pile drivers, (sonic pile drivers are only effective in some soils). If sonic or vibratory pile drivers are not feasible, acoustical enclosures will be provided as necessary to ensure that pile-driving noise does not exceed speech interference criterion at the closest sensitive receptor.

- In residential areas, pile driving will be limited to daytime working hours.

- Engine and pneumatic exhaust controls on pile drivers will be required as necessary to ensure that exhaust noise from pile driver engines are minimized to the extent feasible.

- Where feasible, pile holes will be pre-drilled to reduce potential noise and vibration impacts.

Responsibility for Implementation of Mitigation Measures:

Implementing Agencies. (Caltrans and local agencies).

When Mitigation Measure is to be Implemented:

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

Responsibility for Monitoring Implementation:

Caltrans and local agencies.

Population/Housing

Mitigation 3.11.1 – Impacts on Regional Growth and Dispersion

As part of the appropriate project-specific environmental review, population and job displacement impacts will be evaluated. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- For projects with the potential to displace homes or businesses, project implementation agencies will evaluate alternate route alignments and transportation facilities that minimize the displacement of homes and businesses. An iterative design and impact analysis would help where impacts to persons or businesses are involved. Potential impacts will be minimized to the extent feasible. If possible, existing rights-of-way should be used.

- Project implementation agencies will identify businesses and residences to be displaced. As required by law, relocation and assistance will be provided to displaced residents and businesses, in accordance with the federal Uniform Relocation and Real Property Acquisition Policies Act of 1970 and the State of California Relocation Assistance Act, as well as any applicable City and County policies.

- Project implementation agencies will develop a construction schedule that minimizes potential neighborhood deterioration from protracted waiting periods between right-of-way acquisition and construction.

Mitigation 3.11.2 – Disrupt or Divide Communities

As part of the appropriate project-specific environmental review, community disruption or division will be evaluated. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Project implementation agencies will design new transportation facilities that protect access to existing community facilities. During the design phase of the individual improvement project, community amenities and facilities should be identified and access to them considered in the design of the individual improvement project.

- Project implementation agencies will design roadway improvements, in a manner that minimizes barriers to pedestrians and bicyclists. During the design phase, pedestrian and bicycle routes will be determined that permit easy connections to community facilities nearby in order not to divide the communities.

Responsibility for Implementation of Mitigation Measures:

Implementing Agencies. (Caltrans and local agencies).

When Mitigation Measure is to be Implemented:

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

Responsibility for Monitoring Implementation:

Caltrans and local agencies.

Public Utilities, Other Utilities & Services Systems

Mitigation 3.12.1

As part of project-specific environmental review, project implementation agencies will evaluate the impacts on police, fire, and medical services in the County. Appropriate mitigation measures should be identified for all impacts. The implementation of projects by agencies or local jurisdiction will be responsible for ensuring adherence to the mitigation measures. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Prior to construction, the project implementation agency will ensure that all necessary local and state road and railroad encroachment permits are obtained. The project implementation agency also will comply with all applicable conditions of approval. As deemed necessary by the governing jurisdiction, the road encroachment permits may require the contractor to prepare a traffic control plan in accordance with professional engineering standards prior to construction. Traffic control plans should include the following requirements:

  - Identify all roadway locations where special construction techniques (e.g., directional drilling or night construction) would be used to minimize impacts to traffic flow.

- Develop circulation and detour plans to minimize impacts to local street circulation. This may include the use of signing and flagging to guide vehicles through and/or around the construction zone.
- Schedule truck trips outside of peak morning and evening commute hours.
- Limit lane closures during peak hours to the extent possible.
- Use haul routes, minimizing truck traffic on local roadways, to the extent possible.
- Include detours for bicycles and pedestrians in all areas potentially affected by individual improvement project construction.
- Install traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones.
- Develop and implement access plans for highly sensitive land uses such as police and fire stations, transit stations, hospitals, and schools. Access plans will be developed with the facility owner or administrator. To minimize disruption of emergency vehicle access, affected jurisdictions will be asked to identify detours for emergency vehicles, which will then be posted by the contractor. The facility owner or operator will be notified in advance of the timing, location, and duration of construction activities and the locations of detours and lane closures.
- Store construction materials only in designated areas.
- Coordinate with local transit agencies for temporary relocation of routes or bus stops in work zones, as necessary.

- Projects requiring police protection, fire service, and emergency medical service will coordinate with the local fire department and police department to ensure that the existing public services and utilities would be able to handle the increase in demand for their services. If the current levels of service at the individual improvement project site are found to be inadequate, infrastructure improvements and personnel requirements for the appropriate public service will be identified in each individual improvement project's CEQA documentation.

- The growth inducing potential of individual projects will be carefully evaluated so that the full implications of the Project are understood. Individual environmental documents will quantify indirect impacts (growth that could be facilitated or induced) on public services and utilities. Lead and responsible agencies should then make any necessary adjustments to the applicable General Plan.

Mitigation 3.12.2 – Increased Demand for Solid waste, Wastewater, and Potable Water

As part of project-specific environmental review, project implementation agencies will evaluate the impacts on demand for solid waste, wastewater, and potable water services in the County. Appropriate mitigation measures should be identified for all impacts. The project implementation agencies or local jurisdiction will be responsible for ensuring adherence to the mitigation measures. Fresno COG will be provided with documentation indicating compliance to mitigation measures.

- Projects requiring wastewater service, solid waste collection, or potable water service will coordinate with the local public works department to ensure that the existing public services and utilities would be able to handle the increase. If the current infrastructure servicing the individual improvement project site is found to be inadequate, infrastructure improvements for the appropriate public service utility will be identified in each individual improvement project's CEQA documentation.

- Reclaimed water will be sued for landscaping purposes instead of potable water wherever feasible.

- Each of the proposed projects will comply with applicable regulations related to solid waste disposal.

- The construction contractor will work with the County Recycling Coordinator to ensure that source reduction techniques and recycling measures are incorporated into individual improvement project construction.

- The amount of solid waste generated during construction will be estimated prior to construction, and appropriate disposal sites will be identified and utilized.

Mitigation 3.12.3 – Construction Impacts

As part of project-specific environmental review, project implementation agencies will evaluate the impacts resulting from soil accumulation during construction of the projects. Appropriate mitigation measures will be identified for all impacts. The project implementation agencies or local jurisdiction will be responsible for ensuring adherence to the mitigation measures. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

Implement appropriate measures, such as the washing of construction vehicles undercarriages before leaving the construction site or increasing the use of street cleaning machines, to reduce the amount of soil on local roadways as a result of construction.

Mitigation 3.12.4 – Impacts on Underground Utilities

As part of project-specific environmental review, project implementation agencies will evaluate the impacts resulting from the potential for severing underground utility lines during construction of the projects. Appropriate mitigation measures will be identified for all impacts. The project implementation agencies or local jurisdiction will be responsible for ensuring adherence to mitigation measures. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

Prior to construction, the implementing agency or contractor will identify the locations of existing utility lines. All known utility lines will be avoided during construction.

Responsibility for Implementation of Mitigation Measures:

Implementing Agencies. (Caltrans and local agencies).

When Mitigation Measure is to be Implemented:

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

Responsibility for Monitoring Implementation:

Caltrans and local agencies.

Transportation/Traffic

Mitigation 3.14.1 – Level of Service Deficiencies

Implementation of street and highway improvement projects and programs generally will serve to improve traffic flows and reduce congestion and delay within Fresno County. However, street and highway needs are constrained by limited funding sources that are necessary to implement additional projects along the regional transportation system.

As indicated above, LOS deficiencies are projected to occur, even considering the wide range of financially constrained street and highway improvements identified in the Expenditure Plan and 2004 RTP.

To address these and other transportation/circulation related impacts, the following mitigation measures are recommended:

- A number of local street and road and State Route segments along the regional street and highway will experience deficient LOS conditions by 2030. Mitigation measures for these segments have not been identified or programmed in the Expenditure Plan or in the 2004 RTP. Intersection improvements and lane additions would improve deficient levels of service to acceptable levels consistent with minimum LOS policies identified in the 2004 RTP; however, funding to address the improvements is not available or the costs to mitigate the deficiencies are prohibitive. Fresno COG should coordinate efforts to identify appropriate strategies that would improve deficient levels of service along the affected streets and highways. Fresno COG should work continue to with local agencies and Caltrans, District 06 to identify alternative improvements, associated cost estimates, and an implementation plan and schedule as part of the Freeway Deficiency Study and during update of local general plans and other planning efforts. Various funding sources should be analyzed as part of implementation plans and findings should be incorporated into future RTPs.

- Local agencies should be encouraged to update general, area, community and specific plans to reflect the current status of future street and highway improvements. The timing of improvements should also be regularly updated. These measures will help Fresno COG identify appropriate and available funding for planned street and highway improvements along the regional street and road system during development of future RTPs.

Measures intended to reduce vehicle miles traveled and reduce congestion are part of the 2004 RTP. These include: increasing rideshare and work-at-home opportunities to reduce demand on the transportation system, investments in non-motorized transportation and maximizing the benefits of the land use/transportation connection, other Travel Demand Management measures described in the RTP and in local agency General Plans, and key transportation investments targeted to reduce congestion levels and improve LOS.

Responsibility for Implementation of Mitigation Measures:

Implementing Agencies. (Caltrans and local agencies).

When Mitigation Measure is to be Implemented:

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

Responsibility for Monitoring Implementation:

Caltrans and local agencies.

APPENDIX B
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS PURSUANT TO SECTION 21081 OF THE PUBLIC RESOURCES CODE AND SECTIONS 15091 AND 15093 OF THE STATE CEQA GUIDELINES

The purpose of this document is to summarize the significant, adverse impacts associated with the Proposed Project for the 2007 Regional Transportation Plan (RTP) and the mitigation measures recommended to avoid or substantially reduce these impacts. In addition, this document contains findings on the feasibility of these mitigation measures and the alternatives that were evaluated as alternatives to the Proposed Project. Finally, this document contains the rationale for adopting the Proposed Project even with significant, adverse environmental impacts that are unavoidable.

I. INTRODUCTION AND PURPOSE

The Council of Fresno County Governments (Fresno COG) is proposing to approve the 2007 Regional Transportation Plan. The approval of this plan is a "project" within the meaning of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.), requiring the preparation of an environmental impact report (EIR). Fresno COG has prepared and certified an EIR that satisfies the requirements of CEQA. In that EIR, Fresno COG identified certain significant adverse impacts that could occur with the approval and implementation of the 2007 RTP. These impacts are summarized later in this document.

Prior to approving the RTP, Fresno COG is required to make written findings explaining how it has dealt with each significant environmental impact and each alternative identified in the EIR. Fresno COG must make one of the following findings for each impact:

- That changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR;
- That such changes or alternatives are within the purview and jurisdiction of another public agency, and such changes have been or should be adopted by that other agency; or
- That specific economic, legal, social, technological or other considerations make the mitigation measures or project alternatives identified in the EIR infeasible.

Each of these findings must be supported by substantial evidence in the record. The recommended mitigation measures outlined in these findings are actions that are under the purview and jurisdiction of other public agencies. It is recommended that public agencies with authority to implement recommended mitigation measures adopt them at the project-specific environmental review stage. Each of the findings in Section III of this document identifies, where appropriate, mitigation measures that should be adopted by agencies other than Fresno COG. To the extent feasible, Fresno COG will require public entities to adopt the mitigation measures recommended in this EIR at the project-specific environmental review stage. Although Fresno COG has no authority to implement these actions, Fresno COG may comment on the scope of issues addressed in the EIR when it receives the project-specific environmental documentation for projects and programs in the 2007 RTP.

II. FINDINGS ON PROJECT ALTERNATIVES CONSIDERED IN THE EIR

Proposed Project

The project, as defined by CEQA Statutes, Section 21065, is the preparation of the Fresno County 2007 Regional Transportation Plan (RTP). The Fresno County Council of Governments (Fresno COG) has prepared the RTP as required by Section 65080 et seq., of Chapter 2.5 of the California Government Code as well as federal guidelines pursuant to the requirements of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The RTP must also meet Transportation Conformity for the Air Quality Attainment Plan per 40 CFR Part 51 and 40 CFR Part 93. The California Transportation Commission has prepared guidelines (most recently revised in October 2003) to assist in the preparation of RTPs pursuant to Section 14522 of the Government Code.

As the designated Regional Transportation Planning Agency (RTPA), Fresno COG is mandated by state and federal law (beginning with SAFETEA-LU) to update the Regional Transportation Plan every four (4) years. The last comprehensive EIR on the RTP was completed in June 2006, which addressed transportation improvement projects, programs, and funding reflected in the 2004 RTP together with additional funding from the proposed ½ Cent Sales Tax Measure (Measure "C"). The proposed Measure was passed by 2/3^{rds} voter approval it required in order to pass in the November 2006 election. The 2007 RTP must be prepared to address possible environmental impacts resulting from its implementation sources of funding that are available for programming including Measure "C" and other funding sources and programs.

The RTP is used to guide the development of the Regional Transportation Improvement Program (RTIP). The RTIP is the programming document used to plan the construction of regional transportation projects and requires State Department of Transportation (Caltrans) approval. The RTP is also used as a transportation planning document by each of the twelve member jurisdictions of Fresno COG.

The RTP identifies the region's transportation needs and issues, sets forth an action plan of projects and programs to address the needs consistent with the adopted policies, and documents the financial resources needed to implement the plan.

The 2007 RTP consists of required elements and is organized into various chapters. A description of each Chapter for the RTP follows.

- Chapter 1. San Joaquin Valley Regional Transportation Overview;
- Chapter 2. Regional Setting, State & Federal Issues;
- Chapter 3. Policy Element;
- Chapter 4. Needs Assessment & Action Element;
- Chapter 5. Financial Element;
- Chapter 6. Public Participation; and
- Appendices.

Alternatives to the Project

The EIR considered the following alternatives to the proposed Project. The reason for finding each alternative infeasible or undesirable follows the description of the alternative.

No Build Alternative

This Alternative has been analyzed to determine whether environmental impacts associated with the Project will be lessened if planned improvements to the future transportation system were not made; that is, if improvements are not implemented beyond existing projects and those projects that are currently programmed in the Transportation Improvement Program (TIP). This Project Alternative would, however, consider projected (Year 2030) growth and development.

The No Build Alternative reflects all existing transportation systems, projects contained in the Transportation Improvement Programs (TIPs), projects contained in local agency Capital Improvement Programs (CIPs), and all projects that are considered "exempt" under the Air Quality Conformity Regulations.

Finding: Infeasible - Fresno COG finds that the this Alternative is infeasible because it does not fulfill the region's multimodal plan for the next 20 years, nor does it provide the funding necessary to address growth and development through to the year 2030.

No Project Alternative

The No Project Alternative (2004 RTP) consists of Fresno COG's existing RTP, developed in 2004. The California Environmental Quality Act requires a "no project" alternative for comparison with other alternatives.

Finding: Infeasible - Fresno COG finds that the No Project Alternative is infeasible because it does not meet all of the goals that were developed by the and adopted by the Fresno COG Board of Directors. In response to these goals, the proposed Project alternative increases funding for air quality programs, increases funding for bicycle and pedestrian projects, adds extensively to the region's public transit system, increases funding for transportation demand management, establishes an incentive program for smart growth land use planning, includes multimodal connectors between the urban and rural areas of the County, further develops the region's ITS program, and enhances road maintenance and rehabilitation efforts.

VMT Reduction Alternative

This Project Alternative would focus on reducing VMT and vehicle trips (VT) through enhanced improvements in transportation control measures (TCMs) including rail, transit, and others, beyond that considered by the Project. Specifically, this alternative involves significant additional "mode shift" activities that focus on lessening the use of the single-occupant vehicle (SOV) to "enhanced" alternative forms of transportation. Therefore, this alternative would require a shift in transportation funds from streets and highways to further enhance the implementation and development of alternative transportation modes and TCMs necessary to achieve VMT and VT targets/budgets.

Finding: Infeasible - Fresno COG finds that this alternative would result in significant congestion and delay affecting all transportation systems. In addition, this alternative is incapable of financial constraint presently. The alternative does not fulfill the region's goal of a multimodal system that provides transportation options, relieves congestion and improves air quality.

III. FINDINGS ON SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR

Fresno COG hereby makes the following findings for each significant impact identified in the EIR:

Aesthetics

Impact 3.1.1 – Obstruction of Views

Construction and implementation of individual projects could potentially impede or block views of scenic resources as seen from the transportation facility or from the surrounding area. This could be a potentially significant impact.

Construction of new facilities or development of previously undisturbed sites could potentially block or impede views of scenic resources in a given area. For example, construction of highways could block or impede views of area mountains and other scenic resources. Grade separated facilities could block or impede views of surrounding scenic resources during and after construction. Moreover, the elevation and scale of the proposed grade separated facilities could be visually intrusive to surrounding areas (depending on the degree of visibility of the transportation facility).

Construction of transportation facilities that involve modifications like widening or upgrading existing roadways would involve lesser changes to the visual environment. These "modification projects" would most likely occur within existing roadway facilities and/or could require acquisition of right-of-way property. However, such changes may not block or impede views of scenic resources to a greater extent than at present.

Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Implement design guidelines, local policies, and programs aimed at protecting views of scenic corridors and avoiding visual intrusions.
- To the extent feasible, noise barriers that will not degrade or obstruct a scenic view will be constructed. Noise barriers will be well landscaped, complement the natural landscape and be graffiti-resistant.

Significance After Mitigation

This impact is considered significant and unavoidable, because it is likely that there will be situations where visual impacts cannot be mitigated to a less-than-significant level.

Impact 3.1.2 – Altered Appearance of Scenic Resources

Construction and implementation of the projects could alter the appearance of scenic resources along or near designated scenic highways and vista points. This could be a potentially significant impact.

The State Legislature created California Department of Transportation's (Caltrans) State Scenic Highway Program in 1963 to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are stated in the California Streets and Highways Code, Section 260.

The State Scenic Highway System includes a list of highways that have been designated by Caltrans as scenic highways or are eligible for designation as scenic highways. These highways are designated in section 263 of the Streets and Highways Code. Scenic highway designation can offer the following benefits.

- Protection of the scenic values of an area.
- Enhancement of community identity and pride, encouraging citizen commitment to preserving community values.
- Preservation of scenic resources to enhance land values and make the area more attractive.
- Promotion of local tourism that is consistent with the community's scenic values.

According to Caltrans, a scenic corridor is the land generally adjacent to and visible from the highway. A scenic corridor is identified using a motorist's line of vision. A reasonable boundary is selected when the view extends to the distant horizon. Caltrans outlines the following minimum requirements for scenic corridor protection: regulation of land use and density of development; detailed land and site planning; control of outdoor advertising; careful attention to, and control of, earthmoving and landscaping; and careful attention to design and appearance of structures and equipment.

Some of the proposed projects in the RTP include countywide improvements to highways, arterials and transit systems. These improvements could potentially fall within a designated scenic corridor.

Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Avoid construction of transportation facilities in state and locally designated scenic highways and vista points.
- If transportation facilities are constructed in state and locally designated scenic highways and/or vista points, design, construction, and operation of the transportation facility will be consistent with applicable guidelines and regulations for the preservation of scenic resources along the designated scenic highway.

Significance After Mitigation

This impact is considered significant and unavoidable because it is likely that there will be situations where visual impacts cannot be mitigated to a less-than-significant level.

Impact 3.1.3 – Development of Previously Undeveloped Sites with Visual Qualities

Construction and implementation of the projects could create significant contrasts with the overall visual character of the existing landscape setting. This could be a potentially significant impact.

There is an extraordinary range of urban characteristics and urban-natural environmental contrasts throughout the proposed RTP Project area. Given the size and diversity of the region, there are no standards that apply to all areas. Therefore, local planning guidelines regarding visual quality of urban areas must be researched and adhered to. A component of the urban environment is the transportation infrastructure. Many roads have been built throughout the region, which connect urban concentrations with natural areas found in the rural area. Transportation systems have a major effect on the visual environment. As most vehicular movement occurs along transportation corridors, their placement largely determines what parts of the region will be seen. Arterials and freeways comprise a major component of the existing visual environment in the region.

Development of previously undeveloped sites could result in impacts to visual resources. Construction of a new transportation system through a developed area could result in land use changes that could also result in impacts to visual resources. For example, the extension of a highway through an urban area could require some acquisition of residential, commercial or industrial property, thereby changing the land use, and consequently, visual quality of the given area. "Modification projects" that involve the widening or upgrading of existing roadways can be designed to complement the existing system, and therefore, would involve lesser changes to the visual character of the existing landscape setting. Therefore, impacts from "modification projects" would be less-than-significant.

Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Develop design guidelines for each type of transportation facility that make elements of proposed facilities visually compatible with surrounding areas. Visual guidelines will, at a minimum, include setback buffers, landscaping, color, texture, signage, and lighting criteria. The following methods will be employed whenever possible:

  - Transportation systems will be designed in a manner where the surrounding landscape dominates.
  - Transportation systems will be developed to be compatible with the surrounding environment (i.e., colors and materials of construction material).
  - If exotic vegetation is used, it will be used as screening and landscaping that blends in and complements the natural landscape.
  - Trees bordering highways will remain or be replaced so that clear cutting is not evident.
  - Grading will blend with the adjacent landforms and topography.

Significance After Mitigation

This impact is considered significant and unavoidable, because it is likely that there will be situations where visual impacts cannot be mitigated to a less-than-significant level.

Impact 3.1.4 – New Sources of Light and Glare

Construction and implementation of individual projects could potentially create a new source of substantial light or glare that would affect day or nighttime views of scenic resources as seen from the transportation facility or from the surrounding area. This could be a potentially significant impact.

There is an extraordinary range of urban characteristics and urban-natural environmental contrasts throughout the proposed Project area. Given the size and diversity of the region, there are no standards that apply to all areas. Therefore, local planning guidelines regarding visual quality of urban areas must be researched and adhered to. Urban areas, due to numerous buildings in a concentrated space, experience significant light from all light source categories. Fresno County includes large and medium sized cities, and vast rural areas that are either located in the Valley region or are mountainous. The rural areas are primarily used for agricultural purposes. In smaller communities and in rural areas of the County, where urban development is less dense, light and glare impacts are not as frequent.

Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Develop design guidelines for each type of transportation facility that make light elements of proposed facilities visually compatible with surrounding areas. The following methods will be employed whenever possible:

  - Transportation systems will be designed in a manner where the surrounding landscape dominates.
  - Transportation systems will be developed to be compatible with the surrounding environment.
  - Lighting devices will be employed such as downward facing light, light shields, and amber lumens.

Significance After Mitigation

This impact is considered significant and unavoidable because it is likely that there will be situations where visual impacts cannot be mitigated to a less-than-significant level.

Finding

Fresno COG finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not Fresno COG; these measures will be or should be adopted by such other agencies.

Facts in Support of Findings

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the RTP. To the extent feasible, Fresno COG will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, Fresno COG finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report for the 2007 RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

Agricultural Resources

Impact 3.2.1 - Changes in Land Use Patterns

Strategies aimed at addressing the transportation needs of future growth patterns were considered during development of the proposed RTP. The document promotes alternatives to the automobile through enhanced funding for transit and other alternative modes of transportation such as bicycle facilities, trails, airport improvements, and others. Implementation of strategies proposed in the RTP could result in positive changes to land uses. This would be considered a beneficial impact.

Implementation of transit improvements included in the Plan could influence land use patterns throughout the region. Land use and transportation policies are emphasized in the RTP in order to address automobile traffic and air quality concerns. Growth patterns that promote alternatives to the automobile by creating mixed-use developments, which would include residences, shops, parks, and civic institutions, linked to pedestrian-and-bicycle friendly public transportation centers, are also discussed in the RTP. Implementation of enhanced alternative modes as provided by the RTP could result in more balanced land use conditions throughout the region, as the mixed-use developments would result in a concentration of jobs and residences in close proximity to one another.

While the RTP is likely to result in a positive outcome related to supportive land use conditions for alternative forms of transportation such as transit, other projects in the Plan could have significant impacts on land use patterns, potentially causing land use growth and development to occur in areas not previously envisioned for growth and development. This impact could be especially significant on agricultural land uses within the County.

Mitigation Measures

The impact on significant agricultural resources will be evaluated as part of the appropriate improvement project-specific environmental review. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Individual projects will be consistent with local land use plans and policies that designate areas for urban land use and preserve agricultural lands that support the economic viability of agricultural activities.
- Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of potential land use impacts.

Significance After Mitigation

While implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts, it is probable that such impacts will remain significant and unavoidable.

Impact 3.2.2 – Loss of Agricultural Land

Implementation of the proposed Project could potentially result in the disturbance or loss of significant agricultural resources throughout the Fresno region. This would be considered a potentially significant impact.

The Fresno region contains areas designated by the State as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. These areas are interspersed throughout urban areas or are located in undeveloped portions of the region. Development of proposed projects could potentially result in the disturbance or loss of some of these

designated areas. Specifically, new projects involving construction would be most likely to result in impacts to these areas.

Mitigation Measures

The impact on significant agricultural resources will be evaluated as part of the appropriate improvement project-specific environmental review. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Individual projects will be consistent with federal, state, and local policies that preserve agricultural lands and support the economic viability of agricultural activities, as well as policies that provide compensation for property owners if preservation is not feasible.
- For projects in agricultural areas, project implementation agencies will contact the California Department of Conservation and the Agricultural Commissioner's office to identify the location of prime farmlands and lands that support crops considered valuable to the local or regional economy.
- Prior to final approval of each individual improvement project, the implementing agency will establish conservation easement programs to mitigate impacts to prime farmland.
- Prior to final approval of each individual improvement project, the implementing agency will avoid impacts to prime farmlands or farmlands that support crops considered valuable to the local or regional economy.
- Prior to final approval of each individual improvement project, the implementing agency will encourage enrollments of agricultural lands for counties that have Williamson Act programs.

Significance After Mitigation

While implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts, it is probable that such impacts will remain significant and unavoidable.

Finding

Fresno COG finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not Fresno COG; these measures will be or should be adopted by such other agencies.

Facts in Support of Findings

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the RTP. To the extent feasible, Fresno COG will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, Fresno COG finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report for the 2007 RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

Air Quality

Short-Term Construction Impacts

Impact 3.3.1 – Project Construction

Construction activities would increase short-term air emissions. This would be considered a less-than-significant impact.

Short-term impacts result from the following construction-related sources:

- Construction equipment emissions.
- Dust from grading and earthmoving operations.
- Emissions from workers' vehicles traveling to and from construction sites.

As individual transportation improvements are constructed, the activity at individual construction sites will involve grading and other earth-moving operations and the use of diesel and gasoline-powered construction equipment. These generate exhaust emissions of carbon monoxide and nitrogen dioxide at the individual construction sites. Where asphalt is used, volatile organic compounds (VOC) will be released from asphalt when it is applied to the roadways' surfaces. If an individual construction site is located near existing homes or other sensitive receptors, such emissions could have the potential to result in significant short-term impacts at that particular location.

The Air District has developed thresholds of significance for individual construction projects. Project-level analysis conducted for CEQA purposes would estimate construction emissions for each individual improvement project based on the equipment used, vehicle miles traveled, and time allowed to complete the individual improvement project. Mitigation measures to reduce air quality impacts would be established in project-specific environmental documents. However, some of the larger projects could have the potential to exceed the significance thresholds established by the District, creating significant short-term impacts. These impacts would occur in localized areas depending on the construction site locations.

Since the Project proposes more highway and arterial projects than the No Project Alternative, short-term construction emissions would be greater. However, construction-related impacts are expected to be temporary in nature and can generally be reduced to a less-than-significant level through the use of mitigation measures and through compliance with applicable existing city, county, state, and District regulations for reducing construction-related emissions. Therefore, the increase in construction activities proposed by the Project is expected to constitute a less-than-significant impact on a programmatic level. Nonetheless, individual projects may exceed the emissions thresholds, which would constitute a project-level significant impact. Individual projects would be required to implement mitigation measures to reduce construction emissions.

Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Project implementation agencies will ensure implementation of mitigation measures to reduce PM and NOx emissions from construction sites, including:
  - Maintain on-site truck loading zones.

- Ø Configure on-site construction parking to minimize traffic interference and to ensure emergency vehicle access.
- Ø Provide temporary traffic control during all phases of construction activities to improve traffic flow.
- Ø Use best efforts to minimize truck idling to not more than two minutes during construction.
- Ø Apply non-toxic soil stabilizers (according to manufacturers' specifications) to all inactive construction areas.
- Ø During construction, replace ground cover in disturbed areas as quickly as possible.
- Ø During construction, enclose, cover, water twice daily or apply non-toxic soil binders (according to manufacturers' specifications) to exposed piles with 5 percent or greater silt content and to all unpaved parking or staging areas or unpaved road surfaces.
- Ø During the period of construction, install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- Ø During the period of construction, assure that traffic speeds on all unpaved roads be reduced to 15 mph or less.
- Ø Pave all construction access roads at least 100 feet on to the site from permanent roadways.
- Ø Cover all haul trucks.

- ♦ Project implementation agencies will avoid individual improvement project designs requiring significant amounts of material, such as excavated soil and construction debris, to be transported from the site to disposal facilities. Construction sites will employ a balanced cut/fill ratio to the extent possible, thus reducing haul-truck trip emissions.

Significance After Mitigation

Less-than-significant.

Impact 3.3.2 – Point Source Impacts

Traffic conditions at some individual locations may lead to occasional localized carbon monoxide concentrations.

The proposed Project will improve traffic flows and reduce congestion system-wide, reducing the potential for carbon monoxide "hot spots" that can occur from exhaust of idling cars waiting to clear a heavily congested intersection or crossing. The Project is intended to reduce congested conditions throughout the system that is faced with a challenge to accommodate additional traffic generated by the approximately 50 percent increase in population projected by the Year 2030. While the proposed improvements will respond to this challenge by accommodating additional traffic and reducing congestion (brought by that additional traffic) system-wide, exhaust emissions from cars at localized areas may, at certain times, create a potential for carbon monoxide concentrations, or hot spots, to develop under adverse atmospheric conditions that prevent a rapid dispersion of carbon monoxide. Currently, the Air Basin is in attainment of federal and State standards for carbon monoxide, and the carbon monoxide emissions are not a serious problem in the Basin. Nonetheless, because there is a potential for exhaust emissions from cars at localized areas to create an occasional hot spot, the following mitigation measure is proposed.

Mitigation Measures

At those facilities or intersections near sensitive receptors where carbon monoxide concentrations may exist, the implementing agency will reduce or alleviate these concentrations by improving traffic flows through improved signalization, restriping, addition of traffic lanes, and other improvements identified as part of the environmental review of an individual improvement project.

Significance After Mitigation

The Project will result in beneficial effects of system-wide improvement in traffic flows and reduced congestion, which would reduce the potential for forming carbon monoxide hot spots. At some locations where instances of congested conditions may occur near sensitive receptors, implementation of identified mitigation is anticipated to ensure improved traffic flows such that the potential for creating a hot spot will be reduced to a less-than-significant level.

Long-Term Impacts

Impact 3.3.3 – Long-Term Regional Impacts

Emissions impacts related to the Project are not considered to be significant. Table 3-6 identifies results of the air quality conformity results including the projected emissions of hydrocarbons, nitrogen oxides, carbon monoxide, volatile organic gases, and particulate emissions for the Project compared with the base (2002) or the emissions budgets for 2010 and 2018. The analysis shows that Project emissions do not exceed the base and budget thresholds established by EPA. While the Project meets Conformity requirements, the Conformity Finding requires the implementation of TCMs to eventually result in improved air quality within the Valley.

Mitigation Measures

- The various TCMs that have been incorporated into the Air District AQAP, ROP Plans, and the SJVAPCD TCM Program, or have been identified as necessary to provide for positive air quality conformity findings, as referenced in the latest Air Quality Conformity Finding for the 2007 RTP and Federal Transportation Improvement Program (FTIP).

- All applicable rules and regulations adopted by the Air District will be followed by responsible and implementing agencies as individual improvement projects are designed, constructed and maintained. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

Significance After Mitigation

The Project will result in beneficial effects of system-wide improvement in traffic flows and reduced congestion and vehicle trips and vehicle miles traveled, which would reduce the potential for increased air emissions when compared to emissions budgets established by EPA. While TCMs have been identified in the Air Quality Conformity Finding, the TCMs will not result in attainment of all pollutants over time or by the year 2030. As a result, long-term emission impacts cannot be reduced to a less-than-significant level even with the addition of projects and programs outlined in the RTP.

Finding

Fresno COG finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not Fresno COG; these measures will be or should be adopted by such other agencies.

Table 3-6
Conformity Results for the 2007 RTP

Pollutant	Scenario	Emissions Total		DID YOU PASS?
		CO (tons/day)		CO
Carbon Monoxide	2010 Budget	240		
	2010	128		YES
	2018 Budget	240		
	2018	76		YES
	2020	63		YES
	2030	41		YES

		VOC (tons/day)	NOx (tons/day)		VOC	NOx
Ozone	2008 Budget	15.8	33.7			
	2008	14.3	30.6		YES	YES
	2010 Budget	13.0	27.7			
	2010	11.6	25.0		YES	YES
	2013	9.5	19.0		YES	YES
	2020	6.4	10.1		YES	YES
	2030	4.4	5.6		YES	YES

		PM-10 (tons/day)	NOx (tons/day)		PM-10	NOx
PM-10	2008 Budget	13.3	36.4			
	2008	12.8	33.1		YES	YES
	2010 Budget	16.2	29.7			
	2010	12.8	26.8		YES	YES
	2010 Budget	16.2	29.7			
	2020	15.5	10.8		YES	YES
	2010 Adjusted Budget	17.8	27.3			
	2030	17.8	5.9		YES	YES

		PM2.5 (tons/day)	NOx (tons/day)		PM2.5	NOx
PM2.5 24-Hour Standard	2002 Base Year	1.1	50.4			
	2010	0.9	26.8		YES	YES
	2020	0.9	10.8		YES	YES
	2030	1.0	5.9		YES	YES

		PM2.5 (tons/year)	Nox (tons/year)		PM2.5	NOx
PM2.5 Annual Standard	2002 Base Year	402	18396			
	2010	329	9782		YES	YES
	2020	329	3942		YES	YES
	2030	365	2154		YES	YES

Facts in Support of Findings:

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the RTP. To the extent feasible, Fresno COG will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, Fresno COG finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report for the 2007 RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

Biotic Resources

Impact 3.4.1 – Removal or Degradation of Sensitive Natural Communities

The RTP includes projects that may result in direct removal or degradation of riparian habitat or other sensitive natural communities during construction activities such as grading and grubbing.

Mitigation Measures

All mitigation measures will be included in subsequent project-level environmental analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction, as appropriate. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- When applicable to federally funded projects, Fresno COG and responsible agencies should commit to improved interagency coordination and integration of the National Environmental Policy Act (NEPA) and the Clean Water Act Section 404 procedures during three stages: transportation planning, project programming, and project implementation. Fresno COG and affected state and local agencies should commit to ensuring the earliest possible consideration of environmental concerns pertaining to U.S. water bodies, including wetlands, at each of the three stages identified above. In addition, the agencies should place a high priority on the avoidance of adverse impacts to waters of the U.S. and associated sensitive species, including threatened and endangered species. Implementation of NEPA-404 requirements will expedite construction of necessary transportation projects, with benefits to mobility and the economy at large. The process will also enable more street and highway projects to proceed on budget and on schedule. Finally, the process will improve cooperation and efficiency of governmental operations at all levels, thereby better serving the public.

- Construction and operational Best Management Practices (BMPs) will be identified, installed and maintained in order to prevent silt and other pollutants from entering jurisdictional waters and wetlands thereby degrading or destroying wildlife and/or natural habitat. BMPs may include straw bales and/or mats, temporary sedimentation basins, silt fence, sand bag check dams, dry season construction, etc.

- Native soils in construction areas will be removed, stockpiled separately, and replaced in those areas where onsite revegetation of the native habitat is planned.

- Any disturbed natural areas will be replanted with appropriate native vegetation following the completion of construction activities.

- During the individual improvement project design phase, impacts to jurisdictional waters and wetlands will be minimized to the greatest extent feasible.

- Project proponents will obtain and comply with appropriate regulatory requirements prior to construction.

Significance After Mitigation

These mitigation measures would require individual improvement project proponents to avoid or mitigate impacts to sensitive habitats, including jurisdictional waters and wetlands. However, due to the size and potentially large number of resources that could be disturbed as a result of the Project, impacts to these resources would remain a potentially significant impact at a regional level.

Impact 3.4.2 – Direct Impacts on Rare, Threatened, or Endangered Plant & Wildlife Species

The RTP includes projects that may result in direct impacts to plant and wildlife species including rare, threatened and/or endangered species during construction and operation of the proposed transportation facilities through the removal of native habitat.

Mitigation 3.4.2 – Direct Impacts on Rare, Threatened, or Endangered Plant & Wildlife Species

All mitigation measures will be included in subsequent project-level environmental analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. Fresno COG will be provided with documentation indicating compliance with mitigation measures. Each proposed individual improvement project will consider the displacement of sensitive habitat and sensitive species during the individual improvement project design phase.

- Each proposed individual improvement project will consider the displacement of sensitive habitat, sensitive species, and non-native habitat during the individual improvement project design phase.

- Focused sensitive plant and wildlife species and non-native habitat surveys will be conducted within suitable habitat to determine the distribution of sensitive species within the biological impact area of the proposed transportation improvement project. Sensitive plant and non-native habitat surveys will be conducted during the appropriate flowering season for sensitive plant species with the potential to occur within the individual improvement project area.

- If sensitive plant or wildlife species and non-native habitat are identified within the biological impact area, a Biological Resource Management Plan (BRMP) will be developed to address appropriate avoidance and minimization measures. These measures may include seed collection and salvage measures for sensitive plant species and non-native habitat, silt fencing, exclusion fencing and/or appropriate compensation where impacts cannot be fully avoided.

- Locations of sensitive species, sensitive habitat, and non-native habitat will be mapped and shown on construction drawings and identified as Environmentally Sensitive Areas (ESAs). Prior to construction, these areas will be flagged and/or fenced to prevent unnecessary impacts from machinery and foot traffic.

- Temporary access roads and staging areas will not be located within areas containing sensitive plant, sensitive wildlife species or non-native habitat wherever feasible, so as to avoid or minimize impacts to these species.

- Construction activities will be scheduled, as appropriate and feasible, to avoid sensitive times that have a greater likelihood to affect significant resources such as spawning periods for fish, nesting season for birds and/or the rainy season for riparian habitat and sediment/erosion control.

- All vegetation (including tall grasses) will be removed between August 16 and February 14, if possible, to avoid potential conflicts with nesting birds. If it is not possible to remove vegetation during that time frame, a nest clearance survey will be completed prior to vegetation clearing. Any detected nests will be mapped and provided with an appropriate buffer as recommended by a qualified biologist. Construction activities within the buffer area will not be allowed until after September 15 or until fledglings have abandoned the nest.

Significance After Mitigation

This impact would likely be significant if the proposed individual improvement project occurs within or near known populations of sensitive plant and wildlife species, or within designated critical habitat for federal or state listed species. These mitigation measures would require individual improvement project proponents to avoid or mitigate impacts to sensitive plant and wildlife species. However, due to the size and potentially large number of resources that could be disturbed as a result of the Project, impacts to these resources would remain a potentially significant impact at a regional level.

Impact 3.4.3 – Impacts on Rare, Threatened, or Endangered Species from Project Noise, Lighting and Visual Deterrents

The Project may result in indirect impacts to plant and wildlife species including rare, threatened and/or endangered species during the construction and operation through edge effects such as noise, lighting and visual deterrents.

Mitigation Measures

All mitigation measures will be included in subsequent project-level environmental analysis as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- The height, spacing, number and type of light fixtures will be selected and installed to minimize intrusive light escaping from the physical boundaries of the site.
- Road noise minimization methods such as native brush and tree planting adjacent to heavy noise producing transportation facilities or will be incorporated where feasible.

Significance After Mitigation

This impact would likely be significant if the proposed individual improvement project occurs within or near known populations of sensitive plant and wildlife species, or within designated critical habitat for federal or state listed species. These mitigation measures would require individual improvement project proponents to avoid or mitigate impacts to sensitive plant and wildlife species. However, due to the size and potentially large number of resources that could be disturbed as a result of the Project, impacts to these resources would remain potentially significant at a regional level.

Impact 3.4.4 - Temporary and Permanent Impacts to Terrestrial and Aquatic Wildlife Movement

The Project would result in temporary and permanent impacts to terrestrial and aquatic wildlife movement. The linear nature of transportation projects increases the potential extent and significance of impacts to wildlife movement. Transportation facilities pose barriers to wildlife crossings that may result in injury of death of wildlife attempting to traverse the facility. These barriers also result in fragmentation of natural habitat and increased impacts associated with edge effects from lighting, noise, human disturbance, exotic plant infestations, urban runoff, etc. Smaller fragments of habitat result in greater intensity of the edge effects. It is also important to maintain connections between populations of wildlife so that interbreeding, and/or that young have no ability to disperse to suitable habitats, does not occur. Impacts to wildlife movement would be greater along entirely new transportation facilities than with improvements to existing facilities, because the existing facility has already formed a barrier, and the addition of new lanes for example, may only slightly increase the barrier effect.

Mitigation Measures

All mitigation measures will be included in subsequent project-level environmental analysis as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- During final design, implementing agencies will design, construct, and maintain terrestrial wildlife crossings in order to minimize barrier effects and habitat fragmentation created by the individual improvement project.
- During final design, implementing agencies will design, construct, and maintain any structure/culvert placed within a stream where endangered or threatened fish occur/may occur. The structure/culvert will not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish that impedes their upstream or downstream movement. This includes, but is not limited to, the supply of water at an appropriate depth for fish migration.

Significance After Mitigation

These mitigation measures would require individual improvement project proponents to avoid or mitigate impacts to wildlife movement. However, due to the size and potentially large number of movement corridors that could be disturbed as a result of the Project, impacts to these resources would remain potentially significant at a regional level.

Finding

Fresno COG finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not Fresno COG; these measures will be or should be adopted by such other agencies.

Facts in Support of Findings:

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the RTP. To the extent feasible, Fresno COG will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, Fresno COG finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report for the 2007 RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

Cultural Resources

Impact 3.5.1 – Impacts on Historic Resources

Development of highway, arterial, bridge crossing and transit projects may impact historic resources. This would be considered a significant impact. Types of projects that have the potential to impact historic resources include highway projects and bridge crossings that entail the development of new lanes and in some instances acquisition of new right-of-ways, and arterials and interchange projects, which entail the development of new lanes, and right-of-way acquisition.

Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- As part of the appropriate environmental review of individual projects, the project implementation agencies will identify potential impacts to historic resources. A record search at the appropriate Information Center will be conducted to determine whether the individual improvement project area has been previously surveyed and whether resources were identified.

- As necessary, prior to construction activities, the project implementation agencies will obtain a qualified architectural historian to conduct historic architectural surveys as recommended by the Archaeological Information Center. In the event the records indicate that no previous survey has been conducted, the Information Center will make a recommendation on whether a survey is warranted based on the sensitivity of the individual improvement project area for cultural resources.

- The project implementation agencies will comply with Section 106 of the National Historic Preservation Act if federal funding or approval is required. This law requires federal agencies to evaluate the impact of their actions on resources included in or eligible for listing in the National Register of Historic Places. Federal agencies must coordinate with the State Historic Preservation Officer in evaluating impacts and developing mitigation. These mitigation measure may include, but are not limited to the following:

  - The project implementation agencies will carry out the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, relocation, or reconstruction of any impacted historic resource, which will be conducted in a manner consistent with the Secretary of the Interior's Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

- In some instances, the following mitigation measure may be appropriate in lieu of the previous mitigation measure:

  - The project implementation agencies will secure a qualified environmental agency and/or architectural historian, or other such qualified person to document any significant historical resource(s), by way of historic narrative, photographs, or architectural drawings, as mitigation for the effects of demolition of a resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.

Significance After Mitigation

This impact is considered less-than-significant after mitigation, because the recommended mitigation would require the local jurisdiction to follow a comprehensive procedure to assess the magnitude of the impact, and to avoid or mitigate the impacts, if necessary.

Impact 3.5.2 – Construction Impacts on Archaeological Resources

Construction activities involving excavation and earthmoving may encounter archaeological resources. This would be considered a significant impact. The OHP defines an archaeological "site" as consisting of three or more related resources discovered in one locality. In the event of archaeological and paleontological discovery, the resources are collected, documented and curated at an educational institution, such as a school or a museum. The curation facility is usually appropriated by the landowner or lead agency. A unique archaeological resource includes artifacts or sites in which it can be demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any one or all of the following criteria:

- It has made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- It is associated with the lives of persons important to California's past.
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- It has yielded, or may be likely to yield, information important to the prehistory or history of California.

The Project includes new streets, roads and highways, street, road and highway widening (for wider lanes, shoulders or new lanes), new transit facilities, grade crossings, consolidated rail corridors, bridge projects and a number of interchanges. These types of projects have the potential to impact archaeological materials, because they could take place in previously undisturbed areas. Excavation and soil removal of any kind, irrespective of depth, has the potential to yield resources of archaeological significance. Improvements and modifications to existing rights-of-way and right-of-way maintenance (such as pothole repair), would have less of an impact to archaeological resources because these individual improvement project locations have previously been disturbed. However, construction of additional lanes, would potentially impact archaeological materials, if it would entail brush clearing, grading, trenching, excavation, and/or soil removal of any kind, in an area not previously used as a paved transportation facility.

Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

Implementation of the following mitigation measures for archaeological resources is recommended to reduce impacts to a less-than-significant level. Project proponents will implement the following measures as part of the individual improvement project review process for proposed transportation projects:

- As part of the appropriate environmental review of individual projects, the project implementation agencies will consult with the Native American Heritage Commission to determine whether known sacred sites are in the project area, and identify the Native American(s) to contact to obtain information about the individual improvement project site.

- Prior to construction activities, the project implementation agencies will obtain a qualified archaeologist to conduct a record search at the appropriate Information Center of the California Archaeological Inventory to determine whether the individual improvement project area has been previously surveyed and whether resources were identified.

- As necessary prior to construction activities, the project implementation agencies will obtain a qualified archaeologist or architectural historian (depending on applicability) to conduct archaeological and/or historic architectural surveys as recommended by the Information Center. In the event the records indicate that no previous survey has been conducted, the Information Center will make a recommendation on whether a survey is warranted based on the sensitivity of the individual improvement project area for cultural resources.

- If the record search indicates that the individual improvement project is located in an area rich with cultural materials, the individual improvement project proponent will retain a qualified archaeologist to monitor any subsurface operations, including but not limited to grading, excavation, trenching, or removal of existing features of the subject property.

- Construction activities and excavation will be conducted to avoid cultural resources (if found). If avoidance is not feasible, further work may need to be done to determine the importance of a resource. The project implementation agencies will obtain a qualified archaeologist familiar with the local archaeology, and/or an architectural historian should make recommendations regarding the work necessary to determine importance. If the cultural resource is determined to be important under state or federal guidelines, impacts on the cultural resource will be mitigated.

- The project implementation agencies will stop construction activities and excavation in the area where cultural resources are found until a qualified archaeologist can determine the importance of these resources.

Significance After Mitigation

The recommended mitigation would require individual improvement project proponents to follow a comprehensive procedure to assess the magnitude of the impact, and to avoid or mitigate the impacts, if necessary. However, due to the size and potentially large number of archaeological sites that could be disturbed as a result of the combined projects, this impact would remain a potentially significant impact to archaeological resources at a regional level.

Impact 3.5.3 – Construction Impacts on Paleontological Resources

Construction activities involving excavation and earthmoving may encounter paleontological materials. This is a significant impact. Construction of projects may cause unearthing of buried paleontological resources, such as true fossils, fossil casts, and breas. Construction occurring in previously undisturbed areas and deep excavation activities would have the greatest likelihood to affect paleontological resources. Improvements proposed in existing rights-of-way would have less potential to affect paleontological resources, since these areas have been previously disturbed. However, excavation and soil removal of any kind, irrespective of depth, has the potential to yield resources of paleontological significance. Fossils can be found at the surface in an outcrop, whereby chances are that same formation may extend many feet straight down into the ground, and may well extend for miles just below the surface. This makes the task of predicting which areas are paleontologically sensitive difficult. Construction and excavating activities relating to this Project pose a significant impact to paleontological materials.

Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures. Project proponents in the Fresno region will implement the following measures as part of the review process for proposed transportation projects:

- As part of the appropriate environmental review of individual projects, the project implementation agencies will obtain a qualified paleontologist to identify and evaluate paleontological resources where potential impacts are considered high; the paleontologist will also conduct a field survey in these areas.

- Construction activities will avoid known paleontological resources, especially if the resources in a particular lithic unit formation have been determined through detailed investigation to be unique. If avoidance is not feasible, paleontological resources will be excavated by the qualified paleontologist and given to a local agency, State University, or other applicable institution, where they can be displayed.

Significance After Mitigation

The measures recommended above require the individual improvement project proponents to assess the magnitude of the impact to resources, and to avoid or mitigate impacts. However, due to the size and potentially large number of paleontological localities that could be disturbed as a result of the combined projects, this impact would remain a potentially significant impact at a regional level.

Impact 3.5.4 – Impacts on Human Remains

Construction activities involving excavation and earthmoving may encounter human remains. This is a significant impact.

Humans have occupied Fresno County for at least 10,000 years, and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, it is likely that excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials. Construction and excavation activities associated with this Project are considered to potentially yield a significant impact relative to the discovery of human remains. Under CEQA, human remains are protected under the definition of archaeological materials as being "any evidence of human activity". Human remains are also protected under the Native American Graves and Repatriation Act (NAGPRA) of 1990, which was enacted to provide for the protection of Native American graves, as well as culturally affiliated items, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony. NAGPRA states the following:

- A burial site means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as part of the death rite or ceremony of a culture, individual remains are deposited.

As previously stated, the Project includes new highways, highway widening, new transit facilities, grade crossings, rail corridors, bridge crossings and interchanges. These activities all have a potential to yield previously undiscovered human remains, because they could take place in previously undisturbed or under-disturbed areas. Excavation and soil removal of any kind, irrespective of depth, has the potential to yield human remains. Improvements and modifications to existing rights-of-way would have less of an impact because these individual improvement project locations have previously been disturbed. However, construction of additional lanes, could potentially impact human remains, if it would entail brush clearing, grading, trenching, excavation, and soil removal of any kind, in an area not previously used as a paved transportation facility.

Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

As part of the appropriate environmental review of individual projects, the project implementation agencies, in the event of discovery or recognition of any human remains, during construction or excavation activities associated with the individual improvement project, in any location other than a dedicated cemetery, will cease further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered has been informed and has determined that no investigation of the cause of death is required

- If the remains are of Native American origin, the coroner will contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner will make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.

- If the Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission, in which case:

  - The landowner or his authorized representative will obtain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance where the following conditions occur:

    - The Native American Heritage Commission is unable to identify a descendent.
    - The descendant identified fails to make a recommendation.
    - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Significance After Mitigation

This impact is considered less-than-significant after mitigation, because the recommended mitigation would require the individual improvement project proponent to follow a comprehensive procedure to assess the magnitude of the impact, and to avoid or mitigate the impacts, if necessary.

Finding

Fresno COG finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not Fresno COG; these measures will be or should be adopted by such other agencies.

Facts in Support of Findings:

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be

responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the RTP. To the extent feasible, Fresno COG will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, Fresno COG finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report for the 2007 RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

Geology/Soils

Impact 3.6.1 – Damaged transportation Infrastructure from Seismic Activity

Seismic events can damage transportation infrastructure through ground shaking, liquefaction, surface rupture and land sliding.

Property and public safety from seismic activity would be considered a significant impact in some cases.

Mitigation Measures

- Project structures will be built by responsible agencies to the seismic standards contained in the most recent edition of the Uniform Building Code (UBC).
- Implementing agencies will ensure that improvement projects located within or across active fault zones comply with design requirements, published by the CGS, as well as local, regional, state, and federal design criteria for construction of projects in seismic areas.
- The project implementing agencies will guarantee that geotechnical analysis is conducted within construction areas to establish soil types and local faulting prior to individual improvement project design preparation.

Significance After Mitigation

Implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts to a less than significant level.

Impact 3.6.2 – Slope Failure and Erosion Due to Project Construction

Some improvement projects require significant earthwork, increasing potential slope failure and long-term erosion. Earthwork can also alter unique geologic features. Individual improvement project impacts would be considered significant in some cases.

Several improvement projects would involve substantial construction of new highway segments within previously undisturbed areas. Some of these projects could require significant earthwork or cuts into hillsides, which can become unstable over time. Road cuts can expose soils to erosion over the life of the Project, creating potential landslide and falling rock hazards. Engineered roadways can be undercut over time by storm water drainage and wind erosion. Some areas would be more susceptible to erosion than others due to the naturally occurring soils with high erosion potential. Other improvement projects on steep grades or winding mountain passes would pose the greatest potential impacts. Notwithstanding natural soil types, engineered soils can also erode due to poor construction methods and design features or lack of maintenance. Appropriate construction methods, earthwork design, and road cut design can reduce this potential impact to less than significant levels.

New roadways can also permanently alter unique geologic features, particularly in canyons, coastlines, and mountain passes. However, most of the improvement projects would occur in urbanized portions of the region or in existing transportation corridors. Nonetheless, new lanes may require earthwork that would affect existing natural geologic features.

Mitigation Measures

- The project implementing agencies will ensure that individual improvement project designs provide adequate slope drainage and appropriate landscaping to minimize the occurrence of slope instability and erosion.
- Design features will include measures to reduce erosion from storm water.
- Road cuts will be designed to maximize the potential for revegetation.
- Implementing agencies will ensure that projects avoid landslide areas and potentially unstable slopes wherever feasible.
- Where practicable, routes and individual improvement project designs that would permanently alter unique geologic features will be avoided.

Significance After Mitigation

Given the topography, ecology and meteorology of Fresno County, long-term erosion and the potential for slope-failure will remain significant.

Impact 3.6.5 – Geotechnical Impacts

As discussed in the Environmental Setting Section, soil types and bedrock formations within Fresno County range widely in terms of their potential for geologic hazards. Although the scope of study performed for this EIR evaluation did not include a determination for project-specific liquefaction or seismic settlement potential, it is possible that liquefiable soils or soils susceptible to seismic compaction during ground shaking exist within areas of planned transportation improvement projects. This is a potentially significant impact, which will require analysis as part of subsequent project-specific environmental review.

In addition, individual transportation project construction will require removal of vegetative cover and exposure of site soils to wind and surface water runoff. High erosion rates are typical of disturbed sites. Because of the high erosion potential of some categories of soils, risk of erosion is considered a significant impact.

Implementation of proposed Project could potentially have short-term and long-term effects on water quality downstream from specific project sites. The short-term impacts relate to the grading and construction phases of project implementation that may cause erosion, while the long-term impacts may result from increased runoff flows from larger areas of asphalt.

Mitigation Measures

- Improvement projects with significant cuts or fill should include a geotechnical investigation to identify adverse soil conditions and develop recommendations for design and construction that would limit the effects of adverse soil and bedrock conditions.
- Cut and fill plans will be prepared for all improvement projects where cut and fill will be reburied, so that all fill materials are properly designed, placed, and compacted.

- Preparation of a detailed erosion control plan will be prepared to limit the effects of soil erosion and water degradation during improvement project construction, in accordance with permit conditions and requirements of the State Water Resources Control Board's Best Management Practices (BMPs), or equally effective measures will be employed.

Significance After Mitigation

Given the topography, ecology and meteorology of Fresno County, long-term erosion and the potential for slope-failure will remain significant.

Impact 3.6.6 – Impacts on State-Owned and State Minerals Reserved Lands

Some street and highway projects may be proposed along alignments that will affect State-owned and State minerals reserved lands.

Mitigation Measure

- Where possible, improvement projects will be designed by responsible agencies to limit potential impacts on State-owned or State mineral-reserved lands.

Significance After Mitigation

Given the extent of State-owned and State mineral-reserved lands within Fresno County, the Project has the potential of causing significant impacts even with specific-project design. As a result, the impact will remain significant.

Finding

Fresno COG finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not Fresno COG; these measures will be or should be adopted by such other agencies.

Facts in Support of Findings:

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the RTP. To the extent feasible, Fresno COG will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, Fresno COG finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report for the 2007 RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

Land Use/Planning

Impact 3.9.1 – Land Use Impacts

Strategies aimed at addressing the transportation needs of future growth patterns were considered during development of the proposed RTP. The document promotes alternatives to the automobile such as transit and other alternative modes of transportation such as bicycle facilities, trails, airport improvements, and others. Implementation of strategies proposed in the RTP could result in positive changes to land uses. This would be considered a beneficial impact.

Implementation of transit improvements included in the Plan could influence land use patterns throughout the region. Land use and transportation policies are emphasized in the RTP in order to address automobile traffic and air quality concerns. Growth patterns that promote alternatives to the automobile by creating mixed-use developments, which would include residences, shops, parks, and civic institutions, linked to pedestrian-and-bicycle friendly public transportation centers, are also discussed in the RTP. Design features, such as improved street connectivity, public amenities, and a concentration of residences and jobs in proximity to transit routes could be incorporated into mixed-use developments; therefore, addressing automobile traffic and air quality concerns. Implementation of enhanced alternative modes as provided by the RTP could result in more balanced land use conditions throughout the region, as the mixed-use developments would result in a concentration of jobs and residences in close proximity to one another.

While the RTP is likely to result in a positive outcome related to supportive land use conditions for alternative forms of transportation such as transit, other projects in the RTP could have significant impacts on land use patterns, potentially causing land use growth and development to occur in areas not previously envisioned for growth and development. This impact could be especially significant on agricultural land uses within the County.

Mitigation Measures

The impact on significant agricultural resources will be evaluated as part of the appropriate improvement project-specific environmental review. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Individual projects will be consistent with local land use plans and policies that designate areas for urban land use and preserve agricultural lands that support the economic viability of agricultural activities.
- Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of potential land use impacts.

Significance After Mitigation

While implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts, it is probable that such impacts will remain significant and unavoidable.

Impact 3.9.2 – Impacts on Sensitive Receptors

There are many sensitive receptors (residences, educational facilities, medical facilities, and places of worship) located in the urban and rural areas of the County. These receptors may be sensitive to noise, vibration, air pollutants, and other conditions that impact our environment. Sensitive receptors located in the vicinities of proposed

improvement projects could be impacted by construction and implementation of the proposed highway, arterial and transit projects due to noise, dust, vibration, etc. This would be considered a potentially significant impact.

Construction of new parkways and connectors, widening of existing highways and the construction of new interchanges are some of the highway and arterial projects. However, many other types of transportation projects would not involve construction activities. Many proposed public transit projects involve service alterations along existing streets, highways, and rail lines. These possible impacts would depend on several factors such as the type of Proposed for the area, projected land use designation of the area, and duration of proposed construction activities.

Generally, proposed projects are of the following two types:

- *New Systems* (new highway and transit facilities).
- *Modifications to Existing Systems* (widening roads, addition of carpool lanes, grade crossings, intelligent transportation systems, maintenance, and service alterations).

Mitigation Measures

Impacts to sensitive receptors will be evaluated as part of the appropriate project-specific environmental review, and mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Prior to commencing construction activities on individual projects, project implementation agencies will comply with applicable federal, state and applicable city and county land use plans, policies, and regulations.

- Prior to commencing construction activities with individual projects, project implementation agencies will obtain necessary local permits and meet conditions for approval from applicable cities and counties.

- Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of potential land use impacts.

- Potential significant impacts to land uses will be mitigated.

Significance After Mitigation

This impact would remain significant and unavoidable because of the large number of individual projects that may potentially affect sensitive receptors.

Impact 3.9.3 – Loss of Open Space and Community Recreation Areas

Construction and implementation of projects would result in the loss of open space and community recreation areas. This would be considered a potentially significant impact. Pockets of open space vary in size and location throughout the County and within the cities. Open space land uses include agricultural areas, public parks, recreational facilities, and areas planned for such uses.

The Project includes highway, arterial and transit projects proposed to be located in or adjacent to areas designated for open space. The potential for significant impacts to natural habitats and community recreation exists, since these projects may be constructed in areas that have habitat and recreational value. Development of RTP projects and

programs could result in the disturbance or loss of open space and recreational resources. Specifically, new projects involving construction would be most likely to result in impacts to open space areas.

Mitigation Measures

The impact on open space and community recreation areas will be evaluated as part of the appropriate project-specific environmental review and mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Project implementation agencies will ensure that projects are consistent with federal, state, and local plans that preserve open space and recreation.

- Project implementation agencies will identify open space and recreation areas that could be preserved and will include mitigation measures (such as dedication or payment of in-lieu fees) for the loss of open space.
- Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of loss of open space and recreation.

- Potential significant impacts to open space will be mitigated.

- For projects that require approval or funding by the U.S. Department of Transportation, project implementation agencies will comply with Section 4(f) of the U.S. Department of Transportation Act.

Significance After Mitigation

It is anticipated that implementation of the Project could potentially result in the loss or disturbance of open space; therefore, this impact would remain significant and unavoidable.

Impact 3.9.4 – Loss of Agricultural Resources

Implementation of the proposed RTP could potentially result in the disturbance or loss of significant agricultural resources throughout the Fresno region. This would be considered a potentially significant impact. The County contains areas designated by the State as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. These areas are interspersed throughout urban areas or are located in undeveloped portions of the region. Development of highway, arterial and transit projects proposed under the RTP could potentially result in the disturbance or loss of some of these designated areas. Specifically, new projects involving construction would be most likely to result in impacts to these areas.

Mitigation Measures

The impact on significant agricultural resources will be evaluated as part of the appropriate project-specific environmental review, and mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Individual projects will be consistent with federal, state, and local policies that preserve agricultural lands and support the economic viability of agricultural activities, as well as policies that provide compensation for property owners if preservation is not feasible.

- For projects in agricultural areas, project implementation agencies will contact the California Department of Conservation and the County Agricultural Commissioner's office to identify the location of prime farmlands and lands that support crops considered valuable to the local or regional economy.

- Prior to final approval of each individual improvement project, the implementing agency will establish conservation easement programs to mitigate impacts to prime farmland.

- Prior to final approval of each individual improvement project, the implementing agency will avoid impacts to prime farmlands or farmlands that support crops considered valuable to the local or regional economy.

- Prior to final approval of each individual improvement project, the implementing agency will encourage enrollments of agricultural lands in the Williamson Act.

Significance After Mitigation

It is anticipated that implementation of the Project could potentially result in the loss or disturbance of significant agricultural resources; therefore, this impact would be considered significant and unavoidable.

Finding

Fresno COG finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not Fresno COG; these measures will be or should be adopted by such other agencies.

Facts in Support of Findings:

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the RTP. To the extent feasible, Fresno COG will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, Fresno COG finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report for the 2007 RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

Noise

Impact 3.10.1 – Transportation Noise Impacts

Grading and construction activities associated with the proposed highway, arterial, and transit projects would intermittently and temporarily generate noise levels above ambient background levels. Noise levels in the immediate vicinity of the construction sites would increase substantially sometimes for extended durations. This would be considered a potentially significant impact.

Generally, proposed projects are of the following two types:

- *New Systems* (new highway, arterials, interchanges, bridge projects and transit facilities).
- *Modifications to Existing Systems* (widening roads, addition of carpool lanes, grade crossings, intelligent transportation systems, maintenance, and service alterations).

Construction activities associated with the Project would result in temporary noise increases at nearby sensitive receptors. Impacts to sensitive receptors resulting from these proposed projects would depend on several factors such as the type of individual improvement project proposed for the given area, land use of the given area, and duration of proposed construction activities. Additionally, construction noise levels would fluctuate depending on construction phase, equipment type, and duration of use; distance between noise source and receptor; and presence or absence of barriers between noise source and receptor. In general, sensitive receptors would be significantly impacted by projects involving new systems (new facilities, truck lanes, rail corridors, interchanges, underground rail lines). Specifically, sensitive receptors located in the vicinity of these projects would be significantly impacted by construction of the proposed improvement projects. Additionally, modification projects would result in short-term construction impacts to sensitive receptors.

To determine noise impacts and appropriate mitigation, it is necessary to identify a number of variables that may be different for each project including type of project, project geometrics, topography of the surrounding environs, elevation of the project, location of sensitive receptors, and other variables. It is therefore appropriate to undertake a thorough analysis of potential noise impacts during the project development phase of the project. This must be accomplished through applicable rules, procedures, regulations and ordinances.

Mitigation Measures

As part of project-specific environmental review, a detailed evaluation of noise impacts will be undertaken. Project-specific mitigation measures will be identified, as necessary. All mitigation measures will be included in project-level analysis, as appropriate. The project implementing agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Project implementing agencies will comply with all local sound control and noise level rules, regulations, and ordinances.

- Project implementing agencies will limit the hours of construction to between 6:00 a.m. and 8:00 p.m. on Monday through Friday and between 7:00 a.m. and 8:00 p.m. on weekends.

- Equipment and trucks used for construction will utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) in order to minimize construction noise impacts.

- Impact equipment (e.g., jackhammers, pavement breakers, and rock drills) used for individual improvement project construction will be hydraulically or electrical powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves will be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures will be used such as drilling rather than impact equipment whenever feasible.

- Project implementing agencies will ensure that stationary noise sources will be located as far from sensitive receptors as possible. If they must be located near existing receptors, they will be adequately muffled.

- The Project implementing agencies will designate a complaint coordinator responsible for responding to noise complaints received during the construction phase. The name and phone number of the complaint coordinator will be conspicuously posted at construction areas and on all advanced notifications. This person will be responsible for taking steps required to resolve complaints, including periodic noise monitoring, if necessary.

- Noise generated from any rock-crushing or screening operations performed within 3,000 feet of any occupied residence will be mitigated by the individual improvement project proponent by strategic placement of material stockpiles between the operation and the affected dwelling or by other means approved by the local jurisdiction.

- Project implementing agencies will direct contractors to implement appropriate additional noise mitigation measures including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources to comply with local noise control requirements.

- Project implementing agencies will implement use of portable barriers during construction of subsurface barriers, debris basins, and storm water drainage facilities.

- No pile-driving or blasting operations will be performed within 3,000 feet of an occupied residence on Sundays, legal holidays, or between the hours of 8:00 p.m. and 8:00 a.m. on other days. Any variance from this condition will be obtained from the individual improvement project proponent and must be approved by the local jurisdiction.

- Wherever possible, sonic or vibratory pile drivers will be used instead of impact pile drivers, (sonic pile drivers are only effective in some soils). If sonic or vibratory pile drivers are not feasible, acoustical enclosures will be provided as necessary to ensure that pile-driving noise does not exceed speech interference criterion at the closest sensitive receptor.

- In residential areas, pile driving will be limited to daytime working hours.

- Engine and pneumatic exhaust controls on pile drivers will be required as necessary to ensure that exhaust noise from pile driver engines are minimized to the extent feasible.

- Where feasible, pile holes will be pre-drilled to reduce potential noise and vibration impacts.

Significance After Mitigation

It is anticipated that implementation of the Project could potentially result in significant noise impacts; therefore, this impact would be considered significant and unavoidable.

Impact 3.10.1 – Transportation Noise Impacts

Grading and construction activities associated with the proposed highway, arterial, and transit projects would intermittently and temporarily generate noise levels above ambient background levels. Noise levels in the immediate vicinity of the construction sites would increase substantially sometimes for extended durations. This would be considered a potentially significant impact.

Generally, proposed projects are of the following two types:

- *New Systems* (new highway, arterials, interchanges, bridge projects and transit facilities).
- *Modifications to Existing Systems* (widening roads, addition of carpool lanes, grade crossings, intelligent transportation systems, maintenance, and service alterations).

Construction activities associated with the Project would result in temporary noise increases at nearby sensitive receptors. Impacts to sensitive receptors resulting from these proposed projects would depend on several factors such as the type of individual improvement project proposed for the given area, land use of the given area, and duration of proposed construction activities. Additionally, construction noise levels would fluctuate depending on construction phase, equipment type, and duration of use; distance between noise source and receptor; and presence or absence of barriers between noise source and receptor. In general, sensitive receptors would be significantly impacted by projects involving new systems (new facilities, truck lanes, rail corridors, interchanges, underground rail lines). Specifically, sensitive receptors located in the vicinity of these projects would be significantly impacted by construction of the proposed improvement projects. Additionally, modification projects would result in short-term construction impacts to sensitive receptors.

To determine noise impacts and appropriate mitigation, it is necessary to identify a number of variables that may be different for each project including type of project, project geometrics, topography of the surrounding environs, elevation of the project, location of sensitive receptors, and other variables. It is therefore appropriate to undertake a thorough analysis of potential noise impacts during the project development phase of the project. This must be accomplished through applicable rules, procedures, regulations and ordinances.

Mitigation Measures

As part of project-specific environmental review, a detailed evaluation of noise impacts will be undertaken. Project-specific mitigation measures will be identified, as necessary. All mitigation measures will be included in project-level analysis, as appropriate. The project implementing agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with mitigation measures.

- Project implementing agencies will comply with all local sound control and noise level rules, regulations, and ordinances.

- Project implementing agencies will limit the hours of construction to between 6:00 a.m. and 8:00 p.m. on Monday through Friday and between 7:00 a.m. and 8:00 p.m. on weekends.

- Equipment and trucks used for construction will utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) in order to minimize construction noise impacts.

- Impact equipment (e.g., jackhammers, pavement breakers, and rock drills) used for individual improvement project construction will be hydraulically or electrical powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves will be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures will be used such as drilling rather than impact equipment whenever feasible.

- Project implementing agencies will ensure that stationary noise sources will be located as far from sensitive receptors as possible. If they must be located near existing receptors, they will be adequately muffled.

- The Project implementing agencies will designate a complaint coordinator responsible for responding to noise complaints received during the construction phase. The name and phone number of the complaint coordinator will be conspicuously posted at construction areas and on all advanced notifications. This person will be responsible for taking steps required to resolve complaints, including periodic noise monitoring, if necessary.

- Noise generated from any rock-crushing or screening operations performed within 3,000 feet of any occupied residence will be mitigated by the individual improvement project proponent by strategic placement of material stockpiles between the operation and the affected dwelling or by other means approved by the local jurisdiction.

- Project implementing agencies will direct contractors to implement appropriate additional noise mitigation measures including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources to comply with local noise control requirements.

- Project implementing agencies will implement use of portable barriers during construction of subsurface barriers, debris basins, and storm water drainage facilities.

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- In residential areas, pile driving will be limited to daytime working hours.

- Engine and pneumatic exhaust controls on pile drivers will be required as necessary to ensure that exhaust noise from pile driver engines are minimized to the extent feasible.

- Where feasible, pile holes will be pre-drilled to reduce potential noise and vibration impacts.

Significance After Mitigation

It is anticipated that implementation of the Project could potentially result in significant noise impacts; therefore, this impact would be considered significant and unavoidable.

Finding

Fresno COG finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not Fresno COG; these measures will be or should be adopted by such other agencies.

Facts in Support of Findings:

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the RTP. To the extent feasible, Fresno COG will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, Fresno COG finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report for the 2007 RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

Population/Housing

Impact 3.11.1 – Impacts on Regional Growth and Dispersion

The Project could affect overall population, housing and employment growth and dispersion in the region from the predicted regional assumptions. Implementation of the proposed mitigation measures is expected to reduce this to a less-than-significant impact. The Project is a specific set of transportation improvements together with the long-range transportation plan developed to meet, among other goals, the long-term socioeconomic conditions of the region. One of the strategic issues is growth. Between the years, 2007 and 2030, residential population is expected to increase by approximately 50%. The recent growth trends in housing, population, and jobs within the region are expected to continue.

Given the location of the region, its mild climate and existing population trends, growth in the region is inevitable. The Project provides for the anticipated transportation needs of projected growth. The Project is based on a projected population in the Fresno region in 2030 of approximately 1.4 million people and associated employment. The Fresno COG projected population growth does not exceed the Department of Finance (DOF) regional forecast and is acceptable under State law.

It is not anticipated that the majority of changes to the transportation network included in the Project will significantly change population, employment and household rates of growth or distribution of growth. Transportation is just one factor that can affect growth. Other factors include the cost of housing, the location of jobs, the economy, and the climate. Factors that account for population growth include natural increase and net migration. The average annual birth rate for California is expected to be 20 births per 1,000 population, compared to 10 births per 1,000 population in West Virginia, the state with the lowest projected birth rate. Additionally, California is expected to attract more than one third of the country's immigrants.

There is some debate as to whether the Project is a response to growth, whether it facilitates growth or in fact induces growth. Infrastructure of any type can be argued to do any one of these. In the case of the Project, the Plans themselves are considered to be, overall, a response to growth; however, individual projects may facilitate or even induce growth. If existing transportation deficiencies are not addressed and future projected travel needs are not accommodated, then some localized areas of the region expected to receive new jobs and/or housing may become undesirable, causing the regional growth total to change or growth to be redistributed.

New or improved transportation facilities provide access to areas of new development, thereby allowing more people and jobs to locate in growth areas. Without these facilities, the lack of access could force development into areas with existing transportation infrastructure, thereby shifting population and employment growth from one area of the region to another. From this standpoint, the inclusion of new or upgraded transportation facilities in the Project could be considered growth inducing in some localities. The lack of new or improved facilities in some areas could also result in increased growth in areas with existing transportation infrastructure, growth that may not have been anticipated in the local general planning process. From this standpoint, the lack of new transportation facilities in the Project could also be considered growth inducing in some other localities.

Major regional capacity-enhancing projects, do have the potential to attract major new growth, and thus could be seen as potentially growth inducing at the regional level. If these projects open up new areas for urban development, particularly through the development of interchanges and new road connections that are in addition to those proposed by the Project, then the dispersion of population, housing and employment growth in the region could differ from that predicted in the regional growth assumptions.

The Project could potentially displace or relocate residences and businesses through acquisition of land and buildings necessary for highway, arterial, and transit improvement. This would be considered a potentially significant impact.

The proposed transportation improvements in the Project could result in significant impacts related to the displacement or relocation of homes and businesses. In some cases, buildings on residential, commercial, and industrial land may have to be removed in order to make way for new or expanded transportation facilities. In other cases, certain transportation improvements could permanently alter the characteristics and qualities of a neighborhood. In any case, the potential for displacement and disruption are major considerations in the final design of individual transportation improvements and are addressed in the design and development of mitigation programs. From the regional perspective, it is assumed that some residential and commercial displacement and disruption will occur.

Many of the improvement projects proposed by the Project that focus on maintaining and operating the existing regional system will occur on existing roadways and will not require the acquisition of land. This is true of most of the proposed carpool lanes, bus lines, transportation demand management projects, intelligent transportation systems, and road maintenance projects and programs. These transportation projects will generally not require the displacement of residences or businesses as the right-of-way has already been acquired.

Other proposed projects, new or expanded highway interchanges, and arterial improvements have the potential to impact residential units and businesses. Depending on the alignments selected, they have the potential to traverse through residential or commercial areas and construction of these projects may require acquisition of new rights-of-way. Depending on the location and scope of these projects, potential impacts could be as major as removal of several homes or businesses or as minor has extending into existing right-of-way.

Mitigation Measures

As part of the appropriate project-specific environmental review, population and job displacement impacts will be evaluated. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- For projects with the potential to displace homes or businesses, project implementation agencies will evaluate alternate route alignments and transportation facilities that minimize the displacement of homes and businesses. An iterative design and impact analysis would help where impacts to persons or businesses are involved. Potential impacts will be minimized to the extent feasible. If possible, existing rights-of-way should be used.

- Project implementation agencies will identify businesses and residences to be displaced. As required by law, relocation and assistance will be provided to displaced residents and businesses, in accordance with the federal Uniform Relocation and Real Property Acquisition Policies Act of 1970 and the State of California Relocation Assistance Act, as well as any applicable City and County policies.

- Project implementation agencies will develop a construction schedule that minimizes potential neighborhood deterioration from protracted waiting periods between right-of-way acquisition and construction.

Significance After Mitigation

The impact would remain significant and unavoidable after mitigation due to the potentially large number of displacements that could occur with construction of all the proposed improvement projects.

Impact 3.11.2 – Disrupt or Divide Communities

The Project has the potential to disrupt or divide a community by separating community facilities, restricting community access and eliminating community amenities. This is a potentially significant impact.

New transportation facilities or expansion of existing facilities could contribute to changes to community character in some areas of the region. The widening of a roadway could be perceived as too great a distance to cross by a pedestrian and thus divide a community. An elevated grade crossing may create a physical barrier in some locations. New transportation corridors may traverse community open space thus eliminating a community amenity. Each of the jurisdictions includes improvements to arterial roadways. Arterial roadways generally serve the local network of streets and provide access to community amenities and public facilities. Changes to these arterial roadways, such as roadway widening that impede pedestrian crossing could create a real or perceived barrier to community amenities such as parks, schools, and other public facilities located across the arterial.

Mitigation Measures

As part of the appropriate project-specific environmental review, community disruption or division will be evaluated. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. Fresno COG will be provided with documentation indicating compliance with all mitigation measures.

- Project implementation agencies will design new transportation facilities that protect access to existing community facilities. During the design phase of the individual improvement project, community amenities and facilities should be identified and access to them considered in the design of the individual improvement project.

- Project implementation agencies will design roadway improvements, in a manner that minimizes barriers to pedestrians and bicyclists. During the design phase, pedestrian and bicycle routes will be determined that permit easy connections to community facilities nearby in order not to divide the communities.

Significance After Mitigation

The Project proposes programs and improvement projects in the majority of urbanized areas within the region, and as such, the potential to disrupt or divide communities remains a significant unavoidable impact even with mitigation measures.

Finding

Fresno COG finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not Fresno COG; these measures will be or should be adopted by such other agencies.

Facts in Support of Findings:

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the RTP. To the extent feasible, Fresno COG will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, Fresno COG finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report for the 2007 RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

Transportation/Traffic

Impact 3.14.1 – Level of Service Deficiencies

To determine the Year 2030 LOS for each segment along the Regionally Significant Roads System, segment LOS was estimated using the capacities identified in Table 3-18. The Tables consider capacity of individual segments based on numerous roadway variables (freeway design speed, signalized intersections per mile, number of lanes, saturation flow, etc.). These variables were identified and applied in the Tables to reflect existing traffic LOS conditions in Fresno County.

Results of the 2030 LOS segment analysis with the Project along the RTP Regionally Significant Roads System are reflected in Figures 3-8 (FCMA) and Figure 3-9 (Fresno County). Traffic model runs were provided by Fresno COG. Figures 3-10 and 3-11 provide the resulting LOS assuming the No Build condition. The No Build condition assumes that existing streets and highways and only those improvements contained in the approved Transportation Improvement Program through the Year 2010, would be in place. Referencing Figures 3-8 and 3-9, results of the LOS analysis with the Project indicate that a number of street and highway segments along the regionally street and road system will continue to operate at deficient levels of service or at LOS "E" or LOS "F". Under the No Build condition (reference Figures 3-10 and 3-11), even more segments will operate at deficient levels of service or at LOS "E" and LOS "F".

The resultant list of deficient facilities along the Regionally Significant Roads System with and without the Project indicates that when the Project improvements are made to the regionally significant street and highway system, LOS conditions within the FCMA and within the County will significantly improve.

Congestion decreases and transit use increases significantly with the Project compared to the No Build Alternative. In addition, employment choices are increased for both automobile and transit users. Because one of the stated objectives of the Project is to reduce congestion and improve mobility, this is considered a significant beneficial impact.

While the Project will improve deficient levels of service compared to the No Build or No Project Alternatives, the Project will not address all deficient levels of service anticipated in the future.

Mitigation Measures

Implementation of street and highway improvement projects and programs generally will serve to improve traffic flows and reduce congestion and delay within Fresno County. However, street and highway needs are constrained by limited funding sources that are necessary to implement additional projects along the regional transportation system. As indicated above, LOS deficiencies are projected to occur, even considering the wide range of financially constrained street and highway improvements identified in the RTP.

Table 3-18
Segment Level of Service Capacities

Roadway Classification	Number of Lanes	Maximum Two-Way Average Daily Traffic (ADT)[2]				
		LOS A	LOS B	LOS C	LOS D	LOS E
Urban Collector	2	7,500	8,750	10,000	11,250	12,500
Urban Collector	4	14,460	16,870	19,280	21,690	24,100
Rural Collector	2	8,400	9,800	11,200	12,600	14,000
Rural Collector	4	16,440	19,180	21,920	24,660	27,400
Urban Arterial	2	10,320	12,040	13,760	15,480	17,200
Urban Arterial	4	20,700	24,150	27,600	31,050	34,500
Urban Arterial	6	31,020	36,190	41,360	46,530	51,700
Urban Arterial	8	40,140	46,830	53,520	60,210	66,900
Rural Road	2	10,800	12,600	14,400	16,200	18,000
Rural Road	4	21,600	25,200	28,800	32,400	36,000
Expressway	2	12,000	14,000	16,000	18,000	20,000
Expressway	4	24,060	28,070	32,080	36,090	40,100
Expressway	6	36,060	42,070	48,080	54,090	60,100
Expressway	8	48,120	56,140	64,160	72,180	80,200
Freeway	4	46,800	54,600	62,400	70,200	78,000
Freeway	6	76,680	89,460	102,240	115,020	127,800
Freeway	8	102,300	119,350	136,400	153,450	170,500
Freeway	10	128,160	149,520	170,880	192,240	213,600
Freeway Loop Ramp [3]	1	8,400	9,800	11,200	12,600	14,000
Freeway Diamond Ramp [3]	1	10,200	11,900	13,600	15,300	17,000
Freeway-to-Freeway Loop [3]	1	9,600	11,200	12,800	14,400	16,000
Freeway-to-Freeway Diamond [3]	1	12,000	14,000	16,000	18,000	20,000

Notes:

(1) All Capacity figures are based on optimum conditions and are intended as guidelines for planning purposes only.

(2) Maximum two-way ADT values were calculated by VRPA Technologies based on the 2000 Highway Capacity Manual and the 2002 Florida Quality/Level of Service Handbook

(3) VRPA Technologies, March 2006

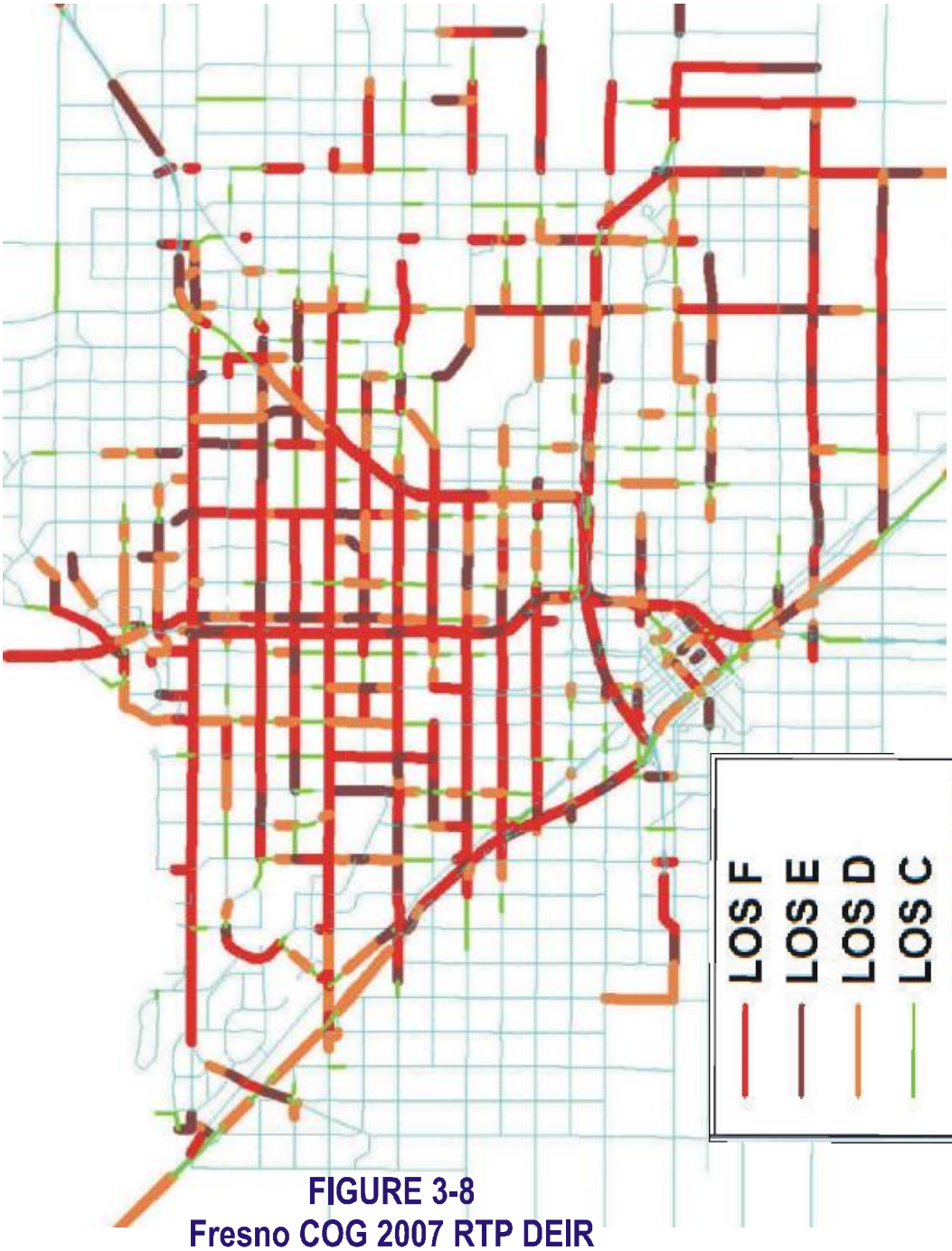

FIGURE 3-8
Fresno COG 2007 RTP DEIR
Year 2030 Build
(2030 RTP Projects or Network with 2030 Development)
FCMA Streets and Highways

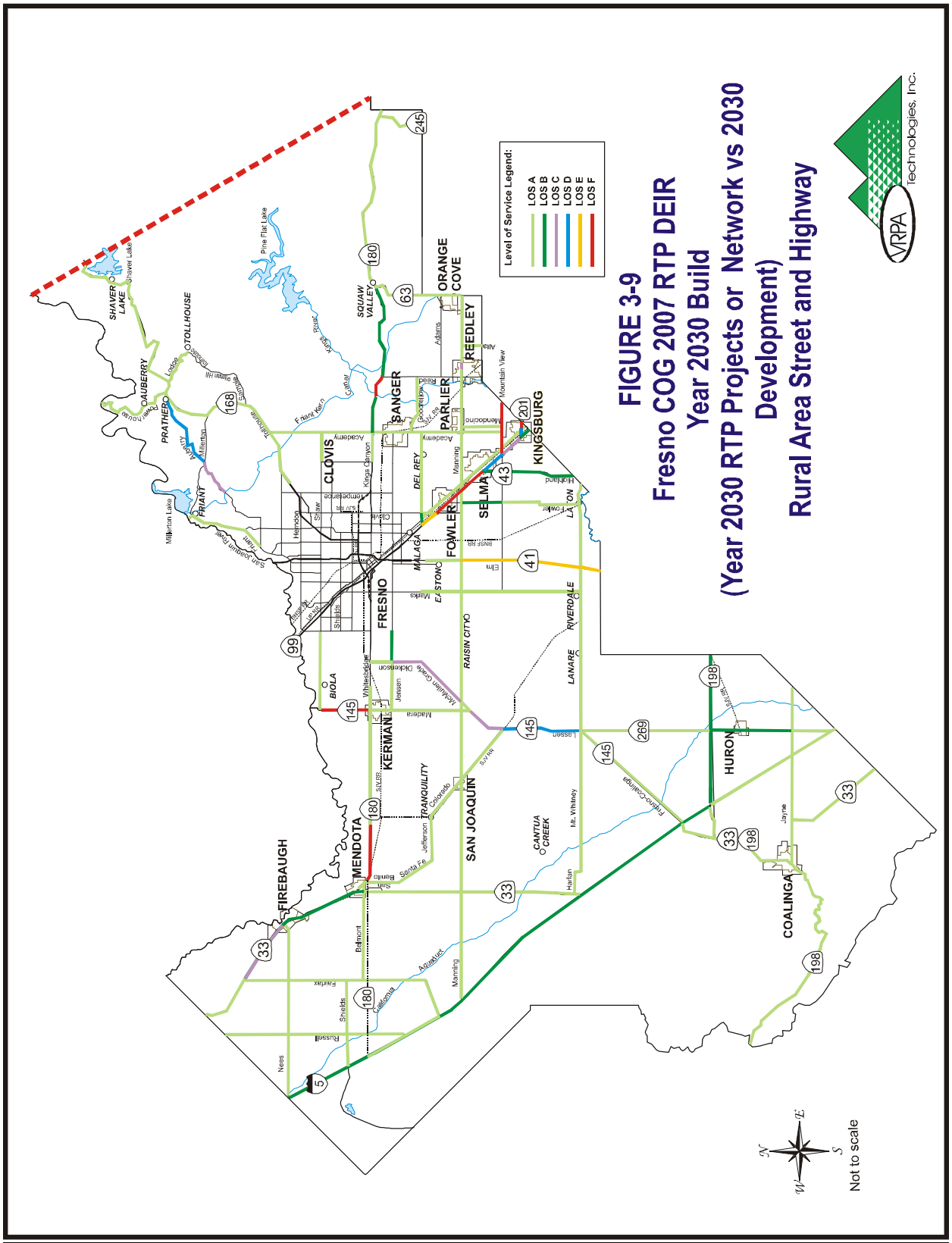
FIGURE 3-9
Fresno COG 2007 RTP DEIR
Year 2030 Build
(Year 2030 RTP Projects or Network vs 2030 Development)
Rural Area Street and Highway
Level of Service Legend:
LOS A
LOS B
LOS C
LOS D
LOS E
LOS F
VRPA Technologies, Inc.
Not to scale
SHAVER LAKE
OTOLLHOUSE
OAUBERRY
PRATHER
PRATT
FRIANT
SQUAW VALLEY
ORANGE COVE
REEDLEY
SANGER
PARLIER
KINGSBURG
CLOVIS
DEL REY
SELMA
FOWLER
EASTON
MALAGA
FRESNO
RAISIN CITY
RIVERDALE
LANARE
BIOLA
KERMAN
TRANQUILITY
SAN JOAQUIN
CANTUA CREEK
HURON
COALINGA
MENDOTA
FIREBAUGH

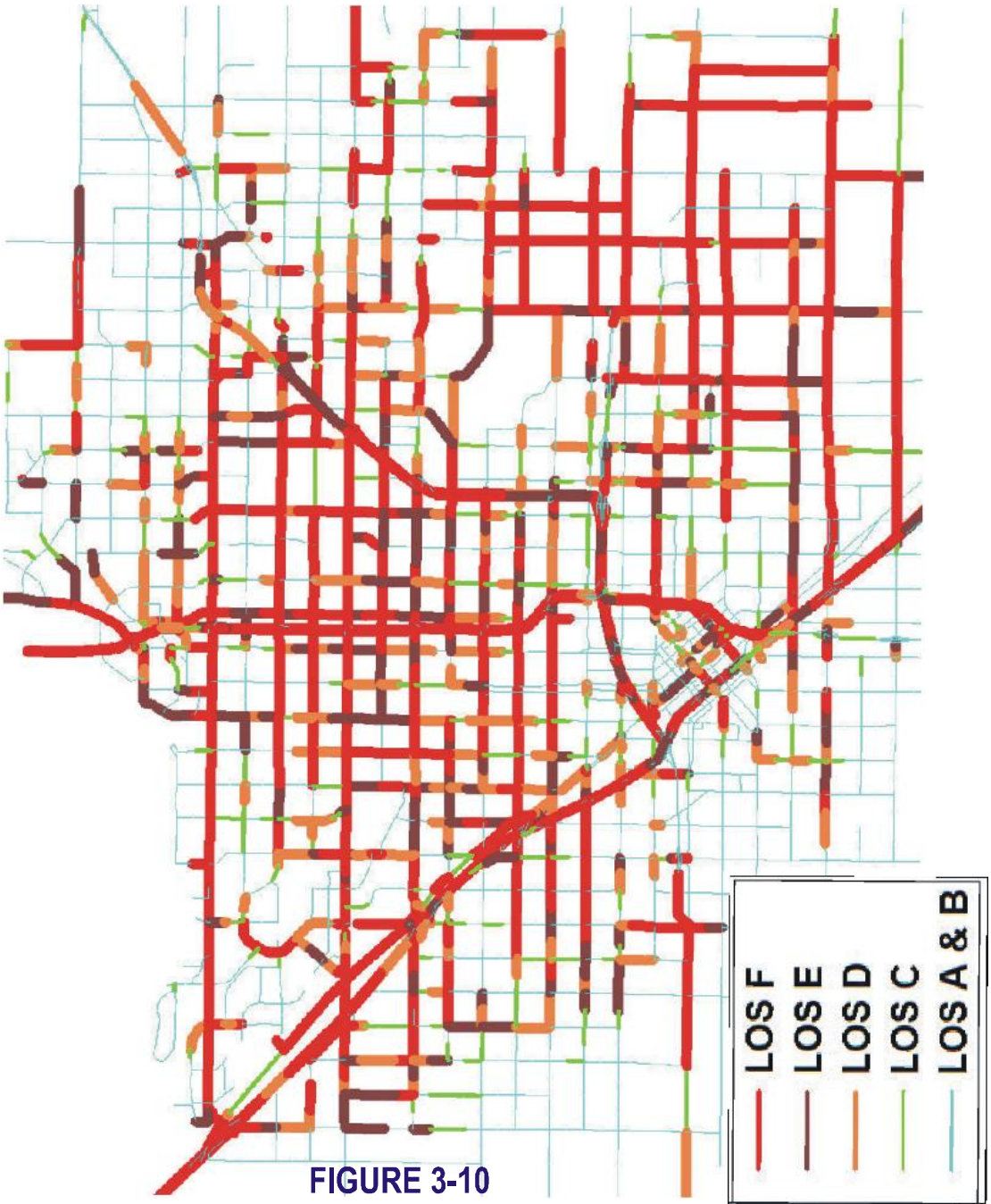

FIGURE 3-10
Fresno COG 2007 RTP DEIR
Year 2030 No Build
(2010 Network with 2030 Development)
FCMA Streets and Highways
Level of Service

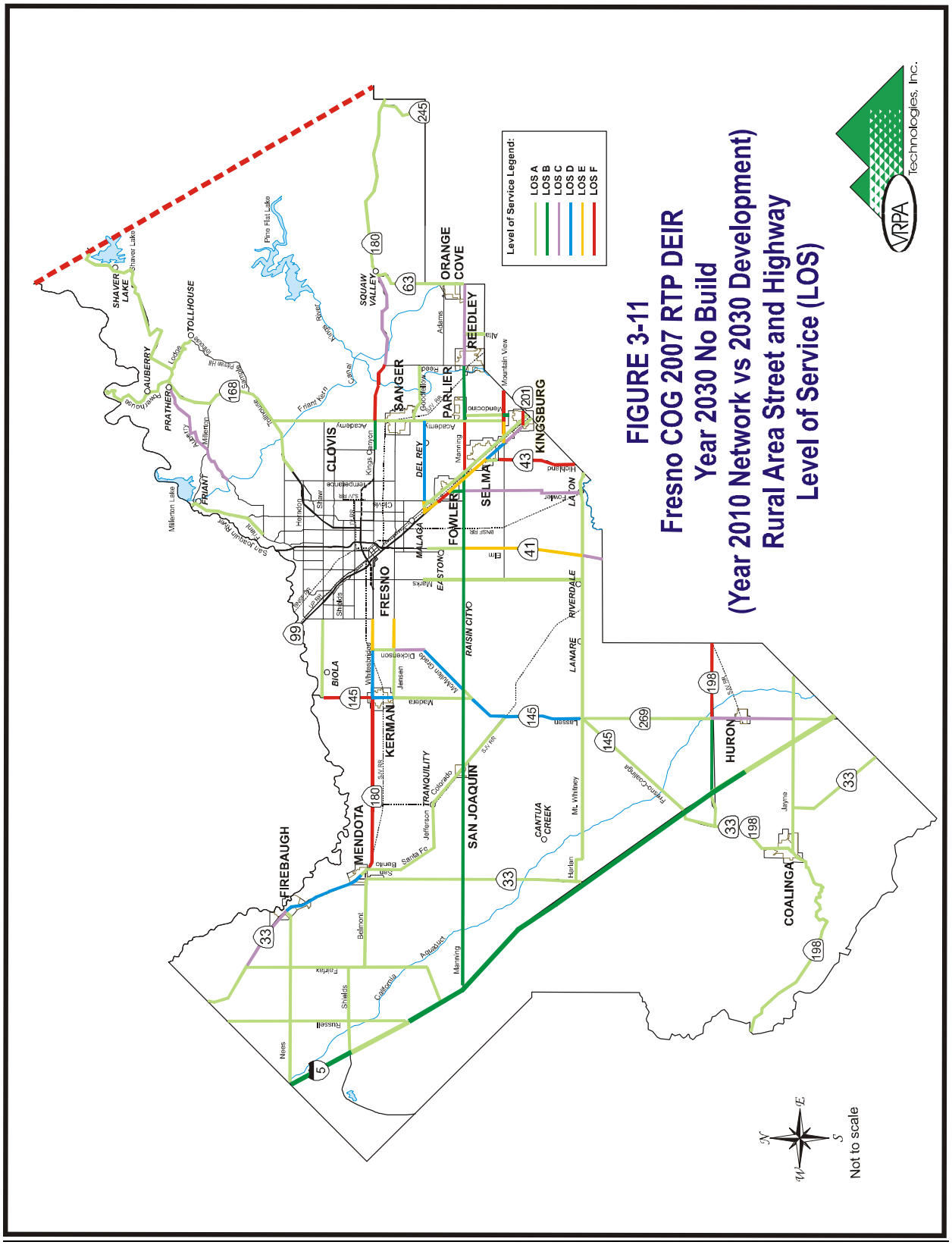
FIGURE 3-11
Fresno COG 2007 RTP DEIR
Year 2030 No Build
(Year 2010 Network vs 2030 Development)
Rural Area Street and Highway
Level of Service (LOS)
Level of Service Legend:
LOS A
LOS B
LOS C
LOS D
LOS E
LOS F
VRPA Technologies, Inc.
Not to scale
FRESNO
CLOVIS
SANGER
REEDLEY
ORANGE COVE
PARLIER
KINGSBURG
SELMA
FOWLER
CAUBERRY
PRATHER
FRIANT
SHAVER LAKE
SQUAW VALLEY
OTTOLLHOUSE
MALAGA
EASTON
RAISIN CITY
RIVERDALE
LANARE
HURON
COALINGA
KERMAN
BIOLA
MENDOTA
FIREBAUGH
SAN JOAQUIN
TRANQUILITY
CANTUA CREEK
DEL REY

To address these and other transportation/circulation related impacts, the following mitigation measures are recommended:

- A number of local street and road and State Route segments along the regional street and highway will experience deficient LOS conditions by 2030. Mitigation measures for these segments have not been identified or programmed in the RTP. Intersection improvements and lane additions would improve deficient levels of service to acceptable levels consistent with minimum LOS policies identified in the RTP; however, funding to address the improvements is not available or the costs to mitigate the deficiencies are prohibitive. Fresno COG should coordinate efforts to identify appropriate strategies that would improve deficient levels of service along the affected streets and highways. Fresno COG should work continue to with local agencies and Caltrans, District 06 to identify alternative improvements, associated cost estimates, and an implementation plan and schedule as part of the Freeway Deficiency Study and during update of local general plans and other planning efforts. Various funding sources should be analyzed as part of implementation plans and findings should be incorporated into future RTPs.

- Local agencies should be encouraged to update general, area, community and specific plans to reflect the current status of future street and highway improvements. The timing of improvements should also be regularly updated. These measures will help Fresno COG identify appropriate and available funding for planned street and highway improvements along the regional street and road system during development of future RTPs.

Significance After Mitigation

While improved mobility will result from implementation of the projects contained in the RTP, some significant unavoidable impacts, considering the regional minimum LOS policy of "D" will occur. LOS deficiencies will result along a number of regional street and highway segments and associated intersections because of the inability to widen such facilities due to funding and other constraints even with RTP projects. It is anticipated that even with implementation of the Project significant LOS deficiencies will continue therefore; this impact would be considered significant and unavoidable.

Results of the LOS deficiencies along the regionally significant system under the No Project Alternative are provided in Chapter 4 of the 2007 RTP.

The resultant list of deficient facilities along the Regionally Significant Roads System with and without the Project indicates that when the Individual improvement project improvements are made to the regionally significant street and highway system, LOS conditions within the Fresno region will significantly improve. Capacity increasing projects that would improve these deficient levels of service are not included in the Project.

Congestion decreases and transit use increases significantly with the Project compared to the No Build Alternative. In addition, employment choices are increased for both automobile and transit users. Because one of the stated objectives of the Project is to reduce congestion and improve mobility, this is considered a significant beneficial impact.

Mitigation Measures

Measures intended to reduce vehicle miles traveled and reduce congestion are part of the RTP. These include: increasing rideshare and work-at-home opportunities to reduce demand on the transportation system, investments in non-motorized transportation and maximizing the benefits of the land use/transportation connection, other Travel Demand Management measures described in the RTP and in local agency General Plans, and key transportation investments targeted to reduce congestion levels and improve LOS.

Significance After Mitigation

Implementation of measures beyond those institutionally and economically feasible measures identified in the RTP would be expected to reduce congestion levels and improve LOS, however even with this mitigation, the 2030 levels of service would still include a number of segments that will operate at deficient levels or at LOS E and F. Therefore, the congestion levels would remain a significant impact.

Finding

Fresno COG finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not Fresno COG; these measures will be or should be adopted by such other agencies.

Facts in Support of Findings:

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the RTP. To the extent feasible, Fresno COG will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, Fresno COG finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report for the 2007 RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

IV. STATEMENT OF OVERRIDING CONSIDERATIONS

Fresno COG is required to prepare this Statement of Overriding Considerations to explain the reasons for approving the 2007 RTP, despite the unavoidable impacts identified in the EIR and Findings of Fact (as per Section 15093 of the State CEQA Guidelines). In preparing this Statement, Fresno COG has balanced the benefits of the Proposed Project against its unavoidable environmental risks. Fresno COG finds that the unavoidable significant adverse effects of the individual improvement projects are overridden by the benefits of the Project and the considerations described below. Fresno COG, therefore, makes and adopts the following Overriding Considerations, taking into account the following unavoidable impacts:

Aesthetics

Impact 3.1.1 – Obstruction of Views

Construction and implementation of individual projects could potentially impede or block views of scenic resources as seen from the transportation facility or from the surrounding area. This could be a potentially significant impact.

Construction of new facilities or development of previously undisturbed sites could potentially block or impede views of scenic resources in a given area. For example, construction of highways could block or impede views of area mountains and other scenic resources. Grade separated facilities could block or impede views of surrounding scenic resources during and after construction. Moreover, the elevation and scale of the proposed grade separated facilities could be visually intrusive to surrounding areas (depending on the degree of visibility of the transportation facility).

Construction of transportation facilities that involve modifications like widening or upgrading existing roadways would involve lesser changes to the visual environment. These "modification projects" would most likely occur within existing roadway facilities and/or could require acquisition of right-of-way property. However, such changes may not block or impede views of scenic resources to a greater extent than at present.

Impact 3.1.2 – Altered Appearance of Scenic Resources

Construction and implementation of the projects could alter the appearance of scenic resources along or near designated scenic highways and vista points. This could be a potentially significant impact.

The State Legislature created California Department of Transportation's (Caltrans) State Scenic Highway Program in 1963 to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are stated in the California Streets and Highways Code, Section 260.

The State Scenic Highway System includes a list of highways that have been designated by Caltrans as scenic highways or are eligible for designation as scenic highways. These highways are designated in section 263 of the Streets and Highways Code. Scenic highway designation can offer the following benefits.

- Protection of the scenic values of an area.
- Enhancement of community identity and pride, encouraging citizen commitment to preserving community values.
- Preservation of scenic resources to enhance land values and make the area more attractive.
- Promotion of local tourism that is consistent with the community's scenic values.

According to Caltrans, a scenic corridor is the land generally adjacent to and visible from the highway. A scenic corridor is identified using a motorist's line of vision. A reasonable boundary is selected when the view extends to the

distant horizon. Caltrans outlines the following minimum requirements for scenic corridor protection: regulation of land use and density of development; detailed land and site planning; control of outdoor advertising; careful attention to, and control of, earthmoving and landscaping; and careful attention to design and appearance of structures and equipment.

Some of the proposed projects in the RTP include countywide improvements to highways, arterials and transit systems. These improvements could potentially fall within a designated scenic corridor.

Impact 3.1.3 – Development of Previously Undeveloped Sites with Visual Qualities

Construction and implementation of the projects could create significant contrasts with the overall visual character of the existing landscape setting. This could be a potentially significant impact.

There is an extraordinary range of urban characteristics and urban-natural environmental contrasts throughout the proposed RTP Project area. Given the size and diversity of the region, there are no standards that apply to all areas. Therefore, local planning guidelines regarding visual quality of urban areas must be researched and adhered to. A component of the urban environment is the transportation infrastructure. Many roads have been built throughout the region, which connect urban concentrations with natural areas found in the rural area. Transportation systems have a major effect on the visual environment. As most vehicular movement occurs along transportation corridors, their placement largely determines what parts of the region will be seen. Arterials and freeways comprise a major component of the existing visual environment in the region.

Development of previously undeveloped sites could result in impacts to visual resources. Construction of a new transportation system through a developed area could result in land use changes that could also result in impacts to visual resources. For example, the extension of a highway through an urban area could require some acquisition of residential, commercial or industrial property, thereby changing the land use, and consequently, visual quality of the given area. "Modification projects" that involve the widening or upgrading of existing roadways can be designed to complement the existing system, and therefore, would involve lesser changes to the visual character of the existing landscape setting. Therefore, impacts from "modification projects" would be less-than-significant.

Impact 3.1.4 – New Sources of Light and Glare

Construction and implementation of individual projects could potentially create a new source of substantial light or glare that would affect day or nighttime views of scenic resources as seen from the transportation facility or from the surrounding area. This could be a potentially significant impact.

There is an extraordinary range of urban characteristics and urban-natural environmental contrasts throughout the proposed Project area. Given the size and diversity of the region, there are no standards that apply to all areas. Therefore, local planning guidelines regarding visual quality of urban areas must be researched and adhered to. Urban areas, due to numerous buildings in a concentrated space, experience significant light from all light source categories. Fresno County includes large and medium sized cities, and vast rural areas that are either located in the Valley region or are mountainous. The rural areas are primarily used for agricultural purposes. In smaller communities and in rural areas of the County, where urban development is less dense, light and glare impacts are not as frequent.

Agricultural Resources

Impact 3.2.1 - Changes in Land Use Patterns

Strategies aimed at addressing the transportation needs of future growth patterns were considered during development of the proposed RTP. The document promotes alternatives to the automobile through enhanced funding for transit and other alternative modes of transportation such as bicycle facilities, trails, airport improvements, and others. Implementation of strategies proposed in the RTP could result in positive changes to land uses. This would be considered a beneficial impact.

Implementation of transit improvements included in the Plan could influence land use patterns throughout the region. Land use and transportation policies are emphasized in the RTP in order to address automobile traffic and air quality concerns. Growth patterns that promote alternatives to the automobile by creating mixed-use developments, which would include residences, shops, parks, and civic institutions, linked to pedestrian-and-bicycle friendly public transportation centers, are also discussed in the RTP. Implementation of enhanced alternative modes as provided by the RTP could result in more balanced land use conditions throughout the region, as the mixed-use developments would result in a concentration of jobs and residences in close proximity to one another.

While the RTP is likely to result in a positive outcome related to supportive land use conditions for alternative forms of transportation such as transit, other projects in the Plan could have significant impacts on land use patterns, potentially causing land use growth and development to occur in areas not previously envisioned for growth and development. This impact could be especially significant on agricultural land uses within the County.

Impact 3.2.2 – Loss of Agricultural Land

Implementation of the proposed Project could potentially result in the disturbance or loss of significant agricultural resources throughout the Fresno region. This would be considered a potentially significant impact.

The Fresno region contains areas designated by the State as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. These areas are interspersed throughout urban areas or are located in undeveloped portions of the region. Development of proposed projects could potentially result in the disturbance or loss of some of these designated areas. Specifically, new projects involving construction would be most likely to result in impacts to these areas.

Air Quality

Impact 3.3.1 – Project Construction

Construction activities would increase short-term air emissions. This would be considered a less-than-significant impact.

Short-term impacts result from the following construction-related sources:

- Construction equipment emissions.
- Dust from grading and earthmoving operations.
- Emissions from workers' vehicles traveling to and from construction sites.

As individual transportation improvements are constructed, the activity at individual construction sites will involve grading and other earth-moving operations and the use of diesel and gasoline-powered construction equipment.

These generate exhaust emissions of carbon monoxide and nitrogen dioxide at the individual construction sites. Where asphalt is used, volatile organic compounds (VOC) will be released from asphalt when it is applied to the roadways' surfaces. If an individual construction site is located near existing homes or other sensitive receptors, such emissions could have the potential to result in significant short-term impacts at that particular location.

The Air District has developed thresholds of significance for individual construction projects. Project-level analysis conducted for CEQA purposes would estimate construction emissions for each individual improvement project based on the equipment used, vehicle miles traveled, and time allowed to complete the individual improvement project. Mitigation measures to reduce air quality impacts would be established in project-specific environmental documents. However, some of the larger projects could have the potential to exceed the significance thresholds established by the District, creating significant short-term impacts. These impacts would occur in localized areas depending on the construction site locations.

Since the Project proposes more highway and arterial projects than the No Project Alternative, short-term construction emissions would be greater. However, construction-related impacts are expected to be temporary in nature and can generally be reduced to a less-than-significant level through the use of mitigation measures and through compliance with applicable existing city, county, state, and District regulations for reducing construction-related emissions. Therefore, the increase in construction activities proposed by the Project is expected to constitute a less-than-significant impact on a programmatic level. Nonetheless, individual projects may exceed the emissions thresholds, which would constitute a project-level significant impact. Individual projects would be required to implement mitigation measures to reduce construction emissions.

Impact 3.3.2 – Point Source Impacts

Traffic conditions at some individual locations may lead to occasional localized carbon monoxide concentrations.

The proposed Project will improve traffic flows and reduce congestion system-wide, reducing the potential for carbon monoxide "hot spots" that can occur from exhaust of idling cars waiting to clear a heavily congested intersection or crossing. The Project is intended to reduce congested conditions throughout the system that is faced with a challenge to accommodate additional traffic generated by the approximately 50 percent increase in population projected by the Year 2030. While the proposed improvements will respond to this challenge by accommodating additional traffic and reducing congestion (brought by that additional traffic) system-wide, exhaust emissions from cars at localized areas may, at certain times, create a potential for carbon monoxide concentrations, or hot spots, to develop under adverse atmospheric conditions that prevent a rapid dispersion of carbon monoxide. Currently, the Air Basin is in attainment of federal and State standards for carbon monoxide, and the carbon monoxide emissions are not a serious problem in the Basin. Nonetheless, because there is a potential for exhaust emissions from cars at localized areas to create an occasional hot spot, the following mitigation measure is proposed.

Impact 3.3.3 – Long-Term Regional Impacts

Emissions impacts related to the Project are not considered to be significant. Table 3-6 identifies results of the air quality conformity results including the projected emissions of hydrocarbons, nitrogen oxides, carbon monoxide, volatile organic gases, and particulate emissions for the Project compared with the base (2002) or the emissions budgets for 2010 and 2018. The analysis shows that Project emissions do not exceed the base and budget thresholds established by EPA. While the Project meets Conformity requirements, the Conformity Finding requires the implementation of TCMs to eventually result in improved air quality within the Valley.

Biotic Resources

Impact 3.4.1 – Removal or Degradation of Sensitive Natural Communities

The RTP includes projects that may result in direct removal or degradation of riparian habitat or other sensitive natural communities during construction activities such as grading and grubbing.

Impact 3.4.2 – Direct Impacts on Rare, Threatened, or Endangered Plant & Wildlife Species

The RTP includes projects that may result in direct impacts to plant and wildlife species including rare, threatened and/or endangered species during construction and operation of the proposed transportation facilities through the removal of native habitat.

Impact 3.4.3 – Impacts on Rare, Threatened, or Endangered Species from Project Noise, Lighting and Deterrents

The Project may result in indirect impacts to plant and wildlife species including rare, threatened and/or endangered species during the construction and operation through edge effects such as noise, lighting and visual deterrents.

Impact 3.4.4 - Temporary and Permanent Impacts to Terrestrial and Aquatic Wildlife Movement

The Project would result in temporary and permanent impacts to terrestrial and aquatic wildlife movement. The linear nature of transportation projects increases the potential extent and significance of impacts to wildlife movement. Transportation facilities pose barriers to wildlife crossings that may result in injury of death of wildlife attempting to traverse the facility. These barriers also result in fragmentation of natural habitat and increased impacts associated with edge effects from lighting, noise, human disturbance, exotic plant infestations, urban runoff, etc. Smaller fragments of habitat result in greater intensity of the edge effects. It is also important to maintain connections between populations of wildlife so that interbreeding, and/or that young have no ability to disperse to suitable habitats, does not occur. Impacts to wildlife movement would be greater along entirely new transportation facilities than with improvements to existing facilities, because the existing facility has already formed a barrier, and the addition of new lanes for example, may only slightly increase the barrier effect.

Cultural Resources

Impact 3.5.1 – Impacts on Historic Resources

Development of highway, arterial, bridge crossing and transit projects may impact historic resources. This would be considered a significant impact. Types of projects that have the potential to impact historic resources include highway projects and bridge crossings that entail the development of new lanes and in some instances acquisition of new right-of-ways, and arterials and interchange projects, which entail the development of new lanes, and right-of-way acquisition.

Impact 3.5.2 – Construction Impacts on Archaeological Resources

Construction activities involving excavation and earthmoving may encounter archaeological resources. This would be considered a significant impact. The OHP defines an archaeological "site" as consisting of three or more related resources discovered in one locality. In the event of archaeological and paleontological discovery, the resources are collected, documented and curated at an educational institution, such as a school or a museum. The curation facility is usually appropriated by the landowner or lead agency. A unique archaeological resource includes artifacts or sites

in which it can be demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any one or all of the following criteria:

- It has made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- It is associated with the lives of persons important to California's past.
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- It has yielded, or may be likely to yield, information important to the prehistory or history of California.

The Project includes new streets, roads and highways, street, road and highway widening (for wider lanes, shoulders or new lanes), new transit facilities, grade crossings, consolidated rail corridors, bridge projects and a number of interchanges. These types of projects have the potential to impact archaeological materials, because they could take place in previously undisturbed areas. Excavation and soil removal of any kind, irrespective of depth, has the potential to yield resources of archaeological significance. Improvements and modifications to existing rights-of-way and right-of-way maintenance (such as pothole repair), would have less of an impact to archaeological resources because these individual improvement project locations have previously been disturbed. However, construction of additional lanes, would potentially impact archaeological materials, if it would entail brush clearing, grading, trenching, excavation, and/or soil removal of any kind, in an area not previously used as a paved transportation facility.

Impact 3.5.3 – Construction Impacts on Paleontological Resources

Construction activities involving excavation and earthmoving may encounter paleontological materials. This is a significant impact. Construction of projects may cause unearthing of buried paleontological resources, such as true fossils, fossil casts, and breas. Construction occurring in previously undisturbed areas and deep excavation activities would have the greatest likelihood to affect paleontological resources. Improvements proposed in existing rights-of-way would have less potential to affect paleontological resources, since these areas have been previously disturbed. However, excavation and soil removal of any kind, irrespective of depth, has the potential to yield resources of paleontological significance. Fossils can be found at the surface in an outcrop, whereby chances are that same formation may extend many feet straight down into the ground, and may well extend for miles just below the surface. This makes the task of predicting which areas are paleontologically sensitive difficult. Construction and excavating activities relating to this Project pose a significant impact to paleontological materials.

Impact 3.5.4 – Impacts on Human Remains

Construction activities involving excavation and earthmoving may encounter human remains. This is a significant impact.

Humans have occupied Fresno County for at least 10,000 years, and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, it is likely that excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials. Construction and excavation activities associated with this Project are considered to potentially yield a significant impact relative to the discovery of human remains. Under CEQA, human remains are protected under the definition of archaeological materials as being "any evidence of human activity". Human remains are also protected under the Native American Graves and Repatriation Act (NAGPRA) of 1990, which was enacted to provide for the protection of Native American graves, as well as culturally affiliated items, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony. NAGPRA states the following:

- A burial site means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as part of the death rite or ceremony of a culture, individual remains are deposited.

As previously stated, the Project includes new highways, highway widening, new transit facilities, grade crossings, rail corridors, bridge crossings and interchanges. These activities all have a potential to yield previously undiscovered human remains, because they could take place in previously undisturbed or under-disturbed areas. Excavation and soil removal of any kind, irrespective of depth, has the potential to yield human remains. Improvements and modifications to existing rights-of-way would have less of an impact because these individual improvement project locations have previously been disturbed. However, construction of additional lanes, could potentially impact human remains, if it would entail brush clearing, grading, trenching, excavation, and soil removal of any kind, in an area not previously used as a paved transportation facility.

Geology/Soils

Impact 3.6.1 – Damaged transportation Infrastructure from Seismic Activity

Seismic events can damage transportation infrastructure through ground shaking, liquefaction, surface rupture and land sliding.

Property and public safety from seismic activity would be considered a significant impact in some cases.

Impact 3.6.2 – Slope Failure and Erosion Due to Project Construction

Some improvement projects require significant earthwork, increasing potential slope failure and long-term erosion. Earthwork can also alter unique geologic features. Individual improvement project impacts would be considered significant in some cases.

Several improvement projects would involve substantial construction of new highway segments within previously undisturbed areas. Some of these projects could require significant earthwork or cuts into hillsides, which can become unstable over time. Road cuts can expose soils to erosion over the life of the Project, creating potential landslide and falling rock hazards. Engineered roadways can be undercut over time by storm water drainage and wind erosion. Some areas would be more susceptible to erosion than others due to the naturally occurring soils with high erosion potential. Other improvement projects on steep grades or winding mountain passes would pose the greatest potential impacts. Notwithstanding natural soil types, engineered soils can also erode due to poor construction methods and design features or lack of maintenance. Appropriate construction methods, earthwork design, and road cut design can reduce this potential impact to less than significant levels.

New roadways can also permanently alter unique geologic features, particularly in canyons, coastlines, and mountain passes. However, most of the improvement projects would occur in urbanized portions of the region or in existing transportation corridors. Nonetheless, new lanes may require earthwork that would affect existing natural geologic features.

Impact 3.6.5 – Geotechnical Impacts

As discussed in the Environmental Setting Section, soil types and bedrock formations within Fresno County range widely in terms of their potential for geologic hazards. Although the scope of study performed for this EIR evaluation did not include a determination for project-specific liquefaction or seismic settlement potential, it is possible that liquefiable soils or soils susceptible to seismic compaction during ground shaking exist within areas of planned

transportation improvement projects. This is a potentially significant impact, which will require analysis as part of subsequent project-specific environmental review.

In addition, individual transportation project construction will require removal of vegetative cover and exposure of site soils to wind and surface water runoff. High erosion rates are typical of disturbed sites. Because of the high erosion potential of some categories of soils, risk of erosion is considered a significant impact.

Implementation of proposed Project could potentially have short-term and long-term effects on water quality downstream from specific project sites. The short-term impacts relate to the grading and construction phases of project implementation that may cause erosion, while the long-term impacts may result from increased runoff flows from larger areas of asphalt.

Impact 3.6.6 – Impacts on State-Owned and State Minerals Reserved Lands

Some street and highway projects may be proposed along alignments that will affect State-owned and State minerals reserved lands.

Land Use/Planning

Impact 3.9.1 – Land Use Impacts

Strategies aimed at addressing the transportation needs of future growth patterns were considered during development of the proposed RTP. The document promotes alternatives to the automobile such as transit and other alternative modes of transportation such as bicycle facilities, trails, airport improvements, and others. Implementation of strategies proposed in the RTP could result in positive changes to land uses. This would be considered a beneficial impact.

Implementation of transit improvements included in the Plan could influence land use patterns throughout the region. Land use and transportation policies are emphasized in the RTP in order to address automobile traffic and air quality concerns. Growth patterns that promote alternatives to the automobile by creating mixed-use developments, which would include residences, shops, parks, and civic institutions, linked to pedestrian-and-bicycle friendly public transportation centers, are also discussed in the RTP. Design features, such as improved street connectivity, public amenities, and a concentration of residences and jobs in proximity to transit routes could be incorporated into mixed-use developments; therefore, addressing automobile traffic and air quality concerns. Implementation of enhanced alternative modes as provided by the RTP could result in more balanced land use conditions throughout the region, as the mixed-use developments would result in a concentration of jobs and residences in close proximity to one another.

While the RTP is likely to result in a positive outcome related to supportive land use conditions for alternative forms of transportation such as transit, other projects in the RTP could have significant impacts on land use patterns, potentially causing land use growth and development to occur in areas not previously envisioned for growth and development. This impact could be especially significant on agricultural land uses within the County.

Impact 3.9.2 – Impacts on Sensitive Receptors

There are many sensitive receptors (residences, educational facilities, medical facilities, and places of worship) located in the urban and rural areas of the County. These receptors may be sensitive to noise, vibration, air pollutants, and other conditions that impact our environment. Sensitive receptors located in the vicinities of proposed

improvement projects could be impacted by construction and implementation of the proposed highway, arterial and transit projects due to noise, dust, vibration, etc. This would be considered a potentially significant impact.
Construction of new parkways and connectors, widening of existing highways and the construction of new interchanges are some of the highway and arterial projects. However, many other types of transportation projects would not involve construction activities. Many proposed public transit projects involve service alterations along existing streets, highways, and rail lines. These possible impacts would depend on several factors such as the type of Proposed for the area, projected land use designation of the area, and duration of proposed construction activities.

Generally, proposed projects are of the following two types:

- *New Systems* (new highway and transit facilities).
- *Modifications to Existing Systems* (widening roads, addition of carpool lanes, grade crossings, intelligent transportation systems, maintenance, and service alterations).

Impact 3.9.3 – Loss of Open Space and Community Recreation Areas

Construction and implementation of projects would result in the loss of open space and community recreation areas. This would be considered a potentially significant impact. Pockets of open space vary in size and location throughout the County and within the cities. Open space land uses include agricultural areas, public parks, recreational facilities, and areas planned for such uses.

The Project includes highway, arterial and transit projects proposed to be located in or adjacent to areas designated for open space. The potential for significant impacts to natural habitats and community recreation exists, since these projects may be constructed in areas that have habitat and recreational value. Development of RTP projects and programs could result in the disturbance or loss of open space and recreational resources. Specifically, new projects involving construction would be most likely to result in impacts to open space areas.

Impact 3.9.4 – Loss of Agricultural Resources

Implementation of the proposed RTP could potentially result in the disturbance or loss of significant agricultural resources throughout the Fresno region. This would be considered a potentially significant impact. The County contains areas designated by the State as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. These areas are interspersed throughout urban areas or are located in undeveloped portions of the region. Development of highway, arterial and transit projects proposed under the RTP could potentially result in the disturbance or loss of some of these designated areas. Specifically, new projects involving construction would be most likely to result in impacts to these areas.

Noise

Impact 3.10.1 – Transportation Noise Impacts

Grading and construction activities associated with the proposed highway, arterial, and transit projects would intermittently and temporarily generate noise levels above ambient background levels. Noise levels in the immediate vicinity of the construction sites would increase substantially sometimes for extended durations. This would be considered a potentially significant impact.

Generally, proposed projects are of the following two types:

- *New Systems* (new highway, arterials, interchanges, bridge projects and transit facilities).

- *Modifications to Existing Systems* (widening roads, addition of carpool lanes, grade crossings, intelligent transportation systems, maintenance, and service alterations).

Construction activities associated with the Project would result in temporary noise increases at nearby sensitive receptors. Impacts to sensitive receptors resulting from these proposed projects would depend on several factors such as the type of individual improvement project proposed for the given area, land use of the given area, and duration of proposed construction activities. Additionally, construction noise levels would fluctuate depending on construction phase, equipment type, and duration of use; distance between noise source and receptor; and presence or absence of barriers between noise source and receptor. In general, sensitive receptors would be significantly impacted by projects involving new systems (new facilities, truck lanes, rail corridors, interchanges, underground rail lines). Specifically, sensitive receptors located in the vicinity of these projects would be significantly impacted by construction of the proposed improvement projects. Additionally, modification projects would result in short-term construction impacts to sensitive receptors.

To determine noise impacts and appropriate mitigation, it is necessary to identify a number of variables that may be different for each project including type of project, project geometrics, topography of the surrounding environs, elevation of the project, location of sensitive receptors, and other variables. It is therefore appropriate to undertake a thorough analysis of potential noise impacts during the project development phase of the project. This must be accomplished through applicable rules, procedures, regulations and ordinances.

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Population/Housing

Impact 3.11.1 – Impacts on Regional Growth and Dispersion

The Project could affect overall population, housing and employment growth and dispersion in the region from the predicted regional assumptions. Implementation of the proposed mitigation measures is expected to reduce this to a less-than-significant impact. The Project is a specific set of transportation improvements together with the long-range transportation plan developed to meet, among other goals, the long-term socioeconomic conditions of the region. One of the strategic issues is growth. Between the years, 2007 and 2030, residential population is expected to increase by approximately 50%. The recent growth trends in housing, population, and jobs within the region are expected to continue.

Given the location of the region, its mild climate and existing population trends, growth in the region is inevitable. The Project provides for the anticipated transportation needs of projected growth. The Project is based on a projected population in the Fresno region in 2030 of approximately 1.4 million people and associated employment. The Fresno COG projected population growth does not exceed the Department of Finance (DOF) regional forecast and is acceptable under State law.

It is not anticipated that the majority of changes to the transportation network included in the Project will significantly change population, employment and household rates of growth or distribution of growth. Transportation is just one factor that can affect growth. Other factors include the cost of housing, the location of jobs, the economy, and the climate. Factors that account for population growth include natural increase and net migration. The average annual birth rate for California is expected to be 20 births per 1,000 population, compared to 10 births per 1,000 population in West Virginia, the state with the lowest projected birth rate. Additionally, California is expected to attract more than one third of the country's immigrants.

There is some debate as to whether the Project is a response to growth, whether it facilitates growth or in fact induces growth. Infrastructure of any type can be argued to do any one of these. In the case of the Project, the Plans themselves are considered to be, overall, a response to growth; however, individual projects may facilitate or even induce growth. If existing transportation deficiencies are not addressed and future projected travel needs are not accommodated, then some localized areas of the region expected to receive new jobs and/or housing may become undesirable, causing the regional growth total to change or growth to be redistributed.

New or improved transportation facilities provide access to areas of new development, thereby allowing more people and jobs to locate in growth areas. Without these facilities, the lack of access could force development into areas with existing transportation infrastructure, thereby shifting population and employment growth from one area of the region to another. From this standpoint, the inclusion of new or upgraded transportation facilities in the Project could be considered growth inducing in some localities. The lack of new or improved facilities in some areas could also result in increased growth in areas with existing transportation infrastructure, growth that may not have been anticipated in the local general planning process. From this standpoint, the lack of new transportation facilities in the Project could also be considered growth inducing in some other localities.

Major regional capacity-enhancing projects, do have the potential to attract major new growth, and thus could be seen as potentially growth inducing at the regional level. If these projects open up new areas for urban development, particularly through the development of interchanges and new road connections that are in addition to those proposed by the Project, then the dispersion of population, housing and employment growth in the region could differ from that predicted in the regional growth assumptions.

The Project could potentially displace or relocate residences and businesses through acquisition of land and buildings necessary for highway, arterial, and transit improvement. This would be considered a potentially significant impact.

The proposed transportation improvements in the Project could result in significant impacts related to the displacement or relocation of homes and businesses. In some cases, buildings on residential, commercial, and industrial land may have to be removed in order to make way for new or expanded transportation facilities. In other cases, certain transportation improvements could permanently alter the characteristics and qualities of a neighborhood. In any case, the potential for displacement and disruption are major considerations in the final design of individual transportation improvements and are addressed in the design and development of mitigation programs. From the regional perspective, it is assumed that some residential and commercial displacement and disruption will occur.

Many of the improvement projects proposed by the Project that focus on maintaining and operating the existing regional system will occur on existing roadways and will not require the acquisition of land. This is true of most of the proposed carpool lanes, bus lines, transportation demand management projects, intelligent transportation systems, and road maintenance projects and programs. These transportation projects will generally not require the displacement of residences or businesses as the right-of-way has already been acquired.

Other proposed projects, new or expanded highway interchanges, and arterial improvements have the potential to impact residential units and businesses. Depending on the alignments selected, they have the potential to traverse through residential or commercial areas and construction of these projects may require acquisition of new rights-of-way. Depending on the location and scope of these projects, potential impacts could be as major as removal of several homes or businesses or as minor has extending into existing right-of-way.

Impact 3.11.2 – Disrupt or Divide Communities

The Project has the potential to disrupt or divide a community by separating community facilities, restricting community access and eliminating community amenities. This is a potentially significant impact.

New transportation facilities or expansion of existing facilities could contribute to changes to community character in some areas of the region. The widening of a roadway could be perceived as too great a distance to cross by a pedestrian and thus divide a community. An elevated grade crossing may create a physical barrier in some locations. New transportation corridors may traverse community open space thus eliminating a community amenity. Each of the jurisdictions includes improvements to arterial roadways. Arterial roadways generally serve the local network of streets and provide access to community amenities and public facilities. Changes to these arterial roadways, such as roadway widening that impede pedestrian crossing could create a real or perceived barrier to community amenities such as parks, schools, and other public facilities located across the arterial.

Transportation/Traffic

Impact 3.14.1 – Level of Service Deficiencies

To determine the Year 2030 LOS for each segment along the Regionally Significant Roads System, segment LOS was estimated using the capacities identified in Table 3-18. The Tables consider capacity of individual segments based on numerous roadway variables (freeway design speed, signalized intersections per mile, number of lanes, saturation flow, etc.). These variables were identified and applied in the Tables to reflect existing traffic LOS conditions in Fresno County.

Results of the 2030 LOS segment analysis with the Project along the RTP Regionally Significant Roads System are reflected in Figures 3-8 (FCMA) and Figure 3-9 (Fresno County). Traffic model runs were provided by Fresno COG. Figures 3-10 and 3-11 provide the resulting LOS assuming the No Build condition. The No Build condition assumes that existing streets and highways and only those improvements contained in the approved Transportation Improvement Program through the Year 2010, would be in place. Referencing Figures 3-8 and 3-9, results of the LOS analysis with the Project indicate that a number of street and highway segments along the regionally street and road system will continue to operate at deficient levels of service or at LOS "E" or LOS "F". Under the No Build condition (reference Figures 3-10 and 3-11), even more segments will operate at deficient levels of service or at LOS "E" and LOS "F".

The resultant list of deficient facilities along the Regionally Significant Roads System with and without the Project indicates that when the Project improvements are made to the regionally significant street and highway system, LOS conditions within the FCMA and within the County will significantly improve.

Congestion decreases and transit use increases significantly with the Project compared to the No Build Alternative. In addition, employment choices are increased for both automobile and transit users. Because one of the stated objectives of the Project is to reduce congestion and improve mobility, this is considered a significant beneficial impact.

OVERRIDING REASONS

Therefore, in accordance with Section 15093 of the State CEQA Guidelines, Fresno COG is required to prepare this Statement of Overriding Considerations to explain the reasons for approving the 2007 RTP, despite the unavoidable impacts identified in the EIR and Findings of Fact. In preparing this Statement, Fresno COG has balanced the benefits of the Project against its unavoidable environmental risks. For the reasons specified below, Fresno COG finds that the benefits of the Project outweigh the unavoidable environmental risks. In addition, the Findings of Fact identify a number of recommended mitigation measures that are found to be within the jurisdiction of other public agencies and not Fresno COG, and that these measures have been or should be adopted by such other agencies. Fresno COG finds that, for the reasons specified below, the Project should be adopted as the 2007 RTP notwithstanding the fact that responsibility for mitigating the potential adverse impacts rests with agencies other than Fresno COG.

The following reasons are consistent with the intent and purpose of the 2007 RTP:

Quality of Life

- The Project is intended to contribute to the quality of life that is experienced and will be experienced by the residents of Fresno County.
- The Project is designed to meet the needs of everyday travel for all types of purposes as well as for large regional movements over the long-term. Transportation is closely connected with many other issues, such as air quality, the environment, and land use, health, safety, and economic vitality and the Project contains goals and actions to address these issues.

Access and Mobility

- The Project includes many strategies to address both access and mobility and acknowledges that certain major corridors will need major investments in all modes of transportation to maintain and improve both access and mobility for the growth in travel that is occurring.

  Access: Significant increases are planned for the street and highway, transit, and bicycle, trails, and pedestrian systems in the County. The projects must undergo extensive planning and analysis processes with community involvement.

  Mobility: The Project includes a slate of projects aimed at reducing the most critical areas of congestion from a regionwide viewpoint. In addition to expanded transit service, which will reduce congestion in particular corridors, mobility projects additional lanes along streets and highways, interchange improvements, maintenance and rehabilitation of the existing system of streets and highways, and other capacity enhancements throughout the region.

- The Project also includes funding for rail consolidation, car and van pools, and local road improvements, including lane additions, intersection improvements, and rehabilitation and maintenance of the existing street and highways system.

Air Quality

- The Project includes funding for significant increases in alternative modes of transportation -- public transit, bicycle, pedestrian projects and community design projects -- that will make alternative modes of transportation more attractive.

- While the individual improvement projects will not result in emissions beyond those allowed through the conformity process, and construction and hot spot emission impacts can be mitigated or are not found to be significant, the fact that the Valley continues to be nonattainment for volatile organic compounds, nitrogen oxides, and PM_{10} and $PM_{2.5}$ emissions is an overriding concern.

Travel Choices

- The Project invests significant funding into offering choices of travel mode to future residents. Major increases in, bus, bicycle, and pedestrian modes are envisioned, along with promotion of sharing rides.

- Regional and localized benefits associated with implementation of the 2007 RTP (reduced vehicular emissions, reduced congestion, reduced travel time, reduced vehicle miles traveled and improved mobility), that will result from the implementation of planned improvement projects, outweigh the potentially unavoidable impacts associated with individual or localized improvement projects and other projects identified in the Project alternatives. These other alternatives will result in a greater number of Level of Service (LOS) deficiencies and infeasible transportation projects that will not result in further benefits beyond implementation of the 2007 RTP.

Economic Vitality

- The Project includes major corridor improvements that connect areas around the periphery of the urban core, providing better access to the region's major job center – the Fresno-Clovis Metropolitan Area (FCMA. It also includes significantly enhanced bus transit systems to help manage demand.
- Investment in road maintenance and rehabilitation is provided, particularly a problem in rural areas where farm-to-market truck travel is important.

Equity

- The Project incorporates the priorities of local communities and many of these local projects are paid for from local funds. Major projects of regional concern are located throughout the region as well.
- The Project will provide alternatives -- pubic transit, bicycle, and pedestrian facilities -- for those who cannot or do not drive. Finally, a large increase in paratransit service (door-to-door wheelchair-equipped van service) is included for the expected increase in the elderly population over the RTP period.
- The need to provide choice in the availability of transportation modes for County residents as a means to avoid significant delay and congestion, which may indirectly harm businesses and residents that depend upon a viable transportation system, is an overriding concern.

Transportation and Land Use

- Investment in the transportation system will offer opportunities to grow logically and address the interaction between land use and transportation more effectively.
- The requirement for amendments to the RTP every four years, which provides for the identification of transportation modes to address population and employment growth, is required by State Law and sound local planning practice, and is an overriding concern.
- The specific need to provide necessary, feasible and sustainable transportation system improvements within the region is an overriding concern.
- Because there is no alternative other than the "No Build", "No Project" (2004 Regional Transportation Plan), and VMT Reduction Alternatives to converting some prime farmland for expansion of the circulation system, the need for such conversion is an overriding concern.

- Implementation of the 2007 RTP would result in positive impacts on public services; however, long-term maintenance of various transportation modes including street and highway is an overriding concern.

Funding and Revenue

- The Project shows revenues available from all sources -- federal, state, and local. The 2007 RTP would provide additional funding than that included in the RTP. The region will continue to receive federal and state funding to program projects through to the Year 2030.
- Overall, the Project provides funding transit operations and improvements, highway, street and road improvements, highway, street and road maintenance and rehabilitation, and for other kinds of improvements (bicycle, pedestrian, community design, etc.).

Health And Safety

- Pedestrian and bicycle plans and projects are specifically allocated funding in the 2007 RTP and funds have also been identified for such improvements in the RTP. Local road and state highway safety-related improvements are also included.
- Regional benefits associated with implementation of the 2007 RTP (reduced vehicular emissions, reduced congestion, reduced travel time, reduced vehicle miles traveled and improved mobility), will result from the implementation of planned improvement projects, which outweigh the potentially unavoidable localized impacts to land use development that may result from the projects.

Environmental Sustainability

- The Project includes a number of projects and programs that mitigate environmental issues.
- Because there is no alternative other than "No Build", "No Project", and VMT Reduction Alternatives to the loss of some biological, cultural and agricultural resources for expansion of the circulation system, the loss of such resources is an overriding concern.
- The 2007 RTP balances the need to preserve valuable agricultural and biological resources with the region's need to provide a viable transportation system to accommodate anticipated population and employment growth and the related increased need for employment opportunities and municipal revenue. This planning balance is an overriding concern.
- Implementation of the 2007 RTP will result in increased unavoidable noise levels as a result of expansion of the planned transportation system, but the specific need to provide necessary, feasible and sustainable transportation system improvements within the region that supports planned growth and development, is an overriding concern.

Based on substantial evidence in the public record, Fresno COG finds that, for the reasons set forth above, the economic, social and other considerations of the project outweigh the unavoidable agricultural, biological, land use/planning, noise, and transportation/circulation impacts identified in the EIR. First, the individual improvement projects identified in the 2007 RTP are required to meet travel demand of residents and businesses through to the Year 2030. Second, the planned transportation improvements will enhance continued economic growth in the region. Third, the planned improvements will reduce levels of vehicular emissions and LOS deficiencies compared to the other project alternatives. Fourth, appropriate and achievable mitigation measures have been proposed, which are within Fresno COG's and its member agencies' jurisdiction to mitigate or avoid the significant environmental effects identified in the EIR.