

**Torrey Pines Community Planning Board**  
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Date: November 18, 2010

Re: Draft EIR for the Interstate 5 North Coast Corridor Project

The Torrey Pines Community Planning Board (TPCPB) is taking this opportunity to respond to the California Department of Transportation – District 11 (Caltrans) Draft Environmental Impact Report (DEIR) for the Interstate-5 North Coast Corridor Project issued July 2, 2010. Pursuant to California Environmental Quality Act (CEQA) guidelines and as a Responsible Agency, we believe it is our obligation to provide feedback, observations, and critical analysis to the Caltrans – District 11. Our feedback will identify Omissions in the DEIR, Inadequacies in the submission, as well as Errors and Alternatives not considered. The TPCPB reserves the right to amend, under separate cover, this document as new details and research become available up until the end of the comment period ending November 22, 2010 or as part of the administrative record after public comment is closed.

On January 10, 1995 the Council of the City of San Diego adopted the Torrey Pines Community Plan and the certified Environmental Impact Report No. 92-0126. On February 8, 1996, the California Coastal Commission certified the Torrey Pines Community Plan Update and on April 16, 1996, the Council of San Diego accepted and adopted the California Coastal Commission's modifications to the Torrey Pines Community Plan.

The Executive Summary of the Torrey Pines Community Plan (TCP) states that "the vision of this community plan is to provide the highest possible quality of life for residents and businesses while preserving the community's unique natural environment." Furthermore, the Planning Area is a community "rich in environmentally sensitive resources." The community contains large areas of Torrey Pine trees, lagoons, wetlands, and canyons, which in turn provide habitat for several species of unique wildlife.

The TPCPB, as a duly elected agency, is responsible to both its current residents and future generations. Based upon the guiding principles of the Community Plan, the TPCPB are stewards for the land, air, and water and unique flora and fauna that live within and surround our community. What negatively impacts surrounding environments has a ripple effect on our fragile ecological systems.

The proposed I-5 North Coast Corridor Project provides one No Build alternative and four build alternatives along a 27-miles section of I-5, beginning at La Jolla Village Drive in San Diego and ending at Harbor Boulevard in the City of Oceanside at post mile 28.4/55.4. The 10+4 with Barrier Alternative is estimated to cost \$4.3 billion while the least costly, Build Alternative, 8+4 with Buffer, is estimated to cost \$3.3 billion.

The so-called No Build Alternative actually includes a number of construction projects including, interchange/operations/adjacent projects that would move forward under separate environmental documents. The I-5/SR-56 Interchange Improvements include the alternative, dubbed the "70 foot Flyover", adjacent to Pointe Del Mar and Portofino Circle. This project has been the subject of numerous Caltrans and Torrey Pines Community meetings and included a 3-d animation of the entire project including the 40 feet high retaining wall.

The \$90 million restoration of the San Dieguito Lagoon and River Valley provides a prime example of what can be done to rejuvenate damaged estuaries. Unfortunately, Caltrans is planning to widen the highway bridge some 39 additional feet, over the San Dieguito River on both sides, thereby, increasing noise, air, water and light pollution. The proposed project would result in significant unavoidable **adverse impacts**: to traffic, air quality, noise and greenhouse gases along the entire 27 miles.

The Torrey Pines Community Planning Board (TPCPB) comments will mainly focus on the proposed construction alternatives within its jurisdiction or community planning area. The relevant boundaries are the northerly San Diego City limits ( Via De La Valle), Interstate 5, and the Sorrento Valley Industrial Park, the Pacific Ocean and the city of Del Mar. Sensitive environmental settings include the watersheds associated with the Los Penasquito Creeks and the San Dieguito River and lagoons. Other protected environments within our boundaries include the Torrey Pines State Reserve and Extension and Crest Canyon.

Thanking you in advance for your careful consideration and review of the TPCPB's specific comments. We look forward to your detailed responses to our comments, which are as follows:

## Outline of Comments

- I. General Considerations and Comments
  - A. Torrey Pines Community Plan and its relationship to the Caltrans I-5 DEIR
    - 1. Transportation Element
    - 2. Visual Element
    - 3. Mass Transit Element
  - B. The City of San Diego General Plan –Mobility Element
  - C. SANDAG 2030 Regional Transportation Plan (RTP)
  - D. Omissions and Errors in Caltrans DEIR
    - 1. Generated Traffic and Induced Travel
    - 2. I-5/SR-56 Direct Connector Project
    - 3. Impacts to Property values and Tax Revenues
    - 4. Biased Data Analysis and Presentation
    - 5. Parking Strategies effect on Transit Usage
    - 6. Alternatives not Considered
    - 7. Impacts to Arterial Streets within the Torrey Pines Community
    - 8. Corridor of the Future –California Interstate 5 –Modal Characteristics 2010-2040

## II Comments on sections of the Caltrans DEIR

- A. Specific Projects
  - 1. Del Mar Hills School – I-5 Pedestrian Bridge
  - 2. Noise and Sound Walls Overview
    - a. Del Mar Hills School – Sound walls for Play ground and Athletic Fields
    - b. Non-Residential Cost Considerations
  - 3. View issues
    - a. Existing Scenic Resources Protection
    - b. Analysis of Key Views
    - c. Viewer Exposure - Tourism
    - d. Key View #2 and "Tunnel Effect"
- B. Cumulative Environmental Impacts
  - 1. Environmental Justice
  - 2. Climate Change legislation SB375 & AB 32 Compliance
  - 3. Atherosclerosis (hardening of arteries) and traffic pollution
  - 4. Asthma linkage to Freeway Pollution (ultrafine particles)
  - 5. Human Impact Assessment (HIA)

## III Conclusion

## I. General Consideration and Comments

### A. Torrey Pines Community Plan (TPCP) and its relationship to the Caltrans I-5 DEIR

The Torrey Pines Community Planning Board asserts that the DEIR is **in error** as it has inaccurately and improperly assessed how this project affects the Torrey Pines Community. In particular, Caltrans has inadequately documented the many ways in which this project is in direct conflict with the TPCP as detailed in the following sections.

#### 1. Torrey Pines Community Plan – Transportation Element

Page 43 of the TPCP, states that Torrey Pines Community faces the challenge of planning and developing a transportation system that **emphasizes mass transit**, without disrupting the community's unique environment and the lifestyle of its residents. On page 45 under Goals, item 2. "Ensure that transportation improvements do not negatively impact the numerous open space systems located throughout the Torrey Pines Community." Item 7, on page 46, is the key to this discussion - "Provide a transportation system that **encourages the use of mass transit, rather than building and/or widening roads and freeways.**" On page 11, under Issues, is the following "The **need to reduce auto trips** and improve air quality regionally through the implementation of transportation demand management strategies, transit oriented developments and other measures." (Highlighted to place emphasis on critical issues.) What mass transit alternatives have been considered that support the Torrey Pines Community Plan and reduce freeway auto trips in our community?

The Caltrans DEIR, in Chapter 3, comments on page 3.1-29 on the TPCP as to the plan, Project Considerations and Project Consistency. Under the Transportation element –Project Considerations, it is stated that "The proposed project would result in the loss of open space and vacant land adjacent to the existing I-5 right-of-way." Regarding Item 7, (mass transit), Caltrans states that "the project would improve would maintain or improve travel times and levels of service in the corridor."

The Torrey Pines Community Planning Board asserts that the Caltrans DEIR **is in error** and has misinterpreted or ignores the intent of the TPCP Transportation Vision. The proposed Build Alternatives are not consistent with the goals of the TPCP. The DEIR project causes further encroachment on residential neighborhoods and amenities including the Del Mar Hills Elementary School. This encroachment will raise noise levels along the project corridor and reduce air quality as a result of increased particulate matter and other by-products of automobile pollutants.

#### 2. Torrey Pines Community Plan – Visual Element

On page 58, the TPCP speaks to the issue of **Visual impacts** that include permanent landform change as a result of new cut slopes, fill slopes, bridge structures, traffic movement, and retaining walls. Under Residential Element on page 66, a stated Policy #4, is "Residential neighborhood's should be preserved and protected from encroachment by adjacent uses and the construction of public roads and utilities." How does this I-5 NCC project protect the residential Torrey Pines' neighborhoods?

This DEIR is particular lacking in its handling of Visual Impacts. Under Specific Proposals on page 31 of the TPCP, Item 4 clearly states that development adjacent to the lagoon should be designed to reduce visual

impacts and that development should be low profile and screened from view by landscape buffers. Under VISUAL RESOURCES on page 118 of the TPCP, the overview states “ the State Coastal Act states that the scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance.” The proposed project would result in permanent loss of 1.2 acres within the San Dieguito River Park (DEIR page 3.1-29) and the bridge over the river would be enlarged by 39 feet on both sides.

On DEIR page 3.7-35 –Impacts to Viewers on the Freeway, even Caltrans accepts that views from the freeway would be diminished in quantity and quality by the introduction of walls and visual access to the ocean views would be obstructed. Under the heading, Expansive Paving with Large Walls and Structures, Caltrans states that each build alternative would increase pavement **appearing to double the width** of the existing freeway. This would be done for the most part within the existing right-of-way envelope, proportionally displacing landscaped roadside areas and adding **large retaining walls**. It is not clear what private property outside this envelope would be taken within Torrey Pines. Caltrans implies that private land adjacent to Portofino Circle and Casa Del Mar Apartments- Ruelle le Parc could be taken for sound walls or the widening of Del Mar Heights road. The TPCPB asserts that the Caltrans plan’s are **in error**. How does Caltrans justify that the creation of 33 to 40 foot high retaining walls, which are not low profile and that, **adds enormous bulk and scale** within a natural public view shed, supports the Torrey Pines Community Plan? Changing land mass forms from sloping tree lined and vegetated hillsides too massive retaining walls creates a “tunnel effect”. Would this I-5 NCC project not forever alter the unique visual qualities of the Torrey Pines region? If not, why not?

### 3. Torrey Pines Community Plan – Mass Transit Element

The TPCP is very clear in its goal of supporting Mass Transit whether it is light rail systems, commuter rail or local bus service. The I-5 NCC Project supports the creation of more regular lanes coupled with HOV and Value Pricing for Managed Lanes. Value Pricing is another option under Managed lanes that allows single occupant vehicles (SOV) to pay to use the Managed Lanes. The long-term plans are to convert all HOV lanes into Managed lanes.

Would Caltrans agree that allowing single occupant vehicles to use Managed Lanes is counter productive to the much supported concept of car pooling? This issue will be discussed further under Environmental Justice. No supporting material is provided in the DEIR on how the bus transit concept will be funded for North County Transit District (NCTD) or Metropolitan Transportation Systems (MTS).

The Los Angeles-San Diego (LOSSAN) rail corridor is mentioned on Page: 5-16 but no details are provided as to how this double-tracking project would be funded. How would SANDAG fund this double-tracking and possible tunnel under I-5 when billions are being taken out of the Trans net gas tax fund to support the I-5 NCC expansion? How does the State of California plan to provide its portion of funding this project? The I-5 NCC DEIR fails to adequately inform the public of how this LOSSAN rail project in conjunction with adding more highway lanes would improve regional mobility. Why is there no quantified comparison of rail trips and vehicular travel? In Section 1.3, Need for the Project, Caltrans states that “ even with the proposed improvements to the rail corridor, capacity would not be sufficient to address anticipated travel demand along the I-5 corridor in 2030”. Why is there no data related to the reduction of diesel truck hauling that would be replaced with Freight movement along the LOSSAN? The TPCPB asserts that the I-5 NCC project which purports to provide a better service level, decrease congestion, and reduce travel time, is in fact a **disincentive to the public to use a multi-modal transit system**.

It is the intention of the TPCPB to further expand comments and critical analysis within Part II, Specific Projects and where possible provide antidotal evidence to refute assertions made by Caltrans within this DEIR.

## **B. The City of San Diego General Plan –Mobility Element**

The City of San Diego General Plan, March 2008, is another key official citywide document that relates directly to the I-5 NCC DEIR. Under section B. Transit First, starting on page ME-16, the city states that “a primary strategy of the General Plan is to reduce dependence on the automobile in order to achieve multiple and inter-related goals including: increasing mobility, preserving and enhancing neighborhood character, improving air quality, reducing storm water runoff, reducing paved surfaces, and fostering compact development and a more walkable city. Expanding transit services is an essential component of this strategy.” Furthermore, the Regional Transit Vision (RTV), adopted as a part of the 2030 Regional Transportation Plan (RTP), calls for development of a fast, flexible, reliable and convenient transit system.

The TPCPB asserts that the I-5 NCC DEIR is in error as it has inaccurately and inadequately assessed the degree to which this project fails to support the San Diego General Plan and actually detracts from accomplishing the Plan’s stated goals. To more fully assess the compatibility of this project with the City of San Diego General Plan, Caltrans and the DEIR needs to answer the following questions:

- Why does this project seek to encourage automobile travel by providing more General Purpose lanes?
- Why does this project include various configurations of Managed Lanes, which allow for single-Occupancy vehicles and therefore do not reduce the dependence on the automobile?
- How will the creation of massive retaining walls within Torrey Pines enhance or preserve neighborhood characters and what steps are planned to mitigate the destruction of scenic views in the Torrey Pines Community?
- As sound walls are not considered “feasible” by Caltrans, what are the anticipated effects on quality of life for the residents of the Torrey Pines Community?
- How does this project reduce **paved surfaces**?
- How does this project improve **air quality**?
- How does this project foster compact development or support the City of Villages strategy?
- Why has Caltrans designed this project to encourage regional sprawl and long commute distances by single occupant vehicles?

The DEIR is in error in claiming that this project supports Mass Transit. How can this project support mass transit if the San Diego –LOSSAN Rail Corridor improvements remain unfunded and if this project reduces available funds for such a project? Where are the MTS bus service plans that document the intent to provide services along this corridor in response to this project? What agreements are in place with MTS regarding mass transit services along this planned corridor as a result of this project?

## **C. SANDAG 2030 Regional Transportation Plan (RTP)**

The TPCPB contends that this project is in conflict with the goals and philosophy of the 2030 RTP and that the DEIR misrepresents the degree to which this project supports regional transportation goals of the SANDAG Communities. **The supporting statistical data and quotes are taken from the Executive Summary RTP, the complete RTP, the new Growth Forecast Update issued in August of 2008, and**

**MOBILITY 2030.** The I-5 NCC DEIR ignores the SANDAG 2030 RTP which states that “we can’t build our way out of traffic congestion.” Furthermore, “traffic congestion in San Diego will worsen over time unless we take actions to directly address travel demand and have options to get people out of their single occupant vehicles, especially during peak travel periods.”

The **Pillars** supporting the 2030 RTP and Mobility 2030 Plan states “during the next 30 years, we can expect more than a million new neighbors. We will create half million more jobs and need to build 340,000 new homes.” These are the statistical pillars that support the findings of the 2030 RTP. It is critical to examine how this growth will be supported.

#### **Philosophy espoused by the Mobility 2030 plan**

- Provide options to get people out of their single occupant vehicles, currently 80% drive alone.
- *The Most Bang for the Buck* –make the regional transportation network the **highest priority** for regional transportation **funding**.
- *Think before You Build* –evaluate all reasonable non-capital transportation improvement strategies **before pursuing major expansion to roadways**.
- *Smart Growth Carrots* –use regional transportation funding as an incentive for smarter land use.

The Pillars are no longer supported by the facts or philosophy behind the 2030 RTP. The more up to date 2050 RTP is much more in keeping with the ‘sea change’ in the everyday lives of residents in the San Diego region. This radical, fundamental transformation has evoked a profound change in our life style, economics, mode of transportation and where we choose to live. The TPCPB asserts that the I-5 NCC DEIR is based upon faulty traffic estimates due to a dramatic change in regional housing needs as outlined in the 2050 Regional Growth Forecast

**Projected Housing Needs** as detailed in the 2050 Regional Growth Forecast, as outlined in SB 375, requires that the Sustainable Communities Strategy (SCS) identify areas sufficient to house projected population growth within the region, and sufficient to house an eight-year projection of the regional housing need for the region as determined through the Regional Housing Needs Assessment (RHNA) process for the 2013-2020 housing cycle.

SANDAG’s October 19, 2010 Agenda for the Regional Planning Stakeholders Working Group has a thorough discussion of this topic on page 69 under Meeting Projected Housing Needs. The San Diego region has shown a significant increase in residential capacity since the preparation of the 2030 Forecast used in the 2030 RTP. “While the 2030 Forecast had an unmet need of nearly 100,000 homes to 2030 (which was addressed by **assuming significant interregional commuting into the region** from Riverside and Imperial Counties and Baja California, Mexico), the 2050 Forecast provides sufficient capacity to accommodate more than the estimated 388,000 housing units needed to house projected population growth, and result in **only minimal interregional commuting**.” “The 2050 Forecast shows that 80 percent of the 388,000 new homes projected to be built will be attached housing –with planned capacity of about 213,000 units at 30 dwelling units per acre and about 70,000 units at 20-29 unites per acre.”

With **only minimal interregional commuting**, why has Caltrans not taken these new projections into consideration?  
Caltrans I-5 NCC DEIR

How has Caltrans determined the regional transportation impact of increased housing density and the need for more mass transit opportunities versus freeway expansion?

The TPCPB asserts that Caltrans has failed to follow the guiding philosophy of the Mobility 2030 Plan especially the **“Think before You Build”** and **“The Most Bang for the Buck”**.

The following is a series of questions that need to be thoroughly explored and answered by the I-5 NCC DEIR.

The TPCPB considers this a necessary and critical step in determining that all alternatives have been scrutinized.

Although the DEIR is directly related to the widening of I-5, there should be a focus on the policy objectives established in the 2030 Mobility plan. It’s worth repeating that a key Mobility policy objective is to **“Minimize drive alone travel”**.

- **In what ways does this project align with the policy objectives of the SANDAG 2030 Mobility Plan?**
- **What will be the financial impacts of this project on real estate values, salability, and livability in the Torrey Pines Community and others within the corridor?**
- **For each alternative, how will noise be attenuated both during the proposed construction and final phase?**
- **What is Caltrans understanding of the expression “the Most Bang for the Buck” scenario?**
- **Why has the use of moveable traffic lane dividers, like those used on nearby I-15, not been included as an alternative to widening I-5?**
- **The EIR process should not be considered complete until all new relevant data and trends has been analyzed with special emphasis placed on viability of the 2030 MOBILITY plan.**
- **Has SANDAG’s commissioned report, Parsons Brinckerhoff for the 2050 Regional Transportation Plan entitled “Lessons Learned from Peer Regions” been reviewed, studied and applied to the proposed plans?**
- **To what extent have the recommendations of this above report been considered in the DEIR?**
- **In this above report, the Overarching Themes relates to reducing Parking requirements in transit-supportive communities. The Brinckerhoff report on page 28 states that “Abundant and inexpensive parking have proven to be key deterrents to transit use.” How does the prospect of future urban development with stricter and more limited parking impact the need for more general-purpose lanes or managed lanes?**

#### **D. Omissions and Errors in I-5 NCC DEIR**

##### **1. Generated Traffic and Induced Travel**

Why has DEIR omitted any source studies that counter the notion that building more highway capacity reduced congestion? The Torrey Pines Community Planning Board easily found scientific research that address this issue. For example, a June 4, 2010 report by Todd Litman of the Victoria Transport Policy Institute named **Generate Traffic and Induced Travel –Implication for Transport Planning**. All References and Information Resources can be found at [www.vtpi.org/gentraf.pdf](http://www.vtpi.org/gentraf.pdf)



In the Abstract section of this report, it is made crystal clear that if “road capacity increases, the number of peak-period trips also increases until congestion again limits further traffic growth.” The additional travel is called “generated traffic and consists of diverted traffic (trips shifted in time, route and destination), and induced vehicle travel (shifts from other modes, longer trips and new vehicle trips). Research indicates that generated traffic often fill a significant portion of capacity added to congested urban roads.

On page 2 of the Introduction, it states that “generated traffic reflects the economic “law of demand,” which states that consumption of a good increases as its price declines. Roadway improvements that alleviate congestion reduce the generalized cost of driving (i.e., the price), which encourages more vehicle use. Put another way, most urban roads have *latent travel demand*, additional peak-period vehicle trips that will occur if congestion is relieved.” The short-run benefit to drivers is a reduction in driving cost per mile. “Over the long-term induced travel represents an outward shift in the demand curve as transport systems and land use patterns become more automobile dependent, so people must drive more to maintain a given level of accessibility to goods, services and activities (Douglas Lee 1999).”

On page 4, Defining Generated Traffic, the statement that “Project planners are primarily concerned with traffic generated *on the expanded road segment*, since this affects the project’s congestion reduction benefits. Others may be concerned with changes in *total vehicle travel* (induced travel) which affects overall benefits and costs. Over the long term an increasing portion is induced travel. Adding roadway capacity can reduce the network’s overall efficiency, a phenomena called *Braess’s Paradox* (Youn, Jeong and Gastner 2008). Highway capacity expansion can induce additional vehicle travel on adjacent roads (Hansen, et al. 1993) by stimulating more dispersed, automobile-dependent development.” Would not the long-term impacts include increase automobile dependency which can led to degraded walking and cycling conditions, reduced public transit service quality and reduced respect for alternative modes of transport be the final unwanted outcome(s) of this I-5 NCC project?

Under the heading Measuring Generated Traffic, starting on page 6, are various studies that have examined the amount of traffic generated by specific projects. Cervero (2003a & b) used data on freeway capacity expansion, traffic volumes and geographic factors in California. He estimated that about “80% of additional roadway capacity is filled with additional peak-period travel, about half of which (39%) can be considered the direct result of the added capacity. Robert Noland (2001) found that 50% of the increased roadway capacity is filled with added travel within about 5 years and that 80% of the increased roadway capacity will be filled eventually. The medium-term elasticity of highway traffic with respect to California highway capacity showed that 60-90% of increased road capacity is filled with new traffic within five years (Hansen and Huang 1997). The research concludes, “it appears that adding road capacity does little to decrease congestion because of the substantial induced traffic” Hansen 1995). Table 2 Portion of New Capacity Absorbed by Induced Traffic, shows that Long-term (3+years) capacity is absorbed from an average of 60% to 90% over this time-span. What is even more troubling is the finds of Noland and Mohammed A. Quddus (2006) that ‘increases in road space or traffic signal control systems that smooth traffic flow tend to induce additional vehicle traffic which quickly **diminish any initial emission reduction benefits.**” Does not this I-5 NCC Project actually increase automobile and truck traffic and harmful emission in the long run? If not, then why does the DEIR not provide data to prove otherwise?

Under **Land Use Impacts**, “highway improvements tend to encourage lower-density, automobile-oriented development at the urban fringe, while transit improvements tend to encourage higher-density, multi-modal, urban redevelopment.”

Under **Counter Arguments**, starting on Page 22, Roy Kienitz, executive director of the Surface Transportation Policy Project stated that “Widening roads to ease congestion is like trying to *cure obesity by loosening your belt.*” Highway expansion advocates ignore or severely understate generated traffic and induced travel impacts. Advocates claim that roadway ‘capacity expansion reduces fuel consumption, pollution emissions and accidents,

because they measure impacts per vehicle-miles and ignore increased vehicle miles. As a result they significantly exaggerate roadway expansion benefits and understate total costs." Some highway advocates 'suggest there are equity reasons to subsidize roadway capacity expansion, to allow lower-income households access to more desirable locations, but most benefits are captured by middle- and upper income households (Deakin, et al. 1996).

Under **Alternative Transport Improvement Strategies**, page 24, a **"No Build"** option may become more attractive since peak-period traffic volumes will simply level off without additional capacity. "This can explain why urban commute travel times are virtually unchanged despite increases in traffic congestion, and why urban regions that have made major investments in highway capacity expansion have not experienced significant reductions in traffic congestion (STPP 1998).

The Generated Traffic study ends by asking, "Would you rather spend a lot of money to increased road capacity to achieve moderate and temporary congestion reduction and bear higher future costs from increased motor vehicle traffic, or implement other type of transportation improvements? The preference for road building might disappear." Caltrans is asking people Do you think traffic congestion is a serious problem? And then saying the I-5 NCC solves congestion problems by expanding the roadway.

Under CEQA Guidelines 15151, a "good faith effort at full disclosure" must be made. "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Caltran has failed to exercise "careful judgement" based on available "scientific and factual data" as required by CEQA Guideline 15064(b). Furthermore, Caltrans has a legal duty to consider alternatives and is not conditioned upon project opponents demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40).

The TPCPB asserts that Caltrans has failed to provide this 'good faith effort' and has ignored a vast body of evidence that supports the superiority of the "No Build" alternative as compared to any of the other I-5 NCC Alternatives.

The TPCPB considers the DEIR to be in error and to have a major omission in its failure to factor in the concept of generated traffic into the project analysis. In addition to addressing this major omission, the TPCPB seek a response to each of the following questions:

Why has the well-established concept of generated traffic and induced travel been ignored?

How would consideration of these concepts alter the claimed benefits of this project?

What would be the additional carbon load and GHG emissions resulting from generated traffic and induced travel?

What would be the additional fuel consumption resulting from the generated traffic and induced travel?

## **2. I-5/SR-56 Connector Project**

In Chapter 3 of the I-5 NCC, on page 3.25-4 /Table 3.25-1: Cumulative Projects, the I-5/SR-56 Direct Connectors are listed as Caltrans Project 11. Why was Project 11 not included under S.8 Other Projects and Considerations on page S-16? The Torrey Pines Community Planning Board has two seats on the Caltrans I-5/SR-56 subcommittee and has been involved for several years as active participants. Even under the I-5/SR-56 "No Build" Alternative, it states that the project includes the completion of the I-5 NCC project. If the I-5 NCC project is not built the I-5/SR-56 project would not move forward. Caltrans has failed to apply the Code of Federal Regulations (CFR) – Title 40: Protection of Environment, Chapter V, Part 1502.4 (a)- Federal actions requiring the preparation of environmental impact statements, correctly. Part 1502.4 (a) states "Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined. Agencies shall use the criteria for scope (1508.25) to determine which proposal(s) shall be the subject of a particular statement. Proposals or parts of proposals which

are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.” Part 1502.4 (b), states that “agencies shall prepare statements on broad actions so that they are relevant to policy and timed to coincide with meaningful points in agency planning and **decisionmaking**.” Part 1502.4 (2) states that “generally, including actions which have relevant similarities, such as common timing, **impacts, alternatives, methods of implementation**, media, or subject matter.” How does this I-5 NCC project comply with 40 CFR 1502.4, when the I-5/SR-56 Direct Connectors, Project 11 is not included?

The TPCPB asserts that Caltrans has failed to properly include the I-5/SR-56 Direct Connectors, Project 11, as an integral component of the I-5 NCC DEIR as outlined in 40 CFR 1502.4. Caltrans needs to provide the I-5/SR-56 Direct Connectors documents that clearly shows that the original funding for this project was at a much higher level (approximately \$300 million). The revised project has been substantially reduced to around (\$110 million) as costs for this project has been absorbed into the I-5 NCC project.

How is the failure to include full consideration of the I-5/SR-56 Connector project in the DEIR not considered to be a **significant omission**?

### **3. Impacts to Property Values and Tax Revenue**

In the Community Impact Assessment technical Study for I-5 NCC, Caltrans states that “ there would be no residential or business displacements within San Diego that would directly affect property values.” How is this not a patently false assertion? Residents along this project corridor are already contemplating negative property value impacts as a result of the mere consideration of this project.

Residential properties immediately adjacent to I-5, in addition to those properties that would experience a partial loss of land to the proposed alternatives, will likely experience direct negative effects to property values as a result of I-5 NCC expansion. Residential areas that would become closer to I-5 and the proposed retaining walls and sound walls, especially if these walls are built on easements donated by property owners, could experience a decrease in property values.” Caltrans then makes a disingenuous statement that “ **it may be possible that the proximity to I-5 and installation of sound walls would improve property values**, creating an environment with reduced traffic-related noise and a relative separation from the freeway. “ Caltrans claims that “ when viewing the proposed project along the entire I-5 NCC and the improvement to the region as a whole, property values will likely improve.” Where is the realistic data to support this dubious contention?

The TPCPB asserts that Caltrans is **in error** in stating that proposed sound walls would improve property values. Of the 15 sound walls proposed in Torrey Pines, 13 will **not be built** as the construction related cost(s) exceeds the calculation for Allowance. The other two sound walls S543 and S567, would only be built if the owner gives up property for an easement and access for maintenance. How can Caltrans claim property values would improve due to decreased noise when there will be only 13% of the walls will be built? How does Caltrans justify calling these impacts of being closer to I-5, increased Noise, and pollution as indirect effects on property values? The TPCPB requests that a study be commissioned to ascertain, what the estimated short and long-term impact to property values would be within San Diego and the entire I-5 NCC. This study should include all properties within 1,000-feet of the I-5-NCC project. How is the absence of such analysis not considered to be a significant omission?

Caltrans states under Impacts to Tax Revenue, 3.2.1.5, that “impacts associated with the removal of residential and business property by ROW takes can result in losses to property and sales tax revenue for the local jurisdictions. This loss in tax revenue is usually minimal, however, with many homeowners relocating within the municipality and continuing to pay taxes after resettling.” “No properties within San Diego would be removed and thus no adverse tax revenue impacts.” The TPCPB asserts that Caltrans is in error and has not taken into consideration the impact of property value reduction’s owing to the I-5 NCC project’s closeness to large tracts of high value residential homes bordering I-5. Why should Caltrans not provide a study that addresses this future loss of property value and the estimate percentage loss of residential value? Why should this study not correlate this percentage to a dollar

figure in lost property taxes within the City of San Diego? Why has Caltrans failed to provide the research that supports their statement that most people relocate within the same jurisdiction? And if they do where do the taxpayers they dislocate move? Or is Caltrans suggesting bigger freeways lead to new development and regional sprawl?

#### 4. Biased Data Analysis and Presentation

The I-5 NCC DEIR contains many examples of bias and fails to present a balanced and rigorous assessment of potential impacts of this project as required explicitly by the National Environmental Policy Act (NEPA) and CEQA. The DEIR is unacceptable in its entirety and various technical studies supporting the DEIR have used flawed biased methodologies that greatly underestimate the likely impacts of this project.

For brevity, a few examples of bias and error are described here and only represent a small fraction of the misleading and incorrect statements that are not supported by facts or study. On Page S-8, Caltrans claims that reconfiguration would “improve and facilitate connectivity between communities east and west of I-5 in locations that have been previously bisected by the freeway.” Exactly what does Caltrans define connectivity to mean? What tangible evidence is provided to the reader? What studies have been provided to support this claim? What community input, in the Torrey Pines and Carmel Valley area, is available to support that connectivity is in fact an issue?

In Section 1.3.1, Caltrans states “there have been minimal improvements to the existing interstate facility since the original construction.” How is this statement not self-serving and factually false? Caltrans has just finished adding car-pool lanes in several sections of the I-5 NCC project. What does Caltrans call the I-5/805 merge? Why has Caltrans excluded millions of dollars of improvements from this discussion? The TPCPB requests a complete accounting of all capital costs associated with the I-5 NCC. Why has Caltrans failed to include detail statements and conclusions from the Final Environmental Impact Statement – I-5 Widening and Interchange Improvements in San Diego that clearly refutes the assumption that only minimal improvements have been performed to date?

The National Environmental Policy Act (NEPA), under Title 40 Sec. 1502.14, is very clear on what actions must be taken when preparing a DEIR. “This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental Consequences (Sec. 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

- (a) Rigorously explore and **objectively evaluate** all reasonable alternatives, and for alternatives, which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- (b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
- (c) Include **reasonable alternatives not within the jurisdiction** of the lead agency.
- (d) Include the alternative of no action.
- (e) **Identify the agency's preferred alternative or alternatives**, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- (f) Include appropriate mitigation measures not already included in the proposed action or alternatives.” The I-5 NCC DEIR has largely avoided addressing these mandatory items under NEPA.

What are Caltrans' answers to the above items a-f?

In addition, the Council for Environmental Quality highlights the “40 most asked questions.” about NEPA including the following questions and answers.

Q. “4c. Who recommends or determines the **“preferred alternative?”**”

“A. The lead agency's official with line responsibility for preparing the EIS and assuring its adequacy is responsible for identifying the agency's preferred alternative(s). The NEPA regulations do not dictate which official in an agency shall be responsible for preparation of EISs, but agencies can identify this official in their implementing procedures, pursuant to Section 1507.3.

Even though the agency's preferred alternative is identified by the EIS preparer in the EIS, the statement **must be objectively prepared and not slanted to support the choice of the agency's preferred alternative over the other reasonable and feasible alternatives.**”

The DEIR recognizes that environmentally the I-5 NCC project “will have “ potential significant environmental impacts to: wetlands and other waters of the U.S., threatened and endangered species and their critical habitats, sensitive plants and animals, and **visual/aesthetics**”. The DEIR does a poor job in identifying potential impacts from Noise, GHG, the taking of property by eminent domain and community cohesion. Why does the DEIR fail to fully explore other alternatives, such as LOSSAN rail option, in any meaningful way?

The TPCPB asserts that Caltrans has not provided the public with a clear understanding of which Alternative is Preferred and has dismissed other non-highway solutions by failing to provide adequate supporting details. The DEIR, as presented, fails to follow the edicts of NEPA and CEQA in either form or intent and should be withdrawn.

## **5. Parking Strategies effect on Transit Usage**

The I-5 NCC DEIR omits any serious consideration of the impact that Parking Strategies have on Transit Usage. SANDAG has done considerable research on parking restrictions/policies as an inducement to increase transit usage and transit mode share. Why has Caltrans failed to include information from SANDAG's 2010 *Parking Policies for Smart Growth*? How is it not first reasonable to work in collaboration with affected communities through out San Diego County, and develop guidelines for parking availability and pricing for various jurisdictions before presenting the I-5 NCC project? How would it not make more sense to first initiate regional educational programs regarding the effects of free parking on congestion and mode choice?

Smart Growth studies and experience across the country and including SANDAG's 2010 *Trip Generation for Smart Growth* study, have concluded that smart growth development leads to a “reduction in vehicle trip generation and a higher transit, pedestrian and bicycle mode share.” Why does this I-5 NCC project fail to support the SANDAG Smart Growth policies?

Caltrans has excluded any mention of “form-based building codes” which SANDAG supports. SANDAG was established a regional policy basis for adoption of local form-based codes through its Smart Growth Design Guidelines including Multimodal Street –“ describing how to create streets that balance the needs of all modes of transportation.” Why has Caltrans failed to review this policy?

## **6. Alternatives not Considered**

The Melbourne Australia CityLink is an outstanding example of how **imaginative design** can tackle a problem (sound mitigation) and produce a practical and attractive solution. Its main structural element is a pair of sweeping, curved and tapered C-shaped elements that are 140 feet wide and soar to 26 feet above the middle and is 985 feet long. It is done in a galvanized steel finish. Why has Caltrans chosen standard acoustic walls that are unsightly and do not effectively attenuate proposed freeway noise? Why wasn't a similar sound tube considered for the I-5 NCC portion running through Torrey Pines?

Why has Caltrans failed to consider the alternative of **cars-only parkways** that were developed around New York, Connecticut and the Washington DC area. Such parkways can be built with narrower lanes and lower overhead clearance at underpasses. All car roads can be designed with more forgiving standards for sight distances, curvature, grades, and ramp design. The weight mismatch between tractor-trailers and a car makes many collisions fatal to car occupants. Why has Caltrans failed to consider **truckways** that would separate cars from trucks and allow for Longer Combination Vehicles that can haul up to 50 % more payload? Many more **Innovative Roadway Design** features can be reviewed in Peter Samuel's report called Reason Foundation - Innovative Roadway Design –Making Highways More Likable. This paper states that “ many of our highways have **gotten too big**, not because anyone wanted them to be that way, but because widening existing highways was the **simplest thing to do.**” “Highways needn't get ever wider.”

The TPCPB asserts that the I-5 NCC project has failed to consider innovative design alternatives and has not met the standards set forth under CEQA. Furthermore, Caltrans has a legal duty to consider alternatives and is not conditioned upon project opponents demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40). Why was Caltrans failed to consider innovaitve design alternatives?

## 7. Impacts to Arterial Streets within the Torrey Pines Community

How is it not reasonable to conclude that the I-5 NCC Project will force additional traffic to the major and minor arterial streets in the Torrey Pines Community? Won't this happen at two different phases of the project?:

1. During construction, I-5 users will opt for surface streets that would allow them to avoid traffic and avoid unsafe travel conditions.
2. Upon completion of the project, the increased volume of I-5 travelers will introduce more traffic to the arterial streets.

Isn't the increased arterial traffic in the Torrey Pines area, strictly a result of the I-5 NCC Project? It is not contributed to by the population of Torrey Pines or the City of Del Mar. The populations of Torrey Pines and Del Mar will not substantially increase in the future. These communities are mature in the sense that there is very little developable land remaining. Our communities will not be contributing to the increased traffic conditions; but we will be living with the results of being forced to deal with more traffic on our arterial streets.

It is stated in section S.4 on page S-3 of the I-5 NCC DEIR that “Project documentation, therefore, has been prepared in compliance with both CEQA and NEPA.” But the DEIR omits any consideration for the indirect impacts of arterial traffic for the following reasons:

1. The DEIR does not study or present any facts associated with this “foreseeable impact” caused by additional traffic and associated with the dated infrastructure of the Torrey Pines neighborhood.
2. The DEIR does not present or analyze any alternative or mitigation measures to help the community understand the indirect traffic impacts of the Project.

Since Caltrans must comply with CEQA guidelines, as stated above, the following sections of the CEQA guidelines must be addressed:

- Under CEQA 15064, “An indirect physical change is to be considered only if that change is a reasonably **foreseeable impact** which may be caused by the project.”

- Under CEQA Guidelines 15151, a “good faith effort at full disclosure” must be made. “An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” Caltrans has failed to exercise “careful judgement” based on available “scientific and factual data” as required by CEQA Guideline 15064(b). Furthermore, Caltrans has a legal duty to consider alternatives and is not conditioned upon project opponents demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40).

Why are the above guidelines not being addressed in this DEIR?

The Torrey Pines Community needs to understand how our major arterial streets will be impacted. Also, we need to understand how Caltrans alternative plans will mitigate these harmful traffic impacts. The following questions need to be answered:

- How has Caltrans budgeted dollars outside of the I-5 NCC project to improve traffic for our arterial streets?
- How does Caltrans plan to aid in the implementation of a mass transit project(s) to ease traffic on our arterial streets?
- How does Caltrans plan for the expansion of current Park and Ride systems along the I-5 corridor that will lessen traffic impacts on Del Mar Heights Road, Carmel Valley Road, and Via de La Valle Road?
- Has Caltrans discussed the traffic impacts within the Torrey Pines Community with the City of San Diego and Councilmember Lightner? If so what were the results?

#### 8. Corridor of the Future – California Interstate 5 – Modal Characteristics 2010-2040

The I-5 NCC DEIR notes on page 1-11, that on September 10, 2007, the U.S. Department of Transportation announced six interstate routes to be part of a development plan to help reduce congestion. This federal initiative was entitled Corridor of the Future. The modal concept included “**building truck-only lanes and bypasses.**” On page 106 (112/154) of the U.S. Department of Transportation study under Freight Growth, the Freight Analysis Framework (FAF) identifies projected freight volumes and flow to the year 2020. This FAF is a tool used to “assist in matching infrastructure supply to demand and for assessing operational strategies.” “In 1998 over 1.1 billion tons of freight was moved to, from and within California by truck freight, more that 81 percent of all freight by mode type. The FAF projects that by 2020 highways will carry 83 percent of all freight and 73 percent of the total statewide value.”

Why has Caltrans failed to support this Federally funded I-5 initiative, which supports **building truck-only lanes and bypasses**?

What traffic congestion relief studies related to ‘weaving’ and truck traffic has Caltrans commissioned and reviewed?

Why has the I-5 NCC DEIR failed to provide a “**building truck-only lanes and bypasses**” alternative?

The TPCPB asserts that Caltrans has failed its legal duty to even consider Federal alternatives that support the California Interstate 5 Corridor of the Future. Caltrans has failed to exercise “careful judgement” based on available “scientific and factual data” as required by CEQA Guideline 15064(b).

## II. Comments on sections within the I-5NCC DEIR and Technical sub-reports

### A. Specific Projects within Torrey Pines

#### 1. Pedestrian Bridge Crossing at the Del Mar Hills Elementary School

On Page 2-36 of the I-5NCC, is a photo depiction of a Proposed Trail & Pedestrian Overcrossing. On Page 2-8 of the DEIR is the text related to the Pedestrian Overpass. Caltrans states that this overpass would "allow a safe route to school for students living on opposite sides of the freeway." the Westside of I-5 to Lower Ridge Road Furthermore, "it would provide the opportunity for a dramatic gateway marking the northern entry to San Diego."

In order to clarify the issue of why this project was included in the I-5NCC, we had to search for the Technical Studies related to this Overpass. These Technical Studies were not originally provided to the public. After several requests Caltrans supplied, paper copies of 28 technical Studies, amounting to 11,551 pages, which were never produced for inclusion with the DEIR paper copy provided to Carmel Valley and Del Mar libraries.

Also, after searching other Technical Studies, it became apparent that the **Notebook** was **not included** as part of the DEIR. Caltrans was notified of this deficiency and on August 6, 2010 an email link was provided to this Notebook. It is worth noting that this missing material was provided some 35 days after the DEIR release date of July 2, 2010.

The Technical Study, entitled "Community Enhancement Plan January 2008", under Project #3: Pedestrian Overpass Connection North of Del Mar Heights Road, contains descriptive text and the rationale for this bridge project. On Page 17 of 98, stated that this project would "allow an improved route to the school for students living on opposite sides of the freeway." "The bridge would incorporate aesthetic enhancements to improve the visual linkage between the communities, and provide the opportunity for a dramatic gateway marking the northern entry to San Diego." On page 18 of 98, the technical report notes that "the existing pedestrian conditions at Del Mar Heights Road are congested and unpleasant." The overpass would connect to Lozana Road on the western side of I-5 just south of the existing Del Mar Hills Elementary School. The final sentence of this rationale for the Project #3 states "see the I-5 North Coast Community Enhancement Plan Project Notebook."

Early on in this process of determining the rationale for this Overpass, the TPCBP contacted the Del Mar Union School District and the Northwestern Division of the San Diego Police Department. Both organizations were asked what they thought of the Pedestrian Overpass. The Del Mar Union School Board and the Police Department had no knowledge of this project and Caltrans had never contacted either group to solicit comments regarding the Overpass' appropriateness next to the Del Mar Hills School or safety concerns. Both organizations attended the July 22, 2010, TPCBP meeting with the school board member promising to get the school superintendent involved and made us aware that the children on the east side of I-5 attend Solana Beach School System not the DMUSD. Captain Rosario turned this issue over to their safety consultant, Mr. Parker, to research. The TPCBP provided access to all the Caltrans website materials that we had access to as of this meeting.

Mr. Parker issued a report on August 9, 2010, to the TPCBP Chair. The police consultant expressed concerns that this pedestrian bridge provided criminals with an additional path in and out of the connected neighborhoods. The possible effects of this to the residents and the personal safety risks to the public needed to be weighed against the benefits to them in determining whether the bridge



should be built. Furthermore, the nighttime curfew would prohibit the use of the overpass at night. This might require the installation of gates that would be locked at night. The DEIR states that the Overpass would be located south of the Del Mar Hills School. In fact the only way to access this proposed Overpass is through the school's parking lot. Mr. Parker stated that the bridge should be located where their approaches are clearly visible to people in the area. The proposed location of the Overpass does not meet this criterion.

The Project Notebook indicated on page 47 of 253, that Project #3 received a negative community score from the TPCPB at a meeting held March 9, 2006 at a Del Mar Elementary School. One of the recorded comments from that meeting was "what did the other neighborhood think (Carmel Valley)?" Why is the Notebook silent on that question? Another question from the group was what did this project cost. The construction cost on page 47 was \$5,000,000.00. The TPCBP is not aware of any follow-up communications from Caltrans after that meeting in 2006.

In the summary section of the DEIR, under S.6 Coordination with the Public on page S-4, it is stated that "early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process." The Torrey Pines Community Planning Board asserts that Caltrans has failed to follow its own primary goal of keeping the public informed and has failed to accurately research or portray information accurately. Under CEQA Guideline 15151, a "good faith effort at full disclosure" must be made. "An DEIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Caltrans has failed to exercise "careful judgement" based on available "factual data" as required by CEQA Guideline 15064(b).

Please explain how Caltrans DEIR has not failed to comply with the CEQA guidelines and its own guiding policy of fostering community involvement for the following reasons?:

- Why was Information (NOTEBOOK) excluded from the DEIR that prevented the decision-makers from making an intelligent decision?
- Why was data presented, as Factual, which in effect was erroneous, such as the need to connect to different school districts and the critical fact that the TPCPB had rejected the Pedestrian Bridge project?
- Why was Misleading data provided regarding the proposed location of Project #3 next to the Del Mar Hills School?
- Why has Caltrans failed to adhere to its Community Public Coordination policy by not contacting the Del Mar Union School District or the San Diego Police Department? It is unclear if either the Bella Del Mar Apartment on the West Side of I-5 or the East Bluff Condos on the East Side of I-5 were ever informed of this proposed project adjacent to their homes even back in 2006.
- Why has Caltrans failed to provide an Alternative solution to the problems with crossing the Del Mar Heights Bridge, such as upgrading the pedestrian crossings with traffic lights or a walkway over the on and off ramps?
- How has Caltrans considered the noise level on the bridge across 14 traffic lanes with tall retaining walls on each side reflecting the sound up to the bridge?

Caltrans should revise the DEIR and re-issue this document with **sufficient information to allow meaningful evaluation and analysis** by the public, which is a requirement under CEQA.

## 2. Noise Study and Sound Wall Overview

To understand the Caltrans decision-making process regarding all eighty-four sound barriers, you need to consider the evaluation process portrayed in the Noise Abatement Decision Report (NADR). This report is part of the I-5 NCC Technical Studies under the heading Noise Abatement Data Report Vol. 1 October 2007. On page 4 (10 of 166), the report states that “for many land uses that surround the interstate, noise levels are already at or above the Noise Abatement Criteria (NAC). Most of the noise comes from the traffic on the freeway rather than from background or local traffic noise.” Bear in mind that this 2007 report uses noise data obtained in 2004 that is prior to the addition of lanes between Del Mar Heights Road and Carmel Valley Road. On page 5, Feasibility Criteria, “the feasibility of a noise abatement measure is defined as an engineering consideration.” A minimum 5 dBA noise reduction must be achieved for the proposed abatement measure to be considered feasible.

The determination of reasonableness of noise abatement is considered more **subjective** than the feasibility criterion. The I-5 NCC DEIR provides a preliminary reasonableness decision based on factors and a reasonable dollar value is allowed per benefited residence. These factors are listed as abatement cost, absolute noise levels, noise level changes, noise abatement benefits, date of development along the highway and life cycle of abatement measures. “If the abatement can be constructed for a reasonable cost allowance, the preliminary reasonableness decision will be to provide abatement.”

On page 3.15-7, of the I-5 NCC, Segment 4 – Carmel Valley Road to Del Mar Heights Road indicates four (4) sound walls were considered and in Segment 5 – Del Mar Heights Road to Via de la Valle Undercrossing shows eight (8) sound wall locations. All twelve (12) sound walls were deemed **Not Reasonable**. Even though the sound walls would benefit the Del Mar Hills School and local residential units, the construction costs are considered too high versus the reasonable allowance. On page S-5, Table S-1 states that noise impacts are reported to be “Not Substantial with abatement.” In Section 4.3.2, Page 4-1, the conclusion that “implementation of proposed noise abatement would reduce noise impacts to less than significant” is a complete misrepresentation of the supporting details of the I-5 NCC Technical Studies. In the vast majority of cases sound walls are judged to be **economically infeasible**. How is the **Noise impact not retained** and why is this not considered, by Federal Guideline Standards, to be **harmful and significant**?

How has Caltrans justified this stance of claiming noise abatement and then not providing a common sense approach to mitigating the harmful impacts?

How is Caltrans using “common sense and good judgement” in putting cost considerations before children’s and adult’s health?

There are major concerns regarding the validity of the Noise Study used to support the I-5 NCC DEIR. Sound measurements for this study were conducted in 2004 but not released until April, 2007. The Caltrans website on Noise and Vibration Studies states that “implementation of Traffic Noise Model (TNM2.5) – The Federal Highway Administration (FHWA) published a Notice of Proposed Rulemaking on August 20, 2004 to change the national traffic noise model required for use on Federal Aid projects to TNM. In an agreement reached with FHWA, Caltrans has agreed to require all new project noise studies, beginning after January 15, 2005, to use TNM version 2.5 or later acoustic modeling of traffic noise. The exception to this requirement is for a reevaluation noise study of a project that was originally modeled using Sound 32 or Sound 2000.”

Caltrans failed to release the 2004 study on a timely basis, more than two years after report completion. Why were outdated modeling and measurement protocols used in the DEIR? The TPCPB contends that this noise study used outdated noise modeling methodology and that in light of the long interval between the collection of data and issuance of the report, Caltrans had more than sufficient opportunity and reason to analyze the sound data using new FHWA guidance. Significant roadway projects have been completed along the I-5 NCC corridor after the 2004 study which means that the new Federal TNM2.5 should have been used. Furthermore, Sound2000, is a one-dimensional sound model that does not take into consideration the proposed changes to the profile of cut sections of the I-5 NCC project. The modeling has assumed that the project does not change the road profile. How does Caltrans reconcile this assumption with the fact that the alternatives being considered all replacing the sloping soft vegetated slopes with vertical hardscape features including 40 foot retaining walls and double the road surface? In what ways would these changes in road profile not be considered significant?

The TPCPB considers the DEIR to be in error in the application of the Sound2000 noise model as the modeling contains significant assumptions that are not true, and uses an outdated methodology.

**2.a. Del Mar Hills School – Sound walls for Play ground and Athletic Fields**

The I-5 NCC Noise Study Report April 2007, provides the supporting details, methods and procedures use to evaluate Noise conditions at the Del Mar Hill Elementary School, located at 14085 Mango Drive, Del Mar (San Diego). In Section 5.0 , Study Method and Procedures, Caltrans states that “ all measurement sites were selected so that there would be no unusual noises from sources such as dogs, pool pumps, or children that could affect the measured levels.”

On page 26 of this technical study, Table 6-4 – Classroom Noise Measurement indicates that site ST5.3A (Del Mar Hills School) showed Exterior Measurement of 57.1 dBA and Interior sound level of 55.0 dBA. A footnote states that “ the actual building attenuation at Site 5.3A could not be determined due to a noisy central HVAC system, and an **average of ST6.5A and ST17.1A building attenuation was utilized instead.** “ Site ST6.5A is the Santa Fe Montessori School in Solana Beach while site ST17.1A is the Saint Patrick’s School in Carlsbad. The TPCPB asserts that Caltrans was **in error** using noise conditions from other school locations taken on a different day (9/22/04 versus 9/23/04) and time(s). Why did Caltrans fail to retake noise measurement at the Del Mar Hills School? As Caltrans failed to follow its own procedures and that of the FHWA, Table 6-4 should be redone for all 5 schools in the sample. Furthermore, testing should have been done for all 40-school locations deemed as Sensitive Receptor. Why was such a small sample chosen?

The most telling failure of this Noise Study occurs on page 12 under the caption 6.0 Existing Noise Environment – Model Calibration. Caltrans states that “since there will only be lane additions to the I-5 project **without any major changes to the profile of the existing alignment**, it is appropriate to calibrate the traffic noise computer model using the measured field data.” Caltrans has proposed a 40 foot high retaining wall starting at Del Mar Heights Road going North on both side of the I-5 NCC project. How is Caltrans Noise Study adequate in forecasting the future noise generated by this 40 foot wall and removal of a of sloping soft vegetated slopes directly across the I-5 from the Del Mar Hills School? Why was sound reflected from the vertical walls on the opposite side of the road ignored?

The TPCPB asserts that Caltrans was failed to provide the community with accurate noise data and studies. The TPCPB requests that the Noise Study be redone and analyzed by current standards. If Caltrans refuses to provide this new data, why? And how under what Federal Highway Administration guidelines is this erroneous data acceptable?

### **2.b. Non-Residential Cost Consideration – Del Mar Hills School**

Reasonableness allowances may be calculated for exterior non-residential land uses as indicated in the Caltrans Traffic Noise Analysis Protocol of August 2006. Frontage units measurements were provided for Soundwall S563 (Del Mar Hills Playground) and Soundwall S565 (Del Mar Hills Athletic Field). On page 15 of the 2006 Protocol, it is stated that “this approach is intended to provide non-residential land uses with the same degree of abatement consideration that is provided for residential uses”. These playground and athletic fields are considered Activity Category B on page C-7 of the Protocol. On page 52 of the I-5 NCC Noise Study Report, under Soundwall S565, it states that “this soundwall would not provide abatement to any classroom.” Why has Caltrans ignored the fact that the San Diego Boys and Girls Club has a facility at the end of the athletic field? Is this not considered a classroom type environment?

The TPCPB would like to emphasis that the Del Mar Hills School has over 400 students and 30- 40 staff and teachers. The playfields are in constant use for sporting events almost year round. Also the San Diego Boys and Girls Club uses the Del Mar Hills playfields. As part of the Reasonableness Criteria, item h. Views/opinion of impacted residents and item i. Public and local agencies input, are to be considered as part of the **subjective** criterion. “This determination requires **common sense and good judgement** in arriving at a decision to construct noise abatement measures.” Would Caltrans agree with the TPCPB that cost should not be a major factor when all the facts surrounding the Del Mar Hills School and San Diego Boys and Girls Club are considered? If not please state the specific reasons and criteria used to reject the Noise Barriers S563 and S565?

In the Preliminary Noise Abatement Decision Report (NADR), on page 6, under the heading Construction Costs, it states that the Caltrans 2005 Contract Cost Data (CCD) book is published annually by Caltrans Division of Engineering Services – Office Engineer. Furthermore, the Noise Study Report dated April 2007 by Parsons was prepared for this I-5 NCC project. Why has Caltrans used outdated materials to prepare the Noise Barrier Reasonableness Cost Allowance versus Estimated Costs? If current Contract Cost Data were used, what would be the total cost impact on the I-5 NCC project? Why has Caltrans failed to provide the Noise Barrier Estimated Total Cost details?

### **3. View Issues**

#### **a. Existing Scenic Resources Protection**

On page 63, of the I-5 Visual Impact Assessment – Existing Scenic Resources, Caltrans clearly states “ the I-5 corridor within the project areas is part of the California Scenic Highway System and is eligible for designation as an Official Scenic Highway. If a highway is listed as eligible for official designation, care must be taken to **preserve** it eligible status”. According to the Caltrans Standard Environmental Reference, “all highway projects must be reviewed for scenic resources.” Caltrans has identified the following as Scenic Resources: The Pacific Ocean, Coastal Wetlands, Torrey Pines State Reserve, Coastal Bluffs, Agricultural Land, Encinitas and Leucadia Hillside Neighborhoods, Del Mar Racetrack and Fairgrounds, and Encina Power Station. On page 78,

Caltrans states that “the project area is within the California Coastal Zone, is part of the California Scenic Highway System, and has been **designated by Encinitas and Carlsbad as a scenic corridor.**” The City of Encinitas General Plan has designated I-5 at the San Elijo lagoon as a scenic corridor. It has also identified the entire I-5 corridor within the city limits as a Scenic View Corridor. The City of Carlsbad was taken this same approach. The City of Del Mar General Plan speaks directly to the issue of keeping the “quality of sea-side communities like Del Mar are appreciated by people of all California and even of nearby states.”

In 1972, Proposition 20 –“Save Our Coast” was passed by California voters. This proposition created the California Coastal Commission, and in 1976, the Legislature adopted the California Coastal Zone. On page 76, Caltrans quotes Chapter 3, Article 6, Section 30251 of the Coastal Act as follows: “The scenic and visual qualities of coastal areas shall be considered and **protected as a resource of public importance.** Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.” How does the I-5 NCC Project comply with the California Coastal Act?

The Federal Highway Administration (FHWA) Technical Advisory –2130.03 provides guidelines for preparing environmental documents, including sections on visual impacts. “When there is a potential for visual impacts, the environmental document should identify the impacts to the existing visual element(s), the relationship of the impacts to potential viewers of and from the project, as well as measures to avoid, minimize, or reduce the adverse impacts. The **potential for impact can be recognized intuitively.**” The FHWA’s manual, Visual Impact Assessment for Highway Projects provides guidance for assessing visual impacts and refers to landscape units as “outdoor rooms”. Existing visual conditions and potential impacts should be described in terms of the visual character and quality of each Landscape Unit. Visual character is comprised of four pattern elements (form, line, color, and texture) and four pattern characteristics (dominance, scale, diversity, and continuity). Visual quality is evaluated on three attributes: Vividness, Intactness and Unity. **Vividness**, the memorability of the visual impression received from the contrasting landscape elements as they combine to form a striking and distinctive visual pattern. **Intactness**, the integrity of visual order in the natural and man-built landscape, and the extent to which the landscape is free from visual encroachment. **Unity**, the degree to which the visual resources of the landscape join together to form a coherent, harmonious, visual pattern. Unity refers to the compositional harmony or the inter-compatibility between landscape elements.

Under Key View #4 – I-5 at Ida Avenue on page 3.7-20 of the DEIR, Caltrans states that the proposed noise wall would block existing scenic views of the ocean and racetrack. “This would contrast severely with existing visual character and likely would be perceived as adverse” by the 100,000 or more viewers that pass by this vista on a daily basis. Based upon FHWA policy, how does Caltrans plan to avoid, minimize or reduce the visual impact that is rated as “high” at Key View #4 ?

The DEIR reports that the I-5 NCC project would significantly reduce scenic views along the ocean and coastal areas and yet does not provide the public view protection as describe in Coastal Commission policy under Section 30251. Why has Caltrans not referred to the standards of other governing bodies? Why did Caltrans fail to provide full and adequate data about the visual impacts of this project as required by the FHWA and CEQA? Why has Caltrans failed to intuitively recognize that there is **no amount of mitigation** that can replace the loss of a Pacific Ocean view?

The TPCPB contends that failure to fully recognize the extent of the impact to scenic views and the failure to identify compensatory mitigative measures is a major finding of this document and represents projected environmental and community impacts for all build alternatives that needs to be appropriately weighed against the no-build option. The DEIR contains no objective consideration and weighing of the impacts of this project; it appears to have been prepared with a presumption of acceptance and in doing so has failed to meet the

requirements of NEPA and CEQA to provide an objective analysis of the relative benefits and impact of this project. How is this not considered to be a fundamental omission of the DEIR?

### 3.b. Analysis of Key Views

On page 84 of the I-5 Visual Impact Assessment, Caltrans states that “because it is not feasible to analyze all the views in which the proposed project would be seen, it is necessary to select a number of representative key viewpoints that would most clearly display the visual effects of the project. Key views also represent the primary viewer groups that would potentially be affected by the project.” “Specific mitigation requirements will be determined during the design phase according to the implementation procedures contained in the visual mitigation section of this assessment.” Does this mean that the project is first approved and then the public gets to see the finished product without any community input? Other questions on the analysis of key views include the following:

What were the other key views that Caltrans considered doing simulations of?

Why are there no key views of San Dieguito River Valley (west and east of I-5), the Los Penesquitos River Valley or the Torrey Pines Reserve and Annex? How are these not important key views to the primary viewer group in San Diego?

What impact will the project have on these key views?

Does consideration of key views rather than representative views greatly increase the measurable impact of this project on views?

Why are there no **3-D simulations** of the total project similar to the simulations produced by Caltrans for the I-5/SR-56 Connector project?

Caltrans states that the San Dieguito Valley is an area with high visual quality. Why then is there no comments related to vividness, intactness, and unity for this protected vista?

Why are there no visuals of the project impact between Carmel Valley Road and Del Mar Heights Road?

On Page 93 of the Visual Impact Assessment, Caltrans shows a graph of Visual Quality. Where are the exact calculations that generate the Average Change over % change?

On page 72 it states that “there are approximately 250,000 freeway travelers per day on this portion of I-5”. Why then on page 94 under Viewer Exposure does the chart show 100,000 per day?

### 3.c Viewer Exposure – Tourism

In the technical study, Visual Impact Assessment on page 72, the I-5 NCC talks about “Freeway Travelers”. “The I-5 north coast corridor links two of the nation’s largest metropolitan regions and is a primary transportation gateway to San Diego from the north. As San Diego’s “front door”, it forms the first impression of the region’s scenic character for millions of tourists each year. Changes to the visual environment of the corridor may be **controversial due to the economic importance of tourism to the San Diego region.**” Tourist traveling to and from San Diego on the I-5 would likely have a high awareness of the visual environment. “Studies have shown that visitors’ perception of a metropolitan region are formed to a great extent by the views they observe from the road.” What are the name(s) of these studies? What additional information is provided concerning viewer concerns with loss of

scenic views? How has Caltrans made predictions of the total economic impact to the San Diego region related to lost tourism?

### 3.d. Key View # 2 and "Tunnel Effect"

Key View #2, refers to the Del Mar Heights Landscape unit in San Diego, northbound I-5 between Del Mar Heights road and Via de la Valle interchanges, looking north. Currently, "the overall visual character is suburban due to the low density of the development and mature community landscaping". Distant views of the San Dieguito Valley are located to the north. The proposed project would create a pair of large retaining walls some 3,600 feet in length with the majority of height being 30-35 feet in both directions. How does this not degrade the scenic view(s)?

The proposed walls would decrease the intactness and unity of the viewshed from moderate to low levels. Vividness would be reduced as the attention of the viewer is directed more toward foreground views of the widened freeway. "In this key view location, the freeway surface would **increase to almost twice its existing width.**" Caltrans states that "the large-scale **monolithic built forms** in both the horizontal and vertical planes **would be incompatible** with the small-scale suburban character of the community. The change to visual character would be high." "Viewer sensitivity to changes in the visual environment in the Torrey Pines and Del Mar communities would be high. It is likely that **changes would be considered adverse.**"

On page 165 of the Visual Impact Assessment, Caltrans summarizes the visual effects of the project on the natural character of the I-5 corridor as follows: noticeably more urban, one ocean view would be permanently lost, mitigation measures would not help. "The loss of open views that provide variety, interest, and orientation would change the visual character of I-5." "Each build alternative would approximately **double the width** of the existing freeway and **require ten football fields of new paving per mile.**" In some cases, large walls would be in close proximity to residents, "affecting light access, air circulation, microclimate and creating an **uncomfortable feeling of enclosure.**"

The TPCPB asserts that this wholesale destruction of the Scenic View Corridor by building **monolithic** retaining walls accompanied by sound walls and the **doubling of the freeway width** are **unacceptable** to the citizens of Torrey Pines. Has Caltrans surveyed the citizens of Torrey Pines to gather more community input? Why is Key View #2 only two-dimensional? Why is there no discussion of landform changes south of Del Mar Heights Road? What would be the freeway's scale and scope if the LOSSAN double tracking project commenced prior to the I-5 NCC project?

Under the Deputy Directive number DD-31, "Caltrans is to examine and implement **innovative and alternative** methods and the **latest technology in planning** and designing transportation facilities, to **avoid**, minimize or mitigate visual impacts of transportation projects to scenic corridors, particularly facilities with the highest potential for scenic view obstruction or degradation." Has Caltrans violated their own directive? What innovative approaches and designs were used to protect this scenic corridor? How does the I-5 NCC project avoid obstruction and degradation of 'Landscape units' whether listed as Key View or views that should have been addressed within the project?

## B. Cumulative Environmental Impacts

### 1. Environmental Justice

In Chapter 3, section 3.4.3 Environmental Justice, Caltrans states that “all considerations under Title VI of the Civil Rights Act of 1964 have been included in this project.” Then why does the largest financial impact fall on minority and low-income renters and homeowner directly adjacent to the I-5 NCC project at the seeming benefit of middle to higher income wage earners? The concept of Value Pricing, where excess capacity in the managed lanes would be sold to Single Occupancy Vehicles (SOV), appears to create an inequitable situation that allows higher income wage earners to benefit unfairly by being able to continue to drive alone while lower wage earners are forced to sit in congested traffic lanes. Since the I-5 NCC project is funded with TransNet taxes, Federal Stimulus funds and future State Bonds, why should not there be a fuller analysis of this perceived inequity under Title VI?

In order to understand the issue of Environmental Justice, we have reviewed key issues raised by another California agency, Sacramento Area Council of Governments (SACOG). In their Metropolitan Transportation Plan 2035, Chapter 9 Equity and Choice, SACOG talks about the broader interpretation of equity and choice as follows:

- “The division of funding between transit and roads becomes an equity issue as well, because drivers paying gasoline taxes expect road improvements, **while the most effective investment for the system may be in transit.**”
- “Investment in regional-scale facilities cannot be divided piecemeal, but must be concentrated onto large projects of system-wide importance, regardless of location. The benefits accrue to all who travel; the **impacts, however, fall mainly upon those who live close alongside these facilities.**”

Another important issue is reflected in the Metropolitan Transportation Commission’s study of November 2009, entitled Bay Area Housing and Transportation Affordability: A Closer Look. San Diego is included in the statistical analysis on page 8 under Average Annual Housing + Transportation Costs and Average Housing + Transportation Affordability (Cost as % of Area Median Income). “For low-income households earning less than \$35,000 per year, the combined cost of housing and transportation places the vast majority of Bay Area municipalities beyond the reach (only 94,000 of the region’s housing units (less than 4 percent of the regions’ total) are located in neighborhoods affordable to low-income households.” Has Caltrans, as part of the I-5 NCC DEIR, performed a similar study? If so what were the results and if not studied why? The I-5 NCC does verify on page 3.4-14, that the vast majority of homes directly impacted are adjacent to the proposed project. The Torrey Pines Community Planning Board asserts that the San Diego region cannot afford to lose any more low-income housing units.

### 2. Senate Bill 375 Implementation

SANDAG is developing its 2050 RTP subject to provisions of Senate Bill 375 (SB 375). The Sustainable Communities Strategy (SCS) is a new element of the RTP required by SB 375. SCS will demonstrate how development patterns and the transportation network, policies, and programs can work together to achieve the



greenhouse gas (GHG) emission targets for cars and light truck that will be established by the California Air Resources Board (CARB). SANDAG is recognized as the regions Metropolitan Planning Organization (MPO). The California Air Resources Board (ARB) created a Regional Technical Advisory Committee (RTAC) to work with information, data, and analysis provided by the MPO's. The ARB released a report on August 9, 2010 that moves forward with SB 375 goals. The ARB released staff recommendation that will likely lead to goals for regions around the state to reduce their per capital emissions of gases believed to contribute to global warming. SANDAG's proposed Targets for 2020 is 7% and for 2035 is 13%. The targets for SB 375 include more support for transit, denser development, and toll roads. Future growth is focused in the urban core and existing suburban centers and a higher proportion of the development is served by transit.

Caltrans does not address the issues and goals established by SB 375, ARB or SANDAG but only refers to AB 32 Compliance in section 4.6.5 in the I-5 NCC DEIR. The TPCPB asserts had the I-5 NCC DEIR is lacking in scope and has not provided sufficient details under CEQA Guidelines 15151. A "good faith effort at full disclosure" has not been made. "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences". The TPCPB requests that at a minimum Caltrans answer the following questions:

- How does the I-5 NCC project support and contribute to achieving SANDAG's proposed Targets for 2020 and 2035?
- What are the variances in pollution levels for each Alternative?
- Which of the Alternatives is the Preferred Alternative? and why has Caltrans failed to choose one alternative over another?
- Is not transit a better way to support SB 375's goals?

Caltrans should consider revising its DEIR and re-issue this document. The Caltrans has not provided **sufficient information to allow meaningful evaluation and analysis** by the public which is a requirement under CEQA.

### 3. Atherosclerosis (hardening of arteries) and traffic pollution

A recent research article entitled, Ambient Air Pollution and the Progression of Atherosclerosis in Adults, was quoted by Margot Roosevelt of the Los Angeles Times on February 14, 2010. The article in the LA. Times is entitled, *Study finds traffic pollution can speed hardening of arteries –People living within 328 feet of a LA. Freeways were found to have twice the average progression of atherosclerosis –thickening of artery walls that can lead to heart disease and stroke.*

This paper is the first to link automobile and truck exhaust to the progression of atherosclerosis in humans. Measurements were taken every six months for three years at homes within 100 meters (328 feet) of the Los Angeles freeways. The researchers from the University of Southern California, University of California at Berkeley, research centers in Switzerland and Spain, found that artery wall thickness in study participants accelerated annually by 5.5 micrometers, more than twice the average progression.

According to co-author Howard Hodis, director of the Atherosclerosis Research unit at USC's Keck School of Medicine, the finding show that "environmental factors may play a larger role in the risk for

cardiovascular disease than previously suspected.” This study shows that air pollution contributes to the early formation of heart disease, which is connected to nearly half the deaths in Western societies.

The TPCPB asserts that the I-5 NCC DEIR does not address this correlation between highway air pollution and the progression of atherosclerosis. Has Caltrans considered this major health threat to residential neighborhoods and school children along the proposed highway expansion? What did the Caltrans studies show? If no studies were performed, why not? Caltrans should consider revising its DEIR and re-issue this document to include **sufficient information to allow meaningful evaluation and analysis** by the public which is a requirement under CEQA. If not, please state how this document fulfills the requirements of **sufficient information**?

#### 4. Asthma linkage to Freeway Pollution (ultrafine particles)

A July 5, 2010 article (UPI), states that “brief exposure to ultrafine pollution particles near a Los Angeles freeway can boost the allergic inflammation that makes asthma worse.” Dr. Andre Nel, of the David Geffen School of Medicine at the University of California, Los Angeles said “ultrafine particles are primarily from vehicular emissions and are found in highest concentration along freeways.” This study was published in the American Journal of Physiology – Lung Cellular and Molecular Physiology. This study showed that “ultrafine pollution particles may play an important role in triggering additional pathways of inflammation that heighten the disease” (asthma).

Environmental health researchers from University of Southern California and the California Air Resources Board have found during hours before sunrise, freeway air pollution extends as far as 1.5 miles from the freeway. This June 10, 2009 article by Sarah Anderson, entitled Air pollution from freeway extends further than previously thought, highlights a joint research study along Interstate 10 in Santa Monica. “This distance is 10 times greater than previously measured” and “has significant exposure implications”.

Caltrans on page 3.14-3, states that “some locations are considered more sensitive to adverse effects from air pollution than others.” “These locations are commonly term **sensitive receptors** and they include hospitals, schools, day care centers, nursing homes, and parks/playgrounds. “ Sensitive receptors in proximity to localized CO sources, toxic air contaminants or odors are of particular concern.” Table 3.14.4: Sensitive Receptors, indicates 32 schools and 40 Preschools within the envelope of the I-5 NCC project. It is not clear if the distance calculation is before or after the implementation of the project and how that distance may vary based upon the four Build Alternatives. The Santa Fe Montessori School in Solana Beach is the nearest to the I-5 at 352 feet and the Del Mar Hills Elementary is listed as 431 feet from I-5. The Del Mar Hills playground and play fields are next to the Caltrans sound wall and may be even closer than the list measurement.

The TPCPB asserts that the I-5 NCC DEIR has not adequately researched or considered the long-term impact to school children’s health regarding asthma and ultrafine freeway air pollution. What are the health implications of expanding, to the fullest extent, the I-5 Caltrans Right of Way (ROW) next to schools, preschool and school playgrounds and play fields? Medical and scientific research clearly indicates a causal relationship between freeway air pollution and childhood diseases such as asthma. Does Caltrans agree with these medical and scientific findings? If not Why? Is Caltrans willing to establish a baseline medical study of the school area population listed under the Sensitive Receptors

locations? Is Caltrans willing to establish a baseline medical study that would provide a long-range health tracking measurement to indicate the current health levels of children within the Sensitive Receptors areas? If not why?

#### 5. Human Impact Assessment (HIA)/ I-710 Expansion

Interstate 710 is a major transportation artery linking the Ports of Long Beach and Los Angeles to Southern California and San Diego County. The proposed I-710 expansion would run through 15 cities and unincorporated areas of Los Angeles County. This I-710 Caltrans project is very similar to the I-5 NCC projects as it is in close proximity to schools, day care centers, hospitals and residential neighborhoods. Health concerns about the additional impacts of this proposed project were raised with Caltrans and other decision-making agencies. As a direct result of these community concerns, LA Metro, Gateway Cities Council, ICF International, Arellano Associates, Human Impact Partners and Western Solution has agreed that a Human Impact Assessment and a Air Quality Action Plan (AQAP) should be provided for the I-710 project and the 15 Gateway Cities. LA Metro and their contractor, ICF International will conduct this HIA and AQAP. The LA County Department of Public Health has become a Cooperating Agency in this EIR process.

On July 13, 2010, the San Diego County Board of Supervisors released a Health Strategy Agenda for Building Better Health. Under the heading "Pursuing Policy Changes for a Healthy Environment, Section 2 –Call for Active Communities, item 2.4 Explore integrating **health impact assessments**, where feasible for land use and transportation decision making in order to facilitate active communities." Grant money is available through the Center for Disease Control for some type of study.

The TPCPB believes that the Human Impact Assessment and Air Quality Action Plan approach(s) is justified due to the similar proximity of schools, day care centers, and large tracks of housing adjacent to the I-5 NCC project. The scientific establishment of numerous health and wellness bench markers will establish a baseline health index for the communities bordering the proposed I-5 NCC project. This HIA and AQAP will help answer one of the key scientific and health issues, which is, What is the current state of health along the I-5 NCC? Plus, what are the projected health risks associated with this I-5 NCC project? Based on these studies and taking into consideration other medical research, how would the proposed project further impact children and residents living along this freeway?

Caltrans should wait for the results from these joint research studies along the I-710 freeway and incorporate the HIA and AQAP findings into the I-5 NCC DEIR process. Furthermore, Caltrans should support both the County of San Diego and the City of San Diego's Health Department efforts to provide similar HIA and AQAP studies for the I-5 NCC project. Why would Caltrans not support such Public Health efforts? Cost concerns are not a justifiable reason to exclude this HIA or AQAP request. The possible long-term damage to children's' health will cost society much more in the future.

### III. CONCLUSION

The Torrey Pines Community Planning Board requests that Caltrans respond to the comments contained in this document as required by CEQA. At this point-in-time, the Torrey Pines Community Planning Board cannot support any of the four (4) Build Alternatives as proposed by Caltrans in the I-5 NCC DEIR. The TPCPB **has voted to only support the 'No Build' option**. It is our belief that for the City of San Diego to remain a world class city, we all need to learn that it takes more than cars to effectively take advantage of what the city offers its residents throughout our metropolitan region and county. San Diego will not remain world class if Caltrans and SANDAG fails to provide preferential funding for mass transit over supporting roadway projects that support single ridership.

Other unmitigated environmental issues and deficiencies have been raised by the San Dieguito Joint Powers Authority, and the TPCPB concurs and supports these comments. The TPCPB is aware that additional comment documents are being submitted by other local agencies, including the Cities of Del Mar, Solana Beach, and San Diego.

Under CEQA Guidelines 15151, a "good faith effort at full disclosure" must be made. "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Caltrans has failed to exercise "careful judgement" based on available "scientific and factual data" as required by CEQA Guideline 15064(b). Furthermore, Caltrans has a legal duty to consider alternatives and is not conditioned upon project opponents demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40).

The TPCPB is optimistic that even a cursory review by Caltrans of the countless concerns raised by the TPCPB and other regional agencies will prompt a halt to this DEIR. Caltrans should consider revising its DEIR and re-issue this document. Caltrans has not provided **sufficient information to allow meaningful evaluation and analysis** by the public which is a requirement under CEQA.

Thank you for your consideration of these comments and concerns.

Best regards,

Dennis E. Ridz, Chair TPCPB

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