

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

DATE:	September 12, 2007
TO:	Riverside County Transportation Commission
FROM:	Plans and Programs Committee Cathy Bechtel, Project Development Director Gustavo Quintero, Bechtel Project Coordinator Mark Massman, Bechtel Project Manager
THROUGH:	Eric Haley, Executive Director
SUBJECT:	Identification of a Locally Preferred Alternative for the Mid County Parkway

PLANS AND PROGRAMS COMMITTEE AND STAFF RECOMMENDATION:

This item is for the Commission to designate Alternative 9, the far south alternative, as the Commission's locally preferred alternative for the Mid County Parkway (MCP).

BACKGROUND INFORMATION:

Since 2003, the Commission has been working on the MCP in partnership with Caltrans, the Federal Highway Administration (FHWA), and federal and state resource agencies. Early analysis and discussion for this east-west corridor was initiated and studied as part of the Riverside County Integrated Project (RCIP) efforts, which began back in 1999. One of the milestones agreed to by the MCP partner agencies, the transportation and resource agencies that constitute the small working group (SWG), was to consider designation of a preferred alternative in the draft environmental impact report/environmental impact statement (EIR/EIS) following completion of the draft technical studies. The partner agencies agreed that if one alternative "rose to the top" with respect to being the likely least environmentally damaging practicable alternative (LEDPA), this would help streamline the National Environmental Policy Act (NEPA) process by allowing the agencies to focus on this preferred alternative through the preparation and review of the draft EIR/EIS. The MCP study team has completed the draft environmental and engineering technical studies for the five MCP build alternatives. Now that the technical studies have been completed and the information is readily available for comparison of the project alternatives, staff recommends that the Commission identify a locally preferred alternative.

Project Alternatives

The five build alternatives under evaluation (Alternatives 4, 5, 6, 7, and 9) were developed through a collaborative process with the SWG following the NEPA/404 integration process. Attachment 1 depicts the five build alternatives being evaluated as part of the draft EIR/EIS. These alternatives were intended to provide a reasonable range of alternatives with the potential to address the purpose and need for the project. The range of alternatives is intended to meet the requirements for alternatives analysis under California Environmental Quality Act (CEQA), NEPA, Section 404 of the federal Clean Water Act (CWA), and Section 4(f) of the U.S. Department of Transportation Act (49 USC 303).

Key milestone actions to date include:

- 1) Execution of an interagency partnering agreement (October 2003);
- 2) Concurrence on Purpose and Need (January 2004);
- 3) Preliminary agreement on an initial suite of alternatives (November 2004);
- 4) Consensus on evaluation criteria for selection of a preferred alternative (December 2004); and
- 5) Preliminary agreement on a revised suite of alternatives (November 2005).

The preliminary agreement on a revised suite of alternatives was required to address elimination of two alternatives deemed impracticable due to potential safety and operational impacts to the Lake Mathews and Perris dams, and the addition of a new alternative that fully avoided the Metropolitan Water District (MWD) Multiple Species Habitat Conservation Plan (MSHCP) reserve lands. Environmental and engineering technical studies have been in preparation since 2004, and draft technical reports have undergone concurrent review by the MCP partner agencies.

The MCP alternatives have been evaluated using the selection criteria agreed to by the SWG in December 2004 for use in selecting the LEDPA. A total of 17 primary criteria and 56 sub-criteria was developed and agreed to by the partner agencies. Key criteria include impacts to the following: cost, people and homes, businesses, water resources, endangered and threatened species, existing habitat conservation plans, cultural resources, land use, and impacts to communities. While area residents are likely more concerned about effects on their homes and other community impacts, the criteria addressing natural resources must also be considered as they are critical to the ability of the resource agencies to grant future approvals and permits for the project. For example, the U.S. Army Corps of Engineers can only approve a Section 404 permit for the alternative with the least

impacts to waters of the U.S. (the LEDPA), unless it is shown that such an alternative is neither reasonable nor practicable.

Also, all projects involving a federal action (funding, permit, or land) must comply with Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. This EO directs federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law. State law also requires consideration of environmental justice.

Two general issues are weighed for environmental justice analysis for transportation projects:

- Whether the adverse impact(s) of the proposed project will be predominantly borne by a minority or low-income population group; or
- Whether the adverse impact(s) of the proposed project will be appreciably more severe or greater in magnitude than the adverse impacts to non-minority and/or non-low-income population groups even after mitigation measures and offsetting project benefits are considered.

For a project the size of the MCP (30+ mile corridor), the primary data source used for analysis is 2000 census data. Based on the census data, census tracts in Mead Valley were identified as having the highest populations of low income and/or minority residents within the MCP study area.

All MCP build alternatives would benefit all study area residents, including minority and low-income populations, by improving mobility and circulation throughout the study area and the Western Riverside County region. The construction of any of the MCP build alternatives will have impacts on the surrounding areas. However, when comparing the alternatives, alternatives 4–7 have a greater impact on low-income and minority populations than Alternative 9, due to direct impacts resulting from property displacements along Cajalco Road. While none of the MCP build alternatives are considered to have *disproportionately* high impacts to minority and low-income populations as defined in EO 12898, Alternative 9 has a lesser impact on these populations.

Designation of Preferred Alternative

The analysis performed, using findings from the draft MCP technical studies, shows that Alternative 9, the far south alternative, is superior under almost every criterion and rises to the top as the least impacting alternative. Attachment 2 provides a comparison of some key criteria by alternative. Since this alternative appears to be

superior to all of the other alternatives based on the criteria for alternative selection, per the agreement with FHWA and the federal and state resource agencies, Commission staff is recommending identification of Alternative 9 as the Commission's preferred alternative.

The designation of a preferred alternative in the draft EIR/EIS should significantly aid in the analysis and completion of the environmental process. The strengths and weaknesses of this early identification of a preferred alternative are shown below.

Strengths:

- 1) Provides early disclosure to the public of the preferred alternative;
- 2) Allows the public to provide focused input on a single alignment;
- 3) Saves money and minimizes impacts by limiting the scope of the remaining cultural resource studies. The state historic preservation office has agreed that cultural phase two testing can be limited to just the preferred alignment, thus minimizing disturbance to cultural resources since studies will not have to be done on the other alignments;
- 4) Does not preclude the Commission from making adjustments to the preferred alternative during the public comment process; and
- 5) Streamlines federal permit processing as selection of a preferred alternative allows for the initiation of key coordination with federal resource agencies earlier in the process.

Weaknesses:

- 1) May require more time and work if the preferred alternative changes due to unforeseen impacts brought forward during the public review process (would have to revise the EIR/EIS).

One concern that has been raised is regarding the potential for the MCP to be growth inducing (i.e., would it encourage unplanned growth?). The growth analysis conducted for the MCP concluded that implementation of the MCP project is expected to have little influence on the location, amount, rate, or type of growth in the area. The basis for this conclusion is: 1) the area has been undergoing rapid development since well before the MCP planning (and prior CETAP corridor planning) had begun; 2) the MCP project has been integrated into the overall planning of the area based on the inclusion of the CETAP corridor overlay in the Riverside County general plan circulation element; and 3) based on the Commission's monthly review meetings with the local land use authorities, there has been no indication of developers intensifying or substantially modifying their development proposals in response to the proposed MCP project.

For Alternative 9, the potential for growth-related effects is constrained by topography and existing land use patterns, including the overall rural character of the areas. The growth inducing potential of Alternative 9 is limited due to the provision of three local service interchanges between I-15 and I-215 and current general plan land use, which calls for low density, rural residential development. Changes to this land use can only be done through a discretionary action by the county of Riverside.

CONCLUSION:

Based on the key evaluation criteria for the MCP build alternatives, Alternative 9 is recommended to be designated as the locally preferred alternative in the draft EIR/EIS. Alternative 9 is the least damaging to water resources and aquatic ecosystems, threatened and endangered species, Section 4(f) resources, and existing reserve lands; completely avoids the MWD MSHCP reserve area; and avoids a potential sacred cultural site. Alternative 9 is the least impacting to existing business and residential access and travel patterns, impacts the least acreage of farmland, and requires the least number of residential and business displacements for right-of-way acquisition. Alternative 9 does not impact schools and has the lowest direct impacts to low income/minority populations. Finally, Alternative 9 will have the least impact to noise sensitive land uses.

By designating Alternative 9 as the preferred alternative, public agency resources can be focused on reviewing the impacts and proposed avoidance, minimization, and mitigation measures for this alternative during the draft EIR/EIS review period. In addition, the many communities not along the preferred alignment may experience some level of relief by the early identification of a preferred alternative.

The identification of a locally preferred alternative is not a final decision, but it does indicate the Commission's staff opinion. It also allows the Commission to review this choice in its discussions with the other public agencies involved in the decision-making process: the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the United States Environmental Protection Agency, the FHWA, the California Department of Fish and Game, and Caltrans.

Selection of a locally preferred alternative does not complete the approval process. There are still many phases of work left to complete before a final selection of the LEDPA is made and construction can begin. The draft EIR/EIS will be released in early 2008 for comment and review by the public, resource agencies and local governments. At that time, there will be an opportunity for public comments and a full review of the draft EIR/EIS findings with the involved federal and state agencies. Once the EIR/EIS is finalized to address comments received during the public hearing period, the Commission will select a final alternative, certify the EIR

under CEQA and approve the project. Once this is completed, and agreement on the LEDPA is reached by the agencies involved in the federal decision-making process, the Commission will be able to obtain needed federal and state permits and finalize engineering designs for the project in summer 2009. The earliest construction is projected to begin in 2011. Given the length of the projected corridor of 32 miles and cost of \$3.1 billion, it is likely the project would be constructed in stages as funding is secured. Possible funding sources include Measure A, Traffic Uniform Mitigation Fees, and federal and state funds.

Following the Commission's action, the Commission will request FHWA's concurrence on identification of Alternative 9 as the preferred alternative in the draft EIR/EIS for the MCP. This request will be made pursuant to the provisions of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Section 6002, and in the belief that the public is better served by early disclosure of a preferred alternative.

Attachments:

- 1) MCP Build Alternatives Map
- 2) Comparison of Key Criteria by Alternative

