

## Letter 67

Daren Gilbert  
California Public Utilities Commission  
Rail Transit and Crossing Branch

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### **Comment 67-1**

Revise Appendix G: Transportation/Traffic checklist questions to address safety. Proposed amendments are likely to favor development around transit centers. This may result in conflicts between roadway users and trains.

### **Response 67-1**

Safety is addressed in the existing CEQA Guidelines. Existing question (d), for example, asks whether a project would “[s]ubstantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?” Rail safety is encompassed in that existing question. To illustrate, a project that would cause additional pedestrian, bicycle and vehicular traffic to cross operating rails without safeguards could be considered a hazardous design feature. Further, without adequate safeguards, rail and pedestrian, bicycle and vehicular uses could be considered incompatible uses that cause hazards.

Recognizing the safety concerns raised by this and other comments, however, the Natural Resources Agency has revised the text of the proposed amendments to account for the safety of facilities for alternative transportation. Specifically, the new question (f) would ask: would the project “Conflict with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?” No further revision is required in response to this comment.

### **Comment 67-2**

Clarify the need to address safety in the Appendix G: Transportation/Traffic checklist questions. Project proponents justify an incomplete analysis and fail to mitigate safety impacts by relying on the checklist.

### **Response 67-2**

As explained above, in Response 67-1, the Natural Resources Agency finds that the existing question (d) in the Appendix G checklist relating to traffic already encompasses impacts related to rail safety. Moreover, the proposed amendments include a Note at the beginning of Appendix G cautioning lead

agencies that “[s]ubstantial evidence of potential impacts that are not listed on this form must also be considered.” The circumstance described in the comment, therefore, appears to result from misapplication of existing requirements, and not a need for additional regulatory text. No further revisions are required in response to this comment.

**Comment 67-3**

Add to Appendix G: Transportation/Traffic checklist a question to consider if a project could adversely affect railroad or rail transit tracks and crossing.

**Response 67-3**

The Natural Resources Agency declines to incorporate the precise language suggested in the comment. As explained above in Responses 67-1 and 67-2, the existing questions in Appendix G would encompass rail safety. Further, the Note preceding Appendix G warns that evidence of any impact, even if not specifically described in the Appendix G checklist, must be considered. The CEQA Guidelines apply statewide to different types of projects in different locations. The Natural Resources Agency, therefore, finds that broader and more generally applicable language is preferable in the Appendix G checklist.

**Comment 67-4**

Clarify Appendix G: Transportation/Traffic checklist question (a). Grammatical error to include “not” in the sentence “...including, but not limited to, intersections...”

**Response 67-4**

The proposed correction in checklist question (a) has been made in the revised text.

**Comment 67-5**

Appendix G: Transportation/Traffic checklist question (a) should not limit analysis on the items identified.

**Response 67-6**

The Natural Resources Agency has revised the text of question (a) to clarify that components of the circulation system are not limited to those listed components. Because of this clarification, it is not necessary to add rail crossings to that list. The Natural Resources Agency therefore declines to include rail crossings in question (a) as suggested.

**Comment 67-6**

Revise Appendix G: Transportation/Traffic checklist question (d) to account for components of the transportation system that could affect safety – rail transit, railroads, and at-grade crossings.

**Response 67-6**

As explained in Response 67-1, above, the Natural Resources Agency finds that rail safety is already encompassed in question (d) as it is currently written. As explained in Response 67-3, above, the Natural Resources Agency has found that broader and more general language is preferable in the Appendix G checklist because it is intended to be used statewide for many different types of projects. Lead agencies are encouraged, however, to modify the checklist as appropriate for their location and project circumstances. Further, the Natural Resources Agency does not find that changing the phrase “increase hazards” to “decrease safety” would provide additional benefit that is not provided by the existing language. Therefore, the Natural Resources Agency declines to incorporate the suggested text in this comment.