

**NORTH COUNTY CORRIDOR
TRANSPORTATION EXPRESSWAY AUTHORITY**

ITEM: 3a

SUBJECT:

Correspondence

STAFF RECOMMENDATIONS:

Acknowledge receipt

FISCAL IMPACT:

None

DISCUSSION:

Acknowledge receipt of correspondence (copies attached) received since the November 18, 2015 NCC Board meeting.

**Date of NCC
Correspondence**

Name(s) of Sender

07-07-15 Sheri McRae email

04-28-14* Steven A. Herum

03-13-14* Louis F. Bricetto

* Received as attachment via Louis F. Bricetto's email message on 11/23/15.

Matt Machado - North County Corridor-Hwy 108 connection

From: Sheri McRae <skmcrae7071@hotmail.com>
To: <machadom@stancounty.com>
Date: 7/7/2015 12:25 PM
Subject: North County Corridor-Hwy 108 connection
CC: <scott.smith@dot.ca.gov>

Dear Mr. Machado,

Thank you for bringing me up-to-date last week on the North County Corridor project . I appreciate your time and input. As you know my husband and I are not in favor of the S. Stearns/Atlas (option A) connection to Hwy 108. For many reasons we feel the Wamble "B" connection would be a much better option. I have spent the last couple years looking at the great loss in property values, lost dreams, hard work down the tubes and all the lost revenues for all the small farmers, ranchers, and myself in this area should Cal Trans chose the S. Stearns /Atlas "A" connection. As property owners we are told to "just live our lives and do what we would normally do if this wasn't going to affect us". I understand the thinking considering how slow this process takes and the possibility of it never happening BUT you are not in our situation. Yes, Cal Trans will pay for the home/land but you can't replace or pay for alllll the hours of labor and time that go into planting trees, remodeling a bathroom, painting a house, etc. and then watch it all be bulldozed under like it was nothing. For every plant we plant, shed we build, irrigation we labor to put in, we are wondering if it is all for not. It is just not that easy to "just live our lives as though nothing is happening".

That being said, I would like to offer more food for thought in considering which connection you chose. We spoke of traffic safety and improving travel between the Sonora and Modesto areas and reducing congestion around Oakdale. Considering these issues which are some of the main reasons for this corridor, putting a connection and roundabout at Atlas and Hwy 108 doesn't make sense. We feel that dividing the traffic at the Wamble "B" connection would make a much better choice for the following reasons:

- Between Deo Gloria and Wamble there are 5 residential streets on the North side that feed traffic onto Hwy 108. Because 108 is so busy, there is a merging lane for these streets to enter traffic West bound. If they want to go East, they must cross the traffic that is going upwards of 60 to 65 mph at times. This is very dangerous and hard for drivers to negotiate.
- Dividing the traffic at the Wamble "B" connection would slow West bound traffic earlier going into Oakdale and past these residential streets, as well as reduce the amount of traffic in this area.

- For the trucks and commute traffic moving between Sonora and Modesto areas connecting to 108 at the Wamble "B" section would be faster and move smoother for them as they would not have to deal with residential traffic.
- Traffic moving East bound out of Oakdale would not be backing up by South and North Stearns (golf course) as it often is already.

By slowing and reducing traffic at the Wamble "B" connection you would "enhance traffic safety" and improve travel for the citizens of Oakdale living between the river and 108. They have no other way to exit this area but to use 108.

One last note please consider the City of Oakdale's plans, which are almost complete, to extend the city limits to Sierra and S. Stearns. They are rezoning this area to higher density homes; therefore, building out the connection to Atlas would go through this area causing even more congestion and slower travel time.

As Cal Trans is coming to the final stages of this decision process, we hope you and all involved will consider this information and all the people affected by your choice. We strongly encourage Cal Trans to chose the Wamble "B" connection. A lot less property owners and surrounding residential areas will be affected.

Thank you for your consideration.

Sincerely,

David & Sheri McRae
P.O. Box 2063
Oakdale, CA 95361

Matt Machado - Fwd: NCC L Brichetto Letter Route 1 A

From: "Bill O'Brien" <billobrienstancounty@gmail.com>
To: Matt Machado <machadom@stancounty.com>
Date: 11/23/2015 1:27 PM
Subject: Fwd: NCC L Brichetto Letter Route 1 A
Attachments: NCC L Brichetto Letter Route 1 A.pdf; NCC 1 A Map.pdf

----- Forwarded message -----

From: Louis F. Brichetto <brichetolouis@msn.com>
Date: Mon, Nov 23, 2015 at 1:25 PM
Subject: NCC L Brichetto Letter Route 1 A
To: billobrienstancounty@gmail.com

Attached are my letters preferring the NCC 1 A Route.
Thank you for your consideration , Louis Brichetto

Sieven A. Herum
sherum@herumcrabtree.com

April 28, 2014

Colt Esenwein, Project Manager
North County Corridor Transportation Expressway Authority
County of Stanislaus
County Public Works Department
1716 Morgan Rd
Modesto CA 95358

Joy Pinne, Project Manager
Caltrans - District 10
1976 East Charter Way / East Dr. Martin Luther King Jr. Blvd.
Stockton, CA 95205

Re: North County Corridor Transportation Expressway Authority Project

Dear Mr. Esenwein and Ms. Pinne:

This office represents L.F. Bricchetto Farming, LLC. My client is vitally interested in the North County Corridor Transportation Expressway Authority Project (Project). By this letter I respectfully ask to receive advance written notice of all workshops, meetings, hearings, release of documents and other relevant activities of all government agencies involved in the planning, designing, approving and financing of the Project.

My client is interested in working with your agencies in a cooperative and interactive manner. However, at the same time, my client does not want the agency to proceed without being informed of alternatives and mitigation measures that may substantially lessen significant environmental effects and potentially reduce the overall costs of the Project. My client fears that if these concerns are articulated too late in the process reasonable environmental superior and less costly alternatives may not receive focused attention from the required environmental review.

While the project is still in the design phase it is difficult for my client to supply detailed comments. However, at the same time the agency is compelled to integrate environmental concerns during this phase of the process. Public Resources Code section 21006 makes CEQA "an integral part of any public agency's decision making process". CEQA Guideline subsection 15004(b) explains this obligation in greater detail:

(b)...EIRs...should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design...

(1) With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations in to project conceptualization, design, and planning...

(2) To implement the above principles, public agencies shall not undertake actions concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance. For example, agencies shall not:

...

(B) otherwise take any action which gives impetus to a planned or foreseeable project in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.

Controlling legal authority make clear that agency infidelity to this CEQA subsection constitutes a prejudicial abuse of discretion as a matter of law. *Save Tara v. City of West Hollywood* (2008) 45 Cal. 4th 116, 132; see also, *Friends of the Sierra R.R. v. Tuolumne Park and Recreation Dist.* (2007) 147 Cal.App.4th 643, 651.

We believe a slightly altered alternative Corridor 1A, that is a Corridor 1A that is designed and planned to be closer to the existing City of Oakdale eastern municipal boundary, is superior because it offers significant financial savings and lessens significant environmental impacts. Consequently an altered alternative Corridor 1A must be included as a formal alternative presented in the draft Environmental Impact Report.

From a practical standpoint, environmental concerns cannot be incorporated into the decision making process and a project's concept and design if an agency is committed to a form of the project before formal environmental review is undertaken:

[T]he later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early stage of the project.

Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal. (1988) 47 Cal. 3d 376, 395; accord *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal. App. 4th 1184, 1203 (2004) (dispensing with CEQA compliance at the earliest possible moment

"generate[s] substantial economic and psychological pressures in favor of" a development proposal).

Therefore my client requests that a revised alternative Corridor 1A be identified as an alternative to the Project and studied in the draft Environmental Impact Report. We are willing to meet with you to discuss this alternative in greater detail.

Very truly yours,



STEVEN A. HERUM
Attorney-at-Law

SAH:lac

cc: Client

Gail Miller, Branch Chief
District 6 - Central Valley Environmental Management
2015 E. Shields Ave., Suite 100
Fresno, CA 93710
(559) 243-8274 Office

3-13-2014

Re; North County Corridor SR 108 East Route "B" Comments on the Draft PEIR circulation and Positive Adjustments to Corridor 1 A.

The following are comments and altered attached map that show the positive aspects of a slightly altered Corridor 1 A.

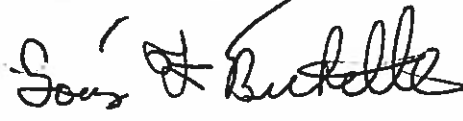
The Financial Element

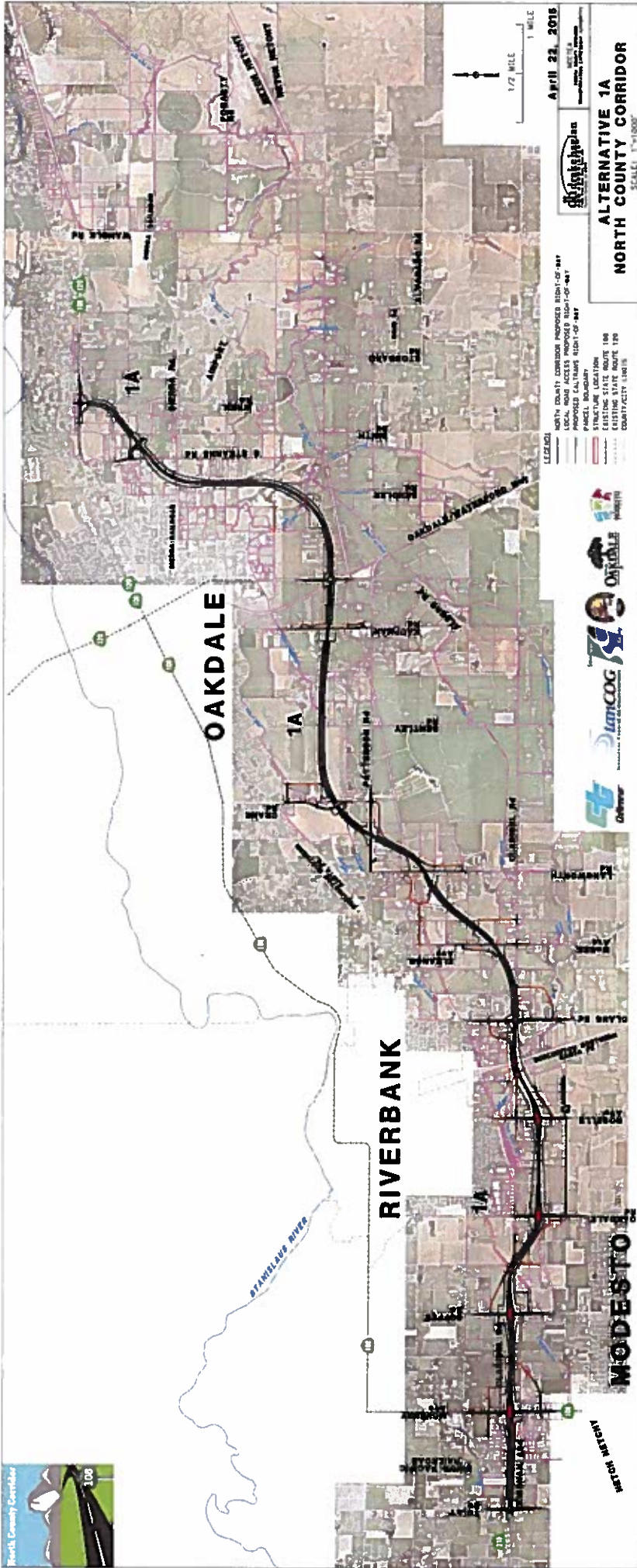
Given the financial constraints of the Local, State and Federal Governments this project could save millions of taxpayer dollars by having an conjunctive use project with the city of Oakdale's southern corridor "Lexington Lane."

- A. Conforms to the city of Oakdale's plans for a Lexington Rd corridor.
- B. A closer alignment to Oakdale would provide more tax revenue and jobs to the City of Oakdale.
- C. Con-Agra waste water disposal operation has approximately 1500 acres of irrigated pasture to use for waste water disposal purposes. When the North County Corridor SR 108 East Route 1 A overlaps the City of Oakdale planned Lexington Ave. corridor it will only displace approximately twelve acres of irrigated clover pasture and consolidating North County Corridor SR 108 East Route 1 A and Lexington Ave. corridor together. Since 1999 the Con-Agra waste water disposal operation has expanded its leased acreage of irrigated pasture to use for waste water disposal purposes approximately 1200 acres.
- D. Follows or has conjunctive use with the City of Oakdale's southern sphere of influence with the Lexington Ave. corridor.
- E. Doesn't interfere with either of the two Hetch-Hetchy Electrical Sub-Stations on Patterson Rd. or Warnerville Rd.
- F. Stays on the North side of the Hetch-Hetchy system throughout the North County Corridor SR 108 East Route 1 A.
- G. Avoids the difficult task of merging of North County Corridor SR 108 East Route 1 A with the Albers, Paterson, and the Oakdale Waterford Hwy intersection.

- H. Follows existing property boundaries as much as reasonably possible.
- I. Merges close to the Crane Rd. and Patterson Rd. intersections which conforms to the original North County Corridor SR 108 East Route 1 A map.
- J. Avoids rural residences and minimizes the impacts on productive agricultural lands that enhance Stanislaus County's productivity.
- J. Has the support of the Landowners along Lexington Lane.
- K. Utilizes the existing 108 / 120 right of way without purchasing any more property east of the intersection of 108 / 120 and Stearns Rd.

Louis F. Brichetto
P.O. Box 548
Oakdale Ca.95361


209-985-8543



April 28, 2015
 SCALE: 1"=1000'

**ALTERNATIVE 1A
 NORTH COUNTY CORRIDOR**

- NORTH COUNTY CORRIDOR PROPOSED RIGHT-OF-WAY
- LOCAL ROAD ACCESS IMPROVED RIGHT-OF-WAY
- LOCAL ROAD ACCESS UNIMPROVED RIGHT-OF-WAY
- PARCELS BOUNDARY
- STRUCTURE LOCATION
- EXISTING STATE ROUTE 100
- EXISTING STATE ROUTE 150
- CONTRACTY LOT

LEGEND



1/2 MILE
 1 MILE

STANISLAUS RIVER

OAKDALE

RIVERBANK

MODESTO

ALVIN BOYER