

## **Appendix O Responses to Comments**

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This appendix contains the comments received on the Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) and the responses to those comments.

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# **State Route 91 Corridor Improvement Project**

Riverside and Orange Counties, California

ORA-91-R14.43/R18.91

RIV-91-R0.00/R13.04

RIV-15-35.64/45.14

EA 08-0F5400

PN 080000000136

## **Responses to Comments**

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# **Appendix O Responses to Comments**

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## **O.1 Introduction**

The Draft EIR/EIS was circulated for public review from May 20, 2011, to July 11, 2011. The Draft EIR/EIS was distributed to the agencies listed in Chapter 7, Distribution List, starting on page 7-1 in the EIR/EIS. Chapter 7 also lists organizations and members of the general public who received the Notice of Availability for the Draft EIR/EIS.

Comments received during the public circulation period included letters, e-mails, comments received through the Riverside County Transportation Commission (RCTC) project website, and written comment cards and oral comments from the public hearing. Copies of all the written comments and the verbal comments provided to the court reporters at the June 9, 2011, public hearing are included in this appendix.

Refer to Chapter 5, Comments and Coordination, in the EIR/EIS for additional discussion of the public review period for the Draft EIR/EIS.

## **O.2 June 9, 2011, Public Hearing**

A public hearing was held on June 9, 2011, to allow the public an opportunity to provide oral and written comments on the Draft EIR/EIS and the proposed project. Responses to comments received during the public review period and at the public hearing were prepared and are provided in this appendix.

Refer to Chapter 5 for detailed discussion of the June 9, 2011, public hearing.

## **O.3 Format of Responses to Comments**

All the written comments received during, or shortly after the close of, the public review period and verbal comments provided to the court reporters at the June 9, 2011, public hearing are included in this appendix. Substantive environmental issues raised within each comment letter are numbered along the right-hand margin of each letter. The responses to comments in each comment letter are referenced by the index numbers in the margins of the letters.

The format of the responses to comments is based on a unique letter and number code for each comment. The number at the end of the code refers to a specific comment within the individual letter. Therefore, each comment has a unique code assignment.

For example, P-1-1 is the first substantive comment in letter P-1. “P” represents a comment letter from a member of the general public, “1” refers to the first letter from a member of the general public, and the second “1” refers to the first comment in that letter. The alphanumeric codes used in this appendix are:

- “F” for federal agencies;
- “S” for State agencies;
- “R” for regional agencies;
- “L” for local agencies;
- “O” for organizations, groups, and utility providers;
- “P” for comments from the general public;
- “C” for comment cards received during the June 9, 2011, public hearing; and
- “T1” for transcript number 1 and “T2” for transcript number 2 (there are two transcripts from the June 9, 2011, public hearing, one each from the two court reporters taking comments and testimony at the hearing).

#### **O.4 Index of Comments Received**

Table O.1 lists the agencies, organizations, and persons who commented on the Draft EIR/EIS during, or shortly after the close of, the public comment period. Each comment letter or verbal comment from the public hearing transcripts is listed by its unique number. The comments are listed within each category (agencies, organizations, etc.) by the date they were received. The comment letters provided in this appendix are followed by their associated responses.

#### **O.5 Common Responses**

Where there are multiple comments that raise the same or similar issue or concern, a common response was prepared to address the specific issue comprehensively. The responses to those types of comments refer the reader to one or more of the common responses provided in this section.

**Table O.1 Summary of Comments Received On the Draft EIR/EIS  
During, or Shortly After the Close of, the Public Circulation Period on  
July 11, 2011**

Letter Number	Agency/Commenter Name	Date of Comment
<b>Federal Agencies</b>		
F-1	United States Department of the Interior, Secretary, Office of Environmental Policy and Compliance	July 11, 2011
F-2	United States Fish and Wildlife Service and California Department of Fish and Game	July 11, 2011
F-3	United States Environmental Protection Agency	July 11, 2011
F-4	United States Army Corps of Engineers	July 21, 2011
<b>State Agencies<sup>1</sup></b>		
S-1	Native American Heritage Commission	June 2, 2011
S-2	Public Utilities Commission	June 29, 2011
S-3	State of California Department of Parks and Recreation	July 11, 2011
S-4	Department of Toxic Substances Control	July 8, 2011
S-5	California Regional Water Quality Control Board	July 8, 2011
<b>Regional Agencies</b>		
R-1	Riverside County Fire Department	June 28, 2011
R-2	Metropolitan Water District of Southern California	June 15, 2011
R-3	Orange County Public Works	June 21, 2011
R-4	Regional Conservation Authority	July 5, 2011
R-5	South Coast Air Quality Management District	July 15, 2011
<b>Local Agencies</b>		
L-1	City of Corona Fire Department	July 5, 2011
L-2	City of Corona Public Works Department	July 5, 2011
<b>Organizations, Businesses, and Groups</b>		
O-1	Countrywood Estates, Sandra Sierra	June 16, 2011
O-2	BMLA Landscape Architecture on behalf of Frontage Properties, LLC	July 5, 2011
O-3	Carlos Roque, City Best Insurance Services, Inc. for businesses located at 401 South Lincoln Avenue in Corona, CA	July 7, 2011
O-4	Southern California Edison Company	July 7, 2011
O-5	S&D Associates	July 8, 2011
O-6	Sierra Club, Puente-Chino Hills Task Force	July 8, 2011
O-7	Center for Biological Diversity	July 8, 2011
O-8	Shute, Mihaly and Weinberger on behalf of Hills For Everyone	July 8, 2011
O-9	Ayres Hotels	July 18, 2011
O-10	Wildlife Corridor Conservation Authority	July 20, 2011
<b>Members of the General Public<sup>2</sup></b>		
P-1	Mr. C.A. Alba	May 20, 2011
P-2	Daniel Woods	May 30, 2011
P-3	Gary Bailey	June 5, 2011
P-4	Melanie Duran	June 5, 2011
P-5	Savannah Head	June 7, 2011
P-6	Mr. C.A. Alba	June 6, 2011
P-7	Khoa Tran	June 7, 2011
P-8	Gregory Moses	June 7, 2011
P-9	Gary Elster	June 10, 2011
P-10	H.G. Chaffin	June 10, 2011
P-11	Bill Baker	June 12, 2011
P-12	Gary Bailey	June 12, 2011
P-13	Mike Hafez	June 16, 2011
P-14	Jim Ogle	June 16, 2011
P-15	Mary Lou Shina	June 19, 2011

**Table O.1 Summary of Comments Received On the Draft EIR/EIS  
During, or Shortly After the Close of, the Public Circulation Period on  
July 11, 2011**

Letter Number	Agency/Commenter Name	Date of Comment
P-16	Victor & Karen Quintana	June 27, 2011
P-17	Carmen Padilla	July 1, 2011
P-18	Dr. Bruce V. Armstrong	June 29, 2011
P-19	John Thalasinis	July 7, 2011
P-20	Stuart Johnson	July 7, 2011
P-21	Brent Thalasinis	July 7, 2011
P-22	Sal Riela, Ralph Kulajian, and Vahe Jeknavorian	June 27, 2011
P-23	John Reist	July 7, 2011
P-24	James Floumoy	July 8, 2011
P-25	Christopher Perez	July 10, 2011
P-26	Ryan Smith	July 11, 2011
P-27	Robert Kofdarali	July 11, 2011
P-28	Mahmoud Sadeghi	July 11, 2011
P-29	Ned Ibrahim	July 11, 2011
P-30	H.G. Chaffin	July 7, 2011
P-31	Robert Brockie	July 11, 2011
P-32	Tina Martin	July 18, 2011
P-33	Ed Diaz	July 19, 2011
P-34	Carolynn Ruth for Public Storage	July 21, 2011
P-35	Constance Spenger	September 26, 2011
<b>Comment Cards Received at the June 9, 2011 Public Hearing<sup>2</sup></b>		
C-1	Anonymous	June 9, 2011
C-2	Bruce Armstrong	June 9, 2011
C-3	Dr. George Beloz	June 9, 2011
C-4	Jack Brown	June 9, 2011
C-5	Kevin Bulton	June 9, 2011
C-6	H.G. Chaffin	June 9, 2011
C-7	H.G. Chaffin	June 9, 2011
C-8	Yatish Chaudhri	June 9, 2011
C-9	Vicky Chhour	June 9, 2011
C-10	William H. Cortez	June 9, 2011
C-11	Sally Cota	June 9, 2011
C-12	Kevin Lee Cruz	June 9, 2011
C-13	Alma Cuevas	June 9, 2011
C-14	Can Thuy Dang	June 9, 2011
C-15	Richard Everhart	June 9, 2011
C-16	Ramie Fernandez	June 9, 2011
C-17	Jolene Fuentes	June 9, 2011
C-18	Boka Gan	June 9, 2011
C-19	Sonia & Jose Garcia	June 9, 2011
C-20	John W. Hathaway	June 9, 2011
C-21	Roy Hungerford	June 9, 2011
C-22	Eric Johnson	June 9, 2011
C-23	Ron Kammeyer	June 9, 2011
C-24	Robert Lind	June 9, 2011
C-25	Jesus Reyes Lopez	June 9, 2011
C-26	Tim Lynch	June 9, 2011
C-27	Mary Mendoza	June 9, 2011
C-28	Paul & Cheryl Ramirez	June 9, 2011
C-29	Jesus Reyes	June 9, 2011
C-30	Ruben Reyna	June 9, 2011

**Table O.1 Summary of Comments Received On the Draft EIR/EIS During, or Shortly After the Close of, the Public Circulation Period on July 11, 2011**

Letter Number	Agency/Commenter Name	Date of Comment
C-31	Martin & Vicky Rivera	June 9, 2011
C-32	John Rojo	June 9, 2011
C-33	Rita Sandor	June 9, 2011
C-34	Claire Schlotterbeck	June 9, 2011
C-35	Beatriz A. Segura	June 9, 2011
C-36	Himanshu Shah	June 9, 2011
C-37	Shadi Shanak	June 9, 2011
C-38	Angela Scherer	June 9, 2011
C-39	Greg Tesdahl	June 9, 2011
C-40	Charlie Webb	June 9, 2011
C-41	Don Wilkie	June 9, 2011
C-42	Richard Winn	June 9, 2011
C-43	Check into Cash	June 9, 2011
C-44	Dvorak and Payne, Jim Ogle	June 9, 2011
C-45	El Taco Lucas	June 9, 2011
C-46	Pro-Dent Lab	June 9, 2011
C-47	Gala Nails	June 9, 2011
C-48	Joy Massage	June 9, 2011
C-49	Lincoln Smoke Shop	June 9, 2011
<b>Transcript No. 1 from the June 9, 2011 Public Hearing</b>		
T1-1	Sally Cota	June 9, 2011
T1-2	Victor Quintana	June 9, 2011
T1-3	Mala Shah	June 9, 2011
T1-4	Richard Everhart	June 9, 2011
T1-5	Jim Lane	June 9, 2011
T1-6	Greg Tesdahl	June 9, 2011
T1-7	Gloria Salgado	June 9, 2011
T1-8	Jesus & Esperanza Reyes	June 9, 2011
T1-9	Angela Scherer	June 9, 2011
<b>Transcript No. 2 from the June 9, 2011 Public Hearing</b>		
T2-1	Martin & Vicki Rivera	June 9, 2011
T2-2	Cheryl Ramirez	June 9, 2011
T2-3	Brenda Urrutia	June 9, 2011
T2-4	Truyen Nguyen – Gala Nails	June 9, 2011
T2-5	Canthauy Tante	June 9, 2011
T2-6	Judy Haraka	June 9, 2011
T2-7	Don Bowker	June 9, 2011
T2-8	Yatish Chaudhri	June 9, 2011
T2-9	Greg Tesdahl	June 9, 2011
T2-10	Charlie Webb	June 9, 2011

<sup>1</sup> The California Department of Fish and Game submitted comments jointly with the United States Fish and Wildlife Service. Refer to Letter F-2.

<sup>2</sup> Some public commenters mailed written comments on the comment card form after the public hearing; those comment cards are included in the "Members of the General Public" section. Comment cards received at the public hearing are provided in the "Comment Cards received at the June 9, 2011, Public Hearing" section.

EIR = Environmental Impact Report

EIS = Environmental Impact Statement

The common responses are provided in the following subsections:

- O.5.1 Common Response Related to the Property Acquisition Process (page O-6)
- O.5.2 Common Response Related to the Loss of Parking and Other Potential Impacts to Businesses (page O-7)
- O.5.3 Common Responses Related to Noise (page O-8)
- O.5.4 Common Response Related to the Environmental Process and Schedule (page O-14)
- O.5.5 Common Response Related to Chino Hills State Park (page O-18)
- O.5.6 Common Response Related to Noise Barriers on I-15 (page O-29)
- O.5.7 Common Response Related to Alternatives (page O-30)
- O.5.8 Common Response Related to Billboard Relocation (page O-35)
- O.5.9 Common Response Related to the Identification of the Preferred Alternative (page O-38)
- O.5.10 Common Response Related to the Biological Opinion (page O-39)

#### **O.5.1 Common Response Related to the Property Acquisition Process**

If a Build Alternative is selected for implementation, the RCTC will be in contact with all property owners and tenants affected by that State Route 91 (SR-91) Corridor Improvement Project (CIP) Build Alternative to advise them of the property acquisition needs for the selected alternative.

RCTC will follow a step-by-step acquisition process defined by the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). Refer also to the Appendix D, Summary of Relocation Benefits, in the EIR/EIS. RCTC will provide a summary of the property acquisition process to each affected property owner and tenant prior to beginning the purchase. An overview of the process and the rights and benefits of affected property owners and tenants is described in Appendix D. Property needs for the project will include permanent effects (full acquisition of some parcels, partial acquisition of other parcels, and permanent easements on some parcels) and temporary effects (temporary use of parts of parcels for temporary construction easements and other short-term temporary uses).

RCTC will work directly with the property owner(s) and tenant(s) to assist with the acquisition process. Before making an offer, RCTC will obtain an appraisal of the property to establish its fair market value. The owner of the property will be given an opportunity to accompany the appraiser during the inspection and provide information that may be relevant to the value of the property to the appraiser.

If it is necessary to purchase the property in full, relocation advisory assistance and benefits are available, including identification of comparable replacement properties, assistance with purchase of replacement property, moving expenses and related payments, payment of transaction fees, and assignment of an acquisition/relocation agent to each owner and tenant. Property owners and tenants will not be required to move until the property is needed for project construction.

Any project impacts to a property will be evaluated during the appraisal process. Damages associated with partial acquisitions will be assessed and compensated in accordance with California eminent domain law. Access to properties for both private and emergency vehicles and the location of public utilities will be addressed through consultation with the City of Corona, other local jurisdictions, and public utility providers. RCTC is actively engaged with the adjacent local jurisdictions to ensure that access and public utilities are maintained.

#### **O.5.2 Common Response Related to Loss of Parking and Other Potential Impacts to Businesses**

Under the Uniform Act, project impacts to individual properties identified in this Final EIR/EIS will be evaluated during final design with regard to specifics including parking spaces, landscaping, hardscape features, lighting features, driveway access, sign structures, parking lot circulation, delivery locations, and building access. For each property, the impacts will be determined and tabulated. Once the individual property owner and RCTC agree to the impacts, RCTC's Right-of-Way Agents will investigate ways to minimize, eliminate, address, and/or compensate for those impacts. The Right-of-Way Agents will use City codes, site engineering, and feedback from the property owner on how to minimize effects of the project on an individual property.

As part of the evaluation process under the Uniform Act used in right-of-way acquisitions, a major consideration is whether a property can continue to function effectively if only part of the property is acquired for the project. Properties considered not to be able to function effectively if part of the parcel is acquired for

the project were identified for full acquisition. The impacts on adjacent properties were assessed, and if impacts to a partial acquisition could be mitigated by use of an adjacent full acquisition to replace lost parking or other features, then the property was listed as a partial acquisition.

As part of compliance with the Uniform Act for loss of parking on individual properties, RCTC's Right-of-Way Agents will conduct a detailed parking study to investigate the use of adjacent acquisitions for replacement parking, reconfiguring parking lots on the property, restriping parking spaces, enlarging parking lots, and reconfiguring delivery locations to avoid and minimize damages to the property owners and tenants. Measure CI-2 in Section 3.4, Community Impacts, includes conducting parking studies for properties where the parking is impacted by the project.

If impacts to a property cannot be minimized or mitigated to allow the business to remain in operation, then RCTC's Right-of-Way Agents will work with the property owner in an attempt to find a replacement location first within the same vicinity, and if not in the same vicinity then in the same city, and then in adjacent cities. The property owner will be compensated for the relocation costs, loss of business, and other losses. Refer to Section O.5.1, Common Response Related to the Property Acquisition Process, on page O-6, and to Appendix D, Summary of Relocation Benefits, in the EIR/EIS for additional information regarding the right-of-way acquisition process and relocation benefits for affected property owners and tenants.

RCTC will make every effort to provide access to businesses during construction. A detailed stage construction plan will be developed during the construction phase of the project. The stage construction and detour plans will detail how access will be provided to each property and for how long, if at all, the access will be restricted. The use of temporary pavement and/or temporary driveways may be used in some cases to ensure that adequate access is provided to each property during construction.

### **O.5.3 Common Responses Related to Noise**

#### **O.5.3.1 Common Response Related to the Noise Process**

This section describes the process used to complete the *Final Noise Study Report* (April 2010) and the *Final Noise Abatement Decision Report* (NADR; July 2010) for approval by the California Department of Transportation (Department) and Federal Highway Administration (FHWA). This section describes the processes for noise measurements, identifying the need for noise barriers as a result of with-project noise

levels, determining if noise barriers are both feasible and reasonable, and the identification of noise barriers determined to be reasonable and feasible and recommended for implementation.

Short-term (15- to 20-minute) and 24-hour noise measurements were taken at 63 locations in the project study area (55 short-term measurements and 8 24-hour measurements) that were representative of frequent human use areas, such as backyards of single-family residences, ground-floor patios at multifamily residences, playgrounds, parks, and churches as discussed in Section 3.15.2.2, Noise Level Measurements, starting on page 3.15-3 in the EIR/EIS. The measurements were conducted following the guidelines and procedures in the Department Traffic Noise Analysis Protocol (Protocol) and the associated Technical Noise Supplements (TeNS), which specifically address traffic-related noise. According to the TeNS, noise level measurements under certain meteorological conditions such as high wind conditions should be avoided. A no wind condition is the most optimal condition for noise level measurements because the traffic noise model used in the analysis has no provisions to consider meteorological effects or other effects such as noise reflection from buildings. This optimal condition was ensured during the monitoring of existing noise levels in the project study area to ensure that the most accurate noise measurements were used and that the resulting impact analysis was as accurate as possible. Tables 3.15.3 to 3.15.11 starting on page 3.15-22 in the EIR/EIS show the results of these measurements. Using the measured noise levels and traffic counts gathered during the noise measurements, the existing traffic noise model built using the FHWA traffic noise model (TNM) version 2.5 was run to verify that the modeled numbers and the measured numbers were within the margin of error of the FHWA TNM 2.5 model ( $\pm 3$  A-weighted decibels [dBA]). All sites were within  $\pm 2.5$  dBA. TNM 2.5 is the FHWA-approved modeling software for noise studies on State highways.

Using the verified model as a base, the Build Alternatives were modeled to predict with-project noise levels at the 63 locations where noise measurements were taken. An additional 128 locations were modeled for a total of 191 modeling locations. Existing and future peak-hour noise levels were predicted by running the model with 1,950 cars per traffic lane at the road design speed (65 miles per hour [mph]). This produces the highest noise level for the road because this is the maximum number of cars per lane that can operate on a road at 65 mph. The peak Existing, No Build, and Build noise levels are shown in Table 3.15.13 on page 3.15-31 in the EIR/EIS. The Protocol establishes that where the noise levels are 66 dBA, or above, or where the

predicted build noise levels are 12 dBA higher than the predicted no build noise levels, measures to reduce noise need to be evaluated. Noise abatement measures were considered in 33 areas, and it was determined that noise barriers represented the most practical and economical method for reducing the noise effects of the proposed project at those locations.

### **O.5.3.2 Common Response Related to Noise Barriers**

Noise abatement measures such as noise barriers are considered if the predicted future worst-case noise levels are 66 dBA or above for residential uses or substantially increases over existing noise levels. Noise levels 75 dBA or higher are considered to be severe noise impacts. Areas of severe noise impacts are shown in Table O.2. A substantial increase in noise is considered as 12 dBA over the existing noise level. The SR-91 CIP noise impact analysis identified 33 areas with traffic noise impacts and evaluated the benefits of 37 noise barriers as abatement for reducing noise levels at those locations (Figure 3.15-1 starting on page 3.15-63 in the EIR/EIS).

Noise abatement in the form of noise barriers must provide a minimum noise level reduction of 5 dBA or more to be considered feasible and cost-effective for consideration as a reasonable noise abatement. Cost effectiveness is considered by comparing the cost estimate to construct the noise barrier to the total reasonable allowance for constructing that barrier. The total reasonable allowance is determined by multiplying the reasonable allowance per residence by the number of benefited residences (benefited residences are the residences that would benefit from the noise barrier). The reasonable allowance per residence begins at \$31,000 and is adjusted based on a number of factors that include the future worst-case noise level, the change in noise level from the existing noise, the achieved noise level reduction with the barrier, and whether the residence is new construction or predates 1978. Several locations for noise barriers were analyzed in the technical report for the SR-91 analysis for each area with a noise impact. Some of those locations were found to provide feasible noise abatement while others were not. Figure 3.15-1 in the EIR/EIS shows the results of that evaluation and identifies which barriers were considered acoustically feasible.

The noise barriers found to be feasible were carried forward for evaluation in the NADR. The NADR takes the calculated reasonable cost for each barrier and compares it to the cost estimate to build that noise barrier. If the cost estimate is less

Table O.2 Areas of Severe Noise Impacts

Receiver I.D.	Area	Alternative 2f Predicted Noise Level (dBA)	Proposed Noise Barrier	Reasonable Cost Allowance	Estimated Construction Cost
16	K	79	K-1	\$1,792,000	\$430,304
21M	K	74	K-1	\$1,792,000	\$430,304
127M	K	82	K-1	\$1,792,000	\$430,304
23M	M	75	M-1, M-2, M-3	\$1,288,000	\$1,910,475
19	M	78	M-1, M-2, M-3	\$1,288,000	\$1,910,475
27M	O	75	O-1, O-2, O-3	\$6,534,000	\$2,515,320
28M	O	84	O-1, O-2, O-3	\$6,534,000	\$2,515,320
21	O	84	O-1, O-2, O-3	\$6,534,000	\$2,515,320
29M	O	82	O-1, O-2, O-3	\$6,534,000	\$2,515,320
22	O	81	O-1, O-2, O-3	\$6,534,000	\$2,515,320
31M	O	76	O-1, O-2, O-3	\$6,534,000	\$2,515,320
23	O	84	O-1, O-2, O-3	\$6,534,000	\$2,515,320
33M	O	78	O-1, O-2, O-3	\$6,534,000	\$2,515,320
34M	O	77	O-1, O-2, O-3	\$6,534,000	\$2,515,320
44M	P	82	P-1	\$2,418,000	\$802,944
35M	Q	75	Q-1	\$3,596,000	\$1,088,000
36M	Q	80	Q-1	\$3,596,000	\$1,088,000
37M	Q	77	Q-1	\$3,596,000	\$1,088,000
26Q	Q	76	Q-1	\$3,596,000	\$1,088,000
25	R	76	P-1	\$2,418,000	\$802,944
42M	R	76	P-1	\$2,418,000	\$802,944
40M	S	83	Q-1	\$3,596,000	\$1,088,000
38M	S	79	Q-1	\$3,596,000	\$1,088,000
39M	S	78	Q-1	\$3,596,000	\$1,088,000
50M	S	75	Q-1	\$3,596,000	\$1,088,000
48M	T	78	P-1, T-1	\$2,958,000	\$1,070,144
49M	T	82	P-1, T-1	\$2,958,000	\$1,070,144
52M	U	80	Q-1	\$3,596,000	\$1,088,000
53M	U	77	Q-1	\$3,596,000	\$1,088,000
56M	W	79	W-1	\$912,000	\$253,056
56M	W	76	W-1	\$912,000	\$253,056
39	D1	80	D1-B	\$300,000	\$631,780
70M	D1	76	D1-B	\$300,000	\$631,780
93M	N1	76	N1-A	\$1,798,000	\$1,153,470
94M	N1	79	N1-A	\$1,798,000	\$1,153,470
50	N1	78	N1-A	\$1,798,000	\$1,153,470
95M	N1	75	N1-A	\$1,798,000	\$1,153,470
96M	N1	79	N1-A	\$1,798,000	\$1,153,470
51	N1	78	N1-B, N1-C, N1-D	\$528,000	\$2,709,401
52	N1	76	N1-B, N1-C, N1-D	\$528,000	\$2,709,401
53	P1	75	N1-D, P1-A	\$782,000	\$1,985,000
54	Q1	77	Q1-A	\$624,000	\$1,231,211

Source: Riverside County Transportation Commission (November 2011).  
dBA = A-weighted decibels

than the total reasonable allowance for that barrier, the preliminary determination is that the abatement is reasonable. If the cost estimate is higher than the total reasonable allowance, the preliminary determination is that abatement is not reasonable. As described above, noise barriers must meet both feasible and reasonable criteria to be recommended for consideration in the final design of the SR-91 CIP. Refer to Figure 3.15-1 in the EIR/EIS for the noise barriers considered to be both feasible and reasonable.

The final location and design of noise barriers will be determined during the design/build phase of the project and may include solid block walls, transparent materials, or berms. The final design of the noise barriers will consider input from the adjacent property owners. Those residents that would benefit from noise barriers found to be both reasonable and feasible received noise barrier survey letters requesting their input on receiving this abatement. A noise barrier does not have to be constructed as a solid block wall. A transparent material could be used to preserve views from homes if the cost for a given barrier with that alternative material is determined to still be reasonable. The type of material for each noise barrier determined to be reasonable and feasible will be finalized in the design/build project phases in consultation with the adjacent property owners. Third-party funding, such as from the adjacent property owners, can be used for functional enhancements to noise barriers already determined to be reasonable and feasible (based on a block wall design). Functional enhancements can include the use of alternative materials such as transparent materials or other aesthetic enhancements. The potential for third-party-funded functional enhancements to noise barriers will be discussed during the consultation with the adjacent property owners.

If noise barriers are to be located within the right-of-way for a State Highway, 51 percent of the property owners with property affected by the barrier need to approve the noise barrier for the final project design to include that noise barrier. If a noise barrier is located on private property, 100 percent of the property owners need to approve the noise barrier. In response to requests from local homeowners, meetings were held with some affected property owners in August 2011 and November 2011 to address their concerns regarding the construction of noise barriers as noise abatement for the SR-91 CIP. The meetings were designed to obtain input from the property owners on the type of barriers and their placement. The noise barriers discussed in those meetings were Noise Barriers (NBs) I-1, I-2 and D1-B.

Section 3.15, Noise, in the Final EIR/EIS includes the results of the noise barrier surveys and identification of the noise barriers that have been approved by property owners that will be carried forward into the design/build phase of the SR-91 CIP. During the design/build phase, if there are substantial changes to the project design, noise barriers in the area may be re-evaluated and their designs may change, which may require supplemental environmental review. If this occurs, the affected property owners will be notified of any changes to the noise barrier design.

### **O.5.3.3 Common Response Related to Noise Barrier Survey Process**

Permanent noise impacts were identified at 416 properties. In accordance with Department procedures, the noise barrier survey package was sent by certified mail to each property owner on May 20, 2011.

Due to the low number of completed surveys received during the initial survey mail-out and that additional clarification on the purpose of the noise barrier survey and the voting process was requested, the RCTC sent out an invitation for a focused meeting for property owners affected by NBs D1-B, I-1, and I-2 on August 25, 2011, and August 17, 2011, and a second mail-out of noise barrier survey information on August 5, 2011, to 319 property owner addresses on the updated noise barrier mailing list.

The first noise barrier focus meeting for property owners affected by NBs I-1 and I-2, was held at The Veranda at the Green River Golf Club, 5215 Green River Road, Corona, on August 23, 2011 from 7:00 p.m. to 8:00 p.m. A similar meeting with the same format and handouts was held for property owners affected by Noise Barrier (NB) D1-B from 7:00 p.m. to 8:00 p.m. on August 25, 2011, at the Multipurpose Room in Corona City Hall at 400 South Vicentia Avenue, Corona. All property owners were requested to provide their votes by September 9, 2011.

Due to a large number of no responses being received from affected property owners, there were not enough votes to constitute a 100 percent (for noise barriers on private property) or majority (for noise barriers in State right-of-way) vote in support of or against all noise barriers. Therefore, RCTC and the Department prepared a cover letter and noise barrier survey that were distributed during door-to-door home visits conducted between the hours of 3:30 p.m. and 7:30 p.m. on September 30, 2011, and October 4, 2011. Completed surveys were requested to be returned and postmarked no later than October 5, 2011.

In addition, RCTC and the Department held a meeting with the Villaggio Homeowners Association and interested residents at the Villaggio community pool on Saturday, November 12, 2011, from 11:00 a.m. to 12:30 p.m. During the meeting, the Homeowners Association voted in support of the construction of NB D1-B.

Noise Barrier K1-A within the project footprint was considered reasonable under Alternatives 1 and 2 and their design variations. However, NB K1-A, within the project footprint and along Interstate 15 (I-15), would not meet the required 20-year minimum life cycle and, therefore, was not considered reasonable prior to the circulation of the Draft EIR/EIS. Based on public comments on NB K1-A received during the public review period for the Draft EIR/EIS and previous commitments made as part of previous projects in the area, RCTC decided to make a special exception and fund the construction of NB K1-A as part of the SR-91 CIP even though this noise barrier did not meet the required 20-year minimum life cycle.

A noise barrier survey package was sent by certified mail and regular first class mail to 53 property owners potentially affected by the construction of NB K1-A on December 7, 2011, and December 8, 2011. Property owners were asked to return their surveys no later than December 20, 2011. In an effort to obtain enough votes for a majority approval of NB K1-A, an additional public outreach effort was conducted through door-to-door surveys on January 12, 2012. Property owners were asked to return their surveys no later than January 19, 2012.

Detailed discussion regarding the outcome of the noise barrier survey vote and additional public outreach efforts is provided starting on page 3.15-10 in Section 3.15.3.2, Permanent Impacts, in the EIR/EIS, and in Section 5.2.7, Noise Barrier Survey Public Outreach Efforts, on page 5-24 in the EIR/EIS.

#### **0.5.4 Common Response Related to the Environmental Process and Schedule**

##### **0.5.4.1 Schedule**

Both the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) provide opportunities for the public to engage in the environmental evaluation process and provide input regarding project alternatives and the environmental analyses. Table O.3 summarizes the major steps leading to the circulation of the Draft EIR/EIS for the SR-91 CIP. Some commenters requested additional information about the project process and schedule, particularly related to when property acquisition and construction would begin. Table O.3 also shows the

**Table O.3 Environmental Process Schedule for Project**

Tasks/Description	Actual or Anticipated Date
Public scoping: request for public input on the alternatives and the environmental analyses	July 29, 2008
Preparation of the technical studies	July 30, 2010
Begin circulation of the Draft EIR/EIS	May 20, 2011
Public hearing	June 9, 2011
End circulation of the Draft EIR/EIS	July 11, 2011
Identification of the Preferred Alternative	September 20, 2011
Begin availability of the Final EIR/EIS	August 2012
Publication of the Record of Decision in the Federal Register	November 2012
Project and environmental documentation approved	November 2012
Right-of-way acquisition complete	early 2013
Project construction begins	spring to summer 2013
Open to traffic	fall to winter 2017

Source: Riverside County Transportation Commission (2012).

EIR = Environmental Impact Report

Environmental = Environmental Impact Statement

next steps in the environmental and project implementation processes in the event a Build Alternative is selected for implementation. Those potential future steps include selection of a Build Alternative for implementation, right-of-way, acquisition and project construction.

#### **0.5.4.2 Responses to Comments**

In an effort to continue public outreach for the project, those persons who provided comments on the RCTC SR-91 website were sent a response stating that their comments were received, that comments received from May 20, 2011, to July 11, 2011, would be part of the public record and would be responded to in the Final EIR/EIS. That response also indicated that when the Final EIR/EIS is released, it will be posted to the RCTC SR-91 website and an email will be sent to those persons who provided comments on the Draft EIR/EIS (if they provided an email address). Commenters who requested that their contact information be added to the project distribution list were added to that list in Chapter 7.0, Distribution List, in the EIR/EIS and will be notified about the circulation of the Final EIR/EIS.

#### **0.5.4.3 Recirculation of the Environmental Document Requirements for Recirculation**

CEQA requires a lead agency to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft but before certification of the Final EIR (CEQA Guidelines Section 15088.5(a)). That new information could be:

- A new significant environmental impact or a new mitigation measure (15088.5(a)),
- A substantial increase in the severity of an environmental impact unless mitigation is adopted to reduce the impact to below a level of significance (15088(b)),
- A feasible alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental effects of the project, but the project proponent's decline to adopt it (15088(c)), or
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (15088.5(d)).

Recirculation under CEQA is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (15088(b)).

Under NEPA, a Supplemental EIS would be required if there are substantial changes made to the proposed project that are relevant to the environmental effects of the project, or there are significant new circumstances or information relevant to the environmental concerns that bear on the proposed action or its impacts.

### ***Review of Reasons Recirculation Was Requested***

#### ***Inadequate Impact Analysis and/or Mitigation***

Some comments requested recirculation of a revised Draft EIR/EIS based on those commenters' assertions that the Draft EIR/EIS did not adequately identify project effects and/or provide adequate mitigation for the project impacts. As reflected in the responses to comments received on the Draft EIR/EIS provided in this appendix and the technical analyses throughout the EIR/EIS, the Draft EIR/EIS as prepared and circulated to the public provided sufficient information to adequately and fully identify and assess the potential impacts of the proposed project and included mitigation that was sufficiently detailed to adequately address those potential impacts.

#### ***Significant New Impacts***

No new significant project impacts under CEQA were identified after the release of the Draft EIR/EIS for public review. As noted in this Responses to Comments appendix, modifications were made to some mitigation measures to more clearly indicate the specific actions or timing of the measures or to reflect the final agreement on a measure (specifically related to Chino Hills State Park [CHSP]). However, none of those modifications resulted in a substantial change in the mitigation in the

EIR/EIS. No substantial increases in the project impacts or new feasible alternatives were identified after the public review of the Draft EIR/EIS. No mitigation measures for substantial impacts were deleted after the public review of the Draft EIR/EIS. The Draft EIR/EIS documents the extensive analysis conducted to assess the project impacts and which supports the conclusions regarding the types and severity of those impacts. No substantial changes were made to the proposed project, and no significant new circumstances or information relevant to the environmental concerns that bear on the proposed action or its impacts were identified after the public review of the Draft EIR/EIS. As a result, RCTC and the Department did not prepare or circulate a revised Draft EIR/EIS because such recirculation was not required under either CEQA or NEPA.

#### *Impacts and Mitigation at Chino Hills State Park*

Some comments requesting recirculation of a revised Draft EIR/EIS focused on the project effects and mitigation at CHSP. The Draft EIR/EIS as prepared and circulated to the public provided sufficient information to adequately and fully identify and assess the potential impacts of the proposed project on CHSP and included mitigation that was sufficiently detailed to adequately address those potential impacts. The potential project effects at CHSP described in Section 3.1.3.2, Environmental Consequences, starting on page 3.1-59 in the EIR/EIS, were identified in consultation with the State Parks Department (State Parks). As indicated in that section, the consultation with State Parks and the National Park Service (NPS) was ongoing at the time the Draft EIR/EIS was circulated. The project effects discussed with those agencies after the circulation of the Draft EIR/EIS are essentially the same as reported in the Draft EIR/EIS. The mitigation for those impacts provided in Section 3.1.4.3, Measures for Parks and Recreation Facilities, in the Final EIR/EIS reflect the agreement regarding the project mitigation at the completion of the consultation with State Parks. As shown, the mitigation commitments in the Final EIR/EIS are refinements of the mitigation commitments provided in the Draft EIR/EIS and substantially mitigate the project effects on CHSP. As a result, RCTC and the Department did not prepare or circulate a revised Draft EIR/EIS related to the project effects on, and mitigation for those effects at, CHSP because such recirculation is not required under either CEQA or NEPA.

### **O.5.5 Common Response Related to Chino Hills State Park**

Questions or comments regarding the project effects at CHSP and compliance with the requirements of Section 4(f) regarding the project effects at CHSP were raised by several commenters. The following sections discuss the identified impacts of Alternatives 1 and 2 at CHSP, the mitigation included in those alternatives to address those impacts, consultation with State Parks, and the Section 6(f) process for the project effects at CHSP.

#### **O.5.5.1 Impacts of the SR-91 CIP to Chino Hills State Park**

The planning for the SR-91 CIP Build Alternatives included extensive consideration of the locations of resources including parks, open space, biological resources, and other sensitive land uses and resources. The design team focused efforts to minimize the permanent acquisition of land from, or temporary construction easements (TCEs) at, parks and other recreation resources. As a result of those efforts, the effects of the SR-91 CIP Build Alternatives were minimized, as described in the following sections.

There are no design variations along the project alignment adjacent to CHSP. Therefore, the impacts to CHSP for Alternative 1 would be the same for Alternative 1 with any of the four design variations (a through d) in that Build Alternative, and the impacts to CHSP for Alternative 2 would be the same for Alternative 2 with any of the eight design variations (a through g) in that Build Alternative. As a result, the impacts of Alternative 2f on CHSP, which has been identified as the Preferred Alternative, would be the same as the impacts described in this section for Alternative 2.

#### ***Permanent Use of Land in CHSP under Section 4(f)***

The potential impacts of the SR-91 CIP Build Alternatives on CHSP were reduced after the Draft EIR/EIS, based on consultation with State Parks and design refinements. The updated effects are described in Table 3.1.6 in Section 3.1.3.3, Section 4(f), Section 6(f), and the Public Parks Protection Act of 1971, and in Appendix B in the EIR/EIS. Those updated effects are also summarized in Table O.4. As shown in Table O.4, the total permanent use of land in CHSP is 0.48 acre (ac) under both Alternatives 1 and 2, which represents approximately 0.008 percent of the total 14,173 ac in CHSP. The use of 0.48 ac in CHSP would be a project impact under Section 4(f).

**Table O.4 Summary of Permanent Use, Permanent Easements, and Temporary Occupancies at Chino Hills State Park by Alternative**

Use	Description
<b>Impacts of Alternative 1</b>	
Permanent Use	<b>Initial Phase:</b> Permanent use of a total of 0.48 ac of land and a permanent aerial easement to accommodate the elevated Green River Road off-ramp. The footings for two columns under the elevated Green River Road off-ramp are within the area under the elevated structure and the aerial easement. <b>Ultimate Project:</b> None beyond the 0.48 ac in the Initial Phase.
Permanent Easement	<b>Initial Phase:</b> No permanent easements. <b>Ultimate Project:</b> 1.65 ac permanent subsurface easement.
TCEs and Other Temporary Occupancies	<b>Initial Phase:</b> 1.1 ac for one TCE. <b>Ultimate Project:</b> 1.0 ac for six TCEs.
<b>Impacts of Alternative 2</b>	
Permanent Use	<b>Initial Phase:</b> Permanent use of a total of 0.48 ac of land and a permanent aerial easement to accommodate the elevated Green River Road off-ramp. The footings for two columns under the elevated Green River Road off-ramp are within the area under the elevated structure and the aerial easement. <b>Ultimate Project:</b> None beyond the 0.48 ac in the Initial Phase.
Permanent Easement	<b>Initial Phase:</b> No permanent easements. <b>Ultimate Project:</b> 1.88 ac permanent subsurface easement.
TCEs and Other Temporary Occupancies	<b>Initial Phase:</b> 1.1 ac for one TCE. <b>Ultimate Project:</b> 1.0 ac for six TCEs.

Source: Riverside County Transportation Commission (2011).

Note: There are no design variations along the project alignment adjacent to CHSP. Therefore, the impacts to CHSP for Alternatives 1 and 2 would be the same with any of the design variations for those Build Alternatives (i.e., the permanent subsurface easement of 1.65 ac is the same for all Alternative 1 design variations and the permanent subsurface easement of 1.88 ac is the same for all Alternative 2 design variations). As a result, the impacts of Alternative 2f on CHSP, which has been identified as the Preferred Alternative, would be the same as the impacts described in this table for Alternative 2.

ac = acre/acres

BNSF = Burlington Northern Santa Fe

CHSP = Chino Hills State Park

ft = foot/feet

L&WCF Act = Land and Water Conservation Fund Act

SR-91 = State Route 91

TCEs = temporary construction easements

**Permanent Easements in CHSP**

As shown in Table O.4, the Alternative 1 and 2 Initial Phases would each result in a permanent aerial easement at the location of the new westbound Green River Road off-ramp bridge over the Burlington Northern Santa Fe (BNSF) railroad tracks and Prado Road. The Alternative 1 and 2 Ultimate Projects would each result in one permanent subsurface easement in CHSP for tiebacks extending from the SR-91 right-of-way to under CHSP. The subsurface easement of 1.65 ac for Alternative 1 and 1.88 ac for Alternative 2 would not affect the surface land in that area, and no project construction, structures, or activities would occur at the ground surface in CHSP above the subsurface tiebacks. That subsurface easement would not affect the

surface land in that area, and no project construction, structures, or activities would occur at the ground surface in that location. There are currently no recreation facilities or activities in the area above the subsurface easement. Recreation activities that could be proposed at that location, such as trails, trail signage, benches, or other facilities/amenities, could be implemented without adversely affecting the subsurface tiebacks or being adversely affected by those tiebacks. As a result, the permanent subsurface easements in CHSP under the Alternative 1 and 2 Ultimate Projects are expected to result in only minor effects that would not be so severe that the activities, features, or attributes that qualify CHSP for protection under Section 4(f) would be substantially impaired. The text in Section 3.1.3, Parks and Recreation Facilities, and Appendix B in the EIR/EIS was expanded to more clearly explain this.

### **Temporary Construction Easements at CHSP**

As described in the subsection titled “Temporary Construction Easements” on page 2-39 in the EIR/EIS, TCEs would be necessary under Alternatives 1 and 2 for constructing walls along the right-of-way, for extending major drainage facilities, for utility relocation/modifications, and for widening bridges. Land in CHSP used as a TCE would be returned to State Parks in its original or better condition after completion of the construction activities requiring each TCE. As shown in Table O.4, Alternatives 1 and 2 would each require the use of 2.0 ac of land in CHSP for TCEs during construction.

The following conditions must all be met for a temporary effect to be considered a temporary occupancy of a property:

- The duration of the occupancy must be temporary (i.e., less than the time needed for construction of the project), and there should be no change in ownership of the land;
- The scope of the work must be minor (i.e., both the nature and the magnitude of the changes to the Section 4(f) property must be minimal);
- There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, and/or attributes of the property on either a temporary or permanent basis;
- The land being used must be fully restored (i.e., the property must be returned to the condition that existed prior to the project); and
- There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

The TCEs in CHSP under Alternatives 1 and 2 meet these conditions as follows:

- The TCEs will be used only for project construction activities within or in the immediate vicinity of the TCEs and would be occupied for only part of the total construction period for the Initial Phases of Alternatives 1 and 2.
- The TCEs would be easements granted to the Department by State Parks for the duration of the period the TCEs would be used. The land would be returned to State Parks on termination of each TCE.
- The TCEs in CHSP will be used for the following during construction of the Initial Phases of Alternatives 1 and 2: work on and/or extensions of existing culverts, and work in and around the BNSF railroad tracks in the vicinity of Green River Road. These work activities would result in minor permanent changes in CHSP related to the modifications of the existing culverts.
- There would be no permanent adverse impacts to CHSP as a result of the use of land in the park for TCEs. The work at the existing culverts will be designed in consultation with State Parks to ensure no adverse effects to the park. The culvert work would not interfere with or substantially impair the protected activities, features, and/or attributes that qualify CHSP for protection under Section 4(f) on either a temporary or permanent basis.
- At the completion of the construction in the TCEs and when the TCEs are no longer needed for any project-related activities, the land within the TCEs will be fully restored to the condition that existed prior to the project. That restoration will be conducted in consultation with State Parks to ensure the consistency of the vegetation on the land used for the TCEs and the adjacent areas in the park.
- In a letter dated March 26, 2012, State Parks concurred with the determination that the use of land in CHSP for TCEs would be a temporary use and, therefore, does not constitute the use of land from CHSP under Section 4(f). Refer to Section O.5.5.4, De Minimis Determination, below, for additional discussion regarding State Parks concurrence with that determination.

The text in Section 3.1.3 and Appendix B in the EIR/EIS was also expanded to more clearly explain why the TCEs in CHSP would be a temporary occupancy of land in that park.

#### **O.5.5.2 Constructive Use Effects**

The potential for Alternatives 1 and 2 to result in proximity impacts so severe that the activities, features, and/or attributes that qualify CHSP for protection under Section 4(f) would be substantially impaired was evaluated as described in Appendix B in the

EIR/EIS. Based on that evaluation and on the requirements of Section 4(f), it was determined that Alternatives 1 and 2 would not result in proximity impacts on CHSP so severe that the activities, features, or attributes that qualify CHSP for protection under Section 4(f) would be substantially impaired.

It is acknowledged that the modifications at the Green River Road westbound off-ramp and the retaining wall on the north side of SR-91 facing the park will be visible to trail users on the trail just north of SR-91. Alternatives 1 and 2 will bring the freeway facilities closer to the trail in the vicinity of Prado Road. Under Alternatives 1 and 2, trail users would hear noise from SR-91 similar to existing noise levels. Trail users are transient users in this area who already have views of and hear noise from SR-91, the BNSF railroad tracks, and the park service road; there are also residential uses just north of this segment of the trail. The trail users in this area would be using that trail segment to either enter or exit CHSP or traverse the southern boundary of CHSP just north of SR-91. The park is not currently developed in this area other than the trail and the vegetation is relatively disturbed. Therefore, the indirect effects of Alternatives 1 and 2 in this area would not substantially impair the activities, features, or attributes that qualify CHSP for protection under Section 4(f). The discussions of constructive use impacts in Appendix B in the EIR/EIS were expanded to more clearly indicate why Alternatives 1 and 2 would not result in constructive use impacts at CHSP.

#### **O.5.5.3 Consultation with California State Parks**

As discussed in Chapter 5, Comments and Coordination, starting on page 5-1 in the EIR/EIS, RCTC and the Department have conducted consultation with State Parks since 2008 regarding identifying the project effects at CHSP and mitigation to address those effects. Part of that consultation was to refine the effects at Green River Road to accommodate the elevated Green River Road off-ramp. Refer to Section 5.2.2.2, Section 4(f) and Section 6(f) Consultations, in the EIR/EIS for a summary of that consultation through March 2012.

#### **O.5.5.4 De Minimis Determination**

As explained in Section 3.1.3.3, in the EIR/EIS, Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amended the Section 4(f) statute to allow the United States Department of Transportation (DOT) to determine that certain uses of Section 4(f) land will have no adverse effect on a protected resource. As a result, the Department, under its assumption of responsibility pursuant to 23 United States Code (USC) 327,

can determine whether a transportation use of a Section 4(f) resource, after consideration of any impact avoidance, minimization, mitigation, or enhancement measures, will result in a de minimis impact on that protected resource.

De minimis impacts on publicly owned parks, recreation areas, and wildlife and waterfowl refuges are defined as those that do not adversely affect the activities, features, and attributes of the Section 4(f) property. The Department must make a finding for each property, and the responsible official with jurisdiction over each resource must agree in writing with that finding.

The permanent use of 0.48 ac of land from CHSP at the Green River Road off-ramp will not substantively affect park users and will not affect access to/from this part of the park for park users or staff. As a result, the Department determined that the SR-91 CIP satisfies the criteria for de minimis under Section 4(f) and that the permanent use of 0.48 ac of land from CHSP under Alternatives 1 and 2 would result in only a minor, or de minimis, effect on CHSP. In addition, although trail users will have views of the elevated off-ramp and the retaining wall on the north side of SR-91, those views would be for only limited periods of time as trail users pass through the area. This area is not currently developed to attract park users to stay in the area for an extended period of time (no benches, shelters, picnic areas, substantial areas of natural resources, etc.). Views of the Santa Ana River are available to the west of this area, but the Santa Ana River is not visible from this area. There would be no interference with the features, activities, attributes, or purposes of CHSP, on either a temporary or permanent basis. The SR-91 CIP will not affect existing or future public access to hikers and vehicles. The land that will be used temporarily will be fully restored and returned to the condition that existed prior to the project, or better. As a result, the Department has determined that the SR-91 CIP satisfies the criteria for de minimis under Section 4(f). Therefore, Alternatives 1 and 2 would result in only a minor, or de minimis, effect on CHSP.

On April 5, 2012, State Parks provided written agreement that the project effects at CHSP would be de minimis impacts. A copy of that letter is provided in Appendix B. Key agreement points regarding State Parks' concurrence on the de minimis for the project impacts are:

- Concurrence that the TCEs and the permanent subsurface easements constitute temporary occupancies and, therefore, are not uses of parkland under Section 4(f)

- Concurrence on the de minimis finding that the SR-91 CIP would not adversely affect the activities, features, and attributes that qualify CHSP for protection under Section 4(f)
- Concurrence that the transportation use of the Section 4(f) resource, together with the 4(f) impact avoidance, minimization, and mitigation or enhancement measures incorporated in the SR-91 CIP, does not adversely affect the activities, features, and attributes that qualify CHSP for protection under Section 4(f)

#### **O.5.5.5 Measures for Effects at Chino Hills State Park under Section 4(f)**

The project will result in impacts at CHSP related to the permanent use of 0.48 ac of land and TCEs. Measure CI-2, from Section 3.4, Community Impacts, in the EIR/EIS addresses the process and requirements associated with the permanent acquisition of land for Alternatives 1 and 2, including land in CHSP, as follows:

**CI-2** Where property acquisition and relocation are unavoidable, RCTC's Right-of-Way Agents will follow the provisions of the Uniform Act and the 1987 Amendments as implemented by the Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs. Appendix D in the EIR/EIS provides a summary of the RCTC Relocation Assistance Program for implementing the Uniform Act.

As discussed above, the land in CHSP that will be used temporarily for TCEs will be fully restored and returned to the condition that existed prior to the project, or better, prior to the return of that land to State Parks.

The Green River Road westbound off-ramp under Alternatives 1 and 2 is close to an existing entrance to CHSP that is accessible from Prado Road. Although Alternatives 1 and 2 do not directly affect the entrance to that trail or the trail itself, the following measures are included in the Initial Phases of Alternatives 1 and 2 to provide improvements to the trail entrance at Prado Road and for RCTC to participate in regional trail planning:

**PR-1** During final design/construction of the Initial Phase, RCTC will contribute \$100,000 to the planning and implementation of improvements in that area that would support and expand regional trail connectivity.

**PR-2** During final design/construction of the Initial Phase, RCTC will coordinate with State Parks on the aesthetic features that will be included in the project specifications for the proposed retaining wall facing CHSP between State Route 71 (SR-71) and the westbound Green River Road off-ramp, consistent with the aesthetic and features required in Measure V-1. The aesthetic treatment will include a texture to simulate a natural type appearance such as a soil or rock surface, or equivalent.

#### **O.5.5.6 Measures for Other Effects at Chino Hills State Park**

There are number of other measures provided in the EIR/EIS that would also protect resources in CHSP, as described below.

##### ***Measures for Fire Prevention and Suppression***

The following measures in Sections 3.5 and 3.17, respectively, in the EIR/EIS would provide fire suppression and prevention benefits to CHSP:

**UES-4 Fire Prevention Adjacent to CHSP.** The final design of the SR-91 CIP Build Alternatives will include closing gaps so there is the equivalent of a continuous barrier 30 to 36 inches high on the edge of the shoulder on both westbound and eastbound SR-91 from SR-71 to State Route 241 (SR-241), as follows:

- **Initial Phase:** The 36-inch high concrete barrier on westbound SR-91 between SR-71 and Green River Road already included in the design alternatives will meet the requirements for this barrier;
- **Ultimate Project:** Close gaps to provide an equivalent continuous barrier 30 to 36 inches high on the edge of shoulder on SR-91 in both directions between Green River Road and SR-241 meeting Department standards applicable at the time.

In response to State Park's concern about fires propagating over parkland from the freeway, the Department and California Department of Parks and Recreation (CDPR) representatives met with the California Department of Forestry and Fire Protection (CAL FIRE) and fire department representatives. The prevailing opinion of the local

fire experts was that a low, continuous concrete barrier would be effective in arresting freeway-to-wildland fire ignition and preventing the spread of fire from vehicles on the freeway into adjacent vegetation. The local fire experts preferred a 3-foot (ft) barrier to a higher barrier, because they still would need to get hoses and staff over the barrier to respond to fires and other emergency response.

For the first phase of this project, the proposed design already includes concrete barrier at the edge of shoulder on the north side of SR-91 between SR-71 and Green River Road for safety reasons, as this stretch is on high fill being supported by a retaining wall. This would both serve a safety need as well as providing a barrier to fire ignition sources from the freeway.

In informal consultation with statewide fire experts at CAL FIRE, it is clear there is no standard or research that can document the effectiveness of a vertical barrier for fire prevention from highways, although the prevailing opinion of local and statewide fire professionals is that it would be helpful. The standard approach is a horizontal 100 ft clear zone with limited fuel for fire within that distance which is not being considered here due to the impacts on adjacent wildlife habitat.

The project sponsors and State Parks agree that fire ignition sources from the freeway are an issue that should be further studied as part of the future expansion of SR-91 in the Ultimate Project. The current mitigation measure, proposed in concept, is for a fire resistant barrier, 3 ft in height, continuous but with limited access openings for vehicle passage for emergency and maintenance vehicles. There will be some years before final design to develop a concept and obtain all necessary federal and state approvals for such a pilot installation in consultation with fire professionals, Department traffic safety experts, and State Parks.

- NC-4** When work is conducted during the fire season (as identified by the Orange County Fire Authority [OCFA], Riverside County Fire Department [RCFD], City of Norco Fire Department, and/or the City of Corona Fire Department) adjacent to any vegetated open space, RCTC's Resident Engineer will require the design/build contractor to ensure that appropriate firefighting equipment (e.g., extinguishers, shovels, water tankers) is available on site during all phases of project construction to help minimize the potential for human-caused wildfires. Shields,

protective mats, and/or other fire-preventive methods will be used during grinding, welding, and other spark-inducing activities. Personnel trained in fire hazards, preventive actions, and responses to fires will advise contractors regarding fire risk from all construction-related activities.

If a responsible fire agency (OCFA, RCFD, City of Norco Fire Department, or City of Corona Fire Department) requires RCTC to clear defensible spaces during construction, the RCTC Resident Engineer, the design/build contractor, and the design/build contractor's Designated Qualified Biologist will coordinate with the United States Fish and Wildlife Service (USFWS) prior to this clearing effort. In the event there are resources in the areas identified for defensible clearing, RCTC's Resident Engineer and the Designated Qualified Biologist will coordinate with any applicable permitting agencies regarding possible effects to those resources prior to approving the defensible clearing of any areas by the contractor.

During all Red Flag Warning periods as issued by the National Weather Service, the design/build contractor will not be allowed to operate mechanized equipment or equipment that could throw off sparks or potentially start fires in any areas of natural open space in CHSP or other areas.

***Measure Regarding Construction Hours in CHSP***

The following measure in Section 3.1 in the EIR/EIS will limit construction activities to minimize nighttime noise impacts to CHSP:

- PR-3** RCTC's Resident Engineer will require the design/build contractor to limit the hours of construction in CHSP to daylight hours (7:00 a.m.–7:00 p.m.), with the exception of limited periods when evening or night construction is necessary for operational reasons. Operational reasons may include the desire to conduct certain construction activities, such as closing multiple ramps or travel lanes, during night

hours to minimize delays to the traveling public. Any night construction must be approved in writing by the RCTC Resident Engineer and coordinated with the District 8 and 12 biologists, the USFWS, and CDFG.

The entry gates at Coal Canyon must remain closed at all times except to provide access to and from the construction site for construction workers, materials delivery, and construction equipment, to prevent wildlife from inadvertently entering the freeway area.

**Measure Regarding Small Animal Movement at Coal Canyon**

The following measure in Section 3.20 in the EIR/EIS will protect small animals in the vicinity of Coal Canyon and CHSP:

- AS-8** RCTC's Resident Engineer will require the design/build contractor to install and maintain silt fence barriers at all staging or construction areas at Coal Canyon and areas within CHSP to prevent small animals from entering those areas.

In addition to the measures listed above, there are other measures included in the Build Alternatives that will also apply adjacent to CHSP to protect resources in CHSP as well as other areas. Refer to Appendix E, Environmental Commitments Record, for all the project measures, including biological resources measures that would be applicable adjacent to CHSP.

**O.5.5.7 Other Commitments by RCTC Relevant to Chino Hills State Park**

In addition to the measures described above and in Appendix E in the EIR/EIS and separate from the mitigation requirements for the SR-91 CIP, RCTC has committed to an additional action in the Coal Canyon area, as follows. A stand-alone project will be developed to construct barriers on the south and north sides of SR-91 to shield headlight glare and freeway noise. The required barriers are estimated to be approximately 1,500 ft and 1,300 ft long on the south and north sides of SR-91, respectively. The project will follow environmental process requirements and engage subject area experts to establish the specific requirements and effectiveness of the proposed barriers to meet the project purpose as well as ensure safety and structural standards are met.

In consideration of and reliance on the needs of State Parks and other open space plans that depend on CHSP, and subject to environmental review, RCTC commits to build this barrier in tandem with the completion of the SR-91 widening in this area currently planned for completion in 2035. RCTC intends to work with the Department and other agencies to fund and implement this project. RCTC's commitment to provide this barrier is documented in a Letter of Intent to State Parks dated March 26, 2012. The Department has also agreed to support this project and work with RCTC in their letter dated March 26, 2012.

**O.5.5.8 Section 6(f) and Consultation with the National Park Service**

In its consultation letter dated January 26, 2012, the NPS indicated that two previous Land and Water Conservation Fund (L&WCF) Act grants were used for the acquisition of land for CHSP. The Build Alternatives would require acquisition of a small amount of land in parcel #31 in CHSP, which was not acquired with those grant monies. The NPS letter goes on to say "...we have determined that LWCF Act §6(f)(3) does not now apply to parcel #31, and that the proposed project, were it to be built today, would not cause a LWCF Act conversion of parkland on parcel #31." As a result, at this time, the requirements for the protection and mitigation of the acquisition of land from parcel #31 for the proposed project under Section 6(f) do not apply.

However, the NPS also indicated in its consultation letter that the timing of the closing of an approved third major L&WCF Act grant to State Parks for CHSP is not known. When that grant is closed, it will modify the Section 6(f) boundary for CHSP to include all the existing land in the park, including all of parcel #31. Because of the uncertainty of the timing of the closing of that approved L&WCF Act grant to CHSP, the NPS consultation letter also recommends "...that CEQA and NEPA environmental compliance treat the property as if §6f applied now, in terms of potential impacts assessment and mitigation measures."

Because parcel #31 is not currently subject to the requirements of protection and mitigation under Section 6(f), RCTC and the Department are proceeding without treating parcel #31 as if Section 6(f) applies now and will continue to monitor the status of the L&WCF Act grant closing. However, in the event that the grant is closed prior to construction of the SR-91 CIP, the requirements for the protection under Section 6(f) will need to be analyzed and addressed with CHSP and CDPR, Office of Grants and Local Services.

The NPS consultation letter is provided in Appendix B of the EIR/EIS.

### **O.5.6 Common Response Related to Noise Barriers on I-15**

Noise barriers that would not meet a minimum life span of 20 years are not considered reasonable by the Department and therefore were not considered for inclusion in the final design for the SR-91 CIP. Based on comments received during the public review period of the Draft EIR/EIS and prior commitments made by previous Department projects to build NB K1-A, along I-15, a noise barrier survey was conducted for property owners affected by the construction of NB K1-A. Based on the surveys submitted by affected property owners, NB K1-A received a majority approval and will be constructed as part of the SR-91 CIP. If noise barriers along I-15 other than NB K1-A are not constructed as part of the separate I-15 Project within 5 years from the completion of the SR-91 CIP, RCTC will initiate a separate project to construct these noise barriers. Mitigation Measure N-4 in Section 3.15.4.3, Mitigation for Operational Noise on I-15, confirms RCTC's commitment regarding these other noise barriers along I-15.

Refer also to Section O.5.3, Common Response Related to the Noise Process, on page O-8, for additional discussion regarding the process for identifying the need for sound walls and the minimum lifecycle requirement for that type of improvement along State highways.

### **O.5.7 Common Response Related to Alternatives**

A number of comments were received related to the project alternatives, the process of developing those alternatives, additional alternatives, and other related comments. The following discussion explains the information included in various sections of the EIR/EIS that document and disclose the previous studies and project definition processes that have been developed over the past 20 years related to the proposed SR-91 improvements.

It is clear through these previous studies that the proposed SR-91 CIP is not the only solution to the transportation problem between Riverside and Orange Counties. The SR-91 CIP is part of the solution and has been prioritized by the RCTC and the Department to move forward as the first major project defined by the Locally Preferred Strategy (LPS) developed from the Major Investment Study (MIS) in 2005, as described later in this section.

The comments that relate to the range of Build Alternatives studied, the effectiveness of the Build Alternatives to meet purpose and need, the feasibility of the alternatives, etc., are responded to in the following sections. It is RCTC and the Department's

contention that, given the planning history within the corridor, the SR-91 CIP Build Alternatives are reasonable, feasible, and constructible alternatives that are only one step in reducing vehicle congestion between Riverside and Orange Counties.

#### **O.5.7.1 History of the Project/Development of the SR-91 CIP Build Alternatives**

Refer to Section 1.1.3, Planning History of the Project, which describes the history of regional planning efforts to address east-west travel in this area in detail, including the following key studies:

- **Route Concept Report (California Department of Transportation [Caltrans] 1989):** The ultimate SR-91 facility anticipated in this Route Concept Report proposed eight general-purpose (GP) lanes and two high-occupancy vehicle (HOV) lanes. The existing SR-91 facility meets or exceeds that ultimate facility but does not accommodate either existing or future demand in this corridor.
- **State Route 91 Congestion Relief Alternatives Analysis (Caltrans, January 2003):** This report identified short-, mid-, and long-term alternatives to relieve congestion on SR-91 between State Route 55 (SR-55) in Orange County and I-15 in Riverside County.
- **State Route 91 Implementation Plan (Orange County Transportation Authority [OCTA] 2003):** This Plan was prepared to comply with Assembly Bill (AB) 1010 (September 2002), which required OCTA, in consultation with the Department and RCTC, to issue a plan and a proposed completion schedule for improvements to SR-91 from I-15 to SR-55 to the State Legislature prior to July 1, 2003. The scope of this Plan reiterated the alternatives in the State Route 91 Congestion Relief Alternatives Analysis and provided additional approaches, including the development of an MIS to evaluate potential new corridors and multimodal alternatives. This Plan has been updated annually to the current State Route 91 Implementation Plan (OCTA 2010).

#### **O.5.7.2 Riverside County-Orange County Major Investment Study**

The *Riverside County-Orange County Major Investment Study* (OCTA 2005) was prepared by OCTA, in cooperation with RCTC and the Foothill-Eastern Transportation Corridor Agency. The MIS addressed planning, environmental, and transportation issues that would result from the anticipated doubling of population in Riverside County (from 1.5 million residents in the early 2000s to approximately 3.1 million residents by 2030) by developing an LPS to meet five key goals, to the extent feasible:

1. Provide improvements to SR-91 to improve mobility between counties.
2. Improve travel time and safety on existing facilities.
3. Improve goods movement capability through the corridor.
4. Reduce and manage the diversion of intercounty traffic from SR-91 to local streets.
5. Expand modal options throughout the corridor.

The MIS scope relied heavily on recommendations for improvements to SR-91 based on the earlier studies described above, examined a comprehensive range of capital and operational improvement alternatives to SR-91, and identified other intercounty multimodal transportation corridor opportunities. The MIS analyzed the potential benefits, costs, and consequences (economic, social, and environmental) of alternative transportation investment strategies in Orange and Riverside Counties.

The SR-91 CIP was identified as a key east-west transportation corridor improvement based on the environmental and transportation analyses conducted for the MIS. The MIS led to the development of the two Build Alternatives for the proposed SR-91 CIP.

The MIS considered a wide range of transportation options to address the need for improved mobility between Orange and Riverside Counties. Specifically, the MIS Policy Committee identified and approved four separate bands of broad east-west corridors between Riverside and Orange Counties as part of the LPS to address the demand for east-west travel between the two counties. The SR-91 CIP is one of those bands of improvement. Two new corridors (Corridors A and B) to meet the need for east-west travel between Riverside and Orange Counties were also identified in the MIS and are described in the following sections. A third corridor, Corridor D, focused on improvements to State Route 74 (SR-74) between Riverside and Orange Counties. As noted in the MIS, Corridors A and B, and the improvements to SR-74 would be needed in addition to the SR-91 CIP to address the forecasted demand for east-west travel between the two counties.

### **0.5.7.3 Other Improvements Proposed in the Locally Preferred Strategy**

In addition to the improvements in the SR-91 CIP, the refined LPS includes the following projects on SR-91, other east-west corridors, and transit improvements:

- **Immediate Capacity Enhancements to SR-91:** Add one new lane in each direction between I-15 and SR-241 and make additional improvements.

- **Lower Toll on Foothill Transportation Corridor (SR-241):** Encourage more use of SR-241 by lowering the existing toll and adding new lanes.
- **Build 4-Lane or 6-Lane Elevated Highway (Corridor A):** Build an entirely new elevated highway (viaduct) parallel to SR-91 between I-15 and SR-241. Corridor A would have limited access/egress at only I-15, SR-71, and SR-241. Corridor A would have limited locations for access/egress and, therefore, would not address substantial amounts of the demand in this corridor. In addition, as noted above, the MIS identified the need for both the SR-91 CIP project and Corridor A, so Corridor A alone would not be consistent with the MIS and would not meet the defined purpose for the SR-91 CIP.
- **Build 4-Lane or 6-Lane Tunnel (Corridor B):** Build an entirely new tunnel highway between I-15 at Cajalco Road in Riverside County and the vicinity of the SR-241 and State Route 133 (SR-133) interchange in Orange County. Corridor B was defined as a full-length tunnel or partial surface road/tunnel alignment from Cajalco Road at I-15 in Riverside County west across the Santa Ana Mountains to the SR-241/SR-133 interchange in central Orange County. Corridor B would be substantially south of the SR-91 corridor and, as noted in the MIS, is considered a needed improvement in addition to the SR-91 CIP to address east-west demand but not as a project by itself.
- **Improvements to SR-74:** Improvements along existing SR-74 between Orange and Riverside Counties are included in the LPS. SR-74 is substantially south of the SR-91 corridor and, as noted in the MIS, is needed in addition to the SR-91 CIP to address east-west demand. SR-74 and the improvements to SR-74 were originally defined in the MIS as Corridor D.
- **Maximize Transit System:** Expand transit service by increasing MetroLink service through the corridor and evaluate the addition of express buses and high-speed trains such as Maglev. Incorporate a new Intermodal Transportation Center in Corona near Serfas Club Road with a park-and-ride facility (estimated at 3,000 parking spaces), shuttle/circulator feeder buses, local and express buses including bus rapid transit, preferential treatment for HOVs, and linkages to the proposed Maglev train if a station is developed in Corona along the Ontario-Anaheim segment. These transit enhancements are proposed in the LPS as separate projects and are not specifically included in any of the highway improvement projects in the LPS.
- **Operational Improvements to SR-74:** Identify specific operational improvements to SR-74 between Interstate 5 (I-5) and I-15.

Refer also to Section 2.3.5.3, Major Investment Study Build Alternatives, on page 2-122 in the EIR/EIS for additional discussion of the other corridor alternatives included in the MIS LPS.

#### **O.5.7.4 Transportation Systems Management (TSM) and Traffic Demand Management (TDM)**

Refer to Section 2.3.5, Transportation Systems Management and Traffic Demand Management, on page 2-120 in the EIR/EIS for a discussion of the elements of TSM and TDM included in the SR-91 CIP, although a separate TSM/TDM alternative was not considered in the EIR/EIS.

Refer also to Section 2.3.8.5, Multi-Modal Components, on page 2-142 in the EIR/EIS, which indicates the SR-91 CIP improvements are compatible with a wide range of multi-modal improvements proposed in Orange and Riverside Counties, including increased transit services in that corridor.

The existing public transit options between Riverside and Orange Counties are bus and commuter rail. MetroLink commuter rail services between Riverside and Orange Counties operate on railroad tracks owned by the BNSF Railway. MetroLink commuter rail service in this corridor is nearing capacity on existing equipment. MetroLink currently operates 16 trips daily on the Inland Empire-Orange County (IEOC) Line between downtown Riverside, Laguna Niguel/Mission Viejo, and Oceanside. It operates nine trips daily on the 91 Line between Riverside and Los Angeles via Corona, Fullerton, and Norwalk. The RCTC is planning to increase commuter rail services to Riverside County in the future by two additional trips on the IEOC Line and three additional trips on the 91 Line. With this enhanced service, there will be at least one train every 30 minutes in the peak direction (westbound during the a.m. peak hour and eastbound during the p.m. peak hour). Further service improvements to MetroLink are envisioned in the Southern California Regional Rail Authority (SCRRA) *Strategic Assessment* (MetroLink, January 19, 2007). It is anticipated there will be at least 40 daily trips each on the IEOC Line and 91 Line by 2030. This type of alternative was already identified in the MIS as needed improvements, in addition to the SR-91 CIP. As a result, it would not meet the project purpose and need and would compromise the SR-91 CIP to such a degree that it would be unreasonable to proceed.

### **O.5.7.5 Alternatives Considered But Not Carried Forward**

Refer to Section 2.3.8, Alternatives Considered but Eliminated from Further Discussion in the Draft Environmental Document, on page 2-140 in the EIR/EIS, for a detailed discussion of a wide range of highway and other alternatives that were considered but not carried forward for detailed analysis in the EIR/EIS. As noted above, the SR-91 CIP was developed to satisfy specific initial components of the MIS LPS and to provide immediate capacity enhancements to SR-91. Other components of the MIS LPS, including alternative corridors/facilities and transit, are individual and separate projects being pursued separately by OCTA, RCTC, and/or the Department. As a result, the alternatives evaluated in the EIR/EIS were specifically designed to provide immediate capacity enhancements on SR-91 that would be consistent with the MIS LPS.

A number of other Build Alternatives were identified and briefly evaluated. Based on those evaluations, those alternatives were not carried forward for detailed evaluation in the project environmental technical studies or the EIR/EIS. Those alternatives are listed below and are described in detail in Section 2.3.8, including why they were not carried forward.

- **HOV/Express Lanes in Parallel:** Implementation of HOV and tolled express lanes on SR-91 in parallel was considered with two cross-section configurations.
- **Additional HOV Lanes:** Consideration was given to implementing two HOV lanes in each direction on SR-91 rather than two tolled express lanes.
- **Reversible Managed Lanes:** This alternative considered reversible lanes for HOVs.
- **Measure A HOV Widening with Corridor A (Value Analysis Alternative 1.3):** The *Value Analysis Study Report* (Value Management Strategies Inc., October 2008) proposed constructing the SR-91 CIP in conjunction with the Corridor A alignment identified in the LPS and the MIS.
- **Additional Express Lanes (Value Analysis Alternative 1.4):** The *Value Analysis Study Report* proposed an alternative that would construct three rather than two express lanes in each direction on SR-91.

### **O.5.7.6 No Build Alternative**

In addition to the two SR-91 CIP Build Alternatives, the No Build Alternative was also evaluated in the EIR/EIS. The No Build Alternative:

- Would maintain the existing SR-91 and I-15 in the project area;
- Would not provide additional GP lanes or a change in the existing tolled express or HOV lanes on SR-91; and
- Provides a benchmark by which the public and decision-makers can compare the magnitude of the effects of the Build Alternatives.

### O.5.8 Common Response Related to Billboard Relocation

Alternative 1 and its design variations will displace 9 commercial billboards.

Alternative 2 and its design variations, including Alternative 2f, will displace 10 commercial billboards. All the displaced billboards are in the City of Corona.

Table O.5 summarizes the billboard locations and which alternatives impact each billboard.

**Table O.5 Billboards Affected by Alternatives 1 and 2**

APN	Location (Relative to SR-91)	Descriptions	Impacted by Alt 2 <sup>1</sup>	Impacted by Alt 1	Can the Billboard be Relocated? <sup>2</sup>
101-290-023	North Side	Green River WB On-Ramp	Yes	Yes	Yes
101-290-021	North Side	Green River WB On-Ramp	Yes	No	Yes
102-050-013	South Side	Auto Center Drive EB Off-Ramp	Yes	Yes	Yes
102-091-006	South Side	Southwest corner of Frontage Road and Ridgeview Terrace	Yes	Yes	Yes
102-092-023	South Side	Between Ridgeview Terrace and Via Santiago Street	Yes	Yes	Yes
102-101-002	South Side	Between Ridgeview Terrace and Via Santiago Street	Yes	Yes	Yes
102-102-020	South Side	Southwest corner of Sixth Street and Via Josefa Street	Yes	Yes	Yes
117-270-024	South Side	Between East Grand Avenue and I-15	Yes	Yes	Yes
115-060-049	South Side	Between East Grand Avenue and I-15 Digital Board	Yes	Yes	Yes
115-060-016	North Side	Between I-15 and East Grand Avenue Digital Board	Yes	Yes	Yes

Source: Riverside County Transportation Commission (2011).

Note: The billboard on APN 101-140-013 would not be affected by either Build Alternative and, as a result, is not included in this table.

<sup>1</sup> Alternative 2f would impact the same 10 billboards shown as impacted by Alternative 2.

<sup>2</sup> Based on preliminary plans for the Build Alternatives, it appears that the billboards displaced by the project can be relocated in the vicinity of their original locations. All billboard relocations must comply with the requirements in the City of Corona Municipal Code and the Outdoor Advertising Act and Regulations.

Alt = Alternative

APN = Assessor's Parcel Number

EB = eastbound

I-15 = Interstate 15

SR-71 = State Route 71

SR-91 = State Route 91

WB = westbound

Consistent with the requirements of the Uniform Act, the RCTC will work with each billboard owner to assist with the relocation of each billboard, which will preferably be on the same lot. The specific requirements applicable to the relocation of the billboards are documented in:

- **City of Corona Municipal Code, Title 17 Zoning, Chapter 17.73 Signs, Section 17.74.160 Off-premises and Outdoor Advertising Signs (Billboards) and Section 17.74.220(H):** Section 17.74.220(H) specifically prohibits outdoor advertising signs (billboards) unless considered and constructed as part of a relocation agreement between the City and the billboard and/or property owner. The 10 existing billboards are included in existing relocation agreements between the billboard/property owners and the City of Corona.
- **Outdoor Advertising Act and Regulations, 2011 Edition (Citations from the California Business and Professions Code, and Citations from the California Code of Regulations [CCR]) as Distributed by the Department:** This document details the requirements for all types of outdoor advertising based on the California Business and Professions Code and CCR Title 4, Business Regulations.

All billboards are required to comply with the applicable requirements detailed in these two sections. The relocation of billboards for the SR-91 CIP will be required to comply with the requirements for billboards relocated on the same property lot and billboards relocated to other property lots.

If the billboard cannot be relocated on the same property, then RCTC's Right-of-Way Agents will help locate other potential properties in proximity to the location of the existing billboard. Table O.5 indicates that it appears all the displaced billboards can be relocated in the vicinity but not necessarily on the same parcels where the existing billboards are located. However, as noted above, all billboard relocations must comply with the requirements in the City of Corona Municipal Code and the Outdoor Advertising Act and Regulations. All relocated billboards would also require a relocation agreement between the billboard/property owner and the City of Corona.

The following measure was added in Section 3.4.2.5, Avoidance, Minimization, and/or Mitigation Measures for Relocations and Real Property Acquisition, on page 3.4-52 regarding the billboard relocation process:

- **CI-4** During final design and property acquisition, the RCTC Project Engineer and Right-of-Way Agents will work with

the billboard/property owners, the City of Corona, and the Department's Outdoor Advertising Unit to find locations for relocating the affected billboards, within the existing sites where the billboards are currently located or other sites in the City where billboards are allowed. The Right-of-Way Agents will work with the City and the Department's Outdoor Advertising Unit to ensure that the sites for the relocated billboards comply with the requirements in the City of Corona Municipal Code and the Outdoor Advertising Act and Regulations. The Right-of-Way Agents will also work with the billboard/property owners to develop Billboard Relocation Agreements with the City of Corona.

For billboards that cannot be relocated or relocated to a similar location with similar revenue production, the owner may be entitled to compensation under the Uniform Act as discussed in Appendix D, Summary of Relocation Benefits, in the EIR/EIS. Based on the relocation of billboards that can be relocated with similar revenue production or compensation under the Uniform Act, the impacts of the Build Alternatives related to the relocation/removal of billboards would not be substantial.

RCTC will take into consideration the existing relocation agreements the City of Corona has with billboard providers in the billboard relocation process. The agreements the City of Corona currently has with Lamar Central Outdoor and General Outdoor Advertising, and the revenue generated to the City as a result of those agreements, will be considered during the billboard relocation process. Every effort will be made to relocate all displaced billboards to other locations in the City. However, it is unknown if these billboards will be able to be relocated within the City limits. There may be a financial impact associated with the removal of these billboards from within the City limits, resulting in a loss of revenue to the City.

The total revenue lost cannot be calculated because it is not known how many, if any, of the affected existing billboards would not be relocated within the City limits. However, the potential economic impacts as a result of billboard relocations and displacements are not considered substantial. A subsection titled "Other Revenue" was added on page 3.4-49 in Section 3.4.2.4, Economics, in the EIR/EIS to discuss billboard displacements and relocations in the City of Corona and to indicate that no

substantial long-term economic impacts are anticipated as a result of changes in existing billboards.

#### **O.5.9 Common Response Related to the Identification of the Preferred Alternative**

The process for the identification of the Preferred Alternative is described in detail in the following sections in Chapter 2:

- **Section 2.3.7.1, Identification of the Preferred Alternative on page 2-124:** This is an introduction to the process for the identification of the Preferred Alternative by the Project Development Team (PDT).
- **Section 2.3.7.2, Identification of the Locally Preferred Alternative on page 2-128:** This section describes RCTC's identification of Alternative 2 as the locally preferred alternative.
- **Section 2.3.7.3, Development of the PDT Recommendation on page 2-128:** This section describes the criteria and evaluation process used by the PDT to identify Alternative 2 as its recommended alternative for the SR-91 CIP.
- **Section 2.3.7.4, PDT Recommendation for the SR-91 CIP Alternative on page 2-136:** This section discusses the criteria and evaluation process used by the PDT to compare the design variations for Alternative 2 and the identification of design variation f for inclusion in Alternative 2
- **Section 2.3.7.5, Preferred Alternative on page 2-137:** This section describes the PDT recommendation of Alternative 2f as the Preferred Alternative.

Refer to those sections in Chapter 2 for the detailed discussion of the alternative identification process.

#### **O.5.10 Common Response Related to the Biological Opinion**

The Biological Opinion for the SR-91 CIP was received from the USFWS on November 30, 2011. A copy of the Biological Opinion is provided in Appendix N, Biological Opinion.

The Biological Opinion found that the SR-91 CIP is not likely to adversely affect Branton's milk-vetch and its designated critical habitat, southwestern willow flycatcher, and Santa Ana Sucker based on the avoidance of occupied habitat, general construction avoidance, and minimization measures to avoid indirect effects from construction. Therefore, these species were not addressed by the formal consultation. Effects to California gnatcatcher (CAGN), least Bell's vireo (LBV), and Stephens' kangaroo rat (SKR) in Riverside County will be addressed through compliance with

the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and the Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP). There will be no effects to LBV and SKR in Orange County. As part of the Biological Opinion, the USFWS determined the SR-91 CIP is consistent with the Western Riverside County MSHCP and SKR HCP.

The USFWS determined that the SR-91 CIP may affect CAGN. The Biological Opinion has authorized an "incidental take" of CAGN for the SR-91 CIP as follows:

- Incidental take in the form of harm, as defined in 50 Code of Federal Regulations (CFR) Section 17.3, of one CAGN pair is authorized due to the permanent removal of 4.25 ac of coastal sage scrub (CSS) and 4.17 ac of vegetation communities used by CAGN for essential behaviors, including nesting, roosting, foraging, and dispersal, and the temporary removal of 1.29 ac of CSS and 1.72 ac of vegetation used by CAGN for foraging and dispersal. The take threshold will be exceeded if more than the amount of habitat identified above is graded or grubbed of if more than one pair of CAGN is killed or injured.

The USFWS has further determined that the level of anticipated take is not likely to result in jeopardy to the recovery of CAGN.

Refer to Section 3.21.3.4, Biological Opinion, starting on page 3.21-18 for additional information related to the Biological Opinion. Additional measures (TE-1 through TE-17) that were required by the Biological Opinion but not previously included in the EIR/EIS were added to Section 3.21.4, Avoidance, Minimization, and/or Mitigation Measures, beginning on page 3.21-20 (see Measures TE-1 through TE-17).

## **0.6 Comments and Responses**

The comments received on the Draft EIR/EIS during the public comment period and the responses to those comments are provided in the following sections. As stated previously in Section O.5, where there are multiple comments that raise the same or similar issue or concern, a common response was prepared to address the specific issue comprehensively. The common responses were used when applicable to respond to the comments provided in this section. The responses to the comments are provided following the last page of the coded letter in each category (i.e., federal agency letters are followed by their responses to those comments, State agency letters are followed by their responses to those comments, etc.).