

**RESPONSE TO COMMENTS**

**GRANT LINE ROAD CORRIDOR  
PROJECT**

**SAN JOAQUIN COUNTY, CALIFORNIA**

**STATE CLEARINGHOUSE NUMBER: 2017112022**

**LSA**

December 2018

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**SAN JOAQUIN COUNTY, CALIFORNIA**  
**STATE CLEARINGHOUSE NUMBER: 2017112022**

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Project No. MKT1704



December 2018

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## 1.0 INTRODUCTION

### 1.1 PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This report has been prepared to respond to comments submitted on the June 2018 Draft Environmental Impact Report (Draft EIR) for the proposed Grant Line Road Corridor Project (herein referred to as the “Project” or “proposed Project”). The Draft EIR identifies the likely environmental consequences associated with construction and operation of the proposed Project. The evaluation in the Draft EIR found that implementation of the proposed Project would substantially degrade the existing visual character/quality of the site based on changes of foreground views (from agricultural land to road right-of-way) of the site as viewed from existing sensitive receptors. Design and placement of the proposed Project has been considered and multiple alternatives have been considered but ultimately rejected. No mitigation measures exist that would reduce the significant impact the Project would have on the existing visual character and quality of the area; thus, resulting in a significant and unavoidable impact. All other impacts resulting from the proposed Project could be mitigated to a less than significant level with implementation of mitigation measures identified in this Draft EIR and Initial Study (Appendix B of the Draft EIR).

This document provides responses to comments made on the Draft EIR during the public review period and makes revisions to the Draft EIR, as necessary, in response to these comments or to clarify any previous errors, omissions, or misinterpretations of material in the Draft EIR.

### 1.2 FINAL EIR

This document together with the Draft EIR, will constitute the Final EIR if the County of San Joaquin certifies the Final EIR as complete and adequate under the California Environmental Quality Act (CEQA).

### 1.3 ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR.

The Draft EIR was made available for public review in hard copy and online commencing on April 30, 2018 and was distributed to local and State responsible and trustee agencies. The general public and local agencies were advised of the availability of the Draft EIR through public notices mailed to residents in proximity to the Project. The Draft EIR was also posted on the San Joaquin County Department of Public Works website (<https://www.sjgov.org/departments/pwk/projects/grant-line-road>) beginning April 30, 2018. CEQA mandates a minimum 30- or 45-day public comment period on Draft EIRs. The County required a 45 day public comment period, which ended on June 13, 2018. The County held a public meeting on June 12, 2018 at the regularly scheduled meeting of the San Joaquin County Supervisors where members of the public had the opportunity to comment on the Project and adequacy of the Draft EIR. Based on a request by the Board of Supervisors, the County extended the public comment period for 16 additional days, to June 29, 2018, to allow for members

of the public to comment. This extension was notified through the San Joaquin County Department of Public Works website for the proposed Project.

The San Joaquin County Board of Supervisors is anticipated to consider certification of the Final EIR and Project approval on December 11, 2018.

A Statement of Overriding Considerations and Findings of Fact on the EIR has been prepared and will be considered for approval by the San Joaquin County Board of Supervisors along with the Final EIR. The Findings documentation will explain the City's reasons for selecting the Project, or variation of the Project (e.g., as proposed in one of the Project Alternatives) and how each of the significant impacts identified in the Final EIR are addressed. The Statement of Overriding Consideration will explain why the County is willing to accept the significant and unavoidable impact pertaining to an aesthetic/visual resource.

#### **1.4 DOCUMENT ORGANIZATION**

This Response to Comments document consists of the following chapters:

- *Chapter 1.0 Introduction:* This chapter discusses the purpose and organization of this document.
- *Chapter 2.0 List of Commenting Agencies, Organizations, and Persons:* This chapter contains a list of agencies, organizations, and persons who submitted written comment or offered oral comments on the Draft EIR.
- *Chapter 3.0 Comments and Response:* This chapter contains reproduction of all comment letters received on the Draft EIR, as well as a transcript of oral comments received on the Draft EIR at the June 12, 2018 San Joaquin County Board of Supervisors Meeting. A response for each CEQA related comment received during the review period is provided. Each response is keyed to its respective comment.
- *Chapter 4.0 Draft EIR Text Revisions:* Corrections to the Draft EIR necessary in light of comments received and response provided, or necessary to clarify any minor errors, omissions or misinterpretations, are contained in this chapter.
- *Chapter 5.0 Report Preparation:* A summary of those involved in report preparation is contained in this chapter.



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## 2.0 LIST OF COMMENTING AGENCIES, ORGANIZATIONS AND PERSONS

Comments on the Draft EIR were submitted to the County during the public review period by the agencies, organizations, and individuals listed below.

### 2.1 COMMENTS

- Letter A: Comment Letter from Bob Harris May 30, 2018
- Letter B: Comment Letter from Union Pacific Railroad Company June 13, 2018
- Letter C: State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit closeout letter June 14, 2018
- Letter D: Public Comments for the Grantline Corridor Project at the June 12, 2018 San Joaquin County Board Meeting (Diane Carnahan, Bob Harris, Mike Sandu, and Phillip Martin)

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### 3.0 COMMENTS AND RESPONSES

This chapter includes a reproduction of each letter and a transcript of the comments received on the Draft EIR during the public review period and at the San Joaquin County Board Meeting on June 12, 2018. The comments are lettered consecutively. Each comment is labeled with a letter shown in a box at the top of each letter and transcript. Individual comments are numbered consecutively and are annotated in the margin of each letter and transcript.

When cross-referenced in the text, the comment is referred to as “Letter #-#” where the number following the letter refers to the letter which the comment has been labelled, and the number following the hyphen refers to the comment number within that letter. For example, comment “Letter A-8” refers to the eighth comment within “Letter A” submitted by an individual.

Written letters received during the public comment period on the Draft EIR are provided in their entirety in the following pages. A transcript of public comments made during the San Joaquin County Board Meeting on June 12, 2018 is also included.

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**Letter A:        Comment Letter from Bob Harris May 30, 2018**

MEMORANDUM

TO; Chris Graham  
FROM: Bob Harris  
SUBJECT; Comments on DEIR  
DATE: May 30, 2018

This memorandum concerns the Draft Environmental Impact Report (DEIR) prepared for the realignment of Grant Line Rd. I represent James Tong owner of a 110.84 acre parcel of land which will be severely impacted by two of the realignment alternatives analyzed in the DEIR. We have reviewed the DEIR and have several comments to make about the document.

A-1

On 12/15/17 I commented in regard to the Notice of Preparation (NOP) for the DEIR. (The 30 day review period for the NOP lapsed on 12/8/17 but because I was not aware that the NOP had been issued, you very graciously said you would accept my comments up to 5:00 PM on 12/15/17 if they were transmitted via email.) My comments are included in Appendix A of the DEIR. Those comments also include a map of the Tong property.

A-2

As you can see from looking at the map, the northern approximately one half of the Tong property is designated Rural/Residential (R/R) on the San Joaquin County General Plan. Two of the three alternatives analyzed in the DEIR (3A and 4) impact this residential portion of the Tong property (the No Project Alternative does not impact it), yet this fact is never mentioned in the document. Discussions of land uses adjacent to or within the boundaries of these two alternatives describe agricultural uses but don't once mention that both alternatives impact this residential land use designation. For this reason the DEIR is deficient in its analysis of Aesthetics, Air Quality, Greenhouse Gas Emissions, Land Use and Planning, Noise and Population and Housing.

A-3

A-4

The northern portion of the Tong property was designated R/R as part of the 2035 General Plan; prior to that update it was designated A/G (General Agriculture). With this change in designation the R/R portion of the Tong property became part of the San Joaquin County community of Banta thereby expanding the residential portion of that community. The property was recently rezoned from Agriculture to Rural Residential. The next step in the development process for the property is to file a tentative map which could allow the subdivision of the property into as many as 47 individual residential lots.

A-5

A-6

By ignoring the fact that almost 1,400 lineal feet of the proposed Project (and an even greater length in the case of Alternative 4) will traverse a future residential area rather than agricultural land, the DEIR substantially underestimates the Project's impacts to the above mentioned environmental resource topics. It is understood that the objectives of the realignment are to alleviate congestion and improve traffic safety but good land use planning should also come into play. However, favoring an alignment which cuts through a corner of the Banta community as opposed to one approximately 440 ft to the south (as suggested in my memorandum of 12/15/17) which would not traverse that community, is not good land planning. DEIR Alternative 3 is also a better example of land use planning than the proposed Project. The reasons stated in the DEIR for why Alternative 3 was not given further

A-7

A-8

A-9

consideration seem weak. It seems to me Alternative 3 would not require “a significantly larger amount of right-of-way” than the proposed Project. Also, what was the “input from community involvement that required refinement of” Alternative 3?

A-9 Con.

In summary, Mr. Tong requests that the DEIR not be finalized at this time but revised to analyze the alternative described in my memo of 12/15/17. He also requests that Alternative 3 be given the same level of analysis as the proposed Project and Alternative 4.

A-10

## Response to Comments

### Letter A: Comment Letter from Bob Harris May 30, 2018

**Response A-1:** The commenter introduces himself as the representative of James Tong, owner of a 110.84 acre parcel of land which will be affected by the Project. The commenter indicates that he has reviewed the Draft EIR and have several comments to make about the Project. As this comment is introductory in nature and does not identify specific comments on the adequacy of the EIR, the comment is noted and no further response is necessary.

**Response A-2:** The commenter indicates that on 12/15/17 he commented on the Notice of Preparation for the Draft EIR. The commenter indicates that his comment, even though it was past the 12/8/17 NOP comment period, was accepted by the County and included in **Appendix A** of the Draft EIR. This comment is noted and does not require further response as the comment does not pertain to the adequacy of the EIR.

**Response A-3:** The commenter points out that the parcel (Mr. Tong's property) that is bisected by the proposed Project is designated as Rural/Residential on the San Joaquin County General Plan. The commenter indicates that the alternatives analyzed in the Draft EIR (3A and 4) impact this residential portion of the Tong property and it is never mentioned in the Draft EIR.

It should be noted that the EIR includes Appendix B Initial Study where a discussion of Land Use impacts is provided. This discussion identifies the existing land use and zoning along both Alternative 3A and Alternative 4 and it was determined that impacts to land use would not occur with implementation of either alternative. As such, an analysis on land use was scoped out of the EIR. According to State CEQA Guidelines Section 15125, *"An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."* The baseline conditions for the analysis in this EIR is based on the existing conditions at the time of NOP publication on November 9, 2017. At this time the subject parcel was zoned as General Agriculture; as such, the analysis presented in Section 6.3.6 Land Use and Planning correctly discusses the potential impacts the Project would have due to crossing parcels that are zoned General Agriculture. Furthermore, at the time of NOP publication the subject parcel was occupied by agricultural uses. On May 8, 2018 the San Joaquin County Board of Supervisors approved a zoning change on the subject parcel, allowing the owner of the parcel to change a portion of his parcel from General Agriculture zoning designation to Rural/Residential zoning designation. Even if this zoning change had occurred prior to the NOP publication, the on-ground situation would have been the same in that the parcel would have still been occupied by agricultural uses and not residential uses. As such, the EIR correctly analyses impacts to this zoning designation per State CEQA Guidelines Section 15125, and revisions to the EIR are not required.

**Response A-4:** The commenter indicates that since the Draft EIR does not discuss impacts to rural residential; as such, the commenter indicates there is a deficient analysis in the Aesthetics, Air Quality, Greenhouse Gas Emissions, Land Use and Planning, Noise, and Population and Housing



sections of the EIR. Please refer to **Response A-3**. At the time of NOP publication, the subject property was zoned General Agriculture, and on-ground conditions included agricultural uses. As such, based on the analysis conducted under the baseline conditions, the analysis of the Draft EIR is sufficient, and revisions to the EIR are not required.

**Response A-5:** The commenter indicates that the northern portion of the subject parcel was designated as R/R as part of the 2035 General Plan and prior to adoption of that plan the subject property was designated A/G. The commenter indicates that with this change in designation that the subject property became part of Banta thereby expanding the residential portion of that community. Please refer to **Response A-3**. At the time of NOP publication, the subject property was zoned General Agriculture, was not within the community of Banta, and on-ground conditions included agricultural uses. As such, based on the analysis conducted under the baseline conditions revisions to the EIR are not required.

**Response A-6:** The commenter notes that the property was recently rezoned from Agriculture to Rural Residential and that the next step in the development process is to file a tentative map for the property which could allow the subdivision of the property into as many as 47 individual residential lots. As noted in **Response A-3** above, the zoning change of the subject parcel occurred after the NOP for the EIR was published; as such, the baseline analysis for the EIR takes into consideration the zoning of the parcel prior to the zoning change approval. The filing of a tentative map for the subject parcel to allow for a future subdivision is not relevant to the adequacy of the analysis in the EIR. As such, based on this response, revisions to the EIR are not required.

**Response A-7:** The commenter indicates that the Draft EIR underestimates the Project's impacts to various resource topics since it does not disclose that 1,400 lineal feet of the Project traversing a future residential area rather than agricultural land. As discussed above in **Response A-3**, the EIR considers the baseline conditions of the Project area as they were when the NOP for the EIR was published. The subject parcel, at the time of NOP Publication, was zoned as agricultural and was occupied by agricultural uses. The zoning change of the subject property was approved after the NOP for the EIR was published and there was no way of knowing that the zoning would be changed to a rural residential use. As the rezoned portion of the parcel has not been entitled for development of rural residential uses, it is anticipated that the parcel will remain in agricultural production beyond the year when the Project will become operational (in 2022). This assumption is based on the length of the entitlement and environmental clearance process (2 to 3 years) needed to approve and develop a residential Project in the County. Based on this, the analysis presented in the EIR is accurate and sufficient based on baseline conditions at the time of NOP publication.

**Response A-8:** The commenter indicates that favoring an alignment which cuts through a corner of the Banta community is not favorable and that, as the commenter suggested in the NOP, an Alternative 440 feet to the south of the proposed Project should also be analyzed in the environmental document. Alternative 3, analyzed in the EIR, is similar to the alignment the commenter requests to be studied in the EIR as an additional alternative. Alternative 3 is approximately 600 feet south of the proposed Project and would be located on similar land (and the same parcel). As discussed in Section 5.3.3 of the EIR, the County along with the Project engineer, received input from the community that required refinement of the alignment associated with Alternative 3. This alternative also required a significantly larger amount of right-of-way from

several large parcels. As such, Alternative 3 was deemed infeasible and not further considered for the proposed Project. As the commenter's suggested alignment is very close (within 440 feet) of Alternative 3, the EIR would not warrant consideration of this additional alternative as impacts and concern would be similar to that of Alternative 3. As such, no revisions are necessary to the environmental document.

**Response A-9:** The commenter expresses their opinion that Alternative 3 is a better example of land use planning than the proposed Project. However, the commenter does not provide evidence as to how Alternative 3 is a better example when compared to the proposed Project. The EIR provides analysis of land use impacts associated with implementation of the proposed Project that are found to be less than significant. The commenter also expresses their opinion that Alternative 3 would not require "a significantly larger amount of right-of-way" than the proposed Project. Finally, the commenters asks what was the "input from community involvement that required refinement of Alternative 3". The EIR discusses the alternatives that were considered and provides reasons as to why these alternatives were rejected and did not move forward. Alternative 3 was rejected from further consideration due to community feedback received during the March 5, 2015 Open House Meeting #2 held by San Joaquin County for the Project. Specifically, the public was concerned with the amount of land that would be acquired and the County indicated that such acquisition would be cost prohibitive. For these reasons, Alternative 3 was deemed financially infeasible and was removed from further consideration for the proposed Project. No revisions to the EIR are necessary based on this comment.

**Response A-10:** The commenter concludes and reiterates that the EIR should not move forward until the Alternative the commenter suggested and Alternative 3 is included in the EIR. As stated under **Response A-8**, Alternative 3 was presented March 5, 2015 Open House Meeting #2. Feedback from the public indicated concern with Alternative 3 requiring the acquisition of land. Specifically, Alternative 3 would require full parcel acquisitions that would be cost prohibitive for the Project to move forward which deemed Alternative 3 as financially infeasible. As such, Alternative 3 was not carried through and analyzed in this EIR. Alternative 3 is very similar to the Alternative the commenter suggests be analyzed in the EIR; however, the commenter's Alternative is approximately 440 feet further south than Alternative 3. The commenter's alternative is similar enough to (located in the same general vicinity) Alternative 3 that similar concerns about whole parcel acquisition would also deem this alternative as financially infeasible. As such, neither Alternative 3 nor the commenter's alternative warrants analysis in the EIR. No revisions to the EIR have been made based on this comment.

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**Letter B:           Comment Letter from Union Pacific Railroad Company June 13, 2018**



BUILDING AMERICA®

June 13, 2018

**VIA E-MAIL**

**E-Mail: [GrntLnEIRComments@lsa.net](mailto:GrntLnEIRComments@lsa.net)**

Chris Graham  
LSA  
201 Creekside Ridge Court, Suite 250  
Roseville, CA 95678

**Re: *Union Pacific Railroad Company's Comments to the Draft Environmental Impact Report for the Proposed Grant Line Road Corridor Project***

Dear Mr. Graham:

Union Pacific Railroad Company ("UP") appreciates this opportunity to comment on the April 2018 Draft Environmental Impact Report ("DEIR") for the Grant Line Road Corridor Project ("Project"), for which San Joaquin County ("County") is the lead agency. This letter is intended to supplement the issues raised in UP's December 15, 2017 letter commenting on the EIR Notice of Preparation ("NOP"). At the outset, UP would like to emphasize that the concerns regarding the creation of a new at-grade railroad crossing raised in our NOP comment letter were not addressed in the DEIR. UP requests: (1) that the County update the DEIR to study and mitigate impacts resulting from inevitable blockages of the proposed at-grade crossing; (2) that the County include a revised or new proposed Project that will include a grade-separated railroad crossing for the proposed four-lane road; and (3) that the County explicitly acknowledge and adhere to UP's operational and design standards specific to highway-rail grade separation and crossing safety.

B-1

B-2

UP appreciates the County's objective to alleviate the large volumes of vehicle and truck traffic along the Grant Line Road/Kasson Road corridor and increase public safety, and is supportive of the proposed Project as a whole. However, the County's proposed Project (Alternative 3A) and Alternative 4 overlook material environmental and safety consequences that will result from the Project's anticipated railroad crossing plans. Furthermore, the County has failed to include any alternative that would require a grade-separated crossing as requested by both UP and the California Public Utilities Commission in earlier comments. Indeed, the County has failed to include any evaluation of such a crossing.

B-3

UP's Tracy Railyard is located immediately west of the existing Banta Road and 6th Street at-grade crossing and only a few hundred feet from the Project's new proposed at-grade crossing location where the new four-lane Grant Line Road is anticipated. The opening of a new at-grade crossing where currently no large road exists will significantly impact and impair rail operations, public safety, and traffic functionality. As such, UP has an interest in the Project alternatives, transportation impacts, and mitigation measures analyzed in the Project's DEIR specific to the proposed new railroad crossing.

B-4

As discussed in UP's NOP comment letter and described in detail below, the Project's proposed construction of a new at-grade railroad crossing at the new expanded Grant Line Road is both infeasible and hazardous. Grade separation must be provided at the new intersection to avoid significant safety and traffic impacts. Therefore, UP opposes the proposed Project and Alternative 4 to the extent that they impact or potentially impact UP rail infrastructure and operations, absent revising the Project design to provide a grade separation at the new four-lane Grant Line Road and UP railroad tracks.

B-5

- I. UP owns and operates critical rail lines within the Project area, which will be significantly affected by the proposed Project. Therefore, environmental analysis of impacts to rail operations and vehicle traffic as a result of the proposed Project is necessary under CEQA.

UP owns and operates a common carrier railroad network in the western half of the United States, including the State of California. Specifically, UP owns and operates main rail lines connecting San Francisco and Sacramento and points east and north, and to Los Angeles and points east and southeast. UP is the largest rail carrier in California in terms of both mileage and train operations. UP's rail network is vital to the economic health of California and the nation as a whole and its rail service to customers along the I-5 and Tracy corridor is crucial to the future success and growth of the County's economy.

B-6

UP met with County representatives several years ago about the potential Project, and at that time expressed grave concerns with the Project's anticipated new at-grade crossing at Grant Line Road for several reasons. The existing Banta Road at-grade rail crossing directly east of UP's rail yard experiences a vehicle volume of less than 1,000<sup>1</sup> average daily traffic ("ADT"<sup>2</sup>). In both the proposed Project and Alternative 4, the existing at-grade railroad crossing at Banta Road will be closed and a new at-grade

B-7

<sup>1</sup> United States Department of Transportation, Federal Railroad Administration, U.S. DOT Crossing Inventory Form, DOT Crossing Inventory Number 753051P, June 5, 2017.

<sup>2</sup> Average Daily Traffic ("ADT") is a measurement of a roadway's average daily traffic over a 24-hour time period.



railroad crossing at the new four-lane Grant Line Road will be constructed in order to create a more direct route to the industrial area of Tracy and Interstate 5. Grant Line Road currently experiences approximately 10,700 ADT and it is estimated that nearly 21,000-27,000 vehicles will use the road by the year 2035.<sup>3</sup> Moreover, it is anticipated that the Project will redirect approximately 18,000 ADT over the new alignment. Notwithstanding these projections, and the fact that the Project proposes a new rail crossing at a location where no major road currently exists, no grade separation has been proposed or even analyzed in the DEIR.

B-7  
Con.

In addition to the significant number of vehicles expected to use the new at-grade crossing at Grant Line Road, the County must also consider the probability that the crossing will experience blockages due to rail operations. Ordinary operations at the Tracy Railyard already routinely block the Banta Road/6th Street crossing. Traffic at that lightly-used crossing is able to avoid delays by taking other nearby routes. However, traffic on a major arterial route with multiple lanes will not have that flexibility. Although UP cannot foresee how often or for how long Grant Line Road may be blocked, the County must assume that blockages will occur because of routine and necessary rail operations. Avoiding those conflicts is a further compelling reason to grade-separate any new crossing.

B-8

The County should also understand that railroad operations will not be able to change to avoid traffic conflicts at a new crossing at Grant Line Road. Unlike road infrastructure, railroads are fixed systems that cannot easily accommodate detours or obstructions. Each component of the rail network is critical to the overall fluidity and velocity of rail operations. Disruptions in one location can cause a cascading series of delays that can impact operations and communities throughout the network. Any disruption of these operations can slow the processing of freight, which can result in increased truck queuing time and congestion on area streets, increased idling emissions for trucks and locomotives, intensified use of alternative routes with increased noise and emission impacts and increased congestion along the alternative routes, among other things. All of these impacts should have been analyzed in the DEIR; none were.

B-9

Additionally, the DEIR lists at least two transportation impact thresholds based on Appendix G of the CEQA Guidelines that are implicated by the at-grade crossing. Transportation Threshold D states that a project may create significant impacts if the project would "[c]onflict with an applicable plan, ordinance or policy establishing

B-10

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<sup>3</sup> United States Department of Transportation, Federal Railroad Administration, U.S. DOT Crossing Inventory Form, DOT Crossing Inventory Number 753048G, May 1, 2017. See also Michael Langley, *County Plans Four-Lane Bypass Around Banta*, GOLDEN STATE NEWSPAPERS: TRACY PRESS NEWS. February 19, 2016. Available at [http://www.goldenstatenewspapers.com/tracy\\_press/news/county-plans-four-lane-bypass-around-banta/article\\_7541a544-d6a6-11e5-9814-bfe4bea8dec0.html](http://www.goldenstatenewspapers.com/tracy_press/news/county-plans-four-lane-bypass-around-banta/article_7541a544-d6a6-11e5-9814-bfe4bea8dec0.html).

measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation . . . including but not limited to intersections [and] streets . . . ”<sup>4</sup> Transportation Threshold D states that a project may create significant impacts if the project would “[s]ubstantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections).”<sup>5</sup> The Project implicates both of these thresholds, as it will conflict with an applicable CPUC policy regarding at-grade crossings (described below) and may substantially increase hazards resulting from the placement of the at-grade crossing on a busy four-lane road. Despite listing these two transportation impact thresholds, the DEIR includes no study of traffic impacts resulting from blockages at the proposed at-grade crossing. Nor does it examine or disclose the advantage that a grade separation would offer.

B-10  
Con.

The California Environmental Quality Act (“CEQA”)<sup>6</sup> requires that project review must encompass all components of the activity being approved, including reasonably foreseeable consequences of the proposed approval and components that are an integral part of the project. CEQA Guidelines § 15378<sup>7</sup>; see, e.g., *Bozung v. Local Agency Formation Comm’n*, 13 Cal. 3d 263, 279– 81, 289 (1975); *Laurel Heights Improvement Ass’n v. Regents of the Univ. of Cal.*, 47 Cal. 3d 376, 395– 398 (1988) (*Laurel Heights I*); *No Oil, Inc. v. City of Los Angeles*, 196 Cal. App. 3d 223, 237 (1987). Therefore, environmental analysis of all potential rail construction and operational impacts as a result of the proposed Project and alternatives—including those resulting from an at-grade or grade-separated crossing—should be included in a revised DEIR for the Project.

B-11

**II. The closure or addition of rail crossings is subject to the approval of the California Public Utilities Commission. The DEIR must be revised to acknowledge and study the impacts of this required approval.**

B-12

The safety of rail crossings is a subject of statewide concern and falls under the jurisdiction of the California Public Utilities Commission (“CPUC”).<sup>8</sup> The CPUC must approve any new crossings (at-grade or grade separated) or modification of existing rail crossings. The CPUC’s policy on eliminating at-grade crossings is stated in its General

<sup>4</sup> DEIR at 4-105.

<sup>5</sup> DEIR at 4-106.

<sup>6</sup> Cal. Pub. Res. Code §§ 21000 *et seq.*

<sup>7</sup> The CEQA Guidelines are codified at California Code of Regulations Title 14 § 15000 *et seq.*

<sup>8</sup> *Northwestern Pac. R.R. Co. v. Superior Court*, (1949) 34 Cal.2d 454, 458, and *City of San Mateo v. Railroad Com.* (1937) 9 Cal.2d 1, 9-10. See also: “Under [Cal. Pub. Util. Code §§] 1201 and 1202 authorization is required for the creation of any grade crossing of a railroad and any public road or street. The Commission has exclusive power to prescribe terms of installation, use, and protection of crossings; to relocate or abolish crossings by physical closing; to require a separation of grades, and to apportion costs between railroads, the state, and political subdivisions [footnote omitted].” (Roderick B. Cassidy, *Public Utility Regulation in California*, Commentary to the Public Utilities Code, 1954, p. 15).



Order 75-B, § 2: "As part of its mission to reduce hazards associated with at-grade crossings, and in support of the national goal of the Federal Railroad Administration (FRA), the Commission's policy is to reduce the number of at-grade crossings on freight or passenger railroad mainlines in California." Any applicant requesting a new at-grade crossing must satisfy specific and rigorous findings to overcome a strong presumption by the CPUC that all new crossings should be grade-separated.<sup>9</sup>

B-12  
Con.

The DEIR failed to address or study the requirement to obtain approval for the proposed new at-grade rail crossing from the CPUC. The DEIR's table of "Required Permits and Approvals" merely includes a placeholder stating "Document approval(s) needed for new crossing here."<sup>10</sup> Despite NOP comment letters from UP and the CPUC raising this issue, the DEIR includes no other mention of the required CPUC approval. UP requests that the County revise the DEIR to study the required CPUC approval. Additionally, the County should include in the DEIR modified or new alternatives that include a grade separation for the crossing of the proposed four-lane Grant Line Road and the UP railroad tracks.

B-13

**III. The proposed Project should be considered in light of federal initiatives and UP standards designed to reduce the number of at-grade crossings to enhance rail safety.**

In addition to the CPUC's highway-rail crossing jurisdictional authority and oversight, the United States Department of Transportation has a goal of reducing the number of at-grade crossings through consolidation, grade separation, elimination, and restriction on the number of new crossings constructed. In line with this goal, UP, other railroads, the FRA, and most states encourage communities to carefully consider all alternatives, including grade separations, as opposed to the creation of new at-grade rail crossings.

B-14

UP endorses the federal initiative to reduce the number of at-grade crossings and has developed comprehensive operational and rail standards specific to highway-rail grade separation and crossing safety.<sup>11</sup> As part of these standards, UP asks for multiple public grade crossings to be closed as a condition of creating a new crossing. Specifically, proposals for establishing a new public crossing should identify three or more crossing closures for each new crossing opened unless there are contrary engineering or rail operation considerations. For the sake of safety, every reasonable effort should be made to provide access without creating new at-grade crossings. In

<sup>9</sup> See California Public Utilities Commission Rules of Practice and Procedure Rule 3.7(c)(2); Cal. Pub. Util. Code § 1201(c); see also *In re Exposition Metro Line Const. Auth.*, Interim Opinion, Application 06-12-005, at 17, Decision 07-12-028 (Dec. 2008); *In re City of San Diego*, 2003 WL 23104223, at \*5 (Cal. PUC Dec. 4, 2003, Decision 03-12-018).

<sup>10</sup> DEIR at 3-11.

<sup>11</sup> See [https://www.up.com/real\\_estate/roadxing/industry/new\\_conversion/index.htm](https://www.up.com/real_estate/roadxing/industry/new_conversion/index.htm).



Chris Graham  
LSA  
June 13, 2018  
Page 6

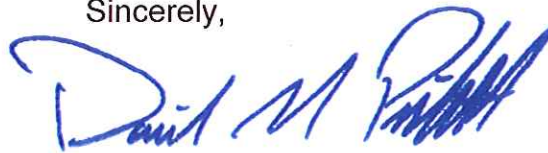
addition, as a matter of operational efficiency, some locations will not be approved for crossings because of railroad engineering and operational considerations. UP asks the County to explicitly recognize and acknowledge these standards as they relate to the proposal to close an existing rail crossing and add a new one.

B-14  
Con.

Thank you for the opportunity to express our views. Please forward these comments to appropriate representatives at the County before any further action is taken with respect to proposed Project.

B-15

Sincerely,



DAVID M. PICKETT

DMP/jlg

## Response to Comments

### Letter B: Comment Letter from Union Pacific Railroad Company June 13, 2018

**Response B-1 and B-2:** San Joaquin County (County) deposited \$25,000 with Union Pacific Railroad (UPRR) as required by UPRR for UPRR's efforts related to the Project, specifically, including UPRR's reviews of the Project alternatives, evaluate potential impacts to UPRR's operations, and any mitigations for such. As such, on February 19, 2016, the County's consultant, Mark Thomas & Company (MTC) requested specific information regarding UPRR operations to help them evaluate the impacts of the proposed Project on the existing operations of UPRR. Specifically, MTC requested the following information: frequency of existing Banta Road crossing blocked by train activity; typical/average duration of the blockage; and any specific time(s) of the day or time windows blockages occur. This information is crucial to determine if a Grade Separation (GS) is warranted. To date, UPRR has not provided the requested information. If and when a GS is justified it will be designed and built per the State and Federal standards.

Consequently, this Environmental Impact Report (EIR) is unable to address UPRR's comments raised in its December 15, 2017 letter response to the Notice of Preparation and the supplemental letter comments dated June 13, 2018, to the Draft EIR. Regardless, the County remains committed to working with UPRR to address its concerns, and is agreeable to performing additional analysis as part of the Project's final design effort to determine the potential need for a GS on the proposed new alignment. The results of any additional analysis will be included in a supplement to the Final EIR.

**Response B-3:** See comments in B-1 and B-2. In an attempt to determine the existing train activity at the current Banta Road crossing, the County placed a video camera. Per the video camera recordings, train activity appears to be extremely low. However, the County is committed to working with UPRR and will conduct additional analysis to determine the potential need for a GS on the proposed new alignment. The results of any additional analysis will be included in a supplement to the Final EIR.

**Response B-4:** The proposed new alignment crossing will be east of the existing Banta Road crossing, and thereby increase the distance from the rail yard and provide benefit for rail yard activity. Additionally, the County notes, per discussions with UPRR staff, the Sixth Street crossing in Banta is proposed to be closed along with the existing Banta Road crossing.

**Response B-5:** UPRR claims that the new expanded Grant Line Road is both infeasible and hazardous. The County respectfully requests UPRR provide data/analysis to support this claim for the County's review and consideration. The County remains committed to working with UPRR and will conduct additional analysis to determine the potential need for a GS on the proposed new alignment.

**Response B-6:** As noted previously, specific train related data is needed, including: number of trains per day; number of cars per train; rail yard activity detail; as well as pass through trains and actual assimilations of train cards to form a train.

**Response B-7:** Per meetings between County and UPRR staff, discussions focused on the closure of existing crossing to new crossing ratio – specifically that UPRR staff were agreeable to a 2:1 ratio (i.e., two closures for one new crossing). Discussions also included potentially moving the yard operations further west to help minimize blockage of the proposed new crossing. UPRR was to evaluate these options and come up with mitigations. As previously noted, the County deposited \$25,000 with UPRR to help offset the cost of these efforts.

**Response B-8:** Please refer to **Response B-3**. The County placed a camera at existing Banta Road Crossing to determine existing train activity on the UPRR track. The County is committed to working with UPRR and will conduct additional analysis to determine the potential need for a GS on the proposed new alignment.

**Response B-9:** The County requested from UPRR additional railroad operational information where the new Grantline Road would cross the UPRR tracks. To date, the additional information from UPRR has not been obtained which limits the analysis that can be conducted in the DEIR to what is currently presented in the Draft EIR. The County remain committed to working with UPRR and will conduct additional analysis to determine the potential need for a GS and related impacts on the proposed new alignment.

**Response B-10:** Please refer to Response B-9. The County has requested additional information from UPRR to conduct further analysis regarding the potential need for a GS on the proposed new alignment. The County has not received the additional data for the UPRR operations and therefore is limited to the analysis that can be conducted in the Draft EIR. The County is committed to working with UPRR and will conduct additional analysis to determine the potential need for a GS as data requests to UPRR are fulfilled.

**Response B-11:** Please refer to Responses B-1 and B-2. MTC requested the following information: frequency of existing Banta Road crossing blocked by train activity; typical/average duration of the blockage; and any specific time(s) of the day or time windows blockages occur. This information is crucial to determine if a GS is warranted. To date, UPRR has not provided the requested information. The County remains committed to working with UPRR to address its concerns, and is agreeable to performing additional analysis as part of the Project's final design effort to determine the potential need for a GS on the proposed new alignment. The results of any additional analysis will be included in a supplement to the Final EIR.

**Response B-12:** Please refer to Responses B-1 and B-2. Data was requested of UPRR to complete analysis of the needs for a HS along the proposed new road alignment. To date this information has not been received; as such, analysis cannot be completed. The County remains committed to working with UPRR to address its concerns, and is agreeable to performing additional analysis as part of the Project's final design effort to determine the potential need for a GS on the proposed new alignment. The results of any additional analysis will be included in a supplement to the Final EIR.

**Response B-13:** San Joaquin County (County) deposited \$25,000 with Union Pacific Railroad (UPRR) as required by UPRR for UPRR's efforts related to the Project, specifically, including UPRR's reviews of the Project alternatives, evaluate potential impacts to UPRR's operations, and any mitigations for

such. To date, the County has not received enough information from UPRR related to the Project to complete the analysis that UPRR and CUPC is requesting in the Draft EIR. This includes information on the type of CPUC approvals required so the County can implement the Project. The County remains committed to working with UPRR to address its concerns, and is agreeable to performing additional analysis as part of the Project's final design effort to determine the potential need for a GS on the proposed new alignment. The results of any additional analysis will be included in a supplement to the Final EIR.

**Response B-14:** Per meetings between County and UPRR staff, discussions focused on the closure of existing crossing to new crossing ratio – specifically that UPRR staff were agreeable to a 2:1 ratio (i.e., two closures for one new crossing). UPRR was to evaluate these options and come up with mitigations. The County remains committed to working with UPRR to address its concerns, and is agreeable to performing additional analysis as part of the Project's final design effort to determine the potential need for a GS on the proposed new alignment. The results of any additional analysis will be included in a supplement to the Final EIR.

**Response B-15:** This is a closing comment to the UPRR comment letter thanking the County for the opportunity to comment on the Draft EIR. No further response is required and revisions to the EIR are not warranted based on this comment.

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**Letter C: State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit closeout letter June 14, 2018**



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

June 14, 2018

Jeffrey Levers  
San Joaquin County  
1810 East Hazelton Avenue  
Stockton, CA 95205

Subject: Grant Line Road Corridor Project  
SCH#: 2017112022

Dear Jeffrey Levers:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on June 13, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Morgan".

Scott Morgan  
Director, State Clearinghouse

C-1

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2017112022  
**Project Title** Grant Line Road Corridor Project  
**Lead Agency** San Joaquin County

**Type** EIR Draft EIR

**Description** The Grant Line Road/Kasson corridor is experiencing large volumes of both vehicle and truck traffic due to the growth of Tracy's population and industrial area in the northeastern part of the city. The community of Banta is located near the middle of the corridor and is at the epicenter of an increase in traffic flows and accidents. Banta is a rural community consisting of residential housing, an elementary school, commercial buildings, and a fire station. West of Banta, the city of Tracy has widened Grant Line Rd to a 6-lane thorough fare. Grant Line Rd is a two-lane road east of the city's boundary near Chabot Court extending to the intersection with West 11th St. The county is developing a comprehensive corridor plan that addresses traffic operations for both the near-term and the long-term. During project development, four alternative roadway alignments were evaluated that address the project goals. The county selected Alternative 3A and Alternative 4 for detailed environmental review and for traffic studies.

**Lead Agency Contact**

**Name** Jeffrey Levers  
**Agency** San Joaquin County  
**Phone** 209-468-3000 **Fax**  
**email**  
**Address** 1810 East Hazelton Avenue  
**City** Stockton **State** CA **Zip** 95205

**Project Location**

**County** San Joaquin  
**City** Tracy  
**Region**  
**Lat / Long** 37° 45' 022" N / 121° 22' .457" W  
**Cross Streets** Grantline Rd/Chabot Court to 11th St/Bird Rd intersection  
**Parcel No.** mult parcels  
**Township** **Range** **Section** **Base**

**Proximity to:**

**Highways** 205  
**Airports**  
**Railways** UPRR  
**Waterways** Tom Paine Slough  
**Schools** Banta ES  
**Land Use** LU: Ag/General; Residential/rural; industrial/limited; Z: Gen ag; warehouse industrial

**Project Issues** Agricultural Land; Air Quality; Biological Resources; Noise; Traffic/Circulation; Aesthetic/Visual; Archaeologic-Historic; Cumulative Effects; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Vegetation; Water Quality; Water Supply; Wetland/Riparian

**Reviewing Agencies** Resources Agency; Central Valley Flood Protection Board; Department of Fish and Wildlife, Region 2; Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Native American Heritage Commission; Air Resources Board, Transportation Projects; Regional Water Quality Control Bd., Region 5 (Sacramento); Delta Protection Commission; Delta Stewardship Council; Public Utilities Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Document Details Report  
State Clearinghouse Data Base**

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**Date Received** 04/30/2018

**Start of Review** 04/30/2018

**End of Review** 06/13/2018



## Response to Comments

**Letter C: State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit closeout letter June 14, 2018**

**Response C-1:** The commenter acknowledges that the public review of the EIR complies with the State Clearinghouse review requirements pursuant to CEQA. The commenter also indicates that no state agencies submitted comments on the Project. This comment is noted and revisions to the EIR are not necessary based on the subject of this comment.

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**Letter D: Public Comments for the Grantline Corridor Project at the June 12, 2018 San Joaquin County Board Meeting (Diane Carnahan, Bob Harris, Mike Sandu, and Phillip Martin)**

## PUBLIC COMMENTS FOR THE GRANTLINE CORRIDOR PROJECT AT THE JUNE 12, 2018 SAN JOAQUIN COUNTY BOARD MEETING

### 1. Diane Carnahan (with husband Al)

Hi, my name is Diane Carnahan and this is my husband Al, and we are also known as AP number 25012003 as well as sensitive receptor number 4 and we live at 5750 West F Street. We live in Banta, CA just outside of Tracy. We bought 4.4 acres in 2002 and designed and built our home (my husband is a contractor) in 2003. At that time, we chose to live near a train track as well as a dairy farm which has since closed down, thank goodness. And, the, we are here to speak briefly about the Draft Environmental Impact Report for the Grantline Road Corridor Project. I'm not sure if you've yet had a chance to review the 521-page draft report, but we are here today to have you see our face, put a face on this project. Behind this project are people, homes, properties, and livelihoods. The impact on our community, particularly my husband and I, is great. This project is going to go through our property. Several acres of our property as well as directly behind, so the scenic vistas that we look out on from our backyard, as well as when I'm doing dishes in the kitchen, I will now see a wall and a barrier to help block the noise, the traffic, the light, instead of the orchard that is surrounding our property. We will actually be affected on three sides, actually all four sides. There in the Environmental Impact Report it shows that we have a barrier that is going to be built by the county on two sides, but not on one of the sides that also will be affected as well as the increased traffic on the quiet street that we live on for F Street. So we have a very important decision to make as well as you will over these next several months. As you take a further look at the Grantline Road Corridor Project, on approving it or not, but it's important that you know that there are people that are affected by this decision. So we will be requesting a meeting with LSA and Public Works and hopefully Supervisor Elliot to discuss some of the questions that we have. Thank you very much.

D-1

D-2

D-3

D-4

D-5

### 2. Bob Harris

Good Afternoon Chairman Elliot, members of the Board, I'm Bob Harris, I represent a property owner, James Tong whose property would be severely impacted by two of the alternatives that are analyzed in the EIR the DEIR. His property is located immediately south east of the community of Banta. The northern, it's a 110 acre, well he owns about 115 acres altogether in that area, but the northern 50 acres of that property, around 50 acres of that property was recently, as part of the general plan update, was redesignated to rural residential. The DEIR does not recognize that. Both Alternative 3A and 4 completely cut through the entire width of his property one going south, southeast, and the other going northeast. And the EIR doesn't recognize the rural residential zoning and designation on the property. And, therefore it's analysis of the impacts having to do with land use and planning, noise, air pollution, that sort of thing, is deficient, and makes the DEIR deficient in our estimation. And because the rural residential zoning allows lots as small as actually as small as 1 acre, but generally 2 acres in size, where the agricultural zoning that was analyzed in the EIR talked about in the EIR is a minimum lot size of 40 acres. So there is a semi-urban land use designation that isn't recognized in the EIR; therefore, the, the certain of the

D-6

D-7

D-8

D-9

topics, Environmental Topics in the DEIR don't analyze that correctly and the document is deficient in that respect. And we think that it should be revised to take that new zoning in to accommodation. Also we don't understand, and the EIR doesn't talk about it, why the original Alternative 3 was not considered for intense analysis in the DEIR. It seems to me it's the same, basically the same thing as Alternate 3A except it's a few hundred feet farther south and would not impact the rural residential portion of Mr. Tong's property. So we would ask that the DEIR be revised to take this information into consideration. Yes I have, and it is in, no it's not in the DEIR, but yes, we have submitted a letter and it was accepted. I've discussed that with the consultant.

D-9 Con.

D-10

**3. Mike Sandu 3972 West (unintelligible) Road, Tracy, California.**

I am actually not against anything here, but my heart's still beating fast, I don't know why. I'm never against any progress. What I would, the community need to do, it's gotta happen, it's gotta happen. All the problems is my albums (almonds?) cut in to four pieces in this exit. It doesn't matter which Alternate you use, they're affected. So a couple of the places because my piece can be cut into four. I'm at the Bird Road and 11 Street. So the way it comes in and then you gotta cut into Bird Road it affects and make cuts about four places, my piece, and a couple of those pieces can be so small, I can't even farm those. So I hope that, basically, the County realizes that make those in to separate parcels because I can't farm those, maybe somebody can put small house and live on it, but I shouldn't be the one paying for all those splitting the parcels because it's a bigger parcel so I just request that the County recognize that. That's all and I have no problem with progress.

D-11

D-12

D-13

**4. Philip Martin**

Good Afternoon, My name is Philip Martin, a farmer in the Tracy area. My concern right now with this plan, is the restriction of traffic going in to Banta, specifically agricultural equipment. This new alignment and the restrictions are going to make it virtually impossible for farmers to get their equipment through Banta and north of Banta on California out into the areas out that way. So, anything that can be designed to allow that would be helpful whether it be maybe not totally blocking the entrance in there, maybe restricting it during certain times of day. Which are the problem areas would be helpful, but it's difficult to move large agricultural equipment through roundabouts and barriers. Thank you.

D-14

## Response to Comments

**Letter D: Public Comments for the Grantline Corridor Project at the June 12, 2018 San Joaquin County Board Meeting (Diane Carnahan, Bob Harris, Mike Sandu, and Phillip Martin)**

### Diane Carnahan

**Response D-1:** The commenter introduces her husband and herself and provides a brief history of their home purchase near the proposed Project. The comment is noted. As the comment does not pertain to the adequacy of the EIR, no revisions to the environmental document are needed, and no further response to the comment is needed.

**Response D-2:** The commenter indicates they are present to speak about the EIR and to indicate that there are people, homes, properties, and livelihoods that will be affected by the Project. The commenter also notes that the Project goes through their property. The comment is noted. As the comment does not pertain to the adequacy of the EIR, no revisions to the environmental document are needed. The parcel acquisition, compensation or easement process will be completed by the County at conclusion of the environmental clearance process and prior to Final Design of the proposed Project. No further response to the comment is needed.

**Response D-3:** The commenter indicates that Project components (i.e., barriers to reduce impacts associated with noise, traffic, and spill-over light from headlights) will obscure scenic vistas (orchards) on all four sides of their property as viewed from their residence.

Section 4.4 of the EIR discusses impacts to “close-in” scenic vistas as viewed from nearby sensitive receptors. The EIR takes into account that the County considers close-in views of agricultural land as scenic vistas and also considers such impacts based on public outreach (see impact discussion under Impact Threshold AES-A). Due to potential noise impacts (please see impact discussion under Section 4.8 Impact Threshold NOI-3) as well as light spill-over impacts from vehicle headlights, barriers at certain impacted sensitive receptors would be required. As the required barriers would obscure some of the sensitive receptors close-in views of the scenic vistas, and no feasible mitigation measures are available to reduce such an impact, the EIR concludes that impacts would be significant and unavoidable on “close-in” views for agricultural land. A Findings and Overriding Considerations discussion has been included as part of this Final EIR to justify this significant and unavoidable impact. As implementation of the Project would alleviate traffic through Banta and improve safety conditions along the Grantline Road Corridor, such benefits and objectives of the Project outweigh the significant and unavoidable impact to close-in views for these sensitive receptors.

It should be noted, that the commenter indicates that views will be obstructed on all “four sides” of their property; however, as shown in **Figure 8** of the EIR, the location of the barriers for SR-4 are on two sides of the property and the locations depicted are “estimations” as to where such barriers would be located. Furthermore, Mitigation Measure NOI-3, does not dictate exact locations of the barriers, but provides the dimensions and noise reduction requirements to ensure that noise levels generated by the proposed Project are at or below County standards. As such, the County would

have flexibility and work with the homeowner in exact locations where such barriers would be placed. Based on this response no revisions to the Final EIR are necessary and no further response to this comment is needed.

**Response D-4:** The commenter notes that the EIR shows noise barriers on two sides of their property and questions why none are located on one of the sides of their property that also will be affected as well as the from increased traffic on F Street.

The EIR, in Section 4.8 Noise and Vibration, analyzes potential noise impacts to sensitive receptors based on operation of the proposed Project. In order to reduce operational noise levels to nearby sensitive receptors, the County, as required by Mitigation Measure NOI-4, will install noise barriers at the parcel lines of sensitive receptors that would be most impacted by increased noise. This mitigation measure does not dictate the exact location of the barriers along the parcel lines of the affected receptor; as such, flexibility of the County to work with the owners of the sensitive receptors will occur to ensure noise levels are decreased to at or below County standards. Based on the amount of traffic that would be generated by the Project that would use F Street (nominal because F Street will not provide cut through access and will serve the existing residential neighborhood northeast of the proposed Project) near the sensitive receptors, it was determined that barriers would not be required to shield noise generated from traffic on F Street. Furthermore, SR-4 is set far enough back from F Street that any noise increases generated by Project traffic would be nominal and would not warrant mitigation. Based on this response, no revisions to the Final EIR are necessary and no further response to this comment is needed.

**Response D-5:** The commenter requests that the Supervisors keep in mind that there are people that will be affected by the decision of Project approval. The commenter notes that they will be requesting a meeting with the County regarding further questions. This comment is noted. As the comment does not pertain to the adequacy of the EIR, no revisions to the environmental document are needed, and no further response to the comment is needed.

#### **Bob Harris**

**Response D-6:** The commenter introduces himself as the representative of a parcel owner that will be impacted by two of the alternatives that are analyzed in the EIR. The commenter identifies the location of the property as being immediately southeast of the community of Banta. This comment is noted. As the comment does not pertain to the adequacy of the EIR, no revisions to the environmental document are needed, and no further response to the comment is needed.

**Response D-7:** The commenter indicates that a portion of the parcel was redesignated to rural residential and that the EIR does not recognize this. Additionally, the commenter indicates that the EIR doesn't recognize the rural residential zoning and designation of the property.

Please refer to **Response A-3**, discussed above. It should be noted that the EIR includes Appendix B Initial Study where a discussion of Land Use impacts is provided. This discussion identifies the existing land use and zoning along both Alternative 3A and Alternative 4 and it was determined that impacts to land use would not occur with implementation of either alternative. The baseline conditions for the analysis in this EIR is based on the existing conditions at the time of NOP

publication on November 9, 2017. At that time the subject parcel was zoned as General Agriculture; as such, the analysis presented in Section 6.3.6 Land Use and Planning correctly discusses the potential impacts the Project would have due to crossing parcels that are zoned General Agriculture. Furthermore, at the time of NOP publication the subject parcel was occupied by agricultural uses. On May 8, 2018 the San Joaquin County Board of Supervisors approved a zoning change on the subject parcel, allowing the owner of the parcel to change a portion of his parcel from General Agriculture zoning designation to Rural/Residential zoning designation. Even if this zoning change had occurred prior to the NOP publication, the on-ground situation would have been the same in that the parcel would have still been occupied by agricultural uses and not residential uses. As such, the EIR correctly analyses impacts to this zoning designation per State CEQA Guidelines Section 15125, and revisions to the EIR are not required. Based on this response, no revisions to the Final EIR are necessary and no further response to this comment is needed.

**Response D-8:** The commenter indicates that impact discussions for land use and planning, noise, air pollution is deficient since the EIR does not recognize the rural residential zoning and designation of said parcel.

The EIR analyzes the baseline conditions of the Project area as they were when the NOP for the EIR was published. The subject parcel, at the time of NOP Publication, was zoned as agricultural and was occupied by agricultural uses. As such, the EIR considered the impacts based on the baseline condition. The zoning change of the subject property was approved after the NOP for the EIR was published and there was no way of knowing that the zoning would be changed to a rural residential use. As the rezoned portion of the parcel has not been entitled for development of rural residential uses, it is anticipated that the parcel will remain in agricultural production beyond the year when the Project will become operational (in 2022). This assumption is based on the length of the entitlement and environmental clearance process (2 to 3 years) needed to approve and develop of a residential Project in the County. Based on this, the analysis presented in the EIR is accurate and sufficient based on baseline conditions at the time of NOP publication. Based on this response, no revisions to the Final EIR are necessary and no further response to this comment is needed.

**Response D-9:** The commenter believes that the new zoning should be discussed in the EIR because there is a semi-urban land use designation that isn't recognized in the EIR. As such, the commenter believes that certain topics of the EIR are not correctly analyzed.

Please refer to **Responses D-7** and **D-8** presented above. At the time of NOP Publication, the zoning of the said parcel was agricultural. Per CEQA, baseline conditions at the time of NOP Publication were analyzed in the EIR. As such, the EIR correctly analyses environmental topics based on the zoning at the time of the NOP Publication. Based on this response, no revisions to the Final EIR are necessary and no further response to this comment is needed.

**Response D-10:** The commenter questions why Alternative 3 was not considered for analysis in the EIR and notes that it is similar to Alternative 3A but a few hundred feet further south and won't impact said property. The commenter requests that the EIR be revised to include analysis of Alternative 3.

As stated under **Response A-8**, Alternative 3 was presented March 5, 2015 Open House Meeting #2. Feedback from the public indicated concern with Alternative 3 requiring the acquisition of land. Specifically, Alternative 3 would require full parcel acquisitions that would be cost prohibitive for the Project to move forward which deemed Alternative 3 as financially infeasible. As such, Alternative 3 was not carried through and analyzed in this EIR. Based on this response, no revisions to the Final EIR are necessary and no further response to this comment is needed.

### **Mike Sandu**

**Response D-11:** The commenter expresses his opinion that he is not against the project and what the community needs to do is going to happen. This comment is noted. As the comment does not pertain to the adequacy of the EIR, no revisions to the environmental document are needed, and no further response to the comment is needed.

**Response D-12:** The commenter expresses concern that his parcel will be split up into four pieces and that the parcels will be too small to continue sustainable agricultural production.

For development of the proposed Project, the County as required by property acquisition and relocations laws, will work with affected parcel owners to provide fair market compensation for parcels (full or partial) that are acquired due to Project implementation. Regarding the loss of potential farmland, the EIR in Section 4.5 provides analysis of impacts to agricultural land and provides **Mitigation Measure AG-1** to offset such impacts to a less than significant level. **Mitigation Measure AG-1** requires the County to either purchase land at a 1:1 ratio equivalent to the Important Farmland that would be loss during Project implementation and setting aside such land in perpetuity in the form of a farmland conservation easement or paying in-lieu fees equivalent to the value of the agricultural land being converted. Based on this response, no revisions to the Final EIR are necessary and no further response to this comment is needed.

**Response D-13:** The commenter asks the County to recognize that splitting his parcels will not allow continuation of farming and indicates that he should not have to pay for the process of splitting his parcel.

Please see **Response D-12** above regarding the County being required by property acquisition and relocations laws to work with affected landowners and provide fair market compensation for full or partial parcel acquisition. As the acquisition of parcels is not an environmental concern under CEQA, revisions to the EIR are not required based on this comment. No further response to this comment is needed.

### **Philip Martin**

**Response D-14:** The commenter introduces himself and relates that his concern is regarding the restriction of traffic (specifically agricultural equipment) going through Banta and accessing California Street and areas north of Banta. The commenter is also concerned with moving large agricultural equipment through roundabouts.



The design of the proposed Project still allows vehicles, including agricultural equipment to access California Street and areas north of Banta. Farm equipment coming from areas east of the Project would be permitted to travel westbound along the existing Grant Line Road, make a right onto El Rancho Road, and then a right onto California Avenue to access areas north of Banta. For agricultural equipment approaching from the west and traveling eastbound, traffic would take the new bypass proposed by the Project, travel through the proposed roundabout at 11th Street, continue east bound on 11th Street to the existing roundabout at Grantline Road, make a left on Grantline Road, make a right on El Rancho Road, to access California Avenue and areas north of Banta. Although this is a longer route compared to existing conditions (approximately 3.64 miles) there is still connectivity to areas north of Banta near California Avenue that agricultural equipment can utilize if the Project is implemented.

Regarding the concern about the movement of larger agricultural equipment through roundabouts, Caltrans has studied roundabouts on the California Highway System. According to Caltrans, benefits of a roundabout include<sup>1</sup>:

- Increase safety
- Increase capacity/reduce delay
- Accommodate larger vehicles
- Less maintenance
- Reduce vehicle emissions
- Reduce construction and right-of-way cost

Roundabouts can accommodate larger vehicles due to truck aprons that are included in their design. The truck apron is a mountable portion of the central island adjacent to the circulatory roadway that accommodates the wheel path of large vehicles at smaller roundabouts. Truck aprons allow vehicles with large turning radii, such as buses, trucks, tractor trailers, farm equipment and emergency vehicles to navigate safely through roundabouts. Prior to final design approval of the Project, the County will review the design of the proposed roundabout at the new road and 11th Street to make sure that larger vehicles can be accommodated and safely access connecting roads. Based on this response, no revisions to the Final EIR are necessary and no further response to this comment is needed.

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<sup>1</sup> Caltrans District 5, *Roundabouts on the State Highway System*, Presentation by Caltrans District 5 at SBCAG North County Subregional Meeting, May 4, 2011, Adapted from OR750 Project Open House by Paul Valado, [http://dot.ca.gov/dist05/projects/sb\\_purissima/roundaboutsonhwy.pdf](http://dot.ca.gov/dist05/projects/sb_purissima/roundaboutsonhwy.pdf). Accessed August 24, 2018.

## 4.0 DRAFT EIR TEXT REVISIONS

Chapter 4 presents specific changes to the text of the Draft EIR that are being made to clarify any errors, omissions, or misinterpretations of materials in the Draft EIR in response to comments received during the public review period. In no case do these revisions result in a greater number of impacts or impacts of a greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, following by the appropriate revision. Added text is indicated by double underlined text. Text deleted from the Draft EIR is shown in ~~strikeout~~. Page numbers correspond to the page numbers in the Draft EIR. Based on the comments that were received, it should be noted that major changes to the Draft EIR were not required; hence, such major revisions are not included below. Minor changes to the Draft EIR have been noted as described above in the actual text of the Draft EIR. This Response to Comments document, Statement of Overriding Considerations and Findings of Fact, these Draft EIR text revisions, in conjunction with the Draft EIR, constitutes the Final EIR.

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## 5.0 REPORT PREPARERS

### 5.1 EIR RESPONSE TO COMMENTS PREPARERS

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