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December 5, 2019

California Department of Transportation District 12  
1750 East Fourth Street, Suite 100  
Santa Ana, CA 92705

Attention: Environmental/South County Traffic Relief Effort Scoping

Subject: **South County Traffic Relief Effort Scoping Comments**

The Orange County Transportation Authority (OCTA) is formally submitting this letter in response to the South County Traffic Relief Effort (SCTRE) Notice of Intent and Notice of Preparation. OCTA has serious concerns with how the SCTRE was developed and the direction it is heading; however, most of these concerns could be addressed through sufficient planning-level analysis. Therefore, the California Department of Transportation (Caltrans) District 12 should partner with OCTA and other stakeholders on a technical system-level study of south Orange County multimodal transportation needs and improvements. This effort will update OCTA's 2008 South Orange County Major Investment Study (SOCMIS) that included key stakeholders and a comprehensive public outreach effort that culminated in a definitive transportation plan for south Orange County. Many of the projects included in the 2008 plan have been implemented and others are in the construction phase. A new multimodal plan for south Orange County must precede the project approval/environmental document (PAVED) phase of any other project-level studies related to the SCTRE for the reasons described below.

THE SCTRE IS NOT PART OF THE TRANSPORTATION SYSTEM VISION

The SCTRE project is inconsistent with current transportation system plans and regional transportation planning documents. While some older plans reference the Foothill Transportation Corridor – South (FTC-South) Project, this should not be associated with the current SCTRE Project. References to the FTC-South project represent a specific alignment known as the "Green Alignment." This is the alignment associated with the State Route 241 statutory definition that proposed a connection to Interstate 5 (I-5) in San Diego County. This Green Alignment corridor definition is also reflected in the current cooperative agreement between the Transportation Corridor Agencies (TCA) and Caltrans, and the current memorandum of understanding between TCA and the Southern California Association of Governments (SCAG). This alignment was ultimately rejected by multiple permitting agencies and removed from further consideration by TCA in late 2016 through a legal settlement agreement. Since TCA signed the 2016 settlement agreement, no significant planning-level work has occurred to justify a new alignment.

OCTA, as the County Transportation Commission, is the agency that determines if sufficient planning has occurred to justify adding Orange County projects to the financially constrained Regional Transportation Plan (RTP) and regional transportation model. As such, the RTP will reflect the projects and overall vision defined in OCTA's 2018 Long-Range Transportation Plan (LRTP). OCTA selects projects for the LRTP that have been studied and publicly vetted through system plans such as major investment studies, corridor studies, transit system studies, the Master Plan of Arterial Highways (MPAH), active transportation strategic plans, and the like. These projects are then further vetted as part of an overall system vision through LRTP public engagement opportunities. While OCTA's 2018 LRTP includes multimodal projects and programs to address transportation needs in south Orange County, the SCTRE is not part of the LRTP system vision. However, projects recommended through the upcoming OCTA South Orange County Multimodal Transportation Study will be considered for inclusion in the next iteration of the LRTP, currently scheduled for 2022.

#### THE SCTRE LACKS JUSTIFICATION

Caltrans District 12 has neglected to follow state transportation planning policies and guidance, choosing to bypass the regional and system planning process described in the Caltrans Project Development Procedures Manual. It is through regional and system planning that consensus is built among stakeholders to identify system needs, conceive and analyze improvement options, and recommend projects that support a long-term vision for the transportation system. Instead, Caltrans District 12 has engaged in an unjustified attempt to foist the SCTRE project on Orange County's transportation system and residents.

As noted above, system planning efforts justify projects for inclusion in financially constrained long-range planning documents, such as the OCTA LRTP and the SCAG RTP. This progression from system to regional planning also justifies use of public funds necessary for more detailed project development (i.e., PA/ED and subsequent plans) and implementation.

Without adequate development of system and regional plans and meaningful stakeholder input, projects could emerge haphazardly and lacking public support. This creates confusion about the vision for the transportation system, unnecessary redundancies of studies and construction impacts, and an overall squandering of public dollars, whether from taxes or tolls. This is exactly what is occurring with the SCTRE as exemplified by the lack of a refined purpose and need, the wide array of alternatives currently proposed, the many conflicts with existing plans, and the public confusion about why the SCTRE is even being pursued.

### THE SCTRE CONFLICTS WITH RECENT AND PLANNED INVESTMENTS

The current set of 13 alternatives introduce the following conflicts with projects that have been long planned by OCTA, SCAG, Caltrans, and other stakeholder agencies:

1. Most of the SCTRE alternatives that include the I-5 freeway introduce conflicts with voter-approved projects that are funded by the Measure M local sales tax, which have either been recently completed (new carpool lanes between San Juan Creek Road and Avenida Pico) or now under construction or entering construction (I-5 Improvement Project between El Toro Road and State Route 73 [SR-73]). These alternatives propose additional widenings that would impact nearby properties and potentially convert existing carpool lanes, some funded by Measure M, to tolled express lanes.
2. The SCTRE alternatives on I-5 also conflict with the implementation of the OCTA LRTP and SCAG RTP, which include a project recommended by OCTA's extensively vetted SOCMIS that would continue the carpool lanes on I-5 from Avenida Pico to the San Diego County line. Caltrans District 12 initially supported this project but has since decided to delay the improvement indefinitely, even though OCTA is ready to advance it toward implementation.
3. Other SCTRE alternatives conflict with the MPAH and the County of Orange General Plan by proposing tolling on the County-owned Los Patrones Parkway that is currently open to the public without tolls. Unlike the highway system, Los Patrones Parkway is not a state-owned facility and Caltrans has no authority to plan projects on county or city roads.
4. Finally, Caltrans District 12 developed a Managed Lanes Network Study in 2017 to evaluate future tolled express lanes throughout Orange County. In that study, the sections of I-5 between SR-73 and the San Diego County line were identified as "low priority" for tolled express lanes. The SCTRE alternatives for tolled express lanes on I-5 between SR-73 and the San Diego County line are inconsistent and conflict with the 2017 Caltrans District 12 efforts. Pursuing alternatives that Caltrans District 12 has identified through its own study as "low priority" is contrary to all sound planning principles.

### THE SCTRE IS BEING DEVELOPED AT-RISK

OCTA is disappointed that Caltrans District 12 has allowed taxpayer dollars to be used for the SCTRE Project Initiation Document (PID) phase, and now the PA/ED phase, without planning-level justification. To be clear, a PID is intended to refine the purpose and need for a project based on previous system and regional planning, and to estimate the level of effort and costs for project-level phases. It is not intended as a substitute for system and regional planning. Due to the lack of planning leading into the PID and PA/ED phases and the resulting conflicts with the existing plans for the Orange County



transportation system, OCTA staff would not recommend the inclusion of the SCTRE in the OCTA LRTP or the SCAG RTP.

If Caltrans District 12 continues PA/ED work, it will be viewed by OCTA as an attempt to justify the SCTRE project through large and unjustified expenditures, rather than data-driven planning and stakeholder consensus-building. The funds expended to date on the SCTRE have been spent without support from the regional planning process to justify advancing any build alternatives beyond PA/ED. OCTA advises Caltrans to end this at-risk spending on a project that currently cannot be responsibly programmed for future phases of development and will likely result in a waste of time and public funds, whether taxes or tolls.

Therefore, Caltrans District 12 should halt all PA/ED work and partner with OCTA and other south Orange County stakeholders to build on the success of the SOCMIS through OCTA's South Orange County Multimodal Transportation Study. This is a system planning study for south Orange County that will define a shared transportation vision and support coordinated implementation efforts between all of the involved agencies, stakeholders and the public.

If the SCTRE PA/ED phase proceeds, Caltrans District 12 would be expected to:

- a. Receive a formal statement from the Federal Highway Administration determining if the SCTRE is in a "high-risk category" as it relates to limitations placed on assigning National Environmental Policy Act approvals or responsibilities to Caltrans.
- b. Eliminate from further consideration alternatives that alter the design and/or operation of voter-approved local sales tax measure freeway projects that are within their designed 20-year useful life.
- c. Eliminate from further consideration alternatives that do not address the stated need for "redundant north-south capacity."
- d. Eliminate from further consideration alternatives that are inconsistent with locally approved circulation elements and/or the MPAH.
- e. Defer environmental analysis of alternatives that propose extending locally controlled facilities to the appropriate local jurisdiction(s).
- f. Include a non-capacity expanding alternative that considers transportation system and demand management strategies, consistent with policies and objectives stated in the Caltrans Strategic Management Plan.
- g. Follow all relevant state and federal guidance to ensure a transparent process that is (1) led by a project development team (PDT) with representation from all stakeholder agencies, and that (2) uses only standard practices and methods for any analysis, including analysis of vehicle miles traveled as it relates to potential transportation impacts.
- h. Conduct public outreach as required, and as extensively as needed, to ensure public stakeholders understand the issues and have adequate

opportunities for input that will be respectfully considered by the PDT and Caltrans District 12 in the development of PA/ED documents.

This letter serves as an appeal to follow long-standing Caltrans policies and guidance that uphold statutory responsibilities under Government Code §65086. This approach will ensure public funds are responsibly allocated based on informed and justified decisions that are understandable and transparent to stakeholders. Should you have any questions, please contact Dan Phu at (714) 560-5907 or [dphu@octa.net](mailto:dphu@octa.net).

Sincerely,



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Director, Strategic Planning

KB:DP:gn

c: Sarah Jepson, SCAG  
Khalid Bazmi, County of Orange