

**NORTH COUNTY CORRIDOR
TRANSPORTATION EXPRESSWAY AUTHORITY**

ITEM: 3a

SUBJECT:

Correspondence

STAFF RECOMMENDATIONS:

Acknowledge receipt

FISCAL IMPACT:

None

DISCUSSION:

Acknowledge receipt of correspondence (copies attached) received since the January 15, 2014 NCC Board meeting.

Date of NCC
Correspondence

Name(s) of Sender

1-14-14	Amarjeet S. Benipal
1-14-14	Mayor Richard D. O'Brien
2-11-14	Raegan Amerine
3-17-14	Jim & Jan Haydn-Myer
4-23-14	Wolfgang & Victorina Bach
4-28-14	Steven A. Herum

DEPARTMENT OF TRANSPORTATION

DISTRICT 10 DIRECTOR

P.O. BOX 2048

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January 14, 2014

Mr. Matt Machado
NCC TEA Authority Manager
Stanislaus County Public Works
1716 Morgan Rd
Modesto, CA 95358

File: 10-0S800
North County Corridor

Dear Mr. Machado,

The intent of this letter is to document the California Department of Transportation's (Caltrans) understanding and commitment to cooperatively work with Stanislaus County to deliver a project that will accommodate regional east-west traffic and improve north-south connectivity in Stanislaus County and southern San Joaquin County. The project needs to be compatible with the Freeway Route Adoption from McHenry to east of Albers Road and a multi-lane controlled access highway from the end of the Route Adoption limits until it connects with SR120.

Caltrans supports the strategy approved by the Project Development Team (PDT) on June 5, 2013, to pursue the North County Corridor (NCC) project as an Expressway between McHenry Ave. and the SR120/SR108 connection east of Oakdale. However, as the project is still early in the project development process, further traffic operations analysis will need to occur. At this time, it appears that the proposal to re-scope the project from freeway to expressway and revise the project limits will continue to meet the need and purpose of the project. The outcome of future traffic operations studies will need to revalidate the revised scope.

The proposed redefinition of the project meets the FHWA regulations outlined in the three general principles guiding the development of proposed highway projects in compliance with NEPA:

1. Connect logical termini and be of sufficient length to address environmental matters or a broad scope.
2. Independent utility or independent significance
3. Not restrict consideration of alternatives for other reasonable foreseeable transportation improvements

The updated traffic forecasting analysis approved by Caltrans in June 2013 is supportive of

Mr. Matt Machado
January 14, 2014
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having the logical termini for the western terminus located in the vicinity of McHenry Ave, rather than at SR99. As the project moves forward throughout the project development process, the PDT will need to evaluate the traffic needs and impacts, and document the results and recommendations in the Traffic Operations Report. This will ensure an acceptable level of service for this facility during the 20-year design life and affirm the concept of building an expressway instead of a freeway for the entire length of the proposed project.

It is advised that a letter be sent to all of the participating agencies notifying them of the recent changes and that these changes be presented to the public through a public information meeting(s). Additionally, the alternative screening analysis should be refreshed to ensure that the alternatives carried forward meet the purpose and need.

As stated in previous correspondence from Carrie Bowen, dated October 24, 2012, Caltrans requests your commitment and support for an access controlled, capacity improvement project for SR 219 from SR 99 to McHenry Avenue in your Tier 1 Regional Transportation Plan.

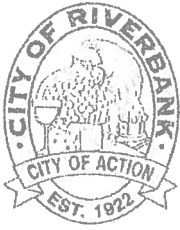
Caltrans looks forward to continuing our partnership with the North County Corridor Transportation Expressway Authority to develop and implement a much needed solution for an alternative highway around the communities of Riverbank and Oakdale.

Please contact the Project Manager, Joy Pinne at (209) 948-7854 if you have questions or would like to setup a meeting to discuss.

Sincerely,


AMARJEET S. BENIPAL
Acting District 10 Director

Cc: Dinah Bortner
Margaret Lawrence
Joy Pinne
Ken Baxter
Bill Farnbach
Carlos Yamzon
Rachel Falsetti
Tim Craggs



City of Riverbank

**6707 Third Street • Riverbank, CA 95367-2305
Phone: (209) 869-7101 • Fax: (209) 869-7100**

January 14, 2014

Mr. Matt Machado
County Engineer
Stanislaus County
1010 10th Street
Modesto, CA 95351

Re: North County Corridor and the Current Status of the Preferred Alignment

Dear Mr. Machado:

Riverbank greatly appreciates the role Stanislaus County is playing in managing what will be an important future transportation link for the North County. The City of Riverbank has and will continue to play an active role in the planning of the North County Corridor. Your efforts to balance the various needs of each jurisdiction as this project moves forward are recognized. Riverbank continues to appreciate the time and attention you and your staff have personally dedicated to us to explain the current and future design aspects of this project. I especially appreciate you meeting with us today.

Starting with our initial commitment in 2007, Mayor Crifasi made it extremely clear how important the Crossroads Commercial project is to the financial stability of Riverbank. JD Hightower, former Director of Development Services for the City of Riverbank, made it clear the importance of job generating land uses projected east of Claus Road, including the re-use of the Riverbank Army Ammunition Plant and potential new industrial development on lands east to Eleanor Ave. Riverbank's position has never changed and the City looks forward to a transportation project which balances all of the competing land use interests.

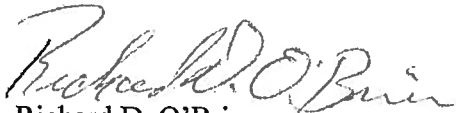
The purpose of this letter is to emphasize concerns related to recent exhibits shared by the County which illustrate current plans for the North County Corridor (NCC) as it passes between the planning boundaries of Riverbank and the City of Modesto. Certainly, this segment of the NCC is much different than any other aspect of the transportation project in that its character is urban as opposed to rural. I remain very concerned that the proposed placement of the Urban Interchange at Oakdale Road and that the existing Claribel Road will somehow serve as a future frontage Road that terminates before McHenry. Either one of these choices are unacceptable alignments.

Furthermore the proposed alignment of the "New" Claribel Road and its terminal intersection with Claus Road at the Riverbank Industrial Complex is contrary to Riverbank's needs. The existing Claribel Alignment should serve as the NCC as it passes through Riverbank much like Kiernan Ave west of McHenry will serve as State Route 219. This includes appropriate access to the expressway to facilitate planned and existing business. Riverbank can only support an alignment which preserves appropriate access to existing and future businesses along Claribel Road.

It seems that the desire to transport goods and services from east side of the County to Hwy 99 to the west could potentially constrain the transportation requirements of Riverbank's goods and services. In addition, the proposed alignments through Riverbank suggest an approach that could destroy our ability to promote jobs and retail sales in Riverbank, as well as the adjacent communities. Riverbank has established strong business relationships along Claribel Road which have been critical to the economic survival of our City. I am very concerned about the future of these businesses, as well as the planned investments in the Riverbank Industrial Complex.

Riverbank strongly suggests that we take a careful look at the current alignment plans and that new transportation system alternatives be developed which equitably balance the needs and interests of all parties involved in the NCC.

Respectfully,



Richard D. O'Brien
Mayor of Riverbank

CC: Jill Anderson, City Manager
John Anderson, City Planner
Supervisor William O'Brien
Stan Risen, County CEO

FEB 18 2014 PM 12:45

Matt Machado
Dept of Public Works
1716 Morgan Road
Modesto, Calif 95358
Re: North County Corridor to Highway 120

Feb 11, 2014

Dear Matt:

In the spirit of constructive criticism, I make the following comments. The construction of the North County Corridor should have two major objectives. #1 The rapid, smooth and safe flow of traffic on and off and through the corridor to connect Hwy 99 with Hwy 120 east of Oakdale. #2 It should have the least negative affect on the agriculture community as agriculture is the backbone of the economy in Stanislaus County.

I am strongly opposed to the use of a round-about to tie in the North County Corridor to Highway 120 east of Oakdale. The use of a round-about will create a severe traffic hazard to the orderly flow of west bound traffic that currently exists to say nothing of the future projected traffic volume. The speed at which current traffic flows in that area of Highway 120 where a large dip exists in the highway coupled with a rather sharp curve a short distance prior to the suggested round-about --- would lead to all kinds of severe traffic problems. The American driving talents are not use to a round-about on a state highway where fast travel is common.

On Hwy 120, there is a highway curve and dip (devils dip) a short distance from where the round-about would be. The west bound traffic, flowing at 50 to 60 miles per hour, coming up and out of the dip, not having a view of the ahead traffic, would have very little time to react to a slow down caused by a 20 mile per hour speed around a round-about ahead. The potential for collisions would be frequent, especially during times of inclement weather, fog and rain.

There is need for a more practical and safer Hwy 120 tie in to the corridor. I have sketched a farmer's thought on how to have a safer and easier smooth flow of fast moving traffic through this highway tie in, whether west bound or east bound. It is important to be thinking ahead to the next ten or twenty years as to what the future traffic flow on state Highway 120 may be rather than viewing only the current flow.

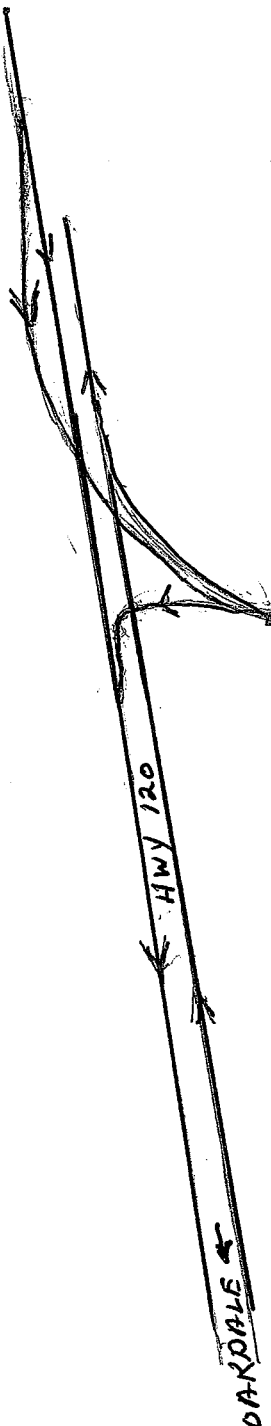
If the aforementioned comments may be constructive, I would further comment on the unnecessary removing of productive agriculture land. The east end of the corridor could easily follow the property lines between Gilbert and Hookstra and between Burchell and Creselius. This path would be the least disruptive to their ag operations and the least cost to the corridor construction. The cost savings could then be used and applied to a more reasonable and effective corridor tie in to Hwy 120.

I respectfully submit the aforementioned thoughts for your consideration.


Raegan Amerine

130000 Hwy 120, Oakdale, Ca 95361

SONORA



ALMOND

FOSTER

MODESTO

MAR 31 2014 PM 12:27

Scott Smith, Caltrans
North County Corridor
855 M Street, Suite 200
Fresno, CA 93721

March 17, 2014

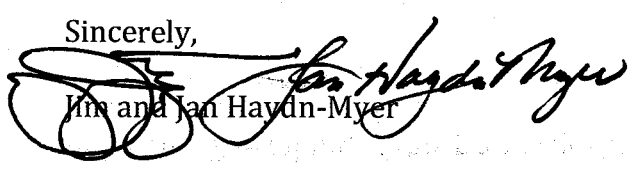
Dear Mr. Smith:

We have attended numerous meetings over the past three years regarding the North County Corridor. Our ranch lies in the path of route 1B. We have owned this ranch going on thirty years. Since purchasing it we have leveled the land, put in an irrigation system, fenced the fields, jacked up the barn to repair the footing, built a shop and corrals, restored the home, and landscaped the yard. We have bred, fed, and processed thousands of cattle over these past twenty-eight years. Our Warnerville Road ranch is the hub of our cattle operation. We hold and transition cattle year round at this location.

This prospective route cuts across the irrigated pasture that supports our livestock operation. Cutting off this portion of our property denies us access to both the 75-horse deep well and low lift pump connected to the OID canal, which together supply our irrigation water. During the irrigation season we manually start and stop water to the pipeline in the appropriate intervals to cover sets and comply with off-peak usage. Crossing an expressway on a four-wheeler would be unsafe and unlawful. The taking of this property eliminates all sources of water for irrigation and livestock usage. Water is the lifeblood of agriculture and to deny access would desecrate our ranching operation. Also, to reduce the size of our fields will diminish the carrying capacity of this ranch translating to lost revenue or no revenue. The land and water go hand and hand we need both to operate a successful business. God's not making any more land and water doesn't grow on trees so this project's route hits us where it hurts.

We respectfully request that route 1B not be considered.

Sincerely,


Jim and Jan Haydn-Myer

cc: Matt Machado P.E., Authority Manager
Colt Esenwein P.E., Project Manager

Wolfgang and Victorina Bach
4712 Oakdale Rd.
BOARD OF SUPERVISORS Modesto, CA 95357
April 23, 2014
2014 APR 28 P 2:22 mail: evbach@sbcglobal.net

Mr. William O'Brian, Supervisor, District 1,
North County Corridor Advisory Committee
Technical Advisory Committee
1010 10th Street, Suite 6500
Modesto, CA 95354

Dear Mr. O'Brian:

Dear Sir/Madam:

On April 14, 2014, we were surprised to meet Miss Amy Dunay and her two assistants on our driveway as we happened to walk there. They introduced themselves as surveyors for Dokken Engineering, which represents Stanislaus County. They showed us the most recent tentative proposal and map for the North County Corridor Project (SR-99 to SR-120). My husband and I were horrified upon seeing the new map, which indicated that our home and land will be destroyed. By this term we refer to 2 things: The plan calls for demolishing our house, and next it will bury our private pipeline from which we get MID water into our almond orchard. I commented to Ms. Dunay and her assistants that this will not happen because I will die in my house. My husband and I labored for 34 years to establish our home and land which has contributed so much to my recovery from 3 bouts of life threatening cancer and a near death experience. Our hope is that we can share this place with children that suffer from life threatening diseases and contribute to their healing, as they can appreciate 100 year old oak trees, herb plants and trees that are medicinal instead of a destroyed place.

We find the proposal so discriminatory and destroying to the community in favor of few corporations or influential individuals. First of all, why can't the county widen east Claribel Road to 3 or 4 lanes to ease traffic and save money? Why does the county's new Highway 120 Corridor have to bend out southward near Oakdale Road and back northward near Roselle Road - only then to re-merge with Claribel Road? Surprisingly, the present plan had been changed from the original County plan, as it now introduces 4 totally new curves. In this way the new plan has substituted an older variant that didn't show any curves whatever. Instead of having a beneficial effect, these 4 artificial south-and-back-to-north-bends in the new Corridor route lengthen the travel path of motorists for the next 100 years, not counting the injuries and fatalities that must come with traffic slowdowns and obstructed views in the road bends. The new routing between the Oakdale and Roselle Roads hurts the motorists, and it ends up destroying more people's homes, beside ours. This unnecessary approach is discriminatory and a waste of money, since it artificially lengthens a route beyond what's needed for perfectly straight 10 miles between the Highway 99 at Kiernan Ave. and Claribel Rd. - Bentley Rd., but now with 1 odd-crooked-mile thrown in between. We belong to the "badly-chosen" families to suffer

from this added 1-mile-malplacement stretch on which the County abandoned the usual road widening concept. What the county is doing is destroying communities in favor of few powerful and influential people and not for the public good. Please cancel your plan to destroy us.

Please forward this letter to the Transportation Expressway Authority, Technical Advisory Committee for NCC

Sincerely,

Victorina R. Bach, M.D.
Victorina Bach, M.D.

Wolfgang Bach, April 23, 2014
Mr. Wolfgang Bach

CC: Law Offices of Brunn and Flynn
928 12th Street, Suite 200, Modesto CA 95354

BOARD OF SUPERVISORS

2014 APR 28 P 2:22

Wolfgang and Victorina Bach
4712 Oakdale Rd.
Modesto, CA 95357
April 23, 2014
E-mail: evbach@sbcglobal.net

Re: Stanislaus County - North County Corridor Plan, Expressway Authority

To: North County Corridor Advisory Committee
Technical Advisory Committee
c/o Mr. William O'Brian, Supervisor, District 1
1010 10th Street, Suite 6500
Modesto, CA 95354

Dear Sir/Madam:

Please be informed that we are canceling /withdrawing our previous consent to any surveys on any part of our property located on 4712 Oakdale Rd., Modesto, CA 95357.

Sincerely,

Victorina Bach
Victorina Bach

Wolfgang Bach
Wolfgang Bach

April 23, 2014
April 23, 2014

CC: Dokken Engineering

Steven A. Herum
sherum@herumcrabtree.com

April 28, 2014

Colt Esenwein, Project Manager
North County Corridor Transportation Expressway Authority
County of Stanislaus
County Public Works Department
1716 Morgan Rd
Modesto CA 95358

Joy Pinne, Project Manager
Caltrans - District 10
1976 East Charter Way / East Dr. Martin Luther King Jr. Blvd.
Stockton, CA 95205

Re: North County Corridor Transportation Expressway Authority Project

Dear Mr. Esenwein and Ms. Pinne:

This office represents L.F. Bricchetto Farming, LLC. My client is vitally interested in the North County Corridor Transportation Expressway Authority Project (Project). By this letter I respectfully ask to receive advance written notice of all workshops, meetings, hearings, release of documents and other relevant activities of all government agencies involved in the planning, designing, approving and financing of the Project.

My client is interested in working with your agencies in a cooperative and interactive manner. However, at the same time, my client does not want the agency to proceed without being informed of alternatives and mitigation measures that may substantially lessen significant environmental effects and potentially reduce the overall costs of the Project. My client fears that if these concerns are articulated too late in the process reasonable environmental superior and less costly alternatives may not receive focused attention from the required environmental review.

While the project is still in the design phase it is difficult for my client to supply detailed comments. However, at the same time the agency is compelled to integrate environmental concerns during this phase of the process. Public Resources Code section 21006 makes CEQA "an integral part of any public agency's decision making process". CEQA Guideline subsection 15004(b) explains this obligation in greater detail:

(b)...EIRs...should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design...

(1) With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations in to project conceptualization, design, and planning...

(2) To implement the above principles, public agencies shall not undertake actions concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance. For example, agencies shall not:

...

(B) otherwise take any action which gives impetus to a planned or foreseeable project in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.

Controlling legal authority make clear that agency infidelity to this CEQA subsection constitutes a prejudicial abuse of discretion as a matter of law. *Save Tara v. City of West Hollywood* (2008) 45 Cal. 4th 116, 132; see also, *Friends of the Sierra R.R. v. Tuolumne Park and Recreation Dist.* (2007) 147 Cal.App.4th 643, 651.

We believe a slightly altered alternative Corridor 1A, that is a Corridor 1A that is designed and planned to be closer to the existing City of Oakdale eastern municipal boundary, is superior because it offers significant financial savings and lessens significant environmental impacts. Consequently an altered alternative Corridor 1A must be included as a formal alternative presented in the draft Environmental Impact Report.

From a practical standpoint, environmental concerns cannot be incorporated into the decision making process and a project's concept and design if an agency is committed to a form of the project before formal environmental review is undertaken:

[T]he later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early stage of the project.

Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal. (1988) 47 Cal. 3d 376, 395; accord *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal. App. 4th 1184, 1203 (2004) (dispensing with CEQA compliance at the earliest possible moment

April 28, 2014
Page 3 of 3

"generate[s] substantial economic and psychological pressures in favor of" a development proposal).

Therefore my client requests that a revised alternative Corridor 1A be identified as an alternative to the Project and studied in the draft Environmental Impact Report. We are willing to meet with you to discuss this alternative in greater detail.

Very truly yours,



STEVEN A. HERUM
Attorney-at-Law

SAH:lac

cc: Client