



City of Laguna Woods

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August 24, 2023

Emily Czaban, ICF
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ALSO VIA EMAIL D12.ELToro@dot.ca.gov

SUBJECT: I-5/El Toro Road Interchange Project Scoping Comments

Dear Ms. Czaban:

This comment letter, together with the enclosed comment letter from Peter J. Howell, of the City Attorney's Office, are submitted on behalf of the City of Laguna Woods ("City") as part of the public scoping process for the I-5/El Toro Road Interchange Project ("Project") proposed by the Orange County Transportation Authority ("OCTA") and California Department of Transportation ("Caltrans"). During the scoping process, the National Environmental Policy Act ("NEPA") and California Environmental Quality Act ("CEQA") generally require the lead agency (in this case, Caltrans) to solicit input on the Project well in advance of finalizing Environmental Impact Statement/Environmental Impact Report ("EIS/EIR") documents, with specific focus on identifying issues to be addressed (and, potentially, mitigated) therein.

Project Description

As discussed in greater detail in the enclosed letter, the City has continuing concerns regarding the instability of the Project description. Given that the City previously raised substantially similar concerns at least as early as 2019 during the environmental process for a preceding iteration of the Project, it is disappointing that Caltrans is pursuing the preparation of an EIS/EIR that considers not a single, stable project, but rather a range of alternatives that vary widely with disparate traffic and other environmental impacts. While OCTA and Caltrans can and should evaluate a range of alternatives for improvements to the I-5/El Toro Road Interchange, a single, preferred project must be identified for analysis in the EIS/EIR. In the absence of a preferred project, the Project description is inherently unstable, inconsistent with applicable law, and difficult for the City and other interested parties to meaningfully assess and provide input on.

Project Need and Baseline

With the Project seeking to address what OCTA and Caltrans generally characterize as congestion and traffic delays due to high traffic volumes within the I-5/El Toro Road Interchange area, both

agencies have a responsibility to ensure the Project is appropriately and responsively scaled to address quantifiable needs. OCTA and Caltrans thus have an obligation to ensure the Project is not excessive in scope, particularly given the significant impacts that would be felt by individuals and businesses for several years during construction, the several hundred million in taxpayer dollars that would be expended, and the extent of private property that would likely be acquired to provide sufficient right-of-way should either Build Alternative AA-1 or AA-5 ultimately be selected. While the Project may be viewed as fairly routine by OCTA and Caltrans, either build alternative would be the largest and most disruptive public works project undertaken in the I-5/El Toro Road Interchange area since the construction of Interstate 5 more than 60 years ago. The City urges OCTA and Caltrans not to take that lightly.

Unfortunately, OCTA and Caltrans continue to use traffic counts from 2017 to justify the need for the Project, and Caltrans appears poised to use the same traffic counts to analyze the Project's environment impacts. While traffic counts from 2017 might be informative in certain contexts, relying on data from several years before the COVID-19 global pandemic to establish both a need and baseline condition for freeway-centric congestion relief planning fails to adequately consider COVID-19-induced changes in working arrangements and commuter behavior.

Research funded by Caltrans and released earlier this year by the University of California, Davis's National Center for Sustainable Transportation¹, investigated COVID-19's impacts on mobility and identified a need to consider remote and hybrid forms of work in transportation planning. Specifically, the researchers recommended that "with the reduced commuting trips due to the shift to hybrid work schedules, transportation agencies should reduce transportation planning emphasis on peak-hour planning, engineering, and investment decisions, and take advantage of additional roadway capacity across the day to help avoid having to physically expand roadways." Noting that additional studies would be necessary, the researchers opined that increases in work from home "might lead to a certain redistribution of trips from peak hours to non-peak hours across the day or shift the overall time windows that define the "peak hours," in addition to a redistribution of the spatial-temporal patterns of trips, e.g., along the highway network vs. local roads."

The City encourages Caltrans to heed the advice of the research it funded and reassess the need, and update the baseline condition for the Project, using post-COVID-19 traffic counts. In addition to updating traffic counts, Caltrans should consider how emerging technologies – in particular, connected and autonomous vehicles – might further change traffic patterns and the nature of improvements necessary in years to come.

¹ Circella, G., Iogansen, X., Makino, K., Compostella, J., Young, M., & Malik, J. K. (2023). Investigating the Temporary and Longer-term Impacts of the COVID-19 Pandemic on Mobility in California. *UC Davis: National Center for Sustainable Transportation*. <http://dx.doi.org/10.7922/G23X84ZS> Retrieved from <https://escholarship.org/uc/item/0xm768km>

Project Impacts and Mitigation

As the City has communicated previously, Laguna Woods residents are impacted by living adjacent to and nearby Interstate 5 on a daily basis. From black particulate matter falling and accumulating on homes, air purifiers having to be run continuously, and noise so loud and constant that doors and windows have to be closed, Interstate 5 is an omnipresent fixture in the lives of residents. OCTA and Caltrans have heard this reality both from the City and firsthand from residents during the environmental process for a preceding iteration of the Project.

As Caltrans analyzes the Project's environmental impacts and assesses the need for mitigation of the same, the City asks that aesthetic, air quality, and greenhouse gas emission impacts be rigorously considered alongside traffic, noise, and other topics. All topics should also be analyzed in the context of environmental justice as 71.79% of the Laguna Woods and Laguna Hills residents living in the U.S. Census tract immediately abutting the southbound side of Interstate 5 to El Toro Road are age 65 or older with existing pollution burden and poverty percentiles of 66 and 57, respectively, according to the California Communities Environmental Health Screening Tool (CalEnviroScreen 4.0). A second U.S. Census tract immediately abutting the southbound side of Interstate 5 south of El Toro Road includes 44.23% of residents who are age 65 or older with existing pollution burden and poverty percentiles of 69 and 62, respectively. Collectively, older adults comprise a majority (56.89%) of the residents living in those southbound-abutting U.S. Census tracts, which is the area in which most of the construction contemplated in Build Alternative AA-1 would occur, and the area nearest to the ramping up of, and acceleration into, the flyover off-ramp contemplated in Build Alternative AA-5.

According to Federal Highway Administration ("FHWA") Order 6640.23A, disproportionately high and adverse effects on low-income populations exist when adverse impacts are either predominately borne by low-income populations or appreciably more severe for such populations. In this context, "adverse effects" include the "totality of significant individual or cumulative human health or environmental effects," including but not limited to, air, noise, and water pollution, destruction or diminution of aesthetic values, vibration, and increased traffic congestion. While FHWA Order 6640.23A does not address the age of affected populations, concentrations of older adults are nevertheless protected by Title VI of the Civil Rights Act of 1964. Caltrans' own *Community Impact Assessment, Volume 4 of the California Department of Transportation (Caltrans) Environmental Handbook* notes that FHWA encourages discussion of groups protected under Title VI in analyzing community impacts under NEPA.

In addition to completing a comprehensive environmental justice analysis that includes older adults, the City asks that traffic studies identify traffic patterns and counts in relation to the majority concentration of residents age 65 or older in the U.S. Census tract immediately abutting the southbound side of Interstate 5 to El Toro Road. Noise studies should similarly include contour maps that show construction and post-construction impacts on residences, churches places of worship, recreational facilities, and other sensitive receptors in relation to the aforementioned U.S. Census tract. Air quality and greenhouse gas emission analyses should treat

the “elderly” as sensitive receptors due to heightened risk of negative health outcomes from exposure to air pollution, consistent with the California Air Resources Board’s determination pursuant to California Health and Safety Code Section 42705.5(a)(5).

When analyzing aesthetic impacts, it will be crucial for an array of high-quality photo-simulations and computer models to be prepared illustrating potential changes in viewsheds. The City is particularly concerned with any destruction or diminishment (whether through obstruction or the introduction/expansion of lighting) of presently open sky, valley, or mountain views from residential areas abutting Interstate 5, as well as from residential areas at higher elevations near and west of Moulton Parkway. The flyover off-ramp contemplated in Build Alternative AA-5 would introduce a new, large, and visually incongruous hardscape element to the Project area in close proximity to residences. It is, therefore, critical that in addition to providing textual and visual disclosures related to height, massing, and illumination impacts of the flyover off-ramp, Caltrans erect story poles that can be viewed in parallel from vantage points of residents’ choosing. Failing to do so would lack transparency and imperil the City and other interested parties’ ability to meaningfully comment during the Project’s environmental process.

The amount of right-of-way acquisition that would be necessary to construct either Build Alternative AA-1 or AA-5 is alarming. While the businesses and other properties that would be acquired are located within the cities of Laguna Hills and Lake Forest, they are very much a part of the local economy that serves Laguna Woods residents. Any loss would greatly impact older adults who rely on goods and services being available close to home, and particularly those with health, mobility, or economic circumstances that preclude longer-distance travel. The City asks that OCTA and Caltrans take all possible steps to minimize right-of-way acquisition, and that property owners and businesses be actively engaged in the Project’s environmental process. Given Caltrans’ failure to put forth a stable Project description, it is unlikely that property owners and businesses fully understand the extent to which their properties may be affected, irrespective of any mailings or other outreach completed to-date. The ambiguity in the Project description has likely depressed property owner and business participation in the scoping process.

Future Meetings

While the City appreciates the City of Lake Forest’s hospitality in hosting the July 26, 2023 public scoping meeting for the Project – and OCTA and Caltrans’ facilitation of the August 3, 2023 virtual public scoping meeting – future meetings should be held in or within closer proximity to the Project area. Lake Forest City Hall was an approximately 15 to 20 minute drive from the Project area, and closer to the 241 Toll Road than Interstate 5. That distance, particularly for individuals with limited mobility, likely contributed to the in-person meeting’s poor attendance.

Public meetings, and particularly public meetings conducted for NEPA and CEQA purposes, should provide all attendees with as equivalent and consistent information as possible. The “open house”-type format that OCTA and Caltrans chose for the in-person scoping meeting failed to meet that standard with attendees experiencing the meeting differently based on when they

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arrived, how assertive they were in asking questions, and how long they were willing to wait. While some attendees were able to engage in lengthy conversations with Caltrans personnel, others moved from station to station with little to no engagement based on the relative availability or attentiveness of Caltrans personnel. Though a subtitled video presentation was playing on loop at one station, it was sparsely viewed, likely as a result of insufficient signage and the appearance, at all times, that the video had already started. The City asks that future public meetings include some type of formal, live presentation for all attendees at once, even if subject-matter-specific stations and opportunities for more informal dialogue are also offered.

The City looks forward to continuing to engage with OCTA and Caltrans on the Project, and appreciates both agencies' willingness to consider these comments. If you would like to discuss these comments in greater detail, please do not hesitate to contact me at (949) 639-0525 or cmacon@cityoflagunawoods.org.

Sincerely,



Christopher Macon
City Manager

Enclosure: City Attorney's Office Comment Letter

CC: Darrell E. Johnson, Chief Executive Officer, OCTA