

**APPENDIX J
RESPONSE TO PUBLIC COMMENTS**

**Comment A
Fred Perez**

1 MR. PEREZ: My name is Fred Perez. I live at
2 342 West Connecticut Avenue. Phone number is
3 (760) 724-4791. My e-mail is f.r.perez@cox.net.
4 First question is: Are they going to raise the
5 ground level because of drainage from the houses that
6 are on both sides of me and probably eight houses, four
7 houses on each side, let's say.
8 Two, the minimum bike path is 8 feet. There is
9 about 12 feet from my backyard to the fence that's there
10 already for the train. I raised my -- I already raised
11 my wall 3 feet because they raised the train railroad
12 bed 4 feet, so the train can see inside my backyard.
13 Also, what are they going to do if it is not
14 enough room? Take my wall down? And on top of that,
15 there is a building near my property line at the back.
16 That was there -- it's been there for I don't know how
17 many ages. I bought it in '84. It was already there.
18 My house has been there since 1932.
19 And vandalism, how is it going to be kept down?
20 Because the fence, like the gentleman said earlier, it
21 is cut quite a bit.
22 That's it.
23 * * * * *
24
25

A-1

A-2

A-3

A-1

The preliminary design of the trail shows that the proposed project would closely match the existing elevation. The proposed project would also have a cross slope draining towards the tracks into a proposed drainage ditch and drain away from private property. The Draft Subsequent Mitigation Negative Declaration (MND) evaluates potential drainage impacts in Section IX. Hydrology and Water Quality, and concludes that the hydrology and drainage impacts of the proposed project would be less than significant.

A-2

There is a width of approximately 20 feet between the North County Transit District (NCTD) safety buffer and the residential private property lines in which the proposed project would be constructed. As described in the Draft MND, a typical section of the proposed project would have a total width of 14 feet, and a minimum section would have a total width of 12 feet. With the dimensions of the typical and minimum sections, and the approximately 20 feet available between the safety buffer and the residential private property lines, SANDAG does not anticipate the removal of, or any other impacts to, the private property of this resident, including but not limited to the existing wall or other structures located on private property. However, the preliminary design assumes that the location of the NCTD right-of-way property line is along the existing homeowner fences; the precise location of the right-of-way will be confirmed during the final design phase. This comment does not raise any environmental issues that CEQA required be addressed in the MND.

A-3

Upon completion of project construction by SANDAG, the cities of Vista and San Marcos, and the County of San Diego, would assume responsibility for maintenance of the portion of the bike path within their jurisdiction, including the performance of any maintenance that is necessary as a result of acts of vandalism. Neither this comment, the other comments provided on the Draft MND, or other information in the record provide substantial evidence that the proposed project would result in vandalism that would cause significant physical changes to the existing environment.

**Comment B
Mark Sansait**

1 MR. SANSAIT: My name is Mark Sansait,
2 S-a-n-s-a-i-t. I live in Vista at 1291 Coventry Road.
3 And my phone number is (760) 529-2376. E-mail is
4 velograteful@gmail.com.

5 So I'm with the Bike Walk Vista group. And so
6 my comment is, like somebody voiced, access routes, like
7 we want to make something like a bike route that's
8 connected to businesses, because most of us want to like
9 bike to the businesses that we support, restaurants,
10 coffee shops and more, groceries. And this seems like
11 the right step toward getting that, but we still have a
12 long way to go in terms of making it accessible to a lot
13 more people, from kids to elderly, who are no longer
14 able to drive, or people who just choose to ride their
15 bikes, walk or skate. I think that's what it is, what I
16 want to see.

17 I do have one more. All across the country,
18 more cities are building separated protected bikeways
19 along public roads, meaning like complete streets,
20 livable streets, in terms of slowing down traffic, and
21 there is a bike path that goes along the street. Would
22 that be an option or would that be possible to mitigate
23 this project? Or for things that's really complicated
24 in terms of what I heard today, in terms of property
25 lines and the fencing. It feels like very restrictive

B-1

B-1
This comment is noted and will be included in the public record for the proposed project. However, none of the comments in this letter raise issues that CEQA requires be addressed in an MND. To clarify, as described in the Draft MND, the proposed project would provide a Class I bike path for bicycles and pedestrians, separated from vehicle traffic. The proposed project would be located from the termination of an existing portion of the Inland Rail Trail in the City of San Marcos, to the border of the cities of Vista and Oceanside. Upon completion of the proposed project, there would be a continuous bicycle path from the Escondido SPRINTER station in the City of Escondido, through the cities of San Marcos and Vista, to the Oceanside-Vista border. The proposed project would provide bicycle and pedestrian access to five SPRINTER stations, as well as other major destinations, such as Palomar College and Vista Village on Main Street. As a multi-use path separated from vehicle traffic, the proposed project is designed to safely accommodate all users, including bicyclists, pedestrians, transit riders, children, older people, and disabled people. Moreover, the proposed project is identified in the adopted SANDAG Regional Bicycle Plan. This plan presents an interconnected network of different classifications of bicycle facilities that is intended to enable residents to bicycle within and between major regional destinations and activity centers. The proposed project is one part of the interconnected regional network proposed in the Regional Bicycle Plan. As a Class I bike path, the proposed project is intended to provide a critical connection where roadways are absent or not conducive to bicycle travel. The Regional Bicycle Plan identifies other facilities, such as Class II bike lanes and Class II bike routes that would be located along existing roadways.

1 in a way.
2 So I wonder if they would look into this kind
3 of infrastructure. Washington, D.C., does it, New York
4 City does it, Portland, Long Beach, Los Angeles is doing
5 it as well. So it is making it more accessible to
6 people.

7 That's it.

8 * * * * *

B-1
Cont.

Comment C
Josef Kucera

1 MR. KUCERA: My name is Josef Kucera,
2 J-o-s-e-f, K-u-c-e-r-a. My address, 1535 Madrid Drive,
3 Vista, California 92081. Phone number is
4 (760) 803-6137. Email, jkucera@sbcglobal.net.

5 On the Buena Creek Transit Center, on the south
6 side of that transit center, the county has projected a
7 road realignment in the long-range planning. And that
8 particular intersection is particularly difficult for
9 this project. It seems that it would be prudent if the
10 county could look at accelerating their redesign of that
11 intersection, which is the north end of Sycamore,
12 meeting up with Buena Creek.

13 So that intersection would solve many problems.
14 It would allow for coordination of any new traffic
15 lights with existing -- with existing traffic flow. And
16 it would only require disruption for environmental
17 purposes once, rather than having to go in and rework
18 that entire intersection multiple times.

19 And then a second unrelated comment, I guess,
20 is that it would be nice if human nature can be factored
21 into how egress through the transit centers are
22 designed; that to have bicyclists either ride through
23 parking lots or ride on sidewalks, which is illegal in
24 the city of Vista, is not good engineering, and it is
25 not good planning; that the pedestrians need egress and

C-1

C-2

C-1
This comment is noted and will be included in the public record for the proposed project. The comment is correct that the County of San Diego identifies in its long-range plans the re-alignment of South Santa Fe Avenue near the intersection with Buena Creek Road (located on the south side of the Buena Creek SPRINTER station). However, there is currently no funding or schedule for the design or construction of this road re-alignment. Because there is no funding or schedule for design or construction of the road re-alignment, it would be speculative for SANDAG to evaluate the potential environmental impacts of constructing the proposed project with the assumption that the road re-alignment project would be constructed concurrently. SANDAG is coordinating with the County of San Diego for the design of the proposed project, including the design of the project through Buena Creek Road near the South Santa Fe Avenue/Buena Creek Road intersection. The County of San Diego has the ultimate approval authority over the design of the proposed project within its jurisdiction. This comment does not raise any environmental issues that CEQA requires be addressed in an MND.

C-2
SANDAG acknowledges that riding a bicycle on the sidewalk is illegal under the City of Vista Municipal Code (§10.68.100). However, bicyclists riding in parking lots would be considered as moving vehicles. The Inland Rail Trail bike path is intended to be a multi-use path; bicyclists and pedestrians would be permitted to use the path. SANDAG intends to separate the bike trail and from pedestrians at SPRINTER stations where feasible. SANDAG is working with the local agencies and NCTD on the final design of the bike path at SPRINTER stations. The draft MND analyzes the safety of pedestrians and bicyclists and concludes that no significant impacts would occur as a result of the proposed project.

1 the bicyclists need separate egress, and you don't want
2 to mix either one of those with cars wherever possible.

C-2
Cont.

3 Also, in the Civic Center Transit Center, there
4 is a segment where bicyclists are proposed to ride the
5 wrong direction against traffic and, again, that's poor
6 planning. They're proposing that path be on a sidewalk,
7 which again, is illegal in the city of Vista. So there
8 needs to be an accommodation there that meets with
9 bicyclists and pedestrians and vehicle traffic.

C-3

C-3

Along Civic Center Drive west of the transit station, the sidewalk would be widened to up to 12 feet in width and may be re-classified as a multi-use path; a separated sidewalk may not be constructed due to design constraints. It would be similar to the bike path along Woodland Parkway between the SPRINTER line and Rancheros Drive in San Marcos. It is anticipated that fencing would be constructed to have physical separation between the path and motor vehicle traffic.

10 Thank you.

11 * * * * *

If the Inland Rail Trail project is approved with sections of the trail on the sidewalk in the City of Vista, an amendment to the City of Vista Municipal Code (§10.68.100) would be required to provide an exception where sidewalks are clearly designated to be part of a multi-use trail with appropriate warnings for pedestrians and bicyclists. The draft MND analyzes the safety of pedestrians and bicyclists and concludes that no significant impacts would occur as a result of the project.

1 MR. SANCHEZ: Ronald Sanchez, 939 Mimosa
 2 Avenue, Vista, 92081. E-mail address is
 3 foodmanron@yahoo.com.
 4 The only comment I have is that it would be
 5 really nice to see the Inland Rail Trail at times divert
 6 from the rail and actually touch the community and maybe
 7 the business areas and where there is coffee shops and
 8 cafes, and then go back to the isolated Inland Rail
 9 Trail.
 10 That's all.
 11 * * * * *

D-1

**Comment D
Ronald Sanchez**

D-1
This comment is noted and will be included in the public record for the proposed project. One of the goals of this project is to provide safe and effective pedestrian and bicycle connectivity.

Coordination with the Cities of Vista and San Marcos, as well as the County of San Diego is ongoing for including additional trail entrance and exit locations. SANDAG has identified and is currently reviewing the feasibility to incorporate the following access points:

- West Connecticut Ave at Calle Chapultepec
- Redland Street at West Orange Street
- Rincon Street
- Kilby Lane
- Phillips Street at Phillips Circle
- Hannalei Drive
- Las Flores Drive

Additional access points, if identified, would be located within the project area evaluated in the Draft MND. This comment does not raise any environmental issues that CEQA requires be addresses in an MND.

From: Maya Rosas [<mailto:mrosas@walksandiego.org>]
Sent: Wednesday, June 05, 2013 11:35 AM
To: Rodriguez, Emilio
Subject: Inland Rail Trail Meeting Tonight

Hi Mr. Rodriguez,

My name is Maya and I'm with Walk San Diego. We are currently in the process of forming a Bike Walk Committee in Vista and so we were hoping to attend the meeting tonight on the Inland Rail Trail Project. Unfortunately we won't be able to make it.

I would like to know more about the project and where it is in its development. Could you please send me any informational material that you plan on sharing at the meeting tonight?

Thank you!

Maya
Maya Rosas
Intern
WalkSanDiego
740 13th Street Suite 502
San Diego, CA 92101
619-544-9255 t
619-531-9255 f

E-1

E-1

In response to this comment, Ms. Rosas was provided with Internet links for the Inland Rail Trail Fact Sheet, Inland Rail Trail SANDAG website, and the Public Review Draft of the Subsequent MND. This comment does not raise any environmental issues that CEQA requires be addressed in an MND.

**Comment E
Maya Rosas**

**Comment F
Native American Heritage Commission**

STATE OF CALIFORNIA Edmund G. Brown, Jr., Governor
NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Boulevard
West Sacramento, CA 95691
(916) 373-3715
(916) 373-5471 – FAX
e-mail: ds_nahc@pacbell.net

June 14, 2013

Mr. Andrew Martin, Associate Environmental Planner

San Diego Association of Governments (SANDAG)

401 "B" Street, Suite 800
San Diego, CA 92101

RE: SCH# 1999081121 CEQA Notice of Completion; INITIAL STUDY and proposed Mitigated Negative Declaration for the **Inland Rail Trail Bikeway Project; segment** located from the City of Oceanside to the City of San Marcos; North County Metro; San Diego County, California.

Dear Mr. Martin:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5 (b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required: This area is known to the NAHC to be very culturally sensitive.

Contact the appropriate Information Center for a record search to determine if a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s). The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR). This area is known to the NAHC to be very culturally sensitive.

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10. Contact has been made to the Native American Heritage Commission for a Sacred Lands File Check. A list of appropriate Native American Contacts for consultation

F-1

As discussed in Section V of the Draft MND, the proposed project was originally evaluated in a Historic Property Survey Report (HPSR) in 1999, and evaluated again with a Supplemental HPSR in 2013. The Draft MND determined that the proposed project would not cause a substantial adverse change in the significance of an historical resource, including an archaeological resource, as defined by CEQA Guidelines §15064.5.

The resource identification efforts described in the HPSR, Supplemental HPSR, and Draft MND that support the Draft MND conclusion of no significant impact to a historical or archaeological resource are summarized below:

- A consultation letter was sent on March 23, 2012 to the Native American Heritage Commission. The NAHC provided a search of sacred lands and no Native American Cultural Resources were identified in the project area. The NAHC also provided a list of interested parties to contact.
- Native American representatives on the list provided by the NAHC were contacted to notify them of the project and solicit concerns. This consultation is summarized in the Supplemental HPSR.
- A records search was obtained from the South Coastal Information Center at San Diego State University.
- A pedestrian survey of the project area was conducted by qualified archaeologists. No resources archaeological or Native American resources were identified.

F-1

concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list

F-1
Cont.

F-2

F-2

The Supplemental HPSR summarized in the Draft MND did not identify any existing cultural resources and determined that the project area yielded a low potential for buried archaeology and historic resources. However, mitigation measure CUL-1 has been included in the proposed project to ensure that potential impacts to any unknown cultural resources, in the unlikely event they are discovered during construction activities, would remain less than significant.

- **CUL-1:** Prior to the start of construction, a qualified archaeologist will be retained with an on call contract and the resident engineer will ensure that emergency contact information is retained at the job site throughout construction. If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find and determine if additional cultural or Native American consultation is necessary.

Disturbance to human remains, including those interred outside of formal cemeteries is not anticipated because the project site is already highly disturbed due to construction activity associated with the existing NCTD rail line. If human remains are discovered, California Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. Furthermore, pursuant to Public Resources Code Section 5097.98, if the Coroner recognizes the remains to be Native American, the coroner shall notify the NAHC who will then notify the Most Likely Descendent. If Native American remains are discovered, the remains shall be kept in situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor. Further provisions of PRC 5097.98 are to be followed as applicable. Compliance with existing codes would ensure that potential impacts related to disturbance of human remains, in the likely event such impacts occur, remain less than significant.

**Comment G
Bonnie Kucera**

Tim Chamberlain

From: Bonnie Kucera <bonnie.kucera@gmail.com>
Sent: Friday, June 21, 2013 3:40 PM
To: Rodriguez, Emilio; Martin, Andrew
Cc: Kucera Joe
Subject: More input after attending your meetings...attached is a City of Portland video.
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Emilio and Andrew:

My husband, Joe, and I attended your public input meetings on the Inland Rail Trail (in Vista), and on the Regional Plan (in Occaside). Thank you for those, and for the opportunity to offer our input!

I promised Emilio at the Inland Rail Trail meeting at the Vista Civic Center that I'd send links to information on cities that have definitely "gotten it" with regard to bike and pedestrian infrastructure, laws, programs, etc. There are a few, but a good one to start with is Portland. See the following link to that video:

<http://www.streetfilms.org/portland-celebrating-americas-most-livable-city/>

There is a ton of information in there, along with great people you may want to contact. In the video (the whole thing is great, by the way), some segments of note are:

- Mia Birk of Alta Planning (who was Portland's great and famous Bike Coordinator from 1993 to 1999) discusses and shows Bike Signals (counter#'s 6:14 and 7:26)
- Bike Boulevards (8:50)
- Traffic Calming (15:57)**
- Mass Transit (18:35)
- Bike Parking (21:56)
- Crosswalk Enforcement Actions (23:03).
- And there's so much more... It's all great...

Do take all of the points in the video as important ones that are on our wish list (!)

G-1

These comments are noted and will be included in the public record for the proposed project. However, these comments do not raise any environmental issues that CEQA requires be addressed in an MND.

G-1

One thing is certain: We are in dire need of more webs of public transportation with closer access within neighborhoods, greater frequency and MUCH better connections with rail, as well as greatly extended hours of operation (maintaining frequency within all hours). Getting quickly and efficiently from our neighborhood (Shadowridge area in Vista) to the coast, and/or La Jolla (UCSD) / San Diego, etc. without contributing to pollution and traffic congestion is pretty impossible right now. My husband has to rely on a car for his commute to and from work at UCSD each day, and claims that he can actually ride a bike faster to or from work than he can make the trip utilizing public transportation. He's done both a few times. It's "much quicker by bike, in fact" he claims. It is not always practical, however, for him to ride a bike for that long a journey. Personally, when I travel down to UCSD for medical appointments or concerts, I'd love to combine the bike with public transportation, but the intervals between departing buses, trains, etc. are too infrequent, the connection from the Coaster to UCSD is mostly inadequate if not nonexistent when I need it...and the hours of operation don't serve well at all for a person leaving campus to return to North County several hours past 5pm.... Anyway...

Thanks guys, and we so hope to see a lot of improvements begin to happen within a few short years!!! Please do watch the Portland video. It has so much of what we want to see happen here!

- Bonnie Kucera

<http://www.streetfilms.org/portland-celebrating-americas-most-livable-city/>

From: Bonnie Kucera <bonnie.kucera@gmail.com>
Sent: Friday, June 21, 2013 3:47 PM
To: Rodriguez, Emilio; Martin, Andrew
Subject: Here's one more, guys: Cycling Copenhagen, Through North American Eyes on Vimeo

Follow Up Flag: Follow up
Flag Status: Flagged

```
var js_css = document.createElement('link'); js_css.rel = 'stylesheet' js_css.href =
'http://a.vimeocdn.com/styles/css_opt/js_enabled.min.css?3176d6a';
document.getElementsByTagName('head')[0].appendChild(js_css);
```

G-1
cont.

[[[[]s]

STREETFILMS

Cycling Copenhagen, Through North American Eyes

from Streetfilms PLUS 2 years ago / Creative Commons License:

by
nc
nd

NOT YET RATED

While Streetfilms was in Copenhagen for the Velo-City 2010 conference, of course we wanted to showcase its biking greatness. But we were also looking to take a different perspective than all the myriad other videos out there. Since there were an abundance of advocates, planners, and city transportation officials attending from the U.S. and Canada, we thought it'd be awesome to get their reactions to the city's built environment and compare to bicycling conditions in their own cities.

If you've never seen footage of the Copenhagen people riding bikes during rush hour - get ready - it's quite a site, as nearly 38% of all transportation trips in Copenhagen are done by bike. With plenty of safe, bicycle infrastructure (including hundreds of miles of physically separated cycletracks) its no wonder that you see all kinds of people on bikes everywhere. 55% of all riders are female, and you see kids as young as 3 or 4 riding with packs of adults.

Much thanks to the nearly two dozen folks who talked to us for this piece. You'll hear astute reflections from folks like Jeff Mapes (author of "Pedaling Revolution"), Martha Roskowski (Program Manager, GO Boulder), Andy Clarke (President, League of American Bicyclists), Andy Thornley (Program Director, San Francisco Bike Coalition) and Tim Blumenthal (President, Bikes Belong) and Yvonne Bambrick (Executive Director, Toronto's Cyclists Union) just to name drop a few of the megastars.

Read More...

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var ClipConfig = {"clip_id":13499122,"uri":"V13499122","title":"Cycling Copenhagen, Through North American Eyes","user_id":2352061,"user_uri":"Vstreetfilms","name":"Streetfilms","context":""};
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```

G-1
cont.

From: Bonnie Kucera <bonnie.kucera@gmail.com>
Sent: Friday, June 21, 2013 3:50 PM
To: Rodriguez, Emilio; Martin, Andrew
Subject: Guys: Here's the Copenhagen YouTube version in case the Vimeo did not work for you

Follow Up Flag: Follow up
Flag Status: Flagged

Guys:

I'm sorry if the Vimeo did not work... But I found it on Youtube, also:

<http://www.youtube.com/watch?v=vvrTx9SXkVI>

Thanks,
Bonnie Kucera

G-1
cont.

From: Bonnie Kucera <bonnie.kucera@gmail.com>
Sent: Friday, June 21, 2013 4:43 PM
To: Rodriguez, Emilio; Martin, Andrew
Subject: One last input suggestion: Contact Alta Planning and Design

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Guys:

Here is the website for Alta Planning and Design, (Mia Birk's organization):

<http://www.altaplanning.com/mia+birk.aspx>

We would consider her input of extreme value in your Planning for San Diego County's future.

Thanks again!
- Bonnie Kucera

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
330 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

EDMUND G. BROWN JR., Governor



June 27, 2013

Andrew Martin
401 B Street, Suite 800
San Diego, CA 92101

SENT VIA EMAIL ON JUNE 27, 2013 TO andrew.martin@sandag.org

Dear Mr. Martin:

SUBJECT: SCH# 1999081121; Inland Rail Trail Bikeway

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) and rail transit projects in California. The California Public Utilities Code requires Commission approval for construction or alteration of crossings and grants the Commission exclusive power on design, alteration, and/or closure of crossings in California. The Commission's Rail Crossings Engineering Section (RCES) reviews crossing matters. The Commission has received a copy of the *Mitigated Negative Declaration (MND)* from the State Clearinghouse for the proposed Inland Rail Trail Bikeway in City of San Marcos, County of San Diego, and City of Vista. SANDAG is the lead agency.

According to the MND and supporting documentation, the project would include construction of a bikeway, running along a 7-mile alignment roughly following the North Coast Transit District's Sprinter line. This line has both rail transit and railroad operations. A preliminary review by CPUC staff shows that there are a number of at-grade rail crossings located along this rail segment.

The "Public Review Draft" document states:
"Actual alignments for each at-grade crossing of City and County roadways would be analyzed during final design and would be selected after coordination among SANDAG and local jurisdiction and in accordance with applicable federal, state, and local laws and regulations. Alignments may vary at different at-grade crossings." The project documentation also notes that this will connect to 5 Sprinter stations.

It should be more clearly identified that the California Public Utilities Commission is the agency with jurisdiction over rail crossing design and configuration.

Comment H
California Public Utilities Commission

H-1

SANDAG acknowledges receipt of the letter dated June 27, 2013 from the California Public Utilities Commission. However, this comment does not raise any environmental issues that CEQA requires be addressed in an MND.

To clarify, the quote from the Draft MND cited in this comment refers solely to at-grade crossings of City and County roadways – it does not refer to rail crossings. The text of the project description related to at-grade crossings of City and County roadways is provided below (see pages 5-6 of the Final MND):

Potential Alignments for At-Grade Roadway Crossings

The environmental analysis of this Subsequent MND considers two possible alignments for at-grade crossings of City and County roadways. One possible alignment would have the proposed project depart the NCTD ROW at the City or County roadway, then run parallel with the roadway away from the railroad tracks to the nearest roadway intersection, at which the proposed project would cross the roadway. The proposed project would then run parallel with the roadway toward the railroad tracks, at which point it would re-enter NCTD ROW. Under this alignment, the proposed project would typically run along a 10-foot-wide sidewalk, which would operate as a multi-use path. The other possible alignment would cross the roadway directly, parallel to NCTD railroad tracks.

Actual alignments for each at-grade crossing of City and County roadways would be analyzed during final design and would be selected after coordination among SANDAG and local jurisdictions and in accordance with applicable laws and regulations. Alignments may vary at different at-grade crossings.

H-1

Andrew Martin, SANDAG
CPUC Comments on Inland Rail Trail Sideway
Page 2 of 3
June 27, 2018

Potential Rail Safety Issues

The details of the proposed alignment, crossings, intersections, and traffic signal design must be reviewed with CPUC staff early in the project design phase. Concerns may include:

- Pedestrian safety treatments: Modified crossings should typically include pedestrian safety treatments including features such as automatic pedestrian gate arms, swing gates, detectable warning, and channelization.
- Preemption timing: Where an intersection is adjacent to a rail crossing, preemption should take into account pedestrian clearance times as part of the track clearance sequence. This may require significant additional preemption time.
- Significant vandal-resistant fencing and other channelization should be installed to ensure that pedestrians cross only at authorized points along the track.

CPUC Rules and Regulations

The project described may be subject to a number of rules and regulations involving the Commission. These may include:

- California Public Utilities Code, Sections 1201 et al, which requires Commission authority to construct rail crossings,
- Commission's Rules of Practice and Procedure, which details the Formal Application process for construction or modification of a public crossing, and
- GO 88-B, Rules for Altering Public Highway-Rail Crossings.

The design criteria of the proposed project must comply with Commission General Orders (GOs), such as:

- GO 26-D, Clearance on Railroads and Street Railroads as to Side and Overhead Structures, Parallel Tracks and Crossings,
- GO 72-B, Construction and Maintenance of Crossings – Standard Types of Pavement Construction at Railroad Grade Crossings,
- GO 75-D, Warning Devices for At-Grade Railroad Crossings,
- GO 118, Construction, Reconstruction and Maintenance of Walkways and Control of Vegetation Adjacent to Railroad Tracks,
- GO 143-B, Design, Construction and Operation of Light Rail Transit Systems, and
- GO 164-D, Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems.

As part of its mission to reduce hazards associated with at-grade railroad crossings, the Commission's policy is to reduce the number of such crossings. New at-grade crossings would typically not be supported by CPUC staff.

Modification of existing rail crossings is typically authorized through the CPUC's GO 88-B process. If interested parties do not reach agreement regarding proposed modifications, a Formal Application to the Commission may be required.

H-2

In the project description, all "at-grade crossings" that are discussed refer to the crossing of local roads that run perpendicular to the SPRINTER rail and the bike trail. The final environmental document has been updated to reflect that these crossings are of local roads, not the railroad line. The proposed project does not propose any new at-grade rail crossings.

However, there are currently a maximum of three proposed existing rail crossings as listed below:

1. West side of Civic Center Drive (parallel to the existing road and existing sidewalk crossings)
2. Buena Creek road at South Santa Fe intersection (parallel to existing Buena Creek road crossing)
3. Buena Creek Transit Station (parallel to existing pedestrian crossing).

In coordination with local agencies (NCTD), CPUC approval is required for these three crossings.

H-2

This comment is noted and will be included in the public record for the proposed project. However, this comment does not raise any issues that CEQA requires be addressed in an MND. SANDAG will coordinate and obtain CPUC authorizations and/or approvals for modifications of existing railroad crossings as required by existing laws and regulations.

H-3

H-3

This comment is noted and will be included in the public record for the proposed project. SANDAG acknowledges that modification of an existing rail crossing requires either CPUC authorization through the GO 88-B process or Formal Application to the Commission, and has revised the Final MND accordingly. This comment does not raise any issues that CEQA requires be addressed in an MND.

Andrew Martin, SANDAG
CPUC Comments on Inland Rail Trail Bikeway
Page 3 of 3
June 27, 2013

Prior to submission of a GO 88-B request for authorization, or submission of a Formal Application to the Commission, the City should arrange a diagnostic meeting with RCES and all interested parties to discuss relevant safety issues at each location.

The following link provides more information on the Commission's rules and regulations in regard to rail crossing safety:

<http://www.cpuc.ca.gov/crossings/>

Please feel free to contact me at kevin.schumacher@cpuc.ca.gov or (415) 310-9807.

Sincerely,

Kevin Schumacher

Utilities Engineer
Rail Crossings Engineering Section
Safety and Enforcement Division

cc: State Clearinghouse

H-3
Cont.



EDMUND G. BROWN JR.
GOVERNOR

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



KEN ALEX
DIRECTOR

June 28, 2013

Andrew Martin
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

Subject: Inland Rail Trail Bikeway
SCH#: 1999081121

Dear Andrew Martin:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 26, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

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 contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Comment I
State Clearinghouse

I-1

This comment is noted. No further response is required.

I-1